

SEPTEMBER 6, 1989

OLYMPIA, WASHINGTON

ISSUE 89-17



IN THIS ISSUE

Architects, Board of Registration for
Asian American Affairs, Commission on
Building Code Council
Community Development, Department of
Ecology, Department of
Education, State Board of
Emergency Management, Division of
Employment Security Department
Evergreen State College, The
Financial Management, Office of
Fire Protection
Fisheries, Department of
Gambling Commission
General Administration, Department of
Health, Board of
Health, Department of
Higher Education Personnel Board
Human Rights Commission
Insurance Commissioner
Labor and Industries, Department of
Licensing, Department of
Liquor Control Board

Lottery Commission
Minority and Women's Business
Enterprises, Office of
Natural Resources, Department of
Optometry, Board of
Pharmacy, Board of
Physical Therapy, Board of
Public Disclosure Commission
Public Employment Relations Commission
Public Instruction, Superintendent of
Public Works Board
Revenue, Department of
Seattle Community Colleges
Securities Division
Social and Health Services, Department of
State Procurement, Office of
Tacoma Community College
Transportation, Department of
Utilities and Transportation Commission
Vocational Education, Board for
Wildlife, Department of

(Subject/Agency index at back of issue)
This issue contains documents officially
filed not later than August 23, 1989

CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

A copy of each document filed with the code reviser's office, pursuant to chapter 34.05 RCW, is available for public inspection during normal office hours. The code reviser's office is located on the ground floor of the Legislative Building in Olympia. Office hours are from 8 a.m. to 5 p.m. Monday through Friday, except legal holidays. Telephone inquiries concerning material in the Register or the Washington Administrative Code (WAC) may be made by calling (206) 753-7470 (SCAN 234-7470).

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of September 1989 pursuant to RCW 19.52.020 is twelve point one two percent (12.12%).

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 1989 pursuant to RCW 63.14.130(1)(a) is thirteen and one-half percent (13.50%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is fourteen point seven five percent (14.75%) for the third calendar quarter of 1989.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is fourteen point two five percent (14.25%) for the third calendar quarter of 1989.

WASHINGTON STATE REGISTER

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

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STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

1. ARRANGEMENT OF THE REGISTER

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 34.05 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 are 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 MATERIAL

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

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

6. EDITORIAL CORRECTIONS

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

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.

1989 – 1990

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing 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 on or after
89-14	Jun 7	Jun 21	Jul 5	Jul 19	Aug 8
89-15	Jun 21	Jul 5	Jul 19	Aug 2	Aug 22
89-16	Jul 5	Jul 19	Aug 2	Aug 16	Sep 5
89-17	Jul 26	Aug 9	Aug 23	Sep 6	Sep 26
89-18	Aug 9	Aug 23	Sep 6	Sep 20	Oct 10
89-19	Aug 23	Sep 6	Sep 20	Oct 4	Oct 24
89-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
89-21	Sep 20	Oct 4	Oct 18	Nov 1	Nov 21
89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
89-24	Nov 8	Nov 22	Dec 6	Dec 20	Jan 9, 1990
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90-01	Nov 22	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 23
90-02	Dec 6	Dec 20, 1989	Jan 3, 1990	Jan 17	Feb 6
90-03	Dec 27, 1989	Jan 10, 1990	Jan 24	Feb 7	Feb 27
90-04	Jan 10	Jan 24	Feb 7	Feb 21	Mar 13
90-05	Jan 24	Feb 7	Feb 21	Mar 7	Mar 27
90-06	Feb 7	Feb 21	Mar 7	Mar 21	Apr 10
90-07	Feb 21	Mar 7	Mar 21	Apr 4	Apr 24
90-08	Mar 7	Mar 21	Apr 4	Apr 18	May 8
90-09	Mar 21	Apr 4	Apr 18	May 2	May 22
90-10	Apr 4	Apr 18	May 2	May 16	Jun 5
90-11	Apr 25	May 9	May 23	Jun 6	Jun 26
90-12	May 9	May 23	Jun 6	Jun 20	Jul 10
90-13	May 24	Jun 7	Jun 21	Jul 5	Jul 25
90-14	Jun 7	Jun 21	Jul 5	Jul 18	Aug 7
90-15	Jun 20	Jul 5	Jul 18	Aug 1	Aug 21
90-16	Jul 5	Jul 18	Aug 1	Aug 15	Sep 4
90-17	Jul 25	Aug 8	Aug 22	Sep 5	Sep 25
90-18	Aug 8	Aug 22	Sep 5	Sep 19	Oct 9
90-19	Aug 22	Sep 5	Sep 19	Oct 3	Oct 23
90-20	Sep 5	Sep 19	Oct 3	Oct 17	Nov 6
90-21	Sep 26	Oct 10	Oct 24	Nov 7	Nov 27
90-22	Oct 10	Oct 24	Nov 7	Nov 21	Dec 1
90-23	Oct 24	Nov 7	Nov 21	Dec 5	Dec 25
90-24	Nov 7	Nov 21	Dec 5	Dec 19	Jan 2, 1991

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 1-21-040.

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

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

WSR 89-17-001

PERMANENT RULES

DEPARTMENT OF REVENUE

[Order 89-13—Filed August 3, 1989, 1:36 p.m.]

I, Edward L. Faker, interim assistant director of the Department of Revenue, do promulgate and adopt at Olympia, Washington, the annexed rules relating to carbonated beverage and syrup tax, new section WAC 458-20-255.

This action is taken pursuant to Notice No. WSR 89-13-041 filed with the code reviser on June 15, 1989. 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 Department of Revenue as authorized in RCW 82.32.300.

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 August 3, 1989.

By Edward L. Faker
Interim Assistant Director

NEW SECTION

WAC 458-20-255 CARBONATED BEVERAGE AND SYRUP TAX. (1) INTRODUCTION. Under the provisions of chapter 271, Laws of 1989, a carbonated beverage and syrup tax is imposed, effective July 1, 1989, upon the volume of carbonated beverages and syrups possessed in this state with specific credits and exemptions provided. This tax is an excise tax upon the privilege of possessing carbonated beverages or syrups in this state. It is imposed in addition to all other taxes of an excise or property tax nature and is not in lieu of any other such taxes.

(a) The tax provisions relate exclusively to the possession of carbonated beverages and syrups. The incidence or privilege which incurs tax liability is simply the possession of the carbonated beverages or syrup and is imposed upon any possession of carbonated beverages or syrup in this state by any person who is not expressly exempt of the tax. However, it is the intent of the law that the economic burden of the tax should fall upon the first such possession in this state. Therefore, the law provides that if the tax has not been paid upon any carbonated beverage or syrup the department may collect the tax from any person who has had possession. The amount of tax paid then constitutes a debt owed by the first person having had taxable possession to the person who pays the tax.

(2) DEFINITIONS. For purposes of this section the following terms will apply.

(a) "Tax" means the carbonated beverage or syrup tax imposed by chapter 271, Laws of 1989.

(b) "Carbonated beverage" has its ordinary meaning and includes any nonalcoholic liquid intended for human consumption which contains carbon dioxide.

(i) Thus, "carbonated beverage" includes but is not limited to soft drinks, "soda pop", mineral waters, seltzers, fruit juices, or any other non-alcoholic beverages, including carbonated waters, which are produced for human consumption and which contain any amount of carbon dioxide.

(ii) However, "carbonated beverage" does not include bromides or other carbonated liquids commonly sold as pharmaceuticals.

(c) "Possession" means the control of a carbonated beverage or syrup located within this state and includes both actual and constructive possession.

(i) "Actual possession" occurs when the person with control has physical possession.

(ii) "Constructive possession" occurs when the person with control does not have physical possession.

(iii) "Control" means the power to sell or use a carbonated beverage or syrup or to authorize the sale or use by another.

(d) "Previously taxed carbonated beverage or syrup" means a carbonated beverage or syrup in respect to which a tax has been paid under this chapter. A "previously taxed carbonated beverage" includes carbonated beverages in respect to which the tax has been paid on either the carbonated beverage or on the syrup in the carbonated beverage.

(i) Example. A retailer who produces a carbonated beverage by adding water and carbonation to a syrup, upon which the tax has been paid by a prior possessor, possesses a "previously taxed carbonated beverage or syrup" and incurs no additional tax liability as the tax has been paid upon the syrup used in the production process.

(e) "Syrup" means a concentrated liquid which is added to carbonated water to produce a carbonated beverage.

(i) Thus, "syrup" includes the concentrated liquid marketed by manufacturers to which the purchaser adds water and/or carbon dioxide, or, carbonated water to produce a carbonated beverage.

(f) "State" means for the credit provisions of this section:

(i) a state of the United States other than Washington, or any political subdivision of such other state,

(ii) the District of Columbia, and

(iii) any foreign country or political subdivision thereof.

(g) Except as otherwise expressly defined in this section, the definitions of terms provided in chapters 82.04, 82.08, and 82.12 RCW apply equally for this section. Other terms not expressly defined in these chapters or this section are to be given their common and ordinary meanings.

(3) TAX IMPOSITION, RATE AND MEASURE.

(a) The tax is imposed upon the privilege of possessing carbonated beverages or syrups within this state.

(i) When a manufacturer or bottler produces a carbonated beverage end product, the measure of the tax shall be the carbonated beverage produced and not an ingredient in the production process.

(ii) Manufacturers are taxable on the possession of syrup only when such syrup is removed from the production process for purposes of sale or other transfer of possession without further processing by them or another manufacturer or bottler.

(iii) Example. An ingredient used in the manufacturing process by a manufacturer or bottler of carbonated beverages is never taxed even if the ingredient is a syrup. Therefore, a manufacturer who uses, or sells or transfers possession of an ingredient to another manufacturer, is not taxed on the ingredient possessed even if the ingredient is a syrup. The product used, sold or transferred is not a taxable syrup but an ingredient in the manufacturing process. The using or purchasing manufacturer is taxed upon the end product produced by such manufacturer, or by a contract bottler hired by him.

Similarly, a manufacturer or bottler who receives a product from an out of state source for use as an ingredient in the manufacturing or bottling process is not taxed on the possession of the ingredient even if the ingredient is a syrup. The manufacturer of the carbonated beverage is taxed upon the end product produced.

(b) The tax rate and measure for carbonated beverages is eighty-four one thousandths of a cent per ounce. The tax rate and measure for syrup is seventy five cents per gallon. Fractional amounts shall be taxed proportionally.

(4) EXEMPTIONS. The following are exempt from the tax:

(a) Any successive possession of a previously taxed carbonated beverage or syrup.

(i) In order to verify the payment of the tax, all persons selling or otherwise transferring possession of taxed beverages or syrup, except retailers, shall separately itemize amount of the tax on the invoice, bill of lading, or other delivery document. For purposes of the payment and the itemization of the tax, the tax computed on standard units of a product, cases, liters, gallons, etc., may be stated in an amount rounded to the nearest cent. To allow sufficient time for the installation of equipment and procedures necessary to itemize the tax, the requirement for itemization of the tax shall take effect November 1, 1989.

(ii) Any person prohibited by federal or state law, ruling or requirement from itemizing the tax on an invoice, bill of lading, or other document of delivery shall retain the documentation necessary for verification of the payment of the tax.

(iii) A subsequent possessor of carbonated beverages or syrups sold or delivered upon an invoice, bill of lading, or other document of sale which contains a separate itemization of the tax shall be exempt from the tax.

(iv) However, a possessor of carbonated beverages or syrups sold or delivered upon an invoice, bill of lading or other document of sale which does not contain a separate itemization of the tax is conclusively presumed to be the first possessor of the carbonated beverage or syrup in this state and is liable for the tax.

(v) This exemption for taxes previously paid is available for any person in successive possession of a taxed carbonated beverage or syrup even though the previous

payment may have been satisfied by the use of credits or offsets available to the previous person in possession.

(vi) Example. Company A brings a carbonated beverage or syrup into this state upon which it has paid a similar carbonated beverage or syrup tax in another state. Company A takes a credit against its Washington tax liability in the amount of the other state's tax paid. It then sells the substance to Company B, and provides Company B with an invoice containing a separate itemization of the tax. Company B's possession is tax exempt even though Company A has not directly paid Washington's tax but has used a credit against its Washington liability.

(b) Any carbonated beverage or syrup that is transferred to a point outside the state for use outside the state.

(i) The exemption for possessions of carbonated beverages or syrups for export sale or use may be taken by any possessor within the chain of distribution of such products in this state. To perfect its entitlement to this exemption the possessor of such carbonated beverage or syrup must take from its buyer or transferee of the carbonated beverage or syrup a written certification in substantially the following form:

Certificate of Tax Exempt Export Carbonated Beverages or Syrup

I hereby certify that the carbonated beverages or syrups specified herein, purchased by or transferred to the undersigned, from (seller or transferor), are for export for use or sale outside Washington state. I will become liable for and pay any carbonated beverage or syrup tax due upon all or any part of such products which are not so exported outside Washington state. This certificate is given with full knowledge of, and subject to the legally prescribed penalties for fraud and tax evasion.

Registration No. _____ Type of Business _____
(If applicable)

Firm Name _____ Registered Name _____
(If different)

Authorized Signature _____

Title _____

Identity of Carbonated Beverages or Syrups. _____
(Kind and amount by volume)

Date _____

This certificate may be used so long as some portion of the product is exported. Transferors are under no obligation to verify the amount of the product to be exported by their transferees providing such certificates. Transferees providing such certificates are, however, subject to penalties and interest, for any late payment of tax due on products not exported.

(ii) Each successive possessor of such carbonated beverages or syrups must, in turn, take a certification in this form from any other person to whom such carbonated beverages or syrups are sold or transferred in this state. Failure to take and keep such certifications as part of its permanent records will incur carbonated beverage or syrup tax liability by such sellers or transferrers of carbonated beverages or syrups.

(iii) Persons in possession of carbonated beverages or syrups who themselves export or cause the exportation of

such products to persons outside this state for further sale or use must keep the proofs of actual exportation required by WAC 458-20-193, Parts A or C.

(c) Persons or activities which the state is prohibited from taxing under the United States Constitution are tax exempt.

(i) This exemption extends to the U.S. Government, its agencies and instrumentalities, and to any possession the taxation of which has been expressly reserved or preempted under the laws of the United States. This exemption applies only when the United States, its agencies and instrumentalities, is the first possessor of carbonated beverages or syrup in this state. The exemption does not apply to persons who possess carbonated beverages or syrups for sale or delivery to agencies and instrumentalities of the United States located in this state.

(ii) The tax will not apply with respect to any possession of any carbonated beverage or syrup purchased, extracted, produced or manufactured outside this state which is shipped or delivered into this state until the interstate transportation of such carbonated beverage or syrup has finally ended in this state. Thus, out of state sellers or producers need not pay the tax on carbonated beverages or syrups shipped directly to customers in this state. The customers must pay the tax upon their first possession unless the out of state seller chooses to pay the tax and evidences such payment on its invoice to its customer, or the customer is otherwise expressly exempt.

(iii) Out of state sellers or producers will be subject to tax upon carbonated beverages or syrups shipped or delivered into storage (including public storage), or, to distribution centers, or, to other in state facilities owned, leased, or otherwise controlled by them.

(iv) However, the tax will not apply with respect to possessions of carbonated beverages or syrups which are only temporarily stored or possessed in this state in connection with through, interstate movement of the substances from points of origin to points of destination both of which are outside of this state.

(d) The possession of any carbonated beverages or syrups prior to July 1, 1989 is tax exempt. This exemption extends to current inventories and stocks of carbonated beverages or syrups on hand on July 1, 1989 when the tax first takes effect. The intent is that the carbonated beverage or syrup tax has no retroactive application.

(i) It is the intent, under the law, that this exemption will apply to the carbonated beverages or syrups throughout their succeeding chain of distribution, in the possession of any person, for the life of those carbonated beverages or syrups. That is, carbonated beverages or syrups already possessed as of June 30, 1989 will not incur tax liability in the possession of any person at any time.

(ii) Persons who already possess any carbonated beverages or syrups on June 30, 1989 must use a first-in-first-out (FIFO) accounting method for depleting such supplies, supported by their purchase, sales, or transfer records. For purposes of this exemption only, persons may choose to account for product possessed as of June 30, 1989 on a product by product basis or a total volume basis.

(iii) Because this exemption will follow the carbonated beverage or syrup into the possession of any subsequent or succeeding possessors, sellers of such exempt current inventory of carbonated beverages or syrups should provide their registered buyers in this state with a separately itemized statement on the invoice, bill of lading, or other delivery document indicating that the product is tax exempt inventory.

(5) CREDIT. Credit shall be allowed against the taxes imposed in this section for any carbonated beverage or syrup tax paid to another state with respect to the same carbonated beverage or syrup. The amount of the credit shall not exceed the tax liability arising under this chapter with respect to that carbonated beverage or syrup.

(a) "Carbonated beverage or syrup tax" means a tax:

(i) That is imposed on the act or privilege of possessing carbonated beverages or syrup and is not generally imposed on other activities or privileges; and

(ii) that is measured by the value or volume of the carbonated beverage or syrup possessed.

(b) In order for this credit to apply, the other state's tax must be significantly similar to Washington's tax in all its various respects. The taxable incident must be possessing the carbonated beverages or syrups without deductions for costs of doing business, such that the other state's tax does not constitute an income tax or added value tax.

(c) This credit may be taken for the amount of any other state's qualifying tax which has actually been paid as a result of the same carbonated beverage or syrup being previously possessed by the same person in another taxing jurisdiction before Washington State's tax is incurred.

(d) The amount of credit is limited to the amount of tax paid in this state upon possession of the same carbonated beverage or syrup in this state. Also, the credit may not be applied against any tax paid or owed in this state other than the carbonated beverage tax imposed by chapter 271, Laws of 1989.

(6) RECURRENT TAX LIABILITY. It is the intent of the law that all carbonated beverages or syrups possessed in this state should incur this tax liability only once unless they are expressly exempt. This is true of carbonated beverages or syrups used as ingredients of products as well as the manufactured end product itself. When a manufacturer is in possession of both syrup and carbonated beverage and where the syrup is an ingredient or step in the production of the carbonated beverage end product, the measure of the tax shall be the carbonated beverage produced and not the syrup which is only an ingredient in the production process.

(a) Manufacturers are taxable on the possession of syrup only when such syrup is removed from the production process for purposes of sale or other transfer of possession without further processing by them or another manufacturer or bottler.

(b) Example. When a retailer (soda fountain, convenience store, fast food outlet, etc.) who produces carbonated beverages by combining syrup with water and carbon dioxide purchases the syrup from an out-of-state seller who is not the first possessor of the syrup in this state, the retailer incurs tax liability as the first possessor

of the syrup in this state. The tax is measured by the volume of syrup first possessed.

(7) HOW AND WHEN TO PAY TAX.

(a) The tax must be reported on a special line of the combined excise tax return designated "carbonated beverage or syrup". The volume reported shall be the net volume subject to tax, i.e., the gross volume possessed less volume exempt.

(b) The tax is due for payment together with the timely filing of the return upon which it is reported, covering the tax reporting period during which the carbonated beverage or syrup is first possessed within this state. Any person who is not expressly exempt of the tax and who possesses any carbonated beverage or syrup in this state, without having proof that the tax has previously been paid on that carbonated beverage or syrup, must report and pay the tax.

(c) The taxable incident or event is the possession of the carbonated beverage or syrup. Tax is due for payment by the first possessor in this state whether or not the carbonated beverage or syrup has been sold or transferred or whether, if sold, the purchase price has been paid in part or in full.

(d) Special provision for manufacturers, bottlers, and wholesalers. Because it is not possible to know, at the time of first possession in this state, whether a carbonated beverage or syrup may be used or sold in a manner which would entitle the first possession to tax exemption, manufacturers, bottlers, wholesalers, and other persons giving their suppliers export exemption certificates who possess carbonated beverages or syrups may report the tax and take any available exemptions and credits at the time that such carbonated beverages or syrups are withdrawn from storage for purposes of their sale, transfer of possession, export, or consumption.

(8) HOW AND WHEN TO CLAIM CREDIT. Any tax credit available to the taxpayer should be claimed and offset against tax liability reported on the same excise tax return when possible. The tax return form provides a line for reporting tax on carbonated beverages and syrups and the credit shall be taken on the line for taking "other credits" as an offset against the tax reported. A statement showing the computation of the credit must be provided. It is not required that any other documents or other evidences of entitlement to credits be submitted with the report. Such proofs must be retained in permanent records for the purpose of verification of credits taken.

(9) CARBONATED BEVERAGES OR SYRUPS ON CONSIGNMENT. Consignees who possess carbonated beverages or syrups in this state with the power to sell such things, in their own name or on behalf of a disclosed or undisclosed consignor have "control" of the product and are liable for payment of the tax unless the tax has been paid by a prior possessor. The exemption for previously taxed carbonated beverages or syrups is available for such consignees if the consignor or the previous possessor has paid the tax and the consignee has retained the document of sale or delivery containing a separately itemized statement of the payment of the tax. Possession

of consigned carbonated beverages or syrups by a consignee who has control of the product does not constitute constructive possession by the consignor.

(10) Various circumstances may arise whereby a person will possess carbonated beverages or syrups in this state, some of which have been previously taxed in this or other states and some of which may not. In such cases formulary tax reporting may be used, only after receipt of a special ruling issued by the department of revenue authorizing such formulary reporting.

(a) Example. Fungible carbonated beverages or syrups from sources both within and outside this state are commingled in common storage facilities. Formulary reporting may be appropriate based upon volume percentages reflecting the ratio of in-state production to out-of-state production or other form of acquisition.

(11) ADMINISTRATIVE PROVISIONS. The provisions of chapters 82.32 and 82.04 RCW regarding due dates, reporting periods, tax return requirements, interest and penalties, tax audits and limitations, disputes and appeals, and all such general administrative provisions apply equally to the carbonated beverage or syrup tax.

WSR 89-17-002

RULES COORDINATOR

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 3, 1989, 4:03 p.m.]

The Department of Labor and Industries names Brett Buckley as the 1989-90 rules coordinator. Please send information to Brett Buckley, Legislative Liaison, General Administration Building, HC-101, Olympia, Washington 98504.

Joseph A. Dear
Director

WSR 89-17-003

RULES COORDINATOR

DEPARTMENT OF ECOLOGY

[Filed August 3, 1989, 4:04 p.m.]

The rules coordinator for the Department of Ecology is Jerri Brooker, Department of Ecology, Mailstop PV-11, Olympia, Washington 98504-8711.

Chris Gregoire
Director

WSR 89-17-004

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—July 31, 1989]

The Washington State Human Rights Commission will hold its next regular commission meeting in Olympia. The commission will interview finalists for the position of executive secretary on August 23, 1989, from 9:30

a.m. to 4:30 p.m. in executive session. The regular business meeting and executive session will be held at the Evergreen Plaza Building, Second Floor Conference Room, 711 South Capitol Way, Olympia, beginning at 9:30 a.m. on August 24, 1989.

WSR 89-17-005**PROPOSED RULES****TACOMA COMMUNITY COLLEGE**

[Filed August 3, 1989, 4:05 p.m.]

Notice is hereby given in accordance with the provisions of RCW 28B.19.030, that the Tacoma Community College intends to adopt, amend, or repeal rules concerning confidentiality of student records, chapter 132V-15 WAC;

that the institution will at 4:00 p.m., Thursday, September 14, 1989, in the John Binns Room, Tacoma Community College, 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 28B.50.140(13).

The specific statute these rules are intended to implement is RCW 28B.50.140(13).

Interested persons may submit data, views, or arguments to this institution in writing to be received by this institution before September 12, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-13-072 filed with the code reviser's office on June 21, 1989.

Dated: August 1, 1989

By: Carleton M. Opgaard
President

WSR 89-17-006**PROPOSED RULES****DEPARTMENT OF HEALTH**

[Filed August 4, 1989, 4:22 p.m.]

Original Notice.

Title of Rule: WAC 248-18-035 Infection control program.

Purpose: To establish in WAC the requirement and standards for HIV/AIDS education and training of employees working in hospitals.

Statutory Authority for Adoption: RCW 70.41.030 and 43.20.050.

Statute Being Implemented: RCW 70.41.030 and 43.20.050.

Summary: Chapter 248-18 WAC, Hospitals, is amended. Amendments include the requirement for education and training of health care facility employees on the prevention, transmission, and treatment of HIV/AIDS. The amendment also sets forth standards for the training material utilized.

Reasons Supporting Proposal: This rule is necessary to implement RCW 70.24.310 which requires DSHS to

adopt rules requiring appropriate education and training of employees of state-licensed or certified health care facilities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth R. Lewis, Division of Health, 753-5851.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2, 12th and Franklin, Auditorium, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 3, 1989.

Date of Intended Adoption: October 10, 1989.

August 4, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 119, filed 5/23/75)

WAC 248-18-035 INFECTION CONTROL PROGRAM. The hospital shall have a continuing infection control program. The responsibility for the infection control program shall be vested in an infection control committee which shall include the hospital administrator or his designee and representatives of the medical staff and the nursing department.

(1) The infection control committee shall establish and maintain:

(a) A current system for discovering, reporting, investigating and reviewing infections among patients and personnel and maintaining records on such infections;

(b) A current system for surveillance of food handling practices, care and handling of medical supplies and equipment, laundry, house-keeping and maintenance in relation to potential for transmission of infection;

(c) Current written policies and procedures designed to ensure adherence to recognized standards of medical asepsis in all patient care services;

(d) Current written policies and procedures designed to ensure observance of recognized standards of isolation technic [technique] in the care of any patient with a known or suspected communicable disease (including infected lesions or wounds); and

(e) A current system for reporting communicable diseases in accordance with regulations of the state board of health, chapter 248-100 WAC.

(2) The infection control committee shall meet on a regular basis not less than quarterly and shall hold special meetings when necessary to meet their responsibilities in dealing with infection control problems.

Written minutes of all meetings of the infection control committee shall be kept on file.

(3) Hospitals shall:

(a) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(b) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 89-17-007
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed August 4, 1989, 4:26 p.m.]

Original Notice.

Title of Rule: WAC 248-21-017, 248-22-017, 248-29-045, 248-33-090, 248-140-215, chapters 248-16, 248-23, 248-25 and 248-26 WAC, HIV/AIDS education and training.

Purpose: To establish in WAC the requirement and standards for HIV/AIDS education and training of persons working in a health care facility.

Statutory Authority for Adoption: RCW 70.24.310.

Statute Being Implemented: RCW 70.24.310.

Summary: A new section of WAC is established to establish the requirements for the education and training of health care facility employees on the prevention, transmission, and treatment of HIV/AIDS. This new section also sets forth standards for the training material utilized.

Reasons Supporting Proposal: These rules are necessary to establish in WAC the requirement and standards for HIV/AIDS education and training of persons working in a health care facility.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Kenneth R. Lewis, Division of Health, 753-5851.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 3, 1989.

Date of Intended Adoption: October 10, 1989.

August 4, 1989

Leslie F. James, Director
 Administrative Services

NEW SECTION

WAC 248-16-048 HIV/AIDS EDUCATION AND TRAINING. Boarding homes shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-21-017 HIV/AIDS EDUCATION AND TRAINING. Hospice care centers shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-22-017 HIV/AIDS EDUCATION AND TRAINING. Private psychiatric and alcoholism hospitals shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-23-025 HIV/AIDS EDUCATION AND TRAINING. Residential treatment facilities for psychiatrically impaired children and youth shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-25-025 HIV/AIDS EDUCATION AND TRAINING. Adult residential rehabilitation centers and private adult treatment homes shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-26-035 HIV/AIDS EDUCATION AND TRAINING. Alcoholism treatment facilities shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-29-045 HIV/AIDS EDUCATION AND TRAINING. Childbirth centers shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-33-090 HIV/AIDS EDUCATION AND TRAINING. Eye banks shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

NEW SECTION

WAC 248-140-215 HIV/AIDS EDUCATION AND TRAINING. Abortion facilities shall:

(1) Verify or arrange for appropriate education and training of personnel on the prevention, transmission, and treatment of human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) consistent with RCW 70.24.310; and

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, May 31, 1989, published by the office on HIV/AIDS.

WSR 89-17-008
EMERGENCY RULES
BOARD OF HEALTH

[Order 319—Filed August 4, 1989, 4:30 p.m.]

Date of Adoption: August 4, 1989.

Purpose: This rule is necessary to advise the public of the procedure for acting on a request for the board's authority to grant variance, waiver, or exemption.

Citation of Existing Rules Affected by this Order: Amending [readopting] WAC 248-08-596.

Statutory Authority for Adoption: RCW 43.20.050.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The new Administrative Procedure Act that became effective on July 1, 1989, requires agencies to adopt rules governing adjudicative proceedings RCW 34.05.250. By emergency rules filed on July 3, 1989, under WSR 89-14-096 the Board of Health repealed the rules in chapter 248-08 WAC and adopted adjudicative procedure rules with explanations for variations from the model rules codified chapter 10-08 WAC. WAC 248-08-596 in effect before July 1 was not a hearing procedure rule and was not intended to be repealed. Such requests come before the board regularly and the need to act on them without delay is vital to preserve the public health, safety, or general welfare.

Effective Date of Rule: Immediately.

August 4, 1989
Paul Trause
Deputy Secretary

[READOPTED SECTION (Readopting Order 289, filed 7/18/85)]

WAC 248-08-596 VARIANCES, WAIVERS, AND EXEMPTIONS. The following procedure for considering requests for exemptions, waivers, or variances applies to all those rules and regulations of the Washington state board of health wherein the board of health has reserved the power to grant exemptions, waivers, and variances:

(1) The director of the health services division of the department of social and health services shall recommend, pursuant to the standards contained in the regulation from which the exemption, waiver, or variance is requested, that the request be granted or denied.

(2) Written summaries of all exemptions, waivers, or variances proposed to be granted by the director shall be sent to all members of the board of health and may include written forms upon which the members may indicate approval or disapproval of the request.

(3) Upon receipt by the director of written approval by eight members of the board of health, and provided no member disapproves, the approval shall take effect and the director shall notify the requesting party of the approval in writing.

(4) If any member of the board of health shall disapprove the request within thirty days of notification by the director, the request shall be discussed by the board at its next regular meeting.

(5) If a request is recommended for denial by the director, the request and recommendation shall be reviewed by the board at its next regular meeting.

Consideration by the board of requests for exemptions, waivers, and variances shall not be considered contested cases as that term is defined in chapter 34.04 RCW. Statements and written material regarding the request may be presented to the board at or before its meeting wherein the application will be considered. Allowing cross-examination of witnesses in such matters shall be within the discretion of the board. [Statutory Authority: RCW 43.20.050. 85-15-063 (Order 289), § 248-08-596, filed 7/18/85; 84-16-031 (Order 272), § 248-08-596, filed 7/25/84. Formerly WAC 248-08-595.]

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

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 89-17-009
EMERGENCY RULES
HIGHER EDUCATION PERSONNEL BOARD
[Filed August 4, 1989, 4:31 p.m.]

Date of Adoption: August 3, 1989.

Purpose: Chapter 34.05 RCW requires HEPB to re-examine its rules of procedure and to readopt/modify the appropriate HEPB rules of procedure that are in variance with the model rules of procedure.

The Higher Education Personnel Board has reviewed the model rules of procedure which are required by RCW 34.05.250 and has compared them with its own

rules of procedure which are promulgated in Title 251 WAC. Be it resolved that the Higher Education Personnel Board, which is exempt from the adjudicative hearings portion of the new Administrative Procedure Act, has chosen to adopt, modify or reject each respective model rule for the following reasons: WAC 10-08-001, reject, not applicable because chapter 10-08 WAC is not being adopted in its entirety; WAC 10-08-035, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-040, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-045, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.04.030 (2)(d), will be reconsidered if future circumstances render it appropriate; WAC 10-08-050, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d) and from chapter 34.12 RCW per RCW 34.12.020(4); WAC 10-08-080, reject, already prescribed in WAC 251-04-100; WAC 10-08-090, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-110, reject, already prescribed in WAC 251-04-105 and 251-04-110; WAC 10-08-120, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d) and 34.05.446; WAC 10-08-130, adopted in part as WAC 251-12-232; WAC 10-08-140, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-150, reject, already adhere to chapter 2.42 RCW, which prescribes the use of interpreters, the rule varies from the statute; WAC 10-08-160, adopted in part as WAC 251-12-100(2) (as amended); WAC 10-08-170, reject, already prescribed in WAC 251-12-100(3); WAC 10-08-180, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d) and 34.05.431; WAC 10-08-190, adopted in part as WAC 251-12-100(1) (as amended); WAC 10-08-200, adopted in part as WAC 251-12-085(1) (as amended); WAC 10-08-210, reject, already prescribed in WAC 251-12-250; WAC 10-08-211, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-215, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-220, reject, not applicable because chapter 10-08 WAC is not being adopted in its entirety; WAC 10-08-230, adopted in part as WAC 251-12-231; WAC 10-08-250, reject, already prescribed in WAC 251-12-097; WAC 10-08-251, reject, already prescribed in WAC 251-12-096; and WAC 10-08-252, reject, already prescribed in WAC 251-12-096.

Citation of Existing Rules Affected by this Order: Amending WAC 251-12-085 Hearing examiners and 251-12-100 Hearings before the board; New WAC 251-12-231 Informal settlements and 251-12-232 Pre-hearing conference; and readopting WAC 251-04-105 Method and completion of service, 251-04-110 Filing with board; 251-12-073 Appeals from exempt status, 251-12-075 Appeals from alleged violations of HEPB

law of rules, 251-12-076 Appeals from denial of parental leave requests, 251-12-080 Appeals from demotion, suspension, layoff, reduction in salary, separation, dismissal, 251-12-090 Appeals receipt—Procedure, 251-12-096 Declaratory rulings, 251-12-097 Declaratory rulings—Form, 251-12-101 Motion(s) for continuance, 251-12-102 Motion for continuance—Procedure, 251-12-170 Subpoenas—Forms, 251-12-180 Subpoenas—Issuance to parties, 251-12-190 Subpoenas—Service of subpoena, 251-12-200 Subpoenas—Witness fees, 251-12-210 Subpoenas—Proof of service and 251-12-250 Findings of fact—Conclusions of law—Filing procedure.

Statutory Authority for Adoption: RCW 34.05.250 and 28B.16.100.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Because of July 1, 1989, effective date of new Administrative Procedure Act and July 15, 1989, effective date of new model rules adopted by administrative law judges, HEPB must take this action to comply with RCW 34.05.350 (1)(b).

Effective Date of Rule: Immediately.

August 4, 1989
Dorothy Gerard
for John A. Spitz
Director

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-105 METHOD AND COMPLETION OF SERVICE. Service of papers shall be made either personally or by registered or certified mail, unless otherwise provided by law. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the United States mail properly stamped and addressed to the last known address on file with the institution.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-110 FILING WITH BOARD. Papers required to be filed with the board shall not be deemed filed until actual receipt of the papers by the board at its headquarters in Olympia, Washington. All papers shall be filed at the office of the director, where the date of receipt shall be recorded on such papers.

READOPTED SECTION (Readopting Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-12-073 APPEALS FROM EXEMPT STATUS. As indicated in WAC 251-04-040(11), any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he/she should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080.

READOPTED SECTION (Readopting Order 176, filed 3/23/89, effective 5/1/89)

WAC 251-12-075 APPEALS FROM ALLEGED VIOLATIONS OF HEPB LAW OR RULES. Any employee, employee representative or appointing authority desiring to appeal an alleged violation of the higher education personnel law or rules adopted thereunder, may appeal such alleged violation to the board. Such appeal must be in writing and be filed in the office of the director within thirty calendar days after the effective date of the action appealed. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(1) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or

(2) The director may investigate the case and based upon that investigation issue a determination. Within thirty calendar days of the date of service either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may do one or more of the following:

- (a) Limit argument to the exceptions;
- (b) Request clarification of information upon which the director's determination was based;
- (c) Remand the case for further investigation;
- (d) Rehear the case in its entirety; or

(3) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

READOPTED SECTION (Readopting Order 161, filed 9/30/87)

WAC 251-12-076 APPEALS FROM DENIAL OF PARENTAL LEAVE REQUESTS. Any permanent employee who is denied parental leave per WAC 251-22-195 may appeal such action to the board. The appeal must be in writing and submitted to the higher education personnel board office within seven calendar days following receipt by the employee of the personnel officer's written notification and rationale for denial. Appeals under this section will be heard by a board hearing examiner and a verbal decision will be rendered within forty-eight hours of the hearing, with a written decision to follow within thirty days. The hearing examiner's determination shall be final and binding.

READOPTED SECTION (Readopting Order 119, filed 7/31/84)

WAC 251-12-080 APPEALS FROM DEMOTION, SUSPENSION, LAYOFF, REDUCTION IN SALARY, SEPARATION, DISMISSAL. Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-090 APPEALS RECEIPT—PROCEDURE. The director shall forward the written notice of appeal to the board or hearing examiner and the institution concerned and shall aid in arranging an appeal hearing as soon as possible. The hearing shall be conducted within thirty calendar days after receipt of the appeal by the director.

READOPTED SECTION (Readopting Order 177, filed 6/6/89)

WAC 251-12-096 DECLARATORY ORDERS. As provided in RCW 34.05.240, any person may petition the board for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the higher education personnel board. For purposes of this section, the term person includes natural persons, employee organizations, institutions of higher education, and related boards.

(1) The petition shall be in writing, in accordance with WAC 251-12-097, and filed at the higher education personnel board office in Olympia. The petition shall set forth the facts and reasons on which the petitioner relies to show:

- (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;
- (c) That the uncertainty adversely affects the petitioner;

(d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested.

(2) Upon receipt of a petition for declaratory ruling, the director or designee will acknowledge receipt of the petition and forward the petition to the board for consideration.

(3) Within fifteen days after receipt of a petition for a declaratory order, the board shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.

(4) The board shall consider the petition without argument and within thirty days of receipt of the petition will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances as stated in the petition; or

(b) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition, including submission of evidence by the parties if deemed necessary by the board, or submission of written argument upon the matter if the material facts are not in dispute. Reasonable notification will be given to the petitioner and other persons who have been given notice of the petition pursuant to subsection (3) of this section of the time and place for such hearing or submission and of the issues it will be considering; or

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order, or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(5) The board may extend the time limits of subsection (4)(b) and (c) of this section for good cause.

(6) Normally, the board will not issue a declaratory order on any matter that is or could have been the subject of any other proceeding before the board.

(7) The board at any time before taking final action on a petition may request submission of additional facts or argument, including setting the case for oral argument.

(8) If the board proceeds in the manner provided in subsection (4)(b) of this section, it shall within a reasonable time after conclusion of the proceeding:

(a) Issue a declaratory order, or

(b) Notify the petitioner and any other party to the proceeding that no declaratory order will be issued and stating the reason for such action.

(9) The board may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(10) A declaratory order has the same status as any other order entered in a higher education personnel board proceeding adjudicated under WAC 251-12-080. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

READOPTED SECTION (Readopting Order 177, filed 6/6/89)

WAC 251-12-097 DECLARATORY ORDERS—FORM. Any interested person petitioning the higher education personnel board for a declaratory order pursuant to WAC 251-12-096 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "BEFORE THE HIGHER EDUCATION PERSONNEL BOARD." On the left side of the page below the foregoing, the following caption shall be set out: "In the Matter of the Petition of (Name of Petitioning Party) for a Declaratory Order." Opposite the foregoing caption shall appear the phrase: "Petition for Declaratory Order."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and the name and address, if any, of the representative appearing on behalf of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set forth all of the facts which the petitioner wishes the board to consider in issuing a declaratory order. The concluding paragraph(s) shall clearly set forth the issues which the petitioner wishes the board to address in its order and the requested order.

The original and two copies shall be filed with the petition. Petitions shall be on 8-1/2 x 11 inch paper.

Examples of a form petition for declaratory ruling shall be available for reference to any interested person in the office of the higher education personnel board in Olympia.

READOPTED SECTION (Readopting Order 174, filed 11/1/88)

WAC 251-12-101 MOTION(S) FOR CONTINUANCE. Any party to a hearing may make a motion(s) to continue a hearing for good cause shown. Any such motion(s) shall be in writing directed to the person(s) who will be conducting the hearing. The motion(s) shall state the specific reason(s) and the period of time for which a continuance is necessary.

READOPTED SECTION (Readopting Order 174, filed 11/1/88)

WAC 251-12-102 MOTION FOR CONTINUANCE—PROCEDURE. Any party desiring a continuance shall first contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party will immediately notify the board or hearing examiner orally of the request, the reason(s) for the request, and the opposing party's response to the request.

(1) If the opposing party agrees to a continuance, the requesting party shall submit the motion in writing. The motion shall be filed with the director and served on the board or hearing examiner and the opposing party at least five working days prior to the scheduled hearing date. When the requesting party is represented by a union representative, a management representative, or an attorney at law, the requesting party's representative shall be responsible for coordinating a hearing date with the other parties. The board or hearing examiner shall review the motion, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

(2) If the opposing party does not agree to the continuance, the requesting party shall submit the motion in writing. The motion shall be filed with the director and served on the board or hearing examiner and served on the opposing party at least five working days prior to the scheduled hearing date. The board or hearing examiner shall review the motion, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

(3) In unusual circumstances, and only where the reason(s) for the continuance could not have been foreseen, a motion for continuance may be made when the party seeking the continuance becomes aware of the facts upon which the request for continuance is based. The following will apply:

(a) The requesting party shall notify the other party of the desire for a continuance and obtain the other party's response.

(b) The requesting party shall notify the board or hearing examiner orally of the request, the reason(s) for

the request, and the opposing party's response to the request.

(c) The board or hearing examiner shall review the request, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-170 SUBPOENAS—FORM. Every subpoena shall name the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or records under his/her control at a specified time and place, and shall as nearly as practicable follow the form required in superior court.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-180 SUBPOENAS—ISSUANCE TO PARTIES. Subpoenas may be issued by any member of the board, the director, or the hearing examiner before whom the appeal is to be heard, or by the attorney of record of the party to the hearing in whose behalf the witness is required to appear, and shall be subscribed by the signature of the issuing person. Parties desiring subpoenas which are to be signed by members of the board or the director shall prepare them for issuance, send them to the board's office for signature, and upon return shall make arrangements for service. The service of all subpoenas shall be at the expense of the party requiring the witness to appear. In order to insure return to the requesting party in time for service, it is recommended that all subpoenas be submitted at least five calendar days prior to the hearing.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-190 SUBPOENAS—SERVICE OF SUBPOENA. Service of subpoena shall be made by delivering a copy of the subpoena a reasonable period ahead of time to such person and by tendering, on demand, the fees for one day's attendance and the mileage allowed by law.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-200 SUBPOENAS—WITNESS FEES. Witnesses summoned before the board shall be paid the same fees and mileage paid to witnesses in the superior court of the state of Washington by the party at whose instance they appear. The board shall be responsible only for paying the witness fees of witnesses subpoenaed by it.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-210 SUBPOENAS—PROOF OF SERVICE. The person serving the subpoena shall make proof of service by filing the original subpoena. If such

service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-250 FINDINGS OF FACT—CONCLUSIONS OF LAW—FILING PROCEDURE. Within thirty calendar days after the conclusion of the appeal hearing, the board shall make and fully record in its permanent records, findings of fact, conclusions of law, and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided; at the same time a copy of the findings, conclusions and order shall be sent by registered mail to the employing institution and to the employee at his/her address as given at the hearing or to his/her counsel of record.

AMENDATORY SECTION (Amending Order 161, filed 9/30/87)

WAC 251-12-085 HEARING EXAMINERS. (1) The board may appoint one or more hearing examiners to preside over, conduct and make recommended decisions in all cases of employee appeals to the board. The hearing examiner shall conduct hearings in the same manner and shall have the same authority as the presiding board member at hearings before the board. The hearing examiner shall also have the authority to do the following:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;
- (f) Take any appropriate action necessary to maintain order during the hearing;
- (g) Permit or require oral argument or briefs and determine the time limits for submission thereof;
- (h) Take any other action necessary and authorized by any applicable statute or rule.

(2) With the exclusion of WAC 251-12-076, within thirty calendar days of the hearing, the hearing examiner shall issue a recommended decision which shall be transmitted to the board and be served upon the parties by certified mail with a statement regarding the right to file exceptions to the recommended decision.

(3) Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exceptions with the board.

(4) If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision.

(5) When exceptions are filed, such written statements shall include in detail the specific items of the hearing examiner's recommended decision to which exception is taken. A hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument on the basis of the transcript and exhibits. Following the hearing on the exceptions the board may affirm, reverse, or modify the recommended findings of fact, conclusions of law and/or decision of the hearing examiner.

AMENDATORY SECTION (Amending Order 105, filed 4/29/83, effective 6/1/83)

WAC 251-12-100 HEARINGS BEFORE THE BOARD. (1) Hearings shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests. On motion of a party or on the hearing examiner's own motion, witnesses may be excluded from any hearing except when testifying. Photographic and recording equipment may be permitted; however, the hearing examiner may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing. Hearings shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law.

(2) Both parties shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the board. Members of the board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board according to the provisions of RCW 5.28.020 through 5.28.060. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court.

(3) The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the appeal, and shall be made by the employing institution if the employee prevails.

NEW SECTION

WAC 251-12-231 INFORMAL SETTLEMENTS. (1) If settlement of an appeal may be accomplished by informal negotiation, negotiations shall be commenced at the earliest possible stage of the proceeding. Settlement shall be concluded by one of the following:

(a) Stipulation of the parties; or

(b) Withdrawal by the appellant of his or her appeal; or

(c) Withdrawal by the institution of the action which is the subject matter of the appeal.

(2) Settlement negotiations shall be informal and without prejudice to the rights of a participant in the negotiations; provided, however, that any time limit applicable to filing an appeal shall not be extended because settlement attempts are pending.

NEW SECTION

WAC 251-12-232 PREHEARING CONFERENCE. (1) The hearing examiner may direct the parties or their representatives to engage in an off-the-record prehearing conference or conferences to consider the following:

(a) Simplification of issues;

(b) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;

(c) Procedural matters;

(d) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the hearing examiner.

(3) The hearing examiner may, at his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this section.

WSR 89-17-010
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed August 4, 1989, 4:40 p.m.]

Date of Adoption: July 18, 1989.

Purpose: Chapter 391-08 WAC is adopted to set forth certain general rules of practice and procedure applicable to all types of cases processed by the commission.

Citation of Existing Rules Affected by this Order: See below.

Statutory Authority for Adoption: RCW 41.58.050, 28B.52.080, 41.56.090 and 41.59.110.

Other Authority: See below.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary as described in the detailed explanation shown below) chapter 10-08 WAC as amended effective July 15, 1989.

WAC 391-08-001 Application and scope of chapter 391-08 WAC.

Purpose: Introduces chapter 391-08 WAC as "procedural." Makes cross-references to other rules.

Statute: Chapters 28B.52, 41.56, 41.58, 41.59, 49.08 and 53.18 RCW (hereinafter: "substantive statutes"), generally.

Summary: Refers user to other rules, as follows: Chapter 10-08 WAC for conduct of "contested cases"; Chapter 391-25 WAC for representation cases; Chapter 391-35 WAC for unit clarification cases; Chapter 391-45 WAC for unfair labor practice cases; Chapter 391-55 WAC for impasse resolution cases; Chapter 391-65 WAC for grievance arbitration cases; and Chapter 391-95 WAC for union security cases. Provides that special rules prevail over general rules.

Reasons: Chapter 34.05 RCW (APA) and RCW 34.05.250 permits agencies to adopt rules different from model rules by stating reasons for variance. WAC 10-08-001 is similar.

Explanation: Amendment of existing rule with more detailed cross-references identifying the areas where PERC does things differently than chapter 10-08 WAC.

WAC 391-08-003 Policy—Construction—Waiver.

Purpose: Promotes labor peace.

Statute: RCW 41.58.005(1).

Summary: Provides for liberal construction of rules and waiver of rules where there is no prejudice to parties.

Reasons: RCW 34.05.060 encourages informal settlements. RCW 34.05.050 permits waivers by parties. WAC 10-08-230 "encourages" agencies to explore early, informal settlements, but declares how settlements will be embodied in writing and implemented, including burden on agency to provide written description of the resolution to the persons involved.

Explanation: Readoption of existing rule is in harmony with the purpose of WAC 10-08-230, but is more suited to labor-management practice, where parties are accustomed to writing out and signing their own settlement agreements.

WAC 391-08-007 Definitions.

Purpose: Defines certain terms of art.

Statute: Substantive statutes, generally.

Summary: Defines "agency," "commission," "executive director," "labor dispute," and "presiding officer."

Reasons: Chapter 34.05 RCW does not define roles within agency. Model rules silent and also repeals former definition of "presiding officer."

Explanation: Readoption of existing rule is substantive as to definition of "labor dispute" patterned after federal precedent; efficient as to definition of "presiding officer." PERC actually uses working titles of "hearing officer" and "examiner" in APA cases, so "presiding officer" is a handy catch-all. (PERC uses "mediator" and "arbitrator" in non-APA cases); and efficient as to other terms, which permit greater precision in other rules.

WAC 391-08-010 Appearance and practice before agency—Who may appear.

Purpose: Limits practice before PERC.

Statute: Substantive statutes, generally.

Summary: Permits Washington attorneys, union agents and employer agents to practice before PERC, without limitation. Permits out-of-state attorneys to practice before PERC on reciprocity basis.

Reasons: RCW 34.05.428 provides:

(1) A party to an adjudicative proceeding may participate personally or, if the party is a corporation or other artificial person, by a duly authorized representative.

(2) Whether or not participating in person, any party may be advised and represented at the party's own expense by counsel or, if permitted by provision of law, other representative.

Chapter 10-08 WAC is silent with repeal of WAC 10-08-020. PERC finds it advisable to give meaning to the statutory term "duly authorized representative" in the context of labor-management relations and a long history of practice by nonattorneys in this field.

Explanation: Readoption of the existing rule is consistent with the legislative history of the APA. The problem of excluding union business agents and management consultants from practice before PERC was pointed out to the legislature during hearings on the APA, and it softened the original language of the bill. While it might be argued that neither the APA nor PERC's rule is completely consistent with the supreme court's admission to practice (APR) rule 8(b) (which does not require "reciprocity" for out-of-state attorneys, but requires them to "associate" for the case with an in-state attorney), the supreme court ducked the question of "unauthorized practice of law" in a recent Board of Industrial Insurance Appeals case. PERC sees a number of Oregon attorneys in the Vancouver area, and sees the Aitchison firm state-wide. Out-of-state attorneys might qualify under the "duly authorized" agents language of RCW 34.05.428(1). Readoption of the PERC rule will avoid further clouding of the issue at this time.

WAC 391-08-020 Appearance and practice before agency—Standards of conduct.

Purpose: Provide for exclusion from practice before PERC.

Statute: Substantive statutes, generally.

Summary: Permits presiding officer to exclude representative for misconduct at hearing. Permits PERC to exclude persons from practice, upon notice and hearing, for misconduct of an aggravated character.

Reasons: RCW 34.05.428 leaves open possibility of nonattorney practitioners before administrative agencies. Model rules silent with repeal of WAC 10-08-020.

Explanation: Readoption of existing rule as deterrent to misconduct. Permits agency sanctions, particularly as to nonattorney practitioners who are not regulated by the Washington State Bar Association.

WAC 391-08-030 Appearance and practice before agency—Appearance by former employee of agency or former member of attorney general's staff.

Purpose: Limits practice by former PERC and AG staff.

Statute: Substantive statutes, generally.

Summary: Former PERC staff and AG staff are barred from representing parties in any case that was pending before PERC while the person was associated with the agency.

Reasons: Chapter 34.05 RCW silent. Model rules silent with repeal of WAC 10-08-020.

Explanation: Readoption of existing rule protects impartiality and PERC's appearance of fairness. PERC's "mediation" role is particularly sensitive and vulnerable to damage if a former insider were to show up representing a party on a case where insider knowledge could have been gained.

WAC 391-08-040 Appearance and practice before agency—Former employee as witness.

Purpose: Limit testimony by former PERC and AG staff.

Statute: Substantive statutes, generally.

Summary: Former PERC staff and AG staff barred from testifying for any party in any case which was pending before PERC while the person was associated with the agency.

Reasons: APA silent. WAC 10-08-140(4) limits the exclusion to "expert witness" testimony, and only where the person was actually involved with the particular case while associated with the agency.

Explanation: Readoption of existing rule protects impartiality and PERC's appearance of fairness. PERC's "mediation" role is particularly sensitive and vulnerable to damage if a former insider were to show up testifying on behalf of a party on a case where insider knowledge could have been gained.

WAC 391-08-100 Service of process—Computation of time.

Purpose: Provide standards for computing time periods.

Statute: Substantive statutes, generally.

Summary: Time periods computed by calendar days to end on business day, except Saturdays, Sundays and Holidays excluded for periods of less than seven days.

Reasons: APA silent. WAC 10-08-080 is identical.

Explanation: Readoption of existing rule maintains consistency. PERC needs to have some rule for PERC cases that are not governed by the APA. The standards should continue to be identical for all types of cases.

WAC 391-08-110 Service of process—By whom served.

Purpose: Repeal redundant requirements for service of papers.

Statute: Substantive statutes, generally.

Summary: PERC to serve papers it issues. All other papers to be served by originating party.

Reasons: RCW 34.05.437(3) requires originating party to serve papers unless agency rules provide otherwise.

WAC 10-08-110(1) requires originating party to serve papers filed with presiding officer.

Explanation: Repeal of existing rule maintains consistency. This rule could perhaps have been repealed when chapter 10-08 WAC was first adopted. WAC 391-08-120 will adequately cover the situation.

WAC 391-08-120 Service of process—Filing and service of papers.

Purpose: Regulates filing and service of papers.

Statute: Substantive statutes, generally.

Summary: Filing means actual receipt by agency. Originating party to serve other parties by mail, etc. including fax. Documents intended for commission or executive director to be filed only in Olympia office.

Reasons: RCW 34.05.010(6) defines "filing" as actual receipt by agency at place designated by agency. RCW 34.05.437(3) requires originating party to serve papers (by deposit in mail, etc. or by fax if permitted by agency rule) unless agency rules provide otherwise. WAC 10-08-110 permits filing of any papers for agency at any office of the agency and permits service by fax.

Explanation: Amendment of existing rule, to avoid operational problems. PERC's rule was patterned after the original WAC 10-08-110, but was amended in 1988 to require filings for the commission or executive director at Olympia office. PERC has experienced problems with attempts to file time-critical papers at PERC's Yakima and Spokane offices at times when nobody was present to verify the date and time of filing. WAC 391-08-120 (4)(b) should also say that papers to be filed with a presiding officer may be filed at: "The office of the presiding officer or the Olympia office." Amendment to include service by "fax" is also proposed.

WAC 391-08-160 Service of process—Opportunity for hearing.

Purpose: Repeal redundant requirement for public hearings in contested cases.

Statute: RCW 28B.52.045(3) 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: PERC contested case hearings open to the public. Parties may appear and participate.

Reasons: RCW 34.05.449(5) provides for hearings in adjudicative proceedings to be open to the public. Model rules are silent following repeal of portions of WAC 10-08-190 which required hearings to be public.

Explanation: Repeal of existing rule maintains consistency. The subject is adequately covered by statute.

WAC 391-08-180 Service of process—Continuances.

Purpose: Regulates requests for continuances.

Statute: Substantive statutes, generally.

Summary: Parties may move for continuance, with notice to other parties, for good cause. Presiding officer may grant.

Reason: RCW 34.05.449(1) empowers presiding officer to regulate course of proceedings. WAC 10-08-090 makes explicit requirement for party seeking continuance to do leg-work with other parties in advance of making request to agency.

Explanation: Amendment of PERC rule to parallel model rule will maintain consistency. The same standards would be made effective for PERC cases not governed by the APA or the model rules. PERC traditionally asked parties to do the leg-work.

WAC 391-08-200 Definition of issues—Before hearing.

Purpose: Repeal redundant admonition on parties to clarify issues before hearing.

Statute: Substantive statutes, generally.

Summary: Toothless language dates back to chapter 1-08 WAC model rules promulgated by Code Reviser.

Reason: RCW 34.05.431 authorizes agencies to hold prehearing conference to simplify issues. WAC 10-08-035 suggests that application should state issue to be adjudicated. WAC 10-08-130 authorizes agency to hold prehearing conference to simplify issues.

Explanation: Repeal of existing rule maintains consistency. This concept is now adequately covered in the APA and model rules.

WAC 391-08-210 Definition of issues—Prehearing conference.

Purpose: Repeal redundant rule on prehearing conferences.

Statute: RCW 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: PERC adopted a rule duplicating WAC 10-08-130, because PERC conducts representation case prehearing conferences prior to the issuance of a notice of hearing.

Reason: RCW 34.05.431(1) requires agency to adopt rules specifying conditions and manner in which prehearing conferences are to be held. WAC 10-08-130 amended only to use "adjudicative proceedings" terminology.

Explanation: Repeal of existing rule maintains consistency. The model rules now cover the period prior to issuance of a notice of hearing, so PERC no longer needs to have its own rule. (PERC needs to adopt "when and how" rules for prehearing conferences in chapters 391-25, 391-35, 391-45 and 391-95 WAC.)

WAC 391-08-230 Summary judgment.

Purpose: Regulates issuance of summary judgments.

Statute: RCW 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: PERC may decide case by summary judgment if pleadings show there is no issue of fact.

Reason: Summary judgment procedures formerly set forth in RCW 34.04.090(3) have disappeared from the new APA, but RCW 34.05.416 permits the agency to decide that no adjudicative proceeding will be conducted. The model rules are silent.

Explanation: Readoption of the existing rule will enhance efficiency. PERC adopted its rule after experience with going to hearing just to entertain an obvious motion for dismissal in cases where no disputed issues had been identified. PERC's "preliminary ruling" procedures for

unfair labor practice and union security cases are consistent with RCW 34.05.416, and avoid these situations.

WAC 391-08-300 Subpoenas—Discovery—Form.

Purpose: Subpoena powers limited to hearings; "discovery" not permitted.

Statute: RCW 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: Subpoenas to identify agency, title of proceeding and case number, and hearing where returnable. Prehearing discovery is not allowed.

Reason: APA is silent as to form of subpoena. RCW 34.05.446(2) permits agency to determine, by rule, whether discovery is to be available in adjudicative proceedings and, if so, which forms of discovery may be used. Except as otherwise provided by agency rules, discovery is up to the presiding officer. WAC 10-08-120 provides for subpoenas to, *inter alia*, identify agency, title of proceeding and case number. Model rules silent on discovery following repeal of WAC 10-08-020, which left authority in "discovery" area to the agencies.

Explanation: Amendment, with amendment of title, will fulfill APA requirement to state what "discovery" will be allowed. Consistent with National Labor Relations Board practice, PERC has not permitted "discovery." Discovery rules found in chapter 1-08 WAC were thus omitted from chapter 391-08 WAC, and silence continued to suffice while chapter 10-08 WAC left the matter to the agency. The new APA requires the agency to adopt a rule. The form of subpoena is covered by WAC 10-08-120, but this rule can be converted to limit the use of subpoena.

WAC 391-08-310 Subpoenas—Issuance to parties.

Purpose: Limitation on use of subpoena power to call PERC staff member as witness in proceeding before PERC.

Statute: RCW 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: Subpoena may be issued ex parte. Attorneys may sign subpoena on their license. No subpoena issued or given effect to call PERC staff member as witness.

Reason: RCW 34.05.446(1) provides for issuance of subpoena by agency or attorney, with party requesting issuance of subpoena paying witness fees, etc. per RCW 34.05.446(7). WAC 10-08-120 requires that subpoena identify requesting party, agency and case; regulates service; regulates quashing; but repeals prohibition on subpoena of PERC staff member as witness in before PERC.

Explanation: Readoption of existing rule is needed to protect PERC's impartiality. PERC's "mediation" role is particularly sensitive and vulnerable to damage if an insider shows up testifying for a party. The exclusion of PERC staff from subpoena was adopted by the chief ALJ in the original chapter 10-08 WAC rules, because the sensitive nature of PERC's "mediation" function was recognized and there was no other way to make such a

limitation effective. The repealer by the chief ALJ recognizes that PERC has the freedom to adopt its own rule. The commission has already readopted the existing rule on an emergency basis so that this area will not be left to chance.

WAC 391-08-315 Interpreters.

Purpose: Provides for use and compensation of interpreters in "adjudicative proceedings" covered by the APA.

Statute: Chapter 2.42 RCW and RCW 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: Adopts model rule with modification to delete agency responsibility for payment of interpreters beyond that required by chapter 2.42 RCW.

Reason: RCW 2.42.040 makes a distinction between "criminal" and related proceedings (where the governmental body initiating the proceedings is responsible for the fees and expenses of the interpreter) and "other legal proceedings" (where the fees and expenses of the interpreter are borne by the impaired person unless indigent, and only then by the agency conducting the proceeding). RCW 2.42.170 recites that an interpreter is entitled to fees and expenses, without assigning responsibility for their payment. WAC 10-08-150(17) makes the agency responsible for the fees and expenses of all interpreters.

Explanation: Adoption of model rule in modified form will limit the circumstances under which the agency must pay for the fees and expenses of interpreters. AGO 1989 No. 10 infers that the distinction between "criminal" and "other legal proceedings" remains viable, and a modified rule is proposed on advice from the Office of the Attorney General that the model rule is over-broad as to the financial obligations of the agency. Additionally, the legislative amended chapter 2.42 RCW in 1989 to create a qualifications process for interpreters through the administrator for the courts, which may turn out to be different than as detailed in the model rules.

WAC 391-08-500 Declaratory rulings authorized.

WAC 391-08-510 Declaratory rulings—Petition.

Purpose: Repeal of redundant rules on declaratory rulings.

Statute: Substantive statutes, generally.

Summary: PERC rules now provide for form, filing, service and disposition of declaratory ruling petitions.

Reason: RCW 34.05.240 permits petitions for declaratory orders and sets forth detailed procedures. Model rules set forth detailed procedures for issuing declaratory orders at WAC 10-08-250, 10-08-251 and 10-08-252.

Explanation: Repeal of existing rule to maintain consistency. This subject is now adequately covered by the APA and by the model rules.

WAC 391-08-600 Agency decisions—Form and content.

Purpose: Repeal of redundant PERC rule.

Statute: RCW 35.05.461 [34.05.461], 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: Specifies form and content of decisions, parallel to provisions of original WAC 10-08-210.

Reason: RCW 35.05.461 [34.05.461] controls contents of orders. WAC 10-08-210 is now expanded to cover "initial or final" orders.

Explanation: Repeal of existing rule to maintain consistency. PERC formerly needed to have such a rule to regulate the form and content of orders issued by the commission on petitions for review of initial orders. This subject is now adequately covered by the APA and the model rules.

WAC 391-08-610 Agency decisions—Service.

Purpose: Regulates service of initial and final decisions in "adjudicative proceedings" covered by the APA.

Statute: RCW 28B.52.045(3), 28B.52.060, 41.56.060, 41.56.122(1), 41.56.170, 41.59.080, 41.59.100 and 41.59.150.

Summary: Calls for service of decisions on each party, as well as on their attorneys.

Reason: RCW 34.04.120 requirement for service on party as well as upon attorney seems to have disappeared in new APA. RCW 34.05.461(9) says simply orders to be served "on each party". Model rules are silent.

Explanation: Readoption of existing rule to avoid problems. The requirement for service on the party, as well as its attorney, was adopted in 1975 (perhaps out of distrust of the attorneys to keep their clients informed?). PERC may want to continue the practice informally or by rule, regardless of APA silence.

WAC 391-08-630 Agency ((decisions))—Structure—Substitution for executive director.

Purpose: Specify agency structure and delegation of authority.

Statute: RCW 41.58.010 and 41.58.015.

Summary: Describes commission as impartial (all "public members") body; describes executive director as full-time agency head; provides for senior staff member not involved with case to act in place of executive director when he/she is disqualified or unavailable.

Reason: RCW 34.05.220 (1)(b) requires each agency to adopt rules stating its organization and general course and method of operations. Chapter 10-08 WAC is silent.

Explanation: Amendment, with amendment of title, to comply with requirement of new APA. Delegation of authority beyond executive director is operational necessity in some cases.

WAC 391-08-800 Agency records—Public access.

Purpose: Describe agency records available to public.

Statute: Chapter 42.17 RCW, and substantive statutes generally.

Summary: PERC to maintain docket, calendar and case files.

Reason: Effective July 1, 1990, RCW 42.17.260 will require agency to make records and index available to public. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule pending further study is indicated. The existing rule dates back to the chapter 1-08 WAC model rules promulgated by the

Code Reviser. The public disclosure law, chapter 42.17 RCW imposes its own access requirements. PERC has relied upon its computer system and upon commercially published indexes of its decisions. The "APA clean-up bill" permits agencies to satisfy their "indexing" obligations by making available a commercially published index used by the agency. PERC may want to name the two local publishers in its rules, to divert inquiries in their direction.

WAC 391-08-810 Agency records—Confidentiality.

Purpose: Makes specific records exempt from public disclosure.

Statute: RCW 28B.52.060, 41.56.070, 41.56.100, 41.56.440, 41.58.020, 41.59.120 and 49.08.010.

Summary: Excludes "showing of interest evidence" and "mediation" records from public disclosure.

Reason: RCW 34.05.010 (3)(b) excludes showing of interest determinations and mediation from "agency action" subject to the APA. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule protects impartiality of PERC and substantive rights of parties. Court of Appeals decision affirms exclusion of "showing of interest" evidence from disclosure. These matters were excluded from the coverage of the APA in recognition of their sensitive and vulnerable nature if subjected to disclosure.

WAC 391-08-820 Agency offices.

Purpose: Specifies addresses of PERC offices.

Statute: Substantive statutes, generally.

Summary: Specifies PERC's principal office address in Olympia and its branch offices in Yakima and Spokane.

Reason: RCW 34.05.220 (1)(b) requires each agency to adopt rule stating how the public may obtain information and make submissions or requests. Chapter 10-08 WAC is silent.

Explanation: Readoption of the existing rule with corrected address (mailstop) information and telephone numbers will comply with the new APA.

This rule formerly contained information on PERC's branch offices. A conscious decision was made to delete that information, because PERC's branch offices in Spokane and Yakima are one-person stations that [are] not staffed on a full-time basis during normal office hours of state agencies, and so are not equipped to receive filings of time-critical documents. The "filing" problem will be taken care of in WAC 391-08-120.

WAC 391-08-900 Petitions for rule making—Who may petition.

WAC 391-08-910 Petitions for rule making—Form.

WAC 391-08-920 Petitions for rule making—Agency must consider.

WAC 391-08-930 Petitions for rule making—Notice of disposition.

Purpose: Repeal redundant rules on petitions for rule making.

Statute: Chapter 34.05 RCW and substantive statutes generally.

Summary: PERC rules now set forth details for form, filing and disposition of requests for rule making.

Reason: RCW 34.05.330 permits any person to petition an agency for rule making. Agency may prescribe form and procedure. WAC 10-08-260 and 10-08-261 specify form and content of petitions for rule making.

Explanation: Repeal of existing rule to maintain consistency. Subject is now covered by APA and model rules.

Effective Date of Rule: Immediately.

August 4, 1989
Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-001 APPLICATION AND SCOPE OF CHAPTER 391-08 WAC. Chapter 391-08 WAC has been added to the Washington Administrative Code by the public employment relations commission pursuant to the authority of section 12, chapter 288, Laws of 1975 1st ex. sess. (RCW 41.59.110); sections 14 and 20, chapter 296, Laws of 1975 1st ex. sess. (RCW 28B.52-.080 and 41.56.040); and section 3, chapter 5, Laws of 1975 2nd ex. sess. (RCW 41.58.050), to promulgate comprehensive and uniform rules for practice and procedure before the agency. The provisions of chapter 1-08 WAC shall not be applicable to proceedings before the agency. This chapter sets forth general rules applicable to all types of proceedings before the agency, and should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of ((contested cases)) adjudicative proceedings under chapters 391-25, 391-35, 391-45 and 391-95, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-25-070, 391-25-090, 391-35-050, 391-45-050, and 391-95-110;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-110, which is supplanted by WAC 391-08-120;

(d) WAC 10-08-120, to the extent that it is further limited by WAC 391-08-040 and 391-08-310;

(e) WAC 10-08-140, to the extent that it is further limited by WAC 391-08-040 and 391-08-310;

(f) WAC 10-08-150, which is supplanted by WAC 391-08-315;

(g) WAC 10-08-211, which is supplanted by WAC 391-25-390, 391-25-590, 391-35-210, 391-35-230, 391-45-350, 391-45-370, 391-95-270, and 391-95-280; and

(h) WAC 10-08-230, which is supplanted by WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, 391-25-270, 391-35-070, 391-35-140, 391-45-070, 391-45-090, 391-45-260, and 391-95-200.

(2) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

(3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

(4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

(5) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

(6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

(7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

In the event of a conflict between general rule in this chapter and a special rule in another chapter applicable to a particular proceeding, the special rule shall govern.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-003 POLICY—CONSTRUCTION—WAIVER. The policy of the state being primarily to promote peace in labor relations, these rules and all other rules adopted by the agency shall be liberally construed to effectuate the purposes and provisions of the statutes administered by the agency, and nothing in any rule shall be construed to prevent the commission and its authorized agents from using their best efforts to adjust any labor dispute. The commission and its authorized agents may waive any requirement of the rules unless a party shows that it would be prejudiced by such a waiver.

READOPTED SECTION (Readopting Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-007 DEFINITIONS. As used in Title 391 WAC:

(1) "Agency" means the public employment relations commission, its officers and agents;

(2) "Commission" means the public employment relations commission;

(3) "Executive director" means the officer of that title appointed by the commission pursuant to RCW 41.58.015(2);

(4) "Labor dispute" means any controversy concerning terms or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment, regardless of whether or not the disputants stand in the proximate relation of employer and employee.

(5) "Presiding officer" means an agency official(s), examiner, hearing officer or other person authorized to act on behalf of the agency.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-010 APPEARANCE AND PRACTICE BEFORE AGENCY—WHO MAY APPEAR. No person may appear in a representative capacity before the agency or its designated hearing officer other than the following:

(1) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(2) Attorneys at law duly qualified and entitled to practice before the highest court of record of any other state, if the attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by our state law;

(3) A bona fide officer, employee or other authorized representative of: (a) Any employer subject to the jurisdiction of the agency, or (b) any labor or employee organization.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-020 APPEARANCE AND PRACTICE BEFORE AGENCY—STANDARDS OF CONDUCT. Misconduct at any hearing conducted by the commission or a member of its staff shall be ground for summary exclusion from the hearing. Misconduct of an aggravated character, when engaged in by an attorney or other person acting in a representative capacity pursuant to WAC 391-08-010, shall be ground for suspension or disbarment by the commission after due notice and hearing.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-030 APPEARANCE AND PRACTICE BEFORE AGENCY—APPEARANCE BY FORMER EMPLOYEE OF AGENCY OR FORMER MEMBER OF ATTORNEY GENERAL'S STAFF. No former member of the commission, former employee of the agency or former member of the attorney general's staff shall, at any time after severing his employment with the agency or with the attorney general, appear in a representative capacity on behalf of any party in connection with any case or proceeding which was pending before the agency during the time of his employment with the agency.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-040 APPEARANCE AND PRACTICE BEFORE AGENCY—FORMER EMPLOYEE AS WITNESS. Except upon the express written consent of the commission, no former member of the commission, former employee of the agency or former member of the attorney general's staff shall, at any time after severing his employment with the agency or with the attorney general, appear as a witness on behalf of any party in connection with any case or proceeding which

was pending before the agency during the time of his employment with the agency.

READOPTED SECTION (Readopting Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-100 SERVICE OF PROCESS—COMPUTATION OF TIME. In computing any period of time prescribed or allowed by any applicable statute or rule, the day of the act, event, or default after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or a legal holiday, in which event the period runs until the end of the next day which is neither a Saturday, Sunday nor a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation.

AMENDATORY SECTION (Amending Order 88-01, filed 5/31/88)

WAC 391-08-120 SERVICE OF PROCESS—FILING AND SERVICE OF PAPERS. (1) All notices, pleadings, and other papers filed with the agency or the presiding officer shall be served upon all counsel and representatives of record and upon parties not represented by counsel or upon their agents designated by them or by law.

(2) Service shall be made personally or, unless otherwise provided by law, by first class, registered, or certified mail, ~~((or))~~ by telegraph; by electronic telefacsimile transmission and same-day mailing of copies; or by commercial parcel delivery company.

(3) Service by mail shall be regarded as completed upon deposit in the United States mail properly stamped and addressed ~~((, and by telegraph))~~. Service by telegraph shall be regarded as completed when deposited with a telegraph company properly addressed and with charges prepaid. Service by electronic telefacsimile transmission shall be regarded as completed upon production by the telefacsimile device of confirmation of transmission. Service by commercial parcel delivery shall be regarded as completed upon delivery to the parcel delivery company with charges prepaid.

(4) Papers required to be filed with the agency or with the presiding officer shall be deemed filed upon actual receipt during office hours at:

(a) The Olympia office of the commission for any papers required to be filed with the commission, the executive director, or the agency generally; or

(b) ~~((Any))~~ The office of ~~((the agency or of))~~ the presiding officer or the Olympia office of the commission for any papers required to be filed with the presiding officer.

(5) Where proof of service is required by statute or rule, filing the papers with the presiding officer, together with ~~((either an acknowledgment of service or))~~ one of the following ~~((certificate))~~ shall constitute proof of service:

~~((I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding by delivering a copy thereof in person to (names) or by mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent.~~

~~Dated at this . . . day of, 19.
(signature)^u))~~

(a) An acknowledgement of service.

(b) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by delivering a copy thereof in person to (names).

(c) A certificate that the person signing the certificate did on the date of the certificate serve the papers upon all parties of record in the proceeding by:

(i) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or his or her attorney or authorized agent; or

(ii) Telegraphing a copy thereof, properly addressed with charges prepaid, to each party to the proceeding or to his or her attorney or authorized agent; or

(iii) Transmitting a copy thereof by electronic telefacsimile device, and on the same day mailing a copy, to each party to the proceeding or his or her attorney or authorized agent; or

(iv) Depositing a copy thereof, properly addressed with charges prepaid, with a commercial parcel delivery company.

AMENDATORY SECTION (Amending Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-180 SERVICE OF PROCESS—CONTINUANCES. (1) Postponements, continuances, extensions of time, and adjournments may be ordered by the presiding officer on his or her own motion or may be granted on timely request of any party, with notice to all other parties, showing good and sufficient cause therefor.

(2) A request for a continuance made prior to the hearing date may be oral or in writing and shall state that the party seeking the continuance has notified all other parties of the request and that either all other parties agree to the continuance or that all parties do not agree to the continuance. If all parties do not agree to the continuance, the presiding officer shall promptly schedule a prehearing conference to receive argument and to rule on the request.

READOPTED SECTION (Readopting Order 81-01, filed 1/6/81)

WAC 391-08-230 SUMMARY JUDGMENT. A summary judgment may be issued if the pleadings and admissions on file, together with affidavits, if any, show that there is no genuine issue as to any material fact and that one of the parties is entitled to a judgment as a matter of law. Motions for summary judgment made in advance of a hearing shall be filed with the agency and served on all other parties to the proceeding.

AMENDATORY SECTION (Amending Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-300 SUBPOENAS—DISCOVERY—FORM. (1) Every subpoena shall state the name of the agency as: State of Washington, public employment relations commission; and shall state the title of the proceeding and case number.

(2) The power of subpoena shall be limited to compelling the testimony of witnesses and production of documents or other tangible evidence at hearings conducted by the agency.

(3) Pursuant to the authority delegated to the agency by RCW 34.05.446(2), discovery shall not be available in proceedings before the agency.

READOPTED SECTION (Readopting Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-310 SUBPOENAS—ISSUANCE TO PARTIES. Subpoenas requiring the attendance and testimony of witnesses or the production of evidence shall be issued ex parte to any party to a case: **PROVIDED, HOWEVER,** That no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the commission or any member of the agency staff in any proceeding before the agency. The commission or its hearing officer or examiner shall issue subpoenas upon the application of counsel or other representative authorized to practice before the agency, and may condition the issuance of subpoenas to parties not so represented upon a showing of general relevance and reasonable scope of the testimony or evidence sought. Attorneys may act under the authority conferred by RCW 34.04.105 (2)(a).

NEW SECTION

WAC 391-08-315 INTERPRETERS. (1) An "impaired person" is any person who is a hearing impaired person or a limited-English-speaking person.

(2) A "hearing impaired person" is a person who, because of a hearing impairment or speech defects, cannot readily understand or communicate in spoken language; and includes persons who are deaf, deaf and blind, or hard of hearing.

(3) A "limited-English-speaking person" is a person who, because of a non-English-speaking cultural background cannot readily speak or understand the English language.

(4) A "qualified interpreter" is a person who is qualified to act as interpreter under chapter 2.42 RCW as now or hereafter enacted.

(5) An "intermediary interpreter" is a person who is qualified to act under chapter 2.42 RCW as now or hereafter enacted.

(6) When an impaired person is a party to an adjudicative proceeding under chapter 391-25, 391-35, 391-45 or 391-95 WAC, the presiding officer shall, in the absence of a written waiver signed by the impaired person, require the appointment of a qualified interpreter to assist the impaired person throughout the proceedings.

The right to a qualified interpreter may not be waived except when:

(a) The impaired person requests a waiver through the use of a qualified interpreter;

(b) The representative, if any, of the impaired person consents; and

(c) The presiding officer determines that the waiver has been made knowingly, voluntarily, and intelligently.

(7) Waiver of a qualified interpreter shall not preclude the impaired person from claiming his or her right to a qualified interpreter at a later time during the proceedings.

(8) The presiding officer shall make a preliminary determination that an interpreter is able in the particular proceeding to interpret accurately all communication to and from the impaired person. This determination shall be based upon the testimony or stated needs of the impaired person, the interpreter's education, certifications, and experience in interpreting adjudicative proceedings, and the interpreter's understanding of the basic vocabulary and procedure involved in the proceeding, and the interpreter's impartiality. The parties or their representatives may question the interpreter as to his or her qualifications and impartiality.

(9) If at any time during the proceeding, in the opinion of the impaired person, the presiding officer or a qualified observer, the interpreter does not provide accurate and effective communication with the impaired person, the presiding officer shall require the appointment of another qualified interpreter.

(10) If the communication mode or language of a hearing impaired person is not readily interpretable, the interpreter or hearing impaired person shall notify the presiding officer, who shall require the appointment of an intermediary interpreter to assist the qualified interpreter.

(11) The mode of interpretation shall be as permitted by chapter 2.42 RCW or WAC 10-08-150, as now or hereafter amended.

(12) A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any communication the interpreter interprets under circumstances where the communication is privileged by law. A qualified interpreter shall not, without the written consent of the parties to the communication, be examined as to any information the interpreter obtains while interpreting pertaining to any proceeding then pending.

(13) The presiding officer shall explain to the impaired party that a written decision or order will be issued in English, and that the party may contact the interpreter for a translation of the decision. If the party has a right to review of the order or decision, the presiding officer shall orally inform him or her during the hearing of the right and the time limits to request review.

(14) At the hearing, the interpreter for a limited-English-speaking party shall provide to the presiding officer the interpreter's telephone number written in the primary language of the impaired party. A copy of such telephone number shall be attached to the decision or mailed to the impaired party. A copy of the decision or

order shall also be mailed to the interpreter for use in translation.

(15) In any proceeding involving a hearing impaired person, the presiding officer may order that the testimony of the hearing impaired person and the interpretation of the proceeding by the qualified interpreter be visually recorded for use as the official transcript of that portion of the proceedings. Where simultaneous translation is used for interpreting statements of limited-English-speaking persons, the foreign language statements shall be recorded simultaneously with the English language statements by means of a separate tape recorder.

(16) A qualified interpreter appointed under this section is entitled to a reasonable fee for services, including waiting time and reimbursement for actual necessary travel expenses.

(17) The costs of providing the interpreter shall be borne by the impaired party or by the party who calls the impaired person as a witness, unless the impaired party is indigent under the standards applied in criminal proceedings in the superior court for Thurston County and thus unable to pay for the interpreter, in which case the cost shall be borne as an administrative cost by the commission.

(18) The cost of providing the interpreter may be a taxable cost of any proceeding in which costs are taxed.

READOPTED SECTION (Readopting Order 83-01, filed 12/1/83, effective 1/1/84)

WAC 391-08-610 AGENCY DECISIONS—SERVICE. Every final order issued by the agency shall be served on each party or upon the agency designated by the party or by law to receive service of such papers; and a copy shall be furnished to any counsel or person appearing for a party in a representative capacity.

AMENDATORY SECTION (Amending Resolution No. 85-01, filed 9/16/85)

WAC 391-08-630 AGENCY ((DECISIONS)) STRUCTURE—SUBSTITUTION FOR EXECUTIVE DIRECTOR. (1) The public employment relations commission and its staff maintain an impartial role in all proceedings pending before the agency.

(2) The commission consists of three citizen members appointed by the governor with the advice and consent of the senate, pursuant to RCW 41.58.010. The members of the commission serve on a part-time basis only. All of the members of the commission represent the interests of the public. The commission reserves to itself a policy-making and appellate-review function.

(3) The executive director appointed by the commission pursuant to RCW 41.58.015(2) is the full-time agency head, with authority to act in administrative and personnel matters. Authority is also delegated to the executive director to make substantive decisions in certain types of cases, subject in adjudicative proceedings to the right of the parties to appeal to the commission.

(4) The commission's professional staff is appointed pursuant to RCW 41.58.015(3). A "multifunctional" staffing pattern is used, whereby individual members of

the commission's professional staff are assigned from time to time to conduct any or all of the types of dispute resolution services provided by the agency. Authority is delegated to members of the professional staff to make decisions as "examiner" under chapters 391-45 and 391-95 WAC. The executive director may delegate authority to members of the professional staff to make decisions in certain situations under chapters 391-25 and 391-35 WAC.

(5) In the event the executive director disqualifies himself or herself from participation in a decision ((or preliminary ruling as may be required under WAC 391-25-390, 391-35-190, or 391-45-110;)) the most senior (in terms of length of service with this agency) member of the agency's mediation staff, who has not been directly involved in the particular circumstances shall make decisions and rulings otherwise required of the executive director.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-800 AGENCY RECORDS—PUBLIC ACCESS. The agency will maintain for public inspection: (1) An index to all proceedings filed with and processed by the agency; (2) a docket for each proceeding filed with and processed by the agency showing the actions taken on and the final resolution of each such proceeding; (3) a schedule of hearing dates assigned in particular cases; and (4) the files for all proceedings, including all documents filed with the agency in the particular case, except materials held in confidence as provided in WAC 391-08-810.

READOPTED SECTION (Readopting Order 77-1, filed 1/27/77)

WAC 391-08-810 AGENCY RECORDS—CONFIDENTIALITY. The agency, in order to protect the privacy of individual employees and in order to respect the confidential nature of the mediation process, shall not permit the disclosure to any person of (1) evidence filed as a showing of interest in support of a representation petition or motion for intervention, or (2) notes and memoranda made by any member of the commission or its staff as a recording of communication made or received while acting in the capacity of a mediator between the parties to a labor dispute.

AMENDATORY SECTION (Amending Order 80-4, filed 9/30/80, effective 11/1/80)

WAC 391-08-820 AGENCY OFFICES. (1) The agency maintains its principal office in the city of Olympia, Washington at 603 Evergreen Plaza, 711 Capitol Way, Olympia, Washington 98504. The mailing address of the Olympia office is: 603 Evergreen Plaza, FJ-61, Olympia, Washington 98504.

(2) The agency maintains a branch office at West 55 Mission, Suite 1, Spokane, Washington 99201.

(3) The agency maintains a branch office at 322 Washington Mutual Bank Building, 32 North Third Street, Yakima, Washington 98901.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 391-08-110 SERVICE OF PROCESS—BY WHOM SERVED.

WAC 391-08-160 SERVICE OF PROCESS—OPPORTUNITY FOR HEARING.

WAC 391-08-200 DEFINITION OF ISSUES—BEFORE HEARING.

WAC 391-08-210 DEFINITION OF ISSUES—PREHEARING CONFERENCE.

WAC 391-08-500 DECLARATORY RULINGS AUTHORIZED.

WAC 391-08-510 DECLARATORY RULINGS—PETITION.

WAC 391-08-600 AGENCY DECISIONS—FORM AND CONTENT.

WAC 391-08-900 PETITIONS FOR RULE MAKING—WHO MAY PETITION.

WAC 391-08-910 PETITIONS FOR RULE MAKING—FORM.

WAC 391-08-920 PETITIONS FOR RULE MAKING—AGENCY MUST CONSIDER.

WAC 391-08-930 PETITIONS FOR RULE MAKING—NOTICE OF DISPOSITION.

WSR 89-17-011
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Filed August 4, 1989, 4:40 p.m.]

Date of Adoption: July 18, 1989.

Purpose: Chapter 391-25 WAC is adopted to set forth complete procedures for the processing of representation cases before the commission.

Citation of Existing Rules Affected by this Order: See below.

Statutory Authority for Adoption: RCW 41.58.050, 28B.52.080, 41.56.090 and 41.59.110.

Other Authority: See below.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary as described in the detailed explanation shown below) chapter 10-08 WAC as amended effective July 15, 1989.

WAC 391-25-001 Scope—Contents—Other rules.

Purpose: Introduces chapter 391-25 WAC, makes cross-references to other rules.

Statute: Chapters 28B.52, 41.56, 41.58, 41.59, 49.08 and 53.18 RCW (hereinafter: "substantive statutes"), generally.

Summary: Refers to other rules, as follows: Chapter 10-08 WAC for conduct of "adjudicative proceedings", generally; chapter 391-08 WAC for general procedural rules; chapter 391-35 WAC for unit clarification cases; chapter 391-45 WAC for unfair labor practice cases; chapter 391-55 WAC for impasse resolution cases; chapter 391-65 WAC for grievance arbitration cases; and chapter 391-95 WAC for union security cases.

Reasons: RCW 34.05.250 permits agencies to adopt rules different from model rules by stating reasons for variance. WAC 10-08-001 is similar.

Explanation: Readoption of existing rule is necessary to identify the areas where PERC does things differently than chapter 10-08 WAC. Details of the interface between chapters 391-08 and 10-08 WAC are specified in WAC 391-08-001.

WAC 391-25-002 Sequence and numbering of rules—Special provisions.

Purpose: Descriptive only.

Statute: Substantive statutes, generally.

Summary: Explains how rules are numbered to identify exceptions to general rules.

Reasons: RCW 41.58.005(1) admonishes PERC to be "uniform" in the administration of state collective bargaining laws. This WAC chapter regulates proceedings under several different statutes under PERC's jurisdiction. Those statutes have many similarities and some differences.

Explanation: Readoption of existing rule is necessary to preserve a numbering scheme in which exceptions to general rules immediately follow the general rule on the same subject. (General rules applicable to all of the statutes under PERC's jurisdiction have WAC numbers divisible by ten; if a particular statute requires a deviation from the general rule, it receives a separate number in the same decile.)

WAC 391-25-010 Petition for investigation of a question concerning representation of employees—Who may file.

Purpose: Specifies who may file representation petition with PERC.

Statute: 28B.52.080, 41.56.040, 41.58.050 and 41.59.110.

Summary: General rule is that representation petition may be filed by an individual employee, group of employees, employee organization, employer or their agents.

Reasons: RCW 34.05.010(11) does not define who may file representation petition. RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Model rules silent with repeal of WAC 10-08-020.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes.

WAC 391-25-012 Special provision—Educational employees.

Purpose: Special rule on representation petitions concerning certificated employees of K-12 school districts.

Statute: RCW 41.59.070 (1) and (4).

Summary: Excludes employers from filing representation petitions involving certificated employees of K-12 school districts.

Reasons: Unique feature of a particular substantive statute is captured in this rule, which has limited applicability to a discrete segment of PERC's clientele.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statute.

WAC 391-25-030 Petition—Time for filing.

Purpose: Specifies time periods in which representation petitions may be filed.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Establishes "contract bar" and "certification bar" time periods when representation petitions will not be processed.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.413(2) specifies that an adjudicative proceeding can be initiated at any time. RCW 34.05.416 permits agency to determine circumstances when adjudicative proceeding will not be held. WAC 10-08-230 encourages informal settlements. Substantive statutes administered by PERC contain "contract bar" and "certification bar" concepts which are designed to preserve stability for obtaining settlements, consistent with long-standing federal precedent in the labor-management relations field.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise.

WAC 391-25-050 Petition form—Number of copies—Filing—Service.

Purpose: Specifies number of copies and filing of petition at Olympia office; requires service on other parties.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070 and 41.59.070.

Summary: Party initiating representation case with PERC must file original and three copies with PERC's Olympia office, and must serve other parties.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding." WAC 10-08-110 would permit filing at "any" office of the agency.

Explanation: Readoption of existing rule is necessary to avoid claim of conflict with model rules. An original and three copies of documents are needed for circulation to the members of the commission in the event of intra-agency appeals. Filing at the Olympia office is necessary because PERC's Yakima and Spokane offices are not

staffed on a full-time basis (making it difficult to ascertain compliance with "contract bar" and "certification bar" time limitations) and because all docketing and initial processing by the executive director are performed at Olympia.

WAC 391-25-070 Contents of petition.

Purpose: Specifies contents of representation petition.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.59.070 and 41.59.080.

Summary: Requires identifying information for agency docket records and for efficient processing by PERC. Requires petitioning party to identify type of representation issue as: Organizing of unorganized employees; seeking a change of bargaining representatives; or an effort to decertify an existing representative.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 is permissive as to the use of forms provided by an agency and provides loosely for an "application for an adjudicative proceeding" to specify the issue to be adjudicated in the proceeding.

Explanation: Readoption of existing rule is necessary to facilitate prompt agency response to representation petitions, by requiring the details needed for case processing. Repeal of WAC 10-08-020 cast doubt on PERC's authority to require use of its forms under the model rules.

WAC 391-25-090 Contents of petition filed by employer.

Purpose: Allows representation petitions to be filed by an employer.

Statute: RCW 28B.52.080, 41.56.040 and 41.58.050.

Summary: General rule permitting employers to file representation petitions if specified conditions exist. Provides detailed list of requirements for employer petitions.

Reasons: RCW 34.05.010(11) does not define who may file representation petition. RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 is permissive as to the use of forms provided by an agency. Model rules otherwise silent with repeal of WAC 10-08-020.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise. It is of utmost importance to insure that employers are not engaged in coercive attempts to decertify existing bargaining representatives. The existing rule gives clear guidance as to what information an employer must provide if the employer files a representation petition.

WAC 391-25-092 Special provision—Educational employees.

Purpose: Special rule on representation petitions concerning certificated employees of K-12 school districts.

Statute: RCW 41.59.070 (1) and (4).

Summary: Excludes employers from filing representation petitions involving certificated employees of K-12 school districts.

Reasons: Unique feature of a particular substantive statute is captured in this rule, which has limited applicability to a discrete segment of PERC's clientele.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statute.

WAC 391-25-110 Supporting evidence.

Purpose: Requires evidence of employee support in the filing of representation cases.

Statute: RCW 28B.52.080, 41.56.070 and 41.59.070.

Summary: Requires 30% "showing of interest" to support representation petition filed by employees or union. Specifies requirements for such supporting documentation.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.413(2) specifies that an adjudicative proceeding can be initiated at any time. RCW 34.05.416 permits agency to determine circumstances when adjudicative proceeding will not be held. WAC 10-08-230 encourages informal settlements. Substantive statutes administered by PERC contain "showing of interest" concept which is designed to preserve stability for obtaining settlements, consistent with long-standing federal precedent in the labor-management relations field.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise.

WAC 391-25-130 List of employees.

Purpose: Requires employer to provide list of employees to PERC and, under certain circumstances, to others.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Requires employers to provide lists of employees in proposed bargaining unit. The showing of interest is compared against the list of employees to determine whether petition is supported by requisite percentage of employees.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.413(2) specifies that an adjudicative proceeding can be initiated at any time. RCW 34.05.416 permits agency to determine circumstances when adjudicative proceeding will not be held. WAC 10-08-230 encourages informal settlements. Substantive statutes administered by PERC contain "showing of interest" concept, consistent with long-standing federal precedent in the labor-management relations field. Rule calling for early exchange of information promotes informal settlements.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise.

WAC 391-25-140 Notice to employees.

Purpose: Requires notice to inform employees of the existence of representation proceedings.

Statute: RCW 28B.52.080, 41.56.050, 41.58.050 and 41.59.110.

Summary: Employer is obligated to post PERC-provided notices to advise employees that a representation proceeding has been initiated.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. While RCW 34.05.413(5) discusses the initiation of adjudicative proceedings, many representation cases can be resolved without the need for hearing. WAC 10-08-230 encourages informal settlements. Rule calling for early exchange of information promotes informal settlements.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise, to reduce or eliminate interference with employee rights due to miscommunications or misinformation.

WAC 391-25-150 Amendment and withdrawal.

Purpose: Allows amendment and withdrawal of representation petitions.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050 and 41.59.110.

Summary: Petitioning party may withdraw or amend representation petition under conditions that the executive director or commission may impose.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.060 encourages informal settlements. WAC 10-08-230 provides for informal settlements, but does not clearly cover amendments or withdrawals of petitions.

Explanation: Readoption of existing rule is necessary to avoid conflict with the model rules. The parties to representation cases are creating ongoing relationships and are quite capable of drafting and signing their own settlement agreements, so that informal settlements are frequently communicated to PERC as a simple "amendment" or "withdrawal" of a case.

WAC 391-25-170 Intervention—By incumbent representative.

Purpose: Regulates intervention by incumbent exclusive bargaining representative in representation proceedings.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Permits incumbent union to intervene within specified time, without making a showing of interest.

Reasons: RCW 34.05.443 regulates "intervention" by reference to other provisions of law. Incumbent exclusive bargaining representative is entitled under federal and state precedent to (rebuttable) presumption of continuing majority status.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from

the applicable statutes and agency expertise, to make the traditional "presumption" of majority status to suffice for the 10% showing of interest.

WAC 391-25-190 Intervention—By organization other than incumbent.

Purpose: Regulates intervention by interested parties other than incumbent in representation proceedings.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Requires 10% showing of interest by organization other than incumbent exclusive bargaining representative.

Reasons: RCW 34.05.443 regulates "intervention" by reference to other provisions of law. Substantive statutes administered by PERC contain "showing of interest" concept, consistent with long-standing federal precedent in the labor-management relations field.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise.

WAC 391-25-210 Showing of interest confidential

Purpose: Prohibits disclosure of employees' sentiments regarding union representation.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Maintains strict confidentiality of authorization cards submitted as "showing of interest" in support of representation petition.

Reasons: RCW 34.05.010 (3)(b) specifically exempts determinations of the sufficiency of showings of interest from the definition of "agency action." RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Substantive statutes administered by PERC contain "showing of interest" concept, consistent with long-standing federal precedent in the labor-management relations field.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes and agency expertise.

WAC 391-25-220 Prehearing conferences.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.073, 41.56.040, 41.58.050 and 41.59.110.

Summary: Prehearing conferences will routinely be conducted in representation cases, to deal with both procedural and substantive matters.

Reasons: RCW 34.05.060 encourages informal settlements. RCW 34.05.431(1) requires agency to adopt rules specifying conditions and manner in which prehearing conferences are to be held. WAC 10-08-130 provides for conduct of prehearing conferences. WAC 10-08-230 provides for informal settlements, but imposes obligations on the the agency which are not common on labor-management relations.

Explanation: Adoption of new rule is necessary to continue successful existing procedures and to meet the

requirements of the new APA. PERC uses "prehearing conferences" in virtually all representation cases.

WAC 391-25-230 Election agreements.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050, 41.59.070 and 41.59.080.

Summary: Specifies items to be stipulated (in accordance with agency-provided form) to proceed to representation election without a hearing.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-230 encourages the settlement of adjudicative proceedings prior to hearing, but only generally specifies the items to be agreed upon and the form of their submission to the agency.

Explanation: Readoption of existing rule is necessary to preserve efficiency while advancing the preference for informal settlements. The election agreement procedure eliminates the need for litigation, and allows for an election to be conducted as quickly as possible, in most PERC representation cases.

WAC 391-25-250 Cross-check agreements.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070 and 41.58.050.

Summary: General rule specifying items to be stipulated (in accordance with agency-provided form) to proceed to representation cross-check without a hearing.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-230 encourages the settlement of adjudicative proceedings prior to hearing, but only generally specifies the items to be agreed upon and the form of their submission to the agency.

Explanation: Readoption of existing rule is necessary to preserve efficiency while advancing the preference for informal settlements. The cross-check agreement procedure eliminates the need for litigation, and allows for an election to be conducted as quickly as possible, in some PERC representation cases.

WAC 391-25-252 Special provision—Educational employees.

Purpose: Special rule on representation petitions concerning certificated employees of K-12 school districts.

Statute: RCW 41.59.070 (1) and (4).

Summary: Excludes representation proceedings involving certificated employees of K-12 school districts from the cross-check procedures of WAC 391-25-250.

Reasons: Unique feature of a particular substantive statute is captured in this rule, which has limited applicability to a discrete segment of PERC's clientele.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statute.

WAC 391-25-253 Special provision—Academic employees.

Purpose: Special rule on representation petitions concerning academic employees of community college districts.

Statute: RCW 28B.52.030 and 28B.52.080.

Summary: Excludes representation proceedings involving academic employees of community college districts from the cross-check procedures of WAC 391-25-250.

Reasons: Unique feature of a particular substantive statute is captured in this rule, which has limited applicability to a discrete segment of PERC's clientele.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statute.

WAC 391-25-270 Supplemental agreements.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050, 41.59.070 and 41.59.080.

Summary: Specifies items to be stipulated (in accordance with agency-provided form) to proceed to representation election or cross-check without a hearing, while reserving specific issues for determination after the question concerning representation is determined.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-230 encourages the settlement of adjudicative proceedings prior to hearing, but only generally specifies the items to be agreed upon and the form of their submission to the agency.

Explanation: Readoption of existing rule is necessary to preserve efficiency while advancing the preference for informal settlements. The supplemental agreement procedure eliminates the need for litigation, and allows for an election to be conducted as quickly as possible, in some PERC representation cases.

WAC 391-25-290 Notice of hearing.

Purpose: Explains procedure for determining whether to issue a notice of hearing in a representation case.

Statute: RCW 28B.52.080, 41.56.040, 41.58.050 and 41.59.110.

Summary: Authorizes executive director to determine whether a notice of hearing will be issued in a representation case. Specifies parties to whom notices of hearing are to be issued.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.434 sets out the type of information generally required in notices of hearing. WAC 10-08-040 prescribes specific rules as to the contents of the notice. RCW 34.05.416 provides for the disposition of cases where the agency concludes that no adjudicative proceeding should be conducted.

Explanation: Readoption of existing rule delegates substantive decision-making authority to the executive director, to conduct what amounts to an automatic

"summary judgment" on the contents of the complaint, and does not conflict with the model rules.

WAC 391-25-299 Special provision—Private sector employees.

Purpose: Limits PERC authority to conduct representation cases involving private sector employees.

Statute: Chapter 49.08 RCW.

Summary: PERC suspends processing of private sector representation cases in absence of consent of all parties.

Reasons: PERC conducts representation proceedings in the private sector only as "arbitration" or "mediation" exercises under chapter 49.08 RCW, and then only by consent of all parties.

Explanation: Readoption of existing rule is necessary to continue substantive policy exempting private sector employees and employers from PERC proceedings absent their mutual consent.

No "small business" impact is anticipated, since no change is proposed. (Parties to which this rule applies may be subject to representation proceedings before the National Labor Relations Board under federal law.)

WAC 391-25-310 Hearings—Who shall conduct.

Purpose: Defines who may hear representation cases.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.59.070, 41.59.080 and 53.18.015.

Summary: Hearing officer can be PERC staff member or agency designee. Hearing officers may be substituted.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-050 discusses the use of personnel supplied by the Office of Administrative Hearings, but PERC is exempt from the Office of Administrative Hearings and chapter 34.12 RCW. The chief administrative law judge does not govern the matters covered by this rule.

Explanation: Readoption of existing rule is necessary because the "agency head" generally does not generally preside over PERC's adjudicative hearings.

WAC 391-25-350 Hearings—Nature and scope.

Purpose: Defines representation hearings as investigatory.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.59.070, 41.59.080 and 53.18.015.

Summary: Defines the hearing as public and investigatory between parties, with agency taking impartial, but active, role.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.449(5) provides for hearings to be "public" but model rules are silent following repeal of language in WAC 10-08-190. In addition, the rule no longer speaks to sequestering of witnesses. Chapter 34.05 RCW and chapter 10-08 WAC are written to apply to "adjudicative proceedings" where the agency itself takes an advocacy role, and so do not adequately describe the "impartial" investigatory role of PERC in representation hearings.

Explanation: Amendment of existing rule is necessary to define the impartial investigatory posture of PERC,

while permitting the sequestering of witnesses. This will not conflict with the model rules' directives, and will maintain important components of PERC hearings.

WAC 391-25-370 Blocking charges—Suspension of proceedings—Request to proceed.

Purpose: Suspends representation proceedings in cases where unfair labor practices have also been filed.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Permits suspension of representation proceedings where unfair labor practice charges have been filed affecting the situation. Permits party that filed the unfair labor practice complaint to request to proceed by waiving right to file objections on conduct covered by unfair labor practice case.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.416 permits agency to determine that no adjudicative proceeding should be conducted. Chapter 10-08 WAC is silent. This rule delegates substantive decision-making authority to the executive director, to suspend one subtype of adjudicative proceeding before the agency pending the outcome of another subtype of adjudicative proceeding, consistent with federal precedent.

Explanation: Readoption of the existing rule follows well-accepted policy in this area. Although affecting procedure, the decision concerning the sequence of case processing is fundamentally substantive in nature, based on federal precedent which requires that "laboratory conditions" be maintained for employees to exercise free choice in an election.

WAC 391-25-390 Proceedings before the executive director.

Purpose: Delegates decision-making authority in representation matters and sets forth limited rights of appeal at this stage of the proceedings.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050, 41.59.070 and 41.59.080.

Summary: Delegates decision-making authority to executive director for initial decision on all representation case issues. Permits delegation of certain types of issues to hearing officer. Limits right of appeal at this stage of case to "jurisdiction" and dismissals.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 41.58.015(2) permits commission to delegate decision-making authority, subject to right of parties to petition for review by full commission. WAC 10-08-211 calls for a 20-day period for filing a petition for review after any initial decision.

Explanation: Readoption of the existing rule continues a well-accepted and efficient procedure.

(1) Representation cases involve a limited number and type of issues, and consistency of agency policy is vital to the process of labor-management relations. The existing rule centralizes representation case determinations, making the executive director responsible for overall consistency as well as the outcome of individual cases.

(2) Delays in resolution of representation disputes are particularly destructive, so PERC has made a policy decision to "postpone" the right of parties to appeal until after the election or cross-check, when practical considerations (e.g., the actual outcome of the election) and other potential issues (e.g., misconduct during the pre-election campaign) can be merged into one review of the case by the commission. This procedure was developed by analysis of the bottlenecks in the procedures of other labor relations agencies, and has been highly successful in operation for more than 10 years.

WAC 391-25-391 Special provision—Public employees.

Purpose: Permits executive director to order a cross-check to resolve a representation dispute in certain circumstances.

Statute: RCW 41.56.060.

Summary: Special rule for use in cases arising under chapter 41.56 RCW, where only one employee organization is involved in the proceedings. Allows executive director to order a cross-check of employment records to determine a representation case.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent. RCW 41.56.060 specifically permits determination of question concerning representation by cross-check methodology.

Explanation: Readoption of the existing rule implements statutory and expedient alternative method for determining certain representation matters.

WAC 391-25-410 Cross-check of records.

Purpose: Specifies procedures for cross-check of employment records.

Statute: RCW 41.56.060.

Summary: General rule specifying what constitutes acceptable "employment records" for purposes of cross-checks. Details procedures to be followed in determining a question concerning representation by cross-check.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent. RCW 41.56.060 specifically permits determination of question concerning representation by cross-check methodology.

Explanation: Readoption of the existing rule implements statutory and expedient alternative method for determining certain representation disputes. Cross-check procedures were controversial when PERC came into existence. The existing rule (which reflects long-established agency policy and practice) is the product of substantial debate in earlier rule-making proceedings, and has been well-received by the parties.

WAC 391-25-412 Special provision—Educational employees.

Purpose: Special rule on representation proceedings involving certificated employees of K-12 school districts.

Statute: RCW 41.59.070.

Summary: Cross-check procedures of WAC 391-25-410 are made inapplicable to cases arising under chapter 41.59 RCW.

Reasons: RCW 41.59.070 requires elections to determine questions concerning representation involving certificated employees of K-12 school districts, except as a remedy for massive unfair labor practices.

Explanation: Readoption of existing rule implements the applicable statute. A "bargaining order" or "cross-check order" would be issued as part of an unfair labor practice decision, where appropriate.

WAC 391-25-413 Special provision—Academic employees.

Purpose: Special rule on representation proceedings involving academic employees of community college districts.

Statute: RCW 28B.52.030 and 28B.52.080.

Summary: Cross-check procedures of WAC 391-25-410 are made inapplicable to cases arising under chapter 28B.52 RCW.

Reasons: RCW 28B.52.030 and 28B.52.080 refer only to elections to determine questions concerning representation involving academic employees of community college districts.

Explanation: Readoption of existing rule implements the applicable statute.

WAC 391-25-430 Notice of election.

Purpose: Sets forth procedures for the issuance and posting of election notices.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050 and 41.59.070.

Summary: Describes the procedures for the issuance and posting of election notices. Details elements to be included in the election notice.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is needed to deal with an area not covered by the model rules. This type of notice is distinctly different from the "notice of hearing" regulated by WAC 10-08-040. At this point in the proceedings, a hearing may or may not have been held or necessary. The specifics of representation election procedures are fundamentally substantive in nature, drawn from federal precedent and agency expertise.

WAC 391-25-450 Disclaimers.

Purpose: Allows employee organization to have its name removed from the ballot in representation election.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Permits an organization to withdraw its name from consideration in a representation case; imposes sanctions for disclaimer made after election choices have been presented officially to eligible voters.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is needed to deal with an area not covered by the model rules. This rule is fundamentally substantive in nature, and follows long-established agency policy based on federal precedent and agency expertise.

WAC 391-25-470 Electioneering.

Purpose: Impose substantive limitations on preelection campaign conduct by parties and their representatives.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.070.

Summary: Prohibits "captive audience" meetings with eligible voters within 24 hours prior to opening of polls or while mail ballots are out to voters; prohibits electioneering at polling places.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is necessary to maintain substantive provisions dealing with election campaigns, following long-established federal and agency precedent and agency expertise.

WAC 391-25-490 Election procedures—Balloting.

Purpose: Details balloting procedures.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.070.

Summary: Specifies that all elections shall be by secret ballot. Prohibits absentee balloting. Describes use of "on-site" and "mail ballot" procedures.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule to provide guidelines for the actual voting process, consistent with federal precedent and agency expertise.

WAC 391-25-510 Challenged ballots.

Purpose: Provide a means to resolve challenges to voter eligibility issues.

Statute: RCW 28B.52.080, 41.56.040, 41.58.050 and 41.59.110.

Summary: Establishes procedures to be followed if a voter is challenged. Where challenged ballots are sufficient in number to affect the outcome of the election, the representation dispute will be held in abeyance while the eligibility of the challenged voters is determined.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is necessary because the rule deals with substantive issues not covered by the APA or model rules. The PERC rule is drawn from federal precedent, the applicable statutes and agency expertise.

WAC 391-25-530 Votes needed to determine election.

Purpose: Explains necessary percentages to determine a representation election.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: General rule provides that unit determination elections shall be decided by a majority of those eligible to vote. Provides that representation elections shall be decided by a majority of those voting.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule implements substantive provisions of applicable statutes, consistent with federal precedent and agency expertise.

WAC 391-25-531 Special provision—Public employees.

Purpose: Special rule for certain elections under chapter 41.56 RCW.

Statute: RCW 41.56.070.

Summary: In the event of two or more employee organizations appearing on a representation ballot under chapter 41.56 RCW, a majority of those employees eligible to vote must select one of the choices listed to validate a result on the first ballot.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule implements the applicable statute.

WAC 391-25-550 Tally sheet.

Purpose: Explains vote counting procedures at the close of a representation election.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Specifies that a tally sheet shall be prepared at the close of the polls in a representation election. Provides that challenged ballots may affect the outcome of an election.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is necessary to set forth election procedures which are not otherwise covered by the APA or the model rules. The tally of ballots starts the period for "appeal."

WAC 391-25-570 Procedure following inconclusive election.

Purpose: Establishes procedures for run-off election in the event the initial representation election is inconclusive.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Provides that a run-off election will be conducted between the two choice receiving the most votes in the initial election. Provides for limited right of "appeal" where a party claims that a choice is improperly being excluded from the run-off election.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is necessary to set forth election procedures and substantive policies not otherwise covered by the APA or by the model rules. The limited right to appeal is in harmony with the purposes of WAC 391-25-390.

WAC 391-25-590 Filing and service of objections.

Purpose: Explains appeal procedures after a representation election or cross-check has been conducted.

Statute: RCW 28B.52.080, 41.56.070, 41.58.050 and 41.59.070.

Summary: Provides a seven day appeal period following the issuance of tally sheet reporting results of representation election or cross-check. Specifies the grounds for appeal as either: Misconduct during preelection campaign; or previous rulings in the case. Requires service of objections on opposing parties.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-211 establishes a 20 day appeal period for review of "initial orders." Federal precedent and labor-management relations practice generally permits only a one-week period for appeal of "campaign misconduct" following an election.

Explanation: Readoption of existing rule is necessary because the model rule appeal period would cause undue disruption of the representation process. The existing rule enhances the prompt resolution of representation issues, by merging the opportunity for appeal of prior rulings with the traditional opportunity to file "objections." This procedure has been efficient and effective for PERC and its clientele for more than 10 years.

WAC 391-25-610 Procedure where no objections are filed.

Purpose: Delegates final authority where there is no appeal or objection to a conclusive election.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050 and 41.59.070.

Summary: Delegates authority to executive director to issue a final certification if there are no challenges to the conduct of a conclusive election. That certification closes the representation case.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.464(1) permits agency to delegate final order authority in certain types of cases. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is necessary to the prompt disposition of representation cases where there is no appeal or further controversy.

WAC 391-25-630 Procedure where objections are filed.

Purpose: Specifies appeal procedures in representation cases.

Statute: RCW 28B.52.080, 41.56.040, 41.58.050 and 41.59.110.

Summary: Authorizes executive director to conduct hearing where objections to preelection campaign conduct raise issues of fact. Provides for transfer of full record to commission.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Election "objections" may raise new fact issues giving rise to a right to a hearing.

Explanation: Readoption of existing rule is necessary. The APA and model rules contain different appeal procedures which anticipate that the factual record will already be complete. The existing rule is derived from federal precedent an agency practices that have been efficient for more than 10 years. Any change of these well-established appeal procedures would create problems for the parties.

WAC 391-25-650 Briefs and written arguments on objections.

Purpose: Provides time periods for the submission of briefs in support of appeals from representation cases.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.58.050 and 41.59.070.

Summary: Specifies that appeal briefs must be filed within 14 days following specified events. Requires filing of briefs at the Olympia office and service on opposing parties.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-211 establishes periods for filing of appeal briefs.

Explanation: Readoption of the existing rule is appropriate to reflect the unique nature of representation cases. The APA and model rules contain different appeal procedures which anticipate that the factual record will already be complete. The existing rule is derived from federal precedent and agency practices that have been efficient for more than 10 years. Any change of these well-established appeal procedures would create problems for the parties.

WAC 391-25-670 Commission action on objections.

Purpose: Describes commission action when appeals are filed.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.070.

Summary: Permits commission to ask for oral arguments on appeals, and to make appropriate remedial orders.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. The model rules are silent as to the actual conduct of appeals procedures before an appellate body. The commission itself makes the "initial" ruling on "objections" concerning misconduct during election campaigns.

Explanation: Readoption of existing rule reflects unique nature of representation proceedings and does not conflict with the APA or model rules.

Effective Date of Rule: Immediately.

August 4, 1989
Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the public employment relations commission on petitions for investigation of questions concerning representation of employees. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 391-25 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-25-070;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by WAC 391-25-390 and 391-25-590; and

(d) WAC 10-08-230, which is supplanted by WAC 391-25-150, 391-25-220, 391-25-230, 391-25-250, and 391-25-270.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

((2)) (3) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

((3)) (4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

((4)) (5) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

((5)) (6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

((6)) (7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

READOPTED SECTION (Readopting Order 83-02, filed 12/1/83, effective 1/1/84)

WAC 391-25-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-010 PETITION FOR INVESTIGATION OF A QUESTION CONCERNING REPRESENTATION OF EMPLOYEES—WHO MAY FILE. A petition for investigation of a question concerning representation of employees, hereinafter referred to as a "petition," may be filed by any employee, group of employees, employee organization, employer or their agents.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-012 SPECIAL PROVISION—EDUCATIONAL EMPLOYEES. A petition may be filed under chapter 41.59 RCW only by an employee organization or its agents (RCW 41.59.070(1)), or by employees, one of whom shall be designated as agent (RCW 41.59.070(4)).

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-030 PETITION—TIME FOR FILING. In order to be timely filed:

(1) Where there is a valid written and signed collective bargaining agreement in effect covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed during the period not more than ninety nor less than sixty days prior to the expiration date of the collective bargaining agreement, or after the expiration thereof.

(2) Where a certification has been issued by the agency covering an appropriate bargaining unit which includes any or all of the employees to be affected by the petition, a petition must be filed not less than twelve months following the date of the certification.

(3) Where neither subsections (1) nor (2) of this section are applicable, a petition may be filed at any time.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-050 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition shall be prepared on a form furnished by the commission or on a facsimile thereof. The original and three copies of the petition shall be filed with the agency at its Olympia office. The party filing the petition shall serve a copy on the employer and on each employee organization named in the petition as having an interest in the proceedings.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-070 CONTENTS OF PETITION. Each petition shall contain:

(1) The name and address of the employer and, if known, the name, address and telephone number of the

employer's principal representative in matters concerning relationships between the employer and its employees.

(2) A description of the bargaining unit which the petitioner claims to be appropriate, specifying inclusions and exclusions, and, if known, the approximate number of employees in such bargaining unit.

(3) The names and, if known, the addresses and telephone numbers of the principal representatives of any organizations which may claim to represent any of the employees in the bargaining unit which the petitioner claims to be appropriate.

(4) A statement that: (a) The employer declines, after having been requested to do so, to recognize the petitioner as the exclusive representative of the employees in the bargaining unit which the petitioner claims to be appropriate, or (b) the employees in the bargaining unit which the petitioner claims to be appropriate wish to change their exclusive bargaining representative, or (c) the employees in the bargaining unit do not wish to be represented by an employee organization.

(5) Any other relevant facts.

(6) The name, address and affiliation, if any, of the petitioner and the name, address and telephone number of the principal representative, if any, of the petitioner.

(7) The signature and, if any, the title of the petitioner or its representative.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-090 CONTENTS OF PETITION FILED BY EMPLOYER. Each petition filed by an employer shall contain all of the information required by WAC 391-25-070, except for that required by WAC 391-25-070(4), and shall conform to the following additional requirements:

(1) Each petition filed by an employer shall contain a statement that the employer has been presented with a demand by an organization seeking recognition as the exclusive representative of the employees in the bargaining unit described in the petition.

(2) WAC 391-25-110 shall not be applicable to such petitions.

(3) Where the status of an incumbent exclusive bargaining representative is questioned, the employer shall attach such affidavits and other documentation as may be available to it to demonstrate the existence of a good faith doubt concerning the representation of its employees. To constitute a basis for a good faith doubt under this paragraph, signature documents provided to the employer by employees must be in a form which would qualify as supporting evidence under WAC 391-25-110 if filed by the employees directly with the commission.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-092 SPECIAL PROVISION—EDUCATIONAL EMPLOYEES. WAC 391-25-090 is inapplicable to petitions filed under chapter 41.59 RCW. See WAC 391-25-012.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-110 **SUPPORTING EVIDENCE.** The original petition shall be accompanied by a showing of interest indicating that the petitioner has the support of not less than thirty percent of the employees in the bargaining unit which the petitioner claims to be appropriate. The showing of interest must be timely filed under the same standards applicable to the petition, and must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the petition or the filing of such evidence with the agency, whichever is later.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-130 **LIST OF EMPLOYEES.** The employer shall submit to the commission a list containing the names and last known addresses of all of the employees in the bargaining unit described in the petition. Following administrative determination that the petition is supported by a sufficient showing of interest, the employer shall, upon request, provide a copy of the list of names and addresses to the petitioner. Following granting of a motion for intervention, the employer shall, upon request, provide a copy of the list of names and addresses to the intervenor.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-140 **NOTICE TO EMPLOYEES.** The employer shall post a notice to employees, in the form specified by the commission, advising of the existence of proceedings under this chapter. The agency shall furnish the employer with copies of such notice, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-150 **AMENDMENT AND WITHDRAWAL.** Any petition may be amended or withdrawn by the petitioner under such conditions as the executive director or the commission may impose.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-170 **INTERVENTION—BY INCUMBENT REPRESENTATIVE.** An organization which demonstrates that it has been the exclusive representative of all or any part of the bargaining unit involved in proceedings under this chapter during the year preceding the filing of the petition may, by motion, intervene in the proceedings and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and to have its name listed as a choice on the ballot in any election. No motion for intervention

shall be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross-check agreement.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-190 **INTERVENTION—BY ORGANIZATION OTHER THAN INCUMBENT.** An organization not covered by WAC 391-25-170 may, by motion, intervene in proceedings under this chapter and, upon granting of its motion for intervention, shall be entitled to participate in the proceedings and have its name listed as a choice on the ballot in any election. The motion for intervention shall be supported by a showing of interest indicating that the intervenor has the support of not less than ten percent of the employees in the bargaining unit which the petitioner claims to be appropriate or of not less than thirty percent of the employees in whatever different bargaining unit the intervenor claims to be appropriate. The showing of interest must consist of individual authorization cards or letters signed and dated by employees in the bargaining unit claimed appropriate. Such authorization cards shall not be valid unless signed and dated during the ninety-day period preceding the filing of the motion for intervention or the filing of such evidence with the agency, whichever is later. The showing of interest shall be made confidentially to the agency at or before the time the motion for intervention is made: **PROVIDED, HOWEVER,** That a motion for intervention may be granted conditionally subject to the subsequent furnishing of a showing of interest under such conditions as the agency may impose to avoid undue delay of the proceedings. No motion for intervention shall be considered if made after the close of the hearing on the petition or more than seven days after the filing and posting of an election agreement or cross-check agreement.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-210 **SHOWING OF INTEREST CONFIDENTIAL.** The question of whether a showing of interest requirement for a petition or for intervention has been satisfied is a matter for administrative determination by the agency and may not be litigated at any hearing. The agency shall not disclose the identities of employees whose authorization cards or letters are filed in support of a petition or motion for intervention. In order to preserve the confidentiality of the showing of interest and the right of employees freely to express their views on the selection of a bargaining representative, the agency shall not honor any attempt to withdraw or diminish a showing of interest.

NEW SECTION

WAC 391-25-220 **PREHEARING CONFERENCES.** The commission routinely conducts prehearing conferences to discuss with the parties all contested issues of law and fact which may arise in representation

cases. The parties are encouraged to reach binding stipulations on all issues during the course of the prehearing conference. Such stipulations are embodied in election agreements, cross-check agreements, and/or supplemental agreements provided for in this chapter.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-230 ELECTION AGREEMENTS. Where an employer and all other parties agree on a representation election, they may file an election agreement with the executive director. Such election agreement shall contain:

(1) The name and address of the employer and the name, address and telephone number of its principal representative.

(2) The names and addresses of all other parties participating in the election agreement and the names, addresses and telephone numbers of their principal representatives.

(3) A description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions, and the number of employees in such unit.

(4) A statement by all parties that: (a) No organization is known which is or may be entitled to intervene as an incumbent representative, or (b) the incumbent representative is a party to the election agreement, or (c) the incumbent representative has abandoned the unit as evidenced by documentation attached to the election agreement.

(5) A statement by all parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that all parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to proceed to conduct an election and certify the results.

(6) A list, attached to the election agreement as an appendix, containing the names of the employees eligible to vote in the election and the eligibility cut off date for the election. If the parties request that the election be conducted by mail ballot, the list shall include the last known address of each of the employees eligible to vote. If no eligibility cut off date is specified by the parties, the eligibility cut off date shall be the date on which the election agreement is filed.

(7) The suggestions of the parties as to the location, the day or days of the week and the time or times of day for the conduct of the election, or that the election be conducted by mail ballot.

(8) The signatures and, if any, the titles of all parties or their representatives.

The original and one copy of the election agreement shall be filed with the agency at its Olympia office, and copies shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The election agreement shall remain posted for at least seven days after it is filed with the agency (ten days after it is deposited in the United States mail addressed to the agency).

Upon the filing of an election agreement conforming to the foregoing requirements and seeking an election in an appropriate bargaining unit, the executive director

shall proceed to conduct an election. Objections to the election by a party to the election agreement shall be limited to matters relating to specific conduct affecting the results of the election.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-250 CROSS-CHECK AGREEMENTS. Where only one organization is seeking certification as the representative of unrepresented employees, the employer and the organization may file a cross-check agreement with the executive director. Such cross-check agreement shall contain:

(1) The name and address of the employer and the name, address and telephone number of its principal representative.

(2) The name and address of the organization and the name, address and telephone number of its principal representative.

(3) The description of the bargaining unit agreed to be appropriate, specifying inclusions and exclusions and the number of employees in such unit.

(4) A statement by the parties that no other organization is known which claims to represent any of the employees in the bargaining unit; that the parties agree that a question concerning representation exists; that a hearing is waived; and that the agency is requested to conduct and certify the results of a cross-check of individually signed and dated authorization cards or membership records submitted by the organization against the employment records of the employer.

(5) A list, attached to the cross-check agreement as an appendix, containing the names of the employees in the bargaining unit.

(6) The suggestions of the parties as to the time and place where the records to be cross-checked can be made available to the agency.

(7) The agreement of the parties to be bound by the results of the cross-check.

(8) The signatures and, if any, the titles of the representatives of the parties.

The original and one copy of the cross-check agreement shall be filed with the agency at its Olympia office, and copies thereof shall be posted by the employer in conspicuous places on the employer's premises where notices to affected employees are usually posted. The cross-check agreement shall remain posted for at least seven days after it is filed with the agency (ten days after it is deposited in the United States mail addressed to the agency).

Upon the filing of a cross-check agreement conforming to the foregoing requirements and seeking a cross-check in an appropriate bargaining unit, the executive director shall proceed with the cross-check of records. The cross-check may be conducted at any time following the execution of a cross-check agreement; but no certification shall be issued until seven days have elapsed following the filing and posting of the cross-check agreement. Where a motion for intervention is timely filed and granted, no certification shall be issued on the basis of the cross-check.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-252 SPECIAL PROVISION—EDUCATIONAL EMPLOYEES. WAC 391-25-250 is inapplicable to petitions filed under chapter 41.59 RCW.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-253 SPECIAL PROVISION—ACADEMIC EMPLOYEES. WAC 391-25-250 is inapplicable to petitions filed under chapter 28B.52 RCW.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-270 SUPPLEMENTAL AGREEMENTS. Where the parties are able to agree generally on the matters to be set forth in an election agreement under WAC 391-25-230 or a cross-check agreement under WAC 391-25-250, but are unable to agree on limited issues concerning the definition of the bargaining unit or employee eligibility, they may expedite the determination of the question concerning representation while reserving their disagreement for subsequent determination by filing a supplemental agreement under this rule together with an agreement under WAC 391-25-230 or 391-25-250. Such supplemental agreement shall contain:

- (1) The names of all parties to the election agreement or cross-check agreement and the case number of the proceedings.
- (2) Identification of the employees or classifications as to which a dispute exists, together with the identification of the position taken by each party on the dispute.
- (3) A statement by all parties requesting that employees affected by the supplemental agreement be permitted to vote by challenged ballot or be challenged for purposes of a cross-check, subject to a subsequent determination of the dispute, and that the certification of the results of the election or cross-check not be withheld pending the determination of the dispute unless the challenges are sufficient in number to affect the outcome.
- (4) The signatures and, if any, the titles, of the representatives of the parties.

The original and one copy of the supplemental agreement shall be filed with the agency together with the agreement filed under WAC 391-25-230 or 391-25-250, and shall be posted with such agreement.

Upon the filing of a supplemental agreement, the executive director shall proceed with the determination of the question concerning representation. If the challenges are sufficient in number to affect the outcome, they shall be determined prior to the issuance of a certification. Otherwise, a conditional certification shall be issued which shall be amended upon final disposition of the issues framed in the supplemental agreement.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-290 NOTICE OF HEARING. After a petition has been filed, if it appears to the executive

director that there is reasonable cause to believe that a question concerning representation exists, there shall be issued and served on the employer and on all organizations listed in the petition and on any organization having theretofore intervened, a notice of hearing before a hearing officer at a time and place fixed therein. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-299 SPECIAL PROVISION—PRIVATE SECTOR EMPLOYEES. The commission lacks authority to proceed in representation disputes under chapter 49.08 RCW absent the agreement of all parties. The executive director shall not proceed in such matters unless an agreement is filed under WAC 391-25-230 or 391-25-250. WAC 391-25-290 through 391-25-390 shall not be applicable to proceedings under chapter 49.08 RCW except for hearings and issues submitted under WAC 391-25-270.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-310 HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

AMENDATORY SECTION (Amending Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-350 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the existence of a question concerning representation, the appropriate bargaining unit and questions of eligibility. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a clear and complete factual record upon which the commission and the executive director may discharge their duties under the pertinent statutes and these rules.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-370 BLOCKING CHARGES—SUSPENSION OF PROCEEDINGS—REQUEST TO PROCEED. (1) Where representation proceedings have been commenced under this chapter and:

- (a) A complaint charging unfair labor practices is filed under the provisions of chapter 391-45 WAC; and
- (b) It appears that the facts as alleged may constitute an unfair labor practice; and
- (c) Such unfair labor practice could improperly affect the outcome of a representation election; the executive

director may suspend the representation proceedings under this chapter pending the resolution of the unfair labor practice case.

(2) The complainant(s) in the unfair labor practice case may file a request to proceed, in writing, with the executive director. Such request to proceed shall identify, by case number, the representation proceedings for which it is made, shall request that those representation proceedings be continued notwithstanding the pending unfair labor practice case, and shall acknowledge that the commission will not entertain objections based on conduct alleged in the unfair labor practice case. Upon the filing of a request to proceed conforming to the foregoing requirements the executive director shall resume the processing of the representation petition and shall summarily dismiss any objections filed in conflict with the request to proceed.

(3) Where a complaint charging unfair labor practices is filed after the filing of an election agreement or issuance of a direction of election, the executive director shall proceed with the determination of the question concerning representation, subject to the right of any party to file objections as provided in WAC 391-25-590.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-390 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR. The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine whether a question concerning representation exists, and shall issue a direction of election, dismiss the petition or make other disposition of the matter. Unless otherwise provided in a direction of election, the cut-off date for eligibility to vote in an election shall be the date of issuance of the direction of election. Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues. Such actions shall be subject to review by the commission only as follows:

(1) Except for rulings as to whether the employer is subject to the jurisdiction of the commission, a direction of election and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

(2) An order of dismissal shall be subject to review by the commission on its own motion or at the request of any party made within twenty days following the date of the order. Briefs or written arguments shall be submitted as provided in WAC 391-25-650. Unless the matter is transferred to the commission for review, an order of dismissal issued by the executive director shall have the same force and effect as if issued by the commission.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-391 SPECIAL PROVISION—PUBLIC EMPLOYEES. Where only one organization

is seeking certification as the representative of unrepresented employees, and the showing of interest submitted in support of the petition indicates that such organization has been authorized by a substantial majority of the employees to act as their representative for the purposes of collective bargaining, and the executive director finds that the conduct of an election would unnecessarily and unduly delay the determination of the question concerning representation with little likelihood of altering the outcome, the executive director may issue a direction of cross-check. The direction of cross-check and any accompanying rulings shall not be subject to review by the commission except upon objections timely filed under WAC 391-25-590.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-410 CROSS-CHECK OF RECORDS. Where a cross-check of records is to be conducted to determine a question concerning representation, the organization shall submit to the agency original individual cards or letters signed and dated by employees in the bargaining unit not more than ninety days prior to the filing of the petition and indicating that such employees authorize the named organization to represent them for the purposes of collective bargaining, or shall submit to the agency membership records maintained by the organization as a part of its business records containing the names of employees and indicating those employees currently members in good standing. The employer shall make available to the agency original employment records maintained as a part of its business records containing the names and signatures of the employees in the bargaining unit. Prior to the commencement of the cross-check, the organization may file a request that the question concerning representation be determined by a representation election and such requests shall be honored. Where the organization files a disclaimer or a request for election after the commencement of the cross-check, the cross-check shall be terminated and the organization shall not seek to be certified in the bargaining unit for a period of at least one year thereafter. All cross-checks shall be by actual comparison of records submitted by the parties. The agency shall not disclose the names of employees giving representation authorization in favor of or appearing on the membership rolls of the organization. Upon the conclusion of the comparison of records, the agency officer conducting the cross-check shall prepare and furnish to the parties a tally sheet containing the number of employees in the bargaining unit, the number of employee records examined and the number of employee records counted as valid evidence of representation.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-412 SPECIAL PROVISION—EDUCATIONAL EMPLOYEES. WAC 391-25-410 is inapplicable to petitions filed under chapter 41.59 RCW.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-413 SPECIAL PROVISION—ACADEMIC EMPLOYEES. WAC 391-25-410 is inapplicable to petitions filed under chapter 28B.52 RCW.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-430 NOTICE OF ELECTION. When an election is to be conducted, the agency shall furnish the employer with appropriate notices, and the employer shall post them in conspicuous places on its premises where notices to affected employees are usually posted. The notice shall contain:

(1) The description of the bargaining unit or voting group(s) in which the election is to be conducted.

(2) The date(s), hours and polling place(s) for the election.

(3) The cut-off date, if any, or other criteria to be applied in establishing eligibility to vote in the election.

(4) A statement of the purpose of the election and the question to be voted upon or a sample ballot.

Notices of the election shall be posted for at least seven days prior to the opening of the polls. In computing such period, the day of posting shall be counted, but the day on which the polls are opened shall not be counted. The reproduction of any document purporting to suggest, either directly or indirectly, that the agency endorses a particular choice may constitute grounds for setting aside an election upon objections properly filed.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-450 DISCLAIMERS. An organization may file a disclaimer and have its name removed from the ballot: PROVIDED, HOWEVER, That if such a disclaimer is filed after the issuance of a notice of election, the organization filing the disclaimer shall not seek to be certified in that bargaining unit for a period of at least one year thereafter.

READOPTED SECTION (Readopting Order 88-02, filed 5/31/88)

WAC 391-25-470 ELECTIONEERING. (1) Employers and organizations are prohibited from making election speeches on the employer's time to massed assemblies of employees:

(a) Within twenty-four hours before the scheduled time for the opening of the polls for an election conducted under "in person" voting procedures; or

(b) Within the period beginning with the issuance of ballots to employees for an election conducted under "mail ballot" voting procedures and the tally of ballots.

(2) There shall be no electioneering at or about the polling place during the hours of voting.

Violations of this rule shall be grounds for setting aside an election upon objections properly filed.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-490 ELECTION PROCEDURES—BALLOTING. All elections shall be by secret ballot. Multiple questions, including unit determination elections, may be submitted to employees at the same time on separate ballots. Absentee balloting shall not be allowed. The agency may conduct elections by mail ballot when it appears that an election by "in person" procedures would result in undue delay, or would effectively deprive some eligible employees of their opportunity to vote. If mail balloting is used, the notice required by these rules shall be mailed to each eligible voter and no less than ten days shall be provided between the date on which ballot materials are mailed to eligible employees and the deadline for return of the ballots. Each party may be represented by observers of its own choosing, subject to such limitations as the executive director may prescribe: PROVIDED, HOWEVER, That no management official having authority over bargaining unit employees nor any officer or paid employee of an organization shall serve as observer.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-510 CHALLENGED BALLOTS. Any observer or the election officer may challenge, for good cause, the eligibility of any person seeking to cast a ballot in the election. No person shall be denied the right to cast a challenged ballot. The election officer shall not have authority to resolve challenges at the polls, and the ballot of the challenged voter shall be placed in a sealed envelope identifying the voter and the observer or election officer challenging the eligibility of the voter. The ballot shall not be opened until the challenge is resolved. Any party may withdraw a challenge previously made and, unless the eligibility of the voter is challenged by another party or by the election officer, the challenge shall thereby be resolved. If the challenged ballots are insufficient in number to affect the results of the election, they shall be impounded and no ruling shall be made thereon. If the challenged ballots are sufficient in number to affect the results of the election, the election officer shall, after the close of the polls, ascertain the position of each party as to each challenged ballot and shall include such information in his report. If challenges raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer. The rules relating to the conduct of hearings on petitions shall govern hearings on challenges, except that the scope of the hearing shall be limited to matters relevant to the disposition of the challenged ballots. The executive director shall have authority to rule on all challenges except those made by a party to preserve an objection to a ruling previously made by the executive director as to the eligibility of the challenged voter. If challenges of a type excepted from the authority of the executive director are sufficient in number to affect the results of the election, the matter shall be transferred to

the commission for its determination under the provisions of WAC 391-25-670.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-530 VOTES NEEDED TO DETERMINE ELECTION. (1) Unit determination elections shall be decided by a majority of those eligible to vote in the election.

(2) Representation elections shall be decided by a majority of those voting. Where there are only two choices on the ballot, a tie vote shall result in a certification of no representative.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-531 SPECIAL PROVISION—PUBLIC EMPLOYEES. Where there are three or more choices on the ballot, representation elections shall be decided by a majority of those eligible to vote in the election.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-550 TALLY SHEET. Upon closing the polls, the election officer shall prepare and furnish to each of the parties a tally of the votes cast on unchallenged ballots and the number of challenged ballots. After the subsequent resolution of challenged ballots affecting the results of the election, a revised tally shall be issued and furnished to the parties. The tally shall indicate whether the results of the election were conclusive or inconclusive.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-570 PROCEDURE FOLLOWING INCONCLUSIVE ELECTION. In any election in which there are more than two choices on the ballot, if none of the choices receives the number of votes necessary to determine the election, a run-off election shall be held providing for selection between the two choices receiving the largest numbers of valid ballots cast in the inconclusive election. Any organization to be excluded from a run-off election may file objections to specific conduct affecting the results of the inconclusive election. Where the choice of "no representative" is to be excluded from a run-off election, the employer or decertification petitioner may file objections to specific conduct affecting the results of the inconclusive election. Such objections shall be resolved prior to the conduct of a run-off election. All run-off elections shall be determined as provided in WAC 391-25-530.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-590 FILING AND SERVICE OF OBJECTIONS. Within seven days after the tally has been served under WAC 391-25-410 or under WAC

391-25-550, any party may file objections with the commission. Objections may consist of:

(1) Designation of specific conduct improperly affecting the results of the election, by violation of these rules, by the use of deceptive campaign practices improperly involving the commission and its processes, by the use of forged documents, or by coercion or intimidation of or threat of reprisal or promise of reward to eligible voters, and/or

(2) Designation of one or more previous rulings or directions in the matter which the objecting party desires to have reviewed by the commission.

Objections shall contain, in separate numbered paragraphs, statements of the specific conduct, if any, alleged to have improperly affected the results of the election and, in separate numbered paragraphs, the specific rulings or directions, if any, which the party filing the objections desires to have reviewed. The original and three copies of the objections shall be filed with the commission at its Olympia office, and the party filing the objections shall serve a copy on each of the other parties to the proceedings. Objections must be timely filed, whether or not challenged ballots are sufficient in number to affect the results of the election.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-610 PROCEDURE WHERE NO OBJECTIONS ARE FILED. If no objections are filed within the time set forth above, and if any challenged ballots are insufficient in number to affect the determination of the question concerning representation, and if no run-off election is to be held, the executive director shall forthwith certify the results of the proceedings, with the same force and effect as if issued by the commission. The proceedings will thereupon be closed.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-630 PROCEDURE WHERE OBJECTIONS ARE FILED. (1) Objections to conduct improperly affecting the results of an election shall be referred to the executive director for investigation. If the objections raise material questions of fact which cannot be resolved without a hearing, there shall be issued and served on each of the parties a notice of hearing before a hearing officer. Hearings on objections to conduct affecting the results of an election may be consolidated with hearings on challenged ballots in the same proceeding. The rules relating to the conduct of hearings on petitions shall govern hearings on objections, except that the scope of the hearing shall be limited to matters relevant to the disposition of the objections.

(2) Objections to prior rulings and/or directions in the matter shall be referred directly to the commission.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-25-650 BRIEFS AND WRITTEN ARGUMENTS ON OBJECTIONS. All parties shall be

entitled to submit briefs or written arguments for consideration by the commission. The briefs or written arguments of all parties shall be due simultaneously, as follows:

(1) The deadline for the filing of briefs or written arguments shall be fourteen days following the later of:

(a) The close of an investigation under WAC 391-25-630(1);

(b) The issuance of a transcript of a hearing held under WAC 391-25-630(1); or

(c) The filing of objections under WAC 391-25-590(2).

(2) The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established.

The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on each of the other parties. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief.

READOPTED SECTION (Readopting Order 80-5, filed 9/30/80, effective 11/1/80)

WAC 391-25-670 COMMISSION ACTION ON OBJECTIONS. In all cases where objections have been filed, the entire record in the proceedings shall be transferred to the commission. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. The commission shall determine the objections and any challenged ballots referred to the commission pursuant to WAC 391-25-510, and shall issue appropriate orders.

WSR 89-17-012
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION

[Filed August 4, 1989, 4:42 p.m.]

Date of Adoption: July 18, 1989.

Purpose: Chapter 391-35 WAC is adopted to set forth complete procedures for the processing of unit clarification cases before the commission.

Citation of Existing Rules Affected by this Order: See below.

Statutory Authority for Adoption: RCW 41.58.050, 28B.52.080, 41.56.090 and 41.59.110.

Other Authority: See below.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary as described in the detailed explanation shown below) chapter 10-08 WAC as amended effective July 15, 1989.

WAC 391-35-001 Scope—Contents—Other rules.

Purpose: Introduces chapter 391-35 WAC, makes cross-references to other rules.

Statute: Chapters 28B.52, 41.56, 41.58, 41.59, 49.08 and 53.18 RCW (hereinafter: "substantive statutes"), generally.

Summary: Refers to other rules, as follows: Chapter 10-08 WAC for conduct of "adjudicative proceedings," generally; chapter 391-08 WAC for general procedural rules; chapter 391-25 WAC for representation cases; chapter 391-45 WAC for unfair labor practice cases; chapter 391-55 WAC for impasse resolution cases; chapter 391-65 WAC for grievance arbitration cases; and chapter 391-95 WAC for union security cases.

Reasons: RCW 34.05.250 permits agencies to adopt rules different from model rules by stating reasons for variance. WAC 10-08-001 is similar.

Explanation: Readoption of existing rule is necessary to identify the areas where PERC does things differently than chapter 10-08 WAC. Details of the interface between chapters 391-08 and 10-08 WAC are specified in WAC 391-08-001.

WAC 391-35-002 Sequence and numbering of rules—Special provisions.

Purpose: Descriptive only.

Statute: Substantive statutes, generally.

Summary: Explains how rules are numbered to identify exceptions to general rules.

Reasons: RCW 41.58.005(1) admonishes PERC to be "uniform" in the administration of state collective bargaining laws. This WAC chapter regulates proceedings under several different statutes under PERC's jurisdiction. Those statutes have many similarities and some differences.

Explanation: Readoption of existing rule is necessary to preserve a numbering scheme in which exceptions to general rules immediately follow the general rule on the same subject. (General rules applicable to all of the statutes under PERC's jurisdiction have WAC numbers divisible by ten; if a particular statute requires a deviation from the general rule, it receives a separate number in the same decile.)

WAC 391-35-010 Petition for clarification of an existing bargaining unit—Who may file.

Purpose: Specifies who may file a bargaining unit clarification petition with PERC.

Statute: Substantive statutes, generally.

Summary: Specifies that unit clarification petitions may be filed only by the employer or the incumbent exclusive bargaining representative of a bargaining unit.

Reasons: RCW 34.05.010(11) does not define who may file unit clarification petition. RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing

of cases before the agency. Model rules silent with repeal of WAC 10-08-020.

Explanation: Readoption of existing rule is necessary to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from the applicable statutes. The counterpart federal agency (National Labor Relations Board) and some counterpart agencies in other states mix unit clarification rules within their representation case rules, but the commission felt that was confusing. Hence a separate set of rules was adopted for unit clarification which parallel certain portions of the representation case rules in chapter 391-25 WAC.

WAC 391-35-020 Petition—Time for filing.

Purpose: Establishes time periods in which unit clarification petitions can be filed.

Statute: Substantive statutes, generally.

Summary: Provides that petitions dealing with claims of "confidentiality" or "changed circumstances" can be filed at any time. Other issues must first be raised in collective bargaining, and petition must be filed before a new collective bargaining agreement is signed.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.416 permits agency to determine when adjudicative proceeding will not be conducted. RCW 34.05.220(4) "encourages" agencies to codify legal principles enunciated in agency decisions as rules.

Explanation: Readoption of the existing rule continues substantive policy adopted in 1988 as a codification of the Commission's decision in *Toppenish School District*, Decision 1143-A (PECB, 1981).

WAC 391-35-030 Petition form—Number of copies—Filing—Service.

Purpose: Specifies number of copies and filing of petition at Olympia office; requires service on other parties.

Statute: RCW 28B.52.080, 41.56.060 and 41.59.080.

Summary: Party initiating unit clarification case with PERC must file original and three copies with PERC's Olympia office, and must serve other parties.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding." WAC 10-08-110 would permit filing at "any" office of the agency.

Explanation: Readoption of existing rule is necessary to avoid claim of conflict with model rules. An original and three copies of documents are needed for circulation to the members of the commission in the event of intra-agency appeals. Filing at the Olympia office is necessary because PERC's Yakima and Spokane offices are not staffed on a full-time basis (making it difficult to ascertain compliance with "contract bar" and "certification bar" time limitations) and because all docketing and initial processing by the executive director are performed at Olympia.

WAC 391-35-050 Contents of petition.

Purpose: Specifies contents of unit clarification petition.

Statute: RCW 28B.52.080, 41.56.060 and 41.59.080.

Summary: Requires identifying information for agency docket records and for efficient processing by PERC. Requires petitioning party to identify positions at issue and basis for claim of unit inclusion or exclusion.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 is permissive as to the use of forms provided by an agency and provides loosely for an "application for an adjudicative proceeding" to specify the issue to be adjudicated in the proceeding.

Explanation: Readoption of existing rule is necessary to facilitate prompt agency response to unit clarification petitions, by requiring the details needed for case processing. Repeal of WAC 10-08-020 cast doubt on PERC's authority to require use of its forms under the model rules.

WAC 391-35-070 Amendment and withdrawal.

Purpose: Allows amendment and withdrawal of unit clarification petitions.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.080.

Summary: Petitioning party may withdraw or amend unit clarification petition under conditions that the executive director or commission may impose.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.060 encourages informal settlements. WAC 10-08-230 provides for informal settlements, but does not clearly cover amendments or withdrawals of petitions.

Explanation: Readoption of existing rule is necessary to avoid conflict with the model rules. The parties to unit clarification cases have ongoing relationships and are quite capable of drafting and signing their own settlement agreements, so that informal settlements are frequently communicated to PERC as a simple "amendment" or "withdrawal" of a case.

WAC 391-35-080 Prehearing conferences.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.073, 41.56.040, 41.58.050 and 41.59.110.

Summary: Prehearing conferences may be conducted in unit clarification cases at the discretion of the hearing officer, to deal with both procedural and substantive matters.

Reasons: RCW 34.05.060 encourages informal settlements. RCW 34.05.431(1) requires agency to adopt rules specifying conditions and manner in which prehearing conferences are to be held. WAC 10-08-130 provides for conduct of prehearing conferences. WAC 10-08-230 provides for informal settlements, but imposes obligations on the agency which are not common on labor-management relations.

Explanation: Adoption of new rule is necessary to continue successful existing procedures and to meet the

requirements of the new APA. Since the parties have an ongoing relationship and usually have the issues clearly framed before the case comes to PERC, the commission uses "prehearing conferences" only occasionally in unit clarification cases, and then mostly to deal with "procedural" matters.

WAC 391-35-090 Notice of hearing.

Purpose: Explains procedure for determining whether to issue a notice of hearing in a unit clarification case.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.080.

Summary: Authorizes executive director to determine whether a notice of hearing will be issued in a unit clarification case. Specifies parties to whom notices of hearing are to be issued.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.434 sets out the type of information generally required in notices of hearing. WAC 10-08-040 prescribes specific rules as to the contents of the notice. RCW 34.05.416 provides for the disposition of cases where the agency concludes that no adjudicative proceeding should be conducted.

Explanation: Readoption of existing rule delegates substantive decision-making authority to the executive director, to conduct what amounts to an automatic "summary judgment" on the contents of the complaint, and does not conflict with the model rules.

WAC 391-35-099 Special provision—Private sector employees.

Purpose: Limits PERC authority to conduct unit clarification cases involving private sector employees.

Statute: Chapter 49.08 RCW.

Summary: PERC suspends processing of private sector unit clarification cases in absence of consent of all parties.

Reasons: PERC conducts representation and unit clarification proceedings in the private sector only as "arbitration" or "mediation" exercises under chapter 49.08 RCW, and then only by consent of all parties.

Explanation: Readoption of existing rule is necessary to continue substantive policy exempting private sector employees and employers from PERC unit clarification proceedings absent their mutual consent.

No "small business" impact is anticipated, since no change is proposed. (Parties to which this rule applies may be subject to representation proceedings before the National Labor Relations Board under federal law.)

WAC 391-35-110 Consolidation of proceedings.

Purpose: Allows consolidation of simultaneous unit clarification and representation proceedings.

Statute: Substantive statutes, generally.

Summary: Permits consolidation of "bargaining unit description" issues into a single case, thereby saving agency resources and expediting final resolution of representation and clarification issues.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is necessary to effect efficiency where multiple parties seek to address the same or related issues through the separate, but similar, PERC procedures.

WAC 391-35-130 Hearings—Who shall conduct.

Purpose: Defines who may hear unit clarification cases.

Statute: RCW 28B.52.080, 41.56.060, 41.56.070, 41.59.070, 41.59.080 and 53.18.015.

Summary: Hearing officer can be PERC staff member or agency designee. Hearing officers may be substituted.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-050 discusses the use of personnel supplied by the Office of Administrative Hearings, but PERC is exempt from the Office of Administrative Hearings and chapter 34.12 RCW.

Explanation: Readoption of existing rule is necessary because the "agency head" generally does not preside over PERC's adjudicative hearings. The chief administrative law judge does not govern the matters covered by this rule.

WAC 391-35-170 Hearings—Nature and scope.

Purpose: Defines unit clarification hearings as investigatory.

Statute: RCW 28B.52.080, 41.56.060, 41.59.080 and 53.18.015.

Summary: Defines the hearing as public and investigatory between parties, with agency taking impartial, but active, role.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.449(5) provides for hearings to be "public" but model rules are silent following repeal of language in WAC 10-08-190. In addition, the rule no longer speaks to sequestering of witnesses. Chapter 34.05 RCW and chapter 10-08 WAC are written to apply to "adjudicative proceedings" where the agency itself takes an advocacy role, and so do not adequately describe the "impartial" investigatory role of PERC in unit clarification hearings.

Explanation: Amendment of existing rule is necessary to define the impartial investigatory posture of PERC, while permitting the sequestering of witnesses. This will not conflict with the model rules' directives, and will maintain important components of PERC hearings.

WAC 391-35-190 Proceedings before the executive director.

Purpose: Delegates decision-making authority in unit clarification matters.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.080.

Summary: Delegates decision-making authority to executive director for initial decision on all unit clarification case issues. Permits delegation of certain types of issues to hearing officer.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency.

RCW 41.58.015(2) permits commission to delegate decision-making authority, subject to right of parties to petition for review by full commission.

Explanation: Readoption of the existing rule continues a well-accepted and efficient procedure. Unit clarification cases involve a limited number and type of issues, and consistency of agency policy is vital to the process of labor-management relations. The existing rule centralizes unit clarification case determinations, making the executive director responsible for overall consistency as well as the outcome of individual cases.

WAC 391-35-210 Proceedings before the commission—petition for review.

Purpose: Allows for intra-agency review of an initial decision by the commission.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.080.

Summary: Within 20 days following the issuance of an initial decision, the parties may petition for intra-agency review ("appeal") of the initial decision.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 specifies a 20-day period for all intra-agency appeals, but specifies a 10-day period for filing of appeal briefs.

Explanation: Readoption of existing rule is necessary to the efficient operation of PERC. The procedures and briefing schedules specified in the model rule are different from those established by PERC after actual experience with the types of issues encountered in labor-management relations.

WAC 391-35-230 Filing and service of cross-petition for review.

Purpose: Allows a party to file a cross-petition for review of an initial decision.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.080.

Summary: Allows an additional 7 days for the filing of a cross-petition for review.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 specifies a 20-day period for all intra-agency appeals, and does not contemplate cross-petitions for review.

Explanation: Readoption of existing rule is necessary to preserve a procedure that has worked well for PERC and its clientele up to this time. PERC adopted the "cross-petition" procedure to obviate the filing of "strategic" appeals that might otherwise be withheld.

WAC 391-35-250 Commission action.

Purpose: Requires the commission to make a determination of a decision that it reviews.

Statute: RCW 28B.52.080, 41.56.060, 41.58.050 and 41.59.080.

Summary: Transfers entire case to the commission when intra-agency appeal procedures have been invoked. Permits commission to call for oral argument.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 does not deal with oral argument.

Explanation: Readoption of existing rule is necessary to specify agency action on appeals, consistent with RCW 34.05.464(1).

Effective Date of Rule: Immediately.

August 4, 1989
Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the public employment relations commission on petitions for clarification of existing bargaining units. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 391-35 WAC, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-35-050;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by WAC 391-35-210 and 391-35-230; and

(d) WAC 10-08-230, which is supplanted by WAC 391-35-070 and 391-35-140.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

((2)) (3) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

((3)) (4) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

((4)) (5) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

((5)) (6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

((6)) (7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

READOPTED SECTION (Readopting Order 83-03, filed 12/1/83, effective 1/1/84)

WAC 391-35-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This

chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-010 PETITION FOR CLARIFICATION OF AN EXISTING BARGAINING UNIT—WHO MAY FILE. In the absence of a question concerning representation, a petition for clarification of an existing bargaining unit may be filed by the employer, the exclusive representative or their agents, or by the parties jointly.

READOPTED SECTION (Readopting Order 88-03, filed 5/31/88)

WAC 391-35-020 PETITION—TIME FOR FILING. (1) Disputes concerning status as a "confidential employee" may be filed at any time.

(2) Except as provided in subsection (1) of this section, where there is a valid written and signed collective bargaining agreement in effect, a petition for clarification of the covered bargaining unit will be considered timely only if:

(a) The petitioner can demonstrate, by specific evidence, substantial changed circumstances during the term of the collective bargaining agreement which warrant a modification of the bargaining unit by inclusion or exclusion of a position or class, or

(b) The petitioner can demonstrate that, although it signed the current collective bargaining agreement covering the position or class at issue in the unit clarification proceedings, (i) it put the other party on notice during negotiations that it would contest the inclusion or exclusion of the position or class via the unit clarification procedure, and (ii) it filed the petition for clarification of the existing bargaining unit prior to signing the current collective bargaining agreement.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-030 PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition for clarification of an existing bargaining unit shall be prepared on a form furnished by the commission or shall be prepared in conformance with WAC 391-35-050. The original and three copies of the petition shall be filed with the agency at its Olympia office. If the petition is filed other than as a jointly filed petition, the party filing the petition shall serve a copy on the other party to the collective bargaining relationship in which the disagreement arises.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-050 CONTENTS OF PETITION. Each petition for clarification of an existing bargaining unit shall contain:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.

(2) The name, address and affiliation, if any, of the exclusive representative, and the name, address and telephone number of its principal representative.

(3) The description of the existing bargaining unit, specifying inclusions and exclusions and the number of employees in such bargaining unit.

(4) Identification of the proceeding in which any certification of representatives was issued or the date of the recognition agreement, and the history of any modifications of the bargaining unit subsequent thereto.

(5) A description of the proposed clarification, including the position(s), classification(s) or group(s) in issue, the number of employees in each such position, classification or group, the present bargaining unit inclusion or exclusion status of each such position, classification or group and identification of the party proposing that the present status be changed.

(6) The names and addresses of any other employee organizations claiming to represent any employees affected by the proposed clarification(s), and brief description(s) of the contracts, if any, covering such employees.

(7) A statement of the reasons for the proposed clarification.

(8) Any other relevant facts.

(9) The signature(s) and, if any, the title(s) of the representative(s) of the petitioner(s).

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-070 AMENDMENT AND WITHDRAWAL. Any petition may be amended or withdrawn by the petitioner(s) under such conditions as the executive director or the commission may impose.

NEW SECTION

WAC 391-35-080 PREHEARING CONFERENCES. The hearing officer has discretion to conduct a prehearing conference to discuss with the parties all issues of law, fact, and procedure which may arise in unit clarification cases. The parties are encouraged to reach binding stipulations on such matters during the course of the prehearing conference.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-090 NOTICE OF HEARING. After a petition for clarification of an existing bargaining unit has been filed, if it appears to the executive director that a disagreement exists which might appropriately be the subject of an order clarifying an existing bargaining unit, there shall be issued and served on the employer and on the exclusive representative a notice of hearing before a hearing officer at a time and place fixed therein. Any such notice may be amended or withdrawn prior to the close of the hearing.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-099 SPECIAL PROVISION—PRIVATE SECTOR EMPLOYEES. The commission lacks authority to proceed in unit clarification proceedings under chapter 49.08 RCW absent the agreement of all parties. The executive director shall not proceed in such matters unless a written agreement is filed by the parties to submit their dispute for arbitration by the commission under chapter 49.08 RCW and these rules.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-110 CONSOLIDATION OF PROCEEDINGS. If a proceeding initiated by a petition for clarification under WAC 391-35-010 is pending at the same time as a proceeding involving all or any part of the same bargaining unit initiated by a petition for investigation of a question concerning representation filed pursuant to WAC 391-25-010, the proceedings shall be consolidated and all issues concerning the description of the bargaining unit shall be resolved in the consolidated proceedings.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-130 HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as a hearing officer. At any time, a hearing officer may be substituted for the hearing officer previously presiding.

AMENDATORY SECTION (Amending Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-170 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to

matters concerning the determination of the petition for clarification of an existing bargaining unit. During the course of the hearing, the hearing officer may, upon motion by any party, or upon his or her own motion, sequester witnesses. It shall be the duty of the hearing officer to inquire fully into all matters in issue and to obtain a full and complete factual record upon which the commission or the executive director may discharge their duties under the pertinent statutes and these rules.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-35-190 PROCEEDINGS BEFORE THE EXECUTIVE DIRECTOR. The executive director may proceed forthwith upon the record, after submission of briefs or after hearing, as may be appropriate. The executive director shall determine the status of each position, classification or group of employees over which there is a disagreement and issue an order clarifying bargaining unit, dismiss the petition or make other disposition of the matter. Where the executive director determines that employee eligibility issues exist, the executive director may delegate authority to the hearing officer to decide those issues.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-35-210 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW. The final order of the executive director shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days after the date of the order. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on any other parties. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the filing of the petition for review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served on the other party. The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-230 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-35-

210, any party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

READOPTED SECTION (Readopting Order 80-6, filed 9/30/80, effective 11/1/80)

WAC 391-35-250 COMMISSION ACTION. The executive director shall transfer the entire record in the proceeding to the commission. The commission shall determine the status of each position, classification or group covered by the petition for review, and shall issue appropriate orders.

WSR 89-17-013
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
[Filed August 4, 1989, 4:44 p.m.]

Date of Adoption: July 18, 1989.

Purpose: Chapter 391-45 WAC is adopted to set forth complete procedures for the processing of unfair labor practice cases before the Commission.

Citation of Existing Rules Affected by this Order: See below.

Statutory Authority for Adoption: RCW 41.58.050, 28B.52.080, 41.56.090 and 41.59.110.

Other Authority: See below.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary as described in the detailed explanation shown below) chapter 10-08 WAC as amended effective July 15, 1989.

WAC 391-45-001 Scope—Contents—Other rules.

Purpose: Identifies chapter, makes cross-references to other rules.

Statute: Chapters 28B.52, 41.56, 41.58, 41.59 and 53.18 RCW (hereinafter: "substantive statutes"), generally.

Summary: Refers to other rules, as follows: Chapter 10-08 WAC for conduct of "adjudicative proceedings", generally; chapter 391-08 WAC for general procedural rules; chapter 391-25 WAC for representation cases; chapter 391-35 WAC for unit clarification cases; chapter 391-55 WAC for impasse resolution cases; chapter 391-65 WAC for grievance arbitration cases; and chapter 391-95 WAC for union security cases.

Reasons: RCW 34.05 250 permits agencies to adopt rules different from model rules by stating reasons for variance. WAC 10-08-001 is similar.

Explanation: Amendment of existing rule to identify the areas where PERC does things differently than chapter 10-08 WAC. Details of the interface between chapters 391-08 and 10-08 WAC are specified in WAC 391-08-001.

WAC 391-45-002 Sequence and numbering of rules—Special provisions.

Purpose: Explanatory only.

Statute: Substantive statutes, generally.

Summary: Explains how rules are numbered to identify exceptions to general rules.

Reasons: RCW 41.58.005(1) admonishes PERC to be "uniform" in the administration of state collective bargaining laws. This WAC chapter regulates proceedings under several different statutes under PERC's jurisdiction. Those statutes have many similarities and some differences.

Explanation: Readoption of existing rule is necessary to preserve a numbering scheme in which exceptions to general rules immediately follow the general rule on the same subject. (General rules applicable to all of the statutes under PERC's jurisdiction have WAC numbers divisible by ten; if a particular statute requires a deviation from the general rule, it receives a separate number in the same decile.)

WAC 391-45-010 Complaint charging unfair labor practice—Who may file.

Purpose: Defines who may be a complainant.

Statute: RCW 28B.52.065, 41.56.040, 41.58.040, 41.59.060 and 53.18.015.

Summary: Defines "complainant" to include any employee, group of employees, employee organization, employer or their agents.

Reasons: RCW 34.05 010(11) does not define who may file a complaint charging unfair labor practices. RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Model rules silent with repeal of WAC 10-08-020.

Explanation: Readoption of existing rule to insure that standing to file a complaint charging unfair labor practices will not be artificially limited.

WAC 391-45-019 Special provision—Private sector employees.

Purpose: Excludes private sector employees and employers from the coverage of chapter 391-45 WAC.

Statute: RCW 49.08.020.

Summary: Provides that unfair labor practice procedures are not applicable to private sector employees and employers.

Reasons: Chapter 49.08 RCW does not allow unfair labor practices to be filed by private sector parties at the state level.

Explanation: Readoption of existing rule to exempt private sector employees and employers from unfair labor practice proceedings before PERC.

No "small business" impact is anticipated, since no change is proposed. (Parties to which this rule applies may be subject to unfair labor practice proceedings before the National Labor Relations Board under federal law.)

WAC 391-45-030 Form—Number of copies—Filing—Service.

Purpose: Specifies number of copies and filing of complaints at Olympia office; requires service on other parties.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: The party initiating an unfair labor practice case must file an original and three copies with PERC's Olympia office and must serve the respondent(s).

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding." WAC 10-08-110 would permit filing at "any" office of the agency.

Explanation: Readoption of existing rule to avoid any claim of conflict with model rules. An original and three copies of documents are needed for circulation to the members of the Commission in the event of intra-agency appeals. Filing at the Olympia office is necessary because PERC's Yakima and Spokane offices are not staffed on a full-time basis (making it difficult to ascertain the time of "filing" for purposes of administering a six-month "statute of limitations") and because all docketing and initial processing by the executive director are performed at the Olympia office.

WAC 391-45-050 Contents of complaint charging unfair labor practices.

Purpose: Details information to be included in a complaint charging unfair labor practices.

Statute: RCW 28B.52.073, 41.56.170, 41.56.180, 41.59.150 and 53.18.015.

Summary: Requires identifying information for agency docket records and detailed statement of alleged facts for efficient processing by PERC.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding" to specify the issue to be adjudicated in the proceeding.

Explanation: Readoption of existing rule to avoid conflict with model rules at WAC 10-08-035 and to obtain details needed by PERC for the efficient processing of cases.

WAC 391-45-070 Amendment.

Purpose: Defines how complaints of unfair labor practices can be amended.

Statute: RCW 28B.52.073, 41.56.140, 41.56.150, 41.56.170, 41.59.140 and 53.18.015.

Summary: Complaints may be amended by motion of the complainant.

Reasons: Chapter 10-08 WAC does not clearly cover amendments to complaints.

Explanation: Readoption of existing rule, because amendments to complaints are allowed by the applicable substantive statutes.

WAC 391-45-090 Withdrawal.

Purpose: Defines how unfair labor practices complaints can be withdrawn.

Statute: RCW 28B.52.073, 41.56.140, 41.56.150, 41.59.140 and 53.18.015.

Summary: Complaints can be withdrawn under conditions established by the agency.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.060 encourages informal settlements. WAC 10-08-230 provides for informal settlements, but does not clearly cover withdrawals of complaints.

Explanation: Readoption of existing rule to avoid conflict with the model rules. Most parties to unfair labor practice cases have ongoing relationships and are quite capable of drafting and signing their own settlement agreements, so that informal settlements are frequently communicated to PERC as a simple "withdrawal" of a case.

WAC 391-45-110 Initial processing by executive director.

Purpose: Requires review of complaints to determine whether they state a cause of action.

Statute: RCW 28B.52.073, 41.56.140, 41.56.150, 41.59.140 and 53.18.015.

Summary: Assuming all of the facts alleged in the complaint to be true and provable, the executive director determines whether, as a matter of law, an unfair labor practice violation could be found. If not, the complaint is dismissed by written order.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.416 provides for the disposition of cases where the agency concludes that no adjudicative proceeding should be conducted. This rule delegates substantive decision-making authority to the executive director, to conduct what amounts to an automatic "summary judgment" on the contents of the complaint.

Explanation: Readoption of existing rule to insure that invalid complaints are dismissed at the earliest opportunity, with minimum investment of state resources, and that legitimate cases are sent to hearing.

WAC 391-45-130 Examiner—Who may act.

Purpose: Defines who may hear the complaints.

Statute: RCW 28B.52.073, 41.56.160, 41.56.170, 41.59.110 and 53.18.015.

Summary: Examiner can be PERC staff member or agency designee; with notice, examiners can be substituted.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-050 discusses the use of personnel supplied by the Office of Administrative Hearings, but PERC is exempt from the Office of Administrative Hearings and chapter 34.12 RCW.

Explanation: Readoption of existing rule because the "agency head" generally does not preside over PERC's adjudicative hearings. The chief administrative law judge does not govern the matters covered by this rule.

WAC 391-45-170 Notice of ((hearing)) right to answer.

Purpose: Defines rights concerning filing of answer.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: Requires notice of hearing to provide for the date for filing an answer, and allows amendment of the notice.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-040 regulates the contents of the notice of hearing, other than the requirement for an answer.

Explanation: Amendment of existing rule title because the right to answer is secured by the substantive statutes administered by PERC.

WAC 391-45-190 Answer—Filing—Service.

Purpose: Specifies procedures for filing of answer to complaint charging unfair labor practices.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: The respondent must file the original and three copies of its answer by the date listed on the notice of hearing, and must serve the opposing party.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-040 regulates the contents of the notice of hearing, other than the requirement for an answer.

Explanation: Readoption of existing rule to avoid claim of conflict with model rules. An original and three copies of documents are needed for circulation to the members of the commission in the event of intra-agency appeals.

WAC 391-45-210 Answer—Contents and effect of failure to answer.

Purpose: Details required contents for answer and consequences of failure to answer.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: Answer must respond specifically to allegations of complaint; if not, facts alleged in complaint are generally admitted.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 34.05 RCW and chapter 10-08 WAC are silent on effects of failure to file answer.

Explanation: Readoption of existing rule because the "answer" is required by substantive statutes administered by PERC.

WAC 391-45-230 Amendment of answer.

Purpose: Allows for answers to be amended.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: Answer may be amended when complaint is amended, or upon proper motion.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 34.05 RCW and chapter 10-08 WAC are silent on effects of failure to file answer.

Explanation: Readoption of existing rule because the "answer" is required by substantive statutes administered by PERC.

WAC 391-45-250 Motion to make complaint more definite and certain.

Purpose: Allows a respondent to obtain sufficient information to enable it to prepare its answer.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: The respondent may move for more details to be supplied by the complaining party. The examiner is authorized to rule on such motions.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding" to specify the issue to be adjudicated in the proceeding. WAC 391-45-050 requires more detailed information than model rules.

Explanation: Readoption of existing rule because this is the first opportunity the respondent has to respond to the complaint. (The executive director makes the preliminary ruling under WAC 391-45-110 without input from the respondent.)

WAC 391-45-260 Settlement conference—Prehearing conference.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.073, 41.56.160, 41.59.150 and 53.18.015.

Summary: A member of the commission staff (other than the assigned examiner) may request the parties attend a voluntary "settlement conference," to examine the facts and legal theories presented along with case precedent. Whether not a "settlement conference" has been held, the examiner may hold a "prehearing conference" to deal with procedural matters related to the hearing.

Reasons: RCW 34.05.060 encourages informal settlements. RCW 34.05.431(1) requires agency to adopt rules specifying conditions and manner in which prehearing conferences are to be held. WAC 10-08-130 provides for conduct of prehearing conferences. WAC 10-08-230 provides for informal settlements, but imposes obligations on the agency which are not common on labor-management relations.

Explanation: Amendment of existing rule to continue a successful procedure and to meet the requirements of the new APA. The "settlement conference" procedure was developed by PERC based on experience in the field, and has been a successful method in many cases. PERC uses conventional "prehearing conferences" from time to time where the pleadings and prehearing motions indicate that it would be appropriate to do so.

WAC 391-45-270 Hearings—Nature and scope.

Purpose: Defines unfair labor practice hearing as adversarial.

Statute: RCW 28B.52.073, 41.56.170, 41.59.150 and 53.18.015.

Summary: Defines the hearing as public and adversarial between parties, with agency impartial. Places the burden of proof on the complainant.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 34.05 RCW and chapter 10-08 WAC are written to apply to "adjudicative proceedings" where the agency itself takes an advocacy role, and so do not adequately describe the "impartial" role of PERC in unfair labor practice hearings.

Explanation: Amendment of existing rule to clearly define the impartial posture of PERC, to allow for the sequestering of witnesses and to assign the burden of proof.

WAC 391-45-290 Briefs and proposed findings.

Purpose: Allows filing of written legal argument.

Statute: RCW 28B.52.073, 41.56.180, 41.59.150 and 53.18.015.

Summary: On their own volition, or at the direction of the examiner, the parties to an unfair labor practice may file written legal argument in support of their position.

Reasons: RCW 34.05.461(7) provides for the filing of briefs and proposed findings. RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule is convenient, so that the parties who are already dealing with a substantive statute and three sets of rules (chapters 10-08, 391-08 and 391-45 WAC) will not need to refer to the APA for this fairly obscure provision.

WAC 391-45-310 Examiner decision.

Purpose: Empowers examiner to issue initial findings of fact, conclusions of law and an order.

Statute: RCW 28B.52.073, 41.56.180, 41.59.150 and 53.18.015.

Summary: After the close of the hearing, the examiner is to issue findings of fact, conclusions of law and an order.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.461 regulates form and contents of initial order.

Explanation: Readoption of existing rule to delegate substantive decision-making authority to the examiner for the initial decision. The commission is a reviewing body in unfair labor practice proceedings.

WAC 391-45-330 Withdrawal or modification of examiner decision.

Purpose: Allows examiner to modify the decision upon discovery of a mistake or new evidence.

Statute: RCW 28B.52.073, 41.56.180, 41.59.150 and 53.18.015.

Summary: Within 20 days following the issuance of a decision (i.e., prior to the expiration of the time for filing

a petition for intra-agency review), the examiner can withdraw or modify the decision if a mistake is discovered, or newly-discovered evidence is claimed.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.461 regulates form and contents of initial order.

Explanation: Readoption of existing rule to delegate substantive decision-making authority to the examiner to continue to act under these limited circumstances. The commission is a reviewing body in unfair labor practice proceedings.

WAC 391-45-350 Petition for review of examiner decision.

Purpose: Allows for intra-agency review of an examiner's decision by the commission.

Statute: RCW 28B.52.073, 41.56.180, 41.59.150 and 53.18.015.

Summary: Within 20 days following the issuance of an examiner's decision, the parties may petition for intra-agency review ("appeal") of the examiner's decision. The commission may "lift" a case for review on its own motion within 30 days following the issuance of the examiner's decision.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 specifies a 20-day period for all intra-agency appeals, does not contemplate review on motion of the commission, and specifies a 10-day period for filing of appeal briefs.

Explanation: Readoption of existing rule is necessary to the efficient operation of PERC. The procedures and briefing schedules specified in the model rule are different from those established by PERC after actual experience with the types of issues encountered in labor-management relations. The commission needs the authority to review a decision on its own motion, where an evident defect or order contrary to commission policy would otherwise be left standing by action or omission of the parties.

WAC 391-45-370 Filing and service of cross-petition for review.

Purpose: Allows a party to file a cross-petition for review of an examiner's decision.

Statute: RCW 28B.52.073, 41.56.180, 41.59.150 and 53.18.015.

Summary: Allows an additional 7 days for the filing of a cross-petition for review.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 specifies a 20-day period for all intra-agency appeals, and does not contemplate cross-petitions for review.

Explanation: Readoption of existing rule is necessary to preserve a procedure that has worked well for PERC and its clientele up to this time. PERC adopted the "cross-petition" procedure to obviate the filing of "strategic" appeals that might otherwise be withheld.

WAC 391-45-390 Commission action.

Purpose: Requires the commission to make a determination of a decision that it reviews.

Statute: RCW 28B.52.073, 41.56.180, 41.59.150 and 53.18.015.

Summary: Transfers entire case to the commission when intra-agency appeal procedures have been invoked. Permits commission to call for oral argument.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 does not deal with oral argument.

Explanation: Readoption of existing rule is necessary to specify agency action on appeals, consistent with RCW 34.05.464(1).

WAC 391-45-410 Unfair labor practice remedies.

Purpose: Allows a remedial order to be issued if an unfair labor practice is found to have been committed.

Statute: RCW 28B.52.073, 41.56.160, 41.59.150 and 53.18.015.

Summary: If an unfair labor practice is found, a remedial order will be issued. Details formula to use if back pay is involved.

Reasons: Substantive rule implementing remedial powers conferred on commission by chapters 28B.52, 41.56 and 41.59 RCW.

Explanation: Readoption of existing rule is necessary to preserve substantive requirements drawn from statutes or agency policy and expertise.

WAC 391-45-430 Motion for temporary relief.

Purpose: Allows the commission to issue an injunction in certain unfair labor practice situations.

Statute: RCW 28B.52.073 and 41.59.150.

Summary: The commission may seek court intervention to preserve the status quo pending the completion of unfair labor practice proceedings, if the complainant would have no adequate remedy and would suffer irreparable harm if it had to wait for completion of the administrative adjudication process. Procedures for filing of motion and for response are specified.

Reasons: RCW 34.05.578(4) provides for agency to seek temporary relief. Chapter 10-08 WAC is silent. RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency.

Explanation: Readoption of existing rule to preserve special procedures drawn from agency expertise and substantive statutes administered by PERC. Temporary relief has been rarely used, but has been effective in most cases where invoked.

WAC 391-45-431 Special provision—Public employees.

Purpose: Makes WAC 391-45-430 temporary relief procedures inapplicable to parties under chapter 41.56 RCW.

Statute: RCW 41.56.190.

Summary: Parties to cases under chapter 41.56 RCW are precluded from using the temporary relief procedure through PERC.

Reasons: RCW 34.05.578(4) provides for agency to seek temporary relief. Chapter 10-08 WAC is silent.

Explanation: Readoption of existing rule will continue the traditional exclusion from "temporary relief" based on the language of RCW 41.56.190 (which has been interpreted as limiting the authority of the commission to seek judicial relief until 30 days had passed after the issuance of the final agency "order.")

RCW 34.04.578 [34.05.578] is a separate source of authority for the agency to seek temporary relief within 30 days after its "order" is issued, but falls short of a general authorization to seek an injunction.

WAC 391-45-550 Collective bargaining—Policy.

Purpose: Promotes bilateral collective bargaining.

Statute: RCW 28B.52.073, 41.56.030(4), 41.59.020(2) and 53.18.015.

Summary: Parties may bring any subject to the bargaining table; the commission exclusively determines whether a subject is a mandatory or permissive subject of bargaining.

Reasons: APA is silent.

Explanation: Readoption of existing rule to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from agency expertise and the statutes it administers.

WAC 391-45-552 Special provision—Educational employees.

Purpose: Promotes good faith collective bargaining.

Statute: RCW 41.59.110 and 41.59.120.

Summary: Requires parties to submit written proposals and to give justifications while bargaining, and to use mediation and fact finding procedures to resolve disputes.

Reasons: APA is silent.

Explanation: Readoption of existing rule to avoid any suggestion of conflict with the new APA. This is fundamentally a substantive policy drawn from agency expertise and the statutes it administers.

Effective Date of Rule: Immediately.

August 4, 1989

Marvin L. Schurke

Executive Director

AMENDATORY SECTION (Amending Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the public employment relations commission on complaints charging unfair labor practices. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 391-45, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-45-050;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by WAC 391-45-350 and 391-45-370, and

(d) WAC 10-08-230, which is supplanted by WAC 391-45-070, 391-45-090, and 391-45-260.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

((2)) (3) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

((3)) (4) Chapter 391-35 WAC, which contains rules relating to petitions for clarification of existing bargaining units.

((4)) (5) Chapter 391-55 WAC, which contains rules relating to resolution of impasses occurring in collective bargaining.

((5)) (6) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

((6)) (7) Chapter 391-95 WAC, which contains rules relating to determination of union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative.

READOPTED SECTION (Readopting Order 83-04, filed 12/1/83, effective 1/1/84)

WAC 391-45-002 SEQUENCE AND NUMBERING OF RULES—SPECIAL PROVISIONS. This chapter of the Washington Administrative Code is designed to regulate proceedings under a number of different chapters of the Revised Code of Washington. General rules are set forth in sections with numbers divisible by ten. Where a deviation from the general rule is required for conformity with a particular statute, that special provision is set forth in a separate rule, numbered as follows:

(1) Special provisions relating to chapter 41.56 RCW (Public Employees' Collective Bargaining Act) and to chapter 53.18 RCW (port employees) are set forth in WAC sections numbered one digit greater than the general rule on that subject matter.

(2) Special provisions relating to chapter 41.59 RCW (Educational Employment Relations Act) are set forth in WAC sections numbered two digits greater than the general rule on that subject matter.

(3) Special provisions relating to chapter 28B.52 RCW (professional negotiations—academic faculties of community college districts) are set forth in WAC sections numbered three digits greater than the general rule on that subject matter.

(4) Special provisions relating to chapter 49.08 RCW (private sector employees) are set forth in WAC sections numbered nine digits greater than the general rule on that subject matter.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-010 COMPLAINT CHARGING UNFAIR LABOR PRACTICES—WHO MAY FILE.

A complaint charging that any person has engaged in or is engaging in an unfair labor practice, hereinafter referred to as a "complaint" may be filed by any employee, group of employees, employee organization, employer or their agents.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-019 SPECIAL PROVISION—PRIVATE SECTOR EMPLOYEES. The provisions of chapter 391-45 WAC are inapplicable to private sector collective bargaining under chapter 49.08 RCW.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-030 FORM—NUMBER OF COPIES—FILING—SERVICE. Charges shall be in writing, in the form of a complaint of unfair labor practices. The original and three copies shall be filed with the agency at its Olympia office. The party filing the complaint shall serve a copy on each party named as a respondent.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-050 CONTENTS OF COMPLAINT CHARGING UNFAIR LABOR PRACTICES. Each complaint shall contain, in separate numbered paragraphs:

(1) The name and address of the party filing the complaint, hereinafter referred to as the complainant, and the name, address and telephone number of its principal representative.

(2) The name(s) and address(es) of the person(s) charged with engaging in, or having engaged in, unfair labor practices, hereinafter referred to as the respondent(s), and, if known, the names, addresses and telephone numbers of the principal representatives of the respondent(s).

(3) Clear and concise statements of the facts constituting the alleged unfair labor practices, including times, dates, places and participants in occurrences.

(4) A listing of the sections of the Revised Code of Washington (RCW) alleged to have been violated.

(5) A statement of the relief sought by the complainant.

(6) The signature and, if any, the title of the person filing the complaint.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-070 AMENDMENT. Any complaint may be amended upon motion made by the complainant to the executive director or the examiner prior to the transfer of the case to the commission.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-090 WITHDRAWAL. Any complaint may be withdrawn by the complainant under such

conditions as the executive director or the commission may impose.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-110 INITIAL PROCESSING BY EXECUTIVE DIRECTOR. The executive director shall determine whether the facts as alleged may constitute an unfair labor practice within the meaning of the applicable statute. If it is determined that the facts as alleged do not, as a matter of law, constitute a violation, the executive director shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor; otherwise, the executive director shall cause the contents of the charge to be issued and served as a complaint of unfair labor practices, shall assign the matter to an examiner and shall notify the parties of such assignment. An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-45-350.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-130 EXAMINER—WHO MAY ACT. The examiner may be a member of the agency staff or any other individual designated by the commission or executive director. Upon notice to all parties, an examiner may be substituted for the examiner previously presiding.

AMENDATORY SECTION (Amending Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-170 NOTICE OF ((HEARING)) RIGHT TO ANSWER. The examiner shall issue and cause to be served on the parties a notice of hearing at a time and place specified therein. Attached to the notice of hearing shall be a copy of the complaint as approved by the executive director under WAC 391-45-110. The notice of hearing shall specify the date for the filing of an answer, which shall be not less than ten days prior to the date set for hearing. Any such notice of hearing may be amended or withdrawn before the close of the hearing.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-190 ANSWER—FILING AND SERVICE. The respondent(s) shall, on or before the date specified therefor in the notice of hearing, file with the examiner the original and three copies of its answer to the complaint, and shall serve a copy on the complainant.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-210 ANSWER—CONTENTS AND EFFECT OF FAILURE TO ANSWER. An answer filed by a respondent shall specifically admit, deny or explain each of the facts alleged in the complaint,

unless the respondent is without knowledge, in which case the respondent shall so state, such statement operating as a denial. The failure of a respondent to file an answer or the failure to specifically deny or explain in the answer a fact alleged in the complaint shall, except for good cause shown, be deemed to be an admission that the fact is true as alleged in the complaint, and as a waiver of the respondent of a hearing as to the facts so admitted.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-230 AMENDMENT OF ANSWER. The respondent may amend its answer at any time prior to the hearing. During the hearing or subsequent thereto, it may amend its answer in any case where the complaint has been amended, within such period as may be fixed by the examiner or the commission. Whether or not the complaint has been amended, the answer may, in the discretion of the examiner or the commission, be amended upon motion under such terms and within such period as may be fixed by the examiner or the commission.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-250 MOTION TO MAKE COMPLAINT MORE DEFINITE AND CERTAIN. If a complaint is alleged by a respondent to be so indefinite as to hamper the respondent in the preparation of its answer, such respondent may, on or before the date specified for the filing of an answer, file a motion requesting an order directing that the complaint be made more definite and certain. Such motion shall be filed with the examiner and served by the moving party on the complainant and on any other parties. The filing of such motion will extend the time during which the respondent must file and serve an answer until such date as the executive director or examiner may set. The examiner may require the complainant to file and serve a statement supplying information necessary to make the complaint definite and certain.

AMENDATORY SECTION (Amending Order 88-05, filed 5/31/88)

WAC 391-45-260 SETTLEMENT CONFERENCE. (1) Prior to hearing, the parties may be requested to participate in a settlement conference conducted by a member of the commission staff other than the assigned examiner. During the course of a settlement conference, the parties will be encouraged, on factual and legal grounds including precedent on the particular subject, to resolve the unfair labor practice dispute. Participation in the settlement conference is voluntary, and the refusal of a party to participate shall not prejudice the nonparticipating party in any manner.

(2) Whether or not a "settlement conference" has been held, the examiner may hold a "prehearing conference" to deal with procedural matters related to the hearing.

AMENDATORY SECTION (Amending Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-270 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be adversary in nature, limited to matters concerning the unfair labor practices alleged in the complaint. The complainant shall prosecute its own complaint and shall have the burden of proof. During the course of the hearing, the examiner may, upon motion by any party, or on his or her own motion, sequester witnesses. It shall be the duty of the examiner to inquire fully into the facts as to whether the respondent has engaged in or is engaging in an unfair labor practice so as to obtain a clear and complete factual record on which the examiner and commission may discharge their duties under these rules: **PROVIDED, HOWEVER,** That such duty of the examiner shall not be construed as authorizing or requiring the examiner to undertake the responsibilities of the complainant with respect to the prosecution of its complaint or of the respondent with respect to the presentation of its defense.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-290 BRIEFS AND PROPOSED FINDINGS. Any party shall be entitled, upon request made before the close of the hearing, to file a brief or proposed findings of fact, conclusions of law and order, or both, at such time as may be fixed by the examiner. The examiner may direct the filing of briefs when he or she deems such filing warranted by the nature of the proceeding or of particular issues therein.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-310 EXAMINER DECISION. After the close of the hearing and the filing of all briefs, the examiner shall make a decision containing findings of fact, conclusions of law and order. The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-330 WITHDRAWAL OR MODIFICATION OF EXAMINER DECISION. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change or reverse any findings of fact, conclusions of law or order at any time within twenty days following the issuance thereof, if any mistake is discovered therein or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing: **PROVIDED, HOWEVER,** That this section shall be inoperative after the filing of a petition for review with the commission.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-45-350 PETITION FOR REVIEW OF EXAMINER DECISION. The examiner's findings of fact, conclusions of law and order shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on each of the other parties to the proceeding. Such petition for review shall contain, in separate numbered paragraphs, statements of the specific findings, conclusions, orders or rulings on which the party filing the petition seeks review by the commission. A petition for review shall have attached to it any appeal brief or written argument which the party filing the petition for review desires to have considered by the commission. Other parties to the proceeding shall have fourteen days following the date on which they are served with a copy of such petition for review and accompanying brief or written argument to file a responsive brief or written argument. The commission, the executive director or his designee may, for good cause, grant any party an extension of the time for filing of its brief or written argument. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them by facsimile copy in the text or in an appendix to the brief. In the event no timely petition for review is filed, and no action is taken by the commission on its own motion within thirty days following the examiner's final order, the findings of fact, conclusions of law and order of the examiner shall automatically become the findings of fact, conclusions of law and order of the commission and shall have the same force and effect as if issued by the commission.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-370 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-45-350, any party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadlines for the submission of briefs or written arguments shall be extended by seven days.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-390 COMMISSION ACTION. On its own motion, or on the filing of a petition for review, the entire record in the proceeding shall be transferred to the commission, and thereafter all motions and arguments shall be directed to the commission. The commission may request the parties to appear before it to make

oral arguments as to certain of the issues or all of the issues in the matter. The commission shall, on the basis of the record and any briefs or arguments submitted to it on review, determine the matter.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-410 UNFAIR LABOR PRACTICE REMEDIES. If an unfair labor practice is found to have been committed, the commission or its examiner shall issue a remedial order. In calculating back pay orders, the following shall apply:

(1) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any earnings such employee may have received during the period of the violation in substitution for the terminated employment, calculated on a quarterly basis.

(2) Individuals reinstated to employment with back pay shall have deducted from any amount due an amount equal to any unemployment compensation benefits such employee may have received during the period of the violation, and the employer shall provide evidence to the commission that such amount has been repaid to the Washington state department of employment security as a credit to the benefit record of the employee.

(3) Money amounts due shall be subject to interest at the rate which would accrue on a civil judgment of the Washington state courts, from the date of the violation to the date of payment.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-430 MOTION FOR TEMPORARY RELIEF. In addition to the remedies available under WAC 391-45-410, any complainant in an unfair labor practice proceeding may file a motion requesting that the commission seek appropriate temporary relief through the superior court, and all such motions shall be processed as provided in this section.

(1) The complainant shall, at the time its complaint is filed or as soon thereafter as facts giving rise to the request for temporary relief become known, provide written notice to the executive director of its intent to make a motion for temporary relief and shall, at the same time, serve a copy of such notice on each of the other parties to the proceedings.

(2) Upon the filing of a notice of intent to make a motion for temporary relief, the executive director shall expedite the processing of the matter under WAC 391-45-110.

(3) After the determination of the executive director that the complaint states a cause of action, any complainant desiring temporary relief may file with the executive director a motion for temporary relief together with affidavits as to the risk of irreparable harm and the adequacy of legal remedies, and shall serve a copy of such motion and affidavits on all other parties to the proceedings. The other parties shall have seven calendar days thereafter to file and serve counter-affidavits.

(4) The executive director shall forward all such motions and affidavits to the commission, which shall determine whether an injunction pendente lite should be sought. In making such determination, the commission shall adhere to the following policy:

"The name and authority of the public employment relations commission shall not be invoked in connection with a request for temporary relief prior to the completion of administrative proceedings under WAC 391-45-010, et seq., unless it appears that one or more of the allegations in the complaint of unfair labor practices is of such a nature that, if sustained, the complainant would have no fair or adequate remedy and the complainant would suffer irreparable harm unless the status quo be preserved pending the completion of administrative proceedings."

(a) If the commission concludes that temporary relief should be sought, the executive director, acting in the name and on behalf of the commission and with the assistance of the attorney general, shall petition the superior court of the county in which the main office of the employer is located or wherein the person who is alleged to be engaging in unfair labor practices resides or transacts business for an injunction pendente lite.

(b) Whenever temporary relief has been procured, the complaint which has been the basis for such temporary relief shall be heard expeditiously and the case shall be given priority over all other cases except cases of like character.

(c) If the commission concludes that temporary relief should not be sought prior to the conclusion of administrative proceedings in the matter, such determination shall not bar renewal of the request for temporary relief following the completion of administrative proceedings in which unfair labor practice violations have been found to exist.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-431 SPECIAL PROVISION—PUBLIC EMPLOYEES. WAC 391-45-430 is inapplicable to complaints filed under chapter 41.56 RCW. Provision for judicial relief is made by RCW 41.56.190.

READOPTED SECTION (Readopting Order 80-7, filed 9/30/80, effective 11/1/80)

WAC 391-45-550 COLLECTIVE BARGAINING—POLICY. It is the policy of the commission to promote bilateral collective bargaining negotiations between employers and the exclusive representatives of their employees. Such parties are encouraged to engage in free and open exchange of proposals and positions on all matters coming into the dispute between them. The commission deems the determination as to whether a particular subject is mandatory or nonmandatory to be a question of law and fact to be determined by the commission, and which is not subject to waiver by the parties

by their action or inaction. It is the policy of the commission that a party which engages in collective bargaining with respect to any particular issue does not and cannot thereby confer the status of a mandatory subject on a nonmandatory subject.

READOPTED SECTION (Readopting Order 81-01, filed 1/6/81)

WAC 391-45-552 SPECIAL PROVISION—EDUCATIONAL EMPLOYEES. The obligation to bargain in good faith imposed upon an employer and the exclusive representative of its employees, respectively, by RCW 41.59.020(2) and 41.59.140 (1)(e) or (2)(c) includes:

(1) The obligation to submit, as to each subject for bargaining advanced by the party, a written statement of the language proposed for incorporation in or deletion from the collective bargaining agreement between the parties, together with a written or oral explanation or justification of such proposals.

(2) The obligation to submit, as to each subject for bargaining advanced by the other party, at least one written response thereto, together with a written or oral explanation of such response: **PROVIDED, HOWEVER,** That a party which asserts in a written response that a subject for bargaining advanced by the other party is not a mandatory subject for collective bargaining may thereafter refuse to make further proposals as to such subject or subjects for bargaining.

(3) The obligation to receive proposals from the other party as to all subjects for bargaining in dispute between the parties and, until a legal impasse has been reached, to refrain from demanding the removal of any such subject from the bargaining table on the basis that it is not a mandatory subject for collective bargaining.

(4) The obligation to exhaust the mediation and fact finding procedure established pursuant to RCW 41.59.120 before implementing all or any part of a final offer in negotiations, except as provided in RCW 41.59.930.

WSR 89-17-014
EMERGENCY RULES
PUBLIC EMPLOYMENT
RELATIONS COMMISSION
 [Filed August 4, 1989, 4:45 p.m.]

Date of Adoption: July 18, 1989.

Purpose: Chapter 391-95 WAC is adopted to set forth complete procedures for the processing of union security dispute cases before the commission.

Citation of Existing Rules Affected by this Order: See below.

Statutory Authority for Adoption: RCW 41.58.050, 28B.52.080, 41.56.090 and 41.59.110.

Other Authority: See below.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity

to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Rules adopted pursuant to chapter 34.05 RCW to harmonize with (where possible) or supplant (where necessary as described in the detailed explanation shown below) chapter 10-08 WAC as amended effective July 15, 1989.

WAC 391-95-001 Scope—Contents—Other rules.

Purpose: Identifies chapter. Makes cross-references to other rules.

Statute: Chapters 28B.52, 41.56, 41.58, 41.59 and 53.18 RCW (hereinafter: "substantive statutes"), generally.

Summary: Refers to other rules, as follows: Chapter 10-08 WAC for conduct of "adjudicative proceedings," generally; chapter 391-08 WAC for general procedural rules; chapter 391-25 WAC for representation cases; chapter 391-35 WAC for unit clarification cases; chapter 391-45 WAC for unfair labor practice cases; chapter 391-55 WAC for impasse resolution cases; and chapter 391-65 WAC for grievance arbitration cases.

Reasons: RCW 34.05.250 permits agencies to adopt rules different from model rules by stating reasons for variance. WAC 10-08-001 is similar.

Explanation: Amendment of existing rule to identify the areas where PERC does things differently than chapter 10-08 WAC. Details of the interface between chapters 391-08 and 10-08 WAC are specified in WAC 391-08-001.

WAC 391-95-010 Union security—Obligation of exclusive bargaining representative.

Purpose: Set forth substantive requirements that exclusive bargaining representative must follow to enforce a union security provision.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Requires exclusive bargaining representative to notify bargaining unit employees of their union security obligations, including amounts owed and effects of failure to pay.

Reasons: RCW 34.05.220(4) encourages agencies to codify their substantive policies in rules.

Explanation: Readoption of the existing rule is necessary to continue the substantive standards to be followed in union security cases. The existing rule is derived from federal and agency precedent concerning the regulation of union security disputes.

WAC 391-95-030 Union security—Assertion of right of nonassociation.

Purpose: Clear framing of issues prior to proceedings before PERC.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Requires employee asserting right of nonassociation to give notice to the exclusive bargaining representative, together with name of nonreligious charity which is to receive alternative payments. Specifies that right of nonassociation must be based on bona fide religious tenets or teachings of a church or other religious body of which the employee belongs.

Reasons: RCW 34.05.220(4) encourages agencies to codify their substantive policies in rules.

Explanation: Readoption of the existing rule is necessary to give effect to the substantive statutes administered by PERC. The APA and model rules are silent on this subject matter.

WAC 391-95-050 Union security—Response by exclusive bargaining representative.

Purpose: Clear framing of issues prior to proceedings before PERC.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Requires exclusive bargaining representative to respond to claim of right of nonassociation within 60 days of receipt of written notice of the claim, and that initial resolution efforts to be undertaken through contractual means.

Reasons: RCW 34.05.220(4) encourages agencies to codify their substantive policies in rules.

Explanation: Readoption of the existing rule is necessary to give effect to substantive agency policy drawn from federal precedent and agency expertise.

WAC 391-95-070 Union security—Filing of dispute with commission.

Purpose: Establish procedures for initiating a union security dispute case with PERC.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Exclusive bargaining representative or the employee claiming a right of nonassociation may file a petition for declaratory ruling with PERC in the event that the union security dispute cannot be resolved. The parties may litigate issues concerning the employee's eligibility to assert a right of nonassociation or the identity of the nonreligious charity that is to receive alternative payments.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 only generally states requirements for initiating an adjudicative proceeding.

Explanation: Readoption of the existing rule is necessary to continue substantive agency practice. The existing rule specifies that union security disputes are limited in nature, and is drawn from federal and agency precedent and practice in the area.

WAC 391-95-090 Union security—Petition form—Number of copies—Filing—Service.

Purpose: Specifies number of copies and filing of complaints at Olympia office; requires service on other parties.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: The party initiating a union security case must file an original and three copies with PERC's Olympia office and must serve the other party.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding." WAC 10-08-110 would permit filing at "any" office of the agency.

Explanation: Readoption of existing rule to avoid any claim of conflict with model rules. An original and three

copies of documents are needed for circulation to the members of the commission in the event of intra-agency appeals. Filing at the Olympia office is necessary because PERC's Yakima and Spokane offices are not staffed on a full-time basis (making it difficult to ascertain the time of "filing" for purpose of administering a six-month "statute of limitations") and because all docketing and initial processing by the executive director are performed at the Olympia office.

WAC 391-95-100 Union security—Contents of petition.

Purpose: Details information to be included in a petition for ruling on union security obligations.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Requires identifying information for agency docket records and detailed statement of alleged facts for efficient processing by PERC.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-035 provides loosely for an "application for an adjudicative proceeding" to specify the issue to be adjudicated in the proceeding.

Explanation: Readoption of existing rule to avoid conflict with model rules at WAC 10-08-035 and to obtain details needed by PERC for the efficient processing of cases.

WAC 391-95-130 Union security—Escrow of disputed funds.

Purpose: Reduce potential for parallel litigation to preserve job rights of employees involved in union security disputes.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Provides for suspension of action to enforce union security agreement by discharge while disputed funds are held in escrow pending resolution of the proceedings before PERC. Provides that escrowed funds are to draw interest.

Reasons: RCW 34.05.220(4) encourages agencies to codify their substantive policies in rules.

Explanation: Readoption of the existing rule is necessary to deal with substantive matters not otherwise addressed by the APA or the model rules. The existing rule is drawn from agency practice and precedent.

WAC 391-95-150 Union security—Initial processing by executive director.

Purpose: Requires review of petitions to determine whether they state a cause of action.

Statute: RCW 28B.52.045, 41.56.122, 41.58.050 and 41.59.100.

Summary: Assuming all of the facts alleged in the petition to be true and provable, the executive director determines whether, as a matter of law, a right to non-association could be found. If not, the petition is dismissed by written order.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.416 provides for the disposition of cases

where the agency concludes that no adjudicative proceedings should be conducted. This rule delegates substantive decision-making authority to the executive director, to conduct what amounts to an automatic "summary judgment" on the contents of the complaint.

Explanation: Readoption of existing rule to insure that invalid petitions are dismissed at the earliest opportunity, with minimum investment of state resources, and that legitimate cases are sent to hearing.

WAC 391-95-170 Union security—Prehearing conference—Notice of hearing.

Purpose: To encourage settlements prior to investing state resources in a formal hearing.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Permits conduct of prehearing conference at discretion of examiner, to deal with both procedural and substantive matters. Permits amendment and withdrawal of notice of hearing.

Reasons: RCW 34.05.060 encourages informal settlements. RCW 34.05.431(1) requires agency to adopt rules specifying conditions and manner in which prehearing conferences are to be held. WAC 10-08-130 provides for conduct of prehearing conferences. RCW 34.05.434 sets out the type of information generally required in notices of hearing. WAC 10-08-040 prescribes specific contents of the notice. However, the existing PERC rule contains more detail and is far more specific in its requirements.

Explanation: Amendment of existing rule to incorporate concepts of prehearing conference, settlement and amendment or withdrawal of notice of hearing, leaving the actual contents of the notice of hearing to the provisions of the APA and the model rules.

WAC 391-95-190 Union security—Hearings—Who shall conduct.

Purpose: Defines who may hear the complaints.

Statute: RCW 28B.52.045, 41.56.122, 41.58.050 and 41.59.100.

Summary: Examiner can be PERC staff member or agency designee; with notice, examiners can be substituted.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. WAC 10-08-050 discusses the use of personnel supplied by the Office of Administrative Hearings, but PERC is exempt from the Office of Administrative Hearings and chapter 34.12 RCW.

Explanation: Readoption of existing rule because the "agency head" generally does not generally preside over PERC's adjudicative hearings. The chief administrative law judge does not govern the matters covered by this rule.

WAC 391-95-230 Hearings—Nature and scope.

Purpose: Explains nature of union security dispute hearings and substantive elements of union security cases.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Specifies that hearings conducted pursuant to this chapter are limited to issues concerning union security disputes. Explains the employee's responsibility in presenting a case supporting a claim for alternative payments to union security.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.220(4) encourages agencies to codify their substantive policies in rules. Chapter 34.05 RCW and chapter 10-08 WAC are written to apply to "adjudicative proceedings" where the agency itself takes an advocacy role, and so do not adequately describe the "impartial" role of PERC in unfair labor practice hearings. WAC 10-08-190 no longer contains a reference to public hearings.

Explanation: Amendment of existing rule to clearly define the impartial posture of PERC, to permit sequestering of witnesses, to assign the burden of proof, and to identify the substantive standards to be applied.

WAC 391-95-250 Examiner decision.

Purpose: Empowers examiner to issue initial findings of fact, conclusions of law and an order.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: After the close of the hearing, the examiner is to issue findings of fact, conclusions of law and an order.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.461 regulates form and contents of initial order.

Explanation: Readoption of existing rule to delegate substantive decision-making authority to the examiner for the initial decision. The commission is a reviewing body in union security cases.

WAC 391-95-260 Withdrawal or modification of examiner decision.

Purpose: Allows examiner to modify the decision upon discovery of a mistake or new evidence.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Within 20 days following the issuance of a decision (i.e., prior to the expiration of the time for filing a petition for intraagency review), the examiner can withdraw or modify the decision if a mistake is discovered, or newly-discovered evidence is claimed.

Reasons: RCW 34.05.220 (1)(a) provides for agencies to adopt rules for processing of cases before the agency. RCW 34.05.461 regulates form and contents of initial order.

Explanation: Readoption of existing rule to delegate substantive decision-making authority to the examiner to continue to act under these limited circumstances. The commission is a reviewing body in unfair labor practice proceedings.

WAC 391-95-270 Proceedings before the commission—Petition for review.

Purpose: Allows for intraagency review of an examiner's decision by the commission.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Within 20 days following the issuance of an examiner's decision, the parties may petition for intra-agency review ("appeal") of the examiner's decision.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 specifies a 20-day period for all intra-agency appeals, and specifies a 10-day period for filing of appeal briefs.

Explanation: Re-adoption of existing rule is necessary to the efficient operation of PERC. The procedures and briefing schedules specified in the model rule are different from those established by PERC after actual experience with the types of issues encountered in labor-management relations.

WAC 391-95-280 Filing and service of cross-petition for review.

Purpose: Allows a party to file a cross-petition for review of an examiner's decision.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Allows an additional 7 days for the filing of a cross-petition for review.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 specifies a 20-day period for all intra-agency appeals.

Explanation: Re-adoption of existing rule is necessary to preserve a procedure that has worked well for PERC and its clientele up to this time. PERC adopted the "cross-petition" procedure to obviate the filing of "strategic" appeals that might otherwise be withheld.

WAC 391-95-290 Commission action.

Purpose: Explains commission action in appeals of union security dispute cases.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Transfers entire case to the commission when intra-agency appeal procedures have been invoked. Permits commission to call for oral argument.

Reasons: RCW 34.05.464(1) authorizes agencies to provide, by rule, for intra-agency review of initial orders. WAC 10-08-211 does not deal with oral argument.

Explanation: Re-adoption of existing rule is necessary to specify agency action on appeals, consistent with RCW 34.05.464(1).

WAC 391-95-310 Implementation.

Purpose: Describes implementation of alternative payments in the event that a claim of nonassociation is granted.

Statute: RCW 28B.52.045, 41.56.122 and 41.59.100.

Summary: Explains substantive procedures that the parties are to follow in the event that an employee is allowed to make alternative payments to a nonreligious charity.

Reasons: RCW 34.05.220(4) encourages agencies to codify their substantive policies in rules. The model rules do not refer to this subject matter.

Explanation: Re-adoption of the existing rule is necessary to continue a substantive policy that is within the agency's scope of operation to determine.

Effective Date of Rule: Immediately.

August 4, 1989
Marvin L. Schurke
Executive Director

AMENDATORY SECTION (Amending Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-001 SCOPE—CONTENTS—OTHER RULES. This chapter governs proceedings before the public employment relations commission relating to union security disputes arising between employees and employee organizations certified or recognized as their bargaining representative. The provisions of this chapter should be read in conjunction with the provisions of:

(1) Chapter 10-08 WAC, which contains rules promulgated by the chief administrative law judge governing the conduct of adjudicative proceedings under chapter 391-45, except:

(a) WAC 10-08-035, which is supplanted by detailed requirements in WAC 391-95-050;

(b) WAC 10-08-050, which relates to procedures of the office of administrative hearings, and so is inapplicable to proceedings before the public employment relations commission;

(c) WAC 10-08-211, which is supplanted by WAC 391-95-270 and 391-95-280; and

(d) WAC 10-08-230, which is supplanted by WAC 391-95-200.

(2) Chapter 391-08 WAC, which contains rules of practice and procedure applicable to all types of proceedings before the public employment relations commission.

~~((2))~~ (3) Chapter 391-25 WAC, which contains rules relating to proceedings on petitions for investigation of questions concerning representation of employees.

~~((3))~~ (4) Chapter 391-35 WAC, which contains rules relating to proceedings on petitions for clarification of an existing bargaining unit.

~~((4))~~ (5) Chapter 391-45 WAC, which contains rules relating to proceedings on complaints charging unfair labor practices.

~~((5))~~ (6) Chapter 391-55 WAC, which contains rules relating to the resolution of impasses occurring in collective bargaining.

~~((6))~~ (7) Chapter 391-65 WAC, which contains rules relating to arbitration of grievance disputes arising out of the interpretation or application of a collective bargaining agreement.

READOPTED SECTION (Readopting Order 88-10, filed 5/31/88)

WAC 391-95-010 UNION SECURITY—OBLIGATION OF EXCLUSIVE BARGAINING REPRESENTATIVE. An exclusive bargaining representative which desires to enforce a union security provision contained in a collective bargaining agreement negotiated under the provisions of chapter 28B.52, 41.56, or 41.59 RCW shall provide each affected employee with a copy of the collective bargaining agreement containing the union security provision and shall specifically advise each

employee of his or her obligation under that agreement, including informing the employee of the amount owed, the method used to compute that amount, when such payments are to be made, and the effects of a failure to pay.

READOPTED SECTION (Readopting Order 88-10, filed 5/31/88)

WAC 391-95-030 UNION SECURITY—ASSERTION OF RIGHT OF NONASSOCIATION. An employee who asserts a right of nonassociation based on bona fide religious tenets or teachings of a church or religious body of which such employee is a member shall notify the exclusive bargaining representative, in writing, of the claim of a right of nonassociation and shall, at the same time, provide the exclusive bargaining representative with the name(s) and address(es) of one or more nonreligious charitable organizations to which the employee is prepared to make alternative payments in lieu of the payments required by the union security provision.

READOPTED SECTION (Readopting Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-050 UNION SECURITY—RESPONSE BY EXCLUSIVE BARGAINING REPRESENTATIVE. Within sixty days after it is served with written notice of a claimed right of nonassociation under WAC 391-95-030, the exclusive bargaining representative shall respond to the employee, in writing, both as to the eligibility of the employee to make alternative payments and as to the charitable organization(s) suggested by the employee. If a dispute exists concerning whether the employee is within a class of employees obligated under the terms of the union security provision, all such matters of contractual interpretation shall be resolved under such procedures as may be available for unit clarification or resolution of disputes concerning the interpretation or application of the collective bargaining agreement.

READOPTED SECTION (Readopting Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-070 UNION SECURITY—FILING OF DISPUTE WITH COMMISSION. In the event of a disagreement between an employee and his or her exclusive bargaining representative as to the eligibility of such employee to make alternative payments or as to the organization which is to receive such payments, either the employee or the exclusive bargaining representative may file with the commission a petition for a declaratory ruling on the union security obligations of the affected employee.

READOPTED SECTION (Readopting Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-090 UNION SECURITY—PETITION FORM—NUMBER OF COPIES—FILING—SERVICE. Each petition for declaratory ruling on union security obligations shall be prepared in conformance with WAC 391-95-110. The original and three copies of

the petition shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the dispute and on the employer.

READOPTED SECTION (Readopting Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-110 UNION SECURITY—CONTENTS OF PETITION. Each petition shall be headed "In the matter of the petition of (name of petitioning party) for a declaratory ruling concerning the union security obligations of (name of affected employee) under a collective bargaining agreement between (name of employer) and (name of exclusive bargaining representative)," and shall contain:

(1) The name and address of the employer and the name, address and telephone number of the employer's principal representative for the purposes of collective bargaining.

(2) The name, address and affiliation, if any, of the exclusive representative, and the name, address and telephone number of its principal representative, if any.

(3) The name, address and telephone number of the affected employee and the name, address and telephone number of his or her representative.

(4) Statements, in additional numbered paragraphs, of the matters in dispute.

(5) A copy, attached to the petition as an exhibit, of the union security provision under which the dispute arises.

(6) Any other relevant facts.

(7) The signature(s) and, if any, the title(s) of the representative(s) of the petitioner(s).

READOPTED SECTION (Readopting Order 81-01, filed 1/6/81)

WAC 391-95-130 UNION SECURITY—ESCROW OF DISPUTED FUNDS BY EMPLOYER. Upon being served with a copy of a petition filed under WAC 391-95-070, the employer shall preserve the status quo by withholding and retaining the disputed dues for periods during the pendency of the proceedings before the commission. Said funds shall draw interest at the rate provided by commercial banks for regular passbook savings accounts. While the proceedings remain pending before the commission, the employer shall not honor or otherwise act upon any request for discharge or other action against the affected employee based on the employee's union security obligations. This provision shall be applicable to employees covered by chapter 41.56 RCW only upon the employee submitting to the employer a signed authorization for the deduction.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-95-150 UNION SECURITY—INITIAL PROCESSING BY EXECUTIVE DIRECTOR. The matter shall be referred to the executive director who shall determine whether the facts as alleged may constitute a basis for assertion of a right of nonassociation within the meaning of the applicable statute. If it is

determined that the claim does not, as a matter of law, constitute a basis for assertion of a right of nonassociation, the executive director shall issue and cause to be served on all parties an order of dismissal containing the reasons therefor; otherwise, the executive director shall assign the matter to an examiner and shall notify the parties of such assignment. An order of dismissal issued pursuant to this section shall be subject to a petition for review as provided in WAC 391-95-270.

AMENDATORY SECTION (Amending Resolution No. 85-01, filed 9/16/85)

WAC 391-95-170 UNION SECURITY—PRE-HEARING CONFERENCE—NOTICE OF HEARING. There shall be issued and served on each of the parties to the dispute and on the employer a notice of hearing before an examiner at a time and place fixed therein. Any such notice may be amended or withdrawn prior to the close of the hearing. The examiner has discretion to conduct a prehearing conference to discuss with the parties all contested issues of fact, law, and procedure which may arise in union security cases. The parties are encouraged to reach binding stipulations on all remaining issues during the course of the prehearing conference.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-95-190 UNION SECURITY—HEARINGS—WHO SHALL CONDUCT. Hearings may be conducted by the commission, by the executive director, by a member of the agency staff or by any other individual designated by the commission or executive director as an examiner. At any time, an examiner may be substituted for the examiner previously presiding.

AMENDATORY SECTION (Amending Order 88-10, filed 5/31/88)

WAC 391-95-230 HEARINGS—NATURE AND SCOPE. Hearings shall be public and shall be limited to matters concerning the determination of the eligibility of the employee to make alternative payments and the designation of an organization to receive such alternative payments. During the course of the hearing, the examiner may, upon motion by any party, or upon his or her own motion, sequester witnesses. The employee has the burden to make a factual showing, through testimony of witnesses and/or documentary evidence, of the legitimacy of his or her beliefs, as follows:

(1) In cases where the claim of a right of nonassociation is based on the teachings of a church or religious body, the claimant employee must demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the objection is based on a bona fide religious teaching of a church or religious body; and

(c) That the claimant employee is a member of such church or religious body.

(2) In cases where the claim of a right of nonassociation is based on personally held religious beliefs, the claimant employee must demonstrate:

(a) His or her bona fide religious objection to union membership; and

(b) That the religious nature of the objection is genuine and in good faith.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-95-250 EXAMINER DECISION. After the close of the hearing and the filing of all briefs, the examiner shall make a decision containing findings of fact, conclusions of law, and order. The examiner shall file the original decision with the commission and shall cause a copy thereof to be served on each of the parties.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-95-260 WITHDRAWAL OR MODIFICATION OF EXAMINER DECISION. On the examiner's own motion or on the motion of any party, the examiner may set aside, modify, change, or reverse any findings of fact, conclusions of law or order at any time within twenty days following the issuance thereof, if any mistake is discovered therein or upon grounds of newly discovered evidence which could not with reasonable diligence have been discovered and produced at the hearing: **PROVIDED, HOWEVER,** That this section shall be inoperative after the filing of a petition for review with the commission.

READOPTED SECTION (Readopting Resolution No. 85-01, filed 9/16/85)

WAC 391-95-270 PROCEEDINGS BEFORE THE COMMISSION—PETITION FOR REVIEW. The final order of the examiner shall be subject to review by the commission on its own motion, or at the request of any party made within twenty days following the date of the order issued by the examiner. The original and three copies of the petition for review shall be filed with the commission at its Olympia office and the party filing the petition shall serve a copy on the other party to the proceeding and on the employer. The petition for review shall identify the actions or rulings claimed to be in error. Any party to the proceeding may, within fourteen days after the initiation of review, file briefs or written arguments for consideration by the commission. The original and three copies of any brief or written argument shall be filed with the commission at its Olympia office and a copy shall be served upon the other party. The commission, the executive director or the designee of the executive director may, for good cause, grant any party an extension of the time for filing of its brief or written argument where a request for additional time is made prior to the deadline previously established. The commission may request the parties to appear before it to make oral argument as to certain of the issues or all of the issues in the matter. If a party presents an issue which requires study of a statute, rule, regulation, or finding of fact, the party should set out the material portions of the text verbatim or include them

by facsimile copy in the text or in an appendix to the brief.

READOPTED SECTION (Readopting Order 83-07, filed 12/1/83, effective 1/1/84)

WAC 391-95-280 FILING AND SERVICE OF CROSS-PETITION FOR REVIEW. Where a petition for review has been timely filed under WAC 391-95-270, any party who has not previously filed a petition for review may, within seven days after the last date on which a petition for review may be filed, file a cross-petition for review. Such cross-petition for review shall be filed and served in the same manner as a petition for review. Upon the filing of a cross-petition for review, the deadline for the submission of briefs or written arguments shall be extended by seven days.

READOPTED SECTION (Readopting Order 80-10, filed 9/30/80, effective 11/1/80)

WAC 391-95-290 COMMISSION ACTION. The executive director shall transfer the entire record in the proceeding to the commission. The commission shall determine the matter.

READOPTED SECTION (Readopting Order 81-01, filed 1/6/81)

WAC 391-95-310 IMPLEMENTATION. Where alternative payments in lieu of payments under a union security agreement have been agreed upon by the parties or ordered by the commission, the employer shall release any funds (together with accumulated interest) held in escrow under WAC 391-95-130 to the designated charitable organization and the employee shall thereafter make payments and shall furnish written proof to the exclusive bargaining representative that such payments have been made to the designated charitable organization. Where the employee is found ineligible to make alternative payments, the employer shall release any funds (together with accumulated interest) held in escrow to the exclusive bargaining representative and shall enforce the union security provision according to its terms. The employer and the exclusive bargaining representative shall allow the affected employee a grace period of not less than thirty days following the agreement or final order of the commission to correct any arrearages.

WSR 89-17-015

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-75—Filed August 4, 1989, 5:50 p.m.]

Date of Adoption: August 4, 1989.

Purpose: Amend commercial rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-47-504.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a

federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B, 7C, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish and Hood Canal regions of origin, and to prevent wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: August 6, 1989.

August 4, 1989

Joseph R. Blum

Director

WAC 220-47-505 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday August 6, 1989, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, and Wednesday, August 7, 8 and 9.
- * Areas 12B and 12C – Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Monday, Tuesday, Wednesday, and Thursday, August 7, 8, 9, and 10, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 7, 8, 9, and 10. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- * Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 6:

WAC 220-47-504 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-70)

WSR 89-17-016
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-76—Filed August 4, 1989, 5:55 p.m.]

Date of Adoption: August 4, 1989.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-33-03000B; and amending WAC
 220-32-051 and 220-33-010.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good
 cause finds that state or federal law or federal rule or a
 federal deadline for state receipt of federal funds re-
 quires immediate adoption of a rule.

Reasons for this Finding: Harvestable numbers of
 chinook salmon are available in the Columbia River.
 This rule is consistent with the actions of the August 3,
 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

Joseph R. Blum
 Director

NEW SECTION

**WAC 220-33-01000F COLUMBIA RIVER GILL
 NET SEASONS BELOW BONNEVILLE.** Notwith-
 standing the provisions of WAC's 220-33-005, 220-33-
 010, 220-33-020, and 220-33-030, it is unlawful for a
 person to take or possess salmon, shad, and sturgeon
 taken for commercial purposes from Columbia River
 Salmon Management and Catch Reporting Areas 1A,
 1B, 1C, 1D, and 1E except during the times and condi-
 tions listed:

- (1) Open to the taking of salmon, sturgeon, and
 shad.
 Time: 6 PM to 6 AM Aug. 7 to Aug. 11,
 1989.
 Area: 1A, 1B, 1C, 1D, and 1E
 Gear: 8 inch minimum mesh below the
 Longview Bridge
 9 inch minimum mesh above the
 Longview Bridge
 Sanctuaries: Grays Bay, Cowlitz,
 Washougal, Elokomin-A, Kalama-A, Lewis
 River-A, Big Creek, Gnat Creek, and Sandy
 River as defined in WAC 220-33-010(3)
 are closed.
- (2) Open to the taking of salmon, sturgeon, and
 shad.
 Time: 6 PM to 6 AM August 20 to Aug
 25, 1989.
 6 PM to 6 AM August 27 to Sept 1,
 1989
 Area: Shad Area 2S as defined on WAC
 220-33-030
 Gear: 9 inch minimum mesh

REPEALER

The following section of the Washington Administra-
 tive Code is repealed: WAC 220-33-03000B

NEW SECTION

**WAC 220-32-05100R COLUMBIA RIVER
 SALMON SEASONS ABOVE BONNEVILLE.** (1)
 Notwithstanding the provisions of WAC 220-32-051
 and 220-32-052, 220-32-053, 220-32-056, 220-32-
 057, and 220-32-058, effective immediately, it is unlaw-
 ful for a person to take or possess salmon, shad or stur-
 geon taken for commercial purposes from Columbia Ri-
 ver Salmon Management and Catch Reporting Areas
 1F, 1G or 1H, except those individuals possessing treaty
 fishing rights under the Yakima, Warm Springs,
 Umatilla and Nez Perce treaties may fish or possess
 salmon and shad under the following provisions:

- Open: for salmon and shad
 Time: 6 AM August 7 to 6 PM August 12,
 1989.
 6 AM August 21 to 6 PM August
 26, 1989
 6 AM August 28 to 6 PM Sept. 2,
 1989
 Area: 1F, 1G, and 1H
 Mesh: no mesh restriction from Aug. 7 to
 12, 1989
 8 inch minimum mesh from August
 21 to 26 and
 August 28 to Sept. 2, 1989

All sturgeon must be released and returned to the wa-
 ter immediately.

(3) Notwithstanding the provisions of WAC 220-32-
 058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side
 of the Columbia River and extends to mid-stream at
 right angles to the thread of the Columbia River be-
 tween markers located approximately 0.85 miles
 downriver from the west bank at the end of the
 breakwall at the west end of the port of Hood River and
 1/2 mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a
 line between deadline markers near the mouth. One
 marker is located on the east bank piling and the other is
 located on the west bank to the north of of the boat
 ramp.

(c) Deschutes River is those waters of the Columbia
 River extending to midstream at right angles to the
 thread of the Columbia River between points one-mile
 upstream from the eastern shoreline to one mile down-
 stream from the western shoreline.

(d) Umatilla River is those waters of the Columbia
 River extending to midstream at right angles to the
 thread of the Columbia River between points one-half
 mile upstream from the eastern shoreline to one mile
 downstream from the western shoreline.

(e) Big White Salmon River is those waters of the
 Columbia River extending to midstream at right angles
 to the thread of the Columbia River between a marker
 located one-half mile downstream from the west bank
 upstream to light "35".

(f) Wind River is those waters of the Columbia River
 extending to midstream at right angles to the thread of
 the Columbia River between markers located 1 1/4

miles downstream from the west bank and 1/2-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 1/8 miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 150 feet of the Spring Creek Hatchery fishway, except that during the period August 28 through September 20, the closed area is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a boundary marker located 1 1/2 miles downstream of the Spring Creek Hatchery fishway and the downstream marker of the Big White Salmon sanctuary located approximately 1/2 mile upstream of the fishway.

(4) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately 3/4 mile above the Dalles Dam fishway exit, thence at a right angle to the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam.

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

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

WSR 89-17-017
PERMANENT RULES
BOARD OF PHARMACY

[Order 227—Filed August 7, 1989, 9:05 a.m.]

Be it resolved by the Washington State Board of Pharmacy, acting at Seattle, Washington, that it does adopt the annexed rules relating to the licensure of pharmacists including the repealing of WAC 360-12-010 Applicants—Citizenship.

This action is taken pursuant to Notice No. WSR 89-12-081 filed with the code reviser on June 7, 1989. 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 18.64.005 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 July 20, 1989.

By Joseph M. Honda
 Chairman

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 360-12-010 APPLICANTS—CITIZENSHIP.

WSR 89-17-018
PROPOSED RULES
DEPARTMENT OF FISHERIES

[Filed August 7, 1989, 3:43 p.m.]

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.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on August 4, 1989.

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.

This notice is connected to and continues the matter in Notice No. WSR 89-15-010 filed with the code reviser's office on July 7, 1989.

Dated: August 2, 1989
 By: Judith Merchant
 for Joseph R. Blum
 Director

WSR 89-17-019
PROPOSED RULES
DEPARTMENT OF FISHERIES
[Filed August 7, 1989, 3:45 p.m.]

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.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 15, 1989.

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.

This notice is connected to and continues the matter in Notice No. WSR 89-15-010 filed with the code reviser's office on July 7, 1989.

Dated: August 4, 1989
By: Judith Merchant
Deputy Director
for Joseph R. Blum
Director

WSR 89-17-020
NOTICE OF PUBLIC MEETINGS
THE EVERGREEN STATE COLLEGE
[Memorandum—August 3, 1989]

The board of trustees of The Evergreen State College has changed its regularly scheduled meeting of September 13 to September 20 and will be held in Yakima at Yakima Valley Community College.

WSR 89-17-021
PERMANENT RULES
LOTTERY COMMISSION
[Order 118—Filed August 7, 1989, 4:45 p.m.]

Be it resolved by the Washington State Lottery Commission, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

- New WAC 315-06-115 Overlapping on-line sales in consecutive fiscal years.
- New WAC 315-11-460 Definitions for Instant Game Number 46 ("Big Wheel").
- New WAC 315-11-461 Criteria for Instant Game Number 46 ("Big Wheel").
- New WAC 315-11-462 Ticket validation requirements for Instant Game Number 46 ("Big Wheel").

This action is taken pursuant to Notice No. WSR 89-13-061 filed with the code reviser on June 20, 1989. 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 67.70.040 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 August 4, 1989.
By Evelyn Y. Sun
Director

NEW SECTION

WAC 315-06-115 OVERLAPPING ON-LINE SALES IN CONSECUTIVE FISCAL YEARS. When the sales for an on-line jackpot overlap two fiscal years, any fiscal reporting discrepancy between the statutory requirement that payment of prizes not be less than forty-five percent of gross annual revenue and the preparation of an annual financial statement using generally accepted accounting principles shall be explained in a footnote to the financial statements.

NEW SECTION

WAC 315-11-460 DEFINITIONS FOR INSTANT GAME NUMBER 46 ("BIG WHEEL"). (1) Play symbols: The following are the "play symbols": "1", "2", "3", "4", "5", "6" and "9". One of these symbols appears in each of the circles under the rub-off material on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which corresponds with and verifies that play symbol. The caption contains four characters. The first character repeats the play symbol. The last three characters represent the ticket number. One and only one caption appears under each play symbol. For Instant Game Number 46, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u> (Example for ticket number 122)
1	1122
2	2122
3	3122
4	4122
5	5122
6	6122
9	9122

(3) Prize symbols: The following are the "prize symbols": "\$1.00", "\$2.00", "\$4.00", "\$10.00", "\$20.00", "\$100", and "\$10,000". One of these prize symbols appears in each of the outer circles under the rub-off material on the front of the ticket.

(4) Prize symbol caption: The small printed characters which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. For Instant Game Number 46, the prize symbol captions which correspond with and verify the prize symbols are:

<u>PRIZE SYMBOL</u>	<u>CAPTION</u>
\$ 1.00	OND
\$ 2.00	TWD
\$ 4.00	FOD
\$ 10.00	TED
\$ 20.00	TYD
\$ 100	OHC
\$ 10,000	TTD

The center circle will contain one play symbol and its corresponding caption below. Each of the outer circles will contain one play symbol, a prize symbol and a seven-character caption below which combines the play symbol caption and the prize symbol caption.

(6) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex.

(7) Pack-ticket number: The ten-digit number of the form 4600001-000 printed on the front of the ticket. The first two digits are the game identifier. The first seven digits of the pack-ticket number for Instant Game Number 46 constitute the "pack number" which starts at 4600001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(8) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25.00 or less. For Instant Game Number 46, the retailer verification codes is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
TEN	\$10.00
TTY	\$20.00

(9) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

NEW SECTION

WAC 315-11-461 CRITERIA FOR INSTANT GAME NUMBER 46. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having one or more outer circles with play symbols which match the center circle play symbol shall win the prize in the each of the matching outer circles.

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or payable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 46 set forth in WAC 315-11-462, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

NEW SECTION

WAC 315-11-462 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 46.

(1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 46 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under the center circle rub-off spot on the front of the ticket.

(b) Each play symbol must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Positive Archer Font
Captions	Positive 5 x 9 Font
Pack-Ticket Number	Positive 9 x 12 Font
Validation Number	Positive 9 x 12 Font
Retailer Verification Code	Positive Archer Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and the retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-460(1) and each of the captions must be exactly one of those described in WAC 315-11-460(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 89-17-022

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 89-05—Filed August 8, 1989, 10:51 a.m.]

I, Judith A. Billings, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to chapter 392-140 WAC, Finance—Special allocations, instructions and requirements, WAC 392-140-160, 392-140-164 and 392-140-165, 1987-89 Local education program enhancement allocations to school districts.

This action is taken pursuant to Notice No. WSR 89-13-063 filed with the code reviser on June 20, 1989. 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 28A.41-.170 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 August 7, 1989.

By Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 88-12, filed 4/18/88)

WAC 392-140-160 LOCAL EDUCATION PROGRAM ENHANCEMENT—APPLICABLE PROVISIONS. The provisions of WAC 392-140-160 through 392-140-174 shall be applicable to the distribution of moneys to school districts for the local education program enhancement program for the 1987-88 and 1988-89 school years pursuant to section 506, chapter 7, Laws of 1987 1st ex. sess., as amended by section 505, chapter 289, Laws of 1988.

AMENDATORY SECTION (Amending Order 88-12, filed 4/18/88)

WAC 392-140-165 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—SUPPORT LEVEL. As used in WAC 392-140-160 through 392-140-174, "support level" means:

(1) ~~((For those school districts that apply for local education program enhancement moneys during only school year 1988-89, no less than \$67.50 multiplied by the biennial full-time equivalent students determined pursuant to WAC 392-140-164.~~

~~(2) For those school districts which apply for local education program enhancement moneys in school year 1987-88 and school year 1988-89:~~

~~(a)) For school year 1987-88: A maximum of \$33.75 multiplied by the annual average full-time equivalent students for school year 1987-88 for those school districts satisfying the conditions for receiving moneys pursuant to WAC 392-140-169; and~~

~~((b)) (2) For school year 1988-89: ~~((No less than))~~ A maximum of \$33.75 multiplied by the annual average full-time equivalent students for school year 1988-89 for those school districts satisfying the conditions for receiving moneys pursuant to WAC 392-140-169.~~

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 392-140-164 LOCAL EDUCATION PROGRAM ENHANCEMENT—DEFINITION—BIENNIAL FULL-TIME EQUIVALENT STUDENTS.

WSR 89-17-023

PERMANENT RULES

BOARD OF PHARMACY

[Order 226—Filed August 8, 1989, 11:00 a.m.]

Be it resolved by the Washington State Board of Pharmacy, acting at Seattle, Washington, that it does adopt the annexed rules relating to the practice of pharmacy and the regulation of controlled substances including the following revision to chapter 360-36 WAC. The following rules are proposed for amendment, adoption or repeal:

Amd	WAC 360-36-010	Uniform Controlled Substances Act.
Amd	WAC 360-36-210	Sodium pentobarbital for animal euthanasia.
Amd	WAC 360-36-250	Sodium pentobarbital administration.
Amd	WAC 360-36-260	Sodium pentobarbital records and reports.
Amd	WAC 360-36-270	Sodium pentobarbital registration disciplinary action.
Amd	WAC 360-36-410	Schedule I.
Amd	WAC 360-36-420	Schedule II.
Amd	WAC 360-36-430	Schedule III.
Amd	WAC 360-36-440	Schedule IV.
New	WAC 360-36-500	Other controlled substance registrants—Requirements.
Rep	WAC 360-36-220	Product restrictions.
Rep	WAC 360-36-240	Storage.

This action is taken pursuant to Notice No. WSR 89-12-082 filed with the code reviser on June 7, 1989. 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 69.50.201 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 July 20, 1989.

By Joseph M. Honda
Chairman

AMENDATORY SECTION (Amending Order 206, filed 5/1/87)

WAC 360-36-010 UNIFORM CONTROLLED SUBSTANCES ACT. (1) Consistent with the concept of uniformity where possible with the federal regulations for controlled substances (21 CFR), the federal regulations are specifically made applicable to registrants in this state by virtue of RCW 69.50.306. Although those regulations are automatically applicable to registrants in this state, the board is nevertheless adopting as its own regulations the existing regulations of the federal government published in the Code of Federal Regulations revised as of April 1, ~~((1987))~~ 1989, and all references made therein to the director or the secretary shall have reference to the board of pharmacy, and the following sections are not applicable: Section 1301.11-.13, section 1301.31, section 1301.43-.57, section 1303, section 1308.41-.48, and section 1316.31-.67. The following

specific rules shall take precedence over the federal rules adopted herein by reference, and therefore any inconsistencies shall be resolved in favor of the following specific rules.

(2) Registrations under chapter 69.50 RCW shall be for an annual period with the registration period ending on a date to coincide with those license renewal dates as found in rules promulgated under chapter 18.64 RCW.

(3) A separate registration is required for each place of business (as defined in section 1301.23) where controlled substances are manufactured, distributed or dispensed. Application for registration must be made on forms supplied by the pharmacy board, and all information called for thereon must be supplied unless the information is not applicable, in which case it must be indicated. An applicant for registration must hold the appropriate wholesaler, manufacturer or pharmacy license provided for in chapter 18.64 RCW.

(4) Every registrant shall be required to keep inventory records required by section 1304.04 (of the federal rules which have been adopted by reference by Rule 1) and must maintain said inventory records for a period of five years from the date of inventory. Such registrants are further required to keep a record of receipt and distribution of controlled substances. Such record shall include:

(a) Invoices, orders, receipts, etc. showing the date, supplier and quantity of drug received, and the name of the drug;

(b) Distribution records; i.e., invoices, etc. from wholesalers and manufacturers and prescriptions records for dispensers;

(c) In the event of a loss by theft or destruction, two copies of DEA 106 (report of theft or loss of controlled substances) must be transmitted to the federal authorities and a copy must be sent to the board;

(d) For transfers of controlled substances from one dispenser to another, a record of the transfer must be made at the time of transfer indicating the drug, quantity, date of transfer, who it was transferred to and from whom. Said record must be retained by both the transferee and the transferor. These transfers can only be made in emergencies pursuant to section 1307.11 (federal rules).

(5) The records must be maintained separately for Schedule II drugs. The records for Schedule III, IV and V drugs may be maintained either separately or in a form that is readily retrievable from the business records of the registrant. Prescription records will be deemed readily retrievable if the prescription has been stamped in red ink in the lower right hand corner with the letter "C" no less than one inch high, and said prescriptions are filed in a consecutively numbered prescription file which includes prescription and noncontrolled substances.

(6) A federal order form is required for each distribution of a Schedule I or II controlled substance, and said forms along with other records required to be kept must be made readily available to authorized employees of the board.

(7) Schedule II drugs require that a dispenser have a signed prescription in his possession prior to dispensing

said drugs. An exception is permitted in an "emergency." An emergency exists when the immediate administration of the drug is necessary for proper treatment and no alternative treatment is available, and further, it is not possible for the physician to provide a written prescription for the drug at that time. If a Schedule II drug is dispensed in an emergency, the practitioner must deliver a signed prescription to the dispenser within 72 hours, and further he must note on the prescription that it was filled on an emergency basis.

AMENDATORY SECTION (Amending Order 138, filed 11/8/77)

WAC 360-36-210 ((ELIGIBILITY)) SODIUM PENTOBARBITAL FOR ANIMAL EUTHANASIA.

(1) Registration eligibility. Any humane society or animal control agency who designates a responsible individual under WAC 360-36-260 may apply to the Washington state board of pharmacy for a limited registration under chapter 69.50 RCW (Controlled Substances Act) to purchase, possess and administer sodium pentobarbital. The sodium pentobarbital will be used only to euthanize injured, sick, homeless or unwanted domestic pets and domestic or wild animals.

(2) Sodium pentobarbital restrictions. Sodium pentobarbital obtained under this limited registration shall be labeled "For veterinary use only." The board will make available a list of approved products.

(3) Sodium pentobarbital storage. The registered location supply of sodium pentobarbital shall be kept or stored in a safe or a substantial well-built double-locked drawer or cabinet.

(a) Registrants may designate only the following agents to possess and administer sodium pentobarbital at locations other than the registered location:

(i) Humane officer;

(ii) Animal control enforcement officer;

(iii) Animal control authority;

(iv) Peace officer authorized by police chief, sheriff or county commissioners.

(b) Specially designated agents of the registrant may possess a supply of sodium pentobarbital for emergency field use. Such emergency supply shall be stored in a locked metal box securely attached to the vehicle. The designated agent shall be responsible to insure that the sodium pentobarbital is present at the beginning and is present or accounted for at the end of each shift. A log book shall be kept in which all receipts and use of sodium pentobarbital from the emergency supply shall be recorded.

AMENDATORY SECTION (Amending Order 138, filed 11/8/77)

WAC 360-36-250 ((DRUG)) SODIUM PENTOBARBITAL ADMINISTRATION. All agencies ((so)) registered under ((the chapter)) WAC 360-36-210 will establish written policies and procedures to insure that any of their agents or personnel which administer sodium pentobarbital for animal euthanasia have received sufficient training in its handling and administration, and have demonstrated adequate knowledge of the potentials

and hazards, and proper techniques to be used in administering the drug. A copy of the written policies and procedures shall be filed with the board at the time of initial application for registration. The board shall be notified in writing of any individuals who have qualified to administer sodium pentobarbital or of any amendments or deletions to the policies and procedures.

AMENDATORY SECTION (Amending Order 138, filed 11/8/77)

WAC 360-36-260 SODIUM PENTOBARBITAL RECORDS AND REPORTS. (1) Each agency or society registered in accordance with WAC 360-36-210 shall designate an individual as the registrant who shall be responsible for maintaining all records and submitting all reports required by applicable federal or state law or regulation, including chapter 360-36 WAC.

(2) This ~~((responsible))~~ designated individual shall also be responsible for the ordering, possession, safe storage and utilization of the sodium pentobarbital.

AMENDATORY SECTION (Amending Order 138, filed 11/8/77)

WAC 360-36-270 ((PENALTIES)) SODIUM PENTOBARBITAL REGISTRATION DISCIPLINARY ACTION. In addition to any criminal or civil liabilities that may occur, the board may deny, suspend, or revoke registration upon determination that (1) the registration was procured through fraud or misrepresentation, (2) the registrant or any agent or employee of the registrant has violated any of the federal or state laws related to drugs, or has violated any of the rules or regulations of the board of pharmacy.

AMENDATORY SECTION (Amending Order 200, filed 8/1/86)

WAC 360-36-410 SCHEDULE I. The board finds that the following substances have high potential for abuse and have no accepted medical use in treatment in the United States or that they lack accepted safety for use in treatment under medical supervision. The board, therefore, places each of the following substances in Schedule I.

(a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name, are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

- (1) Acetylmethadol;
- (2) ~~((Alfentanil;~~
- ~~((3))~~ Allylprodine;
- ~~((4))~~ (3) Alphacetylmethadol;
- ~~((5))~~ (4) Alphameprodine;
- ~~((6))~~ (5) Alphamethadol;
- ~~((7))~~ (6) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanllide;

1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

- ~~((8))~~ (7) Benzethidine;
 - ~~((9))~~ (8) Betacetylmethadol;
 - ~~((10))~~ (9) Betameprodine;
 - ~~((11))~~ (10) Betamethadol;
 - ~~((12))~~ (11) Betaprodine;
 - ~~((13))~~ (12) Clonitazene;
 - ~~((14))~~ (13) Dextromoramide;
 - ~~((15))~~ (14) Diampromide;
 - ~~((16))~~ (15) Diethylthiambutene;
 - ~~((17))~~ (16) Difenoxin;
 - ~~((18))~~ (17) Dimenoxadol;
 - ~~((19))~~ (18) Dimepheptanol;
 - ~~((20))~~ (19) Dimethylthiambutene;
 - ~~((21))~~ (20) Dioxaphetyl butyrate;
 - ~~((22))~~ (21) Dipipanone;
 - ~~((23))~~ (22) Ethylmethylthiambutene;
 - ~~((24))~~ (23) Etonitazene;
 - ~~((25))~~ (24) Etoxidine;
 - ~~((26))~~ (25) Furethidine;
 - ~~((27))~~ (26) Hydroxypethidine;
 - ~~((28))~~ (27) Ketobemidone;
 - ~~((29))~~ (28) Levomoramide;
 - ~~((30))~~ (29) Levophenacymorphan;
 - (30) 3-Methylfentanyl (N-[3-Methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
 - (31) Morpheridine;
 - (32) MPPP (1-Methyl-4-phenyl-4-propionoxy-piperidine);
 - (33) Noracymethadol;
 - ~~((33))~~ (34) Norlevorphanol;
 - ~~((34))~~ (35) Normethadone;
 - ~~((35))~~ (36) Norpipanone;
 - (37) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 - ~~((36))~~ (38) Phenadoxone;
 - ~~((37))~~ (39) Phenampromide;
 - ~~((38))~~ (40) Phenomorphan;
 - ~~((39))~~ (41) Phenoperidine;
 - ~~((40))~~ (42) Piritramide;
 - ~~((41))~~ (43) Propheptazine;
 - ~~((42))~~ (44) Properidine;
 - ~~((43))~~ (45) Propiram;
 - ~~((44))~~ (46) Racemoramide;
 - ~~((45))~~ (47) Tilidine;
 - ~~((46))~~ (48) Trimeperidine.
- (c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:
- (1) Acetorphine;
 - (2) Acetyldihydrocodeine;
 - (3) Benzylmorphine;
 - (4) Codeine methylbromide;
 - (5) Codeine-N-Oxide;
 - (6) Cyprenorphine;
 - (7) Desomorphine;
 - (8) Dihydromorphine;

- (9) Drotebanol;
- (10) Etorphine (except hydrochloride salt);
- (11) Heroin;
- (12) Hydromorphenol;
- (13) Methyldesorphine;
- (14) Methyldihydromorphine;
- (15) Morphine methylbromide;
- (16) Morphine methylsulfonate;
- (17) Morphine-N-Oxide;
- (18) Myrophine;
- (19) Nicocodeine;
- (20) Nicomorphine;
- (21) Normorphine;
- (22) Pholcodine;
- (23) Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of paragraph (d) of this section, only, the term "isomer" includes the optical, position, and geometric isomers.):

- (1) ~~((3,4-methylenedioxy amphetamine;~~
- (2) ~~5-methoxy-3,4-methylenedioxy amphetamine;~~
- (3) ~~3,4,5-trimethoxy amphetamine;~~
- (4) ~~4-bromo-2,5-dimethoxy amphetamine. Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA;~~
- (5) ~~2,5-dimethoxyamphetamine. Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;~~
- (6) ~~4-methoxyamphetamine. Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine, PMA;~~
- (7) ~~4-methyl-2,5-dimethoxyamphetamine. Some trade or other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; "STP";~~
- (8) ~~4-bromo-2,5-dimethoxy-amphetamine. Some trade or other names: 4-bromo-2,5-dimethoxy-alpha-methylphenethylamine; 4-bromo-2,5-DMA;~~
- (2) ~~2,5-dimethoxyamphetamine. Some trade or other names: 2,5-dimethoxy-alpha-methylphenethylamine; 2,5-DMA;~~
- (3) ~~4-methoxyamphetamine. Some trade or other names: 4-methoxy-alpha-methylphenethylamine; paramethoxyamphetamine, PMA;~~
- (4) ~~5-methoxy-3,4-methylenedioxy-amphetamine;~~
- (5) ~~4-methyl-2,5-dimethoxy-amphetamine. Some trade and other names: 4-methyl-2,5-dimethoxy-alpha-methylphenethylamine; "DOM"; and "STP";~~
- (6) ~~3,4-methylenedioxy amphetamine;~~
- (7) ~~3,4-methylenedioxy methamphetamine (MDMA);~~
- (8) ~~3,4,5-trimethoxy amphetamine;~~
- (9) ~~Bufotenine. Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;~~

~~((9)) (10) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;~~

~~((+0)) (11) Dimethyltryptamine: Some trade or other names: DMT;~~

~~((+1)) (12) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9methano-5H-pyndo (1',2'1,2) azepino (5,4-b) indole; Tabernanthe iboga;~~

~~((+2)) (13) Lysergic acid diethylamide;~~

~~((+3)) (14) Marihuana;~~

~~((+4)) (15) Mescaline;~~

~~((+5)) (16) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;~~

~~((+6)) (17) Peyote, meaning all parts of the plant presently classified botanically as Lophophora Williamsii Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 USC § 812 (c), Schedule I (c)(12))~~

~~((+7)) (18) N-ethyl-3-piperidyl benzilate;~~

~~((+8)) (19) N-methyl-3-piperidyl benzilate;~~

~~((+9)) (20) Psilocybin;~~

~~((+20)) (21) Psilocyn;~~

~~((+21)) (22) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, specifically, and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:~~

~~(i) Delta 1 - cis - or trans~~

~~tetrahydrocannabinol, and their optical isomers, excluding dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;~~

~~(ii) Delta 6 - cis - or trans~~

~~tetrahydrocannabinol, and their optical isomers;~~

~~(iii) Delta ((3:4)) 3,4 - cis - or trans~~

~~tetrahydrocannabinol, and its optical isomers;~~

~~(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)~~

~~((+22)) (23) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine; N-(1-phenylcyclohexyl)ethylamine; cyclohexamine; PCE;~~

~~((+23)) (24) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;~~

~~((+24)) (25) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thenyl]-cyclohexyl)-pipendine; 2-thienylanalog of phencyclidine; TPCP; TCP;~~

~~(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of mecloqualone having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers,~~

and salts of isomers is possible within the specific chemical designation.

(i) Mecloqualone;

(ii) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(i) Fenethyline;

(ii) N-ethylamphetamine.

AMENDATORY SECTION (Amending Order 200, filed 8/1/86)

WAC 360-36-420 SCHEDULE II. The board finds that the following substances have a high potential for abuse and have currently accepted medical use in treatment in the United States, or currently accepted medical use with severe restrictions and that the abuse of the following substances may lead to severe psychic or psychological dependence. The board, therefore, places each of the following substances in Schedule II.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule II.

(b) Substances. (Vegetable origin or chemical synthesis.) Unless specifically excepted, any of the following substances, except those listed in other schedules, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by combination of extraction and chemical synthesis:

(1) Opium and opiate, and any salt, compound, derivative, or preparation of opium or opiate, excluding apomorphine, dextrophan, nalbuphine, naloxone, and naltrexone, and their respective salts, but including the following:

(i) Raw opium;

(ii) Opium extracts;

(iii) Opium fluid ((extracts));

(iv) Powdered opium;

(v) Granulated opium;

(vi) Tincture of opium;

(vii) Codeine;

(viii) Ethylmorphine;

(ix) Etorphine hydrochloride;

(x) Hydrocodone;

(xi) Hydromorphone;

(xii) Metopon;

(xiii) Morphine;

(xiv) Oxycodone;

(xv) Oxymorphone; and

(xvi) Thebaine.

(2) Any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in paragraph (b)(1) of this section, but not including the isoquinoline alkaloids of opium.

(3) Opium poppy and poppy straw.

(4) Coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extractions which do not contain cocaine or ecgonine.

(5) Concentrate of poppy straw (The crude extract of poppy straw in either liquid, solid, or powder form which contains the phenanthrine alkaloids of the opium poppy.)

(c) Opiates. Unless specifically excepted or unless in another schedule any of the following opiates, including its isomers, esters, ethers, salts, and salts of isomers, esters, and ethers whenever the existence of such isomers, esters, ethers, and salts is possible within the specific chemical designation, dextrophan and levopropoxyphene excepted:

(1) Alfentanil;

(2) Alphaprodine;

~~((2))~~ (3) Anileridine;

~~((3))~~ (4) Bezitramide;

~~((4))~~ (5) Bulk dextropropoxyphene (nondosage forms);

~~((5))~~ (6) Dihydrocodeine;

~~((6))~~ (7) Diphenoxylate;

~~((7))~~ (8) Fentanyl;

~~((8))~~ (9) Isomethadone;

~~((9))~~ (10) Levomethorphan;

~~((10))~~ (11) Levorphanol;

~~((11))~~ (12) Metazocine;

~~((12))~~ (13) Methadone;

~~((13))~~ (14) Methadone—Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane;

~~((14))~~ (15) Moramide—Intermediate, 2-methyl-3-morpholino-1, 1-diphenylpropane-carboxylic acid;

~~((15))~~ (16) Pethidine (meperidine);

~~((16))~~ (17) Pethidine—Intermediate—A, 4-cyano-1-methyl-4-phenylpiperidine;

~~((17))~~ (18) Pethidine—Intermediate—B, ethyl-4-phenylpiperidine-4-carboxylate;

~~((18))~~ (19) Pethidine—Intermediate—C, 1-methyl-4-phenylpiperidine-4-carboxylic acid;

~~((19))~~ (20) Phenazocine;

~~((20))~~ (21) Piminodine;

~~((21))~~ (22) Racemethorphan;

~~((22))~~ (23) Racemorphan;

~~((23))~~ (24) Sufentanil.

(d) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system:

(1) Amphetamine, its salts, optical isomers, and salts of its optical isomers;

(2) Methamphetamine, its salts, isomers, and salts of its isomers;

(3) Phenmetrazine and its salts;

(4) Methylphenidate.

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers,

and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Amobarbital;
- (2) Pentobarbital;
- (3) Phencyclidine;
- (4) ((Phencyclidine immediate precursors;
 - (i) 1-phenylcyclohexylamine;
 - (ii) 1-piperidinocyclohexanecarbonitrile (PCC);
 (5)) Secobarbital.
- (f) Immediate precursors. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances:

(1) Immediate precursor to amphetamine and methamphetamine:

(2) Phenylacetone: Some trade or other names phenyl-2-propanone, P2P, benzyl methyl ketone, methyl benzyl ketone.

(3) Immediate precursors to phencyclidine (PCP):

- (i) 1-phenylcyclohexylamine;
- (ii) 1-piperidinocyclohexanecarbonitrile (PCC).

(g) Hallucinogenic substances. Dronabinol (synthetic) in sesame oil and encapsulated in a soft gelatin capsule in a United States Food and Drug Administration approved drug product. (Some other names for dronabinol [6aR-trans]-6a,7,8,10a-tetrahydro-6,6,9-trimethyl-3-pentyl-6H-dibenzo[b,d]pyran-i-ol, or (-)-delta-9-(trans)-tetrahydrocannabinol.)

AMENDATORY SECTION (Amending Order 190, filed 11/7/84)

WAC 360-36-430 SCHEDULE III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13(b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

- (2) Benzphetamine;
- (3) Chlorphentermine;
- (4) Clortermine;
- (5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

- (i) Amobarbital;
- (ii) Secobarbital;
- (iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

- (4) Chlorhexadol;
- (5) Glutethimide;
- (6) Lysergic acid;
- (7) Lysergic acid amide;
- (8) Methyprylon;
- (9) Sulfondiethylmethane;
- (10) Sulfonethylmethane;
- (11) Sulfonmethane;

(12) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e] [1,4] diazepin 7 (1H)—one fluprazapon.

(d) Nalorphine.

(e) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculated as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

AMENDATORY SECTION (Amending Order 190, filed 11/7/84)

WAC 360-36-440 SCHEDULE IV. The board finds that the following substances have a low potential for abuse relative to substances in Schedule III and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The board, therefore, places each of the following substances in Schedule IV.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule IV.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha-(+)-e-dimethylamino-1,2-diphenyl-3-methyl-2 propionoxybutane).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Barbital;
- (3) Bromazepam;
- (4) Carmazepam;
- (5) Chloral betaine;
- ~~((4))~~ (6) Chloral hydrate;
- ~~((5))~~ (7) Chlordiazepoxide;

- ~~((6))~~ (8) Clobazam;
- (9) Clonazepam;
- ~~((7))~~ (10) Clorazepate;
- ~~((8))~~ (11) Clotiazepam;
- (12) Cloxazolam;
- (13) Delorazepam;
- (14) Diazepam;
- ~~((9))~~ (15) Estazolam;
- (16) Ethchlorvynol;
- ~~((10))~~ (17) Ethinamate;
- ~~((11))~~ (18) Ethyl loflazepate;
- (19) Fludiazepam;
- (20) Flunitrazepam;
- (21) Flurazepam;
- ~~((12))~~ (22) Halazepam;
- ~~((13))~~ (23) Haloxazolam;
- (24) Ketazolam;
- (25) Loprazolam;
- (26) Lorazepam;
- ~~((14))~~ (27) Lormetazepam;
- (28) Mebutamate;
- ~~((15))~~ (29) Medazepam;
- (30) Meprobamate;
- ~~((16))~~ (31) Methohexital;
- ~~((17))~~ (32) Methylphenobarbital (mephobarbital);
- ~~((18))~~ (33) Midazolam;
- (34) Nimetazepam;
- (35) Nitrazepam;
- (36) Nordiazepam;
- (37) Oxazepam;
- ~~((19))~~ (38) Oxazolam;
- (39) Paraldehyde;
- ~~((20))~~ (40) Petrichloral;
- ~~((21))~~ (41) Phenobarbital;
- ~~((22))~~ (42) Pinazepam;
- (43) Prazepam;
- ~~((23))~~ (44) Quazepam;
- (45) Temazepam;
- ~~((24))~~ (46) Tetrazepam;
- (47) Triazolam.

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position or geometric), and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Diethylpropion;
- (2) Mazindol;
- (3) Pemoline (including organometallic complexes and chelates thereof);
- (4) Phentermine;
- (5) Pipradrol;
- (6) SPA ((-)-1-dimethylamino-1, 2-dephenylethane.

(f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:

- (1) Pentazocine.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 360-36-220 PRODUCT RESTRICTIONS.
WAC 360-36-240 STORAGE.

NEW SECTION

WAC 360-36-500 OTHER CONTROLLED SUBSTANCE REGISTRANTS—REQUIREMENTS.

(1) All persons and firms, except persons exempt from registration, shall register with the board in order legally to possess or use controlled substances.

(2) Persons or firms which are not classified as pharmacies, wholesalers, manufacturers, or researchers shall be classified as other controlled substance registrants. Examples of persons or firms in this classification include analytical laboratories, dog handlers/trainers who use dogs for drug detection purposes, school laboratories and other agencies which have a legitimate need to use precursor chemicals as defined in WAC 360-36-425.

(3) The applicant for a controlled substance registration shall complete and return an application form supplied by the board. Either on the form or on an addendum, the applicant shall list the controlled substances to be used, the purpose for such use, and the names of the persons authorized to access the controlled substances.

(4) All controlled substances shall be stored in a substantially constructed locked cabinet. The registrant shall maintain records in sufficient detail in order to account for the receipt, use, and disposition of all controlled substances. An inventory of all controlled substances in the possession of the registrant shall be completed every two years on the anniversary of the issuance of the registration and shall be maintained for two years. Unwanted, outdated, or unusable controlled substances shall be returned to the source from which obtained or surrendered to the Federal Drug Enforcement Administration.

WSR 89-17-024

PERMANENT RULES

DEPARTMENT OF COMMUNITY DEVELOPMENT

(Fire Protection)

[Order 89-03—Filed August 8, 1989, 2:15 p.m.]

I, Chuck Clarke, director of the Department of Community Development, do promulgate and adopt at the 9th and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151, the annexed rules relating to:

- Amd WAC 212-17-140 Fireworks wholesaler—Records and reports.
Amd WAC 212-17-195 Retailers of fireworks—Sales locations.

This action is taken pursuant to Notice No. WSR 89-13-019 filed with the code reviser on June 12, 1989. 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 70.77 RCW, State fireworks law 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 August 8, 1989.

By Chuck Clarke
Director

AMENDATORY SECTION (Amending Order FPS 88-01, filed 3/31/88)

WAC 212-17-140 FIREWORKS WHOLESALER—RECORDS AND REPORTS. ((+)) The licensee shall maintain and make available to the director of fire protection full and complete records including imports, purchases, sales, and consumption of fireworks items by kind and class.

~~((2) The licensee shall file a report annually of all fireworks transactions during the calendar year by class and kind, including imports, purchases, sales and consumption. Reports shall be on forms as provided by the director of fire protection and must be filed with the director of fire protection at the time application is made for renewal of the wholesalers license or before. Supporting records to verify the totals included in the report shall be maintained and made available for review by the director of fire protection.~~

~~((3) Additional reports, as may be determined necessary by the director of fire protection for the proper administration of the state fireworks law, shall be submitted as requested in a timely manner.~~

~~((4) Information provided pursuant to this chapter shall be considered proprietary and therefore not subject to disclosure, only insofar as such exemption is provided by chapter 42.17 RCW.))~~

AMENDATORY SECTION (Amending Order FPS 88-01, filed 3/31/88)

WAC 212-17-195 RETAILERS OF FIREWORKS—SALES LOCATIONS. (1) Fireworks sold at retail shall be sold only:

- (a) In roadside stands; or
(b) Buildings used for no other purpose.

~~((2) (Roadside stands shall meet all applicable fire codes for temporary structures and shall be separated from public ways, property lines, and permanent structures as required by local officials.~~

~~((3) Buildings shall be permanent structures of not over five hundred square feet in area, used exclusively for retail firework sales. "Building," for this purpose, does not include subdivided areas within a building or structure. Buildings used for retail firework sales shall be separated from other buildings in which flammable or~~

~~combustible materials or fireworks are stored, or in which people regularly congregate, by a minimum distance of fifty feet.~~

~~(4) Fireworks offered for retail sale in a roadside stand or building must be protected from direct contact and handling by the public at all times. Self-serve or marketing where retail customers are allowed to move among stocks of fireworks or serve themselves from fireworks stocks or displays is strictly prohibited. A sales clerk must be on duty to serve the customer at the time of purchase.~~

~~(5))~~ Each retail fireworks location shall have not less than two water-type extinguishers of not less than two and one-half gallon capacity or alternate equipment deemed equivalent by the local fire authority.

~~((6))~~ (3) During the hours that a fireworks stand or location is not open for business, it shall be closed and locked unless all fireworks have been removed.

**WSR 89-17-025
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Filed August 8, 1989, 4:27 p.m.]

Original Notice.

Title of Rule: Amending WAC 275-16-030 Schedule of charges.

Purpose: To revise the schedule of charges for state hospitals. Charges increase as hospital costs increase. Increased charges result in additional revenue to the state.

Statutory Authority for Adoption: RCW 71.02.412.

Statute Being Implemented: RCW 71.02.412.

Summary: Schedule of rate changes for Western State Hospital, Eastern State Hospital and Child Study and Treatment Center is revised based on the previous year's costs at these hospitals as required by RCW 43.20B.325.

Reasons Supporting Proposal: This rule is necessary to reflect costs of operating the state hospitals as required by RCW 43.20B.325.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jan Wells, Mental Health Division, 753-2743.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health

Services, Mailstop OB-33H, Olympia, Washington 98504, by October 3, 1989.

Date of Intended Adoption: October 10, 1989.

August 8, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2715, filed 10/19/88)

WAC 275-16-030 SCHEDULE OF CHARGES. Pursuant to RCW 43.20B.325, the department shall base hospitalization charges for clients in state hospitals on the actual operating costs of such hospitals for the previous year. Hospitalization charges are due and payable on or before the tenth day of each calendar month for services rendered to clients of the department during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
--	------------------------	----------------------------------	------------------------

(a) INPATIENT SERVICES -

Hospital Costs Per Day	\$(140.12)	229.75	169.86)
	155.57	255.07	194.55
Physician Costs	*	((8.79))	12.16 *

*The department shall bill the client for physician costs on a fee-for-service basis.

(b) OUTPATIENT SERVICES -
Per diem

Outpatient	—	—	—
Day Care Per Day	—	((72.48))	80.45
Per Hour	—	((12.91))	14.34

(c) ANCILLARY SERVICES -
Per relative value unit ¹/₁

Radiology	((5.88)	5.88	4.50))
	5.50	5.50	3.65
Pathology	.32	.32	((.18)) .20
Medical Clinics	((2.15)	2.15	5.79))
	1.73	1.73	8.42
Electrocardiogram	((.22)	.22	.44))
	.13	.13	.40
Physical Therapy	((3.48)	3.48	3.96))
	5.82	5.82	9.91
Occupational Therapy	—	—	((19.15))
			21.97
Speech Therapy	—	—	((18.32))
			15.76
Dental	((22.54)	22.54	17.09))
	24.60	24.60	50.70
Podiatry	1.28	1.28	1.00

(2) Services required by the client, not provided by hospital staff, shall be purchased by the department from private sources and the client shall be charged ((at)) actual cost.

¹/California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

**WSR 89-17-026
PROPOSED RULES
DEPARTMENT OF HEALTH
(Filed August 8, 1989, 4:29 p.m.)**

Original Notice.

Title of Rule: WAC 440-44-042 Hospice and home health and home care agencies.

Purpose: To establish fee schedules covering costs of licensing activities and inspections for new licensure categories or combinations under chapter 70.127 RCW.

Statutory Authority for Adoption: RCW 43.20B.110.

Statute Being Implemented: RCW 43.20B.110.

Summary: Schedules for annual fees required for initial or renewal licensing of hospice, home care and home health agencies are provided. In addition to single category fees, combinations of licenses are charged reduced fees as required under RCW 70.127.110. Fee collection started July 1, 1989, when first of applications were received and processed under chapter 70.127 RCW.

Reasons Supporting Proposal: This rule is necessary to provide reduced rates for licensing when various combinations of categories are requested by an applicant, as required under chapter 70.127 RCW.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ken Lewis, Facility Licensing and Certification, 753-5851.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

Small Business Economic Impact Statement: RCW 43.20B.110 requires the department to charge fees to licensees for obtaining a license. Fees are sufficient to cover the full cost to the department for operation of a licensure program for each category or class of activities, including the costs for performing field inspections of the premises. Chapter 70.127 RCW also requires inspections of private homes of patients.

Each applicant is required to submit the required fee with the application for an initial or renewal license annually. No special record-keeping or professional service is required. The department receives and records fees before issuing the license. Receipts accompany the license for retention by licensee. No added filing or book-keeping is required other than writing a check to cover annual fee. Fee schedules provide reduced rates for combination of licenses. Volunteer organizations are not charged fees.

Prior to the passage of chapter 70.127 RCW, licensure of these agencies was not required. Since licensure was not mandated, statistics on the number of businesses affected is not currently available. The department sought information from over four hundred persons affiliated with potentially impacted organizations and agencies statewide over a one-year period prior to development of rules. Twenty full-day public work sessions were conducted during rule development in Spokane, Tacoma, Yakima, and Seattle from June-December 1988. Over two hundred people participated. Many of those participating regularly in the rule development process were planning licensure and met criteria of small business.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 33H [OB-33H], Olympia, Washington 98504, by October 3, 1989.

Date of Intended Adoption: October 10, 1989.

August 8, 1989
Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 440-44-042 HOSPICE AND HOME HEALTH AND HOME CARE AGENCIES. (1) Hospice agencies licensed under chapter 70.127 RCW shall submit an annual license fee of five hundred dollars to the department.

(2) Home health agencies licensed under chapter 70.127 RCW shall submit an annual license fee of six hundred dollars to the department.

(3) Home care agencies licensed under chapter 70.127 RCW shall submit an annual license fee of six hundred twenty-five dollars to the department.

(4) The department shall assess annual fees for combinations of initial licenses or renewal of combination of licenses under RCW 70.127-.110 as follows:

Categories of Agencies	Fee When All Agencies at One Address	Fee When Agencies At Separate Addresses Within One County
Home Health and Hospice	\$ 800	\$ 900
Home Health and Home Care	1,000	1,100
Hospice and Home Care	700	800
Home Health and Home Health	1,000	1,100
Hospice and Hospice	800	900
Home Care and Home Care	1,000	1,100
Any combination of three of the same or different categories	1,200	1,300
Any combination of four of the same or different categories	1,600	1,700
Any combination of five of the same or different categories	2,000	2,100

WSR 89-17-027

EMERGENCY RULES

DEPARTMENT OF HEALTH

[Order 2838—Filed August 8, 1989, 4:30 p.m.]

Date of Adoption: August 4, 1989.

Purpose: To establish fee schedules covering costs of licensing activities and inspections for new licensure categories or combinations under chapter 70.127 RCW.

Citation of Existing Rules Affected by this Order: Amending WAC 440-44-042 Hospice and home health and home care agencies.

Statutory Authority for Adoption: RCW 43.20B.110.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to provide reduced rates for licensing when various combinations of categories are requested by an applicant, as required under chapter 70.127 RCW.

Effective Date of Rule: Immediately.

August 7, 1989
Lucille Christenson
Acting Secretary

NEW SECTION

WAC 440-44-042 HOSPICE AND HOME HEALTH AND HOME CARE AGENCIES. (1) Hospice agencies licensed under chapter 70.127 RCW shall submit an annual license fee of five hundred dollars to the department.

(2) Home health agencies licensed under chapter 70.127 RCW shall submit an annual license fee of six hundred dollars to the department.

(3) Home care agencies licensed under chapter 70.127 RCW shall submit an annual license fee of six hundred twenty-five dollars to the department.

(4) The department shall assess annual fees for combinations of initial licenses or renewal of combination of licenses under RCW 70.127.110 as follows:

Categories of Agencies	Fee When All Agencies at One Address	Fee When Agencies At Separate Addresses Within One County
Home Health and Hospice	\$ 800	\$ 900
Home Health and Home Care	1,000	1,100
Hospice and Home Care	700	800
Home Health and Home Health	1,000	1,100
Hospice and Hospice	800	900
Home Care and Home Care	1,000	1,100
Any combination of three of the same or different categories	1,200	1,300
Any combination of four of the same or different categories	1,600	1,700
Any combination of five of the same or different categories	2,000	2,100

**WSR 89-17-028
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Institutions)**

[Order 2845—Filed August 8, 1989, 4:32 p.m.]

Date of Adoption: August 8, 1989.

Purpose: To revise the schedule of charges for state hospitals. Charges increase as hospital costs increase. Increased charges result in additional revenue to the state.

Citation of Existing Rules Affected by this Order: Amending WAC 275-16-030 Schedule of charges.

Statutory Authority for Adoption: RCW 71.02.412.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to reflect costs of operating the state hospitals as required by RCW 43.20B.325.

Effective Date of Rule: August 9, 1989, 12:01 a.m.

August 8, 1989
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2715, filed 10/19/88)

WAC 275-16-030 SCHEDULE OF CHARGES. Pursuant to RCW 43.20B.325, the department shall base hospitalization charges for clients in state hospitals on the actual operating costs of such hospitals for the previous year. Hospitalization charges are due and payable on or before the tenth day of each calendar month for services rendered to clients of the department during the preceding month, based upon the following schedule:

(1) COSTING AND BILLING RATES

	Western State Hospital	Child Study and Treatment Center	Eastern State Hospital
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(a) INPATIENT SERVICES -

Hospital Costs Per Day	\$(140.12) 229.75 169.86)	155.57	255.07	194.55
Physician Costs	*	((8.79))	12.16	*

*The department shall bill the client for physician costs on a fee-for-service basis.

(b) OUTPATIENT SERVICES -
Per diem

Outpatient Day Care Per Day	—	—	—
Per Hour	—	((72.48)) 80.45	—
	—	((2.91)) 14.34	—

(c) ANCILLARY SERVICES -
Per relative value unit ^{1/}

Radiology	((5.88) 5.50	5.88 5.50	4.50)) 3.65
Pathology	.32	.32	((.18)) .20
Medical Clinics	((2.15) 1.73	2.15 1.73	5.79)) 8.42
Electrocardiogram	((.22) .13	.22 .13	.44)) .40
Physical Therapy	((3.48) 5.82	3.48 5.82	3.96)) 9.91
Occupational Therapy	—	—	((19.15)) 21.97
Speech Therapy	—	—	((18.32)) 15.76
Dental	((22.54) 24.60	22.54 24.60	17.09)) 50.70
Podiatry	1.28	1.28	1.00

(2) Services required by the client, not provided by hospital staff, shall be purchased by the department from private sources and the client shall be charged ((~~at~~)) actual cost.

^{1/}California Medical Association. Relative Value Studies. Fifth edition. San Francisco: 693 Sutter Publication, Inc., 1969, 135 pp.

**WSR 89-17-029
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 2846—Filed August 8, 1989, 4:33 p.m.]

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

annexed rules relating to common eligibility conditions, amending WAC 388-55-010.

This action is taken pursuant to Notice No. WSR 89-13-081 filed with the code reviser on June 21, 1989. 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-.550 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 August 8, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2752, filed 1/6/89)

WAC 388-55-010 COMMON ELIGIBILITY CONDITIONS. (1) The department shall grant assistance to refugees within the provisions of P.L. 96-212, the Refugee Assistance Program.

(2) For the purpose of the refugee assistance program, the department defines refugee as a person who has fled from and cannot return to ~~((his or her))~~ the refugee's country due to persecution or fear of persecution because of race, religion, or political opinion. Under this definition, the department shall include the following persons as refugees:

(a) A person from Cambodia, Laos, or Vietnam who:

- (i) Has parole status; or
- (ii) Has voluntary departure status; or
- (iii) Has conditional entry status; or
- (iv) Was admitted to the United States with permanent resident status on or after April 8, 1975 (the date the president designated Vietnamese and Cambodians to be refugees under the Migration and Refugee Assistance Act); or

(v) Has permanent resident status as a result of adjustment of status under P.L. 95-145.

(b) A person from Cuba receiving assistance or services under the Cuban phase-down program, who entered the United States on or after October 1, 1978. Such persons shall have:

(i) A registration card issued by the United States Cuban Refugee Center in Miami on or after October 1, 1978; and

(ii) Immigration and Naturalization Service (INS) documentation sufficient to establish the person entered the United States on or after October 1, 1978, or verification with the United States Cuban Refugee Center of the person's date of entry.

(c) A person from any country having parole status as a refugee or asylee under Section 212 (d)(5) of the INA;

(d) A person admitted from any country as a conditional entrant under Section 203 (a)(7) of the INA;

(e) A person from any country admitted as a refugee under Section 207 of the Immigration and Naturalization Act (INA);

(f) A person classified as an Amerasian immigrant from Vietnam admitted through the orderly departure program, under section 584 of the Foreign Operations Appropriations Act, incorporated in the FY88 Continuing Resolution P.L. 100-202;

(g) A person from any country having been granted asylum under Section 208 of the INA; and

(h) A person from any country previously holding one of the statuses identified in this section whose status has changed to permanent resident alien.

(3) The department shall transfer eligible refugees to the AFDC, FIP, and/or Medicaid programs retroactively effective October 1, 1977, or as of such date as the refugees qualified for refugee assistance, whichever is later. The department shall regard such refugees as recipients rather than new applicants and shall disregard ~~((their))~~ the recipient's income accordingly.

(4) The department shall determine eligibility for AFDC or Medicaid before determining eligibility for the refugee assistance program for applications from refugees not currently receiving refugee cash assistance and/or medical assistance.

(a) If ~~((the department determines))~~ the applicant is not eligible for AFDC or FIP, then the department shall determine eligibility under the refugee assistance program.

(b) If ~~((the department determines))~~ the applicant is not eligible for Medicaid, then the department shall determine eligibility under the refugee assistance program.

(5) The department shall waive requirements of categorical relatedness of federal assistance programs, except for mandatory monthly reporting, for refugee assistance program. Requirements under WAC 388-24-044 apply.

(6) The department shall determine as not eligible for refugee assistance, refugees terminated from the AFDC program because of refusal to comply with eligibility requirements.

(7) Except as specified in subsection (8) of this section, the department shall provide assistance to all refugees, regardless of family composition, at the AFDC monthly standards. The department shall treat income and resources according to AFDC standards. The department shall not consider resources which are unavailable, including property remaining in other countries, in determining eligibility for financial assistance.

(8) Applicants for and recipients of refugee assistance are not eligible for the thirty dollar plus one-third of the remainder exemption from earned income.

(9) The department shall treat the refugee family unit including United States citizen's children, by virtue of being born in this country, as a single assistance unit under the refugee assistance program ~~((in accordance with))~~ under the provisions of WAC 388-24-050.

(10) Beginning October 1, 1988, the department shall consider refugees meeting the criteria in this section as eligible for refugee assistance only during the twelve-month period beginning the first of the month the refugee entered the United States.

(11) The department shall not consider full-time students in an institution of higher education eligible for refugee assistance, unless participating in a department-

approved job or language training program not to exceed twelve months.

(12) The department shall notify the voluntary agency (VOLAG) sponsoring the refugee (~~whenever~~) when the refugee applies for assistance.

(13) Refugees meeting the criteria in this section are eligible for additional requirements for emergent situations (~~as in~~) under chapter 388-29 WAC.

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

WSR 89-17-030
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2847—Filed August 8, 1989, 4:34 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to unallowable costs, amending WAC 388-96-585.

This action is taken pursuant to Notice No. WSR 89-13-083 filed with the code reviser on June 21, 1989. 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 74.46.800 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 August 8, 1989.

By Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2742, filed 12/21/88)

WAC 388-96-585 UNALLOWABLE COSTS. (1) The department shall not allow costs if not documented, necessary, ordinary, and related to the provision of care services to authorized patients.

(2) The department shall include, but not limit unallowable costs to the following:

(a) Costs of items or services not covered by the medical care program. Costs of nonprogram items or services even if indirectly reimbursed by the department as the result of an authorized reduction in patient contribution.

(b) Costs of services and items provided to SNF or ICF recipients (~~which are~~) covered by the department's medical care program but not included in SNF or ICF services respectively. Items and services covered by the medical care program are listed in chapters 388-86 and 388-88 WAC.

(c) Costs associated with a capital expenditure subject to Section 1122 approval (Part 100, Title 42 C.F.R.) if the department found the capital expenditure inconsistent with applicable standards, criteria, or plans. If the contractor did not give the department timely notice of a proposed capital expenditure, all associated costs shall be nonallowable as of the date the costs are determined not to be reimbursable under applicable federal regulations.

(d) Costs associated with a construction or acquisition project requiring certificate of need approval pursuant to chapter 70.38 RCW if such approval was not obtained.

(e) Costs of outside activities (e.g., costs allocable to the use of a vehicle for personal purposes or related to the part of a facility leased out for office space).

(f) Salaries or other compensation of owners, officers, directors, stockholders, and others associated with the contractor or home office, except compensation paid for service related to patient care.

(g) Costs in excess of limits or violating principles set forth in this chapter.

(h) Costs resulting from transactions or the application of accounting methods circumventing the principles of the prospective cost-related reimbursement system.

(i) Costs applicable to services, facilities, and supplies furnished by a related organization in excess of the lower of the cost to the related organization or the price of comparable services, facilities, or supplies purchased elsewhere.

(j) Bad debts. Beginning July 1, 1983, the department shall allow bad debts of Title XIX recipients only if:

(i) The debt is related to covered services;

(ii) It arises from the recipient's required contribution toward the cost of care;

(iii) The provider can establish reasonable collection efforts were made;

(iv) The debt was actually uncollectible when claimed as worthless; and

(v) Sound business judgment established there was no likelihood of recovery at any time in the future.

Reasonable collection efforts shall consist of three documented attempts by the contractor to obtain payment. Such documentation shall demonstrate the effort devoted to collect the bad debts of Title XIX recipients is at the same level as the effort normally devoted by the contractor to collect the bad debts of non-Title XIX patients. Should a contractor collect on a bad debt, in whole or in part, after filing a cost report, reimbursement for the debt by the department shall be refunded to the department to the extent of recovery. The department shall compensate a contractor for bad debts of Title XIX recipients at final settlement through the final settlement process only.

(k) Charity and courtesy allowances.

(l) Cash, assessments, or other contributions, excluding dues, to charitable organizations, professional organizations, trade associations, or political parties, and costs incurred to improve community or public relations. Any portion of trade association dues attributable to legal and consultant fees and costs in connection with lawsuits or other legal action against the department shall be unallowable.

(m) Vending machine expenses.

- (n) Expenses for barber or beautician services not included in routine care.
- (o) Funeral and burial expenses.
- (p) Costs of gift shop operations and inventory.
- (q) Personal items such as cosmetics, smoking materials, newspapers and magazines, and clothing, except items used in patient activity programs where clothing is a part of routine care.
- (r) Fund-raising expenses, except expenses directly related to the patient activity program.
- (s) Penalties and fines.
- (t) Expenses related to telephones, televisions, radios, and similar appliances in patients' private accommodations.
- (u) Federal, state, and other income taxes.
- (v) Costs of special care services except where authorized by the department.
- (w) Expenses of key-man insurance and other insurance or retirement plans not in fact made available to all employees on an equal or fair basis in terms of costs to employees and benefits commensurate to such costs.
- (x) Expenses of profit-sharing plans.
- (y) Expenses related to the purchase and/or use of private or commercial airplanes which are in excess of what a prudent contractor would expend for the ordinary and economic provision of such a transportation need related to patient care.
- (z) Personal expenses and allowances of owners or relatives.
- (aa) All expenses of maintaining professional licenses or membership in professional organizations.
- (bb) Costs related to agreements not to compete.
- (cc) Goodwill and amortization of goodwill.
- (dd) Expense related to vehicles which are in excess of what a prudent contractor would expend for the ordinary and economic provision of transportation needs related to patient care.
- (ee) Legal and consultant fees in connection with a fair hearing against the department relating to those issues where:
- (i) A final administrative decision is rendered in favor of the department or where otherwise the determination of the department stands at the termination of administrative review; or
- (ii) In connection with a fair hearing, a final administrative decision has not been rendered; or
- (iii) In connection with a fair hearing, related costs are not reported as unallowable and identified by fair hearing docket number in the period they are incurred if no final administrative decision has been rendered at the end of the report period; or
- (iv) In connection with a fair hearing, related costs are not reported as allowable, identified by docket number, and prorated by the number of issues decided favorably to a contractor in the period a final administrative decision is rendered.
- (ff) Legal and consultant fees in connection with a lawsuit against the department, including suits which are appeals of administrative decisions.
- (gg) Lease acquisition costs and other intangibles not related to patient care.
- (hh) Interest charges assessed by the state of Washington for failure to make timely refund of overpayments and interest expenses incurred for loans obtained to make such refunds.
- (ii) Beginning January 1, 1985, lease costs, including operating and capital leases, except for office equipment operating lease costs.
- (jj) Beginning January 1, 1985, interest costs.
- (kk) Travel expenses outside the states of Idaho, Oregon, and Washington, and the Province of British Columbia. However, travel to or from the home or central office of a chain organization operating a nursing home will be allowed whether inside or outside these areas if such travel is necessary, ordinary, and related to patient care.
- (ll) Board of director fees for services in excess of one hundred dollars per board member, per meeting, not to exceed twelve meetings per year.
- (mm) Moving expenses of employees in the absence of a demonstrated, good-faith effort to recruit within the states of Idaho, Oregon, and Washington, and the Province of British Columbia.
- (nn) Depreciation expense in excess of twenty-five hundred dollars per year for passenger cars or other vehicles primarily used for the administrator, facility staff, or central office staff.
- (oo) Any costs associated with the use of temporary health care personnel from any nursing pool not registered with the director of the department of licensing at the time of such pool personnel use.
- (pp) Costs of payroll taxes associated with compensation in excess of allowable compensation for owners, relatives, and administrative personnel.
- (qq) Department-imposed postsurvey charges incurred by the facility as a result of subsequent inspections which occur beyond the first postsurvey visit during the certification survey calendar year.
- (rr) Costs and fees otherwise allowable for legal services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs, measured on a total cost basis, reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply to a contractor if the contractor has not exceeded this percentile at any time during the three years preceding the most recent cost report year.
- (ss) Costs and fees otherwise allowable for accounting and bookkeeping services, whether purchased, allocated by a home office, regional office or management company, or performed by the contractor or employees of the contractor, in excess of the eighty-fifth percentile of such costs, measured on a per patient-day cost basis, reported by all contractors for the most recent cost report period: PROVIDED, That this limit shall not apply to a contractor if the contractor has not exceeded this percentile at any time during the three years preceding the most recent cost report year.

WSR 89-17-031
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 2848—Filed August 8, 1989, 4:35 p.m.]

I, Leslie F. James, director of Administrative Services, do promulgate and adopt at Olympia, Washington, the annexed rules relating to disregard of income and resources, amending WAC 388-28-575.

This action is taken pursuant to Notice No. WSR 89-12-074 filed with the code reviser on June 7, 1989. 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 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 August 8, 1989.

By Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2718, filed 10/27/88)

WAC 388-28-575 DISREGARD OF INCOME AND RESOURCES. (1) For aid to families with dependent children (AFDC), the department shall disregard as income and as a resource the following payments:

- (a) Grants, loans, or federal work study to an undergraduate student insured by the Secretary of Education, U.S. Department of Education;
- (b) Per capita judgment funds under Public Law (P.L.) 92-254 to members of the:
 - (i) Blackfoot Tribe of the Blackfoot Indian Reservation, Montana; and
 - (ii) Gros Ventre Tribe of the Fort Belknap Reservation, Montana.
- (c) Indian claim settlement per capita funds or funds held in trust under P.L. 93-134 or P.L. 94-114;
- (d) The income of a Supplemental Security Income recipient;
- (e) Two thousand dollars per individual per calendar year received under the Alaska Native Claims Settlement Act or under P.L. 98-64;
- (f) AFDC benefits resulting from a court order modifying a department policy;
- (g) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;
- (h) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;
- (i) The monthly child support incentive payment from the office of support enforcement; (~~and~~)

(j) A previous underpayment of assistance under WAC 388-33-195; and

(k) Restitution funds to individuals of Japanese ancestry interred during World War II under the Wartime Relocation of Civilians Act, P.L. 100-383.

(2) For AFDC and general assistance (GA), the department shall disregard as income (~~for AFDC and GA~~) and as a resource the following payments:

- (a) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970;
- (b) The food coupon allotment under Food Stamp Act of 1977;
- (c) Compensation to volunteers in ACTION programs established by Titles I, II, and III of P.L. 93-113;
- (d) Benefits under women, infants and children program (WIC);
- (e) Food service program for children under the National School Lunch Act; and
- (f) Energy assistance payments.

WSR 89-17-032

WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Filed August 8, 1989, 4:38 p.m.]

Notice is hereby given that the Department of Ecology will not take further action under WSR 89-08-115 and 89-14-129 to amend WAC 173-19-4501 Bellingham, City of.

This notice is given pursuant to WAC 1-12-033. The Department of Ecology may, at a later date, file a new notice of intent to amend this program.

Fred Olson
 Deputy Director

WSR 89-17-033

PROPOSED RULES
DEPARTMENT OF ECOLOGY

[Filed August 8, 1989, 4:42 p.m.]

Original Notice.

Title of Rule: Amending WAC 173-19-4501 Bellingham, city of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act.

Summary: The amendment revises the shoreline master program for the city of Bellingham.

Reasons Supporting Proposal: A prior amendment proposed by the city was found by the department to be inconsistent with the Shoreline Management Act with regard to uses within shorelines of state-wide significance. This amendment brings the proposed revision into compliance with the act.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Peter Skowlund,

Washington Department of Ecology, Mailstop PV-11, Olympia, 98504, (206) 438-7430.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The amendment adds a requirement, that certain types of over water development will require conditional use permits, to shoreline master program revisions, proposed by the city of Bellingham, which divide the Urban II environment designation into urban maritime and urban multi-use designation; and clarify policy and adopt standards relating to water-oriented uses, public access, shoreline setbacks, parking, riparian vegetation, water quality, enforcement and other related issues.

Proposal Changes the Following Existing Rules: Amends city of Bellingham's shoreline master program under WAC 173-19-4501.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Bellingham City Council Chambers, 210 Lottie Street, Bellingham, WA 98225, on September 29, 1989, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98504, by October 6, 1989.

Date of Intended Adoption: October 31, 1989.

August 8, 1989

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 84-11, filed 3/29/84)

WAC 173-19-4501 BELLINGHAM, CITY OF. City of Bellingham master program approved September 30, 1974. Revision approved March 29, 1984. Revision approved October 31, 1989.

WSR 89-17-034

PERMANENT RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Order R-305, Docket No. U-89-2707-R—Filed August 9, 1989, 3:32 p.m.]

In the matter of amending WAC 480-90-071 relating to discontinuance of service by gas utilities.

This action is taken pursuant to Notice Nos. WSR 89-13-071 and 89-16-047 filed with the code reviser on June 21, 1989, and July 26, 1989, respectively. The rule change hereinafter adopted shall take effect pursuant to RCW 34.04.040(2).

This rule-making proceeding is brought on pursuant to RCW 80.01.040 and is intended administratively to implement these statutes.

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).

Pursuant to Notice No. WSR 89-16-047, the above matter was scheduled for consideration at 9:00 a.m., Wednesday, August 2, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, Washington, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notices, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to July 21, 1989, and orally at 9:00 a.m., Wednesday, August 2, 1989, in the Commission's Hearing Room above noted. At the August 2, 1989, meeting the commission considered the rule change proposal. No written or oral comments were presented.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-90-071 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-90-071 as amended will specify a procedure for recognition of medical emergencies in situations in which gas service might otherwise be discontinued.

ORDER

WHEREFORE, IT IS ORDERED That WAC 480-90-071 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.04.040(2).

IT IS FURTHER ORDERED That the order and the annexed rule, after first being 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 4th day of August, 1989.

Washington Utilities and Transportation Commission
Sharon L. Nelson, Chairman
Richard D. Casad, Commissioner
A.J. Pardini, Commissioner

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-284, Cause No. U-87-1525-R, filed 3/18/88)

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))~~ willful 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, unless other mutually acceptable arrangements have been made, that disconnect notice shall become void and 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. 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 limit 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, 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.

WSR 89-17-035

NOTICE OF PUBLIC MEETINGS BOARD FOR VOCATIONAL EDUCATION

[Memorandum—July 31, 1989]

August 29-30, 1989

SUNSHINE ROOM, RESOURCE CENTER
CLOVER PARK VOCATIONAL-TECHNICAL INSTITUTE
4500 STEILACOOM BOULEVARD S.W.
TACOMA, WASHINGTON

Work study session, 8:30 a.m., Tuesday, August 29, 1989, members of the Washington State Board for Vocational Education will meet in a work study session to discuss proposed SBVE mission statement and goals; discretionary uses of funds; and the 1990 distribution matrix for the Carl Perkins Vocational Education Act funds.

Regular meeting, 8:30 a.m., Wednesday, August 30, 1989, the regular business meeting of the state board will convene at 8:30 a.m. Primary agenda items include: Election of a vice-chairperson; adoption of the 1989-90 board meeting schedule; adoption of the SBVE mission statement and goals; adoption of the 1990 Carl Perkins Funds Distribution; presentation of the new JSP video; and consideration of JSP grant applications.

People needing special accommodations, please call Patsi Justice at (206) 753-5660 or 234-5660 scan.

WSR 89-17-036
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed August 9, 1989, 4:14 p.m.]

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 educational activities, new section WAC 314-12-175;

that the agency will at 9:30 a.m., Wednesday, August 23, 1989, in the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98504-2531, 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 66.28.010 and 66.28.150.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before August 23, 1989.

This notice is connected to and continues the matter in Notice No. WSR 89-14-040 filed with the code reviser's office on June 29, 1989.

Dated: August 9, 1989
 By: Paula O'Connor
 Chairman

WSR 89-17-037
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Order 283, Resolution No. 292—Filed August 9, 1989, 4:16 p.m.]

Be it resolved by the Washington State Liquor Control Board, acting at the Office of the Liquor Control Board, 5th Floor, Capital Plaza Building, 1025 East Union Avenue, Olympia, WA 98503-2531 [98504-2531], that it does adopt the annexed rules relating to keg registration, new section WAC 314-16-250.

This action is taken pursuant to Notice No. WSR 89-14-041 filed with the code reviser on June 29, 1989. 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 Washington State Liquor Control Board as authorized in RCW 66.08.030 and 66.98.070.

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 August 8, 1989.

By Paula O'Connor
 Chairman

NEW SECTION

WAC 314-16-250 RETAIL SALE OF MALT LIQUOR IN KEGS. (1) Any licensee who sells or offers for sale kegs or other containers holding four gallons or more of malt liquor to consumers who are not licensed under chapter 66.24 RCW shall require the purchaser to:

(a) Provide one piece of identification pursuant to RCW 66.16.040.

(b) Sign a sworn statement, contained on the keg registration declaration and receipt form, under penalty of perjury that:

(i) The purchaser is of legal age to purchase, possess, or use malt liquor;

(ii) The purchaser will not allow any person under the age of twenty-one years to consume the beverage except as provided by RCW 66.44.270;

(iii) The purchaser will not remove, obliterate, or allow to be removed or obliterated, the keg registration declaration and receipt form affixed to the container.

(c) State the particular address where the malt liquor will be consumed, or the particular address where the keg or other container will be physically located.

(2) The keg registration declaration and receipt form provided by the board must be properly completed.

(a) The form shall contain:

(i) The name and address of the purchaser;

(ii) The type and number of the identification presented by the purchaser pursuant to RCW 66.16.040;

(iii) A sworn statement, signed by the purchaser under penalty of perjury, that the purchaser is twenty-one years of age or older; will not allow persons under twenty-one years of age to consume the malt liquor purchased; and that the purchaser will not remove or obliterate the keg registration tag affixed to the keg or allow its removal or obliteration;

(iv) The particular address where the malt liquor will be consumed, and the date on which it will be consumed.

(b) Where the purchaser obtains more than one keg for consumption at the same location and on the same date, only one keg registration declaration and receipt form must contain all required information. All other keg registration declaration and receipt forms for that particular transaction must contain the registration number from the fully completed form as a reference and be signed by the purchaser. Such keg registration declaration and receipt forms which contain the reference number of a fully completed form and have been signed by the purchaser constitute a valid and properly completed keg registration and declaration receipt.

(3) The seller shall comply with all provisions of the keg registration law as provided in sections 229 through 234, chapter 271, Laws of 1989.

(4) For the purpose of tracing the kegs and purchaser responsibility it shall be the responsibility of the seller to affix the properly completed and signed keg registration declaration and receipt form to all containers of four gallons or more of malt liquor prior to the container leaving control of the seller.

(5) The licensee must retain a copy of the keg registration declaration and receipt, which shall be retained

on the licensed premises for a period of one year unless otherwise authorized in writing by the board. The records shall be available for inspection and copying by any liquor enforcement officer or other law enforcement officer.

(6) The keg registration declaration and receipt affixed to the keg may serve as the purchaser's receipt.

(7) Kegs or other containers holding four gallons or more of malt liquor shall be purchased for off-premises consumption only from an authorized retail source and shall, at all times, have a properly completed keg registration declaration and receipt form affixed thereon. Possession of a keg or other container which holds four gallons or more of malt liquor without a properly completed keg registration and declaration form either affixed thereon or in possession of the person with the keg(s) shall be a violation of this title.

WSR 89-17-038

PERMANENT RULES

DEPARTMENT OF LICENSING

(Board of Registration for Architects)

[Order PM 857—Filed August 10, 1989, 11:54 a.m.]

Be it resolved by the Washington State Board of Registration for Architects, acting at Vancouver, Washington, that it does adopt the annexed rules relating to:

Amd WAC 308-12-025 Application for examination.
Amd WAC 308-12-031 Registration examination.
Amd WAC 308-12-050 Registration by reciprocity.

This action is taken pursuant to Notice No. WSR 89-13-049 filed with the code reviser on June 16, 1989. 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 18.08.360 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 July 28, 1989.

By Vaughn L. Lein
Chairman

AMENDATORY SECTION (Amending Order PL 560, filed 10/17/85)

WAC 308-12-025 APPLICATION FOR EXAMINATION. (1) The application for examination must be submitted on forms (~~(provided)~~) approved by the board, accompanied by academic and/or practical experience verification (~~(in accordance with filing instructions to be considered ninety days prior to the next scheduled examination.~~

~~(2) Applications must be accompanied by an examination fee and an application fee as outlined in WAC 308-12-312.~~

~~(3) Notice of acceptance of application will be mailed to all applicants approximately six weeks in advance of the examination along with detailed information as to time, place and extent of examination.~~

~~(4) No application fee will be refunded because of withdrawal from the examination.)) to document eligibility under the provisions of RCW 18.08.350. Applications for admission to an examination if scheduled, must be submitted or postmarked not later than the following dates:~~

<u>Examination Months/Divisions</u>	<u>Cut-off Dates</u>
<u>June - All Divisions</u>	<u>April 1</u>
<u>October - A, B(Written), D/F, E, G, H, I</u>	<u>September 10</u>
<u>December - B(Graphic), C</u>	<u>October 1</u>
<u>February - A, B(Written), D/F, E, G, H, I</u>	<u>December 10</u>

~~(2) On subsequent attempts examinees may retake any divisions offered not passed on previous attempts. Applications for examination or re-examination must be accompanied by the application fee for examination or re-examination and the appropriate examination fee as established by the director and published in chapter 308-12 WAC, architect fees. For re-examination applications, examination fees are listed by separate division.~~

~~(3) For the June and December examinations, notices of acceptance (examination admission letters) will be mailed to eligible applicants approximately six weeks prior to the examination, along with detailed information as to times, place, and scheduled examination divisions.~~

~~(4) For the February and October computer-administered examinations, instruction packets will be mailed to eligible applicants approximately two weeks prior to the testing agency admission deadline.~~

~~(5) Application fees for examination and re-examination are administrative charges and will not be refunded. The examination fees (costs of each test) may be refunded if notice of cancellation is received by the department prior to ordering of examinations from the national testing service.~~

AMENDATORY SECTION (Amending Order PM 767, filed 8/22/88)

WAC 308-12-031 REGISTRATION EXAMINATION. The form of the examination required of applicants shall consist of a written and an oral examination. Where RCW 18.08.360 refers to the "entire examination," it means the written examination together with the oral examination. The written examination shall be administered at times and locations the board determines appropriate.

The board adopts the architectural registration examination and grading procedures prepared by the National Council of Architectural Registration Boards as the written portion of the examination. The written examination includes computerized versions.

(1) The director shall publish an information guide concerning examination content, locations, and schedules.

(2) To pass the written examination, an applicant must achieve a passing grade on each division.

(3) ~~((All nine divisions of the architects registration examination must be taken on the first attempt. On subsequent attempts, examinees may retake any divisions not passed on previous attempts.~~

(4)) The oral examination is given upon the applicant's completion of the written examination.

The purpose of the oral examination is to test in those areas of knowledge and skill not covered in the written examination.

The oral part of the examination shall include a review of the applicant's practical experience, an understanding of the law and the responsibility to safeguard life, health, and property and to promote the public welfare.

The oral examination may be conducted by the full board or by an architect member of the board. The board may waive the full board examination if the examining board member deems the applicant prepared for registration. If such waiver is not granted or if the examining board member fails the applicant, the applicant must then appear for a full board oral examination.

The board may waive the entire oral examination based upon certification by the National Council of Architectural Registration Boards of successful completion of the intern development program. Applicants may submit the "Green Cover" IDP certificate in lieu of the exhibit checklist which is required for the oral examination. This waiver of oral examination does not affect the requirement to summarize the law and rules pertaining to architecture.

If an applicant does not receive a recommendation for registration, the board will advise the applicant of the areas of deficiency and schedule another oral examination.

The examinee will be required to retake the entire examination if all portions of the written and oral examination are not successfully completed as per RCW 18.08.360. The five-year period shall begin to run effective with the date on which the examinee first takes the examination. If the examinee does not successfully pass all portions of the written and oral examination, within five years from the date he or she first took the examination, he or she shall lose credit for all portions of the examination previously passed, and a new five-year period shall begin on the date on which the examinee begins to retake the examination.

AMENDATORY SECTION (Amending Order PM 720, filed 4/20/88)

WAC 308-12-050 REGISTRATION BY RECIPROcity. Pursuant to RCW 18.08.400, the board recommend to the director that the director grant a certificate of registration to a currently registered architect in another state or territory of the United States, the District of Columbia, or another country provided:

(1) That such applicant presents evidence that the applicant has satisfactorily completed a written examination equivalent to the examination required of Washington state registrants. Documentation of NCARB certification may be accepted by the board as satisfactory evidence that the applicant's qualifications and experience are equivalent to the qualifications and experience required of a person registered under RCW 18.08.350.

(2) That the applicant provides a ~~((written comparative))~~ typed summary analysis of ((Washington state law and the law of the applicant's base state, territory or country)) chapter 18.08 RCW and chapter 308-12 WAC. The summary must include an analysis of each section of chapter 18.08 RCW and chapter 308-12 WAC in sufficient detail to demonstrate a thorough understanding of the law and rules as determined by the board.

(3) That the board will require an oral ~~((examination))~~ interview of any candidate for registration by reciprocity, except that the oral ((examination)) interview may be waived in cases where documentary or other evidence shows sufficient information for the board to reach judgment.

(4) That the architect's base state license is not delinquent or inactive. The current base state license cannot be under suspension, disciplinary restrictions, or in process of disciplinary review. Reciprocity applicants are held to the same qualifications as initial applicants for registration.

WSR 89-17-039

PERMANENT RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Order 89-09—Filed August 10, 1989, 3:38 p.m.]

I, Joseph A. Dear, director of the Department of Labor and Industries, do promulgate and adopt at Olympia, Washington, the annexed rules relating to updating the medical aid rules and maximum fee schedules to conform with 1989 physician's current procedural terminology (CPT) and American Dental Association's 1987 codes which will allow the department to bill health services providers more accurately and reimburse them more equitably.

This action is taken pursuant to Notice No. WSR 89-12-064 filed with the code reviser on June 7, 1989. 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 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 August 10, 1989.
 By Joseph A. Dear
 Director

Unit
 Value

AMENDATORY SECTION (Amending Order 87-23, filed 11/30/87, effective 1/1/88)

WAC 296-21-013 SPECIAL SERVICES AND BILLING PROCEDURES. The following services are generally part of the basic services listed in the maximum fee schedule but do involve additional expenses to the physician for materials, for his time or that of his employees. These services are generally provided as an adjunct to common medical services and should be used only when circumstances clearly warrant an additional charge over and above the usual charges for the basic services.

	Unit Value
99000 Handling and/or conveyance of specimen for transfer from the physician's office to a laboratory	6.0
99001 Handling and/or conveyance of specimen for transfer from the patient in other than a physician's office to a laboratory (distance may be indicated)	8.0
99002 Handling, conveyance, and/or any other service in connection with the implementation of an order involving devices (e.g., designing, fitting, packaging, handling, delivery or mailing) when devices such as orthotics, protectives, prosthetics are fabricated by an outside laboratory or shop but which items have been designed, and are to be fitted and adjusted by the attending physician	12.0
(For routine collection of venous blood, use 36415)	
(((99012 Telephone calls has been deleted. To report, use 99013=99015)))	
99013 Telephone call for consultation or medical management; simple or brief, under 15 minutes	5.0
(e.g., to report on tests and/or laboratory results; to clarify or alter previous instructions; to adjust therapy)	
99014 intermediate, 15 - 30 minutes	10.0
(e.g., to provide advice to an established patient on a new problem; to initiate therapy that can be handled by telephone; to discuss results of tests in detail)	

99015 lengthy or complex	15.0
(e.g., lengthy counseling session with anxious or distraught patient; detailed or prolonged discussion with family member regarding seriously ill patient)	
99024 Postoperative follow-up visit, included in global service	BR
(See WAC 296-22-010)	
99025 Initial (new patient) visit when asterisk (*) surgical procedure constitutes major service at that visit	20.0
99030 Mileage, one way, each mile beyond 7 mile radius of point of origin (office or home), per mile	2.0
99040 Completion of certificate of disability card	2.0
99044 Doctor's estimate of physical capacities	10.0
99050 Services requested after office hours in addition to basic service	10.0
99052 Services requested between 10:00 p.m. and 8:00 a.m. in addition to basic services provided the office is closed during this period of time	12.0
99054 Services requested on Sundays and holidays in addition to basic services	12.0
99056 Services provided at request of patient in a location other than physician's office which are normally provided in the office	BR
99058 Office services provided on an emergency basis	BR
(For hospital-based emergency care facility services, see 90500 et seq.)	
99062 Emergency care facility services: When the nonhospital-based physician is in the hospital but is involved in patient care elsewhere and is called to the emergency facility to provide emergency services	8.0
(For hospital-based emergency care facility services, see 90500 et seq.)	
99064 Emergency care facility services: When the nonhospital-based physician is called to the emergency facility from outside the hospital to provide emergency services; not during regular office hours	25.0
99065 during regular office hours	16.0

	Unit Value		Unit Value
99070		Supplies and materials (except spectacles) provided by the physician over and above those usually included with the office visit or other services rendered (list drugs, trays, supplies or materials cast room and/or casting supplies provided). Bill at cost	BR
		(For spectacles, see 92390-92395)	
99075		Medical testimony approved in advance by office of attorney general. First hour	240.0
99076		Each additional 30 minutes	80.0
99080		Special reports as insurance forms, sixty-day report, or the review of medical data to clarify a patient's status—more than the information conveyed in the usual medical communications or standard reporting form at department request (see WAC 296-20-06101 for reporting requirements)	BR
99082		Unusual travel (e.g., transportation and escort of patient) per mile	2.0
99083		Copies of medical records requested by the department or self-insurance or their representative(s), not required to support billing for services rendered, per page	0.2
99084		Maximum allowed per claim	4.6
99085		Physician called on to convey instructions by telephone to hospital emergency room or nurse practitioner clinic—to be paid only to initial attending physician upon completion of report of accident form	12.0
99095		Deposition approved in advance by office of attorney general. First hour	200.0
99096		Each additional 30 minutes	67.0
99150		Detention, prolonged, with patient requiring physician attendance beyond usual service (e.g., critically ill patient, 30 minutes to one hour)	25.0
99151		more than one hour	50.0

CRITICAL CARE

Critical care includes the care of critically ill patients in a variety of medical emergencies that requires the constant attention of the physician (cardiac arrest, shock, bleeding, respiratory failure, postoperative complications, critically ill neonate). Critical care is usually, but not always, given in a critical care area, such as the coronary care unit, intensive care unit, respiratory care unit, or the emergency care facility. The descriptors for critical care are intended to include cardiopulmonary resuscitation and a variety of services attendant to this procedure as well as other acute emergency situations.

Separate procedure codes for services performed during this period, such as placement of catheters, cardiac output measurement, management of dialysis, control of gastrointestinal hemorrhage, electrical conversion of arrhythmia, etc., are ~~((excluded))~~ included when this descriptor is used on a per hour basis. (The physician may list his services separately if he desires.)

99154		<u>Daily hospital management of epidural or subarachnoid drug administration</u>	<u>BR</u>
99160		Critical care, initial, including the diagnostic and therapeutic services and direction of care of the critically ill or multiple injured or comatose patient, requiring the prolonged presence of the physician; each hour	100.0
99162		additional 30 minutes	50.0
		((99165, 99166 have been deleted. To report, use 99199))	
		(For monitoring cardiac output, see 78470, 93561, ((93962)) 93562)	
		(For monitoring intra-aortic balloon counter pulsation, see 33972)	
		(For subsequent visits, see appropriate critical care visit, 99171-99174 or hospital visits, 90200-90280)	
99170		Gastric intubation, and aspiration or lavage for treatment (e.g., for ingested poisons)	SV
99171		Critical care, subsequent follow-up visit; brief examination, evaluation and/or treatment for same illness	SV
99172		limited examination, evaluation and/or treatment, same or new illness	SV
99173		intermediate examination, evaluation and/or treatment, same or new illness	SV
99174		extended reexamination, reevaluation and/or treatment, same or new illness	SV

OTHER SERVICES

99175		Ipecac or similar administration for individual emesis and continued observation until stomach adequately emptied of poison	SV
		(For diagnostic intubation, see 82926-82932, 89130-89141)	
		(For gastric lavage for diagnostic purposes, see 91055)	

	Unit Value
99180 Hyperbaric oxygen pressurization; initial	12.0
99182 Subsequent	3.0
99185 Hypothermia; regional	BR
99186 total body	BR
99190 Assembly and operation of pump with oxygenator or heat exchanger (with or without ECG and/or pres- sure monitoring); each hour	60.0
99191 3/4 hour	45.0
99192 1/2 hour	30.0
99195 Phlebotomy, therapeutic (separate procedure)	20.0
99199 Unlisted special service or report	BR

~~((For monitoring cardiac output,
see 78470, 93561, 93962))~~

~~(For monitoring intra-aortic bal-
loon counterpulsation, see 33972)~~

~~(For subsequent visits, see appro-
priate hospital visits, 90200-
90280))~~

(For physicians assigned to critical
care units or other long-term at-
tendance, use special reports)

DEFINITIONS

Definitions and items of commonality.

Terms and phrases common to the practice of medicine are defined as follows and apply to procedures 90000 through 90696.

(1) NEW PATIENT: A patient who is new to the physi-
cian or a known patient with a new industrial injury or
condition, and whose medical and administrative record
need to be established.

(2) ESTABLISHED PATIENT: A patient known to the
physician and/or whose records are usually available.

(3) INITIAL VISIT: Initial care, including physical ex-
amination and initiation of diagnostic and treatment
program, for a condition regardless of whether the pa-
tient is known to the physician.

(4) FOLLOW-UP VISIT: Subsequent care for a patient
and condition known to the physician.

(5) CONSULTATION: A consultation includes services
rendered by a physician whose opinion or advice is re-
quested by a physician or other appropriate source for
the further evaluation and/or management of the pa-
tient. When the consulting physician assumes responsi-
bility for the continuing care of the patient, any subse-
quent service rendered by him will cease to be a consul-
tation. The consulting physician cannot assume care
without the concurrence of the patient or the referring
doctor. See WAC 296-20-051. Five levels of consulta-
tion are recognized: Limited, intermediate, extensive,
comprehensive, and complex consultation (~~(of complexi-
ty)~~). See WAC 296-21-030 for description.

(6) REFERRAL: (Transfer) A referral is the transfer of
the total or specific care of a patient from one physician
to another and does not constitute a consultation. Initial
evaluation and subsequent services are designated as
listed below in levels of service.

~~(7) ((INDEPENDENT PROCEDURE: Certain listed proce-
dures are commonly undertaken as an integral part of a
total service. When such a procedure is undertaken as a
separate entity, the designation "independent procedure"
is appropriate. For example: A patient being seen in
consultation by an ophthalmologist and it is necessary
for him to perform a gonioscopy or a ophthalmoscopy
with intravenous fluorescein as diagnostic procedures in
connection with the consultation, then they would be
considered as independent procedures. Another example
would be cardiac monitoring with electronic equipment
in intrathoracic or other critical surgery.~~

~~(8))~~ LEVELS OF SERVICE: Examinations, evaluations,
treatment, counseling, conferences with or concerning
patients, and services which necessitate wide variations
in skill, effort and time required for the diagnosis and
treatment of illness and the promotion of optimal health.
Six levels are recognized:

MINIMAL: A level of service including injections, dress-
ings, minimal care, etc., not necessarily requiring the
presence of the physician.

For example:

- (a) Routine immunization for tetanus administered by
a nurse.
- (b) Blood pressure determination by a nurse for med-
ication control.
- (c) Removal of sutures from laceration.

BRIEF: A level of service requiring a brief period of
time, with minimal effort by the physician.

For example:

- (a) Certification of time loss in a stable or chronic
case.
- (b) Reexamination of minor trauma (e.g., contusion
or abrasion).
- (c) Examination of conjunctiva by the physician in a
patient with subconjunctival hemorrhage, irrigation,
medication and removal of foreign body with instrument.
- (d) Review of interval history, physical status, and
adjustment of medication in patient with compensated
arteriosclerotic heart disease on chronic diuretic therapy.

LIMITED: A level of service requiring limited effort or
judgment, such as abbreviated or interval history, limit-
ed examination or discussion of findings and/or
treatment.

For example:

- (a) Review and examination of uncomplicated sprains
and strains with initiation, continuation and/or change
of treatment.
- (b) Examination of an extremity fracture not requir-
ing reduction.
- (c) Postoperative care in instances where the unit val-
ue is for surgical procedure only.

INTERMEDIATE: A level of service such as a complete history and physical examination of one or more organ systems, complicated with a new diagnostic or management problem not necessarily relating to the primary diagnosis that necessitates the obtaining and evaluation of pertinent history and physical or mental status findings, diagnostic tests and procedures, and the ordering of appropriate therapeutic management or an in depth counseling or discussion of the findings, but not requiring a comprehensive examination of the patient as a whole.

For example:

(a) Review of interval history; examination of neck veins, lungs, heart, abdomen and extremities, discussion of findings and prescription of treatment in decompensated arteriosclerotic heart disease.

(b) Review of interval history, examination of musculoskeletal system, discussion of findings, and adjustment of therapeutic program in low back and/or arthritic disorders.

(c) Review of recent illness: Examination of pharynx, neck, axilla, groin, and abdomen; interpretation of laboratory tests and prescription of treatment in infectious mononucleosis.

(d) Evaluation of a chest, post trauma, with impaired respiration with development of shock.

EXTENDED: A level of service requiring an unusual amount of effort or judgment with report to include a detailed history, review of medical records, examination, conclusions of x-ray or laboratory studies, diagnosis and recommendations for treatment, and a formal conference with patient or family. This service may, or may not involve a complete examination of the patient as a whole.

For example:

(a) Reexamination of neurological findings, detailed review of hospital studies and course, and formal conference with patient and family jointly concerning findings and plans in a diagnostic problem of suspected intracranial disease in a young adult.

(b) Detailed intensive review of studies and hospital course and thorough reexamination of pertinent physical findings of a patient with a recent coronary infarct with complications requiring constant physician bedside attention.

(c) Review of results of diagnostic evaluation, performance of a detailed examination and a thorough discussion of physical findings, laboratory studies, x-ray examinations, diagnostic conclusions and recommendations for treatment of complicated chronic pulmonary disease.

(d) Detailed review of studies and hospital course and thorough reexamination of pertinent physical findings of a patient with a recent coronary infarct and formal conference with patient or family to review findings and prognosis.

(e) Reevaluation of a psychotic delusional patient who develops severe and acute abdominal pain involving a mental status reassessment but not a psychiatric diagnostic interview, and a conference with the consulting surgeon and nursing personnel.

(f) Detailed intensive review of studies and hospital course and thorough reexamination of pertinent findings of a patient with a recently diagnosed uterine adenocarcinoma who also has a pulmonary coin lesion under consideration for thoracotomy; this service involves several abbreviated conferences with consultants, and family or patient.

COMPREHENSIVE: A level of service providing an in depth evaluation of the patient with a new or existing problem requiring the development or complete reevaluation of medical data. This procedure includes the recording of a chief complaint(s), and present illness, family history, past medical history, personal history, system review, a complete physical examination, and the ordering of appropriate diagnostic tests and procedures.

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-21-014 UNLISTED SERVICE OR PROCEDURE. A service or procedure may be provided that is not listed in this 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 296-21-01401 below. The "unlisted procedures" and accompanying codes for MEDICINE are as follows:

90699	Unlisted medical service, general
90749	Unlisted immunization procedure
90799	Unlisted therapeutic injection
90899	Unlisted psychiatric service or procedure
90999	Unlisted dialysis procedure
91299	Unlisted diagnostic gastroenterology procedure
92499	Unlisted ophthalmological service
92599	Unlisted otorhinolaryngological service or procedure
93799	Unlisted cardiovascular service or procedure
94799	Unlisted pulmonary service or procedure
94899	Unlisted neurological service or procedure
95199	Unlisted allergy/clinical immunological service or procedure
95999	Unlisted ((miscellaneous diagnostic service or)) neurological or neuromuscular procedure
96549	Unlisted chemotherapy procedure
96999	Unlisted special dermatological service or procedure
97799	Unlisted physical medicine service or procedure

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-030 CONSULTATIONS. A CONSULTATION is considered here to include those services rendered by a physician whose OPINION OR ADVICE is requested by another physician or agency in the evaluation and/or treatment of a patient's illness. When the consultant physician thereupon assumes the CONTINUING CARE of the patient, any subsequent service(s) rendered by him will no longer be considered as a consultation. Five levels of consultation are recognized: Limited, intermediate, extensive, comprehensive, and complex consultation.

(For example)

(a) In a LIMITED consultation (90600) the physician confines his service to the examination or evaluation of a single organ system for a limited condition. This procedure includes documentation of the complaint(s), present illness, pertinent examination, review of medical data and establishment of a plan of management relating to the specific problem. For example, the dermatologist's opinion about a skin lesion.

(b) An INTERMEDIATE consultation (90605) involves examination or evaluation of an organ system, a partial review of the general history, recommendations for establishment of a plan of management relating to the specific problem and preparation of a report. An example would be the evaluation of abdomen for possible surgery that does not proceed to surgery, the neurologist's opinion about a disc problem and the orthopedist's opinion about a knee or low back problem.

(c) An EXTENDED/EXTENSIVE consultation (90610) involves the evaluation of problems that do not require a comprehensive evaluation of the patient as a whole. This procedure includes the documentation of a history of the chief complaint(s), past medical history and pertinent physical examination, review and evaluation of the past medical data, recommendations for establishment of a plan of investigative and/or therapeutic management, and the preparation of an appropriate report. For example: The examination of the cardiac patient who needs ((clearance)) assessment before undergoing a surgical operation, consultations involving cardio-pulmonary problems and neurologic and orthopedic examinations of patient whose complaints seem disproportionate to his objective findings requiring detailed psychosocial evaluation.

(d) A COMPREHENSIVE consultation (90620) involves an in depth evaluation of a patient with a problem requiring the development and documentation of medical data (the chief complaints, present illness, family history, past medical history, personal history, system review and physical examination, review of all diagnostic tests and procedures that have previously been done), recommendations for the establishment or verification of a plan for further investigative and/or therapeutic management and the preparation of a report. For example: The young person with fever, arthritis and anemia and examination of patient for diagnosis and in depth evaluation of all organ systems for preexisting and/or unrelated nonindustrial conditions; or a comprehensive psychiatric consultation that may include a detailed present illness history, and past history, a mental status examination, exchange of information with primary physician or nursing personnel or family members and other informants, and preparation of a report with recommendations.

(e) The COMPLEX consultation (90630) is an uncommonly performed service that involves an in depth evaluation of a critical problem that requires unusual

knowledge, skill and judgment on the part of the consulting physician, and the preparation of an appropriate report with recommendations. An example would be acute myocardial infarction with major complications. Another example would be a young psychotic adult unresponsive to extensive treatment efforts under consideration for residential care, or the paraplegic patient with iatrogenic drug addiction or dependency (condition resulting from treatment).

A REFERRAL is considered here to be the transfer of the total or specific care of a patient from one physician to another. THIS IS NOT A CONSULTATION. Values for the initial visit and the subsequent services for referrals are listed under the appropriate headings in other portions of this schedule.

The values do not necessarily include consultations involving litigation.

	Unit Value
90600 Consultation requiring LIMITED examination and/or evaluation of a given system or region but not requiring a comprehensive history and examination. Report required.	30.0
90605 Intermediate consultation - Consultation requiring intermediate history and physical exam of one or more regions and/or organ system, but not requiring comprehensive history and examination. Requires report.	40.0
90610 Consultation requiring more EXTENSIVE examination and/or evaluation of one or more regions or organ systems but not requiring comprehensive history and examination. Report required.	50.0
90620 Consultation requiring COMPREHENSIVE history, examination and/or evaluation of one or more regions and/or organ systems with report.	70.0
90630 Consultation of unusual complexity (in excess of scope of services identified by 90600, 90610 and 90620.) Necessitating exceptionally detailed history and examination with extensive review of prior medical records, completion and assessment of data and the preparation of a special report.	120.0
FOLLOW-UP CONSULTATION	
90640 Follow-up consultation; brief	16.0
90641 limited	20.0
90642 intermediate	30.0
90643 complex	40.0

	Unit Value
CONCURRING (CONFIRMATORY OR ADDITIONAL OPINION) CONSULTATION	
This section should be used when the consulting physician is aware of the confirmatory nature of the opinion that is sought, e.g., when a second/third opinion on the necessity or appropriateness of a (previously) recommended medical treatment or surgical procedure is requested.	
90650	Confirmatory consultation; limited 30.0
90651	intermediate 40.0
90652	extensive 50.0
90653	comprehensive 70.0
90654	complex BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-046 IMMUNIZATION INJECTIONS.

(For allergy testing, see 95000 et seq.)

(For skin testing of bacterial, viral, fungal extracts, see ((86450) 86455-86585))

(For therapeutic injections, see 90782-90799)

Immunizations are usually given in conjunction with a medical service. When an immunization is the only service performed, a minimal service may be listed in addition to the injection. Immunization procedures include the supply of materials. Immunizations, except for 90703, require prior authorization.

~~((Immunization 90720-90723 have been revised as 90701-90742)))~~

	Unit Value
90701	Immunization, active; diphtheria and tetanus toxoids and pertussis vaccine (DTP) 8.0
90702	diphtheria and tetanus toxoids (DT) 5.0
90703	tetanus toxoid 6.0
90704	mumps virus vaccine, live BR
90705	measles virus vaccine, live, attenuated BR
90706	rubella virus vaccine, live BR
90707	measles, mumps and rubella virus vaccine, live BR
90708	measles and rubella virus vaccine, live 13.0
90709	rubella and mumps virus vaccine, live BR

	Unit Value
90712	polio virus vaccine, live, oral (any type(s)) BR
90713	poliomyelitis vaccine BR
90714	typhoid vaccine BR
90717	yellow fever vaccine BR
90718	tetanus and diphtheria toxoids absorbed, for adult use (Td) 5.0
90719	diphtheria toxoid BR
90724	influenza virus vaccine 6.0
90725	cholera vaccine BR
90726	rabies vaccine 4.0
90727	plague vaccine BR
90728	BCG vaccine BR
90731	hepatitis B vaccine BR
90732	pneumococcal vaccine, polyvalent BR
90733	meningococcal polysaccharide vaccine (any group(s)) BR
90737	Hemophilus influenza B 6.0
90741	Immunization, passive; immune serum globulin, human (ISG) BR
90742	specific hyperimmune serum globulin (e.g., hepatitis B, measles, pertussis, rabies, Rho(D), tetanus, vaccinia, varicella-zoster) BR
90749	Unlisted immunization procedure BR

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

WAC 296-21-047 THERAPEUTIC INJECTIONS.

(For cost of drugs supplied by physician, see 99070)

(For injections performed as an independent procedure, see 90030)

(For allergy testing, see WAC 296-21-075)

(For skin testing, see 86450-86585)

	Unit Value
90782	Therapeutic injection of medication (specify); subcutaneous or intramuscular 6.0
90783	intra-arterial 10.0
90784	intravenous 8.0
<u>(90782-90784 do not include injections for allergen immunotherapy. For allergen immunotherapy injections, see 95115-95117)</u>	
90788	Intramuscular injection of antibiotic (specify) 6.0

	Unit Value
<p>((Chemotherapy procedures 90790-90796 have been deleted. To report, use 96500-96549)))</p>	
90798	11.0
<p>Intravenous therapy for severe or intractable allergic disease in physician's office or institution with theophyllines, corticosteroids, anti-histamines.....</p>	
90799	BR
<p>Unlisted therapeutic injection..... (For allergy immunizations, see 9500 et seq.)</p>	

Other medical services, such as 90050—Limited office medical service or other patient encounters, may be described as listed in the section on medicine if appropriate).

CONSULTATION

Consultation for psychiatric evaluation of a patient. Includes examination of patient and exchange of information with primary physician and other informants such as nurses or family members, and preparation of report. ((Apply to consultations as listed in the section on medicine. (90600-90630) (See also definition of consultation))) These consultation services (90600-90643) are limited to initial or follow-up evaluation and do not involve psychiatric treatment. For treatment, see 90200 et seq. or 90841 et seq.

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

WAC 296-21-050 PSYCHIATRIC SERVICES.

NOTES

Hospital care by the attending physician in treating a psychiatric inpatient may be initial or subsequent in nature (see 90200-90280) and may include exchanges with nursing and ancillary personnel. Hospital care services involve a variety of responsibilities unique to the medical management of inpatients, such as physician hospital orders, interpretation of laboratory or other medical diagnostic studies and observations, review of activity therapy reports, supervision of nursing and ancillary personnel, and the programming of all hospital resources for diagnosis and treatment.

When services include not only a visit to the patient, but also activity in leadership or direction of a treatment team as related to that patient, a code may be selected based upon the services provided that day.

Some patients receive hospital care services only and others receive hospital care services and other procedures. If other procedures such as electroconvulsive therapy or medical psychotherapy are rendered in addition to hospital care services, these should be listed separately (i.e., hospital care service plus electroconvulsive therapy or plus medical psychotherapy if rendered).

Psychiatric care may be reported without time dimensions according to the procedure or service as are other medical or surgical procedures. In reporting medical psychotherapy procedures, time is only one aspect and may be expressed as is customary in the local area. For example, the usual appointment length of an individual medical psychotherapy procedure may be signified by the procedure code alone. The modifier '-52' may be used to signify a service that is reduced or less extensive than the usual procedure. The modifier '-22' may be used to indicate a more extensive service. Thus medical psychotherapy procedures may be reported by the procedure code alone or by the procedure code with a modifier. If appropriate and customary in the local area, codes 90841, 90843 or 90844 may be used.

GENERAL CLINICAL PSYCHIATRIC DIAGNOSTIC OR EVALUATIVE INTERVIEW PROCEDURES

Unit Basic
Value Anes@

90801	70.0
<p>Psychiatric diagnostic interview examination including history, mental status, or disposition (may include communication with family or other sources, ordering and medical interpretation of laboratory or other medical diagnostic studies; in certain circumstances other informants will be seen in lieu of the patient). Report required.....</p>	

SPECIAL CLINICAL PSYCHIATRIC DIAGNOSTIC OR EVALUATIVE PROCEDURE

90825	30.0
<p>Psychiatric evaluation of hospital records, other psychiatric reports, psychometric and/or projective tests, and other accumulated data for medical diagnostic purposes (without other informants or patient interview)</p>	
90830	BR
<p>Psychological testing by physician, with written report, per hour</p>	
90831	20.0
<p>Telephone consultation with or about patient for psychiatric therapeutic or diagnostic purposes</p>	
90835	50.0
<p>Narcosynthesis for psychiatric diagnostic and therapeutic purposes, e.g., sodium amobarbital (Amytal) interview</p>	
90840	45.0
<p>Psychologic testing, psychometric and/or projective tests, with written report, given by or under supervision of physician, per hour</p>	

	Unit Value	Basic Anes@
PSYCHIATRIC THERAPEUTIC PROCEDURES		
MEDICAL PSYCHOTHERAPY		
90841 Individual medical psychotherapy with continuing medical diagnostic evaluation, and drug management when indicated, including psychoanalysis, insight oriented, behavior modifying or supportive psychotherapy; each 15 minutes with report	20.0	
90843 approximately 20 TO 30 minutes with report	42.4	
90844 approximately 45 OR 50 minutes with report	70.0	
90847 Family medical psychotherapy (conjoint psychotherapy)	50.0	
(((90848 has been deleted. To report use 90847)))		
90849 Multiple-family group medical psychotherapy Report required.	50.0	
90850 Inpatient care including psychotherapy and supervision of milieu team (e.g., occupational therapy, psychiatric nursing, etc.) or conference with family, 50 minutes, with report	70.0	
90851 25 minutes, with report	45.0	
90852 15 minutes, with report	20.0	
90853 Group medical psychotherapy (other than of a multiple-family group) Report required.	50.0	

PSYCHIATRIC SOMATOTHERAPY

90862 Chemotherapy management, including prescription, use, and review of medication with no more than minimal medical psychotherapy, per hour	60.0	
90870 Electroconvulsive therapy (includes necessary monitoring); single seizure	50.0	
90871 Multiple seizures, per day	75.0	
(((90872 Subconvulsive shock treatment has been deleted. To report use 90899)))		

OTHER PSYCHIATRIC THERAPY

90880 Medical hypnotherapy	35.0	
90882 Environmental intervention for medical management purposes on a psychiatric patient's behalf with agencies, employers, or institutions	30.0	

	Unit Value	Basic Anes@
90887 Interpretation or explanation of results of psychiatric, other medical examinations and procedures, or other accumulated data to family or other responsible persons, or advising them how to assist patient	30.0	
90889 Preparation of report of patient's psychiatric status, history, treatment, or progress (other than for legal or consultative purposes) for other physicians, agencies, or insurance carriers	50.0	

(For psychiatric consultation see 90600-90630)

90898 If a claimant fails to appear for the initial psychiatric treatment interview and the psychiatrist, through investigation, including contact with the patient, files a useful report including recommendations, he is entitled to a full hour's fee	70.0	
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OTHER PROCEDURES

90899 Unlisted psychiatric service or procedure	BR	
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-057 MONITORING SERVICES. The following values are for physician's services only and do not include charges for use of equipment or supplies.

	Unit Value
Dialysis	
HEMODIALYSIS	
(For cannula declotting, see 36860, 36861)	
((90941 Hemodialysis, acute renal failure or intoxication, per dialysis	BR+
90942 patient 21-40 kg	BR
90943 patient 11-20 kg	BR
90944 patient under 10 kg	BR
90951 Hemodialysis, for chronic irreversible renal insufficiency, initial stabilizing therapy via shunt or fistula, up to 4-6 weeks, patient over 40 kg	BR
90952 patient 21-40 kg	BR
90953 patient 11-20 kg	BR
90954 patient under 10 kg	BR

	Unit Value		Unit Value
90955 Hemodialysis, for chronic irreversible renal insufficiency, maintenance for stabilized condition, more than 4-6 weeks, hospital, patient over 40 kg	BR	90997 Hemoperfusion (e.g., with activated charcoal or resin)	BR
90956 patient 21-40 kg	BR	90999 Unlisted dialysis procedure	BR
90957 patient 11-20 kg	BR		(For cannula insertion by other than treating physician, see 49420)
90958 patient under 10 kg	BR))		GASTROENTEROLOGY
90935 Hemodialysis procedure with single physician evaluation	BR		(For duodenal intubation and aspiration, see 89100-89105)
90937 Hemodialysis procedure requiring repeated evaluation(s) with or without substantial revision of dialysis prescription	BR		(For gastrointestinal radiologic procedures, see 74210-((74340)) 74361)
			(For esophagoscopy procedures, see 43200-43228; upper GI endoscopy 43235-43258; endoscopy, small bowel and stomal 44360-44393; proctosigmoidoscopy 45300-45321; sigmoidoscopy 45330-45337; colonoscopy 45355-45385; anoscopy 46600-46641)
			91000 Esophageal intubation and collection of washings for cytology, including preparation of specimens (separate procedure)
			36.0
			91010 Esophageal motility study;
			106.0
			91011 with mecholyl or similar stimulant
			130.0
			91012 with acid perfusion studies
			72.0
			91020 Esophagogastric manometric studies
			BR
			91030 Esophagus, acid perfusion (Bernstein) test for esophagitis
			36.0
			91032 Esophagus, acid reflux test, with intraluminal pH electrode for detection of gastroesophageal reflux
			72.0
			91033 prolonged recording
			BR
			91052 Gastric analysis test with injection of stimulant of gastric secretion (e.g., histamine, insulin, pentagastrin, calcium, and secretin)
			BR
			(For gastric biopsy by capsule, peroral, via tube, one or more specimens, see 43600)
			(For gastric laboratory procedures, see also 89130-89141)
			91055 Gastric intubation, washings, and preparing slides for cytology (separate procedure)
			36.0
PERITONEAL DIALYSIS			
(For insertion of cannula or catheter, see 49420, 49421)			
((90966 Peritoneal dialysis for acute renal failure and/or intoxication, excluding catheter/cannula insertion, patient more than 40 kg			
BR			
90967 patient 21-40 kg			
BR			
90968 patient 11-20 kg			
BR			
90969 patient under 10 kg			
BR			
90976 Peritoneal dialysis for chronic renal failure; patient more than 40 kg			
BR			
90977 patient 21-40 kg			
BR			
90978 patient 11-20 kg			
BR			
90979 patient under 10 kg			
BR))			
(For denton visits, see 99150, 99151)			
90945 Dialysis procedure other than hemodialysis (e.g., peritoneal hemofiltration) with single physician evaluation			
BR			
90947 Dialysis procedure other than hemodialysis (e.g., peritoneal hemofiltration) requiring repeated evaluations, with or without substantial revision of dialysis prescription			
BR			
MISCELLANEOUS DIALYSIS PROCEDURES			
90990 Hemodialysis training and/or counseling			
BR			
90991 Home hemodialysis care, outpatient, for those services either provided by the physician primarily responsible for total hemolysis care or under his direct supervision, and excludes care for complicating illnesses unrelated to hemodialysis			
BR			

	Unit Value
(For gastric lavage, therapeutic, see 99170)	
91060 Gastric saline load test	30.0
91065 <u>Breath hydrogen test (e.g., for detection of lactase deficiency)</u>	<u>BR</u>
(For biopsy by capsule, small intestine, per oral, via tube (one or more specimens), see 44100)	
((91090) Gastrointestinal string test for upper gastrointestinal bleeding with or without fluorescein 30.0))	
91100 Intestinal bleeding tube, passage, positioning and monitoring	BR
(For injection procedure for percutaneous transhepatic cholangiography, see 47500)	
(For cholangiography, see 74320, 74321)	
(For abdominal paracentesis, see 49080, 49081; with instillation of medication, see ((90793)) 96535)	
(For peritoneoscopy, see 49300; with biopsy, see 49301)	
(For peritoneoscopy and guided transhepatic cholangiography, see 49302; with biopsy, see 49303)	
(For injection procedure for splenoportography, see 38200)	
91122 Anorectal manometry	BR
91299 Unlisted diagnostic gastroenterology procedure	BR

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

WAC 296-21-062 EYE.

OPHTHALMOLOGICAL DIAGNOSTIC AND TREATMENT SERVICES

(For surgical procedures, see surgery, eye and ocular adnexa, 65091 et seq.)

**NOTES
REPORTING**

See guidelines in MEDICINE section WAC 296-21-010 and special ophthalmology notations below.

To report MINIMAL, BRIEF, AND LIMITED office services, use descriptors from the general medical section (90000 et seq.)

To report INTERMEDIATE, COMPREHENSIVE AND SPECIAL services, use the specific ophthalmological descriptors (92002 et seq.)

To report CONSULTATIONS, wherever performed, use descriptors from the general medical section (90600 et seq.)

To report HOME, HOSPITAL, EMERGENCY DEPARTMENT and other institutional medical services, use the descriptors from the general medical section ((90200)) 90100 et seq.) unless specific ophthalmological descriptors (92002 et seq.) are more appropriate.

To report surgical services, see SURGERY, EYE and OCULAR ADNEXA (65091 et seq.) and surgical guidelines WAC 296-22-010.

DEFINITIONS

MINIMAL MEDICAL SERVICE: A level of service supervised by a physician but not necessarily requiring his presence.

For example:

Visual acuity check or verification of lenses.

BRIEF MEDICAL SERVICE: A level of service pertaining to the evaluation and treatment of a condition requiring only an abbreviated history and examination.

For example:

- a. Follow-up for conjunctivitis.
- b. Removal of sutures from laceration (when not a post-op part of a total surgical service).

LIMITED MEDICAL SERVICE: A level of service pertaining to the evaluation of a circumscribed acute illness or to the periodic reevaluation of a problem including an interval history and examination, the review of effectiveness of past medical management, the ordering and evaluation of appropriate diagnostic tests, the adjustment of therapeutic management as indicated, and the discussion of findings and/or medical management.

For example:

- a. Review of history, external examination of eye, initiation of treatment for acute conjunctivitis.
- b. Review of interval history, and physical and sensory status, and adjustment of medication in a patient with iridocyclitis or glaucoma.

INTERMEDIATE OPHTHALMOLOGICAL SERVICES: A level of service pertaining to the evaluation of a new or existing condition complicated with a new diagnostic or management problem not necessarily relating to the primary diagnosis, including history, general medical observation, external ocular and adnexal examination and other diagnostic procedures as indicated; may include the use of mydriasis. Intermediate services do not usually include determination of the refractive state but may do so in an established patient (92012) who is under continuing active treatment.

For example:

- a. Review of history, external examination, ophthalmoscopy, biomicroscopy for an acute complicated condition (e.g. iritis) not requiring comprehensive ophthalmological services.
- b. Review of interval history, external examination, ophthalmoscopy, biomicroscopy and tonometry in established patient with known cataract not requiring comprehensive ophthalmological services.

COMPREHENSIVE OPHTHALMOLOGICAL SERVICES: A level of service in which a general evaluation of the complete visual system is made. The comprehensive services constitute a single service entity but need not be performed at one session. The service includes history, general medical observation, external and ophthalmoscopic examination, gross visual fields and basic sensorimotor examination. It often includes, as indicated: Biomicroscopy, examination with cycloplegia or mydriasis, tonometry, and usually determination of the refractive state unless known, or unless the condition of the media precludes this or it is otherwise contraindicated, as in presence of trauma or severe inflammation. It always includes initiation of diagnostic and treatment programs as indicated.

For example:

The comprehensive services required for diagnosis and treatment of a patient with symptoms indicating possible disease of the visual system, such as glaucoma, cataract or retinal disease, or to rule out disease of the visual system, new or established patient.

"Initiation of diagnostic and treatment program" includes the prescription of medication, lenses and other therapy and arranging for special ophthalmological diagnostic or treatment services, consultations, laboratory procedures and radiological services as may be indicated.

Prescription of lenses may be deferred to a subsequent visit, but in any circumstance is not reported separately. ("Prescription of lenses" does not include anatomical facial measurements for or writing of laboratory specifications for spectacles. For spectacle services, see 92340 et seq.)

DETERMINATION OF THE REFRACTIVE STATE is the quantitative procedure that yields the refractive data necessary to determine the best visual acuity with lenses and to prescribe lenses. It is not a separate medical procedure, or service entity, but is an integral part of the general ophthalmological services, carried out with reference to other diagnostic procedures. The evaluation of the need for and the prescription of lenses is never based on the refractive state alone.

Determination of the refractive state is not reported separately. It is usually part of the comprehensive ophthalmological services (92004, 92014), but may occasionally be a part of intermediate ophthalmological services to an established patient (92012) who, under continuing active treatment with periodic observation, may not require comprehensive reevaluation.

The explanatory code((s, ~~=X~~ and ~~=Y~~, are)) AP is an administrative code((s)) only ((and not modifiers;)) and need only be used when by law a carrier in order to administer a program (e.g., MEDICARE) requires the information that "determination of the refractive state of the eyes" was or was not done in the course of the reported services 92004, 92012 or 92014 exclusively:

~~((=X determination of refractive state was performed in course of diagnostic ophthalmological examination~~

~~=Y))~~

-AP determination of refractive state was not performed in course of diagnostic ophthalmological examination

SPECIAL OPHTHALMOLOGICAL SERVICES: Services in which a special evaluation of part of the visual system is made, which goes beyond the services usually included under general ophthalmological services, or in which special treatment is given.

For example:

Fluorescein angiography, quantitative visual field examination, or extended color vision examination (such as Nagel's anomaloscope) should be specifically reported as special ophthalmological services.

Medical diagnostic evaluation by the physician is an integral part of all ophthalmological services. Technical procedures (which may or may not be performed by the physician personally) are often part of the service, but should not be mistaken to constitute the service itself.

Intermediate and comprehensive ophthalmological services constitute integrated services in which medical diagnostic evaluation cannot be separated from the examining techniques used. Itemization of service components, such as slit lamp examination, keratometry, ophthalmoscopy, retinoscopy, determination of refractive state, tonometry, motor evaluation, etc. is not applicable.

GENERAL OPHTHALMOLOGICAL SERVICES

Unit Basic
Value Anes@

NEW PATIENT

A patient who is new to the physician whose medical and administrative record needs to be established.

(For brief or limited services to new patient, as for minor adnexal condition, see 90000, 90010)

		Unit	Basic
		Value	Anes@
92002	Ophthalmological services: Medical examination and evaluation with initiation of diagnostic and treatment program; intermediate, new patient	30.0	
92004	comprehensive, new patient, one or more visits	40.0	

92081	Visual field examination with medical diagnostic evaluation; limited examination (e.g., tangent screen, Autoplot, arc perimeter, or single stimulus level automated test, such as Octopus 3 or 7 equivalent)	20.0	
92082	intermediate examination (e.g., multistimulus level, full field, quantitative perimetry, several isopters on Goldmann perimeter or multilevel, full field automated test such as Octopus program 33 or 34 equivalent)	(20.0) 25.0	

ESTABLISHED PATIENT

A patient whose medical and administrative records are available to the physician. The designation of new or established patient does not preclude the use of a specific level of service.

(For minimal, brief, or limited services to an established patient, see 90030-90050)

92012	Ophthalmological services: Medical examination and evaluation, with initiation or continuation of diagnostic and treatment program; intermediate, established patient	30.0	
92014	comprehensive, established patient, one or more visits	40.0	

92083	extended examination, quantitative perimetry (e.g., manual static and kinetic perimetry on Goldmann or Tubingen perimeter or equivalent, or automated static perimetry, complex, such as Octopus program 31+41 or 32+41)	(20.0) 26.5	
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(Gross visual field testing (e.g., confrontation testing) is a part of general ophthalmological services and is not reported separately)

SPECIAL OPHTHALMOLOGICAL SERVICES

92018	Ophthalmological examination and evaluation, under general anesthesia, with or without manipulation of globe for passive range of motion or other manipulation to facilitate diagnostic examination; complete	20.0	3.0
92019	limited	15.0	
92020	Gonioscopy with medical diagnostic evaluation (separate procedure)	15.0	

(For gonioscopy under general anesthesia, see 92018)

92060	Sensorimotor examination with medical diagnostic evaluation (separate procedure)	25.0	
92065	Orthoptic and/or pleoptic training, with continuing medical direction and evaluation	15.0	
92070	Fitting of contact lens for treatment of disease, including supply of lens	150.0	

92100	Serial tonometry with medical diagnostic evaluation (separate procedure), one or more sessions, same day	15.0	
92120	Tonography with medical diagnostic evaluation, recording indentation tonometer method or perilimbal suction method	30.0	
92130	Tonography with water provocation	20.0	
92140	Provocative tests for glaucoma, with medical diagnostic evaluation, without tonography	30.0	

OPHTHALMOSCOPY

Routine ophthalmoscopy is part of general and special ophthalmological services whenever indicated. It is not reported separately.

92225	Ophthalmoscopy, extended as for retinal detachment (may include use of contact lens, drawing or sketch, and/or fundus biomicroscopy), with medical diagnostic evaluation; initial	30.0	
92226	subsequent	20.0	

	Unit Value	Basic Anes@
92230 Ophthalmoscopy, with medical diagnostic evaluation; with fluorescein angiography (observation only)	50.0	
92235 with fluorescein angiography (includes multiframe photography)	114.4	
92250 with fundus photography	BR	
92260 with ophthalmodynamometry	40.0	
(For ophthalmoscopy under general anesthesia, see 92018)		
OTHER SPECIALIZED SERVICES		
92265 Oculoelectromyography, one or more extraocular muscles, one or both eyes, with medical diagnostic evaluation	40.0	
92270 Electro-oculography, with medical diagnostic evaluation	40.0	
92275 Electroretinography, with medical diagnostic evaluation	40.0	
92280 Visually evoked potential (response) study, with medical diagnostic evaluation	40.0	
(For electronystagmography for vestibular function studies, see 92541 et seq.)		
(For ophthalmic echography (diagnostic ultrasound), see 76511-76529)		
92283 Color vision examination, extended, e.g., anomaloscope or equivalent	BR	
(Color vision testing with pseudoisochromatic plates (such as HRR or Ishihara) is not reported separately. It is included in the appropriate general or ophthalmological service.)		
92284 Dark adaptation examination, with medical diagnostic evaluation	BR	
92285 External ocular photography with medical diagnostic evaluation for documentation of medical progress (e.g., close-up photography, slit lamp photography, goniphotography, stereo-photography)	BR	
92286 Special anterior segment photography with medical diagnostic evaluation; with specular endothelial microscopy and cell count	BR	

	Unit Value	Basic Anes@
92287 with fluorescein angiography	BR	

CONTACT LENS SERVICE

The prescription of contact lenses (optical and physical characteristics, power, size, curvature) is NOT a part of the general ophthalmological services.

The fitting of contact lenses includes instruction and training of the wearer and incidental revision of the lens.

The supply of the prescribed contact lenses is often reported as a part of the service of fitting. Use modifier '-26' to describe the services of fitting without supply.

To report the supply of contact lens separately, use 92391 or 92396.

(For therapeutic or surgical use of contact lens, see 68340, 92070)

92310 Prescription of optical and physical characteristics of and fitting of contact lens, with medical supervision of adaptation; corneal lens, both eyes, except for aphakia	SV
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(For prescription and fitting of one eye, see modifier -52)

92311 corneal lens for aphakia, one eye	SV
92312 corneal lens for aphakia, both eyes	SV
92313 corneoscleral lens	SV

92314 Prescription of optical and physical characteristics of contact lens, with medical supervision of adaptation and direction of fitting by independent technician; corneal lens, both eyes, except for aphakia	SV
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(For prescription and fitting of one eye, see modifier -52)

92315 corneal lens for aphakia, one eye	SV
92316 corneal lens for aphakia, both eyes	SV
92317 corneoscleral lens	SV

92325 Modification of contact lens (separate procedure), with medical supervision of adaptation	SV
92326 Replacement of contact lens	SV

OCULAR PROSTHETICS, ARTIFICIAL EYE

92330 Prescription, fitting, and supply of ocular prosthesis (artificial eye), with medical supervision of adaptation	SV
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	Unit Value	Basic Anes@
(If supply is not included, see modifier -26; to report supply separately, see 92393)		
92335 Prescription of ocular prosthesis (artificial eye) and direction of fitting and supply by independent technician, with medical supervision of adaptation	SV	
SPECTACLE SERVICES (INCLUDING PROSTHESIS FOR APHAKIA)		
Prescription of spectacles, when required, is an integral part of general ophthalmological services and is not reported separately. It includes specification of lens type (monofocal, bifocal, other), lens power, axis, prism, absorptive factor, impact resistance, and other factors.		
Fitting of spectacles is a separate service; when provided by the physician, it is reported as indicated by 92340-92371. Fitting includes measurement of anatomical facial characteristics, the writing of laboratory specification, and the final adjustment of the spectacles to the visual axes and anatomical topography. Presence of physician is not required.		
Supply of materials is a separate service component; it is not a part of the service of fitting spectacles.		
92340 Fitting of spectacles, except for aphakia; monofocal	SV	
92341 bifocal	SV	
92342 multifocal, other than bifocal	SV	
92352 Fitting of spectacle prosthesis for aphakia; monofocal	SV	
92353 multifocal	SV	
92354 Fitting of spectacle mounted low vision aid; single element system	SV	
92355 telescopic or other compound lens system	SV	
92358 Prosthesis service for aphakia, temporary (disposable or loan, including materials)	SV	
92370 Repair and refitting spectacles, except for aphakia	SV	
92371 spectacle prosthesis for aphakia	SV	
SUPPLY OF MATERIALS		
92390 Supply of spectacles, except prosthesis for aphakia and low vision aids	SV	
92391 Supply of contact lenses, except prosthesis for aphakia	SV	
(For supply of contact lenses reported as part of the service of fitting, see 92310-92313)		
(For replacement of contact lens, see 92326)		

	Unit Value	Basic Anes@
92392 Supply of low vision aids (a low vision aid is any lens or device used to aid or improve visual function in a person whose vision cannot be normalized by conventional spectacle correction. Conventional spectacle correction includes reading additions up to 4 D)	SV	
92393 Supply of ocular prosthesis (artificial eye)	SV	
(For supply reported as part of the service of fitting, see 92330)		
92395 Supply of permanent prosthesis for aphakia; spectacles	SV	
(For temporary spectacle correction, see 92358)		
92396 contact lenses	SV	
(For supply reported as part of the service of fitting, see 92311, 92312)		
(See 99070 for the supply of other materials, drugs, trays, etc.)		
OTHER PROCEDURES		
92499 Unlisted ophthalmological service or procedure	BR	
AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)		
WAC 296-21-066 CARDIOVASCULAR. Values for items 92950-93799 include laboratory procedure(s), interpretation and physician's services (except surgical and anesthesia services as listed in the section on surgery), unless otherwise stated.		
	Unit Value	Basic Anes@
THERAPEUTIC SERVICES		
92950 Cardiopulmonary resuscitation (e.g., in cardiac arrest)	SV	
(See also critical care services, 99160)		
92953 <u>Temporary transcutaneous pacing</u>	BR	
<u>(For physician direction of ambulance or rescue personnel outside of the hospital, see 90590)</u>		
92960 Cardioversion, elective, electrical conversion of arrhythmia, external	100.0	4.0

	Unit Value	Basic Anes@		Unit Value	Basic Anes@
92970 Cardioassist—method of circulatory assist; internal	BR		93045 esophageal lead (includes placement and interpretation)	50.0	
92971 external	BR		((93050 Transportation of ECG equipment to home within radius of 7 miles	10.0	
(For balloon atrial-septostomy, see 33738)			(For additional mileage, see 99030)))		
(For placement of catheters for use in circulatory assist devices such as intra-aortic balloon pumping, see 33970)			93201 Phonocardiogram with ECG lead; with supervision during recording with interpretation and report (when equipment is supplied by the physician)	50.0	
92975 Thrombolysis, coronary; by intracoronary infusion, including selective, coronary angiography	BR		93202 tracing only, without interpretation and report (when equipment is supplied by the hospital, clinic, etc.)	15.0	
92977 by intravenous infusion	BR		93204 interpretation and report	25.0	
92982 Percutaneous transluminal coronary angioplasty; single vessel	BR		93205 Phonocardiogram with ECG lead, with indirect carotid artery and/or jugular vein tracing, and/or apex cardiogram; with interpretation and report	60.0	
92984 each additional vessel	BR		93208 tracing only, without interpretation and report	15.0	
CARDIOGRAPHY			93209 interpretation and report only	30.0	
(For echocardiography, see ((76601=76628)) 93300-93320)			93210 Phonocardiogram, intracardiac	70.0	
93000 Electrocardiogram, with interpretation and report; routine ECG with at least 12 leads	30.0		93220 Vectorcardiogram (VCG), with or without ECG, interpretation and report	50.0	
93005 tracing only, without interpretation and report	20.0		93221 tracing only, without interpretation and report	15.0	
93010 interpretation and report only	15.0		93222 interpretation and report only	25.0	
(For ECG monitoring, see 99150, 99151)			93255 Apexcardiography	BR	
93012 Telephonic or telemetric transmission of electrocardiogram, rhythm strip;	BR		93258 Electrocardiographic monitoring for up to 12 hours of continuous analog recording, with physician review, interpretation and report with or without full disclosure printout; with superimposition scanning	BR	
93014 physician review with interpretation and report	BR		93259 without superimposition scanning	BR	
93015 Cardiovascular stress test using maximal or submaximal treadmill or bicycle exercise; continuous electrocardiographic monitoring, with interpretation and report	50.0		93262 Electrocardiographic monitoring 12 through 24 hours of continuous analog recording, with physician review, interpretation and report with or without full disclosure printout; with superimposition scanning	200.0	
93017 tracing only, without interpretation and report	30.0		93263 without superimposition scanning	BR	
93018 interpretation and report only	25.0				
93024 Ergonovine provocation test	BR				
93040 Rhythm ECG, one to three leads; with interpretation	30.0				
93041 tracing only without interpretation and report	15.0				
93042 interpretation and report only	20.0				

		Unit Value	Basic Anes@			Unit Value	Basic Anes@
93266	Electrographic monitoring, 24 hours noncontinuous computerized monitoring and intermittent cardiac event recording (Real Time Data Analysis) . . .		BR		(For radiological procedures, see 75500-((75755)) <u>75767</u>)		
93268	Patient demand single event ECG recording; presymptom memory loop and transmission		BR		Listed values are for the physician's services only and include usual preassessment of cardiac problem and recording of intra-cardiac pressure.		
93269	post-symptom recording and transmission		BR		(For consultation services, see 90600-90630)		
	(For unlisted cardiographic procedure, see 93799)		BR	93501	Right heart catheterization; only	350.0	5.0
CARDIAC FLUOROSCOPY					(For bundle of His recording, see 93600)		
93280	Cardiac fluoroscopy		BR	93503	Placement of flow directed catheter (e.g., Swan-Ganz), with or without balloon tip, when placed for monitoring purposes, collection of blood, and/or angiography	200.0	5.0
	(For chest fluoroscopy, see 71034, 76000)				(For subsequent monitoring, see 99150, 99151)		
ECHOCARDIOGRAPHY							
93300	Echocardiography, M-Mode; complete	90.7		93505	Endomyocardial biopsy	200.0	5.0
93305	limited (e.g., follow-up or limited study)		BR	93510	Left heart catheterization, retrograde, from the brachial artery, axillary artery or femoral artery; percutaneous	200.0	5.0
93307	Echocardiography, real-time scan; complete	80.5		93511	by cutdown	200.0	5.0
93308	limited		BR	93514	by left ventricular puncture	200.0	5.0
93309	Echocardiography, M-mode and real time with image documentation (2D)	190.7		93524	Combined transseptal and retrograde left heart catheterization	400.0	5.0
93312	<u>Echocardiography, real time with image documentation (2D) (with or without M Mode recording), transesophageal</u>		BR	93526	Combined right heart catheterization and retrograde left heart catheterization	450.0	5.0
93320	<u>Doppler echocardiography</u>		BR	93527	Combined right heart catheterization and transseptal left heart catheterization <u>through intact septum</u> (with or without retrograde left heart catheterization)	400.0	5.0
	(Procedure 93320 is often performed in combination with M-Mode or 2-dimensional echocardiography)			93528	Combined right heart catheterization with left ventricular puncture (with or without retrograde left heart catheterization)	400.0	5.0
	(For echocardiography as a radiologic procedure, see 76620-((76628)) <u>76632</u>)			93529	<u>Combined right heart catheterization and left heart catheterization through existing septal opening (with or without retrograde left heart catheterization)</u>		BR
Cardiac catheterization				93536	Percutaneous insertion of intra-aortic balloon catheter		BR
	Cardiac catheterization procedure includes ((<u>placement</u>)) <u>introduction, positioning, and repositioning</u> of catheter(s), <u>when necessary</u> , recording of intracardiac and intravascular pressure, obtaining blood samples for measurement of blood gases and/or dye (or other) dilution curves and cardiac output measurement((s)) (dye dilution, Fick or other method, with or without rest and exercise and/or other studies) with or without electrode catheter placement, final evaluation and report.				(For removal of balloon catheter, see 33971)		

	Unit Value	Basic Anes@		Unit Value	Basic Anes@
<p><u>When injection procedures are performed in conjunction with cardiac catheterization(=), these services do not include ((placement or repositioning)) introduction of catheters but do include repositioning of catheters when necessary and use of automatic power injectors. The technical details of angiography, supervision of ((filming)) filing and processing, interpretation and report are not included. For radiological services, see appropriate section.</u></p>					
93541		290.0	93547	350.0	
<p>Injection procedure during cardiac catheterization; for pulmonary angiography (For radiological procedures, see 75741-75748)</p>			<p>Combined left heart catheterization, selective coronary angiography, <u>one or more coronary arteries</u>, and selective left ventricular angiography (this code number is to be used when procedure 93510 is combined with procedures 93543 and 93545)</p>		
93542		290.0	93548	300.0	
<p>for selective right ventricular or right atrial angiography</p>			<p>Combined left heart catheterization, selective coronary angiography, <u>one or more coronary arteries</u>, selective left ventriculography, ((and)) with aortic root aortography</p>		
93543		290.0	93549	400.0	
<p>for selective left ventricular or left atrial angiography (For radiological procedures, see 75500-75509)</p>			<p>Combined right and left heart catheterization, selective coronary angiography, ((and)) <u>one or more coronary arteries</u>, selective left ventricular angiography; (this code number is to be used when procedure 93547 is combined with right heart catheterization)</p>		
93544		290.0	93550	BR	
<p>for aortography (For radiological procedures, see 75600-75628)</p>			<p>with selective visualization of bypass graft (this code number is to be used when procedure 93549 is combined with procedure 93551).</p>		
93545		290.0	93551	BR	
<p>for selective coronary angiography (injection of radiopaque material may be by hand) (For radiological procedures, see 75750-75755)</p>			<p>Selective opacification of aortocoronary bypass grafts, <u>one or more coronary arteries</u> (injection of radiopaque material may be made by hand)</p>		
<p><u>Codes 93546-93553 include the introduction of catheter (percutaneous or cutdown), placement or repositioning, and injection of the contrast media or dye.</u></p>			93552		
93546		290.0	<p>Combined left heart catheterization, selective coronary angiography, <u>one or more coronary arteries</u>, selective left ventricular cineangiography and visualization of bypass grafts; (this code number is to be used when procedure 93550 is combined with procedure 93547).</p>		
<p>Combined left heart catheterization and left ventricular angiography</p>			93553	BR	
			<p>with aortic root aortography (this code number is to be used when procedure 93548 is combined with procedure 93550).</p>		
			<p>(For radiographic procedures only, see ((75741-75748)) 75762-75767)</p>		
			<p><u>Codes 93561 and 93562 are not to be used with cardiac catheterization codes.</u></p>		

	Unit Value	Basic Anes@		Unit Value	Basic Anes@
93561			93720		
Indicator dilution studies such as dye or thermal dilution, including arterial and/or venous catheterization; with cardiac output measurement (separate procedure)	50.0		Plethysmography, total body with interpretation and report.	30.0	
93562			93721		
subsequent measurement of cardiac output	20.0		tracing only, without interpretation and report	10.0	
(For radioisotope method of cardiac output, see 78470)			93722		
(For unlisted cardiac catheterization procedure, see 93799)			interpretation and report only	25.0	
			(For regional plethysmography, see 93850-93910)		
			((93725-93730, 93750 have been deleted. To report, see 93850-93960))		
			93731		
INTRACARDIAC ELECTROPHYSIOLOGICAL PROCEDURES			Electronic analysis of dual-chamber internal pacemaker system (may include rate, pulse amplitude and duration, configuration of wave form, and/or testing of sensory function of pacemaker); without reprogramming	BR	
93600	200.0		93732	75.0	
Bundle of His recording			with reprogramming		
93602	BR		93733	15.00	
Intra-atrial recording			telephonic analysis		
93603	BR		93734		
Right ventricular recording			Electronic analysis of single-chamber internal pacemaker system (may include rate, pulse amplitude and duration, configuration of wave form, and/or testing of sensory function of pacemaker); without reprogramming	BR	
93605	BR		with reprogramming	50.0	
with mapping			93736	15.00	
93607	BR		telephonic analysis		
Left ventricular recording			93740	BR	
93608	BR		Temperature gradient studies		
with mapping			93760	noncovered procedure	
93610	BR		Thermogram; cephalic	noncovered procedure	
Intra-atrial pacing					
93612	BR		93762		
Intraventricular pacing			peripheral	noncovered procedure	
93614	BR				
Bundle of His pacing			93770	10.0	
93618	BR		Venous pressure determination		
Induction of arrhythmia by electrical pacing			(For central venous cannulization and pressure measurements, see ((36480-36500) 36488-36491, 36500)		
(For intracardiac phonocardiogram, see 93210)			((93780- Circulation time, one test	10.0	
			93781	20.0))	
93630	BR		two or more test materials		
Left ventricular endocardial resection, with or without cryoablation, with intra-operative mapping			93784		
Other vascular studies			Ambulatory blood pressure monitoring, utilizing a system such as magnetic tape and/or computer disc, for 24 hours; including recording, scanning analysis, interpretation and report	BR	
(For arterial cannulization and recording of direct arterial pressure, see 36620)			93786	BR	
(For radiographic injection procedures, see 36000-36299)			recording only		
(For vascular cannulization for hemodialysis, see 36800-36820)			93788	BR	
(For chemotherapy for malignant disease, see ((90790-90796) 96500-96549)			scanning analysis with report		
(For penile plethysmography, see 54240)			93790	BR	
((93700- Peripheral vascular disease studies has been deleted. To report, see 93850-93960)			physician review with interpretation and report	BR	
(93710 carotid phonoangiography has been deleted. To report, use 93860))					

	Unit Value	Basic Anes@		Unit Value	Basic Anes@
((93791-93796 have been deleted. To report, see 93731-93736)))			93910 pulse volume digit wave form analysis, flow velocity signals).	114.4	
OTHER PROCEDURES			93910 Noninvasive studies of lower extremity arteries (e.g., segmental blood pressure measurements, continuous wave Doppler analog wave form analysis, evocative pressure response to exercise or reactive hyperemia, photoplethysmography or pulse volume digit wave form analysis, flow velocity signals)	80.0	
93799 Unlisted cardiovascular service or procedure	BR				
NONINVASIVE PERIPHERAL VASCULAR DIAGNOSTIC STUDIES			VENOUS STUDIES		
Peripheral vascular studies include patient care required to perform the studies, supervision of the studies and interpretation of study results with copies for patient records of hard copy output or imaging when provided.			93950 Noninvasive studies of extremity veins (e.g., Doppler studies with evaluation of venous flow patterns and responses to compression and other maneuvers, phleborheography, impedance plethysmography)	76.3	
CEREBROVASCULAR ARTERIAL STUDIES			93960 <u>Quantitative venous flow studies (e.g., capacitance and out-flow measurement of calf, measurement of calf venous reflux, quantitative photoplethysmography)</u>	BR	
93850 Noninvasive studies of cerebral arteries other than carotid (e.g., periorbital flow direction with arterial compression, periorbital photoplethysmography with arterial compression, ocular plethysmography with brachial blood pressure, ocular and ear pulse wave timing)	BR				
93860 noninvasive studies of carotid ((artery)) arteries, nonimaging (e.g., ((photoangiography)) <u>phonoangiography</u> with or without spectrum analysis, flow velocity pattern evaluation, analog velocity wave form analysis, diastolic flow evaluation, vertebral arteries flow direction measurement)	BR		AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)		
93870 Noninvasive studies of carotid ((artery)) arteries, imaging (e.g., flow imaging by ultrasonic arteriography, high resolution B-scan with or without pulsed Doppler flow evaluation, Doppler flow or duplex scan with spectrum analysis)	175.4		WAC 296-21-070 PULMONARY. Values for items 94010-94799 include laboratory procedure(s), interpretation and physician's services (except surgical and anesthesia services as listed in the section on surgery), unless otherwise stated. For laboratory procedures only, see section on pathology.	Unit Value	
LIMB ARTERIAL STUDIES (INCLUDING DIGITS)			94010 Spirometry, complete, including graphic record, total and timed vital capacity expiratory flow rate measurement(s), and/or maximal voluntary ventilation	30.0	
93890 Noninvasive studies of upper extremity arteries (e.g., segmental blood pressure measurements, continuous wave Doppler analog wave form analysis, evocative pressure response to exercise or reactive hyperemia, photoplethysmographic or			94060 Bronchospasm evaluation: Spirometry as in 94010, before and after bronchodilator (aerosol or parenteral) or exercise	50.0	
			94070 Prolonged postexposure evaluation of bronchospasm with multiple spirometric determinations after test dose of bronchodilator (aerosol only) or antigen, with spirometry as in 94010	75.0	
			94150 Vital capacity, total separate procedure.	6.0	

	Unit Value		Unit Value
94160		bronchodilation, or sputum induction for diagnostic purposes; initial demonstration and/or evaluation ..	30.0
	10.0		
94200		94665 subsequent	15.0
	20.0	94667 Manipulation chest wall, such as cupping, percussing, and vibration to facilitate lung function; initial demonstration and/or evaluation ..	40.0
94240			
	25.0	94668 subsequent	15.0
94250		94680 Oxygen uptake, expired gas analysis, rest and exercise, direct, simple including CO ₂ output, percentage oxygen extracted	50.0
	10.0	94681	
94260		94690 rest, indirect (independent procedure)	100.0
	20.0		
		94700 Arterial blood gas study (oxygen saturation, PO ₂ , PCO ₂ , CO ₂ pH), rest only	16.0
94350		94705 rest and exercise (including cannulization of artery)	70.0
	BR	94710 complete, 3 or more (e.g., O ₂ administration, IPPB, exercise, etc.)	130.0
		94715 Hemoglobin-oxygen affinity (pO ₂ for 50% hemoglobin saturation with oxygen)	220.0
94360			
	BR		
94370		(For values for blood gas determination, see 82800 et seq.)	70.0
	25.0		
94375		(For single arterial puncture, see 36600)	
	20.0		
94400		94720 Carbon monoxide diffusing capacity, any method	21.0
	20.0		
94450		94725 Membrane diffusion capacity	BR
	20.0	94750 Pulmonary compliance study any method	BR
94620			
	40.0		
94640		94760 <u>Noninvasive ear or pulse oximetry for oxygen saturation; single determination</u>	BR
	14.5		
94650		94761 <u>multiple determinations (e.g., during exercise)</u>	BR
	40.0	94762 <u>by continuous overnight monitoring (separate procedure)</u>	BR
94651		94770 Carbon dioxide, expired gas determination by infrared analyzer	BR
	20.0		
(94652	50.0))		
94656		(For bronchoscopy, see 31620-31659)	
	40.0	(For placement of flow directed catheter, see 93503)	
94657		(For venipuncture, see 36410)	
	15.0	(For central venous catheter placement, see 36480-((36485)) 36491)	
94660		(For arterial puncture, see 36600)	
	40.0	(For arterial catheterization, see 36620)	
94662			
	40.0		
94664			

	Unit Value
(For thoracentesis, see 32000)	
(For phlebotomy, therapeutic, see 99195)	
(For lung biopsy, needle, see 32405)	
(For intubation, orotracheal or nasotracheal, see 31500)	
94799 Unlisted pulmonary service or procedure	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-21-075 ALLERGY AND CLINICAL IMMUNOLOGY.

NOTES

ALLERGY SENSITIVITY TESTS: Allergy testing and treatment require prior authorization. The performance and evaluation of selective cutaneous and mucous membrane tests in correlation with the history, physical examination, and other observations of the patient. The number of tests performed should be judicious and dependent upon the history, physical findings, and clinical judgment. All patients should not necessarily receive the same tests nor the same number of sensitivity tests.

IMMUNOTHERAPY (DESENSITIZATION, HYPOSENSITIZATION): The parenteral administration of allergenic extracts as antigens at periodic intervals, usually on an increasing dosage scale to a dosage which is maintained as maintenance therapy. Indications for immunotherapy are determined by appropriate diagnostic procedures coordinated with clinical judgment and knowledge of the natural history of allergic diseases.

OTHER THERAPY: For medical conferences on the use of mechanical and electronic devices (precipitators, air conditioners, air filters, humidifiers, dehumidifiers), climatotherapy, physical therapy, occupational and recreational therapy, see 95105.

(For definitions of LEVELS OF SERVICE, see the Introduction)

(For medical service procedures, see 90000-90699)

(For skin testing of bacterial, viral, fungal extracts, etc., see 86450-86585)

SPECIAL DIAGNOSTIC PROCEDURES (ALLERGY TESTING)

	Unit Value
95000 Percutaneous tests (scratch, puncture, prick) with allergenic extracts; up to 30 tests	10.0
95001 31-60 tests each test	1.0
95002 61-90 tests each test	1.5
95003 more than 90 tests each test	2.0

95005 Percutaneous tests (scratch, puncture, prick) with antibiotics, biologicals, stinging insects; 1-5 tests	10.0
95006 6-10 tests each test	1.0
95007 11-15 tests each test	1.5
95011 more than 15 tests each test	2.0
95014 Intracutaneous (intra-dermal) tests, with antibiotics, biologicals, stinging insects, immediate reaction 15-20 minutes; 1-5 tests	15.0
95016 6-10 tests each test	2.0
95017 11-15 tests each test	2.5
95018 more than 15 tests each test	3.0
95020 Intracutaneous (interdermal) tests with allergenic extracts, immediate reaction-15 to 20 minutes; up to 10 tests	15.0
95021 11-20 tests, each test	2.0
95022 21-30 tests each test	2.0
95023 more than 30 tests each test	2.5
95027 Skin end point titration	BR
95030 Intracutaneous (intra-dermal) tests with allergenic extracts, delayed reaction-24 to 72 hours, including reading; 2 tests	20.0
95031 3-4 tests each test	2.0
95032 5-6 tests each test	2.5
95033 7-8 tests each test	3.0
95034 more than 8 tests each test	3.5
95040 Patch test, one to ten tests	10.0
95041 11-20 tests each test	2.0
95042 21-30 tests each test	2.5
95043 more than 30 tests each test	3.0
95050 Photo-patch test, one to ten tests	10.0
95051 more than 10 tests each test	4.0
95056 Photo test	10.0
95060 Mucous membrane test ophthalmic	10.0
95065 Direct nasal mucous membrane test	10.0
95070 Inhalation bronchial challenge testing (not including necessary pulmonary function tests); with histamine, methacholine, or similar compounds	BR
95071 with antigens, specify	BR
(For pulmonary function tests, see 94060, 94070)	
95075 Ingestion challenge test (e.g., metabisulfite)	BR
(95077 Food allergenic extract immunotherapy	BR)
95078 Provocative testing (e.g., Rinkel test)	BR
95080 Passive transfer test one to ten tests	100.0
95081 11-20 tests each test	2.0
95082 more than 20 tests each test	3.0

	Unit Value
(For allergy laboratory tests, see 86000-86699)	
(For intravenous therapy for severe or intractable allergic disease, see ((90799)) 90798)	
(For preparation of antigens, materials supplied by physician, etc., see 99070)	
95105 Medical conference services (e.g., use of mechanical and electronic devices, climatotherapy, breathing exercises and/or postural drainage)	50.0
(For summary conference or for therapeutic conference by physician following completion of diagnostic workup, including discussion, avoidance, elimination, symptomatic treatment, and immunotherapy, see 90040-90070)	
(For prolonged conference, see 99155-99156)	
ALLERGY IMMUNOTHERAPY	
95115 Professional services for allergen immunotherapy not including provision of allergenic extracts; single injection	8.1
95117 multiple injections	9.7
95120 Immunotherapy, in prescribing physician's office or institution, including provision of allergenic extract; single antigen	20.0
95125 multiple antigens (specify number of injections)	30.0
95130 single stinging insect venom	20.0
95131 two stinging insect venoms	BR
95132 three stinging insect venoms	BR
95133 four stinging insect venoms	BR
95134 five stinging insect venoms	BR
95135 Professional services ((performed in)) for the supervision and provision of antigens for allergen immunotherapy (specify number of vials); single antigen, single dose vials	20.0
95140 multiple antigens, single dose vials	30.0
95145 Professional services for the supervision and provision of antigens for allergen immunotherapy (specify number of treatments or total volume); single stinging insect venom, ((single)) multiple dose vials	20.0

	Unit Value
95146 two single stinging insect venoms, ((single)) multiple dose vials	BR
95147 three single stinging insect venoms, multiple dose vials	BR
95148 four single stinging insect venoms, multiple dose vials	BR
95149 five single stinging insect venoms, multiple dose vials	BR
95150 Professional services ((performed in)) for the supervision and provision of antigens for allergen immunotherapy (specify number of treatments or total volume); single or multiple antigens, one multiple dose vial((s))	25.0
95155 single or multiple antigens, two or more multiple dose vials	35.0
((95160 stinging insect venom, multiple dose vials	35.0))

(For allergy injection(s) by other than the prescribing physician, see 90782)

95170 whole body extract of biting insect or other arthropod	BR
95180 Rapid desensitization procedure, each hour (e.g., insulin, penicillin, horse serum)	BR
95199 Unlisted allergy/clinical immunologic service or procedure	BR

(For skin testing of bacterial, viral, fungal extracts, see 95030-95034, ((86450)) 86455-86585)

(For special reports on allergy patients, see 99080)

(For testing procedures such as radioallergosorbent testing (RAST), rat mast cell technique (RMCT), mast cell degranulation test ((MDT)) (MCDT), lymphocytic transformation test (LTT), leukocyte histamine release (LHR), migration inhibitory factor test (MIF), transfer factor test (TFT), nitroblue tetrazolium dye test (NTD), see Immunology section in Pathology or use 95199)

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

WAC 296-21-080 NEUROLOGY AND NEUROMUSCULAR.

NOTES

Neurologic services are typically consultative, and any of the five levels of consultation (90600-((90630)) 90643) may be appropriate.

In addition, services and skills outlined under medicine levels of service appropriate to neurologic illnesses should be coded similarly (90000 series).

	Unit Value		Unit Value
95819	70.0		
95821	80.0		
95822	70.0		
95823	70.0		
95824	70.0		
95826	70.0		
95827	100.0		
<u>(For ambulatory 24-hour EEG monitoring, see 95950.)</u>			
<u>(For EEG during nonintracranial surgery, use 95955.)</u>			
<u>(For WADA activation test, use 95958.)</u>			
95828	100.0		
95829	BR		
95830	BR		
95831	16.0		
95832	10.0		
95833	50.0		
95834	64.0		
95842	24.0		
((95845 Strength duration curve has been deleted. If necessary to report, use 95999))			
95851	16.0		
95852	10.0		
95857	10.0		
95858	20.0		
95860	80.0		
95861			
		two extremities and related paraspinal areas	120.0
		95863 three extremities and related paraspinal areas	160.0
		95864 four extremities and related paraspinal areas	200.0
		95867 Electromyography, cranial nerve supplied muscles; unilateral	100.0
		95868 bilateral	150.0
		95869 Electromyography, limited study of specific muscles (e.g. thoracic spinal muscles)	80.0
		(For eye muscles, see 92265)	
		95872 <u>Electromyography, single fiber, any technique</u>	BR
		95875 <u>Ischemic ((forearm exercise test)) limb exercise with EMG, with lactic acid determination</u>	20.0
		95880 Assessment of higher cerebral function with medical interpretation; aphasia testing	50.0
		95881 developmental testing	30.0
		95882 cognitive testing and others	30.0
		95900 Nerve conduction velocity and/or latency study, motor each nerve	32.0
		95904 sensory, each nerve	24.0
		95925 Somatosensory testing (e.g., cerebral evoked potentials), one or more nerves	170.3
		95933 Orbicularis oculi (blink) reflex, by electrodiagnostic testing	BR
		95935 "H" or "F" reflex study, by electrodiagnostic testing	44.1
		95937 Neuromuscular junction testing (repetitive stimulation, paired stimuli), each nerve, any one method	BR
		95950 Monitoring for localization of cerebral seizure focus, by attached electrodes or radiotelemetry; electroencephalographic (EEG) recording and interpretation, initial 24 hours	BR
		95951 combined electroencephalographic (EEG) and videorecording and interpretation, initial 24 hours	BR
		95952 each additional 24 hours, with or without videorecording	BR
		95954 Pharmacological activation during prolonged monitoring for localization of cerebral seizure focus	BR
		95955 Electroencephalogram (EEG) during nonintracranial surgery (e.g., carotid surgery)	BR
		95958 Wada activation test for hemispheric function, including electroencephalographic (EEG) monitoring	BR

	Unit Value		Unit Value
95999 Unlisted neurological or neuromuscular diagnostic procedure	BR		
AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)			
WAC 296-21-085 SPECIFIC THERAPEUTIC PROCEDURES—MISCELLANEOUS.			
The codes within WAC 296-21-085, Specific therapeutic procedures—Miscellaneous, have been deleted. ((96000—96050 have been deleted. To report see codes 92950, 92960, 95180, 96500—96549. For therapeutic radiology, see 79000—79999.			
For desensitization procedure see 95180.			
Codes 96150—96450 have been deleted. To report see 99170—99186. Codes 96400 and 96450 have been deleted. To report see codes 94650, 94651, 99195. Code 96460 has been deleted. To report see 62273:))			
AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)			
WAC 296-21-086 CHEMOTHERAPY INJECTIONS. Procedures 96500-96549 are independent of the patient's office visit. Either may occur independently from the other on any given day, or they may occur sequentially on the same day. ((Oncologists may see their patients at 2 to 4 week intervals with none to 5 chemotherapy procedures between visits.) <u>Intravenous chemotherapy injections are administered by a physician or by a qualified assistant under supervision of the physician.</u>			
<u>Regional (isolation) chemotherapy perfusion should be reported using existing codes describing complex arterial chemotherapy. Placement of the catheter should be reported using the appropriate code from the cardiovascular surgery section. Adjunctive procedures such as lymph node dissection, wide local excision and skin grafts should also be identified separately.</u>			
	Unit Value		
96500 Chemotherapy injection, intravenous, single premixed agent, administered by qualified assistant under supervision of physician or by physician; by push technique	BR		
96501 by infusion technique	BR		
96504 Chemotherapy injection, intravenous, multiple premixed agents, administered by qualified assistant under supervision of physician or by physician; by push technique	BR		
96505 by infusion technique	BR		
96508 Chemotherapy injection, intravenous, complex, using one or more		agents requiring mixing, administered by qualified assistant under supervision of physician or by physician; by push technique	BR
		96509 by infusion technique	BR
		96510 by infusion technique, prolonged, requiring attendance up to one hour	BR
		96511 by infusion technique, prolonged, each additional hour up to a total of eight hours	BR
		96512 by infusion technique, prolonged, up to a total of several days, involving the use of portable pump	BR
		(Use 96512 in addition to code for intravenous catheterization; see 36000-36010, 36400-36425, ((36480)) 36488-36491)	
		96520 Portable pump refilling and maintenance (use 96520 in addition to 96512)	BR
		96524 Chemotherapy injection, complex, administered by physician, arterial infusion technique	BR
		96526 Chemotherapy injection, complex, administered by physician, prolonged intra-arterial therapy infusion technique, up to several months	BR
		(Use 96526 in addition to code for intra-arterial catheterization; see 36100-36299, 36640-36660)	
		(For monitoring of an intra-arterial chemotherapy, drip or forced infusion, see 36620-36625)	
		(For implantation of infusion pump in hepatic artery system for liver chemotherapy, see 36260-36262)	
		96530 Implantable pump filling and maintenance	BR
		(Use 96530 in addition to 96526)	
		96535 Chemotherapy injection, complex, requiring thoracentesis and/or paracentesis, administered by physician, intracavitary	BR
		96538 Chemotherapy injection, requiring lumbar puncture, administered by physician	BR
		96540 Chemotherapy injection, intrathecal via reservoir, single or multiple agents, administered by physician	BR
		(For insertion of subarachnoid catheter for infusion of drug, see 63750)	

	Unit Value
96545 Provision of chemotherapy agent	BR
(For radioactive isotope therapy see 79000-79999)	
96549 Unlisted chemotherapy procedure	BR

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

WAC 296-21-090 SPECIAL DERMATOLOGICAL PROCEDURES.

Dermatologic services are typically consultative, and any of the five levels of consultation (90600-90630) may be appropriate;

In addition, services and skill outlined under medicine levels of service appropriate to dermatologic illnesses should be coded similarly (90000 series).

(For intralesional injections, see 11900, 11901)

(For Tzanck smear, use 87207)

	Unit Value
(List in addition to office visit.)	
96900 Actinotherapy (ultraviolet light)	5.0
96910 Photochemotherapy; tar and ultraviolet B (Goeckerman treatment) petrolatum and ultraviolet B	5.0
96912 psoralens and ultraviolet A (PUVA)	5.0
96999 Unlisted special dermatological service or procedure	BR

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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.

(1) 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.

((+)) (2) Listed values for all surgical procedures include the surgery, local infiltration, metacarpal/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)) (3) 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)) (4) 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)) (5) **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)) (6) **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))~~ **(7) ASTERISK (*) PROCEDURES OR ITEMS:** Certain relatively small surgical services involve a readily identifiable surgical procedure but include variable pre-operative 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 in the service as listed.

(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))~~ the service visit is usually not 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))~~ **(8) 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))~~ **(9) 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))~~ **(10) 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))~~ subsection (2) of this section.)

~~((10))~~ **(11)** 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))~~ **(12)** 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.

~~((12))~~ **(13) 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)~~ **(14) MULTIPLE PROCEDURES:** It is appropriate to designate multiple procedures that are rendered on the same date by separate entries. (See modifier -50 below.)

~~((14))~~ **(15) SEPARATE PROCEDURES:** Some of the listed procedures are commonly carried out as an integral part of a total service, and as such do not warrant a separate identification. When, however, such a procedure is performed alone for a specific purpose, it may be considered to be a separate procedure.

(16) 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))~~ **(17) SURGERY MODIFIERS:** (For other modifiers, see appropriate sections.)

Unit
Value

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:

- | | | Unit
Value |
|-----|---|---------------|
| -20 | <u>Micro-surgery</u> : When the surgical service is performed using the techniques of micro-surgery in an operating room ((and under the)) <u>requiring the use of an operating microscope</u> , 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)), whether attached to the eyeglasses, or on a headband. 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.)) | |
| -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 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.) | |
| -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. | |
| -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 | |

	Unit Value		Unit Value
		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.	
-52		<p>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:</p> <p>(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.</p> <p>(b) When the listed value is reduced in conformity with a ground rule (e.g., rereduction of a fracture).</p> <p>(c) When charges for multiple procedures (e.g., multiple lacerations, etc.) are reduced at the physician's election to achieve an appropriate total charge.</p>	
-54		<p>SURGICAL PROCEDURE ONLY: When one physician performs the surgical 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.</p>	
-55		<p>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.</p>	
-56		<p>PREOPERATIVE MANAGEMENT ONLY: When one physician performs the preoperative care and evaluation and another physician performs the</p>	
		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.	
	-62	<p>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.</p> <p>(Usual charges for surgical assistance may also be warranted if ((still another)) <u>an additional physician(s)</u> is required as part of the surgical team.)</p>	
	-64	<p>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 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.</p> <p>(Usual charges for surgical assistance may also be warranted if ((still another physician is)) <u>additional physicians are</u> required as part of the surgical team.)</p>	

	Unit Value		Unit Value
-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 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	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
-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	
			15999 Unlisted procedure, excision pressure ulcer
			17999 Unlisted procedure, ((<u>integumentary system</u>)) <u>skin, mucous membrane, and subcutaneous tissue</u>
			19499 Unlisted procedure, breast
			20999 Unlisted procedure, musculoskeletal system, general
			21499 Unlisted <u>orthopedic</u> procedure, head
			21899 Unlisted procedure, neck or thorax
			22899 Unlisted procedure, spine
			22999 Unlisted procedure, abdomen, musculoskeletal system
			23929 Unlisted procedure, shoulder
			24999 Unlisted procedure, humerus or elbow
			25999 Unlisted procedure, forearm or wrist
			26989 Unlisted procedure, hands or fingers
			27299 Unlisted procedure, pelvis or hip joint
			27599 Unlisted procedure, femur or knee
			27899 Unlisted procedure, leg or ankle
			28899 Unlisted procedure, foot or toes

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

WAC 296-22-017 UNLISTED SERVICE OR PROCEDURE. A service or procedure may be provided that is not listed in this 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 296-22-01701 below. The "unlisted procedures" and accompanying codes for SURGERY are as follows:

- 29799 Unlisted procedure, casting or strapping
- 29909 Unlisted procedure, arthroscopy
- 30999 Unlisted procedure, nose
- 31299 Unlisted procedure, accessory sinuses
- 31599 Unlisted procedure, larynx
- 31899 Unlisted procedure, trachea, bronchi
- 32999 Unlisted procedure, lungs and pleura
- 33999 Unlisted procedure, cardiac surgery
- 36299 Unlisted procedure, vascular injection
- 37799 Unlisted procedure, vascular surgery
- 38999 Unlisted procedure, hemic or lymphatic system
- 39499 Unlisted procedure, mediastinum
- 39599 Unlisted procedure, diaphragm
- 40799 Unlisted procedure, lips
- 40899 Unlisted procedure, vestibule of mouth
- 41599 Unlisted procedure, tongue, floor of mouth
- 41899 Unlisted procedure, dentoalveolar structures
- 42299 Unlisted procedure, palate, uvula
- 42699 Unlisted procedure, salivary glands or ducts
- 42999 Unlisted procedure, pharynx, adenoids, or tonsils
- 43499 Unlisted procedure, esophagus
- 43999 Unlisted procedure, stomach
- 44799 Unlisted procedure, intestine
- 44899 Unlisted procedure, Meckel's diverticulum and the mesentery
- 45999 Unlisted procedure, rectum
- 46999 Unlisted procedure, anus
- 47399 Unlisted procedure, liver
- 47999 Unlisted procedure, biliary tract
- 48999 Unlisted procedure, pancreas
- 49999 Unlisted procedure, abdomen, peritoneum and omentum
- 53899 Unlisted procedure, urinary system
- 55899 Unlisted procedure, male genital system
- 58999 Unlisted procedure, female genital system - nonobstetrical
- 59899 Unlisted procedure, maternity care and delivery
- 60699 Unlisted procedure, endocrine system
- 64999 Unlisted procedure, nervous system
- 66999 Unlisted procedure, anterior segment of eye
- 67299 Unlisted procedure, posterior segment of eye
- 67399 Unlisted procedure, ocular muscle
- 67599 Unlisted procedure, orbit
- 67999 Unlisted procedure, eyelids
- 68399 Unlisted procedure, conjunctiva
- 68899 Unlisted procedure, lacrimal system
- 69399 Unlisted procedure, external ear
- 69799 Unlisted procedure, middle ear
- 69949 Unlisted procedure, inner ear
- 69979 Unlisted procedure, temporal bone, middle fossa approach.

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-021 **EXCISION—DEBRIDEMENT.**

DEBRIDEMENT

(For dermabrasions, see 15780-((+5800)) 15791)

(For nail debridement, see 11700-11711)

(For burn(s), see 16000-((+6030)) 16035)

		Unit Value	Follow-up Days=	Basic Anes@
*11000	Debridement of extensive eczematous or infected skin; up to 10% of body surface	*0.4	0	3.0
11001	each additional 10% of the body surface	0.2		3.0
11040	Debridement; skin, partial thickness	BR+		3.0
11041	skin, full thickness	BR		3.0
11042	skin and subcutaneous tissue	BR		3.0
11043	skin, subcutaneous tissue, and muscle	BR		3.0
11044	skin, subcutaneous tissue, muscle, and bone	BR		3.0

PARING ((OR)), CURETTEMENT, OR SHAVING

11050*	Paring ((OR)), curettement, or shaving of benign lesion with or without chemical cauterization (such as verrucae or clavi); single lesion	0.5	0	3.0
11051	two to four lesions	0.6		3.0
11052	more than four lesions	0.7		3.0

EXCISION AND SIMPLE CLOSURE

(Not reconstructive surgery; for reconstructive surgery see repair-complex)

(For electro-surgical and other methods, see 17000 et seq.)

BIOPSY

11100	Biopsy of skin, subcutaneous tissue and/or mucous membrane (including simple closure), unless otherwise listed (separate procedure); one lesion	0.6	7	3.0
11101	each additional lesion	0.2	7	3.0

(For biopsy of conjunctiva, see 68100; eyelid, see 67810)

EXCISION-BENIGN LESIONS

Excision (including simple closure) of benign lesions of skin or subcutaneous tissues (e.g., cicatricial, fibrous, inflammatory, congenital, cystic lesions), including local anesthesia. See appropriate size and area below.

(For electrosurgical and other methods see 17000 et seq.)

*11200	Excision (including simple closure or ligature strangulation), skin tags, multiple fibrocuteaneous tags, any area; up to 15	*0.4	0	3.0
11201	each additional 10 lesions	0.2		3.0

Unit Follow-
Value up
Days= Basic
Anes@

Unit Follow-
Value up
Days= Basic
Anes@

(For electro-surgical destruction, see 17200, 17201)

((For multiple lesions, see WAC 296-22-010, item 7))

11400	Excision, benign lesion, except skin tag (unless listed elsewhere), trunk, arms or legs; lesion diameter 0.5 cm or less	0.6	15	3.0
11401	lesion diameter 0.6 to 1.0 cm	0.8	15	3.0
11402	lesion diameter 1.1 to 2.0 cm	1.0	15	3.0
11403	lesion diameter 2.1 to 3.0 cm	1.2	15	3.0
11404	lesion diameter 3.1 to 4.0 cm	1.4	15	3.0
11406	lesion diameter over 4.0 cm	1.6	15	3.0

(For unusual or complicated excision, add modifier -22)

11420	Excision, benign lesion, except skin tag (unless listed elsewhere), scalp, neck, hands, feet, genitalia; lesion diameter 0.5 cm or less	0.8	15	3.0
11421	lesion diameter 0.6 to 1.0 cm	1.0	15	3.0
11422	lesion diameter 1.1 to 2.0 cm	1.2	15	3.0
11423	lesion diameter 2.1 to 3.0 cm	1.4	15	3.0
11424	lesion diameter 3.1 to 4.0 cm	1.6	15	3.0
11426	lesion diameter over 4.0 cm	1.8	15	3.0

(For unusual or complicated excision, add modifier -22)

11440	Excision, other benign lesion (unless listed elsewhere), face, ears, eyelids, nose, lips, mucous membrane; lesion diameter 0.5 cm or less	1.0	15	3.0
11441	lesion diameter 0.6 to 1.0 cm	1.2	15	3.0
11442	lesion diameter 1.1 to 2.0 cm	1.4	15	3.0
11443	lesion diameter 2.1 to 3.0 cm	1.6	15	3.0
11444	lesion diameter 3.1 to 4.0 cm	1.8	15	3.0
11446	lesion diameter over 4.0 cm	2.0	15	3.0

(For unusual or complicated excision, add modifier -22)

(For eyelids involving more than skin, see also 67800 et seq.)

11450	Excision of skin and subcutaneous tissue for hidradenitis, axillary; with primary suture	BR		3.0
11451	with other closure	BR		3.0
11462	Excision of skin and subcutaneous tissue for hidradenitis, inguinal; with primary suture	BR		3.0
11463	with other closure	BR		3.0
11470	Excision of skin and subcutaneous tissue for hidradenitis, perianal, perineal, or umbilical; with primary closure	BR		3.0
11471	with other closure	BR		3.0

(When skin graft or flap is used for closure, use appropriate procedure code in addition)

(For bilateral procedure, add modifier -50)

EXCISION-MALIGNANT LESIONS

Excision (including simple closure) or treatment by any other method (except radiation or chemosurgery) of malignant lesion of skin, including local anesthesia, each lesion:

11600	Excision, malignant; lesion, trunk, arms, or legs; lesion diameter 0.5 cm or less	1.2	90	3.0
11601	lesion diameter 0.6 to 1.0 cm	1.6	90	3.0
11602	lesion diameter 1.1 to 2.0 cm	2.0	90	3.0
11603	lesion diameter 2.1 to 3.0 cm	2.4	90	3.0
11604	lesion diameter 3.1 to 4.0 cm	2.8	90	3.0
11606	lesion diameter over 4.0 cm	3.2	90	3.0
11620	Excision, malignant lesion, scalp, neck, hands, feet, genitalia; lesion diameter 0.5 cm or less	2.0	90	3.0
11621	lesion diameter 0.6 to 1.0 cm	3.0	90	3.0
11622	lesion diameter 1.1 to 2.0 cm	4.0	90	3.0
11623	lesion diameter 2.1 to 3.0 cm	5.0	90	3.0
11624	lesion diameter 3.1 to 4.0 cm	6.0	90	3.0
11626	lesion diameter over 4.0 cm	7.0	90	3.0
11640	Excision, malignant lesion, face, ears, eyelids, nose, lips; lesion diameter 0.5 cm or less	3.0	90	3.0
11641	lesion diameter 0.6 to 1.0 cm	4.0	90	3.0
11642	lesion diameter 1.1 to 2.0 cm	5.0	90	3.0
11643	lesion diameter 2.1 to 3.0 cm	6.0	90	3.0
11644	lesion diameter 3.1 to 4.0 cm	7.0	90	3.0
11646	lesion diameter over 4.0 cm	8.0	90	3.0

(For eyelids involving more than skin, see also 67800 et seq.)

NAILS

(For drainage of paronychia or onychia, see 10100, 10101)

*11700	Debridement nails, manual, five or less	*0.3	0	3.0
11701	each additional five or less	0.15		
11710	Debridement of nails, electric grinder, five or less	*0.4	0	3.0
11711	each additional five or less	0.2		3.0
*11730	Avulsion of nail plate, partial or complete, simple; single	*0.4	0	3.0
11731	second nail plate	0.2		
11732	each additional nail plate	0.1		
11740	Evacuation of subungual hematoma	0.3	0	3.0
11750	Excision of nail and nail matrix, partial or complete (e.g., ingrown or deformed nail), for permanent removal	2.0	30	3.0
11752	with amputation of tuft of distal phalanx	3.0	30	3.0
	(For skin graft, if used, see 15050)			
11760	Reconstruction of nail bed; simple	2.5	0	3.0
11762	complicated	3.0	0	3.0
11765	Wedge excision of skin of nail fold (e.g., for ingrown toenail)	1.2	0	3.0

MISCELLANEOUS

(For incision of pilonidal cyst, see 10080, 10081)

11770	Excision of pilonidal cyst or sinus, simple	2.0	30	3.0
11771	extensive	7.0	60	3.0
11772	complicated	BR+		3.0

(For hemangioma, see 11400-11446, 13100-15730)

(For hidradenitis, see 10060-10061, 11450-11471)

(For lipoma, see 11400-11446, 13100-15730)

(For lymph node dissection, see 38700-38780)

(For ulcer, vascular or inflammatory, see 11400-11446, 13100-15730)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-022 INTRODUCTION.

		Unit Value	Follow-up Days=	Basic Anes@
*11900	Injection, intralesional; up to and including seven lesions	*0.4	0	3.0
*11901	more than seven lesions	*0.72	0	3.0
(For veins, see 36470, 36471)				
11920	Tattooing, intradermal introduction of insoluble opaque pigments to correct color defects of skin; 6.0 sq cm or less	BR		3.0
11921	6.1 to 20.0 sq cm	BR		3.0
11922	each additional 20.0 sq cm	BR		3.0
11950	Subcutaneous injection of "filling" material (e.g., silicone); 1 cc or less	BR		3.0
11951	1.1 to 5 cc	BR		3.0
11952	5.1 to 10 cc	BR		3.0
11954	over 10 cc	BR		3.0
11960	Insertion of tissue expander(s)	BR		3.0
11970	Replacement of tissue expander with permanent prosthesis	BR		3.0
11971	Removal of tissue expander(s) without insertion of prosthesis	2.0		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-023 REPAIR. The repair of wounds may be classified as simple, intermediate or complex.

SIMPLE REPAIR is used when the wound is superficial; i.e., involving skin and/or subcutaneous tissues, without significant involvement of deeper structures, and which requires simple suturing. For closure with adhesive strips, list appropriate visit only.

INTERMEDIATE REPAIR includes the repair of wounds that, in addition to the above, require layer closure. Such wounds usually involve deeper layers such as fascia or muscle, to the extent that at least one of deeper layers requires separate closure.

COMPLEX REPAIR includes the repairs of wounds requiring reconstructive surgery, complicated wound closures, skin grafts or unusual and time consuming techniques of repair to obtain the maximum functional and cosmetic result. It may include creation of the defect and necessary preparation for repairs or the debridement and repair of complicated lacerations or avulsions.

Instructions for listing services at time of wound repair.

1. The repaired wound(s) should be measured and recorded in centimeters, whether curved, angular or stellate.

2. When multiple wounds are repaired, add together the lengths of those in the same classification (see above) and report as a single item.

When more than one classification of wounds is repaired, list the more complicated as the primary procedure and the less complicated as the secondary procedure, using modifier (('=50') '-51'.

3. Decontamination and/or debridement: ((~~Only when gross contamination requires prolonged cleansing is this to be considered a separate procedure.~~)) Debridement is considered a separate procedure only when gross contamination requires prolonged cleansing when appreciable amounts of devitalized or contaminated tissue are removed, or when debridement is carried out separately without immediate primary closure. (For extensive debridement of soft tissue and/or bone, see 11040-11044.)

4. Involvement of nerves, blood vessels and tendons: Report under appropriate system (nervous, cardiovascular, musculoskeletal) for repair of these structures. The repair of the associated wound is included in the primary procedure unless it qualifies as a complex wound, in which case modifier (('=50') '-51' applies.

Simple ligation of vessels in an open wound is considered as part of any wound closure.

Simple "exploration" of nerves, blood vessels or tendons exposed in an open wound is also considered part of the essential treatment of the wound and is not a separate procedure unless appreciable dissection is required.

	Unit Value	Follow-up Days=	Basic Anes@
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REPAIR-SIMPLE

(Sum of lengths of repairs)

12001*	Simple repair of superficial wounds of scalp, neck, axillae, external genitalia, trunk and/or extremities (including hands and feet); 2.5 cm or less	0.4	0	3.0
12002*	2.6 cm to 7.5 cm	0.6	0	3.0
12004*	7.6 cm to 12.5 cm	0.8	0	3.0
12005	12.6 cm to 20.0 cm	1.0	0	3.0
12006	20.1 cm to 30.0 cm	1.2	0	3.0
12007	over 30.0 cm	BR		3.0
12011*	Simple repair of superficial wounds of face, ears, eyelids, nose, lips and/or mucous membranes; 2.5 cm or less	0.6	0	3.0
12013*	2.6 cm to 5.0 cm	0.8	0	3.0
12014	5.1 cm to 7.5 cm	1.0	0	3.0
12015	7.6 cm to 12.5 cm	1.2	0	3.0
12016	12.6 cm to 20.0 cm	1.4	0	3.0
12017	20.1 cm to 30.0 cm	1.6	0	3.0
12018	over 30.0 cm	BR		3.0
12020	Treatment of superficial wound dehiscence; simple closure	BR		3.0
12021	with packing	BR		3.0

(For extensive or complicated secondary wound closure, see 13160)

REPAIR-INTERMEDIATE

12031*	Layer closure of wounds of scalp, axillae, trunk and/or extremities (excluding hands and feet); 2.5 cm or less	0.6	0	3.0
12032*	2.6 cm to 7.5 cm	0.8	0	3.0
12034	7.6 cm to 12.5 cm	1.0	0	3.0

		Unit Value	Follow-up Days=	Basic Anes@
12035	12.6 cm to 20.0 cm	1.2	0	3.0
12036	20.1 cm to 30.0 cm	1.4	0	3.0
12037	over 30.0 cm	BR		3.0
12041*	Layer closure of wounds of neck, hands, feet and/or external genitalia; 2.5 cm or less	0.8	0	3.0
12042	2.6 cm to 7.5 cm	1.0	0	3.0
12044	7.6 cm to 12.5 cm	1.2	0	3.0
12045	12.6 cm to 20.0 cm	1.4	0	3.0
12046	20.1 cm to 30.0 cm	1.6	0	3.0
12047	over 30.0 cm	BR		3.0
12051*	Layer closure of wounds of face, ears, eyelids, nose, lips and/or mucous membranes; 2.5 cm or less	1.0	0	3.0
12052	2.6 cm to 5.0 cm	1.2	0	3.0
12053	5.1 cm to 7.5 cm	1.4	0	3.0
12054	7.6 cm to 12.5 cm	1.6	0	3.0
12055	12.6 cm to 20.0 cm	1.8	0	3.0
12056	20.1 cm to 30.0 cm	2.0	0	3.0
12057	over 30.0 cm	BR		3.0

(For packing or simple secondary wound closure, see 12020, 12021)

13300 Repair, unusual, complicated, over 7.5 cm, any area BR 4.0

ADJACENT TISSUE TRANSFER OR REARRANGEMENT

(For full thickness repair of lip or eyelid, see respective anatomical subsections)

Excision and/or repair by adjacent tissue transfer or rearrangement (e.g., Z-plasty, W-plasty, V-Y plasty, rotation flap, advancement flap, double pedicle flap). When applied in repairing lacerations, the procedures listed must be developed by the surgeon to accomplish the repair. They do not apply when direct closure or rearrangement of traumatic wounds incidentally result in these configurations.

(Skin graft necessary to close secondary defect considered an additional procedure)

14000	Adjacent tissue transfer or rearrangement, trunk; defect 10 sq cm or less	4.0	60	3.0
14001	defect 10.1 sq cm to 30 sq cm	6.0	60	3.0
14020	Adjacent tissue transfer or rearrangement, scalp, arms and/or legs; defect up to 10 sq cm	6.0	60	4.0
14021	defect 10 sq cm to 30 sq cm	8.0	60	4.0
14040	Adjacent tissue transfer or rearrangement, forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands and/or feet; defect up to 10 sq cm	8.0	60	4.0
14041	defect 10 sq cm to 30 sq cm	10.0	60	4.0
14060	Adjacent tissue transfer or rearrangement, eyelids, nose, ears and/or lips; defect up to 10 sq cm	10.0	60	4.0
14061	defect 10 sq cm to 30 sq cm	14.0	60	4.0
	(For eyelid, full thickness, see ((67952)) 67961 et seq.)			
14300	Adjacent tissue transfer or rearrangement, more than 30 sq cm, unusual or complicated, any area	BR		4.0
14350	Filletted finger or toe flap, including preparation of recipient site	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-024 REPAIR—COMPLEX.

(Reconstructive procedures, complicated wound closure, skin grafts, pedicle flaps)

(For full thickness repair of lip or eyelid, see respective anatomical subsections)

		Unit Value	Follow-up Days=	Basic Anes@
13100	Repair, complex, trunk; 1.1 cm to 2.5 cm	1.2	30	3.0
	(For 1.0 cm or less, see simple or intermediate repairs)			
13101	2.6 cm to 7.5 cm	3.0	30	3.0
13120	Repair, complex, scalp, arms, and/or legs; 1.1 cm to 2.5 cm	1.8	30	3.0
	(For 1.0 cm or less, see simple or intermediate repairs)			
13121	2.6 cm to 7.5 cm	4.0	30	3.0
13131	Repair, complex, forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands and/or feet; 1.1 cm to 2.5 cm	2.4	30	4.0
	(For 1.0 cm or less, see simple or intermediate repairs)			
13132	2.6 cm to 7.5 cm	6.0	30	4.0
13150	Repair, complex, eyelids, nose, ears and/or lips; 1.0 cm or less	2.0	30	4.0
	(See also 40650-40654, ((67952)) 67961-67975)			
13151	1.1 cm to 2.5 cm	3.0	30	4.0
13152	2.6 cm to 7.5 cm	8.0	30	4.0
13160	Secondary closure of surgical wound or dehiscence, extensive or complicated	BR		4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-025 FREE SKIN GRAFTS. Identified by the size and location of the defect (recipient area) and the type of graft; includes simple debridement of granulations or recent avulsion.

When a primary procedure such as orbitectomy, radical mastectomy or deep tumor removal requires skin graft for definitive closure, see appropriate anatomical

subsection for primary procedure and this section for skin graft.

(Repair of donor site requiring skin graft or local flaps to be added as additional procedure)

	Unit Value	Follow-up Days=	Basic Anes@
15000 Excisional preparation or creation of recipient site by excision of essentially intact skin (including subcutaneous tissue), scar, or other lesion prior to repair with free skin graft (list as separate service in addition to skin graft)	*3.6		3.0
(For appropriate skin grafts, see 15050-15261; list the free graft separately by its procedure number when the graft, immediate or delayed is applied)			
*15050 Pinch graft, single or multiple, to cover small ulcer, tip of digit or other minimal open area (except on face), defect size 2 cm diameter	*1.2	0	3.0
15100 Split graft, trunk, scalp, arms, legs, hands and/or feet (except multiple digits); 100 sq cm or less, or each one percent of body area of infants and children (except 15050)	6.0	45	4.0
15101 each additional 100 sq cm, or each one percent of body area of infants and children, or part thereof	1.2		4.0
15120 Split graft, face, eyelids, mouth, neck, ears, orbits, genitalia, and/or multiple digits; 100 sq cm or less, or each one percent of body area of infants and children (except 15050)	11.0	45	4.0
15121 Each additional 100 sq cm, or each one percent of body area of infants and children, or part thereof	2.0		4.0
(For eyelids, see also 67961 et seq.)			
15200 Full thickness graft, free, including direct closure of donor site, trunk; 20 sq cm or less	4.0	45	3.0
15201 each additional 20 sq cm	2.0		
15220 Full thickness graft, free, including direct closure of donor site, scalp, arms and/or legs; 20 sq cm or less	6.0	45	3.0
15221 each additional 20 sq cm	3.0		
15240 Full thickness graft, free, including direct closure of donor site, forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands and/or feet; 20 sq cm or less	8.0	45	4.0
(For finger tip graft, see 15050)			
(For repair of syndactyly, fingers, see 26560-26562)			
15241 each additional 20 sq cm	4.0		4.0
15260 Full thickness graft, free, including direct closure of donor site, nose, ears, eyelids, and/or lips; 20 cm or less	10.0	45	4.0
15261 each additional 20 sq cm	5.0		

(For eyelids, see also 67961 et seq.)

(Repair of donor site requiring skin graft or local flaps, to be added as additional separate procedure)

	Unit Value	Follow-up Days=	Basic Anes@
15350 Application of allograft (homograft), skin	5.0	45	3.0
15400 Application of xenograft (heterograft), skin	6.0	45	3.0
15410 Free transplantation of skin flap by microsurgical technique, including microvascular anastomosis; 100 sq cm or less	5.0	45	3.0
15412 between 101 and 160 sq cm	6.0	45	3.0
15414 between 161 and 230 sq cm	7.0	45	3.0
15416 over 230 sq cm	BR		3.0

PEDICLE FLAPS (SKIN AND DEEP TISSUES)

Regions listed refer to the recipient area (not donor site) when flap is being attached in transfer or to final site.

Regions listed refer to donor site when tube is formed for later transfer or when "delay" of flap is prior to transfer.

Procedures 15500-15730 do not include extensive immobilization, e.g., large plaster casts and other immobilizing devices are considered additional separate procedures.

(Repair of donor site requiring skin graft or local flaps is considered an additional separate procedure)

15500 Formation of tube pedicle without transfer, or major "delay" of large flap without transfer; on trunk	7.0	45	3.0
15505 on scalp, arms or legs	7.0	45	3.0
15510 on forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands or feet	7.0	45	3.0
15515 on eyelids, nose, ears or lips	7.0	45	3.0
15540 Primary attachment of open or tubed pedicle flap to recipient site requiring minimal preparation; to trunk	9.0	45	3.0
15545 to scalp, arms and legs	9.0	45	3.0
15550 to forehead, cheeks, chin, mouth, neck, axillae, genitalia, or hands, feet	9.0	45	3.0
(For cross finger pedicle flap, see 15580)			
15555 to eyelids, nose, ears and lips	9.0	45	3.0
15580 cross finger pedicle flap, including free graft to donor site	9.0	45	3.0

(For major debridement or excisional preparation of recipient area at the time of attachment of pedicle flap, see 15700-15730)

15600 Intermediate "delay" of any flap, primary "delay" of small flap, or sectioning pedicle of tubed or direct flap; at trunk	4.0	45	3.0
15610 at scalp, arms and legs	5.0	45	3.0
15620 at forehead, cheeks, chin, neck, axillae, genitalia, hands (except 15625), or feet	6.0	45	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
15625 section pedicle of cross finger flap	6.0	45	3.0	15820 Blepharoplasty, lower eyelids; ...	12.0	30	3.0
15630 at eyelids, nose, ears and lips	6.0	45	3.0	15821 with extensive herniated fat pads	14.0	30	3.0
15650 Transfer, intermediate, of any pedicle flap (e.g., abdomen to wrist, "Walking" tube), any location	BR+		3.0	((See also 67916, 67917, 67923, 67924))			
15700 Excision of lesion and/or excisional preparation of recipient site and attachment of direct or tubed pedicle flap; trunk	9.0	45	3.0	15822 ((Rhytidectomy))			
15710 scalp, arms and legs	11.0	45	4.0	Blepharoplasty; upper eyelids ...	8.0	30	3.0
15720 forehead, cheeks, chin, mouth, neck, axillae, genitalia, hands or feet	16.0	45	4.0	15823 with excessive skin weighting down lids	12.0	30	3.0
15730 eyelids, nose, ears or lips	16.0	45	4.0	(For bilateral blepharoplasty, add modifier -50)			
(For eyelids, nose, ears, or lips, see also anatomical area)				(See also 67916, 67917, 67923, 67924)			
(For revision, defatting or rearranging of transferred pedicle flap or skin graft, see 13100-14300)				15824 Rhytidectomy; forehead	10.0	30	3.0
				15825 neck with platysmal tightening (platysmal flap, 'P-flap')	16.0	30	3.0
				15826 glabellar frown	8.0	30	3.0
				((15827 is deleted. To report use 15838))			
				15828 cheeks, chin and neck	30.0	45	3.0
				15829 subcutaneous musculoaponeurotic system (SMAS) flap	BR		3.0
				(For bilateral rhytidectomy, add modifier -50)			
OTHER GRAFTS				15831 Excision, excessive skin and subcutaneous tissue (including lipectomy); abdomen (abdominoplasty)	30.0	45	3.0
15740 Graft, island pedicle flap	12.0	90	3.0	15832 thigh(s)	25.0	45	3.0
15745 myocutaneous flap	BR	90	3.0	15833 leg(s)	30.0	45	3.0
15750 neurovascular pedicle flap	10.0	90	4.0	15834 hip(s)	30.0	45	3.0
15755 free flap (microvascular transfer)	BR	90	4.0	15835 buttock(s)	30.0	45	3.0
15760 composite (full thickness of external ear or nasal ala), including primary closure, donor area	10.0	45	4.0	15836 arm(s)	25.0	45	3.0
15770 derma-fat-fascia	12.0	60	3.0	15837 forearm(s)	25.0	45	3.0
15775 Punch graft for hair transplant; 1 to 15 punch grafts	0.5	90	3.0	15838 submental fat pad	BR		3.0
15776 more than 15 punch grafts	BR+		3.0	15839 other area			
(For strip transplant, 15220)				(For bilateral procedure, add modifier -50)			
MISCELLANEOUS PROCEDURES				15840 Graft for facial nerve paralysis; free fascia graft, (including obtaining fascia)	30.0	90	3.0
15780 ((Abrasion of skin for removal of scars, tattoos, actinic changes (keratoses), primary or secondary, total face)) Dermabrasion; total face (e.g., for acne scarring, fine wrinkling, rhytids, general keratosis)	12.0	90	3.0	(For bilateral procedure, add modifier -50)			
((15785 regional (1/4 face, cheeks, chin, forehead or elsewhere)	4.0	90	3.0))	15841 free muscle graft (including obtaining graft)	35.0	45	3.0
15781 segmental, face	3.5	90	3.0	15842 free muscle graft by microsurgical technique	35.0	45	3.0
15782 regional, other than face	3.5	90	3.0	15845 ((reanimation;)) regional muscle transfer(s)	BR+		3.0
15783 superficial, any site (e.g., tattoo removal)	2.0	0	3.0	(For ((intravenous)) intravenous fluorescein examination of blood flow in graft or flap, see 15860)			
15786* Abrasion; single lesion (e.g., keratosis, scar)	0.5	0	3.0	(For nerve transfers, decompression, or repair, see 64830-64876, 64905-64907, 69720-69725, 69740-69745, 69955)			
15787 each additional four lesions or less	0.3		3.0	15850 Removal of sutures under anesthesia (other than local) same surgeon	1.2	0	3.0
15790 ((Superficial chemosurgery (acid peel) total face and neck)) Chemical peel (chemexfoliation); total face	7.0	60	3.0	15851 Removal of sutures ((in-hospital or emergency room)) under anesthesia (other than local) other surgeon	BR		3.0
15791 regional, face, neck, or elsewhere	BR+		3.0				
((15800 Abrasion of skin, total face, with combined superficial chemosurgery (acid peel) of remaining face (eyelids, neck, shoulders)	16.0	90	3.0))				
15810 Salabrasion; up to 20 sq cm	BR		3.0				
15811 over 20 sq cm	BR		3.0				
15819 Cervicoplasty	16.5	60	3.0				

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
15852 Dressing change (for other than burns) under anesthesia (other than local)	1.4	0	3.0				
15860 Intravenous injection of agent (e.g., fluorescein) to test blood flow in flap or graft	BR		3.0	15960 Excision, heel pressure ulcer; with primary suture	BR		3.0
15875 Suction assisted lipectomy, any site(s)	BR	30	3.0	15961 Excision, heel pressure ulcer; with osteotomy	BR		3.0
((DECUBITUS)) PRESSURE ULCERS ((PRESSURE SORES)) (DECUBITUS ULCERS)				((15962, 15963, have been deleted. To report use 15964-15967))			
15920 Excision, coccygeal pressure ulcer, with coccygectomy; with primary suture	BR		3.0	15964 Excision, heel pressure ulcer, with local skin flap closure;	BR		3.0
15922 with local or regional skin flap closure	BR		3.0	15965 with osteotomy	BR		3.0
((15930 has been deleted. To report, use 15934))				15966 Excision, heel pressure ulcer, with other flap closure;	BR		3.0
15931 Excision, sacral decubitus ulcer; with primary suture	13.0		3.0	15967 with osteotomy	BR		3.0
((15932 has been deleted))				(To identify other flap closure, use also code number for specific flap)			
15933 with osteotomy	BR		3.0	15970 Excision, leg pressure ulcer, with primary suture;	BR		3.0
15934 Excision, sacral pressure ulcer, with local or regional skin flap closure (e.g., advancement, rotation, rhomboid, bipedicle);	20.0		3.0	15971 with osteotomy	BR		3.0
15935 with osteotomy	BR		3.0	15972 Excision, leg pressure ulcer, with local skin flap(s);	BR		3.0
15936 Excision, sacral pressure ulcer, with other flap closure;	BR		3.0	15973 with osteotomy	BR		3.0
15937 with osteotomy	BR		3.0	15974 Excision, leg pressure ulcer, with muscle or myocutaneous flap closure;	BR		3.0
(To identify other flap closure, use also code number for specific flap)				15975 with osteotomy	BR		3.0
15940 Excision, ischial decubitus ulcer; ((direct)) with primary suture	BR		3.0	(To identify muscle or myocutaneous flap closure, use also code number for specific flap)			
15941 with osteotomy (ischiectomy)	BR		3.0	15980 Excision, knee pressure ulcer, with local skin flap closure;	BR		3.0
((15942, 15943 have been deleted. To report, use 15944-15946))				15981 with osteotomy	BR		3.0
15944 Excision, ischial pressure ulcer, with local or regional skin flap closure;	BR		3.0	15982 Excision, knee pressure ulcer, with other flap closure;	BR		3.0
15945 with osteotomy	BR		3.0	15983 with osteotomy	BR		3.0
15946 Excision, ischial pressure ulcer, with osteotomy, with muscle flap or myocutaneous flap closure	BR		3.0	(To identify other flap closure, use also code number for specific flap)			
(To identify muscle or myocutaneous flap closure, use also code number for specific flap)				15999 Unlisted procedure, excision pressure ulcer	BR		3.0
15950 Excision, trochanteric pressure ulcer; with primary suture	BR		3.0	(For free skin graft to close ulcer or donor site, see 15000 et seq.)			
15951 with osteotomy	BR		3.0	AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)			
15952 Excision, trochanteric pressure ulcer, with local rotation skin flap closure	BR		3.0	WAC 296-22-026 BURNS, LOCAL TREATMENT.			
15953 ((skin flap closure;)) with osteotomy	BR		3.0	Unit Value Follow-up Days= Basic Anes@			
15954 Excision, trochanteric pressure ulcer, with bipedicle flap closure;	BR		3.0	((15970 Excision, leg pressure ulcer, with primary suture; BR 3.0			
15955 with osteotomy	BR		3.0	15971 with osteotomy BR 3.0			
15956 Excision, trochanteric pressure ulcer, with muscle or myocutaneous flap closure;	BR		3.0	15972 Excision, leg pressure ulcer, with local skin flap(s); BR 3.0			
15958 with osteotomy	BR		3.0	15973 with osteotomy BR 3.0			
				15974 Excision, leg pressure ulcer, with muscle or myocutaneous flap closure; BR 3.0			
				15975 with osteotomy BR 3.0			

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

WAC 296-22-027 DESTRUCTION.

Unit Follow-up Basic
Value Days= Anes@

Unit Follow-up Basic
Value Days= Anes@

~~(To identify muscle or myocutaneous flap closure, use also code number for specific flap)~~

15980	Excision, knee pressure ulcer, with local skin flap closure;	BR	3.0	
15981	with ostectomy	BR	3.0	
15982	Excision, knee pressure ulcer, with other flap closure;	BR	3.0	
15983	with ostectomy	BR	3.0	

~~(To identify other flap closure, use also code number for specific flap)~~

15999	Unlisted procedure, excision pressure ulcer	BR	3.0	
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~~(For free skin graft to close ulcer or donor site, see 15000 et seq.))~~

Procedures 16000-16030 refer to local treatment of burned surface only.

List percentage of body surface involved and depth of burn.

(For skin graft, see 15100-15730)

(For necessary related medical services (e.g., hospital visits, detention) in management of burned patients, see appropriate services in medicine section.)

Unit Follow-up Basic
Value Days= Anes@

~~((For skin graft, see 15100-15730))~~

~~(For necessary related medical services (e.g., hospital visits, detention) in management of burned patients, see appropriate services in Medicine Section))~~

16000	Initial treatment, first degree burn, when no more than local treatment is required.	0.3	0	
16010	Dressings and/or debridement, initial or subsequent; under anesthesia, small	0.8	0	3.0
16015	under anesthesia, medium or large, or with major debridement	*2.0	0	3.0
*16020	without anesthesia, office or hospital, small	*0.4	0	
*16025	without anesthesia, medium (e.g., whole face or whole extremity)	*0.6	0	
16030	without anesthesia, large (e.g., more than one extremity)	0.8	0	
16035	Escharotomy	BR		3.0

(For electrosurgical destruction of malignant skin lesions, see 11600-11646)

(For condylomata, see 46900-((46933)) 46924, 54050-54065, ((56500)) 56501-56515)

*17000	Destruction by any method, with or without surgical curettement, all facial lesions or premalignant lesions in any location, including local anesthesia; one lesion	*0.6	0	3.0
17001	second and third lesions, each	0.3		
17002	over 3 lesions, each additional lesion	0.15		
17010	complicated lesion(s)	BR		3.0
*17100	Destruction by any method of benign skin lesions on any area other than the face, including local anesthesia; one lesion	*0.4	0	3.0
17101	second lesion	0.2		
17102	over two lesions, each additional lesion up to 15 lesions	0.1		
17104	15 or more lesions	0.1		
17105	complicated lesions	BR		3.0
*17110	Destruction by any method of flat (plane, juvenile) warts or molluscum contagiosum, milia, up to 15 lesions	*0.4	0	3.0
	(Retreatment same as office visit)			
*17200	Electrosurgical destruction of multiple tags; up to 15 lesions	*0.4	0	3.0
17201	each additional 10 lesions	0.2		3.0
	(For excision of fibrocuteaneous tags, see 11200, 11201)			
*17250	Chemical cauterization of a wound	BR		3.0
	(17300-17302 have been deleted. To report use 17303-17310)			
17303	Chemosurgery (Moh's technique), first stage, fixed tissue technique, including the removal of all gross tumor and application of fixative	BR		3.0
17304	Chemosurgery (Moh's technique); first stage, fresh tissue technique, including the removal of all gross tumor and delineation of margins by means of up to five horizontal, microscopic specimens	BR		3.0
17305	second stage, fixed or fresh tissue, up to 5 specimens	BR		3.0
17306	third stage, fixed or fresh tissue, up to 5 specimens	BR		3.0
17307	additional stage(s), up to 5 specimens, each stage	BR		3.0
17310	more than 5 specimens, fixed or fresh tissue, any stage	BR		3.0

(For initiation or follow-up care of topical chemotherapy (e.g. 5-FU or similar agents), see appropriate office visits)

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
(((For initiation or follow-up care of topical chemotherapy (e.g., 5-FU or similar agents); see appropriate office visits)))							
*17340	Cryotherapy (CO ₂ slush, liquid N ₂)	*0.3	0				
*17360	Chemical exfoliation for acne (e.g., acne paste, acid)	*0.3	0	19182	Mastectomy, subcutaneous;	10.0	60 3.0
*17380	Electrolysis epilation, each 1/2 hour	*0.6	0				
	(For actinotherapy, see 96900)						
17999	Unlisted procedure, skin, mucous membrane and subcutaneous tissue	BR	3.0				

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

WAC 296-22-030 BREAST.

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
INCISION							
(For needle localization of breast nodules, see 76096 and 76097)							
*19000	Puncture aspiration of cyst;	*0.4	0	19200	Mastectomy, radical, including breast, pectoral muscles, axillary lymph nodes	18.0	60 3.0
19001	each additional cyst	0.1	0				
19020	Mastotomy with exploration or drainage of abscess, deep	2.6	14 3.0				
19030	Injection procedure only for mammary ductogram or galactogram	0.4	3.0				

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-031 BREAST.

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
EXCISION							
(All codes for bilateral procedures have been deleted. To report, add modifier -50)							
*19100	Biopsy of breast, needle (separate procedure)	*0.6	0	19260	Excision of chest wall tumor including ribs	BR+	9.0
19101	incisional	3.6	30 3.0	19271	Excision of chest wall tumor involving ribs, with plastic reconstruction; without mediastinal lymphadenectomy	BR+	9.0
19110	Nipple exploration, with or without excision of a solitary lactiferous duct or a papilloma lactiferous duct	BR		19272	with mediastinal lymphadenectomy	BR	9.0
19112	Excision of lactiferous duct fistula	BR		REPAIR AND RECONSTRUCTION			
19120	Excision of cyst, fibroadenoma or other benign or malignant tumor, aberrant breast tissue, duct lesion or nipple lesion (except 19140), male or female, one or more lesions;	5.0	30 3.0	(((19300-19304 have been deleted. To report, see 19316, 19318) (19310, 19311 have been deleted. To report, use 19325)))			
19140	Mastectomy for gynecomastia through circumareolar or other incision,	8.0	60 3.0	19316	Mastopexy	BR	90 3.0
19160	Mastectomy, partial;	6.0	60 3.0	19318	Reduction mammoplasty	BR	90 3.0
19162	with axillary lymphadenectomy	BR	3.0	19324	Mammoplasty, augmentation; without prosthetic implant	BR	90 3.0
19180	Mastectomy, simple complete; . .	8.0	45 3.0	19325	with prosthetic implant	BR	90 3.0

	Unit Value	Follow-up Days=	Basic Anes@
19328 Removal of intact mammary implant	BR	30	3.0
19330 Removal of mammary implant material	BR	30	3.0
19340 Immediate insertion of breast prosthesis following mastopexy, mastectomy or in reconstruction	BR	30	3.0
19342 Delayed insertion of breast prosthesis following mastopexy, mastectomy or in reconstruction (For supply of implant, use 99070) (For preparation of custom breast implant, see 19396)	BR	30	3.0
19350 Reconstruction of nipple and/or areola	BR	30	3.0
19355 Correction of inverted nipples	BR		3.0
19360 Breast reconstruction with muscle or myocutaneous flap (Use also code number for specific flap)	BR	90	3.0
19364 Breast reconstruction with free flap (Use also code number for specific flap)	BR	90	3.0
19366 Breast reconstruction with other technique (For microsurgical technique, add modifier -20) (For insertion of prosthesis, use also 19340 or 19342)	BR	90	3.0
19370 Open periprosthetic capsulotomy, breast	BR		3.0
19371 Periprosthetic capsulectomy, breast	BR		3.0
19380 Revision of reconstructed breast	BR		3.0
19396 Preparation of moulage for custom breast implant	BR		3.0
19499 Unlisted procedure, breast	BR		3.0

AMENDATORY SECTION (Amending Order 80-25, filed 12/3/80, effective 3/1/81)

WAC 296-22-035 MUSCULOSKELETAL SYSTEM.

NOTES

~~((General: Certain procedures (e.g., incision of soft tissue abscess, drainage of infected bursa, biopsy, arthrocentesis, insertion of wires or pins, etc.) are common to all anatomic areas and are listed below under "general." Specific procedures are listed under the appropriate anatomic areas. Casts and strapping are listed at the end of the section:~~

~~Listed values include the application and removal of the first cast or traction device only. Subsequent replacement of cast and/or traction device during the listed period of follow-up care warrants additional charges.))~~

Casts and strapping procedures appear at the end of this section. The services listed below include the application and removal of the first cast or traction device only.

Subsequent replacement of cast and/or traction device may require an additional listing.

Most bone, cartilage, and fascia graft procedures include obtaining of the graft by the operating surgeon. When a surgical associate obtains the graft for the operating surgeon, the value of the total procedure may be apportioned between the surgeons.

Rereduction of a fracture and/or dislocation, performed by the primary physician, may be identified by the addition of modifier '-76' to the usual procedure number and value as appropriate to indicate "repeat procedure by same physician" (see guidelines).

~~((Bone, cartilage and fascial grafts: Listed values for most graft procedures include obtaining of the graft. When a second surgeon obtains the graft, the value of the total procedure may be apportioned between the surgeons.))~~ All codes for suction irrigation have been deleted. To report, list only the primary surgical procedure performed (e.g., sequestrectomy, deep incision, etc.). Modifier -62 and procedures 20900-20922 are not to be used in conjunction with procedures which include a graft as part of the descriptor. Procedures 20900-20922 can be used in those unusual circumstances when a graft is used that is not included in the descriptor.

When an alloplastic implant or nonautogenous graft is used in a procedure which "includes obtaining graft," the value is to be reduced by an appropriate amount. Identify this circumstance by adding modifier -52 to the procedure number.

Plastic and metallic implant or nonautogenous graft materials are to be valued at the cost to the physician including an appropriate handling or shaping charge where applicable. See procedure 99070.

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

WAC 296-22-037 EXCISION.

	Unit Value	Follow-up Days=	Basic Anes@
(For aspiration of bone marrow, see 85095)			
20200 Biopsy, muscle; superficial	1.2	7	3.0
20205 deep	2.4	15	3.0
20206* Biopsy, muscle, percutaneous needle	BR		3.0
(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943)			
((For percutaneous needle biopsy of soft tissue of spine, see 22012))			
(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)			
(For excision of muscle tumor, deep, see specific anatomic section)			
20220 Biopsy, bone, trocar or needle; superficial (e.g., ilium, sternum,			

	Unit Value	Follow-up Days=	Basic Anes@
20225 spinous process, ribs)	1.2	7	3.0
deep (vertebral body, femur)	4.0	15	3.0
20240 Biopsy, excisional; superficial (e.g., ilium, sternum, spinous process, ribs,) trochanter of femur	3.0	21	3.0
20245 deep (e.g., humerus, ischium, femur)	5.0	30	3.0
20250 Biopsy, vertebral body, open; thoracic	BR		3.0
20251 lumbar or cervical	BR		3.0

(For sequestrectomy, osteomyelitis or drainage of bone abscess, see anatomical area)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-038 INTRODUCTION OR REMOVAL.

	Unit Value	Follow-up Days=	Basic Anes@
(For injection procedure for arthrography, see anatomical area)			
20500 Injection of sinus tract; therapeutic (separate procedure)	0.4	0	
20501* diagnostic (sinogram) (separate procedure)	1.0	0	
*20520 Removal of foreign body in muscle or tendon sheath; simple	*1.2	0	3.0
20525 deep or complicated	BR+		3.0
*20550 Injection, tendon sheath, ligament ((σ)), trigger points, or ganglion cyst	*0.4	0	
*20600 Arthrocentesis, aspiration and/or injection; small joint ((σ)), bursa, or ganglion cyst (e.g., fingers, toes)	*0.3	0	
*20605 intermediate joint ((σ)), bursa, or ganglion cyst (e.g., temporomandibular, acromioclavicular, wrist, elbow or ankle; olecranon bursa)	*0.4	0	
*20610 major joint or bursa (e.g., shoulder, hip, knee joint, subacromial bursa)	*0.6	0	
20615 Aspiration and injection for treatment of bone cyst	0.6		3.0
*20650 Insertion of wire or pin with application of skeletal traction, including removal (separate procedure)	*1.2	0	3.0
20660 Application of cranial tongs ((σ)), caliper, or stereotactic frame including removal (separate procedure)	3.0	0	3.0
20661 Application of halo, including removal; cranial	3.0	0	3.0
20662 pelvic	3.0	0	3.0
20663 femoral	3.0	0	3.0
*20665 Removal of tongs or halo applied by another physician	0.3	0	
*20670 Removal of implant; superficial, (e.g., buried wire, pin or rod) (separate procedure)	*0.6	0	3.0
20680 deep (e.g., buried wire, pin,			

	Unit Value	Follow-up Days=	Basic Anes@
20690 screw, metal band, nail, rod or plate)	3.6	21	4.0
Application of external fixation system (e.g., Hoffmann apparatus); ((standard configuration)), including removal	BR		3.0
((2069+ other than standard configuration)	BR		(3.0)

(List number((s)) 20690 ((or 2069+)) in addition to code for treatment of closed or open fracture)

REPAIR

(For debridement as a separate procedure (e.g., in traumatic wound) involving soft tissue and/or bone, see ((+043)) 11042, 11044)

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

WAC 296-22-040 GRAFTS (OR IMPLANTS).

Codes for obtaining autogenous bone, cartilage, tendon, fascia lata grafts, or other tissues, ((the rough)) through separate incisions are to be used only when graft is not already listed as part of basic procedure. Listed value applies and WAC 296-22-010, item 7 is not to be applied to procedures 20900-20922.

(For alloplastic or heterologous grafts, see instructions, WAC 296-22-035)

	Unit Value	Follow-up Days=	Basic Anes@
20900 Bone graft, any donor area; minor or small (e.g., dowel or button)	2.4	0	3.0
20902 major or large	4.8	0	3.0
20910 Cartilage graft, costochondral	4.8	0	3.0
20912 nasal septum	4.2	0	3.0
(for ear cartilage, see 21235)			
20920 Fascia lata graft; by stripper	2.0	0	3.0
20922 by incision and area exposure, complex or sheet	4.0	0	3.0
20924 Tendon graft, from a distance (e.g., palmaris, toe extensor, plantaris)	BR		3.0
20926 Tissue grafts, other (e.g., paratenon, fat, dermis, etc.)	BR		3.0

MISCELLANEOUS

20950 Monitoring of interstitial fluid pressure (e.g., wick catheter technique, needle manometer technique) in detection of muscle compartment syndrome	BR		3.0
20955 ((Fibula)) Bone graft with microvascular anastomosis; fibula	BR		3.0
20960 rib ((graft with microvascular anastomosis))	BR		3.0
20962 other bone graft (specify)	BR		3.0
20969 Free osteocutaneous flap with microvascular anastomosis; other than iliac crest, rib, metatarsal,			

	Unit Value	Follow-up Days=	Basic Anes@
20970 <u>or great toe</u> <u>Free osteocutaneous graft ((iliac crest and inguinal groin flap)) with microvascular anastomosis; iliac crest</u>	BR		3.0
20971 rib	BR		3.0
20972 metatarsal	BR		3.0
20973 great toe with web space	BR		3.0
20974 Electrical stimulation to aid bone healing; noninvasive (nonoperative)	BR		3.0
(use 20974 in addition to code for appropriate bony procedure when applicable)			
20975 invasive (operative)	BR		3.0
(use 20975 in addition to code for appropriate bony procedure when applicable)			
20976 percutaneous insertion of electrodes	BR		3.0
(use 20976 in addition to code for appropriate bony procedure when applicable)			
20999 Unlisted procedure, musculoskeletal system, general	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-042 HEAD.

(Skull, facial bones and temporomandibular joint)

INCISION

(For drainage of superficial abscess and hematoma, see 20000)

(For removal of embedded foreign body from dentoalveolar structure, see 41805, 41806)

	Unit Value	Follow-up Days=	Basic Anes@
21010 Arthrotomy, temporomandibular joint; unilateral	BR		3.0
21011 bilateral	BR		3.0

EXCISION

(For biopsy, see 20220, 20240)

((21020) Craniectomy for sequestratomy	BR		8.0
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~~(For craniectomy for osteomyelitis, see 61501)~~

~~(For other craniectomies, see 61304 et seq.))~~

21025 <u>Excision of bone (e.g., for osteomyelitis or bone abscess); mandible</u>	BR		5.0
21026 <u>facial bone(s)</u>	BR		5.0
21030 Excision of benign tumor or cyst of facial bone other than mandible	BR		5.0
21034 Excision of malignant tumor of facial bone other than mandible ..	BR		5.0

	Unit Value	Follow-up Days=	Basic Anes@
21040 Excision of benign cyst or tumor of mandible; simple	5.0	90	5.0
21041 complex	BR		5.0
21044 Excision of malignant tumor of mandible;	BR		5.0
21045 radical resection	BR		5.0
(For bone graft, see 21215)			
21050 ((Arthrectomy)) <u>Condylectomy, temporomandibular joint((; unilateral)) (separate procedure)</u> ..	18.0	90	5.0
((21051) bilateral	20.0	90	5.0
<u>(21051 has been deleted. To report bilateral procedure, use modifier -50)</u>			
21060 <u>Menisectomy, partial or complete, temporomandibular joint((; unilateral)) (separate procedure)</u> ..	18.0	90	5.0
((21061) bilateral	20.0	90	5.0
<u>(21061 has been deleted, to report, use modifier -50)</u>			
21070 Coronoidectomy (separate procedure); unilateral	18.0	90	5.0
21071 bilateral	20.0	90	5.0

INTRODUCTION OR REMOVAL

(For application or removal of caliper or tongs, see 20660, 20665)

*21100 Application of halo type appliance for maxillofacial fixation, includes removal (separate procedure)	*2.0	0	3.0
21110 Application of interdental fixation device for conditions other than fracture or dislocation, includes removal	8.0	90	3.0
<u>(For removal of interdental fixation by another physician, see 20670-20680)</u>			
21116 Injection procedure for temporomandibular joint arthrotomography	BR		
(For temporomandibular arthrotomography, see 70332)			

REPAIR, REVISION OR RECONSTRUCTION

(For cranioplasty, see 62140-62145)

21200 ((Osteoplasty of mandible)) <u>Osteotomy (e.g., for prognathism, micrognathism, apertognathism or for reconstruction); mandible, total or horizontal</u>	30.0	90	5.0
21202 mandible, segmental	BR	90	5.0
21203 mandibular ramus (osteotomy)	BR	90	5.0
21204 maxilla, total	BR	90	5.0
21206 maxilla, segmental	BR	90	5.0
((21207) reduction genioplasty	BR		5.0
21208 <u>Osteoplasty, facial bones; augmentation (autograft, allograft, or prosthetic implant)</u>	BR		
21209 <u>reduction</u>	BR		
21210 Graft, bone; nasal, maxillary and malar areas (includes obtaining graft)	20.0	120	5.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
				21280	Medial canthoplasty	BR	5.0
				21282	Lateral canthopexy	BR	5.0
				21295	Reduction of masseter muscle (e.g., treatment of benign masseteric hypertrophy); extra-oral approach	BR	5.0
21215	20.0	120	5.0	21296	intraoral approach	BR	5.0
21230	18.0	120	5.0	FRACTURE AND/OR DISLOCATION			
21235	12.0	60	5.0	21300	Treatment of closed skull fracture without operation	Sv.&	
((21239)	BR	5.0	5.0		(For operative repair, see 62000-62010)		
21240	BR+		5.0	21310	Treatment of closed or open nasal fracture without manipulation	Sv.&	
					(((21241 has been deleted. To report bilateral procedure, use modifier 50)))		
				*21315	Manipulative treatment nasal bone fracture; without stabilization	*1.1	0
					(If bone or cartilage graft is used for temporomandibular joint arthroplasty, use 20900-20910)	3.0	
21242	BR		5.0	21320	with stabilization	3.0	90
21243	24.5	90	4.5	21325	Open treatment of nasal fracture; uncomplicated	4.0	90
21244	BR			21330	complicated, with internal and/or external skeletal fixation	9.5	90
21245	BR			21335	with concomitant open of fractured septum	17.0	90
21246	BR			21337	Treatment of closed nasal septal fracture	BR	90
21248	BR			21338	Open treatment of nasoethmoid fracture; without external fixation	BR	90
21249	BR			21339	with external fixation	BR	90
21250	BR		5.0	21340	Treatment of closed or open nasoethmoid complex fracture, with splint, wire or headcap fixation, including repair of canthal ligaments and/or the nasolacrimal apparatus	BR	3.0
21254	BR		5.0	21345	Treatment of nasomaxillary complex fracture (LeFort II type), with interdental wire fixation or fixation of denture or splint	BR	3.0
21260	BR		5.0	21346	Open treatment of nasomaxillary complex fracture (LeFort II type); with wiring and/or local fixation	BR	3.0
21261	BR		5.0	21347	with multiple approaches	BR	3.0
21263	BR		5.0		(((21350 has been deleted. If necessary to report, use appropriate medical encounter code)))		
21267	BR		5.0	*21355	Manipulative treatment of closed or open fracture of malar area, including zygomatic arch and malar tripod, towel clip technique	*1.0	2
21268	BR		5.0	21360	Open treatment of closed or open depressed malar fracture, including zygomatic arch and malar tripod	7.0	90
21270	BR		5.0	21365	Open treatment of closed or open complicated (e.g., multiple fractures) of malar area, including zygomatic arch and malar tripod, with internal skeletal fixation and multiple surgical approaches	13.0	90
21275	BR		5.0		(((21380 has been deleted. If		
					(For reconstruction of skull by bone flaps, see 61555)		

	Unit Value	Follow-up Days=	Basic Anes@
necessary to report, use appropriate medical encounter code(s))			
21385			
Open treatment of orbital floor "blowout" fracture; transantral approach (Caldwell-Luc type operation).....	12.0	90	3.0
21386	13.0	90	3.0
periorbital approach			
21387	15.0	90	3.0
combined approach			
21390			
periorbital approach, with alloplastic or other implant	14.0	90	3.0
21395			
periorbital approach with bone graft (includes obtaining graft)	18.0	90	3.0
21400			
Treatment of fracture of orbit, except "blowout"; without manipulation	SV		
21401	6.0	90	3.0
with manipulation			
21406			
Open treatment of fracture of orbit, except "blowout"; without implant	7.0	90	3.0
21407	8.0	90	3.0
with implant			
((21420 has been deleted. If necessary to report, use appropriate medical encounter code(s)))			
21421			
Treatment of palatal or alveolar ridge fractures (LeFort I type); closed manipulation with interdental wire fixation or fixation of denture or splint	7.0	90	3.0
21422	12.0	90	3.0
open treatment			
21431			
Treatment of craniofacial separation (LeFort III type) using interdental wire fixation of denture or splint	8.0	90	4.0
21432			
Open treatment of craniofacial separation (LeFort III type); with wiring and/or local fixation	BR		4.0
21433			
complicated (e.g., multiple approaches)	BR		5.0
21435			
complicated, fixation by head cap, halo device, multiple surgical approaches, internal fixation, and/or wiring teeth	BR		5.0
(For removal of internal or external fixation device, see 20670)			
21440			
Manipulative treatment of alveolar ridge fracture (separate procedure)	BR		5.0
21445			
Open treatment of alveolar ridge fracture (separate procedure)	BR		5.0
21450			
Treatment of closed or open mandibular fracture without manipulation	Sv.&		
21451			
with manipulation, may include external fixation	BR		5.0
21452			
Treatment of open mandibular fracture; without manipulation	BR		5.0
21453			
with manipulation	BR		5.0
21454			
Open treatment of closed or open mandibular fracture with external fixation	BR		5.0
21455			
Closed manipulative treatment by interdental fixation of closed or open mandibular fracture	8.0	90	5.0
21461			
Open treatment of closed or open mandibular fracture; with or without interdental fixation	16.0	90	5.0
21462	16.0	90	5.0
with interdental fixation			

	Unit Value	Follow-up Days=	Basic Anes@
21465			
Open treatment of mandibular condylar fracture	BR		5.0
21470			
Open treatment of complicated closed or open mandibular fracture by multiple surgical approaches including internal fixation, interdental fixation, and/or wiring of dentures or splints	BR		5.0
21480			
Uncomplicated treatment of temperomandibular dislocation, initial or subsequent	Sv.&		3.0
21485			
Complicated manipulate treatment of temperomandibular dislocation, initial or subsequent	BR		3.0
21490			
Open treatment of temperomandibular dislocation	BR		3.0
(For interdental wire fixation, see 21462)			
21493			
Treatment of closed or open hyoid fracture; without manipulation	SV		
21494	7.0	90	3.0
with manipulation			
21495			
Open treatment of closed or open hyoid fracture	8.0	90	3.0
(For treatment of fracture of larynx, see 31584-31586)			
21497			
Interdental wiring, for condition other than fracture	BR		3.0
21499			
Unlisted procedure, head	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-051 NECK (SOFT TISSUES) AND THORAX.

(For cervical spine, see 22100, et seq.)

(For injection of fracture site or trigger point, see 20550)

~~((For abdominal fascial transplant, see 22910))~~

INCISION

(For incision and drainage of abscess or hematoma, superficial, see 10060)

	Unit Value	Follow-up Days=	Basic Anes@
21501			
Incision and drainage, deep abscess or hematoma; <u>soft tissues of neck or thorax</u>	5.0	30	3.0
21502			
with partial rib osteotomy	6.0	30	3.0
21510			
Incision, deep, with opening of bone cortex for osteomyelitis or bone abscess;	7.0	30	3.0

EXCISION

21550			
((Excisional)) <u>Biopsy, soft tissue(s) of neck or thorax</u>	7.0	30	3.0
<u>(For needle biopsy of soft tissue, see 20206)</u>			
21555			
Excision ((benign)) <u>tumor, soft tissue of neck or thorax; subcutaneous</u>	7.0	30	3.0

	Unit Value	Follow-up Days=	Basic Anes@
21556 deep, subfascial, intramuscular	8.0	30	3.0
(((For excision of chest wall tumor involving ribs, e.g., radical excision, see 19260, 19270)))			
21557 Radical resection of tumor (e.g., malignant neoplasm), soft tissue of neck or thorax			
21600 Excision of rib, partial	6.0	60	5.0
(For radical resection of chest wall and rib cage for tumor, see 19260)			
(For radical debridement of chest wall and rib cage for injury, see 11040-11044)			
21610 Costotransversectomy (separate procedure)	BR		5.0
21615 Excision first and/or cervical rib for outlet compression syndrome or other cause;	16.6	60	
21616 with sympathectomy	BR		
21620 Osteotomy of sternum, partial	BR		5.0
21627 Sternal debridement	BR		5.0
21630 Radical resection of sternum for tumor;	BR		5.0
21632 with mediastinal lymphadenectomy	BR		5.0
21633 for osteomyelitis	BR		5.0

REPAIR, REVISION OR RECONSTRUCTION

(For superficial wound, see general section under Repair-Simple)

21700 Division of scalenus anticus; without resection of cervical rib	10.0	60	3.0
21705 with resection of cervical rib	12.0	60	5.0
21720 Division of sternocleidomastoid for torticollis, open operation; without cast application	8.0	60	3.0
(For transection of spinal accessory and cervical nerves, see 63191, 63192, 64722)			
21725 with cast application	9.0	60	3.0
21740 Reconstructive repair of pectus excavatum or carinatum	26.0	120	11.0
(((21741 has been deleted, use 21899)))			

FRACTURE AND/OR DISLOCATION

21800 Treatment of rib fracture; closed, uncomplicated, each	Sv.&		
21805 open or complicated, each	BR		5.0
21810 closed or open requiring external fixation ("flail chest")	BR		5.0
21820 Treatment of sternum fracture; closed	Sv.&		
21825 open	BR+		5.0
(For sternoclavicular dislocation, see 23520-23532)			

MISCELLANEOUS

21899 Unlisted procedure, neck or thorax	BR		5.0
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NEW SECTION

WAC 296-22-052 BACK AND FLANK.

	Unit Value	Follow-up Days=	Basic Anes@
21920 Biopsy, soft tissue of back or flank; superficial	1.3	30	0
21925 deep	2.0	60	0
21930 Excision, tumor, soft tissue of back or flank	7.0	60	0
21935 Radical resection of tumor (e.g., malignant neoplasm), soft tissue of back or flank	13	180	0

EXCISION

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-053 SPINE (VERTEBRAL COLUMN).

(Cervical, thoracic ((dorsal)), and lumbar spine)

EXCISION

(For injection procedure for myelography, see 63510-63520)

(For injection procedure for discography, see 63530-63535)

	Unit Value	Follow-up Days=	Basic Anes@
((EXCISION			
22010 Biopsy, spinal soft tissues, superficial	1.2	7	3.0
22011 deep	2.4	15	3.0
22012* Biopsy, spinal soft tissues, percutaneous needle	BR		3.0
(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943)			
(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)			
22030 Excision, benign tumor, subcutaneous	3.0	15	3.0
22031 Excision, benign tumor, deep, subfascial, intramuscular, cervical	4.0	15	3.0
22032 thoracic	3.0	15	3.0
22033 lumbar	3.0	15	3.0
(For discectomy without arthrodesis (excision of intervertebral disc), see 63020-63076)			
(For laminectomy, Gill procedure, see 63010))			
22100 Partial resection of vertebral component, spinous processes ((e.g., "kissing" spines)); cervical	8.0	90	8.0
22101 thoracic	8.0	90	7.0
22102 lumbar	8.0	90	7.0
22105 Partial resection of vertebral component for tumor (e.g., partial facetectomy without primary grafting); cervical	12.0	90	8.0
22106 thoracic	12.0	90	7.0
22107 lumbar	12.0	90	7.0

	Unit Value	Follow-up Days=	Basic Anes@
22110 Partial excision of vertebrae ((craterization, saucerization)) (e.g., for osteomyelitis), cervical;	BR		8.0
22112 ((Partial excision of vertebrae (craterization, saucerization) for osteomyelitis;)) thoracic;	BR		7.0
22114 ((Partial excision of vertebrae (craterization, saucerization) for osteomyelitis;)) lumbar;	BR		7.0
(22120 Radical resection of vertebral body or component with primary grafting, includes obtaining graft, cervical	BR	8.0	
22121 thoracic	BR		7.0
22122 lumbar	BR		7.0
22128 Radical resection of vertebral body or component with prosthetic replacement, including fabrication of prosthesis, cervical	BR		7.0
22129 thoracic	BR		7.0
22130 lumbar	BR		7.0

(For repair of pseudarthrosis, see 22600-22735))

INTRODUCTION

(For injection procedure for myelography, see 62284)

(For injection procedure for diskography, see 62290, 62291)

(For injection procedure, chemonucleolysis, single or multiple levels, see 62292(~~-62293~~))

(For injection procedure for facet joints, see 64442, 64443, 64622, 64623)

(For needle or trocar biopsy, see 20220-20225)

REPAIR, REVISION, RECONSTRUCTION

(22200 Osteotomy of spine for correction fixed deformity (not scoliosis), anterior OR posterior, lumbar	32.0	180	7.0
22201 thoracic or cervical	40.0	180	7.0
22202 Osteotomy of spine for correction fixed deformity (not scoliosis); anterior AND posterior, lumbar	40.0	180	7.0
22203 cervical	46.0	180	7.0
22206 Osteotomy of spine for correction fixed deformity, single or multiple (including vertebral body resection), for scoliosis with or without internal fixation; transthoracic	32.0	180	7.0
22207 transabdominal or retroperitoneal	40.0	180	7.0

(For primary arthrodesis without osteotomy in scoliosis, see 22800-22840)

22250 Prophylactic treatment (plating and/or wiring) with or without methyl methacrylate, lumbar spine	BR		
22251 cervical or thoracic spine	BR		

(For radical resection of vertebral body, see vertebral corpectomy, 63081-63091)

(For prosthetic replacement of vertebrae, see 22150-22152)

22140 Reconstruction of spine with bone graft (autograft, allograft, and/or methylmethacrylate) following resection of single vertebral body; cervical	28.0	90	9.0
22141 thoracic	28.0	90	9.0
22142 lumbar	28.0	90	7.0

22145 Reconstruction of spine following vertebral body resection, each additional vertebral body

BR

22148 Harvesting of bone autograft for vertebral reconstruction following vertebral corpectomy

BR

(List separately in addition to codes 22140-22145)

22150 Reconstruction of spine with prefabricated prosthetic replacement following resection of one or more vertebral bodies; cervical

24.0

22151 thoracic

24.0

22152 lumbar

24.0

(For osteotomy of spine, see 22210-22230)

22210 Osteotomy of spine, posterior approach, for correction of deformity, single segment; cervical

35.0 180 7.0

22212 thoracic

35.0 180 7.0

22214 lumbar

28.0 180 7.0

22220 Osteotomy of spine, anterior approach, for correction of deformity, single section; cervical

BR

22222 thoracic

BR

22224 lumbar

BR

22230 Osteotomy of spine for correction of deformity, each additional segment

8.5 180 0

(For vertebral corpectomy, see 63081-63091. For spinal instrumentation, see 22840-22845. For reconstruction following vertebral corpectomy, see 22140-22152)

FRACTURE AND/OR DISLOCATION

22305 Closed treatment of vertebral process fracture(s) (each)	Sv. &		
22310 Closed treatment of vertebral body fracture(s) (and/or dislocation); without manipulation(each)	Sv. &		
22315 Closed treatment of vertebral fracture and/or dislocation, with or without anesthesia, by manipulation or traction, each	7.0	180	3.0
22325 Open treatment of vertebral (body) fracture and/or dislocation; lumbar, each	24.0	180	7.0
22326 cervical, each	24.0	180	8.0
22327 thoracic, each	24.0	180	7.0

((Procedural codes 22330-22371 are for a SINGLE level procedure; for additional levels, see 22730-22735)

22330 Open treatment and fusion, cervical spine, posterior approach, with local bone graft and/or internal fixation for fracture	28.0	180	10.0
22335 posterior approach, with iliac or other autogenous			

	Unit Value	Follow-up Days=	Basic Anes@
22345 bone graft (includes obtaining graft), for fracture.....	31.0	180	10.0
22345 anterior approach, with iliac or other autogenous bone graft (includes obtaining graft) for fracture.....	30.0	180	8.0
(For cervicocranial fusion, see 22620)			
22355 Open treatment and fusion, posterior approach, with local bone graft and/or internal fixation for fracture, lumbar.....	26.0	180	8.0
22356 thoracic.....	26.0	180	10.0
22360 Open treatment and fusion, posterior approach, with iliac or other autogenous bone graft (includes obtaining graft), for fracture, lumbar.....	30.0	180	8.0
22361 thoracic.....	30.0	180	10.0
22370 Open treatment and fusion, posterolateral or anterolateral approach, with iliac or other autogenous bone graft (includes obtaining graft) for fracture, lumbar.....	BR	8.0	
22371 thoracic.....	BR	13.0	
22379 Harrington rod technique (list separately in addition to code for treatment of closed or open fracture and/or dislocation).....	BR	13.0	

MANIPULATION

(22500 Manipulation of spine not requiring anesthesia has been deleted. To report, use 97260)

*22505 Manipulation of spine requiring anesthesia, any region..... *1.4 0 5.0

((ARTHRODESIS WITH DISKECTOMY (Intervertebral disk excision, laminotomy or laminectomy and fusion))

Procedural codes 22550-22565 are for SINGLE level procedure, for additional levels, see 22730-22735.

(For diskectomy without arthrodesis, see 63020-63076)

22550 Arthrodesis with diskectomy, cervical, posterior approach, local bone graft and/or internal fixation.....	28.0	180	10.0
22552 with iliac or other autogenous bone graft (includes obtaining graft).....	32.0	180	10.0
22555 Arthrodesis with diskectomy, cervical, anterior interbody approach, with iliac or other autogenous bone graft (includes obtaining graft).....	28.0	180	8.0

FOR THORACIC OR LUMBAR ARTHRODESIS WITH DISKECTOMY AND FUSION SEE CODES 22562 AND 22563

~~22560~~ Arthrodesis with diskectomy, lumbar or thoracic, posterior posterolateral or posterior interbody approach, local bone graft and/or internal fixation....

NONCOVERED PROCEDURE

	Unit Value	Follow-up Days=	Basic Anes@
22561 with iliac or other autogenous bone graft (includes obtaining graft).....			
NONCOVERED PROCEDURE			
22562 Arthrodesis with diskectomy, lumbar or thoracic, posterior or posterolateral, with local bone graft and/or internal fixation....	26.0	180	8.0
22563 Arthrodesis with diskectomy, lumbar or thoracic, posterior or posterolateral, with iliac or other autogenous graft (includes obtaining graft).....	30.0	180	8.0
22565 Arthrodesis with diskectomy, lower lumbar spine, anterior interbody approach, (includes obtaining graft).....	24.0	180	8.0

ARTHRODESIS

(Arthrodesis procedures, 22548-22812, include either an allograft or an autograft. Use procedure code 22820 for the harvesting of autograft in addition to the code for arthrodesis)

ARTHRODESIS, ANTERIOR OR ANTEROLATERAL APPROACH TECHNIQUE

(Procedure codes 22554-22558 are for SINGLE interspace arthrodesis (2 adjacent vertebral segments); for additional interspaces or segments, use 22585)

~~22548~~ Arthrodesis, anterior transoral or extraoral technique, clivus-C1-C2 (atlas-axis), with bone graft, with or without excision of odontoid process..... 26.0 180 9.0

(For intervertebral disk excision by laminotomy or laminectomy, see 63020-63042. For arthrodesis, see 22548-22650)

~~22554~~ Arthrodesis, anterior interbody technique; cervical below C2, with bone graft..... 23.0 180 9.0

~~22556~~ thoracic, with local bone (e.g., rib) and/or bone allograft.... 26.0 180 7.0

~~22558~~ lumbar, with bone graft.... 5.5 180 7.0

~~22585~~ Arthrodesis, anterior or anterolateral, each additional interspace (list separately in addition to single level arthrodesis) 22.0 180 9.0

(Procedure codes 22548-22585 exclude reconstruction following vertebral corpectomy)

ARTHRODESIS, POSTERIOR, POSTEROLATERAL, OR LATERAL TRANSVERSE PROCESS TECHNIQUE

(Procedure codes 22590-22630 are for SINGLE interspace arthrodesis (2 adjacent vertebral segments); for additional interspaces or segments, see 22650)

~~22590~~ Arthrodesis, posterior technique, craniocervical (occiput-C2), with bone graft and/or internal fixation..... 35.0 180 9.0

~~22595~~ Arthrodesis, posterior technique, atlas-axis (C1-C2) with bone graft and/or internal fixation.... 26.0 180 9.0

Unit Follow-
Value up Days=
Basic Anes@

Unit Follow-
Value up Days=
Basic Anes@

(For supplemental skills of two surgeons, see WAC 296-22-010, item 5b and modifier -62.)

~~((ARTHRODESIS, PRIMARY OR REPAIR OF PSEUDARTHROSIS~~

~~Procedural codes 22600-22720 are for SINGLE level procedures; for additional levels, see 22730-22735:))~~

22600	((Cervical fusion, posterior approach below C-1 level)) Arthrodesis, posterior technique, cervical below C2 segment, local bone ((graft)) or bone allograft and/or internal fixation	24.0	180	8.0
((22605	with iliac or other autogenous bone graft (includes obtaining graft)	28.0	180	8.0
22615	Cervical fusion, anterior approach (C3-T1) with iliac or other autogenous bone graft (includes obtaining graft)	28.0	180	8.0
22617	Atlas-axis fusion (C1-C2 or C3) with iliac or other autogenous bone graft (includes obtaining graft) (posterior or anterior approach)	29.0	180	8.0
22620	Cervicocranial fusion (occiput through C2) with iliac or other autogenous bone graft (includes obtaining graft)	30.0	180	8.0
22640	Thoracic or lumbar fusion, posterior or posterolateral approach; local bone graft and/or internal fixation	24.0	180	8.0
22645	with iliac or other autogenous bone graft (includes obtaining graft) (see also 22720)	28.0	180	8.0
22655	Thoracic or lumbar fusion; posterior interbody technique, with iliac or other autogenous bone graft, (includes obtaining graft)			NONCOVERED PROCEDURE
22670	lateral approach (transverse process to transverse process and/or sacrum) with iliac or other autogenous bone graft and/or internal fixation (includes obtaining graft)			NONCOVERED PROCEDURE
22680	anterolateral or anterior interbody fusion, transthoracic approach (includes obtaining graft)	BR		11.0
22700	Lumbar spine fusion, anterior interbody fusion (includes obtaining graft)	24.0	180	13.0
	(For supplemental skills of two surgeons, see WAC 296-22-010; item 5b and modifier -62:)			
((22720	posterior approach; Harrington or Knodt rod distraction fusion, with iliac or other autogenous bone graft (includes obtaining graft)	30.0	180	13.0
22730	Arthrodesis, primary or repair of pseudarthrosis, two levels (list separately in addition to code for single level arthrodesis, 22600-22720)	6.0		13.0

22735	more than two levels (list separately in addition to code for single level arthrodesis, 22600-22720)	BR		13.0
22610	Arthrodesis, posterior or posterolateral technique, with local bone or bone allograft and/or internal fixation; thoracic	22.0	180	7.0
22612	lumbar	22.0	180	7.0
22625	Arthrodesis, lateral transverse process technique, with local bone or bone allograft and/or internal wire fixation, lumbar	22.0	180	7.0
22630	Arthrodesis, posterior interbody technique, with local bone or bone allograft and/or internal wire fixation, lumbar	22.0	180	7.0
22650	Arthrodesis, posterior, posterolateral, or lateral transverse process technique, each additional interspace	5.5	180	8.0

(List separately in addition to code for single level arthrodesis, 22590-22630)

ARTHRODESIS((-PRIMARY)) FOR SPINE DEFORMITY (E.G., SCOLIOSIS, KYPHOSIS)

((For single or multiple osteotomy type of scoliosis correction, see 22206, 22207))

22800	Arthrodesis, ((primary for scoliosis (-)) posterior, for spinal deformity, with or without ((postoperative)) cast((-)), with bone graft; 6 or less vertebrae((-local bone graft))	29.0	180	13.0
((22801	with iliac or other autogenous bone graft	30.0	180	13.0
22802	((Arthrodesis, primary for scoliosis (with or without postoperative cast seven)) 7 or more vertebrae((-local bone graft))	BR		13.0
((22803	with iliac or other autogenous bone graft	BR		13.0
22810	Arthrodesis, anterior, for spinal deformity, with or without cast, with bone graft; 4 to 7 vertebrae	BR		BR
22812	8 or more vertebrae	BR		BR

ARTHRODESIS, MISCELLANEOUS

22820	Harvesting of bone autograft (e.g., ilium, fibula, etc.) for arthrodesis	3.5	180	11.5
22830	Exploration of spinal fusion	BR		

SPINAL INSTRUMENTATION

(List separately, in addition to code for fracture, dislocation, or arthrodesis of the spine, 22305-((22803)) 22812)

22840	Posterior instrumentation; without segmental fixation (e.g., single Harrington rods technique)	50.0	180	13.0
22842	segmental fixation (e.g., ((Luque technique)) pedicle fixation, dual rods with multiple hooks and sublaminar wires)	((BR))		
		42	180	13.0
	((For somatosensory testing, see 95925))			

	Unit Value	Follow-up Days=	Basic Anes@
22845 Anterior instrumentation ((e.g., Dwyer instrumentation))	BR		7.0
22849 Reinsertion of spinal fixation device	BR		7.0
22850 Removal of posterior nonsegmental instrumentation ((e.g., Harrington rod))	BR		8.0
22852 Removal of posterior segmental instrumentation	11.0	180	3.5
22855 Removal of anterior instrumentation ((e.g., Dwyer device)) ((For presurgical braces, Milwaukee or other, casts of any type, see section on application of casts or strapping)) (For spinal cord monitoring, use 95925)	BR		8.0

MISCELLANEOUS

22899 Unlisted procedure, spine	BR		7.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-061 ABDOMEN.

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
22900 Excision, abdominal wall tumor, subfascial (e.g., desmoid) ((22910 has been deleted; use 22999))	10.0	90	4.0

MISCELLANEOUS

22999 Unlisted procedure, abdomen, musculoskeletal system	BR		5.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-063 SHOULDER.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
23000 Removal of subdeltoid (or intratendinous) calcareous deposits ((For excision of subdeltoid bursa, see 23110))	6.0	60	3.0
23020 Capsular contracture release (Sever type procedure) for Erb's palsy (For incision and drainage procedures, superficial, see 10000-10160)	11.0	60	3.0
23030 Incision and drainage; <u>shoulder area</u> deep abscess or hematoma	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
23031 infected bursa	BR		3.0
23035 Incision, deep, with opening of cortex (e.g., shoulder area) for osteomyelitis or bone abscess;	BR		3.0
23040 Arthrotomy, <u>glenohumeral joint, for infection</u> , with exploration, drainage, or removal of foreign body((; glenohumeral joint for infection))	11.0	60	5.0
23044 Arthrotomy, <u>acromioclavicular, sternoclavicular joint, for infection</u> , with exploration, drainage, or removal of foreign body((; acromioclavicular, sternoclavicular joint))	10.0	60	5.0

EXCISION

23065 Biopsy, soft tissue(s) of <u>shoulder area</u> ; superficial	1.2	7	3.0
23066 deep (For needle biopsy of soft tissue use 20206)	2.4	15	3.0
23075 Excision, ((benign)) tumor; <u>shoulder area</u> subcutaneous	3.0	7	3.0
23076 deep, subfascial or intramuscular	4.0	15	3.0
23077 <u>Radical resection of tumor (e.g., malignant neoplasm), soft tissue of shoulder area</u>	BR		
23100 Arthrotomy for biopsy, <u>glenohumeral joint</u>	11.0	60	3.0
23101 Arthrotomy for biopsy or for excision of torn cartilage, <u>acromioclavicular, sternoclavicular joint</u>	11.0	60	4.0
23105 Arthrotomy for synovectomy; <u>glenohumeral joint</u>	BR		5.0
23106 <u>sternoclavicular joint</u> ((23110 has been deleted; use 23929))	BR		4.0
23107 <u>Arthrotomy, glenohumeral joint, with joint exploration, with or without removal of loose foreign body</u>	BR		
23120 Claviclectomy; partial	8.5	60	5.0
23125 total	16.0	60	5.0
23130 Acromiectomy, partial or total	8.5	60	5.0
23140 Excision or curettage of bone cyst or benign tumor of clavicle or scapula;	6.0	60	3.0
23145 with primary autogenous graft (includes obtaining graft)	9.0	120	3.0
23146 with homogenous or other nonautogenous graft	11.0	120	3.0
23150 Excision or curettage of bone cyst or benign tumor of proximal humerus;	6.0	120	3.0
23155 with primary autogenous graft (includes obtaining graft)	9.0	120	3.0
23156 with homogenous or other nonautogenous graft	11.0	120	3.0
23170 Sequestrectomy (e.g., for osteomyelitis or bone abscess), clavicle;	BR		3.0
23172 Sequestrectomy (e.g., for osteomyelitis or bone abscess), scapula;	BR		3.0
23174 Sequestrectomy (e.g., for osteomyelitis or bone abscess), humeral head to surgical neck;	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
23180				23420			
Partial excision of bone (craterization, saucerization or diaphysectomy) for osteomyelitis, clavicle	5.0	60	3.0	Repair of complete shoulder (rotator) cuff avulsion, chronic (includes acromioplasty)	18.0	120	5.0
23182				23430			
Partial excision of bone (craterization, saucerization, or diaphysectomy) for osteomyelitis, scapula;	6.0	60	4.0	Tenodesis for rupture of long tendon of biceps	12.0	90	5.0
23184				23440			
Partial excision ((of bone)) (craterization, saucerization, or diaphysectomy) of bone (e.g., for osteomyelitis), proximal humerus;	6.0	60	4.0	Resection or transplantation of long tendon of biceps, for chronic tenosynovitis	12.0	90	5.0
23190				23450			
Ostectomy of scapula, partial (e.g., superior medial angle)	7.0	60	3.0	Capsulorrhaphy for recurrent dislocation, anterior; Putti-Platt procedure or Magnuson type operation	17.0	90	5.0
23195				23455			
Resection humeral head (For replacement with implant, see 23470)	BR		3.0	Bankart type operation with or without stapling	19.0	90	5.0
23200				23460			
Radical resection for tumor; clavicle	BR		3.0	Capsulorrhaphy for recurrent dislocation, anterior, any type; with bone block	20.0	120	5.0
23210				23462			
scapula	BR		3.0	with coracoid process transfer	18.0	120	5.0
23220				23465			
Radical resection for tumor, proximal humerus;	BR		3.0	Capsulorrhaphy for recurrent dislocation, posterior, with or without bone graft	17.0	90	5.0
23221							
with autogenous bone graft, (includes obtaining graft)	BR		3.0	(For sternoclavicular and acromioclavicular reconstruction, see 23530 or 23550)			
23222				23466			
with prosthetic replacement	BR		3.0	Capsulorrhaphy for recurrent dislocation with any type multidirectional instability	BR		3.0
INTRODUCTION OR REMOVAL				23470			
(For arthrocentesis or needling of bursa, see 20610)				Arthroplasty with proximal humeral implant (e.g., Neer type operation)	20.0	120	6.0
(For K wire or pin insertion or removal, see 20650, 20670, 20680)				23472			
23330				Arthroplasty with glenoid and proximal humeral replacement (e.g., total shoulder)	BR		6.0
Removal of foreign body, shoulder; subcutaneous	8.0	60	3.0	(For removal of total shoulder implants, see 23331, 23332)			
23331				(For osteotomy proximal humerus, see 24400)			
deep (e.g., ((prosthetic)) neer prosthesis removal)	11.0	60	3.0	23480			
23332				Osteotomy, clavicle, with or without internal fixation;	10.0	90	3.0
complicated, including "total shoulder"	BR		3.0	23485			
23350				with bone graft for nonunion or malunion (includes obtaining graft and/or necessary fixation)	13.0	120	3.0
Injection procedure for shoulder arthrography	0.6	0	3.0	23490			
(For shoulder arthrography, see 73040)				Prophylactic treatment (nailing, pinning, plating, or wiring) with or without methyl methacrylate; clavicle	BR		
((23355-23358 have been deleted, use 29815-29825))				23491			
REPAIR, REVISION OR RECONSTRUCTION				proximal humerus and humeral head	BR		
(((For sternoclavicular reconstruction, see 23530)				FRACTURE AND/OR DISLOCATION			
(For acromioclavicular joint reconstruction, see 23550)))				23500			
23395				Treatment of closed clavicular fracture; without manipulation	Sv.& 3.0	90	3.0
Muscle transfer, any type for paralysis of shoulder or upper arm; single	20.0	90	5.0	23505			
23397				with manipulation	5.0	90	3.0
multiple	BR	90	5.0	23510			
23400				Treatment of open clavicular fracture, with uncomplicated soft tissue closure	5.0	90	3.0
Scapulopexy (e.g., Sprengel's deformity or for paralysis)	22.0	90	5.0	23515			
23405				Open treatment of closed or open clavicular fracture, with or without internal or external skeletal fixation	9.0	90	3.0
Tenotomy; shoulder area single	7.0	60	5.0	23520			
23406				Treatment of closed sternoclavicular dislocation; without manipulation	Sv.& 2.8	90	3.0
multiple through same incision	13.0	60	5.0	23525			
23410				with manipulation	10.0	90	5.0
Repair of ruptured supraspinatus tendon (rotator cuff) or musculotendinous cuff; acute	14.0	120	5.0	23530			
23412				Open treatment of closed or open Sternoclavicular dislocation, acute or chronic;	10.0	90	5.0
chronic	16.0	120	5.0	23532			
23415				with fascial graft (includes obtaining graft)	12.0	90	5.0
Coracoacromial ligament release, with or without acromioplasty, for chronic ruptured supraspinatus tendon (rotator cuff)	6.5		5.0				

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
23540							
				ARTHRODESIS			
23540	Sv.&			23800			
	2.4	45	3.0		Arthrodesis, shoulder joint, with or without local bone graft	20.0	120 5.0
23545				23802			
	12.0	90	5.0		with primary autogenous graft (includes obtaining graft)	24.0	120 5.0
23550				AMPUTATION			
23552	15.0	90	5.0	23900			
					IntertHORACOSCAPULAR amputation (forequarter)	24.0	90 11.0
23570	Sv.&			23920			
	2.8	90	3.0		Disarticulation of shoulder	18.0	90 5.0
23575				23921			
	5.0	90	3.0		secondary closure or scar revision	5.0	30 3.0
23580				MISCELLANEOUS			
23585	12.0	90	3.0	23929		BR	5.0
				AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)			
23600	Sv.&			WAC 296-22-067 HUMERUS (UPPER ARM) AND ELBOW.			
	5.0	90	3.0	(Elbow area includes head and neck of radius and olecranon process.)			
23605				INCISION			
23610	7.0	90	3.0	(For incision and drainage procedures, superficial, see 10000-10160)			
23615							
	12.0	90	3.0				
23620	Sv.&						
	3.5	90	3.0				
23625							
	9.0	90	3.0	23930			
23630					Incision and drainage; deep abscess or hematoma	5.0	15 3.0
	9.0	90	3.0	23931			
23650	Sv.&				infected bursa	5.0	15 3.0
	*1.2	0	3.0	23935			
*23655					Incision, deep, with opening of cortex (e.g., for osteomyelitis or bone abscess) <u>humerus or elbow</u>	8.0	15 3.0
23658	BR		3.0	24000			
					Arthrotomy, elbow, for infection, with exploration, drainage, or removal of foreign body;	10.0	60 3.0
23660				EXCISION			
23665	12.0	90	3.0	(((For muscle or bone biopsy, see 20200-20245)))			
				24065			
23670	3.0	90	3.0		Biopsy, soft tissues; superficial	2.0	7 3.0
				24066			
23675	12.0	90	3.0		deep	3.0	15 3.0
				24075			
23680	4.0	90	3.0		Excision, ((<u>benign</u>)) tumor; <u>upper arm or elbow area</u> , subcutaneous	4.0	15 3.0
				24076			
	4.0	90	3.0		deep, subfascial or intramuscular	4.5	15 3.0
				24077			
	14.0	90	3.0		<u>Radical resection of tumor (e.g., malignant neoplasm), soft tissue of upper arm or elbow area</u>	BR	
MANIPULATION				24100			
*23700					Arthrotomy, elbow, for synovial biopsy only	10.0	60 3.0
	*1.2	0	4.0	24101			
					with joint exploration, with or without biopsy, with or without removal of <u>loose or foreign body</u>	12.0	60 3.0
				24102			
					for synovectomy	14.0	90 3.0
				24105			
					Excision, olecranon bursa	4.8	60 3.0
				24110			
					Excision or curettage of bone cyst or benign tumor, humerus;	9.5	60 3.0
				24115			
					with primary autogenous graft (includes obtaining		

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@		
24116	graft)	12.5	120	3.0	24305	Tendon lengthening; <u>upper arm or elbow area</u> single, each	7.0	3.0	
	with homogenous or other nonautogenous graft	13.0	120	3.0	24310	Tenotomy, open, elbow to shoulder, single, each	5.0	30	3.0
24120	Excision or curettage of bone cyst or bone tumor of head or neck of radius or olecranon process	8.0	60	3.0	24320	Tenoplasty, with muscle transfer, with or without free graft, elbow to shoulder, single (Seddon-Brookes type procedure)	BR		3.0
24125	with primary autogenous graft (includes obtaining graft)	10.0	120	3.0	24330	Flexor-plasty, elbow (e.g., Steindler type advancement);	8.0	90	3.0
24126	with homogenous or other nonautogenous graft	11.0	120	3.0	24331	with extensor advancement	8.0	90	3.0
24130	Excision, radial head	8.0	60	3.0	24340	Tenodesis for rupture of biceps tendon at elbow	14.0	90	3.0
	(For replacement with implant, see 24366)				24342	Reinsertion of ruptured biceps tendon, distal, with or without tendon graft (includes obtaining graft)	14.0	90	3.0
24134	Sequestrectomy (e.g., for osteomyelitis or bone abscess), shaft or distal humerus	BR		3.0	24350	Fasciotomy, lateral or medial (e.g., "tennis elbow" or epicondylitis);	6.0	30	3.0
24136	Sequestrectomy (e.g., for osteomyelitis or bone abscess), radial head or neck;	BR		3.0	24351	with extensor origin detachment	5.0	30	3.0
24138	Sequestrectomy (e.g., for osteomyelitis or bone abscess), olecranon process;	BR		3.0	24352	with annular ligament resection	6.0	30	3.0
24140	Partial excision ((of bone)) (craterization, saucerization or diaphysectomy), <u>of bone</u> (e.g., for osteomyelitis), humerus	7.0	60	3.0	24354	with stripping	7.0		3.0
24145	Partial excision ((of bone)) (craterization, saucerization or diaphysectomy,) <u>of bone</u> (e.g., for osteomyelitis), radial head or neck;	7.0	6.0	3.0	24356	with partial osteotomy	BR		3.0
24147	Partial excision ((of bone)) (craterization, saucerization or diaphysectomy) <u>of bone</u> (e.g., for osteomyelitis), olecranon process;	7.0	60	3.0	24360	Arthroplasty, elbow, with membrane	BR		3.0
24150	Radical resection for tumor, shaft or distal humerus;	BR		3.0	24361	with distal humeral prosthetic replacement	BR		3.0
24151	with autogenous bone graft (includes obtaining graft)	BR		3.0	24362	with implant and fascia lata ligament reconstruction	BR		3.0
24152	Radical resection for tumor, radial head or neck;	BR		3.0	24363	with distal humerus and proximal ulnar prosthetic replacement ("total elbow")	BR		3.0
24153	with autogenous bone graft (includes obtaining graft)	BR		3.0	24365	Arthroplasty, radial head;	10.0	120	3.0
24155	Resection of elbow joint (arthrectomy)	BR		3.0	24366	with implant	BR		3.0
INTRODUCTION OR REMOVAL					24400	Osteotomy, humerus, with or without internal fixation	12.0	90	3.0
	(For K wire or pin insertion or removal, see 20650, 20670, 20680)				24410	Multiple osteotomies with realignment on intramedullary rod <u>humeral shaft</u> (Sofield type procedure)	14.0	90	3.0
	(For arthrocentesis or needling of bursa or joint, see 20605)				24420	Osteoplasty, humerus (e.g., shortening or lengthening) (excluding 64876)	BR		3.0
24160	Implant removal; elbow joint	6.0	60	3.0	24430	Repair of nonunion or malunion, humerus; without graft (e.g., compression technique, etc.)	17.0	90	3.0
24164	radial head	4.8	60	3.0	24435	with iliac or other autogenous bone graft (includes obtaining graft)	20.0	120	3.0
24200	Removal of foreign body; <u>upper arm or elbow area</u> subcutaneous	BR		3.0		(For proximal radius and/or ulna, see 25400-25420)			
24201	deep	BR		3.0	24470	Hemiepiphyseal arrest (e.g., for cubitus varus or valgus, distal humerus)	7.0	120	3.0
24220	Injection procedure for elbow arthrography	BR		3.0	24495	Decompression fasciotomy, forearm, with brachial artery exploration	BR		3.0
	(For elbow arthrography, see 73085)				24498	Prophylactic treatment (nailing, pinning, plating or wiring) with or without methyl methacrylate; humerus	BR		
	(For injection of tennis elbow, see 20550)				FRACTURE AND/OR DISLOCATION				
REPAIR, REVISION, AND RECONSTRUCTION					24500	Treatment of closed humeral shaft fracture; without manipulation	Sv.& 5.0	90	3.0
24301	Muscle or tendon transfer, any type, <u>upper arm or elbow area</u> single (excluding 24320-24331)	BR		3.0	24505	with manipulation			
					24506	percutaneous insertion of			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
24510	BR	90	3.0	24588			
24515	7.0	90	3.0				
24530	11.0	90	3.0	24600			
24531	Sv.& BR		3.0	*24605			
24535	5.0	90	3.0	24610			
24536	9.0	90	3.0	24615			
24538	10.0	90	3.0	24620			
24540				24625			
24542	7.0	90	3.0				
24545	11.0	90	3.0				
24560	10.0	90	3.0	24635			
24565	Sv.& 4.0	90	3.0				
24570	6.0	90	3.0	*24640			
24575	9.0	90	3.0	24650			
24576	SV			24655			
24577	4.0	90	3.0	24660			
24578	5.0	90	3.0	24665			
24579	7.0	90	3.0	24675			
24580				24680			
24581	SV 8.0	90	3.0	24685			
24583	9.0	90	3.0				
24585	12.0	90	3.0				
24586	BR		3.0				
24587	BR		3.0				

(See also 24361)

with implants and fascia lata ligament reconstruction BR 3.0

(See also 24362)

24600 Treatment of closed elbow dislocation; without anesthesia Sv.& 3.0
 requiring anesthesia *1.0 0

24610 Treatment of open elbow dislocation, with uncomplicated soft tissue closure 6.0 45 3.0

24615 Open treatment of closed or open elbow dislocation 12.0 90 3.0

24620 Treatment of closed Monteggia type of fracture dislocation at elbow (fracture proximal end of ulna with dislocation of radial head) 4.0 90 3.0

24625 Treatment of ~~((closed))~~ open Monteggia type of fracture dislocation at elbow (fracture proximal end of ulna with dislocation of the radial head), with uncomplicated soft tissue closure 6.0 90 3.0

24635 Open treatment of closed or open Monteggia type fracture dislocation at elbow (fracture proximal end of ulna with dislocation of radial head), with or without internal or external skeletal fixation 12.0 90 3.0

*24640 Treatment of radial head subluxation in child, "nursemaid elbow," with manipulation Sv.&

24650 Treatment of closed radial head or neck fracture; without manipulation Sv.& 3.0 90 3.0

24655 with manipulation Sv.& 3.0 90 3.0

24660 Treatment of open radial head or neck fracture, with uncomplicated soft tissue closure 4.0 90 3.0

24665 Open treatment of closed or open radial head or neck fracture, with or without internal fixation or radial head excision 8.0 90 3.0

24670 Treatment of closed ulnar fracture, proximal end (olecranon process); without manipulation Sv.& 3.0 90 3.0

24675 with manipulation Sv.& 3.0 90 3.0

24680 Treatment of open ulnar fracture, proximal end (olecranon process), with uncomplicated soft tissue closure 4.0 90 3.0

24685 Open treatment of closed or open ulnar fracture proximal end (olecranon process), with or without internal or external skeletal fixation 8.0 90 3.0

MANIPULATION

(24700 has been deleted; use 24999)

ARTHRODESIS

24800 Arthrodesis, elbow joint; with or without local or homogenous bone graft 16.0 120 3.0

24802 with primary autogenous bone graft (includes obtaining graft) 16.0 120 3.0

	Unit Value	Follow-up Days=	Basic Anes@
AMPUTATION			
24900 Amputation, arm through humerus; with primary closure	10.0	90	3.0
24920 open, circular (guillotine)	9.0	90	3.0
24925 secondary closure or scar revision	3.0	30	3.0
24930 reamputation	10.0	90	3.0
24931 with implant	10.0	90	3.0
24935 Stump elongation	3.0	90	3.0
24940 Cineplasty, upper extremity, complete procedure	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
MISCELLANEOUS			
24999 Unlisted procedure, humerus or elbow	BR		4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-071 FOREARM AND WRIST.

	Unit Value	Follow-up Days=	Basic Anes@
(Radius, ulna, carpal bones and joints)			
INCISION			
25000 Tendon sheath incision; at radial styloid for De Quervain's disease	4.4	30	3.0
25005 at wrist for other stenosing tenosynovitis	4.0	30	3.0
(For decompression median nerve or for carpal tunnel syndrome, see 64721)			
25020 Decompression fasciotomy, <u>wrist flexor and/or extensor compartment</u> ;	3.5	30	3.0
25023 with debridement of nonviable muscle and/or nerve	4.0	30	3.0
(For decompression fasciotomy with brachial artery exploration, see 24495)			
(For incision and drainage procedures, superficial, see 10000-10160)			
(For debridement, see also 11000-11044)			
25028 Incision and drainage; <u>forearm and/or wrist</u> deep abscess or hematoma	1.0	30	3.0
25031 infected bursa	1.5	30	3.0
25035 Incision, deep, with opening of cortex (e.g., for osteomyelitis or bone abscess); <u>forearm or wrist</u>	2.0	30	3.0
25040 Arthrotomy, <u>radiocarpal, or mediocarpal joint</u> , for infection, with exploration, drainage, or removal of ((loose or)) foreign body((; for infection, radiocarpal or mediocarpal joint;))	5.0	60	3.0

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
25065 Biopsy, soft tissues; superficial	2.0	7	3.0
25066 deep	3.0	15	3.0
(For needle biopsy of soft tissue, use 20206)			

	Unit Value	Follow-up Days=	Basic Anes@
25075 Excision, tumor; <u>forearm and/or wrist area</u> subcutaneous	4.0	15	3.0
25076 deep, subfascial or intramuscular	4.0	15	3.0
25077 <u>Radical resection of tumor (e.g., malignant neoplasm) soft tissue of forearm and/or wrist area</u>	BR		
25085 Capsulotomy, wrist (e.g., for contracture)	4.0	15	3.0
25100 Arthrotomy, wrist joint, for biopsy	5.0	60	3.0
25101 with joint exploration, with or without biopsy, with or without removal of <u>loose</u> or foreign body	7.0	60	3.0
25105 for synovectomy	8.0	90	3.0
25107 Arthrotomy, distal radioulnar joint for repair of triangular cartilage complex	9.0	60	3.0
25110 Excision, lesion of tendon sheath <u>forearm and/or wrist</u>	3.0	30	3.0
25111 Excision of ganglion, wrist (dorsal or volar); primary	5.0	30	3.0
25112 recurrent	4.0	30	3.0
(For hand or finger, see 26160)			
25115 Radical excision of bursa synovia of wrist, or forearm tendon sheaths (e.g., tenosynovitis, fungus, Tbc., or other granulomas, rheumatoid arthritis); flexors	10.0	60	3.0
25116 extensors (with or without transposition of dorsal retinaculum)	10.0	60	3.0
(For finger synovectomies, see 26145)			
25118 Synovectomy, extensor tendon sheaths, wrist, single compartment;	10.0	60	3.0
25119 with resection of distal ulna	11.0	60	3.0
25120 Excision or curettage of bone cyst or benign tumor of radius or ulna (excluding head or neck of radius and olecranon process);	7.0	60	3.0
(For head or neck of radius or olecranon process, see 24120, 24126)			
25125 with primary autogenous graft (includes obtaining graft)	10.0	120	3.0
25126 with homogenous or other nonautogenous graft	10.0	120	3.0
25130 Excision or curettage of bone cyst or benign tumor of carpal bones	5.0	60	3.0
25135 with primary autogenous graft (includes obtaining graft)	7.0	120	3.0
25136 with homogenous or other nonautogenous graft	7.0	120	3.0
25145 Sequestrectomy (e.g., for osteomyelitis or bone abscess); <u>forearm and/or wrist</u>	BR		3.0
25150 Partial excision ((of bone)) (craterization, saucerization or diaphysectomy) of <u>bone</u> (e.g., for osteomyelitis), ulna	5.0	60	3.0
25151 radius	5.0	60	3.0
(For head or neck of radius or olecranon process, see 24145-((24148)) 24147)			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
25170	BR		3.0	25312	8.0	90	3.0
25210	7.0	60	3.0	25315	8.0	90	3.0
				25316	9.0	90	3.0
25215	10.0	60	3.0	25317	12.0	120	3.0
25230	5.0	60	3.0	25318	13.0	120	3.0
25240	6.0	60	3.0	25320	21.1	120	3.0
				25330	8.0	120	3.0
				25331	BR		3.0
				25332	BR		3.0
INTRODUCTION OR REMOVAL				(For obtaining fascia for interposition, see 20920-20922)			
				25335	BR		
				25350	10.0	90	3.0
25246	BR			25355	12.0	90	3.0
				25360	10.0	90	3.0
				25365	14.0	90	3.0
				25370	12.0	90	3.0
25248	BR			25375	18.0	90	3.0
25250	BR		3.0	25390	BR+		3.0
25251	BR		3.0	25391	BR		3.0
				25392	BR		3.0
REPAIR, REVISION OR RECONSTRUCTION				25393	BR		3.0
25260	7.0	90	3.0	25400	14.0	90	3.0
25263	1.5	90	3.0	25405	17.0	120	3.0
25265	3.0	90	3.0	25415	20.0	90	3.0
25270	5.0	90	3.0	25420	23.0	120	3.0
25272	1.5	90	3.0	25425	14.0	120	3.0
25274	8.0	90	3.0	25426	20.0	120	3.0
25280	7.0	90	3.0	25440	14.0	120	3.0
25290	4.0	90	3.0	25441	18.0	120	3.0
25295	1.0	90	3.0	25442	12.5	120	3.0
25300	8.0	90	3.0	25443	15.5	120	3.0
25301	6.0	90	3.0	25444	15.5	120	3.0
25310	9.5	90	3.0	25445	15.5	120	3.0
				25446	20.0	120	3.0
				25447	BR	120	3.0
				25449	BR	120	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
25450				25622			
Epiphyseal arrest by epiphysio-				Treatment of closed carpal			
desis or stapling; distal radius				scaphoid (navicular) fracture;	SV		
OR ulna	6.0	120	3.0	without manipulation			
25455				with manipulation	4.0	90	3.0
distal radius AND ulna	8.0	120	3.0	25626			
25490				Treatment of open carpal			
Prophylactic treatment (nailing,				scaphoid (navicular) fracture,			
pinning, plating or wiring) with				with uncomplicated soft tissue			
or without methyl methacrylate;				closure	5.0	90	3.0
radius	BR			25628			
25491				Open treatment of closed or open			
ulna	BR			carpal scaphoid (navicular) frac-			
25492				ture, with or without skeletal fix-			
radius and ulna	BR			ation	8.0	90	3.0
FRACTURE AND/OR DISLOCATION				25630			
25500				Treatment of closed carpal bone			
Treatment of closed radial shaft				fracture (excluding carpal			
fracture; without manipulation ..	Sv.&			scaphoid (navicular)); without			
with manipulation	4.2	90	3.0	manipulation, each bone	Sv.&		
25510				with manipulation, each			
Treatment of open radial shaft				bone	4.0	90	3.0
fracture, with uncomplicated soft				25640			
tissue closure	5.0	90	3.0	Treatment of open carpal bone			
25515				fracture (excluding carpal			
Open treatment of closed or open				scaphoid (navicular)); ((without			
radial shaft fracture, with or				manipulation)) with uncompli-			
without internal or external skel-				cated soft tissue closure, each			
etal fixation	8.0	90	3.0	bone	5.0	90	3.0
25530				25645			
Treatment of closed ulnar shaft				Open treatment of closed or open			
fracture; without manipulation ..	Sv.&			carpal bone fracture (excluding			
with manipulation	4.0	90	3.0	carpal scaphoid (navicular)),			
25535				each bone	6.0	90	3.0
Treatment of open ulnar shaft				25650			
fracture with uncomplicated soft				Treatment of closed ulnar styloid			
tissue closure	5.0	90	3.0	fracture	BR		3.0
25545				25660			
Open treatment of closed or open				Treatment of closed radiocarpal			
ulnar shaft fracture, with or				or intercarpal dislocation, one or			
without internal or external skel-				more bones, with manipulation ..	1.2	0	3.0
etal fixation	8.0	90	3.0	25665			
25560				Treatment of open radiocarpal or			
Treatment of closed radial and				intercarpal dislocation ((or inter-			
ulnar shaft fractures; without				carpal)), one or more bones, with			
manipulation	Sv.&			uncomplicated soft tissue closure	4.0	45	3.0
with manipulation	5.4	90	3.0	25670			
25565				Open treatment of closed or open			
Treatment of open radial and				radiocarpal or intercarpal dislo-			
ulnar shaft fractures, with un-				cation, one or more bones	8.0	90	3.0
complicated soft tissue closure .	6.0	90	3.0	25675			
25575				Treatment of closed distal			
Open treatment of closed or open				radioulnar dislocation with ma-			
radial and ulnar shaft fractures,				nipulation	3.2	60	3.0
with or without internal or external				25676			
skeletal fixation	12.0	90	3.0	Open treatment of closed or open			
25600				distal radioulnar dislocation,			
Treatment of closed distal radial				acute or chronic	6.0	90	3.0
fracture (e.g., Colles or Smith				25680			
type) or epiphyseal separation,				Treatment of closed trans-			
with or without fracture of ulnar				scaphoperilunar type of fracture			
styloid, without manipulation ...	Sv.&			dislocation, with manipulation .	6.0	45	3.0
with manipulation	4.0	90	3.0	25685			
25605				Open treatment of closed or open			
Treatment of closed, complex,				trans-scaphoperilunar type of			
distal radial fracture (e.g., Colles				fracture dislocation	12.0	90	3.0
or Smith type) or epiphyseal sep-				25690			
aration, with or without fracture				Treatment of lunate dislocation,			
of ulnar styloid, requiring ma-				with manipulation	4.0	90	3.0
nipulation; without external skel-				25695			
etal fixation or percutaneous pin-				Open treatment of lunate dislo-			
ning	6.0	90	3.0	cation	8.0	90	3.0
25611				MANIPULATION			
percutaneous pinning or pins				(25700 has been deleted, use			
and plaster technique	8.0	120	3.0	25999)			
25615				ARTHRODESIS			
Treatment of open distal radial				25800			
fracture (e.g., Colles or Smith				Arthrodesis, wrist joint (includ-			
type) or epiphyseal separation,				ing radiocarpal and/or			
without fracture of ulnar styloid,				ulnocarpal fusion), without bone			
with uncomplicated soft tissue				graft	12.0	120	3.0
closure	5.0	90	3.0	25805			
25620				with sliding graft	14.0	120	3.0
Open treatment of closed or open				25810			
distal radial fracture (e.g., Colles				with iliac or other autogenous			
or Smith type) or epiphyseal sep-				distal bone graft (includes			
aration, with or without fracture				obtaining graft)	16.0	120	4.0
of the ulnar styloid, with or				25820			
without internal or external skel-				Intercarpal fusion, without bone			
etal fixation	8.0	90	3.0	graft	BR	120	3.0
				25825			
				with autogenous bone graft			
				(includes obtaining graft)	BR	120	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
AMPUTATION				(For biopsy, see 20200-20240)			
25900	9.0	90	3.0	(For neuroma, see 64200-64210))			
25905	8.0	90	3.0	26100	5.0	60	3.0
25907	3.0	30	3.0	26105	5.0	60	3.0
25909	9.0	90	3.0	26110	4.0	60	3.0
25915	9.0	90	3.0	26115	4.0	15	3.0
25920	8.0	90	3.0	26116	4.0	30	3.0
25922	3.0	90	3.0	26117	BR		
25924	9.0	90	3.0	26120	6.0	60	3.0
25927	10.0	90	3.0	26122	10.0	60	3.0
25929	3.0	90	3.0	(For fasciotomy, see 26040-26045)			
25931	10.0	90	3.0	26124	14.0	90	3.0
MISCELLANEOUS				26126	18.0	90	3.0
25999	BR		3.0	26128	BR		
AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)				((For skin grafts, etc., see 14000-15240))			
WAC 296-22-073 HAND AND FINGERS.				26130	10.0	90	3.0
	Unit Value	Follow-up Days=	Basic Anes@	26135	5.0	90	3.0
INCISION				26140	5.0	90	3.0
((For drainage of paronychia, see 10100, 10101))				26145	10.0	90	3.0
*26010	*0.72	0	3.0	(For tendon sheath synovectomies at wrist, see 25115, 25116)			
*26011	BR		3.0	26160	2.4	30	3.0
26020	4.0	30	3.0	(For wrist ganglion, see 25111, 25112)			
((For drainage of simple abscess, see 10020, 10060))				(For trigger digit, see 26055)			
26025	5.0	30	3.0	26170	BR		3.0
26030	BR		3.0	26180	BR		3.0
26034	4.0	30	3.0	26200	6.0	60	3.0
26035	BR			26205	7.0	120	3.0
26040	3.6	60	3.0				
26045	5.0	60	3.0				
(For fasciectomy, see 26120-26128)							
26055	5.0	30	3.0				
26060	1.2	0	3.0				
26070	5.0	60	3.0				
26075	5.0	60	3.0				
26080	4.0	60	3.0				
EXCISION							
((For finger nail, see 11700-11750))							

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
(((26206 has been deleted, use 26989)))				26415	Extension tendon excision, im-plantation of plastic tube or rod for delayed extensor tendon graft, hand or finger	BR	
26210	Excision or curettage of bone cyst or benign tumor of proximal, middle or distal phalanx; of finger	5.0	60	3.0	26416	Removal of tube or rod and insertion of extensor tendon graft (includes obtaining graft), hand or finger	BR
26215	with autogenous graft (includes obtaining graft)	6.0	120	3.0	26418	Extensor tendon repair, dorsum of finger, single, primary or secondary; without free graft, each tendon	4.0 120 3.0
(((26216 has been deleted, use 26989)))				26420	with free graft (includes obtaining graft) each tendon	BR	3.0
26230	Partial excision ((of bone)) (craterization, saucerization, or diaphysectomy) of bone (e.g., for osteomyelitis), metacarpal	6.0	60	3.0	26426	Extensor tendon repair, central slip repair, secondary (boutonniere deformity); using local tissues	4.0 120 3.0
26235	proximal or middle phalanx of finger	5.0	60	3.0	26428	with free graft (includes obtaining graft)	BR
26236	distal phalanx of finger	5.0	60	3.0	26432	Extensor tendon repair, distal insertion ("mallet finger"), closed, splinting with or without percutaneous pinning	5.0 120 3.0
26250	Radical resection (ostectomy) for tumor, metacarpal;	12.0	120	3.0	26433	Extensor tendon repair, distal insertion ('mallet finger'), open, primary or secondary repair; without graft	6.0 120 3.0
26255	with autogenous graft (includes obtaining graft)	12.0	120	3.0	26434	with free graft (includes obtaining graft)	BR 3.0
26260	Radical resection (ostectomy) for tumor, proximal or middle phalanx of finger	10.0	120	3.0	(For tenovagotomy for trigger finger, see 26055)		
26261	with autogenous graft (includes obtaining graft)	10.0	120	3.0	26437	Extensor tendon realignment ((for arthritis)), hand	BR 3.0
26262	Radical resection (ostectomy) for tumor, distal phalanx of finger	BR		3.0	26440	Tenolysis, simple, flexor tendon, palm, OR finger, single, each tendon	5.0 60 3.0
INTRODUCTION OR REMOVAL				26442	palm AND finger, each tendon	6.0	60 3.0
26320	Removal of implant from finger or hand	BR		3.0	26445	Tenolysis, extensor tendon, dorsum of hand or finger; each tendon	6.0 60 3.0
(For removal of foreign body in hand or finger, see 20520-20525)				26449	Tenolysis, complex, extensor tendon, dorsum of hand or finger, including hand and forearm	BR	3.0
REPAIR, REVISION OR RECONSTRUCTION				(For fascia or other implant, see 20920, 20922)			
26350	Flexor tendon repair or advancement, single, not in "no man's land"; primary or secondary without free graft, each tendon	7.0	120	3.0	26450	Tenotomy, flexor, single, palm, open each	4.0 30 3.0
26352	secondary with free graft (includes obtaining graft), each tendon	BR+		3.0	26455	Tenotomy, flexor, single, finger, open, each	5.0 30 3.0
26356	Flexor tendon repair or advancement, single, in "no man's land"; primary, each tendon	7.0	120	3.0	26460	Tenotomy, extensor, hand or finger, single, open, each	BR+ 3.0
26357	secondary, each tendon	BR		3.0	26471	Tenodesis; for proximal interphalangeal joint stabilization	8.0 120 3.0
26358	secondary with free graft (includes obtaining graft), each tendon	BR		3.0	26474	for distal joint stabilization	7.0 120 3.0
26370	Profundus tendon repair or advancement, with intact sublimis; primary	11.8	120	3.0	26476	Tendon lengthening, extensor, hand or finger single, each	8.0 120 3.0
26372	secondary with free graft (includes obtaining graft)	BR		3.0	26477	Tendon shortening, extensor, hand or finger single, each	8.0 120 3.0
26373	secondary without free graft	BR		3.0	26478	Tendon lengthening, flexor, hand or finger single, each	BR
26390	Flexor tendon excision, implantation of plastic tube or rod for delayed tendon graft hand or finger	BR		3.0	26479	Tendon shortening, flexor, hand or finger single, each	BR
26392	Removal of tube or rod and insertion of flexor tendon graft (includes obtaining graft) hand or finger	BR		3.0	26480	Tendon transfer or transplant, carpometacarpal area or dorsum of hand, single; without free graft, each	8.0 90 3.0
26410	Extensor tendon repair, dorsum of hand, single, primary or secondary; without free graft, each tendon	3.0	120	3.0	26483	with free tendon graft (includes obtaining graft), each tendon	11.0 90 3.0
26412	with free graft (includes obtaining graft); each tendon	BR		3.0			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
26485				etc.	BR		3.0
				26565			
				Osteotomy for correction of deformity; metacarpal	8.0	90	3.0
26489	10.0	90	3.0	26567	5.0	90	3.0
with free tendon graft (includes obtaining graft), each tendon				26568			
	11.0	90	3.0	Osteoplasty for lengthening of metacarpal or phalanx	BR		3.0
26490				26570			
Opponens plasty, sublimis tendon transfer type	9.5	120	3.0	Bone graft, (includes obtaining graft); metacarpal	10.0	120	3.0
26492				26574	7.0	120	3.0
tendon transfer with graft (includes obtaining graft)	11.0	120	3.0	phalanx	BR		
26494	12.0	120	3.0	26580	BR		
hypothenar muscle transfer ...				26585	BR		
26496	BR		3.0	26587			
other methods				<u>Repair of supernumerary digit, soft tissue and bone</u>	<u>BR</u>		
(For thumb fusion in opposition, see 26820)				(For excision of supernumerary digit, soft tissue only, use 11200)			
26497				26590	BR		
Tendon transfer to restore intrinsic function; ring and small finger	BR		3.0	Repair macrodactylia			
26498	BR		3.0	26591	BR		3.0
all four fingers				Repair, intrinsic muscles of hand (specify)			
26499	BR		3.0	(For microsurgical technique, use modifier -20)			
Correction claw finger, other methods				26593			
26500	6.0	90	3.0	Release, intrinsic muscles of hand (specify)	BR		3.0
Tendon pulley reconstruction; with local tissues (separate procedure)				(For microsurgical technique, use modifier -20)			
26502	8.0	90	3.0	26596	BR		3.0
with tendon or fascial graft (includes obtaining graft) (separate procedure)				Excision of constricting ring with multiple z-plasties			
26504	BR			26597	BR		3.0
with tendon prosthesis (separate procedure)				Release of scar contracture, flexor or extensor, with skin grafts, rearrangement flaps, or Z-plasties, hand and/or finger ..	BR		3.0
26508	8.0	90	3.0				
Thenar muscle release for thumb contracture	BR	90	3.0	FRACTURES AND/OR DISLOCATION			
26510	BR	90	3.0	26600			
Cross intrinsic transfer				Treatment of closed metacarpal fracture, single; without manipulation, each bone	Sv.& 2.4	90	3.0
26516	6.0	90	3.0	26605			
Capsulodesis for M-P joint stabilization; single digit	8.0	90	3.0	with manipulation, each bone ..	BR		3.0
26517	8.0	90	3.0	26607			
two digits				with manipulation, with skeletal fixation, each bone	BR		3.0
26518	10.0	90	3.0	26610			
three or four digits				Treatment of open metacarpal fracture, single, with uncomplicated soft tissue closure, each bone	3.0	90	3.0
26520	7.0	90	3.0	26615			
Capsulectomy or capsulotomy, for contracture, metacarpophalangeal joint, single, each				Open treatment of closed or open metacarpal fracture, single, with or without internal or external skeletal fixation, each bone	7.0	90	3.0
26525	7.0	90	3.0	26641			
interphalangeal joint, single, each				Treatment of carpometacarpal dislocation, thumb, with manipulation	Sv.&		
26527	BR		3.0	26645			
Arthroplasty, carpometacarpal joint				Treatment of closed carpometacarpal fracture dislocation, thumb (Bennett fracture), with manipulation;	4.0	45	3.0
26530	7.0	90	3.0	26650	6.0	45	3.0
Arthroplasty, metacarpophalangeal joint, single, each				with skeletal fixation			
26531	9.0	90	3.0	26655			
with prosthetic implant, single, each				Treatment of open carpometacarpal fracture dislocation, thumb (Bennett fracture), with uncomplicated soft tissue closure;	5.0	45	3.0
26535	8.0	90	3.0	26660	7.0	45	3.0
Arthroplasty interphalangeal joint; single, each				Open treatment of closed or open carpometacarpal fracture dislocation, thumb (Bennett fracture), with or without internal or external skeletal fixation	10.0	90	3.0
26536	11.3	90	3.0	26670			
with prosthetic implant, single, each				Treatment of closed carpometacarpal dislocation, other than Bennett fracture, single, with manipulation; without anesthesia	0.72	0	
26540	10.0	90	3.0				
Primary repair of collateral ligament, metacarpophalangeal joint							
26541	12.0	90	3.0				
with tendon or fascial graft (includes obtaining graft)	BR	90	3.0				
26542	BR	90	3.0				
with local tissue							
26545	8.0	90	3.0				
Reconstruction, collateral ligament, interphalangeal joint, single, including graft, each joint ..							
26548	7.0	90	2.5				
<u>Repair and reconstruction, finger, volar plate, interphalangeal joint</u>							
26550	BR		3.0				
Pollicization of a digit							
26552	BR		3.0				
Reconstruction thumb with toe ..							
26555	BR		3.0				
Positional change of other finger							
26557	BR		3.0				
Toe to finger transfer; first stage							
26558	BR		3.0				
each delay							
26559	BR		3.0				
second stage							
26560	9.5	45	3.0				
Repair of syndactyly (web finger), each web space; with skin flaps							
26561	12.5	45	3.0				
with skin flaps and grafts							
26562							
complex, involving bone, nails,							

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
26675	2.0	45	3.0	26760			
26676	BR		3.0				
26680				26765	1.2	30	3.0
26685	3.0	45	3.0	26770	2.0	45	3.0
26686	6.0	90	3.0	26775	*0.72	0	
26700	BR			26776	1.2	45	3.0
26705	0.72	0		26780	1.5	45	2.5
26706	2.0	45	3.0	26785	1.6	45	3.0
26710	BR		3.0		2.4	60	3.0
26715				ARTHRODESIS			
26720	3.0	45	3.0	26820			
26725	6.0	90	3.0	26841	10.0	120	3.0
26727	Sv.&			26842	8.0	120	3.0
26730	1.6	45	3.0	26843	10.0	120	3.0
26735	2.0	45	3.0	26844	8.0	120	3.0
26740	2.2	45	3.0	26850	10.0	120	3.0
26742	4.0	60	3.0	26852	7.0	120	3.0
(26743	Sv.			26860	8.0	120	3.0
26744	2.0	60	3.0	26861	5.0	120	3.0
26746	4.0	60	3.0))	26862	4.0	120	3.0
26750	1.5	60	3.0	26863	6.0	120	3.0
26755	6.0	60	3.0	AMPUTATION			
26756	Sv.&			(For hand through metacarpal bones, see 25927)			
	0.72	0	3.0	26910			
	BR		3.0				
					7.0	90	3.0
				(For repositioning, see 26550-26555)			
				26951			
					3.5	45	3.0
				26952	5.0	45	3.0
				(For repair of soft tissue defect requiring split or full thickness graft or other pedicle grafts, see 15050-15750)			

	Unit Value	Follow-up Days=	Basic Anes@
MISCELLANEOUS			
26989 Unlisted procedure, hands or fingers	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

**WAC 296-22-079 PELVIS AND HIP JOINT.
(Including head and neck of femur)**

INCISION

(For incision and drainage procedures, superficial, see 10000-10160)

	Unit Value	Follow-up Days=	Basic Anes@
26990 Incision and drainage; <u>pelvis or hip joint area</u> , deep abscess or hematoma	BR		3.0
26991 infected bursa	BR		3.0
26992 Incision, deep, with opening of bone cortex (e.g., for osteomyelitis or bone abscess); <u>pelvis and/or hip joint</u>	BR		3.0
27000 Tenotomy, adductor, subcutaneous, closed (separate procedure) ..	1.0	0	3.0
27001 Tenotomy, adductor, <u>of hip</u> subcutaneous, open; unilateral	3.0	45	3.0
27002 bilateral	4.0	45	3.0
27003 Tenotomy, adductor, subcutaneous, open; with obturator neurectomy; unilateral	5.0	45	3.0
27004 bilateral	6.0	45	3.0
27005 Tenotomy, iliopsoas, open (separate procedure)	6.0	45	3.0
27006 Tenotomy, abductors, <u>of hip</u> open (separate procedure)	6.0	60	3.0
27010 Gluteal-iliotibial fasciotomy (Ober type procedure)	6.0	45	3.0
27015 Iliac crest fasciotomy (Soutter or Campbell type procedure), stripping of ilium	8.0	90	3.0
27025 Ober-Yount fasciotomy, combined with spica cast, pins in tibia, wedging the cast, etc.; unilateral	10.0	90	3.0
27026 bilateral	12.0	90	3.0
27030 Arthrotomy, hip, for infection, with drainage;	14.0	90	3.0
27033 Arthrotomy, hip, for exploration or removal of loose or foreign body	16.0	90	3.0
27035 Hip joint denervation, intrapelvic or extrapelvic intra-articular branches of sciatic, femoral or obturator nerves	17.0	60	3.0

(For obturator neurectomy, see 64763-64768)

EXCISION

27040 Biopsy, soft tissues <u>of pelvis and hip area</u> ; superficial	1.2	7	3.0
27041 deep	2.4	15	3.0
<u>(For needle biopsy of soft tissue, use 20206)</u>			
27047 Excision, ((benign)) tumor; <u>pelvis and hip area</u> subcutaneous ..	3.0	7	3.0

	Unit Value	Follow-up Days=	Basic Anes@
27048 deep, subfascial, intramuscular	4.0	15	3.0
27049 <u>Radical resection of tumor (e.g., malignant neoplasm); soft tissue of pelvis and hip area</u>	BR		
27050 Arthrotomy, for biopsy; sacroiliac joint	6.0	90	3.0
27052 hip joint	14.0	90	3.0
27054 Arthrotomy for synovectomy, hip joint	20.0	90	3.0
27060 Excision; ischial bursa	5.0	60	3.0
27062 trochanteric bursa or calcification	4.0	60	3.0

(For arthrocentesis or needling of bursa, see 20610)

27065 Excision of bone cyst or benign tumor; superficial (wing of ilium, symphysis pubis or greater trochanter of femur) with or without autogenous bone graft	5.0	120	3.0
27066 deep, with or without bone graft	9.5	120	3.0
27067 with bone graft requiring separate incision	10.0	120	3.0
27070 Partial excision ((of bone)) (craterization, saucerization), (e.g., for osteomyelitis); superficial (e.g., wing of ilium, symphysis pubis or greater trochanter of femur)	6.0	60	3.0
27071 deep	12.0	60	3.0
27075 Radical resection for tumor or infection; wing of ilium; one pubic or ischial ramus or symphysis pubis	BR		5.0
27076 ilium, including acetabulum, both pubic rami, or ischium and acetabulum	BR		3.0
27077 innominate bone, total	BR		3.0
27078 ischial tuberosity and greater trochanter of femur	BR		3.0
27079 ischial tuberosity and greater trochanter of femur, with skin flaps	BR		3.0
27080 Coccygectomy primary	6.0	90	3.0

(For pressure (decubitus) ulcer, see 15920-15922 and 15931-15958)

INTRODUCTION AND/OR REMOVAL

27086* Removal of foreign body; <u>pelvis or hip</u> subcutaneous tissue	BR		3.0
27087 deep	BR		3.0
27090 Removal of hip prosthesis; (separate procedure)	14.0	90	3.0
27091 complicated, including "total hip"	BR		7.0
27093 Injection procedure for hip arthrography; without anesthesia ..	BR		3.0
27095 with anesthesia	BR		3.0

(For hip arthrography, see 73525)

REPAIR, REVISION OR RECONSTRUCTION

27097 Hamstring recession, proximal ..	BR		3.0
27098 Adductor transfer to ischium ..	BR		3.0
27100 Transfer external oblique muscle to greater trochanter including fascial or tendon extension (graft)	15.0	120	5.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
27105				27187			
Transfer paraspinal muscle to hip (includes fascial or tendon extension graft)	16.0	120	3.0	Prophylactic treatment (nailing, pinning, plating, or wiring) with or without methyl methacrylate, femoral neck and proximal femur	BR		
27110							
Transfer iliopsoas to greater trochanter	18.0	120	3.0	FRACTURES AND/OR DISLOCATIONS			
27111				27190			
to femoral neck	15.0	120	3.0	Treatment of closed sacral fracture	Sv.&		
(((27115 has been deleted, use 27299)))				27192			
27120				Open treatment of closed or open sacral fracture	BR		3.0
Acetabuloplasty; (Whittman or Colonna type procedure)	24.0	120	6.0	27195			
27122				Treatment of sacroiliac and/or symphysis pubis dislocation, without manipulation	Sv.&		
resection femoral head (Girdlestone procedure)	20.0	120	7.0	27196			
27125				Treatment of sacroiliac and/or symphysis pubis dislocation, with anesthesia and with manipulation	BR		3.0
Hemiarthroplasty; of hip (partial hip replacement) prosthesis (e.g., Austin-Moore, bipolar arthroplasty)	28.0	180	7.0	27200			
(For prosthetic replacement following fracture of the hip, use 27236)				Treatment of closed coccygeal fracture	Sv.&		
27126				27201			
cup	26.0	180	6.0	Treatment of open coccygeal fracture	BR		3.0
27127				27202			
cup with acetabuloplasty	34.0	180	7.0	Open treatment of closed or open coccygeal fracture	BR		3.0
27130				27210			
Arthroplasty, acetabular and proximal femoral prosthetic replacement (total hip replacement)	40.0	180	10.0	Treatment of closed iliac, pubic or ischial fracture			
27132				27212			
Conversion of previous hip surgery to total hip replacement	BR		7.0	Treatment of open iliac, pubic or ischial fracture, with uncomplicated soft tissue closure	Sv.&		3.0
27134				27214			
Revision of total hip arthroplasty; both components	BR		7.0	Open treatment of closed or open iliac, pubic or ischial fracture, with or without internal skeletal fixation	BR		4.0
27137				(for external fixation, see 20690-20691)			
acetabular component only	BR		7.0	27220			
27138				Treatment of closed acetabulum (hip socket) fracture(s); without manipulation	Sv.&		
femoral component only	BR		7.0	27222			
27140				with manipulation with or without skeletal traction	8.0	90	3.0
Osteotomy and transfer of greater trochanter (separate procedure)	12.0	90	3.0	27224			
27146				Open treatment of closed or open acetabulum (hip socket) fracture(s), with or without internal or external fixation, simple	22.0	90	6.0
Osteotomy, iliac, acetabular or innominate bone;	24.0	120	4.0	27225			
27147				complicated, intrapelvic approach	BR		10.0
with open reduction of hip				27230			
27151				Treatment of closed femoral fracture, proximal end, neck; without manipulation	Sv.&		
with femoral osteotomy	27.0	120	4.0	27232			
27156				with manipulation including skeletal traction	9.5	90	3.0
with femoral osteotomy and with open reduction of hip	30.0	120	4.0	27234			
27157				Treatment of open femoral fracture, proximal end, neck; with uncomplicated soft tissue closure, with manipulation (including skeletal traction)	12.0	90	3.0
Acetabular augmentation (Wilson procedure)	BR	120	5.0	27235			
27158				Treatment of closed or open femoral fracture, proximal end, neck, in situ pinning of undisplaced or impacted fracture	20.0	180	4.0
Osteotomy, pelvis, bilateral for congenital malformation	BR		5.0	27236			
27161				Open treatment of closed or open femoral fracture, proximal end, neck, internal fixation or prosthetic replacement	22.0	120	6.0
Osteotomy, femoral neck, (separate procedure)	20.0	120	3.0	27238			
27165				Treatment of closed intertrochanteric, pertrochanteric or subtrochanteric femoral fracture; without manipulation	Sv.&		
Osteotomy, intertrochanteric or subtrochanteric including internal or external fixation and/or cast	24.0	120	5.0	27240			
27170				with manipulation (including skeletal traction)	9.5	90	3.0
Bone graft for nonunion, femoral head, neck, intertrochanteric or subtrochanteric area (includes obtaining bone graft)	24.0	120	6.0				
27175							
Treatment of slipped femoral epiphysis; by traction, without reduction	Sv.&						
27176							
by single or multiple pinning, in situ	20.0	120	3.0				
27177							
Open treatment of slipped femoral epiphysis; single or multiple pinning or bone graft (includes obtaining graft)	22.0	120	5.0				
27178							
closed manipulation with single or multiple pinning	21.0	120	5.0				
27179							
osteoplasty of femoral neck (Heyman type procedure)	16.0	120	5.0				
27181							
osteotomy and internal fixation	24.0	120	5.0				
27185							
Epiphyseal arrest by epiphysodes or stapling, greater trochanter	5.0	120	3.0				

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-082 FEMUR (THIGH REGION) AND KNEE JOINT.

(Including tibial plateaus)

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
27242							
27242	12.0	90	3.0				
27244							
27244	20.0	120	6.0				
27246				INCISION			
27248	Sv.&			(For incision and drainage of abscess or hematoma, superficial, see 10000-10160)			
27250	7.0	90	5.0	27301			
27252	4.8	120	3.0	27301	BR		3.0
27253	15.0	180	5.0	27303	BR		3.0
27254	17.0	120	5.0	27305	6.0	45	3.0
27255	22.0	180	5.0	(For combined Ober-Yount fasciotomy, see 27025-27026)			
*27256	Sv.&		3.0	27306	1.2	60	3.0
*27257	4.5	45	3.0	27307	4.0	60	3.0
27258	17.0	120	5.0	27310	12.0	90	3.0
27259	BR	120	5.0	27315	11.0	30	3.0
27265	BR			27320	11.0	30	3.0
27266	BR						
MANIPULATION				EXCISION			
*27275	*1.2	0	3.0	27323	1.2	7	3.0
ARTHRODESIS				27324	2.4	15	3.0
27280	14.0	120	5.0	27327	3.0	7	3.0
(((27281 has been deleted, use 27280 and bilateral modifier -50)))				27328	4.0	15	3.0
27282	BR		4.0	27329	BR		
27284	24.0	180	5.0	27330	12.0	90	3.0
27286	26.0	180	5.0	27331	13.0	90	3.0
AMPUTATION				27332	14.0	90	3.0
27290	29.0	120	11.0	27333	20.0	90	3.0
27295	24.0	120	8.0	27334	17.0	120	3.0
MISCELLANEOUS				27335	14.0	120	3.0
27299	BR		7.0	27340	5.0	60	3.0
				27345	8.0	60	3.0
				27350	12.0	90	3.0
				27355	11.0	60	3.0
				27356	12.0	60	3.0
				27357	14.0	120	3.0
				27358	15.0	120	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
27360 Partial excision ((of bone)), (craterization, saucerization or diaphysectomy), ((for)) of bone (e.g., osteomyelitis), femur, proximal tibia and/or fibula((?))	10.0	60	3.0	27422 with extensor realignment and/or muscle advancement or release (Campbell, Goldthwaite, etc., type procedure)	15.0	120	3.0
27365 Radical resection for tumor (femur or bone ((or soft tissue)))	BR+		3.0	27424 with patellectomy	17.0	120	3.0
(For radical resection of tumor, soft tissue, use 27329)				27425 Lateral retinacular release (any method)	6.0	120	3.0
INTRODUCTION AND/OR REMOVAL				27427 Ligamentous reconstruction (augmentation) knee; extra-articular	14.0	120	3.0
27370 Injection procedure for knee arthrography	0.6	0		27428 intra-articular (open)	16.0	120	3.0
(For knee arthrography, see 73580, 73581)				27429 intra-articular (open) and extra-articular	23.0	120	3.0
27372 Removal foreign body, deep thigh region or knee area	BR			(When performed with primary repair, use in addition to the code for the primary repair)			
(For removal of knee prosthesis including "total" knee, see 27488)				27430 Quadriceps plasty (Bennett or Thompson type)	15.0	120	3.0
((27373-27379 have been deleted, see 29870-29887)))				27435 Capsulotomy, knee, posterior capsular release	14.0	90	3.0
				(27436 has been deleted, see 29887)			
REPAIR, REVISION OR RECONSTRUCTION				27437 Arthroplasty, patella; without prosthesis	BR		3.0
27380 Suture of infrapatellar tendon; primary	11.0	90	3.0	27438 with prosthesis	22.0	120	3.0
27381 secondary reconstruction, including fascial or tendon graft	BR			27440 Arthroplasty, knee, tibial plateau; with debridement and partial synovectomy	20.0	120	3.0
27385 Suture of quadriceps or hamstring muscle rupture; primary	13.0	90	3.0	27442 Arthroplasty, knee, femoral condyles or tibial plateaus	24.0	120	3.0
27386 secondary reconstruction, including fascial or tendon graft	15.0	90	3.0	27443 with debridement and partial synovectomy	BR		
27390 Tenotomy, open, hamstring, knee to hip; single	6.0	45	3.0	27445 Arthroplasty, knee, constrained, prosthesis (e.g., Waldius type)	28.0	120	3.0
27391 multiple, one leg	6.0	90	3.0	27446 Arthroplasty, knee, condyle and plateau; medial OR lateral compartment	43.5	120	5.0
27392 multiple, bilateral	8.0	45	3.0	27447 medial AND lateral compartments with or without patella resurfacing ("total knee replacement")	40.0	120	5.0
27393 Lengthening of hamstring tendon; single	8.0	90	3.0	(For revision of total knee arthroplasty, see 27487)			
27394 multiple, one leg	12.0	90	3.0	(For revision of total knee prosthesis, see 27488)			
27395 multiple, bilateral	16.0	120	3.0	27448 Osteotomy, femur, shaft or supracondylar, without fixation	13.0	120	3.0
((For subcutaneous tenotomy, see 27300, 27302)))				27450 with fixation	19.0	90	3.0
27396 Transplant, hamstring tendon to patella; single	16.0	120	3.0	27454 Osteotomy, multiple, femoral shaft, with realignment on intramedullary rod (Sofield type procedure)	20.0	90	3.0
27397 multiple	14.0	120	3.0	27455 Osteotomy, proximal tibia, including fibular excision or osteotomy (includes correction of genu varus (bowleg) or genu valgus (knock knee)), before epiphyseal closure	12.0	90	3.0
27400 Tendon or muscle transfer, hamstrings to femur (Eggers type procedure)	16.0	120	3.0	((27460 has been deleted, use 27455 with modifier=50)			
27403 Arthrotomy with open meniscus repair	14.0	120	3.0	(27462 has been deleted, use 27457 with modifier=50))			
(For arthroscopic repair, use 29882)				27457 After epiphyseal closure			
27405 Repair, primary, torn ligament, and/or capsule, knee; collateral	14.0	120	3.0	27465 Osteoplasty, femur; shortening (excluding 64876)	20.0	180	3.0
27407 cruciate	16.0	120	3.0	27466 lengthening	26.0	180	3.0
(27408 has been deleted, use 27427)				27468 combined, lengthening and shortening with femoral segment transfer	40.0	180	4.0
27409 collateral and cruciate ligaments	18.0	120	3.0				
((27410-27416 have been deleted, use 27427-27429)))							
27418 Anterior tibial tubercle plasty for chondromalacia patellae (Maquet procedure)	14.0	120	3.0				
27420 Reconstruction for recurrent dislocating patella; (Hauser type procedure)	14.0	120	3.0				

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
27470				27524			
Repair, nonunion or malunion, femur, distal to head and neck; without graft (e.g., compression ((technic) <u>technique</u> , etc.)	20.0	120	3.0	Open treatment of closed or open patellar fracture, with repair and/or excision	12.0	90	3.0
27472				27530			
with iliac or other autogenous bone graft (includes obtaining graft)	23.0	120	3.0	Treatment of closed tibial fracture, proximal (plateau); without manipulation	Sv.&	90	3.0
27475				27532			
Epiphyseal arrest by epiphysiodesis or stapling; distal femur	14.0	120	3.0	with manipulation	5.0	90	3.0
27477				27534			
tibia and fibula, proximal	16.0	120	3.0	Treatment of open tibial fracture, proximal (plateau), with uncomplicated soft tissue closure	8.0	90	3.0
27479				27536			
combined, distal femur, proximal tibia and fibula	20.0	120	3.0	Open treatment of closed or open tibial fracture, proximal (plateau), with or without internal or external skeletal fixation;	14.0	90	3.0
27485				27537			
Arrest, hemiepiphysal, distal femur or proximal leg (e.g., for genu varus or valgus)	11.0	120	3.0	with autogenous graft (includes obtaining graft)	16.0	120	3.0
27486				27538			
Revision of total knee arthroplasty; one component	BR		3.0	Treatment of closed intercondylar spine(s) fracture(s) of knee	Sv.&		
27487				27540			
all components	BR			Open treatment of closed or open intercondylar spine(s) fractures(s), of knee with internal fixation	14.0	90	3.0
27488				27550			
Removal of knee prosthesis, including "total knee"	BR			Treatment of closed knee dislocation; without anesthesia	Sv.&	45	3.0
((27490 has been deleted, use 29882)))				27552			
				requiring anesthesia	3.6	45	3.0
27495				27554			
Prophylactic treatment (nailing, pinning, plating or wiring) with or without methyl methacrylate, femur	BR			Treatment of open knee dislocation, with uncomplicated soft tissue closure	7.0	45	3.0
				27556			
				Open treatment of closed or open knee dislocation, with or without internal or external skeletal fixation; without primary ligamentous repair	15.0	90	3.0
FRACTURES AND/OR DISLOCATION				27557			
27500				with primary ligamentous repair	BR	120	3.0
Treatment of closed femoral shaft fracture (including supracondylar); without manipulation (includes traction)	Sv.&	90	3.0	27560			
27502				Treatment of closed patellar dislocation; without anesthesia	Sv.&		
with manipulation	7.0	90	3.0	(For recurrent dislocation, see 27420-27424)			
27504				27562			
Treatment of open femoral shaft fracture (including supracondylar), with uncomplicated soft tissue closure	11.0	90	3.0	requiring anesthesia	3.6	45	3.0
27506				27564			
Open treatment of closed or open femoral shaft fracture (including supracondylar), with or without internal or external skeletal fixation	19.0	90	4.0	Treatment of open patellar dislocation, with uncomplicated soft tissue closure	5.0	45	3.0
27508				27566			
Treatment of closed femoral fracture, distal end, medial or lateral condyle; without manipulation	Sv.&	90	3.0	Open treatment of closed or open patellar dislocation, with or without partial or total patellectomy	12.0	90	3.0
27510							
with manipulation	8.0	90	3.0	MANIPULATION			
27512				*27570			
Treatment of open femoral fracture, distal end, medial or lateral condyle, with uncomplicated soft tissue closure	12.0	90	3.0	Manipulation of knee joint under general anesthesia (includes application of traction or other fixation devices)	*1.2	0	3.0
27514							
Open treatment of closed or open femoral fracture, distal end, medial or lateral condyle, with or without internal or external skeletal fixation	20.0	90	4.0	ARTHRODESIS			
27516				27580			
Treatment of closed distal femoral epiphyseal separation; without manipulation (includes traction)	SV		3.0	Fusion of knee, any technique	20.0	120	3.0
27517							
with manipulation	7.0	120	3.0	AMPUTATION			
27518				27590			
Treatment of open distal femoral epiphyseal separation, with uncomplicated soft tissue closure	8.0	120	3.0	Amputation, thigh, through femur, any level;	14.5	120	4.0
27519				27591			
Open treatment of closed or open distal femoral epiphyseal separation, with or without internal or external skeletal fixation	18.0	120	4.0	immediate fitting technique including first cast	BR	30	3.0
27520				27592			
Treatment of closed patellar fracture, without manipulation	Sv.&			open, circular (guillotine)	14.0	120	4.0
27522				27594			
Treatment of open patellar fracture, with uncomplicated soft tissue closure	4.0	90	3.0	secondary closure or scar revision	Sv.&		3.0
				27596			
				reamputation	BR+		4.0
				27598			
				Disarticulation at knee	14.0	120	4.0
				MISCELLANEOUS			
				27599			
				Unlisted procedure, femur or knee	BR		4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-087 LEG (TIBIA AND FIBULA) AND ANKLE JOINT.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
27600 Fasciotomy, leg, (anterior compartment only ;) for closed space decompression; <u>anterior compartment only</u>	5.0	30	3.0
27601 posterior compartment only	BR	30	3.0
27602 anterior and posterior compartments	7.0	30	3.0
(For incision and drainage procedures, superficial, see 10000-10160)			
27603 Incision and drainage; <u>leg or ankle deep abscess or hematoma</u>	BR		
27604 infected bursa	SV		
*27605 Tenotomy, Achilles tendon, subcutaneous (separate procedure); local anesthesia	1.0	0	3.0
27606 general anesthesia	2.0	0	
27607 Incision, deep, with opening of bone cortex (e.g., for osteomyelitis or bone abscess); <u>leg or ankle</u>	BR		3.0
27610 Arthrotomy, ankle, for infection with exploration, drainage or removal of (loose or) foreign body;	9.0	60	3.0
27612 Arthrotomy, ankle, posterior capsular release, with or without Achilles tendon lengthening ((see also 27685))	10.0	60	3.0
(See also 27685)			
EXCISION			
27613 Biopsy, soft tissues; superficial	1.2	7	3.0
27614 deep	2.4	15	3.0
27615 <u>Radical resection of tumor (e.g., malignant neoplasm); soft tissue of leg or ankle area</u>	BR		
27618 <u>Excision, ((benign)) tumor; leg or ankle subcutaneous</u>	3.0	7	3.0
27619 deep, subfascial or intramuscular	4.0	15	3.0
27620 Arthrotomy ((capsulotomy)), ankle, ((for biopsy)) with <u>joint exploration, with or without biopsy, with or without removal of loose or foreign body</u>	9.0	60	3.0
27625 Arthrotomy, ankle, for synovectomy;	12.0	90	3.0
27626 including tenosynovectomy	14.0	90	3.0
27630 Excision of lesion of tendon, sheath or capsule (e.g., cyst or ganglion(, etc.)) <u>leg and/or ankle</u>	3.6	30	3.0
27635 Excision, or curettage, of bone cyst or benign tumor, tibia or fibula;	10.0	60	3.0
27637 with primary autogenous graft (includes obtaining graft)	13.0	120	3.0
27638 with primary homogenous graft	14.0	120	3.0
27640 Excision ((of bone)), partial, (craterization, saucerization or diaphysectomy) <u>of bone (e.g., for osteomyelitis or exostosis; tibia</u>	12.0	60	3.0
27641 fibula	10.0	60	3.0

	Unit Value	Follow-up Days=	Basic Anes@
27645 Resection for tumor, radical; tibia	BR		3.0
27646 fibula	BR		3.0
27647 talus or calcaneus	BR		3.0

INTRODUCTION OR REMOVAL

27648 Injection procedure for ankle arthrography	BR		
(For ankle arthrography, see 73615)			
(For ankle arthroscopy, see ((27850-27853)) 29890-29898)			

REPAIR, REVISION OR RECONSTRUCTION

27650 Repair, primary, open or percutaneous, ruptured Achilles tendon	11.0	120	3.0
27652 with graft (includes obtaining graft)	14.0	120	3.0
27654 Repair, secondary, ruptured Achilles tendon, with or without graft	14.0	120	3.0
27656 Repair, fascial defect of leg	6.0	45	3.0
27658 Repair or suture of flexor tendon of leg; primary, without ((free)) graft, single, each	6.0	90	3.0
27659 secondary with or without ((free)) graft, single tendon, each	8.0	90	3.0
27664 Repair or suture of extensor tendon of leg; primary, without ((free)) graft, single, each	4.0	90	3.0
27665 secondary with or without ((free)) graft, single tendon, each	6.0	90	3.0
27675 Repair for dislocating peroneal tendons; without fibular osteotomy	5.0	90	3.0
27676 with fibular osteotomy	6.0	90	3.0
27680 Tenolysis, including tibia, fibula and ankle flexor, single	5.0	60	3.0
27681 multiple (through same incision), each	6.0	60	3.0
27685 Lengthening or shortening of tendon; single (separate procedure)	7.0	90	3.0
27686 multiple (through same incision), each	8.0	120	3.0
27687 Gastrocnemius recession (e.g., Strayer procedure)	7.0	120	3.0
(Toe extensors are considered as a group to be a single tendon when transplanted into midfoot)			
27690 Transfer or transplant of single tendon (with muscle redirection or rerouting); superficial (e.g., anterior tibial extensors into midfoot)	8.0	120	3.0
27691 anterior tibial or posterior tibial through interosseous space	10.0	120	3.0
27692 each additional tendon	2.0		
27695 Suture, primary, torn, ruptured or severed ligament, ankle; collateral	10.0	120	3.0
27696 both collateral ligaments	14.0	120	3.0
27698 Suture, secondary repair, torn, ruptured or severed ligament; ankle, collateral (e.g., Watson-Jones procedure)	14.0	120	3.0
27700 Arthroplasty, ankle;	BR		3.0

		Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@	
27702	with implant ("total ankle") . . .	BR		3.0	27782	Treatment of open proximal fibula or shaft fracture, with uncomplicated soft tissue closure . . .	4.0	90	3.0
27703	secondary reconstruction, total ankle	BR		3.0	27784	Open treatment of closed or open proximal fibula or shaft fracture, with or without internal or external skeletal fixation	8.0	90	3.0
27704	Removal of ankle implant	BR			27786	Treatment of closed distal fibular fracture (lateral malleolus); without manipulation	Sv.& 3.0	90	3.0
27705	Osteotomy; tibia	12.0	90	3.0	27788	with manipulation	3.0	90	3.0
27707	fibula	7.0	90	3.0	27790	Treatment of open distal fibular fracture (lateral malleolus), with uncomplicated soft tissue closure	4.0	90	3.0
27709	tibia and fibula	14.0	90	3.0	27792	Open treatment of closed or open distal fibular fracture (lateral malleolus), with fixation	9.0	90	3.0
27712	multiple, with realignment on intramedullary rod (Sofield type procedure)	18.0	90	3.0	27800	Treatment of closed tibia and fibula fractures, shafts; without manipulation	Sv.& 6.5	90	3.0
	(For osteotomy to correct genu varus (bowleg) or genu valgus (knock-knee), see 27455-((27462)) 27457)				27802	with manipulation	6.5	90	3.0
27715	Osteoplasty, tibia and fibula, lengthening	24.0	90	3.0	27804	Treatment of open tibia and fibula fractures, shafts, with uncomplicated soft tissue closure (e.g., "pins above and below")	8.0	90	3.0
27720	Repair of nonunion or malunion, tibia, without graft (e.g., compression ((technic) technique, etc.)	18.0	90	3.0	27806	Open treatment of closed or open tibia and fibula fractures, shafts, with or without internal or external skeletal fixation	14.5	90	3.0
27722	with sliding graft	20.0	120	3.0	27808	Treatment of closed bimalleolar ankle fracture, (including Potts); without manipulation	Sv.& 5.0	90	3.0
27724	with iliac or other autogenous bone graft (includes obtaining graft)	22.0	120	3.0	27810	with manipulation	5.0	90	3.0
27725	by synostosis, with fibula, any method	BR	120	3.0	27812	Treatment of open bimalleolar ankle fracture, with uncomplicated soft tissue closure	6.5	90	3.0
27727	Repair of congenital pseudarthrosis, tibia	BR	120	3.0	27814	Open treatment of closed or open bimalleolar ankle fracture, with or without internal skeletal fixation	12.0	90	3.0
27730	Epiphyseal arrest by epiphysiodesis or stapling, distal tibia	12.0	120	3.0	27816	Treatment of closed trimalleolar ankle fracture; without manipulation	Sv.& 6.0	90	3.0
27732	distal fibula	6.0	120	3.0	27818	with manipulation	6.0	90	3.0
27734	distal tibia and fibula	14.0	120	3.0	27820	Treatment of open trimalleolar ankle fracture, with uncomplicated soft tissue closure	7.0	90	3.0
27740	Epiphyseal arrest by epiphysiodesis or stapling, combined, proximal and distal tibia and fibula;	18.0	120	3.0	27822	Open treatment of closed or open trimalleolar ankle fracture, with or without internal or external skeletal fixation, medial and/or lateral malleolus; only	14.5	90	3.0
27742	and distal femur	22.0	120	3.0	27823	including internal skeletal fixation of posterior lip (malleolus)	18.0	120	3.0
	(For epiphyseal arrest of proximal tibia and fibula, see 27477)				27830	Treatment of proximal tibiofibular joint dislocation; without anesthesia	Sv.& BR		3.0
27745	Prophylactic treatment (nailing, pinning, plating or wiring), with or without methyl methacrylate, tibia	BR			27831	requiring anesthesia	BR		3.0
					27832	Open treatment of proximal tibiofibular joint dislocation with fixation or excision	8.0	90	3.0
					27840	Treatment of ankle dislocation; without anesthesia	Sv.& ((*)2.0	45	3.0
					((*)27842	requiring anesthesia	2.0	45	3.0
					27844	Treatment of open ankle dislocation, with uncomplicated soft tissue closure	3.2	45	3.0
					27846	Open treatment of closed or open ankle dislocation	12.0	90	3.0
					27848	with fixation	9.0	90	3.0
FRACTURES AND/OR DISLOCATIONS									
27750	Treatment of closed tibial shaft fracture; without manipulation	Sv.& 5.0	90	3.0					
27752	with manipulation	5.0	90	3.0					
27754	Treatment of open tibial shaft fracture, with uncomplicated soft tissue closure	6.5	90	3.0					
27756	Open treatment of closed or open tibial shaft fracture, with internal skeletal fixation; simple	12.0	90	3.0					
27758	complicated	17.9	120	3.0					
27760	Treatment of closed distal tibial fracture (medial malleolus); without manipulation	Sv.& 3.0	90	3.0					
27762	with manipulation	3.0	90	3.0					
27764	Treatment of open distal tibial fracture (medial malleolus) with uncomplicated soft tissue closure	4.4	90	3.0					
27766	Open treatment of closed or open distal tibial fracture (medial malleolus), with fixation	9.0	90	3.0					
27780	Treatment of closed proximal fibula or shaft fracture; without manipulation	Sv.& 3.0	90	3.0					
27781	with manipulation	3.0	90	3.0					

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@		
ARTHROSCOPY				(For open tenotomy, see 28230, 28234)					
((27850 has been deleted, use 29890))				28020	Arthrotomy, with exploration, drainage or removal of loose or foreign body; intertarsal or tarsometatarsal joint	6.0	60	3.0	
((27851-27853 have been deleted, use 29890-29898)))				28022	metatarsophalangeal joint	3.6	60	3.0	
MANIPULATION				28024	interphalangeal joint	2.4	60	3.0	
*27860	Manipulation of ankle under general anesthesia (includes application of traction or other fixation apparatus)	*1.0	0	3.0	28030	Neurectomy of intrinsic musculature of foot	BR	3.0	
ARTHRODESIS				28035	Tarsal tunnel release (posterior tibial nerve decompression)	8.0	60	3.0	
27870	Arthrodesis, ankle any method . .	17.0	120	3.0	(For other nerve entrapments, see 64704 and 64722)				
27871	Arthrodesis, tibiofibular joint, proximal or distal	BR	120	3.0	EXCISION				
AMPUTATION				((For toenail, see 11730-11750)))					
27880	Amputation, leg, through tibia and fibula;	12.0	90	4.0	28043	Excision, ((benign)) tumor foot; subcutaneous	3.0	7	3.0
27881	with immediate fitting technique including application of first cast	12.0	90	4.0	28045	deep, subfascial, intramuscular	4.0	15	3.0
27882	open, circular (guillotine)	10.5	90	4.0	28046	<u>Radical resection of tumor (e.g., malignant neoplasm); soft tissue of foot</u>	BR		
*27884	secondary closure or scar revision	*Sv. & BR		3.0	28050	Arthrotomy for synovial biopsy; intertarsal or tarsometatarsal joint	6.0	60	3.0
27886	reamputation	BR		4.0	28052	metatarsophalangeal joint	3.6	60	3.0
27888	Amputation, ankle, through malleoli of tibia and fibula (Syme, Pirogoff type procedures), with plastic closure and resection of nerves	12.0	90	3.0	28054	interphalangeal joint	2.4	60	3.0
27889	Ankle disarticulation	12.0	120	3.0	28060	Faciectomy, excision of plantar fascia; partial (separate procedure)	6.0	60	3.0
MISCELLANEOUS				28062	radical (separate procedure)	BR		3.0	
27899	Unlisted procedure, leg or ankle .	BR		4.0	(For plantar fasciotomy, see 28008, 28250)				
AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)									
WAC 296-22-091 FOOT.									
	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@		
INCISION				(For incision and drainage procedures, superficial, see 10000-10160)					
*28001	Incision and drainage, infected bursa	SV			28070	Synovectomy, intertarsal or tarsometatarsal joint, each	6.0	90	3.0
*28002	Deep ((infection;)) dissection below fascia, requiring deep dissection, with or without tendon sheath involvement; single bursal space, specify	BR		3.0	28072	metatarsophalangeal joint, each	3.6	90	3.0
28003	multiple areas	BR		3.0	28080	Excision of <u>interdigital (Morton) neuroma</u> , single, each	3.6	30	3.0
28005	Incision, deep, with opening of bone cortex (e.g., for osteomyelitis or bone abscess); <u>foot</u>	BR		3.0	28086	Synovectomy, tendon sheath; <u>foot flexor</u>	6.0	90	3.0
28008	Fasciotomy, plantar and/or toe, subcutaneous ((see also 28060, 28062, 28250)))	2.4	60	3.0	28088	extensor	6.0	90	3.0
(See also 28060, 28062, 28250)				28090	Excision of lesion of tendon or fibrous sheath or capsule (including synovectomy) (cyst or ganglion); foot	3.6	30	3.0	
28010	Tenotomy, subcutaneous, toe; single	*0.8	0	3.0	28092	toes	2.4	30	3.0
28011	multiple	*1.2	0	3.0	28100	Excision or curettage of bone cyst or benign tumor, talus or calcaneus;	6.0	60	3.0
					28102	with iliac or other autogenous bone graft (includes obtaining graft)	7.0	120	3.0
					28103	with homogenous bone graft	8.0	120	3.0
					28104	Excision or curettage of bone cyst or benign tumor, tarsal or metatarsal bones, except talus or calcaneus;	4.8	60	3.0
					28106	with iliac or other autogenous bone graft (includes obtaining graft)	5.6	120	3.0
					28107	with homogenous bone graft	6.6	120	3.0
					28108	Excision or curettage of bone cyst or benign tumor, phalanges of <u>foot</u> ;	3.6	60	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@		
(For osteotomy, partial (e.g., hallux valgus, Silver type procedure) see 28290)				28208	Repair or suture of tendon, foot, extensor, single; primary or secondary, each tendon	2.8	90	3.0	
(((28109 has been deleted, see 28899)))				28210	secondary with free graft, each tendon (includes obtaining graft)	4.4	90	3.0	
28110	Osteotomy, partial excision, fifth metatarsal head (bunionette) (separate procedure)	2.4	60	3.0	28220	Tenolysis, flexor, single	5.0	60	3.0
28111	Osteotomy; complete excision of first metatarsal head	7.0	90	3.0	28222	multiple (through same incision)	BR	60	3.0
28112	other metatarsal head (second, third or fourth)	4.0	60	3.0	28225	Tenolysis, extensor; foot single	2.8	60	3.0
28113	fifth metatarsal head	1.0	90	3.0	28226	multiple (through same incision)	BR	60	3.0
28114	all metatarsal heads with proximal phalangectomy partial excluding first metatarsal ((head)) (Clayton type procedure)	12.0	60	3.0	28230	Tenotomy, open, flexor, foot, single or multiple (separate procedure)	3.0	30	3.0
28116	Osteotomy, excision of tarsal coalition	7.0	60	3.0	28232	toe, single (separate procedure)	1.4	30	3.0
28118	Osteotomy, calcaneus((partial))	7.0	60	3.0	28234	Tenotomy, open, extensor, foot or toe	1.0	30	3.0
28119	for spur, with or without plantar fascial release	BR		3.0	28236	Transfer of tendon, anterior tibial into tarsal bone	5.0	120	3.0
28120	Partial excision ((of bone)) (craterization, saucerization, sequestrectomy, or diaphysectomy) of bone (e.g., for osteomyelitis or talar bossing), talus or calcaneus;	6.0	60	3.0	28238	Advancement of posterior tibial tendon with excision of accessory navicular bone (Kidner type procedure)	7.0	120	3.0
28122	Partial excision ((of bone)) (craterization, saucerization, or diaphysectomy) of bone (e.g., for osteomyelitis or tarsal bossing), tarsal or metatarsal bone, except talus or calcaneus;	4.8	60	3.0		(For subcutaneous tenotomy, see 28010, 28011)			
28124	Partial excision ((of bone)) (craterization, saucerization, or diaphysectomy) of bone (e.g., for osteomyelitis or dorsal bossing), phalanx of toe	3.6	60	3.0		(For transfer or transplant of tendon with muscle redirection or rerouting, see 27690-27692)			
28126	Condylectomy, phalangeal base, single toe, each	8.0	60	3.0	28240	Tenotomy lengthening or release, abductor hallucis muscle	3.6	60	3.0
28130	Talectomy (astragalectomy)	10.0	120	3.0	28250	Division of plantar fascia and muscle ("Steindler stripping") (separate procedure)	6.0	60	3.0
28135	Calcaneotomy	10.0	120	3.0	28260	Capsulotomy, midfoot; medial release only (separate procedure)	BR		3.0
28140	Metatarsectomy	6.0	60	3.0	28261	with tendon lengthening	BR		3.0
28150	Phalangectomy, single, each	3.6	30	3.0	28262	extensive, including posterior talotibial capsulotomy and tendon(s) lengthening as for resistant clubfoot deformity	BR		3.0
28153	Resection, head of phalanx, toe	6.0	30	3.0	28264	Capsulotomy, midtarsal (Heyman type procedure)	12.0	90	3.0
28160	Hemiphalangectomy or interphalangeal joint excision, toe single, each	3.0	30	3.0	28270	Capsulotomy for contracture, metatarsophalangeal joint, with or without tenorrhaphy, single, each joint (separate procedure)	3.0	60	3.0
28171	Radical resection for tumor; tarsal (except talus or calcaneus)	BR		3.0	28272	interphalangeal joint, single, each joint (separate procedure)	1.4	60	3.0
28173	metatarsal	BR		3.0	28280	Webbing operation (create syndactylism of toes) for soft corn (Kelikian type procedure)	3.6	46	3.0
28175	phalanx of toe	BR		3.0	28285	Hammer toe operation, one toe (e.g., interphalangeal fusion, filleting, phalangectomy) (separate procedure)	4.8	90	3.0
	(For talus or calcaneus, see 27647)				28286	for cock-up fifth toe with plastic skin closure, (Ruiz-Mora type procedure)	3.6	120	3.0
INTRODUCTION AND/OR REMOVAL					28288	Osteotomy, partial, exostectomy or condylectomy, single, metatarsal head, ((second)) first through fifth, each metatarsal head, (separate procedure)	7.0	120	3.0
*28190	Remove foreign body; foot subcutaneous	BR		3.0	28290	Hallux valgus (bunion) correction, with or without sesamoidectomy; simple exostectomy (Silver type procedure)	4.8	60	3.0
28192	deep	BR		3.0					
28193	complicated	BR		3.0					
REPAIR, REVISION OR RECONSTRUCTION									
28200	Repair or suture of tendon, foot, flexor, single; primary or secondary, without free graft, each tendon	6.0	90	3.0					
28202	secondary with free graft, each tendon (includes obtaining graft)	8.0	90	3.0					

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
28292 Keller, McBride or Mayo type procedure	7.0	90	3.0				
28293 resection of joint with implant	8.0	120	3.0	28430	14.5	90	3.0
28294 with tendon transplants (Joplin type procedure)	9.5	90	3.0	28435	Sv.& 3.0	90	3.0
28296 with metatarsal osteotomy (Mitchell Chevron or concentric type procedure)	9.5	120	3.0	28436	BR		3.0
28297 Lapidus type procedure	9.5	120	3.0	28440			
28298 by phalanx osteotomy	7.0	120	3.0		4.0	90	3.0
28299 by other methods (e.g., double osteotomy)	BR		3.0	28445			
28300 Osteotomy; calcaneus (Dwyer or Chambers type procedure) with or without internal fixation	9.5	90	3.0	28450	10.0	90	3.0
28302 talus	9.0	90	3.0				
28304 Osteotomy, midtarsal bones, other than calcaneus or talus;	8.0	90	3.0	28455	Sv.& 2.0	90	3.0
28305 with autogenous graft (includes obtaining graft) (Fowler type)	9.0	120	3.0	28456	BR		3.0
28306 Osteotomy, metatarsal, base or shaft, single, with or without lengthening for shortening or angular correction; first metatarsal	7.0	90	3.0	28460			
28307 first metatarsal with bone graft	BR				3.0	90	3.0
28308 other than first metatarsal	5.6	90	3.0	28465			
28309 Osteotomy, metatarsals, multiple, for cavus foot (Swanson type procedure)	BR	120	3.0		6.0	90	3.0
28310 Osteotomy for shortening, angular or rotational correction; proximal phalanx, first toe (separate procedure)	2.8	90	3.0	28470	Sv.& 2.2	90	3.0
28312 other phalanges, any toe	2.0	90	3.0	28475			
28313 Reconstruction, angular deformity of toe (overlapping second toe, fifth toe, curly toes), soft tissue procedures only	BR			28476	BR		3.0
28315 Sesamoidectomy, first toe (separate procedure)	BR		3.0	28480			
28320 Repair of nonunion or malunion; tarsal bones (calcaneus, talus, etc.)	BR		3.0	28485			
28322 metatarsal, with or without bone graft (includes obtaining graft)	4.8	120	3.0	28490	Sv.& 1.2	30	3.0
28340 Reconstruction, toe, macrodactyly; soft tissue resection	BR			28495	BR		
28341 requiring bone resection	BR			28496			
28344 Reconstruction, toe(s); polydactyly	BR			28500			
28345 syndactyly, with or without skin graft(s), each web	BR			28505	1.8	30	3.0
28360 Reconstruction, cleft foot	BR						
FRACTURE AND/OR DISLOCATION				28510	3.6	45	3.0
28400 Treatment of closed calcaneal fracture; without manipulation	Sv.&						
28405 with manipulation including Cotton or Bohler type reductions	BR		3.0	28515	Sv.& 1.0	30	3.0
28406 with manipulation and skeletal fixation	BR	120	3.0	28520			
28410 Treatment of open calcaneal fracture, with uncomplicated soft tissue closure	4.0	90	3.0		1.6	30	3.0
28415 Open treatment of closed or open calcaneal fracture, with or without internal or external skeletal fixation	10.0	90	3.0	28525			
28420 with primary iliac or other				28530	3.0	45	3.0
					BR		

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
*28540 Treatment of closed tarsal bone dislocation; without anesthesia ..	*0.72	0		28737 Arthrodesis, midtarsal navicular-cuneiform, with tendon lengthening and advancement (Miller type procedure)	7.0	120	3.0
28545 requiring anesthesia	2.0	45	3.0	28740 Arthrodesis, midtarsal or tarsometatarsal, single joint	9.0	120	3.0
28546 Treatment of closed tarsal bone dislocation, with percutaneous skeletal fixation	2.8			28750 Arthrodesis, great toe; metatarsophalangeal joint	7.0	120	3.0
28550 Treatment of open tarsal bone dislocation, with uncomplicated soft tissue closure	2.8	45	3.0	28755 interphalangeal joint	4.0	120	3.0
28555 Open treatment of closed or open tarsal bone dislocation, with or without internal or external skeletal fixation	6.0	90	3.0	28760 Arthrodesis, great toe, interphalangeal joint, with extensor hallucis longus transfer to first metatarsal neck (Jones type procedure)	6.0	120	3.0
*28570 Treatment of closed talotarsal joint dislocation; without anesthesia	*1.0	0		(For hammertoe operation or interphalangeal fusion, see 28285)			
28575 requiring anesthesia	2.4	45	3.0	AMPUTATION			
28580 Treatment of open talotarsal joint dislocation, with uncomplicated soft tissue closure	3.2	45	3.0	28800 Amputation, foot; midtarsal (Chopart type procedure)	10.0	90	3.0
28585 Open treatment of closed or open talotarsal joint dislocation, with or without internal or external skeletal fixation	10.0	90	3.0	28805 transmetatarsal	10.0	90	3.0
*28600 Treatment of closed ((tarsometatarsal [tarsometatarsal])) <u>tarsometatarsal</u> joint dislocation, without anesthesia	*0.72	0		28810 Amputation, metatarsal, with toe, single	6.0	90	3.0
28605 requiring anesthesia	2.0	45	3.0	28820 Amputation, toe; metatarsophalangeal joint	3.0	45	3.0
28606 Treatment of closed ((tarsometatarsal [tarsometatarsal])) <u>tarsometatarsal</u> joint dislocation, with percutaneous skeletal fixation	3.0		3.0	28825 interphalangeal joint	2.0	45	3.0
28610 Treatment of open ((tarsometatarsal [tarsometatarsal])) <u>tarsometatarsal</u> joint dislocation, with uncomplicated soft tissue closure	2.8	45	3.0	(For amputation of tuft of distal phalanx use 11752)			
28615 Open treatment of closed or open ((tarsometatarsal [tarsometatarsal])) <u>tarsometatarsal</u> joint dislocation, with or without internal or external skeletal fixation	6.0	90	3.0	MISCELLANEOUS			
*28630 Treatment of closed metatarsophalangeal joint dislocation; without anesthesia	*0.72	0		28899 Unlisted procedure, foot or toes ..	BR		3.0
28635 requiring anesthesia	1.4	45	3.0	((For skin grafts and flaps, see 15050-15770))			
28640 Treatment of open metatarsophalangeal joint dislocation, with uncomplicated soft tissue closure ..	2.0	45	3.0	AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)			
28645 Open treatment of closed or open metatarsophalangeal joint dislocation	4.0	90	3.0	WAC 296-22-095 APPLICATION OF CASTS AND STRAPPING.			
*28660 Treatment of closed interphalangeal joint dislocation; without anesthesia	*0.72	0		The listed procedures apply when the cast application or strapping is a replacement procedure used during or after the period of follow-up care. Additional visits are reportable only if significant identifiable further services are provided at the time of the cast application or strapping.			
28665 requiring anesthesia	1.2	45	3.0	<u>If cast application or strapping is provided as an initial procedure in which no surgery is performed (e.g., casting of a sprained ankle or knee), use the appropriate level of office visit in addition to 99070 for supplies.</u>			
28670 Treatment of open interphalangeal joint dislocation, with uncomplicated soft tissue closure	1.6	45	3.0	Listed procedures include removal of cast or strapping.			
28675 Open treatment of closed or open interphalangeal joint dislocation ..	2.4	60	3.0	Unit Value	Follow-up Days=	Basic Anes@	
ARTHRODESIS				BODY AND UPPER EXTREMITY CASTS			
28705 Pantalar arthrodesis	19.0	120	3.0	29000 Application of halo type body cast (see 20661-20663 for insertion)	5.0	2	3.0
28715 Triple arthrodesis	15.0	120	3.0	29010 Application of Risser jacket, localizer, body; only	3.0	2	3.0
28725 Subtalar arthrodesis	BR	120	3.0	29015 including head	3.6	2	3.0
28730 Arthrodesis, midtarsal or ((tarsometatarsal [tarsometatarsal])) <u>tarsometatarsal</u> , multiple or transverse;	11.0	120	3.0	29020 Application of turnbuckle jacket, body; only	3.0	2	3.0
28735 with osteotomy as for flat foot correction	14.0	120	3.0	29025 including head	3.6	2	3.0

	Unit Value	Follow-up Days=	Basic Anes@
29035 Application of body cast, shoulder to hips;	1.6	2	3.0
29040 including head, Minerva type	2.2	2	3.0
29044 including one thigh	2.0	2	3.0
29046 including both thighs	2.2	2	3.0
29049 Application; plaster figure of eight	0.6	2	3.0
29055 shoulder spica	1.8	2	3.0
29058 plaster Velpeau	0.8	2	3.0
29065 shoulder to hand (long arm) . .	0.8	2	3.0
29075 elbow to fingers (short arm) . .	0.6	2	3.0
29085 hand and lower forearm (gauntlet)	0.6	2	3.0

SPLINTS

29105 Application of long arm splint (shoulder to hand)	0.6	2	3.0
29125 Application of short arm (forearm and hand); static	0.5	2	3.0
29126 dynamic	0.8	2	3.0
29130 Application of finger splint; static	0.3	2	3.0
29131 dynamic	0.4	2	3.0

STRAPPING—ANY AGE

29200 Strapping; thorax	0.4	0	
29220 low back	0.5	0	
29240 shoulder (eg, Velpeau)	0.6	0	
29260 elbow or wrist	0.24	0	
29280 hand or finger	0.2	0	

LOWER EXTREMITY CASTS

29305 Application of hip spica cast; unilateral	2.0	2	3.0
29325 bilateral, or one and one-half spica	2.4	2	3.0
(For hip spica (body) cast, including thighs only, see 29046)			
29345 Application of long leg cast (thigh to toes);	1.1	2	3.0
29355 walking or ambulatory type	1.3	2	3.0
29358 Application of long leg cast brace	BR		
29365 Application of cylinder cast (thigh to ankle)	1.0	2	3.0
29405 Application of short leg (below knee to toes);	0.8	2	3.0
29425 walking or ambulatory type	1.0	2	3.0
29435 Application of patellar tendon bearing (PTB) cast	1.2	2	3.0
29440 Adding walker to previously applied cast	0.3		
29450 Application of clubfoot cast with molding or manipulation, long or short leg; unilateral	0.4	2	3.0
29455 bilateral	0.8	2	3.0
(If over age 24 months, see other lower extremity casts)			

SPLINTS

29505 Application of long leg splint (thigh to ankle or toes)	0.72	2	3.0
29515 Application of short leg splint (calf to foot)	0.6	2	3.0

STRAPPING—ANY AGE

29520 Strapping; hip	0.5	0	
29530 Knee	0.4	0	
29540 Ankle	0.3	0	
29550 toes	0.3	0	
29580 Unna Boot	0.4	0	

	Unit Value	Follow-up Days=	Basic Anes@
29590 Denis-Browne splint strapping . .	0.4	0	

REMOVAL OR REPAIR

(Codes for cast removals should be employed only for casts applied by another physician)

29700 Removal or bivalving; gauntlet, boot or body cast	0.4	0	
29705 full arm or full leg cast	0.4		
29710 shoulder or hip spica, Minerva or Risser jacket, etc.	0.5	0	
29715 turnbuckle jacket	0.7	0	
29720 Repair of spica, body cast or jacket	0.24	0	
29730 Windowing of cast	0.24	0	
29740 Wedging of cast (except clubfoot casts)	0.3	0	
29750 Wedging of clubfoot cast; unilateral	0.3	0	
29751 bilateral	0.4	0	

MISCELLANEOUS

29799 Unlisted procedure, casting or strapping	BR		3.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-097 ARTHROSCOPY.

Surgical arthroscopy always includes a diagnostic arthroscopy. When arthroscopy is performed in conjunction with arthrotomy, add modifier -51.

	Unit Value	Follow-up Days=	Basic Anes@
29815 Arthroscopy, shoulder, diagnostic, with or without synovial biopsy (separate procedure)	7.0	60	3.0
29819 Arthroscopy, shoulder, surgical; with removal of loose body or foreign body	7.5	60	3.0
29820 synovectomy, partial	8.0	60	3.0
29821 synovectomy, complete	9.9	60	3.0
29822 debridement, limited	7.5	60	3.0
29823 debridement, extensive	9.9	60	3.0
29825 with lysis and resection of adhesions with or without manipulation	9.9	60	3.0
29830 Arthroscopy, elbow, diagnostic, with or without synovial biopsy (separate procedure)	4.7	60	3.0
29834 Arthroscopy, elbow, surgical; with removal of loose body or foreign body	5.0	60	3.0
29835 synovectomy, partial	7.1	60	3.0
29836 synovectomy, complete	8.2	60	3.0
29837 debridement, limited	7.2	60	3.0
29838 debridement, extensive	8.0	60	3.0
29840 Arthroscopy, wrist, diagnostic, with or without synovial biopsy (separate procedure)	6.5	60	3.0
29843 Arthroscopy, wrist, surgical; for infection, lavage and drainage	6.5	60	3.0
29844 synovectomy, partial	6.5	60	3.0
29845 synovectomy, complete	8.0	60	3.0
29846 excision of triangular fibrocartilage and/or joint debridement	8.5	60	3.0
29847 internal fixation for fracture or			

	Unit Value	Follow-up Days=	Basic Anes@
<u>instability</u>	8.5	60	3.0
29870 Arthroscopy, knee, diagnostic, with or without synovial biopsy (separate procedure)	6.1	30	3.0
29871 Arthroscopy, knee, surgical; for infection, lavage and drainage ...	7.4	90	3.0
29872 for infection, lavage and drainage with suction irrigation	7.6	90	3.0
29874 for removal of loose body or foreign body (e.g., osteochondritis dissecans fragmentation, chondral fragmentation)	13.0	90	3.0
29875 synovectomy, limited (e.g., plica or shelf resection) (separate procedure)	16.2	90	3.0
29876 synovectomy, major, two or more compartments (e.g., medial or lateral)	16.6	90	3.0
29877 debridement/shaving of articular cartilage (chondroplasty) ...	16.4	90	3.0
29879 abrasion arthroplasty (includes chondroplasty where necessary) or multiple drilling	16.8	90	3.0
<u>29880 with meniscectomy (medial AND lateral, including any meniscal shaving)</u>	16.0	60	3.5
29881 with meniscectomy (medial or lateral including any meniscal shaving)	16.6	90	3.0
29882 with meniscus repair (medial or lateral)	16.8	90	3.0
<u>29883 with meniscus repair (medial AND lateral)</u>	18.5	60	3.5
29884 with lysis of adhesions with or without manipulation (separate procedure)	15.2	90	3.0
<u>29885 drilling for osteochondritis dissecans with bone grafting with or without internal fixation</u>	BR		
29886 drilling for intact osteochondritis dissecans lesion	16.4	90	3.0
29887 drilling for intact osteochondritis dissecans lesion with internal fixation	16.8	90	3.0
<u>29888 Arthroscopy aided anterior cruciate ligament repair/augmentation or reconstruction</u>	27.0	60	3.5
<u>29889 Arthroscopy aided posterior cruciate ligament repair/augmentation or reconstruction</u>	27.0	60	3.5
29890 Arthroscopy, ankle, diagnostic, with or without synovial biopsy (separate procedure)	6.0	90	3.0
29894 Arthroscopy, ankle, surgical; with removal of loose body or foreign body	9.0	90	3.0
29895 synovectomy, partial	9.4	90	3.0
29896 synovectomy, complete	9.9	90	3.0
29897 debridement, limited	9.4	90	3.0
29898 debridement, extensive	9.9	90	3.0
29909 Unlisted procedure, arthroscopy ..	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-100 ((NOSE)) RESPIRATORY SYSTEM.

	Unit Value	Follow-up Days=	Basic Anes@
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NOSE

INCISION

(For simple furuncle, see 10020)

*30000 Drainage abscess or hematoma, nasal, internal approach	*1.2	0	3.0
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(For external approach, see 10020, 10060, 10140)

*30020 Drainage of abscess or hematoma, nasal septum	*1.4	0	3.0
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(For lateral rhinotomy, see specific application, e.g., 30118, 30320)

EXCISION

~~((For excision of nasopharyngeal fibroma, see 42880))~~

~~(For biopsy of nasopharynx, see 42804))~~

30100 Biopsy, intranasal	0.6	7	3.0
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(For biopsy skin of nose, see 11100, 11101)

30110 Excision of nasal polyp(s) simple; unilateral	1.4	15	3.0
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30111 bilateral	BR		3.0
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(30110, 30111 would normally be completed in an office setting)

30115 Excision, nasal polyp(s), extensive; unilateral	4.0	30	3.0
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30116 bilateral	BR		3.0
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(30115, 30116 would normally require the facilities available in a hospital setting)

30117 Excision, intranasal lesion; internal approach	BR		
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30118 external approach (lateral rhinotomy)	BR		
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30120 Excision or surgical planing of skin of nose for rhinophyma ...	10.0	60	3.0
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30124 Excision dermoid cyst, nose; simple, skin, subcutaneous	2.5	0	4.0
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30125 complex, under bone or cartilage	BR	30	4.0
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30130 Excision turbinate, partial or complete	2.0	30	3.0
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30140 Submucous resection turbinate, partial or complete	6.0	90	3.0
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(For submucous resection of nasal septum, see 30500)

30150 Rhinectomy; partial	BR		3.0
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30160 total	BR		3.0
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(For closure and/or reconstruction, primary or delayed, see integumentary System, 13150-13152, 14060-14300, 15120-15730, 15760, 20900-20910)

	Unit Value	Follow-up Days=	Basic Anes@
INTRODUCTION			
*30200 Injection into turbinate(s), therapeutic	*0.48	0	
30210* Displacement therapy (Proetz type)	0.2	0	4.0
30220 Insertion, nasal septal prosthesis (button)	BR		4.0

ENDOSCOPY

(For nasal endoscopy, see 31250-31258)

REMOVAL OF FOREIGN BODY

*30300 Removal of foreign body; intranasal; office type procedure	*0.4	0	3.0
30310 requiring general anesthesia ..	2.0	7	3.0
30320 by lateral rhinotomy	BR		3.0

REPAIR

(For obtaining tissues for graft, see 20900-20926, 21210)

((See also repair complex; ~~13000-15760~~ and ~~21210-21235~~))

30400 Rhinoplasty, primary, lateral and alar cartilages and/or elevation of nasal tip	12.0	180	3.0
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(For columellar reconstruction, see 13150 et seq.)

30410 complete, external parts including bony pyramid, lateral and alar cartilages, and/or elevation of nasal tip	18.0	180	3.0
30420 including major septal repair ..	20.0	180	3.0
30430 Rhinoplasty, secondary; minor revision (small amount of nasal tip work)	3.0	45	3.0
30435 intermediate revision (bony work with osteotomies)	BR	45	3.0
30450 major revision (nasal tip work and osteotomies)	BR		4.0

((~~30500~~ has been deleted, use ~~30520~~))

(For submucous resection of turbinates, see 30140)

30520 Septoplasty or submucous resection with or without cartilage scoring, contouring or replacement with graft	10.0	90	5.0
30540 Repair choanal atresia; intranasal	11.0	60	5.0
30545 transpalatine	20.0	365	5.0
*30560 Lysis intranasal synechia	*0.4	0	3.0
30580 Repair fistula; oromaxillary (combine with 31030 if antrotomy is included)	10.0	90	3.0
30600 oronasal	BR+		3.0
30620 Reconstruction, functional, internal nose (septal or other septal dermatoplasty) (does not include obtaining graft)	10.0	90	3.0
30630 Repair nasal septal perforations ..	BR		3.0

DESTRUCTION

*30800 Cauterization turbinates, unilateral or bilateral (separate procedure); superficial	*0.4	0	3.0
30805 intramural	1.4	7	3.0

30820 Cryosurgery of turbinates, unilateral or bilateral	BR		3.0
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OTHER PROCEDURES

((~~30900~~ Control of anterior nasal hemorrhage has been expanded into ~~30901-30904~~))

*30901 Control nasal hemorrhage, anterior, simple (cauterization); unilateral	*0.6	0	
*30902 bilateral	*0.8		0
*30903 Control nasal hemorrhage, anterior, complex (cauterization); unilateral	BR		
*30904 bilateral	BR		
*30905 Control nasal hemorrhage, posterior, with posterior nasal packs and/or cauterization; initial	*2.4	0	3.0
*30906 subsequent	*1.6	0	3.0
30915 Ligation, arteries, ethmoidal	10.0	30	3.0
30920 internal maxillary artery, transantral	BR		3.0

(For ligation external carotid artery, see 37600)

30930 Fracture nasal turbinate(s) therapeutic	BR		3.0
30999 Unlisted procedure, nose	BR		3.0

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

WAC 296-22-105 ACCESSORY SINUSES.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*31000 Lavage by cannulation; maxillary sinus, unilateral (antrum puncture or natural ostium)	*0.4	0	3.0
*31001 maxillary sinuses, bilateral ..	*0.6	0	3.0
31002* sphenoid sinus	0.8	0	3.0
31020 Sinusotomy, maxillary (antrotomy); intranasal, unilateral	3.0	90	3.0
31021 intranasal, bilateral	6.0	90	3.0
31030 radical, unilateral (Caldwell-Luc) without removal of antrochoanal polyps	10.0	90	3.0
31031 radical, bilateral (Caldwell-Luc) without removal of antrochoanal polyps	12.0	90	3.0
31032 radical unilateral (Caldwell-Luc) with removal of antrochoanal polyps ..	11.0	3.0	
31033 radical, bilateral (Caldwell-Luc) with removal of antrochoanal polyps	16.0	3.0	
31040 ((Surgery on)) Pterygomaxillary fossa ((contents by transantral) surgery, any approach	BR 17.5	3.0 90	3.0 4.5

(For transantral ligation of internal maxillary artery, see 30920)

31050 Sinusotomy, sphenoid, with or without biopsy	11.0	30	3.0
31051 with mucosal stripping or removal of polyp(s)	14.0	30	3.0
31070 Sinusotomy, frontal; external, simple (trephine operation)	10.0	30	3.0

		Unit Value	Follow-up Days=	Basic Anes@
31075	transorbital, unilateral (for mucocele or osteoma, Lynch type)	16.0	180	3.0
31080	obliterative without osteoplastic flap, brow incision (includes ablation)	24.0	180	3.0
31081	obliterative, without osteoplastic flap, coronal incision (includes ablation)	BR		3.0
31084	obliterative, with osteoplastic flap, brow incision	BR		3.0
31085	obliterative, with osteoplastic flap, coronal incision	BR		3.0
31086	nonobliterative, with osteoplastic flap, brow incision	BR		3.0
31087	nonobliterative, with osteoplastic flap, coronal incision	BR		3.0
31090	Sinusotomy combined, three or more sinuses	26.0	180	3.0

EXCISION

31200	Ethmoidectomy; intranasal, anterior	6.0	90	3.0
31201	intranasal, total	10.0	90	3.0
31205	extranasal total	13.0	90	3.0
31225	Maxillectomy; without orbital exenteration	24.0	180	3.0
31230	with orbital exenteration (en bloc)	24.0	180	3.0

(For orbital exenteration as an independent procedure, see 65110 et seq.)

(For skin grafts, see 15120 et seq.)

ENDOSCOPY

For endoscopic procedures, code appropriate endoscopy of each anatomic site examined.

31250	Nasal endoscopy, diagnostic (includes examination of the medial meatus, infundibulum, and sinus ostia)	1.0	0	3.0
31252	Nasal endoscopy, surgical; with nasal polypectomy	3.0	30	3.0
31254	with ethmoidectomy, partial ..	8.0	60	3.0
31255	with ethmoidectomy, anterior and posterior	13.5	60	3.0
31256	with maxillary antrostomy ...	14.0	30	3.0
31258	with removal of foreign body(s)	1.5	30	3.0
31260	Maxillary sinus endoscopy, diagnostic with or without biopsy ...	5.0	30	3.0
31263	Maxillary sinus endoscopy, surgical; with removal of foreign body(s)	6.5	30	3.0
31265	with removal of cyst	5.0	30	3.0
31267	with removal of mucous membrane and/or polyps	10.0	30	3.0
31268	with removal of fungus ball ..	10.0	30	3.0
31270	Sphenoid endoscopy, diagnostic ..	3.0	30	3.0
31275	Sphenoid endoscopy, surgical; including sphenoidotomy	5.0	30	3.0
31277	with removal of mucous membrane	5.5	30	3.0

OTHER PROCEDURES

(For hypophysectomy, transnasal or transeptal approach, see 61548)

(For transcranial hypophysectomy, see 61546)

((31245 has been deleted. For transnasal excision of pituitary tumor, see 61548))

31299	Unlisted procedure, accessory sinuses	BR		3.0
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AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-22-110 LARYNX.

		Unit Value	Follow-up Days=	Basic Anes@
EXCISION				

31300	Laryngotomy (thyrotomy, laryngofissure); with removal of tumor or laryngocele, cordectomy .	16.0	90	6.0
31320	diagnostic	8.0	60	6.0
31360	Laryngectomy; total, without radical neck dissection	26.0	180	6.0
31365	total, with radical neck dissection	34.0	180	6.0
31367	subtotal supraglottic, without radical neck dissection	30.0	180	6.0
31368	subtotal supraglottic, with radical neck dissection	30.0	180	6.0
31370	Partial laryngectomy (hemilaryngectomy); horizontal	30.0	180	6.0
31375	laterovertical	20.0	180	6.0
31380	anterovertical	20.0	180	6.0
31382	antero-latero-vertical	20.0	180	6.0
31390	Pharyngolaryngectomy, with radical neck dissection; without reconstruction	BR		6.0
31395	with reconstruction	BR		6.0
31400	Arytenoidectomy or arytenoidopexy, external approach	20.0	180	6.0

(For endoscopic arytenoidectomy, see 31560)

31420	Epiglottidectomy	16.0	180	6.0
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INTRODUCTION

31500	Intubation, endotracheal, emergency procedure	1.4	0	
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(For injection procedure for bronchography, see 31656, 31708, 31710)

ENDOSCOPY

For endoscopic procedures, code appropriate endoscopy of each anatomic site examined.

31505	Laryngoscopy, indirect (separate procedure); diagnostic	BR		
31510	with biopsy	BR		
31511	with removal of foreign body ..	BR		
31512	with removal of lesion	BR		
31513	with vocal cord injection	BR		
31515	Laryngoscopy, direct, with or without tracheoscopy; for aspiration	0.6	0	
31520	diagnostic, newborn	2.4	7	4.0
31525	diagnostic, except newborn	4.0	7	4.0
31526	diagnostic, with operating microscope	BR		4.0
31527	with insertion of obturator ...	BR		4.0

	Unit Value	Follow-up Days=	Basic Anes@
31528	BR		4.0
31529	BR		4.0
31530	6.0	30	4.0
31531	BR		4.0
31535	6.0	30	4.0
31536	BR		
31540	6.0	90	4.0
31541	BR		4.0
31560	15.0	90	4.0
31561	BR		
31570	6.0	90	4.0
31571	BR		4.0
31575	BR	90	4.0
31576	BR	90	4.0
31577	BR	90	4.0
31578	BR	90	4.0
31579	BR	90	4.0

REPAIR

31580	BR		4.0
31582	BR		4.0
31584	BR		4.0
31585	BR		4.0
31586	BR		4.0
31587	BR		4.0
31590	BR	90	4.0

DESTRUCTION

31595	BR	90	4.0
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OTHER PROCEDURES

31599	BR		4.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-115 TRACHEA AND BRONCHI.

	Unit Value	Follow-up Days=	Basic Anes@
31600	5.4	15	6.0
31601	6.0	15	6.0
31603	BR	90	6.0
31605	BR		4.0
31610	7.0	15	6.0

(For endotracheal intubation, see 31500)

INCISION

31600	5.4	15	6.0
31601	6.0	15	6.0
31603	BR	90	6.0
31605	BR		4.0
31610	7.0	15	6.0

(For endotracheal intubation, see 31500)

	Unit Value	Follow-up Days=	Basic Anes@
31612			
31613	BR		4.0
31614	BR	30	5.0

ENDOSCOPY

For endoscopic procedures, code appropriate endoscopy of each anatomic site examined.

31615			4.0
31622			
31625	3.6		5.0
31628	BR		5.0
31629	BR		5.0
31630	6.0	30	6.0
31631	BR		4.0
31635	5.6	30	4.0
31640	5.0	30	4.0
31641	BR	30	4.0
31645	4.0	30	4.0
31646	2.6	30	4.0

31656	4.0	30	4.0
31659	BR		4.0

INTRODUCTION

(For endotracheal intubation, see 31500)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-116 LUNGS AND PLEURA.

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
(For tracheal aspiration under direct vision, see 31515)							
31700	3.6	0					
31708	0.9	0					
31710	0.8	0					
(For bronchoscopic catheterization for bronchography, fibero-scope only, see 31656)							
31715	0.8	0					
(For detention time, see 99150, 99151)							
31717	BR						
31719	BR						
31720	0.8	0					
31725	1.0	0					
REPAIR							
31750	BR		6.0				
31755	BR		6.0				
31760	BR		12.0				
31766	BR		6.0				
31770	BR		11.0				
31775	BR		11.0				
(For lobectomy and bronchoplas-ty, see 32485)							
31780	BR		11.0				
31781	BR		11.0				
31785	BR		11.0				
31786	BR		11.0				
SUTURE							
31800	BR		6.0				
31805	BR		12.0				
31820	4.0	30	4.0				
31825	6.0	30	4.0				
(For repair of tracheoesophageal fistula, see 43305-43312)							
31830	5.60	30	4.0				
31899	BR		4.0				
				INCISION			
				*32000	0.72	0	
				32005	BR		
				*32020	*1.2	0	
				32035	6.0	60	3.0
				32036	8.0	90	3.0
				32095	BR		3.0
				32100	12.0	90	11.0
				32110	16.0	90	11.0
				32120	16.0	90	11.0
				32124	16.0	90	11.0
				32140	16.0	90	11.0
				32141	20.0	90	11.0
				32150	14.0	90	11.0
				32151	16.0	90	11.0
				32160	BR		12.0
				(For segmental or other resections of lung, see 32480-32525)			
				32200	14.0	120	11.0
				32215	16.0	90	11.0
				32220	20.0	90	11.0
				32225	14.0	90	11.0
				EXCISION			
				32310	20.0	90	11.0
				32315	15.0	90	11.0
				32320	28.0	90	11.0
				32400	1.2	7	
				(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943; for fluoroscopic localization, see 71036, 71037)			
				(For fine needle aspiration, prep- aration, and interpretation of smears, see 88170-88173)			
				32402	6.0	15	3.0
				32405	3.0	7	3.0

Unit Follow-up Basic
Value Days= Anes@

(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943; for fluoroscopic localization, see 71036, 71037)

(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)

*32420	Pneumonocentesis, puncture of lung for aspiration	*1.2	0	
32440	Pneumonectomy, total	30.0	90	11.0
32445	Pneumonectomy, extrapleural; without empyemectomy	20.0	90	11.0
32450	with empyemectomy	25.0	90	11.0
32480	Lobectomy, total or segmental;	26.0	90	11.0
32485	with bronchoplasty	30.0	90	11.0
32490	with concomitant decortication	30.0	90	11.0
32500	Wedge resection, of lung; single or multiple	22.0	90	11.0
32520	Resection of lung; with resection of chest wall	30.0	90	11.0
32522	with reconstruction of chest wall, without prosthesis	32.0	90	11.0
32525	with major reconstruction of chest wall, with prosthesis	35.0	90	11.0
32540	Extrapleural enucleation of empyema (empyemectomy);	20.0	90	11.0
32545	with lobectomy	30.0	90	11.0

ENDOSCOPY

For endoscopic procedures, code appropriate endoscopy of each anatomic site examined.

32700	Thoracoscopy, exploratory (separate procedure);	4.0	30	4.0
32705	with biopsy	4.0	30	4.0

REPAIR

32800	Repair lung hernia through chest wall	BR		11.0
32810	Closure of chest wall following open flap drainage for empyema (Clagett type procedure)	BR		11.0
32815	Open closure of major bronchial fistula	BR		11.0
32820	Major reconstruction, chest wall (post-traumatic)	BR		11.0

SURGICAL COLLAPSE THERAPY; THORACOPLASTY

(See also 32520-32525)

32900	Resection of ribs, extrapleural, all stages	14.0	90	10.0
32905	Thoracoplasty, Schede type or extrapleural (all stages);	14.0	90	9.0
32906	with closure of bronchopleural fistula	16.0	90	9.0
	(For open closure of major bronchial fistula, see 32815)			
	(For resection of first rib for thoracic outlet compression, see 21615, 21616)			
32940	Pneumonolysis, extraperiosteal, including filling or packing procedures	14.0	90	9.0
*32960	Pneumothorax; therapeutic, intrapleural injection of air	*1.0	0	
32999	Unlisted procedure, lungs and pleura	BR		9.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-120 HEART AND PERICARDIUM.

((For other medical or laboratory related services, see appropriate section)))

Unit Follow-up Basic
Value Days= Anes@

PERICARDIUM

33010*	Pericardiocentesis; initial	1.2	0	
33011*	subsequent	1.0	0	
33015	Tube pericardiostomy	BR		
33020	Pericardiostomy for removal of clot or foreign body (primary procedure)	20.0	90	13.0
33025	Creation of pericardial window or partial resection for drainage	20.0	15	15.0
33030	Partial resection for chronic constrictive pericarditis, without bypass	30.0	90	15.0
33035	Complete ventricular decortication, with cardiopulmonary bypass	40.0	90	15.0
33050	Excision of pericardial cyst or tumor	20.0	90	13.0
33100	Pericardiectomy (separate procedure)	34.0	90	15.0

CARDIAC TUMOR

33120	Excision of intracardiac tumor, resection with cardiopulmonary bypass	50.0	90	15.0
33130	Resection of external cardiac tumor	25.0	90	12.0

PACEMAKER OR DEFIBRILLATOR

(For electronic analysis of internal pacemaker system, see ((93795, 93796)) 93731-93736)

(Procedures include repositioning or replacement in first ((fourteen)) 14 days)

(For fluoroscopy and radiography procedure with insertion of pacemaker, see 71090)

33200	Insertion of permanent pacemaker with epicardial electrode; by thoracotomy	24.0	90	15.0
33201	by xiphoid approach	24.0	90	15.0
	((33205 has been deleted. To report use 33206-33208)))			
33206	Insertion of permanent pacemaker with transvenous electrode(s); atrial	BR		3.0
33207	ventricular	BR		3.0
33208	AV sequential	BR		3.0
33210	Insertion of temporary transvenous cardiac electrode, or pacemaker catheter (separate procedure)	7.0	15	Sv.&
33212	Insertion or replacement of <u>pacemaker pulse generator or automatic internal cardioverter-defibrillator (AICD) pulse generator only</u>	4.0	30	6.0
33216	Insertion, replacement, or repositioning of permanent transvenous electrodes only (15 days or more			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
33218	8.0	30	6.0	33425	52.0	90	15.0
33219	5.0	30	6.0	33430	52.0	90	15.0
33222	BR		6.0	TRICUSPID VALVE			
33232	4.5	3.0	6.0	33450	32.0	90	15.0
33245	BR		6.0	33452	50.0	90	15.0
33246	BR		6.0	33460	50.0	90	15.0
33248	BR		6.0	33465	52.0	90	15.0
WOUNDS OF THE HEART AND GREAT VESSELS				(For multiple valve replacement, see 33480-33492)			
33300	24.0	90	15.0	33468	50.0	90	15.0
33305	30.0	90	15.0	PULMONARY VALVE			
33310	22.0	90	15.0	33470	32.0	90	15.0
33315	34.0	90	15.0	33471	BR	90	15.0
33320	20.0	90	15.0	33472	32.0	90	15.0
33322	30.0	90	15.0	33474	50.0	90	15.0
33330	30.0	90	15.0	33476	50.0	90	15.0
33335	40.0	90	15.0	33478	52.0	90	15.0
33350	BR		15.0	MULTIPLE VALVE PROCEDURES			
CARDIAC VALVES ((AORTIC VALVE))				33480	70.0	90	15.0
(Aortic valve)				33481	56.0	90	15.0
33400	50.0	90	15.0	33482	60.0	90	15.0
33404	BR	90	15.0	33483	65.0	90	15.0
33405	52.0	90	15.0	33485	67.0	90	15.0
33407	BR		15.0	33490	80.0	90	15.0
33408	BR		15.0	33492	85.0	90	15.0
(For multiple valve replacement, see 33480-33492)				CORONARY ARTERY PROCEDURES			
33411	BR	90	15.0	(Basic procedures include endarterectomy or angioplasty)			
33412	BR	90	15.0	33502	20.0	90	15.0
33415	40.0	90	15.0	33503	25.0	90	15.0
33417	40.0	90	15.0	33504	35.0	90	15.0
MITRAL VALVE				33510	35.0	90	15.0
33420	32.0	90	15.0	33511	56.0	90	15.0
33422	50.0	90	15.0	33512	67.0	90	15.0
				33513	67.0	90	15.0
				33514	67.0	90	15.0
				33516	67.0	90	15.0
				(For separate procurement of autogenous graft, see modifier -(75) 62, services rendered by			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
<p>((more than one physician) two surgeons)</p>				33720	Repair sinus of Valsalva aneurysm, with cardiopulmonary bypass	50.0	90 15.0
33520	Coronary artery bypass, nonautogenous graft (e.g., synthetic or cadaver); single graft	30.0	90 15.0	TOTAL ANOMALOUS PULMONARY VENOUS DRAINAGE			
33525	two coronary grafts	35.0	90 15.0	33730	Complete repair of anomalous venous return (supracardiac, intracardiac, or infracardiac types) ...	50.0	90 15.0
33528	three or more coronary grafts ..	50.0	90 15.0	(For partial anomalous return, see atrial septal defect)			
<p>((33532 Myocardial implantation has been deleted. To report, use 33999))</p>				SHUNTING PROCEDURES			
POSTINFARCTION MYOCARDIAL PROCEDURES				33735	Atrial septectomy or septostomy; closed (Blalock-Hanlon type operation)	32.0	90 15.0
33542	Myocardial resection (e.g., ventricular aneurysmectomy)	35.0	90 15.0	33737	open, with inflow occlusion ...	40.0	90 15.0
33545	Repair of postinfarction ventricular septal defect, with or without myocardial resection	50.0	90 15.0	33738	transvenous method, balloon, Rashkind type (includes cardiac catheterization)	50.0	90 15.0
33560	Myocardial operation combined with coronary bypass procedure ..	BR		33739	blade method (Sang-Park septostomy) (includes cardiac catheterization)	BR	15.0
33570	Coronary angioplasty (end arterectomy, with or without gas, arterial implantation or anastomosis), with bypass;	60.0	90 15.0	33750	Shunt; subclavian to pulmonary artery (Blalock-Taussig type operation)	30.0	90 15.0
33575	combined with vascularization ..	68.0	90 15.0	33755	ascending aorta to pulmonary artery (Waterston type operation)	30.0	90 15.0
SEPTAL DEFECT				33762	descending aorta to pulmonary artery (Potts-Smith type operation)	30.0	90 15.0
33640	Repair atrial septal defect, secundum; direct closure without cardiopulmonary without bypass ..	32.0	90 15.0	33764	central, with prosthetic graft ..	BR	90 15.0
33641	direct closure with cardiopulmonary bypass	46.0	90 15.0	33766	vena cava to pulmonary artery (Glenn type operation)	30.0	90 15.0
33643	patch closure, with or without anomalous pulmonary venous drainage	30.0	90 15.0	TRANSPOSITION OF THE GREAT VESSELS			
33645	Direct or patch closure, sinus venosus, with or without anomalous pulmonary venous drainage ..	30.0	90 15.0	33782	Repair transposition of great vessels, atrial baffle procedure (Mustard or Senning type); with cardiopulmonary bypass	50.0	90 15.0
33647	Repair of atrial septal defect and ventricular septal defect, with direct or patch closure	BR	90 15.0	33783	with removal of pulmonary artery band, with or without gusset	50.0	90 15.0
33649	Repair of tricuspid atresia (e.g., Fontan, Gago procedures)	BR	15.0	33784	with closure of ventricular septal defect	50.0	90 15.0
33660	Patch closure, endocardial cushion defect, with or without repair of mitral and/or tricuspid cleft; ...	50.0	90 15.0	33785	Repair transposition of great vessels; aortic pulmonary artery reconstruction (Jatene type) ...	BR	90 15.0
33665	with repair of separate ventricular septal defect	35.0	90 15.0	TRUNCUS ARTERIOSUS			
33670	Repair of complete atrioventricular canal, with or without prosthetic valve	50.0	90 15.0	33786	Total repair, truncus arteriosus (Rastelli type operation)	50.0	90 15.0
33681	Closure ventricular septal defect; direct	35.0	90 15.0	33788	Replant pulmonary artery for hemitruncus	30.0	90 15.0
33682	patch	50.0	90 15.0	(For pulmonary artery band, see 33690)			
33684	with pulmonary valvotomy or infundibular resection (acyanotic)	50.0	90 15.0	AORTIC ANOMALIES			
33688	with removal of pulmonary artery band, with or without gusset	5.0		33802	Division of aberrant vessel (vascular ring);	18.0	90 15.0
33690	Banding of pulmonary artery ...	15.0	90 15.0	33803	with reanastomosis	20.0	90 15.0
33692	Total repair tetralogy of Fallot; intact outflow tract	50.0	90 15.0	33810	Creation of aortopulmonary window; without bypass	20.0	90 15.0
33694	with outflow tract gusset	50.0	90 15.0	33812	with cardiopulmonary bypass ..	30.0	90 15.0
33696	with closure of previous shunt ..	8.0		33820	Patent ductus arteriosus; ligation (primary procedure)	15.0	90 15.0
SINUS OF VALSALVA				33822	division, under 18 years	18.0	90 15.0
33702	Repair sinus of Valsalva fistula, with cardiopulmonary bypass; ...	50.0	90 15.0	33824	division, 18 years and older ...	20.0	90 15.0
33710	with repair of ventricular septal defect	35.0	90 15.0	33830	ligation or division when performed with another procedure	5.0	15.0
				33840	Excision of coarctation of aorta, with or without associated patent ductus arteriosus; with direct		

	Unit Value	Follow-up Days=	Basic Anes@
33845 anastomosis	20.0	90	15.0
with graft	30.0	90	15.0
(((33850 has been deleted, use 33999)))			
33851 repair using left subclavian artery as gusset for enlargement of segment (Waldhusen procedure)	BR	90	15.0

THORACIC AORTIC ANEURYSM

33860 Ascending aorta graft, with cardiopulmonary bypass; with or without coronary implant, with or without valve suspension; without valve replacement	40.0	90	15.0
33865 with valve replacement	50.0	90	15.0
33870 Transverse arch graft, with cardiopulmonary bypass	60.0	90	15.0
33875 Descending thoracic aorta graft, with or without bypass	20.0	90	15.0
33877 <u>Repair of thoracoabdominal aortic aneurysm with graft, with or without cardiopulmonary bypass</u> ..	40.0	90	15.0

PULMONARY ARTERY

33910 Pulmonary artery embolectomy; with cardiopulmonary bypass	30.0	90	15.0
33915 without bypass	20.0	90	15.0

MISCELLANEOUS

33930 Donor cardiectomy-pneumonec-tomy, with preparation and main-tenance of homograft	BR		15.0
33935 Heart-lung transplant with recipi-ent cardiectomy-pneumonec-tomy. BR	BR		
33940 Donor cardiectomy, with prepara-tion and maintenance of homo-graft	BR		
33945 Heart transplant, with or without recipient cardiectomy	BR		
(((33950 has been deleted, use 33940, 33945)))			
33960 Prolonged extracorporeal circula-tion for cardiopulmonary insuffi-ciency	BR		15.0
33970 Intra-aortic balloon counterpulsat-ion; insertion only	BR	10	15.0
(For percutaneous insertion use 93536)			
33971 removal of balloon including re-pair of artery with or without graft	BR		15.0
33972 monitoring only	BR		15.0
33999 Unlisted procedure, cardiac sur-gery	BR		15.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-125 ARTERIES AND VEINS. Pri-mary vascular procedure listings include establishing both inflow and outflow by whatever procedures neces-sary. Also included is that portion of the operative arte-riogram performed by the surgeon, as indicated. Sympathectomy, when done, is included in the listed

aortic procedures. For unlisted vascular procedure, use 37799.

ARTERIAL EMBOLECTOMY OR THROMBECTOMY, WITH OR WITHOUT CATHETER

	Unit Value	Follow-up Days=	Basic Anes@
34001 Embolectomy or thrombectomy, with or without catheter; carotid, subclavian, or innominate artery, by neck incision	14.0	60	6.0
34051 innominate, subclavian artery, by thoracic incision	14.0	60	11.0
34101 axillary, brachial, innominate, subclavian artery, by arm inci-sion	14.0	60	5.0
34111 radial or ulnar	BR	60	5.0
34151 renal, celiac, mesentery, aorto-iliac artery, by abdominal inci-sion	20.0	60	6.0
34201 femoropopliteal, aortoiliac ar-tery, by leg incision	14.0	60	5.0
34203 popliteal-tibio-peroneal, by leg incision	BR	60	5.0

VENOUS THROMBECTOMY, DIRECT OR WITH CATHETER

34401 Thrombectomy, direct or with catheter; vena cava, iliac vein, by abdominal incision	18.0	60	5.0
34421 vena cava, iliac, femoropopliteal vein, by leg incision	12.0	60	3.0
34451 vena cava, iliac, femoropopliteal vein, by abdominal and leg incision	24.0	60	5.0
34471 subclavian vein, by neck inci-sion	28.0	60	5.0
34490 axillary and subclavian vein, by arm incision	28.0	60	5.0

VENOUS RECONSTRUCTION

34501 Valvuloplasty, femoral vein	BR		
34510 Venous valve transposition, any vein donor	BR		
34520 Cross-over vein graft to venous system	BR		
34530 Saphenopopliteal vein anastomo-sis	BR		

DIRECT REPAIR OF ANEURYSM, OR EXCISION (PARTIAL OR TOTAL) AND GRAFT INSERTION FOR ANEURYSM, FALSE ANEURYSM, RUPTURED ANEURYSM, OR OCCLUSIVE DISEASE

Procedures 35001-35162 include preparation of artery for anastomosis including endarterectomy.

(For intracranial aneurysm, see 61700 et seq.)			
(For thoracic aortic aneurysm, see 33860-33875)			
35001 Direct repair of aneurysm or exci-sion (partial or total) and graft insertion, with or without patch graft; for aneurysm or occlusive disease, carotid, subclavian ar-tery, by neck incision	28.0	90	6.0
35002 for ruptured aneurysm, caro-tid, subclavian artery by neck incision	BR		6.0
35005 for aneurysm or occlusive dis-ease, vertebral artery	BR		
35011 for aneurysm or occlusive dis-ease, axillary-brachial artery, by arm incision	28.0	90	5.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@	
35013								
35021	BR			REPAIR BLOOD VESSEL OTHER THAN FOR FISTULA, WITH OR WITHOUT PATCH GRAFT (For AV fistula repair, see 35180-35190)				
35022	32.0	90	12.0					
35045	BR			35201	Repair blood vessels, direct; neck	28.0	60	10.0
35081	BR			35206	upper extremity	28.0	60	10.0
35082	40.0	90	12.0	35207	hand and finger	BR	60	10.0
35091	BR			35211	intrathoracic, with bypass	35.0	60	10.0
35092	BR			35216	intrathoracic, without bypass	30.0	60	10.0
35102	BR			35221	intra-abdominal	34.0	90	10.0
35103	40.0	90	12.0	35226	lower extremity	28.0	60	8.0
35111	BR			35231	Repair blood vessel with vein graft; neck	30.0	60	6.0
35112	24.0	90	6.0	35236	upper extremity	30.0	60	6.0
35121	BR			35241	intrathoracic, with bypass	40.0	60	6.0
35122	40.0	90	6.0	35246	intrathoracic, without bypass	35.0	60	6.0
35131	BR			35251	intra-abdominal	40.0	90	6.0
35132	32.0	90	6.0	35256	lower extremity	32.0	60	3.0
35141	BR			35261	Repair blood vessel with graft other than vein; neck	32.0	60	6.0
35142	28.0	90	5.0	35266	upper extremity	32.0	60	6.0
35151	BR			35271	intrathoracic, with bypass	42.0	60	6.0
35152	28.0	90	5.0	35276	intrathoracic, without bypass	37.0	60	6.0
35161	BR			35281	intra-abdominal	42.0	90	6.0
35162	BR			35286	lower extremity	34.0	60	3.0
REPAIR ARTERIOVENOUS FISTULA				THROMBOENDARTERECTOMY				
35180	28.0	60	6.0		(For coronary artery, see 33570, 33575)			
35182	34.0	60	6.0	35301	Thromboendarterectomy, with or without patch graft; carotid, vertebral, subclavian, by neck incision	30.0	90	6.0
35184	28.0	60	6.0	35311	subclavian, innominate, by thoracic incision	30.0	90	11.0
35188	30.0	60	6.0	35321	axillary-brachial	30.0	90	5.0
35189	40.0	60	6.0	35331	abdominal aorta	40.0	90	12.0
35190	30.0	60	6.0	35341	mesenteric, celiac, or renal	40.0	90	6.0
				35351	iliac	32.0	90	6.0
				35355	iliofemoral	BR	90	6.0
				35361	combined aortoiliac	40.0	90	12.0
				35363	combined aortoiliofemoral	BR	90	12.0
				35371	common ((and/or deep (profunda))) femoral	28.0	90	5.0
				35372	deep (profunda) femoral	28.0	90	5.0
				35381	femoral and/or popliteal, and/or tibioperoneal	28.0	90	5.0
REPAIR BLOOD VESSEL OTHER THAN FOR FISTULA, WITH OR WITHOUT PATCH GRAFT				TRANSLUMINAL ANGIOPLASTY, INTRAOPERATIVE				
					(If done as part of another operation, use modifier -51 or -52)			
				35450	Transluminal angioplasty, intraoperative (separate procedure); renal	BR		
				35452	aortic	BR		
				35454	iliac	BR		
				35456	femoral-popliteal	BR		
				35458	subclavian-axillary	BR		
				BYPASS GRAFT—VEIN				
				35501	Bypass graft, vein; carotid	30.0	90	6.0
				35506	carotid-subclavian	30.0	90	6.0
				35507	subclavian-carotid	30.0	90	6.0
				35508	carotid-vertebral	30.0	90	11.0
				35509	carotid-carotid	30.0	90	11.0
				35511	subclavian-subclavian	30.0	90	11.0
				35515	subclavian-vertebral	30.0	90	11.0
				35516	subclavian-axillary	30.0	90	6.0
				35518	axillary-axillary	30.0	90	5.0

		Unit Value	Follow-up Days=	Basic Anes@
35521	axillary-femoral	30.0	90	5.0
35526	aortosubclavian or carotid	32.0	90	12.0
35531	aortoceliac, or aortomesenteric	36.0	90	12.0
35533	axillary-femoral-femoral	BR	90	12.0
35536	splenorenal	32.0	90	10.0
35541	aortoiliac	32.0	90	12.0
35546	aortofemoral or bifemoral	32.0	90	12.0
35548	aortoiliofemoral, unilateral	32.0	90	12.0
35549	aortoiliofemoral, bilateral	40.0	90	12.0
35551	aorto-femoral-popliteal	40.0	90	12.0
35556	femoral-popliteal	28.0	90	5.0
35558	femoral-femoral	28.0	90	5.0
35560	aorto-renal	BR	90	12.0
35563	ilioliac	30.0	90	12.0
35565	iliofemoral	32.0	90	12.0
35566	femoral-anterior tibial, posterior tibial, or peroneal artery	30.0	90	12.0
35571	popliteal-tibial or peroneal artery	32.0	90	12.0

IN-SITU VEIN BYPASS

35582	In-situ vein bypass; aortofemoral-popliteal (only femoral-popliteal portion in-situ)	BR	90	12.0
35583	femoral-popliteal	BR	90	12.0
35585	femoral-anterior tibial, posterior tibial, or peroneal artery	BR	90	12.0
35587	popliteal-tibial, peroneal	BR	90	12.0

BYPASS GRAFT—WITH OTHER THAN VEIN

35601	Bypass graft, with other than vein, carotid	40.0	90	12.0
35606	carotid-subclavian	40.0	90	12.0
35612	subclavian-subclavian	40.0	90	12.0
35616	subclavian-axillary	30.0	90	6.0
35621	axillary-femoral	35.0	90	12.0
35626	aortosubclavian or carotid	35.0	90	12.0
35631	aortoceliac, aorto mesenteric, aorto renal	35.0	90	12.0
35636	splenorenal	35.0	90	12.0
35637	vertebral-carotid transposition	BR	90	12.0
35638	vertebral-subclavian transposition	BR	90	12.0
35641	aortoiliac	35.0	90	12.0
36642	carotid-vertebral	BR	90	12.0
35645	subclavian-vertebral	BR	90	12.0
35646	aortofemoral or bifemoral	30.0	90	12.0
35650	axillary-axillary	BR		
35651	aortofemoral-popliteal	30.0	90	12.0
35654	axillary-femoral-femoral	BR		
35656	femoral-popliteal	28.0	90	5.0
35661	femoral-femoral	28.0	90	5.0
35663	ilioliac	28.0	90	5.0
35665	iliofemoral	28.0	90	5.0
35666	femoral-anterior tibial, posterior tibial, or peroneal artery	28.0	90	5.0
35671	popliteal-tibial or peroneal artery	28.0	90	5.0
35681	Bypass graft, composite	BR		

EXPLORATION (NOT FOLLOWED BY SURGICAL REPAIR) WITH OR WITHOUT LYSIS OF ARTERY

35701	Exploration; carotid artery	10.0	30	3.0
35721	femoral artery	8.0	30	3.0
35741	popliteal artery	8.0	30	3.0
35761	Other vessels	BR		BR

EXPLORATION FOR POSTOPERATIVE HEMORRHAGE, INFECTION OR THROMBOSIS

35800	Exploration for postoperative hemorrhage or thrombosis; neck	BR		BR
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		Unit Value	Follow-up Days=	Basic Anes@
35820	chest	BR		BR
35840	abdomen	BR		BR
35860	extremity	BR		BR
35870	Repair of graft-enteric fistula	BR		
35875	Thrombectomy and/or repair of arterial or venous graft	BR		
((35880	with secondary procedure for outflow	BR		

EXCISION OF GRAFT))

35900	Excision of infected graft;	BR		
35910	with revascularization	BR		

Introduction

VASCULAR INJECTION PROCEDURES

NOTES

Listed services for injection procedures include necessary local anesthesia, introduction of needles or catheter, injection of contrast medium with or without automatic power injection and necessary pre and postinjection care specifically related to the injection procedure.

For radiological vascular injection performed by a single physician as a complete procedure (necessary local anesthesia, placement of needle or catheter and injection of contrast media, and supervision of the study and interpretation of results), see RADIOLOGY section, code numbers 75500-75893.

Catheters, drugs and contrast media are not included in the listed service for the injection procedures.

(For injection procedures in conjunction with cardiac catheterization, see 93541-93545)

(For chemotherapy of malignant disease, see 96500-96549)

INTRAVENOUS

(An intracatheter is a sheathed combination of needle and short catheter)

36000	Introduction of needle or intracatheter, vein; unilateral	1.0		0
36001	bilateral	1.4		0
36010	Introduction of catheter; in superior or inferior vena cava, right heart or pulmonary artery	2.0		0 3.0

(For venous catheterization for selective organ blood sampling, see 36500)

INTRA-ARTERIAL—INTRA-AORTIC

36100	Introduction of needle or intracatheter, carotid or vertebral artery; unilateral	5.0		0 3.0
36101	bilateral	6.0		0 3.0
36120	Introduction of needle or intracatheter; retrograde brachial artery	5.0		0 3.0
36140	extremity artery	2.0		0 3.0
36145	arteriovenous shunt created for dialysis (cannula, fistula or graft)	1.0		0 3.0

(For insertion of arteriovenous cannula, see 36810-36820)

36160	Introduction of needle or intracatheter, aortic, translumbar	3.0		0 3.0
36200	Introduction of catheter; aorta (arch, abdominal, midstream renal, aorto-iliac run-off) or selective; initial placement	4.0		0 3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
(((36210, 36220 have been deleted, use 36215)))				*36490	Cutdown placement of central venous catheter for hyperalimentation; age 2 years or under	3.0	15
36215				*36491	over age 2	2.0	15
					(For examination of patient and instruction to patient, review of prescription of fluids for long-term or permanent hyperalimentation, use levels of care listed in office or hospital visits category or consultative follow-up codes as appropriate)		
36230	5.8	0	3.0				
	6.0	0	7.0				
(((36240, 36250 have been deleted, use 36245)))							
36245				36495	Insertion of implantable <u>intravenous infusion pump or venous access port</u>	BR	0 3.0
	5.0	0	3.0	36496	Revision of <u>((implanted)) implantable intravenous infusion pump or venous access port</u>	BR	0 3.0
36260	BR	0	3.0	36497	Removal of <u>((implanted)) implantable intravenous infusion pump or venous access port</u>	BR	0 3.0
36261	BR	0	3.0	36500	Venous catheterization for selective organ blood sampling	BR	
36262	BR	0	3.0	*36510	Catheterization of umbilical vein for diagnosis or therapy, newborn	0.6	7
36299	BR		3.0	36520	Therapeutic apheresis (plasma and/or cell exchange)	BR	
VENOUS				ARTERIAL			
Venipuncture, needle or catheter for diagnostic study or intravenous therapy, percutaneous:				*36600	Arterial puncture; withdrawal of blood for diagnosis	0.2	0
36400	0.4	0		36620	Arterial catheterization or cannulation for sampling, monitoring or transfusion (separate procedure); percutaneous	1.0	0
*36405	0.6	0		36625	cutdown	1.4	7
*36406	0.3	0		36640	Arterial catheterization for prolonged infusion therapy (chemotherapy), cutdown (see also 96526)	2.0	7
*36410					(For arterial catheterization for occlusion therapy, see 75894 and 75895)		
	0.2	0		*36660	Catheterization, umbilical artery, newborn, for diagnosis or therapy	1.0	7
*36415	BR	0		36680	Placement of needle for <u>intraosseous infusion</u>	1.4	7
36420	1.0	7		INTERVASCULAR CANNULIZATION OR SHUNT (SEPARATE PROCEDURE)			
36425	0.72	7		36800	Insertion of cannula for hemodialysis, other purpose; vein to vein	3.0	7 3.0
36430	0.4	0		36810	arteriovenous, external (Scribner type)	9.0	7 3.0
*36440	1.2	0		36815	arteriovenous, external revision or closure	6.0	7 3.0
36450	7.0	0		36820	arteriovenous, internal (Cimino type)	BR	3.0
36455	BR+			36821	Arteriovenous anastomosis, direct, any site	10.0	60 4.0
36460	BR+			36822	Insertion of cannula(s) for <u>prolonged extracorporeal circulation for cardiopulmonary insufficiency (ECMO)</u>	12.0	7 3.0
*36470	*0.28	0			(For maintenance of prolonged extracorporeal circulation, use 33960)		
*36471	*0.4	0					
(((36480 has been deleted. To report, use 36488 or 36489)))							
(36485 has been deleted. To report, use 36490 or 36491))							
36488	0.8						
36489*	0.8						

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
36825	15.0	60	4.0				
36830	12.0	60	4.0				
36835	15.0	60	4.0				
36840	6.0	60	4.0		18.0	30	3.0
36845	10.0	60	4.0	37737	22.0	30	3.0
36860				37760			
36861	BR		4.0				
37140	BR		4.0		10.0	60	3.0
	32.0	90	11.0	37780			
	(For peritoneal-venous shunt, see 49425)						
37145	32.0	90	9.0	37781	2.0	30	3.0
37160	32.0	90	9.0	37785	4.0	30	3.0
37180	32.0	90	9.0				
37181				37787	1.2	15	3.0
				37799	1.8	15	3.0
37190	BR		9.0				
	BR		9.0		BR		3.0

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

REPAIR, LIGATION AND OTHER PROCEDURES

((37400-37560 have been deleted, use 35201-35286))

37565	BR		6.0
37600	10.0	30	3.0
37605	10.0	30	3.0
37606	10.0	30	4.0
	(For ligation treatment of intracranial aneurysm, see 61703)		
37609	4.0	30	4.0
37615	BR		4.0
37616	BR		6.0
37617	BR		6.0
37618	BR		4.0
37620			

37620	16.0	90	5.0
37650	8.0	30	3.0
37651	10.0	30	3.0
37660	12.0	90	3.0
37700	4.8	30	3.0
37701	6.0	60	3.0
37720	7.0	30	3.0
37721	12.0	30	3.0
37730	10.0	30	3.0
37731	14.5	30	3.0
37735			

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-130 SPLEEN.

	Unit Value	Follow-up Days=	Basic Anes@
38100	14.5	45	6.0
38101	14.5	45	6.0

EXCISION

((38090 has been deleted, use 38999))

REPAIR

38115	13.0	45	6.0
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INTRODUCTION

38200	2.0	7	3.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-135 LYMPH NODES AND LYMPHATIC CHANNELS.

	Unit Value	Follow-up Days=	Basic Anes@
*38300	*0.6	0	3.0
38305	BR		3.0
38308	BR		3.0
38380	BR		3.0
38381	BR		3.0
38382	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
38500	1.4	15	3.0
38505	BR		
38510	3.4	30	3.0
38520	5.0	30	3.0
38525	BR		
38530	7.0	60	3.0

(For percutaneous needle biopsy, retroperitoneal lymph node or mass, see 49180; for fine needle aspiration, use 88171)

~~((38540 has been deleted, use 38510, 38520))~~

38542	BR	60	3.0
38550	6.0	60	3.0
38555	BR		3.0

LIMITED LYMPHADENECTOMY FOR STAGING (SEPARATE PROCEDURE)

38562	BR		
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(When combined with prostatectomy, use 55812 or 55842)

(When combined with insertion of radioactive substance into prostate, use 55862)

38564	BR		
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(When combined with prostatectomy, use 55812 or 55842)

(When combined with insertion of radioactive substance into prostate, use 55862)

RADICAL LYMPHADENECTOMY (RADICAL RESECTION OF LYMPH NODES)

(For limited pelvic and retroperitoneal lymphadenectomies, see 38562-38564)

38700	12.0	60	4.0
38701	15.0	60	4.0
38720	19.0	60	4.0
38721	22.0	60	4.0
38724	BR		4.0
38740	8.0	60	3.0
38745	14.0	60	3.0

	Unit Value	Follow-up Days=	Basic Anes@
38760	8.0	60	3.0
38761	12.0	60	3.0
38765	20.0	60	5.0
38766	24.0	60	5.0
38770	12.0	60	6.0
38771	20.0	60	6.0
38780	28.0	90	7.0

(For excision and repair of lymphedematous skin and subcutaneous tissue, see 15000, 15500-15730)

INTRODUCTION

38790	3.0	7	
38791	4.0	7	
38794	BR		
38999	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-140 MEDIASTINUM.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
39000	6.0	90	6.0
39010	12.0	90	12.0
39020	22.0	90	12.0
((39050 Removal of foreign body, mediastinum, cervical approach)	8.0	90	6.0
39060 transthoracic	12.0	90	12.0
39070 sternal split	22.0	90	12.0

EXCISION

39200	18.0	90	12.0
39220	18.0	90	12.0

(For substernal thyroidectomy, see 60270)

(For thymectomy, see 60520)

ENDOSCOPY

39400	BR		3.0
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REPAIR

39499	BR		3.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-141 DIAPHRAGM.

		Unit Value	Follow-up Days=	Basic Anes@
REPAIR				
39501	Repair, laceration of diaphragm.	BR		6.0
39502	Repair, paraesophageal hiatus hernia, transabdominal with or without fundoplasty, vagotomy, and/or pyloroplasty, except neonatal.	BR		6.0
39503	Repair neonatal diaphragmatic hernia, including chest tube and ventral hernia.	BR		7.0
(((39500, 39510, Diaphragmatic hernia repair including fundoplasty have been deleted. To report, see 43324 or 43325)))				
39520	Repair, diaphragmatic hernia (esophageal hiatal); transthoracic.	17.0	90	11.0
39530	combined, thoracoabdominal.	19.0	90	11.0
39531	combined, thoracoabdominal, with dilation of stricture (with or without gastroplasty).	BR		11.0
39540	Repair, diaphragmatic hernia (other than neonatal), traumatic; acute.	BR		13.0
39541	chronic.	BR		11.0
39545	Imbrication of diaphragm for eventration; paralytic.	22.0	90	7.0
39547	nonparalytic.	BR		7.0
39599	Unlisted procedure, diaphragm.	BR		7.0
(For incidental repair of minor hiatal hernia, see WAC 296-22-010, item 7b)				

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

WAC 296-22-145 MOUTH.

(For drainage of abscess, see appropriate anatomic areas)

((Follow-up Basic Unit up Days= Anes@ Value))

((40000-40010 have been deleted. See 41000 et seq.))

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-146 LIPS.

(For procedures on skin of lips, see 10000 et seq.)

EXCISION

		Unit Value	Follow-up Days=	Basic Anes@
40490	Biopsy of lip.	0.6	7	3.0
40500	Vermilionectomy ("lip peel") with mucosal advancement.	10.5	120	3.0

		Unit Value	Follow-up Days=	Basic Anes@
40510	Excision of lip; transverse wedge excision with primary closure.	10.5	120	3.0
40520	V-excision of lesion with primary direct linear closure.	6.0	120	3.0
40525	full thickness, reconstruction with local flap (e.g., Estlander or fan).	BR		3.0
40527	full thickness, reconstruction with cross lip flap (Abbe-Estlander).	BR		3.0
(For excision of mucous lesions, see 40810-40814)				
40530	Resection of lip, more than one-fourth, without reconstruction.	6.0	120	3.0
(For lip reconstruction (see 13131 et seq.))				

REPAIR (CHEILOPLASTY)

40650	Repair lip, full thickness; vermilion only.	BR		3.0
40652	up to half vertical height.	BR		3.0
40654	over one half vertical height, or complex.	BR		3.0
40700	Plastic repair of cleft lip; primary, partial or complete, unilateral.	16.0	90	6.0
40701	Primary bilateral, one stage procedure.	20.0	90	6.0
40702	primary bilateral, one of two stages.	14.0	90	6.0
40720	secondary, unilateral, by recreation of defect and reclosure.	16.0	90	6.0
40740	secondary, bilateral (per major stage).	14.0	90	6.0
(((40760 Cross lip pedicle flap repair of cleft lip (Abbe-Estlander type) has been deleted. To report, use 40527)))				
40761	with cross lip pedicle flap (Abbe-Estlander type), including sectioning and inserting of pedicle.	BR		6.0

(For repair cleft palate, see 42200 et seq.)

(For other reconstructive procedures, see 14060, 14061, 15120-15261, 15515 et seq.)

OTHER PROCEDURES

40799	Unlisted procedure, lips.	BR		3.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-147 VESTIBULE OF MOUTH.

The vestibule is the part of the oral cavity outside the dentoalveolar structures; it includes the mucosal and submucosal tissue of lips and cheeks.

INCISION

40800*	Drainage of abscess, cyst, hematoma, vestibule of mouth; simple.	0.4	0	4.0
40801	complicated.	BR	0	4.0

	Unit Value	Follow-up Days=	Basic Anes@
40804* Removal of embedded foreign body; simple	0.4	0	4.0
40805 complicated	BR		4.0
40806 Incision of labial frenum (frenotomy)	Sv		4.0

EXCISION, DESTRUCTION

40808 Biopsy, vestibule of mouth	0.6	0	4.0
40810 Excision of lesion of mucosa and submucosa; without repair	0.6	0	4.0
40812 with simple repair	1.0	0	4.0
40814 with complex repair	BR	0	4.0
40816 complex, with excision of and underlying muscle	BR	0	4.0
40818 Excision of mucosa as donor graft	BR	0	4.0
40819 Excision of frenum, labial or buccal (frenulectomy, frenulectomy)	BR	0	4.0
40820 Destruction of lesion or scar by physical methods (e.g., laser, thermal, cryo, chemical)	BR	0	4.0

REPAIR

40830 Closure of laceration; 2.5 cm or less	0.4	0	4.0
40831 over ((2.6)) 2.5 cm or complex	0.4	0	4.0
40840 Vestibuloplasty; anterior	BR	0	4.0
40842 posterior, unilateral	BR	0	4.0
40843 posterior, bilateral	BR	0	4.0
40844 entire arch	BR	0	4.0
40845 complex (including ridge extension, muscle repositioning)	BR	0	4.0

(For skin grafts, see 15000 et seq.)

OTHER PROCEDURES

40899 Unlisted procedure, vestibule of mouth	BR		4.0
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AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-22-155 TEETH AND GUMS.

(For biopsy, see 11100)

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*41800 Drainage abscess, cyst, hematoma	*0.4	0	3.0
41805 Removal embedded foreign body; from soft tissues	0.8	0	3.0
41806 from bone	2.0	0	3.0
EXCISION, DESTRUCTION			
41820 Gingivectomy, excision gingiva, each quadrant	BR		3.0
41821 Operculectomy, excision pericoronary tissues	BR		3.0
41822 Excision fibrous tuberosities	BR		3.0
41823 Excision osseous tuberosities	BR		3.0
41825 Excision of lesion or tumor (except listed above); without repair	BR		3.0
41826 with simple repair	BR		3.0
41827 with complex repair	BR		3.0

(For nonexcisional destruction, see 41850)

	Unit Value	Follow-up Days=	Basic Anes@
41828 Excision of hyperplastic alveolar mucosa, each sextant or quadrant (specify)	BR		3.0
41830 Alveolectomy, including curettage of osteitis or sequestrum	BR		3.0
41850 Destruction of lesion (except excision), <u>dentoalveolar structures</u>	BR		3.0
OTHER PROCEDURES			
41870 Periodontal mucosal grafting	BR		3.0
41872 Gingivoplasty	BR		3.0
41874 Alveoplasty	BR		3.0
	(For closure of lacerations, see 40830, 40831)		
	(For segmental osteotomy, see 21202, 21206)		
	(For reduction of fractures, see 21420-21490)		
41899 Unlisted procedure, dentoalveolar structures	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-160 PALATE, UVULA.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*42000 Drainage of abscess of palate, uvula	*0.4	0	3.0
EXCISION, DESTRUCTION			
42100 Biopsy of palate, uvula	0.6	7	3.0
42104 Excision lesion of palate, uvula; without closure	BR		3.0
42106 with closure	BR		3.0
42107 with local flap closure	BR		3.0
	(For skin graft, see 14040-14300)		
	(For mucosal graft, see 40818)		
	(((For excision of local lesion of palate, see 11440-11442, 11640-11660)))		
	((For graft or flap closure, see 14040-14300, 15050, 15120, 15240, 15510-15720)))		
42120 Resection of palate or extensive resection of lesion	BR+		6.0
	(For reconstruction of palate with extraoral tissue, see 14040-14300, 15050, 15120, 15240, 15510-15720)		
42140 Uvulectomy: Excision of uvula	*0.6	0	3.0
42145 Palatopharyngoplasty (e.g., uvulopalatopharyngoplasty uvulopharyngoplasty)	BR		3.0
42150 Removal of exostosis bony palate	BR		3.0
42160 Destruction of lesion, palate or uvula (thermal, cryo or chemical)	BR		3.0

		Unit Value	Follow-up Days=	Basic Anes@			Unit Value	Follow-up Days=	Basic Anes@
REPAIR					(For laryngoscopic biopsy, see 31510, 31535, 31536)				
42180	Repair laceration of palate; up to 2 cm	BR			42808	Excision of lesion of pharynx ...	BR		3.0
42182	over 2 cm or complex	BR			42809	Removal of foreign body from pharynx	BR		3.0
42200	Palatoplasty for cleft palate, soft and/or hard palate only	16.0	90	6.0	42810	Excision branchial cleft cyst ₁ or vestige(;;) ₂ confined to skin and subcutaneous tissues	4.0	30	3.0
42205	Palatoplasty for cleft palate, with closure of alveolar ridge; soft tissue only	20.0	90	6.0	42815	<u>Excision branchial cleft cyst, vestige, or fistula, extending beneath subcutaneous tissues and/or into pharynx</u>	10.0	30	3.0
42210	with bone graft to alveolar ridge (includes obtaining graft)	22.0	90	6.0	42820	Tonsillectomy and adenoidectomy; under age 12 years	4.0	30	3.0
	(For obtaining bone graft by second surgeon, see WAC 296-22-010, item 5c and modifier -64)				42821	age 12 or over	4.8	30	3.0
42215	Palatoplasty for cleft palate; major revision	16.0	90	6.0	42825	Tonsillectomy, primary or secondary; under age 12	3.5	30	3.0
42220	secondary lengthening procedure	17.0	90	6.0	42826	age 12 or over	4.0	30	3.0
42225	attachment pharyngeal flap ...	17.0	90	6.0	42830	Adenoidectomy, primary; under age 12	2.8	30	3.0
42226	Lengthening of palate, and pharyngeal flap	BR	90	6.0	42831	age 12 or over	3.0	30	3.0
42227	Lengthening of palate, with island flap	BR	90	6.0	42835	Adenoidectomy, secondary; under age 12	2.8	30	3.0
42235	Repair anterior palate, including vomer flap	16.0	90	6.0	42836	age 12 or over	3.0	30	3.0
	((42250 Repair oronasal or oronasal fistula, up to 1 cm	BR	90	4.0	42842	Radical resection of tonsil, tonsillar pillars, and/or retromolar trigone; without closure	BR		3.0
	(For repair of larger defect, see 42215)				42844	closure with local flap (e.g., tongue, buccal)	BR		3.0
42260	Repair nasolabial fistula	BR		4.0	42845	closure with other flap	BR		3.0
42280	Maxillary impression for palatal prosthesis	BR		4.0	(For closure with other flap(s), use appropriate number for flap(s))				
42281	Insertion of pin-retained palatal prosthesis	BR		4.0	(When combined with radical neck dissection, use also 38720, 38721)				
	(For repair cleft lip, see 40700 et seq.)				42860	Excision of tonsil tags	2.8	30	3.0
OTHER PROCEDURES					42870	Excision lingual tonsil (separate procedure)	4.8	30	3.0
42299	Unlisted procedure, palate, uvula	BR		4.0	42880	Excision of nasopharyngeal lesion (e.g., fibroma)	BR		3.0
AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)					(For excision and repair of hypopharyngeal diverticulum, cervical approach, see 43130; for endoscopic approach, see 43225)				
WAC 296-22-170 PHARYNX, ADENOIDS AND TONSILS.					42890	Limited pharyngectomy; without radical neck dissection	BR		3.0
		Unit Value	Follow-up Days=	Basic Anes@	(((42895 Limited pharyngectomy with radical neck dissection has been deleted. To report, use also 38720 or 38721 with 42890)))				
INCISION					42892	Resection of lateral pharyngeal wall or pyriform sinus, direct closure by advancement of lateral and posterior pharyngeal walls ..	BR		3.0
*42700	Incision and drainage abscess; peritonsillar	*0.6	0	3.0	(When combined with radical neck dissection, use also 38720, 38721)				
42720	retropharyngeal or parapharyngeal, intraoral approach ...	2.4	15	3.0	42894	Resection of pharyngeal wall requiring closure with myocutaneous flap	BR		3.0
42725	retropharyngeal or parapharyngeal, external approach	BR		3.0	(When combined with radical neck dissection, use also 38720, 39721)				
EXCISION					42800	Biopsy; oropharynx	0.8	7	3.0
42802	hypopharynx	1.4	7	3.0	42804	nasopharynx, visible lesion, simple	1.0	7	3.0
42804	nasopharynx, visible lesion, simple	1.0	7	3.0	42806	nasopharynx, survey for unknown primary lesion	BR		3.0
42806	nasopharynx, survey for unknown primary lesion	BR		3.0					

	Unit Value	Follow-up Days=	Basic Anes@
REPAIR			
42900 Suture pharynx for wound or injury	BR		3.0
42950 Pharyngoplasty (plastic or reconstructive operation on pharynx) (For pharyngeal flap, see 42225)	BR		3.0
42953 Pharyngoesophageal repair (For closure with myocutaneous or other flap, use appropriate number in addition)	BR		3.0
OTHER PROCEDURES			
42955 Pharyngostomy (fistulization of pharynx, external for feeding) . . .	BR		
42960 Control oropharyngeal hemorrhage (primary or secondary, e.g., posttonsillectomy); simple	1.0	0	4.0
42961 complicated, requiring hospitalization	BR		4.0
42962 with secondary surgical intervention	BR		4.0
42970 Control of nasopharyngeal hemorrhage (primary or secondary, eg, postadenoidectomy); simple, with posterior nasal packs, with or without anterior packs and/or cauterization	2.0	0	4.0
42971 complicated, requiring hospitalization	BR		4.0
42972 with secondary surgical intervention	BR		4.0
42999 Unlisted procedure, pharynx, adenoids, or tonsils	BR		4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-180 ESOPHAGUS.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
43000 Esophagotomy, cervical approach; without removal foreign body	14.0	90	6.0
43020 with removal of foreign body	14.0	90	6.0
43030 Cricopharyngeal myotomy	14.0	90	6.0
43040 Esophagotomy, thoracic approach; without removal of foreign body	19.0	90	12.0
43045 with removal foreign body	19.0	90	12.0
EXCISION			
43100 Excision of local lesion, esophagus, with primary repair; cervical approach	19.0	90	12.0
43101 thoracic approach	20.0	90	12.0
43105 Wide excision of malignant lesion of cervical esophagus, with or without laryngectomy;	BR		12.0
43106 with radical neck dissection (Wookey type procedure)	BR		12.0
43110 Esophagectomy: (at upper two-thirds level) and gastric anastomosis with vagotomy; with or without pyloroplasty	30.0	90	12.0
43111 with second stage pyloroplasty	35.0	90	12.0

	Unit Value	Follow-up Days=	Basic Anes@
43115 Esophagectomy (at upper two-thirds level) with segment replacement, one or two stages . . .	40.0	90	12.0
43119 Total esophagectomy with gastropharyngostomy, without thoracotomy	BR		12.0
43120 Esophagogastrectomy (lower-third) and vagotomy, combined thoracoabdominal with or without pyloroplasty	29.0	90	12.0
43130 Diverticulectomy of hypopharynx or esophagus, with or without myotomy; cervical approach . . .	14.0	90	6.0
43135 thoracic approach	20.0	90	12.0
43136 Diverticulopexy of hypopharynx, with or without myotomy	BR		6.0
(For endoscopic approach, see 43225)			

ENDOSCOPY

(For endoscopic procedures, code appropriate endoscopy of each anatomic site examined)

43200 Esophagoscopy, rigid or flexible fiberoptic (specify); diagnostic procedure	4.0	15	3.0
43202 for biopsy and/or collection of specimen by brushing or washing for cytology	4.8	15	3.0
43204 for injection sclerosis of esophageal varices	5.0	15	3.0
43215 for foreign body removal	6.0	15	3.0
(For removal of foreign body with use of catheter see 74235)			
43217 for removal of polyp(s)	6.0	15	3.0
(43218 Esophagoscopy with irrigation has been deleted. To report, use 43499)			
43219 for insertion of plastic tube or stent	4.8	15	3.0
43220 for dilation, direct, any method	4.8	15	3.0
(For dilation, without visualization, see 43450-43456)			
(((43221 has been deleted. To report, use 43200 or 43235)			
(43222 has been deleted. To report, use 43202 or 43239)			
(43223 has been deleted. To report, use 43215 or 43247)			
(43224 has been deleted. To report, use 43217 or 43251)			
(43225 Dohlman procedure has been deleted. To report, use 43499))			
43226 ((with)) for insertion of wire to guide dilation	4.0	15	3.0
43227 for control of hemorrhage (e.g., electrocoagulation, laser photocoagulation)	5.0	15	3.0
43228 for ablation of tumor or mucosal lesion (e.g., electrocoagulation, laser photocoagulation)	5.0	15	3.0
(For gastroscopy, without esophagoscopy, see 43700-43714)			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
43234				(For fluoroscopic monitoring and radiography, see 74330)			
				REPAIR			
43234	BR		3.0	43300			
					Esophagoplasty; (plastic repair or reconstruction) cervical approach; without repair of tracheoesophageal fistula	BR	12.0
43235				43305			
					with repair of tracheoesophageal fistula	22.0	90 6.0
43239	5.0	15	3.0	43310			
					Esophagoplasty, (plastic repair or reconstruction) thoracic approach; without repair of tracheoesophageal fistula	30.0	90 12.0
43241	4.0	15	3.0	43312			
					with repair of tracheoesophageal fistula	26.0	90 12.0
43243	BR			43320			
					Esophagogastrostomy (cardioplasty) with or without vagotomy and pyloroplasty; abdominal approach	22.0	90 6.0
43245	BR	15	3.0	43321			
					thoracic approach	22.0	90 11.0
43246	BR	15	3.0	43324			
					Esophagogastric fundoplasty (e.g., Nissen, Belsey IV, Hill procedures)	BR	6.0
				43325			
					Esophagogastric fundoplasty with fundic patch (Thal-Nissen procedure)	BR	6.0
					(For cricopharyngeal myotomy, see 43030)		
				43330			
					Esophagomyotomy (Heller type) with or without hiatal hernia repair; abdominal approach	19.0	90 6.0
				43331			
					thoracic approach	19.0	90 11.0
					(For esophagoduodenostomy or esophagojejunostomy with total gastric resection, see 43620)		
				43340			
					Esophagojejunostomy (without total gastrectomy); abdominal approach	24.0	90 6.0
				43341			
					thoracic approach	24.0	90 11.0
				43350			
					Esophagostomy, fistulization of esophagus, external; abdominal approach	14.0	90 6.0
				43351			
					thoracic approach	14.0	90 11.0
				43352			
					cervical approach	14.0	90 14.0
					SUTURE		
				43400			
					Ligation, direct, esophageal varices	20.0	90 12.0
				43401			
					Transection of esophagus with repair, for esophageal varices	BR	
				43410			
					Suture esophageal wound or injury; cervical approach	BR	7.0
				43415			
					thoracic approach	19.0	90 12.0
				43420			
					Closure esophagostomy or fistula; cervical approach	14.0	90 6.0
				43425			
					thoracic approach	26.0	90 12.0
					(For repair of esophageal hiatal hernia, see 39500 et seq.)		
					MANIPULATION		
					(For associated esophagogram, use 74220)		
				*43450			
					Dilation of esophagus, by unguided sound or bougie, single or multiple; initial session	*0.6	0 3.0
				*43451			
					subsequent session	*0.6	0 3.0
				43453			
					Dilation of esophagus, over guide wire or string	3.0	15 3.0

	Unit Value	Follow-up Days=	Basic Anes@
(For dilation with direct visualization, see 43220)			
43455 Dilation of esophagus by balloon or Stark dilator;	4.0	15	3.0
43456 retrograde	BR		3.0
43460 Esophagogastric tamponade, with balloon (Sengstaaken type)	Sv.&		
<u>(For removal of esophageal foreign body by balloon catheter, use 74235)</u>			
43499 Unlisted procedure, esophagus	BR		3.0

~~(43709 has been deleted. To report, use 43247)~~
~~(43711 has been deleted. To report, use 43251)~~
~~(43712 has been deleted. To report, use 43255)~~
~~(43714 has been deleted. To report, use 43258)~~
~~(For esophagogastroduodenoscopy, see 43235-43264))~~

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-190 STOMACH.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
43500 Gastrotomy; with exploration or foreign body removal	12.0	45	5.0
43501 with suture repair of bleeding ulcer or esophagogastric laceration	BR		5.0
43510 with esophageal dilation and insertion of plastic tubes	BR		5.0
43520 Pyloromyotomy, cutting of pyloric muscle (Fredet-Ramstedt type operation)	10.0	45	6.0
EXCISION			
43600 Biopsy of stomach; by capsule, tube, peroral (one or more specimens)	3.0	0	
43605 by laparotomy	12.0	45	5.0
43610 Local excision of ulcer or tumor	14.5	45	6.0
43620 Gastrectomy, total; including intestinal anastomosis	28.0	90	7.0
43625 with repair by intestinal transplant	34.0	90	7.0
43630 Hemigastrectomy or distal subtotal gastrectomy including pyloroplasty, gastroduodenostomy or gastrojejunostomy; without vagotomy	19.0	60	6.0
43635 with vagotomy, any type	21.0	60	6.0
43638 Hemigastrectomy or proximal subtotal gastrectomy, thoracic or abdominal approach	19.0	60	6.0
43640 Vagotomy including pyloroplasty, with or without gastrostomy truncal or selective	17.0	60	6.0
(For pyloroplasty, see 43800)			
(For vagotomy, see 64752-64760)			
43641 parietal cell (highly selective)	BR		6.0

	Unit Value	Follow-up Days=	Basic Anes@
ENDOSCOPY			
(For upper gastrointestinal endoscopy, see 43234-43258)			
((43700 has been deleted. To report, use 43235))			
(43702 has been deleted. To report, use 43239)			

INTRODUCTION

	Unit Value	Follow-up Days=	Basic Anes@
43750 Percutaneous placement of gastrostomy tube	BR		5.0
*43760 Change of gastrostomy tube	BR		5.0
((43765 has been deleted))			

SUTURE

	Unit Value	Follow-up Days=	Basic Anes@
43800 Pyloroplasty	13.0	45	5.0
(For pyloroplasty and vagotomy, see 43640)			
43810 Gastroduodenostomy	14.0	45	5.0
43820 Gastrojejunostomy	14.0	45	5.0
43825 with vagotomy any type	18.0	45	6.0
43830 Gastrostomy, temporary (tube, rubber, or plastic) (separate procedure);	13.0	45	5.0
43831 neonatal, for feeding	8.0	30	5.0
(For change of gastrostomy tube, see 43760)			
43832 Gastrostomy, permanent, with construction of gastric tube	16.0	45	5.0
((43834 has been deleted, use 43246))			
43840 Gastrorrhaphy, suture of perforated duodenal or gastric ulcer, wound, or injury	13.0	45	6.0
43844 Gastric bypass for morbid obesity			
NONCOVERED PROCEDURE			
43845 Gastric stapling for morbid obesity			
NONCOVERED PROCEDURE			
43846 Gastric bypass with Roux-en-Y gastroenterostomy for morbid obesity			
NONCOVERED PROCEDURE			
43850 Revision of gastroduodenal anastomosis (gastroduodenostomy) with reconstruction, without vagotomy	20.0	60	5.0
43855 with vagotomy	23.0	60	6.0
43860 Revision of gastrojejunal anastomosis (gastrojejunostomy) with reconstruction; with or without partial gastrectomy or bowel resection; without vagotomy	20.0	60	5.0
43865 with vagotomy	23.0	60	6.0
43870 Closure of gastrostomy, surgical	12.0	45	5.0
43880 Closure of gastrocolic fistula	BR		5.0
43885 Anterior gastropexy for hiatal hernia (separate procedure)	BR		5.0
43999 Unlisted procedure, stomach	BR		5.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-195 **INTESTINES (EXCEPT RECTUM).**

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
((44000 has been deleted))			
44005 Enterolysis (freeing of intestinal adhesion) for acute bowel obstruction	14.5	90	6.0
44010 <u>Duodenotomy for exploration, biopsy(s), or foreign body removal</u>	14.5	60	7.0
44015 Needle catheter jejunostomy for enteral hyperalimentation (list separately in addition to primary procedure)	BR		4.0
44020 Enterotomy ((with)), <u>small bowel, other than duodenum, for exploration, biopsy(s); or foreign body removal</u> ((; small bowel, other than duodenum))	14.5	60	4.0
44021 for decompression (e.g. Baker tube)	BR	60	4.0
44025 <u>Colotomy, for exploration, biopsy(s), or foreign body removal</u>	15.0	60	4.0
44040 Exteriorization of intestine (Mikulicz resection with crushing of spur)	18.0	60	5.0
44050 Reduction of volvulus, intussusception, internal hernia, by laparotomy	14.0	90	5.0
44055 Correction of malrotation by lysis of duodenal bands and/or reduction of midgut volvulus (e.g., Ladd procedure)	BR	90	5.0
((44060 has been deleted, use 44799))			
EXCISION			
44100 Biopsy of intestine by capsule, tube, peroral (one or more specimens)	3.0	0	
44110 Excision of one or more lesions of small or large bowel not requiring anastomosis, exteriorization, or fistulization; single enterotomy	16.0	60	4.0
44111 multiple enterotomies	BR		4.0
((44115 Excision colonic diverticulum - BR))			
44120 Enterectomy, resection of small intestine; with anastomosis	17.0	60	6.0
44125 with double-barrel enterostomy	14.0	60	6.0
44130 Enteroenterostomy, anastomosis of intestine; (separate procedure)	14.5	90	5.0
44131 intestinal bypass for morbid obesity noncovered procedure			
44140 Colectomy, partial; with anastomosis	18.0	90	5.0
44141 with skin level cecostomy or colostomy	20.0	90	6.0
44143 with end colostomy and closure of distal segment (Hartmann type procedure) ..	18.0	90	6.0
44144 with resection, with colostomy or ileostomy and creation of mucofistula	18.0	90	6.0
44145 with coloproctostomy (low			

	Unit Value	Follow-up Days=	Basic Anes@
44146 pelvic anastomosis)	24.0	90	6.0
with coloproctostomy (low pelvic anastomosis) with colostomy	26.0	90	6.0
44147 abdominal and transanal approach	BR	90	6.0
44150 Colectomy, total, abdominal, with ileostomy or ileoproctostomy; without proctectomy ...	26.0	90	6.0
44151 with continent ileostomy	BR	90	6.0
44152 ((with continent ileostomy;)) with rectal mucosectomy ((and)), ileoanal anastomosis, with or without loop ileostomy	BR	90	6.0
44153 ((with continent ileostomy;)) with rectal mucosectomy, ileoanal anastomosis, ((and)) creation of ileal reservoir (S or J), with or without loop ileostomy	BR	90	6.0
44155 Colectomy, total abdominal, with proctectomy and ileostomy	30.0	90	6.0
44156 with continent ileostomy ...	BR	90	6.0
44160 Colectomy with removal of terminal ileum and ileocolostomy ..	30.0	90	6.0
ENTEROSTOMY—EXTERNAL FISTULIZATION OF INTESTINES (SEPARATE PROCEDURE)			
44300 Enterostomy, ((tube;)) or cecostomy, tube (e.g., for decompression of feeding)	8.5	90	4.0
44305 in conjunction with other procedures	2.0	90	
((44308 has been deleted, use 44799))			
44310 Ileostomy	14.5	90	4.0
44312 Revision of ileostomy; simple (release of superficial scar)	BR		4.0
44314 complicated (reconstruction in depth)	BR		4.0
44316 Continent ileostomy (Koch procedure)	BR		4.0
(For fiberoptic evaluation, see 44385)			
44320 Colostomy or skin level cecostomy (separate procedure)	12.0	90	4.0
44322 with multiple biopsies (e.g., for Hirschsprung disease)	BR	90	4.0
44340 Revision of colostomy, simple (release of superficial scar)	1.2	90	4.0
44345 complicated (reconstruction in depth)	6.0	60	4.0
44346 with repair of paracolostomy hernia	BR	60	4.0
ENDOSCOPY, SMALL BOWEL AND STOMAL			
(For upper gastrointestinal endoscopy, see 43234-43258)			
44360 Small intestinal endoscopy, enteroscopy beyond second portion of duodenum; diagnostic	3.0	7	3.0
44361 for biopsy and/or collection of specimen by brushing or washing for cytology	2.0	7	3.0
44363 with removal of foreign body ..	BR	7	3.0
44364 with removal of polyps	3.0	7	3.0
44366 for control of hemorrhage (e.g., electrocoagulation, laser photocoagulation)	BR		3.0

Unit Follow-up Basic
Value Days= Anes@

44369	for ablation of tumor or mucosal lesion (e.g., laser hot biopsy/fulguration)	2.0	7	3.0
(((44375 has been deleted. To report, use 43235)))				
44372	for placement of percutaneous jejunostomy tube	BR		
44373	for conversion of percutaneous gastrostomy tube to percutaneous jejunostomy tube	BR		
44380	Fiberoptic ileoscopy through stoma;	4.0	7	3.0
44382	with biopsy and/or collection of specimen by brushing or washing	3.0	7	3.0
44385	Fiberoptic evaluation of small intestinal (cock) or pelvic pouch;	3.0	7	3.0
44386	for biopsy and/or collection of specimen by brushing or washing	BR		3.0
44388	Fiberoptic colonoscopy through colostomy	3.0	7	3.0
44389	with biopsy and/or collection of specimen by brushing or washing	2.5		3.0
44390	with removal of foreign body	3.5		3.0
44391	for control of hemorrhage (e.g., electrocoagulation, laser photocoagulation)	3.5		3.0
44392	with removal of polypoid lesion(s)	3.5		3.0
44393	for ablation of tumor or mucosal lesion (e.g., laser hot biopsy/fulguration)	BR		3.0

(For colonoscopy per rectum, see 45360-45386)

(((44000, 44005 have been deleted, use 44799)))

SUTURE

44600	Suture of intestine (enterorrhaphy), large or small, for perforated ulcer, diverticulum, wound, injury or rupture; single	14.0	45	7.0
44605	with colostomy	16.0	90	7.0
44610	multiple	BR		7.0
44620	Closure of enterostomy, large or small intestine;	10.0	90	5.0
44625	with resection and anastomosis	14.0	90	6.0
44640	Closure of intestinal cutaneous fistula	BR		4.0
44650	Closure of enteroenteric or enterocolic fistula	14.0	90	5.0
44660	Closure of enterovesical fistula; without intestinal or bladder resection	14.0	90	5.0
(For closure of renocolic fistula, see 50525, 50526)				
44661	with bowel and/or bladder resection	BR		5.0
(For closure of gastrocolic fistula, see 43880)				
(For closure of rectovesical fistula, see 45800-45805)				
44680	Intestinal plication, (separate procedure)	20.0	90	6.0
44799	Unlisted procedure, intestine	BR		5.0

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

WAC 296-22-200 MECKEL'S DIVERTICULUM AND THE MESENTERY.

Unit Follow-up Basic
Value Days= Anes@

EXCISION

44800	Excision of Meckel's diverticulum (diverticulectomy) or omphalomesenteric duct	10.0	45	4.0
44820	Excision of lesion of mesentery (separate procedure) (with bowel resection, see 44120 or 44140 et seq.)	BR		4.0
(With bowel resection, see 44120 or 44140 et seq.)				

SUTURE

44850	Suture of mesentery (separate procedure)	13.0	45	4.0
(For reduction and repair of internal hernia, see 44050)				
44899	Unlisted procedure, Meckel's diverticulum and the mesentery	BR		4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-210 RECTUM.

Unit Follow-up Basic
Value Days= Anes@

INCISION

45000	Transrectal drainage of pelvic abscess	3.0	15	3.0
45005	Incision and drainage of submucous abscess, rectum	4.5	30	3.0
45020	Incision and drainage of deep supraleator, pelvirectal or retrorectal abscess (see also 46050, 46060)	4.8	30	3.0

EXCISION

45100	Biopsy of anorectal wall, anal approach (e.g., congenital megacolon)	4.0	15	3.0
(((45105 has been deleted)))				
(For endoscopic biopsy, see 45305)				
45108	Anorectal myomectomy	BR		3.0
45110	Proctectomy; complete, combined abdominoperineal, with colostomy, one or two stages	26.0	90	7.0
45111	partial resection of rectum	24.0	90	7.0
45112	Proctectomy, combined abdominoperineal, pull-through procedure, one or two stages	28.0	90	7.0
45114	Proctectomy, partial, with anastomosis; abdominal and transacral approach, one or two stages	30.0	90	7.0
45116	transacral approach only (Kraske type)	28.0	90	7.0
45120	Proctectomy, complete, (e.g., for congenital megacolon ((t))Swenson Duhamel, or Soave			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
	26.0	90	7.0	((45360 Colonoscopy, fiberoptic, beyond 25 cm to splenic flexure; diagnostic procedure	5.0	7	3.0
45121 type operation).....				45365 for biopsy and/or collection of specimen by brushing or washing.....	4.0	7	3.0
45130 Excision of rectal procidentia, with anastomosis; perineal approach.....	BR			45367 with removal of foreign body.....	5.0	7	3.0
45135 abdominal and perineal approach.....	14.5	90	4.0	45368 for control of hemorrhage (e.g., electrocoagulation).....	6.0	7	3.0
45150 Division of stricture of rectum ..	26.0	90	6.0	45369 for ablation of tumor or mucosal lesion (e.g., electrocoagulation, laser photocoagulation).....	BR		3.0
45160 Excision of rectal tumor by proctotomy, transacral or transcoccygeal approach	BR		3.0	45370 with removal of polypoid lesion(s).....	6.0	7	3.0
45170 Excision of rectal tumor, ((simple,)) transanal approach	19.0	90	3.0	((45371 Colonoscopic retrograde lavage has been deleted. To report, use 44799))			
45180 Excision and/or electrodesiccation of malignant tumor of rectum, transanal approach((, palliative))	BR		3.0	45372 for decompression of volvulus ..	BR		3.0
((45181 therapeutic	BR		3.0	45378 Colonoscopy, fiberoptic, beyond splenic flexure; diagnostic procedure	6.0	7	3.0
BR	BR		3.0	45379 with removal of foreign body ..	7.0	7	3.0
ENDOSCOPY				45380 with biopsy and/or collection of specimen for cytology	6.0	7	3.0
45300 Proctosigmoidoscopy; diagnostic (separate procedures)	0.6	0	3.0	45382 for control of hemorrhage	7.0	7	3.0
45302 for collection of specimen by brushing or washing for cytology	1.0	7	3.0	45383 for ablation of tumor or mucosal lesion (e.g., electrocoagulation, laser photocoagulation, hot biopsy/fulguration) ..	BR		3.0
45303 for dilation, direct, instrumental	1.5	7	3.0	45385 for removal of polypoid lesion(s)	7.0	7	3.0
45305 for biopsy,	1.2	7	3.0	((45386 Colonoscopic retrograde lavage has been deleted. To report, use 44799)))			
45307 for removal of foreign body ..	1.0	7	3.0	(For small bowel and stomal endoscopy, see 44360-44393)			
45310 for removal of polyp or papilloma	1.4	7	3.0	REPAIR			
45315 with removal of multiple excrescences, papillomata or polyps	1.8	7	3.0	45500 Proctoplasty, for stenosis	10.0	90	3.0
45317 for control of hemorrhage (e.g., electrocoagulation, laser photocoagulation)	2.0	7	3.0	45505 for prolapse of mucous membrane	11.0	90	3.0
((45319 Endoscopic retrograde lavage has been deleted. To report, use 45999)))				45520 Perirectal injection of sclerosing solution for prolapse; office	1.0	0	
45320 for ablation of tumor (e.g., electrocoagulation, laser photocoagulation, hot biopsy/fulguration)	BR			45521 hospital	4.0	30	3.0
45321 for decompression of volvulus ..	BR		3.0	45540 Proctopexy for prolapse, abdominal approach	18.0	90	4.0
(45325 colonoscopy has been renumbered 45355 without change in terminology)				45541 perineal approach	18.0	90	3.0
45330 Sigmoidoscopy, flexible fiberoptic; diagnostic	0.8	15	3.0	45550 proctopexy combined with sigmoid resection, abdominal approach	22.0	90	5.0
45331 for biopsy and/or collection of specimen by brushing or washing	1.4	15	3.0	45560 Repair of rectocele (separate procedure)	24.0	90	5.0
45332 for removal of foreign body ..	1.4	15	3.0	(For repair of rectocele with posterior colporrhaphy, see 57250)			
45333 with removal of polyp(s)	1.8	15	3.0	SUTURE			
45334 for control of hemorrhage (e.g., electrocoagulation, laser photocoagulation)	BR			45800 Closure of rectovesical fistula; ..	20.0	90	5.0
45336 for ablation of tumor or mucosal lesion (e.g., electrocoagulation, laser photocoagulation, hot biopsy/fulguration) ..	BR		3.0	45805 with colostomy	22.0	90	5.0
45377 for decompression of volvulus ..	BR		3.0	45820 Closure of rectourethral fistula ..	20.0	90	3.0
45355 Colonoscopy, with standard sigmoidoscope, transabdominal via colotomy, single or multiple ..	3.0	7	3.0	45825 with colostomy	22.0	90	4.0
				(For rectovaginal fistula closure, see 57300-57308)			
				MANIPULATION			
				*45900 Reduction of procidentia (separate procedure) under anesthesia ..	*0.6	0	3.0
				45905* Dilation of anal sphincter (separate procedure) under anesthesia other than local	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
45910 Dilation of rectal stricture (separate procedure) under anesthesia other than local	BR		3.0
45915* Removal of fecal impaction or foreign body (separate procedure) under anesthesia	BR		3.0
45999 Unlisted procedure, rectum	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
46270 Fistulectomy; subcutaneous	2.4	30	3.0
46275 submuscular	9.5	90	3.0
46280 complex or multiple	BR+		3.0
46285 second stage	2.0	30	3.0
*46320 Enucleation or excision of external thrombotic hemorrhoid	*0.72	0	3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-215 ANUS.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*46000 Fistulotomy, subcutaneous	*0.6	0	3.0
(For fistulectomy, see 46060, 46270-46285)			
*46030 Removal of seton, other marker	*0.6	0	
(((46032 has been deleted, use 46999)))			
46040 Incision and drainage of ischiorectal and/or perirectal abscess (separate procedure)	2.4	15	3.0
46045 Incision and drainage of intramural, intramuscular or submucosal abscess, transanal, under anesthesia	2.4	15	3.0
*46050 Incision and drainage, perianal abscess, superficial (see also 45020, 46060)	*0.48	0	3.0
46060 Incision and drainage of ischiorectal or intramural abscess with fistulectomy, submuscular (see also 45020)	9.5	90	3.0
46070 Incision, anal septum (infant) ...	1.2	0	3.0
(For anoplasty, see 46700-46705)			
*46080 Sphincterotomy, anal, division of anal sphincter (separate procedure)	*1.2	0	3.0
46083 Incision of thrombosed hemorrhoid, external	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
46200 Fissurectomy, with or without sphincterotomy	4.8	90	3.0
46210 Cryptectomy, single	1.4	30	3.0
46211 multiple, (separate procedure)	7.0	90	3.0
46220 Papillectomy or excision of single tab, anus (separate procedure) ..	0.6	15	3.0
46221 Hemorrhoidectomy, by simple ligature (rubber band)	BR		3.0
46230 Excision of external hemorrhoid tags and/or multiple papillae ...	1.2	15	3.0
46250 Hemorrhoidectomy, external, complete	4.8	90	3.0
46255 Hemorrhoidectomy, internal and external, simple;	7.0	90	3.0
46257 with fissurectomy	BR		3.0
46258 with fistulectomy, with or without fissurectomy	BR		3.0
46260 Hemorrhoidectomy, internal and external, complex or extensive; ..	10.0	90	3.0
46261 with fissurectomy	BR		3.0
46262 with fistulectomy, with or without fissurectomy	BR		3.0

INTRODUCTION

*46500 Injection of sclerosing solution, hemorrhoids	*0.4	0	3.0
(((46510, 46530 have been deleted, use 46999)))			

ENDOSCOPY

*46600 Anoscopy; diagnostic (separate procedure)	*0.32	0	3.0
46602 for collection of specimen by brushing or washing for cytology	0.5	0	3.0
46604 for dilation, direct, instrumental	0.7	0	3.0
46606 for biopsy	1.0	0	3.0
46608 for removal of foreign body ..	1.5	0	3.0
46610 for removal of polyp	1.5	0	3.0
46612 for multiple polyp removal ...	BR		3.0
46614 with coagulation for control of hemorrhage and/or fulguration of mucosal lesion	BR		3.0

REPAIR

46700 Anoplasty, plastic operation for stricture; adult	9.0	90	3.0
46705 infant	10.0	30	4.0
(For simple incision of anal septum, see 46070)			
46715 Repair of congenital anovaginal fistula ("cut-back" type procedure)	12.0	90	4.0
46716 Perineal transplant of anovaginal fistula	14.0	90	4.0
46730 Construction of anus for congenital absence; perineal or sacrococcygeal approach	16.0	90	5.0
46735 combined abdominal and perineal approach	20.0	90	7.0
46740 Construction of anus for congenital absence, with repair of urinary fistula	22.0	90	7.0
46750 Sphincteroplasty, anal, for incontinence, or prolapse; adult	10.0	90	3.0
46751 child	12.0	90	4.0
46753 Graft (Thiersch operation) for rectal incontinence and/or prolapse	BR		4.0
46754 Removal of Thiersch wire or suture	BR		4.0
46760 Sphinteroplasty, anal, for incontinence, adult, muscle transplant	BR		4.0
<u>46761 levator muscle imbrication (park posterior anal repair) ..</u>	<u>BR</u>		
<u>46762 implantation artificial sphincter</u>	<u>BR</u>		

DESTRUCTION

*46900 Destruction of lesion(s), anus (e.g., condyloma, papilloma, molluscum contagiosum, herpetic vessel, simple chemical	*0.48	0	
*46910 electrodesiccation	*0.8	0	3.0
46916 cryosurgery	BR	0	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
46917 laser surgery	BR			SUTURE			
46922 surgical excision	BR		3.0	47350 Hepatorrhaphy, suture of liver wound or injury; simple	14.0	45	4.0
46924 Destruction of lesion(s), anus (e.g., condyloma, papilloma, molluscum, contagiosum, herpetic vessel) extensive, any method	BR		3.0	47355 with common duct or gallbladder drainage	18.0	45	7.0
((46930-46933 have been deleted, use 46916, 46924))				47360 complex, with or without hepatic artery ligation	BR		12.0
46934 Destruction of hemorrhoids, any method; internal	BR			47399 Unlisted procedure, liver	BR		3.0
46935 external	BR			AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)			
46936 internal and external	BR			WAC 296-22-225 BILIARY TRACT.			
46937 Cryosurgery of rectal tumor; benign	BR				Unit Value	Follow-up Days=	Basic Anes@
46938 malignant	BR		3.0	INCISION			
46940 Curettage or cauterization of anal fissure, including dilation of anal sphincter (separate procedure); initial	BR		3.0	47400 Hepaticotomy or hepaticostomy with exploration, drainage, or removal of calculus	20.0	45	6.0
46942 subsequent	BR			47420 Choledochotomy or choledochostomy with exploration, drainage, or removal of calculus, with or without cholecystotomy;	17.0	45	5.0
SUTURE				47425 with transduodenal sphincterotomy or sphincteroplasty	19.0	45	6.0
46945 Ligation of internal hemorrhoids; single procedure	BR		3.0	47440 Duodenocholedochotomy, transduodenal choledocholithotomy	19.0	45	6.0
46946 multiple procedures	BR		3.0	47460 Transduodenal sphincterotomy or sphincteroplasty (separate procedure)	19.0	45	6.0
OTHER PROCEDURES				47480 Cholecystotomy or cholecystostomy with exploration, drainage or removal of calculus (separate procedure)	12.0	45	5.0
46999 Unlisted procedure, anus	BR		3.0	47490 Percutaneous cholecystostomy	BR		
AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)				INTRODUCTION			
WAC 296-22-220 LIVER.				47500 Injection procedure for percutaneous transhepatic cholangiography	1.6	0	
	Unit Value	Follow-up Days=	Basic Anes@	47510 Introduction of percutaneous transhepatic catheter or stent for biliary drainage	BR		
INCISION				47525 Change of percutaneous biliary drainage catheter	BR		5.0
*47000 Biopsy of liver, percutaneous needle	*1.4	0	3.0	47530 T-tube revision and/or reinsertion	BR		5.0
(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943)				(For radiologic guidance, see 75981, 75983)			
(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)				ENDOSCOPY			
47010 Hepatotomy for drainage of abscess or cyst, one or two stages	BR		3.0	47550 Biliary endoscopy, intraoperative (choledochoscopy)	BR		5.0
EXCISION				(Use 47550 with either 47420 or 47610)			
47100 Biopsy of liver, wedge (separate procedure)	10.0	45	4.0	47552 Biliary endoscopy, percutaneous via T-tube or other tract; diagnostic	BR		5.0
47120 Hepatectomy, resection of liver; partial lobectomy	19.0	45	10.0	47553 for biopsy and/or collection of specimen by brushing or washing	BR		5.0
47122 trisegmentectomy	BR			47554 for removal of stone(s)	BR		5.0
47125 total left lobectomy	BR		13.0	47555 for dilation of biliary duct stricture	BR		5.0
47130 total right lobectomy	BR		13.0	(For peroral biliary endoscopic procedure see 43260-43272)			
47133 Donor hepatectomy, with preparation and maintenance of homograft	BR		13.0				
47135 Liver transplant, with or without recipient hepatectomy	BR		15.0				
REPAIR							
47300 Marsupialization of cyst or abscess of liver	14.5	60	6.0				

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
47600 Cholecystectomy;.....	14.5	45	5.0
47605 with cholangiography	15.0	45	5.0
47610 Cholecystectomy with exploration of common duct	17.0	45	6.0
(((47611 has been deleted. To report, use 47610 with 47550)))			
47612 with choledochenterostomy ..	BR	45	6.0
47620 with transduodenal sphincterotomy or sphincteropalsty [sphincteroplasty], with or without cholangiography	20.0	45	6.0
47630 Biliary duct stone extraction, percutaneous via t-tube tract (e.g., Burhenne technique)	BR		5.0
(For fluoroscopic procedure, see 74327)			
47700 Exploration for congenital atresia of bile ducts, without repair, with or without liver biopsy, with or without cholangiography	14.5	45	6.0
47701 Portoenterostomy (e.g., Kasai procedure)	BR		
47710 Excision of bile duct tumor, with repair	BR		
47715 Excision of choledochal cyst	BR		
47716 Anastomosis, choledochal cyst, without excision	BR		
REPAIR			
47720 Chloecystoenterostomy; direct ..	14.5	60	5.0
47721 with gastroenterostomy	16.0	60	6.0
47740 Roux-en-y	16.0	60	6.0
47760 Anastomosis, direct, of extrahepatic biliary ducts and gastrointestinal tract	20.0	90	6.0
47765 Anastomosis, direct, of intrahepatic ducts and gastrointestinal tract	BR		6.0
47780 Anastomosis, Roux-en-y of extrahepatic biliary ducts and gastrointestinal tract	22.0	90	6.0
47800 Reconstruction, plastic, of extrahepatic biliary ducts with end-to-end anastomosis	20.0	90	6.0
47801 Placement of choledochal stent ..	BR		5.0
(((47810 Implantation of biliary istulous tract into stomach or intestine. BR 5.0)))			
47802 U-tube hepaticoenterostomy	BR		
OTHER PROCEDURES			
(((47850, 47855 have been deleted, use 47999)))			
47999 Unlisted procedure, biliary tract.	BR		5.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-230 PANCREAS.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
48000 Drainage of abdomen for pancreatitis	13.0	60	5.0
48020 Removal of pancreatic calculus ..	20.0	60	6.0

EXCISION

	Unit Value	Follow-up Days=	Basic Anes@
48100 Biopsy of pancreas (separate procedure)	14.0	60	5.0
48102 Biopsy of pancreas, needle, percutaneous	2.5	7	
(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943)			
(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)			
48120 Excision of lesion of pancreas (e.g., cyst, adenoma)	17.0	60	6.0
48140 Pancreatectomy, distal subtotal, with or without splenectomy; ...	20.0	60	6.0
48145 with pancreaticojejunostomy	22.0	60	6.0
48148 Excision of ampulla of Vater, simple	BR		6.0
48150 Pancreatectomy, proximal subtotal, with pancreaticoduodenostomy (Whipple type procedure and pancreatic jejunostomy)	34.0	60	6.0
48151 Pancreatectomy, near-total, with preservation of duodenum (Child type procedure)	BR		
48155 Pancreatectomy, total;	34.0	60	6.0
48160 with transplantation	BR		6.0
48180 Pancreaticojejunostomy side-to-side anastomosis, Puestow type operation, (separate procedure) ..	24.0	60	6.0

ENDOSCOPY

(For peroral pancreatic endoscopic procedures see 43260-43272)

REPAIR

48500 Marsupialization of cyst of pancreas	14.5	60	6.0
48510 External drainage, pseudocyst of pancreas	BR		
48520 Internal anastomosis of pancreatic cyst to gastrointestinal tract; direct	17.0	60	6.0
48540 Roux-en-y	19.0	60	6.0
48999 Unlisted procedure, pancreas ...	BR		6.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-235 ABDOMEN, PERITONEUM AND OMENTUM.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
49000 Exploratory laparotomy, exploratory celiotomy with or without biopsy(s) (separate procedure) (see WAC 296-22-010, item 7b)	10.0	45	6.0
49002 Reopening of recent laparotomy incision for exploration; removal of hematoma, control of bleeding	10.0	45	7.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
49010				*49420			
Exploration, retroperitoneal area with or without biopsy(s) (separate procedure)	10.0	45	6.0	Insertion of intraperitoneal cannula or catheter for drainage or dialysis; temporary	*1.0	0	3.0
49020				49421	BR		3.0
Drainage of peritoneal abscess or localized peritonitis, exclusive of appendiceal abscess, transabdominal	11.0	45	6.0	49425	BR		3.0
(For appendiceal abscess, see 44900)				49426	BR		3.0
49040				Revision of peritoneal-venous shunt			
Drainage of subdiaphragmatic or subphrenic abscess	12.0	45	7.0	(For shunt patency test, see 78291)			
49060				((49430, 49440 have been deleted, use 49999))			
Drainage of retroperitoneal abscess	11.0	45	7.0				
*49080				REPAIR			
Peritoneocentesis, abdominal paracentesis or peritoneal lavage; initial	*0.8	0	4.0	HERNIOPLASTY, HERNIORRHAPHY, HERNIOTOMY			
*49081				(For reduction and repair of intra-abdominal hernia, see 44050)			
subsequent	*0.6	0	4.0	(For debridement of abdominal wall, see 11042, 11043)			
49085				(All codes for bilateral procedures in hernia repair have been deleted. To report, add modifier -50)			
Removal of peritoneal foreign body	BR		6.0	49500			
(For lysis of intestinal adhesions, see 44000)				Repair inguinal hernia, under age 5 years, with or without hydrocelectomy; unilateral	7.0	45	3.0
EXCISION AND DESTRUCTION				49505			
*49180				Repair inguinal hernia, age 5 or over; unilateral	9.0	45	4.0
Biopsy, abdominal or retroperitoneal mass, needle, percutaneous	2.5	7		49510			
(For CT guidance, see 76360, 76361, 76365, 76366; for ultrasonic guidance, see 76942, 76943)				Repair of inguinal hernia, age 5 or over; unilateral, with orchiectomy, with or without implantation of prosthesis	9.5	45	3.0
(For fine needle aspiration, preparation, and interpretation of smears, see 76942, 76943)				49515			
49200				with excision of hydrocele or spermatocele	9.5	45	3.0
Excision or destruction by any method of intra-abdominal or retroperitoneal tumors or cysts or endometriomas	14.0	60	5.0	49520			
49201				recurrent	10.0	45	4.0
extensive	BR		5.0	49525			
49215				sliding	10.0	45	3.0
Excision of presacral or sacrococcygeal tumor	BR			49530			
49220				incarcerated	12.0	45	3.0
Staging celiotomy (laparotomy) for Hodgkin's disease or lymphoma (includes splenectomy, needle or open biopsies of both liver lobes, possibly also removal of abdominal nodes, abdominal node and/or bone marrow biopsies, ovarian repositioning)	BR	45	5.0	49535			
49250				strangulated	12.0	45	3.0
Umbilectomy, omphalectomy, excision of umbilicus (separate procedure)	BR		5.0	49540			
49255				Repair lumbar hernia	10.0	45	3.0
Omentectomy, epiploectomy, resection of omentum (separate procedure)	BR		5.0	49550			
ENDOSCOPY				Repair femoral hernia, groin incision; unilateral	9.0	45	3.0
49300				49552			
Peritoneoscopy; without biopsy	4.0	15	3.0	Repair femoral hernia, Henry approach; unilateral	10.0	45	3.0
49301				49555			
with biopsy	6.0	10	5.0	Repair femoral hernia, recurrent, any approach	10.0	45	3.0
49302				49560			
Peritoneoscopy with guided transhepatic cholangiography; without biopsy	7.0	10	5.0	Repair ventral hernia (separate procedure);	11.0	45	6.0
49303				recurrent	12.0	45	3.0
with biopsy	8.0	10	5.0	49570			
(For sterilization by laparoscopic technique, see 58982)				Repair epigastric hernia, peritoneal fat (separate procedure); simple	3.0	45	3.0
INTRODUCTION AND REVISION				49575			
*49400				complex	7.0	45	3.0
Pneumoperitoneum (separate procedure); initial	*1.0	0	3.0	49580			
*49401				Repair umbilical hernia; under age 5 years	7.0	45	3.0
subsequent	*0.6	0	3.0	49581			
				age 5 or over	8.5	45	4.0
				49590			
				Repair spigelian hernia	9.0	45	3.0
				49600			
				Repair of omphalocele; small, with primary closure	9.5	45	6.0
				49605			
				large or gastroschisis, with or without prosthesis	14.5	60	9.0
				49606			
				with staged closure of prosthesis, reduction in operating room, under anesthesia	BR		9.0
				49610			
				Repair of omphalocele (Gross type operation); first stage	12.0	60	8.0
				49611			
				second stage	12.0	60	7.0
				(For diaphragmatic or hiatal hernia repair, see ((39500-39531)) 39502-39541)			

	Unit Value	Follow-up Days=	Basic Anes@
((49630 Reduction of torsion, omentum	BR	-----	5.0
49635 Omentopexy for establishing collateral circulation in portal obstruction	BR	-----	5.0
49640 Omentoplasty (omental flap reconstruction for transfer of omentum with intact blood supply to thorax, neck or axilla) ...	BR	-----	5.0))
<u>(For surgical repair of omentum, use 49999)</u>			

SUTURE

49900 Suture, secondary, of abdominal wall for evisceration or dehiscence	6.0	30	5.0
(For suture of ruptured diaphragm, see 39540-39541)			
(For debridement of abdominal wall, see 11042, 11043)			
((49910 Suture of omentum, omentorrhaphy for wound or injury ...	BR	-----	5.0))
49999 Unlisted procedure, abdomen, peritoneum and omentum	BR		5.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-245 KIDNEY.

INCISION

	Unit Value	Follow-up Days=	Basic Anes@
(For retroperitoneal exploration, abscess, tumor, or cyst, see 49010, 49060, 49200, 49201)			
50010 Renal exploration, not necessitating other specific procedures	17.0	90	6.0
50020 Drainage of perirenal or renal abscess (separate procedure) ...	14.0	90	5.0
50040 Nephrostomy, nephrotomy with drainage	20.0	90	5.0
50045 Nephrotomy, with exploration ..	20.0	90	5.0
(For renal endoscopy performed in conjunction with this procedure, see 50570-50580)			
50060 Nephrolithotomy; removal of calculus	20.0	90	5.0
50065 secondary surgical operation for calculus	24.0	90	5.0
50070 complicated by congenital kidney abnormality	24.0	90	5.0
50075 removal of large (staghorn calculus filling renal pelvis and calyces including anastrophic pyelolithotomy)	26.0	90	5.0
50080 Percutaneous nephrostolithotomy or pyelolithotomy, with or without dilation, endoscopy, lithotripsy, stenting or basket extraction; up to 2 cm	BR		5.0
50081 over 2 cm	BR		5.0
(For establishment of nephrostomy without nephrostolithotomy, see 50040, 50395 or 52334)			
50100 Transection or repositioning of aberrant renal vessels (separate			

	Unit Value	Follow-up Days=	Basic Anes@
50120 procedure)	17.0	90	5.0
Pyelotomy; with exploration	20.0	90	5.0
(For renal endoscopy performed in conjunction with this procedure, see 50570-50580)			
50125 with drainage, pyelostomy	20.0	90	5.0
50130 with removal of calculus (pyelolithotomy, pelviolithotomy including coagulum pyelolithotomy)	20.0	90	5.0
50135 complicated (e.g., secondary operation, congenital kidney abnormality)	24.0	90	5.0

EXCISION

(For excision of retroperitoneal tumor or cyst, see 49200, 49201)			
*50200 Renal biopsy, percutaneous; by trocar or needle	2.4	7	
(For CT guidance, see 76360, 76361; for fluoroscopic guidance, see 76000; for ultrasonic guidance, see 76942, 76943)			

~~((For fluoroscopic guidance, see 76000; for ultrasonic guidance, see 76942, 76943))~~

(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)

50205 by surgical exposure of kidney	8.0	30	5.0
50220 Nephrectomy, including partial ureterectomy, any approach including rib resection;	20.0	90	5.0
50225 complicated because of previous surgery on same kidney	24.0	90	5.0
50230 radical, with regional lymphadenectomy	26.0	90	5.0
50234 Nephrectomy with total ureterectomy and bladder cuff; through same incision	24.0	90	5.0
50236 through separate incision	24.0	90	5.0
50240 Nephrectomy, partial	24.0	90	5.0
50280 Excision or unroofing of cyst(s) of kidney	18.0	90	5.0
50290 Excision of perinephric cyst	18.0	90	5.0

RENAL TRANSPLANTATION

(For dialysis, see 90941-90999)			
50300 Donor nephrectomy, with preparation and maintenance of homograft; from cadaver donor, unilateral or bilateral	BR+		
50320 from living donor, unilateral ..	24.0	90	5.0
50340 Recipient nephrectomy (separate procedure); unilateral	20.0	90	5.0
50341 bilateral	30.0	90	5.0
50360 Renal homotransplantation, implantation of graft; excluding donor and recipient nephrectomy ..	30.0	180	6.0
50365 with unilateral recipient nephrectomy	50.0	180	6.0
50366 with bilateral recipient nephrectomy	50.0	180	6.0
50370 Removal of transplanted homograft (e.g., infarcted or rejected kidney)	13.0	60	6.0
50380 Renal autotransplantation, reimplantation of kidney	30.0	120	6.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@	
<p>(For extra-corporeal "bench" surgery, use autotransplantation as the primary procedure and add the secondary procedure e.g., partial nephrectomy, nephrolithotomy, and use the modifier -51)</p>								
INTRODUCTION				REPAIR				
<p>((For injection procedure for retroperitoneal pneumography, see 49430))</p>				50400	Pyeloplasty; (Foley Y-pyeloplasty), plastic operation on renal pelvis, with or without plastic operation on ureter or nephropey, nephrostomy, pyelostomy, or uretral splinting; simple	22.0	90	5.0
*50390	Aspiration and/or injection of renal cyst or pelvis by needle, percutaneous	2.5	7	50405	complicated (congenital kidney abnormality, secondary pyeloplasty, solitary kidney calycooplasty)	26.0	90	5.0
<p>(For CT guidance, see 76365, 76366)</p> <p>(For fluoroscopic guidance, see 76000; for ultrasonic guidance, see 76938, 76939; for radiologic guidance, see 74000)</p> <p>(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)</p>				<p>((50420 Nephropey has been deleted))</p>				
50392	Introduction of intracatheter or catheter into renal pelvis for drainage and/or injection, percutaneous	2.5	7	SUTURE				
<p>(For fluoroscopic guidance see 76000; for ultrasonic guidance see 76938)</p> <p>(For radiographic procedure, see 74475, 74476)</p>				50500	Nephrorrhaphy, suture of kidney wound or injury	20.0	90	8.0
50393	Introduction of ureteral catheter or stent into ureter through renal pelvis for drainage and/or injection, percutaneous	2.5	7	50520	Closure of nephrocuteaneous or pyelocuteaneous fistula	20.0	90	5.0
<p>(For fluoroscopic guidance, see 76000; for ultrasonic guidance, see 76938)</p> <p>(For radiographic procedure, see 74480, 74481)</p>				50525	Closure of nephrovisceral fistula e.g., including visceral repair abdominal approach	24.0	90	5.0
50394	Injection procedure for pyelography (as nephrostogram, pyelostogram, antegrade pyeloureterograms) through nephrostomy or pyelostomy tube, or indwelling ureteral catheter (separate procedure) . . . . .	.3	0	50526	thoracic approach	24.0	90	11.0
50395	Introduction of guide into renal pelvis and/or ureter with dilation to establish nephrostomy tract, percutaneous	BR		<p>(For supplemental skills of two surgeons, see WAC 296-22-010, item 5b, and modifier -62)</p>				
<p>(For nephrostolithotomy, see 50080, 50081)</p> <p>(For retrograde percutaneous nephrostomy, use 52334)</p> <p>(For endoscopic surgery, see 50551-51561)</p>				50540	Symphysiotomy for horseshoe kidney with or without pyeloplasty and/or other plastic procedure, unilateral or bilateral (one operation)	28.0	90	5.0
50396	Manometric studies through nephrostomy or pyelostomy tube, or indwelling ureteral catheter . . . . .	.4	0	ENDOSCOPY				
50398*	Change of nephrostomy or pyelostomy tube . . . . .	.3	0	<p>(For supplies and materials, use 99070)</p> <p>((References to office and hospital have been deleted))</p>				
				50551	Renal endoscopy through established nephrostomy or pyelostomy, with or without irrigation, instillation, or ureteropyelography, exclusive of radiologic service	2.0	3	3.0
				50553	with ureteral catheterization with or without dilation of ureter	2.0	3	3.0
				50555	with biopsy	2.0	3	3.0
				50557	with fulguration and/or incision, with or without biopsy	2.0	3	3.0
				50559	with insertion of radioactive substance with or without biopsy and/or fulguration	3.0	3	3.0
				50561	with removal of foreign body or calculus	2.0	3	3.0
				<p>When procedures 50570-50580 provide a significant identifiable service, they may be added to 50045 and 50120</p>				
				50570	Renal endoscopy through nephrotomy or pyelotomy, with or without irrigation, instillation, or ureteropyelography, exclusive of radiologic service;	1.4	3	
				<p>(For nephrotomy, see 50045)</p> <p>(For pyelotomy, see 50120)</p>				

Unit Follow-up Basic
Value Days= Anes@

50572 with ureteral catheterization
with or without dilation of
ureter 1.8 3
50574 with biopsy 1.8 3
50576 with fulguration and/or inci-
sion, with or without biopsy .. 2.0 3
50578 with insertion of radioactive
substance, with or without bi-
opsy and/or fulguration 2.4 3
50580 with removal of foreign body
or calculus 2.0 3

OTHER PROCEDURES

50590 Lithotripsy, extracorporeal shock
wave BR

AMENDATORY SECTION (Amending Order 87-18,
filed 7/23/87)

WAC 296-22-250 URETER.

Unit Follow-up Basic
Value Days= Anes@

INCISION

50600 Ureterotomy with exploration or
drainage (separate procedure) .. 18.0 90 5.0
(For ureteral endoscopy per-
formed in conjunction with this
procedure, see 50970-50980)
50605 Ureterotomy for insertion of
indwelling stent, all types BR 5.0
50610 Ureterolithotomy; upper one-
third or ureter 20.0 90 5.0
50620 middle one-third of ureter ... 18.0 90 5.0
50630 lower one-third 20.0 90 5.0
(For transvesical ureterolithoto-
my, see 51060)
(For cystotomy with stone basket
extraction of ureteral calculus,
see 51065)
(For endoscopic extraction or
manipulation of ureteral cal-
culus, see 50080, 50081, 50561,
50961, 50980, 52320-52330,
52336, 52337)

EXCISION

(For ureterocele, see 51535,
51536, 52300)
50650 Ureterectomy, with bladder cuff
(separate procedure) 20.0 90 5.0
50660 Ureterectomy, total, ectopic ure-
ter, combination abdominal, va-
ginal and/or perineal approach . 22.0 90 7.0

INTRODUCTION

50684 Injection procedure for uretero-
graphy or ureteropyelography
through ureterostomy or indwel-
ling ureteral catheter (separate
procedure) 0.3 0
50686 Manometric studies through ure-
terostomy or indwelling ureteral
catheter 0.4 0
50688* Change of ureterostomy tube ... 0.3 0

50690 Injection procedure for visualiza-
tion of ilial conduit and/or
ureteropyelography, exclusive of
radiologic service (separate pro-
cedure) 0.4 0

REPAIR

(When substantial ureteral taper-
ing is required for the follow-
ing procedures, use modifier -22)

50700 Ureteroplasty: Plastic operation
on ureter (e.g., stricture) 20.0 90 5.0
50715 Ureterolysis, with or without re-
positioning of ureter for retroper-
itoneal fibrosis; unilateral 16.0 90 5.0
50716 bilateral 24.0 90 5.0
50722 Ureterolysis for ovarian vein syn-
drome 16.0 90 5.0
50725 Ureterolysis for retrocaval ureter,
with reanastomosis of upper
urinary tract or vena cava 26.0 90 5.0
50740 Ureteropyelostomy anastomosis
of ureter and renal pelvis 22.0 90 5.0
50750 Ureterocalycostomy, anastomosis
of ureter to renal calyx 24.0 90 5.0
50760 Ureteroureterostomy 22.0 90 5.0
50770 Transureteroureterostomy
anastomosis of ureter to contra-
lateral ureter 24.0 90 5.0
50780 Ureteroneocystostomy
anastomosis of ureter to bladder,
or other operations for correction
of vesicoureteral reflux; unilat-
eral 22.0 90 5.0
50781 bilateral 26.0 90 5.0
(When combined with cysto-
urethroplasty or vasical neck re-
vision, see 51820)
50785 Ureteroneocystostomy, with
bladder flap; unilateral 24.0 90 5.0
50786 bilateral 28.0 90 5.0
50800 Ureteroenterostomy, direct anas-
tomosis of ureter to intestine;
unilateral 22.0 90 5.0
50801 bilateral 26.0 90 5.0
50810 Ureterosigmoidostomy, with cre-
ation of sigmoid bladder and es-
tablishment of abdominal or per-
ineal colostomy, including bowel
anastomosis 30.0 120 6.0
(For supplemental skills of two
surgeons, see WAC 296-22-010,
item 5b, and modifier -62)
50820 Ureteroileal conduit (ileal blad-
der), including bowel anastomo-
sis (Bricker operation); unilat-
eral 30.0 120 6.0
(For supplemental skills of two
surgeons, see WAC 296-22-010,
item 5b, and modifier -62)
50821 bilateral 34.0 120 6.0
50825 Continent diversion, including
bowel anastomosis (Kock pouch
or Camey enterocystoplasty) ... 30.0 120 6.0
(For combination of 50800-
50821 with cystectomy, see
51580-51595)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-255 BLADDER.

	Unit Value	Follow-up Days=	Basic Anes@
50830 Urinary undiversion (e.g., taking down of ureteroiliac conduit, ureterosigmoidostomy or ureterostomy with ureteroureterostomy or ureteroneocystostomy)	BR		6.0
50840 Replacement of all or part of ureter by bowel segment, including bowel anastomosis; unilateral (((For supplemental skills of two surgeons, see WAC 296-22-010, item 5b, and modifier -62)))	30.0	120	6.0
50841 bilateral	40.0	120	6.0
50860 Ureterostomy, transplantation of ureter to skin; unilateral	18.0	90	5.0
50861 bilateral	22.0	90	5.0
SUTURE			
50900 Ureterorrhaphy, suture of ureter (separate procedure)	20.0	90	5.0
50920 Closure of ureterocutaneous fistula	20.0	90	5.0
50930 Closure of ureterovisceral fistula (including visceral repair)			5.0
50940 Deligation of ureter (For ureteroplasty, ureterolysis, etc., see 50700-50861)	BR		5.0
ENDOSCOPY			
50951 Ureteral endoscopy through established ureterostomy, with or without irrigation, instillation, or ureteropyelography, exclusive of radiologic service	2.5	3	
50953 with ureteral catheterization with or without dilation of ureter	2.5	3	
50955 with biopsy	2.5	3	
50957 with fulguration and/or incision, with or without biopsy	2.5	3	
50959 with insertion of radioactive substance with or without biopsy and/or fulguration (not including provision of material)	2.5	3	
50961 with removal of foreign body or calculus	2.5	3	
When procedures 50970-50980 provide a significant identifiable service, they may be added to 50600			
50970 Ureteral endoscopy through ureterotomy, with or without irrigation, instillation, or ureteropyelography, exclusive of radiologic service; (For ureterotomy, see 50600)	1.3	3	
50972 with ureteral catheterization with or without dilation of ureter	1.8	3	
50974 with biopsy	1.8	3	
50976 with fulguration and/or incision, with or without biopsy	2.0	3	
50978 with insertion of radioactive substance, with or without biopsy and/or fulguration (not including provision of material)	2.4	3	
50980 with removal of foreign body or calculus	2.0	3	

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
51000 Aspiration of bladder by needle	0.4	0	
*51005 Aspiration of bladder; by trocar or intracatheter	*1.0	0	
51010 with insertion of suprapubic catheter	2.0	30	5.0
51020 Cystostomy or cystostomy; with fulguration and/or insertion of radioactive material	14.5	90	5.0
51030 with cryosurgical destruction of intravesical lesion	14.5	90	5.0
51040 Cystostomy, cystostomy with drainage	12.0	90	5.0
51045 Cystostomy, with insertion of ureteral catheter or stent (separate procedure)	14.5	90	5.0
51050 Cystolithotomy, cystostomy with removal of calculus, without vesical neck resection	14.5	90	5.0
51060 Transvesical ureterolithotomy	19.0	90	5.0
51065 Cystostomy, with stone basket extraction and/or ultrasonic or electro-hydraulic fragmentation of ureteral calculus	12.0	30	5.0
51080 Drainage of perivesical or prevesical space abscess	8.0	90	5.0
EXCISION			
51500 Excision of urachal cyst or sinus, with or without umbilical hernia repair	14.0	90	5.0
51520 Cystostomy; for simple excision of vesical neck (separate procedure)	16.0	90	5.0
51525 for excision of bladder diverticulum, single or multiple (separate procedure)	20.0	90	5.0
51530 for excision of bladder tumor (For transurethral excision, see 52200-52240)	16.0	90	5.0
51535 Cystostomy for excision, incision or repair of ureterocele; unilateral	16.0	90	5.0
51536 bilateral (For transurethral excision, see 52300)	18.0	90	5.0
51550 Cystectomy, partial; simple	18.0	90	6.0
51555 complicated (e.g., postradiation, previous surgery, difficult location)	20.0	90	6.0
51565 Cystectomy, partial, with reimplantation of ureter(s) into bladder (ureter- <u>oneocystostomy</u>)	24.0	90	6.0
51570 Cystectomy, complete; (separate procedure)	26.0	90	6.0
51575 with bilateral pelvic lymphadenectomy, including external iliac, hypogastric and obturator nodes	34.0	90	6.0
51580 Cystectomy, complete with ureterosigmoidotomy or ureterocutaneous transplantations;	34.0	120	7.0
51585 with bilateral pelvic lymphadenectomy, including external iliac, hypogastric and obturator nodes	40.0	120	7.0

	Unit Value	Follow-up Days=	Basic Anes@
51590 Cystectomy, complete, with ureteroileal conduit or sigmoid bladder, including bowel anastomosis;	44.0	120	7.0
51595 with bilateral lymphadenectomy, including external iliac, hypogastric and obturator nodes	50.0	120	7.0
51596 Cystectomy, complete, with continent diversion, including bowel anastomosis (e.g., Kock pouch, Caley enterocystoplasty)	44.0	120	7.0
51597 Pelvic exenteration, complete, for vesical, prostatic or urethral malignancy, with removal of bladder and ureteral transplantations, with or without hysterectomy and/or abdominoperineal resection of rectum and colon and colostomy, or any combination thereof	BR		7.0

INTRODUCTION

(For bladder catheterization, see 53670-53675)

51600 Injection procedure for cystography or voiding urethrocystography	0.2	0	
51605 Injection procedure and placement of chain for contrast and/or chain urethrocystography	0.4	0	
51610 Injection procedure for retrograde urethrocystography	0.3	0	
(For injection procedure for retroperitoneal pneumography, see 49430)			
*51700 Bladder irrigation, simple, lavage and/or instillation	*0.2	0	
51705* Change of cystostomy tube; simple	0.3	0	
51710* complicated	BR		
51720 Bladder instillation of anticarcinogenic agent (including detention time)	0.8	0	

URODYNAMICS

The following section (51725-51796) lists procedures that may be used separately or in many and varied combinations. ((All of the presently known urodynamic procedures are listed as are some of their most frequently used combinations:)) When multiple procedures are performed in the same investigative session, modifier '-51' should be employed.

All procedures in this section imply that these services are performed by, or are under the direct supervision of, a physician and that all instruments, equipment, fluids, gases, probes, catheters, technician's fees, medications, gloves, trays, tubing and other sterile supplies be provided by the physician. When the physician only interprets the results and/or operates the equipment, a p.c. (professional component modifier '-26') should be used to identify physicians' services.

((Only the urodynamic testing is included in this section. The nerve blocks that are listed may be pudendal, unilateral or bilateral, sacral, unilateral or bilateral, single or multiple, or subarachnoid and epidural of the sacral segments. They are listed in the neurosurgical section 62274-62279 and 64430-64441.

CYSTOMETROGRAM STUDIES (CMG)

As a single procedure (separate procedure) performed in any body position, including residual urine volume, volume at first urge to void, bladder capacity, tracing (if available), interpretation and report. (For simultaneous electromyogram see 51786 and 51788))

	Unit Value	Follow-up Days=	Basic Anes@
51725 Simple cystometrogram (CMG) (e.g., spinal manometer)	BR		
51726 Complex cystometrogram (e.g., calibrated electronic equipment)			
(((51727-51733 have been deleted. To report, use 51726))			

UROFLOWMETRIC STUDIES (UFR)

As a single procedure (separate procedure) performed in any body position, including volume, flow rate, and tracing (if available), interpretation and report. (For simultaneous electromyogram see 51787, 51788.) (For simultaneous voiding pressure see 51795-51796)

EXTERNAL MEASUREMENTS)

51736 Simple uroflowmetry (UFR) (e.g., stop-watch flow rate, mechanical uroflowmeter);	BR		
(((51737-51738 have been deleted. To report, use 51736)))			
51739 Sound recording of external stream (e.g., Lyons type, Keitzer type)	BR		
51741 Complex uroflowmetry (e.g., calibrated electronic equipment) ...	.8		
(((51742-51749 have been deleted. To report, use 51741))			

INTERNAL STREAM MEASUREMENTS

(51751-51769 have been deleted. To report, use 53899)

URETHRAL PRESSURE PROFILE STUDIES - URETHRAL CLOSURE PRESSURE PROFILE (UPP)

As a single procedure (separate procedure) performed in any body position, including up to three recordings of urethral length and pressure, tracing (if available), interpretation and report. Any initial volume:))

51772 Urethral pressure profile, studies (UPP) (urethral closure pressure profile), any technique gas or liquid; initial recording	BR		
(((51773-51783 have been deleted. To report, use 51772))			

ELECTROMYOGRAPHIC STUDIES (EMG)

Anal or urethral sphincter, detrusor, urethra, perineum or abdominal musculature. (Usually not a separate procedure:))

51785 Electromyographic studies (EMG) of anal or urethral sphincter, any technique	BR		
(((51786-51791 have been deleted. To report, use 51785)))			
51792 Stimulus evoked response (e.g., measurement of bulbocavernosus reflex latency time)	BR		
51795 Voiding pressure studies (VP); bladder voiding pressure, any technique	BR		
(((51796 has been deleted. To report, use 51795)))			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
51797							
				52010	BR	3	3.0
					1.6	7	
REPAIR				TRANSURETHRAL SURGERY (URETHRA AND BLADDER)			
51800				52204	2.0	7	3.0
	20.0	90	5.0	52214	2.0	7	3.0
51820	30.0	90	5.0	52224	2.0	7	3.0
51840	14.5	90	4.0	52234	2.0	7	3.0
51841	21.0	90	4.0		5.0	30	3.0
				52235	12.0	30	3.0
51845				52240	18.0	30	5.0
	BR		4.0	52250	6.0	30	3.0
51860	14.5	90	4.0	52260	3.0	30	3.0
51865	BR+		6.0		1.4	7	
51880	8.0	90	3.0	52265	4.0	45	3.0
51900	22.0	90	5.0	52270	4.0	45	3.0
				52275	4.0	45	3.0
51920	20.0	90	5.0	52276	4.0	45	3.0
51925	20.0	90	5.0	52277	6.0	30	3.0
				52281	2.4	7	3.0
				52283	2.0	7	3.0
51940	BR		5.0	52285			
51960	30.0	90	5.0		3.4	7	3.0
51980	18.0	90	5.0	52290	4.0	30	3.0
ENDOSCOPY - CYSTOSCOPY, URETHROSCOPY, CYSTOUR-ETHROSCOPY				52300	6.0	30	3.0
NOTES				52305	6.0	30	3.0
Endoscopic descriptions are listed so that the main procedure can be identified without having to list all the minor related functions performed at the same time. For example: Meatotomy, urethral calibration and/or dilation, urethroscopy, and cystoscopy prior to a transurethral resection of prostate; ureteral catheterization following extraction of ureteral calculus; internal urethrotomy and bladder neck fulguration when performing a cystourethroscopy for the female urethral syndrome. When the secondary procedure requires significant additional time and effort, it may be identified by the addition of modifier '-22.' For example: Urethrotomy performed for a documented preexisting stricture or bladder neck contracture.				52310	4.0	30	3.0
52000	1.2	7	3.0	52315	BR+		
52005							
	1.6	7	3.0				
52007							

	Unit Value	Follow-up Days=	Basic Anes@
52317 Litholapaxy: crushing or fragmentation of calculus by any means in bladder and removal of fragments, simple; small (less than 2.5 cm)	BR	30	3.0
52318 complicated or large (over 2.5 cm)	BR	30	3.0
TRANSURETHRAL SURGERY (URETER AND PELVIS)			
52320 Cystourethroscopy (including ureteral catheterization); with removal of ureteral calculus	7.0	30	3.0
52325 with fragmentation of ureteral calculus (e.g. ultrasonic or electro-hydraulic technique) . .	BR	30	3.0
52330 with manipulation, without removal of ureteral calculus	5.0	30	3.0
52332 cystourethroscopy, with insertion of indwelling ureteral stent (e.g., Gibbons or double J type)	BR	7	3.0
52334 Cystourethroscopy with insertion of ureteral guide wire through kidney to establish a percutaneous nephrostomy, retrograde (For percutaneous nephrostolithotomy, see 50080, 50081; for establishment of nephrostomy tract only, see 50395)	BR		3.0
52335 Cystourethroscopy, with ureteroscopy and/or pyeloscopy (includes dilation of the ureter by any method)	4.2	7	3.0
52336 with removal or manipulation of calculus (ureteral catheterization is included)	BR		3.0
52337 with lithotripsy (ureteral catheterization is included)	BR		3.0
52338 with biopsy and/or fulguration of lesion	BR		3.0
TRANSURETHRAL SURGERY (VESICAL NECK AND PROSTATE)			
52340 Cystourethroscopy, with incision, fulguration or resection of bladder neck and/or posterior urethra (congenital valves, obstructive hypertrophic mucosal folds)	6.0	30	3.0
52500 Transurethral resection of bladder neck, (separate procedure) . .	10.0	90	4.0
52601 Transurethral resection of prostate, including control of postoperative bleeding during the hospitalization, complete (vasectomy, meatotomy, cystourethroscopy, urethral calibration and/or dilation, and internal urethrotomy are included) (For other approaches, see 55801-55845)	20.0	90	5.0
52606 Transurethral fulguration for postoperative bleeding occurring after the usual follow-up time . .	2.4	0	
52612 Transurethral resection of prostate; first stage of two-stage resection (partial resection)	15.0	90	5.0
52614 second stage of two-stage resection (resection completed) . .	11.0	90	5.0
52620 Transurethral resection; of residual obstructive tissue after 90 days postoperative	6.0	90	5.0

	Unit Value	Follow-up Days=	Basic Anes@
52630 of regrowth of obstructive tissue longer than one year postoperative	20.0	90	5.0
52640 of postoperative bladder neck contracture	10.0	90	5.0
52650 Transurethral cryosurgical removal of prostrate (postoperative irrigations and aspirations of sloughing tissue included)	20.0	120	5.0
52700 Transurethral drainage of prostatic abscess	8.0	60	5.0

((52800, 52805 Litholapaxy [litholapaxy] have been deleted. To report, use 52317, 52318))

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-260 URETHRA.

(For endoscopy, see cystoscopy, urethroscopy, cystourethroscopy, 52000-((52805)) 52700)

(For injection procedure for urethrocytography, see 51600-51610)

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
53000 Urethrotomy or urethrostomy, external (separate procedure); pendulous urethra	2.4	15	3.0
53010 perineal urethra, external	6.0	30	3.0
53020 Meatotomy, cutting of meatus (separate procedure), except infant	1.0	15	3.0
(((53021 has been deleted. To report use 53020)))			
53025 Infant	0.6	15	3.0
53040 Drainage of deep periurethral abscess (For subcutaneous abscess, see 10060-10061)	3.0	30	3.0
53060 Drainage of Skene's gland abscess or cyst	1.2	15	3.0
53080 Drainage of perineal urinary extravasation; uncomplicated (separate procedure)	4.0	15	3.0
53085 complicated	BR+		5.0

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
53200 Biopsy of urethra	2.0	7	3.0
53210 Urethrectomy, total, including cystostomy; female	14.0	60	5.0
53215 male	18.0	60	5.0
53220 Excision or fulguration of carcinoma of urethra	BR+		3.0
53230 Excision of urethral diverticulum (separate procedure); female	10.0	60	3.0
53235 male	12.0	60	3.0
53240 Marsupialization of urethral diverticulum, male or female	4.0	30	3.0
53250 Excision of bulbourethral gland (Cowper's gland)	12.0	60	3.0
53260 Excision or fulguration; urethral polyp(s), distal urethra	1.0	15	3.0

	Unit Value	Follow-up Days=	Basic Anes@
(For endoscopic approach, see 52212-52224)			
53265 urethral caruncle	1.2	15	3.0
53270 Skene's glands	1.2	15	3.0
53275 urethral prolapse	3.0	30	3.0
REPAIR			
(For hypospadias, see 54300-54352)			
53400 Urethroplasty; first stage, for fistula, diverticulum, or stricture, (e.g., Johannsen type)	10.0	60	3.0
53405 second stage (formation of urethra), including urinary diversion	14.0	60	3.0
53410 Urethroplasty, one-stage reconstruction of male anterior urethra	16.0	60	3.0
53415 Urethroplasty, transpubic or perineal, one stage, for reconstruction or repair of prostatic or membranous urethra	BR		3.0
53420 Urethroplasty, two-stage reconstruction or repair of prostatic or membranous urethra; first stage	20.0	60	3.0
53425 second stage	20.0	90	3.0
53430 Urethroplasty, reconstruction of female urethra	14.0	90	3.0
53440 Operation for correction of male urinary incontinence, with or without introduction of prosthesis	20.0	90	3.0
53442 Removal of perineal prosthesis introduced for continence	BR	90	3.0
53443 Urethroplasty with tubularization of posterior urethra and/or lower bladder for incontinence (e.g., Tenago, Leadbetter procedure)	BR		3.0
53445 Operation for correction of urinary incontinence with placement of inflatable urethral or bladder neck sphincter, including placement of pump and/or reservoir	BR	90	3.0
53447 Removal, repair or replacement of inflatable sphincter including pump and/or reservoir and/or cuff	BR	90	3.0
53449 Surgical correction of hydraulic abnormality of inflatable sphincter device	BR	90	3.0
53450 Urethromeatoplasty, with mucosal advancement	4.0	30	3.0
53460 Urethromeatoplasty, with partial excision of distal urethral segment (Richardson type procedure)	3.4	30	3.0
SUTURE			
53502 Urethrorrhaphy, suture of urethral wound or injury, female	BR		3.0
53505 Urethrorrhaphy, suture of urethral wound or injury; penile	10.0	90	3.0
53510 perineal	14.0	90	3.0
53515 prostatomembranous	20.0	90	3.0
53520 Closure of urethrostomy or urethrocutaneous fistula, male (separate procedure)	6.0	90	3.0

	Unit Value	Follow-up Days=	Basic Anes@
(For closure of urethrovaginal fistula, see 57310)			
(For closure of urethrorectal fistula, see 45820, 45825)			
MANIPULATION			
*53600 Dilation of urethral stricture by passage of sound or urethral dilator, male; initial	*0.4	0	
subsequent	*0.3	0	
*53601 53605 Dilation of urethral stricture or vesical neck by passage of sound or urethral dilator, male, general or conduction (spinal) anesthesia,	1.6	3	3.0
*53620 Dilation of urethral stricture by passage of filiform and follower, male; initial	*0.8	0	
subsequent	*0.6	0	
*53621 53640 Passage of filiform and follower for acute vesical retention, male	*0.8	0	
*53660 Dilation of female urethra including suppository and/or instillation; initial	*0.4	0	
subsequent	*0.3	0	
53665 dilation of female urethra, general or conduction (spinal) anesthesia	1.5	3	3.0
53670* Catheterization; simple	0.3	0	
53675* complicated (may include difficult removal of balloon catheter)	0.7	0	
53899 Unlisted procedure, urinary system	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

	Unit Value	Follow-up Days=	Basic Anes@
WAC 296-22-265 PENIS.			
INCISION			
54000 Slitting of prepuce, dorsal or lateral, (separate procedure); newborn	0.6	7	
54001 except newborn	1.4	7	3.0
54015 Incision and drainage of penis, deep	1.4	15	3.0
DESTRUCTION			
*54050 Destruction of lesion(s), penis, (e.g., condyloma, papilloma, molluscum, contagiosum, herpetic vesicle), simple, chemical	*0.3	0	3.0
*54055 electrodesiccation	*0.8	0	3.0
54056 cryosurgery	BR		3.0
54057 laser surgery	BR		3.0
54060 surgical excision	*1.0	0	3.0
54065 extensive, any method	BR		3.0
(For destruction or excision of other lesions, see integumentary system)			
EXCISION			
54100 Biopsy of penis, cutaneous (separate procedure)	0.6	7	3.0
54105 deep structures	1.4	15	3.0
54110 Excision of penile plaque (Peyronie disease);	7.4	30	3.0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
54111 with graft to 5 cm in length	BR		3.0	54318 Urethroplasty for third stage hypospadias repair to release penis from scrotum (e.g., third stage Cecil repair)	BR		3.0
54112 with graft greater than 5 cm in length	BR		3.0	((54320, 54325, 54330 have been deleted. To report, see 54308 et seq.))			
54115 Removal foreign body from deep penile tissue (e.g., plastic implant)	6.0	45	3.0	54322 One stage distal hypospadias repair (with or without chordee or circumcision); with simple meatal advancement (e.g., Magpi, V-flap)	BR		3.0
54120 Amputation of penis, partial	10.0	60	3.0	54324 with urethroplasty by local skin flaps (e.g., flip-flap, prepuccial flap)	BR		3.0
54125 complete	20.0	60	3.0	54326 with urethroplasty by local skin flaps and mobilization of urethra	BR		3.0
54130 Amputation of penis, radical; with bilateral inguofemoral lymphadenectomy	26.0	90	3.0	54328 with extensive dissection to correct chordee and urethroplasty with local skin flaps, skin graft patch, and/or island flap	BR		3.0
54135 in continuity with bilateral pelvic lymphadenectomy, including external iliac, hypogastric and obturator nodes	30.0	90	5.0	54332 One stage proximal penile or penoscrotal hypospadias repair requiring extensive dissection to correct chordee and urethroplasty by use of skin graft tube and/or island flap	BR		3.0
(For lymphadenectomy (separate procedure), see 38760-38771)				54336 One stage perineal hypospadias repair requiring extensive dissection to correct chordee and urethroplasty by use of skin graft tube and/or island flap	BR		3.0
54150 Circumcision, clamp procedure; newborn	0.8	15		54340 Repair of hypospadias complications (i.e., fistula, stricture, diverticula); by closure, incision, or excision, simple	BR		3.0
54152 except newborn	1.0	15	3.0	54344 requiring mobilization of skin flaps and urethroplasty with flap or patch graft	BR		3.0
((54154 has been deleted. To report, use 54152))				54348 requiring extensive dissection and urethroplasty with flap, patch or tubed graft (includes urinary diversion)	BR		3.0
54160 Circumcision, surgical excision other than clamp or dorsal slit; newborn	0.8	30		54352 Repair of hypospadias cripple requiring extensive dissection and excision of previously constructed structures including re-release of chordee and reconstruction of urethra and penis by use of local skin as grafts and island flaps and skin brought in as flaps or grafts	BR		3.0
54161 except newborn	3.0	30	3.0	54360 Plastic operation on penis to correct angulation	BR	90	3.0
INTRODUCTION				54380 Plastic operation on penis for epispadias distal to external sphincter	BR+		3.0
*54200 Injection procedure for Peyronie disease	*0.4	0		54385 with incontinence	BR		4.0
54205 with surgical exposure of plaque	7.4	30	3.0	54390 with exstrophy of bladder	BR		4.0
54220 Irrigation of corpora cavernosa for priapism	BR		3.0	54400 Insertion of penile prosthesis, noninflatable (semi-rigid)	14.0		3.0
54230 Injection procedure for corpora cavernosography	BR		3.0	54401 inflatable (self-contained)	15	90	3.0
54235 Injection of corpora cavernosa with pharmacological agent(s) (e.g., papaverine, phentolamine, etc.)	1	7	2.5	54402 Removal or replacement of noninflatable (semp-rigid) or inflatable (self-contained) penile prosthesis	BR		
54240 penile plethysmography	BR		3.0	54405 Insertion of inflatable (multicomponent) penile prosthesis, including placement of			
54250 Nocturnal penile tumescence and/or rigidity test	BR		3.0				
REPAIR							
(For other urethroplasties, see 53400-53430)							
54300 Plastic operation of penis for straightening of chordee (e.g., hypospadias), with or without mobilization of urethra;	8.0	60	3.0				
((54305 has been deleted. To report, see 54304 et seq.))							
54304 Plastic operation on penis for correction of chordee or for first stage hypospadias repair with or without transplantation of prepuce and/or skin flaps	BR		3.0				
54308 Urethroplasty for second stage hypospadias repair (including urinary diversion); less than 3 cm	BR		3.0				
54312 greater than 3 cm	BR		3.0				
54316 Urethroplasty for second stage hypospadias repair (including urinary diversion) with free skin graft obtained from site other than genitalia	BR		3.0				

	Unit Value	Follow-up Days=	Basic Anes@
pump, cylinders and/or reservoir	BR		3.0
54407 Removal, repair or replacement of inflatable (multicomponent) penile prosthesis, including pump and/or reservoir and/or cylinders	BR		3.0
55409 Surgical correction of hydraulic abnormality of inflatable prosthesis, including pump and/or reservoir and/or cylinders	BR		3.0
54420 Corpora cavernosa-saphenous vein shunt (priapism operation), unilateral or bilateral	10.0		3.0
54430 Corpora cavernosa-corpora spongiosum shunt or corpora cavernosa-glans penis shunt (priapism operation), unilateral or bilateral	10.0	0	3.0
54435 Corpora cavernosa-glans penis fistulization (e.g., biopsy needle, Winter procedure, rongeur, or punch) for priapism	BR		3.0
54440 Plastic operation of penis for injury	BR		3.0

MANIPULATION

54450 Foreskin manipulation including lysis of preputial adhesions and stretching	BR		3.0
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AMENDATORY SECTION (Amending Order 86-19, filed 2/28/86, effective 4/1/86)

WAC 296-22-285 SCROTUM.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*55100 Drainage of scrotal wall abscess (see also 54700)	*0.4	0	3.0
55110 Scrotal exploration	BR		3.0
55120 Removal of foreign body in scrotum	BR		3.0
EXCISION			
(For excision of local lesion of skin of scrotum, see integumentary system)			
55150 Resection of scrotum	BR		3.0
REPAIR			
(((55170 has been deleted (scrotoplasty); to report see 55175-55180)))			
55175 Scrotoplasty; simple	BR		3.0
55180 complicated	BR		3.0

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

WAC 296-22-305 PROSTATE.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
55700 Biopsy, prostate; needle or punch, single or multiple, any approach	1.4	15	3.0
(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)			
55705 incisional, any approach	8.0	30	4.0
55720 Prostatotomy, external drainage of prostatic abscess, any approach; simple	8.0	60	4.0
55725 complicated	14.0	60	4.0
(For transurethral drainage, see 52700)			
55740 Prostatolithotomy, removal of prostatic calculus (separate procedure)	20.0	60	4.0
EXCISION			
(For transurethral removal of prostate, see 52601-52650)			
(For limited pelvic lymphadenectomy for staging (separate procedure), use 38562)			
(For independent node dissection, see 38770-38780)			
55801 Prostatectomy, perineal, subtotal (including control of postoperative bleeding, during initial hospitalization, vasectomy, meatotomy, urethral calibration and/or dilation, and internal urethrotomy) are included	20.0	90	6.0
55810 prostatectomy, perineal radical	26.0	90	6.0
55812 with lymph node biopsy(s) (limited pelvic lymphadenopathy)	BR		
55815 with bilateral pelvic lymphadenectomy, including external iliac, hypogastric and obturator nodes	BR		6.0
(If 55815 is carried out on separate days, use 38771 and 55810)			
55821 Prostatectomy, including control of postoperative bleeding complete (vasectomy, meatotomy, urethral calibration and/or dilation, and internal urethrotomy are included), suprapubic, subtotal, one or two stages	20.0	90	5.0
55831 retropubic, subtotal	20.0	90	5.0
55840 prostatectomy, retropubic radical	26.0	90	6.0
55842 with lymph node biopsy(s) (limited pelvic lymphadenectomy)	BR		
55845 with bilateral pelvic lymphadenectomy, including external iliac, hypogastric and obturator nodes	BR		3.0
with bilateral pelvic lymphadenectomy, including external			

	Unit Value	Follow-up Days=	Basic Anes@
iliac, hypogastric and obturator nodes			
OTHER PROCEDURES			
(For artificial insemination, see 58310)			
55899 Unlisted procedure, male genital system.....	BR		3.0

AMENDATORY SECTION (Amending Order 80-25, filed 12/3/80, effective 3/1/81)

WAC 296-22-306 INTERSEX SURGERY.

	Unit Value	Follow-up Days=	Basic Anes@
55970 Intersex surgery; male to female ((BR))			
			<u>NONCOVERED PROCEDURE</u>
55980 ((Intersex surgery;)) female to male..... ((BR))			
			<u>NONCOVERED PROCEDURE</u>

FEMALE GENITAL SYSTEM

(For pelvic laparotomy, see 49000)

(For endometriomas resection, see 49200, 49201)

(For paracentesis, see 49080, 49081)

~~((For injection procedure for pelvic pneumography, see 49440))~~

(For secondary closure of abdominal wall evisceration or disruption, see 49900)

(For chemotherapy, see 90790-90793)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-310 VULVA AND INTROITUS.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
(For incision and drainage of sebaceous cyst, furuncle, or caruncle, see 10000-10020, 10060, 10061)			
*56400 Incision and drainage, abscess of vulva, extensive	*0.8	0	3.0
*56420 Incision and drainage of Bartholin's gland abscess, unilateral.....	*1.0	0	3.0

(For incision and drainage of Skene's gland abscess or cyst, see 53060)

56440 Marsupialization of Bartholin's gland cyst.....	4.0	30	3.0
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DESTRUCTION

*56501 Destruction of lesion(s), vulva; simple, any method	BR	0	3.0
			((56500 has been deleted, use 56501))

56515 extensive, any method	BR+		3.0
			((56520-56521 have been deleted, use 56501 or 56515))

(For destruction of Skene's gland cyst or abscess, see 53270)

(For cautery destruction of urethral caruncle, see 53265)

EXCISION

56600 Biopsy of vulva (separate procedure).....	0.6	7	3.0
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(For local excision or fulguration of lesion(s) of external genitalia, see 11420-11426, 11620-11626, 17000-17302, 56500-56521)

56620 Vulvectomy; partial, unilateral or bilateral (but less than 80% of vulvar area)	12.0	60	3.0
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56625 complete (skin and subcutaneous tissue), bilateral	15.0	60	3.0
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(For skin graft, see 15000 et seq)

56630 Vulvectomy, radical; without skin graft	20.0	120	3.0
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56635 with inguinofemoral lymphadenectomy, unilateral	24.0	120	5.0
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56636 with inguinofemoral lymphadenectomy, bilateral	26.0	120	5.0
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56640 vulvectomy, radical, with inguinofemoral, iliac, and pelvic lymphadenectomy; unilateral	26.0	120	5.0
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56641 bilateral	30.0	120	5.0
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(For lymphadenectomy, see 38760-38780)

56680 Clitoridectomy, simple	8.0	30	3.0
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56685 extensive	12.0	90	3.0
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56700 Hymenectomy, partial excision of hymen	2.4	30	3.0
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56710 Plastic revision of hymen	2.4	30	3.0
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*56720 Hymenotomy, simple incision ...	*1.4	0	3.0
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56740 Excision of Bartholin's gland or cyst	4.8	30	3.0
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(For excision of Skene's gland, see 53270)

(For excision of urethral caruncle, see 53265)

(For excision or fulguration of urethral carcinoma, see 53220)

(For excision or marsupialization of urethral diverticulum, see 53230-53240)

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@		
REPAIR				57200	Colporrhaphy, suture of injury of vagina (nonobstetrical)	BR	3.0		
(For repair of urethra for mucosal prolapse, see 53275)				57210	Colpoperineorrhaphy, suture of injury of vagina and/or perineum (nonobstetrical)	BR	3.0		
56800	Plastic repair of introitus	4.8	30	3.0	57220	Plastic operation on urethral sphincter, vaginal approach (eg, Kelly urethral plication) (separate procedure)	7.0	60	3.0
SUTURE				57230	Plastic repair of urethrocele (separate procedure)	7.0	60	3.0	
(For episiorrhaphy, episiperineorrhaphy for recent injury of vulva and/or perineum, nonobstetrical, see 57210)				57240	Anterior colporrhaphy, repair of cystocele with or without repair of urethrocele (separate procedure)	8.5	60	4.0	
AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)				57250	Posterior colporrhaphy, repair of rectocele with or without perineorrhaphy	7.0	60	3.0	
WAC 296-22-315 VAGINA.					(For repair of rectocele (separate procedure) without posterior colporrhaphy, see 45560)				
	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@		
INCISION				57260	Combined anteroposterior colporrhaphy;	12.0	60	3.0	
57000	Colpotomy with exploration	4.0	30	3.0	57265	with enterocele repair	14.0	60	3.0
57010	with drainage of pelvic abscess	BR			57268	Repair of enterocele, vaginal approach (separate procedure)	BR		
*57020	Colpocentesis (separate procedure)	*0.8	0	3.0	57270	Repair of enterocele, abdominal approach (separate procedure)	14.0	60	4.0
DESTRUCTION				57280	Colpopexy, abdominal approach	14.0	60	4.0	
(((57050, 57057, 57060 and 57063 have been deleted, use 57061 or 57065)))				57282	Sacrospinous ligament fixation for prolapse of vagina following hysterectomy (separate procedure)	BR		3.0	
57061	Destruction of vaginal lesion(s); simple, any method	0.7		3.0	57288	Sling operation for stress incontinence (e.g., fascia or synthetic)	15.0	90	5.0
57065	extensive, any method	BR		3.0	57289	Pereyra procedure, including anterior colporrhaphy	13.0	90	3.0
EXCISION					(((57290 has been deleted. To report, use 57291, 57292)))				
*57100	Biopsy of vaginal mucosa; simple (separate procedure)	0.72	7	3.0	57291	Construction of artificial vagina; without graft	BR		3.0
57105	extensive, requiring suture (including cysts)	BR		3.0	57292	with graft	BR		3.0
57108	Colpectomy, obliteration of vagina; partial	12.0	60	3.0	57300	Closure of rectovaginal fistula; vaginal or transanal approach	14.5	90	3.0
(For excision and/or fulguration of local lesion(s), see 11200-11660, 17000-17300)				57305	abdominal approach	18.0	90	5.0	
57110	complete	14.0	60	3.0	57307	abdominal approach, with concomitant colostomy	20.0	90	5.0
57120	Colpocleisis (Le Fort type)	12.0	60	3.0	57310	Closure of urethrovaginal fistula with bulbo cavernous transplant	14.5	60	4.0
57130	Excision of vaginal septum	BR		3.0	57311	with bulbo cavernous transplant	BR	60	4.0
57135	Excision of vaginal cyst or tumor	BR		3.0	57320	Closure of vesicovaginal fistula, vaginal approach	14.5	60	4.0
INTRODUCTION					(For concomitant cystostomy, see 51005-51040 and WAC 296-22-010, item 7a)				
*57150	Irrigation and/or application of medicament for treatment of bacterial, parasitic or fungoid disease	*0.24	0		57330	transvesical and vaginal approach	BR		5.0
*57160	Insertion of pessary	*0.24	0			(For abdominal approach, see 51900)			
57170	Diaphragm fitting with instructions	0.24			MANIPULATION				
57180	Introduction of any hemostatic agent or pack for spontaneous or traumatic nonobstetrical hemorrhage (separate procedure)	BR		3.0	*57400	Dilation of vagina under anesthesia	*0.72	0	3.0
REPAIR				*57410	Pelvic examination under anesthesia	*0.72	0	3.0	
(For urethral suspension, (Marshall-Marchetti-Krantz type) abdominal approach, see 51840, 51841)									

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-330 CORPUS UTERI.

	Unit Value	Follow-up Days=	Basic Anes@
ENDOSCOPY			
57450 Culdoscopy, diagnostic;	4.0	15	3.0
57451 with biopsy and/or lysis of adhesions or tubal sterilization . .	4.0	15	3.0
57452* Colposcopy; (separate procedure)	1.0	0	
57454* with biopsies, or biopsy of the cervix	2.0	0	

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

WAC 296-22-325 CERVIX UTERI.

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
(For radical surgical procedures, see 58200-58240)			
*57500 Biopsy, single or multiple, or local excision of lesion, with or without fulguration, (separate procedure)	*0.6	0	3.0
57505 Endocervical curettage (not done as part of a dilation and curettage)	BR		3.0
*57510 Cauterization of cervix; electro or thermal	*0.6	0	
57511* cryocautery, initial or repeat	0.6	0	
57513 laser surgery	1.0		3.0
57520 Biopsy of cervix, circumferential (cone) with or without dilation and curettage, with or without Sturmdorff type repair (see also 58120)	4.8	45	3.0
57530 Trachelectomy (cervicectomy), amputation of cervix (separate procedure)	4.8	45	3.0
57540 Excision of cervical stump, abdominal approach;	12.0	45	4.0
57545 with pelvic floor repair	BR		4.0
57550 Excision of cervical stump, vaginal approach;	12.0	45	3.0
57555 with anterior and/or posterior repair	14.5	45	3.0
57556 with repair of enterocele	14.5	45	4.0

INTRODUCTION

(For insertion of intra-uterine device, see 58300)

((57600 Introduction of any hemostatic agent or pack for spontaneous hemorrhage (separate procedure); initial	*0.72	0	3.0
*57620 subsequent	*0.24	0	3.0))

REPAIR

57700 Tracheloplasty (Shirodkar or Lash type operation)	6.0	45	3.0
57720 Trachelorrhaphy, plastic repair of uterine cervix, vaginal approach	6.0	45	3.0

MANIPULATION

*57800 Dilation of cervical canal, instrumental (separate procedure)	*0.6	0	3.0
57820 Dilation and curettage of cervical stump	4.0	15	3.0

	Unit Value	Follow-up Days=	Basic Anes@
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EXCISION

*58100 Endometrial biopsy, suction type (separate procedure)	*0.72	0	3.0
58101* Endometrial washings (e.g., for cytology sampling)	1.0	0	3.0
58102 Office endometrial curettage	2.0	0	3.0
58103 Menstrual extraction	0.5	0	
58120 Dilation and curettage, diagnostic and/or therapeutic (obstetrical) (see also 57520 nonobstetrical)	4.0	15	3.0
(For postpartum hemorrhage, see 59160)			
58140 Myomectomy, excision of fibroid tumor of uterus, single or multiple, (procedure); abdominal approach	14.0	45	5.0
58145 vaginal approach	BR		5.0
58150 Total hysterectomy (corpus and cervix), with or without removal of tube(s), with or without removal of ovary(s)	16.0	45	5.0
58152 with colpo-urethrocytostomy (Marshall-Marchetti-Krantz type)	BR		5.0
(For urethrocytostomy without hysterectomy, see 51840, 51841)			
58180 Supracervical hysterectomy (subtotal hysterectomy), with or without tube(s), with or without removal of ovary(s)	16.0	45	5.0
58200 Total hysterectomy, ((extended; corpus cancer;) including partial vaginectomy((:)), with limited para-aortic and pelvic lymphnode biopsy(s)	20.0	120	5.0
((58205 with bilateral radical pelvic lymphadenectomy	24.0	120	6.0))
(For hysterectomy with pelvic lymphadenectomy, use 58210)			
58210 ((Total) Radical hysterectomy, ((extended, cervical cancer;) with bilateral ((radical) total pelvic and limited para-aortic lymphadenectomy ((Wertheim type operation)))	30.0	120	7.0
(For radical hysterectomy with ovarian transposition, use also 51597)			
58240 Pelvic exenteration for gynecological malignancy, with total hysterectomy or cervicectomy, with removal of bladder and ureteral transplantations, and/or abdominoperineal resection of rectum and colon and colostomy, or any combination thereof (pelvic exenteration)	BR		7.0
(For pelvic exenteration of lower urinary tract or male genital malignancy, use 51597)			
58260 Vaginal hysterectomy;	16.0	45	4.0

	Unit Value	Follow-up Days=	Basic Anes@
58265 with plastic repair of vagina, anterior and/or posterior colporrhapy	18.0	45	4.0
58267 with colpo-urethrocytopexy (Marshal-Marchetti-Krantz type, Pereyra type, with or without endoscopic control)	20.0	90	5.0
58270 with repair of enterocele ...	18.0	45	4.0
58275 Vaginal hysterectomy, with total or partial colpectomy;	18.0	45	4.0
58280 with repair of enterocele ...	18.0	45	4.0
58285 Vaginal hysterectomy, radical (Schauta type operation)	24.0	120	7.0

INTRODUCTION

(For insertion of radioactive substance into corpus with or without dilation and curettage, see 77520-77550)

*58300 Insertion of intrauterine device (IUD)	*1.0	0	3.0
58301 Removal of intrauterine device (IUD)	BR		
58310 Artificial insemination	BR		
58311 with sperm washing	BR		
*58320 Insufflation of uterus and tubes with air and CO ₂	*1.0	0	3.0
*58340 Injection procedure for hysterosalpingography	0.8	0	
58350 Hydrotubation of oviduct, including materials	1.0	0	

(For materials supplied by physician, see 99070)

REPAIR

58400 Uterine suspension, with or without shortening of round ligaments, with or without shortening of sacrouterine ligaments; (separate procedure)	12.0	45	4.0
58410 with presacral sympathectomy	14.0	45	5.0

~~(((Interposition operation has been deleted. If necessary to report, use 58999))~~

~~(58500—Hysterosalpingostomy has been deleted. To report, use 58752))~~

58520 Hysterorrhaphy, repair of ruptured uterus (nonobstetrical)	12.0	45	4.0
58540 Hysteroplasty, repair of uterine anomaly (Strassman type)	14.0	45	4.0

SUTURE

(For closure of vesicouterine fistula, see 51920)

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

WAC 296-22-333 OVIDUCT.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
58600 Transection of fallopian tube, abdominal or vaginal approach, unilateral or bilateral	12.0	45	4.0

58605 Ligation or transection of fallopian tube(s), abdominal or vaginal approach, postpartum, unilateral or bilateral during same hospitalization (separate procedure)	7.0	45	4.0
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(For laparoscopic procedures, see 58980-58987)

~~(((58610 Ligation of fallopian tube(s) has been deleted. It would be reported using 58600-58611)))~~

58611 Ligation or transection of fallopian tube(s) when done at the time of Cesarean section or intra-abdominal surgery (not a separate procedure, included in major procedure.)	BR		4.0
58615 Occlusion of fallopian tube(s) by device (e.g., band, clip, Falope ring, fulguration) vaginal or suprapubic approach	BR		4.0

(For laparoscopic approach, see 58983)

~~(((58618 Lysis of adnexal adhesions has been deleted. To report, use 58740)))~~

EXCISION

58700 Salpingectomy, complete or partial, unilateral or bilateral (separate procedure)	12.0	45	4.0
58720 Salpingo-oophorectomy, complete or partial, unilateral or bilateral (separate procedure)	12.0	45	4.0

REPAIR

58740 Lysis of adhesions (salpingolysis, ovariolysis)	BR		4.0
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(For laparoscopic approach, see 58985)

58750 Tubotubal anastomosis	BR		4.0
58752 Tubouterine implantation	BR		4.0
58760 Fimrioplasty	BR		4.0
58770 Salpingostomy (salpingoneostomy)			

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-337 OVARY.

	Unit Value	Follow-up Days=	Basic Anes@
OVARY			
INCISION			
58800 Drainage of ovarian cyst(s), unilateral, or bilateral, (separate procedure); vaginal approach ...	4.0	15	4.0
58805 abdominal approach	12.0	45	4.0
58820 Drainage of ovarian abscess; vaginal approach	4.0	15	4.0
58822 abdominal approach	6.0	15	4.0
58825 Transposition, ovary(s)	BR		

	Unit Value	Follow-up Days=	Basic Anes@
EXCISION			
58900 Biopsy of ovary, unilateral or bilateral (separate procedure)	12.0	45	4.0
58920 Wedge resection or bisection of ovary, unilateral or bilateral	12.0	45	4.0
58925 Ovarian cystectomy, unilateral or bilateral	12.0	45	4.0
58940 Oophorectomy, partial or total, unilateral or bilateral;	12.0	45	4.0
((58942 with concomitant debulking procedure, ovarian malignancy	BR	45	4.0
58945 with total omentectomy	16.0	60	4.0))
58943 for ovarian malignancy, with para-aortic and pelvic lymph node biopsies, peritoneal biopsies, diaphragmatic assessments, with or without salpingectomy(s)	BR		
58950 Resection of ovarian malignancy with bilateral salpingo-oophorectomy and omentectomy	14	60	5.0
58951 with total abdominal hysterectomy, pelvic and limited para-aortic lymphadenectomy	BR		
58952 with radical dissection for debulking	BR		
58960 Laparotomy, for staging or restaging of ovarian malignancy ('second look'), with or without omentectomy, peritoneal washings, biopsy of abdominal and pelvic peritoneum, diaphragmatic assessment with pelvic and limited para-aortic lymphadenectomy	BR		

IN VITRO FERTILIZATION

58970 Follicle puncture for oocyte retrieval, any method	<u>NONCOVERED PROCEDURE</u>		
58972 Culture and fertilization of oocyte(s)	<u>NONCOVERED PROCEDURE</u>		
58974 Embryo transfer, any method (separate procedure)	<u>NONCOVERED PROCEDURE</u>		
58976 Gamete intrafallopian transfer, any method	<u>NONCOVERED PROCEDURE</u>		

ENDOSCOPY-LAPAROSCOPY

The endoscopic descriptors in this publication are listed so that the main procedure can easily be identified without having to list all the minor related procedures that may be performed at the same time (such as lysis of adhesions and fulguration of bleeding points during laparoscopy with fulguration transection of the oviducts). When the laparoscopy requires mini-laparotomy (Hasson technique) or when secondary procedures involve significant additional time and effort, they may be ((listed)) reported by using modifier ((=56)) -22.

(For peritoneoscopy, see 49300-49303)

58980 Laparoscopy for visualization of pelvic viscera;	6.0	10	5.0
58982 with fulguration of oviducts (with or without transection)	8.0	10	5.0
58983 with occlusion of oviducts by device (e.g., band, clip, or Falope ring)	BR		5.0

(For vaginal or suprapubic approach), see 58615)

	Unit Value	Follow-up Days=	Basic Anes@
58984 with fulguration of ovarian or peritoneal lesions by any method	8.0	10	5.0
58985 with lysis of adhesions	8.0	10	5.0
58986 with biopsy (single or multiple)	8.0	10	5.0
58987 with aspiration (single or multiple)	8.0	10	5.0
58990 Hysteroscopy, diagnostic	BR		3.0
58995 therapeutic	BR		3.0

OTHER PROCEDURES

58999 Unlisted procedure, female genital system nonobstetrical	BR		3.0
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AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-340 MATERNITY CARE AND DELIVERY.

NOTES

The services normally required in uncomplicated maternity cases include antepartum care, delivery and postpartum care.

Antepartum care includes usual prenatal services (initial and subsequent history, physical examinations, recording of weight, blood pressure, fetal heart tones, routine chemical urinalyses, maternity counseling).

Delivery includes vaginal delivery (with or without episiotomy, with or without forceps or breech delivery) or Cesarean section, and resuscitation of new born infant when necessary.

Postpartum care includes hospital and office visits following vaginal or Cesarean section delivery.

For medical complications of pregnancy (toxemia, cardiac problems, neurological problems or other problems requiring additional or unusual services or requiring hospitalization), see services in MEDICINE section. For surgical complications of pregnancy not listed below, see appropriate procedures in SURGERY.

If a physician provides all or part of the antepartum and/or postpartum patient care but does not perform the delivery due to termination of pregnancy by abortion or referral to another physician for delivery, see 59420-59430.

((For circumcision of newborn, see 54150-54160))

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
59000 Amniocentesis for diagnostic purposes, abdominal approach	1.0	0	
(For ultrasonic guidance, see 76946, 76947)			
59010* Amnioscopy	1.0	0	

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
59011* Amnioscopy (intraovular)	BR	0		breech delivery) including in-			
59015 Chorionic villus sampling	BR	0		hospital postpartum care (sepa-			
59020* Fetal oxytocin stress test	1.0	0		rate procedure)	4.0	45	3.0
59025 Fetal nonstress test	1.0			<u>59412 External cephalic version, with or</u>			
59030* Fetal scalp blood sampling;	1.0	0		<u>without tocolysis</u>			<u>NONCOVERED</u>
59031* repeat	0.5	0					<u>PROCEDURE</u>
59050 Initiation and/or supervision of				59420 Antepartum care only (separate			
internal fetal monitoring during				procedure)	Sv.&		
labor by consultant	1.0	0		59430 Postpartum care only (separate			
				procedure)	Sv.&		
EXCISION				CESAREAN SECTION			
59100 Hysterotomy, abdominal, for re-				(For standby attendance of in-			
moval of hydatidiform mole;	14.0	45	5.0	fant, see 99151)			
59101 with tubal ligation	14.0	45	6.0	59500 Cesarean section, low cervical,			
59105 Hysterotomy, abdominal, for leg-				including in-hospital postpartum			
al abortion;	16.0	45	6.0	care; (separate procedure)	10.0	7	5.0
59106 with tubal ligation	18.0	45	6.0	59501 including antepartum and			
				postpartum care	13.0	45	5.0
EXCISION				59520 Cesarean section, classic, includ-			
59120 Surgical treatment of ectopic				ing in-hospital postpartum care;			
pregnancy; tubal, requiring san-				(separate procedure)	10.0	7	5.0
pingectomy and/or oophorectomy,				59521 including antepartum and			
abdominal or vaginal ap-				postpartum care	13.0	45	5.0
proach	14.0	45	5.0	59540 Cesarean section, extraperitone-			
59121 tubal, without sanpingectomy				al, including in-hospital postpar-			
and/or oophorectomy	BR		5.0	tum care; (separate procedure) . .	12.0	7	5.0
59125 ovarian, requiring oophorectomy				59541 including antepartum and			
and/or sanpingectomy	BR		5.0	postpartum care	16.0	45	5.0
59126 ovarian, without oophorectomy				59560 Cesarean section with hysterecto-			
and/or sanpingectomy	BR		5.0	my, subtotal, including in-			
59130 abdominal	BR		5.0	hospital postpartum care; (sepa-			
59135 interstitial, uterine pregnancy				rate procedure)	12.0	7	6.0
requiring hysterectomy, total				59561 including antepartum and			
or subtotal	BR		5.0	postpartum care	16.0	45	6.0
59140 cervical	BR		5.0	59580 Cesarean section with hysterecto-			
59160 Dilation and curettage for post-				my, total, including in-hospital			
partum hemorrhage (separate				postpartum care; (separate pro-			
cedure)	4.0	15	3.0	cedure)	12.0	7	6.0
				59581 including antepartum and			
				postpartum care	16.0	45	6.0
INTRODUCTION				ABORTION			
(For intrauterine fetal transfu-				59800 Treatment of <u>spontaneous</u> abor-			
sion, see 36460)				tion, first trimester; completed			
(For introduction of hypertonic				medically	Sv.&		
solution and/or prostaglandins to				59801 completed surgically (sepa-			
initiate labor, see 59850)				rate procedure)	4.0	45	3.0
59200 Insertion of hygroscopic cervical				59810 Treatment of <u>spontaneous</u> abor-			
dilator (e.g., laminaria) (separate				tion, second trimester; completed			
procedure)	BR			medically	Sv.&		
				59811 completed surgically (sepa-			
				rate procedure)	4.0	45	3.0
REPAIR				59820 Treatment of missed abortion,			
(For tracheloplasty, see 57700)				any trimester, completed medi-			
59300 Episiotomy or vaginal repair				cally or surgically	Sv.&		3.0
only, by other than delivering				59830 Treatment of septic abortion . . .	Sv.&		
physician; simple	2.0	0	3.0	59840 Legal (therapeutic) abortion, by			
59305 extensive	BR		3.0	dilation and curettage, and/or			
59350 Hysterorrhaphy of ruptured uter-				vacuum extraction	6.0	45	3.0
us; (separate procedure)	BR		3.0	59841 Legal (therapeutic) abortion, by			
59351 following dilation and curet-				dilation and evacuation	6.0	45	3.0
tage, including both proce-				59850 Legal (therapeutic) abortion, by			
dures	BR		3.0	one or more intra-amniotic in-			
				jections (amniocentesis-injec-			
				tions) (including hospital admis-			
				sion and visits, delivery of fetus			
				and secundines);	6.0	45	5.0
DELIVERY, ANTEPARTUM AND POSTPARTUM CARE				59851 with dilation and curettage . . .	BR		
59400 Total obstetrical care (all-inclu-				59852 with hysterotomy (failed sa-			
sive, "global" care) includes an-				line)	BR		
tepartum care, vaginal delivery							
(with or without episiotomy,							
and/or forceps or breech deliv-							
ery) and postpartum care	8.0	45	3.0				
59410 Vaginal delivery only (with or							
without episiotomy, forceps or							

Unit Follow-up Basic
Value Days= Anes@

OTHER PROCEDURES

59899 Unlisted procedure, maternity care and delivery BR 3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-350 THYROID GLAND.

Unit Follow-up Basic
Value Days= Anes@

INCISION

*60000 Incision and drainage of thyroglossal cyst, infected *0.6 0 3.0

EXCISION

*60100 Biopsy, thyroid, percutaneous needle 1.2 7

(For ultrasonic guidance, see 76942, 76943)

(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)

60200 Excision of cyst or adenoma of thyroid, or transection of isthmus 9.5 45 5.0

60220 Total thyroid lobectomy, unilateral 14.0 45 5.0

60225* with contralateral subtotal lobectomy, including isthmus 14.0 45 5.0

60240 Thyroidectomy, total or complete 16.0 45 5.0

((60242 has been deleted, use 60245))

60245 Thyroidectomy, subtotal or partial; 14.5 45 5.0

60246 with removal of substernal thyroid gland, cervical approach BR 5.0

60252 Thyroidectomy, total or subtotal for malignancy; with limited neck dissection 24.0 180 5.0

60254 with radical neck dissection 28.0 180 6.0

((For parathyroid transplant, see 60510))

60260 Thyroidectomy, secondary; unilateral 15.0 45 5.0

60261 bilateral 18.0 45 5.0

60270 Thyroidectomy, including substernal thyroid gland, sternal split or transthoric approach BR 45 5.0

60280 Excision of thyroglossal duct cyst or sinus; 11.0 45 4.0

60281 recurrent BR 4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-355 PARATHYROID, THYMUS, ADRENAL GLANDS AND CAROTID BODY.

Unit Follow-up Basic
Value Days= Anes@

EXCISION

(For pituitary and pineal surgery, see Nervous System)

60500 Parathyroidectomy or exploration of parathyroid(s); 18.0 45 5.0

60502 reexploration BR 5.0

60505 with mediastinal exploration, sternal split or transthoric approach 24.0 60 12.0

60520 Thymectomy, partial or total (separate procedure) 18.0 60 12.0

60540 Adrenalectomy, partial or complete, or exploration of adrenal with or without biopsy, transabdominal, lumbar or dorsal (separate procedure), unilateral; 19.0 90 9.0

60545 with excision of adjacent retroperitoneal tumor 22.0 90 9.0

(For excision of remote or disseminated pheochromocytoma, see 49200, 49201)

60550 Adrenalectomy, partial or complete, or exploration of adrenal gland with or without biopsy, transabdominal, lumbar or dorsal, bilateral; one stage 24.0 90 9.0

60555 two stages BR 9.0

60600 Excision of carotid body tumor; without excision of carotid artery 17.0 60 8.0

60605 with excision of carotid artery 24.0 60 8.0

60699 Unlisted procedure, endocrine system BR 5.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-365 SKULL, MENINGES, AND BRAIN.

(For injection procedure for cerebral angiography, see 36100-((36220)) 36215)

(For injection procedure for ventriculography, see ((61025; 61030)) 61026, 61120, 61130)

(For injection procedure for pneumoencephalography, see ((61053, 62286)) 61055)

Unit Follow-up Basic
Value Days= Anes@

PUNCTURE FOR INJECTION, DRAINAGE OR ASPIRATION

*61000 Subdural tap through fontanelle (infant); unilateral or bilateral; initial *2.0 0

*61001 subsequent taps *1.4 0

*61020 Ventricular puncture through previous burr hole, fontanelle, or implanted ventricular catheter/reservoir; without injection *2.0 0

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
((61025 has been deleted. To report, use 61026)))				do not use 61250, 61251, or 61253)			
CRANIECTOMY OR CRANIOTOMY				CRANIECTOMY OR CRANIOTOMY			
61026*	BR		7.0	61304	34.0	90	9.0
((61030, 61045 have been deleted. To report, use 61026)))				61305	40.0	90	10.0
*61050	*1.8	0		((61310 Craniectomy or craniotomy, evacuation of hematoma, extradural, subdural or intracerebral; supratentorial 61311 infratentorial 61312 Craniectomy or craniotomy for evacuation of hematoma, supratentorial; extradural or subdural 61313 intracerebral 61314 Craniectomy or craniotomy for evacuation of hematoma, infratentorial; extradural or subdural 61315 intracerebellar 61320 Craniectomy or craniotomy, drainage of intracranial abscess; supratentorial 61321 infratentorial 61330 Decompression of orbit only, transcranial approach; unilateral 61331 bilateral 61332 Exploration of orbit (transcranial approach); with biopsy 61333 with removal of lesion 61334 with removal of foreign body 61340 Other cranial decompression (e.g., subtemporal), supratentorial; unilateral 61341 bilateral 61343 Craniectomy, suboccipital with cervical laminectomy for decompression of medulla and spinal cord, with or without dural graft (e.g., Arnold-Chiari malformation) 61345 Other cranial decompression, posterior fossa (For orbital decompression by lateral wall approach, Kroenlein type, see 67440) 61440 Craniotomy for section of tentorium cerebelli (separate procedure) 61450 Craniectomy, subtemporal, for section, compression, or decompression of sensory root of gasserian ganglion 61458 Craniectomy, suboccipital; for exploration or decompression of cranial nerves 61460 for section of one or more cranial nerves 61470 for medullary tractotomy 61480 for mesencephalic tractotomy or pedunculotomy 61490 Craniotomy for lobotomy, including cingulotomy; unilateral 61491 bilateral 61500 Craniectomy; with tumor or other bone lesion of skull 61501 for osteomyelitis 61510 Craniectomy, trephination, bone flap craniotomy; for excision of			
Cisternal or lateral cervical puncture; without injection (separate procedure)				28.0	90	11.0	
((61051, 61052, and 61053 have been deleted. To report, use 61055)))				26.0	90	13.0)	
61055*	BR		6.0	31.5	90	9.5	
61070*	2.0	0	0	33.0	90	9.5	
TWIST DRILL BURR HOLE(S) OR TREPHINE				39.0	90	9.5	
61105*	BR			42.7	90	9.5	
61106	BR			28.0	90	11.0	
61107*		30	7.0	28.0	90	13.0	
61108	8.0	30	7.0	26.0	90	9.0	
61120	17.5	7	8.0	BR		9.0	
61130	10.0	30	7.0	BR		9.0	
61140	7.0	0		BR		9.0	
61150	20.0	0	5.0	16.0	90	9.0	
61151	24.0	90	9.0	24.0	90	9.0	
61154	26.0	90	9.0	39.2	90	9.5	
61155	39.0	90	9.0	22.0	90	13.0	
61156	25.0	90	9.0	(For orbital decompression by lateral wall approach, Kroenlein type, see 67440)			
61210*	8.0	30	7.0	28.0	90	10.0	
61215	BR		7.0	30.0	90	10.0	
61250	15.0	30	7.0	34.0	90	10.0	
61251	22.0	30	7.0	40.0	90	11.0	
61253	BR			40.0	90	11.0	
(If burr hole(s) or trephine followed by craniotomy at same operative session, use 61304-61321;				24.0	90	9.0	
				30.0	90	11.0	
				BR		8.0	
				BR		8.0	

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
61512	34.0	90	12.0	61546	34.0	90	10.0
61514	40.0	90	11.0	61548	BR		4.0
61516	32.0		9.0	((For stereotaxis, see 61715))			
	30.0		11.0	61550	18.0	90	9.0
<u>(For excision of pituitary tumor of craniopharyngioma, see 61545, 61546, 61548)</u>				61552	22.0	90	9.0
61518	40.0	90	11.0	61553	BR		9.0
61519	44.0	90	13.0	61555	BR		9.0
61520	40.0	90	11.0	(Reconstruction of skull by multiple bone flaps)			
61521	BR		11.0	(For cranial reconstruction for orbital hypertelorism, see 21260-21263)			
61522	30.0	90	13.0	(For sequestrectomy for osteomyelitis, see 21020)			
61524	30.0	90	13.0	61561	BR		9.0
61526	30.0	90	13.0	61562	BR		9.0
61530	BR		13.0	61570	BR		9.0
61532	BR		13.0	61571	BR		9.0
61533	BR		13.0	61575	BR	90	
	BR		9.0	<u>Transoral approach to skull base, brain stem, or upper spinal cord for biopsy, decompression, or excision of lesion</u>			
	BR		9.0	61576	BR	90	
	BR		9.0	<u>requiring splitting of tongue and/or mandible (including tracheostomy)</u>			
	BR		9.0	(For arthrodesis, use 22548)			
	BR		9.0	61680	52.0	90	
	BR		9.0	<u>Surgery of intracranial arteriovenous malformation; supratentorial, simple</u>			
	BR		9.0	61682	61.0	90	
	BR		9.0	61684	56.5	90	
	BR		9.0	61686	65.5	90	
	BR		9.0	61690	BR	90	
	BR		9.0	61692	BR	90	
	BR		9.0	(For sequestrectomy for osteomyelitis, see 21020)			
	BR		9.0	SURGERY FOR ANEURYSM ((OR)), ARTERIOVENOUS MALFORMATION, OR VASCULAR DISEASE			
	BR		9.0	(For excision of vascular malformation, see 61532)			
	BR		9.0	61700	40.0	90	13.0
	BR		9.0	61702	44.0	90	15.0
	BR		9.0	61703	BR		7.0
	BR		9.0	(For cervical approach for direct ligation of carotid artery, see 37600-37606)			
	BR		9.0	61705	32.0	90	15.0
	BR		9.0	61708	30.0	90	9.0
	BR		9.0	Surgery of aneurysm, vascular malformation or carotid-cavernous fistula; by intracranial and cervical occlusion of carotid artery			
	BR		9.0	by intracranial electrothrombosis			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
61710				62005			
by intra-arterial embolization, injection procedure or balloon catheter	24.0	90	9.0	compound or comminuted, extradural	24.0	90	9.0
61711				62010			
Anastomosis, arterial, extracranial-intracranial (e.g., middle cerebral/cortical) arteries	36.0	90	15.0	with repair of dura and/or debridement of brain ((and repair of dura))	29.0	90	11.0
(For carotid or vertebral thromboendarterectomy, see ((35300) 35301)				62100			
61712				Craniotomy for repair of dural/CSF leak, including surgery for rhinorrhea/otorrhea	30.0	90	9.0
Microdissection, intracranial or spinal procedure (list separately in addition to code for primary procedure)	BR		9.0	(For repair of spinal dural/CSF leak, see 63708)			
STEREOTAXIS				62120			
((For nonstereotaxis, see 61548))				Repair of encephalocele, including cranioplasty	BR		9.0
61720				62140			
Stereotactic lesion, any method, including burr hole(s) and localizing and recording techniques, single or multiple stages; globus pallidus or thalamus	38.0	90	8.0	Cranioplasty for skull defect, up to 5 cm diameter	20.0	90	9.0
61735				larger than 5 cm diameter	BR		9.0
subcortical structure other than globus pallidus or thalamus	38.0	90	8.0	62142			
61750				Removal of bone flap or prosthetic plate of skull	BR		9.0
Stereotactic biopsy, aspiration or excision, including burr hole(s) for intracranial lesion	BR		8.0	62145			
61751				Cranioplasty for skull defect with reparative brain surgery	BR+		11.0
with computerized axial tomography	BR		8.0	CSF SHUNT			
61770				62180			
Stereotactic localization, any method, including burr hole(s); with insertion of catheter(s) for brachytherapy	16.5	90	8.0	Ventriculocisternostomy (Torkildsen type operation)	32.0	90	11.0
61780				62190			
((Stereotactic localization, including burr hole(s), ventriculography and)) for introduction of subcortical electrodes	18.0	90	8.0	Creation of shunt; subarachnoid/subdural-atrial, -jugular, -auricular	24.0	90	9.0
				subarachnoid/subdural-peritoneal, -pleural, -other terminus	22.0	90	9.0
				62194			
61790				Replacement or irrigation, subarachnoid/subdural catheter	6.0	90	5.0
Stereotactic lesion of gasserian ganglion, percutaneous, by neurolytic agent (e.g., alcohol, thermal, electrical, radiofrequency)	18.0	90	7.0	62200			
61793				Ventriculocisternostomy, third ventricle	32.0	90	11.0
Stereotactic focused proton beam or gamma radio-surgery	BR			62220			
				Creation of shunt; ventriculo-atrial, -jugular, -auricular	26.0	90	11.0
NEUROSTIMULATORS, INTRACRANIAL				62223			
61850				ventriculo-peritoneal, -pleural, -other terminus	24.0	90	9.0
Burr or twist drill hole(s) for implantation of neurostimulator electrodes; cortical	15.0	30	8.0	62225			
61855				Replacement or irrigation, ventricular catheter	10.0	90	5.0
subcortical	18.0	30	8.0	62230			
61860				Replacement or revision of shunt, obstructed valve, or distal catheter in shunt system	20.0	90	11.0
Craniectomy or craniotomy for implantation of neurostimulator electrodes, cerebral; cortical	15.0	30	6.0	62256			
61865				Removal of complete shunt system; without replacement	10.0	90	11.0
subcortical	18.0	30	6.0	62258			
61870				with replacement by similar or other shunt at same operation	3.0	0	9.0
Craniectomy for implantation of neurostimulator electrodes, cerebellar; cortical	18.0	30	7.0	(For percutaneous irrigation or aspiration of shunt reservoir, see 61070)			
61875				AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)			
subcortical	19.0	30	7.0	WAC 296-22-370 SPINE AND SPINAL CORD.			
61880				(For application of caliper or tongs, see 20660)			
Revision or removal of intracranial neurostimulator electrodes	BR		7.0	(For treatment of fracture or dislocation of spine, see 22305-22327)			
61885				Unit Value	Follow-up Days=	Basic Anes@	
Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling	BR		7.0	PUNCTURE FOR INJECTION, DRAINAGE OR ASPIRATION			
61888				62268*			
Revision or removal of intracranial neurostimulator receiver	BR		7.0	Percutaneous aspiration, spinal cord cyst or syrinx	BR		
(See WAC 296-22-010, item 2)							
REPAIR							
62000							
Elevation of depressed skull fracture; simple, extradural	18.0	90	9.0				

	Unit Value	Follow-up Days=	Basic Anes@
(For CT guidance, see 76365, 76366; for ultrasonic guidance, see 76938, 76939)			
62269* Biopsy of spinal cord, percutaneous needle	BR		
(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943)			
62270* Spinal puncture, lumbar; diagnostic	1.6	0	
62272* Spinal puncture, therapeutic, for drainage of spinal fluid (by needle or catheter)	BR		
62273* Injection, lumbar epidural, of blood or clot patch	2.1		
62274* Injection of anesthetic substance including narcotics, diagnostic or therapeutic; subarachnoid or subdural, ((simple)) single	2.1	0	
62276* subarachnoid or subdural, differential	3.5	0	
62277* subarachnoid or subdural, continuous	3.0		
62278* ((epidural)) lumbar or caudal epidural, single	2.1	0	
62279* ((epidural)) lumbar or caudal epidural, continuous	3.0		
62280* Injection of neurolytic substance (e.g., alcohol, phenol, iced saline solutions); subarachnoid	5.0		
62282* ((epidural)) lumbar or caudal epidural	5.0		
62284* Injection procedure for myelography, spinal or posterior fossa. (((62286 has been deleted, use 64999)))	3.0	7	
62288* Injection of substance other than anesthetic, contrast, or neurolytic solutions; subarachnoid (separate procedure)	BR		
62289* ((Injection of substance other than anesthetic, contrast, or neurolytic solutions; epidural)) lumbar or caudal epidural	2.8	0	0
62290* Injection procedure for diskography, single or multiple levels; lumbar	2.8		
62291* cervical	2.8		
62292 Injection procedure for chemonucleolysis; including diskography, intervertebral disc; one or more levels—lumbar	13.0	180	4.0
(((62293 Cervical	13.0	180	4.0)))
62294* Injection procedure, arterial, for occlusion of arteriovenous malformation, spinal	2.8		
(LAMINECTOMY OR LAMINOTOMY, FOR EXPLORATION OR DECOMPRESSION			
62295 Laminectomy for exploration of intraspinal canal, one or two segments; cervical	32	90	10.0
62296 thoracic	32.0	90	10.0
62297 lumbar	26.0	90	8.0
62299 sacral	26.0	90	10.0
62301 Laminectomy for exploration of intraspinal canal, more than two segments; cervical	BR		10.0
62302 thoracic	BR		10.0
62303 lumbar	BR		8.0))

POSTERIOR EXTRADURAL LAMINOTOMY OR LAMINECTOMY FOR EXPLORATION/DECOMPRESSION OF NEURAL ELEMENTS OR EXCISION OF HERNIATED INTERVERTEBRAL DISKS

	Unit Value	Follow-up Days=	Basic Anes@
63001 Laminectomy for exploration/decompression of spinal cord and/or cauda equina, one or two segments; cervical	30.0	90	10.0
63003 thoracic	30.0	90	10.0
63005 lumbar, except for spondylolisthesis	24.0	90	8.0
63010 lumbar for spondylolisthesis (Gill type procedure)	28.0	90	8.0
63011 sacral	24.0	90	10.0
63015 Laminectomy for exploration/decompression of spinal cord and/or cauda equina, more than two segments; cervical	BR		10.0
63016 thoracic	BR		10.0
63017 lumbar	BR		8.0
(((When followed by arthrodesis, see 22550-22565)))			
63020 Laminotomy (hemilaminectomy), for ((herniated intervertebral disk, and/or)) decompression of nerve root(s) including partial facetectomy, for aminotomy and/or excision of herniated intervertebral disk; one interspace, cervical, unilateral	26.0	90	10.0
63021 one interspace, cervical, bilateral	28.0	90	10.0
63030 one interspace, lumbar, unilateral	25.0	90	8.0
63031 one interspace, lumbar, bilateral	27.0	90	8.0
63035 each additional interspace(s), cervical or lumbar	BR		10.0
(Use 63035 only for procedures 63031-63035)			
63040 Laminotomy (hemilaminectomy), for ((herniated intervertebral disk, and/or)) decompression of nerve ((root, any level, extensive or)) root(s) including partial facetectomy, foraminotomy and/or excision of herniated intervertebral disk; reexploration; cervical.. ((BR))	30.5	90	10.0
(((63041 thoracic	BR		10.0)))
63042 lumbar	BR		8.0
63045 Laminectomy, including unilateral or bilateral complete facetectomy or foraminotomy for decompression of spinal cord, cauda equina and/or nerve root(s), (e.g., spinal or lateral recess stenosis), single segment; cervical	30.5	90	9.0
63046 thoracic	30.5	90	9.0
63047 lumbar	28.0	90	9.0
63048 each additional segment, cervical, thoracic, or lumbar	5.0	90	9.0
TRANSPEDICULAR OR COSTOVERTEBRAL APPROACH FOR POSTEROLATERAL EXTRADURAL EXPLORATION/DECOMPRESSION			
63055 Transpedicular approach for decompression of spinal cord, equina and/or nerve root(s) (e.g., herniated intervertebral disk), single			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
segment, thoracic	39.0	90	9.0	nerve root(s), lower thoracic, lumbar, or sacral; single segment	36.5	90	9.0
63056 lumbar	35.0	90	9.0	63091 each additional segment	6.0	90	9.0
63057 each additional segment, thoracic or lumbar	5.0	90	9.0	(Procedures 63081-63091 include diskectomy above and/or below vertebral segment)			
((When followed by arthrodesis, see 22550-22565))				(If followed by arthrodesis, see 22554-22585)			
(Do not use both 63035 and 63040-63042 for same procedure)				INCISION			
63060 Hemilaminectomy (laminectomy) for herniated intervertebral disk, thoracic, posterior approach	28.0	90	8.0)	63170 Laminectomy for myelotomy (e.g., Bischof or DREZ type), cervical, thoracic, or thoracolumbar	(BR)	90	8.0
63064 Costovertebral approach for decompression of spinal cord or nerve root(s), (e.g., herniated intervertebral disk), thoracic; single segment	30.0	90	8.0	63172 Laminectomy for drainage of intramedullary cyst/syrinx; to subarachnoid space	BR	90	8.0
((63065 Transthoracic approach for herniated intervertebral disk or other mass lesion, thoracic spine	32.7	90	8.0))	63173 to peritoneal space	BR	90	8.0
63066 each additional segment	5.0	90	9.0	63180 Laminectomy and section of dentate ligaments, with or without dural graft, cervical; one or two segments	38.0	90	8.0
(For excision of thoracic intraspinal lesions by laminectomy, see 63266, 63271, 63276, 63281, and 63286)				63182 more than two segments	BR	90	8.0
ANTERIOR OR ANTEROLATERAL APPROACH FOR EXTRADURAL EXPLORATION/DECOMPRESSION				63185 Laminectomy for rhizotomy; one or two segments	28.0	90	8.0
63075 Diskectomy, ((cervical;)) anterior ((approach, without arthrodesis;)), for decompression of spinal cord and/or nerve root(s), including osteophyctomy; cervical, single interspace	26.0	90	8.0	63190 more than two segments	BR	90	8.0
63076 cervical, each additional interspace(s)	5.0	90	9.0	63191 Laminectomy for section of spinal accessory nerve; unilateral	BR	90	8.0
((For diskectomy with arthrodesis, see 22550-22566))				63192 bilateral	BR	90	8.0
63077 thoracic, single interspace	26.0	90	9.0	(For resection of sternocleidomastoid muscle, use 21720)			
63078 thoracic, each additional interspace	5.0	90	9.0	63194 Laminectomy for cordotomy, unilateral, one stage; cervical	32.0	90	8.0
63081 Vertebral corpectomy (vertebral body resection), partial or complete, anterior approach for decompression of spinal cord and/or nerve root(s); cervical, single segment	36.5	90	9.0	63195 thoracic	32.0	90	7.0
63082 cervical, each additional segment	6.0	90	10.0	63196 Laminectomy for cordotomy, bilateral, one stage; cervical	32.0	90	8.0
63085 Vertebral corpectomy (vertebral body resection), partial or complete, transthoracic approach for decompression of spinal cord and/or nerve root(s); thoracic, single segment	39.0	90	9.0	63197 thoracic	32.0	90	7.0
63086 thoracic, each additional segment	6.0	90	9.0	63198 Laminectomy for cordotomy, bilateral, two stages within fourteen days; cervical	40.0	90	8.0
63087 Vertebral corpectomy (vertebral body resection), partial or complete, combined thoracolumbar approach for decompression of spinal cord, cauda equina, or nerve root(s), lower thoracic, or lumbar; single	39.0	90	9.0	63199 thoracic	40.0	90	7.0
63088 each additional segment	6.0	90	9.0	EXCISION ((FOR)) BY LAMINECTOMY OF LESION OTHER THAN HERNIATED ((INTERVERTEBRAL)) DISK			
63090 Vertebral corpectomy (vertebral body resection), partial or complete, transperitoneal or retroperitoneal approach for decompression of spinal cord, cauda equina, or				((63210 Laminectomy, one or two segments, for excision of intraspinal lesion; cervical	34.0	90	8.0
				63215 thoracic	34.0	90	7.0
				63220 lumbar	30.0	90	7.0
				63225 sacral	30.0	90	7.0
				63240 Laminectomy, more than two segments, for excision of intraspinal lesion; cervical	BR	90	9.0
				63241 thoracic	BR	90	8.0
				63242 lumbar	BR	90	7.0)
				63200 Laminectomy, for release of tethered spinal cord, lumbar	32.5	90	9.0
				63250 Laminectomy for excision or occlusion of arteriovenous malformation of spinal cord; cervical	BR	90	9.0
				63251 thoracic	BR	90	8.0
				63252 thoracolumbar	48.0	90	9.0
				63265 Laminectomy for excision or intraspinal lesion other than neoplasm, extradural; cervical	35.0	90	9.0
				63266 thoracic	35.0	90	9.0
				63267 lumbar	31.5	90	9.0
				63268 sacral	31.5	90	9.0
				63270 Laminectomy for excision of intraspinal lesion other than neoplasm, intradural; cervical	36.5	90	9.0

	Unit Value	Follow-up Days=	Basic Anes@
63271 thoracic	36.5	90	9.0
63272 lumbar	33.0	90	9.0
63273 sacral	33.0	90	9.0
63275 Laminectomy for biopsy/excision of intraspinal neoplasm, extradural, cervical	35.0	90	9.0
63276 extradural, thoracic	35.0	90	9.0
63277 extradural, lumbar	31.5	90	9.0
63278 extradural, sacral	31.5	90	9.0
63280 intradural, extramedullary, cervical	36.5	90	9.0
63281 intradural, extramedullary, thoracic	36.5	90	9.0
63282 intradural, extramedullary, lumbar	33.0	90	9.0
63283 intradural, sacral	33.0	90	9.0
63285 intradural, intramedullary, cervical	43.5	90	9.0
63286 intradural, intramedullary, thoracic	43.5	90	9.0
63287 intradural, intramedullary, thoracolumbar	43.5	90	9.0
63290 combined extradural-intradural lesion, any level	BR	90	9.0

EXCISION, ANTERIOR OR ANTEROLATERAL APPROACH, INTRASPINAL LESION

(For arthrodesis, see 22548-22650)

(For reconstruction of spine, see 22140-22152)

63300 Vertebral corpectomy (vertebral body resection), partial or complete, for excision of intraspinal lesion, single segment; extradural, cervical	39.0	90	
63301 extradural, thoracic by transthoracic approach	43.5	90	
63302 extradural, throacic by thoracolumbar approach	43.5	90	
63303 extradural, lumbar or sacral by transperitoneal or retroperitoneal approach	43.5	90	
63304 intradural, cervical	39.0	90	
63305 intradural, thoracic by transthoracic approach	43.5	90	
63306 intradural, throacic by thoracolumbar approach	43.5	90	
63307 intradural, lumbar, or sacral by transperitoneal or retroperitoneal approach	43.5	90	
63308 each additional segment (list separately in addition to codes for single segment 63300-63307)	5.0	90	

STEREOTAXIS

63600 Stereotactic lesion of spinal cord, percutaneous, any modality (including stimulation and/or recording)	18.0	90	7.0
63610 Stereotactic stimulation of spinal cord, percutaneous, separate procedure not followed by other surgery	8.0	0	7.0
63615 Stereotactic biopsy, aspiration, or excision of lesion, spinal cord	BR		7.0

NEUROSTIMULATORS, SPINAL

63650 Percutaneous implantation of neurostimulator electrodes; epidural	BR		8.0
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	Unit Value	Follow-up Days=	Basic Anes@
63652 intradural (spinal cord)	BR		8.0
63655 Laminectomy for implantation of neurostimulator electrodes; epidural	BR		10.0
63656 endodural	BR		10.0
63657 subdural	BR		10.0
63658 spinal cord (dorsal or ventral)	BR		10.0
63660 Revision or removal of spinal neurostimulator electrodes	BR		10.0
63685 Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling	BR		4.0
63688 Revision or removal of spinal neurostimulator receiver	BR		4.0

REPAIR

63700 Repair of meningocele; less than 5 cm diameter	20.0	90	9.0
63702 larger than 5 cm diameter	BR		9.0
63704 Repair of myelomeningocele; less than 5 cm diameter	BR		9.0
63706 larger than 5 cm diameter	BR		9.0
63707 Repair of dural/CSF leak, not requiring laminectomy	28.0	90	7.0
63709 Repair of dural/CSF leak, or pseudomeningocele, with laminectomy	28.0	90	7.0

((For complex skin closure, see Integumentary System)

63708 Repair dural/CSF leak	BR		9.0
63710 Dural graft, spinal	BR		9.0

(For laminectomy and section of dentate ligaments, with or without dural graft, cervical, see 63180-63182)

SHUNT, SPINAL CSF

63740 Creation of shunt, lumbar, subarachnoid-peritoneal, -pleural or other including laminectomy	26.0	90	9.0
63744 Replacement, irrigation or revision of lumbar-subarachnoid shunt	10.0	90	5.0
63746 Removal of entire lumbosubarachnoid shunt system without replacement	10.0	90	5.0
63750 Insertion, subarachnoid catheter with reservoir and/or pump for intermittent or continuous infusion of drug, including laminectomy	BR		5.0
63780 Insertion, subarachnoid or epidural catheter, with reservoir and/or pump for drug infusion, without laminectomy	17.5	7	7.0

(For pump refilling and maintenance, see 96520 and 96530)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-375 EXTRACRANIAL NERVES, PERIPHERAL NERVES AND AUTONOMIC NERVOUS SYSTEM.

(For intracranial surgery on cranial nerves, see 61450, 61460, 61790)

INTRODUCTION/INJECTION OF ANESTHETIC AGENT (NERVE BLOCK), DIAGNOSTIC OR THERAPEUTIC ((SOMATIC NERVES

~~Anesthetic Agent (diagnostic or therapeutic)~~

~~(For anesthesia services in conjunction with surgical procedures, see Anesthesia section))~~

SOMATIC NERVES

	Unit Value	Follow-up Days=	Basic Anes@
64400* Injection, anesthetic agent; trigeminal nerve, any division or branch	*3.0	0	
64402* facial nerve	*2.5	0	
64405* greater occipital nerve	*2.5	0	
64408* vagus nerve	*2.5	0	
64410* phrenic nerve	*2.5	0	
64412* spinal accessory nerve	*2.5	0	
64413* cervical plexus	*2.5	0	
64415* brachial plexus	*2.5	0	
64417* axillary nerve	*2.5	0	
64418* suprascapular nerve	2.0	0	
64420* intercostal nerve, single	*2.0	0	
64421* intercostal nerves, multiple, regional block	*2.5	0	
64425* ilioinguinal, iliohypogastric nerves	*2.0	0	
64430* pudendal nerve	*2.5	0	
64435* paracervical (uterine) nerve	*2.5	0	
64440* paravertebral nerve (thoracic, lumbar, sacral, coccygeal), single	*3.0	0	
64441* paravertebral nerves, multiple, regional block	*3.2	0	
64442* paravertebral facet joint nerve, lumbar, single level	2.5	0	
64443* paravertebral facet joint nerve, lumbar, each additional level	0.5	0	
64445* sciatic nerve	*2.5	0	
64450* other peripheral nerve or branch	*2.0	0	

(For phenol destruction, see 64600-64640)

(For subarachnoid or subdural, see 62274-62277)

(For epidural or caudal, see 62278, 62279)

SYMPATHETIC NERVES

64505* Injection, anesthetic agent; sphenopalatine ganglion	*3.0	0	
64508* carotid sinus (separate procedure)	*2.5	0	
64510* stellate ganglion (cervical sympathetic)	*2.0	0	
64520* lumbar or thoracic (paravertebral sympathetic)	*3.0	0	
64530* celiac plexus, with or without radiologic monitoring	*4.0		

NEUROSTIMULATORS, PERIPHERAL NERVE

64550 Application of surface (transcutaneous) neurostimulator	BR		
64553 Percutaneous implantation of neurostimulator electrodes; cranial nerve	BR		
64555 peripheral nerve	BR		
64560 autonomic nerve	BR		
64565 neuromuscular	BR		

	Unit Value	Follow-up Days=	Basic Anes@
64573 Incision for implantation of neurostimulator electrodes; cranial nerve	BR		
64575 peripheral nerve	BR		
64577 autonomic nerve	BR		
64580 neuromuscular	BR		
64585 Revision or removal of peripheral neurostimulator electrodes	BR		
64590 Incision for subcutaneous placement of neurostimulator receiver, direct or inductive coupling	BR		
64595 Revision or removal of peripheral neurostimulator receiver	BR		

DESTRUCTION BY NEUROLYTIC AGENT (E.G., CHEMICAL, THERMAL, ELECTRICAL, RADIOFREQUENCY) SOMATIC NERVES

64600 Destruction by neurolytic agent, trigeminal nerve; supraorbital, infraorbital, mental, or inferior alveolar branch	5.0	7	
64605 second and third division branches at foramen ovale	5.0	30	
64610 second and third division branches at foramen ovale under radiologic monitoring	5.0	30	
64620 Destruction by neurolytic agent; intercostal nerve	4.0	7	
64622 paravertebral facet joint nerve, lumbar, single level	BR		
64623 paravertebral facet joint nerve, lumbar, each additional level	BR		
64630 pudendal nerve	5.0		
64640 Other peripheral nerve or branch	5.0		

SYMPATHETIC NERVES

64680 Destruction by neurolytic agent, celiac plexus, with or without radiologic monitoring	6.0	7	
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NEUROPLASTY (EXPLORATION, NEUROLYSIS OR NERVE DECOMPRESSION ((NEUROPLASTY)))

Neuroplasty is the decompression or freeing of intact nerve from scar tissue, including external neurolysis and transposition

(For internal neurolysis by dissection, see 64727)

(For facial nerve decompression, see 69720)

64702 ((Neurolysis)) Neuroplasty; digital, one or both, same digit	4.8	90	3.0
64704 nerve of hand or foot	8.0	90	3.0
64708 ((Neurolysis)) Neuroplasty, major peripheral nerve; arm or leg; other than specified	12.0	90	4.0
64712 sciatic nerve	BR		6.0
64713 brachial plexus	BR		6.0
64714 lumbar plexus	BR		6.0
64716 ((Neurolysis)) Neuroplasty and/or transposition; cranial nerve (specify)	BR		6.0
64718 ulnar nerve at elbow	15.0	90	3.0
64719 ulnar nerve at wrist	9.0	90	3.0
64721 median nerve at carpal tunnel	10.0	90	3.0
64722 Decompression; unspecified nerve(s) (specify)	BR		
64726 plantar digital nerve	6.0	90	3.0
64727 Internal neurolysis ((by dissection, with or without microdissection)), requiring use of operating microscope (list separately in addition			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@	
to code for ((primary)) neuroplasty (neuroplasty includes external neurolysis)	BR		3.0	64784	major peripheral nerve except sciatic	10.0	30	3.0
TRANSECTION OR AVULSION OF NERVE(S)				64786	sciatic nerve	BR		3.0
(For steriotactic lesion of gasserian ganglion, see 61790)				((64787 Insertion of plastic cap on nerve end	BR			3.0))
64732 Transection or avulsion of; supra-orbital nerve	7.0	30	3.0	64787	Implantation of nerve end into bone or muscle (list separately in addition to neuroma excision) . . .	5.5	30	3.0
64734 infraorbital nerve	7.0	30	3.0	64788	Excision of neurofibroma or neurolemmoma, cutaneous nerve . . .	6.0	30	3.0
64736 mental nerve	7.0	30	3.0	64790	major peripheral nerve	BR		3.0
64738 inferior alveolar nerve by osteotomy	10.0	30	3.0	64792	extensive (including malignant type)	BR		3.0
64740 lingual nerve	BR		3.0	64795	Biopsy of nerve	BR		
64742 facial nerve, differential or complete	BR		3.0	EXCISION-SYMPATHETIC NERVES				
64744 greater occipital nerve	7.0	30	3.0	64802	Sympathectomy, cervical; unilateral	14.5	60	6.0
((For section of recurrent laryngeal nerve, see 31595))				64803	bilateral	19.0	60	6.0
64746 phrenic nerve	5.0	30	3.0	64804	Sympathectomy, cervicothoracic; unilateral, one stage	20.0	60	6.0
(For section of recurrent laryngeal nerve, see 31595)				64806	bilateral or two stage unilateral	28.0	60	8.0
64752 vagus nerve (vagotomy), transthoracic	14.0	45	11.0	64809	Sympathectomy, thoracolumbar; unilateral	20.0	60	6.0
64755 vagi limited to proximal stomach (selective proximal vagotomy, proximal gastric vagotomy, parietal cell vagotomy, supra- or highly selective vagotomy)	BR	45	3.0	64811	bilateral	28.0	60	8.0
64760 vagus nerve (vagotomy), abdominal	14.0	45	6.0	((64814 Hypogastric or presacral neurectomy has been deleted. To report, use 64999))				
64761 pudendal nerve, unilateral	BR		6.0	64818	Sympathectomy, lumbar; unilateral	15.0	60	5.0
64762 pudendal nerve, bilateral	BR		6.0	64819	bilateral	21.0	60	5.0
64763 Transection or avulsion of obturator nerve, extrapelvic, with or without adductor tenotomy; unilateral	6.0	45	3.0	((64824 has been deleted. To report periarterial sympathectomy, use 64999))				
64764 bilateral	9.0	45	3.0	NERVE REPAIR BY SUTURE (NEURORRHAPHY)				
64766 Transection or avulsion of obturator nerve, intrapelvic, with or without adductor tenotomy; unilateral	10.0	60	4.0	64830	Microdissection and/or microrepair of nerve (list separately in addition to code for nerve repair).	BR		4.0
64768 bilateral	13.0	60	4.0	64831	Suture of digital nerve, hand or foot; one nerve	4.8	90	3.0
64771 Transection or avulsion of other cranial nerve, extradural	BR		3.0	64832	each additional digit nerve	1.2		
64772 Transection or avulsion of other spinal nerve, extradural	BR		3.0	64834	Suture of one nerve, hand or foot; common sensory nerve	8.0	90	3.0
((EXCISION))				64835	median motor thenar	10.0	90	3.0
(For excision of tender scar, skin and subcutaneous tissues with or without tiny neuroma, see 11400-11460, 13000-13300)				64836	ulnar motor	12.0	90	3.0
EXCISION-SOMATIC NERVES				64837	Suture of each additional nerve, hand or foot	BR		3.0
(For Morton neurectomy, see 28080)				64840	Suture of posterior tibial nerve	BR		3.0
64774 Excision of neuroma; cutaneous nerve, surgically identifiable	3.0	30	3.0	64856	Suture of major peripheral nerve, arm or leg, except sciatic; including transposition	14.0	90	3.0
64776 digital nerve, one or both, same digit	3.0	30	3.0	64857	without transposition	BR	90	3.0
64778 digital nerve, each additional digit (list separately by this number)	2.0			64858	Suture of sciatic nerve	BR		3.0
64782 hand or foot, except digital nerve	6.0	30	3.0	64859	Suture of each additional major peripheral nerve	BR		3.0
64783 hand or foot, each additional nerve, except same digit (list separately by this number)	3.0	30	3.0	64861	Suture of; brachial plexus	BR		3.0
				64862	lumbar plexus	BR		3.0
				64864	Suture of facial nerve; extracranial	BR		3.0
				64865	intratemporal, with or without grafting	BR		3.0
				64866	Anastomosis; facial-spinal accessory	26.0	90	3.0
				64868	facial-hypoglossal	26.0	90	3.0
				64870	facial-phrenic	26.0	90	3.0
				64872	Suture of nerve; requiring secondary or delayed suture (list separately in addition to code for primary neurorrhaphy)	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
64874 requiring extensive ((proximat)) mobilization, or transposition of nerve (list separately in addition to code for nerve suture)	BR		3.0
64876 requiring shortening of bone of extremity (list separately in addition to code for nerve suture)	BR		3.0

NEURORRHAPHY WITH NERVE GRAFT

64890 Nerve graft (includes obtaining graft), single strand, hand or foot; up to 4 cm length	BR	90	3.0
64891 more than 4 cm length	BR	90	3.0
64892 Nerve graft (includes obtaining graft), single strand, arm or leg; up to 4 cm length	BR	90	3.0
64893 more than 4 cm length	BR	90	3.0
64895 Nerve graft (includes obtaining graft), multiple strands (cable), hand or foot; up to 4 cm length	BR	90	3.0
64896 more than 4 cm length	BR	90	3.0
64897 Nerve graft (includes obtaining graft), multiple strands (cable), arm or leg; up to 4 cm length	BR	90	3.0
64898 more than 4 cm length	BR	90	3.0
64901 Nerve graft, each additional nerve; single strand	BR	90	3.0
64902 multiple strands (cable)	BR	90	3.0
64905 Nerve pedicle transfer; first stage	BR	90	3.0
64907 second stage	BR	90	3.0

OTHER PROCEDURES

64999 Unlisted procedure, nervous system	BR		3.0
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EYE AND OCULAR ADNEXA

(For diagnostic and treatment ophthalmological services, see medicine, ophthalmology, ((page 18;)) and 92002 et seq.)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-405 EYEBALL.

	Unit Value	Follow-up Days=	Basic Anes@
(((For goniotomy, see 65820)))			
REMOVAL OF EYE			
65091 Evisceration ocular contents; without implant	10.0	30	3.0
65093 with implant	12.0	30	3.0
65101 Enucleation of eye, without implant	10.0	30	3.0
65103 with implant, muscles not attached to implant	11.0	30	3.0
65105 with, muscles attached to implant, muscles attached to implant	12.0	30	3.0
(For conjunctivoplasty after enucleation, see 68320 et seq)			
65110 Exenteration orbit (does not include skin graft), removal orbital contents; only	20.0	60	4.0
65112 with therapeutic removal of bone	BR		4.0

65114 with temporalis muscle transplant	25.0	60	4.0
(For skin graft to orbit (split skin), see 15120, 15121; free, full thickness, see 15260, 15261)			
(For eyelid repair involving more than skin, see 67930 et seq)			

SECONDARY IMPLANT PROCEDURES

An ocular implant is an implant inside muscular cone; an orbital implant is an implant outside muscular cone.

65130 Insertion ocular implant secondary; after evisceration, in scleral shell	8.0	30	4.0
65135 after enucleation, muscles not attached to implant	10.0	30	4.0
65140 after enucleation, muscles attached to implant	14.0	30	4.0
65150 Reinsertion ocular implant; with or without conjunctival graft	BR		4.0
65155 with use of foreign material for reinforcement and/or attachment of muscles to implant	BR		4.0
65175 Removal ocular implant	BR		4.0
(For orbital implant (implant outside muscle cone) insertion, see 67550; removal, see 67560)			

REMOVAL OF OCULAR FOREIGN BODY

(For removal of implanted material: Ocular implant, see 65175; anterior segment implant, see 65920; posterior segment implant, see 67120; orbital implant, see 67560)

(For diagnostic x-ray for foreign body, see 70030-70050)

(For diagnostic echography for foreign body, see 76529)

(For removal of foreign body from orbit: Frontal approach, see 67413; lateral approach, see 67430; transcranial approach, see 61334)

(For removal of foreign body from eyelid, embedded, see 67938)

(For removal of foreign body from lacrimal system, see 68530)

65205* Removal foreign body, external eye; conjunctival superficial	0.2	0	4.0
65210* conjunctival embedded (includes concretions), subconjunctival, or scleral nonperforating	0.6	0	4.0
65220* corneal, without slit lamp	0.6	0	4.0
65222* corneal, with slit lamp	0.8	0	4.0
(For repair of corneal laceration with foreign body, see 65275)			
65230 Removal foreign body intraocular; from anterior chamber, magnetic extraction	12.0	45	6.0
65235 from anterior chamber, non-magnetic extraction	16.0	45	8.0
65240 from lens (without extraction lens), magnetic extraction	12.0	30	6.0
65245 from lens (without extraction			

	Unit Value	Follow-up Days=	Basic Anes@
lens), nonmagnetic extraction . . .	BR		8.0
(For removal implanted material anterior segment, see 65920)			
65260 from posterior segment, magnetic extraction, anterior or posterior route	12.0	30	6.0
65265 from posterior segment, nonmagnetic extraction	18.0	30	8.0
(For removal implanted material posterior segment, see 67120)			

REPAIR OF LACERATION OF EYEBALL

(For fracture of orbit, see ((21380)) 21385 et seq.)
 (For repair wound of eyelid, skin, linear, simple, see 12011-12018; intermediate, layered closure, see 12051-12057; linear, complex, see 13150-13300; other, see 67930-67935)
 (For repair wound of lacrimal system, see 68700)
 (For repair operative wound, see 66250)

65270* Repair laceration; conjunctiva, with or without nonperforating laceration sclera, direct closure	0.9	0	4.0
65272 conjunctiva, by mobilization and rearrangement, without hospitalization	BR		4.0
65273 conjunctiva, by mobilization and rearrangement, with hospitalization	BR		4.0
65275 cornea, nonperforating, with or without removal foreign body . .	SV		4.0
65280 cornea and/or sclera, perforating, not involving uveal tissue . .	BR	30	5.0
65285 cornea and/or sclera, perforating, with reposition or resection of uveal tissue	15.4	30	6.0
<u>65286 application of tissue glue, wounds of cornea and/or sclera</u>	1.0	0	4.0
(Repair of laceration includes use of conjunctival flap and restoration of anterior chamber, by air or saline injection when indicated)			
(For repair of iris or ciliary body, see 66680)			
65290 Repair wound extraocular muscle, tendon and/or Tenon's capsule	4.4	30	4.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-410 ANTERIOR SEGMENT—CORNEA.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
65300 Delimiting keratotomy	2.0	15	3.0
(For paracentesis of cornea, see 65800-65815)			

(For removal of foreign body, cornea, see 65220-65222)

EXCISION

65400 Excision lesion cornea (keratectomy, lamellar, partial), except pterygium	8.0	30	3.0
65410* Biopsy cornea	1.0	0	3.0
65420 Excision or transposition, pterygium; without graft	6.0	30	3.0
65426 with graft	BR		3.0

REMOVAL OR DESTRUCTION

65430* Scraping cornea, diagnostic, for smear and/or culture	0.4	0	4.0
65435* Removal corneal epithelium; with or without chemocauterization (abrasion, curettage)	1.0	0	4.0
65436 with application of chelating agent, e.g., EDTA	BR		
(((65445, 65455 have been deleted; use 65450)))			
65450 Destruction of lesion of cornea by cryotherapy; photocoagulation or thermocauterization	1.6	7	4.0
65600 Tattoo of cornea, mechanical or chemical	8.0	30	3.0

KERATOPLASTY

(Keratoplasty excludes refractive keratoplasty procedures, 65760, 65765, 65767)
 (Corneal transplant includes preparation of donor material)

65710 Keratoplasty (corneal transplant), lamellar(;;), includes autografts, and fresh or preserved homografts	24.0	90	8.0
((65720 homograft, fresh	24.0	90	8.0
65725 homograft, preserved	24.0	90	8.0
65730 Keratoplasty (corneal transplant), penetrating (except in aphakia)(;;), includes autografts, and fresh or preserved homografts	30.0	90	8.0
((65740 homograft, fresh	30.0	90	8.0
65745 homograft, preserved	30.0	90	8.0
65750 Keratoplasty (corneal transplant), penetrating, (in aphakia), includes autografts, and fresh or preserved homografts	30.0	90	8.0

OTHER PROCEDURES

65760 Keratomileusis	30.0	90	8.0
65765 Keratophakia	30.0	90	8.0
65767 Epikeratophakia	BR	90	8.0
65770 Keratoprosthesis	32.0	90	8.0
<u>65772 Corneal relaxing incision for correction of surgically induced astigmatism</u>	<u>12.0</u>	<u>90</u>	<u>8.0</u>
<u>65775 Corneal wedge resection for correction of surgically induced astigmatism</u>	<u>12.0</u>	<u>90</u>	<u>8.0</u>

(For fitting of contact lens for treatment of disease, see 92070)

(For unlisted procedures on cornea, see 66999)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-425 ANTERIOR SEGMENT—LENS.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
66800 Discission of lens capsule; incisional technique (needling of lens); initial	5.0	45	3.0
66801 subsequent	2.4	45	3.0
66802 laser surgery (one or more stages)	BR	45	3.0
66820 Discission of secondary membranous cataract ("after cataract") and/or anterior hyAloid; incisional technique (Ziegler or Wheeler Knife)	5.0	45	3.0
66821 laser surgery (e.g., YAG laser) (one or more stages)	BR	45	3.0

REMOVAL CATARACT

66830 Removal of secondary membranous cataract ("after cataract"), with corneoscleral section, with or without iridectomy (iridocapsulotomy, iridocapsulectomy)	12.0	90	3.0
66840 Removal of lens material; aspiration technique, one or more stages	12.0	30	3.0
66850 phacofragmentation technique (mechanical or ultrasonic, e.g., phacoemulsification), with aspiration	16.0	90	3.0
66915 Expression lens, linear, one or more stages	20.0	90	3.0
66920 Extraction lens with or without iridectomy; intracapsular, with or without enzymes	20.0	90	3.0
66930 intracapsular, for dislocated lens	22.0	90	3.0
66940 extracapsular (other than 66840, 66850, 66915)	20.0	90	3.0
((66945 in presence of fistulization bleb and/or by temporal, inferior or inferotemporal route; intracapsular or extracapsular	22.0	90	3.0

Preliminary iridectomy, done as a separate procedure prior to extraction of lens, is included in the listed extraction of lens

(For removal of intralenticular foreign body without lens extraction, see 65240-65245)

(For repair of operative wound, see 66250)

ANTERIOR SEGMENT—OTHER PROCEDURES

~~((66980 Cataract extraction with lens implantation has been deleted. To report, see 66983, 66984))~~

66983 Intracapsular cataract extraction with insertion of intraocular lens prosthesis (one stage procedure) ..	BR		3.0
66984 Extracapsular cataract removal with insertion of intraocular lens prosthesis (one stage procedure), manual or phacoemulsification technique	BR		3.0
66985 insertion of intraocular lens			

Unit Value Follow-up Days= Basic Anes@

subsequent to cataract extraction (separate procedure) BR 3.0

(For removal of implanted material from anterior segment, see 65920)

(For intraocular lens prosthesis supplied by physician, see 99070)

(For ultrasonic determination of intraocular lens power, see 76516, 76517)

(For secondary fixation (separate procedure), see 66682)

66999 Unlisted procedure, anterior segment of eye BR 3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-427 POSTERIOR SEGMENT—VITREOUS.

	Unit Value	Follow-up Days=	Basic Anes@
67005 Removal of vitreous, anterior approach (open sky technique or limbal incision); partial removal ..	BR		3.0
67010 subtotal removal with mechanical vitrectomy (such as VISC or rotoextractor)	BR		3.0
(For removal of vitreous by paracentesis of anterior chamber, see 65810)			
(For removal of corneovitreal adhesions, see 65880)			
67015 Aspiration or release of vitreous, subretinal or choroidal fluid, pars plana approach (posterior sclerotomy)	9.0	15	3.0
67025 Injection of vitreous substitute, pars plana approach (separate procedure), excludes air or balanced salt solutions	12.0	30	3.0
67030 Discission of vitreous strands (without removal), pars plana approach	BR		3.0
67031 Severing of vitreous strands, vitreous face adhesions, sheets, membranes, or opacities, laser surgery (one or more stages)	BR		3.0
((67035 has been deleted. To report use 67036))			
67036 Vitrectomy, mechanical, pars plana approach	BR		3.0
67038 with epiretinal membrane stripping	14.0	30	3.0
67040 with endolaser panretinal photocoagulation	14.0	30	3.0
(For associated lensectomy, see 66850)			
(For use of vitrectomy in retinal detachment surgery, see 67108)			

(For associated removal of foreign body, see 65260-65265)
 (For unlisted procedures on vitreous, see 67299)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-430 POSTERIOR SEGMENT—RETINAL DETACHMENT.

REPAIR

(If diathermy, cryotherapy and/or photocoagulation are combined, report under principle modality used)

~~((67102, 67103 have been deleted, use 67101))~~
~~(67104, 67106 have been deleted, use 67105))~~

	Unit Value	Follow-up Days=	Basic Anes@
67101 Repair of retinal detachment, one or more sessions((same hospitalization)); cryotherapy or diathermy, with or without drainage of subretinal fluid	BR		3.0
67105 photocoagulation (laser or xenon arc, one or more sessions) with or without drainage of subretinal (fluid) fluid	22.0		3.0
67107 scleral buckling (such as lamellar excision, imbrication, or encircling procedure), with or without implant, may include procedures 67101-67105	30.0	90	8.0
67108 with vitrectomy, any method, with or without air tamponade, may include procedures 67101-67107 and/or removal of lens by same technique	30.0	120	5.0
67109 by technique other than 67101-67108	BR		3.0
67112 previously operated upon, any technique	BR		3.0
(For aspiration or drainage of subretinal or subchoroidal fluid, see 67015)			
67115 Release of encircling material (posterior segment)	BR		3.0
67120 Removal implanted material, posterior segment extraocular . . .	BR		3.0
67121 intraocular	BR		3.0
(For removal from anterior segment, use 65920)			
(For removal of foreign body, see 65260, 65265)			

PROPHYLAXIS

Repetitive services. The services listed below are often performed in multiple sessions or groups of sessions. The methods of reporting vary. The following descriptors are intended to include all sessions in a defined treatment period.

67141 Prophylaxis of retinal detachment (e.g., retinal break, lattice degeneration), without drainage, one or more sessions; cryotherapy, diathermy	10.0	30	3.0
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67145 photocoagulation (laser or xenon arc)	10.0	30	3.0
((67142-67143 have been deleted, use 67141))			
(67144, 67146 have been deleted, use 67145))			

POSTERIOR SEGMENT—OTHER PROCEDURES

DESTRUCTION—RETINA, CHOROID

67208 Destruction of localized lesion of retina (e.g. maculopathy, choroidopathy, small tumors), one or more sessions; cryotherapy, diathermy	10.0	30	3.0
67210 photocoagulation, (laser or xenon arc)	10.0	30	3.0
((67212-67213 have been deleted, use 67208))			
(67214-67216 have been deleted, use 67210))			
67218 radiation by implantation of source (includes removal of source)	BR		3.0
67227 Destruction of extensive or progressive retinopathy (eg, diabetic), one or more sessions; cryotherapy, diathermy	12.0	30	3.0
67228 photocoagulation (laser or xenon arc)	12.0	30	3.0
((67222-67223 have been deleted, use 67227))			
(67224-67226 have been deleted, use 67228))			
(For unlisted procedures on retina, see 67299)			

SCLERAL REPAIR

(For excision lesion sclera, see 66130)			
67250 Scleral reinforcement (separate procedure); without graft	22.0	90	3.0
67255 with graft	24.0	90	3.0
(For repair scleral staphyloma, see 66220-66225)			
67299 Unlisted procedure, posterior segment	BR		3.0

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

WAC 296-22-435 OCULAR ADNEXA—EXTRAOCULAR MUSCLES.

	Unit Value	Follow-up Days=	Basic Anes@
67311 Strabismus surgery on patient not previously operated on, any procedure, any muscle, (may include minor displacement, eg, for A or V pattern); one muscle . . .	10.0	30	3.0
67312 two muscles, one or both eyes . . .	10.0	30	3.0
67313 three or more muscles, ((and/or adjustable suture)) one or both eyes	12.0	30	3.0

	Unit Value	Follow-up Days=	Basic Anes@
67320 Transposition extraocular muscle (e.g., for paretic muscle), one or more stages, one or more muscles, with displacement of plane of action more than 5 mm	18.0	30	3.0
67331 Strabismus surgery on patient previously operated on; not involving reoperation of muscles	10.0	30	3.0
67332 involving reoperation of muscles	BR		3.0
<u>67335 Adjustable suture technique during strabismus surgery</u>	<u>BR</u>		<u>3.0</u>
<u>(Use also code for conventional muscle surgery, 67311-67313, to identify number of muscles involved)</u>			
OTHER PROCEDURES			
67350 Biopsy extraocular muscle	4.4	15	3.0
(For repair of wound extraocular muscle, tendon or Tenon's capsule, see 65290)			
67399 Unlisted procedure, ocular muscle	BR		3.0

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

WAC 296-22-440 OCULAR ADNEXA—ORBIT.

	Unit Value	Follow-up Days=	Basic Anes@
EXPLORATION, EXCISION			
67400 Orbitotomy without bone flap (frontal approach); for exploration, with or without biopsy	12.0	30	7.0
67405 drainage only	12.0	30	7.0
67412 with removal lesion	BR		7.0
67413 with removal foreign body	BR		7.0
67415 Transconjunctival or aspirational biopsy	2.2	15	3.0
(For exenteration, enucleation, and repair, see 65101 et seq)			
67420 Orbitotomy with bone flap, lateral approach (e.g., Kroenlein); with removal of lesion	22.0	30	7.0
67430 with removal foreign body	22.0	30	7.0
67440 with drainage or decompression	22.0	30	7.0
67450 for exploration, with or without biopsy	22.0	30	7.0
(For orbitotomy, transcranial approach, see 61330-61334)			
(For orbital implant, see 67550, 67560)			
(For removal of eyeball or for repair after removal, see 65091-65175)			
OTHER PROCEDURES			
*67500 Retrobulbar injection; medication (separate procedure, does not include supply of medication)	*0.6	0	
67505 alcohol	2.0	15	

	Unit Value	Follow-up Days=	Basic Anes@
((67510 air or opaque contrast medium for radiography	1.0	7	
67515* Injection therapeutic agent into Tenon's capsule	0.7	0	3.0
(For subconjunctival injection, see 68200)			
67550 Orbital implant (implant outside muscle cone); insertion	15.0	30	3.0
67560 removal or revision	BR		3.0
(For ocular implant (implant inside muscle cone), see 65093-65105, 65130-65175)			
(For treatment of fractures of malar area, orbit, see 21350 et seq)			
67599 Unlisted procedure, orbit	BR		3.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-445 OCULAR ADNEXA—EYELIDS.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*67700 Blepharotomy, drainage abscess eyelid	*0.4	0	3.0
67710 Severing tarsorrhaphy	0.4	0	3.0
67715 Canthotomy (separate procedure)	0.4	0	3.0
(For canthoplasty, see 67950)			
(For division symblepharon, see 68340)			
EXCISION OR REMOVAL OF LESION INVOLVING MORE THAN SKIN (I.E., INVOLVING LID MARGIN, TARSUS AND/OR PALPEBRAL CONJUNCTIVA((²)))			
(For removal of lesion, involving mainly skin of eyelid, see 11440-11446; 11640-11646; 17000-17010)			
(For repair wounds, blepharoplasty, grafts, reconstructive surgery, see 67930-67975)			
67800 Excisionchalazion; single	1.2	15	3.0
67801 multiple, same lid	1.4	15	3.0
67805 multiple, different lids	1.6	15	3.0
67808 under general anesthesia and/or requiring hospitalization, single or multiple	3.2	30	3.0
67810* Biopsy eyelid	1.0	37	3.0
*67820 Correction trichiasis; epilation, forceps only	*0.4	0	
*67825 epilation, (e.g., by electro-surgery or cryotherapy)	*1.0	0	3.0
67830 incision lid margin	BR		3.0
67835 incision lid margin, with free mucous membrane graft	BR		3.0
67840* Excision of lesion of eyelid (except chalazion) without closure or with simple direct closure	1.6	0	3.0
(For excision and repair of eyelid by reconstructive surgery, see 67961-67966)			

	Unit Value	Follow-up Days=	Basic Anes@		Unit Value	Follow-up Days=	Basic Anes@
67850* Destruction of lesion of lid margin (up to 1 cm)	1.6	0	3.0	RECONSTRUCTIVE SURGERY, BLEPHAROPLASTY INVOLVING MORE THAN SKIN (I.E., INVOLVING LID MARGIN, TARSUS, AND/OR PALPEBRAL CONJUNCTIVA)			
(For chemosurgery technique of malignancies of skin, see 17300-17302)				67930 Suture recent wound, eyelid, involving lid margin, tarsus, and/or palpebral conjunctiva) direct closure; partial thickness	1.6	15	3.0
(For initiation or follow-up care of topical chemotherapy, e.g., 5-FU or similar agents, see appropriate office visits)				67935 full thickness	3.4	30	3.0
TARSORRHAPHY				67938 Removal embedded foreign body, eyelid	BR		3.0
67880 Construction intermarginal adhesions, median tarsorrhaphy, or canthorrhaphy;	2.0	30	3.0	(For repair skin of eyelid, see 12011-12018; 12051-12057; 13150-13300)			
67882 with transposition of tarsal plate	14.0	60	3.0	((For repair lacrimal canaliculi, see 68700))			
(For severing of tarsorrhaphy, see 67710)				(For tarsorrhaphy, canthorrhaphy, see 67880-67882)			
(For canthoplasty, reconstruction canthus, see 67950)				(For repair blepharoptosis and lid retraction, see 67901-67911)			
(For canthotomy, see 67715)				(For blepharoplasty for entropion, ectropion, see 67916, 67917, 67923, 67924)			
REPAIR BLEPHAROPTOSIS, LID RETRACTION				(For correction blepharochalasis (blepharorhytidectomy), see 15820-15823)			
67901 Repair blepharoptosis; frontalis muscle technique with suture . . .	12.0	60	3.0	(For repair skin of eyelid, adjacent tissue transfer, see 14060, 14061; preparation for graft, see 15000; free graft, see 15120, 15121, 15260, 15261)			
67902 frontalis muscle technique with fascial sling (includes obtaining fascia)	16.0	60	3.0	(For excision lesion of eyelid, see 67800 et seq.)			
67903 (tarso) levator resection, internal approach	16.0	60	3.0	(For repair lacrimal canaliculi, see 68700)			
67904 (tarso) levator resection, external approach	16.0	60	3.0	67950 Canthoplasty (reconstruction of canthus)	BR		3.0
67906 superior rectus technique with fascial sling (includes obtaining fascia)	16.0	60	3.0	67961 Excision and repair of eyelid, involving lid margin, tarsus, conjunctiva, canthus, or full thickness, may include preparation for skin graft or pedicle flap with adjacent tissue transfer or rearrangement; up to one-fourth of lid margin	12.0	60	3.0
67907 superior rectus tendon transplant	16.0	60	3.0	67966 over one-fourth of lid margin	15.0	60	3.0
67908 conjunctivo-tarso-levator resection (Fasanella-Servat type)	12.0	60	3.0	(For canthoplasty, see 67950)			
67909 Reduction of overcorrection of ptosis	BR		3.0	(For free skin grafts, see 15120, 15121, 15260, 15261)			
67911 Correction of lid retraction	12.0	60	3.0	(For tubed pedicle flap preparation, see 15515; for delay, see 15630; for attachment, see 15555)			
REPAIR ECTROPION, ENTROPION				67971 Reconstruction eyelid full thickness by transfer of tarsoconjunctival flap from opposing eyelid; up to two-thirds of eyelid, one stage or first stage	15.0	60	3.0
(For correction trichiasis by mucous membrane graft, see 67835)				67973 total eyelid, lower, one stage or first stage	17.0	60	3.0
67914 Repair ectropion; suture	1.6	15	3.0	67974 total eyelid, upper, one stage or first stage	20.0	60	3.0
67915 thermocauterization	1.4	15	3.0	67975 second stage	2.4	60	3.0
67916 blepharoplasty, excision tarsal wedge	9.0	60	3.0				
67917 blepharoplasty, extensive (e.g., Kuhnt-Szymanowski operation)	11.0	60	3.0				
(For correction everted punctum, see 68705)							
67921 Repair entropion; suture	1.6	15	3.0				
67922 thermocauterization	1.4	15	3.0				
67923 blepharoplasty, excision tarsal wedge	9.0	60	3.0				
67924 blepharoplasty, extensive (e.g., Wheeler operation)	11.0	60	3.0				
(For repair cicatricial entropion or entropion requiring scar excision or skin graft, see also 67961 et seq.)							

	Unit Value	Follow-up Days=	Basic Anes@
OTHER PROCEDURES			
67999 Unlisted procedure, eyelids	BR		3.0
(For cicatricial ectropion or entropion requiring scar excision, skin graft, etc., see 15100-15260)			

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

WAC 296-22-455 OCULAR ADNEXA—LACRIMAL SYSTEM.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
68400 Incision, drainage lacrimal gland	2.4	15	3.0
68420 Incision, drainage lacrimal sac	2.0	15	3.0
*68440 Snip incision lacrimal punctum	*0.4	0	3.0
EXCISION			
68500 Excision of lacrimal gland: (dacryoadenectomy), except for tumor; total	12.0	45	3.0
68505 partial	12.0	45	3.0
68510 Biopsy lacrimal gland	BR		3.0
68520 Excision of lacrimal sac (dacryocystectomy)	12.0	45	3.0
68525 Biopsy of lacrimal sac	BR		3.0
68530 Removal or foreign body or dacryolith, lacrimal passages	SV		
68540 Excision of lacrimal gland tumor; frontal approach	15.0	45	3.0
68550 involving osteotomy	BR		3.0
REPAIR			
68700 Plastic repair canaliculi	BR		3.0
68705 Correction everted punctum, cautery	1.0	60	3.0
68720 Dacryocystorhinostomy (fistulization of lacrimal sac to nasal cavity)	14.0	60	5.0
68745 Conjunctivorhinostomy (fistulization of conjunctiva to nasal cavity); without tube	15.0	90	5.0
68750 with insertion of tube or stent	15.0	90	5.0
68760 Closure of lacrimal punctum (e.g., thermocauterization, ligation, or laser photocoagulation)	1.0	15	3.0
68770 Closure lacrimal fistula (separate procedure)	5.0	30	3.0
PROBING AND RELATED PROCEDURES			
*68800 Dilation lacrimal punctum, with or without irrigation, unilateral or bilateral	*0.4	0	3.0
*68820 Probing nasolacrimal duct, with or without irrigation, unilateral or bilateral;	*0.6	0	3.0
68825 requiring ((hospitalization)) <u>general anesthesia</u>	BR		3.0
(See also 92018)			
68830 with insertion of tube or stent ((without general anesthesia))	2.8	15	3.0

	Unit Value	Follow-up Days=	Basic Anes@
*68840 Probing lacrimal canaliculi, with or without irrigation	*0.4	0	3.0
68850* Injection contrast medium for dacryocystography	0.7	0	3.0
(For dacryocystography, see 70170, 70171)			
OTHER PROCEDURES			
68899 Unlisted procedure, lacrimal system	BR		3.0

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

WAC 296-22-465 EXTERNAL EAR.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION			
*69000 Drainage external ear, abscess or hematoma; simple	*0.4	0	3.0
69005 complicated	BR		3.0
*69020 Drainage external auditory canal, abscess	*0.4	0	3.0
69090 Ear piercing	0.6	7	
EXCISION			
(((For plastic closure, see 13000-15760)))			
69100 Biopsy external ear	0.6	7	3.0
69105 Biopsy external auditory canal	0.6	7	3.0
69110 Excision external ear; partial, simple repair	3.0	30	3.0
69120 complete amputation	8.0	90	3.0
(For reconstruction of ear, see 15120 et seq.)			
69140 Excision exostosis(es), of external auditory canal	12.0	90	3.0
69145 Excision soft tissue lesion, external auditory canal	0.6	90	3.0
69150 Radical excision external auditory canal lesion; without neck dissection	BR		3.0
69155 with neck dissection	BR		6.0
(For resection of temporal bone, see 69535)			
(For skin grafting, see 15000-15261)			
REMOVAL FOREIGN BODY			
*69200 Removal foreign body from external auditory canal; without general anesthesia	*0.4	0	
69205 with general anesthesia	2.0	7	3.0
69210 Removal impacted cerumen (separate procedure), one or both ears	0.5	0	3.0
69220 Debridement, mastoidectomy cavity, simple (e.g., routine cleaning; unilateral	BR		3.0
69221 bilateral	BR		3.0
69222 Debridement, mastoidectomy cavity, complex (e.g., with anesthesia or more than routine cleaning); unilateral	BR		3.0
69223 bilateral	BR		3.0

	Unit Value	Follow-up Days=	Basic Anes@
REPAIR			
(For suture of wound or injury of external ear, see 12011-14300)			
69300 Otoplasty protruding ear, with or without size reduction; unilateral	10.0	180	3.0
69301 bilateral	16.0	180	3.0
69310 Reconstruction of external auditory canal (meatoplasty) (eg, for stenosis due to trauma, infection), separate procedure	BR		3.0
69320 Reconstruction external auditory canal for congenital atresia, single stage	16.0	180	3.0
(For combination with middle ear reconstruction see 69631, 69641)			
(For other reconstructive procedures with grafts (skin, cartilage, bone), see 13150-15760, 21230-21235)			

OTHER PROCEDURES			
(For otoscopy under general anesthesia, see 92502)			
69399 Unlisted procedure, external ear.	BR		3.0

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

WAC 296-22-470 MIDDLE EAR.

	Unit Value	Follow-up Days=	Basic Anes@
INTRODUCTION			
69400 Eustachian tube inflation, transnasal; with catheterization	0.3	0	
69401 without catheterization	0.3	0	
69405 Eustachian tube catheterization, transtympanic	BR		
69410 Focal application of phase control substance, middle ear (baffle technique)	BR		
INCISION			
*69420 Myringotomy, including aspiration and/or eustachian tube inflation	*0.6	0	3.0
69421* <u>Myringotomy including aspiration and/or eustachian tube inflation requiring general anesthesia</u>	2.0	0	3.5
*69424 Ventilating tube removal when originally inserted by another physician; unilateral	BR		3.0
69425 bilateral	BR		3.0
*69433 Tympanostomy (requiring insertion of ventilating tube); local or topical anesthesia; unilateral	1.6	7	3.0
*69434 bilateral	1.8	0	3.0
(((69433, 69434 would normally be completed in an office setting)))			
69436 Tympanostomy (requiring insertion of ventilating tube), general anesthesia; unilateral	2.0		3.0

	Unit Value	Follow-up Days=	Basic Anes@
69437 bilateral	3.0		3.0
(((69436, 69437 would normally require the facilities available in an office surgical suite or in a hospital)))			
69440 Middle ear exploration through postauricular or ear canal incision	10.0	30	3.0
(For atticotomy, see 69601 et seq.)			
69450 Tympanolysis, transcanal			3.0
EXCISION			
69501 Transmastoid antrotomy ("simple" mastoidectomy)	12.0	180	5.0
69502 Mastoidectomy; complete	18.0	180	5.0
69505 modified radical	20.0	180	6.0
69511 radical	20.0	180	6.0
(For skin graft, see 15000 et seq.)			
(For mastoidectomy cavity debridement, see 69220-69223)			
69530 Petrous apicectomy including radical mastoidectomy	30.0	180	6.0
69535 Resection temporal bone, external approach	BR	180	6.0
(For middle fossa approach, see 69950-69970)			
69540 Excision aural polyp,	1.0	15	3.0
69550 Excision aural glomus tumor; transcanal	BR		3.0
69552 transmastoid	BR		3.0
69554 extended (extratemporal)	BR		3.0
REPAIR			
69601 Revision mastoidectomy; resulting in complete mastoidectomy	15.0	180	6.0
69602 resulting in modified radical mastoidectomy	20.0	180	5.0
69603 resulting in radical mastoidectomy	20.0	180	5.0
69604 resulting in tympanoplasty	BR		5.0
(For planned secondary tympanoplasty after mastoidectomy, see 69631, 69632)			
69605 with apicectomy	BR		
(For skin graft, see 15120, 15121, 15260, 15261)			
69610 Tympanic membrane repair, with or without site preparation or perforation preparation for closure without patch	0.6	0	3.0
69611 Tympanic membrane patching with tissue graft	0.6	0	3.0
69620 Myringoplasty, (surgery confined to drumhead and donor area)	13.0	180	3.0
69631 Tympanoplasty, without mastoidectomy (including canalplasty, atticotomy and/or middle ear surgery), initial or revision; without ossicular chain reconstruction	22.0	180	3.0
69632 with ossicular chain reconstruction, e.g., postfenestration	22.0	180	3.0

	Unit Value	Follow-up Days=	Basic Anes@
69633 with ossicular chain reconstruction and synthetic prosthesis (e.g., <u>partial ossicular replacement prosthesis (PORP)</u> , total ossicular replacement prosthesis, (TORP))	BR		3.0
69635 Tympanoplasty with antrotomy or mastoidotomy (including canalplasty, atticotomy, middle ear surgery, and/or tympanic membrane repair); without ossicular chain reconstruction	22.0	180	6.0
69636 with ossicular chain reconstruction	24.0	180	6.0
69637 with ossicular chain reconstruction and synthetic prosthesis (e.g., <u>partial assicular replacement prosthesis, (PORP)</u> , total ossicular replacement prosthesis, (TORP))	BR	0	6.0
69641 Tympanoplasty with mastoidectomy (including canalplasty, middle ear surgery, tympanic membrane repair); without ossicular chain reconstruction	23.0	180	5.0
69642 with ossicular chain reconstruction	26.0	180	5.0
69643 with intact or reconstructed wall, without ossicular chain reconstruction	26.0	180	5.0
69644 with intact or reconstructed canal wall, with ossicular chain reconstruction	28.0	180	5.0
69645 radical or complete, without ossicular chain reconstruction	24.0	180	5.0
69646 radical or complete, with ossicular chain reconstruction	26.0	180	5.0
69650 Stapes mobilization	12.0	90	3.0
69660 Stapedectomy with reestablishment of ossicular continuity, with or without use of foreign material	20.0	90	5.0
69661 with footplate drill out (For revision, see 69632)	BR	90	5.0
69666 Repair oval window fistula	20.0	180	5.0
69667 Repair round window fistula	20.0	180	5.0
69670 Mastoid obliteration (separate procedure) (69675 Tympanic neurectomy has been revised as 69676, 69677)	BR		6.0
69676 Tympanic neurectomy; unilateral	3.0	180	6.0
69677 bilateral	BR	180	6.0
OTHER PROCEDURES			
69700 Closure postauricular fistula, mastoid (separate procedure)	7.0	60	3.0
69710 <u>Implantation or replacement of electromagnetic bone conduction hearing device in temporal bone.</u> (Replacement procedure includes removal of old device)	BR		6.0
69711 <u>Removal or repair of electromagnetic bone conduction hearing device in temporal bone.</u>	BR		6.0

	Unit Value	Follow-up Days=	Basic Anes@
69720 Decompression, facial nerve, intratemporal; lateral to geniculate ganglion	24.0	180	6.0
69725 including medial to geniculate ganglion	26.0	180	6.0
69740 Suture facial nerve, intratemporal, with or without graft or decompression; lateral to geniculate ganglion	30.0	180	6.0
69745 including medial to geniculate ganglion (For extracranial suture of facial nerve, see 64864)	30.0	180	6.0
69799 Unlisted procedure, middle ear	BR		5.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-22-475 INNER EAR.

	Unit Value	Follow-up Days=	Basic Anes@
INCISION, DESTRUCTION			
69801 Labyrinthotomy, with or without cryosurgery or other nonexcisional destructive procedures or tack procedure; transcanal	20.0	180	6.0
69802 with mastoidectomy	BR		6.0
69805 Endolymphatic sac operation; without shunt	BR		6.0
69806 with shunt	BR		6.0
69820 Fenestration semicircular canal	22.0	180	6.0
69840 Revision fenestration operation	11.0	180	6.0
EXCISION			
69905 Labyrinthectomy; transcanal	BR		6.0
69910 with mastoidectomy	BR		6.0
69915 Vestibular nerve section, translabyrinthine approach (For transcranial approach, see 69950)	BR	180	6.0
INSERTION			
69930 Cochlear device implantation, with or without mastoidectomy	BR		
OTHER PROCEDURES			
69949 Unlisted procedure, inner ear	BR		6.0
TEMPORAL BONE, MIDDLE FOSSA APPROACH (For external approach, see 69535)			
69950 Vestibular nerve section, transcranial approach	BR		6.0
69955 Total facial nerve decompression and/or repair (may include graft)	BR		6.0
69960 Decompression internal auditory canal (69965 Eustachian tuboplasty)	BR		6.0
69970 Removal of tumor	BR		6.0
OTHER PROCEDURES			
69979 Unlisted procedure, temporal bone, middle fossa approach	BR		6.0

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-23-010 GENERAL INFORMATION—RADIOLOGY. Rules and billing procedures pertaining to all practitioners rendering services to injured workers are presented in the general instruction section beginning with WAC 296-20-010. Some of the commonalities are repeated here for the convenience of those doctors referring to the radiology section. Practitioners shall bill their usual and customary fee for services.

UNIT VALUE: The following values apply only when these services are performed by or under the responsible supervision of a doctor.

The unit value represents x-ray service units appropriate for billing charges for professional services plus expenses of nonradiologist personnel, materials, facilities and space used, for diagnostic or therapeutic services rendered, but excludes the cost of radio-isotopes. This value is applicable in any situation in which a single charge is made to include both professional services and the cost involved in providing that service.

BY REPORT: "BR" in the unit value column indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable, or new to be assigned a unit value. The report should provide an adequate definition or description of the services or procedures as discussed in WAC 296-23-01008.

The department or self-insurer may adjust BR procedures when such action is indicated. Whenever possible, list the nearest similar procedure code according to this schedule.

PROFESSIONAL COMPONENT: The professional component (PC) represents the professional services of the doctor, including examination of the patient, when indicated, performance and/or supervision of the procedure, interpretation and reporting of the examination and consultation with the attending doctor. This component is applicable in any situation in which the doctor submits a charge for these professional services only. It is distinct from and does not include the time devoted by technologists, nor costs of materials, equipment and space.

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

MULTIPLE OR SEPARATE PROCEDURES: It is appropriate to designate multiple procedures that are rendered on the same date by separate entries.

Values for office and hospital visits, consultation and other services are listed in the various sections of this fee schedule.

Practitioners should identify the appropriate section for their area of health care practice.

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-23-01001 INJECTION PROCEDURES. Values for injection procedures include all usual pre 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. ~~((The injection procedure is included in the unit value for radiographic procedures marked with a #.))~~

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-23-01004 BILLING PROCEDURES.

(1) Complete billing instructions appear in WAC 296-20-125.

(2) Listed unit values for x-ray services are for combined technical and professional components, except as otherwise indicated. Appropriate modifiers and charges ~~((should))~~ must be used when billing for only technical or professional component. When billing for technical component only, the total value should be reduced by the professional component value.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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))~~
- 51 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'~~) '-51' 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 296-23-01007 UNLISTED SERVICE OR PROCEDURE. A service or procedure may be provided that is not listed in this 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 296-23-01008 below. The "unlisted procedures" and accompanying codes for RADIOLOGY (including nuclear medicine and diagnostic ultrasound) are as follows:

- 76499 Unlisted diagnostic radiologic procedure
~~((76629 Unlisted echocardiography procedure))~~
 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
~~((77699 Unlisted procedure, radiation therapy treatment aid~~
~~77749 Unlisted procedure, internal radiation dosimetry))~~

		Unit Value
77799	Unlisted procedure, clinical brachytherapy	
((77999	Unlisted procedure, radiation therapy special service))	
78099	Unlisted endocrine procedure, diagnostic nuclear medicine	
78199	Unlisted hematopoietic, R-E and lymphatic procedure, diagnostic nuclear medicine	
78299	Unlisted gastrointestinal procedure, diagnostic nuclear medicine	
78399	Unlisted musculoskeletal procedure, diagnostic nuclear medicine	
78499	Unlisted cardiovascular procedure, diagnostic nuclear medicine	
78599	Unlisted respiratory procedure, diagnostic nuclear medicine	
78699	Unlisted nervous system procedure, diagnostic nuclear medicine	
78799	Unlisted genitourinary procedure, diagnostic nuclear medicine	
78999	Unlisted miscellaneous procedure, diagnostic nuclear medicine	
79999	Unlisted radionuclide therapeutic procedure.	
70150	complete, minimum of three views	10.0
70160	Radiologic examination, nasal bones complete, minimum of three views	6.4
70170	Nasolacrimal duct (dacryocystography) supervision and interpretation only	4.0
70171	complete procedure	10.0
	(For injection procedure for dacryocystography, see 68850)	
70190	Radiologic examination, optic foramina,	6.0
70200	orbits, complete, minimum of four views	8.0
70210	<u>Radiologic examination, paranasal sinuses, less than three views</u>	5.0
70220	Radiologic examination, sinuses, paranasal, complete, minimum of three views	8.8
	((70230, 70231 have been deleted. To report, use 76499))	
70240	Radiologic examination, sella turcica	5.0
70250	Radiologic examination, skull, limited, less than four views, with or without stereo	6.0
70260	complete, minimum of four views, with or without stereo	12.0
70300	Radiologic examination, teeth, single view	2.0
70310	partial examination, less than full mouth	4.0
70320	complete ((examination)), full mouth	8.0
70328	Radiologic examination, temporomandibular joints, unilateral, open and closed mouth	6.0
70330	bilateral	8.8
70332	Temporomandibular joint ((arthrotomography (includes a contrast arthrogram and appropriate laminographic studies))) <u>arthrography</u> ; supervision and interpretation only	8.4
70333	complete procedure	21.1
	(For injection procedure only for (arthrotomography) <u>arthrography</u> , see 21116)	
70336	<u>Magnetic resonance (e.g., proton) imaging, temporomandibular joint</u>	60.0
70350	Cephalogram (orthodontic)	4.0
70355	Orthopantomogram	10.0
70360	Radiologic examination, neck ((for)) soft tissue(s)	4.0
70370	pharynx or larynx, including fluoroscopy and/or magnification technique	8.0
70371	<u>Complex dynamic pharyngeal and speech evaluation by cine or video recording</u>	10.0
70373	Laryngography, contrast; supervision and interpretation only	9.6
70374	complete procedure	24.0
	(For injection procedure only for laryngography, see 31708)	
70380	Radiologic examination, salivary gland for calculus	6.4
70390	Sialography; supervision and interpretation only	3.2
70391	complete procedure	8.0
	(For injection procedure only for sialography, see 42550)	
((70400	Orbitography, air or positive contrast; supervision and interpretation only	BR
70401	complete procedure	BR
	(For injection procedure only for orbitography, see 67510))	

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-015 HEAD AND NECK.

	Unit Value
((70002, 70003 have been deleted. To report, use 76499))	
70010 Myelography, posterior fossa supervision and interpretation only	BR
70011 complete procedure	BR
(For injection procedure, see 61052)	
70015 Cisternography, positive contrast; supervision and interpretation only	BR
70016 complete procedure	BR
(For injection procedure only for cisternography, see 61053)	
((70020, 70021 have been deleted. To report, use 76499))	
(70022 has been deleted. To report CT guidance for stereotactic localization, use 76355))	
70030 Radiologic examination, eye, for detection of foreign body	8.8
((70040 for localization of foreign body (does not include detection)	14.0
70050 for detection and localization of foreign body	18.0)
70100 Radiologic examination, mandible, less than four views	6.0
70110 complete, minimum of four views	10.0
70120 Radiologic examination, mastoid(s), less than three views per side	6.0
70130 complete minimum of three views per side	12.0
70134 Radiologic examination, internal auditory meati, complete	12.0
70140 Radiologic examination, facial bones, less than three views	6.0

	Unit Value		Unit Value
70450	58.0		
70460	64.0	71037	BR
70470	71.0	71038	BR
			BR
			BR
70480	58.0	71040	5.6
70481	64.0	71041	14.0
70482	71.0	71060	8.8
		71061	22.0
70486	58.0		
70487	64.0	71090	BR
70488	71.0	71100	7.2
		71101	11.2
70490	BR	71110	10.0
70491	BR	71111	14.0
70492	BR	71120	6.0
		71130	6.0
		71250	77.0
		71260	84.0
		71270	90.0
			90.0
70540	120.0	71550	120.0
70551	120.0		

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-020 CHEST.

	Unit Value
71010	4.0
71015	5.0
71020	7.0
71021	7.2
71022	7.2
71023	BR
71030	8.0
71034	10.0
71035	BR
71036	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-025 SPINE AND PELVIS.

	Unit Value
72010	16.0
72020	6.5
72040	6.0
72050	10.0
72052	15.2
72070	9.0
72072	12.0
72074	16.0
72080	9.0
72090	6.0
72100	9.0
72110	16.0
72114	18.5
72120	10.0

	Unit Value		Unit Value
72125			
Computerized axial tomography, cervical spine; without contrast material	62.4	(For injection procedures for myelography, see 61055 or 62284)	
72126 with contrast material	72.8		
72127 without contrast material, followed by contrast material(s) and further sections		72285 Diskography, cervical; supervision and interpretation only	8.0
	BR	72286 complete procedure	20.0
(For injection procedure 72126, 72127, 72129, 72130, 72132, 72133, ((see)) by intrathecal injection, also use 62284)		72295 lumbar; supervision and interpretation only	8.0
72128 Computerized axial tomography, thoracic spine; without contrast material	62.4	72296 complete procedure	20.0
72129 with contrast material	72.8		
72130 without contrast material, followed by contrast material(s) and further sections		(For injection procedures for diskography, see 62290, 62291)	
	BR		
72131 Computerized axial tomography, lumbar spine; without contrast material	60.0	AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)	
72132 with contrast material	70.0	WAC 296-23-030 UPPER EXTREMITIES.	
((For coronal, sagittal, and/or oblique sections, see 76375))			Unit Value
72133 without contrast material, followed by contrast material(s) and further sections		73000 Clavicle, complete	4.8
	BR	73010 Scapula, complete	6.0
((72140 has been deleted. To report, see 72141-72144))		73020 Shoulder((, limited,)); one view	4.0
72141 Magnetic resonance (e.g., proton) imaging, spinal canal and contents (((two sequences or standard examination))); cervical	120.0	73030 complete, minimum of two views	6.0
72143 thoracic	120.0	73040 arthrography; supervision and interpretation only	4.0
72144 lumbar	120.0	73041 complete procedure	10.0
((72145 has been deleted. To report, see 72125-72132))		(For injection procedure for arthrography, see 23350)	
72170 Pelvis, A-P only	5.0	73050 Acromio-clavicular joints, bilateral, with or without weighted distraction	7.0
72180 stereo	6.4	73060 Humerus, minimum of two views	4.8
72190 complete, minimum of three views	8.0	73070 Elbow, limited, A-P and lateral	4.8
(For pelvimetry, see 74710)		73080 complete, minimum of three views	6.0
72192 Computerized tomography, pelvis; without contrast material	60.0	73085 Radiologic examination, elbow, arthrography; supervision and interpretation only	4.0
72193 with contrast material(s)	70.0	73086 complete procedure	10.0
72194 without contrast material, followed by contrast material(s) and further sections		(For injection procedure only for arthrography, see 24220)	
	BR	73090 Forearm, (((including one joint,))) A-P and lateral	4.8
((For pelvimetry, see 74710))		73100 Wrist, limited, A-P and lateral	4.0
72196 <u>Magnetic resonance (e.g., proton) imaging; pelvis</u>	120.0	73110 complete, minimum of three views	6.0
72200 <u>Sacro-iliac joints(;;); less than three views</u>	5.0	73115 Radiologic examination, wrist, arthrography; supervision and interpretation only	4.0
72202 <u>((complete, minimum of)) three or more views</u>	8.0	73116 complete procedure	10.0
72220 <u>Sacrum and coccyx(;;); minimum of two views</u>	6.4	(For injection procedure only for arthrography, see 25246)	
72240 Myelography, cervical; supervision and interpretation only	7.2	73120 Hand((, limited, minimum of)); two views	4.0
72241 complete procedure	18.0	73130 <u>((complete,)) minimum of three views</u>	6.0
72255 thoracic; supervision and interpretation only	7.2	73140 Finger(s), minimum of two views	3.6
72256 complete procedure	18.0	73200 Computerized tomography, upper extremity; without contrast material	58.0
72265 lumbosacral; supervision and interpretation only	7.2	73201 with contrast material(s)	64.0
72266 complete procedure	18.0	73202 without contrast material, followed by contrast material(s) and further sections	71.0
72270 entire spinal canal; supervision and interpretation only	12.0	(For coronal, sagittal and oblique sections, see 76375)	
72271 complete procedure	30.0	73220 Magnetic resonance (e.g., proton) imaging, upper extremity, <u>other than joint</u>	120.0
		73221 <u>Magnetic resonance (e.g., proton) imaging, any joint of upper extremity</u>	120.00

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-035 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, ((complete)) minimum of two views of each hip, ((including A-P of pelvis((?)))	9.6
73525 Radiologic examination, hip, arthrography; supervision and interpretation only	BR
73526 complete procedure	BR
(For injection procedure only for arthrography, see 27093, ((27094)) 27095)	
73530 Radiologic examination, hip, during operative procedure	16.0
73550 Radiologic examination, femur ((thigh)), A-P and lateral	6.0
73560 Radiologic examination, knee, A-P and lateral	4.4
73562 A-P and lateral, with oblique(s), minimum three views	6.4
73564 complete, including obliques, and/or tunnel, and/or patella and/or standing views	8.4
73580 Radiologic examination, knee, arthrography supervision and interpretation only	6.4
73581 complete procedure	16.0
(For injection procedure for arthrography, see 27370)	
73590 Radiologic examination, tibia and fibula ((leg), including one joint), A-P and lateral	4.8
73592 lower extremity, infant, minimum of two views	4.0
73600 Radiologic examination, ankle, ((limited;)) A-P and lateral	4.4
73610 complete, minimum of three views	6.0
73615 Radiologic examination, ankle, arthrography; supervision and interpretation only	4.0
73616 complete procedure	10.0
(For injection procedure only for arthrography, see 27648)	
73620 Radiologic examination, foot, ((limited;)) A-P and lateral	4.0
73630 complete, minimum of three views	5.6
73650 Radiologic examination, calcaneus, minimum of two views	4.4
73660 Toe(s), 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 material, followed by contrast materials and further sections	71.0
(For coronal, sagittal and/or oblique sections, see 76375)	
73720 Magnetic resonance (e.g., proton) imaging, lower extremity, other than joint	120.0
73721 Magnetic resonance (e.g., proton) imaging, any joint of lower extremity	120.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-040 ABDOMEN.

	Unit Value
74000 Abdomen, single view (KUB) A-P	6.0
74010 with additional oblique ((or)) and cone views	8.0
74020 complete, includes ((decubitus)) decubitus and/or erect views	11.0
74022 complete acute abdomen series, including supine, erect, and/or decubitus views, upright PA chest	BR
74150 Computerized axial tomography, abdomen; without contrast material	77.0
74160 with contrast material	84.0
74170 without contrast material, followed by contrast material and further sections	90.0
(For coronal, sagittal and/or oblique sections, see 76375)	
74181 Magnetic resonance (e.g., proton) imaging, abdomen	120.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-045 GASTROINTESTINAL TRACT.

	Unit Value
74210 Pharynx and/or cervical esophagus	8.8
74220 Esophagus	8.8
74230 Swallowing function, pharynx and/or esophagus, by cineradiography and/or video	12.0
74235 Removal of foreign body(s), esophageal, with use of balloon catheter under fluoroscopic guidance	BR
74240 Uppergastrointestinal tract, with or without delayed films, without KUB	14.0
74241 with or without delayed films, with KUB	15.2
74245 with small bowel, includes multiple serial films	17.6
74246 Radiological exam gastrointestinal tract, upper, air contrast, with specific high density barium, effervescent agent, with or without glucagon((;)); with or without delayed films((;)), without KUB	BR
74247 with or without delayed films, with KUB	BR
74249 with small bowel follow through	BR
74250 Small bowel, includes multiple serial films	14.0
74260 Duodenography, hypotonic	BR
74270 Colon, barium enema	12.0
74280 air contrast with specific high density barium with or without glucagon	14.0
74290 Cholecystography, oral contrast	9.6
74291 additional or repeat examination((; same study)) or multiple exam	4.8
74300 Cholangiography and/or pancreatography; during surgery	10.0
74301 additional set during surgery	3.0
74305 postoperative	12.0
(For biliary duct stone extraction, percutaneous, see 47630((; via basket catheter, see)), 74327)	
((74310 intravenous	16.0
74315 oral	12.0

	Unit Value		Unit Value
74320		74431	8.8
percutaneous, transhepatic; supervision and interpretation only	6.4	Cystography, complete procedure	
74321	16.0	(For injection procedure for cystogra- phy, see 51600, 51605)	
(For injection procedure for percutane- ous or transhepatic cholangiography, see 47500)		74440	3.5
((74325, 74326 have been deleted. To report use 76499))		74441	8.8
74327		(For injection procedure, see 52010, ((52110,)) 55300)	
Postoperative biliary duct stone removal <u>percutaneous via T-tube tract, basket or snare (e.g., Burhenne technique), fluoro-</u> <u>scopic monitoring and radiography</u>	BR	74445	BR
74328		74446	BR
Endoscopic catheterization of the biliary ductal system, fluoroscopic monitoring and radiography	BR	(For injection procedure only, see 54230)	
74329		74450	3.8
Endoscopic catheterization of the pancreatic ductal system, fluoroscopic monitoring and radiography	BR	<u>Urethrocystography, retrograde; supervi-</u> <u>sion and interpretation only</u>	
74330		74451	9.6
Combined endoscopic catheterization of the biliary and pancreatic ductal systems, fluoroscopic monitoring and radiography .	BR	74455	5.6
((74331 has been deleted. For endo- scopic sphincterotomy, use 43262))		74456	14.0
74340		(For injection procedure only for voiding urethrocystography, see 51600)	
Introduction of long gastrointestinal tube (e.g., Miller-Abbott), with multiple fluoroscopies and films	BR	((74460, 74461 have been deleted. To report use 76499))	
74350		74470	4.0
74351		74471	10.0
74355		(For injection procedure only for trans- lumbar renal cyst study, see 50390)	
74356		74475	BR
74360		74476	BR
74361		74480	BR
		74481	BR
		74485	BR
		74486	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-050 URINARY TRACT.

	Unit Value
((For kidney, ureter and bladder, see 74000-74020))	
74400	15.2
74405	16.0
74410	20.0
74415	26.0
74420	12.0
74425	BR
74426	BR
74430	3.5

Introduction of ureteral catheter or stent into ureter through renal pelvis for drain- age and/or injection, percutaneous, with fluoroscopic monitoring and radiography; supervision and interpretation only	BR
74481	BR
(For injection procedure only, see 50392 - 50398)	
74485	BR
74486	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-065 VASCULAR SYSTEM.

(For vascular injection
procedures, see 36000-
36299)

(For cardiac fluoroscopy,
see 93280)

(For cardiac catheterization, see 93501-((93599)) 93562)

When multiple vascular radiographic procedures are performed at the same time (e.g., aortic arch study plus renal arteriogram), the total value shall be the value for the major procedure plus 50% of the value for the lesser procedure(s) unless otherwise indicated. See modifier ((=5)) -50. The cost of catheters, drugs and contrast media is included in the listed value for the radiographic procedure.

HEART

75500	Angiocardiography, by cineradiography supervision and interpretation only	8.8
75501	complete procedure (including catheterization)	22.0
75505	Angiocardiography by serialography (single plane); supervision and interpretation only	9.2
75506	complete procedure (including catheterization)	23.0
75507	Angiocardiography by serialography, multi-plane; supervision and interpretation only	18.4
75509	complete procedure (including catheterization)	46.0
	((75510, 75511 CO2 or positive contrast angiocardiography have been deleted. To report, use 76499.))	
75519	Cardiac radiography, selective cardiac catheterization; right side, supervision and interpretation only	17.2
75520	complete procedure	43.0
75523	left side, supervision and interpretation only	8.6
75524	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

AORTA AND ARTERIES

~~((For injection procedure only, see 36100-36299))~~

~~(For digital radiology, use modifier -25, page 290)~~

Aortography)

75600	<u>Aortography, thoracic ((or abdominal)), without serialography; supervision and interpretation only</u>	8.0
75601	complete procedure	20.0
75605	<u>Aortography, thoracic, by serialography; supervision and interpretation only</u>	11.0
75606	complete procedure	30.0
75620	<u>Aortography, abdominal, ((including lower extremities)) translumbar, without serialography; supervision and interpretation only</u>	((32.0)) 12.8
75621	complete procedure	32.0
75622	<u>Aortography, abdominal, catheter, without serialography; supervision and interpretation only</u>	((32.0)) 12.8
75623	complete procedure	32.0

75625	Aortography, abdominal, translumbar, by serialography; supervision and interpretation only	15.2
75626	complete procedure	40.0
75627	Aortography, abdominal, catheter, by serialography; supervision and interpretation only	17.0
75628	complete procedure	48.0
75630	Aortography, abdominal plus bilateral iliofemoral lower extremity, catheter, by serialography; supervision and interpretation only	BR BR
75631	complete procedure	BR BR
75650	Angiography, cervicocerebral, catheter, including vessel origin; supervision and interpretation only	17.2
75651	complete procedure	40.0
75652	Angiography, cervicocerebral, selective catheter, including vessel origin; one vessel, supervision and interpretation only	12.6
75653	one vessel, complete procedure	36.0
75654	two vessels, supervision and interpretation only	13.3
75655	two vessels, complete procedure	38.0
75656	three or four vessels, supervision and interpretation only	17.2
75657	three or four vessels, complete procedure	40.0
75658	Angiography, brachial, retrograde; supervision and interpretation only	17.2
75659	complete procedure	40.0
75660	Angiography, external carotid, cerebral, unilateral, selective; supervision and interpretation only	17.2
75661	complete procedure	40.0
75662	Angiography, external carotid, cerebral, bilateral, selective; supervision and interpretation only	21.5
75663	complete procedure	50.0
75665	Angiography, carotid, cerebral, unilateral; supervision and interpretation only	17.2
75667	direct puncture, complete procedure	40.0
75669	catheter, complete procedure	46.0
75671	Angiography, carotid, cerebral, bilateral; supervision and interpretation only	21.5
75672	direct puncture, complete procedure	50.0
75673	catheter, complete procedure	54.0
75676	Angiography, carotid, cervical, unilateral; supervision and interpretation only	17.2
75677	direct puncture, complete procedure	40.0
75678	catheter, complete procedure	46.0
75680	Angiography, carotid, cervical, bilateral; supervision and interpretation only	21.5
75681	direct puncture, complete procedure	50.0
75682	catheter, complete procedure	54.0
75685	Angiography, vertebral; supervision and interpretation only	17.2
75686	direct puncture, complete procedure	40.0
75687	catheter, complete procedure	46.0
75690	Angiography, vertebral, cervical, unilateral; supervision and interpretation only	17.2
((75691	direct puncture, complete procedure	40.0))
75692	catheter, complete procedure	46.0
75695	Angiography, vertebral, cervical, bilateral; supervision and interpretation only	21.5
((75696	direct puncture, complete procedure	50.0))
75697	catheter, complete procedure	54.0
75705	Angiography, spinal, selective; supervision and interpretation only	9.8
75706	complete procedure	28.0
75710	Angiography, extremity, unilateral, supervision and interpretation only	10.5
75711	without serialography, complete procedure	30.0

	Unit Value		Unit Value
75712		75774	
75716	32.0	Angiography, ((coronary bypass)) selective, each additional vessel studied after basic examination; supervision and interpretation only	
75717	11.2		
		75775	BR
75717	32.0	complete procedure	BR
75718	34.0		
75722		((75772, 75773 have been deleted. To report, see 75774-75775)))	
		75790	
75723	17.2	Angiography, arteriovenous shunt (e.g., dialysis patient)	BR
75724	40.0		
75724		VEINS AND LYMPHATICS	
75725	25.8	(For injection procedure only for venous system, see 36400-36510)	
75726	60.0	(For injection procedure only for lymphatic system, see 38790-38794)	
75726	19.7		
75727		75801	
75728	46.0	Lymphangiography, extremity only, unilateral; supervision and interpretation only	9.6
	48.0	75802	25.0
		75803	
		Lymphangiography, extremity only, bilateral; supervision and interpretation only	12.0
		75804	35.0
75731	19.7	complete procedure	
75732	46.0	75805	
75733		Lymphangiography, pelvic/abdominal, unilateral; supervision and interpretation only	12.0
75734	20.6	75806	35.0
75736	48.0	75807	
		Lymphangiography, pelvic/abdominal, bilateral; supervision and interpretation only	12.0
75737	18.9	75808	35.0
75738	44.0	75810	
75741	46.0	Splenoportography; supervision and interpretation only	15.2
		75811	40.0
75742	10.5		
75743	30.0	((For injection procedure for splenoportography, see 38200)))	
75744	21.5	75820	
75746	50.0	Venography, extremity, unilateral supervision and interpretation only	8.0
75747	10.5	75821	16.0
75748	30.0	75822	
75750	40.0	Venography, extremity, bilateral; supervision and interpretation only	10.0
75751	25.8	75823	26.0
75752	60.0	75825	
		Venography, caval, inferior or superior, with serialography	16.0
75753	30.1	75826	32.0
75754	70.0	75827	
		Venography, caval, superior, with serialography; supervision and interpretation only	12.0
75755	80.0	75828	35.0
75756	15.2	75831	
75757	40.0	Venography, renal, unilateral, selective; supervision and interpretation only	15.2
75762		75832	40.0
		complete procedure	
75764	BR	75833	19.5
75766	BR	Venography, renal, bilateral, selective; supervision and interpretation only	45.0
		75834	
75767	BR	75840	10.8
		Venography, adrenal, unilateral, selective; supervision and interpretation only	30.0
		75841	
		75842	12.2
		Venography, adrenal, bilateral, selective; supervision and interpretation only	32.0
		75843	
		75845	
		Venography, azygos; selective or nonselective, supervision and interpretation only	10.6
		75846	30.0
		selective, complete procedure	
		75847	28.0
		nonselective, complete procedure	
		75850	
		Venography, intraosseous; supervision and interpretation only	12.2
		75851	32.0
		75860	
		complete procedure	
		Venography, sinus or jugular, catheter; supervision and interpretation only	12.2

	Unit Value		Unit Value
75861		complete procedure	32.0
75870		Venography, superior sagittal sinus; supervision and interpretation only	12.2
75871		complete procedure, including direct puncture	32.0
75872		Venography, epidural; supervision and interpretation only	BR
75873		complete procedure	BR
75880		Venography, orbital; supervision and interpretation only	13.7
75881		complete procedure	36.0
75885		Percutaneous transhepatic portography with hemodynamic evaluation; supervision and interpretation only	13.7
75886		complete procedure	36.0
75887		Percutaneous transhepatic portography without hemodynamic evaluation; supervision and interpretation only	12.9
75888		complete procedure	34.0
75889		Hepatic venography wedged or free, with hemodynamic evaluation; supervision and interpretation only	14.4
75890		complete procedure	38.0
75891		Hepatic venography, wedged or free, without hemodynamic evaluation; supervision and interpretation only	12.9
75892		complete procedure	34.0
75893		Venous sampling thru catheter without angiography (e.g., for parathyroid hormone, renin)	5.0
TRANSCATHETER THERAPY AND BIOPSY			
75894		Transcatheter therapy, embolization, (e.g., particulate or liquid) including angiography; supervision and interpretation only	15.2
75895		complete procedure	40.0
75896		Transcatheter therapy, infusion, (e.g., thrombolysis other than coronary) including angiography; supervision and interpretation only	15.9
75897		complete procedure	42.0
		(Infusion for coronary disease, see 92975-92977)	
75898		Angiogram through existing catheter for follow-up study for transcatheter therapy, embolization or infusion	10.0
75940		Percutaneous placement of IVC filter; supervision and interpretation only	BR
75941		complete procedure	BR
		(For surgical procedure, use 37620)	
75950		Transcatheter intravascular occlusion, (e.g., balloon) temporary, including angiography; supervision and interpretation only	BR
75951		complete procedure	BR
75955		Transcatheter intravascular occlusion, (e.g., balloon, coil or methacrylate) permanent, including angiography; supervision and interpretation only	BR
75956		complete procedure	BR
75961		Transcatheter retrieval, percutaneous, of fractured venous or arterial catheter	BR
75962		Percutaneous transluminal angioplasty, any method, peripheral artery; supervision and interpretation only	BR
75963		complete procedure	BR
75964		Percutaneous transluminal angioplasty, any method, each additional peripheral artery; supervision and interpretation only	BR
75965		complete procedure	BR
75966		Percutaneous transluminal angioplasty, any method, visceral artery; supervision and interpretation only	BR
75967		complete procedure	BR
75968		Percutaneous transluminal angioplasty, any method, each additional visceral artery; supervision and interpretation only	BR
75969		complete procedure	BR
		(For injection procedure only for percutaneous transluminal angioplasty, see 36100-36299)	
		(For percutaneous transluminal coronary angioplasty, see 92982-92984)	
		(For intraoperative transluminal angioplasty, see 35450-35458)	
75970		Transcatheter biopsy; supervision and interpretation only	BR
75971		complete procedure	BR
		(For transcatheter renal and ureteral biopsy, see 52007)	
		(For percutaneous needle biopsy of pancreas, see 48102; of retroperitoneal lymph node or mass, see 49180)	
		(For injection procedure only for (percutaneous transluminal angioplasty)), see 36100-36299)	
		((For percutaneous transluminal coronary angioplasty, see 93570)))	
75978		Percutaneous transluminal angioplasty, venous (e.g., subclavian stenosis); supervision and interpretation only	BR
75979		complete procedure	BR
75980		Percutaneous transhepatic biliary drainage with monitoring; supervision and interpretation only	BR
75981		complete procedure	BR
75982		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; supervision and interpretation only	BR
75983		complete procedure	BR
		((For injection procedure only for percutaneous biliary drainage, see 47510)))	
75984		Change of percutaneous drainage catheter with contrast monitoring (i.e., biliary tract, urinary tract); supervision and interpretation only	BR
75985		complete procedure	BR
		(For change of pyelostomy or nephrostomy tube, use 50398)	
		(For ((injection)) introduction procedure only for percutaneous biliary drainage, see 47510)	
		(For percutaneous cholecystostomy, use 47490)	
		(For change of percutaneous biliary drainage catheter only, use 47425)	
		(For percutaneous nephrostolithotomy or pyelostolithotomy, see 50080, 50081)	
75989		Radiological guidance for percutaneous drainage of abscess, or specimen collection (e.g., fluoroscopy, ultrasound or	

	Unit Value		Unit Value	
<u>computed tomography</u> , with or without placement of indwelling catheter; supervision and interpretation only	<u>BR</u>	76096	Localization of breast nodule or calcification before operation, with marker and confirmation of its position with appropriate imaging (e.g., ultrasound or radiologic)	14.6
((75990) Drainage of abscess, percutaneous, with radiologic guidance (i.e., fluoroscopy, ultrasound, or computed tomography), with or without placement of indwelling catheter	BR))	76097	each additional localization	7.3
<u>75990 complete procedure</u>	<u>BR</u>	76098	Radiological examination, breast surgical specimen	BR
(75989, 75990 ((is)) are neither organ nor area specific. For drainage of abscess performed without radiology or fluoroscopy, see under specific anatomic site)		76100	((Laminography (tomography, planigraphy, body section radiography) (independent procedure))) Radiologic examination, single plane body section (e.g., tomography), other than with urography	13.2
		76101	Radiologic examination, complex motion (i.e., hypercycloidal) body section (e.g., mastoid polytomography), other than ((kidney)) with urography; unilateral	19.3
		76102	bilateral	35.0

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-079 MISCELLANEOUS.

	Unit Value		Unit Value	
(For arthrography of shoulder, see 73040, 73041; elbow, see 73085, 73086; wrist, see 73115, 73116; hip, see 73525, 73526; knee, see 73580, 73581; ankle, see 73615, 73616)		((76105 to complement routine examination -	7.0))	
<u>76000 Fluoroscopy (separate procedure, up to one hour physician time other than 71023 or 71034)</u>	<u>3.0</u>	76120	Cineradiography ((independent procedure)), except where specifically included	13.2
<u>76001 Fluoroscopy, physician time more than one hour, assisting a nonradiologic physician (e.g., nephrostolithotomy, ERCP, bronchoscopy, transbronchial biopsy)</u>	<u>11.0</u>	76125	to complement routine examination	7.0
<u>76003 Fluoroscopic localization for needle biopsy or aspiration</u>	<u>BR</u>		((76127 has been deleted. The use of photographic media is not reported separately but is considered to be a component of the basic procedure))	
(See appropriate surgical code for location, e.g., 20220, 20225, 32400, 32405, 47000, 48100, 50200, 50390, 60100)		76140	Written consultation on x-ray examination made elsewhere	BR
<u>76020 Bone age studies</u>	<u>6.0</u>	76150	Xeroradiography	6.0
<u>76040 Bone length studies (orthoroentgenogram, scanogram)</u>	<u>10.0</u>		((76300 has been deleted. For thermography of the breast, use 76499))	
<u>76061 Radiological examination, osseous survey; limited (e.g., for metastases)</u>	<u>15.2</u>	76350	Subtraction in conjunction with contrast studies	BR
<u>76062 complete (axial and appendicular skeleton)</u>	<u>BR</u>	76355	Computerized tomography guidance for stereotactic localization	BR
<u>76065 osseous survey, infant</u>	<u>13.2</u>	76360	Computerized tomography guidance for needle biopsy; supervision and interpretation only	BR
<u>76066 Joint survey, single view, one or more joints (specify)</u>	<u>BR</u>	76361	complete procedure	BR
<u>76070 Computerized tomography, bone density study</u>	<u>BR</u>	76365	Computerized tomography guidance for cyst aspiration; supervision and interpretation only	BR
<u>76080 Fistula or sinus tract study supervision and interpretation only</u>	<u>4.8</u>	76366	complete procedure	BR
<u>76081 complete procedure</u>	<u>12.0</u>	76370	Computerized tomography guidance for placement of radiation therapy fields	BR
<u>76086 Mammary ductogram or galactogram, single duct; supervision and interpretation only</u>	<u>6.3</u>	76375	Computerized tomography, coronal, sagittal, multiplanar, ((and/or)) oblique and/or 3 dimensional reconstruction	23.5
<u>76087 complete procedure</u>	<u>15.8</u>	76400	Magnetic resonance (e.g., proton) imaging, bone marrow blood supply	120.0
<u>76088 Mammary ductogram or galactogram, multiple ducts; supervision and interpretation only</u>	<u>10.6</u>	76499	Unlisted diagnostic radiologic procedure	BR
<u>76089 complete procedure</u>	<u>26.5</u>			
(For injection procedure only for mammary ductogram or galactogram, see 19030)		((76500) Echoencephalography, A-mode, diencephalic midline,	7.7	
<u>76090 Mammography, unilateral</u>	<u>8.8</u>	((76505 has been deleted. To report complete A-mode echoencephalography, use 76999))		
<u>76091 bilateral</u>	<u>13.2</u>	76506	Echoencephalography, B-mode (gray scale) complete (for determination of ventricular size, delineation of cerebral contents and detection of fluid,	
((For xeromammography, list 76150 in addition to code for mammography))				

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-07902 HEAD AND NECK.

		Unit Value
	masses or other intracranial abnormalities), including A-mode encephalography as secondary component where indicated.	
76511	Ophthalmic, ultrasound, echography; ((spectral analysis)) A-mode with amplitude quantitation(; A-mode))	22.9
76512	contact scan B-mode.	22.9
76513	immersion (water bath) B-scan	22.9
76516	Ophthalmic biometry by ultrasound echography; A-mode	15.4
76519	with intraocular lens power calculation	BR
76529	Ophthalmic ultrasound foreign body localization ((76530 has been deleted. To report A-mode echography of thyroid, use 76999))	BR
76536	Echography, soft tissues of head and neck (e.g., thyroid, parathyroid, parotid) B-scan and/or real time with image documentation ((76535 has been deleted. To report use 76536) (76550, carotid imaging has been deleted. To report, use 93870))	11.4

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-07903 HEART AND CHEST.

		Unit Value
	((76601 has been deleted. To report use 76999))	
76604	Echography, chest B-scan (includes mediastinum) and/or real time with image documentation	11.4
76620	Echocardiography, M-mode, complete	15.4
76625	limited, e.g., follow-up or limited study	7.7
76627	Echocardiography, real-time scan; complete	11.4
76628	limited	9.7
76629	Echocardiography M-mode and real time with image documentation (2D)	BR
76632	Doppler echocardiography (Procedure 76632 is often performed in combination with M-mode or 2-dimensional echocardiography) (For echocardiography as a cardiovascular procedure, see 93300-93320) ((76640 has been deleted. To report A-mode echography of the breast, use 76999))	BR
76645	Echography, breast(s) (unilateral or bilateral), B-scan and/or real time with image documentation	19.2

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-07905 ABDOMEN AND RETROPERITONEUM.

		Unit Value
76700	Echography, ((scan B-mode;)) abdominal(;) B-scan and/or real time with image documentation complete	22.9
76705	limited, (e.g., single organ, quadrant, follow-up)	15.4
76770	Echography, ((scan B-mode;)) retroperitoneal (e.g., renal, aorta, nodes), B-scan and/or real time with image documentation complete	22.9
76775	limited	19.2

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-07906 ((OBSTETRICS, GYNECOLOGY AND)) PELVIS, GENITALIA, AND EXTREMITIES.

		Unit Value
76805	Echography, pregnant uterus pelvic B-scan and/or real time with image documentation; complete	21.2
76815	limited, fetal growth rate ((only)), heart beat, anomalies, placental location	9.7
76816	follow-up or repeat ((e.g., for follicles))	9.7
76818	Fetal biophysical profile	BR
76825	Echography, fetal heart in utero	BR
76855	Echography, pelvic area (Doppler)	11.4
76856	Echography, pelvic, (nonobstetric), B-scan and/or real time with image documentation	BR
76857	limited or follow-up (e.g., for follicles)	BR
	<u>GENITALIA</u>	
76870	Echography, scrotum and contents	BR
	<u>EXTREMITIES</u>	
76880	Echography, extremity, B-scan and/or real time with image documentation	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-07907 VASCULAR STUDIES.

		Unit Value
	((Doppler peripheral flow studies, 76900-76920 have been deleted. To report, see 93850-93950))	
76925	Imaging, peripheral ((imaging)) (e.g., B-scan, Doppler or real(=) time scan)	BR
76926	Imaging, head and trunk (e.g., Duplex Doppler)	25.0
	<u>ULTRASONIC GUIDANCE PROCEDURES</u>	
76930	Ultrasonic guidance for pericardiocentesis; supervision and interpretation	BR
76931	complete procedure	BR
76934	Ultrasonic guidance for thoracentesis; supervision and interpretation only	3.0
76935	complete procedure	5.0
76938	Ultrasonic guidance for cyst (any location,) or renal pelvis aspiration; supervision and interpretation only	1.0
76939	complete procedure	2.0
76942	Ultrasonic guidance for needle biopsy; supervision and interpretation only	4.0
76943	complete procedure	6.0
76944	Ultrasonic guidance for abscess or collection drainage; supervision and interpretation only	BR
76945	complete procedure	BR
76946	Ultrasonic guidance for amniocentesis; supervision and interpretation only	4.0
76947	complete procedure	6.0
76948	Ultrasonic guidance for aspiration of ova; complete procedure	BR
76949	complete procedure	BR
76950	Echography for placement of radiation therapy fields, B-scan	17.1
76960	Ultrasonic guidance for placement of radiation therapy fields except for B-scan echography	14.3

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-07908 MISCELLANEOUS.

	Unit Value
76970 Ultrasound study follow-up specify	10.0
76986 Echography, intraoperative	5.7
76991 Intraluminal ultrasound study (e.g., transrectal, ((transvesical)) transvaginal)	BR
76999 Unlisted ultrasound ((examination (see guide-times)) procedure	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-080 ((RADIOTHERAPY)) **THERAPEUTIC RADIOLOGY—GENERAL INFORMATION AND INSTRUCTIONS.** (1) ((Radiation therapy as listed in this section provides)) Listings for 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.

CONSULTATION: CLINICAL MANAGEMENT

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.

~~((TREATMENT PLANNING PROCESS (EXTERNAL AND INTERNAL SOURCES)~~

~~((Procedures 77260, 77265, 77270, 77275 have been deleted. To report, use 77261=77263)))~~

CLINICAL TREATMENT PLANNING (EXTERNAL AND INTERNAL SOURCES)

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.

DEFINITIONS: Simple—planning requiring single treatment area of interest encompassed in a single port or simple parallel opposed ports with ((minimal)) simple blocking.

Intermediate—planning requiring three or more converging ports, two separate treatment areas, special blocking ((standard wedges)), or special time dose constraints.

Complex—planning requiring highly complex blocking, tangential ports, special wedges or compensators, three or more separate treatment areas, rotational or special beam considerations.

	Unit Value
77261 Therapeutic radiology treatment planning; simple	BR
77262 intermediate	BR
77263 complex	BR
77280 Therapeutic radiology simulation-aided field setting; ((requiring simulator, with or without fluoroscopy)) simple	BR
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 unmodified ports directed to a single area of interest)	3.0
77310 intermediate (three or more treatment ports directed to a single area of interest)	4.0
77315 complex (mantle or inverted Y, tangential ports, the use of wedges, compensators, complex rotational blocking or special beam considerations)	6.0

~~((Procedures 77320, 77325, 77330, 77335, 77340 have been deleted. To report, use 77300-77399 as appropriate))~~

77321 Special teletherapy port plan, particles, hemi-body, total body	BR
77326 Brachytherapy isodose calculation; simple (calculation made from single plane, one to four source/ribbon application)	BR
((For definition of source/ribbon, see page 316B))	
77327 intermediate (multiplane dosage calculations, application involving five to ten sources/ribbons)	BR
77328 complex (multiplane isodose plan, volume implant calculations, over ten sources/ribbons used, special spatial reconstruction)	BR
77331 Special dosimetry (e.g., TLD, microdosimetry) (specify)	BR
77332 Treatment devices, design and construction; simple (simple block, simple bolus)	BR
77333 intermediate (multiple blocks, stents, bite blocks, special bolus)	BR
77334 complex (irregular blocks, special shields, compensators, wedges, molds or casts)	BR
77336 Continuing medical radiation physics consultation in support of therapeutic radiologist, including continuing quality assurance	BR
((Procedures 77345-77360 have been deleted. To report, use 77300-77399 as appropriate))	
77370 Special medical radiation physics consultation	BR
77399 Unlisted procedure, medical radiation physics, dosimetry and treatment devices	BR

CLINICAL TREATMENT MANAGEMENT

Except where specified, assumes 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).

77400	Daily megavoltage treatment management; simple	2.0
77405	intermediate	3.0
77410	complex	4.0
77415	Therapeutic radiology treatment port film interpretation and verification, per treatment course	3.0
77420	Weekly megavoltage treatment management; simple	4.0
77425	intermediate	5.0
77430	complex	6.0

~~((Procedures 77435-77460 have been deleted. To report, use 77400-77499 as appropriate))~~

(For complicated shielding devices, see treatment aids, 77600-77635)

77465	Daily kilovoltage treatment management	2.0
77470	Special treatment procedure (e.g., total body irradiation, hemi-body 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)

77499	Unlisted procedure, therapeutic radiology clinical treatment management	BR
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HYPERTHERMIA

Hyperthermia treatments as listed in this section include external (superficial and deep) and interstitial and intracavitary. 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 radiofrequency 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 medicine 90600-90630). Physics planning and interstitial insertion of temperature sensors, and use of external or interstitial heat generating sources are included.

77600	Hyperthermia, externally generated; superficial (i.e., heating to a depth of 4 cm or less)	BR
77605	deep (i.e., heating to depths greater than 4 cm)	BR
77610	Hyperthermia generated by interstitial probe(s); 5 or fewer interstitial applicators	BR
77615	more than 5 interstitial applicators	BR

CLINICAL INTRACAVITARY HYPERTHERMIA

77620	Hyperthermia generated by intracavitary probe(s)	20.0
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CLINICAL BRACHYTHERAPY

Clinical brachytherapy requires the use of either natural or man-made radioelements applied into or around a treatment field of interest. The supervision of radioelements and dose interpretation are performed solely by the the therapeutic radiologist. When a procedure requires the service of a surgeon in addition, the modifier '-66' or '-80' may be used (see modifiers in radiology guidelines, page 290). Services 77750-77799 include admission to the hospital and daily visits.

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 77300-77399 as appropriate))	
	(Professional service component only)	
77750	Infusion or instillation of radioelement solution of radioactive materials for therapy (includes handling and loading)	12.5
	((Procedures 77755-77785 have been deleted. To report, use 77761-77799 as appropriate))	
77761	Intracavitary radioelement application; simple	BR
77762	intermediate	BR
77763	complex	BR
77766	Interstitial radioelement application; simple	BR
77777	intermediate	BR
77778	complex	BR
77789	Surface application of radioelement	24.75
77790	Supervision, handling, loading of radioelement	33.5
77799	Unlisted procedure, clinical brachytherapy	BR

~~((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 or 77370)~~

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

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

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-125 DIAGNOSTIC.

		Unit Value
ENDOCRINE SYSTEM		
78000	Thyroid uptake, single determination	6.0
78001	multiple determinations ((as 6 and 24 hours, etc.))	8.0
78003	((Thyroid)) stimulation, suppression or discharge (not including initial uptake studies)	9.0
78006	Thyroid imaging, with uptake; single determination	16.0
78007	multiple determinations	18.0
78010	Thyroid imaging only	10.0
78011	with vascular flow	BR
78015	Thyroid carcinoma metastases imaging; limited area (e.g., neck and chest only)	20.0
78016	with additional studies (e.g., urinary recovery, etc.)	25.0
78017	multiple areas	BR
78018	whole body	BR

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

(For calcitonin, RIA, see 82308)

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

	Unit Value		Unit Value
(For T-4 thyroxine, CPB or resin uptake, see 84435)		(For vasopressin level (antidiuretic hormone), RIA, see 84588)	
(For TT-4 thyroxine, RIA, see 84436)		(For estradiol, RIA, see 82670)	
(For T-4 thyroxine, neonatal, see 84437)		(For progesterone, RIA, see 84144)	
(For FT-4 thyroxine, free, RIA (unbound T-4 only), see 84439)		(For testosterone, blood, RIA, see 84403)	
((For calcitonin, RIA, see 82308)		(For testosterone, urine, RIA, see 84405)	
(78070 has been deleted. To report parathyroid imaging, use 78099))		(For etiocholanolone, RIA, see 82696)	
(78070 has been deleted. To report parathyroid imaging, use 78099))		(For chemical analysis, RIA tests, see WAC 296-23-212, chemistry and toxicology)	
78070 Parathyroid imaging	BR	78099 Unlisted endocrine procedure, diagnostic nuclear medicine	BR
(For parathormone (parathyroid hormone), RIA, see 83970)		(For chemical analysis, RIA tests, see Chemistry and Toxicology section)	
78075 Adrenal imaging, cortical	BR		
(For adrenal cortex antibodies, RIA, see 86681)		HEMATOPOIETIC, RETICULOENDOTHELIAL AND LYMPH-ATIC SYSTEM	
(For cortisol, RIA, plasma, see 82533)		78102 Bone marrow imaging; limited area	BR
(For cortisol, RIA, urine, see 82534)		78103 multiple areas	BR
(For aldosterone, double isotope technique, see 82087)		78104 whole body	BR
(For aldosterone, RIA, blood, see 82088)		78110 Plasma volume, radionuclide-dilution technique; (separate procedure) single sampling	8.0
(For aldosterone, RIA, urine, see 82089)		78111 multiple sampling	BR+
(For 17-ketosteroids, RIA, see 83588)		(For dye method, see 84605, 84610)	
(For 17-OH ketosteroids, RIA, see 83599)		78120 Red cell volume determination (separate procedure); single sampling	12.0
(For 17-hydroxycorticosteroids, RIA, see 83491)		78121 multiple sampling	BR+
(For insulin, RIA, see 83525)		78122 Whole blood volume determination, including separate measurement of plasma volume and red cell volume (radionuclide volume-dilution technique)	8.0
(For insulin antibodies, RIA, see 86337)		78130 Red cell survival study (e.g., radiochromium)	20.0
(For insulin factor antibodies, RIA, see 86338)		78135 plus splenic and/or hepatic sequestration	30.0
(For proinsulin, RIA, see 84206)		78140 Red cell splenic and/or hepatic sequestration	20.0
(For glucagon, RIA, see 82943)		78160 Plasma radio-iron turnover rate	16.0
(For adrenocorticotrophic hormone (ACTH), RIA, see 82024)		78162 Radio-iron oral absorption	BR
(For human growth hormone (HGH), (somatotropin), RIA, see 83003)		78170 Radio-iron red cell utilization	24.0
(For human growth hormone antibody, RIA, see 86277)		78172 Chelatable iron for estimation of total body iron	BR
(For thyroglobulin antibody, RIA, see 86800)		((78180 has been deleted. To report radioiron body distribution and storage pools, use 78199)))	
(For thyroid microsomal antibody, RIA, see 86376)		(For hemosiderin, RIA, see 83071)	
(For thyroid stimulating hormone (TSH), RIA, see 84443)		(For intrinsic factor antibodies, RIA, see 86340)	
(For thyrotropin releasing factor, RIA, see 84444)		(For cyanocobalamin (vitamin B-12), RIA, see 82607)	
(For plus long-acting thyroid stimulator (LATS), see 84445)		(For folic acid (folate) serum, RIA, see 82746)	
(For follicle stimulating hormone (FSH component of pituitary gonadotropin), RIA, see 83001)		(For human hepatitis antigen, hepatitis associated agent (Australian antigen) (HAA), RIA, see 86287)	
(For luteinizing hormone (LH component of pituitary gonadotropin), (ICSH), RIA, see 83002)		(For hepatitis A antibody (HAAb), RIA, see 86296)	
(For luteinizing releasing factor (LRH), RIA, see 83727)		(For hepatitis A virus antibody (HAVAb), see 86297)	
(For prolactin level (mammotropin), RIA, see 84146)		(For hepatitis B core antigen (HB _c Ag), RIA, see 86288)	
(For oxytocin level, (oxytocinase), RIA, see 83949)		(For hepatitis B core antibody (HB _c Ab), RIA, see 86289)	
		(For hepatitis B surface antigen (HB _s Ab), RIA, see 86287)	
		(For hepatitis B surface antibody (HB _s Ab), RIA, see 86291)	
		(For hepatitis Be antigen (HB _e Ag), RIA, see 86293)	

	Unit Value		Unit Value
		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)	
		(((For positron method or other complex instrumentation, see WAC 296-20-010, Item 10)))	
78185	20.0	78300	Bone, imaging limited area (e.g., spine, pelvis, or skull, etc.) 25.0
		78305	multiple areas 40.0
		78306	whole body 48.2
		78310	vascular flow only BR
		78315	by three phase technique BR
		78320	tomographic (SPECT) BR
		78350	Bone density (mineral content) study single photon absorptiometry BR
			dual photon absorptiometry BR
		78351	dual photon absorptiometry 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 techniques 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 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
		78412	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
			(78413 has been deleted. To report, use 78411)
			(78405, 78406 Myocardium imaging has been deleted. To report, use 78418-78424))
		78414	Determination of ventricular ejection fraction with probe technique BR
		78415	Cardiac blood pool imaging, functional imaging (e.g., phase and amplitude analysis)
			(((78418 Myocardium imaging, regional myocardial perfusion at rest, BR
		78419	regional myocardial perfusion at rest and 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 with quantitative evaluation (e.g., pharmacokinetic temporal assessment) for evaluation of infarction (infarct avid imaging) BR
		78420	
		78422	

		GASTROINTESTINAL SYSTEM	
		(For chemical analysis, RIA tests, see WAC 296-23-212, chemistry and toxicology)	
78201	20.0		
78202	25.0		
		(For spleen imaging only, use 78185 and 78186)	
78205	BR		
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)))	
78258	BR		
78261	BR		
78262	BR		
78264	BR		
78270	10.0		
	20.0		
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		
78299	BR		
		(For chemical analysis, RIA tests, see WAC 296-23-212, chemistry and toxicology)	

	Unit Value		Unit Value
78424 regional myocardial perfusion (redistribution resting or postexercise study)	BR	RESPIRATORY SYSTEM	
78425 Regurgitant index	BR	78580 Pulmonary perfusion imaging; particulate	26.0
78428 Cardiac shunt detection	BR	78581 gaseous	BR
78435 Cardiac flow study, imaging (i.e., angiocardio- graphy)	BR	78582 gaseous, with ventilation, rebreathing and washout	BR
78445 Vascular flow study, imaging (i.e., angiography, venography)	BR	78584 Pulmonary perfusion imaging, particulate, with ventilation; single breath	BR
78455 Venous thrombosis study (e.g., radioactive fibrin- ogen)	BR	78585 rebreathing and washout, with or without single breath	1.6
78457 Venous thrombosis imaging (e.g., venogram); uni- lateral	BR	78586 Pulmonary ventilation imaging, aerosol; single projection	BR
78458 bilateral	BR	78587 multiple projections (e.g., anterior, posterior, lateral views)	BR
78460 Myocardial imaging; resting only, quantitative, or qualitative	27.0	78591 Pulmonary ventilation imaging, gaseous, single breath, single projection	BR
78461 exercise and redistribution, qualitative or quan- titative, with or without pharmacological inter- vention	30.0	78593 Pulmonary ventilation imaging, gaseous, with rebreathing and washout with or without single breath; single projection	22.0
78464 tomographic (SPECT), at rest only, qualitative or quantitative	BR	78594 multiple projections (e.g., anterior, posterior, lateral views)	BR
78465 tomographic (SPECT) with exercise and redi- stribution, qualitative or quantitative, with or without pharmacological intervention	BR	78599 Unlisted respiratory procedure, diagnostic nuclear medicine	BR
78466 Myocardial imaging, infarct avid, at rest; qualita- tive	27.0	NERVOUS SYSTEM	
78467 quantitative	27.0	78600 Brain imaging, limited procedure; static	26.0
78468 with first pass technique	35.0	78601 with vascular flow	31.0
78469 with emission computed tomography	50.0	78605 Brain imaging, complete; static	30.0
78470 Cardiac output	BR	78606 with vascular flow	35.0
((78490 has been deleted. To report tissue clearance studies, use 78499))		78607 tomographic (ECT)	BR
78471 Cardiac blood pool imaging, gated equilibrium, at rest, wall motion study plus ejection fraction	21.0	78610 Brain imaging, vascular flow study only	10.0
78472 Cardiac blood pool imaging, gated equilibrium, at rest, wall motion study plus regional ejection frac- tion	23.0	78615 Cerebral blood flow((inert radionuclide gas washout))	BR
78474 quantitative wall motion study plus ejection fraction plus ventricular volume determination	25.0	78630 Cerebrospinal fluid flow, imaging; cisternography (not including introduction of material)	35.0
78475 quantitative wall motion study, with exercise and/or pharmacological intervention	26.0	(For injection procedure, see 61000-61070; 62270-62294)	
78476 quantitative wall motion study plus ejection fraction, with exercise and/or pharmacological intervention	27.0	78635 ventriculography	35.0
78477 quantitative wall motion study plus ejection fraction plus ventricular volume determination, with exercise and/or pharmacological interven- tion	30.0	(For injection procedure, see 61000-61070; 62270-62294)	
78479 serial studies, any combination	25.0	((78640 has been deleted. To report, use 78699)	
78481 Cardiac blood pool imaging, first pass technique, at rest; wall motion study with ejection fraction	20.0	(For injection procedure, see 61000-61070; 62270-62294))	
78484 quantitative wall motion study plus ejection fraction plus ventricular volume determination	25.0	78645 shunt evaluation	35.0
78485 quantitative wall motion study, with exercise and/or pharmacological intervention	26.0	(For injection procedure, see 61000-61070; 62270-62294)	
78486 quantitative wall motion study plus ejection fraction, with exercise and/or pharmacological intervention	27.0	78650 CSF leakage detection and localization	32.0
78487 quantitative wall motion study plus ejection fraction plus ventricular volume determination, with exercise and/or pharmacological interven- tion	30.0	(For injection procedure, see 61000-61070; 62270-62294)	
78489 serial studies, any combination	25.0	78652 tomographic (ECT)	BR
(For digoxin, RIA, see 82643)		(For myelin basic protein, CSF, RIA, see 83873)	
(For digitoxin (digitalis), RIA, see 82640)		78655 Eye tumor identification with radiophosphorus	BR
(For cerebral blood flow study, see 78615)		78660 Dacryocystography (lacrimal flow study)	BR
78499 Unlisted cardiovascular procedure, diagnostic nu- clear medicine	BR	78699 Unlisted nervous system procedure, diagnostic nu- clear medicine	BR
(For chemical analysis, RIA tests, see WAC 296-23-212, chemistry and toxicology)		GENITOURINARY SYSTEM	
		78700 Kidney imaging; static 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
		(For introduction of radioactive substance in as- sociation with renal endoscopy, see 50558, 50559, 50578)	
		78710 Kidney imaging (SPECT)	BR
		78715 Kidney vascular flow	BR
		78725 Kidney function study only	BR

	Unit Value		Unit Value
78726	BR	with pharmacological intervention (For renin (angiotensin I), RIA, see 84244) (For angiotensin II, RIA, see 82163) (For beta-2 microglobulin, RIA, see 82231, 82232)	(For alpha-1 fetoprotein, RIA, see 86244) (For antinuclear antibodies, RIA, see 86038) (For lactic dehydrogenase, RIA, see 83610) (For amikacin, see 82112) (For aminophylline, see 82137)
78727	BR	Kidney transplant evaluation	(For amitriptyline, see 82138)
78730	BR	Urinary bladder residual study (For introduction of radioactive substance in association with cystostomy or cystostomy, see 51020; in association with cystourethroscopy, see 52250)	(For amphetamine, chemical, quantitative, see 82145) (For chlordiazepoxide, see 82420, 82425) (For chlorpromazine, see phenothiazine, urine, 84021, 84022)
78740	BR	Ureteral reflux study (radionuclide voiding cystogram) (For estradiol, RIA, see 82670) (For estriol, RIA, see 82677, 84680) (For progesterone, RIA, see 84144) (For prostatic acid phosphatase, RIA, see 84066)	(For clonazepam, see ((82510)) 82512) (For cocaine, quantitative, see 82520) (For diazepam, see 82636) (For dihydromorphinone, quantitative, see 82649)
78760	BR	Testicular imaging	(For phenytoin (diphenylhydantoin), see 84045)
78761	BR	with vascular flow (For testosterone, blood, RIA, see 84403) (For testosterone, urine, RIA, see 84405) (For introduction of radioactive substance in association with ureteral endoscopy, see 50958, 50959, 50978) ((78770, 78775 have been deleted. To report either placenta imaging or placenta localization, use 78799)) (For lactogen, placental (HPL) chorionic somatomammotropin, RIA, see 83632) ((For chorionic gonadotropin, RIA, see 82998)) (For chorionic gonadotropin beta subunit, RIA, see ((84701)) 84702, 84703) (For pregnanediol, RIA, see 84135) (For pregnantrial, RIA, see 84138)	(For flucytosine, see 82741) (For gentamicin, see 84695) ((For glutethimide, see 82980)) (For lysergic acid diethylamide (LSD), RIA, see 83728) (For morphine (heroin), RIA, see 83862) (For phencyclidine (PCP), see 83992) (For phenobarbital, see barbiturates, 82205, 82210) (For tobramycin, see 84840) (For kanamycin, see 83578)
			78890 Generation of automated data: Interactive process involving nuclear physician and/or allied health professional personnel; simple manipulations and interpretation, not to exceed 30 minutes BR
			78891 complex manipulations and interpretation, exceeding 30 minutes BR
78799	BR	Unlisted genitourinary procedure, diagnostic nuclear medicine (For chemical analysis, RIA tests, see WAC 296-23-212 chemistry and toxicology)	(use 78890 or 78891 in addition to primary procedure) ((78895 Bedside unit required BR (use 78895 in addition to primary procedure)))
MISCELLANEOUS STUDIES			
78800	BR	((Tumor)) Radionuclide localization of tumor (e.g., gallium, selenomethionine); limited area (For specific organ, see appropriate heading) (For eye tumor identification, see 78655)	78990 Provision of diagnostic radionuclide(s) 12.0 78999 Unlisted miscellaneous procedure, diagnostic nuclear medicine BR
78801	BR	multiple areas	
78802	BR	whole body	
78803	BR	Tumor localization (SPECT)	
78805	BR	((Abscess)) Radionuclide localization of abscess; limited area	
78806	BR	whole body (For imaging bone infectious inflammatory disease, see 78300-78381) (For Rast, see 86421, 86422) (For gamma-E immunoglobulin, RIA, see 82785) (For gamma-G immunoglobulin, see 82784) (For alpha-1 antitrypsin, RIA, see 86064)	

AMENDATORY SECTION (Amending Order 80-29, filed 12/23/80, effective 3/1/81)

WAC 296-23-130 THERAPEUTIC.

~~((Preliminary and follow-up diagnostic tests not included. For these services, see appropriate sections. The listed values do not include the cost of radioisotopes. Use 99070 to identify cost of isotopes. (For procedures involving radioactive sealed sources and surface application of radioactive material, see radiation therapy)))~~

		Unit Value
79000	Radionuclide therapy, hyperthyroidism, initial including evaluation of patient	48.0
79001	subsequent, each therapy	20.0
	<u>(For follow-up visit, see 90030-90080)</u>	
79020	Radionuclide therapy, thyroid suppression, (euthyroid cardiac disease), ((including)) including evaluation of patient	48.0
79030	Radionuclide ablation of gland for thyroid carcinoma	BR+
79035	Radionuclide therapy for metastases of thyroid carcinoma	BR
79100	Radionuclide therapy, polycythemia vera, chronic leukemia, etc., each treatment	16.0
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

AMENDATORY SECTION (Amending Order 81-28, filed 11/30/81, effective 1/1/82)

WAC 296-23-200 PATHOLOGY GENERAL INFORMATION AND INSTRUCTION. Rules and billing procedure pertaining to all practitioners rendering service to injured workers are presented in general information section beginning with WAC 296-20-010. Some commonalities are repeated here for convenience of those doctors referring to pathology section. Definitions and rules to pathology are also included here.

(1) The following values apply only when these services are performed by or under the responsible supervision of a physician. Unless otherwise specified, the listed values include the collection and handling of the specimens by the laboratory performing the procedure.

(2) Lab reports must be attached to bills for lab services. See WAC 296-20-125 for further billing instruction.

(3) Laboratory procedures performed by other than the billing physician shall be billed at the value charged that physician by the reference (outside) laboratory under the individual procedure number or the panel procedure number listed under "PANEL OR PROFILE TESTS" (see modifier -90).

(4) The department or self-insurer may deny payment for lab procedures which are determined to be excessive or unnecessary for management of the injury or conditions.

(5) ~~((Panel (profile) tests: Panel (profile) tests are defined as 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. . denotes test performed as part of a panel, see 80003-80013.))~~ By report: "BR" in the unit value column indicates that the value of the service is to be determined by report (BR) because the services is too unusual, variable, or new to be assigned a unit value. The report should provide an adequate definition or description of the services or procedure as discussed in WAC 296-23-01008. Whenever

possible, list the nearest similar procedure code according to this schedule. The department or self-insurer may adjust BR procedures when such action is indicated.

(6) Separate or multiple procedures: It is appropriate to designate multiple procedures that are rendered on the same date by separate entries.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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 87-18, filed 7/23/87)

WAC 296-23-204 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)) 80021. 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 under ((item 6, page 188)) WAC 296-23-200(5).

(For ((collection and)) handling of specimen, see 99000 and 99001)

Albumin	
Albumin/globulin ratio	
Bilirubin, direct	
Bilirubin, total	
Calcium	
Carbon dioxide content	
Chloride	
Cholesterol	
Creatinine	
Globulin	
Glucose (sugar)	
Lactic dehydrogenase (LDH)	
Phosphatase, acid	
Phosphatase, alkaline	
Phosphorus	
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
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)) body fluids and/or ((urine;)) excreta 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
80042 Serum antimicrobial level, bioassay method	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	BR
80052 Pre-marital profile	NONCOVERED
80053 Executive profile	NONCOVERED
80055 Obstetric profile	NONCOVERED
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
80073 Renal panel	BR
80075 Parathyroid panel	BR
80080 Prostatic panel	BR
80082 Pancreatic panel	BR
80084 Pituitary panel	BR
80085 Microcytic anemia panel	BR
80086 Macrocytic anemia panel	BR
80088 Transition panel (for management of patient with proven metastatic disease)	BR
80089 Muscle panel	BR
80090 Antibody panel (e.g., TORCH: Toxoplasma IFA, rubella HI, cytomegalovirus CF, herpes virus CF)	BR
80099 Unlisted panel	BR

CONSULTATIONS (CLINICAL PATHOLOGY)

A clinical pathology consultation is a service, including a written report, rendered by the pathologist in response to a request from an attending physician in relation to a test result(s) requiring additional medical interpretive judgment. Reporting of a test result(s) without

		Unit Value
medical interpretive judgment is not considered a clinical pathology consultation.		
80500	Clinical pathology consultation; limited, without review of patient's history and medical records . . .	BR
80502	comprehensive, for a complex diagnostic problem, with review of patient's history and medical records	BR
(For consultations involving the examination and evaluation of the patient, see 90600-90643)		

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

WAC 296-23-208 URINALYSIS.

(For specific analyses, see appropriate section)

		Unit Value
81000	Urinalysis, routine, complete	12.0
81002	routine, without microscopy	8.0
81004	components, single, not otherwise listed, specify . .	5.0
81005	chemical, qualitative any number of constituents . .	8.0
(((81006 urine volume measurement has been deleted. To report, use 81099)))		
81010	concentration and dilution test	14.0
81011	water deprivation test	BR
81012	water deprivation test with vasopressin response . .	BR
81015	microscopic	10.0
81020	two or three glass test	10.0
81030	Quantitative sediment analysis and quantitative protein (Addis count)	40.0
81099	Unlisted urinalysis procedure	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

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, multichannel 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
82091	saline infusion test	BR

(Alkaline phosphatase, see 84075-84080)

82095	Alkaloids, tissue, screening	80.0
82096	quantitative	120.0
82100	urine, screening	80.0
82101	quantitative	120.0

(See also 82486, 82600, 82662, 82755, 84231)

(Alpha amino acid nitrogen, see 82126)

(Alpha-hydroxybutyric (HBD) dehydrogenase, see 83485, 83486)

(Alphaketoglutarate, see 83584)

(Alpha tocopherol (Vitamin E), see 84446)

82108	Aluminum, blood (serum)	BR
82112	Amikacin	BR

(Amikacin serum radioimmunoassay, see 80040)

82126	Alpha amino acid nitrogen	50.0
82128	Amino acids, qualitative	40.0
82130	Amino acids, urine or plasma chromatographic fractionation and quantitation, <u>one or more</u>	180.0
82134	Aminohippurate, para (PAH)	30.0

(For administration, see 36410, 99070)

82135	Aminolevulinic acid, delta (ALA)	50.0
82137	Aminophylline	60.0
82138	Amitriptyline	60.0
82140	Ammonia, blood	40.0
82141	urine	40.0
82142	Ammonium chloride loading test	40.0
82143	Amniotic fluid scan (spectrophotometric)	50.0

(For L/S ratio, see 83661)

(Amobarbital, see 82205-82210)

82145	Amphetamine, or methamphetamine, chemical, quantitative	80.0
82150	Amylase, serum	30.0
(((82155 isoenzymes electrophoretic BR+)))		
82156	urine (diastase)	30.0
82157	Androstenedione RIA	80.0
82159	Androsterone	50.0
82160	RIA	50.0

(See also 83593-83596)

(Angiotensin I, see renin, 84244)

82163	Angiotensin II, RIA	BR
82164	Angiotensin-converting enzyme	BR

	Unit Value		Unit Value
82165 Aniline	BR	82355 Calculus (stone) qualitative, chemical	40.0
(Antidiuretic hormone, RIA, see 84588)		82360 quantitative, chemical	60.0
82168 Antihistamines	BR	82365 infrared spectroscopy	60.0
82170 Antimony, urine	80.0	82370 X-ray diffraction	50.0
(Antimony, screen, see 83015)		(Carbamates, see individual listings)	
(Antitrypsin, alpha-1-, see 86329)		82372 Carbamazepine, serum	BR
82172 Apolipoprotein	BR	82374 Carbon dioxide, combining power or content	10.0
82173 Arginine tolerance test	BR	(See also 82801-82803, 82817)	
82175 Arsenic, blood, urine, gastric contents, hair or nails, quantitative	80.0	82375 Carbon monoxide, (carboxyhemoglobin); quantita- tive	48.0
(For heavy metal screening, see 83015)		82376 qualitative	48.0
82180 Ascorbic acid (Vitamin C) blood	40.0	(Carbon tetrachloride, see 84600)	
(Aspirin, see acetylsalicylic acid, 82011, 82012)		(Carboxyhemoglobin, see 82375, 82376)	
(Atherogenic index, blood, ultracentrifugation, quantita- tive, see 83717)		82380 Carotene, blood	40.0
82205 Barbiturates quantitative	60.0	(Carotene plus Vitamin A, see 84595)	
82210 quantitative and identification	80.0	82382 Catecholamines (dopamine, norepinephrine, epine- phrine); total urine	BR
(For qualitative screen, see 82486, 82660, 82662, 82755, 84231)		82383 blood	BR
82225 Barium	BR	82384 fractionated	BR
(Bence-Jones protein, 84185)		(For urine metabolites, see 83835, 84585)	
82230 Beryllium, urine	80.0	82390 Ceruloplasmin, chemical (copper oxidase), blood ..	40.0
82231 Beta-2 microglobulin, RIA; urine	BR	(For gel diffusion technique, see 86331; immunodiffusion technique, see 86329)	
82232 serum	BR	82400 Chloral hydrate, blood	60.0
82235 Bicarbonate excretion, urine	BR	82405 urine	40.0
82236 Bicarbonate loading test	BR	82415 Chloramphenicol, blood	40.0
(Bicarbonate, see 82374)		82418 Chlorazepate dipotassium	40.0
82240 Bile acids, blood, fractionated	120.0	82420 Chlordiazepoxide, blood	60.0
82245 Bile pigments, urine	8.0	82425 urine	60.0
((A))82250 Bilirubin, blood, total or direct	((A))	82435 Chlorides, blood, (specify chemical or electromet- ric)	((A))
82251 blood, total and direct	30.0	82436 urine, (specify chemical, electrometric or Fantus test)	20.0
82252 feces, qualitative	BR	82437 sweat (without iontophoresis)	20.0
82260 urine, quantitative	12.0	(For iontophoresis, see 89360)	
82265 amniotic fluid, quantitative	30.0	82438 spinal fluid	20.0
82268 Bismuth	80.0	82441 Chlorinated hydrocarbons, screen	20.0
82270 Blood, feces, occult, screening	8.0	82443 Chlorothiazide-hydrochlorothiazide	60.0
82273 duodenal, gastric contents, qualitative	BR	(Chlorpromazine, see 84021, 84022)	
(Blood urea nitrogen (BUN), see 84520-84525, 84545)		82465 Cholesterol, serum; total	22.0
(Blood volume, see 84605-84610, 78110, 78111)		82470 total and esters	30.0
82280 Boric acid, blood	100.0	82480 Cholinesterase, serum	40.0
82285 urine	100.0	82482 RBC	60.0
82286 Bradykinin	BR	82484 serum and RBC	80.0
82290 Bromides, blood	24.0	82485 Chondroitin B sulfate, quantitative	BR
82291 urine	40.0	(Chorionic gonadotropin, see gonadotropin, ((82996- 83002)) 84702, 84703)	
(For bromsulphthalein (BSP), see 84382)		82486 Chromatography; gas-liquid, compound and meth- od not elsewhere specified	BR
82300 Cadmium, urine	100.0	82487 paper, 1-dimensional, compound and method not elsewhere specified	BR
82305 Caffeine	60.0	82488 paper, 2-dimensional, not elsewhere specified ..	BR
82306 Calcifediol (25-OH Vitamin D-3), chromato- graphical technique	BR	82489 thin layer, not elsewhere specified	BR
82307 Calciferol (Vitamin D) RIA	BR	((82490 Chromium, blood	100.0))
82308 Calcitonin, RIA	80.0	82495 Chromium, urine	100.0
82310 Calcium, blood, chemical	((A))	((82505 Chymotrypsin, duodenal contents	30.0))
82315 fluorometric	((A))	82507 Citric acid	80.0
82320 emission flame photometry	22.0	82512 Clonazepam	BR
82325 atomic absorption flame photometry	24.0	82520 Cocaine, quantitative	60.0
82330 fractionated, diffusible	60.0	(Cocaine, screen, see 82486, 82489, 82660, 82662, 82755, 84231)	
82331 after calcium infusion test	24.0	(Codeine, quantitative, see 82096, 82101)	
82335 urine, qualitative (Sulkowitch)	11.0		
82340 quantitative timed specimen	32.0		
((82345 feces, quantitative timed specimen	80.0))		

	Unit Value		Unit Value
(Complement, see ((86159 -86162)) <u>86158-86164</u>)		82638 Dibucaine number	34.0
(Compound S, see 82634)		82639 Dicumarol	BR
82525 Copper, blood	60.0	(Dichloroethane, see 84600)	
82526 urine	60.0	(Dichloromethane, see 84600)	
(Coprobilinogen, feces, ((84575)) <u>84577</u>)		(Diethylether, see 84600)	
(Coproporphyrins, see 84118-84121)		82640 Digitoxin digitalis, blood RIA	BR+
(Corticosteroids, see ((83492)) <u>83491-83496</u>)		82641 urine	BR+
82528 Corticosterone, RIA	BR	82643 Digoxin, RIA	36.0
(See also 83593-83597)		82646 Dihydrocodinone	BR
82529 Cortisol; fluorometric, plasma	36.0	(Dihydrocodinone screen, see 82486-82489, 82662, 82755, 84231)	
82531 CPB, plasma	75.0	82649 Dihydromorphinone, quantitative	75.0
82532 CPB, urine	75.0	(Dihydromorphinone screen, see 82486((:))-82489, 82662, 82755, 84231)	
82533 RIA, plasma	90.0	82651 Dihydrotestosterone (DHT)	BR
82534 RIA, urine	90.0	82652 Dihydroxy vitamin D, 1, 25	BR
82536 after adrenocorticotrophic hormone (ACTH) Administration	BR	82654 Dimethadione	BR
82537 48 hours after continuous ACTH infusion	BR	(Diphenylhydantoin, see 84045)	
82538 after metyrapone tartrate administration	BR	(Dopamine, see 82382-82384)	
82539 dexamethasone suppression test, plasma and/or urine	BR	82656 Doxepin	BR
82540 Creatine, blood	24.0	82660 Drug screen (amphetamines, barbiturates, alkaloids)	65.0
82545 urine	40.0	(See also 82486-82489, 82662, 82755, 84231)	
82546 Creatine and creatinine	50.0	(Duodenal contents, see individual enzymes; for intubation and collection, see 89100)	
82550 Creatine phosphokinase (CPK), blood, timed kinetic ultraviolet method	26.0	82662 ((<u>Enzyme</u>)) Immunoassay technique for drugs((; EMIF))	30.0
82552 isoenzymes	30.0	(<u>For enzyme immunoassay for bacteria, use 86227</u>)	
82555 colorimetric	20.0	82664 Electrophoretic technique, not elsewhere specified	45.0
82565 Creatinine, blood	°20.0	82666 Epiandrosterone	BR
82570 urine	°20.0	(See also 83593((-83596)))	
82575 clearance	°40.0	(Epinephrine, see 82382-82384)	
82585 Cryofibrinogen, blood	40.0	82668 Erythropoietin, bioassay	BR
82595 Cryoglobulin, blood	40.0	(For HI method, see 86280)	
(Crystals, pyrophosphate vs. urate, see 84208)		82670 Estradiol, RIA (placental)	90.0
82600 Cyanide, blood	80.0	82671 Estrogens; fractionated	85.0
82601 tissue	80.0	82672 total	60.0
82606 Cyanocobalamin (Vitamin B-12); bioassay	70.0	82673 Estriol; fluorometric	54.0
82607 RIA	45.0	82674 GLC	45.0
82608 unsaturated binding capacity	60.0	82676 Chemical	75.0
(Cyclic AMP, see 82030)		82677 RIA	105.0
(Cyclic GMP, see 83008)		(Estrogen receptor assay, see 84233)	
(Cyclosporine, see 83003)		82678 Estrone; chemical	75.0
82614 Cystine, blood, qualitative	BR	82679 RIA	90.0
82615 Cystine, and homocystine, urine, qualitative	30.0	(Ethanol, see 82055-82075)	
82620 quantitative	40.0	82690 Ethchlorvynol (Placidyl), blood	60.0
82624 Cystine aminopeptidase	BR	82691 urine	60.0
(D hemoglobin, see 83053)		82692 Ethosuximide	BR
(Delta-aminolevulinic acid (ALA), see 82135)		(Ethyl alcohol, see 82055-82075)	
82626 Dehydroepiandrosterone, RIA	BR	82694 Etiocholanolone	BR
(See also 83593-83596)		(See also 83593((-83596)))	
(Deoxycortisol, 11- (compound S), RIA, see 82634)		(Evans blue, see blood volume, 84605-84610)	
82628 Desipramine	BR	82696 Etiocholanolone, RIA	50.0
82633 Desoxycorticosterone, 11-RIA	BR	82705 Fat or lipids, feces, screening	10.0
(See also 83593-83596)		82710 quantitative, 24 or 72 hour specimen	100.0
82634 Desoxycortisol, 11-(compound S), RIA	80.0	82715 Fat differential, feces, quantitative	BR
(See also 83492)		82720 Fatty acids, blood, esterified	40.0
82635 Diacetic acid	18.0		
(Diagnex blue, tubeless gastric, see 82939)			
(Diastase, urine, see 82156)			
82636 Diazepam	50.0		

	Unit Value		Unit Value
82725 nonesterified	40.0		
82727 Ferric chloride, urine	BR	82938 Gastrin (serum) after secretin stimulation (e.g., for gastrinoma, Zollinger-Ellison syndrome)	BR
82728 Ferritin, specify method (e.g., RIA, immunoradio- metric assay)	BR	82941 Gastrin, RIA	48.0
(Fetal hemoglobin, see hemoglobin ((83020) <u>83030</u> , 83033, and 85460)		(GGT, see 82977)	
(Fetoprotein, alpha-1, see 86329)		(GLC, gas liquid chromatography, see 82486)	
82730 Fibrinogen, quantitative	21.0	82942 Globulin, serum	10.5
(See also 85371, 85377)		(See also 82784, 82786, 84155-84200, 86329)	
82735 Fluoride, blood	100.0	82943 Glucagon, RIA	BR
82740 urine	100.0	82944 Glucosamine	6.0
82741 Flucytosine (5-fluorocytosine)	BR	82946 Glucagon tolerance test	BR
82742 Flurazepam	BR	82947 Glucose; except urine (e.g., blood, spinal fluid, joint fluid)	10.5
82745 Folic acid, (folate), blood bioassay	BR+	82948 blood, stick test	8.2
82746 RIA	45.0	82949 fermentation	22.5
(Follicle stimulating hormone (FSH), see 83000, 83001)		82950 post glucose dose (includes glucose)	13.5
82750 Formimino-glutamic acid (FIGLU), urine	100.0	82951 tolerance test (GTT), three specimens (includes glucose)	37.5
82755 Free radical assay technique for drugs (FRAT) ...	BR	82952 tolerance test, each additional beyond three specimens	10.5
82756 Free thyroxine index (T-7)	BR	(For intravenous glucose tolerance test, see 82961)	
82757 Fructose, semen	BR	82953 tolbutamide tolerance test	15.0
(Fructose, TLC screen, see 84375)		(For insulin tolerance test, see ((82937) <u>83526</u>)	
82759 Galactokinase, RBC	BR	(For leucine tolerance test, see 83681)	
82760 Galactose, blood	40.0	82954 urine	20.0
82763 tolerance test	75.0	((For intubation, see 89130, 79340))	
82765 urine	40.0	82955 Glucose-6-phosphate dehydrogenase, erythrocyte .	60.0
82775 Galactose-1-phosphate uridyl transferase	60.0	82960 screen	56.0
(For TLC screen, see 84375)		82961 Glucose tolerance test, intravenous	BR
82776 screen	18.0	(For glucose tolerance test with medication use 90784 in addition)	
82780 Gallium	BR	82963 Glucosidase, beta	BR
82784 Gammaglobulin, A, D, G, M nephelometric, each .	12.0	82965 Glutamate dehydrogenase, blood	40.0
82785 Gammaglobulin, E, (e.g., RIA, EIA)	75.0	(Glutamic oxaloacetic transaminase (SGOT), see 84450- 84455)	
82786 Gammaglobulin, salt precipitation method	21.0	(Glutamic pyruvic transaminase (SGPT), see 84460- 84465)	
(Gammaglobulin by gel (immuno) diffusion, see 86329)		82975 Glutamine (glutamic acid amide), spinal fluid	80.0
(Gamma-glutamyl transpeptidase (GGT), see 82977)		82977 Glutamyl transpeptidase, gamma (GGT)	BR
82790 Gases, blood, oxygen saturation; by calculation		82978 Glutathione	BR
from pO ₂	40.0	82979 Glutathione reductase, RBC	BR
82791 by manometry	40.0	82980 Glutethimide	56.2
82792 by oximetry	20.0	(Glycohemoglobin, see 83036)	
82793 by spectrophotometry	40.0	82985 Glycoprotein electrophoresis	60.0
82795 by calculation from pCO ₂	6.0	82995 Gold, blood	100.0
82800 Gases, blood, pH, only	20.0	((82996-82998, Gonadotropin, chorionic, have been de- tected, use 84702-84703))	
82801 pCO ₂	24.0	83000 Gonadotropin, pituitary FSH; bioassay	90.0
82802 pH, pCO ₂ by electrode	42.0	83001 RIA	90.0
82803 pH, pCO ₂ , pO ₂ simultaneous	54.0	83002 (LH)(ICSH)RIA	90.0
82804 pO ₂ by electrode	40.0	83003 Growth hormone (GH), (somatotropin) RIA ...	48.0
82812 pO ₂ by manometry	24.0	83004 after glucose tolerance test	48.0
82817 pH, pCO ₂ by tonometry	24.0	(For growth hormone secretion after arginine tolerance test, see 82173)	
(For arterial puncture, see 36600)		(For human growth hormone antibody, RIA, see 86277)	
(For blood gas studies as a part of pulmonary function studies, see 94700-94710)		((83005 Guanase, blood <u>40.0</u>))	
82926 Gastric acid, free and total; single specimen	11.2	83008 Guanosine monophosphate (GMP) cyclic, RIA ...	BR
82927 each additional specimen	9.0	83010 Haptoglobin, chemical	60.0
82928 Gastric acid, free or total; single specimen	9.0	83011 quantitative, electrophoresis	30.0
82929 each additional specimen	7.5	83012 phenotypes, electrophoresis	60.0
82931 Gastric acid, pH titration; single specimen	24.0		
82932 each additional specimen	18.0		
(Gastric analysis, with stimulation, see 89140, 89141)			
(Gastric analysis, pepsin, see 83974)			
(For gastric intubation, see 89130, 74340)			
(For aspiration of specimens with insulin administration (Hollander test), see 91075)			

	Unit Value		Unit Value
83015 Heavy metal screen (arsenic, bismuth, mercury, antimony); chemical (e.g., Reinsch, Gutzeit)	30.0	83528 Intrinsic factor level	BR
83018 chromatography, DEAE column	BR	(For intrinsic factor antibodies, RIA, see 86340)	
83020 Hemoglobin, electrophoresis (includes A ₂ , S, C, etc.)	80.0	83530 Inulin clearance	40.0
(Hemoglobin, carboxyhemoglobin (CO), see 82375, 82376; colorimetric, see 85018, 85031)		(For administration, see 36410, 99070)	
83030 F (fetal), chemical	40.0	((83533, 83534 protein-bound iodine have been deleted. To report, use 84999))	
83033 F (fetal), qualitative (APT) test, fecal	56.0	(For thyroxine, see 84435-84439)	
83036 glycosylated (Alc)	60.0	(For triiodothyronine (true T-3), RIA, see 84480)	
83040 methemoglobin, electrophoretic separation	80.0	((For T-3 or T-4 radioactive resin uptake, see RT3U, 84250, for RT3U+thyroxine, see 84251))	
83045 qualitative	20.0	83540 Iron, serum, chemical	20.0
83050 quantitative	40.0	83545 automated	12.0
83051 plasma	40.0	83546 radioactive uptake method	30.0
83052 sickle, turbidimetric	34.0	83550 Iron binding capacity, serum; chemical	20.0
83053 solubility, S-D, etc.	40.0	83555 automated	12.0
83055 sulfhemoglobin, qualitative	20.0	83565 radioactive uptake method	30.0
83060 quantitative	40.0	83570 Isocitric dehydrogenase (IDH), blood, kinetic ultraviolet	26.0
83065 thermolabile	BR	83571 colorimetric	20.0
83068 unstable, screen	BR	(Isopropyl alcohol, see alcohol 82076)	
83069 urine	BR	83576 Isonicotinic acid hydrazide (INH)	105.0
83070 Hemosiderin, urine	12.0	83578 Kanamycin	49.0
83071 Hemosiderin, RIA	25.6	83582 Ketogenic steroids, urine; 17-(17-KGS)	45.0
(Heroin, screening, see 82660, 82486, 82662, 82755, 84231; quantitative, see 82096, 82101)		83583 11-desoxy: 11-oxy ratio	75.0
(HIAA, see 83497)		83584 Ketoglutarate, alpha	40.0
83086 Histidine; blood, qualitative	BR	(Ketone bodies, see 82005-82010; urine, see 81000-81005)	
83087 urine, qualitative	BR	83586 Ketosteroids, 17-(17-KS), blood; total	38.0
83088 Histamine	100.0	83587 fractionation, alpha/beta	75.0
(Hollander test, see 91075)		83588 RIA	54.0
(Homocystine, qualitative, see 82615)		83589 Ketosteroids, 17-(17-KS), urine; total	36.0
(Homocystine, quantitative, see 82620)		83590 fractionation, alpha/beta	60.0
83093 Homogentisic acid; blood, qualitative	BR	83593 chromatographic fractionation	75.0
83094 Homogentisic acid, urine, qualitative	20.0	((83596 D/A/E ratio has been deleted.))	
83095 quantitative	40.0	83597 11-desoxy: 11-oxy ratio	75.0
(Hormones, see individual alphabetic listings in chemistry section)		(See also 82528, ((82632,)) 82633, 82666, 82694)	
83150 Homo-vanillic acid (HVA), urine	80.0	83599 Ketosteroids, 17-OH, RIA	64.1
83485 Hydroxybutyric dehydrogenase, alpha (HBD), blood; kinetic ultraviolet method	22.0	83600 Kynurenic acid	90.0
83486 colorimetric method	20.0	83605 Lactate, lactic acid	40.0
83491 Hydroxycorticosteroids, 17- (17-OHCS); RIA	64.1	83610 Lactic dehydrogenase (LDH), RIA	33.7
83492 ((Hydroxycorticosteroids, 17- (17-OHCS);)) gas liquid chromatography (GLC)	82.0	83615 Lactic dehydrogenase (LDH), blood, kinetic ultraviolet method	26.0
83493 blood, Porter-Silber type	45.0	83620 colorimetric or fluorometric	20.0
83494 blood, fluorometric	38.0	83624 heat or urea inhibition (total not included)	24.0
83495 urine, Porter-Silber type	52.0	83625 isozymes, electrophoretic separation and quantitation	60.0
83496 urine, fluorometric	52.0	83626 chemical separation	20.0
(See also 82531-82534, 82634, 84409)		83628 Lactic dehydrogenase, liver (LLDH)	20.0
83497 Hydroxyindolacetic acid, 5-(HIAA), urine	60.0	83629 Lactic dehydrogenase (LDH), urine	20.0
(For HIAA, blood, see 84260)		83631 Lactic dehydrogenase (LDH), CSF	20.0
83498 Hydroxyprogesterone, 17-d, RIA	105.0	(For hydroxybutyric dehydrogenase (HBD), see 83485)	
83499 Hydroxyprogesterone, 20-	BR	83632 Lactogen, human placental (HPL) chorionic somatomammotropin, RIA	30.0
83500 Hydroxy-proline, urine, free only	100.0	83633 Lactose, urine; qualitative	20.0
83505 total only	100.0	83634 quantitative	20.0
83510 free and total	180.0	(For tolerance, see 82951-82952)	
83523 Imipramine	67.0	(For TLC screen, see 84375)	
(Immunoassay technique for drugs, use 82662)		83645 Lead, screening, blood	20.0
(Immunoglobulines, see 82784, 82785, 82786, 86329, 86335)		83650 urine	20.0
83524 Indican, urine	35.0	83655 quantitative, blood	60.0
83525 Insulin, RIA	40.0	83660 urine	60.0
83526 Insulin tolerance	80.0		
(For proinsulin, see 84206)			

	Unit Value		Unit Value
83661 Lecithin-sphingomyelin ratio (L/S ratio), amniotic fluid	75.0	(Methyl alcohol, see 82078)	
83670 Leucine amino-peptidase (LAP), blood, kinetic ultraviolet method	26.0	83859 Methypylon	90.0
83675 colorimetric	20.0	83860 Morphine, screening	80.0
83680 urine	26.0	83861 quantitative	120.0
83681 Leucine tolerance test	26.0	83862 RIA	82.0
83685 Lidocaine	20.0	83864 Mucopolysaccharides, acid, blood	60.0
83690 Lipase, blood	30.0	83865 Mucopolysaccharides, acid, urine quantitative	60.0
83700 Lipids, blood, total	30.0	83866 screen	21.0
83705 fractionated (cholesterol, triglycerides, phospholipids)	60.0	((83870 Mucoprotein, blood (serumoid))	40.0))
(For feces, see 82705-82715)		83872 Mucin, synovial fluid (rope test)	21.0
83715 Lipoprotein, blood; electrophoretic separation and quantitation phenotyping	60.0	83873 Myeline basic protein, CSF, RIA	BR
83717 analytic ultracentrifugation separation and quantitation (atherogenic index)	100.0	(For oligoclonal bands, see 83916)	
83718 Lipoprotein high density cholesterol (HDL cholesterol) by precipitation method	BR	83874 Myoglobin, electrophoresis	30.0
83719 Lipoprotein very low density cholesterol (VLDL cholesterol) by ultracentrifugation	BR	83875 Myoglobin, urine	40.0
83720 Lipoprotein cholesterol fractionation calculation by formula	BR	83880 Nalorphine	60.0
83725 Lithium, blood, quantitative	60.0	83885 Nickel, urine	100.0
(Luteinizing hormone (LH), see 83002)		83887 Nicotine	75.0
83727 Luteinizing releasing factor (LRH), RIA	60.0	83895 Nitrogen, urine, total, 24 hour specimen	60.0
83728 Lysergic acid diethylamide (LSD) RIA	BR	83900 feces, 24 hour specimen	100.0
83730 ((f))Macroglobulins (Sia test)	30.0	83910 Nonprotein nitrogen, blood	20.0
83735 Magnesium, blood((:)); chemical	20.0	(Norepinephrine, see 82382-82384)	
83740 fluorometric	20.0	83912 Nucleic acid probe with electrophoresis, with examination and report	BR
83750 atomic absorption	40.0	83915 Nucleotidase 5'-	25.0
83755 urine((:)); chemical	40.0	83916 Oligoclonal immune globulin (Ig), CSF, by electrophoresis	BR
83760 fluorometric	40.0	(For myelin basic protein, CSF, see 83873)	
83765 atomic absorption	40.0	83917 Organic acids; screen, qualitative	30.0
83775 Malate dehydrogenase, kinetic ultraviolet method	30.0	83918 quantitative	30.0
(Maltose tolerance, see 82951, 82952)		83920 Ornithine carbonyl transferase, (OCT)	24.0
(Mammotropin, see 84146)		83930 Osmolality, blood	20.0
83785 Manganese, blood or urine	60.0	83935 urine	20.0
83790 Mannitol clearance	BR	83938 Ouabain	BR
(Marijuana, see tetrahydrocannabinol THC, 84408)		83945 Oxalate, urine	40.0
83795 Melanin, urine, quantitative	60.0	(For alpha oxoglutarate, see 82120)	
83799 Meperidine, quantitative	54.0	83946 Oxazepam	40.0
(For screen, see 82486, 82489, 82662, 82755, 84231)		83947 Oxybutyric acid, beta	40.0
83805 Meprobamate, blood or urine	60.0	83948 Oxycodone	52.0
(For screen, see 82486, 82489, 84231)		(Oxygen, see gases, blood, 82790-82817)	
83825 Mercury quantitative, blood	70.0	83949 Oxytocinase, RIA	52.0
83830 urine	70.0	(Para-aminohippuric acid, see 82134)	
(Mercury screen, see 83015)		83965 Paraldehyde, blood, quantitative	60.0
83835 Metanephrines, urine	52.0	83970 Parathormone (parathyroid hormone), RIA	165.0
(For catecholamines, see 82382-82384)		((PBI, see 83533))	
83840 Methadone	60.0	83971 Penicillin, urine	50.0
(Methamphetamine, see 82145)		83972 Pentazocine	60.0
(Methanol, see 82078)		83973 Pentose, urine, qualitative	13.5
83842 Methapyrilene	50.0	(For TLC screen, see 84375)	
83845 Methaqualone	90.0	((83974 Pepsin, gastric	23.0))
((For metals, heavy, screening (Reinsch test), see 82177))		83975 Pepsinogen, blood	40.0
83857 Methemalbumin	32.0	83985 Pesticide, other than chlorinated hydrocarbons, blood, urine or other material	BR+
(Methemoglobin, see hemoglobin 83045-83050)		(Pesticide, chlorinated hydrocarbons, see 82441)	
83858 Methsuximide, serum	90.0	83986 pH, body fluid, except blood	BR
		(For blood, see 82800, 82802, 82803, 82817)	
		83992 Phencyclidine (PCP)	38.0
		83995 Phenol, blood or urine	60.0
		84005 Phenolsulphonphthalein (PSP), urine	20.0
		(For injection procedure, see 36410 for provision of materials, see 99070)	
		84021 Phenothiazine, urine	100.0

	Unit Value		Unit Value
(See also 82486 et seq.)		84150 Prostaglandin, any one, RIA	BR
84022 quantitative, chemical	BR	84155 Protein, total, serum(;;); chemical	°20.0
(For also individual drugs)		84160 refractometric	12.0
84030 Phenylalanine, blood, Guthrie	12.0	84165 electrophoretic fractionation and quantitation	60.0
(Phenylalanine-tyrosine ratio, see 84030, 84510)		84170 Protein, total, and albumin/globulin ratio	°40.0
84031 fluorometric	12.0	(For serum albumin, see 82040, for serum globulin, 82942)	
84033 Phenylbutazone	20.0	84175 Protein, other sources, quantitative	24.0
84035 Phenylketones; blood, qualitative	20.0	84176 Protein, special studies (e.g., monoclonal protein analysis)	BR
84037 urine, qualitative	20.0	84180 urine(;;); quantitative, 24 hour specimen	24.0
84038 Phenylpropanolamine	20.0	84185 Bence-Jones	12.0
84039 Phenylpyruvic acid; blood	20.0	84190 electrophoretic fractionation and quantitation	80.0
84040 Phenylpyruvic acid, urine	20.0	84195 spinal fluid semi-quantitative (Pandy)	20.0
(For qualitative chemical tests, urine, see 81005)		84200 electrophoretic fractionation and quantitation	80.0
84045 Phenytoin	61.0	((For protein bound iodine (PBI), see 83533))	
84060 Phosphatase, acid, blood	24.0	84201 Protirelin, thyrotropin releasing hormone (TRH) test	BR
84065 (prostatic) fraction	40.0	84202 Protoporphyrin, RBC; quantitative	30.0
84066 prostatic fraction, RIA	60.0	84203 screen	20.0
84075 alkaline, blood	24.0	84205 Protipyrene	68.0
84078 heat stable (total not included)	16.0	84206 Proinsulin, RIA	60.0
84080 isoenzymes, electrophoretic method	BR	84207 Pyridoxine (Vitamin B-6)	BR
84081 Phosphatidylglycerol	BR	84208 Pyrophosphate vs. urate, crystals (polarization)	12.0
84082 Phosphates, tubular reabsorption of (TRP)	60.0	84210 Pyruvate, blood	30.0
(Phosphates, inorganic, see 84100-84105)		84220 Pyruvic-kinase, RBC	30.0
(Phosphates, organic, see 82480-82484)		84228 Quinine	30.0
84083 Phosphoglucomutase, isoenzymes	60.0	84230 Quinidine, blood	40.0
84085 Phosphogluconate, 6-, dehydrogenase, RBC	18.0	84231 Radioimmunoassay (RIA) not elsewhere specified	BR
84087 Phosphohexose isomerase	30.0	(Reinsch test, see 83015)	
84090 Phospholipids, blood	30.0	84232 Releasing factor	BR
(See also 83705)		84233 Receptor assay; estrogen (estradiol)	BR
(For lecithin/sphingomyelin ratio, see 83661)		84234 progesterone	BR
84100 Phosphorus, blood	°24.0	84235 endocrine, other than estrogen or progesterone (specify hormone)	BR
84105 urine	°24.0	84236 progesterone and estrogen	BR
(Pituitary gonadotropins, see 83000-83002)		84238 nonendocrine (e.g., acetylcholine) (specify receptor)	BR
(PKU, see 81005, 84030, 84031)		84244 Renin (Angiotensin I); (RIA)	60.0
84106 Porphobilinogen, urine; qualitative	20.0	(See also 82163, angiotensin II)	
84110 Porphobilinogen, urine, quantitative	20.0	84246 furosemide test	BR
84118 Porphyrins, copro-, urine; quantitative	30.0	((84250, 84251 resin uptake have been deleted. To report, use 84479, 84435))	
84119 qualitative	24.0	84252 Riboflavin (Vitamin B-2)	BR
84120 Porphyrins(;;-urine,); copro- and uro-, fractionated ((uroporphyrin and coproporphyrin)), urine	64.0	(Salicylates, see 82011, 82012)	
84121 uro-, copro-, and porphobilinogen, urine	80.0	(Saline infusion test, see 82091)	
(For porphyrin precursors, see 82630)		(Secretin test, see 99070, 89100 and appropriate analyses)	
84126 feces, quantitative	100.0	84255 Selenium, blood, urine or tissue	100.0
84128 Porphyrins, plasma	82.0	84260 Serotonin, blood	120.0
(For protoporphyrin, RBC, see 84202, 84203)		(For urine metabolites, see 83497)	
84132 Potassium, blood	°24.0	84275 Sialic acid, blood	50.0
84133 urine	°24.0	(Sickle hemoglobin, see 83020, 83052, 83053, 85660)	
84135 Pregnanediol; RIA	BR	84285 Silica, blood, urine or tissue	100.0
84136 other method (specify)	BR	84295 Sodium, blood	°24.0
84138 Pregnanetriol; RIA	BR	84300 urine	°24.0
84139 other method (specify)	BR	(Somatomammotropin, see 83632)	
84141 Primidone	60.0	(Somatotropin, see 83003; chorionic, see 83632)	
84142 Procainamide	60.0	84310 Sorbitol dehydrogenase, serum	26.0
84144 Progesterone, any method	105.0	84315 Specific gravity (except urine)	8.0
(For proinsulin, RIA, see 84206)		((84317 Starch, feces, screening (8-9))	8-9)
84146 Prolactin (mammotropin), RIA	225.0	84318 Stercobilin, qualitative, feces	BR
84147 Propoxyphene	60.0		
(For screen, see 82486 et seq.)			
84149 Propranolol	BR		

	Unit Value		Unit Value
(For stone analysis see 82355-82370)		84479 Triiodothyronine (T-3), resin uptake	
84324 Strychnine	75.0	84480 Triiodothyronine, true (TT-3), RIA	36.0
(Sugar, see under glucose)		84481 Triiodothyronine, free (FT-3), RIA (unbound T-3 only)	BR
84375 Sugars chromatographic separation	80.0	84483 Trimethadione	36.0
(Sulfhemoglobin, see hemoglobin, 83055-83060)		84485 Trypsin, duodenal fluid	30.0
((84382 has been deleted))		84488 Trypsin, feces, quantitative, 24 hour specimen	30.0
(For injection, see 36410, 99070))		84490 quantitative	30.0
84395 Sulfonamide, blood chemical	20.0	(Tubular reabsorption of phosphate, blood and urine, see 84082)	
((84397 has been deleted.))		84510 Tyrosin, blood	40.0
(T-3, see 84479-84481)		(Ultracentrifugation, lipoprotein, see 82190)	
(T-4, see 84435-84439)		(Urate vs. pyrophosphate crystals, see 84208)	
((84401 has been deleted.))		84520 Urea nitrogen, blood (BUN); quantitative	°22.0
84403 Testosterone, blood, RIA	105.0	84525 stick test	8.0
84405 Testosterone, urine, RIA	120.0	84540 urine	°20.0
84406 Testosterone, binding protein	BR	84545 clearance	°40.0
84407 Tetracaine	BR	84550 Uric acid, blood, chemical	°20.0
84408 Tetrahydrocannabinol THC (marijuana)	BR	84555 uricase, ultraviolet method	26.0
84409 Tetrahydrocortisone or tetrahydrocortisol	105.0	84560 urine	20.0
(See also 83492-83497)		84565 Urobilin, urine, qualitative	12.0
84410 Thallium, blood or urine	100.0	84570 quantitative, timed specimen	24.0
84420 Theophylline, blood or saliva	60.0	84575 feces, quantitative	60.0
84425 Thiamine (Vitamin B-1)	BR	84577 Urobilinogen, feces, quantitative	30.0
84430 Thiocyanate, blood	30.0	84578 Urobilinogen, urine, qualitative	24.0
84434 Thioridazine	40.0	84580 quantitative, timed specimen	24.0
(Thyrotropin releasing hormone (TRH) test, see 84201)		84583 semiquantitative	20.0
84435 Thyroxine, (T-4), CPB or resin uptake	33.0	84584 Uropepsin, urine	24.0
84436 Thyroxine, true (TT-4), RIA	21.0	(Uroporphyrins, see 84120, 84121)	
84437 Thyroxine (T-4), neonatal	20.0	84585 Vanillylmandelic acid (VMA), urine	24.0
84439 Thyroxine, free (FT-4), RIA (unbound T-4 only)	45.0	84588 Vasopressin (antidiuretic hormone), RIA	BR
((84441 Thyroxine (T-4) method unspecified has been deleted. To report, use 84435-84439))		84589 Viscosity, fluid	10.0
84441 Thyroxine (T-4), specify method (e.g., CPB, RIA)	40.0)	84590 Vitamin A, blood	40.0
84442 Thyroxine binding globulin (TBG)	52.0	84595 including carotene (see also 82380)	60.0
(Thyroxine, free thyroxine index, T-7, see 82756)		(Vitamin B-1, see 84425)	
(Thyroid hormones, ((PBT)) thyroxine, etc., see ((84480; 84441, 84250)) 84435-84439, 84479-84481)		(Vitamin B-2, see 84252)	
84443 Thyroid stimulating hormone (TSH), RIA or EIA	60.0	(Vitamin B-6, see 84207)	
84444 Thyrotropin releasing factor (TRF), RIA;	BR	(Vitamin B-12, blood, see 82606, 82607)	
84445 plus long acting (LATS)	BR	(Vitamin B-12, absorption (Schilling), see 78270, 78271)	
84446 Tocopherol alpha (Vitamin E)	38.0	(Vitamin C, see 82180)	
(Tolbutamide tolerance, see ((82951-82952)) 82953)		(Vitamin D, see 82306, 82307)	
84447 Toxicology, screen; general	BR	(Vitamin E, see 84446)	
84448 sedative (acid and neutral drugs, volatiles)	45.0	84597 Vitamin K	BR
84450 Transaminase, blood, glutamic oxaloacetic (SGOT), timed kinetic ultraviolet method	24.0	(VMA, see 84585)	
((A)84455 colorimetric or fluorometric	(A) 20.0	84600 Volatiles (acetic anhydride, carbon tetrachloride, dichloroethane, dichloromethane, diethylether)	45.0
84460 glutamic pyruvic (SGPT), blood timed kinetic ultraviolet	24.0	(For acetaldehyde, see 82000)	
((A)84465 colorimetric or fluorometric	(A) 20.0	84605 Volume, blood, dye method (Evans blue)	30.0
(Transferrin, see 86329)		84610 including total plasma and total blood cell volume	50.0
84472 Trichloroethanol	60.0	(Volume, blood, RISA or Cr-51, see 78110, 78111)	
84474 Trichloroacetic acid	36.0	84613 Warfarin	BR
(Trichloroacetaldehyde, see 82400-82405)		84615 Xanthurenic acid	BR
84476 Trifluoperazine	36.0	84620 Xylose tolerance test, blood and/or urine	40.0
84478 Triglycerides, blood	30.0	84630 Zinc, quantitative, blood	100.0
(See also 83705)		84635 urine	100.0
		((84645 Zinc sulphate turbidity	20.0
		(84680 has been deleted. To report use 82677))	
		84681 C-peptide, any method	BR
		84695 Gentamicin	38.5

	Unit Value
84702 Gonadotropin, chorionic; quantitative	30.0
84703 qualitative	30.0
84800 Thyroid stimulating hormone (TSH), neonatal....	60.0
84810 Tobramycin	BR
84999 Unlisted chemistry or toxicology procedure.....	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.)

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-216 HEMATOLOGY.

(Includes blood clotting (coagulation) procedures. For blood banking procedures, see under Immunology WAC 296-23-221.)

(Agglutinins, see Immunology)

(Antifactor (specific coagulation factors), see 85300-85341)

(Antiplasmin, see 85410)

(Antiprothrombinase, see 85311)

(Antithrombin III, see 85300)

(Basophil count, see 85005)

	Unit Value
85000 Bleeding time Duke.....	10.0
85002 Ivy or template	24.0

~~((85003 Adelson-Crosby immersion method has been deleted. To report, use 85999))~~

(Blood cell morphology only, see 85548)

85005 Blood count; basophil count, direct	10.0
85007 manual differential WBC count (includes RBC morphology and platelet estimation)	7.5

(See also 85548, 85585)

(For other fluids, e.g., CSF, see 89051, 89190)

85009 differential WBC count, buffy coat	12.0
85012 eosinophil count, direct	10.0

(For nasal smear, see 89180)

85014 hematocrit	8.0
85018 hemoglobin, colorimetric.....	8.0

(For other hemoglobin determination, see 83020-83068)

85021 hemogram, automated RBC, WBC, Hgb, Hct and indices only).....	10.5
85022 hemogram, automated, and manual differential WBC count (CBC).....	15.0
85023 hemogram and platelet count, automated, and manual differential WBC count (CBC).....	17.0
85024 hemogram and platelet count, automated, and automated partial differential WBC (CBC).....	17.0
85025 hemogram and platelet count, automated, and automated complete differential WBC (CBC).....	17.0
85027 hemogram, automated, with platelet count.....	12.0

~~((85028 has been deleted. To report, see 85023-85025))~~

	Unit Value
85029 Additional automated hemogram indices (e.g., red cell distribution width (RDW), mean platelet volume (MPV), red blood cell histogram, platelet histogram, white blood cell histogram); one to three indices	BR
85030 four or more indices	BR
85031 blood count; hemogram, manual, complete CBC (RBC, WBC, Hgb, Hct, differential and indices) .	16.5
85041 red blood cell (RBC) only	8.0

(See also 85021-85031, 89050)

85044 reticulocyte count	12.0
85048 white blood cell (WBC)	8.0

(See also 85021-((85034)) 85031)

85060 <u>Blood smear, peripheral, interpretation by physician with written report</u>	BR
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85095 Bone marrow smear and/or cell block; aspiration only.....	45.0
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~~((85096 has been deleted. For interpretation of smear, use 85097, for cell block interpretation, see 88304, 88305))~~

85097 <u>smear interpretation only, with or without differential cell count</u>	BR
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85100 ((Bone marrow,)) aspiration, staining, and interpretation of smears.....	140.0
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(For special stains, see 85535, 85540, 85560, 88312-88313)

85101 aspiration and staining only ((smears))	75.0
85102 <u>Bone marrow needle biopsy ((core-needle))</u>	75.0

(For trocar, see 20220)

85103 ((cell block or biopsy, stain)) <u>staining and interpretation</u>	60.0
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85105 <u>interpretation only</u>	30.0
85109 staining and preparation only	30.0

~~((85120 bone marrow transplant has been deleted. To report see 38230-38240))~~

85150 Calcium clotting time	40.0
85160 Calcium saturation clotting test	40.0

85165 Capillary fragility test (Rumpel-Leede) (independent procedure)	20.0
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85170 Clot retraction <u>screen</u>	8.0
85171 quantitative	45.0

85172 inhibition by drugs	BR
85175 Clot lysis time, whole blood dilution	40.0

(Clotting factor I (fibrinogen), see 82730, 85371-85377)

85210 <u>Clotting factor; II ((f))prothrombin ((assay)), specific</u>	40.0
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(See also 85610-85618)

85220 factor V (AcG or pro-accelerin) labile factor....	40.0
85230 factor VII (proconvertin stable factor)	40.0

85240 factor VIII (AHG) one stage	40.0
85242 factor VIII (AHG), two stage	40.0

85244 factor VIII related antigen quantitation	BR
85250 factor IX (PTC or Christmas)	40.0

85260 factor X (Stuart-Prower)	40.0
85270 factor XI (PTA)	40.0

85280 factor XII (Hagemann)	40.0
85290 factor XIII (fibrin stabilizing)	40.0

85291 factor XIII (fibrin stabilizing), screen solubility ..	40.0
85292 prekallikrein assay (Fletcher factor assay)	BR

85293 high molecular weight kinninogen assay (Fitzgerald factor assay).....	BR
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85300 Clotting inhibitors or anti-coagulants, anti-thrombin	40.0
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85301 antithrombin III, antigen assay	BR
85302 protein C assay	BR

	Unit Value		Unit Value
85310 anti-thromboplastins	40.0	85540 Leucocyte alkaline phosphatase	20.0
85311 anti-prothrombinase	40.0	85544 Lupus erythematosus (LE) cell prep	20.0
85320 anti-prothromboplastins	40.0		
85330 anti-factor VIII	40.0	(Lysozyme, see 85549)	
85340 cross recalcification time (mixtures)	40.0	85547 Mechanical fragility, RBC	30.0
85341 PTT inhibition test	BR	85548 Morphology of red blood cells, only	9.0
85345 Coagulation time (Lee and White)	30.0	85549 Muramidase, serum	52.0
85347 Coagulation time, activated	20.0	((85550 Nitroblue tetrazolium test (NBT)	36.0)
85348 other methods	BR	85555 Osmotic fragility, RBC;	15.0
		85556 incubated, qualitative	18.0
(Complete blood count, see ((85021=)) <u>85022-85025,</u>		85557 incubated, quantitative	60.0
85031)			
(Differential count, see 85007 et seq.)		(Packed cell volume, see 85014)	
(Drug inhibition, clot retraction, see 85172)		(Partial thromboplastin time, see 85730-85732)	
(Duke bleeding time, see 85000)		(Parasites, blood, e.g., malaria smears, see 87207)	
(Eosinophil count, direct, see 85012)		85560 Peroxidase stain, WBC	15.0
(Eosinophils, microscopic examination for, in various body		(Plasmin, see 85400)	
fluids, see 89180)		(Plasminogen, see 85420)	
(Ethanol gel, see 85363)		(Plasminogen activator, see 85665)	
85360 Euglobulin lysis	40.0	85575 Platelet; adhesiveness (in vivo)	45.0
(Fetal hemoglobin, see 83030-83033, 85460)		85576 aggregation (in vitro), any agent	BR
85362 Fibrin degradation (split) products (FDP)(FSP); ag-	12.0	85577 retention (in vitro), glass bead	30.0
glutination, slide	10.0	85580 Platelet, count (Rees-Ecker)	14.0
85363 ethanol gel	10.0	85585 estimation on smear, only	10.0
85364 hemagglutination inhibition (Merskey), microti-	36.0	(See also 85007)	
ter	BR	85590 phase microscopy	20.0
85365 immunoelectrophoresis	18.0	85595 electronic technique	20.0
85367 precipitation	BR	85610 Prothrombin time	16.0
85368 protamine paracoagulation (PPP)	12.0	(See also 85618)	
85369 staphylococcal clumping	40.0	85612 Russell viper venom type (includes venom)	36.0
(Fibrinogen, quantitative, see 82730)		((85614 two stage	30.0)
85371 Fibrinogen, semiquantitative; latex	40.0	85615 Prothrombin utilization (consumption)	40.0
85372 turbidimetric	22.5	85618 Prothrombin-Proconvertin, P & P (Owren)	18.0
85376 Fibrinogen; thrombin with plasma dilution	24.0	(Red blood cell count, see 85021(=), 85031, <u>85041</u>)	
85377 thrombin time dilution	36.0	85630 Red blood cell size (Price-Jones)	40.0
85390 Fibrinolysins, screening	20.0	85632 Red blood cell peroxide hemolysis	30.0
85392 with EACA control	BR	85635 Reptilase test	33.0
85395 ((semi-quantitative)) <u>semiquantitative</u>	30.0	(Reticulocyte count, see 85044)	
((85396 has been deleted, use 85999))		(Rumpel-Leede test, see 85165)	
85398 Fibrinolysis, quantitative	45.0	((85640 Reticulocyte count	14.0)
85400 Fibrinolytic mechanisms, plasmin	BR	85650 Sedimentation rate (esr) Wintrobe type	14.0
85410 alpha-2 anti-plasmin	BR	85651 Westergren type	10.5
85420 plasminogen	BR	85660 Sickling of red blood cells reduction slide method ..	14.0
85421 plasminogen, antigenic assay	BR	(Sickling, electrophoresis, see 83020)	
85426 von Willebrand factor assay	BR	(Sickling, solubility, S-D, see 83053)	
(For plasminogen activator, see 85665)		(Sickling, turbidimetric (Sickledex dithionate), see 83052)	
(Fragility, red blood cell, see 85547, 85555-85557)		(Siderocytes, see 85535)	
85441 Heinz bodies; direct	9.0	(Smears for parasites, malaria, etc., see 87207)	
85445 induced, acetyl phenylhydrazine	19.5	(Staphylococcal clumping test, see 85369)	
(For hematocrit (pcv), see 85014, 85021-85031)		85665 Streptokinase titer (plasminogen activator)	BR
(For hemoglobin, see 83020- ((83060)) <u>83068</u> , ((85050))		85670 Thrombin time, plasma	20.0
<u>85018-85031</u>)		85675 titer	12.0
85460 Hemoglobin, fetal, differential lysis (Kleihauer)	26.0	((85680 Thrombo test	20.0)
(See also 83030, 83033)		85700 Thromboplastin generation test, screening (Hicks-	
(Hemogram, see 85021-85031)		Pitney)	40.0
(Hemolysins, see 86006, 86281, 86282)		85710 definitive, with platelet substitute	45.0
85520 Heparin assay	60.0	85711 with patient's platelets	45.0
85530 Heparin-protamine tolerance test	60.0	85720 all factors	BR+
85535 Iron stain (RBC or bone marrow smears)	18.0	(For individual clotting factors, see 85210 et seq.)	
(Ivy bleeding time, see 85002)		85730 Thromboplastin time, partial (PTT) plasma or whole	30.0
85538 Leder stain (esterase) blood or bone marrow	30.0	blood	30.0

	Unit Value
85732 substitution plasma	30.0
(For thromboplastin inhibition test, see 85341)	
(For tourniquet test, see 85165)	
85810 Viscosity, blood	40.0
85820 serum or plasma	40.0
(WBC count, see 85021-85031, 85048, 89050)	
85999 Unlisted hematology procedure	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-221 IMMUNOLOGY.

(Includes serology, immuno-hematology and blood banking)

(Acetylcholine anti-receptor antibody, see 86685)

(Acid hemolysins, see 86281)

(Actinomycosis, see 86000-86009(~~86450~~))

(Adrenal cortex antibodies, RIA, see 86681)

	Unit Value
86000 Agglutinins febrile, each antigen	14.0
86002 febrile panel (typhoid O & H, paratyphoid A & B, brucella and Proteus OX-19	45.0
86004 warm	36.0
(Agglutinins and autohemolysins, see 86004, 86011-86013, 86281-86283, 86006-86009)	
(Agglutinins, auto, see 86282-86283, 86011, 86013)	
(Agglutinins, cold, see 86006, 86013, 86282, 86283)	
(Alpha-1 antitrypsin, see 86329)	
(Alpha-1 fetoprotein, see 86329)	
((Amebiasis, see 86171, 86280))	
<u>(Anti-AChR (acetylcholine receptor) antibody titer, see 86685)</u>	
86006 Antibody, qualitative, not otherwise specified; first antigen, slide or tube	12.0
86007 each additional antigen	7.5
86008 Antibody, quantitative titer, not otherwise specified; first antigen	18.0
86009 each additional antigen	12.0
86011 Antibody, detection, leukocyte antibody	44.0
86012 Antibody absorption, cold auto absorption; per serum	30.0
(For elution, see 86019)	
86013 differential	45.0
86014 Antibody, platelet antibodies (agglutinins)	45.0
86016 Antibodies, RBC, saline; high protein and antihuman globulin technique	30.0
(See also 86032)	
86017 with ABO + Rh(D) typing (for holding blood instead of complete crossmatch)	24.0
86018 enzyme technique including antihuman globulin ..	17.0
86019 elution, any method	45.0
86021 Antibody identification; leukocyte antibodies	60.0
86022 platelet antibodies	75.0
86023 platelet associated immunoglobulin assay	BR
86024 RBC antibodies (8-10 cell panel) standard techniques	38.0
86026 RBC antibodies (8-10 cell panel), with enzyme technique including antihuman globulin	52.0

	Unit Value
(For absorption and elution, see 86012-86013, 86019)	
86028 saline or high protein, each (Rh, AB, etc.)	12.0
<u>(Antibody to specific nuclear antigen, use 86235)</u>	
(Anti-DNA, see 86225)	
(Anti-deoxyribonuclease titer, see 86215)	
86031 Antihuman globulin test; direct (Coombs) 1-3 dilutions	12.0
86032 indirect, qualitative (broad, gamma or nongamma, each)	15.0
86033 indirect, titer (broad, gamma or nongamma each)	12.0
86034 enzyme technique, qualitative	30.0
86035 drug sensitization, identification (e.g., penicillin) ..	75.0
(For antibody detection (screening), see 86016, 86017)	
((Antihyaluronidase titer, see 86315))	
86038 Antinuclear antibodies (ANA), RIA	55.0
(Antinuclear antibodies, fluorescent technique, see 86255, 86256)	
((86045 Antistreptococcal carbohydrate, anti-A CHO	40.0)
(Antistreptococcal antibody, anti-DNAse, see 86215)	
(Antistreptokinase titer, see 86590)	
86060 Anti-streptolysin O titre	20.0
86063 screen	10.0
86064 Antitrypsin, alpha-1; RIA	20.0
86066 Pi (Protease inhibitor) typing	20.0
86067 other method (specify)	20.0
(Autoagglutinins, see 86282, 86283)	
(Autoantibodies, see specific antigens)	
(Blastomycosis, see 86006-86009, 86460)	
86068 Blood, crossmatch, complete standard technique, includes typing and antibody screening of recipient and donor; first unit	60.0
86069 each additional unit	45.0
86072 Blood crossmatch; enzyme technique	10.5
86073 screening for compatible unit saline and/or high protein	26.0
86074 antiglobulin technique	15.0
(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
(For incompatibility problems, see 86004, 86011-86014, 86016-86026, 86031-86035, 86068-86076)	
(For typing, antibody screening and blood in lieu of crossmatch, see 86017)	
(For blood transfusion, see ((36430)) <u>36400-36460, 36510, 36660</u>)	
<u>86077 Blood bank physician services; difficult crossmatch and/or evaluation of irregular antibody(s), interpretation and written report</u>	<u>BR</u>
<u>86078 investigation of transfusion reaction including suspicion of transmissible disease, interpretation and written report</u>	<u>BR</u>
<u>86079 authorization for deviation from standard blood banking procedures (e.g., use of outdated blood, transfusion of RH incompatible units), with written report</u>	<u>BR</u>
86080 Blood typing; ABO only	12.0
86082 ABO and Rho(D)	18.0
86090 M N	20.0

	Unit Value		Unit Value
86095	Blood typing, RBC antigens other than ABO or Rho(D); antiglobulin technique, each antigen	10.5	((For enzyme immunoassay for drugs, use 82662))
86096	direct, slide or tube, including Rh subtypes, each antigen	10.5	86228 Enzyme immunoassay for infectious agent antibody BR)
86100	Blood typing; Rho(D) only	12.0	(For ((HFLV=HH)) HIV antibody tests, see 86312-86314)
86105	Rh genotyping, complete	45.0	((86229 Enzyme immunoassay for chemical constituent BR)
	(For Rho variant Du, see 86095)		(Eosinophils, nasal smear, use 89190)
86115	anti-Rh immuno-globulin testing (Rhogam type)	68.0	86235 Antibody to specific nuclear antigen, any method, each
86120	special (Kell, Duffy, etc.)	BR	30.0
86128	((Blood autotransfusion, including)) Collection, processing and storage of <u>predeposited autologous whole blood or components</u>	((45-0)) BR	((86240 and 86241 have been deleted))
86130	<u>Collection and processing for transfusion of inoperatively salvaged blood</u>	BR	86243 Fc receptor assay, specify method BR
	(For therapeutic phlebotomy, see 99195)		86244 Feto-protein, alpha-1, RIA or EIA 57.0
	((86129, 86131, 86134, 86138, and 86139 have been deleted))		((86245 has been deleted))
	(Bovine milk antibody, see 86008, 86009)		(Filariasis, see 86280)
	(Brucellosis, see 86000-86002, 86470)		86255 Fluorescent antibody; screen 24.0
86140	C-reactive protein	20.0	86256 titer 36.0
	(Candidiasis, see 86008)		(Fluorescent technique for antigen identification in tissue, see 88346)
86149	Carcinoembryonic antigen; gel diffusion	60.0	86265 Frozen blood, preparation for freezing, each unit including processing and collection; BR
86151	RIA or EIA	60.0	86266 with thawing BR
	((Cat scratch disease, see 86171, 86480))		86267 with freezing and thawing BR
86155	Chemotaxis assay, specify method BR		(FTA, see 86650)
	(Coccidioidomycosis, see 86006-86009, ((86171)) 86490)		(Gc grouping, see 86335)
	(Cold agglutinin or hemolysin, see 86006-86013, 86282, 86283)		(Gel (agar) diffusion tests, see 86331)
86158	Complement; C'1 esterase	52.0	(Gm grouping, see 86335)
86159	C'2 esterase	52.0	((Gonadotropins, chorionic, see 82996-82998)
86162	total (CH 50)	70.0	(86272 and 86273 have been deleted)
86163	C's esterase	BR	(86274 has been deleted. For passive immunization with specific hyperimmune serum, see 90742)
86164	C'4 esterase	BR	(Gm grouping, see 86335)
	(For complement fractions, quantitative, see 86329)		(Gonadotropins, chorionic, see 82996-82998))
86171	Complement fixation tests, each ((e.g., cat scratch fever, coccidioidomycosis, histoplasmosis, psittacosis, rubella, streptococcus MG, syphilis) - specify test)) antigen	40.0	86277 Growth hormone, human (HGH), antibody, RIA BR
	(Coombs test, see 86031-86035)		((HAA, see 86285-86287))
86185	Counterelectrophoresis, each antigen	24.0	(Ham test, see 86281)
	(For HAA, see ((86285, 86286)) 86287)		86280 Hemagglutination inhibition tests (HAI), each (e.g., ((amebiasis)) rubella, viral) 60.0
	(Crossmatch, see 86068-86076)		86281 Hemolysins, acid (for paroxysmal hemoglobinuria) (Ham test) 24.0
	((86201 and 86202 have been deleted))		86282 Hemolysins and agglutinins, auto, screen, each; 30.0
	(Cryptococcosis, see 86008, 86009, 86255, 86256)		86283 incubated with glucose (e.g., ATP) 75.0
	((Cysticercosis, see 86280))		(Cold, see 86006-86009, warm 86004, acid 86281)
86215	Deoxyribonuclease, antibody	36.0	((86285 Hepatitis B surface antigen (HB_sAg) (Australian antigen, HAA), counterelectrophoresis method 18-0
86225	Deoxyribonucleic acid (DNA) antibody	36.0	86286 counterelectrophoresis with concentration of serum 24-0))
	((Diphtheria, see 86280))		86287 <u>Hepatitis B surface antigen (HB_sAg) (Australian antigen, HAA), RIA or EIA</u> 36.0
	(Direct antiglobulin test (Coombs), see 86031)		(For gel diffusion technique, see ((86331, CF, see 86171)) HAI, ((see)) 86280)
	(Donath-Landsteiner screen, see 86008, 86009)		86288 Hepatitis B core antigen (HB _c Ag), RIA BR
	(Drug sensitization, RBC, see 86035)		86289 Hepatitis B core antibody (HB _c Ab), RIA or EIA BR
	(Echinococcosis, see 86171, 86280, 86500)		86290 IgM antibody (e.g., RIA, EIA, RPHA) BR
((86227 Enzyme immunoassay for infectious agent antigen BR)			86291 Hepatitis B surface antibody (HB _s Ab), (e.g., RIA, EIA, RPHA) BR
	(For ((precipitin or)) particle agglutination rapid test for infectious agent, use 86403)		86293 Hepatitis Be antigen (HB _e Ag), (e.g., RIA, EIA) BR
			86295 Hepatitis Be antibody (HB _e Ab), (e.g., RIA, EIA) BR
			86296 Hepatitis A antibody (HAAb), (e.g., RIA, EIA) BR

	Unit Value		Unit Value
((86297 Hepatitis A virus antibody has been deleted. To report, use 86296))		(Lymphocyte culture, see 86353)	
86298	BR	((86351 has been deleted))	
86299	BR	86353	Lymphocyte transformation, ((PHA or other) spontaneous blastogenesis or phyto mitogen (phytohemagglutinin, PHA) or other mitogen culture (MC) (e.g., tuberculin, candida)
86300	20.0		120.0
86305	30.0	86357	Lymphocytes; T & B differentiation
86310	30.0	86358	B-cell evaluation
(Histoplasmosis, see 86006-86009, 86171)		(Malaria, see 87207)	
(HLA typing, see 86597)		((86365 has been deleted)	
(For hormones, see individual alphabetic listing in chemistry section)		(Meliodosis, see 86280))	
86312	BR	86376	Microsomal antibody (thyroid); RIA
86314	BR	86377	other method (specify)
(Human growth hormone antibody, RIA, see 86277)		86378	Migration inhibitory factor test (MIF)
((86315 has been deleted))		(Milk antibody, anti-bovine, see 86008-86009)	
86316	BR	(Mitochondrial antibody, liver, see 86255)	
86317	BR	(Mononucleosis screening slide, see 86006-86007)	
(For particle agglutination rapid test for infectious agent antigen, use 86403)		86382	Neutralization test, viral
86318	BR	86384	Nitroblue tetrazolium dye test (NTD)
86320	100.0	(Ouchterlony diffusion, see 86331)	
86325	100.0	(Parietal cell antibody, see 86255, 86256)	
86327	BR	86385	Paternity testing, ABO + Rh factors + MN (per individual);
86329	30.0	86386	each additional antigen system
86331	30.0	(Penicillin antibody RBC, see 86035)	
(For ceruloplasmin by chemical method, see 83290)		((86388, 86389, and 86391 have been deleted))	
86332	BR	(Platelet antibodies (agglutinins), see 86014)	
86333	BR	((86392, 86393, and 86398 have been deleted))	
86334	BR	(Platelet associated immunoglobulin assay, see 86023)	
86335	BR	((86402 Precipitin determination, gel diffusion, in aspergilliosis, bagassosis, farmer lung, pigeon breeder disease, silo filler disease, other alveolitis (specify)	
(Insulin antibody, see 86016)		86403	((Precipitin (e.g., latex bead) or) Particle agglutination, rapid test for infectious agent antigen, each antigen
86337	BR	86405	Precipitin test for blood (species identification)
86338	32.0	(Pregnancy test, see ((82996, 82997) 84702, 84703, 86006-86009)	
86340	32.0	((86415 and 86416 have been deleted)	
(Intrinsic factor, antibody (fluorescent), see 86255, 86256)		(Psittacosis, CF, see 86171))	
(Inv grouping, see 86335)		86421	Radioallergosorbent test ((t) in vitro testing for allergen-specific IgE (e.g., RAST, MAST, FAST, IP, PRIST, etc.); up to 5 ((antigens) tests
(Latex fixation, see ((individual antigen or antibody, also 86006, 86007) 86403)		86422	6 or more ((antigens) tests
(LE cell preparation, see 85544)		86423	Radioimmunosorbent test (RIST) IgE, quantitative
(LE factor, see 86006, 86007, 86255, 86256)		(Rapid plasma reagin test (RPR), see 86592)	
((Leishmaniasis, see 86280))		((86424, 86425, 86426, and 86427 have been deleted))	
(Leptospirosis, see 86006-86009, 86171)		86430	((t)Rheumatoid factor((t)) latex fixation
(Leukoagglutinins, see 86013, 86021)		(RIST, see 86423)	
86343	BR	(RPR, see 86592)	
86344	BR	(Rubella, CF, see 86171; HAI, see 86280)	
((86345, 86346, and 86347 have been deleted))		((Schistosomiasis agglutination, see 86006-86009))	
86349	BR	(Serologic test for syphilis (STS), see 86171, 86592, 86593)	
		86455	Skin test; anergy testing, one or more antigens
		86490	coccidioidomycosis

	Unit Value		Unit Value
86510 histoplasmosis	20.0	86805 <u>Lymphocytotoxicity assay, visual crossmatch; with titration</u>	BR
86540 mumps	20.0	86806 <u>without titration</u>	BR
86580 tuberculosis, intradermal	20.0	86807 <u>Serum screening for cytotoxic percent reactive antibody (PRA); standard method</u>	BR
86585 tuberculosis, tine test	12.0	86808 <u>quick method</u>	BR
((Skin tests 86450, 86460, 86470, 86480, 86495, 86500, 86520, 86530, 86550, 86565, and 86570 have been deleted))			
(For skin tests for allergy testing, see 95005-95199, medicine section)			
(Smooth muscle antibody, see 86255, 86256)			
(Sporotrichosis, see 86006-86009)			
((Streptococcus MG, see 86171))			
86590 Streptokinase, antibody	27.0	(86810 has been deleted)	
((Streptolysin)) <u>Streptolysin O</u> antibody, see anti-((streptolysin)) <u>streptolysin O</u> , 86060-86061)			
(Streptobacillus, see 86008, 86009)			
86592 Syphilis, ((precipitation or flocculation tests,)) <u>test; qualitative (e.g., VDRL, RPR, ART)</u>	9.0	86812 <u>Tissue typing; HLA typing, A, B, or C (e.g., A10, B7, B27), single antigen</u>	BR
((See also 89006, 89007))			
86593 ((Syphilis, precipitation or flocculation tests,)) <u>quantitative</u>	15.0	86813 <u>HLA typing, A, B, and/or C (e.g., A10, B7, B27), multiple antigens</u>	BR
((Syphilis serology, see also 86171))			
(Tetanus, see 86280)			
(Thyroglobulin antibody, see 86006-86009, 86171)			
(Thyroglobulin antibody, RIA, see 86800)			
<u>(Thyroglobulin RIA, use 86318)</u>			
86594 Thyroid autoantibodies	BR	86816 <u>HLA typing, DR, single antigen</u>	BR
86595 Tissue; culture	BR	86817 <u>HLA typing, DR, multiple antigen</u>	BR
((86597 tissue typing has been deleted. To report, use 86810-86822))			
86600 Toxoplasmosis dye test	80.0	86821 <u>Lymphocyte culture, mixed (MLC)</u>	BR
(For CF, see 86171; IFA, see 86255, 86256)			
86630 Transfer factor test (TFT)	BR	86822 <u>Lymphocyte culture, primed (PLC)</u>	BR
86650 Treponema antibodies, fluorescent, absorbed (FTA-abs)	30.0	86999 <u>Unlisted immunology procedure</u>	BR
((86660 Treponema pallidum immobilization (TPI)			
86662 Treponema pallidum test, other, specify (e.g., TPIA, TPA, TPMB, TPCF, RPCF)	BR	AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)	
WAC 296-23-224 MICROBIOLOGY.			
(Trichinosis, see 86006-86009)			
(Trypanosomiasis, see 86171, 86280)			
(Tuberculosis, see 86580, 86585, 87116-87118, 87190)			
(Vaccinia immune globulin, see ((86274)) 90742)			
(VDRL, see 86592((86593))			
(Viral antibodies, see 86171, 86280, 86382)			
(Visceral larval migrans, see 86280)			
(Warm agglutinins, see 86004)			
((86670 has been deleted))			
86681 Adrenal cortex antibodies, RIA	31.0	(Includes bacteriology, mycology, parasitology and virology)	
86685 Anti-AChR (acetylcholine receptor) antibody titer ..	BR	87001 <u>Animal inoculation, small animal; with observation</u> ..	36.0
86800 Thyroglobulin antibody, RIA	31.0	87003 <u>with observation and dissection</u>	45.0
((86810 Tissue typing, for organ transplantation, including pretransplant crossmatch (donor lymphocyte vs recipient serum for nonspecific antibodies)			
TISSUE TYPING			
(For pretransplant crossmatch, use appropriate code(s))			
		87015 <u>Concentration (any type) for parasites, ova or tubercle bacillus (T.B. AFB)</u>	20.0
		87040 <u>Culture, bacterial, definitive ((aerobic,)) blood ((may)); includes anaerobic screen((?))</u>	48.0
		87045 <u>stool</u>	25.0
		87060 <u>throat or nose</u>	20.0
		87070 <u>any other source</u>	16.0
		(For urine, see 87086-87088)	
		87072 <u>Culture((presumptive, pathogenic)) or direct bacterial identification method, each organism((s)), by commercial kit, any source except urine ((For urine, see 87087))</u>	BR
		87075 <u>Culture, bacterial, any source; anaerobic (isolation) definitive identification((?)) each anaerobic organism including gas chromatography ((in addition to anaerobic culture))</u>	60.0
		87081 <u>Culture, bacterial, screening only, for single organisms</u>	15.0
		87082 <u>Culture, presumptive, pathogenic organisms, screening only, by commercial kit (specify type); for single organisms</u>	BR
		87083 <u>multiple organisms</u>	BR
		87084 <u>with colony estimation from density chart ((includes throat cultures))</u>	BR
		87085 <u>with colony count</u>	BR
		((For urine colony count, see 87086))	
		87086 <u>Culture, bacterial, urine; quantitative, colony count commercial kit</u>	15.0
		87087 <u>identification, in addition to quantitative or commercial kit</u>	12.0
		87101 <u>Culture, fungi, isolation; skin</u>	15.0
		87102 <u>other source (except blood)</u>	18.0
		87103 <u>blood</u>	BR
		87106 <u>Culture, fungi, definitive identification((by culture, per organism, in addition to skin or other source)) of each fungus</u>	30.0
		87109 <u>Culture, mycoplasma, any source</u>	75.0
		87110 <u>Culture, Chlamydia</u>	BR
		87116 <u>Culture, tubercle or other acid-fast bacilli (e.g., TB, AFB, mycobacteria); any source, isolation only</u>	18.0

	Unit Value
87117 concentration plus isolation	30.0
87118 <u>culture, mycobacteria, definitive identification(;</u> <u>per) of each organism((- does not include isola-</u> <u>tion and/or concentration))</u>	30.0
87140 <u>Culture, typing fluorescent method each antiserum .</u>	20.0
87143 <u>gas liquid chromatography (GLC) method</u>	45.0
87145 <u>phage method</u>	40.0
87147 <u>serological method agglutination grouping, per</u> <u>antiserum</u>	20.0
87151 <u>serologic method, speciation</u>	20.0
87155 <u>precipitin method, grouping, per antiserum</u>	12.0
87158 <u>other methods</u>	20.0
((87163 Culture, special extensive definitive diagnostic studies, beyond usual definitive studies	25.0))
87163 <u>Culture, any source, additional identification meth-</u> <u>ods required (use in addition to primary culture</u> <u>code)</u>	<u>BR</u>
87164 <u>Dark field examination, any source (e.g., penile, va-</u> <u>ginal, oral, skin); includes specimen collection</u>	60.0
87166 <u>without collection</u>	30.0
((87173 Endotoxin, bacterial (pyrogens); animal inocula- tion	36.0))
87174 <u>Endotoxin, bacterial pyrogens; chemical</u>	24.0
87175 <u>biological assay (e.g., Limulus lystate)</u>	<u>BR</u>
87176 <u>homogenization, tissue, for culture</u>	15.0
87177 <u>Ova and parasites, direct smears, concentration and</u> <u>identification</u>	36.0
(Individual smears and procedures, see 87015, 87208-87211)	
(Trichrome, iron hemotoxylin and other special stains, see 88312)	
87178 <u>Microbial identification, nucleic acid probes, each</u> <u>probe used</u>	<u>BR</u>
(For nucleic acid probes in cytologic material, use 88365)	
87181 <u>Sensitivity studies antibiotic, agar diffusion method,</u> <u>per antibiotic</u>	40.0
87184 <u>disc method, per plate (12 or less discs)</u>	24.0
87186 <u>microtiter, minimum inhibitory concentration</u> <u>(MIC), any number of antibiotics</u>	45.0
87187 <u>minimum bactericidal concentration (MBC) (use</u> <u>in addition to 87186 or 87188)</u>	<u>BR</u>
87188 ((tube)) <u>macrotube dilution method, each antibi-</u> <u>otic</u>	30.0
87190 <u>Sensitivity study of tubercle bacillus, (TB, AFB),</u> <u>each drug</u>	60.0
87192 <u>fungi, each drug</u>	<u>BR</u>
87197 <u>Serum bactericidal titer (Schlichter test)</u>	<u>BR</u>
87205 <u>Smear, primary source, with interpretation; routine</u> <u>stain for bacteria, fungi, or cell types</u>	12.0
87206 <u>fluorescent and/or acid fast stain for bacteria,</u> <u>fungi, or cell types</u>	18.0
87207 <u>special stain for inclusion bodies or intracellular</u> <u>parasites (e.g., malaria, kala azar, herpes)</u>	24.0
87208 <u>direct or concentrated, dry, for ova and parasites .</u>	12.0
(For concentration, see 87015; complete examination, see 87177)	
(For complex special stains, see 88312-88313)	
(For fat, meat, fibers, nasal eosinophils, and starch, see miscellaneous section)	
87210 <u>wet mount with simple stain, for bacteria, fungi,</u> <u>ova, and/or parasites</u>	12.0
87211 <u>wet and dry mount, for ova and parasites</u>	18.0
87220 <u>Tissue examination for fungi (e.g., KOH slide)</u>	<u>BR</u>
87230 <u>Toxin or antitoxin assay, tissue culture (e.g.,</u> <u>clostridium difficile toxin)</u>	<u>BR</u>
87250 <u>Virus(;) identification; inoculation of embryonated</u> <u>eggs, ((suitable tissue culture;)) or small animal, in-</u> <u>cludes observation and dissection</u>	12.0
87252 <u>tissue culture, inoculation and observation</u>	12.0

	Unit Value
87253 <u>tissue culture, additional studies (e.g.,</u> <u>hemadsorption, neutralization) each isolate</u>	6.0
(For electron microscopy, see 88348)	
(For inclusion bodies in tissue sections, see 88304-88309; in smears, see 87207-87210; in fluids, see 88106)	
((87300 autogenous vaccine has been deleted. To report, use 87999-))	
87999 <u>Unlisted microbiology procedure</u>	<u>BR</u>

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-228 ANATOMIC PATHOLOGY.

Unit
Value

POSTMORTEM EXAMINATION

(Procedures 88000 through 88099 represent physician services only. See modifier -90 for outside laboratory services.)

88000 <u>Necropsy (autopsy) without CNS, gross examina-</u> <u>tion only</u>	400.0
88005 <u>with brain</u>	500.0
88007 <u>with brain and spinal cord</u>	600.0
88012 <u>infant with brain</u>	300.0
88014 <u>stillborn or newborn with brain</u>	300.0
88016 <u>macerated stillborn</u>	400.0
88020 <u>Necropsy (autopsy) without CNS, gross and micro-</u> <u>scopic examination</u>	800.0
88025 <u>with brain</u>	900.0
88027 <u>with brain and spinal cord</u>	1000.0
88028 <u>infant with brain</u>	700.0
88029 <u>stillborn or newborn with brain</u>	700.0
88036 <u>Necropsy (autopsy), limited, gross and/or micro-</u> <u>scopic; regional</u>	<u>BR</u>
88037 <u>single organ</u>	<u>BR+</u>
88040 <u>Necropsy (autopsy); forensic examination</u>	<u>BR</u>
88045 <u>coroner's call</u>	<u>BR</u>
88099 <u>Unlisted necropsy (autopsy) procedure</u>	<u>BR</u>

CYTOPATHOLOGY

88104 <u>Cytopathology, fluids, washings or brushings, with</u> <u>centrifugation except cervical or vaginal; smears</u> <u>with interpretation</u>	45.0
88106 <u>filter method only with interpretation</u>	45.0
88107 <u>smears and filter preparation with interpretation .</u>	60.0
88108 <u>concentration technique, smears and interpreta-</u> <u>tion (e.g., Saccomanno technique)</u>	<u>BR</u>

~~((88109 has been deleted. For interpretation of smear, use 88104, for cell block interpretation, see 88304, 88305))~~

(For cervical or vaginal smears, see 88150)
(For gastric intubation with lavage, see 89130-89141, 91055)
(For x-ray localization, see 74340)

88125 <u>Cytopathology, forensic (e.g., sperm)</u>	75.0
88130 <u>Sex chromatin identification; (Barr bodies)</u>	40.0
88140 <u>peripheral blood smear, polymorphonuclear</u> <u>"drum sticks"</u>	40.0

(For guard stain, see 88313)
88150 Cytopathology, smears, cervical or vaginal (e.g., Pa-
panicolaou), screening by technician under physician
supervision, up to three smears; BR
88151 requiring interpretation by physician BR

	Unit Value		Unit Value
88155	40.0	88267	600.0
88160	36.0	((88268	600.0
88161	BR	88270	BR)
88162	BR	88269	BR
		88280	75.0
(For obtaining specimen, see percutaneous needle biopsy under individual organ in surgery)		88283	BR
(For aerosol collection of sputum, see 89350)		88285	15.0
(For special stains, see 88312, 88313)		88289	BR
88170	BR	88299	BR
Fine needle aspiration with or without preparation of smears; superficial tissue (e.g., thyroid, breast, prostate)		((SURGICAL PATHOLOGY	
(For percutaneous needle biopsy, see 60100 for thyroid, 19100 for breast, 55700 for prostate)		(Procedures 88300 through 88399 include accession, handling and reporting)	
88171	BR	88300	20.0
deep tissue under radiologic guidance		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 CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943; for fluoroscopic guidance use 76000)		88302	60.0
(For percutaneous needle biopsy, see 32405 for lung, 47000 for liver, 48102 for pancreas, 49180 for abdominal or retroperitoneal mass)		88304	75.0
88172	BR	88305	105.0
Evaluation of fine needle aspirate with or without preparation of smears; immediate cytohistologic study to determine adequacy of specimen(s)		88307	150.0
88173	BR	88309	BR
88180	BR	(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)	
88182	BR	88311	12.0
88199	BR	88312	25.0
Unlisted cytopathology procedure		88313	12.0
(For electron microscopy, see 88348, 88349)		(For immunocytochemistry and immunoperoxidase tissue studies, use 88342)	
CYTOGENETIC STUDIES			
(For acetylcholinesterase, see 82013)			
(For alpha-fetoprotein, Serum or amniotic fluid, see 86244)			
88230	BR	88314	BR
88233	BR	(88316 preparation of duplicate slides has been deleted. To report, use 99070)	
88235	BR	88318	BR
88237	BR	88319	BR
88239	BR	88323	BR
88245	BR	88331	90.0
Chromosome analysis for breakage syndromes; score 25 cells (SCE study), count 5 cells, 1 karyotype, with banding (e.g., Bloom syndrome)		88332	30.0
88248	BR	88342	BR
score 100 cells, count 20 cells, 2 karyotypes, with banding, (e.g., ataxia telangiectasia, Fanconi anemia)		(88345 has been deleted. To report, use 88346)	
88250	BR	88346	BR
Chromosome analysis for fragile X associated with fragile X-linked mental retardation; score 100 cells, count 20 cells, 2 karyotypes, with banding		88348	BR
88260	BR	88349	BR
Chromosome analysis((; lymphocytes, count 1-4 cells, screening)) for fragile X associated with fragile X-linked mental retardation; score 100 cells, count 20 cells, 2 karyotypes, with banding ((180.0))		88350	BR
88261	BR	88356	BR
count ((1-4)) 5 cells, 1 karyotype, with banding ((375.0))			
88262	BR		
count ((1-20)) 15-20 cells ((for mosaicism)), 2 karyotypes, with banding ((525.0))			
((88265 Chromosome analysis; myeloid cells, 2 karyotypes (Philadelphia chromosome) 225.0))			
88263	675.0		
Count 45 cells for mosaicism, 2 karyotypes, with banding			

(88360 whole organ sections has been deleted. To report use 88399)
 (88370 has been deleted. To report, use 88342)
 (For physician interpretation of peripheral blood smear, use 85060)

88399 Unlisted surgical pathology procedure.....	BR))
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88349 scanning	BR
88355 Morphometric analysis; skeletal muscle.....	BR
88356 nerve.....	BR
88358 tumor	BR
88362 Nerve teasing preparations	BR

(For physician interpretation of peripheral blood smear, use 85060)

88365 Tissue in situ hybridization, interpretation and report.....	BR
88399 Unlisted surgical pathology procedure.....	BR

NEW SECTION

WAC 296-23-231 ANATOMIC PATHOLOGY.

SURGICAL PATHOLOGY

(Procedures 88300 through 88399 include accession, handling and reporting)

NOTE: Only one of the numbers 88300-88309 should be used in reporting specimens (single or multiple) that are removed during a single surgical procedure.

88300 Surgical pathology, gross examination only.....	20.0
88302 Surgical pathology, gross and microscopic examination of presumptively normal tissue(s), for identification and record purposes	60.0
88304 Surgical pathology, gross and microscopic examination of presumptively abnormal tissue(s); uncomplicated specimen.....	75.0
88305 single complicated or multiple uncomplicated specimen(s), without complex dissection	105.0
88307 single complicated specimen requiring complex dissection or multiple complicated specimens	150.0
88309 complex diagnostic problem with or without extensive dissection	BR

(For fine needle aspiration, preparation, and interpretation of smears, see 88170-88173)

88311 Decalcification procedure. (List separately in addition to code for surgical pathology examination) ...	12.0
88312 Special stains (list separately in addition to code for surgical pathology examination); Group I for microorganisms, (e.g., Gridley, acid fast, methenamine silver), each	25.0
88313 Group II, all other (e.g., iron, trichrome), except immunocytochemistry and immunoperoxidase stains, each	12.0

(For immunocytochemistry and immunoperoxidase tissue studies, use 88342)

88314 Histochemical staining with frozen section(s).....	BR
88317 Interpretation and report by treating physician of previously diagnosed histologic slide (without consultation)	BR
88318 Determinative histochemistry to identify chemical components (e.g., copper, zinc)	BR
88319 Determinative histochemistry or cytochemistry to identify enzyme constituents, each	BR
88321 Consultation and report on referred slides prepared elsewhere	BR
88323 Consultation and report on referred material requiring preparation of slides	BR
88325 Consultation, comprehensive, with review of records and specimens, with report on referred material....	BR
88329 Consultation during surgery	BR
88331 with frozen section(s), single specimen	90.0
88332 each additional tissue block with frozen section(s)	30.0
88342 Immunocytochemistry (including tissue immunoperoxidase), each antibody.....	BR
88346 Immunofluorescent study, each antibody	BR
88348 Electron microscopy; diagnostic	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23-232 MISCELLANEOUS.

	Unit Value
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~~((Basal metabolic rate has been deleted. If necessary to report, use 89399))~~

~~(89005-89007 have been deleted))~~

89050 Cell count, miscellaneous body fluids (except blood) (e.g., CSF, joint fluid, etc.)	12.0
89051 with differential count	20.0
89060 Crystal identification by compensated polarizing lens analysis, synovial fluid.....	BR

~~((89070 has been deleted))~~

~~(89080 has been deleted))~~

89100 Duodenal intubation and aspiration single specimen (e.g., simple bile study or afferent loop culture) plus appropriate test procedure	40.0
89105 collection of multiple fractional specimens, with pancreatic or gallbladder stimulation, single or double lumen tube	BR

(For chemical analyses, see Chemistry and Toxicology)

(For electrocardiogram, see 93000-93279)

(For radiological localization, see 74340)

(Esophagus acid perfusion test (Bernstein), see 91030)

89125 Fat stain, feces, urine, sputum	15.0
89130 Gastric intubation and aspiration diagnostic, each specimen, for chemical analyses or cytopathology; ..	20.0
89132 after stimulation	45.0
89135 Gastric intubation, aspiration, and fractional collections; for one hour (e.g., gastric secretory study) ...	60.0
89136 two hours	90.0
89140 two hours including gastric stimulation (e.g., histalog, pentagastrin).....	105.0
89141 three hours, including gastric stimulation	120.0

(For gastric lavage, therapeutic, see 96150)

(For radiologic localization of gastric tube, see 74340)

(For chemical analyses, see 82926-82932)

(For joint fluid chemistry, see Chemistry and Toxicology, this section)

89160 Meat fibers, feces	12.0
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~~((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))~~

	Unit Value
89300 Semen analysis, presence and/or sperm motility including Huhner test.....	12.0
89310 motility and count.....	40.0
89320 complete (volume, count, motility and differential).....	80.0
(For skin test, see 86455-86585 and 95005-95199)	
89325 Sperm evaluation; hamster penetration test.....	BR
(For medicolegal identification of sperm, see 88125)	
89329 Sperm evaluation; hamster penetration test.....	BR
89330 cervical mucus penetration test, with or without spinn barkeit test.....	BR
(For complete spinal fluid examination, see 89070)	
(((89345 has been deleted)))	
89350 Sputum, obtaining specimen, aerosol induced technique (separate procedure).....	20.0
89355 Starch granules, feces.....	10.5
89360 Sweat collection by iontophoresis.....	BR
(For chloride and sodium analysis, see 82437, 84295)	
(Tissue culture, see 86595)	
(Tissue typing, see 86810-86822)	
89365 Water load test.....	BR
89399 Unlisted miscellaneous pathology test.....	BR

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

WAC 296-23-421 DIAGNOSTIC SERVICES.

- 00100 CLINICAL ORAL EXAMINATIONS
- 00110 Initial oral examination
- 00120 Periodic oral examination
- 00130 Emergency oral examination
- 00200 RADIOGRAPHS
- 00210 Intraoral—complete series (including bitewings)
- 00220 Intraoral periapical—single, first film
- 00230 Intraoral periapical—each additional film
- 00240 Intraoral—occlusal, film
- 00250 Extraoral—single, first film
- 00260 Extraoral—each additional film
- 00270 Bitewing—single film
- 00272 Bitewing—two films
- 00273 Bitewings—three films
- 00274 Bitewing—four films
- 00275 Bitewings—each additional film
- 00290 Posteroanterior ((and)) or lateral skull and facial bone survey film
- (((00310)))
- 00315 Sialography
- 00320 Temporomandibular joint arthrogram, including injection
- 00321 Other temporomandibular joint, films
- 00330 Panoramic—maxilla and mandible film
- 00340 Cephalometric film

- 00400 TESTS AND LABORATORY EXAMINATIONS
- (((00410)))
- 00415 Bacteriologic ((cultures)) studies for determination of pathologic agents
- (((00420)))
- 00425 Caries susceptibility tests
- (((00450—Histopathologic examination)))
- 00460 Pulp vitality tests
- 00470 Diagnostic casts
- 00471 Diagnostic photographs
- 00501 Histopathologic examinations
- 00502 Other oral pathology procedures
- 00999 Unspecified diagnostic procedure.

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

WAC 296-23-430 PREVENTIVE SERVICES.

- (((01100))) DENTAL PROPHYLAXIS
- 01110 Adult((s))
- 01120 ((Children)) Child
- (((01200))) FLUORIDE TREATMENTS
- 01201 Topical application of fluoride (including prophylaxis)—((children)) child
- (((01210—Topical application of sodium fluoride—4 treatments excluding prophylaxis
- 01211—Topical application of sodium fluoride—4 treatments including prophylaxis
- 01220—Topical application of stannous fluoride—1 treatment excluding prophylaxis
- 01221—Topical application of stannous fluoride—1 treatment including prophylaxis
- 01230—Topical application of acid fluoride phosphate—1 treatment excluding prophylaxis
- 01231—Topical application of acid fluoride phosphate—1 treatment including prophylaxis))
- 01203 Topical application of fluoride (excluding prophylaxis)—child
- 01204 Topical application of fluoride (excluding prophylaxis)—adult
- 01205 Topical application of fluoride (including prophylaxis)—adult
- (((01300))) OTHER PREVENTIVE SERVICES
- 01310 Dietary planning for the control of dental caries
- 01330 Oral hygiene instruction
- (((01340—Training in preventive dental care
- 01350—Topical application of))
- 01351 Sealants—per ((quadrant)) tooth
- (((01500))) SPACE MANAGEMENT THERAPY
- 01510 Space maintainer; fixed—unilateral type
- 01515 fixed—bilateral
- 01520 removable—unilateral
- 01525 removable—bilateral
- 01550 Recementation of space maintainer.

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

WAC 296-23-440 RESTORATIVE SERVICES.

~~((02100))~~ AMALGAM RESTORATIONS (INCLUDING
POLISHING)

- 02110 Amalgam—one surface, ((deciduous))
primary
- 02120 Amalgam—two surfaces, ((deciduous))
primary
- 02130 Amalgam—three surfaces, ((deciduous))
primary
- 02131 Amalgam—four surfaces, ((deciduous))
primary
- 02140 Amalgam—one surface, permanent
- 02150 Amalgam—two surfaces, permanent
- 02160 Amalgam—three surfaces, permanent
- 02161 Amalgam—four or more surfaces,
permanent

~~((02190—Pin retention—exclusive of amalgam~~

~~02200))~~ SILICATE RESTORATIONS

- 02210 Silicate cement per restoration

~~((02300))~~ ACRYLIC OR PLASTIC OR COMPOSITE
RESTORATIONS

~~((02310—Acrylic or plastic or composite resin))~~

- 02330 ~~((Composite))~~ Resin—one surface
- 02331 ~~((Composite))~~ Resin—two surfaces
- 02332 ~~((Composite))~~ Resin—three surfaces
- ~~((02333—Composite resin—four surfaces~~
- ~~02334—Pin retention—exclusive of composite
resin))~~
- 02335 ~~((Acrylic or plastic or composite))~~ Resin—four or more surfaces or ((f))involving
incisal angle((f)
- ~~02340—Acid etch for restorations))~~
- 02380 Resin—one surface, posterior—primary
- 02381 Resin—two surfaces, posterior—primary
- 02382 Resin—three surfaces, posterior—primary
- 02385 Resin—one surface, posterior—permanent
- 02386 Resin—two surfaces, posterior—permanent
- 02387 Resin—three surfaces, posterior—
permanent

~~((02400))~~ GOLD FOIL RESTORATIONS

- 02410 Gold foil—one surface
- 02420 Gold foil—two surfaces
- 02430 Gold foil—three surfaces

~~((02500—GOLD))~~ INLAY RESTORATIONS

- 02510 Inlay—~~((gold))~~ metallic, one surface
- 02520 Inlay—~~((gold))~~ metallic, two surfaces
- 02530 Inlay—~~((gold))~~ metallic, three surfaces
- 02540 ~~((Only a [onlay]))~~ Onlay metallic—per
tooth (in addition to ((foregoing)) inlay)

~~((02600—PORCELAIN))~~ INLAY RESTORATIONS

- 02610 Inlay—porcelain/ceramic—one surface
- 02620 Inlay—porcelain/ceramic—two surfaces
- 02630 Inlay—porcelain/ceramic—three surfaces
- 02700~~((=02899))~~ CROWNS—SINGLE RESTORA-
TIONS ONLY
- 02710 Crown ~~((plastic—(acrylic)))~~—resin
(laboratory)
- ~~((02711—Crown plastic—prefabricated))~~
- 02720 ~~((Plastic with))~~ Crown—resin with high
noble metal (gold)
- 02721 Crown ~~((plastic))~~—resin with predomi-
nantly base (nonprecious) metal
- 02722 Crown ~~((plastic))~~—resin with noble (semi-
precious) metal
- 02740 Porcelain/ceramic substrate
- 02750 Porcelain ~~((with gold))~~ fused to high no-
ble metal (gold)
- 02751 ~~((Crown))~~ Porcelain ((with)) fused to
predominantly base (nonprecious) metal
- 02752 ~~((Crown))~~ Porcelain ((with)) fused to no-
ble (semi-precious) metal
- 02790 ~~((Gold(f)))~~ Full cast((f)) high noble metal
(gold)
- 02791 ~~((Crown))~~ Full cast predominantly base
(nonprecious) metal ((full cast))
- 02792 Full cast noble (semi-precious) metal
(((full cast)))
- 02810 ~~((Gold(f)))~~ 3/4 cast((f)) metallic
- ~~((02830—Prefabricated stainless steel—primary~~
- ~~02840—Crown—temporary (fractured tooth)~~
- ~~02891—Cast post and core in addition to crown~~
- ~~02892—Prefabricated post and core in addition to
crown~~
- 02900)) OTHER RESTORATIVE SERVICES
- 02910 Recement inlays
- 02920 Recement crowns
- 02931 Prefabricated stainless steel crown—
primary
- 02932 Prefabricated resin crown
- 02940 Fillings (sedative)
- 02950 Crown buildup, pin retained
- 02951 Pin retention, per tooth, in addition to
restoration
- 02952 Cast post and core in addition to crown
- 02953 Cast post as part of crown
- 02954 Prefabricated post and core in addition to
crown
- 02960 Labial veneer (laminate)
- 02961 Labial veneer (resin laminate), laboratory
- 02962 Labial veneer (porcelain laminate),
laboratory
- 02970 Temporary crown (fractured tooth)
- 02980 Crown repair
- 02999 Unspecified restorative procedure.

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

WAC 296-23-450 ENDODONTICS.

~~((03100))~~ PULP CAPPING

03110 Pulp cap—direct (excluding final restoration)

03120 Pulp cap—indirect (excluding final restoration)

~~((03200))~~ PULPOTOMY (EXCLUDING FINAL RESTORATION)

03220 ~~((Vital))~~ Therapeutic pulpotomy

~~((03300))~~ ROOT CANAL THERAPY (INCLUDES TREATMENT PLAN, CLINICAL PROCEDURES, AND FOLLOW-UP CARE)

03310 ~~((Anterior))~~ One canal (excludes final restoration)

03320 ~~((Bicuspid))~~ Two canals (excludes final restoration)

03330 ~~((Molar))~~ Three canals (excludes final restoration)

03340 Four canals (excludes final restoration)

03350 Apexification (treatment may extend over period of 6 to 18 months), per treatment visit

~~((03400))~~ PERIAPICAL SERVICES

03410 Apicoectomy—~~((performed as separate surgical procedure))~~ (per tooth)—first root(~~(?)~~)

03420 Apicoectomy—~~((performed in conjunction with endodontic procedure))~~ (per tooth)—each additional root(~~(?)~~)

03430 Retrograde filling, per root

03440 Apical curettage

03450 Root ~~((resection))~~ amputation, per root

03460 Endodontic endosseous implants

~~((03900))~~ OTHER ENDODONTIC PROCEDURES

03910 Surgical procedure for isolation of tooth with rubber dam

03920 Hemisection

03940 Recalcification of repair (perforations, root resorption, etc.)

03950 Canal preparation and fitting of preformed dowel or post

03960 Bleaching of ~~((nonvital))~~ discolored tooth

03999 Unspecified endodontic procedure.

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

WAC 296-23-460 PERIODONTICS.

Includes all necessary diagnostic, surgical and adjunctive services:

- 1 All necessary diagnostic procedures
- 2 Training in personal preventive dental care
- 3 Mouth preparation procedures
- 4 Routine finishing procedures

- 5 Post-treatment evaluation
- 6 Occlusal adjustment (if necessary)
- 7 Surgical procedures including curettage, gingivectomy, flap entry, osseous procedures and complex techniques

~~((04200))~~ SURGICAL SERVICES (INCLUDING THE USUAL POST-OPERATIVE SERVICES)

04210 Gingivectomy or gingivoplasty—per quadrant

04211 Gingivectomy or gingivoplasty—per tooth

04220 Gingival curettage(~~((=per quadrant))~~)

04240 Gingival flap procedure including root planning—per quadrant

~~((04250 Mucogingival surgery—per quadrant))~~

04260 Osseous surgery (including flap entry and closure)—per quadrant

04261 Osseous graft—single site (including flap entry, closure, and donor site)

04262 Osseous graft—multiple sites (including flap entry, closure, and donor site)

04270 Pedicle soft tissue grafts

04271 Free soft tissue grafts (including donor site)

04272 ~~((Vestibuloplasty))~~ Apically repositioned flap procedure

~~((04280 Periodontal pulpal procedures~~

~~04300))~~ ADJUNCTIVE PERIODONTAL SERVICES (IN CONJUNCTION WITH TOTAL PERIODONTAL TREATMENT)

04320 Provisional splinting—intracoronal

04321 Provisional splinting—extracoronal

~~((04330 Occlusal adjustment (limited)~~

~~04331 Occlusal adjustment (complete)~~

~~04340 Periodontal scaling and root planing (entire mouth))~~

04341 Periodontal scaling and root planing—per quadrant (~~((fewer than 12 teeth))~~)

04345 Periodontal scaling performed in the presence of gingival inflammation

~~((04350 Tooth movement for periodontal purposes (by report)~~

~~04360 Special periodontal appliances (including occlusal guards) (by report)~~

~~04370 Case pattern modifiers (by report)~~

~~04500 Gingivitis—diagnosis and/or treatment of~~

~~04600 Early periodontitis—diagnosis and/or treatment of~~

~~04700 Moderate periodontitis—diagnosis and/or treatment of~~

~~04800 Advanced periodontitis—diagnosis and/or treatment of~~

~~04900))~~ OTHER PERIODONTIC SERVICES

04910 ~~((Preventive))~~ Periodontal maintenance procedures (~~((periodontal prophylaxis))~~) following active therapy

04920 Unscheduled dressing change (by someone other than treating dentist)

04999 Unspecified periodontal procedure.

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

WAC 296-23-470 PROSTHODONTICS, REMOVABLE—INCLUDING ROUTINE POSTDELIVERY CARE.

- ((05100)) COMPLETE DENTURES—INCLUDING SIX MONTHS POSTDELIVERY
- 05110 Complete upper
05120 Complete lower
05130 Immediate upper
05140 Immediate lower
- ((05200)) PARTIAL DENTURES—INCLUDING ROUTINE POSTDELIVERY CARE
- 05211 Upper, ((excluding)) including any conventional clasps and rests, acrylic base
05212 Lower, ((excluding)) including any conventional clasps and rests, acrylic base
05213 Upper—predominantly base cast ((chrome base,)) with acrylic saddles, ((excluding)) including any conventional clasps and rests
05214 Lower—predominantly base cast ((chrome base,)) with acrylic saddles, ((excluding)) including any conventional clasps and rests
05215 ((Partial)) Upper denture—((with two gold clasps with rests,)) high noble cast base with acrylic ((base)) saddles (including any conventional clasps and rests)
05216 ((Partial upper)) Lower denture—((with two chrome clasps with rests,)) high noble cast base with acrylic ((base)) saddles (including any conventional clasps and rests)
~~((05217)) Partial lower denture—with two gold clasps with rests, acrylic base~~
~~05218 Partial lower denture—with chrome clasps with rests, acrylic base~~
~~05230 Partial lower denture—with gold lingual bar and two clasps, acrylic base~~
~~05231 Partial lower denture—with chrome lingual bar and two clasps, acrylic base~~
~~05240 Partial lower denture—with gold lingual bar and two clasps, cast base~~
~~05241 Partial lower denture—with chrome lingual bar and two clasps, cast base~~
~~05250 Partial upper denture—with gold bar and two clasps, acrylic base~~
~~05251 Partial upper denture—with chrome palatal bar and two clasps, acrylic base~~
~~05260 Partial upper denture—with gold palatal bar and two clasps, cast base~~
~~05261 Partial upper denture—with chrome palatal [palatal] bar and two clasps, cast base))~~
05280 Removable unilateral partial denture—one piece gold (high noble) casting, clasp attachments, per unit including pontics
- 05281 Removable unilateral partial denture—one piece ((chrome)) predominantly base casting, clasp attachments, per unit including pontics
~~((05291)) Full cast upper partial—with two gold clasps~~
~~05292 Full cast upper partial—with two chrome clasps~~
~~05293 Full cast lower partial—with two gold clasps~~
~~05294 Full cast lower partial—with two chrome clasps~~
~~05300 ADDITIONAL UNITS FOR PARTIAL DENTURES~~
~~05310 Each clasp with rest~~
~~05320 Each tooth~~
~~05400) ADJUSTMENT TO DENTURES~~
~~05410 Adjustment to complete denture – upper~~
~~05411 Adjustment to complete denture – lower~~
~~05421 Adjustment to upper partial denture~~
~~05422 Adjustment to lower partial denture~~
~~((05600)) REPAIRS TO DENTURES~~
~~05510 Repair broken complete denture base~~
~~05520 Replace missing or broken teeth, complete denture (each tooth)~~
~~05610 Repair ((broken complete or)) partial denture—((no teeth damaged)) acrylic saddle or base~~
~~05620 Repair ((broken complete or)) partial denture—((replace one broken tooth)) cast framework~~
~~05630 Repair or replace ((additional teeth—each tooth)) broken clasp~~
~~05640 Replace broken teeth—per tooth ((on denture—no other repairs))~~
~~05650 Adding tooth to existing partial denture ((to replace extracted tooth—each tooth (not involving clasp or abutment tooth)))~~
~~05660 Adding ((tooth)) clasp to existing partial denture ((to replace extracted tooth—each tooth (involving clasp or abutment tooth))~~
~~05670 Reattaching damaged clasp on denture~~
~~05680 Replacing broken clasp with new clasp on denture~~
~~05690 Replacing each additional cast with rest~~
~~05700) DENTURE DUPLICATION (REBASE PROCEDURES)~~
~~05710 Duplicate complete upper ((or lower complete)) denture~~
~~05711 Duplicate complete lower denture~~
~~05720 Duplicate upper ((or lower)) partial denture~~
~~05721 Duplicate lower partial denture~~

DENTURE RELINING

- 05730 Relining complete upper ((or lower complete)) denture((s)) (in office ((reline)))
- 05731 Relining complete lower denture (in office)
- 05740 Relining upper ((or lower)) partial denture (in office)
- 05741 Relining lower partial denture (in office)
- 05750 Relining upper ((or lower)) complete denture (laboratory)
- 05751 Relining lower complete denture (laboratory)
- 05760 Relining upper ((or lower)) partial denture (in laboratory)
- 05761 Relining lower partial denture (laboratory)

((05800)) OTHER REMOVABLE PROSTHETIC SERVICES

- 05810 Temporary upper denture (complete)
- 05811 Temporary lower denture (complete)
- 05820 Temporary upper denture (partial stayplate)
- 05821 Temporary lower denture (partial stayplate)
- ((05830) ~~Obturator for surgically excised palatal tissue~~)
- 05840 ~~Obturator for deficient velopharyngeal function (cleft palate))~~
- 05850 Tissue conditioning, per denture unit
- 05860 Overdenture complete (by report)
- 05861 Overdenture partial (by report)
- 05862 Precision attachment (by report)
- 05899 Unspecified removable prosthodontic procedure (by report).

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

WAC 296-23-480 PROSTHODONTICS, FIXED.

(Each abutment and each pontic constitute a unit in a bridge)

((06200)) BRIDGE PONTICS

- 06210 Bridge pontic cast, high noble metal (gold)
- 06211 Bridge pontic, cast predominantly base metal (nonprecious)
- 06212 Bridge pontic, cast noble metal (semiprecious)
- ((06220) ~~Slotted facing~~)
- 06230 ~~Slotted pontic~~
- 06235 ~~Pin facing))~~
- 06240 Porcelain fused to high noble metal (gold)
- 06241 Porcelain fused to predominantly base (nonprecious) metal
- 06242 Porcelain fused to noble (semiprecious) metal
- 06250 ((~~Plastic processed to gold~~)) Resin with high noble metal (gold)

- 06251 ((~~Plastic processed to nonprecious~~)) Resin with predominantly base metal
- 06252 ((~~Plastic processed to semiprecious~~)) Resin with noble metal

((06500)) RETAINERS

- 06520 ((~~Retainer—gold~~)) Inlay—metallic—two surfaces
- 06530 ((~~Retainer—gold~~)) Inlay—metallic—three or more surfaces
- 06540 ((~~Retainer—gold~~)) Inlay ((f))—metallic—onlaying cusps((f))
- 06545 Cast metal retainer for acid etch bridge

((06600) ~~REPAIRS~~)

- 06610 ~~Replace broken pin facing with slotted or other facing~~
- 06620 ~~Replace broken facing where post is intact~~
- 06630 ~~Replace broken facing where post backing is broken~~
- 06640 ~~Replace broken facing with acrylic~~
- 06650 ~~Replace broken pontic~~

06700) BRIDGE RETAINERS—CROWNS

- 06720 ((~~Plastic processed to~~)) Crown—resin with high noble metal—gold
- 06721 ((~~Plastic processed to~~)) Crown—resin with predominantly base metal—nonprecious metal
- 06722 ((~~Plastic processed to~~)) Crown—resin with noble metal—semiprecious metal
- ((06740) ~~Porcelain~~))
- 06750 Porcelain fused to gold—high noble metal
- 06751 Porcelain to nonprecious metal ((crown/bridge))—predominantly base metal
- 06752 Porcelain fused to semiprecious metal—noble metal
- ((06760) ~~Reverse pin facing and metal~~))
- 06780 ((~~Gold (f)~~)) Crown—3/4 cast((f)) high noble metal
- 06790 ((~~Gold (f)~~)) Crown—full cast((f)) high noble metal
- 06791 ((~~Nonprecious metal (f)~~)) Crown—full cast((f)) predominantly base metal
- 06792 ((~~Semiprecious metal (f)~~)) Crown—full cast((f)) noble metal
- ((06900)) OTHER FIXED PROSTHETIC SERVICES
- 06930 Recement bridge
- 06940 Stress breaker
- 06950 Precision attachment
- 06970 Cast post and core in addition to bridge retainer
- 06971 Cast post as part of bridge retainer
- 06972 Prefabricated post and core in addition to bridge retainer
- 06980 Bridge repair (by report)
- 06999 Unspecified fixed prosthodontic procedure (by report).

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

WAC 296-23-485 ORTHODONTICS.

PREVENTIVE TREATMENT PROCEDURES

~~((08100))~~ **MINOR TREATMENT FOR TOOTH GUIDANCE**

- 08110 Removable appliance therapy
- 08120 Fixed or cemented appliance therapy

~~((08200))~~ **MINOR TREATMENT TO CONTROL HARMFUL HABITS**

- 08210 Removable appliance therapy
- 08220 Fixed or cemented appliance therapy

~~((08350))~~ **INTERCEPTIVE ORTHODONTIC TREATMENT**

- 08360 Removable appliance therapy
- 08370 Fixed appliance therapy

COMPREHENSIVE ORTHODONTIC TREATMENT

~~((08450))~~ **TREATMENT OF THE TRANSITIONAL DENTITION**

- 08460 Class I malocclusion
- 08470 Class II malocclusion
- 08480 Class III malocclusion

~~((08550))~~ **TREATMENT OF THE PERMANENT DENTITION**

- 08560 Class I malocclusion
- 08570 Class II malocclusion
- 08580 Class III malocclusion

OTHER ORTHODONTIC DEVICES

- 08650 Treatment of the atypical or extended skeletal case
- 08750 Post-treatment stabilization
- 08999 Unspecified orthodontic procedure (by report).

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

WAC 296-23-490 ORAL SURGERY.

~~((07100))~~ **EXTRACTIONS—INCLUDES LOCAL ANESTHESIA AND ROUTINE POSTOPERATIVE CARE**

- 07110 Single tooth
- 07120 Each additional tooth
- 07130 Root removal—exposed roots

~~((07200))~~ **SURGICAL EXTRACTIONS—INCLUDES LOCAL ANESTHESIA AND ROUTINE POSTOPERATIVE CARE**

- 07210 Surgical ~~((removal))~~ extractions of erupted tooth, requires elevation of mucoperiosteal flap and removal of bone and/or section of tooth
- 07220 ~~((Impaction that requires incision of overlying))~~ Removal of impacted tooth, soft tissue ((and the removal of the tooth))

07230 ~~((Impaction that requires incision of overlying soft tissue, elevation of a flap, and either removal of bone and tooth or sectioning and removal of the tooth))~~ Removal of impacted tooth—partially bony

07240 ~~((Impaction that requires incision of overlying soft tissue, elevation of a flap, removal of bone, and sectioning of the tooth for))~~ Removal of impacted tooth—completely bony

07241 ~~((Impaction requiring incision of overlying soft tissue, elevation of a flap;))~~ Removal of ((bone, sectioning of)) impacted tooth ((for removal and/or presents))—completely bony, with unusual ((difficulties and circumstances)) surgical complications

07250 ~~((Root recovery-))~~ Surgical removal of residual tooth roots (cutting procedure)

07260 Oral antral fistula closure ~~((and/or antral root recovery~~

~~OTHER SURGICAL PROCEDURES))~~

07270 Tooth ((replantation)) reimplantation and/or stabilization of accidentally evulsed or displaced tooth and/or alveolus

07271 Tooth implantation

07272 Tooth transplantation

07280 Surgical exposure of impacted or unerupted tooth for orthodontic reasons—including ((wire)) orthodontic attachment when indicated

07281 Surgical exposure of impacted or unerupted tooth to aid eruption

07285 Biopsy of oral tissue (hard)

07286 Biopsy of oral tissue (soft)

07290 Surgical repositioning of teeth

~~((07300))~~ **ALVEOLOPLASTY (SURGICAL PREPARATION OF RIDGE FOR DENTURES)**

07310 Per quadrant—in conjunction with extractions

07320 Per quadrant—not in conjunction with extractions

~~((STOMATOPLASTY))~~ VESTIBULOPLASTY—including revision of soft tissue on ridges, muscle reattachment, tongue, palate, and other oral soft tissues

07340 ~~((Stomatoplasty per arch—uncomplicated))~~ Vestibuloplasty—ridge extension (secondary epithelialization)

07350 ~~((Stomatoplasty per arch—complicated))~~ Vestibuloplasty—ridge extension (including soft tissue grafts, muscle reattachments, revision of soft tissue attachment, and management of hypertrophied and hyperplastic tissue)

~~((07400))~~ **SURGICAL EXCISION—reactive inflammatory lesions (scar tissue or localized congenital lesions)**

- 07410 Radical excision—scar or lesion up to 1.25 cm
- 07420 Radical excision—scar or lesion over 1.25 cm
- ~~((07425) Excision pericoronar gingiva~~
~~EXCISION))~~ REMOVAL OF TUMORS
- 07430 Excision of benign tumor—lesion diameter up to 1.25 cm
- 07431 Excision of benign tumor—lesion diameter over 1.25 cm
- 07440 Excision of malignant tumor—lesion diameter up to 1.25 cm
- 07441 Excision of malignant tumor—lesion diameter over 1.25 cm
- REMOVAL OF CYSTS AND NEOPLASMS
- 07450 Removal of odontogenic cyst or tumor—up to 1.25 cm in diameter
- 07451 Removal of odontogenic cyst or tumor—over 1.25 cm in diameter
- 07460 Removal of nonodontogenic cyst or tumor—up to 1.25 cm in diameter
- 07461 Removal of nonodontogenic cyst or tumor—over 1.25 cm in diameter
- 07465 Destruction of lesions by physical methods: electro-surgery, chemotherapy, cryotherapy
- EXCISION OF BONE TISSUE
- 07470 Removal of exostosis—maxilla or mandible
- 07480 Partial ostectomy (guttering or saucerization)
- 07490 Radical resection of mandible with bone graft
- ~~((07500))~~ SURGICAL INCISION
- 07510 Incision and drainage of abscess—intraoral soft tissue
- 07520 Incision and drainage of abscess—extraoral soft tissue
- 07530 Removal of foreign body, skin or subcutaneous areolar tissue
- 07540 Removal of reaction—producing foreign bodies musculoskeletal system
- 07550 Sequestrectomy for osteomyelitis
- 07560 Maxillary sinusotomy for removal of tooth fragment or foreign body
- ~~((07600))~~ TREATMENT OF FRACTURES—SIMPLE
- 07610 Maxilla—open reduction—teeth immobilized (if present)
- 07620 Maxilla—closed reduction—teeth immobilized (if present)
- 07630 Mandible—open reduction—teeth immobilized (if present)
- 07640 Mandible—closed reduction—teeth immobilized (if present)
- 07650 Malar and/or zygomatic arch—open reduction

- 07660 Malar and/or zygomatic arch—closed reduction
- 07670 Alveolus—stabilization of teeth—open reduction splinting
- 07680 Facial bones—complicated reduction with fixation and multiple surgical approaches
- ~~((07700))~~ TREATMENT OF FRACTURES—COMPOUND
- 07710 Maxilla—open reduction
- 07720 Maxilla—closed reduction
- 07730 Mandible—open reduction
- 07740 Mandible—closed reduction
- 07750 Malar and/or zygomatic arch—open reduction
- 07760 Malar and/or zygomatic arch—closed reduction
- 07770 Alveolus—stabilization of teeth—open reduction splinting
- 07780 Facial bones—complicated reduction with fixation and multiple surgical approaches
- ~~((07800))~~ REDUCTION OF DISLOCATION AND MANAGEMENT OF OTHER TEMPOROMANDIBULAR JOINT DYSFUNCTIONS
- 07810 Open reduction of dislocation—temporomandibular joint
- 07820 Closed reduction of dislocation—temporomandibular joint
- 07830 Manipulation under anesthesia—temporomandibular joint
- 07840 Condylectomy—temporomandibular joint
- 07850 Meniscectomy—temporomandibular joint
- 07860 Arthrotoomy—temporomandibular joint
- 07870 Arthrocentesis—temporomandibular joint
- 07880 Occlusal orthotic appliance
- ~~((07900) OTHER ORAL SURGERY))~~
REPAIR OF TRAUMATIC WOUNDS
- 07910 Suture of recent small wounds up to 5 cm
- COMPLICATED SUTURING
- 07911 Up to 5 cm
- 07912 Over 5 cm
- OTHER REPAIR PROCEDURES
- 07920 Skin grafts (identify defect covered, location and type of graft)
- ~~((OTHER REPAIR PROCEDURES~~
- ~~07930) Injection of trigeminal nerve branches for destruction~~
- ~~07931) Avulsion of trigeminal nerve branches))~~
- 07940 Osteoplasty (~~((that is,))~~ for orthognathic deformities(~~(?)~~))
- 07945 Osteotomy—body of mandible
- 07946 Lefort I (maxilla, total)
- 07948 Lefort II or Lefort III (osteoplasty of facial bones for midface hypoplasia or retrusion without bone graft)
- 07947 Lefort I (maxilla, segmented)
- 07949 Lefort II or Lefort III, with bone graft

- 07950 Osseous, osteoperiosteal, periosteal, or cartilage graft of the mandible—autogenous or nonautogenous
- 07955 Repair of maxillofacial soft and hard tissue defects
- 07960 Frenulectomy—separate procedure (frenectomy or frenotomy)
- 07970 Excision of hyperplastic tissue—per arch
- 07971 Excision of pericoronal gingiva
- 07980 Sialolithotomy
- 07981 Excision of salivary gland
- 07982 Sialodochoplasty
- 07983 Closure of salivary fistula
- 07990 Emergency tracheotomy
- 07991 Coronoidectomy
- 07992 Eminectomy
- 07993 Implant, facial bones
- 07994 Implant, other than facial bones
- 07999 Unspecified oral surgery procedure (by report).

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

WAC 296-23-495 ADJUNCTIVE GENERAL SERVICES, ANESTHESIA AND PROFESSIONAL CONSULTATION.

UNCLASSIFIED TREATMENT

- 09110 Palliative (emergency) treatment of dental pain, minor procedures

((09200)) ANESTHESIA

- 09210 Local ((f)) anesthesia not in conjunction with operative or surgical procedures((t))
- 09211 Regional block anesthesia
- 09212 Trigeminal division block
- 09220 General anesthesia; first 30 minutes
- 09221 each additional 15 minutes
- 09230 Analgesia
- 09240 Intravenous sedation

((09300)) PROFESSIONAL CONSULTATION—DIAGNOSTIC SERVICE PROVIDED BY PHYSICIAN OR DENTIST OTHER THAN PRACTITIONER PROVIDING TREATMENT

- 09310 Consultation—per session

((09400)) PROFESSIONAL VISITS

- 09410 House calls
- 09420 Hospital calls
- 09430 Office visit—during regularly scheduled office hours (no operative service performed)
- 09440 Office visit—after regularly scheduled office hours (no operative service performed)

((09600)) DRUGS

- 09610 Therapeutic drug injection (by report)
- 09630 Other drugs and/or medicaments (by report)

((09900)) MISCELLANEOUS SERVICES

- 09910 Application of desensitizing medicaments
- 09930 Complications (post-surgical—unusual circumstances) (by report)
- 09940 Occlusal guards (by report)
- 09950 Occlusion analysis (mounted case)
- 09951 Occlusal adjustment, limited
- 09952 Occlusal adjustment, complete
- 09960 Completion of claim form
- 09999 Unspecified (by report to be described by statement of attending dentist).

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

WAC 296-23-900 LICENSED NURSING RULES. (1) Registered nurses and licensed practical nurses may perform private duty nursing care in industrial injury cases when the attending physician deems this care necessary. (See WAC 296-20-091 for home nursing rules.)

(2) Certified registered nurses (CRNs) and advanced registered nurse practitioners (ARNPs) may perform advanced and specialized levels of nursing care on a fee for service basis in industrial injury cases within the limitations of subsections (3) and (4) of this section.

(3) Advance approval must be obtained from the department to treat industrial injury cases. To be eligible to treat industrial injuries, the registered nurse must:

(a) Be recognized by the Washington state board of nursing as a certified registered nurse (CRN) or advanced registered nurse practitioner (ARNP).

(b) Provide the department with evidence of a reliable and rapid system of obtaining physician consultation.

(4) The scope of practice for certified registered nurses or advanced registered nurse practitioners under the industrial insurance program is limited to the following, based on CRN or ARNP speciality as approved by the state board of nursing:

(a) Preparing reports of accident and progress reports for the supervising physician's signature. The supervising physician's L & I Provider No. must be entered in Box 48 on the Accident Report form.

(b) Emergency treatment of serious injuries to include initial wound care, administration of medication and support of life functions.

(c) Treatment of minor injuries to include suturing of minor lacerations not involving tendons, nerves or bones.

(d) Removal of sutures.

(e) Removal of foreign bodies from eyes.

(f) Removal of slivers or foreign bodies where bones, nerves and tendons are not involved.

(g) Prescribing legend drugs when so authorized by state board of nursing.

(h) Nursing type follow-up care (i.e., dressing changes, etc.)

(i) Accompanying ambulance to the site of injury and/or to the hospital with the injured workman.

(j) Home visits to evaluate claimant's condition when attendant care is being rendered for the injured worker by persons other than the nurse practitioner, may be

authorized when the request is received in advance of the visit.

(k) Administration of biofeedback as per WAC 296-21-0501.

(5) BILLING PROCEDURES

Billing procedures outlined in WAC 296-20-125 apply. Certified registered nurses and advanced nurse practitioners must obtain provider account numbers from the department.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 296-23-07904 THORAX.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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.

(6) "BR" in the unit value column indicates that the value of this service is to be determined by report (BR) because the service is too unusual, variable, or new to be assigned a unit value. The report should provide an adequate definition or description of the services or procedures as discussed in WAC 296-23A-235. Whenever possible, list the nearest similar procedure code according to this schedule. The department or self-insurer may adjust BR procedures when such action is indicated.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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
70016 Cisternography, positive contrast; complete procedure	BR
(For injection procedure only for cisternography, see 61053)	
((70020, 70021 have been deleted. To report, use 76499))	

((70022 has been deleted. To report CT guidance for stereotactic localization, use 76355))	
70030 Radiologic examination, eye, for detection of foreign body	8.8
((70040 for localization of foreign body (does not include detection)	14.0
70050 for detection and localization of foreign body	18.0))
((70040 and 70050 have been deleted)	
70100 Radiologic examination, mandible; partial, less than four views	6.0
70110 complete, minimum of four views	10.0
70120 Radiologic examination, mastoids; less than three views per side	6.0
70130 complete, minimum of three views per side	12.0
70134 Radiologic examination, internal auditory meati, complete	12.0
70140 Radiologic examination, facial bones; less than three views	6.0
70150 complete, minimum of three views	10.0
70160 Radiologic examination, nasal bones, complete, minimum of three views	6.4
70171 Dacryocystography nasolacrimal, complete procedure	10.0
70190 Radiologic examination; optic foramina	6.0
70200 orbits, complete, minimum of four views	8.0
70210 Radiologic examination, sinuses, paranasal, less than three views	5.0
70220 Radiologic examination, sinuses, paranasal, complete, minimum of three views	8.8
(((70230, 70231 have been deleted. To report, use 76499)))	
70240 Radiologic examination, sella turcica	5.0
70250 Radiologic examination, skull; less than four views, with or without stereo	6.0
70260 complete, minimum of four views, with or without stereo	12.0
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 arthrotomography (includes a contrast arthrogram and appropriate laminographic studies); complete procedure	21.1
70336 Magnetic resonance (e.g., proton) imaging, temporomandibular joint	120.0
70350 Cephalogram, orthodontic	4.0
70355 Orthopantogram	10.0
70360 Radiologic examination, neck; soft tissue	4.0
70370 pharynx or larynx, including fluoroscopy and/or magnification technique	8.0
70371 Complex dynamic pharyngeal and speech evaluation by cine or video recording	BR
70374 Laryngography, contrast; complete procedure	24.0
70380 Radiologic examination, salivary gland for calculus	6.4
70391 Sialography; complete procedure	8.0
(((70400 and 70401 have been deleted. To report, use 76499)))	
70450 Computerized axial tomography, head or brain; without contrast material	58.0
70460 with contrast material(s)	64.0
70470 without contrast material, followed by contrast material(s) and further sections	71.0
(For coronal, sagittal, and/or oblique sections, see 76375)	
70480 Computerized axial tomography, orbit, sella, or posterior fossa or outer, middle, or inner ear;	

	Unit Value		Unit Value	
without contrast material	58.0	71250	Computerized axial tomography, thorax; without contrast material	77.0
70481 with contrast material(s)	64.0	71260	with contrast material(s)	84.0
70482 without contrast material, followed by contrast material(s) and further sections	71.0	71270	without contrast material, followed by contrast material(s) and further sections	90.0
(For coronal, sagittal, and/or oblique sections, see 76375)			(For coronal, sagittal, and/or oblique sections, see 76375)	
70486 Computerized axial tomography, maxillofacial area; without contrast material	58.0	71550	Magnetic resonance (e.g., proton) imaging, chest (e.g., for evaluation of hilar and mediastinal lymphadenopathy)	120.0
70487 with contrast material(s)	64.0			
70488 without contrast material, followed by contrast material(s) and further sections	71.0			
(For coronal, sagittal, and/or oblique sections, see 76375)				
70490 Computerized axial tomography, soft tissue neck; without contrast material				
70491 with contrast material(s)	BR			
70492 without contrast material followed by contrast material(s) and further sections	BR			
(For coronal, sagittal, and/or oblique sections, see 76375)				
(For cervical spine, see 72125, 72126)				
70540 Magnetic resonance (e.g., proton) imaging; orbit, face, and neck	120.0	72010	Radiologic examination, spine, entire, survey study, anteroposterior and lateral	16.0
((70550, 70552 have been deleted. To report, use 70551))		72020	Radiologic examination, spine, single view, specify level	6.5
70551 brain (including brain stem)	120.0	72040	Radiologic examination, spine, cervical; 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; thoracic, anteroposterior and lateral	9.0
		72072	thoracic, anteroposterior and lateral, 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, lumbosacral; anteroposterior and lateral	9.0
		72110	complete with oblique views	16.0
		72114	complete, including bending views	18.5
		72120	Radiologic examination, spine, lumbosacral, bending views only, minimum of four views	10.0
		72125	Computerized axial tomography, cervical spine; without contrast material	62.4
		72126	with contrast material	72.8
		72127	without contrast material, followed 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, followed by contrast material(s) and further sections	BR
		72131	Computerized axial tomography, lumbar spine; without contrast material	60.0
		72132	with contrast material	70.0
			(For coronal, sagittal, and/or oblique sections, see 76375)	
		72133	without contrast material, followed by contrast material(s) and further sections	BR
			((72140 has been deleted. To report see 72141=72144))	
		72141	Magnetic resonance (e.g., proton) imaging, spinal canal and contents ((two sequences or standard examination)); cervical	120.0
		72143	thoracic	120.0
		72144	lumbar	120.0
			(72145 has been deleted. To report, see 72125-72132)	

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23A-244 SPINE AND PELVIS.

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

WAC 296-23A-242 CHEST.

((71000 Chest minifilm has been deleted))

71010 Radiologic examination, chest; single view, frontal	4.0
71015 stereo, frontal	5.0
71020 two views, frontal and lateral	7.0
71021 apical lordotic procedure	7.2
71022 oblique projections	7.2
71023 with fluoroscopy	BR
71030 Radiologic examination, chest, complete, minimum of four views	8.0
71034 with fluoroscopy	10.0
(For separate chest fluoroscopy, see 76000)	
71035 Radiologic examination, chest, special views, e.g., lateral decubitus, Bucky studies	BR
71036 Fluoroscopic localization for needle biopsy of intrathoracic lesion, including follow-up films	BR
71038 Fluoroscopic localization for transbronchial biopsy or brushing	BR
71041 Bronchography, unilateral; complete procedure	14.0
71061 Bronchography, bilateral; complete procedure	22.0
71100 Radiologic examination, ribs, unilateral; two views	7.2
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

	Unit Value
72170 Radiologic examination, pelvis; anteroposterior 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, followed by contrast material(s) and further sections	BR
(For coronal, sagittal, and/or oblique sections, see 76375)	
72196 <u>Magnetic resonance (e.g., proton) imaging, pelvis</u>	<u>120.0</u>
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; complete 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

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

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, other than joint	120.0
73221 <u>Magnetic resonance (e.g., proton) imaging, any joint of upper extremity</u>	<u>120.0</u>

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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, other than joint	120.0
73721 <u>Magnetic resonance (e.g., proton) imaging, any joint of lower extremity</u>	<u>120.0</u>

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23A-252 GASTROINTESTINAL TRACT.

	Unit Value
74210 Radiologic examination; pharynx and/or cervical esophagus	8.8
74220 esophagus	8.8
74230 Swallowing function, pharynx and/or esophagus, with cineradiography and/or video	12.0
74235 Removal of foreign body(s), esophageal, with use of balloon catheter under fluoroscopic guidance ..	BR

		Unit Value	<u>AMENDATORY SECTION</u> (Amending Order 87-18, filed 7/23/87)	Unit Value
74240	Radiologic examination, gastrointestinal tract, upper; with or without delayed films, without KUB	14.0	WAC 296-23A-254 URINARY TRACT.	
74241	with or without delayed films, with KUB	15.2		
74245	with small bowel, includes multiple serial films	17.6		Unit Value
74246	Radiologic examination, gastrointestinal tract, upper, air contrast, with specific high density barium, effervescent agent, with or without glucagon; with or without delayed films, without KUB	BR	74400 Urography (pyelography) intravenous, with or without KUB	15.2
74247	with or without delayed film, with KUB	BR	74405 with special hypertensive contrast concentration and/or clearance studies	16.0
74249	with small bowel follow through	BR	74410 Urography, infusion, drip technique and/or bolus technique	20.0
74250	Radiologic examination, small bowel, includes multiple serial films	14.0	74415 with nephrotomography	26.0
74260	Duodenography, hypotonic	BR	74420 Urography, retrograde, with or without kidneys, ureters, and bladder	12.0
74270	Radiologic examination; colon; barium enema	12.0	74426 Urography, antegrade, (pyelostogram, nephrostogram, loopogram); complete procedure	BR
	((74275 has been deleted. If necessary to report, use 76499))		74431 Cystography, minimum of three views; complete procedure	8.8
74280	air contrast with high density barium, with or without glucagon	14.0	74441 Vasography, vesiculography, or epididymography; complete procedure	8.8
	((74285 has been deleted. To report, see 74270; 74280))		74446 Corpora cavernosography; complete procedure	BR
74290	Cholecystography, oral contrast	9.6	74451 Urethrocystography, retrograde; complete procedure	9.6
74291	additional or repeat examination or multiple day examination	4.8	74456 Urethrocystography, voiding; complete procedure	14.0
74300	Cholangiography and/or pancreatography; during surgery	10.0	((74460, 74461 have been deleted. To report, use 76499))	
74301	additional set during surgery	3.0	74471 Radiologic examination, renal cyst study, translumbar, contrast visualization; complete procedure	10.0
74305	postoperative	12.0	74476 Introduction of intracatheter or catheter into renal pelvis for drainage and/or injection, percutaneous, with fluoroscopic monitoring and radiography; complete procedure	BR
	(For biliary duct stone extraction, percutaneous, see 74327)		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
((74310	intravenous	+6.0	74486 Dilation of nephrostomy or ureters with fluoroscopic monitoring and radiography; complete procedure	BR
74315	oral contrast	+2.0)		
	(74310, 74315 have been deleted. To report, use 76499)			
74321	Cholangiography, percutaneous, transhepatic; complete procedure	16.0		
	((74325, 74326 have been deleted. To report, use 76499))			
74327	Postoperative biliary duct stone removal, percutaneous via T-tube tract, basket or snare (e.g., Burhenne technique) fluoroscopic monitoring and radiography	BR	AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)	
74328	Endoscopic catheterization of the biliary ductal system, fluoroscopic monitoring and radiography	BR	WAC 296-23A-256 GYNECOLOGICAL AND OBSTETRICAL.	
74329	Endoscopic catheterization of the pancreatic ductal system, fluoroscopic monitoring and radiography	BR		Unit Value
74330	Combined endoscopic catheterization of the biliary and pancreatic ductal systems, fluoroscopic monitoring and radiography	BR	(For abdomen and pelvis, see 74000-74170, 72170-72190)	
74340	Introduction of long gastrointestinal tube, (e.g., Miller-Abbott), with multiple fluoroscopies and films	BR	74710 Pelvimetry, with or without placental localization	10.0
74351	Percutaneous placement of gastrostomy tube; complete procedure	BR	74720 Radiologic examination, abdomen, for fetal age, fetal position and/or placental localization; single view	4.0
74356	Percutaneous placement of enteroclysis tube; complete procedure	BR	74725 multiple views	6.0
74361	Intraluminal dilation of strictures and/or obstructions (e.g., esophagus or biliary tree); complete procedure	BR	((74731 Placentography with contrast cystography; complete procedure	BR))
			(74731 has been deleted. To report, use 76499)	
			74741 Hysterosalpingography; complete procedure	10.8
			((74460, 74461 have been deleted. To report, use 76499))	
			74775 Perincogram (e.g., vaginogram, for sex determination or extent of anomalies)	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

Unit Value

WAC 296-23A-258 VASCULAR SYSTEM.

	Unit Value		Unit Value
		((75696) Angiography, vertebral, cervical, unilateral, direct puncture, complete procedure	50.0))
		<u>(75696 has been deleted)</u>	
		75697 catheter, complete procedure	54.0
		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
		75718 by serialography, complete procedure	34.0
		75723 Angiography, renal, unilateral, selective, (including flush aortogram); complete procedure	40.0
		75725 Angiography, renal, bilateral, selective, (including flush aortogram); complete procedure	60.0
		75727 Angiography, visceral; selective with or without flush aortogram), complete procedure	46.0
		75728 supraselective, complete procedure	48.0
		(For selective angiography, additional visceral vessels studied after basic examination, see 75773)	
		75732 Angiography, adrenal, unilateral, selective; complete procedure	46.0
		75734 Angiography, adrenal, bilateral, selective; complete procedure	48.0
		75737 Angiography, pelvic; selective, complete procedure	44.0
		75738 supraselective, complete procedure	46.0
		75742 Angiography, pulmonary, unilateral, selective; complete procedure	30.0
		75744 Angiography, pulmonary, bilateral, selective; complete procedure	50.0
		75747 Angiography, pulmonary; by catheter, nonselective, complete procedure	30.0
		75748 venous injection, complete procedure	40.0
		75751 Angiography, coronary, root injection; complete procedure	60.0
		BR 75753 Angiography, coronary, unilateral selective injection, including left ventricular and supraaortic angiogram and pressure recording; complete procedure	70.0
		75755 Angiography, coronary, bilateral selective injection, including left ventricular and supraaortic angiogram and pressure recording; complete procedure	80.0
		75757 Angiography, internal mammary; complete procedure	40.0
		75764 Angiography, coronary bypass, unilateral selective injection; complete procedure	BR
		75767 Angiography, coronary bypass, multiple selective injection; complete procedure	BR
		75775 Angiography, coronary bypass, selective, each additional vessel studied after basic examination; complete procedure	BR
		75790 Angiography, arteriovenous shunt (e.g., dialysis patient)	BR
		VEINS AND LYMPHATICS	
		75802 Lymphangiography, extremity only, unilateral; complete procedure	25.0
		75804 Lymphangiography, extremity only, bilateral; complete procedure	35.0
		75806 Lymphangiography, pelvic/abdominal, unilateral; complete procedure	35.0
		75808 Lymphangiography, pelvic/abdominal, bilateral; complete procedure	35.0
		75811 Splenoportography; complete procedure	40.0
		75821 Venography, extremity, unilateral; complete procedure	16.0
		75823 Venography, extremity, bilateral; complete procedure	26.0
HEART			
75501 Angiocardiography by cineradiography; complete procedure	22.0		
75506 Angiocardiography by serialography, single plane; complete procedure	23.0		
75509 Angiocardiography by serialography, multiplane; complete procedure	46.0		
((75510, 75511 CO2 or positive contrast angiography has been deleted. To report, use 76499))			
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		
AORTA AND ARTERIES			
75601 Aortography, thoracic, without serialography; complete procedure	20.0		
75606 Aortography, thoracic, by serialography; complete procedure	30.0		
75621 Aortography, abdominal, translumbar, without serialography; complete procedure	32.0		
75623 Aortography, abdominal, catheter, without serialography; complete procedure	32.0		
75626 Aortography, abdominal, translumbar, by serialography; complete procedure	40.0		
75628 Aortography, abdominal, catheter, by serialography; complete procedure	48.0		
75631 Aortography, abdominal plus bilateral iliofemoral lower extremity, catheter, by serialography; complete procedure			
75651 Angiography, cervicocerebral, catheter, including vessel origin; complete procedure	40.0		
75653 Angiography, cervicocerebral, selective catheter, including vessel origin; one vessel, complete procedure	36.0		
75655 two vessels, complete procedure	38.0		
75657 three or four vessels, complete procedure	40.0		
75659 Angiography, brachial, retrograde; complete procedure	40.0		
75661 Angiography, external carotid, cerebral, unilateral, selective; complete procedure	40.0		
75663 Angiography, external carotid, cerebral, bilateral, selective; complete procedure	50.0		
75667 Angiography, carotid, cerebral, unilateral; direct puncture, complete procedure	40.0		
75669 catheter, complete procedure	46.0		
75672 Angiography, carotid, cerebral, bilateral; direct puncture, complete procedure	50.0		
75673 catheter, complete procedure	54.0		
75677 Angiography, carotid, cervical, unilateral; direct puncture, complete procedure	40.0		
75678 catheter, complete procedure	46.0		
75681 Angiography, carotid, cervical, bilateral; direct puncture, complete procedure	50.0		
75682 catheter, complete procedure	54.0		
75686 Angiography, vertebral; direct puncture, complete procedure	40.0		
75687 catheter, complete procedure	46.0		
((75691) Angiography, vertebral, cervical, unilateral, direct puncture, complete procedure		40.0))	
<u>(75691 has been deleted)</u>			
75692 catheter, complete procedure	46.0		

	Unit Value		Unit Value
75826 Venography, caval, inferior, with serialography; complete procedure	32.0	75990 tract); complete procedure	BR
75828 Venography, caval, superior, with serialography; complete procedure	35.0		
75832 Venography, renal, unilateral, selective; complete procedure	40.0	<u>Radiologic guidance for percutaneous drainage of abscess(, percutaneous, with radiologic guidance) or specimen collection (i.e., fluoroscopy, ultrasound, or computed tomography), with or without placement of indwelling catheter; <u>complete procedure</u></u>	BR
75834 Venography, renal, bilateral, selective; complete procedure	45.0		
75841 Venography, adrenal, unilateral, selective; complete procedure	30.0	(75990 is neither organ nor area specific. For drainage of abscess performed without radiology or fluoroscopy, see under specific anatomic site.)	
75843 Venography, adrenal, bilateral, selective; complete procedure	32.0		
75846 Venography, azygos; selective, complete procedure	30.0		
75847 nonselective, complete procedure	28.0	AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)	
75851 Venography, intraosseous; complete procedure . . .	32.0	WAC 296-23A-260 MISCELLANEOUS.	
75861 Venography, sinus or jugular, catheter; complete procedure	32.0		Unit Value
75871 Venography, superior sagittal sinus; complete procedure, including direct puncture	32.0		
75873 Venography, epidural; complete procedure	BR	(For arthrography of shoulder, see 73041, elbow, see 73086, wrist, see 73116, hip, see 73526, knee, see 73581, ankle, see 73616)	
75881 Venography, orbital; complete procedure	36.0	76000 Fluoroscopy (separate procedure) <u>up to one hour physician time, other than 71023 or 71034</u>	3.0
75886 Percutaneous transhepatic portography with hemodynamic evaluation; complete procedure	36.0	76001 <u>Fluoroscopy, physician time more than one hour, assisting a nonradiologic physician (e.g., nephrostolithotomy, ERCP, bronchoscopy, trans-bronchial biopsy)</u>	BR
75888 Percutaneous transhepatic portography without hemodynamic evaluation; complete procedure . . .	34.0	76003 Fluoroscopic localization for needle biopsy or fine needle aspiration	BR
75890 Hepatic venography wedged or free, with hemodynamic evaluation; complete procedure	38.0	76020 Bone age studies	6.0
75892 Hepatic venography, wedged or free, without hemodynamic evaluation; complete procedure	34.0	76040 Bone length studies (orthoroentgenogram, scanogram)	10.0
75893 Venous sampling through catheter without angiography (e.g., for parathyroid hormone, renin)	5.0	((76060 Osseous survey has been expanded into 76061, 76062)))	
TRANSCATHETER THERAPY AND BIOPSY			
75895 Transcatheter therapy, embolization (e.g., particulate or liquid), including angiography; complete procedure	40.0	76061 ((Radiological)) <u>Radiologic examination, osseous survey; limited (e.g., for metastases)</u>	15.2
75897 Transcatheter therapy, infusion, including angiography; complete procedure	42.0	76062 complete (axial and appendicular skeleton)	BR
75898 Angiogram through existing catheter for follow-up study for transcatheter therapy, embolization or infusion	10.0	76065 Radiologic examination; osseous survey, infant . . .	13.2
75941 Percutaneous placement of IVC filter; complete procedure	BR	76066 Joint survey, single view, one or more joints (specify)	BR
75951 Transcatheter intravascular occlusion (e.g., balloon), temporary, including angiography; complete procedure	BR	76070 Computerized tomography, bone density study . . .	BR
75956 Transcatheter intravascular occlusion (e.g., balloon, coil or methacrylate), permanent, including angiography; complete procedure	BR	76081 Radiologic examination, fistula or sinus tract study; complete procedure	12.0
75961 Transcatheter retrieval, percutaneous, of fractured venous or arterial catheter	BR	76087 Mammary ductogram or galactogram, single duct; complete procedure	15.8
75963 Percutaneous transluminal angioplasty, any method, peripheral artery; complete procedure	BR	76089 Mammary ductogram or galactogram, multiple ducts; complete procedure	26.5
75965 Percutaneous transluminal angioplasty, any method, each additional peripheral artery; complete procedure	BR	76090 Mammography, unilateral	8.8
75967 Percutaneous transluminal angioplasty, any method, visceral artery; complete procedure	BR	76091 bilateral	13.2
75969 Percutaneous transluminal angioplasty, any method, each additional visceral artery; complete procedure	BR	(For xeromammography, list 76150 in addition to code for mammography)	
75971 Transcatheter biopsy; complete procedure	BR	76096 Localization of breast nodule or calcification; before operation, with marker and confirmation of its position with appropriate imaging (e.g., ultrasound or radiologic)	14.6
75979 Percutaneous transluminal angioplasty, venous (e.g., subclavian stenosis); complete procedure . . .	BR	76097 each additional localization	7.3
75981 Percutaneous transhepatic biliary drainage with contrast monitoring; complete procedure	BR	76098 Radiologic examination, breast surgical specimen	BR
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	76100 Radiologic examination, single plane body section, (e.g., tomography), other than ((kidney)) with <u>urography</u>	13.2
75985 Change of percutaneous drainage catheter with contrast monitoring (i.e., biliary tract, urinary	BR	76101 Radiologic examination, complex motion (i.e., hypercycloidal) body section (e.g., mastoid polytomography), other than ((kidney)) with <u>urography</u> ; unilateral	19.3
		76102 bilateral	35.0
		(For nephrotomography, see 74415)	
		76120 Cineradiography, except where specifically included	13.2

	Unit Value		Unit Value
76125 Cineradiography to complement routine examination	7.0	76511 indicated	BR
((76127 has been deleted. The use of photographic media is not reported separately but is considered to be a component of the basic procedure)		76512 Ophthalmic ultrasound, echography; A-mode ((spectral analysis)) with amplitude quantitation	22.9
((76130-76137 have been deleted. To report, use code for specific radiologic examination))		76513 contact B-scan	22.9
76150 Xeroradiography	6.0	76513 immersion (water bath) B-scan	22.9
((76300 has been deleted. For thermography of the breast, use 76499))		((76515 has been deleted. To report, use 76999))	
76350 Subtraction in conjunction with contrast studies . .	BR	76516 Ophthalmic biometry by ultrasound echography, A-mode	15.4
76355 Computerized tomography guidance for stereotactic localization	BR	((76517 has been deleted. To report, use 76999))	
76361 Computerized tomography guidance for needle biopsy; complete procedure	BR	76519 with intraocular lens power calculation	BR
76366 Computerized tomography guidance for cyst aspiration; complete procedure	BR	76529 Ophthalmic ultrasound foreign body localization	BR
76370 Computerized tomography guidance for placement of radiation therapy fields	BR	((76530 has been deleted. To report A-mode echography of thyroid, use 76999)	
76375 Computerized tomography, coronal, sagittal, multiplanar, ((and/or)) oblique and/or 3 dimensional reconstruction	23.5	((76535 has been deleted. To report, use 76536))	
76400 Magnetic resonance (e.g., proton) imaging, bone marrow blood supply	120.0	76536 Echography, soft tissues of head and neck (e.g., thyroid, parathyroid, parotid), B-scan and/or real time with image documentation	BR
76499 Unlisted diagnostic radiologic procedure	BR		
AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)			
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		
HEAD AND NECK			
((76500 Echoencephalography, A-mode, dicenecephalic midline	7.7	HEART	
((76505 has been deleted. To report complete A-mode echoencephalography, use 76999))		((76601 has been deleted. To report, use 76999))	
76506 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		76604 Echography, chest, B-scan (includes mediastinum) and/or real time with image documentation	11.4
		76620 Echocardiography, M-mode; complete	15.4
		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 ((and/or)) real time with image documentation (2D)	BR
		76632 Doppler echocardiography	BR
		(Procedure 76632 is often performed in combination with M-mode or 2-dimensional echocardiography)	
		((76640 has been deleted. To report A-mode echography of the breast, use 76999))	
		76645 Echography, breast(s) (unilateral or bilateral), B-scan and/or real time with image documentation	19.2
		ABDOMEN AND RETROPERITONEUM	
		76700 Echography, abdominal, B-scan and/or real time with image documentation; complete study	22.9
		76705 limited (e.g., single organ, quadrant, follow-up)	15.4
		76770 Echography, retroperitoneal (e.g., renal, aorta, nodes) B-scan and/or real time with image documentation; complete	22.9
		76775 limited	19.2
		PELVIS	
		76805 Echography, pregnant uterus, B-scan and/or real time with image documentation; complete	21.2
		76815 limited (fetal growth rate, heart beat, anomalies, placental location)	9.7
		76816 follow-up or repeat ((e.g., for follicles))	BR
		((75818))	
		76818 Fetal biophysical profile	BR
		76825 Echocardiography, fetal heart in utero	BR
		76855 Echography, pelvic area (Doppler)	11.4
		76856 Echography, pelvic (nonobstetric), B-scan and/or real time with image documentation; complete	BR
		76857 limited or follow-up (e.g., for follicles)	BR
		GENITALIA	
		76870 Echography, scrotum and contents	BR

	Unit Value	
EXTREMITIES		
76880		Echography, extremity, B-scan and/or real time with image documentation
VASCULAR STUDIES		
76925		Imaging, peripheral ((imaging)), (e.g., B-scan, Doppler or real-time scan)
76926		Imaging, head and trunk (e.g., Duplex Doppler)
ULTRASONIC GUIDANCE PROCEDURES		
76931		Ultrasonic guidance for pericardiocentesis; complete procedure
76935		Ultrasonic guidance for thoracentesis; complete procedure
76939		Ultrasonic guidance for cyst (any location) or renal pelvis aspiration; complete procedure
76943		Ultrasonic guidance for needle biopsy; complete procedure
((76945	BR))	Ultrasonic guidance for abscess or collection drainage; complete procedure
		(76945 has been deleted. See 75990)
76947		Ultrasonic guidance for amniocentesis; complete procedure
76949		Ultrasonic guidance for aspiration of ova; complete procedure
76950		Echography for placement of radiation therapy fields, B-scan
76960		Ultrasonic guidance for placement of radiation therapy fields, except for B-scan echography
MISCELLANEOUS		
76970		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))
76986		Echography, intraoperative
		((76990 has been deleted. To report, use 76999))
76991		Intraluminal ultrasound study (e.g., transrectal, ((transvesical)) transvaginal)
76999		Unlisted ultrasonic procedure

77799		Unlisted procedure, clinical brachytherapy
		(For treatment by injectable or ingestible isotopes, see subsection NUCLEAR MEDICINE)
	BR	CONSULTATION: CLINICAL MANAGEMENT
		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.
	BR	CLINICAL TREATMENT PLANNING
	BR	(EXTERNAL AND INTERNAL SOURCES)
	5.0	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.
	2.0	
	6.0	
	BR))	
	6.0	DEFINITIONS:
	BR	Simple—planning requiring single treatment area of interest encompassed in a single port or simple parallel opposed ports with simple blocking.
	17.1	
	14.3	Intermediate—planning requiring three or more converging ports, two separate treatment areas, special blocking, or special time dose constraints.
	10.0	Complex—planning requiring highly complex blocking, tangential ports, special wedges or compensators, three or more separate treatment areas, rotational or special beam considerations.
		((Procedures 77260, 77265, 77270, 77275 have been deleted. To report, use 77261-77263))
	BR	Bill procedure codes 77261-77299 only if a technical component has been performed.
	BR	

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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
77399		Unlisted procedure, medical radiation physics, dosimetry and treatment devices
77499		Unlisted procedure, therapeutic radiology clinical treatment management

	Unit Value	
77261		Therapeutic radiology treatment planning; simple
77262		intermediate
77263		complex
77280		Therapeutic radiology simulation-aided field setting (requiring simulator, with or without fluoroscopy); simple
	BR	
77285		intermediate
77290		complex
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 unmodified ports directed to a single area of interest)
	3.0	
77310		intermediate (three or more treatment ports directed to a single area of interest)
	4.0	

	Unit Value		Unit Value
77315		77430	6.0
complex (mantle or inverted Y, tangential ports, the use of wedges, compensators, complex rotational blocking or special beam considerations)	6.0	complex	
((Procedures 77320, 77325, 77330, 77335, 77340 have been deleted. To report, use 77300-77399 as appropriate))			
77321	BR	77465	2.0
Special teletherapy port plan, particles, hemi-body, total body		Daily kilovoltage treatment management	
77326	BR	77470	BR
Brachytherapy isodose calculation; simple (calculation made from single plane, one to four source/ribbon application)		Special treatment procedure (e.g., total body irradiation, hemibody irradiation, per oral, vaginal cone irradiation)	
77327	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)	
intermediate (multiplane dosage calculations, application involving five to ten sources/ribbons)		77499	BR
77328	BR	Unlisted procedure, therapeutic radiology clinical treatment management	
complex (multiplane isodose plan, volume implant calculations, over ten sources/ribbons used, special spatial reconstruction)		HYPERTHERMIA	
77331	BR	Hyperthermia treatments as listed in this section include external (superficial and deep) and interstitial. Radiation therapy when given concurrently is listed separately.	
Special dosimetry (e.g., TLD, microdosimetry) (specify)		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.	
77332	BR	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.	
Treatment devices, design and construction; simple (simple block, simple bolus)		The following descriptors are included in the treatment schedule:	
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.

	Unit Value
77400	2.0
Daily megavoltage treatment management; simple	
77405	3.0
intermediate	
77410	4.0
complex	
77415	3.0
Therapeutic radiology treatment port film interpretation and verification, per treatment course	
77420	4.0
Weekly megavoltage treatment management; simple	
77425	5.0
intermediate	

	Unit Value
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	

CLINICAL INTRACAVITARY HYPERTHERMIA
77620 Hyperthermia generated by intracavitary probe(s) **BR**

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))~~

Unit Value

77750	Infusion or instillation of radioelement solution . . .	12.5
(((Procedures 77755-77785 have been deleted. To report, use 77761-77799 as appropriate)))		
77761	Intracavitary radioelement application; simple . . .	BR
77762	intermediate	BR
77763	complex	BR
77776	Interstitial radioelement application; simple	BR
77777	intermediate	BR
77778	complex	BR
77789	Surface application of radioelement	24.75
77790	Supervision, handling, loading of radioelement	33.5
77799	Unlisted procedure, clinical brachytherapy	BR

(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)

(For T-4 thyroxine, neonatal, see 84437)

(For FT-4 thyroxine, fee, RIA (unbound T-4 only), see 84439)

~~(((78070 has been deleted. To report parathyroid imaging, use 78099)))~~

(For parathormone (parathyroid hormone), RIA, see 83970)

78070	Parathyroid imaging	BR
78075	Adrenal cortical imaging	BR

(For adrenal cortex antibodies, RIA, see 86681)

(For cortisol, RIA, plasma, see 82533)

(For cortisol, RIA, urine, see 82534)

(For aldosterone, double isotope technique, see 82087)

(For aldosterone, RIA, blood, see 82088)

(For aldosterone, RIA, urine, see 82089)

(For 17-ketosteroids, RIA, see 83588)

(For 17-OH ketosteroids, RIA, see 83599)

(For 17-hydroxycorticosteroids, RIA, see 83491)

(For insulin, RIA, see 83525)

(For insulin antibodies, RIA, see 86337)

(For insulin factor antibodies, RIA, see 86338)

(For proinsulin, RIA, see 84206)

(For glucagon, RIA, see 82943)

(For adrenocorticotrophic hormone (ACTH), RIA, see 82024)

(For human growth hormone (HGH), (somatotropin), RIA, see 83003)

(For human growth antibody, RIA, see 86277)

(For thyroglobulin antibody, RIA, see 86800)

(For thyroid microsomal antibody, RIA, see 86376)

(For thyroid stimulating hormone (TSH), RIA, see 84443)

(For thyrotropin releasing factor, RIA, see 84444)

(For plus long-acting thyroid stimulator (LATS), see 84445)

(For follicle stimulating hormone (FSH component of pituitary gonadotropin), RIA, see 83001)

(For luteinizing hormone (LH component of pituitary gonadotropin), (ICSH), RIA, see 83002)

(For luteinizing releasing factor (LRH), RIA, see 83727)

(For prolactin level (mammotropin), RIA, see 84146)

(For oxytocin level, (oxytocinase), RIA, see 83949)

(For vasopressin level (antidiuretic hormone), RIA, see 84588)

~~(((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))~~

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

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	Thyroid uptake, single determination	6.0
78001	multiple determinations	8.0
78003	stimulation suppression or discharge (not including initial uptake studies)	9.0
78006	Thyroid imaging, with uptake; single determination	16.0
78007	multiple determinations	18.0
78010	Thyroid imaging; only	10.0
78011	with vascular flow	BR
78015	Thyroid carcinoma metastases imaging; limited area (e.g., neck and chest only)	20.0
78016	with additional studies (e.g., urinary recovery)	25.0
78017	multiple areas	BR
78018	whole body	BR
(For triiodothyronine (true TT-3), RIA, see 84480)		
(For calcitonin, RIA, see 82308)		

	Unit Value		Unit Value
(For estradiol, RIA, see 82670)		(If combined with liver study, use procedures 78215 and 78216)	
(For progesterone, RIA, see 84144)		78186 with vascular flow	25.0
(For testosterone, blood, RIA, see 84403)		78191 Platelet survival	BR
(For testosterone, urine, RIA, see 84405)		78192 White cell localization; limited area scanning	BR
(For etiocholanolone, RIA, see 82696)		78193 whole body	BR
78099 Unlisted endocrine procedure, diagnostic nuclear medicine	BR	78195 Lymphatics and lymph glands imaging	BR
(For chemical analysis, RIA tests, see Chemistry and Toxicology section)		78199 Unlisted hematopoietic, reticuloendothelial and lymphatic procedure, diagnostic nuclear medicine	BR
HEMATOPOIETIC, RETICULOENDOTHELIAL AND LYMPHATIC SYSTEM		(For chemical analysis, RIA tests, see Chemistry and Toxicology section)	
78102 Bone marrow imaging; limited area	BR	GASTROINTESTINAL SYSTEM	
78103 multiple areas	BR	78201 Liver imaging; static only	20.0
78104 whole body	BR	78202 with vascular flow	25.0
78110 Blood or plasma volume, radionuclide-dilution technique; (separate procedure) single sampling ..	8.0	78205 Liver imaging (SPECT)	<u>BR</u>
78111 multiple samplings	BR	(For spleen imaging only, use 78185 and 78186)	
(For dye method, see 84605, 84610)		78215 Liver and spleen imaging; static only	25.0
78120 Red cell volume determination (separate procedure) single sampling	12.0	78216 with vascular flow	30.0
78121 multiple samplings	BR	78220 Liver function study with hepatobiliary agents; with serial images	20.0
78122 Whole blood volume determination including separate measurement of plasma volume and red cell volume (radionuclide volume-dilution technique) .	8.0	((78221 has been deleted. To report liver function study with probe technique, use 78299))	
(For dye method, see 84610)		78223 Hepatobiliary ductal system imaging, including gallbladder	BR
78130 Red cell survival study	20.0	78225 Liver-lung imaging (e.g., subphrenic abscess) ...	BR
78135 with splenic and/or hepatic sequestration	30.0	78230 Salivary gland imaging	14.0
78140 Red cell splenic and/or hepatic sequestration ...	20.0	78231 with serial images	16.0
78160 Plasma radioiron disappearance (turnover) rate ..	16.0	78232 Salivary gland function study	BR
78162 Radioiron oral absorption	BR	((78240 has been deleted. To report pancreas imaging, use 78299))	
78170 Radioiron red cell utilization	24.0	78258 Esophageal motility	BR
78172 Chelatable iron for estimation of total body iron .	BR	78261 Gastric mucosa imaging	BR
(78180 has been deleted. To report radioiron body distribution and storage pools, use 78199)		78262 Gastroesophageal reflux study	BR
(For hemosiderin, RIA, see 83071)		78264 Gastric emptying study	BR
(For intrinsic factor antibodies, RIA, see 86340)		78270 Vitamin B-12 absorption studies (e.g., Schilling test); without intrinsic factor (e.g., Schilling test)	10.0
(For cyanocobalamin (vitamin B-12), RIA, see 82607)		78271 with intrinsic factor (e.g., Schilling test)	20.0
(For folic acid (folate) serum, RIA, see 82746)		78272 Vitamin B-12 absorption studies combined, with and without intrinsic factor	25.0
(For human hepatitis antigen, hepatitis associated agent (Australian antigen) (HAA), RIA, see 86287)		78276 Gastrointestinal aspirate blood loss localization ..	BR
(For hepatitis A antibody (HAAb), RIA, see 86296)		78278 Acute gastrointestinal blood loss imaging	BR
(For hepatitis A virus antibody (HAVAb), see 86297)		78280 Gastrointestinal blood loss study	16.0
(For hepatitis B core antigen (HB _c Ag), RIA, see 86288)		78282 Gastrointestinal protein loss	12.0
(For hepatitis B core antibody (HB _c Ab), RIA, see 86289)		((78285, 78286 have been deleted. To report gastrointestinal fat or fatty acid absorption studies, use 78299))	
(For hepatitis B surface antigen (HB _s Ag), RIA, see 86287)		(For gastrin, RIA, see 82941)	
(For hepatitis B surface antibody (HB _s Ab), RIA, see 86291)		(For intrinsic factor level, see 83528)	
(For hepatitis Be antigen (HB _e Ag), RIA, see 86293)		(For carcinoembryonic antigen level (CEA), RIA, see 86151)	
(For hepatitis Be antibody (HB _e Ab), RIA, see 86295)		78290 Bowel imaging (e.g., ectopic gastric mucosa, Meckel's localization, volvulus)	20.0
78185 Spleen imaging only	20.0	78291 Peritoneal-venous shunt patency test (e.g., for LeVeen shunt)	BR
		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

	Unit Value		Unit Value
78305 multiple areas	40.0	78457 Venous thrombosis imaging (e.g., venogram); uni-lateral	BR
78306 whole body	48.2	78458 bilateral	BR
78310 vascular flow only	BR	78460 Myocardial imaging; resting only, quantitative, or qualitative	BR
78315 by three phase technique	BR	78461 exercise and redistribution, qualitative or quantitative, with or without pharmacological intervention	BR
78320 tomographic (SPECT)	BR	78462 quantitative, at rest only	BR
78350 Bone density (bone mineral content) study; single photon absorptionmetry	BR	78463 quantitative, at rest plus exercise and/or pharmacological intervention	BR
78351 dual photon absorptionmetry	BR	78464 tomographic (SPECT), at rest only, qualitative or quantitative	BR
78380 Joint imaging; limited area	BR	78465 tomographic (SPECT) with exercise and redistribution, qualitative or quantitative, with or without pharmacological intervention	BR
78381 multiple areas	BR	78466 Myocardial imaging, infarct avid, at rest; qualitative	BR
78399 Unlisted musculoskeletal procedure, diagnostic nuclear medicine	BR	78467 quantitative	BR
CARDIOVASCULAR SYSTEM			
(78401 ((has))-78412 have been deleted. To report, see ((78402-78415)) 78471-78489)			
((78402 Cardiac blood pool imaging with vascular flow assessment (sequential imaging with or without time activity curve evaluation)	25-0	78468 with first pass technique	BR
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	78469 with emission computed tomography	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	78470 Cardiac output	BR
78407 with determination of ventricular volume (specify right, left, or both)	BR	78471 Cardiac blood pool imaging, gated equilibrium, at rest, wall motion study plus ejection fraction	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	78472 Cardiac blood pool imaging, gated equilibrium, at rest, wall motion study plus regional ejection fraction	BR
78412 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	78474 quantitative wall motion study plus ejection fraction plus ventricular volume determination	BR
(78413 has been deleted. To report, use 78411)			
(78405, 78406 Myocardium imaging has been deleted. To report, use 78418-78424))			
78414 Determination of ventricular ejection fraction with probe technique	BR	78475 quantitative wall motion study, with exercise and/or pharmacological intervention	BR
78415 Cardiac blood pool imaging, functional imaging (e.g., phase and amplitude analysis)	BR	78476 quantitative wall motion study plus ejection fraction, with exercise and/or pharmacological intervention	BR
((78418 Myocardium imaging, regional myocardial perfusion at rest	BR	78477 quantitative wall motion study plus ejection fraction plus ventricular volume determination, with exercise and/or pharmacological intervention	BR
78419 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	78479 serial studies, any combination	BR
78420 Myocardium imaging, with quantitative evaluation (e.g., pharmacokinetic temporal assessment):	BR	78481 Cardiac blood pool imaging, first pass technique, at rest; wall motion study with ejection fraction	BR
78422 for evaluation of infarction (infarct avid imaging)	BR	78484 quantitative wall motion study plus ejection fraction plus ventricular volume determination	BR
78424 regional myocardial perfusion (redistribution resting or postexercise study)	BR))	78485 quantitative wall motion study, with exercise and/or pharmacological intervention	BR
(78418-78424 have been deleted. See 78460-78469)			
78425 Cardiac regurgitant index	BR	78486 quantitative wall motion study plus ejection fraction, with exercise and/or pharmacological intervention	BR
78428 Cardiac shunt detection	BR	78487 quantitative wall motion study plus ejection fraction plus ventricular volume determination, with exercise and/or pharmacological intervention	BR
78435 Cardiac flow imaging (i.e., angiocardigraphy)	BR	78489 serial studies, any combination	BR
78445 Vascular flow imaging (i.e., angiography, venography)	BR	((78490 has been deleted. To report tissue clearance studies, use 78499))	
78455 Venous thrombosis study (e.g., radioactive fibrinogen)	BR	(For digoxin, RIA, see 82643)	
		(For digitoxin (digitalis), RIA, see 82640)	
		(For cerebral blood flow study, see 78615)	
		78499 Unlisted cardiovascular procedure, diagnostic nuclear medicine	BR
		(For chemical analysis, RIA tests, see Chemistry and Toxicology section)	
RESPIRATORY SYSTEM			
		78580 Pulmonary perfusion imaging; particulate	26.0
		78581 gaseous	BR
		78582 gaseous, with ventilation, rebreathing and washout	BR
		78584 Pulmonary perfusion imaging, particulate, with ventilation; single breath	BR
		78585 rebreathing and washout, with or without single breath	1.6

	Unit Value		Unit Value
78586 Pulmonary ventilation imaging, aerosol; single projection	BR	(For lactogen, human placental (HPL) chorionic somatomammotropin, RIA, see 83632)	
78587 multiple projections (e.g., anterior, posterior, lateral views)	BR	((For chorionic gonadotropin, RIA, see 82998))	
78591 Pulmonary ventilation imaging, gaseous, single breath, single projection	BR	(For chorionic gonadotropin beta subunit, RIA, see ((8470+)) 84702, 84703)	
78593 Pulmonary ventilation imaging, gaseous, with rebreathing and washout with or without single breath; single projection	22.0	(For pregnanediol, RIA, see 84135)	
78594 multiple projections (e.g., anterior, posterior, lateral views)	BR	(For pregnanetriol, RIA, see 84138)	
78599 Unlisted respiratory procedure, diagnostic nuclear medicine	BR	78799 Unlisted genitourinary procedure, diagnostic nuclear medicine	BR
NERVOUS SYSTEM		(For chemical analysis, RIA tests, see Chemistry and Toxicology section)	
78600 Brain imaging, limited procedure	26.0		
78601 with vascular flow	31.0		
78605 Brain imaging, complete study	30.0		
78606 with vascular flow	35.0		
78607 <u>tomographic (ECT)</u>	<u>BR</u>		
78610 Brain imaging, vascular flow only	10.0		
78615 Cerebral blood flow((; inert radionuclide gas washout))	BR	78800 ((Tumor)) <u>Radionuclide localization of tumor; limited area</u>	BR
78630 Cerebrospinal fluid flow, imaging (not including introduction of material); cisternography	35.0	(For specific organ, see appropriate heading)	
78635 ventriculography	35.0	(For eye tumor identification, see 78655)	
((78640 myelography	BR		
<u>(78640 has been deleted. Use 78699)</u>			
78645 shunt evaluation	35.0	78801 multiple areas	BR
78650 CSF leakage detection and localization	32.0	78802 whole body	BR
<u>78652 tomographic (ECT)</u>	<u>BR</u>	<u>78803 Tumor localization (SPECT)</u>	<u>BR</u>
(For myelin basic protein, CSF, RIA, see 83873)		<u>78805 Abscess localization; limited area</u>	<u>BR</u>
78655 Eye tumor identification	BR	78806 whole body	BR
78660 Dacryocystography (lacrimal flow study)	BR	(For imaging bone infectious inflammatory disease, see 78300-78381)	
78699 Unlisted nervous system procedure, diagnostic nuclear medicine	BR	(For Rast, see 86421, 86422)	
GENITOURINARY SYSTEM		(For gamma-E immunoglobulin, RIA, see 82785)	
78700 Kidney imaging; only	18.0	(For gamma-G immunoglobulin, see 82784)	
78701 with vascular flow	20.0	(For alpha-1 antitrypsin, RIA, see 86064)	
78704 with function study (i.e., imaging renogram)	23.0	(For alpha-1 fetoprotein, RIA, see 86244)	
78707 with vascular flow and function study	30.0	(For antinuclear antibodies, RIA, see 86038)	
<u>78710 Kidney imaging (SPECT)</u>	<u>BR</u>	(For lactic dehydrogenase, RIA, see 83610)	
78715 Kidney vascular flow only	BR	(For amikacin, see 82112)	
78725 Kidney function study only	BR	(For aminophylline, see 82137)	
78726 with pharmacological intervention	BR	(For amitriptyline, see 82138)	
(For renin (angiotensin I), RIA, see 84244)		(For amphetamine, chemical quantitative, see 82145)	
(For angiotensin II, RIA, see 82163)		(For chlordiazepoxide, see 82420, 82425)	
(For beta-2 microglobulin, RIA, see 82231, 82232)		(For chlorpromazine, see phenothiazine, urine, 84021, 84022)	
78727 Kidney transplant evaluation	BR	(For clonazepam, see ((825+0)) 82512)	
78730 Urinary bladder residual study	BR	(For cocaine, quantitative, see 82520)	
78740 Ureteral reflux study (radionuclide voiding cystogram)	BR	(For diazepam, see 82636)	
(For estradiol, RIA, see 82670)		(For dihydromorphinone, quantitative, see 82649)	
(For estriol, RIA, see 82677)		(For phenytoin (diphenylhydantoin), see 84045)	
(For progesterone, RIA, see 84144)		(For flucytosine, see 82741)	
(For prostatic acid phosphatase, RIA, see 84066)		(For gentamicin, see 84695)	
78760 Testicular imaging	BR	(For lysergic acid diethylamide (LSD), RIA, see 83728)	
78761 with vascular flow	BR	(For morphine (Heroin), RIA, see 83862)	
(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))			

		Unit Value
	(For phencyclidine (PCP), see 83992)	
	(For phenobarbital, see barbiturates, 82205, 82210)	
	(For tobramycin, see ((84840) 84810)	
	(For kanamycin, see 83578)	
78890	Generation of automated data: Interactive process involving nuclear physician and/or allied health professional personnel; simple manipulations and interpretation, not to exceed 30 minutes	BR
78891	complex manipulations and interpretation, exceeding 30 minutes	BR
	(use 78890 or 78891 in addition to primary procedure)	
((78895	Bedside unit required	BR))
	(use 78895 in addition to primary procedure)	
78990	Provision of diagnostic radionuclide(s)	12.0
78999	Unlisted miscellaneous procedure, diagnostic nuclear medicine	BR

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

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.)) By report: "BR" in the unit value column indicates that the value of the service is to be determined by report (BR) because the service is too unusual, variable, or new to be assigned a unit value. The report should provide an adequate definition or description of the services or procedure as discussed in WAC

296-23A-315. Whenever possible, list the nearest similar procedure code according to this schedule. The department or self-insurer may adjust BR procedures when such action is indicated.

It is appropriate to designate separate or multiple procedures that are rendered on the same date by separate entries.

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

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~~) 80021. 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
80018 17-18 clinical chemistry tests	69.6
80019 19-24 clinical chemistry tests	72.4
80020 25-30 clinical chemistry tests	75.2

		Unit Value
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)) body fluids and/or ((urine)) excreta; 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
80042	Serum antimicrobial level, bioassay method	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	BR
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
80073	Renal panel	BR
80075	Parathyroid panel	BR
80080	Prostatic panel	BR
80082	Pancreatic panel	BR
80084	Pituitary panel	BR
80085	Microcytic anemia panel	BR
80086	Macrocytic anemia panel	BR
80089	Muscle panel	BR
80090	Antibody panel (e.g., TORCH: Toxoplasma IFA, rubella HI, cytomegalovirus CF, herpes virus CF)	BR
80099	Unlisted panel	BR

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

WAC 296-23A-330 URINALYSIS.

(For specific analyses, see appropriate section)

		Unit Value
81000	Urinalysis; routine (pH, specific gravity, protein, tests for reducing substances as glucose), with microscopy	12.0
81002	routine, without microscopy	8.0
81004	components, single, not otherwise listed, specify	5.0
81005	chemical, qualitative, any number of constituents	8.0
(((81006 urine volume measurement has been deleted. To report, use 81099)))		
81010	concentration and dilution test	14.0
81011	water deprivation test	BR
81012	water deprivation test with vasopressin response	BR
81015	microscopic only	10.0
81020	two or three glass test	10.0
81030	Quantitative sediment analysis and quantitative protein (Addis count)	40.0
81099	Unlisted urinalysis procedure	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

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.

		Unit Value
82000	Acetaldehyde, blood	40.0
82003	Acetaminophen, urine	40.0
(Acetic anhydride, see volatiles, 84600)		
82005	Acetoacetic acid	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.,	

	Unit Value		Unit Value
Esbach)	20.0	(Antimony, screen, see 83015)	
(For albumin/globulin ratio, albumin/globulin ratio by electrophoretic method, see 84155-84200)		(Antitrypsin, alpha-1-, see 86329)	
82055 Alcohol (ethanol), blood; chemical	30.0	82172 Apolipoprotein	BR
82060 by gas-liquid chromatography	40.0	82173 Arginine tolerance test	BR
82065 Alcohol (ethanol), urine; chemical	30.0	82175 Arsenic, blood, urine, gastric contents, hair or nails, quantitative	80.0
82070 by gas-liquid chromatography	40.0	(For heavy metal screening, see 83015)	
82072 Alcohol (ethanol) gelation	30.0	82180 Ascorbic acid (Vitamin C), blood	40.0
82075 Alcohol (ethanol), breath	60.0	(Aspirin, see acetylsalicylic acid, 82011, 82012)	
82076 Alcohol; isopropyl	60.0	(Atherogenic index, blood, ultracentrifugation, quantita- tive, see 83717)	
82078 methyl	60.0	82205 Barbiturates; quantitative	60.0
82085 Aldolase, blood; kinetic ultraviolet method	26.0	82210 quantitative and identification	80.0
82086 colorimetric	20.0	(For qualitative screen, see 82486, 82660, 82755, 84231)	
82087 Aldosterone; double isotope technique	120.0	82225 Barium	BR
82088 RIA blood	100.0	(Bence-Jones protein, 84185)	
82089 RIA urine	100.0	82230 Beryllium, urine	80.0
82091 saline infusion test	BR	(Beta-glucosidase, see 82963)	
(Alkaline phosphatase, see 84075-84080)		82231 Beta-2 microglobulin, RIA; urine	BR
82095 Alkaloids, tissue; screening	80.0	82232 serum	BR
82096 quantitative	120.0	82235 Bicarbonate excretion, urine	BR
82100 Alkaloids, urine, screening	80.0	82236 Bicarbonate loading test	BR
82101 quantitative	120.0	(Bicarbonate, see 82374)	
(See also 82486, 82600, 82662, 82755, 84231)		82240 Bile acids, blood, fractionated	120.0
(Alpha amino acid nitrogen, see 82126)		82245 Bile pigments, urine	8.0
(Alpha-hydroxybutyric (HBD) dehydrogenase, see 83485, 83486)		82250 Bilirubin; blood, total or direct	24.0
(Alphaketoglutarate, see 83584)		82251 blood, total and direct	30.0
(Alpha tocopherol (Vitamin E), see 84446)		82252 feces, qualitative	BR
82108 Aluminum, blood (serum)	BR	82260 urine, quantitative	12.0
82112 Amikacin	BR	82265 amniotic fluid, quantitative	30.0
(Amikacin serum radioimmunoassay, see 80040)		82268 Bismuth	80.0
82126 amino acid nitrogen, alpha	50.0	82270 Blood; occult, feces, screening	8.0
82128 Amino acids, qualitative	40.0	82273 duodenal, gastric contents, qualitative	BR
82130 Amino acids, urine or plasma, chromatographic fractionation and quantitation, <u>one or more</u>	180.0	(Blood urea nitrogen (BUN), see 84520-84525, 84545)	
82134 Aminohippurate, para (PAH)	30.0	(Blood volume, see 84605-84610, 78110, 78111)	
82135 Aminolevulinic acid, delta (ALA)	50.0	82280 Boric acid; blood	100.0
82137 Aminophylline	60.0	82285 urine	100.0
82138 Amitriptyline	60.0	82286 Bradykinin	BR
82140 Ammonia; blood	40.0	82290 Bromides; blood	24.0
82141 urine	40.0	82291 urine	40.0
82142 Ammonium chloride loading test	40.0	82300 Cadmium, urine	100.0
82143 Amniotic fluid scan (spectrophotometric)	50.0	82305 Caffeine	60.0
(For L/S ratio, see 83661)		82306 Calcifediol (25-OH Vitamin D-3), chromato- graphic technique	BR
(Amobarbital, see 82205-82210)		82307 Calciferol (Vitamin D), RIA	BR
82145 Amphetamine or methamphetamine, chemical, quantitative	80.0	(For 1, 25-Dihydroxyvitamin D, use 82652)	
82150 Amylase, serum	30.0	82308 Calcitonin, RIA	80.0
((82155 isoenzymes electrophoretic	BR))	82310 Calcium, blood; chemical	22.0
(82155 has been deleted)		82315 fluorometric	22.0
82156 Amylase, urine (diastase)	30.0	82320 emission flame photometry	22.0
82157 Androstenedione RIA	80.0	82325 atomic absorption flame photometry	24.0
82159 Androsterone	50.0	82330 fractionated, diffusible	60.0
82160 RIA	50.0	82331 after calcium infusion test	24.0
(See also 83593-83596)		82335 Calcium, urine; qualitative (Sulkowitch)	11.0
(Angiotensin I, see renin, 84244)		82340 quantitative, timed specimen	32.0
82163 Angiotensin II, RIA	BR	((82345 Calcium, feces, quantitative, timed specimen	80.0))
82164 Angiotensin-converting enzyme	BR	(82345 has been deleted)	
82165 Aniline	BR	82355 Calculus (stone), qualitative; chemical	40.0
(Antidiuretic hormone, RIA, see 84588)		82360 Calculus (stone), quantitative; chemical	60.0
82168 Antihistamines	BR	82365 infrared spectroscopy	60.0
82170 Antimony, urine	80.0	82370 X-ray diffraction	50.0

	Unit Value		Unit Value
(Carbamates, see individual listings)		(Complement, see ((86159-86162)) 86154-86158)	
82372 Carbamazepine, serum	BR	(Compound S, see 82634)	
82374 Carbon dioxide, combining power or content	10.0	82525 Copper; blood	60.0
(See also 82801-82803, 82817)		82526 urine	60.0
82375 Carbon monoxide, (carboxyhemoglobin); quantitative	48.0	(Coprobilinogen, feces, ((84575)) 84577)	
82376 qualitative	48.0	(Coproporphyrins, see 84118-84121)	
(Carbon tetrachloride, see 84600)		(Corticosteroids, see ((83492)) 83491-83496)	
(Carboxyhemoglobin, see 82375, 82376)		82528 Corticosterone, RIA	BR
82380 Carotene, blood	40.0	(See also 83593-83597)	
(Carotene plus Vitamin A, see 84595)		82529 Cortisol; fluorometric, plasma	36.0
82382 Catecholamines (dopamine, norepinephrine, epinephrine); total urine	BR	82531 CPB, plasma	75.0
82383 blood	BR	82532 CPB, urine	75.0
82384 fractionated	BR	82533 RIA, plasma	90.0
(For urine metabolites, see 83835, 84585)		82534 RIA, urine	90.0
82390 Ceruloplasmin, chemical (copper oxidase), blood	40.0	82536 after adrenocorticotrophic hormone (ACTH) administration	BR
(For gel diffusion technique, see 86331; immunodiffusion technique, see 86329)		82537 48 hours after continuous ACTH infusion	BR
82400 Chloral hydrate; blood	60.0	82538 after metyrapone tartrate administration	BR
82405 urine	40.0	82539 dexamethasone suppression test, plasma and/or urine	BR
82415 Chloramphenicol; blood	40.0	82540 Creatine; blood	24.0
82418 Chlorazepate dipotassium	40.0	82545 urine	40.0
82420 Chlordiazepoxide; blood	60.0	82546 Creatine and creatinine	50.0
82425 urine	60.0	82550 Creatine phosphokinase (CPK), blood; timed kinetic ultraviolet method	26.0
82435 Chlorides; blood (specify chemical or electrometric)	20.0	82552 isoenzymes	30.0
82436 urine (specify chemical, electrometric or Fantus test)	20.0	82555 colorimetric	20.0
82437 sweat (without iontophoresis)	20.0	82565 Creatinine; blood	20.0
82438 spinal fluid	20.0	82570 urine	20.0
82441 Chlorinated hydrocarbons, screen	20.0	82575 clearance	40.0
82443 Chlorothiazide-hydrochlorothiazide	60.0	82585 Cryofibrinogen, blood	40.0
(Chlorpromazine, see 84021, 84022)		82595 Cryoglobulin, blood	40.0
82465 Cholesterol, serum; total	22.0	(Crystals, pyrophosphate vs. urate, see 84208)	
82470 total and esters	30.0	82600 Cyanide; blood	80.0
82480 Cholinesterase; serum	40.0	82601 tissue	80.0
82482 RBC	60.0	82606 Cyanocobalamin (Vitamin B-12); bioassay	70.0
82484 serum and RBC	80.0	82607 RIA	45.0
82485 Chondroitin B sulfate, quantitative	BR	82608 unsaturated binding capacity	60.0
(Chorionic gonadotropin, see gonadotropin, ((82996-83002)) 84702, 84703)		(Cyclic AMP, see 82030)	
82486 Chromatography; gas-liquid, compound and method not elsewhere specified	BR	(Cyclic GMP, see 83008)	
82487 paper, 1-dimensional, compound and method not elsewhere specified	BR	(Cyclosporine, see 83003)	
82488 paper, 2-dimensional, not elsewhere specified	BR	82614 Cystine, blood, qualitative	BR
82489 thin layer, not elsewhere specified	BR	82615 Cystine and homocystine, urine; qualitative	30.0
((82490 Chromium; blood) 100.0)		82620 quantitative	40.0
<u>(82490 has been deleted)</u>		82624 Cystine aminopeptidase	BR
82495 urine	100.0	(D hemoglobin, see 83053)	
((82505 Chymotrypsin, duodenal contents) 30.0)		(Delta-aminolevulinic acid (ALA), see 82135)	
<u>(82505 has been deleted)</u>		82626 Dehydroepiandrosterone (DHEA), RIA	BR
82507 Citrate	80.0	(See also 83593)	
82512 Clonazepam	BR	(Deoxycortisol, 11-(compound S), RIA, see 82634)	
82520 Cocaine, quantitative	60.0	82628 Desipramine	BR
(Cocaine, screen, see 82486-82489, 82660, 82662, 82755, 84231)		82633 Desoxycorticosterone, 11-RIA	BR
(Codeine, screen, see 82486-82489, 82660, 82662, 82755, 84231)		82634 Desoxycortisol, 11-(compound S), RIA	80.0
(Codeine, quantitative, see 82096, 82101)		(see also 83492)	
		(Dexamethasone suppression test, see 82539)	
		82635 Diacetic acid	18.0
		(Diastase, urine, see 82156)	
		82636 Diazepam	50.0
		82638 Dibucaine number	34.0
		82639 Dicumarol	BR

	Unit Value		Unit Value
(Dichloroethane, see 84600)		82727 Ferric chloride, urine	BR
(Dichloromethane, see 84600)		82728 Ferritin, specify method (e.g., RIA, immunoradio- metric assay)	BR
(Diethylether, see 84600)		(Fetal hemoglobin, see hemoglobin ((83020)) <u>83030</u> , 83033, and 85460)	
82640 Digitoxin (digitalis); blood, RIA	BR	(Fetoprotein, alpha-1, see 86329)	
82641 urine	BR	82730 Fibrinogen, quantitative	21.0
82643 Digoxin, RIA	36.0	(See also 85371, 85377)	
82646 Dihydrocodinone	BR	82735 Fluoride; blood	100.0
(Dihydrocodinone screen, see 82486-82489, 82662, 82755, 84231)		82740 urine	100.0
82649 Dihydromorphinone, quantitative	75.0	82741 Flucytosine (5-fluorocytosine)	BR
(Dihydromorphinone screen, see 82486(;-)-82489, 82662, 82755, 84231)		82742 Flurazepam	BR
82651 Dihydrotestosterone (DHT)	BR	82745 Folic acid (folate), blood; bioassay	BR
82652 Dihydroxyvitamin D, 1, 25-	BR	82746 RIA	45.0
82654 Dimethadione	BR	(Follicle stimulating hormones (FSH), see 83000, 83001)	
(Diphenylhydantoin, see 84045)		82750 Formiminoglutamic acid (FIGLU), urine	100.0
(Dopamine, see 82382-82384)		82755 Free radical assay technique for drugs (FRAT) ...	BR
82656 Doxepin	BR	82756 Free thyroxine index (T-7)	BR
82660 Drug screen (amphetamines, barbiturates, alka- loids)	65.0	82757 Fructose, semen	BR
(See also 82486-82489, 82662, 82755, 84231)		(Fructose, TLC screen, see 84375)	
(Duodenal contents, see individual enzymes; for intubation and collection, see 89100)		(Furosemide test, see 84246)	
(Endocrine receptor assays, see 84233-84235)		82759 Galactokinase, RBC	BR
82662 ((Enzyme)) Immunoassay technique for drugs(; EMIT)	30.0	82760 Galactose; blood	40.0
(For enzyme immunoassay for bacteria, use 86227)		82763 tolerance test	75.0
82664 Electrophoretic technique, not elsewhere specified .	45.0	82765 urine	40.0
82666 Epiandrosterone	BR	(For TLC screen, see 84375)	
(See also 83593((-83596)))		82775 Galactose-1-phosphate uridyl transferase; quanti- tative	60.0
(Epinephrine, see 82382-82384)		82776 screen	18.0
82668 Erythropoietin, bioassay	BR	82780 Gallium	BR
(For HI method, see 86280)		82784 Gammaglobulin, A, D, G, M nephelometric, each .	12.0
82670 Estradiol, RIA (placental)	90.0	82785 Gammaglobulin, E, (e.g., RIA, EIA)	75.0
82671 Estrogens; fractionated	85.0	82786 Gammaglobulin, salt precipitation method	21.0
82672 total	60.0	(Gammaglobulin by gel (immuno) diffusion, see 86329)	
82673 Estriol; fluorometric	54.0	(Gamma-glutamyl transpeptidase (GGT), see 82977)	
82674 GLC	45.0	82790 Gases, blood, oxygen saturation; by calculation from pO ₂	40.0
82676 Chemical	75.0	82791 by manometry	40.0
82677 RIA	105.0	82792 by oximetry	20.0
(Estrogen receptor assay, see 84233)		82793 by spectrophotometry	40.0
82678 Estrone; chemical	75.0	82795 by calculation from pCO ₂	6.0
82679 RIA	90.0	82800 Gases, blood; pH, only	20.0
(Ethanol, see 82055-82075)		82801 pCO ₂	24.0
82690 Ethchlorvynol; blood	60.0	82802 pH, pCO ₂ by electrode	42.0
82691 urine	60.0	82803 pH, pCO ₂ , pO ₂ simultaneous	54.0
82692 Ethosuximide	BR	82804 pO ₂ by electrode	40.0
(Ethyl alcohol, see 82055-82075)		82812 pO ₂ by manometry	24.0
82694 Etiocholanolone	BR	82817 pH, pCO ₂ by tonometry	24.0
(See also 83593((-83596)))		82926 Gastric acid, free and total; single specimen	11.2
(Evans Blue, see blood volume, 84605-84610)		82927 each additional specimen	9.0
82696 Etiocholanolone, RIA	50.0	82928 Gastric acid, free or total; single specimen	9.0
82705 Fat or lipids, feces; screening	10.0	82929 each additional specimen	7.5
82710 quantitative, 24 or 72 hour specimen	100.0	82931 Gastric acid, pH titration; single specimen	24.0
82715 Fat differential, feces, quantitative	BR	82932 each additional specimen	18.0
82720 Fatty acids, blood; esterified	40.0	((82939 has been deleted. If necessary to report use 84999))	
82725 nonesterified	40.0	(Gastric analysis, with stimulation, see 89140, 89141, 91052)	
		(Gastric analysis, pepsin, see 83974)	
		(For gastric intubation, see 89130, 74340)	
		82938 Gastrin (serum) after secretin stimulation (e.g., for gastrinoma, Zollinger-Ellison syndrome)	BR
		82941 Gastrin, RIA	48.0

	Unit Value		Unit Value
(Gentamicin, see 84695)		83012 phenotypes, electrophoresis	60.0
(GGT, see 82977)		83015 Heavy metal screen (arsenic, bismuth, mercury, antimony); chemical (e.g., Reinsch, Gutzeit)	30.0 BR
(Gentamicin serum radioimmunoassay, see 80040)		83018 chromatography, DEAE column	BR
(GLC, gas liquid chromatography, see 82486)		83020 Hemoglobin; electrophoresis (includes A ₂ , S, C, etc.)	80.0
82942 Globulin, serum	10.5	(Hemoglobin, carboxyhemoglobin (CO), see 82375, 82376; colorimetric, see 85018, 85031)	
(See also 82784, 82786, 84155-84200, 86329)		83030 F (fetal), chemical	40.0
82943 Glucagon, RIA	BR	83033 F (fetal), qualitative (APT) test, fecal	56.0
82944 Glucosamine	6.0	83036 glycosylated (Alc)	60.0
82946 Glucagon tolerance test	BR	83040 methemoglobin, electrophoretic separation	80.0
82947 Glucose; except urine (e.g., blood, spinal fluid, joint fluid)	10.5	83045 methemoglobin, qualitative	20.0
82948 blood, stick test	8.2	83050 methemoglobin, quantitative	40.0
82949 fermentation	22.5	83051 plasma	40.0
82950 post glucose dose (includes glucose)	13.5	83052 sickle, turbidimetric	34.0
82951 tolerance test (GTT), three specimens (includes glucose)	37.5	83053 solubility, S-D, etc.	40.0
82952 tolerance test, each additional beyond three specimens	10.5	83055 sulfhemoglobin, qualitative	20.0
(For intravenous glucose tolerance test, see 82961)		83060 sulfhemoglobin, quantitative	40.0
82953 tolbutamide tolerance test	15.0	83065 thermolabile	BR
(For insulin tolerance test, see ((82937) 83526))		83068 unstable, screen	BR
(For leucine tolerance test, see 83681)		83069 urine	BR
82954 Glucose, urine	20.0	83070 Hemosiderin, urine	12.0
82955 Glucose-6-phosphate dehydrogenase(G6PD); quantitative	60.0	83071 Hemosiderin, RIA	25.6
82960 screen	56.0	(Heroin, screening, see 82660, 82486, 82662, 82755, 84231; quantitative, see 82096, 82101)	
82961 Glucose tolerance test, intravenous	BR	(HIAA, see 83497)	
82963 Glucosidase, beta	BR	83086 Histidine; blood, qualitative	BR
82965 Glutamate dehydrogenase, blood	40.0	83087 urine, qualitative	BR
(Glutamic oxaloacetic transaminase (SGOT), see 84450- 84455)		83088 Histamine	100.0
(Glutamic pyruvic transaminase (SGPT), see 84460- 84465)		(Homocystine, qualitative, see 82615)	
82975 Glutamine (glutamic acid amide), spinal fluid	80.0	(Homocystine, quantitative, see 82620)	
82977 Glutamyl transpeptidase, gamma (GGT)	BR	83093 Homogentisic acid; blood, qualitative	BR
82978 Glutathione	BR	83094 urine, qualitative	20.0
82979 Glutathione reductase, RBC	BR	83095 urine, quantitative	40.0
82980 Glutethimide	56.2	83150 Homovanillic acid (HVA), urine	80.0
(Glycohemoglobin, see 83036)		(Hormones, see individual alphabetic listings in chemistry section)	
82985 Glycoprotein, electrophoresis	60.0	83485 Hydroxybutyric dehydrogenase, alpha (HBD), blood; kinetic ultraviolet method	22.0
82995 Gold, blood	100.0	83486 colorimetric method	20.0
((82996-82998, Gonadotropin, chorionic, have been de- leted, see 84702-84703))		83491 Hydroxycorticosteroids, 17-(17-OHCS); RIA	64.1
83000 Gonadotropin, pituitary, follicle stimulating hor- mone (FSH); bioassay	90.0	83492 gas liquid chromatography (GLC)	82.0
83001 RIA	90.0	83493 blood, Porter-Silber type	45.0
83002 Gonadotropin, pituitary, luteinizing hormone (LH)(ICSH), RIA	90.0	83494 blood, fluorometric	38.0
(For luteinizing releasing factor (LRH), see 83727)		83495 urine, Porter-Silber type	52.0
83003 Growth hormone human (HGH), (somatotropin); RIA	48.0	83496 urine, fluorometric	52.0
83004 after glucose tolerance test	48.0	(See also 82531-82534, 82634, 84409)	
(For growth hormone secretion after arginine tolerance test, see 82173)		83497 Hydroxyindolacetic acid, 5-(HIAA), urine	60.0
(For human growth hormone antibody, RIA, see 86277)		(For HIAA, blood, see 84260)	
((83005 Guanasc, blood 40.0))		83498 Hydroxyprogesterone, 17-d, RIA	105.0
(83005 has been deleted)		83499 Hydroxyprogesterone, 20-	BR
83008 Guanosine monophosphate (GMP), cyclic, RIA	BR	83500 Hydroxyproline, urine; free only	100.0
83010 Haptoglobin; chemical	60.0	83505 total only	100.0
83011 quantitative, electrophoresis	30.0	83510 free and total	180.0
		83523 Imipramine	67.0
		(Immunoassay technique for drugs, use 82662)	
		(Immunoglobulins, see 82784, 82785, 82786, 86329, 86335)	
		83524 Indican, urine	35.0
		83525 Insulin, RIA	40.0
		(For proinsulin, see 84206)	
		83526 Insulin tolerance test	80.0

	Unit Value		Unit Value
83528 Intrinsic factor level	BR	83681 Leucine tolerance test	26.0
(For intrinsic factor antibodies, RIA, see 86340)		83685 Lidocaine	20.0
83530 ((Insulin)) <u>Insulin</u> clearance	40.0	83690 Lipase, blood	30.0
((83533, 83534 Protein bound iodine have been deleted. To report, use 84999))		83700 Lipids, blood; total	30.0
(For thyroxine, see 84435-84439)		83705 fractionated (cholesterol, triglycerides, phospholipids)	60.0
(For triiodothyronine (true T-3), RIA, see 84480)		(For feces, see 82705-82715)	
83540 Iron, serum; chemical	20.0	83715 Lipoprotein, blood; electrophoretic separation and quantitation (phenotyping)	60.0
83545 automated	12.0	83717 analytic ultracentrifugation separation and quantitation (atherogenic index)	100.0
83546 radioactive uptake method	30.0	83718 Lipoprotein high density cholesterol (HDL cholesterol) by precipitation method	BR
83550 Iron binding capacity, serum; chemical	20.0	83719 Lipoprotein very low density cholesterol (VLDL cholesterol) by ultracentrifugation	BR
83555 automated	12.0	83720 Lipoprotein cholesterol fractionation calculation by formula	BR
83565 radioactive uptake method	30.0	83725 Lithium, blood, quantitative	60.0
83570 Isocitric dehydrogenase (IDH), blood; kinetic ultraviolet	26.0	(Luteinizing hormone (LH), see 83002)	
83571 colorimetric	20.0	83727 Luteinizing releasing factor (LRH), RIA	60.0
(Isopropyl alcohol, see alcohol 82076)		83728 Lysergic acid diethylamide (LSD), RIA	BR
83576 Isonicotinic acid hydrazide (INH)	105.0	83730 (Macroglobulins (Sia) test)	30.0
83578 Kanamycin	49.0	(Macroglobulins, alpha-2-Sia, see 86329)	
83582 Ketogenic steroids, urine; 17-(17-KGS)	45.0	83735 Magnesium, blood; chemical	20.0
83583 11-desoxy: 11-oxy ratio	75.0	83740 fluorometric	20.0
83584 Ketoglutarate, alpha	40.0	83750 atomic absorption	40.0
(Ketone bodies, see 82005-82010; urine, see 81000-81005)		83755 Magnesium, urine, chemical	40.0
83586 Ketosteroids 17-(17-KS), blood; total	38.0	83760 fluorometric	40.0
83587 fractionation, alpha/beta	75.0	83765 atomic absorption	40.0
83588 RIA	54.0	83775 Malate dehydrogenase, kinetic ultraviolet method	30.0
83589 Ketosteroids, 17-(17-KS), urine; total	36.0	(Maltose tolerance, see 82951, 82952)	
83590 fractionation, alpha/beta	60.0	(Mammotropin, see 84146)	
83593 chromatographic fractionation	75.0	83785 Manganese, blood or urine	60.0
((83596 D/A/E ratio has been deleted))		83790 Mannitol clearance	BR
83597 11-desoxy: 11-oxy ratio	75.0	(Marijuana, see tetrahydrocannabinol THC, 84408)	
(See also 82528, (82632), 82633, 82666, 82694)		83795 Melanin, urine, qualitative	60.0
83599 Ketosteroids, 17-OH, RIA	64.1	83799 Meperidine, quantitative	54.0
83600 Kynurenic acid	90.0	(For screen, see 82486, 82489, 82662, 82755, 84231)	
83605 Lactate, (lactic acid)	40.0	83805 Meprobamate, blood or urine	60.0
83610 Lactic dehydrogenase (LDH), RIA	33.7	(For screen, see 82486, 82489, 84231)	
83615 Lactic dehydrogenase (LDH), blood; kinetic ultraviolet method	26.0	83825 Mercury, quantitative; blood	70.0
83620 colorimetric or fluorometric	20.0	83830 urine	70.0
83624 heat or urea inhibition (total not included)	24.0	(Mercury screen, see 83015)	
83625 isoenzymes, electrophoretic separation and quantitation	60.0	83835 Metanephries, urine	52.0
83626 isoenzymes, chemical separation	20.0	(For catecholamines, see 82382-82384)	
83628 Lactic dehydrogenase, liver (LLDH)	20.0	83840 Methadone	60.0
83629 Lactic dehydrogenase (LDH), urine	20.0	(Methamphetamine, see 82145)	
83631 Lactic dehydrogenase (LDH), CSF	20.0	(Methanol, see 82078)	
(For hydroxybutyric dehydrogenase (HBD), see 83485)		83842 Methapyrilene	50.0
83632 Lactogen, human placental (HPL) chorionic somatomotropin, RIA	30.0	83845 Methaqualone	90.0
83633 Lactose, urine; qualitative	20.0	83857 Methemalbumin	32.0
83634 quantitative	20.0	(Methemoglobin, see hemoglobin 83045-83050)	
(For tolerance, see 82951-82952)		83858 Methsuximide, serum	90.0
(For TLC screen, see 84375)		(Methyl alcohol, see 82078)	
83645 Lead, screening; blood	20.0	83859 Methypylon	90.0
83650 urine	20.0	(Microglobulin, beta-2, RIA, see 82231, 82232)	
83655 Lead, quantitative; blood	60.0	83860 Morphine, screening	80.0
83660 urine	60.0	83861 quantitative	120.0
83661 Lecithin - sphingomyelin (L/S ratio), amniotic fluid	75.0	83862 RIA	82.0
83670 Leucine aminopeptidase (LAP), blood; kinetic ultraviolet method	26.0		
83675 colorimetric	20.0		
83680 Leucine aminopeptidase (LAP), urine	26.0		

	Unit Value		Unit Value
83864 Mucopolysaccharides, acid, blood	60.0		
83865 Mucopolysaccharides, acid, urine; quantitative	60.0	(See also individual drugs)	
83866 screen	21.0	84030 Phenylalanine (PKU), blood; Guthrie	12.0
((83870 Mucoprotein, blood has been deleted. To report use 84999))		(Phenylalanine-tyrosine ratio, see 84030, 84510)	
83872 Mucin, synovial fluid (Ropes test)	21.0	84031 fluorometric	12.0
83873 Myeline basic protein, CSF, RIA	BR	84033 Phenylbutazone	20.0
(For oligoclonal bands, see 83916)		84035 Phenylketones; blood, qualitative	20.0
83874 Myoglobin, electrophoresis	30.0	84037 urine, qualitative	20.0
83875 Myoglobin, urine	40.0	84038 Phenylpropanolamine	20.0
83880 Nalorphine	60.0	84039 Phenylpyruvic acid; blood	20.0
83885 Nickel, urine	100.0	84040 urine	20.0
83887 Nicotine	75.0	(For qualitative chemical tests, urine, see 81005)	
83895 Nitrogen, total; urine, 24-hour specimen	60.0	84045 Phenytoin	61.0
83900 feces, 24-hour specimen	100.0	84060 Phosphatase, acid; blood	24.0
83910 Nonprotein nitrogen (NPN), blood	20.0	84065 prostatic fraction	40.0
83912 Nucleic acid probe with electrophoresis, with ex-		84066 prostatic fraction, RIA	60.0
amination and report	BR	84075 Phosphatase, alkaline, blood	24.0
(Norepinephrine, see 82382-82384)		84078 heat stable (total not included)	16.0
83915 Nucleotidase 5'-	25.0	84080 isoenzymes, electrophoretic method	BR
83916 Oligoclonal immune globulin (Ig), CSF, by		84081 Phosphatidylglycerol	BR
electrophoresis	BR	84082 Phosphates, tubular reabsorption of (TRP)	60.0
(For myelin basic protein, CSF, see 83873)		(Phosphates, inorganic, see 84100-84105)	
83917 Organic acids; screen, qualitative	30.0	(Phosphates, organic, see 82480-82484)	
83918 quantitative	30.0	84083 Phosphoglucomutase, isoenzymes	60.0
83920 Ornithine carbamyl transferase (OCT)	24.0	84085 Phosphogluconate, 6-, dehydrogenase, RBC	18.0
83930 Osmolality; blood	20.0	84087 Phosphohexose isomerase	30.0
83935 urine	20.0	84090 Phospholipids, blood	30.0
83938 Ouabain	BR	(See also 83705)	
83945 Oxalate, urine	40.0	(For lecithin/sphingomyelin ratio, see 83661)	
(For alpha-oxoglutarate, see 83584)		84100 Phosphorus (phosphate); blood	24.0
83946 Oxazepam	40.0	84105 urine	24.0
83947 Oxybutyric acid, beta	40.0	(Pituitary gonadotropins, see 83000-83002)	
83948 Oxycodone	52.0	(PKU, see 81005, 84030, 84031)	
(Oxygen, see gases, blood, 82790-82817)		84106 Porphobilinogen, urine; qualitative	20.0
83949 Oxytocinase, RIA	52.0	84110 quantitative	20.0
(Para-aminohippuric acid, see 82134)		84118 Porphyrins, copro-, urine; quantitative	30.0
83965 Paraldehyde, blood, quantitative	60.0	84119 qualitative	24.0
83970 Parathormone (parathyroid hormone), RIA	165.0	84120 Porphyrins; copro- and uro-, fractionated, urine ..	64.0
(PBI, see 83533)		84121 uro-, copro-, and porphobilinogen, urine	80.0
83971 Penicillin, urine	50.0	84126 Porphyrins, feces, quantitative	100.0
83972 Pentazocine	60.0	84128 Porphyrins, plasma	82.0
83973 Pentose, urine, qualitative	13.5	(Porphyrin precursors, see 82135)	
(For TLC screen, see 84375)		(For protoporphyrin, RBC, see 84202, 84203)	
((83974 Pepsin, gastric		84132 Potassium; blood	24.0
23.0))		84133 urine	24.0
(83974 has been deleted)		84135 Pregnanediol; RIA	BR
83975 Pepsinogen, blood	40.0	84136 other method (specify)	BR
83985 Pesticide other than chlorinated hydrocarbons,		84138 Pregnanetriol; RIA	BR
blood, urine, or other material	BR	84139 other method (specify)	BR
(Pesticide, chlorinated hydrocarbons, see 82441)		84141 Primidone	60.0
83986 pH, body fluid, except blood	BR	84142 Procainamide	60.0
(For blood, see 82800, 82802, 82803, 82817)		84144 Progesterone, any method	105.0
83992 Phencyclidine (PCP)	38.0	(Progesterone receptor assay, see 84234)	
(Phenobarbital, see barbiturates 82205-82210)		(For proinsulin, RIA, see 84206)	
83995 Phenol, blood or urine	60.0	84146 Prolactin (mammothropin), RIA	225.0
84005 Phenolsulphonphthalein (PSP), test, urine	20.0	84147 Propoxyphene	60.0
84021 Phenothiazine, urine; qualitative, chemical	100.0	(For screen, see 82486 et seq.)	
(See also 82486 et seq.)		84149 Propranolol	BR
84022 quantitative, chemical	BR	84150 Prostaglandin, any one, RIA	BR
		84155 Protein, total, serum; chemical	20.0
		84160 refractometric	12.0
		84165 electrophoretic fractionation and quantitation ..	60.0

	Unit Value		Unit Value
84170 Protein, total and albumin/globulin ratio	40.0	84324 Strychnine	75.0
(For serum albumin, see 82040; serum globulin, see 82942)		(Sugar, see under glucose)	
84175 Protein, other sources, quantitative	24.0	84375 Sugars, chromatographic, TLC or paper chroma- tography	80.0
84176 Protein, special studies (e.g., monoclonal protein analysis)	BR	(Sulfhemoglobin, see hemoglobin, 83055-83060)	
84180 Protein, urine; quantitative, 24-hour specimen	24.0	((84382 has been deleted))	
84185 Bence-Jones	12.0	84395 Sulfonamide, blood, chemical	20.0
84190 electrophoretic fractionation and quantitation	80.0	((84397 has been deleted))	
84195 Protein, spinal fluid; semi-quantitative (Pandy)	20.0	(T-3, see 84435, 84479, 84480)	
84200 electrophoretic fractionation and quantitation	80.0	(T-4, see 84435-84439)	
84201 Protirelin, thyrotropin releasing hormone (TRH) test	BR	((84401 has been deleted))	
84202 Protoporphyrin, RBC; quantitative	30.0	84403 Testosterone, blood, RIA	105.0
84203 screen	20.0	((84404 has been deleted))	
84205 Protiptylene	68.0	84405 Testosterone, urine, RIA	120.0
84206 Proinsulin, RIA	60.0	84406 Testosterone, binding protein	BR
84207 Pyridoxine (Vitamin B-6)	BR	84407 Tetracaine	BR
84208 Pyrophosphate vs. urate, crystals (polarization)	12.0	84408 Tetrahydrocannabinol THC (marijuana)	BR
84210 Pyruvate, blood	30.0	84409 Tetrahydrocortisone or tetrahydrocortisol	105.0
84220 Pyruvic kinase, RBC	30.0	(See also 83491-83497)	
84228 Quinine	30.0	84410 Thallium, blood or urine	100.0
84230 Quinidine, blood	40.0	84420 Theophylline, blood or saliva	60.0
84231 Radioimmunoassay (RIA) not elsewhere specified	BR	84425 Thiamine (Vitamin B-1)	BR
(Reinsch test, see 83015)		84430 Thiocyanate, blood	30.0
84232 Releasing factor	BR	84434 Thioridazine	40.0
84233 Receptor assay; estrogen (estradiol)	BR	(Thyrotropin releasing hormone (TRH) test, see 84201)	
84234 progesterone	BR	84435 Thyroxine, (T-4), CPB or resin uptake	33.0
84235 endocrine, other than estrogen or progesterone (specify hormone)	BR	84436 Thyroxine, true (TT-4), RIA	21.0
84236 progesterone and estrogen	BR	84437 Thyroxine (T-4), neonatal	20.0
84238 nonendocrine (e.g., acetylcholine) (specify recep- tor)	BR	84439 Thyroxine, free (FT-4), RIA (unbound T-4 only)	45.0
84244 Renin (angiotensin I); (RIA)	60.0	((84441 Thyroxine (T-4) method has been deleted. To report, use 84435-84439))	
(See also 82163, angiotensin II)		84442 Thyroxine binding globulin (TBG)	52.0
84246 furosemide test	BR	(Thyroxine, free thyroxine index, T-7, see 82756)	
(Renin converting enzyme, see 82164)		(Thyroid hormones, ((PBT)) thyroxine, etc., see ((84480; 84250)) 84435-84439, 84479-84481)	
((84250, 84251 resin uptake have been deleted. To re- port, use 84479, 84435))		84443 Thyroid stimulating hormone (TSH), RIA	60.0
84252 Riboflavin (Vitamin B-2)	BR	(Thyroid stimulating hormone (TSH), neonatal, see 84800)	
(Salicylates, see 82011, 82012)		84444 Thyrotropin releasing factor (TRF), RIA	BR
(Saline infusion test, see 82091)		84445 plus long acting (LATS)	BR
(Secretin test, see 89100 and appropriate analyses)		(Tobramycin, see ((84840)) 84810)	
84255 Selenium, blood, urine or tissue	100.0	84446 Tocopherol alpha (Vitamin E)	38.0
84260 Serotonin, blood	120.0	(Tolbutamide tolerance, see ((82951-82952)) 82953)	
(For urine metabolites, see 83497)		84447 Toxicology, screen; general	BR
84275 Sialic acid, blood	50.0	84448 sedative (acid and neutral drugs, volatiles)	45.0
(Sickle hemoglobin, see 83020, 83052, 83053, 85660)		84450 Transaminase, glutamic oxaloacetic (SGOT), blood; timed kinetic ultraviolet method	24.0
84285 Silica, blood, urine or tissue	100.0	84455 colorimetric or fluorometric	20.0
84295 Sodium; blood	24.0	84460 Transaminase, glutamic pyruvic (SGPT), blood; timed kinetic ultraviolet method	24.0
84300 urine	24.0	84465 colorimetric or fluorometric	20.0
(Somatomammotropin, see 83632)		(Transferrin, see 86329)	
(Somatotropin, see 83003; chorionic, see 83632)		84472 Trichloroethanol	60.0
84310 Sorbitol dehydrogenase, serum	26.0	84474 Trichloroacetic acid	36.0
84315 Specific gravity (except urine)	8.0	(Trichloroacetaldehyde, see 82400-82405)	
(For urine specific gravity, see 81000)		84476 Trifluoperazine	36.0
((84317 Starch, feces, screening))	8-0))		
(84317 has been deleted)			
84318 Stercobilin, qualitative, feces	BR		
(Stone analysis, see 82355-82370)			

	Unit Value		Unit Value
84478 Triglycerides, blood	30.0	((84645 Zinc sulphate turbidity	20.0
(See also 83705)		(84680 has been deleted. To report use 82677)))	
84479 Triiodothyronine (T-3), resin uptake	BR	(84645 has been deleted)	
84480 Triiodothyronine true (TT-3), RIA	36.0	84681 C-peptide, any method	BR
84481 Triiodothyronine, free (FT-3), RIA (unbound T-3 only)	BR	84695 Gentamicin	38.5
84483 Trimethadione	36.0	84702 Gonadotropin, chorionic; quantitative	30.0
84485 Trypsin, duodenal fluid	30.0	84703 qualitative	30.0
84488 Trypsin, feces; qualitative, 24-hour specimen	30.0	84800 Thyroid stimulating hormone (TSH), neonatal	60.0
84490 quantitative	30.0	84810 Tobramycin	BR
(Tubular reabsorption of phosphate, blood and urine, see 84082)		84999 Unlisted chemistry or toxicology procedure	BR
84510 Tyrosine, blood	40.0	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.)	
(Ultracentrifugation, lipoprotein, see 83717)			
(Urate vs. pyrophosphate crystals, see 84208)			
84520 Urea nitrogen, blood (BUN); quantitative	22.0		
84525 stick test	8.0		
84540 Urea nitrogen urine	20.0		
84545 Urea nitrogen clearance	40.0		
84550 Uric acid; blood, chemical	20.0		
84555 uricase, ultraviolet method	26.0		
84560 Uric acid, urine	20.0		
84565 Urobilin, urine; qualitative	12.0		
84570 quantitative, timed specimen	24.0		
84575 Urobilin, feces, quantitative	60.0		
84577 Urobilinogen, feces, quantitative	30.0		
84578 Urobilinogen, urine; qualitative	24.0		
84580 quantitative, timed specimen	24.0		
84583 semiquantitative	20.0		
84584 Uropepsin, urine	24.0		
(Uroporphyrins, see 84120, 84121)			
(Valproic acid, see 80031)			
84585 Vanillylmandelic acid (VMA), urine	24.0		
84588 Vasopressin (antidiuretic hormone), RIA	BR		
84589 Viscosity, fluid	10.0		
84590 Vitamin A, blood	40.0		
84595 including carotene	60.0		
(See also 82380)			
(Vitamin B-1, see 84425)			
(Vitamin B-2, see 84252)			
(Vitamin B-6, see 84207)			
(Vitamin B-12, blood, see 82606, 82607)			
(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)			
84605 Volume, blood, dye method (Evans blue)	30.0		
84610 including total plasma and total blood cell volume	50.0		
(Volume, blood, RISA or Cr-51, see 78110, 78111)			
84613 Warfarin	BR		
84615 Xanthurenic acid	BR		
84620 Xylose tolerance test, blood <u>and/or</u> urine	40.0		
84630 Zinc, quantitative; blood	100.0		
84635 urine	100.0		
		85000 Bleeding time; Duke	10.0
		85002 Ivy or template	24.0
		((85003 Adelson-Crosby immersion method has been deleted. To report, use 85999)))	
		(Blood cell morphology only, see 85548)	
		85005 Blood count; basophil count, direct	10.0
		85007 differential WBC count (includes RBC morphology and platelet estimation)	7.5
		(See also 85548, 85585)	
		(For other fluids, e.g., CSF, see 89051, 89190)	
		85009 differential WBC count, buffy coat	12.0
		85012 eosinophil count, direct	10.0
		(For nasal smear, see 89180)	
		85014 hematocrit	8.0
		85018 hemoglobin, colorimetric	8.0
		(For other hemoglobin determination, see 83020-83068)	
		85021 hemogram, automated (RBC, WBC, Hgb, Hct and indices only)	10.5
		85022 hemogram, automated, and manual differential WBC count (CBC)	15.0
		85023 hemogram and platelet count, automated, and	

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23A-340 HEMATOLOGY.

(Includes blood clotting (coagulation) procedures. For blood banking procedures, see under Immunology WAC 296-23A-345)

(Agglutinins, see Immunology)

(Antifactor (specific coagulation factors), see 85300-85341)

(Antiplasmin, see 85410)

(Antiprothrombinase, see 85311)

(Antithrombin III, see 85300)

(Basophil count, see 85005)

	Unit Value		Unit Value
85024	17.0	85340	40.0
85025	17.0	85341	BR
85027	17.0	85345	30.0
	12.0	85347	20.0
		85348	BR
((85028 has been deleted. To report, see 85023-85025))		(Complete blood count, see 85021-85031)	
85029		(Differential count, see 85007 et seq.)	
	BR	(Drug inhibition, clot retraction, see 85172)	
	BR	(Duke bleeding time, see 85000)	
	16.5	(Eosinophil count, direct, see 85012)	
	8.0	(Eosinophils, microscopic examination for, in various body fluids, see 89180)	
(See also 85021-85031, 89050)		(Ethanol gel, see 85363)	
85044	12.0	85360	40.0
85048	8.0	(Fetal hemoglobin, see 83030-83033, 85460)	
(See also 85021-85031)		85362	12.0
85095	45.0	85363	10.0
85097	BR	85364	36.0
((85096 has been deleted.)) For interpretation of smear, use 85097; for cell block interpretation, see 88304, 88305)		85365	BR
85100	140.0	85367	18.0
85101	75.0	85368	BR
(For special stains, see 85535, 85540, 85560, 88312-88313)		85369	12.0
85102	75.0	(Fibrinogen, quantitative, see 82730)	
85103	60.0	85371	40.0
85109	30.0	85372	22.5
85150	40.0	85376	24.0
85160	40.0	85377	36.0
85165	20.0	85390	20.0
85170	8.0	85392	BR
85171	45.0	85395	30.0
85172	BR	((85396 has been deleted, use 85999))	
85175	40.0	85398	45.0
(Clotting factor I (fibrinogen), see 82730, 85371-85377)		85400	BR
85210	40.0	85410	BR
(See also 85610-85618)		85420	BR
85220	40.0	(For plasminogen activator, see 85665)	
85230	40.0	85421	BR
85240	40.0	85426	BR
85242	40.0	(Fragility, red blood cell, see 85547, 85555-85557)	
85244	BR	85441	9.0
85250	40.0	85445	19.5
85260	40.0	(Hematocrit (PCV), see 85014, 85021-85031)	
85270	40.0	(Hemoglobin, see 83020-83068, 85018-85031)	
85280	40.0	85460	26.0
85290	40.0	(See also 83030, 83033)	
85291	40.0	(Hemogram, see 85021-85031)	
85292	BR	(Hemolysins, see 86006, 86281, 86282)	
85293	BR	85520	60.0
85300	40.0	85530	60.0
85301	BR	85535	18.0
85302	BR	(Ivy bleeding time, see 85002)	
85310	40.0	85538	30.0
85311	40.0	85540	20.0
85320	40.0	85544	20.0
85330	40.0	(Lysozyme, see 85548)	
		85547	30.0

	Unit Value		Unit Value
85548 Morphology of red blood cells, only	9.0	(For thromboplastin inhibition test, see 85341)	
85549 Muramidase, serum	52.0	(Tourniquet test, see 85165)	
(Nitroblue tetrazolium dye test, see 86384)			
85555 Osmotic fragility, RBC	15.0	85810 Viscosity, blood	40.0
85556 incubated, qualitative	18.0	85820 serum or plasma	40.0
85557 incubated, quantitative	60.0	(Von Willebrand factor assay, see 85426)	
(Packed cell volume, see 85014)		(WBC count, see 85021-85031, 85048, 89050)	
(Partial thromboplastin time, see 85730-85732)		85999 Unlisted hematology procedure	BR
(Parasites, blood, e.g., malaria smears, see 87207)			
85560 Peroxidase stain, WBC	15.0	AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)	
(Plasmin, see 85400)		WAC 296-23A-345 IMMUNOLOGY.	
(Plasminogen, see 85420)		(Includes serology, immunohematology and blood banking)	
(Plasminogen activator, see 85665)		(Acetylcholine antireceptor antibody, see 86685)	
85575 Platelet; adhesiveness (in vivo)	45.0	(Acid hemolysins, see 86281)	
85576 aggregation (in vitro), any agent	BR	(Actinomycosis, see 86000-86009)	
85577 retention (in vitro), glass bead	30.0	(Adrenal cortex antibodies, RIA, see 86681)	
85580 count (Rees-Ecker)	14.0		
85585 estimation on smear, only	10.0		
(See also 85007)			
85590 phase microscopy	20.0		
85595 electronic technique	20.0		
(Protamine paracoagulation (PPP), see 85368)			
85610 Prothrombin time	16.0		
(See also 85618)		86000 Agglutinins; febrile, each antigen	14.0
85612 Russell viper venom type (includes venom)	36.0	86002 febrile panel (typhoid O & H, paratyphoid A & B, brucella and Proteus OX-19)	45.0
((85614 two stage	30.0))	86004 warm	36.0
(85614 has been deleted)		(Agglutinins and autohemolysins, see 86004, 86011- 86013, 86281-86283, 86006-86009)	
85615 Prothrombin utilization (consumption)	40.0	(Agglutinins, auto, see 86282-86283, 86011, 86013)	
85618 Prothrombin - Proconvertin, P & P (Owren)	18.0	(Agglutinins, cold, see 86006, 86013, 86282, 86283)	
(Red blood cell count, see 85021-85031)		(Alpha-1 antitrypsin, see 86064, 86067, 86329)	
85630 Red blood cell size (Price-Jones)	40.0	(Alpha-1 fetoprotein, see 86244)	
85632 Red blood cell peroxide hemolysis	30.0	((Amebiasis, see 86171, 86280))	
85635 Reptilase test	33.0	(Anti-AChR (acetylcholine receptor) antibody titer, see 86685)	
(Reticulocyte count, see 85044)			
(Rumpel-Leede test, see 85165)		86006 Antibody, qualitative, not otherwise specified; first antigen, slide or tube	12.0
85650 Sedimentation rate (ESR); Wintrobe type	14.0	86007 each additional antigen	7.5
85651 Westergren type	10.5	86008 Antibody, quantitative titer, not otherwise specified; first antigen	18.0
85660 Sickling of RBC, reduction, slide method	14.0	86009 each additional antigen	12.0
(Sickling, electrophoresis, see 83020)		86011 Antibody, detection, leukocyte antibody	44.0
(Sickling, solubility, S-D, see 83053)		86012 Antibody absorption, cold auto absorption; per se- rum	30.0
(Sickling, turbidimetric (Sickledex dithionate), see 83052)		(For elution, see 86019)	
(Siderocytes, see 85535)		86013 differential	45.0
(Smears for parasites, malaria, etc., see 87207)		86014 Antibody, platelet antibodies (agglutinins)	45.0
(Staphylococcal clumping test, see 85369)		86016 Antibodies, RBC, saline; high protein and antihuman globulin technique	30.0
85665 Streptokinase titer (plasminogen activator)	BR	(See also 86032)	
85670 Thrombin time; plasma	20.0	86017 with ABO Rh(D) typing (for holding blood in- stead of complete crossmatch)	24.0
85675 titer	12.0	86018 enzyme technique including antihuman globulin ..	17.0
85700 Thromboplastin generation test; screening (Hicks- Pitney)	40.0	86019 elution, any method	45.0
85710 definitive, with platelet substitute	45.0	86021 Antibody identification; leukocyte antibodies	60.0
85711 with patient's platelets	45.0	86022 platelet antibodies	75.0
85720 all factors	BR	86023 platelet associated immunoglobulin assay	BR
(For individual clotting factors, see 85210 et seq.)		86024 RBC antibodies (8-10 cell panel) standard tech- nique	38.0
85730 Thromboplastin time, partial (PTT); plasma or whole blood	30.0		
85732 substitution, plasma	30.0		

	Unit Value		Unit Value
86026 RBC antibodies (8-10 cell panel), with enzyme technique including antihuman globulin	52.0	86120 type)	68.0
(For absorption and elution, see 86012-86013, 86019)		special (Kell, Duffy)	BR
86028 saline or high protein, each (Rh, AB, etc.)	12.0	86128 ((Blood autotransfusion, including) Collection(;) and processing ((and storage)) of predeposited autologous whole blood or components	((45.0))
(Antibody to specific nuclear antigen, use 86235)			BR
(Anti-DNA, see 86225)		86130 Collection and processing for transfusion of inoperatively salvaged blood	BR
(Anti-deoxyribonuclease titer, see 86215)		((86129, 86131, 86134, 86138, and 86139 have been deleted))	
86031 Antihuman globulin test; direct (Coombs) 1-3 dilutions	12.0	(Bovine milk antibody, see 86008, 86009)	
86032 indirect, qualitative (broad, gamma or nongamma, each)	15.0	(Brucellosis, see 86000-86002)	
86033 indirect, titer (broad, gamma or nongamma each)	12.0	86140 C-reactive protein	20.0
86034 enzyme technique, qualitative	30.0	(Candidiasis, see 86008)	
86035 drug sensitization, identification (e.g., penicillin)	75.0	86149 Carcinoembryonic antigen (CEA); gel diffusion	60.0
(For antibody detection (screening), see 86016, 86017)		86151 RIA	60.0
((Antihyaluronidase titer, see 86315))		((Cat scratch disease, see 86171))	
86038 Antinuclear antibodies (ANA), RIA	55.0	86155 Chemotaxis assay, specify method	BR
(Antinuclear antibodies, fluorescent technique, see 86255, 86256)		(Coccidioidomycosis, see 86006-86009, 86171, 86490)	
((86045 Antistreptococcal carbohydrate, anti-A CHO	40.0))	(Cold agglutinin or hemolysin, see 86006-86013, 86282, 86283)	
(86045 has been deleted)		86158 Complement; C'1 esterase	52.0
(Antistreptococcal antibody, anti-DNAse, see 86215)		86159 C'2 esterase	52.0
(Antistreptokinase titer, see 86590)		86162 total (CH 50)	70.0
86060 Antistreptolysin O titer	20.0	86163 C'3 esterase	BR
86063 screen	10.0	86164 C'4 esterase	BR
86064 Antitrypsin, alpha-1; RIA	20.0	(For complement fractions, quantitative, see 86329)	
86066 Pi (Protease inhibitor) typing	20.0	86171 Complement fixation tests, each ((e.g., cat scratch fever, coccidioidomycosis, histoplasmosis, psittacosis, rubella, streptococcus MG, syphilis)) antigen	40.0
86067 other method (specify)	20.0	(Coombs test, see 86031-86035)	
(Autoagglutinins, see 86282, 86283)		86185 Counterelectrophoresis, each antigen	24.0
(Autoantibodies, see specific antigens)		(For HAA, see ((86285=))86287)	
(Blastomycosis, see 86006-86009)		(Crossmatch, see 86068-86076)	
86068 Blood crossmatch, complete standard technique, includes typing and antibody screening of recipient and donor; first unit	60.0	((86201 and 86202 have been deleted))	
86069 each additional unit	45.0	(Cryptococcosis, see 86008, 86009, 86255, 86256)	
86072 Blood crossmatch; enzyme technique	10.5	((Cysticercosis, see 86280))	
86073 screening for compatible unit saline and/or high protein	26.0	86215 Deoxyribonuclease, antibody	36.0
86074 antiglobulin technique	15.0	86225 Deoxyribonucleic acid (DNA) antibody	36.0
(For enzyme technique, see 86018)		((Diphtheria, see 86280))	
86075 Blood crossmatch, minor only (plasma, Rh immune globulin), includes recipient and donor typing and antibody screening; first unit	44.0	(86227-86229 have been deleted)	
86076 each additional unit	27.0	(Direct antiglobulin test (Coombs), see 86031)	
(For incompatibility problems, see 86004, 86011-86014, 86016-86026, 86031-86035, 86068-86076)		(Donath-Landsteiner screen, see 86008, 86009)	
(For typing, antibody screening and blood in lieu of crossmatch, see 86017)		(Drug sensitization, RBC, see 86035)	
86080 Blood typing; ABO only	12.0	(Echinococcosis, see 86171, 86280)	
86082 ABO and Rho(D)	18.0	((86227-Enzyme immunoassay for infectious agent antigen	BR))
86090 MN	20.0	(For ((precipitin or) particle agglutination rapid test for infectious agent, use 86403)	
86095 Blood typing, RBC antigens other than ABO or Rho(D); antiglobulin technique, each antigen	10.5	((For enzyme immunoassay for drugs, use 82662)	
86096 direct, slide or tube, including Rh subtypes, each antigen	10.5	86228-Enzyme immunoassay for infectious agent antibody	BR))
86100 Blood typing; Rho(D) only	12.0	(For HIV HTLV-III antibody tests, see 86312-86314)	
86105 Rh genotyping, complete	45.0	((86229-Enzyme immunoassay for chemical constituent	BR))
(For Rho variant Du, see 86095)		(Eosinophils, nasal smear, see 89190)	
86115 anti-Rh immunoglobulin testing (RhoGAM		86235 Antibody to specific nuclear antigen, any method, each	30.0

	Unit Value		Unit Value
((86240 and 86241 have been deleted))		(Hormones, see individual alphabetic listing in chemistry section)	
86243 Fc receptor assay, specify method	BR	86312 <u>HIV (HTLV-III) antibody detection; ((ELISA) immunoassay</u>	BR
86244 Feto-protein, alpha-1, RIA or EIA	57.0	86314 <u>confirmatory test (e.g., Western blot)</u>	BR
((86245 has been deleted))		(Human growth hormone antibody, RIA, see 86277)	
(Filariasis, see 86280)		((86315 has been deleted))	
86255 Fluorescent antibody; screen	24.0	86316 <u>Immunoassay for tumor antigen (e.g., prostate specific antigen, cancer antigen 125)</u>	BR
86256 titer	36.0	86317 <u>Immunoassay for infectious agent antigen or antibody, each</u>	BR
(Fluorescent technique for antigen identification in tissue, see 88346)		(For particle agglutination rapid test for infectious agent antigen, use 86403)	
86265 Frozen blood, preparation for freezing, each unit including processing and collection	BR	86318 <u>Immunoassay for chemical constituent</u>	BR
86266 with thawing	BR	86320 <u>Immunoelectrophoresis, serum, each specimen (plate)</u>	100.0
86267 with freezing and thawing	BR	86325 other fluids (e.g., urine) with concentration, each specimen	100.0
(FTA, see 86650)		86327 crossed (2 dimensional assay)	BR
(Gc grouping, see 86335)		86329 <u>Immunodiffusion; quantitative, each IgA, IgG, IgM, ceruloplasmin, transferrin, alpha-2, macroglobulin, complement fractions, alpha-1 antitrypsin, or other (specify)</u>	30.0
(Gel (agar) diffusion tests, see 86331)		86331 <u>gel diffusion, qualitative (Ouchterlony) each antigen or antibody</u>	30.0
((86272 and 86273 have been deleted))		86332 <u>Immune complex assay; Clq binding cell</u>	BR
(Gm grouping, see 86335)		86333 <u>Raji cell</u>	BR
(Gonadotropins, chorionic, see 82996-82998, 84701)		86334 <u>Immuno fixation electrophoresis</u>	BR
86277 Growth hormone, human (HGH), antibody, RIA	BR	(For ceruloplasmin by chemical method, see 82390)	
((HAA, see 86285-86287))		(IgE, RIA, see 82785; RIST, see 86423)	
(Ham test, see 86281)		86335 <u>Immunoglobulin typing (Gc, Gm, Inv), each</u>	BR
86280 Hemagglutination inhibition tests (HAI), each (e.g., ((amcbiasis ;) rubella, viral)	60.0	(Insulin antibody, see 86016)	
86281 Hemolysins, acid (for paroxysmal hemoglobinuria) (Ham test)	24.0	86337 <u>Insulin antibodies, RIA</u>	BR
86282 Hemolysins and agglutinins, auto, screen, each	30.0	86338 <u>Insulin factor antibodies, RIA</u>	32.0
86283 incubated with glucose (e.g., ATP)	75.0	86340 <u>Intrinsic factor antibodies, RIA</u>	32.0
(Cold, see 86006-86009; warm, see 86004; acid, see 86281)		(Intrinsic factor, antibody (fluorescent), see 86255, 86256)	
(86285, 86286 have been deleted)		(Inv grouping, see 86335)	
((86285))		(Latex fixation, see ((individual antigen or antibody, also 86006, 86007)) 86403)	
86287 <u>Hepatitis B surface antigen (HB_sAg) (Australian antigen, HAA)((-counterelectrophoresis method))₂ RIA or EIA</u>	((+8.0)) 36.0	(LE cell preparation, see 85544)	
((86286 counter electrophoresis with concentration of serum	24.0	(LE factor, see 86006, 86007, 86255, 86256)	
86287 <u>RIA or EIA</u>	36.0))	((Leishmaniasis, see 86280))	
(For gel diffusion technique, see 86331; CF, see 86171; HAI, see 86280)		(Leptospirosis, see 86006-86009)	
86288 Hepatitis B core antigen (HB _c Ag), RIA	BR	(Leukoagglutinins, see 86013, 86021)	
86289 Hepatitis B core antibody (HB _c Ab), RIA or EIA	BR	86343 <u>Leukocyte histamine release test (LHR)</u>	BR
86290 IgM antibody (e.g., RIA, EIA, RPHA)	BR	86344 <u>Leukocyte phagocytosis</u>	BR
86291 Hepatitis B surface antibody (HB _s Ab) (e.g., RIA, EIA, RPHA)	BR	((86345, 86346, and 86347 have been deleted))	
86293 Hepatitis Be antigen (HB _e Ag) (e.g., RIA, EIA)	BR	86349 <u>Leukocyte transfusion (leukapheresis)</u>	BR
86295 Hepatitis Be antibody (HB _e Ab) (e.g., RIA, EIA)	BR	(Lymphocyte culture, see 86353)	
86296 Hepatitis A antibody (HAAb) (e.g., RIA, EIA)	BR	((86351 has been deleted))	
((86297 Hepatitis A virus antibody has been deleted. To report, use 86296))		86353 <u>Lymphocyte transformation, spontaneous blastogenesis or phytomitogen (phytohemagglutination, PHA) or other ((mitogen)) mitogen culture (MC) (e.g., tuberculin, candida)</u>	120.0
86298 IgG antibody	BR	86357 <u>Lymphocytes; T & B differentiation</u>	165.0
86299 IgM antibody	BR	86358 <u>B-cell evaluation</u>	BR
86300 Heterophile antibodies, screening (includes monotype test) slide or tube	20.0	(Malaria, see 87207)	
86305 quantitative titer	30.0	((86365 has been deleted))	
86310 plus titers after absorption with beef cells and guinea pig kidney	30.0		
(Histoplasmosis, see 86006-86009, 86171)			
(HLA typing, see 86812-86817)			

	Unit Value		Unit Value
(Melioidosis, see 86280)		(Smooth muscle antibody, see 86255, 86256)	
86376 Microsomal antibody (thyroid); RIA	BR	(Sporotrichosis, see 86006-86009)	
86377 other method (specify)	30.0	((Streptococcus MG, see 86171)))	
86378 Migration inhibitory factor test (MIF)	BR	86590 Streptokinase, antibody	27.0
(Milk antibody, antibovine, see 86008-86009)		(Streptolysin O antibody, see antistreptolysin O, 86060-86063)	
(Mitochondrial antibody, liver, see 86255-86256)		(Streptobacillus, see 86008, 86009)	
(Mononucleosis screening slide, see 86006-86007)		86592 Syphilis((-precipitation or flocculation)) test((σ)); qualitative (e.g., VDRL, RPR, ART)	9.0
86382 Neutralization test, viral	BR	((See also 89006, 89007)))	
86384 Nitroblue tetrazolium dye test (NTD)	BR	86593 ((Syphilis, precipitation or flocculation tests);) quantitative	15.0
(Ouchterlony diffusion, see 86331)		((Syphilis serology, see also 86171)))	
(Parietal cell antibody, see 86255, 86256)		(Tetanus, see 86280)	
86385 Paternity testing, ABO + Rh factors + MN (per individual)	37.5	(Thyroglobulin antibody, see 86006-86009, 86171)	
86386 each additional antigen system	15.0	(Thyroglobulin antibody, RIA, see 86800)	
(Penicillin antibody RBC, see 86035)		<u>(Thyroglobulin, RIA, use 86318)</u>	
((86388, 86389, and 86391 have been deleted)))		86594 Thyroid autoantibodies	BR
(Platelet antibodies (agglutinins), see 86014)		86595 Tissue culture	BR
(Platelet associated immunoglobulin assay, see 86023)		((86597 tissue typing has been deleted. To report, use 86810-86822)))	
((86392, 86393, and 86398 have been deleted)))		86600 Toxoplasmosis, dye test	80.0
86402 Precipitin determination, gel diffusion, in aspergillus, bagassosis, farmer lung, pigeon breeder disease, silo filler disease, other alveolitis (specify)	BR	(For CF, see 86171; IFA, see 86255, 86256)	
(86402 has been deleted)		86630 Transfer factor test (TFT)	BR
86403 ((Precipitin (e.g., latex bead) or) <u>Particle agglutination, rapid test for infectious agent antigen, each antigen</u>)	BR	86650 Treponema antibodies, fluorescent, absorbed (FTA-Abs)	30.0
(For ((enzyme)) immunoassay for infectious agent antigen, use ((86227)) <u>86317</u>)		((86660 Treponema pallidum immobilization (TPI)	80.0
86405 Precipitin test for blood (species identification)	BR	<u>(86660 has been deleted)</u>)	
(Pregnancy test, see ((82996, 82997)) <u>84702, 84703, 86006-86009</u>)		86662 Treponema pallidum test, other, specify (e.g., TPIA, TPA, TPMB, TPCF, RPCF)	BR
((86415 and 86416 have been deleted)))		(Trichinosis, see 86006-86009)	
<u>(Psittacosis, CF, see 86171))</u>		(Trypanosomiasis, see 86171, 86280)	
86421 Radioallergosorbent test, in vitro testing for allergen specific IgE (e.g., ((t)) <u>RAST, MAST, FAST, IP, PRIST, etc.</u>); up to 5 ((antigens)) <u>tests</u>	BR	(Tuberculosis, see 86580, 86585, 87116-87118, 87190)	
86422 6 or more ((antigens)) tests	BR	((Vaccinia immune globulin, see 86274)))	
86423 Radioimmunosorbent test (RIST) IgE, quantitative	BR	(VDRL, see 86592((-86593)))	
(Rapid plasma reagin test (RPR), see 86592)		(Viral antibodies, see 86171, 86280, 86382)	
((86424, 86425, 86426, and 86427 have been deleted)))		(Visceral larval migrans, see 86280)	
86430 Rheumatoid factor, latex fixation	12.0	(Warm agglutinins, see 86004)	
(RIST, see 86423)		((86670 has been deleted)))	
(RPR, see 86592)		86681 Adrenal cortex antibodies, RIA	31.0
(Rubella, CF, see 86171; HAI, see 86280)		86685 Anti-AChR (acetylcholine receptor) antibody titer	BR
((Schistosomiasis agglutination, see 86006-86009)))		86800 Thyroglobulin antibody, RIA	31.0
(Serologic test for syphilis (STS), see 86171, 86592, 86593)		((86810 Tissue typing, for organ transplantation, including pretransplant crossmatch (donor) lymphocyte vs. recipient serum for nonspecific antibodies	BR
86455 Skin test; anergy testing, one or more antigens	BR	<u>(For pretransplant crossmatch, use appropriate code or codes)</u>	
86490 coccidioidomycosis, each test	20.0	<u>86805 Lymphocytotoxicity assay, visual crossmatch; with titration</u>	BR
86510 histoplasmosis	20.0	<u>86806 without titration</u>	BR
86540 mumps	20.0	<u>86807 Serum screening for cytotoxic percent reactive antibody (PRA); standard method</u>	BR
86580 tuberculosis, patch or intradermal	20.0	<u>86808 quick method</u>	BR
86585 tuberculosis, tine test	12.0	(86810 has been deleted)	
((Skin tests 86450, 86460, 86470, 86480, 86495, 86500, 86520, 86530, 86550, 86565, and 86570 have been deleted)))			

	Unit Value
86812 Tissue typing; HLA typing, A, B, or C (e.g., A10, B7, B27), single antigen	BR
86813 HLA typing, A, B, and/or C (e.g., A10, B7, B27), multiple antigens	BR
86816 HLA typing, DR, single antigen	BR
86817 HLA typing, DR, multiple antigen	BR
86821 lymphocyte culture, mixed (MLC)	BR
86822 lymphocyte culture, primed (PLC)	BR
86999 Unlisted immunology procedure	BR

AMENDATORY SECTION (Amending Order 86-47, filed 1/8/87)

WAC 296-23A-350 MICROBIOLOGY.

(Includes bacteriology, mycology, parasitology, and virology)

	Unit Value
87001 Animal inoculation, small animal; with observation	36.0
87003 with observation and dissection	45.0
87015 Concentration (any type), for parasites, ova, or tubercle bacillus (TB, AFB)	20.0
87040 Culture, bacterial, definitive, ((aerobic;)) blood (((may)) includes anaerobic screen)	48.0
87045 stool	25.0
87060 throat or nose	20.0
87070 any other source	16.0
(For urine, see 87086-87088)	
87072 Culture((, presumptive, pathogenic)) or direct bacterial identification method, each organism((s)), by commercial kit, any source except urine	BR
(For urine, see 87087)	
87075 Culture, bacterial, any source; anaerobic (isolation)	36.0
87076 definitive identification, <u>each anaerobic organism, including gas chromatography ((in addition to anaerobic culture))</u>	60.0
87081 Culture, bacterial, screening only, for single organisms	15.0
87082 Culture, presumptive, pathogenic organisms, screening only, by commercial kit (specify type); for single organisms	BR
87083 multiple organisms	BR
87084 with colony estimation from density chart (((includes throat cultures)))	BR
87085 with colony count	BR
(For urine colony count, see 87086)	
87086 Culture, bacterial, urine; quantitative, colony count	15.0
87087 commercial kit	12.0
87088 identification, in addition to quantitative or commercial kit	12.0
87101 Culture, fungi, isolation; skin	15.0
87102 other source (<u>except blood</u>)	18.0
87103 blood	18.0
87106 <u>Culture, fungi, definitive identification((, by culture, per organism, in addition to skin or other source)) of each fungus</u>	30.0
87109 Culture, mycoplasma, any source	75.0
87110 <u>Culture, mycobacteria, definitive identification of each organism</u>	BR
87116 Culture, tubercle or other acid-fast bacilli (e.g., TB, AFB, mycobacteria); any source, isolation only	18.0
87117 concentration plus isolation	30.0
87118 <u>Culture, mycobacteria, definitive identification((; per)) of each organism((, (does not include isolation and/or concentration)))</u>	30.0
87140 Culture, typing; fluorescent method each antiserum	20.0
87143 gas liquid chromatography (GLC) method	45.0
87145 phage method	40.0

	Unit Value
87147 serologic method agglutination grouping, per antiserum	20.0
87151 serologic method, speciation	20.0
87155 precipitin method, grouping, per antiserum	12.0
87158 other methods	20.0
((87163) Culture, special extensive definitive diagnostic studies, beyond usual definitive studies)	25.0)
87163 <u>Culture, any source, additional identification methods required (use in addition to primary culture code)</u>	BR
87164 Dark field examination, any source (e.g., penile, vaginal, oral, skin); includes specimen collection	60.0
87166 without collection	30.0
((87173) Endotoxin, bacterial (pyrogens); animal inoculation)	36.0)
87174 chemical	24.0
87175 biological assay (e.g., Limulus lysate)	BR
87176 homogenization, tissue, for culture	15.0
87177 Ova and parasites, direct smears, concentration and identification	36.0
(Individual smears and procedures, see 87015, 87208-87211)	
(Trichrome, iron hemotoxylin and other special stains, see 88312)	
87178 <u>Microbial identification, nucleic acid probes, each probe used</u>	BR
(For nucleic acid probes in cytologic material, use 88365)	
87181 Sensitivity studies, antibiotic; agar diffusion method, each antibiotic	40.0
87184 disc method, each plate (12 or less discs)	24.0
87186 microtiter, minimum inhibitory concentration (MIC), any number of antibiotics	45.0
87187 <u>minimum bactericidal concentration (MBC) (use in addition to 87186 or 87188)</u>	BR
87188 <u>((tube) macrotube dilution method, each antibiotic</u>	30.0
87190 tubercle bacillus (TB, AFB), each drug	60.0
87192 fungi, each drug	BR
87197 <u>Serum bactericidal titer (Schlichter test)</u>	BR
87205 Smear, primary source, with interpretation; routine stain for bacteria, fungi, or cell types	12.0
87206 fluorescent and/or acid fast stain for bacteria, fungi, or cell types	18.0
87207 special stain for inclusion bodies or intracellular parasites (e.g., malaria, kala azar, herpes)	24.0
87208 direct or concentrated, dry, for ova and parasites	12.0
(For concentration, see 87015; complete examination, see 87177)	
(For complex special stains, see 88312-88313)	
(For fat, meat fibers, nasal eosinophils, and starch, see miscellaneous section)	
87210 wet mount with simple stain, for bacteria, fungi, ova, and/or parasites	12.0
87211 wet and dry mount, with interpretation, for ova and parasites	18.0
87220 Tissue examination for fungi (e.g., KOH slide)	BR
87230 <u>Toxin or antitoxin assay, tissue culture (e.g., Clostridium difficile toxin)</u>	BR
87250 <u>Virus((;)) identification; inoculation of embryonated eggs, ((suitable tissue culture;)) or small animal, includes observation and dissection</u>	12.0
87252 <u>tissue culture, inoculation and observation</u>	12.0
87253 <u>tissue culture, additional studies (e.g., hemadsorption, neutralization) each isolate</u>	6.0
(Electron microscopy, see 88348)	
(Inclusion bodies in tissue sections, see 88304-88309; in smears, see 87207-87210; in fluids, see 88106)	

	Unit Value
((87300 autogenous vaccine has been deleted. To report, use 87999))	
87999 Unlisted microbiology procedure	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23A-355 CYTOPATHOLOGY.

	Unit Value
88104 Cytopathology, fluids, washings or brushings, with centrifugation except cervical or vaginal; smears and interpretation	45.0
88106 filter method only with interpretation	45.0
88107 smears and filter preparation with interpretation	60.0
88108 concentration technique, smears and interpretation (e.g., Saccomanno technique)	BR

((88109 has been deleted. For interpretation of smear, use 88104; for cell block interpretation, 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, polymorphonuclear "drum sticks"	40.0

(For guard stain, see 88313)

88150 Cytopathology, smears, cervical or vaginal (e.g., Papanicolaou), screening by technician under physician supervision, up to three smears	BR
88151 requiring interpretation by physician	BR
88155 with definitive hormonal evaluation (e.g., maturation index, karyopyknotic index, estrogenic index)	40.0
88160 Cytopathology, any other source; screening and interpretation	36.0
88161 preparation, screening and interpretation	BR
88162 extended study involving over 5 slides and/or multiple stains	BR

(For obtaining specimen, see percutaneous needle biopsy under individual organ in Surgery)
(For aerosol collection of sputum, see 89350)
(For special stains, see 88312-88314)

88170 Fine needle aspiration with or without preparation of smears; superficial tissue (e.g., thyroid, breast, prostate)	BR
88171 deep tissue under radiologic guidance	BR

(For CT guidance, see 76360, 76361; for ultrasonic guidance, see 76942, 76943; for fluoroscopic guidance use 76003)

88172 Evaluation of fine needle aspirate with or without preparation of smears; immediate cytohistologic study to determine adequacy of specimen(s)	BR
((88173 interpretation and report	BR))
88180 Flow cytometry; each cell surface marker	BR
88182 cell cycle or DNA analysis	BR
88199 Unlisted cytopathology procedure	BR

(For electron microscopy, see 88348)

CYTOGENETIC STUDIES

(For acetylcholinesterase, see 82013)
(For alpha-fetoprotein, serum or amniotic fluid, see 86244)

88230 Tissue culture for chromosome analysis; lymphocyte	BR
88233 skin or other solid tissue biopsy	BR
88235 amniotic fluid or chorionic villus cells	BR
88237 bone marrow (myeloid) cells	BR
88239 other tissue	BR
88245 Chromosome analysis for breakage syndromes; score 25 cells (SCE study), count 5 cells, 1 karyotype, with banding (e.g., Bloom syndrome) ..	BR
88248 score 100 cells, count 20 cells, 2 karyotypes, with banding (e.g., ataxia telangiectasia, Fanconi anemia)	BR
88250 Chromosome analysis for fragile X associated with fragile X-linked mental retardation; score 100 cells, count 20 cells, 2 karyotypes, with banding	BR
88260 Chromosome analysis((; lymphocytes, count 1-4 cells, screening)) for fragile X associated with fragile X-linked mental retardation; score 100 cells, count 20 cells, 2 karyotypes, with banding ..	180.0
88261 count ((+4) 5 cells, 1 karyotype with banding	375.0
88262 count ((+) 15-20 cells ((for mosaicism)), 2 karyotypes with banding	525.0
88263 count 45 cells for mosaicism, 2 karyotypes, with banding	675.0
((88265 Chromosome analysis; myeloid cells, 2 karyotypes (Philadelphia chromosome)	225.0))
88267 Chromosome analysis; amniotic fluid or chorionic villus, count ((+4) 15 cells, 1 karyotype with banding	600.0
((88268 skin, count 1-4 cells, 1 karyotype	600.0
88270 other tissue cells, count 1-4 cells, 1 karyotype ..	BR))

(88265, 88268, and 88270 have been deleted)

88269 Chromosome analysis; in situ for amniotic fluid cells, count cells from 6-12 colonies, 1 karyotype with banding	BR
88280 additional karyotyping, each study	75.0
88283 additional specialized banding technique (e.g., NOR, C-banding)	BR
88285 additional cells counted, each study	15.0
88289 additional high resolution study	BR
88299 Unlisted cytogenetic study	BR

SURGICAL PATHOLOGY

(Procedures 88300 through 88399 include accession, handling and reporting)

88300 Surgical pathology, gross examination only	20.0
Note: Only one of the numbers 88302-88309 should be used in reporting specimens (single or multiple) that are removed ((dur- ing)) from a single ((surgical procedure)) anatomic site.	
88302 Surgical pathology, gross and microscopic examination of presumptively normal tissue(s), for identification and record purposes	60.0
88304 Surgical pathology, gross and microscopic examination of presumptively abnormal tissue(s); uncomplicated specimen	75.0
88305 single complicated or multiple uncomplicated specimen(s), without complex dissection	105.0
88307 single complicated specimen requiring complex dissection or multiple complicated specimens ..	150.0
88309 complex diagnostic problem with or without extensive dissection	BR

	Unit Value		Unit Value
(For fine needle aspiration, preparation and interpretation of smears, see 88170-88173)		89132 after stimulation	45.0
88311 Decalcification procedure (list separately in addition to code for surgical pathology examination) .	12.0	89135 Gastric intubation and aspiration, and fractional collections (e.g., gastric secretory study); one hour .	60.0
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	89136 two hours	90.0
88313 Group II, all other (e.g., iron, trichrome) except immunocytochemistry and immunoperoxidase stains, each	12.0	89140 two hours including gastric stimulation (e.g., histalog, pentagastrin)	105.0
(For immunocytochemistry and immunoperoxidase tissue studies, see 88342)		89141 three hours, including gastric stimulation	120.0
88314 histochemical staining with frozen section(s) .	BR	(For radiologic localization of gastric tube, see 74340)	
88318 Determinative histochemistry to identify chemical components (e.g., copper, zinc)	BR	(For chemical analyses, see 82926-82932)	
88319 Determinative histochemistry to identify enzyme constituents, each	BR	(Joint fluid chemistry, see Chemistry and Toxicology((; this section)))	
88323 Preparation of slides on referred material	BR	89160 Meat fibers, feces	12.0
88331 Preparation of frozen section(s), single specimen .	BR	((89180 has been deleted. To report, use 89190))	
88332 each additional frozen section during same visit to surgical operating suite	BR	89190 Nasal smear for eosinophils	BR
88342 Immunocytochemistry (including tissue immunoperoxidase), each antibody	BR	89205 Occult blood, any source except feces	10.5
((88345 has been deleted. To report, use 88346))		(Occult blood, feces, see 82270)	
88346 Immunofluorescent study, each antibody	BR	(Paternity tests, see 86385, 86386)	
88348 Electron microscopy; diagnostic scanning	BR	((89210 has been deleted))	
88349 scanning	BR	89300 Semen analysis; presence and/or ((sperm)) motility of sperm including Huhner test	12.0
88355 Morphometric analysis; skeletal muscle	BR	89310 motility and count	40.0
88356 nerve	BR	89320 complete (volume, count, motility and differential)	80.0
((88360 Whole organ sections has been deleted. To report, use 88399)		(Skin tests, see 86455-86585 ((and 95005-95199)))	
((88370 has been deleted. To report, use 88342))		89325 Sperm antibodies	BR
88358 tumor	BR	89329 Sperm evaluation, hamster penetration test	BR
88362 Nerve teasing preparations	BR	(For medicolegal identification of sperm, see 88125)	
88399 Unlisted surgical pathology procedure	BR	((For complete spinal fluid examination, see 89070)	
		((89345 has been deleted))	
		89330 cervical mucus penetration test, with or without spinnbarkeit test	BR
		89350 Sputum, obtaining specimen, aerosol induced technique (separate procedure)	20.0
		89355 Starch granules, feces	10.5
		89360 Sweat collection by iontophoresis	BR
		(For chloride and sodium analysis, see 82437, 84295)	
		(Tissue culture, see 86595)	
		(Tissue typing, see 86810-86822)	
		89365 Water load test	BR
		89399 Unlisted miscellaneous pathology test	BR

AMENDATORY SECTION (Amending Order 87-18, filed 7/23/87)

WAC 296-23A-360 MISCELLANEOUS.

	Unit Value
((Basal metabolic rate has been deleted. If necessary to report, use 89399)	
((89005-89007 have been deleted))	
89050 Cell count, miscellaneous body fluids (e.g., CSF, joint fluid), except blood	12.0
89051 with differential count	20.0
89060 Crystal identification by compensated polarizing lens analysis; synovial fluid	BR
((89070 has been deleted)	
((89080 has been deleted))	
89100 Duodenal intubation and aspiration; single specimen (e.g., simple bile study or afferent loop culture) plus appropriate test procedure	40.0
89105 collection of multiple fractional specimens with pancreatic or gallbladder stimulation, single or double lumen tube	BR
(For radiological localization, see 74340)	
(For chemical analysis, see Chemistry and Toxicology)	
89125 Fat stain, feces, urine, sputum	15.0
89130 Gastric intubation and aspiration, diagnostic, each specimen, for chemical analyses or cytopathology .	20.0

**WSR 89-17-040
PERMANENT RULES
DEPARTMENT OF LICENSING
(Board of Optometry)**

[Order PM 853—Filed August 11, 1989, 9:40 a.m.]

Be it resolved by the Washington State Board of Optometry, acting at Seattle, Washington, that it does adopt the annexed rules relating to:

- New WAC 308-53-330 Certification required for use of pharmaceutical agents.
- New WAC 308-53-340 Drug formulary.

This action is taken pursuant to Notice No. WSR 89-13-062 filed with the code reviser on June 20, 1989. 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 18.53.010 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 July 25, 1989.

By Mary Robinson
Vice-Chair

NEW SECTION

WAC 308-53-330 CERTIFICATION REQUIRED FOR USE OF PHARMACEUTICAL AGENTS. (1) Licensed optometrists using pharmaceutical agents in the practice of optometry shall have a minimum of sixty hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, and for therapeutic purposes an additional minimum seventy-five hours of didactic and clinical instruction, and certification from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Post-Secondary Accreditation to qualify for certification by the optometry board to use drugs for diagnostic and therapeutic purposes.

(2) Optometrists must obtain the required instructions in both diagnostic and therapeutic categories in order to be eligible to qualify for certification to use drugs for therapeutic purposes.

(3) The instruction in ocular therapeutics must cover the following subject area in order to qualify for certification training:

- (a) Ocular pharmacology.
 - (i) Corneal barrier, blood-aqueous, /-retinal barrier.
 - (ii) Routes of drug administration for ocular disease.
 - (iii) Prescription writing and labeling.
 - (iv) Ocular side-effects of systemic drugs.
- (b) Anti-infectives.
 - (i) General principles of anti-infective drugs.
 - (ii) Antibacterial drugs.
 - (iii) Treatment of ocular bacterial infections.
 - (iv) Antiviral drugs.
 - (v) Treatment of ocular viral infections.
 - (vi) Antifungal drugs.
 - (vii) Treatment of ocular fungal infections.
 - (viii) Antiparasitic drugs.
 - (ix) Treatment of parasitic eye disease.
- (c) Anti-inflammatory drugs.
 - (i) Nonsteroidal anti-inflammatory drugs (NSAIDS).
 - (ii) General principles of mast-cell stabilizers.
 - (iii) Antihistamines.
 - (iv) Ocular decongestants.
 - (v) Treatment of allergic disease.
 - (vi) Treatment of inflammatory disease.
 - (vii) Cycloplegic drugs.
 - (viii) Treatment of ocular trauma.

- (ix) Ocular lubricants.
- (x) Hypertonic agents.
- (xi) Antiglaucoma drugs.

Each subject area shall be covered in sufficient depth so that the optometrist will be informed about the general principles in the use of each drug category, drug side effects and counter indications, and for each disease covered the subjective symptoms, objective signs, diagnosis and recommended treatment and programs.

NEW SECTION

WAC 308-53-340 DRUG FORMULARY. Pursuant to RCW 18.53.010(3) the optometry board adopts the following drug formulary of topically applied drugs for diagnostic and treatment purposes.

- (1) Drugs for diagnostic or therapeutic purposes.
 - (a) Mydriatics.
 - (b) Cycloplegics.
 - (c) Miotics.
 - (d) Anesthetics.
- (2) Drugs for therapeutic purposes only.
 - (a) Anti-infectives.
 - (b) Antihistamines and decongestants.
 - (c) Ocular lubricants.
 - (d) Antiglaucoma and ocular hypotensives.
 - (e) Anti-inflammatories.
 - (f) Hyperosmotics.
 - (g) Other topical drugs approved for ocular use by the FDA.

WSR 89-17-041

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 11, 1989, 4:03 p.m.]

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 concerning mandatory cost changes for telecommunications companies (Docket No. U-89-2876-R), WAC 480-80-390;

that the agency will at 9:00 a.m., Wednesday, August 23, 1989, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., 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 80.01.040.

The specific statute these rules are intended to implement is RCW 80.36.080 and 80.36.140.

This notice is connected to and continues the matter in Notice No. WSR 89-12-069 filed with the code reviser's office on June 7, 1989.

Dated: August 11, 1989

By: Paul Curl
Acting Secretary

WSR 89-17-042
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—August 8, 1989]

The State Board of Education schedule of meeting dates and locations for the 1989 calendar year, filed with the code reviser on August 29, 1988 (WSR 88-18-017), is amended as follows: On September 28-29, 1989, the regular meeting of the State Board of Education will convene at 9:00 a.m. in the Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA.

The location of the November 29-December 2, 1989, meeting has been changed from the Spokane Convention Center to the board room of the Spokane School District, North 200 Bernard, Spokane, WA.

WSR 89-17-043
NOTICE OF PUBLIC MEETINGS
STATE BOARD OF EDUCATION
 [Memorandum—August 11, 1989]

SCHEDULE OF REGULAR MEETING DATES AND
LOCATIONS
1990 CALENDAR YEAR

January 25-26, 1990	Quinault Room Tye Hotel Olympia
March 29-30, 1990	Issaquah School District Issaquah
May 17-18, 1990	Moses Lake School District Moses Lake
July 26-28, 1990	Coupeville School District Coupeville
September 27-28, 1990	University of Puget Sound Tacoma
November 29-30, 1990	Sea-Tac Hilton Seattle

WSR 89-17-044
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-79—Filed August 11, 1989, 4:55 p.m.]

Date of Adoption: August 11, 1989.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-33-01000F.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Harvestable numbers of chinook salmon are available in the Columbia River. This rule is consistent with the actions of the August 11, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

August 11, 1989
 Edward P. Manary
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-33-01000G COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WAC's 220-33-005, 220-33-010, 220-33-020 and 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except during the times and conditions listed:

- (1) Open to the taking of salmon, sturgeon, and shad.

Time: 6:00 p.m. August 13 to 6:00 a.m. August 14, 1989

Area: 1C, 1D, and 1E

Gear: 8 inch minimum mesh below the Longview Bridge
 9 inch minimum mesh above the Longview Bridge

Sanctuaries: Cowlitz, Washougal, Elokomin-A, Kalama-A, Lewis River-A, Big Creek, Gnat Creek, and Sandy River as defined in WAC 220-33-010(3) are closed.

- (2) Open to the taking of salmon, sturgeon, and shad.

Time: 6:00 p.m. to 6:00 a.m. August 20, to August 25, 1989

Area: Shad Area 2S as defined on WAC 220-33-030

Gear: 9 inch minimum mesh

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000F COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. (89-76)

WSR 89-17-045
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-78—Filed August 11, 1989, 4:55 p.m.]

Date of Adoption: August 11, 1989.

Purpose: Amend commercial regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-505.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a

federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B, 7C, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish and Hood Canal regions of origin, and, in Hood Canal, to prevent wastage. The restriction in Area 12B is necessary to protect pink salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest.

Effective Date of Rule: August 13, 1989.

August 11, 1989

Edward P. Manary

for Joseph R. Blum

Director

NEW SECTION

WAC 220-47-506 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday August 13, 1989, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C – Gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, and Wednesday, August 14, 15 and 16.
- * Areas 12B and 12C – purse seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Tuesday, Wednesday, and Thursday, August 15, 16 and 17, and from 5 AM – 4 PM Friday, August 18, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 14, 15, 16 and 17. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- * Areas 6B, 6D, 7D, 7E, 8, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday August 13:

WAC 220-47-505 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-75)

WSR 89-17-046

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Filed August 11, 1989, 4:55 p.m.]

Date of Adoption: August 11, 1989.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-56-197.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Management plans for Washington fisheries in 1989, which impact Skagit River coho are specified in the 1989 Skagit memorandum of understanding. There is no need for the coho angling closure of Skagit Bay during September and October, as allowable impacts on Skagit coho are already accounted for by the provisions of the memorandum of understanding. This rule is necessary to stop inadvertent snagging during the hours of darkness. Brood stock chinook salmon returning to the Deschutes River are milling in the area and are in need of protection.

Effective Date of Rule: September 1, 1989.

August 11, 1989

Edward P. Manary

for Joseph R. Blum

Director

NEW SECTION

WAC 220-56-12800D FOOD FISH FISHING—CLOSED AREA Notwithstanding the provisions of WAC 220-56-128, effective immediately until further notice, it is unlawful to fish for or possess food fish from one hour after official sunset to one hour before official sunrise in those waters of Budd Inlet at Olympia lying between the Fourth Avenue Bridge and a line projected from the northwest corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building.

NEW SECTION

WAC 220-56-19700A SKAGIT BAY COHO SALMON ANGLING. Notwithstanding the provisions of WAC 220-56-197, effective September 1, 1989, until further notice, it shall be lawful to take or possess coho salmon from that portion of Area 8-1, defined as those waters of Skagit Bay 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. Season, bag limit, size, and gear restrictions regulations for Area 8 are in effect.

WSR 89-17-047

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 120—Filed August 14, 1989, 2:26 p.m.]

I, Duane Berentson, secretary of the Department of Transportation, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 468-06-030 Exempted records.
 Amd WAC 468-06-040 Description of central and field organization of the Washington State Department of Transportation.
 Amd WAC 468-06-050 Public records officer.

This action is taken pursuant to Notice No. WSR 89-14-019 filed with the code reviser on June 26, 1989. 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 42.17.250 through 42.17.340 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 August 14, 1989.

By Ed W. Ferguson
 Deputy Secretary

AMENDATORY SECTION (Amending Order 97, filed 11/18/85)

~~WAC 468-06-030 EXEMPTED RECORDS. ((1) accordance with RCW 42.17.310, the following personal and other records shall be exempt from public inspection and copying:~~

~~((1) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.~~

~~((2)) The following records shall be exempt from public inspection and copying. For further exemptions, chapter 42.17 RCW and in particular RCW 42.17.310 should be consulted.~~

~~((1) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.~~

~~((3) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.~~

~~((4)) ((2) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the nondisclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.~~

~~((5)) ((3) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, other than the public disclosure commission, if disclosure would endanger any person's life, physical safety, or property: PROVIDED, That if at the time the complaint is filed the complainant indicates a desire for disclosure or nondisclosure, such desire shall govern: PROVIDED, FURTHER, That all complaints filed with the public disclosure commission about any elected official or candidate for public office must be made in writing and signed by the complainant under oath.~~

~~((6)) ((4) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.~~

~~((7)) ((5) Except as provided by chapter 8.26 RCW, the contents of real estate appraisals, made for or by any agency relative to the acquisition or sale of property, until the project or prospective sale is abandoned or until such time as all of the property has been acquired, or the property to which the sale appraisal relates is sold, but in no event shall disclosure be denied for more than three years after the appraisal.~~

~~((8)) ((6) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.~~

~~((9)) ((7) Preliminary drafts, notes, recommendations, and intraagency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.~~

~~((10)) ((8) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.~~

~~((11)) ((9) Records, maps, or other information identifying the location of archaeological sites in order to avoid the looting or depredation of such sites.~~

~~((12)) ((10) Any library record, the primary purpose of which is to maintain control of library materials, or to gain access to information, which discloses or could be used to disclose the identity of a library user.~~

~~((13)) ((11) Financial information supplied by or on behalf of a person, firm, or corporation for the purpose of qualifying to submit a bid or proposal for (a) a ferry system construction or repair contract as required by RCW 47.60.680 through 47.60.750 or (b) highway construction or improvement as required by RCW 47.28.070.~~

~~((14) Railroad company contracts filed with the utilities and transportation commission under RCW 81.34-.070, except that the summaries of the contracts are~~

~~open to public inspection and copying as otherwise provided by this chapter.)~~ (12) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant.

(13) The residential addresses and residential telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

AMENDATORY SECTION (Amending Order 97, filed 11/18/85)

WAC 468-06-040 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF THE WASHINGTON STATE DEPARTMENT OF TRANSPORTATION. (1) The department of transportation is a statutorily created agency of the state of Washington. The headquarters office of the department of transportation is located in the Transportation Building, Olympia, WA 98504.

(2) The department of transportation is headed by a secretary who is the executive head of the department and is appointed by the transportation commission.

(a) Serving directly under the secretary are the deputy secretary, legislative ~~((liaison))~~ and strategic management relations, and ~~((public))~~ economic development affairs ~~((office))~~. There are also assistant attorney generals assigned to the department who provide legal services in department matters.

(b) The deputy secretary has jurisdiction over ~~((the))~~ state aid ~~((office))~~, personnel ~~((office))~~, audit, public affairs, and the following divisions located in Olympia: Highways; planning, research and public transportation; marine transportation; aeronautics; and finance and budget management ~~((services))~~.

(c) The department functions are also carried out by six districts which are headed by a district administrator and report directly to the deputy secretary. The district locations are: ~~((Seattle))~~ Bellevue, Wenatchee, Tumwater, Vancouver, Yakima, and Spokane. The districts have various field offices which are headed by a supervisor.

(3) A more detailed description of the department of transportation is contained in the department organization handbook and is available from the public records officer in the headquarters building.

AMENDATORY SECTION (Amending Order 62, filed 5/19/81)

WAC 468-06-050 PUBLIC RECORDS OFFICER. The department's public records shall be in the charge of the manager, administrative services, who shall be the public records officer for the department. In

the absence of the manager, administrative services, the ~~((forms and))~~ records manager shall serve as the public records officer. The persons so designated shall be located in the transportation building, Olympia, Washington. The public records officer shall be responsible for the following: The implementation of the department's rules and regulations regarding release of public records, coordinating the staff of the department in this regard, and generally insuring compliance by the staff with the public records disclosure requirements of chapter 1, Laws of 1973.

WSR 89-17-048

PERMANENT RULES

DEPARTMENT OF TRANSPORTATION

[Order 121—Filed August 14, 1989, 2:29 p.m.]

I, Duane Berentson, secretary of the Department of Transportation, do promulgate and adopt at the Transportation Building, Room 1D 2, Olympia, Washington, the annexed rules relating to adoption of chapter 468-100 WAC, Uniform relocation assistance and real property acquisition, to provide rules to comply with revision to chapter 8.26 RCW.

This action is taken pursuant to Notice No. WSR 89-14-039 filed with the code reviser on June 29, 1989. 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 Department of Transportation as authorized in chapter 8.26 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 August 14, 1989.

By Ed W. Ferguson
Deputy Secretary

Chapter 468-100 WAC
UNIFORM RELOCATION ASSISTANCE AND
REAL PROPERTY ACQUISITION

WAC

SUBPART A
GENERAL

- 468-100-001 Purpose and scope.
- 468-100-002 Definitions.
- 468-100-003 No duplication of payments.
- 468-100-004 Agency procedures, temporary relocation, monitoring, and corrective action.
- 468-100-005 Notices.
- 468-100-006 Administration of jointly funded projects.
- 468-100-007 Funding agency waiver of regulations.
- 468-100-008 Compliance with other laws and regulations.

- 468-100-009 Recordkeeping and reports.
- 468-100-010 Appeals.

**SUBPART B
REAL PROPERTY ACQUISITION**

- 468-100-101 Applicability of acquisition requirements.
- 468-100-102 Criteria for appraisals.
- 468-100-103 Review of appraisals.
- 468-100-104 Acquisition of tenant-owned improvements.
- 468-100-105 Certain litigation expenses.
- 468-100-106 Donations.

**SUBPART C
GENERAL RELOCATION REQUIREMENTS**

- 468-100-201 Purpose.
- 468-100-202 Applicability.
- 468-100-203 Relocation notices.
- 468-100-204 Availability of comparable replacement dwelling before displacement.
- 468-100-205 Relocation assistance planning, advisory services, and coordination.
- 468-100-206 Eviction for cause.
- 468-100-207 Claims for relocation payments.
- 468-100-208 Relocation payments not considered as income.

**SUBPART D
PAYMENT FOR MOVING AND RELATED EXPENSES**

- 468-100-301 Payment for actual reasonable moving and related expenses—Residential moves.
- 468-100-302 Fixed payment for moving expenses—Residential moves.
- 468-100-303 Payment for actual reasonable moving and related expenses—Nonresidential moves.
- 468-100-304 Fixed payment for moving expenses—Nonresidential moves.
- 468-100-305 Ineligible moving and related expenses.
- 468-100-306 Reestablishment expenses—Nonresidential moves.

**SUBPART E
REPLACEMENT HOUSING PAYMENTS**

- 468-100-401 Replacement housing payment for one hundred eighty-day homeowner-occupants.
- 468-100-402 Replacement housing payment for ninety-day occupants.
- 468-100-403 Additional rules governing replacement housing payments.

**SUBPART F
MOBILE HOMES**

- 468-100-501 Applicability.
- 468-100-502 Moving and related expenses—Mobile homes.
- 468-100-503 Replacement housing payment for one hundred eighty-day mobile home owner-occupants.

- 468-100-504 Replacement housing payments for ninety-day mobile home occupants.
- 468-100-505 Additional rules governing relocation payment to mobile home occupants.

**SUBPART G
LAST RESORT HOUSING**

- 468-100-601 Applicability.
- 468-100-602 Methods of providing replacement housing.

**SUBPART A
GENERAL**

NEW SECTION

WAC 468-100-001 PURPOSE AND SCOPE. (1) This chapter promulgates rules to implement chapter 8.26 RCW (Relocation assistance—Real property acquisition policy).

(2) Conflicts: In the event of any conflict between these regulations and the provisions of chapter 8.26 RCW or any other applicable law, the statutory provisions are controlling.

(3) Notwithstanding anything to the contrary in this chapter, any displacing agency, where otherwise authorized, may make any relocation assistance payment in an amount which exceeds the maximum amount for such payment authorized by this chapter, and may comply with regulations promulgated pursuant to other authority, if the making of such payment or compliance with such requirements is necessary under federal law or regulations to secure federal financial assistance.

NEW SECTION

WAC 468-100-002 DEFINITIONS. Certain terms used in this chapter are defined as follows:

(1) Agency: Means the state agency or local public agency which acquires the real property or displaces a person.

(2) Appraisal: Means a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion of defined value of an adequately described property as of a specific date, supported by the presentation and analysis of relevant market information.

(3) Business: Means any lawful activity, except a farm operation, that is conducted:

(a) Primarily for the purchase, sale, lease, and/or rental of personal and/or real property, and/or for the manufacture, processing, and/or marketing of products, commodities, and/or any other personal property; or

(b) Primarily for the sale of services to the public; or

(c) Solely for the purpose of WAC 468-100-303, conducted primarily for outdoor advertising display purposes, when the display must be moved as a result of the project; or

(d) By a nonprofit organization that has established its nonprofit status under applicable federal or state law.

(4) Comparable replacement dwelling: Means a dwelling which meets the additional rules in WAC 468-100-403 and which:

(a) Is decent, safe, and sanitary according to the definition in WAC 468-100-002(6).

(b) Is functionally similar to the displacement dwelling with particular attention to the number of rooms and living space.

(c) Is adequate in size to accommodate the occupants.

(d) Is located in an area that is not subject to unreasonable adverse environmental conditions, is not generally less desirable than the location of the displaced person's dwelling with respect to public utilities and commercial and public facilities, and is reasonably accessible to the person's place of employment. Comparables may be used from neighborhoods similar to that of the acquired dwelling.

(e) Has a site that is typical in size for residential development with normal site improvements, including customary landscaping. The replacement site need not include either a special improvement or a major exterior attribute of the displacement site in accordance with WAC 468-100-403 (1)(b).

(f) Is currently available to the displaced person on the private market. However, a comparable replacement dwelling for a person receiving government housing assistance before displacement may reflect similar government housing assistance.

(g) Is priced within the financial means of the displaced person.

(i) For a one hundred eighty-day owner-occupant described at WAC 468-100-401, a comparable dwelling is considered to be within the displacee's financial means.

(ii) For a ninety-day tenant-occupant described at WAC 468-100-402, a comparable dwelling is considered to be within the displacee's financial means if after application of the rental assistance payment, described in said section, the displacee's portion of the monthly rent plus utilities would be thirty percent or less of his total monthly income from all sources.

(iii) For a displaced person who is not eligible to receive a replacement housing payment under WAC 468-100-402 due to failure to meet the length of occupancy requirements, comparable housing is considered to be within the displacee's financial means if the acquiring agency pays that portion of the monthly housing costs which would exceed thirty percent of the displacee's monthly income for forty-two months. Replacement housing payments would be paid under WAC 468-100-601.

(5) Contribute materially: Means that during the two taxable years prior to the taxable year in which displacement occurs, or during such other period as the agency determines to be more equitable, a business or farm operation:

(a) Had average annual gross receipts of at least five thousand dollars; or

(b) Had average annual net earnings of at least one thousand dollars; or

(c) Contributed at least thirty-three and one-third percent of the owner's or operator's average annual gross income from all sources.

(d) If the application of the above criteria creates an inequity or hardship in any given case, the agency may

approve the use of other criteria as determined appropriate.

(6) Decent, safe, and sanitary (DSS) dwelling: Means a dwelling which meets applicable housing and occupancy codes. However, any of the following standards which are not met by an applicable code shall apply, unless waived for good cause by the agency funding the project. The dwelling shall:

(a) Be structurally sound, weathertight, and in good repair.

(b) Contain a safe electrical wiring system adequate for lighting and other electrical devices.

(c) Contain a heating system capable of sustaining a healthful temperature (of approximately seventy degrees) for a displaced person.

(d) Be adequate in size with respect to the number of rooms and area of living space needed to accommodate the displaced person. There shall be a separate, well-lighted and ventilated bathroom that provides privacy to the user and contains a sink, bathtub or shower stall, and a toilet, all in good working order and properly connected to appropriate sources of water and to a sewage drainage system. In the case of a housekeeping dwelling, there shall be a kitchen area that contains a fully usable sink, properly connected to potable hot and cold water and to a sewage drainage system, and adequate space and utility service connections for a stove and refrigerator.

(e) Contains unobstructed egress to safe, open space at ground level. If the replacement dwelling unit is on the second story or above, with access directly from or through a common corridor, the common corridor must have at least two means of egress.

(f) For a displaced person who is handicapped, be free of any barriers which would preclude reasonable ingress, egress, or use of the dwelling by such displaced person.

(7) Displaced person:

(a) General: Means any person who moves from the real property or moves his or her personal property from the real property:

(i) As a direct result of the agency's acquisition of, or the initiation of negotiation for, such real property in whole or in part for a project; or

(ii) As a direct result of a written order from the acquiring agency to vacate such real property for a project; or

(iii) As a direct result of the agency's acquisition of, or written order to vacate for a project, other real property on which the person conducts a business or farm operation; or

(iv) As a direct result of a voluntary transaction by the owner pursuant to WAC 468-100-101 (2)(a) thereby displacing a tenant.

(b) Persons not displaced: The following is a nonexclusive listing of persons who do not qualify as a displaced person under this chapter.

(i) A person who moves before the initiation of negotiations except one who is required to move for reasons beyond his or her control as explained in WAC 468-100-403(5); or

(ii) A person who initially enters into occupancy of the property after the date of its acquisition for the project; or

(iii) A person whom the agency determines is not required to relocate permanently as a direct result of a project; or

(iv) A person whom the agency determines is not displaced as a direct result of a partial acquisition; or

(v) A person who, after receiving a notice of relocation eligibility also receives a notice of noneligibility (described in WAC 468-100-203 (2)(b)); or

(vi) An owner who voluntarily sells his or her property pursuant to WAC 468-100-101 (2)(a) after being informed in writing that if a mutually satisfactory agreement of sale cannot be reached, the agency will not acquire the property; or

(vii) A person who retains the right of use and occupancy of the real property for life following its acquisition by the agency; or

(viii) A person who retains the right of use and occupancy of the real property for a fixed term after its acquisition for a program or project receiving federal financial assistance from the Department of Interior; or

(ix) A person who has occupied the property for the purpose of obtaining assistance under the Uniform Act; or

(x) A person who is determined to be in unlawful occupancy or a person who has been evicted for cause prior to the initiations of negotiations for the property.

(8) Dwelling: Means the place of permanent or customary and usual residence of a person, as determined by the agency according to local custom or law, including a single family house; a single family unit in a two-family, multifamily, or multipurpose property; a unit of a condominium or cooperative housing project; a nonhousekeeping unit; a mobile home; or any other fixed or installed residential unit other than a unit customarily used, and currently (although not necessarily immediately) capable of use, for transportation or recreational purposes.

(9) Farm operation: Means any activity conducted solely or primarily for the production of one or more agricultural products or commodities, including timber, for sale or home use, and customarily producing such products or commodities in sufficient quantity to be capable of contributing materially to the operator's support.

(10) Financial assistance: Means any grant, loan, or contribution, except a federal guarantee or insurance.

(11) Initiation of negotiations: Means the date of delivery of the initial written offer by the agency to the owner or the owner's representative to purchase real property for a project for the amount determined to be just compensation, unless applicable agency program regulations specify a different action to serve this purpose. However:

(a) If the agency issues a notice of its intent to acquire the real property, and a person moves after that notice, but before delivery of the initial written purchase offer, the "initiation of negotiations" means the date the person moves from the property. (See also WAC 468-100-505(3).)

(b) In the case of a permanent relocation to protect the public health and welfare under the Comprehensive Environmental Response Compensation and Liability Act of 1980 (Pub. L. 96-510, or "Superfund"), the "initiation of negotiations" means the formal announcement of such relocation or the federal or federally-coordinated health advisory where the federal government later decides to conduct a permanent relocation.

(12) Mortgage: Means any of such classes of liens as are commonly given to secure advances on, or the unpaid purchase price of, real property, under the laws of the state in which the real property is located, together with the credit instruments, if any, secured thereby.

(13) Owner of displacement dwelling: A displaced person is considered to have met the requirement to own a displacement dwelling if the person holds any of the following interests in real property acquired for a project:

(a) Fee title, a life estate, a ninety-nine year lease, or a lease, including any options for extension, with at least fifty years to run from the date of acquisition; or

(b) An interest in a cooperative housing project which includes the right to occupy a dwelling; or

(c) A contract to purchase any of the interests or estates described in subsection (1) or (2) of this section; or

(d) Any other interests, including a partial interest, which in the judgment of the agency warrants consideration as ownership.

(14) Person: Means any individual, family, partnership, corporation, or association.

(15) Salvage value: Means the probable sale price of an item, if offered for sale on the condition that it will be removed from the property at the buyer's expense, allowing a reasonable period of time to find a person buying with knowledge of the uses and purposes for which it is adaptable and capable of being used, including separate use of serviceable components and scrap when there is no reasonable prospect of sale except on that basis.

(16) Small business: Means any business having not more than five hundred employees working at the site being required or permanently displaced by a program or project.

(17) State: Means any department, commission, agency, or instrumentality of the state of Washington.

(18) Tenant: Means a person who has the temporary use and occupancy of real property owned by another.

(19) Uneconomic remnant: Means a parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property, and which the acquiring agency has determined has little or no value.

(20) Uniform Act: Means the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894; 42 U.S.C. 4601 et seq.; Pub. L. 91-646), and amendments thereto.

(21) Unlawful occupancy: A person is considered to be in unlawful occupancy when such person has been ordered to move by a court prior to the initiation of negotiations for the acquisition of the occupied property.

(22) Voluntary transaction: Means a donation, exchange, market sale, or other type of agreement entered into without compulsion on the part of the agency.

NEW SECTION

WAC 468-100-003 NO DUPLICATION OF PAYMENTS. No person is entitled to receive any payment under this chapter if that person receives a payment under federal, state, or local law which is determined to have the same purpose and effect as such payment under this chapter. The agency shall avoid creating a duplication based on information obtained by the agency at the time the agency approves a payment under this chapter.

NEW SECTION

WAC 468-100-004 AGENCY PROCEDURES, TEMPORARY RELOCATION, MONITORING, AND CORRECTIVE ACTION. (1) Agency procedures: Prior to a state agency or local public agency commencement of any project phase that will result in real property acquisition or displacement that is subject to chapter 8.26 RCW, the agency shall prepare and adopt operating procedures. Such procedures shall (a) assure that the agency will comply with chapter 8.26 RCW and this chapter, (b) contain specific reference to any state law which the agency believes provides an exception to RCW 8.26.180, 8.26.190, or this chapter, (c) include appropriate provisions to carry out this chapter in a manner that minimizes the opportunity for, and/or the appearance of fraud, waste, and mismanagement, and (d) shall be prefaced by a certification that the agency will carry out its responsibilities for real property acquisition and relocation assistance in accordance with chapter 8.26 RCW and this chapter. A statement such as the following would satisfy the certification requirement:

"The agency certifies that the agency will comply with chapter 8.26 RCW and chapter 468-100 WAC in connection with the acquisition of real property for, and relocation of persons displaced by, a program or project of the agency."

The agency shall maintain a record copy of such procedures available for public review at any reasonable time and location.

(2) Temporary relocation: In the case of a person that will not be displaced but is required to relocate temporarily because of the project, the provisions of WAC 468-100-204(3) shall apply.

(3) Monitoring and corrective action: The funding agency will monitor compliance with this chapter, and the acquiring agency and/or displacing agency shall take whatever corrective action is necessary to comply with chapter 8.26 RCW and this chapter. The funding agency may also apply sanctions in accordance with applicable program regulations.

NEW SECTION

WAC 468-100-005 NOTICES. Notices which the agency is required to provide shall be written in plain, understandable language. Persons who are unable to read and understand the notice must be provided with appropriate translation and counseling. Each notice shall indicate the name and telephone number of a person who may be contacted for answers to questions or other

needed help. Notices shall be personally served or sent by registered or certified first-class mail return receipt requested and documented in the agency's files.

NEW SECTION

WAC 468-100-006 ADMINISTRATION OF JOINTLY FUNDED PROJECTS. Whenever two or more agencies provide financial assistance to an agency or agencies to carry out functionally or geographically related activities which will result in the acquisition of property or the displacement of a person, the funding agencies may by agreement designate one such agency as the cognizant agency. At a minimum, the agreement shall set forth the financially assisted activities which are subject to its terms and cite any policies and procedures, in addition to this chapter, that are applicable to the activities under the agreement. Under the agreement, the cognizant agency shall assure that the project is in compliance with the provisions of chapter 8.26 RCW and this chapter. All financially assisted activities under the agreement shall be deemed a project for the purposes of this chapter.

NEW SECTION

WAC 468-100-007 FUNDING AGENCY WAIVER OF REGULATIONS. The agency funding the project may, on a case-by-case or project basis, waive any requirement in this chapter not required by law if it determines that the waiver does not reduce any assistance or protection provided to an owner or displaced person under this chapter. Any request for a waiver by an acquiring or displacing agency shall be justified on a case-by-case or project basis.

NEW SECTION

WAC 468-100-008 COMPLIANCE WITH OTHER LAWS AND REGULATIONS. The implementation of this chapter shall be in compliance with all applicable laws and implementing regulations, including the following:

(1) Section I of the Civil Rights Act of 1866 (42 U.S.C. 1982 et seq.).

(2) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).

(3) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), as amended.

(4) The National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.).

(5) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 790 et seq.).

(6) Executive Order 12250 - Leadership and Coordination of Non-Discrimination Laws.

(7) Executive Order 11063 - Equal Opportunity and Housing, as amended by Executive Order 12259.

(8) Executive Order 11246 - Equal Employment Opportunity.

(9) Executive Order 11625 - Minority Business Enterprise.

(10) Executive Order 12259 - Leadership and Coordination of Fair Housing in Federal Programs.

(11) The Flood Disaster Protection Act of 1973 (Pub. L. 93-234).

(12) Executive Orders 11988, Floodplain Management, and 11990, Protection of Wetlands.

(13) The Age Discrimination Act of 1975 (42 U.S.C. 6101 et seq.).

NEW SECTION

WAC 468-100-009 RECORDKEEPING AND REPORTS. (1) Records: The agency shall maintain adequate records of its acquisition and displacement activities in sufficient detail to demonstrate compliance with this chapter. These records shall be retained for at least three years after each owner of a property and each person displaced from a property receives the final payment to which the person is entitled under this chapter.

(2) Confidentiality of records: Records maintained by an agency in accordance with this chapter are confidential regarding their use as public information, unless applicable law provides otherwise.

(3) Reports: The agency shall submit a report of its real property acquisition and displacement activities under this chapter if required by the funding agency. A report will not be required more frequently than every three years, or as the Uniform Act provides, unless the funding agency shows good cause.

NEW SECTION

WAC 468-100-010 APPEALS. The displacing agency shall promptly review appeals in accordance with the requirements of applicable law and this chapter.

(1) Actions which may be appealed: A person may file written notice of an appeal with the displacing agency in any case in which the person believes that the agency has failed to properly determine the person's eligibility for, or the amount of, a payment required under WAC 468-100-106 or 468-100-107, or a relocation payment required under this chapter.

(2) Limitations: A person is entitled to only such benefits as are specifically delineated in this chapter.

(3) Form of notice: The displacing agency shall consider a written appeal regardless of form. The appeal notice or letter should state what issues are being claimed, the reasons why the aggrieved person believes the claim should be allowed, and how the person believes he or she is otherwise aggrieved. The letter or notice should clearly identify the displacing agency's project and parcel of real property involved and should bear the signature and address of the aggrieved person or the person's authorized representative. The displacing agency may refuse to schedule any review or hearing on an appeal until these requirements have been complied with or may issue an order providing for dismissal of such appeal upon failure to comply within a reasonable time specified by the agency.

(4) Time limit for initiating appeal: The time limit shall be sixty days after the person receives written notification of the agency's determination on the person's claim.

(5) Right to representation: A person has a right to be represented by legal counsel or other representative in

connection with the person's appeal, but solely at the person's own expense.

(6) Review of files by person making appeal: The displacing agency shall permit a person to inspect and copy all materials pertinent to the person's appeal, except materials which are classified as confidential by the agency. The agency may, however, impose reasonable conditions on the person's right to inspect, consistent with applicable laws.

(7) Preliminary review authorized: In order to ensure consistent and uniform administration of the relocation assistance program, a displacing agency may establish an administrative review procedure for a preliminary review of all appeal notifications.

(8) Preliminary review notice: In the event of a preliminary review, the aggrieved person shall be given notice of such review and a reasonable time specified by the displacing agency to present any documents, written statements, or written evidence in support of the person's claim. Such review shall be accomplished promptly after receipt of appropriate notice by the aggrieved person. The agency shall notify the person of the decision resulting from the review and the person's right to be heard (a hearing) in the event the agency does not allow a claim, in whole or in part.

(9) Applicability of the Administrative Procedure Act:

(a) In accordance with RCW 8.26.010(3), the provisions of the Administrative Procedure Act (Title 34 RCW) regarding the resolution of contested cases shall be utilized as applicable by the head of the displacing agency in resolving any appeal filed pursuant to this section.

(b) References to "agency" in the Administrative Procedure Act shall be understood to mean "displacing agency" for the purposes of this chapter.

(10) Time and place of hearing: The hearing officer shall hold hearing within forty-five days following receipt from the displacing agency of the notice of appeal, and upon not less than twenty days' notice to the aggrieved person. Hearing shall be held in the county where the real property is located, or at such other location as may be agreed upon between the hearing officer and the aggrieved person. Failure to hold such hearing within the time specified herein, however, shall not affect the authority of the hearing officer, the necessity of the hearing, or the rights of the parties involved.

(11) Hearing process:

(a) Admissibility of evidence: Subject to the other provisions of this chapter, all relevant evidence is admissible which, in the opinion of the hearing officer, is the best evidence reasonably obtainable, having due regard for its necessity, availability and trustworthiness. All pertinent justification and other material submitted by the person and obtained by the agency, and all other available information that is needed to ensure a fair and full review of the appeal, shall be considered, de novo (i.e., from the beginning, anew, afresh, a second time). Authorities pertinent to a review or hearing shall be matters of applicable law, including the displacing agency's procedures established pursuant to WAC 468-100-004(1) and the provisions of this chapter. In passing on the admissibility of evidence, the hearing officer shall

give consideration to, but shall not be bound to follow, the rules of evidence governing civil proceedings, in matters not involving trial by jury, in the superior court of the state of Washington.

(b) Subpoenas: Every subpoena shall state the name of the displacing agency and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents or things under the person's control at a specified time and place.

(c) Service: Unless the service of a subpoena is acknowledged on its face by the person subpoenaed, service shall be made by delivering a copy of the subpoena to such person and by tendering the person on demand the fees for one day's attendance and the mileage allowed by law.

(d) Proof of service: The person serving the subpoena shall make proof of service by filing the subpoena and the required return, affidavit, or acknowledgment of service with the displacing agency or the hearing officer before whom the witness is required to testify or produce evidence. If service is made by a person other than an officer of the displacing agency and such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

(e) Quashing: Upon motion made promptly, and in any event at or before the time specified in the subpoena for compliance, by the person to whom the subpoena was issued, any party may:

(i) Quash or modify the subpoena if it is unreasonable or requires evidence not relevant to any matter in issue; or

(ii) Condition denial of the motion upon just and reasonable conditions.

(f) Scope - Geographical: Such attendance of witnesses and such production of evidence may be required from any place in the state of Washington, at any designated place of hearing.

(g) Depositions and interrogatories: Except as may be otherwise provided, any party may take the testimony of any person, including a party, by deposition upon oral examination or written interrogatories for use as evidence in the proceeding, except that leave must be obtained if notice of the taking is served by a proponent within twenty days after the filing of a notice of appeal. The attendance of witnesses may be compelled by the use of a subpoena. Depositions shall be taken only in accordance with this regulation and the regulation on subpoenas.

(h) Scope (relevance): Unless otherwise ordered, the deponent may be examined regarding any matter not privileged, which is relevant to the subject matter involved in the proceeding.

(i) Protection of parties and deponents: A party desiring to take a deposition of any person upon oral examination shall give reasonable notice of not less than three days in writing to all parties. The notice shall state the time and place for taking the deposition, the name and address of each person to be examined, if known, and if the name is not known, a general description sufficient to identify the person or the particular class or group to

which the person belongs. On motion of a party upon whom the notice is served, the hearing officer may for cause shown, enlarge or shorten the time. If the parties so stipulate in writing, depositions may be taken before any person, at any time or place, upon any notice, and in any manner and when so taken may be used as other depositions. After notice is served for taking a deposition, upon its own motion or upon motion reasonably made by any party or by the person to be examined and upon notice and for good cause shown, the hearing officer may make an order that the deposition shall not be taken, or that it may be taken only at some designated place other than that stated in the notice, or that it may be taken only on written interrogatories, or that certain matters shall not be inquired into, or that the scope of the examination shall be limited to certain matters, or any other order which justice requires.

(j) Recordation - Objections: The officer before whom the deposition is to be taken shall put the witness on oath and shall personally or by someone acting under the officer's direction and in the officer's presence, record the testimony. Objections to notice, qualifications of the officer taking the deposition, or to the manner of taking it, or to the evidence presented or to the conduct of the officer, or of any party, shall be noted by the officer upon the deposition. All objections by any party not so made are waived.

(k) Signing attestation and returns: When the testimony is fully transcribed, the deposition shall be submitted to the witness for examination and shall be read to or by the witness, unless such examination and reading are waived by the witness and by the parties. Any changes in form or substance which the witness desires to make shall be entered upon the deposition by the officer with a statement of the reasons given by the witness for making them. The deposition shall then be signed by the witness, unless the parties by stipulation waive the signing or the witness is ill or cannot be found or refuses to sign. If the deposition is not signed by the witness, the officer shall sign it and state on the record the fact of the waiver or of the illness or absence of the witness or the fact of the refusal to sign together with the reason, if any, given therefore; and the deposition may then be used as fully as though signed, unless on a motion to suppress, the hearing officer holds that the reasons given for the refusal to sign require rejection of the deposition in whole or in part.

(l) Use and effect - Certification: The officer shall certify on the deposition that the witness was duly sworn by the officer and that the deposition is a true record of the testimony given by the witness. The officer shall then securely seal the deposition in an envelope endorsed with the title of proceeding and marked "Deposition of (here insert name of witness)" and shall promptly send it by registered or certified mail to the designated hearing officer, for filing. The party taking the deposition shall give prompt notice of its filing to all other parties. Upon payment of reasonable charges therefore, the officer shall furnish a copy of the deposition to any party or to the deponent.

Subject to rulings by the hearing officer upon objections a deposition taken and filed as provided in this rule

will not become a part of the record in the proceeding until received in evidence by the hearing officer upon the hearing officer's own motion or the motion of any party. Except by agreement of the parties or ruling of the hearing officer, a deposition will be received only in its entirety. A party does not make a second party, or the privy of a second party, or any hostile witness the party's witness by taking the second party's deposition. Any party may rebut any relevant evidence contained in a deposition whether introduced by the party or any other party.

(m) Depositions upon interrogatories: Where the deposition is taken upon written interrogatories, the party offering the testimony shall separately and consecutively number each interrogatory and file and serve them with a notice stating the name and address of the person who is to answer them and the name or descriptive title and address of the officer before whom they are to be taken. Within ten days thereafter a party so served may serve cross-interrogatories upon the party proposing to take the deposition. Within five days thereafter, the latter may serve redirect interrogatories upon the party who served cross-interrogatories.

(n) Official notice – Matters of law: The hearing officer, upon request made before or during a hearing, will officially notice:

(i) Federal law: The Constitution; congressional acts, resolutions, records, journals and committee reports; decisions of federal courts and administrative agencies; executive orders and proclamations; and all rules, orders and official publications;

(ii) State law: The Constitution of the state of Washington, acts of the legislature, resolutions, records, journals and committee reports; decisions of administrative agencies of the state of Washington, executive orders and proclamations by the governor; and all rules, orders and official publications;

(iii) Governmental organization: Organization, territorial limitations, officers, departments, and general administration of the government of the state of Washington, the United States, and several states and foreign nations;

(iv) Agency organization: The department, commission or board organization, administration, officers, personnel, and official publications.

(o) Record: The record on any appeal shall consist of the decision or order appealed from the notice of appeal therefrom, responsive pleadings, if any, and notices of appearances, and any other written applications, motions, briefs, stipulations or requests duly filed by any party. Such record shall also include all depositions, the transcript of testimony and argument and other proceedings at the hearing, together with all exhibits offered. No part of the records of the displacing agency or other documents shall be made part of the record unless admitted in evidence.

(12) Submission of proposed decision: The hearing officer shall, within thirty days after completion of the hearing and record, prepare in writing a proposed decision containing findings and conclusions as to each contested issue of fact. The hearing officer shall file the

original, signed by the officer, with the head of the displacing agency and mail, by certified or registered first class mail, a copy to each aggrieved person who is a party to the appeal and to the party's attorney or representative of record.

(13) Exception – Time for filing: Within twenty days, or such further period as the hearing officer may allow, any party to the appeal may file with the hearing officer, a written statement of exceptions to the proposed decision of the hearing officer.

(14) Reply to exceptions: Any party may, within fifteen days after the filing of an exception by an adverse party, submit a reply to exceptions, a written brief, or a statement of position regarding the matters on which exceptions were taken. In such instances, a copy of the transcript of testimony and other proceedings of the hearing shall be made available to the parties.

(15) Submission of record and issuance of final decision and order: The entire record, including all exhibits and proposed findings of fact, conclusions of law, and decision together with all exceptions and replies to exceptions, shall be submitted to the head of the displacing agency. Upon receipt of the entire record, the head of the displacing agency, in a manner consistent with RCW 34.04.110, shall consider the same and may either adopt, modify, or reject the proposed findings of fact, conclusions of law, and decision, and shall issue the final decision and order of the displacing agency. Such decision and order shall be made promptly after receipt of the entire record.

If the full relief requested is not granted, the agency shall advise the person of the person's right to seek judicial review.

(16) Official to review appeal: The official conducting a review of an appeal shall not have been directly involved in the action appealed and shall be either the head of the agency, that person's authorized designee, or as otherwise required by applicable law.

SUBPART B REAL PROPERTY ACQUISITION

NEW SECTION

WAC 468-100-101 APPLICABILITY OF ACQUISITION REQUIREMENTS. General:

(1) Except as provided in subsection (2) of this section, the requirements of RCW 8.26.180 through 8.26.200 apply to any agency acquisition of real property for a program or project where the agency's program or project is carried out under threat of eminent domain including amicable agreements. Whether or not the acquiring agency has or intends to use the power of eminent domain, the requirements of RCW 8.26.180 through 8.26.200 apply to any project or program where there is an intended, planned, or designated project area, and all, or substantially all, of the property within that area is eventually intended to be acquired.

(2) Provided it does not conflict with subsection (1) of this section, an agency may determine that the requirements of RCW 8.26.180 through 8.26.200 do not apply to:

(a) Voluntary transactions (defined in WAC 468-100-002(22)) if all of the following conditions are present:

(i) No specific site or property needs to be acquired, although the agency may limit its search for alternative sites to a general geographic area.

(ii) The property to be acquired is not part of an intended, planned, or designated project area where all, or substantially all, of the property within the area is eventually to be acquired.

(iii) The agency will not acquire the property in the event negotiations fail to result in an amicable agreement, and the owner is so informed in writing.

(b) The acquisition of real property from a federal, state, or local public agency, if the acquiring agency does not have the authority to acquire the property through condemnation.

(3) In those situations where an agency wishes to purchase more than one site within a geographic area on a "voluntary transaction" basis, all owners shall be treated similarly.

NEW SECTION

WAC 468-100-102 CRITERIA FOR APPRAISALS. (1) Standards of appraisal: The format and level of documentation for an appraisal depend on the complexity of the appraisal problem. The agency shall develop minimum standards for appraisals consistent with established and commonly accepted appraisal practice for those acquisitions which, by virtue of their low value or simplicity, do not require the in-depth analysis and presentation necessary in a detailed appraisal. A detailed appraisal shall be prepared for all other acquisitions. A detailed appraisal shall reflect nationally recognized appraisal standards. An appraisal must contain sufficient documentation, including valuation data and the appraiser's analysis of that data, to support the appraiser's opinion of value. At a minimum, the appraisal shall contain the following items:

(a) The purpose and/or the function of the appraisal, a definition of the estate being appraised, and a statement of the assumptions and limiting conditions affecting the appraisal.

(b) An adequate description of the physical characteristics of the property being appraised (and, in the case of a partial acquisition, an adequate description of the remaining property), a statement of the known and observed encumbrances if any, title information, location, zoning, present use, an analysis of highest and best use, and at least a five-year sales history of the property.

(c) All relevant and reliable approaches to value consistent with commonly accepted professional appraisal practices. When sufficient market sales data are available to reliably support the fair market value for the specific appraisal problem encountered, the agency, at its discretion, may require only the market approach. If more than one approach is utilized, there shall be an analysis and reconciliation of approaches to value that are sufficient to support the appraiser's opinion of value.

(d) A description of comparable sales, including a description of all relevant physical, legal, and economic

factors such as parties to the transaction, source and method of financing, and verification by a party involved in the transaction.

(e) A statement of the value of the real property to be acquired and, for a partial acquisition, a statement of the value of the damages and benefits, if any, to the remaining real property.

(f) The effective date of valuation, date of appraisal, signature, and certification of the appraiser.

(2) Influence of the project on just compensation. To the extent permitted by applicable law, the appraiser in his "before" valuation shall disregard any decrease or increase in the fair market value of the real property caused by the project for which the property is to be acquired, or by the likelihood that the property would be acquired for the project, other than that due to the physical deterioration within the reasonable control of the owner.

(3) Owner retention of improvements: If the owner of a real property improvement agrees and is permitted to obtain the right to remove it in whole or in part from the project site, the amount to be offered for the interest in the real property to be acquired shall be the amount determined to be just compensation for the owner's entire interest in the real property. The salvage value (defined in WAC 468-100-002(15)) of the improvement to be removed shall be deducted from the agency's payment.

(4) Qualifications of appraisers: The agency shall establish criteria for determining the minimum qualifications of appraisers. Appraiser qualifications shall be consistent with the level of difficulty of the appraisal assignment. The agency shall review the experience, education, training, and other qualifications of appraisers, including review appraisers, and utilize only those determined to be qualified.

(5) Conflict of interest: No appraiser or review appraiser shall have any interest, direct or indirect, in the real property being appraised for the agency that would in any way conflict with the preparation or review of the appraisal. Compensation for making an appraisal shall not be based on the amount of the valuation. No appraiser shall act as a negotiator for real property which that person has appraised, except that the agency may permit the same person to both appraise and negotiate an acquisition where the value of the acquisition is two thousand five hundred dollars, or less.

NEW SECTION

WAC 468-100-103 REVIEW OF APPRAISALS. The agency shall have an appraisal review process and, at a minimum:

(1) A qualified reviewing appraiser shall examine all appraisals to assure that they meet applicable appraisal requirements and shall, prior to acceptance, seek necessary corrections or revisions. The qualifications of the appraiser for each case depend on the complexity of the appraisal problem. The review appraiser shall determine whether the appraiser's documentation, including valuation data and analyses of that data, demonstrates the soundness of the appraiser's opinion of value.

(2) If the reviewing appraiser is unable to approve or recommend approval of an appraisal as an adequate basis for the estimate of just compensation, and it is determined that it is not practical to obtain an additional appraisal, the reviewing appraiser may develop appraisal documentation in accordance with WAC 468-100-102 to support an approved or recommended value. The agency may determine whether a second review is needed if the first review appraiser establishes a value different from that in the appraisal report(s) on the property.

(3) The review appraiser's certification of the recommended or approved value of the property shall be set forth in a signed statement which identifies the appraisal reports reviewed and explains the basis for such recommendation or approval. Any damages or benefits to any remaining property shall also be identified in the statement. The level of explanation by the review appraiser depends on the complexity of the appraisal problem. The agency may accept a simple approval endorsement by the review appraiser in the case of a low value property requiring an uncomplicated valuation process.

NEW SECTION

WAC 468-100-104 ACQUISITION OF TENANT-OWNED IMPROVEMENTS. (1) Acquisition of improvements: When acquiring any interest in real property, the agency shall offer to acquire at least an equal interest in all buildings, structures, or other improvements located upon the real property to be acquired or which the agency determines will be adversely affected by the use to which such real property will be put. This shall include any improvement of a tenant-owner who has the right or obligation to remove the improvement at the expiration of the lease term.

(2) Improvements considered to be real property:

Any building, structure, or other improvement, which would be considered to be real property if owned by the owner of the real property on which it is located, shall be considered to be real property for purposes of WAC 468-100-101 through 468-100-106.

(3) Appraisal and establishment of just compensation for tenant-owned realty improvements: Just compensation for a tenant-owned realty improvement is the amount which the improvement contributes to the fair market value of the whole property or its salvage value, whichever is greater. (Salvage value is defined in WAC 468-100-002(15).)

(4) Special conditions: No payment shall be made to a tenant-owner to acquire any real property improvement or relocate any tenant-owned real estate fixture unless:

(a) The owner of the real property on which the improvement is located disclaims all interest in the tenant's realty improvement or fixture; and

(b) The tenant-owner, in consideration for the acquisition payment, assigns, transfers, and releases to the agency all of the tenant-owner's right, title, and interest in the realty improvement; and

(c) The payment does not result in the duplication of any compensation otherwise authorized by law.

(5) Alternative compensation: Nothing in WAC 468-100-101 through 468-100-106 shall be construed to deprive the tenant-owner of any right to reject payment

under WAC 468-100-101 through 468-100-106 and to obtain payment for such property interests in accordance with other applicable law.

NEW SECTION

WAC 468-100-105 CERTAIN LITIGATION EXPENSES. The owner of the real property shall be reimbursed for any reasonable expenses, including reasonable attorney, and expert witness fees, which the owner actually incurred because of a condemnation proceeding; pursuant to RCW 8.25.020 and 8.25.075.

NEW SECTION

WAC 468-100-106 DONATIONS. Nothing in this chapter shall prevent a person, after being informed of the right to receive just compensation based on an appraisal of the real property, from making a gift or donation of real property or any part thereof, or any interest therein, or of any compensation paid therefor, to the agency. The agency shall obtain an appraisal of the real property and offer the full amount of just compensation due unless the owner, after being fully informed of such policy, releases the agency from these obligations. An appraisal is not required if the agency determines that an appraisal is unnecessary because the valuation problem is uncomplicated and the fair market value is estimated at two thousand five hundred dollars or less, based on a review of available data.

SUBPART C GENERAL RELOCATION REQUIREMENTS

NEW SECTION

WAC 468-100-201 PURPOSE. WAC 468-100-201 through 468-100-208 prescribes general requirements governing the provision of relocation payments and other relocation assistance under the regulations in this chapter.

NEW SECTION

WAC 468-100-202 APPLICABILITY. These requirements apply to the relocation of any displaced person as defined in WAC 468-100-002(7).

NEW SECTION

WAC 468-100-203 RELOCATION NOTICES. Written notices shall be furnished as required by WAC 468-100-005.

(1) General relocation information notice: As soon as feasible, a person scheduled to be displaced shall be furnished with a general written description of the agency's relocation program which does at least the following:

(a) Informs the person that the person may be displaced for the project and generally describes the relocation payment(s) for which the person may be eligible, the basic conditions of eligibility, and the procedures for obtaining the payment(s).

(b) Informs the person that the person will be given reasonable relocation advisory services, including referrals to replacement properties, help in filing payment

claims, and other necessary assistance to help the person successfully relocate.

(c) Informs the person that the person will not be required to move without at least ninety days' advance written notice (see subsection (3) of this section), and informs any person to be displaced from a dwelling that the person cannot be required to move permanently unless at least one comparable replacement dwelling has been made available.

(d) Describes the person's right to appeal the agency's determination as to eligibility for, or the amount of, any relocation payment for which the person may be eligible.

(2) Notice of relocation eligibility:

(a) Eligibility for relocation assistance shall begin on the date of initiation of negotiations (defined in WAC 468-100-002(11)) for the occupied property. When this occurs, the agency shall promptly provide written notice to all occupants to be displaced of their eligibility for applicable relocation assistance in accordance with WAC 468-100-005.

(b) An occupant may subsequently be provided a notice of noneligibility if the agency determines the person will not be displaced. Such notice may be issued only if the person has not moved and the agency agrees to reimburse the person for any expenses incurred to satisfy any binding contractual relocation obligations entered into after the effective date of the notice of relocation eligibility.

(3) Ninety-day notice:

(a) General: No lawful occupant shall be required to move unless the occupant has received at least ninety days advance written notice of the earliest date by which he or she may be required to move.

(b) Timing of notice: The displacing agency may issue the notice ninety days before it expects the person to be displaced or earlier.

(c) Content of notice: The ninety-day notice shall either state a specific date as the earliest date by which the occupant may be required to move, or state that the occupant will receive a further notice indicating, at least thirty days in advance, the specific date by which the occupant must move. If the ninety-day notice is issued before a comparable replacement dwelling is made available, the notice must state clearly that the occupant will not have to move earlier than ninety days after such a dwelling is made available. (See WAC 468-100-204(1).)

(d) Urgent need: In unusual circumstances, an occupant may be required to vacate the property on less than ninety days advance written notice if the agency determines that a ninety-day notice is impracticable, such as when the person's continued occupancy of the property would constitute a substantial danger to health or safety. A record of the agency's determination shall be included in the applicable case file.

NEW SECTION

WAC 468-100-204 AVAILABILITY OF COMPARABLE REPLACEMENT DWELLING BEFORE DISPLACEMENT. No person to be displaced shall be required to move from the person's dwelling unless at least one comparable replacement dwelling (defined in

WAC 468-100-002(4)) has been made available to the person.

(1) Policy: Three or more comparable replacement dwellings shall be made available unless such numbers are not available on the local housing market. When otherwise feasible, in accordance with WAC 468-100-205 (3)(b)(iii) and 468-100-403 (1)(d), comparable replacement dwellings to be made available to minority persons may include dwellings not located in an area of minority concentration. A comparable replacement dwelling will be considered to have been made available to a person, if:

(a) The person is informed of its location; and

(b) The person has sufficient time to negotiate and enter into a purchase agreement or lease for the property; and

(c) Subject to reasonable safeguards, the person is assured of receiving the relocation assistance and acquisition payment to which the person is entitled in sufficient time to complete the purchase or lease of the property.

(2) Circumstances permitting waiver: The funding agency may grant a waiver of the policy in subsection (1) of this section in any case where it is demonstrated that a person must move because of:

(a) A major disaster as defined in section 102(c) of the Disaster Relief Act of 1974 (42 U.S.C. 5121); or

(b) A presidentially declared national emergency; or

(c) Another emergency which requires immediate vacation of the real property, such as when continued occupancy of the displacement dwelling constitutes a substantial danger to the health or safety of the occupants or the public.

(3) Basic conditions of emergency move: Whenever a person is required to relocate for a temporary period because of an emergency as described in subsection (2) of this section, for purposes of filing a claim and meeting the eligibility requirements for a relocation payment, the date of displacement is the date the person moves from the temporarily-occupied dwelling. The agency shall:

(a) Take whatever steps are necessary to assure that the person is temporarily relocated to a sanitary dwelling;

(b) Pay the actual reasonable out-of-pocket moving expenses and any reasonable increase in monthly housing costs incurred in connection with the temporary relocation;

(c) Make available to the displaced person as soon as feasible, at least one comparable replacement dwelling.

(d) The person is entitled to be heard according to WAC 468-100-010 in the event of a grievance.

NEW SECTION

WAC 468-100-205 RELOCATION PLANNING, ADVISORY SERVICES, AND COORDINATION.

(1) Relocation planning: During the early stages of development, state and federal-aid programs or projects shall be planned in such a manner that the problems associated with the displacement of individuals, families, businesses, farms, and nonprofit organizations are recognized and solutions are developed to minimize the adverse impacts of displacement. Such planning, where appropriate, shall precede any action by an agency which

will cause displacement, and should include an evaluation of program resources available to carry out timely and orderly relocations. Planning may involve a relocation survey or study which may include the following:

(a) An estimate of the number of households to be displaced including information such as owner/tenant status, estimated value and rental rates of properties to be acquired, family characteristics, and special consideration of the impacts on minorities, the elderly, large families, and the handicapped when applicable.

(b) An estimate of the number of comparable replacement dwellings in the area (including price ranges and rental rates) that may be available to fulfill the needs of those households displaced. When an adequate supply of comparable housing is not expected to be available, consideration of last resort housing actions should be instituted.

(c) An estimate of the number, type and size of the businesses, farms, and nonprofit organizations to be displaced and the approximate number of employees that may be affected.

(d) Consideration of any special relocation advisory services that may be necessary from the displacing agency and other cooperating agencies.

(2) Relocation assistance advisory services, general: The agency shall carry out a relocation assistance advisory program which satisfies the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.), Title VIII of the Civil Rights Act of 1968 (42 U.S.C. 3601 et seq.), and Executive Order 11063 (27 FR 11527), and offers the services described in subsection (3) of this section. If the agency determines that a person occupying property adjacent to the real property acquired for the project is caused substantial economic injury because of such acquisition, it may offer the services to such person.

(3) Services to be provided: The advisory program shall include such measures, facilities, and services as may be necessary or appropriate in order to:

(a) Determine the relocation needs and preferences of each person to be displaced and explain the relocation payments and other assistance for which the person may be eligible, the related eligibility requirements, and the procedures for obtaining such assistance. This shall include a personal interview with each person.

(b) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable replacement dwellings, and explain that the person cannot be required to move unless at least one comparable replacement dwelling is made available as set forth in WAC 468-100-204(1).

(i) As soon as feasible, the agency shall inform the person in writing of the specific comparable replacement dwelling and the price or rent used for establishing the upper limit of the replacement housing payment (see WAC 468-100-403 (1) and (2)) and the basis for the determination, so that the person is aware of the maximum replacement housing payment for which the person may qualify.

(ii) Where feasible, housing shall be inspected prior to being made available to assure that it meets applicable standards. (See WAC 468-100-002 (4) and (6).) If

such an inspection is not made, the person to be displaced shall be notified that a replacement housing payment may not be made unless the replacement dwelling is subsequently inspected and determined to be DSS.

(iii) Whenever possible, minority persons shall be given reasonable opportunities to relocate to DSS replacement dwellings, not located in an area of minority concentration, that are within their financial means. This policy, however, does not require an agency to provide a person a larger payment than is necessary to enable a person to relocate to a comparable replacement dwelling.

(iv) All displaced persons, especially the elderly and handicapped, shall be offered transportation to inspect housing to which they are referred.

(c) Provide current and continuing information on the availability, purchase prices, and rental costs of comparable and suitable commercial and farm properties and locations. Assist any person displaced from a business or farm operation to obtain and become established in a suitable replacement location.

(d) Minimize hardships to persons in adjusting to relocation by providing counseling, advice as to other sources of assistance that may be available, and such other help as may be appropriate.

(e) Supply persons to be displaced with appropriate information concerning federal and state housing programs, disaster loans and other programs administered by the Small Business Administration, and other federal, state, and local programs offering assistance to persons to be displaced.

(f) Any person who occupies property acquired by an agency, when such occupancy began subsequent to the acquisition of the property, and the occupancy is permitted by a short-term rental agreement or an agreement subject to termination when the property is needed for a program or project, shall be eligible for advisory services, as determined by the agency.

(4) Coordination of relocation activities: Relocation activities shall be coordinated with project work and other displacement-causing activities to ensure that, to the extent feasible, persons displaced receive consistent treatment and the duplication of functions is minimized.

NEW SECTION

WAC 468-100-206 EVICTION FOR CAUSE. Eviction for cause must conform to applicable state and local law. Any person who has lawfully occupied the real property, but who is later evicted for cause on or after the date of the initiation of negotiations, retains the right to the relocation payments and other assistance set forth in these regulations. For purposes of determining eligibility for relocation payments, the date of displacement is the date the person moves or the date a comparable replacement dwelling is made available, whichever is later. This section applies only if the agency had intended to displace the person.

NEW SECTION

WAC 468-100-207 CLAIMS FOR RELOCATION PAYMENTS. (1) Documentation: Any claim for

a relocation payment shall be supported by such documentation as may be reasonably required to support expenses incurred, such as, bills, certified prices, appraisals, or other evidence of such expenses. Payment for a low cost or uncomplicated move may be made without documentation of actual costs when payment is limited to the amount of the lowest acceptable bid or estimate obtained by the agency. A displaced person must be provided reasonable assistance necessary to complete and file any required claim for payment.

(2) **Expeditious payments:** The agency shall review claims in an expeditious manner. The claimant shall be promptly notified as to any additional documentation that is required to support the claim. Payment for a claim shall be made as soon as feasible following receipt of sufficient documentation to support the claim.

(3) **Advance payments:** If a person demonstrates the need for an advance relocation payment in order to avoid or reduce a hardship, the agency shall issue the payment, subject to such safeguards as are appropriate to ensure that the objective of the payment is accomplished.

(4) **Time for filing:** All claims for a relocation payment shall be filed with the agency within eighteen months after:

(a) For tenants, the date of displacement;

(b) For owners, the date of displacement or the date of the final payment for the acquisition of the real property, whichever is later.

This time period shall be waived by the agency for good cause.

(5) **Multiple occupants of one displacement dwelling:** If two or more occupants of the displacement dwelling move to separate replacement dwellings, each occupant is entitled to a reasonable prorated share, as determined by the agency, of any relocation payments that would have been made if the occupants moved together to a comparable replacement dwelling. However, if the agency determines that two or more occupants maintained separate households within the same dwelling, such occupants have separate entitlements to relocation payments.

(6) **Deductions from relocation payments:** An agency shall deduct the amount of any advance relocation payment from the relocation payment(s) to which a displaced person is otherwise entitled. Similarly where such a deduction would not prevent the displaced person from obtaining a comparable replacement dwelling as required by WAC 468-100-204, an agency may, deduct from relocation payments any rent that the displaced person owes the agency. The agency shall not withhold any part of a relocation payment to a displaced person to satisfy an obligation to any other creditor.

(7) **Notice of denial of claim:** If the agency disapproves all or part of a payment claimed or refuses to consider the claim on its merits because of untimely filing or other grounds, it shall promptly notify the claimant in writing of its determination, the basis for its determination, and the procedures for appealing that determination.

NEW SECTION

WAC 468-100-208 RELOCATION PAYMENTS NOT CONSIDERED AS INCOME. No payment received by a displaced person under this chapter may be considered as income for the purpose of determining the eligibility or extent of eligibility of any person for assistance under any state law or for the purposes of any income tax or any tax imposed under Title 82 RCW, and the payments shall not be deducted from any amount to which any recipient would otherwise be entitled under Title 74 RCW.

SUBPART D PAYMENT FOR MOVING AND RELATED EXPENSES

NEW SECTION

WAC 468-100-301 PAYMENT FOR ACTUAL REASONABLE MOVING AND RELATED EXPENSES—RESIDENTIAL MOVES. Any displaced owner-occupant or tenant of a dwelling who qualifies as a displaced person (defined in WAC 468-100-002(7)) is entitled to payment of the person's actual moving and related expenses, as the agency determines to be reasonable, including expenses necessary to:

(1) Disconnect, dismantle, and remove displaced personal property.

(2) Pack displaced personal property.

(3) Transport displaced personal property within fifty miles. The agency may authorize transportation costs of a distance beyond fifty miles based on economic feasibility of the available choices of replacement locations, but not on the displacee's subjective preferences.

(4) Store personal property for a period not to exceed twelve months, unless the agency determines a longer period is necessary.

(5) Unpack relocated personal property.

(6) Reassemble, reinstall, and reconnect relocated personal property.

(7) Insure for the replacement value of personal property in connection with the move; or where insurance covering loss, theft, or damage in the process of moving (not through fault or negligence of the displaced person or the person's agent, or employee) is not reasonably available, pay the replacement value for such loss, theft, or damage.

(8) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(9) Reimburse other moving-relating expenses that are not listed as ineligible under WAC 468-100-305, as the agency determines to be reasonable and necessary.

NEW SECTION

WAC 468-100-302 FIXED PAYMENT FOR MOVING EXPENSES—RESIDENTIAL MOVES. Any person displaced from a dwelling or a seasonal residence, is entitled to receive a fixed payment in lieu of a payment for actual moving and related expenses covered

under WAC 468-100-301. This allowance shall be determined according to the applicable schedule approved by the lead agency, except that the expense and dislocation allowance to a person occupying a furnished one-room unit shared by more than one other person involving a minimum of personal property to be moved, shall be limited to fifty dollars.

NEW SECTION

WAC 468-100-303 PAYMENT FOR ACTUAL REASONABLE MOVING AND RELATED EXPENSES—NONRESIDENTIAL MOVES. (1) Eligible costs. Any business or farm operation which qualifies as a displaced person (defined in WAC 468-100-002(7)) is entitled to payment for such actual moving and related expenses, as the agency determines to be reasonable and necessary, including expenses for:

(a) Transportation of personal property. Transportation costs for a distance beyond fifty miles are not eligible, unless the agency determines that relocation beyond fifty miles is justified.

(b) Packing, crating, unpacking, and uncrating of the personal property.

(c) Disconnecting, dismantling, removing, reassembling, and reinstalling relocated machinery, equipment, and other personal property, including substitute personal property described in WAC 468-100-303 (1)(l). This includes connection to utilities available nearby. It also includes modifications to the personal property necessary to adapt it to the replacement structure, the replacement site, or the utilities at the replacement site, and modifications necessary to adapt the utilities at the replacement site to the personal property. (Expenses for providing utilities from the right-of-way to the building or improvement are excluded.)

(d) Storage of the personal property for a period not to exceed twelve months, unless the agency determines that a longer period is necessary.

(e) Insurance for the replacement value of the personal property in connection with the move and necessary storage.

(f) Any license, permit, or certification required of the displaced person at the replacement location. However, the payment may be based on the remaining useful life of the existing license, permit, or certification.

(g) The replacement value of property lost, stolen, or damaged in the process of moving (not through the fault or negligence of the displaced person, his or her agent, or employee) where insurance covering such loss, theft, or damage is not reasonably available.

(h) Professional services necessary for:

(i) Planning the move of the personal property;

(ii) Moving the personal property; and

(iii) Installing the relocated personal property at the replacement location.

(i) Relettering signs and replacing stationery on hand at the time of displacement that are made obsolete as a result of the move.

(j) Actual direct loss of tangible personal property incurred as a result of moving or discontinuing the business or farm operation. The payment shall consist of the lesser of:

(i) The fair market value of the item for continued use at the displacement site, less the proceeds from its sale. (To be eligible for payment, the claimant must make a good faith effort to sell the personal property, unless the agency determines that such effort is not necessary. When payment for property loss is claimed for goods held for sale, the fair market value shall be based on the cost of the goods to the business, not the potential selling price.); or

(ii) The estimated cost of moving the item, but with no allowance for storage. (If the business or farm operation is discontinued, the estimated cost shall be based on a moving distance of fifty miles.)

(k) The reasonable cost incurred in attempting to sell an item that is not to be relocated.

(l) Purchase of substitute personal property. If an item of personal property which is used as part of a business or farm operation is not moved but is promptly replaced with a substitute item that performs a comparable function at the replacement site, the displaced person is entitled to payment of the lesser of:

(i) The cost of the substitute item, including installation costs at the replacement site, minus any proceeds from the sale or trade-in of the replaced item; or

(ii) The estimated cost of moving and reinstalling the replaced item but with no allowance for storage. At the agency's discretion, the estimated cost for a low cost or uncomplicated move may be based on a single bid or estimate.

(m) Searching for a replacement location. A displaced business or farm operation is entitled to reimbursement for actual expenses, not to exceed one thousand dollars, as the agency determines to be reasonable, which are incurred in searching for a replacement location, including:

(i) Transportation;

(ii) Meals and lodging away from home;

(iii) Time spent searching, based on reasonable salary or earnings;

(iv) Fees paid to a real estate agent or broker to locate a replacement site, exclusive of any fees or commissions related to the purchase of such site.

(n) Other moving-related expenses that are not listed as ineligible under WAC 468-100-305, as the agency determines to be reasonable and necessary.

(2) Notification and inspection. The following requirements apply to payments under this section:

(a) The agency shall inform the displaced person in writing, of the requirements of (b) and (c) of this subsection, as soon as possible after the initiation of negotiations. This information may be included in the relocation information provided to the displaced person as set forth in WAC 468-100-203.

(b) The displaced person must provide the agency reasonable advance written notice of the approximate date of the start of the move or disposition of the personal property and a list of the items to be moved. However, the agency may waive this notice requirement after documenting its file accordingly.

(c) The displaced person must permit the agency to make reasonable and timely inspections of the personal

property at both the displacement and replacement sites and to monitor the move.

(3) Self-move. If the displaced person elects to take full responsibility for the move of the business or farm operation, the agency may make a payment for the person's moving expenses in an amount not to exceed the lower of two acceptable bids or estimates obtained by the agency or prepared by qualified staff. At the agency's discretion, a payment for a low cost or uncomplicated move may be based on a single bid or estimate.

(4) Transfer of ownership. Upon request and in accordance with applicable law, the claimant shall transfer to the agency ownership of any personal property that has not been moved, sold, or traded in.

(5) Advertising signs. The amount of a payment for direct loss of an advertising sign which is personal property shall be the lesser of:

(a) The depreciated reproduction cost of the sign, as determined by the agency, less the proceeds from its sale; or

(b) The estimated cost of moving the sign, but with no allowance for storage.

NEW SECTION

WAC 468-100-304 FIXED PAYMENT FOR MOVING EXPENSES—NONRESIDENTIAL MOVES.

(1) Business: A displaced business, defined in WAC 468-100-002(3), may be eligible to choose a fixed payment in lieu of a payment for actual moving and related expenses, and actual reasonable reestablishment expenses provided by WAC 468-100-303 and 468-100-306. The payment except for payment to a nonprofit organization, shall equal the average annual net earnings of the business, as computed in accordance with subsection (5) of this section, but not less than one thousand dollars nor more than twenty thousand dollars. The displaced business is eligible for the payment if the agency determined that:

(a) The business owns or rents personal property which must be moved in connection with such displacement and for which an expense would be incurred in such move; and, the business vacates or relocates from its displacement site; and

(b) The business cannot be relocated without a substantial loss of its existing patronage (clientele or net earnings). A business is assumed to meet this test unless the agency demonstrates that it will not suffer a substantial loss of its existing patronage; and

(c) The business is not part of a commercial enterprise having more than three other entities which are not being acquired by the agency, and which are under the same ownership and engaged in the same or similar business activities.

(d) The business is not operated at a displacement dwelling solely for the purpose of renting such dwelling to others; and

(e) The business is not operated at the displacement site solely for the purpose of renting the site to others; and

(f) The business contributed materially (defined in WAC 468-100-002(3)) to the income of the displaced

person during the two taxable years prior to displacement.

(2) Determining the number of businesses: In determining whether two or more displaced legal entities constitute a single business which is entitled to only one fixed payment, the displacing agency shall consider all pertinent factors including the extent to which:

(a) The same premises and equipment are shared;

(b) Substantially identical or interrelated business functions are carried out and business and financial affairs are commingled;

(c) The entities are held out to the public, and to those customarily dealing with them, as one business; and

(d) The same person, or closely related persons own, control, or manage the affairs of the entities.

(3) Farm operation: A displaced farm operation, defined in WAC 468-100-002(9), may choose a fixed payment in lieu of a payment for actual moving and related expenses in an amount equal to its average annual net earnings as computed in accordance with subsection (5) of this section, but not less than one thousand dollars nor more than twenty thousand dollars. In the case of a partial acquisition of land which was a farm operation before the acquisition, the fixed payment shall be made only if the agency determines that:

(a) The acquisition of part of the land caused the operator to be displaced from the farm operation on the remaining land; or

(b) The partial acquisition caused a substantial change in the nature of the farm operation.

(4) Nonprofit organization: A displaced nonprofit organization may choose a fixed payment of one thousand to twenty thousand dollars in lieu of a payment for actual moving and related expenses if the agency determines that it cannot be relocated without a substantial loss of existing patronage (membership or clientele). A nonprofit organization is assumed to meet this test, unless the agency demonstrates otherwise. Any payment in excess of one thousand dollars must be supported with financial statements for the two twelve-month periods prior to the acquisition. The amount to be used for the payment is the average of two years annual gross revenues less administrative expenses.

(5) Average annual net earnings of a business or farm operation: The average annual net earnings of a business or farm operation are one-half of its net earnings before federal, state, and local income taxes during the two taxable years immediately prior to the taxable year in which it was displaced. If the business or farm was not in operation for the full two taxable years prior to displacement, net earnings shall be based on the actual period of operation at the displacement site during the two taxable years prior to displacement, projected to an annual rate. Average annual net earnings may be based upon a different period of time when the agency determines it to be more equitable. Net earnings include any compensation obtained from the business or farm operation by its owner, the owner's spouse, and dependents. The displaced person shall furnish the agency proof of

net earnings through income tax returns, certified financial statements, or other reasonable evidence which the agency determines is satisfactory.

NEW SECTION

WAC 468-100-305 INELIGIBLE MOVING AND RELATED EXPENSES. A displaced person is not entitled to payment for:

- (1) The cost of moving any structure or other real property improvement in which the displaced person reserved ownership. However, this section does not preclude the computation under WAC 468-100-401 (3)(d)(iii); or
- (2) Interest on a loan to cover moving expenses; or
- (3) Loss of goodwill; or
- (4) Loss of profits; or
- (5) Loss of trained employees; or
- (6) Any additional operating expenses of a business or farm operation, incurred because of operating in a new location except as provided in WAC 468-100-306 (1)(j); or
- (7) Personal injury; or
- (8) Any legal fee or other cost for preparing a claim for a relocation payment or for representing the claimant before the agency; or
- (9) Expenses for searching for a replacement dwelling; or
- (10) Physical changes to the real property at the replacement location of a business or farm operation, except as provided in WAC 468-100-303 (1)(b)(iii) and (iv); or
- (11) Costs for storage of personal property on real property already owned or leased by the displaced person.

NEW SECTION

WAC 468-100-306 REESTABLISHMENT EXPENSES—NONRESIDENTIAL MOVES. In addition to the payments available under WAC 468-100-303, a small business, as defined in WAC 468-100-002(16), farm or nonprofit organization may be eligible to receive a payment, not to exceed ten thousand dollars, for expenses actually incurred in relocating and reestablishing such small business, farm, or nonprofit organization at a replacement site.

(1) Eligible expenses. Reestablishment expenses must be reasonable and necessary, as determined by the agency. They may include, but are not limited to, the following:

- (a) Repairs or improvements to the replacement real property as required by federal, state, or local law, code, or ordinance.
- (b) Modifications to the replacement property to accommodate the business operation or make replacement structures suitable for conducting the business.
- (c) Construction and installation costs, not to exceed one thousand five hundred dollars for exterior signing to advertise the business.
- (d) Provision of utilities from right of way to improvements on the replacement site.

(e) Redecoration or replacement of soiled or worn surfaces at the replacement site, such as paint, panelling, or carpeting.

(f) Licenses, fees, and permits when not paid as part of moving expenses.

(g) Feasibility surveys, soil testing and marketing studies.

(h) Advertisement of replacement location, not to exceed one thousand five hundred dollars.

(i) Professional services in connection with the purchase or lease of a replacement site.

(j) Increased costs of operation during the first two years at the replacement site, not to exceed five thousand dollars, for such items as:

- (i) Lease or rental charges;
- (ii) Personal or real property taxes;
- (iii) Insurance premiums; and
- (iv) Utility charges, excluding impact fees.

(k) Impact fees or one-time assessments for anticipated heavy utility usage.

(l) Other items that the agency considers essential to the reestablishment of the business.

(m) Expenses in excess of the regulatory maximums set forth in (c), (h) and (j) of this subsection may be considered eligible if large and legitimate disparities exist between costs of operation at the displacement site and costs of operation at an otherwise similar replacement site. In such cases the regulatory limitation for reimbursement of such costs may, at the request of the agency, be waived by the agency funding the program or project, but in no event shall total costs payable under this section exceed the ten thousand dollar statutory maximum.

(2) Ineligible expenses. The following is a nonexclusive listing of reestablishment expenditures not considered to be reasonable, necessary, or otherwise eligible:

(a) Purchase of capital assets, such as, office furniture, filing cabinets, machinery, or trade fixtures.

(b) Purchase of manufacturing materials, production supplies, product inventory, or other items used in the normal course of the business operation.

(c) Interior or exterior refurbishments at the replacement site which are for aesthetic purposes, except as provided in WAC 468-100-306 (1)(e).

(d) Interest on money borrowed to make the move or purchase the replacement property.

(e) Payment to a part-time business in the home which does not contribute materially to the household income.

SUBPART E REPLACEMENT HOUSING PAYMENTS

NEW SECTION

WAC 468-100-401 REPLACEMENT HOUSING PAYMENT FOR ONE HUNDRED EIGHTY-DAY HOMEOWNER-OCCUPANTS. (1) Entitlement: A displaced person is entitled to the replacement housing payment for a one hundred eighty-day homeowner-occupant if the person:

(a) Has actually owned and occupied the displacement dwelling for not less than the one hundred eighty days immediately prior to the initiation of negotiations; and

(b) Purchases and occupies a DSS replacement dwelling within one year after the later of:

(i) The date the person receives final payment for the displacement dwelling or, in the case of condemnation, the date the required amount is deposited in the court; or

(ii) The date the person moves from the displacement dwelling.

(2) Amount of payment: The replacement housing payment for an eligible one hundred eighty-day homeowner-occupant may not exceed twenty-two thousand five hundred dollars. The payment under this section is limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling, or the date such person is initially offered a comparable replacement dwelling, whichever is later. The payment shall be the sum of:

(a) The amount by which the cost of a replacement dwelling exceeds the acquisition cost of the displacement dwelling (price differential), as determined in accordance with subsection (3) of this section; and

(b) The increased interest costs and other debt service costs to be incurred in connection with the mortgage(s) on the replacement dwelling (increased mortgage interest cost), as determined in accordance with subsection (4) of this section; and

(c) The necessary and reasonable expenses incidental to the purchase of the replacement dwelling (incidental purchase expense), as determined in accordance with subsection (5) of this section.

(3) Price differential:

(a) Determination of price differential: The price differential to be paid under subsection (2)(a) of this section is the amount which must be added to the acquisition cost of the displacement dwelling to provide a total amount equal to the lesser of:

(i) The reasonable cost of a comparable replacement dwelling as determined in accordance with WAC 468-100-403(1); or

(ii) The purchase price of the DSS replacement dwelling actually purchased and occupied by the displaced person.

(b) Mixed-use and multifamily properties: If the displacement dwelling was part of a property that contained another dwelling unit and/or space used for non-residential purposes, and/or is located on a tract larger than a site that is typical for residential purposes, only that portion of the acquisition payment which is actually attributable to the displacement dwelling shall be considered its acquisition cost when computing the price differential.

(c) Insurance proceeds: To the extent necessary to avoid duplicate compensation, the amount of any insurance proceeds received by a person in connection with a loss to the displacement dwelling due to a catastrophic

occurrence (fire, flood, etc.) shall be included in the acquisition cost of the displacement dwelling when computing the price differential. (Also see WAC 468-100-003.)

(d) Owner retention/salvage of displacement dwelling: If the owner retains ownership of, or obtains salvage rights to, the person's dwelling, moves it from the displacement site, and reoccupies it on a replacement site, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost of moving and restoring the dwelling to retain the functional utility it had when situated on the displacement site; and

(ii) The cost of making the unit a DSS replacement dwelling (defined in WAC 468-100-002(6)); and

(iii) The current fair market value for residential use of the replacement site (based on any reasonable evaluation method determined by the agency), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site; and

(iv) The retention/salvage value of the displacement dwelling, as determined from the acquisition of the displacement dwelling.

(e) Owner constructs replacement dwelling: If the owner obtains a DSS replacement dwelling by contracting for or otherwise obtaining new construction, the purchase price of the replacement dwelling shall be the sum of:

(i) The cost necessary to construct a dwelling that is comparable to the displacement dwelling; and

(ii) The current fair market value for residential use of the replacement site (based on any reasonable evaluation method determined by the agency), unless the claimant rented the displacement site and there is a reasonable opportunity for the claimant to rent a suitable replacement site.

(4) Increased mortgage interest costs:

(a) The displacing agency shall determine the factors to be used in computing the amount to be paid to a displaced person under subsection (2)(b) of this section. The payment for increased mortgage interest costs shall be the amount which will reduce the mortgage balance on a new mortgage to an amount which could be amortized with the same monthly payment for principal and interest as that for the mortgage(s) on the displacement dwelling. In addition, payments shall include other debt service costs, if not paid as incidental costs, and shall be based only on bona fide mortgages that were valid liens on the displacement dwelling for at least one hundred eighty days prior to the initiation of negotiations. (b) through (f) of this subsection shall apply to the computation of the increased mortgage interest costs payment, which payment shall be contingent upon a mortgage being placed on the replacement dwelling.

(b) The payment shall be based on the unpaid mortgage balance(s) on the displacement dwelling; however, in the event the person obtains a smaller mortgage than the mortgage balance(s) computed in the buydown determination the payment will be prorated and reduced accordingly.

In the case of a home equity loan the unpaid balance shall be that balance which existed one hundred eighty days prior to the initiation of negotiations or the balance on the date of acquisition, whichever is less.

(c) The payment shall be based on the remaining term of the mortgage(s) on the displacement dwelling or the term of the new mortgage, whichever is shorter.

(d) The interest rate on the new mortgage used in determining the amount of the payment shall not exceed the prevailing fixed interest rate for conventional mortgages currently charged by mortgage lending institutions in the area in which the replacement dwelling is located.

(e) Purchaser's points and loan origination or assumption fees, but not seller's points, shall be paid to the extent:

- (i) They are not paid as incidental expenses;
- (ii) They do not exceed rates normal to similar real estate transactions in the area;
- (iii) The agency determines them to be necessary; and
- (iv) The computation of such points and fees shall be based on the unpaid mortgage balance on the displacement dwelling, less the amount determined for the reduction of such mortgage balance under this section.

(f) The displaced person shall be advised of the approximate amount of this payment and the conditions that must be met to receive the payment as soon as the facts relative to the person's current mortgage(s) are known and the payment shall be made available at or near the time of closing on the replacement dwelling in order to reduce the new mortgage as intended.

(5) Incidental purchase expenses: The incidental purchase expenses to be paid for a one hundred eighty-day homeowner-occupant (under subsection (2)(c) of this section) or for downpayment assistance (under WAC 468-100-402 (3)(a)) are those necessary and reasonable costs actually incurred by the displaced person incident to the purchase of a replacement dwelling, and customarily paid by the buyer, including and are limited by such costs based on the cost of a comparable replacement dwelling pursuant to WAC 468-100-403(1):

(a) Legal, closing, and related costs, including those for title search, preparing conveyance instruments, notary fees, preparing surveys and plats, and recording fees.

(b) Lender, FHA, or VA application and appraisal fees.

(c) Loan origination or assumption fees that do not represent prepaid interest.

(d) Certification of structural soundness and termite inspection when required.

(e) Credit report.

(f) Owner's and mortgagee's evidence of title, e.g., title insurance.

(g) Escrow agent's fee.

(h) State revenue or documentary stamps, sales or transfer taxes.

(i) Such other costs as the agency determines to be incidental to the purchase.

(6) Rental assistance payment for one hundred eighty-day homeowner: A one hundred eighty-day homeowner-occupant who is eligible for a replacement housing payment under subsection (1) of this section but

elects to rent a replacement dwelling, is eligible for a rental assistance payment not to exceed five thousand two hundred fifty dollars, computed and disbursed in accordance with WAC 468-100-402(2).

NEW SECTION

WAC 468-100-402 REPLACEMENT HOUSING PAYMENT FOR NINETY-DAY OCCUPANTS. (1) Entitlement: A tenant or owner-occupant displaced from a dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars for rental assistance, as computed in accordance with subsection (2) of this section, or downpayment assistance, as computed in accordance with subsection (3) of this section, if such displaced person:

(a) Has actually and lawfully occupied the displacement dwelling for at least ninety days immediately prior to the initiation of negotiations; and

(b) Has rented, or purchased, and occupied a DSS replacement dwelling within one year (unless the agency extends this period for good cause) after:

(i) For a tenant, the date the tenant moves from the displacement dwelling; or

(ii) For an owner-occupant, the later of:

(A) The date the owner-occupant receives final payment for the displacing interest, or in the case of condemnation, the date the required amount is deposited with the court; or

(B) The date the owner-occupant moves from the displacement dwelling.

(2) Rental assistance payment:

(a) Amount of payment: An eligible displaced person who rents a replacement dwelling is entitled to a payment not to exceed five thousand two hundred fifty dollars for rental assistance. (See also WAC 468-100-403(2).) Such payment shall be forty-two times the amount obtained by subtracting the base monthly rent or the fair market rent (in accordance with (b) of this subsection) of the displacement dwelling for a reasonable period prior to displacement, as determined by the agency, from the lessor of:

(i) The monthly rent and average monthly cost of utilities for a comparable replacement dwelling; or

(ii) The monthly rent and estimated average monthly utilities for the DSS replacement dwelling actually occupied by the displaced person.

(b) Base monthly rental for displacement dwelling. The base monthly rental for the displacement dwelling is the lesser of:

(i) The average monthly cost for rent and utilities at the displacement dwelling for a reasonable period prior to displacement, as determined by the agency. (For an owner-occupant, use the fair market rent for the displacement dwelling. For a tenant who paid little or no rent for the displacement dwelling, use the fair market rent, unless its use would result in a hardship because of the person's income or other circumstances); or

(ii) Thirty percent of the person's average gross household income. (If the person refuses to provide appropriate evidence of income or is a dependent, the base monthly rental shall be established solely on the criteria

in (b)(i) of this subsection. A full time student or resident of an institution may be assumed to be a dependent, unless the person demonstrates otherwise.)

(iii) The total of the amounts designated for shelter and utilities if receiving a welfare assistance payment from a program that designates the amounts for shelter and utilities.

(c) Manner of disbursement: A rental assistance payment may, at the agency's discretion, be disbursed in either a lump sum or in installments. However, except as limited by WAC 468-100-403(7), the full amount vests immediately, whether or not there is any later change in the person's income or rent, or in the condition or location of the person's housing.

(3) Downpayment assistance payment:

(a) Amount of payment: An eligible displaced person who purchases a replacement dwelling is entitled to a downpayment assistance payment in the amount the person would receive under subsection (2) of this section if the person rented a comparable replacement dwelling. At the discretion of the agency, a downpayment assistance payment may be increased to any amount not to exceed five thousand two hundred fifty dollars. However, the payment to a displaced homeowner shall not exceed the amount the owner would receive under WAC 468-100-401(2) if he or she met the one hundred eighty-day occupancy requirement. An agency's discretion to provide the maximum payment shall be exercised in a uniform and consistent manner, so that eligible displaced persons in like circumstances are treated equally. A displaced person eligible to receive a payment as a one hundred eighty-day owner-occupant under WAC 468-100-401(1) is not eligible for this payment.

(b) Application of payment: The full amount of the replacement housing payment for downpayment assistance must be applied to the purchase price of the replacement dwelling and related incidental expenses.

NEW SECTION

WAC 468-100-403 ADDITIONAL RULES GOVERNING REPLACEMENT HOUSING PAYMENTS. (1) Determining cost of comparable replacement dwelling: The upper limit of a replacement housing payment shall be based on the cost of a comparable replacement dwelling (defined in WAC 468-100-002(4)).

(a) Three-comparable method: If available, at least three comparable replacement dwellings (defined in WAC 468-100-002(4)) shall be examined and the payment computed on the basis of the dwelling most nearly representative of, and equal to, or better than, the displacement dwelling. An adjustment shall be made to the asking price of any dwelling, to the extent justified by local market data (see also WAC 468-100-205 (1)(b)). An obviously overpriced or underpriced dwelling may be ignored.

(b) Major exterior attribute: If the site of the comparable replacement dwelling lacks a major exterior attribute of the displacement dwelling site (e.g., the site is significantly smaller or does not contain a swimming pool), the value of such attribute shall be subtracted from the acquisition cost of the displacement dwelling

for purposes of computing the replacement housing payment.

(c) Remainder offer: If the acquisition of a portion of a typical residential property causes the displacement of the owner from the dwelling and the remainder is a remnant of the displacement dwelling site or a buildable residential lot, the agency may offer to purchase that remainder. If such an offer is made and the owner refuses to sell the remainder to the agency, the value attributable to that remainder, shall be added to the acquisition price paid for the displacement dwelling for purposes of computing the price differential.

(d) Location: Comparable replacement dwellings shall be selected preferably from the neighborhood in which the displacement dwelling was located or, if not otherwise feasible, from nearby or similar neighborhoods where housing costs are generally the same as in the displacement neighborhood. Where that is not possible dwellings may be selected from neighborhoods where housing costs are the same or higher.

(2) Applicability of last resort housing: Whenever a twenty-two thousand five hundred dollar replacement housing payment under WAC 468-100-401 or a five thousand two hundred fifty dollar replacement housing payment under WAC 468-100-402 would be insufficient to ensure that a comparable replacement dwelling is available on a timely basis to a person, the agency shall provide additional or alternative assistance under the last resort housing provisions in WAC 468-100-601 and 468-100-602, which may include increasing the replacement housing payment so that a replacement dwelling is within the displaced person's financial means as described in subsection (1)(g) of this section.

(3) Inspection of replacement dwelling: Before making a replacement housing payment or releasing a payment from escrow, the agency or its designated representative shall inspect the replacement dwelling and determine whether it is a DSS dwelling as defined in WAC 468-100-002(6).

(4) Purchase of replacement dwelling: A displaced person is considered to have met the requirement to purchase a replacement dwelling, if the person:

- (a) Purchases a dwelling; or
- (b) Purchases and rehabilitates a substandard dwelling; or
- (c) Relocates a dwelling which the person owns or purchases; or
- (d) Constructs a dwelling on a site the person owns or purchases; or
- (e) Contracts for the purchase or construction of a dwelling on a site provided by a builder or on a site the person owns or purchases; or
- (f) Currently owns a previously purchased dwelling and site, valuation of which shall be on the basis of current fair market value.

(5) Occupancy requirements for displacement or replacement dwelling: No person shall be denied eligibility for a replacement housing payment solely because the person is unable to meet the occupancy requirements set forth in this chapter for a reason beyond the person's control, including:

(a) A disaster, an emergency, or an imminent threat to the public health or welfare, as determined by the funding agency; or

(b) Another reason, such as a delay in the construction of the replacement dwelling, military reserve duty, or hospital stay, as determined by the agency.

(6) Conversion of payment: A displaced person who initially rents a replacement dwelling and receives a rental assistance payment under WAC 468-100-402(2) is eligible to receive a payment under WAC 468-100-401 or 468-100-402(3) if the person meets the eligibility criteria for such payments, including purchase and occupancy within the prescribed one-year period. Any portion of the rental assistance payment that has been disbursed shall be deducted from the payment computed under WAC 468-100-401 or 468-100-402(3).

(7) Payment after death: A replacement housing payment is personal to the displaced person and upon the person's death the undisbursed portion of any such payment shall not be paid to the heirs or assigns, except that:

(a) The amount attributable to the displaced person's period of actual occupancy of the replacement housing shall be paid.

(b) The full payment shall be disbursed in any case in which a member of a displaced family dies and the other family member(s) continue to occupy a DSS replacement dwelling.

(c) Any portion of a replacement housing payment necessary to satisfy the legal obligation of an estate in connection with the selection of a replacement dwelling by or on behalf of a deceased person shall be disbursed to the estate.

SUBPART F MOBILE HOMES

NEW SECTION

WAC 468-100-501 APPLICABILITY. WAC 468-100-501 through 468-100-505 describes the requirements governing the provision of relocation payments to a person displaced from a mobile home and/or mobile homesite who meets the basic eligibility requirements of this chapter. Except as modified by WAC 468-100-501 through 468-100-505, such a displaced person is entitled to a moving expense payment in accordance with WAC 468-100-301 through 468-100-306 and a replacement housing payment in accordance with WAC 468-100-401 through 468-100-403 to the same extent and subject to the same requirements as persons displaced from conventional dwellings.

NEW SECTION

WAC 468-100-502 MOVING AND RELATED EXPENSES—MOBILE HOMES. A tenant or owner-occupant displaced from a mobile home or mobile homesite is entitled to a payment for the cost of moving his or her personal property on an actual cost basis in accordance with WAC 468-100-301 or, as an alternative, on the basis of a fixed payment under WAC 468-100-302. (However, if the mobile home is not acquired

but the owner obtains a replacement housing payment under one of the circumstances described in WAC 468-100-503(3), the owner is not eligible for payment for moving the mobile home.) The following apply to payments for actual moving expenses under WAC 468-100-301:

(1) A displaced mobile homeowner, who moves the mobile home to a replacement site, is eligible for the necessary and reasonable cost of disassembling, moving, and reassembling any attached appurtenances (such as porches, decks, skirting, and awnings) which were not acquired, anchoring of the unit, and utility "hook-up" charges.

(2) If a mobile home requires repairs and/or modifications so that it can be moved and/or made decent, safe, and sanitary, and the agency determines that it would be practical to relocate it, the reasonable cost of such repairs and/or modifications is reimbursable.

(3) A nonreturnable mobile home park entrance fee is reimbursable, to the extent it does not exceed the fee at a comparable mobile home park, if the person is displaced from a mobile home park or the agency determines that payment of the fee is necessary to effect relocation.

NEW SECTION

WAC 468-100-503 REPLACEMENT HOUSING PAYMENT FOR ONE HUNDRED EIGHTY-DAY MOBILE HOME OWNER-OCCUPANTS. A displaced owner-occupant of a mobile home is entitled to a replacement housing payment, not to exceed twenty-two thousand five hundred dollars under WAC 468-100-401 if:

(1) The person both owned the displacement mobile home and occupied it on the displacement site for at least the one hundred eighty days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements in WAC 468-100-401(1); and

(3) The agency acquires the mobile home and/or mobile homesite or the mobile home is not acquired by the agency but the owner is displaced from the mobile home because the agency determines that the mobile home:

(a) Is not and cannot economically be made decent, safe, and sanitary; or

(b) Cannot be relocated without substantial damage or unreasonable cost; or

(c) Cannot be relocated because there is no available comparable replacement site; or

(d) Cannot be relocated because it does not meet mobile home park entrance requirements.

If the mobile home is not actually acquired, but the agency determines that it is not practical to relocate it, the acquisition cost of the displacement dwelling used when computing the price differential amount, described in WAC 468-100-401(3), shall include the salvage value or trade-in value of the mobile home, whichever is higher.

NEW SECTION

WAC 468-100-504 REPLACEMENT HOUSING PAYMENTS FOR NINETY-DAY MOBILE HOME OCCUPANTS. A displaced tenant or owner-occupant of a mobile home is eligible for a replacement housing payment, not to exceed five thousand two hundred fifty dollars, under WAC 468-100-402 if:

(1) The person actually occupied the displacement mobile home on the displacement site for at least the ninety days immediately prior to the initiation of negotiations;

(2) The person meets the other basic eligibility requirements in WAC 468-100-402(1); and

(3) The agency acquires the mobile home and/or mobile homesite, or the mobile home is not acquired by the agency but the owner or tenant is displaced from the mobile home because of one of the circumstances described in WAC 468-100-503(3).

NEW SECTION

WAC 468-100-505 ADDITIONAL RULES GOVERNING RELOCATION PAYMENT TO MOBILE HOME OCCUPANTS. (1) Replacement housing payment based on dwelling and site: Both the mobile home and mobile homesite must be considered when computing a replacement housing payment. For example, a displaced mobile home occupant may have owned the displacement mobile home and rented the site or may have rented the displacement mobile home and owned the site. Also a person may elect to purchase a replacement mobile home and rent a replacement site, or rent a replacement mobile home and purchase a replacement site. In such cases, the total replacement housing payment shall consist of a payment for a dwelling and a payment for a site, each computed under the applicable section in WAC 468-100-401 through 468-100-403. However, the total replacement housing payment under WAC 468-100-401 through 468-100-403 shall not exceed the maximum payment (either twenty-two thousand five hundred dollars or five thousand two hundred fifty dollars) permitted under the subsection that governs the computation for the dwelling. (See also WAC 468-100-403(2).)

(2) Cost of comparable replacement dwelling:

(a) If a comparable replacement mobile home is not available, the replacement housing payment shall be computed on the basis of the reasonable cost of a conventional comparable replacement dwelling.

(b) If the agency determines that it would be practical to relocate the mobile home, but the owner-occupant elects not to do so, the agency may determine that, for purposes of computing the price differential under WAC 468-100-401(3), the cost of a comparable replacement dwelling is the sum of:

(i) The value of the mobile home;

(ii) The cost of any necessary repairs or modifications; and

(iii) The estimated cost of moving the mobile home to a replacement site.

(3) Initiation of negotiations: If the mobile home is not actually acquired, but the occupant is considered

displaced under this chapter, the "initiation of negotiations" is the date of initiation of negotiations to acquire the land, or, if the land is not acquired, the date of the written notification that the occupant is a displaced person under this chapter.

(4) Person moves mobile home: If the owner is reimbursed for the cost of moving the mobile home under this chapter, the owner is not eligible to receive a replacement housing payment to assist in purchasing or renting a replacement mobile home. The owner may, however, be eligible for assistance in purchasing or renting a replacement site.

(5) Partial acquisition of mobile home park: The acquisition of a portion of a mobile home park property may leave a remaining part of the property that is not adequate to continue the operation of the park. If the agency determines that a mobile home located in the remaining part of the property must be moved as a direct result of the project, the owner and any tenant shall be considered a displaced person who is entitled to relocation payments and other assistance under this chapter.

(6) General provisions: WAC 468-100-403 also applies.

SUBPART G LAST RESORT HOUSING

NEW SECTION

WAC 468-100-601 APPLICABILITY. (1) Basic determination to provide last resort housing: A person cannot be required to move from the person's dwelling unless at least one comparable replacement dwelling is made available to the person. Whenever an agency determines that a replacement housing payment under WAC 468-100-401 through 468-100-403 would not be sufficient to provide a comparable replacement dwelling on a timely basis to the person, the agency is authorized to take appropriate cost-effective measures under WAC 468-100-601 and 468-100-602 to provide such a dwelling. The agency's obligation to ensure that a comparable replacement dwelling is available shall be met when such a dwelling, or assistance necessary to provide such a dwelling, is offered under the provisions of WAC 468-100-601 and 468-100-602.

(2) Basic rights of persons to be displaced:

(a) The provisions of WAC 468-100-601 and 468-100-602 do not deprive any displaced person of any rights the person may have under chapter 8.26 RCW or any implementing regulations. The agency shall not require any displaced person to accept a dwelling provided by the agency under the procedures in WAC 468-100-601 and 468-100-602 (unless the agency and the displaced person have entered into a contract to do so) in lieu of any acquisition payment or any relocation payment for which the person may otherwise be eligible. A one hundred eighty-day homeowner-occupant who is eligible for a payment under WAC 468-100-401 is entitled to a reasonable opportunity to purchase a comparable replacement dwelling.

(b) The actual amount of assistance shall be limited to the amount necessary to relocate to a comparable replacement dwelling within one year from the date the displaced homeowner-occupant is paid for the displacement dwelling or the date the person is initially offered a comparable replacement dwelling, whichever is later.

(c) The agency is not required to provide persons owning only a fractional interest in the displacement dwelling a greater level of assistance to purchase a replacement dwelling than the agency would be required to provide such persons if they owned fee simple title to the displacement dwelling. If such assistance is not sufficient to buy a replacement dwelling, the agency may provide additional purchase assistance or rental assistance.

NEW SECTION

WAC 468-100-602 METHODS OF PROVIDING REPLACEMENT HOUSING. Agencies shall have broad latitude in implementing WAC 468-100-601 and 468-100-602, but implementation shall be on a reasonable cost-effective basis.

(1) The methods of providing last resort housing include, but are not limited to:

(a) Rehabilitation of and/or additions to an existing replacement dwelling.

(b) The construction of a new replacement dwelling.

(c) The provision of a direct loan, which requires regular amortization or deferred repayment. The loan may be unsecured or secured by the real property. The loan may bear interest or be interest free.

(d) A replacement housing payment in excess of the limits set forth in WAC 468-100-401 or 468-100-402. A rental assistance subsidy under WAC 468-100-601 and 468-100-602 may be provided in installments or in a lump sum.

(e) The relocation and, if necessary, rehabilitation of a dwelling.

(f) The purchase of land and/or a replacement dwelling by the displacing agency and subsequent sale or lease to, or exchange with, a displaced person.

(g) The removal of barriers to the handicapped.

(h) The change in status of the displaced person from tenant to homeowner when it is more cost-effective to do so, as in cases where a downpayment may be less expensive than a last resort rental assistance payment.

(2) Under special circumstances, modified methods of providing housing of last resort permit consideration of:

(a) Replacement housing based on space and physical characteristics different from those in the displacement dwelling.

(b) Upgraded, but smaller replacement housing that is decent, safe, and sanitary and adequate to accommodate individuals or families displaced from marginal or sub-standard housing with probable functional obsolescence.

(c) The financial means of a displaced person who is not eligible to receive a replacement housing payment because of failure to meet length-of-occupancy requirements when comparable replacement rental housing is not available at rental rates within thirty percent of the person's gross monthly household income.

WSR 89-17-049

PROPOSED RULES

UTILITIES AND TRANSPORTATION COMMISSION

[Filed August 14, 1989, 3:51 p.m.]

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 procedures before the commission, chapter 480-09 WAC, and repealing chapter 480-08 WAC. The proposed new chapter is shown below as Appendix A, Docket No. U-89-2966-R. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new chapter on economic values, pursuant to chapter 43.21H RCW;

that the agency will at 9:00 a.m., Wednesday, September 27, 1989, in the Commission's Hearing Room, Second Floor, 1300 South Evergreen Park Drive S.W., 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 80.01.040 and 34.05.220.

The specific statute these rules are intended to implement is Titles 80 and 81 RCW.

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 18, 1989.

This notice is connected to and continues the matter in Notice Nos. WSR 89-13-090 and 89-16-048 filed with the code reviser's office on June 21, 1989, and July 26, 1989.

Dated: August 14, 1989

By: Paul Curl
Acting Secretary

APPENDIX "A"

Chapter 480-09 WAC PROCEDURE

WAC	
480-09-010	General application—Special rules—Exceptions.
480-09-015	Submission of "confidential" information.
480-09-100	Commission address—Receipt of documents.
480-09-110	Office hours.
480-09-120	Filing and service.
480-09-130	Computation of time.
480-09-135	Variation from time limits.
480-09-140	Ex parte communications.
480-09-150	Informal complaints.
480-09-200	Interpretive and policy statements.
480-09-210	Rule making—Notice of proposed rule—Rules coordinator.
480-09-220	Petitions for rule making, amendment, or repeal.
480-09-300	Filing requirements—Statement of policy.
480-09-310	Filing requirements—Definition.
480-09-320	Filing requirements—Intervenor list.
480-09-330	Filing requirements—General rate increases.
480-09-340	Objections to closures of highway—railroad grade crossings.
480-09-400	Applications for adjudicative proceedings.
480-09-410	Parties.
480-09-420	Pleadings—Applications for authority—Protests.
480-09-425	Pleadings—Verification, responsive pleadings, amendments.

480-09-430	Intervention.
480-09-440	Continuances—Extensions of time.
480-09-450	Interpreters.
480-09-460	Prehearing conferences.
480-09-465	Settlement.
480-09-470	Stipulation as to facts.
480-09-475	Subpoenas.
480-09-480	Data requests.
480-09-500	Brief adjudicative proceedings.
480-09-510	Emergency adjudicative proceedings.
480-09-600	Conversion of proceedings.
480-09-610	Consolidation of proceedings.
480-09-620	Joint hearings.
480-09-700	Hearings—Notice and failure to appear.
480-09-705	Notice to limited-English-speaking parties.
480-09-710	Appearance and practice before commission.
480-09-720	Appearances—Party status.
480-09-730	Conduct at hearings.
480-09-735	Order of procedure.
480-09-736	Hearing guidelines.
480-09-740	Evidence.
480-09-745	Exhibits and documentary evidence.
480-09-750	Rules of evidence.
480-09-760	Interlocutory orders.
480-09-770	Briefs.
480-09-780	Entry of initial and final orders—Administrative review.
480-09-800	Stay.
480-09-810	Reconsideration.
480-09-815	Amendment or rescission.
480-09-820	Rehearing or reopening.
480-09-830	Compliance with orders.

NEW SECTION

WAC 480-09-010 GENERAL APPLICATION—SPECIAL RULES—EXCEPTIONS. (1) General rules. These rules of practice and procedure are for general application to proceedings before the commission.

(2) Special rules. When rules apply to certain classes of public service companies or to particular proceedings, those special rules shall govern in the event of conflict with the general rules.

(3) Modifications and exceptions. These rules are subject to such exceptions as may be just and reasonable in individual cases as determined by the commission.

NEW SECTION

WAC 480-09-015 SUBMISSION OF "CONFIDENTIAL" INFORMATION. (1) General.

The commission will provide special handling and limited access to confidential information properly submitted pursuant to this section. Nothing in this rule shall foreclose the entry and enforcement of protective orders in specific cases.

(2) Designated official.

The secretary of the commission is responsible for the implementation of this rule.

(3) Definitions.

"Confidential information." As used in this rule, confidential information consists of and is limited to information filed with or provided to the commission or its staff which is protected from inspection or copying under chapter 42.17 RCW. In the absence of a challenge, information designated as confidential under this rule will be presumed to meet this definition. In the event of a challenge, the burden of proving that the statutory definition applies is on the party asserting confidentiality.

"Provider." Any person who submits information to the commission or commission staff under a claim of confidentiality pursuant to this rule.

"Requester." Any person who submits a data request (in a contested case) or a request for public documents under the State Public Disclosure Law.

(4) How to seek protection under this rule.

A provider may claim the protection of this rule only by strict compliance with the following requirements:

(a) The claim of confidentiality must be submitted in writing on a form provided by the secretary or in a letter providing equivalent supporting information. The provider must identify any person (other than

the provider itself) which might be directly affected by disclosure of the confidential information.

(b) The confidential information must be clearly marked "confidential." Marking must include the first page of a multi-page document and each specific page which contains allegedly confidential information.

(c) The confidential information must be sealed in an envelope or similar wrapping which is clearly marked "confidential."

(d) If the confidential information is submitted under the provisions of a protective order, said order must be cited in the form or letter claiming confidentiality. The "confidential" mark should indicate "Confidential per Protective Order in WUTC Docket No. ____."

(5) Requests for "confidential information."

Information designated confidential will be released upon a request properly filed under the following requirements.

(a) The requester shall submit a written request to the secretary on a form provided by the commission or in a letter containing equivalent supporting information. The request must, at a minimum, identify the requester by name, address, any organization represented, and whether the information sought is to be used for a commercial purpose.

(b) The request must be sufficiently specific to allow the secretary to readily identify the documents or other material which contains the information requested. Upon receipt of a request for confidential information, the secretary will notify the requester of any deficiency which has been identified in the request. It will be the responsibility of the requester to correct the request and re-submit same pursuant to this rule. No action will be taken pending resubmission.

(c) The requester shall commit to prepayment of copying fees designated by the secretary.

(6) Informal resolution.

When the secretary finds that the request may be satisfied without disclosing confidential information, the secretary will attempt to facilitate an informal resolution.

(7) Release of information.

Any information alleged to be exempt from inspection and copying pursuant to section 1, chapter 107, Laws of 1987, shall be released only upon notice to the provider and any person identified by the provider as one who might be directly affected by release of the information so as to allow invocation of the statutory procedures for securing a court order protecting the records as confidential. Such notice shall be given not more than two days following location of the materials requested, and determination that they contain information claimed to be confidential. Notice will be given in writing, either by first class mail or by transmission of a copy of the request by electronic facsimile. Notice by mail shall be deemed complete in accordance with WAC 480-08-060(4), and facsimile shall be deemed complete when transmission is complete. A copy of the notice will be forwarded concurrently to the requester.

If the provider consents to the release of the information, in writing or facsimile, or does not restrain disclosure by way of court order within ten days following notice, the information shall thereupon be deemed public, shall be so designated in the files of the commission, and shall promptly be released to the requester. The foregoing shall not apply if the request is withdrawn or modified so as to exclude confidential material, or if the requester agrees in writing to the satisfaction of the provider to be bound by a pre-existing and effective protective order.

(8) Judicial intervention.

The commission need not assist any person in seeking or resisting judicial intervention, but reserves the right to participate in any such proceeding as its interest may appear.

NEW SECTION

WAC 480-09-100 COMMISSION ADDRESS—RECEIPT OF DOCUMENTS. (1) Address; receipt of documents. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Office of the Secretary, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) Identification; one subject in a letter. Letters to the Washington utilities and transportation commission (referred to in these rules as the "commission") should include only one subject.

(a) Each item of pleading or correspondence which relates to a proceeding before the commission shall set forth at the top of the first

page the docket number and name of the proceeding, if known to the writer, the title of the pleading, and the identity of the person who submits it.

(b) Communications to the commission from the holder of any permit, license, or certificate shall identify the exact name and the number under which the authority is held and the name and title of the writer.

(3) After business hours, communications with the commission may be made by calling toll-free 1-800-562-6150 and leaving a recorded message.

NEW SECTION

WAC 480-09-110 OFFICE HOURS. Commission offices are open between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except on state holidays.

NEW SECTION

WAC 480-09-120 FILING AND SERVICE. (1) Filing. Filing of any document shall be deemed complete only upon receipt by the secretary or, when authorized by the presiding officer of a proceeding before the commission, upon receipt by the presiding officer.

(a) Except as provided in WAC 480-80-070 for tariff filings, receipt in the commission's telefax machine, or similar device, does not constitute filing.

(b) Unless in a particular case the commission specifies a different number of copies, every pleading submitted to the commission shall be filed with three copies for transportation matters and nineteen copies for all other matters.

(c) Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by attorney or other authorized representative in a proceeding, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings in the proceeding before the commission.

(b) Service by parties. Service by parties shall be made by delivering one copy to each party in person; by mailing, properly addressed with postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Service by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service thereof shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Certificate of service. There shall appear on the original of every pleading when filed with the commission in accordance with this subsection (2) of this section, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (authorized method of service pursuant to WAC 480-09-120 (2)(a))

Dated at this day of
(signature)
Of counsel for

NEW SECTION

WAC 480-09-130 COMPUTATION OF TIME. The time for doing an act shall be computed by excluding the first day and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is excluded from the computation.

NEW SECTION

WAC 480-09-135 VARIATION FROM TIME LIMITS. The time stated in chapter 34.05 RCW for action may be lengthened or shortened by the commission in its discretion in individual instances pursuant to RCW 34.05.080. The time stated in these rules for action may be lengthened or shortened by the commission in its discretion.

NEW SECTION

WAC 480-09-140 EX PARTE COMMUNICATIONS. (1) General. After the commencement of an adjudicative proceeding and prior to a final determination therein, no party to the proceeding, or its counsel or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties who have appeared therein, to enable them to be present at the conference. When a party initiates correspondence with a presiding or reviewing officer regarding the merits of any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of such service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of this section.

NEW SECTION

WAC 480-09-150 INFORMAL COMPLAINTS. (1) Informal complaints may be made by letter or other communication. Informal complaints may be taken up by the commission with the affected persons, by correspondence or otherwise, to bring about a resolution of the complaint without formal hearing or order. The commission encourages the informal settlement of disputes whenever possible. (See WAC 480-09-465.)

(2) Contents. An informal complaint should contain all facts essential to a disposition of the complaint, including the dates of acts or omissions complained against. Relevant statutes or rules should be cited if known to the writer.

(3) No mandatory or prohibitory order may result from an informal complaint. Matters instituted by informal complaint shall be without prejudice to the right of any party or the commission to file and prosecute a formal complaint.

NEW SECTION

WAC 480-09-200 INTERPRETIVE AND POLICY STATEMENTS. (1) General. Upon the petition of any interested person subject to its jurisdiction, or upon its own motion, the commission may, when it appears to be in the public interest, make and issue interpretive and policy statements when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of statutes or rules of the commission.

(2) The commission shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The roster shall be updated once each year. Whenever the commission issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster.

(3) The commission shall maintain a file and an index of all currently effective interpretive and policy statements. The statements shall be available for inspection and copying at the records center in the commission's Olympia headquarters office.

NEW SECTION

WAC 480-09-210 RULE MAKING—NOTICE OF PROPOSED RULE—RULES COORDINATOR. (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the State

Register. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the State Register, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the statement on file and available for public inspection.

(6) Inquiries regarding rules being proposed or being prepared with in the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator.

NEW SECTION

WAC 480-09-220 PETITIONS FOR RULE MAKING, AMENDMENT, OR REPEAL. (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) When the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. When the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment, or repeal.

(3) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(4) Within sixty days after submission of a petition, the commission shall:

(a) Deny the petition in writing, stating its reasons for the denial, and serve a copy of the denial upon the petitioner; or

(b) Initiate rule-making proceedings in accordance with chapter 34.05 RCW.

(5) In rule-making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views, and arguments from interested persons on the economic values which may be affected by such rule making.

(6) The commission shall submit a small business economic impact statement when required by chapter 19.85 RCW, the Regulatory Fairness Act.

NEW SECTION

WAC 480-09-300 FILING REQUIREMENTS—STATEMENT OF POLICY. Statement of policy. The commission establishes the requirements of WAC 480-09-300 through 480-09-330 for filings relating to general rate increases by electric, natural gas, and telecommunications companies subject to its jurisdiction. Requirements as to the form and content of filings will standardize presentations, clarify issues, and speed and simplify the processing of rate filings.

NEW SECTION

WAC 480-09-310 FILING REQUIREMENTS—DEFINITION. (1) For the purposes of WAC 480-09-300 through 480-09-330 only, a general rate increase filing is the request by any company regulated by the commission under Title 80 RCW for an increase in rates which meets one or more of the following criteria:

(a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.

(b) Tariffs are restructured such that the gross revenue provided by any customer class would increase by three percent or more.

(c) The company requests a change in its authorized rate of return on common equity or capital structure.

(2) The following proceedings shall not be considered general rate increases even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations: Energy cost adjustment proceedings; natural gas tracking increases; emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly increasing a public service expense; rate increases designed to recover governmentally-imposed increases in costs of doing business such as changes in tax laws or ordinances; or other increases designed to recover increased expenses arising on short notice and beyond the public service company's control.

NEW SECTION

WAC 480-09-320 FILING REQUIREMENTS—INTERVENOR LIST. (1) The commission will maintain an intervenor list for each of the utilities under its jurisdiction. The list will contain the name and address of each person who intervened in the utility's latest general rate proceeding.

(2) Public counsel designated by the attorney general shall be placed on the intervenor list maintained by the commission for each utility company.

NEW SECTION

WAC 480-09-330 FILING REQUIREMENTS—GENERAL RATE INCREASES. General rate increase filings for utility companies shall include, at a minimum, the following information:

(1) All testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held. The filing shall also include supporting work papers.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and measured changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, as applicable:

(a) The date and amount of the latest prior general rate increase authorized by the commission.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue increase in percentage, in total and by major customer class.

(d) Requested revenue increase in dollars, in total and by major customer class.

(e) Requested rate increase in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) The summary document required in subsection (3) of this section shall also be mailed to all persons on the commission's intervenor list for the utility, with a cover letter stating that the prefiled testimony and exhibits are available upon request.

(5) The most recent annual report to shareholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

NEW SECTION

WAC 480-09-340 OBJECTIONS TO CLOSURES OF HIGHWAY-RAILROAD GRADE CROSSINGS. (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 shall be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status - appearances - service of final order. No person who fails to enter an appearance as prescribed by WAC 480-09-720, will be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though such person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, and no such person will be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although such person may be sent a courtesy copy of the proposed or final order.

(3) Interested persons who lack party status, as defined herein, shall be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060. They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

NEW SECTION

WAC 480-09-400 APPLICATIONS FOR ADJUDICATIVE PROCEEDINGS. (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving matters at issue. Each application should specify every issue to be adjudicated in the proceeding.

(2) Petitions, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings.

(4) Within thirty days after receipt of an application for an adjudicative proceeding, the commission shall notify the applicant of any obvious errors or omissions, request any additional information it requires

and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

NEW SECTION

WAC 480-09-410 PARTIES. (1) General. "Person" when used in this chapter means any individual, corporation, partnership, association, or any body politic, agency, or municipal corporation. A "party" is any person which has complied with all requirements for establishing and maintaining party status in any proceeding before the commission.

(2) Classification of parties. Parties to proceedings before the commission shall be styled applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties thereto. When an appearance has been entered for the commission and/or for the public counsel division of the attorney general's office, they shall respectively be considered parties to the proceeding for all purposes.

(3) Applicants.

(a) Persons applying for any right or authority which the commission has jurisdiction to grant shall be styled "applicants."

(b) Applicants for adjudicative proceedings under chapter 34.05 RCW shall be styled according to their roles as defined in this section.

(4) Complainants. Persons who complain to the commission of any act or omission by any other person shall be styled "complainants." In any proceeding which the commission brings on its own motion, it shall be styled "complainant."

(5) Petitioners. Persons petitioning for relief shall be styled "petitioners."

(6) Respondents. Persons against whom any complaint is filed shall be styled "respondents."

(7) Intervenors. Persons permitted to intervene pursuant to this chapter shall be styled "intervenors."

(8) Protestants. Persons opposing applications who have complied with the requirements for the filing of protests shall be styled "protestants."

NEW SECTION

WAC 480-09-420 PLEADINGS—APPLICATIONS FOR AUTHORITY—PROTESTS. Pleadings. Pleadings before the commission include formal complaints, petitions, answers, replies, and motions.

(1) Legibility; service. All pleadings shall be legible and, unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the word (Petition, Motion, Reply, etc., of [role of party: e.g., petitioner, respondent, protestant, etc., and name the party if more than one party has the same role in the proceeding]).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set

out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies in transportation matters, twenty copies in all other matters, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) Defined. Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be entered within three hundred sixty days after the filing of such complaints.

(b) Contents. Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the commission involved. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) Protests. A person whose interests would be adversely affected by the granting of an application or by a rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) Petitions.

(a) Defined. All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) Petitions - contents. A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) Motions. The practice respecting motions shall conform insofar as possible with the practice in the superior court of Washington.

Motions shall be filed separately from any other filing.

(9) Responsive pleadings.

(a) Answer. Except as otherwise provided in WAC 480-09-425, any party who desires to respond to a compliant, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) Reply. The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

(10) Declaratory orders. As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission shall consider the petition and within fifteen days after its receipt give notice of the petition to all persons to whom notice is required by law and to any other person it deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission shall:

(a) Issue a nonbinding declaratory order; or

(b) Notify the petitioner that no declaratory order is to be issued and state the reasons for the action; or

(c) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition, or such later date as may be established upon a finding of good cause, or call for the submission of a statement of fact upon the matter, and, if a hearing is granted, give not less than seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable of the time and place for such hearing and of the issues involved.

(d) If a hearing is held or statements of fact are submitted, as provided in (c) of this subsection, the commission shall within a reasonable time:

(i) Enter a binding declaratory order; or

(ii) Enter a nonbinding declaratory order; or

(iii) Notify the petitioner that no declaratory order is to be issued and state the reasons for the action.

The commission shall serve its order upon all persons to whom notice is required by (c) of this subsection.

NEW SECTION

WAC 480-09-425 PLEADINGS—VERIFICATION, RESPONSIVE PLEADINGS, AMENDMENTS. (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motion. Any motion directed toward a pleading must be submitted in writing and, unless good cause is shown for a delay, filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. Motions shall be filed separately from any other filing.

(3) Time for answer. An answer, if made, must be filed within twenty days, after the service of the pleading against which it is directed: PROVIDED, This section shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules, or regulations governing public service companies. Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) Liberal construction. All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

NEW SECTION

WAC 480-09-430 INTERVENTION. (1) General intervention. Any person, other than the original parties to any proceeding before the commission, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may:

(a) Petition in writing for leave to intervene prior to, or at the time, it is called for hearing; or

(b) Petition orally for leave to intervene at the time of the hearing. No such petition shall be filed or made after the proceeding is underway, except for good cause shown. The petition to intervene must disclose the name and address of the person intervening; the name and address of his or her attorney, if any; his or her interest in the proceeding; and his or her position in regard to the matter in controversy. A form petition for intervention is available on request from the secretary of the commission. Use of the form is encouraged to ensure receipt of adequate information.

(2) Special intervention. Any person other than the parties of record to any proceeding before the commission, who desires to appear and participate in the proceeding and who desires to broaden the issues in the proceeding, may petition for leave to intervene in the proceeding. The petition must be in writing and filed with the commission, and copies served upon the parties of record to the proceeding, at least ten days prior to the date of the prehearing conference or, if there is no conference, at least ten days prior to the date of the hearing. The commission may, for good cause shown, shorten the ten-day filing period. When there is no prejudice to other parties, the commission may grant an oral petition without the ten-day requirement. The petition must disclose the name and address of the party intervening; the name and address of his or her attorney, if any; his or her interest in the proceeding; and his or her position in regard to the matter in controversy. An affidavit setting forth clearly and concisely the facts supporting the relief sought shall be attached to the petition.

(3) Disposition of petitions to intervene. Petitions to intervene may be considered at hearings and prehearing conferences, or may be set

for prior hearing. An opportunity shall be afforded the parties to be heard upon the petition. Intervention may be granted in the absence of appearance by petitioner. A late-filed petition to intervene may be ruled upon without a hearing if all parties have been granted an opportunity to respond. If the petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest, the commission may grant the petition orally, at the hearing or prehearing conference or in writing. Limitations may be imposed upon interventions in accordance with RCW 34.05.443(2). The petitioner then becomes a party to the proceeding and becomes known as an "intervenor." Whenever it appears, during the course of a proceeding, that an intervenor has no substantial interest in the proceeding, and that the public interest will not be served by the intervention therein, the commission may dismiss the intervenor from the proceeding: PROVIDED, HOWEVER, That a party whose intervention has been allowed shall not be dismissed from a proceeding except upon notice and a reasonable opportunity to be heard. A decision by an administrative law judge regarding a petition to intervene is subject to commission review pursuant to WAC 480-09-760.

(4) Limitation of intervention under certain circumstances. Notwithstanding the provisions of subsections (1) and (2) of this section, if the commission determines that the orderly and prompt conduct of any proceeding so requires, the making or filing of petitions for leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding.

NEW SECTION

WAC 480-09-440 CONTINUANCES—EXTENSIONS OF TIME. (1) General. Postponements, continuances and extensions of time, called "continuances" in this section, may be requested by any party, upon notice to all other parties, and may be granted upon a showing of good and sufficient cause. Continuances may be directed by the commission or the presiding officer without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. The date which is sought to be continued is called the "deadline" in this section.

(2) Procedure. Requests for continuances may be made orally on the record during a hearing. Whenever possible, requests shall be made by letter. Requests may be decided orally in hearing, or by letter, by the presiding officer or the commission. Requests may be granted; granted, with modification; or denied.

(3) Timing. Oral requests must be made at least five days prior to the deadline sought to be continued. Written requests must be filed with the commission, and served upon other parties so as to be received, no less than five days prior to the deadline which is sought to be continued. Responses must be filed no less than four days after service of the request, or two days prior to the deadline which is sought to be continued; whichever is earlier. Response shall be made orally when a related hearing is held prior to the stated response deadline. Requests which are made prior to the deadline, but which are not made within the time specified in this subsection, must specify the nature of the circumstances which prevented making a timely request.

(4) Content. A request for continuance must contain the following information:

- (a) The name of the requesting party and its role in the proceeding (e.g., applicant, respondent, intervenor, etc.);
- (b) Whether the requestor or any other party has previously requested a continuance in the proceeding and whether any continuance has been granted;
- (c) Whether the requestor has discussed the request with other parties and whether, upon discussion, all other parties agree;
- (d) The proposed new deadline;
- (e) The reason for the request and for requesting the proposed new deadline;
- (f) What efforts have been made to avoid a continuance and to minimize the length of the delay sought;
- (g) If the continuance is to allow time to acquire a transcript, the date the transcript was ordered, when delivery is expected, and the length of the transcript or the length of the hearing;
- (h) If the request relates to an application for transportation operating authority, whether the applicant is presently providing all or part of the requested service, and whether an application for temporary authority has been filed and the status of the application; and

(i) Any other factor which may bear upon whether allowing the continuance is consistent with the public interest.

(5) Agreed requests. A request for continuance as to which all parties agree is an "agreed request." Agreed requests for continuances other than hearings may be made orally until the deadline, provided a confirming letter is served and sent for filing on the same day. A first agreed request, timely made, will be granted unless it is inconsistent with the public interest or commission administrative needs.

NEW SECTION

WAC 480-09-450 INTERPRETERS. It is commission policy that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and that they have the opportunity for full and equal participation in adjudicative proceedings. In keeping with this policy, the commission incorporates by reference in its rules WAC 10-08-150 of the office of administrative hearings model rules of procedure governing interpreters.

NEW SECTION

WAC 480-09-460 PREHEARING CONFERENCES. (1) General. When issues are joined in any formal proceeding the commission may, by written notice, request all interested persons to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. A commissioner, an administrative law judge, or an employee of the commission designated by the commission, shall preside at such conference, to consider:

- (a) Simplification of the issues;
- (b) The necessity or desirability of amendments to the pleadings;
- (c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;
- (d) Limitations on the number and consolidation of the examination of witnesses;
- (e) The procedure at the hearing;
- (f) The distribution of written testimony and exhibits to the parties prior to the hearing;
- (g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing, and served upon the parties, for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his or her discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

NEW SECTION

WAC 480-09-465 SETTLEMENT. Before or after a hearing, parties to a proceeding may enter into discussions leading to a voluntary settlement of the subject matter of the proceeding. In furtherance of a voluntary settlement, the commission may, in its discretion, invite the parties to confer among themselves or with a designated person. These conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission, or offer of settlement made at an informal conference shall be admissible in evidence in any formal hearing before the commission. Any resulting settlement or stipulation shall be stated on the record or submitted in writing and is subject to approval by the commission.

NEW SECTION

WAC 480-09-470 STIPULATION AS TO FACTS. General. Stipulations of fact are encouraged. The parties to any proceeding or investigation before the commission may, by stipulation in writing filed

with the commission or entered into the record, agree upon the facts or any portion thereof involved in the controversy. This stipulation, if accepted by the commission, shall be binding upon the parties thereto and may be used by the commission as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the stipulation.

NEW SECTION

WAC 480-09-475 SUBPOENAS. General. Subpoenas may be issued by a commissioner, an administrative law judge, or the attorney of any party to the proceeding. Witnesses are required to comply with subpoenas in the manner prescribed in Title 80 or 81 RCW and chapter 34.05 RCW. Witnesses shall be paid in the same manner as provided in RCW 34.05.446(7). Each subpoena shall bear the name of the party requesting or issuing the subpoena and the party responsible for paying the witness fees.

NEW SECTION

WAC 480-09-480 DATA REQUESTS. (Reserved.)

NEW SECTION

WAC 480-09-500 BRIEF ADJUDICATIVE PROCEEDINGS.

(1) Pursuant to RCW 34.05.482, the commission will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

(a) Review of denials or partial denials of applications that are not protested;

(b) Contested applications for temporary authority; and

(c) Proceedings which could lead to suspension, cancellation, or revocation of authority for failure to maintain tariffs, pay fees, or file required documents.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission or by the filing of a protest in the case of temporary applications. The commission shall designate either a review judge, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. In the discretion of the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and, if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a written order which shall be served upon all parties within ten days after entry of the order or the decision.

(4) The brief written statement is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within thirty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

NEW SECTION

WAC 480-09-510 EMERGENCY ADJUDICATIVE PROCEEDINGS. (1) Pursuant to RCW 34.05.482, the commission shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations shall include:

(a) Failure to possess insurance;

(b) Safety violations when the violation involves an immediate danger to the public health, safety, or welfare; and

(c) Inadequate service by a gas, water, or electric company when the inadequacy involves an immediate danger to the public health, safety, or welfare.

(2) The commission may designate a review judge, the director of the commission's utilities division, or the director of the commission's transportation division as presiding officer in specified emergency adjudicative proceedings.

(3) The commission's decision shall be based upon the written submissions of the parties and upon oral comments by the parties if the presiding officer has allowed oral comments. The order shall include a brief statement of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 480-09-120.

NEW SECTION

WAC 480-09-600 CONVERSION OF PROCEEDINGS. (1) Upon application by any person or upon its own motion, the commission shall consider whether the conversion of a proceeding pursuant to RCW 34.05.070 should be made.

(2) Commencement of the new proceeding shall be determined to be the time of commencement of the original proceeding, provided that all statutory and regulatory requirements for the new proceeding shall be met.

NEW SECTION

WAC 480-09-610 CONSOLIDATION OF PROCEEDINGS. Two or more proceedings in which the facts or principles of law are related may be consolidated for hearing or disposition.

NEW SECTION

WAC 480-09-620 JOINT HEARINGS. General. In any proceeding in which the commission participates jointly with the Interstate Commerce Commission or other federal regulatory agency, the rules of practice and procedure of the federal agency shall govern. In any proceeding in which the commission participates jointly with the administrative body of another state or states, the rules of the state in which the hearing is held shall govern the proceeding, unless otherwise agreed upon by the participating agencies: PROVIDED, That any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

NEW SECTION

WAC 480-09-700 HEARINGS—NOTICE AND FAILURE TO APPEAR. (1) Notice.

(a) Initial hearing notice. The time and place of hearings will be set by the commission and notice thereof served upon all parties at least twenty days in advance of the initial hearing date, unless the commission finds that good cause exists for the hearing to be held upon shorter notice. An effort will be made to set all hearings sufficiently in advance

so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. The time and place of continued hearing sessions may also be set:

- (i) Upon the record without further written notice to the parties; or
- (ii) By letter from the secretary of the commission; or
- (iii) By letter from the presiding officer. In such instances, twenty days' prior notice is not required.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear – default – dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the presiding officer may recess the hearing for a brief period to enable the party to attend the hearing, but if at the time set for the resumption of the hearing the party is not present or represented, the commission may dismiss the party or find the party in default.

(b) Default shall be implemented by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) Dismissal shall be implemented by a dismissal provision in the order disposing of the issues in the proceeding. Dismissal may be contested by the filing of a petition for reopening until the close of the time for filing a petition for administrative review of an initial order or, if no initial order is entered, until the close of the period for filing a petition for reconsideration. The person who is dismissed may support the petition for reopening by showing good cause for failure to appear, for failure to seek a continuance, and for failure to earlier seek an excuse for failure to appear.

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control, or a protestant to an application, shall appear at any scheduled hearing pursuant to this chapter unless:

- (a) The application or protest is withdrawn at least five days prior to the date set; or
- (b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

NEW SECTION

WAC 480-09-705 NOTICE TO LIMITED-ENGLISH-SPEAKING PARTIES. When the commission has knowledge that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuances, and dismissals, shall either be in the primary language of the party or shall include a notice in the primary language of the party that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

NEW SECTION

WAC 480-09-710 APPEARANCE AND PRACTICE BEFORE COMMISSION. (1) General. In all proceedings in which pleadings are filed and a hearing is held involving the taking of testimony on a record subject to review by the courts, the following persons may appear in a representative capacity:

- (a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;
- (b) Attorneys at law duly qualified and entitled to practice before the highest court of any other state;
- (c) Persons not attorneys at law who have been duly authorized to practice before the Interstate Commerce Commission;
- (d) Upon permission of the presiding officer at such hearing, an officer or employee of a party or person seeking party status;
- (e) Legal interns admitted to limited practice under Rule 9 of the Supreme Court's Admission to Practice Rules. However, no legal intern may appear without the presence of a supervising lawyer unless the legal intern has attended at least ten commission hearing sessions with the presence of a supervising lawyer.

The presiding officer may expel a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

(2) Notices of appearance and withdrawal of attorneys. Attorneys or other authorized representatives appearing on behalf of a party or withdrawing from a proceeding shall immediately so notify the commission and all parties to the proceeding.

(3) Unethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any representative fails to conform to these standards, the commission may decline to permit the person to appear in a representative capacity in any proceeding before the commission.

(4) Former employees. Former employees of the commission, office of administrative hearings, and office of the attorney general are subject to the provisions of chapter 42.18 RCW.

NEW SECTION

WAC 480-09-720 APPEARANCES—PARTY STATUS. (1) General. Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the court reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those in attendance. Appearance may be made on behalf of any party by his or her attorney or other authorized representative, as defined in WAC 480-09-710(1).

(2) Party status may not be accorded as a matter of right after the initial session without a showing of good cause for failing to timely appear.

NEW SECTION

WAC 480-09-730 CONDUCT AT HEARINGS. (1) No smoking. Smoking shall not be permitted at hearings of the commission.

(2) Testimony under oath. Before a witness takes the stand in an adjudicative proceeding held under chapter 34.05 RCW, an oath or affirmation shall be administered as follows: The person who swears or affirms holds up his or her hand, while the person administering the oath or affirmation thus addresses him or her: "Do you solemnly swear or affirm that the evidence you shall give in the matter now pending before the commission shall be the truth, the whole truth and nothing but the truth, so help you God?"

NEW SECTION

WAC 480-09-735 ORDER OF PROCEDURE. (1) General. Evidence will ordinarily be received in the following order:

- (a) Upon investigation on motion of the commission:
 - (i) Commission's staff;
 - (ii) Respondent; and
 - (iii) Rebuttal by commission's staff.
 - (b) In investigation and suspension proceedings:
 - (i) Respondent;
 - (ii) Commission's staff;
 - (iii) Protestants against suspended schedules; and
 - (iv) Rebuttal by respondent.
 - (c) Upon applications and petitions:
 - (i) Applicants or petitioners;
 - (ii) Commission's staff;
 - (iii) Protestants; and
 - (iv) Rebuttal by applicant or petitioner.
 - (d) Upon formal complaints:
 - (i) Complainant;
 - (ii) Respondent;
 - (iii) Commission's staff; and
 - (iv) Rebuttal by complainant.
 - (e) Upon order to show cause:
 - (i) Commission's staff;
 - (ii) Respondent; and
 - (iii) Rebuttal by commission's staff.
 - (f) In docket hearings: At the discretion of presiding officer or examiner.
- (2) Modification of procedure. The order of presentation prescribed above for hearings shall be followed, except when the presiding officer

directs otherwise. When hearing several proceedings upon a consolidated record, the presiding officer shall designate who shall open and close. Intervenor shall follow the party in whose behalf the intervention is made. If the intervention is not in support of any original party, the presiding officer shall designate at what stage the intervenor shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall be heard first, if all parties are ready: PROVIDED, That the presiding officer may direct a different order to suit the convenience of the parties.

NEW SECTION

WAC 480-09-736 HEARING GUIDELINES. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer has discretion to suspend or modify the guidelines or to use measures not specified herein when appropriate in the circumstances of the case.

(1) Starting times will be strictly observed. The proceeding will go forward in the absence of counsel who are late.

(2) Motions will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. This rule does not apply to motions with respect to the admissibility of evidence which may require foundation. In such cases, the presiding officer should be notified that a motion will be presented during the hearing.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) There will be no off-the-record discussions at the request of counsel unless counsel asks leave to go off the record and states the purpose for the request.

(5) Extended colloquies regarding procedural issues may be conducted off the record. Each attorney will be given the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) When predistribution of evidence is required, one copy should be addressed specifically to the presiding administrative law judge. One copy should be addressed to the commission's accounting adviser, in care of the secretary of the commission. Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been predistributed. Corrections and revisions should be made to all copies distributed at hearing before the copies are distributed. The presiding officer will advise the parties regarding the number of extra copies to be filed with the commission.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex (JQW-Testimony) Ex (JQW-2)
 Ex (JQW-1) Ex (JQW-3)

Counsel unfamiliar with this method of identification should contact the presiding officer for further guidance. The official numbers for the case will be assigned by the administrative law judge at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects. Twenty copies of the summary shall be filed with the secretary of the commission unless the presiding officer advises that a different number is required.

(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size or folded to that size and punched for insertion into three-ring binders. Line numbers shall be set out on all prepared testimony to facilitate transcript or exhibit references. Large charts may be used at the hearing so long as a letter-size reduction is provided or so long as the chart is foldable to 8-1/2" by 11" for inclusion in the official record.

(10) Any revised pages for predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and

bear the date of the revision. The revised portions should be indicated for cross-reference to the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit.

(11) Cross-examination will be limited to two rounds except upon a showing that good cause exists. Witnesses should not be asked to perform calculations or extract detailed data on the stand. Such questions should be provided to the witness in advance or asked "subject to check." When a witness answers "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be deemed accurate unless disputed by the witness within ten days of distribution of the transcript or prior to the closing of the record, whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) All case-related correspondence should be addressed to the secretary of the commission, under existing commission rules. The parties are cautioned that correspondence addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes. In addition, one copy should be addressed to the presiding administrative law judge at the Office of Administrative Hearings, 1212 Jefferson Street, Suite 200, Mailstop PG-21, Olympia, Washington 98504.

(14) Petitions or motions intended for argument or resolution at previously-scheduled hearing sessions should be received by the commission and all parties at least three business days prior to argument. Oral response will be allowed on the record. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt three business days before argument.)

(15) When the commission is requested to take some action prior to the next hearing session, the petitioner or movant shall effect service upon all other parties. Responses are due in the office of the secretary of the commission no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the desires of the parties. If briefs are required, they shall comply with WAC 480-09-770(1).

(17) Each party will bear its own costs for transcripts including charges for expedited service when requested.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered as an illustrative exhibit. Letters received by the secretary of the commission and by public counsel from members of the public may be offered into evidence as illustrative of the opinions of the correspondents. Documents which are exceptional in their detail or their probative nature may be offered into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony offered and received are part of the record and subject to consideration by the commission in its decision.

NEW SECTION

WAC 480-09-740 EVIDENCE. The presiding officer may receive evidence as provided by RCW 34.05.452. WAC 480-09-745 and 480-09-750 provide guidelines for receipt of evidence in proceedings before the commission.

NEW SECTION

WAC 480-09-745 EXHIBITS AND DOCUMENTARY EVIDENCE. (1) Designation of part of document as evidence. When a relevant and material matter offered in evidence by any party is contained in a book, paper, or document which also contains other matter not material or relevant, the party offering the evidence must also designate the portion which is offered. If irrelevant matter would unnecessarily encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding officer so directs, a true copy may be received as an exhibit. If only a portion is offered or received, other parties shall be afforded an opportunity to examine the book, paper or document, and to offer other portions in evidence in like manner.

(2) Official records. An official rule, report, order, record or other document, prepared and issued by any governmental authority, when admissible for any purpose, may be evidenced by a certified copy. When such official records, otherwise admissible, are contained in official publications or publications by nationally recognized reporting services which are in general circulation and readily accessible to all parties, they may be introduced by reference: PROVIDED, HOWEVER, That proper and definite reference to the record in question is made by the party offering the same. The party offering the evidence may be required to provide a copy to the record and to all parties.

(3) Commission's files.

(a) Papers and documents on file with the commission, if otherwise admissible, and whether or not the commission has authority to take official notice of them under WAC 480-09-750(2), may be introduced by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of such a paper or document is offered in evidence, the part offered shall be clearly designated. The party offering the evidence may be required to provide a copy to the record and to all parties.

(b) Intra-office commission memoranda and reports, to the extent permitted by RCW 42.17.310, are not public records subject to inspection, nor shall such documents be introduced into evidence.

(4) Records in other proceedings. In case any portion of the record in any other proceeding is admissible for any purpose and is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copies later at his or her own expense, if and when required by the commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference; and

(d) The presiding officer directs such incorporation.

(5) Objections. Any evidence offered, whether in the form of exhibit, introduced by reference or offered in the form of testimony, shall be subject to appropriate and timely objection.

(6) Copies of exhibits to opposing counsel. When documentary exhibits are offered in evidence, copies must be furnished to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. Whenever practicable, the parties should exchange copies of exhibits before, or at the commencement of, the hearing.

NEW SECTION

WAC 480-09-750 RULES OF EVIDENCE. (1) General. Subject to the other provisions of this section, all relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability, and trustworthiness. In ruling upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing general civil proceedings, in matters not involving trial by jury, in the courts of the state of Washington.

The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the grounds of such objection at the time such evidence is offered. The party offering rejected evidence may be permitted to describe briefly for the record its nature and purpose.

(2) Official notice.

(a) Official notice may be taken of:

(i) Any judicially cognizable fact. Examples of judicially cognizable facts are:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) In addition, the commission may, in its discretion, upon the request of all parties to a proceeding, take official notice of the results of its own inspection of the physical conditions at issue.

(c) Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. Properly authenticated resolutions of the governing bodies of cities, towns, counties, and other municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations may be received in evidence. Recitals of facts contained in resolutions shall not be deemed proof of those facts.

NEW SECTION

WAC 480-09-760 INTERLOCUTORY ORDERS. The commission has discretion to accept or decline review of interim or interlocutory orders entered by an administrative law judge. Except where otherwise provided, the commission may review such orders when it finds that:

(1) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm; or

(2) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

(3) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

NEW SECTION

WAC 480-09-770 BRIEFS. The commission may require the parties to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions which the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or typewritten (size 8-1/2 inches by 11 inches on three-hole punched paper). All copies shall be clearly legible. Unless a different number is specified by the commission, an original and three copies of each brief for transportation matters and nineteen copies for all other matters shall be filed with the secretary of the commission and one copy shall be served on each party before the due date set for filing. Proof of service shall be furnished to the commission as provided in WAC 480-09-120(2).

NEW SECTION

WAC 480-09-780 ENTRY OF INITIAL AND FINAL ORDERS—ADMINISTRATIVE REVIEW. (1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review – time for filing. Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters and nineteen copies in all other matters must be filed with the secretary of the commission and one copy served upon each other party and the party's attorney within twenty days after the service of the initial order. The commission may designate a different time for filing petitions for administrative review of initial orders. Proof of service must be made in accordance with WAC 480-09-120(2).

(3) Petitions for administrative review – who may file. Any party to an adjudicative proceeding may file a petition for administrative review of an initial order.

(4) Petitions for administrative review – contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a reference to the pertinent page or part of the record or by a statement

of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision.

(5) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, three copies of answers to petitions for review in transportation matters and twenty copies in all other matters must be filed with the secretary of the commission, and a copy served upon each other party to the proceeding within ten days after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(6) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(7) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

NEW SECTION

WAC 480-09-800 STAY. A party may file with the commission a petition for stay of effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order.

NEW SECTION

WAC 480-09-810 RECONSIDERATION. (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies - filing - service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters and twenty copies in all other matters shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: PROVIDED, That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission. No petition for reconsideration may stay the effectiveness of an order.

NEW SECTION

WAC 480-09-815 AMENDMENT OR RESCISSION. Pursuant to RCW 80.04.210 and 81.04.210, the commission may amend or rescind any order or rule which it has made, entered, issued or promulgated, upon notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints.

NEW SECTION

WAC 480-09-820 REHEARING OR REOPENING. (1) Rehearing. A petition for rehearing may be filed with the commission by any person affected by any order of the commission, pursuant to RCW 80.04.200 and 81.04.200. The commission will grant the petition:

(a) If there are changed circumstances injurious to the petitioner since the entry of the final order which were not considered by the commission; or

(b) To correct defects in the order; or

(c) For any good and sufficient cause which, for any reason, was not considered and determined in the original order.

The commission may, in its discretion, permit the filing of a petition for rehearing at any time.

(2) Reopening. A petition for reopening may be filed with the commission by any party to a proceeding at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, a petition may be granted to correct failure to allow receipt of written evidence when otherwise permissible.

(b) In contested proceedings, a petition may be granted to permit receipt of evidence which is essential to a decision and which was unavailable and not reasonably discoverable at the time of the hearing with due diligence, or for any other good and sufficient cause.

NEW SECTION

WAC 480-09-830 COMPLIANCE WITH ORDERS. Any party who is required by commission order to do or refrain from doing any act shall notify the commission, on or before the date upon which compliance is required, whether or not the party has complied. If the order requires a change in rates, the notification shall be accomplished by filing the proper tariffs. The tariffs being filed shall specify the commission's corresponding order number.

REPEALER

The following chapter of the Washington Administrative is repealed:

- WAC 480-08-010 COMMUNICATIONS.
- WAC 480-08-015 SUBMISSION OF "CONFIDENTIAL" INFORMATION.
- WAC 480-08-020 OFFICE HOURS.
- WAC 480-08-030 PARTIES.
- WAC 480-08-040 INFORMAL PROCEDURE—APPLICATIONS AND PROTESTS.
- WAC 480-08-050 PLEADINGS.
- WAC 480-08-055 OBJECTIONS TO CLOSURES OF HIGHWAY-RAILROAD GRADE CROSSINGS.
- WAC 480-08-060 FILING AND SERVICE.
- WAC 480-08-070 INTERVENTION.
- WAC 480-08-080 APPEARANCES.
- WAC 480-08-090 APPEARANCE AND PRACTICE BEFORE COMMISSION.
- WAC 480-08-100 PREHEARING CONFERENCES.
- WAC 480-08-110 VOLUNTARY SETTLEMENT.
- WAC 480-08-120 SUBPOENAS.
- WAC 480-08-130 DEPOSITIONS.
- WAC 480-08-140 HEARINGS.
- WAC 480-08-150 CONTINUANCES.
- WAC 480-08-160 STIPULATION AS TO FACTS.
- WAC 480-08-170 CONDUCT AT HEARINGS.
- WAC 480-08-180 ORDER OF PROCEDURE.
- WAC 480-08-190 RULES OF EVIDENCE.
- WAC 480-08-200 EXHIBITS AND DOCUMENTARY EVIDENCE.
- WAC 480-08-210 MODIFIED PROCEDURE.
- WAC 480-08-220 BRIEFS.
- WAC 480-08-230 COMMISSION PROPOSED ORDERS.
- WAC 480-08-240 PROPOSED ORDERS BY EXAMINERS.

- WAC 480-08-250 REHEARING OR RECONSIDERATION.
- WAC 480-08-260 NO DISCUSSION OF PROCEEDING UNTIL DECISION.
- WAC 480-08-270 JOINT HEARINGS.
- WAC 480-08-280 ADMINISTRATIVE RULINGS.
- WAC 480-08-290 SEGREGATION OF FUNCTIONS IN FORMAL PROCEEDINGS.
- WAC 480-08-300 COMPLIANCE WITH ORDERS.
- WAC 480-08-310 COMPUTATION OF TIME.
- WAC 480-08-320 SUSPENSION OF TARIFFS.
- WAC 480-08-330 GENERAL APPLICATION—SPECIAL RULES—EXCEPTIONS—CANCELLATION OF FORMER RULES.

WSR 89-17-050
EMERGENCY RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-306, Docket No. U-89-2966-R—Filed August 14, 1989,
 3:56 p.m.]

In the matter of adopting chapter 480-09 WAC relating to procedures before the commission and repealing chapter 480-08 WAC.

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 further views on the proposed action would be contrary to the public interest. Opportunity to present views and comments has already been provided all interested persons in this docket, and although it is unlikely, several revisions to the rules as proposed may provoke additional comment. A statement of the facts constituting such emergency is: Chapter 480-09 WAC was proposed for adoption to implement the provisions of chapter 34.05 RCW. As noted above, substantial and productive comments were submitted by various interested persons, and many changes suggested in those comments have been incorporated and the rule proposal revised accordingly. These modifications are of such a nature that the commission believes that it would be prudent to republish, and in so doing invite additional comment. In addition, a section intended to protect confidential information filed with the commission by public service companies (WAC 480-09-015) is a substantial revision.

Procedural rules adopted by the Office of Administrative Hearings, which are generic in nature, purport to displace chapter 480-08 WAC but are not designed to meet the specific requirements of the commission. In order to deal with the many cases now pending governed by chapter 34.05 RCW, the commission determines that the general welfare of the people of the state of Washington affected by the exercise of the commission's public interest function are best served by immediate implementation of the procedural rules contained in chapter 480-09 WAC as revised herein, and that permanent rules be noticed, inviting such additional comment as interested persons may deem appropriate. Because chapter 480-09 WAC replaces procedures specified in chapter 480-08 WAC in their entirety, to avoid confusion, the latter should be repealed.

This rule-making proceeding is being promulgated pursuant to RCW 80.01.040 and is intended administratively to implement Titles 80 and 81 RCW, those being the public service laws under which the commission regulates in the public interest.

This rule-making proceeding is in compliance with the Open Public Meetings Act (chapter 42.30 RCW), the Administrative Procedure Act (chapter 34.05 RCW), the State Register Act (chapter 34.08 RCW), the State Environmental Policy Act of 1971 (chapter 43.21C RCW), and the Regulatory Fairness Act (chapter 19.85 RCW).

Adoption of chapter 480-09 WAC and repeal of chapter 480-08 WAC affect no economic values.

In reviewing the entire record herein, it has been determined that chapter 480-09 WAC as indicated and as set forth in Appendix A shown below and made a part hereof by this reference should be adopted and chapter 480-08 WAC should be repealed. This chapter will put in place, on a temporary basis, rules governing practice and procedure before the commission, pending further comment on identical rules proposed for permanent application.

ORDER

WHEREFORE, IT IS ORDERED That chapter 480-09 WAC as set forth in Appendix A, take effect as emergency rules of the Washington Utilities and Transportation Commission pursuant to RCW 34.05.350 and that chapter 480-08 WAC be repealed.

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 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, and effective this 11th day of August, 1989.

Washington Utilities and Transportation Commission
 Sharon L. Nelson, Chairman
 Richard D. Casad, Commissioner
 A. J. Pardini, Commissioner

APPENDIX "A"

Chapter 480-09 WAC
PROCEDURE

- | | |
|------------|---|
| WAC | |
| 480-09-010 | General application—Special rules—Exceptions. |
| 480-09-015 | Submission of "confidential" information. |
| 480-09-100 | Commission address—Receipt of documents. |
| 480-09-110 | Office hours. |
| 480-09-120 | Filing and service. |
| 480-09-130 | Computation of time. |
| 480-09-135 | Variation from time limits. |
| 480-09-140 | Ex parte communications. |
| 480-09-150 | Informal complaints. |
| 480-09-200 | Interpretive and policy statements. |

- 480-09-210 Rule making—Notice of proposed rule—Rules coordinator.
- 480-09-220 Petitions for rule making, amendment, or repeal.
- 480-09-300 Filing requirements—Statement of policy.
- 480-09-310 Filing requirements—Definition.
- 480-09-320 Filing requirements—Intervenor list.
- 480-09-330 Filing requirements—General rate increases.
- 480-09-340 Objections to closures of highway–railroad grade crossings.
- 480-09-400 Applications for adjudicative proceedings.
- 480-09-410 Parties.
- 480-09-420 Pleadings—Applications for authority—Protests.
- 480-09-425 Pleadings—Verification, responsive pleadings, amendments.
- 480-09-430 Intervention.
- 480-09-440 Continuances—Extensions of time.
- 480-09-450 Interpreters.
- 480-09-460 Prehearing conferences.
- 480-09-465 Settlement.
- 480-09-470 Stipulation as to facts.
- 480-09-475 Subpoenas.
- 480-09-480 Data requests.
- 480-09-500 Brief adjudicative proceedings.
- 480-09-510 Emergency adjudicative proceedings.
- 480-09-600 Conversion of proceedings.
- 480-09-610 Consolidation of proceedings.
- 480-09-620 Joint hearings.
- 480-09-700 Hearings—Notice and failure to appear.
- 480-09-705 Notice to limited–English–speaking parties.
- 480-09-710 Appearance and practice before commission.
- 480-09-720 Appearances—Party status.
- 480-09-730 Conduct at hearings.
- 480-09-735 Order of procedure.
- 480-09-736 Hearing guidelines.
- 480-09-740 Evidence.
- 480-09-745 Exhibits and documentary evidence.
- 480-09-750 Rules of evidence.
- 480-09-760 Interlocutory orders.
- 480-09-770 Briefs.
- 480-09-780 Entry of initial and final orders—Administrative review.
- 480-09-800 Stay.
- 480-09-810 Reconsideration.
- 480-09-815 Amendment or rescission.
- 480-09-820 Rehearing or reopening.
- 480-09-830 Compliance with orders.

NEW SECTION

WAC 480-09-010 GENERAL APPLICATION—SPECIAL RULES—EXCEPTIONS. (1) *General rules.* These rules of practice and procedure are for general application to proceedings before the commission.

(2) *Special rules.* When rules apply to certain classes of public service companies or to particular proceedings,

those special rules shall govern in the event of conflict with the general rules.

(3) *Modifications and exceptions.* These rules are subject to such exceptions as may be just and reasonable in individual cases as determined by the commission.

NEW SECTION

WAC 480-09-015 SUBMISSION OF "CONFIDENTIAL" INFORMATION. (1) *General.*

The commission will provide special handling and limited access to confidential information properly submitted pursuant to this section. Nothing in this rule shall foreclose the entry and enforcement of protective orders in specific cases.

(2) *Designated official.*

The secretary of the commission is responsible for the implementation of this rule.

(3) *Definitions.*

"Confidential information." As used in this rule, confidential information consists of and is limited to information filed with or provided to the commission or its staff which is protected from inspection or copying under chapter 42.17 RCW. In the absence of a challenge, information designated as confidential under this rule will be presumed to meet this definition. In the event of a challenge, the burden of proving that the statutory definition applies is on the party asserting confidentiality.

"Provider." Any person who submits information to the commission or commission staff under a claim of confidentiality pursuant to this rule.

"Requester." Any person who submits a data request (in a contested case) or a request for public documents under the State Public Disclosure Law.

(4) *How to seek protection under this rule.*

A provider may claim the protection of this rule only by strict compliance with the following requirements:

(a) The claim of confidentiality must be submitted in writing on a form provided by the secretary or in a letter providing equivalent supporting information. The provider must identify any person (other than the provider itself) which might be directly affected by disclosure of the confidential information.

(b) The confidential information must be clearly marked "confidential." Marking must include the first page of a multi-page document and each specific page which contains allegedly confidential information.

(c) The confidential information must be sealed in an envelope or similar wrapping which is clearly marked "confidential."

(d) If the confidential information is submitted under the provisions of a protective order, said order must be cited in the form or letter claiming confidentiality. The "confidential" mark should indicate "Confidential per Protective Order in WUTC Docket No. _____."

(5) *Requests for "confidential information."*

Information designated confidential will be released upon a request properly filed under the following requirements.

(a) The requester shall submit a written request to the secretary on a form provided by the commission or in a letter containing equivalent supporting information. The request must, at a minimum, identify the requester by

name, address, any organization represented, and whether the information sought is to be used for a commercial purpose.

(b) The request must be sufficiently specific to allow the secretary to readily identify the documents or other material which contains the information requested. Upon receipt of a request for confidential information, the secretary will notify the requester of any deficiency which has been identified in the request. It will be the responsibility of the requester to correct the request and re-submit same pursuant to this rule. No action will be taken pending resubmission.

(c) The requester shall commit to prepayment of copying fees designated by the secretary.

(6) Informal resolution.

When the secretary finds that the request may be satisfied without disclosing confidential information, the secretary will attempt to facilitate an informal resolution.

(7) Release of information.

Any information alleged to be exempt from inspection and copying pursuant to section 1, chapter 107, Laws of 1987, shall be released only upon notice to the provider and any person identified by the provider as one who might be directly affected by release of the information so as to allow invocation of the statutory procedures for securing a court order protecting the records as confidential. Such notice shall be given not more than two days following location of the materials requested, and determination that they contain information claimed to be confidential. Notice will be given in writing, either by first class mail or by transmission of a copy of the request by electronic facsimile. Notice by mail shall be deemed complete in accordance with WAC 480-08-060(4), and facsimile shall be deemed complete when transmission is complete. A copy of the notice will be forwarded concurrently to the requester.

If the provider consents to the release of the information, in writing or facsimile, or does not restrain disclosure by way of court order within ten days following notice, the information shall thereupon be deemed public, shall be so designated in the files of the commission, and shall promptly be released to the requester. The foregoing shall not apply if the request is withdrawn or modified so as to exclude confidential material, or if the requester agrees in writing to the satisfaction of the provider to be bound by a pre-existing and effective protective order.

(8) Judicial intervention.

The commission need not assist any person in seeking or resisting judicial intervention, but reserves the right to participate in any such proceeding as its interest may appear.

NEW SECTION

WAC 480-09-100 COMMISSION ADDRESS—RECEIPT OF DOCUMENTS. (1) Address, receipt of documents. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Office of the Secretary, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., Olympia, Washington

98504, and not to individual members of the commission staff. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary.

(2) Identification; one subject in a letter. Letters to the Washington utilities and transportation commission (referred to in these rules as the "commission") should include only one subject.

(a) Each item of pleading or correspondence which relates to a proceeding before the commission shall set forth at the top of the first page the docket number and name of the proceeding, if known to the writer, the title of the pleading, and the identity of the person who submits it.

(b) Communications to the commission from the holder of any permit, license, or certificate shall identify the exact name and the number under which the authority is held and the name and title of the writer.

(3) After business hours, communications with the commission may be made by calling toll-free 1-800-562-6150 and leaving a recorded message.

NEW SECTION

WAC 480-09-110 OFFICE HOURS. Commission offices are open between the hours of 8:00 a.m. and 5:00 p.m. Monday through Friday, except on state holidays.

NEW SECTION

WAC 480-09-120 FILING AND SERVICE. (1) Filing. Filing of any document shall be deemed complete only upon receipt by the secretary or, when authorized by the presiding officer of a proceeding before the commission, upon receipt by the presiding officer.

(a) Except as provided in WAC 480-80-070 for tariff filings, receipt in the commission's telefax machine, or similar device, does not constitute filing.

(b) Unless in a particular case the commission specifies a different number of copies, every pleading submitted to the commission shall be filed with three copies for transportation matters and nineteen copies for all other matters.

(c) Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by attorney or other authorized representative in a proceeding, service upon such attorney or representative will be deemed valid service upon the party of all future pleadings in the proceeding before the commission.

(b) Service by parties. Service by parties shall be made by delivering one copy to each party in person; by mailing, properly addressed with postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Service by

mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service thereof shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Certificate of service. There shall appear on the original of every pleading when filed with the commission in accordance with this subsection (2) of this section, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (authorized method of service pursuant to WAC 480-09-120 (2)(a))

Dated at this day of
(signature)
Of counsel for

NEW SECTION

WAC 480-09-130 COMPUTATION OF TIME. The time for doing an act shall be computed by excluding the first day and including the last, unless the last day is a holiday, Saturday, or Sunday, and then it is excluded from the computation.

NEW SECTION

WAC 480-09-135 VARIATION FROM TIME LIMITS. The time stated in chapter 34.05 RCW for action may be lengthened or shortened by the commission in its discretion in individual instances pursuant to RCW 34.05.080. The time stated in these rules for action may be lengthened or shortened by the commission in its discretion.

NEW SECTION

WAC 480-09-140 EX PARTE COMMUNICATIONS. (1) General. After the commencement of an adjudicative proceeding and prior to a final determination therein, no party to the proceeding, or its counsel or other person on behalf of a party, shall discuss the merits of the proceeding with the commissioners, the presiding officer or the commissioners' staff assistants assigned to advise the commissioners in the decisional process in that proceeding, unless reasonable notice is given to all parties who have appeared therein, to enable them to be present at the conference. When a party initiates correspondence with a presiding or reviewing officer regarding the merits of any pending proceeding, the party shall serve a copy of the correspondence upon all parties of record and furnish proof of such service to the commission.

(2) Communications necessary to procedural aspects of maintaining an orderly process, such as scheduling, are not ex parte communications prohibited by RCW 34.05.455 or by this rule.

(3) The commission may prescribe appropriate sanctions, including default, for any violation of this section.

NEW SECTION

WAC 480-09-150 INFORMAL COMPLAINTS.

(1) Informal complaints may be made by letter or other communication. Informal complaints may be taken up by the commission with the affected persons, by correspondence or otherwise, to bring about a resolution of the complaint without formal hearing or order. The commission encourages the informal settlement of disputes whenever possible. (See WAC 480-09-465.)

(2) Contents. An informal complaint should contain all facts essential to a disposition of the complaint, including the dates of acts or omissions complained against. Relevant statutes or rules should be cited if known to the writer.

(3) No mandatory or prohibitory order may result from an informal complaint. Matters instituted by informal complaint shall be without prejudice to the right of any party or the commission to file and prosecute a formal complaint.

NEW SECTION

WAC 480-09-200 INTERPRETIVE AND POLICY STATEMENTS. (1) General. Upon the petition of any interested person subject to its jurisdiction, or upon its own motion, the commission may, when it appears to be in the public interest, make and issue interpretive and policy statements when necessary to terminate a controversy or to remove a substantial uncertainty as to the application of statutes or rules of the commission.

(2) The commission shall maintain a roster of interested persons, consisting of persons who have requested in writing to be notified of all interpretive and policy statements issued by the commission. The roster shall be updated once each year. Whenever the commission issues an interpretive or policy statement, it shall send a copy of the statement to each person listed on the roster.

(3) The commission shall maintain a file and an index of all currently effective interpretive and policy statements. The statements shall be available for inspection and copying at the records center in the commission's Olympia headquarters office.

NEW SECTION

WAC 480-09-210 RULE MAKING—NOTICE OF PROPOSED RULE—RULES COORDINATOR.

(1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment

regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the State Register. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule.

(3) Within a reasonable time after the publication of the notice of a proposed rule in the State Register, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the statement on file and available for public inspection.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities and Transportation Commission, 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504.

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator.

NEW SECTION

WAC 480-09-220 PETITIONS FOR RULE MAKING, AMENDMENT, OR REPEAL. (1) Any interested person may petition the commission requesting the promulgation, amendment, or repeal of any rule.

(2) When the petition requests the promulgation of a rule, the requested or proposed rule must be set out in full. The petition must also include all the reasons for the requested rule. When the petition requests the amendment or repeal of a rule presently in effect, the rule or portion of the rule in question must be set out as well as a suggested amended form, if any. The petition must include all reasons for the requested amendment or repeal of the rule. Any petition for promulgation, amendment, or repeal of a rule shall be accompanied by briefs of any applicable law, and shall contain an assessment of economic values affected by the proposed promulgation, amendment, or repeal.

(3) All petitions shall be considered by the commission which may, in its discretion, order a hearing for the further consideration and discussion of the requested promulgation, amendment, repeal, or modification of any rule.

(4) Within sixty days after submission of a petition, the commission shall:

(a) Deny the petition in writing, stating its reasons for the denial, and serve a copy of the denial upon the petitioner, or

(b) Initiate rule-making proceedings in accordance with chapter 34.05 RCW.

(5) In rule-making proceedings initiated by interested persons on petition, as well as by the commission on its own motion, the commission will include in its order determining the proceedings its assessment of economic values affected by the rule making involved. In addition, the notice of intention to effect any rule making will contain a solicitation of data, views, and arguments from

interested persons on the economic values which may be affected by such rule making.

(6) The commission shall submit a small business economic impact statement when required by chapter 19.85 RCW, the Regulatory Fairness Act.

NEW SECTION

WAC 480-09-300 FILING REQUIREMENTS—STATEMENT OF POLICY. Statement of policy. The commission establishes the requirements of WAC 480-09-300 through 480-09-330 for filings relating to general rate increases by electric, natural gas, and telecommunications companies subject to its jurisdiction. Requirements as to the form and content of filings will standardize presentations, clarify issues, and speed and simplify the processing of rate filings.

NEW SECTION

WAC 480-09-310 FILING REQUIREMENTS—DEFINITION. (1) For the purposes of WAC 480-09-300 through 480-09-330 only, a general rate increase filing is the request by any company regulated by the commission under Title 80 RCW for an increase in rates which meets one or more of the following criteria:

(a) The amount requested would increase gross annual revenue of the company from activities regulated by the commission by three percent or more.

(b) Tariffs are restructured such that the gross revenue provided by any customer class would increase by three percent or more.

(c) The company requests a change in its authorized rate of return on common equity or capital structure.

(2) The following proceedings shall not be considered general rate increases even though the revenue requested may exceed three percent of the company's gross annual revenue from Washington regulated operations: Energy cost adjustment proceedings; natural gas tracking increases; emergency or other short-notice increases caused by disaster or weather-related conditions unexpectedly increasing a public service expense; rate increases designed to recover governmentally-imposed increases in costs of doing business such as changes in tax laws or ordinances; or other increases designed to recover increased expenses arising on short notice and beyond the public service company's control.

NEW SECTION

WAC 480-09-320 FILING REQUIREMENTS—INTERVENOR LIST. (1) The commission will maintain an intervenor list for each of the utilities under its jurisdiction. The list will contain the name and address of each person who intervened in the utility's latest general rate proceeding.

(2) Public counsel designated by the attorney general shall be placed on the intervenor list maintained by the commission for each utility company.

NEW SECTION

WAC 480-09-330 FILING REQUIREMENTS—GENERAL RATE INCREASES. General rate increase

filings for utility companies shall include, at a minimum, the following information:

(1) All testimony and exhibits which the company intends to present as its direct case if the filing is suspended and a hearing held. The filing shall also include supporting work papers.

(2) To the extent it is not included in the testimony or exhibits, the following information shall be included in the work papers:

(a) A detailed portrayal of the development of the company's requested rate of return.

(b) A detailed portrayal of restating actual and pro forma adjustments which the company proposes.

(i) Restating actual adjustments are defined as those adjustments which adjust the booked operating results for any defects or infirmities which may exist in actual recorded results which can distort test period earnings. Restating actual adjustments are also used to adjust from an as-recorded basis to a basis which is acceptable for rate making. Examples of restating actual adjustments are adjustments to remove prior period amounts, to eliminate below-the-line items which were recorded as operating expenses in error, to adjust from book estimates to actual amounts, and to eliminate or to normalize extraordinary items which have been recorded during the test period.

(ii) Pro forma adjustments are defined as those adjustments which give effect for the test period to all known and measured changes which are not offset by other factors. The filing shall identify dollar values and underlying reasons for each of the proposed adjustments.

(c) A detailed portrayal of revenue sources during the test year and a parallel portrayal, by source, of the changes in revenue produced by the filing, including an explanation of the derivation of the changes.

(d) If the public service company has not achieved its authorized rate of return, an explanation as a policy statement of why it has not and what the company is doing to improve its earnings in addition to its request for increased rates.

(e) A representation of the actual rate base and results of operation of the company during the test period, calculated in the manner used by the commission to calculate the company's revenue requirement in the commission's most recent order granting the company a general rate increase.

(3) The filing shall also include a summary document which briefly states the following information, as applicable:

(a) The date and amount of the latest prior general rate increase authorized by the commission.

(b) Total revenues at present rates and at requested rates.

(c) Requested revenue increase in percentage, in total and by major customer class.

(d) Requested revenue increase in dollars, in total and by major customer class.

(e) Requested rate increase in dollars, per average customer by customer class, or other representation, if necessary to depict representative effect. Filings shall

also state the effect of the proposed rate increase in dollars per month on typical residential customers by usage categories.

(f) Most current customer count, by major customer class.

(g) Current authorized overall rate of return and authorized rate of return on common equity.

(h) Requested overall rate of return and requested rate of return on common equity, and the method or methods used to calculate rate of return on common equity.

(i) Requested capital structure.

(j) Requested net operating income.

(k) Requested rate base and method of calculation, or equivalent, which it contains.

(l) Requested revenue effect of attrition allowance, if any is requested.

(4) The summary document required in subsection (3) of this section shall also be mailed to all persons on the commission's intervenor list for the utility, with a cover letter stating that the prefiled testimony and exhibits are available upon request.

(5) The most recent annual report to shareholders, if any.

(6) Any cost studies relied upon by the company in support of its filing. In addition, the company shall identify all cost studies conducted in the last five years for any of the company's services, together with a description of the methodology used in such studies.

NEW SECTION

WAC 480-09-340 OBJECTIONS TO CLOSURES OF HIGHWAY-RAILROAD GRADE CROSSINGS. (1) Filing. Objections to closures of highway-railroad grade crossings under RCW 81.53.060 shall be filed in writing within twenty days of publication of notice of the proposed closure, setting forth the full names and mailing addresses of persons objecting to the closure, the particular crossing which is the subject of the objection, the commission cause number, if known, and a statement of the objection. Communications which do not meet these requirements, other than the requirement of stating the commission cause number, will not be treated as objections for the purpose of requiring a hearing upon the proposed closure to be held as provided by RCW 81.53.060.

(2) Party status - appearances - service of final order. No person who fails to enter an appearance as prescribed by WAC 480-09-720, will be entitled to party status to a proceeding under RCW 81.53.060 after the close of the period for the taking of appearances if a hearing is held, even though such person may have filed an objection to a proposed crossing closure under the provisions of subsection (1) of this section, and no such person will be entitled to service of the final order of the commission in the matter unless party status is reestablished through intervention under the provisions of WAC 480-09-430, although such person may be sent a courtesy copy of the proposed or final order.

(3) Interested persons who lack party status, as defined herein, shall be provided an opportunity to be heard and offer evidence as required by RCW 81.53.060.

They may not call witnesses, cross-examine witnesses or otherwise participate as a party. Interested persons who lack party status lack standing to file petitions for administrative review of initial orders or to file petitions for reconsideration of final orders.

NEW SECTION

WAC 480-09-400 APPLICATIONS FOR ADJUDICATIVE PROCEEDINGS. (1) Persons involved in an actual case or controversy within the jurisdiction of the commission to resolve may apply to the commission for an adjudicative proceeding to secure an order resolving matters at issue. Each application should specify every issue to be adjudicated in the proceeding.

(2) Petitions, formal complaints, protests, and requests for review of the denial of unprotested authority, when properly and timely filed, constitute applications for adjudicative proceedings.

(3) The commission may, in its discretion, treat unprotested applications for authority as applications for adjudicative proceedings.

(4) Within thirty days after receipt of an application for an adjudicative proceeding, the commission shall notify the applicant of any obvious errors or omissions, request any additional information it requires and is permitted by law to require regarding the application for adjudicative proceeding, and notify the applicant of the name, mailing address, and telephone number that may be contacted regarding the application.

(5) Within ninety days after receipt of the application or receipt of the response to a timely request made under subsection (2) of this section, the commission shall:

(a) Approve or deny the petition or protest on the basis of brief or emergency adjudicative proceedings;

(b) Commence an adjudicative proceeding by serving the parties with a notice of hearing pursuant to RCW 34.05.434 and WAC 480-09-700; or

(c) Decide not to conduct an adjudicative proceeding and furnish the applicant with a copy of its decision in writing, with a brief statement of its reasons for doing so and of any administrative review available.

NEW SECTION

WAC 480-09-410 PARTIES. (1) General. "Person" when used in this chapter means any individual, corporation, partnership, association, or any body politic, agency, or municipal corporation. A "party" is any person which has complied with all requirements for establishing and maintaining party status in any proceeding before the commission.

(2) Classification of parties. Parties to proceedings before the commission shall be styled applicants, complainants, petitioners, respondents, intervenors, or protestants, according to the nature of the proceeding and the relationship of the parties thereto. When an appearance has been entered for the commission and/or for the public counsel division of the attorney general's office, they shall respectively be considered parties to the proceeding for all purposes.

(3) Applicants.

(a) Persons applying for any right or authority which the commission has jurisdiction to grant shall be styled "applicants."

(b) Applicants for adjudicative proceedings under chapter 34.05 RCW shall be styled according to their roles as defined in this section.

(4) Complainants. Persons who complain to the commission of any act or omission by any other person shall be styled "complainants." In any proceeding which the commission brings on its own motion, it shall be styled "complainant."

(5) Petitioners. Persons petitioning for relief shall be styled "petitioners."

(6) Respondents. Persons against whom any complaint is filed shall be styled "respondents."

(7) Intervenors. Persons permitted to intervene pursuant to this chapter shall be styled "intervenors."

(8) Protestants. Persons opposing applications who have complied with the requirements for the filing of protests shall be styled "protestants."

NEW SECTION

WAC 480-09-420 PLEADINGS—APPLICATIONS FOR AUTHORITY—PROTESTS. Pleadings before the commission include formal complaints, petitions, answers, replies, and motions.

(1) Legibility; service. All pleadings shall be legible and, unless otherwise required for a specific pleading, a copy shall be served upon each party to the proceeding.

(2) Errors in pleadings. When it finds a pleading to be defective or insufficient, the commission may return the pleading to the party filing it for correction. Typographical errors or errors in captions or spelling of names of parties may be corrected by the commission.

(3) Form. Every pleading before the commission shall generally conform with the following form.

At the top of the page shall appear the phrase, "Before the Washington Utilities and Transportation Commission." On the left side of the page, next below, the caption of the proceeding shall be set out or, if no caption exists, the following: "In the Matter of the (Petition, Motion, Answer, etc.) of (name of the pleading party) for (identify relief sought)." Opposite the foregoing caption shall appear the word (Petition, Motion, Reply, etc., of [role of party: e.g., petitioner, respondent, protestant, etc., and name the party if more than one party has the same role in the proceeding]).

The body of the pleading shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the pleading party. The second paragraph shall state all rules or statutes that may be brought into issue by the pleading. Succeeding paragraphs shall set out the statement of facts relied upon in form similar to that applicable to complaints in civil actions before the superior courts of this state. The concluding paragraphs shall contain the prayer of the pleading party.

(4) Number of copies; size. Unless, in a particular case, the commission specifies a different number of copies, the original and three legible copies in transportation matters, twenty copies in all other matters, shall be filed with the commission. Copies shall be on three-hole punched white paper, 8-1/2" x 11" in size.

(5) Complaints.

(a) **Defined.** Formal complaints are those complaints filed in accordance with RCW 80.04.110 and 81.04.110, complaints filed pursuant to RCW 80.54.030, or complaints in proceedings designated by the commission as formal proceedings. Commission final orders on complaints filed pursuant to RCW 80.54.030 shall be entered within three hundred sixty days after the filing of such complaints.

(b) **Contents.** Formal complaints must be in writing setting forth clearly and concisely the ground of complaint and the relief requested. Facts constituting the basis of the complaint, including relevant dates, should be stated, together with citations of the statutes or rules of the commission involved. The name and address of the person complained against must be stated in full. The name and address of the complainant and the name and address of complainant's attorney, if any, must appear upon the complaint.

In a proceeding under RCW 80.04.110 or 81.04.110, the provisions of the respective statute shall also apply.

(6) **Protests.** A person whose interests would be adversely affected by the granting of an application or by a rate change may file a protest. Protests to applications must conform to the requirements of any special rules relative to the type of the application being protested. A protestant must serve a copy of the protest upon the applicant or person requesting a rate change. Protestants are not entitled, as a matter of right, to a hearing upon the matter being protested, but a protest may contain a request for a hearing. The commission may, whether or not a protest contains such a request, set the matter in question for hearing.

(7) Petitions.

(a) **Defined.** All pleadings seeking relief (other than complaints or answers) shall be styled "petitions."

(b) **Petitions - contents.** A petition shall set forth all facts upon which the request for relief is based, with the dates of all relevant occurrences and a citation of the statutes, rules, and regulations of the commission upon which the petition is based.

(8) **Motions.** The practice respecting motions shall conform insofar as possible with the practice in the superior court of Washington.

Motions shall be filed separately from any other filing.

(9) Responsive pleadings.

(a) **Answer.** Except as otherwise provided in WAC 480-09-425, any party who desires to respond to a compliant, motion, or petition shall file with the commission and serve upon all other parties an answer. If an answer is not filed, the complaint or petition shall be deemed to be denied by the respondent. Answers shall fully and completely disclose the nature of the defense and shall admit or deny specifically and in detail all material allegations of the complaint or petition. Matters alleged by way of affirmative defense shall be separately stated and numbered.

(b) **Reply.** The response to an answer is styled a reply. Unless otherwise specified, replies may not be filed without authorization by the commission upon a showing of cause.

(10) **Declaratory orders.** As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission shall consider the petition and within fifteen days after its receipt give notice of the petition to all persons to whom notice is required by law and to any other person it deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission shall:

(a) Issue a nonbinding declaratory order, or

(b) Notify the petitioner that no declaratory order is to be issued and state the reasons for the action; or

(c) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition, or such later date as may be established upon a finding of good cause, or call for the submission of a statement of fact upon the matter, and, if a hearing is granted, give not less than seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable of the time and place for such hearing and of the issues involved.

(d) If a hearing is held or statements of fact are submitted, as provided in (c) of this subsection, the commission shall within a reasonable time:

(i) Enter a binding declaratory order, or

(ii) Enter a nonbinding declaratory order, or

(iii) Notify the petitioner that no declaratory order is to be issued and state the reasons for the action.

The commission shall serve its order upon all persons to whom notice is required by (c) of this subsection.

NEW SECTION

WAC 480-09-425 PLEADINGS—VERIFICATION, RESPONSIVE PLEADINGS, AMENDMENTS. (1) **Verification.** All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) **Time for motion.** Any motion directed toward a pleading must be submitted in writing and, unless good cause is shown for a delay, filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. Motions shall be filed separately from any other filing.

(3) **Time for answer.** An answer, if made, must be filed within twenty days, after the service of the pleading against which it is directed: **PROVIDED,** This section shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules, or regulations governing public service companies. Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) **Liberal construction.** All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or

proceeding which do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

NEW SECTION

WAC 480-09-430 INTERVENTION. (1) *General intervention.* Any person, other than the original parties to any proceeding before the commission, who desires to appear and participate, and who does not desire to broaden the issues of the proceeding, may:

(a) Petition in writing for leave to intervene prior to, or at the time, it is called for hearing; or

(b) Petition orally for leave to intervene at the time of the hearing. No such petition shall be filed or made after the proceeding is underway, except for good cause shown. The petition to intervene must disclose the name and address of the person intervening; the name and address of his or her attorney, if any; his or her interest in the proceeding; and his or her position in regard to the matter in controversy. A form petition for intervention is available on request from the secretary of the commission. Use of the form is encouraged to ensure receipt of adequate information.

(2) *Special intervention.* Any person other than the parties of record to any proceeding before the commission, who desires to appear and participate in the proceeding and who desires to broaden the issues in the proceeding, may petition for leave to intervene in the proceeding. The petition must be in writing and filed with the commission, and copies served upon the parties of record to the proceeding, at least ten days prior to the date of the prehearing conference or, if there is no conference, at least ten days prior to the date of the hearing. The commission may, for good cause shown, shorten the ten-day filing period. When there is no prejudice to other parties, the commission may grant an oral petition without the ten-day requirement. The petition must disclose the name and address of the party intervening; the name and address of his or her attorney, if any; his or her interest in the proceeding; and his or her position in regard to the matter in controversy. An affidavit setting forth clearly and concisely the facts supporting the relief sought shall be attached to the petition.

(3) *Disposition of petitions to intervene.* Petitions to intervene may be considered at hearings and prehearing conferences, or may be set for prior hearing. An opportunity shall be afforded the parties to be heard upon the petition. Intervention may be granted in the absence of appearance by petitioner. A late-filed petition to intervene may be ruled upon without a hearing if all parties have been granted an opportunity to respond. If the petition discloses a substantial interest in the subject matter of the hearing, or if the participation of the petitioner is in the public interest, the commission may grant the petition orally, at the hearing or prehearing conference or in writing. Limitations may be imposed upon interventions in accordance with RCW 34.05.443(2). The petitioner then becomes a party to the proceeding and

becomes known as an "intervenor." Whenever it appears, during the course of a proceeding, that an intervenor has no substantial interest in the proceeding, and that the public interest will not be served by the intervention therein, the commission may dismiss the intervenor from the proceeding: **PROVIDED, HOWEVER,** That a party whose intervention has been allowed shall not be dismissed from a proceeding except upon notice and a reasonable opportunity to be heard. A decision by an administrative law judge regarding a petition to intervene is subject to commission review pursuant to WAC 480-09-760.

(4) *Limitation of intervention under certain circumstances.* Notwithstanding the provisions of subsections (1) and (2) of this section, if the commission determines that the orderly and prompt conduct of any proceeding so requires, the making or filing of petitions for leave to intervene may be limited to the time of a prehearing conference, for general intervention, or ten days prior to such prehearing conference, for special intervention, where the commission has given not less than twenty days' written notice of the prehearing conference to all parties and caused the same to be published in a newspaper or newspapers of general circulation in the area affected by the proceeding.

NEW SECTION

WAC 480-09-440 CONTINUANCES—EXTENSIONS OF TIME. (1) *General.* Postponements, continuances and extensions of time, called "continuances" in this section, may be requested by any party, upon notice to all other parties, and may be granted upon a showing of good and sufficient cause. Continuances may be directed by the commission or the presiding officer without the request of any party when doing so is in the public interest or furthers administrative needs of the commission. The date which is sought to be continued is called the "deadline" in this section.

(2) *Procedure.* Requests for continuances may be made orally on the record during a hearing. Whenever possible, requests shall be made by letter. Requests may be decided orally in hearing, or by letter, by the presiding officer or the commission. Requests may be granted; granted, with modification; or denied.

(3) *Timing.* Oral requests must be made at least five days prior to the deadline sought to be continued. Written requests must be filed with the commission, and served upon other parties so as to be received, no less than five days prior to the deadline which is sought to be continued. Responses must be filed no less than four days after service of the request, or two days prior to the deadline which is sought to be continued; whichever is earlier. Response shall be made orally when a related hearing is held prior to the stated response deadline. Requests which are made prior to the deadline, but which are not made within the time specified in this subsection, must specify the nature of the circumstances which prevented making a timely request.

(4) *Content.* A request for continuance must contain the following information:

(a) The name of the requesting party and its role in the proceeding (e.g., applicant, respondent, intervenor, etc.);

(b) Whether the requestor or any other party has previously requested a continuance in the proceeding and whether any continuance has been granted;

(c) Whether the requestor has discussed the request with other parties and whether, upon discussion, all other parties agree;

(d) The proposed new deadline;

(e) The reason for the request and for requesting the proposed new deadline;

(f) What efforts have been made to avoid a continuance and to minimize the length of the delay sought;

(g) If the continuance is to allow time to acquire a transcript, the date the transcript was ordered, when delivery is expected, and the length of the transcript or the length of the hearing;

(h) If the request relates to an application for transportation operating authority, whether the applicant is presently providing all or part of the requested service, and whether an application for temporary authority has been filed and the status of the application; and

(i) Any other factor which may bear upon whether allowing the continuance is consistent with the public interest.

(5) Agreed requests. A request for continuance as to which all parties agree is an "agreed request." Agreed requests for continuances other than hearings may be made orally until the deadline, provided a confirming letter is served and sent for filing on the same day. A first agreed request, timely made, will be granted unless it is inconsistent with the public interest or commission administrative needs.

NEW SECTION

WAC 480-09-450 INTERPRETERS. It is commission policy that limited-English-speaking and hearing-impaired persons have equal access to the administrative process and that they have the opportunity for full and equal participation in adjudicative proceedings. In keeping with this policy, the commission incorporates by reference in its rules WAC 10-08-150 of the office of administrative hearings model rules of procedure governing interpreters.

NEW SECTION

WAC 480-09-460 PREHEARING CONFERENCES. (1) General. When issues are joined in any formal proceeding the commission may, by written notice, request all interested persons to attend a prehearing or other conference for the purpose of determining the feasibility of settlement, or of formulating the issues in the proceeding and determining other matters to aid in its disposition. A commissioner, an administrative law judge, or an employee of the commission designated by the commission, shall preside at such conference, to consider:

(a) Simplification of the issues;

(b) The necessity or desirability of amendments to the pleadings;

(c) The possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof;

(d) Limitations on the number and consolidation of the examination of witnesses;

(e) The procedure at the hearing;

(f) The distribution of written testimony and exhibits to the parties prior to the hearing;

(g) Such other matters as may aid in the disposition of the proceeding, or settlement thereof.

The disposition of petitions for leave to intervene in the proceeding filed pursuant to WAC 480-09-430 may be ruled upon at a prehearing conference.

(2) A statement describing the action taken at the conference and the agreements made by the parties concerning all of the matters considered shall be made orally on the record or in writing, and served upon the parties, for approval. If no objection to the oral statement is made on the record, or no objection to the written statement is filed within ten days after the date the statement is served, it shall be deemed to be approved, subject to commission review. The result of the prehearing conference will control the subsequent course of the proceeding unless rejected by the commission or modified to prevent manifest injustice.

(3) Recessing hearing for conference. In any proceeding the presiding officer may, in his or her discretion, call the parties together for a conference prior to the taking of testimony, or may recess the hearing for such a conference, with a view to carrying out the purpose of this section. The presiding officer shall state on the record the results of such conference.

NEW SECTION

WAC 480-09-465 SETTLEMENT. Before or after a hearing, parties to a proceeding may enter into discussions leading to a voluntary settlement of the subject matter of the proceeding. In furtherance of a voluntary settlement, the commission may, in its discretion, invite the parties to confer among themselves or with a designated person. These conferences shall be informal and without prejudice to the rights of the parties, and no statement, admission, or offer of settlement made at an informal conference shall be admissible in evidence in any formal hearing before the commission. Any resulting settlement or stipulation shall be stated on the record or submitted in writing and is subject to approval by the commission.

NEW SECTION

WAC 480-09-470 STIPULATION AS TO FACTS. General. Stipulations of fact are encouraged. The parties to any proceeding or investigation before the commission may, by stipulation in writing filed with the commission or entered into the record, agree upon the facts or any portion thereof involved in the controversy. This stipulation, if accepted by the commission, shall be binding upon the parties thereto and may be used by the commission as evidence at the hearing. The commission may reject the stipulation or require proof of the stipulated facts, despite the stipulation.

NEW SECTION

WAC 480-09-475 SUBPOENAS. *General.* Subpoenas may be issued by a commissioner, an administrative law judge, or the attorney of any party to the proceeding. Witnesses are required to comply with subpoenas in the manner prescribed in Title 80 or 81 RCW and chapter 34.05 RCW. Witnesses shall be paid in the same manner as provided in RCW 34.05.446(7). Each subpoena shall bear the name of the party requesting or issuing the subpoena and the party responsible for paying the witness fees.

NEW SECTION

WAC 480-09-480 DATA REQUESTS.
(Reserved.)

NEW SECTION

WAC 480-09-500 BRIEF ADJUDICATIVE PROCEEDINGS. (1) Pursuant to RCW 34.05.482, the commission will use brief adjudicative proceedings where not violative of law and where protection of the public interest does not require the commission to give notice and an opportunity to participate to persons other than the parties. Those circumstances may include:

- (a) Review of denials or partial denials of applications that are not protested;
- (b) Contested applications for temporary authority; and
- (c) Proceedings which could lead to suspension, cancellation, or revision of authority for failure to maintain tariffs, pay fees, or file required documents.

(2) Application may be made for a brief adjudicative proceeding by filing a letter of request and certificate of service with the secretary of the commission or by the filing of a protest in the case of temporary applications. The commission shall designate either a review judge, the director of its transportation division, or the director of its utilities division as a presiding officer in specified brief adjudicative proceedings. Each applicant for a brief adjudicative proceeding shall submit a written explanation of its view of the matter along with its application. Other parties may file a written response within ten days after service of the application for a brief adjudicative proceeding. In the discretion of the presiding officer, oral comments offered by parties may be considered.

(a) If a party to a brief adjudicative proceeding desires an opportunity to make an oral statement, the request should be made in the application or in the response to the application.

(b) A request to make an oral statement may be granted if the presiding officer believes such a statement would benefit him or her in reaching a decision. The presiding officer shall notify the parties within a reasonable time of the decision to grant or deny the request to hear oral comments, and, if the request is granted, shall notify the parties of the time and place for hearing comments.

(3) If the party is present at the time any unfavorable action is taken, the presiding officer shall make a brief statement of the reasons for the decision. The action on the application shall be expressed in a written order

which shall be served upon all parties within ten days after entry of the order or the decision.

(4) The brief written statement is an initial order. If no review is taken of the initial order, it shall be the final order.

(5) Service of the initial order shall be made pursuant to WAC 480-09-120.

(6) The commission shall conduct a review of an initial order resulting from a brief adjudicative proceeding upon the written or oral request of a party if the commission receives the request within twenty-one days after service of the initial order. If no request is timely filed, the commission may adopt, modify, or reject the initial order.

(7) A request for review of an initial order shall contain an explanation of the party's view of the matter, with a statement of reasons why the initial order is incorrect, and a certificate of service. Responses to a request for review of an initial order shall be filed with the commission and served upon the other parties within ten days after service of the request for review.

(8) The order on review must be in writing, must include a brief statement of the reasons for the decision, and must be entered within thirty days after the date of the initial order or of the request for review, whichever is later. The order shall include a description of any further available administrative review or, if none is available, a notice that judicial review may be available.

(9) A request for administrative review is deemed to have been denied if the agency does not make a disposition of the matter within thirty days after the request is filed.

(10) The record in a brief adjudicative proceeding shall consist of any documents regarding the matter that were considered or prepared by the presiding officer for the brief adjudicative proceeding or by the reviewing officer for any review.

NEW SECTION

WAC 480-09-510 EMERGENCY ADJUDICATIVE PROCEEDINGS. (1) Pursuant to RCW 34.05-482, the commission shall use emergency adjudicative proceedings for the suspension or cancellation of authority in situations involving an immediate danger to the public health, safety, or welfare requiring immediate action by the commission. Such situations shall include:

- (a) Failure to possess insurance;
- (b) Safety violations when the violation involves an immediate danger to the public health, safety, or welfare; and
- (c) Inadequate service by a gas, water, or electric company when the inadequacy involves an immediate danger to the public health, safety, or welfare.

(2) The commission may designate a review judge, the director of the commission's utilities division, or the director of the commission's transportation division as presiding officer in specified emergency adjudicative proceedings.

(3) The commission's decision shall be based upon the written submissions of the parties and upon oral comments by the parties if the presiding officer has allowed oral comments. The order shall include a brief statement

of findings of fact, conclusions of law, and justification for the determination of an immediate danger to the public health, safety, or welfare. The order shall be effective when entered. Service of the order shall be made pursuant to WAC 480-09-120.

NEW SECTION

WAC 480-09-600 CONVERSION OF PROCEEDINGS. (1) Upon application by any person or upon its own motion, the commission shall consider whether the conversion of a proceeding pursuant to RCW 34.05.070 should be made.

(2) Commencement of the new proceeding shall be determined to be the time of commencement of the original proceeding, provided that all statutory and regulatory requirements for the new proceeding shall be met.

NEW SECTION

WAC 480-09-610 CONSOLIDATION OF PROCEEDINGS. Two or more proceedings in which the facts or principles of law are related may be consolidated for hearing or disposition.

NEW SECTION

WAC 480-09-620 JOINT HEARINGS. General. In any proceeding in which the commission participates jointly with the Interstate Commerce Commission or other federal regulatory agency, the rules of practice and procedure of the federal agency shall govern. In any proceeding in which the commission participates jointly with the administrative body of another state or states, the rules of the state in which the hearing is held shall govern the proceeding, unless otherwise agreed upon by the participating agencies: **PROVIDED**, That any person entitled to appear in a representative capacity before any of the agencies involved in a joint hearing may appear in the joint hearing.

NEW SECTION

WAC 480-09-700 HEARINGS—NOTICE AND FAILURE TO APPEAR. (1) Notice.

(a) Initial hearing notice. The time and place of hearings will be set by the commission and notice thereof served upon all parties at least twenty days in advance of the initial hearing date, unless the commission finds that good cause exists for the hearing to be held upon shorter notice. An effort will be made to set all hearings sufficiently in advance so that all parties will have a reasonable time to prepare their cases, and so that need for continuances will be minimized.

(b) Continued hearing sessions. The time and place of continued hearing sessions may also be set:

(i) Upon the record without further written notice to the parties; or

(ii) By letter from the secretary of the commission; or

(iii) By letter from the presiding officer. In such instances, twenty days' prior notice is not required.

(2) The initial notice of hearing shall state that, if a limited English-speaking or hearing-impaired party

needs an interpreter, a qualified interpreter will be appointed at no cost to the party or witness. The notice shall include a form for a party to indicate whether he or she needs an interpreter and to identify the primary language or hearing impaired status of the party.

(3) Failure to appear – default – dismissal.

(a) At the time and place set for hearing, if a party fails to appear, the presiding officer may recess the hearing for a brief period to enable the party to attend the hearing, but if at the time set for the resumption of the hearing the party is not present or represented, the commission may dismiss the party or find the party in default.

(b) Default shall be implemented by a default order or by a default provision in the order disposing of the issues in the proceeding, pursuant to RCW 34.05.440. Default may be appropriate in instances where the party is the initiator of the proceeding, such as an applicant, a petitioner, or a complainant.

(c) Dismissal shall be implemented by a dismissal provision in the order disposing of the issues in the proceeding. Dismissal may be contested by the filing of a petition for reopening until the close of the time for filing a petition for administrative review of an initial order or, if no initial order is entered, until the close of the period for filing a petition for reconsideration. The person who is dismissed may support the petition for reopening by showing good cause for failure to appear, for failure to seek a continuance, and for failure to earlier seek an excuse for failure to appear.

(4) Sanctions for failure to appear. Except when a hearing is otherwise required by law, an applicant for operating authority or for transfer or acquisition of control, or a protestant to an application, shall appear at any scheduled hearing pursuant to this chapter unless:

(a) The application or protest is withdrawn at least five days prior to the date set; or

(b) Appearance is otherwise excused by the commission or presiding officer in writing.

Failure to comply with this subsection may result in assessment of civil penalties.

NEW SECTION

WAC 480-09-705 NOTICE TO LIMITED-ENGLISH-SPEAKING PARTIES. When the commission has knowledge that a limited-English-speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuances, and dismissals, shall either be in the primary language of the party or shall include a notice in the primary language of the party that describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice.

NEW SECTION

WAC 480-09-710 APPEARANCE AND PRACTICE BEFORE COMMISSION. (1) General. In all proceedings in which pleadings are filed and a hearing is held involving the taking of testimony on a record subject to review by the courts, the following persons may appear in a representative capacity:

(a) Attorneys at law duly qualified and entitled to practice before the supreme court of the state of Washington;

(b) Attorneys at law duly qualified and entitled to practice before the highest court of any other state;

(c) Persons not attorneys at law who have been duly authorized to practice before the Interstate Commerce Commission;

(d) Upon permission of the presiding officer at such hearing, an officer or employee of a party or person seeking party status;

(e) Legal interns admitted to limited practice under Rule 9 of the Supreme Court's Admission to Practice Rules. However, no legal intern may appear without the presence of a supervising lawyer unless the legal intern has attended at least ten commission hearing sessions with the presence of a supervising lawyer.

The presiding officer may expel a person who does not have the requisite degree of legal training, experience, or skill to appear in a representative capacity.

(2) Notices of appearance and withdrawal of attorneys. Attorneys or other authorized representatives appearing on behalf of a party or withdrawing from a proceeding shall immediately so notify the commission and all parties to the proceeding.

(3) Unethical conduct. All persons appearing in proceedings before the commission in a representative capacity shall conform to the standards of ethical conduct required of attorneys before the courts of Washington. If any representative fails to conform to these standards, the commission may decline to permit the person to appear in a representative capacity in any proceeding before the commission.

(4) Former employees. Former employees of the commission, office of administrative hearings, and office of the attorney general are subject to the provisions of chapter 42.18 RCW.

NEW SECTION

WAC 480-09-720 APPEARANCES—PARTY STATUS. (1) *General.* Parties shall enter their appearances at the beginning of the hearing or prehearing conference by giving their names and addresses in writing to the court reporter who will include the same in the record of the hearing or prehearing conference. The presiding officer conducting the hearing or prehearing conference may, in addition, require appearances to be stated orally, so that the identity and interest of all parties present will be known to those in attendance. Appearance may be made on behalf of any party by his or her attorney or other authorized representative, as defined in WAC 480-09-710(1).

(2) Party status may not be accorded as a matter of right after the initial session without a showing of good cause for failing to timely appear.

NEW SECTION

WAC 480-09-730 CONDUCT AT HEARINGS. (1) *No smoking.* Smoking shall not be permitted at hearings of the commission.

(2) *Testimony under oath.* Before a witness takes the stand in an adjudicative proceeding held under chapter 34.05 RCW, an oath or affirmation shall be administered as follows: The person who swears or affirms holds up his or her hand, while the person administering the oath or affirmation thus addresses him or her: "Do you solemnly swear or affirm that the evidence you shall give in the matter now pending before the commission shall be the truth, the whole truth and nothing but the truth, so help you God?"

NEW SECTION

WAC 480-09-735 ORDER OF PROCEDURE.

(1) *General.* Evidence will ordinarily be received in the following order:

(a) Upon investigation on motion of the commission:

- (i) Commission's staff;
- (ii) Respondent; and
- (iii) Rebuttal by commission's staff.

(b) In investigation and suspension proceedings:

- (i) Respondent;
- (ii) Commission's staff;
- (iii) Protestants against suspended schedules; and
- (iv) Rebuttal by respondent.

(c) Upon applications and petitions:

- (i) Applicants or petitioners;
- (ii) Commission's staff;
- (iii) Protestants; and
- (iv) Rebuttal by applicant or petitioner.

(d) Upon formal complaints:

- (i) Complainant;
- (ii) Respondent;
- (iii) Commission's staff; and
- (iv) Rebuttal by complainant.

(e) Upon order to show cause:

- (i) Commission's staff;
- (ii) Respondent; and
- (iii) Rebuttal by commission's staff.

(f) *In docket hearings:* At the discretion of presiding officer or examiner.

(2) *Modification of procedure.* The order of presentation prescribed above for hearings shall be followed, except when the presiding officer directs otherwise. When hearing several proceedings upon a consolidated record, the presiding officer shall designate who shall open and close. Intervenors shall follow the party in whose behalf the intervention is made. If the intervention is not in support of any original party, the presiding officer shall designate at what stage the intervenor shall be heard. When two causes are set for hearing at the same time and place, the cause having the lowest number shall be heard first, if all parties are ready: **PROVIDED**, That the presiding officer may direct a different order to suit the convenience of the parties.

NEW SECTION

WAC 480-09-736 HEARING GUIDELINES. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer has discretion to suspend or modify the guidelines or to use measures not

specified herein when appropriate in the circumstances of the case.

(1) Starting times will be strictly observed. The proceeding will go forward in the absence of counsel who are late.

(2) Motions will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. This rule does not apply to motions with respect to the admissibility of evidence which may require foundation. In such cases, the presiding officer should be notified that a motion will be presented during the hearing.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) There will be no off-the-record discussions at the request of counsel unless counsel asks leave to go off the record and states the purpose for the request.

(5) Extended colloquies regarding procedural issues may be conducted off the record. Each attorney will be given the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) When predistribution of evidence is required, one copy should be addressed specifically to the presiding administrative law judge. One copy should be addressed to the commission's accounting adviser, in care of the secretary of the commission. Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been predistributed. Corrections and revisions should be made to all copies distributed at hearing before the copies are distributed. The presiding officer will advise the parties regarding the number of extra copies to be filed with the commission.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex (JQW-Testimony)	Ex (JQW-2)
Ex (JQW-1)	Ex (JQW-3)

Counsel unfamiliar with this method of identification should contact the presiding officer for further guidance. The official numbers for the case will be assigned by the administrative law judge at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects. Twenty copies of the summary shall be filed with the secretary of the

commission unless the presiding officer advises that a different number is required.

(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size or folded to that size and punched for insertion into three-ring binders. Line numbers shall be set out on all prepared testimony to facilitate transcript or exhibit references. Large charts may be used at the hearing so long as a letter-size reduction is provided or so long as the chart is foldable to 8-1/2" by 11" for inclusion in the official record.

(10) Any revised pages for predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and bear the date of the revision. The revised portions should be indicated for cross-reference to the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit.

(11) Cross-examination will be limited to two rounds except upon a showing that good cause exists. Witnesses should not be asked to perform calculations or extract detailed data on the stand. Such questions should be provided to the witness in advance or asked "subject to check." When a witness answers "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be deemed accurate unless disputed by the witness within ten days of distribution of the transcript or prior to the closing of the record, whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) All case-related correspondence should be addressed to the secretary of the commission, under existing commission rules. The parties are cautioned that correspondence addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes. In addition, one copy should be addressed to the presiding administrative law judge at the Office of Administrative Hearings, 1212 Jefferson Street, Suite 200, Mailstop PG-21, Olympia, Washington 98504.

(14) Petitions or motions intended for argument or resolution at previously-scheduled hearing sessions should be received by the commission and all parties at least three business days prior to argument. Oral response will be allowed on the record. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt three business days before argument.)

(15) When the commission is requested to take some action prior to the next hearing session, the petitioner or movant shall effect service upon all other parties. Responses are due in the office of the secretary of the commission no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the desires of the parties. If briefs are required, they shall comply with WAC 480-09-770(1).

(17) Each party will bear its own costs for transcripts including charges for expedited service when requested.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered as an illustrative exhibit. Letters received by the secretary of the commission and by public counsel from members of the public may be offered into evidence as illustrative of the opinions of the correspondents. Documents which are exceptional in their detail or their probative nature may be offered into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony offered and received are part of the record and subject to consideration by the commission in its decision.

NEW SECTION

WAC 480-09-740 EVIDENCE. The presiding officer may receive evidence as provided by RCW 34.05-.452. WAC 480-09-745 and 480-09-750 provide guidelines for receipt of evidence in proceedings before the commission.

NEW SECTION

WAC 480-09-745 EXHIBITS AND DOCUMENTARY EVIDENCE. (1) Designation of part of document as evidence. When a relevant and material matter offered in evidence by any party is contained in a book, paper, or document which also contains other matter not material or relevant, the party offering the evidence must also designate the portion which is offered. If irrelevant matter would unnecessarily encumber the record, such book, paper, or document will not be received in evidence, but may be marked for identification, and, if properly authenticated, the relevant or material matter may be read into the record, or, if the presiding officer so directs, a true copy may be received as an exhibit. If only a portion is offered or received, other parties shall be afforded an opportunity to examine the book, paper or document, and to offer other portions in evidence in like manner.

(2) Official records. An official rule, report, order, record or other document, prepared and issued by any governmental authority, when admissible for any purpose, may be evidenced by a certified copy. When such official records, otherwise admissible, are contained in official publications or publications by nationally recognized reporting services which are in general circulation and readily accessible to all parties, they may be introduced by reference: **PROVIDED, HOWEVER,** That proper and definite reference to the record in question is made by the party offering the same. The party offering the evidence may be required to provide a copy to the record and to all parties.

(3) Commission's files.

(a) Papers and documents on file with the commission, if otherwise admissible, and whether or not the commission has authority to take official notice of them

under WAC 480-09-750(2), may be introduced by reference to number, date, or by any other method of identification satisfactory to the presiding officer. If only a portion of such a paper or document is offered in evidence, the part offered shall be clearly designated. The party offering the evidence may be required to provide a copy to the record and to all parties.

(b) Intra-office commission memoranda and reports, to the extent permitted by RCW 42.17.310, are not public records subject to inspection, nor shall such documents be introduced into evidence.

(4) Records in other proceedings. In case any portion of the record in any other proceeding is admissible for any purpose and is offered in evidence, a true copy of such portion shall be presented for the record in the form of an exhibit unless:

(a) The party offering the same agrees to supply such copies later at his or her own expense, if and when required by the commission; and

(b) The portion is specified with particularity in such manner as to be readily identified; and

(c) The parties represented at the hearing stipulate upon the record that such portion may be incorporated by reference, and that any portion offered by any other party may be incorporated by like reference; and

(d) The presiding officer directs such incorporation.

(5) Objections. Any evidence offered, whether in the form of exhibit, introduced by reference or offered in the form of testimony, shall be subject to appropriate and timely objection.

(6) Copies of exhibits to opposing counsel. When documentary exhibits are offered in evidence, copies must be furnished to opposing counsel, the presiding officers and the reporter, unless the presiding officer otherwise directs. Whenever practicable, the parties should exchange copies of exhibits before, or at the commencement of, the hearing.

NEW SECTION

WAC 480-09-750 RULES OF EVIDENCE. (1) General. Subject to the other provisions of this section, all relevant evidence is admissible which, in the opinion of the presiding officer, is the best evidence reasonably obtainable, having due regard to its necessity, availability, and trustworthiness. In ruling upon the admissibility of evidence, the presiding officer shall give consideration to, but shall not be bound to follow, the rules of evidence governing general civil proceedings, in matters not involving trial by jury, in the courts of the state of Washington.

The presiding officer may, in his or her discretion, either with or without objection, exclude inadmissible evidence or order cumulative evidence discontinued. Parties objecting to the introduction of evidence shall state the grounds of such objection at the time such evidence is offered. The party offering rejected evidence may be permitted to describe briefly for the record its nature and purpose.

(2) Official notice.

(a) Official notice may be taken of:

(i) Any judicially cognizable fact. Examples of judicially cognizable facts are:

(A) Rules, regulations, administrative rulings and orders, exclusive of findings of fact, of the commission and other governmental agencies;

(B) Contents of certificates, permits, and licenses issued by the commission; and

(C) Tariffs, classifications, and schedules regularly established by or filed with the commission as required or authorized by law.

(ii) Technical or scientific facts within the commission's specialized knowledge; and

(iii) Codes or standards that have been adopted by an agency of the United States, or this state or of another state, or by a nationally recognized organization or association.

(b) In addition, the commission may, in its discretion, upon the request of all parties to a proceeding, take official notice of the results of its own inspection of the physical conditions at issue.

(c) Parties shall be notified either before or during the hearing, or by reference in preliminary reports or otherwise, of the material so noticed and the sources thereof, including any staff memoranda and data, and they shall be afforded an opportunity to contest the facts and material so noticed. A party proposing that official notice be taken may be required to provide copies of officially noted matter to the record and to all other parties.

(3) Resolutions. Properly authenticated resolutions of the governing bodies of cities, towns, counties, and other municipal corporations and of chambers of commerce, boards of trade, commercial, mercantile, agricultural, or manufacturing societies and other civic organizations may be received in evidence. Recitals of facts contained in resolutions shall not be deemed proof of those facts.

NEW SECTION

WAC 480-09-760 INTERLOCUTORY ORDERS. The commission has discretion to accept or decline review of interim or interlocutory orders entered by an administrative law judge. Except where otherwise provided, the commission may review such orders when it finds that:

(1) A party's participation is terminated by the ruling and the party's inability to participate thereafter could cause it substantial and irreparable harm; or

(2) A review is necessary to prevent substantial prejudice to a party that would not be remediable by post-hearing reviewing; or

(3) A review could save the commission and the parties substantial effort or expense, or some other factor is present that outweighs the costs in time and delay of exercising review.

NEW SECTION

WAC 480-09-770 BRIEFS. The commission may require the parties to present their arguments and authority orally at the close of the hearing, by written brief, or both. The argument should set out the leading facts and conclusions which the evidence tends to prove, point out the particular evidence relied upon to support the conclusions urged, and cite legal authority. Briefs may be printed, or typewritten (size 8-1/2 inches by 11

inches on three-hole punched paper). All copies shall be clearly legible. Unless a different number is specified by the commission, an original and three copies of each brief for transportation matters and nineteen copies for all other matters shall be filed with the secretary of the commission and one copy shall be served on each party before the due date set for filing. Proof of service shall be furnished to the commission as provided in WAC 480-09-120(2).

NEW SECTION

WAC 480-09-780 ENTRY OF INITIAL AND FINAL ORDERS—ADMINISTRATIVE REVIEW.

(1) General. Whenever the presiding officer enters an order in accordance with the provisions of RCW 34.05-.461, each party of record and the party's attorney, or other authorized representative shall be served with a copy of the order pursuant to the provisions of WAC 480-09-120(2).

(2) Petitions for administrative review – time for filing. Unless a different number is directed by the commission, an original and three copies of petitions for administrative review of an initial order in transportation matters and nineteen copies in all other matters must be filed with the secretary of the commission and one copy served upon each other party and the party's attorney within twenty days after the service of the initial order. The commission may designate a different time for filing petitions for administrative review of initial orders. Proof of service must be made in accordance with WAC 480-09-120(2).

(3) Petitions for administrative review – who may file. Any party to an adjudicative proceeding may file a petition for administrative review of an initial order.

(4) Petitions for administrative review – contents. Petitions must clearly identify the nature of the challenge to the initial order, the evidence relied upon to support the challenge, and the nature of the remedy urged by the petition. Petitions for review of initial orders shall be specific and separate contentions must be separately stated and numbered. Petitions for review of findings of fact must be supported by a reference to the pertinent page or part of the record or by a statement of the evidence relied upon to support the petition, and should be accompanied by a recommended finding of fact. Petitions for review of conclusions of law should be supported by reference to the appropriate statute, rule, or case involved and should be accompanied by a recommended conclusion of law. When a petition challenges the summary portion of an initial order, the petition shall include a statement showing the legal or factual justification for the challenge, together with a statement of how the alleged defect in the summary affects the findings of fact, the conclusions of law, or the ultimate decision.

(5) Answers.

(a) Answers to a petition for administrative review may be filed by any party.

(b) Unless a different number is required, three copies of answers to petitions for review in transportation matters and twenty copies in all other matters must be filed with the secretary of the commission, and a copy served upon each other party to the proceeding within ten days

after the service of the petition. The commission may designate a different time for filing answers to petitions.

(c) A party who did not file a petition for administrative review of an initial order may challenge the order or portions thereof in its answer to the petition of another party.

(6) Oral argument. The commission may in its discretion hear oral argument upon a petition for review at a time and place to be designated by it upon notice to all parties to the proceeding. A party who desires to present oral argument may move for argument, stating why the oral argument will assist the commission in making its decision and why written presentations will be insufficient.

(7) Final order. After reviewing the initial order and any petitions for review, answers, replies, briefs, and oral arguments, and the record or such portions thereof as may be cited by the parties, the commission may by final order adopt, modify, or reject an initial order. The statutory time for judicial review proceedings shall not commence until the date of the commission's final order or, if a petition for reconsideration has been filed, the date the petition is deemed denied or is otherwise disposed of.

NEW SECTION

WAC 480-09-800 STAY. A party may file with the commission a petition for stay of effectiveness of a final order within ten days after its service unless otherwise provided by statute or stated in the final order.

NEW SECTION

WAC 480-09-810 RECONSIDERATION. (1) General. Any party to an adjudicative proceeding may file a petition for reconsideration of a final order of the commission within ten days after the date the order is served.

(2) Number of copies – filing – service. Unless a different number has been ordered by the commission, an original and three copies of the petition in transportation matters and twenty copies in all other matters shall be filed with the commission and a copy of the petition shall be served by petitioner upon each party of record.

(3) Contents. The petition shall state with particularity each portion or portions of the challenged order contended to be erroneous or incomplete, and shall cite those portions of the record and the laws or rules of the commission relied upon to support the petition, together with brief argument.

(4) Answers. No party shall file an answer unless requested by the commission: PROVIDED, That if the commission determines that reconsideration may be appropriate, involving more than the correction of obvious error and involving a possible change in a significant term of the order, it shall request answers from the other affected parties.

(5) Except upon specific direction of the commission, no oral argument shall be permitted on petitions for reconsideration.

(6) Disposition. The petition is deemed denied if, within twenty days from the date the petition is filed, the commission does not either:

(a) Dispose of the petition; or

(b) Serve the parties with a written notice specifying the date by which it will act on the petition.

If the petition is granted, the commission may modify its prior order or take such other action as it may deem appropriate. No petition for reconsideration of an order on reconsideration will be accepted by the commission. No petition for reconsideration may stay the effectiveness of an order.

NEW SECTION

WAC 480-09-815 AMENDMENT OR RESCIS-
SION. Pursuant to RCW 80.04.210 and 81.04.210, the commission may amend or rescind any order or rule which it has made, entered, issued or promulgated, upon notice to the public service company or companies affected, and after allowing an opportunity for hearing as in the case of complaints.

NEW SECTION

WAC 480-09-820 REHEARING OR REOPEN-
ING. (1) Rehearing. A petition for rehearing may be filed with the commission by any person affected by any order of the commission, pursuant to RCW 80.04.200 and 81.04.200. The commission will grant the petition:

(a) If there are changed circumstances injurious to the petitioner since the entry of the final order which were not considered by the commission; or

(b) To correct defects in the order, or

(c) For any good and sufficient cause which, for any reason, was not considered and determined in the original order.

The commission may, in its discretion, permit the filing of a petition for rehearing at any time.

(2) Reopening. A petition for reopening may be filed with the commission by any party to a proceeding at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, a petition may be granted to correct failure to allow receipt of written evidence when otherwise permissible.

(b) In contested proceedings, a petition may be granted to permit receipt of evidence which is essential to a decision and which was unavailable and not reasonably discoverable at the time of the hearing with due diligence, or for any other good and sufficient cause.

NEW SECTION

WAC 480-09-830 COMPLIANCE WITH OR-
DERS. Any party who is required by commission order to do or refrain from doing any act shall notify the commission, on or before the date upon which compliance is required, whether or not the party has complied. If the order requires a change in rates, the notification shall be accomplished by filing the proper tariffs. The tariffs being filed shall specify the commission's corresponding order number.

REPEALER

The following chapter of the Washington Administrative is repealed:

- WAC 480-08-010 COMMUNICATIONS.
 WAC 480-08-015 SUBMISSION OF "CONFIDENTIAL" INFORMATION.
 WAC 480-08-020 OFFICE HOURS.
 WAC 480-08-030 PARTIES.
 WAC 480-08-040 INFORMAL PROCEDURE—APPLICATIONS AND PROTESTS.
 WAC 480-08-050 PLEADINGS.
 WAC 480-08-055 OBJECTIONS TO CLOSURES OF HIGHWAY-RAILROAD GRADE CROSSINGS.
 WAC 480-08-060 FILING AND SERVICE.
 WAC 480-08-070 INTERVENTION.
 WAC 480-08-080 APPEARANCES.
 WAC 480-08-090 APPEARANCE AND PRACTICE BEFORE COMMISSION.
 WAC 480-08-100 PREHEARING CONFERENCES.
 WAC 480-08-110 VOLUNTARY SETTLEMENT.
 WAC 480-08-120 SUBPOENAS.
 WAC 480-08-130 DEPOSITIONS.
 WAC 480-08-140 HEARINGS.
 WAC 480-08-150 CONTINUANCES.
 WAC 480-08-160 STIPULATION AS TO FACTS.
 WAC 480-08-170 CONDUCT AT HEARINGS.
 WAC 480-08-180 ORDER OF PROCEDURE.
 WAC 480-08-190 RULES OF EVIDENCE.
 WAC 480-08-200 EXHIBITS AND DOCUMENTARY EVIDENCE.
 WAC 480-08-210 MODIFIED PROCEDURE.
 WAC 480-08-220 BRIEFS.
 WAC 480-08-230 COMMISSION PROPOSED ORDERS.
 WAC 480-08-240 PROPOSED ORDERS BY EXAMINERS.
 WAC 480-08-250 REHEARING OR RECONSIDERATION.
 WAC 480-08-260 NO DISCUSSION OF PROCEEDING UNTIL DECISION.
 WAC 480-08-270 JOINT HEARINGS.
 WAC 480-08-280 ADMINISTRATIVE RULINGS.
 WAC 480-08-290 SEGREGATION OF FUNCTIONS IN FORMAL PROCEEDINGS.
 WAC 480-08-300 COMPLIANCE WITH ORDERS.
 WAC 480-08-310 COMPUTATION OF TIME.
 WAC 480-08-320 SUSPENSION OF TARIFFS.
 WAC 480-08-330 GENERAL APPLICATION—SPECIAL RULES—EXCEPTIONS—CANCELLATION OF FORMER RULES.

WSR 89-17-051**PROPOSED RULES****DEPARTMENT OF HEALTH**

[Filed August 14, 1989, 3:57 p.m.]

Original Notice.

Title of Rule: Certificate of need review fees, amending WAC 440-44-030.

Purpose: To bring fee schedule in line with enacted changes in the types of health care facility and service projects subject to review. Fees for projects no longer subject to review would be repealed. Review fees would be created for review of new categories, facilities and services now subject to review; tertiary health services and continuing care retirement communities.

Statutory Authority for Adoption: RCW 43.20A.055.

Statute Being Implemented: RCW 43.20A.055.

Summary: Descriptions, capital expenditure ranges and review fees for activities which are no longer subject for review will be deleted. Major medical equipment is also no longer subject for review. Advisory review agencies no longer exist.

Reasons Supporting Proposal: This rule amendment is necessary to collect fees to support its review related activities. Prudent fiscal management necessitates having a fee schedule that is current with the list of activities subject to review.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Charles Pugh, Certificate of Need, 753-5816.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, Department of Social and Health Services, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, Washington 98504, by October 3, 1989.

Date of Intended Adoption: October 13, 1989.

August 14, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2519, filed 8/5/87)

WAC 440-44-030 CERTIFICATE OF NEED REVIEW FEES.
 (1) An application for a certificate of need under chapter 248-19 WAC shall include payment of a fee consisting of the following:

(a) An application processing fee in the amount of seven hundred fifty dollars which shall not be refundable((:));

(b) A review fee based on the project description and the total capital expenditure ((except as provided until October 5, 1987, in subsection-(+)(d))).

Project Description	Capital Expenditure Range	Review Fee
Additional ((end-stage) ((renal dialysis facility) kidney disease treatment ((ity)) center stations	\$ 0 - \$ 100,000 100,001 - 250,000 250,001 or more	\$ 3,600 4,800 6,400
((Additional major medical equipment	Exp. min. - 1,500,000 1,500,001 or more	5,600 8,100))
Administrative or emergency review	0 - 250,000 250,001 or more	4,500 6,800
Amendment to a certificate of need	0 - 250,000 250,001 - 2,000,000 2,000,001 or more	4,500 6,800 11,200
Bed addition of less than 10 beds	0 - 100,000 100,001 - 5,000,000 5,000,001 or more	3,600 4,800 6,400
Bed addition of 10 beds or more	0 - 500,000 500,001 - 5,000,000 5,000,001 or more	6,800 10,000 13,200
Bed redistribution or bed relocation	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	5,900 8,900 11,100
Capital expenditure over the minimum expenditure	Exp. min. - 5,000,000 5,000,001 - 10,000,000 10,000,001 or more	6,400 8,100 11,400
Establishment of a new hospital, ((rehab=)) ((itation facility; or)) nursing home, or continuing care retirement community	0 - 2,000,000 2,000,001 or more	8,900 13,200
Establishment of a new home health agency, hospice, ambulatory surgery facility, or ((end-stage renal dialysis facility)) kidney disease treatment center	0 1 - 100,000 100,001 or more	3,100 4,800 6,400
Extension of the certificate of need validity period (projects involving plans review by construction review unit)		100
Extension of the certificate of need validity period (other projects)		750
((New institutional health service		6,100
Replacement of major medical equipment	Exp. min. - 1,500,000 1,500,001 or more	4,500 6,800))
Replacement of an existing health care facility	1 - 2,000,000 2,000,001 - 5,000,000 5,000,001 or more	4,500 6,800 8,100
Sale, purchase, or lease of part or all of an existing hospital	1 - 5,000,000 5,000,001 or more	6,400 9,700
Substantial change in services, or offering a new tertiary health service	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	6,800 8,900 13,200
Transfer of a certificate of need		2,300

(c) A nonrefundable two thousand dollar actuarial review fee surcharge for an application sponsored by an existing or proposed continuing care retirement community (CCRC) as defined in WAC 248-19-328 (3)(b).

~~((d) Until October 5, 1987, instead of a review fee as provided in subsection (1)(b) of this section, a review fee as provided in subsection~~

~~(1)(d)(i) of this section for those undertakings as listed in subsection (1)(d)(ii) of this section.~~

~~(i) The following review fees shall be applied until October 5, 1987, for those undertakings listed in subsection (1)(d)(ii) of this section:~~

Proposed Capital Expenditure	Review Fee
\$ 0 to \$ 69,999	\$ 1,000
70,000 to 84,999	1,670
85,000 to 99,999	1,930
100,000 to 129,999	2,215
130,000 to 159,999	2,525
160,000 to 204,999	2,875
205,000 to 249,999	3,255
250,000 to 399,999	3,680
400,000 to 549,999	4,145
550,000 to 699,999	4,655
700,000 to 849,999	5,210
850,000 to 999,999	5,830
1,000,000 to 1,299,999	6,515
1,300,000 to 1,599,999	7,260
1,600,000 to 1,999,999	8,085
2,000,000 to 2,499,999	8,990
2,500,000 to 2,999,999	9,975
3,000,000 to 3,999,999	11,060
4,000,000 to 4,999,999	12,255
5,000,000 to 7,499,999	13,570
7,500,000 to 9,999,999	15,015
10,000,000 to 14,999,999	16,650
15,000,000 to 19,999,999	19,260
20,000,000 to 29,999,999	20,545
30,000,000 to 39,999,999	22,865
40,000,000 to 49,999,999	25,285
50,000,000 to 64,999,999	28,015
65,000,000 to 79,999,999	31,060
80,000,000 to 99,999,999	34,485
100,000,000 and over	38,285

~~(ii) The review fees provided in subsection (1)(d)(i) of this section shall apply until October 5, 1987, to the total capital expenditures associated with the following undertakings:~~

- ~~(A) New nursing homes;~~
- ~~(B) Nursing home bed additions;~~
- ~~(C) Redistribution of beds from any of the following facility and service categories to skilled nursing care beds:~~
 - ~~(i) Acute care;~~
 - ~~(ii) Boarding home care, or~~
 - ~~(iii) Intermediate care for the mentally retarded;~~
- ~~(D) Redistribution of beds from any of the following facility and service categories to intermediate care facility beds:~~
 - ~~(i) Acute care, or~~
 - ~~(ii) Boarding home care;~~
 - ~~(E) Relocation of nursing home beds from one nursing home planning area to another nursing home planning area.~~

~~(iii) After October 4, 1987, the review fees provided under subsection (1)(b) of this section shall apply to all undertakings subject to certificate of need review:))~~

(2) For purposes of subsection((s)) (1)(b) ((and (1)(d))) of this section, "total capital expenditure" means the total project costs to be capitalized according to generally accepted accounting principles consistently applied, and includes, but is not limited to, the following:

- (a) Legal fees;
- (b) Feasibility studies;
- (c) Site development;
- (d) Soil survey and investigation;
- (e) Consulting fees;
- (f) Interest expenses during construction;
- (g) Temporary relocation;
- (h) Architect and engineering fees;
- (i) Construction, renovation, or alteration;
- (j) Total costs of leases of capital assets;
- (k) Labor;
- (l) Materials;
- (m) Equipment;
- (n) Sales taxes;
- (o) Equipment delivery; and
- (p) Equipment installation.

(3) ~~((The total capital expenditure for the acquisition of a unit of major medical equipment shall be determined as follows:~~

~~(a) If the equipment is not presently owned or leased by the applicant, the total capital expenditure shall include all the costs involved in the acquisition, installation, and trial preparation for patient usage; and~~

~~(b) If the equipment is presently owned or leased by the applicant, the total capital expenditure shall include the fair market value of the unit of major medical equipment at the time of application submittal; and all non-equipment costs listed under subsection (2) of this section that are required to prepare the equipment to serve inpatients.~~

~~(4))~~ Where more than one project description under subsection (1)(b) of this section applies to an application, the applicant shall use the project description and capital expenditure range with the highest review fee in calculating the payment to accompany the application submittal.

~~((5))~~ (4) The applicant shall accompany the submittal of an amendment to a certificate of need application with a fee consisting of the following:

(a) A nonrefundable processing fee of five hundred dollars;

(b) When the amendment increases the capital expenditure, or results in a project description with a larger review fee, an additional review fee based on the difference between the review fee previously paid when the application was submitted and the review fee applicable to the greater capital expenditure or new project description; and

(c) When the amendment decreases the capital expenditure, or results in a project description with a smaller review fee, the department shall refund to the applicant the difference between the review fee previously paid when the application was submitted and the review fee applicable to the smaller capital expenditure or new project description.

~~((6))~~ (5) When an application for a certificate of need is returned by the department in accordance with the provisions of WAC 248-19-280 (2)(b) or (c), the department shall refund all review fees paid.

~~((7))~~ (6) When an applicant submits a written request to withdraw an application ~~((prior to))~~ before the beginning of review, the department shall refund any review fees paid by the applicant.

~~((8))~~ (7) When an applicant submits a written request to withdraw an application after the beginning of review, but ~~((prior to))~~ before the ~~((close))~~ beginning of the ~~((advisory review))~~ *ex parte* period as determined by the department consistent with WAC 248-19-326, the department shall refund one-half of all review fees paid.

~~((9))~~ (8) When an applicant submits a written request to withdraw an application after the ~~((close))~~ beginning of the ~~((advisory review))~~ *ex parte* period as determined by the department consistent with WAC 248-19-326, the department shall not refund any of the review fees paid.

~~((10))~~ (9) Other certificate of need program fees are:

~~(a) ((A nonrefundable two hundred fifty dollar processing fee for each notice of intent to acquire major medical equipment submitted to the department under the provisions of WAC 248-19-403.~~

~~(b))~~ A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of WAC 248-19-405(;;); and

~~((c))~~ (b) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of RCW 70.38.105 (4)(d).

WSR 89-17-052
EMERGENCY RULES
DEPARTMENT OF HEALTH
 [Filed August 14, 1989, 3:59 p.m.]

Date of Adoption: August 14, 1989.

Purpose: To bring fee schedule in line with enacted changes in the types of health care facility and service projects subject to review.

Citation of Existing Rules Affected by this Order: Amending WAC 440-44-030, Certificate of need review fees.

Statutory Authority for Adoption: RCW 43.20A.055.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule amendment is necessary to collect fees to support its review related activities. Prudent fiscal management necessitates having a fee schedule that is current with the list of activities subject to review.

Effective Date of Rule: August 15, 1989, 12:01 a.m.

August 14, 1989
 Lucille Christenson
 Acting Secretary

AMENDATORY SECTION (Amending Order 2519, filed 8/5/87)

WAC 440-44-030 CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter 248-19 WAC shall include payment of a fee consisting of the following:

(a) An application processing fee in the amount of seven hundred fifty dollars which shall not be refundable(;-);

(b) A review fee based on the project description and the total capital expenditure ~~((except as provided until October 5, 1987, in subsection (1)(d))).~~

Project Description	Capital Expenditure Range	Review Fee
Additional ((end-stage)) ((renal dialysis facility)) kidney disease treatment ((ity)) center stations	\$ 0 - \$ 100,000 100,001 - 250,000 250,001 or more	\$ 3,600 4,800 6,400
((Additional major medical equipment	Exp. min. - 1,500,000 1,500,001 or more	5,600 8,100
Administrative or emergency review	0 - 250,000 250,001 or more	4,500 6,800
Amendment to a certificate of need	0 - 250,000 250,001 - 2,000,000 2,000,001 or more	4,500 6,800 11,200
Bed addition of less than 10 beds	0 - 100,000 100,001 - 5,000,000 5,000,001 or more	3,600 4,800 6,400
Bed addition of 10 beds or more	0 - 500,000 500,001 - 5,000,000 5,000,001 or more	6,800 10,000 13,200
Bed redistribution or bed relocation	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	5,900 8,900 11,100
Capital expenditure over the minimum expenditure	Exp. min. - 5,000,000 5,000,001 - 10,000,000 10,000,001 or more	6,400 8,100 11,400
Establishment of a new hospital, ((rehab-)) ((ilitation facility, or)) nursing home, or continuing care retirement community	0 - 2,000,000 2,000,001 or more	8,900 13,200
Establishment of a new home health agency, hospice, ambulatory surgery facility, or ((end-stage renal dialysis facility)) kidney disease treatment center	0 1 - 100,000 100,001 or more	3,100 4,800 6,400

Project Description	Capital Expenditure Range	Review Fee
Extension of the certificate of need validity period (projects involving plans review by construction review unit)		100
Extension of the certificate of need validity period (other projects)		750
((New institutional health service		6,100
Replacement of major medical equipment	Exp. min. - 1,500,000 1,500,001 or more	4,500 6,800))
Replacement of an existing health care facility	1 - 2,000,000 2,000,001 - 5,000,000 5,000,001 or more	4,500 6,800 8,100
Sale, purchase, or lease of part or all of an existing hospital	1 - 5,000,000 5,000,001 or more	6,400 9,700
Substantial change in services, or offering a new tertiary health service	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	6,800 8,900 13,200
Transfer of a certificate of need		2,300

Proposed Capital Expenditure	Review Fee
5,000,000 to 7,499,999	13,570
7,500,000 to 9,999,999	15,015
10,000,000 to 14,999,999	16,650
15,000,000 to 19,999,999	19,260
20,000,000 to 29,999,999	20,545
30,000,000 to 39,999,999	22,865
40,000,000 to 49,999,999	25,285
50,000,000 to 64,999,999	28,015
65,000,000 to 79,999,999	31,060
80,000,000 to 99,999,999	34,485
100,000,000 and over	38,285

~~(ii) The review fees provided in subsection (1)(d)(i) of this section shall apply until October 5, 1987, to the total capital expenditures associated with the following undertakings:~~

- ~~(A) New nursing homes,~~
- ~~(B) Nursing home bed additions,~~
- ~~(C) Redistribution of beds from any of the following facility and service categories to skilled nursing care beds:~~

- ~~(I) Acute care,~~
- ~~(II) Boarding home care, or~~
- ~~(III) Intermediate care for the mentally retarded.~~
- ~~(D) Redistribution of beds from any of the following facility and service categories to intermediate care facility beds:~~

- ~~(I) Acute care, or~~
- ~~(II) Boarding home care.~~
- ~~(E) Relocation of nursing home beds from one nursing home planning area to another nursing home planning area.~~

~~(iii) After October 4, 1987, the review fees provided under subsection (1)(b) of this section shall apply to all undertakings subject to certificate of need review.))~~

~~(2) For purposes of subsection((s)) (1)(b) ((and (1)(d))) of this section, "total capital expenditure" means the total project costs to be capitalized according to generally accepted accounting principles consistently applied, and includes, but is not limited to, the following:~~

- ~~(a) Legal fees,~~
- ~~(b) Feasibility studies,~~
- ~~(c) Site development,~~
- ~~(d) Soil survey and investigation,~~
- ~~(e) Consulting fees,~~
- ~~(f) Interest expenses during construction,~~
- ~~(g) Temporary relocation,~~
- ~~(h) Architect and engineering fees,~~
- ~~(i) Construction, renovation, or alteration,~~
- ~~(j) Total costs of leases of capital assets,~~
- ~~(k) Labor,~~
- ~~(l) Materials,~~
- ~~(m) Equipment,~~
- ~~(n) Sales taxes,~~
- ~~(o) Equipment delivery, and~~
- ~~(p) Equipment installation.~~

~~(3) ((The total capital expenditure for the acquisition of a unit of major medical equipment shall be determined as follows:~~

(c) A nonrefundable two thousand dollar actuarial review fee surcharge for an application sponsored by an existing or proposed continuing care retirement community (CCRC) as defined in WAC 248-19-328 (3)(b).

~~((d) Until October 5, 1987, instead of a review fee as provided in subsection (1)(b) of this section, a review fee as provided in subsection (1)(d)(i) of this section for those undertakings as listed in subsection (1)(d)(ii) of this section.~~

~~(i) The following review fees shall be applied until October 5, 1987, for those undertakings listed in subsection (1)(d)(ii) of this section:~~

Proposed Capital Expenditure	Review Fee
\$ 0 to \$ 69,999	\$ 1,000
70,000 to 84,999	1,670
85,000 to 99,999	1,930
100,000 to 129,999	2,215
130,000 to 159,999	2,525
160,000 to 204,999	2,875
205,000 to 249,999	3,255
250,000 to 399,999	3,680
400,000 to 549,999	4,145
550,000 to 699,999	4,655
700,000 to 849,999	5,210
850,000 to 999,999	5,830
1,000,000 to 1,299,999	6,515
1,300,000 to 1,599,999	7,260
1,600,000 to 1,999,999	8,085
2,000,000 to 2,499,999	8,990
2,500,000 to 2,999,999	9,975
3,000,000 to 3,999,999	11,060
4,000,000 to 4,999,999	12,255

~~(a) If the equipment is not presently owned or leased by the applicant, the total capital expenditure shall include all the costs involved in the acquisition, installation, and trial preparation for patient usage, and~~

~~(b) If the equipment is presently owned or leased by the applicant, the total capital expenditure shall include the fair market value of the unit of major medical equipment at the time of application submittal, and all nonequipment costs listed under subsection (2) of this section that are required to prepare the equipment to serve inpatients.~~

~~(4)) Where more than one project description under subsection (1)(b) of this section applies to an application, the applicant shall use the project description and capital expenditure range with the highest review fee in calculating the payment to accompany the application submittal.~~

~~((5)) (4) The applicant shall accompany the submittal of an amendment to a certificate of need application with a fee consisting of the following:~~

~~(a) A nonrefundable processing fee of five hundred dollars;~~

~~(b) When the amendment increases the capital expenditure, or results in a project description with a larger review fee, an additional review fee based on the difference between the review fee previously paid when the application was submitted and the review fee applicable to the greater capital expenditure or new project description; and~~

~~(c) When the amendment decreases the capital expenditure, or results in a project description with a smaller review fee, the department shall refund to the applicant the difference between the review fee previously paid when the application was submitted and the review fee applicable to the smaller capital expenditure or new project description.~~

~~((6)) (5) When an application for a certificate of need is returned by the department in accordance with the provisions of WAC 248-19-280 (2)(b) or (e), the department shall refund all review fees paid.~~

~~((7)) (6) When an applicant submits a written request to withdraw an application ~~((prior to))~~ before the beginning of review, the department shall refund any review fees paid by the applicant.~~

~~((8)) (7) When an applicant submits a written request to withdraw an application after the beginning of review, but ~~((prior to))~~ before the ~~((close))~~ beginning of the ~~((advisory review))~~ ex parte period as determined by the department consistent with WAC 248-19-326, the department shall refund one-half of all review fees paid.~~

~~((9)) (8) When an applicant submits a written request to withdraw an application after the ~~((close))~~ beginning of the ~~((advisory review))~~ ex parte period as determined by the department consistent with WAC 248-19-326, the department shall not refund any of the review fees paid.~~

~~((10)) (9) Other certificate of need program fees are:~~

~~(a) ((A nonrefundable two hundred fifty dollar processing fee for each notice of intent to acquire major medical equipment submitted to the department under the provisions of WAC 248-19-403;~~

~~(b)) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of WAC 248-19-405(;;); and~~

~~((c)) (b) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of RCW 70.38.105 (4)(d).~~

WSR 89-17-053

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-80—Filed August 14, 1989, 4:30 p.m.]

Date of Adoption: August 14, 1989.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000G.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: Harvestable numbers of chinook salmon are available in the Columbia River. This rule is consistent with the actions of the August 14, 1989, meeting of the Columbia River Compact.

Effective Date of Rule: Immediately.

August 14, 1989

Robert Turner

for Joseph R. Blum

Director

NEW SECTION

WAC 220-33-01000H COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WAC's 220-33-005, 220-33-010, 220-33-020 and 220-33-030, it is unlawful for a person to take or possess salmon, shad, and sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1A, 1B, 1C, 1D and 1E except during the times and conditions listed:

(1) Open to the taking of salmon, sturgeon and shad.

Time: 6:00 p.m. August 14 to 6:00 a.m.
August 15, 1989

Area: 1C, 1D, 1E and that portion of Area 1B upstream of the powerline crossing from Cathlamet to Wauna, Oregon

Gear: 8 inch minimum mesh below the Longview Bridge
9 inch minimum mesh above the Longview Bridge

Sanctuaries: Cowlitz, Washougal, Elokomin-A, Kalama-A, Lewis River-A, Big Creek, Gnat Creek, and Sandy River as defined in WAC 220-33-010(3) are closed.

(2) Open to the taking of salmon, sturgeon and shad.

Time: 6:00 p.m. to 6:00 a.m. daily August 20 through August 25, 1989 and August 28 through September 1, 1989.

Area: Shad Area 2S as defined on WAC 220-33-030

Gear: 9 inch minimum mesh

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-33-01000G COLUMBIA RIVER GILL NET SEASONS BELOW BONNEVILLE. (89-79)

**WSR 89-17-054
EMERGENCY RULES
DEPARTMENT OF WILDLIFE**
[Filed August 14, 1989, 4:36 p.m.]

Date of Adoption: August 12, 1989.

Purpose: See Reasons for this Finding below.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The season extensions will optimize recreational opportunity on the remaining fish before rotenone treatment.

Effective Date of Rule: Immediately.

August 12, 1989
John McGlenn
Chairman
Wildlife Commission

NEW SECTION

WAC 232-28-61723 AMENDMENT TO 1988-90 GAME FISH REGULATIONS — MARTHA LAKE (GRANT COUNTY), FISH LAKE (OKANOGAN COUNTY), AND FAN LAKE (PEND OREILLE COUNTY) Notwithstanding the provisions of WAC 232-28-617, the waters listed above will have game fishing season extensions as follows:

Martha Lake, Grant County, will have a 90-day game fishing season extension, effective 12:01 a.m. on August 19, 1989 to 11:59 p.m. on November 16, 1989.

Fish Lake, Okanogan County, will have a 90-day game fishing season extension, effective 12:01 a.m. on August 19, 1989 to 11:59 p.m. on November 16, 1989.

Fan Lake, Pend Oreille County, will have a 30-day game fishing season extension, effective 12:01 a.m. on October 1, 1989 to 11:59 p.m. on October 30, 1989.

**WSR 89-17-055
PROPOSED RULES
BOARD OF HEALTH**
[Filed August 14, 1989, 4:49 p.m.]

Continuance of WSR 89-14-126.

Title of Rule: On-site sewer systems, amending chapter 248-96 WAC.

Name of Proponent: Board of Health, governmental.

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

Hearing Location: West Coast Sea-Tac Hotel, Pacific Avenue South, Seattle, Washington, on September 13, 1989, at 8:30 a.m.

Submit Written Comments to: Graham Tollefson, Chair, State Board of Health, 1112 South Quince, ET-23, Olympia, WA 98504, by September 12, 1989.

Date of Intended Adoption: September 22, 1989.

August 14, 1989
Lucille Christenson
Acting Secretary
Department of Health

**WSR 89-17-056
PERMANENT RULES
GAMBLING COMMISSION**
[Order 196—Filed August 15, 1989, 9:51 a.m.]

Be it resolved by the Washington State Gambling Commission, acting at Chelan, Washington, that it does adopt the annexed rules relating to amending WAC 230-12-020, 230-20-246, 230-20-699 and 230-30-070.

This action is taken pursuant to Notice Nos. WSR 89-13-057 and 89-13-058 filed with the code reviser on June 20, 1989. 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 9.46.070 (11) and (14) 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 August 11, 1989.

By Ronald O. Bailey
Director

AMENDATORY SECTION (Amending Order 190, filed 4/18/89, effective 7/1/89)

WAC 230-12-020 GAMBLING RECEIPTS DEPOSIT REQUIRED BY ALL BONA FIDE CHARITABLE AND NONPROFIT ORGANIZATIONS—EXEMPTIONS. (1) Every licensed bona fide charitable or nonprofit organization shall keep a separate gambling receipts' account in a recognized Washington state depository authorized to receive funds, which shall be kept

separate and apart and actually segregated from the licensee's general funds; PROVIDED, That if such activities are conducted on the United States' portion of the Point Roberts Peninsula, Washington, the deposit may be made in a British Columbia branch of a Canadian bank. Licensees are not limited to a single gambling receipts account as long as a minimum of one separate account is maintained. The following conditions of deposit will be met:

(a) No expenditures other than for prizes shall be made from the receipts of any licensed gambling activity until such receipts have first been deposited in the gambling receipts account: PROVIDED, That bingo receipts may be withheld from deposits for jar, pig, or other similar special game prizes if:

(i) The total of all such prize funds does not accumulate to exceed \$200.00;

(ii) The amount withheld each session is entered in the bingo daily record; and

(iii) A reconciliation of the special game fund is made of the bingo daily record;

(b) All net gambling receipts from the operation of bingo which are being held pending disbursement shall be deposited in the licensee's gambling receipts account not later than the second banking day following receipt thereof;

(c) All net gambling receipts from the operation of card rooms, punchboards, pull tabs, raffles (Class E and above), and amusement games (Class D and above) shall be deposited in the licensee's gambling receipts account at least once each week Provided, that licensees participating in the test of alternative records for winners, allowed in WAC 230-30-070, shall be required to deposit intact, no later than three banking days after removal from play, the net gambling receipts of each punchboard and pull tab series. The Washington state identification number assigned to the punchboard or pull tab series and the amount of net gambling receipts shall be recorded on the deposit slip/receipt or recorded separately and maintained with the deposit slip/receipt. Deposit receipts shall be available for inspection by commission representatives; and

(d) All deposits from bingo net gambling receipts, made to the gambling receipts account, shall be made separately from all other deposits, and the validated deposit receipt shall be kept as a part of the daily records as required by WAC 230-08-080.

(2) Bona fide charitable or nonprofit organizations that conduct only one or more of the following activities and do not possess any other licenses issued by the gambling commission are exempt from this rule:

(a) Raffles under the provisions of RCW 9.46.0315;

(b) Bingo, raffles, or amusement games under the provisions of RCW 9.46.0321;

(c) Class A, B, or C bingo game;

(d) Class A, B, C, or D raffle; or

(e) Class A, B or C amusement game.

(3) Bona fide charitable or nonprofit organizations who conduct only fund raising events or membership raffles and have no other gambling licenses are exempt from having a separate gambling receipts account, but must meet the following conditions of deposit:

(a) No expenditures other than for prizes shall be made until such receipts have first been deposited in the licensee's bank account;

(b) All net gambling receipts shall be deposited within two banking days following receipt thereof; and

(c) The validated deposit receipt shall be kept with the licensee's gambling records.

AMENDATORY SECTION (Amending Order 157, filed 4/11/86)

WAC 230-20-246 MANNER OF CONDUCTING BINGO. The conducting of a bingo game shall include, but is not limited to the following rules:

(1) All sales of bingo cards shall take place upon the premises during or immediately preceding the session for which the card is being sold;

(2) Bingo cards shall normally be sold and paid for prior to the start of a specified game or specified number of games. Cards may be sold after the start of a game or number of games if the late sale does not allow any player an advantage over any other player;

(3) No operator shall reserve, or allow to be reserved, any bingo card for use by players except braille cards or other cards for use by legally blind or disabled players;

(4) Legally blind players may use their personal braille cards when a licensee does not provide such cards. The licensee shall have the right to inspect, and to reject, any personal braille card. A legally blind or disabled person may use a braille card or reserved hard card in place of a purchased throwaway;

(5) If a licensee has duplicate cards in play, he shall conspicuously post that fact or notify all players;

(6) No two or more sets of disposable cards can be used at the same time if they have identical series numbers;

(7) Immediately following the drawing of each ball in a bingo game, the caller shall display the letter and number on the ball to the participants;

(8) The letter and number on the ball shall be called out prior to the drawing of any other ball;

(9) After the letter and number is called, the corresponding letter and number on the licensee's flashboard, if any, shall be lit for participant viewing;

(10) No bingo game shall be conducted to include a prize determined other than by the matching of letters and numbers on a bingo card with letters and numbers called by the licensee, in competition among all players in a bingo game. Provided, that the following activities are considered bingo games when conducted during a bingo occasion and prizes are determined through equal competition among all players paying to participate in that session:

(a) Drawing. Each licensee shall be allowed to award prizes during each bingo session that is determined by a drawing if:

(i) Tickets or other facsimiles used to enter such drawings shall only be awarded to players purchasing cards to play in bingo games;

(ii) A record shall be completed setting out the criterion for granting tickets, the number of tickets awarded during each session, the winning ticket, and all details required by WAC 230-08-080 and WAC 230-20-100.

Such record shall be maintained as a part of the daily bingo records;

(iii) Prizes awarded for drawings are limited to maximum of \$500 during any calendar month;

(iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation;

(b) Creativity and originality contests (competition to determine the best costume, flower arrangement, cake decorating, ugliest tie, or other activities requiring skill or original thought). A bingo licensee may conduct contests in which players may demonstrate their creativity and originality skills on up to four occasions annually. The following rules must be observed in conducting these contests:

(i) The total value of prizes shall not exceed \$500 during any occasion;

(ii) Only players who have paid to participate in bingo games during the current session may participate in the contest;

(iii) A record shall be completed for each contest setting out the criterion for selecting the winners, the number of participants in the contest, and all details required by WAC 230-08-080 and WAC 230-20-100. Such records shall be maintained as a part of the daily bingo records;

(iv) All prizes awarded are considered bingo game prizes for purposes of prize payout and net income regulation;

(11) ~~((A winner is determined when a specified pattern of called numbers appears on a card;))~~ The amount of a prize or prizes available for each bingo game shall be established and disclosed to bingo players prior to their purchase of a chance to participate in a bingo game. The amount of a prize may also be determined during the game, using standard bingo equipment and cards if:

(a) A minimum prize is established and disclosed;

(b) All rules of the game are explained in detail to the players; and

(c) All requirements of WAC 230-20-010 are met before cards are purchased.

The director may grant approval of the use of other schemes to determine the dollar amount of a bingo prize after cards are purchased if such schemes: contain control factors necessary for commission audit; are determined to be primarily of an entertainment nature; do not grant an unfair competitive advantage to any licensee; and do not act to defraud the public.

(12) Immediately upon a bingo player declaring a winning combination of letters and numbers, the winning card shall be verified by a game employee and at least one neutral player;

(13) Upon a bingo player declaring a winning bingo, the next ball out of the machine shall be removed from the machine prior to shutting the machine off and shall be the next ball to be called in the event the declared winning bingo is not valid;

(14) After a winning bingo is validated, the prize shall be awarded((-)) in the following manner:

(a) A record of the prize awarded shall be made by completing a prize receipt as required by WAC 230-08-080 and WAC 230-20-100. The winner's identity shall be verified and the proper name recorded upon the receipt: Provided, that from October 1, 1989, until December 31, 1990, the commission shall conduct a test of an alternative method of maintaining a record of bingo game winners for not more than 100 licensees all of which receive written permission from the director. During this test all winners of cash prizes, greater than twenty dollars, shall be made by payment of a check. The check shall act as a record of the prize awarded. Participants in the test shall use the following control procedures:

(i) Checks must be drawn on the licensee's gambling bank account;

(ii) Checks used must be of a type that provides a duplicate copy. The copies become a part of the daily bingo records and must be maintained as such;

(iii) All original checks must be returned by the bank to the licensee. Original checks shall be available for inspection upon demand by the commission;

(iv) Checks will be made payable only to the winner;

(v) Checks drawn on the licensee's gambling account shall not be cashed or otherwise redeemed by the licensee or concession on the premise;

(vi) Prize winners of twenty dollars or less may be paid in cash and the licensee will record the winners name and amount won for each specific game on the bingo daily record;

(vii) When merchandise prizes valued less than \$1,200.00 are awarded, a description of the prize together with the name of the winner will be included with the bingo daily record; and

(viii) A copy of the game and prizes available schedule shall be included as a part of the bingo daily record.

(b) All prizes shall be awarded by the end of the related session.

(c) All merchandise offered as prizes to bingo players shall have been paid in full, without lien or interest of others, prior to the merchandise being offered as a prize: PROVIDED, That the licensee may enter into a contract to immediately purchase the merchandise when it is awarded as a prize, with the contract revocable if prize winners are allowed to exercise an option to receive a cash prize or the prize is no longer offered.

(15) Licensees may award promotional gifts to bingo players on up to six occasions annually if:

(a) Only merchandise with a cost to the licensee of no more than two dollars per gift, are awarded;

(b) A record shall be completed for each session setting out the criterion for selecting the recipients, the number of gifts and total cost of the gifts. Such records shall be maintained as a part of the daily bingo records;

(c) All gifts purchased are considered bingo game prizes for purposes of prize payout and net income regulation;

((+5)) (16) No operator shall engage in any act, practice, or course of operation as would operate as a fraud to affect the outcome of any bingo game.

AMENDATORY SECTION (Amending Order 186, filed 2/13/89)

WAC 230-20-699 SPECIAL AMUSEMENT GAME LICENSE - TEST AT LIMITED LOCATIONS. (1) Beginning June 1, 1988, the commission will conduct a (~~twelve-month~~) test to determine the feasibility of allowing the operation of electronic crane and other self-dispensing amusement games at selected locations. For the purposes of this test, operators allowed to participate will be divided into three groups:

(a) Those applicants that possess a valid license from the Washington State Liquor Board and prohibit minors on their premises; and

(b) Those locations that are frequented by minors to participate in activities other than the playing of amusement devices, limited to movie theaters, bowling alleys, and miniature golf course facilities; and

(c) Those applicants who operate adult-supervised family amusement centers in enclosed shopping centers which prohibit minors from entry during school hours, maintain full-time personnel whose responsibilities include maintaining security and daily machine maintenance, and which close at the same time as surrounding businesses within enclosed shopping centers.

(2) This test shall be conducted using the following rules and limitations:

(a) Each participant shall be required to obtain a class B through E "special location amusement game" license as set forth in WAC 230-04-201. For the purposes of this test, the operator of the business where the coin operated amusement game(s) is located and operated shall be licensed. If the amusement game(s) is owned by someone other than the premises operator, that person(s) shall also obtain a license;

(b) Licenses issued under this test will not be subject to the limitations as specified in WAC 230-20-380 and WAC 230-12-230;

(c) The maximum fee to play shall be \$1.00 per game at the locations specified in (1)(a) above, and 25 cents at the locations specified in (1)(b) and (c) above;

(d) The operator(s) cost for each merchandise prize offered shall be equal to or greater than the amount wagered per game;

(e) Prior to being put out for play, all games must be submitted to the Commission staff for testing and for ultimate approval by the Commission. Provided: The Director may approve electronic cranes for use in this test that meet the standards set (~~for~~)forth(~~is~~) in WAC 230-20-605 (2)(b);

(f) All games must be equipped with non-resetable "coin-in meters" to measure the gross revenue of each game;

(g) All games must have affixed a certification and identification stamp issued by the Commission. Each stamp shall cost \$30. Any such game located in an area authorized under 1(a), (b), or (c) which does not have this stamp attached, or licensed under this rule, shall be prima facie evidence of an unauthorized game being used and shall subject said game to immediate seizure and forfeiture under RCW 9.46.230;

(h) Such games shall not be subject to the prohibition on revenue sharing set forth in WAC 230-12-220; and

(i) All operators shall complete and submit a "special coin operated amusement game test" report, in a format provided by the Commission, on a monthly basis. This report shall be submitted no later than 15 days following the end of each month:

(3) This test shall (~~expire on May 30, 1989, or at a earlier date if the Commission determines that it is in the public interest.~~) be continued through December 31, 1989. PROVIDED, That for the purposes of this ((test; effective November 21, 1988)) continuance, the Commission shall not accept any ((further)) new location applications but shall accept renewal applications. At the end of th(~~e test~~) is period the Commission shall evaluate the test results and determine whether the limited locations contained in WAC 230-20-380 should be expanded for self-dispensing amusement games.

AMENDATORY SECTION (Amending Order 171, filed 8/18/87)

WAC 230-30-070 CONTROL OF PRIZES. ((~~+~~)) All prizes from the operation of punchboards and pull tabs shall be awarded in cash or in merchandise.

(1) Prizes shall be cash or merchandise only. 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. 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) Display of prizes:

(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.

~~((t))~~ (d) 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.

~~((e))~~ ~~((Immediately))~~ Upon ~~((im))~~ determination of a ~~((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.

(3) Payment of prizes.

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) Cash in lieu of merchandise prizes.

No licensee shall offer to pay cash in lieu of merchandise prizes which may be won.

(5) Record of winners:

(a) 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))~~ (i) The Washington state identification stamp number of the punchboard or pull tab series from which the prize was won;

~~((b))~~ (ii) The series number of the pull tab series or punchboard from which the prize was won;

~~((c))~~ (iii) The name of the punchboard or pull tab series;

~~((d))~~ (iv) The date the pull tab series or punchboard was placed out for play;

~~((e))~~ (v) The date the pull tab series or punchboard was removed from play;

~~((f))~~ (vi) The month, day and year of the win;

~~((g))~~ (vii) If the prize is cash, the amount of the prize won;

~~((h))~~ (viii) If the prize is merchandise, a description of the prize won and its retail value;

~~((i))~~ (ix) The printed full name of the winner;

~~((j))~~ (x) The current address of the winner which will include the street address, the city and the state.

(b) 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.

(c) From October 1, 1989, until December 31, 1990, the commission shall conduct a test of an alternative method of maintaining a record of winners. This test shall not include more than 100 licensees, all of which receive written permission from the director. Charitable or nonprofit licensees participating in this test shall be prohibited from intermingling of funds allowed by WAC 230-08-010(6) and must deposit funds separately and intact as set out in WAC 230-12-020. All participants shall adhere to alternative requirements for retention of winning tabs or punches required by subsection (6) of this rule and WAC 230-30-072. In addition, effective April 1, 1990, all participants shall use only pull tabs that utilize a secondary verification code to prohibit counterfeiting on tabs that award prizes greater than \$20.00. Such codes shall be approved by the Director prior to use within this state. Banded pull tabs and punchboards are exempt from the secondary verification code requirements. During the period of the test when a person wins a cash prize of over twenty dollars or a merchandise prize with a retail value of more than twenty dollars, the following alternative winners record procedures shall apply:

(i) The winners shall be required to print their name and date of birth, in ink, upon the side of the winning punch or tab opposite the winning symbol(s);

(ii) The licensee or their representative shall then verify the winner's identity and record the date and initial the winning punch or tab.

(6) Retention of records. 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 for a period of at least four months following the last day of the month in which it was removed from play and shall display the same to any representative of the commission or law enforcement officials upon demand.

(7) Defacing winning punches or tabs. 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))~~ symbols in such a manner that the pull tab or punch cannot be presented again for payment.

~~((7))~~ (8) Value of merchandise prizes. 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 percent of that actual cost.

~~((8))~~ (9) Spindle(=type p), banded, or "jar" type pull tabs played in a manner which awards merchandise prizes only. Pull tab series which award only merchandise prizes valued at no more than five dollars, are hereby permitted to employ schemes whereby certain pre-designated 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.

WSR 89-17-057

PERMANENT RULES

DEPARTMENT OF NATURAL RESOURCES

[Order 566—Filed August 15, 1989, 10:41 a.m.]

I, James A. Stearns, director of the Department of Natural Resources, do promulgate and adopt at Olympia, Washington, the annexed rules relating to establishing eligibility and petitioning criteria for enterprises to purchase state timber set aside by counties intended for Washington state processors.

This action is taken pursuant to Notice No. WSR 89-13-065 filed with the code reviser on June 20, 1989. 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 section 2, chapter 424, Laws of 1989 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 August 11, 1989.

By Stan Biles
Acting Supervisor

NEW SECTION

WAC 332-140-400 ELIGIBLE ENTERPRISE PETITION REQUIREMENTS TO PURCHASE SET ASIDE TIMBER. A business concern and its affiliates, as defined in 13 C.F.R. 121.3, in effect January 1, 1988, (enterprise) which operates in the state of Washington one or more facilities manufacturing lumber, plywood, veneer, posts, poles, pilings, shakes, or shingles must petition the department to become eligible to purchase timber reserved under chapter 424, Laws of 1989. The values on the petition must be certified by a certified public accountant in Washington state. The petition must be sent or delivered to the Timber Sales Division, Department of Natural Resources, Olympia, Washington 98504. The values required are:

(1) Total timber volume, converted to Scribner decimal C (Scribner) log scale, purchased by the enterprise in each of the previous three years.

(2) Scribner timber volume purchased by the enterprise from state and federally owned sources in each of the previous three years.

(3) Total Scribner volume purchased by the enterprise processed as defined by chapter 424, Laws of 1989 in the state of Washington in the previous year.

(4) Names and addresses of manufacturing facilities in Washington owned and/or affiliated with the enterprise.

The department will review the petition and supporting documents and determine if the petitioner is eligible

under chapter 424, Laws of 1989 and if so add that enterprise to the eligibility list maintained in the Timber Sales Division, Department of Natural Resources, Olympia, Washington 98504, for sales reserved under chapter 424, Laws of 1989. The petitioner will remain on the list for one year from the date of petition. The enterprise may reestablish themselves on the list by petitioning again under this section.

WSR 89-17-058

RULES COORDINATOR

DEPARTMENT OF FISHERIES

[Filed August 15, 1989, 10:49 a.m.]

Evan S. Jacoby, Fisheries Administrative and Criminal Law Specialist, 115 General Administration Building, Mailstop AX-11, Olympia, WA 98504, (206) 586-2429, 321-2429 scan has been appointed as the rule coordinator for the Department of Fisheries.

Edward P. Manary
for Joseph R. Blum
Director

WSR 89-17-059

**NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES**

[Memorandum—August 10, 1989]

The board of trustees of Seattle Community College District has scheduled a special board of trustees work session, to be held Friday, September 15, 1989, from 7:30 a.m. to 5:00 p.m., at the Windjammer, 7001 Seaview Avenue N.W., Seattle, WA 98117.

WSR 89-17-060

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed August 15, 1989, 3:51 p.m.]

Original Notice.

Title of Rule: Repeal of WAC 284-55-130.

Purpose: To repeal WAC 284-55-130.

Other Identifying Information: Insurance Commissioner Matter No. R 89-11.

Statutory Authority for Adoption: RCW 48.02.060, 48.44.050 and 48.46.200.

Statute Being Implemented: RCW 48.66.041.

Summary: Repeal of rule will eliminate need to prepare and issue substitution policies for Medicare supplement insurance.

Reasons Supporting Proposal: Inability of insurers to prepare and file, and of commissioner's staff to review and approve, substitution policies in time to comply with rule.

Name of Agency Personnel Responsible for Drafting: Robert E. Johnson, Insurance Building, Olympia, (206)

753-2406; Implementation and Enforcement: David H. Rodgers, Insurance Building, Olympia, (206) 753-7302.

Name of Proponent: Insurance Commissioner, Dick Marquardt, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: If not repealed, the existing rule would require insurers to prepare and file substitution policies for Medicare supplement insurance, so that covered individuals will have complete and readable policies in their hands. Because congress may revise the Medicare law during the next few months, it will be frustrating, if not impossible for insurers to comply.

Proposal Changes the Following Existing Rules: It repeals the existing rule.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Olympia, Washington, on September 27, 1989, at 9:30 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by September 26, 1989.

Date of Intended Adoption: September 27, 1989.

August 15, 1989
Robert E. Johnson
Deputy Commissioner

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 284-55-130 SUBSTITUTION OF POLICIES.

WSR 89-17-061
EMERGENCY RULES
DEPARTMENT OF FISHERIES
[Order 89-81—Filed August 15, 1989, 4:49 p.m.]

Date of Adoption: August 15, 1989.

Purpose: Amend commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000H.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this Finding: The harvestable number of salmon available in the earlier northern fishery was not achieved and a surplus remains. The Pacific Fisheries Management Council has set seasons to harvest. This regulation will put the state in compliance with federal regulations.

Effective Date of Rule: Immediately.

August 15, 1989
Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000I **LAWFUL ACTS—TROLL FISHERY.** Notwithstanding the provisions of WAC 220-20-010, WAC 220-20-020 and WAC 220-20-030, effective immediately it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Bouy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Effective 12:01 a.m. August 16, 1989 to 11:59 p.m. August 19, 1989 it is lawful to fish for and possess all salmon species taken from those waters as defined by the following coordinates:

North of 48 00'15" N. and west of a line from 48 00'15" N., 125 19'15" W. to 48 03'40" N., 125 17'15" W. to 48 07'45" N., 125 11'15" W. to 48 05'00" N., 125 01'00" W. to 48 13'00" N., 124 57'30" W. to 48 16'30" N., 124 58'00" W. to 48 23'20" N., 125 49'30" W. to 48 26'15" N., 125 49'00" W. to 48 29'37.19" N., 124 43'33.19" W. This line generally follows the 100 fathom line except in the northernmost area.

(2) Salmon taken from the area opened in sub-section (1) must be landed north of Cape Falcon and reported via fish ticket or documented contact with the Washington Department of Fisheries prior to 11:59 p.m. August 21, 1989. Operators landing salmon outside the state of Washington or east of Neah Bay must notify the department prior to 5:00 p.m. August 21, 1989 at the Olympia office with an estimate of catch and location of landing.

(3) Lawful terminal gear is restricted to flashers with barbless, bare, blued hooks.

(4) Commercial salmon taken south of the Columbia River Red Buoy Line and north of Cape Falcon during the open fisheries August 21 and August 24 through October 31, 1989 may be landed in this state south of Leadbetter Point with a single daily landing limit per vessel of 40 coho and 4 chinook. Chinook must be delivered with the coho.

(5) Salmon taken from the area opened in sub-section (4) must be landed and reported via fish ticket or documented contact with the Washington Dept. of Fisheries by 11:59 p.m. August 22, 1989 and within 24 hours of the closure following the August 24, 1989 opening.

(6) Minimum size limits
for chinook are: 28 inches total length
21.5 inches head-off

Minimum size limits
for coho are: 16 inches total length
12 inches head-off

(7) It is unlawful to fish for or possess salmon taken for commercial purposes with any gear other than troll gear in the open fishery area.

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

REPEALER

The following section of the Washington Administrative code is repealed:

**WAC 220-24-02000H LAWFUL ACTS—
TROLL FISHERY. (89-73)**

**WSR 89-17-062
EMERGENCY RULES
DEPARTMENT OF FISHERIES**

[Order 89-82—Filed August 15, 1989, 4:50 p.m.]

Date of Adoption: August 15, 1989.

Purpose: Personal use fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000M; and amending WAC
220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good
cause finds that immediate adoption, amendment, or re-
peal of a rule is necessary for the preservation of the
public health, safety, or general welfare, and that ob-
serving the time requirements of notice and opportunity
to comment upon adoption of a permanent rule would be
contrary to the public interest.

Reasons for this Finding: Quotas of coho and chinook
remain available for harvest north of Leadbetter Point.
This regulation is adopted at the recommendation of the
Pacific Fisheries Management Council. The fishery
south of Leadbetter Point will achieve quota by August
17, 1989, and must be closed to prevent overharvest.

Effective Date of Rule: August 18, 1989, 12:01 a.m.

August 15, 1989

Joseph R. Blum

Director

NEW SECTION

**WAC 220-56-19000P SALTWATER SEASONS
AND BAG LIMITS.** *Notwithstanding the provisions of
WAC 220-56-180 and WAC 220-56-190, effectively
12:01 a.m. August 18, 1989 until further notice it is un-
lawful to take, fish for, or possess salmon in Punchcard
Area 4, Pacific Ocean waters, and Washington waters
west of Buoy 10 line except as provided for in this
section:*

(1) *Open to salmon angling:*

*Sekiu River to Bonilla-Tatoosh Line, Saturday
through Thursday, until September 15, 1989, or until a
quota of 20,000 coho are caught.*

*Queets River to Leadbetter Point, Sunday through
Thursday, until September 28, 1989, or until a quota of
91,100 coho are caught.*

(2) *Bag Limit - 2 salmon per day. Size limit for coho,
16 inch minimum, no maximum. Size limit for chinook,
24 inch minimum, no maximum.*

(3) *Gear Restriction: It is unlawful to use any termi-
nal gear other than gear with barbless single point
hooks.*

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

REPEALER

*The following section of the Washington Administra-
tive Code is repealed effective 12:01 a.m. August 18,
1989:*

**WAC 220-56-19000M SALTWATER SEASONS
AND BAG LIMITS. (89-68)**

**WSR 89-17-063
PROPOSED RULES
DEPARTMENT OF REVENUE**

[Filed August 16, 1989, 10:07 a.m.]

Original Notice.

Title of Rule: Magazines and periodicals, amending
WAC 458-20-127.

Purpose: To describe the application of sales and use
taxes to the sale of magazines and periodicals.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 82.12.040(1).

Summary: The rule describes the circumstances under
which sales and use tax are collected on sales of maga-
zines and periodicals.

Reasons Supporting Proposal: The rule is being pro-
posed to comply with a legislative direction to expand to
the constitutional limit the duty to collect use tax.

Name of Agency Personnel Responsible for Drafting:
Gregory I. Potegal, 711 Capitol Way South, Suite 400,
Olympia, (206) 753-1971; Implementation and En-
forcement: Edward L. Faker, 711 Capitol Way South,
Suite 400, Olympia, (206) 753-5579.

Name of Proponent: Department of Revenue,
governmental.

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

Explanation of Rule, its Purpose, and Anticipated Ef-
fects: The rule explains that sales of magazines and per-
iodicals to the reading public are subject to sales and use
tax.

Proposal Changes the Following Existing Rules: Cur-
rently, the rule provides that publishers who are outside
the state need not collect sales tax or use tax where sub-
scriptions are mailed to them from purchasers in
Washington. The proposed rule provides that such pub-
lishers may be required to collect sales or use tax if their
activities fall within the guidelines of WAC 458-20-
193B and 458-20-221.

No small business economic impact statement is re-
quired for this proposal by chapter 19.85 RCW.

Hearing Location: Revenue Conference Room #205,
Evergreen Plaza Building, 711 Capitol Way South,
Olympia, WA 98504, on September 28, 1989, at 9:30
a.m.

Submit Written Comments to: Gregory Potegal, Ad-
ministrative Law Judge, Department of Revenue, Inter-
pretation and Appeals, 415 General Administration
Building, Olympia, WA 98504, by September 28, 1989.

Date of Intended Adoption: October 5, 1989.

August 16, 1989

Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order ET 83-17, filed 3/15/83)

WAC 458-20-127 MAGAZINES AND PERIODICALS.

((RETAIL SALES TAX))

(1) **RETAIL SALES TAX.** Sales of magazines and periodicals to the reading public by persons operating news stands, book stores, cigar stores, drug stores and the like are sales at retail and are subject to the retail sales tax. Sales to newsstands or stores which are sales for resale are not subject to the retail sales tax.

When magazines or periodicals are distributed to the final purchaser by a distributor who effects such distribution through organizers ((or), captains, ((supervising boys,)) or others selling from house to house or upon the streets, the news company or distributor is the one responsible for the collection and payment of the retail sales tax.

Such news companies or distributors shall collect from ((the boys or others)) those selling the magazines or periodicals the retail sales tax upon the gross retail selling price of all magazines and periodicals taken by such ((boys or others)) persons.

Registration certificates are not required for organizers ((or), captains, or ((for boys or)) other persons selling magazines or other periodicals under such circumstances. Branch certificates will be issued to the news company or magazine distributor for each of the local stations operated by such company.

(2) Where subscriptions or renewals of subscriptions are mailed directly by purchasers to publishers outside the state, ((such subscriptions constitute transactions in interstate commerce of a type which are not subject to the retail sales tax. Because of circumstances peculiar to the magazine publishing industry, the degree of local activity in respect to interstate sales is either difficult or impossible to determine. For this reason, out-of-state vendors of magazines are relieved from liability for collecting either retail sales tax or use tax on sales of magazines or periodicals when such publications are published outside the state and delivered in interstate commerce to consumers in this state)) the guidelines contained in WAC 458-20-193B and 458-20-221 apply to the obligation of publishers to collect sales or use tax.

This rule does not apply to the sale of newspapers. The law expressly exempts the sale of newspapers from the retail sales tax. (RCW 82.08.0253.) See WAC 458-20-143 for the definition of "newspaper."

((USE TAX))

(3) **USE TAX.** Where no retail sales tax is paid upon the purchase of, or subscription to, a magazine or periodical, the use tax is subsequently payable upon the use of the magazine or periodical in this state by the purchaser or subscriber.

WSR 89-17-064

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed August 16, 1989, 10:11 a.m.]

Original Notice.

Title of Rule: Mobile homes and mobile home park fee, amending WAC 458-20-253.

Purpose: To describe the application of excise taxes to transactions involving mobile homes and to explain the operation of the mobile home park fee.

Statutory Authority for Adoption: RCW 82.32.300.

Statute Being Implemented: RCW 59.22.060.

Summary: The rule describes the circumstances under which sales and use tax are collected on transactions involving mobile homes. It also explains details about the operation of the mobile home park fee.

Reasons Supporting Proposal: The rule is being proposed to reflect a change in the law authorizing the mobile home park fee.

Name of Agency Personnel Responsible for Drafting: Gregory I. Potegal, 711 Capitol Way South, Suite 400, Olympia, (206) 753-1971; Implementation: Jim Thomas, 711 Capitol Way South, Suite 303, Olympia, (206) 586-0722; and Enforcement: Gary O'Neil, 1101 South Eastside Street, Olympia, (206) 753-5560.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule explains that sales and use tax are not due on sales of "used mobile homes as defined in RCW 82.45.032" or on certain leases or rentals over thirty days in duration. It also explains who is obligated for the mobile home park fee, how the fee is calculated and when it is reported.

Proposal Changes the Following Existing Rules: The rule currently requires mobile home park landlords to pay a one dollar fee per year for each lot, whether occupied or not. It also requires landlords to collect and remit a fee of one dollar per year per tenant. To comply with a change in the law the proposed rule deletes the tenant fee and only requires landlords to pay the fee based on occupied lots.

Small Business Economic Impact Statement: The Department of Revenue has reviewed administrative provisions contained in this rule in order to lessen the economic impact on small businesses.

The new provisions incorporated into this rule does not change the reporting frequency of tax returns; require new forms; or alter long standing and generally accepted record keeping requirements.

This rule will have a minor economic impact upon business. The economic impact of actual tax liability is beyond the scope of the small business economic impact statements and therefore not addressed.

The department does not have the legal authority to exempt small businesses from statutory requirements merely repeated in this rule.

Records that a taxpayer must keep are those necessary to reasonably determine actual tax liability or those which shows a persons right to a deduction, credit, or exemption. There is no other compliance requirements imposed by this rule.

Hearing Location: Revenue Conference Room #205, 711 Capitol Way South, Evergreen Plaza Building, Olympia, WA 98504, on September 28, 1989, at 9:30 a.m.

Submit Written Comments to: Gregory I. Potegal, Administrative Law Judge, Interpretation and Appeals, Department of Revenue, 415 General Administration Building, Olympia, WA 98504, by September 28, 1989.

Date of Intended Adoption: October 5, 1989.

August 16, 1989
Edward L. Faker
Assistant Director

AMENDATORY SECTION (Amending Order 88-8, filed 12/13/88)**WAC 458-20-253 MOBILE HOMES AND MOBILE HOME PARK FEE(S).** (1) DEFINITIONS.

(a) "Landlord" means the owner of a mobile home park and includes the agents of the owner.

(b) "Lot" means a portion of a mobile home park designated as the location for one mobile home and its accessory buildings, and intended for the exclusive use by the occupants of that mobile home as a primary residence.

(c) "Mobile home" means a structure, transportable in one or more sections, which is thirty-two body feet or more in length and is eight body feet or more in width and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities. The term includes the plumbing, heating, air-conditioning, and electrical systems contained within the structure. It does not include modular homes.

(d) "Mobile home park" means any real property which is rented or held out for rent for the placement of two or more mobile homes for the primary purpose of production of income, except where such real property is rented or held out for rent for seasonal, recreational purposes only and is not intended for continuous occupancy.

~~(e) ("Tenant" means a person who rents a lot for a term of one month or longer, and who owns the mobile home on the lot.~~

~~(f)) "Used mobile home as defined in RCW 82.45.032" means a mobile home which has been previously sold at retail and has been subjected to sales tax, or which has been previously used and has been subjected to use tax, 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.~~

(2) SALES BY DEALERS OR SELLING AGENTS. Dealers or selling agents applying for new certificates of ownership for mobile homes they have sold must remit the sales tax on such sales to the county auditor or the department of licensing at the time of application.

(a) County auditors and the department of licensing must collect sales tax on these transactions unless the mobile home dealer or selling agent presents a written statement signed by the department of revenue or its duly authorized agent showing that no sales tax or use tax is due.

(b) The application for a new certificate of ownership must state the selling price paid for the mobile home. The selling price does not include the value of trade-in property of like kind. See WAC 458-20-247.

(c) Dealers and selling agents remitting sales tax to county auditors or the department of licensing should report the income from such sales on their combined excise tax returns and take a sales tax deduction in the amount of sales tax so remitted.

(d) Where sales tax on the purchase of a mobile home has been remitted to a county auditor or the department of licensing and the purchaser believes that sales tax was not legally due, such purchaser may apply for a refund directly from the department of revenue. The application for refund must be received by the department of revenue within four years from payment of the tax. If the application for refund is denied the purchaser may seek a refund in accordance with the procedures described in WAC 458-20-100.

(3) USED MOBILE HOMES.

(a) Sales tax. Sales tax does not apply to the sale of used mobile homes as defined in RCW 82.45.032.

(b) Use tax. Use tax does not apply to the use of used mobile homes as defined in RCW 82.45.032.

(4) RENTAL OR LEASE OF MOBILE HOMES. Sales tax does not apply to the rental or lease of mobile homes if the rental agreement or lease exceeds thirty days in duration and if the rental or lease is not in conjunction with the provision of short term lodging for transients.

(5) MOBILE HOME PARK FEE(S).

~~(a) ((Duties of landlords:~~

~~(i)) Landlords, as defined in subdivision (1)(a) of this section, must register with the department of revenue for purposes of the mobile home park fee(s) imposed in RCW 59.22.060.~~

~~((ii)) (b) Landlords must ((themselves)) pay a fee of one dollar per year for each lot within the mobile home park((, whether rented or not)) which is occupied on January 1 of each year.~~

~~((iii)) In addition, landlords must, on January 1 of each year, collect from each tenant, as defined in subdivision (1)(c) of this section, a fee of one dollar for each lot rented to that tenant on that date.~~

~~(iv)) (c) Landlords must remit ((both)) the fee(s) to the department of revenue by January 31 of each year. ((The fee collected by landlords from tenants shall be deemed to be held in trust by the landlord until paid to the department of revenue. Any landlord who converts the fee collected to its own use shall be guilty of a gross misdemeanor.~~

~~(b) Duties of tenants. Tenants must, on January 1 of each year, pay a fee of one dollar to their landlord for each lot rented.~~

~~(c) Failure to collect fee. If a landlord fails to collect the fee from a tenant, whether or not such failure is due to circumstances beyond the landlord's control, the landlord is liable to the department for the tenant's fee.))~~

(6) REGISTRATION FOR MOBILE HOME PARKS. Landlords who are registered with the department of revenue for excise tax purposes need not submit a separate registration. Landlords who are not otherwise registered with the department of revenue must register by means of the master business application. There is no cost for registering solely for purposes of reporting the mobile home park fee(s). A registration remains valid for as long as the landlord owns the mobile home park. The department of revenue will provide registered landlords with returns for reporting the mobile home park fee(s).

WSR 89-17-065**PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed August 16, 1989, 1:06 p.m.]

Original Notice.

Title of Rule: Vehicle license reciprocity; provides for the operation of vehicles which are not licensed or registered in the state of Washington.

Purpose: To declare the extent and nature of exemptions, benefits and privileges to be extended to vehicles properly registered or licensed in other jurisdictions, or to the owners of such vehicles, which shall in the judgment of the department, be in the best interest of this state and the citizens thereof, based on the benefits which accrue to the economy of this state from the uninterrupted flow of commerce; and related rules for purposes of clarification.

Statutory Authority for Adoption: RCW 46.01.110, 46.16.276 and 46.87.010.

Statute Being Implemented: RCW 46.16.010, 46.16.028, 46.85.060 and 46.87.010.

Summary: The rules pertain to the operation of vehicles which are not licensed or registered in the state of Washington, vehicle license reciprocity; amending WAC 308-99-025 Registration required; and adding new WAC 308-99-050 Commercial vehicle reciprocity.

Reasons Supporting Proposal: The amendatory section is proposed to bring a currently effective rule into conformity with newly enacted statutory amendment. The new section is proposed to clarify commercial vehicle reciprocity established under provisions of the International Registration Plan to which Washington is a member.

Name of Agency Personnel Responsible for Drafting and Implementation: Paul W. Downey, Prorate Section, (206) 753-6993; and Enforcement: Merle Steffenson, Prorate and Fuel Tax, (206) 753-4565.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-99-025 increases penalty for Washington resident who fails to make initial registration of vehicle in this state prior to operation on the highways thereof. This amendment will bring this section into conformance with the penalty prescribed by RCW 46.16.010. Hopefully, this will serve as a deterrent to residents of Washington registering their vehicles in other states where licensing fees are substantially less. WAC 308-99-050 clarifies commercial vehicle reciprocity provided under the provisions of the International Registration Plan (IRP) to which the state of Washington is a member. This will preclude operators of specified vehicles or combinations of vehicles operating at 26,000 pounds gross or combined gross weight from being detained by law enforcement officials in Washington due to a misunderstanding concerning the licensing status of these vehicles.

Proposal Changes the Following Existing Rules: WAC 308-99-025 updates penalty in accordance with the provisions of RCW 46.16.025.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: 2nd Floor Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, WA 98504, on September 27, 1989, at 11:15 a.m.

Submit Written Comments to: Merle Steffenson, Administrator, Prorate and Fuel Tax Control, Highways-Licenses Building, 12th and Franklin, Olympia, WA 98504, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 16, 1989
Kathy Friedt
Deputy Director
for Mary Faulk
Director

AMENDATORY SECTION (Amending Order TL/RG 37, filed 10/9/87)

WAC 308-99-025 REGISTRATION REQUIRED. (1) A resident of this state shall register under chapters 46.12 and 46.16 RCW a vehicle to be operated on the highways of the state. Pursuant to RCW 46.16.028(3), new Washington residents shall be allowed thirty days from the date they become residents as defined in RCW 46.16.028, to procure Washington registration for their vehicles. This thirty-day period shall not be combined with any other period of reciprocity provided for in chapter 46.16 or 46.85 RCW, or in this chapter. Pursuant to RCW ((46.61.010)) 46.16.010, failure to make initial registration before operation on the highways of this state is a misdemeanor, and any person convicted thereof shall be punished by a fine of no less than ((one)) three hundred ((sixty-five)) thirty dollars, no part of which may be suspended or deferred. Failure to renew an expired registration before operation on the highways of this state is a traffic infraction.

(2) The licensing of a motor vehicle in another state by a resident of this state, as defined in RCW 46.16.028, with willful intent to evade the payment of any tax or license fee imposed in connection with registration, is a gross misdemeanor punishable as follows:

(a) For a first offense, up to one year in the county jail and a fine equal to twice the amount of delinquent taxes and fees, no part of which may be suspended or deferred;

(b) For a second or subsequent offense, up to one year in the county jail and a fine equal to three times the amount of delinquent taxes and fees, no part of which may be suspended or deferred.

NEW SECTION

WAC 308-99-050 COMMERCIAL VEHICLE RECIPROCI-
TY. Under provisions of the International Registration Plan (IRP), the state of Washington extends reciprocity to commercial vehicles that are properly registered in other states of the United States, the District of Columbia, or Canadian provinces, and meet the following criteria:

(1) A two-axle motor vehicle having a gross weight of twenty-six thousand pounds or less; or

(2) A motor vehicle with three or more axles having a gross weight of not more than twelve thousand pounds; or

(3) Vehicles being used in combination not exceeding twenty-six thousand pounds.

WSR 89-17-066

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 89-06—Filed August 16, 1989, 4:17 p.m.]

I, Judith A. Billings, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to student aid donations and other nonassociated student body moneys, WAC 392-138-100.

This action is taken pursuant to Notice No. WSR 89-14-035 filed with the code reviser on June 28, 1989. 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 28A.58.115 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 August 15, 1989.

By Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 84-15, filed 6/13/84)

WAC 392-138-100 STUDENT AID DONATIONS AND OTHER NONASSOCIATED STUDENT BODY MONEYS. Prior to September 1, 1989, the board of directors of a school district may accept money donated for scholarship and student aid purposes and deposit, invest, and expend the same within the associated student body program fund pursuant to the school district's rules and regulations adopted in compliance with RCW 28A.58.030. After August 31, 1989, the board of directors of a school district may accept such moneys received pursuant to RCW 28A.58.030 and deposit same to the credit of the school district's expendable and/or nonexpendable trust funds as specified in the Accounting Manual for Washington Public School Districts. Any remaining moneys on August 31, 1989, in associated student body program funds from donations pursuant to this section shall be transferred to the school district's expendable and/or nonexpendable trust funds.

Nonassociated student body program fund moneys generated and received by students for private purposes, including but not limited to use for scholarship and/or charitable purposes, may, in the discretion of the board of directors of any school district, be held in trust in one or more separate accounts within an associated student body program fund and be disbursed for such purposes: PROVIDED, That the school district shall either withhold an amount from such moneys as will pay the district for its cost in providing the service or otherwise be compensated for its cost for such service.

WAC 392-138-035 shall apply to moneys received, deposited, invested, expended, and accounted for under this section.

WSR 89-17-067

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 89-07—Filed August 16, 1989, 4:24 p.m.]

I, Judith A. Billings, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to conduct of administrative hearings, WAC 392-101-010.

This action is taken pursuant to Notice No. WSR 89-14-032 filed with the code reviser on June 28, 1989. 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 34.04.020 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 August 15, 1989.

By Judith A. Billings
Superintendent of
Public Instruction

AMENDATORY SECTION (Amending Order 87-5, filed 4/28/87)

WAC 392-101-010 CONDUCT OF ADMINISTRATIVE HEARINGS. The superintendent of public instruction hereby assigns the following administrative hearings to the office of administrative hearings and hereby delegates to the administrative law judge conducting any such hearing the authority to render the final decision by the superintendent of public instruction:

- (1) Nonresident transfer appeals pursuant to WAC 392-137-055(2).
- (2) Special education hearings pursuant to WAC 392-171-531.
- (3) Equal educational opportunity complaints pursuant to WAC 392-190-075.
- (4) Professional certification appeals pursuant to WAC 180-75-030.

(5) Child Care Food Program and Summer Food Service Program appeals pursuant to 7 C.F.R. Parts 225 and 226.

WSR 89-17-068

PERMANENT RULES

SUPERINTENDENT OF PUBLIC INSTRUCTION

[Order 89-09—Filed August 16, 1989, 4:25 p.m.]

I, Judith A. Billings, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 392-127-100, 392-127-105, 392-127-110, 392-127-115, 392-127-120, 392-127-200, 392-127-205, 392-127-210, 392-127-215, 392-127-235, 392-127-240, 392-127-245, 392-127-250, 392-127-255, 392-127-264, 392-127-265, 392-127-268, 392-127-270, 392-127-271, 392-127-275, 392-127-280, 392-127-286, 392-127-287, 392-127-295, 392-127-296, 392-127-297, 392-127-300, 392-127-305, 392-127-310, 392-127-315, 392-127-335, 392-127-340, 392-127-345, 392-127-350, 392-127-355, 392-127-364, 392-127-365, 392-127-368, 392-127-370, 392-127-371, 392-127-375, 392-127-380, 392-127-386, 392-127-387, 392-127-395, 392-127-396, 392-127-397, 392-127-545, 392-127-550, 392-127-551, 392-127-555, 392-127-565, 392-127-570, 392-127-576, 392-127-577, 392-127-578, 392-127-579, 392-127-580, 392-127-645, 392-127-650, 392-127-651, 392-127-655, 392-127-665, 392-127-670, 392-127-676, 392-127-677, 392-127-678, 392-127-679 and 392-127-680.

This action is taken pursuant to Notice No. WSR 89-14-034 filed with the code reviser on June 28, 1989. 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 28A.58-.095 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 August 15, 1989.

By Judith A. Billings
Superintendent of
Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 392-127-100 DEFINITION—DAY.
- WAC 392-127-105 DEFINITION—CURRENT SCHOOL YEAR.
- WAC 392-127-110 DEFINITION—PRIOR SCHOOL YEAR.
- WAC 392-127-115 DEFINITION—REVISED LEAP DOCUMENT 7.

- WAC 392-127-120 DEFINITION—LEAP DOCUMENT 1.
- WAC 392-127-200 DEFINITION—CERTIFICATED EMPLOYEE.
- WAC 392-127-205 DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE.
- WAC 392-127-210 DEFINITION—FORM S-275.
- WAC 392-127-215 DEFINITION—REPORT S-727.
- WAC 392-127-235 DEFINITION—CERTIFICATED INSURANCE BENEFITS.
- WAC 392-127-240 DEFINITION—CERTIFICATED EXEMPT EMPLOYEE.
- WAC 392-127-245 DEFINITION—CERTIFICATED SUPERVISORY EMPLOYEE.
- WAC 392-127-250 DEFINITION—CERTIFICATED NONSUPERVISORY EMPLOYEE.
- WAC 392-127-255 DEFINITION—CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-264 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED PROFESSIONAL EXPERIENCE AND EDUCATIONAL PREPARATION.
- WAC 392-127-265 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED PROFESSIONAL EXPERIENCE AND EDUCATIONAL PREPARATION.
- WAC 392-127-268 DEFINITION—CERTIFICATED ADMINISTRATIVE GROUP STAFF MIX FACTOR.
- WAC 392-127-270 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY.
- WAC 392-127-271 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED HIGHEST MONTHLY SALARY.
- WAC 392-127-275 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY FOR THE CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-280 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUALIZED SALARY FOR THE CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-286 DEFINITION—ALLOWED SALARY INCREASE PERCENT FOR THE CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-287 DEFINITION—ACTUAL SALARY INCREASE PERCENT FOR THE CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-295 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS FOR THE CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-296 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED AVERAGE ANNUAL INSURANCE BENEFITS FOR THE CERTIFICATED ADMINISTRATIVE GROUP.
- WAC 392-127-297 DEFINITION—FORM 1079A.
- WAC 392-127-300 DEFINITION—CLASSIFIED EMPLOYEE.
- WAC 392-127-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE.
- WAC 392-127-310 DEFINITION—FORM S-277.
- WAC 392-127-315 DEFINITION—REPORT S-730.
- WAC 392-127-335 DEFINITION—CLASSIFIED INSURANCE BENEFITS.
- WAC 392-127-340 DEFINITION—CLASSIFIED EXEMPT EMPLOYEE.
- WAC 392-127-345 DEFINITION—CLASSIFIED SUPERVISORY EMPLOYEE.
- WAC 392-127-350 DEFINITION—CLASSIFIED NONSUPERVISORY EMPLOYEE.
- WAC 392-127-355 DEFINITION—CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-364 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE.
- WAC 392-127-365 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED YEARS OF EXPERIENCE.
- WAC 392-127-368 DEFINITION—DISTRICT CLASSIFIED ADMINISTRATIVE GROUP INCREMENT MIX FACTOR.
- WAC 392-127-370 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.
- WAC 392-127-371 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED HIGHEST HOURLY RATE.
- WAC 392-127-375 DEFINITION—CONVERTED PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY—FOR THE CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-380 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUALIZED SALARY FOR THE CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-386 DEFINITION—ALLOWED SALARY INCREASE PERCENT FOR THE CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-387 DEFINITION—ACTUAL SALARY INCREASE PERCENT FOR THE CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-395 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS FOR THE CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-396 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED AVERAGE ANNUAL INSURANCE BENEFITS FOR THE CLASSIFIED ADMINISTRATIVE GROUP.
- WAC 392-127-397 DEFINITION—FORM 1079B.
- WAC 392-127-545 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY.
- WAC 392-127-550 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—

COMPLIANCE FOR INSURANCE BENEFITS—DIRECT COMPARISON.

WAC 392-127-551 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE—NO INSURANCE BENEFIT INCREASES CONSTITUTE COMPLIANCE FOR THE CERTIFICATED ADMINISTRATIVE GROUP.

WAC 392-127-555 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE FOR INSURANCE BENEFITS—SALARY TRADE.

WAC 392-127-565 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES.

WAC 392-127-570 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS.

WAC 392-127-576 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—CERTIFICATED ADMINISTRATIVE GROUP.

WAC 392-127-577 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT INITIAL EDIT OF THE CERTIFICATED ADMINISTRATIVE GROUP PERSONNEL DATA.

WAC 392-127-578 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION.

WAC 392-127-579 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION.

WAC 392-127-580 CERTIFICATED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF DATA.

WAC 392-127-645 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF AVERAGE SALARY.

WAC 392-127-650 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—DIRECT COMPARISON.

WAC 392-127-651 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE—NO INSURANCE BENEFIT INCREASES CONSTITUTE COMPLIANCE FOR THE CLASSIFIED ADMINISTRATIVE GROUP.

WAC 392-127-655 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—COMPLIANCE OF INSURANCE BENEFITS—SALARY TRADE.

WAC 392-127-665 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON SALARIES.

WAC 392-127-670 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—CALCULATION OF PENALTY FOR NONCOMPLIANCE ON INSURANCE BENEFITS.

WAC 392-127-676 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—CLASSIFIED ADMINISTRATIVE GROUP.

WAC 392-127-677 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT INITIAL EDIT OF THE CLASSIFIED ADMINISTRATIVE GROUP PERSONNEL DATA.

WAC 392-127-678 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION.

WAC 392-127-679 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—REVIEW OF ADDITIONAL INFORMATION.

WAC 392-127-680 CLASSIFIED ADMINISTRATIVE GROUP COMPLIANCE PROCESS—REPORTING CYCLE—DISTRICT SUBSEQUENT CHANGES OF DATA.

WSR 89-17-069**PERMANENT RULES****SUPERINTENDENT OF PUBLIC INSTRUCTION**

[Order 89-10—Filed August 16, 1989, 4:26 p.m.]

I, Judith A. Billings, Superintendent of Public Instruction, do promulgate and adopt at Olympia, Washington, the annexed rules relating to WAC 392-126-100, 392-126-105, 392-126-110, 392-126-115, 392-126-120, 392-126-125, 392-126-130, 392-126-135, 392-126-200, 392-126-205, 392-126-210, 392-126-215, 392-126-220, 392-126-225, 392-126-230, 392-126-235, 392-126-240, 392-126-245, 392-126-250, 392-126-255, 392-126-260, 392-126-265, 392-126-270, 392-126-275, 392-126-280, 392-126-285, 392-126-290, 392-126-291, 392-126-300, 392-126-305, 392-126-310, 392-126-315, 392-126-320, 392-126-325, 392-126-330, 392-126-335, 392-126-336, 392-126-340, 392-126-345, 392-126-355, 392-126-360, 392-126-365, 392-126-370, 392-126-375, 392-126-380, 392-126-385, 392-126-390, 392-126-391, 392-126-392, 392-126-500, 392-126-505, 392-126-510, 392-126-600, 392-126-605, 392-126-610, 392-126-615, 392-126-620, 392-126-625, 392-126-630, 392-126-700, 392-126-705, 392-126-710, 392-126-800, 392-126-805, 392-126-810, 392-126-815, 392-126-820, 392-126-825 and 392-126-830.

This action is taken pursuant to Notice No. WSR 89-14-033 filed with the code reviser on June 28, 1989. 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 28A.58-.095 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 August 15, 1989.

By Judith A. Billings
Superintendent of
Public Instruction

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 392-126-100 DEFINITION—DAY.
WAC 392-126-105 DEFINITION—CURRENT SCHOOL YEAR.
WAC 392-126-110 DEFINITION—PRIOR SCHOOL YEAR.
WAC 392-126-115 DEFINITION—COMPENSATION.
WAC 392-126-120 DEFINITION—LEAP DOCUMENT FOR BASIC EDUCATION STAFF SALARY ALLOCATIONS.
WAC 392-126-125 DEFINITION—REDUCTION IN FORCE (RIF).
WAC 392-126-130 DEFINITION—NEW POSITION.
WAC 392-126-135 DEFINITION—REPORT 1191.
WAC 392-126-200 DEFINITION—CERTIFICATED EMPLOYEE.
WAC 392-126-205 DEFINITION—FULL-TIME EQUIVALENT CERTIFICATED EMPLOYEE.
WAC 392-126-210 DEFINITION—FORM S-275.
WAC 392-126-215 DEFINITION—REPORT S-727.
WAC 392-126-220 DEFINITION—BASIC EDUCATION CERTIFICATED STAFF.
WAC 392-126-225 DEFINITION—CERTIFICATED STAFF SALARIES.
WAC 392-126-230 DEFINITION—CURRENT SCHOOL YEAR CERTIFICATED STAFF HIGHEST ANNUAL SALARIES.
WAC 392-126-235 DEFINITION—CERTIFICATED INSURANCE BENEFITS.
WAC 392-126-240 DEFINITION—LEAP DOCUMENT 1.
WAC 392-126-245 DEFINITION—CERTIFICATED STAFF MIX FACTOR.
WAC 392-126-250 DEFINITION—DISTRICT CERTIFICATED STAFF MIX FACTOR.
WAC 392-126-255 DEFINITION—CURRENT SCHOOL YEAR DISTRICT CERTIFICATED DERIVED BASE SALARY.
WAC 392-126-260 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CERTIFICATED DERIVED BASE SALARY.

WAC 392-126-265 DEFINITION—MAXIMUM ALLOWED CERTIFICATED INSURANCE BENEFITS.

WAC 392-126-270 DEFINITION—FORM 1040.

WAC 392-126-275 DEFINITION—FORM 1041.

WAC 392-126-280 DEFINITION—FORM 1042.

WAC 392-126-285 DEFINITION—FORM 1043.

WAC 392-126-290 DEFINITION—PRIOR SCHOOL YEAR CERTIFICATED STAFF HIGHEST ANNUAL SALARIES.

WAC 392-126-291 DEFINITION—PRIOR SCHOOL YEAR DISTRICT CERTIFICATED DERIVED BASE SALARY.

WAC 392-126-300 DEFINITION—CLASSIFIED EMPLOYEE.

WAC 392-126-305 DEFINITION—FULL-TIME EQUIVALENT CLASSIFIED EMPLOYEE.

WAC 392-126-310 DEFINITION—FORM S-277.

WAC 392-126-315 DEFINITION—REPORT S-730.

WAC 392-126-320 DEFINITION—BASIC EDUCATION CLASSIFIED STAFF.

WAC 392-126-325 DEFINITION—CLASSIFIED STAFF SALARIES.

WAC 392-126-330 DEFINITION—CURRENT SCHOOL YEAR CLASSIFIED STAFF HIGHEST ANNUAL SALARIES.

WAC 392-126-335 DEFINITION—CLASSIFIED INSURANCE BENEFITS.

WAC 392-126-336 DEFINITION—DISTRICT 1440 CLASSIFIED INSURANCE BENEFIT FACTOR.

WAC 392-126-340 DEFINITION—CLASSIFIED INCREMENT MIX FACTOR.

WAC 392-126-345 DEFINITION—DISTRICT CLASSIFIED INCREMENT MIX FACTOR.

WAC 392-126-355 DEFINITION—CURRENT SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY.

WAC 392-126-360 DEFINITION—MAXIMUM ALLOWED BASIC EDUCATION CLASSIFIED DERIVED BASE SALARY.

WAC 392-126-365 DEFINITION—MAXIMUM ALLOWED CLASSIFIED INSURANCE BENEFITS.

WAC 392-126-370 DEFINITION—FORM 1045.

WAC 392-126-375 DEFINITION—FORM 1046.

WAC 392-126-380 DEFINITION—FORM 1047.

WAC 392-126-385 DEFINITION—FORM 1048.

WAC 392-126-390 DEFINITION—FORM 1049.

WAC 392-126-391 DEFINITION—PRIOR SCHOOL YEAR CLASSIFIED STAFF HIGHEST ANNUAL SALARIES.

WAC 392-126-392 DEFINITION—PRIOR SCHOOL YEAR DISTRICT CLASSIFIED DERIVED BASE SALARY.

WAC 392-126-500 SALARY-COMPENSATION LID COMPLIANCE—COMPLIANCE OF AVERAGE CERTIFICATED SALARIES.

WAC 392-126-505 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF CERTIFICATED INSURANCE BENEFITS.

WAC 392-126-510 SALARY-COMPENSATION LID COMPLIANCE-NO INCREASES CONSTITUTE COMPLIANCE-CERTIFICATED STAFF.

WAC 392-126-600 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-CERTIFICATED STAFF.

WAC 392-126-605 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT INITIAL EDIT OF CERTIFICATED PERSONNEL DATA.

WAC 392-126-610 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION-CERTIFICATED STAFF.

WAC 392-126-615 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-REVIEW OF ADDITIONAL INFORMATION-CERTIFICATED STAFF.

WAC 392-126-620 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CERTIFICATED STAFF.

WAC 392-126-625 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT SUBSEQUENT CHANGES OF CERTIFICATED PERSONNEL DATA.

WAC 392-126-630 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION-CERTIFICATED STAFF.

WAC 392-126-700 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF AVERAGE CLASSIFIED SALARIES.

WAC 392-126-705 SALARY-COMPENSATION LID COMPLIANCE-COMPLIANCE OF CLASSIFIED INSURANCE BENEFITS.

WAC 392-126-710 SALARY-COMPENSATION LID COMPLIANCE-NO INCREASES CONSTITUTE COMPLIANCE-CLASSIFIED STAFF.

WAC 392-126-800 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-CLASSIFIED STAFF.

WAC 392-126-805 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT INITIAL EDIT OF CLASSIFIED PERSONNEL DATA.

WAC 392-126-810 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DATA ANALYSIS AND DETERMINATION OF NEED FOR ADDITIONAL INFORMATION-CLASSIFIED STAFF.

WAC 392-126-815 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-REVIEW OF ADDITIONAL INFORMATION-CLASSIFIED STAFF.

WAC 392-126-820 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DETERMINATION OF VIOLATION AFTER REVIEW-CLASSIFIED STAFF.

WAC 392-126-825 SALARY-COMPENSATION LID COMPLIANCE-REPORTING CYCLE-DISTRICT SUBSEQUENT CHANGES OF CLASSIFIED PERSONNEL DATA.

WAC 392-126-830 SALARY-COMPENSATION LID COMPLIANCE-WITHHOLDING OF BASIC EDUCATION ALLOCATION-CLASSIFIED STAFF.

WSR 89-17-070

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-83-Filed August 16, 1989, 4:39 p.m.]

Date of Adoption: August 16, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-56-12800D; and amending WAC 220-56-128.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: This rule is necessary to stop inadvertent snagging. Brood stock chinook salmon returning to the Deschutes River are milling in the area and are in need of protection.

Effective Date of Rule: August 18, 1989, 12:01 a.m.

August 16, 1989

Edward P. Manary

for Joseph R. Blum

Director

NEW SECTION

WAC 220-56-12800E FOOD FISH FISHING-CLOSED AREA. Notwithstanding the provisions of WAC 220-56-128, effective 12:01 a.m. August 18, 1989 until further notice, it is unlawful to take fish for or possess food fish in those waters of Budd Inlet at Olympia lying south of a line projected from the northwest corner of the Bayview Market Building to a point 100 yards north of the railroad bridge located on the western side of the inlet opposite the Bayview Market Building.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-12800D FOOD FISH FISHING-CLOSED AREA. (89-77)

WSR 89-17-071
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 16, 1989, 4:54 p.m.]

Date of Adoption: August 9, 1989.

Purpose: To establish and/or clarify certification and renewal requirements for dietitians and nutritionists.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-177-150; and amending WAC 308-177-110, 308-177-120 and 308-177-130.

Statutory Authority for Adoption: RCW 18.138.070.

Pursuant to notice filed as WSR 89-14-104 on July 3, 1989.

Effective Date of Rule: Thirty days after filing.

August 16, 1989
 Lucille Christenson
 Acting Secretary

AMENDATORY SECTION (Amending Order PM 814, filed 1/11/89)

WAC 308-177-110 DIETITIAN AND NUTRITIONIST FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

title	fee
Application	\$75.00
Renewal	65.00
Late renewal	25.00
Certification	25.00
Duplicate	15.00
Reexamination	75.00

NEW SECTION

WAC 308-177-115 DEFINITIONS. (1) "Accredited college or university" means a college or university accredited by a national or regional accrediting body recognized by the council on postsecondary education at the time the applicant completed the required education.

(2) "Continuous preprofessional experience" means a minimum of 900 hours of supervised competency-based practice in the field of dietetics accumulated over a maximum of thirty-six months. This competency-based practice should include, but not be limited to the following:

(a) Assuring that food service operations meet the food and nutrition needs of clients and target markets.

(b) Utilization of food, nutrition, and social services in community programs.

(c) Providing nutrition care through systematic assessment, planning, intervention, and evaluation of groups and individuals.

(d) Providing nutrition counseling and education to individuals and groups for health promotion, health maintenance, and rehabilitation.

(e) Applying current research information and methods to dietetic practice.

(f) Utilizing computer and other technology in the practice of dietetics.

(g) Integrating food and nutrition services in the health care delivery system.

(h) Promoting positive relationships with others who impact on dietetic service.

(i) Coordinating nutrition care with food service systems.

(j) Participating in the management of cost-effective nutrition care systems.

(k) Utilizing menu as the focal point for control of the food service system.

(l) Participating in the management of food service systems, including procurement, food production, distribution, and service.

(m) Participating in the management of human, financial, material, physical, and operational resources.

(n) Providing education and training to other professionals and supportive personnel.

(o) Engaging in activities that promote improved nutrition status of the public and advance the profession of dietetics.

(p) Recognizing the impact of political, legislative, and economic factors on dietetic practice.

(q) Utilizing effective communication skills in the practice of dietetics.

(r) Participating in the management of a quality assurance program.

(3) "Supervision" means the oversight and responsibility for the dietitian's or nutritionist's continued practice by a qualified supervisor. Methods of supervision may include face-to-face conversations, direct observation, or review of written notes or tapes.

(4) "Qualified supervisor" means a dietitian who is certified under this chapter or who is qualified for certification under this chapter.

(5) "Coordinated undergraduate program" means supervised dietetic practice that is part of a course of study.

AMENDATORY SECTION (Amending Order PM 814, filed 1/11/89)

WAC 308-177-120 APPLICATION REQUIREMENTS. (1) Individuals applying for certification as a certified dietitian must submit:

(a) A completed application form with fee;

(b) Verification of AIDS education and training as set forth in WAC 308-177-100; and

(c) Verification of current registration status with the commission on dietetic registration((; and)).

~~((c))~~ (2) Individuals applying for certification as a certified dietitian who have not passed the required written examination or who are not registered with the commission on dietetic registration must:

(a) Provide transcripts forwarded directly from the issuing college or university showing completion of a baccalaureate degree or higher in a major course of study in human nutrition, foods and nutrition, dietetics, or food management;

(b) Provide evidence of completion of a continuous preprofessional experience or coordinated undergraduate program in dietetics under the supervision of a qualified supervisor;

(c) Take and pass the required written examination; and

(d) Provide verification of AIDS education and training as set forth in WAC 308-177-100.

~~((2))~~ (3) Individuals applying for certification as a certified nutritionist must submit:

(a) A completed application form with fee; and

~~(b) ((Verification of current registration status with the commission on dietetic registration; or~~

~~(c) Verification of a master's or doctorate degree from a college or university accredited by a recognized regional accrediting agency;~~

~~(d) Documentation of completion of the coursework outlined in WAC 308-177-130; and~~

~~(e))~~ Documentation that the applicant meets the application requirements for certified dietitians, as set forth in subsection (1) or (2) of this section; or

(c) Transcripts forwarded directly from the issuing college or university showing completion of a masters or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or public health nutrition; and

(d) Verification of AIDS education and training as set forth in WAC 308-177-100.

AMENDATORY SECTION (Amending Order PM 814, filed 1/11/89)

WAC 308-177-130 NUTRITIONIST MINIMUM CORE CURRICULUM. Training for certified nutritionist ~~((shah))~~ should include coursework at the collegiate level or equivalent in the following areas:

(1) Basic science - Which ~~((shah))~~ should include courses in one or more of the following:

(a) Physiology.

(b) Biochemistry.

(2) Foods - Which ~~((shah))~~ should include courses in one or more of the following:

(a) Selection.

(b) Composition.

(c) Food science.

(3) Nutritional science.

(4) Applied nutrition - Which ~~((shah))~~ should include courses in one or more of the following:

(a) Diet therapy.

(b) Nutrition of the life cycle.

(c) Cultural/anthropological nutrition.

(d) Public health nutrition.

(5) Counseling/education - Which ~~((shah))~~ should include courses in one or more of the following:

(a) Psychological counseling.

(b) Educational psychology.

(c) Communication.

(d) Psychology.

(e) Education.

NEW SECTION

WAC 308-177-160 EXAMINATIONS. (1) A written examination will be given at least once annually to qualified applicants at a time and place determined by the director.

(2) Applications must be received sixty days in advance of the scheduled examination.

(3) Applicants who fail the examination shall submit the appropriate fee for reexamination.

NEW SECTION

WAC 308-177-180 FOREIGN DEGREE EQUIVALENCY. Applicants who obtained their education outside of the United States and its territories must have their academic degree(s) validated as substantially equivalent to the baccalaureate, master's, or doctorate degree conferred by a regionally accredited college or university recognized by the council on post-secondary education at the time the applicant completed the required degree.

NEW SECTION

WAC 308-177-190 CERTIFICATION FOR DIETITIANS—GRANDFATHERING. An individual may be certified as a certified dietitian if he or she provides evidence of meeting criteria for registration with the commission on dietetic registration on June 9, 1988, and provides documentation of completion of the AIDS education requirements as set forth in WAC 308-177-100.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 308-177-150 CONTINUING EDUCATION.

WSR 89-17-072

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 89-11—Filed August 17, 1989, 3:04 p.m.]

I, Terry Husseman, assistant director of Waste Management, do promulgate and adopt at Lacey, Washington, the annexed rules relating to the Model Toxics Control Act, adopting chapter 173-315 WAC, Local toxics control account—Interim financial assistance program.

This action is taken pursuant to Notice No. WSR 89-11-087 filed with the code reviser on May 24, 1989. 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 the Model Toxics Control Act 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 August 17, 1989.

By Fred Olson
Deputy Director

Chapter 173-315 WAC
**MODEL TOXICS CONTROL ACT—LOCAL
 TOXICS CONTROL ACCOUNT—INTERIM FI-
 NANCIAL ASSISTANCE PROGRAM**

WAC

173-315-010	Purpose and authority.
173-315-020	Definitions.
173-315-030	Relation to other legislation and administrative rules.
173-315-040	General.
173-315-050	Remedial action grants.
173-315-060	Hazardous waste planning and program grants.
173-315-070	Solid waste planning and program grants.

NEW SECTION

WAC 173-315-010 PURPOSE AND AUTHORITY. The purpose of this chapter is to set forth eligibility criteria and requirements for the conduct of an interim financial assistance program to provide grants to local government pursuant to the Model Toxics Control Act. The department may provide grants to local government for:

- (1) Remedial actions;
- (2) Hazardous waste plans and programs under chapter 70.105 RCW;
- (3) Solid waste plans and programs under chapter 70.95 RCW.

This chapter recognizes the burden placed upon rate-payers due to the high costs of cleanups, and solid and hazardous waste management, and consistent with the Model Toxics Control Act, provides financial assistance to mitigate such hardships.

This chapter recognizes the importance of a strong preventive program to alleviate future contamination through proper solid and hazardous waste planning and management. It is designed to provide assistance to local governments in carrying out these vital functions pursuant to the requirements of chapters 70.95 and 70.105 RCW, and the Model Toxics Control Act.

The interim financial assistance program will provide financial assistance to local governments in the form of grants.

The authority to provide financial assistance to local government is granted under the Model Toxics Control Act.

NEW SECTION

WAC 173-315-020 DEFINITIONS. (1) "Collection events" means events such as, but not limited to, projects in which household hazardous wastes are collected at centralized location(s) for subsequent packaging and transport to a permitted treatment storage or disposal facility.

(2) "Department" means the Washington state department of ecology.

(3) "Existing facility" means an owned or leased landfill in operation, or for which construction has begun, on or before the effective date of chapter 173-304 WAC for which the owner or operator has obtained

permits or approvals necessary under federal, state and local statutes, regulations and ordinances. A facility has commenced construction if either:

(a) A continuous on-site physical construction program has begun; or

(b) The owner or operator has entered into contractual obligations which cannot be cancelled or modified without substantial financial loss. Physical construction of the facility is to be completed within a reasonable time.

Lateral extensions of a landfill's active area on land purchased and permitted by the jurisdictional health department for the purpose of landfilling before the effective date of chapter 173-304 WAC shall be considered existing facilities.

(4) "Hazard ranking system" means the system for ranking and prioritizing hazardous waste sites to be adopted by the department pursuant to the Model Toxics Control Act.

(5) "Household hazardous wastes" means any liquid, solid, contained gas or sludge, including any material, substance, product, commodity or waste used or generated in the household, regardless of quantity, that exhibits any of the characteristics of dangerous waste as set forth in chapter 173-303 WAC

(6) "Local governments" means any political subdivision, regional governmental unit, district, municipal or public corporation, including cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

(7) "Minimum functional standards" means the requirements of chapter 173-304 WAC, Minimum functional standards for solid waste handling.

(8) "Moderate-risk waste" means:

(a) Any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under this chapter solely because the waste is generated in quantities below the threshold for regulation; and

(b) Any household wastes which are generated from the disposal of substances identified by the department as hazardous household substances.

(9) "Remedial action" means any action or expenditure, to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment, including any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(10) "Settlement agreement" means any consent decree entered into pursuant to RCW 70.105B.080, the Model Toxics Control Act, or any consent order or decree with the department in effect October 16, 1987.

NEW SECTION

WAC 173-315-030 RELATION TO OTHER LEGISLATION AND ADMINISTRATIVE RULES.

(1) Nothing in this chapter shall influence, affect, or modify department programs, regulations, or enforcement of applicable laws relating to hazardous and solid waste management and disposal.

(2) The remedial action grants shall be used to supplement local government funding to carry out required remedial actions.

(3) Hazardous waste planning and program grants shall be awarded to local government to implement chapter 70.105 RCW, and the Model Toxics Control Act.

(4) Solid waste planning and program grants shall be awarded to implement chapter 70.95 RCW, and the Model Toxics Control Act.

(5) All grants shall be subject to existing accounting and auditing requirements of state laws and regulations applicable to the issuance of grant funds.

NEW SECTION

WAC 173-315-040 GENERAL. (1) Apportionment of funds.

For purposes of implementing the interim financial assistance program, the local toxics account shall be apportioned between the following categories as follows:

- (a) Remedial actions.
- (b) Hazardous waste plans and programs.
- (c) Solid waste plans and programs.

(2) Adjustment of funds. Based on a periodic internal review of grant applications received, grant obligations, grant fund balances, and revenue projections, the department may allocate funds by grant category or readjust the amount of funds that may be allocated under any and all grant categories.

(3) Grant application process. Grant application deadlines and schedules will be announced based upon funding allocations for each of the funding priority grant programs.

Grant application packages which include grant application deadlines, guidelines, application forms, and detailed information will be provided to all interested parties.

When applications are received by the department, they will be reviewed and scored if it is a competitive grant program by a committee consisting of department personnel. Applications need to include all required elements, as outlined in the guidelines, in order to be competitive.

After an application is reviewed and/or scored and an award notice letter is sent out, the department will contact the applicant to negotiate the final details of the scope of work, budget, and any other items of concern.

A grant offer is made by the department to the applicant in the form of a grant contract when all applicant and project eligibility requirements have been met, funds are available, and the formal application has been completed to the mutual satisfaction of the applicant and the department.

A grant award is made when a grant agreement has been signed by both the applicant and the department. The grant agreement becomes effective on the date the program manager of the solid and hazardous waste program of the department signs the contract. This also establishes the beginning date of the project. No costs incurred prior to that date are grant eligible unless specific provision is made in the grant agreement for such costs.

(4) Appropriation and allotment of funds. The obligation of the department to make grant payments is contingent upon the availability of funds through legislative appropriation and allotment, and such other conditions not reasonably foreseeable by the department rendering performance impossible. When the grant crosses over bienniums, the obligation of the department is contingent upon the allotment of funds during the next biennium.

(5) Administrative practices. All grants under this chapter shall be consistent with the provisions of Financial Guidelines for Grants Management, WDOE 80-6, May 1980, reprinted March 1982, or subsequent guidelines adopted thereafter.

(6) The department encourages cooperation and coordination among units of local government and any funds granted under this chapter may be used by any unit of local government through interagency agreements.

(7) The department may issue grants to local governments that applied for funding assistance authorized by chapter 70.105B RCW and chapter 173-309 WAC.

(8) A maximum of fifty percent of the grantee cost share may be from in-kind contributions.

(9) A maximum indirect cost rate of ten percent of direct labor will be allowed unless the grantee has an indirect rate approved by a federal or state audit agency. The department reserves the right to determine the amount of indirect allowance in each grant agreement.

NEW SECTION

WAC 173-315-050 REMEDIAL ACTION GRANTS. (1) Applicant eligibility. An applicant for a remedial action grant must be a local government which will use the grant for the purpose of planning and/or carrying out required remedial action at a landfill site used primarily for the disposal of municipal solid waste.

An applicant must also meet one of the following requirements:

(a) Be a party to a consent decree under chapter 70.105B RCW, the Model Toxics Control Act, or a consent order under chapter 90.48 RCW requiring remedial action at a landfill site; or

(b) Have been issued an enforcement order under RCW 90.48.120, the Model Toxics Control Act, or RCW 70.105B.120 (1)(c)(ii) or (2), requiring remedial action at a landfill site.

Sites meeting eligibility requirements shall be deemed, for the purposes of this chapter, to be on the hazard ranking list pending issuance of such a list.

(2) Eligible project costs.

(a) Remedial action grants are for the purpose of assisting local governments to plan and carry out required remedial action at public or private facilities used primarily for the disposal of municipal solid waste.

(b) Costs are grant eligible if their purpose is to identify, eliminate, or minimize any threat or potential threat posed by hazardous substances to human health or the environment. This includes any investigative and monitoring activities with respect to any release or threatened release of a hazardous substance as well as any health assessments or health effect studies conducted in order to determine the risk or potential risk to human health. Costs eligible for grant funding include:

(i) Remedial investigations to define the extent and source of contamination;

(ii) Feasibility studies to develop and evaluate cleanup options;

(iii) Remedial design, including final engineering and preparation of plans and specifications needed to implement remedial action;

(iv) Monitoring;

(v) Methane control;

(vi) Excavating the site to remove or relocate contaminated materials, or removing and cleaning up drums, debris, and other contaminated materials;

(vii) Run-on/run-off water control systems;

(viii) Final cover;

(ix) Ground water treatment and control;

(x) In situ treatment technology;

(xi) Acquisitions of off-site property or property easements only for the purpose of gaining access to a facility requiring remedial action, or for the purpose of installing monitoring wells or other pollution abatement equipment or for other purposes relating to remedial action;

(xii) Fencing where waste disposal has terminated or to limit access to structures built to implement a remedial action;

(xiii) Other remedial action activities as determined by the department on a case-by-case basis.

(3) Retroactive funding. Retroactive funding will be allowed for all eligible work conducted under a signed settlement agreement. Retroactive funding may be allowed for costs incurred since October 16, 1987.

(4) Matching requirements. Up to fifty percent state funding will be available for eligible project costs as defined in subsection (2)(a)(i), (ii), (iii), and (iv) of this section; remedial investigations, feasibility studies, remedial design, and monitoring. Up to twenty-five percent state funding will be available for all other eligible project costs.

NEW SECTION

WAC 173-315-060 HAZARDOUS WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility.

(a) Hazardous waste planning. Eligible local governments under this section are cities, towns, or counties pursuant to RCW 70.105.010(16).

(b) Implementation projects. The applicant must be a local government.

(c) Collection events. The applicant must be a local government.

(2) Eligible project costs.

(a)(i) Hazardous waste planning.

Eligible project costs include activities and tasks to develop or update local hazardous waste management plans, if they are consistent with the department's Planning Guidelines for Local Hazardous Waste Plans, July 1987, WDOE 87-18.

In-depth planning studies to provide detailed analysis of specific plan elements may be undertaken as a part of an overall planning grant, or separately if it can be demonstrated that the planning requirements are otherwise being met.

(ii) Retroactive funding. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local hazardous waste plans and are in conformance with Planning Guidelines for Local Hazardous Waste Plans, July 1987, WDOE 87-18 and subsequent addenda.

(b) Collection events. Eligible project costs include activities and tasks required to plan and carry out hazardous waste collection events for household and/or small quantity generator hazardous waste.

(c) Implementation projects. Eligible project costs include activities and tasks to (i) reduce, recycle, or improve handling methods for moderate-risk waste, or (ii) educate the public and businesses on alternative moderate-risk waste reduction, recycling, and handling methods.

(3) Matching requirements.

(a) Hazardous waste planning. Grants will be made for up to seventy-five percent of the total eligible project cost, however, based on prior department approval, direct local costs of hazardous household substance pilot or collection projects conducted between June 30, 1985, and June 30, 1988, may be subtracted from the twenty-five percent local share of total project costs, therefore the department may make grants up to one hundred percent of the total project cost in these cases.

(b) Collection events. Grants will be made for up to fifty percent of the total eligible project cost, or fifteen thousand dollars per grant or local government, whichever is the lesser amount.

(c) Implementation projects. Grants will be made for up to fifty percent of the total eligible project cost, or fifty thousand dollars per project, whichever is the lesser amount.

(4) Priority for allocation of grant funds.

(a) Hazardous waste planning. It is the department's intent that grants be awarded for all local hazardous waste plan development state-wide. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

(b) Collection events. The grants will be awarded on a first-come first-served basis, subject to availability of funds, technical adequacy, and application completeness.

(c) Implementation projects. Grant applications will be ranked according to the following criteria:

(i) Adequacy of and integration with local hazardous waste plans. The local government must be in the process of developing or have completed a local hazardous waste plan. The project must be identified as a part of the local hazardous waste plan.

(ii) Promotion of hazardous waste management priorities. A project must address one or more of the following: Hazardous waste reduction, recycling, or the methods of handling.

(iii) Environmental and public health protection. Special consideration will be given to local governments which have a special need to protect a sensitive resource or existing public health problem.

(iv) Generation of information. The project must result in information useful to the solution of moderate-risk waste problems.

NEW SECTION**WAC 173-315-070 SOLID WASTE PLANNING AND PROGRAM GRANTS. (1) Applicant eligibility.**

(a) Solid waste planning. Eligible local governments under this section are counties and cities pursuant to RCW 70.95.130.

(b) Waste reduction and recycling. The applicant must be a local government.

(c) Groundwater monitoring. The applicant must be a local government.

(2) Eligible project costs.

(a) Solid waste planning.

(i) General. Costs for developing or updating local solid waste management plans are grant eligible if:

(A) They are necessary to conduct the project;

(B) They are consistent with department's solid waste-planning guidelines and subsequent addenda.

(ii) Retroactive. Funding retroactive to October 16, 1987, will be allowed for costs incurred which are directly related to the preparation of local solid waste plans and are in conformance with the state Solid Waste Planning Guidelines, May 1986, WDOE 86-4 and subsequent addenda.

(b) Waste reduction and recycling.

(i) Waste reduction and recycling activities and facilities are eligible provided that:

(A) It is demonstrated that the proposed waste reduction and recycling activity, facility, or service is not reasonably available to persons within the locale from private enterprise; and

(B) It is demonstrated that the project is economically feasible and suitable for successful implementation.

(ii) General. Costs are grant eligible if:

(A) They are necessary to conduct the project;

(B) They are consistent with the department's grant guidelines for waste reduction and recycling.

(iii) Waste reduction and recycling facilities. Eligible project activities include:

(A) Planning and feasibility studies, environmental impact statements, and permitting costs;

(B) Preparation of design documents;

(C) Facility construction;

(D) Purchase of specialized equipment.

(iv) Waste reduction and recycling activities. Eligible project activities include:

(A) Public education;

(B) Public involvement;

(C) Program development.

(c) Groundwater monitoring.

(i) A groundwater monitoring project is eligible provided that it is addressed within a facility maintenance and operation plan, as required by chapter 173-304 WAC.

(ii) General. Costs are grant eligible if:

(A) They are necessary to conduct the project;

(B) They are consistent with the department's grant guidelines for groundwater monitoring.

(iii) Groundwater monitoring. Eligible costs include costs incurred by grantees that are owners and operators

of landfills, piles, landspreading disposal facilities, and surface impoundments that are required to perform groundwater monitoring pursuant to WAC 173-304-400. Direct costs involved in design and installation of groundwater monitoring wells at existing facilities as defined by WAC 173-304-100 (27)(a) and (b), will be eligible for funding.

(iv) Retroactive funding may be allowed for all eligible costs incurred since October 16, 1987.

(3) Matching requirements.

(a) Solid waste planning. Grants will be made up to fifty percent of the total eligible project cost.

(b) Waste reduction and recycling. Grants will be made up to seventy-five percent of the total eligible project cost.

(c) Groundwater monitoring. Grants will be made up to fifty percent of the total eligible project costs, not to exceed a maximum of fifty thousand dollars per project.

(4) Priority for allocation of grant funds.

(a) Solid waste planning. It is the department's intent that grants be awarded for developing or updating local solid waste management plans state-wide. Subject to the limits of available funds, those applications that meet eligibility requirements will be approved for funding on a first-come first-served basis.

(b) Waste reduction and recycling. Grant applications will be ranked according to how each application meets the criteria set forth below. Grants will be awarded, within the limits of available funds, to the highest ranking applications that otherwise meet provisions for completeness and technical adequacy. The project ranking criteria are as follows:

(i) How the project or activity integrates with the current and planned solid waste management system and local comprehensive plans.

(ii) How the project or activity will contribute to increased waste reduction and recycling.

(iii) The probable success of the project or activity.

(iv) Demonstration that the project or activity scope is compatible with the cost and needs of the project or activity.

(v) How the project or activity will be operated, maintained, or continued beyond the grant funding period.

(vi) Other criteria as may be defined in the waste reduction and recycling grant guidelines.

(c) Groundwater monitoring. Grant applications will be ranked according to how each project application meets the criteria set forth below. Grants will be awarded within the limits of available funds to the highest ranking project applications that otherwise meet provisions for completeness and technical adequacy. The ranking criteria are as follows:

(i) Ability to pay. Priority will be given to local governments in economically distressed areas.

(ii) How, or if, the project will contribute directly to the identification or solution of an existing environmental or public health problem.

(iii) Other criteria as may be defined in the groundwater monitoring grant guidelines.

WSR 89-17-073
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 89-12—Filed August 17, 1989, 3:06 p.m.]

I, Terry Husseman, assistant director of Waste Management, do promulgate and adopt at Lacey, Washington, the annexed rules relating to local solid waste enforcement grant regulation, adopting chapter 173-313 WAC.

This action is taken pursuant to Notice No. WSR 89-11-086 filed with the code reviser on May 24, 1989. 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 70.95.220 and the Model Toxics Control Act 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 August 17, 1989.

By Fred Olson
 Deputy Director

Chapter 173-313 WAC
**LOCAL SOLID WASTE ENFORCEMENT GRANT
 REGULATION**

WAC	
173-313-010	Introduction.
173-313-020	Purpose and authority.
173-313-030	Applicant eligibility.
173-313-040	Application.
173-313-050	Criteria for allocation of funds.

NEW SECTION

WAC 173-313-010 INTRODUCTION. RCW 70.95.220 provides that any jurisdictional health department may apply to the department of ecology for financial aid for the enforcement of rules and regulations promulgated under chapter 70.95 RCW. RCW 70.95.220 further provides that after receipt of such applications, the department may allocate available funds according to criteria established by regulation. Such criteria shall consider or be based upon population, urban development, the number of disposal sites, and geographical area.

NEW SECTION

WAC 173-313-020 PURPOSE AND AUTHORITY. The purpose of this regulation is to establish criteria by which the department of ecology shall allocate financial aid, pursuant to the Model Toxics Control Act, to jurisdictional health departments for enforcement of rules and regulations promulgated under chapter 70.95 RCW.

NEW SECTION

WAC 173-313-030 APPLICANT ELIGIBILITY. In order to be eligible for grant funding, the local health department must:

- (1) Be a "jurisdictional health department" as defined by RCW 70.95.030;
- (2) Have a program to achieve the goals of chapter 70.95 RCW;
- (3) Have a solid waste ordinance per chapter 70.95 RCW, or be in the process of adoption.

NEW SECTION

WAC 173-313-040 APPLICATION. Application for funds shall be made on forms provided by the department and shall include detailed information specified in a guidance document also provided by the department. This detailed information shall include a confirmation of the applicant's eligibility, and a description of the program and budget.

NEW SECTION

WAC 173-313-050 CRITERIA FOR ALLOCATION OF FUNDS. As specified in RCW 70.95.220, first priority will be to provide funds exclusively for solid waste inspection activities, including staff for administration of the local inspection program. The following criteria will be used to assist in the allocation of those funds:

- (1) Protection of public health and environment.
- (2) Cost to residential ratepayers without state assistance.
- (3) Actions required under federal, state and local regulations, and consent decrees.
- (4) Commitment/readiness to proceed.
- (5) Degree of local solid waste problems, as measured by these factors:
 - (a) Number of existing disposal sites, open and closed;
 - (b) Environmental sensitivity of the geographical area;
 - (c) Disposal sites and other waste management facilities, open and closed;
 - (d) Current enforcement actions;
 - (e) Extent of urban development and its relationship to industrial, commercial, and residential development; and
 - (f) Population.

WSR 89-17-074
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)
 [Filed August 17, 1989, 3:16 p.m.]

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

Amd WAC 460-10A-160 Recognized securities manual.

Amd WAC 460-42A-081 Exchange and national market system exemption;

that the agency will at 10:00 a.m., Tuesday, September 26, 1989, in the 1st Floor Conference Room, Department of Licensing, Business License Services, Building 2, Black Lake Plaza, 405 Black Lake Boulevard, 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 October 6, 1989.

The authority under which these rules are proposed is RCW 21.20.450.

The specific statute these rules are intended to implement is RCW 21.20.310(8) and 21.20.320(2).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1989.

The department reserves the right to modify the text of this proposed rule before the hearing or in response to written or oral comments received before or during the hearing.

The department may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact Jack L. Beyers, Securities Administrator, whose address is set forth herein.

Written or oral submissions may also contain data, views, or agreements concerning the effect of the proposed rules on economic values, pursuant to chapter 43-21H RCW.

Correspondence relating to this notice and proposed rule shall be addressed to:

Jack L. Beyers
Securities Administrator
P.O. Box 648
Olympia, WA 98504

This notice is connected to and continues the matter in Notice No. WSR 89-13-066 filed with the code reviser's office on June 21, 1989.

Dated: August 14, 1989

By: Mary Faulk
Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

General Purpose: The rules under RCW 21.20.310 and 21.20.320 govern both the primary and the secondary market. The exchange and national market system exemption rule provides a primary market and secondary market exemption for those companies that meet the qualifications to be listed on the New York stock exchange, the American stock exchange and the NASDAQ national market system. The manual exemption rule reduces the number of manuals that the administrator recognizes under RCW 21.20.320(2).

Description and Summary of the Rule: WAC 460-10A-160, the amendment to this rule uses the standards for issuers who can use the manual exemption under RCW 21.20.320(2); and WAC 460-42A-081, this rule

is being amended to allow the use of the NASDAQ national market system as the basis for an exemption from registration.

Statutory Authority: WAC 460-10A-160 is RCW 21.20.320(2); and WAC 460-42A-081 is RCW 21.20.310(8).

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Implementation: Ken Mark, Assistant Director, Business License Services, Black Lake Plaza, Building Two, 405 Black Lake Boulevard, Olympia, WA 98504, (206) 753-1749; Enforcement: Jack L. Beyers, Securities Administrator, Securities Division, 1300 Quince Street, Olympia, WA 98504, (206) 753-6928; and Drafting: Deborah R. Bortner, Assistant Securities Administrator, Securities Division, 1300 Quince Street, Olympia, WA 98504, (206) 753-6928.

Name of Organization Proposing Rule: The Department of Licensing, Securities Division.

Reasons Supporting the Proposed Rule: The rules concerning exemptions are intended to increase the exemptions in an area which is perceived to be less risky to the public and decrease the number of companies covered by recognized securities manuals which is an area that needs the protection of the registration process.

Department Comments: These rules are intended to allow an exemption for fairly low risk companies and to force other riskier companies to register.

Federal or State Laws: Not necessary to comply with any federal law or state law or any federal or state court decision.

Small Business Impact Statement: A small business economic impact statement has not been proposed because the department does not believe that any economic impact is involved on more than twenty percent of all industries or more than ten percent of any one industry. Any impact that the rule may have upon small business is minor or negligible and is intended to fall equally on all businesses. Comments regarding any possible economic impact on small business should be directed to Jack L. Beyers at the address and telephone number shown above.

AMENDATORY SECTION (Amending Order SDO-89-86, filed 7/14/86)

WAC 460-10A-160 RECOGNIZED SECURITIES MANUAL. For the purpose of RCW 21.20.320(2) "Recognized securities manual" shall mean: Fitch Investors Service, Moodys Investors Service (except for Moodys International Manual), and Standard and Poor's Corporation Records; provided ((~~Moodys OTC Industrial Manual is a "recognized securities manual" for the purposes of RCW 21.20.320(2) only with respect to~~)) that the outstanding securities of issuers ((~~meeting~~)) meet the following requirements:

(1) An entry describing the issuer and meeting the informational requirements of RCW 21.20.320(2) was published in Moodys Investors Service OTC-Industrial Manual and such an entry has appeared continuously in that manual since August 9, 1986 and the issuer has not subsequently reorganized, merged, consolidated, or had a stock split; or

(2) An entry describing the issuer and meeting the informational requirements of RCW 21.20.320(2) was published in Fitch Investors Service, Standard and Poor's Corporation Records or Moody's Investor Services (other than the OTC-Industrial Manual and Moody's International Manual) and such an entry has appeared continuously in that

manual since September 30, 1989, and the issuer has not subsequently reorganized, merged, consolidated, or had a stock split; or

(3) Securities of the issuer have been registered with the Securities and Exchange Commission pursuant to section 12 of the Securities and Exchange Act of 1934, and the issuer has been subject to the reporting requirements of section 13 of that act, and has promptly filed all reports required by section 13 for the three reporting periods immediately preceding the claim of the RCW 21.20.320(2) transactional exemption; or

(4) The issuer is a unit investment trust registered under section 8 of the Investment Company Act of 1940 and securities involved were initially registered under RCW 21.20.140; or

(5)(a) The security is of a class which has been outstanding in the hands of the public for at least ninety days; (b) the issuer of the security is a going concern actually engaged in business and not in the developmental stage or in bankruptcy or receivership; and (c) the issuer of the security, including any predecessors, has been in continuous operation for at least five years.

AMENDATORY SECTION (Amending Order SDO-100-82, filed 8/27/82)

WAC 460-42A-081 EXCHANGE AND NATIONAL MARKET SYSTEM EXEMPTION. ((Any security that meets all of the following conditions is exempt under RCW 21.20.310(8):

(1) Any security listed or approved for listing upon notice of issuance on an "approved national securities" exchange and any warrant or right to purchase or subscribe to any such security.

(2) An "approved national securities exchange" is one that requires all of the following to be met:

(a) That the issuer of securities traded on the exchange be required to maintain a minimum of two outside directors on its board of directors.

(b) The exchange must have established reasonable procedures for trading oversight and surveillance over all exchange-listed securities to ensure timely disclosure of material corporate developments to the interested public.

(c) The exchange must, in acting on applications for listing of common stock, have established procedures to ensure careful review of the issuer's financial integrity and risk and substantially apply each of the minimum qualifications set forth in (i) below, and in considering suspension or removal from listing, substantially apply each of the criteria set forth in (ii) below:

(i) Listing qualifications:

(A) Net tangible assets of at least four million dollars and net income of at least four hundred thousand dollars after all charges including federal income taxes in the fiscal year immediately preceding the filing of a listing application; or, in the alternative, net tangible assets of at least ten million dollars provided the issuer has had a minimum of three years of operations and the aggregate market value of the issuer's publicly held shares is ten million dollars.

(B) Minimum public distribution of 400,000 shares excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings.

(C) Minimum price of stock or shares of three dollars per share for a reasonable period of time prior to the filing of a listing application; and/or an aggregate market value of publicly held shares of at least three million dollars.

(ii) Criteria for consideration of suspension or removal from listing:

(A) If a company which (A) has net tangible assets of less than two million dollars has sustained net losses in each of its two most recent fiscal years, or (B) has net tangible assets of less than four million dollars and has sustained net losses in three of its four most recent fiscal years.

(B) If the number of shares publicly held (excluding the holdings of officers, directors, controlling shareholders and other concentrated or family holdings) is less than 200,000.

(C) If the aggregate market value of shares publicly held in the aggregate remains less than one million dollars for a significant period of time.

(3)) (1) Any issuer whose securities are listed or designated, or approved for listing or designation upon notice of issuance on the New York stock exchange, the American stock exchange, or the NASDAQ/NMS interdealer quotation system, any other security of the same issuer which is of senior or substantially equal rank, any security called for by subscription rights or warrants so listed or approved, or any warrant or right to purchase or subscribe to any of the foregoing is exempt under RCW 21.20.310(8), provided that the issuer must meet the

minimum published criteria for listing or designation as adopted by the exchanges or interdealer quotation system. The administrator may by order withdraw this exemption as to an exchange or interdealer quotation system or a particular security when necessary in the public interest for the protection of investors.

(2) For the purposes of nonissuer transactions only, any security listed or approved for listing upon notice of issuance on the New York stock exchange, the American stock exchange, the Midwest stock exchange, the Spokane stock exchange or any other stock exchange registered with the federal securities and exchange commission and approved by the director; any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants so listed or approved; or any warrant or right to purchase or subscribe to any of the foregoing, is exempted under RCW 21.20.310(8).

WSR 89-17-075
PROPOSED RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Filed August 17, 1989, 3:23 p.m.]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Licensing intends to adopt, amend, or repeal rules concerning the regulation and exemption of securities, amending WAC 460-42A-020 Health care facilities authority bonds;

that the agency will at 10:00 a.m., Tuesday, September 26, 1989, in the 1st Floor Conference Room, Department of Licensing, Business License Services, Building 2, Black Lake Plaza, 405 Black Lake Boulevard, 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 October 6, 1989.

The authority under which these rules are proposed is RCW 21.20.310(1) and [21.20].450.

The specific statute these rules are intended to implement is RCW 21.20.310(1).

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 26, 1989.

The department reserves the right to modify the text of this proposed rule before the hearing or in response to written or oral comments received before or during the hearing.

The department may need to change the date for hearing or adoption on short notice. To ascertain that the hearing or adoption will take place as stated in this notice, an interested person may contact Jack L. Beyers, Securities Administrator, whose address is set forth herein.

Written or oral submissions may also contain data, views or agreements concerning the effect of the proposed rules on economic values, pursuant to chapter 43-.21H RCW.

Correspondence relating to this notice and proposed rule shall be addressed to:

Jack L. Beyers
Securities Administrator
P.O. Box 648
Olympia, WA 98504

This notice is connected to and continues the matter in Notice No. WSR 89-13-069 filed with the code reviser's office on June 21, 1989.

Dated: August 14, 1989
 By: Mary Faulk
 Director

STATEMENT OF PURPOSE

Name of Agency: Department of Licensing, Securities Division.

General Purpose: WAC 460-42A-020 is amended under the Securities Act of Washington, chapter 21.20 RCW, to better define the meaning of "industrial or commercial enterprise" as employed in RCW 21.20.310(1).

Description and Summary of the Rule: WAC 460-42A-020 is amended to define further "industrial or commercial enterprise" as found in RCW 21.20.310(1), to include health facilities, educational institutions, mortgage loan programs and manufacturing or servicing businesses.

Statutory Authority: The authority under which WAC 460-42A-020 is proposed is RCW 21.20.310(1) and [21.20.]450. The specific statute WAC 460-42A-020 is intended to implement is RCW 21.20.310(1).

Responsible Department Personnel: In addition to the director of the Department of Licensing, the following agency personnel have responsibility for drafting, implementing and enforcing this rule: Implementation: Ken Mark, Assistant Director, Business License Services, Black Lake Plaza, Building Two, 405 Black Lake Boulevard, Olympia, WA 98504, (206) 753-1749; Enforcement: Jack L. Beyers, Securities Administrator, Securities Division, 1300 Quince Street, Olympia, WA 98504, (206) 753-6928; and Drafting: Michael E. Stevenson, Securities Examiner, Securities Division, 1300 Quince Street, Olympia, WA 98504, (206) 753-6928.

Name of Organization Proposing Rule: Department of Licensing, Securities Division.

Reasons Supporting the Proposed Rule: The rule is intended to create greater certainty in the application of the exemption from registration under RCW 21.20.310(1).

Department Comments: The amendment to WAC 460-42A-020 adopts in part the Administrator's Statement of Policy 83-45 (Jan. 1985).

Federal or State Laws: This rule is not necessary to comply with any federal law or state law or any federal or state court decision.

Small Business Impact Statement: A small business economic impact statement has not been proposed because the department does not believe that any economic impact is involved on more than twenty percent of all industries or more than ten percent of any one industry. Any impact that the rule may have upon small business is minor or negligible and is intended to fall equally on all businesses. Comments regarding any possible economic impact on small business should be directed to Jack L. Beyers at the address and telephone number shown above.

AMENDATORY SECTION (Amending Order SDO-15-81, filed 2/3/81)

WAC 460-42A-020 (~~HEALTH CARE FACILITIES AUTHORITY BONDS~~) GOVERNMENT BONDS PAYABLE FROM INDUSTRIAL OR COMMERCIAL ENTERPRISES. The term "industrial or commercial enterprise" as employed in RCW 21.20.310(1) includes (~~nonprofit hospitals and other health care facilities, but shall not include a nonprofit hospital the issuance of securities of which is subject to supervision by the Washington health care facilities authority or a similar state health care facilities authority, and is subject to supervision and control, as to operating and capital budgets, by the Washington state hospital commission or a similar state hospital commission~~), but is not limited to, a private profit or nonprofit hospital, health care facility, college, university or educational institution, single or multifamily mortgage loan program, port authority concessionaire, or manufacturing or service business.

**WSR 89-17-076
 PERMANENT RULES
 DEPARTMENT OF LICENSING
 (Securities Division)**

[Order SDO-122-89—Filed August 17, 1989, 3:28 p.m.]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at the Department of Licensing, Highway-Licenses Building, Olympia, Washington, the annexed rules relating to the regulation and exemption of securities as follows:

- | | | |
|-----|-----------------|---|
| New | WAC 460-44A-508 | Insignificant deviations from a term, condition, or requirement of WAC 460-44A-501 through 460-44A-506. |
| Amd | WAC 460-44A-500 | Preliminary notes. |
| Amd | WAC 460-44A-501 | Definitions and terms. |
| Amd | WAC 460-44A-502 | General conditions to be met. |
| Amd | WAC 460-44A-503 | Filing of notice and payment of fee prior to sale. |
| Amd | WAC 460-44A-505 | Uniform offering exemption for limited offers and sales of securities not exceeding \$5,000,000. |
| Amd | WAC 460-44A-506 | Exemption for nonpublic offers and sales without regard to dollar amount of offering. |

The director finds that these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

This action is taken pursuant to Notice No. WSR 89-13-070 filed with the code reviser on June 21, 1989. 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 21.20.320 (1) and (16) 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 August 14, 1989.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order SDO-71-88, filed 7/12/88)

WAC 460-44A-500 PRELIMINARY NOTES.

(1) The rules of WAC 460-44A-501 through (~~460-44A-506~~) 460-44A-508 relate to transactions exempted from the registration requirements of the Federal Securities Act of 1933 and RCW 21.20.140. WAC 460-44A-505 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 505. WAC 460-44A-506 is an exemption from registration for offerings exempted under Securities and Exchange Commission Rule 506. Such transactions are not exempt from the anti-fraud, civil liability, or other provisions of the federal and state securities laws. Issuers are reminded of their obligation to provide such further material information, if any, as may be necessary to make the information required under these rules, in light of the circumstances under which it is furnished, not misleading.

(2) Attempted compliance with the (~~rules in WAC 460-44A-501 through~~) exemption of WAC 460-44A-505 or 460-44A-506 does not act as an exclusive election; the issuer can also claim the availability of any other applicable exemption.

(3) These rules are available only to the issuer of the securities and not to any affiliate of that issuer or to any other person for resale of the issuer's securities. The rules provide an exemption only for the transactions in which the securities are offered or sold by the issuer, not for the securities themselves.

(4) In any proceeding involving the rules in WAC 460-44A-501 through (~~460-44A-506~~) 460-44A-508, the burden of proving the exemption or an exception from a definition or condition is upon the person claiming it.

(5) The effective date of the adoption of rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506 is May 25, 1982. Existing rules WAC 460-44A-010 through 460-44A-045 will be repealed on the adoption and effectiveness of the permanent rules WAC 460-44A-501, 460-44A-502, 460-44A-503, and 460-44A-506; no filings for exemption under rules WAC 460-44A-010 through 460-44A-045 will be accepted after repeal. For those offerings made in compliance with WAC 460-44A-010 through 460-44A-045 which commence or commenced prior to the date of repeal and which continue past the date of repeal, no registration is required if the offering terminates before June 30, 1983.

(6) For offerings commenced but not completed prior to the amendment of WAC 460-44A-501 through (~~460-44A-506~~) 460-44A-508, issuers may opt to follow the rules in effect at the date of (~~commencement~~) filing notice of the offering.

AMENDATORY SECTION (Amending Order SDO-71-88, filed 7/12/88)

WAC 460-44A-501 DEFINITIONS AND TERMS. As used in rules WAC 460-44A-501 through (~~460-44A-506~~) 460-44A-508, the following terms shall have the meaning indicated:

(1) "Accredited investor" shall mean any person who comes within any of the following categories, or who the issuer reasonably believes comes within any of the following categories, at the time of the sale of the securities to that person:

(a) Any bank as defined in section 3 (a)(2) of the Securities Act of 1933, or any savings and loan association or other institution as defined in section 3 (a)(5)(A) of the Securities Act of 1933 whether acting in its individual or fiduciary capacity; any broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934; any insurance company as defined in section 2(13) of the Securities Act of 1933; any investment company registered under the Investment Company Act of 1940 or a business development company as defined in section 2 (a)(48) of that act; any small business investment company licensed by the U.S. Small Business Administration under section 301 (c) or (d) of the Small Business Investment Act of 1958; any plan established and maintained by a state, its political subdivisions, or any agency or instrumentality of a state or its political subdivisions, for the benefit of its employees, if such plan has total assets in excess of \$5,000,000; any employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974, if the investment decision is made by a plan fiduciary, as defined in section 3(21) of such act, which is either a bank, savings and loan association, insurance company, or registered investment adviser, or if the employee benefit plan has total assets in excess of \$5,000,000 or, if a self-directed plan, with investment decisions made solely by persons that are accredited investors;

(b) Any private business development company as defined in section 202 (a)(22) of the Investment Advisers Act of 1940;

(c) Any organization described in section 501 (c)(3) of the Internal Revenue Code, corporation, Massachusetts or similar business trust, or partnership, not formed for the specific purpose of acquiring the securities offered, with total assets in excess of \$5,000,000;

(d) Any director, executive officer, or general partner of the issuer of the securities being offered or sold, or any director, executive officer, or general partner of a general partner of that issuer;

(e) Any natural person whose individual net worth, or joint net worth with that person's spouse, at the time of his purchase exceeds \$1,000,000;

(f) Any natural person who had an individual income in excess of \$200,000 in each of the two most recent years or joint income with that person's spouse in excess of \$300,000 in each of those years and has a reasonable expectation of reaching the same income level in the current year;

(g) Any trust, with total assets in excess of \$5,000,000, not formed for the specific purpose of acquiring the securities offered, whose purchase is directed by a sophisticated person as described in 17 CFR Sec. 230.506 (b)(2)(ii); and

(h) Any entity in which all of the equity owners are accredited investors.

(2) "Affiliate" an "affiliate" of, or person "affiliated" with, a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls or is controlled by, or is under common control with, the person specified;

(3) "Aggregate offering price" shall mean the sum of all cash, services, property, notes, cancellation of debt, or other consideration to be received by an issuer for issuance of its securities. Where securities are being offered for both cash and noncash consideration, the aggregate offering price shall be based on the price at which the securities are offered for cash. Any portion of the aggregate offering price attributable to cash received in a foreign currency shall be translated into United States currency at the currency exchange rate in effect at a reasonable time prior to or on the date of the sale of the securities. If securities are not offered for cash, the aggregate offering price shall be based on the value of the consideration as established by bona fide sales of that consideration made within a reasonable time, or, in the absence of sales, on the fair value as determined by an accepted standard. Such valuations of noncash consideration must be reasonable at the time made;

(4) "Business combination" shall mean any transaction of the type specified in paragraph (a) of Rule 145 under the Securities Act of 1933 and any transaction involving the acquisition by one issuer, in exchange for all or a part of its own or its parent's stock, of stock of another issuer if, immediately after the acquisition, the acquiring issuer has control of the other issuer (whether or not it had control before the acquisition);

(5) "Calculation of number of purchasers." For purposes of calculating the number of purchasers under WAC 460-44A-505 and 460-44A-506 the following shall apply:

(a) The following purchasers shall be excluded:

(i) Any relative, spouse or relative of the spouse of a purchaser who has the same principal residence as the purchaser;

(ii) Any trust or estate in which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interests);

(iii) Any corporation or other organization of which a purchaser and any of the persons related to him as specified in WAC 460-44A-501 (5)(a)(i) or (ii) collectively are beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests; and

(iv) Any accredited investor.

(b) A corporation, partnership or other entity shall be counted as one purchaser. If, however, that entity is organized for the specific purpose of acquiring the securities offered and is not an accredited investor under

WAC 460-44A-501 (1)(h), then each beneficial owner of equity securities or equity interests in the entity shall count as a separate purchaser for all provisions of WAC 460-44A-501 through ~~((460-44A-506))~~ 460-44A-508, except to the extent provided in (a) of this subsection.

(c) A noncontributory employee benefit plan within the meaning of Title I of the Employee Retirement Income Security Act of 1974 shall be counted as one purchaser where the trustee makes all investment decisions for the plan.

Note: The issuer must satisfy all the other provisions of WAC 460-44A-501 through 460-44A-506 for all purchasers whether or not they are included in calculating the number of purchasers. Clients of an investment adviser or customers of a broker-dealer shall be considered the "purchasers" under WAC 460-44A-501 through 460-44A-506 regardless of the amount of discretion given to the investment adviser or broker-dealer to act on behalf of the client or customer.

(6) "Executive officer" shall mean the president, any vice president in charge of a principal business unit, division or function (such as sales, administration or finance), or any other officer who performs a policy making function, or any other person who performs similar policy making functions for the issuer. Executive officers of subsidiaries may be deemed executive officers of the issuer if they perform such policy making functions for the issuer.

(7) "Issuer" as defined in Section 2(4) of the Securities Act of 1933 or RCW 21.20.005(7) shall apply, except that in the case of a proceeding under the Federal Bankruptcy Code (11 U.S.C. 101 et seq.), the trustee or debtor in possession shall be considered the issuer in an offering under a plan or reorganization, if the securities are to be issued under the plan.

(8) "Purchaser representative" shall mean any person who satisfies all of the following conditions or who the issuer reasonably believes satisfies all of the following conditions:

(a) Is not an affiliate, director, officer or other employee of the issuer, or beneficial owner of 10 percent or more of any class of the equity securities or 10 percent or more of the equity interest in the issuer, except where the purchaser is:

(i) A relative of the purchaser representative by blood, marriage or adoption and not more remote than a first cousin;

(ii) A trust or estate in which the purchaser representative and any person related to him as specified in WAC 460-44A-501 (8)(a)(i) or (iii) collectively have more than 50 percent of the beneficial interest (excluding contingent interest) or of which the purchaser representative serves as trustee, executor, or in any similar capacity; or

(iii) A corporation or other organization of which the purchaser representative and any persons related to him as specified in WAC 460-44A-501 (8)(a)(i) or (ii) collectively are the beneficial owners of more than 50 percent of the equity securities (excluding directors' qualifying shares) or equity interests;

(b) Has such knowledge and experience in financial and business matters that he is capable of evaluating, alone, or together with other purchaser representatives

of the purchaser, or together with the purchaser, the merits and risks of the prospective investment;

(c) Is acknowledged by the purchaser in writing, during the course of the transaction, to be his purchaser representative in connection with evaluating the merits and risks of the prospective investment; and

(d) Discloses to the purchaser in writing a reasonable time prior to the ~~((acknowledgment specified in WAC 460-44A-501(8)(c)))~~ sale of securities to that purchaser any material relationship between himself or his affiliates and the issuer or its affiliates that then exists, that is mutually understood to be contemplated, or that has existed at any time during the previous two years, and any compensation received or to be received as a result of such relationship.

Note 1: A person acting as a purchaser representative should consider the applicability of the registration and antifraud provisions relating to broker-dealers under chapter 21.20 RCW and the Securities Exchange Act of 1934 (15 U.S.C. 78a et seq., as amended) and relating to investment advisers under chapter 21.20 RCW and the Investment Advisers Act of 1940.

Note 2: The acknowledgment required by paragraph (8)(c) and the disclosure required by paragraph (8)(d) of this WAC 460-44A-501 must be made with specific reference to each prospective investment. Advance blanket acknowledgment, such as for "all securities transactions" or "all private placements," is not sufficient.

Note 3: Disclosure of any material relationships between the purchaser representative or his affiliates and the issuer or its affiliates does not relieve the purchaser representative of his obligation to act in the best interest of the purchaser.

AMENDATORY SECTION (Amending Order SDO-71-88, filed 7/12/88)

WAC 460-44A-502 GENERAL CONDITIONS TO BE MET. The following conditions shall be applicable to offers and sales made under WAC 460-44A-505 or 460-44A-506:

(1) "Integration." All sales that are part of the same offering under these rules must meet all of the terms and conditions of these rules. Offers and sales that are made more than six months before the start of an offering or are made more than six months after completion of an offering, will not be considered part of that offering, so long as during those six month periods there are no offers or sales of securities by or for the issuer that are of the same or a similar class as those offered or sold under these rules, other than those offers or sales of securities under an employee benefit plan.

Note: The term "offering" is not defined in the securities acts. If the issuer offers or sells securities for which the safe harbor rule in WAC 460-44A-502(1) is unavailable, the determination as to whether separate sales of securities are part of the same offering (i.e. are considered "integrated") depends on the particular facts and circumstances.

The following factors should be considered in determining whether offers and sales should be integrated for purposes of the exemptions under these rules:

(a) Whether the sales are part of a single plan of financing;

(b) Whether the sales involve issuance of the same class of securities;

(c) Whether the sales have been made at or about the same time;

(d) Whether the same type of consideration is received; and

(e) Whether the sales are made for the same general purpose.

See Securities and Exchange Commission Release No. 33-4552 (November 6, 1962).

(2) Information requirements.

(a) When information must be furnished.

~~((i) If the issuer sells securities only to accredited investors, WAC 460-44A-502(2) does not require that specific information be furnished to purchasers.~~

~~((ii)) If the issuer sells securities under WAC 460-44A-505 or 460-44A-506 to any purchaser that is not an accredited investor, the issuer shall furnish the information specified in WAC 460-44A-502 (2)(b) to ~~((all purchasers during the course of the offering and))~~ such purchaser a reasonable time prior to sale. The issuer is not required to furnish the specified information to any accredited investor.~~

Note: When an issuer provides information to investors pursuant to WAC 460-44A-502 (2)(a), it should consider providing such information to accredited investors as well, in view of the anti-fraud provisions of the federal and state securities laws.

(b) Type of information to be furnished.

(i) If the issuer is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the following information, to the extent material to an understanding of the issuer, its business, and the securities being offered:

(A) Offerings up to \$2,000,000. The same kind of information as would be required in Part II of Form 1-A, 17 CFR Sec. 239.90, except that the issuer's balance sheet, which shall be dated within one hundred twenty days of the start of the offering, must be audited.

(B) Offerings up to \$7,500,000. The same kind of information as would be required in Part I of Form S-18 under the Securities Act of 1933, except that only the financial statements for the issuer's most recent fiscal year must be certified by an independent public or certified accountant. If Form S-18 is not available to an issuer, then the issuer shall furnish the same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use, except that only the financial statements for the most recent two fiscal years prepared in accordance with generally accepted accounting principles shall be furnished and only the financial statements for the issuer's most recent fiscal year shall be certified by an independent public or certified accountant. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance

with generally accepted auditing standards by an independent public or certified accountant.

(C) Offerings over \$7,500,000. The same kind of information as would be required in Part I of a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. If an issuer, other than a limited partnership, cannot obtain audited financial statements without unreasonable effort or expense, then only the issuer's balance sheet, which shall be dated within 120 days of the start of the offering, must be audited. If the issuer is a limited partnership and cannot obtain the required financial statements without unreasonable effort or expense, it may furnish financial statements that have been prepared on the basis of federal income tax requirements and examined and reported on in accordance with generally accepted auditing standards by an independent public or certified accountant.

(D) If the issuer is a foreign private issuer eligible to use Form 20-F, the issuer shall disclose the same kind of information required to be included in a registration statement filed under the Securities Act of 1933 on the form that the issuer would be entitled to use. The financial statements need be certified only to the extent required by (2)(b)(i)(B) or (C) of this subsection, as appropriate.

(ii) If the issuer is subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934, at a reasonable time prior to the sale of securities the issuer shall furnish to the purchaser the information required by Securities and Exchange Commission Regulation D, Rule 502 (b)(2)(ii) as appropriate.

(iii) Exhibits required to be filed with the administrator of securities or the securities and exchange commission as part of a registration statement or report, other than an annual report to shareholders or parts of that report incorporated by reference in a Form 10-K report, need not be furnished to each purchaser that is not an accredited investor if the contents of ~~((the))~~ material exhibits are identified and ~~((the))~~ such exhibits are made available to ~~((the))~~ a purchaser, upon his written request, a reasonable time prior to his purchase.

(iv) At a reasonable time prior to the ~~((purchase))~~ sale of securities ((by)) to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall furnish to the purchaser a brief description in writing of any material written information concerning the offering that has been provided by the issuer to any accredited investor but not previously delivered to such unaccredited purchaser. The issuer shall furnish any portion or all of this information to the purchaser, upon his written request~~((;))~~ a reasonable time prior to his purchase.

(v) The issuer shall also make available to each purchaser at a reasonable time prior to his purchase of securities in a transaction under WAC 460-44A-505 or 460-44A-506 the opportunity to ask questions and receive answers concerning the terms and conditions of the offering and to obtain any additional information which the issuer possesses or can acquire without unreasonable effort or expense that is necessary to verify the accuracy

of information furnished under WAC 460-44A-502 (2)(b)(i) or (ii).

(vi) For business combinations or exchange offers, in addition to information required by Form S-4, 17 CFR Sec. 239.25, the issuer shall provide to each purchaser at the time the plan is submitted to security holders, or, with an exchange, during the course of the transaction and prior to sale, written information about any terms or arrangements of the proposed transactions that are materially different from those for all other security holders. For purposes of this subsection, an issuer which is not subject to the reporting requirements of section 13 or 15(d) of the Securities Exchange Act of 1934 may satisfy the requirements of Part I.B. or C. of Form S-4 by compliance with (b)(i) of this subsection.

(vii) At a reasonable time prior to the sale of securities to any purchaser that is not an accredited investor in a transaction under WAC 460-44A-505 or 460-44A-506, the issuer shall advise the purchaser of the limitations on resale in the manner contained in subsection (4)(b) of this section. Such disclosure may be contained in other materials required to be provided by this paragraph.

(3) Limitation on manner of offering. Neither the issuer nor any person acting on its behalf shall offer or sell the securities by any form of general solicitation or general advertising, including, but not limited to, the following:

(a) Any advertisement, article, notice or other communication published in any newspaper, magazine, or similar media or broadcast over television or radio; and

(b) Any seminar or meeting whose attendees have been invited by any general solicitation or general advertising.

(4) Limitations on resale. Securities acquired in a transaction under ~~((these rules))~~ WAC 460-44A-501 through 460-44A-508 shall have the status of restricted securities acquired in a nonpublic offering transaction under section 4(2) of the Securities Act of 1933 and RCW 21.20.320(1) and cannot be resold without registration under the Securities Act of Washington or an exemption therefrom. The issuer shall exercise reasonable care to assure that the securities are restricted and that the purchasers of the securities are not underwriters within the meaning of Section 2(11) of the Securities Act of 1933, which reasonable care ~~((shall include, but not be limited to;))~~ may be demonstrated by the following:

(a) Reasonable inquiry to determine if the purchaser is acquiring the securities for himself or for other persons;

(b) Written disclosure to each purchaser prior to sale that the securities have not been registered under the Securities Act of 1933, and the Washington administrator of securities has not reviewed or recommended the offering or offering circular and the securities have not been registered under the Securities Act of Washington, chapter 21.20 RCW, and, therefore, cannot be resold unless they are registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW or unless an exemption from registration is available; and

(c) Placement of a legend on the certificate or other document that evidences the securities stating that the securities have not been registered under the Securities Act of 1933 and the Securities Act of Washington chapter 21.20 RCW and setting forth or referring to the restrictions on transferability and sale of the securities.

(d) A written disclosure or legend will be deemed to comply with the provisions of WAC 460-44A-502 (4)(b) or (c) if it complies with the North American Securities Administrators Association Uniform Disclosure Guidelines on Legends, NASAA Reports CCH Para. 1352 (~~((1988))~~) (1989).

While taking these actions will establish the requisite reasonable care, it is not the exclusive method to demonstrate such care. Other actions by the issuer may satisfy this provision. In addition, WAC 460-44A-502 (2)(b)(vii) requires the delivery of written disclosure of the limitations on resale to investors in certain instances.

AMENDATORY SECTION (Amending Order SDO-71-88, filed 7/12/88)

WAC 460-44A-503 FILING OF NOTICE AND PAYMENT OF FEE PRIOR TO SALE. (1) (~~The~~) An issuer offering or selling securities in reliance on WAC 460-44A-505 or 460-44A-506 shall file with the administrator of securities of the department of licensing a notice and pay a filing fee as follows:

(a)(i) The issuer shall file the initial notice on Securities and Exchange Commission Form D checking box 505 (and box ULOE) or 506, as applicable, and pay a filing fee of three hundred dollars no later than ten business days (or such lesser period as the administrator may allow) prior to the receipt of consideration or the delivery of a signed subscription agreement by an investor in the state of Washington which results from an offer being made in reliance on the exemption of WAC 460-44A-505 or 460-44A-506;

(ii) The issuer shall also file with or on the initial notice a representation that the issuer has reviewed all the conditions of WAC 460-44A-505 or 460-44A-506 and such conditions shall be met; and

(iii) Unless previously filed, the issuer shall include with the initial notice an executed uniform consent to service of process on Form U-2.

(b) The issuer shall file with the administrator such other notices on Form D as are required to be filed with the Securities and Exchange Commission.

(c) The issuer shall file a report of sales in the state of Washington on a form prescribed by the administrator no later than thirty days after the last sale of securities in the offering.

(d) The notice or report of sales shall be manually signed by a person duly authorized by the issuer.

(2) By filing for the exemption of WAC 460-44A-505 or 460-44A-506, the issuer undertakes to furnish to the administrator, upon request, the information to be furnished or furnished by the issuer under WAC 460-44A-502 (2)(b) to any purchaser that is not an accredited investor. Failure to submit the information in a timely manner will be a ground for denial or revocation of the exemption of WAC 460-44A-505 or 460-44A-506.

AMENDATORY SECTION (Amending Order SDO-71-88, filed 7/12/88)

WAC 460-44A-505 UNIFORM OFFERING EXEMPTION FOR LIMITED OFFERS AND SALES OF SECURITIES NOT EXCEEDING \$5,000,000. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.503 (~~and~~); 230.505; and 230.508 as made effective in Release No(s). 33-6389, and as amended in Release Nos. 33-6437, (~~and~~) 33-6663, 33-6758, and 33-6825 that satisfy the conditions in subsection (2) of this section shall be exempt transactions under RCW 21.20.320(~~(16)~~) (17).

(2) Conditions to be met.

(a) General conditions. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503.

Note: In order to comply with this section the issuer must comply with the provisions of Rule 505 (17 CFR Sec. 230.505) of the Federal Securities and Exchange Commission.

(b) Specific conditions.

(i) No commission, fee, or other remuneration shall be paid or given directly or indirectly, to any person for soliciting any prospective purchaser that is not an accredited investor in the state of Washington unless such person is registered in this state as a broker-dealer or salesperson.

(ii) It is a defense to a violation of (b)(i) of this subsection if the issuer sustains the burden of proof to establish that he did not know and in the exercise of reasonable care could not have known that the person who offered or sold the security was not appropriately registered in this state.

(c) In all sales to nonaccredited investors in this state under this section the issuer and any person acting on its behalf shall have reasonable grounds to believe and after making reasonable inquiry shall believe that, as to each purchaser, one of the following conditions, (i) or (ii) of this subsection, is satisfied:

(i) The investment is suitable for the purchaser upon the basis of the facts, if any, disclosed by the purchaser as to his other security holdings and as to his financial situation and needs. For the purpose of this condition only, it may be presumed that if the investment does not exceed ten percent of the purchaser's net worth, it is suitable. This presumption is rebuttable; or

(ii) The purchaser either alone or with his purchaser representative(s) has such knowledge and experience in financial and business matters that he is or they are capable of evaluating the merits and risks of the prospective investment.

(d) No exemption under this rule shall be available for the securities of any issuer if any of the parties described in Securities Act of 1933, Regulation A, Rule 230.252 sections (c), (d), (e), or (f):

(i) Has filed a registration statement which is the subject of a currently effective registration stop order entered pursuant to the Securities Act of Washington, chapter 21.20 RCW, or any other state's securities law,

within five years prior to the filing of the notice required under this exemption.

(ii) Has been convicted within ten years prior to the filing of the notice required under this exemption of any felony or misdemeanor in connection with the offer, purchase or sale of any security or any felony involving fraud or deceit, including but not limited to forgery, embezzlement, obtaining money under false pretenses, larceny, or conspiracy to defraud.

(iii) Is currently subject to any state administrative enforcement order or judgment entered by the Washington state administrator of securities or any other state's securities administrator within five years prior to the filing of the notice required under this section or is subject to any state's administrative enforcement order or judgment in which fraud or deceit, including but not limited to making untrue statements of material facts and omitting to state material facts, was found and the order or judgment was entered within five years prior to the filing of the notice required under this exemption.

(iv) Is subject to an order or judgment of the Washington state administrator of securities or any other state's administrative enforcement order or judgment which prohibits, denies or revokes the use of any exemption from registration in connection with the offer, purchase or sale of securities.

(v) Is currently subject to any order, judgment, or decree of any court of competent jurisdiction temporarily or preliminarily restraining or enjoining, or is subject to any order, judgment or decree of any court of competent jurisdiction, permanently restraining or enjoining, such party from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security or involving the making of any filing with this or any state entered within five years prior to the filing of the notice required under this exemption.

(vi) The prohibitions of (d)(i), (ii), (iii), and (v) of this subsection shall not apply if the person subject to the disqualification is duly licensed or registered to conduct securities related business in this state and the Form B-D filed with this state discloses the order, conviction, judgment or decree relating to such person. No person disqualified under (d) of this subsection may act in a capacity other than that for which the person is licensed or registered.

(vii) Any disqualification caused by (d) of this subsection is automatically waived if the Washington state administrator of securities or the state securities administrator or other agency which created the basis for disqualification determines upon a showing of good cause that it is not necessary under the circumstances that the exemption of this section be denied.

(viii) It is a defense to a violation of this paragraph (d) if the issuer sustains the burden of proof to establish that the issuer did not know and in the exercise of reasonable care could not have known that a disqualification under this paragraph existed.

(e) The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

(3) Transactions which are exempt under this section may not be combined with offers and sales exempt under

any other rule or section of the Securities Act of Washington, however, nothing in this limitation shall act as an election. Should for any reason the offer and sale fail to comply with all of the conditions for the exemption of this section, the issuer may claim the availability of any other applicable exemption.

(4) The Washington state administrator of securities may, by rule or order, waive the conditions of this section.

(5) The exemption authorized by this section shall be known and may be cited as the "Washington uniform limited offering exemption."

AMENDATORY SECTION (Amending Order SDO-71-88, filed 7/12/88)

WAC 460-44A-506 EXEMPTION FOR NON-PUBLIC OFFERS AND SALES WITHOUT REGARD TO DOLLAR AMOUNT OF OFFERING. (1) Exemption. Offers and sales of securities by an issuer in compliance with the Securities Act of 1933, Regulation D, Rules 230.501 through 230.503 (~~(and)~~); 230.506; and 230.508 as made effective in Release No((s)). 33-6389, and as amended in Release Nos. 33-6437, (~~(and)~~) 33-6663, 33-6758, and 33-6825 that satisfy the conditions in subsection (2) of this section shall be deemed to be exempt transactions within the meaning of RCW 21.20.320(1).

(2) Conditions to be met.

(a) General conditions. To qualify for exemption under this section, offers and sales must satisfy all the terms and conditions of WAC 460-44A-501 through 460-44A-503.

Note: In order to comply with this section the issuer must comply with the provisions of Rule 506 (17 CFR Sec. 230.506) of the Federal Securities and Exchange Commission.

(b) Specific conditions.

(i) No selling commission unless registered as a broker-dealer or salesperson.

(A) No commission, fee, or other remuneration shall be paid or given directly or indirectly, to any person for soliciting any prospective purchaser that is not an accredited investor in the state of Washington unless such person is registered in this state as a broker-dealer or salesperson.

(B) It is a defense to a violation of (b)(i)(A) of this subsection if the issuer sustains the burden of proof to establish that he did not know and in the exercise of reasonable care could not have known that the person who received a commission, fee or other remuneration was not appropriately registered in this state.

(ii) Limitation on selling expenses.

(A) Selling expenses in any offering under this section shall not exceed fifteen percent of the aggregate offering price. For the purposes of this section, "selling expenses" means the total underwriting and brokerage discounts and commissions (including fees of the underwriters' attorneys paid by the issuer) paid in connection with the offering plus all other expenses actually incurred by the issuer relating to printing, engraving, mailing, salaries of employees while engaged in sales activity, charges of

transfer agents, registrars, trustees, escrow holders, depositories, and engineers and other experts, expenses of qualification of the sale of the securities under federal and state laws, including taxes and fees, and any other expenses actually incurred by the issuer and directly related to the offering and sale of the securities, but excluding accountants' and the issuer's attorneys' fees and options to underwriters.

(B) The number of shares or units called for by options issuable to underwriters or other persons as compensation, in whole or in part, for the offer or sale of securities in reliance on this section shall not exceed ten percent of the number of shares or units actually sold in the offering.

(3) Offers or sales which are exempted under this section may not be combined in the same offering with offers or sales exempted under any other rule or section of chapter 21.20 RCW; however, nothing in this limitation shall act as an election. Should for any reason an offering fail to comply with all of the conditions for this section, the issuer may claim the availability of any other applicable exemption.

(4) The issuer shall file a notice, with a consent to service of process, and pay a filing fee as set forth in WAC 460-44A-503.

NEW SECTION

WAC 460-44A-508 INSIGNIFICANT DEVIATIONS FROM A TERM, CONDITION, OR REQUIREMENT OF WAC 460-44A-501 THROUGH 460-44A-506. (1) A failure to comply with a term, condition, or requirement of WAC 460-44A-501 through 460-44A-506 will not result in the loss of the exemption of WAC 460-44A-505 or 460-44A-506 from the registration requirements of RCW 21.20.140 for any offer or sale to a particular individual or entity, if the person relying on the exemption shows:

(a) The failure to comply did not pertain to a term, condition, or requirement directly intended to protect that particular individual or entity; and

(b) The failure to comply was insignificant with respect to the offering as a whole: PROVIDED, That any failure to comply with WAC 460-44A-502(3), 460-44A-503, 460-44A-505 (2)(d) and (e) and (3), 460-44A-506 (3) and (4), paragraph (c) of Securities and Exchange Commission Rule 502, paragraphs (b)(2)(i) and (ii) of Securities and Exchange Commission Rule 505 and paragraph (b)(2)(i) of Securities and Exchange Commission Rule 506 shall be deemed to be significant to the offering as a whole; and

(c) A good faith and reasonable attempt was made to comply with all applicable terms, conditions, and requirements of WAC 460-44A-505 or 460-44A-506.

(2) A transaction made in reliance on WAC 460-44A-505 or 460-44A-506 shall comply with all applicable terms, conditions, and requirements of WAC 460-44A-501 through 460-44A-506. Where an exemption is established only through reliance upon subsection (1) of this section, the failure to comply shall nonetheless be actionable by the securities administrator under chapter 21.20 RCW.

WSR 89-17-077

**PERMANENT RULES
DEPARTMENT OF LICENSING
(Securities Division)**

[Order SDO-123-89-Filed August 17, 1989, 3:40 p.m.]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at Olympia, Washington, the annexed rules relating to:

- Amd WAC 460-20A-220 Salesperson registration and examination.
- Amd WAC 460-24A-050 Investment adviser and investment adviser salesperson (representative) registration and examination.

The director finds that these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

This action is taken pursuant to Notice Nos. WSR 89-13-067 and 89-13-068 filed with the code reviser on June 21, 1989. 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 21.20.070 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 the Securities Act of Washington.

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 August 14, 1989.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order SDO-047-88, filed 8/8/88)

WAC 460-20A-220 SALESPERSON REGISTRATION AND EXAMINATION. (1) Every applicant for registration as a securities salesperson, unless exempt as provided herein, shall pass the following examinations with a score of seventy percent or better and complete the NASD Form U-4.

(a) For a salesperson's license to effect or attempt to effect sales of general securities, the individual shall pass the NASD uniform securities agent state law examination and the NASD general securities representative examination.

(b) For a limited salesperson's license to effect or to attempt to effect sales of investment company securities, variable contracts or mutual funds, the individual shall pass the NASD investment company products/variable contracts representative examination and the uniform securities agent state law examination.

(c) For a limited salesperson's license to effect or to attempt to effect sales of limited partnership interests and interests in tax shelters, the individual shall pass the

NASD direct participation program representative examination and the uniform securities agent state law examination.

(d) For a limited salesperson's license to effect or to attempt to effect sales of municipal bonds, the individual shall pass the NASD municipal securities representative examination and the uniform securities agent state law examination.

(e) For a limited salesperson's license to effect or to attempt to effect sales of real estate program offerings, the individual shall pass the uniform real estate securities examination and the uniform securities agent state law ~~((exam))~~ examination.

(f) For a limited salesperson's license to effect or attempt to effect sales on behalf of the issuer of a single offering of the issuer where no commissions or similar remuneration will be paid or given directly or indirectly in connection with the offer or sale of the issuer's securities, the individual shall pass the uniform securities state law examination.

(g) For a limited salesperson's license to effect or attempt to effect sales of corporate securities, the individual shall pass the NASD corporate securities limited representative examination and the uniform securities agent state law examination.

(h) For a limited salesperson's license to effect or attempt to effect sales of mortgage paper securities as defined in WAC 460-33A-015(5), the individual shall pass the uniform securities agent state law examination.

(2) Any individual out of the business of effecting transactions in securities for less than two years and who has previously passed the required examinations in subsection (1)(a), (b), (c), (d), or (e) of this section or the Washington state securities examination shall not be required to retake the examination(s) to be eligible to be relicensed upon application.

(3) Upon written application and approval, the director may exempt the following persons from the testing requirements in subsection (1) ~~((above))~~ of this section:

(a) For a particular original offering of an issuer's securities where no commission or similar remuneration will be paid or given directly or indirectly in connection with the offer or sale of such securities, not more than two officers of the issuer or corporate general partner or two individual general partners, provided, however, that the period of such exemption from testing requirements shall not exceed ninety days. To remain licensed for any continuation of the offering of securities beyond ninety days, the applicant must comply with the requirements of subsection (1) ~~((above))~~ of this section.

(b) A salesperson engaged exclusively in the sale of condominium securities provided that written notice is given to the director five days prior to the exercise of the exemption and that such salesperson submit a copy of his/her current Washington real estate license to the director. If that license is cancelled, suspended or revoked, the exemption will not apply to any further transaction.

(4) The licenses in subsection (1) of this section shall be effective until December 31 of the year of issuance at which time it shall be renewed or if not renewed shall be deemed delinquent except that the expiration date of the

licenses of salespersons representing issuers may be adjusted to coincide with the expiration date of the securities registration of the issuer. In the latter case, the license shall be renewed, or if not renewed, shall be deemed delinquent at the expiration of the issuer's securities registration. For any renewal application postmarked after the expiration date but received by the director within two months of the expiration date, the licensee shall pay a delinquency fee of ten dollars in addition to the renewal fee. No renewal applications will be accepted after that time.

(5) Any applicant not completing the salesperson application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent six-month period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.

~~((6) Any salesperson registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and registered continuously thereafter, shall be subject to the regulation in effect at the time of the original application.))~~

AMENDATORY SECTION (Amending Order SDO-047-88, filed 8/8/88)

WAC 460-20A-230 BROKER-DEALER REGISTRATION AND EXAMINATION. (1) In order to be licensed in this state as a broker-dealer the individual applicant, an officer if the applicant is a corporation, or a general partner if the applicant is a partnership shall pass the following examination with a score of 70% or better and complete the SEC Form B/D and complete the state of Washington registration check sheet.

(a) For a broker-dealers license to effect transactions in general securities one individual, officer or general partner shall pass the NASD general securities principal examination, the uniform securities agent state law examination, and the financial and operations principal examination.

(b) For a limited broker-dealer license to effect transactions in investment company securities, variable contracts or mutual funds one individual, officer or general partner shall pass the NASD investment company products/variable contracts principal examination and the uniform securities agent state law examination.

(c) For a limited broker-dealers license to effect transactions in limited partnership interests and interests in tax shelters one individual, officer or general partner shall pass the NASD direct participation programs principal examination and the uniform securities agent state law examination.

(d) For a limited broker-dealer's license to effect transactions in municipal bonds, one individual, officer or general partner shall pass the NASD municipal securities principal examination and the uniform securities agent state law examination.

(e) For a limited broker-dealer's license to effect transactions in mortgage paper securities as defined in

WAC 460-33A-015(5), one individual, officer, or general partner shall pass the uniform securities agent state law examination.

(2) The director may upon application waive the financial and operations examination required in subsection (1)(a) of this section for brokerage firms which do not hold funds or securities for, or owe money or securities to customers and do not carry accounts of or for customers.

(3) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the broker-dealer must notify the securities division of a substitute officer or general partner who has passed the same category of examination specified in subsection (1)(a), (b), (c), or (d) of this section within two months in order to maintain the broker-dealers license.

(4) The licenses in subsection (1)(a), (b), (c), or (d) of this section shall be effective until December 31 of the year of passage at which time it shall be renewed or be delinquent. For any renewal application postmarked after the expiration date but received by the director on or before March 1, the licensee shall pay a delinquency fee of twenty-five dollars in addition to the renewal fee. No renewal applications will be accepted thereafter.

(5) Any applicant not completing the broker-dealer application in full shall be issued a deficiency letter. The deficiency must be corrected within the subsequent six-month period. If not so completed, one-half the filing fee shall be returned to the applicant. A new application and filing fee must then be filed in order to initiate application.

(6) Any broker-dealer registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and remained registered continuously thereafter shall be subject to regulations in effect at the time of the original application.

AMENDATORY SECTION (Amending Order SDO-220-85, filed 11/19/85)

WAC 460-24A-050 INVESTMENT ADVISER AND INVESTMENT ADVISER SALESPERSON (REPRESENTATIVE) REGISTRATION AND EXAMINATIONS. (1) In order to be licensed in this state as an investment adviser the individual applicant, the officer if the applicant is a corporation or a general partner if the applicant is a partnership shall complete the uniform ~~((securities agent state))~~ investment adviser law examination with a score of seventy percent or better and complete one of the following with a score of seventy percent or better:

(a) NASD general securities principal examination (Series 24) or

(b) NASD investment company products/variable contracts principal examination (Series 26).

The applicant must also complete a Form ADV for the state of Washington.

(2) An individual applicant, an officer if the applicant is a corporation or a general partner if the applicant is a partnership any one of which has completed the uniform

~~((securities agent state))~~ investment adviser law examination with a score of seventy percent or better and which holds one of the following designations, shall not be required to complete the exams designated in subsection (1)(a) and (b) of this section in order to apply for an investment advisers license:

(a) Chartered investment counselor, or

(b) Chartered financial analyst, or

(c) Certified financial planner which designation is completed on or after the effective date of these rules.

The applicant must also complete a Form ADV for the state of Washington.

(3) If the individual officer who takes the examination on behalf of a corporate applicant or the individual general partner who takes the examination on behalf of a partnership ceases to be an officer or general partner, then the investment adviser must notify the securities division of a substitute officer or general partner who has passed the examinations required in subsection (1) of this section within two months in order to maintain the investment adviser license.

(4) In order to be licensed in this state as an investment adviser salesperson (representative) the individual applicant shall complete the uniform ~~((securities agent state))~~ investment adviser law examination with a score of seventy percent or better and complete one of the following with a score of seventy percent or better unless subsection (6) of this section applies:

(a) NASD general securities representative examination (Series 7), or

(b) NASD investment company products/variable contracts limited representative qualifications examination (Series 6).

The applicant must also complete the Form U-4 for the state of Washington.

(5) An individual who has completed the uniform ~~((securities agent state))~~ investment adviser law examination with a score of seventy percent or better and who holds one of the following designations shall not be required to complete the exams designated in subsection (4) of this section in order to apply for an investment adviser salesperson (representative) license.

(a) Chartered investment counselor

(b) Chartered financial analyst

(c) Certified financial planner whose designation is completed on or after the effective date of these rules.

The applicant must also complete the Form U-4 for the state of Washington.

(6) The administrator may waive the testing requirements in subsection (5) of this section for an investment adviser representative whose activities will be limited to supervising the firm's investment advisory activities in Washington, provided that the applicant has been employed for five years preceding the filing of the application in a supervisory capacity, or as a portfolio manager, by an investment adviser registered under the Investment Advisers Act of 1940 for at least five years and the investment adviser has been engaged in rendering "investment supervisory services" as defined in section 202 (a)(13) of the Investment Advisers Act of 1940.

(7) Any individual who has been retained or employed by an investment adviser to solicit clients or offer the

services of the investment adviser or manage the accounts of said clients any time during the two years prior to application and who has previously passed the required examination in subsection (1) or (4) of this section or the Washington state investment advisers examination shall not be required to retake the examination(s) to be eligible to be relicensed as an investment adviser salesperson (representative) upon application.

~~((8) Any investment adviser or investment adviser salesperson registered prior to August 15, 1981, and who was registered with the Washington state securities division as of the date of the adoption of these regulations and remained registered thereafter shall be subject to the regulations in effect at the time of the original application:))~~

WSR 89-17-078
PERMANENT RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Order SDO-124-89—Filed August 17, 1989, 3:44 p.m.]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at the Department of Licensing, Olympia, Washington 98504, the annexed rules relating to registration and exemption of mortgage paper securities, broker-dealers and salespersons.

The director finds that these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

This action is taken pursuant to Notice No. WSR 89-13-068 filed with the code reviser on June 21, 1989. 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 21.20.450 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 August 14, 1989.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-010 APPLICATION. (1) The rules contained in these regulations are intended to offer an optional method for the registration((s)) of ~~((securities involving notes and bonds secured by mortgages, trust deeds or property sales contracts and related instruments))~~ "mortgage paper securities" as defined in WAC 460-33A-015(5). While applications for registration not conforming to the standards contained herein

shall be looked upon with disfavor, where good cause is shown, certain rules of this chapter may be modified or waived by the administrator, if consistent with the spirit of these rules.

(2) The application of these rules does not affect those issuers to which or to whom the debenture company sections of the Securities Act apply. ~~((If applicable, issuers must comply with those statutory sections:))~~

(3) These rules do not affect the statutory exemptions provided for by ~~((RCW 21.20.310 or 21.20.320))~~, nor ~~((do they intend to expand or restrict the definition of "security" as defined in RCW 21.20.005(12):~~

~~((4) The rules contained in this chapter))~~ will ~~((not))~~ they be applied to, those securities or transactions exempt under RCW 21.20.310 or 21.20.320. These rules are not intended to expand or restrict the definition of "security" as defined in RCW 21.20.005(12).

~~((5))~~ (4) The rules contained in this chapter are only applicable to mortgage paper securities, mortgage broker-dealers and mortgage salespersons registering under this chapter.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-015 DEFINITIONS. As used in this chapter:

(1) "Liquid assets" means cash and other nonpledged assets which are convertible into cash within a five-day period in the normal course of business.

(2) "Mortgage broker-dealer" means a person who is defined as a "broker-dealer" in RCW 21.20.005(3) and who effects transactions in mortgage paper securities registered under the provisions of this chapter.

(3) "General offering circular" means a disclosure document that gives a general description of what is involved in the purchase of mortgage paper securities and the business of offering the mortgage paper securities including a description of the mortgage broker-dealer.

(4) "Mortgage salesperson" means a person other than a mortgage broker-dealer who is defined as a "salesperson" in RCW 21.20.005(2) and who represents a mortgage broker-dealer in effecting offers or sales of mortgage paper securities registered under the provisions of this chapter.

(5) "Mortgage paper securities" means(~~(:~~
~~(a))~~) notes and bonds, or other debt securities secured by mortgages or trust deeds on real or personal property or ((on)) by a vendor's interest in a property sales contract or options granting the right to purchase any of the foregoing ((when offered or sold under an arrangement constituting an investment contract as described in WAC 460-33A-017 provided that, notes or bonds secured by mortgages, deeds of trust, or a vendor's interest in a property sales contracts when given by a borrower to a lender at the time of the origination of the loan in the context of a loan transaction shall not, within the context of such transaction, be included within the definition of mortgage paper securities.

~~(b) A partial interest in more than one mortgage, trust deed, or property sales contract acquired by an investor along with other investors:~~

~~(c) An interest of several investors in a single mortgage, trust deed or single property sales contracts)), including any guarantee of or interest in the foregoing.~~

(6) "Specific offering circular" means a disclosure document describing the specific mortgage paper securities offering, which is meant to accompany the general offering circular.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-017 REGISTRATION NOT REQUIRED. Each of the following ~~((shall))~~ need not be ~~((exempt from registration))~~ registered under the rules of this chapter:

(1) Any offer or sale to a bank, savings institution, trust company, insurance company, investment company as defined in the Investment Company Act of 1940, pension or profit-sharing trust, or other financial institution or institutional buyer.

(2) Any security issued by and representing an interest in or a debt of, or guaranteed by, any bank organized under the laws of the United States, any federal savings bank, or any bank, savings bank, or trust company organized or supervised under the laws of any state.

(3) Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association, federal savings bank, or any building and loan or similar association organized under the laws of any state and authorized to do business in this state.

(4) Any security issued by and representing an interest in or a debt of, or guaranteed by, any insurance company organized under the laws of this state and authorized to do and actually doing business in this state.

(5) Any security issued or guaranteed by any federal credit union or any credit union, industrial loan association, or similar association organized and supervised under the laws of this state.

(6) Any transaction in a note or bond secured by real property that is ~~((exempt if the entire mortgage, deed of trust, or agreement, is offered and sold as a unit))~~ exempted under RCW 21.20.320(5): PROVIDED, That ~~((any))~~ a transaction ~~((including))~~ shall not be deemed to be within the exemption granted by RCW 21.20.320(5) if any of the following ~~((elements shall not be deemed to be exempt under this provision))~~ services are offered or included by the mortgage broker-dealer or its affiliates:

~~((i))~~ (a) Guarantying the note or contract against loss at any time~~(:);~~ or

~~((ii))~~ (b) Guarantying that payments of principal or interest will be paid~~(:);~~ or

~~((iii))~~ (c) Assuming any payments necessary to protect the security of the note or contract, excluding necessary advances for taxes and insurance~~(:);~~ or

~~((iv))~~ Accepting, from time to time, partial payments toward the purchase of the note or contract, or

~~((v))~~ (d) Guarantying a specific yield or return on the note or contract~~(:);~~ or

~~((vi))~~ (e) Paying any interest or premium by the mortgage broker-dealer for a period prior to actual purchase and delivery of the note or contract~~(:);~~ or

~~((vii))~~ (f) Paying any money other than that collected from the borrower after the note or contract falls into arrears~~(:);~~ or

~~((viii))~~ (g) Repurchasing the note or contract, provided that, this is not intended to prohibit good faith repurchases as an effort to assist the investor as long as the representation is not made at the time of sale and not as a part of the sales program~~(:);~~ or

~~((ix))~~ Accepting the grant of complete discretionary authority in collection of payments, forwarding of payments to other lienholders and investors, resolving delinquency problems, managing the investment or handling of foreclosures and the like for the investors. This does not include such servicing provided by an escrow company, the services strictly limited to the collection and remittance of interest to the investor, or services contractually necessitated by seller financed insurance, or

~~((x))~~ (h) Promising the investor a market for the resale of the mortgage paper securities.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-031 MINIMUM INVESTOR SUITABILITY REQUIREMENTS. In any sale of mortgage paper registered under the rules of this chapter, the mortgage broker-dealer shall have reasonable grounds to believe and after making reasonable inquiry shall believe that both the conditions of subsections (1) and (2) of this section are satisfied:

(1) The investment is suitable for the purchaser upon the basis of the facts disclosed by the purchaser as to the purchaser's other security holdings and as to the purchaser's financial situation and needs; and

(2) The purchaser qualifies for at least one of the following:

(a) The purchaser's investment in the mortgage paper securities ~~((shall))~~ being offered does not exceed twenty percent of the purchaser's net worth, or joint net worth with that person's spouse: PROVIDED, That the purchaser's total investment in mortgage paper securities involving any one borrower or his affiliates may not exceed twenty percent of the purchaser's net worth, or joint net worth with that person's spouse;

(b) The purchaser's investment ~~((shall))~~ in the mortgage paper securities being offered does not exceed ten percent of the purchaser's (including spouse) taxable income for federal tax purposes for the last year: PROVIDED, That the purchaser's total investment in mortgage paper securities involving any one borrower or his affiliates may not exceed twenty percent of the purchaser's net worth, or joint net worth with that person's spouse;

(c) The purchaser, either alone or with ~~((his))~~ a purchaser representative as defined in WAC 460-44A-501 ~~((shall have)),~~ has, as ~~((set forth))~~ stated in WAC ~~((460-44A-506))~~ 460-44A-505, such knowledge and experience in financial and business matters that he is capable of evaluating the merits and risks of the prospective investment; or

(d) The purchaser is an accredited investor as defined in WAC 460-44A-501.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-055 ESCROW ACCOUNT. (1) All funds received from lenders or investors to purchase mortgage paper securities shall be deposited within forty-eight hours of receipt in ~~((a specific))~~ an escrow account acceptable to the administrator. The escrow account shall be maintained ((for that purpose)) in a financial institution as set forth in WAC 460-33A-050(2) or with an independent escrow agent registered under chapter 18.44 RCW. All checks by which purchases or investments are made shall be made payable to the escrow account. All necessary disbursements shall be made from ((that)) the escrow account. ((The escrow agreement must provide that funds may be disbursed from the escrow account only to a specific loan escrow, where funds will be disbursed only upon closing and recordation, or to return the funds to the lenders or investors.

~~((2))~~ (2) No person acting as a mortgage broker-dealer or his agent shall accept any purchase or investment funds for mortgage paper securities in advance of the time necessary to fund the loan transaction. No such fund shall be maintained in such account for longer than sixty days without disbursing the funds and the escrow agreement must provide that funds maintained in such account shall be returned to the investor on the sixty-first day from deposit in the account((:- PROVIDED, That the interest from funds so retained shall not accrue to the benefit of the mortgage broker-dealer or his agent)). No interest earned on escrow account funds shall be paid to the mortgage broker-dealer or its affiliates. The escrow agreement must provide that funds may be disbursed from the escrow account only to a specific loan escrow, where funds will be disbursed only upon closing and recordation, or to return the funds to the lenders or investors.

~~((3))~~ (2) The escrow agreements shall provide that the funds will not be subject to the mortgage broker-dealer's creditors.

~~((4))~~ (3) The account shall be subject to an audit at any reasonable time by the securities division.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-065 SERVICE AGREEMENT. (1) Every person acting as a mortgage broker-dealer, or an agent or affiliate thereof, who undertakes to service a mortgage paper security shall have a written agreement with the lender or holder of the contract setting forth specifically what services will be provided.

(2) The service agreement shall require:

(a) That payments received on the note, bond or obligation be immediately deposited to a trust account and in accordance with the provisions of this rule; ~~((and))~~

(b) That such payments shall not be commingled with the assets of the servicing agent or used for any transaction other than the transaction for which the funds are received((-);

~~((3))~~ (c) That payments received on the note, bond or obligation shall be transmitted to the purchasers or lenders pro rata according to their respective interests within thirty-one days after receipt thereof by the agent. If the source for such payment is not the maker of the note, bond or obligation, the agent will inform the purchasers or lenders of the source for payment. A broker or servicing agent who transmits to the purchasers or lenders such broker's and/or servicing agent's own funds to cover payments due from the borrower but unpaid may recover the amount of such advances from the trust fund when the past due payment is received((-); and

(d) That the servicing agent will file a request for notice of default upon any prior encumbrances and promptly notify the purchasers or lenders of any default on such prior encumbrances or on the note or notes subject to the servicing agreement.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-080 REGISTRATION AND EXAMINATION OF MORTGAGE BROKER-DEALERS. (1) Every person acting as a mortgage broker-dealer, unless otherwise exempt, must first obtain a broker-dealer's license under the provisions of chapter 460-20A WAC ~~((or the provisions of this section)).~~

~~((2))~~ ((Every applicant for registration as a mortgage broker-dealer under this section shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of seventy percent or better and complete the application form as prescribed by the director of the department of licensing.

~~((3))~~ Every applicant under this section shall provide the securities administrator proof of compliance with either WAC 460-33A-040~~((:- (Net liquid asset or net worth requirement))~~

~~((4))~~ For registration of a mortgage broker-dealer, under this section, the fee shall be one hundred fifty dollars for original registration and seventy five dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1 the late fee shall be twenty five dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall return one-half the fee.

~~((5))~~ A person may elect to register under this section in lieu of the registration procedures under chapter 460-20A WAC only if the applicant deals solely in mortgage paper securities as defined in this chapter)) or 460-20A-100.

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-085 REGISTRATION AND EXAMINATION OF MORTGAGE SECURITIES SALESPERSONS. ~~((1))~~ Every person acting as a mortgage securities salesperson, unless otherwise exempt, must first obtain a salesperson's license under the

provisions of chapter 460-20A WAC ((or the provisions of this section)) and be employed by a broker-dealer or mortgage broker-dealer.

~~((2) Every applicant for registration as a mortgage securities salesperson under this section shall pass the Uniform Securities Agent State Law Examination (Series 63) with a score of seventy percent or better and complete the application form prescribed by the director of the department of licensing.~~

~~((3) For registration of a mortgage securities salesperson under this section, the fee shall be thirty five dollars for original registration and fifteen dollars for each annual renewal. The licenses shall be effective until December 31 of the year of passage at which time it shall be renewed or delinquent. For any renewal application postmarked after December 31 but before March 1, the late fee shall be ten dollars. No renewal applications will be accepted after March 1. Such licensee must submit a new application and filing fee. When an application is denied or withdrawn, the director shall retain one-half the fee.~~

~~((4) A person may elect to register under this section in lieu of the registration procedures under chapter 460-20A WAC only if the applicant deals solely in mortgage paper securities.))~~

AMENDATORY SECTION (Amending Order SDO-140-86, filed 10/20/86)

WAC 460-33A-105 APPRAISALS. (1) An appraisal of each parcel of real property or other property which secures or relates to a transaction subject to the provisions of this chapter shall be made by an independent appraiser ((unless the purchaser of the obligation to which the parcel or other property relates indicates in writing that he will obtain his own appraisal)). The appraisal ((or waiver thereof)) shall be kept on file by the mortgage broker-dealer for four years.

(2) The appraisal shall reflect the value of the property on an "as is" not an "as built" basis.

(3) The appraisal shall conform to the following requirements:

(a) The appraisal shall be prepared by a competent, independent appraiser acceptable to the administrator; and

(b) Effective July 1, 1990, the appraiser shall be certified in conformance with the Certified Real Estate Appraiser Act, chapter 414, Laws of 1989.

(4) An appraisal made within the twelve-month period prior to the sale of the mortgage paper security is sufficient.

~~((3))~~ (5) The written consent of any appraiser who is named as having prepared an appraisal in connection with the mortgage paper securities offering shall be filed with the securities administrator.

~~((4))~~ (6) In lieu of the appraisal required by this section, the mortgage broker-dealer may elect to rely on the most recent tax assessment valuation of each parcel of real property.

WSR 89-17-079
PERMANENT RULES
DEPARTMENT OF LICENSING
(Securities Division)

[Order SDO-126-89—Filed August 17, 1989, 3:49 p.m.]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at the Department of Licensing, Olympia, Washington, the annexed rules relating to:

New	WAC 460-20A-008	Fraudulent practices of broker-dealers and sales agents.
Amd	WAC 460-20A-420	Dishonest and unethical business practices—Broker-dealers.
Amd	WAC 460-20A-425	Dishonest and unethical business practices—Salespersons.

The director finds that these rules are necessary or appropriate in the public interest or for the protection of investors and consistent with the purposes fairly intended by the policy and provisions of chapter 21.20 RCW.

This action is taken pursuant to Notice No. WSR 89-13-066 filed with the code reviser on June 21, 1989. 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 21.20.010 and 21.20.110 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 August 14, 1989.

By Mary Faulk
Director

AMENDATORY SECTION (Amending Order SDO-202-84, filed 12/27/84)

WAC 460-20A-425 DISHONEST OR UNETHICAL BUSINESS PRACTICES—SALESPERSONS. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(7) as applied to salespersons, is hereby defined to include any of the following:

(1) Engaging in the practice of lending or borrowing money or securities from a customer, or acting as a custodian for money, securities or an executed stock power of a customer;

(2) Effecting securities transactions not recorded on the regular books or records of the broker-dealer which the agent represents, unless the transactions are authorized in writing by the broker-dealer prior to execution of the transaction;

(3) Establishing or maintaining an account containing fictitious information in order to execute transactions which would otherwise be prohibited;

(4) Sharing directly or indirectly in profits or losses in the account of any customer without the written authorization of the customer and the broker-dealer which the agent represents;

(5) Dividing or otherwise splitting the agent's commissions, profits or other compensation from the purchase or sale of securities with any person not also registered for the same broker-dealer, or for a broker-dealer under direct or indirect common control; or

(6) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(7) Recommending to a customer the purchase, sale or exchange of any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(8) Executing a transaction on behalf of a customer without authorization to do so;

(9) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(10) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(11) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(12) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering.

(13) Effecting any transaction in, or inducing the purchase or sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same time and substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customer;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or

apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(14) Guaranteeing a customer against loss in any securities account for such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(15) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation presents a bona fide bid for, or offer of, such security;

(16) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or assertions of any brochure, flyer, or display by words, pictures, graphs or otherwise.

(17) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer.

(18) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited.

(19) Failing to comply with any applicable provision of the Rules of Fair Practice of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission.

(20) Any act or practice enumerated in WAC 460-20A-008.

The conduct set forth above is not inclusive. Engaging in other conduct such as a forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

NEW SECTION

WAC 460-20A-008 FRAUDULENT PRACTICES OF BROKER-DEALERS AND SALES AGENTS. A broker-dealer or agent who engages in one or more of the following practices shall be deemed to have engaged in an "act, practice, or course of business which operates or would operate as a fraud" as used in RCW 21.20.010. This section is not intended to be all inclusive, and thus, acts or practices not enumerated herein may also be deemed fraudulent.

(1) Entering into a transaction with a customer in any security at an unreasonable price or at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit.

(2) Contradicting or negating the importance of any information contained in a prospectus or other offering materials with intent to deceive or mislead or using any advertising or sales presentation in a deceptive or misleading manner.

(3) In connection with the offer, sale, or purchase of a security, falsely leading a customer to believe that the broker-dealer or agent is in possession of material, non-public information which would impact on the value of the security.

(4) In connection with the solicitation of a sale or purchase of a security, engaging in a pattern or practice of making contradictory recommendations to different investors of similar investment objective for some to sell and others to purchase the same security, at or about the same time, when not justified by the particular circumstance of each investor.

(5) Failing to make a bona fide public offering of all the securities allotted to a broker-dealer for distribution by, among other things, (a) transferring securities to a customer, another broker-dealer, or a fictitious account with the understanding that those securities will be returned to the broker-dealer or its nominees, or (b) parking or withholding securities.

(6) Although nothing in this section precludes application of the general antifraud provisions against anyone for practices similar in nature to the practices discussed below, the following subsections specifically apply only in connection with the solicitation of a purchase or sale of OTC non-NASDAQ equity securities:

(a) Failing to disclose the firm's present bid and ask price of a particular security at the time of solicitation, and the firm's bid and ask price at the time of execution on the confirmation.

(b) Failing to advise the customer, both at the time of solicitation and on the confirmation, of any and all compensation related to a specific securities transaction to be paid to the agent including commissions, sales charges, or concessions.

(c) In connection with a principal transaction, failing to disclose, both at the time of solicitation and on the confirmation, a short inventory position in the firm's account of more than five percent of the issued and outstanding shares of that class of securities of the issuer: **PROVIDED**, That this subsection shall apply only if the firm is a market maker at the time of the solicitation.

(d) Conducting sales contests in a particular security.

(e) After a solicited purchase by a customer, failing or refusing, in connection with a principal transaction, to promptly execute sell orders.

(f) Soliciting a secondary market transaction when there has not been a bona fide distribution in the primary market.

(g) Engaging in a pattern of compensating an agent in different amounts for effecting sales and purchases in the same security.

(7) Effecting any transaction in, or inducing the purchase or sale of any security by means of any manipulative, deceptive, or other fraudulent device or contrivance including but not limited to the use of boiler room tactics or use of fictitious or nominee accounts.

(8) Failure to comply with any prospectus delivery requirement promulgated under federal law.

AMENDATORY SECTION (Amending Order SDO-202-84, filed 12/27/84)

WAC 460-20A-420 DISHONEST OR UNETHICAL BUSINESS PRACTICES—BROKER-DEALERS. The phrase "dishonest or unethical practices" as used in RCW 21.20.110(7) as applied to broker-dealers is hereby defined to include any of the following:

(1) Engaging in a pattern of unreasonable and unjustifiable delays in the delivery of securities purchased by any of its customers and/or in the payment upon request of free credit balances reflecting completed transactions of any of its customers;

(2) Inducing trading in a customer's account which is excessive in size or frequency in view of the financial resources and character of the account;

(3) Recommending to a customer to purchase, sale or exchange of any security without reasonable grounds to believe that such transaction or recommendation is suitable for the customer based upon reasonable inquiry concerning the customer's investment objectives, financial situation and needs, and any other relevant information known by the broker-dealer;

(4) Executing a transaction on behalf of a customer without authorization to do so;

(5) Exercising any discretionary power in effecting a transaction for a customer's account without first obtaining written discretionary authority from the customer, unless the discretionary power relates solely to the time and/or price for the execution of orders;

(6) Executing any transaction in a margin account without securing from the customer a properly executed written margin agreement promptly after the initial transaction in the account;

(7) Failing to segregate customers' free securities or securities held in safekeeping;

(8) Hypothecating a customer's securities without having a lien thereon unless the broker-dealer secures from the customer a properly executed written consent promptly after the initial transaction, except as permitted by rules of the securities and exchange commission;

(9) Entering into a transaction with or for a customer at a price not reasonably related to the current market price of the security or receiving an unreasonable commission or profit;

(10) Failing to furnish to a customer purchasing securities in an offering, no later than the date of confirmation of the transaction, a final or preliminary prospectus, and if the latter, failing to furnish a final prospectus within a reasonable period after the effective date of the offering.

(11) Charging unreasonable and inequitable fees for services performed, including miscellaneous services such as collection of monies due for principal, dividends or interest, exchange or transfer of securities, appraisals, safekeeping, or custody of securities and other services related to its securities business;

(12) Offering to buy from or sell to any person any security at a stated price unless such broker-dealer is prepared to purchase or sell, as the case may be, at such

price and under such conditions as are stated at the time of such offer to buy or sell;

(13) Representing that a security is being offered to a customer "at the market" or a price relevant to the market price unless such broker-dealer knows or has reasonable grounds to believe that a market for such security exists other than that made, created or controlled by such broker-dealer, or by any person for whom he is acting or with whom he is associated in such distribution, or any person controlled by, controlling or under common control with such broker-dealer;

(14) Effecting any transaction in, or inducing the purchase of sale of, any security by means of any manipulative, deceptive or fraudulent device, practice, plan, program, design or contrivance, which may include but not be limited to:

(a) Effecting any transaction in a security which involves no change in the beneficial ownership thereof;

(b) Entering an order or orders for the purchase or sale of any security with the knowledge that an order or orders of substantially the same size, at substantially the same price, for the sale of any such security, has been or will be entered by or for the same or different parties for the purpose of creating a false or misleading appearance of active trading in the security or a false or misleading appearance with respect to the market for the security; provided, however, nothing in this subsection shall prohibit a broker-dealer from entering bona fide agency cross transactions for its customer;

(c) Effecting, alone or with one or more other persons, a series of transactions in any security creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others;

(15) Guaranteeing a customer against loss in any securities account of such customer carried by the broker-dealer or in any securities transaction effected by the broker-dealer with or for such customer;

(16) Publishing or circulating, or causing to be published or circulated, any notice, circular, advertisement, newspaper article, investment service, or communication of any kind which purports to report any transaction as a purchase or sale of any security unless such broker-dealer believes that such transaction was a bona fide purchase or sale of such security; or which purports to quote the bid price or asked price for any security, unless such broker-dealer believes that such quotation represents a bona fide bid for, or offer of, such security;

(17) Using any advertising or sales presentation in such a fashion as to be deceptive or misleading. An example of such practice would be a distribution of any nonfactual data, material or presentation based on conjecture, unfounded or unrealistic claims or ~~((assertations))~~ assertions in any brochure, flyer, or display by words, pictures, graphs or otherwise designed to supplement, detract from, supersede or defeat the purpose or effect of any prospectus or disclosure; or

(18) Failing to disclose that the broker-dealer is controlled by, controlling, affiliated with or under common control with the issuer of any security before entering into any contract with or for a customer for the purchase or sale of security, the existence of such control to such

customer, and if such disclosure is not made in writing, it shall be supplemented by the giving or sending of written disclosure at or before the completion of the transaction;

(19) Failing to make bona fide public offering of all of the securities allotted to a broker-dealer for distribution, whether acquired as an underwriter, a selling group member of from a member participating in the distribution as an underwriter or selling group member; or

(20) Failure or refusal to furnish a customer, upon reasonable request, information to which he is entitled, or to respond to a formal written request or complaint.

(21) In connection with the solicitation of a sale or purchase of an OTC non-NASDAQ security, failing to promptly provide the most current prospectus or the most recently filed periodic report filed under Section 13 of the Securities Exchange Act, when requested to do so by a customer.

(22) Marking any order ticket or confirmation as unsolicited when in fact the transaction is solicited.

(23) For any month in which activity has occurred in a customer's account, but in no event less than every three months, failing to provide each customer with a statement of account which with respect to all OTC non-NASDAQ equity securities in the account, contains a value for each such security based on the closing market bid on a date certain: PROVIDED, That this subsection shall apply only if the firm has been a market maker in such security at any time during the month in which the monthly or quarterly statement is issued.

(24) Failing to comply with any applicable provision of the Rules of Fair Practice of the National Association of Securities Dealers or any applicable fair practice or ethical standard promulgated by the Securities and Exchange Commission or by a self-regulatory organization approved by the Securities and Exchange Commission.

(25) Any acts or practices enumerated in WAC 460-20A-008.

The conduct set forth above is not inclusive. Engaging in other conduct such as forgery, embezzlement, nondisclosure, incomplete disclosure or misstatement of material facts, or manipulative or deceptive practices shall also be grounds for denial, suspension or revocation of registration.

WSR 89-17-080

PERMANENT RULES

DEPARTMENT OF LICENSING

(Securities Division)

[Order SDO-128-89—Filed August 17, 1989, 3:52 p.m.]

I, Mary Faulk, director of the Department of Licensing, do promulgate and adopt at the Department of Licensing, Highways-Licenses Building, Olympia, Washington, the annexed rules relating to exemption of securities pursuant to RCW 21.20.310(1), WAC 460-42A-030.

This action is taken pursuant to Notice No. WSR 89-13-069 filed with the code reviser on June 21, 1989. 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 21.20.310(1) 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 August 14, 1989.

By Mary Faulk
Director

NEW SECTION

WAC 460-42A-030 EXEMPTION OF SECURITIES PURSUANT TO RCW 21.20.310(1). Any security which would otherwise be exempt from registration under RCW 21.20.310(1) except that it is payable from a nongovernmental industrial or commercial enterprise shall be exempt from registration if it meets the requirements of either subsection (1) or (2) of this section:

(1) The security receives a rating of "AA" or better from Standard and Poor's Corporation or an equivalent rating from Moody's Investors Service, Inc.; or

(2)(a) The security is issued to fund a single-family mortgage loan program established and operated by a state housing finance agency; and

(b) The security receives a rating of at least "A+" from Standard and Poor's Corporation or an equivalent rating from Moody's Investors Service, Inc.

WSR 89-17-081

PROPOSED RULES

GAMBLING COMMISSION

[Filed August 18, 1989, 1:16 p.m.]

Original Notice.

Title of Rule: WAC 230-04-201 Fees; 230-30-030 Punchboard and pull tab quality control—Special inspections and transfer invoices—Special fees to recover costs; and 230-30-072 Punchboard and pull tab inventory and retention requirements.

Purpose: Establish license fees for operators, distributors and manufacturers of punchboard and pull tabs. Establish a fee to cover investigation costs for incorrect invoicing of punchboards and pull tabs. Clarify record-keeping requirements.

Statutory Authority for Adoption: RCW 9.46.070 (1), (2), (4), (5), (6), (8), (11), (14) and (20).

Statute Being Implemented: Chapter 9.46 RCW.

Summary: WAC 230-04-201, sets license fees for operators, distributors and manufacturers of punchboards and pull tabs; WAC 230-30-030, sets fee to cover investigative cost for incorrect invoicing of punchboards and pull tabs; and WAC 230-30-072, house-keeping rule to clarify record-keeping requirements.

Name of Agency Personnel Responsible for Drafting: Frank Miller, Lacey, Washington, 438-7640; Implementation: Ben Bishop, Lacey, Washington, 438-7665; and Enforcement: Richard Nicks, Lacey, Washington, 438-7690.

Name of Proponent: Gambling Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary above.

Proposal Changes the Following Existing Rules: WAC 230-04-201, cost of licensee fee change; WAC 230-30-030, distributors and their representatives pay an investigative fee for incorrectly invoicing punchboards and pull tabs; and WAC 230-30-072, none.

Small Business Economic Impact Statement: WAC 230-04-201, this amendment will have an economic impact on every licensed small business that operates, distributors and manufacturers of punchboards or pull tabs for sale in Washington. The license fees from each of the licensees are used to cover the cost of operating the agency. The agency costs have been determined by the commissioners and the fees have been established so each licensee will pay their fair share. This amendment to the license fee will result in 1,551 operators receiving a decrease in license fees and 495 operators receiving an increase. Nineteen distributors will receive a decrease and eleven an increase. Nine manufacturers will receive an increase while eight have their annual fee decreased. All 111 representatives of the manufacturers and distributors will receive a decrease for their annual license fee. This amendment requires no increase in equipment, supplies, labor or administrative cost and the increase in license fee is based on the licensees' increase in gross sales; WAC 230-30-030, This amendment will have a positive economic impact on the licensed distributors and their representatives that sell punchboards, pull tabs and pull tab dispensing devices in Washington. Prior to this change, distributors and their representatives who inaccurately completed invoices for sale of punchboards, pull tabs and pull tab dispensing devices were investigated, charged, appeared at an administrative hearing and if found guilty were suspended or fined for the violation. The loss of time from their job, cost of attorneys and suspension or fines were paid by the distributor or his representative. With the change, if the distributor or representative agree with the agency on a violation, they only pay a nominal fee to cover the cost of investigation and no criminal files are created; and WAC 230-30-072, this agency has determined there is no economic impact to any of the licensees administered by this agency if the amendments as proposed in this rule are adopted. The amendment will clarify the existing responsibilities of a number of licensees.

Hearing Location: Red Lion Inn, 1507 North 1st Street, Yakima, WA, on October 13, 1989, at 10:00.

Date of Intended Adoption: October 13, 1989.

Submit Written Comments to: Washington State Gambling Commission, 4511 Woodview Drive S.E., Lacey, WA 98504-8121, by October 13, 1989.

August 17, 1989
Ronald O. Bailey
Director

AMENDATORY SECTION (Amending Order 190 [192], filed 5/16/89)

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	FEE
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 GROUP	(Fee based on annual gross <u>gambling</u> receipts)	
	I	Class A Up to \$15,000	\$ 50
		Class B \$ 15,001 to 50,000	150
		Class C \$ 50,001 to 100,000	300
		Class D \$ 100,001 to 300,000	800
		Class E \$ 300,001 to 500,000	1,350
		Class F \$ 500,001 to 1,000,000	2,700
	II	Class G \$ 1,000,001 to 1,500,000	3,900
		Class H \$ 1,500,001 to 2,000,000	5,200
		Class I \$ 2,000,001 to 2,500,000	6,500
		Class J \$ 2,500,001 to 3,000,000	7,800
	III	Class K \$ 3,000,001 to 3,500,000	8,750
		Class L \$ 3,500,001 to 4,000,000	10,000
		Class M Over \$4,000,000	11,250
3.	BINGO GAME MANAGER	Original Renewal	\$ 150 75
4.	CARD GAMES		
	Class A	General (fee to play charged)	\$ 500
	Class B	Limited card games - to hearts, rummy, mah-jongg, pitch, pinochle, ((coon-can)) and/or cribbage - (fee to play charged)	150
	Class C	Tournament only - no more than ten consec. days per tournament	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		
	Class A	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191)	\$ 25

LICENSE TYPE	DEFINITION	FEE
8. PUNCHBOARDS/ PULL TABS	(Fee based on annual gross gambling receipts)	
	(One Time Variance)	
Class A	Up to \$ ((10,000)) 50,000	\$ ((300)) 475
Class B	Up to \$ ((50,000)) 100,000	((475)) 850
Class C	Up to \$((100,000)) 200,000	((960)) 1,600
Class D	Up to \$((200,000)) 300,000	((1,560)) 2,325
Class E	Up to \$((300,000)) 400,000	((2,360)) 3,000
Class F	Up to \$((400,000)) 500,000	((3,150)) 3,625
Class G	Up to \$((500,000)) 600,000	((3,775)) 4,200
Class H	Up to \$((600,000)) 700,000	((4,350)) 4,725
Class I	Up to \$((700,000)) 800,000	((4,825)) 5,200
Class J	Up to \$((800,000)) 1,000,000	((5,225)) 5,900
Class K	((Over \$800,000)) Up to \$1,250,000	((5,900)) 6,550
Class L	Up to \$1,500,000	\$25,000 7,150
Class M	Up to \$1,750,000	\$25,000 7,650
Class N	Up to \$2,000,000	\$25,000 8,100
Class O	Over \$2,000,000	Non-applicable 8,900
<p>A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.</p>		
9. RAFFLES	(Fee based on annual gross gambling receipts)	
Class A	Up to \$ 5,000	\$ 50
Class B	Up to \$ 10,000	150
Class C	Up to \$ 25,000	300
Class D	Up to \$ 50,000	500
Class E	Up to \$ 75,000	800
Class F	Over \$ 75,000	1,200
10. SEPARATE PREMISES BINGO	Occasion (see WAC 230-04-300)	\$ 25
11. SPECIAL FEES		
INVESTIGATION	(See WAC 230-04-240)	As required
IDENTIFICATION AND INSPECTION STAMP	(See WAC 230-30-015 and 230-30-030)	As required
EXCEEDING LICENSE CLASS	(See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As required
12. SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period. Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	\$ 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	(See WAC 230-04-340(1))	50
REPLACEMENT 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) sales of gambling related supplies and equipment)	
		((Original Renewal))
Class A	((up to \$600,000)) Non-Punchboard/Pull Tab Only	\$(2,750 — \$1,250) 500
Class B	((over \$600,000)) Up to \$250,000	\$(2,750 — \$1,700) 1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
4. DISTRIBUTOR'S REPRESENTATIVE	Original	\$ ((220)) 200
	Renewal	((110)) 125
5. MANUFACTURER		
	((Original Renewal	\$3,300
	(Fee based on annual gross sales of gambling related supplies and equipment)	1,650))
Class A	Machines Only	\$ 500
Class B	Up to \$250,000	\$1,000
Class C	\$250,001 to \$500,000	\$1,500
Class D	\$500,001 to \$1,000,000	\$2,000
Class E	\$1,000,001 to \$2,500,000	\$2,600
Class F	Over \$2,500,000	\$3,200
	In addition to the annual fee, the Commission will assess all applicants the actual costs incurred in conducting the initial investigation and inspection necessary for certification.	
6. MANUFACTURER'S REPRESENTATIVE	Original	\$ ((220)) 200
	Renewal	((110)) 125

LICENSE TYPE	DEFINITION	FEE
7. PERMITS Class A Class B	Agricultural fair/special property bingo One location and event only (see WAC 230-04-191) Annual permit for specified different events and locations (see WAC 230-04-193)	\$ 25 150
8. PUBLIC CARD ROOM EMPLOYEE	Original Renewal	\$ 150 75
9. PUNCHBOARDS/ PULL TABS Class A Class B Class C Class D Class E Class F Class G Class H Class I Class J Class K Class L Class M Class N Class O	(Fee based on annual gross gambling receipts) (One Time Variance) Up to \$ ((10,000)) 50,000 \$ 5,000 Up to \$ ((50,000)) 100,000 \$ 5,000 Up to \$ ((100,000)) 200,000 \$10,000 Up to \$ ((200,000)) 300,000 \$10,000 Up to \$ ((300,000)) 400,000 \$10,000 Up to \$ ((400,000)) 500,000 \$10,000 Up to \$ ((500,000)) 600,000 \$10,000 Up to \$ ((600,000)) 700,000 \$10,000 Up to \$ ((700,000)) 800,000 \$10,000 Up to \$ ((800,000)) 1,000,000 \$20,000 ((Over \$800,000)) Up to \$1,250,000 \$25,000 Up to \$1,500,000 \$25,000 Up to \$1,750,000 \$25,000 Up to \$2,000,000 \$25,000 Over \$2,000,000 Non-applicable	\$ ((300)) 475 ((475)) 850 ((960)) 1,600 ((1,560)) 2,325 ((2,360)) 3,000 ((3,150)) 3,625 ((3,775)) 4,200 ((4,350)) 4,725 ((4,825)) 5,200 ((5,225)) 5,900 ((5,900)) 6,550 7,150 7,650 8,100 8,900
<p>A licensee will be allowed a one-time variance for each license class without having to upgrade or pay the penalties set forth in WAC 230-04-260; Provided, a licensee utilizing the variance shall be required to upgrade upon recertification.</p>		
10. SPECIAL FEES INVESTIGATION IDENTIFICATION AND INSPECTION STAMP EXCEEDING LICENSE CLASS	(See WAC 230-04-240) (See WAC 230-30-015 and 230-30-030) (See WAC 230-04-260) In addition to all normal license fees, a licensee may be assessed an exceeding class fee for a present or previous license year, not to exceed 50% of the difference between the present class fee and the new license class or \$1,000, whichever is less.	As Required 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. SIX-MONTH PAYMENT PLAN	The Commission may allow an applicant renewing an annual license or an applicant applying for an additional license with a fee of \$800 or above, to pay a license fee in two payments. SIX-MONTH PAYMENT PLAN PROCEDURE: The administrative processing fee, plus the first half of the annual license fee must be submitted at the time of application/renewal. The second half payment must be submitted and received in the Commission's Olympia headquarters office, prior to the expiration date of the first six-month period: Provided, That participants electing the six-month payment plan will be limited to 50% of the authorized class limitation for annual gross receipts during the first six month period.	\$ 25

LICENSE TYPE	DEFINITION	FEE
	Licensees exceeding 50% of the authorized level shall be required to upgrade to the appropriate license class as required by WAC 230-04-260 and pay the full upgrade fee, plus \$25.00.	

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

AMENDATORY SECTION (Amending Order 145, filed 12/18/84)

WAC 230-30-030 PUNCHBOARD AND PULL TAB QUALITY CONTROL-SPECIAL INSPECTIONS AND TRANSFER INVOICES - SPECIAL FEES TO RECOVER COSTS. (1) ~~((In addition to any other authority of the commission or its agents to conduct inspections, t))~~ Special Inspections - The commission ~~((or its agents,))~~ shall have the authority to select any punchboard or pull tab series, whether held by an operator, distributor, or manufacturer and to examine the quality and/or integrity of the punchboard or pull tab series in any manner, including punching out or pulling all chances remaining thereon: Provided, That if the punchboard or pull tab series so inspected is thereby altered in any manner and no defect, alteration, deceptive condition, or other violation is discovered, then the owner shall be reimbursed by the commission for his cost for the punchboard or pull tab series, and the device shall become the property of the commission. Provided further, That for each such punchboard or pull tab series inspected which is found to be defective in any area related to a quality control deficiency, by the manufacturer, a fee not to exceed \$100.00 per each such punchboard or pull tab series inspected may be assessed by the commission against the manufacturer of the punchboard or pull tab series to compensate the commission for the inspection.

(2) ~~((Fees to cover the cost of punchboard and pull tab special inspection services shall be combined with identification stamp fees and collected as prescribed in WAC 230-30-015.))~~ Transfer Invoices - Any manufacturer, distributor, or licensed representative of either, that fails to accurately complete any invoice for the sale or return of a punchboard, pull tab series, dispensing device, or related merchandise as required by WAC 230-30-018 may be assessed a fee of up to \$50.00 per invoice. The fee shall be used to defray extra costs incurred by the commission in tracking transfers or other monitoring procedures as a result of errors or omissions.

AMENDATORY SECTION (Amending Order 179, filed 6/14/88)

WAC 230-30-072 PUNCHBOARD AND PULL TAB INVENTORY AND RETENTION REQUIREMENTS. Each punchboard and pull tab series purchased or otherwise obtained by an operator shall be controlled and accounted for in the following manner:

(1) Each operator shall closely monitor punchboard and pull tab series purchased to assure that all identification and inspection service stamp numbers are correctly entered in all records and each device purchased is recorded. The following control procedures apply:

(a) After the close of business on September 30, 1988, and before operating punchboards and pull tabs after that date, each operator shall take a physical inventory of all punchboards and pull tabs in-play and awaiting play and record the following information separately for punchboards and pull tabs:

- (i) Name of game; and
- (ii) I.D. stamp number;

(b) At the time punchboards and pull tabs are delivered, each operator will assure that all purchase invoice data is correct by comparing the actual I.D. stamp numbers on each punchboard/pull tab series to the numbers entered on the purchase invoices;

(c) ~~((After December 31, 1988, a))~~ All purchases of punchboards or pull tabs shall be recorded on a standard distributor's invoice, which includes space for the operator to either attach a records entry label or enter the identification and inspection stamp number and the date the device was placed out for play. For all punchboards or pull tab series purchased, ~~((after December 31, 1988,))~~ the operator shall enter the date and the identification and inspection service stamp number in the space on the invoice, adjacent to the distributors entry, by ~~((either))~~ attaching a records entry label, or by written entry if record entry labels are not attached to the punchboard or pull tab series;

(d) ~~((After December 31, 1988,))~~ If a device is returned to a distributor for any reason, including commission required recall, the operator shall record the date, invoice or credit memo number, and "returned" on the original purchase invoice: Provided, that licensees may use a commission approved inventory log to comply with subsections (c) and (d) of this section;

(2) Each punchboard or pull tab series which is removed from operation, together with the prize flare, all unplayed tabs, and all winning punches or tabs, shall be retained by the operator for at least four months following the last day of the month in which it was removed from play. The board, unplayed tabs, flare, and all winning punches or tabs shall remain available for inspection, on the licensed premises, by commission agents and/or local law enforcement and taxing agencies: Provided, that devices may be stored off premise if they are produced for inspection upon demand;

(3) Each punchboard or pull tab series which is not placed out for public play or returned to the distributor or manufacturer from whom it was originally purchased, must be retained on the licensed premises and made available for inspection by commission agents and/or local law enforcement and taxing agencies: Provided, that devices may be stored off premise if they are produced for inspection upon demand;

(4) Each punchboard or pull tab series which is deemed by the operator to be defective or unplayable, for any reason, shall not be returned to the distributor or manufacturer without approval from the commission. If it is found to be defective after it has been placed out for play, all other rules apply and it must be recorded as required by WAC 230-08-010: Provided, that the retention time required by subsection (2) above may be shortened by the commission upon inspection and written release by a commission agent.

WSR 89-17-082

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-85—Filed August 18, 1989, 2:17 p.m.]

Date of Adoption: August 18, 1989.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-506 (89-78).

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Restrictions in Areas 4B, 5, 6, 6A, 6C, 7 and 7A provide protection for United States and Canadian origin chinook stocks. Openings in Areas 7B, 7C, 12B and 12C provide opportunity to harvest non-Indian allocation of chinook destined for the Nooksack-Samish and Hood Canal regions of origin, and prevent wastage in Hood Canal. The opening in Area 8 is to ensure the Skagit pink run size update, and to comply with state/tribal agreements in order to harvest the nontreaty share of Skagit-origin pink salmon and the restriction in Area 8 provides protection for

weak Skagit-origin coho. The restriction in Area 12B is to protect pink salmon returning to the Dosewallips River. The restriction in Area 12C is necessary to protect milling chinook salmon stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: Immediately.

August 18, 1989
Joseph R. Blum
Director

NEW SECTION

WAC 220-47-507 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of Chapter 220-47 WAC, effective immediately, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and restrictions:

- * Areas 4B, 5, 6, 6A, 6C, 7, and 7A – Under the control of the Pacific Salmon Commission. Drift gill net gear restricted to 5-inch minimum, 6-inch maximum mesh when open.
- * Areas 7B and 7C – Gillnets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, and Wednesday, August 21, 22 and 23.
- * Area 8 – Gillnets using 5" minimum, 6" maximum mesh may fish from 6 PM to 9 AM nightly, Sunday, Monday, and Tuesday, August 20, 21, and 22. This opening excludes those waters south and west of a line projected from Polnell Point on Whidbey Island to Rocky Point on Camano Island.
- * Areas 12B and 12C – Purse Seines using the 5-inch strip may fish from 5 AM to 9 PM daily, Monday, Tuesday, Wednesday, and Thursday, August 21, 22 and 23, and 24, and gill nets using 7-inch minimum mesh may fish from 6 PM to 9 AM nightly, Monday, Tuesday, Wednesday, and Thursday, August 21, 22, 23 and 24. This opening excludes those waters of area 12B north of a line projected from Hood Point to Quatsap Point and those waters of area 12C south of a line projected from the Cushman powerhouse to the public boat ramp at Union.
- * Areas 6B, 6D, 7D, 7E, 8A, 8D, 9, 9A, 10, 10A, 10C, 10D, 10E, 10F, 10G, 11, 11A, 12, 12A, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K and all freshwater areas – Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective immediately:

WAC 220-47-506 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (89-78)

WSR 89-17-083

PROPOSED RULES

DEPARTMENT OF LABOR AND INDUSTRIES

[Filed August 18, 1989, 2:46 p.m.]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Department of Labor and Industries intends to adopt, amend, or repeal rules concerning chapter 296-127 WAC, Prevailing wages. WAC 296-127-010, provides additional definitions of terms including contractor, public work and residential construction; WAC 296-127-011, establishes dates for determining and publishing prevailing wage rates, provides for revision of an established rate in certain circumstances, clarifies awarding agencies responsibility about including prevailing rates in contract documents and fixes the prevailing rates which are in effect on the date when a contract is awarded; WAC 296-127-013, authorizes the industrial statistician to promulgate scope of work descriptions; WAC 296-127-014, limits usual benefits to health and welfare, pensions, vacation, apprentice training fund and paid holidays; WAC 296-127-015, defines the circumstances under which supervisors are entitled to receive prevailing rates of pay; WAC 296-127-019, describes the methods used by the industrial statistician to establish prevailing wages; WAC 296-127-020, amends the interpretations of phrases used in chapter 39.12 RCW; WAC 296-127-023, defines building service maintenance and requires that public service maintenance contracts contain a clause requiring the contractor to pay the most recent annual increases in the prevailing wage rates after the first year of the contract; WAC 296-127-025, stipulates that projects where both Washington state and federal public works law apply, the Washington state prevailing wage rates, if higher than the federal rates, must be paid; WAC 296-127-026, lists exemptions from the prevailing wage requirements for sole owners and their spouses, partnerships, some corporate officers and employees of public agencies; WAC 296-127-040, reestablishes \$12.50 as the fee for approval of statement of intent to pay prevailing wage forms; WAC 296-127-045, reestablishes \$12.50 as the fee for the approval of affidavits of prevailing wages paid forms. In addition, the department proposes repeal of WAC 296-127-016 defining the circumstances under which workers employed in the production and delivery of sand, gravel, crushed rock, concrete mix, asphalt or other similar material are entitled to receive prevailing wages; and adoption of WAC 296-127-018, defining the circumstances under which workers employed in the production and delivery of sand, gravel, crushed rock, concrete mix, asphalt or other similar material are entitled to receive prevailing wages.

The formal decision regarding adoption, amendment, or repeal of the rules will take place on September 8, 1989.

The authority under which these rules are proposed is RCW 43.22.270.

The specific statute these rules are intended to implement is chapters 39.12 and 39.04 RCW.

This notice is connected to and continues the matter in Notice No. WSR 89-12-051 filed with the code reviser's office on June 5, 1989.

Dated: August 15, 1989

By: Joseph A. Dear
Director

WSR 89-17-084

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-84—Filed August 18, 1989, 4:33 p.m.]

Date of Adoption: August 18, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-24-02000I; and amending WAC 220-24-020.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable number of coho salmon available in the earlier northern fishery is expected to be taken. This regulation will put the state in compliance with federal regulations.

Effective Date of Rule: Immediately.

August 18, 1989

Joseph R. Blum
Director

NEW SECTION

WAC 220-24-02000J LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-20-010, WAC 220-20-020 and WAC 220-20-030, effective 11:59 p.m. August 18, 1989 it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) Commercial salmon taken south of the Columbia River Red Buoy Line and north of Cape Falcon during the open fisheries August 21 and August 24 through October 31, 1989 may be landed in this state south of Leadbetter Point with a single daily landing limit per vessel of 40 coho and 4 chinook. Chinook must be delivered with the coho.

(2) Salmon taken from the area opened in sub-section (1) must be landed and reported via fish ticket or documented contact with the Washington Dept. of Fisheries by 11:59 p.m. August 22, 1989 and within 24 hours of the closure following the August 24, 1989 opening.

REPEALER

The following section of the Washington Administrative code is repealed effective 11:59 p.m. August 18, 1989:

WAC 220-24-02000I LAWFUL ACTS—TROLL FISHERY. (89-81)

WSR 89-17-085

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 1989, 9:52 a.m.]

Original Notice.

Title of Rule: New WAC 192-16-300 Discharge for failure to pass drug test; new WAC 192-16-305 Adequate notice of employer's drug policy defined; and new WAC 192-16-310 Drug testing procedures.

Purpose: To provide clear interpretive rules for determining whether a worker has been discharged for misconduct when discharge is as a result of failing to pass a drug test.

Other Identifying Information: This will supersede current agency policy.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: Interpretation of RCW 50.20.060.

Summary: A worker who has been fired for failure to pass a drug test will presumed to be discharged for misconduct connected with the work and denied unemployment benefits if certain conditions are met.

Reasons Supporting Proposal: This rule proposed based on departmental experience with cases where workers have been fired for failing drug tests, current business practices, testing methods, and accuracy.

Name of Agency Personnel Responsible for Drafting: Wm. Eric Jordan, 212 Maple Park, Olympia, WA 98504, (206) 586-2915; Implementation and Enforcement: Mary Pat Frederick, Deputy Assistant Commissioner, 212 Maple Park, Olympia, WA 98504, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This group of rules will govern determinations of eligibility for unemployment insurance benefits when a worker is fired for failure to pass a drug test. The rules create a rebuttable presumption of misconduct connected with the work when a worker is fired for failing a drug test and the notice, policy, and test procedure meet the requirements of the rules. The requirements included in the rule are based on standards currently used in business and which provide reasonable protection for the worker.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposed rules have a minor or negligible economic impact on businesses. The proposed rules do not require any positive action by business, but publicly state the way that the department will adjudicate unemployment claims that result from workers being fired as a result of failing a drug test. The policy outlined in the rules is more favorable to employers than previously published agency policy.

Hearing Location: Training Room #1, Employment Security Training Facility, 106 Maple Park, Olympia, WA 98504, on Friday, September 29, 1989, at 10:00 a.m.; and at Town Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington, on Tuesday, September 26, 1989, at 10:00 a.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by September 26, 1989.

Date of Intended Adoption: October 2, 1989.

August 18, 1989
Ernest F. LaPalm
Deputy Commissioner

NEW SECTION

WAC 192-16-300 INTERPRETIVE RULE — DISCHARGE FOR FAILURE TO PASS DRUG TEST. A worker discharged from employment will be considered to be discharged for misconduct connected with the work if:

- (1) The employer has a reasonable drug policy that provides for drug testing and discharge for failure of a drug test, and
- (2) The employee had knowledge of and adequate notice of the employer's drug policy, and
- (3) The worker is tested as a result of that policy and fails the test, and the test meets the testing procedures described in WAC 192-16-310.

NEW SECTION

WAC 192-16-300 INTERPRETIVE RULE — ADEQUATE NOTICE OF EMPLOYER'S DRUG POLICY DEFINED. An employee will be considered to have adequate notice of an employer's drug policy if notified in writing at time of hire or at least thirty days prior to any drug testing by the employer.

Reviser's note: The new section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 192-16-300 is probably intended to be to WAC 192-16-305.

NEW SECTION

WAC 192-16-310 INTERPRETIVE RULE — DRUG TESTING PROCEDURES. For the purpose of determination of eligibility for unemployment insurance benefits, an employer's drug testing procedure must meet the following requirements:

- (1) A secure chain of custody is provided for test samples, and
- (2) The employer pays all expenses relating to the drug test unless otherwise specified by collective bargaining agreement, and
- (3) If necessary for conclusive results, a confirmation test is performed on positive screening results and the confirmation test is based on a different analytical method of higher specificity, and
- (4) The laboratory conducting the tests was certified by either the College of American Pathologists or the National Institute on Drug Abuse.

WSR 89-17-086

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 21, 1989, 9:55 a.m.]

Original Notice.

Title of Rule: Othello Rules: Rules defining department responsibilities in notifying employers of claims filed and mailing copies of eligibility decisions, a rule redefining interested parties and other related rules.

Purpose: To implement changes in policy and procedure arising as a result of a recent court case which requires the agency to adjudicate all potentially disqualifying separations from base year employers.

Other Identifying Information: This will supersede current agency policy.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Statute Being Implemented: RCW 50.20.150, 50.20.180 and 50.32.020.

Summary: See new sections WAC 192-12-300 Mailing address for notice to employer; 192-12-305 Claimant responsibility for providing accurate employer address; 192-12-310 Notice to employer; 192-12-320 Mailing of determination notices; 192-12-330 Predetermination procedure; 192-12-340 Discharges for misconduct for felony or gross misdemeanor—Responsibility for providing information; and 192-04-040 Interested parties defined; new chapter 192-04 WAC Practice and procedure; repealing WAC 192-09-035 Predetermination procedures—Separation issues; and WAC 192-09-040 Interested parties defined.

These rules implement the decision reached in the *Othello* case, requiring the department to adjudicate all base year separations as well as the separation from the last employer. Prior to the court case, the department adjudicated only separations from last employers.

The rules clearly identify: Who will receive notice of the filing of a new claim by a worker, the address used for mailing that notice; who receives copies of notices of determinations of eligibility; and who has standing to appeal decisions, and timeliness standards for submitting information.

The department is currently considering changes to its rules governing practice and procedure before the agency in light of the new Administrative Procedure Act. New WAC 192-04-040 is the first of these new sections. Further changes to the agency practice and procedures will be placed in new chapter 192-04 WAC. WAC 192-09-035 and 192-09-040 are the first of the old practice and procedures rules to be repealed.

An annotated copy of the rules with further explanations is available from: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504.

Reasons Supporting Proposal: The court decision requires the agency to adjudicate all potentially disqualifying separations from base year employers in addition to the separations from last employer (which the agency now adjudicates).

Name of Agency Personnel Responsible for Drafting: Wm. Eric Jordan, 212 Maple Park, Olympia, WA

98504, (206) 586-2915; Implementation and Enforcement: Mary Pat Frederick, Deputy Assistant Commissioner, 212 Maple Park, Olympia, WA 98504, (206) 753-5120.

Name of Proponent: Employment Security Department, governmental.

Rule is necessitated by state court decision, *Othello Comm'ty Hosp. vs Department of Empl. Sec.*, 59 Wa. App. 592, 762 P.2d 1149 (1988), *petn. for rev. denied*, 112 Wn.2d 1018 (1989).

Explanation of Rule, its Purpose, and Anticipated Effects: This group of rules is developed to clarify which separations from employment are to be adjudicated by the department, which employers receive notice of claim filings and determination notices, and who has standing to appeal decisions. Additional rules are related to responsibility for employers and workers to supply information to the department and clearly identify the addresses to which notices are mailed.

Proposal Changes the Following Existing Rules: The proposal repeals WAC 192-09-040 Interested parties defined and replaces it with WAC 192-04-040 Interested parties defined, which provides a clearer definition of who has rights to appeal departmental decisions. WAC 192-09-035 Predetermination procedure—Separation issues, is repealed and replaced with WAC 192-12-330 Predetermination procedure—Separation issues, which better describes the rights to provide information to the department and timeliness requirements for providing information.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposed rules have a minor or negligible economic impact on businesses.

The rules clearly outline who has a right to notice of claim filing, who receives notice of decisions, and who has a right of appeal.

The notices mailed to employers as a result of these rules will include a reply form instead of the current notices which may require the employer to write a letter in response.

Hearing Location: Training Room #1, Employment Security Training Facility, 106 Maple Park, Olympia, WA 98504, on Friday, September 29, 1989, at 9:00 a.m.; and at Town Plaza Motor Inn, North 7th Street and East Yakima Avenue, Yakima, Washington, on Tuesday, September 26, 1989, at 9:00 a.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by September 26, 1989.

Date of Intended Adoption: October 2, 1989.

August 18, 1989
Ernest F. LaPalm
Deputy Commissioner

Othello Rules

NEW SECTION

WAC 192-12-300 MAILING ADDRESSES FOR NOTICE TO EMPLOYER. Notices to employers mailed as required in RCW 50-20.150 and WAC 192-12-310 will be mailed as follows:

(1) The notice to the last employer of the claimant will be mailed to the address provided by the claimant.

(2) The notice to any base year employer who has reported wages to the department will be mailed to the mailing address of record of the employer provided by the employer for tax purposes.

(3) The notice to any other base year employer will be mailed to the address provided by the claimant.

NEW SECTION

WAC 192-12-305 CLAIMANT RESPONSIBILITY FOR PROVIDING ACCURATE EMPLOYER ADDRESS. (1) If the notice to last employer or base year employer (WAC 192-12-310) is mailed to an address provided by the claimant (WAC 192-12-300 (1)&(3)) and is returned by the Post Office as undeliverable, the claimant will be determined to have failed to provide details of separation of employment, unless:

(a) the mail provided by the Post Office indicating the employer has moved and left no forwarding address, or

(b) the claimant can establish that the address provided was an accurate address at the time the claimant worked for the employer.

(2) No payment will be made to a claimant found to have failed to provide details of separation from employment pursuant to subsection (1) unless the claimant is a continued claim recipient as defined in WAC 192-12-011, in which case payments will be made conditionally pursuant to WAC 192-12-012.

(3) A claimant who has failed to provide details of separation from employment pursuant to subsection (1) may be subject to disqualification pursuant to WAC 192-23-051 if the claimant does not respond to a request to provide an accurate employer address.

NEW SECTION

WAC 192-12-310 NOTICE TO EMPLOYER. (1) At the time of filing any new claim (the filing for an application for initial determination) a notice will be mailed to:

(a) The claimant's last employer, and

(b) All base year employers.

(2) At the time of filing an additional claim for benefits (reopening a claim after subsequent employment) a notice will be mailed to the last employer reported by the claimant.

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

NEW SECTION

WAC 192-12-320 MAILING OF DETERMINATION NOTICES. RCW 50.20.180 allows the commissioner to determine the parties to be mailed notices of allowance or denial of benefits.

(1) The claimant will be mailed a notice of determination

(a) that denies the claimant benefits, or

(b) that allows benefits and is also mailed to an employer.

(2) The last employer will be mailed a determination notice if the claimant was separated from employment for reasons other than lack of work.

(3) A determination of eligibility will be made and a notice mailed to any base year employer

(a) from whom the claimant was separated from employment for reasons other than lack of work, and

(b) the claimant has not been employed and had earnings of at least his or her weekly benefit amount in each of five weeks subsequent to the separation, or

(c) the employer provides information that the claimant was discharged as a result of a felony or gross misdemeanor connected with the work.

(4) A determination of eligibility of benefits based on an issue other than a separation from employment will be mailed to an employer if the employer provides relevant information relating to eligibility for a specific week.

NEW SECTION

WAC 192-12-330 PREDETERMINATION PROCEDURE — SEPARATION ISSUE. (1) No determination on a separation issue (RCW 50.20.050, RCW 50.20.060) will be issued until both parties to the separation have had an opportunity to present information on the matters at issue.

(2) If an employer does not respond within ten days to the notice required by WAC 192-12-310, the department may at that time make a determination based on available information.

(3) If the department receives information from the employer after the end of the ten day response period, but before the determination has been made, the information provided by the employer will be considered prior to making the determination if the information was mailed to the Job Service Center where the claim was filed.

(4) If the department receives information from the employer after the end of the ten day period and within thirty days following the mailing of a determination, the department may consider that information for the purposes of a redetermination under RCW 50.20.160 or as an appeal of the determination.

(5) Any information received within thirty days of the mailing of the notice required by WAC 192-12-310 will be considered a request for relief of benefit charges under RCW 50.29.020.

NEW SECTION

WAC 192-12-340 DISCHARGES FOR MISCONDUCT FOR FELONY OR GROSS MISDEMEANOR — RESPONSIBILITY FOR PROVIDING INFORMATION. In any separation where there is a potential disqualification under RCW 50.20.060(2) it is the responsibility of the employer to notify the department in a timely manner of any resolution of issues.

(1) In any case where the employer has raised the potential of a disqualification under RCW 50.20.060(2) within ten days of receiving the notice required by WAC 192-12-310 and the department establishes that there is a possibility of such disqualification, the department will place the case on a periodic notification list.

(2) At least once each calendar quarter, the department will send a notice to the employer with respect to each case on the periodic notification list, requesting further information on the case.

(3) To be considered, the employer must provide information relating to the conviction or admission of the claimant within ten days after the mailing of the notice following any change in status of the case.

(4) Once each year, a notice will be mailed to all employers on the periodic notification list requesting a response if the case is still active. If an employer fails to respond to this notice, the employer will be removed from the periodic notification list.

(5) Regardless whether the case is listed on the periodic notification list, the department will consider information provided by the employer relating to a discharge for felony or gross misdemeanor misconduct if the employer notifies the department within thirty days of the conviction or admission of the claimant.

NEW SECTION

WAC 192-04-040 INTERESTED PARTIES DEFINED. In all cases adjudicated under Title 50 RCW the Employment Security Department is an interested party. Other interested parties are

(1) Benefit Appeals. The claimant and any employer entitled to notice under WAC 192-12-320 or defined as an interested employer in WAC 192-28-125, in cases involving a claim for waiting period credit, the payment or recovery of benefits, including but not limited to the entitlement to, eligibility for or qualification for benefits.

(2) Tax Appeals. Employers whose contributions, experience rating, benefit charges, or rate of contribution is affected by:

- (a) an assessment for contributions;
- (b) a denial of a claim for refund of contributions, interest, penalties;
- (c) a denial of a redetermination of benefit charges made to an employer's account; or
- (d) an employer's determined or redetermined rate of contributions.

[REPEALER]

The following sections are repealed:

- (a) WAC 192-09-035 Predetermination procedures — Separation Issues.
- (b) WAC 192-09-040 Interested Parties Defined.

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

WSR 89-17-087

EMERGENCY RULES

DEPARTMENT OF LICENSING

[Filed August 21, 1989, 3:45 p.m.]

Date of Adoption: August 21, 1989.

Purpose: To amend WAC 308-12-326 Architect fees, to change the amount charged for retake of Division B site design graphics and Division C building design of the December 1989 national architect registration examination.

Citation of Existing Rules Affected by this Order: Amending WAC 308-12-326 Architect fees.

Statutory Authority for Adoption: RCW 18.08.350(2) and 43.24.086.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The state was recently notified that the price of the national examination has been increased. Consequently, fees to offset the state's cost must be increased in this rule to authorize charging the appropriate fee for the examination. This examination is being offered in December 1989, and applications therefore may be submitted now.

Effective Date of Rule: Immediately.

August 21, 1989

Mary Faulk
Director

AMENDATORY SECTION (Amending Order PM 650, filed 5/1/87)

WAC 308-12-326 ARCHITECT FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (initial)	\$ 50.00
Examination (initial or retake full)	300.00
Registration fee	35.00
Registration renewal	45.00
Late renewal	15.00
Certificate replacement	15.00
Examination proctor fee	((50.00))
	<u>100.00</u>
Registration (without full examination)	250.00
Exam retake:	
Application for examination (retake)	25.00
Division A: Predesign	30.00
Division B: Site design (written)	((65.00))
	<u>15.00</u>
Division B: Site design (graphic)	50.00
Division C: Building design	80.00
Division D/F: Structural—General and long span	((75.00))
	<u>25.00</u>
Division E: Structural—Lateral forces	10.00

Title of Fee	Fee
((Division F: Structural—Long span—10.00))	
Division G: Mechanical, plumbing, electrical and safety systems	30.00
Division H: Materials and methods	30.00
Division I: Construction documents and services	30.00
Duplicate license	15.00
Certification	25.00
Corporations:	
Certificate of authorization	250.00
Certificate of authorization renewal	100.00

WSR 89-17-088

NOTICE OF PUBLIC MEETINGS

THE EVERGREEN STATE COLLEGE

[Memorandum—August 17, 1989]

The September 20 meeting of The Evergreen State College board of trustees will be held on The Evergreen State College campus in the Daniel J. Evans Library Building, Room 3112, at 1:30 p.m. (instead of Yakima Valley Community College).

WSR 89-17-089

PERMANENT RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 89-69—Filed August 22, 1989, 9:27 a.m.]

Date of Adoption: August 22, 1989.

Purpose: Create new chapter 82-54 WAC, Shared leave program.

Statutory Authority for Adoption: Chapter 93, Laws of 1989.

Pursuant to notice filed as WSR 89-15-016 on July 12, 1989.

Effective Date of Rule: Thirty days after filing.

August 22, 1989

Dan Pensula

Assistant Director

Accounting and Fiscal

Services Division

Chapter 82-54 WAC

SHARED LEAVE PROGRAM

WAC

82-54-010 Transfer of shared leave.

82-54-020 Value of leave transferred.

NEW SECTION

WAC 82-54-010 TRANSFER OF SHARED LEAVE. Employees may donate annual leave to other employees for sick leave purposes as established under chapter 93, Laws of 1989. The purpose of the shared leave program is to permit state employees to aid fellow

state employees who are suffering from, or have a relative or household member suffering from, extraordinary or severe illness, injury, impairment, or physical or mental condition which have caused or are likely to cause the employees to take leave without pay or terminate their employment.

NEW SECTION

WAC 82-54-020 VALUE OF LEAVE TRANSFERRED. The value of leave transferred is to be based upon the current salary rate of the person receiving the leave. The receiving employee will continue to be paid his or her regular rate while on shared leave. Therefore, one hour of donated leave may cover more than or less than one hour of the recipient's salary. Detailed procedures for the transfer of funds under this are prescribed in the accounting procedures manual pursuant to RCW 43.88.160(1).

WSR 89-17-090

PERMANENT RULES

OFFICE OF FINANCIAL MANAGEMENT

[Order 89-70—Filed August 22, 1989, 9:30 a.m.]

Date of Adoption: August 22, 1989.

Purpose: Establish state pay dates for calendar year 1990.

Citation of Existing Rules Affected by this Order: Amending WAC 82-50-021.

Statutory Authority for Adoption: RCW 42.16.010(1) and 42.16.017.

Pursuant to notice filed as WSR 89-15-026 on July 13, 1989.

Effective Date of Rule: Thirty days after filing.

August 22, 1989

Dan Pensula

Assistant Director

Accounting and Fiscal

Services Division

AMENDATORY SECTION (Amending Order 89-67, filed 1/18/89)

WAC 82-50-021 OFFICIAL LAGGED, SEMI-MONTHLY PAY DATES ESTABLISHED. Unless exempted otherwise under the provisions of WAC 82-50-031, the salaries of all state officers and employees are paid on a lagged, semimonthly basis for the official twice-a-month pay periods established in RCW 42.16.010(1). The following are the official lagged, semimonthly pay dates for calendar years ((1988 and)) 1989 and 1990:

~~((CALENDAR YEAR 1988 — CALENDAR YEAR 1989~~

~~Monday, January 11, 1988 — Tuesday, January 10, 1989~~

~~Monday, January 25, 1988 — Wednesday, January 25, 1989~~

~~Wednesday, February 10, 1988 — Friday, February 10, 1989~~

~~Thursday, February 25, 1988 — Friday, February 24, 1989~~

~~Thursday, March 10, 1988 — Friday, March 10, 1989~~

~~Friday, March 25, 1988 — Friday, March 24, 1989~~

~~Monday, April 11, 1988 — Monday, April 10, 1989~~

~~Monday, April 25, 1988 — Tuesday, April 25, 1989~~

CALENDAR YEAR 1988	CALENDAR YEAR 1989
Tuesday, May 10, 1988	Wednesday, May 10, 1989
Wednesday, May 25, 1988	Thursday, May 25, 1989
Friday, June 10, 1988	Friday, June 9, 1989
Friday, June 24, 1988	Friday, June 23, 1989
Monday, July 11, 1988	Monday, July 10, 1989
Monday, July 25, 1988	Tuesday, July 25, 1989
Wednesday, August 10, 1988	Thursday, August 10, 1989
Thursday, August 25, 1988	Friday, August 25, 1989
Friday, September 9, 1988	Monday, September 11, 1989
Monday, September 26, 1988	Monday, September 25, 1989
Friday, October 7, 1988	Tuesday, October 10, 1989
Tuesday, October 25, 1988	Wednesday, October 25, 1989
Thursday, November 10, 1988	Thursday, November 9, 1989
Wednesday, November 23, 1988	Wednesday, November 22, 1989
Friday, December 9, 1988	Friday, December 8, 1989
Friday, December 23, 1988	Friday, December 22, 1989
CALENDAR YEAR 1989	CALENDAR YEAR 1990
Tuesday, January 10, 1989	Wednesday, January 10, 1990
Wednesday, January 25, 1989	Thursday, January 25, 1990
Friday, February 10, 1989	Friday, February 9, 1990
Friday, February 24, 1989	Monday, February 26, 1990
Friday, March 10, 1989	Friday, March 9, 1990
Friday, March 24, 1989	Monday, March 26, 1990
Monday, April 10, 1989	Tuesday, April 10, 1990
Tuesday, April 25, 1989	Wednesday, April 25, 1990
Wednesday, May 10, 1989	Thursday, May 10, 1990
Thursday, May 25, 1989	Friday, May 25, 1990
Friday, June 9, 1989	Monday, June 11, 1990
Friday, June 23, 1989	Monday, June 25, 1990
Monday, July 10, 1989	Tuesday, July 10, 1990
Tuesday, July 25, 1989	Wednesday, July 25, 1990
Thursday, August 10, 1989	Friday, August 10, 1990
Friday, August 25, 1989	Friday, August 24, 1990
Monday, September 11, 1989	Monday, September 10, 1990
Monday, September 25, 1989	Tuesday, September 25, 1990
Tuesday, October 10, 1989	Wednesday, October 10, 1990
Wednesday, October 25, 1989	Thursday, October 25, 1990
Thursday, November 9, 1989	Friday, November 9, 1990
Wednesday, November 22, 1989	Monday, November 26, 1990
Friday, December 8, 1989	Monday, December 10, 1990
Friday, December 22, 1989	Monday, December 24, 1990

WSR 89-17-091

**RULES COORDINATOR
LOTTERY COMMISSION**
[Filed August 22, 1989, 9:40 a.m.]

In accordance with RCW 34.05.310, at its meeting held August 4, 1989, the Washington State Lottery Commission has named as Rules Coordinator, Judith Giniger, Licensing/Contracts Manager, Washington State Lottery, 814 4th Avenue, Olympia, WA 98504.

WSR 89-17-092

**PROPOSED RULES
LOTTERY COMMISSION**
[Filed August 22, 1989, 9:45 a.m.]

Original Notice.

Title of Rule: WAC 315-11-470 Definitions; 315-11-471 Criteria; 315-11-472 Ticket validation requirements

for Instant Game Number 47; 315-11-480 Definitions; 315-11-481 Criteria; 315-11-482 Ticket validation requirements for Instant Game Number 48; 315-11-490 Definitions; 315-11-491 Criteria; and 315-11-492 Ticket validation requirements for Instant Game Number 49.

Purpose: To establish the game play rules and criteria for determining winners of Instant Game Numbers 47, 48 and 49.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See above.

Reasons Supporting Proposal: To establish instant game rules.

Name of Agency Personnel Responsible for Drafting: Judith Giniger, Licensing/Contracts Manager, Olympia, (206) 586-1088; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, (206) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: For each instant game certain terms must be defined in order to provide consistency in the game play rules. The play criteria will explain how the game functions to licensed retailers and players. Rigid validation requirements are set forth which will prevent the lottery from paying out prize money on invalid tickets.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's in the Park, Canon Hill Room, West 303 North River Drive, Spokane, WA 99201, on October 6, 1989, at 10:00 a.m.

Submit Written Comments to: Judith Giniger, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504-9770, by October 6, 1989.

Date of Intended Adoption: October 6, 1989.

August 21, 1989
Evelyn Y. Sun
Director

NEW SECTION

WAC 315-11-470 DEFINITIONS FOR INSTANT GAME NUMBER 47 ("FABULOUS FIFTIES"). (1) Play symbols: The following are the "play symbols": \$1.00; \$2.00; \$5.00; \$10.00; \$24.00; \$50.00; \$1,000. One of these symbols appears in each of the six blocks under the scratch-off material covering the game play data.

(2) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(3) Pack-ticket number: The ten-digit number of the form 4700001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 47 constitute the "pack number" which starts at 4700001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(4) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 47, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
\$1.00	ONE
\$2.00	TWO
\$5.00	FIV
\$10.00	TEN
\$24.00	TWTY FOR
\$50.00	FIFTY
\$1,000	ONE THOU

(5) Retailer verification codes: Codes consisting of small letters found under the removable covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 47, the retailer verification code is a three-letter code, with each letter appearing in a varying three of six locations beneath the removable covering and among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00
FIV	\$5.00
TEN	\$10.00
TFO	\$24.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-471 CRITERIA FOR INSTANT GAME NUMBER 47. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbol in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

- Three \$2.00 play symbols - Win \$2.00
- Three \$5.00 play symbols - Win \$5.00
- Three \$10.00 play symbols - Win \$10.00
- Three \$24.00 play symbols - Win \$24.00
- Three \$50.00 play symbols - Win \$50.00
- Three \$1,000 play symbols - Win \$1,000

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 47 set forth in WAC 315-11-472, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 47; and/or
- (b) Vary the number of tickets sold in Instant Game Number 47 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-472 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 47. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 47 all of the following validation requirements apply:

(a) Exactly one play symbol must appear under each of the six rub-off spots on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-470(1) and each of the captions must be exactly one of those described in WAC 315-11-470(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-480 DEFINITIONS FOR INSTANT GAME NUMBER 48 ("BLACK JACK"). (1) Play symbols: The following are the "play symbols": "11"; "12"; "13"; "15"; "16"; "17"; "19"; "20"; "21". One of these symbols appears under each of the three rub-off spots in the "your hand" column and under each of the three rub-off spots in the "dealer's hand" column in the play field on the front of the ticket.

(2) Captions: The small printed characters appearing below each play symbol which correspond with and verify that play symbol. The caption is a spelling out in full or in abbreviated form of the play symbol. One and only one caption appears under each play symbol. The number 1, 2 or 3 precedes the play symbols to indicate the location of the play symbol in Game 1, Game 2 or Game 3. For Instant Game Number 48, the captions which correspond with and verify the play symbols are:

PLAY SYMBOL	CAPTION
11	ELEVN
12	TWLV
13	THRTN
15	FIFTN
16	SIXTN
17	SVNTN
19	NINTN
20	TWNTY
21	TTYON

(3) Prize symbols: The following are the "prize symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$10.00"; "\$50.00"; "\$500". One of these prize symbols appears for each game (row) in the prize column on the front of the ticket.

(4) Captions: The small printed characters appearing below the prize symbol which verify and correspond with that prize symbol. The caption is a spelling out, in full or abbreviated form, of the prize symbol. Only one caption appears under the prize symbol. The number 1, 2 or 3 precedes the prize symbols to indicate the location of the prize symbol in Game 1, Game 2 or Game 3. For Instant Game Number 48, the prize symbol captions which correspond with and verify the prize symbols are:

PRIZE SYMBOL	CAPTION
\$ 1.00	ONE
\$ 2.00	TWO
\$ 4.00	FOUR
\$ 10.00	TEN
\$ 50.00	FIFTY
\$ 500	FIV HUN

(5) Validation number: The unique nine-digit random number on the front of the ticket. The number is covered by latex.

(6) Pack-ticket number: The ten-digit number of the form 4800001-000 printed on the front of the ticket. The first two digits are the game identifier. The first seven digits of the pack-ticket number for Instant Game Number 48 constitute the "pack number" which starts at 4800001; the last two digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(7) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 48, the retailer verification codes are

three-letter codes, with each letter appearing in a varying three of six locations among the play symbols and prize symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$1.00
TWO	\$2.00 (\$1 and \$1)
FOR	\$4.00 (\$1 and \$1 and \$2; \$2 and \$2; \$4)
TEN	\$10.00 (\$4 and \$4 and \$2; \$10)
TWY	\$20.00 (\$10 and \$10)

(8) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in a plastic bag or plastic shrinkwrapping.

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

NEW SECTION

WAC 315-11-481 CRITERIA FOR INSTANT GAME NUMBER 48. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner: The bearer of a ticket having a play symbol in the "your hand" column that is a larger number than the play symbol in the "dealer's hand" column in the same game (row) shall win the prize shown in the prize column for that game (row). The bearer of a ticket having winning play symbols in Game 1, Game 2 or Game 3 shall win the total amount of all game prizes. Play symbols in different games (rows) may not be combined to win a prize.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or payable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 48 set forth in WAC 315-11-482, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

- (a) Vary the length of Instant Game Number 48; and/or
- (b) Vary the number of tickets sold in Instant Game Number 48 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-482 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 48. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 48 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the three rub-off spots in the "your hand" column and under each of the three rub-off spots in the "dealer's hand" column on the front of the ticket.

(b) Each of the six play symbols must have a caption below and each must agree with its caption.

(c) Exactly one prize symbol for each of the three games (rows) must appear under the rub-off material covering the prize column on the front of the ticket.

(d) Each of the three prize symbols must have a caption below and each must agree with its caption.

(e) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Prize Symbols	Prize Symbol Font
Prize Symbol Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retailer Verification Code	Validation Font

(f) Each of the play symbols and their captions, prize symbol and its caption, the validation number, pack-ticket number, and the retailer verification code must be printed in black ink.

(g) Each of the play symbols must be exactly one of those described in WAC 315-11-480(1); each of the captions must be exactly one of those described in WAC 315-11-480(2), the prize symbol must be exactly one of those described in WAC 315-11-480(3); and the prize symbol caption must be exactly one of those described in WAC 315-11-480(4).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

NEW SECTION

WAC 315-11-490 DEFINITIONS FOR INSTANT GAME NUMBER 49 ("PLAY IT AGAIN"). (1) Play symbols: The following are the "play symbols":

- \$1.00
- \$2.00
- \$7.00
- \$10.00
- \$24.00
- \$70.00
- \$700

One of these play symbols appears in each of the seven blocks under the scratch-off material covering the game play data.

(2) Captions: The small printed characters appearing below each play symbol which verifies and corresponds with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 49, the captions which correspond with and verify the play symbols are:

PLAY NUMBER	CAPTION
\$1.00	ONE
\$2.00	TWO
\$7.00	SEVEN
\$10.00	TEN
\$24.00	TWY FOR
\$70.00	SEVENTY
\$700	SVN HUND

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The ten-digit number of the form 4900001-000 printed on the front of the ticket. The first seven digits of the pack-ticket number for Instant Game Number 49 constitute the "pack number" which starts at 4900001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 49, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

VERIFICATION CODE	PRIZE
ONE	\$ 1.00
TWO	\$ 2.00
SVN	\$ 7.00
TEN	\$10.00
TFO	\$24.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-491 CRITERIA FOR INSTANT GAME NUMBER 49. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the seven spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$ 1.00	play symbols	-	Win	\$ 1.00
Two	\$ 1.00	play symbols and one	\$ 1.00 Bonus	-	Win \$ 1.00
Three	\$ 2.00	play symbols	-	Win	\$ 2.00
Two	\$ 2.00	play symbols and one	\$ 2.00 Bonus	-	Win \$ 2.00
Three	\$ 7.00	play symbols	-	Win	\$ 7.00
Two	\$ 7.00	play symbols and one	\$ 7.00 Bonus	-	Win \$ 7.00
Three	\$ 10.00	play symbols	-	Win	\$ 10.00
Two	\$ 10.00	play symbols and one	\$ 10.00 Bonus	-	Win \$ 10.00
Three	\$ 24.00	play symbols	-	Win	\$ 24.00
Two	\$ 24.00	play symbols and one	\$ 24.00 Bonus	-	Win \$ 24.00
Three	\$ 70.00	play symbols	-	Win	\$ 70.00
Two	\$ 70.00	play symbols and one	\$ 70.00 Bonus	-	Win \$ 70.00
Three	\$ 700	play symbols	-	Win	\$700.00
Two	\$ 700	play symbols and one	\$ 700 Bonus	-	Win \$700.00

WSR 89-17-094

PERMANENT RULES

DEPARTMENT OF GENERAL ADMINISTRATION
(Office of State Procurement)

[Order 89-02—Filed August 22, 1989, 3:33 p.m.]

I, Kay K. Hawley, C.P.M., deputy director of the Office of State Procurement, do promulgate and adopt at Olympia, Washington, the annexed rules relating to acquisition of goods and services by the Office of State Procurement and state agencies, colleges and universities.

This action is taken pursuant to Notice No. WSR 89-14-013 filed with the code reviser on June 22, 1989. 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 43.19.180 - [43.19.]1932 and 43.19.520 - [43.19.]538 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 August 17, 1989.

By Kay K. Hawley, C.P.M.
Deputy

(b) In any event, only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 49 set forth in WAC 315-11-492, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 49; and/or

(b) Vary the number of tickets sold in Instant Game Number 49 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-492 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 49. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 49 all of the following validation requirements apply:

(a) Exactly one play symbol must appear under each of the seven rub-off spots on the ticket.

(b) Each of the seven play symbols must have a caption underneath, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the specifications on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and their captions, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-490(1) and each of the captions must be exactly one of those described in WAC 315-11-490(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 89-17-093

NOTICE OF PUBLIC MEETINGS

DEPARTMENT OF COMMUNITY DEVELOPMENT
(Emergency Response Commission)

[Memorandum—August 18, 1989]

The Washington State Emergency Response Commission will meet on September 11, 1989, from 9:00 to 11:00 a.m. at the Division of Emergency Management's Emergency Operations Center, 4220 East Martin Way, Olympia, WA 98504.

Chapter 236-48 WAC
~~((DIVISION OF PURCHASING))~~ OFFICE OF
STATE PROCUREMENTAMENDATORY SECTION (Amending Order 77-2,
filed 1/28/77)

WAC 236-48-002 PURPOSE. The purpose of this chapter is to set forth rules and regulations applicable to the purchase or sale of material, equipment, services and supplies by, through, or under authority delegated by, the ~~((state purchasing division))~~ office of state procurement.

AMENDATORY SECTION (Amending Order 77-2,
filed 1/28/77)

WAC 236-48-003 DEFINITIONS. As used in ~~((these regulations))~~ this chapter the following terms shall have the following meanings:

(1) Agency. Agency shall include state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Agency does not include the legislature.

(2) ~~((An))~~ Alternate. An alternate is material, supplies, equipment or services which ~~((deviate in respect to))~~ is not at least a functional equal in features, performance or use ((from)) of the brand, model or specification designated as the standard ~~((whether or not such deviation constitutes an improvement))~~.

(3) ~~((An))~~ Equal. An equal is material, equipment, supplies or services which equal or exceed the quality,

performance and use of the brand, model or specifications designated as the standard.

(4) Bid. Bid means ~~((an))~~ a written offer to perform a contract to purchase or supply material, equipment, services or supplies in response to a formal solicitation. In the case of oral solicitation of bid(s), written confirmation shall constitute the bid.

(5) Bidder. A ~~((bidder is one))~~ supplier who submits a bid.

(6) Buyer. Any employee of the ~~((state purchasing division))~~ office of state procurement designated as a buyer ~~((or))~~, contract administrator, or similar designation by the director, including, where appropriate, the director and other management personnel. Also, where applicable, any employee(s) of ((procuring activities)) a purchasing activity with similar duties.

(7) Competitive formal sealed bid procedure. Procedure by which the buyer solicits written bids or quotations from a sufficient number of prospective bidders to assure adequate price and product competition by means of a written invitation for bid (IFB) setting forth bid requirements. All bids are to be submitted in sealed envelopes to the location indicated in bid documents and must be received by the time indicated therein. No disclosure of bids or bid information is made prior to the public bid opening. After the public bid opening, all bid information shall be referred to the buyer and treated as confidential working papers until after award at which time all bids become public information.

(8) Confidential information. Any information meeting the criteria in RCW 42.17.310.

(9) Description. Description means identifying information distinctly and plainly set forth and sufficiently portrayed and explained to ~~((insure))~~ ensure that the product or service under consideration is uniquely identified.

~~((8))~~ (10) Director. Except where otherwise specifically noted the term "director" as used in these rules, shall mean the state purchasing and material control director, who is the assistant director, office of state procurement.

~~((9))~~ (11) Emergency purchase. Emergency purchase means a purchase made in response to unforeseen circumstances beyond the control of an agency which presents a real, immediate and extreme threat to the proper performance of essential functions and/or which may reasonably be expected to result in excessive loss or damage to property, bodily injury or loss of life.

~~((10))~~ (12) Informality. An informality or irregularity is one which is merely a matter of form or is some immaterial variation from the exact requirements of the invitation for bids, having no effect or merely a trivial or negligible effect on quality, quantity, or delivery of the supplies or performance of the services being procured, and the correction or waiver of which would not affect the relative standing of, or be otherwise prejudicial to bidders.

~~((11))~~ (13) Invitation ~~((to))~~ for bid. An invitation ~~((to))~~ for bid is the ((procedure used)) form utilized in the competitive, formal, sealed bid procedure.

~~((12))~~ (14) Quotation. An offer to perform a contract to purchase or supply material, equipment, services, or supplies in response to a request for quotation.

(15) Request for quotation. A request for quotation is the ~~((procedure))~~ form used when purchases are solicited in accordance with RCW 43.19.1906 ~~((17;))~~ (2) ~~((or 3))~~. The request and the quote in response may be either written or oral as specified by the buyer.

~~((13))~~ (16) Single source purchase. A single source purchase is a purchase of goods or services which ~~((can be obtained from only one vendor))~~ is clearly and legitimately limited to a single source of supply.

~~((14))~~ (17) Specifications. Specifications shall mean the explicit requirements furnished with an invitation ~~((to))~~ for bid or request for quotation upon which a purchase order or contract is to be based. Specifications set forth the characteristics of the equipment, material, supplies or services to be purchased or sold so as to enable the bidder or ((vendor)) supplier to determine and understand that which is to be supplied or sold. This information may be ((either)) in ((terms of physical characteristics or performance requirements,)) the form of (a) description of the physical or performance characteristics; (b) a reference brand name; or (c) both. It may include a description of any requirement for inspecting, testing, or preparing a material, equipment, supplies, or service for delivery.

~~((15))~~ (18) State purchasing division. The state purchasing division is the ~~((division of purchasing))~~ office of state procurement of the department of general administration. Whenever a purchase or sale is made by an agency other than the ((state purchasing division)) office of state procurement, any reference to the ((state purchasing division)) office of state procurement in ((these regulations)) this chapter shall mean such agency. Whenever a purchase or sale is made by the office of state procurement on behalf of another agency, the office of state procurement is acting in the capacity of agent for such agency.

~~((16))~~ Vendor. Supplier of goods and/or services)

(19) Supplier. A vendor of purchased goods or services.

~~((17))~~ (20) Purchaser. Purchaser shall mean the state of Washington ~~((and))~~ or the agency or agencies ((using)) purchasing the material, equipment, supplies or services ((purchased)).

~~((18))~~ (21) Purchase. Wherever used in ~~((these regulations))~~ this chapter the term purchase shall also include leasing or renting or lease purchase.

(22) Direct buy limit. That dollar amount established by the supply management advisory board (SMAB) whereby competitive acquisition of equipment, supplies, or service is not required.

(23) Sealed bid limit. That dollar amount established by RCW 43.19.1906 (2) and (7), or pursuant thereto, by the office of financial management. Said amount may be lowered by the director, taking into consideration any advice of the supply management advisory board, pursuant to and consistent with chapter 43.19 RCW.

(24) Contractor. An individual, company, corporation, firm, or combination thereof with whom the state of Washington develops a contract for the procurement of goods and/or services.

(25) Bid bond. Financial guarantee submitted by bidder to protect the interest of the state should bidder decide to withdraw said bid.

(26) Performance guarantee. Financial guarantee submitted by contractor to ensure contractual performance.

(27) Recovered materials. "Recovered materials" means:

(a) "Post consumer waste" which is:

(i) Paper, paperboard, and fibrous wastes from buildings such as retail stores, office buildings, (and) homes, after the wastes have passed through their end-usage as a consumer item, including: Used corrugated boxes, old newspapers, old magazines, mixed waste paper, tabulating cards, and used cordage; and

(ii) All paper, paperboard, and fibrous wastes that enter and are collected from municipal solid waste; and

(iii) All other items containing plastics, yard waste, metals, glass, rubber, oil, or any other material that is suitable as feedstock in product manufacturing; and

(b) "Secondary waste" including manufacturing and other wastes such as:

(i) Dry paper and paperboard waste generated after completion of the papermaking process, that is, those manufacturing operations up to and including the cutting and trimming of the paper machine reel into smaller rolls or rough sheets including: Envelope cuttings, bindery trimmings, and other paper and paperboard waste resulting from printing, cutting, forming, and other converting operations: Bag, box, and carton manufacturing wastes; and butt rolls, mill wrappers, and rejected unused stock;

(ii) Finished paper and paperboard from obsolete inventories of paper and paperboard manufacturers, merchants, wholesalers, dealers, printers, converters, or others;

(iii) Wastes generated by the conversion of goods made from fibrous material, that is, waste rope from cordage manufacture, textile mill waste, and cuttings; and

(iv) Fibers recovered from waste water which otherwise would enter the waste stream.

(28) Used equipment. Goods offered for sale to the state which (a) do not have a full factory warranty, and (b) which are not being rented, leased, or otherwise in the actual possession of the state agency considering the purchase at the time of the purchase transaction.

(29) Purchased goods and services. All materials, equipment, supplies, or services offered for sale by a supplier(s) and required by a state agency to accomplish continuing and necessary functions and not otherwise identified as a personal service under RCW 39.29.006(8) or an architectural and engineering service under RCW 39.80.020(5).

(30) Supplier list. List of potential bidders maintained by the office of state procurement from which names may be drawn for solicitation of bids/quotes.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-004 PROCEDURE FOLLOWED IN THE SOLICITATION OF BIDS. Whenever practicable the governing standard for state purchases is one of competitive bids in combination with a formal sealed bid procedure. The ~~((state purchasing division))~~ office of state procurement mails invitations ~~((to))~~ for bid to a sufficient number of prospective bidders to elicit adequate competition, such ~~((vendors))~~ suppliers being drawn from established ~~((vendor))~~ supplier lists and from any other source thought to be of advantage to the state. Invitations to bid may call for bid prices with and without trade-in.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-005 EXCEPTIONS TO COMPETITIVE FORMAL SEALED BID PROCEDURE. (1) Emergency purchase. Emergency purchases need not be procured through a formal sealed bid procedure. Unless revoked by the ~~((state purchasing division))~~ office of state procurement, all agencies have the delegated authority to make emergency purchases if notice of such a purchase and the reason therefor is transmitted to the ~~((state purchasing division))~~ office of state procurement immediately after the purchase is made, in accordance with RCW 43.19.200.

(2) Purchases not exceeding ~~(((\$2500))~~ five thousand dollars. Purchases not exceeding ~~(((\$2500))~~ five thousand dollars may be ~~((secured))~~ solicited by the state by other than a formal sealed bid procedure unless the director specifically requires a formal sealed bid.

(3) Single source or special facilities, services or market conditions. Purchases which are clearly and legitimately limited to a single source of supply and purchases involving special facilities, services, or market conditions may be acquired through direct negotiation with documented source selection.

(4) Used equipment. The purchase of used equipment from private ~~((vendors))~~ suppliers is generally considered by the ~~((state purchasing division))~~ office of state procurement to be a purchase falling within the exception set forth in subsection (3) of this ~~((regulation))~~ section. A ~~((purchasing or supply activity))~~ state agency desiring to purchase used equipment shall be responsible to determine what used equipment is available on the market and properly record this search. In the case of a purchase involving used equipment for less than ~~(((\$400))~~ the sealed bid limit, the ~~((purchase request must fully justify the acquisition of used equipment. Appraisals are not required. In the case of purchases involving \$400 to \$2500 the agency must submit at least two written appraisals with the purchase request))~~ agency need not submit the requirement to the office of state procurement. The purchase file located at the state agency shall be fully documented with agency determination as to fair market value. In the case of purchases exceeding ~~(((\$2500 three))~~ the sealed bid limit, two written appraisals are required to be submitted to the office of state procurement with the purchase request. The

purchase request file must contain justification for the acquisition of used equipment and include documentation to sufficiently establish fair market value. All appraisals must be from competent firms or persons not associated with the ~~((vendor))~~ supplier or purchaser which certify that the agreed upon price represents a fair market value for the equipment. The appraisals will normally be made by individuals or firms knowledgeable of a particular market, not just knowledgeable of the equipment. For purchases exceeding the sealed bid limit, the appraisals must include a statement as to the fair market value of like goods if purchased new (e.g., with full factory warranty). All equipment with full factory warranty shall be purchased as new equipment.

(5) Purchases from ~~((sheltered workshops,))~~ institutional industries and other ~~((vendors))~~ suppliers who, under law, receive a preference.

(6) Purchases from sheltered workshops and programs of the department of social and health services as required by law. Fair market value will be as determined by the office of state procurement.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-009 BIDS IN GENERAL. All bids or quotes are subject to the invitation ~~((to))~~ for bid or request for quotations, the specifications and plans, the applicable contract terms and conditions and the rules and regulations of the ~~((state purchasing division))~~ office of state procurement set forth in this chapter. In the event of conflict among any of the above the following order shall govern:

- (1) Rules and regulations;
- (2) Specifications and plans; and
- (3) Applicable contract terms and conditions.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-011 PUBLIC NOTICE. A listing or copy of all purchases being made through formal sealed bid by or through the ~~((state purchasing division))~~ office of state procurement shall be posted in the foyer of the Office of ~~((the))~~ State ~~((Purchasing Division))~~ Procurement, Room 216, General Administration Building, Olympia, Washington 98504. Purchases ~~((acquired))~~ made by ((one)) colleges or ((university)) universities shall be posted or otherwise publicized by the purchasing office of that college or university.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-012 BIDDING OR QUOTING TIME. The bidding or quoting time shall be as determined by the buyer involved. All invitations ~~((to))~~ for bid shall provide sufficient time to allow bidders an opportunity to prepare and submit their bid. The buyer shall have the discretion to lengthen or shorten bid or quote times, should special circumstances or needs dictate a shorter or longer time frame. When extending or shortening the time allowed to submit a bid or quote, the buyer is to issue an addendum notifying ~~((vendors))~~

of the revised opening/due date. If it is determined that regular mail will not reach bidders in time to respond, the buyer shall attempt to notify each prospective bidder by telephone or other available means of communication. All bids must be received by the time specified for bid opening. No deviations will be allowed. Late bids will be returned unopened unless retention is deemed by the director to be in the best interests of the state. Quotations must be received by close of the normal business day on the date indicated. Late quotations will ~~((neither))~~ not be considered ((nor)) or returned to ~~((vendors))~~ bidders. Time of receipt will be determined by the official time stamp located at the office of state procurement.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-013 AMENDMENT OF INVITATION TO BID. An invitation ~~((to))~~ for bid may be changed or amended by the buyer involved, provided the change is issued in writing prior to the bid opening date. ~~((Such changes will be furnished to all interested vendors in the form of an addendum.))~~ Any material information provided a prospective bidder with regard to an invitation ~~((to))~~ for bid, shall be furnished to all bidders ~~((on the vendor list))~~ receiving a copy of the original invitation. Oral interpretations of contract terms and conditions shall not be binding on the state unless confirmed in writing by the buyer ((and provided to all bidders at least 24 hours before bid opening)).

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-021 ~~((VENDOR))~~ SUPPLIER LISTS. ~~((Vendor))~~ Supplier lists are categorized according to ~~((commodities))~~ specific categories of purchased goods and services and are maintained and updated by the ~~((state purchasing division))~~ office of state procurement. ~~((Vendor))~~ Such lists are used by buyers to determine ~~((vendors))~~ suppliers from which to solicit bids. Due to cost considerations not all suppliers are solicited for each bid invitation. In order to be considered for inclusion on a ~~((vendor))~~ supplier list, ((vendors)) suppliers must apply to the ~~((state purchasing division on forms available in its offices at 216 General Administration Building, Olympia, Washington 98504))~~ office of state procurement. The office of state procurement may deny issuance of a bid to a prospective supplier if such supplier fails to register on a given supplier list when requested. The office of state procurement may deny or limit placement on supplier list(s) for reason(s) outlined under WAC 236-48-024.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-023 NONACCEPTANCE. If an application to be placed on a ~~((vendor))~~ supplier list is refused, the applicant shall be advised in writing as to the reason for nonacceptance together with suggestions as to how the applicant might qualify in the future.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-024 REMOVAL OR SUSPENSION. The director, or designee, may remove or suspend a ~~((vendor))~~ supplier from any ~~((vendor))~~ supplier list(s) for cause. Examples of reasons for removal or suspension include but are not limited to the following:

- (1) Illegal act(s);
- (2) Repetitive failure to respond to invitations to bid;
- (3) Unreasonable number of "no bid" responses;
- (4) Any material failure to perform, e.g., delivery, quality;
- (5) Any significant detrimental change in supplier status, e.g., financial condition, lines carried, service ability;
- (6) Unauthorized product substitution, or representation of an alternate as an equal; or
- (7) Discriminatory practices.

Any supplier so removed or suspended shall be notified in writing of the reason(s) therefore, the conditions of any removal or suspension, and/or corrective action required for reinstatement.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-025 APPEAL. Any ~~((vendor))~~ supplier removed from a ~~((vendor))~~ supplier list or who is not placed upon ~~((the vendor))~~ such list after request, may appeal the decision to the director or ~~((his))~~ designee. If such an appeal is ~~((to be))~~ made, it must be submitted in writing within ten days of notification of the action taken.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-026 REAPPLICATION OR REINSTATEMENT. If a ~~((vendor's))~~ supplier's application to be placed on a ~~((vendor))~~ supplier list has been refused, or if a ~~((vendor))~~ supplier has been removed or suspended from ~~((a vendor))~~ such list, ~~((the vendor))~~ that supplier may reapply to be placed on ~~((a vendor))~~ such list, or apply for reinstatement when the ~~((causes for removal have been corrected))~~ conditions for reinstatement have been met.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-035 BID BOND(S). The ~~((state purchasing division))~~ office of state procurement may require a bid bond payable to the state in such amount and with such surety or sureties as may be determined by the ~~((division))~~ buyer. Bid bonds may be in the form of a certified check, cashier's check, escrow agreement on a form approved by the office of state procurement or irrevocable letter of credit drawn on separate accounts in banking or savings and loan institutions regulated by the state of Washington, cash or a surety bond payable to the state of Washington. Personal or company checks are not acceptable. Failure to submit a bid bond in the specified form will be a cause for rejection. Bid bonds

shall be retained by the state until contract(s) is ~~((executed))~~ awarded. Surety bonds and letters of credit will be returned to bidders after award of contract; cashier's and certified checks or cash will be returned ~~((after the bidder submits an invoice voucher (Form A-19) after which))~~ via a state warrant in the amount of the deposit ~~((is issued))~~. Bidders who regularly ~~((do))~~ conduct business with the state shall be permitted to file an annual bid bond in lieu of bid bonds for individual contracts in an amount determined by the state. ~~((Failure to submit a bid bond in the specified form will be a cause for rejection.))~~ When a bid bond is ~~((required))~~ submitted, the bidder ~~((shall))~~ covenants that he/she will ~~((enter into))~~ accept a contract ~~((; if offered))~~ award. Violation of this covenant will result in forfeiture of the bid bond and payment of the same into the Washington state treasury as and for liquidated damages.

NEW SECTION

WAC 236-48-036 PERFORMANCE GUARANTEES. When required in the invitation for bid the successful bidder shall post a performance guarantee in amount(s) specified in the bid. The required performance guarantee shall be in the form of a surety bond with a surety company certified check, cashier's check, cash, escrow agreement on a form approved by the office of state procurement or irrevocable letter of credit unilaterally payable to the state of Washington, and drawn on separate accounts in banking or savings and loan institutions regulated by the state, or other form acceptable to the state of Washington. The performance guarantee shall be held by the state or deposited to the state account until contract terms have been fully executed to the satisfaction of the state. Interest will not be paid on funds deposited directly with the state.

NEW SECTION

WAC 236-48-052 FACSIMILE BIDS. Facsimile bids or quotations will not be accepted under any circumstances. A facsimile withdrawal of a bid or quotation may be accepted, provided that it is received prior to opening of bids or quotations, it meets the approval of the buyer and is immediately followed up in writing.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-061 HAND CARRIED BIDS. Hand carried bids must be delivered to the bid supervisor at the ~~((state purchasing division))~~ office of state procurement or placed in the bid depository in the ~~((state purchasing division at))~~ office of state procurement on or before the official bid opening time.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-071 FORM OF BID. To receive consideration, bids and quotes shall be made on the form provided by the ~~((state purchasing division))~~ office of state procurement, or on a letter containing the information ~~((and conditions of the appropriate form))~~. If a

letter ~~((form))~~ is used it must meet the satisfaction of the buyer, be properly headed and signed, properly marked on the outside of the envelope, ~~((and))~~ received by the time specified, and be accompanied by a signed and completed bid form provided by the state.

Bids must be filled out in ink or with typewriter and properly signed by an authorized representative of the ~~((vendor))~~ bidder. All changes and/or erasures shall be initialed in ink. The buyer may declare that a quotation (not a bid) prepared in pencil is a minor informality and may accept and consider a clear pencil quotation. ~~((Unless accompanied by satisfactory evidence of a vendor's desire to be bound by his bid, such as a signed cover letter or a bond;))~~ Unsigned bids will be rejected on opening. However, the buyer may accept such bids if it is determined that satisfactory evidence was submitted prior to bid opening which clearly indicates the bidder's desire to be bound by his/her bid such as a signed cover letter or bid bond.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-079 STANDARD SPECIFICATIONS. Specifications contained in the invitation ~~((to))~~ for bid will, where practical, be nonrestrictive so as to provide an equal basis for competition and participation by an optimum number of qualified bidders. Unless otherwise specifically provided in the invitation ~~((to))~~ for bid, reference to any equipment, material or supplies by trade name, make, or catalog number, shall be regarded as establishing a standard of quality and shall not be construed as limiting competition. All bids which offer a different trade name, make, or catalog number must state whether the item offered is an equal or an alternate, and literature which describes the item offered must be provided when available. The final decision as to whether an item is an equal or a satisfactory alternate shall rest with the ~~((state purchasing division))~~ office of state procurement. In the absence of a bidder's statement of a bid being an "alternate" it shall be evaluated as an "equal."

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-081 INTERPRETATION OF SPECIFICATIONS. In the event of discrepancies or omissions in the bid specifications, or doubt as to their meaning, the ~~((bidder))~~ supplier shall immediately notify the ((state purchasing division)) office of state procurement in writing. In response, written instructions and/or addenda as required shall be sent to ~~((all interested parties))~~ suppliers receiving the initial bid document. The ~~((state purchasing division))~~ office of state procurement will not be responsible for oral interpretations not confirmed in writing by the ((buyer giving the interpretation at least twenty-four hours before)) office of state procurement prior to bid opening.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-082 REQUEST FOR SAMPLES, DESCRIPTIVE LITERATURE. The ~~((state purchasing division))~~ office of state procurement reserves the right to ask for samples, competitive demonstrations, and/or descriptive literature at the bidder's expense. Unless approved in advance by the buyer, samples must be identified to that bid. If not received within a reasonable period of time, as determined by the buyer, a bid may be rejected. If not destroyed in testing or required for quality control, bidders may request return of samples at their expense. ~~((Unclaimed samples shall become the property of the state sixty days after respective bidders have been notified to pick up their samples or to advise shipping instructions.))~~ Samples not claimed within ten days after written or verbal notification will be disposed of by the state.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-083 ACCEPTANCE OF ALTERNATE BID/QUOTE. The state ~~((purchasing division))~~ shall be under no obligation whatever to accept alternate bids/quotes. However, the office of state procurement shall have the discretion to accept an alternate bid/quote if it can be shown that the alternate substantially conforms to the bid specifications. Bidder must submit complete documentation with bid sufficient to establish product comparison. Unless identified as an alternate, bidder warrants the product bid to be at least equal in quality and performance. If a bidder ((represents an article)) misrepresents his/her bid as being "an equal" when in fact it is "an alternate," his/her bid may be ((disregarded)) rejected and bidder will be liable for damages caused by the misrepresentation.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-084 PREBID CONFERENCES. Prebid conferences may be scheduled to ~~((answer))~~ address any questions regarding the ((specifications or, after interested vendors have reviewed the specifications, to discuss proposed changes)) invitation for bid. Changes to the invitation for bid shall not be binding upon the state unless confirmed in writing by the office of state procurement prior to bid opening.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-085 IN-STATE PREFERENCE BIDS. In accordance with the laws of 1983 and chapter 43.19 RCW, the director of general administration shall compile a list of each state, relating to state purchasing, which statutes or regulations the director believes grant a preference to ~~((vendors))~~ suppliers located within that state or to goods manufactured within that state. This list shall be updated on an annual basis and shall include only those states with currently active in-state preference clauses for procuring goods and services and the list

shall contain the percentage of preference allowed. States with only reciprocity legislation will not be included on the list. The ~~((state purchasing division))~~ office of state procurement will be responsible for the official compilation of the list and notification to impacted state agency, college and university purchasing offices. The notification shall be made by ~~((state purchasing division))~~ office of state procurement circular letter.

For the purposes of determining whether to assess a percentage penalty against a ~~((vendor's))~~ supplier's bid, and the amount of that penalty, the buyer in charge of the bid will consider only the business address from which the bid was submitted. It is recognized that under certain circumstances this will adversely affect ~~((vendors))~~ bidders with in-state operations whose bids are prepared centrally in an out-of-state office.

Buyers will add the appropriate percentage penalty to each bid bearing the address from a state with in-state preference rather than subtracting a like amount from Washington state ~~((vendors))~~ bidders.

This action will be used only for bid analysis and award. In no instance shall the increase be paid to a ~~((vendor))~~ supplier whose bid is accepted.

This WAC section applies only to formal invitations ~~((to))~~ for bid solicited in accordance with chapter 43.19 RCW.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-093 AWARD. A contract shall be awarded to the lowest responsible and responsive bidder based upon, but not limited to, the following criteria where applicable and only that which can be reasonably determined:

(1) The price ~~((including sales tax, compensatory tax.))~~ and the effect of term discounts (not less than ~~((twenty))~~ thirty calendar days after receipt of goods or correct invoice, whichever is later) ~~((but excluding))~~. Consideration may be given to business and occupation tax returns from in-state suppliers and local sales and use tax cost differences between in-state suppliers. Price may be determined by life cycle costing if so indicated in the invitation ~~((to))~~ for bid.

(2) The quality of the articles proposed to be supplied, their conformity with specifications and the purposes for which they are required.

(3) The ability, capacity and skill of the bidder to perform the contract or provide the services required.

(4) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(5) Whether the bidder can perform the contract within the time specified.

(6) The quality of performance ~~((of previous))~~ on previous contracts for purchased goods or services.

(7) The previous and existing compliance by the bidder with the laws relating to the contract for purchased goods or services.

(8) Servicing resources, capability and capacity.

(9) Lack of uniformity or interchangeability, if such factors are important.

(10) The energy efficiency of the product as projected throughout the anticipated useful life of the product.

(11) The effect of reciprocity assessments, MWBE, institutional industries preferences or other preferences defined by statute or rule.

(12) Such other information as may be secured having a bearing on the decision to award the contract.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-095 EXCEPTION TO AWARD TO LOWEST RESPONSIBLE BIDDER. Whenever, in the judgment of the office of state procurement, there is a reason to believe that the lowest ~~((acceptable))~~ responsible and responsive bid is not the best ~~((price))~~ bid obtainable, all bids may be rejected and the ~~((state purchasing division))~~ office of state procurement may call for new bids or enter into direct negotiations to achieve the best possible ~~((price))~~ bid.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-096 PREFERENCE—INSTITUTIONAL INDUSTRIES ~~((SHELTERED WORKSHOPS AND RECYCLED PAPER))~~. Preference shall be given to the extent allowed by law:

(1) To those materials, equipment, supplies, and services provided by industries authorized and approved by the department of corrections.

(2) ~~((Products and services manufactured or provided by sheltered workshops and programs of the department of social and health services (as required by law, fair market prices will be as determined by the state purchasing division).))~~

(3) To paper products containing recycled paper if the bids for recycled paper do not exceed the lowest bid offered by suppliers of paper products that are not recycled. Paper products that may be recycled or reused shall be purchased if quality, price, and grade are otherwise equal to other paper products bid. Agencies shall, to the maximum extent economically feasible, purchase paper products with fifty percent of the total weight consisting of post consumer waste. Exceptions are when printing or duplicating equipment cannot accept paper containing this amount or when use of this paper affects the printing quality.) To bids from firms certified as minority or women-owned businesses by the office of minority and women's business enterprises (OMWBE).

(3) To products containing recovered material if indicated on the invitation for bid, provided that the bidder warrants those product(s) are functionally equivalent to the bid invitation specifications and provided that bid does not exceed the lowest responsive bid received for products without recovered material content otherwise meeting all bid specifications.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-098 REJECTION. No notice will be sent to unsuccessful bidders submitting higher bid/quote pricing than awarded. Bidders whose bids are rejected ~~((for noncompliance))~~ as nonresponsive will be notified of the reasons for such rejection.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-099 ACCEPTANCE OF TERMS. Acceptance shall be expressly limited to the terms and conditions of the contract/bid prescribed by the ~~((state purchasing division))~~ office of state procurement. All material alterations, additional or different terms proposed by the bidder shall be and are rejected unless otherwise provided for in writing by the director or his designee.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-101 TIME OF BIDS. All bids and withdrawals must be received on or before the time specified for bid opening at the place designated in the bid documents. No deviations will be allowed and late bids or withdrawals will be returned unopened. All bids shall be date and time stamped, prior to opening. Precautions will be taken to ~~((insure))~~ ensure security ~~((in respect))~~ of ~~((the))~~ bids. Bids which are received but which do not identify the invitation ~~((to))~~ for bid or the time for bid opening may be opened but solely for identification purposes, and only by officially designated personnel.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-111 HANDLING OF BIDS AT OPENING. The person designated as official bid supervisor shall decide when the time set for bid opening has arrived and shall so declare to those present. The bid supervisor shall then personally and publicly open all bids and read ~~((them out loud))~~ pertinent information as determined by the office of state procurement for recording. The bid form may not be completed, signed, amended or clarified after official opening time. The bid supervisor will, on request, read the documents in detail provided that sufficient time is available. Bids must remain under the control of the bid supervisor or staff.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-121 MISTAKES IN BID DETECTED PRIOR TO BID OPENING. Mistakes in bids detected prior to bid opening may be corrected by the bidder withdrawing the original bid and submitting a corrected bid to the ~~((state purchasing division))~~ office of state procurement before the bid opening. If there is not sufficient time prior to bid opening to withdraw the original bid and submit a corrected bid, the bidder, or an authorized representative, may correct the mistake on the face of the original bid: PROVIDED, The official opening time has not yet been reached. A corrected bid must be time stamped upon resubmission.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-122 MISTAKES IN BID DETECTED DURING OR AFTER BID OPENING.

Bidder mistakes in a bid detected during or after bid opening may not be corrected. If the bidder submits evidence in writing satisfactory to the director or ~~((his))~~ designee that a mistake has been made by the bidder in the calculation of its bid, the director or ~~((his))~~ designee may allow the bid to be withdrawn: PROVIDED, That the claim of mistake and the evidence in support thereof must be made and provided within three business days after the bid has been opened. Compliance with this section within the specified time limit, shall relieve the bidder of forfeiture of its bid bond.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-123 DISCLOSURE OF BID INFORMATION. After award and distribution, the bids of all bidders shall be open to public inspection at the offices of the ~~((state purchasing division))~~ office of state procurement during normal office hours. Copies of documents subject to public disclosure will be made available upon request ~~((to the bid supervisor. The vendors))~~ in accordance with departmental policy. Bidders must provide a ~~((stamped))~~ self addressed stamped envelope to obtain bid results. A copy of awarded purchase order or contract will be provided. Unless noted to the contrary in a bid specification the ~~((state purchasing division))~~ office of state procurement assumes no responsibility for the confidentiality of submitted bids.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-124 MINOR INFORMALITIES OR IRREGULARITIES IN BIDS OR QUOTES. The director of ~~((purchasing and material control))~~ the office of state procurement or ~~((his))~~ designee reserves the right to waive minor informalities or irregularities as defined in WAC 236-48-003. ~~((Minor informalities or irregularities may be corrected by the director or his designee after clearly noting the reasons for the action in the purchase file.))~~

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-131 CANCELLATION OF INVITATION TO BID OR REJECTION OF ALL BIDS. The ~~((state purchasing division))~~ office of state procurement reserves the right to reject all bids or to cancel an invitation or request ~~((, however, every effort will be made to guard against such an occurrence))~~. Examples of reasons for cancellation of an invitation, or request, or rejection of all bids are:

- (1) Inadequate or ambiguous specifications.
- (2) Specifications have been revised.
- (3) Supplies or services being purchased are no longer required.
- (4) Change in agency requirements.
- (5) All bids are deemed unreasonable or sufficient funds are not available.
- (6) Bids were not independently arrived at, or were submitted in bad faith.

(7) A determination is made that all the necessary requirements of the bid process have not been met.

(8) Insufficient competition.

(9) For reasons which indicate that cancellation or rejection of all bids is clearly in the best interest of the state.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-141 PROTESTS AND APPEALS—FORM AND SUBSTANCE. All protests and appeals must be in writing and signed by the protestant or appellant or an authorized agent. Such writing must state all facts and arguments on which the protestant or appellant is relying as the basis for its action. Such protestant or appellant shall also attach, or supply on demand by the director, any relevant exhibits referred to in the writing. Copies of all protests, appeals, and exhibits shall be mailed or delivered by the protestant or appellant to the bidder or bidders against whom the protest is made at the same time such protest, appeal, and exhibits are submitted to the ((state purchasing division)) office of state procurement.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-142 PROTEST PROCEDURE PRIOR TO AWARD. After a bid opening, and prior to award, a bidder desiring to protest the bid of another bidder must send or deliver its protest to the buyer in charge of the bid as soon as possible after it becomes aware of the reason(s) for the protest. If the protest is mailed the protestant shall immediately notify the buyer in charge of the bid by telephone, or some other means of instant communication, that a protest is being made.

The buyer shall consider all of the facts available ((to him,)) and issue ((his)) a decision in writing within ((two)) ten business days after receipt of the protest, unless more time is needed. The protestant and the bidder(s) against whom the protest is made will be notified if longer time is necessary. If the protesting bidder or the bidder against whom the protest is made is not satisfied with the decision of the buyer, he/she shall have the right to appeal to the director. Such appeal must be received by the director within five business days after notification of the buyer's decision. The director shall consider all of the facts available ((to him,)) and issue ((his)) a decision in writing within ((three)) ten business days after receipt of the appeal, unless more time is needed. The appealing bidder will be notified if longer time is necessary.

Unless an emergency exists, award of the contract, if one is to be made, will be postponed until after the director has issued ((his)) a decision.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-143 PROTEST PROCEDURE AFTER AWARD. Protests after award will not be considered unless the protest concerns a matter which arises after the award or could not reasonably have been

known or discovered prior to award. Such protests shall be ((made to)) received by the director not later than five business days after mailing of the award. If the protest is mailed the protestant shall immediately notify by telephone, or some other means of instant communication, the buyer in charge of the bid and the bidder that has received the award that a protest is being made. The director shall consider all of the facts available ((to him)) and issue ((his)) a decision on the protest within ((five)) ten business days after receipt thereof, unless more time is needed. In such event, the protestant and the bidder that has received the award shall be notified of any delay.

If the director finds that the award should not have been made he/she shall notify the bidder which received the award of his/her intent to cancel the award and the reasons therefor. Such bidder shall then have ((three)) five business days in which to appeal the decision to the director of general administration. The director of general administration shall consider all of the facts available ((to him)) and issue ((his)) a decision within ((five)) ten business days after receipt of the appeal, unless more time is needed. If more time is needed, the appellant and the protestant shall be so notified.

If the director of general administration agrees that the award should be canceled he/she shall order the director of the ((state purchasing division)) office of state procurement to cancel the award ((three)) within ten business days after the decision is delivered to the bidder to whom the contract had been awarded. All bids shall then be rejected and new bids solicited.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-151 VIOLATION OF CONTRACT TERMS. If a ((vendor)) contractor fails to deliver, or deliver on time, or there is discrepancy in the quality and/or quantity of services or merchandise received, or there is a default in any other contract provision, the purchaser shall notify the ((vendor)) contractor. In the event of an unsatisfactory response from the ((vendor)) contractor, the purchaser shall file a fully documented complaint with the ((state purchasing division)) office of state procurement.

The ((state purchasing division)) office of state procurement shall verify the complaint, note the same in the ((vendor's)) contractor's record and take appropriate action. Where a complaint is justified, the ((vendor)) contractor shall be notified that an unsatisfactory condition exists and that the unsatisfactory condition must be cured within a ((reasonable)) stated time. If the condition is not so cured, the ((state purchasing division)) office of state procurement shall have the discretion to do any or all of the following: To remove the ((vendor)) contractor from the relevant ((vendor)) supplier list; demand performance of the contract; modify or cancel the contract and purchase elsewhere; and pursue any other legal remedies available.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-152 OFFSET AGAINST ((VENDOR)) CONTRACTOR PAYMENTS. In addition to other methods of collection available, the ((state purchasing division)) office of state procurement may offset any damages for which the ((vendor)) contractor is responsible against payments owing to the ((vendor)) contractor from the purchaser or any other agency which may be indebted to the ((vendor)) contractor.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-153 DELIVERY DATE. Whenever a specific delivery date has been stated, that date shall be an essential condition of the contract. If a ((vendor)) contractor is unable to meet the delivery date, he/she shall notify the purchaser and the ((state purchasing division)) office of state procurement at the earliest possible time. The contractor shall include in such notification the projected revised delivery date. The purchaser shall then have the option to cancel such revised dates, or cancel and purchase elsewhere.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-155 RECORDING OF CONVERSATIONS. RCW 9.73.030 prohibits the recording or interception of the private conversations and communications of individuals without their knowledge and consent. A violation of this statute shall be considered grounds for cancellation of a contract and removal from all ((vendor)) supplier lists.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-162 PRODUCT FITNESS. ((The vendor shall)) By submission of a bid, bidder warrants that the articles supplied under the contract ((shall)) conform to the specifications and functional performance requirements, and are fit for the purpose for which such goods are ordinarily employed.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-163 NONDISCRIMINATION. Bidders and ((vendors)) contractors must agree not to discriminate against any client, employee or applicant for employment or services because of race, creed, color, national origin, sex, marital status, age or the presence of any sensory mental or physical handicap with regard to, but not limited to, the following: Employment upgrading; demotion or transfer; recruitment or recruitment advertising; layoffs or termination; rates of pay or other forms of compensation; selection for training, rendition of services. It is further understood that any ((vendor)) contractor who is in violation of this clause or an applicable affirmative action program shall be barred forthwith from receiving awards of any contract from

the ((state purchasing division)) office of state procurement unless a satisfactory showing is made that discriminatory practices or noncompliance with applicable affirmative action programs have terminated and that a recurrence of such acts is unlikely.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-164 PRICE ESCALATION. ((Vendors)) Contractors shall not be entitled to ((x)) price escalation except where specifically provided for in writing in the contract.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-165 CHANGE IN PRODUCT OFFERED. A ((vendor)) bidder or contractor shall not be allowed to substitute material, supplies, equipment or services from that offered: PROVIDED, HOWEVER, If the material, supplies, equipment or services offered are no longer available to the ((vendor)) bidder or contractor for reasons beyond its control, the ((state purchasing division)) office of state procurement may consider a request by the ((vendor)) bidder or contractor for substitution. All such requests must be in writing, must set forth the reasons the product or service is no longer available, and must be accompanied by samples, record of performance, certified copies of tests by impartial and recognized laboratories, and such additional data as the purchaser may request. Samples and data shall be furnished sufficiently in advance to allow for investigation before a decision is made. ((If the change is approved;)) The ((vendor)) bidder or contractor shall warrant that the ((substitute)) contracted article is equal or better than the specified article. If the change results in any cost savings to the ((vendor)) bidder or contractor, the cost savings shall be reflected in full in a reduction in price to the using agency.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-166 ((RENEWAL)) EXTENSION. If basic contract provisions allow, a ((vendor)) contractor and the ((state purchasing division)) office of state procurement may covenant and agree that the contract in question may be ((renewed)) extended for predetermined periods by the ((state purchasing division)) office of state procurement under the same terms and conditions ((of)) as comprise the original contract.

The buyer shall have discretion to ((renew;)) extend a contract with the ((reasons)) justification for ((renewal)) extension being documented. The ((vendor)) contractor shall be notified in writing of the ((intent to renew)) state's desire to extend prior to the termination date of the existing or ((renewed)) extended contract. If the ((vendor)) contractor does not wish to have the contract ((renewed)) extended, he/she shall so notify the ((state purchasing division)) office of state procurement in writing ((renews)). Extensions, to be effective, must be ((reduced to)) in writing and signed by authorized representatives of both the ((vendor)) contractor and state.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-167 ADDITIONS OR DELETIONS TO THE CONTRACT. Within reason, the ~~((state purchasing division))~~ office of state procurement may increase or decrease the items ~~((or))~~, quantities, or locations specified in a contract.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-48-230 LEASES. If an agency, in the exercise of its delegated authority, leases material, supplies, equipment, or services the state standard form lease shall be used. Any deviations therefrom must be approved as to form by the ~~((state purchasing division))~~ office of state procurement and the attorney general's office.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-240 LATE PAYMENTS. The purchaser should make payment expeditiously in order to benefit from prompt payment discounts. If the purchaser fails to make timely payment, ~~((vendor))~~ the contractor may invoice for a minimum of one dollar or a maximum of one percent per month, on the amount overdue. Complaints made to the ~~((state purchasing division))~~ office of state procurement with regard to late payment will be referred to the purchaser. For effective communication and supervision, copies of correspondence dealing with delays in payment should be directed to the buyer in charge of the contract.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-250 USE OF CREDIT/CHARGE CARDS. All credit/charge cards, other than those for gasoline, vehicle rental, travel, and telephone, shall be ordered by the director of an agency or ~~((his))~~ designee. It shall not be mandatory upon an agency to obtain credit or charge cards.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-251 DISTRIBUTION OF CREDIT/CHARGE CARDS. Agency heads (or their designees) shall institute a system for responsibility, control and distribution of credit/charge cards within each agency. Control shall be so structured that, upon request of the ~~((state purchasing division))~~ office of state procurement, each agency will be able to report the number of cards used, the type of cards used, the amount of purchases made by card within a stated time together with any problems they have encountered.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-48-252 CREDIT LIMITS. When an agency determines that the use of credit/charge cards will be to its advantage, the source will be the existing

state contract ~~((with a financial institution))~~. The ~~((contract establishes a credit limit of \$2,500 for each ordering agency. Within the agency, the director will establish the credit limit for each card ordered, with the aggregate credit limit for each agency to be no more than \$2,500.))~~ director will establish an aggregate credit limit for each agency. Each agency director will then establish a credit limit for each card ordered within that aggregate limit. Any requests for exception to ((this)) the agency aggregate monetary limit must be made in writing by the agency head to the director ((of state purchasing)), office of state procurement, who will approve or deny. Dollar limitations shall not apply to travel related expenditures such as food, lodging, airfare, and vehicle rental.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 236-48-161 PERFORMANCE BONDS.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-49-001 PURPOSE. The purpose of this chapter is to set forth rules and regulations governing the relationship and procedures between the ~~((state purchasing division))~~ office of state procurement and state agencies.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-49-010 DEFINITIONS. As used in ~~((these regulations))~~ this chapter the following terms shall have the following meanings:

(1) ~~((Contract))~~ Field order. ((On A-38 (computerized) or A-17 (noncomputerized) series)) A standard state form used to make withdrawals from existing state contracts ((where price performance, vendor, and/or quality have been)) established by the office of state procurement or where agency direct purchases have been authorized.

(2) Director. Except where otherwise specifically noted in these regulations, director shall mean the state purchasing and material control director, who is the assistant director of the office of state procurement.

(3) ~~((Field order. An A-17 series form signed by an authorized agent of the state purchasing division, a state agency or institution, which notifies the vendor to provide the stated material, equipment, supplies or services under the terms and conditions set forth or referred to from the purchasing document.~~

(4) Purchasing activity. Purchasing activity shall mean the state purchasing division or the purchasing department of a college, university or community college.

(5) Purchase order. ((An A-16 series)) A standard state form signed by an authorized agent of the ((state purchasing division)) office of state procurement which notifies the ((vendor)) contractor to provide the stated material, equipment, supplies or services under the terms

and conditions set forth ~~((or referred to on the purchasing document))~~ thereon.

~~((6))~~ (4) Purchase requisition. A ((request from a using agency or institution submitted on form A-15 for material, equipment, supplies or services which authorizes a supply or purchasing activity to procure)) standard state form which serves as a procurement request and which authorizes the office of state procurement to provide stated requirements.

~~((7) State purchasing division))~~ (5) Office of state procurement. The ((state purchasing division)) office of state procurement means the division of purchasing of the department of general administration.

~~((8) Supply activity. Supply activity means the supply operations of all state institutions, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, the offices of all appointive officers of the state, and departments, divisions or other academic or administrative sections within colleges and universities. Supply activity does not include the legislature.))~~

(6) Materials management center. That activity managed by the department of general administration office of state procurement whose function is to provide for the:

(a) Centralized storage and distribution of commonly used supplies and equipment to ensure administrative efficiency and economy in such purchases by state agencies;

(b) Centralized salvage, maintenance, repair, and servicing of equipment, furniture, or furnishings used by state agencies.

(7) Delegated authority.

(a) General. Those purchases delegated annually by the office of state procurement which are common to multiple state agencies.

(b) Specific. Those purchases delegated to specific agencies for continuing individual commodity requirements.

(c) Limited. Those purchases delegated to a specific agency for one-time commodity requirements.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-49-020 WASHINGTON STATE PURCHASING STRUCTURE. The ~~((state purchasing division))~~ office of state procurement has been charged by the legislature with the responsibility to purchase all material, supplies, services (except personal services) and equipment ~~(except data processing and telephone equipment/systems)~~ needed for the support, maintenance and use of all state institutions, colleges, community colleges and universities, the offices of the elective state officers, the supreme court, the court of appeals, the administrative and other departments of state government, and the offices of all appointive officers of the state. Primary authority for the purchase of specialized equipment, instructional and research material for their own use rests with the colleges, community colleges and universities. Primary authority for the purchase of materials, supplies and equipment for resale to other than public agencies

rests with the state agency concerned. The legislature has the responsibility of making purchases necessary for the operation of the legislature. Primary authority for purchase of automatic data processing equipment and telephone equipment/systems rests with the ~~((data processing authority))~~ department of information services.

The ~~((state purchasing division))~~ office of state procurement has authority to delegate to state agencies authorization to purchase or sell, which authorization shall specify types of material, equipment, services and supplies: PROVIDED, That acceptance of the purchasing authorization by a state agency does not relieve such agency from conformance with RCW 43.19.190 through 43.19.1939, as now or hereafter amended, from chapter 236-48 WAC, or from policies established by the director after consultation with the state supply management advisory board. The delegation of such authorization to a state agency, including an educational institution, to purchase or sell material, equipment, services, and supplies shall not be granted, or otherwise continued under a previous authorization, if such agency is not in substantial compliance with overall state purchasing and material control policies, chapter 236-48 WAC or RCW 43.19.190 through 43.19.1939.

~~((In order to efficiently carry out the various purchasing authorities, state agencies are divided into purchasing activities and supply activities.))~~

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-49-030 ~~((STATE PURCHASING=DELEGATION))~~ DELEGATED AUTHORITY. The ~~((state purchasing division))~~ office of state procurement shall ~~((handle))~~ administer all purchases and sales for state agencies except those for which the agencies have ~~((primary))~~ statutory or delegated authority. ~~((Purchases and sales which have been delegated to supply activities and to purchasing activities are set forth in the "Washington state purchasing directives" issued by the state purchasing division. In addition, the state purchasing division may delegate authority to specific supply activities or specific purchasing activities for other types of purchase or sale or a specific purchase or sale. In such event the))~~ Delegated purchases are set forth in: (1) General authorities; (2) specific authorities; and (3) limited authorities. All delegations must be given in writing prior to the purchase or sale.

AMENDATORY SECTION (Amending Order 77-2, filed 1/28/77)

WAC 236-49-040 TYPES OF PURCHASING. ~~((State purchasing))~~ Acquisition of purchased goods and services by the office of state procurement is divided into three major types:

(1) ~~((Centralized purchasing.))~~ State contracts: Term contracts for material, supplies, services, and equipment in common use by state agencies ~~((are bid on a periodic basis. Any agency which is in need of such items or services must purchase from such contracts regardless of whether authority to purchase such items or services has~~

~~been delegated to it)). The contract document will identify the condition(s) under which usage by state agencies is required.~~

(2) ~~((Central stores:))~~ Materials management center: The ~~((state purchasing division))~~ office of state procurement maintains ~~((central stores))~~ a materials management center for the storage and distribution of a wide variety of supplies in high common use. Any agency which is in need of such supply items must purchase from ~~((central stores))~~ the materials management center regardless of whether authority to purchase such supply items has been delegated to it. In addition, ~~((central stores))~~ the materials management center also handles the maintenance, repair and servicing of office equipment used by state agencies in ~~((the Olympia area))~~ their servicing areas.

(3) ~~((Purchase of))~~ Single acquisitions: Specific material, supplies, equipment or service ~~(s. Any supply activity desiring to purchase material, supplies, equipment or services))~~ acquisitions by the office of state procurement for which authority has not been delegated, for which there is no existing contract, or which ~~((central stores))~~ the materials management center is unable to supply, must ~~((submit))~~ be made by submitting a purchase requisition to the ~~((state purchasing division or appropriate purchasing activity))~~ office of state procurement. Such requisition must refer to any applicable Washington state specifications, standards and qualified products lists unless otherwise provided by the director or ~~((his))~~ designee. Requests to use specifications, standards or qualified products which differ from the established Washington state specifications, standards and qualified products must be in writing to the director or ~~((his))~~ designee. A purchase requisition must describe the items requisitioned in such detail and in such full and explicit terms as to be easily understood by bidders. Diagrams, specimens, samples and other illustrative material should be included with a requisition, where appropriate. If a proprietary item is ~~((desired))~~ required, the agency must attach adequate justification ~~((therefor)).~~ After consultation with the using agency, the ~~((state purchasing division))~~ office of state procurement may select equal or alternate items offered by bidders if the equal or alternate items offered will perform the same function as the specified item and if the quality is equal or greater.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-49-060 COOPERATIVE PURCHASING. Under the authority of chapter 39.34 RCW, political subdivisions may enter into an interlocal cooperative purchasing agreement with the ~~((state purchasing division))~~ office of state procurement. Participation is voluntary—A political subdivision may use state contracts and purchase orders when the ~~((state purchasing division need not make all contracts available))~~ office of state procurement provides therefore.

AMENDATORY SECTION (Amending Order 83-03, filed 8/26/83)

WAC 236-49-061 COOPERATIVE PURCHASING PROGRAM FEE. In order to distribute contract copies to political subdivisions in a ~~((current mode))~~ manner similar to that provided for state agencies ~~((distribution))~~, it is necessary to require payment of an annual fee to cover costs. This fee may be adjusted periodically to reflect current program costs. When the nature of a contract requires that the political subdivision orders be prepared by the ~~((state purchasing division))~~ office of state procurement, an additional charge per order processed may be assessed.

WSR 89-17-095

PROPOSED RULES

DEPARTMENT OF LICENSING

(Board of Physical Therapy)

[Filed August 22, 1989, 3:42 p.m.]

Title of Rule: Amending WAC 308-42-010 Definition of spinal manipulation or manipulative mobilization.

Purpose: To further define the practice of physical therapy.

Statutory Authority for Adoption: RCW 18.74.023(3).

Statute Being Implemented: RCW 18.74.010(4).

Summary: Amending WAC 308-42-010 Definition of spinal manipulation or manipulative mobilization.

Reasons Supporting Proposal: See above purpose.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, Program Manager, 1300 Quince Street Building, Olympia, WA, (206) 753-3132.

Name of Proponent: Washington State Board of Physical Therapy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See above purpose.

Proposal Changes the Following Existing Rules: It adds language defining spinal manipulation and manipulative mobilization.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Valley Medical Center, 400 South 43rd Street, Dining Conference Room 1, Renton, WA 98055, on September 26, 1989, at 9:30 a.m.

Submit Written Comments to: Carol Neva, Program Manager, Professional Licensing Services, Department of Health, P.O. Box 9012, 1300 Quince Street S.E., Olympia, WA 98504, by 5:00 p.m., September 25, 1989.

Date of Intended Adoption: September 26, 1989.

August 10, 1989

Linda M. Moran
Assistant Attorney General

AMENDATORY SECTION (Amending Order PM 789, filed 11/7/88)

WAC 308-42-010 DEFINITIONS. For the purposes of administering chapter 18.74 RCW, the following terms are to be construed as set forth herein:

(1) The "performance of tests of neuromuscular function" includes the performance of electroneuromyographic examinations.

(2) "Consultation" means a communication regarding a patient's evaluation and proposed treatment plan with an authorized health care practitioner.

(3) "Supervisor" shall mean the licensed physical therapist.

(4) "Physical therapist assistant" shall mean an individual who shall have received an associate degree as a physical therapist assistant from an approved school, or a graduate of an approved school of physical therapy who has not been licensed to practice physical therapy in Washington state.

(5) "Physical therapist aide" shall mean an individual who shall have received on-the-job training from a physical therapist.

(6) "Immediate supervision" shall mean the supervisor is in audible or visual range of the patient and the person treating the patient.

(7) "Direct supervision" shall mean the supervisor is on the premises, is quickly and easily available and the patient has been examined by the physical therapist at such time as acceptable physical therapy practice requires, consistent with the delegated health care task.

(8) "Indirect supervision" shall mean the supervisor is not on the premises, but has given either written or oral instructions for treatment of the patient and the patient has been examined by the physical therapist at such time as acceptable health care practice requires, and consistent with the particular delegated health care task.

(9) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(10) "Office on AIDS" means that section within the department of social and health services or any successor department with jurisdiction over public health matters as defined in chapter 70.24 RCW.

(11) "Spinal manipulation" or "manipulative mobilization" is defined as movement beyond the normal physiological range of motion.

Explanation of Rule, its Purpose, and Anticipated Effects: See above purpose and summary.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Valley Medical Center, 400 South 43rd Street, Dining Conference Room 1, Renton, WA 98055, on September 26, 1989, at 9:30 a.m.

Submit Written Comments to: Carol Neva, Program Manager, Professional Licensing Services, Department of Health, P.O. Box 9012, 1300 Quince Street S.E., Olympia, WA 98504, by 5:00 p.m., September 25, 1989.

Date of Intended Adoption: September 26, 1989.

August 10, 1989

Linda M. Moran

Assistant Attorney General

AMENDATORY SECTION (Amending Order PM 789, filed 11/7/88)

WAC 308-42-120 RENEWAL OF LICENSE. (1) The annual license renewal date for physical therapists shall coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license to expire on their next birth anniversary date.

(2) Effective January 1, 1989, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 308-42-123. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

(3) Licensees are responsible for annual renewal of a license whether or not they receive notification from the department.

WSR 89-17-096**PROPOSED RULES****DEPARTMENT OF LICENSING****(Board of Physical Therapy)**

[Filed August 22, 1989, 3:45 p.m.]

Original Notice.

Title of Rule: Amending WAC 308-42-120(3) Renewal of license.

Purpose: To make it clear to licensees that it is their responsibility to ensure their licenses are renewed in a timely fashion.

Statutory Authority for Adoption: RCW 18.74.023(3).

Statute Being Implemented: RCW 18.74.070.

Summary: Rule requires licensees to renew licensure whether or not notified by the department renewal reminder.

Reasons Supporting Proposal: To promote timely renewal of licenses by licensees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, Program Manager, 1300 Quince Street Building, Olympia, WA, (206) 753-3132.

Name of Proponent: Washington State Board of Physical Therapy, governmental.

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

WSR 89-17-097**PROPOSED RULES****DEPARTMENT OF LICENSING****(Board of Physical Therapy)**

[Filed August 22, 1989, 3:48 p.m.]

Original Notice.

Title of Rule: New section WAC 308-42-121 Change of address or name—Notification of department.

Purpose: To enhance the ability of the Washington State Board of Physical Therapy to serve the public.

Statutory Authority for Adoption: RCW 18.74.023(3).

Statute Being Implemented: RCW 18.74.023.

Summary: New section WAC 308-42-121 Change of address or name—Notification of department.

Reasons Supporting Proposal: See purpose above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Carol Neva, Program Manager, 1300 Quince Street Building, Olympia, WA, (206) 753-3132.

Name of Proponent: Washington State Board of Physical Therapy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This new section requires licensees to notify the department of any change of address or name within 10 days of the change.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Valley Medical Center, 400 South 43rd Street, Dining Conference Room 1, Renton, WA 98055, on September 26, 1989, at 9:30 a.m.

Submit Written Comments to: Carol Neva, Program Manager, Professional Licensing Services, Department of Health, P.O. Box 9012, 1300 Quince Street S.E., Olympia, WA 98504, by 5:00 p.m., September 25, 1989.

Date of Intended Adoption: September 26, 1989.

August 10, 1989

Linda M. Moran

Assistant Attorney General

NEW SECTION

WAC 308-42-121 CHANGE OF ADDRESS OR NAME—NOTIFICATION OF DEPARTMENT. Any physical therapy licensee who moves from the address named in his or her application or license or who changes his or her name shall within 10 days thereafter notify the department in writing of his or her old and new addresses or of the former and new names.

WSR 89-17-098

PROPOSED RULES

HUMAN RIGHTS COMMISSION

[Filed August 22, 1989, 3:52 p.m.]

Original Notice.

Title of Rule: Chapter 162-08 WAC, Practice and procedure.

Purpose: To govern all forms of practice and procedure before the commission and before administration law judges appointed to hear contested cases brought by the commission, including (but not limited to), complaint processing, discovery, administrative hearings, decisions, declaratory rulings and rule making.

Statutory Authority for Adoption: RCW 49.60.120(3).

Statute Being Implemented: Chapter 34.05 RCW, RCW 49.60.120, 49.60.140, 49.60.150, 49.60.230, 49.60.240 and 40.60.250 [49.60.250].

Summary: WAC 162-08-011 defines the scope of the commission's rules of practice and procedure. The changes are intended to conform to statutory references in the new Administrative Procedure Act, chapter 34.05 RCW, and to readopt the commission's previous rules of practice and procedure.

WAC 162-08-013 establishes how these rules shall be interpreted. The changes are intended to allow an administrative law judge to waive or alter these procedures in order to serve the ends of justice, and further to delete the authority to impose terms. The imposition of sanctions is provided for in the next rule.

WAC 162-08-015 establishes the authority of the administrative law judge to impose sanctions for delay or failure to comply with these rules. The changes include substitution of the administrative law judge for a hearing tribunal or chairperson thereof, and reference to the

new Administrative Procedure Act, chapter 34.05 RCW. A further change deletes the authority to debar or suspend a lawyer or other person appearing in a representative capacity from practicing before the commission. The reason for this change is that disciplinary action should be left to the State Bar Association. The change from administrative hearing tribunals to administrative law judges was brought about by section 2, chapter 259, Laws of 1981.

WAC 162-08-017 defines the terms used most frequently in this chapter. The change substitutes administrative law judge for hearing tribunal and redefines the term "administrative hearing." The reason for this change has already been stated above.

WAC 162-08-019 establishes that any appropriate procedure may be used where none is specified by these rules. The change refers to the new Administrative Procedure Act, chapter 34.05 RCW, and substitutes administrative law judge for a hearing tribunal. An additional change deletes the opportunity for others to choose an appropriate procedure where none is specified because it is believed that this provision would only create confusion at the hearing.

WAC 162-08-021 establishes who may appear in a representative capacity before the commission or an administrative law judge in a human rights hearing. The change adds administrative law judge to clarify the scope of this regulation, and includes members of an association in addition to the association itself when they appear in a representative capacity. The reason for these changes is to clarify the scope of this rule.

WAC 162-08-031 establishes how time periods prescribed by these regulations will be computed. This rule remains unchanged.

WAC 162-08-041 establishes the manner for serving and filing papers in proceedings before the commission or before an administrative law judge for a human rights hearing. An additional change provides for service of petition for judicial review which must be done in accordance with RCW 34.05.542, and not in accordance with the provisions of this regulation. This change was necessary because the previous regulation created some confusion as to the manner in which petitions for judicial review should be served.

WAC 162-08-051 establishes the form for papers filed with the commission and with the administrative law judge. Administrative law judge is substituted for hearing tribunal for the reasons given above.

WAC 162-08-061 establishes the relationship between the commission and the complainant. The only change in this regulation substitutes "executive director" for "executive secretary" and "administrative law judge" for "hearing tribunal." The first change is only a matter of title, while the second change has previously been explained as a requirement of statute, section 2, chapter 259, Laws of 1981.

WAC 162-08-062 describes the concurrent remedies which are available under chapter 49.60 RCW, and the practice of holding complaints involving real estate

transactions in abeyance when litigation is pending involving the same claim(s). The only change in this regulation is substitution of "executive director" for "executive secretary" which is only a matter of title and not a change in function.

WAC 162-08-071 establishes requirements and procedures for filing complaints under RCW 49.60.230. The following changes are proposed: The option of meeting the oath requirement by signing a declaration under penalty of perjury instead of signing before a notary. The declaration: "I declare under penalty of perjury and under the laws of the State of Washington that the following is true and correct" has the same effect with respect to potential perjury charges as swearing falsely under oath. RCW 9A.72.085; and the regulation is also amended to indicate that a signature under oath (or declaration) is a jurisdictional requirement under RCW 49.60.230, and cannot be met by subsequent amendment. This change is to conform to the language in RCW 49.60.230 which requires that complaints be "so filed within six months after the alleged act of discrimination." The words "so filed" indicate that the filing under oath is a jurisdictional requirement which cannot be met by subsequent amendment.

WAC 162-08-081 establishes the manner in which complaints can be amended before they are referred to the Attorney General's Office to prepare for hearing before an administrative law judge. The changes proposed are as follows: A statement that the investigation will be limited to factual allegations and unfair practices stated in the complaint, in accordance with RCW 49.60.240; and the deletion of the option of finding reasonable cause to believe an unfair practice not alleged in the complaint has been committed. These changes are necessary because of the sentence in RCW 49.60.240 which states: "The investigation shall be limited to the alleged facts contained in the complaint."

WAC 162-08-091 establishes a procedure for withdrawing complaint. The only change here requires the consent of the commission rather than the commissioners for this withdrawal. This change reflects the fact that the commission may act with a quorum present rather than requiring all the individual commissioners to vote on this issue.

WAC 162-08-093 establishes a procedure for referring complaints to the staff for investigation. The only change proposed here is that the title "executive secretary" be changed to "executive director" which does not change the content of the regulation.

WAC 162-08-094 establishes some guidelines for complaint investigation. The only change here limits the scope of the investigation to ascertainment of facts concerning unfair practices alleged in the complaint, in accordance with the sentence in RCW 49.60.240 which limits investigations as follows: "The investigation shall be limited to the alleged facts contained in the complaint."

WAC 162-08-095 is a new section intended to establish informal methods for obtaining information pursuant to RCW 49.60.140 and 49.60.240. This section includes procedures for subpoenas, oral questions, written

questions and answers, and requests for documents and records. It is intended to be used during investigation of complaints, and is to be distinguished from the more formal methods of discovery used in preparation for hearing under WAC 162-08-263, discussed below.

WAC 162-08-096 establishes the procedure for obtaining protective orders to protect a party from annoyance, embarrassment, oppression, or undue burden or expense caused by revealing private information or trade secrets. This section replaces the current WAC 162-08-096 which covers procedures for obtaining a protective order. The proposed rule references a new section WAC 162-04-035 which sets forth the procedure to be followed in obtaining a protective order. These changes have been made in order to conform to superior court practice and avoid duplication between WAC 162-04-035 and 162-08-096.

WAC 162-08-097 is a new section which establishes a procedure for compelling the production of information requested under WAC 162-08-095 (informal methods for obtaining information). This new section WAC 162-08-097 is made necessary by the changes proposed under WAC 162-08-095.

WAC 162-08-098 establishes guidelines for preparation of findings and their submission to the commissioners. It is amended to delete all references to unfair practices not alleged in the original complaint, and all references to petitions for reconsideration which are no longer provided for in chapter 49.60 RCW. The deletion of references to unfair practices not alleged in the original complaint is made necessary by the language in RCW 49.60.240 which limits investigations to matters alleged in the original complaint. The deletion of references to petition for reconsideration is made necessary by the repeal of RCW 49.60.255, which provided for such petitions. Section 6, chapter 259, Laws of 1981.

WAC 162-08-099 establishes circumstances under which the commission may terminate its action on a case without making findings of fact pursuant to RCW 49.60.240. This has been changed to delete references to reconsideration for the reasons given above.

WAC 162-08-101 establishes specific circumstances under which the commission may reconsider a finding, i.e., when errors affecting the result are brought to their attention. The current section WAC 162-08-101 establishes a procedure for reconsideration under RCW 49.60.255, which was repealed. The new section adopts the common law rule that administrative agencies may reconsider actions they have taken in order to correct mistakes which have been brought to their attention. See *Hall v. Seattle*, 24 Wn. App. 357, 602 P.2d 366 (1979).

WAC 162-08-102 states the objective of conciliation under the law against discrimination. There are no changes proposed in this rule.

WAC 162-08-104 guides the process of conciliation negotiations. There are no changes proposed in this rule.

WAC 162-08-106 requires approval of conciliation agreements by the commissioners. The only change proposed in this rule is the deletion of the reference to reconsideration. This change is required by the repeal of RCW 49.60.255. Section 6, chapter 259, Laws of 1981.

WAC 162-08-108 covers reconsideration. It is deleted because of the repeal of RCW 49.60.255, which is discussed above.

WAC 162-08-109 provides procedures to be followed in the event of a breach of a conciliation agreement. Changes proposed in this rule include designation of the superior or district court for an enforcement action, damages for breach of a conciliation agreement, and referral to commission counsel to prepare the case for administrative hearing. These changes are for the purpose of clarification and do not change the procedures followed under the current rule. The only addition to the rule is the item of damages for breach of a conciliation agreement. This is to reflect that RCW 49.60.260, which provides for judicial enforcement of conciliation agreements or administrative law judge orders, implies the authority to award damages.

WAC 162-08-111 covers the issuance of subpoenas and is deleted because it has been replaced by WAC 162-08-095 (4)(a).

WAC 162-08-114 covers service of subpoenas and is deleted because this subject is covered by WAC 162-08-095 (4)(a)(i).

WAC 162-08-116 covers witness fees and allowances and is deleted because this subject is covered by WAC 162-08-095 (4)(a)(ii).

WAC 162-08-121 covers motions related to subpoenas and is deleted because this subject is covered by WAC 162-08-095 (4)(a)(iv).

WAC 162-08-131 provides for discovery before hearing and is deleted because this subject is now covered in WAC 162-08-263, which in turn refers to the Civil Rules of Superior Court, CR 26 through 37.

WAC 162-08-135 provides for the taking of depositions and is deleted because this subject is now covered in WAC 162-08-263, which in turn refers to the Civil Rules of Superior Court, CR 26 through 37.

WAC 162-08-141 provides for interrogatories to parties and is deleted because this subject is now covered by WAC 162-08-263, which in turn refers to the Civil Rules of Superior Court, CR 26 through 37.

WAC 162-08-151 provides for the production of documents and things. It is deleted because this subject is now covered by WAC 162-08-263, which in turn refers to the Civil Rules of Superior Court, CR 26 through 37.

WAC 162-08-155 provides for physical and mental examinations of persons. It is deleted because this subject is now covered in WAC 162-08-263, which in turn refers to the Civil Rules of Superior Court, CR 26 through 37.

WAC 162-08-161 provides for request for admissions. It is deleted because this subject is now covered by WAC 162-08-263, which in turn refers to the Civil Rules of Superior Court, CR 26 through 37.

WAC 162-08-171 provides for failure to make discovery and is deleted because this subject is now covered in WAC 162-08-263(4), which in turn refers to the Civil Rule 37(a).

WAC 162-08-190 provides for certification of the investigation file to the chairperson of the commission, as provided in RCW 49.60.250(1), by the commission

clerk, and retention of custody of the file by the clerk. The substance of this rule is unchanged, although there are editorial changes.

WAC 162-08-201 provides for prehearing amendment of the complaint in accordance with RCW 49.60.250(1), the contents of the amended complaint, signature of counsel, and verification by the commission's executive director. The title "administrative law judge" is substitute for "tribunal" to conform to the requirements set forth in RCW 49.60.250(1), as amended by section 2, chapter 259, Laws of 1981.

WAC 162-08-211 provides for the appointment of an administrative law judge instead of a hearing tribunal in accordance with RCW 49.60.250(1), as amended. All references to the qualifications and appointment of hearing tribunal members are deleted because of the changes made in this statute by section 2, chapter 259, Laws of 1981.

WAC 162-08-212 provides for compensation and expenses of hearing tribunal members. It is deleted because hearings are held before administrative law judges under RCW 49.60.250(1).

WAC 162-08-215 provides for the removal of hearing tribunal members for cause. It is deleted because hearings are now held before administrative law judges instead of hearing tribunals, as required by RCW 49.60.250(1), as amended by section 2, chapter 259, Laws of 1981.

WAC 162-08-217 provides for objections to the manner of the appointment of hearing tribunals. It is deleted because the hearing tribunals have been replaced by administrative law judges under RCW 49.60.250(1), as amended.

WAC 162-08-221 covers the issuance and content of the notice of hearing after the appointment of an administrative law judge, in accordance with RCW 49.60.250(1) and 34.05.434. The changes proposed in this rule involve substitution of administrative law judge for hearing tribunal, or tribunal chairperson, and reference to the new Administrative Procedure Act, RCW 34.05.434.

WAC 162-08-231 covers the content and custody of the record of the administrative hearing and pleadings. This rule is amended to comply with RCW 34.05.437 and 49.60.250, as amended. References to hearing tribunal are changed to administrative law judge, and references to the appointment of a hearing tribunal are deleted for the reasons given above. The rule covering certification of the record for judicial review is changed to delete all references to a hearing tribunal and substitute the appropriate section(s) of the new Administrative Procedure Act, RCW 34.05.510, et seq. The purpose of these changes is to comply with both RCW 49.60.250, as amended, and the new Administrative Procedure Act, chapter 34.05 RCW. A new section has been added, WAC 162-08-231(6), to establish the content of the record for enforcement proceedings. This is believed to be necessary because there is no other provision in these regulations which establishes the record to be used in enforcement proceedings.

WAC 162-08-241 establishes the form of papers to be filed with the administrative law judge. This section

has been changed to reflect the appointment of an administrative law judge to preside at hearings in accordance with RCW 34.05.425. The signature requirement has been changed to conform the commission's practice to that of the Civil Rules of Superior Court, CR 11.

WAC 162-08-251 establishes requirements for content and filing of an answer to the amended complaint, including the time for filing such an answer. These requirements have been changed to authorize the administrative law judge to grant the respondent an extension of time in writing for filing their answer. The term "tribunal" has been replaced by the term "administrative law judge" for reasons already stated.

WAC 162-08-253 is a new section which provides that jurisdiction of the administrative law judge is limited to determining whether unfair practices have occurred and that counterclaims or cross claims will not be heard. This section replaces WAC 162-08-284 which previously covered the same subject. This change was made because the matter of counterclaims and cross claims properly belongs in this regulation dealing with the content of the answers filed in an administrative proceeding.

WAC 162-08-255 is a new section which establishes a procedure for entry of a default order if the respondent fails to answer the amended complaint. There is also provision for setting aside a default order at the discretion of the administrative law judge. This new section replaces WAC 162-08-296, which covers the same subject matter. The new section simplifies the default procedure while providing respondent opportunity to move to set aside a default order. It is placed here because it logically relates to whether or not an answer has been filed in an administrative proceeding.

WAC 162-08-261 provides for the complainant's participation in the administrative hearing as a party. It provides that the complainant may file an independent appearance and be represented by counsel in order to support additional charges of discrimination not covered in the amended complaint prepared by commission counsel. This section has been changed to comply with RCW 49.60.250(2), as amended. The term "administrative law judge" is substituted for the term "hearing tribunal."

WAC 162-08-263 is a new section which provides for prehearing discovery in accordance with the Civil Rules of Superior Court, CR 26 through 37. This section replaces WAC 162-08-131, 162-08-135, 162-08-141, 162-08-151, 162-08-155, 162-08-161 and 162-08-171, which have been deleted. Discovery in the commission hearing procedure is intended to conform to superior court practice. The commission is authorized to provide for discovery by the new Administrative Procedure Act, RCW 34.05.446(2).

WAC 162-08-265 provides for amendment of pleadings by parties to an administrative hearing. The only change here involves replacement of hearing tribunals by administrative law judges as required by section 2, chapter 259, Laws of 1981.

WAC 162-08-268 provides for voluntary dismissal of a proceeding before an administrative law judge. The only change here involves the replacement of hearing

tribunals by administrative law judges as required by section 2, chapter 259, Laws of 1981.

WAC 162-08-271 provides for motions before the administrative law judge who replace the hearing tribunal in accordance with section 2, chapter 259, Laws of 1981. There are editorial changes, and all references to commission chairperson and hearing tribunal chairperson have been changed to administrative law judge. The number of copies required in filing each motion is reduced from 4 copies to 1 copy, in addition to the original. This change will reduce the volume of paper work required in filing motions.

WAC 162-08-275 establishes the authority of the hearing tribunal chairperson. It is deleted because the hearing tribunal has been replaced by an administrative law judge.

WAC 162-08-278 which establishes powers and procedures of hearing tribunals is deleted because these have been replaced by administrative law judges in accordance with section 2, chapter 259, Laws of 1981.

WAC 162-08-282 establishes a procedure for summary judgment based upon motion filed prior to the tenth day before a case is scheduled for administrative hearing. This rule has been changed to substitute administrative law judge in place of hearing tribunal in accordance with section 2, chapter 259, Laws of 1981, and reduce the time for filing a response from 10 days to 7 days.

WAC 162-08-284, which prohibits counterclaims or cross claims, is deleted because this subject is covered by a new section WAC 162-08-253, discussed above.

WAC 162-08-286 establishes a procedure for prehearing conference in order to simplify the issues for hearing. This has been changed in the following manner: Substitute administrative law judge in place of hearing tribunal for the reasons given above; and add a procedure for premarking of exhibits for admission into evidence in order to avoid unnecessary delay at the time of the hearing.

WAC 162-08-288 establishes who the parties are in a proceeding under RCW 49.60.250. The only substantive change substitutes administrative law judge in place of hearing tribunal, or tribunal chairperson, for the reasons given above.

WAC 162-08-291 governs the conduct of hearings under RCW 49.60.250. The following changes are proposed: Correct all references to the Administrative Procedure Act, chapter 34.05 RCW; correct all references to these administrative rules of procedure which have been changed; substitute administrative law judge for chairperson of the hearing tribunal in accordance with section 2, chapter 259, Laws of 1981; and provide for payment of costs of transcribing and making copies of the record of the administrative hearing by nonindigent petitioners seeking judicial review, in accordance with RCW 34.05.566(3).

WAC 162-08-292 establishes guidelines for the admission of evidence, identification of exhibits, and taking official notice of judicially cognizable facts and general, technical, or scientific facts within the specialized knowledge of the trier of fact. It also provides for the exclusion of evidence concerning efforts to resolve a case

by negotiation, conference, or conciliation as required by RCW 49.60.250(2). Proposed changes substitute administrative law judge for the hearing tribunal, for reasons already stated, and add a reference to RCW 49.60.250(2).

WAC 162-08-294 establishes a procedure for dealing with claims of privilege against self incrimination at administrative hearings. The only change substitutes administrative law judge for the chairperson of the hearing tribunal in accordance with section 2, chapter 259, Laws of 1981.

WAC 162-08-295 covers consultation of hearing tribunal members on issues to be decided in a case before them. It is deleted because such tribunals were abolished by the legislature in section 2, chapter 259, Laws of 1981, and replaced by administrative law judges.

WAC 162-08-296 establishes a procedure for finding a respondent who fails to answer an amended complaint in default. It is deleted because it will be replaced by WAC 162-08-255, which establishes a simplified default procedure.

WAC 162-08-298 establishes guidelines for ordering remedies which will eliminate and prevent unfair discriminatory practices found to exist after an administrative hearing. The proposed changes include: Substitute administrative law judge for hearing tribunal as required in section 2, chapter 259, Laws of 1981; add a remedy for unfair practices of labor organizations which requires dispatching persons who have been unfairly excluded from jobs in accordance with the uniform rules of the labor organization applicable to all members; limit of \$1,000.00 on damages which may be ordered for humiliation and mental suffering, as required by RCW 49.60.250(5); delete subsection (7) which shifts the burden of proof to respondents to establish that the victim of an unfair practice would not have received pay, credit, etc., because this subject is properly covered by case law rather than administrative regulation; delete any remedy for unknown victims of unfair discriminatory practices, because such a remedy goes beyond the scope of RCW 49.60.250; and other changes of an editorial nature.

WAC 162-08-301 establishes guidelines for administrative findings, conclusions, and order to be entered after hearing by the administrative law judge. It has been revised to reflect the practice of administrative law judges and requirements of the new Administrative Procedure Act, chapter 34.05 RCW, as follows: Provides for a preliminary decision which will be mailed to the parties and their counsel for comments, objections, and proposed corrections; and provides for a final decision of the administrative law judge after receiving comments, etc., from the parties. This final decision is enforceable in accordance with RCW 49.60.260, and is subject to judicial review under provisions of the new Administrative Procedure Act, RCW 34.05.510 through 34.05.598.

WAC 162-08-305 establishes the nature of orders obtained by counsel for the commission as public reparation orders enforceable by the commission through its counsel pursuant to RCW 49.60.260. The only change involves substitution of the administrative law judge for hearing tribunals, which has been explained above.

WAC 162-08-311 establishes a procedure for seeking reconsideration of a final order in administrative hearing. This is amended to refer to the appropriate provisions of the new Administrative Procedure Act, RCW 34.05.470, and substitute administrative law judge for hearing tribunal in accordance with section 2, chapter 259, Laws of 1981.

WAC 162-08-600 establishes a procedure for requesting advance notice of rule making proceedings. Reference to the appropriate section of the Administrative Procedure Act has been corrected to read RCW 34.05.320(3), as provided under the new Administrative Procedure Act. This section has also been changed to direct that requests for advance notice of rule making be sent to the agency's rules coordinator instead of the legal division.

WAC 162-08-610 establishes a procedure for petitions to the commission for promulgation, amendment, or repeal of rules under the Administrative Procedure Act. Reference to the statute has been corrected to read RCW 34.05.330, the applicable section of the new Administrative Procedure Act.

WAC 162-08-621 establishes a procedure for consideration of economic values, along with other factors, in connection with the adoption of rules. This provision is deleted as unnecessary in light of the requirements of the applicable statute, chapter 43.21H RCW.

WAC 162-08-700 establishes a procedure for seeking, processing, and entry of declaratory orders in accordance with the Administrative Procedure Act. The changes purposed include: Reference to the appropriate section of the new Administration Procedure Act, RCW 34.05.240; changes in the procedure for notice and disposition of requests for declaratory orders to conform to the requirements of RCW 34.05.240(5); substitution of the term "order" for the term "ruling" to reflect the terminology of the Administrative Procedure Act; substitution of administrative law judge for hearing examiner to reflect the requirements of the new Administrative Procedure Act; and reference to the appropriate sections of the new Administrative Procedure Act, RCW 34.05.410 through 34.05.494, when a hearing is required for issuing a declaratory order.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Heriberto Ruiz, Columbia Building, Suite 400, 1516 2nd Avenue, Seattle, 98101, (206) 464-6505.

Name of Proponent: Human Rights Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See above.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Executive Inn, Marine Room, 5700 Pacific Highway East, Tacoma, WA, on September 28, 1989, at 3:00 p.m.

Submit Written Comments to: Heriberto Ruiz, Columbia Building, Suite 400, 1516 2nd Avenue, Seattle, 98001 [98101], by September 21, 1989.

Date of Intended Adoption: September 28, 1989.

August 21, 1989

Winslow Whitman
Assistant Attorney General

GENERAL

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-011 SCOPE OF RULES. (1) General. These rules (chapter 162-08 WAC) shall govern all practice and procedure before the commission, including practice before ~~((hearing tribunals))~~ administrative law judges.

(2) ~~((Uniform rules inapplicable. These rules are intended to be comprehensive and the uniform rules contained in chapter 1-08 WAC shall not be applicable.))~~ The commission hereby readopts the rules of practice and procedure contained in chapter 162-08 WAC, as amended herein, except for WAC 162-08-108, 162-08-111, 162-08-114, 162-08-116, 162-08-121, 162-08-131, 162-08-135, 162-08-141, 162-08-151, 162-08-155, 162-08-161, 162-08-171, 162-08-212, 162-08-215, 162-08-217, 162-08-275, 162-08-278, 162-08-284, 162-08-295, and 162-08-296, which are hereby repealed or replaced as shown below.

(3) Relation to statutes. These rules supplement the statutory procedures in the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW, and the law against discrimination, chapter 49.60 RCW. Where provisions of the law against discrimination are inconsistent with the Administrative Procedure Act, the Administrative Procedure Act governs. RCW ~~((34-04-910))~~ 34.05.030(4).

(4) Amendments apply to pending cases. An amendment to this chapter applies to cases pending at the time of the adoption of the amendment, unless the amendment or rule-making order says that it does not apply to pending cases. An amendment to this chapter does not require that anything already done be redone to comply with the amendment, unless the amendment expressly says so.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-013 INTERPRETATION—WAIVER. (1) Interpretation. These rules shall be interpreted liberally to promote justice and to facilitate the decision of cases on the merits.

(2) Waiver. The chairperson of the commission or ~~((of a tribunal, on the chairperson's))~~ an administrative law judge, on their own initiative or on motion of a party, may waive or alter the procedures in any of these rules and may enlarge or shorten the time within which an act must be done in a particular case, in order to serve the ends of justice. ~~((The chairperson of the commission or of a tribunal may condition a waiver or alteration of rules on satisfaction by a party or attorney of terms in the manner provided in WAC 162-08-115 [162-08-015]. In addition, the chairperson of a tribunal may condition the waiver or alteration of rules on payment by a person or attorney of compensation to any person injured by departure from the rules, in the manner provided in WAC 162-08-115.))~~

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-015 SANCTIONS. (1) ~~((Tribunal))~~ Administrative hearings. In a case which has been noted for hearing the ~~((chairperson of the tribunal on the chairperson's))~~ administrative law judge, on his or her own initiative or on motion of a party, may order a party or counsel who uses these rules for the purpose of delay, or who fails to comply with these rules or other procedures previously ordered, to satisfy terms or pay compensatory damages including attorney's fees to any other person who has been harmed by the delay or the failure to comply. The ~~((chairperson))~~ administrative law judge may condition the right of a party to take specific action or raise specific defenses on satisfaction of the terms of the order or payment of the damages and

attorney's fees. The ~~((chairperson))~~ administrative law judge may condition the right of a counsel to participate further in the case ((on)) upon satisfaction of the terms of an order or payment of the damages and attorney's fees. The ~~((tribunal))~~ administrative law judge shall incorporate in ((its)) his or her final order any sanctions order which has not been complied with, so that the sanctions order may be enforced as provided in RCW 49.60.260 and 49.60.270 and appealed from as provided in RCW ~~((34-04-130))~~ 34.05.514.

(2) Other proceedings. In a proceeding not covered by ~~((paragraph))~~ subsection (1) of this section, the chairperson of the commission may order a person or counsel who uses these rules for the purpose of delay, or who fails to comply with these rules or other procedures previously ordered, to satisfy terms, and the chairperson may condition further participation in a proceeding on compliance with these rules or orders imposing terms, but the chairperson of the commission shall not impose sanctions in the form of payment of damages or attorney's fees.

~~((3) Debarment of attorneys. A lawyer or other person appearing in a representative capacity who consistently violates the rules of the commission or who consistently violates the orders of the chairperson of the commission or of a hearing tribunal or tribunals, may be debarred or suspended from practicing before the commission, or may be required to meet terms as a condition of continuing to practice before the commission. No person shall be debarred, suspended, or subjected to conditions under this subsection except upon vote of the commission after a hearing of which the person shall have at least twenty days notice and where the person shall have the opportunity to show cause why he or she should not be so debarred, suspended, or subjected to conditions. A hearing under this subsection shall be held only if a commissioner or a tribunal member has requested one and the commissioners have voted to hold one. When the commissioners have voted for a hearing, the chairperson of the commission shall determine how the hearing shall proceed and shall see that notice under RCW 34-04-090 is issued.))~~

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-017 USAGE AND DEFINITIONS. (1) Usage. In this chapter, unless the context indicates otherwise, the following words are used in the senses here expressed:

"Shall" expresses a command.

"May" expresses permission.

"Will" expresses the future occurrence of an event.

"Must" expresses a requirement that has to be met only if a person chooses to do something which the person is free to do or not to do. Example: "A respondent who wishes to raise any matter constituting an avoidance or affirmative defense . . . must plead the matter as an affirmative defense . . ."

(2) Definitions. In this chapter, unless the context indicates otherwise, the following words are used in the meaning here given:

"Administrative hearing" means a public hearing brought pursuant to RCW 49.60.250.

"Case" means the entire proceeding following from the filing of a complaint under RCW 49.60.230.

"Commission" means the Washington state human rights commission as an institution, whether acting through the commissioners, ~~((a hearing tribunal))~~ an administrative law judge, the executive ((secretary)) director or staff, its legal counsel, or others, except where the context indicates one of the narrower meanings.

"Conciliation" means the process provided in RCW 49.60.240 for the elimination by conference, conciliation, and persuasion of an unfair practice after a finding has been made that there is reasonable cause for believing that the unfair practice has been or is being committed.

~~((Hearing" means the public session of a hearing tribunal to receive the evidence on which a case will be decided. It is the equivalent of "trial" in court practice.))~~

"Person" has the broad meaning given the word in RCW 49.60.040. It includes the commission.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-019 PROCEDURE WHEN NONE IS SPECIFIED. (1) Any orderly procedure. To take care of a problem for which no procedure is specified by this chapter, the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW, or the law against discrimination, chapter 49.60 RCW, any orderly procedure may be used. Appropriate procedures may be taken from the Washington civil rules for superior

courts, the federal rules of civil procedure, or the rules of other administrative agencies of the state of Washington or of the United States.

(2) By chairperson. The chairperson of the commission or ~~((of a hearing tribunal))~~ an administrative law judge may specify the procedure to be used to dispose of any matter not covered by this chapter, or any matter covered by a rule that has been waived or altered in the interest of justice under authority of WAC 162-08-013.

~~((3) By others. A person who wishes to address a matter for which no procedure has been specified in this chapter or the statutes may choose an appropriate procedure, identify it, and commence to act upon it. If the chairperson of the commission or hearing tribunal, as appropriate, finds that the matter is one that should not be addressed, the chairperson shall decline to respond to the attempted procedure, with the explanation that this is done because the object of the procedure is not appropriate for commission or tribunal action. If the chairperson finds that the object is appropriate but the chosen procedure is not appropriate, the chairperson shall specify an appropriate procedure to be used:))~~

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-021 WHO MAY APPEAR AND PRACTICE. No person other than the following may appear in a representative capacity before the commission or before an administrative law judge for a human rights hearing:

(1) Washington lawyer. An attorney at law entitled to practice before the supreme court of the state of Washington;

(2) Other lawyer. An attorney at law entitled to practice before the highest court of record of any other state, if attorneys at law of the state of Washington are permitted to appear in a representative capacity before administrative agencies of such other state, and if not otherwise prohibited by Washington law;

(3) Legal intern. A legal intern licensed to engage in the practice of law in the state of Washington under admission to practice Rule 9;

(4) Officer, etc. A bona fide officer, partner, or full time employee of an association, partnership, or corporation appearing for the association, or one of its members for the partnership, or corporation.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-041 SERVICE AND FILING OF PAPERS. (1) How served. Service of papers may be made personally or by first-class mail, registered or certified mail, or telegraph, or by leaving a copy at the principal office or place of business of the person to be served.

(2) Who serves. The commission shall cause to be served all orders, notices and other papers issued by it, together with any other papers which it is required by law to serve. Every other paper shall be caused to be served by the party filing it.

(3) Upon whom served. All papers served by the commission or any party shall be served at the time of filing upon all counsel of record and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.

(4) Service on commission. In a ~~((pending matter in which))~~ matter pending before the commission or an administrative law judge in which the commission is being represented by the attorney general or a staff person other than the clerk, service on the commission shall be made by serving the attorney or staff person who is acting for the commission. In such matters, filing a paper with the clerk is not service on the commission. Service of a petition for judicial review under the administrative procedure act, chapter 34.05 RCW, is governed by RCW 34.05.542 and not by these rules.

(5) Service by mail. If service is made by mail, the papers shall be deposited in the post office addressed to the person on whom they are being served, with the postage prepaid. Unless earlier receipt is shown, service by mail shall be deemed complete upon the third day following the day upon which the papers are placed in the mail, unless the third day falls on a Saturday, Sunday or legal holiday, in which event service shall be deemed complete on the first day other than a Saturday, Sunday or legal holiday following the third day.

(6) Filing, generally. Papers required to be filed with the commission shall be deemed filed on actual receipt at the commission's Olympia or

Seattle office, or other place previously specified, accompanied by proof of service on any parties required to be served.

(7) Filing with ~~((a hearing tribunal))~~ administrative law judge. Papers required to be filed with ~~((a hearing tribunal))~~ an administrative law judge shall be filed with the clerk, ~~((Fourth Floor, 1601 Second Avenue Building, Seattle, 98104))~~ 402 Evergreen Plaza, Mailstop FJ-41, Olympia, WA 98504, unless otherwise directed. They must be accompanied by proof of service on all parties required to be served. The original of each paper shall be filed, accompanied by ~~((four))~~ two copies ~~((for use by the tribunal members and clerk))~~.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-051 FORM OF PAPERS. Except for papers filed with ~~((a hearing tribunal))~~ an administrative law judge (covered by WAC 162-08-241) and any other papers where the form is specified by rule, papers may be submitted in any form. The commission requests, but does not require, that all papers be typewritten on white paper of letter size (8 1/2 x 11").

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-061 RELATIONSHIP OF COMMISSION TO COMPLAINANT. (1) Commission's role and objectives. In investigating cases the commission seeks to ascertain the facts in order to make an impartial finding of "reasonable cause" or ~~((not))~~ "no reasonable cause". It has no predisposition in favor of either complainants or respondents. If "reasonable cause" is found, then the objective of the commission is to obtain the remedy that will best eliminate the unfair practices and prevent their recurrence. The judgment as to what will eliminate an unfair practice for purposes of reaching an agreement under RCW 49.60.240 is made initially by the executive ~~((secretary))~~ director, or other staff persons pursuant to the executive ~~((secretary's))~~ director's direction, and ultimately by the commissioners. The judgment as to what will eliminate an unfair practice and carry out the purposes of the human rights law after hearing under RCW 49.60.250 is made by the ~~((hearing tribunal))~~ administrative law judge.

(2) Independence from complainant. A court confines its judgment to the parties before it, and it seeks to resolve in a single action the entire dispute between them. The commission was not designed to compete with the courts as a forum for the vindication of private rights; its task is to work for the public good of eliminating and preventing discrimination. If the commission were obligated to dispose of every contention between a complainant and respondent arising out of the alleged discrimination, then its resources would be diverted from this central task. RCW 49.60.020 preserves the civil and criminal remedies of a person who has filed a complaint under the law against discrimination, and RCW 49.60.030 authorizes suits directly in court, in order to free the commission to work for the remedy best designed to eliminate and prevent discrimination. In negotiating a settlement or seeking an order, the commission generally works for provisions restoring the complainant as nearly as possible to the position he or she would be in if he or she had not been discriminated against, because this is usually an effective way to eliminate the discrimination and prevent its recurrence. But where, in the commission's judgment, provisions fully restoring the complainant (for instance, reinstatement to the job with back pay) would be inadequate to eliminate a pattern of discrimination, the commission will hold out for additional terms, even though the respondent is willing to settle on the basis of full relief for the complainant only. In different circumstances, the commission may determine that discrimination will be effectively eliminated and prevented by an order that does not afford the complainant every item of relief to which he or she may have a legal claim. The commission assumes that persons who complain to it are as interested in the elimination and prevention of discrimination in general as in their individual cases. If a person is interested only in relief for himself or herself, he or she is advised to seek his or her remedy directly in court. In any event, a person who is dissatisfied with the commission's disposition of his or her complaint may still assert in court any outstanding personal claims which he or she may have against the respondent.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-062 CONCURRENT REMEDIES. (1) Other remedies. The law against discrimination preserves other remedies

(RCW 49.60.020) and provides for lawsuits in court (RCW 49.60.030(2)) in addition to an administrative remedy. A person may simultaneously sue in state court, file a complaint with the commission, pursue federal remedies, and sometimes proceed under a local ordinance. Persons should be aware, however, that general rules of law prevent recovering more than once for the same item of injury and sometimes bind a litigant to the result of the first case that is determined, whatever its outcome.

(2) **Abeance—Real estate transactions.** Real estate transactions complaints will be held in abeyance during the pendency of a federal proceeding unless the federal proceeding has been deferred pending state action, as is provided by RCW 49.60.226.

(3) **Abeance—General rule.** A complaint of an unfair practice other than in real estate transactions will be held in abeyance during the pendency of a case in federal or state court litigating the same claim, whether under the law against discrimination or a similar law, unless the executive ((secretary)) director or the commissioners direct that the complaint continue to be processed. A complaint of an unfair practice other than in real estate transactions will not be held in abeyance during pendency of a federal, state, or local administrative proceeding, unless the executive ((secretary)) director or commissioners determine that it should be held in abeyance.

II COMPLAINTS

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 40, filed 10/12/79)

WAC 162-08-071 COMPLAINTS BY AGGRIEVED PERSONS. (1) Scope of section. This section applies to complaints by persons claiming to be aggrieved by an alleged unfair practice filed under RCW 49.60.230(1), and to complaints by employers or principals filed under RCW 49.60.230(3). Complaints issued by the commission are covered by WAC 162-08-072.

(2) Signature and oath. A complaint shall be in writing, signed by the complainant or the complainant's lawyer, and sworn to before a notary public or other person authorized by law to administer oaths, or subscribed and signed under the following declaration: "I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct." Notarial service for this purpose is available without charge at all offices of the commission.

(3) Contents. A complaint shall contain the following:

- (a) The name of the person making the complaint;
- (b) The name, address and telephone number, if any, of the person against whom the complaint is made, if known to the complainant;
- (c) A specific charge of an unfair practice(s);
- (d) A clear and concise statement of the facts which constitute the alleged unfair practice(s);
- (e) The date or dates of the alleged unfair practice(s), and if the alleged unfair practice is of a continuing nature, the dates between which said continuing acts of discrimination are alleged to have occurred.

(4) Forms. Printed complaint forms are available at all commission offices.

(5) Time for filing. The complaint must be filed within six months after the date of occurrence of the alleged unfair practice(s). RCW 49.60.230. If the alleged unfair practice is of a continuing nature, the date of the occurrence of the unfair practice shall be deemed to be any date subsequent to the commencement of the alleged unfair act up to and including the date when the alleged unfair practice stopped.

(6) Computation of time. The six month period for filing a complaint expires at 5:00 p.m. on the day before the corresponding day of the sixth month following the event. If this day is a Saturday, Sunday, or a legal holiday, the time expires at 5:00 p.m. on the next day which is not a Saturday, Sunday, or legal holiday. For example, a complaint of an event occurring on 5 January would ordinarily have to be filed by 5:00 p.m. on 4 July, but since 4 July is a legal holiday, the time for filing the complaint would expire at 5:00 p.m. on 5 July, or at 5:00 p.m. Monday, if 5 July comes on a Saturday or Sunday.

(7) Technical defects. A complaint shall not be considered defective ((because it lacks any technical requirement, including the oath, if the technical requirement is later met or if no one is legally harmed)) if the defect is technical and can be corrected by subsequent amendment. The statutory requirements set forth in RCW 49.60.230, including the requirement of a signature under oath, are jurisdictional and failure to comply cannot be corrected by subsequent amendment.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-072 COMPLAINTS ISSUED BY COMMISSION. (1) Who may initiate. Complaints issued by the commission under RCW 49.60.230(2) may be initiated by the commissioners or by the executive ((secretary)) director personally.

(2) By commissioners. Initiation of a complaint by the commissioners shall be by motion at a meeting. The executive ((secretary)) director shall transcribe a carried motion from the minutes onto a paper designated "complaint," attest it with a signature, and process it.

(3) By executive ((secretary)) director. The executive ((secretary)) director may initiate a commission complaint by personally signing a document saying that the commission has reason to believe that the person shown as respondent has been engaged or is engaged in an unfair practice, identifying the nature of the unfair practice, and the facts on which it is based. The executive ((secretary)) director shall notify each commissioner in advance of issuing a complaint, or if advance notice is not possible because of an emergency, or because a commissioner cannot be reached, or for other reason, the executive ((secretary)) director shall give the notice as soon after issuing the complaint as possible. Any commissioner may have placed on the agenda of the next commission meeting the question of whether the complaint shall stand. If this is done, the commissioners shall vote to sustain or rescind the complaint, after such debate and deliberation as is appropriate, but without taking testimony, or hearing arguments or reports from anyone but commissioners and staff, except as the commission by vote may direct.

(4) Basis for commission complaint. A commission complaint may be issued when the commission "has reason to believe that any person has been engaged in an unfair practice." RCW 49.60.230(2). The basis of belief for a complaint is different from the basis for a finding under RCW 49.60.240 of "reasonable cause for believing that an unfair practice has been or is being committed." The finding of reasonable cause or not is based on the commission's own investigation and ascertainment of facts after receipt of a complaint. The basis of belief for the purpose of initiating a commission complaint is information from any source sufficient, in the judgment of the commission, to justify an investigation and finding of whether or not there is reasonable cause for believing that an unfair practice has been or is being committed.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-081 AMENDMENT OF COMPLAINT PRIOR TO NOTICE OF HEARING. (1) Scope of section. This section governs amendments of complaints prior to the time of amendment for the purpose of hearing. Amendment of a complaint for the purpose of hearing is governed by WAC 162-08-201. Amendments after notice of hearing are governed by WAC 162-08-265.

(2) General rule. A complaint, or any part thereof, may be fairly and reasonably amended as a matter of right at any time.

(3) By whom. The complaint may be amended by any of the following: The complainant, the commissioners, or the executive ((secretary)) director or any member of the commission's staff who is authorized by the executive ((secretary)) director to amend complaints.

(4) Form. Amendment of a complaint may be done by rewriting and ((superceding)) superseding the entire text of the complaint or by filing a supplemental paper containing only the amendment.

(5) Not necessary for finding. The investigation pursuant to RCW 49.60.240 will cover the ~~((respondent's treatment of all persons who may have been affected by the unfair practice alleged in a))~~ factual allegations and unfair practices charged in the complaint, and a reasonable cause finding will apply to all persons affected by the unfair practice(s) that is (are) found. The complainant may or may not be one of those persons. No amendment of the complaint is necessary for such a finding. ~~((Also, if reasonable cause to believe that an unfair practice not alleged in the complaint is discovered in the course of investigating the complaint, a finding may be made to that effect as provided in WAC 162-08-094(3) and the case will proceed on that basis, without the necessity of amending the complaint.))~~

(6) Identification of respondents. No amendment of a complaint is necessary to make corrections in the identification of respondents in the findings of fact, if the respondents newly designated have notice of the complaint, or are given notice of the complaint, or reasonably should have known of the complaint. The findings of fact may correct the names or identification of respondents by substituting correct

names, by adding persons as respondents, or by deleting persons as respondents.

(7) Findings supersede complaint. The findings supersede the complaint in identifying the ~~((issues))~~ unfair practices and persons before the commission in the case, and continue to do so until and unless an amended complaint for purposes of hearing is filed under WAC 162-08-201.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-091 WITHDRAWAL OF COMPLAINT. (1) Consent necessary. A complaint or any part thereof may be withdrawn only with the consent of the ~~((commissioners))~~ commission.

(2) Form. A request for withdrawal of a complaint must be in writing and signed by the complainant and must state in full the reasons why withdrawal is requested. Blank forms may be obtained at commission offices.

III INVESTIGATION OF COMPLAINTS—FINDINGS

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 39, filed 1/23/78)

WAC 162-08-093 REFERENCE TO STAFF. Unless the chairperson of the commission directs otherwise for a particular complaint, all complaints shall be investigated by the section of the staff designated for that purpose by the executive ~~((secretary))~~ director, and the executive ~~((secretary))~~ director shall have full power to assign and reassign cases for investigation by particular staff persons, and to assign and reassign staff persons to the section of the staff that investigates complaints, on a full time or part time basis.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-094 INVESTIGATION. (1) Copy of complaint to respondent. Within a reasonably prompt time after a complaint is filed the staff shall furnish a copy of the complaint to the respondent and shall afford the respondent an opportunity to reply in writing. No error or omission in carrying out this step shall affect the validity of the complaint or prevent further processing of it.

(2) Preliminary evaluation of complaint. If the allegations of the complaint, if true, show no basis for commission action, then the staff without further investigation may enter a finding of no reasonable cause or write a recommendation for a finding of no jurisdiction, or other appropriate disposition.

(3) Scope of investigation. The investigation ~~((will ordinarily be directed at))~~ is limited to ascertaining the facts concerning the unfair practice(s) alleged in the complaint. ~~((It is appropriate to compare the treatment of others with that of the complainant, and to see whether others of the complainant's class have also been treated the way the complainant says the complainant was. If in the course of investigation the investigator finds evidence of unrelated unfair practices the investigator may report this to his or her supervisor for evaluation as to whether the commission should initiate an amendment or a separate complaint, or, if sufficient facts are already at hand, the investigator may prepare findings on the unrelated unfair practice, after notifying the respondent of an intention to do so and giving the respondent a chance to comment on or rebut the facts in the possession of the investigator. The investigation may include ascertaining whether an unfair practice is part of a pattern.))~~ RCW 49.60.240.

NEW SECTION

WAC 162-08-09501 METHODS OF OBTAINING INFORMATION¹. (1) Pursuant to RCW 49.60.140 and 49.60.240, as part of the investigative process, staff members of the commission may obtain information by one or more of the following methods: Subpoenas, oral questions, written questions and answers, requests for specific documents and records.

(2) Use of these methods is available only to commission staff. Since the investigation is an internal agency process, and not an adversarial proceeding, use of the methods for obtaining information described in subsection (1) of this section are available only to commission staff members.

(3) Scope of inquiry. Commission staff members may obtain information regarding any matter, not privileged, which is relevant to the complaint filed with the commission.

(4) Methods of obtaining information.

(a) SUBPOENA AND SUBPOENA DUCES TECUM. Subpoenas may be issued by the chairperson of the commission, any member of the commission designated by the chairperson, the executive director, or any staff member designated by the executive director, to compel the appearance of any person to give information relevant to a complaint which is under investigation.

(i) Subpoenas may be served in any manner authorized by WAC 162-08-041 and RCW 49.60.140 for the service of papers generally.

(ii) Pursuant to RCW 49.60.170, witnesses shall be paid the same fees and mileage as are paid witnesses in the courts of this state, and by the same party who would pay if the proceeding were before a court of this state. Any person authorized to issue subpoenas who desires the attendance of a witness residing outside of the county in which attendance is desired, or more than twenty miles from the place where attendance is desired, may compel the attendance of the witness by subpoena accompanied by ten dollars, tickets or other arrangements for travel, or an appropriate mileage allowance if the witness agrees to travel by automobile, plus not less than one day's per diem at the rate specified by law for witnesses required to attend court proceedings. The executive director may order additional amounts for meals, lodging, and travel as the executive director may deem reasonable for the attendance of the witness, consistent with RCW 5.56.010 and other statutes governing allowances for witnesses in the courts of this state, if the witness objects to the arrangements or amounts provided by the person issuing the subpoena.

(iii) The party who calls an expert witness shall pay the professional fee charged by the expert witness and all other costs of the expert's testimony. If the other party's or parties' questioning of an expert witness exceeds the time taken by the party who requested the expert, they shall reimburse the party who called the expert witness for that portion of the fee charged by the expert witness and the other costs of the expert's testimony.

(iv) Questions relating to subpoenas shall be addressed by the executive director. Motions relating to subpoenas shall be addressed by the executive director or chairperson of the commission pursuant to the procedures set forth in WAC 162-08-019.

(b) ORAL QUESTIONS AND ANSWERS. Oral questions and answers may be taken in any reasonable manner at any time after a complaint has been filed with the commission, provided all parties are notified that the information may be transcribed and used as evidence in any hearing arising out of the matter under investigation.

(i) Oral questions and answers may be taken before a member of the commission's staff who is not involved in the investigation of the complaint or matter, or before a person who has been commissioned to administer oaths by the chairperson of the commission, or before any person who is a notary public.

(ii) Record of examination. Questions and answers may be recorded mechanically or video-taped.

(iii) If signature is not waived, the witness shall have five days after submission of the transcription of their answers to register desired changes and sign it, and if the witness does not sign in the time allowed, the recording official may, the officer may certify the accuracy of the transcription.

(iv) The recording officer shall certify the transcription in the manner provided in CR 30(f) and shall send or deliver the original transcript to the clerk, unsealed. The recording officer need not notify parties of the transmittal.

(v) Upon receipt of a transcription certified as above, the clerk shall examine it to verify that it has been certified, and if it has been, the clerk shall file it. A transcription that has been so filed is published and is available for any use to which a deposition may be put, except to the extent that use is limited by a protective order (see WAC 162-08-096).

(vi) Transcriptions may be used in the same manner as depositions may be used under the civil rules for superior court, particularly CR 32.

(vii) Errors and irregularities in question and answer procedure are waived unless they substantially prejudice a party and are promptly objected to.

(c) WRITTEN QUESTIONS AND ANSWERS. Any commission staff person may serve written questions and answers on any party to be answered under oath.

(i) Form. Each written question shall be followed by adequate space for the answer.

(ii) Time for answer. Written questions shall be answered within ten days after service, unless their number, together with others served by the commission within the last ten days, exceed twenty questions, in which event they shall be answered within twenty days.

(d) PRODUCTION OF DOCUMENTS AND RECORDS. Any staff member authorized by the commission may request production of documents and records relevant to a matter under investigation and issue a subpoena duces tecum for the same material when not produced upon request.

Time for response. The party upon whom the request for production is served shall serve its written response within ten days, unless the parties have stipulated to, or the commission staff person has specified, a shorter or longer time.

¹ This section is intended to cover informal methods of obtaining information pursuant to RCW 49.60.140 and 49.60.240. When more formal methods of discovery are invoked, WAC 162-08-263 applies.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

~~WAC 162-08-096 PROTECTIVE ORDERS ((FO SEAL PRO-DUCED DOCUMENTS)). (1) ((May be requested. Any person who is asked or subpoenaed to produce records may request a protective order to have a particular document or part of document that has been produced or will be produced kept confidential for official use only, without public access.~~

~~(2) To whom addressed. Prior to notice of hearing, a request for a protective order shall be made to the executive secretary. After notice of hearing, a request for a protective order shall be made by motion to the chairperson of the tribunal, as provided in WAC 162-08-131(3).~~

~~(3) Form of request. Unless otherwise agreed with a staff person, requests for a protective order shall be in writing and shall state the requestor's reasons why a protective order should be issued for the documents covered.~~

~~(4) Grounds for issuance. A protective order may be made only upon findings that:~~

~~(a) The document or part of document is exempt from public disclosure under RCW 42.17.260 and 42.17.310 (Initiative 276) and the commission's implementing regulation, WAC 162-04-030, and;~~

~~(b) The requestor has shown legitimate need for confidentiality of the document or part of document.~~

~~(5) Form of order. The protective order shall be in writing and shall bear the caption of the case, date of entry of the order, and signature of the executive secretary or other authorized staff person or the chairperson of the tribunal. The text of the order shall contain:~~

~~(a) A description in general terms of each document covered by the order. Example: "Report dated of Dr. to respondent on results of physical examination of the complainant, two pages."~~

~~(b) A statement of the specific exemption from the disclosure provisions of Initiative 276 authorizing the withholding of the record or part of record and a brief explanation of how the exemption applies to what is withheld. See RCW 42.17.310(4).~~

~~(c) A statement of why there is need for confidentiality of the document or part of document.~~

~~(6) Filing of order. The protective order shall be affixed to a sealed envelope containing the protected document and both shall be kept in the case file, or, alternatively, the original order and protected document may be kept at another place and a copy of the protective order placed in the case file along with a notation as to where the original order and protected document are kept.~~

~~(7) Effect of order. Except as may be provided in the protective order, documents covered by the protective order shall not be revealed to anyone other than commissioners, members of the commission's staff, and the commission's legal counsel for official purposes and shall not become public when the rest of the file becomes public as provided in WAC 162-04-030 (1)(a)(ii), but:~~

~~(a) Nothing shall prevent the use of a protected document in an administrative hearing or court case, including admission of the document into the public record of the hearing or case, and;~~

~~(b) Nothing herein is intended to prevent a court from ordering production of a protected document under RCW 42.17.310(3) or other authority.~~

~~(8) Other protective orders. Issuance of other kinds of protective orders concerning discovery is governed by WAC 162-08-131(3).) Upon motion by a party or by the person from whom information is~~

~~sought pursuant to WAC 162-08-095, and for good cause shown, the chairperson of the commission may make any order which justice requires to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense caused by revealing private information, or trade secrets, including all orders a court can make under CR 26(c).~~

~~(2) If a motion for a protective order is denied in whole or in part, the chairperson may, on such terms and conditions as are just, order that any party or person provide or permit information to be revealed subject to the provisions of WAC 162-08-097.~~

~~(3) The chairperson may, on such terms and conditions as are just, grant a protective order sealing the produced documents pursuant to WAC 162-04-035.~~

NEW SECTION

WAC 162-08-097 FAILURE TO PROVIDE INFORMATION.

(1) Order compelling production of information. The chairperson of the commission is authorized to make any order that a court could make under CR 37(a), including an order awarding expenses of the motion to compel production of information pursuant to WAC 162-08-09501. The executive director, upon reasonable notice to other parties and all persons affected thereby, may obtain an order compelling production of information by motion to the chairperson of the commission. The form of the motion and the procedure for its disposition is governed by WAC 162-08-019. When taking testimony under oath, the proponent of the question may either complete or adjourn the examination before moving for an order compelling production of information.

(2) Enforcement of an order compelling production of information. If the party fails to comply with a subpoena compelling production of information, the matter may be turned over to counsel for the commission for enforcement of the order in superior court.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-098 FINDINGS. (1) General. The findings document shall contain (a) findings of fact, and (b) an ultimate finding of reasonable cause or no reasonable cause for believing that an unfair practice has been or is being committed, or a finding on jurisdiction, as provided in (2) of this section.

(2) Jurisdictional dispositions. When the facts found show that the matter is not within the jurisdiction of the commission, the ultimate finding shall be "no jurisdiction" rather than "reasonable cause" or "no reasonable cause." In extraordinary circumstances where the commission technically has jurisdiction but for overriding reasons of law or policy is unable to properly exercise its jurisdiction, the ultimate finding may be "jurisdiction declined." An example of such an extraordinary circumstance is a complaint against the commission itself.

(3) Scope of reasonable cause finding. A finding of reasonable cause shall specify the unfair practice found and, as nearly as possible, the person or persons against whom the unfair practice has been committed. If the facts show an unfair practice against a class of persons, the class shall be indicated to the extent possible. ((If unfair practices unrelated to those alleged in the complaint are found while investigating the complaint, findings may be made also on such unfair practices, after following the procedure provided in WAC 162-08-094(3).))

(4) Action by commissioners. Findings of no reasonable cause shall be reported to the commissioners at a meeting, and shall thereafter stand as the action of the commission unless the commissioners vote to set aside a particular finding((, either on motion of a commissioner, or on petition for reconsideration under RCW 49.60.255 and WAC 162-08-101)). Findings of reasonable cause ((shall not be reported to the commissioners, but)) shall be used by the staff for the purpose of endeavoring to eliminate the unfair practices by conference, conciliation, and persuasion. Proposed findings of "no jurisdiction" or "jurisdiction declined" shall be reported to the commissioners and shall become commission action when approved by vote of the commissioners at a meeting.

(5) Effect of findings. ((The findings (rather than the complaint) identify what unfair practices the commission's staff has or has not reasonable cause to believe have been or are being committed. See WAC 162-08-081(7). A finding of reasonable cause for believing that an unfair practice has been or is being committed is the basis for staff efforts to eliminate the unfair practice by conference, conciliation, and persuasion.)) A finding that there is or is not reasonable cause for believing that an unfair practice has been or is being committed is not an

adjudication of whether or not an unfair practice has been or is being committed.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-099 **TERMINATION OF A CASE WITHOUT FINDINGS OF FACT.** (1) Authorized. The commission in appropriate circumstances may terminate its action on a case without making findings of fact pursuant to RCW 49.60.240. This section provides procedures in some of the circumstances.

(2) Withdrawal of complaint. No findings or other procedures in RCW 49.60.240 and 49.60.250 are necessary when the complainant has requested withdrawal of the complaint and the commissioners have consented to the withdrawal pursuant to WAC 162-08-091.

(3) Settled before finding. A case may be settled before findings of fact are made, when the commission's staff and a respondent have entered into a written settlement agreement (prefinding settlement). Prefinding settlement agreements shall be presented to the commissioners. The commissioners, if they approve, shall enter an order setting forth the terms of the agreement, using the same procedure as if the agreement were presented to the commissioners under RCW 49.60.240 and WAC 162-08-106 after findings of fact. A prefinding settlement is not binding on the commission until the commissioners vote to accept it and issue their order (~~and the commissioners' acceptance and order are subject to reconsideration as provided in this paragraph. An aggrieved complainant may petition for reconsideration of a prefinding settlement and the commission may act on the petition in the manner provided in WAC 162-08-108 for reconsideration of terms of a postfinding agreement~~)).

(4) Administrative closure. A case may be administratively closed by vote of the commissioners when the complaint has been resolved informally, or has been adjudicated in another forum, or has become moot, or cannot be investigated because the complainant or respondent cannot be found, or when other circumstances justify administrative closure. Administrative closure is an official termination of work on a complaint prior to completion of the entire statutory process, letting the complaint lie in its present posture. A case that has been administratively closed can be administratively reopened by vote of the commissioners.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-101 **RECONSIDERATION OF FINDINGS ((OF NO REASONABLE CAUSE)).** ((~~(1) Form of petition. A petition for reconsideration pursuant to RCW 49.60.255 of a finding that there is no reasonable cause for believing that an unfair practice has been or is being committed shall be in writing and shall state specifically the grounds on which it is based.~~

~~(2) Copy to respondent. The clerk shall serve a copy of the petition on the respondent or respondents.~~

~~(3) Scheduling. For purposes of scheduling reconsiderations under RCW 49.60.255 the "next regular meeting" of the commission shall be deemed to be the next regular meeting coming ten days or more after the clerk has served the respondent with notification of the reconsideration. The complainant, or a respondent who intends to appear before the commission at the reconsideration, may request that the matter be held over to a subsequent commission meeting in order to reduce travel expense or for other good reason. The clerk may reschedule reconsiderations to carry out this paragraph.~~

~~(4) Nature of proceeding. Reconsideration of findings is not an adversary hearing and is not a contested case for purposes of the Administration Procedure Act, chapter 34.04 RCW. The only issues before the commission are whether the staff's investigation was adequate and whether the finding of no reasonable cause follows from the facts. The burden is on the complainant to convince the commission to exercise its discretion to set aside the prior action. The commission will not itself make a finding of fact. It will either continue to accept the original findings of fact or send the complaint back to the staff for reinvestigation and entry of new findings.~~

~~(5) Procedure before commission.~~

~~(a) Complainant's role. The complainant has the right to appear before the commission in person or by counsel and "present such facts, evidence and affidavits of witnesses as may support the complaint." If the complainant does not appear at the scheduled hearing the petition may be ruled upon on the basis of the written materials in the possession of the commission. The commission requests that the facts and~~

~~evidence be put into writing and, along with affidavits, be filed with the clerk in time to permit distribution to commissioners and the respondent prior to the meeting. Live testimony may be presented only with the permission of the chairperson. Any person testifying as a witness will not be subject to cross examination or placed under oath unless the chairperson chooses to do so, but any person testifying, as well as the complainant and respondent and their attorneys, may be questioned by commissioners and staff. The time allowed for hearing a reconsideration shall be within the control of the chairperson and will ordinarily not exceed 15 minutes for the complainant's presentation.~~

~~(b) Staff's role. The chairperson may, and upon request of any commissioner shall, call upon staff persons to inform the commission of the staff's reasons for prior action and its recommendations for future action.~~

~~(c) Respondent's role. A respondent has no duty to appear or present any facts, evidence, or affidavits of witnesses, but the respondent has the right to be present at the reconsideration in person or by counsel and to speak to the commission for a reasonable time, ordinarily equal to that allowed to the complainant. A respondent may present facts, evidence, or affidavits of witnesses in the manner provided for complainants, but respondents are asked not to do so unless there is actual need for the material. No adverse inference will be made from a respondent's choice not to submit materials or not to attend a reconsideration.~~

~~(6) Decision on reconsideration of finding. The petition shall be granted or denied, in the discretion of the commission.~~

~~(a) Reconsideration granted. If reconsideration is granted the finding is set aside and the case is returned to the staff for reinvestigation and entry of a new finding based on the facts as ascertained on reinvestigation.~~

~~(b) Reconsideration denied. If reconsideration is denied, the finding of no reasonable cause stands as the commission's final disposition of the case. The disposition is not appealable, see *Mattox v. Washington State Board Against Discrimination*, 13 Wn.App. 406, 535 P.2d 470 (1975), but the finding of no reasonable cause does not prevent the complainant from suing the respondent in court.~~

~~(7) Expedited procedure. Upon written waiver by both parties of their right to appear before and have a petition for reconsideration determined by the full commission, the chairperson may direct that the matter be heard and decided by a single designated commissioner, at a time and place to be established by the commissioner delegated to hear the case in question. A determination by a single commissioner under the expedited procedure shall be considered to be done on behalf of the commission, and there shall be no appeal of the decision to the full commission. The clerk shall report any decision rendered under the expedited procedure to the full commission, within a reasonable time after the decision is rendered. Upon request of any commissioner, the determination of the single commissioner shall be put on the agenda of the next meeting and reviewed by the full commission. Reconsideration hearings under the expedited procedure shall be conducted in the same manner as reconsideration requests before the full commission, except as otherwise specified in this subsection.~~

~~(8) Limitation on petitions for reconsideration. No more than one petition for reconsideration may be filed under the provisions of RCW 49.60.255 by the same complainant in the same case.~~

~~(9) Other reconsideration. Reconsideration of the terms of a conciliated agreement is governed by WAC 162-08-172 [162-08-108]. Nothing in this section shall prevent the commission from reconsidering its disposition of a complaint without findings of fact or on jurisdictional grounds, either on petition or on its own motion, when it would serve the end of justice to do so. The procedure in this section may be used to request reconsideration of the disposition of a complaint without findings of fact or on jurisdictional grounds.) The commission may reconsider and correct any finding in which errors affecting the result are brought to its attention.~~

IV CONCILIATION

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-106 **APPROVAL OF AGREEMENTS.** An agreement reached between the commission's staff and a respondent under RCW 49.60.240 shall be reduced to writing, signed by the respondent and a member of the commission's staff, and presented to the commissioners at a meeting. The agreement is not binding on the commission

until the commissioners vote to accept it (~~(, and the commissioners' acceptance is subject to their power to reconsider the terms of agreement under RCW 49.60.255 and WAC 162-08-108)~~).

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-109 BREACH OF CONCILIATED AGREEMENT. If an agreement and order for the elimination of an unfair practice made under RCW 49.60.240 is breached, the executive (~~(secretary)~~) director may take action appropriate in the circumstances, including one or more of the following:

(1) Specific enforcement. Bringing an action in superior or district court for specific enforcement of the agreement, or for damages pursuant to the conciliation agreement;

(2) Setting aside. Recommending to the commissioners that the agreement and order be set aside, in whole or in part, and that the case be returned to the staff for renewed conference, conciliation and persuasion, or to be referred to commission counsel for hearing; or

(3) Report to prosecuting attorney. Reporting the violation to the appropriate prosecuting attorney for prosecution under RCW 49.60.310.

((SUBPOENAS))

((DISCOVERY))

((PREHEARING PROCEDURE))

V ADMINISTRATIVE HEARINGS BEFORE AN ADMINISTRATIVE LAW JUDGE

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-190 CERTIFICATION OF FILE. (1) General. Certification of the file to the chairperson as provided in RCW 49.60.250 in case of failure to reach an agreement under RCW 49.60.240 for the elimination of an unfair practice shall be done in the manner provided in this section.

(2) Who certifies. Certification shall be done by the clerk.

(3) Form of certificate. The certificate shall be in writing and dated and signed by the clerk and shall be in substantially the following form: "I certify that the attached is the entire file, including the complaint and all findings made, of the Washington state human rights commission staff for the complaint included in the file."

(4) Custody of file. The certified file, including the certificate, shall be held in the custody of the clerk, who shall see that it is available for use by the chairperson of the commission and counsel for the commission, and for examination and copying by others.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-201 PREHEARING AMENDMENT OF COMPLAINT. (1) Required. Before a case is noted for hearing, counsel for the commission shall prepare an amended complaint as provided in this section in accordance with RCW 49.60.250(1).

(2) Basis for. The amended complaint shall be based on the facts as they are believed by the commission's counsel and staff to exist at the time the amended complaint is signed.

(3) Scope. The amended complaint shall identify the persons who are proper parties for the hearing and the matters to be heard. It need not be limited to parties or matters mentioned in the complaint filed under RCW 49.60.230, and it need not include all parties or matters mentioned in that complaint.

(4) Form. The complaint shall be in the form designated in WAC 162-08-241.

(5) Contents. The amended complaint shall contain the following:

(a) Identification of the specific unfair practice or practices alleged.

(b) A ~~((clear and concise))~~ short and plain statement of the ((facts)) factual allegations which form the basis for the alleged unfair practices.

(c) A request for relief, setting out the terms or substance of the order which the executive (~~(secretary)~~) director believes would be appropriate for the ~~((tribunal))~~ administrative law judge to enter if the matters alleged in the complaint are proven to be true.

(6) Pleading statutory steps. It is not necessary for counsel for the commission to plead that the statutory steps prior to the amended complaint have been completed. All statutory steps prior to hearing will be deemed to have been properly completed unless an issue is raised by specific negative averment in an answer as provided in WAC 162-08-251~~((5))~~ (7).

(7) Signing. The amended complaint shall be signed by counsel for the commission and verified by the executive (~~(secretary)~~) director or a staff member designated by the executive (~~(secretary)~~) director to verify on behalf of the executive (~~(secretary)~~) director.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-211 APPOINTMENT OF ~~((HEARING TRIBUNAL))~~ ADMINISTRATIVE LAW JUDGE. ~~((H))~~ When appointed. When the file has been certified (WAC 162-08-190) and counsel for the commission has prepared an amended complaint for hearing (WAC 162-08-201) the chairperson of the commission shall ~~((appoint a hearing tribunal))~~ request the appointment of an administrative law judge as provided in RCW 49.60.250 and this section.

~~((2))~~ Qualifications of tribunal members. Commissioners are qualified by virtue of their office to serve as tribunal members. A person other than a commissioner who is appointed as a member of a hearing tribunal shall have the following qualifications, in the judgment of the chairperson of the commission:

(a) Agreement with the purposes of the law against discrimination, and the ability and willingness to follow and apply the law against discrimination and the regulations, declaratory rulings, and other formal interpretations of the law against discrimination made by vote of the commissioners (as distinguished from interpretations of the commission's staff or legal counsel), see WAC 162-08-278(7);

(b) Knowledge of civil rights law, or of the problems with which the law against discrimination is concerned, or of the type of unfair practice alleged, or of the industry, circumstances or situation of the respondent in the case, or of the community or region where the alleged events occurred, or other knowledge or background that will help the person to understand the issues to be considered;

(c) Ability to judge the case fairly, without partiality toward the complainant, counsel for the commission, the respondent, or any other participant in the hearing; and

(d) Willingness to devote the time necessary to fully hear the case and decide it with reasonable promptness.

(3) Sources of tribunal members. Any person may volunteer to serve as a hearing tribunal member by submitting in writing to the clerk the person's name, address, and telephone number, and a statement of qualifications, including the matters covered in part (2) of this section. The clerk shall supply blank forms on which to make submissions, and the clerk may assist persons by taking the information orally or by telephone and preparing the form for signature. The clerk shall keep a file of submitted forms, which shall be open to public inspection. The chairperson of the commission shall consult the file when appointing hearing tribunals, but the chairperson shall not be limited to the appointment of persons who have volunteered. If the chairperson solicits the service of a person who has not already volunteered, the person shall sign a statement in the form provided by this subsection and file it with the clerk for inclusion in the file with the volunteered names. This paragraph does not apply to commissioners.

(4) Chairperson of tribunal. The chairperson of each hearing tribunal shall be either a member of the commission or an attorney at law. The chairperson of the commission shall designate one of the members of the hearing tribunal to serve as chairperson of the hearing tribunal. If the chairperson of the tribunal resigns, is removed, or otherwise becomes unable to serve, the chairperson of the commission shall designate another member to serve as chairperson. The designation may be of the new member appointed to take the chairperson's place, or of another member, if the other member is qualified to serve as chairperson.

(5) Alternative tribunal member. The chairperson of the commission may appoint a fourth person as an alternative tribunal member. If a vacancy in tribunal membership other than chairperson occurs prior to the hearing, the alternative member thereupon becomes an active member, whether or not the alternative member has participated in prehearing proceedings. If such a vacancy occurs after commencement of the hearing, the alternative member becomes an active member only if he or she has attended the hearing up to the time when the vacancy occurs.

(6) Acceptance of appointment and responsibilities. Each tribunal member shall execute in writing and file with the clerk a document in substantially the following form:

I accept appointment as a member of the hearing tribunal which will hear the case captioned above for the Washington state human rights commission:

I certify that, to my knowledge, I have no conflicts of interest which would interfere with my ability to judge fairly and impartially.

I promise to judge this case with fairness and impartiality to all parties and persons:

I agree with the purposes of the law against discrimination and I will follow and apply the law against discrimination and the regulations, declaratory rulings, and other formal interpretations of the law against discrimination made by vote of the commissioners.

I am willing to devote the time necessary to fully hear the case and decide it with reasonable promptness.

Dated _____ (Signature)

A person who serves as a hearing tribunal member for several cases may file a single document in similar form but saying instead that the person will not accept appointment to a case where the person's interests interfere with the person's ability to judge fairly and impartially. The clerk shall file the document for an individual case in the file for the case and shall file a document for more than one case in a separate file under the person's name or, alternatively, in one case file with a copy in the file of each other case on which the person serves.

(7) Vacancies. Vacancies in tribunal membership caused by resignation, disability, removal under WAC 162-08-215, or other cause, and not filled by an alternative tribunal member under part (3) of this section shall be filled through appointment by the chairperson of the commission in the manner provided for appointment of original tribunal members. If filling a vacancy would make necessary the repetition of a substantial amount of work, the chairperson may leave a vacancy unfilled and the case may proceed before a tribunal of two, as provided in WAC 162-08-278.)

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 37, filed 10/27/77)

WAC 162-08-221 NOTICE OF HEARING. (1) Applicable statutes. When ((a hearing tribunal)) an administrative law judge has been appointed, the clerk shall give notice of hearing to all parties as provided in RCW 49.60.250 and ((34.04.090(1))) 34.05.434.

(2) Indefinite time. The clerk may, in his or her discretion, omit the time and place of hearing from the notice with the explanation that the time and place will be set by later notice from the ((tribunal chairperson)) administrative law judge, given at least twenty days in advance of the time of hearing.

(3) Issues. The notice of hearing shall state that the issues involved in the hearing are (a) whether the respondent committed the unfair practices stated in the amended complaint, and, if so, (b) what order is appropriate. A copy of the amended complaint shall be attached to the notice of hearing.

(4) Notice of rules. The notice of hearing shall inform the respondent of the answer rule, WAC 162-08-251, and it shall inform the complainant of a complainant's rights and options under WAC 162-08-261.

(5) Consolidation of cases. The ((chairperson, in the original notice of hearing or by amended notice of hearing)) administrative law judge may consolidate cases when they involve common questions of law or fact.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-231 RECORD, PLEADINGS. (1) Record. The record of ((a tribunal)) an administrative hearing shall include the items specified in RCW ((34.04.090)) 34.05.437, including, but not limited to:

((^)) (a) All pleadings, motions, ((intermediate rulings)) briefs, proposed findings of fact and conclusions of law and initial or final orders, objections, but not offers of settlement (RCW 49.60.250(2));

(b) Evidence received or considered;

(c) A statement of matters officially noticed;

(d) ((Questions and offers of proof, objections, and rulings thereon; (e) Proposed findings and exceptions; (f)) Any decision, opinion, or report by the officer presiding at the hearing. ((^

It shall also include the chairperson's order appointing the hearing tribunal and the statement of acceptance of appointment and responsibilities filed by tribunal members pursuant to WAC 162-08-211(6);))

(2) Pleadings. Pleadings for ((a tribunal)) an administrative hearing shall include the notice of hearing with amended complaint attached and any amended complaints subsequently filed, plus any answers or replies filed under WAC 162-08-251, and the original complaint if, but only if, the complainant elects to proceed under it as provided in WAC 162-08-261.

(3) Proceedings before notice of hearing not part of record. ((Except for the order appointing the hearing tribunal and statements of acceptance of appointment and responsibilities filed by tribunal members pursuant to WAC 162-08-211(6);)) No findings or other parts of the commission's record of action on the complaint prior to notice of hearing shall be included in the record of the ((tribunal)) administrative hearing unless the particular document is offered and admitted into evidence.

(4) Custody. The clerk shall keep custody of the official record of the ((tribunal)) administrative hearing as provided in WAC 162-04-026 ((162-08-026)) (3)(h) and shall keep the ((tribunal)) administrative law judge file separate from the file of the original complaint, investigation, and conciliation, of which the clerk has custody under WAC 162-04-026 ((162-08-026)) (3)(d) and 162-08-190.

(5) Record for appeal ((or enforcement)). The record certified to the court for the purpose of judicial review under RCW ((34.04.130 or enforcement under RCW 49.60.260)) shall include the record of the tribunal hearing plus all motions for removal of tribunal members for cause under WAC 162-08-215 and motions objecting to the panel under WAC 162-08-217, and all other papers filed because of such motions)) 34.05.510 et seq. shall comply with RCW 34.05.566.

(6) Record for enforcement. The record to be filed in an enforcement proceeding shall include the final order of the administrative law judge and any other portions of the record required by the court.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-241 FORM OF PAPERS FILED WITH ((TRIBUNAL)) ADMINISTRATIVE LAW JUDGE. (1) Caption. The notice of hearing shall include a full caption in substantially the following form:

BEFORE THE ((WASHINGTON STATE)) ADMINISTRATIVE LAW JUDGE FOR A HUMAN RIGHTS COMMISSION HEARING ((TRIBUNAL))

WASHINGTON STATE HUMAN RIGHTS COMMISSION, PRESENTING THE CASE IN SUPPORT OF THE COMPLAINT OF JAMES DOE, complainant, v. ROE ENTERPRISES, INC., PHYLLIS ROE, PRESIDENT, AND RICHARD ROE, SECRETARY, respondent(s).

Papers filed thereafter may have a short caption in substantially the following form:

BEFORE THE ((WASHINGTON STATE)) ADMINISTRATIVE LAW JUDGE FOR A HUMAN RIGHTS COMMISSION HEARING ((TRIBUNAL))

WASHINGTON STATE HUMAN RIGHTS COMMISSION EX REL. DOE, complainant, v. ROE ENTERPRISES, INC., ET AL., respondent(s).

(2) Form in general. Papers filed with ((a tribunal)) an administrative law judge shall be in the form used for superior court practice. See in particular Rule 10, civil rules for superior court.

(3) Signing. Every pleading, motion or other paper filed on behalf of a party represented by an attorney shall be dated and signed by at

least one attorney of record in the attorney's individual name, whose address shall be stated. A party who is not represented by an attorney shall similarly date and sign proceedings, motions and other papers and give the party's address. The signature of a party or of an attorney constitutes a certificate by that person ~~((that the person has read the pleading, motion, or other paper, that to the best of the person's knowledge, information, and belief there is good ground to support it, and that it is not interposed for delay. If a pleading, motion, or other paper is not signed or is signed with intent to defeat the purpose of this rule it, or the appropriate part of it, may be stricken as sham and false and the hearing may proceed as though the pleading or other paper, or part, had not been filed. Similar action may be taken if scandalous or indecent matter is inserted))~~ in accordance with the provisions of Rule 11, civil rules for superior court.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-251 ANSWER. (1) Required. Every respondent shall file an answer to the amended complaint attached to the notice of hearing, and to any subsequent amendments or complaints that are filed.

(2) Content. The answer shall set out and assert every defense, in law or fact, to the claims of the complaint being answered.

(3) Waiver of defenses not pleaded. Defenses not pleaded in an answer are waived.

(4) Time for filing. An answer shall be filed within twenty days after notice of hearing is served, unless ~~((the date of hearing is less than 40 days from the date when notice of hearing is served, in which event an answer must be filed within half of the intervening time. Example: If the date of hearing is 25 days after the notice is served, the answer must be filed by the close of the 13th day after the notice is served))~~ an extension of time is granted in writing by the administrative law judge.

(5) Form of defenses and denials. A respondent shall state in short and plain terms its defenses to each claim asserted and shall admit or deny ~~((the))~~ each averment(s) of the amended complaint. If the respondent is without knowledge or information sufficient to form a belief as to the truth of an averment, the respondent shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a respondent intends in good faith to deny only a part or a qualification of an averment, the respondent shall specify so much of it as is true and material and shall deny only the remainder.

(6) Affirmative defenses. A respondent who wishes to raise any matter constituting an avoidance or affirmative defense, including those required to be set forth affirmatively by CR 8(c), must plead the matter as an affirmative defense in the respondent's answer. Among the matters which must be pleaded as affirmative defenses are the following:

(a) A bona fide occupational qualification;

(b) Business necessity that justifies a practice that has a discriminatory effect; and

(c) That another statute or rule of law precludes or limits enforcement of the law against discrimination, or regulations or precedents of the commission.

(7) Statutory steps. Any defense that the hearing cannot be held because the respondent has been prejudiced because statutory steps prior to hearing have not been taken, or because of some irregularity in statutory procedure, must be pleaded in the answer by specific negative averment, which shall include such supporting particulars as are within the answering respondent's knowledge or could reasonably have been learned by the answering respondent.

(8) Obligation of good faith. The assertion of denials and defenses is subject to the obligation of good faith set out in WAC 162-08-241(3) and CR-11.

(9) Reply. Unless the ~~((tribunal))~~ administrative law judge orders that a reply to an answer be filed, none shall be necessary. Averments in an answer shall be deemed denied or avoided.

NEW SECTION

WAC 162-08-253 NO COUNTERCLAIMS OR CROSS CLAIMS. Jurisdiction of the administrative law judge is limited to determining whether unfair practices have occurred, and counterclaims and cross claims will not be heard.

NEW SECTION

WAC 162-08-255 DEFAULT ORDER. (1) Entry of default order. When a respondent who has been served with a notice of hearing and amended complaint fails to answer in accordance with WAC 162-08-251, and that fact is made to appear by motion and affidavit, a motion for default may be made and served upon respondent requiring an answer within five days. If respondent fails to answer as required in the motion for default, the administrative law judge may enter an order of default providing for the relief requested in the amended complaint upon proof of service of the motion for default as provided in WAC 162-08-041.

(2) Setting aside default order. Within ten days of being served, the party against whom a default order is entered may move to have it set aside. The administrative law judge may grant or deny such motion as justice requires.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-261 COMPLAINANT'S PARTICIPATION. (1) Notice of independent appearance. A complainant who desires to submit testimony or otherwise participate in the hearing as a party and not to leave the case in support of the complaint to be presented solely by counsel for the commission, must serve and file a notice of independent appearance within ten days after the notice of hearing is served on that complainant. The notice shall state the address where notices to the complainant shall be sent and it shall state whether the complainant elects to prove additional charges as provided in paragraph (2) of this rule.

(2) Election to prove additional charges. A complainant who has filed a notice of independent appearance stating an intention to ~~((do so))~~ prove additional charges in accordance with RCW 49.60.250(2), may at the hearing offer proof of averments included in the original complaint or in amendments to the original complaint made by the complainant, whether or not the averments are included in the amended complaint under which counsel for the commission is proceeding. For purposes of this section, the complainant may amend the original complaint without regard to intervening amendments made by the commission. The complainant may serve and file an amended complaint with a notice of independent appearance, or thereafter as provided by these rules. If no amended complaint is served with a notice of independent appearance that states an intention to prove additional charges, the clerk shall promptly place the original complaint in the file for the ~~((hearing tribunal))~~ administrative law judge. Nothing done by the complainant under this rule shall place any duty on counsel for the commission to seek to prove matters not averred in the amended complaint accompanying the notice of hearing, or subsequent amendments by the commission.

(3) Appearance without election. If the complainant files a notice of independent appearance which does not state that he or she elects to prove additional charges, then the complainant's participation in the hearing shall be confined to the matters raised by the amended complaint filed with the notice of hearing, and subsequent amendments made by the commission.

(4) When no independent appearance. If the complainant does not file a notice of independent appearance as provided by this rule, the case in support of the complaint shall be presented solely by counsel for the commission.

NEW SECTION

WAC 162-08-263 DISCOVERY—ADMINISTRATIVE HEARING. The commission has determined that discovery will be available in adjudicative proceedings in accordance with RCW 34.05.446(2).

(1) Methods. Upon certification of the file pursuant to WAC 162-08-190, and request for the appointment of an administrative law judge pursuant to WAC 162-08-211, any party may obtain discovery by the methods provided in CR 26(a). The procedures regarding these methods of discovery are found at CR 28 through 37 as now or hereafter amended and are hereby incorporated in this section.

(2) Scope of discovery. Any party may obtain discovery regarding any matter not privileged which is relevant to the amended complaint prepared by counsel for the commission or the additional charges filed by the complainant pursuant to WAC 162-08-261.

(3) Protective order. Rulings on motions for protective orders regarding discovery brought under this section shall be made by the

administrative law judge pursuant to the provisions of WAC 162-08-271.

(4) Order compelling discovery. The administrative law judge is authorized to make any order that a court could make under CR 37(a), including an order awarding expenses of the motion to compel discovery. Motions for an order compelling discovery and the procedure for its disposition are governed by WAC 162-08-271.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-265 AMENDMENT OF PLEADINGS. (1) Right to amend. A party to ~~((a tribunal hearing))~~ an administrative hearing may amend a pleading once as a matter of course at any time more than twenty days before the date set for hearing. Otherwise, a party may amend a pleading only by leave of the ~~((chairperson of the tribunal))~~ administrative law judge or by written consent of all adverse parties.

(2) Action on motions to amend. The ~~((chairperson of the tribunal))~~ administrative law judge shall freely give leave to amend when justice so requires. The ~~((chairperson))~~ administrative law judge may designate a time for filing an answer to amended pleadings that may be answered, and may reschedule other dates, including the hearing date, if this is necessary to assure that issues for hearing are fully and properly framed.

(3) Form of amendment. An amendment other than one made on the record during a hearing must be in writing. A written amendment may be in the form of either a revised pleading superseding the entire text of the amended pleading, or a supplemental paper containing only the amendment.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-268 VOLUNTARY DISMISSAL. (1) Prior to day of hearing. Prior to the day when the hearing of a case commences the commission or any other party on the side supporting the complaint may voluntarily dismiss the party's case or a claim by serving and filing a written notice of dismissal.

(2) After hearing commenced. After a hearing has commenced the commission or any other party on the side supporting the complaint may move for voluntary dismissal of the party's case or a claim. A motion that is made before the party rests at the conclusion of its opening case shall be granted as a matter of right. A motion made after that time may be granted if good cause is shown, and the grant may be subject to such terms and conditions as the ~~((tribunal))~~ administrative law judge deems proper.

(3) Effect of dismissal. A voluntary dismissal concludes the ~~((tribunal))~~ administrative proceeding as to the dismissed party or claim, but is not an adjudication of the merits of the issues before the ~~((tribunal))~~ administrative law judge (that is, the merits may still be adjudicated in another forum if the party has a right to sue in ~~((the other))~~ another forum). A voluntary dismissal of one claim does not extinguish any other claim, and a voluntary dismissal by one party does not dismiss any other party. If the commission takes a voluntary dismissal of the case in support of the complaint the entire case is closed, unless the complainant has appeared independently under WAC 162-08-261 or another person has intervened as a party on the side of the complaint pursuant to WAC 162-08-288(4), in which circumstance the hearing shall proceed with the remaining parties.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-271 MOTIONS ~~((OUTSIDE OF HEARING))~~ BEFORE ADMINISTRATIVE LAW JUDGE. (1) Scope of section. This section governs all motions made to the ~~((chairperson of the commission or of a tribunal))~~ administrative law judge except those made orally on the record during ~~((a))~~ an administrative hearing ~~((or other public session))~~.

(2) Form. A motion must be in writing. It must state the order or other relief requested and the grounds for the motion. It may be accompanied by affidavits. It must be supported by legal authorities, set out in the motion or in a supporting brief.

(3) ~~((Answering statements))~~ Response. Any party may serve and file ~~((an answering statement))~~ a response within five days after the motion has been served on that party.

(4) Filing. The original and ~~((four copies))~~ one copy of every motion and ~~((answering statement))~~ response, with supporting papers, must be filed with the clerk, along with proof of service.

(5) Ruling. When the ~~((chairperson))~~ administrative law judge has received ~~((answering statements))~~ a response from all parties, or five days have elapsed since the last party was served, the ~~((chairperson))~~ administrative law judge shall rule on the motion without oral argument, unless the ~~((chairperson))~~ administrative law judge, in his or her discretion, orders that argument be heard.

~~((6))~~ Examiner for chairperson of the commission. The chairperson of the commission in his or her discretion may appoint a hearing examiner to analyze a particular motion and to hear argument on it, if argument is ordered, and to make a proposal for decision. The hearing examiner may be a member of the commission or a lawyer or other person educated in the law. The examiner's proposal for decision shall be served on all parties and every party shall have seven days to serve and file exceptions and written argument before the chairperson makes the final ruling.

(7) Tribunal review. Review by a hearing tribunal of rulings of its chairperson is governed by WAC 162-08-275.

~~((8))~~ Summary judgment. Special rules for motions for summary judgment are set out in WAC 162-08-282.)

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-282 SUMMARY JUDGMENT. (1) Authorized. At any time prior to the tenth day before the date of a hearing, any party may serve and file a motion for summary judgment in the party's favor as to all or part of the case.

(2) Procedure. The usual procedure for motions made ~~((outside of hearing))~~ before an administrative law judge, WAC 162-08-271, shall apply except where this section provides a different procedure.

(3) Response. Any party may serve and file opposing affidavits and ~~((an answering statement))~~ a response, or either of these, within ~~((ten))~~ seven days after the motion for summary judgment has been served on that party.

(4) ~~((Action by full tribunal~~. Motions for summary judgment shall be decided by the full tribunal.

~~((5))~~ When decided. The ~~((tribunal))~~ administrative law judge shall decide a motion for summary judgment promptly after ten days have elapsed since the motion was ~~((served and))~~ filed ~~((on all other parties))~~ with the administrative law judge.

~~((6))~~ (5) Oral argument optional. Oral argument shall be heard only if ordered by the ~~((tribunal))~~ administrative law judge.

~~((7))~~ (6) What is decided. The ~~((tribunal's))~~ administrative law judge's final order shall be rendered forthwith if the pleadings, depositions, and admissions on file, together with the affidavits, if any, and other documents and evidence properly before the ~~((tribunal))~~ administrative law judge, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law. A summary judgment, interlocutory in character, may be rendered on the issue of whether an unfair practice has been committed although there is a genuine issue as to the amount or nature of relief to be ordered. Otherwise, summary judgment shall be denied.

~~((8))~~ (7) Orders when case not fully adjudicated on motion. If summary judgment is not ordered for the whole case or for all of the relief asked and a hearing is necessary, the ~~((tribunal))~~ administrative law judge shall if practicable ascertain what material facts exist without substantial controversy and what material facts are actually and in good faith controverted. The ~~((tribunal))~~ administrative law judge may summon counsel for all parties and interrogate them for this purpose. The ~~((tribunal))~~ administrative law judge shall then make an order specifying the facts that appear without substantial controversy, including the extent to which the amount or nature of relief is not in controversy, and directing such further proceedings as are just. At the hearing, the facts so specified shall be deemed established, and the hearing shall be conducted accordingly.

~~((9))~~ (8) Form of affidavits; further testimony. Supporting and opposing affidavits must be made on personal knowledge, must set forth facts that would be admissible in evidence, and must show affirmatively that the affiant is competent to testify to what is stated. Sworn or certified copies of all papers or parts of papers referred to in an affidavit shall be attached to the affidavit or served with it. The ~~((tribunal))~~ administrative law judge may permit affidavits to be supplemented or opposed by depositions or by further affidavits.

~~((10))~~ (9) When affidavits are unavailable. Should it appear from the affidavits of a party opposing the motion that the party cannot, for

reasons stated, present by affidavit facts essential to justify the party's opposition, the ~~((tribunal))~~ administrative law judge may refuse the motion, or ~~((it))~~ may order a continuance to permit affidavits to be obtained or depositions to be taken or discovery to be had, or the ~~((tribunal may make))~~ administrative law judge may issue such other order as is just.

~~((++))~~ (10) Affidavits made in bad faith. Should it appear to the satisfaction of the ~~((tribunal))~~ administrative law judge at any time that any of the affidavits were presented in bad faith or solely for the purpose of delay, the ~~((tribunal))~~ administrative law judge shall order the party employing them to pay to the other party the amount of the reasonable expenses which the filing of the affidavits caused the party to incur, including reasonable attorney's fees. The ~~((tribunal))~~ administrative law judge shall include this order in ~~((its))~~ the final order.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-286 PREHEARING CONFERENCE. (1) Conference. The ~~((chairperson of the tribunal, or the tribunal))~~ administrative law judge, as a matter of discretion, with or without a motion from a party, may direct the attorneys for the parties to appear before the ~~((chairperson or tribunal))~~ administrative law judge for a conference to consider:

- (a) The simplification of the issues;
 - (b) The necessity or desirability of amendments to the pleadings;
 - (c) The possibility of obtaining admissions of fact and of documents which will be premarked for admission into evidence in order to avoid unnecessary proof;
 - (d) The limitation of the number of expert witnesses; and
 - (e) Other matters that may aid in the disposition of the case.
- (2) Order. The ~~((chairperson or tribunal))~~ administrative law judge shall make an order which recites the action taken at the conference, the amendments allowed to the pleadings, and the agreements made by the parties as to any of the matters considered, and which limits the issues for hearing to those not disposed of by admissions or agreements of counsel. The order when served and filed controls the subsequent course of the case, unless it is modified at the hearing to prevent manifest injustice.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-288 PARTIES. (1) Who are parties. The parties to the hearing shall be the commission, through its counsel presenting the case in support of the complaint, a complainant who has filed a notice of independent appearance under WAC 162-08-261, the respondent or respondents named in the notice of hearing or an amended notice of hearing, and a person who moves to intervene and is permitted to do so by order of the ~~((chairperson of the commission))~~ administrative law judge.

(2) Adding parties. Any party may move to join an additional party or parties. The motion must be directed to the ~~((chairperson of the commission))~~ administrative law judge. If the motion is granted, the ~~((chairperson of the commission shall issue))~~ administrative law judge shall cause to be issued an amended notice of hearing showing the addition of the party or parties and making such other provisions as are appropriate for an orderly hearing.

(3) Substituting parties. If death, incompetency, transfer of interest, or other occurrence should make the substitution of parties necessary or desirable, the ~~((chairperson of the tribunal))~~ administrative law judge may make the substitution by order. The ~~((chairperson of the tribunal))~~ administrative law judge may act on his or her own motion, or on motion of a party or of the person asking to be substituted for a party.

(4) Intervention. A person claiming an interest in the subject matter of the hearing may move to intervene. The motion must be directed to the ~~((chairperson of the tribunal))~~ administrative law judge. The ~~((chairperson))~~ administrative law judge shall grant or deny the motion as a matter of discretion.

(5) Factors considered. The ~~((chairperson of the commission or tribunal))~~ administrative law judge in ruling on a motion to add a party shall be guided by whether the presence of the party will be helpful in carrying out the purposes of the law against discrimination (compare WAC 162-08-061). In addition, the ~~((chairperson))~~ administrative law judge shall consider whether adding the party will cause unnecessary delay or will divert the hearing from the objectives of the statute

and of the commission's amended complaint. The ~~((chairperson))~~ administrative law judge need not follow court rules or precedents on the joinder of parties.

(6) Not class actions. Hearings under RCW 49.60.250 are not class actions, in the technical sense of that term in court practice. The commission, presenting the case in support of a complaint, may ask that a respondent be ordered to pay back pay or to afford other relief to all persons injured by an unfair practice, and the ~~((tribunal))~~ administrative law judge may issue such an order to carry out the purposes of the law against discrimination (WAC 162-08-298(6)). If such an order is made, the right to have the payments made will belong to the commission, not to the injured persons (WAC 162-08-305). The legal rights of persons of the class alleged to have been injured are not at issue in the case, and those persons are not bound by the ~~((tribunal's))~~ administrative law judge's decision unless they accept the benefits of it in full satisfaction of their potential claims. Only the commission and the respondent and other persons named as parties are bound by the order of ~~((a tribunal))~~ an administrative law judge.

VI ADMINISTRATIVE HEARING AND DECISION

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 38, filed 10/27/77)

WAC 162-08-291 CONDUCT OF HEARINGS. (1) Reference to law. Hearings shall be conducted in accordance with the provisions of the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW, RCW 49.60.250, and these rules.

(2) ~~((Chairperson of the tribunal))~~ Administrative law judge presides. The ~~((chairperson of the tribunal))~~ administrative law judge shall preside as provided in WAC ~~((162-08-275(2)))~~ 162-08-211.

(3) Hearings shall be public. All ~~((tribunal))~~ administrative hearings shall be open to the public. Photographs and recordings of the proceedings may be made, subject to such conditions as the ~~((chairperson))~~ administrative law judge may impose to prevent interference with the orderly conduct of the hearing. Special lighting for photographic purposes may be used only if the ~~((chairperson))~~ administrative law judge has determined in advance that it will not be distracting. The ~~((chairperson))~~ administrative law judge may order news media to use one or more television cameras on a pooling basis if the number of cameras interferes with the conduct of the hearing.

(4) Record of testimony. The clerk shall determine whether the record of testimony taken at a hearing shall be made by mechanical means or by a court reporter.

(5) Copies of record. When the record has been ~~((made by the commission's staff))~~ recorded by mechanical means, rather than by a court reporter, a party ordering a copy of the record or part thereof under RCW ~~((34-04-090(5)))~~ 34.05.566 must pay the reasonable cost of transcription, as determined by the clerk, in advance of delivery of the copy. ~~((This paragraph shall not apply to transcription of the record for purposes of appeal (the superior court will fix and assess the cost of preparation of the record on appeal).))~~ When the record is transcribed and copies of documents are made for transmittal to a reviewing court under RCW 34.05.566, the costs of transcription and copying may be charged to a nonindigent petitioner in accordance with RCW 34.05.566(3).

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-292 EVIDENCE. (1) General rules on admissibility. ~~((Hearing tribunals))~~ Administrative law judges shall admit and give probative effect to evidence that is admissible in the superior courts of the state of Washington in a nonjury trial ~~((, or that is admissible under the Federal Rules of Evidence)).~~ In addition, ~~((tribunals))~~ an administrative law judge may admit and give probative effect to other evidence on which ~~((possesses probative value commonly accepted by))~~ reasonably prudent persons are accustomed to rely in the conduct of their affairs. ~~((Tribunals))~~ Administrative law judges shall give effect to the rules of privilege recognized ~~((by law))~~ in the courts of this state. ~~((Tribunals))~~ Administrative law judges may exclude ~~((incompetent,))~~ irrelevant, immaterial, and unduly repetitious evidence. ~~((In general, tribunals shall admit on a nontechnical basis all evidence that will be practically helpful in deciding the case or evaluating other evidence, and (except for privileged material) shall exclude evidence only if it will not be practically helpful or will lead off into side issues that would unduly prolong the case if they were tried.))~~

(2) Identification of exhibits. All exhibits requested by any party shall be identified by a single series of numbers, in the order that the proposed exhibits are marked for identification. The numbers may be preceded by code letters indicating the acting party, including "C" for the commission, and "R" for a respondent. Example: The first exhibit, marked at the request of the commission, is C1. The second exhibit, if offered by a respondent, is R2, whether or not C1 was admitted.

(3) Stipulations encouraged. Counsel are requested to mark proposed exhibits in advance of hearing and to stipulate to the admission of all exhibits that will not be objected to.

(4) Copies of documents and exhibits. Unless excused from doing so by the ~~((chairperson of the tribunal))~~ administrative law judge, a party offering a document or other exhibit in evidence must furnish copies to all other parties ~~((and file five copies))~~.

(5) Official notice. The ~~((hearing tribunal))~~ administrative law judge may take notice of judicially cognizable facts, and in addition may take notice of general, technical, or scientific facts within ~~((the))~~ his or her specialized knowledge ~~((of its members))~~. Any party may, by motion, ask the ~~((tribunal))~~ administrative law judge to take official notice of facts or material. When the ~~((tribunal))~~ administrative law judge takes official notice of any facts or material, the ~~((chairperson of the tribunal))~~ administrative law judge must notify the parties of what is noticed and afford them reasonable opportunity to contest the noticed facts. This may be done at any time before the ~~((tribunals))~~ administrative law judge's order becomes final.

(6) Evaluation of evidence. The ~~((tribunals))~~ administrative law judge's findings of fact shall be based exclusively on the evidence presented at the administrative hearing and on matters officially noticed, but the ~~((tribunal members))~~ administrative law judge may utilize ~~((their))~~ his or her experience, technical competence, and specialized knowledge in evaluating the evidence.

(7) Efforts at conciliation excluded. Any endeavors or negotiations for conciliation made under RCW 49.60.240 shall not be received in evidence as proof of whether or not an unfair practice was committed. RCW 49.60.250(2). If a respondent denies that the statutory step of endeavoring to eliminate the unfair practice by conference, conciliation, and persuasion took place, then evidence of whether such endeavors were made may be admitted, but the contents and details of offers, counteroffers, and discussions shall be excluded to the maximum extent possible. The commission's findings made pursuant to RCW 49.60.240 are prima facie evidence that the investigation, conciliation, and other statutory steps have been taken. In addition, offers of settlement or compromise and statements made in settlement or compromise negotiations, at any stage of the case, are privileged from use as proof of whether or not an unfair practice was committed. Evidence of such an offer or statement shall be excluded upon claim of the privilege by the party that made the offer or statement.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-294 CLAIMS OF SELF INCRIMINATION—IMMUNITY. (1) How claimed. A natural person who is testifying under oath, may, instead of answering a question, decline to answer the question on the ground that the testimony or evidence required of him or her may tend to incriminate him or her or subject him or her to a penalty or forfeiture.

(2) Procedure before compelling testimony. Before compelling testimony after the privilege against self incrimination has been invoked (and thereby exempting the witness from prosecution) the ~~((chairperson of the tribunal))~~ administrative law judge shall ask examining counsel and also counsel for the commission to state their positions on whether the witness should be ordered to answer. Counsel for the commission may ask that the ruling be deferred for such time as is necessary for counsel for the commission to consult with other public officers before responding. The position of counsel for the commission and other public officers shall be given due weight by the ~~((chairperson or tribunal))~~ administrative law judge in deciding whether to order the witness to answer.

(3) Inference from silence after immunity acquired. If the witness declines to answer the question after acquiring exemption from prosecution, the ~~((hearing tribunal))~~ administrative law judge may consider the silence as evidence and may draw such inferences from it as are warranted by the facts surrounding the incident.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-298 REMEDIES. (1) Power of ~~((tribunal))~~ administrative law judge. The ~~((tribunal))~~ administrative law judge has the power to exercise the general jurisdiction of the commission to eliminate and prevent discrimination by means of orders to respondents who have been found after hearing to have engaged in an unfair practice or practices.

(2) General objectives. An order should generally both eliminate the effects of an unfair practice and prevent the recurrence of the unfair practice. The effects of an unfair practice are eliminated by restoring the victims of the unfair practice as nearly as possible to the position they would have been in if the unfair practice had not occurred. It is appropriate to eliminate the effects of the unfair practice on persons other than the complainant or complainants, and to consider the deterrent effect of an order on persons other than the respondent or respondents. The objective of the law is to eliminate and prevent discrimination, not merely to provide treatment for victims of discrimination.

(3) Cease and desist. In every case where the ~~((tribunal))~~ administrative law judge finds that a respondent has engaged in an unfair practice the ~~((tribunal))~~ administrative law judge shall order the respondent to cease and desist from that unfair practice.

(4) Examples of remedies. Included among remedies that will effectuate the purposes of the law against discrimination in an appropriate case are the following:

(a) An order to hire persons who have been unfairly denied employment;

(b) An order to reinstate persons who have been unfairly terminated, downgraded, or reclassified;

(c) An order to upgrade persons who have been unfairly denied promotion;

(d) An order to pay back pay to a person or persons who would have had a job but for the unfair practice of the respondent;

(e) An order to pay an amount equal to the difference in pay between the job the persons had and the job they would have had but for the unfair practice of the respondent;

(f) An order restoring employment benefits, such as insurance benefits, retirement contributions, sick leave, vacation benefits, seniority standing, etc., lost or not gained because of an unfair practice;

(g) An order to admit persons to membership in a union which has unfairly excluded the persons and dispatch them to jobs in accordance with uniform rules applicable to all members;

(h) An order to merge or otherwise restructure a seniority system that unfairly disadvantages a protected class of persons;

(i) An order to rent or sell real property to persons who have been unfairly denied the property;

(j) An order to grant credit to persons who have been unfairly denied credit;

(k) An order to reimburse or compensate persons for the excess cost of credit caused by an unfair practice;

(l) An order to issue or renew insurance to persons who have been unfairly denied the insurance;

(m) An order to pay a sum of money up to one thousand dollars to compensate persons for humiliation and mental suffering caused by an unfair practice;

(n) An order to pay a sum of money up to ~~((1000))~~ one thousand dollars to a complainant who has been denied the right to be free from discrimination in a real property transaction, based simply on the loss of the statutory right (RCW 49.60.225);

(o) An order to pay interest on money that should have been paid at an earlier time, but for the unfair practice. Interest may be calculated at the current market rate for unsecured personal loans from institutions other than small loan companies licensed under chapter 31.08 RCW;

(p) An order to not retaliate against a complainant, witness, or other person for filing a complaint, testifying, or assisting in ~~((a case))~~ any proceeding under chapter 49.60 RCW;

(q) An order to institute affirmative programs, practices, or procedures that will eliminate an unfair practice or its effects, or will prevent the recurrence of the unfair practice;

(r) An order for any other remedy which is available under comparable civil rights laws of the United States or other states.

This list is not exhaustive. ~~((A tribunal))~~ An administrative law judge may make any order that will effectuate the purposes of the law against discrimination, that is in compliance with the rules of the commission, and that is not otherwise prohibited by law.

(5) Remedies not authorized. ~~((A hearing tribunal))~~ An administrative law judge is not authorized to order:

(a) The payment of punitive damages;

(b) The payment of fines payable to the state.

(6) Treatment of unemployment compensation. When an order is made for payment of wages lost during a time when the beneficiary of the order was receiving unemployment compensation, the amount of the award shall not be reduced by the amount of unemployment compensation received. The order may make provision for payment of the portion of the award covered by unemployment compensation jointly to the beneficiary and the Washington state department of employment security, or to the department alone. (Under Washington law, it is the duty of the employee to reimburse the department of employment security when back pay is received for a period during which the employee collected unemployment compensation.)

(7) ~~(Burden of proof of noninjury from unfair practice. When a showing has been made that a respondent has committed an unfair practice with respect to a person, but the respondent contends that nevertheless the person did not lose pay or other benefits because the person would not have been hired, granted credit, etc., for reasons other than the unfair practice, the burden is on the respondent to prove that the person would not have received the pay, credit, etc., for the other reasons.~~

~~(8))~~ Persons for whom relief can be ordered. The ~~((tribunal))~~ administrative law judge may order that remedies for an unfair practice be paid or accorded to the named complainant or complainants, and, in addition, to any other persons~~(s)~~ identified ~~((or unidentified, who have))~~ as having been injured by the unfair practice. ~~((The tribunal may prescribe formulas for ascertaining the remedy for unknown victims, and may order the respondent to take actions to identify and find the unknown victims. An order for relief to all of the victims of an unfair practice does not convert the case into a class action (WAC 162-08-288(6)).~~

~~(9))~~ (8) Nature and purpose of order. ~~((A tribunal))~~ An administrative order is one means of carrying out the public purpose of the law against discrimination: To eliminate and prevent certain discrimination. The ~~((tribunal))~~ administrative law judge in framing its order shall be guided by this public purpose. The ~~((tribunal's))~~ administrative law judge's task is not the determination of private rights. See WAC 162-08-061, 162-08-062. The ~~((tribunal))~~ administrative law judge is not required to observe conventional common law or equity principles in fashioning ~~((its))~~ the order. The guiding principle for the ~~((tribunal))~~ administrative law judge is whether a particular remedy will effectuate the purposes of the law against discrimination. An order requiring a respondent to pay money to a person as back pay, or to compensate for some other loss, is not a private award of damages, but is a public reparation order. Only the commission can enforce the order. The beneficiary has no property right in the money until he or she receives it. See WAC 162-08-305.

~~((10))~~ (9) Retention of jurisdiction. In appropriate cases the ~~((tribunal))~~ administrative law judge in ~~((its))~~ his or her order may retain jurisdiction for a reasonable period of time for the purpose of determining compliance with ~~((its))~~ his or her order or issuing orders supplementing or modifying the original order. If the ~~((tribunal))~~ administrative law judge does not retain jurisdiction through a provision of ~~((its))~~ his or her order ~~((the tribunal))~~ he or she has no jurisdiction to modify or supplement ~~((its))~~ his or her order, except on reconsideration (WAC 162-08-311). Retention of jurisdiction by the ~~((tribunal))~~ administrative law judge under this subsection does not prevent the ~~((tribunal's))~~ administrative law judge's order from being final for the purpose of judicial review or enforcement.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-301 ~~((ORDER,))~~ FINDINGS ~~((AND))~~ CONCLUSIONS, AND ORDER. (1) ~~((Required. In every hearing the tribunal shall set out its final decision in an order, accompanied by findings of fact, conclusions of law, and an opinion explaining the reasons for its decision.~~

(2) Disagreement among members. When the hearing tribunal is not unanimous, the decision of two members shall control. Any member may file or announce a concurring or dissenting opinion.

(3) Opinion. The tribunal's opinion may be given orally on the record or it may be written. Tribunals are encouraged to retire and deliberate immediately after the hearing has been concluded and to reconvene and announce their decision on the record immediately after it has been reached, if they are able to do so.

(4) Factual basis for decision. Findings of fact shall be based exclusively on the evidence and on matters officially noticed. RCW 34.04.090(6). In determining the case the tribunal shall not consider

factual information that is not made a part of the record of the case. RCW 34.04.100(2).

~~(5) Drafting findings, conclusions, and order. Unless the tribunal reserves the task to itself, counsel for the prevailing party shall prepare a draft of findings of fact, conclusions of law, and an order. If counsel for the prevailing party has not served and filed the draft within 15 days after the tribunal has announced or served and filed its opinion, then counsel for any party may do so. The draft, whether prepared by counsel or the tribunal itself, shall be served on all parties and on the clerk for transmittal to all tribunal members. Any counsel for a party and any party not represented by counsel may serve and file written comments, objections, or alternative drafts within ten days after being served with the original draft. After the expiration of the ten day period for all parties, the tribunal shall consider the original draft and all comments, objections and alternative drafts and shall sign and file its findings of fact, conclusions of law, and order.~~

~~(6) Form of findings of fact. The findings of fact shall consist of a concise statement of each fact found upon each contested issue of fact. RCW 34.04.120.~~

~~(7) Notice of order. The clerk shall deliver or mail a copy of the order, findings of fact, and conclusions of law to each party and to each attorney of record for a party. RCW 34.04.120)) Preliminary decision of administrative law judge. In every administrative hearing the administrative law judge shall prepare preliminary findings of fact, conclusions of law, and order in accordance with WAC 10-08-210, which shall be mailed to the parties and their counsel for comments, objections, and proposed corrections.~~

~~(2) Final decision of administrative law judge. After the expiration of thirty days from the receipt of comments upon the preliminary decision, the administrative law judge will issue a final decision which is enforceable in accordance with RCW 49.60.260.~~

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-305 NATURE OF ORDERS—ENFORCEMENT. (1) Nature of orders. Orders obtained by counsel for the commission are public reparation orders, not adjudications of private rights between respondents and persons aggrieved by the respondents' unfair practices. When a respondent is ordered to rehire or compensate a person, the person who is the beneficiary of the order has no property right in the job, money, etc., until the person receives it.

(2) Enforcement of order. Only the commission, through its counsel, has the authority to enforce an order of ~~((a hearing tribunal))~~ an administrative law judge. RCW 49.60.260.

(3) Compromise of order. The commission, acting in good faith, may compromise an order of ~~((a hearing tribunal))~~ an administrative law judge, with or without the consent of the beneficiaries of the order.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-311 RECONSIDERATION. (1) Motion. Within ten days after being served with the final order of ~~((a tribunal))~~ an administrative law judge, any party may serve and file a motion for reconsideration with the commission clerk. The motion shall identify the points that the party desires to have reconsidered and shall fully state the reasons for reconsideration. The motion shall in all other respects proceed as provided in ~~((WAC 162-08-271))~~ RCW 34.05.470.

(2) Finality for appeal. When a motion for reconsideration has been filed, the order of the ~~((tribunal))~~ administrative law judge shall not be deemed final for purposes of appeal until the ruling on the motion has been served.

(3) Reconsideration not necessary for appeal. Motions for reconsideration should be made only when a party feels that the ~~((tribunal))~~ administrative law judge has overlooked or misunderstood something. It is not necessary to file a motion for reconsideration in order to appeal. RCW 34.05.470(5).

VII RULE MAKING

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-600 REQUESTS FOR ADVANCE NOTICE OF RULE MAKING. (1) Form. Requests for advance notice of rule making proceedings, as provided in RCW ~~((34.04.025))~~ 34.05.320(3),

shall be in writing and shall give the name of the requesting person or organization, and the address to which the notice is to be sent.

(2) Duration. Requests for advance notice of rule making proceedings will be honored for a period of three years after the date of the request, and may be renewed by written notice to the commission containing the information required for the original request.

(3) Where filed. Requests for advance notice of rule making proceedings should be filed at the Olympia office of the commission, attention ((~~legal division~~)) rules coordinator.

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 35, filed 9/2/77)

WAC 162-08-610 PETITIONS FOR RULE MAKING. Petitions to the commission for the promulgation, amendment, or repeal of a rule under RCW ((~~34.04.060~~)) 34.05.330 shall include a statement of the reasons for the requested action, and may be accompanied by a brief of any applicable law. Petitions for the promulgation of a rule shall set out the full text of the proposed rule. Petitions for the amendment of a rule shall identify the rule by its WAC number, and shall contain the complete text of the rule as proposed to be amended, showing additions by underlining the new words and showing deletions by marking them over with a dotted line. Petitions for repeal of a rule shall identify the rule by WAC number, and may quote its text.

VIII DECLARATORY ((RULINGS)) ORDERS

READOPTED/AMENDATORY SECTION (Readopting and Amending Order 37, filed 10/27/77)

WAC 162-08-700 DECLARATORY ((RULINGS)) ORDERS. (1) Contents of petition. A petition for a declaratory ((ruling)) order under RCW ((~~34.04.080~~)) 34.05.240 shall contain the following in addition to the requirements of RCW 34.05.240(1):

(a) A statement of the question on which the declaratory ((ruling)) order is sought;

(b) A full statement of the facts giving rise to the question;

(c) A statement of the basis for the petitioner's interest in the question.

(2) Form. A petition for a declaratory ((ruling)) order may be in any form, including the form of a letter or a pleading.

(3) Where filed. Petitions for declaratory ((rulings)) orders shall be filed with the clerk.

(4) Confirmation, investigation. In order to determine the full facts giving rise to the question the executive ((secretary)) director may require the petitioner to submit additional information, and may make an independent investigation.

(5) ((Consideration and disposition. The commissioners will:

(a) Issue a nonbinding declaratory ruling;

(b) Notify the petitioner that no declaratory ruling will be issued; or

(c) Set a time and place for hearing argument or evidence on the question, notify the petitioner of them, and issue either a binding or nonbinding declaratory ruling after the hearing.) Notice and disposition.

Within fifteen days after receipt of a petition for a declaratory order, the commission will give notice of the petition to all persons to whom notice is required by law. Within thirty days after receipt of a petition for a declaratory order, the commission will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances; or

(b) Set the matter for specified proceedings to be held no more than ninety days after receipt of the petition; or

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its actions. See RCW 34.05.240(5).

(6) Revocation or revision. A declaratory ((ruling)) order may be revoked or revised at any time by vote of the commissioners at a meeting. The revocation or revision shall not be effective as to the person who requested the declaratory ((ruling)) order until that person has notice of the revocation or revision.

(7) Supersedure. A declaratory ((ruling)) order is automatically superseded, without need for notice, by any material change in the statutes, or by a decision of the Washington supreme court or court of appeals that is contrary to the declaratory ((ruling)) order.

(8) Reliance. When any person has relied in good faith on a declaratory ((ruling)) order of the commission, the commission will not

thereafter assert a contrary position against that person, unless the declaratory ((ruling)) order is revoked, revised, or superseded under subsection (7) of this section. This paragraph (8) covers persons other than the person to whom the declaratory ((ruling)) order was issued, if the persons have justifiably relied on the declaratory ((ruling)) order.

(9) Use of ((examiner)) administrative law judge. The commissioners may direct that a hearing for the purpose of issuing a declaratory ((ruling)) order shall be held before a member of the commission, or a panel of members of the commission, or ((~~a hearing examiner~~)) an administrative law judge. The member, panel, or ((examiner)) administrative law judge shall hear testimony and argument, receive exhibits and other testimony, evaluate the material, and make a proposal for decision by the commissioners, to be considered and decided in the manner provided in RCW ((~~34.04.110~~)) 34.05.410 through 34.05.494.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 162-08-108	RECONSIDERATION OF TERMS OF AGREEMENT.
WAC 162-08-111	WHO MAY ISSUE SUBPOENAS.
WAC 162-08-114	SERVICE OF SUBPOENAS.
WAC 162-08-116	WITNESS FEES AND ALLOWANCES.
WAC 162-08-121	MOTIONS RELATING TO SUBPOENAS.
WAC 162-08-131	DISCOVERY.
WAC 162-08-135	DEPOSITIONS.
WAC 162-08-141	INTERROGATORIES TO PARTIES.
WAC 162-08-151	PRODUCTION OF DOCUMENTS AND THINGS AND ENTRY UPON LAND FOR INSPECTION AND OTHER PURPOSES.
WAC 162-08-155	PHYSICAL AND MENTAL EXAMINATION OF PERSONS.
WAC 162-08-161	REQUEST FOR ADMISSION.
WAC 162-08-171	FAILURE TO MAKE DISCOVERY—SANCTIONS.
WAC 162-08-212	COMPENSATION AND EXPENSES OF TRIBUNAL MEMBERS.
WAC 162-08-215	REMOVAL OF TRIBUNAL MEMBERS FOR CAUSE.
WAC 162-08-217	OBJECTION TO MANNER OF APPOINTMENT.
WAC 162-08-275	POWERS OF TRIBUNAL CHAIRPERSON.
WAC 162-08-278	POWERS AND PROCEDURES OF HEARING TRIBUNAL.
WAC 162-08-284	NO COUNTERCLAIMS OR CROSS-CLAIMS.
WAC 162-08-295	CONSULTATION ON ISSUES.
WAC 162-08-296	DEFAULT BY RESPONDENT.
WAC 162-08-621	CONSIDERATION OF ECONOMIC VALUES.

WSR 89-17-099

PROPOSED RULES

INSURANCE COMMISSIONER

[Filed August 22, 1989, 3:58 p.m.]

Original Notice.

Title of Rule: Relationship of death benefits to premiums—Unfair practice defined.

Purpose: The proposed amendments to WAC 284-23-550, make permanent the July 1, 1989, effective date which was adopted on an emergency basis March 31, 1989, WSR 89-08-038; clarify the impact of the rule on universal life insurance forms; and recognize that dividends cannot be guaranteed and thus may not be used to bring a form into compliance with the rule.

Other Identifying Information: Insurance Commissioner Matter No. R 89-12.

Statutory Authority for Adoption: RCW 48.02.060.
Statute Being Implemented: RCW 48.30.010.

Summary: The proposed amendments to the rule will allow certain forms of universal life insurance policies to comply with WAC 284-23-550. The proposed amendments recognize that dividends cannot be guaranteed and thus may not be used in the computations.

Reasons Supporting Proposal: Insurers with universal life insurance policy forms have asked questions about how their forms may be designed to comply with WAC 284-23-550. This rule is designed to answer the specific questions which have been raised.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David H. Rodgers, Insurance Building, Olympia, (206) 753-7302.

Name of Proponent: Insurance Commissioner Dick Marquardt, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See above.

Proposal Changes the Following Existing Rules: This proposal will add a subsection describing how WAC 284-23-550 will apply to universal life insurance policy forms. The proposal also deletes a portion of WAC 284-23-550(5) which may have led insurers to believe that dividends could be guaranteed and used to bring a policy form into compliance with the rule.

Small Business Economic Impact Statement: The cost for small business per \$100 of sales is estimated to be zero. The cost for larger businesses per \$100 of sales is estimated to be zero. The regulation is intended to clarify and amplify an existing rule of the commissioner. No extra cost per \$100 of sales is anticipated. In addition, because no insurer is required to sell any line of life insurance, the cost impact is, therefore, zero.

Hearing Location: Insurance Commissioner's Office, Insurance Building, Olympia, Washington, on September 27, 1989, at 10:00 a.m.

Submit Written Comments to: Insurance Commissioner, Insurance Building, AQ-21, Olympia, Washington 98504-0321, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 21, 1989
Dick Marquardt
Insurance Commissioner
David H. Rodgers
Chief Deputy
Insurance Commissioner

AMENDATORY SECTION (Amending Order R 89-4, filed 3/22/89)

WAC 284-23-550 RELATIONSHIP OF DEATH BENEFITS TO PREMIUMS—UNFAIR PRACTICE DEFINED. (1) It is an unfair practice for any insurer or fraternal benefit society to provide life insurance coverage on any person through a policy or certificate of coverage delivered on or after ~~((April))~~ July 1, 1989, to or on behalf of such person in this state, unless the benefit payable at death under such policy or certificate will equal or exceed the cumulative premiums, as defined in subsection (4) of this section, paid for the policy or certificate, plus interest thereon at the rate of five percent per annum compounded annually to the tenth anniversary of the effective date of coverage.

(2) This section applies to death benefits in relation to premiums, subject to the following provisions:

(a) When determining the relationship between benefits and premiums as set forth in subsection (1) of this section, neither premiums nor death benefits shall be adjusted for maturity benefits, surrender benefits, or policy loans.

(b) Annuity benefits, including annuity death benefits, and the premiums therefor shall be disregarded in applying this section.

(c) The following benefits, but not the premiums therefor, shall be disregarded in applying this section:

- (i) Accidental death benefits;
- (ii) Permanent disability benefits; and
- (iii) Any benefit similar to (c)(i) or (ii) of this subsection.

(3) For coverage which varies by duration, including coverage provided through dividends, the "benefit payable at death" for purposes of this section is the sum of the least death benefit during each policy year, for the lesser of ten years or the term of the coverage, including renewals, divided by the number of death benefits included in said sum.

(4) "Cumulative premiums," for purposes of this section, means all sums paid as consideration, net of dividends paid in cash in an orderly progression, for the coverage during the first ten years of the coverage, excluding amounts which are designated in the policy or certificate as providing for annuity benefits.

(5) The benefits required by this section shall be provided contractually. ~~((If the policy or certificate must rely on dividends or "non-guaranteed" premiums or benefits to obtain compliance, then said policy or certificate shall contain a provision guaranteeing compliance.))~~

(6) This section does not apply to:

(a) Life insurance where the minimum death benefit is twenty-five thousand dollars or more; or

(b) Coverage under group life insurance ~~((coverage))~~ policies unless the insured pays all or substantially all of the premium and coverage under individual conversions from such excluded policies; or

(c) Limited payment whole life insurance where the premiums are level at all times, if the least death benefit payable at any time equals or exceeds the total of all premiums which, in the absence of death, would have been paid over the entire limited payment period.

(7) This section does not apply with respect to optional additional contributions paid to the insurer or fraternal benefit society under the terms of a universal life policy, which policy:

(a) Provides a guaranteed plan of insurance of at least ten years' duration on the basis of specified premiums and complies with subsections (1) through (5) of this section; and

(b) Contains a carefully expressed provision which clearly, fairly, and fully discloses the optional plan and the choice to participate therein; and

(c) Is designed so that the charges for, and the benefits to be derived from, the optional contributions are no less favorable to the insured than those which are applicable to the guaranteed plan required by (a) of this subsection.

(8) Approval of ~~((the))~~ policy forms which do not comply with this section is ~~((hereby))~~ withdrawn ~~((effective April 1, 1989))~~.

WSR 89-17-100
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed August 22, 1989, 4:02 p.m.]

Original Notice.

Title of Rule: WAC 180-24-205 Classification system of school districts.

Purpose: To set forth definitions for the classification of a school district as either a high school or a nonhigh district.

Statutory Authority for Adoption: RCW 28A.04.130 and 28A.04.120(9).

Statute Being Implemented: Same.

Summary: Defines nonhigh and high school districts.

Reasons Supporting Proposal: Definitions for classification must be in place prior to 1989-90 school year to ensure proper allocation of state funding.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Sets forth definitions for the classification of a school district as either a high school or a nonhigh district.

Proposal Changes the Following Existing Rules: Clarifies definitions.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary to the Board, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

NEW SECTION

WAC 180-24-205 CLASSIFICATION SYSTEM OF SCHOOL DISTRICTS. (1) Authority. The authority for this section is RCW 28A.04.130 which authorizes the state board of education to establish the classification system for school districts.

(2) Purpose. The purpose of this section is to set forth the definitions for the classification of a school district as either a high school or a nonhigh school district.

(3) High school district. A high school district is one which conducts a ninth through twelfth grade program for district residents eligible to enroll therein which:

(a) Has been approved by the state board of education as may be required by RCW 28A.04.120(7); and

(b) Meets the basic education program requirements set forth in chapter 180-16 WAC.

(4) Nonhigh school district. A nonhigh school district is one that is not classified as a high school district under subsection (3) of this section.

(5) Applicability. The classifications of school districts established in subsections (3) and (4) of this section shall apply for the purposes of chapter 28A.44 RCW, RCW 84.52.0531, and the application of other laws under which a district's classification as either a high school or nonhigh school district is material.

WSR 89-17-101

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 22, 1989, 4:03 p.m.]

Original Notice.

Title of Rule: WAC 180-27-057 State assistance—Deferred payment.

Purpose: Provide a limited authority for districts to proceed with construction projects subject to future eligibility standards.

Statutory Authority for Adoption: RCW 28A.47.830, 28A.47.060 and 28A.47.802.

Statute Being Implemented: Same.

Summary: Provides limited authority to proceed with projects.

Reasons Supporting Proposal: The state board's moratorium upon the approval of construction projects has had the effect of discouraging a number of school districts that were prepared from going forward at their own expense, thereby likely increasing the cost of the projects to the public but for this action.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provide a limited authority for districts to proceed with construction projects subject to future eligibility standards.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary to the Board, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 11-83, filed 10/17/83)

WAC 180-27-057 STATE ASSISTANCE—DEFERRED PAYMENT. (1) In the event state moneys are not sufficient for a school district project, a school district may proceed at its own financial risk. At such time state moneys become available, reimbursement may be made for the project provided the provisions of chapter 180-29 WAC have been complied with.

(2) Notwithstanding subsection (1) of this section, and the moratorium upon approval imposed by WAC 180-25-300, a school district may elect to proceed in compliance with the procedural requirements of chapters 180-25 through 180-33 WAC with a project for which a completed request for state board approval was filed with the superintendent of public instruction during the period January 1 through March 30, 1989, at the district's expense and risk; and, the project may be approved for state assistance purposes by the board subsequent to the termination of this moratorium subject to the terms and conditions of chapters 180-25 through 180-33 WAC, as hereafter revised and in effect at the time of approval.

WSR 89-17-102

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 22, 1989, 4:04 p.m.]

Original Notice.

Title of Rule: WAC 180-25-300.

Purpose: Provide limited authority for districts to proceed with construction projects subject to future eligibility standards.

Statutory Authority for Adoption: RCW 28A.47.830, 28A.47.060 and 28A.47.802.

Statute Being Implemented: Same.

Summary: Places moratorium on school construction with exceptions.

Reasons Supporting Proposal: The state board's moratorium upon the approval of construction projects has had the effect of discouraging a number of school districts that were prepared from going forward at their own expense, thereby likely increasing the cost of the projects to the public but for this action.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provide limited authority for districts to proceed with construction projects subject to future eligibility standards.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary to the Board, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 7-89, filed 4/5/89)

WAC 180-25-300 PROJECT APPROVAL MORATORIUM. (1) Notwithstanding any provision of this chapter to the contrary, the state board of education hereby imposes a moratorium upon granting any project approval pursuant to WAC 180-25-040, 180-25-045, 180-29-025, and 180-29-030.

(2) Notwithstanding subsection (1) of this section, a school district may elect to proceed in compliance with the procedural requirements of chapters 180-25 through 180-33 WAC with a project for which a completed request for state board approval was filed with the superintendent of public instruction during the period January 1 through March 30, 1989, at the district's expense and risk; and, the project may be approved for state assistance purposes by the board subsequent to the termination of this moratorium subject to the terms and conditions of chapters 180-25 through 180-33 WAC, as hereafter revised and in effect at the time of approval.

WSR 89-17-103

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 22, 1989, 4:04 p.m.]

Original Notice.

Title of Rule: WAC 180-29-300 Project approval moratorium.

Purpose: Provide a limited authority for districts to proceed with construction projects subject to future eligibility standards.

Statutory Authority for Adoption: RCW 28A.47.830, 28A.47.060 and 28A.47.802.

Statute Being Implemented: Same.

Summary: Provides moratorium on school construction with exceptions.

Reasons Supporting Proposal: The state board's moratorium upon the approval of construction projects has had the effect of discouraging a number of school districts that were prepared from going forward at their own expense, thereby likely increasing the cost of the projects to the public but for this action.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provide a limited authority for districts to proceed with construction projects subject to future eligibility standards.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary to the Board, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 8-89, filed 4/5/89)

WAC 180-29-300 PROJECT APPROVAL MORATORIUM. (1) Notwithstanding any provision of this chapter to the contrary, the state board of education hereby imposes a moratorium upon granting any project approval pursuant to WAC 180-25-040, 180-25-045, 180-29-025, and 180-29-030.

(2) Notwithstanding subsection (1) of this section, a school district may elect to proceed in compliance with the procedural requirements of chapters 180-25 through 180-33 WAC with a project for which a completed request for state board approval was filed with the superintendent of public instruction during the period January 1 through March 30, 1989, at the district's expense and risk; and, the project may be approved for state assistance purposes by the board subsequent to the termination of this moratorium subject to the terms and conditions of chapters 180-25 through 180-33 WAC, as hereafter revised and in effect at the time of approval.

WSR 89-17-104

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 22, 1989, 4:05 p.m.]

Original Notice.

Title of Rule: WAC 180-29-108 Condition precedent to approval to bid.

Purpose: Provide a limited timeline extension for redesign and rebid of a construction project in the event of a high bid over estimates.

Statutory Authority for Adoption: RCW 28A.47.830.

Statute Being Implemented: Same.

Summary: Alters time for extension of rebid of construction projects.

Reasons Supporting Proposal: Rule change necessary for this summer's school project bid/construction season. Without action at this time, school districts could lose up to a full year before facilities are available for instructional programs.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: David Moberly, Old Capitol Building, 753-6742.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provide a limited timeline extension for redesign and rebid of a construction project in the event of a high bid over estimates.

Proposal Changes the Following Existing Rules: Alters timeline.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary to the Board, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 24-85, filed 11/27/85)

WAC 180-29-108 **CONDITION PRECEDENT TO APPROVAL TO BID.** Any project for which the superintendent of public instruction authorizes a district to open bids pursuant to WAC 180-29-107 shall request an authorization for contract award pursuant to WAC 180-29-110 within ninety calendar days of receipt of approval pursuant to WAC 180-29-107 ~~((or))~~; **PROVIDED, That the ninety-day period shall be automatically extended for an additional ninety calendar days if:**

(1) The lowest legally acceptable base bid, exclusive of alternates, received by a district exceeds the cost estimate submitted to the superintendent of public instruction pursuant to WAC 180-29-085 by ten percent or more; and

(2) Prior to the expiration on or after June 15, 1989, of the initial ninety-day period the district has rejected, or hereafter rejects, all bids in order to solicit new bids.

A district which fails to request an authorization for contract award pursuant to WAC 180-29-110 within the time period allowed by this section shall have its authority to proceed withdrawn. Districts with such projects withdrawn may ~~((reapply))~~ **reinitiate an application for state assistance by first reapplying for ~~((a school district))~~ project approval pursuant to WAC 180-25-040.**

WSR 89-17-105

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 22, 1989, 4:06 p.m.]

Original Notice.

Title of Rule: Chapter 180-115 WAC, Grant project—Student teaching pilot projects.

Purpose: To establish rules for implementation of pilot program to expand student teaching experiences and opportunities.

Statutory Authority for Adoption: RCW 28A.70.400.

Statute Being Implemented: RCW 28A.70.400.

Summary: Rule changes needed to reflect current legislation.

Reasons Supporting Proposal: Chapter 253, Laws of 1989.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: Theodore Andrews, Old Capitol Building, 753-3222.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this chapter is to establish policies, procedures, and directions for a pilot program that enhances the student teaching component of teacher preparation programs by supporting innovative ways to expand student teaching experiences and opportunities for student placement in school districts throughout the state.

Proposal Changes the Following Existing Rules: Provides for professional education advisory board and sets forth duties.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary/Executive Director, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-010 **PURPOSE.** The purpose of this chapter is to establish policies, procedures, and directions for a ~~((two-year))~~ pilot program that enhances the student teaching component of teacher preparation programs by supporting innovative ways to expand student teaching experiences and opportunities for student placement in school districts throughout the state.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-020 **GRANT PROJECT PARTICIPANTS—DEFINITION.** As used in this chapter "grant project participants" means those school building and school district personnel, teacher preparatory program personnel, ~~((program unit))~~ professional education advisory board members, and other appropriate personnel who have

cooperated in the joint development of the pilot project grant application.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-035 RESPONSIBILITIES OF THE GRANTEE AGENCY. The responsibilities of the grantee agency are to:

- (1) Submit a grant proposal which meets specifications set forth in chapter 180-115 WAC.
- (2) Administer the project in accordance with chapter 180-115 WAC, ensuring that all conditions set forth in chapter 180-115 WAC are met.
- (3) File a ~~((final))~~ preliminary written assessment of the program's effectiveness with the superintendent of public instruction no later than July 31, 1989, and a final report no later than July 31, 1990.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-045 PROGRAM DEVELOPMENT, IMPLEMENTATION, AND ADMINISTRATION. Each grant submitted to the superintendent of public instruction under this program shall be jointly developed through a documented process that demonstrates joint development of the pilot program by school building and school district personnel, teacher preparation program personnel, ~~((program unit))~~ professional education advisory board members, and other personnel as appropriate. Primary administration for each grant project shall be the responsibility of one or more of the cooperating grant project participants as determined by the grant project participants. One or more college(s)/university(ies) with teacher education programs approved by the state board of education must be a participant in the submitted pilot project.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-060 ADVISORY COMMITTEE. The professional education advisory committee established under WAC 180-78-015 shall be responsible for the following:

- (1) Assist the state board of education and the pilot projects in addressing issues relating to the roles and responsibilities of the participating parties in implementing the projects.
- (2) Assist the state board of education in studying issues relating to the roles and responsibilities of the common school and higher education elements of the state's education system in the preparation of prospective teachers.
- (3) Select five members of its committee to review and rank order grant proposals submitted under this chapter. ~~((Additionally, the committee will))~~
- (4) Advise as to modification or elimination of components contained within specific grant requests and forward recommendations to the superintendent of public instruction for determination of final grant allocations. The committee recommendation will then be submitted to the state board of education.

NEW SECTION

WAC 180-115-081 CONTINUATION OF 1987-89 PILOT PROJECTS. Notwithstanding the approval process established in this chapter, pilot projects approved by the state board of education for funding during the 1987-89 biennium are hereby approved by the state board of education for continuation during the 1989-91 biennium subject to the condition stated in WAC 180-115-105.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-085 ASSURANCE OF ASSESSMENT. Each prospective grantee agency must provide an assurance that a ~~((final))~~ preliminary written assessment of the program's effectiveness will be submitted to the superintendent of public instruction no later than July 31, 1989, and a final report no later than July 1, 1990.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-090 DATE FOR RECEIPT OF PROPOSALS BY THE SUPERINTENDENT OF PUBLIC INSTRUCTION. In order to be considered for funding, supplemental or revised proposals must be received by superintendent of public instruction by 5:00 p.m., ~~((Tuesday, March 1, 1988))~~ Friday, July 28, 1989.

AMENDATORY SECTION (Amending Order 8-88, filed 4/4/88)

WAC 180-115-105 TIMELINE FOR PROJECTS. The state funds for this project must be expended by ~~((June 30, 1989))~~ December 31, 1990.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 180-115-070 ADVISORY COMMITTEE DEADLINE.

WSR 89-17-106

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed August 22, 1989, 4:07 p.m.]

Original Notice.

Title of Rule: WAC 180-79-063, Approved masters degree—Definition.

Purpose: To clarify the intent of the legislature regarding the definition of approved masters degree.

Statutory Authority for Adoption: RCW 28A.70.005.

Statute Being Implemented: RCW 28A.70.005.

Summary: Clarifies intent of legislature by broadening definition of approved masters degree.

Reasons Supporting Proposal: Current definition disqualified masters degrees contemplated acceptable by the legislature.

Name of Agency Personnel Responsible for Drafting: Richard Wilson, Old Capitol Building, 753-2298; Implementation: Doyle Winter, Old Capitol Building, 753-1880; and Enforcement: Theodore Andrews, Old Capitol Building, 753-3222.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Broadens definition of approved masters degree.

Proposal Changes the Following Existing Rules: Clarifies rule to allow for greater flexibility in definition of approved masters degree.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary/Executive Director, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989

Monica Schmidt

Secretary

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-063 APPROVED MASTERS DEGREE—DEFINITION. "Approved masters degree" for the purpose of this chapter means a masters or doctorate degree from a regionally accredited college or university ~~((in teaching, arts, science, or humanities. PROVIDED, That a candidate who obtains a masters or doctorate degree in another field will not be required to obtain the specified masters degree if the candidate provides evidence to the superintendent of public~~

instruction that he or she has completed thirty upper division and/or graduate quarter hours (twenty semester hours) of post baccalaureate course work in one of the subject areas of the endorsements listed in WAC 180-79-080).

WSR 89-17-107
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed August 22, 1989, 4:09 p.m.]

Original Notice.

Title of Rule: Chapter 180-08 WAC, Practice and procedure; and chapter 180-75 WAC, Professional certification—General provisions.

Purpose: To comply with new APA requirements.

Statutory Authority for Adoption: Readoption under RCW 34.05.220(A) [34.05.220(1)(a)] and 34.05.250.

Statute Being Implemented: RCW 34.05.220(A) [34.05.220(1)(a)].

Summary: Chapter 180-08 WAC, sets forth rules for administrative practices regarding hearings and rule proceedings. Chapter 180-75 WAC, sets forth rules for general certification provisions to ensure uniform application and interpretation of the various certification rules within the confines of current statutory law.

Reasons Supporting Proposal: Readoption necessary to maintain current practices of agency and prevent disruption of services.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; **Implementation:** Doyle Winter, Old Capitol Building, 753-1880; and **Enforcement:** Theodore Andrews, Old Capitol Building, 753-3222.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To comply with new APA requirements.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Media Center, McLoughlin Middle School, 5802 MacArthur Boulevard, Vancouver, WA, on September 28, 1989, at 9:00 a.m.

Submit Written Comments to: Monica Schmidt, Secretary to the Board, by September 26, 1989.

Date of Intended Adoption: September 29, 1989.

August 22, 1989
 Monica Schmidt
 Secretary

READOPTED SECTION (Readopting Order 8-83, filed 10/17/83)

WAC 180-08-003 **AUTHORITY.** The authority for this chapter is RCW 34.04.020 which authorizes the state board of education to adopt rules governing the formal and informal procedures prescribed or authorized by chapter 34.04 RCW.

READOPTED SECTION (Readopting Order 8-83, filed 10/17/83)

WAC 180-08-005 **ADMINISTRATIVE PRACTICES REGARDING HEARINGS AND RULE PROCEEDINGS.** The

state board of education is governed by the state Administrative Procedure Act, chapter 34.04 RCW, the Washington State Register Act, chapter 34.08 RCW, and the state office of Administrative Hearings Act, chapter 34.12 RCW. These acts govern the conduct of "rule" making proceedings and the conduct of "contested case" hearings as these terms are defined in RCW 34.04.010 (2) and (3). Appearances in representative capacities before the state board of education; the procedures and conditions governing petitions for declaratory rulings or the adoption, amendment, or repeal of a rule; and, the standards, procedures and conditions governing the conduct of contested case hearings and proceedings by or before the state board of education shall be as set forth in rules of the state code reviser and the office of administrative hearings as now or hereafter amended. The rules of the code reviser are currently set forth in chapters 1-08 and 1-12 WAC. The rules of the office of administrative hearings are currently set forth in chapter 10-08 WAC.

All other regulatory actions and hearings conducted by the state board of education may be conducted informally at the discretion of the state board of education.

READOPTED SECTION (Readopting Order 6-86, filed 6/10/86)

WAC 180-75-003 **AUTHORITY.** The authority for this chapter is RCW 28A.70.005 which authorizes the state board of education to establish, publish, and enforce rules and regulations determining eligibility for and certification of personnel employed in the common schools of this state. (Note: RCW 28A.02.201 (3)(a) requires most private school classroom teachers to hold appropriate Washington state certification with few exceptions.)

READOPTED SECTION (Readopting Order 11-87, filed 6/1/87)

WAC 180-75-005 **PURPOSE.** The purpose of this chapter is to incorporate into one chapter the general certification provisions to ensure uniform application and interpretation of the various certification rules within the confines of current statutory law. It is not the intent or purpose of this chapter to govern or limit the procedures and standards which are otherwise applicable to the nonrenewal or discharge of certificated employees by school districts and educational service districts. Proceedings under this chapter and local discharge/nonrenewal proceedings are separate proceedings.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-017 **DENIAL OF RECOMMENDATION FOR CERTIFICATION OR ENDORSEMENT BY APPROVED PROFESSIONAL PREPARATION TRAINING INSTITUTIONS.** Any person whose application for certification or for an endorsement is denied for recommendation to the superintendent of public instruction by an institution of higher education within the state with an approved professional preparation program, after exhausting any appeal procedures established by such institution, may apply directly to the superintendent of public instruction for such certificate or endorsement.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-018 **WRITTEN NOTICE OF DENIAL, LAPSE, OR REVOCATION BY SUPERINTENDENT OF PUBLIC INSTRUCTION.** Whenever the superintendent of public instruction takes action to deny an application or to lapse or revoke a certificate, the superintendent of public instruction, in accordance with the provisions of this chapter, shall report such decision to the applicant or affected certificate holder by written notice stating the reason(s) for such action and containing notice of applicable administrative appeal procedures provided in this chapter. If the notice is to lapse or revoke a certificate and the superintendent of public instruction has knowledge that such certificate holder is employed within the common school system or by an approved private school, the superintendent of public instruction shall provide such employer with a copy of the written notice.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-019 **INVESTIGATORY FILES—ESTABLISHMENT, SECURITY, DISCLOSURE, RETENTION, AND DESTRUCTION.** The following policies shall apply to investigatory files established by the superintendent of public instruction:

(1) **Establishment.** Upon receipt of any negative material relating to good moral character, personal fitness, and professional conduct as defined in WAC 180-75-037 and 180-75-081 or which forms the basis

for initiation of a certificate revocation investigation pursuant to WAC 180-75-035, that section within the office of the superintendent of public instruction having responsibility for certification shall establish an investigatory file which shall contain all information related to the good moral character, personal fitness, and professional conduct in question.

(2) Security. The investigatory file shall be maintained separately from an applicant's or a certificate holder's noninvestigatory certification file and shall be kept in a secured storage area with access limited to the chief administrator responsible for certification and the assigned investigator and/or designated staff assistants of such investigator.

(3) Disclosure. The information in the investigatory file shall be exempt from public disclosure and copying pursuant to RCW 42.17.310 (1)(d). In response to a public records request concerning material in an investigatory file made by someone other than the certificate holder or applicant, the assigned investigator in the office of the superintendent of public instruction shall notify the requestor that the existence of or material in an investigatory file, pursuant to RCW 42.17.310 (1)(d), is exempt from public disclosure.

(4) Retention and destruction. Investigatory files shall be retained and destroyed pursuant to the following policies:

(a) If an applicant or certificate holder receives written notice, pursuant to WAC 180-75-018, of denial for failure to possess good moral character or personal fitness or of cause for revocation, the investigatory file related thereto shall not be destroyed until such affected party reaches the age of seventy-five or until such time as the chief administrator for certification determines, with a high degree of certainty, that the information within such file would not be relevant to a subsequent application for or reinstatement of a certificate or a subsequent revocation action. An affected party may request the chief administrator of certification, once in each calendar year, to make such a determination and either to destroy his or her investigatory file or to advise the affected party of the reason or reasons for the decision to retain such file.

(b) In all other cases, investigatory files shall be destroyed no later than one year after the date of establishment unless the chief administrator for certification, prior to such date, determines that the information within such file is or might be relevant either for investigatory and/or adjudication purposes in a current or subsequent revocation investigation or action and, in which case, the investigatory file shall be destroyed ten years after the file has been closed, which for the purpose of this section means the last date upon which the file was reviewed for an investigatory purpose. An affected party may request the chief administrator of certification, once in each calendar year, to make a determination as to current or subsequent relevancy of the information within his or her file and either to destroy his or her investigatory file or to advise the affected party of the reason or reasons for the decision to retain such file.

READOPTED SECTION (Readopting Order 6-86, filed 6/10/86)

WAC 180-75-020 APPEAL—GENERAL. Any person who applies directly to the superintendent of public instruction for a certificate, particular endorsement, certificate renewal, or certificate reinstatement whose application is denied or any person who is notified that his or her certificate has lapsed or that his or her certificate will be revoked in thirty calendar days unless the decision is appealed shall be advised that he or she is entitled to appeal that decision to the superintendent of public instruction if he or she follows the procedures established in WAC 180-75-025 through 180-75-030: **PROVIDED,** That the appeal procedure may not be used to seek reinstatement of a certificate if that certificate has been revoked in the preceding twelve months by the superintendent of public instruction.

The appeal procedure to the superintendent of public instruction consists of two levels, one informal and one formal. The use of the informal level is a condition precedent to use of the formal level. In addition, the provisions of WAC 180-75-033 provide an additional appeal to the state board of education.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-025 APPEAL PROCEDURE—INFORMAL SPI REVIEW. Any person who appeals the decision to deny his or her application, the lapsing of his or her certificate pursuant to chapter 180-85 WAC or the proposed order to revoke his or her certificate must file a written notice with the superintendent of public instruction within thirty calendar days following the date of mailing from the section of

the superintendent of public instruction's office responsible for certification of the decision to deny the application, the lapsing of the certificate, or the proposed order to revoke his or her certificate.

The written notice must set forth the reasons why the appellant believes his or her application should have been granted or why his or her certificate should not be lapsed or revoked, whichever is applicable.

Following timely notice of appeal, the superintendent of public instruction shall appoint a review officer who shall be someone other than the person or persons who denied the application, approved the lapsing, or the proposed revocation initially and who is not a subordinate of such person.

The review officer shall:

(1) Review the application, notice of lapsing, or proposed revocation, whichever is applicable, and appeal notice and may request further written information including but not limited to an explanation from the person or persons who initially reviewed the application or decided to lapse the certificate or to issue the proposed order to revoke the certificate, whichever is applicable, of the reason(s) why the application was denied or the certificate was lapsed or should be revoked.

(2) If he or she deems it advisable, schedule an informal meeting of the appellant, the person or persons who denied the application, lapsed the certificate, or proposed to revoke the certificate initially, and any other interested parties designated by the reviewing officer to receive oral information concerning the application, lapsing, or revocation. Any such meeting must be held within thirty days of the date of receipt by the superintendent of public instruction of the timely-filed appeal notice.

(3) Send by certified mail a written decision—i.e., findings of fact and conclusions of law—on the appeal within forty-five days from the date of receipt of the timely-filed appeal notice by the superintendent of public instruction. The review officer may uphold, reverse, or modify the decision to deny the application, the lapsing of the certificate, or the proposed order to revoke the certificate.

(4) The timelines stated herein may be extended by the review officer for cause.

(5) Provided, that in the case of an action for revocation of a certificate, the review officer, if so requested by an appellant, shall delay any review under this section until all quasi-judicial administrative or judicial proceedings (i.e., criminal and civil actions), which the review officer and the appellant agree are factually related to the revocation proceedings, are completed, including appeals, if the appellant signs the agreement stated in WAC 180-75-026. In requesting such delay, the appellant shall disclose fully all pending quasi-judicial administrative proceedings in which the appellant is involved.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-026 AGREEMENT NOT TO CONTINUE OR ACCEPT EDUCATIONAL EMPLOYMENT. The agreement required for deferring revocation proceedings pursuant to WAC 180-75-025 shall read as follows:

"I,, have received notice that the office of superintendent of public instruction believes sufficient cause exists for the revocation of the following certificate(s):

- (1) Cert. No.
- (2) Cert. No.

As a condition to a delay in the hearing date, I agree not to commence or continue employment in any Washington public or private school or agency in a position requiring such certificate until the office of superintendent of public instruction dismisses the case without a hearing or until a hearing has been held and the final decision is rendered by the superintendent of public instruction. I further agree to advise the review officer assigned to my revocation proceedings, pursuant to WAC 180-75-025, of all decisions rendered in any administrative or judicial tribunal and all appeals therefrom which the review officer and I have agreed are factually related to the action to revoke my certificate(s). I understand my failure to abide by this agreement is an act of unprofessional conduct and, therefore, may be sufficient cause for revocation of my certificate(s)."

READOPTED SECTION (Readopting Order 6-86, filed 6/10/86)

WAC 180-75-027 WAIVER OF REQUIREMENT FOR TIMELY APPEAL. The requirements in this chapter for timely notice of appeal shall be waived if justifiable cause is established by the appellant, including failure to receive such notice without fault of the

appellant or a plausible reason by the appellant for failure to understand the nature of or the timelines within the received notice.

READOPTED SECTION (Readopting Order 6-86, filed 6/10/86)

WAC 180-75-030 APPEAL PROCEDURE—FORMAL SPI REVIEW PROCESS. (1) Any person who has filed an appeal in accordance with WAC 180-75-020 and desires to have the denial of his or her application, the lapsing of his or her certificate, or the proposed order to revoke his or her certificate reviewed further may do so. To instigate review under this section, a person must file a written notice with the superintendent of public instruction within thirty calendar days following the date of receipt of the review officer's written decision.

(2) For purposes of hearing an appeal under this section, the superintendent of public instruction shall conduct a formal administrative hearing in conformance with the Administrative Procedure Act, chapter 34.04 RCW. The superintendent of public instruction, in carrying out this duty, may contract with the office of administrative hearings pursuant to RCW 28A.03.500 to hear a particular appeal. Decisions in cases formally appealed pursuant to this section may be made by the administrative law judge selected by the chief administrative law judge if the superintendent of public instruction delegates this authority pursuant to RCW 28A.03.500.

(3) The decision of the superintendent of public instruction or the administrative law judge, whichever is applicable, shall be sent by certified mail to the appellant's last known address and if the decision is to revoke, the appellant shall be notified that such order took effect upon signing of the final order and that no stay of revocation shall exist pursuant to RCW 28A.70.170 until the filing of an appeal in a timely manner pursuant to WAC 180-75-033.

READOPTED SECTION (Readopting Order 6-86, filed 6/10/86)

WAC 180-75-033 APPEAL PROCEDURE TO SBE. Any person whose application has been denied for any reason or whose certificate has been lapsed or revoked by the superintendent of public instruction in accordance with the procedures of WAC 180-75-030 may appeal that decision to the state board of education by filing a notice of appeal with the superintendent of public instruction or the secretary of the state board of education within thirty calendar days of the date of mailing the final order by the superintendent of public instruction. Review by the state board of education shall be conducted as follows:

(1) Review shall be conducted by the state board of education at its next scheduled meeting following notice of appeal unless either the appellant or the superintendent of public instruction requests an extension of the review to the following next scheduled meeting.

(2) Review conducted by the state board of education shall be confined to the record, except that in cases of alleged irregularities in procedures before the superintendent of public instruction, not shown in the record, testimony thereon shall be taken before the state board of education.

(3) The record shall include written briefs submitted.

(4) Oral argument will be permitted if fifteen days advance notice is given to the secretary of the state board of education.

(5) The state board of education will be assisted in its deliberations and final order by an assistant attorney general who has not been involved in any prior proceeding related to the previous administrative order by the superintendent of public instruction.

(6) The state board of education may affirm the decision of the superintendent of public instruction, remand the matter for further proceedings, or reverse the decision.

(7) If the decision of the state board of education is to reverse the decision of the superintendent of public instruction or to remand the matter for further proceedings, the state board of education shall state its reasons in a written order.

(8) The final order of the state board of education shall be by written order, attested by the secretary of the state board of education, and sent to the appellant by certified mail within ten calendar days of the final decision by the state board of education.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-034 CERTIFICATE REVOCATION—INITIATION OF PROCEEDINGS. The initiation of revocation proceedings by the superintendent of public instruction shall commence as a result of the following:

(1) Whenever the superintendent of public instruction or the designated administrative officer of the superintendent of public instruction having responsibility for certification becomes aware from whatever source that a certificate holder has had a professional license revoked by a licensing agency or has been arrested for any felony offense included within WAC 180-75-081(1), the superintendent of public instruction or the designated administrative officer shall cause an investigation pursuant to WAC 180-75-035(1).

(2) In all other cases, the initiation of investigative proceedings pursuant to WAC 180-75-035(1) shall commence only upon receipt of a written complaint from a school district or educational service district superintendent or the chief administrative officer of an approved private school. Such written complaint shall state the grounds for revocation and summarize the factual basis upon which a determination has been made that an investigation by the superintendent of public instruction is warranted. The superintendent of public instruction shall provide the affected certificate holder with a copy of such written complaint.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-035 CERTIFICATE REVOCATION AND SUBSEQUENT REINSTATEMENT. The following shall apply to revocation and subsequent reinstatement:

(1) Revocation. Upon receipt of information of an arrest for any offense included within WAC 180-75-081(1) or a written complaint pursuant to WAC 180-75-034(2), that section within the office of the superintendent of public instruction having responsibility for certification shall investigate the complaint. If sufficient cause for revocation of the individual's certificate(s) is determined to exist, the section shall notify the holder by certified mail of its finding of sufficient cause in the form of a proposed order—i.e., findings of fact and conclusions of law—and shall further advise the holder of the appeal procedures specified in WAC 180-75-020, 180-75-030 and 180-75-033. The notice shall further specify that the superintendent of public instruction will sign the order after thirty calendar days from the date of mailing if the proposed order is not appealed.

(2) Reinstatement. In accordance with RCW 28A.70.180 an individual may become eligible to reinstate a certificate after a period of one calendar year from the date of revocation. The superintendent of public instruction or his or her designee shall consider the application of an individual whose certificate has been revoked and, based upon application and such other information as deemed appropriate, determine whether a certificate shall be reinstated.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-037 CERTIFICATE REVOCATION—GROUNDS FOR REVOCATION. The grounds for the revocation of professional education certificates are as follows:

(1) The lack of good moral character and/or personal fitness as defined in WAC 180-75-081.

(2) Unprofessional conduct, including the related acts of immorality, intemperance, and violation of written contract: PROVIDED, That until the state board of education adopts a code of professional conduct pursuant to WAC 180-75-199, the ground of unprofessional conduct shall be limited to civil acts expressly prohibited by law, including statutes, common law, and administrative rules of the state board of education: PROVIDED FURTHER, That unprofessional conduct shall not include matters related to employment with a particular public or private school employer, such as insubordination, violation of a collective bargaining act, or other employment related acts correctable by the employer or other civil remedies.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-038 DUTY OF EDUCATIONAL SERVICE DISTRICT SUPERINTENDENT TO INVESTIGATE COMPLAINTS. Each educational service district superintendent shall cause to be investigated all written and signed complaints from whatever source, that allege that a certificated education professional within his or her educational service district is not of good moral character or personal fitness as defined in WAC 180-75-081 or has committed an act of unprofessional conduct as defined in WAC 180-75-037. If the educational service district superintendent investigates and determines the facts are reliable and further investigation by the superintendent of

public instruction pursuant to WAC 180-75-035 is warranted, the educational service district superintendent shall forward the written complaint and the results of his or her investigation to the superintendent of public instruction: PROVIDED, That if the educational service district superintendent, after consultation with the assistant attorney general assigned to his or her educational service district, determines that the substance of the complaint would not constitute grounds for revocation if true, then such educational service district superintendent need not investigate the complaint: PROVIDED FURTHER, That if the educational service district superintendent receives a written assurance from the superintendent of public instruction, a district superintendent, or a chief administrative officer of an approved private school that such official is investigating or will investigate the same or a substantially similar complaint, the educational service district superintendent shall be deemed to have caused an investigation in compliance with this section.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-039 DUTY OF ESD SUPERINTENDENT, DISTRICT SUPERINTENDENT AND PRIVATE SCHOOL ADMINISTRATOR TO FILE COMPLAINTS. Whenever an educational service district superintendent, a district superintendent, or the chief administrative officer of an approved private school possesses sufficient reliable information to believe that a certificated employee within such district or approved private school is not of good moral character or personally fit or has committed an act of unprofessional conduct, such superintendent or chief administrative officer, within a reasonable period of time of making such determination, shall file a written complaint with the superintendent of public instruction: PROVIDED, That if an educational service district or school district is considering action to discharge an employee of such district, the educational service district or school district superintendent need not file such complaint until ten calendar days after making the final decision to serve or not serve formal notice of discharge.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-040 NOTIFICATION OF DENIAL, SURRENDER, LAPSING, OR REVOCATION OF CERTIFICATES. The superintendent of public instruction shall notify all other states whenever an applicant has been denied a certificate for failure to possess good moral character or personal fitness or whenever a certificate has been surrendered or revoked and shall provide the full name and certificate number, if applicable, to the agency responsible for certification in each state. The superintendent of public instruction shall notify appropriate public or private school officials within the state the name and certification number of all certificate holders' whose certificate(s) has been lapsed, surrendered, or revoked: PROVIDED, That such notification shall not be made prior to forty-five days after the final administrative order and shall not be made if a court order staying the denial, lapsing, or revocation is in effect.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-042 EMERGENCY SUSPENSION OF CERTIFICATE. Notwithstanding any other provision of this chapter, the superintendent of public instruction, pursuant to RCW 34.04.170(2), may emergency suspend a certificate if the superintendent of public instruction finds that the public health, safety, or welfare of students, colleagues, or the general public imperatively requires emergency action. In such cases, the holder of the certificate who is subjected to emergency suspension of his or her certificate shall have the right to commence an informal review of such action pursuant to WAC 180-75-025 within forty-eight hours of filing a notice of appeal with the superintendent of public instruction or, if applicable, to sign an agreement pursuant to WAC 180-75-026. If such an agreement is signed or, if not, unless the review officer sustains the emergency action of the superintendent of public instruction within seven calendar days of the filing of the notice of appeal, the emergency suspension shall be void.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-043 UNPROFESSIONAL CONDUCT FOR FAILURE TO FILE A COMPLAINT. The intentional failure of an educational service district superintendent, a district superintendent, or a chief administrator of a private school to file a complaint pursuant to WAC 180-75-039 is an act of unprofessional conduct and may be

sufficient cause for revocation of such person's professional education certificate.

READOPTED SECTION (Readopting Order 14-87, filed 12/21/87)

WAC 180-75-044 UNPROFESSIONAL CONDUCT FOR MISREPRESENTATION OF FACTS. The intentional misrepresentation of material facts in an application for certification, reinstatement thereof, endorsement thereon, or continuing education related thereto is an act of unprofessional conduct and may be sufficient cause for the revocation of such person's professional education certificate.

READOPTED SECTION (Readopting Order 14-87, filed 12/21/87)

WAC 180-75-045 CERTIFICATE VALIDITY. Any certificate issued pursuant to chapters 180-77 or 180-79 WAC or previous standards of the state board of education shall entitle the holder thereof to be employed by a public or nonpublic school for the performance of duties encompassed by the type of certificate as specified in WAC 180-75-055, if such certification is required by statute or rules of the state board of education, until such certificate expires, lapses, or is revoked.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-047 UNIFORM EXPIRATION DATE. All certificates issued for one or more stated years shall expire on August 31 of the stated year and shall be calculated as follows:

(1) Certificates issued prior to October 1 of a calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the same calendar year regardless of the date of issuance.

(2) Certificates issued October 1 or later in the calendar year shall have the expiration date of the certificate calculated on the basis such certificate was issued on September 1 of the next calendar year regardless of the date of issuance.

(3) All such certificates issued prior to the effective date of this section and scheduled to expire prior to August 31 of a given year, regardless of such stated expiration date, shall be valid until August 31 of the stated year of expiration.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-048 VALIDITY DATE. The validity date of a certificate or permit shall be the actual date of issuance.

READOPTED SECTION (Readopting Order 8-80, filed 6/2/80)

WAC 180-75-050 CERTIFICATE REQUIRED. Persons serving as teachers in public or private schools or as principals or educational staff associates in public schools and in vocational positions as established by chapter 180-77 WAC shall hold certificates authorized by the state board of education for service in the respective roles.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-055 TYPES OF CERTIFICATES. Four types of certificates shall be issued:

(1) Teacher. The teacher certificate, including alien permits as provided in chapter 392-193 WAC, authorizes service as a classroom teacher.

(2) Administrator.

(a) The administrator certificate endorsed "principal" authorizes services as a building administrator or vice principal.

(b) The administrator certificates endorsed "superintendent" or "program administrator" will be issued to persons who meet state board of education certification standards for service in the roles of superintendent or program administrator.

(3) Educational staff associate. The educational staff associate certificate authorizes service in endorsed roles of communication disorders specialists, counselors, school nurses, occupational therapists, physical therapists, psychologists, social workers, and reading resource specialists: PROVIDED, That nothing within chapter 180-79 WAC authorizes professional practice by an educational staff associate which is otherwise prohibited or restricted by any other law, including licensure statutes and rules and regulations promulgated by the appropriate licensure board or agency.

(4) Vocational. The vocational certificate authorizes service in vocational instruction in accordance with the provisions of chapter 180-77 WAC.

READOPTED SECTION (Readopting Order 10-78, filed 9/1/78)

WAC 180-75-060 **CERTIFICATE REPLACEMENT.** The superintendent of public instruction shall issue a replacement certificate to any person who files an application, pays the appropriate certification fee, and verifies by signature that the original certificate has been lost or destroyed or that a legal name change has occurred.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-061 **APPLICATION FOR CERTIFICATION.** An individual who applies for a Washington state certificate, unless seeking reinstatement pursuant to WAC 180-75-087 or renewal pursuant to WAC 180-75-088, must meet the standards in effect at the time of application. Effective August 31, 1993, unless the candidate is applying for a limited certificate pursuant to WAC 180-79-230, an initial certificate pursuant to the reciprocity provisions of WAC 180-79-245, or a vocational certificate pursuant to WAC 180-77-040 or 180-77-095 or unless the candidate holds a valid Washington state certificate, the candidate must have passed the applicable parts of the admission to practice examination within one calendar year of the date of application.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-065 **FEE FOR CERTIFICATION.** (1) In accordance with provisions of RCW 28A.70.110 and 28A.71.100, the fee for certificates which are valid for more than one year, issued by authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be as follows:

- (a) The continuing certificate is seventy dollars;
- (b) The reinstatement, additional endorsement on the certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is fifteen dollars; and
- (c) Any other certificate or credential or any renewal thereof shall be five dollars for each year of validity;
- (d) **PROVIDED,** That the fee for all vocational certificates shall be one dollar.

(2) The fee for any other certificate/credential, or for any renewal thereof, issued by the authority of the state of Washington and authorizing the holder to serve in the common schools of the state, shall be five dollars.

(3) Officials authorized to collect certification fees are educational service district superintendents, local school district superintendents, deans and directors of education at colleges and universities, and designees of program units. The fee must accompany the application for a certificate and shall be transmitted by the receiving district, college or university, or program unit designee at least quarterly to the educational service district within which the application is filed for disposition in accordance with provisions of RCW 28A.70.110. The fee shall not be refunded unless the application is withdrawn before it is finally considered (i.e., the issuance of a certificate or a written communication denying such issuance) by the superintendent of public instruction or his or her designee. Fees not refunded shall apply as a credit to a reapplication for the same or one or more other certificates if such applicant reapplies within twenty-four months of the date of denial. Moneys accrued from certification fees within the boundaries of an educational service district shall be divided in the following manner:

(a) Local school districts employing more than one hundred teachers and other professional staff and collecting certification fees may retain one dollar of each fee in order to hold a professional training institute. If such district does not hold an institute all such moneys shall be placed to the credit of the educational service district.

(b) No less than fifty percent of the funds accruing within the boundaries of an educational service district shall be used to support program activities related to state-wide precertification professional preparation and evaluation.

(c) The remaining funds shall be used to support professional inservice training programs and evaluations thereof.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-070 **USE OF FEE FOR CERTIFICATION.** (1) Certification fees will be used solely for precertification professional

preparation, professional inservice training programs, teachers' institutes and/or workshops, and evaluations thereof in accordance with this chapter.

(2) Precertification professional preparation:

(a) A subcommittee of the state professional education advisory committee as established in WAC 180-78-015 shall assist the superintendent of public instruction in administration of precertification program funds by annually establishing priorities and procedures for distribution of funds available for precertification activities. The primary utilization shall be to support collaborative efforts essential to program development, program evaluation, and assessment of candidates' entry and exit competency.

(b) Funds set aside for precertification shall not supplant funds already available to any participating agency.

(c) A single educational service district shall be designated to administer the funds allocated for precertification programs. The designated educational service district shall be permitted to retain up to five percent of the precertification fees for costs related to administering these funds.

(d) Each quarter every educational service district shall forward the moneys designated for precertification programs to the educational service district designated to administer such programs.

(3) Professional inservice training programs and teachers' institutes and/or workshops:

(a) Each educational service district, or cooperative thereof as specified in subparagraph (d) of this subsection, shall establish an inservice committee composed of an educational service district representative; at least one district superintendent; one principal; one educational staff associate; one elementary, one junior high and one senior high teacher; one representative from the elementary or secondary level of private schools within the educational service district; and one representative selected by the chief administrative officer responsible for professional education from a college/university having a state board of education approved teacher education program. Teacher representatives shall be selected by agreement among the presidents of the local education associations within the respective educational service district or cooperative thereof.

(b) The educational service district representative shall serve as chairperson of the inservice committee and provide liaison with the superintendent of public instruction and the state board of education.

(c) The inservice committee will be responsible for coordinating inservice/staff development model programs within the educational service district and shall submit to the superintendent of public instruction and the state board of education a plan for soliciting and selecting model programs which shall include procedures for conducting needs assessments, determining priorities and carrying out program evaluation.

(d) Cooperative agreements may be made among educational service districts to provide quality inservice education programs.

(e) Funds designated for inservice programs shall not supplant funds already available for such programs.

(4) Allowable expenditures. Funds may be used to support costs related to training, such as the payment of professional contractual services, per diem, travel costs, materials, printing, or released time. Nonallowable costs are college/university tuition and fees.

(5) Annual reporting. The superintendent of public instruction shall prepare and present to the state board of education an annual report concerning the use of certification fees for precertification and inservice activities.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-080 **CITIZENSHIP REQUIREMENTS—EXCEPTIONS.** Except as provided in chapter 392-193 WAC, no person who is not a citizen of the United States of America shall be certified to teach in the common schools of this state.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-081 **GOOD MORAL CHARACTER AND PERSONAL FITNESS—DEFINITION.** As used in this chapter, the terms "good moral character and personal fitness" means character and personal fitness necessary to serve as a certificated employee in schools in the state of Washington, including character to have contact with and to teach children and personal fitness necessary to perform supervision of children and includes the following:

- (1) No conviction of any felony crime involving:
 - (a) Physical neglect of children;

(b) The physical injury of children, excepting motor vehicle violations; and

(c) The sexual abuse of children.

Provided, that the general classes of felony crimes referenced within (a) and (b) of this subsection shall be limited in application to felony crimes in the state of Washington and equivalent federal and crimes in other states committed against children and which, in fact, caused bodily harm to such children greater than transient pain or minor temporary marks; provided further, that the general class of felony crime referenced within (c) of this subsection shall be limited in application to felony crimes in the state of Washington and equivalent federal and crimes in other states committed against children.

(2) No conviction of any crime within the last ten years, including motor vehicle violations, which would materially and substantially impair the individual's worthiness and ability to serve as a professional within the public and private schools of the state. In determining whether a particular conviction would materially and substantially impair the individual's worthiness and ability to practice, the following considerations shall be weighed:

(a) Age and maturity at the time the criminal act was committed;

(b) The degree of culpability required for conviction of the crime and any mitigating factors, including motive for commission of the crime;

(c) The classification of the criminal act and the seriousness of the actual and potential harm to persons or property;

(d) Criminal history and the likelihood that criminal conduct will be repeated;

(e) The permissibility of service as a professional educator within the terms of any parole or probation;

(f) Proximity or remoteness in time of the criminal conviction;

(g) Any evidence offered which would support good moral character and personal fitness; and

(h) If this section is applied to a person certified under the laws of the state of Washington in a revocation action, the effect on the education profession, including any chilling effect shall be weighed.

(3) No serious behavioral problems which endanger the educational welfare or personal safety of students, teachers, or other colleagues within the educational setting.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-082 GOOD MORAL CHARACTER AND PERSONAL FITNESS—NECESSARY SUPPORTING EVIDENCE BY APPLICANTS. All applicants for certification shall submit the following:

(1) An affidavit from the applicant indicating that he or she has not been convicted of any crime or a complete disclosure of all arrests and subsequent dispositions of such arrests. In the event of a conviction for any arrest, the applicant shall state reasons why such conviction does not reflect adversely on the requirement to possess good moral character and be personally fit.

(2) An affidavit from the applicant that he or she has no history of serious behavioral problems or a complete disclosure of the nature and status of all such problems, including the names and addresses of health practitioners who have treated the applicant within the past ten years and an executed consent form permitting the superintendent of public instruction to contact and consult with such health practitioners and for such health practitioners to fully disclose medical information related to such behavioral problems.

(3) An affidavit from the dean of the college or school of education or one or more officials designated by such dean, or, if none, by the college or university president, where the applicant completed his or her approved preparation program, that indicates that a designated college or university official has contacted several faculty members who personally know or knew the applicant and has no knowledge that the applicant has been convicted of any crime and has no knowledge that the applicant has a history of any serious behavioral problems or a statement from such affiant of the reasons why it is not possible to make such an affidavit.

(4) Provided, that, if the affidavit described in subsection (3) of this section is impossible or impractical to obtain, the applicant shall submit to the superintendent of public instruction the following:

(a) A statement as to why it is impossible or impractical to secure the affidavit required by subsection (3) of this section;

(b) A complete employment history, including the names, addresses, and phone numbers of the immediate supervisor of such applicant when an employee; and

(c) The names, addresses, and phone numbers of three character references who are not related to the applicant.

(5) If the applicant holds or has held a professional certificate in any other state, such applicant shall prepare one of the following affidavits for each such state:

(a) An affidavit that such certificate has not been suspended, surrendered, or revoked. Such affidavit shall be forwarded to the licensing agency in such state with a request that such affidavit be verified and forwarded directly to the superintendent of public instruction.

(b) An affidavit which shall fully disclose the reasons for the suspension, surrender, or revocation of the certificate. Such affidavit shall be submitted directly to the superintendent of public instruction.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-083 GOOD MORAL CHARACTER AND PERSONAL FITNESS—CONTINUING REQUIREMENT. The good moral character and personal fitness requirement of applicants for certification under the laws of the state of Washington is a continuing requirement for holding a professional educational certificate under regulations of the state board of education.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-084 GOOD MORAL CHARACTER, PERSONAL FITNESS, AND UNPROFESSIONAL CONDUCT—BURDEN AND STANDARD OF PROOF. The following burden and standard of proof shall be applicable for denial and revocation of a certificate for failure to meet the requirement to possess good moral character and personal fitness:

(1) If an application for certification or reinstatement has been denied by the superintendent of public instruction, the evidence submitted by the applicant must prove by clear and convincing evidence that he or she is of good moral character and personal fitness or the application will be denied.

(2) In a revocation proceeding, the superintendent of public instruction must prove by clear and convincing evidence that the certificate holder is not of good moral character or personal fitness or has committed an intentional act which constitutes unprofessional conduct.

READOPTED SECTION (Readopting Order 11-89, filed 5/31/89)

WAC 180-75-085 GENERAL REQUIREMENTS—TEACHERS, ADMINISTRATORS, EDUCATIONAL STAFF ASSOCIATES. The following requirements are to be met by candidates for certification as teachers, administrators, or educational staff associates:

(1) Age. No person who is less than eighteen years of age shall receive a certificate to serve in the public or nonpublic schools of Washington state.

(2) Character. Applicants for certificates in Washington state who are not holders of a valid Washington state teacher's, administrator's, educational staff associate's, or vocational certificate must give evidence of good moral character and personal fitness as specified in WAC 180-75-082 and must make arrangements with the Washington state patrol for a background check as required by RCW 28A.70.005: PROVIDED, That applicants for vocational teaching certificates who do not make such an arrangement with the state patrol shall have placed on such certificates by the superintendent of public instruction a provision which restricts the certificate holder to the teaching of vocational technical institute students who are sixteen years of age or older.

(3) Academic. A candidate for certification shall have successfully completed an approved professional preparation program within the state of Washington and hold appropriate degrees, licenses, and additional course work as prescribed in chapter 180-79 WAC or have qualified under WAC 180-79-245.

(4) Program completion. A candidate for an initial or continuing certificate shall provide verification that he or she has completed an approved professional preparation program.

Subsections (3) and (4) of this section shall not apply to vocational or limited certificates. Vocational certificates are issued under academic and experience requirements set forth in chapter 180-77 WAC. Limited certificates are issued pursuant to WAC 180-79-230.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-086 VOLUNTARY SURRENDER OF CERTIFICATES. A holder of a certificate who has not received notice of sufficient cause for revocation of his or her certificate pursuant to WAC

180-75-035 may voluntarily surrender his or her certificate to the superintendent of public instruction if the certificate holder believes that he or she is or might be ineligible to hold a certificate for any reason which is or might constitute grounds for revocation of the certificate other than conviction of a felony crime stated within WAC 180-75-081(1).

A certificate holder voluntarily surrendering a certificate shall provide the superintendent of public instruction the following affidavit:

"I,, have reason to believe that I am or might be ineligible to hold a certificate(s) for reasons which do or might constitute grounds for revocation of the certificate(s). Accordingly, I hereby voluntarily surrender the following certificate(s):

- 1. Cert. No.
- 2. Cert. No.

I have not been to the best of my knowledge convicted of any felony crime listed within WAC 180-75-081(1).

I agree, if I request reinstatement of the certificate(s) I have voluntarily surrendered, to provide the superintendent of public instruction with an affidavit describing in full the reasons for my voluntary surrender of the certificate(s) listed above. I further understand that the superintendent of public instruction will notify other states and public and private school officials within the state of Washington that I have voluntarily surrendered my certificate(s)."

Upon request for reinstatement of such certificate, the applicant must comply with WAC 180-75-087 and, in addition, must disclose in full the reasons for the voluntary surrender of the certificate. In the event, if the surrendered certificate would have expired or lapsed but for the surrendering of the certificate, the applicant must meet all requirements for reinstating an expired or lapsed certificate.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-087 REINSTATEMENT OF CERTIFICATES. Only a continuing certificate may be reinstated. A holder of a lapsed, surrendered, or revoked continuing professional certificate at the time of application for reinstatement of such certificate must submit the following:

- (1) Character evidence as required by WAC 180-75-085(2) for candidates for certification.
- (2) An affidavit that he or she has not intentionally and knowingly practiced with an expired, lapsed, surrendered, or revoked certificate in a professional position for which certification is required under the rules of the state board of education or the submission of a statement why such practice, if conducted, should not reflect on such applicant's good moral character or personal fitness at the time of application.
- (3) In accordance with RCW 28A.70.180, a revoked certificate may not be reinstated within one calendar year from the date of revocation.
- (4) PROVIDED, That no certificate may be reinstated if more than five calendar years has passed since the date of lapsing, surrender, or revocation; however, such applicants may apply pursuant to WAC 180-75-061 for a new certificate under standards in effect at the time of application.
- (5) PROVIDED FURTHER, That notwithstanding any regulation to the contrary, any person whose Washington state initial or provisional certificate has expired for any reason may apply prior to August 31, 1990, and be issued an initial certificate under the rules in effect at the time of application upon submission of the following:

- (a) The character evidence required in subsection (1) of this section.
- (b) The affidavit or statement required in subsection (2) of this section.
- (c) Evidence of completion of fifteen quarter hours (ten semester hours) of course work at an accredited college or university within the seven years prior to the application for reinstatement.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-088 RENEWAL OF CERTIFICATE. A holder of a certificate subject to expiration may renew such certificate subject to the rules in effect at the time of such renewal. If such certificate has expired, the candidate may apply for a new certificate pursuant to WAC 180-75-061.

READOPTED SECTION (Readopting Order 25-88, filed 12/14/88)

WAC 180-75-090 TEMPORARY PERMITS. Temporary permits may be issued by the superintendent of public instruction under the following conditions:

- (1) Temporary permits may be issued under this section to those persons who have filed an application for a certificate; who, based on available documentation, including affidavits or other evidence that appears reliable which substantiates the existence of missing documentation, appear to have completed all requirements for certification; and who do not disclose any information which indicates that such applicant fails to meet the character requirement of WAC 180-75-085(2).
- (2) An individual may apply for a permit directly to the superintendent of public instruction: PROVIDED, That in the case of an individual completing requirements for certification in a Washington state institution of higher education the request may also be made to that institution.
- (3) A permit entitles the holder to serve as a teacher, educational staff associate or administrator consistent with the endorsement(s) on his/her permit.
- (4) A permit is valid for one hundred twenty consecutive calendar days commencing with the date following the date of issuance unless prior to such date the superintendent of public instruction determines the applicant is ineligible to receive a valid certificate or endorsement. In such cases, the temporary permit shall expire on the date notice of cancellation is received by the applicant and/or the employer. The temporary permit may be reissued only upon demonstration that the applicant has made a good faith effort to secure the missing documentation.
- (5) Issuing authority. The superintendent of public instruction either directly or through a designated agent shall issue all permits and provide institutions of higher education with forms and instructions relevant to application for a permit.

READOPTED SECTION (Readopting Order 14-87, filed 12/21/87)

WAC 180-75-091 AFFIDAVITS FROM APPLICANTS. An individual's application for certification shall be signed under oath that the statements therein are true and correct. The application if notarized by a notary public must conform with the formalities prescribed in RCW 9A.72.085. In addition, the application shall state that any knowingly false statement therein is punishable under perjury laws of the state of Washington.

READOPTED SECTION (Readopting Order 14-87, filed 12/21/87)

WAC 180-75-092 OTHER AFFIDAVITS FROM APPLICANTS AND CERTIFICATE HOLDERS. Whenever this chapter requires an applicant or certificate holder to file an affidavit, it shall be in the same form as required by WAC 180-75-091.

READOPTED SECTION (Readopting Order 8-80, filed 6/2/80)

WAC 180-75-100 CERTIFICATION OF OUT-OF-STATE TRAINED EDUCATIONAL PERSONNEL—INTERSTATE EDUCATIONAL PERSONNEL CONTRACTS. The superintendent of public instruction is authorized to enter into interstate educational personnel contracts with states party to the interstate agreement on qualifications of educational personnel in accordance with provisions of RCW 28A.93.010 and 28A.93.020 which authorize on an interstate basis Washington state certification of persons of other states having preparation and qualifications comparable even though not identical to Washington state board of education standards.

READOPTED SECTION (Readopting Order 2-87, filed 4/3/87)

WAC 180-75-199 CODE OF PROFESSIONAL RESPONSIBILITY FOR CERTIFICATED EDUCATIONAL PROFESSIONALS. The state board of education acknowledges that RCW 28A.70-.160 permits the revocation of certificates for unprofessional conduct and certain related acts—i.e., immorality, intemperance, and violation of written contract—some of which are included within the concept of unprofessional conduct. Therefore, the state board of education directs the superintendent of public instruction to appoint and provide necessary staff assistance to an advisory committee, described below, which shall have the responsibility to draft a code of professional conduct for certified educational professions and to present such code, including minority recommendations, to the state board of education in the form of proposed regulations no later than January, 1989. In addition to the

responsibility for a code of professional responsibility, the advisory committee shall examine the desirability of establishing sanctions other than revocation, such as suspension and letters of reprimand, and the desirability of providing for professional and lay involvement in the administration of such code. Prior to making appointments to the advisory committee created by this section, the superintendent of public instruction shall consult with one or more officers within recognized professional and other educational organizations regarding possible appointments to the advisory committee. Such advisory committee shall consist of the following:

- (1) Four classroom teachers, one of which shall be a private school teacher.
- (2) Two educational staff associates.
- (3) Three principals.
- (4) One program director.
- (5) One superintendent.
- (6) One school board member.
- (7) One parent.

WSR 89-17-108

PROPOSED RULES

LOTTERY COMMISSION

[Filed August 22, 1989, 4:22 p.m.]

Original Notice.

Title of Rule: Definitions, amending WAC 315-02-220; definitions, amending WAC 315-10-020; and instant games criteria, amending WAC 315-10-030.

Purpose: WAC 315-02-220 and 315-10-020, to clarify that instant tickets which are distributed in media promotions and incentive programs are included in the definition of ticket; WAC 315-10-030, to delete previously bracketed material from rule and to clarify that the price of tickets distributed to the public in media promotions and retailer incentive programs is excepted from the amounts set forth in the rule.

Statutory Authority for Adoption: RCW 67.70.040.

Statute Being Implemented: RCW 67.70.040.

Summary: See above.

Reasons Supporting Proposal: WAC 315-02-220 and 315-10-020, this amendment is necessary to clarify the definition of ticket; and the lottery transfers tickets to certain media and retailers in return for sales promotions and advertising. These retailers and media distribute the tickets to the public without charge and it is necessary that it be made clear that the price of these tickets is excepted from the rule restrictions.

Name of Agency Personnel Responsible for Drafting: Judith Giniger, Licensing/Contracts Manager, Olympia, (206) 586-1088; Implementation and Enforcement: Evelyn Y. Sun, Director, Olympia, (206) 753-3330.

Name of Proponent: Washington State Lottery Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 315-02-220 and 315-10-020, this amendment is necessary to clarify that tickets distributed to the public in media promotion and retailer incentive programs are included in the definition of ticket; and WAC 315-10-030, the lottery transfers instant tickets to lottery retailers and media in exchange for sales promotions and advertising. In turn, the retailers and media distribute the tickets to the public without charge. The

amendment makes it clear that the price of such tickets is excepted from the price restriction in the rule.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Cavanaugh's In The Park, Canon Hill Room, West 303 North River Drive, Spokane, WA 99201, on October 6, 1989, at 10:00 a.m.

Submit Written Comments to: Judith Giniger, Washington State Lottery, P.O. Box 9770, Olympia, Washington 98504-9770, by October 6, 1989.

Date of Intended Adoption: October 6, 1989.

August 21, 1989

Evelyn Y. Sun

Director

AMENDATORY SECTION (Amending Order 3, filed 10/15/82)

WAC 315-02-220 TICKET DEFINED. "Ticket" means a lottery ticket or share issued by the director for sale to the general public or for use in authorized media promotions and authorized retailer incentive programs.

AMENDATORY SECTION (Amending Order 83, filed 12/16/85)

WAC 315-10-020 DEFINITIONS. (1) Ticket. The ticket purchased for participation in an instant game and any ticket used in authorized media promotions and authorized retailer incentive programs for an instant game.

(2) Instant game. A game in which a ticket is purchased and upon removal of a latex covering on the front of the ticket, the ticket bearer determines his or her winnings, if any.

(3) Ticket bearer. The person who has signed the ticket or has possession of the unsigned ticket.

(4) Play symbols. The numbers or symbols appearing in the designated areas under the removable covering on the front of the ticket. Play symbols were formerly called play numbers. Both terms shall have the same meaning.

(5) Validation number. The multi-digit number found on the ticket and on any ticket stub. There must be a validation number on the ticket or any stub.

AMENDATORY SECTION (Amending Order 111, filed 8/11/88)

WAC 315-10-030 INSTANT GAMES CRITERIA. (1) The price of an instant game ticket shall not be less than \$1.00 and not more than \$5.00, except for those tickets used in authorized media promotions and authorized retailer incentive programs.

(2) Winners of an instant game are determined by the matching or specified alignment of the play numbers on the tickets. The ticket bearer must notify the lottery of the win and submit the winning ticket to the lottery as specified by the director. The winning ticket must be validated by the lottery through use of the validation number and/or any other means as specified by the director.

(3) The total of all prizes available to be won in an instant game shall not be less than forty-five percent of the instant game's projected revenue.

(4) The instant game shall pay out both lower tier prizes and higher tier prizes. Lower tier prizes are of \$25.00 or less. Higher tier prizes are of more than \$25.00. The director shall determine the number of lower and higher tier prizes.

(5) The start date and closing date of the instant game shall be publicly announced. Lottery retailers shall not sell any tickets prior to the start date of a game unless expressly authorized by the director. (~~Lottery retailers shall not sell any tickets prior to the start date of a game unless expressly authorized by the director.~~) Lottery retailers may continue to sell tickets for each instant game for up to 14 days after the official end of game as authorized by WAC 315-10-060.

(6) There is no required frequency of drawing or method of selection of a winner in an instant game.

(7) At the director's discretion, an instant game may include a grand prize drawing(s). The criteria for the grand prize drawing shall be as follows:

WSR 89-17-109
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed August 23, 1989, 8:02 a.m.]

(a) Finalists for a grand prize drawing shall be selected in an elimination drawing(s) from redeemed tickets meeting the criteria stated in specific game rules as determined by the director. Participation in the elimination drawing(s) shall be limited to such tickets which are actually received and validated by the director on or before a date to be announced by the director. The director may reserve the right to place any semi-finalist whose entry was not entered in the elimination drawing(s) and who is subsequently determined to have been entitled to such entry into an elimination drawing of a subsequent instant game, and the determination of the director shall be final.

(b) The number of prizes and the amount of each prize in the grand prize drawing(s) shall be determined by the director to correspond with the size and ((the)) length of the instant game and to comply with ((subsection) (3) [of this section] [above])) subsection (3) of this section.

(c) The dates and times as well as the procedures for conducting the elimination drawing and grand prize drawing shall be determined by the director.

(8) Procedures for claiming instant ((game)) game prizes are as follows:

(a) To claim an instant game prize of \$25.00 or less, the claimant shall present the apparent winning ticket to the lottery retailer from whom the ticket was purchased. The lottery retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. In the event the lottery retailer cannot verify the claim, the claimant shall fill out a claim form, as provided in WAC 315-06-120, which shall be obtained from the lottery retailer and present the completed form, together with the disputed ticket to the director. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(b) To claim an instant game prize of more than \$25.00 through \$600.00 the claimant either may present the apparent winning ticket to a lottery retailer included in the computer validation system, regardless where the ticket was purchased, or may complete a claim form, as provided in WAC 315-06-120, which is obtained from a lottery retailer or the director and mail the completed form together with the apparent winning ticket to the director. When the retailer is presented with a claim under this section, the retailer shall verify the claim and, if acceptable, make payment of the amount due the claimant. The prizes shall be paid during all normal business hours of that retailer provided that claims can be validated on the computer validation system. The retailer shall not charge the claimant any fee for payment of the prize or for cashing a business check drawn on the retailer's account. In the event the retailer cannot verify the claim, the claimant shall present a claim to the director. If the claim is validated by the director, a check shall be forwarded to the claimant in payment of the amount due. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(c) To claim an instant prize of ((for more)) more than \$600.00, the claimant shall complete a claim form, as provided in WAC 315-06-120, which is obtained from the lottery retailer or the director and mail the completed form together with the ((apparent)) apparent winning ticket to the director. Upon validation by the director, a check shall be forwarded to the claimant in payment of the amount due, less any applicable federal income tax withholding. In the event that the claim is not validated by the director, the claim shall be denied and the claimant shall be promptly notified.

(d) To claim an instant prize pursuant to WAC 315-10-070(2), the claimant shall notify the lottery of the claim and request reconstruction of the ticket not later than one hundred eighty days after the official end of that instant game. If the director authorizes reconstruction, the ticket shall not be validated nor the prize paid prior to the one hundred eighty-first day following the official end of that instant game. A ticket(s) validated pursuant to WAC 315-10-070(2) shall not entitle the claimant entry into the grand prize drawing, if any, for that or any subsequent instant game.

(e) Any ticket not passing all the validation checks specified by the director is invalid and ineligible for any prize and shall not be paid. However, the director may, solely at his or her option, replace an invalid ticket with an unplayed ticket (or tickets of equivalent sales price from any other current game). In the event a defective ticket is purchased, the only responsibility or liability of the director shall be the replacement of the defective ticket with another unplayed ticket (or tickets of equivalent sale price from any other current game).

Original Notice.

Title of Rule: WAC 326-02-030 Definitions; and WAC 326-20-081 Intertwinement.

Purpose: This proposed rule is intended to guide OMWBE in weeding out businesses that are not actually owned and controlled by a minority or woman.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: RCW 39.19.120, 39.19.140 and 39.19.030 (5), (6), (9) and (10).

Summary: Businesses that not independent from non-MWBE businesses can be more easily identified by this intertwinement rule.

Reasons Supporting Proposal: MWBEs should be independent businesses that are operating without ownership and control from non-MWBEs, in order to be eligible for assistance.

Name of Agency Personnel Responsible for Drafting: Theresa Fricke, AAG, 7th Floor, Highways-Licenses Building, 586-3756; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9693.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: OMWBE is required by chapter 39.19 RCW to conduct a certification program. Businesses should only be eligible for certification if they are actually owned and controlled by a minority or woman. This rule will assist OMWBE in identifying and weeding out businesses who seek certification without being independent of a business operated by a non-MWBE.

Proposal Changes the Following Existing Rules: The change is an elaboration of the ownership and control requirements already listed in chapters 326-02 and 326-20 WAC.

Small Business Economic Impact Statement: Although this proposed rule is an elaboration on currently existing "ownership" and "control" requirements, it more carefully pinpoints the problem of intertwinement. For this reason, there is a potential impact on small businesses that seek certification or are now certified under chapter 39.19 RCW. OMWBE does not have data that would show whether more than 20 percent of all industries or more than 10 percent of any one industry is impacted by this regulation. OMWBE does not have data from which to make relevant cost comparisons under RCW 19.85.040. Any effect on small business seems negligible, because ownership and control are currently listed as requirements for certification.

Hearing Location: City of Yakima Council Chambers, 129 North Second, Yakima, WA 98901, on October 24, 1989, at 7:00 p.m.; and at City of Spokane Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99202, on October 25, 1989, at 7:00 p.m.; and at

Franklin County PUD, 1411 West Clark, Pasco, WA 99301, on October 26, 1989, at 7:00 p.m.; and at City of Vancouver Council Chambers, 210 East 13th Street, 13th and Broadway, Vancouver, WA 98668, on November 2, 1989, at 7:00 p.m.; and at Skagit County Administration Building, First Floor, Hearing Room C, 2nd and Kincaid, Mount Vernon, WA 98273, on November 9, 1989, at 7:00 p.m.; and at House of Representatives, Hearing Room A, John O'Brien Building, 504 15th Avenue, Olympia, WA 98504, on November 14, 1989, at 7:00 p.m.; and at Gatzert Elementary School, 1301 East Yesler Way, Seattle, WA 98122, on November 15, 1989, at 7:00 p.m.; and at Tacoma Municipal Building, City Council Chambers, 747 Market Street, Tacoma, WA 98402, on November 16, 1989, at 7:00 p.m.

Submit Written Comments to: OMWBE, 406 South Water, Olympia, WA 98504-4611, by November 21, 1989.

Date of Intended Adoption: December 1, 1989.

August 22, 1989

James A. Medina
Director

NEW SECTION

WAC 326-20-081 **INTERTWINEMENT** To be eligible for certification, a firm must be independent. Significant intertwinement with a noncertified firm may be grounds for denial or decertification of a firm. The Office will determine whether a firm is significantly intertwinement with a noncertified firm by looking for factors which include, but are not limited to, the following: (1) shared ownership, (2) common directors or partners, (3) shared equipment, facilities, resources, or employees, (4) beneficial financial arrangements which indicate less than arms length transactions with a noncertified firm, (5) overdependency on a noncertified firm to obtain and perform work, (6) such an identity of interest exists between the firm seeking certification and a noncertified firm that an affiliation may be presumed, (7) the degree to which financial, equipment, leasing, business and other relationships with noncertified firms vary from normal industry practice.

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

AMENDATORY SECTION (Amending Order 88-5, filed 5/31/88)

WAC 326-02-030 **DEFINITIONS.** Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by this office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by this office. The owners must be United States citizens or lawful permanent residents.

(4) "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor.

(a) For purposes of certification, factors which may be considered in determining whether a business is or will be performing a commercially useful function include, but are not limited to, the following:

(i) Whether the business is or will be responsible for executing a distinct element of work in the performance of a contract; and

(ii) Whether principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible; and

(iii) Whether the business could be considered a "conduit," "front," or "pass-through" as defined in this section; and

(iv) Whether the minority and/or women owner(s) has the skill and expertise to perform the work for which the business is being, or has been certified.

(b) The manner in which a supplier does business will be examined by the office for purposes of certification and may be considered by state agencies and educational institutions in awarding a contract. Factors in addition to those in (a) of this subsection which indicate that a supplier is performing a commercially useful function include, but are not limited to, the following:

(i) It either assumes the actual and contractual responsibility for furnishing goods or materials and executes material changes in the configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials; or

(iii) Before submitting the certification application, it has secured a contract or distributor agreement with a manufacturer to act as an authorized representative, and can pass on product warranties to the purchaser; and

(iv) Performs a distinct element of work in a manner that is consistent with common industry practice. Factors which may indicate that a firm is not performing a commercially useful function include, but are not limited to, the following:

(A) A minimum amount of inventory is not maintained;

(B) Billing and shipping arrangements are performed by nonowners or staff of nonowners;

(C) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user;

(D) The supplier does not take ownership of the product.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a

photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by this office. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise; and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by this office. The women owners must be United States citizens or lawful permanent residents.

(21) "Common industry practices" mean those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(22) "Conduit" means a WBE, MBE, or combination MWBE which agrees to be named as a subcontractor on a contract in which such WBE, MBE, or combination MWBE does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other non-MWBE business.

(23) "Front" means a business which purports to be: (a) A WBE but is in fact owned or controlled by a man or men; (b) a MBE but is owned or controlled by a nonminority person or persons; or (c) a combination MWBE but is owned or controlled by a man or men or by a nonminority person or persons to a greater extent than is allowed by WAC 326-02-030(3).

(24) "Pass-through" means a business which buys goods from a non-WBE, non-MBE, or noncombination MWBE and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(26) "Supplier" means a business which provides or furnishes goods or materials, performs a commercially useful function, and is not considered a conduit, front, or pass-through.

(27) "Switch business" means a business which was previously owned and controlled by a man, men or nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

(28) "Corporate-sponsored dealership" means a bona fide minority or women's business which meets the following standards in lieu of the fifty-one percent ownership criteria set out in subsections (14), (15), and (20) of this section, and meets the following standards in lieu of the factors used to evaluate control in WAC 326-20-080.

(a) The minority or women owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell or distribute

goods or services at wholesale or retail, leasing, or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(b) The capital investment for the dealership or business is jointly contributed by the minority or women owner(s) and the sponsoring corporation.

(i) The original investment contributed by the minority or women owner(s) may be less than fifty-one percent, but must constitute at least twenty-five percent of the capitalization investment (total required equity capital) in the dealership corporation.

(ii) A specified time limit of not more than ten years must be established, binding between the minority or women owner(s) and the sponsoring corporation, within which the buy-out of the corporate sponsor's interest is complete.

(c) If the sponsoring corporation retains majority voting rights and control of the board of directors, then the minority or women owner(s) must annually apply at least fifty percent of the net profit and bonuses toward the buy-out of the corporate sponsors' interest within the buy-out time limit established with the corporation.

(d) The minority or women owner(s) must show active participation in the decision-making process on the board of directors of the dealership.

(e) The minority or women owner(s) must have operational control, and as such have day-to-day management control of the dealership, with responsibility for sales, service volume, and profits.

(f) The sponsoring corporation must have specifically developed a national or regional corporate sponsored dealership program to address the present-day issue of lack of opportunities for minorities or women in the dealership industry, which includes such features as: Capitalization assistance from the sponsoring corporation, on-going business operations training, technical assistance to the dealership owner, and a corporate sponsored minority and women's business program.

(g) The minority or women owner(s) must demonstrate that the relationship between the corporate sponsor and the minority or women's business was not formed for the primary purpose of achieving certification under chapter 39.19 RCW, or any similar provision of any ordinance, regulation, rule, or law.

(h) The minority or women owner(s) have prior business or management experience relating to the business being entered into as an owner.

(i) The minority or women owner(s) must be president of any corporation formed by the business.

(29) "Legitimately owned and controlled" for the purposes of determining whether a business is a minority business enterprise, a women's business enterprise, or a combination thereof, shall mean that women, minorities or a combination thereof shall possess:

((H)) (a) Ownership of at least fifty-one percent interest in the business, unless the minority and/or women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28). The ownership shall be real and continuing, and shall go beyond the pro forma ownership of the business reflected in the ownership documents. The minority and/or women owner(s) shall enjoy the customary incidents of ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance and the form of the arrangements; and

((Z)) (b) Control over management, interest in capital, interest in profit or loss and contributions to capital, equipment and expertise on which the claim of minority and/or women-owned status under this chapter is based. The business must be independent and the minority and/or women owner(s) must possess and exercise the legal power to direct the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy, finances, and overall operations. If the owners of the business who are not minorities and/or women are disproportionately responsible for the operation of the business, then the business is not controlled by minorities and/or women. The minority and/or women owner(s) must control and manage the day to day operations of the business. The requirements of this shall not apply, if the minority/women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28).

WSR 89-17-110
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed August 23, 1989, 8:03 a.m.]

Original Notice.

Title of Rule: WAC 326-30-030 Procedure for setting overall annual goals.

Purpose: To refine OMWBEs goal-setting process in light of evolving federal law.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: RCW 39.19.030(4).

Summary: The proposed rule sets forth a variety of factors that OMWBE will take into consideration during its annual evaluation of participation goals.

Reasons Supporting Proposal: Federal law concerning affirmative action programs is constantly changing. Recent trends in constitutional law suggest that a refinement of the goal-setting process is necessary.

Name of Agency Personnel Responsible for Drafting: Theresa Fricke, AAG, 7th Floor, Highways-Licenses Building, 586-3756; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9693.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Minority and women's business participation goals are evaluated on a yearly basis pursuant to RCW 39.19.030(4). In the goal-setting review process, OMWBE consults with its advisory committee and considers a variety of information to use in deciding an appropriate set of goals. The purpose of this proposed rule is to further refine OMWBE's goal-setting process, to be responsive to evolving federal law concerning affirmative action. This rule's anticipated effect is to further develop OMWBE's annual goal-setting review process.

Proposal Changes the Following Existing Rules: The changes reflect specific types of information that is relevant to OMWBE's goal-setting procedure, and will be considered when the data is reasonably attainable.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: City of Yakima Council Chambers, 129 North Second, Yakima, WA 98901, on October 24, 1989, at 7:00 p.m.; and at City of Spokane Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99202, on October 25, 1989, at 7:00 p.m.; and at Franklin County PUD, 1411 West Clark, Pasco, WA 99301, on October 26, 1989, at 7:00 p.m.; and at City of Vancouver Council Chambers, 210 East 13th Street, 13th and Broadway, Vancouver, WA 98668, on November 2, 1989, at 7:00 p.m.; and at Skagit County Administration Building, First Floor, Hearing Room C, 2nd and Kincaid, Mount Vernon, WA 98273, on November 9, 1989, at 7:00 p.m.; and at House of Representatives, Hearing Room A, John O'Brien Building, 504 15th Avenue, Olympia, WA 98504, on November 14, 1989, at 7:00 p.m.; and at Gatzert Elementary

School, 1301 East Yesler Way, Seattle, WA 98122, on November 15, 1989, at 7:00 p.m.; and at Tacoma Municipal Building, City Council Chambers, 747 Market Street, Tacoma, WA 98402, on November 16, 1989, at 7:00 p.m.

Submit Written Comments to: OMWBE, 406 South Water, Olympia, WA 98504-4611, by November 21, 1989.

Date of Intended Adoption: December 1, 1989.

August 22, 1989

James A. Medina

Director

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-030 PROCEDURE FOR SETTING OVERALL ANNUAL GOALS. The director of the office of minority and women's business enterprises will establish overall annual goals for participation in state contracts by qualified MBEs and WBEs for all state agencies and educational institutions. The annual period shall be the state fiscal year. The goals will be a percentage of the reporting base, all contracts awarded each year for public works, personal services, and for the procurement of goods and services by state agencies and educational institutions that are not specifically excluded or generally excluded for the reporting base.

(1) Time for establishment of goals. The overall annual goals will be adopted each year by June 15.

(2) Distribution. The overall annual goals will be distributed to the head of each agency and educational institution on or before June 30 each year.

(3) Process used to establish goals. The director will review the overall annual goals each year and establish goals for the upcoming year. ~~((Factors to be considered in establishing the new goals shall include: The number of certified minority and women's businesses, the success in attaining goals over the last year, the population of women and minorities in the state;))~~ In establishing the new goals, the director shall consider the following categories of information, to the extent that such data is reasonably attainable: (1) The number of certified minority and women's businesses available to perform work in each class of contract; (2) the success in attaining goals over the last year; (3) information regarding the percentage of available MBEs and WBEs as compared to the percentage of dollars awarded to MBEs and WBEs, per class of contract; (4) information indicating discrimination against MBEs and WBEs in each class of contract; (5) and such other relevant information as may be available.

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

WSR 89-17-111
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed August 23, 1989, 8:04 a.m.]

Original Notice.

Title of Rule: WAC 326-30-03902 Goals for 1989-90.

Purpose: To implement RCW 39.19.030(4) and encourage MWBE participation in state contracting opportunities.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: RCW 39.19.030(4).

Summary: The Office of Minority and Women's Business Enterprises reevaluates MWBE participation goals

on an annual basis. This proposed rule sets goals for different classes of contracts, to be flexibly implemented on a contract by contract basis during 1989-1990.

Reasons Supporting Proposal: OMWBE, with input from the advisory committee, has reviewed and considered a variety of information and concludes that this proposed rule contains reasonable goals.

Name of Agency Personnel Responsible for Drafting: Theresa Fricke, AAG, 7th Floor, Highways-Licenses Building, 586-3756; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9693.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This proposed rule implements chapter 39.19 RCW by promoting minority and women's business participation in state contracting opportunities. Goals are reviewed and implemented annually, to ensure that they are consistent with current information about contracting opportunities and availability of MWBEs. Anticipated effect is increased awareness by contractors and agencies about the benefits of utilizing qualified MWBEs for various classes of contracts.

Proposal does not change existing rules.

Small Business Economic Impact Statement: This rule affects small business, as it is designed to assist small businesses seeking contracting opportunities with state agencies. Any impact will be negligible, because the goals proposed for 1989-90 are the same as those implemented during 1988-89. Analysis is inappropriate under RCW 19.85.040, because OMWBE does not have data from which to make comparison of costs, and because the effect, if any, is negligible.

Hearing Location: City of Yakima Council Chambers, 129 North Second, Yakima, WA 98901, on October 24, 1989, at 7:00 p.m.; and at City of Spokane Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99202, on October 25, 1989, at 7:00 p.m.; and at Franklin County PUD, 1411 West Clark, Pasco, WA 99301, on October 26, 1989, at 7:00 p.m.; and at City of Vancouver Council Chambers, 210 East 13th Street, 13th and Broadway, Vancouver, WA 98668, on November 2, 1989, at 7:00 p.m.; and at Skagit County Administration Building, First Floor, Hearing Room C, 2nd and Kincaid, Mount Vernon, WA 98273, on November 9, 1989, at 7:00 p.m.; and at House of Representatives, Hearing Room A, John O'Brien Building, 504 15th Avenue, Olympia, WA 98504, on November 14, 1989, at 7:00 p.m.; and at Gatzert Elementary School, 1301 East Yesler Way, Seattle, WA 98122, on November 15, 1989, at 7:00 p.m.; and at Tacoma Municipal Building, City Council Chambers, 747 Market Street, Tacoma, WA 98402, on November 16, 1989, at 7:00 p.m.

Submit Written Comments to: OMWBE, 406 South Water, Olympia, WA 98504-4611, by November 21, 1989.

Date of Intended Adoption: December 1, 1989.

August 22, 1989

James A. Medina
Director

NEW SECTION

WAC 326-30-03902 GOALS FOR 1989-90. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1989 through June 30, 1990, should be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or educational institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

WSR 89-17-112
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed August 23, 1989, 8:05 a.m.]

Date of Adoption: August 22, 1989.

Purpose: To refine OMWBE's goal-setting process in light of evolving federal law.

Citation of Existing Rules Affected by this Order: WAC 326-30-030 Procedure for setting overall annual goals.

Statutory Authority for Adoption: RCW 39.19.030(7).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Administrative Order 89-2 expires September 13, 1989. It is necessary for these rules to remain in effect until they are adopted and become effective on a permanent basis, to implement RCW 39.19.030(4). As evidenced by concurrent proceedings to adopt a permanent rule, OMWBE intends and has acted upon its intent to formalize its annual review of overall annual goals and plans to adopt the proposed rule by December 1, 1989.

Effective Date of Rule: September 13, 1989.

August 22, 1989

James A. Medina
Director

AMENDATORY SECTION (Amending Order 83-7, filed 1/5/84)

WAC 326-30-030 PROCEDURE FOR SETTING OVERALL ANNUAL GOALS. The director of the office of minority and women's business enterprises will establish overall annual goals for participation in state contracts by qualified MBEs and WBEs for all state

agencies and educational institutions. The annual period shall be the state fiscal year. The goals will be a percentage of the reporting base, all contracts awarded each year for public works, personal services, and for the procurement of goods and services by state agencies and educational institutions that are not specifically excluded or generally excluded for the reporting base.

(1) Time for establishment of goals. The overall annual goals will be adopted each year by June 15.

(2) Distribution. The overall annual goals will be distributed to the head of each agency and educational institution on or before June 30 each year.

(3) Process used to establish goals. The director will review the overall annual goals each year and establish goals for the upcoming year. ~~((Factors to be considered in establishing the new goals shall include. The number of certified minority and women's businesses, the success in attaining goals over the last year, the population of women and minorities in the state,))~~ In establishing the new goals, the director shall consider the following categories of information, to the extent that such data is reasonably attainable: (1) The number of certified minority and women's businesses available to perform work in each class of contract; (2) the success in attaining goals over the last year; (3) information regarding the percentage of available MBEs and WBEs as compared to the percentage of dollars awarded to MBEs and WBEs, per class of contract; (4) information indicating discrimination against MBEs and WBEs in each class of contract; (5) and such other relevant information as may be available.

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

WSR 89-17-113
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed August 23, 1989, 8:07 a.m.]

Date of Adoption: August 22, 1989.

Purpose: To implement RCW 39.19.030(4) and encourage MWBE participation in state contracting opportunities.

Citation of Existing Rules Affected by this Order: WAC 326-30-03902.

Statutory Authority for Adoption: RCW 39.19.030(7).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Administrative Order 89-1 expires September 13, 1989. It is necessary for these rules to remain in effect until they are adopted and become effective on a permanent basis, to implement RCW

39.19.030(4). As evidenced by concurrent proceedings to adopt a permanent rule, OMWBE intends and has acted upon its intent to formalize its annual review of overall annual goals and plans to adopt the proposed rule by December 1, 1989.

Effective Date of Rule: September 13, 1989.

August 22, 1989
 James A. Medina
 Director

NEW SECTION

WAC 326-30-03902 GOALS FOR 1989-90. The annual overall goals for each state agency and educational institution for each of the following classes of contracts for the period July 1, 1989 through June 30, 1990, should be:

Construction/Public Works	10% MBE	6% WBE
Architect/Engineering	10% MBE	6% WBE
Purchased Goods and Services	8% MBE	4% WBE
Other Consultants	10% MBE	4% WBE

These MWBE participation goals are based on the state agency's or educational institution's total contracts subject to this chapter within each of the above noted classes of contracts, less excluded contracts.

WSR 89-17-114
EMERGENCY RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed August 23, 1989, 8:10 a.m.]

Date of Adoption: August 22, 1989.

Purpose: This proposed rule is intended to guide OMWBE in weeding out businesses that are not actually owned and controlled by a minority or woman.

Citation of Existing Rules Affected by this Order: WAC 326-02-030 Definitions; and 326-20-081 Intertwinement.

Statutory Authority for Adoption: RCW 39.19.030(7).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Administrative Order 89-3 expires September 13, 1989. It is necessary for these rules to remain in effect until they are adopted and become effective on a permanent basis, to implement RCW 39.19.030(4). As evidenced by concurrent proceedings to adopt a permanent rule, OMWBE intends and has acted upon its intent to formalize its annual review of overall annual goals and plans to adopt the proposed rule by December 1, 1989.

Effective Date of Rule: September 13, 1989.

August 22, 1989
James A. Medina
Director

NEW SECTION

WAC 326-20-081 INTERTWINEMENT To be eligible for certification, a firm must be independent. Significant intertwinement with a noncertified firm may be grounds for denial or decertification of a firm. The Office will determine whether a firm is significantly intertwined with a noncertified firm by looking for factors which include, but are not limited to, the following: (1) shared ownership, (2) common directors or partners, (3) shared equipment, facilities, resources, or employees, (4) beneficial financial arrangements which indicate less than arms length transactions with a noncertified firm, (5) overdependency on a noncertified firm to obtain and perform work, (6) such an identity of interest exists between the firm seeking certification and a noncertified firm that an affiliation may be presumed, (7) the degree to which financial, equipment, leasing, business and other relationships with noncertified firms vary from normal industry practice.

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

AMENDATORY SECTION (Amending Order 88-5, filed 5/31/88)

WAC 326-02-030 DEFINITIONS. Words and terms used in these rules shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in these rules, or the context in which they are used clearly indicates that they be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(3) "Combination minority and women's business enterprise" means a business organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by this office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by this office. The owners must be United States citizens or lawful permanent residents.

(4) "Commercially useful function" means the performance of real and actual services in the discharge of any contractual endeavor.

(a) For purposes of certification, factors which may be considered in determining whether a business is or will be performing a commercially useful function include, but are not limited to, the following:

(i) Whether the business is or will be responsible for executing a distinct element of work in the performance of a contract; and

(ii) Whether principals or employees of the business actually perform, manage, and supervise the work for which the business is or will be responsible; and

(iii) Whether the business could be considered a "conduit," "front," or "pass-through" as defined in this section; and

(iv) Whether the minority and/or women owner(s) has the skill and expertise to perform the work for which the business is being, or has been certified.

(b) The manner in which a supplier does business will be examined by the office for purposes of certification and may be considered by state agencies and educational institutions in awarding a contract. Factors in addition to those in (a) of this subsection which indicate that a supplier is performing a commercially useful function include, but are not limited to, the following:

(i) It either assumes the actual and contractual responsibility for furnishing goods or materials and executes material changes in the configuration of those goods or materials; or

(ii) Is the manufacturer of those goods or materials; or

(iii) Before submitting the certification application, it has secured a contract or distributor agreement with a manufacturer to act as an authorized representative, and can pass on product warranties to the purchaser; and

(iv) Performs a distinct element of work in a manner that is consistent with common industry practice. Factors which may indicate that a firm is not performing a commercially useful function include, but are not limited to, the following:

(A) A minimum amount of inventory is not maintained;

(B) Billing and shipping arrangements are performed by nonowners or staff of nonowners;

(C) A significant amount of deliveries are shipped directly from the producer or manufacturer to the end user;

(D) The supplier does not take ownership of the product.

(5) "Contract" means a mutually binding legal relationship, including a lease, or any modification thereof, obligating the seller to furnish goods or services, including construction, and the buyer to pay for them.

(6) "Contract by contract basis" means a single contract within a specific class of contracts.

(7) "Contractor" means a party who enters into a contract to provide a state agency or educational institution with goods or services, including construction, or a subcontractor or sublessee of such a party.

(8) "Director" means the director of the office of minority and women's business enterprises.

(9) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(10) "Goals" means annual overall agency goals, expressed as a percentage of dollar volume for participation by minority and women-owned businesses, and shall not be construed as a minimum goal for any particular contract or for any particular geographical area. Goals shall be met on a contract by contract or class of contract basis. In meeting their goals on either a contract by

contract or a class of contract basis state agencies and educational institutions should facilitate the entry of minority and women's business enterprises into types of businesses in which MBE's and WBE's are underrepresented.

(11) "Goods and/or services" means all goods and services, including professional services.

(12) "Joint venture" means a single enterprise partnership of two or more persons or businesses created to carry out a single business enterprise for profit for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(13) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) **Black:** Having origins in any of the black racial groups of Africa;

(b) **Hispanic:** Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) **Asian American:** Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) **American Indian or Alaskan Native:** Having origins in any of the original peoples of North America.

Persons who are visibly identifiable as a minority need not provide documentation of their racial heritage but may be required to submit a photograph. Persons who are not visibly identifiable as a minority must provide documentation of their racial heritage which will be determined on a case-by-case basis. The final determination will be in the sole discretion of the office.

(14) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a business organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by this office. The minority owners must be United States citizens or lawful permanent residents.

(15) "MWBE" means a minority-owned business enterprise, a women-owned business enterprise, and/or a combination minority and women's business enterprise certified by the office of minority and women's business enterprises of the state of Washington.

(16) "Office" means the office of minority and women's business enterprises of the state of Washington.

(17) "Procurement" means the purchase, lease, or rental of any goods or services.

(18) "Public works" means all work, including construction, highway and ferry construction, alteration((fj)), repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(19) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(20) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a business organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by this office. The women owners must be United States citizens or lawful permanent residents.

(21) "Common industry practices" mean those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(22) "Conduit" means a WBE, MBE, or combination MWBE which agrees to be named as a subcontractor on a contract in which such WBE, MBE, or combination MWBE does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other non-MWBE business.

(23) "Front" means a business which purports to be: (a) A WBE but is in fact owned or controlled by a man or men; (b) a MBE but is owned or controlled by a nonminority person or persons; or (c) a combination MWBE but is owned or controlled by a man or men or by a nonminority person or persons to a greater extent than is allowed by WAC 326-02-030(3).

(24) "Pass-through" means a business which buys goods from a non-WBE, non-MBE, or noncombination MWBE and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(26) "Supplier" means a business which provides or furnishes goods or materials, performs a commercially useful function, and is not considered a conduit, front, or pass-through.

(27) "Switch business" means a business which was previously owned and controlled by a man, men or nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

(28) "Corporate-sponsored dealership" means a bona fide minority or women's business which meets the following standards in lieu of the fifty-one percent ownership criteria set out in subsections (14), (15), and (20) of this section, and meets the following standards in lieu of the factors used to evaluate control in WAC 326-20-080.

(a) The minority or women owner(s) have entered into a written agreement, contract, or arrangement with a national or regional corporation and has been granted a license to offer, sell or distribute goods or services at wholesale or retail, leasing, or otherwise use the name, service mark, trademark, or related characteristics of the sponsoring corporation.

(b) The capital investment for the dealership or business is jointly contributed by the minority or women owner(s) and the sponsoring corporation.

(i) The original investment contributed by the minority or women owner(s) may be less than fifty-one percent, but must constitute at least twenty-five percent of the capitalization investment (total required equity capital) in the dealership corporation.

(ii) A specified time limit of not more than ten years must be established, binding between the minority or women owner(s) and the sponsoring corporation, within which the buy-out of the corporate sponsor's interest is complete.

(c) If the sponsoring corporation retains majority voting rights and control of the board of directors, then the minority or women owner(s) must annually apply at least fifty percent of the net profit and bonuses toward the buy-out of the corporate sponsors' interest within the buy-out time limit established with the corporation.

(d) The minority or women owner(s) must show active participation in the decision-making process on the board of directors of the dealership.

(e) The minority or women owner(s) must have operational control, and as such have day-to-day management control of the dealership, with responsibility for sales, service volume, and profits.

(f) The sponsoring corporation must have specifically developed a national or regional corporate sponsored dealership program to address the present-day issue of lack of opportunities for minorities or women in the dealership industry, which includes such features as: Capitalization assistance from the sponsoring corporation, on-going business operations training, technical assistance to the dealership owner, and a corporate sponsored minority and women's business program.

(g) The minority or women owner(s) must demonstrate that the relationship between the corporate sponsor and the minority or women's business was not formed for the primary purpose of achieving certification under chapter 39.19 RCW, or any similar provision of any ordinance, regulation, rule, or law.

(h) The minority or women owner(s) have prior business or management experience relating to the business being entered into as an owner.

(i) The minority or women owner(s) must be president of any corporation formed by the business.

(29) "Legitimately owned and controlled" for the purposes of determining whether a business is a minority business enterprise, a women's business enterprise, or a combination thereof, shall mean that women, minorities or a combination thereof shall possess:

((+)) (a) Ownership of at least fifty-one percent interest in the business, unless the minority and/or women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28). The ownership shall be real and continuing, and shall go beyond the pro forma ownership of the business reflected in the ownership documents. The minority and/or women owner(s) shall enjoy the customary incidents of

ownership and shall share in the risks and profits commensurate with their ownership interests, as demonstrated by an examination of the substance and the form of the arrangements; and

((2)) (b) Control over management, interest in capital, interest in profit or loss and contributions to capital, equipment and expertise on which the claim of minority and/or women-owned status under this chapter is based. The business must be independent and the minority and/or women owner(s) must possess and exercise the legal power to direct the management and policies of the business and to make the day-to-day as well as major decisions on matters of management, policy, finances, and overall operations. If the owners of the business who are not minorities and/or women are disproportionately responsible for the operation of the business, then the business is not controlled by minorities and/or women. The minority and/or women owner(s) must control and manage the day to day operations of the business. The requirements of this shall not apply, if the minority/women's business qualifies as a corporate sponsored dealership under the provisions of WAC 326-02-030(28).

WSR 89-17-115

PROPOSED RULES

HUMAN RIGHTS COMMISSION

[Filed August 23, 1989, 8:43 a.m.]

Original Notice.

Title of Rule: Chapter 162-04 WAC, General provisions.

Purpose: To govern the organization and operations of the commission, public access to records, duties of the clerk, protective orders to seal produced documents, ethics and conflicts of interest, and duties of chief executive.

Statutory Authority for Adoption: RCW 49.60.120(3).

Statute Being Implemented: Chapter 42.17 RCW and RCW 42.18.250.

Summary: WAC 162-04-010 establishes definitions of terms used in the law against discrimination, chapter 49.60 RCW. Changes in these definitions are intended to conform to changes made in the applicable statutes. For example, "age" means between 40 and 70 years of age (instead of 40 and 65 years of age as previously was the case). RCW 49.44.090. The term "hearing tribunal" has been deleted because these tribunals were replaced by an administrative law judge under section 2, chapter 259, Laws of 1981. Two additional terms are defined, one is "civil rule" which refers to superior court civil rules. The other is "marital status" which refers to the legal status of being married, single, divorced, or widowed.

WAC 162-04-020 establishes a schedule for commission meetings and gives information concerning the location of its offices. A change is provided in the schedule of meetings as the commission now holds its meetings on the fourth Thursday instead of the third Thursday of each month. The addresses of the commission offices have been changed to reflect their new locations in

Seattle, Spokane, Tacoma, and Yakima. The Pasco and Bellingham offices have been eliminated.

WAC 162-04-026 describes the duties of the commission clerk. These have been changed to reflect the new procedure for requesting the appointment of an administrative law judge under RCW 49.60.250(1), as amended by section 2, chapter 259, Laws of 1981. The administrative law judge replaces the hearing tribunal in every instance in which the latter is mentioned in this rule.

WAC 162-04-030 describes the procedure for obtaining public access to commission records. This section is amended to refer to the specific chapter 42.17 RCW which is the governing law with respect to public access to records. Otherwise the changes are largely editorial and reflect the specific provisions of chapter 42.17 RCW which govern.

WAC 162-04-035 describes the procedure for requesting a protective order to seal produced documents. This section reflects the current commission procedure and does not represent a change in commission practice. The provision which previously covered such protective orders, WAC 162-08-096, has been deleted and replaced by WAC 162-04-035.

WAC 162-04-040 establishes the commission's exemption from the state Environmental Policy Act. This represents no change from the previous rule.

WAC 162-04-050 establishes guidelines for the commissioners, commission management and staff under the Executive Conflict of Interest Act, chapter 42.18 RCW. The only substantive change made in this regulation is in paragraph (3)(d). This change requires that the executive director shall determine whether or not to relieve an employee from further responsibility for a case or matter in which there is a possible conflict of interest. The previous rule provided that the employee's immediate supervisor would make this decision. Other changes in this regulation are editorial.

WAC 162-04-060 authorizes the executive director to delegate duties to commission staff. The only change made in this regulation is that the title "executive secretary" is changed to "executive director."

WAC 162-04-070 establishes a procedure for the issuance of executive director's opinions. The only change made in this regulation is that noted above in which "executive secretary" is changed to "executive director."

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Heriberto Ruiz, Columbia Building, Suite 400, 1516 2nd Avenue, Seattle, 98101, (206) 464-6505.

Name of Proponent: Human Rights Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: See above.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The changes proposed in chapter 162-04 WAC are intended to implement changes in the applicable law,

including the age discrimination provision which is governed by RCW 49.44.090, and changes in the law against discrimination, particularly with respect to the hearing procedure which was changed by section 2, chapter 259, Laws of 1981, which provides for an administrative law judge instead of a hearing tribunal, and changes in the Public Disclosure Act, chapter 42.17 RCW. An internal management change is proposed with respect to the responsibility for deciding whether or not an investigator should be relieved of responsibility for a case or matter in which her [he] or she claims a possible conflict of interest. The executive director has been given that authority by the amended regulation instead of the investigator's immediate supervisor. The reason for this change is that the executive director is in a better position to interpret and apply the Executive Conflict of Interest Act as the agency's chief operating official.

Proposal Changes the Following Existing Rule: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Executive Inn, Marine Room, 5700 Pacific Highway East, Tacoma, WA, on September 28, 1989, at 3:00 p.m.

Submit Written Comments to: Heriberto Ruiz, Columbia Building, Suite 400, 1516 Second Avenue, Seattle, WA 98101, by September 21, 1989.

Date of Intended Adoption: September 28, 1989.

August 21, 1989

Winslow Whitman

Assistant Attorney General

AMENDATORY SECTION (Amending Order 37, filed 10/27/77)

WAC 162-04-010 DEFINITIONS. In general, words are used ((m)) with this title in the same meaning as they are used in the law against discrimination, chapter 49.60(~~Revised Code of Washington~~) RCW. See, in particular, RCW 49.60.040. The following words are used ((m)) with the meaning given, unless the context clearly indicates another meaning.

"Administrative Procedure Act" means chapter ((34-04)) 34.05 RCW.

"Age" means between ((40 and 65)) forty and seventy years of age.

"Chairperson" means the chairperson of the commission or the chairperson of a hearing tribunal, depending on the context. The word "chairperson" is used in the place of "chairman" where that word appears in the law against discrimination. The chairperson of the commission is the member of the commission designated as chairman by the governor under RCW 49.60.050.

"Civil rule" or "CR" means the superior court civil rules as now or hereafter amended.

"Clerk" means the clerk of the commission appointed pursuant to WAC 162-04-026.

"Commission" means the Washington state human rights commission.

"Complainant" means a person who has filed a complaint under authority of RCW 49.60.230.

"Complaint" means a formal complaint filed with the commission pursuant to RCW 49.60.230 and these rules.

"Executive ((secretary)) director" means the executive ((secretary)) director of the commission appointed pursuant to RCW 49.60.120(1).

"Handicap" is short for the ((term)) phrase "the presence of any sensory, mental, or physical handicap" used in the law against discrimination, and means the full ((term)) phrase. See WAC 162-22-040.

((~~"Hearing tribunal," or "tribunal," means a hearing tribunal constituted under RCW 49.60.250.~~))

"Law against discrimination" means chapter 49.60 RCW.

"Marital status" refers to the legal status of being married, single, divorced, or widowed.

"Member" means a member of the commission, except where the context (~~shows that a member of hearing tribunal is meant~~) indicates another meaning is intended.

"Protected class" means the persons who are members of (or who are treated as members of) one of the groups against whom discrimination is declared to be an unfair practice by the law against discrimination. Protected classes include persons between the ages of (~~40 and 65~~) forty and seventy, persons of any race, creed, color, national origin, sex, or marital status, and persons who are handicapped.

"Respondent" means one against whom a complaint has been filed under authority of RCW 49.60.230.

AMENDATORY SECTION (Amending Order 37, filed 10/27/77)

WAC 162-04-020 ORGANIZATION AND OPERATIONS.

(1) Membership. The Washington state human rights commission consists of five members, one of whom is designated as chairperson, appointed by the governor for staggered five-year terms.

(2) Meetings. The commission holds regular meetings commencing at 9:30 a.m. on the (~~third~~) fourth Thursday of each month, except for November and December, at various places throughout the state. No regular meeting is held in August. The place and dates of the meetings can be learned by writing or calling the commission clerk at the Olympia office at (206) 753-6770.

(3) Quorum. Three members constitute a quorum. The affirmative vote of a majority of those present is action of the commission when there is a quorum at a meeting.

(4) Executive (~~secretary~~) director. The executive (~~secretary~~) director is the commission's chief executive. He or she is responsible for carrying out the commission's programs and directing the commission's staff.

(5) Authority and duty. It is the commission's duty to administer the law against discrimination, chapter 49.60 RCW, which has as its purpose the elimination and prevention of discrimination because of race, creed, color, national origin, sex, marital status, age or handicap. The commission has the authority and duty to, among other things:

(a) Study and report on all things having an impact on human rights;

(b) Make recommendations to the governor, legislature, and agencies of state and local government;

(c) Create advisory agencies and conciliation councils;

(d) In the areas of employment, public accommodations, real property transactions, credit transactions and insurance transactions, initiate, receive and process complaints of unfair practices, hold hearings, issue orders, and seek enforcement of the orders in court.

(6) Offices. The commission's principal office is 402 Evergreen Plaza Building, Seventh and Capitol Way, Olympia, Washington 98504-3341. Branch offices are maintained at the following locations:

Seattle: (~~1601~~) 1516 Second Avenue (~~Building~~)
(~~Fourth Floor~~) Suite 400
Seattle, Washington 98101

Spokane: (~~Old National Bank Building~~
~~1004 Paulsen Building~~)
W. 905 Riverside Ave.
Suite 416
Spokane, Washington 99201-1099

(~~Pasco~~ ~~East Pasco Neighborhood Facility~~
~~205 South Weche~~
~~Room 28~~
~~Pasco, Washington 99301~~)

Tacoma: (~~207~~) Suite 110 Hess Building
901 Tacoma Avenue South
Tacoma, Washington 98402-2101

Yakima: (~~Yakima Community Center~~
~~1211 South 7th Street~~)
Washington Mutual Bldg.
Suite 441
32 No. Third St.
Yakima, Washington 98901-2730

(~~Bellingham~~ ~~401 Bellingham National~~
~~Bank Building~~
~~Bellingham, Washington 98225~~)

(7) Where to obtain information. Information on the application of the law against discrimination and (~~much other information~~) related

material is available at all offices of the commission. Information that branch offices are not able to supply may be obtained from the clerk at the (~~Seattle~~) Olympia office.

(8) Where to make submissions or requests. In circumstances where no special provision is made by rule in this Title 162 WAC, submissions or requests to the commission may be directed to the executive (~~secretary~~) director at either the Olympia or Seattle office.

AMENDATORY SECTION (Amending Order 39, filed 1/23/78)

WAC 162-04-026 CLERK. (1) Designation. The executive (~~secretary~~) director with the advice and consent of the chairperson shall designate a staff member to serve as clerk of the commission.

(2) Qualifications. The person designated as clerk shall not have any duties involving the investigation or conciliation of complaints or the prosecution of (~~tribunal~~) administrative hearings. If the clerk has been actively involved in the investigation or conciliation of a case or the prosecution of (~~a tribunal~~) an administrative hearing in any capacity other than as clerk, he or she shall not thereafter serve as clerk for that case, and a substitute clerk shall be designated. The purpose of this subsection is to ensure compliance with chapter 34.05 RCW (~~34.04.115~~), restricting consultation with hearing officers, and RCW 49.60.250(~~2d paragraph~~) (2).

(3) Duties. The clerk shall have the duty and power to:

(a) Attend commission meetings and provide aid and services to the chairperson and commissioners as requested by the executive (~~secretary~~) director.

(b) Assist the chairperson of the commission in (~~appointing hearing tribunals~~) requesting appointment of an administrative law judge, issuing notices of hearing and carrying out all other duties of the chairperson under RCW 49.60.250.

(c) Keep custody of the minutes of commission meetings, declaratory rulings, rule-making orders, and the commission's order register, and other records of action by the commissioners.

(d) Keep custody of the file of complaints after they are referred to the commission for action or report of no reasonable cause at a meeting, or upon certification of the file to the chairperson under RCW 49.60.250(1). The clerk shall deliver the investigator's file of cases ready for hearing to the commission's chief counsel at the onset of the contested case process and shall obtain return of the file when litigation is completed.

(e) Respond to requests for information on actions by the commissioners or (~~hearing tribunals~~) administrative law judge and furnish copies of records and files in the clerk's possession pursuant to WAC 162-04-030, Public access to records.

(f) Have custody of the commission's seal.

(g) Certify copies of commission records under the commission's seal.

(h) Serve as clerk of (~~hearing tribunals~~) administrative hearings. In this capacity, the clerk, subject to the direction of the (~~tribunal chairperson~~) administrative law judge, shall keep custody of the official file of the (~~tribunal~~) administrative hearing, date stamp and file all papers filed in the proceeding when the (~~tribunal~~) hearing is not convened, serve all notices and papers required to be served by the (~~tribunal~~) administrative law judge, make the physical arrangements for hearings, provide for making and preserving the record of hearings, (~~make transportation and other arrangements for tribunal members,~~) respond to inquiries about (~~tribunal~~) administrative practices and procedures, and generally do all things necessary and appropriate for the clerk of (~~the~~) a judicial body to do.

(i) Serve as personal advisor to the chairperson of the commission and (~~hearing tribunals~~) administrative law judge on matters relating to the hearing process.

(j) Perform such other duties as the chairperson of the commission or the (~~chairperson of a hearing tribunal~~) administrative law judge shall assign from time to time, consistent with their duties.

(4) Upon direction from the chairperson of the commission, the (~~chairperson of a hearing tribunal~~) administrative law judge, or the executive (~~secretary~~) director, whichever is the appropriate authority, the clerk may enter upon his or her own signature, procedural orders, notices of hearing, orders appointing (~~hearing tribunals~~) administrative law judges, notices of rule making, and similar items.

(5) Independence. The clerk when assisting the chairperson of the commission to carry out the chairperson's duties under RCW 49.60.250 and when serving as clerk of (~~a hearing tribunal~~) an administrative hearing shall be free from supervision of the executive (~~secretary~~) director and other staff members of the commission to the extent necessary to ensure that the chairperson of the commission and

the ~~((hearing tribunals))~~ administrative law judges are free from influence from staff persons having a ~~((prosecuting))~~ prosecutorial function.

AMENDATORY SECTION (Amending Order 13, filed 2/16/73)

WAC 162-04-030 PUBLIC ACCESS TO RECORDS. (1) Records available.

(a) General rule and exceptions. All public records as defined by ~~((Initiative 276))~~ chapter 42.17 RCW (this includes photographs, tapes, and other materials as well as written documents) prepared, owned, used or retained by the Washington state human rights commission shall be available for public inspection and copying during normal office hours in the office where they are located, except for the following:

(i) Personal information in files maintained for the commission's employees or members to the extent that disclosure would violate their right to privacy.

(ii) The file, except for the complaint, compiled in investigating a complaint filed under RCW 49.60.230, during the time until a finding as provided by RCW 49.60.240 ~~((is reported to))~~ or settlement is adopted by the commission or the case is referred to the attorney general for preparation for public hearing. Specific records in the file may be kept sealed and not made available after this time if the executive ~~((secretary))~~ director has issued a protective order which states the general nature of the records and the reason why they are not open to inspection, and the records are exempt from public inspection under ~~((section 31 of Initiative 276))~~ RCW 42.17.310.

(iii) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the commission or another agency in connection with any agency action.

(iv) Records which are relevant to a controversy to which the commission is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(v) Any other information which is exempt from public inspection under ~~((section 31 of Initiative 276))~~ RCW 42.17.310 and where disclosure would violate personal privacy or vital government interest.

(b) Conditions which override the exceptions. Even where it comes within one of the above exceptions to public access, a particular record shall nevertheless be available for inspection and copying if:

(i) Its disclosure would not violate personal privacy or impair a vital governmental interest;

(ii) The information which would violate personal privacy or impair a vital governmental interest can be deleted from the record; or

(iii) The record contains statistical information not descriptive of any readily identifiable person or persons.

(2) Copying. Persons may copy any record which may be inspected. In offices where a copying machine is kept by the commission, machine copies shall be made available to a person on request. No charge shall be made for up to ten sheets in connection with a single request, but ten cents a sheet shall be charged for each sheet beyond ten. Copying facilities may be denied when making them available would unreasonably disrupt the operation of the office, because of the volume of copying or other valid reasons. The absence or unavailability of agency copying facilities shall be given weight in determining whether there are special circumstances justifying removal of a record from the office as provided in ~~((part))~~ subsection (3) of this section.

(3) Protection of records. No record shall be allowed to be removed from a commission office by anyone other than a staff member or other officially authorized person unless special circumstances make the removal necessary or desirable, and protection of the record is reasonably assured. Before such removal is allowed a receipt itemizing the contents of the record and giving the address and telephone number of the place where it will be kept shall be signed by the person taking the record and approved in writing by the person in charge of the office or division responsible for the record.

(4) Personnel records. Requests for inspection of materials in the personnel files of commission employees or members shall be referred to the executive ~~((secretary))~~ director, or in his or her absence, the deputy director, and promptly acted upon by him or her. When inspection is denied, it shall be the responsibility of the person making that decision to issue within ~~((24))~~ twenty-four hours the written statement required by ~~((sections 31 (4) and 32 of Initiative 276 identifying section 31 (1) (b)))~~ RCW 42.17.310(4) and 42.17.320 identifying RCW 42.17.310 (1)(b) as the exemption authorizing withholding of the record, and explaining how inspection of the record would violate

the employee's or commissioner's right of privacy. The decision of the executive ~~((secretary))~~ director or deputy director shall be final agency action for purposes of judicial review.

(5) Other records; review of denial. Requests for inspection of records not in the personnel files of commission employees or members (that is, not covered by ~~((part))~~ subsection (4) of this section) shall be acted upon immediately by the staff person who has charge of the record at the time the request is made. When that person believes that a request to inspect a record must be denied, he or she shall immediately contact his or her supervisor by telephone and obtain concurrence from the supervisor before denying inspection. The supervisor shall then issue, or cause to be issued, the written statement required by ~~((sections 31 (4) and 42 of Initiative 276))~~ RCW 42.17.310(4) and chapter 42.17 RCW identifying the specific exemption authorizing the withholding of the record (or part) and briefly explaining how the exemption applies to the record withheld. A copy of the statement shall be immediately delivered or mailed to the deputy director.

(6) Interpretation. It is the policy of the Washington state human rights commission to carry out the spirit as well as the letter of ~~((Initiative 276))~~ chapter 42.17 RCW, and thus to afford the public maximum access to its records, subject to necessary respect for the right of individuals to privacy and the need for efficient administration of government. This regulation shall be interpreted in light of that spirit and this policy.

NEW SECTION

WAC 162-04-035 PROTECTIVE ORDERS TO SEAL PRODUCED DOCUMENTS. (1) May be requested. Any person who is asked or compelled to produce records may request a protective order to have a particular document or part of document that has been produced or will be produced kept confidential for official use only, without public access.

(2) To whom addressed. Prior to notice of hearing, a request for a protective order shall be made to the chairperson of the commission pursuant to the procedures established in WAC 162-08-020. After notice of hearing, a request for a protective order shall be made by motion to the administrative law judge, as provided in WAC 162-08-263(3).

(3) Form of request. Requests for a protective order shall be in written affidavit form and shall state the requestor's reasons why a protective order should be issued for the documents covered.

(4) Grounds for issuance. A protective order may be made only upon findings that:

(a) The document or part of document is exempt from public disclosure under RCW 42.17.260 and 42.17.310 (Initiative 276) and the commission's implementing regulation, WAC 162-04-030, and;

(b) The requestor has shown legitimate need for confidentiality of the document or part of document.

(5) Form of order. The protective order shall be in writing and shall bear the caption of the case, date of entry of the order, and signature of the executive director or other authorized staff person or the administrative law judge. The text of the order shall contain:

(a) A description in general terms of each document covered by the order. Example: "Report dated of Dr. to respondent on results of physical examination of the complainant, two pages."

(b) A statement of the specific exemption from the disclosure provisions of chapter 42.17 RCW authorizing the withholding of the record or part of record and a brief explanation of how the exemption applies to what is withheld. See RCW 42.17.310(4).

(c) A statement of why there is need for confidentiality of the document or part of document.

(6) Filing of order. The protective order shall be affixed to a sealed envelope containing the protected document and both shall be kept in the case file, or, alternatively, the original order and protected document may be kept at another place and a copy of the protective order placed in the case file along with a notation as to where the original order and protected document are kept.

(7) Effect of order. Except as may be provided in the protective order, documents covered by the protective order shall not be revealed to anyone other than commissioners, members of the commission's staff, and the commission's legal counsel for official purposes and shall not become public when the rest of the file becomes public as provided in WAC 162-04-030 (1)(a)(ii), but:

(a) Nothing shall prevent the use of a protected document in an administrative hearing or court case, including admission of the document into the public record of the hearing or case, and;

(b) Nothing herein is intended to prevent a court from ordering production of a protected document under RCW 42.17.310(3) or other authority.

(8) Other protective orders. Issuance of other kinds of protective orders concerning discovery is governed by WAC 162-08-096.

AMENDATORY SECTION (Amending Order 27, filed 5/21/76)

WAC 162-04-040 STATE ENVIRONMENTAL POLICY ACT. Pursuant to RCW 43.21C.120 and the SEPA guidelines, chapter ~~((197-10))~~ 197-11 WAC, the commission has reviewed its authorized activities and has found them all to be exempt under the provisions of chapter ~~((197-10))~~ 197-11 WAC.

AMENDATORY SECTION (Amending Order 39, filed 1/23/78)

WAC 162-04-050 ETHICS AND CONFLICTS OF INTEREST. (1) Purpose. This section is intended to guide the commission's staff and commissioners on official ethics, and to carry out the policies and purposes of chapter 42.18 RCW, the Executive Conflict of Interest Act, as provided in RCW 42.18.250.

(2) General rule. It is the duty of all employees of the commission and of all commissioners to maintain the highest standard of ethics in all official actions, and specifically to comply strictly with the requirements of the Executive Conflict of Interest Act, chapter 42.18 RCW.

(3) Specific matters. The following applications of the rule are for guidance on common problems and are to serve as examples for extension by analogy; they are not a complete catalog of applications of the general rule:

(a) Dealing with parties. No commission employee who has duties with respect to a complaint pending before the commission shall deal in any way with the complainant or respondent, on a business or personal basis, except for routine transactions done on the same basis as other members of the public transact business with the party. An employee may continue to deal privately with a public utility or continue to shop at a party's store, if the employee deals with appropriate customer service representatives or salespersons and does not identify his or her official position or mix official business into the transaction. In circumstances unlike these, employees shall either not deal with parties or shall report the matter to the employee's supervisor, who shall relieve the employee of responsibility for the case. Commissioners who have nonroutine dealings with parties shall abstain from voting or other action on the matter.

(b) Accepting things of value. No commission employee or commissioner shall accept anything of economic value from a party to a complaint before the commission, or from any other person who is dealing with the commission, except under circumstances permitted in RCW 42.18.190. Permitting another person to pay for an employee's lunch is within the prohibition of this paragraph, but accepting a cup of coffee under normal office hospitality is not. If the coffee is ordered in a restaurant the prohibition of this section applies.

(c) ~~((Honorariums))~~ Honoraria for speaking. If the speaking engagement is within the course of a person's official duties, acceptance of an honorarium or other compensation is prohibited. RCW 42.18.190. Payment of travel expenses and living expenses while traveling, or reimbursement of the commission for these expenses, is not prohibited, if the trip and payment arrangement have been approved by the employee's supervisor. It is not necessary for a person who is on the program to pay for a meal that is served, or for the price of admission to the seminar, where the custom is to not charge persons on the program for the meal at which they are speaking, or for admission to the seminar. The prohibitions of this subparagraph do not apply to commissioners, because speaking outside of commission meetings is not a duty of commissioners.

(d) Job offers. No employee of the commission shall make or continue an application or request for employment with a party to a case or other matter before the commission while the employee has official duties with respect to that case or matter. If any employee is assigned a case or matter while he or she has an application pending for employment with a party to the case or matter, the employee shall either withdraw the application or report the facts to his or her supervisor ~~((and the supervisor shall))~~. The executive director shall determine whether to relieve the employee from further responsibility for the case or matter. If any employee receives and considers a job offer from a party to a case or other matter pending before the commission with which the employee has official responsibilities, the employee shall report the facts to his or her supervisor and the supervisor shall relieve the employee from any further responsibility for the case or matter.

(4) Indirect transactions. These rules and the Executive Conflict of Interest Act apply to conflicts of interest and ethical problems whether they come directly or indirectly through members of a person's family, through corporations of which the employee is an officer, director, trustee, partner, or employee, or through other means.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-04-060 EXECUTIVE ~~((SECRETARY))~~ DIRECTOR MAY DELEGATE DUTIES. Unless a statute or rule provides otherwise, all duties and powers assigned to the executive ~~((secretary))~~ director may be delegated by the executive ~~((secretary))~~ director to other staff persons of the commission, with the executive ~~((secretary))~~ director remaining responsible. The general practice of the commissioners is to assign all staff duties and powers to the executive ~~((secretary))~~ director, with the understanding that the executive ~~((secretary))~~ director will allocate and reallocate the tasks among the staff and see that the tasks are performed.

AMENDATORY SECTION (Amending Order 35, filed 9/2/77)

WAC 162-04-070 EXECUTIVE ~~((SECRETARY))~~ DIRECTOR MAY ISSUE OPINIONS. (1) Authorization. The executive ~~((secretary))~~ director may issue written opinions to persons who request advice as to the application of the law against discrimination or rules or practices of the commission. The opinions shall not be inconsistent with the statute, or the regulations or policies of the commission.

(2) Review by commission. The executive ~~((secretary))~~ director shall send a copy of each opinion to each commissioner before, or promptly after, it is sent to the person requesting it. Any commissioner may have the question of commission approval, disapproval, or revision of an opinion put on the agenda of a commission meeting, and the commission shall then approve, disapprove, or revise the opinion.

(3) Revocation or revision. An opinion of the executive ~~((secretary))~~ director may be revoked or revised at any time by the executive ~~((secretary))~~ director, or by action of the commissioners at a meeting. The revocation or revision shall not be effective as to the person who requested the opinion until that person has notice of the revocation or revision.

(4) Supersedure. An opinion of the executive ~~((secretary))~~ director is automatically superseded by any material change in the applicable statutes, regulations, or case law. Notice to the person who requested the opinion is not necessary for supersedure under this paragraph.

(5) Reliance. When any person has relied in good faith on an opinion of the executive ~~((secretary))~~ director, the commission will not thereafter assert a contrary position against that person, unless the opinion is revoked or revised, or is superseded by a material change in the applicable statutes, regulations, or case law. This paragraph covers persons other than the person who requested the opinion, if the persons have justifiably relied on the opinion.

(6) Subdelegation. The executive ~~((secretary))~~ director may authorize members of the commission's staff or the commission's legal counsel to issue opinions in the name of the executive ~~((secretary))~~ director, subject to the supervision of the executive ~~((secretary))~~ director, and subject to all of the requirements of this section.

(7) Authentication. Nothing shall be an opinion of the executive ~~((secretary))~~ director for purposes of this section unless it is designated as such in its caption or in its text.

WSR 89-17-116

PROPOSED RULES

**DEPARTMENT OF COMMUNITY DEVELOPMENT
(Office of Archaeology and
Historic Preservation)**

[Filed August 23, 1989, 8:54 a.m.]

Original Notice.

Title of Rule: Archaeological excavation and removal permit.

Purpose: To amend existing archaeological excavation and removal permit rules to apply to archaeological sites on privately owned land.

Statutory Authority for Adoption: RCW 27.34.220 and 27.44.020.

Statute Being Implemented: Chapter 44, Laws of 1989.

Summary: The proposed rule amends the existing archaeological excavation and removal permit rules so there is a uniform application and review procedure for all public and privately owned archaeological sites and objects.

Reasons Supporting Proposal: The proposed rules reflect changes to chapters 27.34 and 27.44 RCW enacted in the 1989 legislative session.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jacob Thomas and Robert Whitlam, 111 West 21st Avenue, KL-11, Olympia, WA 98504, 753-4011.

Name of Proponent: Department of Community Development, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules provide for application and review procedures for the issuance of archaeological excavation permits. The proposed amendments establish a uniform review and application procedure for publicly and privately owned archaeological sites and objects and Native Indian cairns and graves.

Proposal Changes the Following Existing Rules: The changes add privately owned archaeological sites and objects to the category of archaeological sites requiring a permit to alter, excavate or remove.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: State Capital Museum Coachhouse, 211 West 21st Avenue, KM-11, Olympia, WA 98504, on November 8, 1989, at 10:00 a.m.

Submit Written Comments to: Archaeology and Historic Preservation, 111 West 21st Avenue, KL-11, Olympia, WA 98504-5411, by November 6, 1989.

Date of Intended Adoption: November 8, 1989.

August 22, 1989

Chuck Clarke

Director

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 889-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with

a specialization in archaeology; has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist including no more than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

(5) "Public lands" means lands owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state; including the state's submerged lands under the Submerged Lands Act, 43 U.S.C. Sec. 1301 et seq.

(6) "Site restoration" means to repair the archaeological property to its preexcavation vegetational and topographic state.

(7) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(8) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(9) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(10) "Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistorical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material.

((+)) (11) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

((+)) (12) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

((++)) (13) "Director" means the director of the department of community development or his designee.

((+2)) (14) "Office" means the Washington state office of archaeology and historic preservation, department of community development.

((+3)) (15) "Department" means the department of community development.

((+4)) (16) "Suspension" means the abeyance of a permit under this chapter for a specified period of time.

((+5)) (17) "Revocation" means the termination of a permit under this chapter.

((+6)) (18) "Mitigation" means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

((+7)) (19) "Abandonment" means that the resource has been deserted and the owner has relinquished ownership rights with no retention, as demonstrated by a writing, oral communication, action, or inaction.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-030 SCOPE AND COVERAGE OF THIS CHAPTER. (1) This chapter is applicable to any person, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the state, county, or city, or a political subdivision of the state.

(2) This chapter is applicable to the alteration, digging, excavating, or removal of archaeological objects or sites or historic archaeological resources which have been abandoned thirty years or more (~~(from public lands, the alteration, digging, excavating or removal of archaeological or historic archaeological resources from private lands where the landowner has requested the office to issue archaeological excavation and removal permits)~~), and the removal of glyptic or painted records (~~(of prehistoric peoples)~~) or archaeological resources from native Indian cairns or graves.

(3) This chapter does not apply to the removal of artifacts found exposed on the surface of the ground which are not historic archaeological resources or sites except when there will be removal of glyptic or painted records (~~(of prehistoric peoples)~~), or archaeological resources from native Indian cairns or graves.

(4) This chapter is applicable as follows to the removal of sample artifacts as provided under WAC 25-46-060 (1)(d):

WAC 25-48-010.

WAC 25-48-020.

WAC 25-48-030.

WAC 25-48-050.

WAC 25-48-060 (1)(a), except for the requirements of a completed inventory form, (1)(d), (f), (g), (h), (m), (n), and (5).

WAC 25-48-090.

WAC 25-48-100.

WAC 25-48-105.

WAC 25-48-120.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-050 APPLICATION REQUIREMENTS AND FORMS. (1) Any person or entity covered by this chapter and described in WAC 25-48-030 proposing to dig, alter, excavate, and/or remove archaeological objects and sites or historic archaeological resources (~~(from public lands, or private lands where the landowner has transferred permit authority to the department)~~), or proposing to remove glyptic or painted records of (~~(prehistoric)~~) tribes or peoples, or archaeological resources from native Indian cairns or graves shall apply to the office for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued.

(2) Each application for a permit from the department shall be submitted on the archaeological excavation and removal permit application form approved by the director. These application forms may be obtained from the Office of Archaeology and Historic Preservation, Department of Community Development, 111 West 21st Avenue KL-11, Olympia, WA 98504; telephone (206) 753-5010.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-060 SUMMARY OF INFORMATION REQUIRED OF AN APPLICANT. (1) Each application for a permit shall include:

(a) The nature and extent of the work proposed, including how and why it is proposed to be conducted and the methods proposed for excavation and recovery, proposed time of performance, locational maps, and a completed site inventory form.

(b) An artifact inventory plan detailing the character of the expected data categories to be recovered including the proposed methods of inventorying the recovered data and proposed methods of cleaning, stabilizing, and curating of specimens and recovered data consistent with the Secretary of the Interior's standards for archaeological curation. If human remains are proposed for recovery, a plan for their removal and disposition must be provided.

(c) A professional, scientific research design demonstrating that the work will be performed in a scientific and technically acceptable manner taking into account current scientific research issues and cultural resource management plans.

(d) The name and address of the individual(s) proposed to be responsible for conducting the work, institutional affiliation, if any, and evidence of education, training, and experience in accord with the minimal qualifications listed in this chapter.

(e) The name and address of the individual(s) proposed to be responsible for carrying out the terms and conditions of the permit, if different from the individuals enumerated under (d) of this subsection.

(f) Financial evidence of the applicant's ability to initiate, conduct, and complete the proposed work, including evidence of logistical support and laboratory facilities.

(g) A plan for site restoration following excavation activities and evidence of plans to secure bonding to cover the cost of site restoration.

(h) Evidence of an agreement for the proposed work from the owner, agency, or political subdivision with management responsibility over the land.

(i) Evidence of filing of the proposed work with the Washington archaeological research center.

(j) For amateur society application, evidence of review and recommendations from the Washington archaeological research center.

(k) A site security plan to assure the protection of the site and its contents during the public permit review and excavation process.

(l) A public participation plan detailing the extent of public involvement and dissemination of project results.

(m) A completed environmental checklist as required by WAC 197-11-100 to assist the office in making a threshold determination and to initiate SEPA compliance.

(n) Evidence of abandonment: Abandonment will be presumed where the applicant presents information that thirty or more years have elapsed since the loss of the resource. If it appears to the office from any source that the resource has not been abandoned or may not have been abandoned, and in the case of all United States government warships, aircraft, or other public vessels, the office will find that the presumption does not arise and will require proof of abandonment. Proof may be satisfied by submission of a statement of abandonment from the owner, his or her successors, assigns or legal representatives, or through final adjudication by a court of law.

(2) Where the application is for the excavation and/or removal of archaeological resources on public lands, the name of the Washington university, museum, repository or other scientific or educational institution in which the applicant proposes to store all collections, and copies of records, data, photographs, and other documents derived from the proposed work. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, records, data, photographs and other documents and to safeguard, preserve, and allow for the future scientific access to these materials as property of the state.

(3) Where the application is for the excavation and/or removal of archaeological resources on private land, the name of the university, museum, repository, or other scientific or educational institution in which the applicant proposes to store copies of records, data, photographs, and other documents derived from the proposed work and all collections in the event the landowner does not wish to take custody or otherwise dispose of the archaeological resources. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the collections, if applicable, and/or the records, data, photographs, and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific access to these materials.

(4) Where the application is for the excavation and/or removal of a historic archaeological resource that is an historic aircraft, the name of the Washington museum, historical society, nonprofit organization, or governmental entity that proposes to assume curatorial responsibility for the resource. Applicants shall submit written certification, signed by an authorized official of the institution, of willingness to assume curatorial responsibility for the resource and all associated records, data, photographs and other documents derived from the proposed work and to safeguard, preserve, and allow for the future scientific and public access to these materials.

(5) After review of the application, the office may require additional information to properly evaluate the proposed work and shall so inform the applicant. Field investigation or research may be required of the applicant or conducted by the office at the applicant's cost. A bond in an amount specified by the office may be required of the applicant to ensure payment of the professional expenses incurred by the office. Advance notice of any anticipated cost shall be given to the applicant.

AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

WAC 25-48-070 NOTIFICATION TO INDIAN TRIBES. (1) Upon receipt of a completed application form for archaeological excavation of (~~(an)~~) a native Indian cairn or grave or the removal of glyptic or painted records, the office, at least thirty days before issuing such

a permit, shall notify ~~((any))~~ the affected Indian tribe which may consider the site to be of historic or cultural significance.

(2) Notice by the office ~~((to any Indian tribe))~~ shall be sent to the chief executive officer or other designated official of the tribe. Any native Indian tribe or other native American group may supply the office in advance with sites or locations for which such tribe or group wishes to receive notice under this section.

(3) Upon request during the thirty-day period, the office may meet with official representatives of any native Indian tribe or group to discuss their interests, including, but not limited to, the proposed excavation methods. Mitigation measures, including stipulations pertaining to the disposition of human remains, may be incorporated into the terms and conditions of the permit.

(4) When the office determines that a permit applied for under this chapter must be issued immediately because of an imminent threat of loss or destruction of an archaeological resource, the office shall so notify the appropriate tribe.

(5) The tribes with whom the office has consulted shall be promptly notified in writing of the issuance of the permit.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-090 ISSUANCE OF PERMIT. The office will normally act upon a permit application within sixty days of receipt of a complete permit application except in the case of an historic archaeological resource where the applicant is not the holder of the right of first refusal. Such applications shall be subject to the provisions of WAC 25-48-085. The director may issue a temporary permit immediately where delay could cause damage to an archaeological or historic archaeological resource or site. Said permit shall be valid only for thirty days. The office may issue a permit, for a specified period of time appropriate to the work to be conducted, upon determining that:

(1) The applicant, or in the case of an amateur society, or other group or organization, the individual proposed to be responsible for conducting the archaeological work, is appropriately qualified, as evidenced by training, education, and/or experience, and possesses demonstrable competence in archaeological methods and theory, and in collecting, handling, analyzing, evaluating, and reporting archaeological data, relative to the type and scope of the work proposed, and also meets the minimum qualifications as a professional archaeologist.

(2) The proposed archaeological work is to be undertaken for the purpose of furthering archaeological knowledge in the public interest, which may include but need not be limited to, scientific or scholarly research, and preservation of archaeological data.

(3) The proposed archaeological work, including time, scope, location, and purpose, is not inconsistent with any management plan or established policy, objectives, or requirements applicable to the management of public lands concerned.

(4) ~~((Evidence is submitted to the office that))~~ Any Washington university, museum, repository, or other scientific or educational institution proposed as the repository possesses adequate curatorial capability for safeguarding and preserving the archaeological resources and all associated records.

(5) Where the application is for ~~((an))~~ a state-owned historic archaeological resource, a contract between the applicant and the department has been executed. Such a contract shall include but not be limited to the following terms and conditions:

(a) Historic shipwrecks:

(i) The contract shall provide for fair compensation to a salvor. Fair compensation means an amount not less than ninety percent of the appraised value of the objects recovered following successful completion of the contract.

(ii) The salvor may retain objects with a value of up to ninety percent of the appraised value of the total objects recovered, or cash, or a combination of objects and cash. In no event may the total of objects and cash exceed ninety percent of the total appraised value of the objects recovered. A salvor shall not be entitled to further compensation from any state sources.

(iii) The contract shall provide that the state will be given first choice of which objects it may wish to retain for display purposes for the people of the state from among all the objects recovered. The state may retain objects with a value of up to ten percent of the appraised value of the total objects recovered. If the state chooses not to retain recovered objects with a value of up to ten percent of the appraised value, the state shall be entitled to receive its share in cash or a combination of recovered objects and cash so long as the state's total share does not exceed ten percent of the appraised value of the objects recovered.

(iv) The contract shall provide that both the state and the salvor shall have the right to select a single appraiser or joint appraisers.

(v) The contract shall provide that the applicant agrees to allow the department access to all artifacts and data recovered from the historic shipwreck for purposes of scholarly research and photographic documentation for the period specified by the department.

(vi) The contract shall also provide that title to the objects shall pass to the salvor when the permit is issued. However, should the salvor fail to fully perform under the terms of the contract, title to all objects recovered shall revert to the state. If the salvor should fail to perform the contract terms specified in (a)(v) of this subsection and has disposed of the objects to which title has passed, the salvor shall be liable to the state for liquidated damages in the amount of the appraised value of the objects disposed of.

(b) Historic aircraft:

(i) The contract shall provide that historic aircraft belonging to the state of Washington may only be recovered if the purposes of the salvage operation is to recover the aircraft for a Washington museum, historical society, nonprofit organization, or governmental entity.

(ii) Title to the aircraft may only be passed by the state to one of the entities listed in (b)(i) of this subsection.

(iii) Compensation to the salvor shall only be derived from the sale or exchange of the aircraft to one of the entities listed in (b)(i) of this subsection or such other compensation as one of the entities and the salvor may arrange. The salvor shall not have a claim to compensation from state funds.

(c) Other historic archaeological resources:

The director, in his or her discretion, may negotiate the terms of such contracts.

(6) Evidence that the applicant agrees to mitigate any archaeological damage which occurs during the excavations and recovery operations.

(7) Evidence that the applicant agrees to allow the department access to all artifacts and data recovered from historic archaeological sites for purposes of scholarly research and photographic documentation for a period to be agreed upon by the parties.

(8) Evidence that the applicant agrees to allow the department to have the right to publish scientific papers concerning the results of all research conducted as project mitigation.

(9) After the granting of a permit and, when information filed with the office becomes inaccurate in any way, or additions or deletions are necessary, the applicant or permittee shall submit full details of any such changes and/or correct any inaccuracy, together with copies of any new required documents, with the office within fifteen days following the change. The office reserves the right to suspend or revoke a permit under the terms of WAC 25-48-110.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-100 TERMS AND CONDITIONS OF PERMITS. (1) In all permits issued, the office shall specify:

(a) The nature and extent of work allowed and required under the permit, including the time, duration, scope, location, and purpose of the work;

(b) The name of the individual(s) responsible for conducting the work and, if different, the name of the individual(s) responsible for carrying out the terms and conditions of the permit.

(c) The name of any university, museum, repository, or other scientific or educational institutions in which any collected materials and data shall be deposited.

(d) Reporting documentation requirements and site restoration and mitigation requirements.

(2) The director may specify such terms and conditions as deemed necessary, consistent with this chapter, to protect public safety and other values and/or resources, to secure work areas, to safeguard other legitimate land uses, and to limit activities incidental to work authorized under the permit. This may include sufficient bonding to cover cost of site restoration.

(3) The office may include in permits issued for archaeological work on native Indian cairns and graves or glyptic or painted records such terms and conditions as may be requested by the concerned native Indian tribe.

(4) Initiation of work or other activities under the authority of a permit signifies the permittee's acceptance of the terms and conditions of the permit.

(5) The permittee shall not be released from requirements of a permit until all outstanding obligations have been satisfied, whether or not the term of the permit has expired.

(6) The permittee may request that the office extend or modify a permit. Such a request will require compliance with all the provisions of this chapter.

(7) The permittee's performance under any permit issued for a period greater than one year shall be subject to review by the office, at least annually.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-105 PERMIT DENIAL. If a permit is denied, a written statement of the reasons for the denial will accompany the notice of permit denial to the applicant as well as notice of the right to request a hearing. A permit may be denied for failure to adequately meet the ((standards required)) requirements of an ((application)) applicant under WAC 25-48-060 and/or the standards set forth in WAC 25-48-090.

AMENDATORY SECTION (Amending Order 11, filed 6/5/86)

WAC 25-48-110 SUSPENSION AND REVOCATION OF PERMITS. (1) The office may suspend or revoke a permit issued pursuant to this chapter upon determining that the permittee has failed to meet any of the terms and conditions of the permit and upon at least twenty days written notice. In the case of emergencies which imminently threaten health, safety, or welfare including property, the office may summarily suspend a permit immediately by issuing a written order which incorporates a finding to that effect.

(2) The office shall provide written notice and the notice of right to request a public hearing to the permittee of the suspension or revocation, the cause thereof, and in the case of a suspension, the length of the suspension and the requirements which must be met before the suspension will be removed.

WSR 89-17-117

EMERGENCY RULES

**DEPARTMENT OF COMMUNITY DEVELOPMENT
(Office of Archeology and
Historic Preservation)**

[Filed August 23, 1989, 8:58 a.m.]

Date of Adoption: August 22, 1989.

Purpose: To amend existing WACs pertaining to the application and granting of archaeological excavation and removal permits to apply to privately owned land.

Citation of Existing Rules Affected by this Order: Amending WAC 25-48-020, 25-48-030 and 25-48-050.

Statutory Authority for Adoption: RCW 27.34.220, 27.44.020 and section 7, chapter 44, Laws of 1989 (amending RCW 27.53.060).

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Reports of uncontrolled excavation of archaeological sites on private lands have raised concern among enforcement personnel on successful prosecution in the absence of permitting WACs. The proposed emergency rules seek to eliminate that loophole in enforcement until the permanent rules can be adopted.

Effective Date of Rule: Immediately.

August 22, 1989

Chuck Clarke

Director

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-020 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Archaeology" means systematic, scientific study of man's past through his material remains.

(2) "Historic" means peoples and cultures who are known through written documents in their own or other languages. As applied to underwater archaeological resources, the term historic shall include only those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 889-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

(3) "Prehistoric" means peoples and cultures who are unknown through contemporaneous written documents in any language.

(4) "Professional archaeologist" means a person has designed and executed an archaeological study as evidenced by a thesis or dissertation, and has been awarded an advanced degree such as an M.A., M.S., or Ph.D. from an accredited institution of higher education in archaeology, anthropology, or history or other germane discipline with a specialization in archaeology; has a minimum of one year of field experience with at least twenty-four weeks of field work under the supervision of a professional archaeologist including no more than twelve weeks of survey or reconnaissance work, and at least eight weeks of supervised laboratory experience. Twenty weeks of field work in a supervisory capacity must be documentable with a report produced by the individual on the field work.

(5) "Public lands" means lands owned by or under the possession, custody, or control of the state of Washington or any county, city, or political subdivision of the state, including the state's submerged lands under the Submerged Lands Act, 43 U.S.C. Sec. 1301 et seq.

(6) "Site restoration" means to repair the archaeological property to its preexcavation vegetational and topographic state.

(7) "Amateur society" means any organization composed primarily of persons who are not professional archaeologists, whose primary interest is in the archaeological resources of the state, and which has been certified in writing by two professional archaeologists.

(8) "Archaeological object" means an object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products.

(9) "Archaeological site" means a geographic locality in Washington, including but not limited to, submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects.

(10) "Archaeological resource" means any material remains of human life or activities which are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of pre-historical or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material.

((+9)) (11) "Historic archaeological resources" means those properties which are listed in or eligible for listing in the Washington State Register of Historic Places (RCW 27.34.220) or the National Register of Historic Places as defined in the National Historic Preservation Act of 1966 (Title 1, Sec. 101, Public Law 89-665; 80 Stat. 915; 16 U.S.C. Sec. 470) as now or hereafter amended.

((+0)) (12) "Of archaeological interest" means capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation.

((+1)) (13) "Director" means the director of the department of community development or his designee.

((+2)) (14) "Office" means the Washington state office of archaeology and historic preservation, department of community development.

((+3)) (15) "Department" means the department of community development.

((+4)) (16) "Suspension" means the abeyance of a permit under this chapter for a specified period of time.

((+5)) (17) "Revocation" means the termination of a permit under this chapter.

((+6)) (18) "Mitigation" means:

(a) Avoiding the impact altogether by not taking a certain action or parts of an action;

(b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology, or by taking affirmative steps to avoid or reduce impacts;

(c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action;

(e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments; and/or

(f) Monitoring the impact and taking appropriate corrective measures.

((+7)) (19) "Abandonment" means that the resource has been deserted and the owner has relinquished ownership rights with no retention, as demonstrated by a writing, oral communication, action, or inaction.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-030 SCOPE AND COVERAGE OF THIS CHAPTER. (1) This chapter is applicable to any person, corporation, partnership, trust, institution, association, or any other private entity, or any officer, employee, agent, department, or instrumentality of the state, county, or city, or a political subdivision of the state.

(2) This chapter is applicable to the alteration, digging, excavating, or removal of archaeological objects or sites or historic archaeological resources which have been abandoned thirty years or more (~~from public lands, the alteration, digging, excavating or removal of archaeological or historic archaeological resources from private lands where the landowner has requested the office to issue archaeological excavation and removal permits~~), and the removal of glyptic or painted records (~~of prehistoric peoples~~) or archaeological resources from native Indian cairns or graves.

(3) This chapter does not apply to the removal of artifacts found exposed on the surface of the ground which are not historic archaeological resources or sites except when there will be removal of glyptic or painted records (~~of prehistoric peoples~~), or archaeological resources from native Indian cairns or graves.

(4) This chapter is applicable as follows to the removal of sample artifacts as provided under WAC 25-46-060 (1)(d):

WAC 25-48-010.

WAC 25-48-020.

WAC 25-48-030.

WAC 25-48-050.

WAC 25-48-060 (1)(a), except for the requirements of a completed inventory form, (1)(d), (f), (g), (h), (m), (n), and (5).

WAC 25-48-090.

WAC 25-48-100.

WAC 25-48-105.

WAC 25-48-120.

AMENDATORY SECTION (Amending Order 88-06, filed 11/4/88)

WAC 25-48-050 APPLICATION REQUIREMENTS AND FORMS. (1) Any person or entity covered by this chapter and described in WAC 25-48-030 proposing to dig, alter, excavate, and/or remove archaeological objects and sites or historic archaeological resources (~~from public lands, or private lands where the landowner has transferred permit authority to the department~~), or proposing to remove glyptic or painted records of (~~prehistoric~~) tribes or peoples, or archaeological resources from native Indian cairns or graves shall apply to the office for a permit for the proposed work, and shall not begin the proposed work until a permit has been issued.

(2) Each application for a permit from the department shall be submitted on the archaeological excavation and removal permit application form approved by the director. These application forms may be obtained

from the Office of Archaeology and Historic Preservation, Department of Community Development, 111 West 21st Avenue KL-11, Olympia, WA 98504; telephone (206) 753-5010.

WSR 89-17-118**PROPOSED RULES****HIGHER EDUCATION PERSONNEL BOARD**

[Filed August 23, 1989, 9:22 a.m.]

Original Notice.

Title of Rule: WAC 251-22-170 Military leave.

Purpose: Provides for leave for military training.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: RCW 38.40.060.

Summary: Employees are entitled to leave with pay not to exceed fifteen working days in any one calendar year, as opposed to fifteen calendar days.

Reasons Supporting Proposal: Recent ruling by the court of appeals of the state of Washington. Intended language is proposed for adoption October 5, 1989, to be effective December 1, 1989.

Name of Agency Personnel Responsible for Drafting: Dorothy Gerard, 1202 Black Lake Boulevard, FT-11, Olympia, 753-0381; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, 753-3730.

Name of Proponent: HEPB staff, governmental.

Rule is necessary because of state court decision, Court of Appeals No. 11478-0-II.

Explanation of Rule, its Purpose, and Anticipated Effects: Rule sets forth parameters for granting military leave to employees. Amendment to rule clarifies that it is granted for working days rather than calendar days, as reflected in court decision.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Founders Room, Lower Columbia College, Longview, on October 5, 1989, at 10:00 a.m.

Submit Written Comments to: Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by October 5, 1989.

Date of Intended Adoption: October 5, 1989.

August 23, 1989

John A. Spitz

Director

AMENDATORY SECTION (Amending Order 161, filed 9/30/87)

WAC 251-22-170 MILITARY TRAINING LEAVE. (1) Employees shall be entitled to leave with pay not to exceed fifteen working days in any one calendar year for active duty in the National Guard; Army, Air, Marine, or Naval Reserve forces of the United States for annual field training or otherwise discharging reserve obligations.

(2) Such leave shall be in addition to any vacation leave to which an employee is entitled and shall not result in any loss of benefits, privileges or pay.

(3) During military training leave, the employee shall receive the normal base pay.

(4) Employees required to appear during working hours for a physical examination to determine physical fitness for military service shall receive full pay for the time required to complete the examination.

WSR 89-17-119**PROPOSED RULES****HIGHER EDUCATION PERSONNEL BOARD**

[Filed August 23, 1989, 9:23 a.m.]

Original Notice.

Title of Rule: WAC 251-22-250 Shared leave; 251-22-260 Shared leave receipt; 251-22-270 Shared leave use; 251-22-280 Annual leave donation; 251-22-290 Shared leave administration; and 251-22-300 Shared leave records.

Purpose: To provide for establishment of an annual leave sharing program for state employees as specified in ESSB 5933.

Statutory Authority for Adoption: Chapter 41.04 RCW and RCW 28B.16.100.

Statute Being Implemented: Chapter 41.04 RCW.

Summary: WAC 251-22-250 explains program and defines some terminology; 251-22-260 describes conditions under which employees may receive shared leave; 251-22-270 discusses allowable use of shared leave by recipient; 251-22-280 explains conditions under which employees may donate annual leave; 251-22-290 discusses administration of the program; and 251-22-300 lists types of records the institutions will need to maintain in order to allow for legislative review.

Reasons Supporting Proposal: The legislature passed and the governor signed ESSB 5933 which created the leave sharing program and mandated the Higher Education Personnel Board to adopt rules to implement the program.

Name of Agency Personnel Responsible for Drafting: Dorothy Gerard, 1202 Black Lake Boulevard, FT-11, Olympia, 753-0381; Implementation and Enforcement: John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, 753-3730.

Name of Proponent: HEPB staff, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This change is not the result of federal law or state or federal court action.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To provide for establishment of an annual leave sharing program for state employees as specified in ESSB 5933.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Founders Room, Lower Columbia College, Longview, on October 5, 1989, at 10:00 a.m.

Submit Written Comments to: Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by October 5, 1989.

Date of Intended Adoption: October 5, 1989.

August 23, 1989

John A. Spitz

Director

NEW SECTION

WAC 251-22-250 SHARED LEAVE. The purpose of the Washington state leave sharing program is to permit state employees, at no significantly increased cost to the state of providing annual leave, to come to the aid of another state employee who is suffering from or has a relative or household member suffering from an extraordinary or severe illness, injury, impairment, or physical or mental condition which has caused or is likely to cause the employee to take leave without pay or terminate his or her employment. For purposes of the Washington state leave sharing program, the following definitions apply:

(1) "Employee's relative" normally shall be limited to the employee's spouse, child, stepchild, grandchild, grandparent, or parent.

(2) "Household members" is defined as persons who reside in the same home who have reciprocal duties to and do provide financial support for one another. This term shall include foster children and legal wards. The term does not include persons sharing the same general house when the living style is primarily that of a dormitory or commune.

(3) "Severe" or "extraordinary" condition is defined as serious or extreme and/or life threatening.

NEW SECTION

WAC 251-22-260 SHARED LEAVE RECEIPT. An employee may be eligible to receive shared leave if the employee's agency/institution head has determined the employee meets the following criteria:

(1) The employee suffers from, or has a relative or household member suffering from, an illness, injury, impairment, or physical or mental condition which is of an extraordinary or severe nature and which has caused or is likely to cause the employee to go on leave without pay status or terminate state employment; and

(2) The employee has depleted or will shortly deplete his or her annual and sick leave reserves; and

(3) The employee's absence and the use of shared leave are justified; and

(4) The employee is not eligible for time loss compensation under chapter 51.32 RCW. If a time loss claim is approved at a later time, all leave received shall be returned to the donors, and the employee will return any and all overpayments to the agency/institution. The employee is required to file a workers' compensation claim only in the event he or she is requesting shared leave due to a condition caused by an industrial injury or occupational disease; and

(5) The employee has abided by agency/institution policy regarding the use of sick leave.

NEW SECTION

WAC 251-22-270 SHARED LEAVE USE. (1) The agency/institution head shall determine the amount of leave, if any, which an employee may receive under these rules. However, an employee shall not receive more than two hundred sixty-one days of shared leave.

(2) The agency/institution head shall require the employee to submit, prior to approval or disapproval, a medical certificate from a licensed physician or health care practitioner verifying the employee's required absence, the description of the medical problem, and expected date of return-to-work status.

(3) The agency/institution head should consider other methods of accommodating the employee's needs such as modified duty, modified hours, flex-time or special assignments in lieu of shared leave usage per WAC 251-10-070, 251-10-080, 251-10-090, 251-17-090, 251-18-180, 251-19-100, 251-19-105, and 251-24-030.

(4) Leave transferred under these rules may be transferred from employees of one agency/institution to an employee of the same agency/institution or, with the approval of the heads of both agencies/institutions, to an employee of another state agency/institution.

(5) Annual leave transferred under these rules shall be used solely for the purpose stated in WAC 251-22-250.

(6) The receiving employee shall be paid his/her regular rate of pay; therefore, the value of one hour of shared leave may cover more or less than one hour of the recipient's salary.

NEW SECTION

WAC 251-22-280 ANNUAL LEAVE DONATION. An employee may donate annual leave to another employee for purposes of the Washington state leave sharing program under the following conditions:

(1) The employee's agency/institution head approves the employee's request to donate a specified amount of annual leave to an employee authorized to receive shared leave; and

(2) The employee's request to donate leave will not cause his/her annual leave balance to fall below ten days; and

(3) Employees may not donate excess vacation leave that they would not be able to take due to an approaching anniversary date; and

(4) No employee may be intimidated, threatened, or coerced into donating leave for purposes of this program.

NEW SECTION

WAC 251-22-290 SHARED LEAVE ADMINISTRATION. (1) The calculation of the recipient's leave value shall be in accordance with applicable office of financial management policies, regulations, and procedures. The leave received will be coded as shared leave and be maintained separately from all other leave balances. All compensatory time, sick leave, and annual leave accrued must be used prior to using shared leave.

(2) An employee on leave transferred under these rules shall continue to be classified as a state employee and shall receive the same treatment in respect to salary, wages, and employee benefits as the employee would normally receive if using accrued annual leave or sick leave.

(3) All salary and wage payments made to employees while on leave transferred under these rules shall be made by the agency/institution employing the person receiving the leave.

(4) Where agency/institution heads have approved the transfer of leave by an employee of one agency/institution to an employee of another agency/institution, the agencies/institutions involved shall arrange for the transfer of funds and credit for the appropriate value of leave in accordance with office of financial management policies, regulations, and procedures.

(5) Leave transferred under this section shall not be used in any calculation to determine an agency's/institution's allocation of full-time equivalent staff positions.

(6) Any shared leave not used by the recipient shall be returned to the donor(s).

(7) Unused shared leave may not be cashed out under WAC 251-22-090 but shall be returned to the donors per subsection (6) of this section.

NEW SECTION

WAC 251-22-300 SHARED LEAVE RECORDS. Agency/institution heads shall maintain the following records pertaining to the Washington state shared leave program:

(1) Number of requests received.

(2) Number of requests granted.

(3) Nature of request.

(4) Additional cost to the agency/institution of allowing participation in the shared leave program.

(5) Amount of leave transferred.

(6) Value of leave transferred.

(7) Date leave was transferred.

The remaining shared leave is to be divided on a pro rata basis among the donors and reinstated to the respective donors' annual leave balances based upon each employee's current salary rate at the time of the reversion.

WSR 89-17-120**PROPOSED RULES****HIGHER EDUCATION PERSONNEL BOARD**

[Filed August 23, 1989, 9:25 a.m.]

Original Notice.

Title of Rule: Readoption of WAC 251-04-105 Method and completion of service; 251-04-110 Filing with board; 251-12-073 Appeals from exempt status; 251-12-075 Appeals from alleged violations of HEPB law or rules; 251-12-076 Appeals from denial of parental leave requests; 251-12-080 Appeals from demotions,

suspension, layoff, reduction in salary, separation, dismissal; 251-12-090 Appeals receipt—Procedure; 251-12-096 Declaratory orders; 251-12-097 Declaratory orders—Form; 251-12-101 Motion(s) for continuance; 251-12-102 Motion for continuance—Procedure; 251-12-170 Subpoenas—Form; 251-12-180 Subpoenas—Issuance to parties; 251-12-190 Subpoenas—Service of subpoena; 251-12-200 Subpoenas—Witness fees; 251-12-210 Subpoenas—Proof of service; 251-12-250 Findings of fact—Conclusions of law—Filing procedure. Amending WAC 251-12-085 Hearing examiners and 251-12-100 Hearings before the board. New WAC 251-12-231 Informal settlements and 251-12-232 Pre-hearing conference.

Purpose: To specify the provision and implementation of hearings before the Higher Education Personnel Board.

The Higher Education Personnel Board has reviewed the Model Rules of Procedure which are required by RCW 34.05.250 and has compared them with its own rules of procedure which are promulgated in Title 251 WAC. HEPB was recognized by the legislature in the new APA as an agency with hearing procedures uniquely adapted to the constituency it was designed to serve. Labor and management are familiar and comfortable with the procedures currently in place. This factor was an important consideration in the determination of which of the Model Rules to adopt or adapt to the HEPB system. The portions of the Model Rules which are adopted in accord with HEPB system needs and also serve to codify procedures which are currently being practiced in HEPB hearings. Be it resolved that the Higher Education Personnel Board, which is exempt from the adjudicative hearings portion of the new Administrative Procedure Act, has chosen to adopt, modify or reject each respective model rule for the following reasons: WAC 10-08-001, reject, not applicable because chapter 10-08 WAC is not being adopted in its entirety; WAC 10-08-035, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-040, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-045, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d), will be reconsidered if future circumstances render it appropriate; WAC 10-08-050, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d) and from chapter 34.12 RCW per RCW 34.12.020(4); WAC 10-08-080, reject, already prescribed in WAC 251-04-100. The existing rule better serves the system; WAC 10-08-090, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-110, reject, already prescribed in WAC 251-04-105 and 251-04-110. The existing rule better serves the system; WAC 10-08-120, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-130, adopted in part as WAC 251-12-232; WAC 10-08-140, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per

RCW 34.05.030 (2)(d); WAC 10-08-150, reject, already adhere to chapter 2.42 RCW, which prescribes the use of interpreters. The rule varies from the statute; WAC 10-08-160, adopted in part as WAC 251-12-100(2) (as amended); WAC 10-08-170, reject, already prescribed in WAC 251-12-100(3). The existing rule better serves the system; WAC 10-08-180, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d) and 34.05.431; WAC 10-08-190, adopted in part as WAC 251-12-100(1) (as amended); WAC 10-08-200, adopted in part as WAC 251-12-085(1) (as amended); WAC 10-08-210, reject, already prescribed in WAC 251-12-250. The existing rule better serves the system; WAC 10-08-211, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-215, reject, exempt from adjudicative proceeding provision of chapter 34.05 RCW per RCW 34.05.030 (2)(d); WAC 10-08-220, reject, not applicable because chapter 10-08 WAC is not being adopted in its entirety; WAC 10-08-230, adopted in part as WAC 251-12-231; WAC 10-08-250, reject, already prescribed in WAC 251-12-097. The existing rule better serves the system; WAC 10-08-251, reject, already prescribed in WAC 251-12-096. The existing rule better serves the system; and WAC 10-08-252, reject, already prescribed in WAC 251-12-096. The existing rule better serves the system.

Statutory Authority for Adoption: RCW 28B.16.100.

Statute Being Implemented: RCW 28B.16.100, 34.05.220 and 34.05.250.

Summary: Prescribe procedures to be followed for hearings in the HEPB system.

Reasons Supporting Proposal: Chapter 34.05 RCW requires HEPB to review and adopt as many of the model rules of procedure as is reasonable under its circumstances and to readopt those appropriate HEPB rules of procedure that differ from the model rules.

Name of Agency Personnel Responsible for Drafting: Dorothy Gerard, 1202 Black Lake Boulevard, FT-11, Olympia, 753-0381; **Implementation and Enforcement:** John Spitz, Director, 1202 Black Lake Boulevard, FT-11, Olympia, 753-3730.

Name of Proponent: HEPB staff, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rules specify the provision and implementation of hearings before the Higher Education Personnel Board.

Proposal Changes the Following Existing Rules: Only WAC 251-12-085 and 251-12-100 are changed. The amendments more clearly delineate authority of the hearing examiner; conditions and exclusion of testimony and equipment; and specify administration of oath according to RCW 5.28.020 through 5.28.060.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Founders Room, Lower Columbia College, Longview, on October 5, 1989, at 10:00 a.m.

Submit Written Comments to: Higher Education Personnel Board, 1202 Black Lake Boulevard, FT-11, Olympia, WA 98504, by October 5, 1989.

Date of Intended Adoption: October 5, 1989.

August 23, 1989

John A. Spitz

Director

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-105 METHOD AND COMPLETION OF SERVICE. Service of papers shall be made either personally or by registered or certified mail, unless otherwise provided by law. Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail, upon deposit in the United States mail properly stamped and addressed to the last known address on file with the institution.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-04-110 FILING WITH BOARD. Papers required to be filed with the board shall not be deemed filed until actual receipt of the papers by the board at its headquarters in Olympia, Washington. All papers shall be filed at the office of the director, where the date of receipt shall be recorded on such papers.

READOPTED SECTION (Readopting Order 134, filed 7/31/85, effective 9/1/85)

WAC 251-12-073 APPEALS FROM EXEMPT STATUS. As indicated in WAC 251-04-040(11), any employee who feels that any classification should or should not be exempt, or any employee in a nonexempt classification who feels that he/she should be exempt because of academic qualifications which would enable such employee to teach and thus be exempt, may appeal to the board in the same manner as provided in WAC 251-12-080.

READOPTED SECTION (Readopting Order 176, filed 3/23/89, effective 5/1/89)

WAC 251-12-075 APPEALS FROM ALLEGED VIOLATIONS OF HEPB LAW OR RULES. Any employee, employee representative or appointing authority desiring to appeal an alleged violation of the higher education personnel law or rules adopted thereunder, may appeal such alleged violation to the board. Such appeal must be in writing and be filed in the office of the director within thirty calendar days after the effective date of the action appealed. The director shall forward the written notice of appeal to the board which shall determine that one of the following actions be taken:

(1) The case may be handled in the same manner as appeals from demotion, suspension, layoff, reduction or dismissal, as provided in WAC 251-12-080 through 251-12-260; or

(2) The director may investigate the case and based upon that investigation issue a determination. Within thirty calendar days of the date of service either party may file written exceptions with the board detailing the specific items of the determination to which exception is taken. A hearing on the exceptions will be scheduled before the board which may do one or more of the following:

(a) Limit argument to the exceptions;
(b) Request clarification of information upon which the director's determination was based;

(c) Remand the case for further investigation;

(d) Rehear the case in its entirety; or

(3) Both parties to the appeal may be requested to submit evidence upon which the board may take action without a hearing.

READOPTED SECTION (Readopting Order 161, filed 9/30/87)

WAC 251-12-076 APPEALS FROM DENIAL OF PARENTAL LEAVE REQUESTS. Any permanent employee who is denied parental leave per WAC 251-22-195 may appeal such action to the board. The appeal must be in writing and submitted to the higher education personnel board office within seven calendar days following receipt by the employee of the personnel officer's written notification and rationale for denial. Appeals under this section will be heard by a board hearing examiner and a verbal decision will be rendered within forty-eight hours of the hearing, with a written decision to follow within thirty days. The hearing examiner's determination shall be final and binding.

READOPTED SECTION (Readopting Order 119, filed 7/31/84)

WAC 251-12-080 APPEALS FROM DEMOTION, SUSPENSION, LAYOFF, REDUCTION IN SALARY, SEPARATION, DISMISSAL. Any permanent employee who is demoted, suspended, laid off, reduced in salary, separated or dismissed, may appeal such action. Appeals must be in writing and must be filed in the office of the director within thirty calendar days after the effective date of the action appealed.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-090 APPEALS RECEIPT—PROCEDURE. The director shall forward the written notice of appeal to the board or hearing examiner and the institution concerned and shall aid in arranging an appeal hearing as soon as possible. The hearing shall be conducted within thirty calendar days after receipt of the appeal by the director.

READOPTED SECTION (Readopting Order 177, filed 6/6/89)

WAC 251-12-096 DECLARATORY ORDERS. As provided in RCW 34.05.240, any person may petition the board for a declaratory order with respect to the applicability to specified circumstances of a rule, order, or statute enforceable by the higher education personnel board. For purposes of this section, the term person includes natural persons, employee organizations, institutions of higher education, and related boards.

(1) The petition shall be in writing, in accordance with WAC 251-12-097, and filed at the higher education personnel board office in Olympia. The petition shall set forth the facts and reasons on which the petitioner relies to show:

- (a) That uncertainty necessitating resolution exists;
- (b) That there is actual controversy arising from the uncertainty such that a declaratory order will not be merely an advisory opinion;
- (c) That the uncertainty adversely affects the petitioner;
- (d) That the adverse effect of uncertainty on the petitioner outweighs any adverse effects on others or on the general public that may likely arise from the order requested.

(2) Upon receipt of a petition for declaratory ruling, the director or designee will acknowledge receipt of the petition and forward the petition to the board for consideration.

(3) Within fifteen days after receipt of a petition for a declaratory order, the board shall give notice of the petition to all persons to whom notice is required by law, and may give notice to any other person it deems desirable.

(4) The board shall consider the petition without argument and within thirty days of receipt of the petition will:

(a) Enter an order declaring the applicability of the statute, rule, or order in question to the specified circumstances as stated in the petition; or

(b) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition, including submission of evidence by the parties if deemed necessary by the board, or submission of written argument upon the matter if the material facts are not in dispute. Reasonable notification will be given to the petitioner and other persons who have been given notice of the petition pursuant to subsection (3) of this section of the time and place for such hearing or submission and of the issues it will be considering; or

(c) Set a specified time no more than ninety days after receipt of the petition by which it will enter a declaratory order; or

(d) Decline to enter a declaratory order, stating the reasons for its action.

(5) The board may extend the time limits of subsection (4)(b) and (c) of this section for good cause.

(6) Normally, the board will not issue a declaratory order on any matter that is or could have been the subject of any other proceeding before the board.

(7) The board at any time before taking final action on a petition may request submission of additional facts or argument, including setting the case for oral argument.

(8) If the board proceeds in the manner provided in subsection (4)(b) of this section, it shall within a reasonable time after conclusion of the proceeding:

- (a) Issue a declaratory order; or

(b) Notify the petitioner and any other party to the proceeding that no declaratory order will be issued and stating the reason for such action.

(9) The board may not enter a declaratory order that would substantially prejudice the rights of a person who would be a necessary party and who does not consent in writing to the determination of the matter by a declaratory order proceeding.

(10) A declaratory order has the same status as any other order entered in a higher education personnel board proceeding adjudicated under WAC 251-12-080. Each declaratory order shall contain the names of all parties to the proceeding on which it is based, the particular facts on which it is based, and the reasons for its conclusions.

READOPTED SECTION (Readopting Order 177, filed 6/6/89)

WAC 251-12-097 DECLARATORY ORDERS—FORM. Any interested person petitioning the higher education personnel board for a declaratory order pursuant to WAC 251-12-096 shall generally adhere to the following form for such purpose.

At the top of the page shall appear the wording "BEFORE THE HIGHER EDUCATION PERSONNEL BOARD." On the left side of the page below the foregoing, the following caption shall be set out: "In the Matter of the Petition of (Name of Petitioning Party) for a Declaratory Order." Opposite the foregoing caption shall appear the phrase: "Petition for Declaratory Order."

The body of the petition shall be set out in numbered paragraphs. The first paragraph shall state the name and address of the petitioning party and the name and address, if any, of the representative appearing on behalf of the petitioning party. The second paragraph shall state all rules or statutes that may be brought into issue by the petition. Succeeding paragraphs shall set forth all of the facts which the petitioner wishes the board to consider in issuing a declaratory order. The concluding paragraph(s) shall clearly set forth the issues which the petitioner wishes the board to address in its order and the requested order.

The original and two copies shall be filed with the petition. Petitions shall be on 8-1/2 x 11 inch paper.

Examples of a form petition for declaratory ruling shall be available for reference to any interested person in the office of the higher education personnel board in Olympia.

READOPTED SECTION (Readopting Order 174, filed 11/1/88)

WAC 251-12-101 MOTION(S) FOR CONTINUANCE. Any party to a hearing may make a motion(s) to continue a hearing for good cause shown. Any such motion(s) shall be in writing directed to the person(s) who will be conducting the hearing. The motion(s) shall state the specific reason(s) and the period of time for which a continuance is necessary.

READOPTED SECTION (Readopting Order 174, filed 11/1/88)

WAC 251-12-102 MOTION FOR CONTINUANCE—PROCEDURE. Any party desiring a continuance shall first contact the opposing party to determine whether agreement to a continuance can be reached. The requesting party will immediately notify the board or hearing examiner orally of the request, the reason(s) for the request, and the opposing party's response to the request.

(1) If the opposing party agrees to a continuance, the requesting party shall submit the motion in writing. The motion shall be filed with the director and served on the board or hearing examiner and the opposing party at least five working days prior to the scheduled hearing date. When the requesting party is represented by a union representative, a management representative, or an attorney at law, the requesting party's representative shall be responsible for coordinating a hearing date with the other parties. The board or hearing examiner shall review the motion, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

(2) If the opposing party does not agree to the continuance, the requesting party shall submit the motion in writing. The motion shall be filed with the director and served on the board or hearing examiner and served on the opposing party at least five working days prior to the scheduled hearing date. The board or hearing examiner shall review the motion, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

(3) In unusual circumstances, and only where the reason(s) for the continuance could not have been foreseen, a motion for continuance may be made when the party seeking the continuance becomes aware of the facts upon which the request for continuance is based. The following will apply:

(a) The requesting party shall notify the other party of the desire for a continuance and obtain the other party's response.

(b) The requesting party shall notify the board or hearing examiner orally of the request, the reason(s) for the request, and the opposing party's response to the request.

(c) The board or hearing examiner shall review the request, make a decision whether or not to grant the continuance, and notify the parties orally of the decision within three working days of receipt of the motion.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-170 SUBPOENAS—FORM. Every subpoena shall name the board and the title of the proceeding, if any, and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or records under his/her control at a specified time and place, and shall as nearly as practicable follow the form required in superior court.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-180 SUBPOENAS—ISSUANCE TO PARTIES. Subpoenas may be issued by any member of the board, the director, or the hearing examiner before whom the appeal is to be heard, or by the attorney of record of the party to the hearing in whose behalf the witness is required to appear, and shall be subscribed by the signature of the issuing person. Parties desiring subpoenas which are to be signed by members of the board or the director shall prepare them for issuance, send them to the board's office for signature, and upon return shall make arrangements for service. The service of all subpoenas shall be at the expense of the party requiring the witness to appear. In order to insure return to the requesting party in time for service, it is recommended that all subpoenas be submitted at least five calendar days prior to the hearing.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-190 SUBPOENAS—SERVICE OF SUBPOENA. Service of subpoena shall be made by delivering a copy of the subpoena a reasonable period ahead of time to such person and by tendering, on demand, the fees for one day's attendance and the mileage allowed by law.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-200 SUBPOENAS—WITNESS FEES. Witnesses summoned before the board shall be paid the same fees and mileage paid to witnesses in the superior court of the state of Washington by the party at whose instance they appear. The board shall be responsible only for paying the witness fees of witnesses subpoenaed by it.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-210 SUBPOENAS—PROOF OF SERVICE. The person serving the subpoena shall make proof of service by filing the original subpoena. If such service has not been acknowledged by the witness, such person shall make an affidavit of service. Failure to make proof of service does not affect the validity of the service.

READOPTED SECTION (Readopting Order 61, filed 8/30/77, effective 10/1/77)

WAC 251-12-250 FINDINGS OF FACT—CONCLUSIONS OF LAW—FILING PROCEDURE. Within thirty calendar days after the conclusion of the appeal hearing, the board shall make and fully record in its permanent records, findings of fact, conclusions of law, and its order based thereon, which shall be final subject to action by the court on appeal as hereinafter provided; at the same time a copy of the findings, conclusions and order shall be sent by registered mail to

the employing institution and to the employee at his/her address as given at the hearing or to his/her counsel of record.

AMENDATORY SECTION (Amending Order 161, filed 9/30/87)

WAC 251-12-085 HEARING EXAMINERS. (1) The board may appoint one or more hearing examiners to preside over, conduct and make recommended decisions in all cases of employee appeals to the board. The hearing examiner shall conduct hearings in the same manner and shall have the same authority as the presiding board member at hearings before the board. The hearing examiner shall also have the authority to do the following:

- (a) Determine the order of presentation of evidence;
- (b) Administer oaths and affirmations;
- (c) Issue subpoenas;
- (d) Rule on procedural matters, objections, and motions;
- (e) Rule on offers of proof and receive relevant evidence;
- (f) Take any appropriate action necessary to maintain order during the hearing;
- (g) Permit or require oral argument or briefs and determine the time limits for submission thereof; and
- (h) Take any other action necessary and authorized by any applicable statute or rule.

(2) With the exclusion of WAC 251-12-076, within thirty calendar days of the hearing, the hearing examiner shall issue a recommended decision which shall be transmitted to the board and be served upon the parties by certified mail with a statement regarding the right to file exceptions to the recommended decision.

(3) Within thirty calendar days of service of the recommended decision, any party adversely affected may file written exceptions with the board.

(4) If no written exceptions are filed, the hearing examiner's recommended decision will become final forty calendar days after service of the recommended decision unless within that period the board issues a notice to each of the parties that a hearing will be scheduled for reconsideration of the hearing examiner's recommended decision.

(5) When exceptions are filed, such written statements shall include in detail the specific items of the hearing examiner's recommended decision to which exception is taken. A hearing on the exceptions will be scheduled before the board at which time all parties may present written and/or oral argument on the basis of the transcript and exhibits. Following the hearing on the exceptions the board may affirm, reverse, or modify the recommended findings of fact, conclusions of law and/or decision of the hearing examiner.

AMENDATORY SECTION (Amending Order 105, filed 4/29/83, effective 6/1/83)

WAC 251-12-100 HEARINGS BEFORE THE BOARD. (1) Hearings shall be open to the public, except for cases in which the board determines there is substantial reason for not having an open hearing, or in cases where the employee so requests. On motion of a party or on the hearing examiner's own motion, witnesses may be excluded from any hearing except when testifying. Photographic and recording equipment may be permitted; however, the hearing examiner may impose such conditions upon their use as he or she deems necessary to prevent disruption of the hearing. Hearings shall be informal with technical rules of evidence not applying to the proceedings except the rules of privilege recognized by law.

(2) Both parties shall be notified reasonably in advance of the hearing and may select representatives of their choosing, present and cross-examine witnesses and give evidence before the board. Members of the board may, and shall at the request of either party, issue subpoenas and subpoenas duces tecum. All testimony shall be on oath administered by a member of the board according to the provisions of RCW 5.28.020 through 5.28.060. The board shall certify to the superior court the facts of any refusals to obey a subpoena, take the oath, or testify. The court shall summarily hear the evidence on such refusal and if the evidence warrants punish such refusal in the same manner and to the same extent as for contempt committed before, or in connection with the proceedings of, the court.

(3) The board shall prepare an official record of the hearing, including all testimony, recorded manually or by mechanical device, and exhibits; but it shall not be required to transcribe such record unless requested by the employee, who shall be furnished with a complete transcript upon payment of a reasonable charge therefor. Payment of the cost of a transcript used on appeal shall await determination of the

appeal, and shall be made by the employing institution if the employee prevails.

NEW SECTION

WAC 251-12-231 INFORMAL SETTLEMENTS. (1) If settlement of an appeal may be accomplished by informal negotiation, negotiations shall be commenced at the earliest possible stage of the proceeding. Settlement shall be concluded by one of the following:

- (a) Stipulation of the parties;
- (b) Withdrawal by the appellant of his or her appeal; or
- (c) Withdrawal by the institution of the action which is the subject matter of the appeal.

(2) Settlement negotiations shall be informal and without prejudice to the rights of a participant in the negotiations; provided, however, that any time limit applicable to filing an appeal shall not be extended because settlement attempts are pending.

NEW SECTION

WAC 251-12-232 PREHEARING CONFERENCE. (1) The hearing examiner may direct the parties or their representatives to engage in an off-the-record prehearing conference or conferences to consider the following:

- (a) Simplification of issues;
- (b) The possibility of obtaining stipulations, admissions of fact and admissions of the genuineness of documents which will avoid unnecessary proof;
- (c) Procedural matters; and
- (d) Such other matters as may aid in the disposition or settlement of the proceeding.

(2) Prehearing conferences may be held by telephone conference call or at a time and place specified by the hearing examiner.

(3) The hearing examiner may, at his or her discretion, conduct a conference prior to the taking of testimony, or may recess the hearing for such conference, for the purpose of carrying out the purpose of this section.

WSR 89-17-121

PROPOSED RULES

EMPLOYMENT SECURITY DEPARTMENT

[Filed August 23, 1989, 11:04 a.m.]

Original Notice.

Title of Rule: Chapter 192-42 WAC, Family independence program employment, training, and education rules.

Purpose: To provide clearer interpretive rules for implementing statutory requirements.

Other Identifying Information: This will supersede current agency policy.

Statutory Authority for Adoption: RCW 50.12.010, 50.12.040 and chapter 74.21 RCW.

Statute Being Implemented: Chapter 74.21 RCW.

Summary: Technical and substantive amendments to employment and training rules for family independence program.

Reasons Supporting Proposal: Clarification and modification of existing rules based on program experience and legislative mandate.

Name of Agency Personnel Responsible for Drafting: Sue Langley, 212 Maple Park, Olympia, WA 98504, (206) 438-4042; Implementation and Enforcement: Charlotte Beeler, Assistant Commissioner, ES, 212 Maple Park, Olympia, WA 98504, (206) 438-4000.

Name of Proponent: Employment Security Department, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule amends, adds or repeals sections of chapter 192-42 WAC to make aspects of the program more clear. The effect of the changes will be to provide clear interpretive rules for implementing the program.

Amending WAC 192-42-010 Definitions, 192-42-030 Employability plan and 192-42-050 Regional funding priorities; new WAC 192-42-021 Orientation, 192-42-035 Appropriateness of employability plan, 192-42-055 Funding criteria, 192-42-058 Job search allowance, 192-42-071 Administrative review and 192-42-081 Dispute resolution process; and repealing WAC 192-42-020 FIP employment and training, 192-42-040 Job search allowance, 192-42-070 Grievance procedure and appeals and 192-42-080 Dispute resolution process.

These rules make clear who shall be offered orientation; what will be the minimum content of orientation and the employability plan; what criteria shall be applied in determining appropriateness of employability plans; what priorities regional management committees will establish for funding employability plan activities; what criteria shall be applied to determine which employability plan activities will be funded; enrollee access to informal complaint procedure; and employer and third party access to complaint procedure.

Proposal Changes the Following Existing Rules: WAC 192-42-010 amends definition of appropriate, assessment, employability plan, fair hearing, family independence program services, job search skills development, long-term education or training, on-the-job training, and short-term education or training. Adds definition of job search, self-sufficiency, supported work, and work search plan. Deletes definition of approved funding and transitional employment; WAC 192-42-020 repealed and rewritten as WAC 192-42-021 which provides for who shall be offered orientation and its minimum content; WAC 192-42-030 provides for minimum content of employability plans; WAC 192-42-035 provides for criteria to be applied by staff in making determinations of appropriateness of employability plans; WAC 192-42-040 repealed and rewritten as WAC 192-42-058 provides that households in which an individual enrollee is receiving job search allowance may also be entitled to incentives based on participation of other enrollees in the household; WAC 192-42-050 provides for regional management committees to establish priorities for funding appropriate employability plans. It further provides for allocation of funds among specific categories of activities; WAC 192-42-055 establishes that plans will be considered for funding in the order determined appropriate. It provides for criteria to be used in approving funding of a specific plan; WAC 192-42-070 repealed and rewritten and [as] WAC 192-42-071 which sets forth the procedure for enrollees to access the informal grievance procedure separate from fair hearing; and WAC 192-42-080 repealed and rewritten as WAC 192-42-081 which sets forth the procedure for employers and third parties aggrieved by the program to access the grievance process.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

The proposed rules have a minor or negligible economic impact on businesses.

The rules make no requirements of business and provide easy access to grievance procedure for the family independence program.

Hearing Location: Training Room #1, Employment Security Training Facility, 106 Maple Park, Olympia, WA 98504, on Friday, September 29, 1989, at 2:00 p.m.

Submit Written Comments to: Wm. Eric Jordan, Rules Coordinator, Employment Security Department, 212 Maple Park, Mailstop KG-11, Olympia, WA 98504, by September 26, 1989.

Date of Intended Adoption: October 2, 1989.

August 23, 1989
Myrtis Thompson
Assistant Commissioner
Administrative Services

AMENDATORY SECTION (Amending Order 5-88, filed 5/31/88)

WAC 192-42-010 DEFINITIONS. The following definitions apply for this chapter and for family independence program employment, training, and education functions in chapter 74.21 RCW. Throughout this chapter "FIP" means family independence program.

(1) "Administrative review" means the informal appeal process available to enrollees who feel they are aggrieved by a decision of the department related to the employability plan or job search allowance.

(2) "Applicant" means any person or a member of a family unit who requests FIP cash assistance.

(3) "Appropriate (~~plan~~)" as applied to employability plans means a plan which has been determined to meet the criteria as set forth in WAC 192-42-035 (~~means an employability plan which is designed to lead to employment and self-sufficiency as determined by department staff~~).

(4) (~~"Approved funding" means FIP resources allotted to fund employability plans determined by FIP staff as appropriate.~~)

(~~5~~) "Assessment" means (~~both a FIP orientation and~~) an evaluation of the enrollee's readiness to pursue employment, education, or training and other services available to help the enrollee to achieve self-sufficiency. (~~Normally, the orientation and the evaluation will each take one appointment.~~)

(~~6~~) (5) "Department" means the employment security department.

(~~7~~) (6) "Dispute resolution" means the appeal process available to nonenrollees for resolving disagreements arising from employment of enrollees.

(~~8~~) (7) "Employability plan" means the component of the self-sufficiency plan designed by the enrollee with the assistance of department staff which specifies the enrollee's employment goal and the activities which support achievement of the goal (~~and is signed by the enrollee~~).

(~~9~~) (8) "Enrollee" means the head of household or family member of a family eligible to receive financial assistance or other services under the family independence program.

(~~10~~) (9) "Fair hearing" means an (~~administrative~~) adjudicative proceeding under (~~chapter 34.04 RCW by which the office of administrative hearings hears and decides the appeal of an enrollee from an action or decision of the department~~) RCW 74.08.080 and the Administrative Procedure Act, (chapter 34.05 RCW), in which the office of administrative hearings reviews actions and decisions of the department of social and health services and the employment security department as required by RCW 74.21.100.

(~~11~~) (10) "Family independence program services" include job readiness programs, job development, employment, job search skills (~~training~~) development, work programs, training, education, family planning services, development of mentor programs, income and medical support, parenting education, child care, and training in family responsibility and family management skills, including appropriate financial counseling and training in the management of finances and use of credit.

(11) "Job search" means a structured, consistent effort to acquire employment.

(12) "Job search skills ((training)) development" means group or individual ((training)) activity that aids the enrollee to identify, acquire, and sustain employment.

(13) "Long-term education or training" means ((education or training, including degree programs, which exceeds nine months in duration)) a course of study in an accredited public or private educational institution which provides an educational program for which it awards an associate, baccalaureate, or other recognized educational credential.

(14) "On-the-job-training" means training provided by any employer who hires and then instructs the enrollee in the duties required of the enrollee at the work site. The employer pays the enrollee's wages, but will be reimbursed through a contract for the cost of employment training based on a percentage of the enrollee's gross salary, not to exceed fifty percent of the total of the enrollee's wages.

(15) (("Transitional employment" means fully subsidized employment.

(+6)) "Self-sufficiency" for purposes of this section is gross family income equivalent to 135% of the FIP benchmark standard, plus child care and medical benefits if not otherwise provided.

(16) "Self-sufficiency plan" means a written agreement between the department of social and health services or the department and the enrollee that may include activities specifically undertaken for self support, and other items outlined in the employability plan or the social services plan.

(17) "Short-term education or training" means education or training ((which does not exceed nine months in duration)), the specific objective of which is to prepare persons to enter, continue in, or upgrade themselves in gainful employment in recognized occupations, which are not designated as professional or requiring an associate, baccalaureate, or higher degree. Short-term training includes, but is not necessarily limited to, basic education, English as a second language, high school completion or general educational development.

(18) "Supported work" means fully subsidized employment.

((+8)) (19) "Work experience" means unsalaried training in a supervised employment site which instructs the enrollee in essential work practices, as well as providing an opportunity for the exercise of skills specific to employment procedures.

(20) "Work search plan" means a plan mutually agreed to by the department and the enrollee which sets forth the number and types of work search contracts the enrollee will make in a given period of time. [Statutory Authority: Chapter 74.21 RCW, RCW 50.12.010 and 51-12.040. 88-12-051 (Order 5-88), § 192-42-010, filed 5/31/88, effective 7/1/88.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-42-021 ORIENTATION. The department shall offer FIP orientation to all referred applicants and enrollees, to include at a minimum:

- (1) An explanation of FIP benefits and services and enrollee responsibilities;
- (2) An explanation of how an enrollee can be linked with employment and training activities;
- (3) Current labor market information; and
- (4) Information and referral to family opportunity councils.

AMENDATORY SECTION (Amending Order 5-88, filed 5/31/88)

WAC 192-42-030 EMPLOYABILITY PLAN. (1) Enrollees ((who)) seeking to pursue employment, training, or education shall be offered an assessment of employment, training, and education opportunities, and the opportunity to develop an individual employability plan. ((Department staff shall assist the enrollee in developing the employability plan based on an evaluation of the enrollee's assessed competencies, interests, skills, and aptitudes.))

(2) ((Department staff shall determine if the employability plan is appropriate considering the following criteria)) The employability plan shall indicate:

- (a) The ((availability of suitable training activities to meet the enrollee's employment goal)) enrollee's occupational goal;
- (b) The ((likelihood that the training goal leads to employment which meets the financial requirements for the family to become self-

sufficient)) range of wage needed for the family to be self-sufficient taking into account variables such as medical and child care costs;

(c) ((The documentation of the enrollee's acceptance into education or training institutions, or other programs if applicable)) An appraisal of the enrollee's current level of education or training, work experience, or other factors related to achieving the occupational goal; and

(d) ((The assessment and appraisal of competencies, previous education and training, local labor market information and local wage levels, enrollee skills, employment history, aptitudes, abilities, barriers, limitations, desires, and interests which indicate the enrollee can attain the employment goal; and

(e) Other factors which, in individual circumstances or conditions, demonstrate likelihood for successful completion of training)) Initial activities required for the enrollee to achieve the occupational goal.

((3) At any time during the FIP enrollment, the enrollee may request modification of the employability plan.

(4) Determination that an employability plan is appropriate does not guarantee that the employability plan will be funded.))

[Statutory Authority: Chapter 74.21 RCW, RCW 50.12.010 and 51-12.040. 88-12-051 (Order 5-88), § 192-42-030, filed 5/31/88, effective 7/1/88.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-42-035 APPROPRIATENESS OF EMPLOYABILITY PLAN (1) Department staff shall determine if the employability plan is appropriate considering the following criteria:

(a) The likelihood that achievement of the employment goal will lead toward the self-sufficiency of the family;

(b) Whether the education and training activities specified in the employability plan are necessary for the family to become self-sufficient. The activity is necessary to self-sufficiency if it is determined that the enrolled is unlikely to attain employment without education and training assistance based upon an assessment of the enrollee's:

- (i) competencies;
- (ii) previous education and training; and
- (iii) employment history, skills, aptitudes, abilities, limitations, desires and interests.

(c) Whether the enrollee can attain the employment goal based on an assessment of his or her:

- (i) competencies;
- (ii) previous education and training;
- (iii) employment history, skills, aptitudes, abilities, limitations, desires, and interests; and
- (iv) Other factors, including the prevailing local labor market conditions, which, in individual circumstances, demonstrate likelihood for successful achievement of the employment goal.

(2) At any time during the FIP enrollment, the enrollee may request modification of the employability plan. Any modification shall cause the appropriateness of the plan to be redetermined.

(3) Determination that an employability plan is appropriate does not guarantee that the activities specified in the plan will be funded.

AMENDATORY SECTION (Amending Order 5-88, filed 5/31/88)

WAC 192-42-050 ((FUNDING CRITERIA:)) REGIONAL FUNDING PRIORITIES. (1) The following ((criteria)) elements will be used by the regional management committees to establish priorities for funding of appropriate job search, training, and education programs for enrollees:

(a) Training resources will be allocated among the following categories in order to ensure that ((training will be offered to a certain number of enrollees in each category)) funding will be available to support employability plan activities in each category:

- (i) Job search skills ((training)) development and job search;
- (ii) Short-term education or training; and
- (iii) Long-term education or training.

((b) Normally, funds should not be used to replace existing funding resources;

(c)) (2) Emphasis shall be directed to supplementing existing funding resources for education or ((skills)) training activities and job search skills development. ((primarily funded through other sources and to funding job search skills training, and

~~(d))~~ (3) Consideration shall be given to local conditions that reflect the expectations of the educational, training and employer communities, ~~(and)~~ the training priorities established by the private industry councils funded by the Job Training Partnership Act, and the cost of the training program.

~~((2) Once an employability plan is deemed appropriate, the following criteria will be used to approve payment:~~

~~(a) That funds should be available to obligate for the length of the employability plan, subject to annual review;~~

~~(b) That the plan meets the priorities established by the regional management committee; and~~

~~(c) That within priorities, plans will be funded within available funds and in the order in which they are approved.))~~

[Statutory Authority: Chapter 74.21 RCW, RCW 50.12.010 and 51.12.040. 88-12-051 (Order 5-88), § 192-42-050, filed 5/31/88, effective 7/1/88.]

Reviser's note: The brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

NEW SECTION

WAC 192-42-055 FUNDING CRITERIA. (1) Consistent with regional funding priorities, plans will be funded within available funds and in the order in which they are determined appropriate.

(2) Once an employability plan is deemed appropriate, the following criteria will be used to approve funding of any specific request the enrollee may make related to the plan:

(a) That funds should be available to obligate for the length of the employability plan or the specific activity engaged in, subject to annual review: PROVIDED, That funds shall not be obligated beyond the end of the program year;

(b) That the plan meets the priorities established by the regional management committees.

NEW SECTION

WAC 192-42-058 JOB SEARCH ALLOWANCE. Individual enrollees who participate in job search skills development or job search activities as a part of an appropriate employability plan may receive an allowance of up to thirty dollars per month for a maximum of one hundred twenty dollars in a consecutive twelve month period. Individual enrollees are not eligible for FIP grant incentive benefits while receiving the job search allowance: PROVIDED, That other enrollees in the household may be entitled to incentive benefits based on their participation. Enrollees must meet the terms of the work search plan to receive the job search allowance.

NEW SECTION

WAC 192-42-071 ADMINISTRATIVE REVIEW. (1) Pursuant to RCW 74.21.090(2) and RCW 74.21.100, an enrollee who is dissatisfied with one of the following department determinations has the right to request an administrative review:

(a) A determination that an employability plan or plan modification is inappropriate;

(b) A denial of funding issued for a proposed employability plan or plan modification; or

(c) A denial of the job search allowance.

(2) The department shall provide a notice of appeal rights to the enrollee in the written determination regarding any of the above determinations.

(3) A request for administrative review must be submitted in writing to the local department staff within 30 calendar days of the date the determination was mailed. The department shall provide forms for enrollees to request an administrative review, but the use of such forms is not required. The assistant commissioner for FIP may waive the timeliness of this provision for good cause shown.

(4) The administrative review may be conducted by the local job service center manager or any other individual to whom the authority to conduct administrative reviews has been delegated by the assistant commissioner for FIP.

(5) The individual conducting the administrative review shall allow the enrollee and the local department staff to submit any written materials regarding the enrollee's grievance with the determination of the department. The individual conducting the administrative review may also, in his or her discretion, allow oral arguments from the enrollee and the local department staff.

(6) A written administrative review decision shall be issued by the individual conducting the administrative review and mailed to the enrollee within 30 days of the filing of the request. The enrollee shall be given at least 10 days advance notice before the decision will become effective.

(7) Any enrollee aggrieved by the administrative review decision may file a request for a fair hearing in accordance with RCW 74.21.100. The administrative review does not substitute for a fair hearing.

NEW SECTION

WAC 192-42-081 DISPUTE RESOLUTION PROCESS. To the extent that RCW 74.21.120(4) requires a dispute resolution process for resolving disagreements relating to that section and other employment sections of chapter 74.21 RCW (as listed in subsection (2) below), this provision will govern the resolution of such disputes.

(1) The dispute resolution process is to be used only by nonenrollees who are directly affected by the family independence program and who have disagreements relating to the employment sections of the family independence program.

(2) The department shall accept a written complaint from any employee or former employee, or employer aggrieved by a decision by the department relating to sections:

(a) RCW 74.21.030(17) (definition of subsidized employment);

(b) RCW 74.21.030(18) (definition of unsubsidized employment);

(c) RCW 74.21.070 (1)(O) (executive committee's responsibilities (subsidized employment));

(d) RCW 74.21.120 (limitations subsidized and unsubsidized employment positions); or

(e) RCW 74.21.130 (compensation for enrollees).

(3) All complaints must be submitted to the local department staff within 30 days of the date that the grievance arises.

(4) The local department staff shall conduct an investigation of all complaints. Within forty-five working days of the receipt of the complaint, the local department staff shall submit a written report to the assistant commissioner for FIP or the assistant commissioner's delegate detailing the results of its investigations. The assistant commissioner shall enter an order disposing of the complaint within a reasonable time after receipt of the investigative report.

(5) The order shall state the actions to be taken by the department as a result of the complaint, if any. The department's actions may include, but are not limited to, requiring the employer to take remedial action, terminating any contractual relationship between the department and the employer with regard to FIP, establishing an overpayment for the amount of the subsidy, removal of the employer from involvement in the program for a specified period of time, or a prohibition of future referrals or placements with the employer.

(6) In any case in which a contract has been terminated, the enrollee's continued employment with that employer is thereupon at the sole discretion of the enrollee and the employer.

(7) Any enrollee, aggrieved by the decision of the assistant commissioner for FIP may file a request for an administrative review or a fair hearing in accordance with RCW 74.21.100 and WAC 192-42-071.

REPEALER

The following sections are repealed:

(1) WAC 192-42-020 FIP Employment and Training

(2) WAC 192-42-040 Job Search Allowance

(3) WAC 192-42-070 Grievance Procedure and Appeals

(4) WAC 192-42-080 Dispute Resolution Process

WSR 89-17-122

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-86—Filed August 23, 1989, 11:27 a.m.]

Date of Adoption: August 21, 1989.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-56-19000N; and amending WAC 220-56-190.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Skagit River coho are in need of protection. This rule is necessary to reduce the take of Skagit River coho as part of the overall coho harvest.

Effective Date of Rule: Immediately.

August 21, 1989
Joseph R. Blum
Director

NEW SECTION

WAC 220-56-19000Q SALTWATER SEASONS AND BAG LIMITS—SALMON. *Notwithstanding the provisions of WAC 220-56-180 and WAC 220-56-190, effective immediately until further notice, it shall be unlawful to take, fish for or possess salmon for personal use in catch areas 5, 6, 7, 8 and 9 except as provided for in this section:*

(1) *Open to salmon angling:*

Areas 5, 6, 8 and 9 (Sekiu River east to Admiralty Head, Whidbey Island) (Marine waters east of Whidbey Island and north of Kingston), Open Saturday through Thursday until further notice.

Area 7, (San Juan Islands), Open seven days a week until further notice.

(2) *Bag Limit - 2 salmon per day, Size limit for chinook, 22 inch minimum until further notice.*

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-56-19000N SALTWATER SEASONS AND BAG LIMITS—SALMON (89-68)

**WSR 89-17-123
PROPOSED RULES
BOARD OF HEALTH**

[Filed August 23, 1989, 1:48 p.m.]

Original Notice.

Title of Rule: WAC 248-08-596 Variances, waivers, and exemptions.

Purpose: To establish procedures for the State Board of Health to consider exemptions, variances, and waivers from rules adopted by the board.

Statutory Authority for Adoption: Section 210, chapter 9, Laws of 1989.

Statute Being Implemented: Section 210, chapter 9, Laws of 1989.

Summary: This section of rule describes procedures to be followed when anyone seeks a variance, waiver, or exemption from a board rule and in instances when the board renewed the power to grant recent exemptions.

Reasons Supporting Proposal: Without this section, the board has no procedures in place to process current and pending exemption requests.

Name of Agency Personnel Responsible for Drafting: Jean Ullom, ET-24, Department of Health, 753-5824; Implementation and Enforcement: Jane Boyajian, ET-23, State Board of Health, 586-0399.

Name of Proponent: Washington State Board of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Required procedures for board actions.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Procedures are established in rule for State Board of Health to act on requests for variances, waivers, or exemptions to board rules. Amendments shift designated responsibilities from DSHS to the secretary of the Department of Health or designee, and correct the cite for Administrative Procedure Act to chapter 34.05 RCW.

Proposal Changes the Following Existing Rules: Revises references consistent with Laws of 1989 and chapter 34.05 RCW Administrative Procedure Act.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Spokane County Department of Health, West 1101 College Avenue, Spokane, WA 99201, on October 11, 1989, at 9:30 a.m.

Submit Written Comments to: Graham Tollefson, Chair, State Board of Health, ET-23, by October 10, 1989.

Date of Intended Adoption: December 20, 1989.

August 14, 1989
Lucille Christenson
Acting Secretary

AMENDATORY SECTION (Amending Order 289, filed 7/18/85)

WAC 248-08-596 VARIANCES, WAIVERS, AND EXEMPTIONS. The following procedure for considering requests for exemptions, waivers, or variances applies to all those rules and regulations of the Washington state board of health wherein the board of health has reserved the power to grant exemptions, waivers, and variances:

(1) The ~~((director))~~ secretary of the department of health ~~((services division of the department of social and health services))~~ or a designee shall recommend, pursuant to the standards contained in the regulation from which the exemption, waiver, or variance is requested, that the request be granted or denied.

(2) Written summaries of all exemptions, waivers, or variances proposed to be granted by the ~~((director))~~ secretary of the department of health or a designee shall be sent to all members of the board of health and may include written forms upon which the members may indicate approval or disapproval of the request.

(3) Upon receipt by the ~~((director))~~ secretary of the department of health or a designee of written approval by eight members of the board of health, and provided no member disapproves, the approval shall take effect and the ~~((director))~~ secretary of the department of health or a designee shall notify the requesting party of the approval in writing.

(4) If any member of the board of health shall disapprove the request within thirty days of notification by the ~~((director))~~ secretary of the department of health or a designee, the request shall be discussed by the board at its next regular meeting.

(5) If a request is recommended for denial by the ~~((director))~~ secretary of the department of health or a designee, the request and recommendation shall be reviewed by the board at its next regular meeting.

Consideration by the board of requests for exemptions, waivers, and variances shall not be considered ~~((contested cases))~~ adjudicative proceedings as that term is defined in chapter ~~((34.04))~~ 34.05 RCW.

Statements and written material regarding the request may be presented to the board at or before its meeting wherein the application will be considered. Allowing cross-examination of witnesses in such matters shall be within the discretion of the board.

WSR 89-17-124
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed August 23, 1989, 1:51 p.m.]

Original Notice.

Title of Rule: Hospitals, amending chapter 248-18 WAC.

Purpose: To update operational and construction minimum standards for pediatric, obstetric and nursery services and hospitals consistent with minimum standards for safety and health of the patient.

Statutory Authority for Adoption: RCW 70.41.030.

Statute Being Implemented: RCW 70.41.030.

Summary: Outdated rules for operation and construction of pediatric, obstetric and nursery services and facilities are repealed. New minimum standards for operation and construction reflect consideration of patient safety related to new or rapid changed knowledge and technology in pediatric, obstetric, and nursery services.

Reasons Supporting Proposal: This rule is necessary to provide minimum standards of safety and health for patients using pediatric, obstetric and nursery services in hospitals.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ken Lewis, Department of Health, 753-5851.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, Department of Social and Health Services, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, WA 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

August 23, 1989

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2680, filed 8/30/88)

WAC 248-18-001 DEFINITIONS. For the purposes of ~~((these regulations))~~ chapter 248-18 WAC and chapter 70.41 RCW, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of ~~((an individual))~~ a patient under circumstances indicating the health, welfare, and safety of the patient is harmed ~~((thereby))~~. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility ~~((has been))~~ is delegated (e.g., teachers, providers of residential care ~~((and/or))~~ and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Acute cardiac care unit" means an intensive care unit for patients with heart problems.

(4) "Adolescent" means an individual during that period of life beginning with the appearance of secondary sex characteristics and ending with the cessation of somatic growth.

(5) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

~~((5))~~ (6) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC 248-18-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

~~((6))~~ (7) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

~~((7))~~ (8) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and discipline; or

(b) A unique identifier allowing identification of the responsible individual.

~~((8))~~ (9) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

~~((9))~~ (10) "Birthing room" or "labor, delivery, recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed ~~((;))~~ and equipped ~~((; and arranged))~~ to provide ~~((for the))~~ care of a woman, fetus, and newborn and to accommodate her support persons during the complete process of vaginal childbirth ~~((three stages of labor and recovery of woman and newborn))~~.

~~((10))~~ (11) "Children" means young persons of either sex between infancy and adolescence.

(12) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

~~((11))~~ (13) "Department" means the Washington state department of social and health services.

~~((12))~~ (14) "Dentist" means an individual licensed under chapter 18.32 RCW.

~~((13))~~ (15) "Diagnostic radiologic technician" means an individual:

(a) Certified or eligible for certification as a diagnostic radiologic technologist under chapter 18.84 RCW; or

(b) Trained by a radiologist and approved by a radiologist member of medical staff to perform specified diagnostic radiologic procedures.

(16) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

~~((14))~~ (17) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer prior to administration of the agent.

(18) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized

person in accordance with all laws and regulations governing such acts. The complete act of administration entails:

- (a) Removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container)(:);
- (b) Reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders(:);
- (c) Giving the individual dose to the proper patient(:); and
- (d) Properly recording the time and dose given.

~~((+5))~~ (19) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

~~((+6))~~ (20) "Easily cleanable" means of material or finish and so fabricated to allow complete removal of residue by normal cleaning methods.

(21) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(22) "Facilities" means a room or area (~~and/or~~) and equipment (~~to serve~~) serving a specific function.

~~((+7))~~ (23) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not (~~to exceed~~) exceeding four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

~~((+8))~~ (24) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

~~((+9))~~ (25) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((+0))~~ (26) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

~~((+1))~~ (27) "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

~~((+2))~~ (28) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, (~~(f)~~) prenatal, natal, or postnatal(~~(, and who is in need of)~~) needing special medical or nursing care.

~~((+3))~~ (29) "Hospital" means any institution, place, building, or agency (~~which provides~~) providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care; (~~nor does it include~~)

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; (~~nor does it include~~)

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW; (~~nor does it include~~)

(d) Maternity homes, which come within the scope of chapter 18.46 RCW; (~~nor does it include~~)

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital(:) or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

~~((+4))~~ (30) "Infant" means a baby or very young child up to one year of age.

~~((+5))~~ (31) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

~~((+6))~~ (32) "Intensive care unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients critically, seriously, or acutely ill, and in need of intensive, highly skilled nursing service.

~~((+7))~~ (33) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring or may require physical support and treatment beyond support required for a normal neonate and may include the following:

(a) Electronic cardiorespiratory monitoring;

(b) Gavage feedings;

(c) Parenteral therapy for administration of drugs;

(d) Ventilatory support for periods not to exceed twenty-four hours when trained staff are available; and

(e) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours.

(34) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) (~~has been~~) is approved by the Food and Drug Administration.

~~((+8))~~ (35) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

~~((+9))~~ (36) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

~~((+0))~~ (37) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

~~((+1))~~ (38) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

~~((+2))~~ (39) "May" means permissive or discretionary on the part of the board or the department.

~~((+3))~~ (40) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

~~((+4))~~ (41) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

~~((+5))~~ (42) "Neglect" means (~~negligent treatment~~) mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of (~~such~~) a magnitude (~~as to constitute~~) constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

~~((+6))~~ (43) "Nuclear medicine technologist" means an individual certified or eligible for certification as a nuclear medicine technologist under chapter 18.84 RCW.

(44) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

~~((+7))~~ (45) "Neonatal intensive care nursery" means an area designed, organized, (~~and~~) equipped, and staffed to provide constant nursing and medical care (~~to the~~) and treatment for high-risk infants who may require:

(a) Continuous ventilatory support, twenty-four hours per day;

(b) Intravenous fluids or parenteral nutrition;

(c) Preoperative and postoperative monitoring when anesthetic other than local is administered; or

(d) Cardiopulmonary or other life support on a continuing basis.

(46) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in Directory of Residency Training Programs by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982 or the American Osteopathic Association Yearbook and Directory, 1981-1982.

(47) "Newborn care" means provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

~~((38))~~ (48) "New construction" means any of the following:

(a) New buildings to be used as hospitals;

(b) Additions to existing buildings to be used as hospitals;

(c) Conversion of existing buildings or portions thereof for use as hospitals;

(d) Alterations.

~~((39))~~ (49) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

~~((40))~~ (50) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

~~((41))~~ (51) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

~~((42))~~ (52) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

~~((43))~~ (53) "Occupational therapist" means an individual licensed under the provisions of chapter 18.59 RCW.

~~((44))~~ (54) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

~~((45))~~ (55) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

~~((46))~~ (56) "Pediatrician" means a physician:

(a) Having successfully completed a residency program approved by the American Board of Pediatrics as described in the Directory of Residence Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982; or

(b) Approved by the American Osteopathic Board of Pediatrics as described in the American Osteopathic Association Yearbook and Directory, 1981-1982; and

(c) Board certified or board eligible for period not to exceed three years.

(57) "Pediatric service" means any diagnostic, treatment, or care service provided for infants, children, or adolescents.

(58) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

~~((47))~~ (59) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

~~((48))~~ (60) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

~~((49))~~ (61) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

~~((50))~~ (62) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

~~((51))~~ (63) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

~~((52))~~ (64) "Physician's assistant" means an individual who is not a physician but ~~(is practicing)~~ practices medicine ~~(in accordance with the)~~ under provisions, rules, and regulations of chapter 18.71A RCW ~~(and the rules and regulations promulgated thereunder)~~, or ~~(in accordance with)~~ provisions ~~(of)~~, rules, and regulations under chapter 18.57A RCW ~~(and the rules and regulations promulgated thereunder)~~.

~~((53))~~ (65) "Physician member of medical staff qualified in nuclear medicine" means a physician with staff privileges who is:

(a) Certified or eligible for certification by the American Board of Radiology (ABR) or the American Board of Nuclear Medicine (ABNM) in radiologic physics including diagnostic, therapeutic, and medical nuclear physics; and

(b) Included in the 1987-1989 list of board-certified physicians maintained by ACR Professional Bureau, 1899 Preston White Drive, Reston, VA 22091.

(66) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

~~((54))~~ (67) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

(68) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in ~~(subsections (65) and (66) of)~~ this section.

~~((55))~~ (69) "Psychiatrist" means a physician ~~(who has)~~ having successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in the American Osteopathic Association Yearbook and Directory, 1981-1982.

~~((56))~~ (70) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

~~((57))~~ (71) "Radiation oncologist" means a physician who successfully completed an approved residency program in therapeutic radiology and is either board certified or eligible for board certification in radiation oncology by:

(a) The American Board of Radiology described under Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-82, with:

(i) Certification in use of both external and brachytherapy techniques; and

(ii) Continuing education requirements of the board met; or

(b) The American Osteopathic Board of Radiology described in the American Osteopathic Association Yearbook and Directory, 1981-82 with:

(i) Certification in use of both external and brachytherapy techniques; and

(ii) Continuing education requirements of the board met.

(72) "Radiologist" means a physician who is board certified or eligible for certification in radiology and meeting continuing education requirements of:

(a) The American Board of Radiology described under Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-82; or

(b) The American Osteopathic Board of Radiology described under American Osteopathic Association Yearbook and Directory, 1981-82.

(73) "Recreational therapist" means an individual with a bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

~~((58))~~ (74) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

~~((59))~~ (75) "Referred outpatient diagnostic service" means a service provided to an individual receiving ~~(his or her)~~ medical diagnosis, treatment, and other health care services from one or more sources outside the hospital ~~(;)~~ limited to diagnostic tests and examinations:

(a) Not involving ~~(the)~~ administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and

(b) Ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

((60)) (76) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

((61)) (77) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

((62)) (78) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

((63)) (79) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

((64)) (80) "Safety device" means a device used to safeguard a patient who, because of ((his or her)) developmental level or condition, is particularly subject to accidental self-injury.

((65)) (81) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relites in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

((66)) (82) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant ((or occupants)).

((67)) (83) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

((68)) (84) "Sensitive area" means a room used for surgery, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, or critical care including, but not limited to, intensive and cardiac care.

(85) "Shall" means compliance is mandatory.

((69)) (86) "Should" means a suggestion or recommendation, but not a requirement.

((70)) (87) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

((71)) (88) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

((72)) (89) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection ((and/or)) or cleaning of used or contaminated supplies and equipment ((and/or)) or collection ((and/or)) or disposal of wastes.

((73)) (90) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

((74)) (91) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of a local or general anesthesia.

((75)) (92) "Therapeutic radiologic technologist" means an individual certified or eligible for certification as a therapeutic radiologic technologist under chapter 18.84 RCW.

(93) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

((76)) (94) "Toilet" means a room containing at least one water closet.

((77)) (95) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

((78)) (96) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

((79)) (97) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation ((of such)) shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing ((and/or)) and other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

NEW SECTION

WAC 248-18-216 PEDIATRIC SERVICES. (1) Hospitals admitting, treating, or diagnosing infants, children, and adolescents shall have readily available equipment and supplies of appropriate sizes including:

(a) Intubation equipment;

(b) Oxygen masks and ventilatory bags;

(c) Blood pressure cuffs;

(d) Stethoscope;

(e) Defibrillator and paddles;

(f) Emergency medications;

(g) Intravenous equipment and supplies; and

(h) Measuring devices for length, height, weight, and circumferences.

(2) Hospitals providing services for infants, children, and adolescents shall establish written policies and procedures specific to pediatric services, consistent with WAC 248-18-190(2)(g), 248-18-202, and 248-18-336 and minimally including:

(a) Admission criteria;

(b) Conditions requiring transfer or transport;

(c) Room assignment of infants and children considering requirements for observation and developmental age level needs;

(d) Safety measures in terms of equipment, including but not limited to:

(i) Cribs, bassinets, and beds;

(ii) Restraint use;

(iii) Side rails;

(iv) Electrical outlet protection; and

(v) Toys.

(e) Placement of infants, children, and adolescents with infection, suspected infection, or exposure to infection;

(f) Nutritional guidelines for infants, children, and adolescents to include normal diets and diets for special nutritional needs;

(g) Safe administration of pediatric doses of blood, blood products, medications, intravenous fluids, and admixtures including:

(i) Intake and output;

(ii) Precalculated dosages of emergency drugs immediately available or posted;

(iii) An established list of pediatric dosages approved by the hospital pharmacist and the physician responsible for medical policies in pediatric services;

(iv) List of agents requiring double checking prior to administration; and

(v) Hospital-approved method of double checking by appropriately licensed personnel or medical staff which include nurses, physicians, or pharmacists.

(3) Hospitals providing organized, distinct pediatric units or service areas shall provide and establish:

(a) An accessible examination or treatment area;

(b) A sufficient area for diversional play activities;

(c) Criteria and procedures for use of established areas for isolation;

(d) Medical services directed by a physician member of medical staff having experience in treatment of infants, children, and adolescents whose functions and scope of responsibility are delineated by medical staff;

(e) Review of policies, procedures, protocols, and standing orders as necessary and at least every two years with revision as necessary;

(f) A registered nurse responsible for implementation of nursing policies and procedures;

(g) Adequate nursing staff for the pediatric unit or service area available to perform all the specialized nursing skills required.

(4) Hospitals providing nurseries in pediatric services or elsewhere in the hospital shall meet requirements for intermediate care nursery or neonatal intensive care nursery under WAC 248-18-224.

NEW SECTION

WAC 248-18-221 OBSTETRICAL SERVICES. (1) Hospitals providing obstetrical services shall provide:

(a) Medical services directed by a physician member or members of the medical staff having experience in obstetrics and newborn care, whose functions and scope of responsibility are delineated by the medical staff;

(b) Adequate staff supervised by a registered nurse, prepared by education and experience in obstetrical and newborn care nursing;

(c) Capability for performing caesarean sections twenty-four hours per day.

(2) Hospitals providing obstetrical services shall establish written policies and procedures to include:

(a) Infection control principles under WAC 248-18-035 including:

(i) Room assignment and placement of obstetrical patients and newborns;

(ii) Visitors;

(iii) Special clothing requirements for staff and visitors;

(iv) Handwashing, posted as appropriate;

(v) Isolation;

(vi) Employee health; and

(vii) Handling and storage of breast milk and formula.

(b) Screening criteria to ascertain patients appropriate for each option of labor, delivery, postpartum, and newborn care;

(c) Provisions for transfer and transport of a woman or a newborn to obtain a more intensive level of medical and nursing care;

(d) Deliveries occurring outside the obstetrical service area or areas;

(e) Requirement for authentication of all orders, standing orders, and protocols with:

(i) Delineation of the circumstances when a particular protocol is used;

(ii) Provisions for notification of appropriate medical staff;

(iii) Description of minimum qualifications or training of persons required to execute a particular order or protocol;

(iv) Written approval of policies, standing orders, and protocols by appropriate representatives of the medical, nursing, and administrative staffs;

(v) Orders for drug or treatment administration including:

(A) A description of the treatment with the name of each drug or agent;

(B) The dosage and concentration of the drug or agent;

(C) The route or method of administration; and

(D) Where pertinent, the time interval, frequency, or duration of administration.

(f) Requirements for documenting orders and protocols in the patient's medical record;

(g) Provision for maintaining body heat of each newborn;

(h) Provision for intrapartum evaluation of fetal heart rate;

(i) Procedures and protocols for the management of obstetrical and newborn emergencies, including resuscitation;

(j) Review of policies, procedures, protocols, and standing orders as necessary and at least every two years with revisions if necessary; and

(k) Recordkeeping including, but not limited to:

(i) Specific notes describing the status of mother, fetus, and newborn during labor, birth, and postpartum;

(ii) Completion of birth and death certificates as necessary;

(iii) Hospital staff's verification of initial and discharge identification of the newborn;

(iv) Documentation that the metabolic screening test was obtained and forwarded, as required under RCW 70.83.020 and chapter 248-102 WAC, now or as hereafter amended;

(v) Documentation of newborn eye treatment, required under RCW 70.24.040 and chapter 248-100 WAC, now or as hereafter amended; and

(vi) Medical records register or registers and index or indexes described under WAC 248-18-440.

(3) A hospital providing obstetrical services shall:

(a) Designate and maintain facilities and equipment for care of woman, fetus, and newborn either in:

(i) Labor rooms with birth occurring in a delivery room; or

(ii) Birthing rooms including LDR and LDRP services; or

(iii) A combination of labor, delivery, and birthing rooms; or

(iv) Rooming-in, if provided.

(b) Locate any hospital room designated by the hospital as a labor room within the obstetrical service area;

(c) Utilize rooms designated by the hospital as labor rooms:

(i) For short-term patient occupancy of twenty-four hours or less; or

(ii) For patients in labor only unless the room meets the requirements for a patient room described under WAC 248-18-190.

(d) Maintain accommodations and environment in obstetrical delivery rooms, if present, including:

(i) Lighting and equipment for care of woman, fetus, and newborn during delivery including requirements described under WAC 248-18-251(2);

(ii) A minimum area of two hundred and seventy square feet with a minimum linear dimension of fifteen feet; and

(iii) A minimum room temperature of at least sixty-eight degrees Fahrenheit with a reliable method for monitoring temperature.

(e) Maintain systems for scrub up, clean up, sterilization, storage, housekeeping, and staff change room facilities; and

(f) Meet requirements described under WAC 248-18-253 and 248-18-256 for anesthesia and post-anesthesia recovery.

(4) Hospitals providing birthing or delivery services shall provide sufficient and appropriate area in rooms to accommodate not only patients, staff, and designated attendants, but also furnishings and equipment for the care of the woman, fetus, and newborn including:

(a) Adequate and appropriate equipment and supplies as follows:

(i) A bed or equivalent suitable for labor, birth, and post partum;

(ii) Oxygen with individual flow meters and mechanical suction for woman and newborn;

(iii) Newborn resuscitation bag, masks, endotracheal tubes, laryngoscopes, oral airways, and mechanical suction in the room for each birth;

(iv) Emergency equipment, medications, and supplies for care of newborn and woman required under WAC 248-18-251 (2)(b)(ii);

(v) Newborn beds available;

(vi) Radiant heat source available for the newborn;

(vii) General lighting source and provision for examination lights;

(viii) A clock with a sweep hand or equivalent second indicator visible from each patient's bedside;

(ix) Provision for receiving, covering, and transporting soiled linens and waste materials;

(x) Appropriate storage for necessary linens, instruments, supplies, medications, and equipment;

(xi) Work surfaces;

(xii) A signal device for use by staff and accessible to summon emergency back-up personnel when needed;

(xiii) Emergency power for lighting and operation of equipment;

(xiv) Easily cleanable floors, walls, cabinets, ceilings, and furnishings; and

(xv) Fetal monitoring equipment.

(b) Additional requirements if birthing rooms are provided including:

(i) A lavatory located within each birthing room;

(ii) A designated lavatory and water closet conveniently located for use of patient and support person or persons;

(iii) A bathing facility convenient for patient use;

(iv) Wardrobe unit or closets in the vicinity for the belongings of the patient and her support person or persons;

(v) A signaling device accessible for each woman; and

(vi) Room temperature of at least sixty-eight degrees Fahrenheit maintained with a reliable method for monitoring.

(5) Hospitals may use an operating room as a delivery room if the hospital has established policy and procedures about use of operating rooms including establishing priority over routine obstetrical procedures and nonemergent surgical procedures for:

(a) Patients with parturition imminent;

(b) Patients with obstetrical emergencies requiring immediate medical intervention to preserve life and health of woman and infant.

(6) Any hospital providing obstetrical services shall provide appropriate newborn care including, but not limited to:

- (a) Devices for measuring weight, length, and circumference;
- (b) Access to and availability of portable x-ray;
- (c) Provisions for stabilization, transfer, and transport of high-risk newborns and infants;

(d) An established system to identify newborns prior to separation from mother;

(e) Established policies and procedures minimally including:

- (i) Ongoing clinical assessment of newborn or infant;
- (ii) Provisions for direct supervision of each newborn by nursing staff and family in a nonpublic area, considering:

- (A) Physical well being;
- (B) Safety; and
- (C) Security, including prevention from abduction.

(f) Access to oxygen, oxygen analyzers, warmed and humidified oxygen, resuscitation equipment, emergency equipment, measuring devices, mechanical suction, medical air and supplies specifically for infants and newborns.

(7) Hospitals with a newborn and infant nursery shall provide services, facilities, and equipment including:

- (a) Requirements in subsection (6) of this section;
- (b) Wall clock with sweep second hand or equivalent second indicator visible from each nursery room;
- (c) Oxygen source with provision for warming, humidifying, analyzing, and blending oxygen;
- (d) A nursery room or rooms with at least twenty square feet per bassinets and with sufficient room to move between bassinets;
- (e) Handwashing facilities located at the entrance to the nursery and in each nursery room;
- (f) Emergency call systems from the nursery to another nearby appropriately staffed area;
- (g) A system to maintain an environmental temperature of at least sixty-eight degrees Fahrenheit; and
- (h) Appropriate emergency equipment, medications, and supplies for infant care and as required under WAC 248-18-251 (2)(b).

NEW SECTION

WAC 248-18-224 INTERMEDIATE CARE NURSERY SERVICE—NEONATAL INTENSIVE CARE NURSERY SERVICE.

(1) Hospitals providing intermediate care nursery services or neonatal intensive care nursery services or both shall meet requirements described under WAC 248-18-221 (6) and (7).

(2) Additional requirements for hospitals providing intermediate care nursery service include:

- (a) Infant stations having adequate space within each station to accommodate equipment, supplies, and staff required for treatment of intermediate care infants;
- (b) Provision for emergency power to support equipment requirements for each infant station;
- (c) Oxygen, air, and suction capabilities including:
 - (i) One oxygen outlet in each infant station with other sources of oxygen available;
 - (ii) One medical air source available for each infant station;
 - (iii) Provision for blending, warming, humidifying, and monitoring oxygen mixtures; and
- (iv) One electrical-mechanical or pneumatic suction in each infant station with other mechanical suction available in the hospital.
- (d) All equipment and supplies for infant resuscitation immediately available and present within the intermediate care nursery service area;
- (e) One cardiorespiratory monitor in the intermediate care nursery area and others available;
- (f) Sufficient micro-volumetric infusion pumps available;
- (g) A waiting and instruction area available;
- (h) A registered nurse responsible for neonatal nursing and implementation of policies;
- (i) Provision of adequate nursing staff for the intermediate care nursery available to perform all the specialized nursing skills required;
- (j) Laboratory, pharmacy, radiological, and respiratory care services appropriate for infants available at all times and in the hospital during assisted ventilation;
- (k) Medical staff with experience in neonatal medicine available at all times and in the hospital during assisted ventilation;
- (l) A physician with experience in neonatal medicine who is continuously available to come to the hospital as required;

(m) Medical services directed by a physician member or members of the medical staff having experience in neonatal intensive care whose functions and scope of responsibility are delineated by the medical staff;

(n) Requirements for authentication of all orders, standing orders, and protocols when used with:

- (i) Delineation of the circumstances when a particular protocol is used;
- (ii) Provision of notification of appropriate medical staff;
- (iii) Description of minimum qualifications or training of persons required to execute a particular order or protocol;
- (iv) Written approval of policies, standing orders, and protocols by appropriate members of the medical, nursing, and administrative staffs;
- (v) Orders for drug or treatment administration including:
 - (A) A description of the treatment with the name of each drug or agent;
 - (B) The dosage and concentration of the drug or agent;
 - (C) The route or method of administration; and
 - (D) Where pertinent, the time interval, frequency, or duration of administration.
- (vi) Review of policies, procedures, protocols, and standing orders at least every two years with revisions as necessary.

(o) A hospital-approved procedure for double checking certain drugs, biologicals, and agents by appropriately licensed personnel or medical staff including nurses, physicians, and pharmacists.

(3) Hospitals providing neonatal intensive care nursery service shall meet requirements described under WAC 248-18-221(6) and subsection (2) of this section, and additionally provide:

- (a) At least fifty square feet within each infant station;
- (b) Twelve electrical outlets, with at least eight clearly identified as being on emergency power, available in each infant station;
- (c) Oxygen, air, and suction capabilities including:
 - (i) Two separate oxygen outlets in each infant station;
 - (ii) Two medical air outlets in each infant station;
 - (iii) One mechanism for blending oxygen and medical air for each infant station;
- (iv) Sufficient numbers of oxygen analyzers available to continuously monitor oxygen;
- (v) A means for warming, humidifying, and monitoring temperature of oxygen mixtures on a continuous basis; and
- (vi) Two electrical-mechanical or pneumatic suction in each infant station with others available if needed.
- (d) All equipment and supplies for infant resuscitation available and present within the neonatal intensive care nursery service area;
- (e) Continuous ventilatory support equipment available at all times;
- (f) Equipment for continuous monitoring of respirations and heart rate in each infant station;
- (g) Equipment for continuous hemodynamic monitoring and status of oxygenation available;
- (h) Equipment for continuous monitoring of body temperature available;
- (i) Sufficient microvolumetric infant infusion pumps immediately available at all times in the neonatal intensive care nursery service area;
- (j) Laboratory, radiology, and respiratory care and pharmacy services appropriate for neonates and infants available in the hospital at all times;
- (k) Twenty-four-hour availability of an anesthesia services and a pharmacist to come to the hospital as required or requested available at all times;
- (l) Provision of a registered nurse responsible for neonatal intensive care nursery services and implementation of policies;
- (m) Provision of sufficient and adequate nursing staff in the neonatal intensive care nursery service to perform all specialized nursing skills required;
- (n) Medical responsibility for intensive care nursery services by a neonatologist member of the medical staff;
- (o) Twenty-four-hour availability of a neonatologist to come for in-house consultation as required or requested;
- (p) A designated physician in the hospital available at all times to the neonatal intensive care nursery service with experience or skills including:
 - (i) Neonatal and infant resuscitation; and
 - (ii) Ventilator management including chest tube placement.

- (q) Standing orders, protocols, patient discharge/transfer plans and evaluation of neonatal intensive care nursery services meeting requirements under subsection (2) of this section and WAC 248-18-221 (6)(c);
- (r) Provision for referral or arranging for social work services as required; and
- (s) Provision for patient access to other services as required.

NEW SECTION

WAC 248-18-540 PEDIATRIC NURSING UNIT. Hospitals planning new construction of a pediatric unit shall:

- (1) Locate the pediatric unit to prevent unnecessary traffic through the service area;
- (2) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage under WAC 248-18-719;
- (3) Meet general requirements for certain service facilities under WAC 248-18-711 as follows:
 - (a) Locate for convenient use of staff;
 - (b) May be shared with other service areas when service is limited to sixteen patient beds or less in a combined-use area;
 - (c) Provide clean utility or materials room;
 - (d) Provide housekeeping room;
 - (e) Provide medication distribution facilities;
 - (f) Provide soiled utility or materials room; and
 - (g) Provide storage room.
- (4) Design the pediatric unit to accommodate WAC 248-18-216 and meet the requirements under WAC 248-18-530 (6), (7), and (8), except as follows:
 - (a) Patient rooms with fifty square feet usable floor space per bassinet;
 - (b) Adjoining patient toilets may be omitted from bassinet rooms;
 - (c) Ratios of bathing facilities to beds may exclude cribs and bassinets; and
 - (d) At least one isolation room located in the pediatric area.
- (5) Meet the requirements under WAC 248-18-530(9) for:
 - (a) Nurses' station or equivalent;
 - (b) Ice facilities;
 - (c) Drinking facilities;
 - (d) Nourishment facilities;
 - (e) Personnel facilities; and
 - (f) Treatment and examination room.
- (6) Provide parents' waiting room with education facilities; and
- (7) Provide multipurpose room with:
 - (a) Space for playing and dining;
 - (b) Separate activity area for adolescents; and
 - (c) Construction minimizing sound transmission.

NEW SECTION

WAC 248-18-601 OBSTETRICAL DELIVERY FACILITIES. Hospitals planning new construction of obstetrical delivery facilities shall:

- (1) Locate delivery rooms to prevent traffic through delivery room service areas;
- (2) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage meeting requirements under WAC 248-18-719.
- (3) Meet general requirements for certain service facilities under WAC 248-18-711 and provide the following:
 - (a) Clean materials or clean utility room;
 - (b) Housekeeping facilities;
 - (c) Medicine distribution facility;
 - (d) Soiled utility room; and
 - (e) Storage room.
- (4) Design delivery room or surgery room for obstetrical services to accommodate the requirements under WAC 248-18-221 and provide:
 - (a) Clock with sweep second hand and interval timer or equivalent;
 - (b) Film illuminators for at least two x-ray films or equivalent;
 - (c) Minimum gross area of three hundred and sixty square feet;
 - (d) Minimum dimension of eighteen feet; and
 - (e) Delivery room light.
- (5) Provide scrub area located to provide direct access to the delivery room with:
 - (a) One scrub sink or equivalent for every delivery or surgery room;

- (b) Dispenser at each scrub sink with foot control, or equivalent, if liquid hand cleaner is used;
 - (c) Storage for scrub equipment, masks, caps, nail cleaners, and shoe covers;
 - (d) Clock or timer within view from scrub sinks; and
 - (e) A towel dispenser or equivalent.
- (6) Provide sterilizing facilities within the delivery service area and meeting requirements under WAC 248-18-680(4), or provide central processing meeting requirements under WAC 248-18-680(1).
- (7) Provide anesthesia storage or anesthesia workroom meeting requirements under WAC 248-18-565 (12) or (13).
- (8) Provide staff facilities meeting requirements under WAC 248-18-565(15).

NEW SECTION

WAC 248-18-606 FACILITIES FOR CARE OF PATIENTS IN LABOR. Hospitals planning new construction of labor rooms which are not birthing rooms shall:

- (1) Locate labor rooms to prevent unnecessary traffic through the labor room service area;
- (2) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage in accordance with WAC 248-18-719.
- (3) Meet general requirements for certain service facilities under WAC 248-18-711 as follows:
 - (a) Locate for convenient use of staff;
 - (b) May be shared with other service areas;
 - (c) Provide medicine distribution facilities;
 - (d) Provide clean materials room or clean utility room;
 - (e) Provide soiled materials room or soiled utility room; and
 - (f) Provide housekeeping facilities.
- (4) Provide a labor room meeting requirements under WAC 248-18-530(6) with:
 - (a) Identification and location accommodating requirements under WAC 248-18-221(3); and
 - (b) A maximum capacity of two beds.
- (5) Provide toilet and bathing facilities meeting requirements under WAC 248-18-530 (7) and (8) with:
 - (a) Water closets in ratio of at least one to every four labor beds or fraction thereof; and
 - (b) Showers in the ratio of at least one to every eight obstetrical service beds or fraction thereof.

NEW SECTION

WAC 248-18-608 BIRTHING ROOMS. Hospitals planning new construction of birthing rooms shall:

- (1) Locate birthing rooms to prevent unnecessary traffic through the obstetrical service area;
- (2) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage under WAC 248-18-719;
- (3) Meet general requirements for certain service facilities under WAC 248-18-711 as follows:
 - (a) Locate for convenient use by staff;
 - (b) May be shared with other service areas;
 - (c) Provide medicine distribution facilities;
 - (d) Provide clean utility room;
 - (e) Provide soiled utility room;
 - (f) Provide housekeeping facilities; and
 - (g) Provide storage room.
- (4) Provide a nourishment facility which:
 - (a) Meets requirements under WAC 248-18-530(9); and
 - (b) May be shared with other service areas.
- (5) Design each birthing room to accommodate the requirements under WAC 248-18-221(4) and provide:
 - (a) Area and dimensions meeting the requirements under WAC 248-18-530 (6)(d) and with a minimum usable floor space excluding lavatory, wardrobe, or closet, fixed or movable cabinets, storage facilities, and entry vestibules as follows:
 - (i) One hundred and sixty square feet total; and
 - (ii) Four feet at one side and at foot of bed.
 - (b) A lavatory in the room meeting requirements under WAC 248-18-719; and
 - (c) Privacy curtains or equivalent.

(6) Provide toilet and bathing facilities meeting requirements under WAC 248-18-530 (7) and (8) and with:

(a) Patient toilets adjoining birthing room and in a ratio of one toilet for each patient bed;

(b) Support persons' toilets, separate from patient toilet, and conveniently located; and

(c) Showers in a ratio of one shower to every eight patient beds in obstetrical service area.

(7) Provide nurses' station or equivalent meeting requirements under WAC 248-18-530 (9)(a).

(8) Provide staff facilities meeting requirements under WAC 248-18-070.

NEW SECTION

WAC 248-18-616 **NEWBORN NURSERY FACILITIES.** Hospitals planning new construction of newborn nursery facilities shall:

(1) Locate the nursery facilities to prevent unnecessary traffic through the service area;

(2) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage under WAC 248-18-719;

(3) Provide service facilities:

(a) Convenient to nursery room;

(b) Shared with other nursery areas at hospital's discretion;

(c) Designed to separate clean and soiled areas and meeting the requirements under WAC 248-18-711 with:

(i) A clean utility room with accommodation for a refrigerator for infant feedings;

(ii) A soiled utility room;

(iii) Housekeeping room; and

(iv) Storage.

(4) Meet the requirements under WAC 248-18-221 (6) and (7);

(5) Provide nursery rooms with:

(a) No public access to the nursery except through handwashing and gowning area;

(b) Enough bassinets for newborn infants at least equal to anticipated need;

(c) An area of twenty-four square feet per bassinet;

(d) At least three feet between bassinets;

(e) A lavatory meeting the requirements of WAC 248-18-719 (3)(g) and (6)(b)(iv) and (v) and located at every entrance to each nursery room, and a ratio of one lavatory for every twelve bassinets or major fraction;

(f) Liquid detergent dispenser with foot control;

(g) A clock with sweep second hand or equivalent visible from all nursery rooms and service areas;

(h) Lighting level measured at height of infant station or treatment table:

(i) Minimum seventy foot candles; and

(ii) Maximum one hundred foot candles.

(i) Provision for viewing infants in the nursery rooms by visitors outside the nursery rooms;

(j) A charting area which may be shared with other nurseries, with provisions for:

(i) A writing desk or counter;

(ii) Chart rack; and

(iii) Use of telephone.

(6) Provide a handwashing and gowning area at the public entrance to the nursery room with:

(a) A lavatory with gooseneck spout and knee or foot faucet control or equivalent;

(b) Liquid detergent dispenser with foot control;

(c) Storage for linen and equipment; and

(d) Provision for hanging outer garments.

(7) Staff facilities meeting the requirements under WAC 248-18-070 which may be shared with other service areas.

NEW SECTION

WAC 248-18-637 **INTERMEDIATE CARE NURSERY AND NEONATAL INTENSIVE CARE NURSERY.** Hospitals planning new construction of intermediate care nurseries and neonatal intensive care nurseries shall:

(1) Locate the nursery facilities to prevent unnecessary traffic through the service area;

(2) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage under WAC 248-18-719;

(3) Provide service facilities:

(a) Convenient to nursery room;

(b) Shared with other nursery areas at hospital's discretion; and

(c) Designed to separate clean and soiled areas and meeting the requirements of WAC 248-18-711 with:

(i) A clean utility room with accommodation for a refrigerator for infant feedings;

(ii) A soiled utility room;

(iii) Housekeeping room;

(iv) Storage; and

(v) Medicine distribution facilities.

(4) Meet the requirements under WAC 248-18-221 (6) and (7);

(5) Meet the requirements under WAC 248-18-224(2) for intermediate care nurseries;

(6) Meet the requirements under WAC 248-18-224(3) for neonatal intensive care nurseries;

(7) Meet all requirements under WAC 248-18-616 with additions as follows:

(a) Provide nursery rooms with film illuminators or equivalent to view a minimum of two x-ray films which may be shared between intermediate and neonatal intensive care nurseries; and

(b) Provide infant stations with:

(i) Minimal usable floor area exclusive of aisles with:

(A) Fifty square feet in intermediate care nursery; and

(B) Eighty square feet in neonatal intensive care nursery.

(ii) Space to accommodate monitors;

(iii) Work counter with provisions for a writing area; and

(iv) Closed storage for individual supplies and equipment.

(8) Provide scrub area including:

(a) A scrub sink for every eight infant stations or a major fraction thereof, with no less than two sinks;

(b) Germicidal dispenser, hand brush, sponge dispenser or equivalent, located at each scrub sink; and

(c) Clean storage for clean gowns, masks, nail cleaners, and shoe covers.

(9) Design any planned isolation room to meet the requirements under subsection (6)(b)(i), (ii), (iii), and (iv) of this section;

(10) Provide parent privacy room with education facilities providing cubicle curtains or equivalent for complete visual privacy;

(11) Provide conference or counseling room convenient to intermediate care and neonatal intensive care nursery rooms;

(12) Provide nurses' station or equivalent meeting the requirements under WAC 248-18-530 (9)(a); and

(13) Staff facilities meeting the requirements under WAC 248-18-070 which may be shared with other service areas.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-18-215	PEDIATRIC SERVICES.
WAC 248-18-220	OBSTETRICAL DEPARTMENT.
WAC 248-18-222	BIRTHING ROOMS.
WAC 248-18-223	NEONATAL INTENSIVE CARE NURSERY.
WAC 248-18-539	PEDIATRIC NURSING UNIT.
WAC 248-18-600	OBSTETRICAL DELIVERY.
WAC 248-18-605	FACILITIES FOR CARE OF PATIENTS IN LABOR.
WAC 248-18-607	BIRTHING ROOM.
WAC 248-18-615	NEWBORN NURSERY FACILITY.
WAC 248-18-636	NEONATAL INTENSIVE CARE.

WSR 89-17-125

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed August 23, 1989, 1:54 p.m.]

Original Notice.

Title of Rule: Hospitals, amending chapter 248-18 WAC.

Purpose: To eliminate recommendations presently in WAC and to update minimum standards for general areas in hospitals including referenced standards from the private industries.

Statutory Authority for Adoption: RCW 70.41.030.

Statute Being Implemented: RCW 70.41.030.

Summary: Repeals two sections of general construction standards containing recommendations other than minimum standards for patient health and safety. Updates remaining minimum standards in terms of new knowledge and technology. Reviews referenced industry appropriate to minimum standards for patient safety.

Reasons Supporting Proposal: This rule is necessary to provide minimum standards of safety for patients in the construction of hospitals.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Sylvia Beck, Department of Health, 753-5822.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, WA 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

August 23, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2729, filed 11/18/88)

WAC 248-18-515 DESIGN AND CONSTRUCTION STANDARDS, GENERAL. (1) Exemptions, substitutions, and interpretations. A hospital may request an exemption, substitution, or interpretation as described in WAC 248-18-010.

(2) Industry standards, guides, and codes adopted by reference.

(a) At least once every two years, the department shall:

(i) Review industry standards referenced in the construction section of chapter 248-18 WAC and update, as necessary; and

(ii) Adopt the revised list of referenced standards, if required.

(b) Hospitals shall:

(i) Submit preliminary drawings for hospital construction projects conforming to industry standards, guides, and codes appearing in the current chapter 248-18 WAC;

(ii) Follow applicable standards, guides, and codes of chapter 248-18 WAC existing at the time the preliminary document was submitted for the duration of construction project; except as specified in subsection (2)(c) of this section.

(c) The department may respond to a hospital's written request by giving written approval to use a more recent edition of an industry standard, guide, or code under the following conditions:

(i) The standard, guide, or code was adopted after preliminary drawings were developed; and

(ii) The request is received by the department prior to the department's final approval of project design and authorization for construction per WAC 248-18-510 (3)(a).

(3) Hospitals and the department shall interpret construction WAC as follows:

(a) Rules concerning the size, location, function, and major equipment of rooms and areas are generally found under headings for particular departments or facilities;

(b) Some service facilities common to several departments or units are grouped under "GENERAL REQUIREMENTS FOR SERVICE FACILITIES," WAC 248-18-710;

(c) Mechanical and electrical requirements and detailed architectural requirements are included in "GENERAL DESIGN REQUIREMENTS," WAC 248-18-718;

(d) Equipment specified in rule includes only equipment frequently built in or attached to the building;

(e) WAC section titles describe the category of facilities, requirements, or information to which the contents of that section relates; and

(f) Except for sections adopted after July 1, 1989, in "NEW CONSTRUCTION REGULATIONS," WAC 248-18-500 through 248-18-718 and WAC 248-18-99902:

(i) Capital letters designate a requirement or all requirements;

(ii) Lower case letters designate options, suggestions, recommendations, or explanations;

(iii) Hospitals including any equipment, area, room, unit, service, or other facility designated in lower case letters (suggested or optional) shall comply with applicable standards in chapter 248-18 WAC;

(iv) If a WAC title denotes a unit, service, department, or other category of facilities required only under certain circumstances:

(A) The circumstances are stated following the title; and

(B) If included, constructed according to applicable rules and standards in chapter 248-18 WAC.

(v) The words "Optional. SHALL MEET REQUIREMENTS, IF INCLUDED." following a WAC title indicate:

(A) The particular unit, service, department, or other category of facilities is only recommended and not mandatory; and

(B) If included, constructed according to applicable rules and standards in chapter 248-18 WAC.

NEW SECTION

WAC 248-18-711 GENERAL REQUIREMENTS FOR SERVICE FACILITIES. General requirements for service facilities constructed in certain rooms and areas required by other sections of these rules as follows:

(1) General design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage meeting requirements under WAC 248-18-719;

(2) At least one cleaning facility for carts and large equipment with the floor drain connected to a sanitary sewerage system;

(3) Each clean materials room considered part of a system for storage and distribution of clean and sterile supplies and materials, with sufficient space for parking of clean supply carts;

(4) Each clean utility room with:

(a) Work counter;

(b) Sink or lavatory;

(c) Enclosed and open storage; and

(d) Dispensers or equivalent for towels and liquid detergent.

(5) Each clean-up room for the surgery or delivery suite, or equivalent, separate from the clean materials room or clean utility room, with:

(a) A clinic service sink;

(b) Work counter;

(c) Adequate storage space; and

(d) A double-compartment sink integral with the counter and space on either side to accommodate equipment and materials to be cleaned.

(6) Each housekeeping supply room with:

(a) A service sink or equivalent;

(b) Soap and towel dispenser or equivalent;

(c) Mop rack; and

(d) Storage area.

(7) Each medicine distribution facility, if planned, in a room designed to minimize traffic, with:

(a) Lavatory;

(b) Working surface, either on a cart or counter;

(c) Lockable drug storage;

(d) Enclosed cabinet or equivalent for storage;

(e) Storage space for the medicine cart; and

(f) Space and electrical receptacle for a refrigerator.

(8) Each soiled materials room with:

- (a) A clinic service sink unless:
- (i) A toilet containing bedpan flushing attachment adjoins each patient room; or
 - (ii) A soiled utility room is on the same nursing unit.
- (b) Space for waste container, linen hampers, carts, and other large equipment; and
- (c) Handwashing sink or equivalent.
- (9) Each soiled utility room with:
- (a) A double-compartment sink to accommodate equipment to be cleaned;
 - (b) A three-foot long work surface which may be moveable;
 - (c) Storage cabinets sufficient to store cleaning supplies;
 - (d) Clinic service sink with bedpan flushing attachment; and
 - (e) Space for waste containers, linen hampers, and other large equipment.
- (10) Each storage room with:
- (a) Arrangement to separate clean and sterile supplies and equipment from used or soiled items;
 - (b) Enclosed storage units or carts or shelves, or drawers for clean and sterile supplies, unless provided in a clean utility room under WAC 248-18-711(4);
 - (c) Storage for large nursing and medical patient care equipment; and
 - (d) Shared use by one or more adjacent units or areas permitted.
- (11) Alcove space in corridor permitted to accommodate equipment such as stretchers, wheelchairs, walkers, and lifts.

AMENDATORY SECTION (Amending Order 2667, filed 8/2/88)

WAC 248-18-99902 APPENDIX B—DATES OF DOCUMENTS ADOPTED BY REFERENCE IN CHAPTER 248-18 WAC. (1) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA), 99, Chapter 12, 1987. Required.

(2) (~~(Use of the guide, published by the)~~) American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE) (~~(recommended for design of heating and ventilating systems ASHRAE)~~) Handbook (~~(series)~~) – five volumes: 1987 HVAC Systems and Applications; 1983 Equipment; 1985 Fundamentals; 1986 Refrigeration. Recommended.

(3) (~~(UNIFORM PLUMBING CODE)~~) Uniform Plumbing Code, International Association of Plumbing and Mechanical Officials (IAPMO), 1985 edition. Required.

(4) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA), 99, Chapter 4, 1987. Required.

(5) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA), 90A-1985. Required.

(6) Food Service Equipment Standards of the National Sanitation Foundation (~~(NSF Bldg., P.O. Box 1468, Ann Arbor, Michigan 48106)~~). Required.

(7) (~~(Recommend use of the following standards)~~) Recommended are:

(a) (~~(Classification of Etiologic Agents on the Basis of Hazard^a United States Department of Health and Human Services Publication~~) Public Health Service
Centers for Disease Control
Office of Biosafety
Atlanta, Georgia 30333) Biosafety in Microbiological and Biomedical Laboratories," Appendix A; "Biological Safety Cabinet," United States Department of Health and Human Services, Publication No. (NIH) 88-8395, Second Edition, May 1988.

(b) (~~(Selecting a Biological Safety Cabinet^a United States Department of Health and Human Services Publication~~) Public Health Service
National Institutes of Health
National Cancer Institute
Office of Research Safety
Bethesda, Maryland 20014

(c) For the design, construction, and performance of^a) National Sanitation Foundation Standard No. 49 (NSF No. 49) for Class II Biohazard Cabinetry (~~(NSF No. 49^a National Science Foundation NSF Building Ann Arbor, Michigan 48105)~~)," revised June 1987.

(8) (~~(UNIFORM MECHANICAL CODE)~~) Uniform Mechanical Code (UMC), International Association of Plumbing and Mechanical Officials (IAPMO), 1985 edition. Required.

(9) (~~(UNDERWRITERS LABORATORIES)~~) Underwriters Laboratories (UL), 181 Factory Made Air Ducts and Connectors, 1984 edition. Required.

(10) (~~(SHEET METAL AND AIR CONDITIONING CONTRACTORS' NATIONAL ASSOCIATION, INC)~~) Sheet Metal and Air Conditioning Contractors' National Association, Inc., (SMACNA), Duct Liner Application Standard, 1985. Required.

(11) Compressed Gas Association, Inc., Pamphlet Number P-2.1-1983, "Recommendations for Medical-Surgical Vacuum Systems," 1983 edition. Recommended.

(12) Illuminating Engineers Lighting Handbook (IES), 1987 Application Volume. Recommended.

(13) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA) 70-1987. Required.

(14) (~~(METHOD OF TESTING AIR-CLEANING DEVICES USED IN GENERAL VENTILATION FOR REMOVING PARTICULATE MATTER)~~) Method of Testing Air-Cleaning Devices Used In General Ventilation for Removing Particulate Matter, American Society of Heating, Refrigeration, and Air Conditioning Engineers (ASHRAE), Standard 52-76, 1976 edition. Required.

(15) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA) 30-1987. Required.

(16) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA) 99, CHAPTER 7, 1987. Required.

(17) (~~(NATIONAL FIRE PROTECTION ASSOCIATION)~~) National Fire Protection Association (NFPA) 43C-1986. Required.

(18) (~~(NATIONAL COUNCIL ON RADIATION PROTECTION HANDBOOK NO)~~) National Council on Radiation Protection Handbook No. 49. Required.

(19) Chapter 51-10 WAC Washington State Regulations for Barrier-Free Facilities, second edition. Required.

(20) Uniform Building Code, 1988. Required.

(21) Chapter 248-54 WAC Public Water Supplies. Required.

(22) Chapter 248-92 WAC Public Sewage. Required.

(23) Chapter 248-96 WAC On-Site Sewage Disposal. Required.

(24) National Institute for Occupational Safety and Health (NIOSH) Standard. Required.

(25) Chapter 212-12 WAC Fire Marshal Standards. Required.

(26) Guidelines for Construction and Equipment of Hospital and Medical Facilities, Department of Health and Human Services, 1987. Required.

(27) Chapter 402-24 WAC Standards for Protection Against Radiation. Required.

(28) WAC 296-62-07353 General Occupational Health Standards for Ethylene Oxide. Required.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- 248-18-710 GENERAL REQUIREMENTS FOR SERVICE FACILITIES.
248-18-718 GENERAL DESIGN REQUIREMENTS.

NEW SECTION

WAC 248-18-719 GENERAL DESIGN REQUIREMENTS. Hospitals planning new construction shall include the following general design elements for certain rooms or areas required by other sections of this chapter:

- (1) Architectural components including:
 - (a) Aisles between fixed elements wide enough to allow unimpeded movement of equipment and personnel within rooms or suites meeting requirements under WAC 248-18-99902(19);
 - (b) Ceiling heights meeting requirements in Table 719-1, Minimum Clear Opening for Doors and Nominal Ceiling Heights;
 - (c) A corridor system established throughout the hospital designed for traffic circulation providing patient privacy and preventing through traffic in examination, observation, treatment, and diagnostic areas, with width:
 - (i) Eight feet and restrictions of no more than seven inches for non-ambulatory patient areas;

- (ii) Existing seven feet minimum permitted in alteration projects; and
- (iii) Meeting requirements under WAC 248-18-99902 (19) and (20) in all other areas with:
 - (A) Five feet for corridors permitted when serving ambulatory patient traffic within a single department; and
 - (B) Four feet minimum permitted for nonpatient areas and departments when there is a five-by-five foot turnaround at least every seventy-five feet.
- (d) Handrails on both sides of corridors used by patients on orthopedic units, rehabilitation nursing units, nursing home units, and other long-term nursing units with dimensions as follows:
 - (i) Top of the handrail thirty-two to thirty-four inches above the floor;
 - (ii) Projecting a maximum of three and one-half inches from wall; and
 - (iii) End of handrail returning to wall.
- (e) Doors:
 - (i) With widths meeting requirements under WAC 248-18-99902(20) and Table 719-1, Minimum Clear Opening for Doors and Nominal Ceiling Heights;
 - (ii) Designed to prevent swinging into established corridor widths, except those from small unoccupied spaces, such as small closets;
 - (iii) In patient rooms designed to swing to a full, open position;
 - (iv) With provision for immediate emergency access to patient toilets, showers, and bathrooms; and
 - (v) With vision panels required in all pairs of opposite swinging doors.
- (f) At least one elevator in multi-story hospital designed for patient transport with minimum dimensions of:
 - (i) Five feet four inches inside width;
 - (ii) Eight feet six inches inside length; and
 - (iii) Four feet wide door openings.
- (g) Stairways and ramps with:
 - (i) Skid-resistant surfaces;
 - (ii) Handrails, guardrails, and other safety devices on all stair-wells and ramps meeting requirements under WAC 248-18-99902 (19) and (20);
 - (iii) Slope of ramps used for patients not to exceed one unit of vertical rise for every twelve units of horizontal run; and
 - (iv) Slope of all other ramps meeting requirements under WAC 248-18-99902(20).
- (h) Construction to control entrance and infestation by pests, such as mammals, birds, and insects;
- (i) Windows in patient rooms, except in labor rooms and nurseries, with:
 - (i) A clear glass area of at least one-tenth of the floor space or meeting requirements under WAC 248-18-99902(20);
 - (ii) Location in the outside walls and:
 - (A) Twenty feet or more from another building or opposite wall or court;
 - (B) Ten feet or more from property line except on street side; and
 - (C) Allowance for a satisfactory amount of unobstructed natural light.
 - (iii) Location in interior common walls rather than in outside walls only when meeting requirements in WAC 248-18-99902(20);
 - (iv) Sills:
 - (A) No higher than three feet from the floor;
 - (B) No higher than four feet from the floor in critical care rooms;
 - (C) With exterior grade a minimum of six inches below window sill; and
 - (D) With exterior grade sloping away from building for at least ten feet.
 - (v) Sixteen mesh screens on all operable windows.
- (2) Heating, ventilation, and cooling including:
 - (a) A heating system with capacity to maintain a temperature of seventy-five degrees Fahrenheit or more in each room or occupied space;
 - (b) A cooling system with capacity to cool patient areas to a temperature of seventy-five degrees Fahrenheit or below;
 - (c) Heating and cooling controls with:
 - (i) Individual thermostatic control in each patient room; and
 - (ii) All other areas suitably zoned and thermostatically controlled consistent with WAC 248-18-99902(2).
 - (d) Piping and duct systems insulated to control excessive heat transfer and condensation;

(e) Air balancing of distribution systems to maintain air changes and pressure relationships meeting requirements in Table 719-3, General Pressure Relationships and Ventilation of Certain Hospital Areas, in this section;

- (f) Air handling duct system:
 - (i) Meeting requirements under WAC 248-18-99902(5);
 - (ii) With fiberglass duct installations of nonerosive wearing surfaces specified under WAC 248-18-99902 (9) and (10); and
 - (iii) With fiberglass-lined ducts serving sensitive areas with ninety percent efficiency filters installed downstream of the duct lining.
- (g) The use of space above ceilings for exhaust and return plenums restricted to nonclinical and nonpatient care areas, such as administrative, public waiting, and meeting areas;
- (h) Air supply and exhaust locations:
 - (i) Meeting requirements under WAC 248-18-99902 (2) and (8);
 - (ii) With outdoor intakes located to the extent practical and possible as follows:
 - (A) Directionally different exposures twenty feet or more from:
 - (I) Combustion equipment stacks;
 - (II) Ventilation exhaust outlets from the hospital or adjoining buildings including fume hoods and ethylene oxide systems;
 - (III) Medical-surgical vacuum systems;
 - (IV) Plumbing vent stacks; and
 - (V) Areas that may collect vehicular exhaust and other noxious fumes.
 - (B) Bottom of intake six feet or more above ground level or three feet or more above roof level specified under WAC 248-18-99902(2).
 - (iii) Exhaust air discharge located to avoid cross circulation to supply air intakes or operable windows.
 - (i) Filters installed in central ventilation or air conditioning systems with:
 - (i) Filter beds and filter efficiencies meeting requirements under Table 719-4, Ventilation and Air Conditioning Systems: Filter Efficiencies in Hospitals;
 - (ii) Filter bed No. 2 downstream of the last component of any central air handling unit except:
 - (A) Steam injection-type humidifier permitted downstream of filter bed No. 2;
 - (B) Terminal reheat coils permitted downstream of filter bed No. 2; and
 - (C) Terminal cooling coils permitted downstream of filter bed No. 2 with additional filtration downstream of coil meeting requirements of filter bed No. 2.
 - (iii) Filter frames tight to the enclosing duct work; and
 - (iv) A manometer or equivalent installed across each filter bed serving sensitive areas of central air systems.
 - (j) Fire shutdown in accordance with WAC 248-18-99902 (5) and (25).
 - (k) Exhaust hoods or other approved exhaust devices over equipment likely to produce excessive heat, moisture, odors, or contaminants, and properly designed for intended use.
 - (I) Laboratory hoods for handling infectious materials meeting requirements under WAC 248-18-99902(7) with:
 - (i) A minimum face velocity of seventy-five feet per minute at maximum operating level of sash;
 - (ii) Served by independent exhaust system with the exhaust fan located at the discharge end of the system;
 - (iii) Duct with welded joints or equivalent from the hood to filter enclosure;
 - (iv) Filters with 99.97 percent efficiency dioctyl-phthalate (DOP) test method in the exhaust stream; and
 - (v) Designed and equipped to permit the safe removal of contaminated filters.
 - (m) Laboratory hood for venting radioactive particulate aerosols with:
 - (i) A minimum face velocity of one hundred feet per minute at a maximum operating level of sash;
 - (ii) An independent exhaust system with an exhaust fan at the discharge end of the system;
 - (iii) Ducts with welded joints or equivalent from the hood to the filter enclosure;
 - (iv) Exhaust stream filters with 99.97 percent efficiency using the dioctyl-phthalate (DOP) test method;
 - (v) Designed and equipped for the safe removal of contaminated filters; and
 - (vi) Provisions for washdown.
 - (n) Laboratory hoods for processing strong oxidizing agents with:

- (i) A minimum face velocity of one hundred feet per minute at maximum operating level of sash;
- (ii) An independent exhaust system and explosion-proof exhaust fan at the discharge end of the system;
- (iii) Ducts of welded stainless steel or equivalent throughout the exhaust system; and
- (iv) Hood and exhaust duct system equipped with complete coverage washdown facilities.
- (o) Noncentral supply ventilation systems:
 - (i) Serving sensitive areas meeting the filtering requirements for central systems under Table 719-4, Ventilation and Air Conditioning Systems: Filter Efficiencies in Hospitals; and
 - (ii) In other areas with outdoor air for individual rooms and units meeting filtering requirements for central systems under Table 719-4, Ventilation and Air Conditioning Systems: Filter Efficiencies in Hospitals.
- (p) Equipment to provide relative humidity as follows:
 - (i) Forty percent minimum to sixty percent maximum at seventy-two degrees Fahrenheit in:
 - (A) Operating rooms;
 - (B) Delivery rooms;
 - (C) Special procedure rooms;
 - (D) Anesthetizing locations;
 - (E) Critical care patient rooms, such as intensive and coronary care; and
 - (F) Recovery rooms.
 - (ii) Forty percent minimum to sixty percent maximum at seventy-five degrees Fahrenheit in all nursery facilities.
- (3) Plumbing components including:
 - (a) Design and installation meeting requirements under:
 - (i) WAC 248-18-99902 (3) and (21); and
 - (ii) WAC 248-18-99902(19) when rooms and areas are designated for use by the handicapped.
 - (b) Backflow prevention device on water supply and plumbing equipment meeting requirements under WAC 248-18-99902 (3) and (21);
 - (c) Trap primers in floor drains and stand pipes subject to infrequent use meeting requirements under WAC 248-18-99902(3);
 - (d) Lavatories in each toilet room except where provided in connecting patient room, dressing or locker room;
 - (e) Skid-resistant floor surfaces in tubs and showers;
 - (f) Wrist, knee, or foot faucet controls or equivalent and gooseneck spouts:
 - (i) On lavatories in patient rooms;
 - (ii) In toilet rooms adjoining patient rooms except those for psychiatric patients per program requirements; and
 - (iii) On all lavatories and sinks for personnel use where required to control cross infection, unless the fixture is used for soiled functions only and another sink equipped with appropriate controls is located in the same area of the room.
 - (g) Foot, knee, or equivalent faucet controls and gooseneck spouts on lavatories and scrub sinks in:
 - (i) All nursery rooms;
 - (ii) Birthing rooms;
 - (iii) Surgery and delivery; and
 - (iv) Other sensitive areas.
 - (h) Drinking fountains or equivalent at suitable locations, with at least one on each floor;
 - (i) Insulation installed on:
 - (i) Hot water piping systems as required to control excessive heat transfer and to provide safety;
 - (ii) Cold water and drainage piping as required to control condensation; and
 - (iii) Piping exposed to outside temperatures, designed to prevent freezing.
 - (j) Hot water supply meeting requirements under WAC 248-18-99902 (2) and (21);
 - (k) Equipment to deliver hot water at temperatures measured at point of use as follows:
 - (i) One hundred sixty degrees Fahrenheit or more for laundry;
 - (ii) One hundred twenty degrees Fahrenheit or more for mechanical dishwashers and laundry washers using chemical sanitization;
 - (iii) One hundred fifty degrees Fahrenheit or more for high temperature sanitization dishwashers; and
 - (iv) One hundred twenty degrees Fahrenheit or less at patient sinks, lavatories, and bathing facilities.
 - (l) Sewage disposal systems meeting requirements under WAC 248-18-99902 (22) and (23);
 - (m) Vacuum and medical gas systems:
 - (i) Installed and tested to meet requirements under WAC 248-18-99902 (4) and (11); and
 - (ii) Located to meet requirements under Table 719-2, Medical Gases, Vacuum, and Waste Gas Evacuation.
 - (n) Waste gas evacuation system:
 - (i) Installed and tested to meet requirements under WAC 248-18-99902(24); and
 - (ii) Located to meet requirements under Table 719-2, Medical Gases, Vacuum, and Waste Gas Evacuation.
 - (4) Electrical requirements including:
 - (a) General electrical service as follows:
 - (i) Electrical receptacle outlets meeting requirements under Table 719-5, Single Electrical Receptacle Outlet Requirements;
 - (ii) Capacity limited to twelve single electrical receptacle outlets or six duplex electrical receptacle outlets, or equivalent, per twenty amp circuit in all inpatient or outpatient care areas; and
 - (iii) Convenience electrical receptacle outlets to accommodate cleaning equipment and accessories such as floor polishers, vacuums, and televisions.
 - (b) Electrical service in critical care units and areas as follows:
 - (i) Dedicated circuits to serve designated electrical receptacle outlets located at the head of each bed;
 - (ii) Capacity limited to six single electrical receptacle outlets or three duplex electrical receptacle outlets or equivalent per twenty amp circuit; and
 - (iii) Branch circuit panels located within the area providing ready accessibility to circuit breakers for staff.
 - (c) Emergency electrical service with:
 - (i) Critical emergency power electrical receptacle outlets meeting requirements under Table 719-5, Single Electrical Receptacle Outlet Requirements; and
 - (ii) Additional emergency power and lighting meeting requirements under WAC 248-18-99902(13).
 - (d) Lighting with:
 - (i) Fixtures of the number, type, and location to provide adequate illumination for the functions of each area meeting requirements under WAC 248-18-99902(12);
 - (ii) A reading light and control conveniently located for use by the patient at each bed in the patient rooms;
 - (iii) Protective lens or diffusers on overhead light fixtures;
 - (iv) Night light for each bed located below the level of the bed to dimly light pathway in the room;
 - (v) Night light switches and general illumination switches located adjacent to the opening side of patient room doors, except psychiatric patient security and seclusion rooms, where switches are located outside of the rooms; and
 - (vi) Lighting fixtures in psychiatric security and seclusion rooms of tamper-resistant design.
 - (e) Electrical/electronic equipment including:
 - (i) Call systems meeting requirements under Table 719-6, Call Systems;
 - (ii) Annunciator at control point of department or unit and additional staff duty stations such as utility, medication, and nourishment rooms and staff lounges; and
 - (iii) Film illuminators, or equivalent, accommodating at least two x-ray films in all areas where films are viewed, except in private offices.
 - (5) Interior finishes with:
 - (a) Floor finishes suitable to the function of each area and:
 - (i) Easily cleanable;
 - (ii) Skid-resistant material at entrances and other areas used while wet; and
 - (iii) Coved base integral with floors or top set base with toe tight to the walls.
 - (b) Carpets, if installed, of:
 - (i) Easily cleanable material;
 - (ii) Construction to prevent or reduce static build-up;
 - (iii) Finish classification with a:
 - (A) Radiant panel test class I, a minimum flux of 0.45 watts per centimeter squared; and
 - (B) Smoke density test class A, 450 or less on the smoke test scale.
 - (iv) Average pile density of 4,000 ounces per cubic yard calculated by:

Yarn weight (ounces
per square yard) X 36 =
Pile height (inches)

Average pile density
(ounces per cubic yard);

- (v) Maximum pile height of .312 inches;
- (vi) Padding, if used, that is water resistant and permanently bonded to the carpet backing;
- (vii) Cemented to the floor; and
- (viii) Edges covered and top set base with toe at all wall junctures.
- (c) Ceiling finishes or construction suitable to the functions of each area with:
 - (i) Monolithic or bonded construction for ceilings in patient rooms of psychiatric nursing units, security and seclusion rooms;
 - (ii) Concealed duct work and piping in occupied spaces;
 - (iii) Easily cleanable;
 - (iv) Smooth finish without visible joints or crevices in areas where surgical asepsis must be maintained, such as operating rooms, delivery rooms, and emergency treatment rooms;
 - (v) Finished to minimize glare in patient rooms, labor rooms, birthing rooms, operating rooms, delivery rooms, and emergency treatment rooms; and
 - (vi) Finished to minimize reflection of ultraviolet radiation when ultraviolet radiation generators are used.
- (d) Wall finishes suitable to the functions of each area meeting requirements under WAC 248-18-99902(20) which are:
 - (i) Protected from impact in high traffic areas;
 - (ii) Easily cleanable;
 - (iii) Smooth finish without open joints or crevices in areas where surgical asepsis must be maintained, such as operating rooms, delivery rooms, and emergency treatment rooms;
 - (iv) Finished to minimize glare in patient rooms and labor rooms;
 - (v) Water-resistant paint, glaze, or similar water-resistant finish extending above the splash line in all rooms or areas subject to splash or spray; and
 - (vi) Protected by corner guards on external angles to resist impact in areas of heavy traffic.
- (e) Safety of occupants assured during installation or application with room or area:
 - (i) Well-ventilated;
 - (ii) Unoccupied; and
 - (iii) Unavailable for use until the room or area is free of volatile fumes and odors.
- (6) Accessories for bathroom and toilet rooms with:
 - (a) Backing to support the mounting of all accessories;
 - (b) Special requirements for accessories as follows:
 - (i) At bathing facilities, water closets, dressing rooms, and examination rooms, except in psychiatric unit:
 - (A) Toilet paper holder at water closets;
 - (B) Towel bar, hook, or ring; and
 - (C) Robe hook.
 - (ii) Suitable shelving or equivalent with a mirror at each lavatory in:
 - (A) Toilet room,
 - (B) Patient room,
 - (C) Birthing room,
 - (D) Dressing room, and
 - (E) Locker room.
 - (iii) Provision of dispensers for single-use towels or equivalent at all lavatories and sinks mounted to avoid contamination from splash and spray;
 - (iv) Provision for soap at each lavatory, sink, and bathing facility; and
 - (v) Grab bars as follows:

- (A) Meeting the requirements under WAC 248-18-99902(19);
- (B) Easily cleanable, resistant to corrosion, functionally designed, securely mounted;
- (C) On two sides of each standard bathtub and shower; and
- (D) At least one horizontal grab bar extended eighteen inches or more in front of the water closet.
- (c) Accessories in bathing and toilet rooms designated for the handicapped meeting requirements under WAC 248-18-99902(19).
- (7) Signage for identification of:
 - (a) Rooms and spaces; and
 - (b) Electric panel boards meeting requirements under WAC 248-18-99902(13).

TABLE 719-1
MINIMUM CLEAR OPENING FOR DOORS AND NOMINAL CEILING HEIGHTS

AREA/ROOM NAME	MINIMUM CLEAR OPENING FOR DOORS	NOMINAL CEILING HEIGHT
Anesthetizing and Special:		
Delivery	3'-10"	9'-0"
Fracture	3'-10"	8'-0"
Recovery	3'-10"	8'-0"
Surgery	3'-10"	9'-0"
Trauma	3'-10"	9'-0"
Critical Care:		
Intensive care	3'-10"	8'-0"
Nursing:		
Birthing	3'-10" (1)	8'-0"
Nurseries, all	3'-10" (1)	8'-0"
Patient	3'-10" (1)	8'-0"
Radiology and Imaging:		
Computerized tomography scan	3'-10"	8'-0"
Radiation therapy	3'-10"	9'-0"
Fluoroscopy	3'-10"	8'-0"
Nuclear medicine	3'-10"	8'-0"
X-ray	3'-10"	8'-0"
Diagnostic and treatment:		
Physical treatment therapy	3'-10" (1)	8'-0"
General:		
Bathrooms and toilets	2'-8" (2)	7'-6"

NOTES:

- (1) Existing 3'-8" clear opening door permitted in alterations.
- (2) Existing 2'-6" clear opening door permitted in alterations except in nursing home rehabilitation units.

TABLE 719-2
MEDICAL GASES, VACUUM, AND WASTE GAS EVACUATION

AREA/ROOM NAME	MEDICAL GASES				WASTE GAS EVACUATION 1
	OXYGEN	MEDICAL AIR	NITROUS OXIDE	VACUUM	
Anesthetizing and Special:					
Cystoscopic	D	E		D	
Delivery	B,G	A,G	A	D,G	E
Operating	B	A	A	D,H	E
Operating patient hold area	B			B	
Recovery	B	A-Infants Only		C	
Recovery (delivery)	A,G	G		B,G	

TABLE 719-2
MEDICAL GASES, VACUUM, AND WASTE GAS EVACUATION

AREA/ROOM NAME	MEDICAL GASES				WASTE GAS EVACUATION ¹
	OXYGEN	MEDICAL AIR	NITROUS OXIDE	VACUUM	
Special procedures	D	E	A	D	E
Trauma	D	E		D	E
Critical Care:					
Coronary care	B	B		C	
Intensive care	B	B		C	
Nursing:					
Birthing (Labor, Delivery and Recovery)	A			B	
Examination, treatment	A			A	
Labor	B			B	
Nursery:					
Intermediate care	F	F		G	
Neonatal intensive care	F	F		G	
Newborn	A			A	
Patient:					
Medical, surgical and obstetrical	B			B	
Outpatient	B			B	
Pediatrics	B	B		B	
Radiology and Imaging:					
Imaging services	B			B	
Diagnostic and Treatment:					
Autopsy				E	
Emergency treatment	A	E		E	E

NOTES:

- A One outlet accessible to each bed, stretcher, bassinet, or equivalent; one outlet may serve two beds or two bassinets.
- B Separate outlet for each bed, stretcher, bassinet, or equivalent.
- C Two outlets for each bed.
- D Two outlets per room intended for one patient at any one time.
- E One outlet per room.
- F Two outlets per station.
- G Separate outlets for infants.
- H If used for delivery, must include G.
- I Required only when general anesthesia is used.

TABLE 719-3
GENERAL PRESSURE RELATIONSHIPS AND VENTILATION OF CERTAIN HOSPITAL AREAS

Area/Room Name	Pressure Relationship To Adjacent Areas	Minimum Air Changes Of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recirculated Within Room Units
ANESTHETIZING AND SPECIAL:					
Operating and obstetrical delivery (recirculating air system)	P	3	15	Optional	No ¹
Operating and obstetrical delivery (all outdoor air system) ⁶	P	15	15	Yes	No
Recovery	P	2	6	Optional	No ¹
Trauma ²	P	3	15	Optional	No ¹
CRITICAL CARE:					
Intensive care	P	2	6	Optional	No
NURSING:					
Birthing	P	5	12	Optional	No ¹

TABLE 719-3
GENERAL PRESSURE RELATIONSHIPS AND
VENTILATION OF CERTAIN HOSPITAL AREAS

Area/Room Name	Pressure Relation-Ship To Adjacent Areas	Minimum Air Changes Of Outdoor Air Per Hour Supplied To Room	Minimum Total Air Changes Per Hour Supplied To Room	All Air Exhausted Directly To Outdoors	Recir-culated Within Room Units
Nursery, newborn Patient	P	2	6	Optional	No ¹
Patient Corridor	NA	2	2	Optional	Optional
Patient isolation ³	NA	2	4	Optional	Optional
Patient isolation alcove or anteroom ³	P or N	2	6	Yes	No
Patient toilet	P or N	2	10	Yes	No
RADIOLOGY AND IMAGING:					
Darkroom	N	2	10	Optional	No
X-ray	NA	2	6	Optional	Optional
DIAGNOSTIC AND TREATMENT:					
Autopsy	N	2	12	Yes	No
Body holding, nonrefrigerated ⁴	N	Optional	10	Yes	No
Examination	NA N or P	2	6	Optional	Optional
Medication	P	2	4	Optional	Optional
Nuclear medicine	N	2	6	Yes	No
Pharmacy	P	2	4	Optional	Optional
Physical therapy and hydrotherapy Treatment	N	2	6	Optional	Optional
LABORATORY:					
Bacteriology	N	2	6	Yes	No
Biochemistry	P	2	6	Optional	No
Cytology	N	2	6	Yes	No
Glass washing	N	2	10	Yes	Optional
Histology	N	2	6	Yes	No
Media transfer	P	2	4	Optional	No ²
Pathology	N	2	6	Yes	No
Serology	P	2	6	Optional	No
Sterilizing	N	Optional	10	Yes	No
CENTRAL SERVICE:					
Clean workroom and sterile storage	P	2	4	Optional	Optional
Equipment storage ETO sterilizer ⁷	NA	2 (Optional)	2	Optional	Optional
Sterilizer equipment	N	Optional	10	Yes	No
KITCHEN AND DIETARY:					
Dietary day storage	NA	Optional	2	Optional	No
Food preparation centers ⁵	NA	2	10	Yes	No
Ware washing	N	Optional	10	Yes	No
GENERAL:					
Bathroom	N	Optional	10	Yes	No
Bedpan	N	Optional	10	Yes	No
Janitors closet	N	Optional	10	Yes	No
Utility, clean	P	2	4	Optional	Optional
Utility, soiled	N	2	10	Yes	No

ABBREVIATIONS:

P = Positive

N = Negative

NA = Not Applicable (Continuous Direction Control Not Required)

NOTES:

1 Recirculating room units meeting the filtering requirements for the space may be used.

- 2 The term "trauma room" used in Table 719-3 is the operating room space in the trauma center routinely used for emergency surgery. The first aid room and/or "emergency room" used for general initial treatment of accident victims may be ventilated as noted for the "treatment room."
- 3 The isolation rooms described in the standards might be used in the average community hospital. The assumption is the isolation procedures will be for infectious patients and the room should also be suitable for normal private patient use when not needed for isolation.
- 4 The nonrefrigerated body-holding room would be applicable only for facilities not performing autopsies on site and using the space for a short period while waiting for body transfer to be completed.
- 5 Food preparation centers shall have ventilation systems with an excess of air supply for positive pressure when hoods are not in operation.
- 6 The number of air changes may be reduced when areas are not occupied.
- 7 See WAC 248-18-99902(15) and (28).

TABLE 719-4
VENTILATION AND AIR CONDITIONING SYSTEMS
FILTER EFFICIENCIES IN HOSPITALS

AREA/ROOM NAME	FILTER BED 1 %	FILTER BED 2 %
Anesthetizing and Special:		
Operating and delivery	25	90
Organ transplant	25	90 (A)
Recovery	25	90
Special procedures	25	90
Critical Care:		
Intensive and CCU	25	90
Nursing:		
Birthing	25	90 (B)
Labor	25	90 (B)
Nursery, newborn	25	90
Patient	25	90 (B)
Patient treatment	25	90 (B)
Postpartum	25	90 (B)
Radiology and Imaging:		
X-Ray	25	90 (B)
Fluoroscopy	25	90 (B)
Laundry:	80	NA
Kitchen and Dietary:		
Food preparation	80	NA
Storage, bulk	25	NA
General:		
Administration	25	NA
Utility, soiled	25	NA

NOTES:

- (A) 99.9% recirculating air.
- (B) 80% acceptable with total outside air.
- NA Not applicable.

TABLE 719-5
PATIENT CARE AREA
SINGLE ELECTRICAL RECEPTACLE OUTLET REQUIREMENTS

AREA/ROOM NAME	LOCATION IN ROOM (*ACCORDING TO PROGRAM UNLESS OTHERWISE STATED)	TOTAL	CRITICAL EMER- GENCY POWER	SPECIAL REQUIREMENTS (*HOSPITAL GRADE)
ANESTHETIZING AND SPECIAL:				
Delivery	*	12	12	*
Trauma	*	6	6	*
Patient holding	*	4	4	*
Operating	*	12	12	*
Recovery	Head of each bed	4	4	*
Special procedures	*	12	12	*
CRITICAL CARE:				
Intensive care and other	Head of each bed	12	12	*

TABLE 719-5
PATIENT CARE AREA
SINGLE ELECTRICAL RECEPTACLE OUTLET REQUIREMENTS

AREA/ROOM NAME	LOCATION IN ROOM (*ACCORDING TO PROGRAM UNLESS OTHERWISE STATED)	TOTAL	CRITICAL EMER- GENCY POWER	SPECIAL REQUIREMENTS (*HOSPITAL GRADE)
NURSING:				
Birthing and LDR	* for woman and infant	6	2	*
Nursery	Between every two bassinets and *	4	4	
Nursery, intermediate care	Each station and *	6	6	*
Nursery, neonatal intensive care	Each station and *	12	12	*
Pediatric	Head of bed	4	2	Tamper- resistant safety receptacles
Pediatric critical care	Head of bed and *	12	12	*
Psychiatric	Head of bed	2	0	Tamper- resistant safety receptacles
DIAGNOSTIC AND TREATMENT:				
Emergency examination	One per wall	4	4	*
Emergency, minor	One per wall	6	6	*
Physical therapy		2 (A)		(B)
Occupational therapy	*			
Radiology and imaging	*	(C)		
LABORATORY:				
General	*			
Critical equipment	*	2	2	(D)
GENERAL:				
Patient lavatories		2	0	(E)
Other lavatories		0	0	(E)
All bathing facilities		0	0	(E)

NOTES:

- (A) Per treatment area sufficient to support diagnostic and treatment activities.
- (B) Ground fault circuit interrupter when installed within five feet of wet areas.
- (C) Sufficient to support diagnostic and treatment.
- (D) With grounding conductor and dedicated circuits as required per each piece of equipment and sufficient to support work station.
- (E) When installed within five feet of lavatories and bathing facilities, ground fault circuit interrupter required.

TABLE 719-6
CALL SYSTEMS

AREA/ROOM NAME	SYSTEM TYPE	INITIATION LOCATION	INDICATOR TYPE	INDICATOR LOCATION
Patient holding area	PNC	A	B	B
Patient induction	PNC	A	B	B
	MES	H	E	E
Recovery stations	PNC	A	G	C
	MES	H		
CRITICAL CARE:				
Intensive and coronary care	PNC	A	B	B
	MES	H,A	E	E
NURSING:				
Birthing	PNC	A	B	B
	MES	A,H	E	E
Labor	PNC	A	B	B
	MES	H	E	E
Nursery, neonatal intensive care	MES	H	E	E
Nursery, intermediate	MES	H	E	E

TABLE 719-6
CALL SYSTEMS

AREA/ROOM NAME	SYSTEM TYPE	INITIATION LOCATION	INDICATOR TYPE	INDICATOR LOCATION
ANESTHETIZING AND SPECIAL:				
Delivery	MES	H	E	E
Trauma	MES	H,A	E	E
Operating	MES	H	E	C

TABLE 719-6
CALL SYSTEMS

AREA/ROOM NAME	SYSTEM TYPE	INITIATION LOCATION	INDICATOR TYPE	INDICATOR LOCATION
care				
Nursery, newborn	MES	H	E	E
Nurses station			Annunciator panel for PNC/MES	
Patient dressing	PNC	F	B,D	B
Patient	PNC	A	B	B
Patient shower, bathroom and toilet	PNC	F	B,D	B
Psychiatric activity	MES	H,I,C	C	
Psychiatric patient	MES	H	C	
Psychiatric seclusion	MES	H	C	
RADIOLOGY AND IMAGING:				
X-ray, Fluoroscopy	MES	H	E	E
DIAGNOSTIC AND TREATMENT:				
Emergency exam	PNC	A	B	C
	MES	H	E	E
Minor treatment	PNC	A	B,C	B,C
	MES	H	E	E
Nuclear medicine	MES	H	E	E
Physical therapy	PNC	I	B,C	B,C
	MES	H	E	E
Occupational therapy	MES	H	E	E
GENERAL:				
Emergency entrance	Doorbell	Outside hospital door	AS/VL	At a 24-hour monitored duty station
Utilities	AS/VL		AS/VL	Duty station

ABBREVIATIONS:

- PNC = Patient nurse call
- MES = Medical emergency signal
- AS = Audible signal
- VL = Visual light

NOTES:

- A Head of bed.
- B Register by light at corridor door or treatment area and register by light and audible signal at the nurses' station and duty stations.
- C Call signals initiated by staff within a department by remote or other means to register at a staff control point from which assistance is always available.
- D Signals from toilets and bathing facilities to have distinctive light and distinctive audible signals.
- E Medical emergency system devices to register by distinctive light at the corridor door. Nurses' station annunciator or equivalent shall identify point of origin by a distinctive light and distinctive audible signal. Signal device to be reset only by staff at the point of origin. Distinctive visual and distinctive audible signals at locations from which additional staff assistance is always available.
- F A properly located signal device mounted no higher than six feet above the floor and activated by a nonconductive pull cord within easy grasp by a patient slumped forward on the floors of either the toilet, bathing facility, or dressing room.
- G Register by light and outside each patient station or register by light and audible signal at the nurses' station.
- H Properly located signal device within easy reach by staff.
- I Any area not within direct observation.
- J May be integrated with other systems.

Original Notice.

Title of Rule: Hospitals, amending chapter 248-18 WAC.

Purpose: To update operational and construction minimum standards for imaging and radiology services in hospitals consistent with minimum standards of safety and health for handling and use of radioactive materials.

Statutory Authority for Adoption: RCW 70.41.030.

Statute Being Implemented: RCW 70.41.030.

Summary: Outdated rules for operation and construction of imaging and radiology services and facilities are repealed. New minimum standards for operation and construction reflect consideration of patient safety related to new or rapidly changing knowledge and technology in imaging services.

Reasons Supporting Proposal: This rule is necessary to provide minimum standards of safety and health for patients using imaging services in hospitals.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ken Lewis, Department of Health, 753-5851.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 13, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, WA 98504, by October 13, 1989.

Date of Intended Adoption: October 27, 1989.

August 23, 1989

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 248-18-311 DIAGNOSTIC AND THERAPEUTIC RADIOLOGY AND OTHER IMAGING SERVICES. (1) Hospitals shall:

(a) Ensure availability of radiologic services appropriate to the type and scope of hospital services offered for inpatients and outpatients; and

(b) Provide a written description of the type and scope of nuclear medicine and other diagnostic and therapeutic imaging services when provided in the hospital for inpatients and outpatients.

(2) Hospitals with imaging services shall:

(a) Designate medical responsibility and require access at all times to a radiologist member of the medical staff, if radiologic services are provided in the hospital;

(b) Designate medical responsibility to one or more physician members of the medical staff qualified in nuclear medicine, if nuclear medicine services are provided;

(c) Designate medical responsibility to one or more physician members of the medical staff qualified in the appropriate specific imaging specialty if other imaging services are provided;

(d) Require performance of radiology, nuclear, and other imaging services only when:

(i) Ordered, in writing, by a member of the medical staff; or

(ii) In accordance with hospital policy and procedures; and

(e) Provide sufficient numbers of personnel and medical staff qualified to safely deliver the type, scope, and volume within each imaging service including:

(i) At least one diagnostic radiologic technician, technologist, or physician available to come to the hospital to perform diagnostic procedures at all times;

(ii) Performance of therapeutic radiologic services by:

(A) A radiologist or radiation oncologist; or

(B) A therapeutic radiologic technologist directed by a radiologist or radiation oncologist;

(iii) Performance of diagnostic radiologic services by:

(A) A physician or radiologist; or

(B) A diagnostic radiologic technician under policies and procedures approved by a radiologist; and

(iv) After December 31, 1990, performance of nuclear medicine services by a nuclear medicine technologist or by a physician member of the medical staff qualified in nuclear medicine.

(f) Establish policies and procedures approved by administration, a radiologist, and other medical staff qualified in the specialties provided including:

(i) Protection of patients and others from radiation hazards including shielding for syringes, vials, and sources of radioactivity;

(ii) Patient preparation, patient examination, and administration of diagnostic agents;

(iii) Medical staff responsibility for preparation and administration of radiopharmaceuticals;

(iv) Designating authorized users of the equipment;

(v) Safe operation of equipment;

(vi) Safe handling, storage, preparation, labeling, transporting, and disposal of radioactive materials;

(vii) Precautions to minimize unnecessary radiation exposure to patients and others;

(viii) Actions required in event of radioactive contamination of patients, personnel, equipment, and environment;

(ix) Prevention of electrical, mechanical, fire, explosion, and other hazards; and

(x) Written reports on any adverse reaction of a patient to diagnostic or therapeutic agents, including notation in the medical record or outpatient report.

(3) Hospitals providing any imaging service shall provide:

(a) Adequate space and facilities for:

(i) Patient privacy;

(ii) Patient access to a toilet;

(iii) Patient examinations;

(iv) Patient reception;

(v) Patient dressing rooms;

(vi) Exposed and unexposed film storage; and

(vii) Safe storage, preparation, labeling, transportation, and disposal of radioactive materials.

(b) Maintenance of safe, clean equipment, facilities, and supplies appropriate for the type and scope of service offered;

(c) Maintenance of all patient care equipment in safe, operating condition;

(d) Emergency equipment, supplies, and medications required under WAC 248-18-251(5); and

(e) A method for summoning extra appropriate staff for emergencies arising in imaging service areas.

(4) Hospitals providing radiologic areas, rooms, and services shall:

(a) Conduct radiologic services in a safe, appropriately equipped area of the hospital, shielded as necessary to prevent radiation hazards to individuals;

(b) Maintain radiology equipment meeting applicable state rules for radiation protection under chapter 402-28 WAC; and

(c) Arrange for services of a qualified expert defined and described under WAC 402-32-100 as needed for:

(i) Consultation, including periodic radiologic safety testing;

(ii) Supervision of radiation safety measures; and

(iii) Participation in education programs.

(5) Hospitals with imaging services shall:

(a) Maintain authenticated and dated reports of diagnostic and therapeutic procedures, consultations, and interpretations in each patient's medical record;

(b) Retain hard copies or electronic access to authenticated interpretative reports for films, consultations, and therapeutic procedures in the imaging service area for a period defined by the hospital;

(c) Require hospital-authorized practitioners to provide a reason for each examination on all requests for services;

(d) Require authentication of interpretative reports by:

(i) The radiologist for radiology reports; or

(ii) A designated physician member of the medical staff qualified in the appropriate, specific imaging specialty.

(e) Retain patient logs for imaging services and records of equipment calibration inspections and quality assurance testing in the imaging service area for a period defined, in writing, by the hospital;

(f) Maintain records of receipt and disposition of radioactive materials; and

(g) Maintain documentation of:

(i) Maintenance and periodic calibration of all radiation safety equipment;

(ii) Maintenance of all patient care equipment in a safe, operating condition; and

(iii) Calibration of diagnostic and treatment radiologic equipment by:

(A) A qualified expert defined and required under WAC 402-34-190; or

(B) An individual qualified according to manufacturer's specifications for a particular piece of equipment.

NEW SECTION

WAC 248-18-656 RADIOLOGY AND OTHER IMAGING FACILITIES. Hospitals planning new construction of radiology and imaging facilities shall meet requirements under WAC 248-18-99902(18), WAC 248-28-032, and shall:

(1) Follow general design requirements for architectural components, electrical service, lighting, call systems, hardware, interior finishes, heating, plumbing, sewerage, ventilation/air conditioning, and signage under WAC 248-18-719.

(2) Meet general requirements for certain service facilities under WAC 248-18-711 and provide the following:

(a) Clean-up area;

(b) Housekeeping room; and

(c) Storage room or area.

(3) Provide radiographic room with:

(a) Location to minimize outpatient traffic through inpatient areas and convenient for the transport of patients from emergency department, surgery suite, and nursing units;

(b) Barrier-free access for wheeled stretcher or bed movement;

(c) Control area in accordance with WAC 402-28-032;

(d) Installations for imaging equipment, cobalt-60, or other sources of ionizing radiation, and radiation protection of floors, doors, walls, and ceilings in accordance with WAC 248-18-99902(18);

(e) Grounding of table, tube stand and controls, and any associated electrical apparatus in accordance with WAC 248-18-99902(13);

(f) Facilities and equipment to provide infection control as required under WAC 248-18-035 and 248-18-311; and

(g) Lavatory in or immediately available to radiographic room or rooms.

(4) Provide contrast preparation area containing:

(a) A lavatory or sink with barium trap;

(b) Work counter; and

(c) Enclosed storage cabinets or movable enclosed storage cabinets.

(5) Provide processing or dark room or equivalent which is light-tight and has:

(a) A safe light which means an electric light that does not fog films;

(b) Developing tank with a thermostatic mixing valve, or automatic film processor with appropriate backflow protection;

(c) Film storage, shielded from stray radiation;

(d) Work counter;

(e) Sink; and

(f) Lighting provided for clean-up and maintenance purposes.

(6) Provide dressing area with rooms or booths providing privacy for dressing and including:

(a) Provision for clean and soiled linen storage in or near dressing rooms; and

(b) Access to at least one barrier-free booth or room to accommodate a wheelchair in or adjacent to the dressing area.

(7) Provide image viewing area with:

(a) Film illuminator or equivalent, for viewing at least two films; and

(b) Location to prevent public view of films.

(8) Provide waiting area with space for wheelchair patients, stretcher patients, and ambulatory patients.

(9) Provide toilet connected to or adjacent to radiographic room or rooms, with ratio of one toilet for every two radiographic rooms.

(10) Provide administrative facilities with:

(a) Office area, with provision for consultation; and

(b) An active film file area.

(11) Provide staff facilities separate or shared with other service areas meeting requirements under WAC 248-18-525(7).

(12) Meet the following requirements if planning new construction of imaging rooms listed below:

(a) Fluoroscopy room meeting requirements under subsection (3) of this section;

(b) Angiography room with scrub sinks designed to meet requirements under WAC 248-18-251(5) and 248-18-645(9);

(c) Cardiac laser, cardia catheterization with angioplasty or valvuloplasty with scrub sink and designed to meet requirements under WAC 248-18-251(5), 248-18-645(9), and 248-18-711 (2), (4), and (10);

(d) Computerized tomography or computerized axial tomography (CT) room:

(i) With lavatory;

(ii) Meeting manufacturer's specifications for installation and safety; and

(iii) Meeting requirements under WAC 248-18-251(5) and 248-18-645(9).

(e) Lithotripsy room meeting requirements under WAC 248-18-251(5), 248-18-711(2), (4), and (10), and accessible to cystoscopy, if appropriate, meeting requirements of WAC 248-18-645(9);

(f) Mammography room with provisions for patient privacy;

(g) Magnetic resonance imaging (MRI) room meeting manufacturer's specifications for installation and safety;

(h) Nuclear medicine room with a separate laboratory including a lavatory for preparation, storage, and safe disposal of radioactive materials meeting:

(i) Manufacturer's specifications for installation and safety; and

(ii) Requirements under WAC 248-18-99902(27).

(i) Other specialized rooms intended for invasive procedures meeting requirements under WAC 248-18-251(5) and 248-18-645(9).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 248-18-310 X-RAY.

WAC 248-18-655 RADIOLOGY FACILITIES.

WSR 89-17-127
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed August 23, 1989, 1:56 p.m.]

Original Notice.

Title of Rule: Food assistance, amending WAC 388-77-820.

Purpose: To clarify the treatment of child support pass through payment for food assistance under the family independence program (FIP) and to clarify that earned income reporting, instead of mandatory monthly reporting, applies for FIP food assistance.

Statutory Authority for Adoption: Chapter 74.21 RCW.

Statute Being Implemented: Chapter 74.21 RCW.

Summary: Any \$50 child support pass through payment received in a month is exempt for FIP food assistance. Currently only the first \$50 child support pass through payment is being exempted. Earned income reporting, instead of mandatory monthly reporting, applies for FIP food assistance.

Reasons Supporting Proposal: This rule is necessary to correct the treatment of support pass through payments and to punctuate that income reporting, instead of mandatory monthly reporting applies to FIP.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jay Emry, Income Assistance, Program Development, 753-4371.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: Same as above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, WA 98504, by October 3, 1989.

Date of Intended Adoption: October 13, 1989.

August 23, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2757, filed 1/13/89)

WAC 388-77-820 FOOD ASSISTANCE. (1) The department shall:

(a) Determine eligibility and benefit amounts for food cash assistance according to the food stamp program in chapter 388-49 WAC; except:

(b) For enrollees, disregard the following additional types of income in determining the food stamp benefit amount:

(i) The FIP incentive and the value of child care provided under FIP;

(ii) Higher education benefits;

(iii) Earned income tax credit;

(iv) Retroactive FIP benefits;

(v) ~~((The first))~~ Any fifty dollar ~~((s of any))~~ child support pass-through payment ~~((s))~~ received in the month;

(vi) Earnings of a child ~~((under eighteen))~~ seventeen years of age and under; and

(vii) Self-employment income used for capital expenditures ~~((which are))~~ included as part of a self-sufficiency plan.

(2) For enrollees, the department shall pay the food stamp cash equivalent as a grant;

(3) For enrollees, the department shall verify eligibility factors as in WAC 388-77-045;

(4) The department shall consider households with all FIP members as categorically eligible for food stamp cash assistance;

(5) The department shall follow earned income reporting rules in WAC 388-77-555 instead of mandatory monthly reporting;

(6) The department shall determine eligibility and benefit amount for nonassistance households with a FIP member or members according to chapter 388-49 WAC, except:

(a) FIP members shall receive a prorated amount of benefits as food cash assistance; and

(b) Non-FIP members shall receive a prorated amount of benefits in food stamps; and

(c) The provisions of WAC 388-77-820 (1), (2), and (3) shall apply to the FIP members of the mixed household.

WSR 89-17-128
PROPOSED RULES
DEPARTMENT OF HEALTH

[Filed August 23, 1989, 1:58 p.m.]

Original Notice.

Title of Rule: Ambulance rules and regulations, amending chapter 248-17 WAC.

Purpose: Revise recertification procedures for emergency medical technicians and first responders.

Statutory Authority for Adoption: RCW 18.73.080.

Statute Being Implemented: RCW 18.73.080.

Summary: This establishes the amount of infectious disease education required for emergency medical technicians and first responders.

Reasons Supporting Proposal: This amendment is necessary to allow emergency medical services personnel the choice of taking the practical skills examination to recertify or to enter a program of ongoing training and evaluation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Jack Cvitanovic, EMS Training and Licensing, 753-2095.

Name of Proponent: Department of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, WA 98504, by October 3, 1989.

Date of Intended Adoption: October 27, 1989.

August 23, 1989

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-020 **DEFINITIONS.** For the purpose of these regulations, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Washington state fire protection services/fire services training.

(2) "Aid director" means a person who is a director of a service which operates one or more aid vehicles provided by a volunteer organization or governmental agency.

(3) "Aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

(4) "Aid vehicle operator" means a person who owns one or more aid vehicles and operates them as a private business.

(5) "Air ambulance" means a fixed or rotary winged aircraft that is currently certified under Federal Aviation Administration as an air

taxi; that may be configured to accommodate a minimum of one litter and two medical attendants with sufficient space to provide intensive and life saving patient care without interfering with the performance of the flight crew; that has sufficient medical supplies and equipment to provide necessary medical treatment at the patient's origin and during flight; has radio equipment capable of two way communication ground-to-air, air-to-air, and air-to-ground including communication with physicians responsible for patient management; has been designed to avoid aggravating the patients condition as to cabin comfort, noise levels* and cabin pressurization*; has aboard survival equipment in sufficient quantity to accommodate crew and passengers; that has been inspected and licensed by the department as an air ambulance. *Not applicable to rotary winged aircraft.

~~((2))~~ (6) "Air ambulance service" means a service that is currently certified under Federal Aviation Administration (FAA) rules, 14 CFR Part 135, (Air Taxi Operators and Commercial Operators of Small Aircraft); has been inspected by the department and licensed as an air ambulance service and meets the minimum requirements for personnel and equipment as described elsewhere in this chapter.

~~((3))~~ (7) "Ambulance" means a vehicle designed and used to transport the ill and injured and to provide facilities and equipment to treat patients before and during transportation.

~~((4))~~ "Attending physician" as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient en route, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician must retain responsibility for the medical care of the patient until final destination is reached.

~~(5)~~ "First aid vehicle" means a vehicle used to carry first aid equipment and individuals trained in first aid or emergency medical procedures.

~~(6)~~ "Emergency medical technician (EMT)" means a person who has successfully completed a prescribed course of instruction and who has achieved a demonstrable level of performance and competence to treat victims of severe injury or other emergent conditions.

(7) "Advanced first aid" means a course of instruction recognized by the American Red Cross, Department of Labor and Industry, the U.S. Bureau of Mines, or Fire Services training program:))

~~(8)~~ ((Standard first aid" means such a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or Fire Services training program:

~~(9)~~ "Ambulance driver" means that person who drives an ambulance.

~~((10))~~ "Ambulance attendant" means that person who has responsibility for the care of patients both before and during transportation.

~~((11))~~ "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

~~((2))~~ (9) "Ambulance director" means a person who is a director of a service which operates one or more ambulances provided by a volunteer organization or governmental agency.

~~((13))~~ "First aid vehicle operator" means a person who owns one or more first aid vehicles and operates them as a private business)) (10) "Ambulance driver" means that person who drives an ambulance.

~~(11)~~ "Ambulance operator" means a person who owns one or more ambulances and operates them as a private business.

~~(12)~~ "Approved emergency medical services (EMS) medical program director" means a doctor of medicine or osteopathy who has been certified by the department under RCW 18.71.205 and WAC 248-15-020.

~~(13)~~ "Attending physician," as applies to aeromedical evacuation, means a licensed doctor of medicine or osteopathy who provides direction for management of the patient either by attending the patient en route, by ground-to-air radio communication or by written orders pertaining to inflight medical care. An attending physician shall retain responsibility for the medical care of the patient until final destination is reached.

~~(14)~~ ((First aid director" means a person who is a director of a service which operates one or more first aid vehicles provided by a volunteer organization or governmental agency))Committee" means the emergency medical services committee.

(15) "Communications system" means a radio or landline network connected with a dispatch center which makes possible the alerting and coordination of personnel, equipment and facilities.

~~((social and))~~ (16) "Department" means the Washington state department of health ((services)).

- (17) "~~(Shall~~" means compliance is mandatory.
- (18) "~~Should~~" means a suggestion or recommendation, but not a requirement.
- (19) "~~Committee~~" means the emergency medical services committee.
- (20) "~~Approved emergency medical services (EMS) medical program director~~" means a doctor of medicine or osteopathy who has been certified by the department under RCW 18.71.205 and WAC 248-15-020.
- (21) "~~Medical control~~" means physician responsibility for supervision of EMT training programs, the establishment of field protocols, and the recommendation for certification and decertification of EMTs certified under this chapter.
- (22) "~~Medical control as defined above does not include first responders~~)Department form" means a form developed by the department or developed by another agency and approved by the department.
- (18) "~~Emergency medical technician (EMT)~~" means a person who:
- (a) ~~Successfully completed a prescribed course of instruction;~~
- (b) ~~Achieved a measurable level of performance and competence to treat victims of severe injury or other emergent conditions;~~
- (c) ~~Follows medical program director field protocols; and~~
- (d) ~~Was examined and certified by the department.~~
- (19) "~~First responder~~" means a person who:
- (a) ~~Successfully completed a department-approved course of instruction;~~
- (b) ~~Follows medical program director field protocols; and~~
- (c) ~~Was examined and certified by the department.~~
- (20) "~~First responder supervisor~~" means a provider-designated individual responsible for the supervision of first responder agency personnel and recommending or not recommending personnel to the department for certification/recertification.
- (21) "~~Medical control~~" means for:
- (a) ~~EMTs, the physician responsibility for supervision of training programs, establishment of field protocols, and recommendations for certification and decertification of EMTs certified under this chapter; and~~
- (b) ~~First responders, a successful completion of an approved course curriculum and adherence to medical program director-approved field protocols.~~

- (22) "~~Shall~~" means compliance is mandatory.
- (23) "~~Should~~" means a suggestion or recommendation, but not a requirement.
- (24) "~~Standard first aid~~" means a prescribed course of instruction recognized and offered by the American Red Cross, Department of Labor and Industries, the U.S. Bureau of Mines, or state fire protection services/fire services training.

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

AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-213 EMERGENCY MEDICAL TECHNICIAN-CERTIFICATION AND RECERTIFICATION. (1) (~~Upon successful completion of an EMT course;~~) The department shall initially certify (~~those eligible graduates who have passed either the state written examination or the NREMT written examination and the state practical examination and who have been recommended for certification by the physician coordinator~~) an individual for a period of time not to exceed thirty-six months who successfully completed an EMT course when the individual has:

- (a) ~~Passed either the state written examination or the NREMT written examination;~~
- (b) ~~Passed the state practical examination; and~~
- (c) ~~Been recommended for certification by the EMS medical program director.~~

(2) The (~~period of certification shall be for three years~~) department shall consider currently certified EMTs eligible for recertification for a period of time not to exceed thirty-six months upon:

- (a) ~~Successful completion and documentation of a minimum of thirty hours of medical program director and/or department-approved continuing medical education (CME) during the thirty-six month certification period, including a minimum of six hours every twelve months in the following:~~
- (i) ~~Two hours of CPR and airway management;~~
- (ii) ~~One hour of patient medical extrication;~~

- (iii) ~~One hour of patient assessment; and~~
- (iv) ~~Two additional hours of CME.~~
- (b) ~~Successful completion of a program of ongoing training and evaluation approved by the EMS medical program director and the department and passing the state written examination; or~~
- (c) ~~Passing the state written and practical examinations.~~
- (3) (~~Recertification of currently certified EMTs eligible for such recertification under WAC 248-17-211, shall be accomplished in the following manner:~~
- (a) ~~Completion of a minimum of thirty hours of continuing education during the period of certification consisting of the following mandatory and optional subject matter as indicated and under physician supervision:~~
- (i) ~~Cardiopulmonary resuscitation update of at least one hour per year including both adult and infant manikins using one and two person techniques administered under the supervision of a certified CPR instructor (mandatory);~~
- (ii) ~~Vehicle extrication techniques employing skill knowledge of wrecking tools used in gaining access to victims and use of short and long board extrication. A minimum of one hour per year administered under the supervision of a senior EMT instructor (mandatory);~~
- (iii) ~~Formal inservice training sessions covering basic life support knowledge skills such as bandaging and splinting, emergency child birth, recognition and treatment of shock, cold and heat caused injuries, patient handling and other basic life support skills using physicians, senior EMT instructors, audio-visual aids or other technical experts. Four hours per year minimum required and verified by a senior EMT instructor (mandatory). Attendance at workshops or seminars approved by the department may satisfy this requirement when authorized by the regional EMS coordinator;~~
- (iv) ~~Emergency ambulance/aid car runs involving the application of emergency care techniques may be used for credit at one hour per twenty-five emergency runs not to exceed five total hours during a period of certification when verified by emergency department staff or official run records and used as formal critique (optional);~~

Note: EMT dispatchers, employed by central dispatching centers, may substitute dispatches involving emergency, life-threatening responses when instructions on emergency medical care are given by phone/radio to persons attending the victim.

- (v) ~~Hospital emergency department, ICU, CCU or OB delivery room experience may be credited not to exceed two hours per year when verified by hospital or clinic department head (optional);~~
- (vi) ~~Membership in a national EMS organization where such membership includes subscriptions to professional journals and/or newsletters may be used for a maximum of one hour credit per year when proof of membership is verified by a senior EMT instructor (optional);~~
- (vii) ~~Completion of formal courses such as dispatcher training, extrication training, emergency vehicle defensive driving, EMT/defibrillation, inflatable trousers or other EMS-related topics. Five hours total per period of certification. Verified by course instructor (optional);~~

Note: It is recommended that a minimum of ten hours of continuing education be accomplished annually. Failure to complete thirty hours of continuing education during a period of certification shall result in termination of certification.

- (b) ~~Pass the state written and practical examination and being recommended for recertification by the approved EMS medical program director;~~

Note: Currently certified senior EMT instructors who have fulfilled the provisions of the senior EMT instructor agreement may recertify by passing the written recertification examination and by being recommended by the approved EMS medical program director.)

To meet the requirements of chapter 70.24 RCW, all persons certified under the authority of chapters 18.71 and 18.73 RCW shall:

- (a) ~~Complete four hours of training in infectious disease prevention with special emphasis on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and Hepatitis B. Training shall be consistent with the curriculum manual Know - HIV/AIDS and HBV Prevention Education for EMS Personnel, June 15, 1989, published by the office on HIV/AIDS including, but not limited to, the following subjects:~~
- (i) ~~Etiology and epidemiology;~~
- (ii) ~~Clinical manifestation and treatment;~~
- (iii) ~~Infection control standards;~~
- (iv) ~~Psychosocial issues, including special populations; and~~
- (v) ~~Legal and ethical issues.~~

(b) Provide proof of the training required in subsection (4)(a) of this section:

- (i) Using forms provided by the department; and
- (ii) Retaining forms for three years or more from the date of training.

(c) Complete two hours of continuing medical education in each certification period including:

- (i) Disease prevention;
- (ii) Infection control standards; and
- (iii) HIV/AIDS and hepatitis.

(4) Certification by the department as an EMT does not warrant future performance of the individuals certified. It will indicate that the cognitive and performance capabilities met the requirements for certification established for the course at the time the testing or evaluation was performed.

AMENDATORY SECTION (Amending Order 2138, filed 8/10/84)

WAC 248-17-260 ~~FIRST RESPONDER(;;)~~~~CERTIFICATION AND RECERTIFICATION.~~ (1) The department shall initially certify ((eligible graduates for a period of three years)) an individual for a period of time not to exceed thirty-six months who has successfully completed the department's first responder course when the individual has passed the state written examination and the state practical examination.

~~(2) ((Recertification of eligible first responders shall be for three years providing that))~~ The department shall consider currently certified first responders eligible for recertification for a period of time not to exceed thirty-six months upon:

~~(a) ((The applicants have completed a minimum of fifteen hours of approved continuing education identified in the procedures and guidelines, and))~~ Successful completion and documentation of a minimum of fifteen hours of first responder supervisor and/or department-approved CME during the certification period, including a minimum of five hours every twelve months in the following:

- (i) Two hours of CPR and airway management;
- (ii) One hour of patient medical extrication;
- (iii) One hour of patient assessment; and
- (iv) One additional hour of CME during the certification period.

~~(b) ((The applicant shall successfully complete required written and practical examinations))~~ Successful completion of a program of ongoing training and evaluation approved by the first responder supervisor and the department and passing the state written examination; or

(c) Passing the state written and practical examinations.

(3) To meet the requirements of chapter 70.24 RCW, all persons certified under the authority of chapters 18.71 and 18.73 RCW shall:

(a) Complete four hours of initial training in infectious disease prevention with special emphasis on human immunodeficiency virus/acquired immunodeficiency syndrome (HIV/AIDS) and Hepatitis B. Training shall be consistent with the curriculum manual Know - HIV/AIDS and HBV Prevention Education for EMS Personnel, June 15, 1989, published by the office on HIV/AIDS including, but not limited to, the following subjects:

- (i) Etiology and epidemiology;
- (ii) Clinical manifestation and treatment;
- (iii) Infection control standards;
- (iv) Psychosocial issues, including special populations; and
- (v) Legal and ethical issues.

(b) Provide proof of the training required in subsection (4)(a) of this section:

- (i) Using forms provided by the department; and
- (ii) Retaining forms for three years or more from the date of training.

(c) Complete two hours of continuing medical education in each certification period including:

- (i) Disease prevention;
- (ii) Infection control standards; and
- (iii) HIV/AIDS and hepatitis.

(4) A currently certified EMT whose duties no longer require EMT level of skill or who is not required to be in attendance to a patient during transport, may request reversion of the EMT certificate to that of first responder. In such case, the request shall be in writing and shall be accompanied by proof of required continuing education and the EMT certification card, which is being relinquished. A first responder certification will then be issued with the expiration date of the relinquished EMT certification.

NEW SECTION

WAC 248-17-261 **RECERTIFICATION—GENERAL REQUIREMENTS.** (1) The department's recertification procedures for EMTs and first responders, dated August 1, 1989, shall outline the program for ongoing training and evaluation, the written and practical examination process, associated forms, and administrative requirements.

(2) The EMS committee, established under RCW 18.73.040, shall review the department's recertification procedures at least once a biennium and provide recommendations if appropriate.

(3) The department shall permit an individual no more than three attempts in a ninety-day period to successfully complete:

- (a) Any skill in the ongoing evaluation program; or
- (b) The state practical recertification examination; and
- (c) The state written recertification examination.

(4) An individual seeking recertification shall:

- (a) Complete an ongoing program of training and evaluation and pass the state written recertification examination; or
- (b) Pass the state practical and written recertification examinations.

(5) An individual shall not be permitted a total of more than three attempts at passing either the practical examination or the ongoing training and evaluation, or any combination of the two programs.

(6) An individual wishing to change from a practical examination program to ongoing training and evaluation shall do so before the second attempt at the practical examination.

(7) An individual wishing to change from the ongoing training and evaluation program to the practical examination program may do so by taking the practical examination before the end of the certification period.

(8) Each skill in the ongoing training and evaluation program will be evaluated at least once every certification period.

(9) An individual who does not successfully complete the ongoing training and evaluation program, or fails the practical examination program, or fails the written examination within the allowable attempts, or otherwise demonstrates inadequate performance is subject to the provisions of WAC 248-17-220, Revocation, Suspension or Modification of Certificate.

**WSR 89-17-129
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Health)**

[Filed August 23, 1989, 1:59 p.m.]

Original Notice.

Title of Rule: WAC 248-14-001 Definitions; and 248-14-210 Residential care unit.

Purpose: To provide directions concerning units for patients with Alzheimer's type disability, and to allow for new types of immersible bathing devices.

Statutory Authority for Adoption: RCW 74.42.620 and 18.51.070.

Statute Being Implemented: RCW 74.42.620 and 18.51.070.

Summary: Provides directions under new construction for physical plant, environmental and safety features required for optimal management of cognitively impaired residents. Permits new types of bathing equipment.

Reasons Supporting Proposal: This rule amendment is necessary to specify these allowances.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mary Lux, Aging and Adult Services, 586-4743.

Name of Proponent: Department of Social and Health Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Same as above.

Proposal Changes the Following Existing Rules: See above.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, on October 3, 1989, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop OB-33H, Olympia, WA 98504, by October 3, 1989.

Date of Intended Adoption: October 13, 1989.

August 23, 1989

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2785, filed 3/31/89)

WAC 248-14-001 DEFINITIONS. (1) All adjectives and adverbs such as adequate, approved, immediately, qualified, reasonable, reputable, satisfactory, sufficient, or suitable, used in these nursing home regulations to qualify a requirement shall be as determined by the department with the advice and guidance of the nursing home advisory council and the state board of health.

(2) "Activity director" means an employee responsible for the development, implementation, and maintenance of a program for residents intended to provide activities to meet the residents' needs and interests.

(3) "Alterations" means physical, mechanical, or electrical changes made to existing facilities except for painting or repair.

(4) "Ambulatory person" means a person, who, unaided by another person, is physically and mentally capable of walking a normal path to safety, including the ascent and descent of stairs.

(5) "Attending physician" means the doctor responsible for a particular person's total medical care.

(6) "Authorized practitioner" means:

(a) A certified registered nurse under chapter 18.88 RCW when authorized by the board of nursing(;;);

(b) An osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners(;;); or

(c) A physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners.

(7) "Bathing facility" means a bathtub or shower.

(8) "Berm" means a bank of earth piled against a wall.

(9) "Change of ownership" means a change in the individual or legal organization responsible for the daily operation of a nursing home.

(a) Events which change ownership include, but are not limited to, the following:

(i) The form of legal organization of the licensee is changed (e.g., a sole proprietor forms a partnership or corporation);

(ii) Title to the nursing home business enterprise is transferred by the licensee to another party;

(iii) Where the licensee is a partnership, any event occurs which dissolves the partnership;

(iv) Where the licensee is a corporation, the corporation is dissolved, merges with another corporation which is the survivor, or consolidates with one or more other corporations to form a new corporation; or

(v) Any other event occurs which results in a change of operating entity.

(b) Ownership does not change when the following, without more, occur:

(i) A party contracts with the licensee to manage the enterprise as the licensee's agent, i.e., subject to the licensee's general approval of daily operating decisions;

(ii) If the licensee is a corporation, some or all of its stock is transferred; or

(iii) The real property or personal property assets associated with the nursing home change ownership or are leased, or a lease of them is terminated, without a change of operating entity.

(10) "Cognitively impaired" means a diminished perception, reasoning, intuition or memory, and absence or reduction of intellectual faculties as in dementia, including Alzheimer's disease or a related disorder.

(11) "Citation" means the finding written by a surveyor on an official state and/or federal statement of deficiencies form following a full survey, post survey, or complaint investigation.

((+)) (12) "Contact with animals" means close proximity to animals to allow for close observation, interaction, handling, or petting achieved by either animals;

(a) Being brought into the nursing home on a regular basis; or ((animals being))

(b) Allowed to live on the nursing home premises.

((+)) (13) "Department" means the state department of social and health services.

((+)) (14) "Dialysis" means the process of separating crystalloids and colloids in solution by means of the crystalloids and colloids unequal diffusion through a natural or artificial, semipermeable membrane.

(a) "Acute dialysis" means hemodialysis or peritoneal dialysis in the treatment of a person with renal failure for a period of time during which it is medically determined whether renal function may be restored or the failure is irreversible.

(b) "Dialysis helper" means a health care assistant trained by a kidney center under RCW 18.135.060.

((+)) (15) "Dialysis room" means a room where a patient undergoes dialysis.

((+)) (16) "Dietetic service supervisor" means a person who:

(a) Is a dietitian; or

(b) Has completed or is enrolled with a set date of completion in a dietetic technician or dietetic assistant training program, correspondence or classroom, approved by the American Dietetic Association; or

(c) Has completed or is enrolled with a set date of completion in a state-approved training program providing ninety or more hours of classroom instruction in food service supervision, and has experience in a health care institution.

((+)) (17) "Dietitian" means a person who is eligible for registration by the commission on dietetic registration of the American Dietetic Association based on the 1982 criteria for registration. A person not meeting this definition but employed in that capacity by a nursing home or homes on or before the effective date of this regulation will be deemed to meet the requirement of WAC 248-14-230(5). This grandfather clause is only effective ((to)) as long as the:

(a) Person continues employment with the same nursing home or homes; and

(b) Nursing home has no serious deficiencies in dietary services.

((+)) (18) "Drug" means:

(a) Substances recognized as drugs in the official United States Pharmacopoeia, Official Homeopathic Pharmacopoeia of the United States, or any supplement to any of the listed publications(;;);

(b) Substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man(;;);

(c) "Drug administration" means the direct application of a drug by injection, inhalation, ingestion, or any other means to the body of a resident(;;);

(d) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to the order, the proper selection, measuring, labeling, packaging, and issuance of the drug or biological to a residential care unit(;;); and

(e) "Legend drug" means a drug bearing the legend, "caution, federal law prohibits dispensing without a prescription."

((+)) (19) "Drug facility" means a room or area designed and equipped for drug storage and the preparation of drugs for administration.

((+)) (20) "End stage renal disease (ESRD)" means the stage of renal impairment, virtually always irreversible and permanent, requiring dialysis or kidney transplantation to ameliorate uremic symptoms and maintain life.

((+)) (21) "Facilities" means a room or area and/or equipment to serve one or more specific functions.

((+)) (22) "Grade" means the level of ground adjacent to the building floor level measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

~~((22))~~ (23) "Immediate supervision" means on-site supervision of one or more persons.

~~((23))~~ (24) "Kidney center" means a hospital-based or independent dialysis facility, as defined and certified by the federal government, to provide dialysis and related services and provide services as specified in WAC 248-30-090.

~~((24))~~ (25) "Lavatory" means a handwashing sink.

~~((25))~~ (26) "Licensed nurse" means either a registered nurse or a licensed practical nurse.

(a) "Licensed practical nurse" means a person duly licensed under the provisions of the Licensed Practical Nurse Act of the state of Washington, chapter 18.78 RCW.

(b) "Registered nurse" means a person duly licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

~~((26))~~ (27) "New construction" means the following, when the preliminary plans have not been reviewed and accepted at the time of adoption of these regulations:

(a) New buildings to be used as a nursing home;

(b) Additions to buildings used as a nursing home;

(c) Conversions of existing buildings including previously licensed nursing homes; and

(d) Alterations.

~~((27))~~ (28) "Nursing care" means services designed to maintain or promote achievement of optimal independent function and health status planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care.

~~((28))~~ (29) "Nursing home" means any home(~~-place~~) or institution operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours.

(a) A nursing home cares for three or more residents not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable to properly care for themselves.

(b) Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as:

(i) Administration of medicines(~~;~~);

(ii) Preparation of special diets(~~;~~);

(iii) Giving of bedside nursing care(~~;~~);

(iv) Application of dressings and bandages(~~;~~); and

(v) Carrying out of treatment prescribed by a duly licensed practitioner of the healing arts.

(c) Nothing in ~~((this))~~ the nursing home definition shall be construed to include facilities precluded by RCW 18.51.010 and 18.51.170(~~;~~); and

(d) Licensed nursing home beds shall not be licensed for any other purpose or use specifically regulated under state law; except, beds dually licensed for five years or more may continue to be dually licensed if the licensing does not adversely affect the quality of care provided.

~~((29))~~ (30) "Nursing services" means an organized department under the direction of a registered nurse, the members of which provide nursing care.

~~((30))~~ (31) "Outpatient service" means any service provided to a nonresident of the nursing home.

~~((31))~~ (32) "Patient" means a person receiving preventive, diagnostic, therapeutic, habilitative, rehabilitative, maintenance, or palliative health-related services under professional direction.

(a) "Inpatient" means a resident receiving services with board and room in a nursing home on a continuous twenty-four-hour-a-day basis.

(b) "Outpatient" means a nonresident of the nursing home receiving services at a nursing home not providing ~~((him or her these))~~ the non-resident the services with room and board on a continuous twenty-four-hour-a-day basis.

(c) "Residents requiring skilled nursing care" means residents whose conditions, needs, and/or services are of such complexity and sophistication ~~((so as))~~ to require the frequent or continuous observation and intervention of a registered nurse, and the supervision of a licensed physician. ~~((These))~~ Residents require ongoing assessments of physiological and/or psychological needs, and the development and implementation of a comprehensive plan of care involving interdisciplinary planning input and coordination. Resident needs include ongoing evaluations, care plan revisions, and the teaching necessary to provide for residents whose condition is unstable and/or complex.

(d) "Residents requiring intermediate nursing care" means residents whose physiological and psychological functioning is stable, but require

individually planned treatment and services under the daily direction of a registered nurse or a licensed nurse with registered nurse consultation as provided by exemption and the supervision of a licensed physician. The program is directed toward maintenance of maximum independence and return to the community whenever possible. The program includes an established treatment regimen involving more than supervision, assistance with personal care, and protection.

(e) "Residents requiring care for mental retardation or related conditions" means residents found eligible by the division of developmental disabilities and requiring health care services under subsection ~~((31))~~(32)(c) or (d) of this section, and are in need of a comprehensive habilitative and/or developmental program incorporated into a twenty-four-hour overall program plan.

~~((32))~~ (33) "Peninsular (or island) bathtub" means a bathtub having sufficient clearances around both sides and one end to accommodate residents, equipment, and attendants.

~~((33))~~ (34) "Pharmacist" means a person duly licensed by the Washington state board of pharmacy under the provisions of chapter 18.64 RCW.

~~((34))~~ (35) "Pharmacy" means a place where the practice of pharmacy is conducted, properly licensed under the provisions of chapter 18.64 RCW.

~~((35))~~ (36) "Physician's assistant" means a person acting as an extender for a designated physician and under a plan of utilization approved by the board of medical examiners or the board of osteopathic medicine and surgery and is registered under the provisions of the law regulating the practice of physician's assistant in the state of Washington, chapters 18.57A or 18.71A RCW.

~~((36))~~ (37) "Practitioner" means a physician under chapter 18.71 RCW; an osteopathic physician or an osteopathic physician and surgeon under chapter 18.57 RCW; a dentist under chapter 18.32 RCW; a podiatrist under chapter 18.22 RCW; a certified registered nurse under chapter 18.88 RCW as authorized by the board of nursing; an osteopathic physician's assistant under chapter 18.57A RCW when authorized by the committee of osteopathic examiners; a physician's assistant under chapter 18.71A RCW when authorized by the board of medical examiners; or a pharmacist under chapter 18.64 RCW.

~~((37))~~ (38) "Protective unit" means a separate physical and functional section of a nursing home for the cognitively impaired and offers the cognitively-impaired residents increased space for ambulation and a reduction in anxiety-provoking stimuli.

~~((38))~~ (39) "Resident" means an inpatient.

~~((39))~~ (40) "Residential care unit" means a separate, physical, and functional unit including resident rooms, toilets, bathing facilities, and basic service facilities as identified in WAC 248-14-120 (2)(a).

~~((39))~~ (41) "Respiratory isolation" means a procedure for the prevention of transmission of pathogenic organisms by means of droplets and droplet nuclei coughed, sneezed, or breathed into the environment.

~~((40))~~ "Respite care" means services provided to an inpatient admitted to a nursing home for a period not to exceed fourteen consecutive days, for the purposes of providing temporary relief for families or others providing care for disabled persons.

~~((41))~~ (42) "Responsible party" means a legally responsible person to whom the rights of a client have legally devolved.

~~((42))~~ (43) "Supervision" means the process of overseeing performance while having the responsibility and authority to guide or direct and critically evaluate.

~~((43))~~ (44) "Toilet fixture" means a bowl-shaped plumbing fixture fitted with a seat and a device for flushing the bowl with water.

~~((44))~~ (45) "Toilet room" means a room containing at least one toilet fixture.

~~((45))~~ (46) "Unit-dose" means the ordered amount of a drug in a dosage form ready for administration to a particular person.

~~((46))~~ (47) "Unit-dose drug distribution system" means a system of drug dispensing and control characterized by the dispensing of the majority of drugs in unit doses and for most drugs, not more than a forty-eight-hour supply of doses is available at the residential care unit at any time.

~~((47))~~ (48) "Usable floor space" excludes areas taken up by passage door swings, closets, wardrobes, portable lockers, and toilet rooms.

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

NEW SECTION

WAC 248-14-210 PROTECTIVE UNIT FOR COGNITIVELY IMPAIRED RESIDENTS. (1) In addition to meeting all other requirements under this chapter, except as provided herein, a protected unit for the cognitively impaired resident shall have the following:

- (a) A dining area which may also serve as a day room for the unit;
- (b) Secured outdoor space and walkways including:
 - (i) Walls or fences at least seventy-two inches high;
 - (ii) Ambulation area. Walking surfaces shall be firm, stable, and free from abrupt changes. Areas subject to wet conditions shall have slip-resistant surfaces;
 - (iii) Exits from the building which release automatically with activation of the fire alarm signal;
 - (iv) Outdoor furniture; and
 - (v) Nontoxic plants.
- (c) Staff toilet room with lavatory;
- (d) Corridors:
 - (i) In new construction, corridors a minimum of ten feet wide are required and
 - (ii) When remodelling an existing nursing home, eight feet wide corridors are permitted.
- (e) Floors, walls, and ceiling surfaces that display contrasting color for identification. Surfaces may have a disguise design to obscure or conceal areas the residents should not enter;
- (f) Door thresholds that are one-half inch high or less; and
- (g) An electrical signaling system at each bedside designed for staff use in emergent situations which registers by:
 - (i) A light at the resident's room corridor door; and
 - (ii) A light and an audible tone at the nurse's station.
- (2) Entrance and exit doors shall not be closed with keyed locks nor shall a door with a keyed lock be placed between a resident and the exit. Exits shall be secured by alarms and/or doors which require cognitive ability to open or other methods providing they automatically release with the activation of the fire alarm system. Releasing devices requiring directions for use shall be labeled with directions, accessible to residents, and approved for use by the state fire marshal.
- (3) The public address system in a protective unit shall only be used for emergencies.

**WSR 89-17-130
PROPOSED RULES
BOARD OF HEALTH**
[Filed August 23, 1989, 2:04 p.m.]

Notice is hereby given in accordance with the provisions of RCW 34.04.025, that the Washington State Board of Health intends to adopt, amend, or repeal rules concerning public water systems, chapter 248-54 WAC;

that the agency will at 8:30 a.m., Wednesday, September 13, 1989, in the West Coast Sea-Tac Hotel, Seattle Room, 18220 Pacific Highway South, Seattle, conduct a public hearing on the proposed rules.

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

Interested persons may submit data, views, or arguments to this agency in writing to be received by this agency before September 12, 1989, Graham Tollefson, SBOH Chair, 1112 South Quince, ET-23, Olympia, 98504.

This notice is connected to and continues the matter in Notice No. WSR 89-14-079 filed with the code reviser's office on June 30, 1989.

Dated: August 16, 1989
By: Lucille Christenson
Acting Secretary

**WSR 89-17-131
PROPOSED RULES
BOARD OF HEALTH**
[Filed August 23, 1989, 2:05 p.m.]

Continuance of WSR 89-16-103.

Title of Rule: Chapter 248-52 WAC recreational shellfish harvest, new regulation.

Name of Proponent: Washington State Board of Health, governmental.

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

Hearing Location: West Coast Sea-Tac Hotel, Pacific Avenue South, Seattle, Washington, on September 13, 1989, at 8:30.

Submit Written Comments to: Graham Tollefson, Chair, SBOH, 1112 South Quince, ET-23, Olympia, WA 98504, by September 12, 1989.

Date of Intended Adoption: September 22, 1989.

August 16, 1989
Lucille Christenson
Acting Secretary
Department of Health

**WSR 89-17-132
PROPOSED RULES
BOARD OF HEALTH**
[Filed August 23, 1989, 2:06 p.m.]

Continuance of WSR 89-16-104.

Title of Rule: WAC 248-64-240 and 248-64-320, Noise provisions for primary and secondary schools.

Name of Proponent: Washington State Board of Health, governmental.

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

Hearing Location: West Coast Sea-Tac Hotel, Pacific Avenue South, Seattle, Washington, on September 13, 1989, at 8:30 a.m.

Submit Written Comments to: Graham Tollefson, Chair, SBOH, 1112 South Quince, ET-23, Olympia, WA 98504, by [September 12, 1989], 8:30 a.m.

Date of Intended Adoption: September 22, 1989.

August 16, 1989
Lucille Christenson
Acting Secretary
Department of Health

**WSR 89-17-133
PROPOSED RULES
BOARD OF HEALTH**
[Filed August 23, 1989, 2:07 p.m.]

Continuance of WSR 89-16-059.

Title of Rule: WAC 248-100-207, HIV testing, ordering, lab screening, interpretation, reporting.

Name of Proponent: Washington State Board of Health, governmental.

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

Hearing Location: West Coast Sea-Tac Hotel, Pacific Avenue South, Seattle, Washington, on September 13, 1989, at 8:30 a.m.

Submit Written Comments to: Graham Tollefson, Chair, SBOH, 1112 South Quince, ET-23, Olympia, WA 98504, by September 12, 1989.

Date of Intended Adoption: September 22, 1989.

August 16, 1989
 Lucille Christenson
 Acting Secretary
 Department of Health

WSR 89-17-134
PUBLIC NOTICE
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 [Filed August 23, 1989, 2:15 p.m.]

Public Notice for Rainier School

Rainier School, Post Office Box 600, Ryan Road, Buckley, Washington 98321, has been determined to be out of compliance with federal requirements for Medicaid certification as an Intermediate Care Facility for the Mentally Retarded. In accord with federal regulation 42 CFR 442.118, the Washington State Department of Social and Health Services is imposing a denial of payments for any new admissions effective September 21, 1989, as an alternative to terminating the facility's provider agreement. The denial of payments for new admissions is imposed because Rainier School failed to meet the requirements for the following conditions of participation:

- 42 CFR 483. 420 Client Protections
- 42 CFR 483. 430 Facility Staffing
- 42 CFR 483. 440 Active Treatment Services
- 42 CFR 483. 450 Client Behavior and Facility Practices

The effect of this sanction is to prohibit Medicaid payments for any individual admitted to Rainier School on or after September 21, 1989. The denial of payments for new admissions will remain in effect until August 31, 1990 or until Rainier School is able to achieve compliance with all certification requirements. You may call Denny McKee at (206) 586-2454 if you have questions regarding this notice.

WSR 89-17-135
NOTICE OF PUBLIC MEETINGS
COMMISSION ON
ASIAN AMERICAN AFFAIRS
 [Memorandum—August 18, 1989]

The September 23, 1989, meeting of the Commission on Asian American Affairs, originally scheduled in Spokane, is moved to Seattle.

WSR 89-17-136
PREPROPOSAL COMMENTS
GAMBLING COMMISSION
 [Filed August 23, 1989, 2:26 p.m.]

Subject of Possible Rule Making:

Amd	230-04-110	Licensing of manufacturers (of punchboards, pull tab, and pull tab dispensing devices).
Amd	230-04-120	Licensing of distributors (of punchboards, pull tabs, or devices for dispensing of pull tabs).
New	230-04-124	Licensing of manufacturer's and distributor's.
Amd	230-04-190	Issuance of license.
Amd	230-04-201	Fees.
Amd	230-08-010	Monthly records.
Amd	230-08-017	Control and use of identification and inspection services stamps.
Amd	230-08-025	Accounting records to be maintained by distributors and manufacturers.
New	230-08-060	Electronic crane amusement game records.
Amd	230-08-140	Quarterly activity reports by distributors.
Amd	230-08-150	Quarterly activity reports by manufacturers.
New	230-08-170	Quarterly activity reports by operators of electronic crane games.
Amd	230-20-605	Types of amusement games authorized.
Amd	230-20-630	Amusement games—Fees, rules, prizes and variations in objects to be posted—Fees to be paid in cash or script—Prizes not to differ from those posted.
Amd	230-20-670	Limited locations for electronic crane (claw) amusement games.
Amd	230-50-010	Hearings.
Amd	230-50-012	(Director may temporarily suspend license pending a hearing) <u>Summary suspensions.</u>
Amd	230-50-020	(Hearings—Examiners) <u>Appointment of administrative law judge.</u>
Amd	230-50-030	(Hearing methods) <u>Formal adjudicated proceedings—Methods—Interpreter—Timing.</u>
New	230-50-040	Brief adjudicated proceeding—Methods.
Amd	230-50-060	Appearance and practice before the commission—Who may appear.
Amd	230-50-150	Notice and opportunity for hearing in contested cases.
Amd	230-50-160	Service of process—By whom served.
Amd	230-50-190	Service of process—Method of service.
Amd	230-50-200	Service of process—When service complete.
Amd	230-50-210	Service of process—Filing with agency.
New	230-50-225	Discovery.
Amd	230-50-230	Subpoenas (issuance to parties), <u>issuance, service fees, quashing and enforcement.</u>
Amd	230-50-300	Depositions and interrogatories in contested cases—Right to take.
Amd	230-50-330	Depositions and interrogatories in contested cases—Authorization.
Amd	230-50-390	Depositions and interrogatories in contested cases—Fees of deponents—Cost of deposition.
Amd	230-50-550	Form and content of decisions in contested cases and proposed orders.
Rep	230-50-070	Appearance in certain proceedings may be limited to attorneys.
Rep	230-50-140	Waiver of hearing.
Rep	230-50-220	Subpoenas—Form.
Rep	230-50-240	Subpoenas—Service of.
Rep	230-50-250	Fees.
Rep	230-50-260	Subpoenas—Proof of service.
Rep	230-50-270	Subpoenas—Quashing.
Rep	230-50-280	Subpoenas—Enforcement.
Rep	230-50-290	Subpoenas—Geographical scope.
Rep	230-50-430	Depositions upon interrogatories—Provisions of deposition rule.
Rep	230-50-600	Definition of issues before hearing.
Rep	230-50-620	Prehearing conference rule—Record of conference action.
Rep	230-50-810	Petitions for rule making, amendments or repeal—Requisites.

Rep	230-50-820	Petitions for rule making, amendments or repeal—Agency must consider.
Rep	230-50-830	Petitions for rule making, amendments or repeal—Notice of disposition.
Rep	230-50-950	Forms.

Persons may comment on this subject at the commission meeting, Executive Inn, Tacoma, Washington, at 10:00 a.m.

August 23, 1989
Ronald O. Bailey
Director

WSR 89-17-137

NOTICE OF PUBLIC MEETINGS PUBLIC WORKS BOARD [Memorandum—August 23, 1989]

This is to notify you of a time change for the Public Works Board meeting on September 19, 1989, to be held in Bellingham at Nendels Inn.

At the August 1, 1989, Public Works Board meeting a decision was made by the board to convene the meeting at 9:30 a.m. instead of 10:00 a.m. as previously scheduled.

WSR 89-17-138

PROPOSED RULES BUILDING CODE COUNCIL [Filed August 23, 1989, 3:00 p.m.]

Original Notice.

Title of Rule: Washington State Building Code.

Purpose: To consider whether to adopt, amend and adopt or repeal rules concerning chapters 51-04, 51-06, 51-08, 51-10, 51-12, 51-16 and 51-18 WAC.

Statutory Authority for Adoption: Chapter 19.27 RCW.

Statute Being Implemented: RCW 19.27.074, chapter 70.92 RCW and chapters 266 and 348, Laws of 1989.

Summary: The proposed rule includes adoption of the 1988 version of chapter 9 and Article 80 of the Uniform Building and Fire Codes respectively, consideration of proposed changes to the State Regulations for Barrier Free Facilities and Energy Code, adoption of policies and procedures for consideration of local and state wide amendments to the Building Code and adoption of water conservation performance standards.

Reasons Supporting Proposal: To implement chapters 266 and 348, Laws of 1989; to bring the state energy code into compliance with legislative intent; to complete updating the State Building Code to 1988 editions; and to further enhance barrier free access regulations.

Name of Agency Personnel Responsible for Drafting: Willy O'Neil, Ninth and Columbia Building, Olympia, (206) 586-0486; Implementation: Linda Ramsey, Ninth and Columbia Building, Olympia, (206) 586-3423; and Enforcement: Local governments.

Name of Proponent: Washington State Building Code Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 51-04 WAC, adopt policies and procedures for consideration of local and statewide amendments to the Building Code; chapters 51-06 and 51-08 WAC, update to delete obsolete or redundant language; chapter 51-10 WAC, adopt proposed amendments in order to provide tactile guest room numbers in hotels and motels, provide protection from overhead hazards, and authorized push type lavatory faucets in accessible rest rooms; chapter 51-12 WAC, adopt proposed amendments to tighten thermal performance requirements in chapter 4 of the Energy Code and provide a prescriptive path for log homes in chapter 6 of the Energy Code; chapter 51-16 WAC, adopt the 1988 versions of chapter 9 and Article 80 of the Uniform Building and Fire Codes, respectively; and chapter 51-18 WAC, adoption of water conservation performance standards for plumbing fixtures in new construction and remodels.

Proposal Changes the Following Existing Rules: Chapters 51-04, 51-06 and 51-08 WAC, update the existing rules, adds new policies and procedures for consideration of local and statewide amendments to the Building Code; chapter 51-10 WAC, adds new requirements to the regulations for barrier free facilities, and corrects typographic changes; chapter 51-12 WAC, changes Table 4-2 and sections 220, 402, 403, and 404 and adds Table 6-6; chapter 51-16 WAC, repeals WAC 51-16-030(3) and 51-16-050(2); and chapter 51-18 WAC, adopts water conservation performance standards.

Small Business Economic Impact Statement: Chapters 51-04, 51-06 and 51-08 WAC, no impacts; chapter 51-10 WAC, there is no existing data on the small business economic impacts associated with adoption of the proposed changes. It is estimated that installation of a protective barrier beneath stairs, ramps, and escalators may cost up to \$500 each. The cost of installing tactile guest room numbers is estimated at \$3.20 per room. No additional small business economic impacts are anticipated; chapter 51-12 WAC, an economic analysis of the Washington State Energy Code was published by the Washington State Energy Office in March, 1989. Copies of the analysis, "Report to the Legislature: Cost-Effectiveness of the 1986 Washington State Energy Code and Proposed Improvements to the Energy Code" are available from the Washington State Energy Office. No data exists to determine "cost per employee, cost per hour of labor or cost per one hundred dollars of sales." Proposed changes to chapter 4 and Table 4-2 may have an economic impact on small businesses. Tightening the thermal performance requirements may compel builders to use only two-by-six studs in wall construction (rather than two-by-four). Data from the residential standards demonstration program indicates that the incremental cost difference between two-by-six versus two-by-four walls is \$.38 per square foot. The additional cost may be offset by utilization of advanced wall framing techniques that allow fewer framing members for walls constructed with two-by-sixes. Equipment, labor and administrative

costs would be unchanged or slightly decreased; chapter 51-16 WAC, a small business economic impact statement (SBEIS) for the proposed adoption on chapter 9 and Article 80 of the Uniform Building and Fire Codes, respectively, was completed for the Washington State Emergency Response Commission in August, 1989. The SBEIS concludes that "88.9% of the businesses with hazardous materials covered by Article 80 (19.3% of the whole sample) were using amounts of chemicals below threshold amounts." This extrapolates to less than 17% of businesses being effected by Article 80 which is below the amount needed to consider small business economic impacts. A full copy of the "Small Business Economic Impact Statement for Proposed Adoption of Chapter 9 of the Uniform Building Code and Article 80 of the Uniform Fire Code" may be obtained from the Washington State Building Code Council, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504-4151; and chapter 51-18 WAC, no impacts.

Hearing Location: Angle Lake Fire Hall, 2929 South 200th, Seattle, WA 98198, on October 12, 1989, at 9:00 a.m.; and at Spokane City Council Chambers, West 808 Spokane Falls Boulevard, Spokane, WA 99201, on October 13, 1989, at 9:00 a.m.

Submit Written Comments to: Marc Sullivan, Chair, State Building Code Council, Ninth and Columbia Building, Olympia, Washington 98504-4151, by October 13, 1989.

Date of Intended Adoption: November 9, 1989.

August 11, 1989
Marc J. Sullivan
Chair

Chapter 51-04 WAC

((GENERAL PROCEDURES)) POLICIES AND PROCEDURES FOR CONSIDERATION OF STATE-WIDE AND LOCAL AMENDMENTS TO THE STATE BUILDING CODE

WAC

51-04-010	<u>((Council)) Declaration of purpose.</u>
51-04-015	Definitions.
51-04-018	Preproposal petition.
51-04-020	<u>((Council membership and organization)) Policies for the consideration of proposed state-wide amendments.</u>
51-04-025	Procedure for submittal or proposed state-wide amendments.
51-04-030	Policies for consideration of proposed local residential amendments.
51-04-035	Procedure for submittal of proposed local government amendments.
51-04-037	Preapproved local residential amendments.
51-04-040	Reconsideration.
51-04-050	Ex parte communications.
51-04-060	Opinions and interpretations.
51-04-070	Council mailing address.

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

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-04-010 ((COUNCIL)) DECLARATION OF PURPOSE. The Washington state building code ((advisory)) council, hereinafter ((referred to as)) called the council, ((has been established by the legislature to report annually to the governor and the legislature on the operation and administration of chapter 19.27 RCW, the State Building Code Act, and to adopt rules and regulations establishing

barrier-free design standards pursuant to RCW 19.27.030(5)) is required by chapter 266, Laws of 1988, to adopt and maintain the state building code, hereinafter referred to as the building code, as mandated by chapters 19.27, 19.27A, and 70.92 RCW, and the state legislature.

The primary objective of the council is to encourage consistency in the building code throughout the state of Washington.

The building code includes the uniform building, mechanical, plumbing, and fire codes, the state regulations for barrier-free facilities, and the state energy code as adopted and amended by the council.

The council is also required by RCW 19.27.074 to approve or deny all city and county amendments to the building code that apply to single family or multifamily buildings.

The purpose of this chapter is to establish policies and procedures for submittal and council review and consideration of proposed state-wide and city and county amendments respectively, to the building code.

NEW SECTION

WAC 51-04-015 DEFINITIONS. (1) "Accumulative supplements and supplements" mean the publications between editions of the uniform codes and standards which include changes to the current edition of the uniform codes and standards.

(2) "Council" means the Washington state building code council.

(3) "Emergency state-wide amendment" means any proposed state-wide amendment, the adoption of which is necessary immediately in order to protect life, safety or health of building occupants, preserve the structural integrity of buildings built to the state building code or to comply with enacted state or federal legislation. Emergency state-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(4) "Local government amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions.

(5) "Local residential amendment" means any amendment to the state building code, as adopted by cities or counties for implementation and enforcement in their respective jurisdictions, that applies to single and multifamily buildings as defined by RCW 19.27.015.

(6) "State building code" means the uniform building, mechanical, plumbing, and fire codes, the state regulations for barrier-free facilities, the state energy code, and any other codes so designated by the Washington state legislature as adopted and amended by the council.

(7) "State-wide amendment" means any amendment to the building code, initiated through council action or by petition to the council from any agency, city or county, or interested individual or organization, that would have the effect of amending the building code for the entire state of Washington. State-wide amendments to the state building code must be adopted in accordance with the Administrative Procedure Act, chapter 34.05 RCW.

(8) "State building code update cycle" means that period during which the uniform code and standards referenced in chapter 19.27 RCW are updated and amended by the council. During the code update cycle, the entire building code is updated by the council. The code update cycle commences upon availability of the publication of the current edition of the Uniform Codes by the International Conference of Building Officials, and concludes with formal adoption of the revised building code by the council and final review by the state legislature.

Within sixty days of the receipt of the new current editions of the uniform codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively, the council shall enter rulemaking to update the building code.

(9) "Uniform codes" means the Uniform Building, Mechanical, Plumbing, and Fire Codes as published by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

NEW SECTION

WAC 51-04-018 PREPROPOSAL PETITION. An agency, city or county, or other interested individual or organization wishing to submit state-wide or local residential amendments to the building code for council consideration, may file with the council a preproposal petition in order to solicit comments from council members and interested parties, prior to council action.

The council may refer a preproposal petition to one of the council standing committees for review and comment.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

~~WAC 51-04-020 ((COUNCIL MEMBERSHIP AND ORGANIZATION)) POLICIES FOR THE CONSIDERATION OF PROPOSED STATE-WIDE AMENDMENTS. ((†) The membership of the council, is appointed by the governor, and includes a designee from the department of labor and industries, a designee from the insurance commissioner, and thirteen additional members broadly representative of the general public, local government, industries and professions concerned with building design and construction.~~

~~(2) At the request of the governor, staff support to the council is provided by the office of community development, hereinafter referred to as the office.~~

~~(3) The principal office of the council shall be in Olympia, Washington at the office, 400 Capitol Center Building, Olympia, 98504. The office shall be open each day from 8:00 a.m. to 5:00 p.m. (Saturdays, Sundays, and legal holidays excepted). Submissions, requests, and communications shall be sent to the State Building Code Advisory Council, c/o Office of Community Development, 400 Capitol Center Building, Olympia, Washington 98504.) The council will accept and consider petitions for emergency state-wide amendments to the building code at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW.~~

~~The council will accept and consider all other petitions for state-wide amendments in conjunction with the state building code update cycle, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.~~

NEW SECTION

WAC 51-04-025 PROCEDURE FOR SUBMITTAL OR PROPOSED STATE-WIDE AMENDMENTS. All proposed state-wide amendments shall be submitted in writing to the council, on the form provided by the council.

Petitions for state-wide amendments to the building code should be submitted to the council within thirty days of publication of the new current editions of the uniform codes as revised by the International Conference of Building Officials, International Association of Plumbing and Mechanical Officials, and Western Fire Chiefs respectively.

Petitions for emergency state-wide amendments to the building code may be submitted at any time, in accordance with RCW 19.27.074 and chapter 34.05 RCW, and WAC 51-04-015 and 51-04-020.

The council may refer a proposed state-wide amendment to one of the council standing committees for review and comment prior to council action in accordance with chapter 34.05 RCW.

The council shall deal with all proposed state-wide amendments within the time frames required by chapter 19.27 RCW, RCW 34.05-.330, and all other deadlines established by statute.

NEW SECTION

WAC 51-04-030 POLICIES FOR CONSIDERATION OF PROPOSED LOCAL RESIDENTIAL AMENDMENTS. All amendments to the building code, as adopted by cities and counties for implementation and enforcement in their respective jurisdictions, that apply to single and multifamily buildings as defined by RCW 19.27.015, shall be submitted to the council for approval.

The council shall consider and approve or deny all proposed local residential amendments to the building code within ninety days of receipt of a proposal, unless alternative scheduling is agreed to by the council and the proposing entity.

All local residential amendments to the building code that require council approval shall be submitted in writing to the council, after the city or county legislative body has adopted the amendment and prior to implementation and enforcement of the amendment by the local jurisdiction.

It is the policy of the council to encourage joint proposals for local government amendments from more than one jurisdiction. Local government amendments submitted to the council for approval should be based on:

- (1) Climatic conditions that are unique to the jurisdiction.
- (2) Geologic or seismic conditions that are unique to the jurisdiction.
- (3) Environmental impacts such as noise, dust, etc., that are unique to the jurisdiction.
- (4) Life, health, or safety conditions that are unique to the local jurisdiction.
- (5) Other special conditions that are unique to the jurisdiction.

EXCEPTIONS: Appendices or portions thereof that have the effect of amending the uniform codes, that do not conflict with the building code for single and multifamily residential buildings as defined by RCW 19.27.015, may be adopted by local jurisdictions without council review or approval.

Local government amendments to Chapters 1, 2, or 3 of the uniform building code need not be submitted to the council for review and approval provided that such amendments do not diminish the requirements of those chapters.

Those portions of the supplement or accumulative supplements that affect single and multifamily residential buildings as defined by RCW 19.27.015 shall be submitted to the council for consideration as local residential amendments to the building code.

NEW SECTION

WAC 51-04-035 PROCEDURE FOR SUBMITTAL OF PROPOSED LOCAL GOVERNMENT AMENDMENTS. All proposed local residential amendments to the state building code shall be submitted in writing to the council, on a form provided by the council, along with a statement of need for the proposed amendment.

The council shall accept and consider all applications for review of local residential amendments submitted to the council in a proper manner.

The council may refer a proposed local residential amendment to one of the council standing committees for review and comment prior to council action in accordance with RCW 19.27.074.

NEW SECTION

WAC 51-04-037 PREAPPROVED LOCAL RESIDENTIAL AMENDMENTS. Any local residential amendment, that the council determines to be appropriate for adoption by other local governments, may be designated as a preapproved local residential amendment.

A preapproved local residential amendment may be adopted by any local government upon notification of the council.

NEW SECTION

WAC 51-04-040 RECONSIDERATION. Any party proposing a state-wide or local government amendment to the building code may, upon denial of the amendment by the council, file a petition for reconsideration in accordance with RCW 34.05.470.

Reviser's note: The new section appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 51-040-40 is probably intended to be to WAC 51-04-040.

NEW SECTION

WAC 51-04-050 EX PARTE COMMUNICATIONS. All written communications received by council members during council rule-making proceedings, shall be forwarded to staff for inclusion in the public record.

NEW SECTION

WAC 51-04-060 OPINIONS AND INTERPRETATIONS. RCW 19.27.031 grants the council authority to render opinions relating to the building code at the request of a local building official.

Council building code related opinions and interpretations shall be limited to the state regulations for barrier-free facilities, the state energy code, and council amendments to the uniform codes.

Requests for council opinions may be made by any person, organization, or agency.

NEW SECTION

WAC 51-04-070 COUNCIL MAILING ADDRESS. All requests for information, documentation, etc., should be submitted to:

Washington State Building Code Council
Ninth and Columbia Building
Mailstop: GH-51
Olympia, Washington 98504-4151
(206) 753-2222

Reviser's note: The amendments to the state regulations for barrier-free facilities filed with this proposed order are not capable of being reproduced in the Register and are therefore omitted pursuant to RCW 34.05.210(4). Copies may be obtained from the Department of

Community Development, Ninth and Columbia Building, Mailstop GH-51, Olympia, Washington 98504.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-010 PURPOSE OF CHAPTER. The purpose of this chapter shall be to ensure compliance by the state building code (~~(advisory)~~) council (hereinafter referred to as the "council"), including its members and staff, with the provisions of chapter 42.17 RCW (Initiative 276), and in particular with RCW 42.17.250 - 42.17.320 dealing with public records.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-020 PUBLIC RECORDS AVAILABLE. All public records of the council as defined in WAC 51-06-030 are (~~deemed to be~~) available for public inspection and copying at the Department of Community Development, Ninth and Columbia Building, Olympia, Washington 98504, pursuant to these rules, except as otherwise provided by RCW 42.17.310 (~~and WAC 51-06-080~~).

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-070 COPYING. (~~No fee shall be charged for the inspection of public records.~~) The (~~office shall~~) department of community development may charge a fee of twenty-five cents per page for providing copies of public records and for use of the office's copy equipment. (This charge is the amount necessary to reimburse the office for its costs incident to such copying.)

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-06-120 ADDRESS FOR COMMUNICATIONS. (~~All communications with the council including but not limited to the submission of materials pertaining to its operations and/or the administration or enforcement of chapter 42.17 RCW, and these rules; requests for copies of the council's rules; and other matters, shall be addressed as follows: The State Building Code Advisory Council, c/o Office of Community Development, 400 Capitol Center Building, Olympia, Washington 98504.~~) All requests for information, documentation, etc., should be submitted to the:

Washington State Building Code Council
Ninth and Columbia Building
Mailstop: GH-51
Olympia, Washington 98504-4151
(206) 753-2222

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 51-06-030 DEFINITIONS.
- WAC 51-06-040 PUBLIC RECORDS OFFICER.
- WAC 51-06-050 OFFICE HOURS.
- WAC 51-06-060 REQUESTS FOR PUBLIC RECORDS.
- WAC 51-06-080 EXEMPTIONS.
- WAC 51-06-090 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS.
- WAC 51-06-100 PROTECTION OF PUBLIC RECORDS.
- WAC 51-06-110 RECORDS INDEX.

AMENDATORY SECTION (Amending Order 76-02, filed 9/1/76)

WAC 51-08-010 UNIFORM PROCEDURAL RULES. The state building code (~~(advisory)~~) council, hereinafter referred to as the council, adopts as its own rules of practice all those uniform procedural rules promulgated by the code reviser now codified in the Washington Administrative Code, as WAC 1-08-005 through 1-08-590, as now or hereinafter amended, subject to any additional rules the council may add from time to time. The council reserves the right to make whatever determination is fair and equitable should any question not covered by its rules come before the council, said determination to be in accordance with the spirit and intent of the law.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-220 SECTION 220. T.

TERMINAL ELEMENT. The means by which the transformed energy from a system is finally delivered; i.e., registers, diffusers, lighting fixtures, faucets, etc.

THERMAL RESISTANCE (R). The resistance of a material to heat flow, measured as the inverse of heat flow per unit area, per unit time, per unit temperature difference across the thickness of material considered. In this Code, R has units of sq. ft. hr. °F/Btu.

THERMAL TRANSMITTANCE (U). Overall coefficient of heat transmission (air to air) expressed in units of Btu per hour per square foot per degree F. It is the time rate of heat flow. The U value applies to combinations of different materials used in series along the heat flow path, single materials that comprise a building section, cavity air spaces, and surface air films on both sides of a building element.

THERMAL TRANSMITTANCE (U_o). Overall (~~(average)~~) heat transmission of a gross area of the exterior building envelope, expressed in units of Btu per hour, per degree F (~~(per square foot of exterior building envelope)~~).

The U_o value applies to the combined effect of the time rate of heat flows through the various parallel paths, such as windows, doors, and opaque construction areas, comprising the gross area of one or more exterior building components such as walls, floors, or roof/ceiling.

THERMOSTAT. An instrument which measures changes in temperature and controls device(s) for maintaining a desired temperature.

AMENDATORY SECTION (Amending Order 85-14, filed 11/26/85)

WAC 51-12-403 SECTION 403. THERMAL PERFORMANCE CRITERIA AND ENVELOPE REQUIREMENTS FOR LOW-RISE RESIDENTIAL BUILDINGS.

Criteria for Residential Buildings three (3) stories or less as defined in UBC: Group R-3—detached one and two family dwellings; Group R-Div. 1—All other residential buildings three stories or less.

- (a) (~~The overall average thermal transmittance value of the gross area of the elements of the exterior building envelope of a low-rise residential building shall not exceed the values given in Table 4-2. Equations 1 and 2 in Section 404 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement.~~) The proposed UA as calculated using Equations 2 and 3 shall not exceed the Target UA as calculated using Equation 1. For the purpose of determining equivalent thermal performance, the maximum glazing area shall be fifteen percent of the floor area. Glazing area shall include windows installed in exterior doors.
- (b) Floors over unheated spaces, such as unheated basements, unheated garages, or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 4-2.
- (c) Slab on Grade Floor: For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-2. The insulation shall extend downward from the top of the slab for a minimum distance of 24 inches or downward to the bottom of the slab then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.
- (d) Windows and doors and air leakage: (see Section 405).
- (e) Space Heat Type: The following two categories comprise all space heating types:
 1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance elements which are integral to heat pump heating systems or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1)

- 1,000 watts per dwelling unit, or; 2) 1.0 watt per square foot of the gross floor area.
- 2. Other. All gas, wood, (not meeting the provisions of Section 102 (a)2), oil, propane, and heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEPTIONS, Electric Resistance, Section 403 (e) 1. above.)
- (f) Walls: Exterior wall sections, walls in finished basements, and interior walls exposed to unheated spaces shall be constructed to comply with the required values as specified in Table 4-2.
 EXCEPTION: Concrete or masonry foundation walls of unfinished basements that have one-foot or less of the wall above grade need not be included in the gross wall area nor meet the requirements of Table 4-2 until finished, provided that:
 1. Any frame walls meet the requirements of Table 4-2;
 2. The rim-joist are properly insulated; and
 3. All walls that are more than an average of one-foot above grade meet the requirements of Table 4-2.
- (g) Glazing: Where available, U values from Window Thermal Testing results shall be used to calculate total Wall U_o. If untested, the following default U values shall be used for all types of glazing, including skylights, ornamental, and security glazing.
 1. For untested double glazing of any type, U = .90; and
 2. For untested single glazing of any type, U = 1.20.
 EXCEPTION: U values for site built fixed lites shall use window thermal test results when available. If tested results are unavailable, the Building Official shall require documentation based on a tested value of a comparable window.
- (h) General Insulation Requirements for Loose Fill Insulation: Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

AMENDATORY SECTION (Amending Order 86-04, filed 5/13/86)

WAC 51-12-404 SECTION 404. THERMAL PERFORMANCE CRITERIA FOR ALL OTHER OCCUPANCIES.

Criteria.

- (a) The overall ((average)) thermal transmittance value (U_o) of the gross area of elements of the exterior building envelope of all buildings other than low-rise residential buildings shall not exceed the values given in Tables 4-3 and 4-4. Equations ((+and)) 2 and 3 shall be used to determine acceptable combinations of building components and thermal properties to meet this requirement for heating. U values for windows used to calculate total wall U_o shall be determined in accordance with accepted engineering practice. U_o and U_w are specified in units of

$$\frac{\text{Btu}}{\text{hr. sq. ft. } ^\circ\text{F}}$$
- (b) Floors over unheated spaces shall not exceed the U_o value given in Table 4-3 and 4-4.
- (c) Slab on Grade Floors: For slab on grade floors the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 4-3 and 4-4.
 Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches, or downward to the bottom of the slab; then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend

- downward 12 inches below grade or frostline or to the top of the footing.
- (d) Alternative Wall Allowance for Low-rise Nonresidential Occupancies.
 1. For nonresidential occupancy buildings, three stories or less, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls may be increased to the values given in Table 4-4 provided that at least one of the following criteria is also met:
 - A. Mechanical supply of outside air and mechanical exhaust of building air shall be automatically shut off and the duct closed for at least eight hours per day during hours of non-occupancy, or
 - B. The primary source of heating for the building shall be one or more heat pumps meeting the provisions of Section 411(b) or gas or oil combustion heating equipment with a minimum combustion efficiency of 85 percent for central heating plants and 80 percent for room and space heaters. This efficiency shall be determined in accordance with the provisions of Section 411(c).
 Provided further: that if both criteria are met, the maximum allowed value for average thermal transmittance (U_o) of the exterior walls used in Table 4-4 may be increased by 0.05 in determining compliance with the provisions of the code.
 2. For walls with a wall weight of at least 30 lbs. per sq. ft. (provided that walls constructed of hollow masonry units have cores filled with either grout, concrete, or with an insulating material with thermal resistance per inch (R) of at least 2.25 sq. ft./hr.-°F/Btu) the calculated thermal resistance of the wall sections measured face to face on wall units which are exposed to inside air temperatures, not including the thermal resistance of air films or additional exterior wall elements, may be increased by 25 percent in determining compliance with the provisions of the code provided that:
 Heating and cooling set-point temperatures in the conditioned spaces or zones of the building shall be separated by at least 5°F. The temperature control shall be designed to prevent new energy from being used to heat the space above the heating set-point temperature or cool the space below the cooling set-point temperature.

EQUATION 1

Target UA

$$U_{AT} = U_w A_w + U_G A_G + U_F A_F + U_{RC} A_{RC} + U_{CC} A_{CC}$$

Where:

U_{AT} = the target combined thermal transmittance of the gross exterior wall, floor, and roof/ceiling assembly area (excluding slabs on grade).

U_w = the thermal transmittance value of the opaque wall area found in Table 4-2.

A_w = opaque wall area.

U_G = the thermal transmittance value of the glazing area found in Table 4-2.

A_G = .15 (total floor area of the conditioned space).

U_F = the thermal transmittance value of the floor area found in Table 4-2.

A_F = floor area over unconditioned space.

U_{RC} = the thermal transmittance value of the roof ceiling area found in Table 4-2.

A_{RC} = roof ceiling area.

U_{cc} = the thermal transmittance value of the cathedral ceiling area found in Table 4-2.

A_{cc} = cathedral ceiling area.

EQUATION 2

$$U = \frac{1}{r_o + R_1 + R_2 \dots r_i}$$

Where:

U = the thermal transmittance of the assembly

r_o = outside air film resistance,

r_o = .17 for all exterior surfaces in winter

r_o = .25 for all exterior surfaces in summer

r_i = inside air film resistance,

r_i = .61 for interior horizontal surfaces, heat flow up

r_i = .92 for interior horizontal surfaces, heat flow down

r_i = .68 for interior vertical surfaces

$R = \frac{1}{C} = \frac{X}{K}$ = measure of the resistance to the passage of heat for each element

C = conductance, the heat flow through a specific material of specific thickness

K = insulation value of a material per inch

X = the thickness of the material in inches

EQUATION ((2)) 3

Proposed UA

$$((U_o)) \frac{U_A = U_w A_w + U_g A_g + ((U_d A_d \dots))}{((\frac{U_f A_f + U_{rc} A_{rc} + U_{cc} A_{cc}}{A}))}$$

Where:

~~((U_o))~~ U_A = the ~~((average or))~~ combined thermal transmittance of the gross exterior wall, floor ~~((or))~~ and roof/ceiling assembly area (except slabs on grade).

~~((A = the gross exterior wall, floor or roof/ceiling assembly area.))~~

U_w = the thermal transmittance ~~((of the components))~~ of the opaque wall ~~((, floor or roof/ceiling assembly))~~ area.

A_w = opaque wall ~~((, floor or roof/ceiling assembly))~~ area.

U_g = the thermal transmittance of the glazing (window or skylight) area.

A_g = glazing area, including windows in exterior doors.

~~((U_d = the thermal transmittance of the door, or similar opening.~~

~~A_d = door area.))~~

U_f = the thermal transmittance of the floor area.

A_f = floor area over unconditioned space.

U_{rc} = the thermal transmittance of the roof ceiling area.

A_{rc} = roof ceiling area.

U_{cc} = the thermal transmittance of the cathedral ceiling area.

A_{cc} = cathedral ceiling area.

NOTE: Where more than one type of wall, window, roof/ceiling, door and skylight is used, the U and A terms for those items shall be ~~((expanded))~~ expanded into sub-elements as:

$$U_{w1}A_{w1} + U_{w2}A_{w2} + U_{w3}A_{w3} + \dots \text{etc.}$$

AMENDATORY SECTION (Amending Order 88-10, filed 1/31/89, effective 7/1/89)

WAC 51-12-426 SECTION 426. LIGHTING POWER BUDGET. A lighting power budget is the upper limit of the power to be available to provide the lighting needs in accordance with the criteria and calculation procedure specified herein.

The lighting power budget for a building shall be the sum of the power limits computed for all lighted interior and exterior spaces and shall be determined in accordance with the procedures specified in this section.

EXCEPTION: One- and two-family detached dwellings and the dwelling portion of multifamily buildings are exempt from the requirements of Section 426.

(a) Budget Development.

The installed lighting wattage for the building project shall not exceed the budget level calculated in this section. The budget wattage level shall be the sum of the interior budget calculated and the exterior budget. Lighting wattage includes lamp and ballast wattage.

(b) Building Interiors.

The interior lighting budget shall be calculated by multiplying the gross conditioned floor area, in square feet, by the appropriate unit power budget, in watts per square foot, specified in Table No. 4-18.

For special conditions when approved by the Building Official, calculation based on Illuminating Engineering Society Unit Power Density or similar nationally recognized standards may be used.

The lighting power budget shall be based on the primary occupancy for which the space within the building is intended. If multiple occupancies are intended, the lighting power budget for each type of occupancy shall be separately calculated and summed to obtain the lighting budget for the interior spaces of the building. If a common circulation area serves multiple occupancies or multiple retail spaces, the lighting power budget for the common circulation area shall be the weighted average of the lighting power budgets for all other areas on that floor. In cases where a lighting plan for only a portion of a building is submitted, the interior lighting budget shall be based on the gross floor area covered by the plan.

EXCEPTIONS:

1. Where the following automatic lighting controls are installed, for calculations used to determine code compliance, the installed lighting wattage may be reduced by the following percentages:
 - A. For occupant-sensing devices, energy savings of 30 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions; classrooms, conference rooms, computer rooms, storage areas, corridors, or waiting rooms.
 - B. For daylighting controls, energy savings of 30 percent for continuous dimming and 20 percent for stepped controls shall be allowed for any daylit space.
 - C. For lumen maintenance controls, energy savings of 10 percent shall be allowed for any space.
 - D. For daylighting controls with occupant-sensing devices, energy savings of 44 percent shall be allowed for any single space up to 400 square feet within daylit spaces, and enclosed by ceiling height partitions.
 - E. For occupant-sensing devices with lumen maintenance controls, energy savings of 37 percent shall be allowed for any single space up to 400 square feet and enclosed by ceiling height partitions.

2. Lighting for the following applications shall be exempted from inclusion in the calculation of lighting power budgets:
 - A. Stage lighting, entertainment, or audiovisual presentations where the lighting is an essential technical element for the function performed.
 - B. Lighting for medical and dental tasks.
 - C. Lighting in areas specifically designed for visually handicapped people.
 - D. For restaurant occupancies, lighting for kitchens and food preparation areas.

(c) Building Exteriors.

The exterior lighting budget shall be calculated by multiplying the building perimeter in feet by 7.5 watts per foot. Lighting for parking structures shall be calculated at 0.3 watts per gross square foot of parking area. An allowance for outdoor surface parking and circulation lighting may be added at 0.05 watts per square foot of area. Lighting for signs that are not an integral part of the building shall be exempted from inclusion in these calculations.

TABLE 4-1
Classification of Building Occupancies

	All Group R Occupancy Space	Other than Group R Occupancy Space
Three conditioned stories and less	Table 4-2	Table 4-3
More than three conditioned stories	Table 4-4	Table 4-4

(TABLE 4-2
Low-rise Residential Buildings
Maximum Allowed U_o Values
and Minimum Allowed R Values

Heat Type	Climatic Zone	Roofs	Cathedral Ceilings	Walls (Includes Glazing)	Floors	Slab ¹ on Grade
		U _o	U _o	U _o	U _o	Installed R Value
Electric Resistance	I	0.026	0.035	0.144	0.055	7
Other	I	0.035	0.035	0.203	0.055	7
Electric Resistance	II	0.026	0.035	0.144	0.043	10
Other	II	0.035	0.035	0.203	0.055	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-3
Low-rise Residential Buildings
Maximum Allowed U_o Values
and Minimum Allowed R Values

Heat Type	Climatic Zone	Roofs	Cathedral Ceilings	Walls	Glazing	Floors	Slab ¹ on Grade
		U _o	U _o	U _o	U _o	U _o	Installed R Value
Electric Resistance	I	0.026	0.035	0.053	0.54	0.055	7
Other 2.65 AFUE or 25.69 BSFP	I	0.035	0.035	0.053	0.71	0.055	7
Other 2.74 AFUE or 26.35 BSFP	I	0.025	0.035	0.053	0.85	0.055	7
Electric Resistance	II	0.026	0.035	0.053	0.56	0.043	10
Other 2.65 AFUE or 25.60 BSFP	II	0.035	0.035	0.053	0.71	0.055	10
Other 2.74 AFUE or 26.35 BSFP	II	0.025	0.035	0.053	0.85	0.055	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-3
Nonresidential Occupancies
Buildings 3 Stories or Less
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab ¹ on Grade
	U _o	U _o	U _o	Installed R Value
I	0.035	0.25	0.05	7
II	0.035	0.20	0.05	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-4
All Occupancies
Buildings over 3 Stories
Maximum Allowed U_o Values and
Minimum Allowed R Values

Zone	Ceilings	Walls (Includes Glazing)	Floors	Slab ¹ on Grade
	U _o	U _o	U _o	Installed R Value
I	0.08	0.30	0.08	7
II	0.06	0.25	0.08	10

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 4-5
Nonresidential HVAC System Heating Equipment- Gas- and Oil-Fired Minimum Steady State Combustion Efficiency

Types of Equipment	Furnaces of Capacity of 225,000 Btu/h and Less Boilers of Capacities of 300,000 Btu/h and Less		All Other Commercial/Industrial Furnaces and Boilers
	Percent ¹	Percent ²	
Forced-air furnaces and low-pressure steam or hot-water boilers	74	75	
Gravity central furnaces	69	-	
All other vented heating equipment	69	-	

¹Combustion efficiency for furnaces of capacities of 225,000 Btu/h and less and boilers of capacities of 300,000 Btu/h and less shall be tested in accordance with the applicable U.S. Department of Energy furnace test procedures.

²Combustion efficiency of commercial/industrial furnaces and boilers is defined as 100 percent minus stack losses in percent of heat input. Stack losses are:

- Loss due to sensible heat in dry flue gas.
- Loss due to incomplete combustion.
- Loss due to sensible and latent heat in moisture formed by combustion of hydrogen in the fuel.

TABLE 4-6
(Reserved)

TABLE 4-7
(Reserved)

TABLE 4-8
Allowable Air Infiltration Rates

Windows (cfm per lineal foot of operable sash crack)	Residential Doors		Commercial Doors
	cfm per sq. ft. of door area	cfm per lin. ft. of crack	cfm per lin. ft. of crack
0.5	sliding glass	entrance	swinging, sliding, revolving
0.5	0.5	1.00	11.0

TABLE 4-9
HVAC System Heating Equipment (Heat Pumps)
Standard Rating Conditions

Conditions		Type		
		Air Source	Water Source	Water Source
Air entering equipment	°F	70 db	70 db	70 db
Outdoor unit ambient	°F	47 db/ 43 wb	17 db/ 15 wb	—
Entering water temperature	°F	—	—	60
Water flow rate		—	—	as used in cooling mode

TABLE 4-10
HVAC System Equipment
Standard Rating Conditions — Cooling

		Temperatures			
		DB	WB	Inlet	Outlet
		Air Entering Equipment	°F	80	67
Condenser Ambient (Air Cooled)	°F	95	75	—	—
Condenser Water (Water Cooled)	°F	—	—	85	95

Standard ratings are at sea level.

Note: db = dry bulb
wb = wet bulb

TABLE 4-11
Applied HVAC System Components
Standard Rating Conditions — Cooling

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
		Leaving chilled Water temperature	°F	44	44
Entering chilled Water temperature	°F	54	54
Leaving condenser Water temperature	°F	95	—
Entering water temp.	°F	85	—

Item		Centrifugal or Self-Contained Reciprocating Water-Chiller	Condenserless Reciprocating Water-Chiller
		Fouling factor, water	
Non-ferrous tubes	*	0.0005	0.0005
Steel tubes	*	0.0010	0.0010
Fouling factor, Refrigerant	*	0.0000	0.0000
Condenser ambient			
Air or evap. cooled	°F	95 dB/75 wb	—
Compressor			
Water cooled			
Saturated (or evap. cooled)	°F	—	105
Discharge Temperature			
Air cooled	°F	—	120

Standard ratings are at sea level.
* h ft² F/Btu.

TABLE 4-12
HVAC-System Heating Equipment (Heat Pumps)
Minimum COP & HSPF for Heat Pumps, Heating Mode

Source and Outdoor Temperature(°F)	Minimum COP	Minimum HSPF
Air source — 47 dB/43 WB	2.7	
Air source — 17 dB/15 WB	1.8	
Air source		6.35
Water source — 60 entering	3.0	
Ground source	3.0	

TABLE 4-13
Minimum EER and COP—Cooling for
Electrically Driven HVAC System Equipment—Cooling¹

Standard Rating Capacity	Air Cooled		Evaporative or Water Cooled	
	EER	COP	EER	COP
Under 65,000 Btu/hr (19,050 watts)	7.8	2.28	8.8	2.58
65,000 Btu/hr (19,060 watts) and over	8.2	2.4	9.2	2.69

¹The U.S. Department of Energy has established required test procedures for single-phase, air-cooled, residential central air conditioners under 19 KW (65,000 Btu/h) capacity, which have been incorporated into ARI Standard 210-79. EER and COP values in Table 4-13 are based on Test A of DOE Test Procedures.

TABLE 4-14
Minimum EER and COP for Electrically Driven HVAC-System Components¹

Component	Type	Water Chilling Packages			
		Condensing Means		Evap.	
		Air	Water	COPEER	COP
Condenser included	Centrifugal or rotary	8.00	2.34	13.80	4.04
Condenser included	Reciprocating	8.40	2.46	12.00	3.51
Condenserless	Reciprocating	9.90	2.90	12.00	3.51
Compressor & condenser units 65,000					

Component	Type	Condensing Means					
		Air		Water		Evap.	
		EER	COP EER	COP EER	COP EER	COP	
Btu/hr (19,050 watts) and over ²	Positive displacement	9.50	2.78	12.50	3.66	12.50	3.66

Hydronic Heat Pumps

Component	Type	EER	COP
Water source under 65,000 Btu/h (19,000 watts)	Centrifugal or rotary	9.00	2.64
Water source 65,000 Btu/h (19,000 watts) and over	Centrifugal or rotary	9.40	2.75

¹When tested at the standard rating conditions specified in Table No. 4-9, 4-10, and 4-11.

²Ratings in accordance with Standard for Positive Displacement Refrigerant Compressor and Condensing Units, ARI Standard 520-74 as applicable. COP based on condensing unit standard rating capacity and energy input to the unit, all at sea level.

TABLE 4-15
HVAC-System Heat-Operated Cooling Equipment

$$\text{Minimum COP} = \frac{\text{Net Cooling Output}}{\text{Total Heat Input (Electrical Auxiliary Inputs Excluded)}}$$

Heat Source	Minimum COP
Direct fired (gas, oil)	0.48
Indirect fired (steam, hot water)	0.68

TABLE 4-16
Insulation of Ducts

Duct Location	Insulation Types Mechanically Cooled	Climate Zone	Insulation Types Heating Only
On roof or on exterior of building	C, V ² and W D, V ² and W	I II	C and W D and W
Attics, garages and crawl spaces, in walls ¹ , within floor-ceiling spaces ¹	B and V ² C and V ²	I II	B C
Within the conditioned space or in basements	None Required		None Required
Cement slab or within ground	A		B

Note: Where ducts are used for both heating and cooling, the minimum insulation shall be as required for the most restrictive condition.

¹ Insulation may be omitted on that portion of a duct which is located within a wall or floor-ceiling space where both sides of this space are exposed to conditioned air and where this space is not ventilated or otherwise exposed to unconditioned air.

² Vapor barriers shall be installed on conditioned air supply ducts in geographic areas where the average of the July, August, and September mean dewpoint temperature exceeds 60°F.

INSULATION TYPES: Minimum densities and out-of-package thicknesses.

- A. 0.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket or equivalent to provide an installed total thermal resistance of at least R-2
- B. 2-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
1.5-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
1.5-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-5

- C. 3-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
2-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
2-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-7
- D. 4-inch 0.60 lb/cu. ft. mineral or glass fiber blanket
3-inch 1.5 to 2 lb/cu. ft. duct liner, mineral or glass fiber blanket
3-inch 3 to 7 lb/cu. ft. mineral or glass fiber board or equivalent to provide an installed total thermal resistance of at least R-10
- V. Vapor barrier, with perm rating not greater than 0.5 perm, all joints sealed.
- W. Approved weatherproof barrier.

TABLE 4-17
Minimum Pipe Insulation

Piping System Types	Fluid temperature range, °F	Run-outs up to 2" ¹	Insulation Thickness In Inches for Pipe Sizes ²				
			1" and less	1.25" to 2"	2.5" to 4"	5" to 6"	8" and larger
HEATING AND HOT WATER SYSTEMS							
Steam and hot water							
High pressure/temperature	306-450	1.5	2.5	2.5	3.0	3.5	3.5
Med. pressure/temperature	251-305	1.5	2.0	2.5	2.5	3.0	3.0
Low pressure/temperature	201-250	1.0	1.5	1.5	2.0	2.0	2.0
Low temperature	100-200	.5	1.0	1.0	1.5	1.5	1.5
Steam condensate (for feed water)	Any	1.0	1.0	1.5	2.0	2.0	2.0
COOLING SYSTEMS							
Chilled water	40-55	.5	.5	.75	1.0	1.0	1.0
Refrigerant, or brine	Below 40	1.0	1.0	1.5	1.5	1.5	1.5

¹Runouts not exceeding 12 feet in length to individual terminal units.

²For piping exposed to outdoor air, increase thickness by .5 inch.

TABLE 4-18
Interior Lighting Power Budget¹

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
A	Assembly w/stage	1.1
	Stage lighting	Exempt
B	Assembly w/o stage: other than B and E	1.1
	Gasoline service station	1.7
	Storage garages	0.3
	Office buildings	1.7
	Wholesale stores	2.0
	Police and fire stations	1.7
	Retail Stores:	
	less than 6000 s.f.	4.0
	6000 to 20,000 s.f.	3.0
	over 20,000 s.f.	2.0
E	Drinking and dining establishments	1.85
	Food preparation task light	Exempt
	Aircraft hangars - storage	0.7
	Process plants ³	1.0
	Factories and work shops ³	1.7
	Storage structures	0.7
	Schools and daycare centers	1.7
Audio-visual presentation lighting	Exempt	

Group	Occupancy Description	Lighting Power Budget ² (W/sq ft)
H	Storage structures	0.7
	Handling areas	1.7
	Paint shops	2.5
	Auto repair shops	1.7
	Aircraft repair hangars	1.7
I	Institutions	1.7
	Administrative support areas	1.7
	Diagnostic, treatment, food service task lighting	Exempt
R	Dwelling units	Exempt
	Food preparation task lighting	Exempt

¹Watts/sq. ft. of room may be increased by two percent per foot of height above 20 feet.

²Emergency exit lighting is exempt from interior lighting budget.

³Lighting that is part of machines or equipment is exempt from this budget.

AMENDATORY SECTION (Amending Order 88-10, filed 1/31/89, effective 7/1/89)

WAC 51-12-601 SECTION 601. LOW-RISE RESIDENTIAL BUILDING ENVELOPE REQUIREMENTS.

For all components, except for walls, the R values specified in Table 6-1 are for installed insulation material only. R values for construction are defined as any combination of rigid-sheathing, loose fill, or batt insulation that achieves the prescribed R value. Where insulation is installed in a continuous manner and is not interrupted by occasional framing members, its R value may be increased by 20% in determining compliance with the requirements of this table. This allowance does not apply to insulation of slab on grade or walls.

(a) Walls. The total assembly of opaque exterior wall sections, walls in finished basements, and the interior walls exposed to unheated spaces shall have a thermal resistance R value not less than the values specified in Table 6-6 for log/solid timber walls and Table 6-1 for other wall types. Total wall assembly R values include values for insulation, sheathing, gypsum-board, air-films, concrete, etc. The following walls shall be considered to meet the R-19 total assembly criteria without additional documentation:

1. 2" x 6" with installed R-19 batt.
2. 2" x 4" with an installed R-13 batt and R-3.7 insulating sheathing.
3. 2" x 4" with an installed R-11 batt and R-5.0 insulating sheathing.

EXCEPTION: Concrete or masonry foundation walls of unfinished basements that have one foot or less of the wall above grade need not be insulated until finished, provided that:

- A. Any frame walls comply with the requirements of Table 6-1;
- B. The rim-joists are properly insulated;
- C. All walls that are more than an average of one foot above grade are insulated to meet the requirements of Table 6-1.

(b) Roof/ceiling. The roof/ceiling assembly shall have a thermal resistance R value not less than the value specified for the indicated type of construction in Table 6-1.

EXCEPTION: Insulation levels in the case of single rafter or joist vaulted ceilings. These types of ceilings may be insulated to a level of R-30, regardless of space heat type.

(c) Thermal Design Standards for Floors.

1. Slab on Grade Floors. For slab on grade floors, the thermal resistance of the insulation around the perimeter of the floor shall not be less than the value given in Table 6-1.

Insulation installed inside the foundation shall extend downward from the top of the slab for a minimum distance of 24 inches; or downward to the bottom of the slab, then horizontally beneath the slab for a minimum total distance of 24 inches. Insulation installed outside the foundation shall extend

downward a minimum of 6 inches below grade but not less than to the frostline and need not extend deeper than to the top of the footing.

2. Floor Sections. Floor sections over unheated spaces, such as unheated basements, unheated garages or ventilated crawl spaces, shall be constructed to comply with the required values as specified in Table 6-1.

EXCEPTION: Insulation may be omitted from floor areas over heated basements, heated garages, or under floor areas used as HVAC plenums or where operable foundation vents are used and when foundation walls are insulated. When foundation walls are insulated in accordance with Section 601(a), the insulation shall be attached in a permanent manner.

(d) Thermal Design Standards for Openings.

1. At a minimum, all windows must be double glazed, and are classed according to U values as shown on Table 6-2. Glazing requirements are listed in Table 6-6 for log/solid timber walls and Table 6-4 for other wall types.

2. At a minimum, all skylights must be double glazed. The area of Class 90 skylights and Class 90 exterior windows sloped more than 30° from the vertical shall be doubled and this area included in the percentage of the total glazing area as allowed for in Table 6-4. Class 75 or Class 60 glazing in skylights or Class 75 or Class 60 windows sloped more than 30° from the vertical need not be doubled.

3. Single glazing for ornamental, security or architectural purposes shall have its area doubled and shall be included in the percentage of the total glazing area as allowed for in Table 6-4. The maximum area (before doubling) allowed for the total of all single glazing is 1% of the floor area.

(e) Air Leakage.

1. Windows and Doors. All windows within a wall and doors shall conform to the air infiltration requirements specified in Section 405. Site built windows shall be constructed to minimize leakage.

EXCEPTION: Openings required to be protected by fire resistive assemblies are exempt from this section.

2. Exterior joints around windows and door frames, openings between walls and foundations, between walls and roof and between wall panels; openings at penetrations of utility services through walls, floors and roofs; and all other such openings in the building envelope shall be sealed, caulked, gasketed, or weatherstripped to limit air leakage.

(f) Moisture Control. Vapor retarders shall be installed on the warm side (in winter) of insulation as specified in the following cases:

1. Walls separating conditioned space from unconditioned space shall have a vapor retarder installed when thermal insulation is installed. The vapor retarder shall have a one perm dry cup rating or less. Inset stapled batts with a facing with a perm rating less than one may be installed if staples are placed not more than (8) inches on center and gaps between the facing and the framing do not exceed (1/16) of an inch.

2. Roof/ceilings:

A. Roof/ceiling assemblies where the ventilation space above the insulation is less than an average of twelve (12) inches shall be provided with a vapor retarder having a dry cup perm rating of 1.0 or less.

B. Vapor retarders shall not be required in roof/ceiling assemblies where the ventilation space above the insulation averages twelve (12) inches or greater.

C. Vapor retarders shall not be required where all of the insulation is installed between the roof membrane and the structural roof deck.

D. Vapor retarders with a 1.0 or less dry cup perm rating shall be installed in roof/ceiling assemblies where the insulation is comprised of insulation between the roofing membrane and the structural roof decking and insulation below the structural roof decking.

3. Ground Cover.

A ground cover of 4 mil (0.004 inch thick) polyethylene or approved equal shall be laid over the ground within crawl spaces. The ground cover shall be overlapped twelve (12) inches minimum at joints and shall extend over the top of the footing.

EXCEPTION: The ground cover may be omitted in unheated crawl spaces if the crawl space has a concrete slab floor with a minimum thickness of 3-1/2 inches.

(g) General Requirements for Loose Fill Insulation. Blown or poured loose fill insulation may be used in attic spaces where the slope of the ceiling is not more than 3 feet in 12 feet and there is at least 30 inches of clear distance from the top of the bottom chord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge. When eave vents are installed, baffling of the vent openings shall be provided so as to deflect the incoming air above the surface of the insulation.

(h) Space Heat Type. The following four categories comprise all space heating types:

1. Electric Resistance. Space heating systems which include baseboard units, radiant units, and forced air units as either the primary or secondary heating system.

EXCEPTIONS: Electric resistance elements which are integral to either heat pump or passive solar heating systems (as defined below), or when the total electric heat capacity in each individual dwelling unit does not exceed the greater of: 1) 1,000 watts per dwelling, or; 2) 1.0 watt per square foot of the gross floor area.

2. Electric, Passive Solar. Electric resistance space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).

3. Other. Includes all gas, wood (not meeting the provisions of Section 102 (a)2), oil, propane, and electric heat pump space heating systems, unless electric resistance is used as a secondary heating system. (See EXCEPTIONS, Electric Resistance, Section 601 (h) 1. above.) Nonelectric heat pump heating systems are also included in this category.

4. Other, Passive Solar. Other types of space heating systems which utilize solar energy to provide a portion of the building's heating load. A Passive Solar System is required to have at least ten (10) percent of the building's gross floor area in glazing that meets the specifications of Section 601(i).

(i) Passive Solar Glazing. Glazing areas are required to meet the following criteria in order to be considered Passive Solar Glazing.

1. Glazing areas are required to meet the "Electric, Passive Solar" and "Other, Passive Solar" glazing requirements of Table 6-4.
2. The south glazing shall be oriented within 45 degrees of true south.
3. The glazing shall be mounted at least 60 degrees up from the horizontal.
4. The glazing shall have a transmission coefficient greater than or equal to 0.80 for visible light or greater than or equal to 0.73 for total solar radiation.
5. Documentation shall be provided in the form of a sun chart, a photograph, or approved evidence, demonstrating that the glazing area shall not be shaded

for at least 4 hours between 8 a.m. and 4 p.m. standard time on January 21 and March 21.

6. The building shall contain a heat capacity equal to a four inch concrete slab. The heat capacity shall be equivalent to at least 20 Btu/degree F for each square foot of south glazing when the south glazing area is between 10% and 14% of the building's gross floor area, and at least 45 Btu/degree F for each square foot of south glazing when the south area glazing exceeds 14 percent of gross floor area. In buildings with south glazing area between 10% and 14% of gross floor area, the heat capacity provided by a four inch concrete slab shall be deemed sufficient. This heat storage capacity shall be located inside the insulated shell of the structure and not covered with insulation materials, such as carpet, which yield an R value of 1.0 or greater. If the storage medium is not within the space containing the south glazing, an approved natural or mechanical means of transferring the heat to the heat storage medium shall be provided. Heat storage capacity shall be calculated using the below equation and/or accepted analytical methods:

$$HS = D \times SH \times V$$

Where:

HS = Heat Storage. The heat storage capacity available inside the insulated space.

V = Volume of heat storage components.

D = Density of material inside the insulated shell of the building to a depth yielding a thermal resistance of R-1, except in the case of slab floors where only the slab itself is credited. Mass located in conditioned or unconditioned basements without solar glazing shall not be counted (lbs/cu ft).

SH = Specific heat of the material (Btu/lb/°F).

(j) Ventilation: Enclosed joist or rafter spaces formed where ceilings are applied directly to the under side of roof joists or rafters must have joists or rafters of sufficient size to provide a minimum of one inch clear vented air space above the insulation (see also Section 3205 (c) of UBC). Ceiling insulation may be tapered or compressed at the perimeter to permit proper venting.

AMENDATORY SECTION (Amending Order 88-10, filed 1/31/89, effective 7/1/89)

WAC 51-12-608 SECTION 608. ELECTRICAL POWER AND LIGHTING REQUIREMENTS FOR OTHER THAN LOW-RISE RESIDENTIAL BUILDINGS.

All electrical power and lighting systems shall comply with the requirements of Sections 424 to 426, inclusive.

TABLE 6-1
Low-rise Residential Buildings
Minimum (average) Allowed R Values¹

Space Heat Type	Climatic Zone	Ceilings ²	Roof Decks	Walls	Floors	Slab on Grade ³
Electric Resistance	I	38	38	19	19	7
Electric, Passive Solar	I	30	30	19	19	7
Other	I	30	30	19	19	7
Other, Passive Solar	I	30	30	19	19	7
Electric Resistance	II	38	38	19	25	10
Electric, Passive Solar	II	30	30	19	19	10
Other	II	30	30	19	19	10
Other, Passive Solar	II	30	30	19	19	10

¹R values, except for walls, are for installed insulation material only.

²R-30 in single rafter, joist vaulted ceilings.

³Insulation shall be water-resistant material manufactured for this use.

TABLE 6-2
Low-rise Residential Buildings
Classes of Glazing

Class	U-Value	Window Thermal Testing Requirement ¹
90	.90	Untested
90	Greater than .75	Tested
75	.61 to .75	Tested
60	Less than .61	Tested

¹See DEFINITIONS, Section 223. WINDOW THERMAL TESTING.

TABLE 6-3
Low-rise Residential Buildings
Heat Pump Minimum Efficiencies

Source and Outdoor Temperature (°F)	Class 1		Class 2	
	COP	HSPF	COP	HSPF
Air Source - 47 dB/43 WB	2.7		2.5	
Air source - 17 dB/15 WB	1.8		1.5	
Air Source		6.35		5.60
Water Source - 60 entering	3.0		2.5	
Ground Source	3.0		3.0	

TABLE 6-4
Low-rise Residential Buildings
Glazing and Furnace
Efficiency Requirements

Space Heat Type	Climate Zone	Maximum Percentage of Floor Area in Glazing	Glazing Class	AFUE*	Heat Pump Class
Electric Resistance	I	21%	60	n/a	n/a
Electric, Passive Solar	I	21%	60	n/a	n/a
Solar	I	21%	75	.65	2
Other	I	21%	90	.74	1
Other, Passive Solar	I	21%	90	.65	2
Electric Resistance	II	17%	60	n/a	n/a
Electric, Passive Solar	II	17%	60	n/a	n/a
Solar	II	17%	75	.65	2
Other	II	17%	90	.74	1
Other, Passive Solar	II	17%	90	.65	2

*AFUE applies only to central heating equipment. All other types of heating equipment fueled by gas, oil, or propane must be equipped with an intermittent ignition device in order to use Class 90 glazing.

TABLE NO. 6-5
All Other than Low-rise Residential Buildings
Component Requirements

Component	Zone I	Zone II
Space Conditioning System Type	Any	Any
Opaque Envelope Minimum Nominal R Value		
Roof/Ceilings	R-30	R-30
Exterior Walls	R-11	R-11
Floors over Unconditioned Space Below Grade Walls ¹	R-11	R-11
Slab on Grade Floors ¹	R-4	R-5
	R-7	R-10
Glazing		
Type	Double	Double
Maximum Total Area (Percent of Gross Exterior Wall)	32%	22%

¹Insulation shall be water-resistant material manufactured for this use.

TABLE 6-6
Low-rise Residential Buildings
with Solid Timber and Log Walls
Minimum (average) Allowed R Values, 1, 2
Furnace Efficiency and Glazing Requirements

Space Heat Type	Climate Zone	Wall R-Value	Maximum Percentage of Floor Area in Glazing	Glazing Class	AFUE	Heat Pump Class
Electric Resistance	I	10.0	25%	60	n/a	n/a
Electric, Passive Solar	I	10.0	25%	60	n/a	n/a
Other	I	6.9	25%	60	.65	2
Other	I	5.3	25%	60	.74	1
Other, Passive Solar	I	5.3	25%	60	.65	2
Electric Resistance	II	14.7	25%	60	n/a	n/a
Electric, Passive Solar	II	14.7	25%	60	n/a	n/a
Other	II	9.6	25%	60	.65	2
Other	II	7.3	25%	60	.74	1
Other, Passive Solar	II	7.3	25%	60	.65	2

¹R-value for walls are assembly R-values including air films.

²For buildings with a portion of the floor area using log/solid timber walls use Table 6-6 in that portion only. In other areas use Tables 6-1 and 6-4.

AMENDATORY SECTION (Amending Orders 88-11 and 88-11A, filed 12/1/88 and 5/23/89, effective 7/1/89)

WAC 51-16-030 UNIFORM BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS. The 1988 edition of the Uniform Building Code, and the 1988 edition of the Uniform Building Code Standards as published by the International Conference of Building Officials is hereby adopted by reference with the following additions, deletions and exceptions:

(1) The following definition shall be added to section 420, chapter 4 of the Uniform Building Code:

SINGLE FAMILY RESIDENTIAL BUILDING is a dwelling containing only one dwelling unit.

(2) The following definition shall be added to section 414, chapter 4 of the Uniform Building Code:

MULTIFAMILY RESIDENTIAL BUILDING is a common wall dwelling or apartment house that consists of four or fewer dwelling units that do not exceed two stories in height and that are less than five thousand square feet in total area.

(3) ~~(Chapter 9 of the 1988 edition of the Uniform Building Code is hereby not adopted and chapter 9 of the 1985 edition of the Uniform Building Code is hereby adopted in its place.~~

~~The changes made between the 1985 edition of the Uniform Building Code and the 1988 edition of the Uniform Building Code for the purposes of integrating chapter 9 of the Uniform Building Code into other sections of the 1988 edition of the Uniform Building Code are also not adopted.~~

~~The sections and tables listed below contain changes to the 1988 edition of the Uniform Building Code made for this purpose:~~

Definitions:

- Sec. 404, Control Area (added) page 22
- Sec. 404, Corrosive (added) page 22
- Sec. 406, Emergency Control Station (changed) page 23
- Sec. 409, Handling (added) page 25
- Sec. 409, Health Hazard (added) page 25
- Sec. 409, Highly Toxic Material (added) page 25
- Sec. 410, Irritant (added) page 26
- Sec. 413, Liquid Storage Room (changed) page 27
- Sec. 413, Liquid Storage Warehouse (changed) page 27
- Sec. 420, Sensitizer (added) page 29
- Sec. 422, Use (specifics added) page 30

Code-Body Changes:

- Sec. 503 (a), page 32 & 33
- Sec. 506 (c), page 38
- Sec. 507, page 38 & 39

Table No. 5-A, page 43, 44 & 45
 Table No. 5-B, page 46
 Table No. 5-C, page 47
 Table No. 5-D, page 48
 Sec. 702 (b), page 55 & 56
 Sec. 802 (d), page 63
 Sec. 3309 (a), page 648
 Sec. 3320, page 657
 Sec. 3802 (f), page 682
 Sec. 5207 (a), page 784
 Appendix Table No. 11-B page 832

((+)) Section 2312(h) 2.I. Diaphragms. (iv) of the Uniform Building Code is hereby amended to read as follows:

(iv) Where wood diaphragms are used to laterally support concrete or masonry walls, the anchorage shall conform to Section 2312(h) 2. H above. In Seismic Zones Nos. 2, 3 and 4 anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal, nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension, and the continuous ties required by paragraph (iii) above shall be in addition to the diaphragm sheathing.

((+)) (4) Uniform Building Code Section 2722(f) 6 item 1 of the exception is hereby amended to read as follows:

EXCEPTION: This requirement need not apply in any of the following cases, provided the compactness limitations for beams given in Section 2722 (f) 4 shall apply to columns as well:

1. For columns with f_a less than $0.4F_y$ for all load combinations, except for loads specified in Section 2722(d) 1. Such columns shall have allowable stresses reduced 25 percent when one end frames into a joint not complying with Formula 22-3, and 50 percent when both ends frame into joints not complying with Formula 22-3.

((+)) (5) Uniform Building Code Section 2722(f) 7. is hereby amended to read as follows:

7. Trusses in SMRSF. Trusses may be used as horizontal members in SMRSF if the sum of the truss seismic force flexural strength exceeds the sum of the column seismic force flexural strength immediately above and below the truss by a factor of at least 1.25. For this determination the strengths of the members shall be reduced by the gravity load effects. In buildings of more than one story, the column axial stress shall not exceed $0.4F_y$ and the ratio of the unbraced column height to the least radius of gyration shall not exceed 60. Columns shall have allowable stresses reduced 25 percent when one end frames into a truss, and 50 percent when both ends frame into trusses. The connection of the truss chords to the column shall develop the lesser of the following:

- A. The strength of the truss chord.
- B. The chord force necessary to develop 125 percent of the flexural strength of the column.

((+)) (6) The following section shall be added to the Uniform Building Code:

Section 3801(e) when sprinklers are installed in an insulated ceiling cavity not meeting exceptions of UBC Standard 38-1 or where blocked by ducts or other similar obstructions, a space 6 inches or greater in depth with not less than 12 inches clearance from ducts or other similar obstructions shall be provided under all sprinklers.

((+)) (7) Section 3802(h) of the Uniform Building Code is hereby amended to read as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be

used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

((+)) (8) Section 5103 of the Uniform Building Code is hereby not adopted in order to eliminate conflict with chapter 296-81 WAC as adopted by the Washington state department of labor and industries pursuant to chapter 70.87 RCW.

((+)) (9) Section 5105 of the Uniform Building Code shall be amended to read as follows:

Elevator Machine Room Floors

Section 5105. Elevator hoistways shall not be vented through an elevator machine room unless such venting is accomplished by an approved duct system installed through the elevator machine room. Cable slots entering the machine room shall be sleeved beneath the machine room floor and extend to not less than 12 inches below the shaft vent to must be installed in a manner that inhibits the passage of smoke into the machine room.

((+)) (10) A New Standard No. 38-3W shall be added to Chapter 38 of the Uniform Building Code Standards as follows:

WASHINGTON STATE BUILDING CODE STANDARD
 NO. 38-3W

INSTALLATION OF SPRINKLER SYSTEMS IN
 RESIDENTIAL OCCUPANCIES

Sec. 38.301W. Except for the limitations, deletions, modifications or amendments set forth in Section 38.302W of this standard, the installation of sprinkler systems in residential occupancies of four stories or less when required by the Uniform Building Code shall be in accordance with the "Standard for the Installation of Sprinkler Systems in Residential Occupancies, NFPA 13R-1988", published by the National Fire Protection Association, copyright 1988, Batterymarch Park, Quincy, Massachusetts 02269, as if set out at length herein.

Sec. 38.302W. The National Fire Protection Association standard adopted by section 38.301W applies to the selection, installation, inspection, maintenance and testing of residential sprinkler systems, except as follows:

1. Table 1-5.1 is amended to read as follows:

Table 1-5.1	
Materials and Dimensions	Standard
Spec. for Black and Hot-Dipped Zinc Coated (Galvanized) Welded and Seamless Steel Pipe for Fire Protection Use	ASTM A795
Specification for Welded and Seamless Steel Pipe	ASTM A53
Wrought-Steel Pipe	ANSI B36.10
Specification for Electric-Resistance Welded Steel Pipe	ASTM A135
Copper Tube (Drawn, Seamless) Specification for Seamless Copper Tube	ASTM B88
Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube	ASTM B251
Brazing Filler Metal (Classification BCuP-3 or BCuP-4)	AWS A5.8
Specification for Solder Metal, 9-5 (Tin-Antimony-Grade 95TA)	ASTM B32
Specifications for CPVC Pipe	ASTM F437 ASTM F438 ASTM F439 ASTM F442

Table 1-5.1

Materials and Dimensions	Standard
Specification for Polybutylene Tube	ASTM D 3309

2. Table 1-5.5 is amended to read as follows:

Table 1-5.5

Materials and Dimensions	Standard
Cast Iron	
Cast Iron Threaded Fittings Class 125 and 250	ANSI B16.4
Cast Iron Pipe Flanges and Flanged Fittings	ANSI B16.1
Malleable Iron	
Malleable Iron Threaded Fittings Class 150 and 300	ANSI B16.3
Steel	
Factory-made Threaded Fittings Class 150 and 300	ANSI B16.9
Buttwelding ends for Pipe, Valves Flanges and Fittings	ANSI B16.25
Spec. for Piping Fittings of Wrought Carbon Steel and Alloy Steel for Moderate and Elevated Temperatures	ASTM A234
Pipe Flanges and Flanged Fittings, Steel Nickel Alloy and Other Special Alloys	ANSI B16.5
Forged Steel Fittings, Socket Welded and Threaded	ANSI B16.11
Copper	
Wrought Copper and Copper Alloy- Solder-Joint Pressure Fittings	ANSI B16.22
Cast Copper Alloy Solder-joint Pressure fittings	ANSI B16.18
Plastic Fittings for CPVC Pipe	ASTM F437 ASTM F438 ASTM F439 ASTM F442
Plastic Fittings for Polybutylene tube	ASTM D 3309

((12)) (11) EXCEPTION: In the case of conflict between the ventilation requirements of sections 605, section 705, section 905 and section 1205 of this code and the ventilation requirements of chapter 51-12 WAC, the Washington State Energy Code, or where applicable, a local jurisdiction's energy code, the provisions of such energy codes shall govern.

AMENDATORY SECTION (Amending Orders 88-11 and 88-11A, filed 12/1/88 and 5/23/89, effective 7/1/89)

WAC 51-16-050 UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS. The 1988 edition of the Uniform Fire Code and the 1988 edition of the Uniform Fire Code Standards published by the International Conference of Building Officials, and the Western Fire Chiefs Association is hereby adopted by reference.

((11)) Section 10.306(h) of the Uniform Fire Code is hereby amended to read as follows:

(h) Group R Division 1 Occupancies. An automatic sprinkler system shall be installed throughout every apartment house three or more stories in height or containing more than 15 dwelling units and every hotel three or more stories in height or containing 20 or more guest rooms. Residential or quick response standard sprinkler heads shall be used in the dwelling unit and guest room portions of the building. The sprinkler system shall comply with the requirements of Washington State Building Code Standard No. 38-3W.

~~((2)) Article 80 of the 1988 edition of the Uniform Fire Code is hereby not adopted and Article 80 of the 1985 edition of the Uniform Fire Code is hereby adopted in its place.~~

~~The changes made between the 1985 edition of the Uniform Fire Code and the 1988 edition of the Uniform Fire Code for the purposes of integrating Article 80 into other sections of the 1988 edition of the Uniform Fire Code are also not adopted.~~

~~The sections and tables listed below contain changes to the 1988 edition of the Uniform Fire Code made for this purpose:~~

~~Standards:~~

~~Sec. 2.304 (b), page 9~~

~~Permits:~~

~~Sec. 4.108~~

- ~~c.6. Compressed Gases, page 15~~
- ~~h.1. Hazardous materials, page 16 & 17~~
- ~~h.2. Highly toxic pesticides, page 18~~

~~Definitions:~~

~~Sec. 9.105~~

- ~~CFR, page 23~~
- ~~Carcinogen, page 23~~

~~Sec. 9.117:~~

- ~~Group II Occupancies, pages 36 & 37~~
- ~~Organic Peroxide, page 39~~
- ~~Oxidizer, page 39~~

~~Sec. 9.118:~~

- ~~Peroxide-Forming Chemical, page 39~~
- ~~Primary Containment, page 40~~
- ~~Proprietary Information, page 40~~
- ~~Pyrophoric, page 40~~

~~Sec. 9.121:~~

- ~~Secondary Containment, page 41~~
- ~~Segregated Storage, page 41~~
- ~~Sensitizer, page 41~~

~~Sec. 9.122:~~

- ~~Toxic Material, page 43~~

~~Sec. 9.123:~~

- ~~Unauthorized Discharge, page 44~~
- ~~Unstable (Reactive) Liquid, page 44~~

~~Sec. 9.125:~~

- ~~Water-Reactive Materials, page 45~~

~~Appendices:~~

- ~~H-E Hazardous Materials Management Plan & Hazardous Materials Inventory Statement, page 415~~
- ~~VI-A Hazardous Materials Classifications, page 436))~~

Chapter 51-18 WAC
WASHINGTON STATE WATER CONSERVATION PERFORMANCE STANDARDS

WAC

- 51-18-010 Declaration of purpose.
- 51-18-020 Application.
- 51-18-030 Water efficiency standards.
- 51-18-040 Exceptions.
- 51-18-050 Implementation.

NEW SECTION

WAC 51-18-010 DECLARATION OF PURPOSE. The purpose of this chapter shall be to implement water conservation performance standards in accordance with section 8, chapter 348, Laws of 1989.

NEW SECTION

WAC 51-18-020 APPLICATION. This chapter shall apply to all new construction and all remodeling involving replacement of plumbing fixtures in all residential, hotel, motel, school, industrial, commercial use, or other occupancies determined by the council to use significant quantities of water.

NEW SECTION

WAC 51-18-030 WATER EFFICIENCY STANDARDS. (1) Standards for waterclosets. The guideline for maximum water use allowed in gallons per flush (gpf) for any of the following waterclosets is the following:

- Tank-type toilets 3.5 gpf
- Flushometer-valve toilets 3.5 gpf
- Flushometer-tank toilets 3.5 gpf
- Electromechanical hydraulic toilets 3.5 gpf

(2) Standard for urinals. The guideline for maximum water use allowed for any urinal is 3.0 gallons per flush.

(3) Standard for showerheads. The guideline for maximum water use allowed for any showerhead is 3.0 gallons per minute.

(4) Standards for faucets. The guideline for maximum water use allowed in gallons per minute (gpm) for any of the following faucets and replacement aerators is the following:

- Bathroom faucets 3.0 gpm
- Lavatory faucets 3.0 gpm
- Kitchen faucets 3.0 gpm
- Replacement aerators 3.0 gpm

(5) No urinal or watercloset that operates on a continuous flow or continuous flush basis shall be permitted.

NEW SECTION

WAC 51-18-040 EXCEPTIONS. Except where designed and installed for use by the physically handicapped, lavatory faucets located in restrooms intended for use by the general public must be equipped with a metering valve designed to close by spring or water pressure when left unattended (self-closing).

NEW SECTION

WAC 51-18-050 IMPLEMENTATION. The standards for water efficiency contained in WAC 51-18-030 shall be in effect as of July 1, 1990, as provided in section 8, chapter 348, Laws of 1989.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Updates chapter 390-16 WAC to incorporate amendments in SB 5167.

Proposal Changes the Following Existing Rules: See below.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on September 26, 1989, at 9 a.m.

Submit Written Comments to: Graham E. Johnson, by September 25, 1989.

Date of Intended Adoption: September 26, 1989.

August 23, 1989
Graham E. Johnson
Executive Director

WSR 89-17-139

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed August 23, 1989, 3:07 p.m.]

Original Notice.

Title of Rule: Chapter 390-16 WAC, Campaign finance reporting.

Purpose: Changes in the statute.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Revise campaign finance reporting procedures and forms.

Reasons Supporting Proposal: Changes to the statute.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Olympia, 753-1111.

Name of Proponent: Public Disclosure Commission, governmental.

NEW SECTION

WAC 390-16-012 FORMS—REGISTRATION STATEMENT FOR CANDIDATES. The official form for providing the statement of organization by candidates and candidate's committees, for designating a campaign treasurer and depository and for reporting information required to qualify for mini campaign finance reporting or abbreviated campaign finance reporting is designated "C-1", revised 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504. Any attachments shall be on 8-1/2" x 11" white paper.



REGISTRATION: CANDIDATES/CANDIDATE COMMITTEE

C1 (1/90) P M O A S R T K R E C E I V E D PDC OFFICE USE

Candidate's name (Do not abbreviate. Include candidate's full name)

Address

City

County

Zip

1. WHAT OFFICE ARE YOU RUNNING FOR? Office District, County or City Position No.

2. Political party (if partisan office)

3. Date of general or special election

4. How much do you plan to spend during your entire election campaign, including the primary and general elections? based on that estimate, choose one of the reporting options below.

If no box is checked you are obligated to use Option III, Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

Option I MINI REPORTING

I will limit contributions or expenditures during this campaign to my filing fee of \$... plus no more than \$500 which includes charges for the voters pamphlet. I will accept no contribution over \$200 from any single source.

Option II ABBREVIATED REPORTING

I will use the Abbreviated Reporting System. I will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor except from the candidate's personal funds.

Option III FULL REPORTING

I will use the Full Reporting System. I understand frequent, detailed reports are required.

5. Treasurer's name and address (Candidate may be treasurer.) (List deputy treasurers on attached sheet.)

Daytime phone no.

6. Committee's Principal Officers. List name, address and title.

7. Campaign Bank or Depository.

Branch

City

8. Related or affiliated political committees. List name, address and relationship.

9. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

Hours

10. Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.

CERTIFICATE:

I certify that this report is true and complete to the best of my knowledge

Candidate's signature

Date

Need campaign finance forms and instructions for the reporting system selected? Please check one of the following boxes:

- I already have forms and instructions.
I am using option 1 (mini) and do not need additional forms. (C-1 is the only report required.)
I will get forms and instructions from my county elections office.
I want the public disclosure commission to mail me the proper forms and instructions.

DISTRIBUTION OF THIS REPORT:

- ORIGINAL -- Public Disclosure Commission
COPY -- County Elections Dept. (Auditor)
COPY -- Your own records

NEW SECTION

WAC 390-16-032 FORMS—AUCTION REPORT. The official form for reporting items donated and sold at auctions, as required by RCW 42.17.090 (1)(b), is designated "Attachment Au", revised 1/90. This attachment shall accompany each C-3 which reports the receipt of funds from an auction. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington, 98504.

AUCTION REPORT

ATTACHMENT
TO C3

Au

Use this form as an attachment to C3 to report items donated and sold at auctions. Please see the reverse for an example of a report.

Candidate or committee name	Date auction was held
-----------------------------	-----------------------

Item No. description	Name and address	Fair market value	Sale price	Amount over fair market value	Total given by this person during campaign
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					
Contributor					
Buyer					

Cash receipts, this page
(Total, sale price column)

Total from attached pages

Total cash receipts
(Put this amount in part 1d of C3 report)

I certify that the information herein is true, correct and complete to the best of my knowledge.	
Treasurer's signature	Date

PDC C3Au (1/90) -1319-

See instructions on reverse

NEW SECTION

WAC 390-16-042 CONTINGENT LIABILITIES; REPORTING. A contractual contingent liability (e.g., an additional fee to be paid to a political consultant whose services are used by a candidate who wins the election) is reportable as a debt or obligation on form C-4, Schedule B, from the time the contract is signed until the liability is voided, paid or otherwise satisfied.

NEW SECTION

WAC 390-16-121 LAST MINUTE COMMITTEES. For purposes of compliance with WAC 390-16-115 and 390-16-120, a political committee organized within the last three weeks before an election and having the expectation of receiving contributions or making expenditures during and for that election, shall file the registration statement within three business days after its organization or when it first has the expectation of receiving contributions or making expenditures in the election campaign.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-011 FORMS—REGISTRATION STATEMENT FOR ((CANDIDATES AND)) POLITICAL COMMITTEES. The official form for providing the statement of organization by political committees, for designating a campaign treasurer and depository and for reporting information required to qualify for ((mini campaign finance reporting or)) abbreviated campaign finance reporting is designated "C-1pc", revised ((1/86)) 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

(1

PDC PUBLIC DISCLOSURE COMMISSION
TELEPHONE (206)753-1111
403 EVERGREEN PLAZA FJ-42
OLYMPIA, WASHINGTON 98504-3342

PDC FORM
C-1
REV 1/90

REGISTRATION
FOR CANDIDATES AND
POLITICAL COMMITTEES

INSTRUCTIONS

Please consult PDC instruction booklets or RCW 42.17 and WAC 390-16 when completing this report.

WHO MUST REPORT

Candidates who run for office in a district or city which has 5,000 or more registered voters or the office or district includes an entire county. Political committees which support or oppose those candidates. Committees which support or oppose a statewide ballot proposition or a ballot proposition in any town or district with 1000 or more registered voters must report.

WHEN TO REPORT

Starting registration _____ Within 2 weeks

When becoming a candidate, forming a committee, filing a ballot proposition. If you expect to receive contributions or make expenditures, publicly announce a candidacy, file for office, or reserve space or facilities you must report.

When changes to original C-1 occur _____ Within 10 days

Continuing committees using abbreviated reporting. Each January in addition to above

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza
Olympia, WA 98504

Send copies to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where headquarters is located

REPORTING OPTIONS:

Option I. (MINI) Used by candidates who anticipate a small campaign, spending no more than \$500 plus any filing fee for the office. The expenditure limit includes money spent by the candidate from personal funds. No one except the candidate may contribute more than \$200 to a campaign using mini reporting.

Option II. (ABBREVIATED) Used by candidates or committees who will spend no more than \$2,000 during a campaign or calendar year. The \$2,000 maximum includes the candidates own expenditures. No contribution may be over \$200 except a candidates own funds.

Option III. (FULL) Larger campaigns and committees report in detail contributions and expenses. There are no dollar limits on contributions or expenditures.

See instruction booklets for a full explanation of all reports required with each option.

OTHER REPORTS:

F-1 (financial affairs statement) Candidates file this report within two weeks of candidacy.

C-3 and C-3A (bank deposits) used with FULL reporting only.

C-4 (summary of total contributions and expenditures) Not used with MINI reporting. See PDC instruction booklets for times required with ABBREVIATED and FULL Reporting.

FAIR CAMPAIGN PRACTICES CODE

This is a voluntary code adopted by PDC to guide candidates and committees concerning fair campaign practices. You are urged to subscribe to and abide by these ethical standards. The codes are printed in PDC instruction booklets.

C-1 BACK (rev 1/90) -162-

11

REGISTRATION: CANDIDATES AND POLITICAL COMMITTEES

C1

P I M Date
D C
O F F
I C E
U S E

1 Candidate or Committee Name (Do Not Abbreviate. Include Candidate's Full Name)

Address

City

County

Zip

Recv. Date

2 Purpose of Committee

Office Sought

District, County or City

Position No.

Candidate's Committee

Political Party, Central Committee, District Club, etc.

YES

NO

If no, attach a list of candidates you support

Are you supporting entire party ticket?

Ballot Committee (Initiative, Bond, Levy, Recall, etc.)

Ballot Number

FOR

AGAINST

Name or description of ballot measure:

Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name:

Other, Explain on attached sheet.

3 Political Party (if partisan office or committee)

4 Date of General or Special Election

5 Is committee a continuing organization?

YES

NO

(more than one election)

6. REPORTING SYSTEM TO BE USED. CHOOSE ONE. If no box is checked, you are obligated to use Option III, Full Reporting.

Option I MINI REPORTING (For candidates only - Not available to political committees) I will limit contributions or expenditures during this campaign to my filing fee of \$ plus no more than \$500 which includes charges for the voters pamphlet. I will accept no contribution over \$200 from any single source.

Option II ABBREVIATED REPORTING (For candidates and political committees). I (this committee) will use the Abbreviated Reporting System. I (we) will limit aggregate contributions and aggregate expenditures to \$2,000 and will accept no contribution over \$200 from a single source except from the candidate's personal funds.

Option III FULL REPORTING (For candidates and political committees). I (this committee) will use the Full Reporting System.

7 Committee Treasurers Name. (Candidate may be treasurer.) (List deputy treasurers on attached sheet.)

Daytime Phone no.

Address

City

State

Zip

8. Committee's Principal Officers. List name, address and title.

9. Campaign Bank or Depository. (See instructions for additional bank or accounts.)

Account

Name

Address or Branch

City

State

Zip

10. Related or affiliated committees. List name, address and relationship.

11. Place where campaign records are open for public inspection last eight days before election. (Two hours daily between 8 AM - 8 PM Monday - Friday.)

Street Address (Do not use a Post Office Box Number)

Hours

12. Statement as to distribution of any surplus campaign funds after the campaign or in the event of dissolution of committee.

(Distribution must be reported as an expenditure on C-4 report.)

Return to contributors

Donate to registered charity

Hold for future election campaign

Give to other candidates or committee

Reimburse candidate for loans or lost earnings (substantiation must accompany C-4 which reports payment.)

Donate to State General Fund

Other, Specify:

13 Fair Campaign Practices: All candidates and committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.



14. CERTIFICATE: I certify that the above information is true, complete and correct.

Candidate's Signature

Date

Committee Treasurer's Signature

Date



**REGISTRATION:
POLITICAL COMMITTEES**

C1c (1/89)	PDC OFFICE USE
	P M O S T K R E C E I V E D

Committee Name (Show entire official name.)	Acronym	
---	---------	--

Address		
City	County	Zip

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION? <input type="checkbox"/> NEW: Complete all items in the registration <input type="checkbox"/> AMENDED: Supply the information below which has changed.	COMMITTEE STATUS <input type="checkbox"/> Continuing committee <input type="checkbox"/> 19____ election only
---	---

1. **COMMITTEES:** What is the purpose or description of the committee?

<input type="checkbox"/> Political Party, Central Committee, District Club, etc. Identify political party. If you are not supporting the entire party ticket, attach a list of the candidates you support.	Ballot Number	FOR	AGAINST
<input type="checkbox"/> Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Name or description of ballot measure:		<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name:			
<input type="checkbox"/> Other. Explain on attached sheet.			

2. Related or affiliated committees. List name, address and relationship.

3. **HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW.** (If the committee is a continuing organization, estimate spending on a calendar year.)

If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.

ABBREVIATED REPORTING
We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor.

FULL REPORTING
We will use the Full Reporting System. We understand this means we must file frequent, detailed reports required by law.

4. Treasurer's name and address (List deputy treasurers on attached sheet.)	Daytime phone no.
---	-------------------

5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository.

Branch	City
--------	------

7. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

Hours

8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.	CERTIFICATE: I certify that the above information is true, complete and correct to the best of my knowledge. Committee treasurer's signature _____ Date _____
--	--

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-031 FORMS FOR STATEMENT OF CONTRIBUTIONS DEPOSIT. The official form for statement of contributions deposit is designated "C-3", revised ((1/86)) 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

((

BANK DEPOSITS AND CASH RECEIPTS

C3 1/88

PDC OFFICE USE

P
A
R
T
K

R
E
C
E
I
V
E
D

Candidate or committee name (Do not abbreviate. Use candidate's full name.)

Address

City

County

Zip

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Date Received

Amount

Total contributions by this person during campaign or year

Please type or print clearly in ink.

Anonymous or unidentified

Candidate's personal funds

Small contributions not itemized and (optional) number of persons giving (persons)

Contributions and transfers from other candidates. Attach Schedule T

Contributor's Name Contributions \$25 or more (itemize)

Address, City, Zip

Sub-total

Amount from attached pages

Check here if additional pages are attached

2. LOANS, NOTES OR SECURITY AGREEMENTS RECEIVED

Enter total amount here and on attached page show the date of the agreement, creditor's name and address, the person or persons liable, and the nature of the agreement (e.g., interest, repayment terms.)

3. MISCELLANEOUS CASH RECEIPTS (INTEREST, REFUNDS, OTHER)

Enter total amount here and on attached page show the date of receipt, source of the money, address, and an explanation of the receipt.

4. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1, 2 and 3 above. Enter this amount in line 1, Schedule A to C4.

This report includes contributions deposited

on

(date)

in

(name of bank)

CERTIFICATE: I certify that the information herein is true, correct and complete.

Treasurer's Signature

Date

))

(C)

pdc PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA—FJ-42
 OLYMPIA, WASHINGTON 98504-3342
 PHONE: 206-753-1111

PDC FORM C-3 REV. 1/80	BANK DEPOSITS AND CASH RECEIPTS
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GENERAL INSTRUCTIONS

1. All contributions must be deposited in the campaign bank account.
2. Anonymous contributions (or those for which you do not have the contributor's name and address) are limited to the larger of \$300 or 1% of the total contributions in a calendar year. This restriction does not apply to funds raised through retail sales or gambling activities and reported on PDC form C-3A.
3. A candidate's contributions or loans to the campaign are reported on C-3 form. Out-of-pocket expenditures are shown on C-4 Schedule B.
4. Contributions less than \$25 need not be itemized if you keep the contributors name and address on a separate, private list in your campaign records. Any person who contributes a total of \$25 or more during the campaign must be itemized.
5. It is a violation of law for any person to make or for any candidate or political committee to accept from any one person contributions in the aggregate exceeding \$5,000 within 21 days of a general election.

WHO MUST REPORT

Treasurer of each candidate or committee who used FULL reporting option. Those who use MINI or ABBREVIATED reporting are not required to file this report.

WHEN TO DEPOSIT CONTRIBUTIONS

Deposit all contributions and cash receipts within five business days of receipt.

WHEN TO FILE C-3 REPORT

More than four months before general or special election (before July 1 for general elections)—each time C-4 report is filed.

Less than four months before general or special election (starting July 1 for general elections)—file C-3 the same day deposit is made.

CONTRIBUTIONS OVER \$500

Report any contribution over \$500 from a single source received within 7 days before a primary or within 21 days before a general election:

- a. report date received, amount, contributor's name and address.
- b. written report (C-3, telegram, mailgram) must be delivered to PDC within 48 hours or the first working day after you receive the contribution.
- c. telephone reports may be made—if the contribution is reported by telephone, written report must be postmarked within 48 hours or the first working day after you receive the contribution.

NOTE: Any committee, lobbyist or lobbyist's employer who makes a contribution over \$500 within 7 days before a primary or within 21 days before a general election must notify PDC and the recipient within 24 hours or the first working day after the contribution is made.

WHERE TO REPORT

Send original to:

Public Disclosure Commission
403 Evergreen Plaza —FJ-42
Olympia, WA 98504-3342

Send duplicate to:

County Elections Dept. (or County Auditor)
Candidates—County where candidate lives
Committees—County where committee head-
quarters is located

Please see PDC instruction booklet for full reporting or RCW 42.17 and WAC 390-16 for further information and examples of reporting various contributions. If you need assistance call or write PDC (telephone 206-753-1111).

57



CASH RECEIPTS
MONETARY CONTRIBUTIONS

C3
1/90

PDC OFFICE USE

POST RECEIVED

Candidate or committee name (Do not abbreviate. Use full name.)

Address

City

ZIP code

Office Sought (candidates)

1. MONETARY CONTRIBUTIONS DEPOSITED IN ACCOUNT

Table with 4 columns: Date Received, Description (a-e), Amount, Total given by this person during campaign or year.

2. CONTRIBUTION OVER \$25.00

Table with 5 columns: Date received, Contributor's Name, Address, City, Amount, Total given by this person during campaign or year.

Check here if additional pages are attached

Sub-total
Amount from attached pages

3. TOTAL FUNDS RECEIVED AND DEPOSITED OR CREDITED TO ACCOUNT

Sum of parts 1 and 2 above. Enter this amount in line 1, Schedule A to C4.

This report includes contributions deposited

on (date)

in (name of bank)

I certify that this report is true and complete to the best of my knowledge

Treasurer's Signature

Date

PDC form C-3 (rev. 1/90) -1499-

SEE INSTRUCTIONS ON REVERSE

AMENDATORY SECTION (Amending Order 86-05, filed 6/27/86)

WAC 390-16-033 EARMARKED CONTRIBUTIONS—REPORTING; FORM. The official form for reporting the details surrounding an earmarked contribution, as required by ((Section 3, Chapter 228, Laws of 1986,)) RCW 42.17.125, is designated "Attachment E", revised 1/90. This attachment shall accompany each C-3 or C-4 which reports the receipt or giving of the contribution. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

EARMARKED CONTRIBUTION

ATTACHMENT E
 TO C-3
 OR C-4

1. NAME OF CANDIDATE OR COMMITTEE FILING THIS REPORT

ADDRESS

CITY COUNTY ZIP

2. PERSON FILING THIS REPORT IS:

INTERMEDIARY—RECEIVED AN EARMARKED CONTRIBUTION TO BENEFIT ANOTHER PERSON

BENEFITTED—CANDIDATE OR COMMITTEE

3. ORIGINAL SOURCE OF EARMARKED CONTRIBUTION:

NAME

ADDRESS

CITY COUNTY ZIP

DATE OF CONTRIBUTION:

AMOUNT/VALUE: \$

CASH

IN-KIND—DESCRIBE:

4. INTERMEDIARY—Candidate or committee which received an earmarked contribution for the benefit of another candidate or committee.

NAME

ADDRESS

CITY COUNTY ZIP

5. HOW WILL INTERMEDIARY USE THIS CONTRIBUTION?

GIVEN AS CASH (OR CHECK) CONTRIBUTION TO THE BENEFITTED CANDIDATE OR COMMITTEE

COMBINED WITH OTHER FUNDS ON HAND AND GIVEN TO THE BENEFITTED CANDIDATE OR COMMITTEE

DIVIDED BETWEEN SEVERAL CANDIDATES. ATTACH LIST SHOWING AMOUNT TO EACH.

USED TO PURCHASE GOODS OR SERVICES FOR THE BENEFITTED CANDIDATE OR COMMITTEE. DESCRIBE THE GOODS OR SERVICES:

OTHER—SPECIFY:

6. CANDIDATE OR COMMITTEE TO BE BENEFITTED

NAME

ADDRESS

CITY COUNTY ZIP

IF CANDIDATE, WHAT OFFICE IS THE PERSON RUNNING FOR?

CERTIFICATION: I certify that the information herein and on accompanying attachments is true.

Candidate's Signature	Date	Treasurer's Signature (if a political committee)	Date
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INSTRUCTIONS:

PURPOSE OF THIS REPORT IS TO HIGHLIGHT AN EARMARKED CONTRIBUTION (A CONTRIBUTION GIVEN TO ONE CANDIDATE OR COMMITTEE WITH THE INTENT OR INSTRUCTION THAT IT BE USED TO BENEFIT ANOTHER). THIS REPORT IS FILED IN ADDITION TO ANY OTHER REPORTING OF THE TRANSACTION THAT IS REQUIRED.

WHO FILES THIS REPORT? ANY CANDIDATE OR COMMITTEE WHO RECEIVES OR IS TO BENEFIT FROM AN EARMARKED CONTRIBUTION. WHEN IS THE REPORT FILED?

CASH CONTRIBUTION RECEIVED—ATTACHED TO C-3 FORM REPORTING RECEIPT.
IN-KIND CONTRIBUTION RECEIVED—WITH C-4 AND SCHEDULE B REPORTING RECEIPT.

CASH EXPENDITURE MADE WITH OR FROM EARMARKED FUNDS—ATTACHED TO C-4 AND SCHEDULE A REPORTING THE EXPENDITURE
IN-KIND EXPENDITURE MADE WITH OR FROM EARMARKED CONTRIBUTIONS—ATTACHED TO C-4 AND SCHEDULE B REPORTING THE EXPENDITURE.

FILE A SEPARATE ATTACHMENT E FOR EACH EARMARKED CONTRIBUTION.

ANY PERSON WHO RECEIVES AN EARMARKED CONTRIBUTION MUST NOTIFY THE BENEFITTED CANDIDATE OR COMMITTEE WITHIN TWO WORKING DAYS. THE CANDIDATE OR COMMITTEE TO BENEFIT WILL REPORT THE CONTRIBUTION ON THE NEXT C-3 OR C-4 AND ATTACH THIS REPORT.



EARMARKED CONTRIBUTION

SPECIAL REPORT E

RECEIVED BOARD PDC	PDC OFFICE USE

1. Name of committee filing this report (Candidate or committee which received a contribution earmarked for another.)

Address

City County Zip

2. Original source of earmarked contribution

Name

Address

City State Zip

3. Contribution Date Amount/Value Description (Fully describe in kind contributions)

4. Name of candidate or committee to be benefited

Address

City County Zip

If candidate, what office is the person seeking? _____

5. Certification: I certify that the information contained herein is true, complete and correct to the best of my knowledge.

Treasurer's signature _____ Date _____

Instructions:

The purpose of this report is to highlight receipt of an earmarked contribution. (That is, a contribution given to one candidate or political committee with the understanding, intent or instruction that it be used to benefit another candidate or committee.) This report is filed in addition to any other required reporting of the transaction.

A separate "Special Report E" is filed for each earmarked contribution received by any candidate or political committee.

File this report within two working days of receiving the earmarked contribution. Mail or deliver the original to PDC. Send a copy to the benefiting candidate or committee, also within two working days.

Note: Candidates or committees for whom the earmarked contribution is ultimately intended report the contribution when they actually receive it. Such candidates and committees will use form C-3 or Schedule B to the C-4 to show receipt of the contribution. See PDC instruction manual for examples and more information.

PUBLIC DISCLOSURE COMMISSION

403 Evergreen Plaza, Mail Stop Fj-42 • Olympia, Washington 98504-3342 • (206) 753-1111

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

AMENDATORY SECTION (Amending Order 86-02, filed 3/26/86)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. (1) The official form for reports of contributions and expenditures by candidates and political committees who use the "full" reporting option is designated "C-4", revised ((1/86)) 1/90, and includes Schedule A, revised ((1/86)) 1/90, Schedule B, revised ((1/86)) 1/90, Schedule C, revised ((1/86)) 1/90, and Schedule ((F)) L, revised ((8/83)) 1/90.

(2) The official form for reports of contributions and expenditures by candidates for the state legislature or state executive office and who

use the "full" reporting option is designated C-4, revised 1/90, and includes form C4s, revised 1/90, Schedule A-s/1, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(3) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designed "C-4abb", revised 1/90.

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

CONTRIBUTION AND EXPENDITURE SUMMARY

C4	P M Date
	OFFICE
	USE
	Recv. Date

Candidate or Committee Name (Do not abbreviate. Include candidate's full name) _____

Address _____

City _____ County _____ Zip _____

Report Period Covered	From: (last C-4)	To: (end of period)	Funds on hand at start of this report period:	Checking and Potty Cash	Savings, Other
			\$	\$	\$

RECEIPTS		This Report Period	Total for Campaign or Year
1. Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet)			
2. Cash received during this reporting period (From line 3, Schedule A)			
3. In kind contributions received during this reporting period (From line 1, Schedule B)			
4. Total cash and in kind contributions received (Line 2 plus 3)			
5. Loan repayments made during this period (From line 5, Schedule A)	(-)		
6. Corrections (From line 1 or 4 Schedule C) Show + or (-)	(-)		
7. Net contributions this period (Combine lines 4, 5, & 6) Show + or (-)			+
8. Total cash and in kind contributions during campaign (Total lines 1 & 7)			(-)
9. Total pledge payments due (From line 4, Schedule B)			

EXPENDITURES		This Report Period	Total for Campaign or Year
10. Previous cash and in kind expenditures (From line 16, last C-4)			
11. Total cash expenditures during this reporting period (From line 4, Schedule A)			
12. In kind expenditures (goods & services) during this reporting period (From line 1, Schedule B)			
13. Total cash and in kind expenditures made (Line 11 plus line 12)			
14. Corrections (From line 2 or 4, Schedule C) Show + or (-)	(-)		
15. Net expenditures this period (Combine lines 13 & 14) Show + or (-)			+
16. Total cash and in kind expenditures during campaign (Total lines 10 and 15)			(-)
17. Orders placed but not yet paid (From line 3, Schedule B)			
18. Pledges made to other candidates or committees but not yet paid (From line 5, Schedule B)			

ELECTION RESULTS: Candidates please complete this section for reports filed after primary or general elections		RECAPITULATION	
PRIMARY	GENERAL	19. Cash balance to date (Subtract line 16 from line 8)	
<input type="checkbox"/> Won	<input type="checkbox"/> Won	20. Total loans owed	
<input type="checkbox"/> Lost	<input type="checkbox"/> Lost	21. Total unpaid orders and outstanding bills	
<input type="checkbox"/> Unopposed	<input type="checkbox"/> Unopposed	22. Total debts and liabilities (Line 20 plus line 21) (-)	
<input type="checkbox"/> Did not run	<input type="checkbox"/> Did not run	23. Surplus or deficit (Subtract line 22 from line 19)	

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true.

Candidate's Signature _____ Date _____ Treasurer's Signature (if a political committee) _____ Date _____

PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

PDC FORM
C-4
Rev. 3/88

CONTRIBUTION AND EXPENDITURE SUMMARY

INSTRUCTIONS

(1982 amendments are incorporated)

Please consult PDC instruction book or RCW 42.17 and WAC 390-16 when completing this report. If you have questions, write or telephone PDC (phone 206-753-1111).

WHO MUST REPORT:

Each candidate or political committee which receives contributions or makes expenditures in an election campaign. This report is not required by candidates who use the MINI reporting option.

WHEN TO SEND C-4 REPORTS:

	ABBREVIATED REPORTING	FULL REPORTING
Day C-1 registration is filed if contributions have been received or expenditures made.	No	Yes
Tenth of each month if contributions received or expenditures were over \$200 made since last C-4 report was filed.	No	Yes
<i>Tenth of month report is not required if another C-4 is required to be filed during that month</i>		
For each election (Primary, general or special election) in which the candidate or committee will make an expenditure:		
21 days prior to each election	No	Yes
7 days prior to each election	No	Yes
21 days after each election	Yes	Yes
<small>* Not required after primary from candidates who will be in the general election or from continuing committees.</small>		
By January 31 (Continuing committees which use Abbreviated Reporting).	Yes	No
Final report. When campaign is finished or committee closes operation. This is often the same as 21 days after the election.	Yes	Yes

SCHEDULES AND ATTACHMENTS (FULL REPORTING ONLY):

The C-4 report is a summary page. Schedules A, B, C and T as appropriate must be attached to support financial information on the C-4. Also, copies of C-3 and C-3A reports must be attached if they have not previously been filed with PDC and the county election office.

WHERE TO SEND REPORTS:

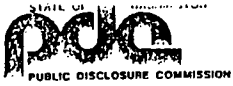
Send original to:
Public Disclosure Commission
403 Evergreen Plaza—FJ-42
Olympia, WA 98504

Send duplicate to:
County Election Dept. (or County Auditor)
where candidate lives

Political committees sent to county where headquarters is located

OTHER REPORTS REQUIRED:

- C-1 (registration statement) is used to register candidates and committee.
- C-3 (contribution report) is used to list campaign contributors.
- F-1 (financial affairs statement) is filed by candidates (not required from other committees).



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURE

C4	PDC OFFICE USE.
	P M O N I T O R R E C E I V E D

Candidate or committee name (Do not abbreviate. Include full name): _____

Address: _____

City: _____ County: _____ Zip: _____

Report Period Covered	From: (last C-4)	To: (end of period)	This report period	Total for campaign or year
-----------------------	------------------	---------------------	--------------------	----------------------------

RECEIPTS

- Previous total cash and in kind contributions (From line 8, last C-4) (If beginning a new campaign or calendar year, see instruction booklet) _____
- Cash received (From line 2, Schedule A) _____
- In kind contributions received (From line 1, Schedule B) _____
- Total cash and in kind contributions received (Line 2 plus 3) _____
- Loan principal repayments made (From line 2, Schedule L) _____ ()
- Corrections (From line 1 or 3, Schedule C) Show + or (-) _____
- Net contributions this period (Combine lines 4, 5, & 6) Show + or (-) _____
- Total cash and in kind contributions during campaign (Total lines 1 & 7) _____
- Total pledge payments due (From line 2, Schedule D) _____ ()

EXPENDITURES

- Previous total cash and in kind expenditures (From line 17, last C-4) (If beginning a new campaign or calendar year, see instruction booklet) _____
- Total cash expenditures (From line 4, Schedule A) _____
- In kind expenditures (goods & services) (From line 1, Schedule D) _____
- Total cash and in kind expenditures made (Line 11 plus line 12) _____
- Loan principal repayments made (From line 2, Schedule L) _____ ()
- Corrections (From line 2 or 3, Schedule C) Show + or (-) _____
- Net expenditures this period (Combine lines 13, 14 & 15) Show + or (-) _____
- Total cash and in kind expenditures during campaign (Total lines 10 and 10) _____

CANDIDATES

Please complete:

	Won	Lost	Unopposed	Name not on ballot
Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

CASH SUMMARY

- Funds on hand at start of period (include all accounts, savings) _____
- Cash receipts this period _____
- Disbursements this period _____ ()
- Funds on hand at close of period _____
- Liabilities: ^{Sum of} Loans and debts owed _____ ()
- Surplus or deficit: (Subtract line 22 from line 21) _____

CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true to the best of my knowledge.

Candidate's Signature	Date	Treasurer's Signature (if a political committee)	Date
-----------------------	------	--	------

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A to C4

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3 or C3A. List each deposit made since last C4 report was submitted.						
Date of Deposit	Type Report (C3 or C3A)	Amount	Date of Deposit	Type Report (C3 or C3A)	Amount	Total Deposits
2. MISCELLANEOUS CASH RECEIPTS not reported on C3 or C3A.						Amount
Date Received	Source: Name, Address and Explanation of Receipt					
3. TOTAL RECEIPTS					Sum of parts 1 and 2 above Enter also on line 2 of C4	
4. CASH EXPENDITURES						Amount

SHOW TOTAL EXPENDITURES EACH UNDER \$50 NOT ITEMIZED:

ITEMIZE EACH EXPENDITURE OF \$50 OR MORE BELOW:

Date of Payment	Name and address of recipient or vendor paid. If payment was made to an advertising agency or thru an agent, list advertiser, newspaper, station or other vendor who supplied goods or services. You may attach a copy of agency order or bill.	Purpose of expenditure Be as specific as possible. If expenditure was to support or oppose a candidate or ballot measure, list name of person or measure. Show whether supported or opposed

Check here if continued on attached sheet

Transfer of funds. If this report is for a candidate or candidate's committee and funds have been given or paid to another candidate or candidate's committee, enter amount transferred. Also complete Schedule T.

Total from attached pages
Total transfers of funds (Attach Sched. T)
Total Cash Expenditures
Enter also on Line 11 of C4

5. LOAN REPAYMENTS MADE			
Date	Name	Address	Amount

Total Loan Payments this Reporting Period
Enter as an Adjustment to Contributions on Line 5 of C4

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Table with 7 columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4

3. CASH EXPENDITURES. List all expenses since last C-4 report was filed.

- a. Total expenditures each \$50 or less not itemized below (including petty cash)
b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Table with 3 columns: Date paid, Name and address of recipient or vendor paid, Purpose of expenditure

Check here [] if continued on attached sheet

Total from attached pages

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4

PJC form C-4A (rev. 12/90) 1499

**IN KIND CONTRIBUTIONS and EXPENDITURES,
PLEDGES and ORDERS PLACED**

**SCHEDULE
to C4 B**

Candidate or Committee Name (Do not abbreviate. Use candidate's full name)

1. In kind contributions received and expended (goods, services, discounts, etc.)

Date received	Contributor's name and nature of contribution	Address, City, Zip	Fair market value	Total contributions by this person during campaign or year
TOTAL			_____	
Enter also on line 3 and line 12 of C4				

2. In kind expenditures made to other candidates and committees

Date	Recipient	Address, City, Zip	Fair market value	
Note: Amounts in this section are not carried forward to C4 report				

3. New orders placed (but not yet paid)

Date	Recipient	Address, City, Zip	Amount	Purpose
TOTAL (Include new orders above and all other orders and unpaid bills.)			_____	
Enter also on lines 17 and 21 of C4				

4. Pledges received but not yet paid

Date you were notified of pledge	Name of person (including organizations) making pledge	Address, City, Zip	Amount	Total contributions by this person during campaign or year
TOTAL (Include new pledges above and all other outstanding pledges.)			_____	
Enter also on line 9 of C4				

5. Pledges made to other candidates and committees (but not yet paid)

Date Made	Recipient	Address, City, Zip	Amount	
TOTAL			_____	
Enter total on line 18 of C4				

CONTRIBUTIONS OVER \$5,000 (cash or inkind)

IT IS A VIOLATION OF LAW FOR ANY PERSON TO MAKE OR FOR ANY CANDIDATE OR POLITICAL COMMITTEE TO ACCEPT FROM ANY ONE PERSON CONTRIBUTIONS IN THE AGGREGATE EXCEEDING \$5,000 WITHIN 21 DAYS OF A GENERAL ELECTION.

CONTRIBUTIONS OVER \$500 (cash or inkind)—SPECIAL REPORTS

A SEPARATE, SPECIAL REPORT MUST BE MADE FOR EVERY CONTRIBUTION OF OVER \$500 RECEIVED WITHIN 7 DAYS OF A PRIMARY ELECTION OR 21 DAYS OF A GENERAL ELECTION.

THE REPORT MUST BE IN WRITING (C-3, LETTER, TELEGRAM, MAILGRAM) AND RECEIVED BY PDC WITHIN 48 HOURS OR THE FIRST WORKING DAY AFTER RECEIPT OR NOTIFICATION OF THE CONTRIBUTION. THE REPORT MUST INCLUDE THE NAME OF THE RECIPIENT, DATE RECEIVED, AMOUNT, AND CONTRIBUTOR'S NAME AND ADDRESS.

THE REPORT MAY BE MADE BY TELEPHONE TO THE PDC WITHIN THE REQUIRED TIME, IF THE WRITTEN REPORT IS POSTMARKED WITHIN THE REQUIRED TIME ALSO.

NOTE: ANY COMMITTEE, LOBBYIST OR LOBBYIST'S EMPLOYER WHO MAKES A CONTRIBUTION OVER \$500 WITHIN 7 DAYS BEFORE A PRIMARY OR WITHIN 21 DAYS BEFORE A GENERAL ELECTION MUST NOTIFY PDC AND THE RECIPIENT WITHIN 24 HOURS OR THE FIRST WORKING DAY AFTER THE CONTRIBUTION IS MADE.

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS,
DEBTS, OBLIGATIONS**

SCHEDULE B
to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)				
Date received	Contributor's name and address	Description of contribution	Fair market value	Total given by this person during campaign or year
TOTAL			_____	
Enter also on line 3 and line 12 of C4				
2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.				
Date you were notified of pledge	Name and address of person (including organizations) making pledge		Amount	Total given by this person during campaign or year
TOTAL (Include new pledges above and all other outstanding pledges.)			_____	
Enter also on line 9 of C4				
3. ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)				
n. List each debt, obligation or estimated expenditure which is more than \$250.00.				
h. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.				
Expenditure date	Vendor's/Recipient's name and address		Amount owed	Purpose of expenditure
TOTAL			_____	
Enter also on line 22 of C4				

CORRECTIONS

SCHEDULE C
to C4

Candidate or Committee Name (Do not abbreviate. Use candidate's full name.)

Date

1. Corrections to cash or in kind contributions previously reported on C4 Schedule A, C3 or C3A.

Date of Report	Name of Contributor or Description of Correction	Amount Reported	Corrected Amount	Difference (+ or -)
		Total Corrections to Contributions Enter here and on line 6 of C4. Show + or (-).		

2. Corrections to cash or in kind expenditures previously reported

Date of Report	Name of Vendor or Description of Correction	Amount Reported	Corrected Amount	Difference (+ or -)
		Total Corrections to Expenditures Enter here and on line 14 of C4. Show + or (-).		

3. Loans forgiven. Loans listed below and previously reported on C3 reports have been forgiven in whole or part and should now be considered as cash or in kind contributions to that extent.

Date of Loan	Name of Creditor	Original Amount	Amount Repaid	Amount Forgiven
				TOTAL
				Line 20 of C4 should be reduced by the total amount reported here.

4. Refunds. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report (line 4).

Date of Refund	Source/Person Making Refund	Amount of Refund
		TOTAL Enter as (-) on line 6 & line 14 of C4.

CORRECTIONS

SCHEDULE C
to C4

Candidate or committee name (Do not abbreviate. Use full name.)				Date
1. CONTRIBUTIONS AND RECEIPTS (Include Mathematical corrections)				
Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
Total corrections to contributions Enter on line 8 of C4. Show + or (-).				
2. EXPENDITURES (Include Mathematical corrections)				
Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
Total corrections to expenditures Enter on line 15 of C4. Show + or (-).				
3. REFUNDS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, line 1d.				
Date of refund	Source/person making refund		Amount of refund	
Total refunds Enter as (-) on line 8 & line 15 of C4.				

PDC form C4C (rev. 1/80) 1318

TRANSFER OF FUNDS

SCHEDULE
to C4

T

CANDIDATE OR COMMITTEE NAME

TO BE USED BY CANDIDATES OR CANDIDATE'S COMMITTEE WHICH RECEIVES FUNDS FROM OR TRANSFERS FUNDS TO ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE.

RECEIPTS

INCLUDE ALL FUNDS RECEIVED FROM ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE. BE SURE THAT FUNDS REPORTED HERE ARE DEPOSITED IN YOUR CAMPAIGN BANK ACCOUNT AND THAT DEPOSIT IS REPORTED ON FORM C-3.

DATE RECEIVED	CONTRIBUTOR'S NAME	ADDRESS, CITY, ZIP	AMOUNT	TOTAL CONTRIBUTED

EXPENDITURES

INCLUDE ALL FUNDS TRANSFERRED TO ANOTHER CANDIDATE OR CANDIDATE'S COMMITTEE. BE SURE THAT FUNDS REPORTED HERE ARE ALSO REPORTED AS AN EXPENDITURE IN ITEM 4, SCHEDULE A TO C-4.

DATE OF PAYMENT	CANDIDATES TO WHOM FUNDS WERE GIVEN	AMOUNT

LOANS

See instructions and examples on reverse

SCHEDULE
TO C3
OR C4

L
(1/90)

Candidate or committee name

1. LOAN RECEIVED. (Use separate Schedule L for each loan received.)

Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due

Also include this amount on line 1c, C3 report

Name and address of each endorser, co-signor, guarantor or other person liable for the loan:

2. LOAN PAYMENTS.

Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed
		Total Principal Paid (Enter also on lines 5 and 14, C-4 report) →			
				Total Payments → (Enter as an expenditure on Schedule A)	

3. LOAN FORGIVEN.

Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed

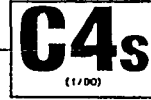
4. LOANS STILL OWED. List each loan which has previously been reported and still has a balance due.

Loan date	Lender's name and address	Original amount	Principal repaid	Amount owed
				Total Loans Owed (Include in total on line 22, C-4 report) ←

DETAILED EXPENDITURE SUMMARY

State executive and legislative candidates only.

Candidate Name (Do not abbreviate. Include full name).



INSTRUCTIONS: State executive and legislative candidates are required to provide additional detail about the purpose of expenditures from their campaign funds. Using information from the Schedule A-8/1 report and your campaign financial records, provide the information below. Attach this report to each C4 report filed.

1. EXPENDITURES FOR YOUR OWN CAMPAIGN

- a. Expenditures previously reported (from line 1c, last C4s)
- b. Campaign spending during this report period
- c. Total campaign expenditures (1a + 1b)

2. CONTRIBUTIONS OR LOANS TO OTHER CANDIDATES OR COMMITTEES

- a. Previous contributions or loans still outstanding (from line 2d, last C4s)
- b. Loans repaid to your committee during this period .. ()
- c. Contributions or loans during this report period
- d. Total contributions or loans to others (2a-2b+2c)

3. OFFICE RELATED EXPENSES

- a. Previous office expenses (from line 3c, last C4s)
- b. Office related expenses this report period
- c. Total office related expenses (3a + 3b)

4. OTHER EXPENDITURES

- a. Other miscellaneous expenditures previously reported (from line 4c, last C4s)
- b. Other expenditures this report period
- c. Total other expenditures (4a + 4b)

5. TOTAL CASH EXPENDITURES (1c + 2d + 3c + 4c)

CASH RECEIPTS AND EXPENDITURES STATE EXECUTIVE AND LEGISLATIVE CANDIDATES

SCHEDULE A-S/L to C4 (1/89)

Candidate or committee name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Table with 4 columns: Date of deposit, Amount, Date of deposit, Amount, Date of deposit, Amount, Total deposits

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4

3. CASH EXPENDITURES FOR YOUR OWN ELECTION CAMPAIGN. List all expenses since last C-4 report was filed.

- a. Total expenditures each \$50 or less not itemized below (including petty cash)
b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Table with 3 columns: Date paid, Name and address of recipient or vendor paid, Purpose of expenditure

Check here [] if continued on attached sheet

Total from attached pages Total expenses 16 of Also enter on line C4s

c. Total election related expenditures

3d. NON-CAMPAIGN EXPENDITURES.

Provide information about expenditures, if any, from campaign funds which were not related to your own election/re-election campaign. Enter the total amount in each category spent this reporting period. Attach a separate page listing the date, recipient's name and mailing address, the purpose and amount of each expenditure. Also enter totals on lines 2c, 3b and 4b of form C4s.

- e. Contributions or loans to other candidates or political committees
f. Office related expenses (incumbents only)
g. All other non-campaign expenses

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4



**SUMMARY, ABBREVIATED REPORT
RECEIPTS AND EXPENDITURES**

ABB C4 (1/90)	PDC OFFICE USE
	P M A S T K R E C E I V E D

Candidate or committee name (Do not abbreviate. Include full name) _____

Address _____

City _____ County _____ Zip _____

- 1. PERIOD COVERED BY REPORT:** From: _____ to: _____
- a. Candidates: Start of campaign through general election
 - b. Ballot measure committees: Start of campaign through date of election
 - c. Other committees: Calendar year January 1 through December 31

2. RECEIPTS

- a. Cash on hand from previous campaign or year
(Include money in checking, savings and other accounts) _____
- b. Cash contributions received this campaign or year
(Include monetary contributions, loans, fund raising and cash contributions by a candidate) _____
- c. Total cash receipts (Add lines 2a + 2b) _____
- d. Other contributions, including in-kind
(Include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions) _____
- e. Total contributions (Add lines 2c + 2d) _____

3. EXPENSES

- a. Cash expenditures _____
- b. Other expenditures. (Enter the amount shown on line 2d above here.
Non-cash contributions are listed as both received and expended.
Disregard any materials which may remain on hand.) _____
- c. Total expenditures (Add lines 3a + 3b) _____

4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c) _____
- b. Debts and obligations owed _____
- c. Surplus or deficit _____

CANDIDATES		Won	Lost	Unopposed	Name not on ballot
<i>Please complete:</i>	Primary election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	General election	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

Candidate's signature _____	Date _____	Treasurer's signature (if a political committee) _____	Date _____
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Reviser's note: RCW 34.05.395 requires the use of underlining and deletion marks to indicate amendments to existing rules. The rule published above varies from its predecessor in certain respects not indicated by the use of these markings.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-050 FORMS FOR CONTRIBUTIONS AND EXPENDITURES OF POLITICAL COMMITTEES NOT DOMICILED IN WASHINGTON STATE. The official form for the report of contributions and expenditures of political committees not domiciled in Washington state or otherwise not required to report is designated "C-5", revised ((1/86)) 1/90. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8 1/2" x 11" white paper.

STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504-3342
PHONE: 206-753-1111

FORM
C-5
 REV. 1/86

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OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. NAME AND ADDRESS OF COMMITTEE MAKING CONTRIBUTION

2. CHECK APPROPRIATE BOX

THIS IS THE FIRST REPORT SUBMITTED DURING 19____

THIS SHOWS NEW EXPENDITURES, CONTRIBUTIONS OR INFORMATION CHANGED FROM REPORTS SUBMITTED PREVIOUSLY THIS CALENDAR YEAR.

3. THIS POLITICAL COMMITTEE IS IS NOT A CONTINUING ORGANIZATION

4. CANDIDATES IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING (if committee is supporting entire party ticket show only party name)

NAME	OFFICE SOUGHT	PARTY AFFILIATION

5. BALLOT PROPOSITION(S) IN WASHINGTON STATE THE COMMITTEE IS SUPPORTING OR OPPOSING

NAME OF PROPOSITION	BALLOT NUMBER	FOR OR AGAINST?

6. EXPLAIN PURPOSE OF COMMITTEE IF NOT OTHERWISE STATED

7. OFFICERS OR RESPONSIBLE LEADERS OF COMMITTEE

NAME AND ADDRESS	TITLE

8. CONTRIBUTIONS GIVEN OR EXPENDITURES MADE: LIST EACH CONTRIBUTION OF \$25 OR MORE AND EACH EXPENDITURE MADE BY THE COMMITTEE TO OR ON BEHALF OF ANY WASHINGTON STATE OR LOCAL CANDIDATE, BALLOT MEASURE OR POLITICAL COMMITTEE.

NAME AND ADDRESS OF RECIPIENT	DATE	AMOUNT	PURPOSE

CHECK HERE IF CONTINUED ON ATTACHED SHEET

TOTAL THIS REPORT \$

9. TOTAL REPORTABLE CONTRIBUTIONS AND EXPENDITURES MADE THIS CALENDAR YEAR \$

CAUTION: FAILURE TO REPORT TRANSACTIONS WITHIN TEN DAYS WILL CAUSE THE FUNDS TO FORFEIT TO THE STATE.

TO: CONTRIBUTIONS RECEIVED FROM WASHINGTON RESIDENTS: LIST ALL CONTRIBUTIONS OF \$25 OR MORE IN AGGREGATE TO THIS OUT OF STATE, FEDERAL OR OTHER COMMITTEE DURING THE CURRENT CALENDAR YEAR FROM WASHINGTON RESIDENTS OR CORPORATIONS WITH A PLACE OF BUSINESS IN WASHINGTON.

Table with 3 columns: NAME AND ADDRESS, DATE, AMOUNT. A large diagonal line is drawn across the table.

CHECK HERE [] IF CONTINUED ON ATTACHED SHEET

11. CERTIFICATION: I HEREBY CERTIFY UNDER PENALTY OF PERJURY THAT THE INFORMATION CONTAINED IN THIS REPORT IS TRUE AND CORRECT.

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A POLITICAL COMMITTEE NOT DOMICILED IN THE STATE OF WASHINGTON, A FEDERAL COMMITTEE OR OTHER COMMITTEE NOT REQUIRED TO REGISTER UNDER WASHINGTON LAW, WHICH HAS MADE CONTRIBUTIONS TO A STATE OR LOCAL CANDIDATE OR POLITICAL COMMITTEE IN WASHINGTON STATE. (THE REPORT MAY BE FILED BY THE RECIPIENT OF THE CONTRIBUTION IF THAT CANDIDATE OR COMMITTEE HAS ALL REQUIRED INFORMATION.)

SIGNATURE OF COMMITTEE OFFICIAL OR PERSON FILING REPORT

NAME

TITLE DATE

WHEN TO REPORT

WITHIN 10 DAYS AFTER EACH CONTRIBUTION. NOTE: SUBSEQUENT REPORTS MAY BE BY LETTER UPDATING OR AMENDING INFORMATION PREVIOUSLY REPORTED.

SEND REPORT TO

PUBLIC DISCLOSURE COMMISSION 403 EVERGREEN PLAZA, FJ-42 OLYMPIA, WA 98504-3342

ADDITIONAL REPORTS REQUIRED

WASHINGTON CANDIDATES OR COMMITTEES RECEIVING FUNDS MUST ALSO REPORT ON C-3 AND C-4 REPORTS.

VIOLATIONS AND PENALTIES

IT IS A VIOLATION OF LAW FOR ANY PERSON TO MAKE, OR FOR ANY CANDIDATE OR POLITICAL COMMITTEE TO ACCEPT FROM ANY ONE PERSON, CONTRIBUTIONS IN THE AGGREGATE EXCEEDING \$5,000 WITHIN 21 DAYS OF A GENERAL ELECTION.

FAILURE TO REPORT CONTRIBUTIONS AND FILE THE INFORMATION REQUIRED BY THIS REPORT WITHIN 10 DAYS AFTER THE WASHINGTON CANDIDATE OR COMMITTEE RECEIVES THE FUNDS WILL CAUSE THE FUNDS TO BE FORFEITED TO THE STATE.

FOR ADDITIONAL INFORMATION

CONTACT THE PUBLIC DISCLOSURE COMMISSION AT (206) 753-1111.



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
 403 EVERGREEN PLAZA—FJ-42
 OLYMPIA, WASHINGTON 98504-3342
 PHONE: 206-753-1111

FORM C5 1/90	PDC OFFICE USE P M O F I C E U S E
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OUT OF STATE OR FEDERAL COMMITTEE CONTRIBUTION TO WASHINGTON CANDIDATES OR COMMITTEES

1. Name and address of committee making contribution	2. Check appropriate box <input type="checkbox"/> This is the first report submitted during 19____ <input type="checkbox"/> This shows new expenditures, contributions or information changed from reports submitted previously this calendar year.
--	---

3. Explain briefly the purpose or affiliation of the committee. (e.g., A PAC of employees of XYZ Trade Assn., or the candidates committee of US Senator John Doe, or a PAC of members of the United Worker's Union.)

4. Officers or responsible leaders of committee	Title
Name and address	

5. Candidate contributions: List each Washington candidate for state or local office to whom you have made a contribution of more than \$50.00

Candidate's name	Office sought	Political party	Date	Amount given

6. Ballot measure committee contributions: List each Washington committee supporting or opposing a ballot measure to whom you have made a contribution of more than \$50.00.

Committee name and address	Ballot number	For or against?	Date	Amount given

7. Other contributions and expenditures: List each other contribution or expenditure of more than \$50.00 made to or on behalf of any Washington state or local candidate, ballot measure or political committee.

Recipient's name and address	Purpose	Date	Amount

Check here if continued on attached sheet

8. Total contributions and expenditures (Add parts 5, 6, 7) _____

CAUTION: Failure to report transactions within ten days will cause the funds to forfeit to the state.

9. **Contributions received from Washington residents:** List all contributions of more than \$25.00 in aggregate to this out of state, federal or other committee during the current calendar year from Washington residents or corporations with a place of business in Washington.

Name and address	Date	Amount
<p>Check here <input type="checkbox"/> if continued on attached sheet</p>		

10. **CERTIFICATION:** I certify the information contained in this report is true and correct to the best of my knowledge.

INSTRUCTIONS

(Statutory reference: RCW 42.17.090 (1)(K))

WHO MUST REPORT

A political committee not domiciled in the State of Washington, a federal committee or other committee not required to register under Washington law, which has made contributions to a state or local candidate or political committee in Washington state.

Signature of committee official or person filing report

WHEN TO REPORT

Within 10 days after making each contribution.
Note: Subsequent reports may be by letter updating or amending information previously reported.

Name

SEND REPORT TO

Public Disclosure Commission
403 Evergreen Plaza, FJ-42
Olympia, WA 98504-3342

Title Date

**BE SURE TO NOTIFY
EACH CANDIDATE
AND COMMITTEE
THAT YOU HAVE
FILED THIS REPORT**

VIOLATIONS AND PENALTIES

It is a violation of law for any person to make, or for any candidate or political committee to accept from any one person, contributions in the aggregate exceeding \$50,000 for any campaign for state-wide office or \$5,000 for any other campaign within 21 days of a general election.

Failure to report contributions and file the information required by this report within 10 days after the Washington candidate or committee receives the funds will cause the funds to be forfeited to the state.

FOR ADDITIONAL INFORMATION

Contact the Public Disclosure Commission at (206) 753-1111.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-055 FILING REPORTS FOR NONREPORTING COMMITTEES. (1) Each candidate or political committee receiving funds from a nonreporting committee as described in RCW 42.17.090 (1)(k), shall determine whether such committee has complied with that subsection. If the nonreporting committee has not filed the required report (~~and the information cannot be reported by the recipient of the contribution in a timely manner;~~) the funds shall not be forfeited or reportable as having been received if they are returned to the nonreporting committee (~~immediately~~) within three business days after receipt. Any retention or other action taken with such funds, if there is not a complete and timely report on file, shall result in the forfeiture of such funds to the state of Washington and shall be deemed a violation of chapter 42.17 RCW.

(2) Any subsequent report by a nonreporting committee (~~or recipient~~) of its contributions which is required by RCW 42.17.090 (1)(k) during the same calendar year may update its initial report by letter showing, in addition to its name and address, only reportable information which is new or changed since its last report.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-060 FORMS FOR REPORT OF INDEPENDENT EXPENDITURES. The official form for reports of independent expenditures as required by RCW 42.17.100 is designated "C-6," revised ((6/82)) 1/90. Copies of this form may be obtained at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8 1/2" x 11" white paper.



REPORT OF INDEPENDENT EXPENDITURES
TO THE STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
711 CAPITOL WAY
OLYMPIA, WASHINGTON 98504
PHONE: 206-753-1111

FILING FORM C-6 Rev. 8/82	TO BE FILED BY: PERSONS MAKING INDEPENDENT CAMPAIGN EXPENDITURES OF \$100 OR MORE IN AGGREGATE RCW 42.17.100(1)
--	--

THIS SPACE FOR OFFICE USE	
P.M. DATE	DATE RECEIVED

See completion instructions at bottom of page.

(Type or print clearly)

1. NAME AND ADDRESS OF PERSON MAKING EXPENDITURE	CHECK <input type="checkbox"/> One time report. I do not expect to make other independent expenditures. <input type="checkbox"/> I do expect to make other independent expenditures (See instructions) <input type="checkbox"/> Final report.	DATE PREPARED
--	--	---------------

2. NAME OF CANDIDATE OR BALLOT PROPOSITION SUPPORTED OR OPPOSED: CHECK SUPPORT OR OPPOSE

3a. LIST THE VALUE OF ALL INDEPENDENT EXPENDITURES MADE IF AGGREGATE IS \$100 OR MORE. ITEMIZE EXPENDITURES OF \$25 OR MORE MADE IN SUPPORT OR IN OPPOSITION TO ANY CANDIDATE OR BALLOT PROPOSITION DURING AN ELECTION CAMPAIGN. DO NOT INCLUDE MONETARY OR IN-KIND CONTRIBUTIONS MADE DIRECTLY TO A CANDIDATE OR POLITICAL COMMITTEE.

DATE	NAME AND ADDRESS OF ANY VENDOR OR RECIPIENT	DESCRIPTION OF EXPENDITURE (goods, services, or rights purchased or furnished)	AMOUNT OR VALUE (* see below)
Expenditures less than \$25 not itemized above			
TOTAL THIS REPORT PERIOD			\$

3b. TOTAL INDEPENDENT EXPENDITURES MADE DURING THIS ELECTION CAMPAIGN. INCLUDE EXPENDITURES SHOWN IN THIS REPORT AND PREVIOUSLY SUBMITTED REPORTS. \$

INSTRUCTIONS
(1982 amendments are incorporated)

WHO MUST REPORT:
Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

WHEN TO REPORT: When aggregate amount reaches:
less than \$100 — No report is required
\$100 or more (or value cannot be estimated) — Within 5 days
if additional expenditures made — * 10th of month preceding election in which other reports are not required.
* 21 days prior to election
* 7 days prior to election
* 21 days after election

*Required only when expenditures have been made since last report was submitted.

WHERE TO REPORT:
Copy #1 — Public Disclosure Commission, 403 Evergreen Plaza — FJ-42
Olympia, WA 98504
Copy #2 — County Auditor of candidate. For ballot propositions with county auditor of person filing this report.

AMOUNT OR VALUE

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

CERTIFICATION: I hereby certify that the above is a true, complete and correct statement.

SIGNATURE OF PERSON MAKING EXPENDITURES

NAME

TITLE



STATE OF WASHINGTON
PUBLIC DISCLOSURE COMMISSION
403 EVERGREEN PLAZA—FJ-42
OLYMPIA, WASHINGTON 98504-3342
PHONE: 206-753-1111

FORM
C6
1/90

THIS SPACE FOR OFFICE USE
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INDEPENDENT CAMPAIGN EXPENDITURES
\$100.00 OR MORE

1. Name and address of person making expenditure

- 2. Check appropriate box
One time report. I do not expect to make other independent expenditures.
I do expect to make other independent expenditures (See instructions)
Final report.

2. Name of candidate or ballot proposition supported or opposed: check support or oppose

3a. List the value of all independent expenditures made if aggregate is \$100 or more. Itemize expenditures of more than \$50 made in support or in opposition to any candidate or ballot proposition during an election campaign. Do not include monetary or in-kind contributions made directly to a candidate or political committee.

Table with 4 columns: Date, Name and address of vendor or recipient, Description of expenditure (goods, services, or rights purchased or furnished), Amount or value (use below). Includes summary rows for Expenditures \$50 or less not itemized above, Total this report period, and Total independent expenditures made during this election campaign.

INSTRUCTIONS

WHO MUST REPORT: Persons who make expenditures aggregating \$100 or more during any election campaign in support of or opposition to a candidate or ballot proposition if not made directly to or in coordination with the candidate or a political committee.

WHEN TO REPORT: When aggregate amount reaches:
less than \$100 - No report is required
\$100 or more (or value cannot be estimated) - Within 5 days
If additional expenditures made - 10th of month preceding election in which other reports are not required, 21 days prior to election, 7 days prior to election, 10th day of month after election

*Required only when expenditures have been made since last report was submitted.

WHERE TO REPORT:

Copy # 1 - Public Disclosure Commission, 403 Evergreen Plaza - FJ-42, Olympia, WA 98504
Copy # 2 - County Elections Officer of candidate. For ballot propositions with County Elections Officer of person filing this report.

PDC form C-6 (Rev. 1/90) - 1509

AMOUNT OR VALUE

*If no reasonable estimate can be made of value, describe activity, services, property or right furnished precisely and attach copy of item produced or distributed.

CERTIFICATION: I hereby certify that the above is true, complete and correct to the best of my knowledge.
Signature of person making expenditures

Name

Title

Date

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

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-111 **ABBREVIATED CAMPAIGN REPORTING—SPECIAL FUND RAISING EVENTS.** The term "any person" as used in WAC 390-16-105 does not mean a fund raising activity conducted pursuant to RCW 42.17.067. Candidates and committees using abbreviated reporting as provided in chapter 390-16 WAC shall not be limited to receiving two hundred dollars from a fund raising event provided that the ~~((profit realized))~~ payments from any person ~~do(es)~~ not exceed two hundred dollars from all fund raising events conducted during a campaign or calendar year.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-115 **ABBREVIATED CAMPAIGN REPORTING—CONDITIONS FOR GRANTING USE.** The exemptions allowed in WAC 390-16-105 shall be granted to a candidate or political committee only upon compliance with the following conditions.

(1) The candidate or political committee must, within fourteen days of the time of organization, or of receipt of contributions or the making of expenditures, or of reservation of space or facilities with intent to promote or oppose a candidacy for office or with intent to promote or oppose a ballot proposition, whichever comes first, file the C-1 or C-1pc registration statement with the commission and the county elections office. The statement shall declare that the candidate or political committee will not exceed the expenditure limit~~(ation)~~s set out in WAC 390-16-105.

(2) The candidate or political committee must, throughout the ensuing election campaign, keep current records in sufficient detail to allow the candidate or political committee to make reports otherwise required by RCW 42.17.040 through 42.17.090 in the event that the filing of such reports becomes necessary as a result of exceeding the contribution and expenditure limitation, pursuant to subsequent permission of the commission.

(3) The candidate or political committee treasurer shall, during the eight days immediately preceding the date of the election, maintain records of contributions and expenditures current within one business day. These records shall be open for public inspection during the hours designated on the ~~((C-1))~~ registration statement at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer or such other place as may be authorized by the commission.

(4) The records of contributions and expenditures shall be open to audit or examination by representatives of the public disclosure commission at any time upon request from the commission.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-120 **ABBREVIATED CAMPAIGN REPORTING—TIMES AND PLACE FOR FILING REPORTS C-1, C-1PC AND C-4ABB.** (1) The report C-1 or C-1pc shall be filed by any candidate or political committee intending to use the abbreviated reporting recognized and regulated by WAC 390-16-105 or 390-16-115 within fourteen days of becoming a candidate or organizing a committee.

(2) In the case of a continuing political committee, the C-1pc report shall be filed initially within fourteen days after accepting any contributions or making any expenditures. Thereafter, the C-1pc shall be filed each year between January 1 and January 31 for any year in which the committee intends to use the abbreviated reporting system and within ten days of any date a change is made in reportable information. Failure to file a new ~~((C-1))~~ registration statement during January shall automatically terminate the committee's entitlement to use the abbreviated reporting system until such time as a new C-1pc is filed.

(3) The report form C-4abb ~~((summary page))~~ shall be filed by each candidate and political committee ~~((within twenty-one days))~~ by the tenth day of the first month after each ~~((special or general))~~ election in which there was participation. ~~((In the case of a candidate or committee which participates in a primary election but does not participate in the following general election, the C-4 report shall be filed not later than twenty-one days following the general election.))~~ However, no report shall be required following a primary election.

Additionally, in the case of a continuing political committee, the report Form C-4abb shall be filed not later than January ~~((31))~~ 10 summarizing the total contributions received and expenditures made during the preceding calendar year.

(4) The original of each report required by this section shall be filed with the public disclosure commission. A copy shall be filed with the elections officer of the county in which the candidate or committee treasurer resides and a copy shall be retained by the candidate or committee treasurer.

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-125 **ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS.** Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-115, or 390-16-120 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits:

(a) A PDC Form C-1 or C-1pc indicating the intention of using the full reporting system provided by RCW 42.17.040-42.17.090;

(b) A PDC Form C-4 with schedules A, B, C and ~~((F))~~ L, as appropriate, disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year. Additionally candidates for state executive or legislative office must file a C-4s report.

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the commission executive director.

(a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b) & (c).

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040-42.17.090.

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

AMENDATORY SECTION (Amending Order 86-01, filed 2/5/86)

WAC 390-16-155 **MINI CAMPAIGN REPORTING—EXCEEDING LIMITATIONS.** (1) Whenever there is reason to believe that the expenditure limits provided in WAC 390-16-150 will be exceeded or that the candidate or candidate's committee will exceed the limitations on contributions and expenditures provided in WAC 390-16-150, the candidate may apply to the commission for authorization to ~~((exceed such limits))~~ change to the abbreviated reporting option provided in WAC 390-16-105.

(a) The application shall take the form of a new C-1 report indicating the candidate's or candidate committee's intent to report in accordance with either the abbreviated reporting system provided in WAC 390-16-105 ((or to fully report as provided in RCW 42.17.040 through 42.17.090)).

(b) The application shall be accompanied by a statement signed by the candidate affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of notification.

(c) The application shall be submitted to the commission and duplicate copies of the C-1 ((and C-4)) report submitted to the county elections officer of the county where the candidate resides within one day of the time that expenditure limits are exceeded.

(2) The application shall be approved without further commission action.

(3) The candidate shall subsequently comply with the rules for abbreviated campaign finance reporting.

(4) Any candidate desiring to change to the full reporting option will follow the procedures outlined in WAC 390-16-125.

REPEALER

The following sections of the Washington Administrative Code are hereby repealed:

- WAC 390-16-036 FORM FOR REPORTING FUND RAISING EVENTS
- WAC 390-16-302 REPORTING FUND RAISING EVENTS—INCIDENTAL ACTIVITIES
- WAC 390-16-306 VOLUNTEER WORKERS, FUND RAISING ACTIVITIES

WSR 89-17-140
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:05 p.m.]

Please note that proposed amendatory section to WAC 232-12-025 filed on July 3, 1989, WSR 89-14-105 is withdrawn.

WSR 89-17-141
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:09 p.m.]

Original Notice.

Title of Rule: Amending WAC 232-12-017 Deleterious exotic wildlife.

Purpose: Adding the identified species to the list designating deleterious exotic wildlife. The department has determined that these species are dangerous to the environment and wildlife.

Statutory Authority for Adoption: RCW 77.12.020 and 77.12.040.

Statute Being Implemented: RCW 77.12.020 and 77.12.040.

Summary: The proposed change is for the purpose of adding the identified species to the list designating deleterious exotic wildlife. The department has determined that these species are dangerous to the environment and wildlife.

Reasons Supporting Proposal: Same as above.

Name of Agency Personnel Responsible for Drafting: Lee Smith, Administrative Regulations Officer, Olympia, (206) 586-6212; Implementation: Pat Doyle,

(206) 753-5713 and Tom Juelson, (206) 753-5728, Wildlife Management Division, Olympia; and Enforcement: Dan Wyckoff, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Department of Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed change will add the identified species to the list designating deleterious exotic wildlife. The department has determined that these species are dangerous to the environment and wildlife. The amendment makes it unlawful to possess specimens of the species identified.

Proposal Changes the Following Existing Rules: It adds to it.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

AMENDATORY SECTION (Amending Order 247, filed 4/9/85)

WAC 232-12-017 DELETERIOUS EXOTIC WILDLIFE. Deleterious exotic wildlife includes:

- (1) Walking catfish, all forms of the family Clari((as))dae ((batrachus))
- (2) Mongoose, all forms of the genus Herpestes
- (3) Grass carp, Ctenopharyngodon idella
- (4) African clawed frog, Xenopus laevis
- (5) Wild boar, Sus scrofa and hybrids involving the species Sus scrofa
- (6) Collared peccary (javelina), Dicotyles tajacu
- (7) Barbary Sheep, Ammotragus tervia
- (8) Mute Swan, Cygnus olor
- (9) Camdiru catfish, Vandellia cirrosa
- (10) Flathead Minnow, Pimephales promelas

It is unlawful to import or possess live specimens of deleterious exotic wildlife except for purposes of scientific research as authorized by the director.

WSR 89-17-142
EMERGENCY RULES
DEPARTMENT OF FISHERIES
 [Order 89-87—Filed August 23, 1989, 4:10 p.m.]

Date of Adoption: August 23, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order: Amending WAC 220-52-071.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the

public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The harvestable surplus of sea cucumbers will have been taken and further harvest would endanger the resource. The scheduled closure on October 31, 1989, for this area is not adequate to ensure reproductive potential.

Effective Date of Rule: 12:01 a.m., August 24, 1989.

August 23, 1989

Joseph R. Blum

Director

NEW SECTION

WAC 220-52-07100D SEA CUCUMBERS. Notwithstanding the provisions of WAC 220-52-071, effective 12:01 a.m. August 24, 1989, until further notice, it is unlawful to take or possess sea cucumbers taken for commercial purposes from Management and Catch Reporting Area 26C.

WSR 89-17-143

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 89-88—Filed August 23, 1989, 4:15 p.m.]

Date of Adoption: August 23, 1989.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-24-02000J.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Harvestable numbers of coho salmon are available. This regulation will put the state in compliance with Pacific Fisheries Management Council regulations.

Effective Date of Rule: 12:01 a.m., August 24, 1989.

August 23, 1989

Joseph R. Blum

Director

NEW SECTION

WAC 220-24-02000K LAWFUL ACTS—TROLL FISHERY. Notwithstanding the provisions of WAC 220-20-010, WAC 220-20-020 and WAC 220-20-030, effective 12:01 a.m. August 24, 1989 until further notice, it is unlawful to fish for or possess salmon taken for commercial purposes with troll gear in the waters west

of the Bonilla-Tatoosh Line, the Pacific Ocean, or waters west of a line drawn true north-south through Buoy 10 at the mouth of the Columbia River except as provided for in this section:

(1) It is lawful to fish for and possess all salmon species taken from those waters south of a line projected true west from Leadbetter Point, except for those waters of a conservation zone at the mouth of the Columbia River bounded on the north by a line projected true west from North Head along 46°18'00" north latitude to the Fisheries Conservation Zone westerly boundary, thence south to 46°11'06" north latitude, thence east to 46°11'06" north latitude, 124°11'00" west longitude (Columbia River Buoy), thence northwesterly along the Red Buoy Line to the tip of the south jetty, from which conservation zone no salmon may be taken. Any landing in Washington State of salmon taken in this fishery must occur in Washington coastal ports south of the mouth of the Queets River, with a maximum single daily landing limit of 40 coho salmon and 4 chinook salmon. Chinook must be delivered with the coho.

(2) Lawful gear is restricted to single point barbless hooks.

(3) Minimum sizes are: Chinook salmon - 28 inches; Coho salmon - 16 inches; All other species - no minimum size.

REPEALER

The following section of the Washington Administrative code is repealed:

WAC 220-24-02000J LAWFUL ACTS—TROLL FISHERY. (89-84)

WSR 89-17-144

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 23, 1989, 4:16 p.m.]

Continuance of WSR 89-14-109.

Title of Rule: Amending WAC 232-12-057 Hunting with aid of aircraft, boats or other vehicles.

Purpose: Enforcement of laws relating to illegal taking of wildlife.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

WSR 89-17-145
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:18 p.m.]

Continuance of WSR 89-14-106.

Title of Rule: Amending WAC 232-12-081 Checking stations—Inspection of game and game licenses.

Purpose: To administratively implement RCW 77.12.620.

Statutory Authority for Adoption: RCW 77.12.620.

Statute Being Implemented: RCW 77.12.620.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

WSR 89-17-146
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:19 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-12-082 Collection of sampling data—Unlawful acts.

Purpose: To provide department personnel with clear authority to sample and/or remove any part of a steelhead or other wildlife from any person or business for data collection purposes. The proposed regulation will enhance the department's ability to collect data in a consistent and comprehensive manner.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: The regulation would provide authorization for department personnel to sample and/or collect data or material from wildlife in the possession of any person or corporation.

Reasons Supporting Proposal: The proposed regulation will enhance the department's ability to collect data in a consistent and comprehensive manner.

Name of Agency Personnel Responsible for Drafting: Lee Smith, Administrative Regulations Officer, Olympia, (206) 586-6212; Implementation: Patricia Doyle, (206) 753-5713 and Tom Juelson, (206) 753-5728, Wildlife Management Division, Olympia; and Enforcement: Daniel Wyckoff, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Department of Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The regulation would provide authorization for department personnel to sample and/or collect data or material from wildlife in the possession of any person or corporation.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-12-082 COLLECTION OF SAMPLING DATA — UNLAWFUL ACTS It is unlawful for any person or corporation licensed by the department to fail to comply with the directions or authorized department personnel related to the collection of sampling data and/or material from wildlife. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of steelhead or other species of fish commonly found in fresh water, containing coded-wire tags, including but not limited to, the snouts of those steelhead that are marked with clipped left ventral fins. This section does not apply to those species of fish classified as food fish by the director of fisheries or to private sector cultured aquatic products on aquatic farms.

WSR 89-17-147
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:21 p.m.]

Continuance of WSR 89-14-113.

Title of Rule: Amending WAC 232-12-177 Vehicles using department lands; readopting WAC 232-12-184 Aircraft—Authorized use on department lands; WAC 232-12-187 Access areas—Other department lands—Wildlife agent to control traffic thereon; WAC 232-12-251 Removal of minerals, wood and artifacts from department lands; and WAC 232-12-254 Discharge of litter on department lands—Unlawful.

Hearing Location: Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, on October 10, 1989, at 9:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 9, 1989.

Date of Intended Adoption: October 20, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

WSR 89-17-148
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:22 p.m.]

Continuance of WSR 89-14-115.

Title of Rule: Amending WAC 232-12-191 Three convictions forfeits privileges.

Hearing Location: Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, on October 10, 1989, at 9:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 9, 1989.

Date of Intended Adoption: October 20, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

WSR 89-17-149
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:24 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-12-618 1990-92 Washington game fish regulations.

Purpose: To establish the 1990-92 Washington game fish regulations.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Establishes game fish regulations for 1990-92 including manner and methods that may be used to harvest game fish.

Reasons Supporting Proposal: Resource management.

Name of Agency Personnel Responsible for Drafting and Implementation: Patricia Doyle, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Daniel Wyckoff, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Department of Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule will establish the 1990-92 Washington game fish regulations including manner and methods that may be used to harvest game fish.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-12-618 1990-92 WASHINGTON GAME FISH REGULATIONS.

Reviser's note: The text and accompanying pamphlet comprising the 1990-92 Washington game fish regulations proposed by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 89-17-150
PROPOSED RULES
DEPARTMENT OF WILDLIFE
 [Filed August 23, 1989, 4:25 p.m.]

Original Notice.

Title of Rule: Repealing WAC 232-28-617 1988-90 Washington game fish regulations; 232-28-61703 Amendment to 1988-90 Game fish regulations—Clay Pit Pond (Whatcom County); 232-28-61706 Amendment to 1988-90 Game fish regulations—Wapato Lake (Chelan County); 232-28-61713 Amendment to 1988-90 Washington game fish regulations—Mayfield Lake; 232-28-61720 Amendment to 1988-90 Game fish seasons and catch limits—Columbia River regulations license reciprocity provisions between Oregon and Washington; 232-28-61721 Amendment to 1988-90 Game fish regulations—Toutle River (Lewis County); and 232-28-61722 Amendment to 1988-90 Game fish regulations—Sooes (Suez) River and tributaries.

Purpose: To repeal expired WACs.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Repeals expired WACs which will be replaced with WAC 232-12-618 and 232-28-618.

Reasons Supporting Proposal: Repealing expired WACs.

Name of Agency Personnel Responsible for Drafting and Implementation: Patricia Doyle, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Daniel Wyckoff, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Department of Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Repealing expired WACs which will be replaced with WAC 232-12-618 and 232-28-618.

Proposal Changes the Following Existing Rules: It repeals them.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-617 1988-90 WASHINGTON GAME FISH REGULATIONS.

WAC 232-28-61703 AMENDMENT TO 1988-90 GAME FISH REGULATIONS—CLAY PIT POND (WHATCOM COUNTY).

WAC 232-28-61706 AMENDMENT TO 1988-90 GAME FISH REGULATIONS—WAPATO LAKE (CHELAN COUNTY).

WAC 232-28-61713 AMENDMENT TO 1988-90 WASHINGTON GAME FISH REGULATIONS—MAYFIELD LAKE.

WAC 232-28-61720 AMENDMENT TO 1988-90 GAME FISH SEASONS AND CATCH LIMITS—COLUMBIA RIVER REGULATIONS LICENSE RECIPROCITY PROVISIONS BETWEEN OREGON AND WASHINGTON

WAC 232-28-61721 AMENDMENT TO 1988-90 GAME FISH REGULATIONS—TOUTLE RIVER (LEWIS COUNTY)

WAC 232-28-61722 AMENDMENT TO 1988-90 GAME FISH REGULATIONS—SOOES (SUEZ) RIVER AND TRIBUTARIES

Reviser's note: The repealer, WAC 232-28-61703, above appears as filed by the agency pursuant to RCW 34.08.040; however, in WSR 89-11-051 filed May 17, 1989, the agency permanently repealed this section.

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

WSR 89-17-151

PROPOSED RULES

DEPARTMENT OF WILDLIFE

[Filed August 23, 1989, 4:27 p.m.]

Original Notice.

Title of Rule: Adopting WAC 232-28-618 1990-92 Washington game fish seasons and catch limits.

Purpose: To establish the 1990-92 Washington game fish seasons and catch limits.

Statutory Authority for Adoption: RCW 77.12.040.

Statute Being Implemented: RCW 77.12.040.

Summary: Establishes game fish seasons and catch limits for 1990-92 including time, place, manner and methods that may be used to harvest game fish.

Reasons Supporting Proposal: Resource management.

Name of Agency Personnel Responsible for Drafting and Implementation: Patricia Doyle, Fisheries Management Division, Olympia, (206) 753-5713; and Enforcement: Daniel Wyckoff, Wildlife Enforcement Division, Olympia, (206) 753-5740.

Name of Proponent: Washington Department of Wildlife, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule will establish game fish seasons and catch limits for 1990-92 including time, place, manner and methods that may be used to harvest game fish.

Proposal does not change existing rules.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Holiday Inn, 1801 12th Avenue N.W., Issaquah, WA 98027, on October 6-7, 1989, at 8:00 a.m.

Submit Written Comments to: Administrative Regulations Officer, Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, by October 2, 1989.

Date of Intended Adoption: October 6, 1989.

August 23, 1989

Lee S. Smith

Administrative Regulations Officer

NEW SECTION

WAC 232-28-618 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS.

Reviser's note: The text and accompanying pamphlet comprising the 1990-92 Washington game fish seasons and catch limits proposed by the Department of Wildlife have been omitted from publication in the Register under the authority of RCW 34.05.210(4) as being unduly cumbersome to publish. Copies of the rules may be obtained from the main office of the Department of Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091, and are available in pamphlet form from the department, its six regional offices, and at numerous drug and sporting goods stores throughout the state.

WSR 89-17-152

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 89-17—Filed August 23, 1989, 4:32 p.m.]

Original Notice.

Title of Rule: WAC 173-19-130 Clallam County.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act.

Summary: The amendment revises the shoreline master program for Clallam County.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Mailstop PV-11, Olympia, 98502, (206) 438-7430; Implementation and Enforcement: D. Rodney Mack, Mailstop PV-11, Olympia, 98502, (206) 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment adds a new chapter to the Clallam County shoreline master program, chapter 5.22 RCW, which establishes a new definition, new policies, and new regulations for siting, construction and operation of hydroelectric development and impoundment structures in Clallam County. The amendment applies to facilities siting on shorelines of the state, as defined by the Shoreline Management Act, chapter 90.58 RCW. The amendment establishes location and desing [design] criteria, public access requirements, recreational consideration, site development and mitigations requirements for developments which would result in loss of wildlife habitat or valuable ecosystems. The amendment also removes hydroelectric development from the chapter of the master program dealing with utilities, chapter 5.09 RCW.

Proposal Changes the Following Existing Rules: Amends Clallam County's shoreline master program under WAC 173-19-130.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Human Services Conference Room, Clallam County Courthouse, 223 East 4th, Port Angeles, WA, on Thursday, September 28, 1989, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, 98502, by October 5, 1989.

Date of Intended Adoption: October 31, 1989.

August 23, 1989

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 87-51, filed 3/3/88)

WAC 173-19-130 CLALLAM COUNTY. Clallam County master program approved August 5, 1976. Revision approved November 16, 1976. Revision approved August 10, 1979. Revision approved January 4, 1983. Revision approved March 27, 1984. Revision approved January 27, 1986. Revision approved June 3, 1986. Revision approved March 1, 1988. Revision approved October 31, 1989.

WSR 89-17-153

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 89-54—Filed August 23, 1989, 4:34 p.m.]

Original Notice.

Title of Rule: WAC 173-19-2512 Kirkland, city of.

Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.

Statutory Authority for Adoption: RCW 90.58.200.

Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act.

Summary: The amendment revises the shoreline master program for the city of Kirkland.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Mailstop PV-11, Olympia, 98502, (206) 438-7430; Implementation and Enforcement: D. Rodney Mack, Mailstop PV-11, Olympia, 98502, (206) 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed amendment revises the shoreline master program map in the area of Juanita Bay to redesignate less than one acre of land from Conservancy I to Urban Mixed I Shoreline Environment thereby allowing more permitted uses on the property.

Proposal Changes the Following Existing Rules: Amends the city of Kirkland's shoreline master program under WAC 173-19-2512.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: Council Chambers, City Hall, 123 Fifth Avenue, Kirkland, Washington, on Thursday, October 26, 1989, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Department of Ecology, Shorelands and Coastal Zone Management Program, Mailstop PV-11, Olympia, Washington 98502, by November 2, 1989.

Date of Intended Adoption: January 2, 1990.

August 23, 1989

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 88-35, filed 1/6/89)

WAC 173-19-2512 KIRKLAND, CITY OF. City of Kirkland master program approved August 27, 1974. Revision approved June 3, 1986. Revision approved January 3, 1989. Revision approved January 2, 1990.

WSR 89-17-154

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Filed August 23, 1989, 4:36 p.m.]

Notice is hereby given that the Department of Ecology will not take further action under WSR 89-17-033 to amend WAC 173-19-4501 Bellingham, city of.

This notice is given pursuant to WAC 1-12-033. The Department of Ecology may, at a later date, file a new notice of intent to amend this program.

WSR 89-17-155
PROPOSED RULES
DEPARTMENT OF ECOLOGY
 [Order 89-55—Filed August 23, 1989, 4:37 p.m.]

Original Notice.
 Title of Rule: WAC 173-19-4501 Bellingham, city of.
 Purpose: Adoption of revised shoreline master program into state master program, chapter 173-19 WAC.
 Statutory Authority for Adoption: RCW 90.58.200.
 Statute Being Implemented: Chapter 90.58 RCW, Shoreline Management Act.

Summary: The amendment revises the shoreline master program for the city of Bellingham.

Reasons Supporting Proposal: Shoreline master programs and revisions thereto are developed by local governments and submitted to the department for approval. The programs do not become effective until adopted by the department in accordance with the Shoreline Management Act and the Administrative Procedure Act.

Name of Agency Personnel Responsible for Drafting: Peter Skowlund, Mailstop PV-11, Olympia, 98502, (206) 438-7430; Implementation and Enforcement: D. Rodney Mack, Mailstop PV-11, Olympia, 98502, (206) 459-6777.

Name of Proponent: Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A prior amendment proposed by the city was found by the department to be inconsistent with the Shoreline Management Act with regard to uses within shorelines of statewide significance. This amendment brings the proposed revision into compliance with the act. It adds the requirement that over-water, water-enjoyment development will require conditional use permits. The rest of the revision remains the same as originally proposed by the city.

Proposal Changes the Following Existing Rules: Amends the city of Bellingham's shoreline master program under WAC 173-19-130.

No small business economic impact statement is required for this proposal by chapter 19.85 RCW.

Hearing Location: City Council Chambers, City Hall, 210 Lottie Street, Bellingham, WA, on Tuesday, September 26, 1989, at 7:00 p.m.

Submit Written Comments to: Master Program Coordinator, Department of Ecology, Shorelands and Coastal Zone, Management Program, Mailstop PV-11, Olympia, Washington 98502, by October 3, 1989.

Date of Intended Adoption: October 31, 1989.

August 23, 1989
 Fred Olson
 Deputy Director

AMENDATORY SECTION (Amending Order DE 84-11, filed 3/29/84)

WAC 173-19-4501 BELLINGHAM, CITY OF. City of Bellingham master program approved September 30, 1974. Revision approved March 29, 1984. Revision approved October 31, 1989.

WSR 89-17-156
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed August 23, 1989, 4:51 p.m.]

Date of Adoption: August 8, 1989.

Purpose: Reduce the license fee from \$650.00 to \$500.00. A fee study indicates that the current fee for license renewals is in excess of the amount indicated in the study and continuing to charge the fee would constitute unnecessary prejudice and expense to licensees.

Citation of Existing Rules Affected by this Order: Amending WAC 308-31-055 Podiatry fees.

Statutory Authority for Adoption: RCW 43.24.086.

Pursuant to notice filed as WSR 89-14-103 on July 3, 1989.

Effective Date of Rule: Thirty days after filing.
 August 22, 1989
 Lucille Christenson
 Acting Secretary

AMENDATORY SECTION (Amending Order PM 667, filed 8/27/87)

WAC 308-31-055 PODIATRY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Application (examination and reexamination)	\$500.00
Reciprocity application	400.00
License renewal	((650.00)) 500.00
Late renewal penalty	10.00
Duplicate license	15.00
Certification	25.00

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.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
1-12-005	REP-P	89-09-068	1-12-190	REP-P	89-09-068	1-13-120	REP-P	89-09-068
1-12-005	REP	89-12-028	1-12-190	REP	89-12-028	1-13-120	REP	89-12-028
1-12-010	REP-P	89-09-068	1-12-191	REP-P	89-09-068	1-13-125	REP-P	89-09-068
1-12-010	REP	89-12-028	1-12-191	REP	89-12-028	1-13-125	REP	89-12-028
1-12-020	REP-P	89-09-068	1-12-200	REP-P	89-09-068	1-13-130	REP-P	89-09-068
1-12-020	REP	89-12-028	1-12-200	REP	89-12-028	1-13-130	REP	89-12-028
1-12-030	REP-P	89-09-068	1-12-210	REP-P	89-09-068	1-13-140	REP-P	89-09-068
1-12-030	REP	89-12-028	1-12-210	REP	89-12-028	1-13-140	REP	89-12-028
1-12-032	REP-P	89-09-068	1-12-220	REP-P	89-09-068	1-13-150	REP-P	89-09-068
1-12-032	REP	89-12-028	1-12-220	REP	89-12-028	1-13-150	REP	89-12-028
1-12-033	REP-P	89-09-068	1-12-910	REP-P	89-09-068	1-13-155	REP-P	89-09-068
1-12-033	REP	89-12-028	1-12-910	REP	89-12-028	1-13-155	REP	89-12-028
1-12-034	REP-P	89-09-068	1-12-930	REP-P	89-09-068	1-13-160	REP-P	89-09-068
1-12-034	REP	89-12-028	1-12-930	REP	89-12-028	1-13-160	REP	89-12-028
1-12-035	REP-P	89-09-068	1-12-940	REP-P	89-09-068	1-13-170	REP-P	89-09-068
1-12-035	REP	89-12-028	1-12-940	REP	89-12-028	1-13-170	REP	89-12-028
1-12-040	REP-P	89-09-068	1-12-950	REP-P	89-09-068	1-13-180	REP-P	89-09-068
1-12-040	REP	89-12-028	1-12-950	REP	89-12-028	1-13-180	REP	89-12-028
1-12-045	REP-P	89-09-068	1-13-005	REP-P	89-09-068	1-13-180	REP	89-12-028
1-12-045	REP	89-12-028	1-13-005	REP	89-12-028	1-13-190	REP-P	89-09-068
1-12-050	REP-P	89-09-068	1-13-010	REP-P	89-09-068	1-13-190	REP	89-12-028
1-12-050	REP	89-12-028	1-13-010	REP	89-12-028	1-13-200	REP-P	89-09-068
1-12-060	REP-P	89-09-068	1-13-020	REP-P	89-09-068	1-13-200	REP	89-12-028
1-12-060	REP	89-12-028	1-13-020	REP	89-12-028	1-13-210	REP-P	89-09-068
1-12-070	REP-P	89-09-068	1-13-030	REP-P	89-09-068	1-13-210	REP	89-12-028
1-12-070	REP	89-12-028	1-13-030	REP	89-12-028	1-13-230	REP-P	89-09-068
1-12-080	REP-P	89-09-068	1-13-030	REP	89-12-028	1-13-230	REP	89-12-028
1-12-080	REP	89-12-028	1-13-032	REP-P	89-09-068	1-13-240	REP-P	89-09-068
1-12-090	REP-P	89-09-068	1-13-032	REP	89-12-028	1-13-240	REP	89-12-028
1-12-090	REP	89-12-028	1-13-033	REP-P	89-09-068	1-13-240	REP	89-12-028
1-12-100	REP-P	89-09-068	1-13-033	REP	89-12-028	1-13-910	REP-P	89-09-068
1-12-100	REP	89-12-028	1-13-033	REP	89-12-028	1-13-910	REP	89-12-028
1-12-110	REP-P	89-09-068	1-13-034	REP-P	89-09-068	1-13-930	REP-P	89-09-068
1-12-110	REP	89-12-028	1-13-034	REP	89-12-028	1-13-930	REP	89-12-028
1-12-120	REP-P	89-09-068	1-13-035	REP-P	89-09-068	1-13-940	REP-P	89-09-068
1-12-120	REP	89-12-028	1-13-035	REP	89-12-028	1-13-940	REP	89-12-028
1-12-125	REP-P	89-09-068	1-13-040	REP-P	89-09-068	1-13-950	REP-P	89-09-068
1-12-125	REP	89-12-028	1-13-040	REP	89-12-028	1-13-950	REP	89-12-028
1-12-130	REP-P	89-09-068	1-13-045	REP-P	89-09-068	1-21-005	NEW-P	89-09-068
1-12-130	REP	89-12-028	1-13-045	REP	89-12-028	1-21-005	NEW	89-12-028
1-12-140	REP-P	89-09-068	1-13-050	REP-P	89-09-068	1-21-010	NEW-P	89-09-068
1-12-140	REP	89-12-028	1-13-050	REP	89-12-028	1-21-010	NEW	89-12-028
1-12-150	REP-P	89-09-068	1-13-060	REP-P	89-09-068	1-21-020	NEW-P	89-09-068
1-12-150	REP	89-12-028	1-13-060	REP	89-12-028	1-21-020	NEW	89-12-028
1-12-155	REP-P	89-09-068	1-13-070	REP-P	89-09-068	1-21-030	NEW-P	89-09-068
1-12-155	REP	89-12-028	1-13-070	REP	89-12-028	1-21-030	NEW	89-12-028
1-12-160	REP-P	89-09-068	1-13-080	REP-P	89-09-068	1-21-040	NEW-P	89-09-068
1-12-160	REP	89-12-028	1-13-080	REP	89-12-028	1-21-040	NEW	89-12-028
1-12-170	REP-P	89-09-068	1-13-090	REP-P	89-09-068	1-21-050	NEW-P	89-09-068
1-12-170	REP	89-12-028	1-13-090	REP	89-12-028	1-21-050	NEW	89-12-028
1-12-180	REP-P	89-09-068	1-13-100	REP-P	89-09-068	1-21-060	NEW-P	89-09-068
1-12-180	REP	89-12-028	1-13-100	REP	89-12-028	1-21-060	NEW	89-12-028
			1-13-110	REP-P	89-09-068	1-21-070	NEW-P	89-09-068
			1-13-110	REP	89-12-028	1-21-070	NEW	89-12-028

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
1-21-080	NEW-P	89-09-068	10-08-230	NEW	89-13-036
1-21-080	NEW	89-12-028	10-08-250	NEW-P	89-10-035
1-21-090	NEW-P	89-09-068	10-08-250	NEW	89-13-036
1-21-090	NEW	89-12-028	10-08-251	NEW-P	89-10-035
1-21-100	NEW-P	89-09-068	10-08-251	NEW	89-13-036
1-21-100	NEW	89-12-028	10-08-252	NEW-P	89-10-035
1-21-110	NEW-P	89-09-068	10-08-252	NEW	89-13-036
1-21-110	NEW	89-12-028	10-08-260	NEW-P	89-10-035
1-21-120	NEW-P	89-09-068	10-08-260	NEW	89-13-036
1-21-120	NEW	89-12-028	10-08-261	NEW-P	89-10-035
1-21-130	NEW-P	89-09-068	10-08-261	NEW	89-13-036
1-21-130	NEW	89-12-028	16-22-040	AMD-P	89-10-065
1-21-140	NEW-P	89-09-068	16-22-040	AMD	89-14-020
1-21-140	NEW	89-12-028	16-30-010	AMD-P	89-02-056
1-21-150	NEW-P	89-09-068	16-30-010	AMD	89-06-014
1-21-150	NEW	89-12-028	16-30-020	AMD-P	89-02-056
1-21-160	NEW-P	89-09-068	16-30-020	AMD	89-06-014
1-21-160	NEW	89-12-028	16-30-025	NEW-P	89-02-056
1-21-170	NEW-P	89-09-068	16-30-025	NEW	89-06-014
1-21-170	NEW	89-12-028	16-30-030	AMD-P	89-02-056
4-25-040	AMD	89-03-062	16-30-030	AMD	89-06-014
4-25-040	AMD-P	89-10-012	16-30-050	AMD-P	89-02-056
4-25-080	AMD-P	89-10-013	16-30-050	AMD	89-06-014
4-25-080	AMD-P	89-12-073	16-30-060	AMD-P	89-02-056
4-25-180	REP	89-03-062	16-30-060	AMD	89-06-014
4-25-191	NEW	89-03-062	16-30-070	AMD-P	89-02-056
10-04-020	AMD-P	89-10-035	16-30-070	AMD	89-06-014
10-04-020	AMD	89-13-036	16-30-090	AMD-P	89-02-056
10-04-060	AMD-P	89-10-035	16-30-090	AMD	89-06-014
10-04-060	AMD	89-13-036	16-30-100	AMD-P	89-02-056
10-08-001	NEW-P	89-10-035	16-30-100	AMD	89-06-014
10-08-001	NEW	89-13-036	16-59	AMD	89-06-007
10-08-010	REP-P	89-10-035	16-59-030	AMD	89-06-007
10-08-010	REP	89-13-036	16-212-087	NEW-P	89-08-019
10-08-020	REP-P	89-10-035	16-212-087	NEW	89-11-092
10-08-020	REP	89-13-036	16-212-110	AMD-P	89-08-019
10-08-030	REP-P	89-10-035	16-212-110	AMD	89-11-092
10-08-030	REP	89-13-036	16-212-230	AMD-P	89-08-019
10-08-035	NEW-P	89-10-035	16-212-230	AMD	89-11-092
10-08-035	NEW	89-13-036	16-224-010	AMD-P	89-08-019
10-08-040	AMD-P	89-10-035	16-224-010	AMD	89-11-092
10-08-040	AMD	89-13-036	16-225-001	REP-P	89-08-019
10-08-045	NEW-P	89-10-035	16-225-001	REP	89-11-092
10-08-045	NEW	89-13-036	16-225-010	REP-P	89-08-019
10-08-050	AMD-P	89-10-035	16-225-010	REP	89-11-092
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10-08-060	REP-P	89-10-035	16-225-020	REP	89-11-092
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10-08-120	AMD-P	89-10-035	16-225-050	REP	89-11-092
10-08-120	AMD	89-13-036	16-228	AMD-C	89-06-006
10-08-130	AMD-P	89-10-035	16-228-162	AMD	89-07-006
10-08-130	AMD	89-13-036	16-228-164	NEW	89-07-006
10-08-140	AMD-P	89-10-035	16-228-165	REP	89-07-006
10-08-140	AMD	89-13-036	16-228-166	NEW	89-07-006
10-08-150	AMD-P	89-10-035	16-228-400	NEW-E	89-09-012
10-08-150	AMD	89-13-036	16-228-410	NEW-E	89-09-012
10-08-160	AMD-P	89-10-035	16-228-420	NEW-E	89-09-012
10-08-160	AMD	89-13-036	16-228-430	NEW-E	89-09-012
10-08-170	AMD-P	89-10-035	16-228-440	NEW-E	89-09-012
10-08-170	AMD	89-13-036	16-228-450	NEW-E	89-09-012
10-08-180	AMD-P	89-10-035	16-228-460	NEW-E	89-09-012
10-08-180	AMD	89-13-036	16-228-470	NEW-E	89-09-012
10-08-190	AMD-P	89-10-035	16-228-480	NEW-E	89-09-012
10-08-190	AMD	89-13-036	16-228-490	NEW-E	89-09-012
10-08-200	AMD-P	89-10-035	16-228-500	NEW-E	89-09-012
10-08-200	AMD	89-13-036	16-228-510	NEW-E	89-09-012
10-08-210	AMD-P	89-10-035	16-228-520	NEW-E	89-09-012
10-08-210	AMD	89-13-036	16-228-520	REP-E	89-09-017
10-08-211	NEW-P	89-10-035	16-228-521	NEW-E	89-09-017
10-08-211	NEW	89-13-036	16-228-610	NEW-E	89-12-002
10-08-215	NEW-P	89-10-035	16-228-615	NEW-E	89-12-002
10-08-215	NEW	89-13-036	16-228-620	NEW-E	89-12-002
10-08-230	NEW-P	89-10-035	16-228-625	NEW-E	89-12-002
16-228-630	NEW-E	89-12-002			
16-228-650	NEW-E	89-12-046			
16-228-660	NEW-E	89-12-046			
16-228-670	NEW-E	89-12-046			
16-230	NEW-C	89-04-056			
16-230	NEW-C	89-07-051			
16-230-800	NEW-P	89-03-065			
16-230-800	NEW-P	89-11-093			
16-230-800	NEW	89-16-073			
16-230-805	NEW-P	89-03-065			
16-230-805	NEW-P	89-11-093			
16-230-805	NEW	89-16-073			
16-230-810	NEW-P	89-03-065			
16-230-810	NEW-P	89-11-093			
16-230-810	NEW	89-16-073			
16-230-815	NEW-P	89-03-065			
16-230-815	NEW-P	89-11-093			
16-230-815	NEW	89-16-073			
16-230-820	NEW-P	89-03-065			
16-230-820	NEW-P	89-11-093			
16-230-820	NEW	89-16-073			
16-230-825	NEW-P	89-03-065			
16-230-825	NEW-P	89-11-093			
16-230-825	NEW	89-16-073			
16-230-830	NEW-P	89-03-065			
16-230-830	NEW-P	89-11-093			
16-230-830	NEW	89-16-073			
16-230-835	NEW-P	89-11-093			
16-230-835	NEW	89-16-073			
16-230-840	NEW-P	89-11-093			
16-230-840	NEW	89-16-073			
16-230-845	NEW-P	89-11-093			
16-230-845	NEW	89-16-073			
16-230-850	NEW-P	89-11-093			
16-230-850	NEW	89-16-073			
16-230-855	NEW-P	89-11-093			
16-230-855	NEW	89-16-073			
16-230-860	NEW-P	89-11-093			
16-230-860	NEW	89-16-073			
16-230-865	NEW-P	89-11-093			
16-230-865	NEW	89-16-073			
16-232-405	NEW-E	89-05-004			
16-232-405	REP-E	89-08-006			
16-232-415	NEW-E	89-05-004			
16-232-415	REP-E	89-08-006			
16-232-425	NEW-E	89-05-004			
16-232-425	REP-E	89-08-006			
16-232-435	NEW-E	89-05-004			
16-232-435	REP-E	89-08-006			
16-232-440	NEW-E	89-14-016			
16-232-440	REP-E	89-16-057			
16-232-445	NEW-E	89-05-004			
16-232-445	REP-E	89-08-006			
16-232-450	NEW-E	89-08-006			
16-232-450	NEW-E	89-14-016			
16-232-450	REP-E	89-16-057			
16-232-455	NEW-E	89-05-004			
16-232-455	REP-E	89-08-006			
16-232-460	NEW-E	89-08-006			
16-232-460	NEW-E	89-14-016			
16-232-465	NEW-E	89-05-004			
16-232-465	REP-E	89-08-006			
16-232-470	NEW-E	89-08-006			
16-232-470	NEW-E	89-14-016			
16-232-470	REP-E	89-16-057			
16-232-480	NEW-E	89-08-006			
16-232-480	NEW-E	89-14-016			
16-232-480	REP-E	89-16-057			
16-232-490	NEW-E	89-08-006			
16-232-490	NEW-E	89-14-016			
16-232-490	REP-E	89-16-057			
16-232-500	NEW-E	89-16-057			
16-232-505	NEW-E	89-16-057			
16-232-510	NEW-E	89-16-057			
16-232-515	NEW-E	89-16-057			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
16-232-520	NEW-E 89-16-057	16-403-142	AMD-P 89-09-011	44-10-310	NEW 89-06-025
16-232-525	NEW-E 89-16-057	16-403-142	AMD 89-14-031	44-10-320	NEW 89-06-025
16-232-530	NEW-E 89-16-057	16-403-190	AMD-P 89-09-011	50-44-020	AMD-P 89-06-059
16-232-535	NEW-E 89-16-057	16-403-190	AMD 89-14-031	50-44-020	AMD 89-09-004
16-232-540	NEW-E 89-16-057	16-403-280	AMD-P 89-09-011	51-04	AMD-P 89-17-138
16-232-545	NEW-E 89-16-057	16-403-280	AMD 89-14-031	51-04-010	AMD-P 89-17-138
16-232-550	NEW-E 89-16-057	16-528-020	AMD-P 89-04-049	51-04-015	NEW-P 89-17-138
16-232-555	NEW-E 89-16-057	16-528-020	AMD 89-08-020	51-04-018	NEW-P 89-17-138
16-232-560	NEW-E 89-16-057	16-550-020	AMD-P 89-09-057	51-04-020	AMD-P 89-17-138
16-232-565	NEW-E 89-16-057	16-550-020	AMD 89-12-054	51-04-025	NEW-P 89-17-138
16-300-010	AMD-E 89-07-029	16-690-015	AMD-P 89-05-041	51-04-030	NEW-P 89-17-138
16-300-010	AMD-P 89-07-074	16-690-015	AMD 89-08-039	51-04-035	NEW-P 89-17-138
16-300-010	AMD 89-11-078	16-750-950	NEW-P 89-11-071	51-04-037	NEW-P 89-17-138
16-300-020	AMD-E 89-12-001	16-750-950	NEW-E 89-11-072	51-04-040	NEW-P 89-17-138
16-304-040	AMD-P 89-07-074	16-750-950	NEW 89-16-007	51-04-050	NEW-P 89-17-138
16-304-040	AMD 89-11-078	25-48-020	AMD-P 89-17-116	51-04-060	NEW-P 89-17-138
16-316-160	AMD-P 89-07-074	25-48-020	AMD-E 89-17-117	51-04-070	NEW-P 89-17-138
16-316-160	AMD 89-11-078	25-48-030	AMD-P 89-17-116	51-06-010	AMD-P 89-17-138
16-316-165	AMD-E 89-12-001	25-48-030	AMD-E 89-17-117	51-06-020	AMD-P 89-17-138
16-316-185	AMD-P 89-07-074	25-48-050	AMD-P 89-17-116	51-06-030	REP-P 89-17-138
16-316-185	AMD 89-11-078	25-48-050	AMD-E 89-17-117	51-06-040	REP-P 89-17-138
16-316-230	AMD-P 89-07-074	25-48-060	AMD-P 89-17-116	51-06-050	REP-P 89-17-138
16-316-230	AMD 89-11-078	25-48-070	AMD-P 89-17-116	51-06-060	REP-P 89-17-138
16-316-245	AMD-E 89-12-001	25-48-090	AMD-P 89-17-116	51-06-070	AMD-P 89-17-138
16-316-270	AMD-P 89-07-074	25-48-100	AMD-P 89-17-116	51-06-080	REP-P 89-17-138
16-316-270	AMD 89-11-078	25-48-105	AMD-P 89-17-116	51-06-090	REP-P 89-17-138
16-316-315	AMD-P 89-07-074	25-48-110	AMD-P 89-17-116	51-06-100	REP-P 89-17-138
16-316-315	AMD 89-11-078	44-10-040	AMD-P 89-12-030	51-06-110	REP-P 89-17-138
16-316-350	AMD-P 89-07-074	44-10-040	AMD-E 89-12-031	51-06-120	AMD-P 89-17-138
16-316-350	AMD-E 89-09-013	44-10-040	AMD 89-16-024	51-08-010	AMD-P 89-17-138
16-316-350	AMD 89-11-078	44-10-050	AMD-P 89-12-030	51-10	AMD-P 89-17-138
16-316-360	AMD-P 89-07-074	44-10-050	AMD-E 89-12-031	51-12-102	AMD 89-04-043
16-316-360	AMD 89-11-078	44-10-050	AMD 89-16-024	51-12-206	AMD 89-04-043
16-316-370	AMD-P 89-07-074	44-10-055	REP-P 89-12-030	51-12-219	AMD 89-04-043
16-316-375	NEW-E 89-12-001	44-10-055	REP-E 89-12-031	51-12-220	AMD-P 89-17-138
16-316-380	NEW-E 89-12-001	44-10-055	REP 89-16-024	51-12-223	AMD 89-04-043
16-316-385	NEW-E 89-12-001	44-10-060	AMD-P 89-12-030	51-12-305	AMD 89-04-043
16-316-390	NEW-E 89-12-001	44-10-060	AMD-E 89-12-031	51-12-402	AMD 89-04-043
16-316-395	NEW-E 89-12-001	44-10-060	AMD 89-16-024	51-12-403	AMD-P 89-17-138
16-316-440	AMD-P 89-07-074	44-10-100	AMD-P 89-12-030	51-12-404	AMD-P 89-17-138
16-316-440	AMD 89-11-078	44-10-100	AMD-E 89-12-031	51-12-411	AMD 89-04-043
16-316-455	AMD-E 89-12-001	44-10-100	AMD 89-16-024	51-12-426	AMD 89-04-043
16-316-474	AMD-P 89-07-074	44-10-110	AMD-P 89-12-030	51-12-426	AMD-P 89-17-138
16-316-474	AMD 89-11-078	44-10-110	AMD-E 89-12-031	51-12-503	AMD 89-04-043
16-316-525	AMD-P 89-07-074	44-10-110	AMD 89-16-024	51-12-601	AMD 89-04-043
16-316-525	AMD 89-11-078	44-10-120	AMD 89-06-026	51-12-601	AMD-P 89-17-138
16-316-620	AMD-E 89-12-001	44-10-130	AMD-P 89-12-030	51-12-602	AMD 89-04-043
16-316-660	AMD-P 89-07-074	44-10-130	AMD-E 89-12-031	51-12-605	AMD 89-04-043
16-316-660	AMD 89-11-078	44-10-130	AMD 89-16-024	51-12-608	AMD 89-04-043
16-316-800	AMD-P 89-07-074	44-10-140	AMD-P 89-12-030	51-12-608	AMD-P 89-17-138
16-316-800	AMD 89-11-078	44-10-140	AMD-E 89-12-031	51-16-030	AMD 89-11-081
16-316-810	AMD-P 89-07-074	44-10-140	AMD 89-16-024	51-16-030	AMD-P 89-17-138
16-316-810	AMD 89-11-078	44-10-150	AMD-P 89-12-030	51-16-050	AMD 89-11-081
16-316-820	AMD-P 89-07-074	44-10-150	AMD-E 89-12-031	51-16-050	AMD-P 89-17-138
16-316-820	AMD 89-11-078	44-10-150	AMD 89-16-024	51-18-010	NEW-P 89-17-138
16-316-830	AMD-E 89-12-001	44-10-160	AMD-P 89-12-030	51-18-020	NEW-P 89-17-138
16-333-050	AMD-P 89-12-063	44-10-160	AMD-E 89-12-031	51-18-030	NEW-P 89-17-138
16-333-050	AMD 89-16-051	44-10-160	AMD 89-16-024	51-18-040	NEW-P 89-17-138
16-333-060	AMD-P 89-12-063	44-10-170	AMD-P 89-12-030	51-18-050	NEW-P 89-17-138
16-333-060	AMD 89-16-051	44-10-170	AMD-E 89-12-031	55-01-010	AMD 89-06-001
16-400-007	AMD-P 89-05-040	44-10-170	AMD 89-16-024	55-01-010	AMD-E 89-08-055
16-400-007	AMD 89-08-040	44-10-180	AMD-P 89-12-030	55-01-010	AMD-P 89-08-097
16-400-010	AMD-P 89-05-040	44-10-180	AMD-E 89-12-031	55-01-010	AMD 89-11-059
16-400-010	AMD 89-08-040	44-10-180	AMD 89-16-024	55-01-030	AMD 89-06-001
16-400-040	AMD-P 89-05-040	44-10-200	AMD-P 89-12-030	55-01-050	AMD 89-06-001
16-400-040	AMD 89-08-040	44-10-200	AMD-E 89-12-031	55-01-050	AMD-E 89-16-021
16-400-050	REP-P 89-05-040	44-10-200	AMD 89-16-024	55-01-060	AMD 89-06-001
16-400-050	REP 89-08-040	44-10-220	AMD-P 89-12-030	82-30-010	NEW-P 89-11-107
16-400-100	AMD-P 89-05-040	44-10-220	AMD-E 89-12-031	82-30-020	NEW-P 89-11-107
16-400-100	AMD 89-08-040	44-10-220	AMD 89-16-024	82-30-030	NEW-P 89-11-107
16-400-150	AMD-P 89-05-040	44-10-230	AMD-P 89-12-030	82-30-040	NEW-P 89-11-107
16-400-150	AMD 89-08-040	44-10-230	AMD-E 89-12-031	82-30-050	NEW-P 89-11-107
16-400-210	AMD-P 89-05-040	44-10-230	AMD 89-16-024	82-30-060	NEW-P 89-11-107
16-400-210	AMD 89-08-040	44-10-240	AMD-P 89-12-030	82-50-021	AMD 89-03-063
16-400-270	AMD-P 89-05-040	44-10-240	AMD-E 89-12-031	82-50-021	AMD-P 89-15-026
16-400-270	AMD 89-08-040	44-10-240	AMD 89-16-024	82-50-021	AMD 89-17-090
16-403	AMD-C 89-13-047	44-10-300	NEW 89-06-025	82-54-010	NEW-E 89-12-022

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
82-54-010	NEW-P	89-15-016	132D-08-025	REP	89-11-023	132D-10-175	REP-P	89-07-069
82-54-010	NEW	89-17-089	132D-10-003	REP-P	89-07-069	132D-10-175	REP	89-11-022
82-54-020	NEW-E	89-12-022	132D-10-003	REP	89-11-022	132D-10-177	REP-P	89-07-069
82-54-020	NEW-P	89-15-016	132D-10-006	REP-P	89-07-069	132D-10-177	REP	89-11-022
82-54-020	NEW	89-17-089	132D-10-006	REP	89-11-022	132D-10-180	REP-P	89-07-069
98-08-150	AMD-P	89-05-054	132D-10-009	REP-P	89-07-069	132D-10-180	REP	89-11-022
98-08-150	AMD	89-08-043	132D-10-009	REP	89-11-022	132D-10-183	REP-P	89-07-069
98-11-010	AMD-P	89-05-054	132D-10-012	REP-P	89-07-069	132D-10-183	REP	89-11-022
98-11-010	AMD	89-08-043	132D-10-012	REP	89-11-022	132D-10-186	REP-P	89-07-069
98-12-010	REP-P	89-05-054	132D-10-015	REP-P	89-07-069	132D-10-186	REP	89-11-022
98-12-010	REP	89-08-043	132D-10-015	REP	89-11-022	132D-10-189	REP-P	89-07-069
98-12-050	NEW-P	89-05-054	132D-10-018	REP-P	89-07-069	132D-10-189	REP	89-11-022
98-14-090	AMD-P	89-05-054	132D-10-018	REP	89-11-022	132D-10-192	REP-P	89-07-069
98-14-090	AMD	89-08-043	132D-10-021	REP-P	89-07-069	132D-10-192	REP	89-11-022
98-14-100	NEW-P	89-05-054	132D-10-021	REP	89-11-022	132D-10-195	REP-P	89-07-069
98-14-100	NEW	89-08-043	132D-10-024	REP-P	89-07-069	132D-10-195	REP	89-11-022
98-16-020	AMD-P	89-05-054	132D-10-024	REP	89-11-022	132D-10-198	REP-P	89-07-069
98-16-020	AMD	89-08-043	132D-10-027	REP-P	89-07-069	132D-10-198	REP	89-11-022
98-20-010	REP-P	89-05-054	132D-10-027	REP	89-11-022	132D-10-201	REP-P	89-07-069
98-20-010	REP	89-08-043	132D-10-030	REP-P	89-07-069	132D-10-201	REP	89-11-022
98-20-020	AMD-P	89-05-054	132D-10-030	REP	89-11-022	132D-10-204	REP-P	89-07-069
98-20-020	AMD	89-08-043	132D-10-033	REP-P	89-07-069	132D-10-204	REP	89-11-022
98-40-020	AMD-P	89-05-054	132D-10-033	REP	89-11-022	132D-10-207	REP-P	89-07-069
98-40-020	AMD	89-08-043	132D-10-036	REP-P	89-07-069	132D-10-207	REP	89-11-022
98-40-030	AMD-P	89-05-054	132D-10-036	REP	89-11-022	132D-10-210	REP-P	89-07-069
98-40-030	AMD	89-08-043	132D-10-037	REP-P	89-07-069	132D-10-210	REP	89-11-022
98-40-040	AMD-P	89-05-054	132D-10-037	REP	89-11-022	132D-10-212	REP-P	89-07-069
98-40-040	AMD	89-08-043	132D-10-039	REP-P	89-07-069	132D-10-212	REP	89-11-022
98-40-050	AMD-P	89-05-054	132D-10-039	REP	89-11-022	132D-10-215	REP-P	89-07-069
98-40-050	AMD	89-08-043	132D-10-042	REP-P	89-07-069	132D-10-215	REP	89-11-022
98-40-070	AMD-P	89-05-054	132D-10-042	REP	89-11-022	132D-10-228	REP-P	89-07-069
98-40-070	AMD	89-08-043	132D-10-045	REP-P	89-07-069	132D-10-228	REP	89-11-022
98-40-080	AMD-P	89-05-054	132D-10-045	REP	89-11-022	132D-10-231	REP-P	89-07-069
98-40-080	AMD	89-08-043	132D-10-048	REP-P	89-07-069	132D-10-231	REP	89-11-022
98-70-010	AMD-P	89-03-032	132D-10-048	REP	89-11-022	132D-10-261	REP-P	89-07-069
98-70-010	AMD-E	89-03-033	132D-10-051	REP-P	89-07-069	132D-10-261	REP	89-11-022
98-70-010	AMD	89-06-074	132D-10-051	REP	89-11-022	132D-10-264	REP-P	89-07-069
113-12-104	NEW-P	89-12-083	132D-10-054	REP-P	89-07-069	132D-10-264	REP	89-11-022
113-12-195	AMD-P	89-12-083	132D-10-054	REP	89-11-022	132D-10-267	REP-P	89-07-069
113-12-195	AMD	89-16-095	132D-10-057	REP-P	89-07-069	132D-10-267	REP	89-11-022
114-12-125	REP-P	89-14-029	132D-10-057	REP	89-11-022	132D-10-270	REP-P	89-07-069
114-12-126	NEW-P	89-14-029	132D-10-060	REP-P	89-07-069	132D-10-270	REP	89-11-022
114-12-145	REP-P	89-14-029	132D-10-060	REP	89-11-022	132D-10-273	REP-P	89-07-069
114-12-155	AMD-P	89-14-102	132D-10-063	REP-P	89-07-069	132D-10-273	REP	89-11-022
114-12-160	NEW-P	89-14-029	132D-10-063	REP	89-11-022	132D-10-276	REP-P	89-07-069
114-12-164	NEW-P	89-14-029	132D-10-066	REP-P	89-07-069	132D-10-276	REP	89-11-022
114-12-170	AMD-P	89-14-029	132D-10-066	REP	89-11-022	132D-10-279	REP-P	89-07-069
114-12-190	NEW-P	89-14-029	132D-10-069	REP-P	89-07-069	132D-10-279	REP	89-11-022
131-28	AMD-C	89-09-056	132D-10-069	REP	89-11-022	132D-10-281	REP-P	89-07-069
131-28	AMD-C	89-11-079	132D-10-072	REP-P	89-07-069	132D-10-281	REP	89-11-022
131-28-015	AMD-P	89-06-054	132D-10-072	REP	89-11-022	132D-10-284	REP-P	89-07-069
131-28-015	AMD	89-14-037	132D-10-075	REP-P	89-07-069	132D-10-284	REP	89-11-022
131-28-021	AMD-P	89-06-054	132D-10-075	REP	89-11-022	132D-10-287	REP-P	89-07-069
131-28-021	AMD	89-14-037	132D-10-078	REP-P	89-07-069	132D-10-287	REP	89-11-022
131-28-025	AMD-P	89-06-054	132D-10-078	REP	89-11-022	132D-10-290	REP-P	89-07-069
131-28-025	AMD	89-14-037	132D-10-084	REP-P	89-07-069	132D-10-290	REP	89-11-022
131-28-026	AMD-P	89-06-054	132D-10-084	REP	89-11-022	132D-10-293	REP-P	89-07-069
131-28-026	AMD	89-14-037	132D-10-087	REP-P	89-07-069	132D-10-293	REP	89-11-022
131-28-030	AMD-P	89-06-054	132D-10-087	REP	89-11-022	132D-10-296	REP-P	89-07-069
131-28-030	AMD	89-14-037	132D-10-096	REP-P	89-07-069	132D-10-296	REP	89-11-022
131-28-040	AMD-P	89-06-054	132D-10-096	REP	89-11-022	132D-10-299	REP-P	89-07-069
131-28-040	AMD	89-14-037	132D-10-120	REP-P	89-07-069	132D-10-299	REP	89-11-022
131-28-045	AMD-P	89-06-054	132D-10-120	REP	89-11-022	132D-10-302	REP-P	89-07-069
131-28-045	AMD	89-14-037	132D-10-144	REP-P	89-07-069	132D-10-302	REP	89-11-022
131-28-080	AMD-P	89-06-054	132D-10-144	REP	89-11-022	132D-10-305	REP-P	89-07-069
131-28-080	AMD	89-14-037	132D-10-147	REP-P	89-07-069	132D-10-305	REP	89-11-022
131-28-085	AMD-P	89-06-054	132D-10-147	REP	89-11-022	132D-10-308	REP-P	89-07-069
131-28-085	AMD	89-14-037	132D-10-150	REP-P	89-07-069	132D-10-308	REP	89-11-022
131-28-090	AMD-P	89-06-054	132D-10-150	REP	89-11-022	132D-10-311	REP-P	89-07-069
131-28-090	AMD	89-14-037	132D-10-153	REP-P	89-07-069	132D-10-311	REP	89-11-022
132D-08-010	REP-P	89-07-061	132D-10-153	REP	89-11-022	132D-10-314	REP-P	89-07-069
132D-08-010	REP	89-11-023	132D-10-165	REP-P	89-07-069	132D-10-314	REP	89-11-022
132D-08-015	REP-P	89-07-061	132D-10-165	REP	89-11-022	132D-10-317	REP-P	89-07-069
132D-08-015	REP	89-11-023	132D-10-168	REP-P	89-07-069	132D-10-317	REP	89-11-022
132D-08-020	REP-P	89-07-061	132D-10-168	REP	89-11-022	132D-10-320	REP-P	89-07-069
132D-08-020	REP	89-11-023	132D-10-171	REP-P	89-07-069	132D-10-320	REP	89-11-022
132D-08-025	REP-P	89-07-061	132D-10-171	REP	89-11-022	132D-10-323	REP-P	89-07-069

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132D-20-290	REP-P	89-05-012	132D-350-010	NEW	89-11-026	132V-15-080	NEW-P	89-13-072
132D-20-290	REP-W	89-05-046	132D-350-020	NEW-P	89-07-064	132V-15-090	NEW-P	89-13-072
132D-20-290	REP-P	89-07-070	132D-350-020	NEW	89-11-026	132V-15-100	NEW-P	89-13-072
132D-20-290	REP	89-11-025	132D-350-030	NEW-P	89-07-064	132V-15-110	NEW-P	89-13-072
132D-36-010	REP-P	89-05-048	132D-350-030	NEW	89-11-026	132V-15-120	NEW-P	89-13-072
132D-36-010	REP	89-09-042	132D-350-040	NEW-P	89-07-064	132Y-300-001	NEW	89-04-008
132D-104-010	NEW-P	89-07-061	132D-350-040	NEW	89-11-026	132Y-300-002	NEW	89-04-008
132D-104-010	NEW	89-11-023	132D-350-050	NEW-P	89-07-064	132Y-300-003	NEW	89-04-008
132D-104-020	NEW-P	89-07-061	132D-350-050	NEW	89-11-026	132Y-300-004	NEW	89-04-008
132D-104-020	NEW	89-11-023	132F-120-090	AMD-P	89-08-069	132Y-310-010	NEW-P	89-08-023
132D-104-030	NEW-P	89-07-061	132F-120-090	AMD	89-14-025	132Y-310-010	NEW	89-12-056
132D-104-030	NEW	89-11-023	132F-120-090	AMD	89-15-000	132Y-310-020	NEW-P	89-08-023
132D-104-040	NEW-P	89-07-061	132I-120-315	AMD-P	89-04-039	132Y-310-020	NEW	89-12-056
132D-104-040	NEW	89-11-023	132I-120-315	AMD	89-08-016	132Y-310-030	NEW-P	89-08-023
132D-122-010	NEW-P	89-05-006	132I-120-400	AMD-P	89-04-039	132Y-310-030	NEW	89-12-056
132D-122-010	NEW	89-09-039	132I-120-400	AMD	89-08-016	132Y-310-040	NEW-P	89-08-023
132D-122-020	NEW-P	89-05-006	132I-120-405	AMD-P	89-04-039	132Y-310-040	NEW	89-12-056
132D-122-020	NEW	89-09-039	132I-120-405	AMD	89-08-016	132Y-320-010	NEW-P	89-08-022
132D-122-030	NEW-P	89-05-006	132I-120-410	AMD-P	89-04-039	132Y-320-010	NEW	89-12-057
132D-122-030	NEW	89-09-039	132I-120-410	AMD	89-08-016	132Y-320-020	NEW-P	89-08-022
132D-140-010	NEW	89-06-012	132I-120-425	AMD-P	89-04-039	132Y-320-020	NEW	89-12-057
132D-140-020	NEW	89-06-012	132I-120-425	AMD	89-08-016	132Y-320-030	NEW-P	89-08-022
132D-140-030	NEW	89-06-012	132I-120-430	AMD-P	89-04-039	132Y-320-030	NEW	89-12-057
132D-140-040	NEW	89-06-012	132I-120-430	AMD	89-08-016	132Y-320-040	NEW-P	89-08-022
132D-140-050	NEW	89-06-012	132I-136-010	REP-P	89-08-015	132Y-320-040	NEW	89-12-057
132D-140-060	NEW	89-06-012	132I-136-010	REP	89-11-091	132Y-320-050	NEW-P	89-08-022
132D-140-070	NEW	89-06-012	132I-136-020	REP-P	89-08-015	132Y-320-050	NEW	89-12-057
132D-140-080	NEW	89-06-012	132I-136-020	REP	89-11-091	132Y-320-060	NEW-P	89-08-022
132D-276-010	NEW-P	89-07-062	132I-136-030	REP-P	89-08-015	132Y-320-060	NEW	89-12-057
132D-276-010	NEW	89-11-024	132I-136-030	REP	89-11-091	132Y-320-070	NEW-P	89-08-022
132D-276-020	NEW-P	89-07-062	132I-136-040	REP-P	89-08-015	132Y-320-070	NEW	89-12-057
132D-276-020	NEW	89-11-024	132I-136-040	REP	89-11-091	132Y-320-080	NEW-P	89-08-022
132D-276-030	NEW-P	89-07-062	132I-136-050	REP-P	89-08-015	132Y-320-080	NEW	89-12-057
132D-276-030	NEW	89-11-024	132I-136-050	REP	89-11-091	132Y-320-090	NEW-P	89-08-022
132D-276-040	NEW-P	89-07-062	132I-136-060	REP-P	89-08-015	132Y-320-090	NEW	89-12-057
132D-276-040	NEW	89-11-024	132I-136-060	REP	89-11-091	132Y-320-100	NEW-P	89-08-022
132D-276-050	NEW-P	89-07-062	132I-136-070	REP-P	89-08-015	132Y-320-100	NEW	89-12-057
132D-276-050	NEW	89-11-024	132I-136-070	REP	89-11-091	132Y-320-110	NEW-P	89-08-022
132D-276-060	NEW-P	89-07-062	132I-136-080	REP-P	89-08-015	132Y-320-110	NEW	89-12-057
132D-276-060	NEW	89-11-024	132I-136-080	REP	89-11-091	132Y-320-120	NEW-P	89-08-022
132D-276-070	NEW-P	89-07-062	132I-136-100	NEW-P	89-08-015	132Y-320-120	NEW	89-12-057
132D-276-070	NEW	89-11-024	132I-136-100	NEW	89-11-091	132Y-320-130	NEW-P	89-08-022
132D-276-080	NEW-P	89-07-062	132I-136-110	NEW-P	89-08-015	132Y-320-130	NEW	89-12-057
132D-276-080	NEW	89-11-024	132I-136-110	NEW	89-11-091	132Y-320-990	NEW-P	89-08-022
132D-276-090	NEW-P	89-07-062	132I-136-120	NEW-P	89-08-015	132Y-320-990	NEW	89-12-057
132D-276-090	NEW	89-11-024	132I-136-120	NEW	89-11-091	137-25-010	NEW-P	89-04-031
132D-276-100	NEW-P	89-07-062	132I-136-130	NEW-P	89-08-015	137-25-010	NEW-E	89-06-010
132D-276-100	NEW	89-11-024	132I-136-130	NEW	89-11-091	137-25-020	NEW-P	89-04-031
132D-276-110	NEW-P	89-07-062	132I-136-140	NEW-P	89-08-015	137-25-020	NEW-E	89-06-010
132D-276-110	NEW	89-11-024	132I-136-140	NEW	89-11-091	137-25-030	NEW-P	89-04-031
132D-276-120	NEW-P	89-07-062	132I-136-150	NEW-P	89-08-015	137-25-030	NEW-E	89-06-010
132D-276-120	NEW	89-11-024	132I-136-150	NEW	89-11-091	137-25-040	NEW-P	89-04-031
132D-276-130	NEW-P	89-07-062	132I-136-160	NEW-P	89-08-015	137-25-040	NEW-E	89-06-010
132D-276-130	NEW	89-11-024	132I-136-160	NEW	89-11-091	137-28-006	AMD	89-04-032
132D-276-140	NEW-P	89-07-062	132I-136-170	NEW-P	89-08-015	137-28-025	AMD	89-04-032
132D-276-140	NEW	89-11-024	132I-136-170	NEW	89-11-091	137-28-030	AMD	89-04-032
132D-280-010	NEW-P	89-07-063	132N-276-070	AMD-P	89-04-035	137-28-035	AMD	89-04-032
132D-280-010	NEW	89-11-044	132N-276-070	AMD	89-12-024	137-28-080	AMD	89-04-032
132D-280-020	NEW-P	89-07-063	132N-276-080	AMD-P	89-04-035	137-28-090	AMD	89-04-032
132D-280-020	NEW	89-11-044	132N-276-080	AMD	89-12-024	137-28-094	NEW	89-04-032
132D-280-025	NEW-P	89-07-063	132N-276-110	AMD-P	89-04-035	137-28-097	AMD	89-04-032
132D-280-025	NEW	89-11-044	132N-276-110	AMD	89-12-024	137-28-107	NEW	89-04-032
132D-280-030	NEW-P	89-07-063	132N-276-130	AMD-P	89-04-035	137-36-020	AMD-E	89-04-029
132D-280-030	NEW	89-11-044	132N-276-130	AMD	89-12-024	137-36-030	AMD-E	89-04-029
132D-280-035	NEW-P	89-07-063	132N-276-150	AMD-P	89-04-035	137-36-040	AMD-E	89-04-029
132D-280-035	NEW	89-11-044	132N-276-150	AMD	89-12-024	137-44-010	NEW-P	89-11-029
132D-280-040	NEW-P	89-07-063	132Q-04-035	AMD-C	89-04-018	137-44-020	NEW-P	89-11-029
132D-280-040	NEW	89-11-044	132Q-04-035	AMD-C	89-06-023	137-44-030	NEW-P	89-11-029
132D-300-010	NEW-P	89-07-058	132Q-04-035	AMD	89-07-068	137-44-040	NEW-P	89-11-029
132D-300-010	NEW	89-11-038	132V-15	NEW-C	89-17-005	137-44-050	NEW-P	89-11-029
132D-300-020	NEW-P	89-07-058	132V-15-010	NEW-P	89-13-072	137-44-060	NEW-P	89-11-029
132D-300-020	NEW	89-11-038	132V-15-020	NEW-P	89-13-072	137-44-070	NEW-P	89-11-029
132D-300-030	NEW-P	89-07-058	132V-15-030	NEW-P	89-13-072	137-44-080	NEW-P	89-11-029
132D-300-030	NEW	89-11-038	132V-15-040	NEW-P	89-13-072	137-44-090	NEW-P	89-11-029
132D-325-010	NEW-P	89-05-048	132V-15-050	NEW-P	89-13-072	137-44-100	NEW-P	89-11-029
132D-325-010	NEW	89-09-042	132V-15-060	NEW-P	89-13-072	137-44-110	NEW-P	89-11-029
132D-350-010	NEW-P	89-07-064	132V-15-070	NEW-P	89-13-072	137-44-120	NEW-P	89-11-029

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
137-44-130	NEW-P 89-11-029	137-78-060	NEW 89-15-059	154-20-010	REP-P 89-07-090
137-44-140	NEW-P 89-11-029	137-78-070	NEW-P 89-11-108	154-20-010	REP-E 89-11-008
137-44-150	NEW-P 89-11-029	137-78-070	NEW 89-15-059	154-20-010	REP 89-11-010
137-44-160	NEW-P 89-11-029	139-05-200	AMD-P 89-07-049	154-20-020	REP-P 89-07-090
137-44-170	NEW-P 89-11-029	139-05-200	AMD-E 89-07-050	154-20-020	REP-E 89-11-008
137-44-180	NEW-P 89-11-029	139-05-200	AMD 89-13-024	154-20-020	REP 89-11-010
137-44-190	NEW-P 89-11-029	139-05-230	AMD-P 89-07-048	154-24-010	AMD-P 89-07-090
137-44-200	NEW-P 89-11-029	139-05-230	AMD 89-13-023	154-24-010	AMD-E 89-11-008
137-44-210	NEW-P 89-11-029	143-06-990	REP 89-05-007	154-24-010	AMD 89-11-010
137-44-220	NEW-P 89-11-029	154-04-040	REP-P 89-07-090	154-32-010	AMD-P 89-07-090
137-44-230	NEW-P 89-11-029	154-04-040	REP-E 89-11-008	154-32-010	AMD-E 89-11-008
137-44-240	NEW-P 89-11-029	154-04-040	REP 89-11-010	154-32-010	AMD 89-11-010
137-44-250	NEW-P 89-11-029	154-04-060	REP-P 89-07-090	154-32-020	AMD-P 89-07-090
137-44-260	NEW-P 89-11-029	154-04-060	REP-E 89-11-008	154-32-020	AMD-E 89-11-008
137-56-010	AMD-P 89-02-058	154-04-060	REP 89-11-010	154-32-020	AMD 89-11-010
137-56-010	AMD-C 89-07-083	154-04-065	NEW-P 89-07-090	154-68-020	AMD-P 89-07-090
137-56-015	AMD-P 89-02-058	154-04-065	NEW-E 89-11-008	154-68-020	AMD-E 89-11-008
137-56-015	AMD-C 89-07-083	154-04-065	NEW 89-11-010	154-68-020	AMD 89-11-010
137-56-030	AMD-P 89-02-058	154-04-090	REP-P 89-07-090	154-120-015	AMD-P 89-07-089
137-56-030	AMD-C 89-07-083	154-04-090	REP-E 89-11-008	154-120-015	AMD-E 89-11-009
137-56-040	AMD-P 89-02-058	154-04-090	REP 89-11-010	154-120-015	AMD 89-11-011
137-56-040	AMD-C 89-07-083	154-12-010	AMD-P 89-07-090	154-130-020	AMD-P 89-15-061
137-56-050	AMD-P 89-02-058	154-12-010	AMD-E 89-11-008	154-130-030	AMD-P 89-15-061
137-56-050	AMD-C 89-07-083	154-12-010	AMD 89-11-010	154-140-030	AMD-P 89-15-061
137-56-060	AMD-P 89-02-058	154-12-010	AMD-P 89-16-100	162-04-010	AMD-P 89-17-115
137-56-060	AMD-C 89-07-083	154-12-015	AMD-P 89-16-100	162-04-020	AMD-P 89-17-115
137-56-070	AMD-P 89-02-058	154-12-020	AMD-P 89-07-090	162-04-026	AMD-P 89-17-115
137-56-070	AMD-C 89-07-083	154-12-020	AMD-E 89-11-008	162-04-030	AMD-P 89-17-115
137-56-080	AMD-P 89-02-058	154-12-020	AMD 89-11-010	162-04-035	NEW-P 89-17-115
137-56-080	AMD-C 89-07-083	154-12-030	AMD-P 89-07-090	162-04-040	AMD-P 89-17-115
137-56-090	AMD-P 89-02-058	154-12-030	AMD-E 89-11-008	162-04-050	AMD-P 89-17-115
137-56-090	AMD-C 89-07-083	154-12-030	AMD 89-11-010	162-04-060	AMD-P 89-17-115
137-56-095	AMD-P 89-02-058	154-12-040	AMD-P 89-07-090	162-04-070	AMD-P 89-17-115
137-56-095	AMD-C 89-07-083	154-12-040	AMD-E 89-11-008	162-08-011	RE-AD-P 89-17-098
137-56-100	AMD-P 89-02-058	154-12-040	AMD 89-11-010	162-08-013	RE-AD-P 89-17-098
137-56-100	AMD-C 89-07-083	154-12-050	AMD-P 89-07-090	162-08-015	RE-AD-P 89-17-098
137-56-110	AMD-P 89-02-058	154-12-050	AMD-E 89-11-008	162-08-017	RE-AD-P 89-17-098
137-56-110	AMD-C 89-07-083	154-12-050	AMD 89-11-010	162-08-019	RE-AD-P 89-17-098
137-56-120	AMD-P 89-02-058	154-12-060	REP-P 89-07-090	162-08-021	RE-AD-P 89-17-098
137-56-120	AMD-C 89-07-083	154-12-060	REP-E 89-11-008	162-08-041	RE-AD-P 89-17-098
137-56-140	AMD-P 89-02-058	154-12-060	REP 89-11-010	162-08-051	RE-AD-P 89-17-098
137-56-140	AMD-C 89-07-083	154-12-070	AMD-P 89-07-090	162-08-061	RE-AD-P 89-17-098
137-56-150	AMD-P 89-02-058	154-12-070	AMD-E 89-11-008	162-08-062	RE-AD-P 89-17-098
137-56-150	AMD-C 89-07-083	154-12-070	AMD 89-11-010	162-08-071	RE-AD-P 89-17-098
137-56-160	AMD-P 89-02-058	154-12-075	NEW-P 89-07-090	162-08-072	RE-AD-P 89-17-098
137-56-160	AMD-C 89-07-083	154-12-075	NEW-E 89-11-008	162-08-081	RE-AD-P 89-17-098
137-56-170	AMD-P 89-02-058	154-12-075	NEW 89-11-010	162-08-091	RE-AD-P 89-17-098
137-56-170	AMD-C 89-07-083	154-12-080	AMD-P 89-07-090	162-08-093	RE-AD-P 89-17-098
137-56-180	AMD-P 89-02-058	154-12-080	AMD-E 89-11-008	162-08-094	RE-AD-P 89-17-098
137-56-180	AMD-C 89-07-083	154-12-080	AMD 89-11-010	162-08-09501	NEW-P 89-17-098
137-56-190	AMD-P 89-02-058	154-12-085	NEW-P 89-07-090	162-08-096	RE-AD-P 89-17-098
137-56-190	AMD-C 89-07-083	154-12-085	NEW-E 89-11-008	162-08-097	NEW-P 89-17-098
137-56-200	AMD-P 89-02-058	154-12-085	NEW 89-11-010	162-08-098	RE-AD-P 89-17-098
137-56-200	AMD-C 89-07-083	154-12-086	NEW-P 89-07-090	162-08-099	RE-AD-P 89-17-098
137-56-210	AMD-P 89-02-058	154-12-086	NEW-E 89-11-008	162-08-101	RE-AD-P 89-17-098
137-56-210	AMD-C 89-07-083	154-12-086	NEW 89-11-010	162-08-106	RE-AD-P 89-17-098
137-56-220	AMD-P 89-02-058	154-12-087	NEW-P 89-07-090	162-08-108	REP-P 89-17-098
137-56-220	AMD-C 89-07-083	154-12-087	NEW-E 89-11-008	162-08-109	RE-AD-P 89-17-098
137-56-230	AMD-P 89-02-058	154-12-087	NEW 89-11-010	162-08-111	REP-P 89-17-098
137-56-230	AMD-C 89-07-083	154-12-090	AMD-P 89-07-090	162-08-114	REP-P 89-17-098
137-56-240	AMD-P 89-02-058	154-12-090	AMD-E 89-11-008	162-08-116	REP-P 89-17-098
137-56-240	AMD-C 89-07-083	154-12-090	AMD 89-11-010	162-08-121	REP-P 89-17-098
137-56-250	AMD-P 89-02-058	154-12-100	REP-P 89-07-090	162-08-131	REP-P 89-17-098
137-56-250	AMD-C 89-07-083	154-12-100	REP-E 89-11-008	162-08-135	REP-P 89-17-098
137-70-040	AMD-P 89-07-075	154-12-100	REP 89-11-010	162-08-141	REP-P 89-17-098
137-70-040	AMD 89-12-003	154-12-107	NEW-P 89-07-090	162-08-151	REP-P 89-17-098
137-78-010	NEW-P 89-11-108	154-12-107	NEW-E 89-11-008	162-08-155	REP-P 89-17-098
137-78-010	NEW 89-15-059	154-12-107	NEW 89-11-010	162-08-161	REP-P 89-17-098
137-78-020	NEW-P 89-11-108	154-12-110	AMD-P 89-07-090	162-08-171	REP-P 89-17-098
137-78-020	NEW 89-15-059	154-12-110	AMD-E 89-11-008	162-08-190	RE-AD-P 89-17-098
137-78-030	NEW-P 89-11-108	154-12-110	AMD 89-11-010	162-08-201	RE-AD-P 89-17-098
137-78-030	NEW 89-15-059	154-16-010	REP-P 89-07-090	162-08-211	RE-AD-P 89-17-098
137-78-040	NEW-P 89-11-108	154-16-010	REP-E 89-11-008	162-08-212	REP-P 89-17-098
137-78-040	NEW 89-15-059	154-16-010	REP 89-11-010	162-08-215	REP-P 89-17-098
137-78-050	NEW-P 89-11-108	154-16-020	REP-P 89-07-090	162-08-217	REP-P 89-17-098
137-78-050	NEW 89-15-059	154-16-020	REP-E 89-11-008	162-08-221	RE-AD-P 89-17-098
137-78-060	NEW-P 89-11-108	154-16-020	REP 89-11-010	162-08-231	RE-AD-P 89-17-098

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
162-08-241	RE-AD-P 89-17-098	173-50-080	NEW 89-10-001	173-223-090	AMD 89-05-026
162-08-251	RE-AD-P 89-17-098	173-50-090	NEW-P 89-04-052	173-223-090	AMD-E 89-06-053
162-08-253	NEW-P 89-17-098	173-50-090	NEW 89-10-001	173-223-090	REP-P 89-07-088
162-08-255	NEW-P 89-17-098	173-50-100	NEW-P 89-04-052	173-223-090	REP 89-12-027
162-08-261	RE-AD-P 89-17-098	173-50-100	NEW 89-10-001	173-223-100	REP-P 89-07-088
162-08-263	NEW-P 89-17-098	173-50-110	NEW-P 89-04-052	173-223-100	REP 89-12-027
162-08-265	RE-AD-P 89-17-098	173-50-110	NEW 89-10-001	173-223-110	REP-P 89-07-088
162-08-268	RE-AD-P 89-17-098	173-50-120	NEW-P 89-04-052	173-223-110	REP 89-12-027
162-08-271	RE-AD-P 89-17-098	173-50-120	NEW 89-10-001	173-224	NEW-C 89-12-016
162-08-275	REP-P 89-17-098	173-50-130	NEW-P 89-04-052	173-224-015	NEW-P 89-07-088
162-08-278	REP-P 89-17-098	173-50-130	NEW 89-10-001	173-224-015	NEW 89-12-027
162-08-282	RE-AD-P 89-17-098	173-50-140	NEW-P 89-04-052	173-224-020	NEW-P 89-07-088
162-08-284	REP-P 89-17-098	173-50-140	NEW 89-10-001	173-224-020	NEW 89-12-027
162-08-286	RE-AD-P 89-17-098	173-50-150	NEW-P 89-04-052	173-224-030	NEW-P 89-07-088
162-08-288	RE-AD-P 89-17-098	173-50-150	NEW 89-10-001	173-224-030	NEW 89-12-027
162-08-291	RE-AD-P 89-17-098	173-50-160	NEW-P 89-04-052	173-224-040	NEW-P 89-07-088
162-08-292	RE-AD-P 89-17-098	173-50-160	NEW 89-10-001	173-224-040	NEW 89-12-027
162-08-294	RE-AD-P 89-17-098	173-50-170	NEW-P 89-04-052	173-224-050	NEW-P 89-07-088
162-08-295	REP-P 89-17-098	173-50-170	NEW 89-10-001	173-224-050	NEW 89-12-027
162-08-296	REP-P 89-17-098	173-50-180	NEW-P 89-04-052	173-224-060	NEW-P 89-07-088
162-08-298	RE-AD-P 89-17-098	173-50-180	NEW 89-10-001	173-224-060	NEW 89-12-027
162-08-301	RE-AD-P 89-17-098	173-50-190	NEW-P 89-04-052	173-224-070	NEW-P 89-07-088
162-08-305	RE-AD-P 89-17-098	173-50-190	NEW 89-10-001	173-224-070	NEW 89-12-027
162-08-311	RE-AD-P 89-17-098	173-50-200	NEW-P 89-04-052	173-224-080	NEW-P 89-07-088
162-08-600	RE-AD-P 89-17-098	173-50-200	NEW 89-10-001	173-224-080	NEW 89-12-027
162-08-610	RE-AD-P 89-17-098	173-50-210	NEW-P 89-04-052	173-224-090	NEW-P 89-07-088
162-08-621	REP-P 89-17-098	173-50-210	NEW 89-10-001	173-224-090	NEW 89-12-027
162-08-700	RE-AD-P 89-17-098	173-98-010	NEW-P 89-11-082	173-224-100	NEW-P 89-07-088
173-06-030	AMD-E 89-04-013	173-98-020	NEW-P 89-11-082	173-224-100	NEW 89-12-027
173-06-030	AMD-P 89-08-078	173-98-030	NEW-P 89-11-082	173-224-110	NEW-P 89-07-088
173-06-030	AMD-E 89-08-079	173-98-040	NEW-P 89-11-082	173-224-110	NEW 89-12-027
173-06-030	AMD 89-11-021	173-98-050	NEW-P 89-11-082	173-224-120	NEW-P 89-07-088
173-19-110	AMD-W 89-03-012	173-98-060	NEW-P 89-11-082	173-224-120	NEW 89-12-027
173-19-130	AMD-P 89-17-152	173-98-070	NEW-P 89-11-082	173-303-040	AMD 89-02-059
173-19-240	AMD 89-08-012	173-98-080	NEW-P 89-11-082	173-303-045	AMD 89-02-059
173-19-2401	AMD 89-08-035	173-98-090	NEW-P 89-11-082	173-303-070	AMD 89-02-059
173-19-2503	AMD-P 89-08-112	173-98-100	NEW-P 89-11-082	173-303-071	AMD 89-02-059
173-19-2503	AMD-C 89-12-087	173-98-110	NEW-P 89-11-082	173-303-080	AMD 89-02-059
173-19-2503	AMD-C 89-16-028	173-98-120	NEW-P 89-11-082	173-303-110	AMD 89-02-059
173-19-2505	AMD-P 89-09-076	173-158-030	AMD-C 89-05-003	173-303-161	AMD 89-02-059
173-19-2505	AMD-W 89-14-128	173-158-030	AMD 89-07-022	173-303-200	AMD 89-02-059
173-19-2512	AMD 89-03-009	173-158-060	AMD-C 89-05-003	173-303-202	NEW 89-02-059
173-19-2512	AMD-P 89-17-153	173-158-060	AMD 89-07-022	173-303-400	AMD 89-02-059
173-19-2515	AMD 89-03-011	173-160-215	AMD-E 89-03-046	173-303-505	AMD 89-02-059
173-19-2519	AMD-P 89-09-075	173-160-215	AMD-P 89-12-058	173-303-515	AMD 89-02-059
173-19-2519	AMD-W 89-12-071	173-160-215	AMD 89-15-017	173-303-550	AMD 89-02-059
173-19-3503	AMD-P 89-15-044	173-216-125	NEW-P 89-04-051	173-303-610	AMD 89-02-059
173-19-360	AMD 89-09-077	173-216-125	NEW-W 89-09-015	173-303-620	AMD 89-02-059
173-19-390	AMD 89-07-026	173-220-210	AMD-P 89-04-051	173-303-640	AMD 89-02-059
173-19-390	AMD-P 89-08-114	173-220-210	AMD-W 89-09-015	173-303-645	AMD 89-02-059
173-19-390	AMD 89-14-130	173-223	REP-C 89-12-016	173-303-805	AMD 89-02-059
173-19-3910	AMD-P 89-08-115	173-223-015	AMD 89-05-026	173-303-806	AMD 89-02-059
173-19-3910	AMD 89-14-131	173-223-015	AMD-E 89-06-053	173-303-830	AMD 89-02-059
173-19-4501	AMD-P 89-08-113	173-223-015	REP-P 89-07-088	173-303-902	NEW-P 89-15-047
173-19-4501	AMD-C 89-14-129	173-223-015	REP 89-12-027	173-303-9903	AMD 89-02-059
173-19-4501	AMD-W 89-17-032	173-223-020	REP-P 89-07-088	173-303-9904	AMD 89-02-059
173-19-4501	AMD-P 89-17-033	173-223-020	REP 89-12-027	173-303-9905	AMD 89-02-059
173-19-4501	AMD-W 89-17-154	173-223-030	AMD 89-05-026	173-313-010	NEW-E 89-06-060
173-19-4501	AMD-P 89-17-155	173-223-030	AMD-E 89-06-053	173-313-010	NEW-P 89-11-086
173-19-4507	AMD 89-03-010	173-223-030	REP-P 89-07-088	173-313-010	NEW-E 89-12-021
173-20-700	AMD-W 89-07-025	173-223-030	REP 89-12-027	173-313-010	NEW 89-17-073
173-50	NEW-C 89-07-032	173-223-040	AMD 89-05-026	173-313-020	NEW-E 89-06-060
173-50-010	NEW-P 89-04-052	173-223-040	AMD-E 89-06-053	173-313-020	NEW-P 89-11-086
173-50-010	NEW 89-10-001	173-223-040	REP-P 89-07-088	173-313-020	NEW-E 89-12-021
173-50-020	NEW-P 89-04-052	173-223-040	REP 89-12-027	173-313-020	NEW 89-17-073
173-50-020	NEW 89-10-001	173-223-050	AMD 89-05-026	173-313-030	NEW-E 89-06-060
173-50-030	NEW-P 89-04-052	173-223-050	AMD-E 89-06-053	173-313-030	NEW-P 89-11-086
173-50-030	NEW 89-10-001	173-223-050	REP-P 89-07-088	173-313-030	NEW-E 89-12-021
173-50-040	NEW-P 89-04-052	173-223-050	REP 89-12-027	173-313-030	NEW 89-17-073
173-50-040	NEW 89-10-001	173-223-060	REP-P 89-07-088	173-313-040	NEW-E 89-06-060
173-50-050	NEW-P 89-04-052	173-223-060	REP 89-12-027	173-313-040	NEW-P 89-11-086
173-50-050	NEW 89-10-001	173-223-070	AMD 89-05-026	173-313-040	NEW-E 89-12-021
173-50-060	NEW-P 89-04-052	173-223-070	AMD-E 89-06-053	173-313-040	NEW 89-17-073
173-50-060	NEW 89-10-001	173-223-070	REP-P 89-07-088	173-313-050	NEW-E 89-06-060
173-50-070	NEW-P 89-04-052	173-223-070	REP 89-12-027	173-313-050	NEW-P 89-11-086
173-50-070	NEW 89-10-001	173-223-080	REP-P 89-07-088	173-313-050	NEW-E 89-12-021
173-50-080	NEW-P 89-04-052	173-223-080	REP 89-12-027	173-313-050	NEW 89-17-073

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
173-314-010	NEW	89-03-047	173-425-075	AMD	89-02-055	180-59-110	NEW	89-09-044
173-314-100	NEW	89-03-047	173-425-085	AMD	89-02-055	180-59-115	NEW	89-09-044
173-314-200	NEW	89-03-047	173-425-095	AMD	89-02-055	180-59-120	NEW	89-09-044
173-314-210	NEW	89-03-047	173-425-130	AMD	89-02-055	180-59-125	NEW	89-09-044
173-314-220	NEW	89-03-047	173-433-030	AMD	89-02-054	180-59-130	NEW	89-09-044
173-314-300	NEW	89-03-047	173-433-100	AMD	89-02-054	180-59-135	NEW	89-09-044
173-314-310	NEW	89-03-047	173-433-120	AMD	89-02-054	180-59-140	NEW	89-09-044
173-314-320	NEW	89-03-047	173-433-130	NEW	89-02-054	180-59-145	NEW	89-09-044
173-314-330	NEW	89-03-047	173-433-170	NEW	89-02-054	180-59-150	NEW	89-09-044
173-314-340	NEW	89-03-047	173-434-050	AMD	89-02-055	180-59-155	NEW	89-09-044
173-315-010	NEW-E	89-06-061	173-434-200	AMD	89-02-055	180-59-160	NEW	89-09-044
173-315-010	NEW-P	89-11-087	173-435-010	AMD	89-02-055	180-59-165	NEW	89-09-044
173-315-010	NEW-E	89-12-020	173-435-015	NEW	89-02-055	180-75-003	RE-AD-E	89-16-076
173-315-010	NEW	89-17-072	173-435-020	AMD	89-02-055	180-75-003	RE-AD-P	89-17-107
173-315-020	NEW-E	89-06-061	173-435-030	AMD	89-02-055	180-75-005	RE-AD-E	89-16-076
173-315-020	NEW-P	89-11-087	173-435-040	AMD	89-02-055	180-75-005	RE-AD-P	89-17-107
173-315-020	NEW-E	89-12-020	173-435-050	AMD	89-02-055	180-75-017	RE-AD-E	89-16-076
173-315-020	NEW	89-17-072	173-435-060	AMD	89-02-055	180-75-017	RE-AD-P	89-17-107
173-315-030	NEW-E	89-06-061	173-435-070	AMD	89-02-055	180-75-018	RE-AD-E	89-16-076
173-315-030	NEW-P	89-11-087	173-470-030	AMD	89-02-055	180-75-018	RE-AD-P	89-17-107
173-315-030	NEW-E	89-12-020	173-470-100	AMD	89-02-055	180-75-019	RE-AD-E	89-16-076
173-315-030	NEW	89-17-072	173-802-050	AMD-P	89-08-078	180-75-019	RE-AD-P	89-17-107
173-315-040	NEW-E	89-06-061	173-802-050	AMD-E	89-08-079	180-75-020	RE-AD-E	89-16-076
173-315-040	NEW-P	89-11-087	173-802-050	AMD	89-11-021	180-75-020	RE-AD-P	89-17-107
173-315-040	NEW-E	89-12-020	180-08-003	RE-AD-E	89-16-076	180-75-025	RE-AD-E	89-16-076
173-315-040	NEW	89-17-072	180-08-003	RE-AD-P	89-17-107	180-75-025	RE-AD-P	89-17-107
173-315-050	NEW-E	89-06-061	180-08-005	RE-AD-E	89-16-076	180-75-026	RE-AD-E	89-16-076
173-315-050	NEW-P	89-11-087	180-08-005	RE-AD-P	89-17-107	180-75-026	RE-AD-P	89-17-107
173-315-050	NEW-E	89-12-020	180-24-205	NEW-E	89-16-039	180-75-027	RE-AD-E	89-16-076
173-315-050	NEW	89-17-072	180-24-205	NEW-P	89-17-100	180-75-027	RE-AD-P	89-17-107
173-315-060	NEW-E	89-06-061	180-25-300	NEW-P	89-05-066	180-75-030	RE-AD-E	89-16-076
173-315-060	NEW-P	89-11-087	180-25-300	NEW-E	89-06-018	180-75-030	RE-AD-P	89-17-107
173-315-060	NEW-E	89-12-020	180-25-300	NEW	89-08-086	180-75-033	RE-AD-E	89-16-076
173-315-060	NEW	89-17-072	180-25-300	AMD-E	89-13-011	180-75-033	RE-AD-P	89-17-107
173-315-070	NEW-E	89-06-061	180-25-300	AMD-E	89-16-040	180-75-034	RE-AD-E	89-16-076
173-315-070	NEW-P	89-11-087	180-25-300	AMD-P	89-17-102	180-75-034	RE-AD-P	89-17-107
173-315-070	NEW-E	89-12-020	180-26-055	AMD-P	89-05-065	180-75-035	RE-AD-E	89-16-076
173-315-070	NEW	89-17-072	180-26-055	AMD-E	89-06-017	180-75-035	RE-AD-P	89-17-107
173-315-080	NEW-E	89-06-061	180-26-055	AMD	89-08-085	180-75-037	RE-AD-E	89-16-076
173-315-090	NEW-E	89-06-061	180-27-057	AMD-E	89-13-015	180-75-037	RE-AD-P	89-17-107
173-318	NEW-C	89-16-102	180-27-057	AMD-E	89-16-041	180-75-038	RE-AD-E	89-16-076
173-318-010	NEW-E	89-09-005	180-27-057	AMD-P	89-17-101	180-75-038	RE-AD-P	89-17-107
173-318-010	NEW-P	89-12-065	180-29-108	AMD-E	89-16-042	180-75-039	RE-AD-E	89-16-076
173-318-020	NEW-E	89-09-005	180-29-108	AMD-P	89-17-104	180-75-039	RE-AD-P	89-17-107
173-318-020	NEW-P	89-12-065	180-29-300	NEW-P	89-05-067	180-75-040	RE-AD-E	89-16-076
173-318-030	NEW-E	89-09-005	180-29-300	NEW-E	89-06-019	180-75-040	RE-AD-P	89-17-107
173-318-030	NEW-P	89-12-065	180-29-300	NEW	89-08-087	180-75-042	RE-AD-E	89-16-076
173-318-040	NEW-E	89-09-005	180-29-300	AMD-E	89-13-014	180-75-042	RE-AD-P	89-17-107
173-318-040	NEW-P	89-12-065	180-29-300	AMD-E	89-16-043	180-75-043	RE-AD-E	89-16-076
173-318-050	NEW-E	89-09-005	180-29-300	AMD-P	89-17-103	180-75-043	RE-AD-P	89-17-107
173-318-050	NEW-P	89-12-065	180-51-025	AMD-P	89-05-060	180-75-044	RE-AD-E	89-16-076
173-318-060	NEW-E	89-09-005	180-51-025	AMD-C	89-08-080	180-75-044	RE-AD-P	89-17-107
173-318-060	NEW-P	89-12-065	180-51-025	AMD	89-12-061	180-75-045	RE-AD-E	89-16-076
173-318-070	NEW-E	89-09-005	180-59	NEW-C	89-05-061	180-75-045	RE-AD-P	89-17-107
173-318-070	NEW-P	89-12-065	180-59-005	NEW	89-09-044	180-75-047	RE-AD-E	89-16-076
173-318-080	NEW-E	89-09-005	180-59-010	NEW	89-09-044	180-75-047	RE-AD-P	89-17-107
173-318-080	NEW-P	89-12-065	180-59-015	NEW	89-09-044	180-75-048	RE-AD-E	89-16-076
173-321-010	NEW-P	89-15-046	180-59-020	NEW	89-09-044	180-75-048	RE-AD-P	89-17-107
173-321-020	NEW-P	89-15-046	180-59-025	NEW	89-09-044	180-75-050	RE-AD-E	89-16-076
173-321-030	NEW-P	89-15-046	180-59-030	NEW	89-09-044	180-75-050	RE-AD-P	89-17-107
173-321-040	NEW-P	89-15-046	180-59-032	NEW	89-09-044	180-75-055	RE-AD-E	89-16-076
173-321-050	NEW-P	89-15-046	180-59-035	NEW	89-09-044	180-75-055	RE-AD-P	89-17-107
173-321-060	NEW-P	89-15-046	180-59-037	NEW	89-09-044	180-75-060	RE-AD-E	89-16-076
173-321-070	NEW-P	89-15-046	180-59-040	NEW	89-09-044	180-75-060	RE-AD-P	89-17-107
173-321-080	NEW-P	89-15-046	180-59-045	NEW	89-09-044	180-75-061	RE-AD-E	89-16-076
173-400-120	AMD	89-02-055	180-59-047	NEW	89-09-044	180-75-061	RE-AD-P	89-17-107
173-403-030	AMD	89-02-055	180-59-050	NEW	89-09-044	180-75-065	RE-AD-E	89-16-076
173-403-050	AMD	89-02-055	180-59-055	NEW	89-09-044	180-75-065	RE-AD-P	89-17-107
173-403-080	AMD	89-02-055	180-59-060	NEW	89-09-044	180-75-070	RE-AD-E	89-16-076
173-405-078	AMD	89-02-055	180-59-065	NEW	89-09-044	180-75-070	RE-AD-P	89-17-107
173-410-071	AMD	89-02-055	180-59-070	NEW	89-09-044	180-75-080	RE-AD-E	89-16-076
173-415-080	AMD	89-02-055	180-59-075	NEW	89-09-044	180-75-080	RE-AD-P	89-17-107
173-425-030	AMD	89-02-055	180-59-080	NEW	89-09-044	180-75-081	RE-AD-E	89-16-076
173-425-035	REP	89-02-055	180-59-090	NEW	89-09-044	180-75-081	RE-AD-P	89-17-107
173-425-036	NEW	89-02-055	180-59-095	NEW	89-09-044	180-75-082	RE-AD-E	89-16-076
173-425-045	AMD	89-02-055	180-59-100	NEW	89-09-044	180-75-082	RE-AD-P	89-17-107
173-425-065	AMD	89-02-055	180-59-105	NEW	89-09-044	180-75-083	RE-AD-E	89-16-076

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
180-75-083	RE-AD-P	89-17-107	192-12-330	NEW-P	89-17-086	204-91-130	REP	89-14-015
180-75-084	RE-AD-E	89-16-076	192-12-340	NEW-P	89-17-086	204-91-140	REP-P	89-10-029
180-75-084	RE-AD-P	89-17-107	192-16-300	NEW-P	89-17-085	204-91-140	REP	89-14-015
180-75-085	AMD-P	89-08-082	192-16-305	NEW-P	89-17-085	204-91-150	REP-P	89-10-029
180-75-085	AMD-E	89-08-084	192-16-310	NEW-P	89-17-085	204-91-150	REP	89-14-015
180-75-085	AMD	89-12-025	192-28-135	NEW-P	89-12-084	204-91-160	REP-P	89-10-029
180-75-085	RE-AD-E	89-16-076	192-42-010	AMD-P	89-17-121	204-91-160	REP	89-14-015
180-75-085	RE-AD-P	89-17-107	192-42-020	REP-P	89-17-121	204-91-170	REP-P	89-10-029
180-75-086	RE-AD-E	89-16-076	192-42-021	NEW-P	89-17-121	204-91-170	REP	89-14-015
180-75-086	RE-AD-P	89-17-107	192-42-030	AMD-P	89-17-121	204-91-180	REP-P	89-10-029
180-75-087	RE-AD-E	89-16-076	192-42-035	NEW-P	89-17-121	204-91-180	REP	89-14-015
180-75-087	RE-AD-P	89-17-107	192-42-040	REP-P	89-17-121	204-91-190	REP-P	89-10-029
180-75-088	RE-AD-E	89-16-076	192-42-050	AMD-P	89-17-121	204-91-190	REP	89-14-015
180-75-088	RE-AD-P	89-17-107	192-42-055	NEW-P	89-17-121	204-91-200	REP-P	89-10-029
180-75-090	RE-AD-E	89-16-076	192-42-058	NEW-P	89-17-121	204-91-200	REP	89-14-015
180-75-090	RE-AD-P	89-17-107	192-42-070	REP-P	89-17-121	204-91A-010	NEW-P	89-10-029
180-75-091	RE-AD-E	89-16-076	192-42-071	NEW-P	89-17-121	204-91A-010	NEW	89-14-015
180-75-091	RE-AD-P	89-17-107	192-42-080	REP-P	89-17-121	204-91A-020	NEW-P	89-10-029
180-75-092	RE-AD-E	89-16-076	192-42-081	NEW-P	89-17-121	204-91A-020	NEW	89-14-015
180-75-092	RE-AD-P	89-17-107	194-18-010	NEW-P	89-11-083	204-91A-030	NEW-P	89-10-029
180-75-100	RE-AD-E	89-16-076	194-18-010	NEW	89-15-013	204-91A-030	NEW	89-14-015
180-75-100	RE-AD-P	89-17-107	194-18-020	NEW-P	89-11-083	204-91A-040	NEW-P	89-10-029
180-75-199	RE-AD-E	89-16-076	194-18-020	NEW	89-15-013	204-91A-040	NEW	89-14-015
180-75-199	RE-AD-P	89-17-107	194-18-030	NEW-P	89-11-083	204-91A-050	NEW-P	89-10-029
180-79-063	AMD-P	89-17-106	194-18-030	NEW	89-15-013	204-91A-050	NEW	89-14-015
180-79-230	AMD-P	89-08-081	196-16-007	AMD	89-05-021	204-91A-060	NEW-P	89-10-029
180-79-230	AMD-E	89-08-083	196-16-020	AMD	89-05-021	204-91A-060	NEW	89-14-015
180-79-230	AMD	89-12-026	196-16-031	AMD	89-05-021	204-91A-070	NEW-P	89-10-029
180-115-010	AMD-E	89-16-044	196-24-080	AMD	89-05-021	204-91A-070	NEW	89-14-015
180-115-010	AMD-P	89-17-105	196-24-085	AMD	89-05-021	204-91A-080	NEW-P	89-10-029
180-115-010	AMD-E	89-16-044	204-29-010	NEW-E	89-10-007	204-91A-080	NEW	89-14-015
180-115-020	AMD-P	89-17-105	204-29-010	NEW	89-10-016	204-91A-090	NEW-P	89-10-029
180-115-035	AMD-E	89-16-044	204-65-010	AMD-E	89-09-023	204-91A-090	NEW	89-14-015
180-115-035	AMD-P	89-17-105	204-65-010	AMD-P	89-09-024	204-91A-100	NEW-P	89-10-029
180-115-045	AMD-E	89-16-044	204-65-010	AMD	89-12-018	204-91A-100	NEW	89-14-015
180-115-045	AMD-P	89-17-105	204-65-020	AMD-E	89-09-023	204-91A-110	NEW-P	89-10-029
180-115-060	AMD-E	89-16-044	204-65-020	AMD-P	89-09-024	204-91A-110	NEW	89-14-015
180-115-060	AMD-P	89-17-105	204-65-020	AMD	89-12-018	204-91A-120	NEW-P	89-10-029
180-115-070	REP-E	89-16-044	204-65-030	AMD-E	89-09-023	204-91A-120	NEW	89-14-015
180-115-070	REP-P	89-17-105	204-65-030	AMD-P	89-09-024	204-91A-130	NEW-P	89-10-029
180-115-081	NEW-E	89-16-044	204-65-030	AMD	89-12-018	204-91A-130	NEW	89-14-015
180-115-081	NEW-P	89-17-105	204-65-040	AMD-E	89-09-023	204-91A-140	NEW-P	89-10-029
180-115-085	AMD-E	89-16-044	204-65-040	AMD-P	89-09-024	204-91A-140	NEW	89-14-015
180-115-085	AMD-P	89-17-105	204-65-040	AMD	89-12-018	204-91A-150	NEW-P	89-10-029
180-115-090	AMD-E	89-16-044	204-65-050	AMD-E	89-09-023	204-91A-150	NEW	89-14-015
180-115-090	AMD-P	89-17-105	204-65-050	AMD-P	89-09-024	204-91A-160	NEW-P	89-10-029
180-115-105	AMD-E	89-16-044	204-65-050	AMD	89-12-018	204-91A-160	NEW	89-14-015
180-115-105	AMD-P	89-17-105	204-65-060	AMD-E	89-09-023	204-91A-170	NEW-P	89-10-029
182-08-165	NEW-P	89-02-070	204-65-060	AMD-P	89-09-024	204-91A-170	NEW	89-14-015
182-08-165	NEW	89-05-013	204-65-060	AMD	89-12-018	204-91A-180	NEW-P	89-10-029
182-08-190	AMD-P	89-08-005	204-76-99001	AMD-P	89-09-025	204-91A-180	NEW	89-14-015
182-08-190	AMD-W	89-09-053	204-76-99001	AMD	89-12-019	212-17-140	AMD-P	89-13-019
182-12-115	AMD-P	89-09-054	204-76-99002	AMD-P	89-09-025	212-17-140	AMD-E	89-13-020
182-12-115	AMD	89-12-045	204-76-99002	AMD	89-12-019	212-17-140	AMD	89-17-024
182-12-127	AMD-P	89-08-005	204-91-010	REP-P	89-10-029	212-17-195	AMD-P	89-13-019
182-12-127	AMD-W	89-09-053	204-91-010	REP	89-14-015	212-17-195	AMD-E	89-13-020
182-12-127	AMD-P	89-09-054	204-91-020	REP-P	89-10-029	212-17-195	AMD	89-17-024
182-12-127	AMD	89-12-045	204-91-020	REP	89-14-015	220-12-010	AMD-P	89-10-068
182-12-140	REP-P	89-02-070	204-91-030	REP-P	89-10-029	220-12-010	AMD	89-14-010
182-12-140	REP	89-05-013	204-91-030	REP	89-14-015	220-12-01000A	NEW-E	89-16-009
182-12-210	AMD-P	89-08-005	204-91-040	REP-P	89-10-029	220-16-410	NEW-P	89-12-006
182-12-210	AMD-W	89-09-053	204-91-040	REP	89-14-015	220-16-410	NEW	89-15-032
182-12-210	AMD-P	89-09-054	204-91-050	REP-P	89-10-029	220-20-017	AMD-P	89-09-080
182-12-210	AMD	89-12-045	204-91-050	REP	89-14-015	220-20-017	AMD	89-13-004
192-04-040	NEW-P	89-17-086	204-91-060	REP-P	89-10-029	220-20-055	AMD-P	89-06-033
192-09-030	AMD	89-03-070	204-91-060	REP	89-14-015	220-20-055	AMD	89-09-052
192-09-035	REP-P	89-17-086	204-91-070	REP-P	89-10-029	220-22-030	AMD-P	89-09-080
192-09-040	REP-P	89-17-086	204-91-070	REP	89-14-015	220-22-030	AMD	89-13-004
192-09-063	AMD	89-03-070	204-91-080	REP-P	89-10-029	220-24-02000D	NEW-E	89-09-073
192-09-315	AMD	89-03-070	204-91-080	REP	89-14-015	220-24-02000D	REP-E	89-12-086
192-12-025	AMD	89-03-068	204-91-100	REP-P	89-10-029	220-24-02000E	NEW-E	89-12-086
192-12-180	AMD	89-03-069	204-91-100	REP	89-14-015	220-24-02000E	REP-E	89-13-022
192-12-182	AMD	89-03-069	204-91-110	REP-P	89-10-029	220-24-02000F	NEW-E	89-13-022
192-12-300	NEW-P	89-17-086	204-91-110	REP	89-14-015	220-24-02000F	REP-E	89-15-034
192-12-305	NEW-P	89-17-086	204-91-120	REP-P	89-10-029	220-24-02000G	NEW-E	89-15-019
192-12-310	NEW-P	89-17-086	204-91-120	REP	89-14-015	220-24-02000G	REP-E	89-16-078
192-12-320	NEW-P	89-17-086	204-91-130	REP-P	89-10-029	220-24-02000H	NEW-E	89-16-078

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-24-02000H	REP-E	89-17-061	220-47-413	AMD	89-13-004	220-55-125	AMD-P	89-03-013
220-24-02000I	NEW-E	89-17-061	220-47-414	AMD-P	89-09-080	220-55-125	AMD	89-07-071
220-24-02000J	REP-E	89-17-084	220-47-414	AMD	89-13-004	220-55-12500A	NEW-E	89-03-014
220-24-02000J	NEW-E	89-17-084	220-47-500	NEW-E	89-16-008	220-55-130	AMD-P	89-03-013
220-24-02000K	REP-E	89-17-143	220-47-500	REP-E	89-16-054	220-55-130	AMD	89-07-071
220-24-02000K	NEW-E	89-17-143	220-47-504	NEW-E	89-16-054	220-55-13000A	NEW-E	89-03-014
220-32-05100P	NEW-E	89-04-046	220-47-504	REP-E	89-17-015	220-55-135	REP-P	89-03-013
220-32-05100P	REP-E	89-07-080	220-47-505	NEW-E	89-17-015	220-55-135	REP	89-07-071
220-32-05100Q	NEW-E	89-07-080	220-47-505	REP-E	89-17-045	220-55-140	NEW-P	89-03-013
220-32-05100R	NEW-E	89-17-016	220-47-506	NEW-E	89-17-045	220-55-140	NEW	89-07-071
220-32-05700C	REP-E	89-07-080	220-47-506	REP-E	89-17-082	220-55-200	NEW-P	89-09-049
220-32-05700D	NEW-E	89-07-080	220-47-507	NEW-E	89-17-082	220-56-100	AMD-P	89-03-075
220-32-05900P	NEW-E	89-10-009	220-48-015	AMD-P	89-10-068	220-56-100	AMD-C	89-07-059
220-32-05900P	REP-E	89-10-059	220-48-015	AMD	89-14-010	220-56-105	AMD-P	89-03-075
220-32-05900Q	NEW-E	89-10-059	220-48-01700B	NEW-E	89-07-033	220-56-105	AMD-C	89-07-059
220-33-005	AMD-P	89-06-032	220-48-029	AMD-P	89-10-068	220-56-105	AMD	89-07-060
220-33-005	AMD	89-09-051	220-48-029	AMD	89-14-010	220-56-116	AMD-P	89-07-018
220-33-01000C	NEW-E	89-04-047	220-48-062	AMD-P	89-10-068	220-56-116	AMD	89-10-032
220-33-01000C	REP-E	89-07-002	220-48-062	AMD	89-14-010	220-56-120	REP-P	89-03-075
220-33-01000D	NEW-E	89-07-002	220-49-017	AMD-P	89-10-068	220-56-120	REP-C	89-07-059
220-33-01000D	REP-E	89-07-021	220-49-017	AMD	89-14-010	220-56-120	REP	89-07-060
220-33-01000E	NEW-E	89-07-021	220-49-02000A	NEW-E	89-11-013	220-56-126	AMD-P	89-03-075
220-33-01000F	NEW-E	89-17-016	220-49-02000A	REP-E	89-11-014	220-56-126	AMD-C	89-07-059
220-33-01000F	REP-E	89-17-044	220-49-02000B	NEW-E	89-11-014	220-56-126	AMD	89-07-060
220-33-01000G	NEW-E	89-17-044	220-49-02000Y	NEW-E	89-09-041	220-56-128	AMD-P	89-03-075
220-33-01000G	REP-E	89-17-053	220-49-02000Y	REP-E	89-10-010	220-56-128	AMD-C	89-07-059
220-33-01000H	NEW-E	89-17-053	220-49-02000Z	NEW-E	89-10-010	220-56-128	AMD	89-07-060
220-33-03000A	NEW-E	89-11-050	220-49-02000Z	REP-E	89-11-013	220-56-12800D	NEW-E	89-17-046
220-33-03000A	REP-E	89-14-021	220-52-03000E	NEW-E	89-10-034	220-56-12800D	REP-E	89-17-070
220-33-03000B	NEW-E	89-14-021	220-52-05100B	NEW-E	89-11-049	220-56-12800E	NEW-E	89-17-070
220-33-03000B	REP-E	89-17-016	220-52-05100B	REP-E	89-11-066	220-56-133	NEW-P	89-03-075
220-36	AMD-C	89-16-055	220-52-05100C	NEW-E	89-11-066	220-56-133	NEW-C	89-07-059
220-36-015	NEW-P	89-12-085	220-52-07100D	NEW-E	89-17-142	220-56-133	NEW	89-07-060
220-36-015	NEW	89-16-056	220-55-010	AMD-P	89-03-013	220-56-13300A	NEW-E	89-08-074
220-36-020	AMD-P	89-12-085	220-55-010	AMD	89-07-071	220-56-156	AMD-P	89-10-060
220-36-020	AMD	89-16-056	220-55-015	AMD-P	89-03-013	220-56-156	AMD-P	89-11-080
220-36-021	AMD-P	89-12-085	220-55-015	AMD	89-07-071	220-56-156	AMD-C	89-15-010
220-36-021	AMD	89-16-056	220-55-020	REP-P	89-03-013	220-56-156	AMD-C	89-17-018
220-36-02100B	NEW-E	89-14-049	220-55-020	REP	89-07-071	220-56-156	AMD-C	89-17-019
220-36-02100B	REP-E	89-15-033	220-55-025	REP-P	89-03-013	220-56-175	AMD-P	89-03-013
220-36-02100C	NEW-E	89-15-033	220-55-025	REP	89-07-071	220-56-175	AMD	89-07-071
220-36-023	NEW-P	89-12-085	220-55-030	REP-P	89-03-013	220-56-180	AMD-P	89-03-075
220-36-023	NEW	89-16-056	220-55-030	REP	89-07-071	220-56-180	AMD-C	89-07-059
220-40	AMD-C	89-16-055	220-55-035	REP-P	89-03-013	220-56-180	AMD	89-07-060
220-40-015	NEW-P	89-12-085	220-55-035	REP	89-07-071	220-56-18000B	NEW-E	89-08-074
220-40-015	NEW	89-16-056	220-55-040	AMD-P	89-03-013	220-56-185	AMD-P	89-03-075
220-40-020	AMD-P	89-12-085	220-55-040	AMD	89-07-071	220-56-185	AMD-C	89-07-059
220-40-020	AMD	89-16-056	220-55-04000A	NEW-E	89-03-014	220-56-185	AMD	89-07-060
220-40-021	AMD-P	89-12-085	220-55-045	REP-P	89-03-013	220-56-190	AMD-P	89-03-075
220-40-021	AMD	89-16-056	220-55-045	REP-E	89-03-014	220-56-190	AMD-C	89-07-059
220-40-02100P	NEW-E	89-14-049	220-55-045	REP	89-07-071	220-56-190	AMD	89-07-060
220-40-026	NEW-P	89-12-085	220-55-060	AMD-P	89-03-013	220-56-19000J	NEW-E	89-08-074
220-40-026	NEW	89-16-056	220-55-060	AMD	89-07-071	220-56-19000J	REP-E	89-10-031
220-40-027	NEW-P	89-12-085	220-55-070	AMD-P	89-03-013	220-56-19000K	NEW-E	89-09-072
220-40-027	NEW	89-16-056	220-55-070	AMD	89-07-071	220-56-19000K	REP-E	89-14-011
220-44-050	AMD-P	89-03-003	220-55-07000A	NEW-E	89-03-014	220-56-19000L	NEW-E	89-14-011
220-44-050	AMD	89-06-030	220-55-075	AMD-P	89-03-013	220-56-19000L	REP-E	89-16-027
220-44-050	AMD-P	89-11-105	220-55-075	AMD	89-07-071	220-56-19000M	NEW-E	89-14-047
220-44-050	AMD	89-14-069	220-55-07500A	NEW-E	89-03-014	220-56-19000M	REP-E	89-17-062
220-44-05000V	NEW-E	89-10-019	220-55-086	NEW-P	89-03-013	220-56-19000N	NEW-E	89-16-027
220-44-05000V	REP-E	89-15-021	220-55-086	NEW	89-07-071	220-56-19000N	REP-E	89-17-122
220-44-05000W	NEW-E	89-15-021	220-55-08600A	NEW-E	89-03-014	220-56-19000N	NEW-E	89-17-062
220-44-05000W	REP-E	89-16-038	220-55-08600B	NEW-E	89-12-047	220-56-19000Q	NEW-E	89-17-122
220-44-05000X	NEW-E	89-16-038	220-55-090	AMD-P	89-03-013	220-56-195	AMD-P	89-03-075
220-47-311	AMD-P	89-09-080	220-55-090	AMD	89-07-071	220-56-195	AMD-C	89-07-059
220-47-311	AMD	89-13-004	220-55-09000A	NEW-E	89-03-014	220-56-195	AMD	89-07-060
220-47-312	AMD-P	89-09-080	220-55-105	AMD-P	89-03-013	220-56-196	AMD-P	89-03-075
220-47-312	AMD	89-13-004	220-55-105	AMD	89-07-071	220-56-196	AMD-C	89-07-059
220-47-313	AMD-P	89-09-080	220-55-110	AMD-P	89-03-013	220-56-196	AMD	89-07-060
220-47-313	AMD	89-13-004	220-55-110	AMD	89-07-071	220-56-19700A	NEW-E	89-17-046
220-47-401	AMD-P	89-09-080	220-55-11000A	NEW-E	89-03-014	220-56-235	AMD-P	89-03-075
220-47-401	AMD	89-13-004	220-55-115	AMD-P	89-03-013	220-56-235	AMD-C	89-07-059
220-47-411	AMD-P	89-09-080	220-55-115	AMD	89-07-071	220-56-235	AMD	89-07-060
220-47-411	AMD	89-13-004	220-55-11500A	NEW-E	89-03-014	220-56-23500E	NEW-E	89-08-074
220-47-412	AMD-P	89-09-080	220-55-120	AMD-P	89-03-013	220-56-240	AMD-P	89-03-075
220-47-412	AMD	89-13-004	220-55-120	AMD	89-07-071	220-56-240	AMD-C	89-07-059
220-47-413	AMD-P	89-09-080	220-55-12000A	NEW-E	89-03-014	220-56-240	AMD	89-07-060

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-56-24000E	NEW-E	89-08-074	220-57-150	AMD	89-07-060	220-57-300	AMD-C	89-07-059
220-56-24000F	NEW-E	89-15-020	220-57-155	AMD-P	89-03-075	220-57-300	AMD	89-07-060
220-56-245	AMD-P	89-03-075	220-57-155	AMD-C	89-07-059	220-57-31500M	NEW-E	89-08-073
220-56-245	AMD-C	89-07-059	220-57-155	AMD	89-07-060	220-57-31500M	REP-E	89-11-018
220-56-245	AMD	89-07-060	220-57-160	AMD-P	89-03-075	220-57-31500N	NEW-E	89-11-018
220-56-24500F	NEW-E	89-06-052	220-57-160	AMD-C	89-07-059	220-57-31500N	REP-E	89-11-034
220-56-250	AMD-P	89-07-018	220-57-160	AMD	89-07-060	220-57-31500P	NEW-E	89-11-034
220-56-250	AMD	89-10-032	220-57-160	AMD-P	89-11-104	220-57-31500P	REP-E	89-11-106
220-56-255	AMD-P	89-03-075	220-57-160	AMD	89-15-022	220-57-31500Q	NEW-E	89-11-106
220-56-255	AMD-C	89-07-059	220-57-16000X	NEW-E	89-08-031	220-57-31500Q	REP-E	89-15-009
220-56-255	AMD	89-07-060	220-57-16000Y	NEW-E	89-13-003	220-57-31500R	NEW-E	89-15-009
220-56-25500E	NEW-E	89-06-052	220-57-16000Z	NEW-E	89-16-019	220-57-325	AMD-P	89-03-075
220-56-282	NEW-P	89-03-075	220-57-165	AMD-P	89-03-075	220-57-325	AMD-C	89-07-059
220-56-282	NEW-C	89-07-059	220-57-165	AMD-C	89-07-059	220-57-325	AMD	89-07-060
220-56-282	NEW	89-07-060	220-57-165	AMD	89-07-060	220-57-326	AMD-P	89-03-075
220-56-28200A	NEW-E	89-08-074	220-57-180	AMD-P	89-03-075	220-57-326	AMD-C	89-07-059
220-56-295	AMD-P	89-03-075	220-57-180	AMD-C	89-07-059	220-57-326	AMD	89-07-060
220-56-295	AMD-C	89-07-059	220-57-180	AMD	89-07-060	220-57-327	AMD-P	89-03-075
220-56-295	AMD	89-07-060	220-57-181	AMD-P	89-03-075	220-57-327	AMD-C	89-07-059
220-56-310	AMD-P	89-03-075	220-57-181	AMD-C	89-07-059	220-57-327	AMD	89-07-060
220-56-310	AMD-C	89-07-059	220-57-181	AMD	89-07-060	220-57-330	AMD-P	89-03-075
220-56-310	AMD	89-07-060	220-57-185	AMD-P	89-03-075	220-57-330	AMD-C	89-07-059
220-56-31000I	NEW-E	89-08-074	220-57-185	AMD-C	89-07-059	220-57-330	AMD	89-07-060
220-56-315	AMD-P	89-03-075	220-57-185	AMD	89-07-060	220-57-335	AMD-P	89-03-075
220-56-315	AMD-C	89-07-059	220-57-190	AMD-P	89-03-075	220-57-335	AMD-C	89-07-059
220-56-315	AMD	89-07-060	220-57-190	AMD-C	89-07-059	220-57-335	AMD	89-07-060
220-56-320	AMD-P	89-03-075	220-57-190	AMD	89-07-060	220-57-340	AMD-P	89-03-075
220-56-320	AMD-C	89-07-059	220-57-195	AMD-P	89-03-075	220-57-340	AMD-C	89-07-059
220-56-320	AMD	89-07-060	220-57-195	AMD-C	89-07-059	220-57-340	AMD	89-07-060
220-56-32000B	NEW-E	89-08-074	220-57-195	AMD	89-07-060	220-57-342	NEW-P	89-03-075
220-56-325	AMD-P	89-03-075	220-57-200	AMD-P	89-03-075	220-57-342	NEW-C	89-07-059
220-56-325	AMD-C	89-07-059	220-57-200	AMD-C	89-07-059	220-57-342	NEW	89-07-060
220-56-325	AMD	89-07-060	220-57-200	AMD	89-07-060	220-57-350	AMD-P	89-03-075
220-56-32500P	NEW-E	89-11-049	220-57-205	AMD-P	89-03-075	220-57-350	AMD-C	89-07-059
220-56-32500P	REP-E	89-11-066	220-57-205	AMD-C	89-07-059	220-57-350	AMD	89-07-060
220-56-32500Q	NEW-E	89-11-066	220-57-205	AMD	89-07-060	220-57-365	AMD-P	89-03-075
220-56-345	REP-P	89-03-075	220-57-210	AMD-P	89-03-075	220-57-365	AMD-C	89-07-059
220-56-345	REP-C	89-07-059	220-57-210	AMD-C	89-07-059	220-57-365	AMD	89-07-060
220-56-345	REP	89-07-060	220-57-210	AMD	89-07-060	220-57-370	AMD-P	89-03-075
220-56-350	AMD-P	89-03-075	220-57-215	AMD-P	89-03-075	220-57-370	AMD-C	89-07-059
220-56-350	AMD-C	89-07-059	220-57-215	AMD-C	89-07-059	220-57-370	AMD	89-07-060
220-56-350	AMD	89-07-060	220-57-215	AMD	89-07-060	220-57-375	AMD-P	89-03-075
220-56-35000E	NEW-E	89-08-074	220-57-220	AMD-P	89-03-075	220-57-375	AMD-C	89-07-059
220-56-35000F	NEW-E	89-13-021	220-57-220	AMD-C	89-07-059	220-57-375	AMD	89-07-060
220-56-35000F	REP-E	89-13-025	220-57-220	AMD	89-07-060	220-57-380	AMD-P	89-03-075
220-56-35000G	NEW-E	89-13-025	220-57-225	AMD-P	89-03-075	220-57-380	AMD-C	89-07-059
220-56-355	AMD-P	89-03-075	220-57-225	AMD-C	89-07-059	220-57-380	AMD	89-07-060
220-56-355	AMD-C	89-07-059	220-57-225	AMD	89-07-060	220-57-385	AMD-P	89-03-075
220-56-355	AMD	89-07-060	220-57-230	AMD-P	89-03-075	220-57-385	AMD-C	89-07-059
220-56-35500B	NEW-E	89-08-074	220-57-230	AMD-C	89-07-059	220-57-385	AMD	89-07-060
220-56-36000R	NEW-E	89-07-066	220-57-230	AMD	89-07-060	220-57-400	AMD-P	89-03-075
220-56-380	AMD-P	89-03-075	220-57-240	AMD-P	89-03-075	220-57-400	AMD-C	89-07-059
220-56-380	AMD-C	89-07-059	220-57-240	AMD-C	89-07-059	220-57-400	AMD	89-07-060
220-56-380	AMD	89-07-060	220-57-240	AMD	89-07-060	220-57-405	AMD-P	89-03-075
220-56-38000C	NEW-E	89-13-021	220-57-260	AMD-P	89-03-075	220-57-405	AMD-C	89-07-059
220-56-38000C	REP-E	89-13-025	220-57-260	AMD-C	89-07-059	220-57-405	AMD	89-07-060
220-56-38000D	NEW-E	89-13-025	220-57-260	AMD	89-07-060	220-57-410	AMD-P	89-03-075
220-57-120	AMD-P	89-03-075	220-57-265	AMD-P	89-03-075	220-57-410	AMD-C	89-07-059
220-57-120	AMD-C	89-07-059	220-57-265	AMD-C	89-07-059	220-57-410	AMD	89-07-060
220-57-120	AMD	89-07-060	220-57-265	AMD	89-07-060	220-57-415	AMD-P	89-03-075
220-57-130	AMD-P	89-03-075	220-57-270	AMD-P	89-03-075	220-57-415	AMD-C	89-07-059
220-57-130	AMD-C	89-07-059	220-57-270	AMD-C	89-07-059	220-57-415	AMD	89-07-060
220-57-130	AMD	89-07-060	220-57-270	AMD	89-07-060	220-57-420	AMD-P	89-03-075
220-57-135	AMD-P	89-03-075	220-57-275	AMD-P	89-03-075	220-57-420	AMD-C	89-07-059
220-57-135	AMD-C	89-07-059	220-57-275	AMD-C	89-07-059	220-57-420	AMD	89-07-060
220-57-135	AMD	89-07-060	220-57-275	AMD	89-07-060	220-57-425	AMD-P	89-03-075
220-57-137	AMD-P	89-03-075	220-57-280	AMD-P	89-03-075	220-57-425	AMD-C	89-07-059
220-57-137	AMD-C	89-07-059	220-57-280	AMD-C	89-07-059	220-57-425	AMD	89-07-060
220-57-137	AMD	89-07-060	220-57-280	AMD	89-07-060	220-57-42500S	NEW-E	89-16-077
220-57-140	AMD-P	89-03-075	220-57-285	AMD-P	89-03-075	220-57-430	AMD-P	89-03-075
220-57-140	AMD-C	89-07-059	220-57-285	AMD-C	89-07-059	220-57-430	AMD-C	89-07-059
220-57-140	AMD	89-07-060	220-57-285	AMD	89-07-060	220-57-430	AMD	89-07-060
220-57-14000J	NEW-E	89-11-001	220-57-290	AMD-P	89-03-075	220-57-435	AMD-P	89-03-075
220-57-14000J	REP-E	89-16-018	220-57-290	AMD-C	89-07-059	220-57-435	AMD-C	89-07-059
220-57-14000K	NEW-E	89-16-018	220-57-290	AMD	89-07-060	220-57-435	AMD	89-07-060
220-57-150	AMD-P	89-03-075	220-57-29000K	NEW-E	89-12-012	220-57-43500E	NEW-E	89-14-048
220-57-150	AMD-C	89-07-059	220-57-300	AMD-P	89-03-075	220-57-43500E	REP-E	89-16-010

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
220-57-440	AMD-P	89-03-075	230-02-150	REP-P	89-07-053	230-08-122	NEW-P	89-05-064
220-57-440	AMD-C	89-07-059	230-02-150	REP	89-11-048	230-08-122	NEW	89-09-047
220-57-440	AMD	89-07-060	230-02-155	NEW-P	89-05-064	230-08-125	AMD-P	89-05-064
220-57-445	AMD-P	89-03-075	230-02-155	NEW	89-09-047	230-08-125	AMD	89-09-047
220-57-445	AMD-C	89-07-059	230-02-160	NEW-P	89-05-064	230-08-140	PREP	89-17-136
220-57-445	AMD	89-07-060	230-02-160	NEW	89-09-047	230-08-150	PREP	89-17-136
220-57-450	AMD-P	89-03-075	230-02-161	NEW-P	89-05-064	230-08-170	PREP	89-17-136
220-57-450	AMD-C	89-07-059	230-02-161	NEW	89-09-047	230-12-010	AMD-P	89-11-046
220-57-450	AMD	89-07-060	230-02-163	NEW-P	89-05-064	230-12-010	AMD	89-15-039
220-57-455	AMD-P	89-03-075	230-02-163	NEW	89-09-047	230-12-020	AMD-P	89-05-064
220-57-455	AMD-C	89-07-059	230-02-166	NEW-P	89-05-064	230-12-020	AMD	89-09-047
220-57-455	AMD	89-07-060	230-02-166	NEW	89-09-047	230-12-020	AMD-P	89-13-057
220-57-460	AMD-P	89-03-075	230-02-169	NEW-P	89-05-064	230-12-020	AMD	89-17-056
220-57-460	AMD-C	89-07-059	230-02-169	NEW	89-09-047	230-12-050	AMD	89-05-024
220-57-460	AMD	89-07-060	230-02-173	NEW-P	89-05-064	230-12-053	NEW	89-05-024
220-57-465	AMD-P	89-03-075	230-02-173	NEW	89-09-047	230-12-060	NEW-P	89-05-064
220-57-465	AMD-C	89-07-059	230-02-176	NEW-P	89-05-064	230-12-060	NEW	89-09-047
220-57-465	AMD	89-07-060	230-02-176	NEW	89-09-047	230-20-064	AMD-P	89-05-064
220-57-470	AMD-P	89-03-075	230-02-179	NEW-P	89-05-064	230-20-064	AMD-E	89-07-046
220-57-470	AMD-C	89-07-059	230-02-179	NEW	89-09-047	230-20-064	AMD	89-09-047
220-57-470	AMD	89-07-060	230-02-182	NEW-P	89-05-064	230-20-246	AMD-P	89-13-057
220-57-475	AMD-P	89-03-075	230-02-182	NEW	89-09-047	230-20-246	AMD-P	89-13-058
220-57-475	AMD-C	89-07-059	230-02-185	NEW-P	89-05-064	230-20-246	AMD	89-17-056
220-57-475	AMD	89-07-060	230-02-185	NEW	89-09-047	230-20-248	NEW-P	89-03-066
220-57-490	AMD-P	89-03-075	230-02-188	NEW-P	89-05-064	230-20-248	NEW	89-07-045
220-57-490	AMD-C	89-07-059	230-02-188	NEW	89-09-047	230-20-325	AMD	89-05-024
220-57-490	AMD	89-07-060	230-02-191	NEW-P	89-05-064	230-20-350	AMD-P	89-07-053
220-57-49700D	NEW-E	89-12-012	230-02-191	NEW	89-09-047	230-20-350	AMD	89-11-048
220-57-500	AMD-P	89-03-075	230-02-370	AMD-P	89-03-066	230-20-605	PREP	89-17-136
220-57-500	AMD-C	89-07-059	230-02-500	NEW	89-05-024	230-20-630	PREP	89-17-136
220-57-500	AMD	89-07-060	230-04-005	NEW-P	89-05-064	230-20-670	PREP	89-17-136
220-57-502	AMD-P	89-03-075	230-04-005	NEW	89-09-047	230-20-699	AMD	89-05-024
220-57-502	AMD-C	89-07-059	230-04-010	AMD-P	89-05-064	230-20-699	AMD-E	89-05-025
220-57-502	AMD	89-07-060	230-04-010	AMD	89-09-047	230-20-699	AMD-E	89-11-047
220-57-50500P	NEW-E	89-08-073	230-04-020	AMD-P	89-05-064	230-20-699	AMD-P	89-13-057
220-57-50500P	REP-E	89-11-018	230-04-020	AMD	89-09-047	230-20-699	AMD	89-17-056
220-57-50500Q	NEW-E	89-11-018	230-04-022	NEW-P	89-05-064	230-25-065	AMD-P	89-11-046
220-57-510	AMD-P	89-03-075	230-04-022	NEW	89-09-047	230-25-065	AMD	89-15-039
220-57-510	AMD-C	89-07-059	230-04-024	NEW-P	89-05-064	230-25-160	AMD-P	89-11-046
220-57-510	AMD	89-07-060	230-04-024	NEW	89-09-047	230-25-160	AMD	89-15-039
220-57-51500D	NEW-E	89-08-073	230-04-035	NEW-P	89-05-064	230-30-030	AMD-P	89-17-081
220-57-520	AMD-P	89-03-075	230-04-035	NEW	89-09-047	230-30-070	AMD-P	89-13-057
220-57-520	AMD-C	89-07-059	230-04-040	NEW-P	89-05-064	230-30-070	AMD	89-17-056
220-57-520	AMD	89-07-060	230-04-040	NEW	89-09-047	230-30-072	AMD-P	89-17-081
220-57-525	AMD-P	89-03-075	230-04-050	REP-P	89-05-064	230-30-106	AMD-P	89-07-053
220-57-525	AMD-C	89-07-059	230-04-050	REP	89-09-047	230-30-106	AMD	89-11-048
220-57-525	AMD	89-07-060	230-04-060	REP-P	89-05-064	230-40-070	AMD	89-05-024
220-57A-030	AMD-P	89-03-075	230-04-060	REP	89-09-047	230-40-070	AMD-P	89-07-053
220-57A-030	AMD-C	89-07-059	230-04-061	REP-P	89-05-064	230-40-070	AMD	89-11-048
220-57A-030	AMD	89-07-060	230-04-061	REP	89-09-047	230-40-120	AMD-P	89-11-046
220-57A-175	AMD-P	89-03-075	230-04-064	NEW-P	89-05-064	230-40-120	AMD	89-15-039
220-57A-175	AMD-C	89-07-059	230-04-064	NEW	89-09-047	230-50-010	RE-AD-E	89-15-037
220-57A-175	AMD	89-07-060	230-04-065	AMD-P	89-05-064	230-50-010	PREP	89-17-136
220-57A-180	AMD-P	89-03-075	230-04-065	AMD	89-09-047	230-50-012	RE-AD-E	89-15-037
220-57A-180	AMD-C	89-07-059	230-04-110	PREP	89-17-136	230-50-012	PREP	89-17-136
220-57A-180	AMD	89-07-060	230-04-120	PREP	89-17-136	230-50-020	RE-AD-E	89-15-037
220-57A-18300B	NEW-E	89-16-019	230-04-124	PREP	89-17-136	230-50-020	PREP	89-17-136
220-69-237	AMD-P	89-03-013	230-04-190	AMD-P	89-05-064	230-50-030	RE-AD-E	89-15-037
220-69-237	AMD	89-07-071	230-04-190	AMD	89-09-047	230-50-030	PREP	89-17-136
220-69-23700A	NEW-E	89-03-014	230-04-190	PREP	89-17-136	230-50-060	RE-AD-E	89-15-037
220-69-238	AMD-P	89-03-013	230-04-201	AMD-P	89-03-066	230-50-060	PREP	89-17-136
220-69-238	AMD	89-07-071	230-04-201	AMD-P	89-05-064	230-50-070	RE-AD-E	89-15-037
220-69-23800A	NEW-E	89-03-014	230-04-201	AMD-C	89-08-010	230-50-070	PREP	89-17-136
220-69-247	REP-P	89-03-013	230-04-201	AMD-C	89-09-046	230-50-080	RE-AD-E	89-15-037
220-69-247	REP-E	89-03-014	230-04-201	AMD	89-11-048	230-50-090	RE-AD-E	89-15-037
220-69-247	REP	89-07-071	230-04-201	AMD-P	89-17-081	230-50-100	RE-AD-E	89-15-037
220-76-010	AMD-P	89-07-019	230-04-201	PREP	89-17-136	230-50-110	RE-AD-E	89-15-037
220-76-010	AMD	89-10-033	230-08-010	PREP	89-17-136	230-50-140	RE-AD-E	89-15-037
220-76-020	AMD-P	89-07-019	230-08-017	PREP	89-17-136	230-50-140	PREP	89-17-136
220-76-020	AMD	89-10-033	230-08-025	PREP	89-17-136	230-50-150	RE-AD-E	89-15-037
220-77-080	NEW-P	89-03-004	230-08-060	PREP	89-17-136	230-50-150	PREP	89-17-136
220-77-080	NEW	89-06-031	230-08-070	AMD-P	89-03-066	230-50-160	RE-AD-E	89-15-037
220-130-010	AMD	89-03-015	230-08-070	AMD	89-07-045	230-50-160	PREP	89-17-136
220-130-020	AMD	89-03-015	230-08-095	AMD-P	89-05-064	230-50-170	RE-AD-E	89-15-037
220-130-070	NEW	89-03-015	230-08-095	AMD	89-09-047	230-50-180	RE-AD-E	89-15-037
230-02-030	AMD-P	89-09-045	230-08-120	AMD-P	89-05-064	230-50-190	RE-AD-E	89-15-037
230-02-030	AMD	89-13-059	230-08-120	AMD	89-09-047	230-50-190	PREP	89-17-136

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
230-50-200	RE-AD-E	89-15-037	232-12-017	AMD-P	89-17-141	232-28-61715	NEW-E	89-04-009
230-50-200	PREP	89-17-136	232-12-024	AMD-P	89-14-111	232-28-61716	NEW-E	89-03-028
230-50-210	RE-AD-E	89-15-037	232-12-025	AMD-P	89-14-105	232-28-61716	REP-E	89-05-002
230-50-210	PREP	89-17-136	232-12-025	AMD-W	89-17-140	232-28-61717	NEW-E	89-04-011
230-50-220	RE-AD-E	89-15-037	232-12-051	AMD-P	89-08-103	232-28-61717	NEW-P	89-06-080
230-50-220	PREP	89-17-136	232-12-051	AMD	89-11-062	232-28-61717	NEW-E	89-10-025
230-50-225	PREP	89-17-136	232-12-057	AMD-P	89-14-109	232-28-61717	NEW	89-10-026
230-50-230	RE-AD-E	89-15-037	232-12-057	AMD-C	89-17-144	232-28-61718	NEW-E	89-04-010
230-50-230	PREP	89-17-136	232-12-081	AMD-P	89-14-106	232-28-61719	NEW-E	89-05-002
230-50-240	RE-AD-E	89-15-037	232-12-081	AMD-C	89-17-145	232-28-61720	NEW-P	89-06-080
230-50-240	PREP	89-17-136	232-12-082	NEW-P	89-17-146	232-28-61720	NEW	89-10-026
230-50-250	RE-AD-E	89-15-037	232-12-177	RE-AD-E	89-13-085	232-28-61720	REP-P	89-17-150
230-50-250	PREP	89-17-136	232-12-177	AMD-P	89-14-113	232-28-61721	NEW-P	89-06-080
230-50-260	RE-AD-E	89-15-037	232-12-177	AMD-C	89-17-147	232-28-61721	NEW	89-10-026
230-50-260	PREP	89-17-136	232-12-184	RE-AD-E	89-13-085	232-28-61621	REP-P	89-17-150
230-50-270	RE-AD-E	89-15-037	232-12-184	RE-AD-P	89-14-113	232-28-61722	NEW-P	89-06-081
230-50-270	PREP	89-17-136	232-12-184	RE-AD-C	89-17-147	232-28-61722	NEW	89-10-027
230-50-280	RE-AD-E	89-15-037	232-12-187	RE-AD-E	89-13-085	232-28-61722	REP-P	89-17-150
230-50-280	PREP	89-17-136	232-12-187	RE-AD-P	89-14-113	232-28-61723	NEW-P	89-06-082
230-50-290	RE-AD-E	89-15-037	232-12-187	RE-AD-C	89-17-147	232-28-61723	NEW-E	89-17-054
230-50-290	PREP	89-17-136	232-12-191	AMD-P	89-14-115	232-28-61724	NEW-E	89-06-042
230-50-300	RE-AD-E	89-15-037	232-12-191	AMD-C	89-17-148	232-28-61725	NEW-E	89-08-011
230-50-300	PREP	89-17-136	232-12-194	REP-P	89-14-110	232-28-61726	NEW-E	89-08-032
230-50-310	RE-AD-E	89-15-037	232-12-197	REP-P	89-14-110	232-28-61727	NEW-E	89-11-052
230-50-320	RE-AD-E	89-15-037	232-12-207	REP-P	89-14-110	232-28-61727	REP-E	89-16-020
230-50-330	RE-AD-E	89-15-037	232-12-221	REP-P	89-14-110	232-28-618	NEW-P	89-17-151
230-50-330	PREP	89-17-136	232-12-251	RE-AD-E	89-13-085	232-28-710	REP	89-06-002
230-50-340	RE-AD-E	89-15-037	232-12-251	RE-AD-P	89-14-113	232-28-712	NEW	89-06-002
230-50-350	RE-AD-E	89-15-037	232-12-251	RE-AD-C	89-17-147	232-28-810	REP-P	89-06-083
230-50-360	RE-AD-E	89-15-037	232-12-254	RE-AD-E	89-13-085	232-28-810	REP-C	89-09-059
230-50-370	RE-AD-E	89-15-037	232-12-254	RE-AD-P	89-14-113	232-28-810	REP	89-11-064
230-50-380	RE-AD-E	89-15-037	232-12-254	RE-AD-C	89-17-147	232-28-811	NEW-P	89-06-083
230-50-390	RE-AD-E	89-15-037	232-12-267	AMD-P	89-06-079	232-28-811	NEW	89-12-041
230-50-390	PREP	89-17-136	232-12-267	AMD-C	89-09-058	236-22-010	NEW-P	89-13-076
230-50-400	RE-AD-E	89-15-037	232-12-267	AMD	89-14-018	236-22-020	NEW-P	89-13-076
230-50-410	RE-AD-E	89-15-037	232-12-271	AMD-W	89-04-034	236-22-030	NEW-P	89-13-076
230-50-420	RE-AD-E	89-15-037	232-12-271	AMD-P	89-08-104	236-22-040	NEW-P	89-13-076
230-50-430	RE-AD-E	89-15-037	232-12-271	AMD	89-12-044	236-48	AMD-P	89-14-013
230-50-430	PREP	89-17-136	232-12-285	NEW-P	89-08-105	236-48	AMD	89-17-094
230-50-500	RE-AD-E	89-15-037	232-12-285	NEW-W	89-12-043	236-48-002	AMD-P	89-14-013
230-50-510	RE-AD-E	89-15-037	232-12-618	NEW-P	89-17-149	236-48-002	AMD	89-17-094
230-50-520	RE-AD-E	89-15-037	232-12-800	REP-P	89-14-127	236-48-003	AMD-P	89-14-013
230-50-530	RE-AD-E	89-15-037	232-12-804	REP-P	89-14-127	236-48-003	AMD	89-17-094
230-50-550	RE-AD-E	89-15-037	232-12-807	REP-P	89-14-127	236-48-004	AMD-P	89-14-013
230-50-550	PREP	89-17-136	232-12-827	REP-P	89-14-112	236-48-004	AMD	89-17-094
230-50-600	RE-AD-E	89-15-037	232-12-828	NEW-E	89-08-034	236-48-005	AMD-P	89-14-013
230-50-600	PREP	89-17-136	232-12-829	NEW-P	89-08-107	236-48-005	AMD	89-17-094
230-50-610	RE-AD-E	89-15-037	232-12-829	NEW	89-11-073	236-48-009	AMD-P	89-14-013
230-50-620	RE-AD-E	89-15-037	232-28-110	REP-P	89-08-108	236-48-009	AMD	89-17-094
230-50-620	PREP	89-17-136	232-28-110	REP	89-11-063	236-48-011	AMD-P	89-14-013
230-50-630	RE-AD-E	89-15-037	232-28-20401	REP-P	89-14-108	236-48-011	AMD	89-17-094
230-50-640	RE-AD-E	89-15-037	232-28-206	REP-P	89-14-108	236-48-012	AMD-P	89-14-013
230-50-650	RE-AD-E	89-15-037	232-28-209	REP-P	89-14-108	236-48-012	AMD	89-17-094
230-50-660	RE-AD-E	89-15-037	232-28-21201	REP-P	89-14-108	236-48-012	AMD	89-17-094
230-50-670	RE-AD-E	89-15-037	232-28-217	REP-P	89-14-108	236-48-013	AMD-P	89-14-013
230-50-680	RE-AD-E	89-15-037	232-28-217	REP-P	89-08-108	236-48-013	AMD	89-17-094
230-50-700	RE-AD-E	89-15-037	232-28-218	REP	89-11-063	236-48-021	AMD-P	89-14-013
230-50-750	RE-AD-E	89-15-037	232-28-218	NEW-P	89-08-108	236-48-021	AMD	89-17-094
230-50-760	RE-AD-E	89-15-037	232-28-218	NEW	89-13-029	236-48-023	AMD-P	89-14-013
230-50-800	RE-AD-E	89-15-037	232-28-404	REP-P	89-14-108	236-48-023	AMD	89-17-094
230-50-810	RE-AD-E	89-15-037	232-28-412	REP-P	89-14-093	236-48-024	AMD-P	89-14-013
230-50-810	PREP	89-17-136	232-28-413	NEW-P	89-14-093	236-48-024	AMD	89-17-094
230-50-820	RE-AD-E	89-15-037	232-28-51101	NEW-P	89-14-094	236-48-024	AMD	89-17-094
230-50-820	PREP	89-17-136	232-28-60101	REP-P	89-14-108	236-48-025	AMD-P	89-14-013
230-50-830	RE-AD-E	89-15-037	232-28-60102	REP-P	89-14-108	236-48-025	AMD	89-17-094
230-50-830	PREP	89-17-136	232-28-604	REP-P	89-14-108	236-48-026	AMD-P	89-14-013
230-50-850	RE-AD-E	89-15-037	232-28-60415	REP-P	89-14-108	236-48-026	AMD	89-17-094
230-50-950	RE-AD-E	89-15-037	232-28-605	REP-P	89-14-108	236-48-035	AMD-P	89-14-013
230-50-950	PREP	89-17-136	232-28-60508	REP-P	89-14-108	236-48-035	AMD	89-17-094
232-02-100	NEW-P	89-14-127	232-28-60508	NEW-E	89-04-007	236-48-036	NEW-P	89-14-013
232-02-120	NEW-P	89-14-127	232-28-61521	REP-P	89-14-108	236-48-036	NEW	89-17-094
232-02-140	NEW-P	89-14-127	232-28-61610	REP-P	89-17-150	236-48-052	NEW-P	89-14-013
232-12-001	AMD-P	89-06-080	232-28-617	REP-P	89-08-106	236-48-052	NEW	89-17-094
232-12-001	AMD	89-10-026	232-28-61703	REP-P	89-11-051	236-48-061	AMD-P	89-14-013
232-12-001	RE-AD-P	89-14-107	232-28-61703	REP-P	89-17-150	236-48-061	AMD	89-17-094
232-12-011	AMD-P	89-08-102	232-28-61706	REP-P	89-17-150	236-48-071	AMD-P	89-14-013
232-12-011	AMD	89-11-061	232-28-61713	NEW	89-04-037	236-48-071	AMD	89-17-094
				REP-P	89-17-150	236-48-079	AMD-P	89-14-013
							AMD	89-17-094

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
236-48-081	AMD-P	89-14-013	236-49-010	AMD	89-17-094	248-08-500	REP-E	89-14-096
236-48-081	AMD	89-17-094	236-49-020	AMD-P	89-14-013	248-08-510	REP-E	89-14-096
236-48-082	AMD-P	89-14-013	236-49-020	AMD	89-17-094	248-08-515	NEW-E	89-14-096
236-48-082	AMD	89-17-094	236-49-030	AMD-P	89-14-013	248-08-520	REP-E	89-14-096
236-48-083	AMD-P	89-14-013	236-49-030	AMD	89-17-094	248-08-525	NEW-E	89-14-096
236-48-083	AMD	89-17-094	236-49-040	AMD-P	89-14-013	248-08-530	REP-E	89-14-096
236-48-084	AMD-P	89-14-013	236-49-040	AMD	89-17-094	248-08-535	NEW-E	89-14-096
236-48-084	AMD	89-17-094	236-49-060	AMD-P	89-14-013	248-08-540	REP-E	89-14-096
236-48-085	AMD-P	89-14-013	236-49-060	AMD	89-17-094	248-08-545	NEW-E	89-14-096
236-48-085	AMD	89-17-094	236-49-061	AMD-P	89-14-013	248-08-550	REP-E	89-14-096
236-48-093	AMD-P	89-14-013	236-49-061	AMD	89-17-094	248-08-560	REP-E	89-14-096
236-48-093	AMD	89-17-094	236-80-010	NEW-P	89-08-033	248-08-565	NEW-E	89-14-096
236-48-095	AMD-P	89-14-013	236-80-020	NEW-P	89-08-033	248-08-570	REP-E	89-14-096
236-48-095	AMD	89-17-094	236-80-030	NEW-P	89-08-033	248-08-580	REP-E	89-14-096
236-48-096	AMD-P	89-14-013	248-06-385	AMD-E	89-14-096	248-08-590	REP-E	89-14-096
236-48-096	AMD	89-17-094	248-08-001	REP-E	89-14-096	248-08-596	REP-E	89-14-096
236-48-098	AMD-P	89-14-013	248-08-010	REP-E	89-14-096	248-08-596	RE-AD-E	89-17-008
236-48-098	AMD	89-17-094	248-08-020	REP-E	89-14-096	248-08-596	AMD-P	89-17-123
236-48-099	AMD-P	89-14-013	248-08-030	REP-E	89-14-096	248-08-700	REP-E	89-14-096
236-48-099	AMD	89-17-094	248-08-040	REP-E	89-14-096	248-08-705	REP-E	89-14-096
236-48-101	AMD-P	89-14-013	248-08-050	REP-E	89-14-096	248-08-710	REP-E	89-14-096
236-48-101	AMD	89-17-094	248-08-060	REP-E	89-14-096	248-08-715	REP-E	89-14-096
236-48-111	AMD-P	89-14-013	248-08-070	REP-E	89-14-096	248-08-720	REP-E	89-14-096
236-48-111	AMD	89-17-094	248-08-075	REP-E	89-14-096	248-08-725	REP-E	89-14-096
236-48-121	AMD-P	89-14-013	248-08-080	REP-E	89-14-096	248-08-730	REP-E	89-14-096
236-48-121	AMD	89-17-094	248-08-090	REP-E	89-14-096	248-08-735	REP-E	89-14-096
236-48-122	AMD-P	89-14-013	248-08-100	REP-E	89-14-096	248-08-740	REP-E	89-14-096
236-48-122	AMD	89-17-094	248-08-110	REP-E	89-14-096	248-08-750	REP-E	89-14-096
236-48-123	AMD-P	89-14-013	248-08-120	REP-E	89-14-096	248-08-755	REP-E	89-14-096
236-48-123	AMD	89-17-094	248-08-130	REP-E	89-14-096	248-08-760	REP-E	89-14-096
236-48-124	AMD-P	89-14-013	248-08-140	REP-E	89-14-096	248-08-765	REP-E	89-14-096
236-48-124	AMD	89-17-094	248-08-150	REP-E	89-14-096	248-08-770	REP-E	89-14-096
236-48-131	AMD-P	89-14-013	248-08-160	REP-E	89-14-096	248-08-775	REP-E	89-14-096
236-48-131	AMD	89-17-094	248-08-170	REP-E	89-14-096	248-08-780	REP-E	89-14-096
236-48-141	AMD-P	89-14-013	248-08-180	REP-E	89-14-096	248-08-785	REP-E	89-14-096
236-48-141	AMD	89-17-094	248-08-190	REP-E	89-14-096	248-08-790	REP-E	89-14-096
236-48-142	AMD-P	89-14-013	248-08-200	REP-E	89-14-096	248-08-800	REP-E	89-14-096
236-48-142	AMD	89-17-094	248-08-210	REP-E	89-14-096	248-08-805	REP-E	89-14-096
236-48-143	AMD-P	89-14-013	248-08-220	REP-E	89-14-096	248-08-810	REP-E	89-14-096
236-48-143	AMD	89-17-094	248-08-230	REP-E	89-14-096	248-08-815	REP-E	89-14-096
236-48-151	AMD-P	89-14-013	248-08-240	REP-E	89-14-096	248-08-820	REP-E	89-14-096
236-48-151	AMD	89-17-094	248-08-250	REP-E	89-14-096	248-08-825	REP-E	89-14-096
236-48-152	AMD-P	89-14-013	248-08-260	REP-E	89-14-096	248-08-830	REP-E	89-14-096
236-48-152	AMD	89-17-094	248-08-270	REP-E	89-14-096	248-08-835	REP-E	89-14-096
236-48-153	AMD-P	89-14-013	248-08-280	REP-E	89-14-096	248-08-840	REP-E	89-14-096
236-48-153	AMD	89-17-094	248-08-290	REP-E	89-14-096	248-08-845	REP-E	89-14-096
236-48-155	AMD-P	89-14-013	248-08-300	REP-E	89-14-096	248-14-001	AMD-P	89-04-054
236-48-155	AMD	89-17-094	248-08-310	REP-E	89-14-096	248-14-001	AMD	89-08-054
236-48-161	REP-P	89-14-013	248-08-320	REP-E	89-14-096	248-14-001	AMD-P	89-17-129
236-48-161	REP	89-17-094	248-08-330	REP-E	89-14-096	248-14-010	AMD-P	89-15-051
236-48-162	AMD-P	89-14-013	248-08-340	REP-E	89-14-096	248-14-070	AMD-E	89-14-098
236-48-162	AMD	89-17-094	248-08-350	REP-E	89-14-096	248-14-090	AMD-P	89-04-054
236-48-163	AMD-P	89-14-013	248-08-360	REP-E	89-14-096	248-14-090	AMD	89-08-054
236-48-163	AMD	89-17-094	248-08-370	REP-E	89-14-096	248-14-211	NEW-P	89-17-129
236-48-164	AMD-P	89-14-013	248-08-380	REP-E	89-14-096	248-14-235	AMD-P	89-04-054
236-48-164	AMD	89-17-094	248-08-390	REP-E	89-14-096	248-14-235	AMD	89-08-054
236-48-165	AMD-P	89-14-013	248-08-400	REP-E	89-14-096	248-14-247	AMD-P	89-04-054
236-48-165	AMD	89-17-094	248-08-410	AMD-E	89-14-096	248-14-247	AMD	89-08-054
236-48-166	AMD-P	89-14-013	248-08-413	NEW-E	89-14-096	248-14-270	AMD	89-06-050
236-48-166	AMD	89-17-094	248-08-420	REP-E	89-14-096	248-14-285	AMD-P	89-04-054
236-48-167	AMD-P	89-14-013	248-08-425	NEW-E	89-14-096	248-14-285	AMD	89-08-054
236-48-167	AMD	89-17-094	248-08-430	REP-E	89-14-096	248-14-297	REP-P	89-15-052
236-48-1901	NEW-P	89-13-030	248-08-431	NEW-E	89-14-096	248-14-298	NEW-P	89-15-052
236-48-1901	NEW	89-17-094	248-08-434	NEW-E	89-14-096	248-14-300	AMD-P	89-04-054
236-48-230	AMD-P	89-14-013	248-08-437	NEW-E	89-14-096	248-14-300	AMD	89-08-054
236-48-230	AMD	89-17-094	248-08-440	AMD-E	89-14-096	248-15-040	AMD	89-06-003
236-48-240	AMD-P	89-14-013	248-08-446	NEW-E	89-14-096	248-15-050	AMD	89-06-003
236-48-240	AMD	89-17-094	248-08-449	NEW-E	89-14-096	248-15-110	AMD-E	89-14-095
236-48-250	AMD-P	89-14-013	248-08-450	REP-E	89-14-096	248-16-001	AMD	89-09-034
236-48-250	AMD	89-17-094	248-08-452	NEW-E	89-14-096	248-16-030	REP	89-09-034
236-48-251	AMD-P	89-14-013	248-08-460	REP-E	89-14-096	248-16-031	NEW	89-09-034
236-48-251	AMD	89-17-094	248-08-461	NEW-E	89-14-096	248-16-031	AMD-E	89-14-095
236-48-252	AMD-P	89-14-013	248-08-464	NEW-E	89-14-096	248-16-033	NEW	89-09-034
236-48-252	AMD	89-17-094	248-08-470	NEW-E	89-14-096	248-16-035	REP	89-09-034
236-49-001	AMD-P	89-14-013	248-08-470	NEW-E	89-14-096	248-16-036	NEW	89-09-034
236-49-001	AMD	89-17-094	248-08-480	REP-E	89-14-096	248-16-040	REP	89-09-034
236-49-010	AMD-P	89-14-013	248-08-490	REP-E	89-14-096	248-16-045	REP	89-09-034

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-16-046	NEW	89-09-034	248-18-637	NEW-P	89-17-124	248-27-115	NEW	89-12-077
248-16-048	NEW-P	89-17-007	248-18-655	REP-P	89-17-126	248-27-120	REP-P	89-07-023
248-16-050	REP	89-09-034	248-18-656	NEW-P	89-17-126	248-27-120	REP	89-12-077
248-16-055	REP	89-09-034	248-18-710	REP-P	89-17-125	248-27-125	NEW-P	89-07-023
248-16-056	REP	89-09-034	248-18-711	NEW-P	89-17-125	248-27-125	NEW	89-12-077
248-16-057	NEW	89-09-034	248-18-718	REP-P	89-17-125	248-27-135	NEW-P	89-07-023
248-16-060	AMD	89-09-034	248-18-719	NEW-P	89-17-125	248-27-135	NEW	89-12-077
248-16-070	AMD	89-09-034	248-18-99902	AMD-P	89-17-125	248-27-145	NEW-P	89-07-023
248-16-080	AMD	89-09-034	248-19-220	AMD-P	89-14-077	248-27-145	NEW	89-12-077
248-16-090	AMD	89-09-034	248-19-230	REP-P	89-14-077	248-27-155	NEW-P	89-07-023
248-16-105	AMD	89-09-034	248-19-230	REP-E	89-14-087	248-27-155	NEW	89-12-077
248-16-110	AMD	89-09-034	248-19-231	NEW-P	89-14-077	248-27-165	NEW-P	89-07-023
248-16-115	AMD	89-09-034	248-19-231	NEW-E	89-14-087	248-27-165	NEW	89-12-077
248-16-120	REP	89-09-034	248-19-480	AMD-E	89-14-095	248-27-175	NEW-P	89-07-023
248-16-121	NEW	89-09-034	248-21-005	AMD-E	89-14-097	248-27-175	NEW	89-12-077
248-16-130	REP	89-09-034	248-21-017	NEW-P	89-17-007	248-27-185	NEW-P	89-07-023
248-16-131	NEW	89-09-034	248-22-005	AMD-E	89-14-095	248-27-185	NEW	89-12-077
248-16-140	REP	89-09-034	248-22-017	NEW-P	89-17-007	248-29-020	AMD-E	89-14-095
248-16-141	NEW	89-09-034	248-23-010	AMD-E	89-14-095	248-29-045	NEW-P	89-17-007
248-16-150	AMD	89-09-034	248-23-025	NEW-P	89-17-007	248-31	AMD-P	89-07-023
248-16-160	AMD	89-09-034	248-25-010	AMD-E	89-14-095	248-31	AMD	89-12-077
248-16-170	AMD	89-09-034	248-25-025	NEW-P	89-17-007	248-31-001	REP-P	89-07-023
248-16-180	AMD	89-09-034	248-26-020	AMD-E	89-14-095	248-31-001	REP	89-12-077
248-16-190	AMD	89-09-034	248-26-035	NEW-P	89-17-007	248-31-002	REP-P	89-07-023
248-16-202	AMD	89-09-034	248-27	AMD-P	89-07-023	248-31-002	REP	89-12-077
248-16-213	AMD	89-09-034	248-27	AMD	89-12-077	248-31-005	NEW-P	89-07-023
248-16-215	AMD	89-09-034	248-27-001	REP-P	89-07-023	248-31-005	NEW	89-12-077
248-16-216	NEW	89-09-034	248-27-001	REP	89-12-077	248-31-010	REP-P	89-07-023
248-16-222	AMD	89-09-034	248-27-002	REP-P	89-07-023	248-31-010	REP	89-12-077
248-16-223	AMD	89-09-034	248-27-002	REP	89-12-077	248-31-015	NEW-P	89-07-023
248-16-226	AMD	89-09-034	248-27-005	NEW-P	89-07-023	248-31-015	NEW	89-12-077
248-16-227	REP	89-09-034	248-27-005	NEW	89-12-077	248-31-020	REP-P	89-07-023
248-16-228	REP	89-09-034	248-27-010	REP-P	89-07-023	248-31-020	REP	89-12-077
248-16-229	NEW	89-09-034	248-27-010	REP	89-12-077	248-31-025	NEW-P	89-07-023
248-16-230	AMD	89-09-034	248-27-015	NEW-P	89-07-023	248-31-025	NEW	89-12-077
248-16-235	AMD	89-09-034	248-27-015	NEW	89-12-077	248-31-025	AMD-E	89-15-057
248-16-300	NEW	89-09-034	248-27-020	REP-P	89-07-023	248-31-030	REP-P	89-07-023
248-16-900	AMD	89-09-034	248-27-020	REP	89-12-077	248-31-030	REP	89-12-077
248-17-020	AMD-P	89-10-069	248-27-025	NEW-P	89-07-023	248-31-035	NEW-P	89-07-023
248-17-020	AMD-E	89-10-071	248-27-025	NEW	89-12-077	248-31-035	NEW	89-12-077
248-17-020	AMD-E	89-16-070	248-27-025	AMD-E	89-15-057	248-31-035	AMD-E	89-15-057
248-17-020	AMD-P	89-17-128	248-27-030	REP-P	89-07-023	248-31-040	REP-P	89-07-023
248-17-060	AMD-E	89-14-095	248-27-030	REP	89-12-077	248-31-040	REP	89-12-077
248-17-213	AMD-P	89-10-069	248-27-035	NEW-P	89-07-023	248-31-045	NEW-P	89-07-023
248-17-213	AMD-E	89-10-071	248-27-035	NEW	89-12-077	248-31-045	NEW	89-12-077
248-17-213	AMD-E	89-16-070	248-27-035	AMD-E	89-15-057	248-31-045	AMD-E	89-15-057
248-17-213	AMD-P	89-17-128	248-27-040	REP-P	89-07-023	248-31-050	REP-P	89-07-023
248-17-230	AMD-E	89-14-095	248-27-040	REP	89-12-077	248-31-050	REP	89-12-077
248-17-260	AMD-P	89-10-069	248-27-045	NEW-P	89-07-023	248-31-055	NEW-P	89-07-023
248-17-260	AMD-E	89-10-071	248-27-045	NEW	89-12-077	248-31-055	NEW	89-12-077
248-17-260	AMD-E	89-16-070	248-27-045	AMD-E	89-15-057	248-31-055	AMD-E	89-15-057
248-17-260	AMD-P	89-17-128	248-27-050	REP-P	89-07-023	248-31-060	REP-P	89-07-023
248-17-261	NEW-E	89-16-070	248-27-050	REP	89-12-077	248-31-060	REP	89-12-077
248-17-261	NEW-P	89-17-128	248-27-055	NEW-P	89-07-023	248-31-065	NEW-P	89-07-023
248-18-001	AMD-P	89-17-124	248-27-055	NEW	89-12-077	248-31-065	NEW	89-12-077
248-18-015	AMD-E	89-14-095	248-27-055	AMD-E	89-15-057	248-31-070	REP-P	89-07-023
248-18-035	AMD-P	89-17-006	248-27-060	REP-P	89-07-023	248-31-070	REP	89-12-077
248-18-215	REP-P	89-17-124	248-27-060	REP	89-12-077	248-31-075	REP-P	89-07-023
248-18-216	NEW-P	89-17-124	248-27-065	NEW-P	89-07-023	248-31-075	REP	89-12-077
248-18-220	REP-P	89-17-124	248-27-065	NEW	89-12-077	248-31-077	NEW-P	89-07-023
248-18-221	NEW-P	89-17-124	248-27-070	REP-P	89-07-023	248-31-077	NEW	89-12-077
248-18-222	REP-P	89-17-124	248-27-070	REP	89-12-077	248-31-080	REP-P	89-07-023
248-18-223	REP-P	89-17-124	248-27-077	NEW-P	89-07-023	248-31-080	REP	89-12-077
248-18-224	NEW-P	89-17-124	248-27-077	NEW	89-12-077	248-31-085	NEW-P	89-07-023
248-18-310	REP-P	89-17-126	248-27-080	REP-P	89-07-023	248-31-085	NEW	89-12-077
248-18-311	NEW-P	89-17-126	248-27-080	REP	89-12-077	248-31-090	REP-P	89-07-023
248-18-515	AMD-P	89-17-125	248-27-085	NEW-P	89-07-023	248-31-090	REP	89-12-077
248-18-539	REP-P	89-17-124	248-27-085	NEW	89-12-077	248-31-095	NEW-P	89-07-023
248-18-541	NEW-P	89-17-124	248-27-090	REP-P	89-07-023	248-31-095	NEW	89-12-077
248-18-600	REP-P	89-17-124	248-27-090	REP	89-12-077	248-31-100	REP-P	89-07-023
248-18-601	NEW-P	89-17-124	248-27-095	NEW-P	89-07-023	248-31-100	REP	89-12-077
248-18-605	REP-P	89-17-124	248-27-095	NEW	89-12-077	248-31-105	NEW-P	89-07-023
248-18-606	NEW-P	89-17-124	248-27-100	REP-P	89-07-023	248-31-105	NEW	89-12-077
248-18-607	REP-P	89-17-124	248-27-100	REP	89-12-077	248-31-110	REP-P	89-07-023
248-18-608	NEW-P	89-17-124	248-27-105	NEW-P	89-07-023	248-31-110	REP	89-12-077
248-18-615	REP-P	89-17-124	248-27-105	NEW	89-12-077	248-31-115	NEW-P	89-07-023
248-18-616	NEW-P	89-17-124	248-27-115	NEW-P	89-07-023	248-31-115	NEW	89-12-077

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-31-120	REP-P	89-07-023	248-54-045	AMD-P	89-14-079	248-140-200	AMD-E	89-14-097
248-31-120	REP	89-12-077	248-54-055	AMD-P	89-14-079	248-140-215	NEW-P	89-17-007
248-31-125	NEW-P	89-07-023	248-54-086	AMD-P	89-14-079	248-144-010	AMD-P	89-08-098
248-31-125	NEW	89-12-077	248-54-097	AMD-P	89-14-079	248-144-010	AMD	89-11-058
248-31-130	REP-P	89-07-023	248-54-098	NEW-P	89-14-079	248-144-020	AMD-P	89-08-098
248-31-130	REP	89-12-077	248-54-165	AMD-P	89-14-079	248-144-020	AMD	89-11-058
248-31-135	NEW-P	89-07-023	248-54-175	AMD-P	89-14-079	248-144-030	REP-P	89-08-098
248-31-135	NEW	89-12-077	248-54-185	AMD-P	89-14-079	248-144-030	REP	89-11-058
248-31-140	REP-P	89-07-023	248-54-187	NEW-P	89-14-079	248-144-031	NEW-P	89-08-098
248-31-140	REP	89-12-077	248-54-196	AMD-P	89-14-079	248-144-031	NEW	89-11-058
248-31-150	REP-P	89-07-023	248-54-201	AMD-P	89-14-079	248-144-031	AMD-E	89-14-097
248-31-150	REP	89-12-077	248-54-255	REP-P	89-14-079	248-144-035	REP-P	89-08-098
248-31-155	NEW-P	89-07-023	248-54-265	AMD-P	89-14-079	248-144-035	REP	89-11-058
248-31-155	NEW	89-12-077	248-54-285	AMD-P	89-14-079	248-144-040	REP-P	89-08-098
248-31-160	REP-P	89-07-023	248-55-220	AMD-E	89-14-095	248-144-040	REP	89-11-058
248-31-160	REP	89-12-077	248-55-230	REP-E	89-14-095	248-144-041	NEW-P	89-08-098
248-31-165	NEW-P	89-07-023	248-55-235	NEW-E	89-14-095	248-144-041	NEW	89-11-058
248-31-165	NEW	89-12-077	248-55-240	AMD-E	89-14-095	248-144-050	REP-P	89-08-098
248-31-175	NEW-P	89-07-023	248-55-250	AMD-E	89-14-095	248-144-050	REP	89-11-058
248-31-175	NEW	89-12-077	248-55-260	REP-E	89-14-095	248-144-051	NEW-P	89-08-098
248-31-185	NEW-P	89-07-023	248-56-500	AMD-P	89-11-055	248-144-051	NEW	89-11-058
248-31-185	NEW	89-12-077	248-56-500	AMD	89-16-065	248-144-060	REP-P	89-08-098
248-33-040	AMD-P	89-14-097	248-56-510	AMD-P	89-11-055	248-144-060	REP	89-11-058
248-33-060	REP-P	89-14-097	248-57-500	AMD-P	89-11-055	248-144-061	NEW-P	89-08-098
248-33-080	REP-P	89-14-097	248-57-500	AMD	89-16-065	248-144-061	NEW	89-11-058
248-33-090	NEW-P	89-17-007	248-58-085	NEW-E	89-14-097	248-144-061	REP-P	89-08-098
248-36-005	NEW-P	89-07-023	248-59-030	AMD-E	89-14-095	248-144-070	REP	89-11-058
248-36-005	NEW	89-12-077	248-59-040	REP-E	89-14-095	248-144-071	NEW-P	89-08-098
248-36-015	NEW-P	89-07-023	248-59-050	REP-E	89-14-095	248-144-071	NEW	89-11-058
248-36-015	NEW	89-12-077	248-59-060	REP-E	89-14-095	248-144-080	REP-P	89-08-098
248-36-025	NEW-P	89-07-023	248-59-070	REP-E	89-14-095	248-144-080	REP	89-11-058
248-36-025	NEW	89-12-077	248-59-080	REP-E	89-14-095	248-144-081	NEW-P	89-08-098
248-36-025	AMD-E	89-15-057	248-64-240	AMD-P	89-16-104	248-144-081	NEW	89-11-058
248-36-035	NEW-P	89-07-023	248-64-240	AMD-C	89-17-132	248-144-090	REP-P	89-08-098
248-36-035	NEW	89-12-077	248-64-320	AMD-P	89-16-104	248-144-090	REP	89-11-058
248-36-035	AMD-E	89-15-057	248-64-320	AMD-C	89-17-132	248-144-091	NEW-P	89-08-098
248-36-045	NEW-P	89-07-023	248-91-060	AMD-E	89-14-095	248-144-091	NEW	89-11-058
248-36-045	NEW	89-12-077	248-96	AMD-C	89-17-055	248-144-100	REP-P	89-08-098
248-36-045	AMD-E	89-15-057	248-96-020	AMD-P	89-14-126	248-144-100	REP	89-11-058
248-36-055	NEW-P	89-07-023	248-96-040	AMD-P	89-14-126	248-144-101	NEW-P	89-08-098
248-36-055	NEW	89-12-077	248-96-046	AMD-P	89-14-126	248-144-101	NEW	89-11-058
248-36-055	AMD-E	89-15-057	248-96-060	AMD-P	89-14-126	248-144-110	REP-P	89-08-098
248-36-065	NEW-P	89-07-023	248-96-110	AMD-P	89-14-126	248-144-110	REP	89-11-058
248-36-065	NEW	89-12-077	248-96-120	NEW-P	89-14-126	248-144-111	NEW-P	89-08-098
248-36-077	NEW-P	89-07-023	248-96-125	NEW-P	89-14-126	248-144-111	NEW	89-11-058
248-36-077	NEW	89-12-077	248-97-130	AMD-E	89-14-097	248-144-120	REP-P	89-08-098
248-36-085	NEW-P	89-07-023	248-97-135	NEW-E	89-14-097	248-144-121	REP	89-11-058
248-36-085	NEW	89-12-077	248-100-011	AMD-P	89-04-055	248-144-121	NEW-P	89-08-098
248-36-095	NEW-P	89-07-023	248-100-011	AMD	89-07-095	248-144-121	NEW	89-11-058
248-36-095	NEW	89-12-077	248-100-206	AMD-P	89-04-055	248-144-130	REP-P	89-08-098
248-36-105	NEW-P	89-07-023	248-100-206	AMD	89-07-095	248-144-130	REP	89-11-058
248-36-105	NEW	89-12-077	248-100-207	AMD-P	89-10-021	248-144-131	NEW-P	89-08-098
248-36-115	NEW-P	89-07-023	248-100-207	AMD-E	89-10-022	248-144-131	NEW	89-11-058
248-36-115	NEW	89-12-077	248-100-207	AMD	89-14-003	248-144-140	REP-P	89-08-098
248-36-125	NEW-P	89-07-023	248-100-207	AMD-E	89-16-026	248-144-140	REP	89-11-058
248-36-125	NEW	89-12-077	248-100-207	AMD-P	89-16-059	248-144-141	NEW-P	89-08-098
248-36-135	NEW-P	89-07-023	248-100-207	AMD-C	89-17-133	248-144-141	NEW	89-11-058
248-36-135	NEW	89-12-077	248-105-010	AMD-P	89-13-079	248-144-150	REP-P	89-08-098
248-36-165	NEW-P	89-07-023	248-105-020	AMD-P	89-13-079	248-144-150	REP	89-11-058
248-36-165	NEW	89-12-077	248-105-030	AMD-P	89-13-079	248-144-151	NEW-P	89-08-098
248-52	NEW-C	89-17-131	248-105-040	REP-P	89-13-079	248-144-151	NEW	89-11-058
248-52-001	NEW-P	89-16-103	248-105-050	REP-P	89-13-079	248-144-160	REP-P	89-08-098
248-52-005	NEW-P	89-16-103	248-105-060	REP-P	89-13-079	248-144-160	REP	89-11-058
248-52-010	NEW-P	89-16-103	248-105-070	AMD-P	89-13-079	248-144-161	NEW-P	89-08-098
248-52-020	NEW-P	89-16-103	248-105-080	AMD-P	89-13-079	248-144-161	NEW	89-11-058
248-52-030	NEW-P	89-16-103	248-105-090	AMD-P	89-13-079	248-144-170	REP-P	89-08-098
248-52-040	NEW-P	89-16-103	248-105-100	AMD-P	89-13-079	248-144-170	REP	89-11-058
248-52-050	NEW-P	89-16-103	248-124-990	REP-P	89-06-047	248-144-171	NEW-P	89-08-098
248-52-060	NEW-P	89-16-103	248-124-990	REP	89-10-023	248-144-171	NEW	89-11-058
248-52-070	NEW-P	89-16-103	248-124-99001	REP-P	89-06-047	248-144-180	REP-P	89-08-098
248-52-080	NEW-P	89-16-103	248-124-99001	REP	89-10-023	248-144-180	REP	89-11-058
248-54	AMD-C	89-17-130	248-124-99002	REP-P	89-06-047	248-144-181	NEW-P	89-08-098
248-54-005	AMD-P	89-14-079	248-124-99002	REP	89-10-023	248-144-181	NEW	89-11-058
248-54-006	NEW-P	89-14-079	248-124-99003	REP-P	89-06-047	248-144-190	REP-P	89-08-098
248-54-015	AMD-P	89-14-079	248-124-99003	REP	89-10-023	248-144-190	REP	89-11-058
248-54-025	AMD-P	89-14-079	248-124-99004	REP-P	89-06-047	248-144-191	NEW-P	89-08-098
248-54-035	AMD-P	89-14-079	248-124-99004	REP	89-10-023	248-144-191	NEW	89-11-058

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
248-144-200	REP-P	89-08-098	251-10-080	NEW	89-08-003	251-19-120	AMD-P	89-06-045
248-144-200	REP	89-11-058	251-10-090	NEW-C	89-05-043	251-19-120	AMD-C	89-09-061
248-144-201	NEW-P	89-08-098	251-10-090	NEW	89-08-003	251-19-120	AMD-P	89-09-063
248-144-201	NEW	89-11-058	251-11-100	AMD-C	89-05-043	251-19-120	AMD	89-13-074
248-144-210	REP-P	89-08-098	251-11-100	AMD	89-08-003	251-19-122	NEW-P	89-06-044
248-144-210	REP	89-11-058	251-12-073	RE-AD-E	89-17-009	251-19-122	NEW-P	89-06-045
248-144-211	NEW-P	89-08-098	251-12-073	RE-AD-P	89-17-120	251-19-122	NEW-C	89-09-061
248-144-211	NEW	89-11-058	251-12-075	AMD-C	89-05-043	251-19-122	NEW	89-13-074
248-144-220	REP-P	89-08-098	251-12-075	AMD	89-08-003	251-22-170	AMD-P	89-17-118
248-144-220	REP	89-11-058	251-12-075	RE-AD-E	89-17-009	251-22-250	NEW-E	89-12-060
248-144-230	REP-P	89-08-098	251-12-075	RE-AD-P	89-17-120	251-22-250	NEW-P	89-13-073
248-144-230	REP	89-11-058	251-12-076	RE-AD-E	89-17-009	251-22-250	NEW-P	89-17-119
248-144-240	REP-P	89-08-098	251-12-076	RE-AD-P	89-17-120	251-22-260	NEW-E	89-12-060
248-144-240	REP	89-11-058	251-12-080	RE-AD-E	89-17-009	251-22-260	NEW-P	89-13-073
248-320-340	NEW-E	89-14-096	251-12-080	RE-AD-P	89-17-120	251-22-260	NEW-P	89-17-119
248-320-350	NEW-E	89-14-096	251-12-085	AMD-E	89-17-009	251-22-270	NEW-E	89-12-060
248-320-360	NEW-E	89-14-096	251-12-085	AMD-P	89-17-120	251-22-270	NEW-P	89-13-073
248-320-370	NEW-E	89-14-096	251-12-087	NEW-C	89-05-043	251-22-270	NEW-P	89-17-119
248-320-400	NEW-E	89-14-096	251-12-090	RE-AD-E	89-17-009	251-22-280	NEW-E	89-12-060
248-320-410	NEW-E	89-14-096	251-12-090	RE-AD-P	89-17-120	251-22-280	NEW-P	89-13-073
248-320-500	NEW-E	89-14-096	251-12-096	AMD-P	89-09-063	251-22-280	NEW-P	89-17-119
248-554-030	AMD-E	89-14-098	251-12-096	AMD	89-12-059	251-22-290	NEW-E	89-12-060
250-44-050	AMD-P	89-04-048	251-12-096	RE-AD-E	89-17-009	251-22-290	NEW-P	89-13-073
250-44-050	AMD	89-08-056	251-12-096	RE-AD-P	89-17-120	251-22-290	NEW-P	89-17-119
250-44-050	AMD-E	89-08-057	251-12-097	AMD-P	89-09-063	251-22-300	NEW-E	89-12-060
250-44-110	AMD-P	89-04-048	251-12-097	AMD	89-12-059	251-22-300	NEW-P	89-13-073
250-44-110	AMD	89-08-056	251-12-097	RE-AD-E	89-17-009	251-22-300	NEW-P	89-17-119
250-44-110	AMD-E	89-08-057	251-12-097	RE-AD-P	89-17-120	251-24-030	AMD-C	89-05-043
250-44-130	AMD-P	89-04-048	251-12-100	AMD-E	89-17-009	251-24-030	AMD-P	89-06-045
250-44-130	AMD	89-08-056	251-12-100	AMD-P	89-17-120	251-24-030	AMD	89-08-003
250-44-130	AMD-E	89-08-057	251-12-101	RE-AD-E	89-17-009	251-24-030	AMD-W	89-09-060
250-68-010	NEW-P	89-16-072	251-12-101	RE-AD-P	89-17-120	251-24-030	AMD-P	89-09-063
250-68-020	NEW-P	89-16-072	251-12-102	RE-AD-E	89-17-009	251-24-030	AMD	89-13-075
250-68-030	NEW-P	89-16-072	251-12-102	RE-AD-P	89-17-120	251-24-200	NEW-P	89-06-045
250-68-035	NEW-P	89-16-072	251-12-170	RE-AD-E	89-17-009	251-24-200	NEW-W	89-09-060
250-68-040	NEW-P	89-16-072	251-12-170	RE-AD-P	89-17-120	251-24-200	NEW-P	89-09-063
250-68-050	NEW-P	89-16-072	251-12-180	RE-AD-E	89-17-009	251-24-200	NEW	89-13-075
250-68-060	NEW-P	89-16-072	251-12-180	RE-AD-P	89-17-120	259-04-010	NEW	89-07-003
250-68-070	NEW-P	89-16-072	251-12-190	RE-AD-E	89-17-009	259-04-020	NEW	89-07-003
251-01-077	NEW-P	89-06-044	251-12-190	RE-AD-P	89-17-120	259-04-030	NEW	89-07-003
251-01-077	NEW-P	89-06-045	251-12-200	RE-AD-E	89-17-009	259-04-040	NEW	89-07-003
251-01-077	NEW-W	89-09-060	251-12-200	RE-AD-P	89-17-120	259-04-050	NEW	89-07-003
251-01-077	NEW-C	89-09-061	251-12-210	RE-AD-E	89-17-009	259-04-060	NEW	89-07-003
251-01-077	NEW	89-13-074	251-12-210	RE-AD-P	89-17-120	259-04-070	NEW	89-07-003
251-01-078	NEW-P	89-06-044	251-12-231	NEW-E	89-17-009	260-34-010	AMD-P	89-04-060
251-01-078	NEW-P	89-06-045	251-12-231	NEW-P	89-17-120	260-34-010	AMD-W	89-07-027
251-01-078	NEW-W	89-09-060	251-12-232	NEW-E	89-17-009	260-34-010	AMD-P	89-08-090
251-01-078	NEW-C	89-09-061	251-12-232	NEW-P	89-17-120	260-34-010	AMD	89-13-006
251-01-415	AMD-P	89-06-044	251-12-250	RE-AD-E	89-17-009	260-34-020	AMD-P	89-04-060
251-01-415	AMD-P	89-06-045	251-12-250	RE-AD-P	89-17-120	260-34-020	AMD-W	89-07-027
251-01-415	AMD-W	89-09-060	251-12-600	AMD-P	89-06-044	260-34-020	AMD-P	89-08-090
251-01-415	AMD-C	89-09-061	251-12-600	AMD-P	89-06-045	260-34-020	AMD	89-13-006
251-01-415	AMD-P	89-09-063	251-12-600	AMD-W	89-09-060	260-34-030	AMD-P	89-04-060
251-01-415	AMD	89-13-074	251-12-600	AMD-C	89-09-061	260-34-030	AMD-W	89-07-027
251-01-416	NEW-P	89-09-063	251-12-600	AMD-P	89-09-063	260-34-030	AMD-P	89-08-090
251-01-417	NEW-P	89-09-063	251-12-600	AMD	89-13-074	260-34-030	AMD	89-13-006
251-04-040	AMD-P	89-06-044	251-14-110	AMD-C	89-05-043	260-34-040	AMD-P	89-04-060
251-04-040	AMD-P	89-06-045	251-14-110	AMD	89-08-003	260-34-040	AMD-W	89-07-027
251-04-040	AMD-W	89-09-060	251-17-090	AMD-C	89-05-043	260-34-040	AMD-P	89-08-090
251-04-040	AMD-C	89-09-061	251-17-090	AMD	89-08-003	260-34-040	AMD	89-13-006
251-04-040	AMD-P	89-09-063	251-18-180	AMD-C	89-05-043	260-34-050	AMD-P	89-04-060
251-04-040	AMD	89-13-074	251-18-180	AMD	89-08-003	260-34-050	AMD-W	89-07-027
251-04-105	RE-AD-E	89-17-009	251-19-030	REP-P	89-06-044	260-34-050	AMD-P	89-08-090
251-04-105	RE-AD-P	89-17-120	251-19-030	REP-P	89-06-045	260-34-050	AMD	89-13-006
251-04-110	RE-AD-E	89-17-009	251-19-030	REP-W	89-09-060	260-34-060	AMD-P	89-04-060
251-04-110	RE-AD-P	89-17-120	251-19-030	REP-C	89-09-061	260-34-060	AMD-W	89-07-027
251-07-100	NEW-P	89-06-044	251-19-030	REP	89-13-074	260-34-060	AMD-P	89-08-090
251-07-100	NEW-P	89-06-045	251-19-040	REP-P	89-06-044	260-34-060	AMD	89-13-006
251-07-100	NEW-W	89-09-060	251-19-040	REP-P	89-06-045	260-34-070	AMD-P	89-04-060
251-07-100	NEW-C	89-09-061	251-19-040	REP-W	89-09-060	260-34-070	AMD-W	89-07-027
251-07-100	NEW	89-13-074	251-19-040	REP-C	89-09-061	260-34-070	AMD-P	89-08-090
251-08-110	AMD-C	89-05-043	251-19-040	REP	89-13-074	260-34-070	AMD	89-13-006
251-08-110	AMD	89-08-003	251-19-100	AMD-P	89-09-063	260-34-080	AMD-P	89-04-060
251-10	AMD	89-08-003	251-19-100	AMD	89-13-075	260-34-080	AMD-W	89-07-027
251-10-070	NEW-C	89-05-043	251-19-105	NEW-P	89-09-063	260-34-080	AMD-P	89-08-090
251-10-070	NEW	89-08-003	251-19-105	NEW	89-13-075	260-34-080	AMD	89-13-006
251-10-080	NEW-C	89-05-043	251-19-120	AMD-P	89-06-044	260-34-090	AMD-P	89-04-060

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
260-34-090	AMD-W 89-07-027	275-19-990	AMD 89-06-011	275-56-305	AMD-P 89-16-105
260-34-090	AMD-P 89-08-090	275-20-080	AMD-E 89-14-098	275-56-310	REP-P 89-16-105
260-34-090	AMD 89-13-006	275-26-015	REP-E 89-14-098	275-56-315	REP-P 89-16-105
260-34-100	AMD-P 89-04-060	275-26-020	AMD-E 89-14-098	275-56-320	REP-P 89-16-105
260-34-100	AMD-W 89-07-027	275-26-022	AMD-E 89-14-098	275-56-325	REP-P 89-16-105
260-34-100	AMD-P 89-08-090	275-27-020	AMD 89-06-049	275-56-330	REP-P 89-16-105
260-34-100	AMD 89-13-006	275-27-026	NEW 89-06-049	275-56-335	AMD-P 89-16-105
260-34-180	AMD-P 89-04-060	275-27-030	AMD 89-06-049	275-56-340	AMD-P 89-16-105
260-34-180	AMD-W 89-07-027	275-27-500	AMD-E 89-14-098	275-56-345	REP-P 89-16-105
260-34-180	AMD-P 89-08-090	275-36-310	AMD-E 89-14-098	275-56-350	REP-P 89-16-105
260-34-180	AMD 89-13-006	275-38-960	AMD-E 89-14-098	275-56-355	AMD-P 89-16-105
260-34-190	NEW-P 89-04-060	275-56-005	AMD-P 89-16-105	275-56-360	REP-P 89-16-105
260-34-190	NEW-W 89-07-027	275-56-010	AMD-P 89-16-105	275-56-365	AMD-P 89-16-105
260-34-190	NEW-P 89-08-090	275-56-015	AMD-P 89-16-105	275-56-370	REP-P 89-16-105
260-34-190	NEW 89-13-006	275-56-016	NEW-P 89-16-105	275-56-375	REP-P 89-16-105
260-36-020	AMD-E 89-04-029	275-56-017	NEW-P 89-16-105	275-56-380	REP-P 89-16-105
260-36-020	AMD-P 89-08-070	275-56-020	AMD-P 89-16-105	275-56-385	AMD-P 89-16-105
260-36-020	AMD 89-13-007	275-56-025	AMD-P 89-16-105	275-56-390	REP-P 89-16-105
260-36-030	AMD-E 89-04-029	275-56-030	REP-P 89-16-105	275-56-395	REP-P 89-16-105
260-36-030	AMD-P 89-08-070	275-56-035	AMD-P 89-16-105	275-56-400	AMD-P 89-16-105
260-36-030	AMD 89-13-007	275-56-040	AMD-P 89-16-105	275-56-405	REP-P 89-16-105
260-36-040	AMD-E 89-04-029	275-56-042	NEW-P 89-16-105	275-56-410	REP-P 89-16-105
260-36-040	AMD-P 89-08-070	275-56-043	NEW-P 89-16-105	275-56-415	REP-P 89-16-105
260-36-040	AMD 89-13-007	275-56-050	AMD-P 89-16-105	275-56-420	REP-P 89-16-105
260-48-327	NEW-P 89-09-064	275-56-055	AMD-P 89-16-105	275-56-425	AMD-P 89-16-105
260-48-327	NEW 89-13-008	275-56-060	AMD-P 89-16-105	275-56-430	REP-P 89-16-105
260-48-329	REP-P 89-09-064	275-56-065	AMD-P 89-16-105	275-56-435	REP-P 89-16-105
260-48-329	REP 89-13-008	275-56-070	AMD-P 89-16-105	275-56-440	REP-P 89-16-105
260-70-010	AMD 89-04-026	275-56-075	AMD-P 89-16-105	275-56-445	AMD-P 89-16-105
260-70-010	AMD-P 89-09-065	275-56-080	AMD-P 89-16-105	275-56-450	REP-P 89-16-105
260-70-090	AMD 89-04-026	275-56-085	AMD-P 89-16-105	275-56-465	NEW-P 89-16-105
260-70-100	AMD-P 89-09-065	275-56-087	NEW-P 89-16-105	275-80-805	REP-P 89-11-029
260-88-010	AMD-P 89-10-078	275-56-088	NEW-P 89-16-105	275-80-810	REP-P 89-11-029
261-40-150	AMD 89-04-030	275-56-089	NEW-P 89-16-105	275-80-815	REP-P 89-11-029
261-40-170	AMD 89-04-030	275-56-090	AMD-P 89-16-105	275-80-840	REP-P 89-11-029
275-16-030	AMD-P 89-17-025	275-56-095	AMD-E 89-14-098	275-80-842	REP-P 89-11-029
275-16-030	AMD-E 89-17-028	275-56-095	AMD-P 89-16-105	275-80-844	REP-P 89-11-029
275-16-055	AMD-E 89-14-098	275-56-100	AMD-P 89-16-105	275-80-846	REP-P 89-11-029
275-19-020	AMD 89-06-011	275-56-105	AMD-P 89-16-105	275-80-848	REP-P 89-11-029
275-19-030	AMD 89-06-011	275-56-110	AMD-P 89-16-105	275-80-852	REP-P 89-11-029
275-19-040	AMD 89-06-011	275-56-115	AMD-P 89-16-105	275-80-854	REP-P 89-11-029
275-19-050	AMD 89-06-011	275-56-120	REP-P 89-16-105	275-80-860	REP-P 89-11-029
275-19-050	AMD-E 89-14-098	275-56-125	REP-P 89-16-105	275-80-870	REP-P 89-11-029
275-19-075	AMD 89-06-011	275-56-130	REP-P 89-16-105	275-80-872	REP-P 89-11-029
275-19-135	AMD 89-06-011	275-56-135	AMD-P 89-16-105	275-80-876	REP-P 89-11-029
275-19-140	AMD 89-06-011	275-56-140	REP-P 89-16-105	275-80-878	REP-P 89-11-029
275-19-145	AMD 89-06-011	275-56-145	REP-P 89-16-105	275-80-890	REP-P 89-11-029
275-19-150	AMD 89-06-011	275-56-150	AMD-P 89-16-105	275-80-895	REP-P 89-11-029
275-19-165	AMD 89-06-011	275-56-155	REP-P 89-16-105	275-80-900	REP-P 89-11-029
275-19-170	AMD 89-06-011	275-56-160	REP-P 89-16-105	275-80-905	REP-P 89-11-029
275-19-180	AMD 89-06-011	275-56-165	AMD-P 89-16-105	275-80-910	REP-P 89-11-029
275-19-185	REP 89-06-011	275-56-170	AMD-P 89-16-105	275-80-915	REP-P 89-11-029
275-19-260	AMD 89-06-011	275-56-175	AMD-P 89-16-105	275-80-920	REP-P 89-11-029
275-19-270	AMD 89-06-011	275-56-180	AMD-P 89-16-105	275-80-925	REP-P 89-11-029
275-19-280	AMD 89-06-011	275-56-185	AMD-P 89-16-105	275-80-930	REP-P 89-11-029
275-19-300	AMD 89-06-011	275-56-190	REP-P 89-16-105	275-80-935	REP-P 89-11-029
275-19-310	REP 89-06-011	275-56-200	AMD-P 89-16-105	275-80-940	REP-P 89-11-029
275-19-320	AMD 89-06-011	275-56-205	AMD-P 89-16-105	275-80-995	REP-P 89-11-029
275-19-410	AMD 89-06-011	275-56-210	AMD-P 89-16-105	284-15-050	AMD 89-03-060
275-19-430	AMD 89-06-011	275-56-215	AMD-P 89-16-105	284-17-200	AMD-P 89-16-099
275-19-510	REP 89-06-011	275-56-220	AMD-P 89-16-105	284-17-210	AMD-P 89-16-099
275-19-530	AMD 89-06-011	275-56-225	AMD-P 89-16-105	284-17-220	AMD-P 89-16-099
275-19-560	AMD 89-06-011	275-56-230	AMD-P 89-16-105	284-17-230	AMD-P 89-16-099
275-19-570	AMD 89-06-011	275-56-235	AMD-P 89-16-105	284-17-250	AMD-P 89-16-099
275-19-590	AMD 89-06-011	275-56-240	AMD-P 89-16-105	284-17-260	AMD-P 89-16-099
275-19-610	AMD 89-06-011	275-56-245	AMD-P 89-16-105	284-17-270	AMD-P 89-16-099
275-19-660	AMD 89-06-011	275-56-250	REP-P 89-16-105	284-17-275	AMD-P 89-16-099
275-19-675	AMD 89-06-011	275-56-255	REP-P 89-16-105	284-17-280	AMD-P 89-16-099
275-19-760	AMD 89-06-011	275-56-260	AMD-P 89-16-105	284-17-290	AMD-P 89-16-099
275-19-770	AMD 89-06-011	275-56-265	REP-P 89-16-105	284-17-310	AMD-P 89-16-099
275-19-810	AMD 89-06-011	275-56-270	REP-P 89-16-105	284-17-320	AMD-P 89-16-099
275-19-820	AMD 89-06-011	275-56-275	AMD-P 89-16-105	284-17-505	AMD-P 89-11-077
275-19-940	AMD 89-06-011	275-56-280	REP-P 89-16-105	284-17-505	AMD 89-14-045
275-19-950	AMD 89-06-011	275-56-285	AMD-P 89-16-105	284-17-520	AMD-E 89-11-077
275-19-970	AMD 89-06-011	275-56-290	AMD-P 89-16-105	284-17-520	AMD-P 89-11-077
275-19-980	AMD 89-06-011	275-56-295	AMD-P 89-16-105	284-17-520	AMD 89-14-045
275-19-985	AMD 89-06-011	275-56-300	AMD-P 89-16-105	284-17-535	AMD-P 89-11-077

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
284-17-535	AMD	89-14-045	296-17-73107	NEW-E	89-11-074	296-22-035	AMD-P	89-12-064
284-17-535	AMD-P	89-16-098	296-17-73107	NEW-P	89-11-088	296-22-035	AMD	89-17-039
284-17-537	AMD-P	89-11-077	296-17-73107	NEW	89-16-001	296-22-037	AMD-P	89-12-064
284-17-537	AMD	89-14-045	296-17-73108	NEW-E	89-11-074	296-22-037	AMD	89-17-039
284-17-540	AMD-P	89-11-077	296-17-73108	NEW-P	89-11-088	296-22-038	AMD-P	89-12-064
284-17-540	AMD	89-14-045	296-17-73108	NEW	89-16-001	296-22-038	AMD	89-17-039
284-17-540	AMD-P	89-16-098	296-17-773	AMD-E	89-11-074	296-22-040	AMD-P	89-12-064
284-17-550	AMD-P	89-11-077	296-17-773	AMD-P	89-11-088	296-22-040	AMD	89-17-039
284-17-550	AMD	89-14-045	296-17-773	AMD	89-16-001	296-22-042	AMD-P	89-12-064
284-17-570	AMD-E	89-11-070	296-17-885	AMD-E	89-11-074	296-22-042	AMD	89-17-039
284-17-570	AMD-P	89-11-077	296-17-885	AMD-P	89-11-088	296-22-051	AMD-P	89-12-064
284-17-570	AMD	89-14-045	296-17-885	AMD	89-16-001	296-22-051	AMD	89-17-039
284-23-550	AMD	89-05-017	296-17-895	AMD-E	89-11-074	296-22-052	AMD-P	89-12-064
284-23-550	AMD-P	89-05-050	296-17-895	AMD-P	89-11-088	296-22-052	AMD	89-17-039
284-23-550	AMD-C	89-07-073	296-17-895	AMD	89-16-001	296-22-053	AMD-P	89-12-064
284-23-550	AMD	89-07-086	296-17-910	AMD-P	89-13-077	296-22-053	AMD	89-17-039
284-23-550	AMD-E	89-08-038	296-17-910	AMD-E	89-16-025	296-22-061	AMD-P	89-12-064
284-23-550	AMD-P	89-17-099	296-21-013	AMD-P	89-12-064	296-22-061	AMD	89-17-039
284-55-035	AMD-P	89-09-050	296-21-013	AMD	89-17-039	296-22-063	AMD-P	89-12-064
284-55-035	AMD	89-11-096	296-21-014	AMD-P	89-12-064	296-22-063	AMD	89-17-039
284-55-050	AMD-P	89-09-050	296-21-014	AMD	89-17-039	296-22-067	AMD-P	89-12-064
284-55-050	AMD	89-11-096	296-21-030	AMD-P	89-12-064	296-22-067	AMD	89-17-039
284-55-060	AMD-P	89-09-050	296-21-030	AMD	89-17-039	296-22-071	AMD-P	89-12-064
284-55-060	AMD	89-11-096	296-21-035	AMD-P	89-03-064	296-22-071	AMD	89-17-039
284-55-070	AMD-P	89-09-050	296-21-035	AMD	89-08-001	296-22-073	AMD-P	89-12-064
284-55-070	AMD	89-11-096	296-21-037	NEW-P	89-03-064	296-22-073	AMD	89-17-039
284-55-115	AMD-P	89-09-050	296-21-037	NEW	89-08-001	296-22-079	AMD-P	89-12-064
284-55-115	AMD	89-11-096	296-21-040	AMD-P	89-03-064	296-22-079	AMD	89-17-039
284-55-130	REP-P	89-17-060	296-21-040	AMD	89-08-001	296-22-082	AMD-P	89-12-064
284-55-150	AMD-P	89-09-050	296-21-045	AMD-P	89-03-064	296-22-082	AMD	89-17-039
284-55-150	AMD	89-11-096	296-21-045	AMD	89-08-001	296-22-087	AMD-P	89-12-064
284-55-160	AMD-P	89-09-050	296-21-046	AMD-P	89-12-064	296-22-087	AMD	89-17-039
284-55-160	AMD	89-11-096	296-21-046	AMD	89-17-039	296-22-091	AMD-P	89-12-064
284-55-170	REP-P	89-09-050	296-21-047	AMD-P	89-12-064	296-22-091	AMD	89-17-039
284-55-170	REP	89-11-096	296-21-047	AMD	89-17-039	296-22-095	AMD-P	89-12-064
284-55-172	NEW-P	89-09-050	296-21-050	AMD-P	89-12-064	296-22-095	AMD	89-17-039
284-55-172	NEW	89-11-096	296-21-050	AMD	89-17-039	296-22-097	AMD-P	89-12-064
284-55-175	REP-P	89-09-050	296-21-057	AMD-P	89-12-064	296-22-097	AMD	89-17-039
284-55-175	REP	89-11-096	296-21-057	AMD	89-17-039	296-22-100	AMD-P	89-12-064
284-55-177	NEW-P	89-09-050	296-21-062	AMD-P	89-12-064	296-22-100	AMD	89-17-039
284-55-177	NEW	89-11-096	296-21-062	AMD	89-17-039	296-22-105	AMD-P	89-12-064
284-55-205	NEW-P	89-09-050	296-21-066	AMD-P	89-12-064	296-22-105	AMD	89-17-039
284-55-205	NEW	89-11-096	296-21-066	AMD	89-17-039	296-22-110	AMD-P	89-12-064
284-55-210	NEW-P	89-09-050	296-21-070	AMD-P	89-12-064	296-22-110	AMD	89-17-039
284-55-210	NEW	89-11-096	296-21-070	AMD	89-17-039	296-22-115	AMD-P	89-12-064
284-74-200	AMD	89-03-031	296-21-075	AMD-P	89-12-064	296-22-115	AMD	89-17-039
296-17-350	AMD-P	89-05-038	296-21-075	AMD	89-17-039	296-22-116	AMD-P	89-12-064
296-17-350	AMD	89-07-078	296-21-080	AMD-P	89-12-064	296-22-116	AMD	89-17-039
296-17-350	AMD-E	89-11-074	296-21-080	AMD	89-17-039	296-22-120	AMD-P	89-12-064
296-17-350	AMD-P	89-11-088	296-21-085	AMD-P	89-12-064	296-22-120	AMD	89-17-039
296-17-350	AMD	89-16-001	296-21-085	AMD	89-17-039	296-22-125	AMD-P	89-12-064
296-17-45001	NEW-E	89-11-074	296-21-086	AMD-P	89-12-064	296-22-125	AMD	89-17-039
296-17-45001	NEW-P	89-11-088	296-21-086	AMD	89-17-039	296-22-130	AMD-P	89-12-064
296-17-45001	NEW	89-16-001	296-21-090	AMD-P	89-12-064	296-22-130	AMD	89-17-039
296-17-45002	NEW-P	89-13-077	296-21-090	AMD	89-17-039	296-22-135	AMD-P	89-12-064
296-17-45002	NEW-E	89-14-089	296-22-010	AMD-P	89-12-064	296-22-135	AMD	89-17-039
296-17-731	REP-E	89-11-074	296-22-010	AMD	89-17-039	296-22-140	AMD-P	89-12-064
296-17-731	REP-P	89-11-088	296-22-017	AMD-P	89-12-064	296-22-140	AMD	89-17-039
296-17-731	REP	89-16-001	296-22-017	AMD	89-17-039	296-22-141	AMD-P	89-12-064
296-17-73101	REP-E	89-11-074	296-22-021	AMD-P	89-12-064	296-22-141	AMD	89-17-039
296-17-73101	REP-P	89-11-088	296-22-021	AMD	89-17-039	296-22-145	AMD-P	89-12-064
296-17-73101	REP	89-16-001	296-22-022	AMD-P	89-12-064	296-22-145	AMD	89-17-039
296-17-73102	REP-E	89-11-074	296-22-022	AMD	89-17-039	296-22-146	AMD-P	89-12-064
296-17-73102	REP-P	89-11-088	296-22-023	AMD-P	89-12-064	296-22-146	AMD	89-17-039
296-17-73102	REP	89-16-001	296-22-023	AMD	89-17-039	296-22-147	AMD-P	89-12-064
296-17-73103	REP-E	89-11-074	296-22-024	AMD-P	89-12-064	296-22-147	AMD	89-17-039
296-17-73103	REP-P	89-11-088	296-22-024	AMD	89-17-039	296-22-155	AMD-P	89-12-064
296-17-73103	REP	89-16-001	296-22-025	AMD-P	89-12-064	296-22-155	AMD	89-17-039
296-17-73104	REP-E	89-11-074	296-22-025	AMD	89-17-039	296-22-160	AMD-P	89-12-064
296-17-73104	REP-P	89-11-088	296-22-026	AMD-P	89-12-064	296-22-160	AMD	89-17-039
296-17-73104	REP	89-16-001	296-22-026	AMD	89-17-039	296-22-170	AMD-P	89-12-064
296-17-73105	NEW-E	89-11-074	296-22-027	AMD-P	89-12-064	296-22-170	AMD	89-17-039
296-17-73105	NEW-P	89-11-088	296-22-027	AMD	89-17-039	296-22-180	AMD-P	89-12-064
296-17-73105	NEW	89-16-001	296-22-030	AMD-P	89-12-064	296-22-180	AMD	89-17-039
296-17-73106	NEW-E	89-11-074	296-22-030	AMD	89-17-039	296-22-190	AMD-P	89-12-064
296-17-73106	NEW-P	89-11-088	296-22-031	AMD-P	89-12-064	296-22-190	AMD	89-17-039
296-17-73106	NEW	89-16-001	296-22-031	AMD	89-17-039	296-22-195	AMD-P	89-12-064

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-24-012	AMD-P	89-06-058	296-62-05201	AMD	89-11-035	296-62-07747	AMD-P	89-06-058
296-24-012	AMD	89-11-035	296-62-05203	AMD-P	89-06-058	296-62-07747	AMD	89-11-035
296-24-150	AMD-P	89-06-058	296-62-05203	AMD	89-11-035	296-62-07753	AMD-E	89-14-100
296-24-150	AMD	89-11-035	296-62-05205	AMD-P	89-06-058	296-62-07753	AMD-P	89-14-124
296-24-15001	AMD-P	89-06-058	296-62-05205	AMD	89-11-035	296-62-300	AMD-P	89-06-058
296-24-15001	AMD	89-11-035	296-62-05207	AMD-P	89-06-058	296-62-300	AMD-P	89-14-124
296-24-16503	AMD-P	89-06-058	296-62-05207	AMD	89-11-035	296-62-3010	AMD-P	89-14-124
296-24-16503	AMD	89-11-035	296-62-05209	AMD-P	89-06-058	296-62-3020	AMD-P	89-14-124
296-24-16517	AMD-P	89-06-058	296-62-05209	AMD	89-11-035	296-62-3030	AMD-P	89-14-124
296-24-16517	AMD	89-11-035	296-62-05211	AMD-P	89-06-058	296-62-3040	AMD-P	89-14-124
296-24-195	AMD-P	89-06-058	296-62-05211	AMD	89-11-035	296-62-3050	AMD-P	89-14-124
296-24-195	AMD	89-11-035	296-62-05213	AMD-P	89-06-058	296-62-3060	AMD-P	89-14-124
296-24-20501	AMD-P	89-06-058	296-62-05213	AMD	89-11-035	296-62-3070	AMD-P	89-14-124
296-24-20501	AMD	89-11-035	296-62-05215	AMD-P	89-06-058	296-62-3080	AMD-P	89-14-124
296-24-20503	AMD-P	89-06-058	296-62-05215	AMD	89-11-035	296-62-3090	AMD-P	89-14-124
296-24-20503	AMD	89-11-035	296-62-05217	AMD-P	89-06-058	296-62-3100	AMD-P	89-14-124
296-24-21511	AMD-P	89-06-058	296-62-05217	AMD	89-11-035	296-62-3110	AMD-P	89-06-058
296-24-21511	AMD	89-11-035	296-62-05219	AMD-P	89-06-058	296-62-3110	AMD-P	89-14-124
296-24-21703	AMD-P	89-06-058	296-62-05219	AMD	89-11-035	296-62-3112	NEW-P	89-14-124
296-24-21703	AMD	89-11-035	296-62-05221	AMD-P	89-06-058	296-62-3120	AMD-P	89-14-124
296-24-21707	AMD-P	89-06-058	296-62-05221	AMD	89-11-035	296-62-3130	AMD-P	89-14-124
296-24-21707	AMD	89-11-035	296-62-05223	AMD-P	89-06-058	296-62-3138	NEW-P	89-14-124
296-24-21713	AMD-P	89-06-058	296-62-05223	AMD	89-11-035	296-62-3140	AMD-P	89-06-058
296-24-21713	AMD	89-11-035	296-62-075	AMD-P	89-10-066	296-62-3140	AMD-P	89-14-124
296-24-23529	AMD-P	89-06-058	296-62-075	AMD	89-15-002	296-62-3150	REP-P	89-14-124
296-24-23529	AMD	89-11-035	296-62-07501	AMD-P	89-10-066	296-62-3152	AMD-P	89-14-124
296-24-260	AMD-P	89-06-058	296-62-07501	AMD	89-15-002	296-62-3160	AMD-P	89-14-124
296-24-260	AMD	89-11-035	296-62-07503	AMD-P	89-10-066	296-62-3170	AMD-P	89-14-124
296-24-33011	AMD-P	89-06-058	296-62-07503	AMD	89-15-002	296-62-3180	AMD-P	89-14-124
296-24-33011	AMD	89-11-035	296-62-07505	AMD-P	89-10-066	296-62-3190	AMD-P	89-14-124
296-24-37003	AMD-P	89-06-058	296-62-07505	AMD	89-15-002	296-65-001	AMD-E	89-14-100
296-24-37003	AMD	89-11-035	296-62-07507	AMD-P	89-10-066	296-65-001	AMD-P	89-14-124
296-24-567	AMD-P	89-06-058	296-62-07507	AMD	89-15-002	296-65-003	AMD-E	89-14-100
296-24-567	AMD	89-11-035	296-62-07510	AMD-P	89-10-066	296-65-003	AMD-P	89-14-124
296-24-66313	AMD-P	89-06-058	296-62-07510	AMD	89-15-002	296-65-005	AMD-E	89-14-100
296-24-66313	AMD	89-11-035	296-62-07511	AMD-P	89-10-066	296-65-005	AMD-P	89-14-124
296-24-68201	AMD-P	89-06-058	296-62-07511	AMD	89-15-002	296-65-007	NEW-E	89-14-100
296-24-68201	AMD	89-11-035	296-62-07515	AMD-P	89-10-066	296-65-007	NEW-P	89-14-124
296-24-73505	AMD-P	89-06-058	296-62-07515	AMD	89-15-002	296-65-010	AMD-E	89-14-100
296-24-73505	AMD	89-11-035	296-62-07531	AMD-P	89-06-058	296-65-010	AMD-P	89-14-124
296-24-75011	AMD-P	89-06-058	296-62-07531	AMD	89-11-035	296-65-012	NEW-E	89-14-100
296-24-75011	AMD	89-11-035	296-62-07544	AMD-P	89-06-058	296-65-012	NEW-P	89-14-124
296-24-76511	AMD-P	89-06-058	296-62-07544	AMD	89-11-035	296-65-015	AMD-E	89-14-100
296-24-76511	AMD	89-11-035	296-62-07703	AMD-P	89-06-058	296-65-015	AMD-P	89-14-124
296-24-92005	AMD-P	89-06-058	296-62-07703	AMD	89-11-035	296-65-017	NEW-E	89-14-100
296-24-92005	AMD	89-11-035	296-62-07703	AMD-P	89-14-124	296-65-017	NEW-P	89-14-124
296-24-94003	AMD-P	89-06-058	296-62-07705	AMD-E	89-15-005	296-65-020	AMD-E	89-14-100
296-24-94003	AMD	89-11-035	296-62-07705	AMD-P	89-06-058	296-65-020	AMD-P	89-14-124
296-27-020	AMD-P	89-06-058	296-62-07705	AMD	89-11-035	296-65-025	AMD-E	89-14-100
296-27-020	AMD	89-11-035	296-62-07707	AMD-P	89-14-124	296-65-025	AMD-P	89-14-124
296-30-010	AMD-P	89-14-123	296-62-07707	AMD-E	89-15-005	296-65-030	AMD-E	89-14-100
296-30-010	AMD-E	89-15-027	296-62-07709	AMD-P	89-06-058	296-65-030	AMD-P	89-14-124
296-30-025	NEW-P	89-14-123	296-62-07709	AMD	89-11-035	296-65-035	NEW-E	89-14-100
296-30-025	NEW-E	89-15-027	296-62-07711	AMD-P	89-06-058	296-65-035	NEW-P	89-14-124
296-32-230	AMD-P	89-06-058	296-62-07711	AMD	89-11-035	296-65-050	NEW-E	89-14-100
296-32-230	AMD	89-11-035	296-62-07712	AMD-P	89-06-058	296-65-050	NEW-P	89-14-124
296-44-44009	AMD-P	89-06-058	296-62-07712	AMD	89-11-035	296-78-515	AMD-P	89-06-058
296-44-44009	AMD	89-11-035	296-62-07712	AMD-P	89-14-124	296-78-515	AMD	89-11-035
296-45-65009	AMD-P	89-06-058	296-62-07712	AMD-E	89-15-005	296-78-56501	AMD-P	89-06-058
296-45-65009	AMD	89-11-035	296-62-07713	AMD-P	89-06-058	296-78-56501	AMD	89-11-035
296-45-65041	AMD-P	89-06-058	296-62-07713	AMD	89-11-035	296-79-050	AMD-P	89-06-058
296-45-65041	AMD	89-11-035	296-62-07715	AMD-P	89-06-058	296-79-050	AMD	89-11-035
296-45-67545	NEW-P	89-06-058	296-62-07715	AMD	89-11-035	296-104-050	AMD-P	89-08-075
296-45-67545	NEW	89-11-035	296-62-07717	AMD-P	89-06-058	296-104-050	AMD-C	89-13-034
296-54-507	AMD-P	89-06-058	296-62-07717	AMD	89-11-035	296-104-050	AMD-C	89-14-006
296-54-507	AMD	89-11-035	296-62-07719	AMD-P	89-06-058	296-104-050	AMD-C	89-14-088
296-56-60001	AMD-P	89-06-058	296-62-07719	AMD	89-11-035	296-104-050	AMD	89-15-025
296-56-60001	AMD	89-11-035	296-62-07721	AMD-P	89-06-058	296-104-260	AMD-P	89-08-075
296-56-60069	AMD-P	89-06-058	296-62-07721	AMD	89-11-035	296-104-260	AMD-C	89-13-034
296-56-60069	AMD	89-11-035	296-62-07721	AMD-P	89-14-124	296-104-260	AMD-C	89-14-006
296-56-60103	AMD-P	89-06-058	296-62-07721	AMD-E	89-15-005	296-104-260	AMD-C	89-14-088
296-56-60103	AMD	89-11-035	296-62-07725	AMD-P	89-06-058	296-104-260	AMD	89-15-025
296-59-005	AMD-P	89-06-058	296-62-07725	AMD	89-11-035	296-104-315	REP-P	89-08-075
296-59-005	AMD	89-11-035	296-62-07731	AMD-P	89-06-058	296-104-315	REP-C	89-13-034
296-62-052	AMD-P	89-06-058	296-62-07731	AMD	89-11-035	296-104-315	REP-C	89-14-006
296-62-052	AMD	89-11-035	296-62-07745	AMD-P	89-06-058	296-104-315	REP-C	89-14-088
296-62-05201	AMD-P	89-06-058	296-62-07745	AMD	89-11-035	296-104-315	REP	89-15-025

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
296-115-030	AMD-P	89-14-124	296-127-040	AMD-C	89-17-083	296-155-750	REP	89-11-035
296-115-120	AMD-P	89-14-124	296-127-045	AMD-P	89-12-051	296-303-02007	AMD-P	89-06-058
296-116-080	AMD-P	89-14-001	296-127-045	AMD-C	89-17-083	296-303-02007	AMD	89-11-035
296-116-082	AMD-P	89-05-034	296-128-011	NEW-P	89-15-060	296-303-040	AMD-P	89-06-058
296-116-082	AMD-E	89-05-035	296-128-011	NEW-E	89-16-085	296-303-040	AMD	89-11-035
296-116-082	AMD-E	89-09-028	296-128-012	NEW-P	89-15-060	296-304-010	AMD-P	89-06-058
296-116-082	AMD	89-11-060	296-128-012	NEW-E	89-16-085	296-304-010	AMD	89-11-035
296-116-082	AMD-P	89-14-002	296-128-025	AMD-P	89-16-089	296-305-025	AMD-P	89-06-058
296-116-185	AMD-C	89-03-037	296-128-035	NEW-P	89-16-089	296-305-025	AMD	89-11-035
296-116-185	AMD	89-08-042	296-131-001	NEW-E	89-16-022	296-306	AMD-P	89-06-058
296-116-300	AMD-C	89-03-038	296-131-001	NEW-P	89-16-088	296-306	AMD	89-11-035
296-116-300	AMD	89-08-041	296-131-010	NEW-E	89-16-022	296-306-010	AMD-P	89-06-058
296-125-015	AMD-E	89-16-023	296-131-010	NEW-P	89-16-088	296-306-010	AMD	89-11-035
296-125-015	AMD-P	89-16-087	296-131-015	NEW-E	89-16-022	296-306-165	AMD-P	89-06-058
296-125-030	AMD-E	89-16-023	296-131-015	NEW-P	89-16-088	296-306-165	AMD	89-11-035
296-125-030	AMD-P	89-16-087	296-131-017	NEW-E	89-16-022	296-306-200	AMD-P	89-06-058
296-125-043	AMD-C	89-06-035	296-131-017	NEW-P	89-16-088	296-306-200	AMD	89-11-035
296-125-043	AMD-C	89-08-058	296-150B-015	AMD	89-05-016	296-306-310	AMD-P	89-06-058
296-125-043	AMD-C	89-09-007	296-155-140	AMD-P	89-06-058	296-306-310	AMD-E	89-11-007
296-125-043	AMD	89-10-014	296-155-140	AMD	89-11-035	296-306-310	AMD	89-11-035
296-125-110	NEW-E	89-16-023	296-155-180	NEW-P	89-06-058	296-306-320	AMD-P	89-06-058
296-125-110	NEW-P	89-16-087	296-155-180	NEW	89-11-035	296-306-320	AMD-E	89-11-007
296-125-115	NEW-E	89-16-023	296-155-205	AMD-P	89-06-058	296-306-320	AMD	89-11-035
296-125-115	NEW-P	89-16-087	296-155-205	AMD	89-11-035	296-400-045	AMD-P	89-07-079
296-125-120	NEW-E	89-16-023	296-155-212	AMD-P	89-06-058	296-400-045	AMD	89-12-004
296-125-120	NEW-P	89-16-087	296-155-212	AMD	89-11-035	308-12-025	AMD-P	89-13-049
296-125-125	NEW-E	89-16-023	296-155-305	AMD-P	89-06-058	308-12-025	AMD	89-17-038
296-125-125	NEW-P	89-16-087	296-155-305	AMD	89-11-035	308-12-031	AMD-P	89-13-049
296-125-130	NEW-E	89-16-023	296-155-36313	AMD-P	89-06-058	308-12-031	AMD	89-17-038
296-125-130	NEW-P	89-16-087	296-155-36313	AMD	89-11-035	308-12-040	AMD-P	89-06-067
296-125-135	NEW-E	89-16-023	296-155-370	AMD-P	89-06-058	308-12-040	AMD	89-12-052
296-125-135	NEW-P	89-16-087	296-155-370	AMD	89-11-035	308-12-050	AMD-P	89-13-049
296-125-140	NEW-E	89-16-023	296-155-48529	AMD-P	89-06-058	308-12-050	AMD	89-17-038
296-125-140	NEW-P	89-16-087	296-155-48529	AMD	89-11-035	308-12-326	AMD-E	89-17-087
296-125-145	NEW-E	89-16-023	296-155-48533	AMD-P	89-06-058	308-25-080	NEW-P	89-10-077
296-125-145	NEW-P	89-16-087	296-155-48533	AMD	89-11-035	308-25-080	NEW	89-14-092
296-125-155	NEW-E	89-16-023	296-155-48536	NEW-P	89-06-058	308-25-090	NEW-P	89-10-077
296-125-155	NEW-P	89-16-087	296-155-48536	NEW	89-11-035	308-25-090	NEW	89-14-092
296-125-160	NEW-E	89-16-023	296-155-510	AMD-P	89-06-058	308-25-100	NEW-P	89-10-077
296-125-160	NEW-P	89-16-087	296-155-510	AMD	89-11-035	308-25-100	NEW	89-14-092
296-125-165	NEW-E	89-16-023	296-155-675	AMD-P	89-06-058	308-25-110	NEW-P	89-10-077
296-125-165	NEW-P	89-16-087	296-155-675	AMD	89-11-035	308-25-110	NEW	89-14-092
296-125-170	NEW-E	89-16-023	296-155-680	AMD-P	89-06-058	308-25-120	NEW-P	89-10-077
296-125-170	NEW-P	89-16-087	296-155-680	AMD	89-11-035	308-25-120	NEW	89-14-092
296-125-175	NEW-E	89-16-023	296-155-681	NEW-P	89-06-058	308-25-130	NEW-P	89-10-077
296-125-175	NEW-P	89-16-087	296-155-681	NEW	89-11-035	308-25-130	NEW	89-14-092
296-126-020	AMD-C	89-06-035	296-155-682	NEW-P	89-06-058	308-25-140	NEW-P	89-10-077
296-126-020	AMD-C	89-08-058	296-155-682	NEW	89-11-035	308-25-140	NEW	89-14-092
296-126-020	AMD-C	89-09-007	296-155-683	NEW-P	89-06-058	308-25-150	NEW-P	89-10-077
296-126-020	AMD	89-10-014	296-155-683	NEW	89-11-035	308-25-150	NEW	89-14-092
296-126-023	AMD-P	89-16-089	296-155-684	NEW-P	89-06-058	308-25-160	NEW-P	89-10-077
296-126-050	AMD-P	89-16-089	296-155-684	NEW	89-11-035	308-25-160	NEW	89-14-092
296-127-010	AMD-P	89-12-051	296-155-685	AMD-P	89-06-058	308-25-170	NEW-P	89-13-048
296-127-010	AMD-C	89-17-083	296-155-685	AMD	89-11-035	308-25-170	NEW	89-16-096
296-127-011	AMD-P	89-12-051	296-155-686	NEW-P	89-06-058	308-26-055	NEW-P	89-10-077
296-127-011	AMD-C	89-17-083	296-155-686	NEW	89-11-035	308-26-055	NEW	89-14-092
296-127-013	RE-AD-P	89-12-051	296-155-687	NEW-P	89-06-058	308-26-065	NEW-P	89-10-077
296-127-013	RE-AD-C	89-17-083	296-155-687	NEW	89-11-035	308-26-065	NEW	89-14-092
296-127-014	RE-AD-P	89-12-051	296-155-688	NEW-P	89-06-058	308-26-075	NEW-P	89-10-077
296-127-014	RE-AD-C	89-17-083	296-155-688	NEW	89-11-035	308-26-075	NEW	89-14-092
296-127-015	RE-AD-P	89-12-051	296-155-689	NEW-P	89-06-058	308-26-085	NEW-P	89-10-077
296-127-015	RE-AD-C	89-17-083	296-155-689	NEW	89-11-035	308-26-085	NEW	89-14-092
296-127-016	REP-P	89-12-051	296-155-690	AMD-P	89-06-058	308-26-095	NEW-P	89-10-077
296-127-016	REP-C	89-17-083	296-155-690	AMD	89-11-035	308-26-095	NEW	89-14-092
296-127-018	NEW-P	89-12-051	296-155-691	NEW-P	89-06-058	308-26-105	NEW-P	89-10-077
296-127-018	NEW-C	89-17-083	296-155-691	NEW	89-11-035	308-26-105	NEW	89-14-092
296-127-019	AMD-P	89-12-051	296-155-692	NEW-P	89-06-058	308-26-115	NEW-P	89-10-077
296-127-019	AMD-C	89-17-083	296-155-692	NEW	89-11-035	308-26-115	NEW	89-14-092
296-127-020	AMD-P	89-12-051	296-155-694	NEW-P	89-06-058	308-26-125	NEW-P	89-10-077
296-127-020	AMD-C	89-17-083	296-155-694	NEW	89-11-035	308-26-125	NEW	89-14-092
296-127-023	RE-AD-P	89-12-051	296-155-695	AMD-P	89-06-058	308-26-135	NEW-P	89-10-077
296-127-023	RE-AD-C	89-17-083	296-155-695	AMD	89-11-035	308-26-135	NEW	89-14-092
296-127-025	RE-AD-P	89-12-051	296-155-697	NEW-P	89-06-058	308-31-055	AMD-E	89-13-091
296-127-025	RE-AD-C	89-17-083	296-155-697	NEW	89-11-035	308-31-055	AMD-P	89-14-103
296-127-026	RE-AD-P	89-12-051	296-155-699	NEW-P	89-06-058	308-31-055	AMD	89-17-156
296-127-026	RE-AD-C	89-17-083	296-155-699	NEW	89-11-035	308-34-020	REP	89-02-051
296-127-040	AMD-P	89-12-051	296-155-750	REP-P	89-06-058	308-34-020	REP	89-02-051

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-34-030	REP 89-02-051	308-52-415	AMD-P 89-09-067	308-56A-630	NEW-P 89-11-019
308-34-040	REP 89-02-051	308-52-415	AMD 89-12-053	308-56A-630	NEW 89-16-074
308-34-050	REP 89-02-051	308-52-590	AMD-E 89-14-008	308-56A-630	NEW-E 89-16-075
308-34-060	REP 89-02-051	308-52-590	AMD-P 89-14-030	308-56A-640	NEW-E 89-10-045
308-34-070	REP 89-02-051	308-52-620	NEW 89-06-076	308-56A-640	NEW-P 89-11-019
308-34-080	REP 89-02-051	308-52-630	NEW-P 89-09-067	308-56A-640	NEW 89-16-074
308-34-090	REP 89-02-051	308-52-630	NEW 89-13-002	308-56A-640	NEW-E 89-16-075
308-34-310	NEW 89-02-051	308-52-640	NEW-P 89-09-067	308-56A-650	NEW-E 89-10-045
308-34-320	NEW 89-02-051	308-52-640	NEW 89-13-002	308-56A-650	NEW-P 89-11-019
308-34-330	NEW 89-02-051	308-52-650	NEW-P 89-09-067	308-56A-650	NEW 89-16-074
308-34-410	NEW 89-02-051	308-52-650	NEW 89-13-002	308-56A-650	NEW-E 89-16-075
308-34-420	NEW 89-02-051	308-52-660	NEW-P 89-09-067	308-56A-660	NEW-E 89-10-045
308-34-430	NEW 89-02-051	308-52-660	NEW 89-13-002	308-56A-660	NEW-P 89-11-019
308-34-440	NEW 89-02-051	308-52-670	NEW-P 89-09-067	308-56A-660	NEW 89-16-074
308-34-450	NEW 89-02-051	308-52-670	NEW 89-13-002	308-56A-660	NEW-E 89-16-075
308-34-460	NEW 89-02-051	308-52-670	REP-P 89-16-097	308-56A-670	NEW-E 89-10-045
308-34-470	NEW 89-02-051	308-52-680	NEW-P 89-16-097	308-56A-670	NEW-P 89-11-019
308-34-480	NEW 89-02-051	308-52-690	NEW-P 89-16-097	308-56A-670	NEW 89-16-074
308-37-190	AMD-P 89-02-064	308-53-120	AMD-P 89-06-070	308-56A-670	NEW-E 89-16-075
308-37-190	AMD-C 89-05-020	308-53-120	AMD 89-10-030	308-56A-680	NEW-E 89-10-045
308-37-190	REP-P 89-07-092	308-53-123	NEW-P 89-06-070	308-56A-680	NEW-P 89-11-019
308-37-190	AMD 89-08-095	308-53-123	NEW 89-10-030	308-56A-680	NEW 89-16-074
308-40-102	AMD 89-06-075	308-53-125	AMD-P 89-06-070	308-56A-680	NEW-E 89-16-075
308-40-105	AMD-P 89-10-072	308-53-125	AMD 89-10-030	308-56A-690	NEW-E 89-10-045
308-40-105	AMD-E 89-10-074	308-53-130	REP-P 89-06-070	308-56A-690	NEW-P 89-11-019
308-40-105	AMD 89-13-052	308-53-130	REP 89-10-030	308-56A-690	NEW 89-16-074
308-40-106	NEW-P 89-10-072	308-53-135	AMD-P 89-06-070	308-56A-690	NEW-E 89-16-075
308-40-106	NEW-E 89-10-074	308-53-135	AMD 89-10-030	308-77-030	AMD 89-03-005
308-40-106	NEW 89-13-052	308-53-145	AMD-P 89-06-070	308-77-034	AMD 89-03-005
308-40-140	NEW-P 89-06-068	308-53-145	AMD 89-10-030	308-77-040	AMD 89-03-005
308-40-140	NEW 89-11-053	308-53-146	AMD-P 89-06-070	308-77-042	NEW 89-03-034
308-42-010	AMD-P 89-06-069	308-53-146	AMD 89-10-030	308-77-044	NEW 89-03-034
308-42-010	AMD-C 89-10-073	308-53-150	AMD-P 89-06-070	308-77-060	AMD 89-03-005
308-42-010	AMD-P 89-17-095	308-53-150	AMD 89-10-030	308-89-040	AMD-P 89-08-091
308-42-120	AMD-P 89-17-096	308-53-151	AMD-P 89-06-070	308-89-040	AMD-E 89-08-094
308-42-121	NEW-P 89-09-066	308-53-151	AMD 89-10-030	308-90-080	AMD-E 89-14-091
308-42-121	NEW-P 89-17-097	308-53-165	AMD-P 89-06-070	308-90-080	AMD-P 89-15-049
308-42-145	AMD-P 89-09-066	308-53-165	AMD 89-10-030	308-91	AMD-P 89-02-063
308-48-350	NEW 89-04-002	308-53-170	AMD-P 89-06-070	308-91	AMD 89-07-035
308-50-010	AMD-P 89-05-055	308-53-170	AMD 89-10-030	308-91-030	AMD-P 89-02-062
308-50-010	AMD 89-08-096	308-53-175	NEW-P 89-06-070	308-91-030	AMD 89-07-036
308-50-020	AMD 89-04-017	308-53-175	NEW 89-10-030	308-91-040	AMD-P 89-02-063
308-50-035	AMD 89-04-017	308-53-180	AMD-P 89-06-070	308-91-040	AMD 89-07-035
308-50-035	AMD-P 89-09-026	308-53-180	AMD 89-10-030	308-91-050	AMD-P 89-02-063
308-50-035	AMD 89-14-007	308-53-330	NEW-P 89-13-062	308-91-050	AMD 89-07-035
308-50-130	AMD 89-04-017	308-53-330	NEW 89-17-040	308-91-140	AMD-P 89-02-063
308-50-350	AMD 89-04-017	308-53-340	NEW-P 89-13-062	308-91-140	AMD 89-07-035
308-50-420	AMD 89-04-017	308-53-340	NEW 89-17-040	308-96A-260	AMD-P 89-08-091
308-51-230	NEW-P 89-10-077	308-53-400	NEW-C 89-06-066	308-96A-260	AMD-E 89-08-094
308-51-230	NEW 89-14-092	308-53-400	NEW 89-09-027	308-99-025	AMD-P 89-17-065
308-51-240	NEW-P 89-10-077	308-55-035	NEW-P 89-10-077	308-99-050	NEW-P 89-17-065
308-51-240	NEW 89-14-092	308-55-035	NEW 89-14-092	308-100-010	AMD-P 89-15-040
308-51-250	NEW-P 89-10-077	308-55-045	NEW-P 89-10-077	308-100-020	AMD-P 89-15-040
308-51-250	NEW 89-14-092	308-55-045	NEW 89-14-092	308-100-030	AMD-P 89-15-040
308-51-260	NEW-P 89-10-077	308-55-055	NEW-P 89-10-077	308-100-040	AMD-P 89-15-040
308-51-260	NEW 89-14-092	308-55-055	NEW 89-14-092	308-100-050	AMD-P 89-15-040
308-51-270	NEW-P 89-10-077	308-55-065	NEW-P 89-10-077	308-100-080	REP-P 89-15-040
308-51-270	NEW 89-14-092	308-55-065	NEW 89-14-092	308-100-100	NEW-P 89-15-040
308-51-280	NEW-P 89-10-077	308-55-075	NEW-P 89-10-077	308-100-110	NEW-P 89-15-040
308-51-280	NEW 89-14-092	308-55-075	NEW 89-14-092	308-100-120	NEW-P 89-15-040
308-51-290	NEW-P 89-10-077	308-55-085	NEW-P 89-10-077	308-100-130	NEW-P 89-15-040
308-51-290	NEW 89-14-092	308-55-085	NEW 89-14-092	308-100-140	NEW-P 89-15-040
308-51-300	NEW-P 89-10-077	308-55-095	NEW-P 89-10-077	308-100-150	NEW-P 89-15-040
308-51-300	NEW 89-14-092	308-55-095	NEW 89-14-092	308-100-160	NEW-P 89-15-040
308-51-310	NEW-P 89-10-077	308-55-105	NEW-P 89-10-077	308-100-170	NEW-P 89-15-040
308-51-310	NEW 89-14-092	308-55-105	NEW 89-14-092	308-100-180	NEW-P 89-15-040
308-52-139	AMD 89-06-077	308-55-115	NEW-P 89-10-077	308-100-190	NEW-P 89-15-040
308-52-165	NEW-P 89-16-097	308-55-115	NEW 89-14-092	308-100-200	NEW-P 89-15-040
308-52-190	NEW-P 89-05-056	308-56A-610	NEW-E 89-10-045	308-104-025	AMD-P 89-15-040
308-52-190	NEW 89-08-063	308-56A-610	NEW-P 89-11-019	308-104-035	NEW-P 89-15-040
308-52-255	AMD-P 89-09-067	308-56A-610	NEW 89-16-074	308-104-100	AMD-P 89-15-040
308-52-255	AMD 89-12-053	308-56A-610	NEW-E 89-16-075	308-104-105	AMD-P 89-15-040
308-52-260	AMD 89-06-077	308-56A-620	NEW-E 89-10-045	308-115-065	NEW 89-16-037
308-52-265	NEW-P 89-09-067	308-56A-620	NEW-P 89-11-019	308-115-260	NEW-P 89-10-077
308-52-265	NEW 89-12-053	308-56A-620	NEW 89-16-074	308-115-260	NEW 89-14-092
308-52-405	AMD-P 89-09-067	308-56A-620	NEW-E 89-16-075	308-115-270	NEW-P 89-10-077
308-52-405	AMD 89-12-053	308-56A-630	NEW-E 89-10-045	308-115-270	NEW 89-14-092

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-115-280	NEW-P	89-10-077	308-130-350	NEW-P	89-10-077
308-115-280	NEW	89-14-092	308-130-350	NEW	89-14-092
308-115-290	NEW-P	89-10-077	308-130-360	NEW-P	89-10-077
308-115-290	NEW	89-14-092	308-130-360	NEW	89-14-092
308-115-310	NEW-P	89-10-077	308-130-370	NEW-P	89-10-077
308-115-310	NEW	89-14-092	308-130-370	NEW	89-14-092
308-115-320	NEW-P	89-10-077	308-130-380	NEW-P	89-10-077
308-115-320	NEW	89-14-092	308-130-380	NEW	89-14-092
308-115-330	NEW-P	89-10-077	308-130-390	NEW-P	89-10-077
308-115-330	NEW	89-14-092	308-130-390	NEW	89-14-092
308-115-340	NEW-P	89-10-077	308-130-400	NEW-P	89-10-077
308-115-340	NEW	89-14-092	308-130-400	NEW	89-14-092
308-115-350	NEW-P	89-10-077	308-138A-020	AMD-P	89-13-051
308-115-350	NEW	89-14-092	308-138A-070	NEW-P	89-13-051
308-115-405	AMD-P	89-05-018	308-138A-080	NEW-P	89-13-051
308-115-405	AMD	89-08-008	308-138A-090	NEW-P	89-13-051
308-117-080	AMD-P	89-06-071	308-150-014	AMD-P	89-06-073
308-117-080	AMD	89-10-075	308-150-014	AMD	89-10-076
308-117-450	NEW-P	89-02-065	308-154-085	NEW-P	89-06-073
308-117-460	NEW-P	89-02-065	308-154-085	NEW	89-10-076
308-117-460	NEW	89-07-005	308-156-200	NEW-P	89-06-073
308-117-470	NEW-P	89-02-065	308-156-200	NEW	89-10-076
308-117-470	NEW	89-07-005	308-173-010	NEW-P	89-10-077
308-117-480	NEW-P	89-02-065	308-173-010	NEW	89-14-092
308-117-480	NEW	89-07-005	308-173-020	NEW-P	89-10-077
308-120-168	AMD-P	89-08-093	308-173-020	NEW	89-14-092
308-120-168	AMD	89-12-032	308-173-070	NEW-P	89-10-077
308-120-170	AMD-P	89-06-072	308-173-070	NEW	89-14-092
308-120-170	AMD	89-12-033	308-173-080	NEW-P	89-10-077
308-120-305	AMD-P	89-06-072	308-173-080	NEW	89-14-092
308-120-305	AMD	89-12-033	308-173-090	NEW-P	89-10-077
308-120-810	NEW-P	89-06-072	308-173-090	NEW	89-14-092
308-120-810	NEW	89-12-033	308-177-010	NEW-P	89-10-077
308-122-211	NEW-P	89-08-092	308-177-010	NEW	89-14-092
308-122-211	NEW	89-11-054	308-177-020	NEW-P	89-10-077
308-122-360	AMD-P	89-14-090	308-177-020	NEW	89-14-092
308-122-370	AMD-P	89-14-090	308-177-030	NEW-P	89-10-077
308-122-380	AMD-P	89-14-090	308-177-030	NEW	89-14-092
308-122-390	AMD-P	89-14-090	308-177-040	NEW-P	89-10-077
308-122-400	AMD-P	89-14-090	308-177-040	NEW	89-14-092
308-122-410	AMD-P	89-14-090	308-177-050	NEW-P	89-10-077
308-122-420	AMD-P	89-14-090	308-177-050	NEW	89-14-092
308-122-430	AMD-P	89-14-090	308-177-060	NEW-P	89-10-077
308-122-440	AMD-P	89-14-090	308-177-060	NEW	89-14-092
308-122-450	AMD-P	89-14-090	308-177-070	NEW-P	89-10-077
308-122-500	AMD-P	89-14-090	308-177-070	NEW	89-14-092
308-122-503	NEW-P	89-14-090	308-177-080	NEW-P	89-10-077
308-122-550	NEW-P	89-14-090	308-177-080	NEW	89-14-092
308-122-555	NEW-P	89-14-090	308-177-090	NEW-P	89-10-077
308-122-560	NEW-P	89-14-090	308-177-090	NEW	89-14-092
308-122-565	NEW-P	89-14-090	308-177-110	NEW	89-03-035
308-122-570	NEW-P	89-14-090	308-177-110	AMD-E	89-14-009
308-122-575	NEW-P	89-14-090	308-177-110	AMD-P	89-14-104
308-122-580	NEW-P	89-14-090	308-177-110	AMD	89-17-071
308-124A-025	AMD-P	89-05-057	308-177-115	NEW-E	89-14-009
308-124A-025	AMD-E	89-07-004	308-177-115	NEW-P	89-14-104
308-124A-025	AMD	89-08-009	308-177-115	NEW	89-17-071
308-124A-460	AMD-P	89-05-057	308-177-120	NEW	89-03-035
308-124A-460	AMD-E	89-07-004	308-177-120	AMD-E	89-14-009
308-124A-460	AMD	89-08-009	308-177-120	AMD-P	89-14-104
308-124D-060	REP-P	89-07-091	308-177-120	AMD	89-17-071
308-124D-060	REP	89-11-032	308-177-130	NEW	89-03-035
308-124D-065	REP-P	89-07-091	308-177-130	AMD-E	89-14-009
308-124D-065	REP	89-11-032	308-177-130	AMD-P	89-14-104
308-124H-030	AMD-P	89-07-091	308-177-130	AMD	89-17-071
308-124H-030	AMD	89-11-032	308-177-140	NEW	89-03-035
308-126A-030	AMD-P	89-15-058	308-177-150	NEW	89-03-035
308-128E-010	REP-P	89-04-001	308-177-150	REP-E	89-14-009
308-128E-010	REP	89-07-077	308-177-150	REP-P	89-14-104
308-128E-011	NEW-P	89-04-001	308-177-150	REP	89-17-071
308-128E-011	NEW	89-07-077	308-177-160	NEW-E	89-14-009
308-130-320	NEW-P	89-10-077	308-177-160	NEW-P	89-14-104
308-130-320	NEW	89-14-092	308-177-160	NEW	89-17-071
308-130-330	NEW-P	89-10-077	308-177-180	NEW-E	89-14-009
308-130-330	NEW	89-14-092	308-177-180	NEW-P	89-14-104
308-130-340	NEW-P	89-10-077	308-177-180	NEW	89-17-071
308-130-340	NEW	89-14-092	308-177-190	NEW-E	89-14-009
308-177-190	NEW-P	89-14-104	308-177-190	NEW-P	89-10-077
308-177-190	NEW	89-17-071			
308-180-290	NEW-P	89-10-077			
308-180-290	NEW	89-14-092			
308-180-300	NEW-P	89-10-077			
308-180-300	NEW	89-14-092			
308-180-310	NEW-P	89-10-077			
308-180-310	NEW	89-14-092			
308-180-320	NEW-P	89-10-077			
308-180-320	NEW	89-14-092			
308-180-330	NEW-P	89-10-077			
308-180-330	NEW	89-14-092			
308-180-340	NEW-P	89-10-077			
308-180-340	NEW	89-14-092			
308-180-350	NEW-P	89-10-077			
308-180-350	NEW	89-14-092			
308-180-360	NEW-P	89-10-077			
308-180-360	NEW	89-14-092			
308-180-370	NEW-P	89-10-077			
308-180-370	NEW	89-14-092			
308-183-010	NEW-P	89-10-077			
308-183-010	NEW	89-14-092			
308-183-020	NEW-P	89-10-077			
308-183-020	NEW	89-14-092			
308-183-030	NEW-P	89-10-077			
308-183-030	NEW	89-14-092			
308-183-040	NEW-P	89-10-077			
308-183-040	NEW	89-14-092			
308-183-050	NEW-P	89-10-077			
308-183-050	NEW	89-14-092			
308-183-060	NEW-P	89-10-077			
308-183-060	NEW	89-14-092			
308-183-070	NEW-P	89-10-077			
308-183-070	NEW	89-14-092			
308-183-080	NEW-P	89-10-077			
308-183-080	NEW	89-14-092			
308-190-030	AMD-P	89-07-081			
308-190-030	AMD	89-14-070			
308-190-040	AMD-P	89-07-081			
308-190-040	AMD	89-14-070			
308-190-041	NEW-P	89-07-081			
308-190-041	NEW	89-14-070			
308-190-042	NEW-P	89-07-081			
308-190-042	NEW	89-14-070			
308-190-060	NEW-P	89-10-077			
308-190-060	NEW	89-14-092			
308-190-070	NEW-P	89-10-077			
308-190-070	NEW	89-14-092			
308-190-080	NEW-P	89-10-077			
308-190-080	NEW	89-14-092			
308-190-090	NEW-P	89-10-077			
308-190-090	NEW	89-14-092			
308-190-100	NEW	89-14-092			
308-190-110	NEW-P	89-10-077			
308-190-110	NEW	89-14-092			
308-190-120	NEW-P	89-10-077			
308-190-120	NEW	89-14-092			
308-190-130	NEW-P	89-10-077			
308-190-130	NEW	89-14-092			
308-190-140	NEW-P	89-10-077			
308-190-140	NEW	89-14-092			
308-195-030	AMD-P	89-05-058			
308-195-030	AMD	89-09-006			
308-195-120	NEW-P	89-10-077			
308-195-120	NEW	89-14-092			
308-195-130	NEW-P	89-10-077			
308-195-130	NEW	89-14-092			
308-195-140	NEW-P	89-10-077			
308-195-140	NEW	89-14-092			
308-195-150	NEW-P	89-10-077			
308-195-150	NEW	89-14-092			
308-195-160	NEW-P	89-10-077			
308-195-160	NEW	89-14-092			
308-195-170	NEW-P	89-10-077			
308-195-170	NEW	89-14-092			
308-195-180	NEW-P	89-10-077			
308-195-180	NEW-P	89-10-077			

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-195-180	NEW	89-14-092	308-230-140	NEW-P	89-10-077	315-11-450	NEW-P	89-09-079
308-195-190	NEW-P	89-10-077	308-230-140	NEW	89-14-092	315-11-450	NEW	89-12-042
308-195-190	NEW	89-14-092	308-310-020	NEW	89-05-019	315-11-451	NEW-P	89-09-079
308-195-210	NEW-P	89-05-058	308-310-030	NEW	89-05-019	315-11-451	NEW	89-12-042
308-195-210	NEW	89-09-006	308-310-040	NEW	89-05-019	315-11-452	NEW-P	89-09-079
308-195-220	NEW-P	89-05-058	308-400	AMD	89-06-078	315-11-452	NEW	89-12-042
308-195-220	NEW	89-09-006	308-400-010	AMD	89-06-078	315-11-460	NEW-P	89-13-061
308-195-230	NEW-P	89-05-058	308-400-020	AMD	89-06-078	315-11-460	NEW	89-17-021
308-195-230	NEW	89-09-006	308-400-025	AMD	89-06-078	315-11-461	NEW-P	89-13-061
308-210-010	AMD-P	89-07-082	308-400-030	AMD	89-06-078	315-11-461	NEW	89-17-021
308-210-010	AMD	89-14-071	308-400-040	AMD	89-06-078	315-11-462	NEW-P	89-13-061
308-210-030	AMD-P	89-07-082	308-400-044	REP	89-06-078	315-11-462	NEW	89-17-021
308-210-030	AMD	89-14-071	308-400-046	AMD	89-06-078	315-11-470	NEW-P	89-17-092
308-210-040	AMD-P	89-07-082	308-400-047	AMD	89-06-078	315-11-471	NEW-P	89-17-092
308-210-040	AMD	89-14-071	308-400-048	AMD	89-06-078	315-11-472	NEW-P	89-17-092
308-210-045	NEW-P	89-07-082	308-400-050	AMD	89-06-078	315-11-480	NEW-P	89-17-092
308-210-045	NEW	89-14-071	308-400-052	AMD	89-06-078	315-11-481	NEW-P	89-17-092
308-210-046	NEW-P	89-07-082	308-400-058	AMD	89-06-078	315-11-482	NEW-P	89-17-092
308-210-046	NEW	89-14-071	308-400-059	AMD	89-06-078	315-11-490	NEW-P	89-17-092
308-210-050	AMD-P	89-07-082	308-400-095	AMD	89-06-078	315-11-491	NEW-P	89-17-092
308-210-050	AMD	89-14-071	308-400-100	AMD	89-06-078	315-11-492	NEW-P	89-17-092
308-210-060	REP-P	89-07-082	308-400-120	NEW	89-06-078	315-12-030	AMD-P	89-09-079
308-210-060	REP	89-14-071	314-12-037	NEW-W	89-07-015	315-12-030	AMD	89-12-042
308-210-080	NEW-P	89-10-077	314-12-038	NEW-W	89-07-015	315-30-040	AMD-P	89-09-079
308-210-080	NEW	89-14-092	314-12-175	NEW-C	89-11-033	315-30-040	AMD	89-12-042
308-210-090	NEW-P	89-10-077	314-12-175	NEW-C	89-13-050	315-30-050	AMD-P	89-09-079
308-210-090	NEW	89-14-092	314-12-175	NEW-P	89-14-040	315-30-050	AMD	89-12-042
308-210-100	NEW-P	89-10-077	314-12-175	NEW-E	89-14-042	315-30-070	AMD-P	89-09-079
308-210-100	NEW	89-14-092	314-12-175	NEW-W	89-14-044	315-30-070	AMD	89-12-042
308-210-110	NEW-P	89-10-077	314-12-175	NEW-C	89-17-036	315-30-075	NEW-P	89-06-084
308-210-110	NEW	89-14-092	314-16-075	AMD-P	89-04-025	315-30-075	NEW	89-09-009
308-210-120	NEW-P	89-10-077	314-16-075	AMD	89-08-014	315-30-080	AMD-P	89-06-084
308-210-120	NEW	89-14-092	314-16-120	AMD	89-03-045	315-30-080	AMD	89-09-009
308-210-130	NEW-P	89-10-077	314-16-250	NEW-P	89-14-041	315-31	AMD-P	89-09-079
308-210-130	NEW	89-14-092	314-16-250	NEW-E	89-14-043	315-31	AMD	89-12-042
308-210-140	NEW-P	89-10-077	314-16-250	NEW	89-17-037	315-31-020	AMD-P	89-09-079
308-210-140	NEW	89-14-092	314-20-030	AMD-P	89-03-040	315-31-020	AMD	89-12-042
308-210-150	NEW-P	89-10-077	314-20-030	AMD	89-06-013	315-31-030	AMD-P	89-09-079
308-210-150	NEW	89-14-092	315-02-220	AMD-P	89-17-108	315-31-030	AMD	89-12-042
308-210-160	NEW-P	89-10-077	315-06-020	AMD-P	89-09-079	315-31-040	AMD-P	89-09-079
308-210-160	NEW	89-14-092	315-06-020	AMD	89-12-042	315-31-040	AMD	89-12-042
308-220-010	AMD	89-04-003	315-06-035	AMD	89-05-015	315-31-050	AMD-P	89-09-079
308-220-030	AMD	89-04-003	315-06-115	NEW-P	89-13-061	315-31-050	AMD	89-12-042
308-220-090	NEW-P	89-10-077	315-06-115	NEW	89-17-021	315-31-060	AMD-P	89-09-079
308-220-090	NEW	89-14-092	315-06-120	AMD-P	89-09-079	315-31-060	AMD	89-12-042
308-220-100	NEW-P	89-10-077	315-06-120	AMD	89-12-042	315-32-050	AMD-P	89-09-079
308-220-100	NEW	89-14-092	315-10-020	AMD-P	89-17-108	315-32-050	AMD	89-12-042
308-220-110	NEW-P	89-10-077	315-10-030	AMD-P	89-17-108	326-02-030	AMD-E	89-13-046
308-220-110	NEW	89-14-092	315-10-060	AMD-C	89-05-014	326-02-030	AMD-P	89-17-109
308-220-120	NEW-P	89-10-077	315-10-060	AMD	89-09-008	326-02-030	AMD-E	89-17-114
308-220-120	NEW	89-14-092	315-11-400	NEW	89-05-015	326-20-081	NEW-E	89-13-046
308-220-130	NEW-P	89-10-077	315-11-401	NEW	89-05-015	326-20-081	NEW-P	89-17-109
308-220-130	NEW	89-14-092	315-11-402	NEW	89-05-015	326-20-081	NEW-E	89-17-114
308-220-140	NEW-P	89-10-077	315-11-410	NEW-P	89-06-084	326-30-030	AMD-E	89-13-045
308-220-140	NEW	89-14-092	315-11-410	NEW	89-09-009	326-30-030	AMD-P	89-17-110
308-220-150	NEW-P	89-10-077	315-11-411	NEW-P	89-06-084	326-30-030	AMD-E	89-17-112
308-220-150	NEW	89-14-092	315-11-411	NEW	89-09-009	326-30-03902	NEW-E	89-13-044
308-220-160	NEW-P	89-10-077	315-11-412	NEW-P	89-06-084	326-30-03902	NEW-P	89-17-111
308-220-160	NEW	89-14-092	315-11-412	NEW	89-09-009	326-30-03902	NEW-E	89-17-113
308-220-170	NEW-P	89-10-077	315-11-420	NEW-P	89-06-084	332-26-020	NEW-E	89-15-004
308-220-170	NEW	89-14-092	315-11-420	NEW	89-09-009	332-26-040	NEW-E	89-15-004
308-230-060	NEW-P	89-10-077	315-11-421	NEW-P	89-06-084	332-26-041	NEW-E	89-16-081
308-230-060	NEW	89-14-092	315-11-421	NEW	89-09-009	332-26-050	NEW-E	89-15-004
308-230-070	NEW-P	89-10-077	315-11-422	NEW-P	89-06-084	332-26-060	NEW-E	89-15-004
308-230-070	NEW	89-14-092	315-11-422	NEW	89-09-009	332-26-080	NEW-E	89-09-014
308-230-080	NEW-P	89-10-077	315-11-430	NEW-P	89-06-084	332-26-081	NEW-E	89-14-068
308-230-080	NEW	89-14-092	315-11-430	NEW	89-09-009	332-26-095	NEW-E	89-05-023
308-230-090	NEW-P	89-10-077	315-11-431	NEW-P	89-06-084	332-26-095	REP-E	89-06-004
308-230-090	NEW	89-14-092	315-11-431	NEW	89-09-009	332-130	AMD-C	89-08-021
308-230-100	NEW-P	89-10-077	315-11-432	NEW-P	89-06-084	332-130	AMD	89-11-028
308-230-100	NEW	89-14-092	315-11-432	NEW	89-09-009	332-130-010	AMD-C	89-08-021
308-230-110	NEW-P	89-10-077	315-11-440	NEW-P	89-09-079	332-130-010	AMD	89-11-028
308-230-110	NEW	89-14-092	315-11-440	NEW	89-12-042	332-130-020	AMD-C	89-08-021
308-230-120	NEW-P	89-10-077	315-11-441	NEW-P	89-09-079	332-130-020	AMD	89-11-028
308-230-120	NEW	89-14-092	315-11-441	NEW	89-12-042	332-130-030	AMD-C	89-08-021
308-230-130	NEW-P	89-10-077	315-11-442	NEW-P	89-09-079	332-130-030	AMD	89-11-028
308-230-130	NEW	89-14-092	315-11-442	NEW	89-12-042	332-130-040	AMD-C	89-08-021

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-130-040	AMD	89-11-028	356-18-090	AMD-C	89-13-037	360-44-010	AMD-P	89-04-058
332-130-050	AMD-C	89-08-021	356-18-090	AMD	89-15-028	360-44-010	AMD	89-09-020
332-130-050	AMD	89-11-028	356-18-090	AMD-E	89-15-030	360-44-040	AMD-P	89-04-058
332-130-060	AMD-C	89-08-021	356-18-110	AMD-C	89-03-056	360-44-040	AMD	89-09-020
332-130-060	AMD	89-11-028	356-18-110	AMD	89-06-028	360-44-050	AMD-P	89-04-058
332-130-070	AMD-C	89-08-021	356-18-112	NEW-E	89-11-031	360-44-112	AMD	89-09-020
332-130-070	AMD	89-11-028	356-18-112	NEW-P	89-11-089	360-44-060	AMD-P	89-04-058
332-130-080	AMD-C	89-08-021	356-18-112	NEW-E	89-13-009	360-44-060	AMD	89-09-020
332-130-080	AMD	89-11-028	356-18-112	NEW	89-16-029	360-44-080	AMD-P	89-04-058
332-130-090	NEW-C	89-08-021	356-18-116	AMD-C	89-03-056	360-44-080	AMD	89-09-020
332-130-090	NEW	89-11-028	356-18-116	AMD	89-06-028	360-44-090	AMD-P	89-04-058
332-130-100	NEW-C	89-08-021	356-18-120	AMD-P	89-08-060	360-44-090	AMD	89-09-020
332-130-100	NEW	89-11-028	356-18-120	AMD-C	89-11-030	360-44-100	AMD-P	89-04-058
332-140-400	NEW-P	89-13-065	356-18-120	AMD-C	89-13-038	360-44-100	AMD	89-09-020
332-140-400	NEW-E	89-14-072	356-18-140	AMD-C	89-03-056	360-44-130	AMD-P	89-04-058
332-140-400	NEW	89-17-057	356-18-140	AMD	89-06-028	360-44-130	AMD	89-09-020
352-32-010	AMD-P	89-03-067	356-18-150	AMD-C	89-03-056	360-44-140	AMD-P	89-04-058
352-32-010	AMD	89-07-020	356-18-150	AMD	89-06-028	360-44-140	AMD	89-09-020
352-32-047	NEW-P	89-03-067	356-18-160	AMD-C	89-03-056	360-44-990	AMD-P	89-04-058
352-32-047	NEW	89-07-020	356-18-160	AMD	89-06-028	360-44-990	AMD	89-09-020
352-32-047	NEW	89-07-098	356-18-180	REP-C	89-03-056	360-52-110	NEW	89-04-015
352-32-250	AMD-P	89-03-067	356-18-180	REP	89-06-028	365-40-020	AMD-P	89-13-078
352-32-250	AMD	89-07-020	356-18-220	AMD-C	89-03-056	365-40-041	AMD-P	89-13-078
356-05-097	NEW-P	89-16-052	356-18-220	AMD	89-06-028	365-40-051	AMD-P	89-13-078
356-05-238	NEW-C	89-03-056	356-18-220	AMD-P	89-08-059	365-40-061	REP-P	89-13-078
356-05-238	NEW	89-06-028	356-18-220	AMD-C	89-11-042	365-40-071	AMD-P	89-13-078
356-05-390	AMD-P	89-08-059	356-18-220	AMD-C	89-13-039	381	AMD	89-08-018
356-05-390	AMD-C	89-11-042	356-18-220	AMD	89-16-030	383-07-050	AMD-P	89-14-119
356-05-390	AMD-C	89-13-039	356-26-140	AMD-E	89-15-029	383-07-050	AMD-E	89-14-120
356-05-390	AMD	89-16-030	356-26-140	AMD-P	89-16-092	383-07-060	AMD-P	89-14-119
356-14-062	AMD-C	89-03-057	356-30-025	AMD	89-04-027	383-07-060	AMD-E	89-14-120
356-14-062	AMD-C	89-07-055	356-30-067	AMD	89-04-027	383-07-080	AMD-P	89-14-119
356-14-062	AMD-C	89-11-041	356-30-067	AMD-P	89-10-062	383-07-080	AMD-E	89-14-120
356-14-240	AMD-C	89-03-058	356-30-067	AMD	89-14-026	383-07-090	AMD-P	89-14-119
356-15-030	AMD-C	89-05-044	356-30-140	AMD	89-04-027	383-07-090	AMD-E	89-14-120
356-15-080	AMD-C	89-03-058	356-30-140	AMD-P	89-08-028	383-07-100	AMD-P	89-14-119
356-15-080	AMD-C	89-07-054	356-30-140	AMD-C	89-11-043	383-07-100	AMD-E	89-14-120
356-15-090	AMD-C	89-03-058	356-30-140	AMD	89-14-026	383-07-110	REP-P	89-14-119
356-15-090	AMD-P	89-06-009	356-30-270	AMD-P	89-16-050	383-07-110	REP-E	89-14-120
356-15-090	AMD-W	89-06-039	356-34-015	NEW-P	89-16-053	383-07-120	AMD-P	89-14-119
356-15-090	AMD-P	89-06-040	356-42-020	AMD-C	89-03-059	383-07-120	AMD-E	89-14-120
356-15-090	AMD	89-10-040	356-42-055	AMD-C	89-03-059	383-07-130	AMD-P	89-14-119
356-15-090	AMD-P	89-11-090	356-42-055	AMD-P	89-16-093	383-07-130	AMD-E	89-14-120
356-15-090	AMD-E	89-15-031	356-42-105	REP-C	89-03-059	388-07-005	AMD-P	89-09-030
356-15-090	AMD	89-16-031	360-12-010	REP-P	89-12-081	388-07-005	AMD	89-12-078
356-15-110	AMD-P	89-10-037	360-12-010	REP	89-17-017	388-08-00201	REP-E	89-14-099
356-15-130	AMD-P	89-10-038	360-12-015	AMD-P	89-12-081	388-08-00401	REP-E	89-14-099
356-15-130	AMD	89-14-027	360-16-250	REP	89-04-016	388-08-006	REP-E	89-14-099
356-15-140	NEW-P	89-04-024	360-16-265	NEW	89-04-016	388-08-00601	REP-E	89-14-099
356-15-140	NEW	89-07-056	360-17-055	AMD-C	89-04-023	388-08-010	REP-E	89-14-099
356-18-020	AMD-C	89-03-056	360-17-055	AMD-P	89-08-062	388-08-055	REP-E	89-14-099
356-18-020	AMD	89-06-028	360-17-055	AMD	89-12-011	388-08-406	REP-E	89-14-099
356-18-025	AMD-C	89-03-056	360-18-020	AMD	89-04-015	388-08-409	REP-E	89-14-099
356-18-025	AMD	89-06-028	360-36-010	AMD-P	89-12-082	388-08-410	NEW-E	89-14-099
356-18-030	AMD-C	89-03-056	360-36-010	AMD	89-17-023	388-08-413	AMD-E	89-14-099
356-18-030	AMD	89-06-028	360-36-210	AMD-P	89-12-082	388-08-416	REP-E	89-14-099
356-18-040	AMD-C	89-03-056	360-36-210	AMD	89-17-023	388-08-425	NEW-E	89-14-099
356-18-040	AMD	89-06-028	360-36-220	REP-P	89-12-082	388-08-431	NEW-E	89-14-099
356-18-050	AMD-C	89-03-056	360-36-220	REP	89-17-023	388-08-434	NEW-E	89-14-099
356-18-050	AMD	89-06-028	360-36-240	REP-P	89-12-082	388-08-435	REP-E	89-14-099
356-18-050	AMD-E	89-09-040	360-36-240	REP	89-17-023	388-08-437	NEW-E	89-14-099
356-18-050	AMD-P	89-10-039	360-36-250	AMD-P	89-12-082	388-08-440	NEW-E	89-14-099
356-18-050	AMD-C	89-13-037	360-36-250	AMD	89-17-023	388-08-446	NEW-E	89-14-099
356-18-050	AMD	89-15-028	360-36-260	AMD-P	89-12-082	388-08-449	NEW-E	89-14-099
356-18-050	AMD-E	89-15-030	360-36-260	AMD	89-17-023	388-08-452	NEW-E	89-14-099
356-18-060	AMD-C	89-03-056	360-36-270	AMD-P	89-12-082	388-08-461	NEW-E	89-14-099
356-18-060	AMD	89-06-028	360-36-270	AMD	89-17-023	388-08-464	NEW-E	89-14-099
356-18-070	AMD-C	89-03-056	360-36-410	AMD-P	89-12-082	388-08-470	NEW-E	89-14-099
356-18-070	AMD-P	89-06-024	360-36-410	AMD	89-17-023	388-08-515	NEW-E	89-14-099
356-18-070	AMD	89-06-028	360-36-420	AMD-P	89-12-082	388-08-525	NEW-E	89-14-099
356-18-070	AMD-C	89-10-036	360-36-420	AMD	89-17-023	388-08-535	NEW-E	89-14-099
356-18-080	AMD-C	89-03-056	360-36-430	AMD-P	89-12-082	388-08-540	REP-E	89-14-099
356-18-080	AMD	89-06-028	360-36-430	AMD	89-17-023	388-08-545	NEW-E	89-14-099
356-18-090	AMD-C	89-03-056	360-36-440	AMD-P	89-12-082	388-08-550	REP-E	89-14-099
356-18-090	AMD	89-06-028	360-36-440	AMD	89-17-023	388-08-555	NEW-E	89-14-099
356-18-090	AMD-E	89-09-040	360-36-500	NEW-P	89-12-082	388-08-560	REP-E	89-14-099
356-18-090	AMD-P	89-10-039	360-36-500	NEW	89-17-023	388-08-565	NEW-E	89-14-099

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-08-580	REP-E	89-14-099	388-24-113	NEW-P	89-03-052	388-40-100	AMD-P	89-06-048
388-08-590	REP-E	89-14-099	388-24-114	REP-P	89-09-031	388-40-100	AMD-E	89-06-051
388-09-010	REP-E	89-14-098	388-24-114	REP	89-12-079	388-40-100	AMD-E	89-12-014
388-09-020	REP-E	89-14-098	388-24-190	REP-P	89-09-031	388-40-100	AMD-P	89-14-081
388-09-030	REP-E	89-14-098	388-24-190	REP	89-12-079	388-40-100	AMD-E	89-14-084
388-09-040	REP-E	89-14-098	388-24-200	AMD-P	89-09-031	388-40-110	AMD-P	89-14-081
388-11-100	AMD-E	89-14-098	388-24-200	AMD	89-12-079	388-40-110	AMD-E	89-14-084
388-11-105	REP-E	89-14-098	388-28-390	AMD-P	89-04-053	388-49-015	AMD-P	89-03-071
388-11-180	AMD-E	89-14-098	388-28-390	AMD	89-07-038	388-49-015	AMD	89-07-001
388-11-185	REP-E	89-14-098	388-28-480	AMD-P	89-15-053	388-49-015	AMD-P	89-15-054
388-13-050	AMD-E	89-14-098	388-28-482	AMD-P	89-15-053	388-49-020	AMD-P	89-03-071
388-13-060	AMD-E	89-14-098	388-28-483	AMD-P	89-13-080	388-49-020	AMD	89-07-001
388-13-070	AMD-E	89-14-098	388-28-570	AMD-P	89-15-053	388-49-020	AMD-P	89-14-053
388-13-080	REP-E	89-14-098	388-28-575	AMD-P	89-12-074	388-49-020	AMD-E	89-14-065
388-13-110	AMD-E	89-14-098	388-28-575	AMD-E	89-13-016	388-49-030	AMD-P	89-03-072
388-13-120	AMD-E	89-14-098	388-28-575	AMD	89-17-031	388-49-030	AMD	89-07-001
388-14-260	AMD-E	89-14-098	388-29-001	AMD-P	89-08-099	388-49-070	AMD-P	89-14-054
388-14-270	AMD-E	89-07-052	388-29-001	AMD	89-11-102	388-49-070	AMD-E	89-14-067
388-14-270	AMD-P	89-07-093	388-29-020	AMD-P	89-08-099	388-49-110	AMD-P	89-03-072
388-14-270	AMD	89-10-070	388-29-020	AMD	89-11-102	388-49-110	AMD	89-07-001
388-14-270	AMD-E	89-14-098	388-29-100	AMD-P	89-16-061	388-49-190	AMD-P	89-03-073
388-14-275	NEW-E	89-07-052	388-29-100	AMD-E	89-16-068	388-49-190	AMD	89-07-001
388-14-275	NEW-P	89-07-093	388-29-295	AMD-P	89-02-066	388-49-191	REP	89-03-053
388-14-275	NEW	89-10-070	388-29-295	AMD-E	89-02-068	388-49-191	REP-E	89-03-054
388-14-385	AMD-E	89-14-098	388-29-295	AMD	89-05-030	388-49-250	AMD	89-05-032
388-14-390	AMD-E	89-14-098	388-33-376	AMD	89-03-051	388-49-310	AMD-P	89-03-073
388-14-415	AMD-E	89-14-098	388-38-045	AMD	89-03-051	388-49-310	AMD	89-07-001
388-15-130	AMD-P	89-03-048	388-38-172	AMD	89-03-051	388-49-310	AMD-P	89-12-075
388-15-130	AMD	89-07-024	388-40-001	NEW-P	89-03-026	388-49-310	AMD	89-16-106
388-15-132	AMD-P	89-03-048	388-40-001	NEW-E	89-03-027	388-49-320	AMD-P	89-11-099
388-15-132	AMD	89-07-024	388-40-001	REP-E	89-06-034	388-49-320	AMD	89-16-063
388-15-134	AMD-P	89-03-048	388-40-001	REP-E	89-06-051	388-49-320	AMD-E	89-16-071
388-15-134	AMD	89-07-024	388-40-002	NEW-P	89-03-049	388-49-330	AMD-P	89-11-056
388-15-207	AMD-P	89-14-078	388-40-002	NEW-E	89-03-050	388-49-330	AMD	89-16-107
388-15-207	AMD-E	89-14-086	388-40-002	REP-E	89-06-034	388-49-360	AMD-P	89-15-055
388-15-208	AMD-P	89-10-046	388-40-002	REP-E	89-06-051	388-49-360	AMD-E	89-15-056
388-15-208	AMD-E	89-10-049	388-40-010	AMD-P	89-14-081	388-49-370	NEW-P	89-15-055
388-15-208	AMD	89-13-084	388-40-010	AMD-E	89-14-084	388-49-370	NEW-E	89-15-056
388-15-209	AMD-P	89-14-078	388-40-020	AMD-P	89-14-081	388-49-380	AMD-P	89-15-055
388-15-209	AMD-E	89-14-086	388-40-020	AMD-E	89-14-084	388-49-380	AMD-E	89-15-056
388-15-212	AMD-P	89-10-046	388-40-030	AMD-E	89-06-034	388-49-410	AMD-P	89-15-056
388-15-212	AMD-E	89-10-049	388-40-030	AMD-P	89-06-048	388-49-410	AMD-E	89-14-066
388-15-212	AMD	89-13-084	388-40-030	AMD-E	89-06-051	388-49-420	AMD-P	89-03-073
388-15-215	AMD-P	89-14-078	388-40-030	AMD-E	89-12-014	388-49-420	AMD	89-07-001
388-15-215	AMD-E	89-14-086	388-40-030	AMD-P	89-14-081	388-49-430	AMD-P	89-14-055
388-15-216	NEW-P	89-14-078	388-40-030	AMD-E	89-14-084	388-49-430	AMD-E	89-14-066
388-15-216	NEW-E	89-14-086	388-40-040	AMD-P	89-14-081	388-49-450	AMD	89-05-032
388-15-217	AMD-P	89-14-078	388-40-040	AMD-E	89-14-084	388-49-450	AMD-E	89-08-051
388-15-217	AMD-E	89-14-086	388-40-050	AMD-E	89-06-034	388-49-450	AMD-P	89-08-100
388-15-810	NEW-P	89-14-080	388-40-050	AMD-P	89-06-048	388-49-450	AMD	89-11-101
388-15-810	NEW-E	89-14-085	388-40-050	AMD-E	89-06-051	388-49-460	AMD	89-05-032
388-15-820	NEW-P	89-14-080	388-40-050	AMD-E	89-12-014	388-49-470	AMD-E	89-08-051
388-15-820	NEW-E	89-14-085	388-40-050	AMD-P	89-14-081	388-49-470	AMD-P	89-08-100
388-15-830	NEW-P	89-14-080	388-40-050	AMD-E	89-14-084	388-49-470	AMD	89-11-101
388-15-830	NEW-E	89-14-085	388-40-055	NEW-P	89-14-081	388-49-480	AMD-P	89-03-074
388-15-840	NEW-P	89-14-080	388-40-055	NEW-E	89-14-084	388-49-480	AMD	89-07-001
388-15-840	NEW-E	89-14-085	388-40-060	AMD-P	89-14-081	388-49-550	AMD-P	89-02-069
388-15-850	NEW-P	89-14-080	388-40-060	AMD-E	89-14-084	388-49-550	AMD	89-05-031
388-15-850	NEW-E	89-14-085	388-40-080	AMD-E	89-06-034	388-49-570	AMD-P	89-14-056
388-15-860	NEW-P	89-14-080	388-40-080	AMD-P	89-06-048	388-49-660	AMD-P	89-08-101
388-15-860	NEW-E	89-14-085	388-40-080	AMD-E	89-06-051	388-49-660	AMD	89-12-035
388-15-870	NEW-P	89-14-080	388-40-080	AMD-E	89-12-014	388-49-670	AMD-P	89-09-032
388-15-870	NEW-E	89-14-085	388-40-080	AMD-P	89-14-081	388-49-670	AMD	89-12-034
388-15-880	NEW-P	89-14-080	388-40-080	AMD-E	89-14-084	388-55-010	AMD	89-03-008
388-15-880	NEW-E	89-14-085	388-40-090	AMD-E	89-06-034	388-55-010	AMD-P	89-13-081
388-17-100	AMD-E	89-14-098	388-40-090	AMD-P	89-06-048	388-55-010	AMD-E	89-14-060
388-17-500	AMD-E	89-14-098	388-40-090	AMD-E	89-06-051	388-55-010	AMD	89-17-029
388-17-510	AMD-E	89-14-098	388-40-090	AMD-E	89-12-014	388-55-020	AMD	89-03-008
388-22-030	AMD-P	89-08-099	388-40-090	AMD-P	89-14-081	388-55-020	AMD	89-03-008
388-22-030	AMD	89-11-102	388-40-090	AMD-E	89-14-084	388-70-590	AMD-E	89-14-098
388-24-040	AMD-P	89-03-052	388-40-091	NEW-E	89-06-034	388-70-640	AMD	89-05-063
388-24-042	AMD-P	89-09-031	388-40-091	NEW-P	89-06-048	388-73-014	AMD	89-11-005
388-24-042	AMD	89-12-079	388-40-091	NEW-E	89-06-051	388-73-016	AMD	89-11-005
388-24-052	AMD-P	89-09-031	388-40-091	NEW-E	89-12-014	388-73-036	AMD	89-11-005
388-24-052	AMD	89-12-079	388-40-091	NEW-P	89-14-081	388-73-036	AMD-E	89-14-098
388-24-074	AMD-P	89-09-031	388-40-091	NEW-E	89-14-084	388-73-044	AMD	89-05-063
388-24-074	AMD	89-12-079	388-40-100	AMD-E	89-06-034	388-73-056	AMD	89-11-005

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-73-136	AMD-P	89-03-025	388-87-04701	REP-P	89-13-082	390-16-125	AMD-P	89-17-139
388-73-136	AMD	89-07-097	388-87-04701	REP-E	89-14-059	390-16-155	AMD-P	89-17-139
388-73-142	AMD	89-11-005	388-87-060	AMD-P	89-07-012	390-16-302	REP-P	89-17-139
388-73-146	AMD	89-11-005	388-87-060	AMD-E	89-07-013	390-16-306	REP-P	89-17-139
388-73-310	AMD	89-11-005	388-87-060	AMD	89-11-003	391-08-001	AMD-E	89-17-010
388-73-422	AMD	89-11-005	388-87-067	AMD-P	89-14-082	391-08-003	RE-AD-E	89-17-010
388-73-423	NEW	89-11-005	388-87-067	AMD-E	89-14-083	391-08-007	RE-AD-E	89-17-010
388-73-424	AMD	89-11-005	388-88-080	AMD-P	89-07-094	391-08-010	RE-AD-E	89-17-010
388-73-428	NEW	89-11-005	388-88-080	AMD	89-11-017	391-08-020	RE-AD-E	89-17-010
388-76-080	NEW	89-05-033	388-88-095	AMD	89-06-050	391-08-030	RE-AD-E	89-17-010
388-76-095	NEW-E	89-14-098	388-88-097	NEW	89-06-050	391-08-040	RE-AD-E	89-17-010
388-76-170	AMD	89-05-033	388-88-098	NEW-P	89-07-094	391-08-100	RE-AD-E	89-17-010
388-77-005	AMD	89-03-053	388-88-098	NEW	89-11-017	391-08-110	REP-E	89-17-010
388-77-005	AMD-E	89-03-054	388-88-099	NEW-P	89-07-094	391-08-120	AMD-E	89-17-010
388-77-230	AMD-P	89-09-033	388-88-099	NEW	89-11-017	391-08-160	REP-E	89-17-010
388-77-230	AMD	89-12-036	388-88-101	AMD-P	89-07-094	391-08-180	AMD-E	89-17-010
388-77-240	AMD-P	89-09-033	388-88-101	AMD	89-11-017	391-08-200	REP-E	89-17-010
388-77-240	AMD	89-12-036	388-92-043	AMD-P	89-14-057	391-08-210	REP-E	89-17-010
388-77-610	AMD	89-03-053	388-92-043	AMD-E	89-14-064	391-08-230	RE-AD-E	89-17-010
388-77-610	AMD-E	89-03-054	388-93-070	REP-P	89-14-057	391-08-300	AMD-E	89-17-010
388-77-820	AMD	89-03-053	388-93-070	REP-E	89-14-064	391-08-310	RE-AD-E	89-17-010
388-77-820	AMD-E	89-03-054	388-95-335	AMD-P	89-14-125	391-08-315	NEW-E	89-17-010
388-77-820	AMD-P	89-17-127	388-95-337	AMD-P	89-14-125	391-08-500	REP-E	89-17-010
388-78-210	AMD-P	89-05-062	388-95-356	NEW-P	89-14-125	391-08-510	REP-E	89-17-010
388-78-210	AMD	89-08-050	388-95-360	AMD-P	89-14-125	391-08-600	REP-E	89-17-010
388-80-005	AMD-E	89-14-098	388-95-395	NEW-P	89-09-029	391-08-610	RE-AD-E	89-17-010
388-81-043	AMD	89-05-029	388-95-395	NEW	89-12-037	391-08-630	AMD-E	89-17-010
388-81-052	AMD-P	89-14-057	388-96-210	AMD-P	89-08-046	391-08-800	RE-AD-E	89-17-010
388-81-052	AMD-E	89-14-064	388-96-210	AMD	89-11-100	391-08-810	RE-AD-E	89-17-010
388-81-060	AMD	89-05-029	388-96-221	AMD-P	89-08-046	391-08-820	AMD-E	89-17-010
388-82-140	NEW	89-05-029	388-96-221	AMD	89-11-100	391-08-900	REP-E	89-17-010
388-82-140	AMD-P	89-08-044	388-96-585	AMD-P	89-13-083	391-08-910	REP-E	89-17-010
388-82-140	AMD-E	89-08-053	388-96-585	AMD-E	89-14-062	391-08-920	REP-E	89-17-010
388-82-140	AMD	89-11-057	388-96-585	AMD	89-17-030	391-08-930	REP-E	89-17-010
388-83-012	AMD-P	89-10-047	388-96-722	AMD-P	89-08-046	391-25-001	AMD-E	89-17-011
388-83-012	AMD-E	89-10-048	388-96-904	AMD-E	89-14-098	391-25-002	RE-AD-E	89-17-011
388-83-012	AMD	89-12-080	388-98-700	AMD-E	89-14-098	391-25-010	RE-AD-E	89-17-011
388-83-013	NEW-P	89-10-047	388-98-850	AMD-E	89-14-098	391-25-012	RE-AD-E	89-17-011
388-83-013	NEW-E	89-10-048	388-99-020	AMD	89-05-029	391-25-030	RE-AD-E	89-17-011
388-83-013	NEW	89-12-080	388-99-030	AMD-P	89-08-047	391-25-050	RE-AD-E	89-17-011
388-83-014	NEW-P	89-10-047	388-99-030	AMD-E	89-08-049	391-25-070	RE-AD-E	89-17-011
388-83-014	NEW-E	89-10-048	388-99-030	AMD	89-11-057	391-25-090	RE-AD-E	89-17-011
388-83-014	NEW	89-12-080	388-320	AMD-E	89-14-099	391-25-092	RE-AD-E	89-17-011
388-83-015	AMD-P	89-08-045	388-320-340	NEW-E	89-14-099	391-25-110	RE-AD-E	89-17-011
388-83-015	AMD-E	89-08-048	388-320-350	NEW-E	89-14-099	391-25-130	RE-AD-E	89-17-011
388-83-015	AMD	89-11-057	388-320-360	NEW-E	89-14-099	391-25-140	RE-AD-E	89-17-011
388-83-032	AMD-P	89-08-044	388-320-370	NEW-E	89-14-099	391-25-150	RE-AD-E	89-17-011
388-83-032	AMD-E	89-08-053	388-320-400	NEW-E	89-14-099	391-25-170	RE-AD-E	89-17-011
388-83-032	AMD	89-11-057	388-320-410	NEW-E	89-14-099	391-25-190	RE-AD-E	89-17-011
388-83-032	AMD-P	89-16-060	388-320-500	NEW-E	89-14-099	391-25-210	RE-AD-E	89-17-011
388-83-032	AMD-E	89-16-067	388-330-010	NEW-P	89-02-067	391-25-220	NEW-E	89-17-011
388-83-033	NEW-P	89-16-060	388-330-010	NEW	89-07-096	391-25-230	RE-AD-E	89-17-011
388-83-033	NEW-E	89-16-067	388-330-020	NEW-P	89-02-067	391-25-250	RE-AD-E	89-17-011
388-84-115	AMD-P	89-07-011	388-330-020	NEW	89-07-096	391-25-252	RE-AD-E	89-17-011
388-84-115	AMD-E	89-07-030	388-330-030	NEW-P	89-02-067	391-25-253	RE-AD-E	89-17-011
388-84-115	AMD	89-11-002	388-330-030	NEW	89-07-096	391-25-270	RE-AD-E	89-17-011
388-86-005	AMD-P	89-10-020	388-330-040	NEW-P	89-02-067	391-25-290	RE-AD-E	89-17-011
388-86-005	AMD-E	89-10-024	388-330-040	NEW	89-07-096	391-25-299	RE-AD-E	89-17-011
388-86-005	AMD	89-13-005	388-330-050	NEW-P	89-02-067	391-25-310	RE-AD-E	89-17-011
388-86-005	AMD-P	89-13-082	388-330-050	NEW	89-07-096	391-25-350	AMD-E	89-17-011
388-86-005	AMD-E	89-14-059	388-330-060	NEW-P	89-02-067	391-25-370	RE-AD-E	89-17-011
388-86-02301	REP-P	89-13-082	388-330-060	NEW	89-07-096	391-25-390	RE-AD-E	89-17-011
388-86-02301	REP-E	89-14-059	390-16-011	AMD-P	89-17-139	391-25-391	RE-AD-E	89-17-011
388-86-024	NEW-E	89-16-066	390-16-012	NEW-P	89-17-139	391-25-410	RE-AD-E	89-17-011
388-86-024	NEW-E	89-16-069	390-16-031	AMD-P	89-17-139	391-25-412	RE-AD-E	89-17-011
388-86-047	NEW-P	89-14-082	390-16-032	NEW-P	89-17-139	391-25-413	RE-AD-E	89-17-011
388-86-047	NEW-E	89-14-083	390-16-033	AMD-P	89-17-139	391-25-430	RE-AD-E	89-17-011
388-86-087	NEW-P	89-14-058	390-16-036	REP-P	89-17-139	391-25-450	RE-AD-E	89-17-011
388-86-087	NEW-E	89-14-063	390-16-041	AMD-P	89-17-139	391-25-470	RE-AD-E	89-17-011
388-86-090	AMD	89-05-029	390-16-042	NEW-P	89-17-139	391-25-490	RE-AD-E	89-17-011
388-86-100	AMD	89-08-052	390-16-050	AMD-P	89-17-139	391-25-510	RE-AD-E	89-17-011
388-87-005	AMD-P	89-13-082	390-16-055	AMD-P	89-17-139	391-25-530	RE-AD-E	89-17-011
388-87-005	AMD-E	89-14-059	390-16-060	AMD-P	89-17-139	391-25-531	RE-AD-E	89-17-011
388-87-010	AMD-P	89-16-062	390-16-111	AMD-P	89-17-139	391-25-550	RE-AD-E	89-17-011
388-87-011	AMD-P	89-07-037	390-16-115	AMD-P	89-17-139	391-25-570	RE-AD-E	89-17-011
388-87-011	AMD-E	89-07-039	390-16-120	AMD-P	89-17-139	391-25-590	RE-AD-E	89-17-011
388-87-011	AMD	89-11-004	390-16-121	NEW-P	89-17-139	391-25-610	RE-AD-E	89-17-011

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
391-25-630	RE-AD-E 89-17-011	392-121-415	AMD-P 89-12-039	392-126-340	REP 89-17-069
391-25-650	RE-AD-E 89-17-011	392-121-415	AMD 89-16-015	392-126-345	REP-P 89-14-033
391-25-670	RE-AD-E 89-17-011	392-126-100	REP-P 89-14-033	392-126-355	REP 89-17-069
391-35-001	AMD-E 89-17-012	392-126-100	REP 89-17-069	392-126-355	REP-P 89-14-033
391-35-002	RE-AD-E 89-17-012	392-126-105	REP-P 89-14-033	392-126-360	REP 89-17-069
391-35-010	RE-AD-E 89-17-012	392-126-105	REP 89-17-069	392-126-360	REP-P 89-14-033
391-35-020	RE-AD-E 89-17-012	392-126-110	REP-P 89-14-033	392-126-365	REP 89-17-069
391-35-030	RE-AD-E 89-17-012	392-126-110	REP 89-17-069	392-126-365	REP-P 89-14-033
391-35-050	RE-AD-E 89-17-012	392-126-115	REP-P 89-14-033	392-126-370	REP 89-17-069
391-35-070	RE-AD-E 89-17-012	392-126-115	REP 89-17-069	392-126-370	REP-P 89-14-033
391-35-080	NEW-E 89-17-012	392-126-120	REP-P 89-14-033	392-126-375	REP 89-17-069
391-35-090	RE-AD-E 89-17-012	392-126-120	REP 89-17-069	392-126-375	REP-P 89-14-033
391-35-099	RE-AD-E 89-17-012	392-126-125	REP-P 89-14-033	392-126-380	REP 89-17-069
391-35-110	RE-AD-E 89-17-012	392-126-125	REP 89-17-069	392-126-380	REP-P 89-14-033
391-35-130	RE-AD-E 89-17-012	392-126-130	REP-P 89-14-033	392-126-385	REP 89-17-069
391-35-170	AMD-E 89-17-012	392-126-130	REP 89-17-069	392-126-385	REP-P 89-14-033
391-35-190	RE-AD-E 89-17-012	392-126-135	REP-P 89-14-033	392-126-390	REP 89-17-069
391-35-210	RE-AD-E 89-17-012	392-126-135	REP 89-17-069	392-126-390	REP-P 89-14-033
391-35-230	RE-AD-E 89-17-012	392-126-200	REP-P 89-14-033	392-126-391	REP 89-17-069
391-35-250	RE-AD-E 89-17-012	392-126-200	REP 89-17-069	392-126-391	REP-P 89-14-033
391-45-001	AMD-E 89-17-013	392-126-205	REP-P 89-14-033	392-126-392	REP 89-17-069
391-45-002	RE-AD-E 89-17-013	392-126-205	REP 89-17-069	392-126-392	REP-P 89-14-033
391-45-010	RE-AD-E 89-17-013	392-126-210	REP-P 89-14-033	392-126-500	REP 89-17-069
391-45-019	RE-AD-E 89-17-013	392-126-210	REP 89-17-069	392-126-500	REP-P 89-14-033
391-45-030	RE-AD-E 89-17-013	392-126-215	REP-P 89-14-033	392-126-505	REP 89-17-069
391-45-050	RE-AD-E 89-17-013	392-126-215	REP 89-17-069	392-126-505	REP-P 89-14-033
391-45-070	RE-AD-E 89-17-013	392-126-220	REP-P 89-14-033	392-126-510	REP 89-17-069
391-45-090	RE-AD-E 89-17-013	392-126-220	REP 89-17-069	392-126-510	REP-P 89-14-033
391-45-110	RE-AD-E 89-17-013	392-126-225	REP-P 89-14-033	392-126-600	REP 89-17-069
391-45-130	RE-AD-E 89-17-013	392-126-225	REP 89-17-069	392-126-600	REP-P 89-14-033
391-45-170	AMD-E 89-17-013	392-126-230	REP-P 89-14-033	392-126-605	REP 89-17-069
391-45-190	RE-AD-E 89-17-013	392-126-230	REP 89-17-069	392-126-605	REP-P 89-14-033
391-45-210	RE-AD-E 89-17-013	392-126-235	REP-P 89-14-033	392-126-610	REP 89-17-069
391-45-230	RE-AD-E 89-17-013	392-126-235	REP 89-17-069	392-126-610	REP-P 89-14-033
391-45-250	RE-AD-E 89-17-013	392-126-240	REP-P 89-14-033	392-126-615	REP 89-17-069
391-45-260	AMD-E 89-17-013	392-126-240	REP 89-17-069	392-126-615	REP-P 89-14-033
391-45-270	AMD-E 89-17-013	392-126-245	REP-P 89-14-033	392-126-620	REP 89-17-069
391-45-290	RE-AD-E 89-17-013	392-126-245	REP 89-17-069	392-126-620	REP-P 89-14-033
391-45-310	RE-AD-E 89-17-013	392-126-250	REP-P 89-14-033	392-126-625	REP 89-17-069
391-45-330	RE-AD-E 89-17-013	392-126-250	REP 89-17-069	392-126-625	REP-P 89-14-033
391-45-350	RE-AD-E 89-17-013	392-126-255	REP-P 89-14-033	392-126-630	REP 89-17-069
391-45-370	RE-AD-E 89-17-013	392-126-255	REP 89-17-069	392-126-630	REP-P 89-14-033
391-45-390	RE-AD-E 89-17-013	392-126-260	REP-P 89-14-033	392-126-700	REP 89-17-069
391-45-410	RE-AD-E 89-17-013	392-126-260	REP 89-17-069	392-126-700	REP-P 89-14-033
391-45-430	RE-AD-E 89-17-013	392-126-265	REP-P 89-14-033	392-126-705	REP 89-17-069
391-45-431	RE-AD-E 89-17-013	392-126-265	REP 89-17-069	392-126-705	REP-P 89-14-033
391-45-550	RE-AD-E 89-17-013	392-126-270	REP-P 89-14-033	392-126-710	REP 89-17-069
391-45-552	RE-AD-E 89-17-013	392-126-270	REP 89-17-069	392-126-710	REP-P 89-14-033
391-95-001	AMD-E 89-17-014	392-126-275	REP-P 89-14-033	392-126-800	REP 89-17-069
391-95-010	RE-AD-E 89-17-014	392-126-275	REP 89-17-069	392-126-800	REP-P 89-14-033
391-95-030	RE-AD-E 89-17-014	392-126-280	REP-P 89-14-033	392-126-805	REP 89-17-069
391-95-050	RE-AD-E 89-17-014	392-126-280	REP 89-17-069	392-126-805	REP-P 89-14-033
391-95-070	RE-AD-E 89-17-014	392-126-285	REP-P 89-14-033	392-126-810	REP 89-17-069
391-95-090	RE-AD-E 89-17-014	392-126-285	REP 89-17-069	392-126-810	REP-P 89-14-033
391-95-110	RE-AD-E 89-17-014	392-126-290	REP-P 89-14-033	392-126-815	REP 89-17-069
391-95-130	RE-AD-E 89-17-014	392-126-290	REP 89-17-069	392-126-815	REP-P 89-14-033
391-95-150	RE-AD-E 89-17-014	392-126-291	REP-P 89-14-033	392-126-820	REP 89-17-069
391-95-170	AMD-E 89-17-014	392-126-291	REP 89-17-069	392-126-820	REP-P 89-14-033
391-95-190	RE-AD-E 89-17-014	392-126-300	REP-P 89-14-033	392-126-825	REP 89-17-069
391-95-230	AMD-E 89-17-014	392-126-300	REP 89-17-069	392-126-825	REP-P 89-14-033
391-95-250	RE-AD-E 89-17-014	392-126-305	REP-P 89-14-033	392-126-830	REP 89-17-069
391-95-260	RE-AD-E 89-17-014	392-126-305	REP 89-17-069	392-126-830	REP-P 89-14-033
391-95-270	RE-AD-E 89-17-014	392-126-310	REP-P 89-14-033	392-127-100	REP 89-17-069
391-95-280	RE-AD-E 89-17-014	392-126-310	REP 89-17-069	392-127-100	REP-P 89-14-033
391-95-290	RE-AD-E 89-17-014	392-126-315	REP-P 89-14-033	392-127-105	REP 89-17-069
391-95-310	RE-AD-E 89-17-014	392-126-315	REP 89-17-069	392-127-105	REP-P 89-14-033
392-101-001	RE-AD-P 89-16-012	392-126-320	REP-P 89-14-033	392-127-110	REP 89-17-069
392-101-001	RE-AD-E 89-16-016	392-126-320	REP 89-17-069	392-127-110	REP-P 89-14-033
392-101-005	RE-AD-P 89-16-012	392-126-325	REP-P 89-14-033	392-127-115	REP 89-17-069
392-101-005	RE-AD-E 89-16-016	392-126-325	REP 89-17-069	392-127-115	REP-P 89-14-033
392-101-010	AMD-E 89-13-010	392-126-330	REP-P 89-14-033	392-127-120	REP 89-17-069
392-101-010	AMD-P 89-14-032	392-126-330	REP 89-17-069	392-127-120	REP-P 89-14-033
392-101-010	RE-AD-P 89-16-012	392-126-335	REP-P 89-14-033	392-127-200	REP 89-17-069
392-101-010	RE-AD-E 89-16-016	392-126-335	REP 89-17-069	392-127-200	REP-P 89-14-033
392-101-010	AMD 89-17-067	392-126-336	REP-P 89-14-033	392-127-205	REP 89-17-069
392-121-260	AMD-P 89-10-002	392-126-336	REP 89-17-069	392-127-205	REP-P 89-14-033
392-121-260	AMD 89-13-064	392-126-340	REP-P 89-14-033		

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
392-171-621	RE-AD-E 89-16-016	392-190-055	RE-AD-P 89-16-012	419-64-010	NEW 89-04-050
392-171-626	RE-AD-P 89-16-012	392-190-055	RE-AD-E 89-16-016	419-64-020	NEW 89-04-050
392-171-626	RE-AD-E 89-16-016	392-190-060	RE-AD-P 89-16-012	419-64-030	NEW 89-04-050
392-171-631	RE-AD-P 89-16-012	392-190-060	RE-AD-E 89-16-016	419-64-040	NEW 89-04-050
392-171-631	RE-AD-E 89-16-016	392-190-065	RE-AD-P 89-16-012	419-64-050	NEW 89-04-050
392-171-636	RE-AD-P 89-16-012	392-190-065	RE-AD-E 89-16-016	419-64-060	NEW 89-04-050
392-171-636	RE-AD-E 89-16-016	392-190-070	RE-AD-P 89-16-012	419-64-070	NEW 89-04-050
392-171-641	RE-AD-P 89-16-012	392-190-070	RE-AD-E 89-16-016	419-64-080	NEW 89-04-050
392-171-641	RE-AD-E 89-16-016	392-190-075	RE-AD-P 89-16-012	419-64-090	NEW 89-04-050
392-171-646	RE-AD-P 89-16-012	392-190-075	RE-AD-E 89-16-016	419-70-010	NEW-P 89-11-094
392-171-646	RE-AD-E 89-16-016	392-190-080	RE-AD-P 89-16-012	419-70-010	NEW 89-16-083
392-171-651	RE-AD-P 89-16-012	392-190-080	RE-AD-E 89-16-016	419-70-020	NEW-P 89-11-094
392-171-651	RE-AD-E 89-16-016	392-196-011	RE-AD-E 89-16-016	419-70-020	NEW 89-16-083
392-171-656	RE-AD-P 89-16-012	392-196-011	AMD-P 89-16-013	419-70-030	NEW-P 89-11-094
392-171-656	RE-AD-E 89-16-016	392-196-015	AMD-E 89-16-017	419-70-030	NEW 89-16-083
392-171-661	RE-AD-P 89-16-012	392-196-015	AMD-P 89-16-013	419-70-030	NEW 89-16-083
392-171-661	RE-AD-E 89-16-016	392-196-015	AMD-E 89-16-017	419-70-040	NEW-P 89-11-094
392-171-666	RE-AD-P 89-16-012	392-196-020	AMD-P 89-16-013	419-70-040	NEW 89-16-083
392-171-666	RE-AD-E 89-16-016	392-196-020	AMD-E 89-16-017	419-70-050	NEW-P 89-11-094
392-171-671	RE-AD-P 89-16-012	392-196-025	AMD-P 89-16-013	419-70-050	NEW 89-16-083
392-171-671	RE-AD-E 89-16-016	392-196-025	AMD-E 89-16-017	419-72	NEW-C 89-16-084
392-171-676	RE-AD-P 89-16-012	392-196-030	AMD-P 89-16-013	419-72-010	NEW-P 89-11-095
392-171-676	RE-AD-E 89-16-016	392-196-030	AMD-E 89-16-017	419-72-015	NEW-P 89-11-095
392-171-681	RE-AD-P 89-16-012	392-196-035	AMD-P 89-16-013	419-72-020	NEW-P 89-11-095
392-171-681	RE-AD-E 89-16-016	392-196-035	AMD-E 89-16-017	419-72-025	NEW-P 89-11-095
392-171-686	RE-AD-P 89-16-012	392-196-040	AMD-P 89-16-013	419-72-030	NEW-P 89-11-095
392-171-686	RE-AD-E 89-16-016	392-196-040	AMD-E 89-16-017	419-72-035	NEW-P 89-11-095
392-171-691	RE-AD-P 89-16-012	392-196-045	AMD-P 89-16-013	419-72-040	NEW-P 89-11-095
392-171-691	RE-AD-E 89-16-016	392-196-045	AMD-E 89-16-017	419-72-045	NEW-P 89-11-095
392-171-696	RE-AD-P 89-16-012	392-196-050	AMD-P 89-16-013	419-72-050	NEW-P 89-11-095
392-171-696	RE-AD-E 89-16-016	392-196-050	AMD-E 89-16-017	419-72-055	NEW-P 89-11-095
392-171-701	RE-AD-P 89-16-012	392-196-055	AMD-P 89-16-013	419-72-060	NEW-P 89-11-095
392-171-701	RE-AD-E 89-16-016	392-196-055	AMD-E 89-16-017	419-72-065	NEW-P 89-11-095
392-171-706	RE-AD-P 89-16-012	392-196-060	AMD-P 89-16-013	419-72-070	NEW-P 89-11-095
392-171-706	RE-AD-E 89-16-016	392-196-060	AMD-E 89-16-017	419-72-075	NEW-P 89-11-095
392-171-711	RE-AD-P 89-16-012	392-196-066	NEW-P 89-16-013	419-72-080	NEW-P 89-11-095
392-171-711	RE-AD-E 89-16-016	392-196-066	NEW-E 89-16-017	419-72-090	NEW-P 89-11-095
392-171-716	RE-AD-P 89-16-012	392-196-070	AMD-P 89-16-013	419-72-095	NEW-P 89-11-095
392-171-716	RE-AD-E 89-16-016	392-196-070	AMD-E 89-16-017	434-04-010	NEW-P 89-15-036
392-171-721	RE-AD-P 89-16-012	392-196-075	AMD-P 89-16-013	434-04-015	NEW-P 89-15-036
392-171-721	RE-AD-E 89-16-016	392-196-075	AMD-E 89-16-017	434-04-017	NEW-P 89-15-036
392-171-726	RE-AD-P 89-16-012	392-196-080	AMD-P 89-16-013	434-04-020	NEW-P 89-15-036
392-171-726	RE-AD-E 89-16-016	392-196-080	AMD-E 89-16-017	434-04-030	NEW-P 89-15-036
392-171-731	RE-AD-P 89-16-012	392-196-085	AMD-P 89-16-013	434-04-040	NEW-P 89-15-036
392-171-731	RE-AD-E 89-16-016	392-196-085	AMD-E 89-16-017	434-04-050	NEW-P 89-15-036
392-171-736	RE-AD-P 89-16-012	392-196-090	AMD-P 89-16-013	434-04-060	NEW-P 89-15-036
392-171-736	RE-AD-E 89-16-016	392-196-090	AMD-E 89-16-017	434-04-070	NEW-P 89-15-036
392-171-741	RE-AD-P 89-16-012	392-196-095	NEW-P 89-16-013	434-04-075	NEW-P 89-15-036
392-171-741	RE-AD-E 89-16-016	392-196-095	NEW-E 89-16-017	434-04-080	NEW-P 89-15-036
392-171-746	RE-AD-P 89-16-012	392-196-100	NEW-P 89-16-013	434-04-090	NEW-P 89-15-036
392-171-746	RE-AD-E 89-16-016	392-196-100	NEW-E 89-16-017	440-44-023	AMD-P 89-12-076
392-171-751	RE-AD-P 89-16-012	392-196-105	NEW-P 89-16-013	440-44-023	AMD-E 89-14-061
392-171-751	RE-AD-E 89-16-016	392-196-105	NEW-E 89-16-017	440-44-023	AMD 89-16-064
392-171-756	RE-AD-P 89-16-012	392-196-110	NEW-P 89-16-013	440-44-030	AMD-P 89-17-051
392-171-756	RE-AD-E 89-16-016	392-196-110	NEW-E 89-16-017	440-44-030	AMD-E 89-17-052
392-171-761	RE-AD-P 89-16-012	392-202-003	AMD-P 89-16-014	440-44-040	AMD-P 89-12-076
392-171-761	RE-AD-E 89-16-016	392-202-005	AMD-P 89-16-014	440-44-040	AMD-E 89-14-061
392-190-005	RE-AD-P 89-16-012	392-202-010	AMD-P 89-16-014	440-44-040	AMD 89-16-064
392-190-005	RE-AD-E 89-16-016	392-202-015	AMD-P 89-16-014	440-44-041	NEW-P 89-12-076
392-190-010	RE-AD-P 89-16-012	392-202-070	AMD-P 89-16-014	440-44-041	NEW-E 89-14-061
392-190-010	RE-AD-E 89-16-016	392-202-075	AMD-P 89-16-014	440-44-041	NEW 89-16-064
392-190-015	RE-AD-P 89-16-012	392-202-080	AMD-P 89-16-014	440-44-042	NEW-P 89-12-076
392-190-015	RE-AD-E 89-16-016	392-202-085	AMD-P 89-16-014	440-44-042	NEW-E 89-14-061
392-190-020	RE-AD-P 89-16-012	392-202-095	AMD-P 89-16-014	440-44-042	NEW-P 89-17-026
392-190-020	RE-AD-E 89-16-016	392-202-110	AMD-P 89-16-014	440-44-042	NEW-E 89-17-027
392-190-025	RE-AD-P 89-16-012	392-202-115	AMD-P 89-16-014	440-44-043	NEW-P 89-12-076
392-190-025	RE-AD-E 89-16-016	399-30-020	AMD-P 89-02-057	440-44-043	NEW-E 89-14-061
392-190-030	RE-AD-P 89-16-012	399-30-020	AMD-C 89-06-057	440-44-043	NEW 89-16-064
392-190-030	RE-AD-E 89-16-016	399-30-020	AMD 89-10-041	440-44-050	AMD-P 89-12-076
392-190-035	RE-AD-P 89-16-012	399-30-045	NEW-P 89-02-057	440-44-050	AMD-E 89-14-061
392-190-035	RE-AD-E 89-16-016	399-30-045	NEW-C 89-06-057	440-44-050	AMD 89-16-064
392-190-040	RE-AD-P 89-16-012	399-30-045	NEW 89-10-041	446-20-285	AMD-E 89-14-038
392-190-040	RE-AD-E 89-16-016	399-30-050	AMD-P 89-02-057	446-40-020	AMD-E 89-10-011
392-190-045	RE-AD-P 89-16-012	399-30-050	AMD-C 89-06-057	446-40-020	AMD 89-10-015
392-190-045	RE-AD-E 89-16-016	399-30-050	AMD 89-10-041	446-40-025	NEW-E 89-10-011
392-190-050	RE-AD-P 89-16-012	399-30-060	AMD-P 89-02-057	446-40-025	NEW 89-10-015
392-190-050	RE-AD-E 89-16-016	399-30-065	NEW-P 89-06-057	456-08-001	REP-P 89-06-062
		399-30-065	NEW 89-10-041	456-08-001	REP 89-10-055

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
456-09-725	NEW	89-10-056	456-10-335	NEW-P	89-06-064	456-12-050	NEW-P	89-06-065
456-09-730	NEW-P	89-06-063	456-10-335	NEW	89-10-057	456-12-050	NEW	89-10-058
456-09-730	NEW	89-10-056	456-10-340	NEW-P	89-06-064	456-12-060	NEW-P	89-06-065
456-09-735	NEW-P	89-06-063	456-10-340	NEW	89-10-057	456-12-060	NEW	89-10-058
456-09-735	NEW	89-10-056	456-10-345	NEW-P	89-06-064	456-12-070	NEW-P	89-06-065
456-09-740	NEW-P	89-06-063	456-10-345	NEW	89-10-057	456-12-070	NEW	89-10-058
456-09-740	NEW	89-10-056	456-10-350	NEW-P	89-06-064	456-12-080	NEW-P	89-06-065
456-09-745	NEW-P	89-06-063	456-10-355	NEW-P	89-06-064	456-12-080	NEW	89-10-058
456-09-745	NEW	89-10-056	456-10-355	NEW	89-10-057	456-12-090	NEW-P	89-06-065
456-09-750	NEW-P	89-06-063	456-10-360	NEW-P	89-06-064	456-12-090	NEW	89-10-058
456-09-750	NEW	89-10-056	456-10-360	NEW	89-10-057	456-12-100	NEW-P	89-06-065
456-09-755	NEW-P	89-06-063	456-10-410	NEW-P	89-06-064	456-12-100	NEW	89-10-058
456-09-755	NEW	89-10-056	456-10-410	NEW	89-10-057	456-12-110	NEW-P	89-06-065
456-09-760	NEW-P	89-06-063	456-10-420	NEW-P	89-06-064	456-12-110	NEW	89-10-058
456-09-760	NEW	89-10-056	456-10-420	NEW	89-10-057	456-12-120	NEW-P	89-06-065
456-09-765	NEW-P	89-06-063	456-10-430	NEW-P	89-06-064	456-12-120	NEW	89-10-058
456-09-765	NEW	89-10-056	456-10-430	NEW	89-10-057	456-12-130	NEW-P	89-06-065
456-09-770	NEW-P	89-06-063	456-10-440	NEW-P	89-06-064	456-12-130	NEW	89-10-058
456-09-770	NEW	89-10-056	456-10-440	NEW	89-10-057	456-12-140	NEW-P	89-06-065
456-09-775	NEW-P	89-06-063	456-10-505	NEW-P	89-06-064	456-12-140	NEW	89-10-058
456-09-775	NEW	89-10-056	456-10-505	NEW	89-10-057	458-14-005	NEW-P	89-07-087
456-09-910	NEW-P	89-06-063	456-10-510	NEW-P	89-06-064	458-14-009	NEW-P	89-07-087
456-09-910	NEW	89-10-056	456-10-510	NEW	89-10-057	458-14-010	REP-P	89-07-087
456-09-915	NEW-P	89-06-063	456-10-515	NEW-P	89-06-064	458-14-014	NEW-P	89-07-087
456-09-915	NEW	89-10-056	456-10-515	NEW	89-10-057	458-14-015	NEW-P	89-07-087
456-09-920	NEW-P	89-06-063	456-10-520	NEW-P	89-06-064	458-14-016	NEW-P	89-07-087
456-09-920	NEW	89-10-056	456-10-520	NEW	89-10-057	458-14-017	NEW-P	89-07-087
456-09-925	NEW-P	89-06-063	456-10-525	NEW-P	89-06-064	458-14-019	NEW-P	89-07-087
456-09-925	NEW	89-10-056	456-10-525	NEW	89-10-057	458-14-020	REP-P	89-07-087
456-09-930	NEW-P	89-06-063	456-10-530	NEW-P	89-06-064	458-14-021	NEW-P	89-07-087
456-09-930	NEW	89-10-056	456-10-530	NEW	89-10-057	458-14-023	NEW-P	89-07-087
456-09-935	NEW-P	89-06-063	456-10-535	NEW-P	89-06-064	458-14-025	NEW-P	89-07-087
456-09-935	NEW	89-10-056	456-10-535	NEW	89-10-057	458-14-027	NEW-P	89-07-087
456-09-940	NEW-P	89-06-063	456-10-540	NEW-P	89-06-064	458-14-029	NEW-P	89-07-087
456-09-940	NEW	89-10-056	456-10-540	NEW	89-10-057	458-14-030	REP-P	89-07-087
456-09-945	NEW-P	89-06-063	456-10-545	NEW-P	89-06-064	458-14-031	NEW-P	89-07-087
456-09-945	NEW	89-10-056	456-10-545	NEW	89-10-057	458-14-040	REP-P	89-07-087
456-09-950	NEW-P	89-06-063	456-10-550	NEW-P	89-06-064	458-14-042	NEW-P	89-07-087
456-09-950	NEW	89-10-056	456-10-550	NEW	89-10-057	458-14-045	REP-P	89-07-087
456-09-955	NEW-P	89-06-063	456-10-555	NEW-P	89-06-064	458-14-050	REP-P	89-07-087
456-09-955	NEW	89-10-056	456-10-555	NEW	89-10-057	458-14-052	REP-P	89-07-087
456-09-970	NEW-P	89-06-063	456-10-560	NEW-P	89-06-064	458-14-055	REP-P	89-07-087
456-09-970	NEW	89-10-056	456-10-560	NEW	89-10-057	458-14-060	REP-P	89-07-087
456-10-010	NEW-P	89-06-064	456-10-565	NEW-P	89-06-064	458-14-062	REP-P	89-07-087
456-10-010	NEW	89-10-057	456-10-565	NEW	89-10-057	458-14-065	REP-P	89-07-087
456-10-110	NEW-P	89-06-064	456-10-570	NEW-P	89-06-064	458-14-070	REP-P	89-07-087
456-10-110	NEW	89-10-057	456-10-570	NEW	89-10-057	458-14-075	REP-P	89-07-087
456-10-120	NEW-P	89-06-064	456-10-710	NEW-P	89-06-064	458-14-080	REP-P	89-07-087
456-10-120	NEW	89-10-057	456-10-710	NEW	89-10-057	458-14-085	REP-P	89-07-087
456-10-130	NEW-P	89-06-064	456-10-715	NEW-P	89-06-064	458-14-086	REP-P	89-07-087
456-10-130	NEW	89-10-057	456-10-715	NEW	89-10-057	458-14-090	REP-P	89-07-087
456-10-140	NEW-P	89-06-064	456-10-720	NEW-P	89-06-064	458-14-091	REP-P	89-07-087
456-10-140	NEW	89-10-057	456-10-720	NEW	89-10-057	458-14-092	REP-P	89-07-087
456-10-150	NEW-P	89-06-064	456-10-725	NEW-P	89-06-064	458-14-094	REP-P	89-07-087
456-10-150	NEW	89-10-057	456-10-725	NEW	89-10-057	458-14-098	REP-P	89-07-087
456-10-160	NEW-P	89-06-064	456-10-730	NEW-P	89-06-064	458-14-100	REP-P	89-07-087
456-10-160	NEW	89-10-057	456-10-730	NEW	89-10-057	458-14-110	REP-P	89-07-087
456-10-170	NEW-P	89-06-064	456-10-735	NEW-P	89-06-064	458-14-115	REP-P	89-07-087
456-10-170	NEW	89-10-057	456-10-735	NEW	89-10-057	458-14-120	REP-P	89-07-087
456-10-180	NEW-P	89-06-064	456-10-740	NEW-P	89-06-064	458-14-121	REP-P	89-07-087
456-10-180	NEW	89-10-057	456-10-740	NEW	89-10-057	458-14-122	REP-P	89-07-087
456-10-210	NEW-P	89-06-064	456-10-745	NEW-P	89-06-064	458-14-125	REP-P	89-07-087
456-10-210	NEW	89-10-057	456-10-745	NEW	89-10-057	458-14-126	REP-P	89-07-087
456-10-220	NEW-P	89-06-064	456-10-750	NEW-P	89-06-064	458-14-130	REP-P	89-07-087
456-10-220	NEW	89-10-057	456-10-750	NEW	89-10-057	458-14-135	REP-P	89-07-087
456-10-230	NEW-P	89-06-064	456-10-755	NEW-P	89-06-064	458-14-140	REP-P	89-07-087
456-10-230	NEW	89-10-057	456-10-755	NEW	89-10-057	458-14-145	REP-P	89-07-087
456-10-310	NEW-P	89-06-064	456-10-970	NEW-P	89-06-064	458-14-150	REP-P	89-07-087
456-10-310	NEW	89-10-057	456-10-970	NEW	89-10-057	458-14-152	REP-P	89-07-087
456-10-315	NEW-P	89-06-064	456-12-010	NEW-P	89-06-065	458-14-155	REP-P	89-07-087
456-10-315	NEW	89-10-057	456-12-010	NEW	89-10-058	458-14-160	NEW-P	89-07-087
456-10-320	NEW-P	89-06-064	456-12-020	NEW-P	89-06-065	458-16-115	NEW-P	89-05-052
456-10-320	NEW	89-10-057	456-12-020	NEW	89-10-058	458-16-115	NEW-W	89-08-036
456-10-325	NEW-P	89-06-064	456-12-030	NEW-P	89-06-065	458-16-115	NEW-E	89-08-037
456-10-325	NEW	89-10-057	456-12-030	NEW	89-10-058	458-16-115	NEW-P	89-09-074
456-10-330	NEW-P	89-06-064	456-12-040	NEW-P	89-06-065	458-16-115	NEW	89-12-013
456-10-330	NEW	89-10-057	456-12-040	NEW	89-10-058	458-18-220	AMD	89-10-067

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
458-20-105	AMD-P	89-13-043	460-33A-085	AMD-P	89-13-068	468-16-050	NEW-W	89-08-064
458-20-105	AMD	89-16-080	460-33A-085	AMD	89-17-078	468-16-050	NEW-P	89-16-086
458-20-127	AMD-P	89-17-063	460-33A-105	AMD-P	89-13-068	468-16-060	NEW-P	89-07-034
458-20-193B	AMD-C	89-02-052	460-33A-105	AMD	89-17-078	468-16-060	NEW-W	89-08-064
458-20-193B	AMD	89-06-015	460-42A-020	REP-P	89-13-069	468-16-060	NEW-P	89-16-086
458-20-221	AMD-C	89-02-052	460-42A-020	AMD-C	89-17-075	468-16-070	NEW-P	89-07-034
458-20-221	AMD	89-06-016	460-42A-030	NEW-P	89-13-069	468-16-070	NEW-W	89-08-064
458-20-250	AMD-P	89-13-087	460-42A-030	NEW	89-17-080	468-16-070	NEW-P	89-16-086
458-20-250	AMD-E	89-13-089	460-42A-081	AMD-P	89-13-066	468-16-070	NEW-P	89-07-034
458-20-250	AMD	89-16-090	460-42A-081	AMD-C	89-17-074	468-16-080	NEW-W	89-08-064
458-20-252	AMD-C	89-04-042	460-44A-500	AMD-P	89-13-070	468-16-080	NEW-P	89-16-086
458-20-252	AMD-E	89-06-005	460-44A-500	AMD	89-17-076	468-16-090	NEW-P	89-07-034
458-20-252	AMD-W	89-07-084	460-44A-501	AMD-P	89-13-070	468-16-090	NEW-W	89-08-064
458-20-252	AMD-P	89-07-085	460-44A-501	AMD	89-17-076	468-16-090	NEW-P	89-16-086
458-20-252	AMD	89-10-051	460-44A-502	AMD-P	89-13-070	468-16-100	NEW-P	89-07-034
458-20-252	AMD-E	89-10-052	460-44A-502	AMD	89-17-076	468-16-100	NEW-W	89-08-064
458-20-252	AMD-P	89-13-086	460-44A-503	AMD-P	89-13-070	468-16-100	NEW-P	89-16-086
458-20-252	AMD-E	89-13-088	460-44A-503	AMD	89-17-076	468-16-110	NEW-P	89-07-034
458-20-252	AMD	89-16-091	460-44A-505	AMD-P	89-13-070	468-16-110	NEW-W	89-08-064
458-20-253	AMD-P	89-17-064	460-44A-505	AMD	89-17-076	468-16-110	NEW-P	89-16-086
458-20-254	NEW-P	89-08-089	460-44A-506	AMD-P	89-13-070	468-16-120	NEW-P	89-07-034
458-20-254	NEW	89-11-040	460-44A-506	AMD	89-17-076	468-16-120	NEW-W	89-08-064
458-20-255	NEW-P	89-13-041	460-44A-508	NEW-P	89-13-070	468-16-120	NEW-P	89-16-086
458-20-255	NEW-E	89-13-042	460-44A-508	NEW	89-17-076	468-16-130	NEW-P	89-07-034
458-20-255	NEW	89-17-001	460-46A-010	AMD-P	89-03-044	468-16-130	NEW-W	89-08-064
458-30-260	AMD	89-05-009	460-46A-010	AMD	89-07-042	468-16-130	NEW-P	89-16-086
458-30-261	NEW	89-05-008	460-46A-050	AMD-P	89-03-044	468-16-140	NEW-P	89-07-034
458-30-590	AMD	89-05-010	460-46A-050	AMD	89-07-042	468-16-140	NEW-W	89-08-064
458-40-660	AMD-P	89-10-061	460-46A-060	REP-P	89-03-044	468-16-140	NEW-P	89-16-086
458-40-660	AMD-E	89-14-050	460-46A-060	REP	89-07-042	468-16-150	NEW-P	89-07-034
458-40-660	AMD	89-14-051	460-46A-070	REP-P	89-03-044	468-16-150	NEW-W	89-08-064
458-40-670	AMD-P	89-10-061	460-46A-070	REP	89-07-042	468-16-150	NEW-P	89-16-086
458-40-670	AMD-E	89-14-050	460-46A-080	REP-P	89-03-044	468-16-160	NEW-P	89-07-034
458-40-670	AMD	89-14-051	460-46A-080	REP	89-07-042	468-16-160	NEW-W	89-08-064
458-53-020	AMD-P	89-05-053	460-46A-085	REP-P	89-03-044	468-16-160	NEW-P	89-16-086
458-53-020	AMD	89-09-021	460-46A-085	REP	89-07-042	468-16-170	NEW-P	89-07-034
458-53-030	AMD-P	89-05-053	460-46A-090	AMD-P	89-03-044	468-16-170	NEW-W	89-08-064
458-53-030	AMD	89-09-021	460-46A-090	AMD	89-07-042	468-16-170	NEW-P	89-16-086
458-53-070	AMD-P	89-05-053	460-46A-092	NEW-P	89-03-044	468-16-180	NEW-P	89-07-034
458-53-070	AMD	89-09-021	460-46A-092	NEW	89-07-042	468-16-180	NEW-W	89-08-064
458-53-100	AMD-P	89-05-053	460-46A-095	AMD-P	89-03-044	468-16-180	NEW-P	89-16-086
458-53-100	AMD	89-09-021	460-46A-095	AMD	89-07-042	468-16-190	NEW-P	89-07-034
458-53-110	AMD-P	89-05-053	460-46A-105	AMD-P	89-03-044	468-16-190	NEW-W	89-08-064
458-53-110	AMD	89-09-021	460-46A-105	AMD	89-07-042	468-16-190	NEW-P	89-16-086
458-53-150	AMD-P	89-05-053	460-46A-110	AMD-P	89-03-044	468-16-200	NEW-P	89-07-034
458-53-150	AMD	89-09-021	460-46A-110	AMD	89-07-042	468-16-200	NEW-W	89-08-064
458-53-163	AMD-P	89-05-053	460-46A-120	REP-P	89-03-044	468-16-200	NEW-P	89-16-086
458-53-163	AMD	89-09-021	460-46A-120	REP	89-07-042	468-16-210	NEW-P	89-07-034
460-10A-160	AMD-P	89-13-066	460-46A-145	AMD-P	89-03-044	468-16-210	NEW-W	89-08-064
460-10A-160	AMD-C	89-17-074	460-46A-145	AMD	89-07-042	468-16-210	NEW-P	89-16-086
460-20A-008	NEW-P	89-13-066	460-46A-150	AMD-P	89-03-044	468-18	REVIEW	89-06-038
460-20A-008	NEW	89-17-079	460-46A-150	AMD	89-07-042	468-30	REVIEW	89-08-061
460-20A-220	AMD-P	89-13-067	460-46A-155	AMD-P	89-03-044	468-34	REVIEW	89-08-061
460-20A-220	AMD-P	89-13-068	460-46A-155	AMD	89-07-042	468-34-020	AMD	89-05-022
460-20A-220	AMD	89-17-077	468-06	REVIEW	89-06-038	468-34-060	AMD	89-05-022
460-20A-230	AMD-P	89-13-068	468-06-030	AMD-P	89-14-019	468-34-100	AMD	89-05-022
460-20A-230	AMD	89-17-077	468-06-030	AMD	89-17-047	468-34-110	AMD	89-05-022
460-20A-420	AMD-P	89-13-066	468-06-040	AMD-P	89-14-019	468-34-120	AMD	89-05-022
460-20A-420	AMD	89-17-079	468-06-040	AMD	89-17-047	468-34-130	AMD	89-05-022
460-20A-425	AMD-P	89-13-066	468-06-050	AMD-P	89-14-019	468-34-140	AMD	89-05-022
460-20A-425	AMD	89-17-079	468-06-050	AMD	89-17-047	468-34-150	AMD	89-05-022
460-24A-050	AMD-P	89-13-067	468-10	REVIEW	89-06-038	468-34-170	AMD	89-05-022
460-24A-050	AMD	89-17-077	468-12	REVIEW	89-06-038	468-34-190	AMD	89-05-022
460-33A-010	AMD-P	89-13-068	468-14	REVIEW	89-08-061	468-34-210	AMD	89-05-022
460-33A-010	AMD	89-17-078	468-16-010	NEW-P	89-07-034	468-34-220	AMD	89-05-022
460-33A-015	AMD-P	89-13-068	468-16-010	NEW-W	89-08-064	468-34-250	AMD	89-05-022
460-33A-015	AMD	89-17-078	468-16-010	NEW-P	89-16-086	468-34-290	AMD	89-05-022
460-33A-017	AMD-P	89-13-068	468-16-020	NEW-P	89-07-034	468-34-300	AMD	89-05-022
460-33A-017	AMD	89-17-078	468-16-020	NEW-W	89-08-064	468-34-320	AMD	89-05-022
460-33A-031	AMD-P	89-13-068	468-16-020	NEW-P	89-16-086	468-34-340	AMD	89-05-022
460-33A-031	AMD	89-17-078	468-16-030	NEW-P	89-07-034	468-34-350	NEW	89-05-022
460-33A-055	AMD-P	89-13-068	468-16-030	NEW-W	89-08-064	468-38	REVIEW	89-13-027
460-33A-055	AMD	89-17-078	468-16-030	NEW-P	89-16-086	468-46	REVIEW	89-08-061
460-33A-065	AMD-P	89-13-068	468-16-040	NEW-P	89-07-034	468-54	REVIEW	89-08-061
460-33A-065	AMD	89-17-078	468-16-040	NEW-W	89-08-064	468-58	REVIEW	89-08-061
460-33A-080	AMD-P	89-13-068	468-16-040	NEW-P	89-16-086	468-78	REVIEW	89-13-027
460-33A-080	AMD	89-17-078	468-16-050	NEW-P	89-07-034	468-100-001	NEW-P	89-14-039

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
468-100-001	NEW 89-17-048	468-100-602	NEW-P 89-14-039	478-116-550	AMD-P 89-09-043
468-100-002	NEW-P 89-14-039	468-100-602	NEW 89-17-048	478-116-550	AMD 89-15-023
468-100-002	NEW 89-17-048	468-300	REVIEW 89-06-038	478-116-586	AMD-P 89-09-043
468-100-003	NEW-P 89-14-039	468-300-010	AMD 89-04-014	478-116-600	AMD-P 89-09-043
468-100-003	NEW 89-17-048	468-300-010	AMD-P 89-08-068	478-116-600	AMD 89-15-023
468-100-004	NEW-P 89-14-039	468-300-010	AMD-C 89-12-005	479-112-005	NEW-P 89-10-053
468-100-004	NEW 89-17-048	468-300-010	AMD 89-14-052	479-112-005	NEW-E 89-10-054
468-100-005	NEW-P 89-14-039	468-300-020	AMD 89-04-014	479-112-005	NEW 89-14-005
468-100-005	NEW 89-17-048	468-300-020	AMD-P 89-08-068	479-112-007	NEW-P 89-10-053
468-100-006	NEW-P 89-14-039	468-300-020	AMD-C 89-12-005	479-112-007	NEW-E 89-10-054
468-100-006	NEW 89-17-048	468-300-020	AMD 89-14-052	479-112-007	NEW 89-14-005
468-100-007	NEW-P 89-14-039	468-300-040	AMD 89-04-014	479-112-008	NEW-P 89-10-053
468-100-007	NEW 89-17-048	468-300-040	AMD-P 89-08-068	479-112-008	NEW-E 89-10-054
468-100-008	NEW-P 89-14-039	468-300-040	AMD-C 89-12-005	479-112-009	NEW-P 89-10-053
468-100-008	NEW 89-17-048	468-300-040	AMD 89-14-052	479-112-009	NEW-E 89-10-054
468-100-009	NEW-P 89-14-039	468-300-070	AMD 89-04-014	479-112-009	NEW-P 89-10-053
468-100-009	NEW 89-17-048	468-300-070	AMD-P 89-08-068	479-112-009	NEW-E 89-10-054
468-100-010	NEW-P 89-14-039	468-300-070	AMD-C 89-12-005	479-112-009	NEW 89-14-005
468-100-010	NEW 89-17-048	468-300-070	AMD 89-14-052	479-112-010	NEW-P 89-10-053
468-100-101	NEW-P 89-14-039	468-300-700	AMD-P 89-08-068	479-112-010	NEW-E 89-10-054
468-100-101	NEW 89-17-048	468-300-700	AMD-C 89-12-005	479-112-010	NEW 89-14-005
468-100-102	NEW-P 89-14-039	478-116-020	AMD-P 89-09-043	479-112-017	NEW-P 89-10-053
468-100-102	NEW 89-17-048	478-116-020	AMD 89-15-023	479-112-017	NEW-E 89-10-054
468-100-103	NEW-P 89-14-039	478-116-030	AMD-P 89-09-043	479-112-017	NEW 89-14-005
468-100-103	NEW 89-17-048	478-116-030	AMD 89-15-023	479-112-018	NEW-P 89-10-053
468-100-104	NEW-P 89-14-039	478-116-055	AMD-P 89-09-043	479-112-018	NEW-E 89-10-054
468-100-104	NEW 89-17-048	478-116-055	AMD 89-15-023	479-112-018	NEW 89-14-005
468-100-105	NEW-P 89-14-039	478-116-060	AMD-P 89-09-043	479-112-020	NEW-P 89-10-053
468-100-105	NEW 89-17-048	478-116-060	AMD 89-15-023	479-112-020	NEW-E 89-10-054
468-100-106	NEW-P 89-14-039	478-116-095	AMD-P 89-09-043	479-112-020	NEW 89-14-005
468-100-106	NEW 89-17-048	478-116-095	AMD 89-15-023	479-113-010	NEW-P 89-10-053
468-100-201	NEW-P 89-14-039	478-116-100	AMD-P 89-09-043	479-113-010	NEW-E 89-10-054
468-100-201	NEW 89-17-048	478-116-100	AMD 89-15-023	479-113-010	NEW 89-14-005
468-100-202	NEW-P 89-14-039	478-116-110	AMD-P 89-09-043	479-113-011	NEW-P 89-10-053
468-100-202	NEW 89-17-048	478-116-110	AMD 89-15-023	479-113-011	NEW-E 89-10-054
468-100-203	NEW-P 89-14-039	478-116-210	AMD-P 89-09-043	479-113-011	NEW 89-14-005
468-100-203	NEW 89-17-048	478-116-210	AMD 89-15-023	479-113-029	NEW-P 89-10-053
468-100-204	NEW-P 89-14-039	478-116-240	AMD-P 89-09-043	479-113-029	NEW-E 89-10-054
468-100-204	NEW 89-17-048	478-116-240	AMD 89-15-023	479-113-029	NEW 89-14-005
468-100-205	NEW-P 89-14-039	478-116-250	AMD-P 89-09-043	479-113-031	NEW-P 89-10-053
468-100-205	NEW 89-17-048	478-116-250	AMD 89-15-023	479-113-031	NEW-E 89-10-054
468-100-206	NEW-P 89-14-039	478-116-270	AMD-P 89-09-043	479-113-031	NEW 89-14-005
468-100-206	NEW 89-17-048	478-116-270	AMD 89-15-023	479-113-032	NEW-P 89-10-053
468-100-207	NEW-P 89-14-039	478-116-280	AMD-P 89-09-043	479-113-032	NEW-E 89-10-054
468-100-207	NEW 89-17-048	478-116-280	AMD 89-15-023	479-113-032	NEW 89-14-005
468-100-208	NEW-P 89-14-039	478-116-340	AMD-P 89-09-043	479-113-035	NEW-P 89-10-053
468-100-208	NEW 89-17-048	478-116-340	AMD 89-15-023	479-113-035	NEW-E 89-10-054
468-100-301	NEW-P 89-14-039	478-116-345	NEW-P 89-09-043	479-113-035	NEW 89-14-005
468-100-301	NEW 89-17-048	478-116-345	NEW 89-15-023	479-116-015	NEW-P 89-10-053
468-100-302	NEW-P 89-14-039	478-116-360	AMD-P 89-09-043	479-116-015	NEW-E 89-10-054
468-100-302	NEW 89-17-048	478-116-360	AMD 89-15-023	479-116-015	NEW 89-14-005
468-100-303	NEW-P 89-14-039	478-116-380	AMD-P 89-09-043	479-116-016	NEW-P 89-10-053
468-100-303	NEW 89-17-048	478-116-380	AMD 89-15-023	479-116-016	NEW-E 89-10-054
468-100-304	NEW-P 89-14-039	478-116-430	AMD-P 89-09-043	479-116-016	NEW 89-14-005
468-100-304	NEW 89-17-048	478-116-430	AMD 89-15-023	479-116-020	NEW-P 89-10-053
468-100-305	NEW-P 89-14-039	478-116-440	AMD-P 89-09-043	479-116-020	NEW-E 89-10-054
468-100-305	NEW 89-17-048	478-116-440	AMD 89-15-023	479-116-020	NEW 89-14-005
468-100-306	NEW-P 89-14-039	478-116-455	NEW-P 89-09-043	479-116-030	NEW-P 89-10-053
468-100-306	NEW 89-17-048	478-116-456	NEW-P 89-09-043	479-116-030	NEW-E 89-10-054
468-100-401	NEW-P 89-14-039	478-116-462	NEW-P 89-09-043	479-116-030	NEW 89-14-005
468-100-401	NEW 89-17-048	478-116-463	NEW-P 89-09-043	479-116-035	NEW-P 89-10-053
468-100-402	NEW-P 89-14-039	478-116-465	NEW-P 89-09-043	479-116-035	NEW-E 89-10-054
468-100-402	NEW 89-17-048	478-116-466	NEW-P 89-09-043	479-116-035	NEW 89-14-005
468-100-403	NEW-P 89-14-039	478-116-467	NEW-P 89-09-043	479-116-040	NEW-P 89-10-053
468-100-403	NEW 89-17-048	478-116-470	AMD-P 89-09-043	479-116-040	NEW-E 89-10-054
468-100-501	NEW-P 89-14-039	478-116-470	AMD 89-15-023	479-116-040	NEW 89-14-005
468-100-501	NEW 89-17-048	478-116-490	AMD-P 89-09-043	479-116-045	NEW-P 89-10-053
468-100-502	NEW-P 89-14-039	478-116-490	AMD 89-15-023	479-116-045	NEW-E 89-10-054
468-100-502	NEW 89-17-048	478-116-500	AMD-P 89-09-043	479-116-045	NEW 89-14-005
468-100-503	NEW-P 89-14-039	478-116-500	AMD 89-15-023	479-116-050	NEW-P 89-10-053
468-100-503	NEW 89-17-048	478-116-510	AMD-P 89-09-043	479-116-050	NEW-E 89-10-054
468-100-504	NEW-P 89-14-039	478-116-510	AMD 89-15-023	479-116-050	NEW 89-14-005
468-100-504	NEW 89-17-048	478-116-512	NEW-P 89-09-043	479-116-060	NEW-P 89-10-053
468-100-505	NEW-P 89-14-039	478-116-515	NEW-P 89-09-043	479-116-060	NEW-E 89-10-054
468-100-505	NEW 89-17-048	478-116-520	AMD-P 89-09-043	479-116-060	NEW 89-14-005
468-100-601	NEW-P 89-14-039	478-116-520	AMD 89-15-023	479-120-020	NEW-P 89-10-053
468-100-601	NEW 89-17-048	478-116-525	NEW-P 89-09-043	479-120-020	NEW-E 89-10-054

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
480-09-820	NEW-P	89-13-090	480-105-020	REP-W	89-12-067	480-107-110	NEW-P	89-12-068
480-09-820	NEW-C	89-17-049	480-105-020	REP-P	89-12-068	480-107-110	NEW	89-15-043
480-09-820	NEW-E	89-17-050	480-105-020	REP	89-15-043	480-107-120	NEW-P	89-08-111
480-09-830	NEW-P	89-13-090	480-105-030	REP-P	89-08-111	480-107-120	NEW-W	89-12-067
480-09-830	NEW-C	89-17-049	480-105-030	REP-W	89-12-067	480-107-120	NEW-P	89-12-068
480-09-830	NEW-E	89-17-050	480-105-030	REP-P	89-12-068	480-107-120	NEW	89-15-043
480-12-180	AMD	89-06-021	480-105-030	REP	89-15-043	480-107-130	NEW-P	89-08-111
480-12-190	AMD	89-06-021	480-105-040	REP-P	89-08-111	480-107-130	NEW-W	89-12-067
480-12-195	AMD	89-06-021	480-105-040	REP-W	89-12-067	480-107-130	NEW-P	89-12-068
480-12-285	AMD	89-04-045	480-105-040	REP-P	89-12-068	480-107-130	NEW	89-15-043
480-12-445	AMD-P	89-06-020	480-105-040	REP	89-15-043	480-107-140	NEW-P	89-08-111
480-12-445	AMD	89-09-071	480-105-050	REP-P	89-08-111	480-107-140	NEW-W	89-12-067
480-30-095	AMD	89-06-021	480-105-050	REP-W	89-12-067	480-107-140	NEW-P	89-12-068
480-30-100	AMD	89-06-021	480-105-050	REP-P	89-12-068	480-107-140	NEW	89-15-043
480-70-330	AMD	89-06-021	480-105-050	REP	89-15-043	480-107-150	NEW-P	89-08-111
480-70-400	AMD	89-06-021	480-105-060	REP-P	89-08-111	480-107-150	NEW-W	89-12-067
480-70-405	AMD	89-06-021	480-105-060	REP-W	89-12-067	480-107-150	NEW-P	89-12-068
480-80-070	AMD-P	89-12-072	480-105-060	REP-P	89-12-068	480-107-150	NEW	89-15-043
480-80-070	AMD	89-15-042	480-105-060	REP	89-15-043	480-107-160	NEW-P	89-08-111
480-80-330	AMD-P	89-08-110	480-105-070	REP-P	89-08-111	480-107-160	NEW-W	89-12-067
480-80-330	AMD	89-12-038	480-105-070	REP-W	89-12-067	480-107-160	NEW-P	89-12-068
480-80-390	NEW-P	89-12-069	480-105-070	REP-P	89-12-068	480-107-160	NEW	89-15-043
480-80-390	NEW-C	89-17-041	480-105-070	REP	89-15-043	480-107-170	NEW-P	89-08-111
480-90-031	AMD-P	89-09-070	480-105-080	REP-P	89-08-111	480-107-170	NEW-W	89-12-067
480-90-031	AMD-C	89-11-084	480-105-080	REP-W	89-12-067	480-107-170	NEW-P	89-12-068
480-90-031	AMD	89-12-070	480-105-080	REP-P	89-12-068	480-107-170	NEW	89-15-043
480-90-071	AMD-P	89-13-071	480-105-080	REP	89-15-043	480-120-021	AMD	89-04-044
480-90-071	AMD-C	89-16-047	480-107-001	NEW-P	89-08-111	480-120-027	AMD-P	89-08-110
480-90-071	AMD	89-17-034	480-107-001	NEW-W	89-12-067	480-120-027	AMD	89-12-038
480-90-201	REP-P	89-05-042	480-107-001	NEW-P	89-12-068	480-120-031	AMD-P	89-15-050
480-90-201	REP	89-08-030	480-107-001	NEW	89-15-043	480-120-041	AMD	89-04-044
480-90-206	REP-P	89-05-042	480-107-005	NEW-P	89-08-111	480-120-106	AMD	89-04-044
480-90-206	REP	89-08-030	480-107-005	NEW-W	89-12-067	480-120-138	AMD-P	89-16-108
480-90-216	REP-P	89-05-042	480-107-005	NEW-P	89-12-068	480-120-141	NEW	89-04-044
480-90-216	REP	89-08-030	480-107-005	NEW	89-15-043	480-122-060	AMD-P	89-08-024
480-90-221	REP-P	89-05-042	480-107-010	NEW-P	89-08-111	480-122-060	AMD-E	89-08-025
480-90-221	REP	89-08-030	480-107-010	NEW-W	89-12-067	480-122-060	AMD	89-11-020
480-90-226	REP-P	89-05-042	480-107-010	NEW-P	89-12-068	504-20-005	REP-P	89-05-036
480-90-226	REP	89-08-030	480-107-010	NEW	89-15-043	504-20-005	REP	89-11-065
480-90-231	REP-P	89-05-042	480-107-020	NEW-P	89-08-111	504-20-010	REP-P	89-05-036
480-90-231	REP	89-08-030	480-107-020	NEW-W	89-12-067	504-20-010	REP	89-11-065
480-90-241	REP-P	89-05-042	480-107-020	NEW-P	89-12-068	504-20-020	REP-P	89-05-036
480-90-241	REP	89-08-030	480-107-020	NEW	89-15-043	504-20-020	REP	89-11-065
480-90-246	REP-P	89-05-042	480-107-030	NEW-P	89-08-111	504-20-025	REP-P	89-05-036
480-90-246	REP	89-08-030	480-107-030	NEW-W	89-12-067	504-20-025	REP	89-11-065
480-90-251	REP-P	89-05-042	480-107-030	NEW-P	89-12-068	504-20-030	REP-P	89-05-036
480-90-251	REP	89-08-030	480-107-030	NEW	89-15-043	504-20-030	REP	89-11-065
480-90-256	REP-P	89-05-042	480-107-040	NEW-P	89-08-111	504-20-040	REP-P	89-05-036
480-90-256	REP	89-08-030	480-107-040	NEW-W	89-12-067	504-20-040	REP	89-11-065
480-90-261	REP-P	89-05-042	480-107-040	NEW-P	89-12-068	504-21-060	REP-P	89-05-036
480-90-261	REP	89-08-030	480-107-040	NEW	89-15-043	504-21-060	AMD	89-11-065
480-90-266	REP-P	89-05-042	480-107-050	NEW-P	89-08-111	504-24-010	REP-P	89-05-036
480-90-266	REP	89-08-030	480-107-050	NEW-W	89-12-067	504-24-010	REP	89-11-065
480-90-271	REP-P	89-05-042	480-107-050	NEW-P	89-12-068	504-24-011	REP-P	89-05-036
480-90-271	REP	89-08-030	480-107-050	NEW	89-15-043	504-24-011	REP	89-11-065
480-90-276	REP-P	89-05-042	480-107-060	NEW-P	89-08-111	504-25-005	NEW-P	89-05-036
480-90-276	REP	89-08-030	480-107-060	NEW-W	89-12-067	504-25-005	NEW	89-11-065
480-90-281	REP-P	89-05-042	480-107-060	NEW-P	89-12-068	504-25-010	NEW-P	89-05-036
480-90-281	REP	89-08-030	480-107-060	NEW	89-15-043	504-25-010	NEW	89-11-065
480-90-286	REP-P	89-05-042	480-107-070	NEW-P	89-08-111	504-25-015	NEW-P	89-05-036
480-90-286	REP	89-08-030	480-107-070	NEW-W	89-12-067	504-25-015	NEW	89-11-065
480-100-031	AMD-P	89-09-070	480-107-070	NEW-P	89-12-068	504-25-020	NEW-P	89-05-036
480-100-031	AMD-C	89-11-084	480-107-070	NEW	89-15-043	504-25-020	NEW	89-11-065
480-100-031	AMD	89-12-070	480-107-080	NEW-P	89-08-111	504-25-025	NEW-P	89-05-036
480-105-001	REP-P	89-08-111	480-107-080	NEW-W	89-12-067	504-25-025	NEW	89-11-065
480-105-001	REP-W	89-12-067	480-107-080	NEW-P	89-12-068	504-25-030	NEW-P	89-05-036
480-105-001	REP-P	89-12-068	480-107-080	NEW	89-15-043	504-25-030	NEW	89-11-065
480-105-001	REP	89-15-043	480-107-090	NEW-P	89-08-111	504-25-035	NEW-P	89-05-036
480-105-005	REP-P	89-08-111	480-107-090	NEW-W	89-12-067	504-25-035	NEW	89-11-065
480-105-005	REP-W	89-12-067	480-107-090	NEW-P	89-12-068	504-25-040	NEW-P	89-05-036
480-105-005	REP-P	89-12-068	480-107-090	NEW	89-15-043	504-25-040	NEW	89-11-065
480-105-005	REP	89-15-043	480-107-100	NEW-P	89-08-111	504-25-045	NEW-P	89-05-036
480-105-010	REP-P	89-08-111	480-107-100	NEW-W	89-12-067	504-25-045	NEW	89-11-065
480-105-010	REP-W	89-12-067	480-107-100	NEW-P	89-12-068	504-25-050	NEW-P	89-05-036
480-105-010	REP-P	89-12-068	480-107-100	NEW	89-15-043	504-25-050	NEW	89-11-065
480-105-010	REP	89-15-043	480-107-110	NEW-P	89-08-111	504-25-055	NEW-P	89-05-036
480-105-020	REP-P	89-08-111	480-107-110	NEW-W	89-12-067	504-25-055	NEW	89-11-065

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #		
504-25-060	NEW-P	89-05-036	516-28-030	NEW	89-11-039
504-25-060	NEW	89-11-065	516-28-035	NEW-P	89-05-049
504-25-065	NEW-P	89-05-036	516-28-035	NEW	89-11-039
504-25-065	NEW	89-11-065	516-28-040	NEW-P	89-05-049
504-25-070	NEW-P	89-05-036	516-28-040	NEW	89-11-039
504-25-070	NEW	89-11-065	516-28-045	NEW-P	89-05-049
504-25-075	NEW-P	89-05-036	516-28-045	NEW	89-11-039
504-25-075	NEW	89-11-065	516-28-050	NEW-P	89-05-049
504-25-080	NEW-P	89-05-036	516-28-050	NEW	89-11-039
504-25-080	NEW	89-11-065	516-28-060	NEW-P	89-05-049
504-25-085	NEW-P	89-05-036	516-28-060	NEW	89-11-039
504-25-085	NEW	89-11-065	516-28-065	NEW-P	89-05-049
504-25-090	NEW-P	89-05-036	516-28-065	NEW	89-11-039
504-25-090	NEW	89-11-065			
504-25-095	NEW-P	89-05-036			
504-25-095	NEW	89-11-065			
504-25-100	NEW-P	89-05-036			
504-25-100	NEW	89-11-065			
504-25-105	NEW-P	89-05-036			
504-25-105	NEW	89-11-065			
504-25-110	NEW-P	89-05-036			
504-25-110	NEW	89-11-065			
504-25-115	NEW-P	89-05-036			
504-25-115	NEW	89-11-065			
504-25-120	NEW-P	89-05-036			
504-25-120	NEW	89-11-065			
504-25-125	NEW-P	89-05-036			
504-25-125	NEW	89-11-065			
504-25-130	NEW-P	89-05-036			
504-25-130	NEW	89-11-065			
504-25-135	NEW-P	89-05-036			
504-25-135	NEW	89-11-065			
504-25-140	NEW-P	89-05-036			
504-25-140	NEW	89-11-065			
504-25-200	NEW-P	89-05-036			
504-25-200	NEW	89-11-065			
504-25-205	NEW-P	89-05-036			
504-25-205	NEW	89-11-065			
504-25-210	NEW-P	89-05-036			
504-25-210	NEW	89-11-065			
504-25-215	NEW-P	89-05-036			
504-25-215	NEW	89-11-065			
504-25-220	NEW-P	89-05-036			
504-25-220	NEW	89-11-065			
504-25-225	NEW-P	89-05-036			
504-25-225	NEW	89-11-065			
504-25-230	NEW-P	89-05-036			
504-25-230	NEW	89-11-065			
504-25-235	NEW-P	89-05-036			
504-25-235	NEW	89-11-065			
504-25-240	NEW-P	89-05-036			
504-25-240	NEW	89-11-065			
504-25-245	NEW-P	89-05-036			
504-25-245	NEW	89-11-065			
516-22	AMD-C	89-10-006			
516-22-035	NEW-P	89-05-049			
516-22-035	NEW	89-11-039			
516-22-040	NEW-P	89-05-049			
516-22-040	NEW	89-11-039			
516-22-138	AMD-P	89-05-049			
516-22-138	AMD	89-11-039			
516-22-200	REP-P	89-05-049			
516-22-200	REP	89-11-039			
516-22-210	AMD-P	89-05-049			
516-22-210	AMD	89-11-039			
516-22-250	REP-P	89-05-049			
516-22-250	REP	89-11-039			
516-28	NEW-C	89-10-006			
516-28-010	NEW-P	89-05-049			
516-28-010	NEW	89-11-039			
516-28-015	NEW-P	89-05-049			
516-28-015	NEW	89-11-039			
516-28-020	NEW-P	89-05-049			
516-28-020	NEW	89-11-039			
516-28-025	NEW-P	89-05-049			
516-28-025	NEW	89-11-039			
516-28-030	NEW-P	89-05-049			

Subject/Agency Index
(Citations in bold type refer to material in this issue)

ACCOUNTANCY, BOARD OF		AGRICULTURE, DEPARTMENT OF—cont.	
Part-time and retired licensees, reduced fees	89-10-012	Slaughtering, custom farm establishments, premises, injured animals and FFA or 4-H animals	89-10-065
Practice and procedure	89-03-062		89-14-020
Third-party compensation for CPA's	89-10-013	State fairs commission, meetings	89-05-059
	89-12-073	Warehousemen and dealers, licensed	89-08-019
			89-11-092
ADMINISTRATIVE HEARINGS, OFFICE OF		Wheat	
Copying fees	89-10-035	maximum payment to commissioners for daily allowance, lodging, subsistence and mileage	89-04-049
	89-13-036		89-08-020
Field office locations	89-10-035		
	89-13-036		
Practice and procedure, model rules	89-10-035		
	89-13-036		
AGRICULTURE, DEPARTMENT OF		ASIAN AMERICAN AFFAIRS, COMMISSION ON	
Apples, firmness standards	89-09-011	Meetings	89-01-030
	89-13-047		89-13-013
	89-14-031		89-17-135
Aquaculture disease inspection (see FISHERIES, DEPARTMENT OF)		ATTORNEY GENERAL'S OFFICE	
Bean seed certification	89-12-001	Attorney general opinions	
Bermudagrass seed certification, removal from list of noxious weed seeds	89-12-001	apprenticeship council is state agency under Administrative Procedure Act (No. 12, 1989)	89-14-074
Blueberry commission compensation	89-09-057	fire protection districts, reannexation and withdrawal of territory, tax levies (No. 6, 1989)	89-07-041
	89-12-054	incentive payments to school teachers, definition of incentive and docu- mentation of eligibility for payment (No. 15, 1989)	89-16-033
Caneberry stock, certification	89-12-063	interpreters, provision of interpreters in court proceedings (No. 10, 1989)	89-11-069
	89-16-051	law enforcement officers' and fire fighters' retirement system member, longevity pay following period of disability retirement (No. 3, 1989)	89-06-022
Daminozide, restricted uses	89-12-002	law enforcement officers, training requirement following 90-day break in service unenforceable (No. 2, 1989)	89-05-011
Dinoseb, use on caneberries	89-09-012	marriage licenses, affidavit required, applicant free of venereal disease (No. 30, 1988)	89-01-066
	89-09-017	medicine, surgery, and osteopathy, Federal Health Care Quality Improvement Act of 1986 does not infringe on Tenth Amendment rights nor preempt state reporting requirements (No. 8, 1989)	89-10-018
Feedlots, restricted	89-02-056	municipal bonds, sale by underwriter, identity of bondholders not a public record (No. 11, 1989)	89-12-023
	89-06-014	needle exchange programs as violations of criminal law (No. 13, 1989)	89-16-002
Fruit, controlled atmosphere, storage license	89-05-041	school directors, compensation (No. 5, 1989)	89-06-041
	89-08-039	schools, in-service training credit for certificated employees (No. 7, 1989)	89-08-071
Grass seed certification fees	89-09-013	surrogate parenting agreements (No. 4, 1989)	89-07-028
Harmony (herbicide), restrictions on use	89-12-046	trust lands, authority to invest proceeds from sale or use of (No. 14, 1989)	89-16-032
Horticulture inspection fees	89-05-040	Motor vehicle warranties arbitration	89-01-020
	89-08-040		89-01-021
Noxious weed control board meetings	89-02-025		89-06-025
	89-07-065		89-06-026
position numbers and those eligible to vote for each position	89-11-071		89-12-030
	89-11-072		89-12-031
	89-16-007		89-16-024
Noxious weeds			
bermudagrass, removal from list	89-12-001		
serrated tussock seed, addition to list of prohibited seeds	89-07-029		
	89-07-074		
	89-11-078		
Pesticides			
daminozide, restrictions on use groundwater protection	89-12-002		
	89-01-110		
	89-06-006		
	89-07-006		
restricted use	89-03-065		
	89-04-056		
	89-05-004		
	89-07-051		
	89-08-006		
	89-11-093		
	89-12-002		
	89-14-016		
	89-16-057		
	89-16-073		
Poultry and hatching eggs importation	89-01-084		
	89-06-007		
testing	89-01-084		
	89-06-007		
Seed certification, inspection, and testing	89-07-074		
Seed certification standards bermudagrass	89-12-001		
		BANKING, DIVISION OF (See GENERAL ADMINISTRATION, DEPARTMENT OF)	
		BASIC HEALTH PLAN	
		Enrollment, effective date	89-02-028
			89-02-029
			89-06-001

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

BASIC HEALTH PLAN—cont.		COLUMBIA RIVER GORGE COMMISSION	
Income defined	89-08-055	Appeal process	89-04-004
	89-08-097	Applications, resubmission of disapproved applications	89-13-056
	89-11-059	Commission defined	89-13-056
Recertification, verification of income	89-16-021	Development review, notice requirements	89-13-056
BELLEVUE COMMUNITY COLLEGE		Executive director, authority to represent commission	89-07-010
Meetings	89-01-054	Existing uses, review guidelines	89-13-056
BLIND, DEPARTMENT OF SERVICES FOR THE		Rule-making hearings, notice	89-10-043
Rules coordinator	89-16-006	COMMERCE AND ECONOMIC DEVELOPMENT	
BLIND, WASHINGTON STATE SCHOOL FOR THE		(See TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)	
Rules coordinator	89-16-005	COMMUNITY COLLEGE EDUCATION, BOARD FOR	
BLUEBERRY COMMISSION		Tuition and fees	89-06-054
(See AGRICULTURE, DEPARTMENT OF)			89-09-056
BUILDING CODE COUNCIL			89-11-079
Amendments, local and statewide, consideration policies and procedures	89-17-138		89-14-037
Barrier free facilities	89-17-138	COMMUNITY DEVELOPMENT, DEPARTMENT OF	
Energy code	89-04-043	Archaeological excavation and removal permits	89-17-116
	89-17-138		89-17-117
Meetings	89-04-012	Department of Energy public hearing	89-03-019
	89-06-036	Fireworks, records and sales	89-13-019
	89-15-001		89-13-020
	89-16-046		89-17-024
Uniform codes		Head Start programs, availability of state funds	89-13-078
additions, deletions, and exceptions to codes adopted	89-11-081	Meetings	89-08-013
adoption of revised provisions	89-17-138		89-16-079
Water conservation performance standards	89-17-138		89-17-093
			89-17-137
CEMETERY BOARD		Public works board	
(See LICENSING, DEPARTMENT OF)		emergency public works projects	89-02-057
CENTENNIAL COMMISSION			89-06-057
Rules coordinator	89-14-122		89-10-041
CENTRAL WASHINGTON UNIVERSITY		CONVENTION AND TRADE CENTER	
Meetings	89-03-030	Meetings	89-01-006
	89-07-007		89-02-013
	89-14-023		89-03-006
CENTRALIA COLLEGE			89-03-055
Meetings	89-12-055		89-04-006
CHIROPRACTIC DISCIPLINARY BOARD			89-04-036
Billing	89-01-017		89-06-027
Coinsurance forgiveness, advertising restrictions	89-12-083		89-07-016
	89-16-095		89-07-072
Delegation of services to unlicensed personnel	89-12-083		89-08-029
Radiographic standards	89-01-017		89-11-068
Retirement			89-12-048
duties	89-01-017		89-12-049
records and x-rays, maintenance and retention	89-01-017		89-14-017
Withdrawal from practice			89-15-015
duties	89-01-017		89-16-058
records and x-rays, maintenance and retention	89-01-017	CORRECTIONS, DEPARTMENT OF	
CHIROPRACTIC EXAMINERS, BOARD OF		Assault, benefits for department employees	89-11-108
Continuing education, chiropractic philosophy	89-14-102		89-15-059
Examinations	89-14-029	Community residential programs	
License renewals	89-14-029	disciplinary hearings	89-02-058
CLARK COLLEGE			89-07-083
Meetings	89-01-057	procedures	89-02-058
Public records	89-04-035		89-07-083
	89-12-024	Jail costs, reimbursement rate, escapes and criminal complaints	89-07-075
CLEMENCY AND PARDONS BOARD			89-12-003
Meetings	89-05-005	Prison discipline	89-01-104
CODE REVISER'S OFFICE			89-04-032
Rules and notices, drafting and filing	89-09-068	Regional jail camp	89-04-031
	89-12-028		89-06-010
Rules coordinator, address	89-09-069	Visitation, inmates in adult correctional institutions	89-11-029
		Work training release	
		disciplinary hearings	89-02-058
		proceedings	89-02-058

Subject/Agency Index
(Citations in bold type refer to material in this issue)

CRIMINAL JUSTICE TRAINING COMMISSION		ECOLOGY, DEPARTMENT OF—cont.	
Basic law enforcement training requirement	89-07-049	Open burning	89-02-055
	89-07-050	Public participation grants	89-15-046
	89-13-024	Rules coordinator	89-17-003
Physical requirements, admission to basic law enforcement academies	89-07-048	Shorelines	
	89-13-023	Grass Lake, removal from lakes subject to management	89-01-108 89-07-025
DEAF, WASHINGTON STATE SCHOOL FOR THE		master programs	
Rules coordinator	89-16-035	Bellevue, city of	89-08-112 89-12-087 89-16-028 89-08-113 89-14-129 89-17-032 89-17-033 89-17-154 89-17-155
DEFERRED COMPENSATION, COMMITTEE FOR		Bellingham, city of	89-03-012 89-09-076 89-14-128 89-17-152 89-15-044 89-01-106 89-08-012 89-03-009 89-17-153 89-03-011 89-08-115 89-14-131 89-01-105 89-01-106 89-08-035 89-09-075 89-12-071 89-09-077 89-01-107 89-07-026 89-08-114 89-14-130 89-03-010 89-02-054
Deferrals, amounts limited, number of changes per year	89-07-090		
Dependent care assistance salary reduction plan	89-07-089 89-11-011 89-15-061	Benton County	
Dependent, definition revised	89-11-009	Bothell, city of	89-09-076 89-14-128 89-17-152 89-15-044 89-01-106 89-08-012 89-03-009 89-17-153 89-03-011 89-08-115 89-14-131 89-01-105 89-01-106 89-08-035 89-09-075 89-12-071 89-09-077 89-01-107 89-07-026 89-08-114 89-14-130 89-03-010 89-02-054
Distributions	89-07-090 89-11-008 89-11-010	Bothell, city of	89-09-076 89-14-128 89-17-152 89-15-044 89-01-106 89-08-012 89-03-009 89-17-153 89-03-011 89-08-115 89-14-131 89-01-105 89-01-106 89-08-035 89-09-075 89-12-071 89-09-077 89-01-107 89-07-026 89-08-114 89-14-130 89-03-010 89-02-054
Federal law, amendments to maintain eligibility of state deferred compensation plan under federal law	89-07-090 89-11-008 89-11-010	Clallam County	
Investment by committee for deferred compensation moneys	89-16-100	Dupont, city of	
DENTAL DISCIPLINARY BOARD		Jefferson County	
(See LICENSING, DEPARTMENT OF)		Kirkland, city of	
DENTAL EXAMINERS, BOARD OF		Monroe, city of	
(See LICENSING, DEPARTMENT OF)		Normandy Park	
ECOLOGY, DEPARTMENT OF		Port Townsend	
Accredited laboratories		Redmond, city of	
environmental laboratories	89-04-052 89-07-032 89-10-001	San Juan County	
national pollutant discharge elimination system permit program	89-04-051 89-09-015	Snohomish County	
state waste discharge permit program	89-04-051 89-09-015 89-02-055	Sumas, city of	
Air contaminate sources		Solid fuel burning device standards	
Air pollution		Solid waste	
particulate matter	89-02-055	local enforcement grant regulation	89-06-060 89-11-086 89-12-021 89-17-073
sources	89-02-055	phase one - waste reduction and recycling grants	89-09-005 89-12-065 89-16-102
Coastal high hazard areas		Tire dumps	
additional state requirements deleted	89-01-109 89-05-003 89-07-022 89-01-109 89-05-003 89-07-022	carriers	89-03-047
definition deleted		storage site owners	89-03-047
Dangerous waste		Toxics Control Act, local toxics control account, interim financial assistance program	89-06-061 89-11-087 89-12-020 89-17-072
citizen/proponent negotiations	89-15-047	Waste reduction and recycling grant programs, preproposal comment	89-16-101
generation and management	89-02-059	Wastewater discharge permit fees	89-07-088
Delegation of powers	89-04-013 89-08-078 89-08-079 89-02-055	Wastewater discharge permit fees, interim	89-05-026 89-06-053 89-07-088 89-12-016 89-12-027
Emergency episode plan		Water pollution control revolving fund, uses and limitations	89-11-082
Environmental Policy Act, designation of responsible official	89-08-078 89-08-079 89-11-021	Wells	
Flood control assistance grants		construction standards	89-03-046 89-12-058 89-15-017
public hearing notice	89-06-043		
Ground water management areas and programs			
area designations			
city of Blaine	89-03-029 89-07-076 89-05-039 89-04-059 89-05-039 89-08-026 89-13-018		
general schedule			
Redmond-Bear Creek Valley			
Meetings			

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

EDMONDS COMMUNITY COLLEGE

Handicapped, discrimination against, grievance procedure 89-08-023
89-12-056

Meetings 89-01-019
89-01-061

89-05-027
89-07-047
89-09-037

89-11-027
89-13-040
89-15-048

Public records policy 89-08-022
89-12-057

Rule coordinator 89-16-003

Sex discrimination grievance procedure 89-04-008

EDUCATION, STATE BOARD OF

Administrative rules and hearings, procedural rules 89-16-076
89-17-107

Bids, time for rebid, high bid over estimates 89-17-104

Educational competence, certification 89-01-036
89-01-037

Foreign language requirement, sign language credits satisfy 89-05-060
89-08-080
89-12-061

High school and nonhigh school district defined 89-16-039

Limited certificates, general requirements 89-08-081
89-08-082
89-08-083
89-08-084
89-12-025
89-12-026

Masters degree, definition 89-17-106

Meetings 89-17-042
89-17-043

Practice and procedure 89-16-076
89-17-107

Preliminary funding status, eligible projects 89-05-065
89-06-017
89-08-085

Preschool accreditation 89-01-088
89-05-061
89-09-044

Professional certification 89-01-040

approved preparation programs 89-01-041

certificate form 89-01-038

continuing education 89-01-043

general provisions 89-17-107

masters in teaching, standards 89-01-044

minimum standards 89-01-038

preparation requirements 89-01-042

Project approval moratorium 89-05-066
89-05-067
89-06-018
89-06-019
89-08-086
89-08-087
89-13-011
89-13-014
89-13-015
89-16-040
89-16-041
89-16-043
89-17-103

Project bids, extension of time for redesign and rebid when lowest bid exceeds estimates 89-16-042

EDUCATION, STATE BOARD OF—cont.

Projects, state assistance, deferred payment 89-13-015
89-17-101
89-17-102
89-17-103
89-17-100

Schools districts classification

Student teaching experiences and opportunities pilot program 89-16-044

Student teaching pilot projects 89-17-105

Teacher/student ratio, K-3 89-01-039

EMPLOYMENT SECURITY DEPARTMENT

Appeal, time limit 89-03-070

Corporate officers election of coverage 89-03-068

Disqualifying separations from base year employers, adjudications 89-17-086

Drug tests, eligibility of persons discharged for failure to pass 89-17-085

Family independence program 89-17-121

Othello rules 89-17-086

Training approval required 89-03-069
defined 89-03-069

Unemployment insurance overpayment collection and maximum benefit payable 89-12-084

ENERGY OFFICE

Receipt of funds, list of authorized means and devices 89-11-083
89-15-013

ENGINEERS AND LAND SURVEYORS

Land surveyors applications 89-01-078
89-05-021

examinations 89-01-078
89-05-021

temporary permits 89-01-078
89-05-021

Meetings 89-01-062

EVERETT COMMUNITY COLLEGE

Meetings 89-02-002
89-13-033
89-16-034

Rules coordinator

EVERGREEN STATE COLLEGE, THE

Computer services 89-01-063
89-01-100

Criminal trespass warnings 89-01-064
89-01-101
89-10-004
89-12-009
89-17-020
89-17-088
89-15-045

Library

Meetings

Rules coordinator

EXECUTIVE ORDER

(See GOVERNOR, OFFICE OF THE)

FINANCIAL MANAGEMENT, OFFICE OF

Paydates 89-03-063
89-15-026
89-17-090

Public defense services, provision by counties, reimbursement from state 89-11-107

Shared leave, transfer and valuation of leave 89-12-022
89-15-016
89-17-089

FISHERIES, DEPARTMENT OF

Aquaculture disease inspection 89-03-004
89-06-031

Aquatic farms, registration 89-07-019
89-10-033

Commercial
Atlantic salmon, classification as food fish 89-16-009

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

FISHERIES, DEPARTMENT OF—cont.

bottomfish
 pelagic trawl, areas closed to coastal bottomfish catch limits 89-07-033
 89-02-012
 89-03-003
 89-06-030
 89-10-019
 89-11-105
 89-14-069
 89-15-021
 89-16-038

dogfish
 set net seasons 89-01-011
 89-01-050
 89-10-068
 89-14-010
 89-10-068
 89-14-010

drag seine seasons 89-10-068
 89-14-010

gillnet seasons
 Columbia river, above Bonneville 89-07-080
 Columbia river, below Bonneville 89-07-002
 89-07-021
89-17-016

hagfish, classification as food fish 89-10-068
 89-14-010

herring seasons 89-09-041
 89-10-010
 89-11-013
 89-11-014

licenses
 security bond for violations, determination of amount 89-06-033
 89-09-052

mutilation of food fish or shellfish to avoid weight or length limits 89-02-022

razor clams, commercial harvest, open areas 89-10-034

river mouth sanctuary areas
 Cowlitz sanctuary redefined 89-06-032
 89-09-051

salmon
 areas and seasons 89-12-085
 89-16-055
 89-16-056
 Chehalis River 89-01-008
 Columbia River 89-04-046
 89-04-047
 89-07-002
 89-07-021
 89-07-080
89-17-044
89-17-053

Elk River 89-01-008
 Grays Harbor gill net season 89-14-049
 89-15-033
 89-16-056

gill net gear 89-12-085
 Hoquiam River 89-01-008
 Humptulips River 89-01-008
 Johns River 89-01-008
 licenses, renewal date 89-09-080
 Puget Sound all-citizen 89-01-012
 89-16-008
 89-16-054
89-17-015
89-17-045
89-17-082

Puget Sound salmon management and catch reporting areas 89-09-080
 89-13-004

FISHERIES, DEPARTMENT OF—cont.

troll fishing 89-09-073
 89-12-086
 89-13-022
 89-15-019
 89-15-034
 89-16-078
89-17-061
89-17-084
89-17-143
 89-14-049
 89-16-056

Willapa Harbor gill net season 89-01-008
 89-01-008

Wishkah River
 Wynoochee River
 sea cucumbers **89-17-142**
 sea urchins 89-01-007
 shad 89-04-046
 89-04-047
 89-11-050
 89-14-021
 89-11-049
 89-11-066
 89-02-050
 89-04-046
 89-04-047
 89-10-068
 89-14-010
 89-12-006
 89-15-032

shrimp

sturgeon

trawl seasons

Extenuating circumstances defined

Personal use
 bottomfish
 bag limits 89-03-075
 89-07-059
 89-07-060
 89-08-074
 89-15-020
 89-03-075
 89-07-059
 89-07-060

seasons

Canadian origin food fish and shellfish, proof of origin 89-10-060
 89-11-080
 89-15-010
89-17-018
89-17-019

clams
 areas and seasons 89-03-075
 89-07-059
 89-07-060
 89-07-066
 89-08-074
 89-13-021
 89-13-025
 89-03-075
 89-07-059
 89-07-060
 89-03-075
 89-07-059
 89-07-060

culling prohibited

unlawful acts 89-03-075
 89-07-059
 89-07-060
 89-08-074

cockles
 areas and seasons 89-03-075
 89-07-059
 89-07-060
 89-08-074

crab
 unlawful acts 89-03-075
 89-07-059
 89-07-060

crawfish
 unlawful acts 89-03-075
 89-07-059
 89-07-060

foodfish
 bag limits 89-03-075
 89-07-059
 89-07-060
 89-08-074

Subject/Agency Index

(Citations in **bold type** refer to material in this issue)

FISHERIES, DEPARTMENT OF—cont.

closed areas **89-17-046**
89-17-070

freshwater areas
bag limits 89-03-075
89-07-059
89-07-060

halibut
bag limits 89-03-075
89-06-052
89-07-059
89-07-060
89-03-075
89-06-052
89-07-059
89-07-060

seasons 89-03-075
89-06-052
89-07-059
89-07-060

licensing
catch record cards 89-03-013
89-03-014
89-07-071
89-03-013
89-03-014
89-07-071
89-07-071
89-03-013
89-03-014
89-07-071
89-09-049
89-03-013
89-03-014
89-07-071
two-consecutive-day combined license
and catch record 89-12-047

lingcod
areas and seasons 89-07-018
89-10-032

mussels
areas and seasons 89-03-075
89-07-059
89-07-060
89-08-074

mutilation of food fish or shellfish
to avoid length or weight limits 89-02-022

oysters
areas and seasons 89-03-075
89-07-059
89-07-060
89-13-021
89-13-025
89-03-075
89-07-059
89-07-060

culling prohibited 89-07-059
89-07-060

salmon
areas and seasons **89-17-062**
89-17-122
89-03-075
89-07-059
89-07-060
89-08-073
89-08-074
89-09-072
89-10-031
89-11-018
89-11-034
89-11-106
89-12-012
89-14-011
89-14-047
89-15-009
89-16-027
89-07-018
89-10-032
89-03-075
89-07-059
89-07-060
89-08-074

barbless hooks, when use required 89-07-018
89-10-032

Capitol Lake 89-03-075
89-07-059
89-07-060
89-16-018

Chehalis River 89-16-018

FISHERIES, DEPARTMENT OF—cont.

Columbia River 89-08-031
89-11-104
89-13-003
89-15-022
89-16-019
89-12-012
89-03-075
89-07-059
89-07-060
89-16-019
89-03-075
89-07-059
89-07-060
89-09-072
89-10-031
89-11-001
89-14-011
89-14-047
89-16-027
89-17-046
89-16-077
89-17-122
89-14-048
89-16-010
89-03-075
89-07-059
89-07-060
89-12-012

Icicle River
Lake Washington 89-03-075
89-07-059
89-07-060
89-16-019
89-03-075
89-07-059
89-07-060
89-09-072
89-10-031
89-11-001
89-14-011
89-14-047
89-16-027
89-17-046
89-16-077
89-17-122
89-14-048
89-16-010
89-03-075
89-07-059
89-07-060
89-12-012

Lake Wenatchee
seasons 89-03-075
89-07-059
89-07-060
89-09-072
89-10-031
89-11-001
89-14-011
89-14-047
89-16-027
89-17-046
89-16-077
89-17-122
89-14-048
89-16-010
89-03-075
89-07-059
89-07-060
89-12-012

Skagit Bay
Skagit River 89-03-075
89-07-059
89-07-060
89-16-019
89-03-075
89-07-059
89-07-060
89-12-012

Skykomish River 89-03-075
89-07-059
89-07-060
89-12-012

Washington Ship Canal 89-03-075
89-07-059
89-07-060
89-12-012

shellfish
bag limits 89-03-075
89-07-059
89-07-060
89-08-074
89-03-075
89-07-059
89-08-074

gear 89-03-075
89-07-059
89-08-074

shrimp
areas and seasons 89-03-075
89-07-059
89-07-060
89-11-049
89-11-066
89-03-075
89-07-059
89-07-060
89-03-075
89-07-059
89-07-060

unlawful acts 89-03-075
89-07-059
89-07-060
89-03-075
89-07-059
89-07-060

sport fishing rules 89-03-075
89-07-059
89-07-060

sturgeon
lawful gear 89-03-075
89-07-059
89-07-060
89-08-074
89-03-075
89-07-059
89-07-060

unlawful acts 89-03-075
89-07-059
89-07-060

subsistence fishing, Columbia River
tributaries 89-10-009
89-10-059
89-17-058
89-03-015
89-07-059
89-07-060

Rules coordinator
Volunteer cooperative projects 89-03-015
89-07-059
89-07-060

FOREST PRACTICES BOARD
Meetings 89-02-060
89-08-088
89-14-121

GAMBLING COMMISSION
Address of commission 89-09-045
89-13-059
89-05-024
Amusement games 89-05-024
Bingo
bonus and door prizes and promotions
authorized 89-13-058
89-17-056

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

GAMBLING COMMISSION—cont.		
maximum receipts, prizes, and expenses	89-07-046	
Bingo monitoring and review program	89-05-064 89-09-046 89-09-047	
Card games, wager limits	89-11-046 89-15-039	
Checks, acceptance	89-05-024	
Credit, extension of prohibited	89-05-024	
Definitions		
food and drink business	89-03-066 89-07-045 89-08-010	
Fees	89-03-066 89-07-045 89-08-010 89-11-048 89-17-081	
Flares, standards	89-07-053 89-11-048	
Fund raising events, licensees may conduct jointly	89-11-046 89-15-039	
Hearings, readoption	89-15-037	
Immediate family defined	89-07-053 89-11-048	
Inspection of premises, records, and devices	89-11-046 89-15-039	
Licensees		
cards, chips, and other services, licensee to provide	89-05-024 89-07-053 89-11-048	
Licensing, solicitation of preproposal comment	89-17-136	
Loteria	89-03-066 89-07-045 89-08-010	
Prize control system, test of alternative system	89-13-057 89-17-056	
Procedural rules, solicitation of preproposal comment	89-17-136	
Pull tabs, fund raising events, possession prior to event, authorization	89-11-046 89-15-039	
Punchboard and pull tabs		
quality control, transfer invoices	89-17-081	
retention and inventory requirements	89-17-081	
Raffle records	89-03-066 89-07-045 89-08-010 89-07-053 89-11-048 89-05-024	
Raffles, licensees may conduct jointly	89-07-053 89-11-048	
Receipts	89-05-024	
Recordkeeping, solicitation of preproposal comment	89-17-136	
Rule-making procedures, readoption	89-15-037	
Special amusement games test deadline	89-05-025 89-11-047	
GENERAL ADMINISTRATION, DEPARTMENT OF		
Acquisition of goods and services	89-14-013 89-17-094	
Banking		
semi-annual assessment, asset charge	89-02-017 89-06-059 89-09-004 89-08-033	
Investment bonds		
Prevailing wage, construction of buildings leased by state	89-13-076	
Rules coordinator	89-15-012	
Savings and loan associations		
credit union business loans	89-04-050	
credit union common bonds, definitions for membership purposes	89-11-094 89-16-083	
GENERAL ADMINISTRATION, DEPARTMENT OF		
—cont.		
credit union field of membership, expansion		89-11-095 89-16-084
Surplus property, disposition without offering to other state agencies		89-13-030
GOVERNOR, OFFICE OF THE		
African-American affairs commission		89-14-014
Criminal justice statistical analysis center, designation		89-12-007
DNA identification system oversight committee		89-15-008
Flood emergency, Eastern Washington, declaration		89-09-002 89-04-028
Governor's council on substance abuse		89-02-021
Governor's health policy group		
Governor's task force on community protection		89-13-055 89-04-033 89-10-028
Sexual harassment		
Special session of legislature convened		
21st century institute for advanced technology in schools		89-16-045
Twin Rivers correctional facility, population increase authorized		89-09-001
Washington corrections center/training center, population increase authorized		89-14-004
Washington environment 2010 advisory committee		89-01-077
GREEN RIVER COMMUNITY COLLEGE		
Meetings		89-01-097 89-10-042 89-12-017
HEALTH, BOARD OF		
Administrative procedure, formal procedure rules		89-14-096 89-14-097 89-04-055 89-07-095
Communicable and certain other diseases		
Exemptions, waivers, and variances from board rules		89-17-008 89-17-123
HIV infected persons, notification of local health officials		89-02-008
HIV testing		
post-test counseling		89-16-026 89-16-059 89-17-133 89-10-021 89-10-022 89-14-003 89-16-026 89-16-059
requests by insurance providers		
Human remains		
handling		89-02-007 89-02-007
transportation		89-17-055
On-site sewer systems		
School facilities, environmental noise protection requirements		89-16-104 89-17-132
Sewage disposal, replacement and repair of existing on-site facilities adjoining marine waters		89-14-126
Shellfish beaches, monitoring and classification		89-16-103 89-17-131 89-08-098 89-11-058
Transient accommodations		89-06-047 89-10-023
Vital records forms		89-14-079 89-17-130
Water systems, public		
HEALTH, DEPARTMENT OF		
Administrative procedure, formal procedure rules		89-14-095

Subject/Agency Index

(Citations in bold type refer to material in this issue)

HEALTH, DEPARTMENT OF—cont.

Certificate of need review fees	89-17-051 89-17-052
Dietitians and nutritionists certification and renewal requirements	89-14-104 89-17-071
Emergency medical technicians and first responders, recertification	89-17-128
HIV/AIDS education and training	89-17-007
Home care agency	
fines	89-15-057
licensing	89-15-057 89-17-026 89-17-027
Home health agency	
fines	89-15-057
licensing	89-15-057 89-17-026 89-17-027
Hospice agency	
fines	89-15-057
licensing	89-15-057 89-17-026 89-17-027
Hospitals	
general area standards	89-17-125
imaging and radiology services standards	89-17-126
operational and construction standards	89-17-124
Infection control program	89-17-006
Podiatrists	
license fee reduction	89-14-103 89-17-156
Rules coordinator	89-15-014

HEARING AIDS, COUNCIL ON

Examinations and reexaminations	89-01-016 89-04-017 89-05-055 89-08-096 89-09-026 89-14-007 89-04-017
Licenses, renewal	89-04-017
Recision by purchaser	89-04-017
Standards of practice	89-04-017

HIGHER EDUCATION COORDINATING BOARD

Displaced homemaker program	89-04-048 89-08-056 89-08-057
Health professionals loan repayment program	89-16-072

HIGHER EDUCATION PERSONNEL BOARD

AIDS	
HIV and AIDS training for employees	89-06-045 89-09-063 89-13-075
Appeals	
alleged violations	89-01-067 89-01-068 89-05-043 89-08-003 89-01-067
motion for continuance	89-01-067
Arbitration	
grievance disputes	89-01-068 89-05-043 89-08-003 89-12-059
Declaratory orders	
Eligibility examinations	89-01-070 89-05-043 89-08-003
lists	89-01-070 89-05-043 89-08-003

HIGHER EDUCATION PERSONNEL BOARD—cont.

Hearings	
director's determination, exceptions from	89-01-068 89-05-043 89-08-003 89-09-062 89-16-082
Meetings	89-17-118 89-17-009 89-17-120
Military leave	
Procedural rules	
Reasonable accommodation	
probationary period	89-01-070 89-05-043 89-08-003
reemployment	89-01-070 89-05-043 89-08-003
Rights	
restoration	89-01-071 89-05-043 89-08-003
Salaries	
promotional increases	89-01-070 89-05-043 89-08-003
Separation	
mental or physical incapacity	89-01-070 89-05-043 89-08-003
Shared leave	89-12-060 89-13-073 89-17-119
Temporary appointments	89-06-044 89-06-045 89-09-060 89-09-061 89-09-063 89-13-074 89-13-075
Training and development programs	89-01-070 89-05-043 89-08-003
Union shop dismissal	89-01-069 89-05-043 89-08-003

HIGHLINE COMMUNITY COLLEGE

Facilities, use policy	89-08-015 89-11-091
Meetings	89-15-038
Student rights and responsibilities	89-04-039 89-08-016

HORSE RACING COMMISSION

Appeal to commission	89-10-078
Daily triple	89-09-064 89-13-008
Drug and alcohol testing	
licensee, employee or applicant	89-04-060 89-07-027 89-08-090 89-13-006
Drugs and medications	
diuretics	89-09-065
flunixin	89-01-112 89-04-026
nonsteroidal anti-inflammatory drugs	89-01-112 89-04-026
License fees	89-08-070 89-13-007
Licenses required	89-04-029

HOSPITAL COMMISSION

Meetings	89-06-029 89-11-045
----------	------------------------

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

HOSPITAL COMMISSION—cont.		JUDICIAL CONDUCT, COMMISSION ON	
Rate/budget methodology	89-01-009	Rule amendments	89-03-061
	89-01-010		89-12-010
	89-04-030	LABOR AND INDUSTRIES, DEPARTMENT OF	
Termination of agency, procedure	89-14-012	Agricultural labor, payment intervals, statements and employment records	89-16-022
HUMAN RIGHTS COMMISSION			89-16-088
General provisions, technical amendments	89-17-115	Agriculture, field sanitation standards	89-11-007
Meetings	89-01-098	Asbestos projects	89-14-100
	89-01-099		89-14-124
	89-04-040		89-15-005
	89-04-041	Boilers	
	89-05-028	clearance	89-08-075
	89-06-046		89-13-034
	89-08-065		89-14-006
	89-08-066		89-14-088
	89-10-063		89-15-025
	89-10-064	inspectors, examination	89-08-075
	89-11-067		89-13-034
	89-11-097		89-14-006
	89-12-062		89-14-088
	89-14-024		89-15-025
	89-15-035	Crime victims' medical assistance	89-14-123
	89-17-004		89-15-027
Practice and procedure	89-17-098	Hazardous waste operations and emergency response	89-14-124
Rules coordinator	89-14-073	Horse racing industry, workers' compensation coverage	89-11-074
HYDRAULIC APPEALS BOARD			89-11-088
Administration, function, organization	89-02-046		89-16-001
	89-07-003	House-to-house sales	89-16-023
INDETERMINATE SENTENCE REVIEW BOARD			89-16-087
Sexual harassment policy	89-08-018	Maximum fee schedule	89-03-064
INFORMATION SERVICES, DEPARTMENT OF			89-08-001
Public records access	89-01-085		89-08-002
	89-05-007		89-12-064
INSURANCE COMMISSIONER			89-17-039
Agents and solicitors licenses		Medical aid rules	89-03-064
prelicense education requirement	89-01-055		89-08-001
Continuing insurance education, criteria for approval	89-16-099		89-08-002
Life insurance			89-12-064
death benefits in relation to premiums	89-05-050	Minimum premium, assumed worker hours	89-17-039
	89-07-073		89-05-038
	89-07-086		89-07-078
	89-08-038	Minimum wage	
	89-17-099	minors	89-01-111
	89-01-065		89-06-035
	89-01-102		89-08-058
	89-05-017		89-09-007
Medicare supplemental health insurance	89-09-050	recordkeeping and payment procedures	89-10-014
	89-11-096	Mobile homes, commercial coaches, and recreation vehicles	89-16-089
	89-17-060	Occupational health standards, general	89-05-016
substitution of policies, repeal			89-10-066
Mortality tables			89-14-124
differences between smokers and nonsmokers	89-03-031		89-15-002
Prelicense education courses, approval, conduct, and effective date	89-11-077	Passenger vessels, licensing and fees for vessels and operators	89-14-124
Prelicense education requirements, effective date	89-11-070	Plumbers	
	89-11-077	examination, certification, reinstatement, and temporary permit fees	89-07-079
	89-14-045		89-12-004
Rules coordinator	89-14-028	Prevailing wages	89-12-051
Special liability insurance reports	89-02-016		89-17-083
Surplus line		Recordkeeping	
waiver of financial requirements		overtime	
broker and insured	89-03-060	truck and bus drivers	89-15-060
Vocational-technical institutes, exemption of program directors and instructors from insurance license requirement	89-16-098	Rules coordinator	89-17-002
INTEREST RATES		Safety and health standards by occupation	89-06-058
(See inside front cover)			89-11-035
INVESTMENT BOARD		general	89-06-058
Meetings	89-01-056		89-11-035
		Truck and bus drivers, recordkeeping and overtime	89-16-085

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LABOR AND INDUSTRIES, DEPARTMENT OF		LICENSING, DEPARTMENT OF—cont.	
—cont.		waiver	89-15-058
Workers' compensation		Mandatory reporting requirements,	
employer groups, qualifications	89-13-077	unprofessional conduct and	
	89-16-025	inability to practice	89-10-077
horse racing industry coverage	89-11-074		89-14-092
	89-11-088	Marriage and family therapists	89-04-003
	89-16-001	Medical examiners, board of	
trucking industry, required coverage		AIDS prevention and information	
and reports	89-13-077	education	89-01-080
	89-14-089		89-06-076
		continuing medical education	89-09-067
LEGAL FOUNDATION OF WASHINGTON			89-12-053
Meetings	89-09-003	FLEX examination standards	89-09-067
			89-12-053
LIBRARY		meetings	89-01-072
(See WASHINGTON STATE LIBRARY)		physician's assistants	
LICENSING, DEPARTMENT OF		AIDS prevention and information	
Architects, board of registration		education requirements	89-05-056
applications	89-13-049		89-08-063
	89-17-038	examination	89-01-014
examinations, appeals	89-06-067		89-06-077
	89-12-052	qualifications	89-16-097
fees	89-17-087	registration	89-01-014
registration	89-13-049		89-06-077
	89-17-038	scope of jurisdiction	89-01-014
Cemetery board		surgical assistants	
fees	89-03-032	program requirements waiver	89-16-097
	89-03-033	qualifications, duties, utilization,	
	89-06-074	and supervision	89-09-067
RCW, correction of references to	89-05-054		89-13-002
	89-08-043	surgical procedures, practice of	
trust funds	89-05-054	medicine	89-09-067
	89-08-043		89-13-002
Counselors			89-16-097
client disclosure information, contents	89-07-081	Mental health counselors	
	89-14-070	examinations and certification	
definitions	89-07-081	without examination	89-07-082
	89-14-070		89-14-071
Dental disciplinary board		Midwifery	
AIDS prevention and information		examination, applications from persons	
education requirements	89-06-068	with out-of-state education	89-16-037
	89-11-053	fees	89-05-018
speciality representation	89-02-064		89-08-008
	89-05-020	Motor vehicles	
	89-07-092	bonds	
	89-08-095	special fuel user	89-03-034
Dental examiners, board of		commercial	
examinations	89-01-079	driver testing	89-15-040
	89-01-083	for-hire vehicles, staggered	
	89-06-075	expirations	89-08-091
	89-10-072		89-08-094
	89-10-074	fuel tax	89-03-005
	89-13-052	international registration plan,	
Dental hygienists, standards of		definitions	89-02-049
conduct and practice	89-13-048		89-02-062
	89-16-096		89-02-064
Dietitians and nutritionists		license reciprocity	89-17-065
application requirements	89-03-035	licensing	
	89-14-009	special fuel	89-03-005
education	89-03-035	odometer disclosure requirements	89-10-045
	89-14-009		89-11-019
fees	89-03-035		89-16-074
	89-14-009		89-16-075
Escrow		proportioned registration	89-02-048
meetings	89-08-027		89-02-063
trust accounts			89-07-035
maintaining and administering	89-04-001	proration	89-02-049
	89-07-077		89-02-062
Funeral directors and embalmers			89-02-064
AIDS prevention and information			89-07-036
education	89-04-002		89-02-049
Health care professions, mandatory		reciprocity	89-02-062
reporting, unprofessional conduct and			89-02-064
inability to practice	89-10-077		89-07-036
	89-14-092	Naturopathy	
Land development registration		services	89-02-051

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LICENSING, DEPARTMENT OF—cont.

Nurses, registered
interstate endorsement, licensure by 89-08-093
89-12-032

Nursing, board of
authorization to practice, documents 89-06-072
89-12-033
death, determination and pronouncement 89-06-072
89-12-033
nomenclature, use 89-06-072
89-12-033

Nursing pools
registration 89-05-019

Occupational therapy practice board
AIDS prevention and information
education 89-01-081
licensure
educational programs 89-01-081
renewal 89-01-081

Optometry, board of
AIDS prevention and information
education requirements 89-01-086
89-06-066
89-09-027
continuing education 89-06-070
89-10-030
drug formulary 89-13-062
89-17-040
equipment requirements 89-01-087
pharmaceutical agents, certification
for use 89-13-062

Osteopathic medicine and surgery
physicians' assistants 89-13-051

Physical therapy board
change of address or named, notification
required 89-09-066
89-17-097
license renewal 89-17-096
physical therapist assistant utilization 89-09-066
spinal manipulation or manipulative
mobilization defined 89-06-069
89-10-073
89-17-095

Physicians and surgeons, fees, impaired
physician surcharge 89-14-008
89-14-030

Podiatry board
AIDS information and prevention
training 89-02-047
examinations 89-02-047
fee revision 89-13-091
meetings 89-01-073

Practical nursing board
foreign schools of nursing, licensure
of graduates 89-06-071
89-10-075
substance abuse monitoring programs 89-02-065
89-07-005

Psychologists, certificate of qualifi-
cation 89-14-090

Psychologists, education requirements 89-08-092
89-11-054
89-14-090
89-01-015

Radiologic technologists

Real estate brokers and salespersons
affiliated licensees, supervision 89-07-091
89-11-032
courses, filing for approval,
minimum classroom time 89-07-091
89-11-032
examinations 89-05-057
89-07-004
89-08-009
fees 89-05-057
89-07-004
89-08-009

LICENSING, DEPARTMENT OF—cont.

Real estate commission
meetings 89-04-057
89-07-040
89-08-007

Respiratory care practitioners
examination 89-05-058
89-09-006
training 89-05-058
89-09-006
89-13-017

Rules coordinator

Securities division
dishonest and unethical practices,
brokers-dealers and salespersons 89-13-066
89-17-074
89-17-079
exchange and national market system
government securities, exemption
from registration 89-13-069
89-17-075
89-17-080
health care facilities
authority bonds 89-17-075
investment advisors, registration,
examination 89-13-067
89-17-077
mortgage paper securities
offer and sale 89-13-068
89-17-077
89-17-078
salespersons and broker-dealers,
registration and examination 89-13-068
89-13-066
89-13-066
89-01-082
89-17-074
89-17-078
89-17-079
regulations and exemptions 89-03-044
89-07-042
89-13-070
89-17-076
salespersons, registration and
examination 89-13-067
89-17-077
89-17-074
securities manuals, recognition
Uniform commercial code
filing forms and procedures 89-06-078
Unprofessional conduct or inability to
practice, mandatory reporting 89-10-077
Veterinary board of governors
AIDS prevention and information
education requirements 89-06-073
89-10-076
disciplinary reinstatement 89-02-006
honesty, integrity, and fair dealing 89-06-073
medical facilities, standards 89-02-006
Watercraft registration fee 89-14-091
89-15-049

LIQUOR CONTROL BOARD

Advertising 89-01-004

Beer
labels 89-02-015
packages, classification 89-01-003
89-01-005
89-03-040
89-06-013
Business entertainment activities 89-07-015
Conduct on licensed premises 89-03-045
Educational activities
board approval required 89-14-040
89-14-042
89-17-036
no outside entertainment 89-11-033
89-13-050
89-14-044

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

LIQUOR CONTROL BOARD—cont.

Keg registration	89-14-041 89-14-043 89-17-037 89-02-018
Meetings	
Minors	
employment in liquor licensed establishments	89-04-025 89-08-014
Polyethelene terephthalate (P.E.T.) plastic containers, use approved	89-07-057
Rules coordinator	89-15-024
Rules review plan	89-02-019
Wine labels	89-02-014

LOTTERY COMMISSION

Central and field organization, description	89-09-079 89-12-042
Daily game	89-09-079 89-12-042
Drawings, television broadcast of	89-09-079 89-12-042
<u>Instant game number 38 – Jackpot</u>	
criteria	89-01-022
definitions	89-01-022
ticket validation	89-01-022
<u>Instant game number 39 – Centennial Cash</u>	
criteria	89-01-022
definitions	89-01-022
ticket validation	89-01-022
<u>Instant game number 40 – Double Header</u>	
criteria	89-01-103 89-05-015
definitions	89-01-103 89-05-015
ticket validation	89-01-103 89-05-015
<u>Instant game number 41 – Three of a Kind</u>	
criteria	89-06-084 89-09-009
definitions	89-06-084 89-09-009
ticket validation	89-06-084 89-09-009
<u>Instant game number 42 – Zodiac</u>	
criteria	89-06-084 89-09-009
definitions	89-06-084 89-09-009
ticket validation	89-06-084 89-09-009
<u>Instant game number 43 – 7-11-21</u>	
criteria	89-06-084 89-09-009
definitions	89-06-084 89-09-009
ticket validation	89-06-084 89-09-009
<u>Instant game number 44 – Pot O'Gold</u>	
criteria	89-09-079 89-12-042
definitions	89-09-079 89-12-042
ticket validation	89-09-079 89-12-042
<u>Instant game number 45 – Happy Returns</u>	
criteria	89-09-079 89-12-042
definitions	89-09-079 89-12-042
ticket validation	89-09-079 89-12-042

LOTTERY COMMISSION—cont.

<u>Instant game number 46 – Big Wheel</u>		89-13-061 89-17-021 89-13-061 89-17-021 89-13-061 89-17-021
criteria		
definitions		
ticket validation		
<u>Instant game number 47 – Fabulous Fifties</u>		89-17-092 89-17-092 89-17-092
criteria		
definitions		
ticket validation		
<u>Instant game number 48 – Black Jack</u>		89-17-092 89-17-092 89-17-092
criteria		
definitions		
ticket validation		
<u>Instant game number 49 – Play It Again</u>		89-17-092 89-17-092 89-17-092
criteria		
definitions		
ticket validation		
Instant games		89-17-108 89-17-108 89-01-103 89-05-014 89-09-008 89-01-103 89-05-015
criteria		
definitions		
end of game		
tickets, purchase price and condition		
Liquor agencies, licensing as lottery retailer required		89-09-079 89-12-042 89-02-004 89-09-078
Meetings		
On-line retailers		89-06-084 89-06-084 89-09-009
agreement		
selection criteria		
Overlapping on-line sales, consecutive fiscal years, reporting		89-13-061 89-17-021 89-17-091 89-09-079 89-12-042 89-09-079 89-12-042
Rules coordinator		
Validation requirements		
Winners, use of photograph		
LOWER COLUMBIA COLLEGE		89-07-044
Meetings		
MEDICAL EXAMINERS, BOARD OF		
(See LICENSING, DEPARTMENT OF)		
MINORITY AND WOMEN'S BUSINESS ENTERPRISES, OFFICE OF		
Certification criteria, definitions and intertwinement		89-13-046 89-17-109 89-17-114 89-17-110 89-17-112 89-13-044 89-17-111 89-17-113 89-17-109 89-17-114 89-08-072
Definitions		
Goals, annual		
Goals for 1989-90		
Intertwinement		
Meetings		
Overall annual goals, procedure for setting		89-13-045 89-14-076
Rules coordinator		
NATURAL RESOURCES, DEPARTMENT OF		
Fire hazard, authority to close central region lands on account of		89-16-081
Land descriptions		
guidelines		89-01-076 89-08-021 89-11-028

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

NATURAL RESOURCES, DEPARTMENT OF—cont.

Meetings
89-01-032
89-07-014
89-08-076
89-08-077
89-11-037
89-11-075
89-12-066
89-13-053
89-13-054
89-16-049

Outdoor burning
suspension
northeast Washington
Whatcom county
89-15-004
89-14-068
89-05-023
89-06-004
89-09-014

Public lands, closed season
Surveys
boundary, minimum standards
89-01-076
89-08-021
89-11-028
89-01-076
89-08-021
89-11-028

geodetic control, minimum standards
89-08-021
89-11-028

Timber sales, county set-asides, eligibility
and petitioning criteria
89-13-065
89-14-072
89-17-057

NOXIOUS WEED CONTROL BOARD
(See **AGRICULTURE, DEPARTMENT OF**)

OCCUPATIONAL THERAPY PRACTICE BOARD
(See **LICENSING, DEPARTMENT OF**)

OIL AND GAS CONSERVATION COMMITTEE

Meetings
89-09-022
89-15-003

OLYMPIC COLLEGE

Meetings
89-09-010

OPTOMETRY, BOARD OF

(See **LICENSING, DEPARTMENT OF**)

**OUTDOOR RECREATION, INTERAGENCY
COMMITTEE FOR**

Meetings
89-01-028
89-05-001
89-08-017
89-09-019

PARKS AND RECREATION COMMISSION

Meetings
89-01-026

State parks
environmental learnings centers
89-03-067
89-07-020

nonmotorized cycles, similar
devices, use
89-01-034
89-03-067
89-07-020
89-07-098

special recreation event
89-03-067
89-07-020

unattended cars, overnight
89-03-067
89-07-020

PENINSULA COLLEGE

Meetings
89-01-058

PERSONNEL, DEPARTMENT OF

Arbitration
grievances, procedure
89-01-025
89-03-059

Background inquiries
89-15-029
89-16-092

Bargaining unit
determination
89-01-025
89-03-059

Call back, work on scheduled days off
or holidays, penalty pay
89-10-037

Certification
errors, correction
89-02-010

Continuous state service, defined
89-16-052

PERSONNEL, DEPARTMENT OF—cont.

Contracts
nonteaching staff
89-04-024
89-07-056

Disciplinary action
predisciplinary notice
89-16-053

Grievances, requests for arbitration,
procedure
89-16-093

Holidays
89-03-056
89-06-028

Leave
miscellaneous
89-03-056
89-06-028
89-08-060
89-11-030
89-13-038
89-11-031
89-11-089
89-13-009
89-16-029

shared leave
89-11-031
89-11-089
89-13-009
89-16-029

Lottery telemarketing representatives,
special pay ranges
89-10-038
89-14-027

Overtime compensation
89-01-024
89-02-009
89-03-058
89-05-044

Probationary period, dismissal of employee,
notice and rights acquired
89-16-050

Salary changes, consideration of fiscal
impact
89-01-023
89-03-057
89-07-055
89-11-041
89-01-024
89-03-058
89-06-009
89-06-039
89-06-040
89-10-040
89-11-090
89-15-031
89-16-031

Schedule changes, compensation
89-01-024
89-03-058
89-06-009
89-06-039
89-06-040
89-10-040
89-11-090
89-15-031
89-16-031

Seniority
leave without pay, effect on
89-08-059
89-11-042
89-13-039
89-16-030
89-09-040
89-10-039
89-13-037
89-15-028
89-15-030

Sick leave credit
89-09-040
89-10-039
89-13-037
89-15-028
89-15-030

Sick leave reporting
medical certificates, when
agency may request
89-06-024
89-10-036

Standby compensation
89-01-024
89-03-058
89-07-054

Temporary appointments from within
classified service
89-10-062
89-14-026

Temporary employment
89-04-027
89-08-028
89-11-043
89-14-026

Union shop
89-02-011

Vacation leave, accrual
89-09-040
89-10-039
89-13-037
89-15-028
89-15-030

PHARMACY, BOARD OF

Applicants, citizenship requirement
repealed
89-12-081
89-17-017

Subject/Agency Index
(Citations in bold type refer to material in this issue)

PHARMACY, BOARD OF—cont.		PUBLIC LANDS	
Controlled substances, registration, schedules and restrictions	89-12-082	(See NATURAL RESOURCES, DEPARTMENT OF)	
	89-17-023	PUBLIC WORKS BOARD	
Emergency outpatient medications	89-04-023	(See COMMUNITY DEVELOPMENT, DEPARTMENT OF)	
	89-08-062	PUGET SOUND WATER QUALITY AUTHORITY	
	89-12-011	Meetings	89-03-021
Examination, refresher course for persons retaking, jurisprudence examination	89-12-081		89-10-017
Fees	89-04-015		89-10-044
Patient information required	89-04-016	REAL ESTATE COMMISSION	
Pharmacy assistants		(See LICENSING, DEPARTMENT OF)	
AIDS prevention and education requirements	89-04-015	REVENUE, DEPARTMENT OF	
Public records access	89-04-058	Battery core charges	89-13-087
	89-09-020		89-13-089
Sodium pentobarbital	89-12-082	Carbonated beverage and syrup tax	89-13-041
PILOTAGE COMMISSIONERS, BOARD OF			89-13-042
Grays Harbor district			89-17-001
tariffs and rates	89-01-001	Core deposits and credits	89-13-087
	89-03-037		89-13-089
	89-08-042	Employees, distinguished from independent contractors	89-13-043
Pilots, licensing, request for waiver of five-year experience requirement	89-14-001		89-16-080
Pilots, limitations on new pilots	89-05-034	Equalization, county boards, practice and procedure	89-07-087
	89-05-035	Farm and agricultural land valuation	
	89-09-028	five year average grain price	89-01-114
	89-11-060		89-05-008
	89-14-002	Forest land and timber	
Puget Sound district rates	89-01-002	stumpage value tables	89-02-026
	89-03-038		89-02-027
	89-08-041		89-10-061
PODIATRY BOARD			89-14-050
(See LICENSING, DEPARTMENT OF)			89-14-051
PRACTICAL NURSING BOARD		Hazardous substance tax	89-01-035
(See LICENSING, DEPARTMENT OF)			89-04-042
PUBLIC DISCLOSURE COMMISSION			89-06-005
Campaign finance reporting	89-17-139		89-07-084
Meetings	89-03-007		89-07-085
	89-03-043		89-10-051
PUBLIC EMPLOYMENT RELATIONS COMMISSION			89-10-052
Practice and procedure rules	89-17-010		89-13-086
Representation cases, procedural rules	89-17-011		89-13-088
Unfair labor practice cases, procedural rules	89-17-013	Inflation rates	89-16-091
Union security dispute cases, procedural rules	89-17-014		89-01-115
Unit clarification cases, procedural rules	89-17-012	Mobile homes	89-05-010
		real and personal tax ratio, calculation	89-05-053
PUBLIC INSTRUCTION, SUPERINTENDENT OF			89-09-021
Administrative hearings, conduct of	89-13-010	Mobile homes and parks fees	89-01-033
	89-14-032		89-17-064
	89-17-067	Petroleum products tax	89-13-086
Administrative rules and hearings, procedural rules	89-16-012		89-13-088
	89-16-016	Property tax	
Basic education allocation, list of deductible revenues revised	89-12-039	mobile homes, real and personal tax ratio, calculation	89-05-053
	89-16-015		89-09-021
Credits, total eligible credits defined	89-10-002	personal property exemption, exceptions	89-05-052
	89-13-064		89-08-036
Excellence in education awards	89-16-014		89-08-037
Local education program enhancement	89-12-040	valuation procedures and standards	89-09-074
	89-13-063		89-12-013
	89-17-022		89-01-113
Repeal, outdated rules	89-14-033	Recordkeeping	89-05-009
	89-14-034		89-08-089
	89-14-036	Refunds	89-11-040
	89-17-068	interest rates	89-01-116
	89-17-069		89-10-067
Student aid donations	89-14-035	Sales and use taxes	
	89-17-066	magazine and periodicals	89-17-063
Teacher assistance program	89-16-013		
	89-16-017		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

REVENUE, DEPARTMENT OF—cont.		SKAGIT VALLEY COLLEGE—cont.	
Solid waste collection tax	89-13-087	Handicapped, discrimination against,	89-07-058
	89-13-089	grievance procedure	89-01-059
	89-16-090	Meetings	89-12-008
Tires, new replacement tires, fees	89-13-087		89-05-012
	89-13-089	Negotiations by academic council, repeal	89-05-046
Use tax			
collection, businesses required	89-02-052	Petition for promulgation, amendment,	89-05-047
to collect specified	89-06-015	or repeal of rule	89-09-038
	89-06-016		89-07-062
		Records, public records access	89-11-024
RULES COORDINATORS			
Blind, department of services for the	89-16-006	Sex discrimination, sexual harassment,	89-07-058
Blind, Washington state school for the	89-16-005	grievance procedure	89-11-038
Centennial commission	89-14-122		
Code reviser's office	89-09-069	Skateboards, roller skates, etc., use	89-07-064
Deaf, Washington state school for the	89-16-035	restricted	89-11-026
Ecology, department of	89-17-003		
Evergreen State College, the	89-15-045	Student records, confidentiality and	89-07-063
Edmonds community college	89-16-003	release	89-11-044
Everett community college	89-16-034		89-07-061
Fisheries, department of	89-17-058	Trustees, board of	89-11-023
General administration, department of	89-15-012		89-05-006
Health, department of	89-15-014	Withholding services for outstanding debt	89-09-039
Human rights commission	89-14-073		
Insurance commissioner	89-14-028	SOCIAL AND HEALTH SERVICES,	
Labor and Industries, department of	89-17-002	DEPARTMENT OF	
Licensing, department of	89-13-017	Acronyms	89-09-030
Liquor control board	89-15-024		89-12-078
Lottery commission	89-17-091	Administrative procedure, rules of	89-14-098
Minority and women's business enterprises,		procedure	89-14-099
office of	89-14-076		
Social and health services, department of	89-11-098	Adult family homes	
Transportation, department of	89-13-035	multiple ownership of facilities by	89-01-091
Transportation improvement board	89-16-004	single sponsor	89-05-033
Utilities and transportation commission	89-16-011		
Washington State University	89-14-046	sponsors, outside employment, department	89-01-091
		approval	89-05-033
SAVINGS AND LOAN ASSOCIATIONS,			
DIVISION OF		AFDC and general assistance	89-03-052
(See GENERAL ADMINISTRATION,		eligibility conditions	89-08-099
DEPARTMENT OF)			89-09-031
SEATTLE COMMUNITY COLLEGES			89-11-102
Meetings	89-01-031		89-12-079
	89-05-045		89-13-080
	89-06-008		89-15-053
	89-07-008	grant suspension	
	89-07-009	notice	89-03-051
	89-07-043	translation for non-English speaking	
	89-09-018	recipients	89-03-051
	89-09-055		
	89-11-016	income	
	89-15-007	allocation among assistance units	89-01-094
	89-17-059	income and resources, disregard	89-12-074
Student complaint process	89-08-069		89-13-016
	89-14-025		89-17-031
errata	89-15-000	need standards for basic requirements	89-16-061
			89-16-068
SECRETARY OF STATE		prospective eligibility and budgeting,	
Productivity board		retrospective budgeting	89-13-080
teamwork incentive program	89-14-119	support payments, fifty dollar disregard	
	89-14-120	payment to families receiving cash	
State seal, use of	89-15-036	assistance	89-07-052
			89-07-093
SECURITIES DIVISION			89-10-070
(See LICENSING, DEPARTMENT OF)			
SHORELINE COMMUNITY COLLEGE		Alcoholism and drug addiction	
Meetings	89-01-074	treatment and support	
		assessment centers	89-01-093
SKAGIT VALLEY COLLEGE			89-06-034
Academic personnel, negotiations by	89-07-070		89-06-048
	89-11-025		89-06-051
Classified staff, personnel rules	89-07-069		89-12-014
	89-11-022	eligibility, determination	89-14-081
Environmental policy act implementation	89-05-048		89-14-084
	89-09-042	facilities	89-06-011
Facilities, use policy	89-06-012		

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

medical eligibility requirements 89-06-034
89-06-048
89-06-051
89-12-014
89-14-081
89-14-084
89-14-081
89-14-084

protective payee system

services
applicants 89-03-026
89-03-027
89-06-034
89-06-048
89-06-051
89-12-014
89-03-049
89-03-050
89-06-034
89-06-048
89-06-051
89-12-014
89-01-093
89-06-034
89-06-048
89-06-051
89-12-014
89-14-081
89-14-084

shelter services

Ambulances and first-aid vehicles
fees 89-14-061

Boarding homes
licensing fees 89-14-061
operation and maintenance standards 89-09-034

Certificate of need
health care facilities and tertiary
services subject to review 89-14-077
89-14-087

issuance, suspension, denial,
revocation, and transfer 89-02-040

Childbirth centers, licensing fees 89-14-061

Child care facilities
over-the-counter medications 89-03-025
89-07-097

Child care providers
standards 89-05-062
89-08-050

Child protective services
authority 89-03-048
89-07-024
background inquires 89-02-067
89-07-096
definitions 89-03-048
89-07-024
guidelines 89-03-048
89-07-024

Community mental health programs 89-16-105

Crippled childrens' services 89-13-079

Day care
family homes, certification
requirements 89-02-033
89-11-005

Developmentally disabled
eligibility 89-02-031
89-02-042
89-06-049

protective services
background investigations 89-02-067
89-07-096

Emergency medical technicians
certification 89-16-070
recertification 89-10-069
89-10-071
89-16-070

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

Family independence program 89-01-046
89-03-053
89-03-054
89-09-033
89-12-036

Fire protection, minimum fire flow
standards 89-11-055
89-16-065

First responders
certification 89-16-070
recertification 89-10-069
89-10-071
89-16-070

Food stamps
boarders 89-02-032
89-02-044
89-05-032
89-03-073
89-07-001
89-12-075
89-16-106
89-03-071
89-07-001
89-14-053
89-14-065

citizenship and alien status 89-08-051
89-08-100
89-11-101

definitions

earned income credit, treatment

employment
unsuitable 89-15-055
89-15-056

family independence program, income
exemptions and reporting **89-17-127**
farming equipment, resource exclusion 89-14-055
89-14-066

filing and application 89-03-072
89-07-001
89-14-054
89-14-067

foster care payments, income disregard 89-02-032
89-02-044

general provisions 89-03-071
89-07-001
89-15-054

household composition 89-03-054
89-03-073
89-07-001

income
ineligible household members 89-03-074
89-07-001

monthly allotments 89-02-069
89-05-031

replacement of lost or stolen
allotments 89-14-056

nonexempt resources 89-03-073
89-07-001

Social Security number, condition
of eligibility 89-11-099
89-16-063
89-16-071
89-11-056
89-16-107

student eligibility 89-15-055
89-15-056

training 89-03-072
89-07-001

verification

violations, intentional, administrative
disqualification hearings 89-08-101
89-12-035

violations, intentional, disqualification
penalties 89-09-032
89-12-034
89-15-055

voluntary quit 89-15-056

Subject/Agency Index
(Citations in bold type refer to material in this issue)

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

Health division programs
fees, annual adjustment of fees charged
licenses 89-12-076
89-16-064

Home care agencies
licensing standards 89-07-023
89-12-077

Home health agencies
licensing standards 89-07-023
89-12-077

Hospice agencies
fees 89-14-061
licensing standards 89-07-023
89-12-077

Hospice services, payment 89-14-082
89-14-083

Hospitals
licensing fees 89-14-061

Indians
child care agencies, licensing, special
requirements 89-01-090
89-01-092

Lakeland Village, notice, out of compli-
ance for Medicaid certification as
intermediate care facility for the
mentally retarded 89-11-103

Limited casualty program
medically needy
excess income, spenddown 89-08-047
89-08-049
89-11-057

Local Indian child welfare advisory
committee
confidentiality 89-01-090
89-01-092
89-05-063
89-14-078
89-14-086

Medicaid
chore services, service determinations 89-10-046
89-10-049
89-13-084

citizenship and alienage, effect
on eligibility 89-08-045
89-08-048
89-11-057

personal care services 89-14-058
89-14-063
89-14-080
89-14-085

pregnant women and infants, eligibility 89-16-060
89-16-067

pregnant women, enhanced benefits 89-16-066
89-16-069

transfer of resources by institutionalized
individual 89-09-029
89-12-037

Medical assistance program
detoxification services for chemically
dependent pregnant women 89-10-020
89-10-024

eligibility, effective date,
retroactive eligibility 89-07-011
89-07-030
89-11-002

income and resources, division
between institutionalized and
community spouse 89-14-125

medical care support, cooperation
in securing, condition of eligibility 89-10-047
89-10-048
89-12-080

medically needy in own home,
eligibility 89-02-038

**SOCIAL AND HEALTH SERVICES,
DEPARTMENT OF—cont.**

89-02-045
89-05-029

payment, when provider may bill
recipient 89-16-062

Rainier School, notice of noncompliance
sanctions **89-17-134**

receipt or transfer of resources
without adequate consideration 89-14-057
89-14-064

services available to recipients 89-10-020
89-10-024
89-13-005
89-13-082
89-14-059

wheelchair lifts and conversions,
purchase and repair 89-02-037
89-08-052

Medical facilities, licensing fees 89-14-061

Medical providers
dispute conferences 89-02-034
89-05-029

Medicare
cost sharing 89-02-035
89-02-041
89-05-029
89-08-044
89-08-053
89-11-057

deductible and coinsurance, when
paid by department 89-07-037
89-07-039
89-11-004

extended care patients, skilled nursing
home care, coinsurance payments 89-07-012
89-07-013
89-11-003

Mental health
community mental health programs 89-16-105

Mobile airway management technicians
training and knowledge standards 89-01-089
89-01-096
89-06-003

Mobile intravenous therapy technicians
training and knowledge standards 89-01-089
89-01-096

Nursing homes
accounting and reimbursement system 89-01-095
89-08-046
89-11-100

cognitively impaired residents,
plant, environmental, and
safety features for **89-17-129**

delivery of services 89-04-054
89-08-054

fire standards 89-15-051

Medicaid certified
developmental disabilities, identification
screening required for residents 89-07-094
89-11-017

mental illness, identification screening
required for residents 89-07-094
89-02-030
89-02-043
89-06-050
89-04-054
89-08-054

regulatory requirements 89-04-054
89-08-054

residents' rights expansion 89-04-054
89-08-054

respite care 89-15-052

respite services 89-15-052

unallowable costs 89-13-083
89-14-062
89-17-030

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

SOCIAL AND HEALTH SERVICES, DEPARTMENT OF—cont.		STATE PATROL—cont.	
Physical therapy approval of services	89-02-036 89-02-039 89-05-029	License plates, marking, persons driving with suspended or revoked license	89-10-007 89-10-016 89-10-029 89-14-015
Pregnancy termination facilities, licensing fees	89-14-061	Towing businesses	
Property entitlements community, separate and jointly owned	89-04-053 89-07-038		
Progressive evaluation process multiple impairments	89-01-047	SUPERINTENDENT OF PUBLIC INSTRUCTION (See PUBLIC INSTRUCTION, SUPERINTENDENT OF)	
Radiation machine facility registration fees	89-14-061	SUPREME COURT	
Refugee assistance	89-03-008 89-13-081 89-14-060 89-17-029 89-11-098	Adoption of new rules and amendments to rules, comprehensive	89-13-032
Rules coordinator		JuCR 7.3(d), amendment	89-01-013
Supplemental security income program standards of assistance	89-02-066 89-02-068 89-05-030 89-17-025 89-17-028 89-01-048 89-01-049	Justice court administrative rules (JAR) and justice court civil rules (JCR), references to be changed to administrative rules for courts of limited jurisdiction (CARLJ) and civil rules for courts of limited jurisdiction (CRLJ)	89-14-117
State hospitals, schedule of charges		Mandatory arbitration rules (MAR), comments	89-14-118
Support enforcement		RLD 3.1, amendment	89-13-031
Water utility coordinating committees, establishment and purpose	89-11-055 89-16-065	RPC 1.14, amendment	89-14-116
		RPC 1.14, comment	89-01-027
SOUTH PUGET SOUND COMMUNITY COLLEGE		TACOMA COMMUNITY COLLEGE	
Meetings	89-04-021 89-09-036 89-10-008 89-11-012 89-11-036 89-13-001	Meetings	89-01-029 89-13-026 89-13-072 89-17-005
		Student records, confidentiality	
SPOKANE COMMUNITY COLLEGES		TAX APPEALS, BOARD OF	
Meetings	89-01-060	Appeals	
Smoking	89-04-018 89-06-023 89-07-068	notice of appeal	89-07-031
		time from which appeal period is computed	89-07-031
STATE EMPLOYEES BENEFITS BOARD		Practice and procedure	89-06-062 89-10-055 89-06-063 89-10-056 89-06-064 89-10-057 89-06-065 89-10-058
Eligible dependents	89-01-053 89-09-054 89-12-045	formal hearings	
Eligible employees	89-02-070 89-05-013	informal hearings	
Extended medical and dental coverage, self-pay	89-09-054 89-12-045	public disclosure requests	
Group medical coverage during leave period	89-02-070 89-05-013 89-02-070 89-05-013	TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF	
reinstatement following leave		Commerce and economic development meetings	89-01-075
Health coverage employer contribution	89-08-005 89-09-053	TRAFFIC SAFETY COMMISSION	
extended, denial to those covered by another group plan	89-08-005	Meetings	89-03-002 89-05-051 89-16-094
STATE PATROL		TRANSPORTATION COMMISSION/DEPARTMENT	
Bolt, clamp and wedge type brake adjustment standards	89-09-025 89-12-019	Contractors, prequalification of highway system contractors	89-07-034 89-08-064 89-16-086
Criminal records, release of child and adult abuse information	89-14-038	Ferry system fares and rates	89-08-068 89-12-005 89-14-052 89-04-014
Disability, line duty disabilities	89-10-011 89-10-015	Highway system contractor, prequalification	89-07-034 89-08-064 89-02-061 89-04-019 89-07-067 89-12-029 89-14-019 89-17-047
Electronic messages, display from motor vehicles	89-09-023 89-09-024 89-12-018	Meetings	
		Public records, exempt records	
		Relocation assistance and real property acquisition	89-14-039 89-17-048

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

TRANSPORTATION COMMISSION/DEPARTMENT

—cont.
 Review of rules 89-06-038
 89-08-061
 89-13-027
 89-13-035
 Rules coordinator
 Surplus property sales
 agricultural zoned areas 89-01-052
 Utility lines
 franchises and permits on state
 highway rights-of-way 89-02-005
 89-05-022

TRANSPORTATION IMPROVEMENT BOARD

Meetings 89-02-053
 89-03-036
 89-04-038
 89-06-037
 89-08-067
 89-10-050
 89-12-015
 89-14-101
 Proposed projects, submission to board 89-10-053
 89-10-054
 89-14-005
 89-16-004
 Rules coordinator

TREASURER

(See inside front cover)

UNIVERSITY OF WASHINGTON

Meetings 89-02-001
 89-01-020
 89-03-016
 89-03-017
 89-03-018
 89-03-022
 89-03-023
 89-03-024
 89-03-039
 89-03-041
 89-03-042
 89-06-055
 89-07-017
 89-09-035
 89-14-022
 89-09-043
 89-15-023
 Parking and traffic regulations

URBAN ARTERIAL BOARD

(See TRANSPORTATION IMPROVEMENT BOARD)

USURY

(See inside front cover)

UTILITIES AND TRANSPORTATION COMMISSION

Accident reporting
 garbage and refuse collection companies 89-02-024
 89-06-021
 Accounting rules, gas and electric
 companies 89-09-070
 Adjudicative proceedings
 obtaining data 89-15-041
 Alternate operator services 89-04-044
 Contested cases
 obtaining data 89-08-004
 89-08-109
 89-11-006
 89-11-085
 89-13-028
 Electric utilities
 purchase of electricity from
 qualifying facilities and
 independent power producers,
 purchase of electric savings 89-08-111
 89-12-067
 89-12-068
 89-15-043

UTILITIES AND TRANSPORTATION COMMISSION—cont.

Facsimile transmission, submission of
 tariff rates by 89-12-072
 Garbage and refuse collection companies
 accident reporting 89-02-024
 89-06-021
 89-09-070
 89-11-084
 89-12-070
 Gas and electric utility accounting rules 89-13-071
 89-16-047
89-17-034
 Gas utilities, discontinuance of service 89-06-020
 89-09-071
 89-02-003
 Household goods, information to shippers
 Meetings
 Motor carriers
 brokers and forwarders 89-02-023
 safety regulations, adoption of
 U.S. Dept. of Transportation
 regulations dated October 1, 1988 89-02-024
 89-06-021
 Natural gas
 outdoor lighting, repeal of restrictions
 on use for 89-05-042
 89-08-030
 Practice and procedure before commission 89-13-090
 89-16-048
89-17-049
89-17-050
 89-16-011
 Rules coordinator
 Tariffs 89-04-045
 distribution and cost
 facsimile transmission, submission
 of rates by 89-12-072
 89-15-042
 Telecommunications
 contracts and price lists 89-08-110
 89-12-038
 89-12-069
89-17-041
 customer-owned pay telephones 89-16-108
 methods of reporting 89-15-050
 rate filings by local exchange companies,
 procedures 89-12-069
89-17-041
 89-08-024
 89-08-025
 89-11-020
 switched access lines surcharge

VETERINARY BOARD OF GOVERNORS

(See LICENSING, DEPARTMENT OF)

VOCATIONAL EDUCATION, BOARD FOR

Meetings 89-06-056
 89-12-050
 89-13-012
 89-13-060
 89-14-075
89-17-035

VOCATIONAL EDUCATION, COUNCIL ON

Meetings 89-03-020
 89-11-076
 89-15-006

VOLUNTEER FIREMEN, BOARD FOR

Meetings 89-03-001
 89-09-016
 89-15-018

WALLA WALLA COMMUNITY COLLEGE

Meetings 89-04-005

WASHINGTON INSTITUTE OF APPLIED TECHNOLOGY

Meetings 89-01-045
 89-04-022

Subject/Agency Index
(Citations in **bold type** refer to material in this issue)

WASHINGTON STATE LIBRARY

Library commission meetings 89-05-037
89-10-005
89-15-011

Western library network meetings 89-01-051

WASHINGTON STATE UNIVERSITY

Meetings 89-04-020
89-11-015
89-14-046

Rules coordinator 89-05-036

Student conduct rules, disciplinary procedures 89-11-065

WESTERN WASHINGTON UNIVERSITY

Involuntary administrative withdrawal, behavior from mental disorders 89-05-049
89-10-006
89-11-039

Student rights and responsibilities, amendments 89-05-049
89-10-006
89-11-039

WHATCOM COMMUNITY COLLEGE

Meetings 89-09-048
89-10-003
89-16-036

WILDLIFE, DEPARTMENT OF

Administrative procedure, repeal of obsolete regulations 89-14-110

Animals, exotic or hybrid, permit to release 89-04-034
89-08-104
89-12-044

Appeals and other agency proceedings, preproposal comment solicitation 89-14-114

Aquatic plants, permit to plant 89-04-034
89-08-104
89-12-044

Central and field organization of department 89-14-127

Deleterious exotic wildlife, additions to list **89-17-141**

Definitions of terms used in commission rules 89-14-107

Eastern gray squirrel, removal from list of protected wildlife 89-08-102

Field identification of wildlife 89-06-079
89-09-058
89-14-018

Fishing 89-04-009

Carbon River 89-04-009

Columbia River, license reciprocity, Oregon and Washington 89-10-026

Elochoman River 89-04-010

game fishing regulations 1989-90 89-11-052

game fishing regulations 1988-90 89-06-080
89-06-081
89-06-082
89-08-032
89-08-106
89-10-025
89-10-026
89-10-027
89-11-051
89-16-020
89-17-054

game fishing regulations 1990-92 **89-17-149**
89-17-151

Mayfield Lake 89-04-037

Puyallup River 89-04-009

seasons and regulations, 1990-92, preproposal comment solicitation 89-14-114

Skykomish River 89-16-020

steelhead 89-06-042

Cedar River 89-06-042

WILDLIFE, DEPARTMENT OF—cont.

closure and limits 89-06-042

Lake Sammamish 89-06-042

Lake Washington 89-06-042

Salmon Bay 89-06-042

Sammamish River 89-06-042

Skagit River 89-08-011

Tokul Creek 89-03-028
89-05-002

Toutle River 89-10-026

Washougal River 89-04-011
89-10-025
89-10-026

Forfeiture of privileges on third conviction for wildlife violation 89-14-115
89-17-148

Fox squirrel, removal from list of protected wildlife 89-08-102
89-11-061

Hunting

bear

spring hot spot hunts 89-06-002

bobcat, Canada lynx, cougar, and river otters, tagging requirements 89-14-111

check stations, evasion unlawful **89-17-145**

clothing requirements 89-08-105
89-12-043

damage control permits, ineligibility for failure to properly report animals taken under permit 89-14-105
89-17-140

disabled hunters 89-08-034
89-08-107
89-11-073
89-14-112

elk

White River 89-04-007

expired seasons, repeal of provisions relating to 89-14-108

game management units, boundary stabilization and description, preproposal comment solicitation 89-14-114

general hunting seasons and rules, 1989-90 89-08-108
89-13-029

hunting seasons, game bag limits, game management units, and area legal descriptions, 1988 89-11-063

light, illegal to shine artificial light on wildlife from motor vehicle when hunting 89-14-109
89-17-144

Mountain goat, sheep, moose, cougar, and lynx

1988 seasons 89-11-064

1989 seasons 89-06-083
89-09-059
89-12-041

trapping seasons and regulations, amendments, 1988-89 and 1989-90 seasons 89-14-094

turkey

spring seasons 89-06-002

upland game bird and migratory waterfowl, 1989-90 seasons 89-14-093

upland migratory bird seasons and rules, 1987 89-11-063

Land management regulations 89-13-085
89-14-113
89-13-085

Litter 89-13-085

Minerals, wood, and artifacts, removal from department lands 89-13-085

Muzzle loading firearms 89-08-103
89-11-062

Protected wildlife, classification 89-08-102
89-11-061

Subject/Agency Index

(Citations in bold type refer to material in this issue)

WILDLIFE, DEPARTMENT OF—cont.

Road management agreements	89-14-113
Sampling data, collection	89-17-146
Taxidermy, regulation of practice, preproposal comment solicitation	89-14-114
Titles of rules	89-17-147
Titles of rules repealed	89-17-150
Vehicles and aircraft, use of department lands	89-13-085

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