

**WSR 07-14-018**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
 (Health and Recovery Services Administration)  
 [Filed June 22, 2007, 2:32 p.m., effective August 1, 2007]

Effective Date of Rule: August 1, 2007.

Purpose: The department is updating and clarifying sections in chapter 388-550 WAC relating to (1) hospital requirements for transplants and bariatric surgery; (2) inpatient chronic pain management and hospice services; (3) payment methods for Medicaid and SCHIP clients; (4) covered and noncovered outpatient services; (5) restrictions on hospital coverage; (6) revenue code categories and subcategories for outpatient and inpatient hospital services for dates of admission before August 1, 2007, and on and after August 1, 2007; (7) specific noncovered services; (8) authorization and utilization review of hospital services; (9) specialty services not requiring prior authorization; and (10) transplant coverage. In addition, the department is changing verbiage from "medical assistance administration (MAA)" to "the department," and "facility" to "hospital."

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-1200, 388-550-1300, 388-550-1350, 388-550-1400, 388-550-1500, 388-550-1600, 388-550-1700, 388-550-1800, 388-550-1900, 388-550-2100, 388-550-2200, 388-550-2301, 388-550-2500, and 388-550-2800.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Adopted under notice filed as WSR 07-10-104, 07-10-105, 07-10-106 on May 1, 2007.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-550-2800(1) (Table) Third column in table under "Process to adjust for third-party liability insurance and any other client responsibility":

Lesser of either the DRG billed amount minus the third-party payment amount and any client responsibility amount, or the ~~allowable~~, allowed amount, minus the third-party payment amount and any client responsibility amount.

The allowable minus the third-party payment amount and any client responsibility amount. (No change.)

For the "hold harmless" settlement, the lesser of ~~The the billed amount minus the third-party payment amount and any client responsibility amount, or the allowable~~ allowed amount minus the third-party payment amount and any client responsibility amount. The payment made is the federal share only.

Lesser of either the billed amount minus the third-party payment amount and any client responsibility amount, or the ~~single case rate~~ allowed amount minus the third-party payment amount and any client responsibility amount.

Lesser of either the billed amount minus the third-party payment amount and any client responsibility amount, or the ~~per diem~~ allowed amount minus the third-party payment amount and any client responsibility amount.

Per diem allowed amount, and for some services...

The ~~allowable~~ allowed amount, subject to retrospective cost settlement...

Paid according to applicable...(No change.)

WAC 388-550-2900(1) (After table.) See WAC 388-550-4800 for payment methods used by the department for inpatient hospital services provided to clients eligible under state-administered programs. The department's policy for payment on state-administered program claims that involve third party liability (TPL) and/or client responsibility payments on claims is the same policy indicated in the table in subsection (1) in this section. However, to determine the department's payment on the claim, state-administered program rates, not medicaid or SCHIP rates, apply when comparing the lesser of either the billed amount minus the third-party payment and any client responsibility amount, or the allowed amount minus the third-party payment amount and any client responsibility amount.

A final cost-benefit analysis is available by contacting Larry Linn, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1856, fax (360) 753-9152, e-mail linlnd@dshs.wa.gov.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 15, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 15, Repealed 0.

Date Adopted: June 21, 2007.

Stephanie E. Schiller  
Rules Coordinator

AMENDATORY SECTION (Amending WSR 99-06-046, filed 2/26/99, effective 3/29/99)

**WAC 388-550-1200 ((Limitations)) Restrictions on hospital coverage.** A hospital ((coverage)) covered service provided to a client eligible under ((the)) a medical assistance ((fee for service)) program ((is limited for certain eligible clients)) that is paid by the department's fee-for-services payment system must be within the scope of the client's medical assistance program. ((This)) Coverage restriction includes, but is not limited to the following:

(1) ~~((Medical care))~~ Clients enrolled with the department's ((healthy options carriers)) managed care organization ((MCO) plans are subject to the respective ((carrier's)) plan's policies and procedures for coverage of hospital services;

(2) ~~((Medical care))~~ Clients covered by primary care case management are subject to the clients' primary care physicians' approval for hospital services;

(3) For emergency care exemptions for clients described in subsections (1) and (2) ~~((and (3)))~~ of this section, see WAC 388-538-100.

(4) Coverage for ~~((medically))~~ psychiatric indigent ~~((M))~~ inpatient (PII) clients is limited to ~~((emergent))~~ voluntary inpatient psychiatric hospital services, subject to the conditions and limitations of WAC ~~((388-521-2140, 388-529-2950,))~~ 388-865-0217 and this chapter:

(a) Out-of-state ~~((care;))~~ healthcare ~~((hospital or other medical;))~~ is not covered for clients under the ~~((M))~~ PII program; and

(b) Bordering city hospitals and critical border hospitals ~~((areas))~~ are not considered ~~((in-state))~~ instate hospitals for PII program claims.

(5) ~~((Out-of-state medical care is))~~ Healthcare services provided by a hospital located out-of-state are:

(a) Not covered for clients eligible under the medical care services (MCS) program. However, clients eligible for MCS are covered for that program's scope of care in bordering city and critical border hospitals.

(b) Covered for:

(i) Emergency care for eligible medicaid and SCHIP clients without prior authorization, based on the medical necessity and utilization review standards and limits established by the department.

(ii) Nonemergency out-of-state care for medicaid and SCHIP clients when prior authorized by the department based on the medical necessity and utilization review standards and limits.

(iii) Hospitals in bordering cities and critical border hospitals, based on the same client eligibility criteria and authorization policies as for instate hospitals. See WAC 388-501-0175 for a list of bordering cities.

(c) Covered for out-of-state voluntary inpatient psychiatric hospital services for eligible medicaid and SCHIP clients based on authorization by a mental health division (MHD) designee.

(6) See WAC 388-550-1100~~((3))~~ for ~~((chemical-dependent pregnant clients))~~ hospital services for chemical-using pregnant (CUP) women.

(7) ~~((Only Medicaid categorically needy and medically needy clients under twenty-one years of age, or sixty-five years of age or older may receive care in a state mental institution or approved psychiatric facility))~~ All psychiatric inpatient hospital admissions, length of stay extensions, and transfers must be prior authorized by a MHD designee. See WAC 388-550-2600.

(8)~~((a))~~ For clients eligible for both medicare and medicaid ~~((hospitalization))~~ (dual eligibles), ~~((MAA))~~ the department pays deductibles and coinsurance, unless the client has exhausted his or her medicare Part A benefits.

~~((i))~~ MAA payment is limited in amount so that when added to the Medicare payment, the total amount is no more than what the department pays for the same service when provided to a Medicaid eligible, non-Medicare client.

~~((ii))~~ Providers must accept the total Medicare/Medicaid amount as payment in full.

~~((iii))~~ Beneficiaries are not liable for any additional charges billed by providers or by a managed care entity.

~~((iv))~~ Providers or managed care entities that charge beneficiaries excess amounts are subject to sanctions.

~~((b))~~ If ~~((such))~~ medicare benefits are exhausted, the department pays for hospitalization for such clients subject to ~~((MAA))~~ department rules. See also chapter 388-502 WAC.

(9) The department does not pay for covered inpatient hospital services for a medical assistance client:

(a) Who is discharged from a hospital by a physician because the client no longer meets medical necessity for acute inpatient level of care; and

(b) Who chooses to stay in the hospital beyond the period of medical necessity.

(10) If the hospital's utilization review committee determines the client's stay is beyond the period of medical necessity, as described in subsection (9) of this section, the hospital must:

(a) Inform the client in a written notice that the department is not responsible for payment (42 CFR 456);

(b) Comply with the requirements in WAC 388-502-0160 in order to bill the client for the service(s); and

(c) Send a copy of the written notice in (a) of this subsection to the department.

(11) Other coverage restrictions, as determined by the department.

AMENDATORY SECTION (Amending WSR 03-19-044, filed 9/10/03, effective 10/11/03)

**WAC 388-550-1300 Revenue code categories and subcategories.** (1) Revenue code categories and subcategories listed in this chapter are published in the UB-92 and/or UB-04 National Uniform Billing Data Element Specifications Manual.

(2) The ~~((medical assistance administration (MAA)))~~ department requires a hospital provider to report and bill all hospital services provided to medical assistance clients using the appropriate revenue codes published in the manual referenced in subsection (1) of this section.

AMENDATORY SECTION (Amending WSR 03-19-044, filed 9/10/03, effective 10/11/03)

**WAC 388-550-1350 Revenue code categories and subcategories—CPT and HCPCS reporting requirements for outpatient hospitals.** (1) The ~~((medical assistance administration (MAA)))~~ department requires an outpatient hospital provider to report the appropriate current procedural terminology (CPT) or healthcare common procedure coding system (HCPCS) codes in addition to the required revenue codes on an outpatient claim line ~~((with))~~ when using any of the following revenue code categories and subcategories:

(a) "IV therapy," only ~~((subcategory))~~ subcategories "general classification" and "infusion pump";

(b) "Medical/surgical supplies and devices," only subcategory ~~(("prosthetic/orthotic devices"))~~ "other supplies/devices";

(c) "Oncology";

(d) "Laboratory";

~~((d))~~ (e) "Laboratory pathological";

~~((e))~~ (f) "Radiology - diagnostic";

~~((f))~~ (g) "Radiology - therapeutic and/or chemotherapy administration";

~~((g))~~ (h) "Nuclear medicine";

~~((h))~~ (i) "CT scan";  
~~((i))~~ (j) "Operating room services," only subcategories "general classification" and "minor surgery";  
~~((j))~~ (k) "Blood and blood components";  
 (l) Administration, processing, and storage ~~(of)~~ for blood components ~~((only subcategory "administration (e.g., transfusions)"))~~;  
~~((k))~~ (m) "Other imaging services";  
~~((l))~~ (n) "Respiratory services";  
~~((m))~~ (o) "Physical therapy";  
~~((n))~~ (p) "Occupational therapy";  
~~((o))~~ (q) "Speech therapy - language pathology";  
~~((p))~~ (r) "Emergency room," only subcategories "general classification" and "urgent care";  
~~((q))~~ (s) "Pulmonary function";  
~~((r))~~ (t) "Audiology";  
~~((s))~~ (u) "Cardiology";  
~~((t))~~ (v) "Ambulatory surgical care";  
~~((u))~~ "Outpatient services";  
~~((v))~~ (w) "Clinic," only subcategories "general classification (s)" ("~~dental clinic,~~") and "other clinic";  
~~((w))~~ (x) "Magnetic resonance technology (MRT)";  
~~((x))~~ (y) "Medical/surgical supplies - extension," only subcategory "surgical dressings";  
~~((y))~~ (z) "Pharmacy - extension" subcategories "Erythropoietin (EPO) less than ten thousand units," "Erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";  
~~((z))~~ (aa) "Labor room/delivery," only subcategories "general classification," "labor," "delivery," and "birthing center";  
~~((aa))~~ (bb) "EKG/ECG (electrocardiogram)";  
~~((bb))~~ (cc) "EEG (electroencephalogram)";  
~~((cc))~~ (dd) "Gastro-intestinal services";  
~~((dd))~~ (ee) "Specialty room - treatment/observation room, subcategory "treatment room and observation room";  
~~((ee))~~ "Lithotripsy";  
 (ff) "Telemedicine, only subcategory "other telemedicine";  
 (gg) "Extra-corporeal shock wave therapy (formerly lithotripsy)";  
 (hh) "Acquisition of body components," only subcategories "~~((living donor))~~ general classification" and "cadaver donor";  
~~((gg))~~ (ii) "Hemodialysis - outpatient or home," only subcategory "general classification";  
~~((hh))~~ (jj) "Peritoneal dialysis - outpatient or home," only subcategory "general classification";  
~~((ii))~~ (kk) "Continuous ambulatory peritoneal dialysis (CAPD) - outpatient or home," only subcategory "general classification";  
~~((jj))~~ (ll) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home," only subcategory "general classification";  
~~((kk))~~ (mm) "Miscellaneous dialysis," only subcategories "general classification" and "ultrafiltration";  
~~((nn))~~ "Behavioral health treatments/services, only subcategory "electroshock therapy";  
~~((H))~~ "Psychiatric/psychological treatments, only subcategory "electroshock therapy";

~~((mm))~~ (oo) "Other diagnostic services";  
~~((nn))~~ (pp) "Other therapeutic services," only ~~((subcategory))~~ subcategories "general classification," "cardiac rehabilitation," and "other therapeutic service"; and  
~~((oo))~~ (qq) Other revenue code categories and subcategories identified and published by the department.  
 (2) For an outpatient claim line requiring a CPT or HCPCS code(s), the department denies payment if the required code is not reported on the line.

AMENDATORY SECTION (Amending WSR 03-19-045, filed 9/10/03, effective 10/11/03)

**WAC 388-550-1400 Covered and noncovered revenue codes categories and subcategories for inpatient hospital services.** Subject to the limitations and restrictions listed, this section identifies covered and noncovered revenue code categories and subcategories for inpatient hospital services.

(1) The department ~~((covers))~~ pays for an inpatient hospital covered service in the following revenue code categories and subcategories ~~((for inpatient hospital services))~~ when the hospital provider accurately bills:

(a) "Room & board - private (one bed)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(b) "Room & board - semi-private (two bed)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(c) "Room & board - semi-private - (three and four beds)," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(d) "Room & board - deluxe private ~~((deluxe))~~," only subcategories "general classification," "medical/surgical/gyn," "OB," "pediatric," and "oncology";

(e) "Nursery," only subcategories "general classification," "newborn - level I," "newborn - level II," "newborn - level III," and "newborn - level IV";

(f) "Intensive care unit," only subcategories "general classification," "surgical," "medical," "pediatric," "intermediate ICU," "burn care," and "trauma";

(g) "Coronary care unit," only subcategories "general classification," "myocardial infarction," "pulmonary care," and "intermediate CCU";

(h) "Pharmacy," only subcategories "general classification," "generic drugs," "nongeneric drugs," "drugs incident to other diagnostic services," "drugs incident to radiology," "nonprescription," and "IV solutions";

(i) "IV therapy," only subcategories "general classification," "infusion pump," "IV therapy/pharmacy services," "IV therapy/drug/supply delivery" and "IV therapy/supplies";

(j) "Medical/surgical supplies and devices," only subcategories "general classification," "nonsterile supply," "sterile supply," "pacemaker," "intraocular lens," and "other implant";

(k) "Oncology," only subcategory "general classification";

(l) "Laboratory," only subcategories "general classification," "chemistry," "immunology," "nonroutine dialysis,"

"hematology," "bacteriology & microbiology," and "urology";

(m) "Laboratory (~~(pathological)~~) pathology," only subcategories "general classification," "cytology," "histology," and "biopsy";

(n) "Radiology - diagnostic," only subcategories "general classification," "angiocardiology," "arthrography," "arteriography," and "chest X ray";

(o) "Radiology - therapeutic and/or chemotherapy administration," only subcategories "general classification," "chemotherapy administration - injected," "chemotherapy administration - oral," "radiation therapy," and "chemotherapy administration - IV";

(p) "Nuclear medicine," only subcategories "general classification," "diagnostic," (~~and~~) "therapeutic," "diagnostic radiopharmaceuticals," and "therapeutic radiopharmaceuticals";

(q) "CT scan," only subcategories "general classification," "head scan," and "body scan";

(r) "Operating room services," only subcategories "general classification" and "minor surgery";

(s) "Anesthesia," only subcategories "general classification," "anesthesia incident to radiology," and "anesthesia incident to other diagnostic services";

(t) (~~(Blood and blood component)~~) Administration, processing and storage for blood and blood component," only subcategories "general classification" and "administration (~~(e.g., transfusions))~~";

(u) "Other imaging services," only subcategories "general classification," "diagnostic mammography," "ultrasound," and "positron emission tomography";

(v) "Respiratory services," only subcategories "general classification," "inhalation services" and "hyper baric oxygen therapy";

(w) "Physical therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

(x) "Speech therapy-language pathology," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

(y) "Emergency room," only subcategories "general, urgent care classification" and "urgent care";

(z) "Pulmonary function," only subcategory "general classification";

(aa) "Cardiology," only subcategories "general classification," "cardiac cath lab," "stress test," and "echocardiology";

(bb) "Ambulatory surgical care," only subcategory "general classification";

(cc) "Outpatient services," only subcategory "general classification";

(dd) "Magnetic resonance technology (MRT)," only subcategories "general classification," "MRI - brain (including brainstem)," "MRI - spinal cord (including spine)," "MRI - other," "MRA - head and neck," (~~and~~) "MRA - lower extremities," and "MRA-other";

(ee) "Medical/surgical supplies - extension," only subcategories "supplies incident to radiology," "supplies incident to other diagnostic services," and "surgical dressings";

(ff) "Pharmacy-extension," only subcategories "single source drug," "multiple source drug," "restrictive prescription," "erythropoietin (EPO) less than ten thousand units," "erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";

(gg) "Cast room," only subcategory "general classification";

(hh) "Recovery room," only subcategory "general classification";

(ii) "Labor room/delivery," only subcategory "general classification," "labor," "delivery," and "birthing center";

(jj) "EKG/ECG (Electrocardiogram)," only subcategories "general classification," "holter monitor," and "telemetry";

(kk) "EEG (Electroencephalogram)," only subcategory "general classification";

(ll) "Gastro-intestinal services," only subcategory "general classification";

(mm) "Treatment/observation room," only subcategories "general classification," "treatment room," and "observation room";

(nn) (~~(Lithotripsy, only subcategory "general classification")~~) "Extra-corporeal shock wave therapy (formerly lithotripsy)," only subcategory "general classification";

(oo) "Inpatient renal dialysis," only subcategories "general classification," "inpatient hemodialysis," "inpatient peritoneal (non-CAPD)," "inpatient continuous ambulatory peritoneal dialysis (CAPD)," and "inpatient continuous cycling peritoneal dialysis (CCPD)";

(pp) "Acquisition of body components," only subcategories "general classification," "living donor," and "cadaver donor";

(qq) "Miscellaneous dialysis," only subcategory "ultra filtration(~~(:)~~)" (~~and~~);

(rr) "Other diagnostic services," only subcategories "general classification," "peripheral vascularlab," "electromyogram," and "pregnancy test(~~(-)~~)"; and

(ss) "Other therapeutic services," only subcategory "general classification";

(2) The department (~~(covers)~~) pays for an inpatient hospital covered service in the following revenue code subcategories (~~(for inpatient hospital services)~~) only when the hospital provider is approved by the department to provide the specific service(~~(+)~~):

(a) "All inclusive rate," only subcategory "all-inclusive room & board plus ancillary";

(b) "Room & board - private (one bed)," only subcategory "psychiatric";

(c) "Room & board - semi-private (two beds)," only subcategories "psychiatric," "detoxification," "rehabilitation," and "other";

(d) "Room & board - semi-private three and four beds," only subcategories "psychiatric" and "detoxification";

(e) "Room & board - deluxe private (~~(deluxe)~~)," only subcategory "psychiatric";

(f) "Room & board - ward," only subcategories "general classification" and "detoxification";

(g) "Room & board - other," only subcategories "general classification" and "other";

(h) "Intensive care unit," only subcategory "psychiatric";

- (i) "Coronary care unit," only subcategory "heart transplant";
- (j) "Operating room services," only subcategories "organ transplant-other than kidney" and "kidney transplant";
- (k) "Occupational therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate" and "evaluation or reevaluation";
- (l) "Clinic," only subcategory "chronic pain clinic";
- (m) "Ambulance," only subcategory "neonatal ambulance services";
- (n) "~~((Psychiatric/psychological treatments))~~ Behavioral health treatment/services," only subcategory "electroshock treatment"; and
- (o) "~~((Psychiatric/psychological))~~ Behavioral health treatment/services - extension," only subcategory "rehabilitation."
- (3) The department (~~((eovers))~~ pays revenue code category "occupational therapy," subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation" when:
- (a) A client is in an acute PM&R facility;
- (b) A client is age twenty or younger; or
- (c) The diagnosis code is listed in the (~~((medical assistance administration's (MAA's)))~~ department's published billing instructions.
- (4) The department does not (~~((eover))~~ pay for inpatient hospital services in the following revenue code categories and subcategories (~~((for inpatient hospital services))~~):
- (a) "All inclusive rate," subcategory "all-inclusive room and board";
- (b) "Room & board - private (one bed)" subcategories "hospice," "detoxification," "rehabilitation," and "other";
- (c) "Room & board - semi-private (two bed)," subcategory "hospice";
- (d) "Room & board - semi-private - (three and four beds)," subcategories "hospice," "rehabilitation," and "other";
- (e) "Room & board - deluxe private (~~((deluxe))~~)," subcategories "hospice," "detoxification," "rehabilitation," and "other";
- (f) "Room & board - ward," subcategories "medical/surgical/gyn," "OB," "pediatric," "psychiatric," "hospice," "oncology," "rehabilitation," and "other";
- (g) "Room & board - other," subcategories "sterile environment," and "self care";
- (h) "Nursery," subcategory "other nursery";
- (i) "Leave of absence";
- (j) "Subacute care";
- (k) "Intensive care unit," subcategory "other intensive care";
- (l) "Coronary care unit," subcategory "other coronary care";
- (m) "Special charges";
- (n) "Incremental nursing charge (~~((rate))~~);
- (o) "All inclusive ancillary";
- (p) "Pharmacy," subcategories "take home drugs," "experimental drugs," and "other pharmacy";
- (q) "IV therapy," subcategory "other IV therapy";
- (r) "Medical/surgical supplies and devices," subcategories "take home supplies," "prosthetic/orthotics devices," "oxygen - take home," and "other supplies/devices";
- (s) "Oncology," subcategory "other oncology";
- (t) "Durable medical equipment (other than renal);
- (u) "Laboratory," subcategories "renal patient (home)," and "other laboratory";
- (v) "Laboratory (~~((pathological))~~ pathology," subcategory "other laboratory - pathological";
- (w) "Radiology - diagnostic," subcategory "other radiology - diagnostic";
- (x) "Radiology - therapeutic," subcategory "other radiology - therapeutic";
- (y) "Nuclear medicine," subcategory "other nuclear medicine";
- (z) "CT scan," subcategory "other CT scan";
- (aa) "Operating room services," subcategory "other operating room services";
- (bb) "Anesthesia," subcategories "acupuncture," and "other anesthesia";
- (cc) "Blood and blood components";
- (dd) "~~((Blood and blood component))~~ Administration, processing and storage for blood and blood components," subcategory "other processing and storage";
- (ee) "Other imaging services," subcategories "screening mammography," and "other imaging services";
- (ff) "Respiratory services," subcategory "other respiratory services";
- (gg) "Physical therapy," subcategory "other physical therapy";
- (hh) "Occupational therapy," subcategory "other occupational therapy";
- (ii) "Speech therapy-language pathology," subcategory "other speech-language pathology";
- (jj) "Emergency room," subcategories "EMTALA emergency medical screening services," "ER beyond EMTALA screening," and "other emergency room";
- (kk) "Pulmonary function," subcategory "other pulmonary function";
- (ll) "Audiology";
- (mm) "Cardiology," subcategory "other cardiology";
- (nn) "Ambulatory surgical care," subcategory "other ambulatory surgical care";
- (oo) "Outpatient services," subcategory "other outpatient service";
- (pp) "Clinic," subcategories "general classification," "dental clinic," "psychiatric clinic," "OB-gyn clinic," "pediatric clinic," "urgent care clinic," "family practice clinic," and "other clinic";
- (qq) "Free-standing clinic";
- (rr) "Osteopathic services";
- (ss) "Ambulance," subcategories "general classification," "supplies," "medical transport," "heart mobile," "oxygen," "air ambulance," "pharmacy," "telephone transmission EKG," and "other ambulance";
- (tt) "Home health (HH) skilled nursing";
- (uu) "Home health (HH) medical social services";
- (vv) "Home health (HH) - (~~((home health))~~) aide";
- (ww) "Home health (HH) - other visits";
- (xx) "Home health (HH) - units of service";

(yy) "Home health (HH) - oxygen";

(zz) "Magnetic resonance technology (MRT)," (~~subcategories "MRA - other" and~~) subcategory "other MRT";

(aaa) "Medical" "medical/surgical supplies - extension," subcategory "FDA investigational devices";

(bbb) "Home IV therapy services";

(ccc) "Hospice services";

(ddd) "Respite care";

(eee) "Outpatient special residence charges";

(fff) "Trauma response";

(ggg) "Cast room," subcategory "other cast room";

(hhh) "Recovery room," subcategory "other recovery room";

(iii) "Labor room/delivery," subcategories "circumcision" and "other labor room/delivery";

(jjj) "EKG/ECG (Electrocardiogram)," subcategory "other EKG/ECG";

(kkk) "EEG (Electroencephalogram)," subcategory "other EEG";

(lll) "Gastro-intestinal services," subcategory "other gastro-intestinal";

(mmm) "Specialty room - treatment/observation room," subcategory "other (~~treatment/observation room~~) specialty rooms";

(nnn) "Preventive care services";

(ooo) "Telemedicine";

(ppp) ("Lithotripsy," subcategory "other lithotripsy") Extra-corporeal shock wave therapy (formerly lithotripsy), subcategory "other ESWT";

(qqq) "Inpatient renal dialysis," subcategory "other inpatient dialysis";

(rrr) "Acquisition of body components," subcategories "unknown donor," "unsuccessful organ search - donor bank charges," and "other donor";

(sss) "Hemodialysis - outpatient or home";

(ttt) "Peritoneal dialysis - outpatient or home";

(uuu) "Continuous ambulatory peritoneal dialysis (CAPD) - outpatient or home";

(vvv) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home";

(www) "Miscellaneous dialysis," subcategories "general classification," "home dialysis aid visit," and "other miscellaneous dialysis";

(xxx) ("~~Psychiatric/psychological treatments,~~) Behavioral health treatments/services, subcategories "general classification," "milieu therapy," "play therapy," "activity therapy," (~~and "other psychiatric/psychological treatment"~~) "intensive outpatient services - psychiatric," "intensive outpatient services - chemical dependency," "community behavioral health program (day treatment)";

(yyy) ("~~Psychiatric/psychological services,~~) Behavioral health treatment/services - (extension), subcategories "~~(general classification)~~ rehabilitation," "partial hospitalization - less intensive," "partial hospitalization - intensive," "individual therapy," "group therapy," "family therapy," "bio feedback," "testing," and "other (~~psychiatric/psychological service~~) behavioral health treatment/services";

(zzz) "Other diagnostic services," subcategories "general classification," "pap smear," "allergy test," and "other diagnostic service";

(aaa) "Medical rehabilitation day program";

(bbb) "Other therapeutic services," subcategories "recreational therapy," "cardiac rehabilitation," "drug rehabilitation," "alcohol rehabilitation," "complex medical equipment - routine," "complex medical equipment - ancillary," and "other therapeutic services";

(ccc) "Other therapeutic services - extension," subcategories "athletic training" and "kinesiotherapy";

(ddd) "Professional fees";

(~~ddd~~) (eee) "Patient convenience items"; and

(~~eeee~~) (fff) Revenue code categories and subcategories that are not identified in this section.

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

AMENDATORY SECTION (Amending WSR 03-19-046, filed 9/10/03, effective 10/11/03)

**WAC 388-550-1500 Covered and noncovered revenue code categories and subcategories for outpatient hospital services.** (1) The department (~~covers~~) pays for an outpatient hospital covered service in the following revenue code categories and subcategories (~~for outpatient hospital services~~) when the hospital provider accurately bills (~~(see subsection (2) of this section for revenue code subcategories covered only when the department approves the hospital provider to provide the specific service(s))~~):

(a) "Pharmacy," only subcategories "general classification," "generic drugs," "nongeneric drugs," "drugs incident to other diagnostic services," "drugs incident to radiology," "nonprescription," and "IV solutions";

(b) "IV therapy," only subcategories "general classification," "infusion pump," "IV therapy/pharmacy services," "IV therapy/drug/supply delivery," and "IV therapy/supplies";

(c) "Medical/surgical supplies and devices," only subcategories "general classification," "nonsterile supply," "sterile supply," "pacemaker," "intraocular lens," and "other implant," and "other supplies/devices";

(d) "Oncology," only subcategory "general classification";

(e) "Durable medical equipment (other than renal)," only subcategory "general classification";

(~~f~~) (g) "Laboratory," only subcategories "general classification," "chemistry," "immunology," "renal patient (home)," "nonroutine dialysis," "hematology," "bacteriology and microbiology," and "urology";

(~~ff~~) (g) "Laboratory (~~pathological~~) pathology," only subcategories "general classification," "cytology," "histology," and "biopsy";

(~~gg~~) (h) "Radiology - diagnostic," only subcategories "general classification," "angiocardiology," "arthrography," "arteriography," and "chest X ray";

(~~hh~~) (i) "Radiology - therapeutic and/or chemotherapy administration," only subcategories "general classification," "chemotherapy - injected," "chemotherapy - oral," "radiation therapy," and "chemotherapy - IV";

(~~ii~~) (j) "Nuclear medicine," only subcategories "general classification," "diagnostic," and "therapeutic," "diagnostic radiopharmaceuticals," and "therapeutic radiopharmaceuticals";

((~~jj~~)) (k) "CT scan," only subcategories "general classification," "head scan," and "body scan";

((~~kk~~)) (l) "Operating room services," only subcategories "general classification" and "minor surgery";

((~~ll~~)) (m) "Anesthesia," only subcategories "general classification," "anesthesia incident to radiology," and "anesthesia incident to other diagnostic services";

((~~mm~~)) (n) ~~("Blood and blood component")~~ Administration, processing and storage for blood and blood components, only subcategories "general classification" and "administration (~~(e.g., transfusions)~~)";

((~~nn~~)) (o) "Other imaging," only subcategories "general classification," "diagnostic mammography," "ultrasound," "screening mammography," and "positron emission tomography";

((~~oo~~)) (p) "Respiratory services," only subcategories "general classification," "inhalation services," and "hyperbaric oxygen therapy";

((~~pp~~)) (q) "Physical therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

((~~qq~~)) (r) "Occupational therapy," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

((~~rr~~)) (s) "Speech therapy-language pathology," only subcategories "general classification," "visit charge," "hourly charge," "group rate," and "evaluation or reevaluation";

((~~ss~~)) (t) "Emergency room," only subcategories "general classification" and "urgent care";

((~~tt~~)) (u) "Pulmonary function," only subcategory "general classification";

((~~uu~~)) (v) "Audiology," only subcategories "general classification," "diagnostic," and "treatment";

((~~vv~~)) (w) "Cardiology," only subcategories "general classification," "cardiac cath lab," "stress test," and "echocardiology";

((~~ww~~)) (x) "Ambulatory surgical care," only subcategory "general classification";

((~~xx~~)) ~~"Outpatient services," only subcategory "general classification";~~

(y) "Magnetic resonance technology (MRT)," only subcategories "general classification," "MRI - brain (including brainstem)," "MRI - spinal cord (including spine)," "MRI - other," "MRA - head and neck," ~~((and))~~ "MRA - lower extremities" and "MRA-other";

(z) "Medical/surgical supplies - extension," only subcategories "supplies incident to radiology," "supplies incident to other diagnostic services," and "surgical dressings";

(aa) "Pharmacy - extension," only subcategories "single source drug," "multiple source drug," "restrictive prescription," "erythropoietin (EPO) less than ten thousand units," "erythropoietin (EPO) ten thousand or more units," "drugs requiring detailed coding," and "self-administrable drugs";

(bb) "Cast room," only subcategory "general classification";

(cc) "Recovery room," only subcategory "general classification";

(dd) "Labor room/delivery," only subcategories "general classification," "labor," "delivery," and "birthing center";

(ee) "EKG/ECG (Electrocardiogram)," only subcategories "general classification," "holter monitor," and "telemetry";

(ff) "EEG (Electroencephalogram)," only subcategory "general classification";

(gg) "Gastro-intestinal services," only subcategory "general classification";

(hh) "Specialty room - treatment/observation room," only subcategories ~~("general classification,")~~ "treatment room," and "observation room";

(ii) ~~("Lithotripsy," only subcategory "general classification")~~ Telemedicine," only subcategory "other telemedicine";

(jj) "Extra-corporeal shock wave therapy (formerly lithotripsy)," subcategory "general classification";

((~~jj~~)) (kk) "Acquisition of body components," only subcategories "general classification," "living donor," and "cadaver donor";

((~~kk~~)) (ll) "Hemodialysis - outpatient or home," only subcategory "general classification";

((~~ll~~)) (mm) "Peritoneal dialysis - outpatient or home," only subcategory "general classification";

((~~mm~~)) (nn) "Continuous ambulatory peritoneal dialysis (CAPD - outpatient or home," only subcategory "general classification";

((~~nn~~)) (oo) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home," only subcategory "general classification";

((~~oo~~)) (pp) "Miscellaneous dialysis," only subcategories "general classification," and "ultra filtration";

~~((~~pp~~)) ("Psychiatric/psychological treatments")~~ (qq) "Behavioral health treatments/services," only subcategory "electroshock treatment"; and

((~~qq~~)) (rr) "Other diagnostic services," only subcategories "general classification," "peripheral vascular lab," "electromyogram," "pap smear," ~~("allergy test,")~~ and "pregnancy test."

(2) The department ~~((covers))~~ pays for an outpatient hospital covered service in the following revenue code subcategories only when the outpatient hospital provider is approved by the department to provide the specific service(s):

(a) "Clinic," subcategories "general classification," "dental clinic," and "other clinic"; and

(b) "Other therapeutic services~~((extension))~~," subcategories, "general classification," "education/training," "cardiac rehabilitation," and "other therapeutic service."

(3) The department does not ~~((cover))~~ pay for outpatient hospital services in the following revenue code categories and subcategories ~~((for outpatient hospital services))~~:

(a) "All inclusive rate";

(b) "Room & board - private (one bed)";

(c) "Room & board - semi-private (two beds)";

(d) "Room & board - semi-private (three and four beds)";

(e) "Room & board - deluxe private ~~((deluxe))~~";

(f) "Room & board - ward";

(g) "Room & board - other";

(h) "Nursery";

(i) "Leave of absence";

(j) "Subacute care";

(k) "Intensive care unit";

- (l) "Coronary care unit";
- (m) "Special charges";
- (n) "Incremental nursing charge rate";
- (o) "All inclusive ancillary";
- (p) "Pharmacy," subcategories "take home drugs," "experimental drugs," and "other pharmacy";
- (q) "IV therapy," subcategory "other IV therapy";
- (r) "Medical/surgical supplies and devices," subcategories "take home supplies," "prosthetic/orthotic devices," and "oxygen - take home(;;)" (~~and "other supplies/devices"~~);
- (s) "Oncology," subcategory "other oncology";
- (t) "Durable medical equipment (other than renal)," subcategories "rental," "purchase of new DME," "purchase of used DME," "supplies/drugs for DME effectiveness (home health agency only)," and "other equipment";
- (u) "Laboratory," subcategory "other laboratory";
- (v) "Laboratory (~~pathological~~) pathology," subcategory "other laboratory pathological";
- (w) "Radiology - diagnostic," subcategory "other radiology - diagnostic";
- (x) "Radiology - therapeutic and/or chemotherapy administration," subcategory "other radiology - therapeutic";
- (y) "Nuclear medicine," subcategory "other nuclear medicine";
- (z) "CT scan," subcategory "other CT scan";
- (aa) "Operating room services," subcategories "organ transplant - other than kidney," "kidney transplant," and "other operating room services";
- (bb) "Anesthesia," subcategories "acupuncture" and "other anesthesia";
- (cc) "Blood and blood components";
- (dd) "~~(Blood and blood component)~~ Administration, processing and storage for blood and blood component," subcategory "other processing and storage";
- (ee) "Other imaging," subcategory "other imaging service";
- (ff) "Respiratory services," subcategory "other respiratory services";
- (gg) "Physical therapy services," subcategory "other physical therapy";
- (hh) "Occupational therapy services," subcategory "other occupational therapy";
- (ii) "Speech therapy-language pathology," subcategory "other speech-language pathology";
- (jj) "Emergency room," subcategories "EMTALA emergency medical screening services," "ER beyond EMTALA screening" and "other emergency room";
- (kk) "Pulmonary function," subcategory "other pulmonary function";
- (ll) "Audiology," subcategory "other audiology";
- (mm) "Cardiology," subcategory "other cardiology";
- (nn) "Ambulatory surgical care," subcategory "other ambulatory surgical care";
- (oo) "Outpatient Services(;;)" (~~subcategory "other outpatient service"~~);
- (pp) "Clinic," subcategories "chronic pain center," "psychiatric clinic," "OB-GYN clinic," "pediatric clinic," "urgent care clinic," and "family practice clinic";
- (qq) "Free-standing clinic";
- (rr) "Osteopathic services";
- (ss) "Ambulance";
- (tt) "Home health (HH) - skilled nursing";
- (uu) "Home health (HH) - medical social services";
- (vv) "Home health (HH) - ((home health)) aide";
- (ww) "Home health (HH) - other visits";
- (xx) "Home health (HH) - units of service";
- (yy) "Home health (HH) - oxygen";
- (zz) "Magnetic resonance technology (MRT)," (~~subcategories "MRA - other" and~~) subcategory "other MRT";
- (aaa) "Medical/surgical supplies - extension," only subcategory "FDA investigational devices";
- (bbb) "Home IV therapy services";
- (ccc) "Hospice services";
- (ddd) "Respite care";
- (eee) "Outpatient special residence charges";
- (fff) "Trauma response";
- (ggg) "Cast room," subcategory "other cast room";
- (hhh) "Recovery room," subcategory "other recovery room";
- (iii) "Labor room/delivery," subcategories "circumcision" and "other labor room/delivery";
- (jjj) "EKG/ECG (Electrocardiogram)," subcategory "other EKG/ECG";
- (kkk) "EEG (Electroencephalogram)," subcategory "other EEG";
- (lll) "Gastro-intestinal services," subcategory "other gastro-intestinal";
- (mmm) "Speciality room - treatment/observation room, ((subcategory)) subcategories "general classification" and "other ((treatment/observation room)) speciality rooms";
- (nnn) "Preventive care services";
- (ooo) "Telemedicine," subcategory "general classification;
- (ppp) "~~(Lithotripsy," subcategory "other lithotripsy")~~ Extra-corporal shock wave therapy (formerly lithotripsy)," subcategory "other ESWT";
- (qqq) "Inpatient renal dialysis";
- (rrr) "Acquisition of body components," subcategories "unknown donor," "unsuccessful organ search - donor bank charges," and "other donor";
- (sss) "Hemodialysis - outpatient or home," subcategories "hemodialysis/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient hemodialysis (home)";
- (ttt) "Peritoneal dialysis - outpatient or home," subcategories "peritoneal/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient peritoneal dialysis (home)";
- (uuu) "Continuous ambulatory peritoneal dialysis (CAPD) - outpatient or home," subcategories "CAPD/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)" "support services (home)," and "other outpatient CAPD (home)";
- (vvv) "Continuous cycling peritoneal dialysis (CCPD) - outpatient or home," subcategories "CCPD/composite or other rate," "home supplies," "home equipment," "maintenance one hundred percent (home)," "support services (home)," and "other outpatient CCPD (home)";



(www) "Miscellaneous dialysis," subcategories "home dialysis aid visit" and "other miscellaneous dialysis";

(xxx) "~~((Psychiatric/psychological)) Behavioral health treatments/services,~~" subcategories "general classification," "milieu therapy," "play therapy," "activity therapy," ~~((and "other psychiatric/psychological treatment"))~~ "intensive outpatient services - psychiatric," "intensive outpatient services - chemical dependency," and "community behavioral health program (day treatment)";

(yyy) "~~((Psychiatric/psychological services)) Behavioral health treatment/services (extension)~~";

(zzz) "Other diagnostic services," subcategories "~~((general classification)) allergy test~~" and "other diagnostic services";

(aaaa) "Medical rehabilitation day program";

(bbbb) "Other therapeutic services - extension," subcategories "~~((general classification,)) "recreational therapy," ("cardiac rehabilitation,") "drug rehabilitation," "alcohol rehabilitation," "complex medical equipment - routine," "complex medical equipment - ancillary," "athletic training," and "kinesiotherapy";~~

(cccc) "Professional fees";

(dddd) "Patient convenience items"; and

(eeee) Revenue code categories and subcategories that are not identified in this section.

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

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

**WAC 388-550-1600 Specific items/services not covered.** The department ~~((shall))~~ does not ((cover certain hospital items/services for any hospital stay including,)) pay for an inpatient or outpatient hospital service, treatment, equipment, drug or supply that is not listed or referred to as a covered service in this chapter. The following list of noncovered items and services is not intended to be all inclusive. Noncovered items and services include, but are not limited to ((, the following)):

(1) Personal care items such as, but not limited to, slippers, toothbrush, comb, hair dryer, and make-up;

(2) Telephone/telegraph services or television/radio rentals;

(3) Medical photographic or audio/videotape records;

(4) Crisis counseling;

(5) Psychiatric day care;

(6) Ancillary services, such as respiratory and physical therapy, performed by regular nursing staff assigned to the floor or unit;

(7) Standby personnel and travel time;

(8) Routine hospital medical supplies and equipment such as bed scales;

(9) Handling fees and portable X-ray charges;

(10) Room and equipment charges ("rental charges") for use periods concurrent with another room or similar equipment for the same client;

(11) Cafeteria charges; and

(12) Services and supplies provided to nonpatients, such as meals and "father packs"~~((; and~~

(13) Standing orders. The department shall cover routine tests and procedures only if the department determines such services are medically necessary, according to the following criteria. The procedure or test:

(a) ~~Is specifically ordered by the admitting physician or, in the absence of the admitting physician, the hospital staff having responsibility for the client (e.g., physician, advanced registered nurse practitioner, or physician assistant);~~

(b) ~~Is for the diagnosis or treatment of the individual's condition; and~~

(c) ~~Does not unnecessarily duplicate a test available or made known to the hospital which is performed on an outpatient basis prior to admission; or~~

(d) ~~Is performed in connection with a recent admission).~~

**AMENDATORY SECTION** (Amending WSR 04-20-058, filed 10/1/04, effective 11/1/04)

**WAC 388-550-1700 Authorization and utilization review (UR) of inpatient and outpatient hospital services.**

(1) This section applies to the department's authorization and utilization review (UR) of inpatient and outpatient hospital services provided to medical assistance clients receiving services through the fee-for-service program. For clients ((receiving services through other)) eligible under other medical assistance programs, see chapter 388-538 WAC ((Managed care program)) for managed care organizations, chapters 388-800 and 388-810 WAC ((f)) for the Alcohol and Drug Addiction Treatment and Support Act (ADATSA), and chapter 388-865 WAC ((f)) for mental health treatment programs coordinated through the mental health division or its designee). See chapter 388-546 WAC for transportation services.

(2) ~~((The medical assistance administration (MAA) may perform one or more types of utilization reviews described in subsection (3)(b) of this section.~~

(3) ~~MAA's utilization review))~~ All hospital services paid for by the department are subject to UR for medical necessity, appropriate level of care, and program compliance.

(3) Authorization for inpatient and outpatient hospital services is valid only if a client is eligible for covered services on the date of service. Authorization does not guarantee payment.

(4) The department will deny, recover, or adjust hospital payments if the department or its designee determines, as a result of UR, that a hospital service does not meet the requirements in federal regulations and WAC.

(5) The department may perform one or more types of UR described in subsection (6) of this section.

(6) The department's UR:

(a) Is a concurrent, prospective, and/or retrospective (including postpay and prepay) formal evaluation of a client's documented medical care to assure that the services provided are proper and necessary and of good quality. The review considers the appropriateness of the place of care, level of care, and the duration, frequency or quantity of services provided in relation to the conditions(s) being treated; and

(b) Includes one or more of the following:

(i) "Concurrent utilization review" — an evaluation performed by ~~((MAA))~~ the department or its designee during a

client's course of care. A continued stay review performed during the client's hospitalization is a form of concurrent UR;

(ii) "Prospective utilization review" — an evaluation performed by ~~((MAA))~~ the department or its designee prior to the provision of healthcare services. Preadmission authorization is a form of prospective UR; and

(iii) "Retrospective utilization review" — an evaluation performed by ~~((MAA))~~ the department or its designee following the provision of healthcare services that includes both a post-payment retrospective ~~((utilization review))~~ UR (performed ~~((by MAA))~~ after healthcare services are provided and ~~((reimbursed))~~ paid), and a prepayment retrospective ~~((utilization review))~~ UR (performed ~~((by MAA))~~ after healthcare services are provided but prior to ~~((reimbursement))~~ payment). Retrospective UR is routinely performed as an audit function.

(7) During the UR process, the department or its designee notifies the appropriate oversight entity if either of the following is identified:

(a) A quality of care concern; or

(b) Fraudulent conduct.

~~((4) Covered inpatient and outpatient hospital services must:~~

~~((a) Be medically necessary as defined in WAC 388-500-0005;~~

~~((b) Be provided at the appropriate level of care as defined in WAC 388-550-1050; and~~

~~((c) Meet all authorization and program requirements in WAC and MAA published issuances.~~

~~((5) Authorization for inpatient and outpatient hospital services is valid only if the client is eligible for covered services on the date of service. Authorization does not guarantee payment.))~~

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

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

**WAC 388-550-1800 ((Services—Contract facilities)) Hospital specialty services not requiring prior authorization.** The department ~~((shall reimburse))~~ pays for certain specialty services without requiring prior authorization when such services are provided ~~((in medical assistance administration (MAA) approved contract facilities))~~ consistent with department medical necessity and utilization review standards. These services include, but are not limited to, the following:

(1) All transplant procedures specified in WAC 388-550-1900(2) under the conditions established in WAC 388-550-1900;

(2) Chronic pain management services, including outpatient evaluation and inpatient treatment, as described under WAC 388-550-2400;

(3) Polysomnograms and multiple sleep latency tests for clients one year of age and older (allowed only in outpatient hospital settings), as described under WAC 388-550-6350;

(4) Diabetes education (allowed only in outpatient hospital setting), as described under WAC 388-550-6400; and

(5) Weight loss program (allowed only in outpatient hospital setting), as described under WAC 388-550-6450.

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

**WAC 388-550-1900 Transplant coverage.** (1) The department ~~((shall))~~ pays for medically necessary transplant procedures only for eligible medical assistance clients who~~((=~~ (a) Meet the criteria in WAC 388-550-2000; and ~~((b))~~ are not otherwise subject to a managed care organization (MCO) plan. Clients eligible under the alien emergency medical (AEM) program are not eligible for transplant coverage.

(2) The department ~~((shall))~~ covers the following transplant procedures when the transplant procedures are performed in a hospital designated by the department as a "center of excellence" for transplant procedures and meet that hospital's criteria for establishing appropriateness and the medical necessity of the procedures:

(a) Solid organs involving the heart, kidney, liver, lung, heart-lung, pancreas, kidney-pancreas and small bowel;

(b) Bone marrow and peripheral stem cell (PSC);

(c) Skin grafts; and

(d) Corneal transplants.

(3) For procedures covered under subsections (2)(a) and (b) of this section, the department ~~((shall))~~ pays facility charges only to those ~~((medical centers))~~ hospitals that meet the standards and conditions:

(a) Established by the department; and

(b) Specified in WAC 388-550-2100 and 388-550-2200.

(4) The department ~~((shall))~~ pays ~~((facility charges))~~ for skin grafts and corneal transplants to any qualified ~~((medical facility))~~ hospital, subject to the limitations in this chapter.

(5) The department ~~((shall))~~ deems organ procurement fees as being included in the ~~((reimbursement))~~ payment to the transplant ~~((facility))~~ hospital. The department may make an exception to this policy and ~~((reimburse))~~ pay these fees separately to a transplant ~~((facility))~~ hospital when an eligible medical ~~((care))~~ medical client is covered by a third-party payer which will pay for the organ transplant procedure itself but not for the organ procurement.

(6) The department ~~((shall))~~, without requiring prior authorization, pays for up to fifteen matched donor searches per client approved for a bone marrow transplant. The department ~~((shall))~~ requires prior authorization for matched donor searches in excess of fifteen per bone marrow transplant client.

(7) The department ~~((shall))~~ does not pay for experimental transplant procedures. In addition, the department ~~((shall))~~ considers as experimental those services including, but not limited to, the following:

(a) Transplants of three or more different organs during the same hospital stay;

(b) Solid organ and bone marrow transplants from animals to humans; and

(c) Transplant procedures used in treating certain medical conditions for which use of the procedure has not been generally accepted by the medical community or for which

its efficacy has not been documented in peer-reviewed medical publications.

(8) The department ~~((shall))~~ pays for a solid organ transplant procedure only once per client's lifetime, except in cases of organ rejection by the client's immune system during the original hospital stay.

~~(9)~~ The department ~~((shall cover))~~ pays for bone marrow, PSC, skin grafts and corneal transplants ~~((whenever))~~ when medically necessary.

~~((9))~~ In reviewing coverage for transplant services, the department shall consider cost benefit analyses on a case-by-case basis) (10) The department may conduct a post-payment retrospective utilization review as described in WAC 388-550-1700, and may adjust the payment if the department determines the criteria in this section are not met.

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

**WAC 388-550-2100 Requirements—Transplant ~~((facilities))~~ hospitals.** This section applies to requirements for hospitals that perform the department approved transplants described in WAC 388-550-1900(2).

(1) The department ~~((shall))~~ requires ~~((a))~~ instate transplant ~~((facility))~~ hospitals to meet the following requirements in order to be ~~((reimbursed))~~ paid for transplant services provided to medical ~~((care))~~ assistance clients. ~~((The facility shall))~~ A hospital must have:

(a) An approved certificate of need (CON) from the state department of health (DOH) for the type(s) of transplant procedure(s) to be performed, except that ~~((MAA shall))~~ the department does not require CON approval for a hospital that provides peripheral stem cell (PSC), skin graft ~~((and))~~ or corneal transplant ~~((facilities))~~ services;

(b) Approval from the United Network of Organ Sharing (UNOS) to perform transplants, except that ~~((MAA shall))~~ the department does not require UNOS approval for a hospital that provides PSC, skin graft ~~((and))~~ or corneal transplant ~~((facilities))~~ services; and

(c) Been approved by the department as a center of excellence transplant center for the specific organ(s) or procedure(s) the ~~((facility))~~ hospital proposes to perform.

(2) The department requires an out-of-state transplant center ~~((shall))~~, including bordering city and critical border hospitals, to be a Medicare-certified ~~((facility))~~ transplant center in a hospital participating in that state's Medicaid program. All out-of-state transplant services, excluding those provided in department approved centers of excellence (COE) in bordering city and critical border hospitals, must be prior authorized.

~~((2))~~ (3) The department ~~((shall))~~ considers a ~~((facility))~~ hospital for approval as a transplant center of excellence when the ~~((facility))~~ hospital submits to the department a copy of its DOH-approved CON for transplant services, or documentation that it has, at a minimum:

(a) Organ-specific transplant physicians for each organ or transplant team. The transplant surgeon and other responsible team members ~~((shall))~~ must be experienced and board-certified or board-eligible practitioners in their respective disciplines, including, but not limited to, the fields of cardiol-

ogy, cardiovascular surgery, anesthesiology, hemodynamics and pulmonary function, hepatology, hematology, immunology, oncology, and infectious diseases. The department ~~((shall))~~ considers this requirement met when the ~~((facility))~~ hospital submits to the department a copy of its DOH-approved CON for transplant services;

(b) Component teams which are integrated into a comprehensive transplant team with clearly defined leadership and responsibility. Transplant teams ~~((shall))~~ must include, but not be limited to:

(i) A team-specific transplant coordinator for each type of organ;

(ii) An anesthesia team available at all times; and

(iii) A nursing service team trained in the hemodynamic support of the patient and in managing immunosuppressed patients~~((;))~~.

~~((iv))~~ (c) Other resources that the transplant hospital must have include:

(i) Pathology resources for studying and reporting the pathological responses of transplantation;

~~((v))~~ (ii) Infectious disease services with both the professional skills and the laboratory resources needed to ~~((discover,))~~ identify~~((;))~~ and manage a whole range of organisms; and

~~((vi))~~ (iii) Social services resources.

~~((e))~~ (d) An organ procurement coordinator;

~~((d))~~ (e) A method ensuring that transplant team members are familiar with transplantation laws and regulations;

~~((e))~~ (f) An interdisciplinary body and procedures in place to evaluate and select candidates for transplantation;

~~((f))~~ (g) An interdisciplinary body and procedures in place to ensure distribution of donated organs in a fair and equitable manner conducive to an optimal or successful patient outcome;

~~((g))~~ (h) Extensive blood bank support;

~~((h))~~ (i) Patient management plans and protocols; and

~~((i))~~ (j) Written policies safeguarding the rights and privacy of patients~~((; and~~

(j) Satisfied).

(4) In addition to the requirements of subsection (3) of this section, the transplant hospital must:

(a) Satisfy the annual volume and survival rates criteria for the particular transplant procedures performed at the ~~((facility))~~ hospital, as specified in WAC 388-550-2200(2).

~~((3))~~ In addition to the requirements of subsection (2) of this section, a facility being considered for approval as a transplant center of excellence shall) (b) Submit a copy of its approval from the United Network for Organ Sharing (UNOS), or documentation showing that the ~~((facility))~~ hospital:

~~((a))~~ (i) Participates in the national donor procurement program and network; and

~~((b))~~ (ii) Systematically collects and shares data on its transplant program(s) with the network.

~~((4))~~ (5) The department ~~((shall apply))~~ applies the following specific requirements to a PSC transplant ~~((facilities))~~ hospital:

(a) A PSC transplant ~~((facility may receive approval from the department to do))~~ hospital must be a department approved COE to perform any of the following PSC services:

(i) Harvesting, if it has its own apheresis equipment which meets federal or American Association of Blood Banks (AABB) requirements;

(ii) Processing, if it meets AABB quality of care requirements for human tissue/tissue banking; ~~((and/or))~~ and

(iii) Reinfusion, if it meets the criteria established by the Foundation for the Accreditation of Hematopoietic Cell Therapy.

(b) A PCS transplant hospital may purchase PSC processing and harvesting services from other department-approved processing providers.

~~((e))~~ (6) The department ~~((shall))~~ does not ~~((reimburse))~~ pay a PSC transplant ~~((facility))~~ hospital for AABB inspection and certification fees related to PSC transplant services.

AMENDATORY SECTION (Amending WSR 01-02-075, filed 12/29/00, effective 1/29/01)

**WAC 388-550-2200 Transplant requirements—COE.** (1) The department ~~((shall))~~ measures the effectiveness of transplant centers of excellence (COE) using the performance criteria in this section. Unless otherwise waived by the department, the department ~~((shall apply))~~ applies these criteria to a ~~((facility))~~ hospital during both initial and periodic evaluations for designation as a transplant COE. The COE performance criteria shall include, but not be limited to:

(a) Meeting annual volume requirements for the specific transplant procedures for which approved;

(b) Patient survival rates; and

(c) Relative cost per case.

(2) A transplant COE ~~((shall))~~ must meet or exceed annually the following applicable volume criteria for the particular transplant procedures performed at the facility, except for cornea transplants which do not have established minimum volume requirements. Annual volume requirements for transplant centers of excellence include:

(a) Twelve or more heart transplants;

(b) Ten or more lung transplants;

(c) Ten or more heart-lung transplants;

(d) Twelve or more liver transplants;

(e) Twenty-five or more kidney transplants;

(f) Eighteen or more pancreas transplants;

(g) Eighteen or more kidney-pancreas transplants;

(h) Ten or more bone marrow transplants; and

(i) Ten or more peripheral stem cell (PSC) transplants.

Dual-organ procedures may be counted once under each organ and the combined procedure.

(3) A transplant ~~((facility))~~ hospital within the state that fails to meet the volume requirements in subsection (1) of this section may submit a written request to the department for conditional approval as a transplant ~~((center of excellence))~~ COE. The department ~~((shall))~~ considers the minimum volume requirement met when the requestor submits an approved certificate of need for transplant services from the ~~((state))~~ department of health (DOH).

(4) An in-state ~~((facility))~~ hospital granted conditional approval by the department as a transplant ~~((center of excellence shall))~~ COE must meet the department's criteria, as established in this chapter, within one year of the conditional

approval. The department ~~((shall))~~ must automatically revoke such conditional approval for any ~~((facility))~~ hospital which fails to meet the department's published criteria within the allotted one year period, unless:

(a) The ~~((facility))~~ hospital submits a written request for extension of the conditional approval thirty calendar days prior to the expiration date; and

(b) Such request is granted by the department.

(5) A transplant center of excellence ~~((shall))~~ must meet Medicare's survival rate requirements for the transplant procedure(s) performed at the ~~((facility))~~ hospital.

(6) A transplant ~~((center of excellence shall))~~ COE must submit to the department annually, at the same time the hospital submits a copy of its Medicare Cost Report ~~((HCFA))~~ Form 2552-96 ~~((report))~~ documentation showing:

(a) The numbers of transplants performed at the ~~((facility))~~ hospital during its preceding fiscal year, by type of procedure; and

(b) Survival rates data for procedures performed over the preceding three years as reported on the United Network of Organ Sharing report form.

(7)~~((a))~~ Transplant ~~((facilities shall))~~ hospitals must:

(a) Submit to the department, within sixty days of the date of the ~~((facility's))~~ hospital's approval as a ~~((center of excellence))~~ COE, a complete set of the comprehensive patient selection criteria and treatment protocols used by the ~~((facility))~~ hospital for each transplant procedure it has been approved to perform.

(b) ((The facility shall)) Submit to the department annual updates to ~~((said))~~ the documents ~~((annually thereafter))~~ listed in subsection (a) of this section, or whenever the ~~((facility))~~ hospital makes a change to the criteria and/or protocols.

(c) Notify the department if no changes occurred during a reporting period ~~((the facility shall so notify the department to this effect))~~.

(8) The department ~~((shall))~~ evaluates compliance with the provisions of WAC 388-550-2100 (2)(d) and (e) based on the protocols and criteria submitted to the department by a transplant ~~((centers of excellence))~~ COE in accordance with subsection (7) of this section. The department ~~((shall))~~ terminates a ~~((facility's))~~ hospital's designation as a transplant ~~((center of excellence))~~ COE if a review or audit finds that ~~((facility))~~ hospital in noncompliance with:

(a) Its protocols and criteria in evaluating and selecting candidates for transplantation; and

(b) Distributing donated organs in a fair and equitable manner that promotes an optimal or successful patient outcome.

(9)~~((a))~~ The department ~~((shall))~~ :

(a) Provides notification to a transplant ~~((centers of excellence))~~ COE it finds in noncompliance with subsection (8) of this section, and may allow from the date of notification sixty days within which such centers may submit a plan to correct a breach of compliance;

(b) ((The department shall)) Does not allow the sixty-day option as stated in (a) of this subsection for a breach that constitutes a danger to the health and safety of clients as stated in WAC 388-502-0030;

(c) Requires, within six months of submitting a plan to correct a breach of compliance, a center ~~((shall))~~ to report ~~((to the department showing))~~ that:

- (i) The breach of compliance has been corrected; or
- (ii) Measurable and significant improvement toward correcting such breach of compliance exists.

(10) The department ~~((shall))~~ periodically reviews the list of approved transplant ~~((centers of excellence))~~ COEs. The department may limit the number of ~~((facilities))~~ hospitals it designates as a transplant ~~((centers of excellence))~~ COE or contracts with to provide services to medical ~~((care))~~ assistance clients if, in the department's opinion, doing so would promote better client outcomes and cost efficiencies.

(11) The department ~~((shall reimburse))~~ pays a department-approved ~~((centers of excellence))~~ COE for covered transplant procedures using ~~((any of the))~~ methods identified in chapter 388-550 WAC.

AMENDATORY SECTION (Amending WSR 05-12-022, filed 5/20/05, effective 6/20/05)

**WAC 388-550-2301 Hospital and medical criteria requirements for bariatric surgery.** (1) The ~~((medical assistance administration (MAA)))~~ department pays a hospital for bariatric surgery and bariatric surgery-related services only when the surgery is provided in an inpatient hospital setting and only when:

(a) The client qualifies for bariatric surgery by successfully completing all requirements under WAC 388-531-1600;

(b) The client continues to meet the criteria to qualify for bariatric surgery under WAC 388-531-1600 up to the actual surgery date; ~~((and))~~

(c) The hospital providing the bariatric surgery and bariatric surgery-related services meets the requirements in this section and other applicable WAC; and

(d) The hospital receives prior authorization from the department prior to performing a bariatric surgery for a medical assistance client.

(2) A hospital must meet the following requirements in order to be ~~((reimbursed))~~ paid for bariatric surgery and bariatric surgery-related services provided to an eligible medical assistance client. The hospital must:

(a) Be approved by the department to provide bariatric surgery and bariatric surgery-related services and:

(i) For dates of admission on or after July 1, 2007, be located in Washington state or approved bordering cities (see WAC 388-501-0175) ((and have a current core provider agreement with MAA)).

(ii) For dates of admission on or after July 1, 2007, be located in Washington state, or be a department-designated critical border hospital.

(b) Have an established bariatric surgery program in operation under which at least one hundred bariatric surgery procedures have been performed. The program must have been in operation for at least five years and be under the direction of an experienced board-certified surgeon. In addition, ~~((MAA))~~ department requires the bariatric surgery program to:

- (i) Have a mortality rate of two percent or less;

(ii) Have a morbidity rate of fifteen percent or less;

(iii) Document patient follow-up for at least five years postsurgery;

(iv) Have an average loss of at least fifty percent of excess body weight achieved by patients at five years postsurgery; and

(v) Have a reoperation or revision rate of five percent or less.

(c) Submit documents to ~~((MAA's Division of Medical Management))~~ the department's division of healthcare services that verify the performance requirements listed in this section. ~~((The hospital must receive approval from MAA prior to performing a bariatric surgery for a medical assistance client.))~~

(3) ~~((MAA))~~ The department waives the program requirements listed in subsection (2)(b) of this section if the hospital participates in a statewide bariatric surgery quality assurance program such as the surgical Clinical Outcomes Assessment Program (COAP).

(4) See WAC 388-531-1600(13) for requirements for surgeons who perform bariatric surgery.

(5) Authorization does not guarantee payment. Authorization for bariatric surgery and bariatric surgery-related services is valid only if:

(a) The client is eligible on the date of admission and date of service; and

(b) The hospital and professional providers meets the criteria in this section and other applicable WAC to perform bariatric surgery and/or to provide bariatric surgery-related services.

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

**WAC 388-550-2400 Inpatient chronic pain management ~~((program))~~ services.** (1) ~~((a))~~ The department shall cover inpatient chronic pain management training to assist eligible clients to manage chronic pain.

(b) The department shall pay for only one inpatient hospital stay, up to a maximum of twenty one days, for chronic pain management training per eligible client's lifetime.

~~((c))~~ Refer to WAC 388-550-1700 (2)(i) and 388-550-1800 for prior authorization.

~~((2))~~ The department shall reimburse approved chronic pain management facilities an all-inclusive per diem facility fee under the revenue code published in the department's chronic pain management fee schedule. MAA shall reimburse professional fees for chronic pain management services to performing providers in accordance with the department's fee schedule.

~~((3))~~ The department shall not reimburse a contract facility for unrelated services provided during the client's inpatient stay for chronic pain management, unless the facility requested and received prior approval from the department for those services)) The department pays a hospital that is specifically approved by the department to provide inpatient chronic pain management services, an all-inclusive per diem facility fee. The department pays professional fees for chronic pain management services to performing providers in accordance with the department's fee schedule.

(2) A client qualifies for inpatient chronic pain management services when all of the following apply:

(a) The client has had pain for at least three months and has not improved with conservative treatment, including tests and therapies;

(b) At least six months have passed since a previous surgical procedure was done in relation to the pain problem; and

(c) A client with active substance abuse must have completed a detoxification program, if appropriate, and must be free from drugs and/or alcohol for at least six months.

(3) The department:

(a) Covers inpatient chronic pain management training to assist eligible clients to manage chronic pain.

(b) Pays for only one inpatient hospital stay, up to a maximum of twenty-one consecutive days, for chronic pain management training per a client's lifetime.

(c) Does not require prior authorization for chronic pain management services.

(d) Does not pay for services unrelated to the chronic pain management services that are provided during the client's inpatient stay, unless the hospital requests and receives prior authorization from the department

(4) All applicable claim payment adjustments for client responsibility, third party liability, medicare crossover, etc., apply to the department.

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

**WAC 388-550-2500 Inpatient hospice services.** (1) The department ~~((shall reimburse))~~ pays hospice agencies

participating in the medical assistance program for general inpatient and inpatient respite services provided to clients in hospice care, when:

(a) The hospice agency coordinates the provision of such inpatient services; and

(b) Such services are related to the medical condition for which the client sought hospice care.

(2) Hospice agencies ~~((shall))~~ must bill the department for their services using revenue codes. The department ~~((shall reimburse))~~ pays hospice providers a set per diem fee according to the type of care provided to the client on a daily basis.

(3) The department ~~((shall reimburse))~~ pays hospital providers directly pursuant to this chapter for inpatient care provided to clients in the hospice program for medical conditions not related to their terminal illness.

AMENDATORY SECTION (Amending WSR 07-06-043, filed 3/1/07, effective 4/1/07)

**WAC 388-550-2800 Payment methods and limits—Inpatient hospital services for medicaid and SCHIP clients.** The term "allowable" used in this section means the calculated allowed amount for payment based on the applicable payment method before adjustments, deductions, or add-ons.

(1) The department pays hospitals for medicaid and SCHIP inpatient hospital services using the rate setting methods identified in the department's approved state plan as follows:

<b>Payment method used for Medicaid inpatient hospital claims</b>	<b>Applicable providers/services</b>	<b>Process to adjust for third-party liability insurance and any other client responsibility</b>
Diagnosis related group (DRG) negotiated conversion factor	Hospitals participating in the <u>medicaid</u> hospital selective contracting program under waiver from the federal government	Lesser of either the DRG billed amount minus the third-party payment <u>amount</u> and any client responsibility amount, or the <del>((allowable))</del> <u>allowed</u> amount, minus the third-party payment amount and any client responsibility amount.
DRG cost-based conversion factor	Hospitals not participating in or exempt from the <u>medicaid</u> hospital selective contracting program	Lesser of either the DRG billed amount minus the third-party payment amount and any client responsibility amount, or the <del>((allowable))</del> <u>allowed</u> amount, minus the third-party payment amount and any client responsibility amount.
Ratio of costs-to-charges (RCC)	<del>((Hospitals or))</del> <u>Some</u> services exempt from DRG payment methods	The allowable minus the third-party payment amount and any client responsibility amount.

Payment method used for Medicaid inpatient hospital claims	Applicable providers/services	Process to adjust for third-party liability insurance and any other client responsibility
Costs-to-charges rate with a "hold harmless" settlement provision	Hospitals eligible to be paid through the certified public expenditure (CPE) payment program	<del>((The allowable))</del> For the "hold harmless" settlement, the lesser of the billed amount minus the third-party payment amount and any client responsibility amount, or the allowed amount minus the third-party payment amount and any client responsibility amount. The payment made is the federal share only.
Single case rate	Hospitals eligible to provide bariatric surgery to medical assistance clients	Lesser of either the billed amount minus the third-party payment amount and any client responsibility amount, or the single case rate allowed amount minus the third-party payment amount and any client responsibility amount.
Fixed per diem rate	Long-term acute care (LTAC) hospitals	Lesser of either the billed amount minus the third-party payment amount and any client responsibility amount, or the per diem allowed amount minus the third-party payment amount and any client responsibility amount.
<u>Per diem rate</u>	<u>Some providers/services exempt from the DRG payment methods</u>	<u>Per diem allowed amount, and for some services a high outlier amount, minus the third-party payer amount and any client responsibility amount.</u>
Cost settlement	DOH-approved critical access hospitals (CAHs)	The <del>((allowable times the approved CAH rate))</del> allowed amount, subject to retrospective cost settlement, minus the third-party payment amount and any client responsibility amount.
Medicaid base community psychiatric hospitalization rate	Nonstate-owned free-standing psychiatric hospitals located in Washington state	Paid according to applicable payment method in WAC 388-550-2650 for <u>medicaid and SCHIP</u> clients, minus the third-party payment amount and any client responsibility amount.

See WAC 388-550-4800 for payment methods used by the department for inpatient hospital services provided to clients eligible under state-administered programs. The department's policy for payment on state-administered program claims that involve third-party liability (TPL) and/or client responsibility payments on claims is the same policy indicated in the table in subsection (1) in this section. However, to determine the department's payment on the claim, state-administered program rates, not medicaid or SCHIP rates, apply when comparing the lesser of either the billed amount minus the third-party payment and any client responsibility amount, or the allowed amount minus the third-party payment amount and any client responsibility amount.

(2) The department's annual aggregate medicaid and SCHIP payments to each hospital for inpatient hospital services provided to medicaid and SCHIP clients will not

exceed the hospital's usual and customary charges to the general public for the services (42 CFR Sec. 447.271). The department recoups annual aggregate medicaid and SCHIP payments that are in excess of the usual and customary charges.

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

(4) When hospital ownership changes, the department's payment to the hospital will not exceed the amount allowed under 42 U.S.C. Section 1395x (v)(1)(O).

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

(a) A copy of the hospital's CMS medicare cost report (form 2552-96) that is the official "as ~~((submitted))~~ filed" cost report submitted to the medicare fiscal intermediary; and

(b) A disproportionate share hospital (DSH) application if the hospital wants to be considered for DSH payments. See WAC 388-550-4900 for the requirement for a hospital to qualify for a DSH payment.

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

(a) Medicare's cost reporting requirements;

(b) The provisions of this chapter; and

(c) Instructions issued by the department.

(7) The department requires hospitals to follow generally accepted accounting principles.

(8) Participating hospitals must permit the department to conduct periodic audits of their financial records, statistical records, and any other records as determined by the department.

(9) The department limits payment for private room accommodations to the semiprivate room rate. Room charges must not exceed the hospital's usual and customary charges to the general public as required by 42 C.F.R. Sec. 447.271.

(10) For a client's hospital stay that involves both regional support network (RSN)-approved voluntary inpatient and involuntary inpatient hospitalizations, the hospital must bill the department for payment, unless the hospital contracts directly with the RSN. In that case, the hospital must bill the RSN for payment.

~~(11) ((The department pays hospitals to cover the cost of certain newborn screening tests that are required under chapter 70.83 RCW (see also chapter 246.650 WAC). The flat fees that are not included in the DRG rate but are related to performing the newborn screening tests are added to the DRG payment. Hospitals are responsible to bill for all newborn screening fees when submitting any claims for newborn services to the department.~~

~~(12))~~ Refer to subsection (1) of this section for how the department adjusts inpatient hospital claims for third party payment amounts and any client responsibility amounts.

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

## WSR 07-14-051

### PERMANENT RULES

### DEPARTMENT OF

### SOCIAL AND HEALTH SERVICES

(Health and Recovery Services Administration)

[Filed June 28, 2007, 9:26 a.m., effective August 1, 2007]

Effective Date of Rule: August 1, 2007.

Purpose: The department is amending this WAC to incorporate the results of the Navigant Study. The health and recovery services administration (HRSA) is clarifying and updating existing rules and adopting new rules to describe policy regarding the department's hospital services coverage, rate-setting methods, and payment methods, based on recommendations made in the Navigant Study and supported by the

state legislature. In addition, the proposed rules replace "medical assistance administration (MAA)" with "the department," and update and clarify other language. Hospitals providing services to medical assistance clients will be able to use the rules to understand the policy, services provided, and the rate-setting and payment methods in the new inpatient payment system.

Citation of Existing Rules Affected by this Order: Amending WAC 388-550-3100, 388-550-3150, 388-550-3250, 388-550-3450, 388-550-3600, 388-550-3700, 388-550-3800, 388-550-3900, 388-550-4000, 388-550-4100, 388-550-4200, 388-550-4300, 388-550-4400, 388-550-4500, 388-550-4800, and 388-550-6700.

Statutory Authority for Adoption: RCW 74.08.090, 74.09.500.

Other Authority: Chapter 518, Laws of 2005, (ESSB 6090) recommended that a study be done by Navigant to look at the department's inpatient payment system and include recommendations on the design.

Adopted under notice filed as WSR 07-10-095, 07-10-096, 07-10-097, 07-10-098, 07-10-099, and 07-10-100 on May 1, 2007.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-550-3010(4) The department has established ~~the established~~ an average length of stay (ALOS) for each DRG classification during the rebasing process. ~~If a client's actual length of stay (LOS) exceeds the ALOS for the DRG classification, the department may retrospectively review the appropriateness of the LOS for payment. (a) For hospital admissions that require prior authorization, the department determines the allowed amount for the per diem payment by multiplying the assigned per diem rate by the LOS authorized by the department or department's designee, or the actual number of days if the actual LOS is less than the approved LOS. (b) For hospital admissions that do not require authorization, the department determines the allowed amount for the per diem payment by multiplying the assigned per diem rate by the actual LOS. If the actual LOS exceeds the ALOS, the department may perform a retrospective review to determine the appropriate payment. (c) The department adds to the allowed amount any high outlier amount determined by the department for those per diem paid claims in a DRG classification that is in a nonspecialty service category. See WAC 388-550-3000, 388-550-3460, and 388-550-3700. The DRG ALOS is used as a benchmark to authorize and pay inpatient hospital stays that are exempt from the DRG payment method. See WAC 388-550-4300(6).~~

WAC 388-550-3150 (8)(c)(i)(B) Calculating... ~~the ratio~~ ratio of costs-to-charges...

WAC 388-550-3250 (4)(c) To calculate the hospital-specific DRG conversion factor, per diem rates, and per case rates, ~~adjusts the hospital's indirect medical education costs to the statewide standardized average operating and capital costs. The hospital's indirect medical education factor is the most current factor from the inpatient medicare prior that is available from CMS's website at the time the rate calculations are made.)~~ during rebasing. The department: (i) Multiplies the statewide standardized labor portion of the operating amount by the most currently available facility-specific wage index established by medicare that exists at the time of the



medicaid rebasing (to determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount); then the nonlabor portion is added to the result to produce a hospital-specific operating amount.; then (ii) Multiplies the hospital-specific operating amount by 1.0 plus the most currently available operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing; then (iii) Multiplies the statewide standardized capital amount by 1.0 plus the most currently available capital indirect medical education factor established by medicare that exists at the time of the medicaid rebasing; then (iv) Adds this hospital-specific operating amount to the statewide standardized capital amount; then (v) Adds the hospital-specific direct medical education portion adjusted for hospital-specific case mix index to the operating and capital amounts.

WAC 388-550-3450 (6)(b)(i) For hospital-specific operating costs, the department ~~divides~~ adjusts the labor portion of the hospital-specific operating costs (to determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount) by the most currently available hospital-specific medicare wage index established by medicare that exists at the time of the medicaid rebasing; then adds the nonlabor portion to the result; then divides the result by (1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing); then divides the result...

WAC 388-550-3450 (6)(d)(i) To determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount. The labor portion of the hospital-specific ((Θ)) operating standardized amount is multiplied by the most currently available (in the medicare final rule) hospital-specific medicare wage index established by medicare that exists at the time of the medicaid rebasing; then the nonlabor portion is added to the result; and the resulting product then the result is multiplied by (1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing in the medicare final rule). These adjustments...

WAC 388-550-3460 (3)(a) The department calculates separate statewide...

WAC 388-550-3460 (3)(c) To determine...for the ~~new~~ system.

WAC 388-550-3460 (3)(c)(ii)(A) For the hospital-specific operating costs, the department ~~divides~~ adjusts...operating costs by the most currently available hospital-specific medicare wage index established by medicare that exists at the time of the medicaid rebasing; then adds the nonlabor portion to the result; then divides the result by (1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing); then divides that result by the hospital-specific medicaid case-mix index.

WAC 388-550-3460 (3)(d)(i) Starting with the statewide standardized operating amount, the department multiplies the labor portion of the amount (to determine the labor portion,

the department used the factor established by medicare multiplied by the statewide operating standardized amount) by the most currently available hospital-specific wage index established by medicare that exists at the time of the medicaid rebasing. This adjustment is made to reflect wage differences incurred by hospitals in different regions of the state. The department then adds the nonlabor portion to the result.

WAC 388-550-3460 (3)(d)(ii) The department ~~also~~ adjusts the adjusted operating and capital amounts ~~to~~ reflect...

WAC 388-550-3460(4) For dates of admission on and after August 1, 2007...and other acute care hospitals ~~with more than two hundred medicaid fee for service and healthy options psychiatric patient days in the base year.~~

WAC 388-550-3460 (4)(b) To determine facility-specific ~~cost per day amounts~~ payment rate per day for psychiatric services, the department uses the greater of the estimated costs per diem of the: ~~psychiatric claims in the base year claims dataset. The claims include any statistical outliers. (i) Hospital's inpatient psychiatric claims in the base year claims dataset; or (ii) Statewide average of the estimated costs of the hospital's inpatient psychiatric claims (as described in subsection (4)(a)) in the base year claims including adjustments for regional wage differences and for differences in medical education costs.~~ These claims...

WAC 388-550-3470 (3)(c)(i)(A) To determine the labor portion, uses the factor established by medicare multiplied by the statewide operating standardized amount, ~~Then~~ then multiplies...

WAC 388-550-3700 (17)(c) The high outlier payment allowed amount...and the high outlier threshold for payment indicated in (b)(i) through (iv) of this subsection, respectively.

WAC 388-550-3700 (17)(c)(i) Ninety-five percent for outlier claims... or pediatric AP-DRG classifications. Hospitals paid with the payment method used for out-of-state hospitals are paid using the percent of outlier adjustment factor identified in (c)(iii) of this subsection. All high outlier...

WAC 388-550-3700 (17)(c)(iv) ~~Reduced~~ Used as indicated in WAC 388-550-4800 to calculate payment for state-administered...

WAC 388-550-3900(4) For dates of admission on and after August 1, 2007, with the exception of outpatient payment to hospitals...

WAC 388-550-3900 (5)(a) Under one of the inpatient DRG, RCC, per diem, or per case rate payment methods that are similar to the methods used to pay instate hospitals; ~~whether the hospital does, or does not have a medicare cost report (Form 2552-96) for the rebasing year;~~

WAC 388-550-3900(7) For dates of admission...and 388-550-7200. The department limits payment to bordering city hospitals that are noncritical border hospitals to the lesser of the billed charges or the calculated payment amount.

WAC 388-550-4000 (2)(a) Inpatient hospital claims... group (DRG), ~~ratio~~ ratio of costs-to-charges (RCC),...

WAC 388-550-4000 (2)(a)(iii) Limits payment to out-of-state hospitals and bordering city hospitals that are non-critical border hospitals to the lesser of the billed charges or the calculated payment amount.

WAC 388-550-4000 (2)(b)(ii)(B) The weighted in-state average of hospital outpatient hospital rates rate for in-state hospitals times the...

WAC 388-550-4300(6) The department limits all inpatient hospital stays exempt from the DRG payment method, for dates of admission on and after August 1, 2007, the department has established an average length of stay (ALOS) for each DRG classification. The DRG ALOS is based on the claims data used during the rebasing period. For DRGs with an exceptionally low volume of claims, the department uses a proxy DRG ALOS. The DRG ALOS is used as a benchmark to authorize and pay inpatient hospital stays exempt from the DRG payment method. When an inpatient hospital stay exceeds the department's DRG ALOS benchmark or prior authorized LOS: that have not received a length of stay extension from the department, to the average length of stay calculated for the specific DRG classification in the inpatient payment system effective August 1, 2007. Exceptions to this standard exist as follows. The inpatient stay is: (a) Approved for a specific number of days by the department, or for a psychiatric inpatient stay, the hospital must obtain approval for additional days beyond the prior authorized days from the MHD or by a the MHD designee who prior authorized the admission. See WAC 388-550-2600; (b) For an acute physical medicine and rehabilitation (PM&R) or a long term acute care (LTAC) stay, the hospital must obtain approval for additional days beyond the prior authorized days from the department unit that prior authorized the admission. See WAC 388-550-2561 and 388-550-2590; (b) (c) For chemical dependency treatment an inpatient hospital stay for detoxification for a chemical dependent pregnant CUP client, which subject to see WAC 388-550-1100; or (e) (d) For other medical inpatient stays for detoxification, see WAC 388-550-1100 and subsection (7) of this section; of acute alcohol or other drug intoxication. (e) For an inpatient stay in a certified public expenditure (CPE) hospital, see WAC 388-550-4690; and (f) For an inpatient hospital stay not identified in (a) through (e) of this subsection, the department may perform retrospective utilization review to determine if the LOS was medically necessary and at the appropriate level of care.

WAC 388-550-4300(7) If subsection (6) (e) (d) of this section applies...

WAC 388-550-4800(13)

Inpatient payment system for dates of admission before August 1, 2007	Inpatient payment system for dates of admission on and after August 1, 2007
DRG Grouper, version 14.1	DRG Grouper, version 23.0
RCC Rate:	Per-Diem Rate:
Psych	Psych
Rehab	Rehab
Detox	Detox
Neonate	CUP
Transplant	Burns
HIV	Medical
Low volume services	Surgical
Military hospitals	Neonate and pediatric

Per-Diem Rate:	Chronic pain management
Chronic pain management	
Per-Case Rate:	Per-Case Rate:
Bariatric surgery	Bariatric surgery
	RCC Rate:
	Transplant services
	Military hospitals

	<u>Inpatient payment system for dates of admission before August 1 2007</u>	<u>Inpatient payment system for dates of admission on and after August 1 2007</u>
Stable DRGs	DRG Grouper v 14.1	DRG Grouper v 23.0
Unstable Medical DRGs	RCC	Per diem
Unstable Surgical DRGs	RCC	Per diem
Unstable Neonate DRGs	RCC	Per diem
Psych	RCC	Per diem
Rehab	RCC	Per diem
Detox	RCC	Per diem
Transplant	RCC	RCC
Military hospitals	RCC	RCC
HIV	RCC	Not separately defined
Chronic pain management	Per diem	Per diem
Bariatric surgery	Per case rate	Per case rate
CUP	Not separately defined	Per diem
Burns	Not separately defined	Per diem

WAC 388-550-4800 (15)(b)(iii) Refer to the to the...

WAC 388-550-4800 (15)(c)(vii) Refer to the medicaid percent of...adjustment factor described in WAC 388-550-3700 and (d) of this subsection for how the percent of outlier adjustment factor is reduced by a ratable to determine the outlier portion allowed amount for the claim.

WAC 388-550-4800(20) The department may pay for authorized psychiatric indigent inpatient claims submitted by an in-state community hospital designated as an institution for mental diseases (IMD) using state funds when such funds are provided by the state legislature specifically for this purpose.

WAC 388-550-4800(21) The department's policy for payment on state-administered program claims that involve third party liability (TPL) and/or client responsibility payments is the same policy indicated in the table in WAC 388-550-2800, except that when the department determines the payment on the claim, it applies state-administered program rates, not medicaid or SCHIP rates, when comparing the lesser of billed charges or the allowed amount on the claim.

WAC 388-550-4900 (3)(g) (2) the ratio of inpatient charges...charges for inpatient ~~services~~ charity care charges.

**Reviser's note:** WAC 388-550-4900 is referred to above; however, the text of the section was not included with the filing by the agency. cf. RCW 34.08.020 (1)(a).

A final cost-benefit analysis is available by contacting Larry Linn, P.O. Box 45510, Olympia, WA 98504-5510, phone (360) 725-1856, fax (360) 753-9152, e-mail linnd@dshs.wa.gov.

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

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 4, Amended 16, Repealed 0.

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 4, Amended 16, Repealed 0.

Date Adopted: June 25, 2007.

Robin Arnold-Williams  
Secretary

#### NEW SECTION

**WAC 388-550-3010 Payment method—Per diem payment.** (1) Effective for dates of admission on and after August 1, 2007, the department uses the per diem payment method to pay some covered inpatient hospital services as specified in this section and WAC 388-550-4300, 388-550-4400, and 388-550-3460. The per diem payment method for long term acute care (LTAC), administrative day, and swing bed is effective for dates of admission before, and on and after, August 1, 2007.

(2) The department uses the all-patient diagnosis related group (AP-DRG) grouper software to assign a DRG classification to each inpatient hospital stay. The department periodically evaluates which version of the AP-DRG grouper software to use and updates the grouper version. This update is normally completed once every three years during inpatient payment system rebasing.

(3) A per diem payment includes, but is not limited to:

(a) A hospital covered service(s) provided to a client during the client's inpatient hospital stay.

(b) An outpatient hospital covered service(s), including preadmission, emergency room, and observation services related to an inpatient hospital stay and provided within one calendar day of a client's inpatient hospital stay. These outpatient services must be billed on the inpatient hospital claim (see WAC 388-550-6000 (3)(c)).

(c) Any specific service(s), treatment(s), or procedure(s) (such as renal dialysis services) that the admitting hospital is unable to provide when:

(i) The admitting hospital sends the client to another facility or provider for the service(s), treatment(s), or procedure(s) during the client's inpatient stay; and

(ii) The client returns as an inpatient to the admitting hospital.

(d) All transportation costs for an inpatient client when the client requires transportation to another facility or provider for a specific service(s), treatment(s), or procedure(s) that the admitting hospital is unable to provide when:

(i) The admitting hospital sends the client to another facility or provider for the service(s), treatment(s), or procedure(s); and

(ii) The client returns as an inpatient to the admitting hospital.

(4) The department has established an average length of stay (ALOS) for each DRG classification during the rebasing process. The DRG ALOS is used as a benchmark to authorize and pay inpatient hospital stays that are exempt from the DRG payment method. See WAC 388-550-4300(6).

(5) The department's per diem payments to hospitals may be adjusted when one or more of the following occur:

(a) A claim qualifies as a per diem high outlier claim (see WAC 388-550-3700). The outlier provision does not include a claim grouped to a DRG classification in a specialty service category. The specialty services categories include psychiatric, rehabilitation, detoxification, and CUP program services. Long term acute care (LTAC), administrative days and swing bed days do not qualify for high outlier payment;

(b) A client is not eligible for a medical assistance program on one or more of the days of the hospital stay;

(c) A client has third party liability coverage at the time of admission to the hospital or distinct unit;

(d) A client is eligible for medicare, and medicare has made a payment for the hospital charges; or

(e) A client is discharged from an inpatient hospital stay and, within seven calendar days, is readmitted as an inpatient to the same hospital or a different hospital. The department or its designee performs a retrospective utilization review (see WAC 388-550-1700) on the initial admission and the readmission(s) to determine which, if any, inpatient hospital stay(s) qualify for payment. An outlier payment may be made if the department determines the claim for the combined hospital stays qualifies as a high outlier. (See WAC 388-550-3700 for high outliers.)

(6) The department does not pay for a client's day(s) of absence from the hospital.

(7) The department pays an interim billed hospital claim for covered inpatient hospital services provided to an eligible client only when the interim billed claim meets the criteria in WAC 388-550-2900.

(8) The department applies all applicable claim payment adjustments for client responsibility, third party liability, medicare, etc., to the payment.

## NEW SECTION

**WAC 388-550-3020 Payment method—Bariatric surgery—Per case payment.** (1) The department pays designated department-approved hospitals for prior authorized bariatric surgery when the criteria in WAC 388-550-2301 are met. Claims grouped to a DRG classification in a bariatric surgery service category (diagnosis and procedure codes recognized by the department for bariatric surgery per case payment) do not qualify for outlier payments.

(2) For dates of admission before and on and after August 1, 2007, the department pays for claims grouped to a DRG classification in a bariatric surgery service category (diagnosis and procedure codes recognized by the department for bariatric surgery per case payment) using a per case rate. See WAC 388-550-3470.

(3) The department applies all applicable claim payment adjustments for client responsibility, third party liability, medicare, etc., to the payment.

**AMENDATORY SECTION** (Amending WSR 04-13-048, filed 6/10/04, effective 7/11/04)

**WAC 388-550-3100 Calculating DRG relative weights.** (1) This section describes how the ~~((medical assistance administration (MAA)))~~ department calculates Washington diagnostic-related group (DRG) relative weights ~~((MAA))~~. The department:

(a) Classifies the Washington hospital admissions data using the all-patient ~~((grouped))~~ diagnosis related group (AP-DRG).

(b) Statistically tests each DRG for adequacy of sample size to ensure that relative weights meet acceptable reliability and validity standards.

(c) Establishes a single set of medicaid-specific relative weights from Washington hospital admissions data. For dates of admission before August 1, 2007, the relative weights are based on claim charges. The department identifies these relative weights ~~((may be))~~ as stable or unstable.

(d) Tests the stability of the relative weights from subsection (1)(c) of this section using a reasonable statistical test to determine if the weights are stable. ~~((MAA))~~ The department accepts as stable and adopts those relative weights that pass the reasonable statistical test.

(e) For dates of admission before August 1, 2007, may compare the medicaid-specific relative weights to non-medicaid relative weights. ~~((MAA))~~ The department:

(i) May combine the medicaid-specific relative weights with the non-medicaid relative weights if the non-medicaid relative weights are statistically comparable to the medicaid-specific relative weights; or

(ii) Uses only the medicaid-specific relative weights if the non-medicaid relative weights are not statistically comparable to the medicaid-specific relative weights.

(f) For dates of admission before August 1, 2007, uses the ratio of costs-to-charges (RCC) payment method to pay for hospital stays that have unstable DRG relative weights.

(2) When using ratios with a DRG relative weight as base, ~~((MAA))~~ the department adjusts all stable relative weights so that the average weight of the case mix population equals 1.0.

(3) For dates of admission on and after August 1, 2007, the department:

(a) Bases the relative weights on the estimated wage adjusted cost of the claims in each stable DRG classification. ~~the operating and capital component costs were used for this process. To calculate relative weights, the department divides the average cost per discharge for each stable AP-DRG classification by the average cost per discharge for all stable AP-DRG classifications combined. For purposes of these calculations, the department uses the two most current years of medicaid inpatient hospital paid claims data available at the time of relative weight calibration.~~

(i) The department uses a combination of medicaid ~~for-service and healthy options (HO) managed care organization (MCO) data from the two most current years of fully adjudicated paid claims data available at the time of relative weight calibration.~~

(ii) The department removes:

(A) Claims that represent statistical outliers from the dataset prior to calculating relative weights, based on the assumption that these claims are likely to be paid under an alternative outlier payment methodology. The department identifies statistical outliers as those claims with estimated costs that exceed three standard deviations of the mean cost of all claims in each AP-DRG classification;

(B) Claims to be paid by alternative methods, including psychiatric, rehabilitation, detoxification, CUP woman program, bariatric surgery cases, and organ transplant claims;

(C) Transfer-out claims;

(D) Same day discharges;

(E) Claims that were either ungroupable or had invalid diagnosis for AP-DRG classification purposes; and

(F) Claims related to state-administered programs where the payment calculations are based on reduced state-administered program payment rates.

(b) Uses the term "unstable" generically to describe an AP-DRG classification that has fewer than ten occurrences, or that is unstable based on the statistical stability test indicated below. The formula for the statistical stability test calculates the required size of a sample population of values necessary to estimate a mean cost value with ninety percent confidence and within an acceptable error of plus or minus twenty percent given the population's estimated standard deviation.

The Formula is:

$N = (Z^2 * S^2) / R^2$ , where

• The Z statistic for 90 percent confidence is 1.64;

• S = the standard deviation for the AP-DRG classification; and

• R = acceptable error range, per sampling unit

(c) Uses:

(i) The per diem payment method to pay for hospital stays that group to an unstable DRG relative weight, some long term acute care (LTAC) services, and other specialty service and low volume services groups identified in WAC 388-550-3460.

(ii) One of the other non-DRG payment methods (e.g., RCC, per case rate, etc.) to pay for claims paid using other non-DRG payment methods (e.g., some transplants, the high

outlier portion of high outlier claims, non-per diem portion of LTAC claims, bariatric surgery, etc.).

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

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

**WAC 388-550-3150 Base period costs and claims data.** (1) The department (~~shall~~) sets a hospital's cost-based conversion factor for dates of admission before August 1, 2007, using base period cost data from its medicare cost report (Form (~~HCF~~A) CMS 2552) for its fiscal year corresponding with the base period.

(2) The department (~~shall~~) may use in rate-setting (~~only~~), "as filed" base period cost data, or "final settled" medicare cost report base period cost data that have been desk reviewed and/or field audited by the medicare intermediary.

(3) The department (~~shall~~), to the extent feasible, factors out of a hospital's base period cost data nonallowable hospital charges associated with the items/services listed in WAC 388-550-1600(~~(+)~~) before calculating the hospital's conversion factor.

(4) For dates of admission before August 1, 2007, the department (~~shall~~) uses the figures for total costs, capital costs, and direct medical education costs from a hospital's (~~HCF~~A 2552 report) medicare cost report in calculating that hospital's allowable costs for each of the thirty-eight categories of cost/revenue centers, listed in subsections (5) and (6) below, used to categorize medicaid claims.

(5) For dates of admission before August 1, 2007, the department (~~shall~~) uses nine categories to assign a hospital's accommodation costs and days of care. These accommodation categories are:

- (a) Routine;
- (b) Intensive care;
- (c) Intensive care-psychiatric;
- (d) Coronary care;
- (e) Nursery;
- (f) Neonatal intensive care unit;
- (g) Alcohol/substance abuse;
- (h) Psychiatric; and
- (i) Oncology.

(6) For dates of admission before August 1, 2007, the department (~~shall~~) uses twenty-nine categories to assign ancillary costs and charges. These ancillary categories are:

- (a) Operating room;
- (b) Recovery room;
- (c) Delivery/labor room;
- (d) Anesthesiology;
- (e) Radiology-diagnostic;
- (f) Radiology-therapeutic;
- (g) Radioisotope;
- (h) Laboratory;
- (i) Blood storage;
- (j) Intravenous therapy;
- (k) Respiratory therapy;
- (l) Physical therapy;
- (m) Occupational therapy;

- (n) Speech pathology;
- (o) Electrocardiography;
- (p) Electroencephalography;
- (q) Medical supplies;
- (r) Drugs;
- (s) Renal dialysis;
- (t) Ancillary oncology;
- (u) Cardiology;
- (v) Ambulatory surgery;
- (w) Computerized tomography scan/magnetic resonance imaging;

- (x) Clinic;
- (y) Emergency;
- (z) Ultrasound;
- (aa) Neonatal intensive care unit transportation;
- (bb) Gastrointestinal laboratory; and
- (cc) Miscellaneous.

(7) The department shall:

(a) Extracts from the medicaid management information system all medicaid and SCHIP paid claims data for each hospital's base year;

(b) Assigns line item charges from the paid hospital claims to the appropriate accommodation and ancillary cost center categories; and

(c) Uses the cost center categories to apportion medicaid and SCHIP costs.

(8) For dates of admission on and after August 1, 2007, the department rebased the hospital inpatient payment system and used claim and estimated cost data to estimate costs for the system development.

(a) Claim data used for rebasing process. The department uses the following claim data resources considered the most complete and available at the time the system is developed for the rebase:

(i) From the department's medicaid management information system (MMIS) database, two years of fee-for-service paid claim data, excluding claims related to state programs and paid at the Title XIX reduced rates;

(ii) From the comprehensive hospital abstract reporting system (CHARS) dataset that is maintained by the department of health (DOH), two years of sample claims representing healthy options (HO) services that are identified from the CHARS dataset based on the medicaid HO eligibility data files; and

(iii) From the healthcare cost report information system (HCRIS) that is maintained by the centers for medicare and medicaid (CMS), the hospital's most current medicare cost report data. If the hospital's medicare cost report from the HCRIS system is not available, the department uses the medicare cost report provided by the hospital.

(b) Claim data used to estimate costs. The department uses:

(i) The fee-for-service and HO claims for two fiscal years to calculate diagnosis related group (DRG) relative weights.

(ii) The fee-for-service and HO claims for the most current single fiscal year to calculate conversion factors, per diem rates, and per case rates.

(iii) The payments from fee-for-service only claims for a single year to model the fiscal impacts to the department and

individual hospitals that result from the implementation of the payment methodology.

(c) Estimated costs of claims. The department:

(i) Identifies the operating (routine and ancillary), capital (routine and ancillary), and direct medical education (routine and ancillary) cost components from different worksheets from the hospital's medicare cost report;

(ii) estimates costs for each separate component identified in (c)(i) of this subsection for each fee-for-service and HO claim in the dataset by:

(A) Calculating the operating, capital, and direct medical education routine costs for each fee-for-service and HO claim by multiplying the average hospital cost per day reported in the medicare cost report data for each type of accommodation service (e.g., adult and pediatric, intensive care unit, psychiatric, nursery) by the number of days reported at the claim line level by type of service.

(B) Calculating the operating, capital, and direct medical education ancillary costs for each fee-for-service and HO claim by multiplying the ratio of costs-to-charges (RCC) reported for each ancillary type of services (e.g., operating room, recovery room, radiology, laboratory, pharmacy, clinic) by the allowed charges reported at the claim line level by type of service.

(d) Routine and ancillary cost components. For purposes of estimating costs consistently for all hospitals' claims, the department uses standard routine and ancillary cost components. The standard cost components used for estimating costs of claims are:

(i) Routine cost components:

(A) Routine care;

(B) Intensive care;

(C) Intensive care-psychiatric;

(D) Coronary care;

(E) Nursery;

(F) Neonatal ICU;

(G) Alcohol/Substance abuse;

(H) Psychiatric;

(I) Oncology; and

(J) Rehabilitation.

(ii) Ancillary cost components:

(A) Operating room;

(B) Recovery room;

(C) Deliver/labor room;

(D) Anesthesiology;

(E) Radio, diagnostic;

(F) Radio, therapeutic;

(G) Radioisotope;

(H) Laboratory;

(I) Blood administration;

(J) Intravenous therapy;

(K) Respiratory therapy;

(L) Physical therapy;

(M) Occupational therapy;

(N) Speech pathology;

(O) Electrocardiography;

(P) Electroencephalography;

(Q) Medical supplies;

(R) Drugs;

(S) Renal dialysis/home dialysis;

(T) Ancillary oncology;

(U) Cardiology;

(V) Ambulatory surgery;

(W) CT scan/MRI;

(X) Clinic;

(Y) Emergency;

(Z) Ultrasound;

(AA) NICU transportation;

(BB) GI laboratory;

(CC) Miscellaneous; and

(DD) Observation beds.

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

**WAC 388-550-3250 Indirect medical education costs—Conversion factors, per diem rates, and per case rates.**

(1) For ~~((a))~~ dates of admission before August 1, 2007, for each hospital with a graduate medical education program, the department ~~((shall))~~ removes indirect medical education-related costs from the aggregate operating and capital costs of each hospital in the peer group before calculating a peer group's cost cap for conversion factor rebasing.

(2) For dates of admission before August 1, 2007, to arrive at indirect medical education costs for each component, the department ~~((shall))~~:

(a) ~~((Multiply))~~ Multiplies medicare's indirect cost factor of 0.579 by the ratio of the number of interns and residents in the hospital's approved teaching programs to the number of hospital beds; and

(b) ~~((Multiply))~~ Multiplies the product obtained in subsection (2)(a) of this section by the hospital's operating and capital components.

(3) For dates of admission before August 1, 2007, after the peer group's cost cap has been calculated, the department ~~((shall))~~ adds back to the hospital's aggregate costs its indirect medical education costs. See WAC 388-550-3450~~((6))~~.

(4) For dates of admission on and after August 1, 2007, the department:

(a) Uses the indirect medical costs in the calculation of the hospital DRG conversion factor, per diem rates, and per case rates.

(b) Uses the medicare's indirect medical education factor matching the same period of the hospital medicare cost report used in calculating the hospital cost to estimate the hospital aggregate operating and capital costs. The indirect medical education costs were removed from the hospital aggregate operating and capital costs in determination of statewide standardized average operating and capital cost per discharge, per day, and per case amounts.

(c) To calculate the hospital-specific DRG conversion factor, per diem rates, and per case rates during rebasing. The department:

(i) Multiplies the statewide standardized labor portion of the operating amount by the most currently available facility-specific wage index established by medicare that exists at the time of the medicaid rebasing (to determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount), then

the nonlabor portion is added to the result to produce a hospital-specific operating amount; then

(ii) Multiplies the hospital-specific operating amount by 1.0 plus the most currently available operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing; then

(iii) Multiplies the statewide standardized capital amount by 1.0 plus the most currently available capital indirect medical education factor established by medicare that exists at the time of the medicaid rebasing; then

(iv) Adds this hospital-specific operating amount to the statewide standardized capital amount; then

(v) Adds the hospital-specific direct medical education portion adjusted for hospital-specific casemix index to the operating and capital amounts.

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

**WAC 388-550-3450 Payment method for calculating ~~(CBCF)~~ medicaid DRG conversion factor rates.** (1) For medicaid and SCHIP accommodation costs, ~~((MAA))~~ the department:

(a) Uses each hospital's base period cost data to calculate the hospital's total operating, capital, and direct medical education costs for each of the ~~((nine))~~ accommodation categories described in WAC 388-550-3150~~((5))~~; then

(b) Divides those costs per category by total hospital days per category to arrive at a per day accommodation cost; then

(c) Multiplies the per day accommodation cost for each category by the total medicaid and SCHIP days to arrive at total medicaid accommodation costs per category for the three components.

(2) For ancillary costs ~~((MAA))~~ the department:

(a) Uses the base period cost data to calculate total operating, capital, and direct medical education costs for each of the hospital's ~~((twenty-nine))~~ ancillary categories described in WAC 388-550-3150; then

(b) Divides these costs by total charges per category to arrive at a ratio of costs-to-charges (RCC) per ancillary category; then

(c) Multiplies these RCCs by medicaid and SCHIP charges per category, as tracked by the medicaid management information system (MMIS), to arrive at total medicaid and SCHIP ancillary costs per category for the three components (operating, capital, and medical education).

(3) ~~((MAA))~~ The department:

(a) Combines medicaid and SCHIP accommodation and ancillary costs to derive the hospital's total costs for operating, capital, and direct medical education components for the base year; then

(b) Divides the hospital's combined total cost by the number of medicaid and SCHIP cases during the base year to arrive at an average medicaid and SCHIP cost per ~~((DRG admission))~~ discharge; then

(c) For dates of admission before August 1, 2007, adjusts, for hospitals with a fiscal year ending different than the common fiscal year end, the medicaid and SCHIP average cost by a factor determined by ~~((MAA))~~ the department

to standardize hospital costs to the common fiscal year end. ~~((MAA))~~ The department adjust the hospital's medicaid and SCHIP average cost by the hospital's specific case mix index.

(4) ~~((MAA))~~ For dates of admission before August 1, 2007, the department caps the medicaid and SCHIP average cost per case for peer groups B and C at seventy percent of the peer group average. In calculation of the peer group cap, ~~((MAA))~~ the department removes the indirect medical education and outlier costs from the Medicaid average cost per admission.

(a) For hospitals in ~~((MAA))~~ department peer groups B or C, ~~((MAA))~~ the department determines aggregate costs for the operating, capital, and direct medical education components at the lesser of hospital-specific aggregate cost or the peer group cost cap; then

(b) To whichever is less, the hospital-specific aggregate cost or the peer group cost cap determined in subsection (4) of this section, ~~((MAA))~~ the department adds:

(i) The individual hospital's indirect medical education costs, as determined in WAC 388-550-3250(2); and

(ii) An outlier cost adjustment in accordance with WAC 388-550-3350~~((2))~~.

(5) For dates of admission before August 1, 2007, for an inflation adjustment ~~((MAA))~~ and outlier set-aside adjustment, the department may:

(a) Multiply the sum obtained in subsection (4) of this section by an inflation factor as determined by the legislature for the period January 1 of the year after the base year through October 31 of the rebase year; ~~((then))~~

(b) Reduce the product obtained in (a) of this subsection by the outlier set-aside percentage determined in accordance with WAC 388-550-3350(3) to arrive at the hospital's adjusted CBCF~~((; then~~

~~((; then~~ multiply the hospital's adjusted CBCF by the applicable DRG relative weight to calculate the DRG payment for each admission)).

(6) For dates of admission on and after August 1, 2007, the department establishes medicaid DRG conversion factors for calculation of the medicaid and SCHIP DRG payments.

(a) The department determines DRG conversion factors based on the estimated hospital operating, capital, and direct medical education costs from medicaid and SCHIP fee-for-services and Health Option claims data for the most current state fiscal year, or "base year claims data." The claims data is designated by the department as the "base year claims data" used for the DRG conversion factor calculation process. The "base year claims data" consists of medicaid and SCHIP fee-for-service and health options claims data for the most current state fiscal year (at the time the rebasing process takes place) from instate acute care hospitals that are not a critical access hospital (CAH) or a long term acute care (LTAC) hospital. The detailed cost calculation is described in WAC 388-550-3150. Only base year claims grouped to a DRG classification that has a stable DRG relative weight are included in the DRG conversion factor calculation. Stable relative weight DRGs are defined in WAC 388-550-3100.

(b) The department calculates and adjusts hospital-specific operating, capital and direct medical education costs as follows:

(i) For hospital-specific operating costs (to determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount) by the most currently available hospital-specific medicare wage index established by medicare that exists at the time of the medicaid rebasing; then adds the nonlabor portion to the result; then divides the result by (1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing); then divides that result by the hospital-specific medicaid case-mix index; then

(ii) For hospital-specific capital costs, the department divides hospital-specific capital costs by (1.0 plus the hospital-specific medicare capital indirect medical education factor); then divides that result by the hospital-specific medicaid case-mix; then

(iii) For hospital-specific direct medical education costs, the department divides hospital-specific direct medical education costs by the hospital-specific medicaid case-mix; then

(iv) To make adjustments to hospital-specific costs derived in subsections (i) through (iii) of this subsection, the department uses:

(A) The medicare wage indices and indirect medical education factors in effect for the medicare inpatient prospective payment system (PPS) federal fiscal year that most closely matches the time period covered by the medicare cost report used for these calculations; and

(B) The medicaid case mix indices based on the recalibrated DRG relative weights applied to the base year claims data. Medicaid case mix index is described in WAC 388-550-3400.

(c) Calculates statewide operating and capital standardized amounts to adjust hospital-specific operating and capital costs as follows. The department:

(i) Divides the statewide aggregate adjusted operating costs by the statewide aggregate number of discharges in the base year claims data (cost and discharges are described in subsection (a) and (b) of this subsection); and

(ii) Divides the statewide aggregate adjusted capital costs by the statewide aggregate number of discharges in the base year claims data (costs and discharges described in subsection (a) and (b) of this section.

(d) The department makes hospital-specific adjustments to the statewide operating and capital standardized amounts as follows:

(i) To determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount. The labor portion of the hospital-specific operating standardized amount is multiplied by the most currently available hospital-specific medicare wage index established by medicare that exists at the time of the medicaid rebasing; then the nonlabor portion is added to the result; then the result is multiplied by (1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing). These adjustments are made only at the time the rate setting calculation takes place during the rebasing process.

(ii) Capital standardized amount is multiplied by (1.0 plus the most current available hospital-specific medicare capital indirect medical education factor that has been published at the point the rate setting calculation takes place during the rebasing process).

(e) To determine hospital-specific DRG conversion factors, the department sums for each hospital:

(i) The adjusted operating standardized amount;

(ii) The adjusted capital standardized amount; and

(iii) The direct medical education cost per discharge adjusted for hospital-specific case-mix index.

(f) The department adjusts the hospital-specific DRG conversion factors for inflation based on the CMS PPS input price index. The adjustment is to reflect the increases in price index levels between the base year data and the rebased inpatient payment system implementation year.

(g) The department may adjust the hospital-specific DRG conversion factors by a factor to achieve budget neutrality for the state's aggregate inpatient payments for all hospital inpatient services for the rebasing implementation year.

(h) The department may make other necessary adjustments as directed by the legislature.

(i) The hospital's specific DRG conversion factor may not be changed unless the inpatient payment system is rebased or the legislature authorized the changes.

#### NEW SECTION

**WAC 388-550-3460 Payment method—Per diem rate.** (1) For dates of admission before August 1, 2007 the department established per diem rates for:

(a) Inpatient chronic pain management as indicated in WAC 388-550-2400;

(b) Long term acute care (LTAC) hospitals as indicated in WAC 388-550-2595;

(c) Community psychiatric inpatient hospitalization as indicated in WAC 388-550-2650; and

(d) Administrative day status, and nursing facility swing bed day status, as indicated in WAC 388-550-4500.

(2) For dates of admission on and after August 1, 2007, the department continues to pay per diems for the services identified in subsection (1), except for the community psychiatric hospitalization per diem indicated in subsection (1)(c).

(3) For dates of admission on and after August 1, 2007, with the exception of psychiatric services, the department establishes per diem rates for specialty services that are generally based on statewide standardized average cost per day amounts, which are then adjusted to reflect the unique characteristics of hospitals in the state of Washington for payment purposes.

(a) The department calculates separate statewide standardized per diem rates for the following categories:

(i) Rehabilitation services—Rehabilitation claims are identified as all claims with a rehabilitation diagnosis (i.e., assigned to a rehabilitation AP-DRG classification) at acute care hospitals and freestanding rehabilitation hospitals including distinct part units;

(ii) Detoxification services—Detoxification claims are identified as all claims from hospital-based detoxification units, and all claims with a detoxification diagnosis (i.e.,



assigned to a detoxification AP-DRG classification) at acute care hospitals.

(iii) CUP women program services—Chemically using pregnant (CUP) women program services are identified as any claims with units of service (days) submitted to revenue code 129 in the claim record.

(b) The department calculates hospital-specific per diem rates for all medicaid services provided by free-standing psychiatric hospitals, and all psychiatric services provided by acute care hospitals, including distinct part units.

(c) To determine statewide standardized cost per day amounts for rehabilitation, detoxification and CUP women program services, the department uses the estimated costs of the claims identified for each category based on the department's cost finding process for the system. These claims include any statistical outliers. These statewide standardized amounts serve as the basis for calculating per diem rates for each hospital for each service. The department then makes adjustments to the cost amounts for each hospital to factor out differences related to approved medical education programs.

(i) For each in-state acute care hospital, excluding critical access hospitals (CAHs) and LTAC hospitals, the department estimates operating and capital costs for each of the three specialty services.

(ii) The department then adjusts these costs to remove the indirect costs associated with approved medical education programs. Medicare publishes separate indirect medical education factors for operating and capital components, so these adjustments are made separately for both of these components. These factors are intended to reflect the indirect costs incurred by hospitals in support of approved graduate medical education programs.

(A) For hospital-specific operating costs, the department adjusts the labor portion of the hospital-specific operating costs by the most currently available hospital-specific medicare wage index established by medicare that exists at the time of the medicaid rebasing; then adds the nonlabor portion to the result; then divides the result by (1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor established by medicare that exists at the time of the medicaid rebasing); then divides that result by the hospital-specific medicaid case-mix index; then

(B) For hospital-specific capital costs, the department divides hospital-specific capital costs by (1.0 plus the hospital-specific medicare capital indirect medical education factor); then divides the result by the hospital-specific medicaid case-mix; then

(iii) The department then sums the costs and days for all included hospitals for each service, and calculates each services' statewide standardized weighted average cost per day amounts, weighted based on number of days.

(d) Once the department establishes the statewide standardized amounts, hospital-specific per diem rates for each specialty service are calculated.

(i) Starting with the statewide standardized operating amount, the department multiplies the labor portion of the amount (to determine the labor portion, the department used the factor established by medicare multiplied by the statewide operating standardized amount) by the most currently available hospital-specific wage index established by medi-

care that exists at the time of the medicaid rebasing, as published by medicare. This adjustment is made to reflect wage differences incurred by hospitals in different regions of the state. The department then adds the nonlabor portion to the result.

(ii) The department adjusted operating and capital amounts reflect the indirect costs associated with approved teaching programs. The department adjusts for the indirect costs by multiplying the operating and capital amounts by (1.0 plus the most currently available hospital-specific medicare indirect medical education factor in the medicare final rule for the operating and capital components). These adjustments are made only at the time the rate setting calculation takes place during the rebasing process.

(iii) The department then adds to the operating and capital amounts the hospital-specific direct medical education cost per day (hospital-specific direct medical education cost per day adjusted for hospital-specific case-mix index).

(iv) Finally, the department adjusts the facility-specific combined operating, capital and medical education cost per day amounts to reflect increases in inflation between the base year and the implementation year using the CMS PPS Input Price Index. For purposes of this adjustment, the department applies the operating index to the operating and direct medical education components of the per diem rate, and the capital-related index to the capital component of the per diem rate.

(e) Specialty service claims are not eligible for high outlier payments. See WAC 388-550-3700.

(4) For dates of admission on and after August 1, 2007, the department establishes hospital-specific per diem rates for psychiatric services provided by in-state non-critical access hospitals that are free-standing psychiatric hospitals, acute care hospitals with psychiatric distinct part units, or other acute care hospitals.

(a) The department identifies psychiatric claims for hospitals meeting the criteria in this subsection as all claims from free-standing psychiatric hospitals, and all claims with a psychiatric diagnosis (i.e., assigned to a psychiatric AP-DRG classification) at the acute care hospitals. The department includes all claims from freestanding psychiatric hospitals, regardless of AP-DRG assignment.

(b) To determine facility-specific payment rate per day for psychiatric services, the department uses the greater of the estimated costs per diem of the:

(i) Hospital's inpatient psychiatric claims in the base year dataset; or

(ii) Statewide average of the estimated costs of the hospital's inpatient psychiatric claims (as described in subsection (4)(a)) in the base year claims including adjustments for regional wage differences and for differences in medical education costs.

(c) The department calculates average cost per day amounts for each hospital and then makes adjustments to the average cost per day amounts to reflect changes in the indirect medical education factor and hospital-specific wage index between the base year and the implementation year.

(d) Finally, the department adjusts the hospital-specific combined operating, capital and medical education cost per day amounts to reflect increases in inflation between the base

year and the implementation year using the CMS PPS Input Price Index. For purposes of this adjustment, the department applies the operating index to the operating and direct medical education components of the per diem rate, and the capital-related index to the capital component of the per diem rate.

(5) For dates of admission on and after August 1, 2007, for hospitals not meeting the criteria in subsection (4), the department calculates per diem rates using the same method used for rehabilitation, detoxification and CUP women program payments described in this section, except that the department uses only the psychiatric claims from those facilities identified as qualifying for hospital-specific rates.

(6) For dates of admission on and after August 1, 2007, for freestanding rehabilitation facilities, the department uses the per diem rate established for rehabilitative services rather than a facility-specific rate.

(7) For dates of admission on and after August 1, 2007, for claims that are classified into AP-DRG classifications that do not have enough claims volume to establish stable relative weights, and that are not specialty claims as described in this section, the department also uses a per diem rate.

(a) These types of claims are less homogeneous than the specialty claims described in this section, and the costs of these claims are more variable than the costs of those that are included under the DRG payment method. The department conducts significant analyses to establish per diem rates based on groupings that would distinguish between higher cost per day claims and lower cost per day claims. As part of this analysis, the department analyzes costs per day based on the following criteria for groupings, which are not mutually exclusive:

- (i) Neonatal claims, based on assignment to Major Diagnostic Category (MDC) 15;
- (ii) Burn claims based on assignment to MDC 22;
- (iii) AP-DRG assignments that include primarily medical procedures;
- (iv) AP-DRG assignments that include primarily surgical procedures;
- (v) Cranial procedure claims, based on specific cranial procedure AP-DRG classifications, and
- (vi) MDC assignment.

(b) Based on the analyses of cost per day amounts for each grouping criteria identified in subsection (7)(a), the department identified four non-specialty service groupings appropriate for establishing per diem payments. These are:

- (i) Neonatal claims, based on assignment to MDC 15;
- (ii) Burn claims based on assignment to MDC 22;
- (iii) AP-DRG assignments that include primarily medical procedures, excluding any neonatal or burn classifications identified in this subsection; and
- (iv) AP-DRG assignments that include primarily surgical procedures, excluding any neonatal or burn classifications identified in this subsection.

(c) For each service group, except for burn cases, the department calculates a per diem rate for each hospital based on the aggregate statewide weighted average cost per day for the service after adjusting costs for regional wage differences and differences in graduate medical education program costs. Unstable burn claim per diem rates are based on the average

cost per day of unstable burn claims at Harborview Medical Center, which treats the vast majority of burn cases in the state.

(d) The per diem calculations are based on the estimated costs of the claims for each service group in the base year, including both fee-for-service and healthy options claims data. After determining the statewide weighted average cost per day after these adjustments, the department calculates the per diem rate for each hospital for each service group by adjusting the statewide weighted average cost per day amount for each hospital based on its hospital-specific wage index and medical education program costs.

(e) Because of the variability of the cost of claims in unstable AP-DRG classifications, the department developed an outlier policy for these per diem payments, similar to the outlier methodology recommended for the DRG payment method.

(f) Claims that are not in the specialty service groupings indicated in subsection (3)(a) and (b), may qualify for a high outlier payment if the claim qualifies under the high outlier criteria. See WAC 388-550-3700.

#### NEW SECTION

#### **WAC 388-550-3470 Payment method—Bariatric surgery—Per case rate.** (1) The department:

(a) Pays for bariatric surgery provided in designated department-approved hospitals when all criteria established in WAC 388-550-2301 and 388-550-3020 are met;

(b) Requires qualification and prior authorization of the provider before bariatric surgery related services are provided (see WAC 388-550-2301); and

(c) Uses a per case rate to pay for bariatric surgery.

(2) For dates of admission before August 1, 2007, the department determines the per case rate by using a hospital-specific medicare fee schedule rate the department used to pay for bariatric surgery.

(3) For dates of admission on and after August 1, 2007, the department determines the per case rate by using the bariatric per case rate calculation method described in this subsection and established by the department's new inpatient payment system implemented on August 1, 2007.

(a) To adjust hospital-specific operating, capital, and direct medical education costs, the department:

(i) Inflates the hospital-specific operating, capital, and direct medical education routine costs from the hospital's medicare cost report fiscal year to the mid-point of the state fiscal year.

(ii) Divides the labor portion of the hospital-specific operating costs by the hospital-specific medicare wage index in effect for the medicare inpatient prospective payment system federal fiscal year that most closely matches the time period covered by the medicare cost report used for these calculations.

(b) To determine the statewide standardized weighted average cost per case by using the adjusted hospital-specific operating and capital costs derived in (a) of this subsection, the department:

(i) Adjusts the hospital-specific operating and capital costs to remove the indirect costs associated with approved medical education programs; then

(ii) Calculates the operating standardized amount by dividing statewide aggregate adjusted operating costs by the statewide aggregate number cases in the base year claims data; then

(iii) Calculates the capital standardized amount by dividing statewide aggregate adjusted capital costs by the statewide aggregate number of cases in the base year claims data.

(c) To make hospital-specific adjustments to the statewide operating and capital standardized amounts, the department:

(i) Defines the adjusted operating standardized amount for bariatric services as the average of all in-state hospitals operating standardized amount after making adjustments for the wage index and the indirect medical education. The department:

(A) To determine the labor portion, uses the factor established by medicare multiplied by the statewide operating standardized amount, then multiplies the labor portion of the operating standardized amount by (1.0 plus the most currently available hospital-specific medicare wage index); then

(B) Adds the non-labor portion of the operating standardized amount to the labor portion derived in (c)(i)(A) of this subsection; then

(C) Multiplies the amount derived in (c)(i)(B) of this subsection by 1.0 plus the most currently available hospital-specific medicare operating indirect medical education factor to derive the operating standardized amount for bariatric services; then

(D) Adjusts the hospital-specific operating standardized amount for bariatric services for inflation based on the CMS PPS Input Price Index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year.

(E) Calculates the statewide bariatric operating payment per case amount by:

(I) Totaling the hospital-specific amounts derived in (c)(i)(D) of this subsection for each hospital approved by the department to provide bariatric services; and

(II) Dividing the results in (E)(I) of this subsection by the number of in-state hospitals approved by the department to provide bariatric services.

(ii) Defines the adjusted capital standardized amount for bariatric services as the average of all in-state hospitals capital standardized amount after adjusting for the indirect medical education. The department:

(A) Multiplies the amount derived in (b)(iii) of this subsection by (1.0 plus the most currently available hospital-specific medicare capital indirect medical education factor) to derive the adjusted indirect medical education capital standardized amount for bariatric services.

(B) Adjusts the hospital-specific capital standardized amount for bariatric services for inflation based on the CMS PPS Input Price Index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year.

(C) Calculates the statewide bariatric capital payment per case amount by:

(I) Totaling the hospital-specific amounts derived in (c)(ii)(B) of this subsection for each hospital approved by the department to provide bariatric services; and

(II) Dividing the results derived in (C)(I) of this subsection by the number of in-state hospitals approved by the department to provide bariatric services.

(ii) Defines the direct medical education standardized amount for bariatric services as the in-state hospitals hospital-specific direct medical education weighted cost per case multiplied by the CMS PPS Input Price Index. The adjustment is to reflect the increases in price index levels between the base year data and the payment system implementation year. The department calculates the statewide bariatric direct medical education standardized payment per case by:

(A) Multiplying the hospital-specific direct medical education weighted cost per case for each hospital approved by the department to provide bariatric services by the CMS PPS Input Price Index; then

(B) Totaling the hospital-specific amounts derived in (iii)(A) of this subsection for each hospital approved by the department to provide bariatric services.

(d) To determine hospital-specific bariatric payment per case amount, the department sums for each hospital the in-state statewide bariatric operating payment per case, the in-state statewide bariatric capital payment per case, and the hospital-specific direct medical education payment per case. (For critical border hospitals, the direct medical education payment per case is limited at the highest direct medical education payment per case amount for the in-state hospitals approved by the department to provide bariatric services.)

(e) The department adjusts the hospital-specific bariatric payment per case amount by a factor to achieve budget neutrality for the state's aggregate inpatient payments for all hospital inpatient services.

(f) The department may make other necessary adjustments as directed by the legislature (i.e., rate rebasing and other changes as directed by the legislature).

AMENDATORY SECTION (Amending WSR 01-16-142, filed 7/31/01, effective 8/31/01)

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

(1) The department does not ((~~reimburse~~) pay) a hospital for a ((~~nonemergency~~) nonemergency) case when the hospital transfers the client to another hospital.

(2) The department pays a hospital that transfers ((~~emergency~~) emergency) cases to another hospital, the lesser of:

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

(b) For dates of admission:

(i) Before August 1, 2007, a per diem rate multiplied by the number of medically necessary days the client stays at the transferring hospital. The department determines the per diem rate by dividing the hospital's DRG payment amount for the appropriate DRG by that DRG's average length of stay.

(ii) On or after August 1, 2007, a per diem rate multiplied by the number of medically necessary days the client stays at the transferring hospital plus one, not to exceed the total calculated DRG-based payment amount including any outlier payment amount. The department determines the per diem rate by dividing the hospital's DRG allowed amount for payment for the appropriate DRG by that DRG's statewide average length of stay for the AP-DRG classification as determined by the department.

(3) The department uses:

(a) The hospital's midnight census to determine the number of days a client stayed in the transferring hospital prior to the transfer; and

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

(4) The department:

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

(b) Applies the outlier payment methodology if a transfer case qualifies;

(i) For dates of admission before August 1, 2007, as a high-cost or low-cost outlier; and

(ii) For dates of admission on or after August 1, 2007, as a high outlier.

(5) The department does not pay a discharging hospital any additional amounts as a transferring hospital if it transfers a client to another hospital (intervening hospital) which subsequently sends the client back.

(a) The department's maximum payment to the discharging hospital is the full DRG payment.

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

(6) The department makes all applicable claim payment adjustments to claims for client responsibility, third party liability, medicare, etc.

AMENDATORY SECTION (Amending WSR 05-06-044, filed 2/25/05, effective 7/1/05)

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

~~The ((medical assistance administration (MAA))) department rebases most of the rates used in the medicaid inpatient payment system ((periodically using each hospital's cost report for its fiscal year that ends during the calendar year designated by MAA to be used for each update)) once every three years. Changes to the inpatient hospital rate calculations and rate-setting methods involved in this rebasing process are implemented pursuant to the rebasing of the rate system~~

(a) To determine costs for that rebasing process, the department uses:

(i) Each in-state hospital's medicare cost report for the hospital fiscal year that ends during the calendar year that the rebasing base year designated by the department begins; and

(ii) Inpatient medicaid and SCHIP claims data for the twelve-month period designated by the department as the rebasing base year.

(b) The rebasing process updates rates for the diagnosis related group (DRG), per diem, and per case rate payment methods.

(c) Other inpatient payment system rates (e.g., the ratio of costs-to-charges (RCC) rates, departmental weighted costs-to-charges (DWCC) rates, administrative day rate, and swing bed rate) are rebased on an annual basis.

(d) The department increases inpatient hospital rates only when mandated by the state legislature. These increases are implemented according to the base methodology in effect, unless otherwise directed by the legislature.

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

(3) When recalibrating DRG relative weights without rebasing, ~~((MAA))~~ the department may apply a budget neutrality factor (BNF) to hospitals' ~~((cost-based))~~ conversion factors to ensure that total DRG payments to hospitals do not exceed total DRG payments that would have been made to hospitals if the relative weights had not been recalibrated. For the purposes of this section, BNF equals the percentage change from total ~~((reimbursement))~~ aggregate payments calculated under a new payment system to total ~~((reimbursement))~~ aggregate payments calculated under the prior payment system.

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

**WAC 388-550-3900 Payment method—Bordering city ~~((area))~~ hospitals and critical border hospitals.** (1) For dates of admission before August 1, 2007, under the diagnosis-related group (DRG) payment method:

(a) ~~((MAA))~~ The department calculates the cost-based conversion factor (CBCF) of a bordering city ~~((area))~~ hospital as defined in WAC 388-550-1050, in accordance with WAC 388-550-3450.

(b) For a bordering city ~~((area))~~ hospital with no ~~((HCFA))~~ medicare cost report (Form 2552-96) for the rebasing year, ~~((MAA))~~ the department assigns the ~~((MAA))~~ department peer group average conversion factor. This is the average of all final conversion factors of hospitals in that group.

(2) ((MAA)) For dates of admission before August 1, 2007, the department calculates:

(a) The ratio of costs-to-charges (RCC) in accordance with WAC 388-550-4500.

(b) For a bordering city ~~((area))~~ hospital with no ~~((HCFA 2552))~~ medicare cost report submitted to the department, its RCC is based on the Washington in-state average RCC ~~((ratios)).~~

(3) For dates of admission before August 1, 2007, the department pays a bordering city hospital using the same payment methods as for an in-state hospital for allowed cov-

ered charges related to medically necessary services identified on an outpatient hospital claim.

(4) For dates of admission on and after August 1, 2007, with the exception of outpatient payment to hospitals previously paid under the outpatient prospective payment system (OPPS) methodology and critical border hospitals located in bordering cities, the department pays bordering city hospitals for allowed covered charges related to medically necessary services based on the inpatient and outpatient hospital rates and payment methods used to pay out-of-state hospitals. See WAC 388-550-4000.

(5) For dates of admission on and after August 1, 2007, the department pays a critical border hospital for allowed covered charges related to medically necessary services identified on an inpatient hospital claim:

(a) Under one of the inpatient DRG, RCC, per diem, or per case rate payment methods that are similar to the methods used to pay instate hospitals;

(b) Using a DRG conversion factor, per diem, or per case rate based on the statewide standardized average that will result in payment that does not exceed the payment that would be made to any instate hospital for the same service, including medical education components of payments; and

(c) Using a hospital's specific RCC rate based on the hospital's annual medicare cost report information for the applicable period. For a critical border hospital that does not submit a medicare cost report to the department, the department determines which instate hospital has the lowest RCC rate and uses that rate as the critical border hospital's RCC rate.

(6) The inpatient payment rates used to calculate payments to critical border hospitals are prospective payment rates. Those rates are not used to pay for claims with dates of admission before the hospital qualified as a critical border hospital. Bordering city hospitals' base period claims data is analyzed during the rebasing process, and annually thereafter, to determine if a bordering city hospital qualifies as a critical border hospital.

(7) For dates of admission on and after August 1, 2007, the department pays a critical border hospital for allowed covered charges related to medically necessary services identified on an outpatient hospital claim using the outpatient hospital payment methods and payment criteria identified in WAC 388-550-6000 and 388-550-7200. The department limits payment to bordering city hospitals that are noncritical border hospitals to the lesser of the billed charges or the calculated payment amount.

(8) The department makes applicable claim payment adjustments for client responsibility, third party liability, medicare, etc., to claim payments.

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

**WAC 388-550-4000 Payment method—Emergency services—Out-of-state hospitals (~~payment method~~).** The department pays for emergency services that are covered by the department and provided to eligible medical assistance clients as follows:

(1) For dates of admission before August 1, 2007, the department (~~shall~~) pays:

(a) Inpatient hospital claims for emergency services provided in out-of-state hospitals, the lesser of:

(i) Billed charges; or

(ii) ~~((the amount calculated using))~~ The weighted average of ratio of cost-to-charge (RCC) ratios for in-state (~~Washington~~) hospitals multiplied by the allowed covered charges for medically necessary services.

(b) Outpatient hospital claims for emergency services provided in out-of-state hospitals, the lesser of:

(i) Billed charges; or

(ii) The weighted average of outpatient hospital rates for instate hospitals multiplied by the allowed covered charges for medically necessary services.

(2) For dates of admission on and after August 1, 2007, the department pays:

(a) Inpatient hospital claims for emergency services provided in out-of-state hospitals under the inpatient diagnostic related group (DRG), ratio of costs-to-charges (RCC), per diem, and per case rate payment methods, whether or not the hospital has submitted a medicare cost report (Form 2552-96) to the department for the rebasing year. The department:

(i) Pays an out-of-state hospital and bordering city hospital that is not a critical border hospital, using the lowest of the instate inpatient hospital rates, and excludes payment for medical education (out-of-state hospitals are not eligible to receive payment for medical education.). This rate is the same rate calculated for all rural hospitals in Washington for the same service (excluding DWCC rates that are paid to instate critical access hospitals).

(ii) Pays a department designated critical border hospital according to WAC 388-550-3900.

(iii) Limits payment to out-of-state hospitals and bordering city hospitals that are noncritical border hospitals to the lesser of the billed charges or the calculated payment amount.

(b) Pays outpatient hospital claims for emergency services provided in out-of-state hospitals that are:

(i) Bordering city hospitals, including critical border hospitals previously paid under the outpatient prospective payment system (OPPS) methodology for dates of admission before August 1, 2007, in accordance with WAC 388-550-7200; and

(ii) Out-of-state hospitals, including bordering city hospitals not previously paid under the OPPS methodology, the lesser of:

(A) Billed charges; or

(B) The instate average hospital outpatient rate times the allowed covered charges for medically necessary services.

(3) The department does not pay for nonemergency hospital services provided to medical assistance clients in out-of-state hospitals unless the facility is contracted and/or prior authorized by the department or the department's designee, for the specific service provided.

(i) Contracted services are paid according to the contract terms whether or not the hospital has signed a core provider agreement.

(ii) Authorized services are paid according to subsections (1) and (2) of this section.

(4) The department makes all applicable claim payment adjustments for clients responsibility, third party liability, medicare, etc., to claim payments.

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

**WAC 388-550-4100 Payment method—New hospitals.** (1) For rate-setting purposes, ~~((MAA))~~ the department considers as new:

(a) A hospital which began services after the most recent rebased cost-based conversion factors (CBCFs) conversion factors, RCC rates, per diem rates, per case rates, etc.~~((=))~~; or

(b) A hospital that has not been in operation for a complete fiscal year.

(2) ~~((MAA))~~ The department determines a new hospital's:

(a) CBCF as the average of the CBCF of all hospitals within the same ~~((MAA))~~ department peer group for dates of admission before August 1, 2007.

(b) Conversion factor, per diem rate, or per case rate, to be the statewide average rate for the conversion factor, category of per diem rate, or per case rate, for dates of admission on and after August 1, 2007, adjusted by the geographically appropriate hospital specific medicare wage index.

(3) ~~((MAA))~~ The department determines a new hospital's ratio of costs-to-charges (RCC) by calculating and using the average RCC rate for all current Washington in-state hospitals.

(4) ~~((MAA))~~ The department considers that a change in hospital ownership does not constitute a new hospital.

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

**WAC 388-550-4200 Change in hospital ownership.**

(1) For purposes of this section, a change in hospital ownership may involve one or more, but is not limited to, the following events:

(a) A change in the composition of the partnership;

(b) A sale of an unincorporated sole proprietorship;

(c) The statutory merger or consolidation of two or more corporations;

(d) The leasing of all or part of a provider's facility if the leasing affects utilization, licensure, or certification of the provider entity;

(e) The transfer of a government-owned institution to a governmental entity or to a governmental corporation;

(f) Donation of all or part of a provider's facility to another entity if the donation affects licensure or certification of the provider entity;

(g) Disposition of all or some portion of a provider's facility or assets through sale, scrapping, involuntary conversion, demolition or abandonment if the disposition affects licensure or certification of the provider entity; or

(h) A change in the provider's federal identification tax number.

(2) A hospital ~~((shall))~~ must notify the department in writing ninety days prior to the date of an expected change in the hospital's ownership, but in no case later than thirty days after the change in ownership takes place.

(3) When a change in a hospital's ownership occurs, the department ~~((shall))~~ sets the new provider's cost-based conversion factor (CBCF), conversion factor, per diem rates, per

case rate, at the same level as the prior owner's, except as provided in subsection (4) below.

(4) The department ~~((shall))~~ sets for a hospital formed as a result of a merger:

(a) A blended CBCF, conversion factor, per diem rate, per case rate, based on the old hospitals' rates, proportionately weighted by admissions for the old hospitals; and

(b) An RCC rate determined by combining the old hospitals' cost reports and following the process described in WAC 388-550-4500. Partial year cost reports will not be used for this purpose.

(5) The department ~~((shall))~~ recaptures depreciation and acquisition costs as required by section 1861 (V)(1)(0) of the Social Security Act.

AMENDATORY SECTION (Amending WSR 06-08-046, filed 3/30/06, effective 4/30/06)

**WAC 388-550-4300 Hospitals and units exempt from the DRG payment method.** (1) Except when otherwise specified, inpatient services provided by hospitals and units that are exempt from the diagnosis-related group (DRG) payment method are ~~((reimbursed))~~ paid under the ratio of costs-to-charges (RCC) payment method described in WAC 388-550-4500, the per diem payment method described in WAC 388-550-3010, the per case rate payment method described in WAC 388-550-3020, or other payment methods identified in this chapter (e.g., long term acute care (LTAC), certified public expenditure (CPE), critical access hospital (CAH), etc.). The department limits inpatient hospital stays based on the department's determinations from medical necessity and quality assurance reviews.

(2) For dates of admission before August 1, 2007, subject to the restrictions and limitations listed in this section, the department exempts the following hospitals and units from the DRG payment method for inpatient services provided to medicaid-eligible clients:

(a) Peer group A hospitals, as described in WAC 388-550-3300(2). Exception: Inpatient services provided to clients eligible under the following programs are ~~((reimbursed))~~ paid through the DRG payment method (see WAC 388-550-4400):

(i) General assistance programs; and

(ii) Other state~~((only))~~ administered programs.

(b) Peer group E hospitals, as described in WAC 388-550-3300(2). See WAC 388-550-4650 for how the department calculates payment to Peer group E hospitals.

(c) Peer group F hospitals (critical access hospitals).

(d) Rehabilitation units when the services are provided in department-approved acute physical medicine and rehabilitation (acute PM&R) hospitals and designated distinct rehabilitation units in acute care hospitals.

The department uses the same criteria as the medicare program to identify exempt rehabilitation hospitals and designated distinct rehabilitation units. ~~((Exception:))~~ Inpatient rehabilitation services provided to clients eligible under the following programs are covered and ~~((reimbursed))~~ paid through the DRG payment method (see WAC 388-550-4400 for exceptions):

(i) General assistance programs; and

(ii) Other state-only administered programs.

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

(i) General assistance programs; and

(ii) Other state(~~-only~~) administered programs.

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

(i) A negotiated per diem rate; or

(ii) DRG.

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

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

(A) General assistance programs; and

(B) Other state(~~-only~~) administered programs.

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

(3) The department limits inpatient hospital stays for dates of admission before August 1, 2007 that are exempt from the DRG payment method and identified in subsection (2) of this section to the number of days established at the seventy-fifth percentile in the current edition of the publication, "*Length of Stay by Diagnosis and Operation, Western Region*," unless the stay is:

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

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

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

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

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

(b) Pay for five-day detoxification services for acute drug addiction when the services are directly related to detoxification; and

(c) Extend the three- and five-day limitations for up to six additional days if either of the following is invoked on a client under care in a hospital:

(i) Petition for commitment to chemical dependency treatment; or

(ii) Temporary order for chemical dependency treatment.

(5) For dates of admission on and after August 1, 2007, the department exempts the following hospitals, units, and services from the DRG payment method for inpatient services provided to medicaid-eligible clients:

(a) Peer group E hospitals as described in WAC 388-550-3300(2), i.e., hospitals participating in the department's certified public expenditure (CPE) payment program. See WAC 388-550-4650.

(b) Peer group F hospitals, i.e., critical access hospitals. See WAC 388-550-2598.

(c) Rehabilitation services. All rehabilitation services are paid through the per diem payment method except as indicated in (b), (c), and (f) of this subsection. See WAC 388-550-3010. Inpatient psychiatric services, involuntary treatment act services, and detoxification services provided in out-of-state hospitals are not covered or paid by the department or a MHD designee. The department does not cover or pay for other hospital services provided to clients eligible for those services in the following programs, when the services are provided in out-of-state hospitals that are not in designated bordering cities:

(i) General assistance programs; and

(ii) Other state-administered programs.

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

(i) Per diem payment method; or

(ii) DRG payment method.

(g) Psychiatric services. All psychiatric services are paid through the per diem payment method except as indicated in (b), (c), and (f) of this subsection. See WAC 388-550-3010. A MHD designee that arranges to pay a hospital and/or a designated distinct psychiatric unit of a hospital directly, may use the department's payment methods or contract with the hospitals to pay using different methods. Claims not paid directly through a MHD designee are paid through the department's payment system.

(6) For dates of admission on and after August 1, 2007, the department has established an average length of stay (ALOS) for each DRG classification. The DRG ALOS is based on the claims data used during the rebasing period. For DRGs with an exceptionally low volume of claims, the department uses a proxy DRG ALOS. The DRG ALOS is used as a benchmark to authorize and pay inpatient hospital stays exempt from the DRG payment method. When an inpatient hospital stay exceeds the department's DRG ALOS benchmark or prior authorized LOS:

(a) For a psychiatric inpatient stay, the hospital must obtain approval for additional days beyond the prior authorized days from the MHD or the MHD designee who prior authorized the admission. See WAC 388-550-2600;

(b) For an acute physical medicine and rehabilitation (PM&R) or a long term acute care (LTAC) stay, the hospital must obtain approval for additional days beyond the prior authorized days from the department unit that prior authorized the admission. See WAC 388-550-2561 and 388-550-2590;

(c) For an inpatient hospital stay for detoxification for a chemical dependent pregnant CUP client, see WAC 388-550-1100;

(d) For other medical inpatient stays for detoxification, see WAC 388-550-1100 and subsection (7) of this section;

(e) For an inpatient stay in a certified public expenditure (CPE) hospital, see WAC 388-550-4690; and

(f) For an inpatient hospital stay not identified in (a) through (e) of this subsection, the department may perform retrospective utilization review to determine if the LOS was medically necessary and at the appropriate level of care.

(7) If subsection (6)(d) of this section applies to an eligible client, the department will:

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

(b) Pay for five-day detoxification services for acute drug addiction when the services are directly related to detoxification; and

(c) Extend the three- and five-day limitations for up to six additional days if either of the following is invoked on a client under care in a hospital:

(i) Petition for commitment to chemical dependency treatment; or

(ii) Temporary order for chemical dependency treatment.

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

**AMENDATORY SECTION** (Amending WSR 03-13-053, filed 6/12/03, effective 7/13/03)

**WAC 388-550-3700 DRG high-cost and low-cost outliers, and new system DRG and per diem high outliers.** This section applies to inpatient hospital claims paid under the diagnosis-related group (DRG) payment methodology, and for dates of admission on and after August 1, 2007. It also applies to inpatient hospital claims paid under per diem payment methodology.

(1) For dates of admission before August 1, 2007, a medicaid or state-administered claim qualifies as a DRG high-cost outlier when:

(a) The client's admission date on the claim is before January 1, 2001, the stay did not meet the definition of "administrative day," and the allowed charges exceed:

- (i) A threshold of twenty-eight thousand dollars; and
- (ii) A threshold of three times the applicable DRG payment amount.

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

- (i) A threshold of thirty-three thousand dollars; and
- (ii) A threshold of three times the applicable DRG payment amount.

(2) For dates of admission before August 1, 2007, if the claim qualifies as a DRG high-cost outlier, the high-cost outlier threshold, for payment purposes, is the amount in subsection (1)(a)(i) or (ii), whichever is greater, for an admission date before January 1, 2001; or subsection (1)(b)(i) or (ii), whichever is greater, for an admission date January 1, 2001 or after.

(3) For dates of admission before August 1, 2007, the department determines payment for medicaid claims that qualify as DRG high-cost outliers as follows:

(a) All qualifying claims, except for claims in psychiatric DRGs 424-432 and in-state children's hospitals, are paid seventy-five percent of the allowed charges above the outlier threshold determined in subsection (2) of this section, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

(b) In-state children's hospitals are paid eighty-five percent of the allowed charges above the outlier threshold determined in subsection (2) of this section, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

(c) Psychiatric DRG high-cost outliers for DRGs 424-432 are paid one hundred percent of the allowed charges above the outlier threshold determined in subsection (2) of this section, multiplied by the hospital's RCC rate, plus the applicable DRG payment.

Three examples for DRG high-cost outlier claim qualification and payment calculation (admission dates are January 1, 2001, or after, and before August 1, 2007).

Examples for DRG high-cost outlier claim qualification and payment calculation (admission dates are January 1, 2001, or after).						
Allowed Charges	Applicable DRG Payment	Three times App. DRG Payment	Allowed Charges > \$33,000?	Allowed Charges > Three times App. DRG Payment?	DRG High-Cost Outlier Payment	Hospital's Individual RCC Rate
\$17,000	\$5,000	\$15,000	No	Yes	N/A	64%
*33,500	5,000	15,000	Yes	Yes	**\$5,240	64%
10,740	35,377	106,131	No	No	N/A	64%



Medicaid Payment calculation example for allowed charges of:	Nonpsych DRGs/Nonin-state children's hospital (RCC is 64%)
*\$33,500	Allowed charges
- \$33,000	The greater amount of 3 x app. DRG pymt (\$15,000) or \$33,000
\$500	
x 48%	75% of allowed charges x hospital RCC rate (nonpsych DRGs/nonin-state children's) (75% x 64% = 48%)
\$240	Outlier portion
+ \$5,000	Applicable DRG payment
**\$5,240	Outlier payment

(4) For dates of admission before August 1, 2007, DRG high-cost outliers for state-administered programs are paid according to WAC 388-550-4800.

(5) ((A)) For dates of admission before August 1, 2007, a medicaid or state-administered claim qualifies as a DRG low-cost outlier if:

(a) The client's admission date on the claim is before January 1, 2001, and the allowed charges are:

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

or

(ii) Less than four hundred dollars.

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

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

or

(ii) Less than four hundred fifty dollars.

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

(a) For an admission date before January 1, 2001, the low-cost outlier amount is the amount in subsection (5)(a)(i) or (ii), whichever is greater; or

(b) For an admission date on January 1, 2001, or after, the low-cost outlier amount is the amount in subsection (5)(b)(i) or (ii), whichever is greater.

(7) For dates of admission before August 1, 2007, the department determines payment for a Medicaid claim that qualifies as a DRG low-cost outlier by multiplying the allowed charges for each claim by the hospital's RCC rate.

(8) For dates of admission before August 1, 2007, DRG low-cost outliers for state-administered programs are paid according to WAC 388-550-4800.

(9) For dates of admission before August 1, 2007 the department makes day outlier payments to hospitals in accordance with section 1923 (a)(2)(C) of the Social Security Act, for clients who have exceptionally long stays that do not reach DRG high-cost outlier status. A hospital is eligible for the day outlier payment if it meets all of the following criteria:

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

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

(c) The allowed charges for the hospitalization are less than the DRG high-cost outlier threshold as defined in subsection (2) of this section; and

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

(10) For dates of admission before August 1, 2007 the department bases the day outlier payment on the number of days that exceed the day outlier threshold, multiplied by the administrative day rate.

(11) For dates of admission before August 1, 2007, the department's total payment for day outlier claims is the applicable DRG payment plus the day outlier or administrative days payment.

(12) For dates of admission before August 1, 2007, a client's outlier claim is either a day outlier or a high-cost outlier, but not both.

(13) For dates of admission on and after August 1, 2007, the department does not identify a claim as a low cost outlier or day outlier. Instead, these claims are processed using the applicable payment method described in this chapter. The department may review claims with very low costs.

(14) For dates of admission on and after August 1, 2007, the department allows a high outlier payment for claims paid using the DRG payment method when high outlier qualifying criteria are met. The estimated costs of the claim are calculated by multiplying the total submitted charges, minus the noncovered charges on the claim, by the hospital's ratio of costs-to-charges (RCC) rate. The department identifies a DRG high outlier claim based on the claim's estimated costs. To qualify as a DRG high outlier claim, the department determined estimated costs for the claim must be greater than both the fixed outlier cost threshold of fifty thousand dollars and one hundred seventy-five percent of the applicable base DRG allowed amount for payment. These criteria are also used to determine if a transfer claim qualifies for high outlier payment when a transfer claim is submitted to the department by a transferring hospital.

For Children's Hospital Regional Medical Center, Mary Bridge Children's Hospital and Health Center, and claims grouped to neonatal and pediatric DRGs under the DRG payment method, the department identifies a high outlier claim based on the claim's estimated costs. To qualify as a high outlier claim, the claim's estimated cost amount must be greater than both the fixed outlier threshold of fifty thousand dollars and one hundred fifty percent of the applicable base DRG allowed amount for payment.

(15) For dates of admission on and after August 1, 2007, the department may allow an adjustment for a high outlier for per diem claims grouped to a DRG classification in one of the acute unstable DRG service categories, i.e., medical, surgical, burn, and neonatal. These service categories are described in subsection (16) of this section.

The department identifies high outlier per diem claims for medical, surgical, burn, and neonatal DRG service categories based on the claim estimated costs. The claim estimated costs are the total submitted charges, minus the noncovered charges for the claim, multiplied by the hospital's

ratio of costs-to-charges (RCC) related to the admission. To qualify as a high outlier claim, when a claim is grouped to medical, surgical, burn, or neonatal DRG service category, the claim's estimated cost amount must be greater than both the fixed outlier threshold of fifty thousand dollars and one hundred seventy-five percent of the applicable per diem base allowed amount for payment.

For Children's Hospital Regional Medical Center, Mary Bridge Children's Hospital and Health Center, and claims grouped to neonatal and pediatric DRGs under medical, surgical, burn, and neonatal services categories, the department identifies high outlier claims based on the claim's estimated costs. To qualify as a high outlier claim, the claim's estimated cost amount must be greater than both the fixed outlier threshold of fifty thousand dollars and one hundred fifty percent of the applicable per diem base allowed amount for payment.

The department performs retrospective prepay utilization review on all per diem outlier claims that exceed the department determined DRG average length of stay (LOS). If the department determines the entire LOS or part of the LOS is not medically necessary, the claim will be denied or the payment will be adjusted.

(16) For dates of admission on and after August 1, 2007, the term "unstable" is used generically to describe an AP-DRG classification that has fewer than ten occurrences (low volume), or that is unstable based on the statistical stability test indicated in this subsection, and to describe such claims in the major service categories of per diem paid claims identified in this section. The formula for the statistical stability test calculates the required size of a sample population of values necessary to estimate a mean cost value with ninety percent confidence and within an acceptable error of plus or minus twenty percent given the population's estimated standard deviation.

Specifically, this formula is:

$$N = (Z^2 * S^2) / R^2, \text{ where}$$

- The Z statistic for 90 percent confidence is 1.64
- S = the standard deviation for the AP-DRG classification, and
- R = acceptable error range, per sampling unit

If the actual number of claims within an AP-DRG classification is less than the calculated N size for that classification during relative weight recalibration, the department designates that DRG classification as unstable for purposes of calculating relative weights. And as previously stated, for relative weight recalibration, the department also designates any DRG classification having less than ten claims in total in the claims sample used to recalibrate the relative weights, as low volume and unstable.

The DRG classification assigned to the per diem payment method, that are in one of the following major services categories in subsection (16)(a) through (d) of this section, qualify for determination to ascertain if a high outlier payment is appropriate. The department specifies those DRG classifications to be paid the per diem payment method because the DRG classification has low volume and/or unstable claims data for determination of a AP-DRG relative weight. A claim in a DRB classification that falls into one of the following major services categories that the department

designates for per diem payment, may receive a per diem high outlier payment when the claim meets the high outlier criteria as described in subsection (15) of this section:

(a) Neonatal claims, based on assignment to medical diagnostic category (MDC) 15;

(b) Burn claims based on assignment to MDC 22;

(c) AP-DRG groups that include primarily medical procedures, excluding any neonatal or burn per diem classifications identified in (a) and (b) of this subsection; and

(d) AP-DRG groups that include primarily surgical procedures, excluding any neonatal or burn per diem classifications identified in (a) and (b) of this subsection.

(17) For dates of admission on and after August 1, 2007, the high outlier claim payment processes for the general assistance-unemployable (GA-U) program are the same as those for the medicaid or SCHIP DRG paid and per diem paid claims, except that the DRG rates and per diem rates are reduced, and the percent of outlier adjustment factor applied to the payment may be reduced. The high outlier claim payment process for medicaid or SCHIP DRG paid and per diem paid claims is as follows:

(a) The department determines the claim estimated cost amount that is used in the determination of the high outlier claim qualification and the high outlier threshold for the calculation of outlier adjustment amount. The claim estimated cost is equal to the total submitted charges, minus the non-covered charges reported on the claim, multiplied by the hospital's inpatient ratio of costs-to-charges (RCC) related to the admission.

(b) The high outlier threshold when calculating the high outlier adjustment portion of the total payment allowed amount on the claim is:

(i) For DRG paid claims grouped to non-neonatal or non-pediatric DRG classifications, and for DRG paid claims that are not from Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center, the high outlier threshold is one hundred seventy-five percent of the base DRG payment allowed amount;

(ii) For DRG paid claims grouped to neonatal or pediatric DRG classifications, and for DRG paid claims that are from Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center, the high outlier threshold is one hundred fifty percent of the base DRG payment allowed amount;

(iii) For non-specialty service category per diem paid claims grouped to non-neonatal and non-pediatric DRG classifications, and for non-specialty service category per diem paid claims that are not from Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center, the high outlier threshold is one hundred seventy-five percent of the base per diem payment allowed amount; and

(iv) For non-specialty service category per diem paid claims grouped to neonatal and pediatric DRG classifications, and for all non-specialty service category per diem paid claims from Children's Hospital Regional Medical Center and Mary Bridge Children's Hospital and Health Center, the high outlier threshold is one hundred fifty percent of the base per diem payment allowed amount;

(c) The high outlier payment allowed amount is equal to the difference between the department's estimated cost of services associated with the claim, and the high outlier threshold for payment indicated in (b)(i) through (iv) of this subsection, respectively, the resulting amount being multiplied by a percent of outlier adjustment factor. The percent of outlier adjustment factor is:

(i) Ninety-five percent for outlier claims that fall into one of the neonatal or pediatric AP-DRG classifications. Hospitals paid with the payment method used for out-of-state hospitals are paid using the percent of outlier adjustment factor identified in (c)(iii) of this subsection. All high outlier claims at Children's Hospital Regional Medical Center and Mary Bridge Children's Hospital and Health Center receive a

ninety-five percent of outlier adjustment factor, regardless of AP-DRG classification assignment;

(ii) Ninety percent for outlier claims that fall into burn-related AP-DRG classifications;

(iii) Eighty-five percent for all other AP-DRG classifications; and

(iv) Used as indicated in WAC 388-550-4800 to calculate payment for state-administered programs' claims that are eligible for a high outlier payment.

(d) The high outlier payment allowed amount is added to the calculated allowed amount for the base DRG or base per diem payment, respectively, to determine the total payment allowed amount for the claim.

<u>DRG high outlier</u>						
<u>Three examples for medicaid or SCHIP DRG high outlier claim qualification and payment calculation (admission dates are on or after August 1, 2007). Example dollar amounts are approximated and not based on real claims data.</u>						
<u>Total Submitted Charges minus Noncovered Charges</u>	<u>Base DRG Payment Allowed Amount<sup>1</sup></u>	<u>175% of Base DRG Payment Allowed Amount</u>	<u>Department Determined Estimated Costs Are Greater Than \$50,000?<sup>2</sup></u>	<u>Department Determined Estimated Costs Are Greater Than 175% of Base DRG Payment Allowed Amount?<sup>3</sup></u>	<u>Total DRG High Outlier Claim Payment Allowed Amount<sup>3,4</sup></u>	<u>Hospital's Individual RCC Rate</u>
\$95,600	\$28,837	\$50,465	Yes	Yes	\$38,761	65%
\$64,500	\$28,837	\$50,465	No	Yes	\$28,837	65%
\$77,000	\$28,837	\$50,465	Yes	No	\$28,837	65%

All examples represent a claim that is a non-psychiatric claim and a claim that isn't from Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center.

**Example one:** The claim meets high cost outlier criteria. Example dollar amounts are approximated and not based on real claims data:

<sup>1</sup>DRG conversion factor times DRG relative weight = Base DRG allowed amount

$\$6,300 \times 4.5773 = \$28,837 = \text{Base DRG allowed amount}$

<sup>2</sup>Total submitted charges minus total noncovered charges times RCC rate = Department determined estimated costs

$\$95,600 \times 65\% = \$62,140 = \text{Department determined estimated costs}$

<sup>3</sup>If department determined estimated costs are greater than the outlier qualifying criteria (in this example \$50,000), then (department determined estimated costs minus 175% of base DRG payment allowed amount (high outlier payment threshold)) times claim's percent of outlier adjustment factor (see subsection (17)(c)(i), (ii) and (iii)) = High outlier portion allowed amount, if greater than \$0, otherwise \$0.

$\$62,140 - \$50,465 = \$11,675 \times 85\% = \$9,924 = \text{High outlier portion allowed amount}$

<sup>4</sup>Base DRG payment allowed amount plus high outlier portion allowed amount = Total DRG high outlier claim payment amount

$\$28,837 + \$9,924 = \$38,761$

**Example two:** The claim does not meet high cost outlier criteria due to department-determined estimated cost being less than \$50,000. Example dollar amounts are approximated and not based on real claims data:

<sup>1</sup>DRG conversion factor times DRG relative weight = Base DRG allowed amount

$\$6,300 \times 4.5773 = \$28,837 = \text{Base DRG allowed amount}$

<sup>2</sup>Total submitted charges minus total noncovered charges times RCC rate = Department determined estimated costs

$\$64,500 \times 65\% = \$41,925 = \text{Department determined estimated costs}$

<sup>3</sup>If department determined estimated costs are greater than the outlier qualifying criteria, then (department determined estimated costs minus 175% of base DRG payment allowed amount (high outlier payment threshold)) times claim's percent of outlier adjustment factor (see subsection (17)(c)(i), (ii) and (iii)) = High outlier portion allowed amount, if greater than \$0, otherwise \$0.

$(\$41,925 - \$50,465 = (\$8,540)) \times 85\% = (\$7,259)$ , which is converted to \$0. Also, \$41,925 is not greater than \$50,000, so the claim does not meet the high outlier qualifying criteria. Therefore, the high outlier portion allowed amount is \$0.

<sup>4</sup>Base DRG payment allowed amount plus high outlier portion allowed amount = Total DRG high outlier claim payment allowed amount

$\$28,837 + \$0 = \$28,837$

**Example three:** The claim does not meet high outlier criteria due to high DRG allowed amount. Example dollar amounts are approximated and not based on real claims data:

<sup>1</sup>DRG conversion factor times DRG relative weight = Base DRG allowed amount

\$6,300 x 4.5773 = \$28,837 = Base DRG allowed amount

<sup>2</sup>Total submitted charges minus total noncovered charges times RCC rate = Department determined estimated costs

\$77,000 x 65% = \$50,050 = Department determined estimated costs

<sup>3</sup>If department determined estimated costs are greater than the outlier qualifying criteria, then (department determined estimated costs minus 175% of base DRG payment

allowed amount (high outlier payment threshold)) times claim's percent of outlier adjustment factor (see subsection (17)(c)(i), (ii) and (iii)) = high outlier portion allowed amount, if greater than \$0, otherwise \$0.

(\$50,050 - \$50,465 = (\$415)) x 85% = (\$353), which is converted to \$0. Also, \$50,050 is greater than \$50,000, but not greater than \$50,465, so the claim does not meet the high outlier qualifying criteria. Therefore, the high outlier portion allowed amount is \$0.

<sup>4</sup>Base DRG payment allowed amount plus high outlier portion allowed amount = Total DRG high outlier claim payment allowed amount

\$28,837 + \$0 = \$28,837

Per Diem High Outlier						
Three examples for medicaid and SCHIP per diem high outlier claim qualification and payment calculation (admission dates are on or after August 1, 2007). Example dollar amounts are approximated and not based on real claims data.						
Total Submitted Charges Less Noncovered Charges	Base Per Diem Payment Allowed Amount <sup>1</sup>	175% of Base Per Diem Payment Allowed Amount	Department Determined Estimated Costs Are Greater Than \$50,000? <sup>2</sup>	Department Determined Estimated Costs Are Greater Than 175% of Base Per Diem Payment Allowed Amount?	Total Per Diem High Outlier Claim's Payment Allowed Amount <sup>3,4</sup>	Hospital's Individual RCC Rate
\$100,000	\$25,000	\$43,750	Yes	Yes	\$47,313	70%
\$64,000	\$25,000	\$43,750	No	Yes	\$25,000	70%
\$75,000	\$35,000	\$61,250	Yes	No	\$35,000	70%

All examples represent a claim that is a non-psychiatric claim and a claim that isn't from Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center.

**Example one:** The claim meets high cost outlier criteria. Example dollar amounts are approximated and not based on real claims data:

<sup>1</sup>Per diem rate times client's department recognized length of stay for eligible days = Base per diem allowed amount

\$1,000 (rate) x 25 (days) = \$25,000 = Base per diem allowed amount

<sup>2</sup>Total submitted charges minus total noncovered charges times RCC rate = Department determined estimated costs

\$100,000 x 70% = \$70,000 = Department determined estimated costs

<sup>3</sup>If department determined estimated costs are greater than the outlier qualifying criteria, then (department determined estimated costs minus 175% of base per diem payment allowed amount (high outlier payment threshold)) times claim's percent of outlier adjustment factor (see subsection (17)(c)(i), (ii) and (iii)) = High outlier portion allowed amount, if greater than \$0, otherwise \$0.

(\$70,000 - \$43,750 = \$26,250) x 85% = \$22,313 = High outlier portion allowed amount

<sup>4</sup>Base per diem payment allowed amount plus high outlier portion allowed amount = Total per diem high outlier claim payment allowed amount

\$25,000 + \$22,313 = \$47,313

**Example two:** The claim does not meet high cost outlier criteria due to department-determined estimated cost being less than \$50,000. Example dollar amounts are approximated and not based on real claims data:

<sup>1</sup>Per diem rate times client's department recognized length of stay for eligible days = Base per diem allowed amount

\$1,000 x 25 = \$25,000 = Base per diem allowed amount

<sup>2</sup>Total submitted charges minus total noncovered charges times RCC rate = Department determined estimated costs

\$64,500 x 70% = \$45,150 = Department determined estimated costs

<sup>3</sup>If department determined estimated costs are greater than the outlier qualifying criteria, then (department determined estimated costs minus 175% of base per diem payment allowed amount (high outlier payment threshold)) times claim's percent of outlier adjustment factor (see subsection (17)(c)(i), (ii) and (iii)) = High outlier portion allowed amount, if greater than \$0, otherwise \$0.

(\$45,150 - \$43,750 = \$1,400), but \$45,150 is not greater than \$50,000, so the claim does not meet the high outlier qualifying criteria. Therefore, the high outlier portion allowed amount is \$0.

<sup>4</sup>Base per diem payment allowed amount plus high outlier portion allowed amount = Total per diem high outlier claim payment allowed amount

\$25,000 + \$0 = \$25,000

**Example three:** (The claim does not meet high outlier criteria due to high DRG allowed amount. Example dollar amounts are approximated and not based on real claims data):

<sup>1</sup>Per diem rate times client's department recognized length of stay for eligible days = Base per diem allowed amount

$\$1,000 \times 35 = \$35,000 = \text{Base per diem allowed amount}$

<sup>2</sup>Total submitted charges minus total noncovered charges times RCC rate = Department determined estimated costs

$\$75,000 \times 70\% = \$52,500 = \text{Department determined estimated costs}$

<sup>3</sup>If department determined estimated costs are greater than the outlier qualifying criteria, then (department determined estimated costs minus 175% of base DRG payment allowed amount (high outlier payment threshold)) times claim's percent of outlier adjustment factor (see subsection (17)(c)(i), (ii) and (iii)) = High outlier portion allowed amount, if greater than \$0, otherwise \$0.

$(\$52,500 - \$61,250 = (8,750)) \times 85\% = (\$7,438)$ , which is converted to \$0. Also, \$52,500 is greater than \$50,000, but not greater than \$61,250, so the claim does not meet the high outlier qualifying criteria. Therefore, the high outlier portion allowed amount is \$0.

<sup>4</sup>Base per diem payment allowed amount plus high outlier portion allowed amount = Total per diem high outlier claim payment allowed amount

$\$35,000 + \$0 = \$35,000$

(18) The department makes all applicable claim payment adjustments for client responsibility, third party liability, medicare, etc., to the payment.

**AMENDATORY SECTION** (Amending WSR 05-12-022, filed 5/20/05, effective 6/20/05)

**WAC 388-550-4400 Services—Exempt from DRG payment.** (1) Except when otherwise specified, inpatient services exempt from the diagnosis-related group (DRG) payment method are ~~((reimbursed by the))~~ paid under the ratio of costs-to-charges (RCC) payment method described in WAC 388-550-4500, the per diem payment method described in WAC 388-550-3010, the per case rate payment method described in WAC 388-550-3020, or other payment methods identified in this chapter (e.g., long term acute care (LTAC), certified public expenditure (CPE), critical access hospital (CAH), etc.). The department limits inpatient hospital stays based on the department's determinations from medical necessity and quality assurance reviews.

(2) Subject to the restrictions and limitations in this section, for dates of admission before August 1, 2007, the department exempts the following services for medicaid clients from the DRG payment method:

(a) Neonatal services for DRGs 602-619, 621-628, 630, 635, and 637-641.

(b) Acquired immunodeficiency syndrome (AIDS)-related inpatient services for those cases with a reported diagnosis of AIDS-related complex and other human immunodeficiency virus infections. These services are also exempt from the DRG payment method when funded by the department through the general assistance programs and any other state~~((only))~~ administered program.

(c) Alcohol or other drug detoxification services when provided in a hospital having a detoxification provider agreement with the department to perform these services. These services are also exempt from the DRG payment method when funded by the department through the general assistance programs and any other state~~((only))~~ administered program.

(d) Hospital-based intensive inpatient detoxification, medical stabilization, and drug treatment services provided to chemically dependent pregnant women (CUP program) by a certified hospital. These are medicaid program services and are not funded by the department ~~((through))~~ for the general assistance programs or any other state~~((only))~~ administered program.

(e) Acute physical medicine and rehabilitation services provided in ~~((MAA))~~ department-approved rehabilitation hospitals and hospital distinct units, and services for physical medicine and rehabilitation patients. See WAC 388-550-4300 (2)(d). Rehabilitation services provided to clients under the general assistance programs and any other state-only administered program are also reimbursed through the RCC payment method.

(f) Psychiatric services provided in nonstate-owned psychiatric hospitals and designated distinct psychiatric units of hospitals. Inpatient psychiatric services provided to clients eligible under the following programs are reimbursed through the DRG payment method:

(i) General assistance programs; and

(ii) Other state administered programs.

(g) Chronic pain management treatment provided in department-approved pain treatment facilities.

(h) Administrative day services. The department ~~((reimburses))~~ pays administrative days based on the statewide average medicaid nursing facility per diem rate, which is adjusted annually each November 1. The department applies this rate to patient days identified as administrative days on the hospital's notice of rates. Hospitals must request an administrative day designation on a case-by-case basis.

(i) Inpatient services recorded on a claim that is grouped by ~~((MAA))~~ the department to a DRG for which ~~((MAA))~~ the department has not published an all patient DRG relative weight, except that claims grouped to DRGs 469 and 470 will be denied payment. This policy also applies to covered services paid through the general assistance programs and any other state~~((only))~~ administered program.

(j) Organ transplants that involve the heart, kidney, liver, lung, allogeneic bone marrow, pancreas, autologous bone marrow, or simultaneous kidney/pancreas. These services are also exempt from the DRG payment method when funded by ~~((MAA))~~ the department through the general assistance programs and any other state~~((only))~~ administered program.

(k) Bariatric surgery performed in hospitals that meet the criteria in WAC 388-550-2301. ~~((MAA))~~ The department pays hospitals for bariatric surgery on a ~~((single))~~ per case rate basis. See WAC 388-550-3470.

(3) Inpatient services provided through a managed care plan contract are ~~((reimbursed))~~ paid by the managed care plan.

(4) Subject to the restrictions and limitations in this section, for dates of admission on and after August 1, 2007, the

department exempts the following services for medicaid and SCHIP clients from the DRG payment method. This policy also applies to covered services paid through the general assistance programs and any other state-administered program, except when otherwise indicated in this section. The exempt services are:

(a) Alcohol or other drug detoxification services when provided in a hospital having a detoxification provider agreement with the department to perform these services.

(b) Hospital-based intensive inpatient detoxification, medical stabilization, and drug treatment services provided to chemically-using pregnant (CUP) women program by a certified hospital. These are medicaid program services and are not covered or funded by the department through the general assistance programs or any other state-administered program.

(c) Acute physical medicine and rehabilitation (acute PM&R) services.

(d) Psychiatric services. A mental health division (MHD) designee that arranges to pay a hospital directly for psychiatric services, may use the department's payment methods or contract with the hospital to pay using different methods. Claims not paid directly through a MHD designee are paid through the department's payment system.

(e) Chronic pain management treatment provided in a hospital approved by the department to provide that service.

(f) Administrative day services. The department pays administrative days based on the statewide average medicaid nursing facility per diem rate, which is adjusted annually. The department applies this rate to patient days identified as administrative days on the hospital's notice of rates. A hospital must request an administrative day designation on a case-by-case basis. The department may designate part of a client's stay to be paid an administrative day rate upon review of the claim and/or client's medical record.

(g) Inpatient services recorded on a claim that is grouped by the department to a DRG for which the department has not published an all patient DRG (AP DRG) relative weight. Claims grouped to DRG 469 or DRG 470 will be denied payment.

(h) Organ transplants that involve heart, kidney, liver, lung, allogeneic bone marrow, autologous bone marrow, pancreas, or simultaneous kidney/pancreas. The department pays hospitals for these organ transplants using the ratio of costs-to-charges (RCC) payment method.

(i) Bariatric surgery performed in hospitals that meet the criteria in WAC 388-550-2301. The department pays hospitals for bariatric surgery on a per case rate basis. See WAC 388-550-3020 and 388-550-3470.

(j) Services provided by a critical access hospital (CAH).

(k) Services provided by a hospital participating in the certified public expenditure (CPE) payment program. The CPE "hold harmless" provision allows a reconciliation that is described in WAC 388-550-4670.

(l) Services provided by a long term acute care (LTAC) hospital.

AMENDATORY SECTION (Amending WSR 03-13-055, filed 6/12/03, effective 7/13/03)

**WAC 388-550-4500 Payment method—Inpatient RCC ~~((and))~~ rate, administrative day rate ~~((and))~~, hospital outpatient rate, and swing bed rate.** (1) The inpatient ratio of costs-to-charges (RCC) ~~((payment))~~ allowed amount is the hospital's ~~((allowable))~~ covered charges on a claim multiplied by the hospital's inpatient RCC rate. The department limits this RCC allowed amount for payment to the hospital's allowable usual and customary charges.

(a) ~~The ((medical assistance administration (MAA)))~~ department calculates a hospital's RCC rate by dividing allowable ~~((operating))~~ costs by patient-related revenues associated with these allowable costs. The department determines the allowable costs and associated revenues.

(b) ~~((MAA))~~ The department bases ~~((these figures))~~ the RCC rate calculation on data from the hospital's "as filed" annual medicare cost report (Form 2552-96) and applicable patient revenue reconciliation data provided by the hospital.

(c) ~~((MAA))~~ The department updates a hospital's inpatient RCC rate annually ~~((with))~~ after the ~~((submission of new CMS 2552))~~ hospital sends its "as filed" hospital fiscal year medicare cost report ((data)) to the centers for medicare and medicaid services (CMS) and to the department.

(i) In situations where a delay in submission of the CMS medicare cost report to the medicare fiscal intermediary is granted by medicare, the department may adjust the RCC rate based on a department-determined method.

(ii) Prior to ((computing the ratio, MAA)) calculating the RCC rate, the department excludes ((increases in operating)) department nonallowed costs ((or total rate-setting revenue)) and nonallowable revenues. Costs and revenues attributable to a change in ownership are one example of what the department does not allow in the calculation process.

(2) The department limits a hospital's RCC payment to one hundred percent of its ~~((allowable))~~ allowed covered charges.

(3) The department establishes the basic inpatient hospital RCC ~~((payment))~~ allowed amount by multiplying the hospital's assigned RCC rate by the allowed covered charges for medically necessary services. ~~((MAA))~~ The department deducts client responsibility ((spend-down)) and third-party liability (TPL) ((from)), and makes other applicable payment program adjustments to the basic ((payment)) allowed amount to determine the actual payment due.

(4) For dates of admission:

(a) Before August 1, 2007, the department uses the RCC payment method to ((reimburse)) pay:

~~((a))~~ (i) DRG-exempt hospitals ((as provided)) identified in WAC 388-550-4300; and

~~((b))~~ (ii) Any hospital for DRG-exempt services ((described)) identified in WAC 388-550-4400. See the services identified in WAC 388-550-4400 (2)(g), (h), and (k) for an exception to this policy.

(b) For dates of admission on and after August 1, 2007, the department uses the RCC payment method to pay:

(i) Transplant services identified in WAC 388-550-4400;

(ii) DRG and per diem payment method high outlier payments;

(iii) Long term acute care (LTAC) hospital services not covered under the LTAC per diem rate; and

(iv) Other services specified by the department.

(5) ~~((In-state and border area))~~ For dates of admission before August 1, 2007, the department pays in-state and bordering city hospitals that lack sufficient ((CMS-2552)) medicare cost report data to establish a hospital specific RCC ((are reimbursed)), using the weighted average in-state:

(a) RCC rate for applicable inpatient services ((as provided)) identified in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate as provided in WAC 388-550-6000.

(6) The department pays out-of-state hospitals ((are also reimbursed for the respective)) for covered services ((using the weighted average in-state:

(a) RCC rate for inpatient services as provided in WAC 388-550-4300 and 388-550-4400; and

(b) Outpatient rate for outpatient hospital services as provided in WAC 388-550-6000)) as described in WAC 388-550-4000.

(7) ~~((MAA))~~ The department identifies all in-state hospitals that have hospital specific RCC rates, and calculates the weighted average in-state RCC rate annually by dividing the department-determined total allowable ((operating)) costs of these hospitals by the department-determined total ((respective)) patient-related revenues associated with those costs.

(8) The department ((pays)) allows hospitals an all-inclusive administrative day rate for those days of hospital stay in which a client ((no longer needs an)) does not meet criteria for acute inpatient level of care, but is not discharged because an appropriate placement outside the hospital is not available.

(a) ~~((MAA sets payment for administrative days at the statewide average Medicaid nursing facility per diem rate. The administrative day rate is adjusted annually))~~ Upon request, the department's nursing facility rate-setting staff provides the department's hospital rate-setting staff with the statewide weighted average nursing facility medicaid payment rate each year to update the all-inclusive administrative day rate on November 1.

(b) The department does not pay for ancillary services provided during administrative days ((are not reimbursed)).

(c) The department identifies administrative days ((for a DRG exempt case)) during the length of stay review process after the client's discharge from the hospital.

(d) The department pays the hospital ((at)) the administrative day rate starting with the date of hospital admission if the admission is solely for a stay until an appropriate subacute placement can be made.

(9) ~~((MAA))~~ The department calculates the weighted average in-state hospital outpatient rate annually by multiplying the weighted average in-state RCC rate by the outpatient adjustment factor.

(10) For hospitals that have their own hospital specific inpatient RCC rate, ((MAA)) the department calculates the hospital's specific hospital outpatient rate by multiplying the hospital's inpatient RCC rate by the outpatient adjustment factor.

(11) The outpatient adjustment factor:

(a) Must not exceed 1.0; and

(b) Is updated annually. ~~((This update causes an additional update of))~~ At the time the outpatient adjustment factor is updated, the hospital outpatient rate for ((each)) the hospital is adjusted.

(12) ~~((MAA))~~ The department establishes the basic hospital outpatient ((payment)) allowed amount for a claim as provided in WAC 388-550-6000 and 388-550-7200. ((MAA)) The department deducts any client responsibility ~~((spend-down))~~ and any third-party liability (TPL) ~~((from))~~, and makes any other applicable payment program adjustments to the ~~((basic payment))~~ allowed amount to determine the actual payment due.

(13) The department allows hospitals a swing bed day rate for those days when a client is receiving department-approved nursing service level of care in a swing bed. The department's aging and disability services administration (ADSA) determines the swing bed day rate.

(a) The department does not allow payment for acute inpatient level of care for swing bed days when a client is receiving department-approved nursing service level of care in a swing bed.

(b) The department's allowed amount for those ancillary services not covered under the swing bed day rate is based on the payment methods provided in WAC 388-550-6000 and 388-550-7200, and may be billed by the hospital on an outpatient hospital claim, except for pharmacy services and pharmaceuticals.

(c) The department allows pharmacy services and pharmaceuticals not covered under the swing bed day rate, that are provided to a client receiving department-approved nursing service level of care, to be billed directly by a pharmacy through the point of sale system. The department does not allow those pharmacy services and pharmaceuticals to be paid to the hospital through submission of a hospital outpatient claim.

**AMENDATORY SECTION** (Amending WSR 01-02-075, filed 12/29/00, effective 1/29/01)

**WAC 388-550-6700 Hospital services provided out-of-state.** (1) The department ~~((shall reimburse))~~ pays:

(a) For dates of admission before August 1, 2007 for only emergency care for an eligible medicaid and SCHIP client who goes to another state, except specified border cities, specifically for the purpose of obtaining medical care that is available in the state of Washington. See WAC 388-501-0175 for a list of border cities.

(b) For dates of admission on and after August 1, 2007, for both emergency and nonemergency out-of-state hospital services, including those provided in bordering city hospitals and critical border hospitals, for eligible medicaid and SCHIP clients based on the medical necessity and utilization review standards and limits established by the department.

(i) Prior authorization by the department is required for the nonemergency out-of-state hospital medical care provided to medicaid and SCHIP clients.

(ii) Bordering city hospitals are considered the same:

(A) As in-state hospitals for coverage of hospital services; and

(B) As out-of-state hospitals for payment methodology. Department designated critical border hospitals are paid as in-state hospitals. See WAC 388-550-3900 and 388-550-4000.

(c) For out-of-state voluntary psychiatric inpatient hospital services for eligible medicaid and SCHIP clients based on authorization by a mental health division designee.

(d) Based on the department's limitations on hospital coverage under WAC 388-550-1100 and 388-550-1200 and other applicable rules.

(2) The department ~~((shall))~~ authorizes and ~~((provide))~~ pays for comparable ~~((medical-care))~~ hospital services ~~((to))~~ for a medicaid and SCHIP client who is temporarily outside the state to the same extent that such ~~((medical-care))~~ services are furnished to an eligible medicaid client in the state, subject to the exceptions and limitations in this section. See WAC 388-550-3900 and 388-550-4000.

(3) The department ~~((shall not authorize payment for out-of-state medical care furnished to state-funded clients (medically indigent/medical care services), but may authorize medical services in designated bordering cities))~~ limits out-of-state hospital coverage for clients eligible under state-administered programs as follows:

(a) For a client eligible under the psychiatric indigent inpatient (PII) program or who receives services under the Involuntary Treatment Act (ITA), the department does not pay for hospital services provided in any hospital outside the state of Washington (including bordering city and critical border hospitals).

(b) For a client eligible under a department's general assistance program, the department pays only for hospital services covered under the client's medical care services' program scope of care that are provided in a bordering city hospital or a critical border hospital. The department does not pay for hospital services provided to clients eligible under a general assistance program in other hospitals located outside the state of Washington. The department or its designee may require prior authorization for hospital services provided in a bordering city hospital or a critical border hospital. See WAC 388-550-1200.

(4) The department ~~((shall))~~ covers hospital care provided to medicaid or SCHIP clients in areas of Canada as described in WAC 388-501-0180, and based on the limitations described in the state plan.

(5) The department ~~((shall))~~ may review all cases involving out-of-state ~~((medical-care))~~ hospital services, including those provided in bordering city hospitals and critical border hospitals, to determine whether the services are within the scope of the client's medical assistance program.

~~((a))~~ (6) ~~((a))~~ If the client can claim deductible or coinsurance portions of medicare, the provider ~~((shall))~~ must submit the claim to the intermediary or carrier in the provider's own state on the appropriate medicare billing form.

~~((b))~~ (7) If the state of Washington is checked on the form as the party responsible for medical bills, the intermediary or carrier may bill on behalf of the provider or may return the claim to the provider for submission to the state of Washington.

(7) For ~~((reimbursement))~~ payment for out-of-state inpatient hospital services, see WAC 388-550-3900 and 388-550-4000.

~~((The department shall reimburse out-of-state outpatient hospital services billed under the physician's current procedural terminology codes at an amount that is the lower of:~~

~~((a) The billed amount; or~~

~~((b) The rate paid by the Washington state Title XIX Medicaid program.~~

~~((9))~~ Out-of-state providers ~~((shall))~~, including bordering city hospitals and critical border hospitals, must present final charges to ~~((MAA))~~ the department within three hundred sixty-five days of the ~~((date of service))~~ "statement covers period from date" shown on the claim. ~~((In no case shall))~~ The state of Washington ~~((be))~~ is not liable for payment of charges received beyond ~~((one year))~~ three hundred sixty-five days from the ~~((date services were rendered))~~ "statement covers period from date" shown on the claim.

AMENDATORY SECTION (Amending WSR 05-12-132, filed 6/1/05, effective 7/1/05)

**WAC 388-550-4800 Hospital payment methods—State administered programs.** Subsections (1) through (11) of this section apply to hospital payment methods for state administered programs for dates of admission before August 1, 2007. Subsections (12) through (19) of this section apply to hospital payment methods for state administered programs for dates of admission on and after August 1, 2007.

(1) Except as provided in subsection (2) of this section, the ~~((medical assistance administration (MAA)))~~ department uses the ratio of costs-to-charges (RCC) and diagnosis-related group (DRG) payment methods described in this section to ~~((reimburse))~~ pay hospitals at reduced rates for covered services provided to a client who is not eligible under ~~((any))~~ a medicaid program, the SCHIP program, or alien emergency medical (AEM) program and:

(a) Who qualifies for the general assistance unemployable (GAU) program; or

(b) Is involuntarily detained under the Involuntary Treatment Act (ITA).

(2) ~~((MAA))~~ The department exempts the following services from the state-administered programs' payment methods and/or reduced rates:

(a) Detoxification services when the services are provided under ~~((an MAA))~~ a department-assigned provider number starting with "thirty-six." ~~((MAA reimburses))~~ The department pays these services using the Title XIX medicaid RCC payment method.)

(b) Program services provided by ~~((MAA))~~ department-approved critical access hospitals (CAHs) to clients eligible under state-administered programs. ~~((MAA reimburses))~~ The department pays these services through cost settlement as described in WAC 388-550-2598.)

(c) Program services provided by Peer group E hospitals to clients eligible under the GAU program. ~~((MAA reimburses))~~ The department these services through the "full cost" public hospital certified public expenditure (CPE) payment program (see WAC 388-550-4650).



(3) ((MAA)) The department determines:

(a) A state-administered program RCC payment by reducing a hospital's Title XIX medicaid RCC rate using the hospital's ratable.

(b) A state-administered program DRG payment by reducing a hospital's Title XIX medicaid DRG cost based conversion factor (CBCF) using the hospital's ratable and equivalency factor (EF).

(4) ((MAA)) The department determines:

(a) The RCC rate for the state-administered programs mathematically as follows:

State-administered programs' RCC rate = current Title XIX medicaid RCC rate x (one minus the current hospital ratable)

(b) The DRG conversion factor (CF) for the state-administered programs mathematically as follows:

State-administered programs' DRG CF = current Title XIX medicaid DRG CBCF x (one minus the current hospital ratable) x EF

(5) ((MAA)) The department determines payments to hospitals for covered services provided to clients eligible under the state-administered programs mathematically as follows:

(a) Under the RCC payment method:

State-administered programs' RCC payment = state-administered programs' RCC Rate x allowed charges

(b) Under the DRG payment method:

State-administered programs' DRG payment = state-administered programs' DRG CF x all patient DRG relative weight (See subsection (6) of this section for how ((MAA)) the department determines payment for state-administered program claims that qualify as DRG high-cost outliers.)

(6) For state-administered program claims that qualify as DRG high-cost outliers, ((MAA)) the department determines:

(a) In-state children's hospital payments for state-administered program claims that qualify as DRG high-cost outliers mathematically as follows:

Eighty-five percent of the allowed charges above the outlier threshold x the specific hospital's RCC rate x (one minus the current hospital ratable) plus the DRG allowed amount

(b) Psychiatric DRG high-cost outlier payments for DRGs 424 through 432 mathematically as follows:

One hundred percent of the allowed charges above the outlier threshold x the specific hospital's RCC rate x (one minus the current hospital ratable) plus the applicable DRG allowed amount

(c) Payments for all other claims that qualify as DRG high-cost outliers as follows:

Sixty percent x the specific hospital's RCC rate x (one minus the current hospital ratable) plus the applicable DRG allowed amount

High-cost Outlier Calculations for Qualifying Claims State-administered Programs (for admission dates January 1, 2001 and after)														
In-state Children's Hospitals Allowed charges	(-)	> of \$33000 or 3 x DRG	(=)	Charges > threshold	(x)	RCC	(x)	1 (-) Ratable	(x)	85%	(=)	Outlier Add-on Amount	(+)	*DRG Allowed Amount
Psychiatric DRGs 424-432 Allowed charges	(-)	> of \$33000 or 3 x DRG	(=)	Charges > threshold	(x)	RCC	(x)	1 (-) Ratable	(x)	100%	(=)	Outlier Add-on Amount	(+)	* DRG Allowed Amount
All other qualifying claims Allowed charges	(-)	> of \$33000 or 3 x DRG	(=)	Charges > threshold	(x)	RCC	(x)	1 (-) Ratable	(x)	60%	(=)	Outlier Add-on Amount	(+)	* DRG Allowed Amount
*Basic DRG allowed amount calculation: DRG relative weight x conversion factor = DRG allowed amount														

(7) See WAC 388-550-3700(5) for how claims qualify as low-cost outliers.

(8) ((MAA)) The department determines payments for claims that qualify as DRG low-cost outliers mathematically as follows:

Allowed charges for the claim x the specific hospital's RCC rate x (one minus the current hospital ratable)

(9) To calculate a hospital's ratable that is applied to both the Title XIX medicaid RCC rate and the Title XIX medicaid DRG CBCF used to determine the respective state-administered program's reduced rates, ((MAA)) the department:

(a) Adds the hospital's medicaid revenue (medicaid revenue as reported by department of health (DOH) includes all medicaid revenue and all other medical assistance revenue) and medicare revenue to the value of the hospital's charity care and bad debts, all of which is taken from the most recent

complete calendar year data available from DOH at the time of the ratable calculation; then

(b) Deducts the hospital's low-income disproportionate share hospital (LIDSH) revenue from the amount derived in (a) of this subsection to arrive at the hospital's community care dollars; then

(c) Subtracts the hospital-based physicians revenue that is reported in the hospital's most recent HCFA-2552 medicare cost report received by ((MAA)) the department at the time of the ratable calculation, from the total hospital revenue reported by DOH from the same source as discussed in (a) of this subsection, to arrive at the net hospital revenue; then

(d) Divides the amount derived in (b) of this subsection by the amount derived in (c) of this subsection to obtain the ratio of community care dollars to net hospital revenue (also called the preliminary ratable factor); then

- (e) Subtracts the amount derived in (d) of this subsection from 1.0 to obtain the hospital's preliminary ratable; then
- (f) Determines a neutrality factor by:
  - (i) Multiplying hospital-specific medicaid revenue that is reported by DOH from the same source as discussed in (a) of this subsection by the preliminary ratable factor; then
  - (ii) Multiplying that same hospital-specific medicaid revenue by the prior year's final ratable factor; then
  - (iii) Summing all hospital-medicaid revenue from the hospital-specific calculations that used the preliminary ratable factor discussed in (f)(i) of this subsection; then
  - (iv) Summing all hospital revenue from the hospital-specific calculations that used the prior year's final ratable factor discussed in (f)(ii) of this subsection; then
  - (v) Comparing the two totals; and
  - (vi) Setting the neutrality factor at 1.0 if the total using the preliminary ratable factor is less than the total using the prior year's final ratable factor; or
  - (vii) Establishing a neutrality factor that is less than 1.0 that will reduce the total using the preliminary ratable factor to the level of the total using the prior year's final ratable factor, if the total using the preliminary ratable factor is greater than the total using the prior year's ratable factor; then
- (g) Multiplies, for each specific hospital, the preliminary ratable by the neutrality factor to establish hospital-specific final ratables for the year; then
- (h) Subtracts each hospital-specific final ratable from 1.0 to determine hospital-specific final ratable factors for the year; then
- (i) Calculates an instate-average ratable and an instate-average ratable factor used for new hospitals with no prior year history.

(10) ~~((MAA))~~ The department updates each hospital's ratable annually on August 1.

(11) ~~((MAA))~~ The department:

- (a) Uses the equivalency factor (EF) to hold the hospital specific state-administered programs' DRG CF at the same level prior to rebasing, adjusted for inflation; and
- (b) Calculates a hospital's EF as follows:

$$EF = \text{State-administered programs' prior DRG CF} \div \text{current Title XIX Medicaid DRG CBCF} \times (\text{one minus the prior ratable})$$

(12) For dates of admission on and after August 1, 2007, the department pays for services provided to a client eligible for a state administered program based on state-administered program rates. The state administered program rates are established independently from the process used in setting the medicaid payment rates. The state administered program rates may not be changed unless the legislature authorizes the changes. The department uses the ratable factor and equivalency factor to keep the state administered program payment rates at the same level they were at before the state medicaid rates are rebased.

(13) The table in this subsection shows a comparison of the payment policy for the department's inpatient payment system for dates of admission before August 1, 2007, and the inpatient payment system effective for dates of admission on and after August 1, 2007. Under this inpatient payment system effective August 1, 2007, the per diem rates are used to pay for many services previously paid using the RCC payment method.

The following table indicates differences in policy for the two inpatient payment systems:

	<u>Inpatient payment system for dates of admission before August 1, 2007</u>	<u>Inpatient payment system for dates of admission on and after August 1, 2007</u>
<u>Stable DRGs</u>	<u>DRG Grouper v 14.1</u>	<u>DRG grouper v 23.0</u>
<u>Unstable/Medical DRGs</u>	<u>RCC</u>	<u>Per diem</u>
<u>Unstable Surgical DRGs</u>	<u>RCC</u>	<u>Per diem</u>
<u>Unstable Neonate DRGs</u>	<u>RCC</u>	<u>Per diem</u>
<u>Psych</u>	<u>RCC</u>	<u>Per diem</u>
<u>Rehab</u>	<u>RCC</u>	<u>Per diem</u>
<u>Detox</u>	<u>RCC</u>	<u>Per diem</u>
<u>Transplant</u>	<u>RCC</u>	<u>RCC</u>
<u>Military hospitals</u>	<u>RCC</u>	<u>RCC</u>
<u>HIV</u>	<u>RCC</u>	<u>Not separately defined</u>
<u>Chronic pain management</u>	<u>Per diem</u>	<u>Per diem</u>
<u>Bariatric surgery</u>	<u>Per case rate</u>	<u>Per case rate</u>
<u>CUP</u>	<u>Not separately defined</u>	<u>Per diem</u>
<u>Burns</u>	<u>Not separately defined</u>	<u>Per diem</u>

See specific sections in the chapter 388-550 WAC to determine how the department pays hospitals participating in the critical access hospital (CAH) program, the long term acute care (LTAC) program, and the certified public expenditure (CPE) payment program.

(14) Due to changes in payment methodologies established for the inpatient payment system effective August 1, 2007, the department has established the following state

administered program rates used for dates of admission on and after August 1, 2007:

(a) State administered program DRG conversion factor for claims grouped under stable DRG classifications services.

(b) State administered program per diem rates for claims grouped under the following specialty service categories:

- (i) CUP;
- (ii) Detoxification; and

(iii) Physical medicine and rehabilitation.

(c) State administered program per diem rates for the claims grouped to unstable DRG classifications under the following non-specialty service categories:

(i) Surgical;

(ii) Medical;

(iii) Burns; and

(iv) Neonate and pediatric.

(d) State administered program per diem rates for claims grouped under psychiatric services.

(e) State administered program per case rate for claims grouped under bariatric services.

(f) State administered program RCC rates for claims grouped under transplant services.

(15) This subsection describes the state administered program (DRG) conversion factor and payment calculation processes used by the department to pay claims paid using the DRG payment method. The department pays for services grouped to a stable DRG classification that are provided to clients eligible for a state administered program based on use of a DRG conversion factor and a DRG relative weight. This process is similar to the payment method used to pay for medicaid and SCHIP services that are grouped to a stable DRG classification.

(a) The department's state administered program DRG conversion factor calculation process is as follows:

(i) For in-state and critical border hospitals, the hospital's specific DRG conversion factor that is used to calculate payment for a state administered program claim, is based on the medicaid conversion factor adjusted by the most available ratable factor and the applicable equivalency factor. Mathematically the calculation is:

State administered program DRG CF =

((Medicaid DRG CF x applicable Equivalency Factor) x most available ratable factor)

(ii) For in-state and critical border hospitals that do not have a current state administered program DRG conversion factor, the state administered program conversion factor is the hospital's specific proposed medicaid conversion factor multiplied by the average applicable equivalent factor and average applicable ratable.

(iii) For bordering city hospitals that are not critical border hospitals, and for other out-of-state hospitals that are not critical border hospitals, the state administered program DRG conversion factor is the lowest in-state medicaid DRG conversion factor multiplied by the average ratable and equivalency factor.

(b) The department's state administered program DRG equivalency factor calculation process is as follows:

(i) The equivalency factor is a factor used to hold the hospital's specific state administered program DRG conversion factor or rates at the same level before and after the medicaid DRG rate is rebased. Mathematically the calculation is:

Equivalency factor = (State administered program DRG CF / (Medicaid DRG CF x ratable))

(ii) The department may make an adjustment to the equivalency factor to address the differences in the relative weight values of the two DRG grouper versions due to the recalibration of the weights.

(iii) Refer to the ratable and ratable factor definition and calculation for the ratable factor determination.

(c) The department's DRG payment calculation process for DRG classifications grouped to stable DRG relative weights is as follows:

(i) The department determines the allowed amount for the inlier portion of the state-administered program DRG payment calculation. Mathematically the calculation is:

State administered program DRG inlier portion allowed amount of the payment = (State administered program DRG CF x DRG relative weight)

(ii) The department determines the high outlier claim calculation for the state administered program DRG payment. See WAC 388-550-3700 for more information about high outlier qualification and calculation processes. Mathematically the calculation is:

State-administered program DRG inlier and outlier portion allowed amount of the payment = (State-administered program DRG CF x DRG relative weight) + outlier adjustment

(iii) The outlier payment adjustment calculation for a state administered program claim is different than the outlier payment calculation for a medicaid claim. The outlier adjustment for a state administered program claim is adjusted by the ratable factor.

(iv) The outlier threshold amount for claims that are eligible for a high outlier payment and are grouped to non-neonatal DRGs and non-pediatric DRGs, equals one hundred seventy-five percent of the DRG inlier allowed amount calculation. This same outlier threshold is used for claims that are eligible for a high outlier payment in hospitals other than Children's Hospital Regional Medical Center and Mary Bridge Children's Hospital and Health Center.

(v) The outlier threshold amount for claims that are eligible for a high outlier payment and are grouped to neonatal DRGs, pediatric DRGs, equals one hundred fifty percent of the DRG inlier allowed amount calculation. This same outlier threshold is used for claims that are eligible for a high outlier payment when the claim is from Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center.

(vi) The outlier transfer provision is applied for the calculation of services paid under the state administered program DRG payments.

(vii) Refer to the medicaid percent of outlier adjustment factor described in WAC 388-550-3700 and (d) of this subsection for how the percent of outlier adjustment factor is reduced by a ratable to determine the outlier portion allowed amount for the claim.

(d) The department determines the outlier portion allowed amount calculation for the state-administered program high outlier claim DRG payment as follows. Mathematically the calculation is:

State administered program outlier portion allowed amount of claim = ((Covered charges x RCC) - outlier threshold) x (Percent of outlier adjustment factor x ratable factor)

(i) A claim is an outlier claim when the claim cost (covered charges x RCC) is greater than both the fixed loss amount of fifty thousand dollars and one hundred seventy-

five percent (one hundred fifty percent for neonatal, pediatric DRGs, Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center) of the DRG inlier allowed amount for payment.

(ii) The outlier threshold used in calculation of the outlier payment adjustment will always be one hundred seventy-five percent (one hundred fifty percent for neonatal, pediatric DRGs, Children's Hospital Regional Medical Center or Mary Bridge Children's Hospital and Health Center) of the DRG inlier allowed amount for payment.

(iii) Refer to the ratable and ratable factor definition and calculation for the ratable factor determination.

(16) This subsection describes the state-administered program per diem rate and payment calculation for the following specialty service categories and unstable DRG non-specialty service categories.

(a) The per diem rate is separately established for each of the following services:

(i) CUP;

(ii) Detoxification;

(iii) Physical medicine and rehabilitation;

(iv) Surgical;

(v) Medical;

(vi) Burns; and

(v) Neonate and pediatric.

(b) The per diem rate calculation process for CUP, detoxification, physical medicine and rehabilitation, surgical, medical, burns, and neonate and pediatric services is, for in-state and critical border hospitals, the hospital's specific state administered program per diem rate is based on the Title XIX Medicaid rates multiplied by the most available ratable factor and the equivalency factor. Mathematically the calculation is:

State administered program per diem rate =

((Hospital's specific Medicaid per diem x ratable factor) x Equivalency factor)

(c) The per diem equivalency factor calculation process is as follows:

(i) The per diem equivalency factor is a factor used to hold the aggregate payment for all non-Medicaid claims grouped under per diem payment method at the same level before and after the per diem Medicaid rate is rebased. The equivalency factor is calculated based on the estimate non-Medicaid per diem, the Medicaid per diem, and the hospital's specific ratable factor. Mathematically the calculation is:

Equivalency factor =

(Estimated state administered program per diem rate / (Medicaid per diem rate x ratable))

(ii) For bordering city hospitals that are not critical border hospitals, and for other out-of-state hospitals that are not critical border hospitals, the state administered program per diem rate is the lowest in-state Medicaid per diem rate multiplied by the average ratable and equivalency factor.

(iii) The state administered program per diem rate is an estimate based on the actual payment per day. The actual payment per day equals the aggregate payment amount (inflated from the base year to the implementation year) divided by the number of days associated with the aggregate costs.

(iv) For a hospital with more than twenty state administered program claims that grouped in the base year data to DRG classifications that are paid using the per diem payment method, a hospital's specific equivalency factor is established based on the hospital's data.

(v) For a hospital with less than twenty state administered program claims that grouped in the base year data to DRG classifications that are paid using the per diem payment method, an average equivalency factor is established based on the hospital database of all hospitals.

(d) The state administered program per diem allowed amount of payment calculation process for CUP, detoxification, and physical medicine and rehabilitation services is as follows. Mathematically the calculation is:

Per diem payment =

Hospital's state administered program per diem rate x patient stay LOS recognized by the department for payment

The high outlier and transfer policy is not applied to payment calculations for CUP, detoxification, and physical medicine and rehabilitation services.

(e) The state administered program per diem allowed amount of payment calculation process for surgical, medical, burns, and neonate services is as follows. Mathematically the calculation is:

Per diem payment =

Hospital's state administered program per diem rate x patient stay LOS recognized by the department for payment

(i) The outlier policy is applied to payment calculations for a claim grouped to an unstable DRG classification when the claim is for surgical, medical, burns, neonate and pediatric services (see WAC 388-550-3700). Refer to the state administered program outlier DRG adjustment payment calculation for the outlier calculation.

(ii) The transfer policy is not applied to payment calculations for a claim grouped to an unstable DRG classification when the claim is for surgical, medical, burns, neonate and pediatric services.

(17) The state administered program per diem rate and payment calculation for psychiatric services is as follows:

(a) The department uses a payment method similar to the method used to pay for Medicaid psychiatric services, for state administered program psychiatric services provided to clients eligible for those services. Psychiatric services provided to state administered program clients are paid using a psychiatric per diem rate. The per diem rate calculation process for state administered program psychiatric services is as follows:

(i) For in-state hospitals, the hospital's specific state administered program psychiatric per diem rate used to calculate the allowed amount for payment is based on the Title XIX Medicaid rate adjusted by a ratable factor specified by the legislature to reduce the Medicaid psychiatric per diem to a state program per diem. Mathematically the calculation is:

State administered program psychiatric per diem rate =

Medicaid psychiatric per diem x a ratable factor specified by the legislature to reduce the Medicaid psychiatric per diem to a state program per diem.

(ii) For hospitals located outside the state of Washington, including bordering city hospitals, critical border hospitals, and other out-of-state hospitals, psychiatric services and

involuntary treatment act (ITA) services are not covered or paid by the department.

(b) The per diem payment calculation process for state-administered program psychiatric services is as follows. Mathematically the calculation is:

Psychiatric payment =

State administered program hospital's specific per diem rate x patient stay LOS recognized by the department's MHD designee for payment

(i) Outlier payment and transfer policies are not applied to state administered program psychiatric claims.

(ii) The ratable factor was provided to the department by the legislature.

(18) This subsection describes the state administered program per case rate and payment processes for bariatric surgery services.

(a) The department limits provision of bariatric surgery services to medical assistance clients to hospitals that are approved by the department to provide those services. Bariatric surgery services provided to a medical assistance client by an approved hospital must also be prior authorized by the department for the hospital to receive payment from the department for those services. Effective August 1, 2007, the department approved bariatric surgery services programs at the Sacred Heart Medical Center, the University of Washington Medical Center, and the Oregon Health Science University. The department may approve other programs based on department discretion.

(b) The department calculates the state administered program per case rate for bariatric surgery services by multiplying the hospital's specific medicaid per case rate for bariatric surgery services by the hospital's specific ratable factor and DRG-equivalency factor. Mathematically the calculation is:

State administered program per case rate =

Medicaid per case rate x hospital's specific ratable factor x DRG equivalency factor

The per case payment rate for bariatric surgery services is an all-inclusive rate. No outlier provision is applied to the per case rate.

(19) This subsection describes the state administered program RCC rates and payment calculation processes for transplant services and other RCC paid services. Transplant services provided to a client eligible for those services through a state administered program are paid using the RCC payment method. There are some other services that may be paid using the RCC payment method, e.g., services provided by military hospitals when no other payment method is agreed upon by the department and the hospital. The state administered program RCC rate is calculated by multiplying the medicaid RCC rate by the ratable factor. Mathematically the calculation is:

State administered program RCC rate = medicaid RCC x ratable factor

(20) The department may pay for authorized psychiatric indigent inpatient claims submitted by an in-state community hospital designated as an institution for mental diseases (IMD) using state funds when such funds are provided by the state legislature specifically for this purpose.

(21) The department's policy for payment on state-administered program claims that involve third party liability

(TPL) and/or client responsibility payments is the same policy indicated in the table in WAC 388-550-2800, except that when the department determines the payment on the claim, it applies state-administered program rates, not medicaid or SCHIP rates, when comparing the lesser of billed charges or the allowed amount on the claim.

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

## WSR 07-15-031

### PERMANENT RULES

## SPOKANE REGIONAL CLEAN AIR AGENCY

[Filed July 12, 2007, 12:25 p.m., effective August 12, 2007]

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

Purpose: SRCAA Regulation I, Article IX - Largely clarify existing regulations and streamline activities associated with nonfriable asbestos-containing roofing materials. Article X, Section 10.09 - Asbestos fees placed in fee schedule and may be adjusted following a public notice, comment period, and public hearing. Section 10.06 - A provision added for periodic fee review.

Citation of Existing Rules Affected by this Order: Amending SRCAA Regulation I, Articles IX and X, Sections 10.06 and 10.09.

Statutory Authority for Adoption: RCW 70.94.141(1), 70.94.380(2).

Other Authority: Chapter 70.94 RCW and U.S.C. 7401 et seq., 42 U.S.C. 7412.

Adopted under notice filed as WSR 07-11-036 on May 8, 2007, and WSR 07-11-054 on May 10, 2007.

A final cost-benefit analysis is available by contacting Brenda Smits, 1101 West College, Suite 403, Spokane, WA 99201, phone (509) 477-4727, fax (509) 477-6828, e-mail bsmits@spokanecleanair.org. This is a local agency rule and RCW 34.05.328 does not apply pursuant to RCW 70.94.141 (1).

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

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

Date Adopted: July 12, 2007.

Brenda Smits  
Air Quality Specialist II

**AMENDATORY SECTION****SCAPCA Regulation I, Article IX - Asbestos Control Standards****SECTION 9.01 PURPOSE**

The Board of Directors of the ~~((Spokane County Air Pollution Control Authority))~~ Spokane Regional Clean Air Agency recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions primarily resulting from asbestos removal, renovation, and demolition projects in order to protect the public health.

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

**SECTION 9.02 DEFINITIONS**

A. AHERA Building Inspector means a person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.3) and whose certification is current.

B. AHERA Project Designer means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E, I.B.5.) and whose certification is current.

C. Asbestos means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.

D. Asbestos-Containing Material means any material containing more than one percent (1%) asbestos as determined using the method specified in EPA regulations Appendix A, Subpart F, 40 CFR Part 763, Section 1, Polarized Light Microscopy or a more effective method as approved by EPA. It includes any material presumed or assumed to be asbestos-containing.

E. Asbestos-Containing Waste Material means any waste that contains or is contaminated with asbestos-containing material except for nonfriable asbestos-containing roofing that remains nonfriable. Asbestos-containing waste material includes asbestos containing material that has been disturbed or deteriorated in a way that is no longer an integral part of the structure or component, asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

F. Asbestos Project means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action or inaction that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and

disposal of ~~((stored))~~ asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released nor does it include nonfriable asbestos-containing roofing material that will not be rendered friable.

G. Asbestos Survey means a written report resulting from a thorough ((describing an)) inspection using the procedures and analysis in EPA regulations (40 CFR 763.85, ((and)) 40 CFR 763.86 and 40 CFR 763.87), or an alternate asbestos survey method that has received prior written approval from the Control Officer, to determine whether materials or structures to be worked on, renovated, removed, or demolished (including materials on the outside of structures) contain asbestos. In addition to requirements in 40 CFR 763.85, & 40 CFR 763.86 & 40 CFR 763.87 asbestos surveys shall contain the approximate quantity and location of each material determined to contain asbestos and a schematic showing the locations where each bulk asbestos sample was taken. The condition and friability of asbestos-containing materials shall also be described in the asbestos survey. Any material presumed or assumed to be asbestos-containing material need not be sampled and tested for asbestos, but materials presumed to be asbestos-containing material shall be identified as such in the asbestos survey.

H. Competent Person means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).

I. Contiguous means properties adjoining one another or in close proximity that have the same property owner.

~~((J))~~ J. Component means any equipment, pipe, structural member, or other item or material. ~~((covered or coated with, or manufactured from, asbestos-containing material.))~~

K. Controlled Area means an area to which only certified asbestos workers, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access.

~~((L))~~ L. Demolition means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable in part or whole.

M. Disposal Container means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of asbestos-containing waste material.

~~((N))~~ N. Friable Asbestos-Containing Material means asbestos-containing material that, when dry, can be crumbled, disintegrated, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Each of these descriptions is separate and distinct (i.e., asbestos-containing material that, when dry, can be (a) crumbled by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; (b) disintegrated or pulverized by hand pressure or by the forces

expected to act upon the material in the course of renovation, demolition, or disposal; or (c) reduced to powder by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal). Such materials include, but are not limited to, thermal system insulation, surfacing material, Nicolet roofing paper, and cement asbestos products.

((L)) O. Leak-Tight Container means a dust-tight and liquid tight container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

((M)) P. Nonfriable Asbestos-Containing Material means asbestos-containing material that is not friable; (e.g., when dry, cannot be crumbled, disintegrated, pulverized, or reduced to powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal).

Q. Nonfriable Asbestos-Containing Roofing means an asbestos-containing roofing material where all of the following apply:

1. The roofing is a nonfriable asbestos-containing material not asphalt coated asbestos felting or similar built-up roofing;

2. The roofing is in good condition and is not peeling, cracking, or crumbling;

3. The roofing binder is petroleum-based and asbestos fibers are suspended in that base with individual fibers still encapsulated; and

4. The roofing binder exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing and disposing of it.

((N)) R. Owner-Occupied, Single-Family Residence means any non-multiple unit building containing ~~((living))~~ space for uses such as living, sleeping, preparation of food, and eating that is used ((that is currently occupied)) by one family who owns the property as their domicile both prior to and after renovation or demolition. This term includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a "mother-in-law apartment" or "guest room". This term does not include rental property or multiple-family units, nor does this term include any mixed-use building (e.g., a business being operated out of a residence), structure, or installation that contains a residential unit. This term does not include structures used for structural fire training exercises performed pursuant to Regulation I, Article VI, Section 6.01.

S. Owner's Agent means any person who leases, operates, controls, or is responsible for an asbestos project, renovation, or demolition. It also includes the person submitting (signing) an NOI and/or performing the asbestos survey.

((O)) T. Person means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

((P)) U. Renovation means altering a structure or component in any way, other than demolition.

V. Structure means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial

buildings, bridges, "smoke" stacks, pole-buildings, canopies, lean-twos, foundations, equipment, and other parts and miscellaneous components.

((Q)) W. Surfacing Material means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints ((or panes)), fireproofing material on structural members, or other material on surfaces for decorative purposes.

((R)) X. Suspect Asbestos-Containing Material means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material, fire barriers, gaskets, flooring material, and cement siding.

((S)) Y. Thermal System Insulation means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

Z. Visible Emissions means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.

AA. Wallboard System means joint compound and tape specifically applied to cover nail holes, cracks and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings or wall coverings. Wallboard systems where joint compound and tape have become an integral system (40 CFR Part 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an asbestos-containing material.

BB. Waste Generator means any owner or owner's agent that generates, produces, or is in part or whole, responsible for an activity that results in asbestos-containing waste material.

CC. Workday means Monday through Friday 8:00 a.m. to 4:30 p.m. excluding legal holidays observed by the Authority.

((F)) DD. Work Schedule Fax Program means a program whereby the property owner or owner's agent provides prior notice by facsimile to the Authority of the specific location and date of the asbestos project or demolition on a form approved by the Authority.

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

### SECTION 9.03 ASBESTOS SURVEY REQUIREMENTS

Except as provided below, an AHERA building inspector shall perform an asbestos survey as defined in Section 9.02.G of this Regulation prior to renovation or demolition.

A. Requirements for Renovations.

Except as provided for in Section 9.03.A.1. ((it shall be unlawful for any person to cause or allow any renovation unless prior to renovation, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.)) Prior to performing any renovation activity the property owner or the owner's agent shall determine whether there are suspect asbestos-containing materials in the work area. The property owner or the owner's agent shall obtain an asbestos survey of any suspect asbestos-containing materials. The asbestos survey shall be performed by

an AHERA (Asbestos Hazard Emergency Response Act) building inspector.

~~((1. Asbestos surveys associated with the renovation of an owner-occupied, single-family residence need not be performed by an AHERA building inspector.))~~

1. Owner-Occupied, Single-Family Residence Renovation Performed by the Owner-Occupant.

Asbestos surveys associated with the renovation of an owner-occupied, single-family residence by the owner-occupant, need not be performed by an AHERA building inspector and need not be an asbestos survey as defined in Section 9.02.G. of this Regulation. An owner occupant's assessment for the presence of asbestos prior to renovation of an owner-occupied, single-family residence will suffice. A written asbestos survey is not required.

~~((2. A summary of the results of an asbestos survey shall be posted, either by the property owner or the owner's agent at the work site or communicated in writing to all persons who may come into contact with the material.~~

~~3. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.))~~

2. Asbestos Survey Posting

Except as provided for in Section 9.03.A.1 of this Regulation, a summary of the results of an asbestos survey shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site.

3. Asbestos Survey Retention.

The property owner or owner's agent and the AHERA building inspector that performed the survey, when applicable, shall retain a complete copy of the asbestos survey for at least 2 years and make it available to the Authority upon request.

4. Determination of the Presence of Asbestos-Containing Material.

a. Except as provided for in Section 9.03.A.1, only an AHERA building inspector may determine, by performing an asbestos survey as defined in Section 9.02.G, that a suspect material does not contain asbestos.

b. It is not required that an AHERA building inspector evaluate any material presumed to be asbestos containing.

B. Requirements for Demolition.

It shall be unlawful for any person to cause or allow any demolition, except as provided by RCW 52.12.150(6), unless prior to demolition, the property owner or the owner's agent obtains an asbestos survey, performed by an AHERA building inspector.

~~((1. A summary of the results of the asbestos survey shall be posted, either by property owner or the owner's agent, at the work site or communicated in writing to all persons who may come into contact with the material.))~~

1. Asbestos Survey Posting.

Except as provided for in Section 9.03.A.1 of this Regulation, a summary of the results of an asbestos survey shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at the work site.

~~((2. The property owner or owner's agent shall retain a copy of all asbestos survey records for at least 2 years.))~~

2. Asbestos Survey Retention.

The property owner or owner's agent and the AHERA building inspector that performed the survey when applicable shall retain a complete copy of the asbestos survey for at least 2 years and make it available to the Authority upon request.

3. Determination of the Presence of Asbestos-Containing Material.

a. Except as provided by RCW 52.12.150(6), only an AHERA building inspector may determine by performing an asbestos survey that a suspect material does not contain asbestos.

b. It is not required that an AHERA building inspector evaluate any material presumed to be asbestos containing.

C. Alternate Asbestos Survey Method.

An alternate asbestos survey method shall be submitted to the Control Officer for approval prior to sampling, at a minimum, on occasions when conventional sampling methods required in Section 9.02.G of this Regulation can not or will not be exclusively performed. For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof, rubble or debris piles, and ash or soil, because they are not structures with intact materials and identifiable homogeneous areas. Alternate asbestos survey methodology may be used alone or, when possible, in combination with conventional survey methodology. An alternate asbestos survey methodology typically involves random sampling according to a grid pattern, but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies, EPA/600/R-92/128, July 1992.

## **SECTION 9.04 NOTIFICATION REQUIREMENTS**

A. General Requirements.

It shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer, has been submitted to the Authority on approved forms by the property owner or owner's agent, in accordance with the advance notification period requirements contained in Article X, Section 10.09 of this Regulation.

1. The advance notification period shall begin on the workday a complete notification is received by the Authority and shall end after the advance notification period in Section 10.09 has passed (e.g., The advance notification period for a notification submitted after 4:30 p.m. on a Friday shall not begin until the following Monday, provided Monday is not a holiday observed by the Authority. A 10 day notification period means work on an asbestos project or demolition can begin on day 11.

~~((1))~~ 2. The duration of an asbestos project shall be commensurate with the amount of work involved.

~~((2))~~ 3. Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material. Owners and/or owner's agents must file notification once the 10 linear feet or 48 square feet has been reached on any asbestos project or multiple asbestos project.



~~((3))~~ 4. Notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, or roofing. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

~~((4))~~ 5. Notification is not required for renovations involving owner-occupied, single-family residences. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

~~((5))~~ 6. Notification is required for all demolitions involving structures with a projected roof area greater than 120 square feet, even if no asbestos-containing material is present. All other demolition requirements remain in effect.

~~((6))~~ 7. A copy of the notification, all amendments to the notification, the asbestos survey, and any Order of Approval for an alternate means of compliance shall be made available for inspection at all times at the asbestos project or demolition site.

~~((7))~~ 8. Multiple Asbestos Projects

Notification for multiple asbestos projects or demolitions may be filed by a property owner or owner's agent on one form if all the following criteria are met:

a. The notification applies only to contiguous properties having the same owner.

b. The work will be performed by the same abatement and/or demolition contractor.

c. A work plan is submitted that includes: ~~((a map of the structures involved in the project including the site address for each structure; the amount and type of asbestos-containing material in each structure; and the schedule for performing asbestos project and demolition work. For projects where a detailed work schedule cannot be provided, the property owner or owner's agent shall participate in the Authority's work schedule fax program and will continue to participate in the program throughout the duration of the project.))~~

i. a map of the structures involved in the project;

ii. the site address for each structure;

iii. the amount and type of asbestos-containing material in each structure;

iv. the schedule for performing asbestos project and demolition work (for projects where a detailed work schedule cannot be provided, the property owner or owner's agent shall participate in the Authority's work schedule fax program and will continue to participate in the program throughout the duration of the project);

v. a copy of the asbestos survey for all structures that do not contain asbestos containing material; and

vi. any other information requested by the Authority.

~~((8. Annual Notification.~~

~~A property owner or owner's agent may file one annual notification for asbestos projects to be conducted on one or more structures, vessels, or buildings in one calendar year if all of the following conditions are met:~~

~~a. The notification applies only to single, contiguous property.~~

~~b. The annual notification is filed with the Authority before commencing work on any asbestos project included in the annual notification.~~

~~e. The total amount of asbestos-containing material for all asbestos projects from each structure, vessel, or building~~

~~in a calendar year under this section is less than 260 linear feet on pipes or less than 160 square feet on other components.~~

~~d. The property owner submits quarterly written reports to the Authority on approved forms within 15 days after the end of each calendar quarter.))~~

9. The property owner or owner's agent shall retain a copy of all asbestos notification records for at least 2 years and make them available to the Authority upon request.

10. Fee for Work Done Without Notification.

Where any work on an asbestos project or demolition, for which notification is required, is commenced or performed prior to making notification, except as provided for in Section 9.04.C, the Control Officer may conduct a compliance investigation and assess a fee. In such case, a compliance investigation fee, as established in Section 10.09(c) of this Regulation, shall be paid by the applicant in addition to the fees required in Section 10.09(a) of this Regulation. Payment of fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

11. Notification Expiration.

Notifications are valid for no more than twelve months from the earliest original notification start date. A new notification shall be submitted to the Authority for work to be performed beginning or continuing more than twelve months from the earliest original notification start date and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

B. Amendments.

1. Mandatory Amendments.

An amendment shall be submitted to the Authority for any of the following changes in notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation:

a. ~~((Increases))~~ Changes in the project type (e.g., from asbestos removal only to asbestos removal and demolition) or cancellation of a project filed under a notification; ((or job size category that increase the fee or change the advance notification period; or

b. Changes in the type of asbestos-containing material that will be removed; or))

b. Increases in the job size category which increase the fee or changes the advance notification period;

c. Changes in the type of asbestos-containing material that will be removed;

~~((e. Changes in the start date, completion date, or work schedule, including hours of work. Asbestos contractors or property owners participating in the Authority's work schedule fax program are not required to submit amendments for work schedule changes occurring between the start and completion dates.))~~

d. Changes in the asbestos project start date or demolition start date including placing a project "on hold" or "off hold" (e.g., an asbestos project is temporarily delayed and a new start date has not been confirmed);

e. Changes in the asbestos project completion date;

f. Changes in the asbestos project work schedule, including days and hours of work (Asbestos contractors or property owners participating in the Authority's work schedule fax

program, as defined in this Regulation, are not required to submit amendments for work schedule changes such as days of the week and hours of the day occurring between the asbestos project start and completion date); or

g. An amendment must be submitted to the Authority for any other change in a notification (e.g., changing a demolition contractor) ((and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation)).

~~((2. Optional Amendments. An amendment may be submitted to the Authority for any other change in a notification and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.))~~

~~((3))~~ 2. Opportunity for Amendment.

In no case shall an amendment be accepted and approved by the Authority if it is filed after the last completion date on record. In the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Authority and shall be accompanied by the appropriate nonrefundable fee as set forth in Section 10.09(a) of this Regulation.

C. Emergencies.

1. Advance Notice

The Control Officer may waive the advance notification period, if the property owner or owner's agent submits a written request, demonstrating to the Control Officer that an asbestos project or demolition must be conducted immediately because of any of the following:

- a. There was a sudden, unexpected event that resulted in a public health or safety hazard; ~~((or))~~
- b. The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; ~~((or))~~
- c. Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- d. The project must proceed to avoid imposing an unreasonable financial burden.

2. When Advance Notice is Not Possible

Advance notification shall not be required to commence an asbestos project or demolition which would normally require advance notification pursuant to Section 9.04 and 10.09 of this Regulation, if all of the following criteria are met:

- a. A notification shall be filed with the Authority not later than the first working day after the asbestos project or demolition is commenced and shall be accompanied by a written request from the property owner or owner's agent, demonstrating to the Control Officer that an asbestos project or demolition was conducted without advance notification because of life endangerment or other serious consequences.
- b. For purposes of compliance with Section 9.04 and 10.09, the Control Officer shall determine whether the asbestos project or demolition, commenced before approval by the Authority, meets the requirements of this subsection.

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

## SECTION 9.05 ASBESTOS REMOVAL REQUIREMENTS PRIOR TO RENOVATION OR DEMOLITION

A. Removal of Asbestos Prior to Renovation or Demolition.

1. Except as provided in Sections 9.05.B., 9.07.B. and 9.08.C., of this Regulation, it shall be unlawful for any person to cause or allow any ~~demolition or renovation or demolition~~ that may:

a. disturb asbestos-containing material without first removing all asbestos-containing material in accordance with the requirements of this Regulation; or

b. damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.

2. Except as provided in Sections 9.07.B and 9.08.C of this Regulation, it shall be unlawful for any person to create or allow a condition, involving an existing structure, that will likely result in the disturbance of asbestos-containing material (e.g., not removing all asbestos-containing material in a structure scheduled for demolition or partially removing asbestos-containing material and leaving remaining asbestos-containing material in a state that makes it more susceptible to being disturbed).

3. Asbestos-containing material need not be removed from a component if, prior to renovation or demolition, the component is removed for reuse, stored for reuse, or transported for reuse without disturbing or damaging the asbestos-containing material.

B. Exception for Hazardous Conditions.

Asbestos-containing material need not be removed prior to a demolition, if the property owner or owner's agent demonstrates to the Control Officer that it is not accessible (e.g., asbestos survey cannot be performed or asbestos cannot be removed prior to demolition) because of hazardous conditions such as: structures or buildings that are structurally unsound (~~and~~) or in danger of imminent collapse, or other conditions that are immediately dangerous to life and health. The property owner or owner's agent must submit the written determination of the hazard by an authorized government official or a licensed structural engineer, and must submit the procedures that will be followed for controlling asbestos emissions during the demolition and disposal of the asbestos-containing waste material. The Exception for Hazardous Conditions plan (i.e., hazardous conditions determination and procedures) shall be submitted to the Authority for approval with a complete notification pursuant to Section 9.04 of this Regulation.

1. At a minimum, all of the following procedures shall be incorporated into the Exception for Hazardous Conditions plan and followed by the owner or owner's agent unless equally effective work practices and procedures are submitted to, and approved by, the Authority:

a. Presume that the structure contains friable and nonfriable asbestos-containing material and treat all demolition debris as asbestos-containing waste material;

b. Follow the procedures for asbestos projects in Section 9.06 of this Regulation;

c. Remove and dispose of a minimum of six inches of soil beneath and six feet of soil around the demolition debris

pile as asbestos-containing waste material or submit a sampling plan for approval, for demonstrating that soil has not been contaminated from the asbestos project; and

d. Make air monitoring data available for the Authority to review, upon request, for 2 years from the date the Control Officer approves the plan.

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

## **SECTION 9.06 PROCEDURES FOR ASBESTOS PROJECTS**

### A. Training Requirements.

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current.

This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

### B. Asbestos Removal Work Practices.

Except as provided in Section ~~((9-06-C))~~ 9.07.A (Method of Removal for Nonfriable Asbestos-Containing Roofing Materials) and Section ~~((9-07))~~ 9.08 (Alternate means of Compliance) of this Regulation, it shall be unlawful for any person to cause or allow the removal of asbestos-containing material unless all the following requirements are met:

1. The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g., when workers are on break or temporarily off-site).

2. If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

3. Absorbent materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately and kept wet until sealed in leak-tight containers.

4. Nonabsorbent materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately and kept wet until sealed in leak-tight containers.

5. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which

cannot be removed by hand, that separate the asbestos-containing material from the environment.

6. Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

7. All asbestos-containing waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.

8. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

9. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

10. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.

11. The asbestos-containing waste material shall be stored in a controlled area until transported to, and disposed of at, a((n approved)) waste disposal site approved to accept asbestos-containing waste material.

12. No visible emissions shall result from an asbestos project.

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

## **SECTION 9.07 PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL**

~~((C))~~ A. Method of Removal for Nonfriable Asbestos-Containing Roofing Material.

All of the following asbestos removal methods shall be employed for nonfriable asbestos-containing roofing material ~~((that has been determined to be nonfriable by a Competent Person or an AHERA Building Inspector.))~~

1. The nonfriable asbestos-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sanding, grinding, abrading, or sawing ~~((or grinding))~~ shall not be employed unless the material that is disturbed is handled as friable asbestos-containing material in accordance with this Regulation.

~~((2. Dust control methods shall be used as necessary to assure no fugitive dust is generated from the removal of nonfriable asbestos-containing roofing material.~~

~~3. Nonfriable asbestos-containing roofing material shall be carefully lowered to the ground to prevent fugitive dust.))~~

~~2~~ ((4. After being lowered to the ground, the n)) Nonfriable asbestos-containing roofing material shall be ~~((immediately))~~ transferred to a disposal container as soon as possible after removal, but no later than the end of each work shift.

~~3~~ 5. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing mate-

rial and shall be transported to, and disposed of at, an approved waste disposal site in compliance with applicable local, state, and federal regulations.

**B. Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition**

Nonfriable asbestos-containing roofing material may be left in place during a demolition, except for demolition by burning, if all of the following are met:

a. A signed and dated written determination is submitted to SRCAA with the notification for demolition, and includes all of the following:

i. the person making the determination is an AHERA Project Designer;

ii. a summary of the evaluation performed within the past 12 months, including a description of the type and current condition of asbestos-containing roofing materials;

iii. a summary of the work practices and engineering controls that will be used;

iv. a determination that nonfriable asbestos-containing roofing material will remain nonfriable during all demolition activities and subsequent disposal of the debris; and

v. any other information requested by the Authority.

b. The proposal is approved by the Authority.

c. The owner or owner's agent complies with any conditions of approval.

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

**SECTION ((9-07)) 9.08 ALTERNATE MEANS OF COMPLIANCE**

The plan for using an alternate means of compliance as provided below shall be submitted to the Authority for Approval with a complete notification pursuant to Section 9.04 of this Regulation.

**A. Friable Asbestos-Containing Material Removal Alternative.**

An alternate asbestos removal method may be employed for friable asbestos-containing material if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type of asbestos-containing material, the projected work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions. The property owner or the owner's agent shall document through air monitoring, both upwind and downwind or at the exhaust from the controlled area, that the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fiber/cc, 8 hour average.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

**B. Nonfriable Asbestos-Containing Material Removal Alternative.**

An alternate asbestos removal method may be employed for nonfriable asbestos-containing material if a Competent

Person or AHERA Project Designer has evaluated the work area, the type of asbestos-containing material, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the planned control method will be equally as effective as the work practices contained in Section 9.06.B of this Regulation in controlling asbestos emissions.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

**C. Leaving Nonfriable Asbestos-Containing Material in Place During Demolition (Other than Nonfriable Asbestos-Containing Roofing Material per Section 9.07.B of this Regulation).**

Nonfriable asbestos-containing material may be left in place during a demolition, if an AHERA Project Designer (who is also qualified as a Certified Hazardous Materials Manager, Certified Industrial Hygienist, Registered Architect, or Professional Engineer) has evaluated the work area, the type and condition of asbestos-containing materials involved, the proposed work practices, and the engineering controls, and demonstrates to the Control Officer that the asbestos-containing material will remain nonfriable during all demolition activities and the subsequent disposal of the debris.

The Control Officer may require conditions in the Order of Approval that are reasonably necessary to assure the planned control method is as effective as wetting, and may revoke the Order of Approval for cause.

**SECTION ((9-08)) 9.09 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL**

**A. Disposal Within 10 Days of Removal.**

Except as provided in Section ((9-08.C and 9-08.D)) 9.09.C of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 days of removal at a waste disposal site authorized to accept such waste.

**B. Waste Tracking Requirements.**

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a form that includes all of the following information:

a. The name, address, and telephone number of the waste generator.

b. The approximate quantity in cubic meters or cubic yards.

c. The name and telephone number of the disposal site operator.

d. The name and physical site location of the disposal site.

e. The date transported.

f. The name, address, and telephone number of the transporter.

g. A certification that the contents of the consignment are fully and accurately described by proper shipping name and

are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.

2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.

3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.

4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 days of the date the waste was accepted by the initial transporter, report in writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

5. Retain a copy of all waste shipment records for at least 2 years, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of waste shipment records shall be provided to the Authority upon request.

#### C. Temporary Storage Site.

A person may establish a facility for the purpose of collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Control Officer and all of the following conditions are met:

1. A complete application for Temporary Storage of asbestos containing waste material is submitted to and approved by the Authority.

2. The application must be accompanied by a \$55 non-refundable fee.

~~((+))~~ 3. Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons.

~~((2))~~ 4. All asbestos-containing waste material shall be stored in leak-tight containers which are maintained in leak-tight condition.

~~((3))~~ 5. The storage area must be locked except during transfer of asbestos-containing waste material.

~~((4))~~ 6. Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 days.

7. Effective January 1, 2008, Temporary Storage of asbestos-containing waste material approvals are valid for the calendar year in which they are issued.

#### D. Disposal of Asbestos Cement Pipe.

Asbestos cement pipe may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered with at least 3 feet or more of non-asbestos fill material.

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

## **SECTION 9.10 COMPLIANCE WITH OTHER RULES**

### A. Other Requirements.

Other government agencies have adopted rules that may apply to asbestos regulated under these rules including, but not limited to, the U.S Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries. Nothing in the Authority's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.

The Authority implements and enforces the requirements of 40 CFR Part 61 Subpart M (except for asbestos on roadways, asbestos demolition or renovation activities subject to 40 CFR 61.145).

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

## **AMENDATORY SECTION**

**((SCAPCA)) SRCAA REGULATION I, ARTICLE X, SECTION 10.06 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES**

A. Each source required by Article IV, Section 4.01 to be registered, each air operating permit source, and each source required by Article V, Section 5.02 to obtain an approved Notice of Construction and Application for Approval is subject to an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner or operator shall pay the fee, pursuant to the requirements in Section 10.02. Fees received pursuant to the registration program or the operating permit program shall not exceed the actual costs of program administration.

B. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Section 10.06.C. of this Regulation shall be determined by adding all of the applicable fees in the current fee schedule.

1. The Board shall periodically (~~annually~~) review the fee schedule for registered sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the (~~Authority~~) Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

C. The annual fee for each air operating permit source shall be determined as follows:

1. The Board shall periodically review the fees for air operating permit sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fees to more accurately recover program costs.

((+) 2. For sources that are subject to the air operating permit (AOP) program during any portion of the calendar year:

- a. Annual base fee of \$3,000;
- b. Emission fee of \$31.11 per ton of actual emissions from the previous calendar year;
- c. ((SCAPCA)) SRCAA time fee, as determined by the following formula:

$$TF_I = \frac{(H_I + H_G) \times RPC}{H_T}$$

Where,

TF<sub>I</sub> is the ((SCAPCA)) SRCAA time fee for AOP source, I;

H<sub>I</sub> is the total ((SCAPCA)) SRCAA staff hours spent on AOP source, I;

$$PDRF_{I, y=2006 \Rightarrow 2015} = \frac{\text{Remaining Program Deficit}_y}{(2016 - y)} \times \frac{E_{I(y-1)}}{E_{T(y-1)}}$$

Where,

PDRF<sub>I</sub> is the program deficit recovery fee assessed during year "y" (from 2006-2015) to each AOP source, I, that operated during any portion of the calendar year "y";

Remaining Program Deficit<sub>y</sub> is the total cumulative funding deficit for SCAPCA's AOP program at the end of year "y";

"y" is the year, beginning in year 2006 and ending in year 2015;

E<sub>I</sub> is the total (in tons) of actual emissions from AOP source, I, during the calendar year prior to year "y" (y-1); and

E<sub>T</sub> is the sum (in tons) of the actual emissions from all AOP sources during the calendar year prior to year "y" (y-1).

Note: The program deficit recovery fee will expire in 2016 when the AOP program deficit will be zero.

e. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>I</sub> is the total individual fee assessed pursuant to Section 10.06.C.((+)2).a., b., c., and d. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.C.((+)2).a., b., c., and d. of this Regulation.

H<sub>G</sub> is the total general hours ((SCAPCA)) SRCAA staff spent on the AOP program divided by the total number of sources subject to the AOP program during any portion of the calendar year;

RPC is the remaining ((SCAPCA)) SRCAA AOP program cost, calculated by subtracting the sum of the Section 10.06.((B-4)) C.2.a and b. fees from the total ((SCAPCA)) SRCAA AOP program costs; and

H<sub>T</sub> is the total number of hours ((SCAPCA)) SRCAA staff spent on the AOP program, including total time spent on the AOP sources and general hours spent on the AOP program.

Note: H<sub>I</sub>, H<sub>G</sub>, H<sub>T</sub>, and RPC are for the most recent ((SCAPCA)) SRCAA fiscal year.

Note: H<sub>I</sub>, H<sub>G</sub>, and H<sub>T</sub> are obtained from ((SCAPCA)) SRCAA time accounting records.

d. Program deficit recovery fee, as determined by the following formula:

((2) 3. For affected units under Section 404 of the Federal Clean Air Act (42 USC 7401 et seq):

a. A fee of \$50 per hour of time expended in carrying out the fee eligible activities specified in RCW 70.94.; and

b. A share of the assessment by Ecology pursuant to RCW 70.94.162(3), as determined by the following formula:

$$I = \frac{F_I \times A_E}{F_T}$$

Where,

I is the individual share of the assessment;

F<sub>I</sub> is the total individual fee assessed pursuant to Section 10.06.C.((2)3).a. of this Regulation;

A<sub>E</sub> is the total Ecology assessment pursuant to RCW 70.94.162(3); and

F<sub>T</sub> is the sum of all the individual fees assessed pursuant to Sections 10.06.C.((2)3).a. of this Regulation.

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

**AMENDATORY SECTION**

((SCAPCA)) SRCAA REGULATION I, ARTICLE X, SECTION 10.09 ASBESTOS NOTIFICATION PERIOD AND FEES

A. Written notification, as required in Article IX, Section 9.04, shall be accompanied by the appropriate nonrefundable fee, as follows: ((according to Section 10.09.A)).

~~((A. Notification Period and Fees))~~

Project	Size or Type	Notification Period	Fee
Owner-Occupied, Single-Family Residence Asbestos Project (excluding demolition)	Notification Not Required	None	None
Owner-Occupied, Single-Family Residence Demolition	All	Prior Notice	<del>((30))</del> <u>Per the Fee Schedule</u>

Project	Size or Type	Notification Period	Fee
All Other Demolitions with no asbestos project	All	10 Days	<del>((250))</del> <u>Per the Fee Schedule</u>
Asbestos Project includes demolition fee*	10-259 linear ft 48-159 square ft	3 Days	<del>((250))</del> <u>Per the Fee Schedule</u>
Asbestos Project includes demolition fee	260-999 linear ft 160-4,999 square ft	10 Days	<del>((500))</del> <u>Per the Fee Schedule</u>
Asbestos Project includes demolition fee	≥ 1,000 linear ft ≥ 5,000 square ft	10 Days	<del>((1250))</del> <u>Per the Fee Schedule</u>
<u>Amendment***</u>	<u>9.04.B</u>	<u>Prior Notice</u>	<u>Per the Fee Schedule</u>
Emergency	9.04.C	Prior Notice**	Additional fee equal to project fee
<u>Exception for Hazardous Conditions</u>	<u>9.05.B</u>	<u>Concurrent with Project</u>	<u>Regular Project fee</u>
<del>((Amendment***</del>	<u>9.04.B</u>	<u>Prior Notice</u>	<u>\$0</u> )
<u>Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition</u>	<u>9.07B</u>	<u>Concurrent with Project</u>	<u>Per the Fee Schedule</u>
Alternate Means of Compliance <del>((demolitions or friable asbestos-containing material))</del> <u>friable asbestos removal alternative, nonfriable asbestos removal alternative, and leaving nonfriable asbestos in place during demolition (except roofing)</u>	<del>((9.07.A or C))</del> <u>9.08A, B, and C</u>	10 Days	<del>((Additional fee equal to project fee))</del> <u>Per the Fee Schedule</u>
<del>((Alternate Means of Compliance (non-friable asbestos-containing material)</del>	<u>9.07.B</u>	<u>10 Days</u>	<u>Additional fee equal to project fee</u> )
<del>((Exception for Hazardous Conditions</del>	<u>9.05B</u>	<u>Concurrent with Project</u>	<u>Regular Project fee</u> )
<del>((Annual</del>	<u>9.04.A.8</u>	<u>Prior Notice</u>	<u>\$1,000</u> )

\* Demolitions with asbestos projects involving less than 10 linear feet or less than 48 square feet may submit an asbestos project notification under this project category and will be eligible for the 3-day notification period.  
 \*\* Except in the case where advance notice is not required pursuant to Section 9.04.C.2.  
 \*\*\* For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted.

1. The Board shall periodically review the fee schedule for notifications submitted pursuant to Section 9.04 and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

B. The Control Officer may waive part or all of the asbestos project fee and notification period, by written authorization, for disposal of unused and intact or abandoned ~~((without the knowledge or consent of the property owner))~~

asbestos-containing materials. All other asbestos project and demolition requirements remain in effect.

C. Where a compliance investigation is conducted pursuant to Section 9.04 of this Regulation, the compliance investigation fee shall be equal to \$50 per hour of compliance investigation.

D. The asbestos project fee in Section 10.09.a is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection is an asbestos survey, as defined in Section 9.02.G, performed by an AHERA Building Inspector, as defined in Section 9.02.A.

E. Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

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

## WSR 07-15-033

## PERMANENT RULES

## WHATCOM COMMUNITY COLLEGE

[Filed July 12, 2007, 3:16 p.m., effective August 12, 2007]

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

Purpose: To amend sections of chapter 132U-03 WAC, Organization; chapter 132U-104 WAC, Board of trustees—Bylaws—Meetings; and chapter 132U-280 WAC, Family Educational Rights and Privacy Act (FERPA).

Citation of Existing Rules Affected by this Order: Amending [WAC 132U-03-020, 132U-03-030, 132U-104-030, 132U-280-010, 132U-280-015, 132U-280-020, 132U-280-025, 132U-280-030, and 132U-280-035].

Statutory Authority for Adoption: RCW 28B.50.130, 28B.50.140.

Adopted under notice filed as WSR 07-10-045 on April 26, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 2, Repealed 0.

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

Date Adopted: July 11, 2007.

Patricia Onion  
Vice-President for  
Educational Services

AMENDATORY SECTION (Amending WSR 90-05-043, filed 2/15/90, effective 3/18/90)

**WAC 132U-03-020 Organization—Operation—Information.** (1) Organization. Whatcom Community College is established in Title 28B RCW as a public institution of higher education. The institution is governed by a five-member board of trustees, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of Whatcom Community College is at the following address:

237 West Kellogg Road  
Bellingham, Washington 98226

The office hours are 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays. ~~((Educational operations are also located at the following addresses))~~

~~((245 Marine Drive))  
((Blaine, Washington 98230))~~

~~((1600 Grover Street))  
((Lynden, Washington 98264))~~

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the College website <http://www.whatcom.ctc.edu> or catalog, copies of which are available at the following address:

~~((Admissions Office))~~ Entry and Advising Center  
Whatcom Community College  
237 West Kellogg Road  
Bellingham, Washington 98226

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

AMENDATORY SECTION (Amending WSR 90-05-043, filed 2/15/90, effective 3/18/90)

**WAC 132U-03-030 Rules coordinator.** The rules coordinator for this institution shall have an office located at the office of the ~~((president))~~ Vice President for Educational Services, with the following mailing address:

~~((Office of the President))~~  
Educational Services Office  
Whatcom Community College  
237 West Kellogg Road  
Bellingham, WA 98226

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

**WAC 132U-104-030 Meetings of the board of trustees.** The board customarily holds monthly meetings on the second ~~((Tuesday))~~ Wednesday of each month at such place as it may designate. Notices of the time and place of all regular and special meetings shall be governed by the requirements of chapter 42.30 RCW Open Public Meetings Act.

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

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

**WAC 132U-280-010 ~~((Confidentiality of student records))~~ Purpose.** The college continually receives requests from outside sources for information about students, both past and present. ~~((The staff and faculty of the college are reminded that))~~ Under the authority of 20 U.S.C. 1232(g), the Family Educational Rights and Privacy Act (FERPA) of 1974, as amended, directs the college to adopt a policy on student education records to insure that information contained in such records is treated in a responsible manner with due regard to the personal nature of the information contained in those records. ~~((In order to prevent embarrassment or possible legal involvement of the college and its employees because of improper disclosure of information, it is important that college policy be implemented in the release~~



~~of such information-))~~ The college shall annually notify students currently in attendance of their rights under this Act.

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

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

**WAC 132U-280-015 Definitions. ~~((of a student. A))~~**

(1)(a) The term "education records" shall mean those records that are directly related to a student and maintained by the college.

(b) The term "education records" does not mean:

(i) Records that are kept in the sole possession of the maker, are used only as a personal memory aid, and are not accessible or revealed to any other person except a temporary substitute for the maker of the record.

(ii) Records related to a person who is employed by the college, are made and maintained in the normal course of business, relate exclusively to such person in that person's capacity as an employee, and are not available for any other use.

(iii) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional capacity, or assisting in a paraprofessional capacity and which are created, maintained or used only in connection with the treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice. For the purpose of this definition, "treatment" does not include remedial educational activities or activities that are part of the program of instruction at the college.

(iv) Records that only contain information about an individual after he or she is no longer a student.

(c) "Student" is defined as any person who is or has been officially registered at Whatcom Community College (~~and with respect to~~) for whom the college maintains education records or personally identifiable information.

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

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

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

**WAC 132U-280-020 ~~((Education records—))~~ Student's right to inspect and review records.** (1) A student has the right to inspect and review his or her education records.

~~((a) For purposes of this section the term "education records" means those records, files, documents, and other materials which contain information directly related to a student.~~

~~(b) The term "education records" does not include:~~

~~(i) Records of instructional, supervisory and administrative personnel which exist solely for the use of the maker and which are not accessible or revealed to any other person except a substitute.~~

~~(ii) In the case of persons who are employed by an educational institution but who are not attending that institution, records made and maintained in the normal course of business which relate exclusively to such person in that person's capacity as an employee and are not available for any other use.~~

~~(iii) Records on a student which are created or maintained by a physician, psychiatrist, psychologist or other recognized professional or paraprofessional acting in his or her professional or paraprofessional capacity, or assisting in that capacity and which are created, maintained or used only in connection with the treatment of the student, and are not available to anyone other than persons providing such treatment; provided, however, that such records can be personally reviewed by a physician or other appropriate professional of the student's choice.~~

~~(2)(a) Recommendations, evaluations or comments concerning a student that are provided in confidence, either expressed or implied, as between the author and the recipient, shall be made available to the student, except as provided in (b), (c), and (d) of this subsection.~~

~~(b) The student may specifically release his right to review where the information consists only of confidential recommendations respecting:~~

~~(i) Admission to any educational institution; or~~

~~(ii) An application for employment; or~~

~~(iii) Receipt of an honor or honorary recognition.~~

~~(c) A student's waiver of his or her right of access to confidential statements shall apply only if:~~

~~(i) The student is, upon request, notified of the names of all persons making confidential statements concerning him, and~~

~~(ii) Such confidential statements are used solely for the purpose for which they were originally intended, and~~

~~(iii) Such waivers are not required as a condition for admission to, receipt of financial aid from, or receipt of any other services or benefits from the college.~~

~~(d) Recommendations, evaluations or comments concerning a student that have been provided in confidence, either expressed or implied, as between the author and the recipient, prior to January 1, 1975, shall not be subject to release under (a) of this subsection. Such records shall remain confidential and shall be released only with the consent of the author. Such records shall be used by the institution only for the purpose for which they were originally intended.~~

~~(3) Where requested records or data include information on more than one student, the student shall be entitled to receive or be informed of only that part of the record or data that pertains to the student.)~~

~~((4)) (2) ((Students have the right to obtain)) If circumstances prevent the student from inspecting and reviewing his or her records, the college shall provide copies of the ((if)) education records. Charges for the copies shall not exceed the cost normally charged by the college (except in cases where charges have previously been approved by the boards of~~

trustees' action for certain specified services (~~(, such as)~~); e.g. official transcripts, ~~(and grade sheets)~~.)

~~((5))~~ The college registrar is the official custodian of academic records and therefore is the only official who may issue a transcript of the student's official academic record.)

(3) Limitations on right to inspect and review records.

(a) If the education records of a student contain information on more than one student, the student may inspect and review or be informed of only the specific information about that student.

(b) The college does not have to permit a student to inspect and review education records that are:

(i) Financial records, including any information those records contain about a student's parents.

(ii) Confidential letters and confidential statements of recommendation placed in the student's education records, if:

(1) The student has waived his or her right to inspect and review those letters and statements; and

(2) Those letters and statements are related to the student's admission to an education institution, application for employment, or receipt of an honor or honorary recognition.

(c) A waiver under paragraph (b)(ii) of this section is valid only if:

(i) The college does not require the waiver as a condition for admission to or receipt of a service or benefit from the agency or institution; and

(ii) The waiver is made in writing and signed by the student, regardless of age.

(d) If a student has waived his or her rights under paragraph (b)(ii)(2) of this section, the college shall:

(i) Give the student, on request, the names of the individuals who provided the letters and statements of recommendation; and

(ii) Use the letters and statements of recommendation only for the purpose for which they were intended.

(e) A waiver under paragraph (b)(ii)(2) of this section may be revoked, in writing, with respect to any actions occurring after the revocation.

~~((6))~~ (4) Student education records may be destroyed in accordance with ~~(a department's)~~ the college's routine retention schedule. However, in no case will any record which ~~(is requested)~~ exists at the time the request is made by a student for review in accordance with this section and WAC 132U-280-025 be removed or destroyed prior to providing the student access.

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

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

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

WAC 132U-280-025 Request ~~(s and)~~ to amend education records - appeal procedure ~~(s)~~. (1) A request by a student ~~(for review of information)~~ to amend an education record should be made in writing to the college individual ~~(or office)~~ who created the record or, if no longer employed

by the college, the department having custody of the ~~((particular))~~ record.

(2) An individual or ~~((office))~~ department must respond to a request ~~(for)~~ to amend education records within a reasonable period of time, but in no case more than ~~((thirty))~~ forty five days after the request has been made. A college individual or ~~((office which is unable to comply with))~~ department that denies a student's request or is unable to comply with the request within the above-state time period shall inform the student of that fact and the reasons in writing.

(3)(a) A student who feels that his or her request has not been properly answered by a particular individual or ~~((office))~~ department or who feels that the information contained in those records is incorrect should contact the appropriate ~~((dean))~~ supervisor responsible for the individual or ~~((office))~~ department for mediation.

(b) In cases where a student remains dissatisfied after consulting with the appropriate ~~((dean))~~ supervisor, the student may then request a hearing by the appropriate vice president or his or her designee(s). If the vice president is also the supervisor who handled the matter in (3)(a), it will be referred to another vice president who does not have a direct interest in the outcome of the hearing. Following the hearing, the hearing officer shall render his or her decision, in writing, within a reasonable period of time. In all cases, the decision of the hearing officer shall be final.

(c) In no case shall any ~~((request for review))~~ appeal by a student be considered by the college which has not been filed with that body in writing within ninety days from the date of the initial request to the custodian of the record.

(d) The college shall not review any matter regarding the appropriateness of official academic grades or disciplinary records beyond that provided for in WAC 132U-120-((2)) 100, et seq.

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

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

AMENDATORY SECTION (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

WAC 132U-280-030 Release of ~~((personally identifiable))~~ education records. (1) The college shall not permit access to or ~~((the))~~ release of education records or personally identifiable information contained therein, ~~((other than "directory information"))~~ without the written consent of the student, to any party other than the ~~((following))~~ student.

(2) The college may permit access or release of education records, without student consent, under the following conditions:

(a) College ~~((staff, faculty and students when officially appointed to a faculty council or administrative committee))~~ officials, when the information is required for a legitimate educational interest within the performance of their responsibilities to the college, with the understanding that its use will be strictly limited to the performance of those responsibilities. College officials will be defined by college policy and made public through the college's annual Notification of Stu-

dent Rights under FERPA, which will be published in the college catalog and on the college's public website.

(b) Federal and state officials requiring access to education records in connection with the audit and evaluation or a federally or state-supported education program or in connection with the enforcement of the federal or state legal requirements which relate to such programs. In such cases the information required shall be protected by the federal or state official in a manner which will not permit the personal identification of students and their parents to other than those officials and such personally identifiable data shall be destroyed when no longer needed for such audit, evaluation or enforcement of legal requirements.

(c) ~~((Agencies or individuals))~~ Agency officials requesting information in connection with a student's application for, or receipt of financial aid~~((:)), if the information is necessary to determine eligibility, amount or conditions of aid, or to enforce the terms and conditions of aid.~~

(d) Organizations conducting studies for or on behalf of the college for purposes of developing, validating or administering predictive tests, administering student aid programs, and improving instruction, if such studies are conducted in such a manner as will not permit the personal identification of students by persons other than representatives of such organizations, and such information will be destroyed when no longer needed for the purposes for which it was provided.

(e) Accrediting organizations in order to carry out their accrediting functions.

(f) Any person or entity designated by judicial order or lawfully issued subpoena or court order, upon condition that the student is notified of all such ~~((orders or))~~ subpoenas or court orders in advance of the compliance therewith~~((:)); except for subpoenas or court orders that specifically direct the college not to disclose the existence or contents of the subpoena or court order.~~ Any college individual(s) or ~~((office))~~ department(s) receiving a subpoena or ~~((judicial))~~ court order for education records should immediately notify the ~~((attorney general))~~ college registrar who will contact the college's assigned attorney general for assistance.

(g) Certain items of personally identifiable information, commonly referred to as "directory" information, to parties who demonstrate a legitimate educational interest, as determined by the college. Directory information will be defined by college policy and made public through the college's annual Notification of Student Rights under FERPA, which will be published in the college catalog and on the college's public website.

(h) Officials from the U.S. Department of Defense for the purpose of military recruiting, as authorized under 32 CFR Part 216 (Solomon Amendment), which requires the college to provide "student recruitment directory information" regarding students at least 17 years of age who are registered for at least one credit. Students who have formally requested the college withhold "directory information" are excluded.

(i) Any other officials with legitimate educational interest as authorized under CFR 99.31 and identified via the annual Notification of Student Rights under FERPA, which is published in the college catalog and on the college public website.

(3) In cases where records are made available without student release as permitted by subsection ~~((4))~~ (2)(b), (c), (d), (e), ~~((and))~~ (f), and (i) of this section, the college shall maintain a record kept with the education record released which will indicate the parties which have requested or obtained access to a student's records maintained by the college and which will indicate the legitimate interest of the investigating party. Releases in accordance with subsection ~~((4))~~ (2)(a), (g), and (h) of this section need not be recorded.

~~((2))~~ 4 Where the consent of a student is obtained for the release of education records, it shall be in writing, signed and dated by the ~~((person))~~ student giving such consent, and shall include:

- (a) A specification of the records to be released;
- (b) The reasons for such release; and
- (c) The names of the parties to whom such records will be released.

~~((4))~~ (5) Personally identifiable education records released to third parties, with or without student consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other parties without obtaining consent of the student.

~~((5))~~ The term "directory information" used in subsection (1) of this section is defined as student's name, address, telephone number, dates of attendance, and degrees and awards received. Students may request that the college withhold directory information except through written notice to the registration office.

(6) Students may direct the college to withhold "directory" information, referred to in (2)(g) and (h), through written notification to the college registrar at any time throughout the student's enrollment at the college.

~~((6))~~ (7) Information from education records may be released by a college official to appropriate persons in connection with an emergency if the knowledge of such information is necessary to protect the health or safety of a student or other person(s).

(8) The college registrar is the official custodian of education records and is the only official who can issue an official transcript of the student's academic record.

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

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

**AMENDATORY SECTION** (Amending WSR 88-15-005, filed 7/8/88, effective 8/7/88 [8/8/88])

**WAC 132U-280-035 College ~~((records))~~ compliance.** ~~((All))~~ The college ~~((individuals or offices having custody of education records))~~ will develop policies and procedures ~~((in accord with WAC 132U-280-010 through 132U-280-040.))~~ to implement WAC 132U-280 and all college individuals or offices having custody of education records will comply with those policies and procedures. ~~((Any supplementary regulations found necessary by departments will be filed with))~~ The college ~~((which))~~ will be responsible for periodic review of all related polic~~((y))~~ies and procedures.

~~((No records shall be kept that reflect a student's))~~ The college does not maintain confidential educational records regarding student political or ideological beliefs or associations.

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

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

### WSR 07-16-034

#### PERMANENT RULES

#### UNIVERSITY OF WASHINGTON

[Filed July 23, 2007, 1:23 p.m., effective August 23, 2007]

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

Purpose: As required by RCW 28B.10.590, the University of Washington proposes these new rules to give students more choices for purchasing educational materials and to encourage faculty and staff to work closely with bookstores and publishers to implement the least costly option without sacrificing educational content and to provide maximum cost savings to students.

Statutory Authority for Adoption: RCW 28B.10.590 and 28B.20.130.

Adopted under notice filed as WSR 07-09-072 on April 17, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 5, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: July 19, 2007.

Rebecca Goodwin Deardorff  
Director of Rules Coordination

### Chapter 478-165 WAC

#### COST SAVINGS IN COURSE MATERIALS

#### NEW SECTION

**WAC 478-165-010 Authority.** Pursuant to the requirements of RCW 28B.10.590, the board of regents of the University of Washington has established these rules regarding promoting cost savings in course materials for students at the University of Washington.

#### NEW SECTION

**WAC 478-165-020 Policy.** It is declared the policy of the University of Washington that students should have increased choices for purchasing lower cost educational materials. Faculty and staff are encouraged to work closely with book stores and publishers to implement these rules and to find the least costly options for course materials without sacrificing educational content, and to provide maximum cost savings to students.

#### NEW SECTION

**WAC 478-165-030 Definitions.** (1) "Materials" means any supplies or texts required or recommended by faculty or staff of the University of Washington for a given course.

(2) "Bundled" means a group of objects joined together by packaging or required to be purchased as an indivisible unit.

#### NEW SECTION

**WAC 478-165-040 Affiliated book store responsibilities.** In making course materials available for purchase, any University of Washington affiliated book store should:

(1) Provide students the option of purchasing materials that are unbundled when possible;

(2) Disclose to faculty and staff the costs to students of purchasing materials, and work with faculty and staff to encourage publishers to provide information showing how new editions vary from previous editions and to make this information available publicly;

(3) Actively promote and publicize book buy-back programs; and

(4) Disclose retail costs for course materials on a per course basis to faculty and staff and make this information publicly available.

#### NEW SECTION

**WAC 478-165-050 Faculty and staff obligations.** In assigning course materials, faculty and staff members shall consider the least costly practices, which may include but are not limited to:

(1) Adopting the least expensive edition of materials available, consistent with copyright restrictions, when educational content is comparable as determined by the faculty; and

(2) Working closely with publishers and local book stores to create bundles and packages of course materials only if they deliver additional value or cost savings to students.

### WSR 07-16-036

#### PERMANENT RULES

#### DEPARTMENT OF LICENSING

[Filed July 23, 2007, 2:25 p.m., effective September 1, 2007]

Effective Date of Rule: September 1, 2007.

Purpose: The purpose is to increase fees for the auctioneer, court reporter and sellers of travel programs. Increasing the fees will allow the programs to cover the cost of administering the program and to comply with RCW 43.24.086, which requires each professional, occupational, or business licensing program be fully borne by the members of that profession, occupation, or business. Fees are to be set for each

program at a sufficient level to cover the costs of administering that program. In addition, pursuant to RCW 43.135.055, during the 2007-09 fiscal biennium, the department may increase fees in excess of the fiscal growth factor if the increases are necessary to fully fund the costs of the licensing programs.

Citation of Existing Rules Affected by this Order: Amending:

Licensing Program	Title of rule and other identifying information	Statutory authority for adoption
Auctioneers	WAC 308-11-030 Auctioneer fees.	RCW 18.11.200 and 43.24.086
Court reporters	WAC 308-14-200 Court reporter fees.	RCW 18.145.050 and 43.24.086
Sellers of travel	WAC 308-129-110 Seller of travel registration fees.	RCW 19.138.170 and 43.24.086

Statutory Authority for Adoption: See table above.

Adopted under notice filed as WSR 07-12-081 on June 5, 2007.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 0, Amended 3, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 3, Repealed 0.

Date Adopted: July 23, 2007.

Ralph Osgood  
Assistant Director

AMENDATORY SECTION (Amending WSR 04-17-074, filed 8/13/04, effective 10/1/04)

**WAC 308-11-030 Auctioneer fees.** The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Auctioneer:	
Initial application	<del>\$(100.00)</del> <u>155.00</u>
Renewal	<del>((85.00))</del> <u>155.00</u>
Late renewal penalty	<del>((75.00))</del> <u>100.00</u>
Duplicate license	15.00
Certification	25.00
Auction company:	
Initial application	<del>((200.00))</del> <u>255.00</u>

Title of Fee	Fee
Renewal	<del>((175.00))</del> <u>255.00</u>
Late renewal penalty	100.00
Duplicate license	15.00

AMENDATORY SECTION (Amending WSR 04-17-073, filed 8/13/04, effective 10/1/04)

**WAC 308-14-200 Court reporter fees.** The following fees shall be charged by the business and professions division, department of licensing:

Title of Fee	Fee
Certification	
Application	<del>\$(95.00)</del> <u>116.00</u>
Renewal	<del>((40.00))</del> <u>61.00</u>
Late renewal penalty	80.00
Verification	25.00
Duplicate	15.00

AMENDATORY SECTION (Amending WSR 04-19-039, filed 9/13/04, effective 11/1/04)

**WAC 308-129-110 Seller of travel registration fees.** The following fees shall be charged by the business and professions division of the department of licensing:

Title of Fee	Fee
Original registration fee	<del>\$ ((145.00))</del> <u>202.00</u>
Registration renewal	<del>((145.00))</del> <u>202.00</u>
Service of process fee	20.00

Branch offices are subject to a duplicate registration fee. The duplicate registration fee for each branch office shall be an amount equal to the original registration fee.

**WSR 07-16-039**  
**PERMANENT RULES**  
**EDMONDS COMMUNITY COLLEGE**

[Filed July 24, 2007, 11:55 a.m., effective August 24, 2007]

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

Purpose: Revision of parking and traffic rules, in order to be able to cite vehicles parked illegally in carpool spaces, overtime in a load-only zone, or in landscaped areas. Also clarifies and expands rules for visitor parking, parking permits, disabled parking and alternative transportation, such as bicycles, electric scooters, skateboards, etc. The changes codify the college's ability to formally cite individuals who drive or park in ways as to (1) cause increased safety hazards, (2) damage college grounds or facilities, or (3) infringe on the rights of others to freely enjoy use of the college's grounds or facilities.

Citation of Existing Rules Affected by this Order: Repealing WAC 132Y-100-016, 132Y-100-104 and 132Y-100-112; amending WAC 132Y-100-001, 132Y-100-008, 132Y-100-012, 132Y-100-020, 132Y-100-028, 132Y-100-032, 132Y-100-052, 132Y-100-056, 132Y-100-060, 132Y-100-066, 132Y-100-068, 132Y-100-080, 132Y-100-084, 132Y-100-088, 132Y-100-096, 132Y-100-100, 132Y-100-108 and 132Y-100-116; and new WAC 132Y-100-003, 132Y-100-006, 132Y-100-014, 132Y-100-054, 132Y-100-067, 132Y-100-070, 132Y-100-082, 132Y-100-106, 132Y-100-114, 132Y-100-115, and 132Y-100-118.

Statutory Authority for Adoption: RCW 28B.50.140.

Adopted under notice filed as WSR 07-08-115 on April 4, 2007.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 11, Amended 18, Repealed 3.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 11, Amended 18, Repealed 3.

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

Date Adopted: June 15, 2007, Board of Trustees Resolution Number 07-6-4.

K. Beem  
 Vice-President  
 for Human Resources  
 Rules Coordinator

**AMENDATORY SECTION** (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-001 Purpose for adopting rules.** Pursuant to the authority granted by RCW 28B.50.140(10), the board of trustees of Community College District 23 is granted authority to make rules and regulations for pedestrian

and vehicular traffic on property owned, operated or maintained by the college district. The rules contained in this chapter are established for the following purposes:

- (1) To protect and control pedestrian and vehicular traffic; and
- (2) To assure access at all times for emergency traffic; and
- (3) To minimize traffic disturbances during class hours; and
- (4) To facilitate the work of the college by assuring access for its vehicles; and
- (5) To ~~((assign the limited parking space for))~~ make the most efficient use of limited parking space.

**NEW SECTION**

**WAC 132Y-100-003 Definitions.** For the purpose of this chapter, the following terms and definitions shall apply:

- (1) Board: The board of trustees of Edmonds Community College, state of Washington.
- (2) Campus: Any or all real property owned, operated, controlled, or maintained by Edmonds Community College, state of Washington.
- (3) Car pool: Any group of two or more faculty, staff or students who commute to the college in the same vehicle.
- (4) College: Edmonds Community College or any additional community college hereafter established with Edmonds Community College, state of Washington, and collectively, those responsible for its control and operations.
- (5) Faculty members: Any employee of Edmonds Community College who is employed on a full-time or part-time basis as a teacher, counselor, librarian or other position for which the training, experience, and responsibilities are comparable as determined by the appointing authority, including administrative appointment.
- (6) Foot propelled device: Wheeled devices including, but not limited to, skateboards, roller skates, roller blades, etc., designed or used for recreation and/or transportation purposes.
- (7) Security office: The safety and security department office.
- (8) Security officers: Employees of the college accountable to the vice-president of finance and operations and responsible for campus security, safety, and parking and traffic control.
- (9) Staff: The administrative and classified members employed by the college.
- (10) Student: Any person enrolled in the college.
- (11) Vehicle: An automobile, truck, motorcycle, scooter or bicycle, both engine-powered and nonengine-powered.
- (12) Visitor(s): Person(s) who come on campus as guest(s) or person(s) who lawfully visit the campus for purposes in keeping with the college's role as an institution of higher learning in the state of Washington that are neither employees nor registered students of the institution.

NEW SECTION

**WAC 132Y-100-006 Visitor parking.** Visitors to the college may park in designated parking stalls for up to two hours without obtaining a permit. If the stay will be longer than two hours, the driver/operator will need to register their vehicle with the security department and obtain a temporary permit for the vehicle. Vehicles belonging to students, staff, or vehicles parked longer than two hours without a permit which are parked in the visitor stalls are subject to enforcement action.

AMENDATORY SECTION (Amending WSR 92-09-055, filed 4/13/92, effective 5/14/92)

**WAC 132Y-100-008 Permits required for employee vehicles in designated lots.** Except as provided in WAC ~~((132Y-100-010))~~ 132Y-100-012 and 132Y-100-052 ~~((of these rules, no employee shall leave any vehicle unattended in a designated staff lot, upon the campus of the college without a permit issued by the security office of the college, unless such employee is in the process of loading, unloading, or is a registered visitor.~~

~~Students and visitors are not required to obtain a permit to park in lots not designated as staff or carpool lots)) no employee shall leave any vehicle unattended in a designated staff lot, on the campus of the college, without a permit issued by the security office unless such employee is in the process of loading and unloading.~~

~~Permits shall not be utilized by any person except the person registered to said permit. The college reserves the right to deny any application, or to revoke any permit at any time, if actions resulting from such application or permission constitute present or imminent danger or unlawful activity, or if a prospective user has previously violated the provisions of these parking policies or other written rules or regulations of the college. Outstanding parking fines must be paid before a parking permit may be issued or renewed.~~

~~Parking permits are transferable from vehicle to vehicle when used by the permit holder.~~

~~If a vehicle is sold or traded, a new permit will be issued to the permit holder at no additional cost if the permit holder does the following:~~

- ~~(1) Records the invalid permit number; and~~
- ~~(2) Removes invalid permit; and~~
- ~~(3) Brings invalid permit or remnant thereof and permit number to the security office. The security office shall then issue the permit holder a new parking permit.~~

~~Students and visitors may park in any lot not designated as staff or car pool, without a permit.~~

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-012 ((Valid)) Permit parking on campus.** ~~((A valid permit is:))~~ There are two categories of valid permits:

- (1) A temporary permit authorized by the security office of Edmonds Community College and displayed in accordance with instructions; or

- (2) ~~((An unexpired parking))~~ A current vehicle permit issued by the security office ((of the college, which permit must be)) and displayed on the vehicle in accordance with instructions.

NEW SECTION

**WAC 132Y-100-014 Free parking by disabled persons.** Any person who meets the criteria for special parking privileges under RCW 46.16.381 shall be allowed, free of charge, to park a vehicle used for his or her transportation in any legal disabled parking zone or area for an unlimited period of time. This includes zones or areas with parking meters which are otherwise restricted as to the length of time parking is permitted.

This section does not apply to those zones or areas in which the stopping, parking, or standing of all vehicles is prohibited or which are reserved for special types of vehicles. The person shall obtain and display a special placard or license plate under RCW 46.16.381 to be eligible for the privileges under this section.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

**WAC 132Y-100-020 Permit revocation.** Parking permits are the property of Edmonds Community College and may be recalled by the security office for any of the following reasons:

- (1) When the purpose of which the permit was issued changes or no longer exists;
- (2) When a permit is used by an unregistered vehicle or by an unauthorized individual;
- (3) Falsification on a parking permit application;
- (4) Continued violations of parking rules;
- (5) An accumulation of unpaid parking citations;
- (6) Counterfeiting or altering a parking permit; or
- (7) When it is in the best interest of the college.

AMENDATORY SECTION (Amending WSR 92-09-055, filed 4/13/92, effective 5/14/92)

**WAC 132Y-100-028 Issuance of permits.** (1) ~~((Employees seeking a permit to park in designated staff lots or students seeking a permit to park in designated carpool lots may be issued a parking permit by the security office, upon registration of his/her vehicle with the campus security office at the beginning of employment with the college or, for students, the beginning of the quarter by presenting vehicle make, model, color, year, license number, and payment.~~

~~(2) Campus information may issue visitor parking permits when such permits are necessary.~~

~~(3) Temporary and special parking permits may be issued when such permits are necessary to enhance the business operation of the college.~~

~~(4) Two permits may be issued to one individual provided the applicant presents either title or registration indicating ownership of both vehicles.)~~ Presentation of valid college identification, vehicle make, model, color, license number is required to be issued a permit.

(2) Employees may be issued a parking permit by the security office, upon registration of his/her vehicle with said office at the beginning of full-time employment.

(3) Part-time employees must obtain permits each quarter.

(4) Carpool permits are issued quarterly.

(5) The security office may issue visitor parking permits when such permits are necessary.

(6) Temporary and special permits may be issued by the security office when such permits are necessary to enhance the business operation of the college.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

**WAC 132Y-100-032 Display of permits.** All permanent parking permits shall be displayed as provided in the directions supplied with the parking permit. A special ((and)) or temporary parking permit((s)) shall be placed within the vehicle where it can be plainly ((observed)) seen from the outside of the driver's side of the windshield. Permits not displayed in accordance with the provisions of this section shall not be valid.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-052 Parking permit exceptions.** Parking permit rules shall not apply to city, county, state, or federally owned and exempt licensed vehicles.

#### NEW SECTION

**WAC 132Y-100-054 Parking—Operator's responsibility.** No person operating or in charge of a motor vehicle shall permit it to stand unattended without first:

- (1) Stopping the engine, locking the ignition and removing the key; and
- (2) Effectively setting the brake and transmission to prevent movement of the vehicle.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-056 Parking within designated spaces.** (1) Any person parking a vehicle on Edmonds Community College property shall park his/her vehicle in parking areas only.

(2) No vehicle other than those needed for maintenance and landscaping may be parked on any landscaped area ((which has been landscaped)) or area designed for landscaping. ((and)) any developed college property; ((and)) or any cement or asphalt walkway or unpaved pathway intended for pedestrian use.

(3) No vehicle shall be parked so as to occupy any portion of more than one parking ((area)) space. The fact that other vehicles may have been so parked as to require the operator of another vehicle ((parked to occupy)) to park in more than one space shall not constitute an excuse for violation of this section.

(4) No vehicle may be parked on any area set aside as yellow curb zones, driveways, pedestrian walkways, or loading and service areas.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

#### **WAC 132Y-100-060 Locating legal parking space.**

(1) The responsibility for locating legal parking space rests with the operator of the motor vehicle. Lack of space will not be considered a valid excuse for violating any parking rule.

(2) The fact that a person may park or observe others parked in violation of rules without receiving a citation does not mean that the rules ((is)) are no longer ((in effect)) enforced.

AMENDATORY SECTION (Amending WSR 92-09-055, filed 4/13/92, effective 5/14/92)

**WAC 132Y-100-066 Carpool parking permit ((for students)).** ((Students who qualify for a carpool permit shall be allowed to park in the designated lot for carpools. To qualify for a carpool permit, the individual must designate two other regular riders in addition to the driver. This permit may be renewed each quarter. The permit can be obtained from the campus security office.)) Carpool permits are available to staff and students who qualify. To qualify for a carpool permit, the individual must designate at least one other regular rider in addition to the driver. This permit must be renewed each quarter and allows the holder to park in designated carpool lots/areas. The permit can be obtained from the security office.

#### NEW SECTION

**WAC 132Y-100-067 Motorcycle parking.** Motorcycles shall only be parked in spaces reserved for motorcycles and are not allowed to park in four-wheeled vehicle spaces, on grassed areas, sidewalks, or immediately adjacent to or within buildings.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-068 Bicycle parking and traffic regulations.** ((No bicycle shall be parked inside a building, near a building exit, or on a path or sidewalk. Bicycles must be secured to racks as provided and shall be regulated under the traffic rules of the Edmonds Community College. No parking permit is required.)) (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parked off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will create a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available; parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.



(3) The following specific regulations must be observed while operating bicycles on campus:

(a) Do not ride bicycles inside buildings at any time.

(b) Do not lean or park bicycles near or against windows.

(c) Pedestrians have the right of way on all mall and side-walk areas of the college. At all times and places of congested pedestrian traffic, the bicycle rider must proceed slowly and yield to pedestrians.

(d) Bicyclists must observe the ten mph speed limit on malls and service drives.

(e) Bicyclists must ride in designated lanes where such lanes exist.

(4) Impoundment policy:

(a) Bicycles parked on paths or sidewalks, in buildings, or near building exits may be impounded. Bicycles left unattended on campus more than twenty-one days may be impounded.

(b) Impounded bicycles will be stored in a location determined by the director of safety and security. The owner will be notified as soon as possible upon impoundment and the owner must reclaim the bicycle within fourteen days.

(5) Abandoned, lost or found bicycles that have been impounded shall be subject to disposal in accordance with the laws of the state of Washington.

#### NEW SECTION

**WAC 132Y-100-070 Alternative transportation regulations.** The use of electric bicycles, nonmotorized and electric scooters shall not be allowed on pedestrian malls, sidewalks, and walkways of Edmonds Community College. Anyone using an electric bicycle, nonmotorized or electric scooter on Edmonds Community College property shall give the right of way to any pedestrian and shall travel at a reasonable, safe, and prudent speed, and all wheels shall remain on the ground. The use of electric bicycles, nonmotorized or motorized scooters shall not be permitted inside any building or within twenty feet of a building entrance or exit. Under no circumstances will skateboarding or in-line skating be allowed on ramps, curbs, benches, steps, stairs or other such structures.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

**WAC 132Y-100-080 Regulatory signs and directions.** Edmonds Community College will erect and place signs, barricades, and other structures and paint marks and other directions upon the streets and roadways for the regulation of traffic and parking upon state lands devoted mainly to the educational or research activities of Edmonds Community College. Such signs, barricades, structures, markings, and directions shall be so made and placed as to be legible and in the opinion of the president or his/her designee will best effectuate the objectives stated in ~~((section 001 of these rules))~~ WAC 132Y-100-001.

#### NEW SECTION

**WAC 132Y-100-082 Disabled or inoperative vehicles.** No disabled or inoperative vehicle shall be parked on

campus without permission from the security office. Vehicles which have been parked in excess of forty-eight hours and which appear to be inoperative or abandoned may be impounded and stored at the expense of either/or the owner and operator thereof.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-084 Speed.** No vehicle shall be operated on ~~((the))~~ designated campus roadways or parking lots at a speed in excess of ten miles per hour ~~((or such lower speed as is posted))~~. No vehicle of any type shall at any time use the campus and/or lands devoted to educational, research, recreational, or parking for Edmonds Community College for testing, racing, or other unlawful activities.

AMENDATORY SECTION (Amending Resolution No. 81-8-1, filed 8/14/81)

**WAC 132Y-100-088 Pedestrian's right of way.** (1) The operator of a vehicle shall yield to any pedestrian, but no pedestrians shall leave a curb or other place of safety and walk or run into the path of a vehicle which is so close that it is impossible or unsafe for the driver to yield.

(2) Whenever any vehicle slows or stops so as to yield to pedestrian traffic, the operator of any other vehicle approaching from the rear shall not overtake and pass such ~~((a))~~ vehicle ~~((which has slowed or stopped to yield to pedestrian traffic))~~.

(3) Where a sidewalk is provided, pedestrians shall proceed upon such sidewalk.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

**WAC 132Y-100-096 Special traffic/parking rules.** ~~((Upon))~~ During special occasions ~~((and during))~~ or emergencies, ~~((the president))~~ causing additional and/or heavy traffic, the director of safety and security is authorized to impose additional traffic and parking ~~((rules for the achievement of objectives in WAC 132-100-004 of these rules))~~ regulations to achieve the specified objectives of this chapter.

AMENDATORY SECTION (Amending WSR 92-09-055, filed 4/13/92, effective 5/14/92)

**WAC 132Y-100-100 ~~((Issuance of traffic citations.))~~** Enforcement of parking and traffic rules and regulations. ~~((Upon the violations of any of the rules contained in this document the campus security officers are authorized to issue traffic citations, setting forth the date, the approximate time of violations, permit number, license number, infraction and name of officer. Such traffic citations may be served by attaching or affixing a copy thereof in some prominent place outside such vehicle or by personally serving the operator.))~~ The vice-president of finance and operations is responsible for parking and traffic management on campus and delegates the authority to enforce the parking and traffic regulations to the director of safety and security.

NEW SECTION

**WAC 132Y-100-106 Fines, penalties and impounding.** (1) The current schedule of fines shall be published by the college and made available for review in the security office.

(2) In addition to imposing fines, the director of safety and security and duly appointed security officers are authorized to issue citations, impound, immobilize, and take to such place of storage as the director of safety and security selects, any vehicles parked on college property in violation of these regulations. The expenses of such impounding, immobilization, and storage shall be charged to the owner/operator of the vehicle and must be paid prior to the vehicle's release.

(a) The college shall not be liable for loss or damage of any kind resulting from such impounding, immobilization, or storage.

(b) Impoundment of a vehicle does not remove the obligation for any fines associated with the violation itself.

(c) Vehicles left unattended on college property for a period greater than seventy-two hours may be impounded.

(d) Grounds for impounding vehicles shall include, but not be limited to, the following:

(i) Blocking a roadway so as to impede the flow of traffic;

(ii) Blocking a walkway so as to impede the flow of pedestrian traffic;

(iii) Blocking a fire hydrant or fire lane;

(iv) Creating a safety hazard in the opinion of a campus security officer;

(v) Blocking another legally parked vehicle; or

(vi) Parking in a marked "tow-away" zone.

(3) All fines must be paid within twenty calendar days from the date of the citation. All fines are payable as designated on the citation.

(a) If any citation remains unpaid after twenty calendar days from the date of the citation, the following action may be taken by Edmonds Community College:

(i) Degrees, transcripts, grades, refunds, or credits may be withheld until all fines are paid;

(ii) Registration for the following quarter may be delayed;

(iii) Faculty, students, and staff may be denied future parking privileges.

(b) An accumulation of parking and/or traffic tickets that are not responded to by payment or appeal may be sent to collections after such notification is provided to the registered owner of the vehicle cited.

AMENDATORY SECTION (Amending Resolution No. 83-10-2, filed 11/1/83)

**WAC 132Y-100-108 Appeal of fines and penalties.** Appeal of fines and penalties must be made in writing, within ~~((forty eight hours))~~ five calendar days, to ~~((a person appointed specifically for this purpose by the president of the college))~~ the director of safety and security department. The owner of the vehicle shall be entitled to a hearing with the director of the safety and security department or designee within ~~((forty eight hours))~~ two business days of any

impoundment pursuant to WAC ~~((132Y-100-104))~~ 132Y-100-106. The owner may recover the vehicle before hearing by posting a bond in the amount of the sum of any past due fines plus any fine due for the impoundment infraction plus impoundment cost. In the event that the owner is determined at hearing to be not liable for the impoundment infraction, the amount of the sum of the impoundment fine plus impoundment costs will be returned.

NEW SECTION

**WAC 132Y-100-114 Parking of trailers, campers, and similar purpose vehicles on campus.** It is unlawful for any individual, firm or corporation to park any type of vehicle on the grounds of Edmonds Community College for the purpose of using such vehicle as a living unit. Any exception must be approved, in writing, by the director of safety and security.

NEW SECTION

**WAC 132Y-100-115 Damage to state property.** The cost of repair/replacement of college property damaged by negligent operations or as the result of indiscriminate acts must be paid in addition to assessed fines.

AMENDATORY SECTION (Amending WSR 92-09-055, filed 4/13/92, effective 5/14/92)

**WAC 132Y-100-116 ~~((Liability of college.))~~ Prohibition of literature on vehicles.** ~~((The college assumes no liability for vehicles parked on campus.))~~ Distribution of literature by placement on motor vehicles parked on Edmonds Community College campus is hereby prohibited. Literature includes but is not limited to:

(1) Pamphlets;

(2) Flyers; and/or

(3) Stickers.

NEW SECTION

**WAC 132Y-100-118 Liability of college.** Except for college owned and/or operated vehicles, the college assumes no liability for vehicles parked on campus.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 132Y-100-016 Transfer of permits.

WAC 132Y-100-104 Fines and penalties.

WAC 132Y-100-112 Enforcement for students.

**WSR 07-16-044**  
**PERMANENT RULES**  
**SPOKANE REGIONAL CLEAN AIR AGENCY**

[Filed July 25, 2007, 10:51 a.m., effective August 25, 2007]

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

Purpose: SRCAA has revised Regulation I, Article X, Section 10.06.B. - Registration Fees in order to clarify the subsection.

Citation of Existing Rules Affected by this Order: Amending SRCAA Regulation I, Article X, Section 10.06.B.

Statutory Authority for Adoption: RCW 70.94.141 and 70.94.380.

Adopted under notice filed as WSR 07-11-076 on May 15, 2007.

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

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

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

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

Date Adopted: July 12, 2007.

Charles E. Studer  
 Environmental Engineer

**AMENDATORY SECTION** (Amending Order Res. 06-19, filed 12/07/2006)

SRCAA REGULATION I, ARTICLE X, SECTION 10.06  
 REGISTRATION AND OPERATING PERMIT FEES FOR AIR CONTAMINANT SOURCES

Registration Fees

B. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Section 10.06.C. of this Regulation shall be determined by adding all of the applicable fees, below: (~~in the current fee schedule.~~)

1.

Registration Fee Categories	Fee	Fee Applicability
Facility Fee <sup>A</sup>	Per the Fee Schedule	Per Source
Emissions Fee <sup>B</sup>	Per the Fee Schedule	Per Ton
Emission Point Fee <sup>C</sup>	Per the Fee Schedule	Per Stack/Point
Burn Out Oven/Incinerator Fee <sup>D</sup>	Per the Fee Schedule	Per Source

Synthetic Minor Fee <sup>E</sup>	Per the Fee Schedule	Per Source
WEDS Fee <sup>F</sup>	Per the Fee Schedule	Per Hour

a Each source is subject to the fee listed.

b The additional fee listed applies to each ton (rounded to the nearest one-tenth of a ton) of each criteria and toxic air pollutant emitted.

c The additional fee applies to each stack and other emission points. For gasoline stations, each gasoline tank vent is an emission point.

d The additional fee listed applies to each source which operated at least one incinerator or burn out oven during the registration period.

e The additional fee listed applies to each Synthetic Minor source as defined in SCAPCA Regulation I, Article I, Section 1.04.

f The additional fee listed applies to each source required by the Authority to submit an annual emissions inventory for entry into the Washington Emission Data System (WEDS). SCAPCA staff time spent processing and reviewing WEDS will be tracked in 15 minute increments and charged at the hourly rates provided above.

((+)) 2. The Board shall periodically review the fee schedule for registered sources and determine if the total projected fee revenue to be collected pursuant to this Section is sufficient to fully recover program costs. Any proposed fee revisions shall include opportunity for public review and comment. Accordingly, the Agency shall account for program costs, including employee costs and overhead. If the Board determines that the total projected fee revenue is either significantly excessive or deficient for this purpose, then the Board shall amend the fee schedule to more accurately recover program costs.

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

**WSR 07-16-056**  
**PERMANENT RULES**  
**DEPARTMENT OF**  
**FISH AND WILDLIFE**

[Filed July 26, 2007, 9:33 a.m., effective August 26, 2007]

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

Purpose: These rules set the freshwater exceptions to statewide rules for salmon fishing in 2007. They also set the 2007 seasons for coastal and Puget Sound salmon fishing.

Citation of Existing Rules Affected by this Order: Amending WAC 220-20-100 (Amending Order 07-22, filed 2/16/07, effective 3/19/07), 220-56-116 (Amending Order 06-67, filed 4/11/06, effective 5/12/06), 220-56-122 (Amending Order 06-135, filed 6/13/06, effective 7/14/06), 220-56-195 (Amending Order 05-168, filed 8/3/05, effective 9/3/05), 232-28-619 (Amending Order 07-22, filed 2/16/07, effective 3/19/07), 232-28-620 (Amending Order 06-174, filed 7/31/06, effective 8/31/06), and 232-28-621 (Amending Order 06-174, filed 7/31/06, effective 8/31/06).

Statutory Authority for Adoption: RCW 77.12.047 and 77.04.020.

Adopted under notice filed as WSR 07-11-171 on May 23, 2007.

Changes Other than Editing from Proposed to Adopted Version: On page 64 of WAC 232-28-619, from the Mouth of the Wallace River to the forks, we added, "In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook."

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

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

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

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

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

Date Adopted: July 26, 2007.

Loreva M. Preuss  
for Jeff Koenings  
Director

AMENDATORY SECTION (Amending Order 07-22, filed 2/16/07, effective 3/19/07)

**WAC 220-20-100 General provisions—Marine protected areas.** (1) It is unlawful to fish for or possess fish, shellfish, or wildlife taken from any conservation area defined in chapter 220-16 WAC.

(2) The following marine preserves are closed to the taking of fish, shellfish, and wildlife as indicated:

(a) The Admiralty Head Marine Preserve is closed to the taking of fish and wildlife, and closed to the taking of shellfish except sea cucumbers and sea urchins.

(b) The Colvos Passage Marine Preserve is closed to the taking of shellfish and wildlife, closed to all commercial harvest of fish, and closed to recreational harvest of fish except it is lawful to take salmon for personal use by trolling, defined as fishing from a vessel under power and in gear making forward progress.

(c) The San Juan Island Marine Preserve is closed to the taking of shellfish except it is lawful to take crab from Parks Bay, and closed to the taking of food fish other than salmon except it is lawful to take herring and Yellow and Low Island Preserve is closed to the taking of food fish.

(d) The Titlow Beach Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon if taken with artificial lures from shore or from a nonmotorized vessel.

(e) The Z's Reef Marine Preserve is closed to the taking of shellfish and wildlife, closed to the commercial harvest of

all fish, and closed to the recreational harvest of all fish except that it is lawful to take salmon with fly fishing gear as defined in WAC 220-56-210.

(f) The Seattle city park Marine Preserves (Golden Gardens, Carkeek, Lincoln, Discovery, Emma Schmitz, and Richey Viewpoint) are closed to removal of organisms from the intertidal areas, except that finfish may be harvested using hook and line gear, provided it is lawful under other WDFW fishing regulations. Any organism except finfish taken by hook and line in the intertidal area must be placed unharmed in the location it was found. Removal of organisms of unclassified marine invertebrates in numbers less than the daily limits is an infraction. All other penalties for larger numbers removed apply.

AMENDATORY SECTION (Amending Order 06-67, filed 4/11/06, effective 5/12/06)

**WAC 220-56-116 Statewide saltwater hook rules.** (1)

It is unlawful to use more than two hooks to fish in saltwater, except for forage fish jigger gear and squid jig gear, and when fishing from the north jetty of the Columbia River.

(2) It is unlawful to use barbed hooks in Marine Areas 5-13, except for forage fish jigger gear.

(3) It is unlawful to use other than one single barbless hook to fish for sturgeon.

(4) It is unlawful to use other than single barbless hooks to fish for salmon in Marine Areas 1-4, except in the Ocean Shores and Westport Boat Basins, and in Marine Area 2-1 from August 1 through January 31, as provided for in this section.

(5) It is unlawful to fish for or possess salmon taken with terminal gear hooks in violation of nonbuoyant lure restrictions in the following saltwater areas during the periods indicated:

(a) Budd Inlet waters south of a line projected true west from the KGY radio station to the mainland and north of the closed zone provided for in WAC 220-56-128 - July 16 through October 31.

(b) Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island - July 1 through October 31.

(c) Ocean Shores Boat Basin - August 16 through January 31.

(d) Westport Boat Basin - August 16 through January 31.

~~(6) ((It is unlawful to fish for or possess gamefish taken with terminal gear hooks in violation of nonbuoyant lure restrictions in the Duwamish waterway downstream from the First Avenue South Bridge to an east-west line through Southwest Hanford Street on Harbor Island parallel to Southwest Spokane Street where it crosses Harbor Island during the period July 1 through October 31.~~

~~(7))~~ Use of gear in violation of this section is an infraction, punishable under RCW 77.15.160.

~~((8))~~ (7) It is unlawful to possess fish or shellfish taken with gear in violation of the provisions of this section. Possession of fish or shellfish while using gear in violation of the provisions of this section is a rebuttable presumption that the

fish or shellfish were taken with such gear. Possession of such fish or shellfish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish or shellfish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending Order 06-135, filed 6/13/06, effective 7/14/06)

**WAC 220-56-122 Statewide bait rules.** (1) It is unlawful to fish for sturgeon except with bait.

(2) It is unlawful to use lamprey as fishing bait, regardless of the source or species of lamprey.

(3) It is lawful to use bait in saltwater (~~and it is unlawful to use terminal gear other than bait suspended above the bottom by a float in the East Duwamish waterway between a line projected east along the path of southwest Hanford Street and a line projected east from the south tip of Harbor Island~~).

(4) It is unlawful to chum, broadcast, feed, or distribute into freshwater any bait or other substance capable of attracting fish unless specifically authorized in exceptions to statewide rules.

(5) When fishing for trout with bait, all trout that are lawful to possess and are equal to or greater than the minimum size are counted as part of the daily limit, whether kept or released, and it is unlawful to continue to fish once the daily limit has been achieved, except that steelhead trout may be caught and released until the daily limit is taken.

(6) It is unlawful to use live fish as bait to fish for game fish.

(7) Use of bait in violation of this section is an infraction, punishable under RCW 77.15.160.

(8) It is unlawful to possess fish taken with bait in violation of the provisions of this section. Possession of fish while using bait in violation of the provisions of this section is a rebuttable presumption that the fish were taken with such bait. Violation of this subsection is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty.

AMENDATORY SECTION (Amending Order 05-168, filed 8/3/05, effective 9/3/05)

**WAC 220-56-195 Closed areas—Saltwater salmon angling.** The following areas shall be closed to salmon angling during the times indicated:

(1) Bellingham Bay: Those waters of Bellingham, Samish and Padilla Bays southerly of a line projected from the most westerly point of Gooseberry Point to Sandy Point, easterly of a line from Sandy Point to Point Migley thence along the eastern shoreline of Lummi Island to Carter Point, thence to the most northerly tip of Vendovi Island thence to Clark Point on Guemes Island thence following the shoreline to Yellow Bluff on the southwest corner of Guemes Island thence to Yellow Bluff Reef range marker thence to the ferry terminal dock east of Shannon Point and north of the Burlington Railroad Bridges at the north end of Swinomish Slough shall be closed to salmon angling July 1 through August 15.

(2) Carr Inlet:

(a) Those waters north of a line from Green Point to Penrose Point are closed to salmon angling April 16 through July 31.

(b) Those waters of Carr Inlet within 1,000 feet of the outer oyster stakes at the mouth of Minter Creek are closed to salmon angling July 1 through September 30.

(3) Dungeness Bay: Those waters westerly of a line from Dungeness Spit Light to the number 2 red Buoy, and then to the Port Williams boat ramp are closed to salmon angling May 1 through September 30 and November 1 through April 30.

(4) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 15.

(5) Columbia River Mouth Control Zone 1: Washington waters within Control Zone 1, which Control Zone is described as an area at the Columbia River mouth bounded on the west by a line running northeast/southwest between the red lighted Buoy #4 (46°13'35" N/124°06'50" W) and the green lighted Buoy #7 (46°15'09" N/124°06'16" W); on the east by the Buoy #10 line which bears north/south at 357° true from the south jetty at 46°14'00" N/124°03'07" W to its intersection with the north jetty; on the north by a line running northeast/southwest between the green lighted Buoy #7 to the tip of the north jetty (46°14'48" N/124°05'20" W) and then along the north jetty to the point of intersection with the Buoy #10 line; and on the south by a line running northeast/southwest between the red lighted Buoy #4 and the tip of the south jetty (46°14'03" N/124°04'05" W) and then along the south jetty to the point of intersection with the Buoy #10 line are closed to salmon angling at all times except open to fishing from the north jetty when adjacent waters north of the Control Zone are open to salmon angling or the Buoy 10 fishery is open.

(6) Commencement Bay: Those waters east of a line projected from the Sperry Ocean Dock to landfall below the Cliff House Restaurant on the north shore of Commencement Bay are closed (~~(July)~~ June 1 through (~~(August 12)~~ July 31).

(7) Southern Rosario Strait and eastern Strait of Juan de Fuca: Waters of Area 7 in Rosario Strait and the eastern portion of the Strait of Juan de Fuca southerly of a line running true south from the westernmost point on Fidalgo Head to Burrows Island, then westerly and southerly along the shore of Burrows Island to the Burrows Island Lighthouse, then to Bird Rocks, then westerly from Bird Rocks to the southernmost point on Decatur Island, then across Lopez Pass to Lopez Island and following the shore of Lopez Island southerly and westerly to Iceberg Point, then from Iceberg Point to Cattle Point, then south southwest to the Salmon Bank Buoy, and then true south from the Salmon Bank Buoy to the Area 7 boundary - Closed to fishing for salmon July 1 - September 30.

(8) Kydaka Point - waters south of a line from Kydaka Point to Shipwreck Point are closed to fishing for salmon July 1 through September 30.

(9) Port Angeles Harbor - waters westerly of a line from the tip of Ediz Hook to the I.T.T. Rayonier Dock are closed to fishing for salmon from July 1 through August 31.

(10) Port Susan - waters north of a line from Camano Head to a boundary marker approximately 1.4 miles northwest of Hermosa Point closed to salmon fishing August 1 through August 31.

(11) Grays Harbor Control Zone: Waters within a line from the lighthouse one mile south of the south jetty, thence to Buoy number 2, thence to Buoy number 3, thence to the tip of the north jetty, thence to the exposed end of the south jetty, thence following the south jetty and shoreline to the lighthouse closed to fishing for salmon August 1 through September 18.

AMENDATORY SECTION (Amending Order 07-22, filed 2/16/07, effective 3/19/07)

**WAC 232-28-619 Washington food fish and game fish—Freshwater exceptions to statewide rules.** (1) All freshwater streams and lakes not listed as open for salmon fishing are closed.

(2) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and nonbuoyant lure restrictions, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree.

(3) County freshwater exceptions to statewide rules:

(a) Adams and Grant counties: All seasons in specific freshwater exceptions to statewide rules apply to inlet and outlet streams of named lakes in Grant and Adams counties.

(b) Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River): Lawful to fish to base of all dams.

(c) Benton County: Rivers, streams and beaver ponds open year around.

(d) Ferry and Lincoln counties: Except those tributaries listed under specific water exceptions to statewide rules, all tributaries to Lake Roosevelt between Grand Coulee Dam and the State Highway 25 Bridge at Northport except Barnaby and Nancy creeks: Trout: Daily limit 5, no minimum size.

(e) Kitsap County and Mason County on Tahuya Peninsula west of Belfair-Bremerton Highway (S.R. 3): Beaver ponds: Last Saturday in April through October 31 season. Trout: No minimum length.

(4) Specific freshwater exceptions to statewide rules:

Aberdeen Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Abernathy Creek (Cowlitz County):

From mouth to a point five hundred feet downstream from salmon hatchery: June 1 through August 31 and

November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

From Abernathy Falls to posted markers five hundred feet downstream from salmon hatchery: Closed waters.

Aeneas Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Ahtanum Creek, including North and Middle Forks (Yakima County): Selective gear rules. North Fork from Grey Rock Trailhead Bridge crossing to Shellneck Creek: Closed waters.

Alder Creek (Cowlitz County): Closed waters.

Aldrich Lake (Mason County): Last Saturday in April through October 31 season.

Aldwell Lake (Clallam County): Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor permitted. Trout: Daily limit two, minimum length twelve inches.

Alexander Lake (Kitsap County): Closed waters.

Alkali Lake (Grant County): Crappie: Not more than five greater than eight inches in length. Bluegill: Not more than five greater than six inches in length.

Alta Lake (Okanogan County): Last Saturday in April through September 30 season.

Amber Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules. Trout: Daily limit two, minimum length fourteen inches; release rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Additional season October 1 through November 30 and March 1 through Friday before last Saturday in April. Selective gear rules. All species: Release all fish.

American Lake (Pierce County): Chumming permitted.

American River (Yakima County): Closed waters: From Highway 410 Bridge at river mile 5.4 to the Mesatchee Creek Trail crossing at river mile 15.8 July 16 through September 15. Selective gear rules.

Anderson Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. From September 1 through October 31, selective gear rules and trout: Release trout.

Armstrong Lake (Snohomish County): Last Saturday in April through October 31 season.

Asotin Creek, mainstem and forks (Asotin County): Closed to fishing for steelhead.

From SR 129 Bridge upstream to the forks: Lawful to fish up to base of Headgate Dam.

North Fork from mouth upstream to USFS boundary: Selective gear rules.

North Fork from USFS boundary upstream and all other tributaries: Closed waters.

South Fork and tributaries: Closed waters.

B.C. Mill Pond (Stevens County): Last Saturday in April through October 31 season.

Bachelor Creek (Yakima County): Year around season. Trout: Daily limit five, no minimum length.

Badger Lake (Spokane County): Last Saturday in April through September 30 season.

Baker Lake (Whatcom County): Last Saturday in April through October 31 season, except closed waters in an area two hundred feet in radius around the pump discharge at the south end of the lake. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Baker River (Skagit County): Mouth to Highway 20 Bridge: September 1 through October 31 season. Nonbuoyant lure restriction and night closure. Trout: Minimum length fourteen inches, except Dolly Varden/Bull Trout. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only July 1 through July 31 except closed 12:01 a.m. July ((6)) 5 through 2:00 p.m. July ((7)) 6 and 12:01 a.m. July 10 through 2:00 p.m. July 11. Nonbuoyant lure restriction and night closure. Daily limit 2 sockeye salmon.

Highway 20 Bridge to Baker River fish barrier dam: Closed waters.

Banks Lake (Grant County): Chumming allowed. Perch: Daily limit twenty-five. Small mouth bass: Small mouth bass do not count as part of bass daily limit. Small mouth bass 12 to 17 inches in length may be retained. No minimum size. Daily limit 10 small mouth bass not more than one of which may be greater than 14 inches in length.

Barnaby Slough (Skagit County): Closed waters.

Battle Ground Lake (Clark County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches or greater in length may be retained.

Bay Lake (Pierce County): Last Saturday in April through October 31 season.

Bayley Lake (Stevens County): Last Saturday in April through July 4 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length fourteen inches. Additional season, July 5 through October 31. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish. Inlet stream: Closed waters.

Bear Creek (Yakima County), tributary to South Fork Tieton River: From the mouth to the falls (approximately 3/4 mile): Closed waters.

Bear Lake (Spokane County): Juveniles, holders of disability licenses, and licensed adults accompanied by a juvenile only.

Bear River (Pacific County): June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 16

through November 30. Single point barbless hooks required August 16 through November 30 downstream from the Lime Quarry Road. All species: Release all fish except salmon and except up to two hatchery steelhead may be retained each day. Upstream from the Lime Quarry Road: Selective gear rules June 1 through March 31. All species: Release all fish except up to two hatchery steelhead may be retained each day. Salmon: Open only September 1 through November 30 from mouth to Lime Quarry Road. Daily limit 6 fish of which no more than 2 may be adult fish and of these two fish no more than one may be a wild adult coho. Release adult Chinook, and chum.

Beaver Creek (tributary to Elochoman River) (Wahkiakum County): Closed waters.

Beaver Lake (Clallam County): Selective gear rules. Trout: Maximum size 12 inches in length.

Beaver Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited.

Beda Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Beehive (Lake) Reservoir (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Bennington Lake (Mill Creek Reservoir) (Walla Walla County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Benson Lake (Mason County): Last Saturday in April through October 31 season.

Berry Creek (tributary to Nisqually River) (Lewis County): Selective gear rules.

Big Bear Creek (tributary of Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

Big Beaver Creek (Whatcom County):

From closed water markers on Ross Lake upstream one-quarter mile: Closed waters.

From one-quarter mile markers upstream, including tributary streams, and beaver ponds that are tributary to Big Beaver Creek: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Big Beef Creek (Kitsap County): June 1 through August 31 season. Closed waters August 1 through August 31: Waters within 100 feet of the Seabeck Highway NW Bridge. Selective gear rules. All species: Release all fish.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Big Quilcene River (Jefferson County):

From mouth to upper boundary of Falls View Campground: June 1 through last day in February season. Closed waters: August 16 through October 31 from mouth to Rodgers Street. Rodgers Street to the Highway 101 Bridge: Selective gear rules June 1 through August 15, one single point barbless hook August 16 through October 31, and selective gear rules November 1 through last day in February and night closure August 16 through December 31. From electric weir to upper boundary of Falls View Campground: Selective gear rules June 1 through last day in February. All game fish: Release all fish from mouth to campground. Salmon: Open only August 16 through October 31 from Rodgers Street to the Highway 101 Bridge. Daily limit 4 coho salmon. Only coho salmon hooked inside the mouth may be retained.

From Highway 101 Bridge upstream to the electric weir at the Quilcene National Fish Hatchery: Closed waters.

Big River (Clallam County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Big Twin Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bird Creek (Klickitat County): Trout: Daily limit five.

Black Lake (Lower Wheeler Reservoir) (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.

Black Lake (Okanogan County): Selective gear rules.

Black Lake (Pacific County): Last Saturday in April through October 31 season.

Black Lake (Stevens County): Last Saturday in April through October 31 season.

Black Lake (Thurston County): Crappie: Daily limit ten, minimum length nine inches.

Black River (Thurston County), from mouth to Black Lake and including all tributaries west of Interstate Highway 5, including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek and Blooms Ditch: Selective gear rules. Trout: Minimum length fourteen inches.

Blockhouse Creek (Klickitat County): Trout: Daily limit five.

Bloodgood Creek (Klickitat County): Trout: Daily limit five.

Blue Creek (Lewis County), from mouth to Spencer Road: Closed waters except December 1 through December 31 season from mouth to posted sign at rearing pond outlet. Closed waters: Upstream from cable crossing to posted signs at fence. Nonbuoyant lure restriction and night closure. Only wheelchair-bound anglers may fish from posted signs above rearing pond to posted signs approximately 40 feet downstream at fence including the rearing pond outlet. Trout: Daily limit five. Minimum size 12 inches no more than two

fish over 20 inches. Release wild cutthroat, wild steelhead and hatchery steelhead with clipped right ventral fin.

Blue Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Blue Lake (Cowlitz County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Blue Lake (Grant County): Last Saturday in April through September 30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September 30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park boundary: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to Olympic National Park boundary. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead downstream from Highway 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Bonaparte Lake (Okanogan County): Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boundary Creek (Clallam County): Closed waters.

Bowman Creek (Klickitat County): Trout: Daily limit five.

Box Canyon Creek (Kittitas County), from mouth to waterfall approximately 2 miles upstream: Closed waters. From waterfall approximately 2 miles upstream of mouth to USFS Road #4930 Bridge: Selective gear rules.

Boxley Creek (North Bend) (King County), from its mouth to the falls located at approximately river mile 0.9: Closed waters.



Boyle Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Boyle Lake are closed waters.

Bradley Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Bridges Lake (King County): Last Saturday in April through October 31 season. The inlet and outlet streams to Bridges Lake are closed waters.

Brookies Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Browns Creek (Pend Oreille County): Fly fishing only.

Browns Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: No more than one fish greater than 11 inches in length may be retained.

Buck Lake (Kitsap County): Last Saturday in April through October 31 season.

Buckskin Creek and tributaries (Yakima County), from mouth to the west boundary of Suntides Golf Course: Closed waters.

Bumping Lake (Reservoir) (Yakima County): Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Bumping River (Yakima County):

From mouth to Bumping Reservoir: Lawful to fish to base of Bumping Dam. Selective gear rules June 1 through October 31. Whitefish: Additional December 1 through March 31 season. Whitefish gear rules apply.

Burbank Slough (Walla Walla County): Fishing from any floating device prohibited.

Burke Lake (Grant County): March 1 through July 31 season.

Burley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Butter Creek (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Buttermilk Creek, mouth to confluence of East and West Forks (Okanogan County): Closed waters.

Cady Lake (Mason County): Fly fishing only. Fishing from a floating device equipped with an internal combustion motor prohibited. All species: Release all fish.

Cain Lake (Whatcom County): Last Saturday in April through October 31 season.

Calawah River (Clallam County), from mouth to forks: June 1 through April 30 season. December 1 through April 30, selective gear rules from Highway 101 to forks. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to Highway 101 Bridge. December 1 through April 30, mouth to Highway 101, one wild steelhead per day may be retained.

Salmon: Open only July 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Calawah River, South Fork (Clallam County) from mouth to Olympic National Park boundary: June 1 through last day in February season. December 1 through last day in February, selective gear rules. Trout: Minimum length fourteen inches.

Caldwell Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: Daily limit two, minimum length twelve inches.

Caliche Lakes, Lower, Upper and West (Grant County): March 1 through July 31 season.

Calispell Creek (Calispell River) (Pend Oreille County):

From mouth to Calispell Lake: Year around season.

From Calispell Lake upstream to source: Selective gear rules.

Calispell Creek and tributaries: Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters.

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: ~~((Same rules as adjacent waters of the Columbia River.))~~ Open when the adjacent mainstem Columbia or Washougal rivers are open to fishing for salmon. Daily limit same as most liberal regulation of either area.

Campbell Creek (Mason County): Closed waters.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon River (Mason County and Grays Harbor County): Closed waters.

Canyon Creek (S.F. Stillaguamish River) (Snohomish County), mouth to forks: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Canyon Creek (Whatcom County): Closed waters: Mouth to Canyon Creek Road Bridge.

Capitol Lake (Thurston County), from its outlet to a point four hundred feet below the lowest Tumwater Falls (Deschutes River) fish ladder: Closed waters: Percival Cove, west of a set of markers on the western shoreline of the south basin of Capitol Lake. June 1 through March 31 season. Non-buoyant lure restriction and night closure August 1 through November 30. Trout: June 1 through July 31 daily limit five, minimum length eight inches. August 1 through March 31 daily limit two, minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Carbon River (Pierce County), from its mouth to Voight Creek: July 1 through last day in February season. Nonbuoyant lure restriction, night closure and single point barbless hooks August 1 through November 30. Trout: Minimum length fourteen inches. Voight Creek to Highway 162 Bridge: July 1 through August 15 and December 1 through last day in February season: Trout: Minimum length 14 inches. Salmon: Open only September 1 through November 30 mouth to Voight Creek. Daily limit 6 fish of which no more than 4 may be adult salmon and of these 4 fish no more than 2 may be adult hatchery Chinook. Release chum and wild adult Chinook salmon.

Carlisle Lake (Lewis County): Last Saturday in April through last day in February season. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carl's Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Carney Lake (Pierce County): Last Saturday in April through June 30 and September 1 through November 30 seasons. Fishing from a floating device equipped with an internal combustion motor prohibited. Salmon: Landlocked salmon rules apply.

Carson Lake (Mason County): Last Saturday in April through October 31 season.

Cascade Lake (Grant County): March 1 through July 31 season.

Cascade Lake (San Juan County): Last Saturday in April through October 31 season.

Cascade River (Skagit County):

From the mouth to the Rockport-Cascade Road Bridge: October 1 through last day in February season. Nonbuoyant lure restriction and night closure September 16 through November 30. Trout: Trout except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July ((9)) 8. Nonbuoyant lure restriction and night closure. Daily limit 2 hatchery Chinook. Open September 16 through November 30. Daily limit 4 coho salmon.

From the Rockport-Cascade Road Bridge upstream: June 1 through last day in February season. Trout: Trout

except Dolly Varden/Bull Trout, minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

Cases Pond (Pacific County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Landlocked salmon rules apply.

Cassidy Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Castle Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Cattail Lake (Grant County): April 1 through September 30 season.

Cavanaugh Lake (Skagit County): Chumming permitted.

Cedar Creek (tributary of N.F. Lewis) (Clark County), from mouth to 100 feet upstream of the falls: From the Grist Mill Bridge to 100 feet upstream of the falls: Closed waters. June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Cedar Creek (Jefferson County): June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Cedar Creek (Okanogan County), from mouth to Cedar Falls: Closed waters.

Cedar Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Cedar Lake (Stevens County): Last Saturday in April through October 31 season.

Cedar River (King County), from mouth to Landsburg Road: June 1 through August 31 season. Selective gear rules and night closure. All species: Release all fish. Landsburg Road to Cedar Falls: Closed waters.

Cedar River (Pacific County): Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Chain Lake (Pend Oreille County): Last Saturday in April through October 31 season. Release kokanee.

Chambers Creek (Pierce County): July 1 through November 15 season. Night closure and nonbuoyant lure restriction.

Chambers Creek Estuary (downstream from markers 400 feet below the Boise-Cascade Dam to the Burlington Northern Railroad Bridge) (Pierce County): July 1 through November 15 season. Night closure and nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Chambers Lake (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Chaplain Lake (Snohomish County): Closed waters.

Chapman Lake (Spokane County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Chehalis River (Grays Harbor County), from Highway 101 Bridge in Aberdeen to high bridge on Weyerhaeuser 1000 line (approximately 400 yards downstream from Roger Creek): June 1 through April 15 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only April 16 through July 31 from mouth to high bridge, October 1 through January 31 from mouth to Porter Bridge, and October 16 through last day in February from Porter Bridge to high bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. October 1 through ~~(November 30)~~ October 31, ~~((mouth to Porter Bridge, release adult chinook))~~ the daily limit may contain no more than one adult Chinook, release chum. ~~((October 16))~~ November 1 through November 30, ~~((Porter Bridge to High Bridge,))~~ release adult Chinook, and chum. December 1 through January 31, mouth to Porter Bridge, the daily limit may contain no more than one wild adult coho, and release adult Chinook, and chum. December 1 through last day in February, Porter Bridge to High Bridge, release adult Chinook ((and)), wild adult coho, and chum. Sturgeon: Open year-round and no night closure from mouth to high bridge on Weyerhaeuser 1000 line.

Chehalis River, South Fork (Lewis County), from mouth to Highway Bridge at Boistfort School: June 1 through April 15 season. Trout: Minimum length fourteen inches.

Chehalis River Potholes (adjacent to the Chehalis River south of Highway 12 in Grays Harbor County, this does not include sloughs or beaver ponds): Last Saturday in April through October 31 season.

Chelan Hatchery Creek (Chelan County): Closed waters.

Chelan Lake (Chelan County): Closed waters: Within 400 feet of all tributaries south of a line from Purple Point at Stehekin and Painted Rocks. Trout except kokanee and lake trout: Daily limit 5. Release wild cutthroat. Lake trout not counted in daily trout limit. Lake trout no minimum size, no daily limit. Kokanee not counted in daily trout limit. Kokanee daily limit 10, no minimum length. North of a line between Purple Point at Stehekin and Painted Rocks: April 1 through July 31: All species: Release all fish. Salmon: Open only May 1 through May 31 south of a line from Purple Point to Painted Rocks: Daily limit 1, minimum length 15 inches.

Chelan Lake Tributaries (Chelan County), from mouths upstream one mile except Stehekin River: August 1 through September 30 season. Selective gear rules. Trout: Release wild cutthroat.

Chelan River (Chelan County): From the railroad bridge to the Chelan P.U.D. safety barrier below the power house:

May 15 through August 31 season. Nonbuoyant lure restriction. Trout: Release all trout.

Chewuch River (Chewack River) (Okanogan County), from mouth to Eight Mile Creek: June 1 through August 15 season. Selective gear rules. All species: Release all fish.

Upstream from Eight Mile Creek to Pasayten Wilderness boundary: Closed waters June 1 through October 31.

From mouth to Pasayten Wilderness boundary: Additional December 1 through March 31 season. Whitefish gear rules apply.

Chikamin Creek (Chelan County): Selective gear rules.

Chimacum Creek (Jefferson County):

From mouth to Ness's Corner Road: June 1 through August 31 season. Trout: Minimum length fourteen inches.

From Ness's Corner Road to headwaters: Trout: Minimum length fourteen inches.

Chiwaukum Creek (Chelan County): Mouth to Fool Hen Creek: Closed waters.

Chiwawa River (Chelan County): Mouth to Buck Creek: Closed waters.

Chopaka Lake (Okanogan County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one.

Cispus River (Lewis County), from mouth to North Fork: Trout: Release all cutthroat. Additional season November 1 through May 31, release all game fish other than steelhead. Salmon: Open year around. Daily limit 6 fish, of which no more than 2 fish may be adult salmon. Salmon minimum size 8 inches. Release wild coho at all times and release wild Chinook January 1 through July 31.

Cispus River, North Fork (Lewis County): Selective gear rules. Trout: No more than one over twelve inches in length. Release cutthroat.

Clallam River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Clara Lake (Mason County): Last Saturday in April through October 31 season.

Clear Creek (Chelan County): Closed waters.

Clear Lake (Chelan County): Last Saturday in April through October 31 season. From July 5 through October 31, selective gear rules and all species: Release all fish.

Clear Lake (Pierce County): Last Saturday in April through October 31 season. Chumming permitted. Salmon: Landlocked salmon rules apply.

Clear Lake (Spokane County): Last Saturday in April through October 31 season.

Clear Lake (Thurston County): Last Saturday in April through October 31 season.

## Clearwater River (Jefferson County):

From mouth to Snahapish River: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon.

From Snahapish River upstream: Trout, minimum length fourteen inches.

Clearwater River (Pierce County): July 1 through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Cle Elum Lake (Reservoir) (Kittitas County): Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen, no minimum size.

Cle Elum River (Kittitas County), from mouth to Cle Elum Dam: Lawful to fish to base of Cle Elum Dam. Year-round season. Selective gear rules, except December 1 through March 31 bait and one single point barbed hook three-sixteenths or smaller point to shank may be used. Trout: Release all trout. Above Cle Elum Lake to outlet of Hyas Lake except Tucquala Lake: Selective gear rules.

Cliff Lake (Grant County): March 1 through July 31 season.

## Cloquallum Creek (Grays Harbor County):

From mouth to second bridge on Cloquallum Road: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From mouth to Highway 8 Bridge: Additional March 1 through March 31 season. Trout: Minimum length fourteen inches.

Clough Creek (North Bend) (King County): Closed waters.

Coal Creek (Cowlitz County), from mouth to four hundred feet below falls: June 1 through August 31 and November 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Coal Creek (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Coal Creek (near Snoqualmie) (King County), from mouth to Highway I-90: Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Coffee Pot Lake (Lincoln County): March 1 through September 30 season. Selective gear rules except internal combustion motors allowed. Trout: Daily limit one, minimum length eighteen inches. Crappie: Daily limit ten, minimum length nine inches.

Coldwater Lake (Cowlitz County): Selective gear rules. Trout: Daily limit one, minimum length sixteen inches.

Coldwater Lake inlet and outlet streams (Cowlitz County): Closed waters.

Collins Lake (Mason County): Last Saturday in April through October 31 season.

Columbia Basin Hatchery Creek (Grant County): Hatchery outflow to confluence with mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only. Mainstem Hatchery Creek: April 1 through September 30 season. Juveniles and holders of reduced fee disability licenses only.

Columbia Park Pond (Benton County): Juveniles and holders of reduced fee disability licenses only. All species: Daily limit of five fish combined.

Columbia River, including impoundments and all connecting sloughs, except Wells Ponds: Year-round season unless otherwise provided. General species provisions (unless otherwise provided for in this section): Bass: Below Priest Rapids Dam: Daily limit five fish, bass 12 to 17 inches in length may be retained. Up to but not more than three of the daily limit may be over 15 inches. Trout: Daily limit two fish, minimum length 12 inches, except release all Dolly Varden/Bull Trout. Walleye: Daily limit five fish of which not more than one may be over 24 inches, minimum length 18 inches. Whitefish: Daily limit 15 fish. All other game fish: No daily limit, except release all grass carp.

In the Columbia River between Washington and Oregon, the license of either state is valid. Anglers must comply with the fishing regulations of the state in which they are fishing. This provision does not allow an angler licensed in Oregon to fish on the Washington shore, or in the sloughs or tributaries in Washington except Camas Slough, where the license of either state is valid when fishing from a floating device.

Anglers fishing the Columbia River are restricted to one daily limit, as defined by the laws of the state in which they are fishing, even if they are licensed by both states.

From a true north-south line through Buoy 10 to a line between Rocky Point in Washington to Tongue Point in Oregon: Trout: Release wild cutthroat. Release all trout April 1 through July 31. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Fishing from the north jetty is allowed during salmon season openings. Salmon: Open only August 1 through March 31. August 1 through September 30, daily limit 2 salmon (~~of which not more than one may be a chinook salmon~~). Release Chinook, chum, sockeye, wild coho, Chinook less than 24 inches in length, and coho less than 16 inches in length, except one Chinook may be retained August 22 through September 3. October 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon and not more than one of which may be an adult

Chinook salmon. Release chum, sockeye, and wild coho. January 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, wild coho and wild Chinook. Fishing from the north jetty for salmon open during both Area 1 and Buoy 10 fishery openings with barbed hooks allowed and the daily limit is the more liberal if both areas are open. Sturgeon: Release sturgeon May 1 through May 12 and July 5 through December 31. Minimum size when open to retain sturgeon is 42 inches January 1 through April 30 and 45 inches May 13 through July 4. Bottomfish: Daily limits, seasons, size restrictions

and gear restrictions are the same as those in the adjacent portion of Marine Area 1.

From the Rocky Point - Tongue Point line to the I-5 Bridge: Trout: Release wild cutthroat. Release all trout April 1 through May 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Salmon: Open only May 16 through March 31. May 16 through June 15 daily limit 6 hatchery jack Chinook. June 16 through ~~(July 31)~~ June 30, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. July 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye and adult Chinook. August 1 through March 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, sockeye, and wild coho. August 1 through December 31 the daily limit may contain not more than 1 adult Chinook, except release Chinook September 5 through September 30 downstream of boundary marker on lower end of Bachelor Island/Warrior Rock Lighthouse. Release wild Chinook January 1 through March 31. Sturgeon: (1) Release sturgeon May 1 through May 12 and July 5 through December 31 downstream from the Wauna powerlines. Minimum size when open to retain sturgeon is 42 inches January 1 through April 30 and 45 inches May 13 through July 4; (2) I-5 Bridge downstream to Wauna powerlines, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31, and October 1 through December 31. Release sturgeon on other days and during other time periods.

From the I-5 Bridge to the Highway 395 Bridge at Pasco: Closed waters: (1) From the upstream line of Bonneville Dam to boundary markers located six hundred feet below the fish ladder, and closed to fishing from a floating device or fishing by any method except hand-casted gear from shore from Bonneville Dam downstream to a line from the Hamilton Island boat ramp to an Oregon boundary marker on Robins Island. (2) Waters from the upstream side of the Interstate Bridge at The Dalles to upper line of The Dalles Dam except that bank fishing is permitted up to the downstream navigation lock wall on the Washington shore. (3) From John Day Dam downstream about three thousand feet except that bank fishing is permitted up to four hundred feet below the fishway entrance on the Washington shore. (4) From McNary Dam downstream to a line across the river from the red and white marker on the Oregon shore on a line that intersects the downstream end of the wing wall of the boat lock near the Washington shore. August 1 through October 15: Nonbuoyant lure restriction and night closure from Bonneville Dam to The Dalles Dam. Trout: Release wild cutthroat from I-5 Bridge to Bonneville Dam and release all cutthroat in the waters of Drano Lake. Release all trout April 1 through June 15. Walleye: No minimum size. Daily limit ten, of which no more than five may be greater than eighteen inches in length and one greater than twenty-four inches in length. Snake River Confluence Protection Area: From the first powerline crossing the Columbia upstream of Sacajawea State Park to the railroad bridge between Burbank and Kennewick: All species: Daily limits, seasons, size restrictions and gear restrictions are the same as those in the adjacent portion of the Snake River. Sturgeon: (1) Sturgeon fishing is closed

from Bonneville Dam to a line from a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder to the downstream end of Cascade Island to an Oregon angling boundary on Bradford Island (the Cascade Island - Bradford Island line). (2) It is unlawful to fish for sturgeon from May 1 through July 31 from Cascade Island - Bradford Island line downstream to a line from navigation marker 85 on the Washington shore at a right angle to the thread of the river to the Oregon shore, from 400 feet below McNary Dam to the Highway 82 Bridge and from John Day Dam downstream to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon. (3) Cascade Island - Bradford Island line downstream to I-5 Bridge, lawful to retain sturgeon only on Thursdays, Fridays, and Saturdays from January 1 through July 31 and October 1 through December 31, except for May 1 - July 31 closure to the navigation marker 85 line and the closure to the Highway 82 Bridge. Release sturgeon on other days and during other time periods. (4) Release sturgeon August 1 through December 31 from the upstream line of Bonneville Dam and 400 feet below McNary Dam. (5) From the Hamilton Island boat launch (USACE boat restricted zone boundary) to Bonneville Dam, anglers must stop fishing for sturgeon once a daily limit has been retained. Salmon: From I-5 Bridge to Bonneville Dam: Open only June 16 through December 31 except closed November 1 through December 31 from Beacon Rock to Bonneville Dam. June 16 through ~~(July 31)~~ June 30, daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye. July 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and sockeye. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish, only 1 may be an adult Chinook. Release wild coho, sockeye, and chum. From Bonneville Dam to McNary Dam: Open only June 16 through December 31. Daily limit 6 fish of which only 2 may be adult salmon. Release sockeye. August 1 through December 31, release chum. August 1 through December 31, release wild coho from Bonneville Dam to Hood River Bridge. ~~((August 1)) From McNary Dam to the Highway 395 Bridge at Pasco: Open only June 16 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release ~~((chum and))~~ sockeye. ~~((Release wild coho downstream of Hood River Bridge. August 1 through December 31, daily limit may contain not more than 1 adult chinook downstream from Bonneville Dam.))~~~~

From the Highway 395 Bridge at Pasco to the old Hanford townsite (wooden towers) powerline crossing, in Sec. 30, T13N, R28E except Ringold Hatchery waters: Closed waters: Ringold Springs Creek (Hatchery Creek). Trout: Release all trout except hatchery steelhead having both adipose and ventral fin clips October 1 through October 31. Release all trout except hatchery steelhead November 1 through March 31. Salmon: Open only June 16 through July 31 and August 16 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye June 16 through July 31. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Ringold Springs Rearing Facility waters (from WDFW markers 1/4 mile

downstream from the Ringold wasteway outlet to WDFW markers 1/2 mile upstream from Spring Creek): Open only April 1 through April 15, except salmon, to fishing from the bank on the hatchery side of the river. Trout: Release all fish except hatchery steelhead. Salmon: Open only May 1 through May 31 to fishing from the bank on the hatchery side of the river. Daily limit two hatchery salmon. Night closure and nonbuoyant lure restriction.

From the old Hanford townsite (wooden towers) power-line crossing in Sec. 30, T13N, R28E, to Vernita Bridge, (Highway 24): All species: February 1 through October 22 season. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 fish may be adult salmon. Release sockeye June 16 through July 31.

From Vernita Bridge (Highway 24) to Priest Rapids Dam: Closed waters: (1) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam downstream to the boundary markers six hundred fifty feet below the fish ladders. (2) Jackson (Moran Creek or Priest Rapids Hatchery outlet) Creek - all waters of the Priest Rapids Hatchery system to the outlet on the Columbia River, extending to mid-stream Columbia between boundary markers located one hundred feet upstream and four hundred feet downstream of the mouth. Trout: Release all trout. Walleye: Daily limit 10 fish. No minimum size, no more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Salmon: Open only June 16 through July 31 and August 16 through October 22. Daily limit 6 fish of which no more than 2 may be adult salmon. Release sockeye June 16 through July 31.

From Priest Rapids Dam to Chief Joseph Dam, including up to base of Washburn Pond outlet structure: Closed waters: (1) Wanapum Dam - waters between the upstream line of Wanapum Dam to the boundary markers seven hundred fifty feet downstream of the east fish ladder and five hundred feet downstream of the west fish ladder. (2) Rock Island Dam to boundary markers four hundred feet downstream of the fish ladders. (3) Rocky Reach Dam - waters between the upstream line of Rocky Reach Dam to boundary markers four hundred feet downstream of the fish ladders. (4) Wells Dam - waters between the upstream line of Wells Dam to boundary markers four hundred feet downstream of the spawning channel discharge (Chelan County) and fish ladder (Douglas County). (5) Chief Joseph Dam - closed to fishing from the Okanogan County shore between the dam and the Highway 17 Bridge. Closed to fishing from a floating device from the boundary marker to the Corps of Engineers safety zone marker. Trout: Release all trout. Salmon: Open only July 1 through October 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye. From Wells Dam to Chief Joseph Dam, open only from Highway 173 Bridge at Brewster to Highway 17 Bridge at Bridgeport. Sturgeon: Release all sturgeon.

Above Chief Joseph Dam: See Lake Roosevelt and Rufus Woods Lake.

Colville River (Stevens County):

From mouth to bridge at Town of Valley: Year-round season. Trout: Daily limit five fish, not more than two of which may be brown trout October 1 through November 30. Walleye: Daily limit 8 fish. No minimum size. Not more than one walleye greater than 22 inches may be retained. Sturgeon: Unlawful to fish for or retain sturgeon. Small mouth bass: Small mouth bass do not count as part of the bass daily limit. Small mouth bass 12 to 17 inches in length may be retained. No minimum size. Daily limit 10 bass of which not more than 1 may be greater than 14 inches in length.

From bridge at Valley upstream and tributaries: Selective gear rules.

Conconully Lake (Okanogan County): Last Saturday in April through October 31 season.

Conconully Reservoir (Okanogan County): Last Saturday in April through October 31 season.

Conger Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Connelly Creek and tributaries (Lewis County), from four hundred feet below the city of Morton Dam to its source: Closed waters.

Conner Lake (Okanogan County): Last Saturday in April through October 31 season.

Cooper River (Kittitas County): Mouth to Cooper Lake: Selective gear rules.

Coot Lake (Grant County): April 1 through September 30 season.

Copalis River (Grays Harbor County): June 1 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through January 31 from mouth to Carlisle Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook.

Cottage Lake (King County): Last Saturday in April through October 31 season.

Cottonwood Creek (Lincoln County): Year-round season.

Cougar Creek (tributary to Yale Reservoir) (Cowlitz County): June 1 through August 31 season.

Cougar Lake (near Winthrop) (Okanogan County): September 1 through March 31 season.

Coulter Creek (Kitsap/Mason counties): Trout: Minimum length fourteen inches.

County Line Ponds (Skagit County): Closed waters.

Coweeman River (Cowlitz County), from mouth to Mulholland Creek: June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. From Mulholland Creek upstream: June 1 through August 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained.

Cowiche Creek (Yakima County): Selective gear rules.

Cowlitz Falls Reservoir (Lake Scanewa) (Lewis County): June 1 through last day in February season. The upstream boundary of the reservoir in the Cowlitz arm is the posted PUD sign on Peters Road. The upstream boundary of the reservoir in the Cispus arm is the posted markers at the Lewis County PUD kayak launch, approximately 1.5 miles upstream from the confluence of the Cowlitz and Cispus arms. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Daily limit 6 fish, of which not more than 2 may be adult salmon. Release wild coho. Release wild Chinook June 1 through July 31.

Cowlitz River (Lewis County):

From mouth to Mayfield Dam: Closed waters: From 400 feet or posted markers below Cowlitz salmon hatchery barrier dam to boundary markers near the Cowlitz salmon hatchery water intake approximately 1,700 feet upstream of the Cowlitz salmon hatchery barrier dam, and from 400 feet below the Mayfield powerhouse upstream to Mayfield Dam. Year-round season except closed to fishing from south bank May 1 through June 15 from Mill Creek to the Cowlitz salmon hatchery barrier dam. Lawful to fish up to four hundred feet or the posted deadline at the Cowlitz salmon hatchery barrier dam. Lawful to fish up to Tacoma Power safety signs at Onion Rock below Mossyrock Dam. Lawful to fish up to Lewis County P.U.D. safety signs below Cowlitz Falls Dam. From the Cowlitz salmon hatchery barrier dam downstream to a line from the mouth of Mill Creek to a boundary marker on the opposite shore, it is unlawful to fish from any floating device. Nonbuoyant lure restriction and night closure April 1 through October 31 from mouth of Mill Creek to the Cowlitz salmon hatchery barrier dam. All game fish: Release all fish except steelhead April 1 through May 31. Trout: Daily limit five, minimum length twelve inches, no more than two over twenty inches. Release wild cutthroat. Release all steelhead missing right ventral fin. Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. ((Release chum and wild coho. Release wild chinook January 1 through July 31.)) Release all salmon except hatchery Chinook and hatchery coho. August 1 through December 31, daily limit 6 fish of which no more than 2 may be adult Chinook. Release all salmon except Chinook and hatchery coho. Mill Creek to Blue Creek - release all Chinook October 1 through December 31. Highway 4 Bridge in Kelso downstream, release Chinook September 5 through September 30. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

From posted PUD sign on Peters Road to mouth of Ohanepecosh River and mouth of Muddy Fork: Trout: Release cutthroat. Additional November 1 through May 31 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round from upstream boundary of Lake Scanewa. Daily limit 6 fish of which no more than 2 may be adult salmon. Salmon minimum size 12 inches. Release wild coho. Release wild Chinook January 1 through July 31.

Cowlitz River, Clear and Muddy Forks (Lewis County): Selective gear rules. Trout: Release cutthroat.

Coyote Creek and Ponds (Adams County): April 1 through September 30 season.

Crab Creek (Adams/Grant counties):

From Highway 26 to Morgan Lake Road in Section 36: April 1 through September 30 season.

From Morgan Lake Road in Section 36 to O'Sullivan Dam (including Marsh Unit I and II impoundments): Closed waters.

Crab Creek (Lincoln/Grant counties) and tributaries: Year-round season. In those waters from Grant County Road 7 to the fountain buoy and shoreline markers or 150 feet downstream of the Alder Street fill March 1 through May 31 terminal gear restricted to one single hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Moses Lake. From Moses Lake downstream to the confluence of the outlet streams March 1 through May 31 terminal gear restricted to one single-point hook measuring 3/4 inch or less point to shank. Year-round: Daily limits and size limits same as Potholes Reservoir.

Crabapple Lake (Snohomish County): Last Saturday in April through October 31 season.

Cranberry Creek (Mason County), mouth to Lake Limerick: Closed waters.

Crawfish Lake (Okanogan County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Crescent Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Crescent Lake (Pierce County): Last Saturday in April through October 31 season.

Crocker Lake (Jefferson County): Closed waters.

Crystal Lake (Grant County): March 1 through July 31 season.

Cup Lake (Grant County): March 1 through July 31 season.

Curl Lake (Columbia County): Last Saturday in April through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Curley Creek (Kitsap County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Cushman Reservoir (Mason County): Salmon: Landlocked salmon rules apply.

Dakota Creek (Whatcom County): Salmon: Open only October 1 through December 31 from mouth to Giles Road Bridge. Daily limit 2 salmon.

Damon Lake (Grays Harbor County): June 1 through October 31 season.

Davis Lake (Ferry County): Last Saturday in April through October 31 season.

Davis Lake (Lewis County): Last Saturday in April to last day in February season.

Davis Lake (Okanogan County): April 1 through August 31: Selective gear rules. All species: Release all fish.

Davis Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dayton Pond (Columbia County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Deadman Lake (Adams County): April 1 through September 30 season.

De Coursey Pond (Pierce County): Last Saturday in April through November 30 season. Juveniles only. Salmon: Land-locked salmon rules apply.

Deep Creek (Clallam County): December 1 through last day in February season. All species: Release all fish except up to two hatchery steelhead may be retained.

Deep Creek (tributary to Bumping Lake) (Yakima County): Mouth to second bridge crossing on USFS Rd. 1808 (approximately 3.7 miles from junction of USFS Rds. 1800 and 1808): Closed waters.

Deep Lake (Grant County): Last Saturday in April through September 30 season.

Deep Lake (Stevens County): Last Saturday in April through October 31 season.

Deep Lake (Thurston County): Last Saturday in April through October 31 season.

Deep River (Wahkiakum County): Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round only from mouth to town bridge. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release ((chum)) wild Chinook and wild coho. ((Release wild chinook January 1 through July 31.)) August 1 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon, no more than 2 may be adult Chinook. Release chum and wild coho. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Deer Creek (Mason County): Closed waters.

Deer Creek and Little Deer Creek (tributaries to North Fork Stillaguamish) (Skagit County): Closed waters.

Deer Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Deer Lake (Island County): Last Saturday in April through October 31 season.

Deer (Deer Springs) Lake (Lincoln County): Last Saturday in April through September 30 season.

Deer Lake (Mason County): Last Saturday in April through October 31 season.

Deer Lake (Stevens County): March 1 through October 31 season. Trout: No more than two over thirty inches in length may be retained. Small mouth bass: Small mouth bass are not included as part of the bass daily limit. No minimum size. Small mouth bass 12 to 17 inches in length may be retained. Daily limit 10 small mouth bass, not more than one of which may be greater than 14 inches in length.

De Roux Creek (Yakima County): Selective gear rules.

Deschutes River (Thurston County): Closed waters: From 400 feet below lowest Tumwater Falls fish ladder to Old Highway 99 Bridge. From old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park: June 1 through March 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

From Henderson Boulevard Bridge upstream: Year-round season. Selective gear rules. All game fish: Release all fish except hatchery steelhead. Salmon: Open only July 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho.

Devereaux Lake (Mason County): Last Saturday in April through October 31 season.

Devil's Lake (Jefferson County): Last Saturday in April through October 31 season.

Dewatto River (Mason County): Selective gear rules. Game fish: Release all fish. Salmon: Open only September 16 through October 31 mouth to Dewatto-Holly Road Bridge. Daily limit two coho. Release all salmon other than coho.

Diamond Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Dickey River (Clallam County): June 1 through April 30 season in mainstem Dickey outside Olympic National Park and East Fork Dickey upstream to D5200 road and June 1 through March 15 in East Fork Dickey upstream from D5200 road and West Fork Dickey. Trout: Minimum length fourteen inches. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only July 1 through November 30 from mouth to East Fork Dickey ~~((including Olympic National Park))~~. Daily limit 6 fish of which no more than 2 may be adult salmon July 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. July 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or a combination of adult Chinook and adult wild coho.

Dillacort Creek (Klickitat County): Trout: Release all trout.

Dog Lake (Yakima County): Trout: Daily limit may contain not more than 1 fish over 14 inches in length.

Dosewallips River (Jefferson County), from mouth to Olympic National Park boundary about three-quarters mile down-



stream of falls: June 1 through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Highway 101 Bridge. Selective gear rules June 1 through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Highway 101 Bridge. Daily limit 2 chum salmon.

Dot Lake (Grant County): March 1 through July 31 season.

Downs Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season. Crappie: Daily limit ten, minimum length nine inches.

Dry Falls Lake (Grant County): April 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Duck Lake (Grays Harbor County): Crappie: Daily limit ten, minimum length nine inches.

Duckabush River (Jefferson County), from mouth to the Olympic National Park Boundary: June 1 through August 31 season mouth to park boundary and November 1 through December 15 season mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Selective gear rules June 1 through August 31. All species: Release all fish except salmon may be retained November 1 through December 15. Salmon: Open only November 1 through December 15 from mouth to Mason County P.U.D. No. 1 overhead electrical distribution line. Daily limit 2 chum salmon.

Dungeness River (Clallam County):

From mouth to junction of Gray Wolf and Dungeness rivers: October 16 through last day in February season. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31 from mouth to the hatchery intake pipe at river mile 11.3. Daily limit 4 coho salmon.

From junction of Gray Wolf River upstream to Gold Creek - Closed waters.

From junction of Gold Creek upstream to headwaters: Trout: Minimum length fourteen inches.

Dusty Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one fish.

Early Winters Creek (Okanogan County): Closed waters.

East Twin River (Clallam County): Trout: Minimum length fourteen inches.

Easton Lake (Kittitas County): Saturday before Memorial Day through October 31 season. Trout: Daily limit five fish of which no more than 2 may be trout other than Eastern brook trout. Minimum length 8 inches.

Ebey Lake (Little Lake) (Snohomish County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit one, minimum length eighteen inches.

Echo Lake (Snohomish County): Last Saturday in April through October 31 season.

Eightmile Lake (Chelan County): Trout: Daily limit five, not more than two mackinaw may be retained.

Elbow Lake (Stevens County): Last Saturday in April through October 31 season.

Elk River (Grays Harbor County), from the Highway 105 Bridge upstream: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30 downstream of the confluence of the east and middle branches. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from Highway 105 Bridge to the confluence of the East and Middle Branches. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Ell Lake (Okanogan County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit one.

Ellen Lake (Ferry County): Last Saturday in April through October 31 season.

Elochoman River (Wahkiakum County): Closed waters: Waters from 100 feet above the upper hatchery rack downstream to the Elochoman Hatchery Bridge located 400 feet below the upper hatchery rack; waters from a point 50 feet above to 100 feet below the outlet pipes from the most downstream Elochoman Hatchery rearing pond and extending 30 feet out from the south bank of the river; waters between the department of fish and wildlife temporary rack downstream to Foster (Risk) Road Bridge while rack is installed in the river; mainstem waters from the confluence of the west fork to source.

From mouth to West Fork: June 1 through March 15 season. Nonbuoyant lure restriction and night closure September 1 through October 31. Stationary gear restriction September 1 through October 31. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only September 1 through December 31. September 1 through October 15, daily limit 6 fish of which no more than ((2)) 4 may be adult salmon, and of the adult fish, no more than 2 may be adult Chinook. Release chum and wild coho. October 1 through ((December 31)) October 15 release Chinook upstream of Highway 4 Bridge. October 16 through December 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Release Chinook upstream of Highway 4 Bridge.

Eloika Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Elwha River (Clallam County): Closed waters: From south spillway on Aldwell Dam downstream two hundred feet.

From mouth to two hundred feet below the south spillway on the Aldwell Dam: October 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 15. Daily limit 6 coho salmon of which no more than 4 may be adult coho salmon.

From Lake Aldwell upstream to Olympic National Park boundary, including all tributaries except Indian Creek: Selective gear rules. Trout: Minimum length twelve inches.

Empire Lake (Ferry County): Last Saturday in April through October 31 season.

Enchantment Park Ponds (Chelan County): Juveniles only.

Entiat River (Chelan County), from mouth to Entiat Falls: December 1 through March 31 season. Whitefish gear rules apply. Above Entiat Falls: Selective gear rules. Trout: Daily limit 5 trout, not more than one of which may be greater than 12 inches in length. Eastern brook trout not included in trout daily limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ephrata Lake (Grant County): Closed waters.

Erie Lake (Skagit County): Last Saturday in April through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October 31 season.

Fish Lake (Spokane County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fisher Slough (Snohomish County):

From mouth to Highway 530 Bridge: Year-round season. Trout: Minimum length fourteen inches.

Upstream from Highway 530 Bridge: Trout: Minimum length fourteen inches.

Fishhook Pond (Walla Walla County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Fishtrap Creek (Whatcom County): From Koh Road to Bender Road: June 1 through October 31 season. Juveniles only.

Fishtrap Lake (Lincoln/Spokane counties): Last Saturday in April through September 30 season.

Forde Lake (Okanogan County): Last Saturday in April through October 31 season.

Fort Borst Park Pond (Lewis County): Last Saturday in April through last day in February season. Juveniles only.

Fortson Mill Pond # 2 (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Fourth of July Lake (Adams/Lincoln counties): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than two over fourteen inches in length may be retained.

Franz Lake (Skamania County): Closed waters.

Frater Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Frenchman Hills Lake (Grant County): February 1 through September 30 season.

Gadwall Lake (Grant County): April 1 through September 30 season.

Garfield Juvenile Pond (Whitman County): Juveniles only.

George Lake (Grant County): March 1 through July 31 season.

Geneva Lake (King County): Last Saturday in April through October 31 season.

Germany Creek (Cowlitz County), from mouth to end of Germany Creek Road (approximately five miles): June 1 through August 31 and November 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Gibbs Lake (Jefferson County): Selective gear rules. Trout: Release all trout.

Gillette Lake (Stevens County): Last Saturday in April through October 31 season.

Gissberg Pond, North (Snohomish County): Juveniles only.

Gissberg Ponds (Snohomish County): Channel catfish: Daily limit 2, no minimum size.

Goat Creek (Okanogan County): Closed waters.

Gobar Creek (tributary to Kalama River) (Cowlitz County): June 1 through March 31 season. Selective gear rules. All species: Release all fish.

Gold Creek, Gold Creek Pond and Outlet Channel (tributary to Keechelus Lake) (Kittitas County): Closed waters.

Gold Creek (Okanogan County): From mouth to confluence north fork Gold Creek: Closed waters.

Goldsborough Creek (Mason County): Trout: Minimum length fourteen inches.

Golf Course Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

Goodman Creek (Jefferson County) outside Olympic National Park: June 1 through last day in February season. Trout, minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Goodwin Lake (Snohomish County): Chumming permitted.

Goose Creek (Lincoln County), within the city limits of Wilbur: Year around season. Juveniles and holders of disability licenses only.

Goose Lake, Lower (Adams County): Crappie: Daily limit ten, minimum length nine inches. Bluegill: Not more than five over six inches in length.

Gorst Creek (Kitsap County): Closed waters: From lower bridge on the old Belfair Highway upstream to source (including tributaries). From mouth upstream to lower bridge: Trout: Minimum length fourteen inches.

Gosnell Creek and tributaries (tributary to Lake Isabella) (Mason County): Trout: Minimum length fourteen inches.

Goss Lake (Island County): Last Saturday in April through October 31 season.

Grande Ronde River (Asotin County):

From mouth to County Road Bridge about two and one-half miles upstream: Year-round season. Selective gear rules September 1 through May 31. Trout: Minimum length ten inches, maximum length twenty inches.

From County Road Bridge upstream to Oregon state line and all tributaries: June 1 through October 31 season. Selective gear rules, June 1 through August 31 and barbless hooks required September 1 through October 31. Additional season November 1 through April 15: Barbless hooks required. All tributaries: Closed waters. All species: Release all fish except whitefish and hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Granite Creek and tributaries (Pend Oreille County): Closed waters.

Granite Lakes (near Marblemount) (Skagit County): Grayling: Release all grayling.

Grass Lake (Mason County): Last Saturday in April through October 31 season.

Gray Wolf River (Clallam County): From junction with Dungeness River to bridge at river mile 1.0 - Closed waters.

From bridge at river mile 1.0 upstream - selective gear rules. Trout: Minimum length fourteen inches.

Grays River (Wahkiakum County), from mouth to Highway 4 Bridge: September 1 through October 15 and November 15 through March 15 season; and from Highway 4 Bridge to mouth of South Fork: September 1 through October 15 and December 15 through March 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction September 1 through October 15. All game fish: Release all fish except hatchery steelhead. Salmon: Open only September 1 through October 15 from mouth to South Fork. Daily limit 6 ~~((fish))~~ hatchery coho of which no more than ~~((two))~~ four may be adult ~~((salmon))~~ coho. Release ~~((chinook, chum, and wild))~~ all salmon except hatchery coho.

Grays River, East Fork (Wahkiakum County): Selective gear rules. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Grays River, West Fork (Wahkiakum County), downstream from hatchery intake footbridge: June 1 - August 31 season.

Trout: Additional December 15 through March 15 season downstream from hatchery intake footbridge. Release all fish other than hatchery steelhead. Salmon: Additional September 1 through October 15 season. Nonbuoyant lure restriction, night closure and stationary gear restriction. Daily limit 6 ~~((fish))~~ hatchery coho of which not more than ~~((two))~~ 4 may be adult ~~((salmon))~~ coho. Release ~~((chinook, chum and wild))~~ all salmon except hatchery coho.

Green Lake (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green Lake (Lower) (Okanogan County): April 1 through November 30: Selective gear rules, and all species: Release all fish.

Green River (Cowlitz County): Closed waters: All tributaries.

From mouth to 2800 Bridge: June 1 through November 30 season except closed from 400 feet above to 400 feet below the water intake at the upper end of the hatchery grounds during the period September 1 through November 30 and from 400 feet or posted signs above and below the salmon hatchery rack when the rack is installed in the river. Nonbuoyant lure restriction and night closure September 1 through October 31 from mouth to 400 feet below salmon hatchery rack. All species: When nonbuoyant lure restriction in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except hatchery steelhead. Salmon: Open August 1 through November 30. Daily limit 6 fish of which not more than ~~((two))~~ four may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release chum and wild coho. Release Chinook October 1 through November 30.

From 2800 Bridge to source: Closed waters.

Green (Duwamish) River (King County):

From the First Avenue South Bridge to ~~((Tukwila International Boulevard/Pacific Highway South))~~ the northbound Interstate 5 bridge: June 1 through July 31 and September 1 through February 15 season. Nonbuoyant lure restriction and night closure September 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon and only 1 may be a Chinook. ~~((Release chinook.))~~

From the ~~((Tukwila International Boulevard/Pacific Highway South))~~ northbound Interstate 5 bridge to SW 43rd Street/South 180th Street Bridge: June 1 through July 31 and September 16 through February 15 season. Nonbuoyant lure restriction and night closure September 16 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and September 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only September 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release Chinook.

From the SW 43rd Street/South 180th Street Bridge to South 277th Street Bridge in Auburn: Open only June 1 through July 31 and October 1 through February 15. Non-buoyant lure restriction and night closure October 1 through November 30. Fishing from any floating device prohibited November 1 through February 15. Trout: Minimum length fourteen inches. July 1 through July 31 and October 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which not more than 3 may be adult salmon. Release Chinook.

From the 277th Street Bridge to Auburn-Black Diamond Road Bridge: Open only June 1 through August 15 and October 16 through last day in February. Nonbuoyant lure restriction and night closure October 16 through November 30. Fishing from a floating device prohibited November 1 through last day in February. Trout, minimum length fourteen inches. July 1 through August 15 and October 16 through November 30, one wild steelhead per day may be retained. Salmon: Open only October 16 through December 31. Daily limit 6 fish of which no more than 3 may be adult salmon. Release Chinook.

From the Auburn-Black Diamond Road Bridge to the Tacoma Headworks Dam: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Closed waters: Within 150 feet of the Palmer Pond outlet rack and within 150 feet of the mouth of Keta Creek. Trout: Minimum length 14 inches. July 1 through November 30, one wild steelhead per day may be retained. Salmon: Open only November 1 through December 31. Daily limit 2 chum.

Greenwater River (King County), from mouth to Greenwater Lakes: July 1 through October 31 season. Selective gear rules. Trout: Minimum length 14 inches.

Grimes Lake (Douglas County): June 1 through August 31 season. Selective gear rules. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Hammersley Inlet Freshwater Tributaries (Mason County), except Mill Creek: Closed waters.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): Last Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters.

Harvey Creek (tributary to Sullivan Lake) (Pend Oreille County):

From mouth to Bridge 4830 on county road (about one and one-half miles): Closed waters.

From Bridge 4830 upstream: Selective gear rules.

Harvey Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Hatch Lake (Stevens County): December 1 through March 31 season.

Hatchery Lake (Mason County): Last Saturday in April through October 31 season.

Haven Lake (Mason County): Last Saturday in April through October 31 season.

Hawk Creek and tributaries (Lincoln County): Year-round season.

Hays Creek and Ponds (Adams County): April 1 through September 30 season.

Headgate Pond (Asotin County): Last Saturday in April through October 31 season. Juveniles, seniors and holders of disability licenses only.

Heart Lake (near Anacortes) (Skagit County): Last Saturday in April through October 31 season.

Heins Lake (Kitsap County): Closed waters.

Hemlock Lake (Trout Creek Reservoir) (Skamania County): Closed waters.

Hen Lake (Grant County): April 1 through September 30 season.

Heritage Lake (Stevens County): Last Saturday in April through October 31 season.

Herman Lake (Adams County): April 1 through September 30 season.

Hicks Lake (Thurston County): Last Saturday in April through October 31 season.

Hog Canyon Creek (Spokane County): Hog Canyon Dam to Scroggie Road: Year-round season.

Hog Canyon Lake (Spokane County): December 1 through March 31 season. Trout: No more than two over fourteen inches in length may be retained.

Hoh River (Jefferson County), (~~from mouth to~~) outside of Olympic National Park (~~boundary below mouth of South Fork~~): May 15 through April 15 season. May 15 through May 31, open Wednesday through Sunday (~~only~~) downstream from (~~mouth to~~) Willoughby Creek only. Willoughby Creek upstream to park boundary closed through May 31. Selective gear rules June 1 through October 15 from Willoughby Creek to Morgan's Crossing Boat Launch, June 1 through November 30 from Morgan's Crossing Boat Launch

to the mouth of south fork, and December 1 through April 15 from DNR Oxbow Campground Boat Launch to mouth of south fork. Trout: Minimum length fourteen inches. Catch and release during May, except up to two hatchery steelhead may be retained on open days. November 1 through February 15, daily limit three steelhead downstream from the Oxbow Campground Boat Launch. December 1 through April 15, ~~((from mouth to))~~ downstream of DNR Oxbow Campground Boat Launch, one wild steelhead per day may be retained. Salmon: Open only May 16 through November 30 ~~((mouth to))~~ downstream of Willoughby Creek and October 16 through November 30 Willoughby Creek to Morgan's Crossing Boat Launch. Daily limit 6 fish of which no more than 2 may be adult salmon except May 15 through August 31 ~~((from mouth to))~~ downstream of Willoughby Creek open Wednesday through Sunday only of each week and daily limit may contain no more than one adult salmon.

Hoh River South Fork (Jefferson County), outside Olympic National Park: June 1 through April 15 season. Selective gear rules. Trout: Minimum length fourteen inches.

Hoko River (Clallam County): From mouth to upper Hoko Bridge: Fly fishing only September 1 through October 31. Additional November 1 through March 15 season. Trout: Minimum length fourteen inches. December 1 through March 15, one wild steelhead per day may be retained.

From upper Hoko Bridge to Ellis Creek Bridge (river mile 18.5): June 1 through March 31 season. Fly fishing only. All species: Release all fish except that up to two hatchery steelhead per day may be retained.

Homestead Lake (Grant County): Selective gear rules. Trout: Daily limit one fish.

Hoquiam River, including all forks (Grays Harbor County): June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear rules and all species: Release all fish except up to two hatchery steelhead may be retained per day, from March 1 through March 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to bridge on Dekay Road on mainstem and East Fork mouth to mouth of Berryman Creek. Daily limit 6 fish of which no more than 2 may be adult salmon, except release adult Chinook, and chum.

Horseshoe Lake (Clark/Cowlitz counties): Trout: No more than 2 trout 20 inches or greater in length may be retained. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Jefferson County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit 1.

Horseshoe Lake (Kitsap County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Horseshoe Lake (Pend Oreille County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Horsethief Lake (Klickitat County): Last Saturday in April through October 31 season.

Hourglass Lake (Grant County): April 1 through September 30 season.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howell Lake (Mason County): Last Saturday in April through October 31 season.

Hozomeen Lake (Whatcom County): July 1 through October 31 season.

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County), from mouth to Highway 101 Bridge: June 1 through March 31 season except closed September 1 through October 15 mouth to ~~((Ocean Beach Road and September 1 through September 30 Ocean Beach Road to))~~ Highway 101 Bridge. Night closure and single point barbless hooks required August 16 through November 30. ~~((Bait prohibited October 1 through October 15.))~~ Trout: Minimum length fourteen inches. Salmon: ~~((Open October 1 through October 15 from Ocean Beach Road to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon, and of the adult salmon only one may be a wild adult coho. Release adult chinook.))~~ Open October 16 through January 31. Daily limit of 6 salmon, not more than two of which may be adult salmon. October 16 through ~~((October 31))~~ November 30 the daily limit may contain no more than one adult Chinook and one wild adult coho. ~~((November 1 through November 30 the daily limit may contain no more than one wild adult coho and release adult chinook.))~~ Release chum. December 1 through January 31 release adult Chinook ~~((and))~~, wild adult coho, and chum. From Highway 101 Bridge to forks: June 1 through last day in February season. Night closure and single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, East Fork (Grays Harbor County), from mouth to concrete bridge on Forest Service Road between Humptulips Guard Station and Grisdale: Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Humptulips River, West Fork (Grays Harbor County), from mouth to Donkey Creek: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 16 through November 30. Trout: Minimum length fourteen inches.

Hutchinson Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

I-82 Ponds, 1 through 7 (Yakima County): Fishing from vessels equipped with internal combustion motors prohibited.

Icehouse Lake (Skamania County): Trout: No more than 2 trout 20 inches or greater in length may be retained.

Icicle River (Creek) (Chelan County):

From mouth to four hundred feet below Leavenworth National Fish Hatchery rack: Closed waters. From Leavenworth National Fish Hatchery rack upstream to Leland Creek: Selective gear rules.

Indian Creek (tributary to Elwha River) (Clallam County), from mouth upstream to first Highway 101 crossing: Selective gear rules. Trout: Minimum length twelve inches.

Indian Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Indian Creek (Yakima County): From mouth to waterfall approximately 5 and three-quarters miles upstream: Closed waters. Upstream of waterfall: Eastern brook trout do not count as part of trout daily limit. Eastern brook trout: No minimum size and no daily limit.

Indian Heaven Wilderness Lakes (Skamania County): Trout: Daily limit three.

Ingall's Creek (Chelan County): Mouth to Wilderness boundary: Closed waters.

Issaquah Creek (King County): June 1 through August 31 season. Juveniles only.

Jackson Lake (Pierce County): Last Saturday in April through October 31 season.

Jameson Lake (Douglas County): Last Saturday in April through July 4 and October 1 through October 31 seasons.

Jasmine Creek (Okanogan County): Year-round season. Juveniles only.

Jefferson Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Jennings Park Pond (Snohomish County): Last Saturday in April through October 31 season. Juveniles only.

Jewitt Creek (Klickitat County): Juveniles only. Trout: Daily limit five, no minimum length.

Jimmy-Come-Lately Creek (Clallam County): June 1 through August 31 season. Trout: Minimum length fourteen inches.

Joe Creek (Grays Harbor County): Upstream from State Highway 109 Bridge to Ocean Beach Road Bridge: June 1 through November 30 season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Johns Creek (Mason County): Closed waters.

Johns River (Grays Harbor County): Mouth to Ballon Creek: June 1 through last day in February season. Single point barbless hooks required August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Ballon Creek upstream, including North and South Forks: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length 14 inches.

Johnson Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Johnson Creek (Whatcom County), from Northern Pacific Railroad tracks to the Lawson Street footbridge in Sumas: Juveniles only.

Jump-Off Joe Lake (Stevens County): Last Saturday in April through October 31 season.

Kachess Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Kachess River (Kittitas County): Lawful to fish to base of Kachess Dam. Selective gear rules. From Kachess Lake (Reservoir) upstream to waterfall approximately one-half mile above Mineral Creek: Closed waters.

Kalaloch Creek (Jefferson County), outside Olympic National Park: Closed waters: Those waters within the section posted as the Olympic National Park water supply June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Kalama River (Cowlitz County): Release wild cutthroat.

From mouth upstream to one thousand feet below fishway at upper salmon hatchery: Year-round season except during the period the temporary fish rack is installed. Waters from Modrow Bridge downstream to one thousand five hundred feet below the rack are closed waters when the rack is installed. Nonbuoyant lure restriction, night closure, and stationary gear restriction September 1 through October 31 from mouth to the rack. All species: When nonbuoyant lure restriction in effect only fish hooked inside the mouth may be retained. Fishing from a floating device equipped with a motor prohibited upstream of Modrow Bridge. September 1 through October 31: Fly fishing only from the pipeline crossing to the posted deadline at the intake to the lower salmon hatchery. Trout: Release all trout except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook and wild coho. August 1 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release chum and wild coho. (~~Release wild chinook January 1 through July 31-~~) October 1 through December 31 release Chinook upstream from natural gas pipeline crossing.

From one thousand feet below to one thousand feet above the fishway at upper salmon hatchery: Closed waters.

From one thousand feet above the fishway at the upper salmon hatchery to Summers Creek: Year-round season. Fishing from a floating device equipped with a motor prohibited. Selective gear rules. All species: Release all fish.

From Summers Creek upstream to the 6420 Road at about one mile above the gate at the end of the county road: June 1 through March 31 season. Fishing from a floating device equipped with a motor prohibited. Fly fishing only. All species: Release all fish.

From 6420 Road to Kalama Falls: Closed waters.

Kalispell Creek and tributaries (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules.

Keechelus Lake (Reservoir) (Kittitas County): Chumming permitted. Trout except kokanee: Daily limit two, minimum length twelve inches, additionally up to sixteen kokanee may be retained.

Kelsey Creek (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Kennedy Creek (Thurston County), from mouth to four hundred feet below falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure October 1 through December 31. Trout: Minimum length fourteen inches. Salmon: Open only October 1 through November 30 from mouth to northbound Highway 101 Bridge. Barbless hooks required. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

Kennedy Creek Pond (Thurston County): Last Saturday in April through October 31 season.

Kettle River (Stevens County):

June 1 through October 31 season. All species: Selective gear rules. Trout: Minimum length 12 inches. Sturgeon: Unlawful to fish for or retain sturgeon.

Additional season: November 1 through May 31. Whitefish gear rules apply.

Ki Lake (Snohomish County): Last Saturday in April through October 31 season.

Kidney Lake (Skamania County): Last Saturday in April through last day in February season.

Kimball Creek (near Snoqualmie) (King County): Last Saturday in April through October 31 season. Juveniles only. Trout: No minimum length.

Kings Lake and tributaries (Pend Oreille County): Closed waters.

Kings Lake Bog (King County): Closed waters.

Kiwanis Pond (Kittitas County): Juveniles and holders of disability licenses only.

Klaus Lake (King County): Last Saturday in April through October 31 season. Closed waters: The inlet and outlet to first Weyerhaeuser spur.

Klickitat River (Klickitat County):

From mouth to Fisher Hill Bridge: April 1 through January 31 season. Nonbuoyant lure restriction and night closure May 1 through May 31. Nonbuoyant lure restriction August 1 through January 31. Game fish: Closed December 1 through January 31. Release game fish other than steelhead April 1 through May 31. Trout: Minimum length twelve inches. Steelhead and salmon: April 1 through May 31 Mondays, Wednesdays and Saturdays only, daily limit 1 hatchery steelhead or 1 salmon. Release wild Chinook. Salmon: June 1 through January 31 daily limit 6 fish of which no more than 2 may be adult salmon. Release wild Chinook June 1 through July 31.

From Fisher Hill Bridge to four hundred feet above # 5 fishway: Closed waters.

From four hundred feet above # 5 fishway to the Yakama Indian Reservation boundary: June 1 through November 30 season, except waters from boundary markers above Klickitat salmon hatchery to boundary markers below hatchery are closed waters. Trout: Minimum length twelve inches. Salmon: Open only June 1 through November 30 from 400 feet above No. 5 Fishway to boundary markers below Klickitat Salmon Hatchery. June 1 through July 31: Daily limit 6 salmon. Release adult salmon and release wild Chinook. August 1 through November 30: Daily limit 6 fish of which no more than 2 may be adult salmon. Release Chinook November 1 through November 30. Additional December 1 through March 31 season. Whitefish gear rules apply.

From the Yakama Indian Reservation boundary upstream to source, including all tributaries: Closed waters.

Klineline Ponds (Clark County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Koeneman Lake (Fern Lake) (Kitsap County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Kress Lake (Cowlitz County): Fishing from a floating device equipped with an internal combustion motor prohibited. Trout: No more than 2 trout 20 inches in length or greater may be retained. Salmon: Landlocked salmon rules apply.

Lacamas Creek (Clark County): Lawful to fish upstream to the base of Lacamas Lake Dam.

Lacamas Creek, tributary of Cowlitz River (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Lake Creek (Okanogan County): Mouth to Black Lake: Closed waters. Black Lake to Three Prong Creek: Selective gear rules.

Langlois Lake (King County): Last Saturday in April through October 31 season.

Latah (Hangman) Creek (Spokane County): Year-round season.

Leader Lake (Okanogan County): Last Saturday in April through September 30 season.

Le Clerc Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Ledbetter Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Ledking Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Leech Lake (White Pass area) (Yakima County): Fly fishing only. Fishing prohibited from floating devices equipped with motors. Trout: No more than one over 14 inches in length.

Lemna Lake (Grant County): April 1 through September 30 season.

Lenice Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Lena Lake, Lower (Jefferson County): Closed waters: Inlet stream from mouth upstream to footbridge (about one hundred feet).

Lenore Lake (Grant County): Closed waters: Area within two hundred yard radius of trash rack leading to the irrigation pumping station (south end of lake) and area approximately one hundred yards beyond the mouth of inlet stream to State Highway 17. March 1 through May 31 season: Selective gear rules. All species: Release all fish. Additional season June 1 through November 30: Selective gear rules. Trout: Daily limit one.

Leo Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Lewis River (Clark County), from mouth to forks: Year-round season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six fish of which not more than 2 may be adult salmon. Release ((~~chum~~) sockeye, wild Chinook, and wild coho. ((~~Release wild chinook January 1 through July 31~~)) August 1 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release chum, sockeye, and wild coho. September 5 through September 30 release Chinook. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Lewis River, East Fork (Clark/Skamania counties): Closed waters: From the posted markers at the lower end of Big Eddy to one hundred feet above Lucia Falls; from four hundred feet below to four hundred feet above Molton Falls; from four hundred feet below Horseshoe Falls upstream including all tributaries above Horseshoe Falls.

Mouth to 400 feet below Horseshoe Falls: June 1 through March 15 season. Trout: Release all trout except up to two hatchery steelhead per day may be retained. Mouth to top boat ramp at Lewisville Park: Additional April 16 through May 31 season. Selective gear rules. Release all fish except up to two hatchery steelhead may be retained per day.

Lewis River, North Fork (Clark/Skamania counties):

From mouth to Colvin Creek: Year-round season except those waters shoreward of the cable buoy and corkline at the mouth of the Lewis River Salmon Hatchery fish ladder are closed waters. Nonbuoyant lure restriction and night closure April 1 through November 30 from Johnson Creek to Colvin Creek. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open year-round. January 1 through July 31, daily limit six fish of which not more than 2 may be adult salmon. Release ((~~chum~~) sockeye, wild Chinook and wild coho. ((~~Release wild chinook January 1 through July 31~~)) August 1 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release ~~chum, sockeye, and wild coho.~~ September 5 through September 30 release Chinook downstream of the I-5 bridge. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From mouth of Colvin Creek to overhead powerlines at Merwin Dam: May 1 through September 30 and December 16 through April 30 season. Nonbuoyant lure restriction and night closure April 1 through September 30. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only January 1 through September 30 and December 16 through December 30. January 1 through July 31, daily limit 6 fish of which no more than 2 may be adult salmon. Release ((~~chum~~) sockeye, wild Chinook and wild coho. August 1 through September 30 and December 16 through December 31, daily limit 6 fish of which no more than 4 may be adult salmon, and of the adult salmon only 2 may be adult Chinook. Release ~~chum and wild coho.~~ Release ((~~wild chinook January 1 through July 31~~)) sockeye August 1 through September 30. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in waters of mainstem Columbia River adjacent to mouth of Lewis River.

From overhead powerlines at Merwin Dam to Merwin Dam: Closed waters.

From the cable crossing 1,300 feet below Yale Dam to Yale Dam: Closed waters.

Within Lewis River Power Canal: From the fishing pier to the access road at Swift Dam: Last Saturday in April through October 31 season. Fishing from a floating device prohibited. Trout: No minimum size, daily limit 5.

From Eagle Cliff Bridge to lower falls including all tributaries: Selective gear rules. All species: Release all fish.

Liberty Lake (Spokane County): Last Saturday in April through September 30 season.

Lilliwaup River (Mason County): Mouth to 200 feet below falls: June 1 through August 31 season. Selective gear rules. All species: Release all fish.

Lilly Lake (Chelan County): Last Saturday in April through October 31 season. July 5 through October 31, selective gear rules, and all species: Release all fish.



Limerick Lake (Mason County): Last Saturday in April through October 31 season.

Lincoln Pond (Clallam County): Juveniles only.

Lions Park Pond (Walla Walla County): Juveniles only. Trout: No more than 2 trout over 13 inches in length may be retained.

Little Ash Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Little Bear Creek (tributary of Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

Little Hoko River (Clallam County): Selective gear rules. All species: Release all fish.

Little Klickitat River (Klickitat County), within Goldendale city limits: Last Saturday in April through October 31 season. Juveniles only. Trout: Daily limit five, no minimum length.

Little Lost Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Little Naches River (Yakima County): Selective gear rules.

Little Nisqually River (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Little Pend Oreille River (Stevens County) from the Little Pend Oreille wildlife refuge boundary about 1 mile downstream from the refuge headquarters office to Crystal Falls: Selective gear rules, and all species: Release all fish except up to five Eastern brook trout may be retained.

Little Quilcene River (Jefferson County), from mouth to the Little Quilcene River Bridge on Penny Creek Road, June 1 through last day in February season. Closed waters: Mouth to Highway 101 Bridge September 1 through October 31. Trout: Minimum length fourteen inches.

Little Spokane River (Spokane County):

From mouth to SR 291 Bridge: Year-round season.

From SR 291 Bridge upstream to the West Branch: Last Saturday in April through October 31 season. Additional December 1 through March 31 season. Whitefish gear rules apply.

Upstream from bridge at Frideger Road: Closed waters: From the inlet to Chain Lake upstream one-quarter mile to the railroad crossing culvert. Trout: Release kokanee taken upstream from bridge.

Little Twin Lake (Okanogan County): April 1 through November 30: Selective gear rules and all species: Release all fish.

Little Twin Lake (Stevens County): Last Saturday in April through October 31.

Little Wenatchee River (Chelan County): From Lake Wenatchee to the falls below U.S. Forest Service Road 6700 Bridge at Riverside Campground: Closed waters.

Little White Salmon River (Skamania County): Closed waters: From the orange fishing boundary markers at Drano Lake upstream to the intake near the Little White Salmon National Fish Hatchery north boundary. Trout: Daily limit five. Drano Lake (waters downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery): May 1 through March 31 season, except for hatchery steelhead and Chinook season in April, and except closed Wednesdays beginning the second Wednesday in April through May 31 and from 6 p.m. Tuesday through 6 p.m. Wednesday, October 1 through October 31. Night closure and nonbuoyant lure restriction May 1 through June 30. Nonbuoyant lure restriction August 1 through December 31. (~~Night closure October 1 through October 31.~~) March 16 through June 30 daily limit of two fish, of which one or both may be hatchery steelhead or one or both may be Chinook salmon. Release wild Chinook. Trout and salmon: May 1 through June 30 release all fish except hatchery steelhead and Chinook salmon. Trout: July 1 through March 15 release all fish except up to two hatchery steelhead may be retained per day. Salmon: Open only August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho.

Lone Lake (Island County): Selective gear rules. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Spokane River Reservoir) (Spokane County): Bass: Release all bass May 1 through June 30.

Long Lake (Thurston County): Last Saturday in April through October 31 season.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October 31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season.

Lyle Lake (Adams County): April 1 through September 30 season.

Lyre River (Clallam County):

From mouth to falls near river mile 3: June 1 through last day in February season. Trout: Minimum length fourteen inches.

From falls to source: Selective gear rules. All species: Release all fish.

Mad River (Chelan County), from mouth upstream to Jimmy Creek: Closed waters.

Maggie Lake (Mason County): Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Margaret Lake (King County): Last Saturday in April through October 31 season.

Marshal Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Martha Lake (Grant County): March 1 through July 31 season.

Martha Lake (Snohomish County): Last Saturday in April through October 31 season.

Mashel River (Pierce County): July 1 through October 31 season. Selective gear rules. Trout: Minimum length fourteen inches.

Mattoon Lake (Kittitas County): Fishing from a floating device equipped with an internal combustion engine prohibited.

May Creek (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Mayfield Lake (Reservoir) (Lewis County): Mayfield Dam to 400 feet below Mossyrock Dam: Closed waters: Tacoma Power safety signs at Onion Rock Bridge to Mossyrock Dam. Trout and salmon: Minimum length eight inches. Trout: Release cutthroat. Release rainbow trout except rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only September 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

McAllister Creek (Thurston County): Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only July 1 through November 30 from mouth to Olympia - Steilacoom Road Bridge. Daily limit 6 fish of which no more than ((4)) 2 may be adult salmon.

McCabe Pond (Kittitas County): Fishing from any floating device prohibited. All species: Five fish daily limit for all species combined.

McDonald Creek (Clallam County): Trout: Minimum length fourteen inches.

McDowell Lake (Stevens County): Last Saturday in April through October 31 season. Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

McIntosh Lake (Thurston County): Last Saturday in April through October 31 season.

McLane Creek (Thurston County), from a line 50 feet north of and parallel to the Mud Bay Road Bridge to a line 100 feet upstream and parallel to the south bridge on Highway 101: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Game fish: Release game fish November 1 through November 30. Trout: Minimum length fourteen inches upstream from the south bridge. Salmon: Open only ((July)) September 1 through November 30. ((Closed to salmon fishing: Waters within 400 feet of Allison Springs Pond outfall.)) Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho.

From a line 100 feet upstream and parallel to the south bridge on Highway 101 upstream: Nonbuoyant lure restrictions and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

McLane Creek Ponds (Thurston County): Last Saturday in April through October 31 season.

McManaman Lake (Adams County): April 1 through September 30 season.

McMurray Lake (Skagit County): Last Saturday in April through October 31. Salmon: Landlocked salmon rules apply.

Medical Lake (Spokane County): Last Saturday in April through September 30 season. Selective gear rules except fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two, minimum length fourteen inches.

Medical Lake, West (Spokane County): Last Saturday in April through September 30 season.

Melaney Creek (Mason County): Closed waters.

Melbourne Lake (Mason County): Last Saturday in April through October 31 season.

Mercer Creek (Kittitas County), that portion within Ellensburg city limits: Juveniles only. Trout: Daily limit five, no minimum length.

Mercer Slough (tributary of Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Merrill Lake (Cowlitz County): Fly fishing only. Unlawful to fish from a floating device equipped with an internal combustion engine. Trout: Daily limit two, maximum length twelve inches.

Merritt Lake (Chelan County): Trout: Daily limit sixteen.

Merry Lake (Grant County): March 1 through November 30 season. Selective gear rules. Trout: Daily limit one.

Merwin Lake (Reservoir) (Clark/Cowlitz County): Salmon: Landlocked salmon rules apply.

Methow River (Okanogan County):

Mouth to County Road 1535 (Burma Road) Bridge: Closed waters June 1 through October 31. County Road 1535 (Burma Road) Bridge to Foghorn Dam: June 1 through September 30 season. Selective gear rules. All species: Release all fish. Foghorn Dam to Weeman Bridge: June 1 through August 15 season. Selective gear rules. All species: Release all fish. Upstream from Weeman Bridge to the falls above Brush Creek: Closed waters June 1 through October 31. Additional season Gold Creek to falls above Brush Creek: December 1 through March 31. Whitefish gear rules apply.

Methow River tributaries not otherwise provided for: Selective gear rules. Trout: Maximum length twenty inches.

Middle Nemah Pond (Pacific County): June 1 through October 31 season.

Mill Creek (Chelan County): Closed waters.

Mill Creek (Cowlitz County): June 1 through August 31 and November 1 through March 15 seasons. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Mill Creek (Lewis County): Additional season December 1 through December 31, mouth to hatchery road crossing culvert. Nonbuoyant lure restriction and night closure. All species: Release all fish except that up to two hatchery steelhead with intact ventral fins may be retained per day.

Mill Creek (Mason County): Trout: Minimum length fourteen inches.

Mill Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Mill Creek (Walla Walla County):

From mouth to Gose St. Bridge: June 1 through April 15 season. All species: Barbless hooks required and release all fish except hatchery steelhead September 1 through April 15. Trout: Daily limit three hatchery steelhead.

From Gose St. Bridge to Roosevelt St. Bridge, within city limits of Walla Walla: Closed waters.

From Roosevelt St. Bridge upstream, including all tributaries: All tributaries: Closed waters. Selective gear rules. Trout: Maximum length twenty inches.

Mill Creek Pond (Grays Harbor County): Juveniles only.

Mill Pond (Auburn) (King County): Last Saturday in April through October 31 season. Juveniles only.

Mill Pond (Pend Oreille County): Last Saturday in April through October 31 season.

Mineral Creek (tributary to upper Kachess River) (Kittitas County), from mouth to Wilderness Boundary: Closed waters.

Mineral Creek (tributary to Nisqually River), and Mineral Creek, North Fork (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Mineral Lake (Lewis County): Last Saturday in April through September 30 season.

Minter Creek (Pierce/Kitsap counties): Closed waters: Area from department intake dam downstream to mouth June 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only November 1 through December 31 from mouth to 50 feet downstream of the hatchery rack. Daily limit 4 chum.

Mirror Lake (Grant County): Last Saturday in April through September 30 season.

Mission Lake (Kitsap County): Last Saturday in April through October 31 season.

Moclips River (Grays Harbor County), from mouth to the Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Molson Lake (Okanogan County): Fishing from a floating device equipped with an internal combustion engine prohibited.

Monte Christo Lake (Snohomish County): June 1 through October 31 season. Selective gear rules.

Mooses Pond (Pacific County): June 1 through October 31 season.

Moran Slough (including inlet and outlet streams) (Grant County): Closed waters.

Morgan Lake (Adams County): April 1 through September 30 season.

Morse Creek (Clallam County), from mouth to Port Angeles Dam: December 1 through last day in February season. Trout: Minimum length fourteen inches.

Moses Lake (Grant County): Crappie: Daily limit ten, only crappie more than nine inches in length may be retained. Bluegill: Daily limit five, only bluegill more than eight inches in length may be retained. Small mouth bass: Small mouth bass are not included as part of the bass daily limit. No minimum size. Small mouth bass 12 to 17 inches in length may be retained. Daily limit 10 small mouth bass, not more than one of which may be greater than 14 inches in length. Walleye: Daily limit 8 walleye. Minimum length twelve inches. No more than one walleye over 22 inches in length may be retained. Yellow perch: Daily limit 25 yellow perch.

Mosquito Creek (Jefferson County), outside Olympic National Park: June 1 through last day in February season. Selective gear rules. Trout: Minimum length fourteen inches.

Mountain Lake (San Juan County): Trout: Daily limit may not contain more than one trout over 18 inches in length.

Muck Creek and tributaries (within Ft. Lewis Military Reservation) (Pierce County): Selective gear rules. Trout: Release all trout.

Mud Lake (Mason County): Last Saturday in April through October 31 season.

Mud Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mudget Lake (Stevens County): Last Saturday in April through October 31 season.

Munn Lake (Thurston County): Last Saturday in April through October 31 season.

Muskegon Lake (Pend Oreille County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two.

Murray Creek (Pierce County): Closed waters.

Myron Lake (Yakima County): Selective gear rules. Trout: Daily limit one.

Mystic Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Naches River (Yakima/Kittitas counties):

From the mouth to Little Naches River: Selective gear rules. Trout: Minimum length twelve inches, maximum length twenty inches. Release trout June 1 through October 31 from confluence with Tieton River to mouth of Rattle Snake Creek. Additional December 1 through March 31 season. Whitefish gear rules apply.

Naneum Creek (Kittitas County): Selective gear rules.

Naneum Pond (Kittitas County): Juveniles only.

Napeequa River (Chelan County): Mouth to Twin Lakes Creek: Closed waters.

Naselle River (Pacific/Wahkiakum counties), from Highway 101 Bridge upstream including all forks: Closed waters: Area from four hundred feet below falls in Sec. 6, T10N, R8W (Wahkiakum County) to falls. Waters from the North Valley Road Bridge (Big Hill Bridge) to Highway 4 closed August 16 through October 15.

Mainstem: June 1 through April 15 season, except sturgeon. Single point barbless hooks required August 16 through November 30 upstream from Highway 4 Bridge to Crown Main Line (Salme) Bridge. Nonbuoyant lure restriction and night closure August 16 through November 30 downstream from North Fork. Stationary gear restrictions above mouth of South Fork August 16 through November 30. Selective gear rules March 1 through April 15 above mouth of South Fork. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 from Highway 101 Bridge to Highway 4 Bridge and October 16 through January 31 from the Highway 4 Bridge to the Crown Main Line Bridge. Daily limit 6 fish of which no more than 3 may be adult salmon and of these 3 adult fish no more than 1 may be a wild adult coho and not more than 2 may be adult Chinook. ((No more than 2 chum may be retained.)) Release chum.

Sturgeon: Open year-round from mouth to Highway 4 Bridge.

From mouth of North Fork to source: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork, from mouth to Bean Creek: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 16 through November 30. Game fish: Release game fish except up to two hatchery steelhead per day may be retained. Sturgeon: Open year-round.

Nason Creek (Chelan County): From the mouth upstream to Smith Brook: Closed waters.

From Smith Brook to Stevens Creek: Selective gear rules.

Negro Creek (Lincoln County): Year-round season from mouth at Sprague Lake to the fish barrier dam at Fishtrap Lake.

Negro Creek (Whitman County): Last Saturday in April through July 15 season.

Nemah River, North, Middle, and South: June 1 through March 31 season, except closed August 1 through September 30 on North Nemah from Highway 101 Bridge upstream to Nemah Hatchery. Single point barbless hooks required on North Nemah upstream to the lower bridge on dead end lower Nemah Road October 1 through November 30, on Middle Nemah upstream to the Department of Natural Resources Bridge on Middle Nemah A-line Road August 16 through November 30, and on South Nemah upstream to confluence with Middle Nemah August 16 through November 30. Selective gear rules on Middle Nemah above DNR Bridge and South Nemah above confluence with Middle Nemah. Night closure August 16 through November 30 on South Nemah to the confluence with Middle Nemah and Middle Nemah and October 1 through November 30 on North Nemah. Nonbuoyant lure restriction on North Nemah upstream from bridge on dead end lower Nemah Road and the Middle Nemah from the DNR Bridge on A-line Road upstream August 16 through November 30. On the North Nemah from the mouth to the lower bridge on dead end lower Nemah Road, stationary gear restriction during the period August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through January 31 on Middle Nemah from mouth to DNR Bridge and South Nemah from mouth to confluence with Middle Nemah and October 1 through January 31 on North Nemah from mouth to the lower bridge on dead end Lower Nemah Road. Middle and South Nemah: Daily limit 6 fish of which no more than 2 may be adult salmon and of the two adult fish no more than one may be a wild adult coho. Release chum. North Nemah: Daily limit 6 salmon of which not more than 3 may be adult salmon and of the adult fish no more than one may be a wild adult coho and no more than two may be adult Chinook. ((No more than two chum may be retained.)) Release chum.

Newhalem Ponds (Whatcom County): Closed waters.

Newaukum River, main river and South Fork upstream to Highway 508 Bridge near Kearny Creek (Lewis County): June 1 through March 31 season. Night closure and single point barbless hooks required August 16 through November 30 from mouth to Leonard Road. Trout: Minimum length fourteen inches mouth to Highway 508 Bridge near Kearny Creek. Salmon: Open only October 16 through last day in February from mouth to Leonard Road. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum. (~~Release wild adult coho~~) December 1 through last day in February release wild adult coho.

Newaukum River, Middle Fork, mouth to Taucher Road Bridge (Lewis County): June 1 to March 31 season. Trout: Minimum length fourteen inches.

Newaukum River, North Fork (Lewis County):

From mouth to four hundred feet below Chehalis city water intake: June 1 through March 31 season. Trout: Minimum length fourteen inches.

From 400 feet below Chehalis city water intake upstream: Closed waters.

Niawiakum River (Pacific County): From Highway 101 Bridge to the South Bend/Palix Road Bridge: Night closure and single point barbless hooks required August 16 through November 30. All game fish: Release all fish. Salmon: Open only September 1 through November 30 from Highway 101 Bridge to South Bend/Palix Road Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult Chinook, and chum.

Nile Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Nisqually River (Pierce County), from mouth to Military Tank Crossing Bridge: July 1 through January 31 season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. All species: Release all species except salmon December 1 through January 31. Salmon: Open only July 1 through January 31 from mouth to Military Tank Crossing Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild adult Chinook.

From Military Tank Crossing Bridge to four hundred feet below LaGrande Falls: July 1 through October 31 season. Selective gear rules. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: Minimum length fourteen inches.

Nooksack River (Whatcom County), from mouth to forks, Middle Fork to Dam and North Fork to Nooksack Falls: June 1 through last day in February season except closed June 1 through September 30 in mainstem from yellow marker at the FFA High School barn at Deming to confluence of the North and South Forks. Fishing from floating devices equipped with motors prohibited on the North and Middle Forks November 1 through last day in February. Nonbuoyant lure restriction and night closure August 1 through November 30 on mainstem and North Fork to Maple Creek. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 in mainstem from Lummi Indian

Reservation boundary to yellow marker at the FFA High School barn in Deming. Open only October 16 through December 31 in mainstem from the FFA barn to the confluence of the North and South Forks, and October 1 through October 31 on the North Fork from confluence to Maple Creek. Daily limit 2 salmon, except release pink and wild coho, release wild Chinook from mouth to FFA barn, and release Chinook from FFA barn to forks and in North Fork.

Nooksack River, South Fork (Skagit/Whatcom counties): From mouth to Skookum Creek: June 1 through last day in February season except closed July 1 through October 15 from Saxon Road Bridge to mouth of Skookum Creek. Selective gear rules. Night closure August 1 through October 31. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through December 31. Daily limit 2 salmon, except release Chinook, pink, and wild coho.

From Skookum Creek upstream: Closed waters.

No Name Lake (Pend Oreille County): Last Saturday in April through October 31 season.

North Creek (Okanogan County): From mouth to falls at river mile 0.8: Selective gear rules.

North Creek (tributary of Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

North Elton Ponds (Yakima County): December 1 through March 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Trout: Daily limit two.

North Lake (King County): Last Saturday in April through October 31 season.

North Potholes Reserve Ponds (Grant County): February 1 through the day before opening of waterfowl season. Fishing from any floating device prohibited, except float tubes permitted.

North River (Grays Harbor/Pacific counties), from Highway 105 Bridge upstream to Falls River: June 1 through last day in February season, except sturgeon. Night closure August 16 through November 30. Single point barbless hooks required August 16 through November 30 upstream to Salmon Creek. Nonbuoyant lure restriction from Salmon Creek to Falls River August 16 through November 30. All game fish: Release all fish except that up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from Highway 105 Bridge to Salmon Creek. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult fish not more than one may be a wild adult coho. Release adult Chinook, and chum. Sturgeon: Open year-round from Highway 105 Bridge to Salmon Creek.

Upstream from Falls River: Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Northern State Hospital Pond (Skagit County): Last Saturday in April through October 31 season. Juveniles only.

Northwestern Reservoir (Klickitat/Skamania counties): Last Saturday in April through last day in February season.

Nunnally Lake (Grant County): March 1 through November 30 season. Closed waters: Outlet stream of Nunnally Lake. Selective gear rules. Trout: Daily limit one.

Oakland Bay freshwater tributaries (Mason County), except Goldsborough Creek (including Shelton Creek, Canyon Creek, Uncle John Creek, Campbell Creek, Melaney Creek, Deer Creek, John's Creek, and Cranberry Creek to Lake Limerick): Closed waters.

Ohanapecosh Creek (tributary to Cowlitz River) (Lewis/Pierce counties): Selective gear rules. Trout: Minimum length twelve inches.

Ohop Lake (Pierce County): Last Saturday in April through October 31 season.

Okanogan River (Okanogan County):

From the mouth to the highway bridge at Malott: Year-round season. Trout: Release all trout. Upstream from the highway bridge at Malott: June 1 through August 31 season. Trout: Release all trout. Salmon: Open only July 1 through October 15 from mouth to Highway 97 Bridge immediately upstream of mouth. Daily limit 6 fish of which no more than 2 may be adult salmon. Release coho and sockeye.

Closed waters: From Zosel Dam downstream to first Highway 97 Bridge.

Old Fishing Hole Pond (Kent) (King County): Last Saturday in April through October 31 season. Juveniles only.

Old Mill Stream (Chelan County): Closed waters.

Olequa Creek (Lewis County): June 1 through last day in February season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Osborne Lake (Mason County): Last Saturday in April through October 31 season.

Outlet Creek (Klickitat County): Trout: Daily limit five.

Owens Pond (Pacific County): June 1 through October 31 season.

Packwood Lake (Lewis County): Closed waters: All inlet streams and outlet from log boom to dam. Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit five, minimum length ten inches.

Padden Lake (Whatcom County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Palix River, including all forks (Pacific County): June 1 through March 31 season, except sturgeon. Single point barbless hooks and night closure August 16 through November 30 upstream to the confluence of the South and Middle Forks. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Above the confluence of the South and Middle Forks: Selective gear rules. Nonbuoyant lure restriction and night closure August 16 through November 30. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon:

Open only September 1 through November 30 from the Highway 101 Bridge to the confluence of the South and Middle Forks. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be a wild adult coho. Release adult Chinook, and chum. Sturgeon: Open year-round from the Highway 101 Bridge to the confluence of the South and Middle Forks.

Palouse River and tributaries, except Rock Creek (Whitman County): Year-round season. Mainstem from mouth to base of Palouse Falls. Trout: Daily limit 6 fish, minimum length 10 inches, no more than 3 trout over 20 inches may be retained, except release all trout April 1 through June 15 and release steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Bass: Fish 12 to 15 inches in length may be retained, but not more than 3 bass over 15 inches in length may be retained. Walleye: Daily limit 10 fish, no minimum size. No more than 5 walleye over 18 inches in length may be retained, and no more than 1 walleye over 24 inches in length may be retained. Channel catfish: No daily limit.

Palouse River mainstem above Palouse Falls and tributaries except Rock Creek: Year-round season.

Pampa Pond (Whitman County): March 1 through September 30 season. Fishing from any floating device prohibited.

Panhandle Lake (Mason County): Last Saturday in April through October 31 season.

Panther Creek (Chelan County): Closed waters.

Panther Creek (tributary to Wind River) (Skamania County): Closed waters.

Panther Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Para-Juvenile Lake (Adams/Grant counties): April 1 through September 30 season. Juveniles only.

Park Lake (Grant County): Last Saturday in April through September 30 season.

Parker Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Pass Lake (Skagit County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. All species: Release all fish.

Pataha Creek (Garfield County):

Within the city limits of Pomeroy: Juveniles only.

From city limits of Pomeroy upstream: Selective gear rules.

Patterson Lake (Okanogan County): Last Saturday in April through October 31 season.

Pattison Lake (Thurston County): Last Saturday in April through October 31 season.

Peabody Creek (Clallam County): Juveniles only.

Pearrygin Lake (Okanogan County): Last Saturday in April through September 30 season.

Pend Oreille River (Pend Oreille County): Year-round season. All sloughs within the boundaries of the Kalispell Reservation except Calispell Slough: Closed waters.

Perch Lake (Grant County): Last Saturday in April through September 30 season.

Percival Creek (Thurston County): Trout: Minimum length fourteen inches.

Peshastin Creek (Chelan County): Mouth to Ruby Creek: Closed waters.

Petit Lake (Pend Oreille County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Phalon Lake (Stevens County): Closed waters.

Pheasant Lake (Jefferson County): Last Saturday in April to October 31 season.

Phelps Creek (Chelan County): From mouth to falls at river mile 1: Selective gear rules.

Philippa Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Phillips Lake (Mason County): Last Saturday in April through October 31 season.

Phillips Lake (Stevens County): Last Saturday in April through October 31 season.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Additional December 1 through last day in February season. Trout: Minimum length fourteen inches.

Pilchuck River (Snohomish County)

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through last day in February season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

From 500 feet below diversion dam upstream: Closed waters.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Ping Pond (Grant County): Third Saturday in April through Labor Day season. Juveniles and holders of reduced fee disability licenses only. Game fish: Daily limit of five fish in the aggregate. No minimum or maximum size for any species.

Pioneer Ponds (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Pipers (Carkeek) Creek (King County), from its mouth to its source, including tributaries: Closed waters.

Pit Lake (Douglas County): Juveniles only.

Pleasant Lake (Clallam County): Trout: Kokanee minimum length eight inches, maximum length twenty inches.

Plummer Lake (Lewis County): Last Saturday in April through last day in February season.

Poacher Lake (Grant County): April 1 through September 30 season.

Portage Creek (tributary to Stillaguamish River) (Snohomish County): Closed waters.

Potholes Reservoir (Grant County): Crappie: Minimum length nine inches. Crappie and bluegill: Combined daily limit twenty-five fish. Perch: Daily limit twenty-five fish. Small mouth bass: Small mouth bass are not included as part of the bass daily limit. No minimum size. Small mouth bass 12 to 17 inches in length may be retained. Daily limit 10 small mouth bass, not more than 1 of which may be greater than 14 inches in length. Walleye: Minimum size 12 inches in length. Daily limit 8 walleye, not more than 1 of which may be greater than 22 inches in length.

Potter's Pond (Stevens County): Last Saturday in April through October 31 season.

Pratt River (tributary to Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Prices Lake (Mason County): Last Saturday in April through October 31 season. Selective gear rules. All species: Release all fish.

Promised Land Pond (Grays Harbor County): June 1 through October 31 season.

Purdy Creek (Mason County): June 1 through ~~(August 15)~~ July 31 season. Selective gear rules. All species: Release all fish.

Puyallup River (Pierce County):

From mouth to the Electron power plant outlet: July 1 through last day in February season. Single point barbless hooks, nonbuoyant lure restriction and night closure August 1 through November 30 from the mouth to the Carbon River. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31 from mouth to Carbon River. Daily limit 6 fish of which no more than 2 may be adult salmon, plus 2 additional adult pink salmon. Release wild adult Chinook.

From Electron power plant outlet upstream: July 1 through October 31 season. Selective gear rules. All species: Release all fish.

Pysht River (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches. December 1 through last day in February, one wild steelhead per day may be retained.

Pysht River South Fork (Clallam County): Trout: Minimum length fourteen inches.

Quail Lake (Adams County): Fly fishing only. Fishing from any floating device equipped with a motor prohibited. All species: Release all fish.

Quarry Pond (Walla Walla County): Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Quigg Lake (Grays Harbor County): June 1 through April 15 season. Trout: Daily limit 2. Minimum length fourteen inches. Salmon: Open only October 1 through January 31. Daily limit 6 hatchery coho salmon of which no more than 4 may be adult hatchery coho.

Quillayute River (Clallam County): Open year-round outside of Olympic National Park only. May 1 through May 31 release all game fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead. December 1 through April 30, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30. Daily limit 6 fish of which no more than 2 may be adult salmon February 1 through August 31 and 3 may be adult salmon September 1 through November 30. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild coho, and selective gear rules. November 1 through November 30 the 3 adult salmon may contain no more than 2 adult Chinook or 2 adult wild coho or 1 adult Chinook and 1 adult wild coho. February 1 through August 31 release wild adult coho and wild adult Chinook.

Quinault River, Upper (Jefferson County), from mouth at upper end of Quinault Lake to the National Park boundary: June 1 through April 15 season. Trout: Minimum length fourteen inches. December 1 through April 15, one wild steelhead per day may be retained. Salmon: Open only July 1 through October 31. Daily limit 6 fish except release adult salmon.

Quincy Lake (Grant County): March 1 through July 31 season.

Radar Ponds (Pacific County): Salmon: Landlocked salmon rules apply.

Raging River (King County), from its mouth to the Highway 18 Bridge: June 1 through last day in February season. Trout: Minimum length fourteen inches.

Railroad Pond (Franklin County): Selective gear rules. Trout: Daily limit two.

Rainbow Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Rapjohn Lake (Pierce County): Last Saturday in April through October 31 season.

Rat Lake (Okanogan County): April 1 through November 30: Selective gear rules. All species: Release all fish.

Rattlesnake Creek (Yakima County): Selective gear rules. All species: Release all fish.

Rattlesnake Lake (King County): Last Saturday in April through October 31 season. Selective gear rules.

Ravensdale Lake (King County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Reflection Pond (Okanogan County): Last Saturday in April through October 31 season.

Renner Lake (Ferry County): Last Saturday in April through October 31 season.

Riffe Lake (Reservoir) (Lewis County): Mossyrock Dam to 400 feet below Cowlitz Falls Dam. Closed waters: Lewis County PUD safety signs approximately 800 feet below Cowlitz Falls Dam to Dam. Lawful to fish up to the base of Swofford Pond Dam. Salmon: Landlocked salmon rules apply.

Rigley Lake (Stevens County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length twelve inches.

Riley Lake (Snohomish County): Last Saturday in April through October 31 season.

Rimrock Lake (Reservoir) (Yakima County): Chumming permitted. Trout except kokanee: Daily limit five. Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Ringold Springs Creek (Hatchery Creek) (Franklin County): Closed waters.

Robbins Lake (Mason County): Last Saturday in April through October 31 season.

Rock Creek (Adams/Whitman counties): Mouth to Endicott Road year-round season.

Endicott Road to bridge on George Knott Road at Revere: Selective gear rules. All species: Release all fish.

Upstream from bridge on George Knott Road: Year-round season.

Rock Creek (Chelan County): Selective gear rules.

Rock Creek (Cedar River tributary below Landsburg Dam) (King County): Closed waters.

Rock Creek (Skamania County): Mouth to falls: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day. Above falls, additional November 1 through March 15 season.

Rocky Ford Creek and Ponds (Grant County): Fly fishing only. Fishing from bank only (no wading). All species: Release all fish.

Rocky Lake (Stevens County): Last Saturday in April through October 31 season. June 1 through October 31 selective gear rules and all species: Release all fish.

Roesiger Lake (Snohomish County): Crappie: Daily limit ten, minimum length nine inches.

Roosevelt Lake (Ferry/Lincoln/Stevens counties): All species: Closed January 1 through May 31 in San Poil arm upstream from outlet of French Johns Lake, and April 1 through May 31 in Kettle arm upstream to Barstow Bridge. Trout except kokanee: Daily limit five. No more than two



over twenty inches in length. Kokanee daily limit two. Wall-eye: No minimum size. Daily limit 8 fish not more than one of which may be longer than 22 inches. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon from Roosevelt Lake and tributaries. Carp: Unlawful to fish for carp with bow and arrow. Small mouth bass: Small mouth bass do not count as part of the bass daily limit. Fish between 12 and 17 inches in length may be retained. No minimum size. Daily limit 10 bass, no more than one bass over 14 inches in length may be retained.

Rose Lake (Mason County): Last Saturday in April through October 31 season.

Ross Lake (Reservoir) (Whatcom County): July 1 through October 31 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Daily limit three, possession limit six, minimum length thirteen inches.

Ross Lake tributary streams (Whatcom County), except Big Beaver Creek and Ruby Creek: Closed waters: From closed water markers near mouth upstream for one mile. Above closed water marker in tributaries not listed as closed: July 1 through October 31 season.

Round Lake (Okanogan County): Last Saturday in April through September 30 season.

Rowland Lakes (Klickitat County): Last Saturday in April through last day in February season.

Royal Lake (Adams County): Closed waters.

Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed waters.

Ruby Creek (tributary to Ross Lake) (Whatcom County): Closed waters.

Ruby Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Rufus Woods Lake (Douglas County): Chumming allowed. Trout: Daily limit two. Kokanee not included in daily trout limit. Kokanee daily limit 2. Sturgeon: Unlawful to fish for or retain sturgeon from Rufus Woods Lake and tributaries.

Sacheen Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Saddle Mountain Lake (Grant County): Closed waters.

Sago Lake (Grant County): April 1 through September 30 season.

Salmon Creek (Clark County), from mouth to 72nd Avenue N.E.: June 1 through March 15 season. Trout: Release all fish except up to two hatchery steelhead may be retained per day.

Salmon Creek, including all forks (Jefferson County): Closed waters.

Salmon Creek, mainstem (Okanogan County): Closed waters.

Salmon Creek, North Fork and West Fork from mouth to South Fork (Okanogan County): Selective gear rules.

Salmon Creek (tributary of Naselle River) (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Salmon River (Jefferson County) outside of Olympic National Park and Quinault Indian Reservation: June 1 through last day in February season. Trout: Minimum length fourteen inches. Hatchery steelhead in this river are steelhead with a dorsal fin height of less than 2-1/8 inches or with an adipose or ventral fin clip. Salmon: Open only September 1 through November 30. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than 2 may be adult Chinook salmon.

Salt Creek (Clallam County): Trout: Minimum length fourteen inches.

From mouth to bridge on Highway 112: Additional November 1 through last day in February season. Trout: Minimum length fourteen inches.

Samish Lake (Whatcom County): Trout: Cutthroat trout daily limit two, minimum length fourteen inches.

Samish River (Whatcom County):

From its mouth to the Hickson Bridge: June 1 through March 15 season. From Highway 99 Bridge to department salmon rack: Closed waters. Nonbuoyant lure restriction and night closure August 1 through December 31.

Trout: Minimum length fourteen inches. Salmon: Open only July 1 through December 31 from mouth to Thomas Road Bridge and October 1 through December 31 from Thomas Road Bridge to I-5 Bridge. Daily limit two salmon.

Sammamish Lake (King County): Trout: Release all kokanee. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. December 1 through June 30: Release all steelhead and rainbow trout over twenty inches in length. Salmon: Closed to salmon fishing within 100 yards of the mouth of Issaquah Creek. Open only August 16 through November 30. Daily limit two salmon. Release sockeye.

Sammamish River (Slough) (King County), from the 68th Avenue N.E. Bridge to Lake Sammamish: January 1 through August 31 season. Selective gear rules. Trout: Release all trout.

Sandysore Lake (Jefferson County): Last Saturday in April to October 31 season.

San Poil River (Ferry County): Unlawful to fish for or retain sturgeon.

Sarge Hubbard Park Pond (Yakima County): Juveniles and holders of disability licenses only.

Satsop Lakes (Grays Harbor County): Last Saturday in April through October 31 season.

Satsop River, (Grays Harbor County): Trout: Minimum length 14 inches in mainstem and all forks. Mainstem and East Fork, single point barbless hooks and night closure August 16 through November 30 except only August 16 through October 31 on East Fork upstream from bridge at Schafer State Park. Middle and West forks downstream from Cougar Smith Road nonbuoyant lure restriction and night closure August 16 through November 30. Middle and West Forks upstream from Cougar Smith Road night closure and nonbuoyant lure restriction August 16 through October 31.

From mouth to bridge at Schafer Park: (~~Additional November~~) June 1 through March 31 season. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon(~~(-except)~~). Release adult Chinook, and chum.

Middle Fork (Turnow Branch), from mouth to Cougar Smith Road: (~~Additional November~~) June 1 through last day in February season.

West Fork, from mouth to Cougar Smith Road: (~~Additional November~~) June 1 through last day in February season.

Sauk River (Skagit/Snohomish counties):

From mouth to the mouth of the White Chuck River: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

From the mouth of the White Chuck River to headwaters, including North Fork and South Fork upstream to Elliot Creek: Selective gear rules. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

South Fork upstream from Elliot Creek: June 1 through August 31 season. Selective gear rules.

From mouth to the Darrington Bridge: Additional March 1 through April 30 season. Selective gear rules. All species: Release all fish.

Sawyer, Lake (King County): Chumming permitted. Crappie: Daily limit ten, minimum length nine inches.

Schaefer Lake (Chelan County): Trout: Daily limit sixteen.

Sekiu River (Clallam County): All open periods: Trout: Minimum length fourteen inches.

From mouth to forks: Additional November 1 through last day in February season.

Serene Lake (Snohomish County): Last Saturday in April through October 31 season.

Shady Lake (King County): June 1 through October 31 season. Trout: No more than one over fourteen inches in length.

Shannon, Lake (Skagit County): Last Saturday in April through October 31 season. Chumming permitted. Trout: Minimum length six inches and maximum length eighteen inches.

Shellneck Creek (Yakima County): Closed waters.

Shelton Creek (Mason County): Closed waters.

Sherman Creek (Ferry County):

From the mouth at Lake Roosevelt upstream to four hundred feet above the water diversion dam for the hatchery: Closed waters, except December 1 through August 31 season from the mouth upstream to the hatchery boat dock.

Sherry Lake (Stevens County): Last Saturday in April through October 31 season.

Sherwood Creek (Mason County): Trout: Minimum length fourteen inches.

Sherwood Creek Mill Pond (Mason County): June 1 through October 31 season. Trout: Minimum length 14 inches, daily limit 2 fish.

Shiner Lake (Adams County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Shoe Lake (Mason County): Last Saturday in April through October 31 season.

Shoveler Lake (Grant County): April 1 through September 30 season.

Shye Lake (Grays Harbor County): June 1 through October 31 season.

Sidley Lake (Okanogan County): Trout: Daily limit two.

Siebert Creek (Clallam County): Trout: Minimum length fourteen inches.

Silent Lake (Jefferson County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Silvas Creek (Klickitat County): Trout: Release all trout.

Silver Creek (tributary to Cowlitz River) (Lewis County), mouth to USFS Road 4778: Selective gear rules. Trout: Minimum length twelve inches.

Silver Lake (Cowlitz County): Crappie: Daily limit ten crappie. Minimum size nine inches in length.

Silver Lake (Pierce County): Last Saturday in April through October 31 season.

Silver Lake (Spokane County): Crappie: Daily limit ten, minimum length nine inches.

Silver Lake, North (Spokane County): March 1 through September 30 and November 1 through December 31 season. Selective gear rules. March 1 through September 30: Trout: Daily limit 2 fish, minimum length 14 inches, except release fish with clipped adipose fin. November 1 through December 31: All species: Release all fish.

Silver Lake (Whatcom County): Last Saturday in April through October 31 season.

Silvermail Lake (Okanogan County): Juveniles only.

Similkameen River (Okanogan County):

From mouth to Enloe Dam: December 1 through March 31 season. Whitefish gear rules apply.

From Enloe Dam to Canadian border: Additional December 1 through March 31 season. Whitefish gear rules apply.

Sinlahekin Creek (Okanogan County), from Palmer Lake to Cecile Creek bridge: June 1 through August 31 season. Selective gear rules. Additional December 1 through March 31 season. Whitefish gear rules apply.

Sixteen Lake (Skagit County): Last Saturday in April through October 31 season.

Skagit River (Skagit/Whatcom counties):

From mouth to the Memorial Highway Bridge (Highway 536 at Mt. Vernon): Year-round season. Selective gear rules March 1 through May 31 except lawful to fish from a floating device equipped with an internal combustion motor. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit ~~((three))~~ 2 salmon except release Chinook and pink.

From Memorial Highway Bridge (Highway 536 at Mt. Vernon) upstream to Gilligan Creek: June 1 through March 15 season. Night closure and nonbuoyant lure restriction July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. Daily limit ~~((three))~~ 2 salmon except release Chinook and pink.

From Gilligan Creek to Cascade River: June 1 through March 15 season except closed June 1 through June 30 and August 1 through August 31 between a line 200 feet above the east bank of the Baker River to a line 200 feet below the west bank of the Baker River. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches. Salmon: Open only September 16 through December 31 Gilligan Creek to the Dalles Bridge at Concrete. Daily limit ~~((three))~~ 2 salmon except release Chinook and pink.

From the Dalles Bridge at Concrete to the Highway 530 Bridge at Rockport - Salmon open July 1 through July 31 except closed 12:01 a.m. July ~~((6))~~ 5 until 2:00 p.m. July ~~((7))~~ 6 and 12:01 a.m. July 10 until 2:00 p.m. July 11, and, except closed from 200 feet above the mouth of the Baker River to the Cascade River. Daily limit two sockeye salmon. Release all salmon except sockeye salmon. Salmon open September 16 through December 31. Daily limit ~~((three))~~ 2 salmon except release Chinook and pink. Additional season: March 16 through April 30. Selective gear rules except lawful to fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish.

From the Highway 530 Bridge at Rockport to the Cascade River - Salmon open June 1 through July ~~((9))~~ 8. Nonbuoyant lure restriction and night closure June 1 through November 30. Daily limit two salmon. Release all salmon except hatchery Chinook. Salmon open September 16 through December 31. Daily limit ~~((three))~~ 2 salmon. Release

Chinook and pink. Additional season: March 16 through April 30. Selective gear rules except lawful to fish from a floating device equipped with an internal combustion motor. Unlawful to fish from a floating device while under power. All species: Release all fish.

From Cascade River to Gorge Powerhouse: June 1 through March 15 season. Nonbuoyant lure restriction and night closure July 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of the trout daily limit, minimum length twenty inches.

From the Gorge Powerhouse to Gorge Dam: Closed waters.

Skamokawa Creek (Wahkiakum County), mouth to forks just below Oatfield and Middle Valley Road: November 1 through March 15 season. All species: Release all fish other than steelhead. Trout: Minimum length twenty inches.

Skate Creek (tributary to Cowlitz River) (Lewis County): Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin.

Skokomish River (Mason County), mouth to forks: Night closure, nonbuoyant lure restriction and single point barbless hooks required August 1 through November 30 mouth to Highway 101. June 1 through July 31 and October 31 through December 15 season from mouth to Highway 101 Bridge. June 1 through October 31 season from Highway 101 Bridge to forks. All game fish: Release all fish. Selective gear rules from Highway 101 Bridge to forks. Salmon: Open only August 1 through ~~((September 13 and October 1 through))~~ December 15 mouth to Highway 101 Bridge. Terminal gear restricted to no closer than 25 feet of a tribal gill net. Daily limit 1 salmon August 1 through September ~~((13))~~ 30. Release chum salmon. Daily limit 6 salmon ~~((September 14))~~ October 1 through December 15, except daily limit may contain no more than 4 adult fish and ~~((of these adults not more than one may be an adult))~~ release Chinook. October 1 through October 15 release chum salmon.

Skokomish River, North Fork (Mason County):

From mouth to lower dam: June 1 through October 31 season. All species: Release all fish. Selective gear rules.

Above Lake Cushman, mouth to Olympic National Park boundary: June 1 through August 31 season. Selective gear rules. Trout: Release all fish.

Skokomish River, South Fork (Mason County):

From mouth to mouth of Church Creek: June 1 through October 31 season. All species: Release all fish. Selective gear rules.

From mouth of Church Creek to mouth of Rule Creek: Closed waters.

From mouth of Rule Creek to headwaters: Selective gear rules. Trout: Minimum length twelve inches.

Skookum Creek (Mason County): Trout: Minimum length fourteen inches.

Skookum Lakes, North and South (Pend Oreille County): Last Saturday in April through October 31 season.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): June 1 through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to four hundred feet below the outlet of the PP&L/WDFW steelhead rearing pond located at the base of the Skookumchuck Dam: June 1 through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only October 16 through last day in February. Daily limit 6 fish of which no more than 2 may be adult salmon, except December 1 through the last day in February release wild adult ((wild)) coho. Release adult Chinook, and chum.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Trout: Minimum length twelve inches.

Skykomish River (Snohomish County):

From mouth to mouth of Wallace River: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30 mouth to Lewis Street Bridge in Monroe and June 1 through November 30 from Lewis Street Bridge in Monroe to Wallace River. Fishing from any floating device prohibited November 1 through last day in February from the boat ramp below Lewis Street Bridge at Monroe downstream two thousand five hundred feet. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery Chinook. In years ending in even numbers, open September 1 through December 31 mouth to ((Lewis Street Bridge in Monroe)) Wallace River. Daily limit 2 salmon. Release Chinook and pink. ((Open June 1 through July 31 Lewis Street Bridge in Monroe to Wallace River. Daily limit 2 hatchery chinook. Open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 2 salmon. Release chinook and pink.)) In years ending in odd numbers, open August 16 through December 31 mouth to Lewis Street Bridge in Monroe and open September 1 through December 31 Lewis Street Bridge to Wallace River. Daily limit 2 salmon plus 2 additional pink. Release Chinook.

From the mouth of the Wallace River to the forks: June 1 through last day in February season, except closed June 1 to 8:00 a.m. August 1 in those waters one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited in the area one thousand five hundred feet upstream and one thousand feet downstream of the outlet at Skykomish Rearing Ponds August 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain

Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Skykomish River, North Fork (Snohomish County):

From mouth to one thousand feet downstream from Bear Creek Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From one thousand feet below Bear Creek Falls to Deer Falls: Closed waters.

Skykomish River, South Fork (King/Snohomish counties):

From mouth to six hundred feet downstream from the Sunset Falls Fishway: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From a point six hundred feet downstream of the Sunset Falls Fishway to the Sunset Falls Fishway: Closed waters.

From Sunset Falls to source: June 1 through November 30 season. Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional December 1 through last day in February season. Release all fish other than whitefish.

Slate Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Smith Creek (near North River) (Pacific County): June 1 through last day in February season, except sturgeon. Single point barbless hooks, and night closure August 16 through November 30 upstream to the Highway 101 Bridge. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only September 1 through November 30 from mouth to Highway 101 Bridge. Daily limit 6 fish of which no more than 2 may be adult salmon and of the adult salmon not more than one may be an adult wild coho. Release adult Chinook. Sturgeon: Open year-round from mouth to Highway 101 Bridge.

Snake River: Year-round season. Closed to the taking of all trout April 1 through June 15. Trout: Daily limit six, minimum length ten inches, no more than three over twenty inches. Release all steelhead June 16 through August 31. Barbless hooks required when fishing for steelhead. Sturgeon: Unlawful to retain sturgeon in mainstem and tributaries upstream from Lower Granite Dam. Bass: Fish twelve to seventeen inches in length may be retained. Up to but not more than 3 bass over fifteen inches in length may be retained. Walleye: Daily limit 10 fish. No minimum size. No more than 5 fish over 18 inches in length. No more than 1 fish over 24 inches in length. Channel catfish: No daily limit.

Closed waters: Within four hundred feet of the base of any dam and within a four hundred foot radius around the fish

ladder entrance at Lyons Ferry Hatchery, within a two hundred foot radius upstream of the fish ladder exit above Lower Granite Dam, and within an area one thousand two hundred feet downstream from the base of the west lock gate at Little Goose Dam on the south bank of the Snake River and one hundred feet out into the river from said river bank.

Snipe Lake (Grant County): April 1 through September 30 season.

Snohomish River (Snohomish County), including all channels, sloughs, and interconnected waterways, but excluding all tributaries: June 1 through last day in February season, except sturgeon. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: In years ending in even numbers, open only September 1 through December 31. Daily limit 2 salmon. Release Chinook and pink. In years ending in odd numbers: Open only August 16 through December 31. Daily limit 2 salmon plus 2 additional pink. Release Chinook. Sturgeon: Open year-round from mouth to Highway 2 Bridge.

Snoqualmie River (King County):

From mouth to the falls: June 1 through last day in February season, except waters within the Puget Power tunnel at the falls and within fifty feet of any point on Puget Power's lower Plant # 2 building (north bank) are closed waters. June 1 through November 30 selective gear rules, except fishing from a floating device equipped with an internal combustion motor allowed. Fishing from any floating device prohibited November 1 through last day in February from the mouth of Tokul Creek downstream to the boat ramp at Plumb access, about one-quarter mile. Night closure September 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. Daily limit 2 fish. Release Chinook and pink.

From Snoqualmie Falls upstream, including the North and South Forks: Selective gear rules. Trout: Minimum length ten inches. Additional November 1 through May 31 season. Selective gear rules. All species: Release all fish.

Snoqualmie Middle Fork from mouth to source including all tributaries except Pratt and Taylor rivers: Year-round season. Selective gear rules. All species: Release all fish.

Snow Creek (Jefferson County), including all tributaries: Closed waters.

Snyder Creek (Klickitat County): Trout: Release all trout.

Sol Duc River (Clallam County): Open year-round. May 1 through May 31 release all game fish except up to two hatchery steelhead per day may be retained. Selective gear rules from the concrete pump station at the Sol Duc Hatchery to the Highway 101 Bridge downstream of Snider Creek November 1 through April 30, and from the Highway 101 Bridge downstream of Snider Creek to Olympic National Park June 1 through October 31. Trout: Minimum length fourteen inches. November 1 through last day in February, daily limit three steelhead from mouth to concrete pump station at Sol Duc Hatchery. December 1 through April 30, from mouth to the

concrete pump station at the Sol Duc Hatchery, one wild steelhead per day may be retained. Salmon: Open only February 1 through November 30 from mouth to concrete pump station. Daily limit 6 fish of which no more than 2 may be adult salmon February 1 through August 31 and of which no more than 3 may be adult salmon September 1 through November 30. February 1 through August 31 release wild adult coho and wild adult Chinook. September 1 through October 31 the daily limit may contain no more than 2 adult Chinook, release wild coho, and selective gear rules. November 1 through November 30 the daily limit may contain no more than 2 adult Chinook or 2 adult wild coho or 1 adult Chinook and 1 adult wild coho.

Sooes River (Suez River) (Clallam County): June 1 through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to bridge near hatchery residence: June 1 through August 31 season except salmon. Trout: Minimum length fourteen inches. Salmon: Open only October ((7)) 16 through ((~~October 29~~)) November 30 to fishing by juveniles only. Night closure October ((8)) 16 through ((~~October~~)) November 30. Terminal gear restricted to one single point hook. Daily limit two coho salmon.

Bridge near hatchery residence to Salmon hatchery rack: June 1 through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), mouth to Page Creek: Closed waters.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

Spectacle Lake (Okanogan County): April 1 through September 30 season.

Spirit Lake (Skamania County): Closed waters.

Spokane River (Spokane County):

From SR 25 Bridge upstream to the upstream boundary at Plese Flats Day Use Area (Riverside State Park), except Long Lake, formed by Long Lake Dam (see also Long Lake): Year-round season except walleye. Trout: Daily limit five, no more than two over twenty inches in length. Walleye: Daily limit eight, no minimum length, no more than one over twenty-two inches in length. April 1 through May 31 release all walleye. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon. Small mouth bass: Small mouth bass do not count as part of the bass daily

limit. Small mouth bass 12 to 17 inches in length may be retained. No minimum size. Daily limit 10 bass, no more than one bass greater than 14 inches in length may be retained.

From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam: Year-round season. Selective gear rules. Trout: Daily limit one. Release wild trout. Salmon: Landlocked salmon rules apply. Sturgeon: Unlawful to fish for or retain sturgeon.

From Monroe Street Dam upstream to Upriver Dam: Year-round season. Salmon: Landlocked salmon rules apply.

From Upriver Dam upstream to the Idaho/Washington state line: June 1 through March 15 season. Selective gear rules, except fishing from a floating device equipped with an internal combustion motor permitted. All species: Release all fish.

Sprague Lake (Adams/Lincoln counties):

Waters south of the lakeside edge of the reeds and waters of Cow Creek south to Danekas Road: July 1 through September 15 season. Crappie: Daily limit ten, minimum length nine inches. Walleye: Minimum size 12 inches in length. Daily limit 8 walleye, not more than 1 of which may be greater than 22 inches in length.

Spring Creek (Klickitat County): Trout: Daily limit five.

Spring Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Spring Lakes (Grant County): March 1 through July 31 season.

Squalicum Lake (Whatcom County): Fly fishing only. Fishing from a floating device equipped with a motor prohibited. Trout: Daily limit two.

Stan Coffin Lake (Grant County): Bass: Release all bass.

Starvation Lake (Stevens County): Last Saturday in April through May 31 season. Additional June 1 through October 31 season. Selective gear rules. All species: Release all fish.

Steel Lake (King County): Last Saturday in April through October 31 season.

Stehekin River (Chelan County), from the mouth to Agnes Creek: July 1 through October 31 season. Selective gear rules. Trout: Minimum length fifteen inches. Release cut-throat. Additional March 1 through June 30 season. Selective gear rules. All species: Release all fish.

Stetattle Creek (Whatcom County), from its mouth to mouth of Bucket Creek (one and one-half miles upstream): Closed waters.

Stevens Creek (Grays Harbor County), mouth to Highway 101 Bridge: June 1 through September 30 and December 1 through last day in February season. Trout: Minimum length fourteen inches.

Stevens, Lake (Snohomish County): Chumming permitted. Kokanee: Kokanee not included in trout daily limit. Kokanee daily limit ten fish.

Steves Lake (Mason County): Last Saturday in April through October 31 season.

Stickney Lake (Snohomish County): Last Saturday in April through October 31 season.

Stillaguamish River (Snohomish County):

From mouth to Marine Drive, including all sloughs: Year-round season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

From Marine Drive to the forks, except from the barrier dam (downstream of I-5) downstream two hundred feet which is closed waters: June 1 through last day in February season. Night closure August 1 through November 30. Selective gear rules June 1 through November 30 except fishing from a floating device equipped with an internal combustion motor allowed. Game fish: June 1 through November 30 release all fish except up to two hatchery steelhead per day may be retained. Trout: Minimum length fourteen inches December 1 through last day in February. Salmon: Open only September 1 through December 31. In years ending in even numbers, daily limit 2 salmon. Release Chinook and pink salmon. In years ending in odd numbers, daily limit 2 salmon plus 2 additional pink. Release Chinook.

Stillaguamish River, North Fork (Snohomish County), from mouth to Swede Heaven Bridge: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Fishing from any floating device prohibited upstream of the Highway 530 Bridge at mile post 28.8 (Cicero Bridge). Fishing from any floating device equipped with a motor prohibited downstream from the Highway 530 Bridge. June 1 through November 30: All species: Release all fish except hatchery steelhead. June 1 through November 30 fly fishing only. December 1 through last day in February: Trout: Minimum length fourteen inches.

Stillaguamish River, South Fork (Snohomish County):

From mouth to four hundred feet downstream of the outlet to fishway at Granite Falls: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through November 30. Trout: Minimum length fourteen inches.

From four hundred feet below the outlet of the end of the fishway to Mt. Loop Highway bridge above Granite Falls: Closed waters.

From Mt. Loop Highway Bridge above Granite Falls to source: June 1 through November 30 season. Nonbuoyant lure restriction and night closure August 1 through November 30.

Storm Lake (Snohomish County): Last Saturday in April through October 31 season.

Stratford/Brook Lake (Grant County): February 1 through September 30 season.

Stump Lake (Mason County): Last Saturday in April through October 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited.

Suiattle River (Skagit County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sullivan Creek (Pend Oreille County), from Mill Pond upstream and tributaries: Selective gear rules. Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Sullivan Lake (Pend Oreille County): Trout: Daily limit 2 trout, except kokanee not counted in daily trout limit. Kokanee daily limit ten.

Sultan River (Snohomish County), from its mouth to a point four hundred feet downstream from the diversion dam at river mile 9.7: June 1 through last day in February season. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Sultan River, North and South Forks (Snohomish County): Closed waters.

Summit Lake (Stevens County): Last Saturday in April through October 31 season.

Summit Lake (Thurston County): Last Saturday in April through October 31 season.

Sunday Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Sutherland Lake (Clallam County): Chumming permitted.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): June 1 through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season.

Swan's Mill Pond (Stossel Creek) (King County): June 1 through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules.

Swift Reservoir (Skamania County): Last Saturday in April through October 31 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Tacoma Creek and tributaries (Pend Oreille County): Trout: Eastern brook trout not counted in daily trout limit. Eastern

brook trout daily limit ten. Once the daily limit of trout other than eastern brook trout has been achieved, the entire daily limit for trout other than eastern brook trout and eastern brook trout has been taken.

Tahuya River (Mason County): Selective gear rules and release all fish except salmon. Salmon: Open only September 16 through October 31 mouth to marker one mile above North Shore Road Bridge. Daily limit 2 coho salmon.

Taneum Creek (Kittitas County): Selective gear rules.

Tanwax Lake (Pierce County): Last Saturday in April through October 31 season. Crappie: Daily limit ten, minimum length nine inches.

Tapps Lake (Reservoir) and Tapps Lake (Reservoir) intake canal (Pierce County), to within four hundred feet of the screen at Dingle Basin: Year-round season.

Tarboo Lake (Jefferson County): Last Saturday in April through November 30 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Salmon: Landlocked salmon rules apply.

Tate Creek (tributary to N.F. Snoqualmie River) (King County): Closed waters.

Taylor River (tributary to the Middle Fork Snoqualmie) (King County): Selective gear rules. All species: Release all fish.

Teal Lakes (North and South) (Grant County): April 1 through September 30 season.

Teal Lake (Jefferson County): Last Saturday in April to August 31 season. Fishing from a floating device equipped with an internal combustion engine prohibited. Additional September 1 through March 30 season. Selective gear rules. All species: Release all fish.

Teanaway River, including North Fork (Kittitas County): Selective gear rules.

Tenas Lake (Mason County): Last Saturday in April through October 31 season.

Tennant Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15.

Terrell, Lake (Whatcom County): Fishing from any floating device prohibited the first Saturday after Labor Day through the following Friday and from October 1 through January 31 except fishing from floating dock permitted.

Thomas Lake (Stevens County): Last Saturday in April through October 31 season.

Thornton Creek (tributary to Lake Washington) (King County): June 1 through August 31 season. Juveniles only.

Thread Lake (Adams County): April 1 through September 30 season.

Tibbetts Creek (tributary to Lake Sammamish) (King County): June 1 through August 31 season. Juveniles only.

Tieton River (Yakima County): Lawful to fish to base of Tieton (Rimrock) Dam. Selective gear rules June 1 through October 31. Additional December 1 through March 31 season: Whitefish gear rules apply.

Tieton River, North Fork (Yakima County), upstream from Rimrock Lake: Closed waters: Spillway channel. June 1 through August 15 season.

Tieton River, South Fork (Yakima County): From mouth to bridge on USFS Rd. 1070 (approximately 12.5 miles): Closed waters.

Tiger Lake (Kitsap/Mason counties): Last Saturday in April through October 31 season.

Tilton River (Lewis County), from mouth to West Fork: June 1 through March 31 season. Trout: Daily limit five, no more than one over twelve inches in length. Release cutthroat. Release rainbow trout except rainbow trout having a clipped adipose fin and a healed scar at the site of the clipped fin. Salmon: Open only June 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult fish. Release wild coho.

Tilton River, East, North, South and West Forks (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Toad Lake (Whatcom County): Last Saturday in April through October 31 season.

Tokul Creek (King County):

From mouth to the Fish Hatchery Road Bridge: December 1 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length fourteen inches.

From Fish Hatchery Road Bridge to posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake: January 15 through last day in February season, closed 5:00 p.m. to 7:00 a.m. daily. Nonbuoyant lure restriction. Trout: Minimum length 14 inches.

From the posted cable boundary marker located approximately four hundred feet downstream of the hatchery intake to the railroad trestle: Closed waters.

Tolt River (King County):

From mouth to the USGS trolley cable near the confluence of the North and South Forks: June 1 through last day in February season. June 1 through November 30, selective gear rules. Trout: Minimum length fourteen inches.

From the USGS trolley cable to the falls in Sec. 21, Twp 26N., R 8 E. on the North Fork, and to the dam on the South Fork: Closed waters.

From falls upstream on North Fork: Selective gear rules. All species: Release all fish.

From dam upstream on South Fork: Selective gear rules. Trout: Minimum length ten inches.

Touchet River (Columbia/Walla Walla counties):

Bass: Bass 12 to 17 inches in length may be retained. Up to but not more than 3 greater than 15 inches may be retained as part of the daily limit.

From confluence of north and south forks upstream, including Robinson and Wolf Forks: Selective gear rules. Bass: Statewide rules apply. Trout: Release all steelhead. Tributaries other than North Fork, South Fork, Robinson Fork, and Wolf Fork: Closed waters.

North Fork: Upstream of Spangler Creek June 1 through August 31 season.

South Fork: Upstream from Griffin Creek June 1 through August 31 season.

Wolf Fork: Upstream from Coates Creek June 1 through August 31 season.

From mouth to confluence of north and south forks: Additional season: November 1 through April 15. Barbless hooks required. All species: Release all fish except hatchery steelhead and brown trout. Trout: Daily limit three fish.

Toutle River (Cowlitz County):

From mouth to forks, and North Fork from the mouth to the posted deadline below the fish collection facility: June 1 through November 30 season. Nonbuoyant lure restriction and night closure September 1 through October 15 on North Fork from confluence with South Fork to mouth of Green River. All game fish: Release all fish except up to two hatchery steelhead per day may be retained. Salmon: Open only August 1 through November 30. Daily limit 6 fish of which no more than ((2)) 4 may be adult salmon and of the adult salmon only 2 may be adult Chinook. Release chum and wild coho. Release all Chinook October 1 through November 30 in North Fork upstream from Kidd Valley Bridge.

From the posted deadline below the fish collection facility upstream to the headwaters, including all tributaries, but excepting Castle and Coldwater Lakes: Closed waters.

Toutle River, South Fork (Cowlitz County), mouth to source: Closed waters: All tributaries. June 1 through November 30 season. All species: Release all fish except hatchery steelhead. Trout: Minimum length twenty inches. Mouth to 4100 Road Bridge: Additional December 1 through March 31 season. Selective gear rules. All species: Release all fish except hatchery steelhead.

Trapper Lake (Chelan County): Trout: Daily limit two.

Trout Creek (tributary to Wind River) (Skamania County): Closed waters.

Trout Lake (Ferry County): Last Saturday in April through October 31 season.

Trout Lake (tributary to Big White Salmon River) (Klickitat County): June 1 through October 31 season.

Tucannon River (Columbia/Walla Walla counties): Closed waters: All tributaries.

From the mouth upstream to Turner Road Bridge: Additional November 1 through April 15 season. Barbless hooks required. All species: Release all fish except hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Turner Road Bridge upstream to the Tucannon Hatchery Bridge: Selective gear rules June 1 through October 31. Additional season November 1 through April 15. Barbless hooks required. All species: Release all fish except



hatchery steelhead and whitefish. Trout: Daily limit three hatchery steelhead.

From the Tucannon Hatchery Bridge upstream to 500 feet above the Rainbow Lake intake: Closed waters.

From 500 feet above the Rainbow Lake intake to the Cow Camp Bridge: Selective gear rules. Release steelhead.

From Cow Camp Bridge upstream: Closed waters.

Tucquala Lake (Kittitas County): June 1 through October 31 season.

Tunnel Lake (Skamania County): Trout: No more than 2 trout 20 inches in length or greater may be retained.

Twin Lake (Jefferson County): Last Saturday in April through October 31 season.

Twin Lakes (Chelan County) and tributaries and outlet stream to junction with the Napeequa River: Closed waters.

Twisp River (Okanogan County), from mouth to War Creek: June 1 through August 15 season. Selective gear rules. All species: Release all fish. War Creek to South Fork Twisp River: Closed waters.

Tye River (King County): Foss River to Alpine Falls June 1 through October 31 season: Selective gear rules. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through last day in February season. Release all fish other than whitefish. From Alpine falls upstream: Trout: Minimum size ten inches.

U Lake (Mason County): Last Saturday in April through October 31 season.

Umtanum Creek (Kittitas County): Selective gear rules.

Uncle John Creek (Mason County): Closed waters.

Union Creek (Yakima County): From mouth upstream to falls (approximately 1/4 mile): Closed waters.

Union River (Mason County): Mouth to North Shore Road Bridge. All species: Release all fish except sturgeon.

From North Shore Road Bridge to lower bridge on Old Belfair Highway: June 1 through August 15 season. Selective gear rules. All species: Release all fish except sturgeon.

From lower bridge on Old Belfair Highway upstream to watershed boundary: Selective gear rules. All species: Release all fish except sturgeon.

From watershed boundary to source, including all tributaries: Closed waters.

Upper Wheeler Reservoir (Chelan County): Closed waters.

Valley Creek (Clallam County): Juveniles only.

Vance Creek (Mason County): Trout: Minimum length fourteen inches.

Vance Creek/Elma Ponds (Grays Harbor County): Pond One: Last Saturday in April through November 30 season. Juveniles, holders of a senior license and holders of a department disability license only. Salmon: Landlocked salmon rules apply. Pond Two: Last Saturday in April through November 30 season. Salmon: Landlocked salmon rules apply.

Vancouver Lake and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Closed waters: April 1 through May 30 the Vancouver Lake flushing channel is closed and it is closed to fishing from the lake shoreline within 400 feet east and west of the channel exit. Chumming permitted. Trout: Daily limit two, minimum length twelve inches. Sturgeon: Seasons, days of the week, daily limits, and size limits same as in adjacent waters of mainstem Columbia River.

Vanes Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Van Winkle Creek (Grays Harbor County): Mouth to 400 feet below outlet of Lake Aberdeen Hatchery: Game fish: Minimum length 14 inches. Salmon: Open only September 1 through January 31. Daily limit 6 fish of which not more than 2 may be adult fish. Release chum, adult Chinook and wild adult coho.

Vic Meyers (Rainbow) Lake (Grant County): Last Saturday in April through September 30 season.

Vogler Lake (Skagit County): Last Saturday in April through October 31 season. Fly fishing only. All species: Release all fish.

Voight Creek (Pierce County): From mouth to Highway 162 Bridge: Closed waters.

Wagners Lake (Snohomish County): Last Saturday in April through October 31 season.

Wahkiacus Creek (Klickitat County): Trout: Release all trout.

Waitts Lake (Stevens County): Last Saturday in April through last day in February season.

Walker Lake (King County): Last Saturday in April through October 31 season.

Wallace River (Snohomish County):

From its mouth to 200 feet upstream of the water intake of the salmon hatchery: June 1 through last day in February season. Closed waters: From ~~((the first Burlington-Northern Railroad bridge (below Highway 2)))~~ 363rd Avenue S.E./Reece Road to a point two hundred feet upstream of the water intake of the salmon hatchery during the period June 1 through August 31. Fishing from any floating device prohibited November 1 through last day in February. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches. Salmon: Open only September 1 through November 30. Daily limit 2 coho.

From 200 feet upstream of the water intake of the salmon hatchery to mouth of Olney Creek: November 1 through last day in February season. Fishing from any floating device prohibited. Trout except Dolly Varden/Bull Trout: Minimum length fourteen inches. Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

Walla Walla River (Walla Walla County):

From mouth to the Touchet River: Year-round season. Trout: Barbless hooks required when fishing for steelhead. Trout: Release trout April 1 through May 31. Daily limit three hatchery steelhead. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained.

From the Touchet River upstream to state line: Trout: All tributaries except Mill Creek, maximum length twenty inches. Bass: No minimum or maximum size. No more than three fish over fifteen inches in length may be retained. Additional season November 1 through April 15. All species: Barbless hooks required and release all fish except hatchery steelhead. Trout: Daily limit three hatchery steelhead.

Walupt Lake (Lewis County): Closed waters: All inlet streams. Last Saturday in April through October 31 season. Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout: Minimum length ten inches.

Wannacut Lake (Okanogan County): Last Saturday in April through October 31 season.

Wapato Lake (Chelan County): Last Saturday in April through October 31 season. From August 1 through October 31: Selective gear rules except fishing from a device equipped with an internal combustion motor permitted. Trout: Release all trout.

Wapato Lake (Pierce County): Juveniles only.

Ward Lake (Ferry County): Last Saturday in April through October 31 season.

Ward Lake (Thurston County): Last Saturday in April through October 31 season.

Warden Lake and Warden Lake, South (Grant County): Last Saturday in April through September 30 season.

Washburn Island Pond (Okanogan County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Washburn Lake (Okanogan County): Last Saturday in April through October 31 season. Trout: Daily limit two.

Washington, Lake, including that portion of the Sammamish River from the 68th Avenue N.E. Bridge downstream (King County): Fishing from floating device prohibited one hundred yards either side of the floating bridges. Chumming permitted. Trout: December 1 through last day in February, daily limit 5, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit 5, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. Kokanee/sockeye under fifteen inches are kokanee while those fifteen inches and over are sockeye salmon. Salmon: Open only September 16 through October 31 north of Highway 520 Bridge and east of Montlake Bridge. Daily limit two coho salmon.

Washington, Lake, Ship Canal (King County) (waters east of a north-south line 400 feet west of the fish ladder at the Chit-

tenden Locks and west of a north-south line at the eastern ends of the concrete abutments east of the Montlake Bridge): West of Fremont Bridge: Fishing from floating device prohibited. East of Fremont Bridge: Chumming permitted.

From west boundary to a north-south line 400 feet east of the eastern end of the northern wing wall of Chittenden Locks: Closed waters.

From 400 feet east of the eastern end of the northern wing wall of Chittenden Locks to the east boundary: Open year-round. Trout: December 1 through last day in February daily limit five, no minimum length. Release steelhead and rainbow trout over twenty inches in length. March 1 through June 30, daily limit five, minimum length twelve inches. Release steelhead and rainbow trout over twenty inches in length. July 1 through November 30, daily limit five, no minimum length. Kokanee/sockeye less than fifteen inches in length are kokanee and fifteen inches and over in length are sockeye salmon.

Washougal River (Clark County): Night closure year-round.

From mouth to bridge at Salmon Falls: June 1 through March 15 season. Nonbuoyant lure restriction and stationary gear restriction July 1 through October 31. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained. Salmon: Open only August 1 through March 15. Daily limit 6 fish of which no more than 2 may be adult salmon. Release chum and wild coho. Upstream of Little Washougal River, release Chinook October 1 through November 30.

From mouth to Mt. Norway Bridge: Additional April 16 through May 31 season. Selective gear rules. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

From bridge at Salmon Falls to its source, including tributaries: Closed waters.

Washougal River, West (North) Fork (Clark/Skamania counties):

From mouth to the water intake at the department hatchery: Closed waters.

From intake at department hatchery to source: June 1 through March 15 season. Trout: Release all trout except up to 2 hatchery steelhead per day may be retained.

Watson Lake (Columbia County): March 1 through October 31 season. Fishing from any floating device prohibited. Trout: No more than 2 trout over 13 inches in length may be retained.

Waughop Lake (Pierce County): Salmon: Landlocked salmon rules apply.

Wenas Lake (Yakima County): Trout: Daily limit five, of which not more than two may be brown trout.

Wenaha River tributaries within Washington: June 1 through August 31 season.

Wenatchee Lake (Chelan County): Selective gear rules except fishing from a floating device equipped with an internal combustion motor allowed. Trout except kokanee: Daily limit two, minimum length twelve inches. Release kokanee.

Kokanee/sockeye under sixteen inches will be considered kokanee while those sixteen inches and over will be considered sockeye salmon.

Wenatchee River, including Lake Jolanda (Chelan County):

December 1 through March 31 season, from mouth to Highway 2 Bridge at Leavenworth only. Whitefish gear rules apply.

West Evans Pond (Asotin County): Trout: No more than 2 trout over 13 inches in length may be retained.

West Twin River (Clallam County): June 1 through October 31 season. Trout: Minimum length fourteen inches.

Whatcom Creek (Whatcom County):

From mouth to stone bridge at Whatcom Falls Park: June 1 through last day in February season. Nonbuoyant lure restriction and night closure August 1 through December 31. Closed waters: Woburn Street Bridge upstream to the stone bridge. Trout: Minimum length fourteen inches. Salmon: Open only August 1 through December 31 from mouth to markers below Dupont Street. Daily limit 6 fish of which not more than 2 may be adult salmon.

From stone bridge at Whatcom Falls Park upstream to Lake Whatcom: Last Saturday in April through October 31 season. Juveniles only. Nonbuoyant lure restriction and night closure August 1 through October 31. Trout: No minimum length.

Whatcom, Lake (Whatcom County): Last Saturday in April through October 31 season, except those waters between the Electric Avenue Bridge and the outlet dam are closed waters: Trout: Release cutthroat trout.

Whatcom, Lake, tributaries (Whatcom County): Closed waters.

Wheeler Creek (Klickitat County): Trout: Release all trout.

White River (Chelan County), from mouth upstream to White River Falls: Closed waters.

White (Stuck) River (Pierce County):

From mouth to R Street Bridge in Auburn: October 1 through last day in February season: Nonbuoyant lure restriction and night closure October 1 through November 30. Trout: Minimum length fourteen inches.

From R Street Bridge to Highway 410 Bridge at Buckley: October 1 through October 31 season. Closed waters: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin. Nonbuoyant lure restriction and night closure. Trout: 14 inch minimum size.

From the Weyerhaeuser 6000 Road Bridge (Bridge Camp) to its source: July 1 through October 31 season. Nonbuoyant lure restriction and night closure October 1 through October 31. Selective gear rules July 1 through October 31. Trout: Minimum length fourteen inches. Whitefish: Additional November 1 through January 31 season. Whitefish gear rules apply.

Whitechuck River (Snohomish County): Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit, minimum length twenty inches.

White Salmon River (Klickitat/Skamania counties):

From mouth to powerhouse: Open year-round. Bank fishing only downstream from the Highway 14 Bridge. August 1 through December 31: Nonbuoyant lure restriction. Trout: Minimum length fourteen inches. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release wild coho and wild Chinook. Salmon: Open July 1 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. October 1 through December 31 release Chinook upstream from posted markers upstream of Highway 14 Bridge.

From powerhouse to within four hundred feet of Northwestern Dam: November 16 to April 30 season except salmon and steelhead. Trout: Minimum length fourteen inches. Release trout April 1 through April 30. Salmon: Open November 16 through March 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. November 16 through December 31 release Chinook. Salmon and steelhead: Open April 1 through June 30, daily limit two fish, one or both of which may be salmon or hatchery steelhead. Release all fish except salmon or hatchery steelhead. Release wild coho and wild Chinook.

From gas pipeline crossing above Northwestern Lake to Gilmer Creek: Selective gear rules. Trout: Minimum length twelve inches.

Wide Hollow Creek (Yakima County): Trout: Daily limit five, no minimum length.

Widgeon Lake (Grant County): April 1 through September 30 season.

Wildberry Lake (Mason County): Last Saturday in April through October 31 season.

Wildcat Lake (Kitsap County): Last Saturday in April through October 31 season.

Wilderness Lake (King County): Last Saturday in April through October 31 season. Salmon: Landlocked salmon rules apply.

Willame Lake (Lewis County): Last Saturday in April through October 31 season. Selective gear rules. Trout: Daily limit two, minimum length fifteen inches.

Willapa River (Pacific County): Mouth to Highway 6 Bridge: June 1 through March 31 season. All game fish: Release all game fish except that up to two hatchery steelhead may be retained per day. All species: August 16 through November 30 night closure and single point barbless hooks required. August 16 through November 30 above the WDFW access at the mouth of Ward/Wilson Creek stationary gear restriction. Fishing from a floating device prohibited November 1 through March 31 from the bridge on Willapa Road to Fork Creek. Highway 6 Bridge to Fork Creek: June 1 through July 15 and October 16 through March 31 season. Night closure, single point barbless hooks, and stationary gear restriction October 16 through November 30. November 1 through March 31 fishing from any floating device prohibited from the bridge on Willapa Road to Fork Creek.

All game fish: Release all fish except that up to two hatchery steelhead may be retained. Salmon: Open only August 1 through January 31 from mouth to Highway 6 Bridge approximately 2 miles below mouth of Trap Creek and open October 16 through January 31 from Highway 6 Bridge to Fork Creek. Daily limit 6 fish of which no more than 3 may be adult salmon and of the adult salmon not more than one may be a wild adult coho and not more than two may be adult Chinook (~~and not more than two may be chum~~). Release chum.

Sturgeon: Open year round from mouth to Highway 6 Bridge.

Upstream from Fork Creek: Selective gear rules. August 16 through October 31, nonbuoyant lure restriction and night closure. All species: Release all fish except up to two hatchery steelhead per day may be retained.

South Fork: June 1 through last day in February season. Selective gear rules June 1 through October 31. Nonbuoyant lure restriction and night closure August 16 through November 30. All species: Release all fish except up to two hatchery steelhead may be retained.

Williams Creek (Pacific County): June 1 through last day in February season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead per day may be retained.

Williams Lake (Spokane County): Last Saturday in April through September 30 season.

Williams Lake (Stevens County): December 1 through March 31 season.

Wilson Creek (two branches within Ellensburg city limits) (Kittitas County): Open year-round. Juveniles only. Trout: Daily limit five, no minimum length.

Winchester Wasteway (Grant County): Within Winchester Game Reserve: February 1 through September 30 season.

Wind River (Skamania County):

Mouth to four hundred feet below Shipherd Falls: July 1 through March 15 season, except salmon and steelhead. May 1 through June 30: Nonbuoyant lure restriction and night closure. August 1 through October 31: Nonbuoyant lure restriction. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Salmon and steelhead: Open March 16 through June 30 daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Release wild coho and wild Chinook. Trout: Minimum length fourteen inches. Salmon: Open August 1 through October 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release wild coho. Release Chinook from Burlington-Northern Railroad Bridge upstream.

From four hundred feet below to one hundred feet above Shipherd Falls fish ladder: Closed waters.

From one hundred feet above Shipherd Falls to source, including all tributaries: May 1 through June 30 season. Closed waters: From 400 feet below to 100 feet above the Coffey Dam and from a boundary marker approximately 800 yards downstream from Carson National Fish Hatchery upstream, including all tributaries. Night closure and non-

buoyant lure restriction. When nonbuoyant lure restriction is in effect, only fish hooked inside the mouth may be retained. Salmon and steelhead: Daily limit 2 fish, one or both of which may be a salmon or hatchery steelhead. Release all fish except salmon and hatchery steelhead. Additional season September 16 through November 30. Selective gear rules. All species: Release all fish.

Winston Creek (tributary to Cowlitz River) (Lewis County): Selective gear rules. Trout: Minimum length ten inches.

Wishkah River (Grays Harbor County), including all forks: Closed waters: From dam at Wishkah Rearing Ponds (formerly Mayr Bros.) downstream to 400 feet below outlet channel, except open during salmon season to within 200 feet of dam. Trout: Minimum length fourteen inches. Release wild cutthroat. Mouth to West Fork: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Selective gear and all species: Release all fish except up to two hatchery steelhead may be retained per day, March 1 through March 31. Salmon: Open only October 1 through December 31. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

From the West Fork to four hundred feet below outlet: June 1 through March 31 season. Selective gear rules. All species: Release all fish except up to two hatchery steelhead may be retained per day March 1 through March 31. Salmon: Open only October 1 through December 31 to 200 feet below the weir at the Long Live the Kings/Mayr Brothers facility. Daily limit 6 fish of which no more than 2 may be adult salmon. Release adult Chinook, and chum.

Wolf Creek, mouth to mouth of south fork (Okanogan County): Closed waters.

Wood Lake (Mason County): Last Saturday in April through October 31 season.

Woodland Creek (Thurston County): Trout: Minimum length fourteen inches.

Wooten Lake (Mason County): Last Saturday in April through October 31 season.

Wye Lake (Kitsap County): Last Saturday in April through October 31 season.

Wynoochee River (Grays Harbor County): Trout: Minimum length fourteen inches. Mouth to 7400 line bridge above mouth of Schafer Creek: June 1 through March 31 season. Single point barbless hooks required August 16 through November 30. Salmon: Open only October 1 through January 31. Daily limit 6 fish of which no more than 2 may be adult salmon, except daily limit may contain no more than 1 wild adult coho December 1 through January 31. Release adult Chinook, and chum.

7400 line bridge upstream: Additional December 1 through March 31 season. Selective gear rules. Fishing from a floating device prohibited. All species: Release all fish except up to two hatchery steelhead may be retained.

Wynoochee Reservoir (Grays Harbor County): June 1 through October 31 season. Trout: Daily limit two, minimum

length twelve inches. Salmon: Landlocked salmon rules apply.

Yakima River (Yakima County): Release all steelhead in mainstem and tributaries. Channel catfish: No daily limit.

From mouth to 400 feet below Prosser Dam: Chumming permitted. Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to Highway 223 Bridge: Bass: Bass 12 to 17 inches in length may be retained. No daily limit for bass, but not more than 3 bass greater than 15 inches in length may be retained.

From Highway 223 Bridge to 400 feet below Sunnyside Dam: Salmon: Open only September 1 through October 22. Daily limit 6 fish of which not more than 2 may be adult salmon. Nonbuoyant lure restriction and night closure.

From mouth to thirty-five hundred feet below Roza Dam: Year-round season. Closed waters: From Yakima Avenue-Terrace Heights Bridge upstream 400 feet. March 1 through November 30, closed from thirty-five hundred feet below Roza Dam to Roza Dam. Trout: Minimum length twelve inches and maximum length twenty inches. Release all trout April 1 through May 31. Thirty-five hundred feet below Roza Dam to four hundred feet below Roza Dam: December 1 through last day in February season. Whitefish gear rules apply.

From Roza Dam to four hundred feet below Easton Dam and from Lake Easton to the base of Keechelus Dam: Year-round season. Fishing from floating devices equipped with motors allowed only from the U.S. Bureau of Reclamation restricted area signs at Roza Dam upstream to the boat launch ramp on the Roza Access Area (approximately one-half mile). Selective gear rules except bait and one single point barbed hook three-sixteenths or smaller point to shank may be used December 1 through last day in February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size.

Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Trout: Minimum length twelve inches.

Yokum Lake (Pend Oreille County): Last Saturday in April through October 31 season.

**AMENDATORY SECTION** (Amending Order 06-174, filed 7/31/06, effective 8/31/06)

**WAC 232-28-620 Coastal salmon—Saltwater seasons and daily limits.** It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following coastal areas, during the seasons, in the quantities, for the sizes provided in WAC 220-56-180, and for the

species designated in this section. Open when a daily limit is provided:

(1) Catch Record Card Area 1:

(a) May 1 through (~~July 2~~) June 30 - Closed.

(b) July (~~3~~) 1 through September 30 - Open Sundays through Thursdays only - Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(c) October 1 through April 30 - Closed.

(d) Closed in the Columbia River Mouth Control Zone 1 during all open periods, see WAC 220-56-195.

(2) Catch Record Card Area 2 and Catch Record Card Area 2-2 west of the Buoy 13 line:

(a) May 1 through (~~July 2~~) June 30 - Closed.

(b) Area 2 July (~~3~~) 1 through September (~~16~~) 16 except closed to salmon fishing August 1 through September (~~16~~) 16 in the Grays Harbor Control Zone described in WAC 220-56-195(11) and Area 2-2 west of the Buoy 13 line - Open Sundays through Thursdays only. Daily limit 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(c) Area 2 September (~~17~~) 17 through April 30 and Area 2-2 west of Buoy 13 September (~~17~~) 17 through April 30 - Closed.

(3) Grays Harbor (Catch Record Card Area 2-2 east of the Buoy 13 line):

(a) May 1 through September (~~15~~) 30 - Closed.

(b) (~~September 16~~) October 1 through November 30 - Daily limit of 2 salmon. Release Chinook salmon (~~September 16 through September 30 and October 16~~) November 1 through November 30. October 1 through October (~~15~~) 31 the daily limit may contain no more than one Chinook and no more than one wild adult coho. Release chum.

(c) December 1 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, Westport Boat Basin and Ocean Shores Boat Basin: Open only August 16 through January 31 - Daily limit of six salmon not more than four of which may be adult salmon.

(4) Willapa Bay (Catch Record Card Area 2-1):

(a) May 1 through (~~July 2~~) June 30 - Closed.

(b) July (~~3~~) 1 through July 31 - Open concurrent with Area 2 when Area 2 is open for salmon angling. Area 2 rules apply.

(c) August 1 through August 15 - Daily limit of six salmon, not more than two of which may be adult salmon.

(d) August 16 through January 31 - Daily limit 6 salmon, not more than 3 of which may be adult salmon, and of the adult salmon not more than 2 may be Chinook. Release chum.

(e) February 1 through April 30 - Closed.

(5) Catch Record Card Area 3:

(a) May 1 through (~~June 29~~) July 2 - Closed.

(b) (~~June 30~~) July 3 through September (~~15~~) 15 - Open Tuesday through Saturday only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho. Beginning August 1, daily limit may include 1 additional pink.

(c) September (~~16~~) 16 through April 30 - Closed.

(d) Notwithstanding the provisions of this subsection, waters north of 47°50'00"N latitude and south of 48°00'00"N

latitude open September ~~((23))~~ 22 through October ~~((8))~~ 7 - Daily limit two salmon, of which not more than one may be a Chinook salmon. Release wild coho.

(6) Catch Record Card Area 4:

(a) May 1 through ~~((June 29))~~ July 2 - Closed.

(b) ~~((June 30))~~ July 3 through September ~~((47))~~ 15 - Open Tuesdays through Saturdays only. Daily limit of 2 salmon, of which not more than one may be a Chinook salmon. Release wild coho salmon. Waters east of a true north-south line through Sail Rock closed July 1 through July 31. Release Chinook salmon caught east of the Bonilla-Tatoosh line August 1 through September ~~((47))~~ 15. Release chum salmon beginning August 1 ~~((through September 17))~~. Beginning August 1, daily limit may include 1 additional pink.

(c) September ~~((48))~~ 16 through April 30 - Closed.

AMENDATORY SECTION (Amending Order 06-174, filed 7/31/06, effective 8/31/06)

**WAC 232-28-621 Puget Sound salmon—Saltwater seasons and daily limits.** It is unlawful to fish for or possess salmon taken by angling for personal use except from the following Puget Sound areas, during the seasons, in the quantities, and for the species designated in this section and sizes as defined in WAC 220-56-180. Open when a daily limit is provided. Puget Sound waters west of the mouth of the Sekiu River are managed concurrent with ocean waters as provided for in WAC 232-28-620.

(1) **Catch Record Card Area 5:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August 31 - Daily limit 2 salmon plus 2 additional pink. Release chum, wild Chinook and wild coho. Single-point barbless hooks required.

(c) September 1 through September ~~((30))~~ 15 - Daily limit of 2 salmon plus 2 additional pink. Release chum, Chinook and wild coho. Single-point barbless hooks required.

(d) September 16 through September 30 - Daily limit of 2 salmon. Release chum and Chinook.

(e) October 1 through October 31 - Closed.

~~((e))~~ (f) November 1 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

~~((f))~~ (g) December 1 through February 15 - Closed.

~~((g))~~ (h) February 16 through April 10 - Daily limit 1 salmon.

~~((h))~~ (i) April 11 through April 30 - Closed.

(2) **Catch Record Card Area 6:**

(a) May 1 through June 30 - Closed.

(b) July 1 through August 31 - Daily limit 2 salmon plus 2 additional pink. Release chum, wild Chinook and wild coho. Release all Chinook east of a true north-south line through the Number 2 Buoy immediately east of Ediz Hook. Single-point barbless hooks required.

(c) September 1 through September 30 - Daily limit of 2 salmon plus 2 additional pink. Release chum, Chinook and wild coho. Single-point barbless hooks required.

(d) Waters of Port Angeles Harbor west of a line from the tip of Ediz Hook to the ITT Rayonier Dock are closed July 1 through October 31.

(e) October 1 through October 31 - Daily limit of 2 salmon not more than 1 of which may be a Chinook salmon, except waters of Dungeness Bay inside a line from Dungeness Spit Lighthouse to the Number 2 Red Buoy then to the Port Williams Boat Ramp are open with a daily limit of 2 coho salmon. Release all other salmon. Waters inside the line described in this subsection are closed at all times except during October.

(f) November 1 through February 15 - Closed.

(g) February 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(3) **Catch Record Card Area 7:**

(a) May 1 through June 30 - Closed.

(b) July 1 through July 31 - Daily limit of 2 salmon plus 2 additional pink, not more than one of which may be a Chinook salmon. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(c) August 1 through September 30 - Daily limit of 2 salmon plus 2 additional pink, not more than one of which may be a Chinook salmon. Release chum and wild coho. Single-point barbless hooks required. Closed to salmon fishing in the Southern Rosario Strait and Eastern Strait of Juan de Fuca closure area described in WAC 220-56-195(7).

(d) Waters of Bellingham Bay described in WAC 220-56-195(1) closed July 1 through August 15. August 16 through October 31 - Daily limit 4 salmon, not more than 2 of which may be Chinook salmon. Release pink. November 1 through June 30 - Same rules as Area 7.

(e) October 1 through October 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) Waters of Samish Bay described in WAC 220-56-195(4) closed July 1 through October 15.

~~((g))~~ ~~((November 1 through November 30 - Daily limit 2 salmon. Release chinook salmon.~~

~~((h) - December))~~ November 1 through January 31 - Closed.

~~((i))~~ (h) February 1 through ~~((March 31))~~ February 29 - Daily limit 2 salmon. Release wild Chinook. Single-point barbless hooks required.

(i) March 1 through April 15 - Daily limit of 1 salmon.

(j) April ~~((+))~~ 16 through April 30 - Closed.

(4) **Catch Record Card Area 8-1:**

(a) May 1 through July 31 - Closed.

(b) August 1 through September 30 - Daily limit of 2 salmon. Release Chinook and pink.

(c) October 1 through October 31 - Closed.

~~((d))~~ November 1 through April 30 - Daily limit 2 salmon. Release wild Chinook. Single-point barbless hooks required.

(5) **Catch Record Card Area 8-2:**

(a) May 1 through July 31 - Closed, except waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - June ~~((2))~~ 1 through June ~~((46))~~ 22 and June ~~((48))~~ 24 through July 31, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon plus 2 additional pink.

(b) August 1 through September 30 - Daily limit 2 salmon plus 2 additional pink and release Chinook, except

waters west of Tulalip Bay and within 2,000 feet of shore from the pilings at Old Bower's Resort to a fishing boundary marker approximately 1.4 miles northwest of Hermosa Point - August 1 through September ~~((25))~~ 24, open only Friday through 11:59 a.m. Monday of each week - Daily limit of 2 salmon plus 2 additional pink.

(c) October 1 through October 31 - Closed.

(d) November 1 through April 30 - Daily limit 2 salmon. Release wild Chinook. Single-point barbless hooks required.

(6) **Catch Record Card Area 9:**

(a) May 1 through July 15 - Closed.

(b) July 16 through August 15 - Daily limit of 2 salmon plus 2 additional pink. Release chum and wild Chinook. Closed south of a line from Foulweather Bluff to Olele Point. Single-point barbless hooks required.

(c) August 16 through September 30 - Daily limit of 2 salmon plus 2 additional pink. Release chum and Chinook.

~~((e))~~ (d) October 1 through October 31 - Daily limit of 2 salmon. Release Chinook.

~~((d))~~ (e) November 1 through November 30 - Daily limit 2 salmon, of which not more than one may be a Chinook.

~~((e))~~ (f) December 1 through January ~~((31))~~ 15 - Closed.

~~((f) February 1)~~ (g) January 16 through April 15 - Daily limit ~~((1))~~ 2 salmon. Release wild Chinook. Closed south of a line from Foulweather Bluff to Olele Point. Single-point barbless hooks required.

~~((g))~~ (h) April 16 through April 30 - Closed.

~~((h))~~ (i) Edmonds Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum August 1 through September 30. July 1 through September 30, the daily limit may include 2 additional pink salmon.

(7) **Catch Record Card Area 10:**

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Open only north of a line from Point Monroe to Meadow Point. Catch and release. Single-point barbless hooks required.

(c) July 1 through July 15 - Daily limit 2 salmon plus 2 additional pink. Release Chinook.

(d) July 16 through August 15 - Daily limit 2 salmon plus 2 additional pink. Release wild Chinook and beginning August 1 release chum. Single-point barbless hooks required.

(e) August 16 through September 30 - Daily limit 2 salmon plus 2 additional pink. Release chum August ~~((1))~~ 16 through September 15. Release Chinook.

(f) Waters of Shilshole Bay southeast of a line from Meadow Point to West Point closed July 1 through August 31. Waters of Elliott Bay east of a line from West Point to Alki Point closed July 1 through August ~~((31))~~ 21, except waters east of a line from Pier 91 to Duwamish Head open July ~~((14))~~ 6 through 11:59 a.m. August 20, and open only on Friday through ~~((Sunday))~~ Monday of each week - Daily limit 2 salmon plus 2 additional pink. Release chum August 1 through August 20.

~~((d))~~ (g) Waters of Sinclair Inlet and Port Orchard south of the Manette Bridge in Bremerton, south of a line true west from Battle Point, and west of a line drawn true south

from Point White - Daily limit 2 salmon plus 2 additional pink July 1 through September 30. Release chum August 1 through September 15.

~~((e))~~ (h) October 1 through October 15 - Daily limit of 2 salmon. Release Chinook salmon.

~~((f))~~ (i) October 16 through November 30 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

~~((g))~~ (j) December 1 through January 31 - Daily limit ~~((1))~~ 2 salmon. Release wild Chinook. Single-point barbless hooks required. Waters of Agate Pass west of a line from Point Monroe to Indianola and east of a line from Point Bolin to Battle Point fly fishing only, lead core lines prohibited and catch and release January 1 through January 31.

~~((h))~~ (k) February 1 through April 30 - Closed.

~~((i))~~ (l) Elliott Bay Fishing Pier at Terminal 86, Seacrest Pier, Waterman Pier, Bremerton Boardwalk, and Illahee State Park Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release chum August 1 through September 15. July 1 through September 30, the daily limit may include 2 additional pink salmon.

~~((j) East Duwamish waterway - Waters between a line projected east along the path of SW Hanford Street and a line projected east from the south tip of Harbor Island - July 1 through October 31 terminal gear restricted to bait suspended above the bottom by a float.)~~ (m) Duwamish Waterway downstream from the First Avenue South Bridge to an east-west line projected through Southwest Hanford Street on Harbor Island, July 1 through October 31, night closure, only 1 single-point barbless hook may be used, and only fish hooked inside the mouth may be retained.

(8) **Catch Record Card Area 11:**

(a) May 1 through May 31 - Closed.

(b) June 1 through June 30 - Daily limit of 2 salmon. Release wild Chinook. Single-point barbless hooks required. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed.

(c) July 1 through September 30 - Daily limit of 2 salmon plus 2 additional pink. Release wild Chinook. Single-point barbless hooks required. Waters of Commencement Bay east of a line from the Cliff House Restaurant to the Sperry Ocean Dock closed July 1 through ~~((August 14))~~ July 31.

(d) October 1 through October 31 - Daily limit of 2 salmon.

(e) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

(f) January 1 through February 15 - Closed.

(g) February 16 through April 10 - Daily limit of 1 salmon.

(h) April 11 through April 30 - Closed.

(i) Dash Point Dock, Les Davis Pier, Des Moines Pier, Redondo Pier and Point Defiance Boathouse Dock: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. July 1 through September 30, the daily limit may include 2 additional pink salmon.

(9) **Catch Record Card Area 12:**

(a) May 1 through June 30 - Closed.

(b) July 1 through October 15 in waters south of Ayock Point - Daily limit 4 salmon, of which no more than two may be Chinook salmon. Release chum.

(c) July 1 through August 31 in waters north of Ayock Point except waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Closed.

(d) September 1 through October 15 in waters north of Ayock Point and August 16 through October 15 in waters of Quilcene Bay north of a true east line from Whitney Point to the Toandos Peninsula - Daily limit 4 coho salmon. Release all salmon except coho.

(e) October 16 through December 31 - Daily limit 4 salmon, of which no more than one may be a Chinook salmon.

(f) January 1 through February 15 - Closed.

(g) February 16 through April 10 - Daily limit 1 salmon.

(h) April 11 through April 30 - Closed.

(i) July 1 through December 31 the Hoodspout Hatchery Zone is managed separately from the remainder of Area 12. See WAC 220-56-124.

**(10) Catch Record Card Area 13:**

(a) May 1 through June 30 - Daily limit 2 salmon. Release wild Chinook. Single-point barbless hooks required. Carr Inlet north of a line from Penrose Point to Green Point - Closed.

(b) July 1 through ~~((October 31))~~ September 30 - Daily limit 2 salmon. Release wild coho and wild Chinook. Single-point barbless hooks required. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed July 1 through July 31, except open to fly fishing only for hatchery coho.

(c) October 1 through October 31 - Daily limit 2 salmon. Release wild coho. Single-point barbless hooks required.

(d) Waters at the mouth of Minter Creek within 1,000 feet of the outer oyster stakes are closed July 1 through September 30.

~~((e))~~ (e) Waters of Budd Inlet south of the Fourth Avenue Bridge are closed. Contiguous waters north of the Fourth Avenue Bridge and south of a line from the northwest corner of the Thriftway Market building and a point 100 yards north of the railroad bridge on the western shore are closed July 16 through October 31. Waters north of the Thriftway Market-railroad bridge line and south of a line projected due west from the KGY radio tower - night closure and nonbuoyant lure restriction July 16 through October 31.

~~((f))~~ (f) November 1 through December 31 - Daily limit of 2 salmon, not more than one of which may be a Chinook salmon.

~~((g))~~ (g) January 1 through January 31 - Daily limit 1 salmon.

~~((h))~~ (h) February 1 through last day in February - Closed.

~~((i))~~ (i) March 1 through April 30 - Daily limit 1 salmon. Waters of Carr Inlet north of a line from Penrose Point to Green Point closed April 16 through April 30.

~~((j))~~ (j) Fox Island Public Fishing Pier: Open year-round - Daily limit 2 salmon, not more than one of which may be a Chinook salmon. Release wild coho and single-point barbless hooks required July 1 through October 31.

**WSR 07-16-082**

**PERMANENT RULES**

**DEPARTMENT OF TRANSPORTATION**

[Filed July 30, 2007, 10:48 a.m., effective August 30, 2007]

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

Purpose: Eliminate mandatory casing requirements for natural gas installations within the state highway system. Technological advancements in pipeline materials, pipeline joining and inspection techniques, cathodic protection, as well as improved construction methods have rendered casing requirements obsolete in most applications.

Citation of Existing Rules Affected by this Order: Amending WAC 468-34-210.

Statutory Authority for Adoption: Chapter 47.44 RCW.

Adopted under notice filed as WSR 07-11-159 on May 23, 2007.

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

Number of Sections Adopted at Request of a Nongovernmental Entity: New 0, Amended 1, Repealed 0.

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

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

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

Date Adopted: July 24, 2007.

John F. Conrad  
Assistant Secretary  
Engineering and Regional Operations

AMENDATORY SECTION (Amending Order 119, filed 2/10/89)

**WAC 468-34-210 Pipelines—Encasement.** (1) Casings shall not be required for the following conditions ~~((except as may be permitted under subsection (3) of this section.))~~:

(a) Pipelines ~~((crossings under completed freeways and other controlled access highways))~~ conveying natural or other gas which meet the design, installation and cathodic protection provisions of the Minimum Federal Safety Standards, 49 CFR part 192 and chapter 480-93 WAC Gas companies—Safety.

(b) ~~((Pipeline crossings where casing is required by appropriate industry code or special conditions.~~

~~((e)))~~ Local service lines and connections conveying natural or other gas which meet the design, installation and cathodic protection provisions of the Minimum Federal Safety Standards, 49 CFR part 192 and chapter 480-93 WAC Gas companies—Safety.

(2) Casings shall be required for the following conditions:



(a) Pipeline crossings where casing is required by appropriate industry practice or special conditions.

(b) Pressurized carrier pipes and carriers of transmittants other than natural gas which are flammable, corrosive, expansive, energized, or unstable.

~~((c))~~ (c) Pipeline installations where local features, embankment materials, construction methods or other conditions indicate ~~((any possibility))~~ probability of damage to the ~~((protective coating during installation))~~ pipeline that will render it unusable.

~~((2))~~ (3) Casings may be required ~~((for the following conditions))~~.

~~((a))~~ As an expediency in the insertion, removal, replacement or maintenance of carrier pipe crossings of freeways and other locations where it is necessary in order to avoid open trench construction.

~~((b))~~ as protection for carrier pipe from external loads or shock ~~((, either))~~ during existing highway improvement projects or ~~((after))~~ new highway construction ~~((of the highway))~~.

~~((c))~~ As a means of conveying leaking fluids or gases away from the area directly beneath the traveled way to a point of venting at or near the right of way line or to a point of drainage in the highway ditch or a natural drainage way.

~~((d))~~ Jacked or bored installations of coated carrier pipes, except where assurance is provided the department that there will be no damage to the protective coating.

(3) Casings may or may not be required for the following conditions:

~~((a))~~ Pipelines relocated in advance of highway construction, including those conveying natural or other gas which meet the design, installation and cathodic protection provisions of the Minimum Federal Safety Standards, CFR 49, Part 192 may be constructed without encasement provided the department ~~((and the pipeline officials))~~ agree that the lines are and will remain structurally sound and operationally safe.

~~((b))~~ Uncased crossings for local service connections of one inch diameter or less carrying natural or other gas which conform to the design, installation, and cathodic protection provisions of the Minimum Federal Safety Standards, CFR 49, Part 192 may be permitted on two lane highways at those locations where the department agrees that the embankment materials and installation methods are adequate and that complete assurance is provided against damage to the protective coating of the pipe or to the roadway structure.

~~((c))~~ Pipelines installed where open cutting is allowed).

(4) Casing pipes shall extend a minimum of six feet beyond the toe of fill slopes, or back of ditch line, or outside curb unless limited by restrictive local conditions. The casing pipe need not be continuous on freeways with or without frontage roads; however, maintenance in the median shall not be required on a routine basis.

(5) Casing pipes shall be sealed at the ends.

(6) Casing pipes shall be designed to support the load of the highway and superimposed loads thereon and, as a minimum, shall equal the structural requirements for highway drainage facilities. Casings shall be composed of materials of sufficient durability to withstand any conditions to which they may be exposed.

## WSR 07-16-083

### PERMANENT RULES

#### DEPARTMENT OF TRANSPORTATION

[Filed July 30, 2007, 10:50 a.m., effective August 30, 2007]

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

Purpose: This is a proposal to revise WAC 468-38-073 to adopt a federal rule revision into Washington administrative rule. The purpose is to provide a weight exemption for idle reduction technologies to provide an incentive to reduce the fuel consumption and reduce emissions of commercial vehicles when parked. The exemption is to create the incentive to add the idle reduction technology to a commercial vehicle but not to diminish the freight capacity of the vehicle.

Statutory Authority for Adoption: RCW 46.44.090.

Adopted under notice filed as WSR 07-13-086 on June 19, 2007.

Changes Other than Editing from Proposed to Adopted Version: The description of the "auxiliary power unit" is taken out and is described only as "idle reduction technology" to allow for various technologies that will reduce emissions when vehicle is parked.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 1, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

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

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

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

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

Date Adopted: July 27, 2007.

John F. Conrad  
Assistant Secretary  
Engineering and Regional Operations

AMENDATORY SECTION (Amending WSR 05-12-002, filed 5/18/05, effective 6/18/05)

**WAC 468-38-073 Measurement exclusive devices. (1) What are the criteria for being a measurement exclusive device?** Generally, measurement exclusive devices are vehicle appurtenances designed and used for reasons of safety, aerodynamics, or efficient vehicle operation. A measurement exclusive device must not carry property, create a space that property could occupy outside of legal or permitted dimensions, or exceed the specific dimensional limitations stated in this section.

**(2) What devices at the front of a single unit vehicle, or power unit in a vehicle combination, are excluded from length determinations?** The following devices have been identified as measurement exclusive when determining length from the front of a single unit vehicle or power unit in a vehicle combination:

(a) Resilient bumpers that do not extend more than six inches from the vehicle;

(b) A fixed step up to three inches deep at the front of an existing automobile transporter until April 29, 2005. It will be the responsibility of the operator of the unit to prove that the step existed prior to April 29, 2002. Such proof can be in the form of a work order for equipment modification, a receipt for purchase and installation of the piece, or any similar type of documentation. After April 29, 2005, the step shall no longer be excluded from a vehicle's length.

**(3) What devices at the front of a semi-trailer or trailer are excluded from length determinations?** The following devices have been identified as measurement exclusive when determining length from the front of a semi-trailer or trailer:

(a) A device at the front of a trailer chassis to secure containers and prevent movement in transit;

(b) A front coupler device on a semi-trailer or trailer used in road and rail intermodal operations;

(c) Aerodynamic devices, air deflector;

(d) Air compressor;

(e) Certificateholder (manifest box);

(f) Door vent hardware;

(g) Electrical connector;

(h) Gladhand (air hose connectors joining tractor to trailer);

(i) Handhold;

(j) Hazardous materials placards and holders;

(k) Heater;

(l) Ladder;

(m) Nonload carrying tie-down devices on automobile transporters;

(n) Pickup plate lip (plate at front of trailer to guide fifth wheel under trailer);

(o) Pump offline on tank trailer;

(p) Refrigeration unit;

(q) Removable bulkhead;

(r) Removable stake;

(s) Stabilizing jack (antinosedive device);

(t) Stake pocket;

(u) Step;

(v) Tarp basket;

(w) Tire carrier; and

(x) Uppercoupler.

**(4) What devices at the rear of a single unit vehicle, semi-trailer or trailer are excluded from length determinations?** The following devices have been identified as measurement exclusive when determining length from the rear of a semi-trailer or trailer:

(a) Aerodynamic devices that extend up to a maximum of five feet beyond the rear of the vehicle, provided such devices have neither the strength, rigidity nor mass to damage a vehicle, or injure a passenger in a vehicle, that strikes a vehicle so equipped from the rear, and provided also that they do not obscure tail lamps, turn signals, marker lamps, identification lamps, or any other required safety devices, such as hazardous materials placards or conspicuity markings (i.e., reflective tape);

(b) Handhold;

(c) Hazardous materials placards and holder;

(d) Ladder;

(e) Loading and unloading device not to exceed two feet;

(f) Pintle hook;

(g) Removable stake;

(h) Splash and spray suppression device;

(i) Stake pocket; and

(j) Step.

**(5) What devices at the side of a vehicle are excluded from width determinations?** The following devices have been identified as measurement exclusive, not to exceed three inches from the side of the vehicle, when determining width of a vehicle:

(a) Corner cap;

(b) Handhold for cab entry/egress;

(c) Hazardous materials placards and holder;

(d) Lift pad for trailer on flatcar (piggyback) operation;

(e) Load induced tire bulge;

(f) Rain gutter;

(g) Rear and side door hinge and protective hardware;

(h) Rearview mirror;

(i) Side marker lamp;

(j) Splash and spray suppressant device, or component thereof;

(k) Structural reinforcement for side doors or intermodal operation (limited to one inch from the side within the three-inch maximum extension);

(l) Tarping system for open-top cargo area;

(m) Turn signal lamp;

(n) Movable device to enclose the cargo area of a flatbed semi-trailer or trailer, usually called "tarping system," where no component part of the system extends more than three inches from the sides or back of the vehicle when the vehicle is in operation. This exclusion applies to all component parts of a tarping system, including the transverse structure at the front of the vehicle to which the sliding walls and roof of the tarp mechanism are attached, provided the structure is not also intended or designed to comply with 49 CFR 393.106, which requires a headerboard strong enough to prevent cargo from penetrating or crushing the cab; the transverse structure may be up to one hundred eight inches wide if properly centered so that neither side extends more than three inches beyond the structural edge of the vehicle. Also excluded from measurement are side rails running the length of the vehicle and rear doors, provided the only function of the latter, like that of the transverse structure at the front of the vehicle, is to seal the cargo area and anchor the sliding walls and roof. On the other hand, a headerboard designed to comply with 49 CFR 393.106 is load bearing and thus limited to one hundred two inches in width. The "wings" designed to close the gap between such a headerboard and the movable walls and roof of a tarping system are width exclusive, provided they are add-on pieces designed to bear only the load of the tarping system itself and are not integral parts of the load-bearing headerboard structure;

(o) Tie-down assembly on platform trailer;

(p) Wall variation from true flat; and

(q) Weevil pins and sockets on a platform or low-bed trailer (pins and sockets located on both sides of a trailer used to guide winch cables when loading skid mounted equipment).

(6) **Are there weight measurement exclusive devices?** ~~((No. All devices, regardless of purpose, must be included in the combined vehicle weight and subject to the weight restrictions provided in chapter 46.44 RCW and as further defined in chapter 468-38 WAC.))~~ Yes. Any vehicle equipped with idle reduction technology, designed to promote reduced fuel usage and emissions from engine idling, may have up to four hundred pounds in total gross, axle, tandem or bridge formula weight exempt (excluded) from the weight measurement. To be eligible for the weight exemption, the vehicle operator must be able to prove:

(a) By written certification the weight of the idle reduction technology; and

(b) By demonstration or certification, that the idle reduction technology is fully functional at all times.

The weight exemption cannot exceed four hundred pounds or the certified weight of the unit, whichever is less.

(7) **Can exclusion allowances be combined to create a larger allowance (i.e., adding a five-foot aerodynamic device to a two-foot loading/unloading device for a total exclusion of seven feet)?** No. Each exclusion allowance is specific to a device and may not be combined with the exclusion allowance for another device.

(8) **Can a device receive exclusion if it is not referenced in law or administrative rule?** If the device meets the criteria in subsection (1) of this section, a request for measurement exclusion may be made to the administrator for commercial vehicle services. If approved for an exclusion allowance, the administrator will provide the requestor a written authorization.

#### WSR 07-16-084

##### PERMANENT RULES

#### DEPARTMENT OF AGRICULTURE

[Filed July 30, 2007, 11:03 a.m., effective August 30, 2007]

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

Purpose: The department amended chapter 16-390 WAC, WSDA fruit and vegetable inspection districts, inspection fees and other charges, to increase the fee related to the United States Department of Agriculture audit verification program and to make minor changes to increase clarity. WAC 16-390-240 is amended to more clearly define the fresh produce audit verification program. WAC 16-390-242 is amended to increase the hourly rate to \$75.00 per hour for audit-based services. United States Department of Agriculture, Agricultural Marketing Service, Fruit and Vegetable Programs, Fresh Products Branch changed its hourly audit fee for good agricultural practices and good handling practices to \$75.00 per hour. The cooperative agreement between the United States Department of Agriculture, Agricultural Marketing Service and Washington state department of agriculture states that WSDA will not charge less than USDA for the same services.

Citation of Existing Rules Affected by this Order: Amending WAC 16-390-240 and 16-390-242.

Statutory Authority for Adoption: Chapters 15.17 and 34.05 RCW.

Adopted under notice filed as WSR 07-06-046 [07-10-113] on March 1 [May 2], 2007.

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

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 2, Repealed 0.

Date Adopted: July 30, 2007.

Valoria Loveland

Director

AMENDATORY SECTION (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

**WAC 16-390-240 What is the fresh produce audit verification program?** The fresh produce audit verification program is a federal-state inspection service program that reviews and verifies a participating company's facility and agronomic practices, along with its documented procedures, to help determine if "good agricultural practices" and "good handling practices" are maintained.

AMENDATORY SECTION (Amending WSR 04-11-078, filed 5/18/04, effective 6/18/04)

**WAC 16-390-242 What charges does the department assess for fruit and vegetable audit verification certificates issued under the fresh produce audit verification program?** Charges assessed by the department for good agricultural practices (GAP) and good handling practices (GHP) audit verification certificates issued under the fresh produce audit verification program are as follows:

(1) The hourly rate for audit time, administration time and applicable travel time is ((charged at the hourly rate established by USDA/AMS/FPB/FVP the Schedule of Fees for Fresh Fruit and Vegetable Terminal Market Inspection Services, 7 CFR Part 51 Subpart 38, which became effective on January 15, 2004)) seventy-five dollars per audit hour.

(2) Mileage related to GAP and GHP audit services is charged at the rate established by the office of financial management (OFM) at the time the service was performed.

**WSR 07-16-101****PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 31, 2007, 9:11 a.m., effective September 1, 2007]

Effective Date of Rule: September 1, 2007.

Purpose: The purpose of the new alternative living chapter is to consolidate information governing the operation of alternative living services for ease of reference by the user. The alternative living services chapter consolidates existing standards in chapters 388-825, 388-845, and 388-101 WAC, and existing requirements found in policy and contract into one chapter for easier reference.

There is a new requirement for providers to attend DDD specialty training within ninety days of serving a client and obtain and maintain CPR/first aid training and bloodborne pathogens training with HIV/AIDS information that was proposed as WSR 07-11-133 but was inadvertently left off the CR-102 form. This rule is being adopted as chapter 388-829A WAC and has been separated from the rules for companion home residential services rules which will be adopted under chapter 388-829C WAC. These changes will make finding alternative living rules easier for the user.

Statutory Authority for Adoption: RCW 71A.12.30 [71A.12.030].

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 07-11-133 on May 22, 2007.

A final cost-benefit analysis is available by contacting Debbie Roberts, 640 Woodland Square Loop S.E., Lacey, WA 98504, phone (360) 725-3400, fax (360) 404-0955, e-mail roberdx@dshs.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 34, Amended 0, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 34, Amended 0, Repealed 0.

Date Adopted: July 31, 2007.

Robin Arnold-Williams  
Secretary

**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 07-17 issue of the Register.

**WSR 07-16-102****PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES**

(Aging and Disability Services Administration)

[Filed July 31, 2007, 9:14 a.m., effective September 1, 2007]

Effective Date of Rule: September 1, 2007.

Purpose: The purpose of the new companion home residential services chapter is to consolidate information governing the operation of companion home residential services for ease of reference by the user. This chapter consolidates existing standards in chapters 388-825, 388-845, and 388-101 WAC, and existing requirements found in policy and contract into one chapter for easier reference. There is a new requirement for companion home providers to keep property records for the companion home client.

This rule is being adopted as chapter 388-829C WAC and has been separated from the rules for alternative living services which will be adopted under chapter 388-829A WAC. These changes will make finding companion home residential services rules easier for the user.

Reasons support proposal: See Purpose above.

Statutory Authority for Adoption: RCW 71A.12.30 [71A.12.030].

Other Authority: Title 71A RCW.

Adopted under notice filed as WSR 07-11-132 on May 22, 2007.

A final cost-benefit analysis is available by contacting Debbie Roberts, 640 Woodland Square Loop S.E., Lacey, WA 98504, phone (360) 725-3400, fax (360) 404-0955, e-mail roberdx@dshs.wa.gov.

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

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

Number of Sections Adopted on the Agency's Own Initiative: New 52, Amended 0, Repealed 0.

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 52, Amended 0, Repealed 0.

Date Adopted: July 31, 2007.

Robin Arnold-Williams  
Secretary

**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 07-17 issue of the Register.

**WSR 07-16-146**  
**PERMANENT RULES**  
**OFFICE OF**  
**INSURANCE COMMISSIONER**

[Insurance Commissioner Matter No. R 2007-02—Filed August 1, 2007,  
10:26 a.m., effective September 1, 2007]

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

Purpose: These new rules will provide uniformity and consistency not only in Washington specific market conduct oversight activity, but also between Washington and other states.

Statutory Authority for Adoption: RCW 48.02.060 and chapter 82, Laws of 2007.

Adopted under notice filed as WSR 07-12-056 on June 4, 2007.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 6, Amended 0, Repealed 0.

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

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

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

Number of Sections Adopted Using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 6, Amended 0, Repealed 0.

Date Adopted: August 1, 2007.

Mike Kreidler  
Insurance Commissioner

**Chapter 284-37 WAC**

**MARKET CONDUCT OVERSIGHT PROGRAM**

NEW SECTION

**WAC 284-37-010 Definitions.** The following definitions apply throughout this chapter unless the context requires otherwise:

(1) "Insurer" shall have the same meaning as set forth in chapter 82, section 5(4), Laws of 2007, and specifically includes health care service contractors, health maintenance organizations, fraternal benefit societies, and self-funded multiple employer welfare arrangements.

(2) "Insurance" shall have the same meaning as set forth in RCW 48.01.040, and includes all policies and contracts offered by any insurer, as defined in subsection (1) of this section.

(3) "Complaint" means any written or documented oral communication primarily expressing a grievance, meaning an expression of dissatisfaction.

(4) "NAIC" means the National Association of Insurance Commissioners, and has the same meaning as in RCW 48.02.140.

(5) "Records" means any information from data available to the commissioner, surveys, required reports, information collected by the NAIC and other sources in both public and private sectors, and information from within and outside the insurance industry.

NEW SECTION

**WAC 284-37-020 Procedures manuals.** To foster nationwide consistency in market conduct oversight, and as authorized by chapter 82, sections 6, 7 and 8, Laws of 2007 the commissioner adopts the following procedures and handbooks published by the NAIC and in effect on July 31, 2007, or as later amended. The applicable version of the procedure or handbook will be the version in effect when the relevant market conduct activity was initiated.

(1) *The NAIC Market Regulation Handbook* for all market conduct oversight activities, as defined at chapter 82, section 5(9), Laws of 2007.

(2) *The NAIC Market Conduct Uniform Examination Procedures* for all market conduct examinations, as defined at chapter 82, section 5(10), Laws of 2007.

(3) *The NAIC Standard Data Request* for all requests to insurers for market data, as defined at chapter 82, section 5(11), Laws of 2007.

NEW SECTION

**WAC 284-37-030 Access to records.** During the market analysis process, the commissioner may require access to identifiable records in the possession of, or subject to control or access by the insurer. This section sets forth the process that the commissioner will follow when requesting records. Whenever possible and appropriate, the commissioner will make these requests electronically.

(1) The commissioner will contact the insurer in writing listing the records to be provided by the insurer for review.

(a) The list will specify the records required by the market conduct oversight personnel and will set forth the preferred method for transmission of records to the market conduct oversight team.

(b) The request will include the reason for the request and summarize how the records are intended to be used.

(2) All requested records must be provided to the commissioner within fifteen working days after receipt of the request.

(3)(a) If the insurer is not able to produce the requested records within the allotted time, the insurer must contact the commissioner before expiration of the allotted time and propose an alternative due date. The request must provide information about its reason for requesting a later due date.

(b) If the insurer is not able to produce the requested records in the format or manner requested by the market conduct oversight team, the insurer must contact the commissioner before expiration of the allotted time and propose an alternative delivery format.

(4) The commissioner will contact the insurer within five working days after receipt of any request for a later due date or alternative delivery format to discuss the proposed alternatives.

NEW SECTION**WAC 284-37-040 Market conduct annual statement.**

(1) Every insurer shall file with the commissioner its market conduct annual statement, as required by chapter 82, section 6, Laws of 2007, in accordance with filing instructions published by the NAIC.

(2) For purposes of this chapter, the market conduct annual statement filing is not complete until it has been received by the commissioner, in either hard copy or electronic form, as designated by the commissioner.

NEW SECTION

**WAC 284-37-050 Complaint verification.** If a complaint is filed against an insurer, the commissioner will notify the insurer following this process. Whenever possible and appropriate, the commissioner will provide the notices detailed below to the insurer electronically.

(1) Initial notice to the insurer. The commissioner will send an initial notice to the insurer that identifies the name of the insurer against whom the complaint was filed using the insurer's name and NAIC number, and any other available identifying information as provided to the commissioner by the complainant.

(a) If the insurer disagrees with the name of the insurer as identified in the complaint, it must file an objection in writing no later than fifteen working days after the date the commissioner sends the notice to the insurer and attach appropriate supporting information or documentation.

(b) Failure of the insurer to object to the legal name and NAIC number provided in the initial notice of the complaint within the allotted time, will be considered to be the insurer's verification that the proper insurer is identified in the complaint.

(c) No extension of time to respond to the initial notice will be permitted except for good cause shown.

(2) Complaint closure notice. The commissioner will send a copy of the proposed complaint closure notice to the insurer at the time the complaint is closed. The complaint closure notice will identify the codes for both the type of coverage and reason for complaints that will be reported to the NAIC.

(a) If the insurer wishes to object to the coding to be reported to the NAIC, an objection must be filed with the commissioner within fifteen working days after the date that the complaint closure notice is sent to the insurer. The objection must contain a concise description of the nature of the objection to the proposed coding and must include appropriate supporting information or documentation.

(b) Upon receipt of the insurer's objection, the commissioner will take reasonable and necessary steps to prevent reporting of that complaint to the NAIC until the insurer's objection is resolved.

(c) Failure of the insurer to object to the proposed coding set forth in the complaint closure notice will be considered verification that the complaint closure notice uses the correct codes and the notice will be reported to the NAIC.

(3) Opportunity to object to coding to be reported to the NAIC.

(a) Within ten working days after the commissioner receives an objection to proposed coding from the insurer, the commissioner will consider the information or documentation provided by the insurer and will advise the insurer that the original proposed coding has been affirmed or modified.

(b) The final complaint coding will be reported to the NAIC no sooner than five working days after resolution of an objection.

NEW SECTION

**WAC 284-37-060 Dispute resolution.** As required at chapter 82, section 14(3), Laws of 2007, after the deputy insurance commissioner responsible for market conduct oversight has responded to an insurer's issues, the insurer may request mediation of the issues. The following process governs mediation of insurer market conduct oversight issues.

(1) A request for mediation of the issues must be made within five working days after receipt by the insurer of a final decision on any issue.

(2) The commissioner will maintain a list of approved mediators to mediate disputed issues. All approved mediators will be qualified by training and experience.

(a) The commissioner will publish a copy of the current resume and fee schedule of each panel mediator on the commissioner's web site ([www.insurance.wa.gov](http://www.insurance.wa.gov)).

(b) At the start of a market analysis process or the start of a market conduct examination, the insurer must select a mediator and alternate mediator from the approved list.

(c) The party requesting mediation is required to pay the costs of the mediator.

(3) As provided at chapter 82, section 14(4), Laws of 2007, at any point in the mediation, the insurer may commence an adjudicative proceeding under chapters 48.04 and 34.05 RCW.