

Washington State Register

FEBRUARY 4, 1987

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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 28B.19 or 34.04 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to noon and from 1 p.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of February 1987 pursuant to RCW 19.52.020 is twelve percent (12%).

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

The maximum allowable retail installment contract service charge applicable for calendar year 1987 pursuant to RCW 63.14.130(1)(a) is twelve and one-quarter percent (12¼%).

WASHINGTON STATE REGISTER

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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

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

The three types of rule-making actions taken under the Administrative Procedure Act (chapter 34.04 RCW) or the Higher Education Administrative Procedure Act (chapter 28B.19 RCW) may be distinguished by the size and style of type in which they appear.

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

3. PRINTING STYLE—INDICATION OF NEW OR DELETED MATTER

RCW 34.04.058 requires the use of certain marks to indicate amendments to existing agency rules. This style quickly and graphically portrays the current changes to existing rules as follows:

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

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

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

5. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules take effect thirty days after the rules and the agency order adopting them are filed with the code reviser. This effective date may be delayed, but not advanced, and a delayed effective date will be noted in the promulgation statement preceding the text of the rule.
- (b) Emergency rules take effect upon filing with the code reviser and remain effective for a maximum of ninety days from that date.
- (c) Rules of the state Supreme Court generally contain an effective date clause in the order adopting the rules.

6. EDITORIAL CORRECTIONS

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

7. INDEX AND TABLES

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

1986 - 1987

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Action Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing/adoption on or after
86-18	Aug 6	Aug 20	Sep 3	Sep 17	Oct 7
86-19	Aug 20	Sep 3	Sep 17	Oct 1	Oct 21
86-20	Sep 3	Sep 17	Oct 1	Oct 15	Nov 4
86-21	Sep 24	Oct 8	Oct 22	Nov 5	Nov 25
86-22	Oct 8	Oct 22	Nov 5	Nov 19	Dec 9
86-23	Oct 22	Nov 5	Nov 19	Dec 3	Dec 23
86-24	Nov 5	Nov 19	Dec 3	Dec 17	Jan 6, 1987
87-01	Nov 26	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 27
87-02	Dec 10	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 10
87-03	Dec 24, 1986	Jan 7, 1987	Jan 21	Feb 4	Feb 24
87-04	Jan 7	Jan 21	Feb 4	Feb 18	Mar 10
87-05	Jan 21	Feb 4	Feb 18	Mar 4	Mar 24
87-06	Feb 4	Feb 18	Mar 4	Mar 18	Apr 7
87-07	Feb 18	Mar 4	Mar 18	Apr 1	Apr 21
87-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
87-09	Mar 25	Apr 8	Apr 22	May 6	May 26
87-10	Apr 8	Apr 22	May 6	May 20	Jun 9
87-11	Apr 22	May 6	May 20	Jun 3	Jun 23
87-12	May 6	May 20	Jun 3	Jun 17	Jul 7
87-13	May 20	Jun 3	Jun 17	Jul 1	Jul 21
87-14	Jun 3	Jun 17	Jul 1	Jul 15	Aug 4
87-15	Jun 24	Jul 8	Jul 22	Aug 5	Aug 25
87-16	Jul 8	Jul 22	Aug 5	Aug 19	Sep 8
87-17	Jul 22	Aug 5	Aug 19	Sep 2	Sep 22
87-18	Aug 5	Aug 19	Sep 2	Sep 16	Oct 6
87-19	Aug 26	Sep 9	Sep 23	Oct 7	Oct 27
87-20	Sep 9	Sep 23	Oct 7	Oct 21	Nov 10
87-21	Sep 23	Oct 7	Oct 21	Nov 4	Nov 24
87-22	Oct 7	Oct 21	Nov 4	Nov 18	Dec 8
87-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
87-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1988

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-12-035 or 1-13-035.

²A filing of any length will be accepted on the closing dates of this column if it has been prepared by the order typing service (OTS) of the code reviser's office; see WAC 1-12-220 or 1-13-240. Agency typed material is subject to a ten page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

³No proceeding may be held on any rule until twenty days have passed from the distribution date of the Register in which notice thereof was contained." RCW 28B.19.030(4) and 34.04.025(4). These dates represent the twentieth day after the distribution date of the applicable Register.

WSR 87-03-001
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2454—Filed January 8, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medically needy income level, amending WAC 388-99-020.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement 42 CFR 435.812(2).

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 7, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2346, filed 3/6/86)

WAC 388-99-020 **ELIGIBILITY DETERMINATION—MEDICALLY NEEDY IN OWN HOME.** (1) *The medically needy income level (MNIL) shall be:*

(a) One person	\$	((364)) 368
(b) Two persons	\$	((526)) 532
(c) Three persons	\$	((552)) 555
(d) Four persons	\$	578
(e) Five persons	\$	666
(f) Six persons	\$	756
(g) Seven persons	\$	873
(h) Eight persons	\$	966
(i) Nine persons	\$	1,061
(j) Ten persons and above	\$	1,153

(2) *For families and children countable income is determined by deducting, from gross income, amounts that would be deducted in determining AFDC grant eligibility. Earned income exemption of \$30 plus 1/3 of the remainder does not apply for individuals applying solely for medical assistance.*

(3) *For aged, blind, and disabled individuals countable income is determined by deducting, from gross income, amounts that would be deducted in determining eligibility for the state supplementary payment.*

(4) *If countable income is equal to or less than the appropriate MNIL, the family or individual is certified eligible.*

(5) *If countable income is greater than the appropriate MNIL, the applicant is required to spenddown the excess countable income for the base period. The base period shall be the three-month or six-month period which corresponds to the certification period, see WAC 388-99-055.*

(6) *Financial responsibility of relatives.*

(a) *For families and children,*

(i) *Income and resources of spouse or parent are considered available to the applicant whether or not actually contributed if they live in the same household.*

(ii) *Income and resources of spouse or parent are considered only to the extent of what is actually contributed if not in same household.*

(b) *For aged, blind, and disabled, see chapter 388-92 WAC for deeming of income.*

(7) *In mixed households, where more than one assistance unit exists, determine income for the AFDC related assistance unit according to subsection (2) of this section, and for the SSI related assistance unit according to subsection (3) of this section.*

WSR 87-03-002
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2455—Filed January 8, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to citizenship and alienage, amending WAC 388-83-015.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement section 9406 of Public Law 99-509.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 7, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1646, filed 4/27/81)

WAC 388-83-015 CITIZENSHIP AND ALIEN-AGE. (1) An applicant must be a citizen of the United States or an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law including an alien who is lawfully present in the United States according to specified sections of the Immigration and Nationality Act. (See WAC 388-26-120.)

(2) An alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law shall be eligible for medicaid only if:

(a) Medical care and services are necessary for treatment of an emergency medical condition of the alien; and

(b) Such alien meets the eligibility requirements of chapters 388-82, 388-83, 388-92, 388-95 and 388-99 WAC;

(c) For purposes of this subsection, the term emergency medical condition means a medical condition (including emergency labor and delivery) manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in:

(i) Placing the patient's health in serious jeopardy;

(ii) Serious impairment to bodily functions; or

(iii) Serious dysfunction of any bodily organ or part.

WSR 87-03-003
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2456—Filed January 8, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Kitsap Physicians Service—Sound Care Plan, amending WAC 388-86-00901.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is these rules will be of substantial benefit to certain Indians residing in Kitsap and Mason counties. These rules could not be previously adopted pending receipt of a federal waiver.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Social and Health Services as authorized in RCW 74.08.090.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 7, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2437, filed 10/21/86)

WAC 388-86-00901 KITSAP PHYSICIANS SERVICE—SOUND CARE PLAN. (1) All AFDC-R recipients who live in Kitsap or Mason counties shall be enrolled in the Kitsap Physicians Service Sound Care Plan (plan), except as provided in subsection (3) of this section.

(2) Timely provision of services: The recipient shall have the right to receive medically necessary care without unreasonable delay.

(3) Exemptions and disenrollment: ((An applicant or recipient has)) The following have the right to be exempt from enrollment in the plan or to disenroll from the plan ((if)):

(a) Clients for whom medically necessary care that the plan is obligated by contract to provide cannot be made reasonably available. In making the determination, consideration shall include, but not be limited to:

((a)) (i) Whether distance or transportation problems make it unreasonably difficult for the recipient to obtain services; or

((b)) (ii) Whether the absence of translators or of services accessible to disabled persons makes it unreasonably difficult for the recipient to obtain services.

(b) Indians eligible to receive health services through the Indian Health Service Clinics.

(4) Emergencies: "Emergency" is defined as a situation in which medical services are immediately required to avoid placing an individual's health in serious jeopardy or to alleviate a condition manifesting itself by acute symptoms, including severe pain or discomfort, or active labor. Emergencies and emergency transportation services are exempt from routine medical care authorization procedures.

(a) The recipient is not responsible for determining, or for the cost of determining, if an emergency exists.

(b) If an emergency exists, the recipient is not financially responsible for any services rendered.

(c) If an emergency does not exist, and the plan will not authorize further services, the recipient is financially responsible for any further services received only if informed of his/her responsibility prior to the receipt of the services.

(5) Fair hearings: Any applicant or recipient aggrieved by a decision of the plan or the department has the right to a fair hearing as provided in chapter 388-08 WAC.

(a) Except as provided in (b) and (c) of this subsection, a recipient shall exhaust the plan's grievance procedure prior to requesting a fair hearing. The plan's grievance procedure shall result in a written decision stating the basis for the decision. The recipient has the

right to request a fair hearing if the decision is adverse or the written decision is not received within thirty days from the date the plan received the grievance.

(b) In any case in which urgently needed medical services are being denied a recipient by the plan, a recipient is only required to provide a written grievance to the plan prior to or at the time of requesting a fair hearing.

(c) An applicant or recipient requesting exemption from enrollment in the plan is not required to file a formal grievance with the plan prior to requesting a fair hearing. The plan may be a party to any such fair hearing.

WSR 87-03-004

ADOPTED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 86-45—Filed January 8, 1987]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical aid rules and maximum fee schedule, WAC 296-20-022 dealing with reimbursement to out-of-state health services providers treating injured workers, and WAC 296-20-135 through 296-20-155 dealing with an increase in conversion factors to health services providers.

This action is taken pursuant to Notice No. WSR 86-21-133 filed with the code reviser on October 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(4) and 51.040.030 [51.04.030] and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 8, 1987.

By Richard A. Davis
Director

NEW SECTION

WAC 296-20-022 PAYMENT OF OUT-OF-STATE PROVIDERS. (1) Beginning February 1, 1987, providers of health services in the bordering states of Oregon and Idaho shall bill and be paid according to the medical aid rules of the state of Washington.

(2) Providers of health services in other states and other countries shall be paid at rates which take into account:

(a) Payment levels allowed under the state of Washington medical aid rules;

(b) Payment levels allowed under workers compensation programs in the provider's place of business; and

(c) The reasonableness of the provider's charges.

(3) In all cases these payment levels are the maximum allowed to providers of health services to injured workers. Should a health services provider's charge exceed the payment amount allowed under the state of Washington medical aid rules, the provider is prohibited from charging the injured worker for the difference between the provider's charge and the allowable rate. Providers violating this provision are ineligible to treat injured workers as provided by WAC 296-20-015 and are subject to other applicable penalties.

(4) Only those diagnostic and treatment services authorized under the state of Washington medical aid rules may be allowed by the department or self-insurer. As determined by the department of labor and industries, the scope of practice of providers in bordering states may be recognized for payment purposes, except that in all cases WAC 296-20-03002 (Treatment not authorized) shall apply. Specifically, services permitted under workers compensation programs in the provider's state or country of business, but which are not allowed under the medical aid rules of the state of Washington, may not be reimbursed. When in doubt, the provider should verify coverage of a service with the department or self-insurer.

(5) Hospitals in Oregon and Idaho shall be paid according to WAC 296-23A-105 (Rates for daily and ancillary services) except that the ratio multiplied times billed charges shall be at the average for Washington hospitals and except that the department reserves the right to take advantage of other contractual opportunities or discounts which may become available. Hospitals in other states shall be paid by multiplying billed charges by the average ratio specified in WAC 296-23A-105 for Washington hospitals or at other rates deemed reasonable by the department.

AMENDATORY SECTION (Amending Order 83-35, filed 11/30/83, effective 1/1/84)

WAC 296-20-135 CONVERSION FACTOR TABLE—MEDICINE, CHIROPRACTIC, PHYSICAL THERAPY, DRUGLESS THERAPEUTICS AND NURSE PRACTITIONER SECTIONS. This table is a conversion of fee schedule unit values to fees in dollar amounts at ((~~\$1.18~~)) **\$1.24** per unit. This conversion factor is to be applied to the medicine section of the fee schedule, the chiropractic, physical therapy, drugless therapeutic and nurse practitioner sections.

Unit Value	@\$1.18	Unit Value	@\$1.18	Unit Value	@\$1.18
.1	.11	5.0	5.90	9.9	11.68
.2	.23	5.1	6.01	10.0	11.80
.3	.35	5.2	6.13	10.5	12.39
.4	.47	5.3	6.25	11.0	12.98
.5	.59	5.4	6.37	11.5	13.57
.6	.70	5.5	6.49	12.0	14.16
.7	.82	5.6	6.60	12.5	14.75
.8	.94	5.7	6.72	13.0	15.34
.9	1.06	5.8	6.84	13.5	15.93
1.0	1.18	5.9	6.96	14.0	16.52
1.1	1.29	6.0	7.08	14.5	17.11
1.2	1.41	6.1	7.19	15.0	17.70
1.3	1.53	6.2	7.31	16.0	18.88
1.4	1.65	6.3	7.43	17.0	20.06

(Unit Value @ \$1.18	Unit Value @ \$1.18	Unit Value @ \$1.18	Unit Value @ \$1.18	Unit Value @ \$1.18	Unit Value @ \$1.18
1.5	1.77	6.4	7.55	18.0	21.24
1.6	1.88	6.5	7.67	19.0	22.42
1.7	2.00	6.6	7.78	20.0	23.60
1.8	2.12	6.7	7.90	21.0	24.78
1.9	2.24	6.8	8.02	22.0	25.96
2.0	2.36	6.9	8.14	23.0	27.14
2.1	2.47	7.0	8.26	24.0	28.32
2.2	2.59	7.1	8.37	25.0	29.50
2.3	2.71	7.2	8.49	30.0	35.40
2.4	2.83	7.3	8.61	35.0	41.30
2.5	2.95	7.4	8.73	40.0	47.20
2.6	3.06	7.5	8.85	45.0	53.10
2.7	3.18	7.6	8.96	50.0	59.00
2.8	3.30	7.7	9.06	55.0	64.90
2.9	3.42	7.8	9.20	60.0	70.80
3.0	3.54	7.9	9.32	65.0	76.70
3.1	3.65	8.0	9.44	70.0	82.60
3.2	3.77	8.1	9.55	75.0	88.50
3.3	3.89	8.2	9.67	80.0	94.40
3.4	4.01	8.3	9.79	85.0	100.30
3.5	4.13	8.4	9.91	90.0	106.20
3.6	4.24	8.5	10.03	95.0	112.10
3.7	4.36	8.6	10.14	100.0	118.00
3.8	4.48	8.7	10.26	105.0	123.90
3.9	4.60	8.8	10.38	110.0	129.80
4.0	4.72	8.9	10.50	115.0	135.70
4.1	4.83	9.0	10.62	120.0	141.60
4.2	4.95	9.1	10.73	125.0	147.50
4.3	5.07	9.2	10.85	130.0	153.40
4.4	5.19	9.3	10.97	140.0	165.20
4.5	5.31	9.4	11.09	150.0	177.00
4.6	5.42	9.5	11.21	160.0	188.80
4.7	5.54	9.6	11.32	170.0	200.60
4.8	5.66	9.7	11.44	180.0	212.40
4.9	5.78	9.8	11.56	190.0	224.20
				200.0	236.00))

Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24
0.1	0.12	5.0	6.20	9.9	12.28
0.2	0.25	5.1	6.32	10.0	12.40
0.3	0.37	5.2	6.45	10.5	13.02
0.4	0.50	5.3	6.57	11.0	13.64
0.5	0.62	5.4	6.70	11.5	14.26
0.6	0.74	5.5	6.82	12.0	14.88
0.7	0.87	5.6	6.94	12.5	15.50
0.8	0.99	5.7	7.07	13.0	16.12
0.9	1.12	5.8	7.19	13.5	16.74
1.0	1.24	5.9	7.32	14.0	17.36
1.1	1.36	6.0	7.44	14.5	17.98
1.2	1.49	6.1	7.56	15.0	18.60
1.3	1.61	6.2	7.69	16.0	19.84
1.4	1.74	6.3	7.81	17.0	21.08
1.5	1.86	6.4	7.94	18.0	22.32
1.6	1.98	6.5	8.06	19.0	23.56
1.7	2.11	6.6	8.18	20.0	24.80
1.8	2.23	6.7	8.31	21.0	26.04
1.9	2.36	6.8	8.43	22.0	27.28
2.0	2.48	6.9	8.56	23.0	28.52
2.1	2.60	7.0	8.68	24.0	29.76
2.2	2.73	7.1	8.80	25.0	31.00
2.3	2.85	7.2	8.93	30.0	37.20
2.4	2.98	7.3	9.05	35.0	43.40
2.5	3.10	7.4	9.18	40.0	49.60
2.6	3.22	7.5	9.30	45.0	55.80
2.7	3.35	7.6	9.42	50.0	62.00
2.8	3.47	7.7	9.55	55.0	68.20
2.9	3.60	7.8	9.67	60.0	74.40
3.0	3.72	7.9	9.80	65.0	80.60
3.1	3.84	8.0	9.92	70.0	86.80
3.2	3.97	8.1	10.04	75.0	93.00
3.3	4.09	8.2	10.17	80.0	99.20

Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24	Unit Value @ \$1.24
3.4	4.22	8.3	10.29	85.0	105.40
3.5	4.34	8.4	10.42	90.0	111.60
3.6	4.46	8.5	10.54	95.0	117.80
3.7	4.59	8.6	10.66	100.0	124.00
3.8	4.71	8.7	10.79	105.0	130.20
3.9	4.84	8.8	10.91	110.0	136.40
4.0	4.96	8.9	11.04	115.0	142.60
4.1	5.08	9.0	11.16	120.0	148.80
4.2	5.21	9.1	11.28	125.0	155.00
4.3	5.33	9.2	11.41	130.0	161.20
4.4	5.46	9.3	11.53	140.0	173.60
4.5	5.58	9.4	11.66	150.0	186.00
4.6	5.70	9.5	11.78	160.0	198.40
4.7	5.83	9.6	11.90	170.0	210.80
4.8	5.95	9.7	12.03	180.0	223.20
4.9	6.08	9.8	12.15	190.0	235.60
				200.0	248.00

AMENDATORY SECTION (Amending Order 83-35, filed 11/30/83, effective 1/1/84)

WAC 296-20-140 CONVERSION FACTOR TABLE—ANESTHESIA. This table is a conversion of fee schedule unit values to fees in dollar amounts at ((\$17.56)) \$18.44 per unit. This conversion factor is to be applied to the anesthesia section of the fee schedule.

(Unit Value @ \$17.56	Unit Value @ \$17.56	Unit Value @ \$17.56	Unit Value @ \$17.56	Unit Value @ \$17.56	Unit Value @ \$17.56
.1	1.75	5.0	87.80	9.9	173.84
.2	3.51	5.1	89.55	10.0	175.60
.3	5.26	5.2	91.31	10.5	184.38
.4	7.02	5.3	93.06	11.0	193.16
.5	8.78	5.4	94.82	11.5	201.94
.6	10.53	5.5	96.58	12.0	210.72
.7	12.29	5.6	98.33	12.5	219.50
.8	14.04	5.7	100.09	13.0	228.28
.9	15.80	5.8	101.84	13.5	237.06
1.0	17.56	5.9	103.60	14.0	245.84
1.1	19.31	6.0	105.36	14.5	254.62
1.2	21.07	6.1	107.11	15.0	263.40
1.3	22.82	6.2	108.87	16.0	280.96
1.4	24.58	6.3	110.62	17.0	298.52
1.5	26.34	6.4	112.38	18.0	316.08
1.6	28.09	6.5	114.14	19.0	333.64
1.7	29.85	6.6	115.89	20.0	351.20
1.8	31.60	6.7	117.65	21.0	368.76
1.9	33.36	6.8	119.40	22.0	386.32
2.0	35.12	6.9	121.16	23.0	403.88
2.1	36.87	7.0	122.92	24.0	421.44
2.2	38.63	7.1	124.67	25.0	439.00
2.3	40.38	7.2	126.43	30.0	526.80
2.4	42.14	7.3	128.18	35.0	614.60
2.5	43.90	7.4	129.94	40.0	702.40
2.6	45.65	7.5	131.70	45.0	790.20
2.7	47.41	7.6	133.45	50.0	878.00
2.8	49.16	7.7	135.21	55.0	965.80
2.9	50.92	7.8	136.96	60.0	1,053.60
3.0	52.68	7.9	138.72	65.0	1,141.40
3.1	54.43	8.0	140.48	70.0	1,229.20
3.2	56.19	8.1	142.23	75.0	1,317.00
3.3	57.94	8.2	143.99	80.0	1,404.80
3.4	59.70	8.3	145.74	85.0	1,492.60
3.5	61.46	8.4	147.50	90.0	1,580.40
3.6	63.21	8.5	149.26	95.0	1,668.20
3.7	64.97	8.6	151.01	100.0	1,756.00
3.8	66.72	8.7	152.77	105.0	1,843.80
3.9	68.48	8.8	154.52	110.0	1,931.60
4.0	70.24	8.9	156.28	115.0	2,019.40
4.1	71.99	9.0	158.04	120.0	2,107.20

Unit Value	@\$17.56	Unit Value	@\$17.56	Unit Value	@\$17.56
4.2	73.75	9.1	159.71	125.0	2,195.00
4.3	75.50	9.2	161.55	130.0	2,282.80
4.4	77.26	9.3	163.30	140.0	2,458.48
4.5	79.02	9.4	165.06	150.0	2,634.00
4.6	80.77	9.5	166.82	160.0	2,809.60
4.7	82.53	9.6	168.57	170.0	2,985.20
4.8	84.28	9.7	170.33	180.0	3,160.80
4.9	86.04	9.8	172.08	190.0	3,336.40
				200.0	3,512.00))

Unit Value	@\$18.44	Unit Value	@\$18.44	Unit Value	@\$18.44
0.1	1.84	5.0	92.20	9.9	182.56
0.2	3.69	5.1	94.04	10.0	184.40
0.3	5.53	5.2	95.89	10.5	193.62
0.4	7.38	5.3	97.73	11.0	202.84
0.5	9.22	5.4	99.58	11.5	212.06
0.6	11.06	5.5	101.42	12.0	221.28
0.7	12.91	5.6	103.26	12.5	230.50
0.8	14.75	5.7	105.11	13.0	239.72
0.9	16.60	5.8	106.95	13.5	248.94
1.0	18.44	5.9	108.80	14.0	258.16
1.1	20.28	6.0	110.64	14.5	267.38
1.2	22.13	6.1	112.48	15.0	276.60
1.3	23.97	6.2	114.33	16.0	295.04
1.4	25.82	6.3	116.17	17.0	313.48
1.5	27.66	6.4	118.02	18.0	331.92
1.6	29.50	6.5	119.86	19.0	350.36
1.7	31.35	6.6	121.70	20.0	368.80
1.8	33.19	6.7	123.55	21.0	387.24
1.9	35.04	6.8	125.39	22.0	405.68
2.0	36.88	6.9	127.24	23.0	424.12
2.1	38.72	7.0	129.08	24.0	442.56
2.2	40.57	7.1	130.92	25.0	461.00
2.3	42.41	7.2	132.77	30.0	553.20
2.4	44.26	7.3	134.61	35.0	645.40
2.5	46.10	7.4	136.46	40.0	737.60
2.6	47.94	7.5	138.30	45.0	829.80
2.7	49.79	7.6	140.14	50.0	922.00
2.8	51.63	7.7	141.99	55.0	1,014.20
2.9	53.48	7.8	143.83	60.0	1,106.40
3.0	55.32	7.9	145.68	65.0	1,198.60
3.1	57.16	8.0	147.52	70.0	1,290.80
3.2	59.01	8.1	149.36	75.0	1,383.00
3.3	60.85	8.2	151.21	80.0	1,475.20
3.4	62.70	8.3	153.05	85.0	1,567.40
3.5	64.54	8.4	154.90	90.0	1,659.60
3.6	66.38	8.5	156.74	95.0	1,751.80
3.7	68.23	8.6	158.58	100.0	1,844.00
3.8	70.07	8.7	160.43	105.0	1,936.20
3.9	71.92	8.8	162.27	110.0	2,028.40
4.0	73.76	8.9	164.12	115.0	2,120.60
4.1	75.60	9.0	165.96	120.0	2,212.80
4.2	77.45	9.1	167.80	125.0	2,305.00
4.3	79.29	9.2	169.65	130.0	2,397.20
4.4	81.14	9.3	171.49	140.0	2,581.60
4.5	82.98	9.4	173.34	150.0	2,766.00
4.6	84.82	9.5	175.18	160.0	2,950.40
4.7	86.67	9.6	177.02	170.0	3,134.80
4.8	88.51	9.7	178.87	180.0	3,319.20
4.9	90.36	9.8	180.71	190.0	3,503.60
				200.0	3,688.00

AMENDATORY SECTION (Amending Order 83-35, filed 11/30/83, effective 1/1/84)

WAC 296-20-145 CONVERSION FACTOR TABLE—SURGERY. This table is a conversion of fee schedule unit values to fees in dollar amounts at

(((\$62.11)) \$65.22 per unit. This conversion factor applies only to the surgery section of the fee schedule.

Unit Value	@\$62.11	Unit Value	@\$62.11	Unit Value	@\$62.11
.1	6.21	5.0	310.55	9.9	614.88
.2	12.42	5.1	316.76	10.0	621.10
.3	18.63	5.2	322.97	10.5	652.15
.4	24.84	5.3	329.18	11.0	683.21
.5	31.05	5.4	335.39	11.5	714.26
.6	37.26	5.5	341.60	12.0	745.32
.7	43.47	5.6	347.81	12.5	776.37
.8	49.68	5.7	354.02	13.0	807.43
.9	55.89	5.8	360.23	13.5	838.48
1.0	62.11	5.9	366.44	14.0	869.54
1.1	68.32	6.0	372.66	14.5	900.59
1.2	74.53	6.1	378.87	15.0	931.65
1.3	80.74	6.2	385.08	16.0	993.76
1.4	86.95	6.3	391.29	17.0	1,055.87
1.5	93.16	6.4	397.50	18.0	1,117.98
1.6	99.37	6.5	403.71	19.0	1,180.09
1.7	105.58	6.6	409.92	20.0	1,242.20
1.8	111.79	6.7	416.13	21.0	1,304.31
1.9	118.00	6.8	422.34	22.0	1,366.42
2.0	124.22	6.9	428.55	23.0	1,428.53
2.1	130.43	7.0	434.77	24.0	1,490.64
2.2	136.64	7.1	440.98	25.0	1,552.75
2.3	142.85	7.2	447.19	30.0	1,863.30
2.4	149.06	7.3	453.40	35.0	2,173.85
2.5	155.27	7.4	459.61	40.0	2,484.40
2.6	161.48	7.5	465.82	45.0	2,794.95
2.7	167.69	7.6	472.03	50.0	3,105.50
2.8	173.90	7.7	478.24	55.0	3,416.05
2.9	180.11	7.8	484.45	60.0	3,726.60
3.0	186.33	7.9	490.66	65.0	4,037.15
3.1	192.54	8.0	496.88	70.0	4,347.70
3.2	198.75	8.1	503.09	75.0	4,658.25
3.3	204.96	8.2	509.30	80.0	4,968.80
3.4	211.17	8.3	515.51	85.0	5,279.35
3.5	217.38	8.4	521.72	90.0	5,589.90
3.6	223.59	8.5	527.93	95.0	5,900.45
3.7	229.80	8.6	534.14	100.0	6,211.00
3.8	236.01	8.7	540.35	105.0	6,521.55
3.9	242.22	8.8	546.56	110.0	6,832.10
4.0	248.44	8.9	552.77	115.0	7,142.65
4.1	254.65	9.0	558.99	120.0	7,453.20
4.2	260.86	9.1	565.20	125.0	7,763.75
4.3	267.07	9.2	571.41	130.0	8,074.30
4.4	273.28	9.3	577.62	140.0	8,695.40
4.5	279.49	9.4	583.83	150.0	9,316.50
4.6	285.70	9.5	590.04	160.0	9,937.60
4.7	291.91	9.6	596.25	170.0	10,558.70
4.8	298.12	9.7	602.46	180.0	11,179.80
4.9	304.33	9.8	608.67	190.0	11,800.90
				200.0	12,422.00))

Unit Value	@\$65.22	Unit Value	@\$65.22	Unit Value	@\$65.22
0.1	6.52	5.0	326.10	9.9	645.68
0.2	13.04	5.1	332.62	10.0	652.20
0.3	19.57	5.2	339.14	10.5	684.81
0.4	26.09	5.3	345.67	11.0	717.42
0.5	32.61	5.4	352.19	11.5	750.03
0.6	39.13	5.5	358.71	12.0	782.64
0.7	45.65	5.6	365.23	12.5	815.25
0.8	52.18	5.7	371.75	13.0	847.86
0.9	58.70	5.8	378.28	13.5	880.47
1.0	65.22	5.9	384.80	14.0	913.08
1.1	71.74	6.0	391.32	14.5	945.69
1.2	78.26	6.1	397.84	15.0	978.30
1.3	84.79	6.2	404.36	16.0	1,043.52
1.4	91.31	6.3	410.89	17.0	1,108.74
1.5	97.83	6.4	417.41	18.0	1,173.96
1.6	104.35	6.5	423.93	19.0	1,239.18

Unit Value	@\$65.22	Unit Value	@\$65.22	Unit Value	@\$65.22
1.7	110.87	6.6	430.45	20.0	1,304.40
1.8	117.40	6.7	436.97	21.0	1,369.62
1.9	123.92	6.8	443.50	22.0	1,434.84
2.0	130.44	6.9	450.02	23.0	1,500.06
2.1	136.96	7.0	456.54	24.0	1,565.28
2.2	143.48	7.1	463.06	25.0	1,630.50
2.3	150.01	7.2	469.58	30.0	1,956.60
2.4	156.53	7.3	476.11	35.0	2,282.70
2.5	163.05	7.4	482.63	40.0	2,608.80
2.6	169.57	7.5	489.15	45.0	2,934.90
2.7	176.09	7.6	495.67	50.0	3,261.00
2.8	182.62	7.7	502.19	55.0	3,587.10
2.9	189.14	7.8	508.72	60.0	3,913.20
3.0	195.66	7.9	515.24	65.0	4,239.30
3.1	202.18	8.0	521.76	70.0	4,565.40
3.2	208.70	8.1	528.28	75.0	4,891.50
3.3	215.23	8.2	534.80	80.0	5,217.60
3.4	221.75	8.3	541.33	85.0	5,543.70
3.5	228.27	8.4	547.85	90.0	5,869.80
3.6	234.79	8.5	554.37	95.0	6,195.90
3.7	241.31	8.6	560.89	100.0	6,522.00
3.8	247.84	8.7	567.41	105.0	6,848.10
3.9	254.36	8.8	573.94	110.0	7,174.20
4.0	260.88	8.9	580.46	115.0	7,500.30
4.1	267.40	9.0	586.98	120.0	7,826.40
4.2	273.92	9.1	593.50	125.0	8,152.50
4.3	280.45	9.2	600.02	130.0	8,478.60
4.4	286.97	9.3	606.55	140.0	9,130.80
4.5	293.49	9.4	613.07	150.0	9,783.00
4.6	300.01	9.5	619.59	160.0	10,435.20
4.7	306.53	9.6	626.11	170.0	11,087.40
4.8	313.06	9.7	632.63	180.0	11,739.60
4.9	319.58	9.8	639.16	190.0	12,391.80
				200.0	13,044.00

AMENDATORY SECTION (Amending Order 83-35, filed 11/30/83, effective 1/1/84)

WAC 296-20-150 CONVERSION FACTOR TABLE—RADIOLOGY. This table is a conversion of the fee schedule unit values to fees in dollar amounts at ((\$5.42)) \$5.69 per unit. This conversion factor is to be applied only to the radiology section of the fee schedule.

(Unit Value	@\$5.42	Unit Value	@\$5.42	Unit Value	@\$5.42
.1	.54	5.0	27.10	9.9	53.65
.2	1.08	5.1	27.64	10.0	54.20
.3	1.62	5.2	28.18	10.5	56.91
.4	2.16	5.3	28.72	11.0	59.62
.5	2.71	5.4	29.26	11.5	62.33
.6	3.25	5.5	29.81	12.0	65.04
.7	3.79	5.6	30.35	12.5	67.75
.8	4.33	5.7	30.89	13.0	70.46
.9	4.87	5.8	31.43	13.5	73.17
1.0	5.42	5.9	31.97	14.0	75.88
1.1	5.96	6.0	32.52	14.5	78.59
1.2	6.50	6.1	33.06	15.0	81.30
1.3	7.04	6.2	33.60	16.0	86.72
1.4	7.58	6.3	34.14	17.0	92.14
1.5	8.13	6.4	34.68	18.0	97.55
1.6	8.67	6.5	35.23	19.0	102.98
1.7	9.21	6.6	35.77	20.0	108.40
1.8	9.75	6.7	36.31	21.0	113.82
1.9	10.29	6.8	36.85	22.0	119.24
2.0	10.84	6.9	37.39	23.0	124.66
2.1	11.38	7.0	37.94	24.0	130.08
2.2	11.92	7.1	38.48	25.0	135.50
2.3	12.46	7.2	39.02	30.0	162.60
2.4	13.00	7.3	39.56	35.0	189.70

(Unit Value	@\$5.42	Unit Value	@\$5.42	Unit Value	@\$5.42
2.5	13.55	7.4	40.10	40.0	216.80
2.6	14.09	7.5	40.65	45.0	243.90
2.7	14.63	7.6	41.19	50.0	271.00
2.8	15.17	7.7	41.73	55.0	298.10
2.9	15.71	7.8	42.27	60.0	325.20
3.0	16.26	7.9	42.81	65.0	352.30
3.1	16.80	8.0	43.36	70.0	379.40
3.2	17.34	8.1	43.90	75.0	406.50
3.3	17.88	8.2	44.44	80.0	433.60
3.4	18.42	8.3	44.98	85.0	460.70
3.5	18.97	8.4	45.52	90.0	487.80
3.6	19.51	8.5	46.07	95.0	514.90
3.7	20.05	8.6	46.61	100.0	542.00
3.8	20.59	8.7	47.15	105.0	569.10
3.9	21.13	8.8	47.69	110.0	596.20
4.0	21.68	8.9	48.23	115.0	623.30
4.1	22.22	9.0	48.78	120.0	650.40
4.2	22.76	9.1	49.32	125.0	677.50
4.3	23.30	9.2	49.86	130.0	704.60
4.4	23.84	9.3	50.40	140.0	758.80
4.5	24.39	9.4	50.94	150.0	813.00
4.6	24.93	9.5	51.49	160.0	867.20
4.7	25.47	9.6	52.03	170.0	921.40
4.8	26.01	9.7	52.57	180.0	975.60
4.9	26.55	9.8	53.11	190.0	1,029.80
				200.0	1,084.00))

Unit Value	@\$5.69	Unit Value	@\$5.69	Unit Value	@\$5.69
0.1	0.57	5.0	28.45	9.9	56.33
0.2	1.14	5.1	29.02	10.0	56.90
0.3	1.71	5.2	29.59	10.5	59.75
0.4	2.28	5.3	30.16	11.0	62.59
0.5	2.85	5.4	30.73	11.5	65.44
0.6	3.41	5.5	31.29	12.0	68.28
0.7	3.98	5.6	31.86	12.5	71.13
0.8	4.55	5.7	32.43	13.0	73.97
0.9	5.12	5.8	33.00	13.5	76.82
1.0	5.69	5.9	33.57	14.0	79.66
1.1	6.26	6.0	34.14	14.5	82.51
1.2	6.83	6.1	34.71	15.0	85.35
1.3	7.40	6.2	35.28	16.0	91.04
1.4	7.97	6.3	35.85	17.0	96.73
1.5	8.54	6.4	36.42	18.0	102.42
1.6	9.10	6.5	36.98	19.0	108.11
1.7	9.67	6.6	37.55	20.0	113.80
1.8	10.24	6.7	38.12	21.0	119.49
1.9	10.81	6.8	38.69	22.0	125.18
2.0	11.38	6.9	39.26	23.0	130.87
2.1	11.95	7.0	39.83	24.0	136.56
2.2	12.52	7.1	40.40	25.0	142.25
2.3	13.09	7.2	40.97	30.0	170.70
2.4	13.66	7.3	41.54	35.0	199.15
2.5	14.23	7.4	42.11	40.0	227.60
2.6	14.79	7.5	42.67	45.0	256.05
2.7	15.36	7.6	43.24	50.0	284.50
2.8	15.93	7.7	43.81	55.0	312.95
2.9	16.50	7.8	44.38	60.0	341.40
3.0	17.07	7.9	44.95	65.0	369.85
3.1	17.64	8.0	45.52	70.0	398.30
3.2	18.21	8.1	46.09	75.0	426.75
3.3	18.78	8.2	46.66	80.0	455.20
3.4	19.35	8.3	47.23	85.0	483.65
3.5	19.92	8.4	47.80	90.0	512.10
3.6	20.48	8.5	48.36	95.0	540.55
3.7	21.05	8.6	48.93	100.0	569.00
3.8	21.62	8.7	49.50	105.0	597.45
3.9	22.19	8.8	50.07	110.0	625.90
4.0	22.76	8.9	50.64	115.0	654.35
4.1	23.33	9.0	51.21	120.0	682.80
4.2	23.90	9.1	51.78	125.0	711.25
4.3	24.47	9.2	52.35	130.0	739.70

Unit Value	@\$5.69	Unit Value	@\$5.69	Unit Value	@\$5.69
4.4	25.04	9.3	52.92	140.0	796.60
4.5	25.61	9.4	53.49	150.0	853.50
4.6	26.17	9.5	54.05	160.0	910.40
4.7	26.74	9.6	54.62	170.0	967.30
4.8	27.31	9.7	55.19	180.0	1,024.20
4.9	27.88	9.8	55.76	190.0	1,081.10
				200.0	1,138.00

AMENDATORY SECTION (Amending Order 83-35, filed 11/30/83, effective 1/1/84)

WAC 296-20-155 CONVERSION FACTOR TABLE—PATHOLOGY. This table is a conversion of the fee schedule unit values to fees in dollar amounts at ((\$.51)) \$.54 per unit. This conversion factor is to be applied only to the pathology section of the fee section schedule.

(Unit Value	@\$.51	Unit Value	@\$.51	Unit Value	@\$.51
.1	.05	5.0	2.55	9.9	5.04
.2	.10	5.1	2.60	10.0	5.10
.3	.15	5.2	2.65	10.5	5.35
.4	.20	5.3	2.70	11.0	5.61
.5	.25	5.4	2.75	11.5	5.86
.6	.30	5.5	2.80	12.0	6.12
.7	.35	5.6	2.85	12.5	6.37
.8	.40	5.7	2.90	13.0	6.63
.9	.45	5.8	2.95	13.5	6.88
1.0	.51	5.9	3.00	14.0	7.14
1.1	.56	6.0	3.06	14.5	7.39
1.2	.61	6.1	3.11	15.0	7.65
1.3	.66	6.2	3.16	16.0	8.16
1.4	.71	6.3	3.21	17.0	8.67
1.5	.76	6.4	3.26	18.0	9.18
1.6	.81	6.5	3.31	19.0	9.69
1.7	.86	6.6	3.36	20.0	10.20
1.8	.91	6.7	3.41	21.0	10.71
1.9	.96	6.8	3.46	22.0	11.22
2.0	1.02	6.9	3.51	23.0	11.73
2.1	1.07	7.0	3.57	24.0	12.24
2.2	1.12	7.1	3.62	25.0	12.75
2.3	1.17	7.2	3.67	30.0	15.30
2.4	1.22	7.3	3.72	35.0	17.85
2.5	1.27	7.4	3.77	40.0	20.40
2.6	1.32	7.5	3.82	45.0	22.95
2.7	1.37	7.6	3.87	50.0	25.50
2.8	1.42	7.7	3.92	55.0	28.05
2.9	1.47	7.8	3.97	60.0	30.60
3.0	1.53	7.9	4.02	65.0	33.15
3.1	1.58	8.0	4.08	70.0	35.70
3.2	1.63	8.1	4.13	75.0	38.25
3.3	1.68	8.2	4.18	80.0	40.80
3.4	1.73	8.3	4.23	85.0	43.35
3.5	1.78	8.4	4.28	90.0	45.90
3.6	1.83	8.5	4.33	95.0	48.45
3.7	1.88	8.6	4.38	100.0	51.00
3.8	1.93	8.7	4.43	105.0	53.55
3.9	1.98	8.8	4.48	110.0	56.10
4.0	2.04	8.9	4.53	115.0	58.65
4.1	2.09	9.0	4.59	120.0	61.20
4.2	2.14	9.1	4.64	125.0	63.75
4.3	2.19	9.2	4.69	130.0	66.30
4.4	2.24	9.3	4.74	140.0	71.40
4.5	2.29	9.4	4.79	150.0	76.50
4.6	2.34	9.5	4.84	160.0	81.60
4.7	2.39	9.6	4.89	170.0	86.70
4.8	2.44	9.7	4.94	180.0	91.80
4.9	2.49	9.8	4.99	190.0	96.90
				200.0	102.00))

Unit Value	@\$.54	Unit Value	@\$.54	Unit Value	@\$.54
0.1	0.05	5.0	2.70	9.9	5.35
0.2	0.11	5.1	2.75	10.0	5.40
0.3	0.16	5.2	2.81	10.5	5.67
0.4	0.22	5.3	2.86	11.0	5.94
0.5	0.27	5.4	2.92	11.5	6.21
0.6	0.32	5.5	2.97	12.0	6.48
0.7	0.38	5.6	3.02	12.5	6.75
0.8	0.43	5.7	3.08	13.0	7.02
0.9	0.49	5.8	3.13	13.5	7.29
1.0	0.54	5.9	3.19	14.0	7.56
1.1	0.59	6.0	3.24	14.5	7.83
1.2	0.65	6.1	3.29	15.0	8.10
1.3	0.70	6.2	3.35	16.0	8.64
1.4	0.76	6.3	3.40	17.0	9.18
1.5	0.81	6.4	3.46	18.0	9.72
1.6	0.86	6.5	3.51	19.0	10.26
1.7	0.92	6.6	3.56	20.0	10.80
1.8	0.97	6.7	3.62	21.0	11.34
1.9	1.03	6.8	3.67	22.0	11.88
2.0	1.08	6.9	3.73	23.0	12.42
2.1	1.13	7.0	3.78	24.0	12.96
2.2	1.19	7.1	3.83	25.0	13.50
2.3	1.24	7.2	3.89	30.0	16.20
2.4	1.30	7.3	3.94	35.0	18.90
2.5	1.35	7.4	4.00	40.0	21.60
2.6	1.40	7.5	4.05	45.0	24.30
2.7	1.46	7.6	4.10	50.0	27.00
2.8	1.51	7.7	4.16	55.0	29.70
2.9	1.57	7.8	4.21	60.0	32.40
3.0	1.62	7.9	4.27	65.0	35.10
3.1	1.67	8.0	4.32	70.0	37.80
3.2	1.73	8.1	4.37	75.0	40.50
3.3	1.78	8.2	4.43	80.0	43.20
3.4	1.84	8.3	4.48	85.0	45.90
3.5	1.89	8.4	4.54	90.0	48.60
3.6	1.94	8.5	4.59	95.0	51.30
3.7	2.00	8.6	4.64	100.0	54.00
3.8	2.05	8.7	4.70	105.0	56.70
3.9	2.11	8.8	4.75	110.0	59.40
4.0	2.16	8.9	4.81	115.0	62.10
4.1	2.21	9.0	4.86	120.0	64.80
4.2	2.27	9.1	4.91	125.0	67.50
4.3	2.32	9.2	4.97	130.0	70.20
4.4	2.38	9.3	5.02	140.0	75.60
4.5	2.43	9.4	5.08	150.0	81.00
4.6	2.48	9.5	5.13	160.0	86.40
4.7	2.54	9.6	5.18	170.0	91.80
4.8	2.59	9.7	5.24	180.0	97.20
4.9	2.65	9.8	5.29	190.0	102.60
				200.0	108.00

WSR 87-03-005
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
 [Order 86-47—Filed January 8, 1987]

I, Richard A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to medical aid rules and maximum fee schedule, repealing WAC 296-23-300 through 296-23-357; adding new chapter 296-23A WAC, dealing with a fee schedule for hospital outpatient radiology, pathology and laboratory, and physical therapy services; and WAC 296-21-011, 296-22-010, 296-23-01006, 296-23-20102 and 296-23-212 specifying reimbursement for professional component services.

This action is taken pursuant to Notice No. WSR 86-22-059 filed with the code reviser on November 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 51.04.020(4) and 51.04.030 [51.04.030] and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 8, 1987.

By Richard A. Davis
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 296-23-300 GENERAL STATEMENT.
- WAC 296-23-301 RATES FOR DAILY AND ANCILLARY SERVICES.
- WAC 296-23-305 QUESTIONABLE BENEFICIARY.
- WAC 296-23-310 REFUND OF INCORRECT PAYMENTS.
- WAC 296-23-315 TREATMENT OF UNRELATED CONDITIONS.
- WAC 296-23-330 CLOSED CLAIMS.
- WAC 296-23-335 RX'S TAKE HOME.
- WAC 296-23-340 ROUTINE LABORATORY PROCEDURES ON ADMISSION.
- WAC 296-23-356 BILLING PROCEDURES.
- WAC 296-23-357 X-RAYS.

Chapter 296-23A WAC
HOSPITALS

WAC

HOSPITAL RULES

- 296-23A-100 General information.
- 296-23A-105 Rates for daily and ancillary services.
- 296-23A-110 Hospital outpatient fee schedule information.
- 296-23A-115 Hospital outpatient services conversion factors.
- 296-23A-120 Questionable eligibility.
- 296-23A-125 Refund of incorrect payments.
- 296-23A-130 Treatment of unrelated illness or injury.
- 296-23A-135 Closed claims.
- 296-23A-140 Take-home rx's.
- 296-23A-145 Routine laboratory procedures on admission.
- 296-23A-150 Billing procedures.

HOSPITAL OUTPATIENT RADIOLOGY

- 296-23A-200 General information—Hospital outpatient radiology.
- 296-23A-205 Billing procedures.
- 296-23A-210 Injection procedures.

- 296-23A-215 Responsibility for x-rays.
- 296-23A-220 Duplication of x-rays.
- 296-23A-225 Additional views.
- 296-23A-230 Unlisted service or procedure.
- 296-23A-235 Special report.
- 296-23A-240 Head and neck.
- 296-23A-242 Chest.
- 296-23A-244 Spine and pelvis.
- 296-23A-246 Upper extremities.
- 296-23A-248 Lower extremities.
- 296-23A-250 Abdomen.
- 296-23A-252 Gastrointestinal tract.
- 296-23A-254 Urinary tract.
- 296-23A-256 Gynecological and obstetrical.
- 296-23A-258 Vascular system.
- 296-23A-260 Miscellaneous.
- 296-23A-262 Diagnostic ultrasound.
- 296-23A-264 Therapeutic radiology.
- 296-23A-266 Nuclear medicine.
- 296-23A-268 Therapeutic.

HOSPITAL OUTPATIENT PATHOLOGY AND LABORATORY

- 296-23A-300 General information—Hospital outpatient pathology and laboratory.
- 296-23A-310 Billing procedures.
- 296-23A-315 Unlisted service or procedure.
- 296-23A-320 Special report.
- 296-23A-325 Panel or profile tests.
- 296-23A-330 Urinalysis.
- 296-23A-335 Chemistry and toxicology.
- 296-23A-340 Hematology.
- 296-23A-345 Immunology.
- 296-23A-350 Microbiology.
- 296-23A-355 Cytopathology
- 296-23A-360 Miscellaneous.

HOSPITAL OUTPATIENT PHYSICAL THERAPY

- 296-23A-400 Hospital outpatient physical therapy rules.
- 296-23A-410 Muscle testing.
- 296-23A-415 Modalities.
- 296-23A-420 Procedures.
- 296-23A-425 Tests and measurements.

HOSPITAL RULES

NEW SECTION

WAC 296-23A-100 GENERAL INFORMATION. Hospital services will be paid when necessary for treatment of the accepted industrial illness or injury. General information and rules pertaining to the care of injured workers are explained in the section beginning WAC 296-20-010 through 296-20-17003.

To avoid a delay in paying hospital bills be sure the claim number is listed in the space provided on the bill form. If the department's accident report form is completed at the hospital, then a preassigned claim number will be on the form. In other circumstances, the hospital may not be able to obtain the claim number from the injured worker or the attending physician prior to hospitalization and/or outpatient services. When this occurs,

contact the local service location or call the department's provider toll-free line in Olympia. Self-insurers may be contacted directly to obtain claim numbers on self-insured claims. See Appendix B in the medical aid rules and maximum fee schedules for a list of self-insured employers.

Do not substitute the date of injury with either the date of admission or the date of service.

We urge you to submit bills to the department or self-insurer at the end of each month for the services rendered during that month.

The department or self-insurer will pay hospital inpatient charges for bed rest, physical therapy and/or administration of injectable drugs only under the conditions specified in WAC 296-20-075.

NEW SECTION

WAC 296-23A-105 RATES FOR DAILY AND ANCILLARY SERVICES. The department or self-insurer pays for inpatient daily and ancillary services, and certain outpatient services, by multiplying allowed charges times the ratio of total rate setting revenue minus bad debt, labor and industries contractual allowances and other contractual allowances related to workers compensation to total rate setting revenue for each hospital set annually based upon the latest available budget approved by the Washington state hospital commission. Beginning November 1, 1986, hospital outpatient radiology, pathology and laboratory, and physical therapy services are to be billed and will be paid using the appropriate labor and industries outpatient fee schedule procedure codes.

NEW SECTION

WAC 296-23A-110 HOSPITAL OUTPATIENT FEE SCHEDULE INFORMATION. The hospital outpatient fee schedule contains procedure codes and fee maximums for radiology, pathology and laboratory, and physical therapy services performed in a hospital outpatient setting by practitioners who are approved by the department (see WAC 296-20-015). The fee schedule is based on the Physicians' Current Procedural Terminology (CPT) manual of procedure codes with modifications to accommodate ease of billing and department rules. (Note: Do not use the CPT manual as a billing reference.)

NEW SECTION

WAC 296-23A-115 HOSPITAL OUTPATIENT SERVICES CONVERSION FACTORS.

Radiology (codes 70000 through 79999)	\$5.69
Pathology and laboratory (codes 80000 through 89999)	\$0.54
Physical therapy (codes beginning with 9)	\$1.24

(The conversion factor multiplied by the unit value equals the fee maximum for a procedure code in this chapter.)

NEW SECTION

WAC 296-23A-120 QUESTIONABLE ELIGIBILITY. It is the responsibility of the hospital to try to determine at the time of admission or outpatient service(s) if the injured worker is covered under the Industrial Insurance Act for an allowable industrial illness or injury as stated in the medical aid rules and maximum fee schedules.

In cases of questionable eligibility for an industrial illness or injury, where the hospital has billed the injured worker or other insurance, and the claim is subsequently allowed, the hospital must make a full refund to the injured worker or other insurer and bill the department or self-insurer for services rendered.

NEW SECTION

WAC 296-23A-125 REFUND OF INCORRECT PAYMENTS. When the department or self-insurer has paid a hospital billing and it is later determined that the service performed was not the responsibility of the department or self-insurer, then it is the hospital's responsibility to refund the department. The department or self-insurer will deduct the incorrect payments from future hospital payments if the hospital does not refund.

NEW SECTION

WAC 296-23A-130 TREATMENT OF UNRELATED ILLNESS OR INJURY. Treatment or surgery for an unrelated illness or injury, while the injured worker is hospitalized or receiving hospital outpatient services, is not usually allowed. When such unrelated treatment is permitted by the department or self-insurer, the requesting physician must identify which services are needed due to the industrial illness or injury and which are needed due to the unrelated condition(s). Diagnostic tests and/or treatment for unrelated conditions directly affecting recovery from the industrial illness or injury may be given consideration as stated under WAC 296-20-055.

Diagnostic tests and studies ordered by the attending physician as a part of the initial care and diagnosis of an industrial injury will be allowed.

NEW SECTION

WAC 296-23A-135 CLOSED CLAIMS. The department or self-insurer will not pay for services rendered after the claim has been closed. If responsibility is later accepted by the department or self-insurer, WAC 296-23A-120 will apply.

NEW SECTION

WAC 296-23A-140 TAKE-HOME RX'S. Take-home prescriptions will be authorized upon discharge of the patient or completion of hospital outpatient services if the medication is necessary for the industrial illness or injury.

NEW SECTION

WAC 296-23A-145 ROUTINE LABORATORY PROCEDURES ON ADMISSION. On admission of

an industrially injured patient to a hospital, the department or the self-insurer will allow routine laboratory work-up consisting of a complete blood count or hematocrit, urinalysis, serology, and routine admission chemical screening procedure. Laboratory reports for the procedures accomplished must accompany the bill.

NEW SECTION

WAC 296-23A-150 BILLING PROCEDURES. Bills for hospital services must be submitted on UB-82 bill forms, transmitted electronically on department provided software, or transmitted electronically using department file format specifications. Providers using the UB-82 bill form must follow the billing instructions provided by the Washington state hospital association. Providers using any of the electronic transfer options must follow department instructions for electronic billing in addition to instructions provided by the Washington state hospital association. The self-insurer may accept other bill forms.

(1) The following information must appear on the UB-82 for hospital inpatient services:

- (a) Provider name;
- (b) Patient control number;
- (c) Type of bill;
- (d) Department of labor and industries provider number;
- (e) Patient name;
- (f) Patient address;
- (g) Birth date;
- (h) Sex;
- (i) Admission date;
- (j) Patient status;
- (k) Statement covers period;
- (l) Date of injury;
- (m) Description (include daily rate with room accommodation revenue code);
- (n) Revenue code;
- (o) Units;
- (p) Total charges;
- (q) Payer;
- (r) Social security number;
- (s) Claim number;
- (t) Employer name;
- (u) Narrative of principal and other diagnoses;
- (v) Principal and other ICD diagnosis code(s) when applicable;
- (w) Narrative of principal and other procedure(s);
- (x) Principal and other ICD procedure code(s) when applicable; and
- (y) Procedure date(s) for ICD procedure code(s) when applicable.

(2) The following information must appear on the UB-82 for hospital outpatient services:

- (a) Provider name;
- (b) Patient control number;
- (c) Type of bill;
- (d) Department of labor and industries provider number;
- (e) Patient name;
- (f) Patient address;
- (g) Birth date;

- (h) Sex;
- (i) Statement covers period;
- (j) Date of injury;
- (k) Description;
- (l) Revenue code when applicable;
- (m) Department of labor and industries procedure codes for radiology, pathology and laboratory, and physical therapy services;
- (n) Units;
- (o) Total charges;
- (p) Payer;
- (q) Social security number;
- (r) Claim number;
- (s) Employer name;
- (t) Narrative of principal and other diagnoses with side of body; and
- (u) Principal and other ICD diagnosis code(s) when applicable.

Summarize inpatient charges by revenue codes as specified in the UB-82 instructions.

(3) Supporting documentation for inpatient and outpatient services must be attached to the billings. Place the claim number on the upper right hand corner of each attachment. (a) through (j) of this subsection are needed for inpatient services, and (d) through (j) of this subsection are needed for outpatient services:

- (a) Admission history and physical examination;
- (b) Discharge summary for stays over forty-eight hours;
- (c) Itemized detail of summary charges;
- (d) X-ray reports;
- (e) Laboratory and pathology reports;
- (f) Diagnostic studies reports;
- (g) Emergency room reports;
- (h) Operative reports;
- (i) Physical therapy notes; and
- (j) Occupational therapy notes.

Providers using any of the electronic transfer options provided by the department must send the department the required documentation normally associated with a bill, as outlined in subsection (3) of this section, within thirty days of the date billing information was sent to the department on electronic medium. The documents must be batched in the same order as the bills were transmitted onto electronic medium and submitted with a cover sheet identifying the file name, which is the first seven characters of the provider's labor and industries submitter identification number followed by a period, followed by the submission date in Julian form. Place the claim number on the upper right hand corner of each supporting document submitted.

(4) For a bill to be considered for payment, it should be received by the department or self-insurer within ninety days from the date of service.

(5) The department or the self-insurer may reject bills for services rendered in violation of the medical aid rules and maximum fee schedules.

(6) Charges for professional services provided by hospital staff physicians must be submitted on the Health Insurance Claim Form, HCFA-1500. Hospitals using any of the electronic transfer options must follow department instructions for electronic billing in addition to

department instructions for completing the Health Insurance Claim Form, HCFA-1500. The emergency room will be considered the office for those physicians providing regular emergency room care to the hospital, and fees will be allowed on this basis.

(7) Call-back services between 6 p.m. and 8 a.m., of surgical staff not normally on duty during this period of time, should be billed using the appropriate revenue codes.

HOSPITAL OUTPATIENT RADIOLOGY

NEW SECTION

WAC 296-23A-200 GENERAL INFORMATION—HOSPITAL OUTPATIENT RADIOLOGY. Rules and billing procedures pertaining to all practitioners rendering services to injured workers are presented in the general instructions section beginning with WAC 296-20-010. Some of the similarities are repeated here for the convenience of those hospitals referring to the radiology section. Radiology fees for nonhospital providers are covered in chapter 296-23 WAC.

The following procedures and fee maximums apply only when these services are performed by or under the supervision of a physician.

The department or self-insurer may deny payment for radiology procedures which are determined to be excessive or unnecessary for management of the accepted industrial illness or injury.

The technical component represents the expenses of nonradiologist personnel, materials, facilities and space, used for diagnostic or therapeutic services rendered. It excludes the cost of radio-isotopes.

The professional component represents the professional services supplied by physicians. See WAC 296-23-010 to 296-23-130 for billing the professional component.

NEW SECTION

WAC 296-23A-205 BILLING PROCEDURES. (1) Department billing instructions appear in WAC 296-20-125. Hospital billing information and instructions appear in WAC 296-23A-100, 296-23A-105, and 296-23A-150.

(2) Fee maximums for radiology services are listed for the combined professional and technical components.

(3) Hospitals are reimbursed only for the technical component at a rate up to and including sixty percent of the fee maximum.

(4) Hospitals should bill their usual and customary rates for the technical component of outpatient radiology services.

(5) Radiology procedures performed by other than the billing hospital shall be billed at the value charged the hospital by the reference (outside) radiology department. When possible, the service should be billed under the same procedure code as billed by the reference radiology department.

NEW SECTION

WAC 296-23A-210 INJECTION PROCEDURES. Values for injection procedures include all usual preinjection and postinjection care specifically related to the injection procedure, necessary local anesthesia, placement of needle or catheter, and injection of contrast media.

Vascular injection procedures are listed in the cardiovascular section. Other injection procedures are listed in the appropriate sections.

NEW SECTION

WAC 296-23A-215 RESPONSIBILITY FOR X-RAYS. (1) X-rays should not be sent to the department or self-insurer unless requested for comparison and interpretation in determining permanent disability, other administrative or legal decisions, and for cases in litigation. X-rays must be retained by the hospital for a period of ten years.

(2) X-rays must be made available upon request to consultants, to medical examiners, to the department, to self-insurers and/or to the board of industrial insurance appeals.

(3) If a hospital ceases to function as an acute care facility, department approved custodial arrangements must be made to insure availability of x-rays on request.

NEW SECTION

WAC 296-23A-220 DUPLICATION OF X-RAYS. Every attempt should be made to minimize the number of x-rays taken of injured workers. The attending physician or any other person or institution having possession of x-rays which pertain to the injury and are deemed to be needed for diagnostic or treatment purposes should make these x-rays available upon request.

The department or self-insurer will not authorize nor pay for additional x-rays when recent x-rays are available except when presented with adequate information regarding the need to re-take the x-ray.

NEW SECTION

WAC 296-23A-225 ADDITIONAL VIEWS. The department will only reimburse hospitals for the number of views stated in the description of the procedure. If the number of views taken is not described by a procedure, and the necessity of the views can be supported to the satisfaction of the department, then see WAC 296-23A-230 for the appropriate billing procedure.

NEW SECTION

WAC 296-23A-230 UNLISTED SERVICE OR PROCEDURE. A radiology service or procedure may be provided that is not listed in this section of the fee schedule. When reporting such a service, the appropriate "unlisted procedure" code may be used to indicate the service, identifying it by "special report" as discussed in WAC 296-23A-235. The "unlisted procedures" and accompanying codes for the RADIOLOGY section are as follows:

76499 Unlisted diagnostic radiologic procedure

			Unit Value
76999	Unlisted diagnostic ultrasound procedure		
77299	Unlisted procedure, therapeutic radiology clinical treatment planning		
77399	Unlisted procedure, medical radiation physics, dosimetry and treatment devices		
77499	Unlisted procedure, therapeutic radiology clinical treatment management		
77799	Unlisted procedure, clinical brachytherapy	70030	Radiologic examination, eye, for detection of foreign body 8.8
78099	Unlisted endocrine procedure, diagnostic nuclear medicine	70040	for localization of foreign body (does not include detection) 14.0
78199	Unlisted hematopoietic, R-E and lymphatic procedure, diagnostic nuclear medicine	70050	for detection and localization of foreign body 18.0
78299	Unlisted gastrointestinal procedure, diagnostic nuclear medicine	70100	Radiologic examination, mandible; partial, less than four views 6.0
78399	Unlisted musculoskeletal procedure, diagnostic nuclear medicine	70110	complete, minimum of four views 10.0
78499	Unlisted cardiovascular procedure, diagnostic nuclear medicine	70120	Radiologic examination, mastoids; less than three views per side 6.0
78599	Unlisted respiratory procedure, diagnostic nuclear medicine	70130	complete, minimum of three views per side 12.0
78699	Unlisted nervous system procedure, diagnostic nuclear medicine	70134	Radiologic examination, internal auditory meati, complete 12.0
78799	Unlisted genitourinary procedure, diagnostic nuclear medicine	70140	Radiologic examination, facial bones; less than three views 6.0
78999	Unlisted miscellaneous procedure, diagnostic nuclear medicine	70150	complete, minimum of three views 10.0
79999	Unlisted radionuclide therapeutic procedure.	70160	Radiologic examination, nasal bones, complete, minimum of three views 6.4

(70022 has been deleted. To report CT guidance for stereotactic localization, use 76355)

NEW SECTION

WAC 296-23A-235 SPECIAL REPORT. A service that is rarely provided, unusual, variable, or new, may require a special report in determining medical appropriateness of the service. Pertinent information should include an adequate definition or description of the nature, extent, and need for the procedure; and the time, effort and equipment necessary to provide the service. Additional items which may be helpful include: Complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care.

NEW SECTION

WAC 296-23A-240 HEAD AND NECK.

		Unit Value	
	(70002, 70003 have been deleted. To report, use 76499)		
70011	Myelography, posterior fossa; complete procedure	BR	70240 Radiologic examination, sella turcica 5.0
70016	Cisternography, positive contrast; complete procedure	BR	70250 Radiologic examination, skull; less than four views, with or without stereo 6.0
	(For injection procedure only for cisternography, see 61053)		70260 complete, minimum of four views, with or without stereo 12.0
	(70020, 70021 have been deleted. To report, use 76499)		70300 Radiologic examination, teeth; single view 2.0
			70310 partial examination, less than full mouth 4.0
			70320 complete, full mouth 8.0
			70328 Radiologic examination, temporomandibular joint, open and closed mouth; unilateral 6.0
			70330 bilateral 8.8
			70333 Temporomandibular joint arthrotopography (includes a contrast

	Unit Value		Unit Value
arthrogram and appropriate laminographic studies); complete procedure	21.1		
70350 Cephalogram, orthodontic	4.0	70540 Magnetic resonance (e.g., proton) imaging; orbit, face, and neck	120.0
70355 Orthopantogram	10.0		
70360 Radiologic examination, neck; soft tissue	4.0	(70550, 70552 have been deleted. To report, use 70551)	
70370 pharynx or larynx, including fluoroscopy and/or magnification technique	8.0	70551 brain (including brain stem)	120.0
70374 Laryngography, contrast; complete procedure	24.0	<u>NEW SECTION</u>	
70380 Radiologic examination, salivary gland for calculus	6.4	WAC 296-23A-242 CHEST.	
70391 Sialography; complete procedure	8.0		Unit Value
(70400 and 70401 have been deleted. To report, use 76499)		(71000 Chest minifilm has been deleted)	
70450 Computerized axial tomography, head or brain; without contrast material	58.0	71010 Radiologic examination, chest; single view, frontal	4.0
70460 with contrast material(s)	64.0	71015 stereo, frontal	5.0
70470 without contrast material, followed by contrast material(s) and further sections	71.0	71020 two views, frontal and lateral	7.0
(For coronal, sagittal, and/or oblique sections, see 76375)		71021 apical lordotic procedure	7.2
70480 Computerized axial tomography, orbit, sella, or posterior fossa or outer, middle, or inner ear; without contrast material	58.0	71022 oblique projections	7.2
70481 with contrast material(s)	64.0	71023 with fluoroscopy	BR
70482 without contrast material, followed by contrast material(s) and further sections	71.0	71030 Radiologic examination, chest, complete, minimum of four views	8.0
(For coronal, sagittal, and/or oblique sections, see 76375)		71034 with fluoroscopy	10.0
70486 Computerized axial tomography, maxillofacial area; without contrast material	58.0	(For separate chest fluoroscopy, see 76000)	
70487 with contrast material(s)	64.0	71035 Radiologic examination, chest, special views, e.g., lateral decubitus, Bucky studies	BR
70488 without contrast material, followed by contrast material(s) and further sections	71.0	71036 Fluoroscopic localization for needle biopsy of intrathoracic lesion, including follow-up films	BR
(For coronal, sagittal, and/or oblique sections, see 76375)		71038 Fluoroscopic localization for trans-bronchial biopsy or brushing	BR
70490 Computerized axial tomography, soft tissue neck; without contrast material	BR	71041 Bronchography, unilateral; complete procedure	14.0
70491 with contrast material(s)	BR	71061 Bronchography, bilateral; complete procedure	22.0
70492 without contrast material followed by contrast material(s) and further sections	BR	71100 Radiologic examination, ribs, unilateral; two views	7.2
(For coronal, sagittal, and/or oblique sections, see 76375)		71101 including posteroanterior chest, minimum of three views	11.2
		71110 Radiologic examination, ribs, bilateral; three views	10.0
		71111 including posteroanterior chest, minimum of four views	14.0
		71120 Radiologic examination; sternum, minimum of two views	6.0
		71130 sternoclavicular joint or joints, minimum of three views	6.0
		71250 Computerized axial tomography, thorax; without contrast material	77.0

	Unit Value		Unit Value
71260		with contrast material(s)	84.0
71270		without contrast material, fol- lowed by contrast material(s) and further sections	90.0
		(For coronal, sagittal, and/or oblique sections, see 76375)	
71550		Magnetic resonance (e.g., proton) imaging, chest (e.g., for evaluation of hilar and mediastinal lymphadenopathy)	120.0
NEW SECTION			
WAC 296-23A-244 SPINE AND PELVIS.			
	Unit Value		
72010		Radiologic examination, spine, en- tire, survey study, anteroposterior and lateral	16.0
72020		Radiologic examination, spine, sin- gle view, specify level	6.5
72040		Radiologic examination, spine, cer- vical; anteroposterior and lateral . .	6.0
72050		minimum of four views	10.0
72052		complete, including oblique and flexion and/or extension studies .	15.2
72070		Radiologic examination, spine; tho- racic, anteroposterior and lateral . .	9.0
72072		thoracic, anteroposterior and lat- eral, including swimmer's view of the cervicothoracic junction	12.0
72074		thoracic, complete, including obliques, minimum of four views	16.0
72080		thoracolumbar, anteroposterior and lateral	9.0
72090		scoliosis study, including supine and erect studies	6.0
72100		Radiologic examination, spine, lum- bosacral; anteroposterior and later- al	9.0
72110		complete with oblique views	16.0
72114		complete, including bending views	18.5
72120		Radiologic examination, spine, lum- bosacral, bending views only, mini- mum of four views	10.0
72125		Computerized axial tomography, cervical spine; without contrast ma- terial	62.4
72126		with contrast material	72.8
72127		without contrast material, fol- lowed by contrast material(s) and further sections	BR
72128		Computerized axial tomography, thoracic spine; without contrast	
		material	62.4
72129		with contrast material	72.8
72130		without contrast material, fol- lowed by contrast material(s) and further sections	BR
72131		Computerized axial tomography, lumbar spine; without contrast ma- terial	60.0
72132		with contrast material	70.0
		(For coronal, sagittal, and/or oblique sections, see 76375)	
72133		without contrast material, fol- lowed by contrast material(s) and further sections	BR
72140		Magnetic resonance (e.g., proton) imaging, spinal cord (including spine)	120.0
		(72145 has been deleted. To re- port, see 72125-72132)	
72170		Radiologic examination, pelvis; an- teroposterior only	5.0
72180		stereo	6.4
72190		complete, minimum of three views	8.0
		(For pelvimetry, see 74710)	
72192		Computerized axial tomography, pelvis; without contrast material(s)	BR
72193		with contrast material(s)	BR
72194		without contrast material, fol- lowed by contrast material(s) and further sections	BR
		(For coronal, sagittal, and/or oblique sections, see 76375)	
72200		Radiologic examination, sacroiliac joints; less than three views	5.0
72202		three or more views	8.0
72220		Radiologic examination, sacrum and coccyx, minimum of two views	6.4
72241		Myelography, cervical; complete procedure	18.0
72256		Myelography, thoracic; complete procedure	18.0
72266		Myelography, lumbosacral; com- plete procedure	18.0
72271		Myelography, entire spinal canal; complete procedure	30.0
72286		Diskography, cervical; complete procedure	20.0
72296		Diskography, lumbar; complete procedure	20.0

NEW SECTION

WAC 296-23A-246 UPPER EXTREMITIES.

	Unit Value
73000 Radiologic examination; clavicle, complete	4.8
73010 scapula, complete	6.0
73020 Radiologic examination, shoulder; one view	4.0
73030 complete, minimum of two views	6.0
73041 Radiologic examination, shoulder, arthrography; complete procedure .	10.0
73050 Radiologic examination; acromioclavicular joints, bilateral, with or without weighted distraction	7.0
73060 humerus, minimum of two views	4.8
73070 Radiologic examination, elbow; anteroposterior and lateral views	4.8
73080 complete, minimum of three views	6.0
73086 Radiologic examination, elbow, arthrography; complete procedure .	10.0
73090 Radiologic examination; forearm, anteroposterior and lateral views . .	4.8
73100 Radiologic examination, wrist; anteroposterior and lateral views	4.0
73110 complete, minimum of three views	6.0
73116 Radiologic examination, wrist, arthrography; complete procedure .	10.0
73120 Radiologic examination, hand; two views	4.0
73130 minimum of three views	6.0
73140 Radiologic examination, finger or fingers, minimum of two views	3.6
73200 Computerized axial tomography, upper extremity; without contrast material	58.0
73201 with contrast material(s)	64.0
73202 without contrast material, followed by contrast material(s) and further sections	71.0
73220 Magnetic resonance (e.g., proton) imaging, upper extremity	BR

NEW SECTION

WAC 296-23A-248 LOWER EXTREMITIES.

	Unit Value
73500 Radiologic examination, hip; unilateral, one view	5.0
73510 complete, minimum of two views	7.0
73520 Radiologic examination, hips, bilateral, minimum of two views of each hip, including anteroposterior view of pelvis	9.6

73526 Radiologic examination, hip, arthrography; complete procedure	BR
73530 Radiologic examination, hip, during operative procedure	16.0
(73531 has been deleted. To report, use 73530)	
73550 Radiologic examination, femur, anteroposterior and lateral views	6.0
73560 Radiologic examination, knee; anteroposterior and lateral views	4.4
73562 anteroposterior and lateral, with oblique(s), minimum of three views	6.4
73564 complete, including oblique(s), and/or tunnel, and/or patellar, and/or standing views	8.4
(73570 Minimum of three views has been deleted. Report using 73562, 73564)	
73581 Radiologic examination, knee, arthrography; complete procedure	16.0
73590 Radiologic examination; tibia and fibula, anteroposterior and lateral views	4.8
73592 lower extremity, infant, minimum of two views	4.0
73600 Radiologic examination, ankle; anteroposterior and lateral views	4.4
73610 complete, minimum of three views	6.0
73616 Radiologic examination, ankle, arthrography; complete procedure .	10.0
73620 Radiologic examination, foot; anteroposterior and lateral views	4.0
73630 complete, minimum of three views	5.6
73650 Radiologic examination; calcaneus, minimum of two views	4.4
73660 toe or toes, minimum of two views	3.6
73700 Computerized axial tomography, lower extremity; without contrast material	58.0
73701 with contrast material(s)	64.0
73702 without contrast materials, followed by contrast material(s) and further sections	71.0
(For coronal, sagittal, and/or oblique sections, see 76375)	
73720 Magnetic resonance (e.g., proton) imaging, lower extremity	120.0

NEW SECTION

WAC 296-23A-250 ABDOMEN.

	Unit Value		Unit Value	
		74260		Duodenography, hypotonic BR
		74270		Radiologic examination; colon; barium enema 12.0
74000				(74275 has been deleted. If necessary to report, use 76499)
	6.0			
74010		74280		air contrast with high density barium, with or without glucagon 14.0
74020	8.0			(74285 has been deleted. To report, see 74270, 74280)
74022	11.0			
74022		74290		Cholecystography, oral contrast 9.6
	BR	74291		additional or repeat examination or multiple day examination 4.8
74150	77.0	74300		Cholangiography; during surgery 10.0
74160	84.0	74301		additional set during surgery 3.0
74170		74305		postoperative 12.0
	90.0			(For biliary duct stone extraction, percutaneous, see 74327)
		74310		intravenous 16.0
		74315		oral contrast 12.0
74181	120.0	74321		Cholangiography, percutaneous, transhepatic; complete procedure 16.0
				(74325, 74326 have been deleted. To report, use 76499)

NEW SECTION

WAC 296-23A-252 GASTROINTESTINAL TRACT.

	Unit Value		Unit Value	
74210		74327		Postoperative biliary duct stone removal, percutaneous via T-tube tract, basket or snare (e.g., Burhenne technique) fluoroscopic monitoring and radiography BR
	8.8	74328		Endoscopic catheterization of the biliary ductal system, fluoroscopic monitoring and radiography BR
74220	8.8	74329		Endoscopic catheterization of the pancreatic ductal system, fluoroscopic monitoring and radiography BR
74230	12.0	74330		Combined endoscopic catheterization of the biliary and pancreatic ductal systems, fluoroscopic monitoring and radiography BR
74235		74340		Introduction of long gastrointestinal tube, (e.g., Miller-Abbott), with multiple fluoroscopies and films BR
	BR			
74240	14.0			
74241	15.2			
74245	17.6			
74246				

NEW SECTION

WAC 296-23A-254 URINARY TRACT.

	Unit Value		Unit Value	
74247		74400		Urography (pyelography) intravenous, including kidneys, ureters and bladder 15.2
	BR	74405		with special hypertensive contrast concentration and/or clearance studies 16.0
74249	BR			
74250	14.0			

	Unit Value		Unit Value
74410 Urography, infusion, drip technique and/or bolus technique	20.0	(74460, 74461 have been deleted. To report, use 76499)	
74415 with nephrotomography	26.0		
74420 Urography, retrograde, with or without kidneys, ureters, and bladder	12.0	74771 Radiologic examination, fetal study, intrauterine contrast visualization; complete procedure	BR
74426 Urography, antegrade, (pyelostogram, nephrostogram, loopogram); complete procedure	BR	74775 Perincogram (e.g., vaginogram, for sex determination or extent of anomalies)	BR
74431 Cystography, minimum of three views; complete procedure	8.8	<u>NEW SECTION</u>	
74441 Vasography, vesiculography, or epididymography; complete procedure	8.8	WAC 296-23A-258 VASCULAR SYSTEM.	
74446 Corpora cavernosography; complete procedure	BR		Unit Value
74451 Urethrocystography, retrograde; complete procedure	9.6	HEART	
74456 Urethrocystography, voiding; complete procedure	14.0	75501 Angiocardiology by cineradiography; complete procedure	22.0
(74460, 74461 have been deleted. To report, use 76499)		75506 Angiocardiology by serialography, single plane; complete procedure	23.0
74471 Radiologic examination, renal cyst study, translumbar, contrast visualization; complete procedure	10.0	75509 Angiocardiology by serialography, multiplane; complete procedure	46.0
74476 Introduction of intracatheter or catheter into renal pelvis for drainage and/or injection, percutaneous, with fluoroscopic monitoring and radiography; complete procedure	BR	(75510, 75511 CO2 or positive contrast angiocardiology has been deleted. To report, use 76499)	
74481 Introduction of ureteral catheter or stent into ureter through renal pelvis for drainage and/or injection, percutaneous, with fluoroscopic monitoring and radiography; complete procedure	BR	75520 Cardiac radiography, selective cardiac catheterization, right side; complete procedure	43.0
		75524 Cardiac radiography, selective cardiac catheterization, left side; complete procedure	21.5
		75528 Cardiac radiography, selective cardiac catheterization, right and left side; complete procedure	55.0
		75552 Magnetic resonance (e.g., proton) imaging, myocardium	120.0
<u>NEW SECTION</u>		AORTA AND ARTERIES	
WAC 296-23A-256 GYNECOLOGICAL AND OBSTETRICAL.			
	Unit Value		
(For abdomen and pelvis, see 74000-74170, 72170-72190)		75601 Aortography, thoracic, without serialography; complete procedure	20.0
74710 Pelvimetry, with or without placental localization	10.0	75606 Aortography, thoracic, by serialography; complete procedure	30.0
74720 Radiologic examination, abdomen, for fetal age, fetal position and/or placental localization; single view	4.0	75621 Aortography, abdominal, translumbar, without serialography; complete procedure	32.0
74725 multiple views	6.0	75623 Aortography, abdominal, catheter, without serialography; complete procedure	32.0
74731 Placentography with contrast cystography; complete procedure	BR	75626 Aortography, abdominal, translumbar, by serialography; complete procedure	40.0
74741 Hysterosalpingography; complete procedure	10.8	75628 Aortography, abdominal, catheter, by serialography; complete procedure	48.0

	Unit Value		Unit Value
75631 Aortography, abdominal plus bilateral iliofemoral lower extremity, catheter, by serialography; complete procedure	BR	75718 by serialography, complete procedure	34.0
75651 Angiography, cervicocerebral, catheter, including vessel origin; complete procedure	40.0	75723 Angiography, renal, unilateral, selective, (including flush aortogram); complete procedure	40.0
75653 Angiography, cervicocerebral, selective catheter, including vessel origin; one vessel, complete procedure	36.0	75725 Angiography, renal, bilateral, selective, (including flush aortogram); complete procedure	60.0
75655 two vessels, complete procedure .	38.0	75727 Angiography, visceral; selective (including flush aortogram), complete procedure	46.0
75657 three or four vessels, complete procedure	40.0	75728 supraselective, complete procedure	48.0
75659 Angiography, brachial, retrograde; complete procedure	40.0	(For selective angiography, additional visceral vessels studied after basic examination, see 75773)	
75661 Angiography, external carotid, cerebral, unilateral, selective; complete procedure	40.0	75732 Angiography, adrenal, unilateral, selective; complete procedure	46.0
75663 Angiography, external carotid, cerebral, bilateral, selective; complete procedure	50.0	75734 Angiography, adrenal, bilateral, selective; complete procedure	48.0
75667 Angiography, carotid, cerebral, unilateral; direct puncture, complete procedure	40.0	75737 Angiography, pelvic; selective, complete procedure	44.0
75669 catheter, complete procedure . . .	46.0	75738 supraselective, complete procedure	46.0
75672 Angiography, carotid, cerebral, bilateral; direct puncture, complete procedure	50.0	75742 Angiography, pulmonary, unilateral, selective; complete procedure . . .	30.0
75673 catheter, complete procedure . . .	54.0	75744 Angiography, pulmonary, bilateral, selective; complete procedure	50.0
75677 Angiography, carotid, cervical, unilateral; direct puncture, complete procedure	40.0	75747 Angiography, pulmonary; by catheter, nonselective, complete procedure	30.0
75678 catheter, complete procedure . . .	46.0	75748 venous injection, complete procedure	40.0
75681 Angiography, carotid, cervical, bilateral; direct puncture, complete procedure	50.0	75751 Angiography, coronary, root injection; complete procedure	60.0
75682 catheter, complete procedure . . .	54.0	75753 Angiography, coronary, unilateral selective injection, including left ventricular and supra-ventricular angiogram and pressure recording; complete procedure	70.0
75686 Angiography, vertebral; direct puncture, complete procedure	40.0	75755 Angiography, coronary, bilateral selective injection, including left ventricular and supra-ventricular angiogram and pressure recording; complete procedure	80.0
75687 catheter, complete procedure . . .	46.0	75757 Angiography, internal mammary; complete procedure	40.0
75691 Angiography, vertebral, cervical, unilateral; direct puncture, complete procedure	40.0	75764 Angiography, coronary bypass, unilateral selective injection; complete procedure	BR
75692 catheter, complete procedure . . .	46.0	75767 Angiography, coronary bypass, multiple selective injection; complete procedure	BR
75696 Angiography, vertebral, cervical, bilateral; direct puncture, complete procedure	50.0	75773 Angiography, visceral, selective, additional vessels studied after basic examination; complete procedure . .	BR
75697 catheter, complete procedure . . .	54.0	75790 Angiography, arteriovenous shunt (e.g., dialysis patient)	BR
75706 Angiography, spinal, selective; complete procedure	28.0		
75711 Angiography, extremity, unilateral; without serialography, complete procedure	30.0		
75712 by serialography, complete procedure	32.0		
75717 Angiography, extremity, bilateral; without serialography, complete procedure	32.0		

	Unit Value		Unit Value
VEINS AND LYMPHATICS		TRANSCATHETER THERAPY AND BIOPSY	
75802 Lymphangiography, extremity only, unilateral; complete procedure	25.0	75895 Transcatheter therapy, embolization, including angiography; complete procedure	40.0
75804 Lymphangiography, extremity only, bilateral; complete procedure	35.0	75897 Transcatheter therapy, infusion, including angiography; complete procedure	42.0
75806 Lymphangiography, pelvic/abdominal, unilateral; complete procedure	35.0	75898 Angiogram through existing catheter for follow-up study for transcatheter therapy, embolization or infusion	10.0
75808 Lymphangiography, pelvic/abdominal, bilateral; complete procedure .	35.0	75951 Transcatheter intravascular occlusion, temporary, including angiography; complete procedure	BR
75811 Splenoportography; complete procedure	40.0	75956 Transcatheter intravascular occlusion, permanent, including angiography; complete procedure	BR
75821 Venography, extremity, unilateral; complete procedure	16.0	75961 Transcatheter retrieval, percutaneous, of fractured venous or arterial catheter	BR
75823 Venography, extremity, bilateral; complete procedure	26.0	75971 Transcatheter biopsy; complete procedure	BR
75826 Venography, caval, inferior, with serialography; complete procedure .	32.0	75973 Percutaneous transluminal angioplasty, unilateral; complete procedure	BR
75828 Venography, caval, superior, with serialography; complete procedure .	35.0	75975 Percutaneous transluminal angioplasty, bilateral, single catheter; complete procedure	BR
75832 Venography, renal, unilateral, selective; complete procedure	40.0	75977 Percutaneous transluminal angioplasty, bilateral, dual catheters; complete procedure	BR
75834 Venography, renal, bilateral, selective; complete procedure	45.0	75981 Percutaneous transhepatic biliary drainage with contrast monitoring; complete procedure	BR
75841 Venography, adrenal, unilateral, selective; complete procedure	30.0	75983 Percutaneous placement of drainage catheter for combined internal and external biliary drainage or of a drainage stent for internal biliary drainage in patients with an inoperable mechanical biliary obstruction; complete procedure	BR
75843 Venography, adrenal, bilateral, selective; complete procedure	32.0	75985 Change of percutaneous drainage catheter with contrast monitoring (i.e., biliary tract, urinary tract); complete procedure	BR
75846 Venography, azygos; selective, complete procedure	30.0	75990 Drainage of abscess, percutaneous, with radiologic guidance (i.e., fluoroscopy, ultrasound, or computed tomography), with or without placement of indwelling catheter . .	BR
75847 nonselective, complete procedure	28.0		
75851 Venography, intraosseous; complete procedure	32.0		
75861 Venography, sinus or jugular, catheter; complete procedure	32.0		
75871 Venography, superior sagittal sinus; complete procedure, including direct puncture	32.0		
75873 Venography, epidural; complete procedure	BR		
75881 Venography, orbital; complete procedure	36.0		
75886 Percutaneous transhepatic portography with hemodynamic evaluation; complete procedure	36.0		
75888 Percutaneous transhepatic portography without hemodynamic evaluation; complete procedure	34.0		
75890 Hepatic venography wedged or free, with hemodynamic evaluation; complete procedure	38.0		
75892 Hepatic venography, wedged or free, without hemodynamic evaluation; complete procedure	34.0		
75893 Venous sampling through catheter without angiography (e.g., for parathyroid hormone, renin)	5.0		

(75990 is neither organ nor area specific. For drainage of abscess performed without radiology or fluoroscopy, see under specific anatomic site.)

NEW SECTION

WAC 296-23A-260 MISCELLANEOUS.

	Unit Value		Unit Value
		76120 Cineradiography, except where specifically included	13.2
		76125 Cineradiography to complement routine examination	7.0
		(76127 has been deleted. The use of photographic media is not reported separately but is considered to be a component of the basic procedure)	
76000 Fluoroscopy (separate procedure), other than 71023 or 71034	3.0		
76003 Fluoroscopic localization for needle biopsy or fine needle aspiration	BR		
76020 Bone age studies	6.0		
76040 Bone length studies (orthoroentgenogram, scanogram)	10.0		
(76060 Osseous survey has been expanded into 76061, 76062)		76150 Xeroradiography	6.0
76061 Radiological examination, osseous survey; limited (e.g., for metastases)	15.2		
76062 complete (axial and appendicular skeleton)	BR	76350 Subtraction in conjunction with contrast studies	BR
76065 Radiologic examination; osseous survey, infant	13.2	76355 Computerized tomography guidance for stereotactic localization	BR
76066 Joint survey, single view, one or more joints (specify)	BR	76361 Computerized tomography guidance for needle biopsy; complete procedure	BR
76081 Radiologic examination, fistula or sinus tract study; complete procedure	12.0	76366 Computerized tomography guidance for cyst aspiration; complete procedure	BR
76087 Mammary ductogram or galactogram, unilateral; complete procedure	15.8	76370 Computerized tomography guidance for placement of radiation therapy fields	BR
76089 Mammary ductogram or galactogram, bilateral; complete procedure	26.5	76375 Computerized tomography, coronal, sagittal, and/or oblique reconstruction	23.5
76090 Mammography, unilateral	8.8	76400 Magnetic resonance (e.g., proton) imaging, bone marrow blood supply	120.0
76091 bilateral	13.2	76499 Unlisted diagnostic radiologic procedure	BR
(For xeromammography, list 76150 in addition to code for mammography)			
76096 Radiologic examination, localization of breast nodule or calcification; before operation, with marker and confirmation of its position with appropriate imaging	14.6		
76100 Radiologic examination, single plane body section, (e.g., tomography), other than kidney	13.2		
76101 Radiologic examination, complex motion (i.e., hypercycloidal) body section (e.g., mastoid polytomography), other than kidney; unilateral	19.3		
76102 bilateral	35.0		
(For nephrotomography, see 74415)			

NEW SECTION

WAC 296-23A-262 DIAGNOSTIC ULTRASOUND.

Notes

- A-mode: Implies a one-dimensional ultrasonic measurement procedure
- M-mode: Implies a one-dimensional ultrasonic measurement procedure with movement of the trace to record amplitude and velocity of moving echo-producing structures
- B-scan: Implies a two-dimensional ultrasonic scanning procedure with a two-dimensional display
- Real-time scan: Implies a two-dimensional ultrasonic scanning procedure with display of both two-dimensional structure and motion with time

	Unit Value		Unit Value
HEAD AND NECK			
76500		and/or real time with image documentation	BR
Echoencephalography, A-mode, diencephalic midline	7.7	76632 Doppler echocardiography	BR
(76505 has been deleted. To report complete A-mode echoencephalography, use 76999)		(Procedure 76632 is often performed in combination with M-mode or 2-dimensional echocardiography)	
76506		(76640 has been deleted. To report A-mode echography of the breast, use 76999)	
Echoencephalography, B-scan and/or real time with image documentation (gray scale) (for determination of ventricular size, delineation of cerebral contents and detection of fluid masses or other intracranial abnormalities), including A-mode encephalography as secondary component where indicated	BR	76645 Echography, breast, B-scan and/or real time with image documentation	19.2
76511		ABDOMEN AND RETROPERITONEUM	
Ophthalmic ultrasound, echography; A-mode spectral analysis with amplitude quantitation	22.9	76700 Echography, abdominal, B-scan and/or real time with image documentation; complete study	22.9
76512		76705 limited (e.g., single organ, quadrant, follow-up)	15.4
contact B-scan	22.9	76770 Echography, retroperitoneal (e.g., renal, aorta, nodes) B-scan and/or real time with image documentation; complete	22.9
(76515 has been deleted. To report, use 76999)		76775 limited	19.2
76516		PELVIS	
Ophthalmic biometry by ultrasound echography, A-mode	15.4	76805 Echography, pregnant uterus, B-scan and/or real time with image documentation; complete	21.2
(76517 has been deleted. To report, use 76999)		76815 limited (fetal growth rate, heart beat, anomalies, placental location)	9.7
76519		76816 follow-up or repeat (e.g., for follicles)	BR
with intraocular lens power calculation	BR	75818 Fetal biophysical profile	BR
76529		76825 Echocardiography, fetal heart in utero	BR
Ophthalmic ultrasound foreign body localization	BR	76855 Echography, pelvic area (Doppler) .	11.4
(76530 has been deleted. To report A-mode echography of thyroid, use 76999)		76856 Echography, pelvic (nonobstetric), B-scan and/or real time with image documentation; complete	BR
(76535 has been deleted. To report, use 76536)		76857 limited or follow-up	BR
76536		GENITALIA	
Echography, soft tissues of head and neck (e.g., thyroid, parathyroid, parotid), B-scan and/or real time with image documentation . . .	BR	76870 Echography, scrotum and contents .	BR
HEART		EXTREMITIES	
(76601 has been deleted. To report, use 76999)		76880 Echography, extremity, B-scan and/or real time with image documentation	BR
76604		VASCULAR STUDIES	
Echography, chest, B-scan (includes mediastinum) and/or real time with image documentation . . .	11.4	76925 Peripheral imaging, B-scan, Doppler or real-time scan	BR
76620		ULTRASONIC GUIDANCE PROCEDURES	
Echocardiography, M-mode; complete	15.4	76931 Ultrasonic guidance for pericardiocentesis; complete procedure	BR
76625			
limited, (e.g., follow-up or limited study)	7.7		
76627			
Echocardiography, real time with image documentation (2D); complete	11.4		
76628			
limited	9.7		
76629			
Echocardiography, M-mode			

	Unit Value		Unit Value
		CONSULTATION: CLINICAL MANAGEMENT	
76935	5.0	Ultrasonic guidance for thoracentesis; complete procedure	Preliminary consultation, evaluation of patient prior to decision to treat, or full medical care (in addition to treatment management) when provided by the therapeutic radiologist may be identified by the appropriate procedure codes from medicine or surgery sections.
76939	2.0	Ultrasonic guidance for cyst (any location) or renal pelvis aspiration; complete procedure	
76943	6.0	Ultrasonic guidance for needle biopsy; complete procedure	CLINICAL TREATMENT PLANNING (EXTERNAL AND INTERNAL SOURCES)
76945	BR	Ultrasonic guidance for abscess or collection drainage; complete procedure	The clinical treatment planning process is a complex service including interpretation of special testing, tumor localization, treatment volume determination, treatment time/dosage determination, choice of treatment modality, determination of number and size of treatment ports, selection of appropriate treatment devices, and other procedures.
76947	6.0	Ultrasonic guidance for amniocentesis; complete procedure	
76950	17.1	Echography for placement of radiation therapy fields, B-scan	DEFINITIONS:
76960	14.3	Ultrasonic guidance for placement of radiation therapy fields, except for B-scan echography	Simple—planning requiring single treatment area of interest encompassed in a single port or simple parallel opposed ports with simple blocking.
MISCELLANEOUS			Intermediate—planning requiring three or more converging ports, two separate treatment areas, special blocking, or special time dose constraints.
76970	10.0	Ultrasound study follow-up (specify) (76980 has been deleted. To report, use code for specific ultrasound examination) (76985 has been deleted. To report, use 76986)	Complex—planning requiring highly complex blocking, tangential ports, special wedges or compensators, three or more separate treatment areas, rotational or special beam considerations.
76986	BR	Echography, intraoperative (76990 has been deleted. To report, use 76999)	(Procedures 77260, 77265, 77270, 77275 have been deleted. To report, use 77261-77263)
76991	BR	Intraluminal ultrasound study (e.g., transrectal, transvesical)	
76999	BR	Unlisted ultrasonic procedure	Bill procedure codes 77261-77299 only if a technical component has been performed.
<u>NEW SECTION</u>			
WAC 296-23A-264 THERAPEUTIC RADIOLOGY. Listings of therapeutic radiology provide for teletherapy and brachytherapy to include initial consultation, clinical treatment planning, simulation, medical radiation physics, dosimetry, treatment devices, special services, and clinical treatment management procedures. They include normal follow-up care during course of treatment and for three months following its completion.			
77299		Unlisted procedure, therapeutic radiology clinical treatment planning	77261 Therapeutic radiology treatment planning; simple BR
77399		Unlisted procedure, medical radiation physics, dosimetry and treatment devices	77262 intermediate BR
77499		Unlisted procedure, therapeutic radiology clinical treatment management	77263 complex BR
77799		Unlisted procedure, clinical brachytherapy	77280 Therapeutic radiology simulation-aided field setting (requiring simulator, with or without fluoroscopy); simple BR
		(For treatment by injectable or ingestible isotopes, see subsection NUCLEAR MEDICINE)	77285 intermediate BR
			77290 complex BR
			77299 Unlisted procedure, therapeutic radiology clinical treatment planning. BR
			MEDICAL RADIATION PHYSICS, DOSIMETRY, TREATMENT DEVICES AND SPECIAL SERVICES
			77300 Basic radiation dosimetry calculation, central axis depth dose, TDF, NSD, gap calculation off axis factor, tissue inhomogeneity factors, as required during course of treatment 4.0
			77305 Teletherapy, isodose plan (whether hand or computer calculated); simple (one or two parallel opposed

	Unit Value		Unit Value
77310	3.0	unmodified ports directed to a single area of interest)	
77315	4.0	intermediate (three or more treatment ports directed to a single area of interest)	
	6.0	complex (mantle or inverted Y, tangential ports, the use of wedges, compensators, complex rotational blocking or special beam considerations)	
		(Procedures 77320, 77325, 77330, 77335, 77340 have been deleted. To report, use 77300-77399 as appropriate)	
77321	BR	Special teletherapy port plan, particles, hemi-body, total body	
77326	BR	Brachytherapy isodose calculation; simple (calculation made from single plane, one to four source/ribbon application)	
77327	BR	intermediate (multiplane dosage calculations, application involving five to ten sources/ribbons)	
77328	BR	complex (multiplane isodose plan, volume implant calculations, over ten sources/ribbons used, special spatial reconstruction)	
77331	BR	Special dosimetry (e.g., TLD, microdosimetry) (specify)	
77332	BR	Treatment devices, design and construction; simple (simple block, simple bolus)	
77333	BR	intermediate (multiple blocks, stents, bite blocks, special bolus)	
77334	BR	complex (irregular blocks, special shields, compensators, wedges, molds or casts)	
77336	BR	Continuing medical radiation physics consultation in support of therapeutic radiologist, including continuing quality assurance	
		(Procedures 77345-77360 have been deleted. To report, use 77300-77399 as appropriate)	
77370	BR	Special medical radiation physics consultation	
77399	BR	Unlisted procedure, medical radiation physics, dosimetry and treatment devices	
CLINICAL TREATMENT MANAGEMENT			
Except where specified, assumes a treatment on a daily basis (4 or 5 fractions per week) with the use of megavoltage photon or high energy particle sources. Daily and weekly clinical treatment management are mutually exclusive for the same dates.			
		DEFINITIONS:	
		Simple—single treatment area, single port or parallel opposed ports, simple blocks.	
		Intermediate—two separate treatment areas, three or more ports on a single treatment area, use of special blocks.	
		Complex—three or more separate treatment areas, highly complex blocking (mantle, inverted Y, tangential ports, wedges, compensators, or other special beam considerations).	
		Bill procedure codes 77400-77499 only if a technical component has been performed.	
	BR	77400 Daily megavoltage treatment management; simple	2.0
	BR	77405 intermediate	3.0
	BR	77410 complex	4.0
	BR	77415 Therapeutic radiology treatment port film interpretation and verification, per treatment course	3.0
	BR	77420 Weekly megavoltage treatment management; simple	4.0
	BR	77425 intermediate	5.0
	BR	77430 complex	6.0
		(Procedures 77435-77460 have been deleted. To report, use 77400-77499 as appropriate)	
	BR	77465 Daily kilovoltage treatment management	2.0
	BR	77470 Special treatment procedure (e.g., total body irradiation, hemibody irradiation, per oral, vaginal cone irradiation)	BR
		(77470 assumes that the procedure be performed one or more times during the course of therapy, in addition to daily or weekly patient management)	
	BR	77499 Unlisted procedure, therapeutic radiology clinical treatment management	BR
HYPERTHERMIA			
Hyperthermia treatments as listed in this section include external (superficial and deep) and interstitial. Radiation therapy when given concurrently is listed separately.			
Hyperthermia is used only as an adjunct to radiation therapy or chemotherapy. It may be induced by a variety of sources, e.g., microwave, ultrasound, low energy radio-frequency conduction, or by probes.			
The listed treatments include management during the course of therapy and follow-up care for three months after completion. Preliminary consultation is not included (see WAC 296-21-030). Physics planning and interstitial insertion of temperature sensors, and use of external or interstitial heat generating sources are included.			

	Unit Value	
The following descriptors are included in the treatment schedule:		
77600	BR	Hyperthermia, externally generated; superficial (i.e., heating to a depth of 4 cm or less)
77605	BR	deep (i.e., heating to depths greater than 4 cm)
77610	BR	Hyperthermia generated by interstitial probe(s); 5 or fewer interstitial applicators
77615	BR	more than 5 interstitial applicators

(Procedure 77800 has been deleted. To report, use 77331)

(Procedures 77805-77810 have been deleted. To report, use 77305-77321 or 77326-77328 as appropriate)

(Procedure 77850 has been deleted. To report, use 77300, 77336, 77370)

(Procedure 77860 has been deleted. To report, use 77336)

(Procedure 77999 has been deleted. To report, use 77399)

Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.

CLINICAL BRACHYTHERAPY

Clinical brachytherapy requires the use of either natural or man-made radioelements applied into or around a treatment field of interest.

DEFINITIONS: (Sources refer to intracavitary placement or permanent interstitial placement; ribbons refer to temporary interstitial placement)

Simple—application with one to four sources/ribbons

Intermediate—application with five to ten sources/ribbons

Complex—application with greater than ten sources/ribbons

(Procedures 77600-77699 have been deleted. To report, use 77332-77334 or 77399 as appropriate)

(Procedures 77700-77749 have been deleted. To report, use 77761-77799 as appropriate)

77750	12.5	Infusion or instillation of radioelement solution
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(Procedures 77755-77785 have been deleted. To report, use 77761-77799 as appropriate)

77761	BR	Intracavitary radioelement application; simple
77762	BR	intermediate
77763	BR	complex
77776	BR	Interstitial radioelement application; simple
77777	BR	intermediate
77778	BR	complex
77789	24.75	Surface application of radioelement
77790	33.5	Supervision, handling, loading of radioelement
77799	BR	Unlisted procedure, clinical brachytherapy

NEW SECTION

WAC 296-23A-266 NUCLEAR MEDICINE.

Notes: Listed procedures may be performed independently or in the course of overall medical care.

Radioimmunoassay tests are found in the clinical pathology section (codes 82000-84999). These codes can be appropriately used by any specialist performing such tests in a laboratory licensed and/or certified for radioimmunoassays. The reporting of these tests is not confined to clinical pathology laboratories alone.

DIAGNOSTIC

Unit
Value

ENDOCRINE SYSTEM

78000	6.0	Thyroid uptake, single determination
78001	8.0	multiple determinations
78003	9.0	stimulation suppression or discharge (not including initial uptake studies)
78006	16.0	Thyroid imaging, with uptake; single determination
78007	18.0	multiple determinations
78010	10.0	Thyroid imaging; only
78011	BR	with vascular flow
78015	20.0	Thyroid carcinoma metastases imaging; limited area (e.g., neck and chest only)
78016	25.0	with additional studies (e.g., urinary recovery)
78017	BR	multiple areas
78018	BR	whole body

(For triiodothyronine (true TT-3), RIA, see 84480)

(For calcitonin, RIA, see 82308)

(For triiodothyronine, fee (FT-3), RIA (unbound T-3 only), see 84481)

(For T-4 thyroxine, CPB or resin uptake, see 84435)

(For TT-4 thyroxine, RIA, see 84436)

	Unit Value		Unit Value
78140			
78160			
78162			
78170			
		GASTROINTESTINAL SYSTEM	
	20.0	78201	20.0
	16.0	78202	25.0
	BR		(For spleen imaging only, use 78185 and 78186)
	24.0	78215	25.0
		78216	30.0
		78220	20.0
			(78221 has been deleted. To report liver function study with probe technique, use 78299)
		78223	BR
		78225	BR
		78230	14.0
		78231	16.0
		78232	BR
			(78240 has been deleted. To report pancreas imaging, use 78299)
		78261	BR
		78262	BR
		78264	BR
		78270	10.0
		78271	20.0
		78272	25.0
		78276	BR
		78278	BR
		78280	16.0
		78282	12.0
			(78285, 78286 have been deleted. To report gastrointestinal fat or fatty acid absorption studies, use 78299)
			(For gastrin, RIA, see 82941)
			(For intrinsic factor level, see 83528)
			(For carcinoembryonic antigen level (CEA), RIA, see 86151)
		78290	20.0
		78291	BR

	Unit Value		Unit Value
78299		Unlisted gastrointestinal procedure, diagnostic nuclear medicine	
	BR	(For chemical analysis, RIA tests, see Chemistry and Toxicology section)	
MUSCULOSKELETAL SYSTEM			
		(Bone and joint imaging can be used in the diagnosis of a variety of infectious inflammatory diseases, e.g., osteomyelitis, as well as for localization of primary and/or metastatic neoplasms)	
78300		Bone imaging, limited area (e.g., skull, pelvis)	
	25.0		
78305		multiple areas	
	40.0		
78306		whole body	
	48.2		
78310		vascular flow only	
	BR		
78350		Bone density (bone mineral content) study; single photon absorptionmetry	
	BR		
78351		dual photon absorptionmetry	
	BR		
78380		Joint imaging; limited area	
	BR		
78381		multiple areas	
	BR		
78399		Unlisted musculoskeletal procedure, diagnostic nuclear medicine	
	BR		
CARDIOVASCULAR SYSTEM			
		(78401 has been deleted. To report, see 78402-78415)	
78402		Cardiac blood pool imaging with vascular flow assessment (sequential imaging with or without time activity curve evaluation)	
	25.0		
78403		Cardiac blood pool imaging by gated equilibrium blood pool technique, with determination of global or regional ventricular function (specify right, left, or both) including but not necessarily limited to ejection fraction and wall motion, at rest	
	BR		
78404		with exercise and/or pharmacologic intervention, including but not necessarily limited to continuous vital signs and ECG monitoring, and treadmill or bicycle exercise for cardiovascular stress at submaximal or maximal levels	
	BR		
78407		with determination of ventricular volume (specify right, left, or both)	
	BR		
		(78409 has been deleted. To report, use 78403)	
78411		Cardiac blood pool imaging by first pass technique, with determination of global or regional ventricular function (specify right, left, or	
		both) including but not necessarily limited to ejection fraction and wall motion, at rest	BR
		with exercise and/or pharmacologic intervention, including but not necessarily limited to continuous vital signs and ECG monitoring, and treadmill or bicycle exercise for cardiovascular stress at submaximal or maximal levels	
		(78413 has been deleted. To report, use 78411)	
		(78405, 78406 Myocardium imaging has been deleted. To report, use 78418-78424)	
78412		Determination of ventricular ejection fraction with probe technique	BR
78414		Cardiac blood pool imaging, functional imaging (e.g., phase and amplitude analysis)	BR
78415		Myocardium imaging, regional myocardial perfusion at rest	BR
78418		with exercise and/or pharmacological intervention, including but not necessarily limited to continuous vital signs and ECG monitoring, and treadmill or bicycle exercise for cardiovascular stress at submaximal or maximal levels	BR
78419		Myocardium imaging; with quantitative evaluation (e.g., pharmacokinetic temporal assessment)	BR
		for evaluation of infarction (infarct avid imaging)	BR
		regional myocardial perfusion (redistribution resting or postexercise study)	BR
		Cardiac regurgitant index	BR
		Cardiac shunt detection	BR
		Cardiac flow imaging (i.e., angiocardigraphy)	BR
		Vascular flow imaging (i.e., angiography, venography)	BR
		Venous thrombosis study (e.g., radioactive fibrinogen)	BR
		Venous thrombosis imaging (e.g., venogram); unilateral	BR
		bilateral	BR
		Cardiac output	BR
		(78490 has been deleted. To report tissue clearance studies, use 78499)	
		(For digoxin, RIA, see 82643)	
		(For digitoxin (digitalis), RIA, see 82640)	

	Unit Value		Unit Value
		GENITOURINARY SYSTEM	
		78700 Kidney imaging; only	18.0
		78701 with vascular flow	20.0
		78704 with function study (i.e., imaging renogram)	23.0
		78707 with vascular flow and function study	30.0
		78715 Kidney vascular flow only	BR
		78720 Kidney function study only, (i.e., renogram)	15.0
		78725 Kidney function study only, (i.e., blood clearance)	BR
			(For renin (angiotensin I), RIA, see 84244)
			(For angiotensin II, RIA, see 82163)
			(For beta-2 microglobulin, RIA, see 82231, 82232)
		78727 Kidney transplant evaluation	BR
		78730 Urinary bladder residual study	BR
		78740 Ureteral reflux study (radionuclide voiding cystogram)	BR
			(For estradiol, RIA, see 82670)
			(For estriol, RIA, see 82677)
			(For progesterone, RIA, see 84144)
			(For prostatic acid phosphatase, RIA, see 84066)
		78760 Testicular imaging	BR
		78761 with vascular flow	BR
			(For testosterone, blood, RIA, see 84403)
			(For testosterone, urine, RIA, see 84405)
			(78770, 78775 have been deleted. To report either placenta imaging or placenta localization, use 78799)
			(For lactogen, human placental (HPL) chorionic somatomammo- tropin, RIA, see 83632)
			(For chorionic gonadotropin, RIA, see 82998)
			(For chorionic gonadotropin beta subunit, RIA, see 84701)
			(For pregnanediol, RIA, see 84135)
			(For pregnanetriol, RIA, see 84138)
		78799 Unlisted genitourinary procedure, diagnostic nuclear medicine	BR
		(For cerebral blood flow study, see 78615)	
78499	BR	Unlisted cardiovascular procedure, diagnostic nuclear medicine	
		(For chemical analysis, RIA tests, see Chemistry and Toxicology section)	
		RESPIRATORY SYSTEM	
78580	26.0	Pulmonary perfusion imaging; par- ticulate	
78581	BR	gaseous	
78582	BR	gaseous, with ventilation, rebreathing and washout	
78584	BR	Pulmonary perfusion imaging, par- ticulate, with ventilation; single breath	
78585	1.6	rebreathing and washout, with or without single breath	
78586	BR	Pulmonary ventilation imaging, aerosol; single projection	
78587	BR	multiple projections (e.g., anteri- or, posterior, lateral views)	
78591	BR	Pulmonary ventilation imaging, gaseous, single breath, single pro- jection	
78593	22.0	Pulmonary ventilation imaging, gaseous, with rebreathing and washout with or without single breath; single projection	
78594	BR	multiple projections (e.g., anteri- or, posterior, lateral views)	
78599	BR	Unlisted respiratory procedure, di- agnostic nuclear medicine	
		NERVOUS SYSTEM	
78600	26.0	Brain imaging, limited procedure . .	
78601	31.0	with vascular flow	
78605	30.0	Brain imaging, complete study . . .	
78606	35.0	with vascular flow	
78610	10.0	Brain imaging, vascular flow only . .	
78615	BR	Cerebral blood flow, inert radionu- clide gas washout	
78630	35.0	Cerebrospinal fluid flow, imaging (not including introduction of ma- terial); cisternography	
78635	35.0	ventriculography	
78640	BR	myelography	
78645	35.0	shunt evaluation	
78650	32.0	CSF leakage	
		(For myelin basic protein, CSF, RIA, see 83873)	
78655	BR	Eye tumor identification	
78660	BR	Dacryocystography (lacrimal flow study)	
78699	BR	Unlisted nervous system procedure, diagnostic nuclear medicine	

	Unit Value
79200 Intracavitary radioactive colloid therapy	24.0
79300 Interstitial radioactive colloid therapy	60.0
79400 Radionuclide therapy, nonthyroid, nonhematologic (e.g., for metastases to bone)	BR
79420 Intravascular radionuclide therapy, particulate	BR
79440 Intra-articular radionuclide therapy	BR
79900 Provision of therapeutic radionuclide(s)	BR
79999 Unlisted radionuclide therapeutic procedure	BR

HOSPITAL OUTPATIENT PATHOLOGY AND LABORATORY

NEW SECTION

WAC 296-23A-300 GENERAL INFORMATION—HOSPITAL OUTPATIENT PATHOLOGY AND LABORATORY. Rules and billing procedures pertaining to all practitioners rendering services to injured workers are presented in the general instructions section beginning with WAC 296-20-010. Some of the similarities are repeated here for the convenience of those hospitals referring to the pathology and laboratory section. Pathology and laboratory fees for nonhospital providers are covered in chapter 296-23 WAC.

The following procedures and fee maximums apply only when these services are performed by or under the supervision of a physician.

Unless otherwise specified, the fee maximums include the collection and handling of the specimens by the laboratory performing the procedure.

The department or self-insurer may deny payment for pathology or laboratory procedures which are determined to be excessive, unrelated, or unnecessary for management of the accepted industrial illness or injury.

The technical component represents the expenses of the nonpathologist personnel, materials, facilities and space, used for diagnostic or therapeutic services rendered.

The professional component represents the professional services supplied by physicians. See WAC 296-23-200 to 296-23-232 for billing the professional component.

Panel (profile) tests: These are certain multiple tests performed on a single specimen of blood or urine. They are distinguished from the single or multiple test(s) performed on an "individual," "immediate," or "stat" reporting basis.

NEW SECTION

WAC 296-23A-310 BILLING PROCEDURES.
(1) Department billing instructions appear in WAC

296-20-125. Hospital information and billing instructions appear in WAC 296-23A-100, 296-23A-105, and 296-23A-150.

(2) Some pathology and laboratory services contain a professional component. Fee maximums for these services are set for the combined professional and technical components, and the procedure codes for these services are marked with a "*."

All other pathology and laboratory services do not have a professional component. Fee maximums for these services are for the total procedure.

(3) Hospitals are reimbursed only for the technical component at a rate up to and including sixty percent of the fee maximum for the procedure codes with a "*." All other procedure codes are reimbursed at a rate up to and including one hundred percent of the fee maximum.

(4) Hospitals should bill their usual and customary rates for the technical component of outpatient pathology and laboratory services.

(5) Laboratory procedures performed by other than the billing hospital shall be billed at the value charged the hospital by the reference (outside) laboratory. When possible, the service should be billed under the same procedure code or panel procedure number listed under "PANEL OR PROFILE TESTS" used by the reference laboratory.

(6) Laboratory reports must be attached to the bills for laboratory services.

NEW SECTION

WAC 296-23A-315 UNLISTED SERVICE OR PROCEDURE. A pathology or laboratory service or procedure may be provided that is not listed in this section of the fee schedule. When reporting such a service, the appropriate "unlisted procedure" code may be used to indicate the service, identifying it by "special report" as discussed in WAC 296-23A-420. The "unlisted procedures" and accompanying codes for the PATHOLOGY AND LABORATORY section are as follows:

- 80099 Unlisted panel
- 81099 Unlisted urinalysis procedure
- 84999 Unlisted chemistry or toxicology procedure
- 85999 Unlisted hematology procedure
- 86999 Unlisted immunology procedure
- 87999 Unlisted microbiology procedure
- 88099 Unlisted necropsy (autopsy) procedure
- 88199 Unlisted cytopathology procedure
- 88299 Unlisted cytogenetic procedure
- 88399 Unlisted surgical pathology procedure
- 89399 Unlisted miscellaneous pathology test

NEW SECTION

WAC 296-23A-320 SPECIAL REPORT. A service that is rarely provided, unusual, variable or new may require a special report in determining medical appropriateness of the service. Pertinent information should

include an adequate definition or description of the nature, extent, and need for the procedure; and the time, effort, and equipment necessary to provide the service. Additional items which may be helpful include: Complexity of symptoms, final diagnosis, pertinent physical findings, diagnostic and therapeutic procedures, concurrent problems, and follow-up care.

NEW SECTION

WAC 296-23A-325 PANEL OR PROFILE TESTS.

The following list contains those tests that can be and are frequently done as groups and combinations ("profiles") on automated multichannel equipment. For any combination of tests among those listed immediately below, use the appropriate number 80002-80019. Groups of the tests listed here are distinguished from multiple tests performed individually for immediate or "stat" reporting.

The following unit values apply when three or more of the tests listed below are performed on the same blood or urine specimen, under the conditions described in WAC 296-23A-300.

Albumin		
Albumin/globulin ratio		
Bilirubin, direct		
Bilirubin, total		
Calcium		
Carbon dioxide content		
Chlorides		
Cholesterol		
Creatinine		
Globulin		
Glucose (sugar)		
Lactic dehydrogenase (LDH)		
Phosphatase, alkaline		
Phosphorus (organic phosphate)		
Potassium		
Protein, total		
Sodium		
Transaminase, glutamic oxaloacetic (SGOT)		
Transaminase, glutamic pyruvic (SGPT)		
Urea nitrogen (BUN)		
Uric acid		
		Unit Value
80002 Automated multichannel test; 1 or 2 clinical chemistry test(s)	21.0	
80003 3 clinical chemistry tests	28.0	
80004 4 clinical chemistry tests	32.0	
80005 5 clinical chemistry tests	36.0	
80006 6 clinical chemistry tests	40.0	
80007 7 clinical chemistry tests	44.0	
80008 8 clinical chemistry tests	48.0	
80009 9 clinical chemistry tests	52.0	
80010 10 clinical chemistry tests	56.0	
80011 11 clinical chemistry tests	60.0	
80012 12 clinical chemistry tests	64.0	
80016 13-16 clinical chemistry tests	66.8	

		Unit Value
80018 17-18 clinical chemistry tests		69.6
80019 19-24 clinical chemistry tests		72.4
80020 25-30 clinical chemistry tests		75.2
80021 31 or more clinical chemistry tests		78.0

THERAPEUTIC DRUG MONITORING

(e.g., antiepilepsy drugs, cardiac drugs, antibiotics, sedatives)

80031 Therapeutic quantitative drug monitoring in blood and/or urine; measurement one drug (if drug not specified by individual code number)		BR
80032 2 drugs measured		BR
80033 3 drugs measured		BR
80034 4 or more drugs measured		BR
80040 Serum radioimmunoassay for circulating antibiotic levels		BR

ORGAN OR DISEASE ORIENTED PANELS

Organ "panels" as an approach to diagnosis have been developed in response to the increased use of general screening programs that are now in use in physicians' offices, health centers, clinics, and hospitals. Also included here are profiles that combine laboratory tests together under a problem oriented classification. The lack of an expanded list of laboratory tests under each number is deliberate. Because no two laboratories utilize the same array of tests in a particular panel, each laboratory should establish its own profile and accompany each reported panel by a listing of the components of that panel performed by the laboratory.

		Unit Value
80050 General health screen panel		31.0
80056 Amenorrhea profile		BR
80057 Male infertility and/or gynecomastia profile		BR
80058 Hepatic function panel		BR
80059 Hepatitis panel		BR
80060 Hypertension panel		BR
80061 Lipid profile		BR
80062 Cardiac evaluation (including coronary risk) panel		BR
80063 Cardiac injury panel		BR
80064 with creatine phosphokinase (CPK) and/or lactic dehydrogenase (LDH) isoenzyme determination		BR
80065 Metabolic panel		BR
80066 Malabsorption panel		BR
80067 Pulmonary (lung function) panel		BR
80068 Lung maturity profile		BR
80070 Thyroid panel		BR
80071 with thyrotropin releasing hormone (TRH)		BR
80072 Arthritis panel		BR

	Unit Value		Unit Value
80073 Renal panel	BR	82000 Acetaldehyde, blood	40.0
80075 Parathyroid panel	BR	82003 Acetaminophen, urine	40.0
80080 Prostatic panel	BR	(Acetic anhydride, see volatiles, 84600)	
80082 Pancreatic panel	BR	82005 Acetoacetic acid	40.0
80084 Pituitary panel	BR	82009 Acetone, qualitative	12.0
80085 Microcytic anemia panel	BR	82010 quantitative	12.0
80086 Macrocytic anemia panel	BR	(For acetone bodies, see 82009-82010, 82635, 83947)	
80089 Muscle panel	BR	82011 Acetylsalicylic acid; quantitative ...	32.0
80090 Antibody panel (e.g., TORCH: Toxoplasma IFA, rubella HI, cytomegalovirus CF, herpes virus CF)	BR	82012 qualitative	32.0
80099 Unlisted panel	BR	82013 Acetylcholinesterase	40.0

NEW SECTION

WAC 296-23A-330 URINALYSIS.

(For specific analyses, see appropriate section)

	Unit Value		Unit Value
81000 Urinalysis; routine (pH, specific gravi- ty, protein, tests for reducing sub- stances as glucose), with microscopy .	12.0	82015 Acidity, titratable, urine	30.0
81002 routine, without microscopy	8.0	(ACTH, see 82024)	
81004 components, single, not otherwise listed, specify	5.0	(Adrenalin-Noradrenalin, see catechola- mines, 82382-82384)	
81005 chemical, qualitative, any number of constituents	8.0	82024 Adrenocorticotropic hormone (ACTH), RIA	120.0
(81006 urine volume measurement has been deleted. To report, use 81099)		82030 Adenosine; 5'-diphosphate (ADP) and 5'-monophosphate (AMP), cy- clic, RIA, blood	40.0
81010 concentration and dilution test	14.0	82035 5'-triphosphate, blood	40.0
81011 water deprivation test	BR	82040 Albumin serum	20.0
81012 water deprivation test with vaso- pressin response	BR	82042 urine, quantitative (specify meth- od, e.g., Esbach)	20.0
81015 microscopic only	10.0	(For albumin/globulin ratio, albumin/glob- ulin ratio by electrophoretic method, see 84155-84200)	
81020 two or three glass test	10.0	82055 Alcohol (ethanol), blood; chemical ..	30.0
81030 Quantitative sediment analysis and quantitative protein (Addis count) ...	40.0	82060 by gas-liquid chromatography ...	40.0
81099 Unlisted urinalysis procedure	BR	82065 Alcohol (ethanol), urine; chemical ..	30.0

NEW SECTION

WAC 296-23A-335 CHEMISTRY AND TOXICOLOGY.

Notes: The material for examination may be from any source. Examination is quantitative unless specified. (For list of automated, multichannel tests, see 80003-80019)

Clinical pathology includes radioimmunoassay as one method of performing many chemistry tests. These codes can be appropriately used by any specialist performing such tests in a laboratory licensed and/or certified for radioimmunoassays. The reporting of these tests is not confined to clinical pathology laboratories alone.

82070 by gas-liquid chromatography ...	40.0
82072 Alcohol (ethanol) gelation	30.0
82075 Alcohol (ethanol), breath	60.0
82076 Alcohol; isopropyl	60.0
82078 methyl	60.0
82085 Aldolase, blood; kinetic ultraviolet method	26.0
82086 colorimetric	20.0
82087 Aldosterone; double isotope tech- nique	120.0
82088 RIA blood	100.0
82089 RIA urine	100.0
82091 saline infusion test	BR
(Alkaline phosphatase, see 84075-84080)	
82095 Alkaloids, tissue; screening	80.0
82096 quantitative	120.0
82100 Alkaloids, urine, screening	80.0
82101 quantitative	120.0

	Unit Value		Unit Value
(See also 82486, 82600, 82662, 82755, 84231)		(Aspirin, see acetylsalicylic acid, 82011, 82012)	
(Alpha amino acid nitrogen, see 82126)		(Atherogenic index, blood, ultracentrifugation, quantitative, see 83717)	
(Alpha-hydroxybutyric (HBD) dehydrogenase, see 83485, 83486)		82205 Barbiturates; quantitative	60.0
(Alphaketoglutarate, see 83584)		82210 quantitative and identification	80.0
(Alpha tocopherol (Vitamin E), see 84446)		(For qualitative screen, see 82486, 82660, 82755, 84231)	
82112 Amikacin	BR	82225 Barium	BR
(Amikacin serum radioimmunoassay, see 80040)		(Bence-Jones protein, 84185)	
82126 amino acid nitrogen, alpha	50.0	82230 Beryllium, urine	80.0
82128 Amino acids, qualitative	40.0	(Beta-glucosidase, see 82963)	
82130 Amino acids, urine or plasma, chromatographic fractionation and quantitation	180.0	82231 Beta-2 microglobulin, RIA; urine	BR
82134 Aminohippurate, para (PAH)	30.0	82232 serum	BR
82135 Aminolevulinic acid, delta (ALA)	50.0	82235 Bicarbonate excretion, urine	BR
82137 Aminophylline	60.0	82236 Bicarbonate loading test	BR
82138 Amitriptyline	60.0	(Bicarbonate, see 82374)	
82140 Ammonia; blood	40.0	82240 Bile acids, blood, fractionated	120.0
82141 urine	40.0	82245 Bile pigments, urine	8.0
82142 Ammonium chloride loading test	40.0	82250 Bilirubin; blood, total or direct	24.0
82143 Amniotic fluid scan (spectrophotometric)	50.0	82251 blood, total and direct	30.0
(For L/S ratio, see 83661)		82252 feces, qualitative	BR
(Amobarbital, see 82205-82210)		82260 urine, quantitative	12.0
82145 Amphetamine or methamphetamine, chemical, quantitative	80.0	82265 amniotic fluid, quantitative	30.0
82150 Amylase, serum	30.0	82268 Bismuth	80.0
82155 isoenzymes electrophoretic	BR	82270 Blood; occult, feces, screening	8.0
82156 Amylase, urine (diastase)	30.0	82273 duodenal, gastric contents, qualitative	BR
82157 Androstenedione RIA	80.0	(Blood urea nitrogen (BUN), see 84520-84525, 84545)	
82159 Androsterone	50.0	(Blood volume, see 84605-84610, 78110, 78111)	
82160 RIA	50.0	82280 Boric acid; blood	100.0
(See also 83593-83596)		82285 urine	100.0
(Angiotensin I, see renin, 84244)		82286 Bradykinin	BR
82163 Angiotensin II, RIA	BR	82290 Bromides; blood	24.0
82164 Angiotensin-converting enzyme	BR	82291 urine	40.0
82165 Aniline	BR	82300 Cadmium, urine	100.0
(Antidiuretic hormone, RIA, see 84588)		82305 Caffeine	60.0
82168 Antihistamines	BR	82306 Calcifediol (25-OH Vitamin D-3), chromatographic technique	BR
82170 Antimony, urine	80.0	82307 Calciferol (Vitamin D), RIA	BR
(Antimony, screen, see 83015)		(For 1, 25-Dihydroxyvitamin D, use 82652)	
(Antitrypsin, alpha-1-, see 86329)		82308 Calcitonin, RIA	80.0
82173 Arginine tolerance test	BR	82310 Calcium, blood; chemical	22.0
82175 Arsenic, blood, urine, gastric contents, hair or nails, quantitative	80.0	82315 fluorometric	22.0
(For heavy metal screening, see 83015)		82320 emission flame photometry	22.0
82180 Ascorbic acid (Vitamin C), blood	40.0	82325 atomic absorption flame photometry	24.0
		82330 fractionated, diffusible	60.0
		82331 after calcium infusion test	24.0

	Unit Value		Unit Value
82335 Calcium, urine; qualitative (Sulko- witch)	11.0	82485 Chondroitin B sulfate, quantitative . .	BR
82340 quantitative, timed specimen	32.0	(Chorionic gonadotropin, see gonadotropin, 82996-83002)	
82345 Calcium, feces, quantitative, timed specimen	80.0	82486 Chromatography; gas-liquid, com- pound and method not elsewhere specified	BR
82355 Calculus (stone), qualitative; chemi- cal	40.0	82487 paper, 1-dimensional, compound and method not elsewhere speci- fied	BR
82360 Calculus (stone), quantitative; chemi- cal	60.0	82488 paper, 2-dimensional, not else- where specified	BR
82365 infrared spectroscopy	60.0	82489 thin layer, not elsewhere specified .	BR
82370 X-ray diffraction	50.0	82490 Chromium; blood	100.0
(Carbamates, see individual listings)		82495 urine	100.0
82372 Carbamazepine, serum	BR	82505 Chymotrypsin, duodenal contents ...	30.0
82374 Carbon dioxide, combining power or content	10.0	82507 Citrate	80.0
(See also 82801-82803, 82817)		82512 Clonazepam	BR
82375 Carbon monoxide, (carboxyhemoglo- bin); quantitative	48.0	82520 Cocaine, quantitative	60.0
82376 qualitative	48.0	(Cocaine, screen, see 82486, 82660, 82662, 82755, 84231)	
(Carbon tetrachloride, see 84600)		(Codeine, screen, see 82486, 82660, 82662, 82755, 84231)	
(Carboxyhemoglobin, see 82375, 82376)		(Codeine, quantitative, see 82096, 82101)	
82380 Carotene, blood	40.0	(Complement, see 86159-86162)	
(Carotene plus Vitamin A, see 84595)		(Compound S, see 82634)	
82382 Catecholamines (dopamine, nore- pinephrine, epinephrine); total urine	BR	82525 Copper; blood	60.0
82383 blood	BR	82526 urine	60.0
82384 fractionated	BR	(Coprobinogen, feces, 84575)	
(For urine metabolites, see 83835, 84585)		(Coproporphyrins, see 84118-84121)	
82390 Ceruloplasmin, chemical (copper ox- idase), blood	40.0	(Corticosteroids, see 83492-83496)	
(For gel diffusion technique, see 86331; immunodiffusion technique, see 86329)		82528 Corticosterone, RIA	BR
82400 Chloral hydrate; blood	60.0	(See also 83593-83597)	
82405 urine	40.0	82529 Cortisol; fluorometric, plasma	36.0
82415 Chloramphenicol; blood	40.0	82531 CPB, plasma	75.0
82418 Chlorazepate dipotassium	40.0	82532 CPB, urine	75.0
82420 Chlordiazepoxide; blood	60.0	82533 RIA, plasma	90.0
82425 urine	60.0	82534 RIA, urine	90.0
82435 Chlorides; blood (specify chemical or electrometric)	20.0	82536 after adrenocorticotrophic hormone (ACTH) administration	BR
82436 urine (specify chemical, electro- metric or Fantus test)	20.0	82537 48 hours after continuous ACTH infusion	BR
82437 sweat (without iontophoresis) ...	20.0	82538 after metyrapone tartrate adminis- tration	BR
82438 spinal fluid	20.0	82539 dexamethasone suppression test, plasma and/or urine	BR
82441 Chlorinated hydrocarbons, screen ...	20.0	82540 Creatine; blood	24.0
82443 Chlorothiazide-hydrochlorothiazide .	60.0	82545 urine	40.0
(Chlorpromazine, see 84021, 84022)		82546 Creatine and creatinine	50.0
82465 Cholesterol, serum; total	22.0	82550 Creatine phosphokinase (CPK), blood; timed kinetic ultraviolet method	26.0
82470 total and esters	30.0	82552 isoenzymes	30.0
82480 Cholinesterase; serum	40.0	82555 colorimetric	20.0
82482 RBC	60.0		
82484 serum and RBC	80.0		

	Unit Value		Unit Value
82565 Creatinine; blood	20.0	82649 Dihydromorphinone, quantitative ...	75.0
82570 urine	20.0	(Dihydromorphinone screen, see 82486, 82489, 82662, 82755, 84231)	
82575 clearance	40.0	82651 Dihydrotestosterone (DHT)	BR
82585 Cryofibrinogen, blood	40.0	82652 Dihydroxyvitamin D, 1, 25-	BR
82595 Cryoglobulin, blood	40.0	82654 Dimethadione	BR
(Crystals, pyrophosphate vs. urate, see 84208)		(Diphenylhydantoin, see 84045)	
82600 Cyanide; blood	80.0	(Dopamine, see 82382-82384)	
82601 tissue	80.0	82656 Doxepin	BR
82606 Cyanocobalamin (Vitamin B-12); bioassay	70.0	82660 Drug screen (amphetamines, barbit- urates, alkaloids)	65.0
82607 RIA	45.0	(See also 82486-82489, 82662, 82755, 84231)	
82608 unsaturated binding capacity	60.0	(Duodenal contents, see individual enzymes; for intubation and collection, see 89100)	
(Cyclic AMP, see 82030)		(Endocrine receptor assays, see 84233- 84235)	
(Cyclic GMP, see 83008)		82662 Enzyme immunoassay technique for drugs, EMIT	30.0
82614 Cystine, blood, qualitative	BR	(For enzyme immunoassay for bacteria, use 86227)	
82615 Cystine and homocystine, urine; qualitative	30.0	82664 Electrophoretic technique, not else- where specified	45.0
82620 quantitative	40.0	82666 Epiandrosterone	BR
82624 Cystine aminopeptidase	BR	(See also 83593, 83596)	
(D hemoglobin, see 83053)		(Epinephrine, see 82382-82384)	
(Delta-aminolevulinic acid (ALA), see 82135)		82668 Erythropoietin, bioassay	BR
82626 Dehydroepiandrosterone (DHEA), RIA	BR	(For HI method, see 86280)	
(See also 83593)		82670 Estradiol, RIA (placental)	90.0
(Deoxycortisol, 11-(compound S), RIA, see 82634)		82671 Estrogens; fractionated	85.0
82628 Desipramine	BR	82672 total	60.0
82633 Desoxycorticosterone, 11-RIA	BR	82673 Estriol; fluorometric	54.0
82634 Desoxycortisol, 11-(compound S), RIA	80.0	82674 GLC	45.0
(see also 83492)		82676 Chemical	75.0
(Dexamethasone suppression test, see 82539)		82677 RIA	105.0
82635 Diacetic acid	18.0	(Estrogen receptor assay, see 84233)	
(Diastase, urine, see 82156)		82678 Estrone; chemical	75.0
82636 Diazepam	50.0	82679 RIA	90.0
82638 Dibucaine number	34.0	(Ethanol, see 82055-82075)	
82639 Dicumarol	BR	82690 Ethchlorvynol; blood	60.0
(Dichloroethane, see 84600)		82691 urine	60.0
(Dichloromethane, see 84600)		82692 Ethosuximide	BR
(Diethylether, see 84600)		(Ethyl alcohol, see 82055-82075)	
82640 Digitoxin (digitalis); blood, RIA	BR	82694 Etiocholanolone	BR
82641 urine	BR	(See also 83593, 83596)	
82643 Digoxin, RIA	36.0	(Evans Blue, see blood volume, 84605- 84610)	
82646 Dihydrocodinone	BR		

	Unit Value		Unit Value
82696	50.0	82791	40.0
82705	10.0	82792	20.0
82710	100.0	82793	40.0
82715	BR	82795	6.0
82720	40.0	82800	20.0
82725	40.0	82801	24.0
82727	BR	82802	42.0
82728	BR	82803	54.0
		82804	40.0
		82812	24.0
		82817	24.0
		82926	11.2
			9.0
		82927	9.0
		82928	7.5
		82929	24.0
		82931	18.0
		82932	BR
			48.0
			10.5
			37.5
			10.5
			8.2
			22.5
			13.5
			37.5
			10.5
			6.0
			BR
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			8.2
			22.5
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			6.0
			BR
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			37.5
			10.5
			6.0
			BR
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			10.5
			6.0
			BR
			10.5
			8.2
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			13.5
			37.5
			10.5
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			BR
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			8.2
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			BR
			10.5
			8.2
			22.5
			13.5
			37.5
			10.5
			6.0
			BR
			10.5
			8.2
			22.5
			13.5
			37.5
			10.5
			6.0
			BR
			10.5
			8.2
			22.5

	Unit Value		Unit Value
(For intravenous glucose tolerance test, see 82961)		83005 Guanase, blood	40.0
82953 tolbutamide tolerance test	15.0	83008 Guanosine monophosphate (GMP), cyclic, RIA	BR
(For insulin tolerance test, see 82937)		83010 Haptoglobin; chemical	60.0
(For leucine tolerance test, see 83681)		83011 quantitative, electrophoresis	30.0
82954 Glucose, urine	20.0	83012 phenotypes, electrophoresis	60.0
82955 Glucose-6-phosphate dehydrogenase(G6PD); quantitative	60.0	83015 Heavy metal screen (arsenic, bismuth, mercury, antimony); chemical (e.g., Reinsch, Gutzeit)	30.0
82960 screen	56.0	83018 chromatography, DEAE column	BR
82961 Glucose tolerance test, intravenous	BR	83020 Hemoglobin; electrophoresis (includes A ₂ , S, C, etc.)	80.0
82963 Glucosidase, beta	BR	(Hemoglobin, carboxyhemoglobin (CO), see 82375, 82376; colorimetric, see 85018, 85031)	
82965 Glutamate dehydrogenase, blood	40.0	83030 F (fetal), chemical	40.0
(Glutamic oxaloacetic transaminase (SGOT), see 84450-84455)		83033 F (fetal), qualitative (APT) test, fecal	56.0
(Glutamic pyruvic transaminase (SGPT), see 84460-84465)		83036 glycosylated (A1c)	60.0
82975 Glutamine (glutamic acid amide), spinal fluid	80.0	83040 methemoglobin, electrophoretic separation	80.0
82977 Glutamyl transpeptidase, gamma (GGT)	BR	83045 methemoglobin, qualitative	20.0
82978 Glutathione	BR	83050 methemoglobin, quantitative	40.0
82979 Glutathione reductase, RBC	BR	83051 plasma	40.0
82980 Glutethimide	56.2	83052 sickle, turbidimetric	34.0
(Glycohemoglobin, see 83036)		83053 solubility, S-D, etc.	40.0
82985 Glycoprotein, electrophoresis	60.0	83055 sulfhemoglobin, qualitative	20.0
82995 Gold, blood	100.0	83060 sulfhemoglobin, quantitative	40.0
82996 Gonadotropin, chorionic, bioassay; qualitative	30.0	83065 thermolabile	BR
82997 quantitative	30.0	83068 unstable, screen	BR
82998 Gonadotropin, chorionic, RIA	38.0	83069 urine	BR
(Gonadotropin, chorionic, beta subunit, RIA, see 84701)		83070 Hemosiderin, urine	12.0
(For immunoassay, qualitative, see 86006, 86007)		83071 Hemosiderin, RIA	25.6
(For quantitative titer, see 86008, 86009)		(Heroin, screening, see 82660, 82486, 82662, 82755, 84231; quantitative, see 82096, 82101)	
83000 Gonadotropin, pituitary, follicle stimulating hormone (FSH); bioassay	90.0	(HIAA, see 83497)	
83001 RIA	90.0	83086 Histidine; blood, qualitative	BR
83002 Gonadotropin, pituitary, luteinizing hormone (LH)(ICSH), RIA	90.0	83087 urine, qualitative	BR
(For luteinizing releasing factor (LRH), see 83727)		83088 Histamine	100.0
83003 Growth hormone human (HGH), (somatotropin); RIA	48.0	(Homocystine, qualitative, see 82615)	
83004 after glucose tolerance test	48.0	(Homocystine, quantitative, see 82620)	
(For growth hormone secretion after arginine tolerance test, see 82173)		83093 Homogentisic acid; blood, qualitative	BR
(For human growth hormone antibody, RIA, see 86277)		83094 urine, qualitative	20.0
		83095 urine, quantitative	40.0
		83150 Homovanillic acid (HVA), urine	80.0
		(Hormones, see individual alphabetic listings in chemistry section)	
		83485 Hydroxybutyric dehydrogenase, alpha (HBD), blood; kinetic ultraviolet method	22.0
		83486 colorimetric method	20.0

	Unit Value		Unit Value
83491 Hydroxycorticosteroids, 17-(17-OHCS); RIA	64.1	(Ketone bodies, see 82005-82010; urine, see 81000-81005)	
83492 gas liquid chromatography (GLC)	82.0	83586 Ketosteroids 17-(17-KS), blood; total	38.0
83493 blood, Porter-Silber type	45.0	83587 fractionation, alpha/beta	75.0
83494 blood, fluorometric	38.0	83588 RIA	54.0
83495 urine, Porter-Silber type	52.0	83589 Ketosteroids, 17-(17-KS), urine; total	36.0
83496 urine, fluorometric	52.0	83590 fractionation, alpha/beta	60.0
(See also 82531-82534, 82634, 84409)		83593 chromatographic fractionation ...	75.0
83497 Hydroxyindolacetic acid, 5-(HIAA), urine	60.0	(83596 D/A/E ratio has been deleted)	
(For HIAA, blood, see 84260)		83597 11-desoxy: 11-oxy ratio	75.0
83498 Hydroxyprogesterone, 17-d, RIA ...	105.0	(See also 82528, 82632, 82633, 82666, 82694)	
83499 Hydroxyprogesterone, 20-	BR	83599 Ketosteroids, 17-OH, RIA	64.1
83500 Hydroxyproline, urine; free only ...	100.0	83600 Kynurenic acid	90.0
83505 total only	100.0	83605 Lactate, (lactic acid)	40.0
83510 free and total	180.0	83610 Lactic dehydrogenase (LDH), RIA .	33.7
83523 Imipramine	67.0	83615 Lactic dehydrogenase (LDH), blood; kinetic ultraviolet method	26.0
(Immunoglobulins, see 82784, 82785, 82786, 86329, 86335)		83620 colorimetric or fluorometric	20.0
83524 Indican, urine	35.0	83624 heat or urea inhibition (total not included)	24.0
83525 Insulin, RIA	40.0	83625 isoenzymes, electrophoretic separation and quantitation	60.0
(For proinsulin, see 84206)		83626 isoenzymes, chemical separation ..	20.0
83526 Insulin tolerance test	80.0	83628 Lactic dehydrogenase, liver (LLDH)	20.0
83528 Intrinsic factor level	BR	83629 Lactic dehydrogenase (LDH), urine .	20.0
(For intrinsic factor antibodies, RIA, see 86340)		83631 Lactic dehydrogenase (LDH), CSF .	20.0
83530 Inulin clearance	40.0	(For hydroxybutyric dehydrogenase (HBD), see 83485)	
(83533, 83534 Protein bound iodine have been deleted. To report, use 84999)		83632 Lactogen, human placental (HPL) chorionic somatomammotropin, RIA	30.0
(For thyroxine, see 84435-84439)		83633 Lactose, urine; qualitative	20.0
(For triiodothyronine (true T-3), RIA, see 84480)		83634 quantitative	20.0
83540 Iron, serum; chemical	20.0	(For tolerance, see 82951-82952)	
83545 automated	12.0	(For TLC screen, see 84375)	
83546 radioactive uptake method	30.0	83645 Lead, screening; blood	20.0
83550 Iron binding capacity, serum; chemical	20.0	83650 urine	20.0
83555 automated	12.0	83655 Lead, quantitative; blood	60.0
83565 radioactive uptake method	30.0	83660 urine	60.0
83570 Isocitric dehydrogenase (IDH), blood; kinetic ultraviolet	26.0	83661 Lecithin - sphingomyelin (L/S ratio), amniotic fluid	75.0
83571 colorimetric	20.0	83670 Leucine aminopeptidase (LAP), blood; kinetic ultraviolet method ...	26.0
(Isopropyl alcohol, see alcohol 82076)		83675 colorimetric	20.0
83576 Isonicotinic acid hydrazide (INH) ..	105.0	83680 Leucine aminopeptidase (LAP), urine	26.0
83578 Kanamycin	49.0	83681 Leucine tolerance test	26.0
83582 Ketogenic steroids, urine; 17-(17-KGS)	45.0	83685 Lidocaine	20.0
83583 11-desoxy: 11-oxy ratio	75.0	83690 Lipase, blood	30.0
83584 Ketoglutarate, alpha	40.0	83700 Lipids, blood; total	30.0

	Unit Value		Unit Value
83705		fractionated (cholesterol, triglycerides, phospholipids)	60.0
		(For feces, see 82705-82715)	
83715		Lipoprotein, blood; electrophoretic separation and quantitation (phenotyping)	60.0
83717		analytic ultracentrifugation separation and quantitation (atherogenic index)	100.0
83718		Lipoprotein high density cholesterol (HDL cholesterol) by precipitation method)	BR
83719		Lipoprotein very low density cholesterol (VLDL cholesterol) by ultracentrifugation	BR
83720		Lipoprotein cholesterol fractionation calculation by formula	BR
83725	60.0	Lithium, blood, quantitative	60.0
		(Luteinizing hormone (LH), see 83002)	
83727		Luteinizing releasing factor (LRH), RIA	60.0
83728		Lysergic acid diethylamide (LSD), RIA	BR
83730	30.0	(Macroglobulins (Sia) test)	30.0
		(Macroglobulins, alpha-2-Sia, see 86329)	
83735	20.0	Magnesium, blood; chemical	20.0
83740	20.0	fluorometric	20.0
83750	40.0	atomic absorption	40.0
83755	40.0	Magnesium, urine, chemical	40.0
83760	40.0	fluorometric	40.0
83765	40.0	atomic absorption	40.0
83775	30.0	Malate dehydrogenase, kinetic ultraviolet method	30.0
		(Maltose tolerance, see 82951, 82952)	
		(Mammotropin, see 84146)	
83785	60.0	Manganese, blood or urine	60.0
83790	BR	Mannitol clearance	BR
		(Marijuana, see tetrahydrocannabinol THC, 84408)	
83795	60.0	Melanin, urine, qualitative	60.0
83799	54.0	Meperidine, quantitative	54.0
		(For screen, see 82486, 82489, 82662, 82755, 84231)	
83805	60.0	Meprobamate, blood or urine	60.0
		(For screen, see 82486, 82489, 84231)	
83825	70.0	Mercury, quantitative; blood	70.0
83830	70.0	urine	70.0
		(Mercury screen, see 83015)	
83835	52.0	Metanephrines, urine	52.0
		(For catecholamines, see 82382-82384)	
83840		Methadone	60.0
		(Methamphetamine, see 82145)	
		(Methanol, see 82078)	
83842		Methapyrilene	50.0
83845		Methaqualone	90.0
83857		Methemalbumin	32.0
		(Methemoglobin, see hemoglobin 83045-83050)	
83858		Methsuximide, serum	90.0
		(Methyl alcohol, see 82078)	
83859		Methypylon	90.0
		(Microglobulin, beta-2, RIA, see 82231, 82232)	
83860		Morphine, screening	80.0
83861		quantitative	120.0
83862		RIA	82.0
83864		Mucopolysaccharides, acid, blood	60.0
83865		Mucopolysaccharides, acid, urine; quantitative	60.0
83866		screen	21.0
		(83870 Mucoprotein, blood has been deleted. To report use 84999)	
83872		Mucin, synovial fluid (Ropes test)	21.0
83873		Myeline basic protein, CSF, RIA	BR
		(For oligoclonal bands, see 83916)	
83874		Myoglobin, electrophoresis	30.0
83875		Myoglobin, urine	40.0
83880		Nalorphine	60.0
83885		Nickel, urine	100.0
83887		Nicotine	75.0
83895		Nitrogen, total; urine, 24-hour specimen	60.0
83900		feces, 24-hour specimen	100.0
83910		Nonprotein nitrogen (NPN), blood	20.0
		(Norepinephrine, see 82382-82384)	
83915		Nucleotidase 5'-	25.0
83916		Oligoclonal immune globulin (Ig), CSF, by electrophoresis	BR
		(For myelin basic protein, CSF, see 83873)	
83917		Organic acids; screen, qualitative	30.0
83918		quantitative	30.0
83920		Ornithine carbamyl transferase (OCT)	24.0
83930		Osmolality; blood	20.0
83935		urine	20.0
83938		Ouabain	BR
83945		Oxalate, urine	40.0
		(For alpha-oxoglutarate, see 83584)	
83946		Oxazepam	40.0
83947		Oxybutyric acid, beta	40.0

	Unit Value		Unit Value
83948 Oxycodone	52.0	84066 prostatic fraction, RIA	60.0
(Oxygen, see gases, blood, 82790-82817)		84075 Phosphatase, alkaline, blood	24.0
83949 Oxytocinase, RIA	52.0	84078 heat stable (total not included) . . .	16.0
(Para-aminohippuric acid, see 82134)		84080 isoenzymes, electrophoretic meth- od	BR
83965 Paraldehyde, blood, quantitative . . .	60.0	84081 Phosphatidylglycerol	BR
83970 Parathormone (parathyroid hor- mone), RIA	165.0	84082 Phosphates, tubular reabsorption of (TRP)	60.0
(PBI, see 83533)		(Phosphates, inorganic, see 84100-84105)	
83971 Penicillin, urine	50.0	(Phosphates, organic, see 82480-82484)	
83972 Pentazocine	60.0	84083 Phosphoglucomutase, isoenzymes . . .	60.0
83973 Pentose, urine, qualitative	13.5	84085 Phosphogluconate, 6-, dehydrogen- ase, RBC	18.0
(For TLC screen, see 84375)		84087 Phosphohexose isomerase	30.0
83974 Pepsin, gastric	23.0	84090 Phospholipids, blood	30.0
83975 Pepsinogen, blood	40.0	(See also 83705)	
83985 Pesticide other than chlorinated hy- drocarbons, blood, urine, or other material	BR	(For lecithin/sphingomyelin ratio, see 83661)	
(Pesticide, chlorinated hydrocarbons, see 82441)		84100 Phosphorus (phosphate); blood	24.0
83986 pH, body fluid, except blood	BR	84105 urine	24.0
(For blood, see 82800, 82802, 82803, 82817)		(Pituitary gonadotropins, see 83000-83002)	
83992 Phencyclidine (PCP)	38.0	(PKU, see 81005, 84030, 84031)	
(Phenobarbital, see barbiturates 82205- 82210)		84106 Porphobilinogen, urine; qualitative . .	20.0
83995 Phenol, blood or urine	60.0	84110 quantitative	20.0
84005 Phenolsulphonphthalein (PSP), test, urine	20.0	84118 Porphyrins, copro-, urine; quantita- tive	30.0
84021 Phenothiazine, urine; qualitative, chemical	100.0	84119 qualitative	24.0
(See also 82486 et seq.)		84120 Porphyrins; copro- and uro-, fractionated, urine	64.0
84022 quantitative, chemical	BR	84121 uro-, copro-, and porphobilinogen, urine	80.0
(See also individual drugs)		84126 Porphyrins, feces, quantitative	100.0
84030 Phenylalanine (PKU), blood; Guthrie	12.0	84128 Porphyrins, plasma	82.0
(Phenylalanine-tyrosine ratio, see 84030, 84510)		(Porphyrin precursors, see 82135)	
84031 fluorometric	12.0	(For protoporphyrin, RBC, see 84202, 84203)	
84033 Phenylbutazone	20.0	84132 Potassium; blood	24.0
84035 Phenylketones; blood, qualitative . . .	20.0	84133 urine	24.0
84037 urine, qualitative	20.0	84135 Pregnanediol; RIA	BR
84038 Phenylpropanolamine	20.0	84136 other method (specify)	BR
84039 Phenylpyruvic acid; blood	20.0	84138 Pregnanetriol; RIA	BR
84040 urine	20.0	84139 other method (specify)	BR
(For qualitative chemical tests, urine, see 81005)		84141 Primidone	60.0
84045 Phenytoin	61.0	84142 Procainamide	60.0
84060 Phosphatase, acid; blood	24.0	84144 Progesterone, any method	105.0
84065 prostatic fraction	40.0	(Progesterone receptor assay, see 84234)	
		(For proinsulin, RIA, see 84206)	
		84146 Prolactin (mamotropin), RIA	225.0
		84147 Propoxyphene	60.0
		(For screen, see 82486 et seq.)	
		84149 Propranolol	BR

	Unit Value		Unit Value
84150 Prostaglandin, any one, RIA	BR	(Secretin test, see 89100 and appropriate analyses)	
84155 Protein, total, serum; chemical	20.0	84255 Selenium, blood, urine or tissue	100.0
84160 refractometric	12.0	84260 Serotonin, blood	120.0
84165 electrophoretic fractionation and quantitation	60.0		
84170 Protein, total and albumin/globulin ratio	40.0	(For urine metabolites, see 83497)	
(For serum albumin, see 82040; serum glob- ulin, see 82942)		84275 Sialic acid, blood	50.0
84175 Protein, other sources, quantitative . .	24.0	(Sickle hemoglobin, see 83020, 83052, 83053, 85660)	
84176 Protein, special studies (e.g., mono- clonal protein analysis)	BR	84285 Silica, blood, urine or tissue	100.0
84180 Protein, urine; quantitative, 24-hour specimen	24.0	84295 Sodium; blood	24.0
84185 Bence-Jones	12.0	84300 urine	24.0
84190 electrophoretic fractionation and quantitation	80.0	(Somatomammotropin, see 83632)	
84195 Protein, spinal fluid; semi-quantita- tive (Pandy)	20.0	(Somatotropin, see 83003; chorionic, see 83632)	
84200 electrophoretic fractionation and quantitation	80.0	84310 Sorbitol dehydrogenase, serum	26.0
84201 Protirelin, thyrotropin releasing hor- mone (TRH) test	BR	84315 Specific gravity (except urine)	8.0
84202 Protoporphyrin, RBC; quantitative . .	30.0	(For urine specific gravity, see 81000)	
84203 screen	20.0	84317 Starch, feces, screening	8.0
84205 Protipyrene	68.0	84318 Stercobilin, qualitative, feces	BR
84206 Proinsulin, RIA	60.0	(Stone analysis, see 82355-82370)	
84207 Pyridoxine (Vitamin B-6)	BR	84324 Strychnine	75.0
84208 Pyrophosphate vs. urate, crystals (polarization)	12.0	(Sugar, see under glucose)	
84210 Pyruvate, blood	30.0	84375 Sugars, chromatographic, TLC or paper chromatography	80.0
84220 Pyruvic kinase, RBC	30.0	(Sulfhemoglobin, see hemoglobin, 83055- 83060)	
84228 Quinine	30.0	(84382 has been deleted)	
84230 Quinidine, blood	40.0	84395 Sulfonamide, blood, chemical	20.0
84231 Radioimmunoassay (RIA) not else- where specified	BR	(84397 has been deleted)	
(Reinsch test, see 83015)		(T-3, see 84435, 84479, 84480)	
84232 Releasing factor	BR	(T-4, see 84435-84439)	
84233 Receptor assay; estrogen (estradiol) .	BR	(84401 has been deleted)	
84234 progesterone	BR	84403 Testosterone, blood, RIA	105.0
84235 endocrine, other than estrogen or progesterone (specify hormone) . .	BR	(84404 has been deleted)	
84236 progesterone and estrogen	BR	84405 Testosterone, urine, RIA	120.0
84238 nonendocrine (e.g., acetylcholine) (specify receptor)	BR	84406 Testosterone, binding protein	BR
84244 Renin (angiotensin I); (RIA)	60.0	84407 Tetracaine	BR
(See also 82163, angiotensin II)		84408 Tetrahydrocannabinol THC (mari- juana)	BR
84246 furosemide test	BR	84409 Tetrahydrocortisone or tetrahydro- cortisol	105.0
(Renin converting enzyme, see 82164)		(See also 83491-83497)	
(84250, 84251 resine uptake have been de- leted. To report, use 84479, 84435)		84410 Thallium, blood or urine	100.0
84252 Riboflavin (Vitamin B-2)	BR	84420 Theophylline, blood or saliva	60.0
(Salicylates, see 82011, 82012)		84425 Thiamine (Vitamin B-1)	BR
(Saline infusion test, see 82091)		84430 Thiocyanate, blood	30.0
		84434 Thioridazine	40.0

	Unit Value		Unit Value
(Thyrotropin releasing hormone (TRH) test, see 84201)		84488 Trypsin, feces; qualitative, 24-hour specimen	30.0
84435 Thyroxine, (T-4), CPB or resin uptake	33.0	84490 quantitative	30.0
84436 Thyroxine, true (TT-4), RIA	21.0	(Tubular reabsorption of phosphate, blood and urine, see 84082)	
84437 Thyroxine (T-4), neonatal	20.0	84510 Tyrosine, blood	40.0
84439 Thyroxine, free (FT-4), RIA (unbound T-4 only)	45.0	(Ultracentrifugation, lipoprotein, see 83717)	
(84441 Thyroxine (T-4) method has been deleted. To report, use 84435-84439)		(Urate vs. pyrophosphate crystals, see 84208)	
84442 Thyroxine binding globulin (TBG)	52.0	84520 Urea nitrogen, blood (BUN); quantitative	22.0
(Thyroxine, free thyroxine index, T-7, see 82756)		84525 stick test	8.0
(Thyroid hormones, PBI, thyroxine, etc., see 84480, 84250)		84540 Urea nitrogen urine	20.0
84443 Thyroid stimulating hormone (TSH), RIA	60.0	84545 Urea nitrogen clearance	40.0
(Thyroid stimulating hormone (TSH), neonatal, see 84800)		84550 Uric acid; blood, chemical	20.0
84444 Thyrotropin releasing factor (TRF), RIA	BR	84555 uricase, ultraviolet method	26.0
84445 plus long acting (LATS)	BR	84560 Uric acid, urine	20.0
(Tobramycin, see 84840)		84565 Urobilin, urine; qualitative	12.0
84446 Tocopherol alpha (Vitamin E)	38.0	84570 quantitative, timed specimen	24.0
(Tolbutamide tolerance, see 82951-82952)		84575 Urobilin, feces, quantitative	60.0
84447 Toxicology, screen; general	BR	84577 Urobilinogen, feces, quantitative	30.0
84448 sedative (acid and neutral drugs, volatiles)	45.0	84578 Urobilinogen, urine; qualitative	24.0
84450 Transaminase, glutamic oxaloacetic (SGOT), blood; timed kinetic ultraviolet method	24.0	84580 quantitative, timed specimen	24.0
84455 colorimetric or fluorometric	20.0	84583 semiquantitative	20.0
84460 Transaminase, glutamic pyruvic (SGPT), blood; timed kinetic ultraviolet method	24.0	84584 Uropepsin, urine	24.0
84465 colorimetric or fluorometric	20.0	(Uroporphyrins, see 84120, 84121)	
(Transferrin, see 86329)		(Valproic acid, see 80031)	
84472 Trichloroethanol	60.0	84585 Vanillylmandelic acid (VMA), urine	24.0
84474 Trichloroacetic acid	36.0	84588 Vasopressin (antidiuretic hormone), RIA	BR
(Trichloroacetaldehyde, see 82400-82405)		84589 Viscosity, fluid	10.0
84476 Trifluoperazine	36.0	84590 Vitamin A, blood	40.0
84478 Triglycerides, blood	30.0	84595 including carotene	60.0
(See also 83705)		(See also 82380)	
84479 Triiodothyronine (T-3), resin uptake	BR	(Vitamin B-1, see 84425)	
84480 Triiodothyronine true (TT-3), RIA	36.0	(Vitamin B-2, see 84252)	
84481 Triiodothyronine, free (FT-3), RIA (unbound T-3 only)	BR	(Vitamin B-6, see 84207)	
84483 Trimethadione	36.0	(Vitamin B-12, blood, see 82606, 82607)	
84485 Trypsin, duodenal fluid	30.0	(Vitamin B-12, absorption (Schilling), see 78270, 78271)	
		(Vitamin C, see 82180)	
		(Vitamin D, see 82306, 82307)	
		(Vitamin E, see 84446)	
		84597 Vitamin K	BR
		(VMA, see 84585)	
		84600 Volatiles (acetic anhydride, carbon tetrachloride, dichloroethane, dichloromethane, diethylether)	45.0
		(For acetaldehyde, see 82000)	

	Unit Value		Unit Value
84605	30.0	(85003 Adelson-Crosby immersion method has been deleted. To report, use 85999)	
84610	50.0	(Blood cell morphology only, see 85548)	
		85005	10.0
(Volume, blood, RISA or Cr-51, see 78110, 78111)		85007	7.5
84613	BR		
84615	BR	(See also 85548, 85585)	
84620	40.0	(For other fluids, e.g., CSF, see 89051, 89190)	
84630	100.0	85009	12.0
84635	100.0	85012	10.0
84645	20.0		
(84680 has been deleted. To report use 82677)		(For nasal smear, see 89180)	
84695	38.5	85014	8.0
84701	66.7	85018	8.0
84800	60.0	(For other hemoglobin determination, see 83020-83068)	
84810	BR	85021	10.5
84999	BR	85022	15.0
		85027	12.0
Note: Gas-liquid chromatography, paper chromatography, electrophoresis, nuclear medicine, enzyme immunoassay and radioimmunoassay techniques are being extended constantly for the analysis of many drugs, hormones and other substances. Where these methodologies are not specifically listed under the compound in question, such tests should be coded under the listing for the specific general methodology. (For immunodiffusion, immunoprecipitin, and counter-immunoelectrophoretic methods other than enzyme and radioimmunoassay techniques, see immunology section.)		85028	17.0
		85029	BR
			BR
Reviser's note: Errors of punctuation or spelling in the above section occurred in the copy filed by the agency and appear herein pursuant to the requirements of RCW 34.08.040.		85030	BR
		85031	16.5
NEW SECTION		85041	8.0
WAC 296-23A-340 HEMATOLOGY.		(See also 85021-85031, 89050)	
	Unit Value	85044	12.0
(Includes blood clotting (coagulation) procedures. For blood banking procedures, see under Immunology)		85048	8.0
(Agglutinins, see Immunology)		(See also 85021-85031)	
(Antifactor (specific coagulation factors), see 85300-85341)		85095	45.0
(Antiplasmin, see 85410)			
(Antiprothrombinase, see 85311)		(85096 has been deleted. For interpretation of smear, use 85097; for cell block interpretation, see 88304, 88305)	
(Antithrombin III, see 85300)		85100	140.0
(Basophil count, see 85005)		85101	75.0
85000	10.0		
85002	24.0		

	Unit Value		Unit Value
(For special stains, see 85535, 85540, 85560, 88312-88313)		(Duke bleeding time, see 85000)	
85102	Bone marrow needle biopsy	75.0	(Eosinophil count, direct, see 85012)
85103	staining and interpretation	60.0	(Eosinophils, microscopic examination for, in various body fluids, see 89180)
85109	staining and preparation only	30.0	(Ethanol gel, see 85363)
85150	Calcium clotting time	40.0	85360 Euglobulin lysis
85160	Calcium saturation clotting test	40.0	40.0
85165	Capillary fragility test, Rumpel-Leede separate procedure	20.0	(Fetal hemoglobin, see 83030-83033, 85460)
85170	Clot retraction; screen	8.0	85362 Fibrin degradation (split) products (FDP)(FSP); agglutination, slide
85171	quantitative	45.0	12.0
85172	inhibition by drugs	BR	85363 ethanol gel
85175	Clot lysis time, whole blood dilution	40.0	10.0
(Clotting factor I (fibrinogen), see 82730, 85371-85377)		85364 hemagglutination inhibition (Merskey), microtiter	36.0
85210	Clotting factor II prothrombin, specific	40.0	85365 immunoelectrophoresis
(See also 85610-85618)		BR	85367 precipitation
85220	factor V (AcG or proaccelerin) labile factor	40.0	18.0
85230	factor VII (proconvertin, stable factor)	40.0	85368 protamine paracoagulation (PPP)
85240	factor VIII (AHG), one stage	40.0	BR
85242	factor VIII (AHG), two stage	40.0	85369 staphylococcal clumping
85244	factor VIII related antigen quantitation	BR	12.0
85250	factor IX (PTC or Christmas)	40.0	(Fibrinogen, quantitative, see 82730)
85260	factor X (Stuart-Prower)	40.0	85371 Fibrinogen, semiquantitative; latex
85270	factor XI (PTA)	40.0	40.0
85280	factor XII (Hageman)	40.0	85372 turbidimetric
85290	factor XIII (fibrin stabilizing)	40.0	22.5
85291	factor XIII (fibrin stabilizing), screen solubility	40.0	85376 Fibrinogen; thrombin with plasma dilution
85292	preallikrein assay (Fletcher factor assay)	BR	24.0
85293	high molecular weight kinninogen assay (Fitzgerald factor assay)	BR	85377 thrombin time dilution
85300	Clotting inhibitors or anticoagulants; antithrombin III, except antigen assay	40.0	36.0
85301	antithrombin III, antigen assay	BR	85390 Fibrinolysins; screening
85302	protein C assay	BR	20.0
85310	antithromboplastin	40.0	85392 with EACA control
85311	antiprothrombinase	40.0	BR
85320	antiprothromboplastin	40.0	85395 semiquantitative
85330	antifactor VIII	40.0	30.0
85340	cross recalcification time (mixtures)	40.0	85396 lysis of homologous clot
85341	PTT inhibition test	BR	105.0
85345	Coagulation time; Lee and White	30.0	85398 Fibrinolysis, quantitative
85347	activated	20.0	45.0
85348	other methods	BR	85400 Fibrinolytic mechanisms; plasmin
(Complete blood count, see 85021-85031)			BR
(Differential count, see 85007 et seq.)			85410 antiplasmin
(Drug inhibition, clot retraction, see 85172)			BR
			85420 plasminogen, except antigenic assay
			BR
			(For plasminogen activator, see 85665)
			85421 plasminogen, antigenic assay
			BR
			(Fragility, red blood cell, see 85547, 85555-85557)
			85441 Heinz bodies; direct
			9.0
			85445 induced, acetyl phenylhydrazine
			19.5
			(Hematocrit (PCV), see 85014, 85021-85031)
			(Hemoglobin, see 83020-83068, 85018-85031)
			85460 Hemoglobin, fetal, differential lysis (Kleihauer)
			26.0
			(See also 83030, 83033)
			(Hemogram, see 85021-85031)
			(Hemolysins, see 86006, 86281, 86282)
			85520 Heparin assay
			60.0
			85530 Heparin-protamine tolerance test
			60.0

	Unit Value		Unit Value
85535 Iron stain (RBC or bone marrow smears)	18.0	(Reticulocyte count, see 85044)	
(Ivy bleeding time, see 85002)		(Rumpel-Leede test, see 85165)	
85538 Leder stain (esterase) blood or bone marrow	30.0	85650 Sedimentation rate (ESR); Wintrobe type	14.0
85540 Leucocyte alkaline phosphatase with count	20.0	85651 Westergren type	10.5
85544 Lupus erythematosus (LE) cell prep	20.0	85660 Sickling of RBC, reduction, slide method	14.0
(Lysozyme, see 85548)		(Sickling, electrophoresis, see 83020)	
85547 Mechanical fragility, RBC	30.0	(Sickling, solubility, S-D, see 83053)	
85548 Morphology of red blood cells, only	9.0	(Sickling, turbidimetric (Sickdex dithionate), see 83052)	
85549 Muramidase, serum	52.0	(Siderocytes, see 85535)	
(Nitroblue tetrazolium dye test, see 86384)		(Smears for parasites, malaria, etc., see 87207)	
85555 Osmotic fragility, RBC	15.0	(Staphylococcal clumping test, see 85369)	
85556 incubated, qualitative	18.0	85665 Streptokinase titer (plasminogen activator)	BR
85557 incubated, quantitative	60.0	85670 Thrombin time; plasma	20.0
(Packed cell volume, see 85014)		85675 titer	12.0
(Partial thromboplastin time, see 85730-85732)		85700 Thromboplastin generation test; screening (Hicks-Pitney)	40.0
(Parasites, blood, e.g., malaria smears, see 87207)		85710 definitive, with platelet substitute	45.0
85560 Peroxidase stain, WBC	15.0	85711 with patient's platelets	45.0
(Plasmin, see 85400)		85720 all factors	BR
(Plasminogen, see 85420)		(For individual clotting factors, see 85210 et seq.)	
(Plasminogen activator, see 85665)		85730 Thromboplastin time, partial (PTT); plasma or whole blood	30.0
85575 Platelet; adhesiveness (in vivo)	45.0	85732 substitution, plasma	30.0
85576 aggregation (in vitro), any agent	BR	(For thromboplastin inhibition test, see 85341)	
85577 retention (in vitro), glass bead	30.0	(Tourniquet test, see 85165)	
85580 count (Rees-Ecker)	14.0	85810 Viscosity, blood	40.0
85585 estimation on smear, only	10.0	85820 serum or plasma	40.0
(See also 85007)		(Von Willebrand factor assay, see 85426)	
85590 phase microscopy	20.0	(WBC count, see 85021-85031, 85048, 89050)	
85595 electronic technique	20.0	85999 Unlisted hematology procedure	BR
(Protamine paracoagulation (PPP), see 85368)			
85610 Prothrombin time	16.0		
(See also 85618)			
85612 Russell viper venom type (includes venom)	36.0		
85614 two stage	30.0		
85615 Prothrombin utilization (consumption)	40.0		
85618 Prothrombin - Proconvertin, P & P (Owren)	18.0		
(Red blood cell count, see 85021-85031)			
85630 Red blood cell size (Price-Jones)	40.0		
85632 Red blood cell peroxide hemolysis	30.0		
85635 Reptilase test	33.0		

NEW SECTION

WAC 296-23A-345 IMMUNOLOGY.

	Unit Value
(Includes serology, immunohematology and blood banking)	
(Acetylcholine antireceptor antibody, see 86685)	
(Acid hemolysins, see 86281)	

	Unit Value		Unit Value
(Actinomycosis, see 86000-86009)		(For absorption and elution, see 86012-86013, 86019)	
(Adrenal cortex antibodies, RIA, see 86681)			
86000 Agglutinins; febrile, each	14.0	86028 saline or high protein, each (Rh, AB, etc.)	12.0
86002 panel (typhoid O & H, paratyphoid A & B, brucella and Proteus OX-19)	45.0	(Anti-DNA, see 86225)	
86004 warm	36.0	(Anti-deoxyribonuclease titer, see 86215)	
(Agglutinins and autohemolysins, see 86004, 86011-86013, 86281-86283, 86006-86009)		86031 Antihuman globulin test; direct (Coombs) 1-3 dilutions	12.0
(Agglutinins, auto, see 86282-86283, 86011, 86013)		86032 indirect, qualitative (broad, gamma or nongamma, each)	15.0
(Agglutinins, cold, see 86006, 86013, 86282, 86283)		86033 indirect, titer (broad, gamma or nongamma each)	12.0
(Alpha-1 antitrypsin, see 86064, 86067, 86329)		86034 enzyme technique, qualitative	30.0
(Alpha-1 fetoprotein, see 86244)		86035 drug sensitization, identification (e.g., penicillin)	75.0
(Amebiasis, see 86171, 86280)		(For antibody detection (screening), see 86016, 86017)	
(Anti-AChR (acetylcholine receptor) antibody titer, see 86685)		(Antihyaluronidase titer, see 86315)	
86006 Antibody, qualitative, not otherwise specified; first antigen, slide or tube	12.0	86038 Antinuclear antibodies (ANA), RIA	55.0
86007 each additional antigen	7.5	(Antinuclear antibodies, fluorescent technique, see 86255, 86256)	
86008 Antibody, quantitative titer, not otherwise specified; first antigen	18.0	86045 Antistreptococcal carbohydrate, anti-A CHO	40.0
86009 each additional antigen	12.0	(Antistreptococcal antibody, anti-DNAse, see 86215)	
86011 Antibody, detection, leukocyte antibody	44.0	(Antistreptokinase titer, see 86590)	
86012 Antibody absorption, cold auto absorption; per serum	30.0	86060 Antistreptolysin O titer	20.0
(For elution, see 86019)		86063 screen	10.0
86013 differential	45.0	86064 Antitrypsin, alpha-1; RIA	20.0
86014 Antibody, platelet antibodies (agglutinins)	45.0	86066 Pi (Protease inhibitor) typing	20.0
86016 Antibodies, RBC, saline; high protein and antihuman globulin technique	30.0	86067 other method (specify)	20.0
(See also 86032)		(Autoagglutinins, see 86282, 86283)	
86017 with ABO Rh(D) typing (for holding blood instead of complete crossmatch)	24.0	(Autoantibodies, see specific antigens)	
86018 enzyme technique including antihuman globulin	17.0	(Blastomycosis, see 86006-86009)	
86019 elution, any method	45.0	86068 Blood crossmatch, complete standard technique, includes typing and antibody screening of recipient and donor; first unit	60.0
86021 Antibody identification; leukocyte antibodies	60.0	86069 each additional unit	45.0
86022 platelet antibodies	75.0	86072 Blood crossmatch; enzyme technique	10.5
86023 platelet associated immunoglobulin assay	BR	86073 screening for compatible unit saline and/or high protein	26.0
86024 RBC antibodies (8-10 cell panel) standard technique	38.0	86074 antiglobulin technique	15.0
86026 RBC antibodies (8-10 cell panel), with enzyme technique including antihuman globulin	52.0	(For enzyme technique, see 86018)	
		86075 Blood crossmatch, minor only (plasma, Rh immune globulin), includes recipient and donor typing and antibody screening; first unit	44.0
		86076 each additional unit	27.0

	Unit Value		Unit Value
(For incompatibility problems, see 86004, 86011-86014, 86016-86026, 86031-86035, 86068-86076)		(For HAA, see 86285-86287)	
(For typing, antibody screening and blood in lieu of crossmatch, see 86017)		(Crossmatch, see 86068-86076)	
86080 Blood typing; ABO only	12.0	(86201 and 86202 have been deleted)	
86082 ABO and Rho(D)	18.0	(Cryptococcosis, see 86008, 86009, 86255, 86256)	
86090 MN	20.0	(Cysticercosis, see 86280)	
86095 Blood typing, RBC antigens other than ABO or Rho(D); antiglobulin technique, each antigen	10.5	86209 Cytotoxic testing	BR
86096 direct, slide or tube, including Rh subtypes, each antigen	10.5	86215 Deoxyribonuclease, antibody	36.0
86100 Blood typing; Rho(D) only	12.0	86225 Deoxyribonucleic acid (DNA) antibody	36.0
86105 Rh genotyping, complete	45.0	(Diphtheria, see 86280)	
(For Rho variant Du, see 86095)		(Direct antiglobulin test (Coombs), see 86031)	
86115 anti-Rh immunoglobulin testing (RhoGAM type)	68.0	(Donath-Landsteiner screen, see 86008, 86009)	
86120 special (Kell, Duffy)	BR	(Drug sensitization, RBC, see 86035)	
86128 Blood autotransfusion, including collection, processing and storage	45.0	(Echinococcosis, see 86171, 86280)	
(86129, 86131, 86134, 86138, and 86139 have been deleted)		86227 Enzyme immunoassay for infectious agent antigen	BR
(Bovine milk antibody, see 86008, 86009)		(For precipitin or agglutination rapid test for infectious agent, use 86403)	
(Brucellosis, see 86000-86002)		(For enzyme immunoassay for drugs, use 82662)	
86140 C-reactive protein	20.0	86228 Enzyme immunoassay for infectious agent antibody	BR
(Candidiasis, see 86008)		(For HTLV-III antibody tests, see 86312-86314)	
86149 Carcinoembryonic antigen (CEA); gel diffusion	60.0	86229 Enzyme immunoassay for chemical constituent	BR
86151 RIA	60.0	(Eosinophils, nasal smear, see 89190)	
(Cat scratch disease, see 86171)		86235 Extractable nuclear antigen (ENA), antibody	30.0
86155 Chemotaxis assay, specify method . . .	BR	(86240 and 86241 have been deleted)	
(Coccidioidomycosis, see 86006-86009, 86171, 86490)		86243 Fc receptor assay, specify method . . .	BR
(Cold agglutinin or hemolysin, see 86006-86013, 86282, 86283)		86244 Feto-protein, alpha-1, RIA	57.0
86158 Complement; C'1 esterase	52.0	(86245 has been deleted)	
86159 C'2 esterase	52.0	(Filariasis, see 86280)	
86162 total (CH 50)	70.0	86255 Fluorescent antibody; screen	24.0
86163 C'3 esterase	BR	86256 titer	36.0
86164 C'4 esterase	BR	(Fluorescent technique for antigen identification in tissue, see 88346)	
(For complement fractions, quantitative, see 86329)		86265 Frozen blood, preparation for freezing, each unit including processing and collection	BR
86171 Complement fixation tests, each (e.g., cat scratch fever, coccidioidomycosis, histoplasmosis, psittacosis, rubella, streptococcus MG, syphilis)	40.0	86266 with thawing	BR
(Coombs test, see 86031-86035)		86267 with freezing and thawing	BR
86185 Counterelectrophoresis, each antigen .	24.0	(FTA, see 86650)	

	Unit Value		Unit Value
(Gc grouping, see 86335)		(HLA typing, see 86812-86817)	
(Gel (agar) diffusion tests, see 86331)		(Hormones, see individual alphabetic listing in chemistry section)	
(86272 and 86273 have been deleted)			
(Gm grouping, see 86335)		86312 HTLV-III antibody detection; ELISA	BR
(Gonadotropins, chorionic, see 82996- 82998, 84701)		86314 confirmatory test (e.g., Western blot)	BR
86277 Growth hormone, human (HGH), an- tibody, RIA	BR	(Human growth hormone antibody, RIA, see 86277)	
(HAA, see 86285-86287)		(86315 has been deleted)	
(Ham test, see 86281)		86320 Immunoelectrophoresis, serum, each specimen (plate)	100.0
86280 Hemagglutination inhibition tests (HAI), each (e.g., amebiasis, rubella, viral)	60.0	86325 other fluids (e.g., urine) with con- centration, each specimen	100.0
86281 Hemolysins, acid (for paroxysmal he- moglobinuria) (Ham test)	24.0	86327 crossed (2 dimensional assay)	BR
86282 Hemolysins and agglutinins, auto, screen, each	30.0	86329 Immunodiffusion; quantitative, each IgA, IgG, IgM, ceruloplasmin, transferrin, alpha-2, macroglobulin, complement fractions, alpha-1 anti- trypsin, or other (specify)	30.0
86283 incubated with glucose (e.g., ATP) (Cold, see 86006-86009; warm, see 86004; acid, see 86281)	75.0	86331 gel diffusion, qualitative (Ouchterlony)	30.0
86285 Hepatitis B surface antigen (HB _s Ag) (Australian antigen, HAA); counter- electrophoresis method	18.0	(For ceruloplasmin by chemical method, see 82390)	
86286 counter-electrophoresis with concen- tration of serum	24.0	(IgE, RIA, see 82785; RIST, see 86423)	
86287 RIA method	36.0	86335 Immunoglobulin typing (Gc, Gm, Inv), each	BR
(For gel diffusion technique, see 86331; CF; see 86171; HAI, see 86280)		(Insulin antibody, see 86016)	
86288 Hepatitis B core antigen (HB _c Ag), RIA	BR	86337 Insulin antibodies, RIA	BR
86289 Hepatitis B core antibody (HB _c Ab), RIA	BR	86338 Insulin factor antibodies, RIA	32.0
86290 IgM antibody (e.g., RIA, EIA, RPHA)	BR	86340 Intrinsic factor antibodies, RIA	32.0
86291 Hepatitis B surface antibody (HB _s Ab) (e.g., RIA, EIA, RPHA)	BR	(Intrinsic factor, antibody (fluorescent), see 86255, 86256)	
86293 Hepatitis Be antigen (HB _e Ag) (e.g., RIA, EIA)	BR	(Inv grouping, see 86335)	
86295 Hepatitis Be antibody (HB _e Ab) (e.g., RIA, EIA)	BR	(Latex fixation, see individual antigen or antibody; also 86006, 86007)	
86296 Hepatitis A antibody (HAAb) (e.g., RIA, EIA)	BR	(LE cell preparation, see 85544)	
(86297 Hepatitis A virus antibody has been deleted. To report, use 86296)		(LE factor, see 86006, 86007, 86255, 86256)	
86298 IgG antibody	BR	(Leishmaniasis, see 86280)	
86299 IgM antibody	BR	(Leptospirosis, see 86006-86009)	
86300 Heterophile antibodies, screening (in- cludes monotype test) slide or tube ..	20.0	(Leukoagglutinins, see 86013, 86021)	
86305 quantitative titer	30.0	86343 Leukocyte histamine release test (LHR)	BR
86310 plus titers after absorption with beef cells and guinea pig kidney ...	30.0	86344 Leukocyte phagocytosis	BR
(Histoplasmosis, see 86006-86009, 86171)		(86345, 86346, and 86347 have been deleted)	
		86349 Leukocyte transfusion (leukapheresis)	BR

	Unit Value		Unit Value
(Lymphocyte culture, see 86353)		(Pregnancy test, see 82996, 82997, 86006-86009)	
(86351 has been deleted)		(86415 and 86416 have been deleted)	
86353 Lymphocyte transformation, phyto- mitogen (phytohemagglutination, PHA) or other mitogen culture (MC) (e.g., tuberculin, candida)	120.0	(Psittacosis, CF, see 86171)	
86357 Lymphocytes; T & B differentiation . .	165.0	86421 Radioallergosorbent test (RAST); up to 5 antigens	BR
86358 B-cell evaluation	BR	86422 6 or more antigens	BR
(Malaria, see 87207)		86423 Radioimmunosorbent test (RIST) IgE, quantitative	BR
(86365 has been deleted)		(Rapid plasma reagin test (RPR), see 86592)	
(Melioidosis, see 86280)		(86424, 86425, 86426, and 86427 have been deleted)	
86376 Microsomal antibody (thyroid); RIA .	BR	86430 Rheumatoid factor, latex fixation . .	12.0
86377 other method (specify)	30.0	(RIST, see 86423)	
86378 Migration inhibitory factor test (MIF)	BR	(RPR, see 86592)	
(Milk antibody, antiovine, see 86008- 86009)		(Rubella, CF, see 86171; HAI, see 86280)	
(Mitochondrial antibody, liver, see 86255- 86256)		(Schistosomiasis agglutination, see 86006- 86009)	
(Mononucleosis screening slide, see 86006- 86007)		(Serologic test for syphilis (STS), see 86171, 86592, 86593)	
86382 Neutralization test, viral	BR	86455 Skin test; anergy testing, one or more antigens	BR
86384 Nitroblue tetrazolium dye test (NTD)	BR	86490 coccidioidomycosis, each test	20.0
(Ouchterlony diffusion, see 86331)		86510 histoplasmosis	20.0
(Parietal cell antibody, see 86255, 86256)		86540 mumps	20.0
86385 Paternity testing, ABO + Rh factors + MN (per individual)	37.5	86580 tuberculosis, patch or intradermal .	20.0
86386 each additional antigen system	15.0	86585 tuberculosis, tine test	12.0
(Penicillin antibody RBC, see 86035)		(Skin tests 86450, 86460, 86470, 86480, 86495, 86500, 86520, 86530, 86550, 86565, and 86570 have been deleted)	
(86388, 86389, and 86391 have been deleted)		(Smooth muscle antibody, see 86255, 86256)	
(Platelet antibodies (agglutinins), see 86014)		(Sporotrichosis, see 86006-86009)	
(Platelet associated immunoglobulin assay, see 86023)		(Streptococcus MG, see 86171)	
(86392, 86393, and 86398 have been deleted)		86590 Streptokinase, antibody	27.0
86402 Precipitin determination, gel diffusion, in aspergillosis, bagassosis, farmer lung, pigeon breeder disease, silo filler disease, other alveolitis (specify)	BR	(Streptolysin O antibody, see antistreptolysin O, 86060-86063)	
86403 Precipitin (e.g., latex bead) or agglu- tination rapid test for infectious agent antigen	BR	(Streptobacillus, see 86008, 86009)	
(For enzyme immunoassay for infectious agent antigen, use 86227)		86592 Syphilis, precipitation or flocculation tests, qualitative VDRL, RPR, DRT .	9.0
86405 Precipitin test for blood (species iden- tification)	BR	(See also 89006, 89007)	
		86593 Syphilis, precipitation or flocculation tests, quantitative	15.0
		(Syphilis serology, see also 86171)	
		(Tetanus, see 86280)	

		Unit Value	<u>NEW SECTION</u> WAC 296-23A-350 MICROBIOLOGY.	Unit Value
	(Thyroglobulin antibody, see 86006-86009, 86171)			
	(Thyroglobulin antibody, RIA, see 86800)		(Includes bacteriology, mycology, parasitology, and virology)	
86594	Thyroid autoantibodies	BR	87001 Animal inoculation, small animal; with observation	36.0
86595	Tissue culture	BR	87003 with observation and dissection	45.0
	(86597 tissue typing has been deleted. To report, use 86810-86822)		87015 Concentration (any type), for parasites, ova, or tubercle bacillus (TB, AFB)	20.0
86600	Toxoplasmosis, dye test	80.0	87040 Culture, bacterial, definitive, aerobic; blood (may include anaerobic screen)	48.0
	(For CF, see 86171; IFA, see 86255, 86256)		87045 stool	25.0
86630	Transfer factor test (TFT)	BR	87060 throat or nose	20.0
86650	Treponema antibodies, fluorescent, absorbed (FTA-Abs)	30.0	87070 any other source	16.0
86660	Treponema pallidum immobilization (TPI)	80.0	(For urine, see 87086-87088)	
86662	Treponema pallidum test, other, specify (e.g., TPIA, TPA, TPMB, TPCF, RPCF)	BR	87072 Culture, presumptive, pathogenic organisms, by commercial kit, any source except urine	BR
	(Trichinosis, see 86006-86009)		(For urine, see 87087)	
	(Trypanosomiasis, see 86171, 86280)		87075 Culture, bacterial, any source; anaerobic (isolation)	36.0
	(Tuberculosis, see 86580, 86585, 87116-87118, 87190)		87076 definitive identification, including gas chromatography in addition to anaerobic culture	60.0
	(Vaccinia immune globulin, see 86274)		87081 Culture, bacterial, screening only, for single organisms	15.0
	(VDRL, see 86592, 86593)		87082 Culture, presumptive, pathogenic organisms, screening only, by commercial kit (specify type); for single organisms	BR
	(Viral antibodies, see 86171, 86280, 86382)		87083 multiple organisms	BR
	(Visceral larval migrans, see 86280)		87084 with colony estimation from density chart (includes throat cultures)	BR
	(Warm agglutinins, see 86004)		87085 with colony count	BR
	(86670 has been deleted)		(For urine colony count, see 87086)	
86681	Adrenal cortex antibodies, RIA	31.0	87086 Culture, bacterial, urine; quantitative, colony count	15.0
86685	Anti-AChR (acetylcholine receptor) antibody titer	BR	87087 commercial kit	12.0
86800	Thyroglobulin antibody, RIA	31.0	87088 identification, in addition to quantitative or commercial kit	12.0
86810	Tissue typing; for organ transplantation, including pretransplant crossmatch (donor) lymphocyte vs. recipient serum for nonspecific antibodies	BR	87101 Culture, fungi, isolation; skin	15.0
86812	HLA typing, A, B, or C (e.g., A10, B7, B27), single antigen	BR	87102 other source	18.0
86813	HLA typing, A, B, and/or C (e.g., A10, B7, B27), multiple antigens	BR	87106 definitive identification, by culture, per organism, in addition to skin or other source	30.0
86816	HLA typing, DR, single antigen	BR	87109 Culture, mycoplasma, any source	75.0
86817	HLA typing, DR, multiple antigen	BR	87116 Culture, tubercle or other acid-fast bacilli (e.g., TB, AFB, mycobacteria); any source, isolation only	18.0
86821	lymphocyte culture, mixed (MLC)	BR	87117 concentration plus isolation	30.0
86822	lymphocyte culture, primed (PLC)	BR	87118 definitive identification, per organism, (does not include isolation and/or concentration)	30.0
86999	Unlisted immunology procedure	BR		

	Unit Value		Unit Value
87140		bacteria, fungi, ova, and/or para- sites	12.0
87140	20.0	each antiserum	
87143	45.0	87211 wet and dry mount, with interpreta- tion, for ova and parasites	18.0
87145	40.0	87220 Tissue examination for fungi (e.g., KOH slide)	BR
87147	20.0	87250 Virus, inoculation of embryonated eggs, suitable tissue culture, or small animal, includes observation and dis- section	12.0
87151	20.0		
87155	12.0		
87158	20.0	(Electron microscopy, see 88348)	
87163	25.0	(Inclusion bodies in tissue sections, see 88304-88309; in smears, see 87207-87210; in fluids, see 88106)	
87164	60.0	(87300 autogenous vaccine has been deleted. To report, use 87999)	
87166	30.0	87999 Unlisted microbiology procedure	BR
87173	36.0		
87174	24.0	<u>NEW SECTION</u>	
87176	15.0	WAC 296-23A-355 CYTOPATHOLOGY	
87177	36.0		Unit Value
		*88104 Cytopathology, fluids, washings or brushings, with centrifugation ex- cept cervical or vaginal; smears and interpretation	45.0
		*88106 filter method only with interpre- tation	45.0
		*88107 smears and filter preparation with interpretation	60.0
		*88108 concentration technique, smears and interpretation (e.g., Sacco- manno technique)	BR
		(88109 has been deleted. For interpretation of smear, use 88104; for cell block inter- pretation, see 88150)	
		(For cervical or vaginal smears, see 88150)	
		(For gastric intubation with lavage, see 89130-89141)	
		(For x-ray localization, see 74340)	
		*88125 Cytopathology, forensic (e.g., sperm)	75.0
		*88130 Sex chromatin identification; (Barr bodies)	40.0
		*88140 peripheral blood smear, poly- morphonuclear "drum sticks"	40.0
		(For guard stain, see 88313)	
		*88150 Cytopathology, smears, cervical or vaginal (e.g., Papanicolaou), screening and interpretation, up to three smears	26.5
		*88155 with definitive hormonal evalua- tion (e.g., maturation index,	
		(Individual smears and procedures, see 87015, 87208-87211)	
		(Trichrome, iron hemotoxylin and other special stains, see 88312)	
87181	40.0	87181 Sensitivity studies, antibiotic; agar diffusion method, each antibiotic	
87184	24.0	87184 disc method, each plate (12 or less discs)	
87186	45.0	87186 microtiter, minimum inhibitory concentration (MIC), any number of antibiotics	
87188	30.0	87188 tube dilution method, each antibiot- ic	
87190	60.0	87190 tubercle bacillus (TB, AFB), each drug	
87205	12.0	87205 Smear, primary source, with interpre- tation; routine stain for bacteria, fun- gi, or cell types	
87206	18.0	87206 fluorescent and/or acid fast stain for bacteria, fungi, or cell types	
87207	24.0	87207 special stain for inclusion bodies or intracellular parasites (e.g., malar- ia, kala azar, herpes)	
87208	12.0	87208 direct or concentrated, dry, for ova and parasites	
		(For concentration, see 87015; complete ex- amination, see 87177)	
		(For complex special stains, see 88312- 88313)	
		(For fat, meat fibers, nasal eosinophils, and starch, see miscellaneous section)	
87210		87210 wet mount with simple stain, for	

	Unit Value		Unit Value
karyopyknotic index, estrogenic index)	40.0		
*88160 Cytopathology, any other source; screening and interpretation	36.0	SURGICAL PATHOLOGY	
88161 preparation, screening and interpretation	BR	(Procedures 88300 through 88399 include accession, handling and reporting)	
88162 extended study involving over 5 slides and/or multiple stains	BR	*88300 Surgical pathology, gross examination only	20.0
(For obtaining specimen, see percutaneous needle biopsy under individual organ in Surgery)		Note: Only one of the numbers 88302-88309 should be used in reporting specimens (single or multiple) that are removed during a single surgical procedure.	
(For aerosol collection of sputum, see 89350)		*88302 Surgical pathology, gross and microscopic examination of presumptively normal tissue(s), for identification and record purposes	60.0
(For special stains, see 88312-88314)		*88304 Surgical pathology, gross and microscopic examination of presumptively abnormal tissue(s); uncomplicated specimen	75.0
88170 Fine needle aspiration with or without preparation of smears; superficial tissue (e.g., thyroid, breast, prostate)	BR	*88305 single complicated or multiple uncomplicated specimen(s), without complex dissection	105.0
88171 deep tissue under radiologic guidance	BR	*88307 single complicated specimen requiring complex dissection or multiple complicated specimens	150.0
(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943; for fluoroscopic guidance use 76003)		88309 complex diagnostic problem with or without extensive dissection	BR
88172 Evaluation of fine needle aspirate with or without preparation of smears; immediate cytohistologic study to determine adequacy of specimen(s)	BR	(For fine needle aspiration, preparation and interpretation of smears, see 88170-88173)	
88173 interpretation and report	BR	*88311 decalcification procedure (list separately in addition to code for surgical pathology examination)	12.0
88180 Flow cytometry; each cell surface marker	BR	*88312 Special stains (list separately in addition to code for surgical pathology examination); Group I stains for microorganisms (e.g., Gridley, acid fast, methenamine silver), each	25.0
88182 cell cycle or DNA analysis	BR	*88313 Group II, all other (e.g., iron, trichrome) except immunocytochemistry and immunoperoxidase stains, each	12.0
88199 Unlisted cytopathology procedure	BR	(For immunocytochemistry and immunoperoxidase tissue studies, see 88342)	
(For electron microscopy, see 88348)		88314 histochemical staining with frozen section(s)	BR
CYTOGENETIC STUDIES			
*88260 Chromosome analysis; lymphocytes, count 1-4 cells, screening	180.0	88318 Determinative histochemistry to identify chemical components (e.g., copper, zinc)	BR
*88261 count 1-4 cells, 1 karyotype	375.0	88319 Determinative histochemistry to identify enzyme constituents	BR
*88262 count 1-20 cells for mosaicism, 2 karyotypes	525.0	88323 Preparation of slides on referred material	BR
*88265 Chromosome analysis; myeloid cells, 2 karyotypes (Philadelphia chromosome)	225.0	88331 Preparation of frozen section(s)	BR
*88267 amniotic fluid, count 1-4 cells, 1 karyotype	600.0	88332 each additional frozen section during same visit to surgical operating suite	BR
*88268 skin, count 1-4 cells, 1 karyotype	600.0		
88270 other tissue cells, count 1-4 cells, 1 karyotype	BR		
*88280 additional karyotyping, each study	75.0		
*88285 additional cells counted, each study	15.0		
88299 Unlisted cytogenetic study	BR		

	Unit Value		Unit Value
88342 Immunocytochemistry (including tissue immunoperoxidase), each antibody	BR	89140 two hours including gastric stimulation (e.g., histalog, pentagastrin) ..	105.0
(88345 has been deleted. To report, use 88346)		89141 three hours, including gastric stimulation	120.0
88346 Immunofluorescent study, each antibody	BR	(For radiologic localization of gastric tube, see 74340)	
88348 Electron microscopy; diagnostic scanning	BR	(For chemical analyses, see 82926-82932)	
(88360 Whole organ sections has been deleted. To report, use 88399)		(Joint fluid chemistry, see Chemistry and Toxicology, this section)	
(88370 has been deleted. To report, use 88342)		89160 Meat fibers, feces	12.0
88399 Unlisted surgical pathology procedure	BR	(89180 has been deleted. To report, use 89190)	
		89190 Nasal smear for eosinophils	BR
		89205 Occult blood, any source except feces	10.5
		(Occult blood, feces, see 82270)	
		(Paternity tests, see 86385, 86386)	
		(89210 has been deleted)	

NEW SECTION

WAC 296-23A-360 MISCELLANEOUS.

	Unit Value		Unit Value
(Basal metabolic rate has been deleted. If necessary to report, use 89399)		89300 Semen analysis; presence and/or sperm motility of sperm including Huhner test	12.0
(89005-89007 have been deleted)		89310 motility and count	40.0
89050 Cell count, miscellaneous body fluids (e.g., CSF, joint fluid), except blood	12.0	89320 complete (volume, count, motility and differential)	80.0
89051 with differential count	20.0	(Skin tests, see 86455-86585 and 95005-95199)	
89060 Crystal identification by compensated polarizing lens analysis; synovial fluid	BR	89323 Sperm immobilization	BR
(89070 has been deleted)		89325 Sperm agglutination, with antibody titer	BR
(89080 has been deleted)		(For medicolegal identification of sperm, see 88125)	
89100 Duodenal intubation and aspiration; single specimen (e.g., simple bile study or afferent loop culture) plus appropriate test procedure	40.0	(For complete spinal fluid examination, see 89070)	
89105 collection of multiple fractional specimens with pancreatic or gallbladder stimulation, single or double lumen tube	BR	(89345 has been deleted)	
(For radiological localization, see 74340)		89330 Cervical mucus penetration test, with or without spinnbarkeit test	BR
(For chemical analysis, see Chemistry and Toxicology)		89350 Sputum, obtaining specimen, aerosol induced technique (separate procedure)	20.0
89125 Fat stain, feces, urine, sputum	15.0	89355 Starch granules, feces	10.5
89130 Gastric intubation and aspiration, diagnostic, each specimen, for chemical analyses or cytopathology	20.0	(For chloride and sodium analysis, see 82437, 84295)	
89132 after stimulation	45.0	(Tissue culture, see 86595)	
89135 Gastric intubation and aspiration, and fractional collections (e.g., gastric secretory study); one hour	60.0	(Tissue typing, see 86810-86822)	
89136 two hours	90.0	89365 Water load test	BR
		89399 Unlisted miscellaneous pathology test	BR

HOSPITAL OUTPATIENT PHYSICAL THERAPY

NEW SECTION

WAC 296-23A-400 HOSPITAL OUTPATIENT PHYSICAL THERAPY RULES. Hospitals should refer to WAC 296-20-010 through 296-20-125 for general information, rules, and billing instructions pertaining to the care of injured workers.

Physical therapy treatment will be permitted only upon consultation with and periodic review by an authorized health care practitioner and when performed by a licensed registered physical therapist or a physical therapist assistant serving under the direction of a licensed registered physical therapist.

Use of diapulse or similar machine on injured workers is not authorized. See WAC 296-20-03002 for further information.

No inpatient physical therapy treatment will be allowed when such treatment constitutes the only or major treatment received by the worker. See WAC 296-20-075 and 296-23A-100 for further information.

Biofeedback treatment may be rendered on physician's orders only, by R.P.T.'s certified in biofeedback and L.P.T.'s working under the supervision of a certified R.P.T. The extent of biofeedback treatment is limited to those procedures allowed within the scope of practice of the R.P.T or L.P.T. See WAC 296-21-0501 for rules pertaining to the authorized conditions and the reporting requirements.

NEW SECTION

WAC 296-23A-410 MUSCLE TESTING. (The maximum allowable is for payment in full, regardless of time required.)

	Unit Value
95831 Muscle testing manual (separate procedure); extremity (excluding hand) or trunk, with report	16.0
95832 hand (with or without comparison with normal side)	16.0
95833 total evaluation of body, excluding hands	16.0
95834 total evaluation of body, including hands	16.0
95842 Muscle testing, electrical: reaction of degeneration, chronaxy, galvanic/tetanus ratio, one or more extremities, one or more methods	16.0
95851 Range of motion measurements and report (separate procedure); each extremity, excluding hand	16.0
95852 hand, with or without comparison with normal side	16.0

NEW SECTION

WAC 296-23A-415 MODALITIES. Physician or therapist is required to be in constant attendance.

	Unit Value
(97000 has been deleted. To report, use 97010-97039)	
97010 Physical medicine treatment to one area, initial 30 minutes; hot or cold packs	12.0
97012 traction, mechanical	12.0
97014 electrical stimulation (unattended)	12.0
97016 vasopneumatic devices	12.0
97018 paraffin bath	12.0
97020 microwave	12.0
97022 whirlpool	12.0
97024 diathermy	12.0
97026 infrared	12.0
97028 ultraviolet	12.0
97039 unlisted modality (specify)	12.0
97040 modality; each additional 15 minutes	3.75
97050 Two or more modalities to the same area	13.0

NEW SECTION

WAC 296-23A-420 PROCEDURES. Therapist is required to be in constant attendance.

	Unit Value
(97100 has been deleted. To report, use 97110-97139)	
(97101 has been deleted. To report, use 97145)	
97110 Physical medicine treatment to one area, initial 30 minutes, each visit; therapeutic exercises	16.0
97112 neuromuscular reeducation	16.0
97114 functional activities	16.0
97116 gait training	16.0
97118 electrical stimulation (manual)	16.0
97122 traction, manual	16.0
97124 massage	16.0
97126 contrast baths	16.0
97128 ultrasound	16.0
97139 unlisted procedure (specify)	16.0
97145 Physical medicine treatment to one area, each additional 15 minutes	5.0
97220 Hubbard tank; initial 30 minutes, each visit	24.0
97221 each additional 15 minutes (maximum allowance, one hour).	5.0
97240 Pool therapy or Hubbard tank with therapeutic exercises; initial 30 minutes; each visit	30.0
97241 each additional 15 minutes (maximum allowance, one hour).	6.0

	Unit Value
97260 Joint mobilization (cervical, thoracic, lumbosacral, sacroiliac, hand, wrist) (separate procedure); one area	16.0
97500 Orthotics training (dynamic bracing, splinting), upper extremities; initial 30 minutes, each visit	24.0
97501 each additional 15 minutes	12.0
97520 Prosthetic training; initial 30 minutes, each visit	24.0
97521 each additional 15 minutes	12.0
97530 Kinetic activities to increase coordination, strength and/or range of motion, one area (any two extremities or trunk), initial 30 minutes, each visit	24.0
97531 each additional 15 minutes	12.0
97540 Activities of daily living (ADL) and diversional activities; initial 30 minutes, each visit	24.0
97541 each additional 15 minutes	12.0
97554 Combination of modality(s) and/or procedure(s); initial 30 minutes ...	16.0
97555 Combination of modality(s) and/or procedure(s); each additional 15 minutes	5.0

NEW SECTION

WAC 296-23A-425 TESTS AND MEASUREMENTS.

	Unit Value
97600 Patient assessment and evaluation by a therapist, with report	16.0
97700 Office visit, including one of the following tests or measurements, with report; initial 30 minutes	24.0
a. Orthotic "check-out"	
b. Prosthetic "check-out"	
c. Activities of daily living "check-out"	
d. Biofeedback evaluation	
e. Physical capacities evaluation	
97701 each additional 15 minutes	12.0
97720 Extremity testing for strength, dexterity or stamina; initial 30 minutes, each visit	24.0
97721 each additional 15 minutes	12.0
(97740, 97741 have been deleted. To report, see 97530, 97531)	
97752 Muscle testing, torque curves during isometric and isokinetic exercise (e.g., by use of Cybex machine) ...	24.0
99070 Supplies and materials provided by the therapist over and above those usually included with office visit or other services rendered. List item provided. Bill at cost	BR

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-21-011 FOOTNOTES.

+ BR: By Report; see WAC 296-20-01002 for detailed information.

@ Listed units represent basic anesthesia value only; add value for time. See WAC 296-21-130 for calculating total anesthesia values.

MEDICINE MODIFIERS

Listed values for most procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate "modifier code number" (including the hyphen) after the usual procedure number. The value should be listed as a single modified total for the procedure. When multiple modifiers are applicable to a single procedure, see modifier code -99.

Unit
Value

-22 UNUSUAL SERVICES: When the services provided are greater than those usually required for the listed procedure, identify by adding this modifier (-22) to the usual procedure number. List modified value. May require report BR

-26 PROFESSIONAL COMPONENT: The listed values of certain procedures (laboratory, x-ray, specific diagnostic and therapeutic services, etc.) are a combination of a physician component and a technical component. When the physician component is billed separately, identify by adding this modifier (-26) to the usual procedure number. Payment is made on the basis of up to and including forty percent of the fee maximum.

-52 REDUCED VALUES: Under certain circumstances, the listed value for a procedure is reduced or eliminated because of ground rules, common practice, or at the physician's election (e.g., the management of a patient in diabetic coma involving detention with patient in critical condition, with spinal tap, gastric lavage, multiple arterial punctures, cutdown, etc.). Under these or similar circumstances, the services provided can be identified by their usual procedure numbers and the use of a reduced value indicated by adding this modifier (-52) to the procedure number. (Use of this

		Unit Value		Unit Value
	modifier provides a means of reporting services at a reduced charge without disturbing usual relative values.)			
-55	POSTOPERATIVE MANAGEMENT ONLY: When one physician performs the postoperative management and another physician has performed the surgical procedure, the postoperative component may be identified by adding the modifier '-55' to the usual procedure number.		-99	MULTIPLE MODIFIERS: Under certain circumstances multiple modifiers may be applicable. Under such circumstances, identify by adding this modifier (-99) to the usual procedure number and briefly indicate the circumstances. Value in accordance with appropriate modifiers BR
-56	PREOPERATIVE MANAGEMENT ONLY: When one physician performs the preoperative care and evaluation and another physician performs the surgical procedure, the preoperative component may be identified by adding the modifier '-56' to the usual procedure number.			
-75	CONCURRENT CARE, SERVICES RENDERED BY MORE THAN ONE PHYSICIAN: When the patient's condition requires the additional services of more than one physician, each physician may identify his or her services by adding the modifier '-75' to the basic service performed.			
-76	REPEAT PROCEDURE BY SAME PHYSICIAN: The physician may need to indicate that a procedure or service was repeated subsequent to the original service. This circumstance may be reported by adding the modifier '-76' to the repeated service.			
-77	REPEAT PROCEDURE BY ANOTHER PHYSICIAN: The physician may need to indicate that a basic procedure performed by another physician had to be repeated. This situation may be reported by adding modifier '-77' to the repeated service.			
-90	REFERENCE (OUTSIDE) LABORATORY: When laboratory procedures are performed by other than the billing physician, the procedure(s) shall be identified by adding this modifier (-90) to the usual single or panel procedure number and shall be billed as charged to the physician.			

AMENDATORY SECTION (Amending Order 86-36, filed 10/1/86, effective 11/1/86)

WAC 296-22-010 GENERAL INFORMATION AND INSTRUCTIONS. Rules and billing procedures pertaining to all practitioners rendering services to injured workers are presented in the general information section beginning with WAC 296-20-010. Some commonalities are repeated here for the convenience of those doctors referring to the surgery section. Definitions and rules unique to surgery are also included here. Doctor's services rendered for office, home, hospital, consultations and other services are listed in the medicine section. The department may designate those diagnostic and surgical procedures which can be performed in other than a hospital inpatient setting. Where a worker has a medical condition which necessitates a hospital admission, prior approval of the department or self-insurer must be obtained.

(1) Listed values for all surgical procedures include the surgery, local infiltration, digital block or topical anesthesia when used and the normal uncomplicated follow-up care for the period indicated in days in the column headed "follow-up days."

(2) Follow-up care for diagnostic procedures (e.g., endoscopy, injection procedures for radiography, etc.) includes only that care related to recovery from the diagnostic procedure itself. Care of the condition for which the diagnostic procedure was performed or other concomitant conditions is not included and may be charged for in accordance with the services rendered.

(3) Follow-up care for therapeutic surgical procedures includes only that care usually a part of the surgical service. Complications, exacerbations, recurrence or the presence of other diseases or injuries requiring additional services concurrent with the procedure(s) or during the listed period of normal follow-up care may warrant additional charges. (See modifier -68.)

When an additional surgical procedure(s) is carried out within the listed period of follow-up care for a previous surgery, the follow-up periods will continue concurrently to their normal terminations.

(4) PREOPERATIVE VISITS AND SERVICES: Under most circumstances the immediate preoperative visit in the hospital or elsewhere necessary to examine the patient, complete the hospital records, and initiate the treatment program is included in the listed value for the surgical procedure.

Additional charges may be warranted for preoperative services under the following circumstances:

(a) When the preoperative visit is the initial visit (e.g., an emergency, etc.) and prolonged detention or evaluation is required to prepare the patient or to establish the need for and type of surgical procedure.

(b) When the preoperative visit is a consultation as defined in WAC 296-21-030.

(c) When procedures not usually part of the basic surgical procedure (e.g., bronchoscopy prior to chest surgery, etc.) are provided during the immediate preoperative period.

(5) **CONCURRENT SERVICES BY MORE THAN ONE PHYSICIAN:** Charges for concurrent services of two or more physicians may be warranted under the following circumstances:

(a) Medical services provided during the surgical procedure or in the postoperative period (e.g., diabetic management, operative monitoring of cardiac or brain conditions, management of postoperative electrolyte imbalance, etc.).

(b) **TWO SURGEONS:** Under certain circumstances the skills of two surgeons (e.g., a urologist and a general surgeon in the creation of an ileal conduit, etc.). By prior agreement, the total value may be apportioned in relation to the responsibility of work done. The total value may be increased by 25% in lieu of the assistant's charge. (See modifier -62.)

(c) **CO-SURGEONS:** Under certain circumstances, two surgeons (usually with similar skills) may function simultaneously as primary surgeons performing distinct parts of a total surgical service (e.g., two surgeons simultaneously applying skin grafts to different parts of the body of the same patient). By prior agreement, the total value may be apportioned in relation to the responsibility and work done. The total value may be increased by an appropriate amount in lieu of the usual assistant's charge. (See modifier -64.)

(d) **SURGICAL TEAM:** Under some circumstances highly complex procedures requiring the concomitant services of several physicians, often of different specialties, plus other highly skilled, specially trained personnel and various types of complex equipment are carried out under the surgical team concept with a single, global fee for the total service. The services included in the "global" charge vary widely and no single value can be listed. The value should be supported by a report to include itemization of the physician(s) services, paramedical personnel and equipment included in the "global" charge. (See modifier -66.)

(6) **ASTERISK (*) PROCEDURES OR ITEMS:** Certain relatively small surgical services involve a readily identifiable surgical procedure but include variable preoperative and postoperative services (e.g., incision and drainage of an abscess, injection of a tendon sheath, manipulation of a joint under anesthesia, dilation of the urethra, etc.). Because of the indefinite pre and postoperative services the usual "package" concept for surgical services (see above) cannot be applied. Such procedures are identified by an asterisk (*) preceding or following the procedure code number.

Where an asterisk (*) precedes or follows a procedure number and its value, the following rules apply:

(a) The services as listed includes the surgical procedure only. Associated pre and postoperative services are not included.

(b) Preoperative services are considered as one of the following:

(i) When the asterisk (*) procedure is carried out at the time of an initial visit (new patient) and this procedure constitutes the major service at that visit, procedure number 99025 is listed in lieu of the usual initial visit as an additional service.

(ii) When the asterisk (*) procedure is carried out at the time of an initial or other visit involving significant identifiable services (e.g., removal of a small skin lesion at the time of a comprehensive history and physical examination), the appropriate visit is listed in addition to the asterisk (*) procedure and its follow-up care.

(iii) When the asterisk (*) procedure is carried out at the time of a follow-up (established patient) visit and this procedure constitutes the major service at that visit, no visit service is usually added.

(iv) When the asterisk (*) procedure requires hospitalization, an appropriate hospital visit is listed in addition to the asterisk (*) procedure and its follow-up care.

(c) All postoperative care is to be added on a service-by-service basis (e.g., office or hospital visit, cast change, etc.).

(d) Complications are added on a service-by-service basis (as with all surgical procedures).

(7) **MULTIPLE OR BILATERAL SURGICAL PROCEDURES:**

(a) When multiple surgical procedures which add significant time or complexity to patient care are performed at the same operative session. (See modifier -51.)

(b) When bilateral surgical procedures which add significant time or complexity to patient care are performed at the same operative session. (See modifier -50.)

(c) Incidental procedures (e.g., incidental appendectomy, incidental scar incision, puncture of ovarian cysts, simple lysis of adhesions, simple repair of hiatal hernia, etc.) do not warrant an additional charge. (See modifier -52.) **THESE PROCEDURES MUST BE AUTHORIZED IN ADVANCE.**

(8) **SURGERY AND FOLLOW-UP CARE PROVIDED BY DIFFERENT PHYSICIANS:** When one physician performs the surgical procedure itself and another provides the follow-up care, the value may be apportioned between them by agreement along with notification to the department of the fee distribution. (See modifier -54 or -55.)

(9) **ANESTHESIA BY SURGEON:** When regional or general anesthesia is provided by the surgeon, value as "basic" value for anesthesia procedure without added value for time. (See modifier -47) (For local infiltration, digital block or topical anesthesia, see WAC 296-22-010, item 1.)

(10) In cases where the claimant does not survive, the percentage of the flat fee paid the physician shall be commensurate with the services rendered.

(11) The emergency room will be considered the office for those physicians providing regular emergency room care to the hospital and fees will be allowed on this basis.

Unit
Value

(12) Materials supplied by physician: Supplies and materials provided by the physician, e.g., sterile trays/drugs, over and above those usually included with the office visit or other services rendered may be listed separately. List drugs, trays, supplies, and materials provided. Identify as 99070.

(13) Separate or multiple procedures: It is appropriate to designate multiple procedures that are rendered on the same date by separate entries. (See Modifier -50 below.)

(14) Special report: A service that is rarely provided, unusual, variable, or new may require a special report in determining medical appropriateness of the service. Pertinent information should include an adequate definition or description of the nature, extent, and need for the procedure, and the time, effort, and equipment necessary to provide the service. Additional items which may be included are: Complexity of symptoms, final diagnosis, pertinent physical findings (such as size, location, and number of lesion(s), if appropriate), diagnostic and therapeutic procedures (including major and supplementary surgical procedures, if appropriate), concurrent problems, and follow-up care. See WAC 296-20-01002 for "BR" By Report instructions.

(15) Surgery modifiers: (For other modifiers, see appropriate sections.)

Listed values and procedures may be modified under certain circumstance. When applicable, the modifying circumstance should be identified by the addition of the appropriate "modifier code number" which is a two digit number placed after the usual procedure number from which it is separated by a hyphen. If more than one modifier is used, the "multiple modifiers" placed first after the procedure code indicates one or more additional modifier codes will follow. All modifiers and their respective codes are listed in Appendix A. Modifiers commonly used in surgery are as follows:

-20	When the surgical service is performed using the techniques of micro-surgery in an operating room and under the operating microscope, the modifier -20 may be added to the surgical procedure. The use of this modifier is not warranted when surgery is done with the aid of a magnifying loupe or magnifying binoculars worn by the surgeon. A special report may be appropriate to document the necessity of the micro-surgical approach. The total value of the surgical procedure may be increased by 20%. A special report may be appropriate to document the necessity of the micro-surgical approach. The department will publish a list of surgical procedures that have approval for this modifier.	Unit Value
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-22 UNUSUAL SERVICES: When the service(s) provided is greater than that usually required for the listed procedure, it may be identified by adding modifier '-22' to the usual procedure number. List modified value. A report may be required.

-23 UNUSUAL ANESTHESIA: Periodically, a procedure, which usually requires either no anesthesia or local anesthesia, because of unusual circumstances must be done under general anesthesia. This circumstance may be reported by adding the modifier '-23' to the procedure code of the basic service. BR

-25 DIGITAL RADIOLOGY (e.g., digital subtraction angiography, digital fluoroscopy, digital radiography). When this technique is utilized, the modifier '-25' may be appended to the appropriate five digit number of the radiologic procedure to indicate that the digital modality was applied. The modifier would be applied to both the supervision and interpretation service and complete procedure. When the supervision and interpretation service code is utilized and the injection is done by a second physician, the modifier need not be applied to the surgical injection codes.

-26 PROFESSIONAL COMPONENT: Certain procedures (e.g., laboratory, radiology, electrocardiogram, specific diagnostic and therapeutic services) are a combination of a physician component and a technical component. When the physician component is reported separately, the service may be identified by adding the modifier '-26' to the usual procedure number. BR

Payment is made on the basis of up to and including forty percent of the fee maximum.

-47 ANESTHESIA BY SURGEON: When regional or general anesthesia is provided by the surgeon, it may be reported by adding to modifier '-47' to the basic service. (This does not include local anesthesia.)

Use the "basic" anesthesia value only. (Note: Surgical units and anesthesia units are not of the same dollar

	Unit Value		Unit Value
values.) List separately from the surgical service provided and identify by adding this modifier '-47' to the usual procedure number. (For local infiltration, digital block or topical anesthesia, see WAC 296-21-125, item 5.)		procedure and another provides the pre and/or postoperative management surgical services may be identified by adding the modifier '-54' to the usual procedure number. Value may be apportioned between them by agreement.	
-50 BILATERAL PROCEDURE: Unless otherwise identified in the listings, bilateral procedures requiring a separate incision that are performed at the same operative session, should be identified by the appropriate five digit code describing the first procedure. The second (bilateral) procedure is identified by adding modifier -50 to the procedure number and value at 50% of the listed value(s) unless otherwise indicated.		-55 POSTOPERATIVE MANAGEMENT ONLY: When one physician performs the postoperative management and another has performed the surgical procedure, the post operative component may be identified by adding the modifier '-55' to the usual procedure number. Value may be apportioned between them by agreement.	
-51 MULTIPLE PROCEDURES: When multiple procedures which add significant time or complexity to patient care are provided at the same operative session, identify and value the first or major procedure as listed. Identify secondary or lesser procedure(s) by '-51' to the usual procedure number(s) and value at 50% of the listed value(s) unless otherwise indicated.		-56 PREOPERATIVE MANAGEMENT ONLY: When one physician performs the preoperative care and evaluation and another physician performs the surgical procedure, the preoperative component may be identified by adding the modifier '-56' to the usual procedure number. Value is apportioned as per agreement between practitioners involved.	
-52 REDUCED VALUES: Under certain circumstances, the listed value for a procedure is reduced or eliminated at the physician's election. Under these circumstances, the service provided can be identified by its usual procedure number and the addition of modifier '-52', signifying that the service is reduced. For example: (a) Incidental procedures (e.g., incidental appendectomies, incidental scar excisions, puncture of ovarian cysts, simple lysis of adhesions, simple repair of a hiatal hernia, etc.) do not warrant an additional charge. (b) When the listed value is reduced in conformity with a ground rule (e.g., rereduction of a fracture). (c) When charges for multiple procedures (e.g., multiple lacerations, etc.) are reduced at the physician's election to achieve an appropriate total charge.		-62 TWO SURGEONS: Under certain circumstances the skills of two surgeons (usually with different skills) may be required in the management of a specific surgical problem (e.g., a urologist and a general surgeon in the creation of an ileal conduit, etc.). By prior agreement, the total value may be apportioned in relation to the responsibility and work done. The total value may be increased by 25% in lieu of the assistant's charge. Under these circumstances the services of each surgeon should be identified by adding this modifier '-62' to the joint procedure number(s) and valued as agreed upon. (Usual charges for surgical assistance may also be warranted if still another physician is required as part of the surgical team.)	
-54 SURGICAL PROCEDURE ONLY: When one physician performs the surgical		-64 CO-SURGEONS: Under certain circumstances, two surgeons (usually with similar skills) may function simultaneously as primary surgeons performing distinct parts of a total surgical service (e.g., two surgeons	

	Unit Value		Unit Value
		simultaneously applying skin grafts to different parts of the body or two surgeons repairing different fractures in the same patient). By prior agreement, the total value may be apportioned in relation to the responsibility and work done. The total value may be increased by 25% in lieu of the usual assistant's charge. Under these circumstances the services of each surgeon should be identified by adding this modifier '-64' to the joint procedure number(s) and valued as agreed upon.	
		(Usual charges for surgical assistance may also be warranted if still another physician is required as part of the surgical team.)	
-66		SURGICAL TEAM: Under some circumstances, highly complex procedures requiring the concomitant services of several physicians, often of different (specialities;) <u>specialities</u> plus other highly skilled, specially trained personnel and various types of complex equipment are carried out under the "surgical team" concept. Such circumstances should be identified by adding this modifier '-66' to the basic procedure number. The value should be supported by a report to include itemization of the physician(s) services, paramedical personnel and equipment included in the charge BR	
-68		COMPLICATIONS: Complications or circumstances requiring unusual additional services during the listed follow-up period may warrant additional charges on a fee-for-service basis. Identify these conditions by adding this modifier '-68' to the usual procedure number(s) for the additional service(s) rendered and indicate the appropriate value(s). May require a report.	
-75		CONCURRENT CARE, SERVICES RENDERED BY MORE THAN ONE PHYSICIAN: When the patient's condition requires the additional services of more than one physician, each physician may identify his or her services by adding the modifier '-75' to the basic service performed.	
-76		REPEAT PROCEDURE BY SAME PHYSICIAN: The physician may need to	
		indicate that a procedure or service was repeated subsequent to the original service. This may be reported by adding the modifier '-76' to the procedure code of the repeated service.	
	-77	REPEAT PROCEDURE BY ANOTHER PHYSICIAN: The physician may need to indicate that a basic procedure performed by another physician had to be repeated. This may be reported by adding modifier '-77' to the repeated service.	
	-80	ASSISTANT SURGEON: Surgical assistant services are identified by adding this modifier '-80' to the usual procedure number(s) and are valued at 20% of the listed value of the surgical procedure(s)	
		OR	
	-81	MINIMUM ASSISTANT SURGEON ALLOWANCE: Identify by adding this modifier '-81' to the usual procedure number and value at 1.7	
	-90	REFERENCE (OUTSIDE) LABORATORY: When laboratory procedures are performed by a party other than the treating or reporting physician, the procedure may be identified by adding the modifier '-90' to the usual procedure number.	
	-99	MULTIPLE MODIFIERS: Under certain circumstances, two or more modifiers may be necessary to completely delineate a service. In such situations, modifier '-99' should be added to the procedure number and other applicable modifiers may be listed as part of the description of the service BR	
		AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)	
		WAC 296-23-01006 RADIOLOGY, RADIATION THERAPY, NUCLEAR MEDICINE AND MODIFIERS. Listed services and procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate modifier code which is a two digit number placed after the usual procedure number from which it is separated by a hyphen. If more than one modifier is used, the "multiple modifiers" code placed first after the procedure code indicates that one or more additional modifier codes will follow. Modifiers	

commonly used in RADIOLOGY (INCLUDING NUCLEAR MEDICINE AND DIAGNOSTIC ULTRASOUND) are as follows:

- 22 UNUSUAL SERVICES: When the service(s) provided is greater than that usually required for the listed procedure, it may be identified by adding modifier '-22' to the usual procedure number. List modified value. A report may also be appropriate. Note: Modifier -22 may be utilized with computerized tomography numbers when additional slices are required or a more detailed examination is necessary.
- 25 DIGITAL RADIOLOGY (e.g., digital subtraction angiography, digital fluoroscopy, digital radiography): When this technique is utilized, the modifier '-25' may be appended to the appropriate five digit number of the radiologic procedure to indicate that the digital modality was applied. The modifier would be applied to both the supervision and interpretation service and complete procedure. When the supervision and interpretation service code is utilized and the injection is done by a second physician, the modifier need not be applied to the surgical injection codes.
- 26 PROFESSIONAL COMPONENT: Certain procedures (e.g., laboratory, radiology, electrocardiogram, specific diagnostic and therapeutic services,) are a combination of a physician component and a technical component. When the physician component is billed separately, the procedure may be identified by adding the modifier '-26' to the usual procedure number and value as appropriate. The total cost of procedure cannot exceed the basic unit value. Payment is made on the basis of up to and including forty percent of the fee maximum.
- 27 TECHNICAL COMPONENT: Certain procedures (e.g., laboratory, radiology, electrocardiogram, specific diagnostic and therapeutic services) are a combination of a physician component and a technical component. When the technical component is billed separately, the procedure may be identified by adding the modifier '-27' to the usual procedure number and value as appropriate. The total cost of procedure cannot exceed the basic unit value. Payment is made on the basis of up to and including sixty percent of the fee maximum.
- 50 MULTIPLE OR BILATERAL PROCEDURES: When multiple or bilateral procedures are provided at the same operative session, the first major procedure may be reported as listed. The secondary or lesser procedure(s) may be identified by adding the modifier '-50' to the usual procedure number(s) and value at 50 percent of the listed values unless otherwise indicated.
- 52 REDUCED SERVICES: Under certain circumstances a service or procedure is partially reduced or eliminated at the physician's election. Under these circumstances the service provided can be identified by its usual procedure number and the addition of the modifier '-52' signifying that the service is reduced. This provides a means of reporting reduced services at reduced charge without disturbing the identification of the basic service. Note: Modifier -52 may be utilized with computerized tomography numbers for a limited study or a follow-up study.
- 62 TWO SURGEONS: Under certain circumstances the skills of two surgeons (usually with different skills) may be required in the management of a specific surgical procedure. Under such circumstances the services of each may be identified by adding the modifier '-62' to the procedure number used by each surgeon for reporting his services.
- 66 SURGICAL TEAM: Under some circumstances, highly complex procedures (requiring the concomitant services of several physicians, often of different specialties, plus other highly skilled, specially trained personnel and various types of complex equipment) are carried out under the 'surgical team' concept. Such circumstances may be identified by each participating physician with the addition of the modifier '-66' to the basic procedure number used for reporting services.
- 75 CONCURRENT CARE, SERVICES RENDERED BY MORE THAN ONE PHYSICIAN: When the patient's condition requires the additional services of more than one physician, each physician may identify his or her services by adding the modifier '-75' to the basic service performed.
- 76 REPEAT PROCEDURE BY SAME PHYSICIAN: The physician may need to indicate that a procedure or service was repeated subsequent to the original service. This may be reported by adding the modifier '-76' to the procedure code of the repeated service.
- 77 REPEAT PROCEDURE BY ANOTHER PHYSICIAN: The physician may need to indicate that a basic procedure performed by another physician had to be repeated. This may be reported by adding modifier '-77' to the repeated service.
- 80 ASSISTANT SURGEON: Surgical assistant services may be identified by adding the modifier '-80' to the usual procedure number(s).
- 90 REFERENCE (OUTSIDE) LABORATORY: When laboratory procedures are performed by a party other than the treating or reporting physician the procedure(s) may be identified by adding the modifier '-90' to the usual procedure number and shall be billed as charged to the physician.
- 99 MULTIPLE MODIFIERS: Under certain circumstances two or more modifiers may be necessary to completely delineate a service. In such situations modifier '-99' should be added to the basic procedure, and other applicable modifiers may be listed as a part of the description of the service. Value in accordance with appropriate modifiers.

AMENDATORY SECTION (Amending Order 83-23, filed 8/2/83)

WAC 296-23-20102 **PATHOLOGY MODIFIER. MODIFIERS:** Listed services and procedures may be modified under certain circumstances. When applicable, the modifying circumstance should be identified by the addition of the appropriate modifier code, which is a two digit number placed after the usual procedure number from which it is separated by a hyphen. If more than one modifier is used, the "multiple modifiers" code placed first after the procedure code indicates that one or more additional modifier codes will follow. All modifiers and their respective codes are listed in Appendix A. Modifiers commonly used in **PATHOLOGY AND LABORATORY** are as follows:

- 22 **UNUSUAL SERVICES:** When the service(s) provided is greater than that usually required for the listed procedure, it may be identified by adding modifier '-22' to the usual procedure number. A report may also be appropriate. BR
- 26 **PROFESSIONAL COMPONENT:** Certain procedures (e.g., laboratory, radiology, electrocardiogram, specific diagnostic and therapeutic services) are a combination of a physician component and a technical component. When the professional component is reported separately, the service may be identified by adding the modifier '-26' to the usual procedure number. Payment is made on the basis of up to and including forty percent of the fee maximum.
- 52 **REDUCED SERVICES:** Under certain circumstances a service or procedure is partially reduced or eliminated at the doctor's election. Under these circumstances the service provided can be identified by its usual procedure number and the addition of the modifier '-52', signifying that the service is reduced. This provides a means of reporting reduced services without disturbing the identification of the basic service.
- 90 **REFERENCE (OUTSIDE) LABORATORY:** When laboratory procedures are performed by a party other than the treating or reporting doctor, the procedure may be identified by adding the modifier '-90' to the usual procedure number. The procedure shall be billed as charged to the ordering doctor. BR

AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-23-212 **CHEMISTRY AND TOXICOLOGY.**

The material for examination can be from any source. Examination is quantitative unless specified. (For list of automated, multi-channel tests, see 80003-80019.)

		Unit Value
82000	Acetaldehyde, blood	40.0
82003	Acetaminophen, urine	40.0
	(Acetic anhydride, see volatiles, 84600)	
82005	Acetoacetic acid, serum	40.0
82009	Acetone, qualitative	12.0
82010	quantitative	12.0
	(For acetone bodies, see 82009-82010, 82635, 83947)	
82011	Acetylsalicylic acid; quantitative . . .	32.0
82012	qualitative	32.0
82013	Acetylcholinesterase,	40.0
	(Acid, gastric, see gastric acid, 82926-82932)	
	(Acid phosphatase, see 84060-84065)	
82015	Acidity, titratable, urine	30.0
	(ACTH, see 82024)	
	(Adrenalin-Noradrenalin, see catecholamines, 82382-82384)	
82024	Adrenocorticotrophic hormone (ACTH), RIA	120.0
82030	Adenosine; 5'-diphosphate (ADP) and 5'-monophosphate (AMP), cyclic, RIA, blood	40.0
82035	5'-triphosphate, blood	40.0
82040	Albumin, serum	20.0
82042	urine, quantitative (specify method, e.g., Esbach)	20.0
	(For albumin/globulin ratio, albumin/globulin ratio by electrophoretic method, see 84155-84200)	
82055	Alcohol (ethanol), blood, chemical . .	30.0
82060	by gas-liquid chromatography	40.0
82065	urine, chemical	30.0
82070	by gas-liquid chromatography	40.0
82072	Alcohol (ethanol) gelation	30.0
82075	breath	60.0
82076	Alcohol; isopropyl	60.0
82078	methyl	60.0
82085	Aldolase, blood, kinetic ultraviolet method	26.0
82086	colorimetric	20.0
82087	Aldosterone; double isotope technique	120.0
82088	RIA blood	100.0
82089	RIA urine	100.0

	Unit Value		Unit Value
(Alkaline phosphatase, see 84075-84080)		82173 Arginine tolerance test	BR
82095 Alkaloids, tissue, screening	80.0	82175 Arsenic, blood, urine, gastric con- tents, hair or nails, quantitative	80.0
82096 quantitative	120.0	(For heavy metal screening, see 83015)	
82100 urine, screening	80.0	82180 Ascorbic acid (Vitamin C) blood . . .	40.0
82101 quantitative	120.0	(Aspirin, see acetylsalicylic acid, 82011, 82012)	
(See also 82486, 82600, 82662, 82755, 84231)		(Atherogenic index, blood, ultracentrifuga- tion, quantitative, see 83717)	
(Alpha amino acid nitrogen, see 82126)		82205 Barbiturates quantitative	60.0
(Alpha-hydroxybutyric (HBD) dehydrogen- ase, see 83485, 83486)		82210 quantitative and identification . .	80.0
(Alphaketoglutarate, see 83584)		(For qualitative screen, see 82486, 82660, 82662, 82755, 84231)	
(Alpha tocopherol (Vitamin E), see 84446)		82225 Barium	BR
82112 Amikacin	BR	(Bence-Jones protein, 84185)	
(Amikacin serum radioimmunoassay, see 80040)		82230 Beryllium, urine	80.0
82126 Alpha amino acid nitrogen	50.0	82231 Beta-2 microglobulin, RIA; urine . .	BR
82128 Amino acids, qualitative	40.0	82232 serum	BR
82130 Amino acids, urine or plasma chrom- atographic fractionation and quan- titation	180.0	82235 Bicarbonate excretion, urine	BR
82134 Aminohippurate, para (PAH)	30.0	82236 Bicarbonate loading test	BR
(For administration, see 36410, 99070)		(Bicarbonate, see 82374)	
82135 Aminolevulinic acid, delta (ALA) . .	50.0	82240 Bile acids, blood, fractionated	120.0
82137 Aminophylline	60.0	82245 Bile pigments, urine	8.0
82138 Amitriptyline	60.0	82250 Bilirubin, blood, total or direct	24.0
82140 Ammonia, blood	40.0	82251 blood, total AND direct	30.0
82141 urine	40.0	82252 feces, qualitative	BR
82142 Ammonium chloride loading test . . .	40.0	82260 urine, quantitative	12.0
82143 Amniotic fluid scan (spectrophoto- metric)	50.0	82265 amniotic fluid, quantitative	30.0
(For L/S ratio, see 83661)		82268 Bismuth	80.0
(Amobarbital, see 82205-82210)		82270 Blood, feces, occult, screening	8.0
82145 Amphetamine, or methamphetamine, chemical, quantitative	80.0	82273 duodenal, gastric contents, quali- tative	BR
82150 Amylase, serum	30.0	(Blood urea nitrogen (BUN), see 84520- 84525, 84545)	
82155 isoenzymes electrophoretic	BR+	(Blood volume, see 84605-84610, 78110, 78111)	
82156 urine (diastase)	30.0	82280 Boric acid, blood	100.0
82157 Androstenedione RIA	80.0	82285 urine	100.0
82159 Androsterone	50.0	82286 Bradykinin	BR
82160 RIA	50.0	82290 Bromides, blood	24.0
(See also 83593-83596)		82291 urine	40.0
(Angiotensin I, see renin, 84244)		(For bromsulphthalein (BSP), see 84382)	
82163 Angiotensin II, RIA	BR	82300 Cadmium, urine	100.0
82165 Aniline	BR	82305 Caffeine	60.0
(Antidiuretic hormone, RIA, see 84588)		82306 Calcifediol (25-OH Vitamin D-3), chromatographical technique	BR
82168 Antihistamines	BR	82307 Calciferol (Vitamin D) RIA	BR
82170 Antimony, urine	80.0	82308 Calcitonin, RIA	80.0
(Antimony, screen, see 83015)		82310 Calcium, blood, chemical	22.0
(Antitrypsin, alpha-1-, see 86329)		82315 fluorometric	22.0
		82320 emission flame photometry	22.0

	Unit Value		Unit Value
82325		82480	Cholinesterase, serum 40.0
	24.0	82482	RBC 60.0
82330	60.0	82484	serum and RBC 80.0
82331	24.0	82485	Chondroitin B sulfate, quantitative.. BR
82335	11.0		(Chorionic gonadotropin, see gonadotropin, 82996-83002)
82340	32.0	82486	Chromatography; gas-liquid, com- pound and method not elsewhere specified BR
82345	80.0	82487	paper, 1-dimensional, compound and method not elsewhere speci- fied BR
82355	40.0	82488	paper, 2-dimensional, not else- where specified BR
82360	60.0	82489	thin layer, not elsewhere specified. BR
82365	60.0	82490	Chromium, blood 100.0
82370	50.0	82495	urine 100.0
		82505	Chymotrypsin, duodenal contents . . . 30.0
		82507	Citric acid 80.0
		82512	Clonazepam BR
		82520	Cocaine, quantitative 60.0
			(Cocaine, screen, see 82486, 82660, 82662, 82755, 84231)
			(Codeine, quantitative, see 82096, 82101)
			(Complement, see 86159-86162)
			(Compound S, see 82634)
		82525	Copper, blood 60.0
		82526	urine 60.0
			(Coprobilinogen, feces, 84575)
			(Coproprophyrins, see 84118-84121)
			(Corticosteroids, see 83492-83496)
		82528	Corticosterone, RIA BR
			(See also 83593-83597)
		82529	Cortisol; fluorometric, plasma 36.0
		82531	CPB, plasma 75.0
		82532	CPB, urine 75.0
		82533	RIA, plasma 90.0
		82534	RIA, urine 90.0
		82536	after adrenocorticotrophic hormone (ACTH) Administration BR
		82537	48 hours after continuous ACTH infusion BR
		82538	after metyrapone tartrate adminis- tration BR
		82539	dexamethasone suppression test, plasma and/or urine BR
		82540	Creatine, blood 24.0
		82545	urine 40.0
		82546	Creatine and creatinine 50.0
		82550	Creatine phosphokinase (CPK), blood, timed kinetic ultraviolet method 26.0
		82552	isoenzymes 30.0
82325			
	atomic absorption flame photo- metry 24.0		
82330			
	fractionated, diffusible 60.0		
82331			
	after calcium infusion test 24.0		
82335			
	urine, qualitative (Sulkowitch) 11.0		
82340			
	quantitative timed specimen 32.0		
82345			
	feces, quantitative timed specimen 80.0		
82355			
	Calculus (stone) qualitative, chemi- cal 40.0		
82360			
	quantitative, chemical 60.0		
82365			
	infrared spectroscopy 60.0		
82370			
	X-ray diffraction 50.0		
	(Carbamates, see individual listings)		
82372			
	Carbamazepine, serum BR		
82374			
	Carbon dioxide, combining power or content 10.0		
	(See also 82801-82803, 82817)		
82375			
	Carbon monoxide, (carboxyhemoglo- bin); quantitative 48.0		
82376			
	qualitative 48.0		
	(Carbon tetrachloride, see 84600)		
	(Carboxyhemoglobin, see 82375, 82376)		
82380			
	Carotene, blood 40.0		
	(Carotene plus Vitamin A, see 84595)		
82382			
	Catecholamines (dopamine, nore- pinephrine, epinephrine); total urine BR		
82383			
	blood BR		
82384			
	fractionated BR		
	(For urine metabolites, see 83835, 84585)		
82390			
	Ceruloplasmin, chemical (copper ox- idase), blood 40.0		
	(For gel diffusion technique, see 86331; immunodiffusion technique, see 86329)		
82400			
	Chloral hydrate, blood 60.0		
82405			
	urine 40.0		
82415			
	Chloramphenicol, blood 40.0		
82418			
	Chlorazepate dipotassium 40.0		
82420			
	Chlordiazepoxide, blood 60.0		
82425			
	urine 60.0		
82435			
	Chlorides, blood, (specify chemical or electrometric) °20.0		
82436			
	urine, (specify chemical, electro- metric or Fantus test) 20.0		
82437			
	sweat (without iontophoresis) 20.0		
	(For iontophoresis, see 89360)		
82438			
	spinal fluid 20.0		
82441			
	Chlorinated hydrocarbons, screen 20.0		
82443			
	Chlorothiazide-hydrochlorothiazide 60.0		
	(Chlorpromazine, see 84021, 84022)		
82465			
	Cholesterol, serum; total °22.0		
82470			
	total and esters 30.0		

	Unit Value		Unit Value
82555 colorimetric	20.0		
82565 Creatinine, blood	°20.0	(Dihydrocodinone screen, see 82486-82489, 82662, 82755, 84231)	
82570 urine	°20.0		
82575 clearance	°40.0	82649 Dihydromorphinone, quantitative ...	75.0
82585 Cryofibrinogen, blood	40.0	(Dihydromorphinone screen, see 82486, 82489, 82662, 82755, 84231)	
82595 Cryoglobulin, blood	40.0		
(Crystals, pyrophosphate vs. urate, see 84208)		82651 Dihydrotestosterone (DHT)	BR
82600 Cyanide, blood	80.0	82654 Dimethadione	BR
82601 tissue	80.0	(Diphenylhydantoin, see 84045)	
82606 Cyanocobalamin (Vitamin B-12); bioassay	70.0	(Dopamine, see 82382-82384)	
82607 RIA	45.0	82656 Doxepin	BR
82608 unsaturated binding capacity	60.0	82660 Drug screen (amphetamines, barbit- urates, alkaloids)	65.0
(Cyclic AMP, see 82030)		(See also 82486-82489, 82662, 82755, 84231)	
(Cyclic GMP, see 83008)		(Duodenal contents, see individual enzymes; for intubation and collection, see 89100)	
82614 Cystine, blood, qualitative	BR	82662 Enzyme immunoassay technique for drugs, EMIT	30.0
82615 Cystine, and homocystine, urine, qualitative	30.0	82664 Electrophoretic technique, not else- where specified	45.0
82620 quantitative	40.0	82666 Epiandrosterone	BR
82624 Cystine aminopeptidase	BR	(See also 83593, 83596)	
(D hemoglobin, see 83053)		(Epinephrine, see 82382-82384)	
(Delta-aminolevulinic acid (ALA), see 82135)		82668 Erythropoietin, bioassay	BR
82626 Dehydroepiandrosterone, RIA	BR	(For HI method, see 86280)	
(See also 83593-83596)		82670 Estradiol, RIA (placental)	90.0
(Deoxycortisol, 11- (compound S), RIA, see 82634)		82671 Estrogens; fractionated	85.0
82628 Desipramine	BR	82672 total	60.0
82633 Desoxycorticosterone, 11-RIA	BR	82673 Estriol; fluorometric	54.0
(See also 83593-83596)		82674 GLC	45.0
82634 Desoxycortisol, 11-(compound S), RIA	80.0	82676 Chemical	75.0
(See also 83492)		82677 RIA	105.0
82635 Diacetic acid	18.0	(Estrogen receptor assay, see 84233)	
(Diagnex blue, tubeless gastric, see 82939)		82678 Estrone; chemical	75.0
(Diastase, urine, see 82156)		82679 RIA	90.0
82636 Diazepam	50.0	(Ethanol, see 82055-82075)	
82638 Dibucaine number	34.0	82690 Ethchlorvynol (Placidyl), blood	60.0
82639 Dicumarol	BR	82691 urine	60.0
(Dichloroethane, see 84600)		82692 Ethosuximide	BR
(Dichloromethane, see 84600)		(Ethyl alcohol, see 82055-82075)	
(Diethylether, see 84600)		82694 Etiocholanolone	BR
82640 Digitoxin digitalis, blood RIA	BR+	(See also 83593, 83596)	
82641 urine	BR+	(Evans blue, see blood volume, 84605- 84610)	
82643 Digoxin, RIA	36.0	82696 Etiocholanolone, RIA	50.0
82646 Dihydrocodinone	BR	82705 Fat or lipids, feces, screening	10.0
		82710 quantitative, 24 or 72 hour speci- men	100.0

	Unit Value		Unit Value
82715 Fat differential, feces, quantitative ..	BR	82803 pH, pCO ₂ , pO ₂ simultaneous.....	54.0
82720 Fatty acids, blood, esterified	40.0	82804 pO ₂ by electrode.....	40.0
82725 nonesterified	40.0	82812 pO ₂ by manometry.....	24.0
82727 Ferric chloride, urine	BR	82817 pH, pCO ₂ by tonometry	24.0
82728 Ferritin, specify method (e.g., RIA, immunoradiometric assay)	BR	(For arterial puncture, see 36600)	
(Fetal hemoglobin, see hemoglobin 83020, 83033, and 85460)		(For blood gas studies as a part of pulmo- nary function studies, see 94700-94710)	
(Fetoprotein, alpha-1, see 86329)		82926 Gastric acid, free and total; single specimen	11.2
82730 Fibrinogen, quantitative.....	21.0	82927 each additional specimen	9.0
(See also 85371, 85377)		82928 Gastric acid, free or total; single specimen	9.0
82735 Fluoride, blood	100.0	82929 each additional specimen	7.5
82740 urine	100.0	82931 Gastric acid, pH titration; single specimen	24.0
82741 Flucytosine (5-fluorocytosine)	BR	82932 each additional specimen	18.0
82742 Flurazepam.....	BR	82939 Gastric analysis, tubeless (Diagnex blue)	BR
82745 Folic acid, (folate), blood bioassay ..	BR+	(Gastric analysis, with stimulation, see 89140, 89141)	
82746 RIA.....	45.0	(Gastric analysis, pepsin, see 83974)	
(Follicle stimulating hormone (FSH), see 83000, 83001)		(For gastric intubation, see 89130, 74340)	
82750 Formimino-glutamic acid (FIGLU), urine	100.0	(For aspiration of specimens with insulin administration (Hollander test), see 91075)	
82755 Free radical assay technique for drugs (FRAT)	BR	82941 Gastrin, RIA	48.0
82756 Free thyroxine index (T-7).....	BR	(GGT, see 82977)	
82757 Fructose, semen	BR	(GLC, gas liquid chromatography, see 82486)	
(Fructose, TLC screen, see 84375)		82942 Globulin, serum	10.5
82759 Galactokinase, RBC	BR	(See also 82784, 82786, 84155-84200, 86329)	
82760 Galactose, blood	40.0	82943 Glucagon, RIA	BR
82763 tolerance test	75.0	82944 Glucosamine	6.0
82765 urine	40.0	82947 Glucose; except urine (e.g., blood, spinal fluid, joint fluid)	10.5
82775 Galactose-1-phosphate uridyl trans- ferase	60.0	82948 blood, stick test	8.2
(For TLC screen, see 84375)		82949 fermentation	22.5
82776 screen	18.0	82950 post glucose dose (includes glu- cose)	13.5
82780 Gallium	BR	82951 tolerance test (GTT), three speci- mens (includes glucose)	37.5
82784 Gammaglobulin, A, D, G, M nephe- lometric, each	12.0	82952 tolerance test, each additional be- yond three specimens	10.5
82785 Gammaglobulin, E, RIA	75.0	(For intravenous glucose tolerance test, see 82961)	
82786 Gammaglobulin, salt precipitation method	21.0	82953 tolbutamide tolerance test	15.0
(Gammaglobulin by gel (immuno) diffusion, see 86329)		(For insulin tolerance test, see 82937)	
(Gamma-glutamyl transpeptidase (GGT), see 82977)		(For leucine tolerance test, see 83681)	
82790 Gases, blood, oxygen saturation; by calculation from pO ₂	40.0	82954 urine	20.0
82791 by manometry	40.0	(For intubation, see 89130, 79340)	
82792 by oximetry	20.0		
82793 by spectrophotometry	40.0		
82795 by calculation from pCO ₂	6.0		
82800 Gases, blood, pH, only	20.0		
82801 pCO ₂	24.0		
82802 pH, pCO ₂ by electrode	42.0		

	Unit Value		Unit Value
(See also 82531-82534, 82634, 84409)		83588 RIA	54.0
83497 Hydroxyindolacetic acid, 5-(HIAA), urine	60.0	83589 Ketosteroids, 17-(17-KS), urine; to- tal	36.0
(For HIAA, blood, see 84260)		83590 fractionation, alpha/beta	60.0
83498 Hydroxyprogesterone, 17-d, RIA ...	105.0	83593 chromatographic fractionation ...	75.0
83499 Hydroxyprogesterone, 20-	BR	(83596 D/A/E ratio has been deleted.)	
83500 Hydroxy-proline, urine, free only ...	100.0	83597 11-desoxy: 11-oxy ratio	75.0
83505 total only	100.0	(See also 82528, 82632, 82633, 82666, 82694)	
83510 free and total	180.0	83599 Ketosteroids, 17-OH, RIA	64.1
83523 Imipramine	67.0	83600 Kynurenic acid	90.0
(Immunoglobulines, see 82784, 82785, 82786, 86329, 86335)		83605 Lactate, lactic acid	40.0
83524 Indican, urine	35.0	83610 Lactic dehydrogenase (LDH), RIA .	33.7
83525 Insulin, RIA	40.0	83615 Lactic dehydrogenase (LDH), blood, kinetic ultraviolet method	26.0
83526 Insulin tolerance	80.0	83620 colorimetric or fluorometric ...	20.0
(For proinsulin, see 84206)		83624 heat or urea inhibition (total not included)	24.0
83528 Intrinsic factor level	BR	83625 isozymes, electrophoretic sepa- ration and quantitation	60.0
(For intrinsic factor antibodies, RIA, see 86340)		83626 chemical separation	20.0
83530 ((Insulin)) <u>Inulin</u> clearance	40.0	83628 Lactic dehydrogenase, liver (LLDH)	20.0
(For administration, see 36410, 99070)		83629 Lactic dehydrogenase (LDH), urine .	20.0
(83533, 83534 protein bound iodine have been deleted. To report, use 84999)		83631 Lactic dehydrogenase (LDH), CSF .	20.0
(For thyroxine, see 84435-84439)		(For hydroxybutyric dehydrogenase (HBD), see 83485)	
(For triiodothyronine (true T-3), RIA, see 84480)		83632 Lactogen, human placental (HPL) chorionic somatomammotropin, RIA	30.0
(For T-3 or T-4 radioactive resin uptake, see RT3U, 84250; for RT3U+thyroxine, see 84251)		83633 Lactose, urine; qualitative	20.0
83540 Iron, serum, chemical	20.0	83634 quantitative	20.0
83545 automated	12.0	(For tolerance, see 82951-82952)	
83546 radioactive uptake method	30.0	(For TLC screen, see 84375)	
83550 binding capacity, serum chemical .	20.0	83645 Lead, screening, blood	20.0
83555 automated	12.0	83650 urine	20.0
83565 radioactive uptake method ...	30.0	83655 quantitative, blood	60.0
83570 Isocitric dehydrogenase (IDH), blood, kinetic ultraviolet	26.0	83660 urine	60.0
83571 colorimetric	20.0	83661 Lecithin-sphingomyelin ratio (L/S ratio), amniotic fluid	75.0
(Isopropyl alcohol, see alcohol 82076)		83670 Leucine amino-peptidase (LAP), blood, kinetic ultraviolet method ...	26.0
83576 Isonicotinic acid hydrazide (INH) ..	105.0	83675 colorimetric	20.0
83578 Kanamycin	49.0	83680 urine	26.0
83582 Ketogenic steroids, urine; 17-(17- KGS)	45.0	83681 Leucine tolerance test	26.0
83583 11-desoxy: 11-oxy ratio	75.0	83685 Lidocaine	20.0
83584 Ketoglutarate, alpha	40.0	83690 Lipase, blood	30.0
(Ketone bodies, see 82005-82010; urine, see 81000-81005)		83700 Lipids, blood, total	30.0
83586 Ketosteroids, 17-(17-KS), blood; to- tal	38.0	83705 fractionated (cholesterol, triglycer- ides, phospholipids)	60.0
83587 fractionation, alpha/beta	75.0	(For feces, see 82705-82715)	
		83715 Lipoprotein, blood; electrophoretic separation and quantitation phenotyping	60.0

	Unit Value		Unit Value
83717		83857	Methemalbumin 32.0
			(Methemoglobin, see hemoglobin 83045-83050)
83718	100.0	83858	Methsuximide, serum 90.0
			(Methyl alcohol, see 82078)
83719	BR	83859	Methypylon 90.0
		83860	Morphine, screening 80.0
83720	BR	83861	quantitative 120.0
		83862	RIA 82.0
83725	60.0	83864	Mucopolysaccharides, acid, blood . . . 60.0
		83865	Mucopolysaccharides, acid, urine quantitative 60.0
			screen 21.0
83727	60.0	83870	Mucoprotein, blood (seromuroid) . . . 40.0
		83872	Mucin, synovial fluid (rope test) . . . 21.0
83728	BR	83873	Myeline basic protein, CSF, RIA . . . BR
			(For oligoclonal bands, see 83916)
83730	30.0	83874	Myoglobin, electrophoresis 30.0
		83875	Myoglobin, urine 40.0
83735	20.0	83880	Nalorphine 60.0
		83885	Nickel, urine 100.0
83740	20.0	83887	Nicotine 75.0
		83895	Nitrogen, urine, total, 24 hour speci- men 60.0
83750	40.0		feces, 24 hour specimen 100.0
		83910	Nonprotein nitrogen, blood 20.0
83755	40.0		(Norepinephrine, see 82382-82384)
		83915	Nucleotidase 5'- 25.0
83760	40.0	83916	Oligoclonal immune globulin (Ig), CSF, by electrophoresis BR
			(For myelin basic protein, CSF, see 83873)
83765	40.0	83917	Organic acids; screen, qualitative . . . 30.0
83775	30.0		quantitative 30.0
		83920	Ornithine carbonyl transferase, (OCT) 24.0
		83930	Osmolality, blood 20.0
(Maltose tolerance, see 82951, 82952)		83935	urine 20.0
(Mammotropin, see 84146)		83938	Ouabain BR
83785	60.0	83945	Oxalate, urine 40.0
			(For alpha oxoglutarate, see 82120)
83790	BR	83946	Oxazepam 40.0
		83947	Oxybutyric acid, beta 40.0
		83948	Oxycodone 52.0
(Marijuana, see tetrahydrocannabinol THC, 84408)			(Oxygen, see gases, blood, 82790-82817)
83795	60.0	83949	Oxytocinase, RIA 52.0
			(Para-aminohippuric acid, see 82134)
83799	54.0	83965	Paraldehyde, blood, quantitative . . . 60.0
		83970	Parathormone (parathyroid hor- mone), RIA 165.0
(For screen, see 82486, 82489, 82662, 82755, 84231)			(PBI, see 83533)
83805	60.0		
(For screen, see 82486, 82489, 84231)			
83825	70.0		
83830	70.0		
(Mercury screen, see 83015)			
83835	52.0		
(For catecholamines, see 82382-82384)			
83840	60.0		
(Methamphetamine, see 82145)			
(Methanol, see 82078)			
83842	50.0		
83845	90.0		
(For metals, heavy, screening (Reinsch test), see 82177)			

	Unit Value		Unit Value
83971 Penicillin, urine	50.0	84085 Phosphogluconate, 6-, dehydrogenase, RBC	18.0
83972 Pentazocine	60.0	84087 Phosphohexose isomerase	30.0
83973 Pentose, urine, qualitative	13.5	84090 Phospholipids, blood	30.0
(For TLC screen, see 84375)		(See also 83705)	
83974 Pepsin, gastric	23.0	(For lecithin/sphingomyelin ratio, see 83661)	
83975 Pepsinogen, blood	40.0	84100 Phosphorus, blood	°24.0
83985 Pesticide, other than chlorinated hydrocarbons, blood, urine or other material	BR+	84105 urine	°24.0
(Pesticide, chlorinated hydrocarbons, see 82441)		(Pituitary gonadotropins, see 83000-83002)	
83986 pH, body fluid, except blood	BR	(PKU, see 81005, 84030, 84031)	
(For blood, see 82800, 82802, 82803, 82817)		84106 Porphobilinogen, urine; qualitative ..	20.0
83992 Phencyclidine (PCP)	38.0	84110 Porphobilinogen, urine, quantitative ..	20.0
83995 Phenol, blood or urine	60.0	84118 Porphyrins, copro-, urine; quantitative	30.0
84005 Phenolsulphonphthalein (PSP), urine	20.0	84119 qualitative	24.0
(For injection procedure, see 36410 for provision of materials, see 99070)		84120 Porphyrins, urine, fractionated (uroporphyrin and coproporphyrin)	64.0
84021 Phenothiazine, urine	100.0	84121 uro-, copro-, and porphobilinogen, urine	80.0
(See also 82486 et seq.)		(For porphyrin precursors, see 82630)	
84022 quantitative, chemical	BR	84126 feces, quantitative	100.0
(For also individual drugs)		84128 Porphyrins, plasma	82.0
84030 Phenylalanine, blood, Guthrie	12.0	(For protoporphyrin, RBC, see 84202, 84203)	
(Phenylalanine-tyrosine ratio, see 84030, 84510)		84132 Potassium, blood	°24.0
84031 fluorometric	12.0	84133 urine	°24.0
84033 Phenylbutazone	20.0	84135 Pregnanediol; RIA	BR
84035 Phenylketones; blood, qualitative ..	20.0	84136 other method (specify)	BR
84037 urine, qualitative	20.0	84138 Pregnanetriol; RIA	BR
84038 Phenylpropanolamine	20.0	84139 other method (specify)	BR
84039 Phenylpyruvic acid; blood	20.0	84141 Primidone	60.0
84040 Phenylpyruvic acid, urine	20.0	84142 Procainamide	60.0
(For qualitative chemical tests, urine, see 81005)		84144 Progesterone, any method	105.0
84045 Phenytoin	61.0	(For proinsulin, RIA, see 84206)	
84060 Phosphatase, acid, blood	24.0	84146 Prolactin (mammotropin), RIA	225.0
84065 (prostatic) fraction	40.0	84147 Propoxyphene	60.0
84066 prostatic fraction, RIA	60.0	(For screen, see 82486 et seq.)	
84075 alkaline, blood	24.0	84149 Propranolol	BR
84078 heat stable (total not included) ...	16.0	84150 Prostaglandin, any one, RIA	BR
84080 isoenzymes, electrophoretic method	BR	84155 Protein, total, serum, chemical	°20.0
84081 Phosphatidylglycerol	BR	84160 refractometric	12.0
84082 Phosphates, tubular reabsorption of (TRP)	60.0	84165 electrophoretic fractionation and quantitation	60.0
(Phosphates, inorganic, see 84100-84105)		84170 total and albumin/globulin ratio	°40.0
(Phosphates, organic, see 82480-82484)		(For serum albumin, see 82040, for serum globulin, 82942)	
84083 Phosphoglucomutase, isoenzymes ...	60.0	84175 other sources, quantitative	24.0
		84176 Protein, special studies (e.g., monoclonal protein analysis)	BR

	Unit Value		Unit Value
84180		84300	°24.0
urine, quantitative, 24 hour speci-		urine	
men	24.0	(Somatomammotropin, see 83632)	
84185	12.0	(Somatotropin, see 83003; chorionic, see	
Bence-Jones		83632)	
84190		84310	26.0
electrophoretic fractionation		Sorbitol dehydrogenase, serum	
and quantitation	80.0	84315	8.0
84195		specific gravity (except urine)	
spinal fluid semi-quantitative		84317	8.0
(Pandy)	20.0	Starch, feces, screening	
84200		84318	BR
electrophoretic fractionation		Stercobilin, qualitative, feces	
and quantitation	80.0	(For stone analysis see 82355-82370)	
(For protein bound iodine (PBI), see 83533)		84324	75.0
84201	BR	Strychnine	
Protirelin, thyrotropin releasing hor-		(Sugar, see under glucose)	
mon (TRH) test		84375	80.0
84202	30.0	sugars chromatographic separa-	
Protoporphyrin, RBC; quantitative . .		tion	
84203	20.0	(Sulfhemoglobin, see hemoglobin, 83055-	
screen		83060)	
84205	68.0	(84382 has been deleted)	
Protiptylene		(For injection, see 36410, 99070)	
84206	60.0	84395	20.0
Proinsulin, RIA		Sulfonamide, blood chemical	
84207	BR	(84397 has been deleted.)	
Pyridoxine (Vitamin B-6)		(T-3, see 84479-84481)	
84208	12.0	(T-4, see 84435-84439)	
Pyrophosphate vs. urate, crystals		(84401 has been deleted.)	
(polarization)		84403	105.0
84210	30.0	Testosterone, blood, RIA	
Pyruvate, blood		84405	120.0
84220	30.0	Testosterone, urine, RIA	
Pyruvic-kinase, RBC		84406	BR
84228	30.0	Testosterone, binding protein	
Quinine		84407	BR
84230	40.0	Tetracaine	
Quinidine, blood		84408	BR
84231	BR	Tetrahydrocannabinol THC (mari-	
Radioimmunoassay (RIA) not else-		juana)	
where specified		84409	105.0
(Reinsch test, see 83015)		Tetrahydrocortisone or tetrahydro-	
84232	BR	cortisol	
Releasing factor		(See also 83492-83497)	
84233	BR	84410	100.0
Receptor assay; estrogen (estradiol) .		Thallium, blood or urine	
84234	BR	84420	60.0
progesterone		Theophylline, blood or saliva	
84235	BR	84425	BR
endocrine, other than estrogen or		Thiamine (Vitamin B-1)	
progesterone (specify hormone) . .		84430	30.0
84236	BR	Thiocyanate, blood	
progesterone and estrogen		84434	40.0
84238	BR	Thioridazine	
nonendocrine (e.g., acetylcholine)		(Thyrotropin releasing hormone (TRH) test,	
(specify receptor)		see 84201)	
84244	60.0	84435	33.0
Renin (Angiotensin I); (RIA)		Thyroxine, (T-4), CPB or resin up-	
(See also 82163, angiotensin II)		take	
84246	BR	84436	21.0
furosemide test		Thyroxine, true (TT-4), RIA	
(84250, 84251 resine uptake have been de-		84437	20.0
leted. To report, use 84479, 84435)		Thyroxine (T-4), neonatal	
84252	BR	84439	45.0
Riboflavin (Vitamin B-2)		Thyroxine, free (FT-4), RIA (un-	
(Salicylates, see 82011, 82012)		bound T-4 only)	
(Saline infusion test, see 82091)		(84441 Thyroxine (T-4) method unspecified	
(Secretin test, see 99070, 89100 and appro-		has been deleted. To report, use 84435-	
84255	100.0	84441	40.0
Selenium, blood, urine or tissue		Thyroxine (T-4), specify method	
84260	120.0	(e.g., CPB, RIA)	
Serotonin, blood			
(For urine metabolites, see 83497)			
84275	50.0		
Sialic acid, blood			
(Sickle hemoglobin, see 83020, 83052,			
83053, 85660)			
84285	100.0		
Silica, blood, urine or tissue			
84295	°24.0		
Sodium, blood			

	Unit Value		Unit Value
84442 Thyroxine binding globulin (TBG) ..	52.0	84565 Urobilin, urine, qualitative	12.0
(Thyroxine, free thyroxine index, T-7, see 82756)		84570 quantitative, timed specimen ...	24.0
(Thyroid hormones, PBI, thyroxine, etc., see 84480, 84441, 84250)		84575 feces, quantitative	60.0
84443 Thyroid stimulating hormone (TSH), RIA	60.0	84577 Urobilinogen, feces, quantitative....	30.0
84444 Thyrotropin releasing factor (TRF), RIA;	BR	84578 Urobilinogen, urine, qualitative.....	24.0
84445 plus long acting (LATS)	BR	84580 quantitative, timed specimen.....	24.0
84446 Tocopherol alpha (Vitamin E)	38.0	84583 semiquantitative	20.0
(Tolbutamide tolerance, see 82951-82952)		84584 Uropepsin, urine	24.0
84447 Toxicology, screen; general	BR	(Uroporphyrins, see 84120, 84121)	
84448 sedative (acid and neutral drugs, volatiles)	45.0	84585 ((Vanillyl mandelic))	
84450 Transaminase, blood, glutamic oxaloacetic (SGOT), timed kinetic ultraviolet method	24.0	<u>Vanillyl</u> mandelic acid (VMA),	
°84455 colorimetric or fluorometric....	°20.0	urine	24.0
84460 glutamic pyruvic (SGPT), blood timed kinetic ultraviolet.....	24.0	84588 Vasopressin (antidiuretic hormone), RIA.....	BR
°84465 colorimetric or fluorometric....	°20.0	84589 Viscosity, fluid	10.0
(Transferrin, see 86329)		84590 Vitamin A, blood	40.0
84472 Trichloroethanol	60.0	84595 including carotene (see also 82380).....	60.0
84474 Trichloroacetic acid	36.0	(Vitamin B-1, see 84425)	
(Trichloroacetaldehyde, see 82400-82405)		(Vitamin B-2, see 84252)	
84476 Trifluoperazine	36.0	(Vitamin B-6, see 84207)	
84478 Triglycerides, blood	30.0	(Vitamin B-12, blood, see 82606, 82607)	
(See also 83705)		(Vitamin B-12, absorption (Schilling), see 78270, 78271)	
84479 Triiodothyronine (T-3), resin uptake		(Vitamin C, see 82180)	
84480 Triiodothyronine, true (TT-3), RIA	36.0	(Vitamin E, see 84446)	
84481 Triiodothyronine, free (FT-3), RIA (unbound T-3 only)	BR	84597 Vitamin K	BR
84483 Trimethadione	36.0	(VMA, see 84585)	
84485 Trypsin, duodenal fluid	30.0	84600 Volatiles (acetic anhydride, carbon tetrachloride, dichloroethane, dichloromethane, diethylether)	45.0
84488 Trypsin, feces, quantitative, 24 hour specimen	30.0	(For acetaldehyde, see 82000)	
84490 quantitative.....	30.0	84605 Volume, blood, dye method (Evans blue)	30.0
(Tubular reabsorption of phosphate, blood and urine, see 84082)		84610 including total plasma and total blood cell volume	50.0
84510 Tyrosin, blood	40.0	(Volume, blood, RISA or Cr-51, see 78110, 78111)	
(Ultracentrifugation, lipoprotein, see 82190)		84613 Warfarin	BR
(Urate vs. pyrophosphate crystals, see 84208)		84615 Xanthurenic acid	BR
84520 Urea nitrogen, blood (BUN); quantitative	°22.0	84620 Xylose tolerance test, blood.....	40.0
84525 stick test	8.0	84630 Zinc, quantitative, blood	100.0
84540 urine	°20.0	84635 urine	100.0
84545 clearance	°40.0	84645 Zinc sulphate turbidity	20.0
84550 Uric acid, blood, chemical.....	°20.0	(84680 has been deleted. To report use 82677)	
84555 uricase, ultraviolet method	26.0	84695 Gentamicin	38.5
84560 urine	20.0	84701 Gonadotropin, chorionic, beta sub-unit, RIA	66.7

	Unit Value
84800 Thyroid stimulating hormone (TSH), neonatal	60.0
84810 Tobramycin	BR
84999 Unlisted chemistry or toxicology pro- cedure	BR

Note: Gas-liquid chromatography, paper chromatography, electrophoresis, nuclear medicine, enzyme immunoassay and radioimmunoassay techniques are being extended constantly for the analysis of many drugs, hormones and other substances. Where these methodologies are not specifically listed under the compound in question, such tests should be coded under the listing for the specific general methodology. (For immunodiffusion, immunoprecipitin, and counter-immunoelectrophoretic methods other than enzyme and radioimmunoassay techniques, see immunology section.)

WSR 87-03-006

ADOPTED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Order 1-87—Filed January 9, 1987]

I, Ernest F. LaPalm, deputy commissioner of the Employment Security Department, do promulgate and adopt the annexed rules relating to Belltown job service center services, new WAC 192-12-158.

This action is taken pursuant to Notice No. WSR 86-24-053 filed with the code reviser on December 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the [Employment Security Department] as authorized in RCW 50.12.010 and 50.12.040.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 7, 1987.

By Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-12-158 BELLTOWN JOB SERVICE CENTER SERVICES. (1) No person (defined below) shall have his or her unemployment insurance claim denied, interrupted or delayed because of a failure to appear in person at any job service center other than the office at 2106 Second Avenue, Seattle, Washington.

(2) "Person," for purposes of this rule, means any unemployment insurance claimant:

- (a) Who has a handicap that inhibits mobility;
- (b) Who lacks reasonable access to a private automobile and lives in Ballard, North Ballard or Crown Hill of Seattle, Washington; or
- (c) Whose unemployment insurance claim, in order to be processed, requires only intake functions, defined as

filing a new application, reopening a previously established claim, or making minor adjustments in either the application or claim.

(3) This rule does not require the holding of administrative hearings at the office at 2106 Second Avenue, Seattle, Washington.

(4) This rule applies only to failures to appear occurring on or before July 31, 1988.

WSR 87-03-007

**NOTICE OF PUBLIC MEETINGS
BOARD FOR VOLUNTEER FIREMEN**

[Memorandum—January 8, 1987]

The Board for Volunteer Firemen will next meet at 9:00 a.m. on Friday, January 16, 1987, in the Temple of Justice, Olympia, Washington.

WSR 87-03-008

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 87-01—Filed January 9, 1987]

I, Joseph R. Blum, director of the Department of Fisheries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to commercial fishing regulations.

I, Joseph R. Blum, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is restriction in Nisqually River and Samish River necessary to protect chum salmon escapement. Harvestable surplus of chum salmon has been exceeded.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 75.08.080 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Joseph R. Blum
Director

NEW SECTION

WAC 220-28-625 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS. Effective 12:00 noon, January 10, 1987, it is unlawful for treaty Indian fishermen to take, fish for, or possess

salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas in accordance with the following restrictions:

- *Nisqually River – Closed to all commercial fishing.
- Samish River – Effective through January 15, 1987, closed to all commercial fishing.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:00 noon, January 10, 1987.

WAC 220-28-624 PUGET SOUND COMMERCIAL SALMON FISHERY RESTRICTIONS ORDER NO. 86-196

**WSR 87-03-009
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 12, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-05-480 Workday.
- Amd WAC 356-05-500 Workweek;

that the agency will at 10:00, Thursday, February 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 10, 1987.

This notice is connected to and continues the matter in Notice Nos. WSR 86-24-011 and 86-24-033 filed with the code reviser's office on November 21, 1986, and November 25, 1986.

Dated: January 8, 1987
By: Leonard Nord
Secretary

**WSR 87-03-010
PROPOSED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)
[Filed January 12, 1987]**

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the State Personnel Board intends to adopt, amend, or repeal rules concerning:

- Amd WAC 356-30-065 Temporary appointments—Classified service.
- Amd WAC 356-30-070 Appointments—Acting.
- Rep WAC 356-30-090 Temporary employment—Permanent employees—Status.
- Amd WAC 356-30-145 Project employment;

that the agency will at 10:00 a.m., Thursday, February 12, 1987, in the Board Hearings Room, Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.06.040.

The specific statute these rules are intended to implement is RCW 41.06.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 10, 1987.

This notice is connected to and continues the matter in Notice No. WSR 87-01-064 filed with the code reviser's office on December 17, 1986.

Dated: January 8, 1987
By: Leonard Nord
Secretary

**WSR 87-03-011
ADOPTED RULES
DEPARTMENT OF LABOR AND INDUSTRIES
[Order 86-48—Filed January 12, 1987]**

I, R. A. Davis, director of the Department of Labor and Industries, do promulgate and adopt at Room 334, General Administration Building, Olympia, Washington 98504, the annexed rules relating to recordkeeping and reporting, safety and health inspections, chapter 296-27 WAC, being amended by repealing specific sections which are no longer needed, adding new sections, and amending the remaining sections to establish the type of compliance inspection and inspection programs conducted by the Division of Industrial Safety and Health. The amended and new sections establish the different types of inspections and establish the procedures used to conduct the inspections. The amended and new rules also establish how inspections are prioritized and scheduled to most efficiently meet the goals of chapter 49.17 RCW and the Department of Labor and Industries' obligations to OSHA in accordance with the department's state plan agreement.

- New WAC 296-27-16002 Inspection hours.
- New WAC 296-27-16004 Inter-program referrals.
- New WAC 296-27-16018 Compliance inspections.

New	WAC 296-27-16020	Inspection selection, scheduling criteria, and limit on number of inspections.
New	WAC 296-27-16022	Unprogrammed inspections, follow-up inspections, monitoring inspections, and "high hazard" inspections.
New	WAC 296-27-16026	Programmed inspections.
Amd	WAC 296-27-160	Safety and health inspections.
Amd	WAC 296-27-16001	Definitions.
Amd	WAC 296-27-16003	Inspection format.
Amd	WAC 296-27-16007	Citations, penalty assessments and notices of violations.
Amd	WAC 296-27-16011	Refusal or limitation of inspection.
Rep	WAC 296-27-16005	Objects of inspection.
Rep	WAC 296-27-16009	Follow-up inspections.
Rep	WAC 296-27-16013	WISHA—Required investigations and inspections.
Rep	WAC 296-27-16015	WITS—In general.
Rep	WAC 296-27-16017	WITS—Safety.
Rep	WAC 296-27-16019	WITS—Safety.
Rep	WAC 296-27-16021	WITS—Safety—Limit on number of inspections.
Rep	WAC 296-27-16023	Adjustment factors.

This action is taken pursuant to Notice No. WSR 86-22-060 filed with the code reviser on November 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 49.17.040 and 49.17.050 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 12, 1987.

By Joseph A. Dear
Deputy Director
for R. A. Davis
Director

AMENDATORY SECTION (Amending Order 81-13, filed 6/22/81)

WAC 296-27-160 SAFETY AND HEALTH INSPECTIONS. The Washington Industrial Safety and Health Act (WISHA), chapter 49.17 RCW, authorizes the department of labor and industries (the department) to inspect work places to protect the health and safety of employees. ~~((The primary purpose of safety and health inspections is to determine whether employers are (1) complying with safety and health standards and regulations promulgated under WISHA, and (2) furnishing places of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees. The following sections describe the method, manner, and frequency of the department's safety and health inspections.))~~ The following sections describe the method, manner, and frequency of the department's safety and health inspections. The purposes of safety and health inspections are to:

(1) Determine if an employer is complying with WISHA safety and health standards; and

(2) Determine if an employer is furnishing a place of employment free from recognized hazards that are causing or are likely to cause death or serious physical harm to their employees.

AMENDATORY SECTION (Amending Order 81-13, filed 6/22/81)

WAC 296-27-16001 DEFINITIONS. For the purpose of these inspection rules:

~~(1) ("BLS" shall mean bureau of labor statistics.~~

~~(2) "Compensable claim" shall mean an industrial insurance claim in which an injured worker or dependent has received, or is expected to receive, a time-loss, permanent partial disability, pension or burial payment. For the purposes of these rules, a compensable claim arises only if the injured worker loses three or more days because of injury.~~

~~(3))~~ "Department" shall mean the department of labor and industries.

~~((4) "Incidence rate" shall mean the number of lost work day cases per 200,000 hours of exposure or 100 full-time equivalent workers.~~

~~(5))~~ (2) "Industrial insurance modification factor" is based on a comparison of the actual incurred losses to the expected losses for the oldest three of the four fiscal years preceding the effective date of premium rates.

(a) A modification factor greater than 1.0000 indicates that an employer's actual incurred losses are greater than expected.

(b) A modification factor of less than 1.0000 indicates that an employer's actual incurred losses are less than expected.

(c) New firms and some firms qualifying for transition rating adjustments are assigned a base modification factor of 1.0000. Self-insured employers will be assigned a modification factor of less than 1.0000.

~~((6))~~ (3) "Industry" shall mean a group of businesses classified by standard industrial classification (SIC) code according to the type of activity in which they are engaged.

~~((7) "Target inspections" shall mean inspections scheduled under WITS.~~

~~(8))~~ (4) "WISHA" shall mean the Washington Industrial Safety and Health Act.

~~((9) "WITS" shall mean the Washington inspection targeting system.~~

~~(10))~~ (5) "Working hours" shall mean those times that an employer assigns an employee or employees to work at the work place.

~~((11))~~ (6) "Work place," "work site," and "job site" may be used interchangeably in the text of this chapter and shall mean any plant, yard, premises, room, or other place where an employee or employees are employed for the performance of labor or service over which the employer has the right of access or control ~~((, and includes, but is not limited to, all work places covered by industrial insurance under Title 51 RCW, as now or hereafter amended))~~. Work place shall include temporary labor camps.

NEW SECTION

WAC 296-27-16002 INSPECTION HOURS. An inspection shall be made during the normal working hours of the work place being inspected, unless:

- (1) The inspection is of a fatality;
- (2) The inspection is of a catastrophe;
- (3) The inspection is of a complaint alleging imminent danger;
- (4) The inspector needs to remain at the work place outside of working hours to ensure that the inspection is effective.

Note: RCW 49.17.190(1) prohibits an employer from receiving advance notice of an inspection, except as authorized by the director or an authorized representative.

AMENDATORY SECTION (Amending Order 81-13, filed 6/22/81)

WAC 296-27-16003 ~~((CONDUCT OF INSPECTIONS))~~ INSPECTION FORMAT. (1) ~~((An inspection shall be made during working hours of the work place being inspected, unless the inspection is of a fatality, a catastrophe, or a complaint of imminent danger. RCW 49.17.190(1) prohibits an employer from receiving advance notice of an inspection, except as authorized by the director or his or her authorized representative.~~

~~(2) When an inspector arrives at a work place, he or she shall present his or her credentials to the highest available management official at the work place. The inspector shall keep trade secret information confidential as required by RCW 49.17.200. If necessary, the inspector may sign a form, approved by the department, that is designed to protect an employer's trade secrets. The inspector may sign a visitor's register, plant pass, or other book or form used to control the entry and movement of persons. If a governmental security clearance is required for entry, the inspector shall obtain it before the inspection.~~

~~(3) Before beginning an inspection, the inspector should conduct a joint opening conference with the employer and employee representatives. The employee representative is the employee designated by the union, safety committee, or employees to accompany the inspector during the inspection. If the inspector determines that an employee representative is not available at the work place, separate conferences with the representatives can be held.~~

~~(4)) Upon arrival, the inspector shall present credentials to the highest available management official or designated company representative at the work place and explain the nature and purpose of the visit.~~

~~(a) The inspector may sign a visitors' register, plant pass or other book or form used to control the entry and movement of persons.~~

~~(b) If a governmental security clearance is required for entry, the inspector shall obtain it before the inspection.~~

~~(2) Before beginning an inspection, the inspector should conduct a joint opening conference with the employer and employee representatives.~~

(a) The employee representative is the employee designated by the union, safety committee, or employees to accompany the inspector during the inspection.

(b) If the inspector determines that an employee representative is not available at the work place, separate conferences with the employer and employee representatives may be held.

(3) A representative of the employer and a representative authorized by the employees shall have the opportunity to accompany the inspector during the inspection.

(4) During the inspection, the inspector may interview in private any employee who wants to discuss a possible violation. ~~((The inspector may conduct an interview at any time during an inspection.))~~

(a) If the inspector determines that an interview would unduly hinder an employer's operations ~~((, however;))~~ the inspector ~~((should))~~ will interview the employee during a break or after working hours.

(b) To determine whether an interview would unduly hinder an employer's operations, the inspector may consider such factors as:

(i) The time the employee would spend away from ~~((machinery and the effects of the interview on other employees or processes;))~~ the work station;

(ii) The effects on other workers;

(iii) The effect on the work process.

(5) If the inspector receives a complaint during an inspection, ~~((he or she should inspect))~~ the alleged violation will be investigated during ~~((that))~~ the inspection.

(6) The inspector may photograph a violation, take ~~((environmental))~~ samples, conduct tests, use sampling devices worn by employees, and employ other reasonable investigative techniques. A technique shall not be used if it reasonably could be believed to cause a hazard.

(7) The inspector shall determine that the employer has posted the WISHA notice informing employees of their rights and obligations.

(8) Inspectors should examine the log and summary of recordable occupational injuries and illnesses, supplementary records of occupational injuries and illnesses, records of employee exposure to toxic chemicals and harmful physical agents, and other records relating to employee safety and health.

(9) An employer may ~~((immediately))~~ correct ~~((some))~~ violations during the inspection.

(10) A violation remains the basis for a citation and a penalty, if warranted, whether it is corrected immediately or at a later date.

(11) The inspector ~~((shall))~~ will record the conditions and corrections to help judge the employer's good faith ~~((, compliance;))~~ and cooperation. ~~((Although corrected, a violation shall remain the basis for a citation and a proposed penalty.~~

~~((5))~~ (12) At the end of the inspection, the inspector ~~((should))~~ will conduct a joint closing conference with the employer and employee representatives. If it is impractical to hold a joint conference or at the request of the employer or employee representative, separate conferences ~~((can))~~ will be held. ~~((The inspector should advise both the employer and employee representatives of their right to participate in later conferences.~~

~~An inspector shall not show or reveal the name of a complainant to the employer, unless the complainant authorizes the inspector to do so:~~

~~(6) If a safety inspector notices potential health hazards that indicate an industrial hygiene inspection is necessary, the inspector should report the hazards and request a health inspection. If a health inspector notices potential safety hazards that indicate a safety inspection is necessary, the inspector should report the hazards and request a safety inspection.))~~

(13) Complaints.

(a) Complaints shall be reduced to writing or typing on complaint forms prior to the inspections.

(b) A copy of the complaint shall be provided to the employer at the time of inspection.

(c) The complainant's name shall not appear on the employer's copy or on any record published, released, or made available without written and signed authorization by the complainant.

(14) The inspector and all concerned employees of the department shall preserve the confidentiality of trade secrets.

NEW SECTION

WAC 296-27-16004 INTERPROGRAM REFERRALS. (1) A safety inspector observing potential health hazards that indicate an industrial hygiene inspection is necessary, will report the hazards and request a health inspection.

(2) A health inspector observing potential safety hazards that indicate a safety inspection is necessary, will report the hazards and request a safety inspection.

AMENDATORY SECTION (Amending Order 81-13, filed 6/22/81)

WAC 296-27-16007 CITATIONS ~~((AND)),~~ PENALTY ASSESSMENTS AND NOTICES OF VIOLATIONS. ~~((During an inspection;))~~ (1) The inspector shall record the violations ~~((he or she observes))~~ observed on a compliance worksheet. ~~((From the information written on the worksheet, and the photographs and tests, an inspector shall prepare a citation and notice and, if applicable, a proposed penalty assessment. The citation and notice and the proposed penalty assessment shall be sent to the employer and may also be given to the highest available management official at the work place. The citation and notice shall contain an abatement date for each violation. This is the date by which the employer must correct the violation.))~~

(2) The compliance worksheet, the photographs, and sample tests, will be used to prepare:

(a) A citation; and

(b) A proposed penalty assessment; and

(c) A notice of violation.

(3) The citation and the proposed penalty assessment will be sent to the employer. The citation and notice will set an abatement date for each violation. This is the date by which the employer must correct the violation.

(4) The inspector may give a notice of violation at the end of inspection with the employer's consent instead of the department issuing a citation and notice. The notice

of violation sets short abatement dates and is issued only for general violations and contains no penalties. The notice of violation, shall be given to the highest available management official or designated company representative at the work place or sent to the employer.

AMENDATORY SECTION (Amending Order 83-34, filed 11/30/83)

WAC 296-27-16011 ~~((OBJECTION TO))~~ REFUSAL OR LIMITATION OF INSPECTION. ~~((If the employer refuses to permit an inspection, or if the employer permits an inspection but interferes with or limits an important part of the inspection, the inspector may end the inspection or confine the inspection to the areas or limits that the employer will allow. The inspector shall attempt to ascertain the reason for the refusal, interference, or limitation, and shall report it to his or her supervisor. The supervisor may consult with the assistant attorney general. The department may seek an ex parte inspection warrant or other compulsory process from a court if an inspection is refused or limited.~~

(2) The department may seek an ex parte inspection warrant or other compulsory process from a court before an inspection if the department anticipates that permission to conduct the inspection might be denied or improperly limited.

(3) The department will seek an inspection warrant in response to a complaint only if the complaint is in written form and signed by the complainant, unless the complainant alleges a hazard which could cause serious injury or death.)) When the employer:

(1) Refuses to permit an inspection:

(a) The inspector will attempt to ascertain the reason(s) for refusal and report to their immediate supervisor.

(b) The department may seek an inspection warrant or other compulsory process from a court to gain entrance.

(i) If refusal to permit an inspection is anticipated, the department may seek a warrant prior to the inspection.

(ii) The department will not seek an inspection warrant in response to a complaint unless:

(A) The complaint is written and signed by a complainant; or,

(B) The complainant alleges a hazard which could cause serious injury or death.

(2) Permits an inspection but interferes with, or limits the process:

(a) The inspector will attempt to ascertain the reason for interference of limitation, report to their immediate supervisor, and will:

(i) End the inspection;

(ii) Continue the inspection noting areas of interferences or limitations.

(b) The department may seek an inspection warrant or other compulsory process from a court to revisit the areas where interference or limitation occurred. The department will not seek an inspection warrant in response to a complaint unless:

(i) The complaint is written and signed by a complainant;

(ii) The complaint alleges imminent danger to the safety or health of an individual.

NEW SECTION

WAC 296-27-16018 COMPLIANCE INSPECTIONS. (1) Inspection types.

(a) Unprogrammed. Inspections are in response to suspected or alleged hazardous working conditions at a specific work site. This type of inspection addresses:

- (i) Imminent danger;
- (ii) Fatalities;
- (iii) Catastrophes;
- (iv) Complaints;
- (v) Referrals;
- (vi) Follow-up inspections;
- (vii) "High hazard" industries.

(b) Programmed. Programmed inspections are inspections of worksites which have been selected based upon objective criteria. The worksites are selected and scheduled according to state-wide scheduling plans for:

- (i) Safety compliance;
- (ii) Health compliance;
- (iii) Compliance special-emphasis programs.

(2) Inspection scope. Unprogrammed and programmed inspections may be:

(a) Comprehensive inspection. This category includes a complete walkaround inspection of the entire establishment.

(b) Partial. This category includes any inspection in which the walkaround is limited to specific areas, operations or conditions within the establishment but does not include all potentially hazardous areas of the establishment.

(3) Inspection priorities. The priority of inspections and assignment of resources within the inspection classifications shall be as follows:

- (a) Imminent danger including complaints or referrals which allege imminent danger;
- (b) Fatalities or catastrophes;
- (c) Complaints not alleging imminent danger or referrals;
- (d) "High hazard" industries;
- (e) Programmed inspections.

NEW SECTION

WAC 296-27-16020 INSPECTION SELECTION, SCHEDULING CRITERIA, AND LIMIT ON NUMBER OF INSPECTIONS. (1) Inspection selection criteria.

(a) WISHA's priority system for inspection scheduling is intended to distribute available resources as efficiently as possible to ensure that the maximum protection is effectively provided to the working men and women of this state.

(b) The assistant director of the industrial safety and health division shall ensure that inspections are scheduled within the framework of this chapter and are consistent with the objectives of chapter 49.17 RCW, the Washington Industrial Safety and Health Act of 1973, as currently amended, or as amended in the future.

(c) The assistant director shall not permit more than two scheduled comprehensive inspections at the same fixed site location of an individual employer within any period of twelve consecutive months.

(2) Employer contacts. Employer requests for information or voluntary compliance services will not initiate compliance inspection.

(a) Such employer requests shall not protect the establishment from compliance inspections conducted pursuant to the guidelines established by this chapter.

(b) If an employer or their representative indicates that an imminent danger exists or that a fatality or catastrophe has occurred, the assistant director shall ensure that action is taken in accordance with the inspection priority procedures established by this chapter.

NEW SECTION

WAC 296-27-16022 UNPROGRAMMED INSPECTIONS, FOLLOW-UP INSPECTIONS, MONITORING INSPECTIONS, AND "HIGH HAZARD" INSPECTIONS. (1) Unprogrammed inspections. Inspections conducted in response to evidence of hazardous conditions at a worksite are considered unprogrammed inspections. Unprogrammed inspections (excluding follow-ups) shall normally be scheduled according to the following priorities:

(a) Reports of alleged imminent danger situations from any source including referrals and complaints regardless of formality;

- (b) Fatalities/catastrophes;
- (c) Complaints;
- (d) "High hazard" industries.

(2) "High hazard" industry. The following industries which have nonfixed worksites are all considered to be "high hazard": Construction, logging, maritime, and electrical utilities and communications.

(a) The "high hazard" industries require a distinctly different method of inspection scheduling, not only because of their nonfixed worksites but also because the work being performed is almost always inherently dangerous and because the worksite character, conditions and work functions are dynamically and frequently changing.

(b) Inspections within the "high hazard" industries will be conducted throughout the year, whenever such work activity becomes known to the department. Within the limits of WISHA jurisdiction, inspections will be conducted without regard to the size or scope of the activity of the employer being inspected.

(3) Follow-up inspections. The seriousness of the original hazards or conditions requiring action shall be considered in assigning a priority to follow-up inspections. Follow-up inspections normally shall be conducted within ten days following the abatement date and shall take priority over programmed inspections.

(a) Follow-up inspections shall be conducted in the following situations:

- (i) Willful citations;
- (ii) Citations related to an imminent danger situation;
- (iii) Whenever an employer fails to respond to a request for notification of compliance action by letter or other means; and

(iv) Whenever the assistant director or designee believes that circumstances indicate the need for a follow-up inspection.

(b) Follow-up inspections shall be deemed optional if the following circumstances exist:

(i) When the inspecting compliance officer has observed and documented that abatement has been achieved before completing the inspection and leaving the premises;

(ii) When the employer or a knowledgeable source such as the complainant or referring party submits in writing that compliance has been achieved.

(4) Monitoring inspections. A monitoring inspection may be conducted for any reason including:

(a) An employer's request for a variance; or

(b) An employer's request for an extension of an abatement date.

NEW SECTION

WAC 296-27-16026 PROGRAMMED INSPECTIONS. A programmed inspection generally is a comprehensive inspection of the worksite but may be a partial inspection if required by resource availability or other enforcement priorities. A programmed inspection shall be scheduled pursuant to one of the following general scheduling systems unless the establishment is within a "high hazard" industry.

(1) General scheduling system. The state-wide general scheduling system is not specific to any individual industry. Both safety and health general scheduling systems include the following factors:

(a) An objective criteria which includes but is not limited to one or more of the following:

(i) Available data concerning injuries or illnesses which could be reduced by an inspection which eliminates the hazards;

(ii) The industrial insurance modification factor of a particular business establishment;

(iii) The number or type of contaminants present at a worksite as well as the relative toxicity of those contaminants;

(iv) The degree of exposure to hazards;

(v) The number of employees exposed.

(b) A random selection process which utilizes a computer program to ensure statistical randomness;

(c) A regular evaluation and review including:

(i) A yearly analytical review comparing the current program with the objective criteria;

(ii) An annual comparison between compiled inspection results and reported injuries or illnesses.

(d) A general scheduling system programmed for no more than a twelve-month operating cycle with a maximum permissible extension of no more than one month before appropriate adjustments are implemented.

(2) Special emphasis targeting system. A special emphasis targeting system is a regional and/or industry-specific system which will be based on either one of the following:

(a) Scheduling system which includes:

(i) An objective criteria;

(ii) A random selection process;

(iii) An evaluation and review; or

(iv) An operating cycle.

(b) A scheduling program required of state plan states by the Federal Occupational Safety and Health Administration.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 296-27-16005 OBJECTS OF INSPECTION.

WAC 296-27-16009 FOLLOW-UP INSPECTIONS.

WAC 296-27-16013 WISHA—REQUIRED INVESTIGATIONS AND INSPECTIONS.

WAC 296-27-16015 WITS—IN GENERAL.

WAC 296-27-16017 WITS—SAFETY.

WAC 296-27-16019 WITS—SAFETY.

WAC 296-27-16021 WITS—SAFETY—LIMIT ON NUMBER OF INSPECTIONS.

WAC 296-27-16023 ADJUSTMENT FACTORS.

WSR 87-03-012

NOTICE OF PUBLIC MEETINGS DEPARTMENT OF NATURAL RESOURCES (Forest Fire Advisory Board)

[Memorandum—January 12, 1987]

The next meeting of the Forest Fire Advisory Board is scheduled for Wednesday, February 18, 1987, from 9 a.m. to 12 noon. The meeting location is Geology and Earth Resources' Conference Room, Building 1, Rowsix, Lacey.

WSR 87-03-013

EMERGENCY RULES DEPARTMENT OF LICENSING

[Order PM 634—Filed January 12, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the licensure of acupuncturists.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is proposed permanent rules for the implementation and administration of chapter 18.06 RCW will be heard January 27, 1987, and cannot take effect until after February 27, 1987. The emergency rules shown below which are identical to the proposed permanent rules, will allow for immediate implementation so that qualified applicants may become licensed as soon as possible.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to chapter 18.06 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 4, 1987.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order PL 592, filed 5/5/86)

WAC 308-180-100 ACUPUNCTURE FEES. The following fees shall be (~~charges~~) charged by the professional licensing division of the department of licensing.

Application/examination	\$500.00
Re-take examination:	(\$500.00)
Written	\$200.00
Practical portion	\$300.00
Annual license renewal	\$500.00
Late renewal penalty	\$500.00
Duplication license (reported to professional licensing division if lost or stolen)	(\$ 50.00)
	\$ 5.00
License verification (to other jurisdictions)	\$ 5.00
Acupuncture training program approval application	\$200.00

NEW SECTION

WAC 308-180-130 DEFINITIONS. For the purpose of administering chapter 18.06 RCW, the following terms shall be considered in the following manner:

(1) "Acupuncture school" is an academic institution which has the sole purpose of offering training in acupuncture.

(2) "Acupuncture program" is training in acupuncture offered by an academic institution which also offers training in other areas of study. A program is an established area of study offered on a continuing basis.

(3) "Acupuncture apprenticeship" is training in acupuncture which is offered by a qualified acupuncture employer to an apprentice on the basis of an apprenticeship agreement between the employer and the apprentice. An apprenticeship is of limited duration and ceases at the time the parties to the apprenticeship agreement have performed their obligations under the agreement.

(4) "Acupuncture tutorial instruction" is training in acupuncture which is offered by an academic institution or qualified instructor on the basis of a tutorial agreement between the school or instructor and the student. A tutorial is of limited duration and ceases at the time the parties to the tutorial agreement have performed their obligations under the agreement.

(5) "Academic year" is three quarters or two semesters.

NEW SECTION

WAC 308-180-140 APPROVAL OF SCHOOL, PROGRAM, APPRENTICESHIP OR TUTORIAL INSTRUCTION. The department will consider for approval any school, program, apprenticeship or tutorial instruction which meets the requirements outlined in chapter 18.06 RCW and which provides all or part of the courses required in RCW 18.06.050.

(1) A school or program may be approved by the director without formal application to the department provided that:

(a) The school or program is an accredited United States postsecondary school or program.

(b) The school or program is accredited under the procedures of another country and these procedures satisfy accreditation standards used for postsecondary education in the United States.

(c) The nonaccredited school or program is approved by or has candidacy status with the National Accreditation Commission for Schools and Colleges of Acupuncture and Oriental Medicine.

(d) The nonaccredited school or program is approved by the Washington state board of medical examiners to prepare persons for the practice of acupuncture.

(2) Approval of any other school, program, apprenticeship or tutorial instruction may be requested on a form provided by the department.

(3) Application for approval of a school, program, apprenticeship or tutorial instruction shall be made by the authorized representative of the school or the administrator of the apprenticeship or tutorial agreement.

(4) An applicant may request approval of the school, program, apprenticeship or tutorial instruction as of the date of the application or retroactively to a specified date.

(5) The application for approval of a school, program, apprenticeship or tutorial instruction shall include documentation required by the department pertaining to educational administration, qualifications of instructors, didactic and/or clinical facilities, and content of offered training.

(6) An application fee must accompany the completed application.

(7) The department will evaluate the application and, if necessary, conduct a site inspection of the school, program, apprenticeship or tutorial instruction prior to approval by the department.

(8) Upon completion of the evaluation of the application, the department may grant or deny approval, or grant approval conditioned upon appropriate modification to the application.

(9) In the event the department denies an application or grants conditional approval, the authorized representative of the applicant school or program or the administrator of the applicant apprenticeship or tutorial instruction may request a review within ninety days of the department's adverse action. Should a request for review of an adverse action be made after ninety days following the department's action, the contesting party may obtain review only by submitting a new application.

(10) The authorized representative of an approved school or program or the administrator of an apprenticeship or tutorial agreement shall notify the department of significant changes with respect to educational administration, instructor qualifications, facilities, or content of training.

(11) The department may inspect an approved school, program, apprenticeship or tutorial instruction at reasonable intervals for compliance. Approval may be withdrawn if the department finds failure to comply with the requirements of law, administrative rules, or representations in the application.

(12) The authorized representative of a school or administrator of an agreement must immediately correct deficiencies which resulted in withdrawal of the department's approval.

NEW SECTION

WAC 308-180-150 WESTERN SCIENCES. The training in western sciences shall consist of forty-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These forty-five academic credits shall consist of the following:

- (1) Anatomy;
- (2) Physiology;
- (3) Bacteriology;
- (4) Biochemistry;
- (5) Pathology;
- (6) Survey of western clinical sciences;
- (7) Hygiene; and
- (8) Cardio-pulmonary resuscitation (CPR).

Training in hygiene and CPR shall consist of a minimum of one academic credit hour or equivalent in each subject. Red Cross certification or documentation of equivalent training may be substituted for one academic credit hour in CPR.

NEW SECTION

WAC 308-180-160 ACUPUNCTURE SCIENCES. The training in acupuncture sciences shall consist of seventy-five academic credits based on the quarter system in which a credit equals ten classroom contact hours at the collegiate level of instruction or equivalent. These seventy-five academic credits shall include the following subjects:

- (1) Fundamental principles of acupuncture;
- (2) Acupuncture diagnosis;
- (3) Acupuncture pathology;
- (4) Acupuncture therapeutics;
- (5) Acupuncture meridians and points; and
- (6) Acupuncture techniques, including electroacupuncture.

NEW SECTION

WAC 308-180-170 CLINICAL TRAINING. (1) A minimum of one hundred hours or nine quarter credits of clinical training shall consist of observation which shall include case presentation and discussion.

(2) Supervised practice consists of at least four hundred separate patient treatments involving a minimum of

one hundred patients. Twenty-nine quarter credits of supervised practice shall be completed over a minimum period of one academic year.

(a) A qualified instructor must observe and provide guidance to the student during the first one hundred patient treatments and be available within the clinical facility to provide consultation and assistance to the student for patient treatments performed subsequently. In the case of each and every treatment, the instructor must have knowledge of and approve the diagnosis and treatment plan prior to the initiation of treatment.

(b) "Patient treatment" shall include:

- (i) Conducting a patient intake interview concerning the patient's past and present medical history;
- (ii) Performing traditional acupuncture examination and diagnosis;
- (iii) Discussion between the instructor and the student concerning the proposed diagnosis and treatment plan;
- (iv) Applying acupuncture treatment principles and techniques (a minimum of three hundred sixty patient treatments involving point location, insertion and withdrawal of all needles must be performed); and
- (v) Charting of patient conditions, evaluative discussions and findings, and concluding remarks.

(c) Supervised practice shall consist of a reasonable time per patient treatment and a reasonable distribution of patient treatment over one or more academic years so as to facilitate the student's learning experience. If the department is not satisfied that the time per patient treatment and distribution of treatments over one or more academic years facilitates the student's learning experience, it may require detailed documentation of the patient treatments.

NEW SECTION

WAC 308-180-190 DOCUMENTS IN FOREIGN LANGUAGE. All documents submitted in a foreign language shall be accompanied by an accurate translation in English. Each translated document shall bear the affidavit of the translator certifying that the translator is competent in both the language of the document and the English language and that the translation is a true and complete translation of the foreign language original, and sworn to before a notary public. Translation of any document relative to a person's application shall be at the expense of the applicant.

NEW SECTION

WAC 308-180-200 SUFFICIENCY OF DOCUMENTS. In all cases the departments' decision as to the sufficiency of the documentation shall be final. The department may request further proof of qualification.

NEW SECTION

WAC 308-180-210 EXAMINATIONS. (1) A written and practical examination in English shall be given twice yearly for qualified applicants at a time and place determined by the director.

(2) All applicants must have successfully completed the written portion of the examination prior to being eligible for the practical examination.

(3) Applications and fees for examination must be received by the department forty-five days in advance of the scheduled examination date.

(4) The passing score for the examination is a converted score of seventy-five.

(5) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.

(6) Application fees are nonrefundable.

NEW SECTION

WAC 308-180-220 CONSULTATION PLAN. Every certified acupuncturist shall develop a written plan for consultation, emergency transfer, and referral including:

(1) The name, address, and telephone numbers of two consulting physicians;

(2) The name, address, and a telephone number of the nearest emergency room facility;

(3) An emergency transport mechanism (i.e., ambulance) with the name, address, and telephone number of the dispatcher nearest to the location of practice; and

(4) Confirmation from the physicians listed as to their agreement to consult with and accept referred patients from the applicant upon becoming a certified acupuncturist and establishing a place of practice.

NEW SECTION

WAC 308-180-230 REFERRAL TO OTHER HEALTH CARE PRACTITIONERS. When the acupuncturist sees patients with potentially serious disorders including but not limited to:

(1) Cardiac conditions including uncontrolled hypertension;

(2) Acute abdominal symptoms;

(3) Acute undiagnosed neurological changes;

(4) Unexplained weight loss or gain in excess of fifteen percent body weight within a three-month period;

(5) Suspected fracture or dislocation;

(6) Suspected systemic infection;

(7) Any serious undiagnosed hemorrhagic disorder, and

(8) Acute respiratory distress without previous history or diagnosis.

The acupuncturist shall provide the following as medically prudent:

(a) The acupuncturist shall immediately request a consultation or written diagnosis from a physician licensed under chapter 18.71 or 18.57 RCW for patients with potentially serious disorders. In the event the patient refuses to authorize such consultation or provide a recent diagnosis from such physician, acupuncture treatment shall not be continued.

(b) In emergency situations the acupuncturist shall provide life support and emergency transport to the nearest licensed medical facility.

NEW SECTION

WAC 308-180-240 PATIENT INFORMED CONSENT. The patient informed consent is to advise the patient of the credentials of the practitioner and the

scope of practice of acupuncturists in the state of Washington. The following information must be furnished to each patient in writing prior to or at the time of the initial patient visit.

(1) Practitioner's qualifications, including:

(a) Education. Dates and location(s) of didactic and clinical training.

(b) License information, including:

(i) State license number;

(ii) Date of licensure;

(iii) Licensure in other states or jurisdiction.

(2) The "scope of practice" for an acupuncturist in the state of Washington includes but is not limited to the following list of techniques:

(a) Use of acupuncture needles to stimulate acupuncture points and meridians;

(b) Use of electrical, mechanical, or magnetic devices to stimulate acupuncture points and meridians;

(c) Moxibustion;

(d) Acupressure;

(e) Cupping;

(f) Dermal friction technique (gwa hsa);

(g) Infra-red;

(h) Sonopuncture;

(i) Lasarpuncture;

(j) Dietary advice based on traditional Chinese medical theory; and

(k) Point injection therapy (aquapuncture.)

(3) Side effects may include, but are not limited to, the following:

(a) Some pain following treatment in insertion area;

(b) Minor bruising;

(c) Infection;

(d) Needle sickness; and

(e) Broken needle.

(4) Patients with severe bleeding disorders or pace makers should inform practitioners prior to any treatment.

NEW SECTION

WAC 308-180-250 APPLICATION EXHIBITS REQUIRED. Every application shall be accompanied by:

(1) The application fee;

(2) Verification of academic or educational study and training at a school or college:

(a) Photostatic copy of diploma, certificate, or other certified documents and original copy of school transcript from a school or college evidencing completion of a program and a copy of the curriculum in the areas of study involved in the school or college forwarded directly from the issuing agency/organization; or

(b) Notarized affidavit or statement bearing the official school seal and signed by an officer of the school or training program certifying the applicant's satisfactory completion of the academic and clinical training and designating the subjects and hours; or

(c) If, for good cause shown, the school is no longer existent, an applicant may submit a sworn affidavit so stating and shall name the school, its address, dates of enrollment and curriculum completed, and such other

information and documents as the department may deem necessary, or

(d) Certified copies of licenses issued by the applicants jurisdiction which must be forwarded directly to the department of licensing from the issuing licensing and/or translation agency rather than the applicant.

(3) Verification of clinical training. The applicant shall submit a certification signed by the instructor(s) under oath that the applicant completed a course of clinical training under the direction of the instructor which shall include:

(a) The location of the training site.

(b) The inclusive dates of training.

(c) That the supervised practice included a minimum of four hundred patient treatments involving a minimum of one hundred different patients.

(d) One hundred hours of observation including case presentation and discussion.

WSR 87-03-014

ADOPTED RULES

DEPARTMENT OF ECOLOGY

[Order 86-37—Filed January 13, 1987]

I, Phillip C. Johnson, deputy director of [programs], Washington Department of Ecology, do promulgate and adopt at the Washington Department of Ecology Regional Office, Redmond, Washington, the annexed rules relating to the siting of dangerous waste management facilities.

This action is taken pursuant to Notice Nos. WSR 86-22-047 and 87-02-004 filed with the code reviser on November 3, 1986, and December 29, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.105-.200 through [70.105.]270 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Phillip C. Johnson
Deputy Director, Programs

AMENDATORY SECTION (Amending Order DE 83-36, filed 4/18/84)

WAC 173-303-420 SITING STANDARDS. (1) Purpose. This section provides criteria for the siting of dangerous waste facilities. The criteria are to be viewed as standards which a facility owner/operator shall meet in siting his facility.

(2) Applicability. These siting standards will apply to all facilities which require a permit under WAC 173-303-805 and 173-303-806, or as otherwise limited in each of the applicable paragraphs of this section.

(3) Earthquake fault criteria.

(a) Active portions of new TSD facilities will not be located within ~~((200))~~ two hundred feet of a fault which has had displacement in Holocene times. For facilities managing moderate risk waste only, engineering efforts, as approved by the department, may be substituted for the ~~((200))~~ two hundred-foot buffer zone.

(b) As used in (a) of this subsection:

(i) "Fault" means a fracture along which rocks on one side have been displaced with respect to those on the other side;

(ii) "Displacement" means the relative movement of any two sides of a fault measured in any direction; and

(iii) "Holocene" means the most recent epoch of the Quarternary period, extending from the end of the Pleistocene to the present.

(c) Facilities which are located in counties other than those listed below are assumed to be in compliance with this subsection.

Chelan	Grant	Lewis	Skagit
Clallam	Grays Harbor	Mason	Skamania
Clark	Jefferson	Okanogan	Snohomish
Cowlitz	King	Pacific	Thurston
Douglas	Kitsap	Pierce	Wahkiakum
Ferry	Kittitas	San Juan	Whatcom
			Yakima

(4) Floodplain criteria.

(a) A facility located in a ~~((100))~~ one hundred-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any dangerous waste by a ~~((100))~~ one hundred-year flood, unless, in the case of facilities which manage DW only, the owner or operator has included in his contingency plan (WAC 173-303-350) procedures which will cause the waste to be removed safely, before floodwaters can reach the facility, to a location where the wastes will not be vulnerable to floodwaters. The location to which wastes will be removed must be a facility permitted according to this chapter.

(b) For facilities which manage EHW, a facility located in a ~~((100))~~ one hundred-year floodplain must be designed, constructed, operated, and maintained to prevent washout of any EHW by a ~~((100))~~ one hundred-year flood. Contingency procedures for removal of EHW will not be deemed equivalent to engineered flood proofing.

(c) As used in (a) and (b) of this subsection:

(i) ~~((100))~~ One hundred-year floodplain means any land area which is subject to one percent or greater chance of flooding in any given year from any source;

(ii) "Washout" means the movement of dangerous waste from the active portion of the facility as a result of flooding; and

(iii) ~~((100))~~ One hundred-year flood means a flood that has a one percent chance of being equalled or exceeded in any given year.

(5) The siting of facilities in areas under the jurisdiction of the 1971 Shoreline Management Act (chapter 90.58 RCW).

(a) Areas defined as "wetlands" under RCW 90.58-.030 (2)(f) (those areas under jurisdiction of the Shoreline Management Act) shall not be considered or used for the disposal of dangerous waste.

(b) Dangerous waste storage and treatment facilities, where such facilities have either historically located in areas under jurisdiction of the Shoreline Management Act, or where such facilities require a waterfront or harbor area location, shall be limited to those locations where the local shoreline management master program permits industrial, navigation, manufacturing, or similar activities. Areas classified natural, conservancy, rural, or residential shall not be considered for the location of a dangerous waste facility.

(6) Sole source aquifer criteria. No new facility shall dispose of dangerous waste over a sole source aquifer designated pursuant to section 1424(e) of the Safe Drinking Water Act (Public Law 93-523).

(7) Interim siting standards.

(a) Purpose. The purpose of this subsection is to establish interim siting considerations and criteria for preempted facilities requiring permits pursuant to WAC 173-303-805 or 173-303-806. These interim sitings standards are to be used until superseded by final siting regulations adopted pursuant to RCW 70.105.200 through 70.105.270.

(b) Applicability. The interim siting standards described in this subsection apply to owners and operators of any preempted facilities for which:

(i) Interim or final status permits have been issued by the department, pursuant to WAC 173-303-805 or 173-303-806; or

(ii) Interim or final status permit applications that will be or have been submitted to the department, pursuant to WAC 173-303-805 or 173-303-806. This subsection does not apply to owners or operators of facilities who prior to July 28, 1985, manage wastes in landfills, land treatment, surface impoundments, or waste piles to be closed as landfills, or through incineration. In addition, this subsection does not apply to owners/operators of facilities or portions of facilities applying for research, development, and demonstration permits, pursuant to section 3005(g) of the Resource Conservation and Recovery Act, codified in 40 CFR Part 270.65.

(c) Implementation. Owners/operators of preempted facilities to which the interim siting standards of this subsection apply must include in (or amend the existing) TSD facility application, submitted pursuant to WAC 173-303-805 or 173-303-806, information that demonstrates consideration of and compliance with the interim siting standards of this subsection.

(i) Applications for facilities that do not meet prohibitions or set back requirements specified in this subsection will be rejected by the department.

(ii) The department may place additional restrictions and conditions on a facility permit (including interim status) pursuant to its authority under this chapter and the State Environmental Policy Act, chapter 43.21C RCW.

(d) Definitions. Any terms used in this subsection that are not defined below shall have the meanings provided in WAC 173-303-040. For the purposes of this subsection, the following terms shall have the described meanings:

(i) "Preempted facility" means any facility that includes as a significant part of its activities the following operations: (A) Landfill, (B) incineration, (C) land treatment, (D) surface impoundment to be closed as a landfill, or (E) waste pile to be closed as a landfill.

(ii) "Perennial surface water body" means any lake, river, pond, canal, stream, reservoir, inland water, salt-water, and other surface waters under the jurisdiction of the state of Washington that normally has continuous flow throughout the year. This does not include man-made lagoons, or impoundments associated with a facility.

(iii) "Area of influence" means the area surface and subsurface area surrounding a well(s) within which the potentiometric surface has been changed due to ground water withdrawal.

(iv) "Residences" means any dwelling, including private homes, rental homes, boarding houses, apartments, motels, and hotels.

(v) "Institution" means any public or private:
(A) School, college, university, hospital, health care facility, church;

(B) Retail shopping center;
(C) Stadium and auditorium; and
(D) Building with free public access that is operated by a local, state, or federal government.

(e) Structural stability.
(i) Proximity to Holocene earthquake fault – All provisions of subsection (3) of this section shall apply.

(ii) Subsidence. Consideration shall be given to any sinking of the land surface within the facility boundaries due to the removal of solid mineral matter or fluids from the subsurface.

(iii) Unstable slopes. Consideration shall be given to any steeply sloping areas within facility boundaries where the rapid mass movement of earth materials is likely to occur.

(iv) Soils stability. Consideration shall be given to any weak or unstable soils within the facility boundaries. Weak or unstable soils or conditions include, but are not limited to, organic soils, expansive soils, sands subject to liquefaction during seismic events, soft clays, sensitive clays, loess and quick conditions.

(v) Tsunami/storm surge. Consideration shall be given to shoreline areas bordering the Pacific Ocean and the Straits of Juan De Fuca that may flood because of tsunamis or storm surges.

(f) Surface water quality protection.
(i) One hundred-year floodplain. All requirements of subsection (4) of this section shall apply.

(ii) Proximity to surface water. No preempted facility shall be located within five hundred feet of a perennial surface water body. Five hundred feet shall be measured horizontally from the ordinary high water mark of the perennial surface water body to the nearest portion of the facility.

(g) Ground water protection.
(i) Minimum depth to regional aquifer. Consideration shall be given to the depth from any portion of the facility to the regional aquifer. Regional aquifer shall be determined by the department.

(ii) Regional aquifer recharge areas. Consideration shall be given to the areas that provide principal recharge to regional aquifers. Such areas shall be determined by the department.

(iii) Ground water travel time. Consideration shall be given to the rate of ground water movement in all directions from the facility to the facility property boundary.

(h) Drinking water protection.

(i) Public water supply watersheds. No facility shall be located within the boundaries of a designated public water supply watershed.

(ii) Sole source aquifer. All provisions of subsection (6) of this section shall apply.

(iii) Proximity to drinking water intakes. No preempted facilities shall be located within:

(A) Five hundred feet, measured horizontally from the nearest portion of the facility, of a surface or ground water intake for public or private drinking water if the facility is located up gradient from such an intake; or

(B) Two hundred fifty feet, measured horizontally from the nearest point of the facility boundary, of a surface or ground water intake for public or private drinking water if the facility is located down gradient or cross gradient from such an intake.

(iv) Wellhead protection areas. No preempted facility shall be located within the area of influence surrounding a water well or wellfield that is supplying potable water to a domestic water supply system for use outside the facility boundaries.

(i) Sensitive area protection. Preempted facilities shall be subject to the following locational standards for sensitive areas:

(i) Threatened and endangered species. No preempted facility shall locate in an area that would result in the taking of individuals of a species, or the direct elimination of habitat of species that are on the federal list of threatened and endangered species;

(ii) Shorelines and wetlands. All provisions of subsection (5) of this section shall apply;

(iii) Wilderness areas. No preempted facility shall locate in a wilderness area as so designated under the Wilderness Protection Act;

(iv) State and federal wildlife refuges. No preempted facility shall locate in a state or federal refuge as so designated under state and federal laws and regulations;

(v) Parks, scenic and recreational areas. No preempted facility shall be located in a city, county, state, or federally designated park, scenic area, or recreational area; and

(vi) Archeological and historic areas, national monuments. No preempted facility shall be located within any area designated by a city, county, state, or federal agency as an archeological or historic area or a national monument.

(j) Air quality protection. Evaluation shall be made of air impacts considering the effect of local meteorology, control technology and facility operation and maintenance on air emissions. The maximum ambient air concentration for toxic air contaminant emissions at or beyond the facility property boundaries, as estimated by dispersion modeling, shall not exceed an acceptable ambient level as determined by the department.

(k) Transportation routes.

(i) Traffic flow and capacity. Consideration shall be given to the traffic flow and capacity of existing or proposed roadways in the immediate area leading to a facility.

(ii) Safety standards for transport routes. Consideration shall be given to safety factors of primary and secondary access routes to a facility, including road, rail, and marine, as appropriate. Such factors shall include freedom from obstructions, sight distance, traffic flow and capacity at critical intersections, and such other traffic safety requirements designed to minimize public exposure to transport vehicles.

(l) Adjacent land use considerations.

(i) Proximity to residences. No preempted facility shall be located within:

(A) Two thousand feet from the nearest point of the facility property boundary to the boundary of an area zoned for residential uses by local governments. For the purposes of this subsection, the department shall consider local zoning in place as of July 28, 1985; and

(B) For areas not zoned for residential purposes, five hundred feet from the nearest point of the facility property boundary to the nearest property boundary of a residence.

(ii) Proximity to institutions. Consideration shall be given to a facility's proximity to institutions, as defined in (d) of this subsection. No preempted facility shall be located within two thousand feet from the nearest point of the facility property boundary to the nearest property boundary of an institution.

(iii) Proximity to agricultural lands. Consideration shall be given to a facility's proximity to lands used for raising agricultural crops or livestock. Such consideration shall include emissions to the air, water, and soils due to operation that may cause known adverse impacts to agricultural crops or livestock.

(m) Host community considerations.

(i) Utilities and public services. The availability of utilities and public services (such as water, gas, electricity, sewage, and refuse collection), and the costs for necessary increases in capacity shall be considered when siting any preempted facility.

(ii) Emergency services. The availability of emergency responses services (such as police, fire departments, and hospitals), and costs for necessary increases in capacity shall be considered when siting any preempted facility.

WSR 87-03-015

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 2458—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Agencies on aging—Administrative review process, new WAC 388-17-500 and 388-17-510.

This action is taken pursuant to Notice No. WSR 86-23-017 filed with the code reviser on November 10, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.38.030 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 70.38 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-17-500 LOCAL AREA AGENCY ON AGING CONTRACTS—ADMINISTRATIVE REVIEW PROCESS. (1) Local area agencies on aging shall establish a complaint resolution process. A service contract applicant or provider of services under a contract with a local area agency on aging who is aggrieved by an action of the local area agency shall attempt to resolve the grievance through the complaint resolution process.

(2) A service contract applicant or provider of services under a contract with a local area agency on aging has the right to an administrative hearing. Only those issues raised at the complaint resolution procedure can be appealed to an administrative hearing. The administrative hearing shall be governed by the Administrative Procedure Act (chapter 34.04 RCW) and chapter 10-08 WAC; and the provisions of chapter 388-08 WAC that do not conflict with this section.

(3) To make a request for an administrative hearing, a service contract applicant or provider shall file a written appeal with the department's office of administrative regulations and hearings. The appeal shall be filed within thirty days of the date the local agency on aging mailed the complaint resolution determination to the service contract applicant or recipient. A copy of the appeal shall be sent to the local area agency. The appeal shall:

(a) State specifically the issue or issues and regulation or regulations involved and the basis for considering the complaint resolution determination to be in error.

(b) Include any supporting documentation.

(c) Include a copy of the complaint resolution determination being appealed.

(4) The department has the right to intervene in any administrative hearing. To intervene, the department shall:

(a) File a written notice of intervention with the office of administrative regulations and hearings or the presiding officer.

(b) Serve a copy of the notice to the parties.

(c) Include in the notice the name, address, and telephone number of the department employee and/or assistant attorney general who represents the department.

(5) After the administrative law judge has made a record, he or she shall make an initial decision (or order dismissing the appeal as withdrawn or abandoned). See WAC 10-08-210. The parties have the right to file a petition for administrative review against an initial decision (or order of dismissal). See WAC 388-08-409 and 388-08-413.

NEW SECTION

WAC 388-17-510 AREA AGENCY ON AGING PLAN—ADMINISTRATIVE REVIEW PROCESS.

(1) An area agency on aging aggrieved by an action of the department regarding a plan submitted under the provisions of the Older Americans Act has the right to an administrative hearing. The hearing shall be governed by the Administrative Procedure Act (chapter 34.04 RCW) and chapter 10-08 WAC; and the provisions of chapter 388-08 WAC that do not conflict with this section.

(2) To make a request for an administrative hearing, an area agency on aging shall file a written appeal with the department's office of administrative regulations and hearings. The appeal shall be filed within thirty days of the date the department first gave notice of the aggrieving action to the area agency. A copy of the appeal shall be sent to the unit of the department which gave notice of the aggrieving action to the area agency. The notice shall:

(a) State specifically the issue or issues and regulation or regulations involved and the basis for considering the aggrieving action to be in error.

(b) Include any supporting documents.

(3) The administrative decision-making procedure is the initial decision-petition for administrative review-review decision process. See WAC 388-08-409 and 388-08-413.

**WSR 87-03-016
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 2459—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Alcohol and drug treatment facilities—Clients' rights, amending WAC 275-19-075.

This action is taken pursuant to Notice No. WSR 86-23-053 filed with the code reviser on November 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.96A-.090 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 69.54.040 which directs that the Department of Social and Health Services has authority to implement the provisions of chapter 69.54 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2171, filed 11/30/84)

WAC 275-19-075 ALL FACILITIES—CLIENTS' RIGHTS. (1) All approved treatment facilities shall take reasonable efforts to assure each client:

(a) Be treated in a manner promoting dignity and self-respect.

(b) Be treated without regard to race, color, creed, national origin, religion, sex, sexual preference, or age.

(c) Be treated without regard to disability (~~unless such disability makes treatment afforded by the facility nonbeneficial or hazardous. Reasonable actions shall be taken to accommodate disabled persons within the treatment program~~).

(d) Be protected from invasion of privacy: PROVIDED, That reasonable searches may be conducted or other means used to detect and prevent contraband from being possessed or used on the premises.

(e) Have all clinical and personal information treated confidentially in communications with individuals not directly associated with the approved treatment facility.

(f) Have the opportunity to review his or her own treatment records in the presence of a staff person upon request.

(g) Be fully informed regarding fees to be charged and methods of payment available.

(h) Be provided reasonable opportunity to practice the religion of his or her choice, alone and in private, insofar as such religious practice does not infringe on the rights and treatment of others, or the treatment program. The client has the right to refuse participation in any religious practice.

(i) Not be denied communication with significant others in emergency situations.

(j) Not be subjected by facility staff to physical abuse, corporal punishment, or other forms of abuse administered against their will including being denied food, clothing, or other basic necessities.

(2) A copy of these rights shall be posted in a conspicuous place in the facility.

WSR 87-03-017
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(General Provisions)

[Order 2461—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the

annexed rules relating to radioactive waste site surveillance fee, amending WAC 440-44-061.

This action is taken pursuant to Notice No. WSR 86-24-020 filed with the code reviser on November 24, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 43.20A-.055 and 70.98.085 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2415, filed 8/21/86)

WAC 440-44-061 RADIOACTIVE WASTE SITE SURVEILLANCE FEE. (~~The operator of a low-level radioactive waste disposal site in this state shall collect from the waste generators and brokers a surveillance fee as an added charge on each cubic foot of low-level waste disposed at the disposal site. The fee shall be four percent of the basic minimum fee as defined in RCW 70.98.085 and shall be remitted to the department monthly by the site operator. This fee will be reviewed prior to June 30, 1987, for consistency with budget allocations authorized by the legislature.~~) (1) The department shall charge a fee for radioactive waste site surveillance.

(2) The department shall authorize by contract the operator of a low-level radioactive waste disposal site to collect a fee from waste generators and brokers.

(3) The fee shall be:

(a) An added charge on each cubic foot of low-level waste disposed at the disposal site.

(b) Four percent of the basic minimum fee as defined in RCW 70.98.085.

(4) The site operator shall remit the fee to the department as follows:

(a) Quarterly for the first seven quarters of each biennium.

(b) By July 15 for the final quarter of the biennium.

WSR 87-03-018
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2460—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to nursing homes, amending chapter 248-14 WAC.

This action is taken pursuant to Notice No. WSR 86-24-073 filed with the code reviser on December 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.51.070 which directs that the Department of Social and Health Services has authority to implement the provisions of RCW 18.51.054.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 1455, filed 11/15/79)

WAC 248-14-080 LICENSURE—DISQUALIFICATION. (1) Each and every individual named in an application for a nursing home license shall be considered separately and jointly as applicants, and if any one be deemed unqualified by the department in accordance with the law or these rules, regulations, and standards, the license shall be denied, suspended, or revoked.

(2) Individuals who, in the state of Washington or in any place other than the state of Washington, have been previously denied a license to operate a hospital, nursing, maternity, or boarding home or other facility for the care of children, the aged, ill, or infirm, or have been convicted of operating such a facility without a license, or have had their license to operate such a facility revoked, shall not be granted a license.

(3) ~~((Individuals who, in any place other than the state of Washington, have been previously denied a license to operate a hospital, nursing, maternity or boarding home or other facility for the care of children, the aged, ill or infirm, or have been convicted of operating such a facility without a license, or who have had their licenses to operate such a facility suspended or revoked, shall not be granted a license unless they affirmatively establish to the satisfaction of the department by clear, cogent and convincing evidence their ability to operate the home for which the license is sought fully in conformity with all applicable laws and rules and regulations.~~

(4)) Any individual addicted to the use of narcotics or the excessive use of intoxicants(;) and individuals of poor credit reputation shall be disqualified even though the premises are adequate. Individuals convicted of a crime of moral turpitude or a felony may be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the individual to exercise responsibilities of ownership and/or operation of a nursing home and the department determines, after investigation, that such person has not been sufficiently rehabilitated subsequent to such conviction to warrant public trust. License shall also be denied, suspended, or revoked for failure or refusal to comply with the requirements established by chapter 18.51 RCW or with

these rules, regulations, and standards promulgated pursuant thereto, and in addition, any of the following:

(a) Obtaining or attempting to obtain a license by fraudulent means or misrepresentation.

(b) Permitting, aiding, or abetting the commission of any illegal act on the nursing home premises.

(c) Cruelty or indifference to the welfare of the patients.

(d) Personnel insufficient in number or unqualified by training, experience, or temperament, properly to care for the proposed or actual number and type of patients.

(e) Misappropriation of the property of the patients.

(f) Failure or inability to meet financial obligations as they fall due in the normal course of business.

(4) The department shall deny a nursing home license to any applicant who has a history of significant non-compliance with federal or state nursing home requirements.

(5) In making a determination to deny a nursing home license, the department shall review the information contained in the application. In addition, other documents that the department deems relevant may be reviewed, including survey and complaint investigation findings in each facility with which the applicant is or has been affiliated during the past ten years.

(6) The department may consider, but is not limited to, the following criteria in conducting a review relating to noncompliance with federal or state regulation:

(a) Whether the violation or violations threatened or resulted in significant harm to the health, safety, or welfare of any patient.

(b) Whether a reasonably prudent nursing home operator should have been aware of the conditions which resulted in the violation or violations.

(c) Whether the applicant promptly investigated the circumstances surrounding any violation and took steps to correct and prevent recurrences of the violation or violations.

(d) The overall frequency of noncompliance as well as the recurrence of violations in the same or similar areas.

(e) Inability to attain compliance within a reasonable period of time.

(7) All applications for nursing home licensure are subject to review under this chapter. Applications for renewal are not considered applicants under this chapter. The department will not commence review of an incomplete application. The department requires a minimum of sixty days to review a completed application.

(8) Failure to provide any authorization the department requires in order to verify information contained in the application or to verify additional information which the department deems is relevant to the application shall result in denial of the license. If the department deems additional information is necessary to process the application, the applicant must respond to such a request in a timely fashion.

(9) Any applicant denied a license shall be afforded an opportunity for an administrative hearing if a hearing is requested within twenty days after receipt by the applicant of notice of denial, pursuant to RCW 18.51.065. All hearings shall be conducted in accordance with the Administrative Procedure Act, chapter 34.04 RCW.

AMENDATORY SECTION (Amending Order 1509, filed 5/28/80)**WAC 248-14-090 CHANGE OF OWNERSHIP.**

(1) When a change of a nursing home ownership is contemplated, the owner/operator (seller) and the prospective buyer shall each notify the department at least ((fifteen)) sixty days prior to the proposed date of transfer.

(2) Notification shall be in writing and shall contain the following information:

(a) Name of the present owner and buyer.

(b) Name and address of the nursing home being transferred.

(c) Date of proposed transfer.

(d) Kind of transfer, i.e., sale, lease, rental, etc.

(3) The possession or ownership of a nursing home shall not be transferred until the transferee has been notified by the department that the transferee's application for a license has been approved.

(4) Nothing in this section shall relieve a person proposing to acquire a nursing home of the responsibility to meet applicable certificate of need requirements under chapter 70.38 RCW and chapter 248-19 WAC, and requirements under Section 1122 of the Social Security Act.

WSR 87-03-019**ADOPTED RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 2462—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 86-23-046 filed with the code reviser on November 18, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2408, filed 8/8/86)**WAC 388-54-735 INCOME—EXCLUSIONS.**

The following income is excluded:

(1) Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970:

(a) Payments to persons displaced as a result of the acquisition of real property;

(b) Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;

(c) Replacement housing payments to displaced persons not eligible for a homeowner's payment.

(2) Payments made under the Domestic Volunteer Services Act of 1973. Payments under Title I (VISTA) to volunteers shall be excluded for individuals receiving public assistance or food stamps at the time the individual joined VISTA and for households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.

(3) Income derived from certain submarginal land of the United States held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.

(4) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.

(5) Payments by the Indian Claims Commission to the Confederated Tribe of the Yakima Indian Nation (Public Law 95-443).

(6) Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.

(7) Payments from the special crisis intervention program.

(8) Earnings received by any youth under Title IV CETA amendments of 1978 as follows:

(a) Youth incentive entitlement pilot projects;

(b) Youth community conservation and improvement projects;

(c) Youth employment and training programs.

(9) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, under eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college, or university. The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from earnings or work performed by other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(10) Income received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(11) ~~((All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred))~~ Financial aid received under Title IV of the Higher Education Act designated for:

- (a) Tuition;
- (b) Fees, including equipment and materials;
- (c) Books;
- (d) Supplies;
- (e) Transportation; and
- (f) Miscellaneous personal expenses as determined by the institution.

(12) ~~((Education))~~ Deferred nonfederal educational loans ((on which payment is deferred)) less origination fees and insurance premiums, grants, scholarships, fellowships, and veterans' educational benefits((, OASDI educational benefits, and the like to the extent the funds are)) used for tuition and mandatory school fees at ~~((an institution of higher education, including correspondence schools at that level,))~~ any school beyond high school or a school at any level for the physically or mentally handicapped.

(a) Mandatory fees are those charged to all students within a certain curriculum.

(b) Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(13) All private or commercial loans, other than educational loans on which repayment is deferred.

(14) Money received in the form of nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), inheritances, retroactive lump-sum Social Security and railroad retirement pension payments, income tax refunds, and similar, nonrecurring, lump-sum payments.

~~((+4))~~ (15) The cost of producing self-employment income.

~~((+5))~~ (16) Reimbursements for past or future expenses not to exceed the actual expense or reimbursements not representing a gain or benefit to the household:

~~((The following are considered reimbursements excludable and do not represent a gain or benefit:~~

~~(i)) Flat allowances for job or training-related expenses such as per diem, travel, uniforms, and transportation to and from the job or training site;~~

~~((ii)) (b) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of the volunteers' work;~~

~~((iii)) (c) Reimbursement for medical or dependent care;~~

~~((iv)) (d) ((Reimbursements or allowances to students for specific education expenses:))~~ Portions of a ((general)) nonfederal grant ((or)), scholarship ((must be specifically)), fellowship, and veterans educational benefit earmarked by the grantor for educational expenses, such as travel or books. ((For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant; and "grant or scholarship" shall include any grant used for educational purposes regardless of the fact the

~~grantee must perform services to obtain the grant. Schools or institutions do not have the authority to designate a portion of "Pell Grant" (formerly BEGG). The United States Department of Education (DOE) is the only authority to earmark "Pell Grant" funds.~~

~~(b) The following are considered reimbursements not excludable and do represent a gain or benefit:~~

~~Reimbursements))~~ (e) Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.

(17) Portions of any federal or nonfederal educational assistance providing for ((normal)) living expenses, such as rent or mortgage, personal clothing, or food eaten at home, shall not be an excludable reimbursement and does represent a gain or benefit.

~~((+6))~~ (18) Any gain or benefit not in money, such as in-kind benefits, including public housing, meals, or clothing.

~~((+7))~~ (19) Money payments not owed or payable directly to a household, but paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household;

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded;

(c) Money legally obligated and otherwise payable to the household, but is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

~~((+8))~~ (20) Money received and used for the care and maintenance of a third-party beneficiary not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household:

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded;

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members pro rata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

~~((+9))~~ (21) Money received as a Department of Housing and Urban Development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

~~((20))~~ (22) Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

AMENDATORY SECTION (Amending Order 2421, filed 9/2/86)

WAC 388-54-670 ~~((STUDENT ELIGIBILITY))~~ STUDENTS. (1) The department shall consider a post-secondary institution any public or private institution legally recognized by the state to provide education or training beyond high school including institutions of higher education.

(a) Post-secondary institutions shall include business colleges, beauty schools, barber schools, etc., and courses in trade or vocational schools not requiring a high school diploma or equivalency.

(i) Persons in a post-secondary institution need not meet definition of a student nor meet eligibility requirements for a student in this section.

(ii) Persons in trade or vocational school courses that require a high school diploma or equivalency shall be considered attending an institution of higher education.

(b) Institution of higher education shall include any institution that normally requires a high school diploma or equivalency for enrollment.

(i) All four-year colleges and universities and all community colleges are considered institutions of higher education.

(ii) Persons enrolled in courses in trade or vocational schools requiring a high school diploma or equivalency shall be considered attending an institution of higher education.

(iii) Persons enrolled in an institution of higher education must meet the definition of a student and meet eligibility requirements in this section to receive food stamps.

(2) A student ~~((is any person))~~ who is:

(a) Between the ages of eighteen and sixty years;
~~((and))~~

(b) Physically and mentally fit for employment; and

(c) Enrolled at least half-time in an institution of higher education~~((-A student))~~ shall be ineligible to receive food stamps unless that person meets one of the requirements of subsection (3) of this section.

~~((2))~~ Institution of higher education is any institution which normally requires a high school diploma or equivalency certificate for enrollment. This includes colleges, universities, and vocational or technical schools at the post-high school level.

(3) A student shall meet one of the following to receive food stamps:

(a) Work and be paid for a minimum of twenty hours per week. A self-employed student must work at least twenty hours per week and the weekly earnings shall at least be equal to the federal minimum hourly wage multiplied by twenty hours;

(b) Receive money from a federal work study program during the regular school year;

(c) Be responsible for the care of a dependent household member under age six;

(d) Be responsible for the care of a dependent household member who is at least age six but under age

twelve and the CSO has determined adequate child care is not available;

(e) Receive benefits from the aid to families with dependent children program;

(f) Attend an institution of higher ~~((learning))~~ education through a program under the Job Training Partnership Act.

(4) Student status begins the first day of the school term and continues through normal periods of class attendance, vacation, and recess. Student status is lost when a student:

(a) Graduates,

(b) Is suspended,

(c) Is expelled,

(d) Drops out, or

(e) Does not intend to register for the next normal school term excluding summer school.

WSR 87-03-020

ADOPTED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Health)

[Order 2463—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to Hospitals—Governing body and administration, amending WAC 248-18-031.

This action is taken pursuant to Notice No. WSR 86-23-026 filed with the code reviser on November 12, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 275, filed 8/16/84)

WAC 248-18-031 GOVERNING BODY AND ADMINISTRATION. (1) The hospital shall have a governing body responsible for adoption of policies concerning the purposes, operation and maintenance of the hospital, including safety, care, and treatment of patients.

(2) The hospital governing body shall:

(i) Provide personnel, facilities, equipment, supplies, and services to meet the needs of patients within the purposes of the hospital.

~~((3) The governing body shall)~~ (ii) Appoint an administrator ~~((who shall be))~~ responsible for implementing the policies adopted by the governing body.

~~((4) The governing body shall:~~

(a) ~~((iii))~~ (iii) Have ~~((the))~~ authority and responsibility for the appointment and periodic reappointment of the medical staff ~~((, and (b)))~~.

(iv) Require ~~((the))~~ medical staff ~~((be accountable))~~ accountability to the governing body through approval under the medical staff organization bylaws ~~((:))~~ and rules as applied by the governing body.

~~((5) The governing body shall)~~ (v) Require evidence that each individual granted clinical privileges pursuant to medical staff bylaws has appropriate and current qualifications.

~~((6) The governing body shall)~~ (vi) Require that each person admitted to the hospital ~~((to be))~~ is under the care of a member of the medical staff possessing clinical privileges.

(3) The hospital shall establish and maintain a coordinated program for identification and prevention of malpractice according to RCW 70.41.200 to include:

(a) Quality assurance committee including at least one member of the governing body with functions described in RCW 70.41.200;

(b) Policies, procedures, systems, and practices to comply with RCW 70.41.200 related to:

(i) Medical staff privileges sanction and individual physician review.

(ii) Review of qualifications of persons delivering care in the hospital.

(iii) Resolution of grievances by patients.

(iv) Continuous collection of information related to negative health care outcomes and injuries to patients.

(v) Education programs and compliance with reporting requirements of RCW 70.41.200.

(vi) Access by medical and osteopathic licensing and disciplinary boards to appropriate records of hospital decisions on restriction or termination of physician privileges.

(4) Each hospital shall develop procedures for identifying potential organ and tissue donors as required in RCW 68.08.650.

WSR 87-03-021
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2465—Filed January 13, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

I, Leslie F. James, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary

to public interest. A statement of the facts constituting the emergency is these rules are necessary to implement federal rules published in the Federal Register on August 22, 1986, beginning on page 30045.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2408, filed 8/8/86)

WAC 388-54-735 **INCOME—EXCLUSIONS.**
 The following income is excluded:

(1) *Payments received under Title II of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970:*

(a) *Payments to persons displaced as a result of the acquisition of real property;*

(b) *Relocation payments to a displaced homeowner toward the purchase of a replacement dwelling provided the homeowner purchases and occupies a dwelling within one year following displacement;*

(c) *Replacement housing payments to displaced persons not eligible for a homeowner's payment.*

(2) *Payments made under the Domestic Volunteer Services Act of 1973. Payments under Title I (VISTA) to volunteers shall be excluded for individuals receiving public assistance or food stamps at the time the individual joined VISTA and for households receiving a VISTA exclusion at the time of conversion to the Food Stamp Act of 1977. Temporary interruptions in food stamp participation shall not alter the exclusion once an initial determination has been made.*

(3) *Income derived from certain submarginal land of the United States held in trust for certain Indian tribes under Public Law 94-114, Section 6, or Public Law 94-540.*

(4) *Income derived from the disposition of funds to the Grand River Band of Ottawa Indians.*

(5) *Payments by the Indian Claims Commission to the Confederated Tribe of the Yakima Indian Nation (Public Law 95-443).*

(6) *Any payments received by Alaskan natives under the terms of the Alaskan Native Claims Settlement Act.*

(7) *Payments from the special crisis intervention program.*

(8) *Earnings received by any youth under Title IV CETA amendments of 1978 as follows:*

(a) *Youth incentive entitlement pilot projects;*

(b) *Youth community conservation and improvement projects;*

(c) *Youth employment and training programs.*

(9) Income received as compensation for services as an employee or income from self-employment by a child residing in the household, under eighteen years of age and attending at least half time (as defined by the institution), a kindergarten or preschool, a grade school, high school, vocational school, technical school, training program, college, or university. The exclusion shall apply to a student under the parental control of another household member.

If the child's earnings or amount of work performed cannot be differentiated from earnings or work performed by other household members, the total earnings shall be prorated equally among the working members and the child's pro rata share excluded.

(10) Income received too infrequently or irregularly to be reasonably anticipated as available during a three-month period provided such infrequent or irregular income of all household members shall not exceed thirty dollars in a three-month period.

(11) ((All loans, including loans from private individuals as well as commercial institutions, other than educational loans on which repayment is deferred)) Financial aid received under Title IV of the Higher Education Act designated for:

- (a) Tuition;
- (b) Fees, including equipment and materials;
- (c) Books;
- (d) Supplies;
- (e) Transportation; and
- (f) Miscellaneous personal expenses as determined by the institution.

(12) ((Education)) Deferred nonfederal educational loans ((on which payment is deferred)) less origination fees and insurance premiums, grants, scholarships, fellowships, and veterans' educational benefits((, OASDI educational benefits, and the like to the extent the funds are)) used for tuition and mandatory school fees at ((an institution of higher education, including correspondence schools at that level;)) any school beyond high school or a school at any level for the physically or mentally handicapped.

(a) Mandatory fees are those charged to all students within a certain curriculum.

(b) Transportation, supplies, and textbook expenses are not uniformly charged to all students and are not considered as mandatory fees.

(13) All private or commercial loans, other than educational loans on which repayment is deferred.

(14) Money received in the form of nonrecurring lump-sum payments, such as, but not limited to, insurance settlements, sale of property (except property related to self-employment as previously provided for), inheritances, retroactive lump-sum Social Security and railroad retirement pension payments, income tax refunds, and similar, nonrecurring, lump-sum payments.

((+4)) (15) The cost of producing self-employment income.

((+5)) (16) Reimbursements for past or future expenses not to exceed the actual expense or reimbursements not representing a gain or benefit to the household:

(a) ~~((The following are considered reimbursements excludable and do not represent a gain or benefit:~~

(+)) Flat allowances for job or training-related expenses such as per diem, travel, uniforms, and transportation to and from the job or training site;

((+)) (b) Reimbursements for out-of-pocket expenses of volunteers incurred in the course of the volunteers' work;

((+)) (c) Reimbursement for medical or dependent care;

((+)) (d) ~~((Reimbursements or allowances to students for specific education expenses.)) Portions of a ((general)) nonfederal grant ((or)), scholarship ((must be specifically)), fellowship, and veterans educational benefit earmarked by the grantor for educational expenses, such as travel or books. ((For purposes of this provision, "grantor" shall include any agents of the grantor responsible for the administration of the grant; and "grant or scholarship" shall include any grant used for educational purposes regardless of the fact the grantee must perform services to obtain the grant. Schools or institutions do not have the authority to designate a portion of "Pell Grant" (formerly BEOG). The United States Department of Education (DOE) is the only authority to earmark "Pell Grant" funds.~~

(b) The following are considered reimbursements not excludable and do represent a gain or benefit:

Reimbursements) (e) Reimbursements received by households to pay for services provided by Title XX of the Social Security Act.

(17) Portions of any federal or nonfederal educational assistance providing for ((normal)) living expenses, such as rent or mortgage, personal clothing, or food eaten at home, shall not be an excludable reimbursement and does represent a gain or benefit.

((+6)) (18) Any gain or benefit not in money, such as in-kind benefits, including public housing, meals, or clothing.

((+7)) (19) Money payments not owed or payable directly to a household, but paid to a third party for a household expense, are vendor payments and are excludable as follows:

(a) A payment made in money on behalf of a household whenever a person or other organization outside of the household uses the person's or organization's own funds to make a direct payment to either the household's creditors or a person or organization providing a service to the household;

(b) Rent or mortgage payments, made to landlords or mortgagees by the Department of Housing and Urban Development (HUD) or by state or local housing authorities, are vendor payments and are excluded;

(c) Money legally obligated and otherwise payable to the household, but is diverted by the provider of the payment to a third party for a household expense, shall be counted as income and not excluded as a vendor payment.

((+8)) (20) Money received and used for the care and maintenance of a third-party beneficiary not a household member. Representative payee payments shall be included, however, as income to the beneficiary's household:

(a) If the intended beneficiaries of a single payment are both household and nonhousehold members, any identifiable portion of the payment intended and used for the care and maintenance of the nonhousehold member shall be excluded;

(b) If the nonhousehold member's portion cannot be readily identified, the payment shall be evenly prorated among intended beneficiaries and the exclusion applied to the nonhousehold members pro rata share or the amount actually used for the nonhousehold member's care and maintenance, whichever is less.

~~((+9))~~ (21) Money received as a Department of Housing and Urban Development (HUD) refund payment pursuant to the "Underwood versus Harris" class action settlement agreement under Section 236 of the National Housing Act shall be excluded as income and shall be excluded as a resource for a two-month period. After two months, any remaining portions of the refund payment shall be considered as a resource.

~~((+20))~~ (22) Clearly identified supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs.

WSR 87-03-022

EMERGENCY RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 502—Filed January 13, 1987]

I, Brian J. Boyle, Commissioner of Public Lands, do promulgate and adopt at Olympia, Washington, the annexed rules relating to an emergency rule which carries over the fire protection rules to chapter 100, Laws of 1986, from the old chapter 76.04 RCW.

I, Brian J. Boyle, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is the continuation of an emergency rule maintaining the fire protection rules for another 90 days is necessary to provide protection while the chapter is rewritten to align [align] with chapter 100, Laws of 1986.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 76.04.015 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1987.

By Brian J. Boyle
Commissioner of Public Lands

NEW SECTION

WAC 332-26-081b **FOREST PROTECTION RULES** With the repeal of Chapter 76.04 RCW on June 11, 1986, the rules promulgated pursuant to the chapter, and found in Chapter 332-24 WAC, are without basis when the general rule making authority is repealed. Therefore, in accordance with the authority granted in Section 2, Chapter 100, Laws of 1986, effective midnight January 13, 1987, Chapter 332-24 WAC is adopted under, and is to be enforced through, the authority of Chapter 100, Laws of 1986.

REPEALER

The following section of the Washington Administrative Code is repealed:

1) WAC 332-26-081a **FOREST PROTECTION RULES**

WSR 87-03-023

ADOPTED RULES

GAMBLING COMMISSION

[Order 164—Filed January 13, 1987]

Be it resolved by the Washington State Gambling Commission, acting at Bellevue, Washington, that it does adopt the annexed rules relating to amendatory sections WAC 230-30-060 and 230-30-070.

This action is taken pursuant to Notice No. WSR 86-21-061 filed with the code reviser on October 14, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to chapter 9.46 RCW and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Ronald O. Bailey
Director

AMENDATORY SECTION (Amending Order 154, filed 10/14/85)

WAC 230-30-060 **PUNCHBOARD RESTRICTIONS.** (1) No operator shall put out for play, and no manufacturer shall sell or furnish to any person, any punchboard or electronic punchboard:

~~((+))~~ (a) Which has not been submitted to the commission staff and been approved for sale by the commission staff in the state of Washington. An identical prototype of the electronic punchboard must be submitted to the commission for review and approval. The commission shall retain the device actually submitted when approved.

(b) To which any key to any winning number, or symbol, exists other than a key which is furnished to the operator, which key designates the color codes for all chances on that board without regard to whether or not such chances are designated winners.

~~((2))~~ (c) Which has taped sides, corners, or edges.

~~((3))~~ (d) Wherein the winning punches or approximate location of any winning punches can be determined in advance of punching the punchboard in a manner or by any device, including, but not limited to, any patterns in manufacture, assembly, packaging or ~~((by markings))~~ programming. Winning punches shall be distributed and mixed among all other punches in the punchboard. The punchboard shall be manufactured or programmed with special care so as to eliminate any pattern as between punchboards, or portions of punchboards, from which the location or approximate location of the winning punches may be determined.

(2) When electronic punchboards are submitted for approval or modification, the commission shall assess an estimated fee to the person submitting the request, which fee is equal to the actual cost of review and analysis of the electronic punchboard submitted and which fee shall be paid prior to the electronic punchboard being approved for use and sale in the state of Washington. Excess fees collected shall be returned to the applicant at the completion of the review and analysis.

AMENDATORY SECTION (Amending Order 154, filed 10/14/85)

WAC 230-30-070 CONTROL OF PRIZES. (1) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise. Prizes may not involve the opportunity of taking an additional chance or chances on another punchboard or of obtaining another pull tab or pull tabs. Where the prize involves the opportunity to punch again on the same punchboard, a prize must be awarded for each such punch which is not less than the highest amount of money, or worth not less than the most valuable merchandise prize, which might otherwise have been won by the punch for which the opportunity to take the second punch was awarded. ~~((No punchboard which offers as a prize the opportunity to take another punch on that board shall be sold or placed out for play unless that particular style and type of step-up board has been approved in advance by the commission:))~~ Each such board must clearly indicate on its face the terms and conditions under which the opportunity to obtain the second, or step-up punch, may be obtained and the prizes which may be won by the step-up punch.

(2)(a) All prizes shall be displayed in the immediate vicinity of the punchboard or pull tab device and such prizes shall be in full view of any person prior to that person purchasing the opportunity to play.

(b) When the prize is cash it shall be displayed as follows:

(i) If the punchboard or pull tab series contains the opportunity to win both cash and merchandise prizes, the money itself shall not be displayed, but a coupon

designating the cash available to be won shall be substituted; and

(ii) If the only prizes which may be won are cash prizes, they shall be clearly and fully described or represented by a coupon displayed upon the prize flare attached to the face or displayed in the immediate vicinity of the pull tab dispensing device.

(c) The licensee shall display prizes so arranged that a customer can easily determine which prizes are available from any particular punchboard or pull tab series or device operated or located upon the premises.

(3) Upon a determination of a winner of a merchandise prize, the licensee shall immediately remove that prize from any display and present it to the winner.

Immediately upon determining the winner of any cash prize of five dollars or more, or of any merchandise prize with a retail value of five dollars or more, but prior to award of the prize, the licensee shall conspicuously delete all references to that prize being available to players from any flare, punchboard or pull tab dispensing device upon which such reference may appear, and from any other list, sign, or notice which may be posted, in such a manner that all future customers will know the prize is no longer available. The prize shall then be paid or delivered to the winner forthwith. The licensee must pay or award to the customer or player playing the punchboard or pull tab series all such prizes that have not been deleted from the flare of the punchboard or pull tab series when the punchboard or pull tab series is completely played out.

(4) No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) When any person wins a cash prize of over twenty dollars or wins a merchandise prize with a retail value of more than twenty dollars from the play of any punchboard or pull tab series, the licensee or licensee's representative shall make a record of the win. The record of the win shall be made in a standard format prescribed by the commission and shall disclose at minimum the following information:

(a) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

(b) The series number of the pull tab series or punchboard from which the prize was won;

(c) The name of the punchboard or pull tab series;

(d) The date the pull tab series or punchboard was placed out for play;

(e) The date the pull tab series or punchboard was removed from play;

(f) The month, day and year of the win;

(g) If the prize is cash, the amount of the prize won;

(h) If the prize is merchandise, a description of the prize won and its retail value;

(i) The printed full name of the winner;

(j) The current address of the winner which will include the street address, the city and the state.

It shall be the responsibility of the licensee to determine the identity of the winner and the licensee shall require such proof of identification as is necessary to properly establish the winner's identity. The licensee shall require the winner to sign his name in ink on the

winning pull tab being presented for payment. The licensee shall not pay out any prize unless and until the winner has fully and accurately furnished to the licensee all information required by this rule to be maintained in the licensee record of the win.

(6) Every licensee shall keep the record of all prizes awarded in excess of twenty dollars, containing all of the information required in subsection (5) above, and all winning pull tabs or punchboard punches of five dollars or more for a period of six months and shall display the same to any representative of the commission or law enforcement officials upon demand. The licensee shall, within twenty-four hours after a winning pull tab or punch of five dollars or more has been presented for payment, mark or perforate the winning pull tab or punch in such a manner that the pull tab or punch cannot be presented again for payment.

(7) For the purposes of this rule, the retail value of a merchandise prize shall be the amount actually paid therefor by the licensed operator plus ~~(50)~~ 75 percent of that actual cost.

(8) Spindle-type pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain predesignated pull tabs are free or the player is otherwise reimbursed the actual cost of said pull tabs. Flares for spindle-type pull tabs operated in this manner shall designate the total number of pull tabs in the series and the total number of pull tabs designated as free or reimbursable. Free or reimbursable pull tabs in these types of pull tab series shall not constitute a prize or prizes nor shall monies collected and later reimbursed constitute revenue for the purposes of determining gross receipts.

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

WSR 87-03-024
PROPOSED RULES
GAMBLING COMMISSION
 [Filed January 13, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Gambling Commission intends to adopt, amend, or repeal rules concerning amendatory sections WAC 230-02-350, 230-04-145, 230-04-201, 230-20-064 and 230-20-380;

that the agency will at 10:00 a.m., Friday, March 13, 1987, in the Westwater Inn, Olympia, Washington, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is chapter 9.46 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before March 13, 1987.

Dated: January 13, 1987

By: Ronald O. Bailey
 Director

STATEMENT OF PURPOSE

Title: Amendatory sections WAC 230-02-350 Commercial stimulant defined; 230-04-201 Fees; 230-04-145 Licensing of managers of bingo games; 230-20-064 Maximum receipts, prizes, and expenses for bingo games—Net income required; and 230-20-380 Persons obtaining a special amusement game license to conduct activities only at limited locations.

Description of Purpose: Corrects an administrative error in definition of commercial stimulant; establishes a new class of bingo licenses and safeguards for bingo managers; and authorizes amusement games at amusement parks.

Statutory Authority: RCW 9.46.020(5), 9.46.030 (1) and (5) and 9.46.070 (1), (3), (10) and (14).

Summary of Proposed Rules and Reasons Supporting Action: WAC 230-02-350, to correct error made when rule was filed; 230-04-201, amendment would establish a new license Class L and a corresponding license fee for those organizations with gross income between \$3,500,000 – \$4,000,000; 230-04-145, creates additional safeguards for the regulation and control of bingo managers; 230-20-064, amendment clarifies net income requirements for bingo games, and establishes flexibility in quarterly payout regulations. The amendment would also require net returns to any organization grossing \$450,000 or more; and 230-20-380, amendment would authorize amusement games to be conducted at amusement parks. The proposal defines amusement parks.

Agency Personnel Responsible for Drafting, Implementing and Enforcing the Rules: Ronald O. Bailey, Director, and Frank L. Miller, Deputy Director, Jefferson Building, 1110 South Jefferson, Olympia, WA 98504, 234-0864 scan, 753-0864 comm.

Proponents and Opponents: WAC 230-02-350, cleans up the rule; 230-04-201 and 230-20-064, joint proposal by staff and bingo licensees; 230-04-145, proposed by staff; and 230-20-380, proposed by Enchanted Village.

Agency Comments: The agency believes the proposed amendments are self-explanatory and need no further comment.

This amendment/new rule was not made necessary as a result of federal law or federal or state court action.

Small Business Economic Impact Statement: This agency has determined there may be an economic impact upon a certain number of licensees administered by this agency by the adoption of this amendment or new rule.

AMENDATORY SECTION (Amending Order 163, filed 11/24/86)

WAC 230-02-350 COMMERCIAL STIMULANT DEFINED.
 ((~~[\$12.50]~~ [and less that amount paid out as expenses incurred directly as a result of providing the dealer allowed by WAC 230-40-225 which shall not exceed \$7.50 per hour of operation;]))

"Commercial stimulant" means all licensed gambling activities, when operated by an established food and/or drink business with the primary purpose of increasing the volume of food and/or drink sales for "on premise" consumption. For purposes of RCW 9.46 and these rules, gambling activities shall qualify as a commercial stimulant only

when the combined "adjusted net gambling receipts" from punchboards, pull tabs, and public card rooms are less than the total "gross" sales from the food and/or drink business.

AMENDATORY SECTION (Amending Order 137, filed 10/18/83)

WAC 230-04-145 LICENSING OF MANAGERS OF BINGO GAMES. (1) No person shall ((act as a bingo game manager on or after February 1, 1982, unless he or she has either received a license to do so from the commission or, if the commission has not previously denied an application by that person for a license, or the commission has not previously revoked a license issued to that person, he or she has properly applied for such license. If there has been [such] a previous denial of an application and/or revocation of a license, or if the applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158 that person shall not act as a bingo game manager unless he or she has been issued a license to do so by the commission. See WAC 230-02-418 for the definition of a "bingo game manager."

On or before the first day he or she actually performs work as a bingo game manager, a person shall submit an application for a license to the commission. Such application shall not be deemed complete and properly submitted for the purposes of this rule unless and until all questions on the commission's application form and attachments are fully and truthfully answered and the form, with all attachments, together with the required fee, has been delivered to the commission office during regular business hours (or actually deposited in the United States mail properly addressed to the commission):

Except as provided in this section, an operator of a bingo game shall not allow any unlicensed person to perform duties for which a license is required in or in connection with a bingo game and shall take all measures necessary to prevent an unlicensed person from doing so:

The president of the bingo licensee (or equivalent officer) operating the bingo game in connection with which the applicant will work shall sign the original application for license of each bingo game manager

acknowledging that the applicant will be working for that bingo licensee with the bingo licensee's knowledge and consent:)) perform the duties of a bingo game manager as defined by WAC 230-02-418 for a class D and above bingo licensee unless they have:

- (a) Received a license to do so from the commission; or
- (b) Submitted a completed application to the commission on or before the first day the applicant begins working; Provided, that section (1)(b) above shall not apply if one or more of the following reasons exist:

- (i) The applicant's present or past license has been previously denied, suspended, or revoked by the commission; or
- (ii) The applicant is presently involved with pending commission charges or criminal prosecution; or
- (iii) The applicant has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to certain offenses set forth in RCW 9.46.158; or
- (iv) The applicant has violated, failed, or refused to comply with provisions, requirements, conditions, limitations or duties imposed by RCW 9.46 or any rules of the commission.

(2) Each application shall be submitted as specified in WAC 230-04-020, and signed by both the applicant and the highest ranking executive officer of the employing bingo licensee. The duration of the license shall be:

- (a) One year from the date of application, if the applicant began working the same day or prior to licensure as authorized by section (1)(b) above; or
 - (b) One year from the date of issuance, if the applicant waited for licensure as required by section (1)(b)(i-iv) above; or
 - (c) Upon termination of employment with the organization listed on the license application, for any reason, the license shall expire and the licensee must reapply for licensure.
- (3) The fee for this license shall be as required by WAC 230-04-201: Provided, that if an applicant is changing employment from one bingo licensee to another prior to the expiration date as specified in (2)(a) and (b) above, the fee shall be as required for license renewal.

AMENDATORY SECTION (Amending Order 158, filed 6/13/86)

WAC 230-04-201 FEES. Tables 1 and 2 contain the fees that shall be paid to the commission for gambling licenses, permits, miscellaneous changes, and special investigative and inspection services.

Table 1. (For bona fide nonprofit/charitable organizations)

LICENSE TYPE	DEFINITION	SEE
1. AMUSEMENT GAMES	(Fee based on annual net receipts)	
Class A	\$500 or less	\$ 35
Class B	\$501 - 1,000	50
Class C	\$1,001 - 5,000	75
Class D	\$5,001 - 15,000	250
Class E	over \$15,000	350
2. BINGO	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 50
Class B	\$ 10,001 to 50,000	150
Class C	\$ 50,001 to ((+00,000)) 150,000	500
Class D	\$ ((+00,001)) to 300,000 150,001	800
Class E	\$ 300,001 to 500,000	1,500
Class F	\$ 500,001 to 1,000,000	3,000
Class G	\$1,000,001 to 1,500,000	4,000
Class H	\$1,500,001 to 2,000,000	5,000
Class I	\$2,000,001 to 2,500,000	6,000
Class J	\$2,500,001 to 3,000,000	7,000
Class K	\$3,000,001 to 3,500,000	8,000
Class L	\$3,500,001 to 4,000,000	9,000
3. BINGO GAME MANAGER	Original Renewal	\$ 150 75
4. CARD GAMES	General (fee to play charged) Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, coon-can	\$ 500

	Class C	and/or cribbage – (fee to play charged) Tournament only – no more than ten consec. days per tournament	150 50
	Class D	General (no fee to play charged)	50
	Class R	Primarily for recreation (WAC 230-04-199)	25
5.	CHANGES		
	NAME	(See WAC 230-04-310)	\$ 25
	LOCATION	(See WAC 230-04-320)	25
	FRE	(Reno Nite date(s)/time(s)) (See WAC 230-04-325)	25
	LICENSE CLASS	(See WAC 230-04-260) New class fee[,] less previous fee paid, plus	25
	DUPLICATE LICENSE REPLACEMENT	(See WAC 230-04-290)	25
	IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
6.	FUND RAISING EVENT		
	Class A	One event not more than 24 consec. hrs.	\$ 300
	Class B	One event not more than 72 consec. hrs.	500
	Class C	Additional participant in joint event (not lead organization)	150
7.	PERMITS	Agricultural fair/special property bingo	
	Class A	One location and event only (see WAC 230-04-191)	\$ 25
8.	PUNCHBOARDS/ PULL TABS	(Fee based on annual gross receipts)	
	Class A	Up to \$10,000	\$ 300
	Class B	Up to \$50,000	475
	Class C	Up to \$100,000	960
	Class D	Up to \$200,000	1,560
	Class E	Up to \$300,000	2,360
	Class F	Up to \$400,000	3,150
	Class G	Up to \$500,000	3,775
	Class H	Up to \$600,000	4,340
	Class I	Up to \$700,000	4,825
	Class J	Up to \$800,000	5,225
	Class K	Over \$800,000	5,900
9.	RAFFLES	(Fee based on annual net receipts)	
	Class C	\$500 or less	\$ 50
	Class D	\$501 – 5,000	100
	Class E	\$5,001 – 15,000	400
	Class F	Over \$15,000	600
10.	SEPARATE PREMISES		
	BINGO	Occasion (see WAC 230-04-300)	\$ 25
	RAFFLES	(See WAC 230-04-197)	25
11.	SPECIAL FEES		
	INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030)	As required As required
12.	OPTIONAL PAYMENT PLANS	(See WAC 230-04-900)	
	Full payment option	Entire license fee as indicated in each category in fee schedule is paid by applicant/licensee at time of application or subsequent renewal.	Varies
	Six-month payment option	Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$1,000 and above.	\$ 25

Table 2. (For commercial stimulant/profit seeking organizations)

LICENSE TYPE	DEFINITION	FEE
1. CARD GAMES		
Class B	(Fee to play charged) limited card games – to hearts, rummy, pitch, pinochle, mah-jongg, coon-can and/or cribbage	\$ 150
Class C	Tournament only, no more than ten consec. days per tournament	150
Class D	General (no fee to play charged)	50
Class E	General (fee to play charged)	
E-1	One table only	350
E-2	Up to two tables	600
E-3	Up to three tables	1,000
E-4	Up to four tables	2,000
E-5	Up to five tables	3,000
2. CHANGES		
NAME	(See WAC 230-04-310)	\$ 25
LOCATION	(See WAC 230-04-320)	25
BUSINESS CLASSIFICATION	(Same owners – see WAC 230-04-340(3))	50
LICENSE CLASS	(See WAC 230-04-260) New class fee, less previous fee paid, plus	25
DUPLICATE LICENSE	(See WAC 230-04-290)	25
OWNERSHIP OF STOCK REPLACEMENT	(See WAC 230-04-340(1))	50
IDENTIFICATION STAMPS	(See WAC 230-30-016)	25
LICENSE TRANSFERS	(See WAC 230-04-125, 230-04-340 and 230-04-350)	50
3. DISTRIBUTOR		
	(Fee based on annual gross receipts for sale of punchboards, pull tabs, pull tab dispensing devices and sale/lease of fund raising event equipment.)	Original Renewal
Class A	up to \$600,000	\$2,750 \$1,250
Class B	over \$600,000	\$2,750 \$1,700
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ 220
	Renewal	110
5. MANUFACTURER	Original	\$3,300
	Renewal	1,650
6. MANUFACTURER'S REPRESENTATIVE	Original	\$ 220
	Renewal	110
7. PERMITS		
Class A	Agricultural fair/special property bingo	
Class B	One location and event only (see WAC 230-04-191)	\$ 25
	Annual permit for specified different events and locations (see WAC 230-04-193)	150
8. PUBLIC CARD ROOM EMPLOYEE	Original	\$ 150
	Renewal	75
9. PUNCHBOARDS/PULL TABS		
	(Fee based on annual gross receipts)	
Class A	Up to \$10,000	\$ 300
Class B	Up to \$50,000	475
Class C	Up to \$100,000	960
Class D	Up to \$200,000	1,560
Class E	Up to \$300,000	2,360
Class F	Up to \$400,000	3,150
Class G	Up to \$500,000	3,775
Class H	Up to \$600,000	4,350
Class I	Up to \$700,000	4,825
Class J	Up to \$800,000	5,225
Class K	Over \$800,000	5,900

10.	SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030)	As required As required
11.	SPECIAL LOCATION AMUSEMENT GAMES Class A Class B Class C Class D Class E	(Fee based on annual net receipts) One event per year lasting no longer than 12 consecutive days \$25,000 or less \$25,001 - 100,000 \$100,001 - 500,000 Over \$500,000	\$ 500 500 1,500 3,000 5,000
12.	OPTIONAL PAYMENT PLANS Full payment option Six-month payment option	(See WAC 230-04-900) Entire license fee as indicated in each category in fee schedule is paid by applicant/licensee at time of application or subsequent renewal. Administrative processing fee, plus first half of annual license fee at time of application/renewal. Second half of annual license fee will be collected prior to the expiration date of first six-month license. Pertains only to annual licenses \$1,000 and above.	Varies \$ 25

Reviser's note: RCW 34.04.058 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 151, filed 6/14/85)

WAC 230-20-064 MAXIMUM RECEIPTS, PRIZES, AND EXPENSES FOR BINGO GAMES-NET INCOME REQUIRED. Bingo is to be conducted as a social pastime and for the raising of funds to support the purpose(s) of the organization only. Bona fide charitable or nonprofit organizations licensed to operate bingo must comply with the following limitations:

(1) Gross receipts from the sale of bingo cards shall not exceed the limits by class of license for the license year as set out in WAC 230-04-201 and Table 1. below. Any organization not currently licensed to conduct bingo at any class and applying for a Class "F" or above license shall submit with its license application a pro forma plan of operation including a market study with: Planned attendance; prices; prize payout schedules; ~~((and))~~ net income predictions; and any other information requested by the commission. During the first six months of operation at class "F" or above all licensees shall report results of operation to the commission no later than 15 days following the end of each month.

(2) To prevent the payment of prizes in such amounts that would significantly reduce net income, prize payouts as percentages of gross receipts shall not exceed the percentages listed in Table 1. by class of license(~~(:)~~): PROVIDED, that a licensee may exceed the "Calendar Quarter Prize Payout Limits" by up to 1.0% if:

- a. They are in compliance with the calendar year prize payout requirement, when measured year-to-date;
- b. They are in compliance with the quarterly adjusted net income requirement; and
- c. They are in compliance with the calendar year adjusted net income requirement, when measured year-to-date.

PROVIDED FURTHER, that organizations operating their gambling operation primarily with volunteer workers are exempted from the requirements of this subsection. For purposes of this subsection "primarily" means the organization is allowed to pay one licensed manager up

to \$32.00 per session or \$300.00 per week whichever is less, and provide reimbursement for up to seven non-management workers for travel or award credit for dues or fees, not to exceed \$12.00 per session. Any licensee who exceeds the maximum calendar quarter prize payout limit for its class of license by more than two percentage points (2.0%) in any month and/or exceeds its calendar quarter limits during any quarter must report to the commission, no later than 15 days following the end of the month or quarter.

(3) To insure that licensees meet the intent of RCW 9.46.010 and to prevent the payment of excessive expenses, adjusted net income as a percentage of gross receipts shall not be less than the percentage listed in Table 1. by class of license. ~~((for any calendar year. Any licensee who reports net income more than two percentage points (2.0%) below the minimum calendar year requirement for its class during any quarter must report to the commission additional information as required.))~~ Any licensee failing to meet "Calendar Quarter Adjusted Net Income Minimum Requirements," during any quarter, shall immediately take steps to correct the situation and report all steps taken to the commission no later than 30 days following the end of the calendar quarter: PROVIDED, that licensees may exceed the "Calendar Quarter Adjusted Net Income Minimum Requirements" by up to 1.0% if:

- a. They are in compliance with the calendar year net income requirement, when measured year-to-date; and
- b. They are in compliance with the calendar year prize payout requirement when measured year-to-date.

(4) All administrative procedures, policies, and definitions required to administer this section shall be approved by the commission, and furnished to all affected licensees. Prize payout limits, net income minimum requirements, and administrative procedures will be reviewed annually to measure the effect of this section on the licensed organizations. The annual review shall be held at the March meeting ~~((which by law must be held in Olympia and))~~ or periodically by request of the commission with proper and timely notification to the staff.

Table 1.

License Class	Annual Gross Receipts	Calendar Year Prize Payout Limits	Calendar Quarter Prize Payout Limits	Calendar Year Adjusted Net Income Minimum Requirements	Calendar Quarter Adjusted Net Income Minimum Requirements
A	Up to \$ 10,000	No Limits	No Limits	None	<u>NONE</u>
B	\$ 10,001- 50,000	No Limits	No Limits	None	<u>NONE</u>
C	50,001- ((100,000)) 150,000	No Limits	No Limits	None	<u>NONE</u>

License Class	Annual Gross Receipts	Calendar Year Prize Payout Limits	Calendar Quarter Prize Payout Limits	Calendar Year Adjusted Net Income Minimum Requirements	Calendar Quarter Adjusted Net Income Minimum Requirements
D	((+00,00+)) 150,001-300,000	300,000	No Limits	No Limits	((None)) 2.0% NONE
E	300,001-500,000	500,000	No Limits	No Limits	((None)) 2.0% NONE
F	500,001-1,000,000	1,000,000	83.0 - 80.0%	84.0%	4.0 - 5.0% 3.0%
G	1,000,001-1,500,000	1,500,000	80.0 - 78.0%	81.0%	5.0 - 7.0% 4.0%
H	1,500,001-2,000,000	2,000,000	78.0 - 76.0%	79.0%	7.0 - 9.0% 6.0%
I	2,000,001-2,500,000	2,500,000	76.0 - 74.0%	77.0%	9.0 - 11.0% 8.0%
J	2,500,001-3,000,000	3,000,000	74.0 - 72.0%	75.0%	11.0 - 13.0% 10.0%
K	3,000,001-3,500,000	3,500,000	72.0 - 70.0%	73.0%	13.0 - ((+4.0%)) 15.0% 12.0%
L	3,500,001-4,000,000	4,000,000	70.0 - 68.0%	71.0%	15.0 - 17.0% 14.0%

AMENDATORY SECTION (Amending Order 150, filed 5/13/85)

WAC 230-20-380 PERSONS OBTAINING A SPECIAL AMUSEMENT GAME LICENSE TO CONDUCT ACTIVITIES ONLY AT LIMITED LOCATIONS. (1) Persons other than bona fide charitable or bona fide nonprofit organizations shall conduct amusement games only after obtaining a "special amusement game license" from the commission.

(2) Amusement games may be conducted under such a license only as a part of, and upon the site of:

(a) Any agricultural fair as authorized under chapter 15.76 or 36.37 RCW; or

(b) A civic center of a county, city or town; or

(c) A world's fair or similar exposition which is approved by the Bureau of International Expositions at Paris, France; or

(d) A community-wide civic festival held not more than once annually and sponsored or approved by the city, town, or county in which it is held; or

(e) A commercial exposition organized and sponsored by an organization or association representing the retail sales and service operators conducting business in a shopping center or other commercial area developed and operating for retail sales and service, but only upon a parking lot or similar area located in said shopping center or commercial area for a period of no more than 17 consecutive days by any licensee during any calendar year(-); or

(f) An Amusement Park. An Amusement Park is an outdoor park, at a permanent location, to which people go to be entertained through a combination of various mechanical or aquatic rides, theatrical productions, motion picture and/or slide show presentation with food and drink service. The amusement park must include at least five different mechanical or aquatic rides, three additional activities and the gross receipts must be primarily from these amusement activities. The amusement park must have a business license from the jurisdiction in which it operates, authorizing it to operate amusement activities.

(3) No amusement games shall be conducted in any location except in conformance with local zoning, fire, health and similar regulations. In no event shall the licensee conduct any amusement games at any of the locations set out in (2) above without first having obtained the written permission to do so from the person or organization owning the premises or an authorized agent thereof, and from the persons sponsoring the fair, exhibition, commercial exhibition, or festival, or from the city or town operating the civic center, in connection with which the games are to be operated.

(4) In no event shall the licensee operate amusement games at any location not set forth on his application for licensure, or of which he has not given the commission at least ten day prior written notice, except that the director may shorten this time period if, in his sole discretion, good cause is shown.

(5) The holder of a Class A special amusement game license shall conduct the games only at the location, and during the event, for which the license is issued.

WSR 87-03-025

**PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed January 14, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Liquor Control Board intends to adopt, amend, or repeal rules concerning Records—Purchases—Reports, WAC 314-16-160;

that the agency will at 9:30 a.m., Tuesday, January 27, 1987, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 66.08.030.

The specific statute these rules are intended to implement is RCW 66.24.010(6).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before January 27, 1987.

This notice is connected to and continues the matter in Notice No. WSR 86-24-007 filed with the code reviser's office on November 21, 1986.

Dated: January 13, 1987

By: L. H. Pedersen
Chairman

WSR 87-03-026

**NOTICE OF PUBLIC MEETINGS
COMMISSION FOR VOCATIONAL EDUCATION**

[Memorandum—January 9, 1987]

A special meeting of the Washington State Commission for Vocational Education will be held on Friday, January 30, 1987, beginning at 10:00 a.m. The meeting will be held in the Central Classroom of Building B at the New Market Vocational Skills Center, 7299 Armstrong Lane, Tumwater, Washington.

The meeting site is barrier free. Interpreters for people with hearing impairments and brailled or taped information for people with visual impairments can be provided. Please contact Commission for Vocational Education, Building 17, Airdustrial Park, Mailstop LS-10, Olympia, WA 98504, by January 21, 1987, phone (206) 753-5662 or scan 234-5662.

Dated: January 5, 1987
By: W. L. Kautzky
for Chase Riveland
Secretary

WSR 87-03-027

ATTORNEY GENERAL OPINION

Cite as: AGO 1987 No. 2

[January 12, 1987]

STATE BOARD OF PHARMACY—AUTHORITY TO REGULATE—REGISTRATION AND LICENSING REQUIREMENTS OF DRUG MANUFACTURERS, REPRESENTATIVES OR AGENTS REGARDING LEGEND DRUGS AND CONTROLLED SUBSTANCES

(1) The Washington State Board of Pharmacy has the statutory authority to regulate the distribution of legend drugs and controlled substance samples by drug manufacturers or their representatives.

(2) The State Board of Pharmacy may require the registration or licensing of drug manufacturers alone with regard to the distribution of controlled substances. Similarly, drug manufacturers of legend drugs within the state and wholesalers alone are required to obtain a license from the State Board of Pharmacy.

Requested by:

Ms. Barbara A. Vanderkolk
Chair, State Board of Pharmacy
319 East Seventh Avenue, FF-21
Olympia, Washington 98504

WSR 87-03-028

PROPOSED RULES

DEPARTMENT OF CORRECTIONS

[Filed January 14, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Corrections intends to adopt, amend, or repeal rules concerning the reimbursement of one-time cost impacts associated with the locating of additional correctional facilities, amending WAC 137-12A-060.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 3, 1987.

The authority under which these rules are proposed is RCW 72.01.090.

The specific statute these rules are intended to implement is RCW 72.02.040 and chapter 6, Laws of 1985 1st ex. sess.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 24, 1987.

STATEMENT OF PURPOSE

Title and Purpose of Rule: To amend WAC 137-12A-060, reimbursement of one-time cost impacts.

Statutory Authority: RCW 72.01.090.

Statute Implemented: RCW 72.02.040 and chapter 6, Laws of 1985 1st ex. sess.

Summary of Rule and Reason for Proposed Change: To change the membership of the department's impact review committee. This committee reviews requests for one-time impact funds. The assistant attorney general assigned to the department will no longer serve as a member of this committee, but will act as counsel to it.

Person Responsible for Drafting the Rule: Robert W. Sampson, Administrator, Office of Contracts and Regulations, Department of Corrections, P.O. Box 9699, Mailstop FN-61, Olympia, WA 98504, (206) 753-5770; Implementing and Enforcing the Rule: Walter L. Kautzky, Deputy Secretary, Department of Corrections, P.O. Box 9699, Mailstop FN-61, Olympia, WA 98504, (206) 753-1502.

Person or Organization Proposing the Rule: Department of Corrections.

Agency Comments and Recommendations: None.

The amendment of this rule is not necessitated by federal law or federal or state court action.

The amendment of this rule will have no economic impact on small businesses.

AMENDATORY SECTION (Amending Order 84-03, filed 2/27/84)

WAC 137-12A-060 DEPARTMENT REVIEW COMMITTEE.

(1) All requests shall be reviewed by a department committee composed of the following individuals or their designees:

- (a) The deputy secretary;
- (b) Director, division of management and budget;
- (c) Director, division of prisons;
- (d) Contracts and regulations administrator; and the
- (e) Chief, office of capital programs ((~~administrator; and the~~
- (f) ~~Senior assistant attorney general assigned to the department~~)).

(2) The review committee shall approve or disapprove the requests. If a request is disapproved in total or in part, the committee shall send a letter to the requesting political subdivision with the reasons for disapproval.

(3) The committee decision shall be final unless appealed to the secretary within twenty days after a political subdivision receives notice of disapproval.

WSR 87-03-029

ADOPTED RULES

DEPARTMENT OF CORRECTIONS

[Order 86-07—Filed January 14, 1987]

I, Chase Riveland, secretary of the Department of Corrections, do promulgate and adopt at Olympia, Washington, the annexed rules relating to the reimbursement of certain criminal justice costs:

- Amd WAC 137-70-020 Definitions.
- Amd WAC 137-70-040 Reimbursable impact/rates criminal justice costs.
- Amd WAC 137-70-070 Department review committee.

This action is taken pursuant to Notice No. WSR 86-24-024 filed with the code reviser on November 24, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 72.72.040 which directs that the Department of Corrections has authority to implement the provisions of chapter 72.72 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1987.

By W. L. Kautzky
for Chase Riveland
Secretary

AMENDATORY SECTION (Amending Order 84-06, filed 5/14/84)

WAC 137-70-020 DEFINITIONS. As used in this chapter, the following words shall have the following meanings:

(1) "Secretary" shall mean the secretary of the department of corrections or the secretary's designee.

(2) "Deputy secretary" shall mean the deputy secretary of the department, or the deputy secretary's designee.

(3) "Contingency plan" shall mean a plan developed under RCW 72.02.150 by the secretary (~~or the secretary's designee~~) with representatives of political subdivisions for dealing with disturbances at a state penal facility.

~~((3))~~ (4) "Department" shall mean the department of corrections.

~~((4))~~ (5) "Inmate" shall mean an individual sentenced to the custody of the department under state law and an individual transferred to the custody of the department from another state or the federal government.

~~((5))~~ (6) "Institution" and "penal facility" shall mean any facility identified in RCW 72.01.050(2) and any community residential program under the department's jurisdiction operated pursuant to chapter 72.65 RCW.

~~((6))~~ (7) "Political subdivision" shall mean any city, town, or county.

~~((7))~~ (8) "Administrator" shall mean the administrator of the department's office of contracts and regulations, or the administrator's designee.

(9) All references to the singular shall include the plural unless noted otherwise.

AMENDATORY SECTION (Amending Order 85-13, filed 12/31/85)

WAC 137-70-040 REIMBURSABLE IMPACTS/RATES—CRIMINAL JUSTICE COSTS. Reimbursement shall be restricted to fully documented law enforcement, prosecutorial, judicial and jail facility costs, as defined herein, at the actual costs of the submitting jurisdiction, not to exceed the following rates:

(1) Law enforcement costs are costs incurred by any political subdivision in apprehending escapees, in investigating crimes committed by state institutional inmates including pretrial investigations within or outside the institution, or in providing security for inmates outside the jail facility. These costs are reimbursable at the following rates:

(a) \$19.03 per hour for the period July 1, 1985, through June 30, 1986.

(b) \$19.81 per hour for the period July 1, 1986, through June 30, 1987.

(2) If an escape or investigation results in the filing of a criminal complaint, the impacted political subdivision shall be entitled to attorney costs associated with the prosecution and/or defense of the filed action. These costs are reimbursable at the following maximum rates:

(a) \$45.50 per hour from July 1, 1985, through June 30, 1986.

(b) \$47.37 per hour from July 1, 1986, through June 30, 1987.

(3) Reimbursement for judicial costs incurred as a result of the filing of a criminal complaint shall be limited to judges, court reporters, transcript typing or preparation, witness fees and jury fees. These costs are reimbursable at the following maximum rates:

(a) Judges - \$42.41 per hour from July 1, 1985, through June 30, 1986, and \$44.15 per hour for the period July 1, 1986, through June 30, 1987. These costs shall include the services of court clerks and bailiffs.

(b) Court reporters - \$19.08 per hour from July 1, 1985, through June 30, 1986, and \$19.86 per hour for the period July 1, 1986, through June 30, 1987.

(c) Transcript typing services - \$3.80 per page from July 1, 1985, through June 30, 1986, and \$3.96 per page for the period July 1, 1986, through June 30, 1987.

(d) Expert witnesses - \$63.86 per hour from July 1, 1985, through June 30, 1986, and \$66.48 per hour for the period July 1, 1986, through June 30, 1987.

(e) Witness fees/nonexpert - jury fees - reimbursable at the rate established by the local governmental legislative authority up to a maximum of \$28.67 per day for the period July 1, 1985, through June 30, 1986, and \$29.85 for the period July 1, 1986, through June 30, 1987.

(4) Jail facility costs resulting from the escape or criminal complaint shall be reimbursed at the following maximum rate: \$15.00 per inmate day from July 1, 1985, through June 30, 1986 and \$15.00 for the period July 1, 1986, through June 30, 1987.

(5) Coroner - Where an inmate dies as a result of criminal activity of another inmate, coroner costs incurred by a local jurisdiction may be reimbursed up to a maximum amount established by the (~~committee~~) department as reasonable.

(6) Medical costs - Where an inmate is in the custody of a local jurisdiction as a result of a crime committed while incarcerated in a state institution, extraordinary medical costs, beyond the routine medical services of the jail, may be reimbursed at the discretion of the (~~committee~~) department. Counties, cities, and towns shall

notify the department prior to incurring expenses for extraordinary medical expenses, where practicable, to allow the department an opportunity to provide the necessary medical care directly.

AMENDATORY SECTION (Amending Order 85-04, filed 3/11/85)

WAC 137-70-070 DEPARTMENT REVIEW ((COMMITTEE)). (1) All requests for reimbursement shall be reviewed by ~~((a department committee composed of the following individuals or their designees:~~

- ~~(a) Deputy secretary;~~
- ~~(b) Director, division of management and budget;~~
- ~~(c) Director, division of community services;~~
- ~~(d) Director, division of prisons;~~
- ~~(e) Contracts and regulations administrator;~~
- ~~(f) Capital programs administrator; and the~~
- ~~(g) Senior assistant attorney general assigned to the department)) the administrator.~~

(2) The ~~((review committee))~~ administrator shall approve or disapprove the requests for payment. If a request is disapproved in total or in part, the ~~((committee))~~ administrator shall ~~((send a letter to))~~ notify the requesting political subdivision ~~((with))~~ in writing, setting forth the reasons for disapproval.

(3) The ~~((committee))~~ administrator's decision shall be final unless appealed to the ~~((secretary))~~ department's impact appeals panel within twenty days after a political subdivision receives notice of disapproval. The impact appeals panel shall be composed of the deputy secretary and the director of the department's division of management and budget, or the director's designee.

(4) An appeal from the administrator's decision disapproving a political subdivision's request for reimbursement must be in writing and must set forth the reasons why the political subdivision believes its request should be approved. The appeal shall be addressed to the Impact Appeals Panel, Department of Corrections, P.O. Box 9699, Olympia, WA 98504, attention: Office of Contracts and Regulations.

(5) The decision of the impact appeals panel shall be deemed to be the department's final administrative action with respect to the appeal.

WSR 87-03-030
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)

[Order 2464—Filed January 14, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to hospitals, amending chapter 248-18 WAC.

This action is taken pursuant to Notice No. WSR 86-24-008 filed with the code reviser on November 21, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 70.41.030 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 9, 1987.

By Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 248-18-312 PHYSICAL AND OCCUPATIONAL THERAPY SERVICES. (1) Definition "authorized health care practitioner" means physicians and other licensed individuals as defined in RCW 18.74.010(7).

(2) Each hospital shall clearly define physical therapy (PT) and occupational therapy (OT) services in a written statement describing the scope of diagnostic, therapeutic, and rehabilitative services provided for inpatients and outpatients.

(3) Policies and procedures. When a hospital offers PT or OT services, written policies and procedures shall be established and followed including instructions for:

- (a) Patient care protocols.
- (b) Operation and application of equipment.
- (c) Equipment maintenance and monitoring.
- (d) Infection control practices including:
 - (i) Cleaning,
 - (ii) Disinfecting,
 - (iii) Sterilizing, and
 - (iv) Changing of equipment.
- (e) Documentation.
- (f) Periodic review of policies and procedures with:
 - (i) Revision as needed,
 - (ii) Documentation of date and name of reviewers, and
 - (iii) Written approval of revisions by:
 - (A) The appropriate committee or group including medical staff representation, or
 - (B) A member of the medical staff.
 - (g) What to do when physician or prescribing practitioner orders are unclear or incomplete. (Complete orders include modality, frequency, date, time, and authentication.)

(4) Medical direction and personnel.

(a) Hospital OT and PT services shall be:

- (i) Under the direction of a member of the active medical staff, or
- (ii) Under the direction of a committee chaired by a member of the active medical staff.

(b) Hospitals shall provide:

- (i) Adequate numbers of qualified personnel in accordance with the scope and volume of OT and PT services.
- (ii) Inservice and orientation for PT and OT personnel with appropriate documentation.

(5) Patient treatment plan. Hospitals shall require a written OT and PT treatment plan for each patient receiving a PT or OT treatment service, to include:

- (a) Identification of short and long term goals,
- (b) Identification of patient's problems and limitations,
- (c) Description of planned procedures and modalities.
- (6) Authorization and documentation. When OT or PT treatment services are provided, the hospital shall require and ensure:

- (a) Medical authorization of treatments evidenced by:
 - (i) Written authentication by a member of the medical staff for all inpatient treatment services provided, or
 - (ii) Written authentication by the authorized health care practitioner issuing the order for outpatient treatments, according to hospital policy and procedures.
- (b) Entry of written, verbal, and telephone orders into the appropriate individual medical record.
- (c) Use of standing orders only when:
 - (i) Dated and signed by a member of the medical staff,
 - (ii) Reviewed annually and renewed by written approval (dated authentication) of each order, and
 - (iii) A copy of the order is inserted into the appropriate individual medical record.
- (d) Documentation in the medical record of PT and OT services provided for a patient to include:
 - (i) Date,
 - (ii) Time treatment was initiated,
 - (iii) Type of therapy service performed,
 - (iv) Periodic assessment of the response of the patient, and
 - (v) Authentication by the person performing the service.
- (7) Space and equipment. Hospitals shall provide:
 - (a) Adequate space designated for:
 - (i) Reception,
 - (ii) Recordkeeping, and
 - (iii) Treatments,
 - (iv) Storage of equipment and supplies.
 - (b) Patient dressing and toilet facilities,
 - (c) Patient privacy,
 - (d) Safe, functional, and appropriate equipment for any PT and OT service provided, and
 - (e) Calibration of equipment with documentations,
 - (f) System for equipment maintenance.

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

NEW SECTION

WAC 248-18-662 ELECTROCARDIOGRAPHY FACILITIES. Optional, SHALL MEET REQUIREMENTS, IF INCLUDED.

(1) LOCATED OUTSIDE LABORATORY TESTING AREAS IN DESIGNATED ROOM OR AREA FREE FROM EXCESSIVE NOISE AND PROVIDING PRIVACY FOR PATIENTS.

(2) MINIMUM DIMENSION OF EIGHT FEET AND MINIMUM AREA OF EIGHTY SQUARE FEET.

(3) WHEN STRESS TEST FACILITY, MINIMUM AREA ONE HUNDRED FIFTY SQUARE FEET AND VERTICAL HEIGHT NINE FEET.

(4) EQUIPMENT:

(a) LAVATORY OR SINK IN OR CONVENIENT TO ROOM.

(b) SPACE FOR ELECTROCARDIOGRAPHIC MACHINE.

(c) CLOTHES HOOK OR HOOKS.

(d) LINEN STORAGE AND DISPOSAL FACILITIES OR SPACE IN OR CONVENIENT TO ROOM.⁶

(e) MEDICAL EMERGENCY SIGNAL DEVICE.

(i) REGISTER BY DISTINCTIVE LIGHT AT CORRIDOR DOOR OR EQUIVALENT LOCATOR SYSTEM,

(ii) REGISTER BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE, AND

(iii) RESET ONLY AT POINT OF ORIGIN.

(f) RECORD FILING FACILITY OR SPACE IN OR CONVENIENT TO ROOM OR ROOMS.⁶

FOOTNOTE: ⁶May be movable equipment.

NEW SECTION

WAC 248-18-663

ELECTROENCEPHALOGRAPHY FACILITIES. Optional, SHALL MEET REQUIREMENTS, IF INCLUDED.

(1) LOCATED OUTSIDE OF LABORATORY TESTING AREAS IN DESIGNATED ROOM OR AREA FREE FROM EXCESSIVE NOISE AND PROVIDING PRIVACY FOR PATIENTS.

(2) NOISE ATTENUATION MATERIALS IN WALLS AND CEILINGS.

(3) MINIMUM DIMENSION OF EIGHT FEET AND MINIMUM AREA OF ONE HUNDRED SQUARE FEET.

(4) EQUIPMENT:

(a) LAVATORY OR SINK IN ROOM OR NEARBY.

(b) ADMINISTRATIVE OR CLERICAL AREA LOCATED IN SEPARATE ROOM FROM TESTING AREA.

(c) CLOTHES HOOK OR HOOKS.

(d) LINEN STORAGE AND DISPOSAL FACILITIES OR SPACE IN OR CONVENIENT TO ROOM.⁶

(e) MEDICAL EMERGENCY SIGNAL DEVICE TO:

(i) REGISTER BY DISTINCTIVE LIGHT AT CORRIDOR DOOR OR EQUIVALENT LOCATOR SYSTEM,

(ii) REGISTER BY DISTINCTIVE VISUAL AND AUDIBLE SIGNALS AT LOCATIONS FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE, AND

(iii) RESET ONLY AT POINT OF ORIGIN.

FOOTNOTE: ⁶May be movable equipment.

NEW SECTION

WAC 248-18-321 OTHER SERVICES. Hospitals offering and providing diagnostic or therapeutic services

other than those specified elsewhere in chapter 248-18 WAC shall:

- (1) Maintain adequate space and equipment for the scope of services offered.
- (2) Provide for patient privacy.
- (3) Require professional staff licensure when required by state statute.
- (4) Require evidence of specific medical staff orders for any diagnostic services or treatments for inpatients.
- (5) Establish policy and procedure addressing referral orders issued by persons other than medical staff for outpatient treatments and diagnostic services.
- (6) Maintain appropriate pharmacist participation as described in WAC 248-18-190 (1)(n) and 248-18-190 (2)(f).
- (7) Establish policies and procedures specific to operation of each service offered minimally to include:
 - (a) Providing orientation and inservice for staff,
 - (b) Ensuring patient safety and infection control,
 - (c) Providing maintenance and calibration of equipment, and
 - (d) Maintaining coordination with other hospital services.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 248-18-320 OTHER DEPARTMENTS.

WSR 87-03-031
EMERGENCY RULES
DEPARTMENT OF LICENSING
 [Order PM 635—Filed January 14, 1987]

I, Theresa Anna Aragon, director of the Washington State Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to fees, amending WAC 308-13-150.

I, Theresa Anna Aragon, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is section 3, chapter 18, Laws of 1985, and section 76, chapter 7, Laws of 1985, amended chapter 18.96 RCW by extending the licensing period from one to three years following initial licensure or renewal. The amended fee schedule is necessary to implement this legislation by specifying the fee for said extended periods.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to RCW 18.96.110 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 13, 1987.

By Theresa Anna Aragon
 Director

AMENDATORY SECTION (Amending Order PL 442, filed 8/10/83)

WAC 308-13-150 FEES. The following fees shall be charged by ~~((the professional licensing division of))~~ the department of licensing:

<u>Title of Fee</u>	<u>Fee</u>
Exam application (nonrefundable)	\$ 25.00
Full exam or retake	125.00
Retake—Part A only	25.00
Part B only	25.00
Part C only	30.00
Part D only	30.00
Part E only	30.00
Initial license (three year period)	((75)) 225.00
Renewal (three year period)	((75)) 225.00
Late renewal penalty	75.00
Duplicate license	5.00
Reciprocity fee	150.00
Certification	15.00
Replacement certificate	20.00

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

WSR 87-03-032
ADOPTED RULES
DEPARTMENT OF PERSONNEL
(Personnel Board)

[Order 269—Filed January 14, 1987—Eff. March 1, 1987]

Be it resolved by the State Personnel Board, acting at the Department of Personnel, 600 South Franklin, Olympia, WA 98507-1789, that it does adopt the annexed rules relating to Certification—Exhausted or incomplete registers—Underfill, amending WAC 356-26-090.

This action is taken pursuant to Notice No. WSR 86-24-033 filed with the code reviser on November 25, 1986. These rules shall take effect at a later date, such date being March 1, 1987.

This rule is promulgated pursuant to RCW 41.06.150 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 8, 1987.

By Leonard Nord
Secretary

AMENDATORY SECTION (Amending Order 36, filed 7/1/71, effective 8/1/71)

WAC 356-26-090 CERTIFICATION—~~((EXHAUSTED OR INCOMPLETE REGISTERS))~~ **UNDERFILL.** (1) The director of personnel may authorize the underfilling of a position if ~~((he determines))~~ a register ~~((to be exhausted or incomplete))~~ does not have enough names for a complete certification following active recruiting. Upon such authorization, a certification shall be made from the next lower class in the series or ~~((a related))~~ an allied class as determined by the director. ~~((For incomplete registers;))~~ Only the number of eligibles needed to complete the certification will be referred from the lower level class in the series or the allied class.

(2) Eligibles so certified shall be advised during the employment interview with the appointing authority of the underfill status of the appointment, which shall be confirmed in writing.

(3) An underfilled position shall not be certified against from a subsequently developed higher register unless: ~~((a))~~ The employee does not successfully complete the probationary or trial service period or the employee does not qualify for the higher level class within four months after being admitted to the examination.

(4) Should the employee not qualify for promotion, the rules regarding transfer, promotion, demotion, or reduction in force shall apply.

WSR 87-03-033

NOTICE OF PUBLIC MEETINGS LIQUOR CONTROL BOARD

[Memorandum—January 13, 1987]

Pursuant to RCW 42.30.075, notice is hereby given that the Liquor Control Board will hold regular meetings on Monday through Friday of each week, except on holidays, beginning at 9:30 a.m. or as soon thereafter as a quorum is assembled, at its offices on the Fifth Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, Washington.

WSR 87-03-034

REVIEW OF RULES LIQUOR CONTROL BOARD

[Filed January 15, 1987]

Pursuant to RCW 19.85.050(3), the Liquor Control Board is submitting the following list of rules which are scheduled for review in the next twelve months. This review will be held on September 15, 1987, beginning at 9:30 a.m. in the board's offices on the Fifth Floor, Capitol Plaza Building, 1025 East Union Avenue, Olympia, Washington 98504. Public comment on any of these

rules is invited in writing to be received prior to September 15, 1987. Any member of the public wishing to present oral arguments on any of these rules may do so on September 15 at the above time and place.

This agency does administer rules which have an economic impact on more than 20 percent of all industries or on 10 percent of the businesses in any one industry.

The following rules are scheduled for review in the next twelve months.

WAC/CHAPTER	TITLE/SUBJECT	LEGAL BASIS FOR RULE
314-27	INTERSTATE COMMERCIAL COMMON PASSENGER CARRIERS	RCW 66.24.395
314-27-010	Liquor purchases by Class CCI licensees—Reports—Payment of markup and taxes—Sales by in-state beer and wine suppliers.	

WSR 87-03-035

EMERGENCY RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Order 87-01—Filed January 15, 1987]

I, Chuck Clarke, deputy director of the Department of Community Development, do promulgate and adopt at the Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington, the annexed rules relating to the winter utility moratorium program, chapter 365-100 WAC:

Amd	WAC 365-100-010	General purpose.
Amd	WAC 365-100-020	Definitions.
Amd	WAC 365-100-030	Applicant responsibilities.
Amd	WAC 365-100-040	Agency responsibilities.

I, Chuck Clarke, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is clarifying amendments are needed to conform with changes made in the Laws of 1986. Program implementation has begun statewide. Changes are immediately needed to ensure that appropriate services and assistance are provided to low-income households.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of the Department of Community Development as authorized in chapters 43.63A and 34.04 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 15, 1987.

By Chuck Clarke
Deputy Director

Chapter 365-100 WAC
WINTER UTILITY MORATORIUM PROGRAM

WAC

365-100-010	General purpose.
365-100-020	Definitions.
365-100-030	Applicant responsibilities.
365-100-040	((Agency)) Contractor responsibilities.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-010 GENERAL PURPOSE. The following regulations are adopted pursuant to chapter ~~((25+))~~ 245, Laws of ~~((1984))~~ 1986 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply ~~((electrical))~~ electricity or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment~~((:))~~ provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and its contractors will implement this program pursuant to chapter ~~((25+))~~ 245, Laws of ~~((1984 and its grantees))~~ 1986.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-020 DEFINITIONS. The following definitions shall apply to terms in chapter ~~((25+))~~ 245, Laws of ~~((1984))~~ 1986, and/or this chapter:

"Applicant" refers to a client of a community action agency or other public or private nonprofit organization, or a current customer of a utility company, or an applicant for service of a utility company, who applies for the moratorium program or other energy assistance.

~~(("Agency"))~~ "Contractor" means community action agency or other public or private nonprofit organizations providing energy assistance ~~((program or))~~ and weatherization ~~((program grantee of))~~ services under contract with the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant~~((/customer))~~ signs that acknowledges ~~((their))~~ household gross income, ~~((their self-declared))~~ self-certified income, and ~~((the applicants))~~ seven percent ~~((payment))~~ of household's income. The statement acknowledges whether the income is verified or unverified, whether the applicant~~((/customer))~~ has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant~~((/customer))~~. The statement also acknowledges that the applicant~~((/customer))~~ agrees to enter into a payment plan ~~((and agrees))~~, to pay the past due bill by October 15 even if they move, to pay for continued utility service, and ~~((agrees))~~ to apply any assistance received to the bill.

~~(("DSHS"))~~ means the department of social and health services.)

"Date of application" means the day the applicant~~((/customer))~~ notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the ~~((customer))~~ applicant.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program, a federally-funded block grant.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

~~(("Seven percent payment" means a payment of 7 percent of monthly income (as defined in the LIHEAP procedures) of the household from November 15 through March 15.))~~ "Utility" means regulated electric and gas companies, public utility districts, and municipal electric suppliers.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-030 APPLICANT RESPONSIBILITIES. (1) The applicant~~((/customer))~~ shall notify the utility ~~((company))~~ of the inability to pay the bill, or the security deposit, within five business days. Notification may be made in person, in writing, or by telephone.

(2) The applicant~~((/customer))~~ shall contact the ~~((agency))~~ contractor within five business days from the date of notification to the utility to ~~((begin completing the))~~ complete a client income statement. The applicant shall self-certify twelve months of household income.

(3) The applicant~~((/customer))~~ shall provide the utility ~~((company))~~ with the completed client income statement of unverified income~~((:))~~ within twenty days from the date of application.

(4) The applicant~~((/customer))~~ may be subject to disconnection if the client income statement of verified income is not returned to the utility ~~((company))~~ within forty-five days and no interim payment agreement has been made, or the household has been determined ~~((not income eligible))~~ to be ineligible by the contractor.

(5) At the time the client income statement is submitted to the utility, the applicant~~((/customer))~~ shall enter an agreement to pay no less than seven percent of ~~((their))~~ the applicant's household monthly income, plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15, during the period of the utility moratorium.

(6) Prior to March 15, the applicant~~((/customer))~~ and the utility ~~((company))~~ shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility ~~((company))~~. The utility is required to offer applicants~~((/customer shall be provided))~~ a choice between either a budget billing plan or equal payment plan.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-040 ((AGENCY)) CONTRACTOR RESPONSIBILITIES. ((With the agreement of the local utility;)) (1) The ((agency)) contractor may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program. The contractor may accept the applicant's self-certification of income in determining eligibility, or verify and document income in accordance with LIHEAP procedures.

(2) The ((agency)) contractor shall provide the client income statement and assist the applicant((/customer)) in completing the statement when applying for the moratorium program. If the applicant((/customer)) contacts the ((agency)) contractor to apply for the moratorium program before notifying the utility ((company)) of their inability to pay the bill, the ((agency)) contractor shall instruct the applicant((/customer)) to immediately contact the utility.

(3) The ((agency)) contractor shall ((also)) interview the applicant((/customer)) for energy and weatherization assistance.

(4) The ((agency)) contractor shall provide the client income statement of unverified income to the applicant((/customer)) within twenty days from the date of application.

(5) The ((agency)) contractor shall verify the applicant's((/customer's)) income and program eligibility within forty-five days from the date of application.

(6) The contractor shall inform the applicant that default on an agreed payment plan with the utility will remove moratorium protection until the past due bill is paid.

WSR 87-03-036

ADOPTED RULES

DEPARTMENT OF REVENUE

[Order PT 87-1—Filed January 16, 1987]

I, William R. Wilkerson, director of [the Department of] Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

Amd	WAC 458-61-030	Definitions.
Amd	WAC 458-61-050	Payment of tax—County treasurer as agent for the state.
Amd	WAC 458-61-080	Affidavit requirements.
Amd	WAC 458-61-150	Supplemental statements.
Amd	WAC 458-61-210	Assignments—Purchasers.
Amd	WAC 458-61-490	Joint tenancy.
Amd	WAC 458-61-570	Partnership—Nonfamily.
New	WAC 458-61-335	Development rights and air rights.

This action is taken pursuant to Notice No. WSR 86-23-023 filed with the code reviser on November 12, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 82.45.120 and 82.45.150 which directs that the Department of Revenue has authority to implement the provisions of chapter 82.45 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 16, 1987.

By Trevor W. Thompson
Assistant Director

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-030 DEFINITIONS. For the purposes of chapter 458-61 WAC, unless otherwise required by the context:

(1) "Affidavit" shall mean the real estate excise tax affidavit which the department shall prescribe and furnish to the county treasurers. Such affidavit shall require the following information:

(a) Identification of the seller and purchaser, including their current mailing addresses;

(b) Legal description of the property transferring, including the tax parcel or account numbers;

(c) Date of sale;

(d) Type of instrument of sale;

(e) Nature of transfer;

(f) Gross sales price;

(g) Value of personal property involved in the transfer;

(h) Taxable sales price;

(i) Whether or not the land is classified or designated as forest land under chapter 84.33 RCW;

(j) Whether or not the land is classified as open space land, farm and agricultural land, or timber land under chapter 84.33 RCW;

(k) Whether or not the property is exempt from property tax under chapter 84.36 RCW, at the time of sale;

(l) Whether or not the property is:

(i) Land only;

(ii) Land with new building; or

(iii) Land with a previously used building;

(m) A notice of continuance, signed by all new owners, for classified forest land (RCW 84.33.120), designated forest land (RCW 84.33.180) (RCW 84.33.130) or classified open space land, farm and agricultural land or timber land (RCW 84.34.108) shall be signed for those affidavits conveying land subject to the provisions of chapters 84.33 and 84.34 RCW, if the new owner desires to continue said classification or designation. The county assessor shall determine from information provided by the grantor or grantee if the land qualifies for continued classification or designation and shall so note this determination on the affidavit prior to the acceptance of the affidavit by the county treasurer;

(n) The affidavit shall list the following questions, the responses to which are not required:

(i) Is this property at the time of sale subject to an elderly, disability, or physical improvement exemption?

(ii) Does any building have a heat pump or solar heating or cooling system?

(iii) Does this transaction divide a current parcel of land?

(iv) Does this transaction include current crops or merchantable timber?

(v) Does this transaction involve a trade, or partial interest, corporate affiliates, related parties, a trust, a receivership, or an estate?

(vi) Is the grantee acting as a nominee for a third party?

(vii) Is the principal use of the land agricultural, apartments (four or more units), commercial, condominium, industrial, mobile home site, recreational, residential, or growing timber?

(o) The affidavit form shall contain a statement of the potential compensating and additional tax liability under chapter 84.34 RCW, a statement of the collection of taxes under RCW 84.36.262 and 84.36.810, and a statement of the applicable penalties for perjury under chapter 9A.72 RCW.

Each county shall use the affidavit form prescribed and furnished by the department of revenue.

The affidavit shall be signed by either the seller or the buyer, or the agent of either, under oath attesting to all required information.

(2) "Consideration" shall mean money or anything of value, either tangible or intangible, paid or delivered or contracted to be paid or delivered or services performed or contracted to be performed in return for real property or estate or interest in real property. The term shall further include the market value of real property transferred to a corporation by its shareholders, officers, or corporate affiliates so as to increase the assets of the grantee corporation.

(3) "Court decree" and "court order" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the judgment of a court of competent jurisdiction.

(4) "Date of taxability" shall mean the date of transfer as defined in subsection (15) of this section.

(5) "Department" shall mean the Washington state department of revenue.

(6) "Mining property" shall mean property containing or believed to contain metallic minerals and sold or leased under terms which require the purchaser or lessee to conduct exploration or mining work thereon and for no other use. (RCW 82.45.035)

(7) "Mobile home" shall mean a mobile home as defined by RCW 46.04.302, as now or hereafter amended. (RCW 82.45.032)

(8) "Mortgage" shall have its ordinary meaning and shall include "deed of trust" for the purposes of these rules, unless the context clearly indicates otherwise.

(9) "Nominal sales prices" shall mean sales prices stated on the real estate excise tax affidavit that are so low in comparison to the actual value of the real estate as to cause disbelief by a reasonable person.

(10) "Nonsale" as defined by RCW 82.45.010 includes those real property transfers which, by their nature, are exempt from the real estate excise tax (see WAC 458-61-080: Affidavit requirements):

(a) Gift, device or inheritance (see WAC 458-61-410 and 458-61-460);

(b) Leasehold interest, other than option to purchase real property, including timber (see WAC 458-61-500);

(c) Cancellation or forfeiture of a vendee's interest in a real estate contract, whether or not such contract contains a forfeiture clause (Note: Tax exemption applies only to transfer back to original vendor or contract holder and is not the basis for refund of tax paid on original transfer — See WAC 458-61-210(1); see also WAC 458-61-330);

(d) Deed in lieu of foreclosure of a mortgage (where no consideration passes otherwise. See WAC 458-61-210(1));

(e) Assumption of mortgage, deed of trust, or real estate contract where no consideration passes otherwise (see WAC 458-61-210(1));

(f) Deed in lieu of forfeiture of a real estate contract, where no consideration passes otherwise (see WAC 458-61-210(1));

(g) Partition of property by tenants in common, whether by agreement or court decree (see WAC 458-61-650);

(h) Divorce decree or property settlement incident thereto (see WAC 458-61-340);

(i) Seller's assignment (see WAC 458-61-220);

(j) Condemnation by governmental body (see WAC 458-61-280);

(k) Security documents (mortgage, real estate contract, or other security interests apart from actual title) (see WAC 458-61-630);

(l) Court ordered sale or execution of judgment (see WAC 458-61-330);

(m) Transfer prior to imposition of this tax under chapter 82.45 RCW or previous chapter 28A.45 RCW;

(n) The transfer of any grave or lot in an established cemetery (see WAC 458-61-250); and

(o) A transfer to or from the United States, the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (See WAC 458-61-420)

(11) "Real estate" shall mean real property, including improvements the title to which is held separately from the title to the land to which the improvements are affixed, the term also includes used mobile homes and used floating homes. (RCW 82.45.032)

(12) "Sale" shall have its ordinary meaning and shall include any conveyance, grant, assignment, quitclaim, exchange, or transfer of the ownership of or title to real property, including standing timber, or any estate or interest therein for a valuable consideration, and any contract for such conveyance, grant, assignment, quitclaim, exchange, or transfer, and any lease with an option to purchase real property, including standing timber, or any estate or interest therein or other contract under which possession of the property is given to the purchaser, or any other person by his/her direction, which title is retained by the vendor as security for the payment of the purchase price. (RCW 82.45.010)

(13) "Seller" shall mean any individual, receiver, assignee, trustee for a deed of trust, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, quasi municipal corporation, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit

or otherwise; but it shall not include the United States or the state of Washington or any political subdivision thereof, or a municipal corporation of this state. (RCW 82.45.020)

(14) "Selling price" shall mean consideration, including money or anything of value, paid or delivered or contracted to be paid or delivered in return for the transfer of the real property or estate or interest in real property, and shall include the amount of any lien, mortgage, contract indebtedness, or other incumbrance, either given to secure the purchase price, or any part thereof, or remaining unpaid on such property at the time of sale: PROVIDED, That when the sale is that of a fractional interest in real property, the principal balance of any such debt remaining unpaid at the time of sale shall be multiplied by that same fraction and the result added as a component of the total sales price. The term shall not include the amount of any outstanding lien or encumbrance in favor of the United States, the state of Washington or a municipal corporation for the taxes, special benefits, or improvements. The value maintained on the county assessment rolls at the time of the transaction will be used for the sales price if such cannot otherwise be ascertained. In the event that the property is under current use assessment, the market value assessment maintained by the county assessor shall be used for the sales price. (RCW 82.45.030)

(15) "Date of transfer," "date of sale," "conveyance date" and "transaction date" shall have the same meaning and may be used interchangeably for the purposes of these rules. This shall be the date shown on the instrument of conveyance or sale.

(16) "Used mobile home" shall mean a mobile home which has been previously sold at retail and a previous sale has already been subject to the retail sales tax under chapter 82.08 RCW, or which has been previously used and a previous use has already been subject to the use tax under chapter 82.12 RCW, and which has substantially lost its identity as a mobile unit by virtue of its being fixed in location upon land owned or leased by the owner of the mobile home and placed on a foundation (posts or blocks) with fixed pipe connections with sewer, water, and other utilities. (RCW 82.45.032)

(17) "Wilful fraud" shall mean knowingly making false statements or taking actions so as to intentionally underpay or not pay the proper real estate excise tax due on the transfer of real estate.

(18) "Used floating home" shall mean a building on a float used in whole or in part for human habitation as a single-family dwelling, which is not designed for self propulsion by mechanical means or for propulsion by means of wind, and which is on the property tax rolls of the county in which it is located and in respect to which tax has been paid under chapter 82.08 or 82.12 RCW.

(19) "Rescinded transfer" shall mean a real property transfer wherein both grantor and grantee have been restored to their original positions. In such case, title to the real property has been reconveyed to the grantor and all valuable consideration paid toward the sales price principal has been returned to the grantee.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-050 PAYMENT OF TAX—COUNTY TREASURER AS AGENT FOR THE STATE. (1) The tax imposed by RCW 82.45.060 and herein shall be paid to and collected by the treasurer of the county within which is located the real property which was sold.

(2) The county treasurer shall act as agent for the department in carrying out the provisions of chapter 82.45 RCW and these rules.

(3) The county treasurer shall cause a stamp evidencing satisfaction of the tax lien to be affixed to the instrument of sale or conveyance prior to its recording or to the real estate excise tax affidavit in the case of used mobile home sales. Such stamp shall bear reference to the affidavit number, date and amount of the payment and shall be initialed by the person affixing said stamp. The county treasurer shall not affix such stamp to the instrument of sale or conveyance unless one of the following criteria is met:

(a) Continuance of use has been approved by the county assessor under chapter 84.33 or 84.34 RCW;

(b) Compensating or additional taxes have been collected as required by RCW 84.33.120 (5)(b) and (e), 84.33.140 (1)(c), 84.34.108 (1)(c), 84.36.812, or 84.26.080; or

(c) Property is not so classified, designated, exempted or specially valued.

Delay in either securing the approval of continuance of use or payment of the compensating tax does not forestall the real estate excise tax delinquent penalty imposed by WAC 458-61-090. However, the taxpayer may pay the real estate excise tax and thus preclude any furtherance of the real estate excise tax delinquent penalty. (See WAC 458-61-030 (1)(m).)

(4) A receipt issued by the county treasurer for the payment of the tax shall be evidence of the satisfaction of the lien imposed under RCW 82.45.070 and these rules and may be recorded in the manner prescribed for recording satisfaction of mortgages.

(5) No lease, assignment of lease nor memorandum of either lease or assignment of lease, nor instrument of sale or conveyance evidencing a sale subject to the tax shall be accepted by the county auditor for filing or recording until the tax shall have been paid and the stamp affixed thereto. In the case the tax is not due on the transfer, the instrument shall not be so accepted until suitable notation of such fact has been made on the instrument by the county treasurer. In addition, no instrument of conveyance shall be filed or recorded by the county auditor or recorder if such property is classified or designated as forest land under chapter 84.33 RCW ((or)), classified as open space land, farm and agricultural land, or timber land under chapter 84.34 RCW or receiving a special valuation as historic property under chapter 84.26 RCW unless the compensating or additional tax has been paid, or the new owner shall have signed a notice of continuance which shall either be on the excise tax affidavit or attached thereto.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-080 AFFIDAVIT REQUIREMENTS. (1) Except for the transfers listed under subsection (2) of this section, the real estate excise tax affidavit shall be required for all transfers of real property including, but not limited to, the following:

(a) Conveyance from one spouse to the other as a result of a decree of divorce or dissolution of a marriage or in fulfillment of a property settlement agreement incident thereto;

(b) Conveyance made pursuant to an order of sale by the court in any mortgage or lien foreclosure proceeding;

(c) Conveyance made pursuant to the provisions of a deed of trust;

(d) Conveyance of an easement in which consideration passes;

(e) A deed in lieu of foreclosure of mortgage;

(f) A deed in lieu of forfeiture of a real estate contract;

(g) Conveyance to the heirs in the settlement of an estate;

(h) Conveyance to or from the United States, the state of Washington, or any political subdivision or municipal corporation of this state;

(i) A declaration of forfeiture of a real estate contract;

(j) Conveyance of development rights or air rights.

(2) The real estate excise tax affidavit shall not be required for the following:

(a) Conveyance of cemetery lots or graves;

(b) Conveyance for security purposes only and the instrument states on the face of it:

(i) For security only;

(ii) To secure a debt;

(iii) Assignment of a debt;

(iv) For collateral purposes only;

(v) Release of collateral;

(vi) To release security;

(c) A lease of real property that does not contain an option to purchase, or does not transfer lessee-owned improvements;

(d) A mortgage or deed of trust or satisfaction thereof;

(e) Conveyance of an easement in which no consideration passes or an easement to the United States, the state of Washington, or any political subdivision or municipal corporation of this state;

(f) A recording of a contract that changes only the contract terms and not the legal description, purchaser, or sales price, if the affidavit number of the previous transaction is reported;

(g) A seller's assignment of deed and contract;

(h) A fulfillment deed.

(3) County treasurers shall not accept incomplete affidavits. It is the taxpayers' responsibility to furnish complete documentation for claimed tax exemptions. It is the county treasurers' responsibility and authority to require that such documentation, as required by this

chapter, shall be furnished by the taxpayers or their agents.

(a) Among other requirements set forth in WAC 458-61-030(1), all affidavits which state claims for tax exemption must show:

(i) Current assessed values of parcels involved as of transaction date; and

(ii) Complete reasons for exemptions, including reference to the specific tax exemption in this chapter, (in all cases where the exemption is based upon a prior payment of the tax, the prior payment date, amount and affidavit number must be provided on the current affidavit. A quitclaim deed is a conveyance instrument. It is not, in itself, a reason for tax exemption. A valid reason for the exemption must be shown on the affidavit. Likewise statements such as "to clear title only" and "no consideration" are not complete reasons for tax exemption.

(b) When the transfer of property is to two or more grantees, the affidavit must clearly state the relationship between them such as joint tenants, tenants in common, partners, etc., and the form and proportion of interest that they are each acquiring.

(c) In the case of a used mobile home that is sold with the land upon which it is located, the county treasurer may require the completion of either two affidavits, both real and mobile home, or a single real property affidavit. At the county treasurer's option, a separate mobile home affidavit may not be required if the real property affidavit lists the make, model, year, size and serial number of the unit. Such information should be contained as a separate item within the legal description portion of the affidavit.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-150 SUPPLEMENTAL STATEMENTS. The department shall provide the county treasurer offices with a uniform multi-use supplemental statement as required by the following sections of this chapter:

(1) WAC 458-61-210, Assignments—Purchasers

(2) WAC 458-61-230, Bankruptcy

(3) WAC 458-61-320, Corporation—Nonfamily

(4) WAC 458-61-410, Gifts

(5) WAC 458-61-550, Nominee

The supplemental statements shall be completed as required by the instructions (~~(on this form)~~) therein and by each of the sections listed in subsections (1) through (5) of this section. The county treasurer shall distribute the supplemental statement as follows: Original attached to original of affidavit; first copy attached to the department's copy of the affidavit; (~~and;~~) second copy attached to the (~~taxpayer's~~) assessor's copy of the affidavit; and third copy attached to the taxpayer's copy of the affidavit. Except for the notary requirements of WAC 458-61-320(4) and 458-61-550, such statements shall be unsworn written statements (~~(as required by)~~) which meet the requirements set forth in RCW 9A.72.085.

AMENDATORY SECTION (Amending Order PT 86-3, filed 8/6/86)

WAC 458-61-210 ASSIGNMENTS—PURCHASERS. (1) The real estate excise tax does not apply to the following types of purchaser's assignments, provided that no consideration passes to the grantor (~~and further provided that there is no affiliation between the grantor and grantee~~):

(a) Cancellation or forfeiture of the vendee's interest in a contract of sale, deed in lieu of foreclosure of mortgage or deed in lieu of forfeiture of a real estate contract all of which are being conveyed to the lien holder as the result of default of the obligation;

(b) Assumption by a grantee of the balance owing on an existing obligation which is secured by a mortgage, deed of trust or real estate contract where the grantee has become personally and principally liable for (~~the mortgage or contractual~~) payment of that obligation (~~whether or not a novation has occurred~~).

The real estate excise tax affidavit is required for each of the above. If the transfer is an assumption under (b) of this subsection, the grantor must furnish the supplemental statement, as provided by WAC 458-61-150, signed by both the grantor and grantee that no additional consideration of any kind is being paid by the grantee to the grantor (~~or to any party other than current lienholders~~). (See WAC 458-61-150)

The tax exemption provided in (b) of this subsection does not apply to the following transfers:

(i) Between a corporation and its stockholders, officers, or affiliated corporations (except that tax exemption contained in WAC 458-61-320(3));

(ii) Between a partnership and its members or another partnership or corporation owned by the same members;

(iii) Between joint venturers;

(iv) Between joint tenants;

(v) Between tenants in common; or

(vi) During the conversion of a joint or common tenancy, a joint venture, partnership, or corporation from one form of ownership to another form of ownership.

(2) The real estate excise tax applies to transfers where the purchaser of real property assigns his/her interest in such property and receives valuable consideration for that interest. The measure of the real estate excise tax is the sum of the consideration paid or contracted to be paid to the grantor of such assignment plus the unpaid principal balance due on the assigned mortgage or real estate contract. (Note: The consideration passing to the assignor of such interest in real property nullifies the exemptions granted in subsection (1) of this section, because each of these exemptions is granted upon the condition that no consideration passes to the transferrer of the interest of real property.)

NEW SECTION

WAC 458-61-335 DEVELOPMENT RIGHTS AND AIR RIGHTS. The real estate excise tax applies to the sale of both development rights and air rights. The real estate excise tax affidavit must be completed for the transfer of development rights and air rights whether or not a taxable sale has occurred.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-490 JOINT TENANCY. The real estate excise tax does not apply to the transfer of real property for the creation or dissolution of a joint tenancy where no consideration passes. The tax applies to the sale of interest in real property for the creation or dissolution of a joint tenancy. The taxable amount of (~~such~~) the sale is the ((proportionate share of the market value of the property being sold)) total of the following:

(1) Any consideration given;

(2) Any consideration promised to be given; plus

(3) The amount of any debt remaining unpaid on the property at the time of sale multiplied by that fraction of interest in the real property being sold.

AMENDATORY SECTION (Amending Order PT 82-5, filed 7/21/82)

WAC 458-61-570 PARTNERSHIP—NON-FAMILY. (1) (~~Formation. The real estate excise tax applies to the transfer of real property into partnership. The gross taxable value of the transfer is the fair market value of the transferred property.~~

~~(2) Dissolution. The real estate excise tax applies to the transfer of real property upon the dissolution of a partnership. The gross taxable value is the fair market value of the transferred real property.~~

~~(3) On-going:~~

~~(a) The real estate excise tax does not apply to the assignment of partnership interest where the title to real property is not transferred.~~

~~(b) The real estate excise tax applies to the transfer of partnership real property in exchange for valuable consideration.) The real estate excise tax does not apply to the sale of general partnership or limited partnership shares where title to real property is not conveyed.~~

(2) The real estate excise tax applies to the transfer of real property from an individual, partnership, corporation, association, or any other legal entity:

(a) To a general partnership or limited partnership upon the formation of that partnership; or

(b) To an on-going general partnership or limited partnership in return for partnership shares.

(3) The real estate excise tax applies to the transfer of real property from a general partnership or from a limited partnership to any grantee regardless of whether such grantee is an individual, partnership, corporation, association, or other legal entity upon the dissolution of a partnership or withdrawal of partnership member(s).

(4) The real estate excise tax applies to the transfer of real property during the conversion of either a general partnership or limited partnership into a general partnership, into a limited partnership, into a corporation, or into a joint or common tenancy, to the extent that such a conversion involves the transfer of title to real property.

(5) A joint venture is considered the same as a general partnership for purposes of the real estate excise tax.

WSR 87-03-037
ATTORNEY GENERAL OPINION
Cite as: AGO 1987 No. 3
 [January 15, 1987]

DISTRICTS—WATER—AUTHORITY TO FLUORIDATE WATER

Water districts do not have authority to fluoridate water by state statute. Assuming water district commissioners obtain authority to fluoridate by county, city or town ordinance, fluoridation for the water districts' users would be proper even if it incidentally resulted in delivery of fluoridated water outside the district.

Requested by:

Honorable Joanne Brekke
 State Representative, 32nd District
 333 House Office Building
 Olympia, Washington 98504

WSR 87-03-038
EMERGENCY RULES
THE EVERGREEN STATE COLLEGE
 [Order 87-1, Motion No. 87-02—Filed January 16, 1987]

Be it resolved by the board of trustees of The Evergreen State College, acting at Olympia, Washington 98505, that it does adopt the annexed rules relating to president's advisory board and hearing board responsibilities, WAC 174-107-261.

We, the board of trustees of The Evergreen State College, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is a repealed section of the governance document provided for constitution of a hearing board to consider conflicts unresolved by informal mediation. This allows formal constitution of a hearing board.

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated under the general rule-making authority of The Evergreen State College as authorized in RCW 28B.40.120(11).

The undersigned hereby declares that the institution has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Higher Education Administrative Procedure Act (chapter 28B.19 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 14, 1987.

By Joseph D. Olander
 President

Chapter 174-107 WAC
GOVERNANCE AND DECISION-MAKING AT THE EVERGREEN STATE COLLEGE

WAC
174-107-261 *President's Advisory Board*

NEW SECTION

WAC 174-107-261 PRESIDENT'S ADVISORY BOARD (1) *The President's Advisory Board has been constituted by the President and replaces the Evergreen Council. The Board provides general recommendations to the President. The Board also functions to determine the appropriateness of petitions and to facilitate hearings under the governance document.*

(2) *The membership of the President's Advisory Board shall consist of three faculty, three staff (one of which is to be in an exempt position), three students, and three at-large members (a student, a staff person, and a faculty member). The chairperson, who shall not be the President, will be chosen by the members of the Advisory Board once the at-large members have been selected.*

(3) *The President's Advisory Board shall determine whether an issue is appropriate for a hearing under the grievance procedure (WAC 174-107).*

(4) *Once the President's Advisory Board determines the appropriateness of a hearing, the chairman shall transmit the acceptance of the determination of appropriateness to the President, who shall constitute the hearing board, which will consist of four members: one faculty, one exempt staff, one classified staff, and one student.*

WSR 87-03-039
ADOPTED RULES
ADVISORY COUNCIL
ON HISTORIC PRESERVATION
 [Order 86-11—Filed January 16, 1987]

Be it resolved by the Washington State Advisory Council on Historic Preservation, acting at 111 West 21st Avenue, Olympia, WA, that it does adopt the annexed rules relating to special tax valuation for rehabilitation of historic properties.

This action is taken pursuant to Notice No. WSR 86-22-057 filed with the code reviser on November 5, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 84.26.120 which directs that the Washington State Advisory Council on Historic Preservation has authority to implement the provisions of chapter 84.26 RCW and chapter 221, Laws of 1986.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 16, 1987.

By David M. Hansen
Deputy State Historic
Preservation Officer
for James R. Warren
Chairman

AMENDATORY SECTION (Amending Order 86-11, filed 10/20/86)

WAC 254-20-090 RESPONSIBILITIES OF THE OWNER—APPLICATION REQUIREMENTS. (1) The owner of an historic property desiring special valuation shall apply to the assessor of the county in which the historic property is located upon forms prescribed by the department of revenue and supplied by the county assessor.

(2) In order to be eligible for special valuation, applications must be made not later than October 1 of the calendar year preceding the assessment year for which special valuation is sought.

(3) The owner shall be required to pay only such fees as are necessary to process and record documents pursuant to chapter 84.26 RCW.

(4) Applications shall include a legal description of the historic property. The owner (~~should~~) shall also provide comprehensive exterior and interior photographs of the historic property before and after rehabilitation, architectural plans or other legible drawings depicting the completed rehabilitation work, and a notarized affidavit attesting to the actual cost of the rehabilitation work completed prior to the date of application and the period of time during which the work was performed.

(5) For properties located within historic districts, the application shall also include, in addition to the information specified in subsection (4) of this section, a statement from the secretary of the interior or the appropriate local official, as specified in local administrative rules, or by the local government, indicating that the property is a certified historic structure.

(6) Property owners applying for special valuation under these rules shall make available to the local review board documentation as to the actual cost of the rehabilitation project and the period of time during which the rehabilitation took place.

WSR 87-03-040

ADOPTED RULES

BOARD OF ACCOUNTANCY

[Order ACB-128—Filed January 16, 1987]

Be it resolved by the Washington State Board of Accountancy, acting at Tacoma, Washington, in special meeting held December 19, 1986, that it does adopt the

annexed rules relating to quality assurance review program, WAC 4-25-280.

This action is taken pursuant to Notice No. WSR 86-20-087 filed with the code reviser on October 1, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 18.04.055(7) which directs that the Washington State Board of Accountancy has authority to implement the provisions of chapter 18.04 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED December 19, 1986.

By Carey L. Rader
Chief Executive Officer

NEW SECTION

WAC 4-25-280 QUALITY ASSURANCE REVIEW PROGRAM. (1) Purpose. The Washington state board of accountancy is charged with protection of the public interest as it relates to the licensure of certified public accountants. The purpose of the quality assurance review program (hereinafter referred to as program) is to monitor licensees' compliance with professional standards.

(2) Structure and implementation.

(a) The board will annually appoint a quality review committee (hereinafter referred to as committee) of five members to perform the following functions:

(i) Review of financial statements and the reports of licensees thereon to assess their compliance with applicable professional standards;

(ii) Improvement of reporting practices of licensees through education and rehabilitative measures;

(iii) Referral of cases requiring further investigation to the board or its designees; and

(iv) Such other functions as the board may assign to the committee.

(b) With respect to a firm required to renew a biennial license for a period beginning on or after July 1, 1987, such firm shall submit, for each of its offices, the following reports which have been issued by that office during the twelve months preceding the date of application if any report of such type was issued during the period:

(i) A compilation report;

(ii) A review report; and

(iii) An audit report.

(If reports issued by all offices of a firm are reviewed and issued in a controlled, centralized process, only one of each of the reports specified above shall be submitted by the firm as a whole.)

(c) The board may exempt from the requirement of subsection (b) of this section any firm which within the three years immediately preceding the application has been subjected to a peer review and submits with its application a copy of an unmodified report from a reviewing organization acceptable to the board. Firms which

received modified peer review reports shall submit copies of such reports and related correspondence, at the discretion of the board, for consideration on an individual basis.

(d) Any documents submitted in accordance with subsection (b) of this section may have the name of the client, the client's address, and other identifying factors omitted, provided that the omission does not render the type or nature of the enterprise undeterminable. Dates may not be omitted.

(e) The committee may also solicit for review financial statements and related reports of licensees from clients, public agencies, banks, and other users of financial statements.

(f) In gathering information about the professional work of licensees, the committee may make use of investigators, either paid or unpaid, who are not themselves members of the committee.

(g) The identities of the sources of financial statements and reports received by the board or the committee from other than the licensees who issued the reports shall be preserved in confidence. Reports submitted to the committee pursuant to subsection (b) of this section and comments of reviewers, the committee and the board on such reports or workpapers relating thereto, shall also be preserved in confidence except to the extent that they are communicated by the board to the licensees who issued the reports or disclosure is required under administrative procedure rules or by direction of a court of law.

(h) The committee's review of financial statements and reports of the licensees thereon shall be directed toward the following:

(i) Presentation of financial statements in conformity with generally accepted accounting principles;

(ii) Compliance by licensees with generally accepted auditing standards;

(iii) Compliance by licensees with other professional standards; and

(iv) Compliance by licensees with the rules of the board and other regulations relating to the practice of public accounting.

(i) If the board determines that a report referred to the board by the committee is substandard or seriously questionable with respect to applicable professional standards, the board may take any one or more of the following actions:

(i) The board may submit to the licensee firm a letter of comment detailing the perceived deficiencies and require the licensee to develop quality control procedures to insure that similar occurrences will not occur in the future;

(ii) The board may require any individual licensee who had responsibility for issuance of a report, or who substantially participated in preparation of the report and/or related workpapers, to successfully complete specific courses or types of continuing education as specified by the board;

(iii) The board may require that the office responsible for a substandard report submit all or specified categories of its reports to a preissuance review in a manner and for a duration prescribed by the board;

(iv) The board may require the office or the licensee firm responsible for a substandard report to submit to a peer review conducted in accordance with standards acceptable to the board;

(v) The board may require the licensee firm responsible for substandard work to submit to on-site review or other investigative procedures of work product and practices by board representatives in order to assess the degree or pervasiveness of substandard work. The board may assess the costs of such procedures to the firm if the results of such investigative efforts substantiate the existence of substandard work product;

(vi) If it appears that the professional conduct reflected in a substandard report is so serious as to warrant consideration of possible disciplinary action, the board may initiate an investigation pursuant to RCW 18.04.320.

WSR 87-03-041

ADOPTED RULES

DEPARTMENT OF LICENSING

[Order TL/RG 29—Filed January 16, 1987]

I, Theresa Anna Aragon, director of the state of Washington Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to snowmobiles and off-road and nonhighway vehicles, chapter 308-94 WAC, amending or adopting WAC 308-94-010, 308-94-030, 308-94-040, 308-94-050, 308-94-070, 308-94-080, 308-94-100, 308-94-110, 308-94-160, 308-94-170, 308-94-181, 308-94-191, 308-94-200, 308-94-210, 308-94-220, 308-94-240, 308-94-250, 308-94-261, 308-94-265 and 308-94-270; and repealing WAC 308-94-020, 308-94-060, 308-94-180, 308-94-190, 308-94-230 and 308-94-260.

This action is taken pursuant to Notice No. WSR 86-21-129 filed with the code reviser on October 22, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated under the general rule-making authority of the director of the Department of Licensing as authorized in RCW 46.01.110.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 10, 1987.

By Theresa Anna Aragon
Director

Chapter 308-94 WAC SNOWMOBILES AND ((ALL TERRAIN)) OFF- ROAD AND NONHIGHWAY VEHICLES

AMENDATORY SECTION (Amending Order MV-159, filed 1/2/73)

WAC 308-94-010 REGISTRATION OF SNOWMOBILES. The provisions of WAC 308-94-010

through 308-94-150 shall apply to the registration of snowmobiles and the administration of the Snowmobile Registration Act (~~(-)~~), chapter 46.10 RCW (~~and chapter 153, Laws of 1972 2nd ex. sess.~~).

AMENDATORY SECTION (Amending Order 111 MV, filed 10/5/71)

WAC 308-94-030 APPLICATION FOR REGISTRATION. An application for registration of a snowmobile shall include:

- (1) Name and address of ((applicant)) registered owner(s);
- (2) Make and model year of snowmobile;
- (3) Method of propulsion, including but not limited to skis, tracks, wheels or combination thereof;
- (4) Purchase price and year of purchase or declared value and year of declaration;
- (5) Proof of payment of sales tax or a bill of sale establishing the price paid for the vehicle; ~~((and~~
- ~~(5))~~ (6) Previously issued registration certificate, or a duplicate thereof if the application is for the transfer of registered snowmobile;
- (7) Vehicle identification number; and
- (8) Appropriate fees.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-94-040 SNOWMOBILE REGISTRATION YEAR. ~~((Effective October 1, 1976,))~~ The registration year for snowmobiles ~~((will be))~~ is October 1 through September 30 of the following year. ~~((Snowmobile licenses showing an expiration date of August 31, 1976, will be honored as valid licenses through September 30, 1976))~~ There is no abatement of the snowmobile registration fee, regardless of the date the snowmobile was acquired.

AMENDATORY SECTION (Amending Order 111 MV, filed 10/5/71)

WAC 308-94-050 REGISTRATION CERTIFICATE. The snowmobile registration certificate ~~((shall be the applicant's copy of the original or renewal application for registration))~~ must be carried in the snowmobile, or on the person of the snowmobile operator and must be made available for inspection by any person having the authority to enforce the provisions of the snowmobile act.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-94-070 DISPLAY OF SNOWMOBILE REGISTRATION NUMBER, DECALS AND ~~((DATE (VALIDATING) TAGS))~~ VALIDATION TABS. The decals showing the registration number ~~((assigned by the department))~~ shall be affixed to the right and left sides or on the front and rear of the snowmobile ~~((or to its front and back))~~. They must be located so that snow, passenger, driver or load will not obscure them.

The date ~~((tags))~~ tab indicating the month of expiration ~~((of the registration year are))~~ is to be located in front of the registration numbers no more than two inches from the beginning of the numbers. The ~~((date tags))~~ tab indicating the year of expiration ~~((of the registration year are))~~ is to be placed no more than two inches from the last digit of the registration numbers ~~((and following the numbers)).~~

AMENDATORY SECTION (Amending Order 111 MV, filed 10/5/71)

WAC 308-94-080 NONRESIDENT TEMPORARY SNOWMOBILE PERMIT. An application for a temporary permit shall include:

- (1) Name and address of the applicant;
- (2) Plate or registration number if registered in another state; ~~((and))~~
- (3) Make and year of vehicle;
- (4) Vehicle identification number;
- (5) Method of propulsion, including but not limited to skis, tracks, wheels, or combination thereof;
- (6) Appropriate fees; and
- (7) Expiration date of the foreign state registration.

AMENDATORY SECTION (Amending Order 111 MV, filed 10/5/71)

WAC 308-94-100 SNOWMOBILE DEALER ~~((REGISTRATION))~~ PERMIT. The ~~((period of registration for a))~~ snowmobile dealer ~~((shall))~~ permit will be effective for one calendar year, ((from January 1 through December 31. A dealer must renew his registration number no later than the thirty-fifth day following the expiration of his assigned registration number)) except for the initial staggered dealer permit period when the director will assign staggered renewal dates. If a dealer purchases snowmobile dealer plates, they must be ((purchased and displayed no later than the thirty-fifth day following the expiration of the dealer registration period)) used for testing or demonstrating a snowmobile. A dealer may not test or demonstrate a snowmobile without either a valid registration or a valid dealer plate.

AMENDATORY SECTION (Amending Order MV-159, filed 1/2/73)

WAC 308-94-110 SNOWMOBILE DEALER PLATES—COST. A snowmobile dealer shall pay ~~((two))~~ three dollars and fifty cents plus the reflectorization fee for each dealer plate ((that he shall order)) ordered from the department.

AMENDATORY SECTION (Amending Order MV-158, filed 1/2/73)

WAC 308-94-160 REGISTRATION AND TITLING OF ~~((ALL TERRAIN))~~ OFF-ROAD AND NONHIGHWAY VEHICLES. ~~((That))~~ The provisions of WAC 308-94-160 through WAC 308-94-300 shall apply to the registration and titling of ~~((all terrain))~~ off-road and nonhighway vehicles pursuant to the provisions of chapter 46.09 RCW ((and chapter 153, Laws of 1972

~~2nd ex. sess~~). For purposes of these rules, the terms "registration" and "permit" have the same meaning.

AMENDATORY SECTION (Amending Order 112 MV, filed 10/5/71)

~~WAC 308-94-170 ((CERTIFICATIONS)) CERTIFICATES OF TITLE ((AND REGISTRATION)). Certificates of title ((and registration and applications therefor shall)) for off-road and nonhighway vehicles will be issued ((under and)) pursuant to the same rules, regulations, and procedures as ((the title, registration and application)) for other classes of vehicles ((required to be registered under and pursuant to chapter 46.12 RCW and chapter 308-96 WAC which statutes and rules, regulations, and procedures shall be applicable insofar as they are not inconsistent with these rules)). A certificate of title may be issued pursuant to WAC 308-94-181 or 308-94-191, whichever is applicable, but in no event shall more than one title be issued for a single off-road or nonhighway vehicle.~~

NEW SECTION

WAC 308-94-181 VEHICLES TITLED THAT ARE NOT ELIGIBLE FOR ROAD USE. When the manufacturer's statement of origin or other document indicates that a vehicle is "not eligible for road use" or "does not qualify for road use," any Washington title issued will bear the designation "not eligible for road use."

NEW SECTION

WAC 308-94-191 VEHICLES ISSUED REGULAR TITLE AND OFF-ROAD USE PERMITS. Vehicles that qualify for road use will be issued regular titles and may be issued off-road use permits or regular road license without having the title reissued.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

~~WAC 308-94-200 ((ALL TERRAIN)) OFF-ROAD AND NONHIGHWAY VEHICLE USE PERMIT PERIOD. (1) The registration year of ((use)) off-road and nonhighway permits ((for all terrain vehicles for which use permits are obtained for the first time after January 1, 1977, will begin at 12:01 a.m. on the day that the use permit is obtained and will end at 12:01 a.m. on the same date of the next succeeding year)) will commence with the first day of the calendar month in which the off-road and nonhighway permit is first applied for, and end the last day of the preceding month of the following calendar year, except that permits first applied for in January will end December 31 of the same calendar year.~~

~~(2) ((The registration year of use permits obtained prior to January 1, 1977, for all terrain vehicles will be from January 1 through midnight, December 31.)) Subsequent renewals of the off-road and nonhighway permit will retain the registration year first established, provided that if a new owner applies for an off-road or nonhighway permit at time of applying for transfer of title,~~

~~and the off-road and nonhighway permit has been expired for more than thirty days, a new registration year may be established. Also, if an off-road and nonhighway vehicle has not been licensed as an off-road and nonhighway vehicle for the registration year immediately preceding the registration year in which the application for off-road and nonhighway permit is being made, or when the vehicle has been registered in another jurisdiction subsequent to any prior off-road and nonhighway registration in Washington, a new registration year may be assigned. There is no abatement of the off-road and nonhighway permit fee.~~

~~(3) An owner desiring to continue operating an ((all terrain)) off-road and nonhighway vehicle shall renew and display the ((use permit)) validating tab no later than the first day of the month immediately following the month of expiration of the ((previous year's use permit)) previously issued validating tab, or shall purchase and display a temporary use permit valid for sixty days.~~

AMENDATORY SECTION (Amending Order MV-158, filed 1/2/73)

~~WAC 308-94-210 ((ALL TERRAIN)) OFF-ROAD AND NONHIGHWAY VEHICLE USE PERMIT NOT REQUIRED—WHEN. ((No)) A vehicle used exclusively within the exceptions set forth in ((section 6, chapter 153, Laws of 1972 2nd ex. sess. shall be)) RCW 46.09.050 is not required to obtain an ((all terrain)) off-road or nonhighway vehicle use permit. ((For the purpose of this rule, it shall be presumed that vehicles being operated under and pursuant to a contract on the land of others, i.e., construction equipment used during construction, golf carts used on a golf course, etc., are used with the permission of the land owners.)) Owners of ((all terrain)) off-road and nonhighway vehicles which may be converted to snowmobiles((, or snowmobiles which may be converted to all terrain vehicles)) shall not be required to obtain ((all terrain)) off-road and nonhighway vehicle use permits if the vehicles are currently and validly registered as snowmobiles.~~

AMENDATORY SECTION (Amending Order MV-158, filed 1/2/73)

~~WAC 308-94-220 DISPLAY OF ((ALL TERRAIN)) OFF-ROAD AND NONHIGHWAY VEHICLE USE PERMIT ((NUMBER)) DECAL. (1) An ((all terrain)) off-road vehicle shall display use permit numbers in a prominent place on said vehicles either as a decal or a painted number. ((The)) Painted numbers must be displayed in characters at least one inch in height with a minimum of one-eighth inch stroke in a color contrasted with the background to obtain maximum legibility of the number. The characters must be spaced so that the use permit number is readily legible. The number must be clearly visible from the front, or rear, or from both sides of the vehicle. ((It must be placed)) The decals showing the annual off-road and nonhighway use permit number must be affixed to the right and left side or on the front and rear of the off-road vehicle. The decals must be located so as not to be obscured by the driver, passenger, or load.~~

(2) When a highway licensed vehicle is being operated as an ~~((all terrain))~~ off-road or nonhighway vehicle, the license plate must be displayed in the same manner as required for highway use.

AMENDATORY SECTION (Amending Order MV-355, filed 5/10/76)

WAC 308-94-240 VALIDATING TAB—DISPLAY. The tab issued by the department indicating the month of expiration of the annual use permit ~~((number shaft))~~ must be affixed ~~((in front of the number))~~ no more than two inches ~~((from its))~~ in front of the beginning of the annual use permit decal. The tab indicating the year of expiration of the permit ~~((number shaft))~~ must be affixed ~~((following the use permit number))~~ no more than two inches ~~((from its final))~~ following the last digit in the permit decal number.

AMENDATORY SECTION (Amending Order MV-158, filed 1/2/73)

WAC 308-94-250 THE ~~((ALL TERRAIN))~~ OFF-ROAD AND NONHIGHWAY VEHICLE USE PERMIT MUST BE CARRIED ON VEHICLE. The ~~((all terrain))~~ off-road and nonhighway vehicle use permit must be carried on the ~~((person of the operator of an all terrain))~~ off-road and nonhighway vehicle at all times. ~~((In lieu of))~~ The permit may be carried by the operator ~~((s carrying the use permit))~~ on his or her person ~~((, the use permit may be carried))~~ or in a moisture proof protective case attached to the vehicle. The use permit must be made available for inspection by any person having the authority to enforce the provisions of the ~~((All Terrain))~~ Off-Road and Nonhighway Vehicle ~~((Use Permit))~~ Act.

NEW SECTION

WAC 308-94-261 TEMPORARY OFF-ROAD AND NONHIGHWAY VEHICLE USE PERMIT. An application for a temporary off-road and nonhighway vehicle permit may include the following:

- (1) Name and address of the applicant;
- (2) Off-road or nonhighway vehicle plate or registration number if registered in another state;
- (3) Make and year of vehicle;
- (4) Expiration date of the foreign state registration;
- (5) Vehicle identification number; and
- (6) Appropriate fees.

NEW SECTION

WAC 308-94-265 OFF-ROAD VEHICLE DEALER PERMIT. The off-road dealer permit will be effective for one calendar year, except for the initial staggered dealer permit period when the director will assign staggered renewal dates. If a dealer purchases off-road vehicle dealer plates, they must be used for testing or demonstrating an off-road vehicle. A dealer may not test or demonstrate an off-road vehicle without either a valid registration or a valid dealer plate.

NEW SECTION

WAC 308-94-270 OFF-ROAD VEHICLE DEALER PLATES—COST. An off-road vehicle dealer shall pay three dollars and fifty cents, plus the reflectorization fee, for each dealer plate ordered from the department.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 308-94-020 APPOINTMENT OF AGENTS.

WAC 308-94-060 REGISTRATION FOR SNOWMOBILES USED AS ALL TERRAIN VEHICLES.

WAC 308-94-180 ALL TERRAIN VEHICLE TITLING NOT REQUIRED FOR VEHICLES PRESENTLY TITLED.

WAC 308-94-190 LICENSING OF VEHICLES TITLED AS ALL TERRAIN VEHICLES.

WAC 308-94-230 SURRENDER OF LICENSE PLATES REQUIRED.

WAC 308-94-260 NONRESIDENTS.

WSR 87-03-042

EMERGENCY RULES

DEPARTMENT OF GAME

[Order 316—Filed January 16, 1987]

Be it resolved by the Director of Game, acting at Olympia, Washington, that it does adopt the annexed rules relating to emergency conservation closure of all elk hunting in Game Management Unit 472 (White River) under the authority of *State v. Miller*, Washington State Supreme Court, 1984.

I, the Director of Game, find that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to public interest. A statement of the facts constituting the emergency is low bull to cow and cow to calf ratios and adverse impacts of hunting during critical winter stress periods, as well as potential highway mortality require the cessation of all elk hunting in Game Management Unit 472 (White River).

These rules are therefore adopted as emergency rules to take effect upon filing with the code reviser.

This rule is promulgated pursuant to WAC 232-12-085 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW), and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 16, 1987.
By Jack S. Wayland
Director

[NEW SECTION]

WAC 232-28-61519 CLOSURE OF GAME MANAGEMENT UNIT 472 (WHITE RIVER). It is unlawful for any person to hunt or take elk in Game Management Unit 472 (White River.) This is an all citizen closure.

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

WSR 87-03-043

PROPOSED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning winter utility moratorium program, chapter 365-100 WAC;

that the agency will at 2:00 p.m., Tuesday, February 24, 1987, in the Ninth and Columbia Building, Fifth Floor Conference Room, Olympia, Washington, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 24, 1987.

The authority under which these rules are proposed is RCW 43.63A.060.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 25, 1987.

Dated: January 16, 1987

By: Chuck Clarke
Deputy Director

STATEMENT OF PURPOSE

Title: Chapter 365-100 WAC, Winter utility moratorium program.

Statutory Authority and Specific Statute Rule is Intended to Implement: RCW 43.63A.060 and chapter 34.04 RCW.

Summary of Rule and Reasons Supporting Proposed Action: This rule sets the conditions and procedures for the Department of Community Development and its contractors to assist applicants [to] obtain protection from utility disconnection during the winter. The proposed action amends chapter 365-100 WAC to conform with changes made in the law by chapter 245, Laws of 1986.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Katherine Friedt, Assistant Director, Division for Community Services, Department of Community Development, Ninth and Columbia Building, GH-51, Olympia, Washington 98504-4151, (206) 753-4979.

Organization Proposing the Rule: Department of Community Development.

Agency Comments or Recommendations: None.

Is this Rule Necessary as the Result of Federal Law or Federal or State Court Action: No.

Small Business Economic Impact Statement: Not applicable.

Chapter 365-100 WAC
WINTER UTILITY MORATORIUM PROGRAM

WAC

365-100-010	General purpose.
365-100-020	Definitions.
365-100-030	Applicant responsibilities.
365-100-040	((Agency)) Contractor responsibilities.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-010 GENERAL PURPOSE. The following regulations are adopted pursuant to chapter ((25+)) 245, Laws of ((1984)) 1986 for the purpose of implementing a moratorium on utility shut-off's during the winter. The legislature has determined and declared that utilities that supply ((electrical)) electricity or natural gas for home heating cannot discontinue service for low-income households between November 15 and March 15 for reasons of nonpayment((:)) provided the customer complies with the provisions of the act.

The purpose of this chapter is to outline the conditions and procedures under which the department of community development (DCD) and its contractors will implement this program pursuant to chapter ((25+)) 245, Laws of ((1984 and its grantees)) 1986.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-020 DEFINITIONS. The following definitions shall apply to terms in chapter ((25+)) 245, Laws of ((1984)) 1986, and/or this chapter:

"Applicant" refers to a client of a community action agency or other public or private nonprofit organization, or a current customer of a utility company, or an applicant for service of a utility company, who applies for the moratorium program or other energy assistance.

((Agency)) "Contractor" means community action agency or other public or private nonprofit organizations providing energy assistance ((program or)) and weatherization ((program grantee of)) services under contract with the department of community development.

"Business days" means all days except Saturday, Sunday and legal holidays.

"Client income statement" means a statement the applicant((customer)) signs that acknowledges ((their)) household gross income, ((their self-declared)) self-certified income, and ((the applicants)) seven percent ((payment)) of household's income. The statement acknowledges whether the income is verified or unverified, whether the applicant((customer)) has applied for energy and weatherization assistance, and whether the utility company and the agency were properly notified by the applicant((customer)). The statement also acknowledges that the applicant((customer)) agrees to enter into a payment plan ((and agrees)), to pay the past due bill by October 15 even if they move, to pay for continued utility service, and ((agrees)) to apply any assistance received to the bill.

((DSHS means the department of social and health services.))

"Date of application" means the day the applicant((customer)) notifies the utility of their inability to pay the bill.

"Extenuating circumstances" means anything beyond the reasonable control of the ((customer)) applicant.

"Household income" means the total income of all household members considered for LIHEAP eligibility determination.

"LIHEAP" means low-income home energy assistance program, a federally-funded block grant.

"Low-income households" means households whose total income is no more than 125 percent of the federal poverty level.

"Overdue notice" means a written notice to disconnect service on a given date, unless payment is made.

~~("Seven percent payment" means a payment of 7 percent of monthly income (as defined in the LIHEAP procedures) of the household from November 15 through March 15.) "Utility" means regulated electric and gas companies, public utility districts, and municipal electric suppliers.~~

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-030 **APPLICANT RESPONSIBILITIES.** (1) The applicant(~~/customer~~) shall notify the utility (~~company~~) of the inability to pay the bill, or the security deposit, within five business days. Notification may be made in person, in writing, or by telephone.

(2) The applicant(~~/customer~~) shall contact the (~~agency~~) contractor within five business days from the date of notification to the utility to (~~begin completing the~~) complete a client income statement. The applicant shall self-certify twelve months of household income.

(3) The applicant(~~/customer~~) shall provide the utility (~~company~~) with the completed client income statement of unverified income(~~;~~) within twenty days from the date of application.

(4) The applicant(~~/customer~~) may be subject to disconnection if the client income statement of verified income is not returned to the utility (~~company~~) within forty-five days and no interim payment agreement has been made, or the household has been determined (~~not income-eligible~~) to be ineligible by the contractor.

(5) At the time the client income statement is submitted to the utility, the applicant(~~/customer~~) shall enter an agreement to pay no less than seven percent of (~~their~~) the applicant's household monthly income, plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15, during the period of the utility moratorium.

(6) Prior to March 15, the applicant(~~/customer~~) and the utility (~~company~~) shall enter into an agreement with the specific terms for the repayment of any account balance. Such repayment agreement shall require full payment of the balance no later than October 15 of that year, unless other arrangements are provided by the utility (~~company~~). The utility is required to offer applicants(~~/customer shall be provided~~) a choice between either a budget billing plan or equal payment plan.

AMENDATORY SECTION (Amending Order 84-02, filed 2/13/85)

WAC 365-100-040 (~~AGENCY~~) **CONTRACTOR RESPONSIBILITIES.** (~~With the agreement of the local utility.~~) (1) The (~~agency~~) contractor may use the unverified client income statement to expedite the process for determining client eligibility for the moratorium program. The contractor may accept the applicant's self-certification of income in determining eligibility, or verify and document income in accordance with LIHEAP procedures.

(2) The (~~agency~~) contractor shall provide the client income statement and assist the applicant(~~/customer~~) in completing the statement when applying for the moratorium program. If the applicant(~~/customer~~) contacts the (~~agency~~) contractor to apply for the moratorium program before notifying the utility (~~company~~) of their inability to pay the bill, the (~~agency~~) contractor shall instruct the applicant(~~/customer~~) to immediately contact the utility.

(3) The (~~agency~~) contractor shall (~~also~~) interview the applicant(~~/customer~~) for energy and weatherization assistance.

(4) The (~~agency~~) contractor shall provide the client income statement of unverified income to the applicant(~~/customer~~) within twenty days from the date of application.

(5) The (~~agency~~) contractor shall verify the applicant's(~~/customer's~~) income and program eligibility within forty-five days from the date of application.

(6) The contractor shall inform the applicant that default on an agreed payment plan with the utility will remove moratorium protection until the past due bill is paid.

WSR 87-03-044

**PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Ecology intends to adopt, amend, or repeal rules concerning this notice proposes to change certain sections of chapter 173-145 WAC, administration of the flood control assistance account program. These rules reflect changes to the statute regarding procedures and criteria for administering the program.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on Tuesday, January 27, 1987, at 2:45 p.m.

The authority under which these rules are proposed is chapters 43.21A and 34.04 RCW.

The specific statute these rules are intended to implement is RCW 86.26.010 and 86.16.170.

This notice is connected to and continues the matter in Notice No. WSR 87-02-043 filed with the code reviser's office on January 5, 1987.

Dated: January 20, 1987

By: Phillip C. Johnson
Deputy Director, Programs

WSR 87-03-045

**PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Department of Ecology intends to adopt, amend, or repeal rules concerning solid waste incinerator facilities, chapter 173-434 WAC, establishing emission standards, design requirements and performance standards for solid waste incinerator facilities.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on February 17, 1987, at 2:45 p.m., Room 154, Department Headquarters, Lacey, Washington.

The authority under which these rules are proposed is RCW 70.94.331 (2)(c), powers and duties of state board (ecology).

This notice is connected to and continues the matter in Notice No. WSR 86-22-071 filed with the code reviser's office on November 5, 1986.

By Phillip C. Johnson
Deputy Director[, Programs]

WSR 87-03-046

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to adopt rules under chapter 415-100 WAC entitled purpose; scope of rules; public records; and retirement for service for implementation of chapter 2.10 RCW;

that the agency will at 10:00 a.m., Tuesday, February 24, 1987, in the Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.50.050(5) and 41.50.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 24, 1987.

Dated: January 20, 1987

By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

Title and Numbers of Rule Sections: WAC 415-100-005 Purpose; 415-100-015 Scope; 415-100-025 Public records; and 415-100-035 Retirement for service.

Statutory Authority: RCW 41.50.050(5) and 41.50.090.

Summary of Rules: This notice proposes to adopt rules under chapter 415-100 WAC entitled purpose; scope of rules; public records; and retirement for service for implementation of chapter 2.10 RCW.

Description of the Purpose of the Rules: To implement administration of chapter 2.10 RCW by the director of the Department of Retirement Systems pursuant to RCW 2.10.050.

Reasons for Supporting the Proposed Rules: Chapter 163, Laws of 1982, abolished the Washington Judicial Retirement Board and all powers, duties, and functions of the board were transferred to the director of retirement systems.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of Governmental Agency Proposing the Rules: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Chapter 415-100 WAC
JUDICIAL RETIREMENT ((BOARD)) SYSTEM

NEW SECTION

WAC 415-100-005 PURPOSE. These rules are adopted to implement administration of chapter 2.10 RCW by the director of the department of retirement systems pursuant to RCW 2.10.052.

NEW SECTION

WAC 415-100-015 SCOPE. These rules shall govern the unique aspects of the administration of chapter 2.10 RCW, Judicial retirement system.

NEW SECTION

WAC 415-100-025 PUBLIC RECORDS. See chapter 415-06 WAC.

NEW SECTION

WAC 415-100-035 RETIREMENT FOR SERVICE. Any judge who voluntarily leaves service after having served an aggregate of fifteen years but prior to attaining age sixty shall be eligible to apply for and receive a service retirement allowance computed according to RCW 2.10.110 commencing upon his/her attainment of age sixty. Such allowance shall be computed in accordance with RCW 2.10.110 and 2.10.030 (9)(b).

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 415-100-010 DEFINITIONS.
- WAC 415-100-020 PUBLIC RECORDS.
- WAC 415-100-040 APPEALS—DISABILITY RETIREMENT APPLICATIONS.
- WAC 415-100-050 APPEALS TO SUPERIOR COURT—NOTICE OF APPEAL.
- WAC 415-100-060 APPEALS TO SUPERIOR COURT—CERTIFICATION OF RECORD.
- WAC 415-100-100 MEMBERS.
- WAC 415-100-110 OFFICERS.
- WAC 415-100-120 FUNCTION.
- WAC 415-100-130 DUTIES.
- WAC 415-100-140 LOCATION.
- WAC 415-100-150 MEETINGS.
- WAC 415-100-160 OFFICE OF THE CHAIRMAN.
- WAC 415-100-170 BUSINESS HOURS.
- WAC 415-100-180 CORRESPONDENCE.

WSR 87-03-047

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to adopt rules under chapter 415-104 WAC entitled purpose; scope; public records; jurisdiction of director; grievances; review of disability board action; rules on appeals filed pursuant to RCW 41.26.200; parties to a de novo hearing; department examination; notice of appeal to the superior court;

certification of record; purpose and scope; director's review of disability board order; notice for hearing; department examination; burden of proof; payment of benefits pending final determination; and comparison of disability retirement allowance and service retirement allowance;

that the agency will at 10:00, Tuesday, February 24, 1987, in the Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.50.050(5) and 41.50.090.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 24, 1987.

Dated: January 20, 1987

By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

Title and Numbers of Rule Sections: WAC 415-104-005 Purpose; 415-104-015 Scope; 415-104-025 Public records; 415-104-035 Jurisdiction of director; 415-104-045 Grievances; 415-104-050 Review of disability board action; 415-104-060 Rules on appeal filed pursuant to RCW 41.26.200; 415-104-070 Parties to a de novo hearing; 415-104-080 Department examination; 415-104-090 Notice of appeal to superior court; 415-104-100 Certification of record; 415-104-115 Purpose and scope; 415-104-125 Director's review of disability board order; 415-104-135 Notice for hearing; 415-104-145 Department examination; 415-104-155 Burden of proof; 415-104-165 Payment of benefits pending final determination; and 415-104-175 Comparison of disability retirement allowance.

Statutory Authority: RCW 41.50.050(5) and 41.50.090.

Summary of Rules: This notice proposes to adopt rules under chapter 415-104 WAC entitled purpose; scope; public records; jurisdiction of director; grievances; review of disability board action; rules on appeals filed pursuant to RCW 41.26.200; parties to a de novo hearing; department examination; notice of appeal to the superior court; certification of record; purpose and scope; director's review of disability board order; notice for hearing; department examination; burden of proof; payment of benefits pending final determination; and comparison of disability retirement allowance and service retirement allowance.

Description of Purpose: To implement administration of chapter 41.26 RCW by the director of the Department of Retirement Systems pursuant to RCW 41.26.051.

Reasons for Supporting the Proposed Rules: Chapter 163, Laws of 1982, abolished the Washington Law Enforcement Officers' and Fire Fighters' Retirement Board and all powers, duties, and functions of the board were transferred to the director of retirement systems.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L.

Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of Governmental Agency Proposing the Rules: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

Chapter 415-104 WAC LAW ENFORCEMENT OFFICERS' AND FIRE FIGHTERS' RETIREMENT ((BOARD)) SYSTEM

NEW SECTION

WAC 415-104-005 PURPOSE. These rules are adopted to implement administration of chapter 41.26 RCW by the director of the department of retirement systems pursuant to RCW 41.26.051.

NEW SECTION

WAC 415-104-015 SCOPE. These rules shall govern the unique aspects of the administration of chapter 41.26 RCW, Law enforcement officers' and fire fighters' retirement system (LEOFF).

NEW SECTION

WAC 415-104-025 PUBLIC RECORDS. See chapter 415-06 WAC.

NEW SECTION

WAC 415-104-035 JURISDICTION OF DIRECTOR. (1) The director has no jurisdiction to review the propriety of a disability board finding that the member's disability was incurred in the line of duty under RCW 41.26.120 or not incurred in the line of duty under RCW 41.26.125. If a member is granted disability retirement subsequent to a disability board's denial of disability, the director shall remand the matter to the disability board to make a finding of whether the disability was incurred in the line of duty.

(2) The director has no jurisdiction to review a disability board determination regarding a member's right to the employer's payment for medical services pursuant to RCW 41.26.030(22) and/or 41.26.150.

NEW SECTION

WAC 415-104-045 GRIEVANCES. Any person aggrieved by a decision or order of the local disability board denying disability leave, disability retirement, or cancelling a previously granted disability retirement allowance must submit a notice of appeal to the director within thirty days in accordance with RCW 41.26.200.

NEW SECTION

WAC 415-104-050 REVIEW OF DISABILITY BOARD ACTION. After the director has reviewed the disability board's decision pursuant to the provisions of RCW 41.26.120 or 41.26.125, he shall serve a copy of his decision on the disability board, the employer, and the applicant. If the director's decision is adverse to the applicant, he shall notify the applicant of his/her right to appeal by filing a notice for hearing.

NEW SECTION

WAC 415-104-060 RULES ON APPEALS FILED PURSUANT TO RCW 41.26.200. Appeal from decisions of the local disability boards will be reviewed on the basis of the record established by the disability board and materials appearing in the records of the department of retirement systems. The director shall act on such appeals as follows:

(1) Affirmance; or

- (2) Remand for further proceedings; or
 (3) Reversal and remand.

NEW SECTION

WAC 415-104-070 PARTIES TO A DE NOVO HEARING. The parties to a de novo hearing held pursuant to RCW 41.26.220 shall be the applicant, employer, and the department. The disability board may appear at such hearing only in support of the director's decision pursuant to RCW 41.26.220.

NEW SECTION

WAC 415-104-080 DEPARTMENT EXAMINATION. The director or his representative, in his/her discretion, may require an application for disability retirement to undergo a mental and/or physical examination prior to the hearing to be held pursuant to RCW 41.26.220. The cost of such examination is the responsibility of the department.

NEW SECTION

WAC 415-104-090 NOTICE OF APPEAL TO THE SUPERIOR COURT. Upon an appeal from the decision and order of the director to the superior court pursuant to RCW 41.26.210, the appealing party within thirty days from the decision and order of the director must perfect his appeal by serving notice of appeal on the director and filing the notice of appeal together with proof of service with the clerk of the superior court. The service and the filing together with proof of service of the notice of appeal within thirty days shall be jurisdictional.

AMENDATORY SECTION (Amending Order IV, filed 2/15/78)

WAC 415-104-100 ((MEMBERS)) CERTIFICATION OF RECORD. ((The LEOFF retirement board is an independent agency of the state of Washington and is composed of the members specified by RCW 41.26.050 as now existing or hereafter amended:)) The director or his/her designated representative shall promptly file with the clerk of the court a certified copy of the complete record of the hearing before the director which shall, upon being so filed, become the record in such case. Appeal shall lie from the judgment of the superior court to the court of appeals or the supreme court as in other cases.

CESSATION OF DISABILITY

NEW SECTION

WAC 415-104-115 PURPOSE AND SCOPE. The purpose of WAC 415-105-125 through 415-105-175 is to implement the provisions of RCW 41.26.135 to be followed by the department of retirement systems. These rules apply only to disability retirees over age fifty who seek a determination that their disability has ceased.

NEW SECTION

WAC 415-104-125 DIRECTOR'S REVIEW OF DISABILITY BOARD ORDER. (1) Every order of a disability board determining that an applicant's disability has ceased pursuant to RCW 41.26.130(3) shall be reviewed by the director, or his designated representative. The director may affirm or reverse the order or remand the matter for further proceedings.

(2) A retiree may appeal the disability board determination that a disability has not ceased to the director pursuant to the provisions of RCW 41.26.140(6).

NEW SECTION

WAC 415-104-135 NOTICE FOR HEARING. Before appealing to the superior court, any person aggrieved by the director's final decision on review of the local board determination or the director's final decision after review of the record on appeal shall invoke the director's jurisdiction by filing a notice for hearing in accordance with RCW 41.26.210 and WAC 415-08-020. Such hearing shall be in accordance with RCW 41.26.220.

NEW SECTION

WAC 415-104-145 DEPARTMENT EXAMINATION. The director or his representative, in his/her discretion, may require a disability retiree to undergo a mental and/or physical examination prior to the hearing to be held pursuant to RCW 41.26.220. The cost of such examination is the responsibility of the department.

NEW SECTION

WAC 415-104-155 BURDEN OF PROOF. The retiree has the burden of proof in the proceedings before the disability board and the director.

NEW SECTION

WAC 415-104-165 PAYMENT OF BENEFITS PENDING FINAL DETERMINATION. When a disability board determines that a retiree's disability has ceased, the department shall continue to pay monthly benefits: Provided, however, that the department shall pay either the member's monthly service retirement allowance or monthly disability allowance, whichever is less, until there is a final determination from which no appeal is taken. Any retroactive adjustment that may be necessary as the result of the final determination shall be made after the appeal period has passed.

NEW SECTION

WAC 415-104-175 COMPARISON OF DISABILITY RETIREMENT ALLOWANCE AND SERVICE RETIREMENT ALLOWANCE. In comparing the member's disability retirement allowance and his/her service retirement allowance as required by RCW 41.26.130(3), the department shall calculate the service retirement allowance using a final average salary calculated as follows:

On the date the disability ceased, the average of the greatest basic monthly rate of salary or wages (basic salary) that was paid or would have been paid to the member had he/she been in "active service" (employed) during any consecutive twenty-four month period within the member's last ten years of service for which service credit was given (including periods of disability leave and disability retirement).

The initial calculation of the service retirement allowance does not include any cost-of-living increases that would have been granted if the service retirement allowance had been in effect during the period of disability retirement. The service retirement allowance is then compared to the monthly disability retirement allowance amount that the member was receiving on the date that the disability ceased.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 415-104-010 DEFINITIONS.
 WAC 415-104-020 PUBLIC RECORDS.
 WAC 415-104-030 DEDUCTIONS FROM PENSION PAYMENTS FOR INSURANCE PURPOSES.
 WAC 415-104-100 MEMBERS.
 WAC 415-104-105 ELECTION OF LEOFF MEMBER TO LEOFF RETIREMENT BOARD.
 WAC 415-104-110 ADMINISTRATION.
 WAC 415-104-120 FUNCTION.
 WAC 415-104-140 LOCATION.
 WAC 415-104-150 MEETINGS.
 WAC 415-104-160 OFFICE OF THE CHAIRMAN.
 WAC 415-104-170 BUSINESS HOURS.
 WAC 415-104-180 CORRESPONDENCE.
 WAC 415-104-190 IDENTIFICATION.
 WAC 415-104-200 DECISION AND ORDER OF THE LOCAL DISABILITY BOARD.
 WAC 415-104-210 PROCESSING APPLICATIONS.
 WAC 415-104-220 RECORDING.
 WAC 415-104-230 LEGAL EXAMINATION OF APPLICATION.
 WAC 415-104-240 RECOMMENDATION AND CONCLUSION.

WAC 415-104-250 LEOFF RETIREMENT BOARD DECISION ON APPLICATION.
 WAC 415-104-260 NOTIFICATION OF MEMBER.
 WAC 415-104-270 MISCELLANEOUS APPLICATIONS.
 WAC 415-104-300 DISABILITY RETIREMENT APPLICATIONS—APPEALS.
 WAC 415-104-310 GRIEVANCES.
 WAC 415-104-320 RULES ON APPEALS.
 WAC 415-104-400 NOTICE OF APPEAL TO THE SUPERIOR COURT.
 WAC 415-104-410 CERTIFICATION OF RECORD.
 WAC 415-104-800 CONTINUED LEOFF MEMBERSHIP FOR MEMBERS IN STATE ELECTIVE POSITIONS.
 WAC 415-104-810 CONTRIBUTIONS AND SERVICE CREDIT FOR MEMBERS IN STATE ELECTIVE POSITIONS.
 WAC 415-104-820 MEMBERS IN STATE ELECTIVE POSITIONS—ENTITLEMENT TO BENEFITS.
 WAC 415-104-830 OPERATION IF IN CONFLICT WITH STATE LAW.

WSR 87-03-048

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning [this notice] proposes to amend certain sections of chapter 415-105 WAC entitled examination for disability retirement; granting disability retirement; execution; and reexamination and return to duty, respectively; and to add new sections to chapter 415-105 WAC entitled purpose; application to disability board; burden of proof; standard for determination; examination by board physician; disability board order; purpose; application to the disability board; and disability board hearing and order. This will provide a basis for uniform administration of disability retirement matters by all disability boards;

that the agency will at 10:00, Tuesday, February 24, 1987, in the Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.26.115.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 24, 1987.

Dated: January 5, 1987
 By: Robert L. Hollister, Jr.
 Director

STATEMENT OF PURPOSE

Title and Numbers of Rule Sections: WAC 415-105-050 Examination for disability retirement; 415-105-060 Granting disability retirement; 415-105-070 Execution; 415-105-090 Reexamination and return to duty; 415-105-100 Purpose; 415-105-110 Application to disability board; 415-105-120 Burden of proof; 415-105-130 Standard for determination; 415-105-140 Examination

by board physician; 415-105-150 Disability board order; 415-105-160 Purpose; 415-105-170 Application to the disability board; and 415-105-180 Disability board hearing and order.

Statutory Authority: RCW 41.26.115.

Summary of Rules: This notice proposes to amend certain sections of chapter 415-105 WAC entitled examination for disability retirement; granting disability retirement; execution; and reexamination and return to duty, respectively; and to add new sections to chapter 415-105 WAC entitled purpose; application to disability board; burden of proof; standard for determination; examination by board physician; disability board order; purpose; application to the disability board; and disability board hearing and order.

Description of Purpose: To provide a basis for uniform administration of disability retirement matters by all disability boards.

Reasons for Supporting the Proposed Rules: The amended sections are proposed for clarification in light of the administrator's findings regarding misunderstanding and/or confusion in the interpretation of these certain sections. The new sections are necessary for uniform implementation of RCW 41.26.130(3) and 41.26.135.

Agency Personnel Responsible for Drafting: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281; Implementation and Enforcement: Lee Stowell, Administrator, Law Enforcement Officers' and Fire Fighters' Retirement System, 1025 East Union, Olympia, Washington, (206) 753-2075.

Name of Governmental Agency Proposing the Rules: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-050 EXAMINATION FOR DISABILITY RETIREMENT. (1) Every applicant(s) for disability retirement shall be reexamined during the fifth or sixth month of disability leave in order to determine ~~((their))~~ his/her eligibility for disability retirement, with the following exception(s): ~~((a) If the board doctor assures the board that the applicant's condition has not and will not be corrected before the end of the sixth month, or (b))~~ If the applicant establishes that the disabling condition will be in existence for a period of at least six months and he/she voluntarily waives disability leave. No applicant will be granted a disability retirement allowance unless the conditions imposed by this subsection are met.

(2) In the event the medical and other relevant evidence is inconclusive, the board may specify in written order a reasonable trial service period for return to duty in the same position held at the time of discontinuance of service to determine the member's fitness for active duty. The reasonable length of such ~~((conditional))~~ trial return to service shall be supported by medical evidence. Such a ~~((conditional))~~ trial return to service does not entitle the member to a second six-month period of disability leave for the same disability if, based upon this trial period of service, the member is found to be disabled.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-060 GRANTING DISABILITY RETIREMENT. (1) If the evidence shows to the satisfaction of the board that the member is physically or mentally disabled from further performance of duty and that the disability has been continuous from the date of commencement of disability leave for a period of six months, the board shall enter its written decision and order, accompanied by appropriate findings of fact and conclusions of law in compliance with RCW 41.26.120 or 41.26.125. Such written decision and order with supporting documentation shall thereafter be forwarded to the director, department of retirement systems, for review. In the event a regular meeting of the board precedes by no more than 40 days the date at which the full six months will conclude and the evidence is clear that the disability can be expected to continue through the full six-month period, the board may make a finding of six months continuous disability prior to the actual conclusion of the six-month period, so as to eliminate unnecessary delay of receipt of retirement benefits.

(2) In order to qualify to receive a disability retirement allowance, the applicant will be required to prove that he or she is physically or mentally disabled to such extent that he or she is unable to discharge with average efficiency the duty of the position held at time of discontinuance of service: PROVIDED, That no member shall be entitled to a disability retirement allowance if the appropriate authority advises that there is an available position for which the member is qualified and to which one of such grade or rank is normally assigned and the board determines that the member is capable of discharging, with average efficiency, the duties of the position.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-070 EXECUTION. Every order of the disability board granting or denying a disability retirement allowance shall contain the following presented in clear and concise terms:

(1) Findings of fact supported by credible evidence (~~in the record supporting~~) sufficient to sustain the granting or denying of the disability retirement allowance. When a disability retirement is granted, findings of fact shall include:

- (a) Whether or not the disability was incurred in the line of duty.
- (b) Whether or not the disability was incurred in other employment.
- (c) Dates encompassing disability leave and/or dates relating to authorized trial basis return to duty; and, in the case of return to duty on a trial basis, the factual basis for such decision.
- (d) Dates encompassing waiver of disability leave, if applicable; and that applicant established that such disability will be in existence for a period of six months.

(2) Conclusions of law in accordance with law on the basis of the facts in the case.

(3) Decision and order.

AMENDATORY SECTION (Amending Order 81-03, filed 11/16/81)

WAC 415-105-090 REEXAMINATION AND RETURN TO DUTY. (1) In the event a member is placed on disability retirement, the board (~~shall~~) may determine whether or not the member is so disabled that no possibility exists for return to duty or that there is no possibility that rehabilitation could restore the member to fitness for duty. Further, the board may at any point subsequent to retirement make such a determination provided a current (within ninety days) medical examination by the board physician or a specialist of his/her selection indicates that the retiree is so disabled that no possibility for recovery exists. A copy of all such determinations shall be sent to the department of retirement systems. Unless the board has made such a finding, the board's representative shall order a reexamination at six-month intervals and advise the board of the results thereof with a copy to the department of retirement systems: PROVIDED, That such reexamination need not be conducted on a member over 49.5 years of age. In the event the retired member is residing at a location more than 100 miles from his former place of employment, the member may be authorized to be examined by a physician in his immediate area, provided, however, such physician shall be first approved by the board and prior to such evaluation the examining physician shall be apprised of the basis upon which the examination is to be conducted and the issues to be addressed in the physician's evaluative report.

(2) In the event such evaluation discloses fitness to perform duties of the rank or position held by the member at the time of disability retirement, the member shall be entitled to a hearing before the board, and further consideration of the matter. Such notice and hearing shall comply with the (~~Administrative Procedure Act~~) requirements of chapter 34.04 RCW.

(3) The hearing provided by RCW 41.26.140(2) is to be held, unless the retiree waives such hearing, prior to actual cancellation of a disability retirement allowance.

(4) The retirement allowance of any member who fails to submit to medical examination as provided herein shall be discontinued and in the event such refusal continues for one year, his retirement allowance shall be cancelled. Failure of the member to affirmatively respond to the request for reexamination shall be deemed a continuing refusal.

CESSATION OF DISABILITY

NEW SECTION

WAC 415-105-100 PURPOSE. These rules are adopted pursuant to RCW 41.26.115 to implement the provisions of RCW 41.26.130(3) and 41.26.135 and establish procedures to be followed by the applicant and the disability board. These rules apply only to a disability retiree over age fifty who seeks a determination that his/her disability has ceased.

NEW SECTION

WAC 415-105-110 APPLICATION TO DISABILITY BOARD. (1) When a disability retiree over age fifty believes that his/her disability has ceased, he/she may make application to cancel the disability retirement allowance. Such application shall be made to the disability board that originally considered the application for disability retirement.

(2) The application must be in writing and contain the following information:

- (a) The retiree's name, birthdate, Social Security number, mailing address, telephone number, former LEOFF employer, and the name and mailing address of the retiree's legal representative, if any;
- (b) The nature of the disability and the date the disability ceased;
- (c) The names, addresses and telephone numbers of all physicians and other health care practitioners who have been contacted by the retiree or his/her representative in the last year for medical care, consultation or evaluation;

(3) The application must be accompanied by the following documents:

- (a) Copies of any written documents supporting the retiree's claim that his/her disability has ceased;
- (b) A copy of the local disability board order granting disability retirement if the original disability board order was summarily affirmed by the director or the LEOFF retirement board; or
- (c) A copy of the director's order or the LEOFF retirement board's order if the director or the LEOFF retirement board entered the final order granting disability retirement.

NEW SECTION

WAC 415-105-120 BURDEN OF PROOF. The retiree has the burden of proof in the proceedings before the disability board.

NEW SECTION

WAC 415-105-130 STANDARD FOR DETERMINATION. To obtain a determination that a disability has ceased, the retiree must demonstrate that:

(1) He/she is reasonably able to perform the ordinary duties of his/her former position or position within his/her former rank with average efficiency; and

(2) There has been a material change in the circumstances upon which the original disability determination was based; and

(3) No other physical or mental disability now prevents the retiree from performing the ordinary duties of his/her position or rank.

A retiree may not obtain a determination that his/her disability has ceased by demonstrating that the medical condition was incorrectly diagnosed at the time of the initial disability hearing. The disability board need not rely solely on medical evidence in making its determination. If the medical condition for which the retiree was granted disability retirement has improved, but the retiree is still not physically or

mentally able to perform his/her duties with average efficiency, he/she shall continue to receive a disability retirement allowance and shall not be entitled to service retirement.

NEW SECTION

WAC 415-105-140 EXAMINATION BY BOARD PHYSICIAN. (1) Before acting on an application, the disability board shall have the retiree examined by the board doctor as provided in WAC 415-105-030. If the board doctor has seen the retiree before in any capacity except evaluation on behalf of the disability board, the board doctor shall refer the retiree to another physician who has not seen the retiree in any capacity except evaluation on behalf of the disability board.

(2) Before the retiree is examined, the disability board shall furnish the board doctor or other physician with a current job description for the rank or position held by the member at the time he/she was granted disability retirement and a copy of these regulations.

(3) The board doctor or other physician shall examine the retiree to determine if he/she is able to perform with average efficiency the duties of the rank or position held by the retiree at the time of discontinuance of service and that he/she meets the requirements of WAC 415-105-130.

NEW SECTION

WAC 415-105-150 DISABILITY BOARD ORDER. Upon the basis of the application and the medical evaluation by the board doctor, and any other relevant evidence, the disability board shall determine whether the disability retiree has met the standards set out in WAC 415-105-130 and is physically and mentally capable of performing his/her duties with average efficiency. If it is determined that the retiree's disability has ceased, the board shall enter its written decision and order accompanied by appropriate findings of fact and conclusions of law evidencing compliance with the applicable statutes and regulations. The disability board must make a finding which specifies the date the disability ceased.

CESSATION OF DISABILITY WHILE UNDER AGE FIFTY

NEW SECTION

WAC 415-105-160 PURPOSE—UNDER AGE FIFTY. These rules are adopted pursuant to RCW 41.26.115 to implement the provisions of RCW 41.26.130(3) and establish procedures to be followed by the applicant and the disability board in cases in which the applicant is under age fifty and believes that his disability has ceased.

NEW SECTION

WAC 415-105-170 APPLICATION TO THE DISABILITY BOARD—UNDER AGE FIFTY. A disability retiree under age fifty who believes that his/her disability has ceased may make application to the disability board which originally found the member to be disabled for a determination that the disability has ceased. Such application must be in writing and contain the information set forth in WAC 415-105-110(2). Thereafter, the rules and procedures set forth in WAC 415-105-120 through 415-105-140 shall be in effect.

NEW SECTION

WAC 415-105-180 DISABILITY BOARD HEARING AND ORDER. (1) Upon the basis of the application, the medical evaluation by the board doctor, and any other relevant evidence, the disability board shall determine whether the disability retiree has met the standards set out in WAC 415-105-130 and is physically and mentally capable of performing his/her duties with average efficiency. If the board determines that the retiree's disability has ceased, both the retiree and the former employer shall be entitled to a notice and a hearing. Both the notice and the hearing shall comply with the requirements of chapter 34.04 RCW.

(2) After the hearing, the board shall enter its written decision and order, accompanied by appropriate findings of fact and conclusions of law, either denying the retiree's application or cancelling his/her disability retirement allowance and restoring him/her to duty pursuant to RCW 41.26.140(2).

(3) Any person aggrieved by a determination or order of a disability board that the applicant's disability has not ceased may file an appeal with the director pursuant to RCW 41.26.140(6).

WSR 87-03-049

PROPOSED RULES

DEPARTMENT OF RETIREMENT SYSTEMS

[Filed January 20, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Retirement Systems intends to adopt, amend, or repeal rules concerning this notice proposes to amend that section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the tables, schedules and factors currently being used by the Department of Retirement Systems to calculate benefits;

that the agency will at 10:00 a.m., Tuesday, February 24, 1987, in the Board Room, Department of Retirement Systems, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065 and 43.43.200.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 24, 1987.

Dated: January 12, 1987
By: Robert L. Hollister, Jr.
Director

STATEMENT OF PURPOSE

Title and Number of Rule Section: WAC 415-02-090 Actuarial tables, schedules and factors.

Statutory Authority: RCW 41.50.050(5) and 41.50.090.

Summary of Rule: This notice proposes to amend a section of chapter 415-02 WAC entitled actuarial tables, schedules and factors. The proposal sets forth in WAC the actuarial tables, schedules and factors currently used by the department in calculating retirement benefits.

Description of the Purpose of the Rule: To protect the tax status of the several plans as qualified plans pursuant to section 401(a) of the Internal Revenue Code.

Reasons for Supporting the Proposed Rule: On October 12, 1982, the Internal Revenue Service determined that each of the retirement systems administered by the Department of Retirement Systems was qualified pursuant to section 401(a) of the Internal Revenue Code. In order to maintain the qualification, however, the service directed the department to amend each retirement plan to provide definitely determinable benefits. Chapter 227, Laws of 1984, provided members of the various retirement systems the right to participate in the tax deferral benefits of 26 U.S.C. 414(h). This section of the Internal Revenue Code mandates that participating retirement systems be qualified under section 401(a) of the code. By including the actuarial tables, schedules, and factors in the WAC, the department will have complied with the Internal Revenue Service direction to provide definitely determinable benefits, and will have protected the status of the several plans as qualified under section 401(a) of the Internal Revenue Code.

Agency Personnel Responsible for Drafting, Implementation and Enforcement of the Rule: Robert L. Hollister, Jr., Director, Department of Retirement Systems, 1025 East Union, Olympia, Washington, (206) 753-5281.

Name of Governmental Agency Proposing the Rule: Department of Retirement Systems.

The Department of Retirement Systems has no additional comments regarding statutory language, implementation, enforcement, and fiscal matters pertaining to the rule.

The rule is not necessary to comply with a federal law or a federal or state court decision.

Any Other Information that may be of Assistance in Identifying the Rule or its Purpose: None.

AMENDATORY SECTION (Amending Order 86-2, filed 6/10/86)

WAC 415-02-090 ACTUARIAL TABLES, SCHEDULES, AND FACTORS. This chapter contains the tables, schedules, and factors adopted by the director of the department of retirement systems pursuant to the authority granted by RCW 41.04.050, 41.26.060, 41.32.150, 41.40.065, and 43.43.200 for calculating optional retirement allowances of members of retirement systems administered by the director. These tables, schedules, and factors were adopted by the director upon the recommendation of and in light of the findings of the state actuary in his regular actuarial investigation into the mortality, service, compensation, and other experience of the members and beneficiaries of such retirement systems. The tables, schedules, and factors contained in this chapter shall govern the retirement allowances only of members retiring during the period from April 12, 1986 until such time as these tables, schedules, and factors are amended by the director following the next actuarial investigation conducted by the state actuary. The retirement allowances of members retiring before April 12, 1986 shall continue to be governed by the tables, schedules, and factors in effect at the time of each member's retirement. Any new tables, schedules, and factors adopted by the director in the future shall govern retirement allowances only of members retiring after the adoption of such new tables, schedules, and factors.

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I
EARLY RETIREMENT FACTORS

1	.9918
2	.9837
3	.9755
4	.9674
5	.9592
6	.9511
7	.9429
8	.9348
9	.9266
10	.9185
11	.9103
1 0	.9022
1	.8949
2	.8877
3	.8805
4	.8733
5	.8661
6	.8589
7	.8517
8	.8445
9	.8373
10	.8301
11	.8229
2 0	.8157
1	.8093
2	.8029
3	.7965
4	.7901
5	.7837
6	.7773

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I
EARLY RETIREMENT FACTORS

7	.7709
8	.7645
9	.7581
10	.7517
11	.7453
3 0	.7390
1	.7333
2	.7276
3	.7219
4	.7162
5	.7105
6	.7048
7	.6992
8	.6935
9	.6878
10	.6821
11	.6764
4 0	.6707
1	.6657
2	.6606
3	.6555
4	.6504
5	.6454
6	.6403
7	.6352
8	.6302
9	.6251
10	.6200
11	.6149
5 0	.6099

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN I OPTION I
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

20	.0058390
21	.0058513
22	.0058643
23	.0058783
24	.0058931
25	.0059089
26	.0059257
27	.0059437
28	.0059629
29	.0059833
30	.0060051
31	.0060283
32	.0060531
33	.0060796
34	.0061078
35	.0061380
36	.0061702
37	.0062045
38	.0062412
39	.0062804
40	.0063221
41	.0063665
42	.0064135
43	.0064633
44	.0065160
45	.0065717
46	.0066304
47	.0066925
48	.0067579
49	.0068271
50	.0069001
51	.0069773
52	.0070590
53	.0071454
54	.0072369
55	.0073337

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I OPTION I
 MONTHLY BENEFIT per \$1.00 of ACCUMULATION

56	.0074363
57	.0075451
58	.0076606
59	.0077836
60	.0079147
61	.0080549
62	.0082052
63	.0083669
64	.0085413
65	.0087297
66	.0089334
67	.0091538
68	.0093920
69	.0096493
70	.0099272
71	.0102271
72	.0105505
73	.0108990
74	.0112743
75	.0116781
76	.0121122
77	.0125785
78	.0130787
79	.0136149
80	.0141897
81	.0148057
82	.0154658
83	.0161717
84	.0169230
85	.0177167
86	.0185452
87	.0193974
88	.0202596
89	.0211126
90	.0219458
91	.0227413
92	.0234886
93	.0241825
94	.0248232
95	.0254146
96	.0259627
97	.0264737
98	.0269527
99	.0274037

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS

	10	.8197
	11	.8120
2	0	.8044
	1	.7977
	2	.7910
	3	.7843
	4	.7775
	5	.7708
	6	.7641
	7	.7574
	8	.7507
	9	.7439
	10	.7372
	11	.7305
3	0	.7238
	1	.7179
	2	.7119
	3	.7060
	4	.7000
	5	.6941
	6	.6882
	7	.6822
	8	.6763
	9	.6704
	10	.6644
	11	.6585
4	0	.6525
	1	.6473
	2	.6420
	3	.6367
	4	.6315
	5	.6262
	6	.6210
	7	.6157
	8	.6104
	9	.6052
	10	.5999
	11	.5946
5	0	.5894
	1	.5847
	2	.5800
	3	.5753
	4	.5707
	5	.5660
	6	.5613
	7	.5566
	8	.5519
	9	.5473
	10	.5426
	11	.5379
6	0	.5332
	1	.5291
	2	.5249
	3	.5207
	4	.5166
	5	.5124
	6	.5082
	7	.5041
	8	.4999
	9	.4957
	10	.4916
	11	.4874
7	0	.4832
	1	.4795
	2	.4758
	3	.4721
	4	.4683
	5	.4646
	6	.4609
	7	.4572
	8	.4535
	9	.4497
	10	.4460

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS

0	0	1.0000
	1	.9913
	2	.9826
	3	.9740
	4	.9653
	5	.9566
	6	.9479
	7	.9393
	8	.9306
	9	.9219
	10	.9132
	11	.9046
1	0	.8959
	1	.8883
	2	.8806
	3	.8730
	4	.8654
	5	.8578
	6	.8501
	7	.8425
	8	.8349
	9	.8273

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS

	11	.4423
8	0	.4386
	1	.4352
	2	.4319
	3	.4286
	4	.4253
	5	.4219
	6	.4186
	7	.4153
	8	.4119
	9	.4086
	10	.4053
	11	.4019
9	0	.3986
	1	.3956
	2	.3926
	3	.3897
	4	.3867
	5	.3837
	6	.3807
	7	.3777
	8	.3747
	9	.3717
	10	.3688
	11	.3658
10	0	.3628
	1	.3601
	2	.3574
	3	.3547
	4	.3521
	5	.3494
	6	.3467
	7	.3440
	8	.3413
	9	.3386
	10	.3360
	11	.3333
11	0	.3306
	1	.3282
	2	.3258
	3	.3234
	4	.3209
	5	.3185
	6	.3161
	7	.3137
	8	.3113
	9	.3089
	10	.3065
	11	.3040
12	0	.3016
	1	.2994
	2	.2973
	3	.2951
	4	.2929
	5	.2907
	6	.2886
	7	.2864
	8	.2842
	9	.2820
	10	.2799
	11	.2777
13	0	.2755
	1	.2735
	2	.2716
	3	.2696
	4	.2676
	5	.2657
	6	.2637
	7	.2617
	8	.2598
	9	.2578
	10	.2559
	11	.2539

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS

14	0	.2519
	1	.2501
	2	.2484
	3	.2466
	4	.2448
	5	.2430
	6	.2413
	7	.2395
	8	.2377
	9	.2359
	10	.2341
	11	.2324
15	0	.2306
	1	.2290
	2	.2274
	3	.2258
	4	.2242
	5	.2225
	6	.2209
	7	.2193
	8	.2177
	9	.2161
	10	.2145
	11	.2129
16	0	.2113
	1	.2098
	2	.2084
	3	.2069
	4	.2054
	5	.2040
	6	.2025
	7	.2011
	8	.1996
	9	.1981
	10	.1967
	11	.1952
17	0	.1938
	1	.1924
	2	.1911
	3	.1898
	4	.1885
	5	.1871
	6	.1858
	7	.1845
	8	.1831
	9	.1818
	10	.1805
	11	.1792
18	0	.1778
	1	.1766
	2	.1754
	3	.1742
	4	.1730
	5	.1718
	6	.1706
	7	.1694
	8	.1682
	9	.1670
	10	.1658
	11	.1646
19	0	.1634
	1	.1623
	2	.1612
	3	.1601
	4	.1590
	5	.1579
	6	.1568
	7	.1557
	8	.1546
	9	.1535
	10	.1524
	11	.1513

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS

20	0	.1502
	1	.1492
	2	.1482
	3	.1472
	4	.1462
	5	.1452
	6	.1442
	7	.1432
	8	.1422
	9	.1412
	10	.1402
	11	.1392
21	0	.1382
	1	.1373
	2	.1364
	3	.1355
	4	.1345
	5	.1336
	6	.1327
	7	.1318
	8	.1309
	9	.1300
	10	.1291
	11	.1281
22	0	.1272
	1	.1264
	2	.1256
	3	.1247
	4	.1239
	5	.1231
	6	.1222
	7	.1214
	8	.1206
	9	.1197
	10	.1189
	11	.1181
23	0	.1172
	1	.1165
	2	.1157
	3	.1149
	4	.1142
	5	.1134
	6	.1127
	7	.1119
	8	.1111
	9	.1104
	10	.1096
	11	.1088
24	0	.1081
	1	.1074
	2	.1067
	3	.1060
	4	.1053
	5	.1046
	6	.1039
	7	.1032
	8	.1025
	9	.1018
	10	.1011
	11	.1004
25	0	.0997
	1	.0991
	2	.0984
	3	.0978
	4	.0971
	5	.0965
	6	.0959
	7	.0952
	8	.0946
	9	.0939
	10	.0933
	11	.0927

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS

26	0	.0920
	1	.0914
	2	.0909
	3	.0903
	4	.0897
	5	.0891
	6	.0885
	7	.0879
	8	.0873
	9	.0868
	10	.0862
	11	.0856
27	0	.0850
	1	.0845
	2	.0839
	3	.0834
	4	.0828
	5	.0823
	6	.0818
	7	.0812
	8	.0807
	9	.0802
	10	.0796
	11	.0791
28	0	.0785
	1	.0780
	2	.0775
	3	.0771
	4	.0766
	5	.0761
	6	.0756
	7	.0751
	8	.0746
	9	.0741
	10	.0736
	11	.0731
29	0	.0726
	1	.0722
	2	.0717
	3	.0712
	4	.0708
	5	.0703
	6	.0699
	7	.0694
	8	.0690
	9	.0685
	10	.0681
	11	.0676
30	0	.0672
	1	.0667
	2	.0663
	3	.0659
	4	.0655
	5	.0651
	6	.0647
	7	.0642
	8	.0638
	9	.0634
	10	.0630
	11	.0626
31	0	.0621
	1	.0618
	2	.0614
	3	.0610
	4	.0606
	5	.0602
	6	.0598
	7	.0595
	8	.0591
	9	.0587
	10	.0583
	11	.0579

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS

32	0	.0575
	1	.0572
	2	.0568
	3	.0565
	4	.0561
	5	.0558
	6	.0554
	7	.0551
	8	.0547
	9	.0543
	10	.0540
	11	.0536
33	0	.0533
	1	.0530
	2	.0526
	3	.0523
	4	.0520
	5	.0516
	6	.0513
	7	.0510
	8	.0507
	9	.0503
	10	.0500
	11	.0497
34	0	.0494
	1	.0491
	2	.0488
	3	.0485
	4	.0482
	5	.0479
	6	.0476
	7	.0473
	8	.0470
	9	.0467
	10	.0464
	11	.0461
((35	0	.0458
	1	.0419
	2	.0381
	3	.0343
	4	.0305
	5	.0267
	6	.0229
	7	.0191
	8	.0153
	9	.0114
	10	.0076
	11	.0038
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS

38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
39	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
35	0	.0458
	1	.0455
	2	.0452
	3	.0449
	4	.0446
	5	.0444
	6	.0441
	7	.0438
	8	.0435
	9	.0433
	10	.0430
	11	.0427
36	0	.0424
	1	.0422
	2	.0419
	3	.0416
	4	.0414
	5	.0411
	6	.0409
	7	.0406
	8	.0404
	9	.0401
	10	.0399
	11	.0396
37	0	.0393
	1	.0391
	2	.0389
	3	.0386
	4	.0384
	5	.0382
	6	.0379
	7	.0377
	8	.0374
	9	.0372
	10	.0370
	11	.0367
38	0	.0365
	1	.0363
	2	.0361
	3	.0358
	4	.0356
	5	.0354
	6	.0352
	7	.0350
	8	.0347
	9	.0345
	10	.0343
	11	.0341

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II OPTION I
MONTHLY BENEFIT per \$1.00 of ACCUMULATION

39	0	.0339
	1	.0337
	2	.0335
	3	.0333
	4	.0331
	5	.0329
	6	.0327
	7	.0325
	8	.0323
	9	.0321
	10	.0318
	11	.0316
40	0	.0314
	1	.0313
	2	.0311
	3	.0309
	4	.0307
	5	.0305
	6	.0303
	7	.0301
	8	.0299
	9	.0298
	10	.0296
	11	.0294
41	0	.0292
	1	.0290
	2	.0289
	3	.0287
	4	.0285
	5	.0283
	6	.0282
	7	.0280
	8	.0278
	9	.0276
	10	.0275
	11	.0273
42	0	.0271
	1	.0270
	2	.0268
	3	.0266
	4	.0265
	5	.0263
	6	.0262
	7	.0260
	8	.0258
	9	.0257
	10	.0255
	11	.0254
43	0	.0252
	1	.0250
	2	.0249
	3	.0247
	4	.0246
	5	.0245
	6	.0243
	7	.0242
	8	.0240
	9	.0239
	10	.0237
	11	.0236
44	0	.0234
	1	.0233
	2	.0231
	3	.0230
	4	.0229
	5	.0227
	6	.0226
	7	.0224
	8	.0223
	9	.0222
	10	.0220
	11	.0219

20	.0036396
21	.0036589
22	.0036791
23	.0037003
24	.0037225
25	.0037458
26	.0037702
27	.0037957
28	.0038226
29	.0038507
30	.0038803
31	.0039113
32	.0039440
33	.0039783
34	.0040144
35	.0040523
36	.0040923
37	.0041344
38	.0041787
39	.0042254
40	.0042746
41	.0043264
42	.0043808
43	.0044380
44	.0044980
45	.0045609
46	.0046270
47	.0046963
48	.0047691
49	.0048456
50	.0049260
51	.0050105
52	.0050996
53	.0051933
54	.0052922
55	.0053964
56	.0055065
57	.0056229
58	.0057460
59	.0058766
60	.0060153
61	.0061630
62	.0063207
63	.0064896
64	.0066708
65	.0068657
66	.0070755
67	.0073014
68	.0075449
69	.0078071
70	.0080897
71	.0083939
72	.0087216
73	.0090743
74	.0094540
75	.0098624
76	.0103014
77	.0107731
78	.0112795
79	.0118228
80	.0124056
81	.0130308
82	.0137012
83	.0144186
84	.0151831
85	.0159917
86	.0168371
87	.0177086
88	.0185923
89	.0194688
90	.0203271
91	.0211489
92	.0219227

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II OPTION I
 MONTHLY BENEFIT per \$1.00 of ACCUMULATION

93	.0226428
94	.0233088
95	.0239245
96	.0244955
97	.0250278
98	.0255267
99	.0259962

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I

OPTION 2	AGE DIFFERENCE	OPTION 3
BENEFICIARY OLDER		
0.970	-20	0.987
0.968	-19	0.985
0.965	-18	0.984
0.962	-17	0.982
0.958	-16	0.980
0.954	-15	0.978
0.950	-14	0.976
0.945	-13	0.974
0.941	-12	0.971
0.936	-11	0.969
0.931	-10	0.966
0.926	-09	0.963
0.921	-08	0.960
0.915	-07	0.957
0.910	-06	0.954
0.900	-05	0.948
0.890	-04	0.943
0.880	-03	0.937
0.864	-02	0.929
0.848	-01	0.920

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I

OPTION 2	AGE DIFFERENCE	OPTION 3
BENEFICIARY YOUNGER		
0.838	0	0.914
0.827	1	0.907
0.817	2	0.901
0.809	3	0.897
0.803	4	0.893
0.790	5	0.885
0.784	6	0.881
0.778	7	0.878
0.765	8	0.869
0.759	9	0.865
0.753	10	0.862
0.748	11	0.858
0.743	12	0.855
0.729	13	0.846
0.724	14	0.842
0.719	15	0.839
0.714	16	0.836
0.700	17	0.826
0.695	18	0.823
0.691	19	0.820
0.687	20	0.817
0.683	21	0.814
0.679	22	0.811
0.675	23	0.808
0.671	24	0.805

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN I

OPTION 2	AGE DIFFERENCE	OPTION 3
BENEFICIARY YOUNGER		
0.667	25	0.802
0.663	26	0.799
0.659	27	0.796
0.655	28	0.793
0.651	29	0.790
0.647	30	0.787
0.643	31	0.784
0.639	32	0.781
0.635	33	0.778
0.631	34	0.775
0.627	35	0.772
0.623	36	0.769
0.619	37	0.766
0.615	38	0.763
0.611	39	0.760
0.607	40	0.757

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II

OPTION 2	AGE DIFFERENCE	OPTION 3
BENEFICIARY OLDER		
0.966	-20	0.988
0.962	-19	0.986
0.958	-18	0.984
0.954	-17	0.982
0.950	-16	0.980
0.945	-15	0.978
0.938	-14	0.975
0.932	-13	0.972
0.925	-12	0.968
0.918	-11	0.965
0.910	-10	0.961
0.902	-09	0.957
0.894	-08	0.953
0.885	-07	0.949
0.877	-06	0.944
0.864	-05	0.937
0.851	-04	0.928
0.838	-03	0.920
0.820	-02	0.908
0.802	-01	0.895

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

PUBLIC EMPLOYEES RETIREMENT SYSTEM
 PLAN II

OPTION 2	AGE DIFFERENCE	OPTION 3
BENEFICIARY YOUNGER		
0.787	0	0.884
0.773	1	0.876
0.759	2	0.866
0.747	3	0.857
0.737	4	0.851
0.727	5	0.844
0.717	6	0.837
0.708	7	0.831
0.699	8	0.825
0.690	9	0.818
0.681	10	0.812

PUBLIC EMPLOYEES RETIREMENT SYSTEM
PLAN II

TEACHERS RETIREMENT SYSTEM
PLAN I

MONTHLY (No Refund) BENEFIT per \$1.00 of ACCUMULATION
Used to Calculate Annuity Under Option 0, 4 & 1*

OPTION 2	AGE DIFFERENCE	OPTION 3
	BENEFICIARY YOUNGER	
0.673	11	0.806
0.665	12	0.800
0.657	13	0.795
0.649	14	0.789
0.642	15	0.784
0.635	16	0.778
0.628	17	0.773
0.622	18	0.768
0.615	19	0.763
0.609	20	0.759
0.604	21	0.754
0.598	22	0.749
0.593	23	0.744
0.588	24	0.739
0.583	25	0.734
0.578	26	0.729
0.574	27	0.724
0.569	28	0.719
0.565	29	0.714
0.561	30	0.709
0.558	31	0.704
0.554	32	0.699
0.551	33	0.694
0.547	34	0.689
0.544	35	0.684
0.541	36	0.679
0.538	37	0.674
0.535	38	0.669
0.533	39	0.664
0.530	40	0.659

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM
PLAN I

MONTHLY (No Refund) BENEFIT per \$1.00 of ACCUMULATION
Used to Calculate Annuity Under Option 0, 4 & 1*

20	.0058107
21	.0058209
22	.0058318
23	.0058435
24	.0058560
25	.0058693
26	.0058835
27	.0058986
28	.0059147
29	.0059319
30	.0059502
31	.0059698
32	.0059906
33	.0060129
34	.0060366
35	.0060619
36	.0060889
37	.0061177
38	.0061485
39	.0061814
40	.0062165
41	.0062540
42	.0062941
43	.0063370
44	.0063827
45	.0064314
46	.0064830
47	.0065377
48	.0065955
49	.0066566

50	.0067212
51	.0067893
52	.0068612
53	.0069370
54	.0070171
55	.0071017
56	.0071210
57	.0072853
58	.0073851
59	.0074908
60	.0076028
61	.0077218
62	.0078485
63	.0079837
64	.0081285
65	.0082841
66	.0084520
67	.0086335
68	.0088302
69	.0090435
70	.0092748
71	.0095257
72	.0097977
73	.0100927
74	.0104126
75	.0107597
76	.0111364
77	.0115456
78	.0119904
79	.0124742
80	.0130007
81	.0135738
82	.0141980
83	.0148781
84	.0156205
85	.0164335
86	.0173278
87	.0183144
88	.0194044
89	.0206072
90	.0219300
91	.0233771
92	.0249513
93	.0266410
94	.0284835
95	.0304470
96	.0325413
97	.0347687
98	.0371380
99	.0396689

Option 1 = .98 x Option 0

TEACHERS RETIREMENT SYSTEM
PLAN I

OPTION 2	AGE DIFFERENCE	OPTION 3
	BENEFICIARY OLDER	
0.976	-20	0.988
0.973	-19	0.986
0.971	-18	0.985
0.968	-17	0.984
0.966	-16	0.982
0.962	-15	0.981
0.960	-14	0.980
0.956	-13	0.977
0.953	-12	0.976
0.949	-11	0.974
0.946	-10	0.972

TEACHERS RETIREMENT SYSTEM PLAN I			TEACHERS RETIREMENT SYSTEM PLAN I EARLY RETIREMENT FACTORS	
OPTION 2	AGE DIFFERENCE	OPTION 3		
	BENEFICIARY OLDER		0	0
				1.0000
			1	.9929
			2	.9857
			3	.9786
			4	.9715
			5	.9643
			6	.9572
			7	.9501
			8	.9429
			9	.9358
			10	.9287
			11	.9215
			1	0
				.9144
			1	.9080
			2	.9015
			3	.8951
			4	.8886
			5	.8822
			6	.8758
			7	.8693
			8	.8629
			9	.8565
			10	.8500
			11	.8436
			2	0
				.8372
			1	.8314
			2	.8255
			3	.8197
			4	.8139
			5	.8081
			6	.8023
			7	.7965
			8	.7907
			9	.7848
			10	.7790
			11	.7732
			3	0
				.7674
			1	.7621
			2	.7569
			3	.7516
			4	.7463
			5	.7411
			6	.7358
			7	.7306
			8	.7253
			9	.7200
			10	.7148
			11	.7095
			4	0
				.7042
			1	.6995
			2	.6947
			3	.6899
			4	.6851
			5	.6804
			6	.6756
			7	.6708
			8	.6661
			9	.6613
			10	.6565
			11	.6517
			5	0
				.6470
			1	.6426
			2	.6383
			3	.6340
			4	.6296
			5	.6253
			6	.6210
			7	.6166
			8	.6123
			9	.6080
			10	.6036
			11	.5993

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

TEACHERS RETIREMENT SYSTEM
PLAN I
EARLY RETIREMENT FACTORS

6	0	.5950
	1	.5910
	2	.5871
	3	.5831
	4	.5792
	5	.5753
	6	.5713
	7	.5674
	8	.5634
	9	.5595
	10	.5555
	11	.5516
7	0	.5477
	1	.5441
	2	.5405
	3	.5369
	4	.5333
	5	.5297
	6	.5261
	7	.5225
	8	.5189
	9	.5153
	10	.5118
	11	.5082
8	0	.5046
	1	.5013
	2	.4980
	3	.4948
	4	.4915
	5	.4882
	6	.4849
	7	.4817
	8	.4784
	9	.4751
	10	.4718
	11	.4686
9	0	.4653
	1	.4623
	2	.4593
	3	.4563
	4	.4533
	5	.4503
	6	.4473
	7	.4443
	8	.4413
	9	.4384
	10	.4354
	11	.4324
10	0	.4294
	1	.4266
	2	.4239
	3	.4212
	4	.4184
	5	.4157
	6	.4130
	7	.4102
	8	.4075
	9	.4048
	10	.4020
	11	.3993
11	0	.3966
	1	.3941
	2	.3916
	3	.3891
	4	.3865
	5	.3840
	6	.3815
	7	.3790
	8	.3765
	9	.3740
	10	.3715
	11	.3690

TEACHERS RETIREMENT SYSTEM
PLAN I
EARLY RETIREMENT FACTORS

12	0	.3665
	1	.3642
	2	.3619
	3	.3596
	4	.3573
	5	.3550
	6	.3527
	7	.3504
	8	.3482
	9	.3459
	10	.3436
	11	.3413
13	0	.3390
	1	.3369
	2	.3348
	3	.3327
	4	.3305
	5	.3284
	6	.3263
	7	.3242
	8	.3221
	9	.3200
	10	.3179
	11	.3158
14	0	.3137
	1	.3118
	2	.3098
	3	.3079
	4	.3060
	5	.3040
	6	.3021
	7	.3002
	8	.2982
	9	.2963
	10	.2944
	11	.2924
15	0	.2905
	1	.2887
	2	.2869
	3	.2851
	4	.2834
	5	.2816
	6	.2798
	7	.2780
	8	.2763
	9	.2745
	10	.2727
	11	.2709
16	0	.2691
	1	.2675
	2	.2659
	3	.2642
	4	.2626
	5	.2610
	6	.2593
	7	.2577
	8	.2560
	9	.2544
	10	.2528
	11	.2511
17	0	.2495
	1	.2480
	2	.2465
	3	.2450
	4	.2435
	5	.2420
	6	.2405
	7	.2389
	8	.2374
	9	.2359
	10	.2344
	11	.2329

TEACHERS RETIREMENT SYSTEM PLAN I EARLY RETIREMENT FACTORS			TEACHERS RETIREMENT SYSTEM PLAN I EARLY RETIREMENT FACTORS		
18	0	.2314	24	0	.1486
	1	.2300		1	.1477
	2	.2286		2	.1469
	3	.2272		3	.1460
	4	.2258		4	.1451
	5	.2245		5	.1443
	6	.2231		6	.1434
	7	.2217		7	.1425
	8	.2203		8	.1417
	9	.2189		9	.1408
	10	.2175		10	.1399
	11	.2161		11	.1391
19	0	.2147	25	0	.1382
	1	.2134		1	.1374
	2	.2122		2	.1366
	3	.2109		3	.1358
	4	.2096		4	.1350
	5	.2083		5	.1342
	6	.2070		6	.1334
	7	.2057		7	.1326
	8	.2045		8	.1318
	9	.2032		9	.1310
	10	.2019		10	.1302
	11	.2006		11	.1294
20	0	.1993	26	0	.1286
	1	.1981		1	.1278
	2	.1970		2	.1271
	3	.1958		3	.1263
	4	.1946		4	.1256
	5	.1934		5	.1248
	6	.1922		6	.1241
	7	.1910		7	.1234
	8	.1899		8	.1226
	9	.1887		9	.1219
	10	.1875		10	.1211
	11	.1863		11	.1204
21	0	.1851	27	0	.1196
	1	.1840		1	.1189
	2	.1829		2	.1182
	3	.1818		3	.1176
	4	.1807		4	.1169
	5	.1796		5	.1162
	6	.1786		6	.1156
	7	.1775		7	.1148
	8	.1764		8	.1141
	9	.1753		9	.1134
	10	.1742		10	.1127
	11	.1731		11	.1120
22	0	.1720	28	0	.1113
	1	.1710		1	.1107
	2	.1700		2	.1101
	3	.1689		3	.1094
	4	.1679		4	.1088
	5	.1669		5	.1081
	6	.1659		6	.1075
	7	.1649		7	.1069
	8	.1639		8	.1062
	9	.1629		9	.1056
	10	.1619		10	.1049
	11	.1609		11	.1043
23	0	.1598	29	0	.1037
	1	.1589		1	.1031
	2	.1580		2	.1025
	3	.1570		3	.1019
	4	.1561		4	.1013
	5	.1552		5	.1007
	6	.1542		6	.1001
	7	.1533		7	.0995
	8	.1523		8	.0989
	9	.1514		9	.0983
	10	.1505		10	.0977
	11	.1495		11	.0971

TEACHERS RETIREMENT SYSTEM
 PLAN II OPTION I
 MONTHLY BENEFIT per \$1.00 of ACCUMULATION

78	.0097286
79	.0101380
80	.0105739
81	.0110369
82	.0115273
83	.0120455
84	.0125917
85	.0131654
86	.0137656
87	.0143890
88	.0150299
89	.0156797
90	.0163280
91	.0169635
92	.0175741
93	.0181484
94	.0186825
95	.0191686
96	.0196071
97	.0200007
98	.0203537
99	.0206708

TEACHERS RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS
 by Year and Month

7	.6971
8	.6914
9	.6856
10	.6799
11	.6741
4 0	.6684
1	.6633
2	.6581
3	.6530
4	.6479
5	.6427
6	.6376
7	.6324
8	.6273
9	.6222
10	.6170
11	.6119
5 0	.6068
1	.6022
2	.5976
3	.5930
4	.5884
5	.5838
6	.5792
7	.5746
8	.5700
9	.5654
10	.5608
11	.5562
6 0	.5516
1	.5474
2	.5433
3	.5392
4	.5351
5	.5309
6	.5268
7	.5227
8	.5186
9	.5144
10	.5103
11	.5062
7 0	.5021
1	.4984
2	.4947
3	.4909
4	.4872
5	.4835
6	.4798
7	.4761
8	.4724
9	.4687
10	.4650
11	.4613
8 0	.4576
1	.4542
2	.4509
3	.4476
4	.4442
5	.4409
6	.4376
7	.4342
8	.4309
9	.4275
10	.4242
11	.4209
9 0	.4175
1	.4145
2	.4115
3	.4085
4	.4055
5	.4025
6	.3995

TEACHERS RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS
 by Year and Month

0 0	1.0000
1	.9918
2	.9836
3	.9755
4	.9673
5	.9591
6	.9509
7	.9428
8	.9346
9	.9264
10	.9182
11	.9100
1 0	.9019
1	.8946
2	.8874
3	.8801
4	.8728
5	.8656
6	.8583
7	.8511
8	.8438
9	.8366
10	.8293
11	.8221
2 0	.8148
1	.8084
2	.8019
3	.7955
4	.7890
5	.7826
6	.7761
7	.7697
8	.7632
9	.7568
10	.7503
11	.7439
3 0	.7374
1	.7317
2	.7259
3	.7202
4	.7144
5	.7087
6	.7029

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.3965
8	.3934
9	.3904
10	.3874
11	.3844
10 0	.3814
1	.3787
2	.3760
3	.3733
4	.3705
5	.3678
6	.3651
7	.3624
8	.3597
9	.3569
10	.3542
11	.3515
11 0	.3488
1	.3463
2	.3439
3	.3414
4	.3390
5	.3365
6	.3340
7	.3316
8	.3291
9	.3267
10	.3242
11	.3217
12 0	.3193
1	.3170
2	.3148
3	.3126
4	.3104
5	.3081
6	.3059
7	.3037
8	.3015
9	.2992
10	.2970
11	.2948
13 0	.2925
1	.2905
2	.2885
3	.2865
4	.2845
5	.2824
6	.2804
7	.2784
8	.2764
9	.2744
10	.2723
11	.2703
14 0	.2683
1	.2665
2	.2646
3	.2628
4	.2610
5	.2591
6	.2573
7	.2554
8	.2536
9	.2518
10	.2499
11	.2481
15 0	.2463
1	.2446
2	.2429
3	.2413
4	.2396
5	.2379
6	.2363

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.2346
8	.2329
9	.2312
10	.2296
11	.2279
16 0	.2262
1	.2247
2	.2232
3	.2217
4	.2202
5	.2186
6	.2171
7	.2156
8	.2141
9	.2126
10	.2110
11	.2095
17 0	.2080
1	.2066
2	.2052
3	.2038
4	.2025
5	.2011
6	.1997
7	.1983
8	.1969
9	.1955
10	.1941
11	.1928
18 0	.1914
1	.1901
2	.1888
3	.1876
4	.1863
5	.1851
6	.1838
7	.1825
8	.1813
9	.1800
10	.1787
11	.1775
19 0	.1762
1	.1750
2	.1739
3	.1727
4	.1716
5	.1704
6	.1693
7	.1681
8	.1670
9	.1658
10	.1647
11	.1635
20 0	.1623
1	.1613
2	.1602
3	.1592
4	.1581
5	.1571
6	.1560
7	.1550
8	.1539
9	.1528
10	.1518
11	.1507
21 0	.1497
1	.1487
2	.1477
3	.1468
4	.1458
5	.1448
6	.1439

TEACHERS RETIREMENT SYSTEM PLAN II EARLY RETIREMENT FACTORS by Year and Month			TEACHERS RETIREMENT SYSTEM PLAN II EARLY RETIREMENT FACTORS by Year and Month		
	7	.1429		7	.0889
	8	.1419		8	.0884
	9	.1410		9	.0878
	10	.1400		10	.0872
	11	.1390		11	.0866
22	0	.1381	28	0	.0860
	1	.1372		1	.0855
	2	.1363		2	.0850
	3	.1354		3	.0845
	4	.1345		4	.0839
	5	.1336		5	.0834
	6	.1328		6	.0829
	7	.1319		7	.0823
	8	.1310		8	.0818
	9	.1301		9	.0813
	10	.1292		10	.0807
	11	.1283		11	.0802
23	0	.1274	29	0	.0797
	1	.1266		1	.0792
	2	.1258		2	.0787
	3	.1250		3	.0782
	4	.1242		4	.0777
	5	.1234		5	.0772
	6	.1226		6	.0767
	7	.1218		7	.0762
	8	.1209		8	.0757
	9	.1201		9	.0752
	10	.1193		10	.0748
	11	.1185		11	.0743
24	0	.1177	30	0	.0738
	1	.1170		1	.0733
	2	.1162		2	.0729
	3	.1155		3	.0724
	4	.1147		4	.0720
	5	.1140		5	.0715
	6	.1132		6	.0711
	7	.1125		7	.0706
	8	.1117		8	.0702
	9	.1110		9	.0697
	10	.1102		10	.0692
	11	.1095		11	.0688
25	0	.1088	31	0	.0683
	1	.1081		1	.0679
	2	.1074		2	.0675
	3	.1067		3	.0671
	4	.1060		4	.0667
	5	.1053		5	.0663
	6	.1046		6	.0658
	7	.1040		7	.0654
	8	.1033		8	.0650
	9	.1026		9	.0646
	10	.1019		10	.0642
	11	.1012		11	.0638
26	0	.1005	32	0	.0633
	1	.0999		1	.0630
	2	.0993		2	.0626
	3	.0987		3	.0622
	4	.0980		4	.0618
	5	.0974		5	.0614
	6	.0968		6	.0610
	7	.0961		7	.0606
	8	.0955		8	.0603
	9	.0949		9	.0599
	10	.0943		10	.0595
	11	.0936		11	.0591
27	0	.0930	33	0	.0587
	1	.0924		1	.0584
	2	.0918		2	.0580
	3	.0913		3	.0577
	4	.0907		4	.0573
	5	.0901		5	.0570
	6	.0895		6	.0566

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.0562
8	.0559
9	.0555
10	.0552
11	.0548
34 0	.0545
1	.0541
2	.0538
3	.0535
4	.0532
5	.0528
6	.0525
7	.0522
8	.0518
9	.0515
10	.0512
11	.0509
((35 0	.0505
1	.0463
2	.0421
3	.0379
4	.0337
5	.0295
6	.0253
7	.0211
8	.0168
9	.0126
10	.0084
11	.0042
36 0	.0000
1	.0000
2	.0000
3	.0000
4	.0000
5	.0000
6	.0000
7	.0000
8	.0000
9	.0000
10	.0000
11	.0000
37 0	.0000
1	.0000
2	.0000
3	.0000
4	.0000
5	.0000
6	.0000
7	.0000
8	.0000
9	.0000
10	.0000
11	.0000
38 0	.0000
1	.0000
2	.0000
3	.0000
4	.0000
5	.0000
6	.0000
7	.0000
8	.0000
9	.0000
10	.0000
11	.0000
39 0	.0000
1	.0000
2	.0000
3	.0000
4	.0000
5	.0000
6	.0000

TEACHERS RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.0000
8	.0000
9	.0000
10	.0000
11	.0000))
35 0	.0505
1	.0502
2	.0499
3	.0496
4	.0493
5	.0490
6	.0487
7	.0484
8	.0481
9	.0478
10	.0475
11	.0472
36 0	.0469
1	.0466
2	.0463
3	.0460
4	.0458
5	.0455
6	.0452
7	.0449
8	.0446
9	.0444
10	.0441
11	.0438
37 0	.0435
1	.0433
2	.0430
3	.0427
4	.0425
5	.0422
6	.0420
7	.0417
8	.0415
9	.0412
10	.0409
11	.0407
38 0	.0404
1	.0402
2	.0399
3	.0397
4	.0395
5	.0392
6	.0390
7	.0387
8	.0385
9	.0383
10	.0380
11	.0378
39 0	.0375
1	.0373
2	.0371
3	.0369
4	.0366
5	.0364
6	.0362
7	.0360
8	.0358
9	.0355
10	.0353
11	.0351
40 0	.0349
1	.0347
2	.0345
3	.0343
4	.0341
5	.0338
6	.0336

TEACHERS RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS
 by Year and Month

	7	.0334
	8	.0332
	9	.0330
	10	.0328
	11	.0326
41	0	.0324
	1	.0322
	2	.0320
	3	.0318
	4	.0316
	5	.0315
	6	.0313
	7	.0311
	8	.0309
	9	.0307
	10	.0305
	11	.0303
42	0	.0301
	1	.0299
	2	.0298
	3	.0296
	4	.0294
	5	.0292
	6	.0291
	7	.0289
	8	.0287
	9	.0285
	10	.0284
	11	.0282
43	0	.0280
	1	.0278
	2	.0277
	3	.0275
	4	.0273
	5	.0272
	6	.0270
	7	.0269
	8	.0267
	9	.0265
	10	.0264
	11	.0262
44	0	.0260
	1	.0259
	2	.0257
	3	.0256
	4	.0254
	5	.0253
	6	.0251
	7	.0250
	8	.0248
	9	.0247
	10	.0245
	11	.0244

LAW ENFORCEMENT OFFICERS
 AND FIREFIGHTERS
 RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS
 by Year and Month

0	0	1.0000
	1	.9920
	2	.9841
	3	.9761
	4	.9682
	5	.9602
	6	.9523
	7	.9443
	8	.9364

LAW ENFORCEMENT OFFICERS
 AND FIREFIGHTERS
 RETIREMENT SYSTEM
 PLAN II
 EARLY RETIREMENT FACTORS
 by Year and Month

	9	.9284
	10	.9204
	11	.9125
1	0	.9045
	1	.8974
	2	.8903
	3	.8833
	4	.8762
	5	.8691
	6	.8620
	7	.8549
	8	.8478
	9	.8407
	10	.8336
	11	.8265
2	0	.8194
	1	.8131
	2	.8067
	3	.8004
	4	.7941
	5	.7877
	6	.7814
	7	.7751
	8	.7687
	9	.7624
	10	.7561
	11	.7497
3	0	.7434
	1	.7377
	2	.7320
	3	.7264
	4	.7207
	5	.7150
	6	.7094
	7	.7037
	8	.6980
	9	.6923
	10	.6867
	11	.6810
4	0	.6753
	1	.6702
	2	.6652
	3	.6601
	4	.6550
	5	.6499
	6	.6448
	7	.6397
	8	.6346
	9	.6296
	10	.6245
	11	.6194
5	0	.6143
	1	.6097
	2	.6052
	3	.6006
	4	.5960
	5	.5914
	6	.5869
	7	.5823
	8	.5777
	9	.5732
	10	.5686
	11	.5640
6	0	.5595
	1	.5554
	2	.5512
	3	.5471
	4	.5430
	5	.5389
	6	.5348

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

7	.5307
8	.5266
9	.5225
10	.5184
11	.5142
7 0	.5101
1	.5064
2	.5027
3	.4990
4	.4953
5	.4916
6	.4879
7	.4842
8	.4805
9	.4768
10	.4731
11	.4694
8 0	.4657
1	.4623
2	.4590
3	.4556
4	.4523
5	.4489
6	.4456
7	.4423
8	.4389
9	.4356
10	.4322
11	.4289
9 0	.4255
1	.4225
2	.4195
3	.4165
4	.4134
5	.4104
6	.4074
7	.4044
8	.4013
9	.3983
10	.3953
11	.3923
10 0	.3892
1	.3865
2	.3838
3	.3810
4	.3783
5	.3756
6	.3728
7	.3701
8	.3674
9	.3646
10	.3619
11	.3591
11 0	.3564
1	.3539
2	.3514
3	.3490
4	.3465
5	.3440
6	.3415
7	.3390
8	.3366
9	.3341
10	.3316
11	.3291
12 0	.3266
1	.3244
2	.3221
3	.3199
4	.3176

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

5	.3154
6	.3131
7	.3109
8	.3086
9	.3064
10	.3041
11	.3019
13 0	.2996
1	.2976
2	.2955
3	.2935
4	.2914
5	.2894
6	.2873
7	.2853
8	.2833
9	.2812
10	.2792
11	.2771
14 0	.2751
1	.2732
2	.2714
3	.2695
4	.2676
5	.2658
6	.2639
7	.2620
8	.2602
9	.2583
10	.2565
11	.2546
15 0	.2527
1	.2510
2	.2494
3	.2477
4	.2460
5	.2443
6	.2426
7	.2409
8	.2392
9	.2375
10	.2358
11	.2341
16 0	.2324
1	.2309
2	.2293
3	.2278
4	.2262
5	.2247
6	.2231
7	.2216
8	.2200
9	.2185
10	.2169
11	.2154
17 0	.2138
1	.2124
2	.2110
3	.2096
4	.2082
5	.2068
6	.2054
7	.2040
8	.2026
9	.2012
10	.1997
11	.1983

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PLAN II EARLY RETIREMENT FACTORS by Year and Month			LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS RETIREMENT SYSTEM PLAN II EARLY RETIREMENT FACTORS by Year and Month		
18	0	.1969			
	1	.1956			
	2	.1943			
	3	.1930			
	4	.1918			
	5	.1905			
	6	.1892			
	7	.1879			
	8	.1866			
	9	.1853			
	10	.1840			
	11	.1827			
19	0	.1814			
	1	.1803			
	2	.1791			
	3	.1779			
	4	.1767			
	5	.1755			
	6	.1744			
	7	.1732			
	8	.1720			
	9	.1708			
	10	.1697			
	11	.1685			
20	0	.1673			
	1	.1662			
	2	.1651			
	3	.1641			
	4	.1630			
	5	.1619			
	6	.1608			
	7	.1597			
	8	.1587			
	9	.1576			
	10	.1565			
	11	.1554			
21	0	.1543			
	1	.1533			
	2	.1524			
	3	.1514			
	4	.1504			
	5	.1494			
	6	.1484			
	7	.1474			
	8	.1464			
	9	.1454			
	10	.1444			
	11	.1435			
22	0	.1425			
	1	.1416			
	2	.1407			
	3	.1397			
	4	.1388			
	5	.1379			
	6	.1370			
	7	.1361			
	8	.1352			
	9	.1343			
	10	.1334			
	11	.1325			
23	0	.1316			
	1	.1307			
	2	.1299			
	3	.1291			
	4	.1282			
	5	.1274			
	6	.1266			
	7	.1257			
	8	.1249			
	9	.1241			
			10		.1233
			11		.1224
			24	0	.1216
				1	.1208
				2	.1201
				3	.1193
				4	.1185
				5	.1178
				6	.1170
				7	.1162
				8	.1155
				9	.1147
				10	.1139
				11	.1132
			25	0	.1124
				1	.1117
				2	.1110
				3	.1103
				4	.1096
				5	.1089
				6	.1082
				7	.1075
				8	.1068
				9	.1061
				10	.1054
				11	.1047
			26	0	.1040
				1	.1033
				2	.1027
				3	.1020
				4	.1014
				5	.1007
				6	.1001
				7	.0994
				8	.0988
				9	.0981
				10	.0975
				11	.0969
			27	0	.0962
				1	.0956
				2	.0950
				3	.0944
				4	.0938
				5	.0932
				6	.0926
				7	.0920
				8	.0914
				9	.0908
				10	.0903
				11	.0897
			28	0	.0891
				1	.0885
				2	.0880
				3	.0874
				4	.0869
				5	.0863
				6	.0858
				7	.0852
				8	.0847
				9	.0841
				10	.0836
				11	.0830
			29	0	.0825
				1	.0820
				2	.0815
				3	.0810
				4	.0805
				5	.0800
				6	.0795
				7	.0789

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	8	.0784
	9	.0779
	10	.0774
	11	.0769
30	0	.0764
	1	.0760
	2	.0755
	3	.0750
	4	.0746
	5	.0741
	6	.0736
	7	.0732
	8	.0727
	9	.0722
	10	.0718
	11	.0713
31	0	.0708
	1	.0704
	2	.0700
	3	.0695
	4	.0691
	5	.0687
	6	.0682
	7	.0678
	8	.0674
	9	.0670
	10	.0665
	11	.0661
32	0	.0657
	1	.0653
	2	.0649
	3	.0645
	4	.0641
	5	.0637
	6	.0633
	7	.0629
	8	.0625
	9	.0621
	10	.0617
	11	.0613
33	0	.0609
	1	.0605
	2	.0602
	3	.0598
	4	.0594
	5	.0591
	6	.0587
	7	.0583
	8	.0580
	9	.0576
	10	.0572
	11	.0569
34	0	.0565
	1	.0562
	2	.0558
	3	.0555
	4	.0551
	5	.0548
	6	.0545
	7	.0541
	8	.0538
	9	.0534
	10	.0531
	11	.0528
((35	0	.0524
	1	.0481
	2	.0437
	3	.0393
	4	.0350
	5	.0306

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II
EARLY RETIREMENT FACTORS
by Year and Month

	6	.0262
	7	.0218
	8	.0175
	9	.0131
	10	.0087
	11	.0044
36	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
37	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
38	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000
39	0	.0000
	1	.0000
	2	.0000
	3	.0000
	4	.0000
	5	.0000
	6	.0000
	7	.0000
	8	.0000
	9	.0000
	10	.0000
	11	.0000))
35	0	.0524
	1	.0521
	2	.0518
	3	.0515
	4	.0512
	5	.0509
	6	.0505
	7	.0502
	8	.0499
	9	.0496
	10	.0493
	11	.0490

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II

EARLY RETIREMENT FACTORS
by Year and Month

36	0	.0487
	1	.0484
	2	.0481
	3	.0478
	4	.0475
	5	.0472
	6	.0469
	7	.0466
	8	.0463
	9	.0461
	10	.0458
	11	.0455
37	0	.0452
	1	.0449
	2	.0446
	3	.0444
	4	.0441
	5	.0438
	6	.0436
	7	.0433
	8	.0430
	9	.0428
	10	.0425
	11	.0422
38	0	.0420
	1	.0417
	2	.0415
	3	.0413
	4	.0411
	5	.0408
	6	.0406
	7	.0404
	8	.0401
	9	.0399
	10	.0397
	11	.0394
39	0	.0392
	1	.0390
	2	.0388
	3	.0386
	4	.0384
	5	.0382
	6	.0379
	7	.0377
	8	.0375
	9	.0373
	10	.0371
	11	.0369

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II OPTION I

20	.0036854
21	.0037066
22	.0037288
23	.0037521
24	.0037765
25	.0038020
26	.0038289
27	.0038571
28	.0038866
29	.0039177
30	.0039503

LAW ENFORCEMENT OFFICERS AND FIREFIGHTERS
RETIREMENT SYSTEM
PLAN II OPTION I

31	.0039846
32	.0040207
33	.0040586
34	.0040985
35	.0041406
36	.0041848
37	.0042315
38	.0042806
39	.0043325
40	.0043871
41	.0044447
42	.0045052
43	.0045687
44	.0046352
45	.0047048
46	.0047775
47	.0048536
48	.0049331
49	.0050162
50	.0051031
51	.0051940
52	.0052893
53	.0053892
54	.0054942
55	.0056047
56	.0057211
57	.0058441
58	.0059741
59	.0061120
60	.0062584
61	.0064141
62	.0065800
63	.0067571
64	.0069461
65	.0071481
66	.0073639
67	.0075944
68	.0078407
69	.0081037
70	.0083844
71	.0086841
72	.0090038
73	.0093446
74	.0097076
75	.0100938
76	.0105040
77	.0109388
78	.0113988
79	.0118848
80	.0123977
81	.0129386
82	.0135092
83	.0141104
84	.0147416
85	.0153996
86	.0160774
87	.0167652
88	.0174514
89	.0181218
90	.0187587
91	.0193543
92	.0198948
93	.0203734
94	.0207882
95	.0211409
96	.0214355
97	.0216775
98	.0218727
99	.0220272

LAW ENFORCEMENT OFFICERS AND
FIREFIGHTERS RETIREMENT SYSTEM
PLAN II

OPTION 2	AGE DIFFERENCE	OPTION 3
	BENEFICIARY OLDER	
0.933	-20	0.967
0.927	-19	0.963
0.920	-18	0.960
0.914	-17	0.956
0.907	-16	0.952
0.900	-15	0.949
0.892	-14	0.944
0.885	-13	0.940
0.877	-12	0.936
0.869	-11	0.931
0.861	-10	0.927
0.853	-09	0.922
0.845	-08	0.917
0.837	-07	0.913
0.829	-06	0.908
0.821	-05	0.903
0.813	-04	0.898
0.805	-03	0.893
0.797	-02	0.888
0.789	-01	0.883

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS RETIREMENT SYSTEM
PLAN II

OPTION 2	AGE DIFFERENCE	OPTION 3
	BENEFICIARY YOUNGER	
0.585	36	0.739
0.582	37	0.737
0.579	38	0.735

AGE DIFFERENCE = MEMBERS AGE MINUS BENEFICIARY AGE

WSR 87-03-050
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE CENTER

[Memorandum—January 20, 1987]

The regular board of directors meeting scheduled for February 19, 1987, has been rescheduled to February 26, 1987. The time and location of the meeting remain the same.

WSR 87-03-051
NOTICE OF PUBLIC MEETINGS
DEPARTMENT OF COMMUNITY DEVELOPMENT
[Memorandum—January 16, 1987]

The Washington State Department of Community Development (DCD) plans to hold a public hearing on the proposed 1987 Department of Energy (DOE) weatherization assistance program state plan.

The hearing will be held on Tuesday, February 24, 1987, in the DCD Fifth Floor Conference Room, Ninth and Columbia Building, Fifth Floor, Olympia, Washington. The hearing will begin promptly at 10:00 a.m. and close at 12:00 noon, unless participation requires more time.

Two typewritten copies of all oral testimony are requested. There will be a question and answer period. Written testimony will be accepted until 5:00 p.m. on Monday, February 23, 1987, sent to the attention of Katherine Friedt, Assistant Director, Division for Community Services, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151.

WSR 87-03-052
ADOPTED RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Order SDO-05-87—Filed January 21, 1987]

I, Theresa Anna Aragon, director of the Department of Licensing, do promulgate and adopt at the Department of Licensing, Olympia, Washington 98504, the annexed rules relating to the regulation of debenture companies as follows:

- Amd WAC 460-64A-010 Definitions.
- Amd WAC 460-64A-020 Capital requirements.

LAW ENFORCEMENT OFFICERS
AND FIREFIGHTERS RETIREMENT SYSTEM
PLAN II

OPTION 2	AGE DIFFERENCE	OPTION 3
	BENEFICIARY YOUNGER	
0.781	0	0.878
0.773	1	0.873
0.766	2	0.868
0.758	3	0.863
0.750	4	0.859
0.743	5	0.854
0.736	6	0.849
0.729	7	0.844
0.722	8	0.839
0.715	9	0.835
0.708	10	0.830
0.701	11	0.825
0.695	12	0.821
0.688	13	0.816
0.682	14	0.812
0.676	15	0.808
0.670	16	0.803
0.664	17	0.799
0.658	18	0.795
0.653	19	0.791
0.648	20	0.787
0.643	21	0.783
0.638	22	0.780
0.633	23	0.776
0.628	24	0.773
0.624	25	0.769
0.620	26	0.766
0.616	27	0.763
0.612	28	0.760
0.608	29	0.757
0.604	30	0.754
0.601	31	0.751
0.597	32	0.749
0.594	33	0.746
0.591	34	0.744
0.588	35	0.741

This action is taken pursuant to Notice No. WSR 86-23-049 filed with the code reviser on November 19, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 21.20.710 and is intended to administratively implement that statute.

This rule is promulgated pursuant to RCW 21.20.450 which directs that the director of the Department of Licensing has authority to implement the provisions of chapter 21.20 RCW.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 19, 1987.

By Theresa Anna Aragon
Director

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-64A-010 **DEFINITIONS.** ((+)) As set forth in RCW 21.20.710, the phrase "cash or comparable liquid assets" means: Legal tender of the United States of America, U.S. Treasury notes or bills, or other negotiable government securities with an ascertainable public market or other liquid assets as allowed with the express written permission of the securities administrator.

AMENDATORY SECTION (Amending Order 304, filed 2/28/75, effective 4/1/75)

WAC 460-64A-020 **CAPITAL REQUIREMENTS.** The paid-in capital requirements enumerated in RCW 21.20.710 must be maintained at all times(~~;~~ ~~although it does not need to be maintained in such liquid form as set forth in WAC 460-64A-010(+))~~).

WSR 87-03-053

PROPOSED RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

(Fire Marshal)

[Filed January 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Community Development intends to adopt, amend, or repeal rules concerning standard for above-ground used oil tanks, chapter 212-51 WAC;

that the agency will at 10 a.m., Tuesday, February 24, 1987, in the Airdustrial Park, Building #12, Olympia, Washington 98504, conduct a public hearing on the proposed rules.

The adoption, amendment, or repeal of the rules will take place immediately following the hearing.

The authority under which these rules are proposed is RCW 43.63A.060.

The specific statute these rules are intended to implement is RCW 19.114.040.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 17, 1987.

Dated: January 20, 1987
By: Richard J. Thompson
Director

STATEMENT OF PURPOSE

The purpose of this regulation is to adopt recognized standards for the design, construction, and placement of above-ground tanks to collect used oil from private individuals for recycling purposes pursuant to RCW 19.114.040.

These standards are designed to fulfill the legislative intent as stated in RCW 19.114.010 which states "Improper disposal of used oil creates leaching problems within landfills, is a significant source of water pollution, has a detrimental impact on the fisheries industry, and contributes toward the overall shortage of energy resources. In light of these harmful consequences and the ease with which used oil can be recycled, the legislature declares that it is the policy of this state to collect and recycle used oil."

The agency personnel responsible for the drafting of this rule is Ted M. Curcio, Chief, Office of State Fire Marshal, Fire Protection Services Division, Department of Community Development, 1112 South Quince, ET-32, Olympia, WA 98504, (206) 753-3658.

The agency personnel responsible for implementation and enforcement of this rule is Patricia Frost, Interim Director, Fire Protection Services Division, Department of Community Development, 9th and Columbia Building, Olympia, WA 98504, (206) 586-3442.

This rule is proposed by the Fire Protection Services Division, State Fire Marshal Section, of the State Department of Community Development.

This rule is not made necessary by either a change in federal law or state court action.

Chapter 212-51 WAC
STANDARDS FOR ABOVE-GROUND USED OIL TANKS

WAC	
212-51-001	Purpose.
212-51-005	Definitions.
212-51-010	Applicability.
212-51-015	Application.
212-51-020	Alternate materials and methods.
212-51-025	Minimum design standards.
212-51-030	Location.
212-51-035	Environmental impact of placement of above-ground used oil tanks.
212-51-040	Portable fire extinguishers.
212-51-045	Signs.
212-51-050	Severability.

NEW SECTION

WAC 212-51-001 **PURPOSE.** The purpose of this chapter is to adopt recognized standards for the design, construction, and placement of above-ground tanks to collect used oil from private individuals for recycling purposes pursuant to RCW 19.114.040.

These standards are designed to fulfill the legislative intent as stated in RCW 19.114.010 which states "Improper disposal of used oil creates leaching problems within landfills, is a significant source of water

pollution, has a detrimental impact on the fisheries industry, and contributes toward the overall shortage of energy resources. In light of these harmful consequences and the ease with which used oil can be recycled, the legislature declares that it is the policy of this state to collect and recycle used oil."

NEW SECTION

WAC 212-51-005 DEFINITIONS. The following definitions shall apply to this chapter:

(1) "Approved" means approved by the state director of fire protection as the result of investigation and tests conducted by him/her, or by reasons of principles, tests by national, technical, or scientific organizations accepted by the director as valid.

(2) "Director" means state director of fire protection.

(3) "Department" means the department of community development, fire protection services division.

(4) "Fire official" means the person or other designated authority, appointed by the city, town, or county, for administration and enforcement of the Uniform Fire Code adopted by reference in the State Building Code Act, chapter 19.27 RCW.

(5) "Person" means an individual, private or public corporation, partnership, cooperative, association, estate, municipality, political subdivision, or governmental agency or instrumentality. (RCW 19.114.020).

(6) "Recycle" means to prepare used oil for re-use as a petroleum product by refining, rerefining, reclaiming, reprocessing, or other means or to use used oil as a substitute for a petroleum product made from new oil, provided that the preparation or use is operationally safe, environmentally sound, and complies with all laws and rules.

(7) "Used oil" means automotive oil which through use, storage, or handling has become unsuitable for its original purpose due to the presence of impurities or the loss of original properties.

NEW SECTION

WAC 212-51-010 APPLICABILITY. This chapter applies to all facilities placed for the collection of used oil from the public for the purpose of recycling.

NEW SECTION

WAC 212-51-015 APPLICATION. Prior to the placement of a collection facility, the installer shall make application to the local fire official. All equipment shall comply with the provision of this chapter. Approvals or denials are issued on the basis of the applicant's compliance with the state fire protection services division, life safety standard and the Uniform Fire Code as adopted by reference in the State Building Code Act, chapter 19.27 RCW. The installer shall provide, if required by the local fire official, a plot plan of the proposed location showing intent to meet any required set back from buildings or property lines.

NEW SECTION

WAC 212-51-020 ALTERNATE MATERIALS AND METHODS. The director of fire protection may modify any of the provisions of this code upon application in writing where there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be complied with, public safety secured. The particulars of such modification may be allowed and the decision of the director of fire protection shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

The director may require tests as proof of compliance with the intent of this code. Such tests shall be made by an approved agency at the expense of the person requesting approval of the alternate material or method of construction.

If technical expertise is unavailable within the department because of new technology, process, products, facilities, materials and uses attending the design of the proposed alternate, the director may require the person in possession or control to provide, without charge to the department, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire-safety speciality organization acceptable to the director and the owner, and shall analyze the fire-safety properties of the design, operation or use of the proposed alternate, and prescribe the necessary recommended changes.

NEW SECTION

WAC 212-51-025 MINIMUM DESIGN STANDARDS. Used oil collection facilities for the collection of used oil from the public shall:

Be a self-contained design which provides:

(1) A metallic storage tank of a maximum size of five hundred U.S. gallons.

(2) A dike or containment vessel which will contain the entire gallonage of the storage tank in the event of a leak.

(3) A method of controlling water accumulation within the dike or containment vessel.

(4) A funnel-shaped fill area to reduce spills.

(5) Venting to relieve internal pressure.

(6) A suitable port for emptying storage tank by suction. No pressurization of the tank shall be permitted.

(7) Suitable protection of facility from vehicular damage.

(8) A nearby suitable covered litter receptacle for disposal of contaminated oil containers.

NEW SECTION

WAC 212-51-030 LOCATION. Used oil collection facilities shall be located in accordance with the Uniform Fire Code, Article 79, Division Four, as adopted by chapter 19.27 RCW.

NEW SECTION

WAC 212-51-035 ENVIRONMENTAL IMPACT OF PLACEMENT OF ABOVE-GROUND USED OIL TANKS. As stated in RCW 90.48.320, "It shall be unlawful . . . for oil to enter the waters of the state from . . . any fixed or mobile facility or installation . . ." Above-ground used oil tanks should be placed to avoid discharge of spilled oil into the surface waters or ground waters of the state pursuant to RCW 90.48.315 through 90.48.410.

NEW SECTION

WAC 212-51-040 PORTABLE FIRE EXTINGUISHERS. There shall be a minimum of one 20 BC fire extinguisher readily available at each used oil collection facility and located not closer than fifteen feet nor more than seventy-five feet away from the facility.

NEW SECTION

WAC 212-51-045 SIGNS. (1) It shall be the responsibility of all owners of above-ground used oil tanks to post a prominent sign on or near the tank identifying the tank as a used oil recycling tank only, and stating that contaminants should not be mixed with used oil.

(2) Signs shall be commercially printed on the tank, or within two feet of it, and placed where spilled oil will not obscure message. "RECYCLE USED OIL HERE" letters will be a minimum of one inch high by three-eighths inch wide in capital letters (96 pt). Remaining letters will be five-eighths inch high by one quarter inch wide (60 pt.) with the letters "FOR USED OIL ONLY" and "DO NOT" in capital letters.

RECYCLED USED OIL HERE

*Prevent water pollution

*Protect public health

*Re-use limited resources

FOR USED OIL ONLY

DO NOT MIX WITH GASOLINE

antifreeze, engine degreasers, solvents,
cooking oil or any other contaminants

(3) The facility shall contain wording visible from all sides in letters four inches high, and one-half inch wide, red on white background stating "No Smoking or Open Flame."

(4) The establishment where a used oil collection tank is located shall prominently post a separate sign in a conspicuous place stating "RECYCLED USED OIL ACCEPTED HERE." Letters to be a minimum of one and one-half inches high by one-half inches wide in capital letters (144 pt).

NEW SECTION

WAC 212-51-050 SEVERABILITY. If any provision of this chapter or its application to any person is held invalid, the remainder of the chapter or the application of the provision to other persons or circumstances is not affected.

WSR 87-03-054
ADOPTED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2467—Filed January 21, 1987]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to food stamps, amending chapter 388-54 WAC.

This action is taken pursuant to Notice No. WSR 86-24-058 filed with the code reviser on December 2, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 74.04.510 and is intended to administratively implement that statute.

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 21, 1987.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2440, filed 11/10/86)

WAC 388-54-740 INCOME—DEDUCTIONS. In computing net income, only the following deductions shall be allowed:

(1) A standard deduction of ninety-nine dollars per household per month.

(2) An earned income deduction of twenty percent of gross earned income. Earnings excluded in WAC 388-54-735 shall not be included in gross earned income for purposes of computing earned income deductions.

(3) A dependent care deduction for households not containing an elderly or disabled member shall be the amount actually paid not to exceed one hundred sixty dollars. Payments for the care of a child or other dependent will be allowed when necessary for a household member to accept or continue employment, seek employment, or attend training or education preparatory to employment.

(4) Shelter costs in excess of fifty percent of the household's income after deducting the standard, earned income, and dependent care deductions. The shelter deduction shall not exceed one hundred forty-nine dollars.

(a) "Shelter costs" mean rent or mortgage payment plus taxes on a dwelling and property, insurance on the structure only, unless the costs for insuring the structure and its contents cannot be separated, assessments, and utility costs such as heat and cooking fuel, cooling and electricity, water, garbage, sewage disposal, and a standard basic telephone allowance, and initial installation fees for utility services. One-time deposits shall not be included as shelter costs.

Shelter costs shall also include continuing charges leading to the ownership of the shelter such as loan repayments for the purchase of a mobile home, including interest on such payments.

(b) Shelter costs for a home not occupied because of employment, training away from home, illness, or abandonment caused by casualty loss or natural disaster shall be allowed if:

- (i) The household intends to return to the house;
- (ii) The current occupants, if any, are not claiming shelter costs for food stamp purposes; or
- (iii) The home is not being leased or rented during the household's absence.

(c) Charges for the repair of the home which was substantially damaged or destroyed due to a natural disaster such as a fire or flood.

(d) Standardized utility amounts include utilities such as heating and cooling costs, cooking fuel, electricity not used to heat or cool the residence, water, garbage, sewage disposal, and telephone. Cooling costs are defined as central air conditioners or operation of a room air conditioner.

<u>Persons in Household</u>	<u>Annualized Utility Standards</u>
1	\$ 131
2	140
3	150
4	158
5	169
6	178
7	184
8	191
9	199
10 or more	209

(e) Households billed by their landlords for actual usage as determined through individual metering may qualify for the standard utility allowance.

(f) Households not incurring any separate utility charges for heating or cooling costs shall not be entitled to claim the standard utility allowance.

~~((f))~~ (g) If a household is not entitled to the standard utility allowance, the household may claim actual utility expenses for any utility which the household does pay separately.

(i) The telephone standard for families incurring telephone costs, but not entitled to claim the standard utility allowance, is ten dollars.

(ii) The telephone allowance applies to households not entitled to claim the standard utility allowance, but which have telephone expenses.

~~((g))~~ (h) If a household requests and can verify the household's utility bills, the actual utility costs shall be used rather than the standard utility allowance.

~~((h))~~ (i) A household shall ~~((not))~~ be allowed to switch between actual utility costs and the utility standard ~~((for a period of twelve months unless:~~

- ~~(i) The household changes residence; or~~
- ~~(ii) The household begins to incur a heating and/or cooling cost; or~~

(iii) The household no longer incurs a heating and/or cooling cost)) at each recertification action and one additional time during each twelve-month period following the initial certification action.

((†)) (j) Where the household shares a residence and utility costs with other individuals, the standard allowance shall be divided equally among the individuals contributing to meeting the utility costs. The household shall only be permitted to use the household's prorated share of the standard allowance.

((†)) (k) Households living in a public housing unit or other rental housing unit having central utility meters and charging the household only for excess utility costs shall not be permitted to use the standard utility allowance including a heating or cooling cost component. Payment of excess heating or cooling costs shall not qualify the household for the standard utility allowance including a heating or cooling component.

(l) If in any month of the certification period actual out-of-pocket heating or cooling expenses exceed the prorated energy assistance vendor payment, the household is entitled to receive the standard utility allowance.

(m) If the prorated energy assistance vendor payment exceeds the heating or cooling expense for every month of the certification period, the household can count the entire expense billed by the provider toward actual utility costs regardless of the energy assistance vendor payment.

(n) Energy assistance vendor payments are prorated on a monthly basis over the entire heating or cooling season for which it is provided.

(5) Households containing an elderly or disabled member, as defined in WAC 388-54-665 (2)(b), shall be authorized:

(a) A dependent care deduction up to one hundred ~~(forty-nine)~~ sixty dollars as specified in WAC 388-54-740(3), and

(b) An excess shelter deduction as specified in WAC 388-54-740(4) for the monthly amount exceeding fifty percent of the household's monthly income after all applicable deductions have been made.

(6) An individual who is elderly or disabled, as defined in WAC 388-54-665 (2)(b), shall be authorized a deduction for unreimbursable monthly medical expenses over thirty-five dollars.

(a) Allowable medical expenses are:

(i) The cost of maintaining an attendant, homemaker, home health aide, housekeeper, and/or child care service. These expenses, which could be claimed either as a medical or child care expense, must be considered as medical expenses;

(ii) The cost of medical insurance;

(iii) Medicare premiums related to coverage under Title XVIII of the Social Security Act;

(iv) Any cost-sharing on spend-down expenses incurred by Medicaid (medical only) recipients;

(v) Hospitalization or outpatient treatment, nursing care, and nursing home care including payments by the household for an individual who was a household member immediately prior to entering a hospital or licensed nursing home;

(vi) Prescription drugs and other over-the-counter medication (including insulin) when prescribed or approved by a licensed practitioner or other qualified health professional;

(vii) The cost of medical supplies, sick-room equipment (including rental), or other prescribed equipment;

(viii) Dentures, hearing aids, prosthetics, and eyeglasses prescribed by an optometrist or physician skilled in eye disease;

(ix) Securing and maintaining a seeing eye dog including the cost of dog food and veterinarian bills;

(x) Reasonable cost of transportation and lodging to obtain medical treatment or services.

(b) Nonallowable expenses are:

(i) The cost of health and hospital insurance which pays in lump-sum settlements or which continue mortgage or loan payments while the beneficiary is disabled; and

(ii) The cost of special diets.

AMENDATORY SECTION (Amending Order 2286, filed 9/24/85)

WAC 388-54-745 INCOME—BUDGETING. (1) Budget all income ~~((for migrant households))~~ prospectively over the certification period for:

(a) Migrant households.

(b) Households in which all members are elderly or disabled and have no earned income. When an elderly household begins to receive earned income or acquires a nonelderly member, budget the household retrospectively in the second month following the month this change occurs, except as provided in subsection (2) of this section.

(2) Budget PA and SSI income prospectively over the certification period.

(3) Other households shall be prospectively budgeted in the beginning months and retrospectively budgeted in months other than beginning months, except as provided in subsection (4) of this section.

(4) Average nonexcluded scholarships, deferred education loans, and other educational grants over the period of intended use.

(5) For prospective budgeting:

(a) Count income already received and which can be reasonably anticipated to be received by the household during the month of application. Count only the income which can be reasonably anticipated for the second beginning month.

(b) Budget income prospectively for the month a non-participating individual is added to the household and the following month when reported timely. Combine prospective budgeting for the nonparticipating individual with the method in effect for the rest of the household.

(c) Income from self-employment shall be considered according to WAC 388-54-750.

(d) Average contractual income, except for migrant households.

(6) For retrospective budgeting:

(a) Use the household composition as of the last day of the report month.

(b) Disregard income received in a beginning month from a source which no longer provides income to the

household. To be disregarded, income must have been included in the household's prospective budget. The disregard shall be for no more than one month.

(c) Disregard income received from a discontinued source by a nonassistance household member if that member applies for and begins to receive a PA grant. The household must have reported at least ten days prior to the start of the payment month.

(d) Use self-employment income from the corresponding report month.

(e) Count an AFDC corrective payment. An AFDC corrective payment is an AFDC warrant in addition to the regular monthly warrant. Budget only corrective payments which cover the current month. Disregard corrective payments received outside the month for which it is issued.

(7) When a participating household member establishes a new household, remove the member from the prior household and use the method of income budgeting that was in effect in the prior household.

(8) Budget income deductions as follows:

(a) Medical, medical reimbursements, dependent care, and shelter will be anticipated in the beginning months.

(b) Under retrospective budgeting, the department shall use a household's expenses from the corresponding report month.

(c) A household may elect to have expenses which fluctuate or are billed less often than monthly, averaged over the period the expense is to cover.

WSR 87-03-055

ADOPTED RULES

INSURANCE COMMISSIONER

[Order R 87-1—Filed January 21, 1987]

I, Dick Marquardt, Insurance Commissioner, do promulgate and adopt at Olympia, Washington, the annexed rules relating to requirements for the separation and accounting of premiums and return premiums by insurance agents, brokers, solicitors, general agents and surplus line brokers, and defining noncompliance to be an unfair practice.

This action is taken pursuant to Notice No. WSR 86-24-070 filed with the code reviser on December 3, 1986. These rules shall take effect thirty days after they are filed with the code reviser pursuant to RCW 34.04.040(2).

This rule is promulgated pursuant to RCW 48.02.060 (3)(a) and 48.30.010(2) which directs that the Insurance Commissioner has authority to implement the provisions of RCW 48.05.310(6), 48.15.140 (1)(c), 48.17.480, 48.17.600 and 48.30.010(2).

The undersigned hereby declares that the agency has complied with the provisions of the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04 RCW) and the State Register Act (chapter 34.08 RCW) in the adoption of these rules.

APPROVED AND ADOPTED January 20, 1987.

Dick Marquardt

Insurance Commissioner

By Melodie Bankers

Deputy Insurance Commissioner

NEW SECTION

WAC 284-12-080 REQUIREMENTS FOR SEPARATE ACCOUNTS. (1) The purpose of this section is to effectuate RCW 48.17.600 and 48.17.480 with respect to the separation and accounting of premium funds by agents, brokers, solicitors, general agents and surplus line brokers, hereinafter called "producers." Pursuant to RCW 48.30.010, the commissioner has found and hereby defines it to be an unfair practice for any producer to conduct insurance business without complying with the requirements of RCW 48.17.600 and this section.

(2) All funds representing premiums and return premiums received on Washington business by a producer in his or her fiduciary capacity on or after January 1, 1987, shall be deposited in one or more identifiable separate accounts which may be interest bearing.

(a) A producer may deposit no funds other than premiums and return premiums to the separate account except as follows:

(i) Funds reasonably sufficient to pay bank charges;

(ii) Funds a producer may deem prudent for advancing premiums, or establishing reserves for the paying of return premiums; and

(iii) Funds for contingencies as may arise in the business of receiving and transmitting premiums or return premiums.

(b) A producer may commingle Washington premiums and return premiums with those produced in other states, but there shall be no commingling of any funds which would not be permitted by this section.

(3)(a) The separate account funds may be:

(i) Deposited in a checking account, demand account, or a savings account in a bank, national banking association, savings and loan association, mutual savings bank, stock savings bank, credit union, or trust company located in the state of Washington. Such an account must be insured by an entity of the federal government; or

(ii) Invested in United States government bonds and treasury certificates or other obligations for which the full faith and credit of the United States government is pledged for payment of principal and interest, repurchase agreements collateralized by securities issued by the United States government, and bankers acceptances. Insurers may, of course, restrict investments of separate account funds by their agent.

(b) A nonresident licensee, or a resident producer with affiliated operations under common ownership in two or more states, may utilize comparable accounts in another state provided such accounts otherwise meet the requirements of RCW 48.17.600 and this rule, and are accessible to the commissioner for purposes of examination or audit at the expense of the producer.

(4)(a) The entire premium received (including a surplus lines premium tax if paid by the insured) must be deposited into the separate account. Such funds shall be

paid promptly to the insurer or to another producer entitled thereto, in accordance with the terms of any applicable agreement between the parties.

(b) Return premiums received by a producer and the producer's share of any premiums required to be refunded, must be deposited promptly to the separate account. Such funds shall be paid promptly to the insured or person entitled thereto.

(5)(a) Where a producer receives a premium payment in the form of an instrument, such as a check, which is made payable to an insurer, general agent or surplus line broker, the producer may forward such instrument directly to the payee if that can be done without endorsement or alteration. In such a case, the producer's separate account is not involved because the producer has not "received" any funds.

(b) If the producer receives a premium payment in the form of cash or an instrument requiring endorsement by the producer, such premium must be deposited into the producer's separate account, unless the insurer entitled to such funds has established other procedures by written direction to a producer who is its appointed agent, which procedures:

(i) Recognize that such agent is receiving premiums directly on behalf of the insurer; and

(ii) Direct the producer to give adequate receipts on behalf of the insurer; and

(iii) Require deposit of the proceeds into the insurer's own account or elsewhere as permitted by the insurer's direction.

Thus, for example, an insurer may utilize the services of a licensed agent, known in the industry as a "captive agent," in the sale of its insurance and in the operation of its places of business, and directly receive payments intended for it without such payments being deposited into and accounted for through the licensed agent's separate account. In such cases, for purposes of this rule, the insurer, as distinguished from the agent, is actually "receiving" the funds and is immediately responsible therefor.

(c) When a producer receives premiums in the capacity of a surplus line broker, licensed pursuant to chapter 48.15 RCW, after a binder or other written evidence of insurance has been issued to the insured, subject to the express written direction of the insurer involved, such premiums may be removed from the separate account.

(6) The commissioner recognizes the practical problems of accounting for the small amounts of interest involved spread over a large number of insurers and insureds. Therefore, absent any agreement between the producer and the insured or insurer to the contrary, interest earned on the deposits held in the separate account may be retained by the producer and used to offset bank charges, establish reserves, pay return premiums, or for any of the purposes listed in subsection (2) of this section, or the interest may be removed to the operating account.

(7) A producer shall establish and maintain records and an appropriate accounting system for all premiums and return premiums received by the producer, and shall make such records available for inspection by the commissioner during regular business hours upon demand

during the five years immediately after the date of the transaction.

(8) The accounting system used must effectively isolate the separate account from any operating accounts. All record-keeping systems, whether manual or electronic must provide an audit trail so that details underlying the summary data, such as invoices, checks, and statements, may be identified and made available on request. Such a system must provide the means to trace any transaction back to its original source or forward to final entry, such as is accomplished by a conventional double-entry bookkeeping system. When automatic data processing systems are used, a description of the system must be available for review by the commissioner. A balance forward system (as in an ordinary checking account) is not acceptable.

(9)(a) A producer that is a firm or corporation may utilize one separate account for the funds received by its affiliated persons operating under its license, and such affiliated persons may deposit the funds they receive in such capacity directly into the separate account of their firm or corporation.

(b) Funds received by a solicitor may be deposited into and accounted for through the separate account of the agent or broker represented by the solicitor.

WSR 87-03-056

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed January 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Department of Fisheries intends to adopt, amend, or repeal rules concerning personal use rules;

that the agency will at 10:00 a.m., Saturday, February 28, 1987, in the Large Conference Room, General Administration Building, Olympia, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 6, 1987.

The authority under which these rules are proposed is RCW 75.08.080.

The specific statute these rules are intended to implement is RCW 75.08.080.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 27, 1987.

Dated: January 21, 1987

By: Edward P. Manary
for Joseph R. Blum
Director

STATEMENT OF PURPOSE

Title: WAC 220-16-395, 220-55-025, 220-55-065, 220-56-115, 220-56-120, 220-56-180, 220-56-190, 220-56-195, 220-56-205, 220-56-295, 220-56-310, 220-56-320, 220-56-350, 220-56-360, 220-56-372, 220-56-380, 220-57-130, 220-57-135, 220-57-138, 220-57-155, 220-57-160, 220-57-175, 220-57-215,

220-57-220, 220-57-235, 220-57-240, 220-57-250, 220-57-270, 220-57-280, 220-57-290, 220-57-300, 220-57-310, 220-57-315, 220-57-335, 220-57-380, 220-57-385, 220-57-410, 220-57-415, 220-57-445, 220-57-460, 220-57-473, 220-57-495, 220-57-505, 220-57-510, 220-57-520, 220-57-525, 220-57A-175 and 220-57A-180.

Description of Purpose: Modify rules effecting recreational sport fishing for 1987-1988 season.

Statutory Authority: RCW 75.08.080.

Summary of Rule: WAC 220-16-395 establishes reference line at mouth of Grays Harbor; 220-55-025 deletes in person signature at sale requirement; 220-55-065 changes expiration date to December 31st; 220-56-115 eliminates two rod salmon fishing exception; 220-56-120 establishes closed areas at Big Beef Creek, Elliott Bay, Upper Columbia River, and Duwamish waterway; 220-56-180 establishes 0-7 week closure to chinook fishing; 220-56-190 establishes Grays Harbor salmon season; 220-56-195 establishes salmon closed area in Samish Bay; 220-56-205 eliminates freshwater hook requirement in Columbia River; 220-56-295 requires retention of sturgeon carcass when in possession of sturgeon eggs; 220-56-310 changes possession limits on shrimp and red rock crab; 220-56-320 establishes crab fixed gear closed area in Fidalgo and Padilla bays; 220-56-350 establishes clam closed area at Kayak Point; 220-56-360 provides for razor clam fishery by emergency regulation, and closes Copalis Beach razor clam sanctuary; 220-56-372 redefines boundary of Copalis Beach razor clam sanctuary; 220-56-380 opens DNR Beach 43 to oyster harvest; chapter 220-57 WAC modifies salmon stream regulations; and chapter 220-57A WAC modifies Lake Washington and ship canal salmon regulations.

Reasons Supporting Proposed Action: WAC 220-16-395, a Grays Harbor salmon season is proposed, and a reference line is needed to restrict impact on ocean stocks; 220-55-025, current regulation inhibits purchase for others. Since overlay may be done at any time prior to use, signature may be affixed other than in presence of sales agent; 220-55-065, this would conform razor clam licenses with all other fisheries licenses; 220-56-115, use of two rods in the two areas has not restored catch imbalances and has caused confusion with other area requirements; 220-56-120, Elliott Bay and Duwamish waterway closures are for protection of chinook, Big Beef Creek closure protects returning hatchery fish, Columbia River closure protects migratory waterfowl at the request of the Department of Game; 220-56-180, the alternative restrictions provide management options to redress chinook imbalances; 220-56-190, there appear to be enough surplus fish to provide for a Grays Harbor sport fishery; 220-56-195, a low tide snag fishery has developed in Samish Bay and this seasonal closure will restore an orderly fishery; 220-56-205, freshwater hook restrictions are not necessary in the mainstem Columbia, as snagging is not a problem; 220-56-295, this conforms sport with commercial regulations, and will prevent taking of oversize sturgeon; 220-56-310, shrimp limit is standardized and does not require use of scales, red rock crab fishery is increasing

and a lower limit is needed for conservation; 220-56-320, large numbers of violations are reported from these areas, and this measure will restore an orderly fishery; 220-56-350, Kayak Point County Park closure is needed because of low numbers of clams; 220-56-360, continuing NIX parasitism makes long-range forecasting impossible, and a fishery will be opened on an emergency basis as clams are available, Copalis Beach closure will provide study site to monitor NIX; 220-56-372, new sanctuary includes areas of on-going NIX study; 220-56-380, harvestable numbers of oysters are available; chapter 220-57 WAC, changes in stream regulations for salmon reflect anticipated 1987 run conditions; and chapter 220-57A WAC, harvestable numbers of chinook salmon are available in early August.

Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, Washington, 586-2429; Implementation: Gene DiDonato and Ronald E. Westley, 115 General Administration Building, Olympia, Washington, 753-6772; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, Washington, 753-6585.

These rules are proposed by the Washington Department of Fisheries.

Comments: None.

These proposals are not the result of federal law or court order.

Small Business Economic Impact Statement: No impact, these proposals effect recreational angling.

NEW SECTION

WAC 220-16-395 BUOY 13 LINE. The term "Buoy 13 Line" is defined as a line drawn true north-south through Grays Harbor Channel Marker Number 13 near the mouth of Grays Harbor.

AMENDATORY SECTION (Amending Order 79-58, filed 8/10/79)

WAC 220-55-025 SIGNATURE REQUIRED. Each and every person obtaining a razor clam license under chapter 220-55 WAC must (~~be present in order to~~) sign the license card before the validating overlay is fixed in place. A license issued to a juvenile unable to sign his name must be signed by a parent or guardian.

AMENDATORY SECTION (Amending Order 80-123, filed 9/17/80)

WAC 220-55-065 EXPIRATION. The expiration date of each resident or nonresident license shall be (~~June 30th~~) December 31st next following the date of issuance. In case of a free license, the license shall not expire, except(:

(+)) a license issued to a person under 16 years of age shall expire on that person's 16th birthday.

(~~(2) Any free license issued to a nonresident under the provisions of RCW 75.25.030 shall expire June 30, 1980.~~)

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-115 ANGLING—LAWFUL AND UNLAWFUL ACTS. (1) It is unlawful for any person to use more than one line with one lure at any one time while angling for food fish for personal use except:

(a) It is lawful to use two natural baits per line while angling in freshwater.

(b) It is lawful to use two lures per line while angling in marine waters for food fish other than salmon.

(c) A second line using baitfish jigger gear is lawful while angling in the Strait of Juan de Fuca east of the mouth of the Sekiu river, Georgia Strait, the San Juan Islands, and Puget Sound.

(~~(d) It is lawful for each angler to use one line with two lures or two lines with one lure per line while fishing in all of Punch Card Area~~)

~~12 and that portion of Punch Card Area 8 lying southeasterly of a line between East Point on Whidbey Island and the flashing light north of Lowell Point on Camano Island.))~~

(2) It shall be unlawful for any person to take, fish for or possess food fish for personal use by any means other than angling with a line attached to a pole held in hand while landing the fish or with a hand-operated line without rod or reel not utilizing power to retract the line in either case, except as provided in subsections (3) and (4) of this section.

(3) It shall be lawful, while angling for food fish in saltwater from shore, piers, jetties or docks, for an individual to:

(a) Leave the pole in a pole holder while playing or landing the fish. The pole holder may be affixed to a bench, pier railing, wheelchair or other solid object.

(b) Use a power-operated reel attached to a pole.

All other provisions of this section shall apply.

(4) It shall be unlawful to take, fish for or possess salmon taken for personal use with hand lines (lines not attached to a handheld pole) in those waters west of the mouth of the Sekiu River, Pacific Ocean, Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10, Grays Harbor, and Willapa Bay.

(5) It shall be unlawful for any person while angling for food fish to fail to keep his angling gear under his direct and immediate physical control.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-56-120 CLOSED AREAS—ANGLING. It is unlawful to fish for or possess foodfish taken from the following areas during the times indicated.

(1) ~~((Budd Inlet at Olympia.))~~ Waters of Budd Inlet at Olympia south of the Fourth Avenue Bridge are closed to food fish angling at all times.

(2) ~~((It shall be unlawful to take, fish for or possess food fish taken by any means in))~~ The waters of Percival Cove are closed to food fish angling at all times.

(3) Those waters of Hood Canal within 100 feet of the Seabeck Highway Bridge over Big Beef Creek are closed to food fish angling from 12:01 a.m. August 1 through 11:59 p.m. November 30.

(4) Those waters of Elliott Bay southerly and upstream from lines described as a 1,000 foot radius north of a point midway between Port of Seattle Pier 37 and the Crowley Maritime Corporation Pier 18 and a 1,000 foot radius north of a point midway between the Todd Shipyard Pier 13 and the Lockheed Shipyard Pier 4 to the First Avenue South Bridge over the Duwamish River are closed to angling for food fish from 12:01 a.m. August 1 through 11:59 p.m. September 18.

(5) Those waters of the Columbia River downstream from the Vernita Bridge to the old Hanford townsite wooden power line towers are closed to angling for food fish from 12:01 a.m. October 16 to 11:59 p.m. June 15.

(6) Those waters of the Duwamish River downstream from the Ox-bow Bridge (the first bridge downstream from the Pacific Highway Avenue South Bridge) to the First Avenue South Bridge are closed to angling for food fish from 12:01 a.m. July 1 to 11:59 p.m. October 5.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-180 BAG LIMIT CODES. (1) Code A: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length, not more than two of these six salmon may be any combination of the following:

Chinook over 24 inches in length

Coho over 20 inches in length

Pink, chum or sockeye over 10 inches in length.

(2) Code C: In waters having this code designation, the bag limit in any one day is six chinook and coho salmon in the aggregate not less than 10 inches in length or more than the following:

24 inches in length for chinook; 20 inches in length for coho.

(3) Code D: In waters having this code designation, the bag limit in any one day is six salmon not less than 10 inches in length not more than two of which may be sockeye salmon; all chinook salmon greater than 24 inches in length and all coho salmon greater than 20 inches in length must be released.

(4) Code F: In waters having this code designation, the bag limit in any one day is two salmon provided that:

(a) Chinook salmon must be not less than 24 inches in length, coho salmon must be not less than 16 inches, but there is no minimum size on other salmon.

(b) During the period April 15 through June 15 in waters of the Strait of Juan de Fuca between the mouth of the Sekiu River and a line from the most westerly point on Cape Flattery to the Tatoosh Island Light then to Bonilla Point on Vancouver Island, it is unlawful to take and retain chinook salmon greater than 30 inches in length.

(5) Code H: In waters having this code designation, the bag limit in any one day is three salmon provided that:

(a) Chinook salmon must be not less than 22 inches in length, but there is no minimum size for other salmon.

(b) During the period April 15 through June 15 in Punch Card Areas 5, 6, and 7, it is unlawful to retain or possess chinook salmon greater than 30 inches in length.

(c) In contiguous marine waters of Puget Sound east of the mouth of the Sekiu River, no more than two of the three salmon daily bag limit may be chinook, except:

~~((During the period March 1 through April 25 it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Areas 9, 10, 11, or 13.))~~

or

(i) During the period March 1 through April 18 it is unlawful to retain or possess chinook salmon taken for personal use while fishing in Punch Card Areas 9, 10, 11, or 13.

(ii) The daily bag limit in Punch Card Area 12 is three salmon of any species.

(6) Code I: In waters having this code designation, the bag limit, size restrictions, and opening and closing dates are the same as those for gamefish as regulated under Title 77 RCW by the Washington game commission. Salmon angling catch record card is not required, but a gamefish license is required to take, fish for or possess gamefish.

(7) The possession limit in all waters regulated under Bag Limits A, C, D, F, H, and special bag limits shall not exceed the equivalent of two daily bag limits of fresh salmon, and additional salmon may be possessed in frozen or processed form. The possession limit in waters regulated under Bag Limit I is the same as the possession limit for gamefish as regulated under Title 77 RCW by the Washington game commission.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-190 SALTWATER SEASONS AND BAG LIMITS—SALMON. It shall be unlawful to take, fish for or possess salmon taken by angling for personal use except from the following areas, during the seasons, in the quantities, sizes and for the species designated in this section and as defined in the bag limit codes in WAC 220-56-180:

(1) Puget Sound contiguous marine waters east of the mouth of the Sekiu River - Bag Limit H - open the entire year, except as provided in WAC 220-56-120, 220-56-128, 220-56-130, and 220-56-195.

(2) Strait of Juan de Fuca from the mouth of the Sekiu River to the Bonilla-Tatoosh Line - Bag Limit F except during the period April 15 through June 15 maximum size limit of 30 inches on chinook salmon if the waters described in this subsection are open - open concurrently with the ocean, and these waters will remain open through October 31 or until the ocean salmon quota for any species is taken.

(3) Pacific Ocean coastal waters: All waters west of a line from Tatoosh Island Light to Bonilla Point, Pacific Ocean, and Washington waters at the mouth of the Columbia River west of a line projected true north and south through Buoy 10 - Bag Limit F - open on the Saturday preceding Memorial Day through Labor Day.

(4) Grays Harbor (waters east of ~~((a))~~ the buoy 13 line ~~((from the outermost end of the north jetty to the outermost exposed end of the south jetty))~~ including the waters of the Westport Boat Basin) - (a) Open to salmon angling coincidentally with the season, bag limit, size, and gear restrictions in adjacent waters of the Pacific Ocean, but not to extend beyond August 15, unless otherwise provided, (b) Bag Limit A - September 16 through November 30: Waters east of a line from the outermost ends of the north and south jetties - barbless hooks and handheld poles required; chinook salmon greater than 28 inches in length must be released (c) all Westport Boat Basin waters and adjacent waters of Grays Harbor when fishing from the Westport Marina Fishing Boardwalk only - special bag limit - six salmon per day not less than 10 inches in length, not more than two of which may be any combination of the following: Pink, sockeye or chum salmon over 10 inches in length or coho salmon over 20 inches in length. All chinook

salmon over 24 inches in length must be released. Open to personal use salmon

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AMEN

86-08, filed 4/9/86)

WAC 220-56-195 CLOSED AREAS—SALTWATER SALMON ANGLING. The following areas shall be closed to salmon angling during the times indicated:

(1) Skagit Bay: Those waters lying easterly of a line projected from West Point on Whidbey Island to Reservation Head on Fidalgo Island, northerly of a line projected from Polnell Point to Rocky Point, northerly of the state Highway 532 Bridge between Camano Island and the mainland and south of the Burlington Northern Railroad Bridge at the north end of Swinomish Slough shall be closed to salmon angling April 15 through June 30.

(2) Bellingham Bay: Those waters of Portage Bay and Bellingham Bay north of a line from Point Francis to Post Point shall be closed to salmon angling April 15 through July 15.

(3) Carr Inlet: 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 March 15 through August 31.

(4) Quilcene Bay: Those waters west and north of a line projected true north from Point Whitney to the Bolton Peninsula are closed to salmon angling April 15 through June 30.

(5) Dungeness Bay: Those waters westerly of a line projected 155 degrees true from Dungeness Spit Light to Kulo Kala Point are closed to salmon angling April 15 through June 30.

(6) Samish Bay: Those waters southerly of a line projected true east from Fish Point are closed to salmon angling August 1 through October 14.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-205 HOOK REGULATIONS—FRESHWATER SALMON ANGLING. (1) Nonbuoyant lures are defined as lures that do not have enough buoyancy to float in freshwater. Nonbuoyant lures other than natural bait lures must have no more than one single hook and that hook must not exceed 3/4 inch from point to shank. Nonbuoyant natural bait lures may have up to two single hooks not exceeding 3/4 inch from point to shank.

(2) Buoyant lures are defined as lures that have enough buoyancy to float in freshwater and may have any number of hooks.

(3) No leads, weights or sinkers may be attached below the lure or less than 12 inches above the lure.

(4) It is unlawful to take, fish for or possess salmon in any freshwater areas of the state with nonbuoyant lures unless they meet the requirements for nonbuoyant lures as defined in subsection (1) of this section. This subsection does not apply to Lake Washington, ((that portion)) the mainstem of the Columbia River ((below Bonneville Dam)), or that portion of the Skagit River below the mouth of Gilligan Creek.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-295 STURGEON—UNLAWFUL ACTS. (1) It is unlawful to possess in the field or transport for personal use any sturgeon from which either the head or tail or both have been removed or to possess sturgeon eggs without having retained the carcass of the fish from which the eggs have been removed.

(2) It is unlawful to use a gaff or other fish landing aid that penetrates the fish while restraining, handling or landing any sturgeon.

(3) It is unlawful to fail to immediately return to the water any sturgeon that is not of legal size.

(4) It is unlawful to fish for sturgeon with other than natural bait, using no more than two single hooks.

AMENDATORY SECTION (Amending Order 86-190, filed 11/26/86)

WAC 220-56-310 SHELLFISH—DAILY BAG LIMITS. It is unlawful for any one person to take in any one day for personal use more than the following quantities and sizes of shellfish:

(1) Cockles, borers and clams in the shell, except razor clams, geoduck clams and horse clams:

(a) Hood Canal south of a line projected from Tala Point to Foulweather Bluff - 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first.

(b) Puget Sound south and west of the Tacoma Narrows Bridge. This also includes Carr and Case Inlets and Pickering Passage - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(c) All portions of Puget Sound except those described in (a) and (b) of this subsection - Bag limit January 1 - May 31: 60 clams or 10 pounds in the shell in the aggregate, whichever occurs first. Bag limit June 1 - December 31: 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(d) In Skagit Bay, east of a line projected from Browns Point to Swinomish Slough entrance, diggers may retain up to 20 pounds of eastern softshell clams in the shell in addition to the limit set in (c) of this subsection.

(e) Willapa Bay - clams and borers five pounds in the shell in the aggregate.

(f) Willapa Bay - twenty-four cockles.

(g) In English Camp tidelands the bag limit shall be as described in (c) of this subsection plus an additional 10 pounds of clams in the shell.

(h) Grays Harbor - 40 clams or 7 pounds in the shell in the aggregate, whichever occurs first.

(2) Razor clams: 15 clams.

(3) Geoduck clams: 3 clams.

(4) Horse clams: First 7 clams taken.

(5) Oysters: 18 oysters.

(6) Rock scallops: 12 scallops.

(7) Sea scallops: 12 scallops (over 4 inches).

(8) Common or pink scallops: 20 pounds or 10 quarts in the shell.

(9) Shrimp: ((+8 pounds or)) 10 quarts, whole in the shell.

(10) Octopus: 2 octopus.

(11) Abalone (Kamschatka): 5 abalone, minimum size limit 3-1/2 inches measured in horizontal line across the longest portion of the shell.

(12) Crawfish: 10 pounds in the shell.

(13) Squid: 10 pounds or 5 quarts.

(14) Sea cucumbers: 25 sea cucumbers.

(15) Red sea urchins: 18 sea urchins.

(16) Purple sea urchins: 18 sea urchins.

(17) Green sea urchins: 36 sea urchins.

(18) Dungeness crabs: 6 male crabs.

(19) Red rock crabs: ((+8)) 12 crabs.

(20) Blue mussels and sea mussels: 10 pounds in the shell.

(21) Goose barnacles: 10 pounds of whole barnacles or 5 pounds of barnacle stalks.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-56-320 SHELLFISH GEAR—UNLAWFUL ACTS.

(1) It is unlawful for the owner or operator of any personal use shellfish gear to leave such gear unattended in the waters of the state unless said gear is marked with a buoy to which shall be affixed in a permanent visible and legible manner the first and last name and permanent mailing address of the operator, and in the case of Hood Canal shrimp gear, the name and address must appear exactly as it occurs on the shrimp license. It is unlawful for more than one person's name and address to appear on the same marker buoy. Unattended shellfish gear left in the waters of Puget Sound must have the line attaching the buoy to the pot weighted sufficiently to prevent the line from floating on the water's surface. The following additional requirements apply to buoys attached to unattended shellfish pots in Puget Sound waters:

(a) All buoys must consist of durable material and remain floating on the water's surface when at least 5 pounds of weight are attached. It is unlawful to use bleach, antifreeze or detergent bottles, paint cans or any other container.

(b) All buoys attached to shrimp gear must be yellow or fluorescent yellow in color. Flags and staff, if attached, may be any color.

(c) All buoys attached to crab gear must be half fluorescent red in color and half white in color. Flags and staff, if attached, may be any color.

(d) The number of pots attached to each buoy must be marked on the buoy in a manner that is visible and legible at all times.

(2) It is unlawful for any person using shellfish traps for personal use shellfishing to allow said traps to become uncovered by water.

(3) It is unlawful to take, fish for or possess crab taken with shellfish pot gear that are equipped with tunnel triggers or other devices which prevent free exit of crabs under the legal limit unless such gear is equipped with not less than one escape ring not less than 4-1/8 inches inside diameter located in the upper half of the crab pot.

(4) It is unlawful to take, fish for or possess shrimp taken for personal use with shellfish pot gear in the waters of Hood Canal southerly of the site of the Hood Canal Floating Bridge unless such gear meets the following requirements:

(a) The entire top, bottom, and sides of the shellfish pots must be constructed of mesh material and except for the entrance tunnels have the minimum mesh opening size defined below.

(b) The minimum mesh opening size for Hood Canal shrimp pots is defined as a mesh that a 7/8-inch square peg will pass through each mesh without changing the shape of the mesh opening.

(c) All entrance tunnels must open into the pot from the side.

(d) Effective January 1, 1985, the sum of the maximum widths of all entrance tunnels must not exceed 1/2 the perimeter of the bottom of the pot.

(5) It is unlawful to salvage or attempt to salvage shellfish pot gear from Hood Canal that has been lost without first obtaining a permit authorizing such activity issued by the director, and it is unlawful to fail to comply with all provisions of such permit.

(6) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes except from one hour before official sunrise to one hour after official sunset.

(7) It is unlawful to fish for or possess crab taken for personal use with shellfish pot or ring net gear from the waters of Padilla Bay or Swinomish Slough within 25 yards of the Burlington Northern Railroad crossing the northern end of Swinomish Slough except from one hour before official sunrise to one hour after official sunset.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-350 HARDSHELLS, COCKLES, MUSSELS—AREAS AND SEASONS. (1) It is lawful to take, dig for and possess clams, cockles, borers and mussels taken for personal use on Puget Sound the entire year except that it is unlawful to take, dig for or possess such shellfish taken for personal use:

(a) West of the tip of Dungeness Spit from April 1 through October 31.

(b) Garrison Bay: All state-owned and federally-owned tidelands south of a boundary marker located approximately 1,010 yards southerly of Bell Point are closed to clam digging the entire year. Those tidelands north of the above-described boundary marker are open to harvest the entire year.

(c) Saltwater State Park—All state-owned tidelands at Saltwater State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.

(d) Twanoh State Park—All state-owned tidelands at Twanoh State Park shall be closed to the personal use harvest of all species of clams from June 16 through December 31.

(e) Point Whitney—All publicly owned tidelands at Point Whitney lying north of point located at the base of the United States Navy Dock to a point 250 yards west (280°) are closed from July 15 through December 31.

(f) Eagle Creek—All publicly owned tidelands at Eagle Creek lying east of a point located at the mouth of Eagle Creek where it passes beneath Highway 101 to a point 250 yards southwest (228°) are closed from January 1 through June 30.

(g) Kayak Point County Park—All county-owned tidelands at Kayak Point County Park are closed the entire year.

(h) State oyster reserves are closed to clam digging the entire year.

(2) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams, taken for personal use in Grays Harbor and Willapa Harbor the entire year, except from state oyster reserves, which are closed to clam digging the entire year.

(3) It is lawful to take, dig for and possess clams, cockles, borers, and mussels, not including razor clams taken for personal use from the Pacific Ocean beaches from November 1 through March 31.

AMENDATORY SECTION (Amending Order 85-134, filed 9/17/85)

WAC 220-56-360 RAZOR CLAMS—AREAS AND SEASONS. (1) It is unlawful to take, dig for or possess razor clams taken for personal use from any beaches in Razor Clam Areas 1, 2, and 3 except as provided for ~~((in this section:~~

~~((1) Razor clam digging is allowed from 12:01 a.m. October 15 to 11:59 p.m. December 15, 1985))~~ by emergency regulation adopted by the director.

~~((2) ((Razor clam digging is allowed on odd-numbered days only.~~

~~((3))~~ It is unlawful to dig for razor clams at any time in the Long Beach or ~~((Twin Harbor))~~ Copalis Beach Razor Clam Sanctuaries as defined in WAC 220-56-372.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-56-372 RAZOR CLAM SANCTUARIES. The following areas are hereby set aside for experimental purposes by the department of fisheries razor clam enhancement project. As need arises in the future, specific sections of these areas will be closed to public use.

(1) Long Beach – from a line extending westward from the middle of the Oysterville approach – north for one quarter mile (1,320 feet).

(2) Twin Harbors Beach – from a line extending westward from the middle of the county line approach south for one quarter mile (1,320 feet).

(3) Copalis Beach – from a point beginning three-quarters of a mile ~~((north of the Oyehut approach and extending north))~~ south of the Copalis Beach approach (Heath Street) and extending south for one quarter mile (1,320 feet).

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-56-380 OYSTERS—AREAS AND SEASONS. (1) It is unlawful to take oysters for any purpose from state oyster reserves without written permission of the director of fisheries.

(2) It is unlawful to take or possess oysters for personal use from public tidelands from July 15 through September 15 except that it is lawful to take and possess oysters for personal use from the tidelands of Dosewallips and Belfair State Parks from January 1 through December 31, 1986.

(3) It is unlawful to take or possess oysters for personal use from federally-owned tidelands at Seal Rock Forest Service campground except during the period May 16 through July 14.

(4) It is unlawful to take or possess oysters for personal use from tidelands of Kitsap Memorial State Park except during the period May 16 through June 15.

(5) It is unlawful to take or possess oysters for personal use from tidelands at Scenic Beach State Park except during the period March 15 through May 15.

~~((6) ((It is unlawful to take or possess oysters for personal use from tidelands at department of natural resources beach number 43 (north of Hoodspoint) except during the period March 15 through May 15.~~

~~((7))~~ It is unlawful to take or possess oysters for personal use from department of fisheries tidelands at Hoodspoint Salmon Hatchery except during the period May 16 through July 14.

~~((8))~~ (7) It is unlawful to take or possess oysters for personal use from state tidelands at Bywater Bay except during the period May 16 through July 14.

~~((9))~~ (8) It is unlawful to pick or take oysters for personal use from waters measuring more than two feet in depth at the time of removal.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-130 BOGACHIEL RIVER. (1) Bag Limit C – July 1 through August 31: Downstream from the Highway 101 Bridge. ~~((All coho salmon greater than 20 inches in length must be released immediately.))~~

(2) ~~((Special))~~ Bag Limit A – ~~((Six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length =>))~~ September 1 through November 30: Downstream from the Highway 101 Bridge. All coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 85-33, filed 4/16/85)

WAC 220-57-135 CALAWAH RIVER. (1) Bag Limit C - July 1 through August 31: Downstream from the Highway 101 Bridge.

(2) ~~((Special))~~ Bag Limit A - ~~((Six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length =))~~ September 1 through November 30: Downstream from the Highway 101 Bridge, except coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-138 CHAMBERS CREEK. Bag Limit A - July 1 through ~~((November 15))~~ January 31: Downstream from a set of markers 400 feet below the Boise-Cascade Dam (immediately upstream from the Boise-Cascade West Tacoma Mill).

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-155 CLEARWATER RIVER (JEFFERSON COUNTY). (1) Bag Limit C - July 1 through August 31: Downstream from the mouth of the Snahapish River ~~((to the Quinault Indian Reservation boundary))~~.

(2) ~~((Special))~~ Bag Limit A - ~~((Six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length =))~~ September 1 through November 30: Downstream from the mouth of the Snahapish River ~~((to the Quinault Indian Reservation boundary))~~, except coho salmon over 20 inches must be released immediately.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-160 COLUMBIA RIVER. (1) Bag Limit D - June 1 through December 31: Downstream from Chief Joseph Dam to ~~((Priest Rapids))~~ Rocky Reach Dam. The following are closed waters:

(a) Chief Joseph Dam - waters between the upstream line of Chief Joseph Dam to a line perpendicular to the thread of the stream from a point 400 feet downstream from the west end of the tailrace deck.

(b) Wells Dam - waters between the upstream line of Wells Dam and a point 400 feet below the spawning channel discharge stream.

~~((c))~~ (2) Rocky Reach Dam to Priest Rapids Dam: Bag Limit C - June 1 through September 15 except two of the six salmon may be sockeye salmon; Bag Limit A September 16 through December 31. The following are closed waters: Rocky Reach, Rock Island and Wanapum Dams - waters between the upstream lines of these dams and points 400 feet downstream.

~~((c2))~~ (3) Priest Rapids Dam to the Vernita Bridge: Bag Limit D - June 1 through August 15; Special daily bag limit of 6 salmon - August 16 through October 31; Bag Limit C - November 1 through December 31. The following are closed waters:

(a) Priest Rapids Dam - waters between the upstream line of Priest Rapids Dam and a point 400 feet downstream.

(b) Jackson (Moran) Creek - waters ~~((within))~~ out to midstream markers located approximately 500 feet both upstream and downstream of the mouth.

~~((c3))~~ (4) Vernita Bridge to old Hanford townsite wooden power line towers; Bag Limit D - ~~((July 1))~~ June 16 through August 15; ~~((Special daily))~~ Bag Limit ~~((of 6 salmon))~~ A - August 16 through October 15.

~~((c4))~~ (5) Old Hanford townsite wooden power line towers to Highway 12 Bridge at Pasco: Bag Limit D - June 1 through August 15 except when fishing from the east bank only in that portion from WDF boundary marker located approximately 1/2 mile upstream from Ringold hatchery rearing pond outlet downstream to a WDF boundary marker located approximately 1/4 mile downstream of Ringold wasteway outlet where the bag limit is A from April 1 through July 31; Special bag limit of 6 salmon - August 16 through December 31.

~~((c5))~~ (6) Highway 12 Bridge at Pasco to Hood River Bridge: Bag Limit A - January 1 through March 15; Bag Limit C March 16 through March 31; Bag Limit D - ~~((July 1))~~ June 16 through ~~((August 15))~~ July 31; Bag Limit A - August ~~((16))~~ 1 through December 31.

The following waters are closed to fishing for food fish at all times:

(a) McNary Dam - waters between the upstream line of McNary Dam and a line across the river from the red and white marker on the Oregon shore to the downstream end of the wingwall of the boat lock near the Washington shore.

(b) John Day Dam - waters between the upstream line of John Day Dam and markers approximately 3,000 feet downstream, except that

fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

(c) The Dalles Dam - waters between the upstream line of the Dalles Dam and the upstream side of the Interstate 197 Bridge, except that fishing is permitted from the Washington shore to within 400 feet of the fishway entrance.

~~((c7))~~ (7) Downstream from Hood River Bridge to the Interstate 5 Bridge: Bag Limit D - July 1 through July 31; Bag Limit A - August 1 through December 31. The following are closed waters:

(a) Spring Creek - waters within 1/4 mile of the U.S. Fish and Wildlife Service Hatchery grounds between posted boundary markers located 1/4 mile on either side of the fish ladder entrance.

(b) Bonneville Dam - waters between the upstream line of Bonneville Dam and a point 600 feet below the fish ladder at the new Bonneville Dam powerhouse.

~~((c7))~~ (8) Interstate 5 Bridge to the Megler-Astoria Bridge: Bag Limit A - January 1 through March 31; Bag Limit D - May 16 through July 31; Bag Limit A - August 1 through December 31. During the month of September, it is unlawful to fish for or possess salmon taken for personal use in those waters of the Columbia River extending to midstream between a line projected perpendicular to the stream flow from Abernathy Point Light to a line projected perpendicular to the stream flow from a boundary marker east of the mouth of Abernathy Creek.

~~((c8))~~ (9) Megler-Astoria Bridge to the Buoy 10 Line: Bag Limit A - August 16 through March 31, except that during the period August 16 through September 30 size and bag limit regulations shall conform with the most recent ocean fishing regulations for adjacent waters of Punch Card Area 1.

(10) North Jetty (mouth of Columbia River): Open to angling from the bank only concurrent with the Buoy 10 fishery. Bag limit and gear requirement will be identical with those in the Buoy 10 fishery.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-175 COWLITZ RIVER. (1) Special bag limit - April 1 through July 31: Downstream from fishing boundary markers approximately 400 feet below barrier dam structures at the Cowlitz Salmon Hatchery Barrier Dam. Bag limit is six salmon per day not less than 10 inches in length, only three of which may exceed 24 inches in length.

(2) That portion of the Cowlitz River downstream from the mouth of Mill Creek is open to salmon angling 24 hours per day during the period April 1 to July 31.

(3) Bag Limit A - August 1 through March 31: Downstream from fishing boundary markers approximately 400 feet below the barrier dam structures except, during the period October 1 through December 31, chinook salmon over 28 inches in length taken upstream of the ~~((Interstate 5 Bridge))~~ mouth of Blue Creek must be released.

(4) Salmon angling from boats is prohibited the entire year in designated open waters between the barrier dam and a line from the mouth of Mill Creek to a boundary marker on the opposite shore.

(5) Bag limit A - Open the entire year: From the confluence of the Muddy Fork and Ohanapocosh rivers downstream to Riffe (Davisson) Lake.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-215 DUNGENESS RIVER. Special bag limit ~~((A))~~ - six salmon per day not less than 10 inches in length. Chinook salmon greater than 28 inches in length and pink salmon must be released immediately - October 1 through December 31: Downstream from markers at Duncan Road, the former Taylor Bridge site, approximately one mile below the state salmon hatchery rack. Chinook salmon over 28 inches must be released. Closed to the taking of pink salmon in odd-numbered years.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-220 DUWAMISH RIVER. (1) Bag Limit A - July 1 through November 30: Upstream from the ~~((First Avenue South))~~ Oxbow Bridge (the first bridge downstream from the Pacific Highway South Bridge) to the Highway 405 Bridge except that all chinook salmon greater than 24 inches in length must be released immediately.

(2) Bag Limit A - October 6 through November 30: Upstream from the First Avenue South Bridge to the Oxbow Bridge except that all chinook salmon greater than 24 inches in length must be released.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-235 ELOCHOMAN RIVER. (1) Bag Limit A - September 1 through ~~((December 31))~~ September 30: Downstream from the mouth of the west fork ~~((except))~~.

(2) Bag Limit A - October 1 through December 31: Downstream from the mouth of the west fork to the Foster Road Bridge. All chinook salmon greater than 28 inches in length must be released immediately.

(3) Bag Limit A - October 1 through December 31: Downstream from the Foster Road Bridge.

The following waters are closed to salmon angling ~~((in the following waters))~~ at all times:

~~((1))~~ (a) From a point 100 feet above the upper hatchery rack to the Elokomin Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

~~((2))~~ (b) From the department of fisheries temporary rack downstream to Foster (Risk) Road Bridge while this rack is installed in the river.

~~((3))~~ (c) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream Elokomin Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

~~((4))~~ (d) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-240 ELWA RIVER. Special bag limit ~~((A))~~ - six salmon per day not less than ten inches in length except that chinook salmon greater than 28 inches in length and pink salmon must be released - October ~~((+5))~~ 1 through December 31 ~~((Chinook salmon over 28 inches must be released))~~. ~~((Closed to the taking of pink salmon in odd-numbered years.))~~

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-270 HOH RIVER. (1) Bag Limit C - last Saturday ~~((preceding Memorial Day))~~ in May through November 30: Downstream from the ~~((Olympic National Park boundary below the confluence))~~ mouth of the south fork to the mouth of Willoughby Creek.

(2) ~~((Bag Limit C - Saturday preceding Memorial Day to June 30: Downstream from the mouth of Willoughby Creek to the Highway 101 Bridge.~~

~~((3))~~ Bag Limit A - ~~((July 1))~~ last Saturday in May through November 30: Downstream from the mouth of Willoughby Creek ~~((to the Highway 101 Bridge.))~~ except all coho salmon over 20 inches in length must be released immediately.

~~((4))~~ Bag Limit A - Saturday preceding Memorial Day through September 30: Downstream from the Highway 101 Bridge. All coho salmon greater than 20 inches in length must be released immediately.

(5) Special bag limit - Six salmon not less than 10 inches in length not more than four of which may exceed 24 inches in length - October 1 through November 30: Downstream from the Highway 101 Bridge. All coho salmon greater than 20 inches in length must be released immediately.)

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-280 HOQUIAM RIVER. ~~((Special bag limit - Six salmon including not more than two chum. All salmon must be not less than 10 inches in length, chinook salmon may not be greater than 24 inches in length and coho salmon may not be greater than 20 inches in length - July 1 through November 30.))~~ Main Hoquiam River, west fork of Hoquiam River downstream from the bridge on the Dekay Road and east fork of Hoquiam River downstream from the ~~((game department access area))~~ abandoned flat car bridge below the mouth of Berryman Creek:

(1) Bag Limit C - July 1 through September 30;

(2) Bag Limit A - October 1 through January 31, except that chinook salmon greater than 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-300 JOHNS RIVER. ~~((Special bag limit - Six salmon including not more than two chum salmon. All salmon must be not less than 10 inches in length, chinook salmon may not be greater~~

~~than 24 inches in length and coho salmon may not be greater than 20 inches in length - July 1 through November 30.))~~ Open area: Downstream from Old M&B Logging Camp Bridge at upper boundary of Johns River Habitat Management Area to Highway 105 Bridge.

(1) Bag Limit C - July 1 through September 30.

(2) Bag Limit A - October 1 through January 31.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-310 KALAMA RIVER. (1) Bag Limit A except minimum size limit is 12 inches in length - ~~((Saturday preceding Memorial Day))~~ last Saturday in May through ~~((November 30))~~ December 31: From Summers Creek upstream to the 6420 Road (approximately one mile above the gate at the end of the county road) is open to the taking of salmon with lawful fly fishing tackle only. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point.

(2) Bag Limit A except minimum size limit is 12 inches in length - ~~((Saturday preceding Memorial Day))~~ last Saturday in May through ~~((November 30))~~ December 31: Downstream from the mouth of Summers Creek to the markers at the Kalama Falls (Upper) Salmon Hatchery.

(3) Bag Limit A except minimum size limit is 12 inches in length - open the entire year: Downstream from a point 1,000 feet below the fishway at the upper salmon hatchery, with the following special gear restrictions: During the period September 1 through October 31, that portion of the Kalama River from markers at the Lower Kalama Hatchery pumphouse (intake) downstream to the natural gas pipeline crossing at Mahaffey's Campground will be open for fly fishing only and lawful salmon angling gear in those waters upstream from the fly fishing area to a point 1,000 feet below the fishway at the upper salmon hatchery and downstream from the fly fishing area to the Interstate 5 Bridge is limited to bait or lures with one single point hook only, measuring not more than 1/2 inch from point to shank.

October 1 through December 31: Chinook salmon over 28 inches caught in the area downstream from a point 1,000 feet below the fishway at the upper salmon hatchery to the natural gas pipeline must be released.

(4) During the time the department of fisheries temporary rack is installed just below the Modrow Bridge, that portion of the river from a point 200 feet above the temporary rack downstream to a set of markers 1,500 feet below the temporary rack is closed to salmon angling.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-315 KLICKITAT RIVER. (1) Bag Limit A - April 1 through January 31: Downstream from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth, except open to salmon angling only from 12:00 noon Thursdays to 12:00 noon Mondays from April 1 through May 31.

(2) Bag Limit C - ~~((Saturday preceding Memorial Day))~~ May 30 through ~~((November))~~ September 30 - Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

(3) Bag Limit A - October 1 through January 31: Downstream from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds to a point 400 feet above the No. 5 Fishway.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-335 NASELLE RIVER. (1) Bag Limit A - July 1 through September 30: Downstream from a point 400 feet below the entrance to the Naselle Salmon Hatchery Attraction Channel to Highway 101 Bridge except only one chinook salmon greater than ~~((24))~~ 28 inches in length may be retained as part of the daily bag limit.

(2) Special bag limit - six salmon per day not less than 10 inches in length, not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length and chum salmon greater than 10 inches in length. Not more than two of the salmon in the daily bag limit may be chum salmon, and all chinook salmon over 28 inches in length must be released immediately - October 1 through ~~((October 31))~~ November 30: Downstream from the Big Hill Bridge to the Highway 101 Bridge.

(3) Bag Limit A - ~~((November))~~ December 1 through January 31: Downstream from the Big Hill Bridge to the Highway 101 Bridge.

(4) Waters within 400 feet both upstream and downstream from the entrance to the Naselle Salmon Hatchery Attraction Channel are closed to salmon angling at all times.

AMENDATORY SECTION (Amending Order 82-19, filed 3/18/82)

WAC 220-57-380 QUILCENE (BIG QUILCENE) RIVER. Bag Limit A - ((October)) September 1 through January 31: Downstream from Highway 101 Bridge. During the month of September chinook salmon greater than 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 85-33, filed 4/16/85)

WAC 220-57-385 QUILLAYUTE RIVER. (1) Bag Limit A - ((Saturday preceding Memorial Day)) last Saturday in May through August 31: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters, except chinook salmon greater than 24 inches in length must be released immediately.

(2) ((Special)) Bag Limit A - ((Six salmon not less than 10 inches in length, not more than four of which may exceed 24 inches in length -)) September 1 through November 30: Downstream from the confluence of the Soleduck and Bogachiel rivers including Olympic National Park waters. During the period September 20 through November 30, all coho salmon greater than 20 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57-410 SAMMAMISH RIVER (SLOUGH). (1) Bag Limit A - ((October 15)) August 1 through December 31: ((Upstream of the Kenmore Highway Bridge)) Downstream from the 102 Avenue NE Bridge to the Kenmore Highway Bridge. All sockeye salmon must be released.

(2) Bag Limit A - October 15 through December 31: Upstream from the 102 Avenue NE Bridge to Lake Sammamish. All sockeye salmon must be released immediately.

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57-415 SATSOP RIVER. (1) Bag Limit C - July 1 through September 30: Downstream from the bridge at Schafer State Park on east fork.

(2) Bag Limit A - October 1 through January 31: Downstream from the bridge at ((Shafer)) Schafer State Park on east fork. Chinook salmon over ((24)) 28 inches in length must be released.

AMENDATORY SECTION (Amending Order 85-33, filed 4/16/85)

WAC 220-57-460 SOLEDUCK RIVER. ((+)) Bag Limit A - ((Saturday preceding Memorial Day)) last Saturday in May through ((August 31)) November 30: Downstream from concrete pump station at Soleduck Hatchery((, except chinook salmon greater than 24 inches in length must be released immediately.

(2) Special bag limit - Six salmon not less than 10 inches in length, not more than four of which may be adults, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length, or pink, chum, or sockeye salmon greater than 10 inches in length - September 1 through October 31: Downstream from concrete pump station at Soleduck Hatchery. During the period October 1 through October 31, all coho salmon greater than 20 inches in length must be released immediately.

(4) Bag Limit A - November 1 through November 30: Downstream from concrete pump station at Soleduck Hatchery. All coho salmon greater than 20 inches in length must be released immediately. Chinook salmon greater than 24 inches in length caught prior to September 1 must be released immediately, and coho salmon greater than 20 inches in length caught after October 15 must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-473 TILTON RIVER. (1) Mainstem - Bag Limit A - ((Saturday preceding Memorial Day)) last Saturday in May through December 31: Downstream from west fork Tilton River.

(2) North fork - Bag Limit A - ((Saturday preceding Memorial Day)) last Saturday in May through ((November 30)) October 31:

Downstream from markers 400 feet above the 73 Road Bridge to the Tilton River (approximately lower two miles).

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-495 WASHOUGAL RIVER. (1) Bag Limit A - January 1 ((through October 15: Downstream from the former steel bridge site at the Washougal Mercantile. From October 1 through October 15 chinook salmon over 28 inches must be released. From September 1 through October 15, lawful salmon angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.

(2) Bag Limit A - October 16)) through December 31: Downstream from bridge at Salmon Falls to mouth. During the period October 1 through December 31 chinook salmon over 28 inches must be released. From October 16 to October 31, lawful salmon angling gear shall be restricted to bait or lures with one single point hook only, measuring no more than 1/2 inch from point to shank.

((3)) (2) "Washougal River - Special fishing area": Waters from markers 50 feet upstream from the fisheries department salmon hatchery rack, upstream to the barrier dam are open to salmon fishing from September 18 through December 31. This special fishery shall be limited to persons who are 65 years of age or older. Persons wishing to participate in this fishery must have proof of their age in their possession while fishing. Daily bag limit: Six salmon 10 inches or more in length. Possession limit: Two daily bag limits in any form. The first six salmon caught, regardless of where they are hooked (inside or outside their mouth), must be retained. In this special fishing area, legal fishing gear shall be limited to one hand-held rod to which may be attached not more than one hook (or one lure with one hook attached). This one hook shall not have more than three points, and the maximum distance between shank and points is not to exceed 1/2 inch.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-505 WHITE SALMON RIVER. (1) Bag Limit C - January 1 through December 31: Upstream from a set of markers approximately 1/2 mile north of Highway 14 Bridge.

(2) Bag Limit A - January 1 through December 31: Downstream from a set of markers approximately 1/2 mile north of Highway 14 Bridge.

(3) (Little) White Salmon River (Drano Lake): Bag Limit A - September 1 through December 31: Downstream from markers on point of land downstream and across from Federal Salmon Hatchery.

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

WAC 220-57-510 WILLAPA RIVER. (1) ((Special)) Bag Limit A - ((six salmon per day not less than 10 inches in length not more than four of which may be adult salmon, defined as chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length, or chum salmon greater than 10 inches in length, except no more than two of the six salmon may be adult chinook and chum salmon in any combination, and after October 14, all chinook salmon greater than 28 inches in length must be released immediately -)) July 1 through ((January 31)) September 30: Downstream from Highway 6 Bridge, approximately 2 miles below the mouth of Trap Creek, to the Highway 101 Bridge.

(2) Bag Limit A - October 15 through January 31: Downstream from mouth of Fork Creek to the Highway 6 Bridge approximately 2 miles below the mouth of Trap Creek. Chinook salmon greater than 28 inches in length must be released immediately.

(3) Special bag limit - six salmon per day, not more than four of which may be any combination of chinook salmon greater than 24 inches in length, coho salmon greater than 20 inches in length, or chum salmon greater than 10 inches in length and all chinook salmon greater than 28 inches in length must be released immediately - October 1 through January 31: Downstream from the Highway 6 Bridge approximately two miles below the mouth of Trap Creek to the Highway 101 Bridge.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-520 WISHKAH RIVER. ((Special)) (1) Bag Limit C - ((Six salmon including not more than two chum. All salmon must be not less than 10 inches in length, chinook salmon may not be greater than 24 inches in length and coho salmon may not be greater than 20 inches in length -)) July 1 through ((November)) September 30: Downstream from the mouth of the west fork.

(2) Bag Limit A - October 1 through January 31: Downstream from the mouth of the west fork. Chinook salmon greater than 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 84-22, filed 4/11/84)

WAC 220-57-525 WYNOOCHEE RIVER. ~~((Special))~~ (1) Bag Limit C - ((Six salmon including not more than two chum. All salmon must be not less than 10 inches in length, chinook salmon may not be greater than 24 inches in length and coho salmon may not be greater than 20 inches in length--)) July 1 through ((November)) September 30: Downstream from the mouth of Schafer Creek.

(2) Bag Limit A - October 1 through January 31: Downstream from the mouth of Schafer Creek. Chinook salmon greater than 28 inches in length must be released immediately.

AMENDATORY SECTION (Amending Order 80-12, filed 2/27/80, effective 4/1/80)

WAC 220-57-250 GRAYS RIVER. Bag Limit A - September 1 through December 31: Open from mouth to 7000-line bridge. During the period October 1 through December 31, chinook salmon must be released immediately in those waters upstream from the covered bridge. West Fork Grays River closed to salmon angling.

AMENDATORY SECTION (Amending Order 86-08, filed 4/9/86)

WAC 220-57-290 ICICLE RIVER. Bag Limit A - ~~((Saturday preceding Memorial Day))~~ May 16 through June 30 ((in those waters)): Downstream from a point 400 feet below the Leavenworth National Fish Hatchery rack.

AMENDATORY SECTION (Amending Order 77-3, filed 1/28/77, effective 3/1/77)

WAC 220-57-445 SNAKE RIVER. ~~((Closed the entire year:))~~ Bag Limit C - September 1 through November 30: Downstream from the mouth of the Palouse River to Lower Monument Dam.

AMENDATORY SECTION (Amending Order 82-61, filed 6/9/82)

WAC 220-57A-175 LAKE WASHINGTON. (1) Waters north of the Evergreen Point Floating Bridge - Bag Limit A - August ~~((+6))~~ 1 through December 31.

(2) Waters south of the Evergreen Point Floating Bridge - Bag Limit A - October 15 through December 31. Sockeye salmon must be released immediately.

Note: Waters within a 1,000-foot radius of the mouth of the Cedar River are closed to salmon angling at all times.

~~((+3) It is unlawful to take, fish for or possess sockeye salmon in Lake Washington the entire year:))~~

AMENDATORY SECTION (Amending Order 83-16, filed 3/17/83)

WAC 220-57A-180 WASHINGTON SHIP CANAL, LAKE (INCLUDING LAKE UNION). ~~((+))~~ Bag Limit A - August ~~((+6))~~ 1 through December 31: West of University Bridge, to eastern end of the north wingwall of the Chittenden Locks. Waters between the University Bridge and the concrete abutment ends east of the Montlake Bridge and waters between the eastern end of the north wingwall of the Chittenden Locks and the railroad bridge west of the locks are closed to salmon angling at all times.

~~((+2) It shall be unlawful to take, fish for or possess sockeye salmon the entire year:))~~

WSR 87-03-057

WITHDRAWAL OF PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 21, 1987]

Withdrawal notice in WUTC Cause No. U-86-120, in the matter of amending WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-

051, 480-100-071 and 480-100-072 relating to gas and electric companies.

This is notice of withdrawal, withdrawing the above-cited proposed rules. The rules were noticed under WSR 86-21-139 filed October 22, 1986. The commission, in its General Order No. R-271, dated January 21, 1987, sets forth the reason for this action. That order has been sent to all interested parties known to the commission and is available to the public upon request.

Paul Curl
Acting Secretary

WSR 87-03-058

PROPOSED RULES UTILITIES AND TRANSPORTATION COMMISSION

[Filed January 21, 1987]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington Utilities and Transportation Commission intends to adopt, amend, or repeal rules relating to gas and electric companies, WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-051, 480-100-071 and 480-100-072. The proposed sections are shown below as Appendix A, Cause No. U-87-590-R. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed sections on economic values, pursuant to chapter 43.21H RCW and WAC 480-08-050(17).

This is notice of intention to adopt on a permanent basis rules amended on an emergency basis on January 21, 1987, General Order No. R-270, and filed with the code reviser's office on the same date;

that the agency will at 9:00 a.m., Wednesday, March 4, 1987, in the Commission's Hearing Room, Second Floor, 1300 Evergreen Park Drive South, Olympia, WA, conduct a public hearing on the proposed rules.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on March 18, 1987.

The authority under which these rules are proposed is RCW 80.01.040 and 80.04.160.

The specific statute these rules are intended to implement is chapter 245, Laws of 1986.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before February 27, 1987.

Dated: January 21, 1987

By: Paul Curl
Acting Secretary

STATEMENT OF PURPOSE

In the matter of amending WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-051, 480-100-071 and 480-100-072 relating to gas and electric companies.

The rules proposed by the Washington Utilities and Transportation Commission are to be promulgated pursuant to RCW 80.01.040 and 80.04.160 which direct

that the commission has authority to implement the provisions of chapter 80.28 RCW.

The rules proposed by the Washington Utilities and Transportation Commission are designed to protect the utility services of low-income gas and electric customers during the winter period, and at the same time provide a mechanism whereby utilities are reasonably assured of payment for services rendered during that period.

Paul Curl, Acting Secretary, Chandler Plaza Building, 1300 Evergreen Park Drive South, Olympia, Washington, phone (206) 753-6451, and members of his staff were responsible for the drafting of the proposed rules and will be responsible for implementation and enforcement of the proposed rules.

The proponent of the rules is the Washington Utilities and Transportation Commission.

There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization reflected in RCW 80.01.040 and 80.04.160, and implements chapter 245, Laws of 1986.

The rule change is not necessary as the result of federal law, or federal or state court action.

The rule change proposed will affect no economic values.

This certifies that copies of this statement are on file with the commission, are available for public inspection, and that three copies of this statement are this date being forwarded to the Joint Administrative Rules Review Committee.

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-90-021 GLOSSARY. (1) Commission - the Washington utilities and transportation commission.

(2) Utility - any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any gas plant within the state of Washington for the purpose of furnishing gas service to the public for hire and subject to the jurisdiction of the commission.

(3) Customer - any person, partnership, firm, corporation, municipality, co-operative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Gas - any fuel gas, whether manufactured, natural, liquid petroleum or any mixture of these.

(a) Natural gas - a mixture of gaseous hydrocarbons and nonhydrocarbons, chiefly methane, occurring naturally in the earth which is delivered from the producing equipment to the customers through transmission and/or distribution systems.

(b) Liquefied petroleum gas - a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

(c) Manufactured gas - any gas produced artificially by any process in which the gas is delivered from the generating or producing equipment into the transmission or distribution system.

(5) Cubic foot of gas - a volumetric unit of measure used in sales and testing.

(a) Sales - for the purpose of measuring gas for billing a cubic foot is normally that amount which occupies a volume of one cubic foot under the conditions existing in the customer's meter and as indicated thereon. However pressure and/or temperature recording or compensating devices may be employed to reflect other temperature or pressure base conditions for computing the volume sold. When temperature and/or pressure compensation factors are to be used to compute the volume of gas sold they will be used as set forth in the utility's tariff.

(b) Testing - for the purpose of testing, a cubic foot of gas shall be that amount which at a temperature of sixty degrees fahrenheit and

pressure of 14.73 pounds per square inch absolute, and free of water vapor, occupies a volume of one cubic foot.

(6) British thermal unit (Btu) - the quality of heat required to raise the temperature of one pound of water at 60° fahrenheit and standard pressure, one degree fahrenheit.

(7) Therm - a unit of heat equal to 100,000 Btu's.

(8) Meter test - a test of the volumetric accuracy of a meter.

(a) Periodic test - a routine test made in the regular course of a utility's operation.

(b) Complaint test - a test made as the result of a customer request.

(c) Proof test - a test made prior to each setting of a meter. New meters which are, upon receipt by the utility, acceptance tested to an acceptable sampling plan need not be 100% proof tested prior to the initial installation.

(d) Special test - any test other than a periodic, complaint or proof test.

(9) Energy assistance grantee - a grantee of the department of community development which administers federally funded energy assistance programs.

(10) Household income - the total of all household members as determined by a grantee of the ((department of social and health services or) department of community development ((eligibility requirements for low income assistance)).

(11) Payment arrangement - payment schedule by written or oral agreement between the customer and the utility.

(12) Payment plan - payment schedule by written agreement between the customer and the utility under WAC 480-90-072(3).

(13) Winter period - November 15 through March 15.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or the applicable statutes are to be given that meaning generally accepted in the gas industry.

AMENDATORY SECTION (Amending Order R-255, Cause No. U-85-80, filed 3/14/86)

WAC 480-90-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit - nonresidential. An applicant for non-residential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company; or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service; provided, that during the winter period no deposit may be required of a

customer who in accordance with WAC 480-90-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-90-071 DISCONTINUANCE OF SERVICE. By customer - a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility - (1) service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum

specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of gas for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of gas without approval of the utility.

(d) For wilful waste of gas through improper or imperfect pipes, fixtures, or otherwise.

(e) For failure of the customer to eliminate any hazardous condition found to exist in his facilities (i.e., piping, venting, appliances, etc.).

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility, unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-90-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For refusal to comply with provisions of WAC 480-90-091, access to premises.

(j) For violation of rules, service agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: PROVIDED, HOWEVER, That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(m) For failure to keep any agreed upon payment plan.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period, the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-90-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, a new notice shall be required before the service can be discontinued.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified above.

(ii) Where the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address except as provided in subsection (2)(e) of this section regarding master meters. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then service by mail must also be effected to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself or herself of rights and remedies as set forth in WAC 480-90-096 (complaints and disputes) herein.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) The utility shall postpone termination of utility service or will reinstate service to a residential customer for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of gas service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. Where service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency.

(iii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, it shall consider an appropriate social agency to be third party. In either case, it shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate for and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-90-072 PAYMENT ARRANGEMENTS AND RESPONSIBILITIES. (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered to low-income customers eligible under the state's plan for low-income energy assistance without regard to time of year, home ownership, or duration of occupancy. The plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the ((payment plan shall not be invalidated)) customer shall not be in default unless payment during this period is less than ((seven percent)) the amount calculated in accordance with the formula above;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay the bill currently or a deposit, unless there are extenuating circumstances;

(b) ((Bring a statement from an energy assistance grantee or the department of social and health services within thirty calendar days of the customer's response to the utility's notice of disconnection stating their household income does not exceed the maximum allowed for eligibility under the state's plan for low income energy assistance under 42 U.S.C. § 8624. This statement shall also include a dollar figure showing seven percent of the monthly household income)) Provides self-certification of household income for the prior twelve months to an

energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is ~~((applicable))~~ available for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-100-021 GLOSSARY. (1) Commission - the Washington utilities and transportation commission.

(2) Utility - any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any electric plant within the state of Washington for the purpose of furnishing electric service to the public for hire and subject to the jurisdiction of the commission.

(3) Customer - any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Energy assistance grantee - a grantee of the department of community development which administers federally funded energy assistance programs.

(5) Household income - the total income of all household members as determined by ~~((department of social and health services or))~~ a grantee of the department of community development ~~((eligibility requirements for low income energy assistance))~~.

(6) Meter tests

(a) Periodic test - a routine test made in the regular course of a utility's operation.

(b) Complaint test - a test made as a result of a request by a customer.

(c) Installation test - a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test - any test other than a periodic, complaint, or installation test.

(e) Sample test - a test made as a result of the inclusion of a meter in a random statistical sample.

(7) Payment arrangement - payment schedule by written or oral agreement between the customer and the utility.

(8) Payment plan - payment schedule by written agreement between the customer and the utility under WAC 480-100-072(3).

(9) Winter period - November 15 through March 15.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the electrical industry.

AMENDATORY SECTION (Amending Order R-256, Cause No. U-85-81, filed 3/14/86)

WAC 480-100-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two

employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit - nonresidential. An applicant for non-residential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due; where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company; or where two or more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service; provided, that during the winter period no deposit may be required of a customer who, in accordance with WAC 480-100-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds - how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-100-071 DISCONTINUANCE OF SERVICE. By customer - a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility - (1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-100-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For refusal to comply with provisions of WAC 480-100-091, access to premises.

(j) For violation of rules, service agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: **PROVIDED, HOWEVER,** That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(m) For failure to keep any agreed upon payment plan.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-100-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the

first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, a new notice shall be required before the service can be discontinued.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified above.

(ii) When the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address unless the utility has verified that the customer of record and the service user are the same party. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself or herself of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes) herein.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his or her designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has, or has had, cause to disconnect utility service, the utility shall postpone termination of service or will restate service to a residential customer for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of electric service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency. If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency. If this five day period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional twenty-four hour notice to the premises.

(iii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility; or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-100-072 PAYMENT ARRANGEMENTS AND RESPONSIBILITIES. (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered to low-income customers eligible under the state's plan for low-income energy assistance without regard to time of year, home ownership, or duration of occupancy. The plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period plus one-twelfth of any billings accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the ((payment plan shall not be invalidated)) customer shall not be in default unless payment during this period is less than ((seven-percent)) the amount calculated in accordance with the formula above;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay the bill currently or a deposit, unless there are extenuating circumstances;

(b) ~~((Bring a statement from an energy assistance grantee or the department of social and health services within thirty calendar days of the customer's response to the utility's notice of disconnection stating their household income does not exceed the maximum allowed for eligibility under the state's plan for low income energy assistance under 42 U.S.C. § 8624. This statement shall also include a dollar figure showing seven percent of the monthly household income))~~ Provides self-certification of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is ~~((applicable))~~ available for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

WSR 87-03-059

RESCINDING PREVIOUS ORDER UTILITIES AND TRANSPORTATION COMMISSION

[Order R-271, Cause No. U-86-120—Filed January 21, 1987]

In the matter of amending WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-051, 480-100-071 and 480-100-072.

On October 22, 1986, the Washington Utilities and Transportation Commission filed with the code reviser its Order No. R-266, entitled order amending rules on an emergency basis, together with a text of the above-

noted rules. The filing was assigned WSR 86-21-140. Under RCW 34.04.030, such emergency rules are effective upon filing, for a period not to exceed 90 days.

On October 22, 1986, the commission considered adoption of the above-noted rules on a permanent basis, pursuant to notice of intent to adopt rules filed with the code reviser on October 22, 1986. This notice was assigned WSR 86-21-139.

Because substantial changes have been made in the rules previously noticed, the commission has determined to rescind the rules as adopted on an emergency basis under the foregoing general order, and proceed with emergency and permanent adoption of rules under a new cause number.

ORDER

WHEREFORE, IT IS HEREBY ORDERED That Commission General Order No. R-266 filed under WSR 86-21-140 be and the same is hereby rescinded and the rules promulgated thereunder are repealed.

DATED at Olympia, Washington, this 21st day of January, 1987.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

WSR 87-03-060 EMERGENCY RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-270, Cause No. U-87-590-R—Filed January 21, 1987]

In the matter of amending WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-051, 480-100-071 and 480-100-072 relating to gas and electric companies.

The Washington Utilities and Transportation Commission finds that an emergency exists and that this order is necessary for the preservation of the public health, safety, or general welfare and that observance of the requirements of notice and opportunity to present views on the proposed action would be contrary to the public interest. A statement of the facts constituting such emergency is amendments adopted by the 1986 legislature restrict gas and electric utilities from terminating service for residential space heating customers during the winter period, which extends from November 15 to March 15. The legislative amendments had the effect of displacing commission rules adopted in response to earlier legislation on the same subject. Since the rule amendments here filed provide continuity of service during what is defined as the winter period, it is essential that they be in place concurrently with the onset of the high use period specified by the statute.

This rule-making proceeding is being promulgated pursuant to RCW 80.01.040.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.04

RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

These amendments affect no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-051, 480-100-071 and 480-100-072 should be amended to read as set forth in Appendix A shown below and made a part hereof by this reference. The respective rules, as amended, protect the utility services of low-income gas and electric customers during the winter period, and at the same time provide a mechanism whereby utilities are reasonably assured of payment for services rendered during that period.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-90-021, 480-90-051, 480-90-071, 480-90-072, 480-100-021, 480-100-051, 480-100-071 and 480-100-072 set forth in Appendix A, be amended as emergency rules of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.030 and 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rules, after being first recorded in the order register of the Washington Utilities and Transportation Commission, shall be forwarded to the code reviser for filing pursuant to chapter 34.04 RCW and chapter 1-12 WAC.

DATED at Olympia, Washington, this 21st day of January, 1987.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Robert W. Bratton, Commissioner
Richard D. Casad, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-90-021 *GLOSSARY. (1) Commission – the Washington utilities and transportation commission.*

(2) *Utility – any corporation, company, association, joint stock association, partnership, person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any gas plant within the state of Washington for the purpose of furnishing gas service to the public for hire and subject to the jurisdiction of the commission.*

(3) *Customer – any person, partnership, firm, corporation, municipality, co-operative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.*

(4) *Gas – any fuel gas, whether manufactured, natural, liquid petroleum or any mixture of these.*

(a) *Natural gas – a mixture of gaseous hydrocarbons and nonhydrocarbons, chiefly methane, occurring naturally in the earth which is delivered from the producing*

equipment to the customers through transmission and/or distribution systems.

(b) Liquefied petroleum gas – a gas consisting of vapors of one or more of the paraffin hydrocarbons, or a combination of one or more of these vapors with air.

(c) Manufactured gas – any gas produced artificially by any process in which the gas is delivered from the generating or producing equipment into the transmission or distribution system.

(5) Cubic foot of gas – a volumetric unit of measure used in sales and testing.

(a) Sales – for the purpose of measuring gas for billing a cubic foot is normally that amount which occupies a volume of one cubic foot under the conditions existing in the customer's meter and as indicated thereon. However pressure and/or temperature recording or compensating devices may be employed to reflect other temperature or pressure base conditions for computing the volume sold. When temperature and/or pressure compensation factors are to be used to compute the volume of gas sold they will be used as set forth in the utility's tariff.

(b) Testing – for the purpose of testing, a cubic foot of gas shall be that amount which at a temperature of sixty degrees fahrenheit and pressure of 14.73 pounds per square inch absolute, and free of water vapor, occupies a volume of one cubic foot.

(6) British thermal unit (Btu) – the quantity of heat required to raise the temperature of one pound of water at 60° fahrenheit and standard pressure, one degree fahrenheit.

(7) Therm – a unit of heat equal to 100,000 Btu's.

(8) Meter test – a test of the volumetric accuracy of a meter.

(a) Periodic test – a routine test made in the regular course of a utility's operation.

(b) Complaint test – a test made as the result of a customer request.

(c) Proof test – a test made prior to each setting of a meter. New meters which are, upon receipt by the utility, acceptance tested to an acceptable sampling plan need not be 100% proof tested prior to the initial installation.

(d) Special test – any test other than a periodic, complaint or proof test.

(9) Energy assistance grantee – a grantee of the department of community development which administers federally funded energy assistance programs.

(10) Household income – the total of all household members as determined by a grantee of the (~~department of social and health services or~~) department of community development (~~eligibility requirements for low income assistance~~).

(11) Payment arrangement – payment schedule by written or oral agreement between the customer and the utility.

(12) Payment plan – payment schedule by written agreement between the customer and the utility under WAC 480-90-072(3).

(13) Winter period – November 15 through March 15.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or the applicable statutes are to be given that meaning generally accepted in the gas industry.

AMENDATORY SECTION (Amending Order R-255, Cause No. U-85-80, filed 3/14/86)

WAC 480-90-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit – nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due, where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other gas or electric company; or where two or more delinquency notices have been served upon the applicant by any other gas or electric company during the 12 months previous to the application for service, provided, that during the winter period no deposit may be required of a customer who in accordance with WAC 480-90-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8), alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount

then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds – how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-90-071 DISCONTINUANCE OF SERVICE. By customer – a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility – (1) service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of gas for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of gas without approval of the utility.

(d) For wilful waste of gas through improper or imperfect pipes, fixtures, or otherwise.

(e) For failure of the customer to eliminate any hazardous condition found to exist in his facilities (i.e., piping, venting, appliances, etc.).

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility, unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-90-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For refusal to comply with provisions of WAC 480-90-091, access to premises.

(j) For violation of rules, service agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(l) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: **PROVIDED, HOWEVER,** That if the customer shall make immediate payment for such estimated amount of

service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(m) For failure to keep any agreed upon payment plan.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period, the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-90-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, a new notice shall be required before the service can be discontinued.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified above.

(ii) Where the service address is different from the billing address, the utility shall in all instances prior to effecting discontinuance of service upon its own initiative provide notice to the service address except as provided in subsection (2)(e) of this section regarding master meters. If personal service is effected upon the billing address, then personal service must be effected upon the

service address; if service by mail is effected to the billing address, then service by mail must also be effected to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself or herself of rights and remedies as set forth in WAC 480-90-096 (complaints and disputes) herein.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) The utility shall postpone termination of utility service or will reinstate service to a residential customer for thirty days from the date of receipt of a certificate by

a licensed physician which states that termination of gas service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. Where service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency.

(iii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, it shall consider an appropriate social agency to be third party. In either case, it shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate for and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any proper deposit, has been made as provided for in the tariff of the utility, or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-90-072 PAYMENT ARRANGEMENTS AND RESPONSIBILITIES. (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered to low-income customers eligible under the state's plan for low-income energy assistance without regard to time of year, home ownership, or duration of occupancy. The plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for

both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period plus one-twelfth of any billing accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the ~~((payment plan shall not be invalidated))~~ customer shall not be in default unless payment during this period is less than ((seven percent)) the amount calculated in accordance with the formula above;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-90-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay the bill currently or a deposit, unless there are extenuating circumstances;

(b) ~~((Bring a statement from an energy assistance grantee or the department of social and health services within thirty calendar days of the customer's response to the utility's notice of disconnection stating their household income does not exceed the maximum allowed for eligibility under the state's plan for low income energy assistance under 42 U.S.C. § 8624. This statement shall also include a dollar figure showing seven percent of the monthly household income))~~ Provides self-certification

of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is ((applicable)) available for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-100-021 GLOSSARY. (1) Commission – the Washington utilities and transportation commission.

(2) Utility – any corporation, company, association, joint stock association, partnership or person, their lessees, trustees or receivers appointed by any court whatsoever, owning, controlling, operating or managing any electric plant within the state of Washington for the purpose of furnishing electric service to the public for hire and subject to the jurisdiction of the commission.

(3) Customer – any person, partnership, firm, corporation, municipality, cooperative organization, governmental agency, etc., who or which is receiving service from a utility or has completed an application to any utility for service.

(4) Energy assistance grantee – a grantee of the department of community development which administers federally funded energy assistance programs.

(5) Household income – the total income of all household members as determined by ((department of social and health services or)) a grantee of the department of community development ((eligibility requirements for low income energy assistance)).

(6) Meter tests

(a) Periodic test – a routine test made in the regular course of a utility's operation.

(b) Complaint test – a test made as a result of a request by a customer.

(c) Installation test – a test made prior to the installation of a meter. New meters when received by a utility may be tested by an acceptable sampling plan prior to initial installation.

(d) Special test – any test other than a periodic, complaint, or installation test.

(e) Sample test – a test made as a result of the inclusion of a meter in a random statistical sample.

(7) Payment arrangement – payment schedule by written or oral agreement between the customer and the utility.

(8) Payment plan – payment schedule by written agreement between the customer and the utility under WAC 480-100-072(3).

(9) Winter period – November 15 through March 15.

In the application of these rules, those terms used in the public service laws of the state of Washington will have the meaning therein ascribed to them.

Terms not defined in these rules or in the applicable statutes are to be given that meaning usually accepted in the electrical industry.

AMENDATORY SECTION (Amending Order R-256, Cause No. U-85-81, filed 3/14/86)

WAC 480-100-051 DEPOSITS. (1) Establishment of credit. An applicant for residential service may establish credit by demonstrating to the utility any one of the following factors:

(a) Prior service with the utility in question during the next previous 12 months for at least six consecutive months during which service was rendered and was not disconnected for failure to pay, and no more than one delinquency notice was served upon the customer.

(b) Prior service with a utility of the same type as that of which service is sought with a satisfactory payment record as demonstrated in (a) above, provided that the reference may be quickly and easily checked, and the necessary information is provided.

(c) Full-time consecutive employment during the entire 12 months next previous to the application for service, with no more than two employers, and the applicant is currently employed or has a regular source of income.

(d) Ownership of a significant legal interest in the premises to be served.

(e) Furnishing of a satisfactory guarantor to secure payment of bills for service requested in a specified amount not to exceed the amount of cash deposit which may be required.

(f) Demonstration that applicant is a satisfactory risk by appropriate means including, but not limited to, the production in person at a listed business office of two major credit cards, or other credit references, which may be quickly and easily checked by the utility.

(2) Establishment of credit – nonresidential. An applicant for nonresidential service may be required to demonstrate that it is a satisfactory credit risk by reasonable means appropriate under the circumstances.

(3) Deposit requirements. A deposit may be required under the following circumstances:

(a) Where the applicant has failed to establish a satisfactory credit history as outlined above.

(b) In any event, a deposit may be required when, within the 12 months prior to the application, the applicant's service of a similar type has been disconnected for failure to pay amounts owing, when due, where there is an unpaid, overdue balance owing for similar service from the utility to which application is being made or from any other electric or gas company, or where two or more delinquency notices have been served upon the applicant by any other electric or gas company during the 12 months previous to the application for service, provided, that during the winter period no deposit may be required of a customer who, in accordance with WAC

480-100-072 (4)(a), has notified the utility of inability to pay a security deposit and has satisfied the remaining requirements to qualify for a payment plan.

(c) Initiation or continuation of service to a residence where a prior customer still resides and where any balance for such service to that prior customer is past due or owing.

(4) Amount of deposit. In instances where a deposit may be required by the utility, the deposit shall not exceed two-twelfths of estimated annual billings for utilities billing monthly and three-twelfths of estimated annual billings for utilities billing bimonthly.

(5) Transfer of deposit. Where a customer of whom a deposit is required transfers his service to a new location within the same utility's service area, the deposit, less any outstanding balance, shall be transferable and applicable to the new service location.

(6) Interest on deposits. Interest on deposits held shall be accrued at a rate based upon a simple average of the effective interest rate for new issues of one year treasury bills, computed from December 1 of each year, continuing through November 30 of the following year. Deposits would earn that interest rate during January 1 through December 31 of the subsequent year. Interest shall be computed from the time of the deposit to the time of refund or total application of the deposit and shall be compounded annually.

(7) Extended payment of deposits. Where a customer or applicant for service of whom a deposit is required is unable to pay the entire amount of the deposit in advance of connection or continuation of service, the customer or applicant shall be allowed to pay 50 percent of the deposit amount prior to service, with the remaining amount payable in equal amounts on the utility's ordinary billing cycle during the first two months of service. A customer or applicant who is unable to meet this deposit requirement shall have the opportunity to receive service under subsection (8) of this section, alternative to deposit, next below.

(8) Alternative to deposit. A customer or applicant for service of whom a deposit is required, but who is unable to make a deposit, shall be allowed, as an alternative to the making of a deposit, to prepay any installation charges and reasonably estimated regular service charges or budget billings at periods corresponding to the utility's regular billing period for the length of time during which a deposit would ordinarily have been required. The customer shall then be billed in a normal fashion.

(9) When payment is made by cash, a receipt shall be furnished to each applicant or customer for the amount deposited.

(10) Refund of deposits. Deposits plus accrued interest shall be refunded under the following circumstances and in the following form:

(a) Satisfactory payment. Where the customer has for 12 consecutive months paid for service when due in a prompt and satisfactory manner as evidenced by the following:

(i) The utility has not initiated disconnection proceedings against the customer.

(ii) No more than two notices of delinquency have been made to the customer by the utility.

(b) Termination of service. Upon termination of service, the utility shall return to the customer the amount then on deposit plus accrued interest, less any amounts due the utility by the customer for service rendered.

(c) Refunds – how made. Any deposit, plus accrued interest, shall be refunded to the customer either in the form of a check issued and mailed to the customer no longer than 15 days following completion of 12 months' satisfactory payment as described above, or applied to the customer's bill for service in the 13th and, if appropriate, subsequent months, in accordance with the preference as to form of refund indicated by the customer at the time of deposit, or as thereafter modified.

(11) Nothing in this rule shall prevent the requirement of a larger deposit or a new deposit when conditions warrant. Should a larger or new deposit be required, the reasons therefor shall be specified in writing to the customer. Any requirement for a new or larger deposit shall be in conformity with the standards set forth in this rule.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-100-071 DISCONTINUANCE OF SERVICE. By customer – a customer shall be required to give notice to the utility of his or her intention to discontinue service.

By utility – (1) Service may be discontinued by the utility for any of the following reasons:

(a) For the nonpayment of bills. The utility shall require that bills for service be paid within a specified time after issuance. The minimum specified time shall be fifteen days. Upon the expiration of said specified time without payment, payment arrangement, or a payment plan, the bill may be considered delinquent.

(b) For the use of electrical energy for purposes or properties other than that specified in the application.

(c) Under flat rate service, for increased use of electrical energy without approval of the utility.

(d) For willful waste of electrical energy through improper or imperfect wiring, equipment, or otherwise.

(e) When customer's wiring or equipment does not meet the utility's standards, or fails to comply with other applicable codes and regulations.

(f) For tampering with the utility's property.

(g) In case of vacation of the premises by customer.

(h) For nonpayment of any proper charges, including deposit, as provided in the tariff of the utility unless the customer has notified the utility of inability to pay a deposit in accordance with WAC 480-100-072 (4)(a) and has satisfied the remaining requirements to qualify for a payment plan.

(i) For refusal to comply with provisions of WAC 480-100-091, access to premises.

(j) For violation of rules, service agreements, or filed tariff(s).

(k) For use of equipment which adversely affects the utility's service to its other customers.

(1) For fraudulent obtaining or use of service. Whenever a fraudulent obtaining or use of the service is detected the utility may discontinue service without notice: **PROVIDED, HOWEVER,** That if the customer shall make immediate payment for such estimated amount of service as had been fraudulently taken and all costs resulting from such fraudulent use, the utility shall continue such service, subject to any applicable deposit requirements. If a second offense as to fraudulent obtaining or use is detected the utility may refuse to reestablish service subject to appeal to the commission. The burden of proof of such fraudulent obtaining or use will be upon the utility in case of an appeal to the commission. This rule shall not be interpreted as relieving the customer or other person of civil or criminal responsibility.

(m) For failure to keep any agreed upon payment plan.

(2) Except in case of danger to life or property, fraudulent use, impairment of service, or violation of law, no utility shall discontinue service unless the following conditions are met:

(a) Each utility shall provide written notice of disconnection served on the customer either by mail or, at its option, by personal delivery of the notice to the customer's address. If such written notice of disconnection is for nonpayment during the winter period the utility shall advise the customer of the payment plan which is available pursuant to WAC 480-100-072(3), payment arrangements and responsibilities. If a mailed notice is elected, service shall not be disconnected prior to the eighth business day following mailing of the notice. If personal delivery is elected, disconnection shall not be permitted prior to 5 p.m. of the first business day following delivery. Delivered notice shall be deemed effective if handed to a person of apparent competence in the residence or, if a business account, a person employed at the place of business of the service customer. If no person is available to receive notice, notice shall be deemed served if attached to the primary door of the residence unit or business office at which service is provided. If service is not discontinued within ten working days of the first day on which disconnection may be effected, a new notice shall be required before the service can be discontinued.

(b)(i) Before effecting disconnection of service, a utility shall make a good faith, bona fide effort to reach the customer in person or by telephone to advise the customer of the pending disconnection and the reasons therefor. Where telephone contact is elected, at least two attempts to reach a customer by telephone shall be made during the utility's regular business hours. If a business or message telephone number is provided by the customer, the utility shall endeavor by that means to reach the customer if unable to make contact through the customer's home telephone. A log or record of the attempts shall be maintained by the utility showing the telephone number called and the time of call. Telephone or personal contact shall not be a substitute for written notice of disconnection as specified above.

(ii) When the service address is different from the billing address, the utility shall in all instances prior to

effecting discontinuance of service upon its own initiative provide notice to the service address unless the utility has verified that the customer of record and the service user are the same party. If personal service is effected upon the billing address, then personal service must be effected upon the service address; if service by mail is effected to the billing address, then either personal service or service by mail must be effected to the service address. Discontinuance of service shall not occur earlier than five business days after provision of notice to the service address.

(iii) When a customer of record orders termination of service at a service address, and the utility through its representative discovers that the actual service user at the service address has no prior notice of such termination, the utility shall delay termination for at least one complete business day following provision of actual notice to the service user.

(iv) All notices of delinquency or pending disconnection shall detail procedures pertinent to the situation and provide notice of means by which the customer can make contact with the utility to resolve any differences or avail himself or herself of rights and remedies as set forth in WAC 480-100-096 (complaints and disputes) herein.

(c) Except in case of danger to life or property, no disconnection shall be accomplished on Saturdays, Sundays, legal holidays, or on any other day on which the utility cannot reestablish service on the same or following day.

(d) When a utility employee is dispatched to disconnect service, that person shall be required to accept payment of a delinquent account at the service address if tendered in cash, but shall not be required to dispense change for cash tendered in excess of the amount due and owing. Any excess payment shall be credited to the customer's account. The utility shall be permitted to assess a reasonable fee as provided for in the tariff of the utility for the disconnection visit to the service address. Notice of the amount of such fee, if any, shall be provided within the notice of disconnection.

(e) Where service is provided through a master meter, or where the utility has reasonable grounds to believe service is to other than the customer of record, the utility shall undertake all reasonable efforts to inform occupants of the service address of the impending disconnection. Upon request of one or more service users, where service is to other than the subscriber of record, a minimum period of five days shall be allowed to permit the service users to arrange for continued service.

(f) Where service is provided to a hospital, medical clinic with resident patients, or nursing home, notice of pending disconnection shall be provided to the director, Washington state department of social and health services, as well as to the customer. Upon request from the director or his or her designee, a delay in disconnection of no less than five business days from the date of notice shall be allowed so that the department may take whatever steps are necessary in its view to protect the interests of patients resident therein who are responsibilities of the department.

(g) Service may not be disconnected while a customer is pursuing any remedy or appeal provided for by these rules, provided any amounts not in dispute are paid when due. The customer shall be so informed by the utility upon referral of a complaint to a utility supervisor or the commission.

(h)(i) When a utility has, or has had, cause to disconnect utility service, the utility shall postpone termination of service or will reinstate service to a residential customer for thirty days from the date of receipt of a certificate by a licensed physician which states that termination of electric service will aggravate an existing medical condition or create a medical emergency for the customer, a member of the customer's family, or other permanent resident of the premises where service is rendered. When service is reinstated, payment of a reconnection charge and/or a deposit shall not be required prior to such reinstatement of service.

(ii) This certificate of medical emergency must be in writing and show clearly the name of the person whose medical emergency would be adversely affected by termination, the nature of the medical emergency, and the name, title, and signature of the person certifying the medical emergency. If a notice of disconnection has been issued and the customer notifies the utility that a medical emergency exists, the customer shall be allowed five business days from when the utility is so notified to provide the utility with a certificate of medical emergency. If this five day period extends beyond the time set for discontinuance of service, the utility shall extend the time of discontinuance until the end of the five day period. If service has been discontinued and the customer requests reconnection of service due to a medical emergency, the utility shall reconnect service and the customer shall be allowed five business days to provide the utility with a certificate of medical emergency. If the utility does not receive a certificate of medical emergency within the time limits set herein, the utility may discontinue service following an additional twenty-four hour notice to the premises.

(iii) Any customer may designate a third party to receive notice of termination or other matters affecting the provision of service. The utility shall offer all customers the opportunity to make such designation. When the utility discovers that a customer appears to be unable to comprehend the impact of a termination of service, the utility shall consider an appropriate social agency to be the third party. In either case, the utility shall not effect termination until five business days after provision of notice to the third party. Utilities shall discover which social agencies are appropriate and willing to receive such notice, and the name and/or title of the person able to deal with the termination situation, and shall inform the commission on a current basis which agencies and position titles receive such notifications.

(3) Payment of any delinquent amounts to a designated payment agency of the utility shall constitute payment to the utility, if the customer informs the utility of such payment and the utility verifies such payment.

(4) Service shall be restored when the causes of discontinuance have been removed and when payment of all proper charges due from the customer, including any

proper deposit, has been made as provided for in the tariff of the utility, or as the commission may order pending resolution of any bona fide dispute between the utility and customer over the propriety of disconnection.

(5) A utility may make a charge for restoring service when service has been discontinued for nonpayment of bills. The amount of such charge is to be specified in the utility's tariff.

AMENDATORY SECTION (Amending Order R-220, Cause No. U-84-63, filed 11/15/84)

WAC 480-100-072 PAYMENT ARRANGEMENTS AND RESPONSIBILITIES. (1) The utility shall offer residential customers the option of a budget billing or equal payment plan which plan shall be set out in the utility's tariff. The budget billing or equal payment shall be offered to low-income customers eligible under the state's plan for low-income energy assistance without regard to time of year, home ownership, or duration of occupancy. The plan for low-income customers, if different from the plan offered to residential customers, shall also be set out in the utility's tariff.

(2) Residential customers shall be notified that the utility, upon contact by a customer whose account is delinquent or who desires to avoid a delinquency, will make extended payment arrangements appropriate for both the customer and the utility. If the customer fails to propose payment terms acceptable to the utility, the utility shall advise a customer of the payment plan set forth in subsection (3) of this section, if appropriate.

(3) During the winter period the utility shall offer the following payment plan if the residential space heating customer qualifies under subsection (4) of this section and if the customer agrees:

(a) To a payment plan designed both to pay the past due bill by the following October 15 and to pay for continued utility service;

(b) To pay a monthly payment during the winter period not to exceed seven percent of the monthly household income during the winter period plus one-twelfth of any billings accrued from the date application is made and thereafter through March 15. A customer may agree to pay a higher percentage of their income during this period, but the ((payment plan shall not be invalidated)) customer shall not be in default unless payment during this period is less than ((seven percent)) the amount calculated in accordance with the formula above;

(c) To certify to the utility that any home heating assistance payment received by the customer from applicable government and/or private sector organizations subsequent to implementation of the plan shall be the basis for the customer to contact the utility to reformulate the plan;

(d) Customers who qualify for the payment plan under this section who default on their payment plan and are disconnected in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service, shall be reconnected and maintain the protections afforded under this chapter by paying reconnection charges, if any, and by paying all amounts that would

have been due and owing under the terms of the payment plan, absent default, on the date on which service is reconnected;

(e) To pay the moneys owed even if he or she moves.

A customer's failure to make a payment provided for in this section shall entitle the utility to discontinue service in accordance with the procedures set forth in WAC 480-100-071, discontinuance of service.

The utility shall furnish to the customer entering into an extended payment plan a written copy of the plan.

(4) The customer shall meet the following requirements in order to qualify for payment arrangements as provided in subsection (3) of this section:

(a) Within five business days of receiving a notice of disconnection, notify the utility in person, in writing, or through telephone contact of inability to pay the bill currently or a deposit, unless there are extenuating circumstances;

(b) ~~((Bring a statement from an energy assistance grantee or the department of social and health services within thirty calendar days of the customer's response to the utility's notice of disconnection stating their household income does not exceed the maximum allowed for eligibility under the state's plan for low income energy assistance under 42 U.S.C. § 8624. This statement shall also include a dollar figure showing seven percent of the monthly household income))~~ Provides self-certification of household income for the prior twelve months to an energy assistance grantee. The grantee shall determine that the household income does not exceed the maximum allowed for eligibility under the state's plan for low-income energy assistance and shall provide a dollar figure that is seven percent of the household income within thirty days of the date on which the utility was notified of the inability to pay as in (a) of this subsection. Certification may be subject to verification by a grantee of the department of community development;

(c) Apply for home energy assistance from appropriate government and/or private sector organizations and certify that any assistance received will be applied to their current and future utility bills;

(d) Apply to the utility or other appropriate agency for low income weatherization assistance if such assistance is ~~((applicable))~~ available for the dwelling;

(e) Agrees to a payment plan designed to pay the past due bill by the following October 15, as well as paying for continued utility service.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:
 AMD = Amendment of existing section
 NEW = New section not previously codified
 OBJEC = Notice of objection by Joint Administrative Rules Review Committee
 RE-AD = Readoption of existing section
 REP = Repeal of existing section
 REAFF = Order assuming and reaffirming rules
 REMOV = Removal of rule pursuant to RCW 34.04.050(5)
 RESCIND = Rescind previous emergency rule
 REVIEW = Review of previously adopted rule
 STMT = Statement regarding previously adopted rule

Suffixes:
 -P = Proposed action
 -C = Continuance of previous proposal
 -E = Emergency action
 -W = Withdrawal of proposed action
 No suffix means permanent action

This table covers the current calendar year through this issue of the Register and should be used to locate rules amended, adopted, or repealed subsequent to the publication date of the latest WAC or Supplement.

WAC # shows the section number under which an agency rule is or will be codified in the Washington Administrative Code.

WSR # shows the issue of the Washington State Register where the document may be found; the last three digits show the sequence of the document within the issue.

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