

APRIL 18, 1990

OLYMPIA, WASHINGTON

ISSUE 90-08



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filed not later than April 4, 1990

## 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

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## CERTIFICATE

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

DENNIS W. COOPER  
Code Reviser

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## STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of April 1990 pursuant to RCW 19.52.020 is twelve point two two percent (12.22%).

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 1990 pursuant to RCW 63.14.130(1)(a) is fourteen and one-half percent (14.50%).

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 zero percent (14.0%) for the second calendar quarter of 1990.

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 second calendar quarter of 1990.

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# WASHINGTON STATE REGISTER

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

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## STYLE AND FORMAT OF THE WASHINGTON STATE REGISTER

### 1. ARRANGEMENT OF THE REGISTER

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 <sup>1</sup>			Distribution Date	First Agency Hearing Date <sup>3</sup>
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS <sup>2</sup> or 10 p. max. Non-OTS		
<i>For Inclusion in—</i>	<i>File no later than—</i>			<i>Count 20 days from—</i>	<i>For hearing on or after</i>
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
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89-20	Sep 6	Sep 20	Oct 4	Oct 18	Nov 7
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89-22	Oct 4	Oct 18	Nov 1	Nov 15	Dec 5
89-23	Oct 25	Nov 8	Nov 22	Dec 6	Dec 26
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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

<sup>1</sup>All 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.

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

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



**WSR 90-08-001****PERMANENT RULES****DEPARTMENT OF FISHERIES**

[Order 90-22—Filed March 22, 1990, 9:26 a.m.]

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

This action is taken pursuant to Notice Nos. WSR 89-15-010, 89-17-019 and 90-06-081 filed with the code reviser on July 7, 1989, August 7, 1989, and March 7, 1990. 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 75.08.080 and is intended to administratively implement that statute.

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

APPROVED AND ADOPTED March 1, 1990.

By Edward P. Manary  
for Joseph R. Blum  
Director

AMENDATORY SECTION (Amending Order 85-20, filed 4/9/85)

~~WAC 220-56-156 LANDING CANADIAN ORIGIN FOOD FISH AND SHELLFISH. It is unlawful to land in any Washington state port shellfish or food fish ((other than halibut)) taken for personal use from Canadian waters unless the person landing the shellfish or food fish possesses a Canadian sport fishing license and catch record, if one is required, valid for the period when the shellfish or food fish were taken(, and provides official documentation of previous landing in Canada in the form of an E-99 written report or the PAC-99 number issued by Canadian customs. Without official documentation of previous landing in Canada, all personal use shellfish or food fish other than halibut taken from Canadian waters must conform to applicable harvest regulations for the area where first landed in Washington)).~~

**WSR 90-08-002****PROPOSED RULES****DEPARTMENT OF HEALTH****(Board of Health)**

[Filed March 22, 1990, 2:30 p.m.]

**Original Notice.**

Title of Rule: WAC 308-180-150 Western sciences, correct wording to current terminology; WAC 308-180-210 Examinations, change requirement so that persons can be scheduled for practical exam at the same time as the written exam; and WAC 308-180-250 Application exhibits required, add requirement to have successfully

passed the national acupuncture examination prior to being eligible to be licensed.

Statutory Authority for Adoption: RCW 18.06.160 Adoption of rules.

Statute Being Implemented: WAC 308-180-120.

Summary: WAC 308-180-150 will correct rule to reflect current terminology; WAC 308-180-210 will allow staff to schedule for the practical before the results of the written are released; and WAC 308-180-250 will require applicants to have completed the national acupuncture examination prior to applying for licensure. There will still be a state administered examination to test applicant's knowledge of English.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, Program Manager, 1300 Quince Street, Olympia, 753-3095.

Name of Proponent: Department of Health, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Will ensure accuracy in requirements and ease in scheduling examinations.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-180-150, this amendment will change wording to reflect current language; and WAC 308-180-210, will allow staff to schedule the practical examination immediately following administration of the written examination if the applicant passes the written examination. Currently there is a one month time lapse between the two exams to allow for scores to be sent to the applicant before they can be scheduled for the practical examination. Amendment would allow staff to schedule applicant for both exams at the same time. If applicant failed written, he or she would no longer be eligible to take the practical examination on the following day.

Proposal does not change existing rules.

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, Washington, on May 9, 1990, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 8, 1990.

Date of Intended Adoption: May 14, 1990.

March 21, 1990

Pam Campbell Mead  
for Kristine M. Gebbie

Secretary

AMENDATORY SECTION (Amending Order PM 641, filed 3/4/87)

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

- (1) Anatomy;
- (2) Physiology;
- (3) ((Bacteriology)) Microbiology;
- (4) Biochemistry;

- (5) Pathology;
- (6) Survey of western clinical sciences;
- (7) Hygiene; and
- (8) Cardio-pulmonary resuscitation (CPR).

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

**AMENDATORY SECTION** (Amending Order PM 713, filed 3/9/88)

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

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

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

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

~~((D))~~ (5) The practical examination will consist of separate segments designed to test the applicant's knowledge of diagnostic methods, acupuncture treatment and aseptic techniques.

~~((E))~~ (6) To pass the practical examination, candidates must successfully complete each segment of the examination.

~~((F))~~ (7) Applicants who fail either the written or the practical portion of the examination shall submit an appropriate fee for re-examination.

~~((G))~~ (8) Applicants who fail more than fifty percent of the segments of the practical examination will be required to be reexamined on all segments of the practical examination.

~~((H))~~ (9) Applicants who fail fifty percent or less of the segments of the practical examination will be reexamined only on the segments that did not receive a passing score. This provision applies only to the next regularly scheduled practical examination administration.

~~((I))~~ (10) If an applicant fails to successfully complete the practical examination within two years of passing the written examination, the director may require the applicant to retake the written examination.

~~((J))~~ (11) Application fees are nonrefundable.

**AMENDATORY SECTION** (Amending Order PM 713, filed 3/9/88)

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

- (1) The application fee;
- (2) Verification of academic or educational study and training at a school or college which may include the following:

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

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

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

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

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

- (a) The location of the training site.
- (b) The inclusive dates of training.

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

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

(4) Certified verification of successful completion of the national examination or receipt of the diplomate status from the National Committee for Certification of Acupuncturists.

**WSR 90-08-003**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH**

[Order 044—Filed March 22, 1990, 2:31 p.m.]

Date of Adoption: March 19, 1990.

Purpose: To standardize the Department of Health's refund process.

Statutory Authority for Adoption: RCW 43.01.072.

Pursuant to notice filed as WSR 90-04-030 on January 30, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 19, 1990

Pam Campbell Mead  
for Kristine M. Gebbie  
Secretary

**NEW SECTION**

WAC 246-09-060 REFUND OF FEES. (1) The department of health shall refund fees it collects that are paid in excess of the stated fee, or paid erroneously.

(2) The payee must provide the department with a cancelled check or a cash receipt as proof of payment when requesting a refund.

(3) The department shall make refunds of five dollars or less only upon written request within 13 months from date of payment.

**WSR 90-08-004**

**NOTICE OF PUBLIC MEETINGS**

**EASTERN WASHINGTON UNIVERSITY**

[Memorandum—March 22, 1990]

**BOARD OF TRUSTEES**

March 23, 1990, 9:00 a.m.

EWU Spokane Center

Fourth Floor Lounge

Breakfast will be served to board members at 8:00 a.m., EWU Spokane Center, Room 406.

**WSR 90-08-005**

**PROPOSED RULES**

**BOARD OF TAX APPEALS**

[Filed March 23, 1990, 2:03 p.m.]

Original Notice.

Title of Rule: Public records.

Purpose: Amend rules concerning public disclosure.

Statutory Authority for Adoption: RCW 82.03.170.

Statute Being Implemented: RCW 42.17.250 through 42.17.320.

Summary: The amendments set forth the regular meeting time and dates of the board, and the form for requesting public documents.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, 910 5th Avenue S.E., Olympia, WA 98504, (206) 753-5446.

Name of Proponent: Board of Tax Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the amendments is to update current rules.

Proposal Changes the Following Existing Rules: Existing meeting dates and forms are changed.

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

The Board of Tax Appeals has reviewed the proposed amendments to chapter 456-12 WAC to determine the impact on small business. The rules would have no impact.

Hearing Location: Hearing Room, Board of Tax Appeals, 910 5th Avenue S.E., Olympia, WA 98504, on May 11, 1990, at 10:00 a.m.

Submit Written Comments to: David Akana, Board of Tax Appeals, 910 5th Avenue S.E., Mailstop EW-12, Olympia, WA 98504, by May 4, 1990.

Date of Intended Adoption: May 11, 1990.

March 23, 1990
David Akana
Executive Director

AMENDATORY SECTION (Amending Order 89-04, filed 5/2/89)

WAC 456-12-030 DESCRIPTION OF ORGANIZATION AND PUBLIC MEETING. (1) The board of tax appeals is an independent agency of the state of Washington, composed of three members appointed by the governor, with the advice and consent of the senate for a term of six years. The members are to be qualified by experience or training in the field of state and local taxation. The board elects a chairman from among its members at least biennially.

(2) The executive director is the board's chief executive officer and is responsible for implementing board directions and for directing the board's staff.

(3) The board holds regular meetings at its office or such other place as the board designates on the second ((Friday)) Thursday of each ((month)) March, June, September, and December commencing at 10:00 a.m.

AMENDATORY SECTION (Amending Order 89-04, filed 5/2/89)

WAC 456-12-090 COPYING. No fee shall be charged for the inspection of public records. For printed, typed and written materials, maximum size 8 1/2" x 14", and other writings as defined by WAC 456-12-020(2), the board will charge a reasonable fee for providing copies of public records and for use of the board's copy equipment. There is a minimum charge per order of \$1.00, plus postage at actual cost. The charge is the amount necessary to reimburse the board for its actual costs incident to such copying.

AMENDATORY SECTION (Amending Order 89-04, filed 5/2/89)

WAC 456-12-140 ADOPTION OF FORM. The board hereby adopts the use by all persons requesting inspection and/or copies of records the form set out below, entitled "Request for Public Records":

((We have received your request for copies of our public records. Please complete the form and return it with the amount required. We will forward the requested copies to you as soon as we receive this form.

Thank you:

Return to:

Board of Tax Appeals
910 5th Avenue S.E.
MS: EW-12
Olympia, Washington 98504

BOARD OF TAX APPEALS

Request For Public Records

Date \_\_\_\_\_ Time \_\_\_\_\_
Name \_\_\_\_\_
Address \_\_\_\_\_

Description of Records (see index):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW

\_\_\_\_\_  
Signature

Number of Copies \_\_\_\_\_

Number of Pages \_\_\_\_\_

Per Page Charge \$ \_\_\_\_\_

Total Charge \$ \_\_\_\_\_)

REQUEST FOR PUBLIC RECORDS

We have received your request for copies of our public records. Please complete this form and return it with the total amount indicated below to:

Board of Tax Appeals
910 5th Avenue S.E.
Mailstop: EW-12
Olympia, WA 98504

We will forward the requested copies to you as soon as this form and your payment are received. Thank you.

REQUEST FOR PUBLIC RECORDS: DESCRIPTION OF RECORDS:

Name \_\_\_\_\_
Address \_\_\_\_\_

I certify that the information obtained through this request for public records will be used in compliance with chapter 42.17 RCW.

Signature \_\_\_\_\_ Date \_\_\_\_\_

Number of Copies \_\_\_\_\_ Per Page Charge \$ \_\_\_\_\_
Number of Pages \_\_\_\_\_ Postage \$ \_\_\_\_\_
Total Charge \$ \_\_\_\_\_

WSR 90-08-006
PROPOSED RULES
BOARD OF TAX APPEALS
[Filed March 23, 1990, 2:04 p.m.]

Original Notice.

Title of Rule: Informal hearings—Practice and procedure.

Purpose: Amend rules of practice and procedure to clarify existing rules for informal hearings.

Statutory Authority for Adoption: RCW 82.03.170.

Statute Being Implemented: RCW 82.03.140 and 82.03.150.

Summary: The rules set forth the administration of the board and the rules for practice before the board in informal hearings. The rules for practice include rules on appeal procedures, service of papers, hearing and disposition of cases.

Reasons Supporting Proposal: The amendments clarify existing rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, 910 5th Avenue S.E., Olympia, WA 98504, (206) 753-5446.

Name of Proponent: Board of Tax Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes to the rules of practice and procedure for informal hearings is to clarify procedures.

Proposal Changes the Following Existing Rules: Some amendments are made to use the mailing date as the date of service after an appeal has been filed.

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

The Board of Tax Appeals has reviewed the proposed amendments to chapter 456-10 WAC to determine the impact on small business. The rules are procedural and would have no impact.

Hearing Location: Hearing Room, Board of Tax Appeals, 910 5th Avenue S.E., Olympia, WA 98504, on May 11, 1990, at 10:00 a.m.

Submit Written Comments to: David Akana, Board of Tax Appeals, 910 5th Avenue S.E., Mailstop EW-12, Olympia, WA 98504, by May 4, 1990.

Date of Intended Adoption: May 11, 1990.

March 23, 1990

David Akana
Executive Director

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-110 DEFINITIONS. As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a ((hearing)) proceeding conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a ((hearing)) proceeding governed by those rules specified in chapter 456-10 WAC.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-160 MEETINGS OF THE BOARD. Regular meetings of the board will be held at its principal office or such other place as the board designates at 10:00 a.m. on the second ((Friday)) Thursday of each ((month)) March, June, September, and December.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-310 NOTICE OF APPEAL—FORMS—CONTENTS. (1) For informal appeals from decisions of a board of equalization or property exemption decisions of the department of revenue, the appellant may use forms provided by the board.

(2) In all other cases, a notice of appeal shall substantially contain:
(a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS
STATE OF WASHINGTON
Appellant,
v.
Respondent.
Name of county in which property is located (if applicable)
Docket No.
NOTICE OF APPEAL
Re: (Type of tax, e.g., excise, property)

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

(b) Numbered paragraphs stating:

(i) Appellant's name, mailing address, telephone number, and that of the representative, if any.

(ii) The date of the order or determination from which the appeal is taken, together with a copy of the order, decision, or application appealed from.

(iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant; and

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property(, and

(D) In pollution control tax exemption and credit certificate cases (chapter 82.34 RCW), the amount to which the credit or exemption should apply, and the grounds for such contention).

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention.

(v) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and/or signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-315 NOTICE OF APPEAL—TIMELINESS OF FILING.** Any appeal to the board (~~(pursuant to RCW 82.03.190, 82-03.130, 84.08.130, 84.48.075, 84.36.850, 84.33.091, 84.34.065, 82.34-110, 82.03.130, 79.94.210, 39.88.060, 82.49.060, 84.08.110, or any other applicable statute)~~) shall be filed within the time required by the statute governing the respective agency or proceeding involved including, but not limited to the following:

- (1) Appeals taken pursuant to RCW 82.03.190, thirty days from the mailing of the determination.
- (2) Appeals from a county board of equalization pursuant to RCW 84.08.130, thirty days from the mailing of the decision.
- (3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, thirty days from the mailing of the determination.
- (4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapters 84.12 and 84.16 RCW, thirty days from the mailing of the order.
- (5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075, fifteen days after the mailing of the certification.
- (6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210, thirty days from the mailing of the notification.
- (7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060, thirty days from the mailing of the ordinance.
- (8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065, thirty days after the publication of the rate.
- (9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091, on or before the sixtieth day after the date of final adoption.
- (10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850, thirty days from the mailing of the determination.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-320 NOTICE OF APPEAL—SERVICE AND FILING.** (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter and a certificate of service shall be filed with the board pursuant to WAC 456-10-440.

- (2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.
- (b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.
- (c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall (~~(retain the other for its files)~~) transmit one copy to the clerk of the board of equalization.
- (d) Appeals not properly or timely filed as provided in this section shall be continued or dismissed.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-325 DATE OF FILING—FACSIMILE.** (1) Except as provided in subsection (3) of this section, the date of filing of (~~(all papers)~~) a notice of appeal shall be the date of actual receipt by the board at its Olympia office. The date stamp placed thereon shall be prima facie evidence of the date of receipt.

- (2) Except as provided in subsection (3) of this section, all documents may be filed with the board via facsimile machine. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated (~~(on)~~) by the board's facsimile shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) (~~(A receipt from the sending station must be filed with the original document showing:~~

- (i) ~~The date of transmission;~~
- (ii) ~~The time of transmission; and~~
- (iii) ~~The facsimile telephone number of the board.~~
- (~~d~~) All transmissions are sent at the risk of the sender.

(3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-430 SERVICE OF PAPERS—WHEN COMPLETE.** (1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed (~~(or)~~). Service by telegraph shall be deemed completed when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with the board within ten days from the date of transmission.

(b) (~~(A receipt from the sending station must be filed with the original document showing:~~

- (i) ~~The date of transmission;~~
- (ii) ~~The time of transmission; and~~
- (iii) ~~The facsimile telephone number of the receiving station.)~~ Facsimile confirmation of transmission.

(c) All transmissions are sent at the risk of the sender.

(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.

**AMENDATORY SECTION** (Amending Order 89-03, filed 5/2/89)

**WAC 456-10-440 PROOF OF SERVICE—CERTIFICATE.** Where proof of service is required by this chapter, by statute, or upon the board's request, filing a copy of the papers with the board together with (~~(either an acknowledgment of service or a certificate substantially as follows;)~~) one of the following 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 their attorney or authorized agent.~~

~~DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_.~~

~~(signature))~~

- (1) An acknowledgement of service.
- (2) 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.)
- (3) 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:
  - (a) Mailing a copy thereof, properly addressed with postage prepaid, to each party to the proceeding or their attorney or authorized agent;
  - or
  - (b) Telegraphing a copy thereof, properly addressed with charges prepaid, to each party to the proceeding or their attorney or authorized agent; or
  - (c) Transmitting a copy thereof by electronic telefacsimile device, and on the same day mailing a copy, to each party to the proceeding or their attorney or authorized agent; or

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

Certification of proof of service may also be made on forms provided by the board.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-545 TESTIMONY UNDER OATH—INTERPRETERS. (1) All testimony to be considered by the board shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-730 EXCEPTIONS TO PROPOSED DECISION.

(1) Time for filing. Any party may ~~((file))~~ make, by mail or otherwise, a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. An original and four copies shall be filed with the board, and a copy shall be served on all other parties.

(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties ~~((filing))~~ making the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions may contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.

(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing an order adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been ~~((filed))~~ made.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-735 REPLY TO EXCEPTIONS. Any party may, within ten days or such further time as the board may allow, submit a reply to exceptions or a written brief or statement of position regarding the matters on which exceptions were taken. The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed. The board may schedule a hearing to take additional evidence if it deems it necessary or helpful to reach a proper result.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-740 FINALITY OF PROPOSED DECISION. If exceptions are not ~~((filed))~~ timely made, the proposed decision shall become the board's final decision.

AMENDATORY SECTION (Amending Order 89-03, filed 5/2/89)

WAC 456-10-755 PETITION FOR RECONSIDERATION. After a final decision has been issued, any party may file a petition for reconsideration with the board. Such petition must be ~~((filed))~~ made, by mail or otherwise, within ten days from the mailing of the final decision. The original and four copies of the petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that ~~((an answer))~~ a response be ~~((filed))~~ made and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or open the hearing. A petition for reconsideration is not available where a proposed decision was first issued.

WSR 90-08-007

PROPOSED RULES

BOARD OF TAX APPEALS

[Filed March 23, 1990, 2:05 p.m.]

Original Notice.

Title of Rule: Formal hearings—Practice and procedure.

Purpose: Amend and add rules on practice and procedure to conform with chapter 34.05 RCW and to clarify existing rules.

Statutory Authority for Adoption: RCW 82.03.170 and 34.05.250.

Statute Being Implemented: RCW 82.03.140 and [82].03.160.

Summary: The rules set forth the administration of the board and the rules for practice and procedure before the board in formal proceedings. The rules for practice include rules on appeal procedures, service of papers, discovery, conferences, hearing and disposition of cases.

Reasons Supporting Proposal: The amendments conform rules with chapter 34.05 RCW and clarify existing rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, 910 5th Avenue S.E., Olympia, WA 98504, (206) 753-5446.

Name of Proponent: Board of Tax Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes and additions to the rules of practice and procedures is to conform the board's rules with chapter 34.05 RCW and to clarify procedures to be used as set forth in existing rules.

Proposal Changes the Following Existing Rules: The changes are intended to conform the board's rules of practice and procedure with chapter 34.05 RCW.

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

The Board of Tax Appeals has reviewed the provisions of chapter 456-09 WAC to determine the economic impact on small business. The rules are procedural and would have no impact.

Hearing Location: Hearing Room, Board of Tax Appeals, 910 5th Avenue S.E., Olympia, WA 98504, on May 11, 1990, at 10:00 a.m.

Submit Written Comments to: David Akana, Board of Tax Appeals, 910 5th Avenue S.E., Mailstop EW-12, Olympia, WA 98504, by May 4, 1990.

Date of Intended Adoption: May 11, 1990.

March 23, 1990

David Akana

Executive Director

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-110 DEFINITIONS. As used in this chapter, the following terms shall have the following meaning:

(1) "Board" means the board of tax appeals as described in chapter 82.03 RCW and chapters 456-09 and 456-10 WAC. Where appropriate, the term "board" also refers to the designated hearing officers or agents of the board of tax appeals.

(2) "Presiding officer" or "hearing officer" shall mean any member of the board, tax referee, administrative law judge, or any person who is assigned to conduct a conference or hearing by the board. The presiding officer shall have authority as provided by WAC 10-08-200 and chapter 34.05 RCW.

(3) "Appellant" means a person, natural or otherwise, who appeals any order or decision to the board of tax appeals.

(4) "Respondent" means a person, natural or otherwise, who is named as a responding party in any appeal before the board of tax appeals.

(5) "Formal hearing" means a ((hearing)) proceeding conducted pursuant to the Administrative Procedure Act.

(6) "Informal hearing" means a ((hearing)) proceeding governed by those rules specified in chapter 456-10 WAC.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-150 MEETINGS OF THE BOARD. Regular meetings of the board will be held at its principal office or such other place as the board designates at 10:00 a.m. on the second ((Friday)) Thursday of each ((month)) March, June, September, and December.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-210 APPEARANCE AND PRACTICE BEFORE THE BOARD—WHO MAY APPEAR. Practice before the board in formal proceedings shall be limited to the following:

- (1) Taxpayers who are natural persons representing themselves;
- (2) Attorneys at law duly qualified and entitled to practice in the courts of the state of Washington;
- (3) Attorneys at law entitled to practice before the highest court of record of any other state, if attorneys licensed in the state of Washington are permitted to appear before the courts of such other state in a representative capacity, and if not otherwise prohibited by state law;
- (4) ((A bona fide)) An authorized officer, partner, or full-time employee of an individual firm, association, partnership, or corporation who appears for such firm, association, partnership, or corporation; and
- (5) Other persons permitted by law.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-230 EX PARTE COMMUNICATION. (1) No one shall make or attempt to make any ex parte communications prohibited by the Administrative Procedure Act. The board, in conducting a formal proceeding governed by the Administrative Procedure Act may not make or attempt to make ex parte communications prohibited by such act. Attempts by anyone to make such prohibited ex parte communications shall subject such person to the sanctions of WAC 456-09-220 and 456-09-750.

(2) The requirements and procedures of RCW 34.05.455 apply to ex parte communications.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-310 NOTICE OF APPEAL—FORMS—CONTENTS. (1) A notice of appeal shall substantially contain:

- (a) A caption in the following form:

BEFORE THE BOARD OF TAX APPEALS  
STATE OF WASHINGTON

Appellant,	Name of county in which property is located (if applicable)
v.	Docket No. _____
Respondent.	NOTICE OF APPEAL Re: (Type of tax, e.g., excise, property)

In all cases the appellant shall be the party appealing to the board. The respondent shall be the government agency or the property owner, as the case may be.

- (b) Numbered paragraphs stating:

(i) Appellant's name, mailing address, telephone number, and that of the representative, if any.

(ii) The date of the order or determination from which the appeal is taken together with a copy of the order, decision, or application appealed from.

(iii) The nature of the tax, and:

(A) In excise tax cases, the amount of the tax in controversy and the period covered thereby;

(B) In property tax cases, a legal description or parcel number of the property under appeal, the year for which the valuation has been determined, the full value as determined by the local board of equalization, and a declaration of true and fair value as alleged by the appellant; and

(C) In property tax exemption cases, a legal description and/or parcel number of the property under appeal, the basis under which exempt status should be granted or denied, and the use of the property((; and

~~(D) In pollution control tax exemption and credit certificate cases (chapter 82.34 RCW), the amount to which the credit or exemption should apply, and the grounds for such contention).~~

(iv) A clear, separate, and concise assignment of each error alleged and a short statement of facts upon which the appellant relies to sustain each contention, and the issue to be adjudicated in the proceeding.

(v) A notice of intention that the hearing be held pursuant to the Administrative Procedure Act.

(vi) The relief sought.

(c) A statement that the appellant has read the notice and believes the contents to be true, followed by the party's signature and/or signature of their attorney or qualified representative, if any. The signature of a party, attorney, or qualified representative constitutes a certificate that the pleading has been read and that to the best personal knowledge, information, and belief, there is good ground to support it, and that it is not interposed for delay. If determined by the board that a pleading is not signed or is signed with the intent to defeat the purpose of this section, it may be stricken and the action may proceed as though the pleading had not been served.

(2) For informal appeals from property valuation decisions of a board of equalization or property exemption decisions of the department of revenue, the appellant may use forms provided by the board.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-315 NOTICE OF APPEAL—TIMELINESS OF FILING. Any appeal to the board ((pursuant to RCW 82.03.190, 82-03.130, 84.08.130, 84.48.075, 84.36.850, 84.33.091, 84.34.065, 82.34-110, 82.03.130, 79.94.210, 39.88.060, 82.49.060, 84.08.110, or any other applicable statute)) shall be filed within the time required by the statute governing the respective agency or proceeding involved including, but not limited to the following:

(1) Appeals taken pursuant to RCW 82.03.190, thirty days from the mailing of the determination.

(2) Appeals from a county board of equalization pursuant to RCW 84.08.130, thirty days from the mailing of the decision.

(3) Appeals by an assessor or landowner from an order of the director of revenue made pursuant to RCW 84.08.010 and 84.08.060, thirty days from the mailing of the determination.

(4) Appeals by an assessor or owner of an intercounty public utility or private car company from determinations by the director of revenue of equalized assessed valuation of property and the apportionment thereof to a county made pursuant to chapters 84.12 and 84.16 RCW, thirty days from the mailing of the order.

(5) Appeals by an assessor, landowner, or owner of an intercounty public utility or private car company from a determination of any county indicated ratio for such county compiled by the department of revenue pursuant to RCW 84.48.075, fifteen days after the mailing of the certification.

(6) Appeals from the decisions of sale price of second class shorelands on navigable lakes by the department of natural resources pursuant to RCW 79.94.210, thirty days from the mailing of the notification.

(7) Appeals from urban redevelopment property tax apportionment district proposals established by governmental ordinances pursuant to RCW 39.88.060, thirty days from the mailing of the ordinance.

(8) Appeals from interest rates as determined by the department of revenue for use in valuing farmland under current use assessment pursuant to RCW 84.34.065, thirty days after the publication of the rate.

(9) Appeals from revisions to stumpage value tables used to determine value by the department of revenue pursuant to RCW 84.33.091, on or before the sixtieth day after the date of final adoption.

(10) Appeals from denial of tax exemption application by the department of revenue pursuant to RCW 84.36.850, thirty days from the mailing of the determination.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-320 NOTICE OF APPEAL—SERVICE AND FILING. (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter and a certificate of service shall be filed with the board pursuant to WAC 456-09-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall ~~((retain the other for its files))~~ transmit one copy to the clerk of the board of equalization.

(d) Appeals not properly or timely filed as provided in this section shall be continued or dismissed.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-325 DATE OF FILING—FACSIMILE. (1) Except as provided in subsection (3) of this section, the date of filing of ~~((all papers))~~ a notice of appeal shall be the date of actual receipt by the board at its Olympia office. The date stamp placed thereon shall be prima facie evidence of the date of receipt.

(2) Except as provided in subsection (3) of this section, all documents may be filed with the board via facsimile machine. However, filing will not be deemed complete unless the following procedures are strictly observed:

(a) A facsimile document will only be stamped "received" by the board between the hours of 8:00 a.m. and 5:00 p.m. excluding Saturdays, Sundays, and legal holidays. Any transmission not completed before 5:00 p.m. will be stamped received on the following business day. The date and time indicated ~~((on))~~ by the board's facsimile shall be prima facie evidence of the date and time of receipt of transmission.

(b) The original document must be filed with the board within ten days from the date of transmission.

(c) ~~((A receipt from the sending station must be filed with the original document showing:~~

- ~~((i) The date of transmission;~~
- ~~((ii) The time of transmission; and~~
- ~~((iii) The facsimile telephone number of the board.~~

~~((d))~~ All transmissions are sent at the risk of the sender.

(3) In appeals pursuant to RCW 82.03.130(2) (appeal from board of equalization) the date of filing shall be the date of receipt by the county auditor or, in King County, the clerk of the county council. The date stamp placed on the notice of appeal by the auditor or clerk shall be prima facie evidence of the date of receipt.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-430 SERVICE OF PAPERS—WHEN COMPLETE. (1) Except as provided in subsection (2) of this section, service by mail shall be regarded as complete upon deposit in the United States mail properly stamped and addressed ~~((, or))~~. Service by telegraph shall be deemed completed when deposited with a telegraph company properly addressed with the charges prepaid. Service by facsimile shall be deemed complete only when the following procedure is observed:

(a) The original document must be filed with the board within ten days from the date of transmission.

(b) ~~((A receipt from the sending station must be filed with the original document showing:~~

- ~~((i) The date of transmission;~~
- ~~((ii) The time of transmission; and~~
- ~~((iii) The facsimile telephone number of the receiving station;))~~ Facsimile confirmation of transmission.

(c) All transmissions are sent at the risk of the sender.

(2) This section shall not extend any applicable time for appeal to the board nor extend the time for providing notice of appeal to any named party.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-440 PROOF OF SERVICE—CERTIFICATE. Where proof of service is required by this chapter, by statute, or upon the board's request, filing a copy of the papers with the board together with ~~((either an acknowledgment of service or a certificate substantially as follows))~~ one of the following, 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 their attorney or authorized agent.~~

~~DATED at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.~~

~~\_\_\_\_\_  
(signature))~~

(1) An acknowledgement of service.

(2) 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).

(3) 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:

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

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

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

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

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-520 SUBPOENA—ISSUANCE. Subpoenas shall be issued and enforced, and witness fees paid, as provided in ~~((the Administrative Procedure Act))~~ RCW 34.05.446. Every subpoena shall identify the party causing its issuance. Subpoenas may be issued by the board or by an attorney of record. The person issuing shall sign the subpoena. Parties desiring subpoenas to be signed by the board shall make a showing of relevance and reasonable scope of the testimony or evidence sought and shall prepare the subpoenas for issuance, send them to the board's Olympia office for signature and, upon return, shall make arrangements for service.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-530 SUBPOENA—FORM. Every subpoena shall name the board of tax appeals and the title of the proceedings and shall command the person to whom it is directed to attend and give testimony or produce designated books, documents, or things under that person's control at a specified time and place. ~~((The time specified shall be a date not less than five days from the date of service.))~~

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-655 PREHEARING CONFERENCE—AGREEMENTS. At the conclusion of a prehearing conference, the board may require the parties to submit proposed prehearing orders. Thereafter the board will issue an order reciting the action taken at the conference. The order may include provisions pertaining to:

- (1) Amendments allowed to the pleadings;
- (2) Admissions;
- (3) Witnesses;
- (4) Exhibits;
- (5) Issues remaining;
- (6) Agreements by the parties;
- (7) Rulings; and
- (8) Any other matter that may expedite the hearing.

Any objection to such order shall be ~~((filed))~~ made in writing within ten days after the date the order is mailed. The order shall control subsequent proceedings unless modified for good cause.



AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-730 HEARING—NOTICE OF HEARING—TIME—CONTENTS. (1) Time. Notice of a hearing will be mailed to all parties and to all persons having filed written petitions to intervene not less than ~~((twenty))~~ seven days before the hearing date ~~(—The twenty-day notice provision may be waived by agreement of all parties.)~~

~~(2) Contents. The notice shall contain:~~

~~(a) The names and mailing addresses of the parties and their representatives, if any;~~

~~(b) The docket number and name of the proceeding;~~

~~(c) The name, official title, mailing address, and telephone number of the presiding officer, if known;~~

~~(d) A statement of the time, place, date, and general nature of the proceeding (e.g., excise, property, etc.);~~

~~(e) A statement that the hearing is held pursuant to chapter 82-03 RCW and Title 456 WAC;~~

~~(f) A statement of the issues or matters asserted and the particular sections of the statutes or rules involved as stated in the notice of appeal and responsive pleading, if any;~~

~~(g) A statement that if a qualified interpreter is needed, one will be appointed at no cost to the party or witness upon five days written notice, and~~

~~(h) A statement that a party who fails to attend or participate at hearing may be held in default in accordance with WAC 456-09-745)) unless a different period is required by law. The notice shall include the information specified in RCW 34.05.434 and if the hearing is to be conducted by teleconference call the notice shall so state.~~

~~(2) The notice shall state that if a limited-English speaking or hearing impaired party or witness needs an interpreter a qualified interpreter will be appointed and that there will be no cost to the party or witness. The notice shall include a form for a party to indicate if an interpreter is needed and identification of the primary language, or if a participant is hearing impaired.~~

~~(3) Defects in notice may be waived if the waiver is knowing and voluntary.~~

NEW SECTION

WAC 456-09-732 HEARING—NOTICE TO LIMITED-ENGLISH SPEAKING PARTIES. When an agency is notified or otherwise made aware that a limited-English speaking person is a party in an adjudicative proceeding, all notices concerning the hearing, including notices of hearing, continuance, and dismissal, shall either be in the primary language of the party or shall include a notice in the primary language of the party which describes the significance of the notice and how the party may receive assistance in understanding and responding to the notice, if necessary.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-740 TESTIMONY UNDER OATH—INTERPRETERS. (1) All testimony to be considered by the board shall be sworn, and each person shall swear or affirm that the testimony to be given shall be the truth, the whole truth, and nothing but the truth, or according to the provisions of RCW 5.28.020 through 5.28.060.

(2) Every interpreter shall, before beginning to interpret, take an oath that a true interpretation will be made to the person being examined of all the proceedings in a language or in a manner which the person understands, and that the interpreter will repeat the statements of the person being examined to the agency conducting the proceedings, in the English language, to the best of the interpreter's skill and judgment.

NEW SECTION

WAC 456-09-742 HEARINGS—REPORTING—RECORDING—RECORDING DEVICES. (1) All hearings shall be officially recorded by manual, electronic, or other type of recording device.

(2) Photographic and recording equipment of others shall be permitted at hearings; however, the presiding officer may impose such conditions upon their use as deemed necessary to prevent disruption of the hearing, or when a statute or law limits such use.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-760 RULES OF EVIDENCE—ADMISSIBILITY CRITERIA. (1) All relevant evidence, including hearsay evidence, is

admissible if, in the opinion of the board, the offered evidence is the kind of evidence on which reasonably prudent persons are accustomed to rely in the conduct of their affairs. The board shall exclude evidence that is excludable on constitutional or statutory grounds or on the basis of evidentiary privilege recognized in the courts of this state. The board may exclude evidence that is irrelevant, immaterial, or unduly repetitious.

(2) The board's experience, technical knowledge, competency, and specialized knowledge may be used in evaluation of evidence.

(3) If not inconsistent with subsection (1) of this section, the board may refer to, but shall not be bound by, the Washington rules of evidence.

(4) Documentary evidence may be submitted in the form of copies or excerpts, or by incorporation by reference.

NEW SECTION

WAC 456-09-762 HEARINGS—INTERPRETERS. The provisions of WAC 10-08-150 are incorporated by reference herein.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-925 ~~((PROPOSED))~~ INITIAL DECISION. ~~((A proposed))~~ An initial decision shall be prepared when:

(1) An appeal has been heard by only one member of the board;

(2) An appeal has been heard by only two members of the board and the two members cannot agree on a conclusion;

(3) An appeal has been heard by a hearing officer; or

(4) The board shall otherwise elect to do so.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-930 ~~((EXCEPTIONS TO PROPOSED DECISION))~~ INITIAL OR FINAL ORDER. ~~((+))~~ Time for filing. Any party may file a written exception with the board within twenty days from the date of mailing of the proposed decision or, upon timely application, within such further time as the board may allow. An original and four copies shall be filed with the board, and a copy shall be served on all other parties.

~~(2) Contents. Exceptions shall contain the specific factual and legal grounds upon which the exception is based. The party or parties filing the exception shall be deemed to have waived all objections or irregularities not specifically set forth. The statement of exceptions should also contain the exceptor's proposed findings of fact and/or conclusions of law addressing the factual and legal issues to which exceptions are being taken.~~

~~(3) Failure of a party to comply with the requirements for exceptions may result in the board issuing an order adopting the proposed decision as the final decision of the board on the ground that no legally sufficient statement of exceptions had been filed.)~~ Every decision and order, whether initial or final shall:

(1) Be correctly captioned as to the name of the board and name of the proceeding;

(2) Designate all parties and representatives participating in the proceeding;

(3) Include a concise statement of the nature and background of the proceeding;

(4) Contain appropriate numbered findings of fact meeting the requirements in RCW 34.05.461;

(5) Contain appropriate numbered conclusions of law, including citations of statutes and rules relied upon;

(6) Contain an initial or final order disposing of all contested issues;

(7) Contain a statement describing the available post-hearing remedies.

AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-935 ~~((REPLY TO EXCEPTIONS))~~ PETITION FOR REVIEW AND REPLIES. ~~((Any party may, within ten days or such further time as the board may allow, submit a reply to exceptions or a written brief or statement of position regarding the matters on which exceptions were taken.))~~ (1) Any party to an adjudicative proceeding may make a petition for review of an initial order.

(2) The petition for review shall be made, by mail or otherwise, with the board within twenty days of the date of mailing of the initial order unless the order specifies otherwise. Copies of the petition shall be served upon all other parties or their representatives at the time the petition is made.

(3) The petition for review shall specify the portions of the initial order to which exception is taken and shall refer to the evidence of record which is relied upon to support the petition. The original and four copies of the petition shall be provided to the board.

(4) Any party may make a reply to a petition for review. The reply shall be made, by mail or otherwise, with the board within ten days of the date of service of the petition. Copies of the reply shall be served upon all other parties or their representatives at the time the reply is made. The original and four copies of the reply shall be provided to the board.

(5) The board may require the parties to submit written briefs or statements of position or to appear and present oral argument regarding the matters on which exceptions were taken, within such time and on such terms as may be prescribed. The board may schedule a hearing to take additional evidence if it deems it necessary or helpful to reach a proper result.

#### AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-940 FINALITY OF ~~((PROPOSED))~~ INITIAL DECISION. If ~~((exceptions are))~~ a petition for review is not filed, the ~~((proposed))~~ initial decision may be adopted by the board and become the board's final decision. Such adoption of the ~~((proposed))~~ initial decision shall be the final decision of the board.

#### AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-945 FINAL DECISION FOLLOWING ~~((PROPOSED))~~ INITIAL DECISION—RECORD. (1) After the filing of ~~((exceptions))~~ a petition for review and any ~~((responses))~~ replies, the record before the board shall be considered by at least two members of the board.

(2) The record before the board shall consist of the decision or order from which appeal was taken, the notice of appeal, responsive pleadings, if any, and any other notices, written applications, motions, stipulations, requests, prehearing orders, and the initial decision or order of the presiding officer. The record shall also include all depositions admitted at the hearing, the transcript of testimony, if any, and other proceedings at the hearing, together with all exhibits.

#### AMENDATORY SECTION (Amending Order 89-02, filed 5/2/89)

WAC 456-09-955 PETITION FOR RECONSIDERATION. After a final decision has been issued, any party may file a petition for reconsideration with the board as provided by RCW 34.05.470. Such petition must be ~~((filed))~~ made, by mail or otherwise, within ten days from the mailing of the final decision, and shall state the specific grounds upon which relief is requested. The original and four copies of the petition for reconsideration shall be filed with the board and served upon all parties and representatives of record. The board may require that ~~((an answer))~~ a response be ~~((filed))~~ made and served in the same manner. The filing of a petition for reconsideration shall suspend the final decision until action by the board. The board may deny the petition, modify its decision, or reopen the hearing. ~~((A petition for reconsideration is not available where a proposed decision was first issued.))~~ The petition shall be deemed denied if, within twenty days from the date the petition is received by the board, the board does not either: (1) Dispose of the petition; or (2) serve the parties with a written notice specifying the date by which it will act on the petition. The disposition shall be in the form of a written order denying the petition, granting the petition and dissolving or modifying the final order, or granting the petition and setting the matter for further hearing.

#### NEW SECTION

WAC 456-09-960 RECORD ON APPEAL. When an appeal is taken to superior court from a decision of the board rendered in a formal proceeding, the appealing party is responsible for ordering and paying for the transcript of the testimony from the court reporter.

## WSR 90-08-008 PROPOSED RULES DEPARTMENT OF FISHERIES

[Filed March 23, 1990, 2:13 p.m.]

Original Notice.

Title of Rule: Personal use and commercial licensing rules.

Purpose: Amend personal use razor clam licenses and provide documentation requirement.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Delete razor clam stamp requirement and provide documentation/registration at time of license issuance.

Reasons Supporting Proposal: The razor clam stamp is redundant. Proof of ownership of vessel is needed.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, 115 General Administration Building, Olympia, 586-2429; Implementation: Sharon Whitehead, 115 General Administration Building, Olympia, 753-6517; and Enforcement: James W. McKillip, 115 General Administration Building, Olympia, 753-6585.

Name of Proponent: Washington State Department of Fisheries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The requirement for a clam stamp on a personal use license form is eliminated as possession of the tag is required in any case. Making the license be the tag reduces redundancy and saves money and time for the agency and the fisher. Requiring proof of vessel ownership at license renewal ensures licensing qualified persons. Requiring documentation ensures licensing only qualifying vessels. Documentation of vessels over five net tons is a current federal requirement, no new state requirements are being imposed for such vessels. The one-time letter requirement reduces the burden being imposed on vessel owners not needing documentation.

Proposal Changes the Following Existing Rules: Eliminates redundancy in razor clam licensing; and makes proof of current vessel registration or documentation a condition of licensing commercial vessels.

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

The razor clam licensing change does not effect 10% of the businesses in any one three-digit industrial classification nor 20% of all businesses. The documentation presentation requirement conforms with existing federal regulations. The one-time letter will have negligible economic impact.

Hearing Location: Large Conference Room, General Administration Building, 210 11th Street, Olympia, WA, on May 8, 1990, at 10:00 a.m.

Submit Written Comments to: Hearings Officer, Fisheries, 115 General Administration Building, Olympia, WA 98504, by May 7, 1990.

Date of Intended Adoption: May 15, 1990.

March 22, 1990  
 Judith Merchant  
 Deputy  
 for Joseph R. Blum  
 Director

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: To correct previous rules to show correct licensing fees; and to establish licensing fees for physicians/physician assistants.

Proposal Changes the Following Existing Rules: Acupuncturists, late renewal penalty changed from \$400 to \$100; marriage/family therapists, late renewal penalty changed from \$200 to \$73.50; veterinarians, removed \$100 fee inadvertently inserted without being attached to any service; and physicians/physician assistants, to establish licensing fees.

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, Washington, on May 9, 1990, at 9:00 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 8, 1990.

Date of Intended Adoption: May 14, 1990.

March 22, 1990  
 Pam Campbell Mead  
 Deputy Secretary  
 for Kristine M. Gebbie  
 Secretary

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-55-010 RAZOR CLAM LICENSE (~~AND RAZOR CLAM TAG~~). (1) A personal-use razor clamming license, hereinafter designated "razor clam license," shall consist of a (~~razor clam license stamp printed by the department of fisheries which has been affixed to a recreational license form and on which recreational license form is written the licensee's razor clam tag number. The license shall be invalid unless the angler identification information on the recreational license form has been completed and the licensee has signed the recreational license form.~~

(2) ~~A razor clam tag shall consist of a~~) tag issued by the department on which is printed the razor clam (~~tag~~) license number. The razor clam (~~tag~~) license shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, nonresident, or juvenile-senior citizen.

AMENDATORY SECTION (Amending Order 89-05, filed 3/20/89)

WAC 220-55-015 VALID RAZOR CLAM LICENSE (~~AND TAG~~) REQUIRED. It shall be unlawful for any person to take or possess razor clams without having in his possession a valid razor clam license (~~and razor clam tag~~). The razor clam (~~tag~~) license must be displayed on outer clothing while digging razor clams or in possession of razor clams on the digging beach.

AMENDATORY SECTION (Amending Order 89-44, filed 6/8/89)

WAC 220-20-017 COMMERCIAL (~~SALMON~~) FISHING LICENSES—APPLICATION AND RENEWAL. (1) The license application deadline for commercial salmon licenses is December 31.

(2) Commercial license applications for vessels measuring 26 feet or greater in length must be accompanied by a copy of the United States Coast Guard Certificate of Documentation valid at the time of license application or renewal, or by a letter from the United States Coast Guard stating that the vessel does not qualify for documentation. Such letter, once submitted, shall be deemed proof of exemption from documentation requirements and need not be resubmitted annually.

(3) Commercial license applications for vessels exempt from documentation or less than 26 feet in length must be accompanied by a copy of the current vessel registration, valid at the time of license application or renewal.

**WSR 90-08-009**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed March 23, 1990, 2:28 p.m.]

Original Notice.

Title of Rule: Professional licensing fees.

Purpose: To correct previous rules for acupuncturists, counselors and veterinarians; and to establish licensing fees for physicians/physician assistants.

Statutory Authority for Adoption: RCW 43.70.250.

Summary: To correct licensing fees for acupuncturists, counselors and veterinarians; and to establish licensing fees for physicians/physician assistants.

Reasons Supporting Proposal: RCW 43.70.250 requires each program to be funded through licensing fees.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Chris Rose, 1300 Quince Street, Olympia, 753-3234.

AMENDATORY SECTION (Amending Order PM 854, filed 8/29/89, effective 9/29/89)

WAC 308-52-590 PHYSICIAN AND SURGEON FEES. The following fees shall be charged by the professional licensing division of the department of (~~licensing~~) health:

Title of Fee	Fee
Physician and surgeons:	
Application with examination or reexamination (both components)	\$ <del>(375.00)</del> 600.00
Examination or reexamination (component I)	<del>(170.00)</del> 295.00
Examination or reexamination (component II)	<del>(195.00)</del> 320.00
Applicants (without full examination)	<del>(150.00)</del> 300.00
Renewal	<del>(35.00)</del> 107.50
Renewal effective April 1, 1991	100.00
Late renewal penalty	<del>(15.00)</del> 50.00
Disciplinary assessment	<del>(35.00)</del> 107.50
Disciplinary assessment effective April 1, 1991	100.00
Surcharge-impaired physician Certification	<del>(25.00)</del> 50.00
Duplicate license	15.00
Limited license:	
Limited license application	<del>(75.00)</del> 200.00
<del>(Original license</del>	<del>45.00)</del>
Renewal	<del>(35.00)</del> 107.50
Renewal effective April 1, 1991	100.00
Duplicate license	15.00

Title of Fee	Fee
Disciplinary assessment	((35.00))
	107.50
<u>Disciplinary assessment effective April 1, 1991</u>	<u>100.00</u>
Surcharge-impaired physician	25.00
Physician's assistants:	
Application	((25.00))
	50.00
Renewal	((10.00))
	<u>35.00</u>
Duplicate license	15.00

**AMENDATORY SECTION** (Amending Order 029, filed 2/7/90, effective 3/10/90)

WAC 308-190-010 FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title	Fee
Certified mental health counselor:	
Application and certification	\$125.00
Application assessment	6.00
Examination	145.00
Retake examination	120.00
Renewal	70.00
Renewal assessment	3.50
Late renewal penalty	73.50
Duplicate license	62.00
Certification/verification	50.00
Certified social worker:	
Application and certification	105.00
Application assessment	5.00
Examination	140.00
Retake examination	120.00
Renewal	70.00
Renewal assessment	3.50
Late renewal penalty	73.50
Duplicate license	62.00
Certification/verification	50.00
Certified marriage/family therapist:	
Application and certification	125.00
Application assessment	6.00
Written examination	140.00
Oral examination	140.00
Retake examination—Written	140.00
Retake examination—Oral	140.00
Renewal	70.00
Renewal assessment	3.50
Late renewal penalty	((200.00))
	73.50
Duplicate license	62.00
Certification/verification	50.00
Registered counselor:	
Application and registration	75.00
Application assessment	3.50
Renewal	70.00
Renewal assessment	3.50
Late renewal penalty	73.50
Duplicate license	42.00
Certification/verification	50.00
Registered counselor-hypnotherapist:	
Application and registration	75.00
Application assessment	3.50
Renewal	70.00
Renewal assessment	3.50
Late renewal penalty	73.50
Duplicate license	42.00
Certification/verification	50.00

**AMENDATORY SECTION** (Amending Order 029, filed 2/7/90, effective 3/10/90)

WAC 308-152-030 VETERINARY FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Veterinarian:	
National board examination (NBE) (initial/retake)	\$150.00
Clinical competency test (CCT) (initial/retake)	130.00
State examination (initial exam/initial license)	225.00
State examination (retake)	150.00
Impaired veterinarian assessment	25.00
Temporary permit	100.00
	((100.00))
Renewal	115.00
Impaired veterinarian assessment	25.00
Late renewal penalty	140.00
Duplicate license	15.00
Certification	25.00
Animal technician:	
National examination (initial/retake)	95.00
State examination (initial/retake)	100.00
Initial license	60.00
Renewal	60.00
Late renewal penalty	60.00
Duplicate license	15.00
Certification	25.00

**AMENDATORY SECTION** (Amending Order 029, filed 2/7/90, effective 3/10/90)

WAC 308-180-260 ACUPUNCTURE FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Application	\$125.00
Written examination	125.00
Practical examination	250.00
Annual license renewal	450.00
Late renewal penalty	((400.00))
	100.00
Duplicate license	15.00
Certification	25.00
Acupuncture training program application	500.00

**WSR 90-08-010  
PERMANENT RULES  
UTILITIES AND TRANSPORTATION  
COMMISSION**

[Order R-316, Docket No. U-89-3323-R—Filed March 23, 1990, 3:39 p.m.]

In the matter of amending WAC 480-120-138 relating to customer-owned pay telephones.

This action is taken pursuant to Notice No. WSR 90-01-059 filed with the code reviser on December 15, 1989. The rule change hereinafter adopted shall take effect pursuant to RCW 34.05.380(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 34.05 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).

Pursuant to Notice No. WSR 90-01-059 the above matter was scheduled for consideration at 9:00 a.m., Wednesday, January 24, 1990, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini.

Under the terms of said notice, interested persons were afforded the opportunity to submit data, views, or arguments to the commission in writing prior to January 15, 1990, and orally at 9:00 a.m., Wednesday, January 24, 1990, in the Commission's Hearing Room above noted. At the January 24, 1990, meeting the commission considered the rule change proposal. Written comments were received from Fred E. Logan of GTE Northwest Incorporated; Hal Lincoln of Contel of the Northwest, Inc.; Edward T. Shaw on behalf of US West Communications; Catherine L. Phillips on behalf of Tri-Star Marketing Corporation of North Myrtle Beach; Louis A. Harris on behalf of International Pacific, Inc.; and Dale Wittner on his own behalf. Oral communications were presented by Louis A. Harris for International Pacific, Inc.; Miles Moran for US West Communications; Hal Lincoln for Contel of the Northwest, Inc.; Jack Doyle for Washington Independent Telephone Association; Dale Wittner on his own behalf; Ron McDougall for Northwest Pay Phone Association; and Sheila McKinnon for GTE Northwest Incorporated.

The rule change affects no economic values.

In reviewing the entire record herein, it has been determined that WAC 480-120-138 should be amended to read as set forth in Appendix A shown below and by this reference made a part hereof. WAC 480-120-138 as amended will make pay telephones owned and operated by local exchange companies subject to equipment requirements of the rule, equalizing relationships with COCOT providers; revise notice requirements, and provide for one-way calling, extension telephones, and credit card calling in some circumstances.

#### ORDER

WHEREFORE, IT IS ORDERED That WAC 480-120-138 as set forth in Appendix A, be amended as a rule of the Washington Utilities and Transportation Commission to take effect pursuant to RCW 34.05.380(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 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 22nd day of March, 1990.

Washington Utilities and Transportation Commission  
Sharon L. Nelson, Chairman  
Richard D. Casad, Commissioner  
A.J. Pardini, Commissioner

#### APPENDIX "A"

AMENDATORY SECTION (Amending Order R-239, Cause No. U-85-45, filed 9/20/85)

WAC 480-120-138 (~~CUSTOMER-OWNED~~) PAY TELEPHONES—LOCAL AND INTRASTATE. Every telecommunications company operating an exchange within the state of Washington may allow (~~customer-owned~~) pay telephones to be connected to the company's network for purposes of interconnection and use of registered devices for local and intrastate communications. Every such telecommunications company offering such service shall file tariffs with the commission (~~which shall set~~) setting rates and conditions (~~of service and shall allow~~) applicable to the connection of (~~customer-owned~~) pay telephones to the local and intrastate network under the following terms and conditions. Local exchange companies that do not have a public access line tariff on file with the commission shall not be subject to these rules.

For purposes of these rules "pay telephone" is defined as equipment connected to the telephone network in one of the following modes:

(a) Coin operated: A telephone capable of receiving nickels, dimes, and quarters to complete telephone calls. Credit card or other operator-assisted billing may be used from a coin-operated instrument.

(b) Coinless: A pay telephone where completion of calls, except emergency calls, must be billed by an alternative billing method such as credit card, calling cards, third-party billing, or billed in connection with the billing of meals, goods, and/or services. These pay phones include, but are not limited to, charge-a-call, cordless, tabletop, and credit card stations.

For purposes of these rules, the term "subscriber" is defined as a party (~~subscribing for a pay telephone~~) requesting or using a public access line for the purpose of connecting a (~~customer-owned~~) pay telephone to (~~a local exchange~~) the telephone network.

(1) (~~Customer-owned~~) Pay telephones (~~must be~~) connected to the company network (~~in compliance~~) must comply with Part 68 of the Federal Communications Commission rules and regulations and the current National Electric Code and National Electric Safety Code, and must be registered with the Federal Communications Commission, or installed behind a coupling device which has been registered with the Federal Communications Commission.

(2) All (~~customer-owned~~) pay telephones shall provide dial tone first to assure emergency access to operators without the use of a coin.

(3) The caller must be able to access the operator and 911 where available without the use of a coin (~~the operator and 911 where available~~).

(4) The subscriber shall pay the local directory assistance charge currently in effect for each (~~customer-owned~~) pay telephone and may charge the user for directory assistance calls. The charge for each directory assistance call paid by the user shall not exceed the current per call charge paid by the subscriber.

(5) Emergency numbers (e.g., operator assistance and 911) must be clearly posted ~~((at))~~ on each ((location of a customer-owned)) pay telephone.

(6) Information ~~((must be displayed on the customer-owned pay telephone))~~ consisting of ~~((local address and))~~ the name, address, telephone number of the owner, or the name of the owner and a toll-free telephone number where a caller can obtain assistance in the event the ((customer-owned)) pay telephone malfunctions in any way, and procedures for obtaining a refund from the subscriber, and notice that the customer-owned pay telephone is not being provided by the local telephone company)) must be displayed on the front of the pay telephone.

The following information shall also be posted on or adjacent to the telephone instrument:

(a) "An accurate quotation of all rates and surcharges is available to the user by dialing '0' and requesting costs"; and

(b) The notice required by WAC 480-120-141(1).

In no case will the charges to the user exceed the quoted costs.

(7) The telephone number of the ~~((customer-owned))~~ pay telephone must be displayed on each instrument.

(8) The subscriber shall ensure that the ~~((customer-owned))~~ pay telephone is compatible for use with hearing aids and its installation complies with all applicable federal, state, and local laws and regulations concerning the use of telephones by disabled persons.

(9) The ~~((customer-owned))~~ pay telephone, if coin operated, must return the coins to the caller in the case of an incomplete call and must be capable of receiving nickels, dimes, and quarters. Local exchange company pay telephones shall not be subject to the requirements of this subsection.

(10) All ~~((customer-owned))~~ pay telephones must be capable of providing access to all interexchange carriers where such access is available. If requested by the subscriber, the local exchange company providing the public access line shall supply restriction, where available, which prevents fraud to the 10XXX 1+ codes, at appropriate tariffed rates.

(11) ~~((Pay telephone access lines must provide two-way service and there shall be no charge imposed by the subscriber for incoming calls.))~~ Except for service provided to hospitals, libraries, or similar public facilities in which a telephone ring might cause undue disturbance, or upon written request of a law enforcement agency, coin-operated pay telephones must provide two-way service, and there shall be no charge imposed by the subscriber for incoming calls. This subsection will not apply to pay telephones arranged for one-way service and in service on May 1, 1990. Should an existing one-way service be disconnected, change telephone number, or change financial responsibility, the requirements of this subsection shall apply. All pay telephones confined to one-way service shall be clearly marked on the front of the instrument.

(12) ~~((Customer-owned))~~ Pay telephones ~~((may))~~ shall be connected only to ~~((pay telephone))~~ public access lines in accordance with the approved tariffs offered

by the local ~~((telephone))~~ exchange company. Local exchange company pay telephones are not subject to this requirement.

(13) A subscriber must order a separate pay telephone access line for each ~~((customer-owned))~~ pay telephone installed ~~((and will be billed the tariffed rate for each pay telephone access line. No other telecommunications instrument may be connected to a pay telephone access line)).~~

~~((14))~~ Extension telephones may be connected to a pay telephone access line when the instrument:

(a) Prevents origination of calls from the extension station; and

(b) Prevents third party access to transmission from either the extension of the coin-operated telephone instrument.

Local exchange companies are exempted from (b) of this subsection.

(14) Credit card operated pay telephones shall clearly identify all credit cards that will be accepted.

(15) Involuntary changes in telephone numbers upon conversion of pay telephones from local exchange company-owned to privately-owned pay telephones are prohibited.

(16) No fee shall be charged for nonpublished numbers on a public access line.

(17) Cordless and tabletop pay telephones shall not be connected to the telephone network except under the following conditions:

(a) The bill for usage is tendered to the user before leaving the premises where the bill was incurred or alternatively billed at the customer's request; and

(b) The user is notified verbally or on the instrument that privacy on cordless and tabletop telephones is not guaranteed; and

(c) When other electrical devices are equipped with filters, as necessary, to prevent interference with the pay telephone.

(18) Violations of the tariff, commission rules pertaining to ~~((customer-owned))~~ pay telephone service, or other requirements contained in these rules will subject ~~((customer-owned))~~ pay telephone to disconnection of service if the deficiency is not corrected within five days from date of written notification to the subscriber. WAC 480-120-081 (4)(g) shall not apply to such disconnections.

It shall be the responsibility of every ~~((telecommunications))~~ local exchange company ~~((operating an exchange))~~ to assure that any subscriber taking service pursuant to these rules and to tariffs filed pursuant to these rules meets all of the terms and conditions contained within these rules and the tariffs so filed. It shall be the duty of the local ~~((telecommunications))~~ exchange company to enforce the terms and conditions contained herein.

It shall be the responsibility of the local ~~((telecommunications))~~ exchange company to provide free of charge one current telephone directory each year for each ~~((pay telephone))~~ public access line. It shall be the responsibility of the subscriber to make a reasonable effort to assure a current directory is available at every pay telephone location.

~~((The pay telephone))~~ Public access lines ~~((for a customer-owned telephone))~~ will be charged at rates according to the relevant tariff as approved by the commission.

~~((Pay telephones owned and operated by the local telecommunications company or any interexchange carrier tariffed to do business in Washington shall not be subject to these rules.))~~

**WSR 90-08-011**  
**PERMANENT RULES**  
**DEPARTMENT OF HEALTH**  
**(Board of Dental Examiners)**  
 [Filed March 26, 1990, 3:27 p.m.]

Date of Adoption: March 21, 1990.

Purpose: New section WAC 308-40-107 Application for licensure—AIDS education requirements, to implement RCW 70.24.270.

Statutory Authority for Adoption: RCW 70.24.270.

Pursuant to notice filed as WSR 90-04-085 on February 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 21, 1990

Johnny N. Johnson, D.D.S.  
 Board Chair

NEW SECTION

WAC 308-40-107 APPLICATION FOR LICENSURE—AIDS EDUCATION REQUIREMENTS. (1) Definitions.

(a) "Acquired immunodeficiency syndrome" or "AIDS" means the clinical syndrome of HIV-related illness as defined by the board of health by rule.

(b) "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 70.24 RCW.

(2) Application for licensure. Effective May 1, 1990 persons applying for licensure shall submit, in addition to the other licensure requirements, evidence to show compliance with the education requirements of subsection (3).

The board will accept courses taken since January 1, 1986 which fulfill the requirements of the hours and topics listed in subsection (3).

(3) AIDS education and training. Acceptable education and training. The board will accept formal lecture-type education and training that is consistent with the topical outline available from the Office on AIDS. Such education and training shall be a minimum of seven clock hours. As an alternative to formal lectures, the board will also accept education and training obtained through videos and/or self-study materials, PROVIDED THAT such videos and/or self-study materials must include a written examination that is graded by the provider of the materials.

All education and training shall include the subjects of prevention, transmission and treatment of AIDS.

(4) Documentation. The applicant shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1986;

(b) Keep records for two years documenting attendance and description of the learning;

(c) Be prepared to validate, through submission of these records, that attendance has taken place.

**WSR 90-08-012**  
**PROCLAMATION**  
**OFFICE OF THE GOVERNOR**  
 [No. 90-03]

**TERMINATING AN EMERGENCY**

I, Booth Gardner, Governor of the State of Washington, pursuant to RCW 43.06.210, do hereby terminate the proclamation of January 12, 1990, which declared a state of emergency in Washington State due to wind and flood damage.

IN WITNESS WHERE-OF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 26th day of March, A.D., nineteen hundred and ninety.

Booth Gardner

\_\_\_\_\_  
 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
 Secretary of State

**WSR 90-08-013**  
**PROCLAMATION**  
**OFFICE OF THE GOVERNOR**  
 [No. 90-04]

On February 10 and 12, 1990, following several weeks of heavy rain, high tides, and snowfall, catastrophic earth slides occurred in Clallam and Wahkiakum Counties. The slide in Clallam County destroyed approximately 360 feet of State Route 112 at Milepost 36.2, severing access to the peninsula communities. The slide in Wahkiakum County destroyed approximately 1,000 feet of State Route 4 at Milepost 24.5, severing access to local and coastal communities. The many communities in both areas depend on these highways for commerce and tourism; as a result, the economic impact is both immediate and severe.

The Department of Community Development has implemented the state's Comprehensive Emergency Management Plan, coordinating with the Washington State Department of Transportation and others to support local officials in alleviating the immediate threats to people

and property and assessing the magnitude of the damage and impact. The severity and magnitude of the destruction and damage from the heavy rains and slides are beyond the capabilities of the affected political subdivisions and the State of Washington.

NOW, THEREFORE, I, BOOTH GARDNER, Governor of the State of Washington, as a result of the aforementioned situation and under the provisions of Chapters 43.06 and 38.52 Revised Code of Washington, do hereby proclaim that a State of Emergency exists in Clallam and Wahkiakum Counties. State agencies and departments are directed to utilize state resources and do everything possible to assist the affected political subdivisions in an effort to cope with the emergency. Additionally, the Department of Community Development, Division of Emergency Management, is instructed to coordinate all state assistance to the affected areas and to make a determination of the need for federal disaster assistance.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 26th day of March, A.D., nineteen hundred and ninety.

Booth Gardner

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

**WSR 90-08-014**  
 NOTICE OF PUBLIC MEETINGS  
**WASHINGTON STATE UNIVERSITY**  
 [Memorandum—March 13, 1990]

It has become necessary for the board of regents of Washington State University to change the date of the June meeting. I wrote to you on May 2, 1989, indicating that the meeting would be on June 22, 1990, at a site to be determined.

The regents have now changed the meeting date from June 22 to June 27, 1990. The meeting will start about 8:30 a.m. in the Washington Mutual Savings Bank, 1201 Third Avenue, Seattle.

**WSR 90-08-015**  
 NOTICE OF PUBLIC MEETINGS  
**WASHINGTON STATE UNIVERSITY**  
 [Memorandum—March 13, 1990]

At the meeting on February 2, 1990, the board of regents of Washington State University established the following dates for meetings of the board of regents for July 1, 1990, through June 30, 1991:

August 6, 1990	Site to be determined
September 14, 1990	Pullman
October 12, 1990	Pullman
November 16, 1990	Spokane
February 1, 1991	Pullman
April 5, 1991	Pullman
May 10, 1991	Pullman
June 28, 1991	Site to be determined

**WSR 90-08-016**  
 NOTICE OF PUBLIC MEETINGS  
**WASHINGTON INSTITUTE  
 OF APPLIED TECHNOLOGY**  
 [Memorandum—March 27, 1990]

BOARD OF DIRECTORS MEETING  
 Wednesday, March 28, 1990  
 7:30 a.m.  
 WIAT Sixth Floor Boardroom

**WSR 90-08-017**  
 EMERGENCY RULES  
**DEPARTMENT OF AGRICULTURE**  
 [Filed March 27, 1990, 4:20 p.m.]

Date of Adoption: March 27, 1990.

Purpose: Restricts the use of certain herbicides and pesticides.

Citation of Existing Rules Affected by this Order: Amending WAC 16-228-164 and 16-230-615.

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

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 private applicator's fee required by HB 2222 has discouraged citizens in these three counties from renewing their private applicator's license. These licenses are required to purchase 2,4-D in one gallon containers which sells at a much lower price than smaller containers. The control of noxious weeds is very important to agriculture and this change would be of great assistance in empowering landowners to control noxious weeds in this area. There are no commercial noxious weed applicators available in this area.



The only change for weed control is keeping land owners enlisted on controlling their noxious weeds.

Effective Date of Rule: Immediately.

March 27, 1990  
 Michael V. Schwisow  
 Deputy Director  
 for C. Alan Pettibone  
 Director

**AMENDATORY SECTION [(Amending Order 2022, filed 11/30/89, effective 12/31/89)]**

WAC 16-228-164 STATE RESTRICTED USE PESTICIDES FOR USE BY CERTIFIED APPLICATORS ONLY. (1) Pesticides containing the following active ingredients are hereby declared state restricted use pesticides for the protection of groundwater and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator and only for those uses covered by the certified applicator's license category(s).

Common Chemical Name    Also Known As\*

alachlor	Lasso
aldicarb	Temik
atrazine	
bromacil	Hyvar, Krovar
carbofuran	Furadan
cyanazine	Bladex
DCPA	Dacthal
1,3-dicloropropene	Telone
disulfoton	Di-Syston
diuron	Karmex, Krovar
heptachlor	
hexazinone	Velpar
metolachlor	Dual
metribuzin	Lexone, Sencor
oxamyl	Vydate
picloram	Tordon
prometon	Pramitol
simazine	Princep
tebuthiuron	Spike

\*This column is to be used only as a guide and may not include all brand or trade names under which these chemicals are distributed.

(2) Pesticides defined by the following categories are hereby declared state restricted use pesticides and shall be distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives. These pesticides shall be used or applied only by certified applicators or persons under the direct supervision of a certified applicator, and only for those uses covered by the certified applicator's license category. Dealers shall keep records as defined in subsection (4) of this section, and shall furnish the records to the director as defined in subsection (7) of this section.

(a) Any EPA restricted use pesticide not listed in this rule.

(b) 2,4-D - all dry formulations and all liquid formulations distributed in packages of one gallon and larger

to be used in counties located east of the crest of the Cascade Mountains. The following types of formulations are exempt from this requirement:

(i) Dry formulations labeled and intended for home and garden use only;

(ii) One gallon containers of liquid amine formulations packaged as ready-to-use products, labeled for consumer use; and

(iii) One gallon containers of liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use.

(iv) Liquid formulations of any concentration in containers up to and including one gallon in size when purchased and used within Ferry, Stevens, and Okanogan Counties for noxious weed control.

(3) Pesticides which are not classified as EPA restricted use pesticides and which are labeled and intended only for the following uses are exempt from the requirements of this section:

(a) Home and garden use;

(b) Pet products;

(c) Cooling tower, air conditioner, industrial systems and humidifier biocides;

(d) Use within wholly enclosed structures (with floors) or fumigation chambers. Greenhouses are not considered as wholly enclosed structures.

(4) Pesticide dealers shall keep records of distribution of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of seven years from the date of distribution. The records shall contain the following information:

(a) Name and address of purchaser;

(b) Name and address of certified applicator (if different from (a) above);

(c) Name of authorized agent (if applicable);

(d) Brand and specific pesticide name and/or EPA registration number;

(e) Number of pounds or gallons of the pesticide distributed;

(f) Date of distribution;

(g) Certified applicator number.

(5) Certified applicators may designate authorized agent(s) for the purpose of purchasing or receiving restricted use pesticides listed in subsections (1) and (2) of this section by making previous arrangements with the pesticide dealer, or the authorized agent may provide written authorization to the dealer at the time of purchase. At the time of purchase by an authorized agent the pesticide dealer shall require the certified applicator's name and license or certification number.

(6) Certified applicators shall keep records of applications of state restricted use pesticides specified by common chemical name in subsections (1) and (2) of this section for a period of seven years from the date of application, and the records shall contain the information specified in WAC 16-228-190.

(7) Records required by subsections (4) and (6) of this section shall be furnished to the director immediately upon request.

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

AMENDATORY SECTION [(Amending Order 1923, filed 4/6/87)]

**WAC 16-230-615 RESTRICTED USE HERBICIDES—EASTERN WASHINGTON—SALE AND DISTRIBUTION.** *Liquid formulations of restricted use herbicides distributed in packages of one gallon or larger in counties located east of the crest of the Cascade Mountains shall be sold and distributed only by licensed pesticide dealers to certified applicators or their duly authorized representatives except for liquid amine formulations of ready-to-use products, or liquid amine formulations containing fifteen percent or less of restricted use herbicides, labeled for consumer use in containers up to and including one gallon in size or liquid formulations of any concentration of 2,4-D in containers up to and including one gallon in size when purchased and used within Ferry, Stevens, and Okanogan Counties for noxious weed control.*

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

**WSR 90-08-018**  
**PERMANENT RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed March 28, 1990, 11:30 a.m.]

Date of Adoption: March 26, 1990.

Purpose: WAC 308-93-010, adds a cruising license definition; WAC 308-93-050, adds additional exemptions as in RCW 88.02.028; WAC 308-93-140, adds directions for vessel decal size and color; and WAC 308-93-660, destruction of records by the director.

Citation of Existing Rules Affected by this Order: Amending WAC 308-93-010, 308-93-050 and 308-93-140.

Statutory Authority for Adoption: RCW 88.02.100 and 88.02.120.

Pursuant to notice filed as WSR 90-01-048 on December 14, 1989.

Changes Other than Editing from Proposed to Adopted Version: Editing changes only.

Effective Date of Rule: Thirty-one days after filing.

March 26, 1990

Mary Faulk  
 Director

AMENDATORY SECTION (Amending Order TL/RG-32, filed 4/22/87)

**WAC 308-93-010 DEFINITIONS.** Unless the context clearly indicates otherwise, the following definitions apply to the rules in this chapter:

(1) "Alien vessel" means a vessel owned by a resident of a country other than the United States.

(2) "Carpenter certificate" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(3) "Commercial fishing" means operating under a currently valid commercial or charter fishing license.

(4) "Declaration of value form" means the department of revenue form used when a vessel is acquired by lease or gift, homemade or the most recent purchase price is not known to declare the value for purposes of assessing excise tax.

(5) "Director" means the director of the department of licensing.

(6) "Documented vessel" means a vessel that is documented by the United States Coast Guard and is issued a valid marine certificate.

(7) "Exclusively" means solely and without exception.

(8) "Foreign vessel" means a vessel owned by a resident of another state registered in accordance with the laws of the state in which the owner resides.

(9) "Legal owner" means a person, business, or institution having a security interest in a vessel perfected in accordance with RCW 46.12.095 or the registered owner of a vessel unencumbered by a security interest or the lessor of a vessel unencumbered by a security interest.

(10) "Lifeboat" means craft used exclusively for life-saving purposes.

(11) "Manufacturer's statement of origin (MSO)" means a certificate issued by a manufacturer describing the vessel for which such certificate is issued and certifying the first conveyance of said vessel after its manufacture.

(12) "Overall length" means a straight line measurement of the overall distance from the foremost point of the vessel to the aftermost part of the vessel, measured parallel to the centerline. Bow sprits, bumpkins or boomkins, rudders, outboard motor brackets, outdrive units, propellers, and similar fittings or attachments are not included in the measurement.

(13) "Prebill" means the notice to renew a vessel registration that is mailed by the department to the registered owner.

(14) "Previous ownership document" means the last issued certificate of title and/or registration.

(15) "Primarily" means the principal purpose for which a vessel is used when considered in conjunction with all of its uses.

(16) "Propulsion machinery" means any device providing motion to a vessel through such means as combustion, steam, or electric machinery.

(17) "Registered owner, owner," synonymous terms used interchangeably, mean a person who has a lawful right to possession of a vessel, whether or not the vessel is subject to a security interest.

(18) "Tender" means a craft used exclusively to furnish transportation from a larger vessel to shore and return.

(19) "Use of waters" means to navigate, operate, employ, or moor any vessel upon the waters.

(20) "Valid marine document" means a document issued by the United States federal government which declares a vessel to be a documented vessel of the United States.

(21) "Vessel data form" means the information application completed by the applicant showing all required description data for the vessel registration and title.

(22) "Waters of this state" means any waters within the territorial limits of this state.

(23) "Time share" charters means leased vessels where none of the parties leasing the vessel under a "time share" option agreement are acquiring an equity in the vessel and there is no option to buy.

(24) "Houseboat" means any vessel as defined in RCW 88.02.010(1) and does not mean any building on a float used in whole or in part for human habitation as a single-family dwelling which is not designed for self propulsion by mechanical means, or for propulsion by means of wind, nor propelled by mechanical means or wind.

(25) "UCC" means Uniform Commercial Code.

(26) "UCC search" means a Uniform Commercial Code financing statement search pursuant to RCW 62A.9-407(2).

(27) "Cruising license" means an annual certificate issued by U.S. customs service pursuant to 19 C.F.R. Sec. 4.94, which exempts pleasure boats from certain countries from formal entry and clearance procedures, from payment of tonnage tax and clearance fees at all but the first port of entry.

#### AMENDATORY SECTION (Amending Order TL-RG-19, filed 11/19/85)

WAC 308-93-050 VESSELS EXEMPTED FROM REGISTRATION, EXCISE TAX AND TITLING. The following vessels are exempt from registration, titling, and the assessment of excise tax:

(1) Military or public vessels of the United States, except recreational-type public vessels;

(2) Vessels owned by a state or subdivision thereof, used principally for governmental purposes and clearly identifiable as such;

(3) ~~Vessels ((owned by a resident of a country other than the United States if the vessel is not physically located upon the waters of this state for a period of more than sixty days)) either:~~

(a) Registered or numbered under the laws of a country other than the United States; or

(b) Having a valid United States customs service cruising license issued pursuant to 19 C.F.R. Sec. 4.94;

(4) Vessels owned by a resident of another state if the vessel is registered in accordance with the laws of the state in which the owner resides, but only to the extent that a similar exemption or privilege is granted under the laws of that state for vessels registered in this state: PROVIDED, That any vessel which is validly registered in another state and which is physically located in this state for a period of more than sixty days is subject to registration under this chapter;

(5) ~~((A ship's lifeboat used solely for lifesaving purposes;))~~ Vessels owned by a resident of another state if the vessel is located upon the waters of this state exclusively for repairs or reconstruction, or any testing related to the repair or reconstruction conducted in this state if an employee of the repair facility is on board the vessel during any testing; provided, that if any vessel owned by a resident of another state is located upon the waters of this state exclusively for repairs, reconstruction, or testing for a period longer than sixty days, that the nonresident shall file an affidavit with the department of revenue verifying the vessel is located upon the waters of this

state for repair, reconstruction, or testing and shall continue to file such affidavit every sixty days thereafter while the vessel is located upon the waters of this state exclusively for repairs, reconstruction, or testing;

(6) All vessels under sixteen feet in overall length which have no propulsion machinery of any type or which are not used on waters subject to the jurisdiction of the United States or on the high seas beyond the territorial seas for vessels owned in the United States and are powered by propulsion machinery of ten or less horsepower;

(7) Vessels equipped with propulsion machinery of less than ten horsepower that:

(a) Are owned by the owner of a vessel for which a valid vessel number has been issued;

(b) Display the number of that numbered vessel followed by the suffix "1" in the manner prescribed by the department; and

(c) Are used as a tender for direct transportation between that vessel and the shore and for no other purpose;

(8) Vessels with no propulsion machinery of any type for which the primary mode of propulsion is human power;

(9) Vessels which are temporarily in this state undergoing repair or alteration;

(10) Vessels primarily engaged in commerce which have or are required to have a valid marine document as a vessel of the United States, including but not limited to:

(a) Commercial fishing vessels;

(b) Barges;

(c) Charter vessels, including, bare boat and time share charters.

(11) Vessels primarily engaged in commerce which are owned by a resident of a country other than the United States;

(12) A vessel not using the waters of this state;

(13) Commercial vessels which display decals issued annually by the department of revenue.

#### AMENDATORY SECTION (Amending Order TL/RG-10, filed 10/24/84)

WAC 308-93-140 DECALS—PLACEMENT, SIZE, AND COLOR. Upon registration, the applicant will ~~((receive))~~ be issued a registration ~~((document))~~ certificate and two decals. ~~((The))~~ One decal((s)) must be affixed to each side ~~((of))~~ on the forward half of the vessel, except when the registration number is placed as provided by WAC 308-93-145 (2) and (3)(;)). The registration decals must be placed in line with and within six inches of the aft of the registration number. The decals must meet the requirements of subsections (1) and (2) of this section. Only the current registration year decals may be displayed.

(1) Decals must be approximately three inches square.

(2) The years in which ~~((each))~~ validation ((sticker)) decals expire~~((s))~~ must be indicated by the colors~~((;))~~ blue, international orange, green, and red, in rotation beginning with blue for ~~((stickers))~~ decals that expire ~~((in))~~ with 1985 expirations.

NEW SECTION

**WAC 308-93-660 DESTRUCTION OF RECORDS BY DIRECTOR.** The director, at her/his discretion, may destroy applications for vessel registrations, copies of vessel registrations issued, certificates of title and registration and other documents, records, supporting papers on file in the department which have been microfilmed or photographed or are more than five years old. If the applications for vessel registrations are renewal applications, the director may destroy such applications when the computer record has been updated.

**WSR 90-08-019**  
**NOTICE OF PUBLIC MEETINGS**  
**DEPARTMENT OF**  
**COMMUNITY DEVELOPMENT**  
**(Fire Protection Policy Board)**  
 [Memorandum—March 27, 1990]

This is to advise that the next regularly scheduled Fire Protection Policy Board meeting has been moved from May 17, 1990, to May 31, 1990. The meeting will be held at the Ramada Inn at Sea-Tac, beginning at 9:00 a.m.

**WSR 90-08-020**  
**PERMANENT RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Order 340—Filed March 28, 1990, 11:51 a.m., effective May 1, 1990]

Date of Adoption: March 8, 1990.

Purpose: This rule establishes the procedure for requesting grievance arbitration.

Citation of Existing Rules Affected by this Order: Amending WAC 356-42-055 Arbitration—Grievance—Procedure.

Statutory Authority for Adoption: RCW 41.06.040 and 41.06.150.

Pursuant to notice filed as WSR 90-03-104 on January 24, 1990.

Changes Other than Editing from Proposed to Adopted Version: The administrative rules adopted by the State Personnel Board on March 8, 1990, vary from the language originally proposed. The existing WAC 356-42-055 deals with the procedure for requesting arbitration and for scheduling and conducting hearings. The board adopted the language proposed in subsection (5) to remove the absolute requirement for an agency to file an answer to an arbitration petition and the language in subsection (10) to clarify that the grievant carries the burden of proof in an arbitration proceeding. The board rejected the proposals in subsections (6) and (7) which would have established a "striking" process for the parties to select an arbitrator on the grounds that the board intends to maintain the responsibility for designating such arbitrators. WAC 356-42-056 was a proposed new section specifically dealing with arbitration hearings.

The board adopted the language in subsection (2) to require the parties to attempt to stipulate issues to be arbitrated, the language proposed in subsection (5) to clarify that technical rules of evidence do not apply to arbitration proceedings, and the language proposed in subsection (7) to clarify that the general hearing procedures in chapter 356-37 WAC do apply to the proceedings. The above subsections were added to the existing WAC 356-42-055. The board rejected the language proposed in subsection (1) to permit the parties to establish the length of time for a hearing and the language in subsections (3) and (6) to place limitations on the rulings and/or questions which the board could raise. The board believed these proposals were too restrictive and would inhibit their ability to conduct meaningful arbitration.

Effective Date of Rule: May 1, 1990.

March 15, 1990  
 Dee W. Henderson  
 Secretary

AMENDATORY SECTION (Amending Order 331, filed 9/20/89, effective 10/21/89)

**WAC 356-42-055 ARBITRATION—GRIEVANCE—PROCEDURE.** Whenever arbitration of a grievance is requested of the personnel board pursuant to an agreement as authorized by WAC 356-42-050(2), the procedure set forth below shall apply:

(1) The request for arbitration shall be in the form of a complaint. It shall be filed on a form supplied by the personnel board, or in a writing containing the same information as required on the form within thirty calendar days or less from the date the director of personnel or designee indicates in writing that the mediation is at impasse. The request shall state the following:

(a) The name, address and telephone number of the party filing the request, and the name, address and telephone number of any principal representative.

(b) The name, address and telephone number of the opposing party, and, if known, the opposing party's principal representative.

(c) Clear and concise statements of the facts upon which the grievance is based, including times, dates, places and participants in occurrences.

(d) A listing of the applicable sections of the collective bargaining agreement, rules, policies, etc., upon which the grievance is based and which are claimed to be violated. A copy of the collective bargaining agreement or of the pertinent sections of the agreement shall be attached to the request for arbitration.

(e) A statement of the relief sought.

(f) The signature and, if any, the title of the person filing the request for arbitration.

(2) By mutual agreement the parties to the grievance may extend the thirty-day time frame for requesting arbitration established in subsection (1) of this section. Agreements to extend the time frame shall be reported in writing by the parties to the director of personnel.

(3) A copy of the original grievance and the agency's last written response to the grievance shall be attached to the request for arbitration.

(4) The personnel board's hearings coordinator shall review the request for arbitration to determine compliance with subsection (1) of this section. If the personnel board's hearings coordinator determines the request to be incomplete, he or she shall notify the person filing the request of the portions of the request which need to be supplemented or changed to comply with subsection (1) of this section. When the personnel board's hearings coordinator is satisfied that the request substantially complies with subsection (1) of this section he or she shall mail, or otherwise cause to be served, the request on the opposing party(ies). Any refusal by the personnel board's hearings coordinator to serve the request for arbitration on the opposing party is reviewable by the personnel board upon motion of the requesting party.

(5) Within thirty calendar days of service of the request for arbitration, or within such longer period as the personnel board may allow, the party receiving the request ~~((shall))~~ may answer the allegations of fact and contentions set forth in the request by admitting, denying, or setting forth doubt as to the truth or falsity of any particular alleged fact or contention. The answer shall be served on the grievant or, if represented, on the grievant's representative, at the same time it is filed with the personnel board. ((Failure to answer an allegation of fact within the time required, or admission of a fact in the answer, shall constitute a waiver by the answering party of the right to contest the fact in the arbitration proceeding, unless for good cause shown, the personnel board provides otherwise.)) If no answer is filed within the stated time, it will be assumed that the claim is denied. Failure to file an answer shall not operate to delay the arbitration. At the discretion of the personnel board for good cause shown, the request or the answer may be amended at any time prior to the end of the arbitration hearing.

(6) After receipt of the answer, or if no answer is timely filed, the personnel board's hearings coordinator shall set the matter for arbitration by the board or its designee. At least twenty days notice shall be given of the time and date of the arbitration unless both parties agree to a shorter time.

(7) ~~((The grievant shall have the burden of proof and shall go forward with the evidence.))~~ Prior to the arbitration hearing the parties shall attempt to reach agreement on the issue(s) to be arbitrated. If successful they shall jointly stipulate to the issue(s). The department of personnel representative who mediated the grievance shall be available to assist if requested. If a joint stipulation is not reached, each shall submit a statement on what they believe the issue(s) to be. In such cases the board or its designee shall state the issue(s) at the beginning of the hearing.

(8) Upon stipulation between the parties, the board or designee may grant the grievant's request to waive the right to an evidentiary hearing and thereafter require the parties to submit written evidence upon which the board or designee may act without a hearing.

(9) If the matter is heard directly by the board, a final and binding decision will be issued. If the matter is

heard by the board's designee, a recommended decision will be issued. Within thirty calendar days of its service, either party may request the board to review the designee's decision. The review will be limited to specific areas of the decision to which the party takes exception. The requesting party must provide written argument in support of the exceptions. The board will consider the exceptions and may in its discretion hear oral argument. Thereafter, the board will issue a decision which shall be final and binding on the parties. The designee's decision will become final and binding forty days after it was served on the parties if no exceptions are filed, unless the board calls a hearing to reconsider the decision.

(10) The grievant shall have the burden of proof and go forward with the evidence.

(11) The board or its designee shall be the judge of relevancy and materiality of evidence offered. Technical rules of evidence shall not apply to the proceedings.

(12) The provisions of WAC 356-37 (Hearings—General Procedures) shall apply to the conduct of grievance arbitration hearings, except as otherwise provided in WAC 356-42-055 and -056.

**WSR 90-08-021**  
**RULES COORDINATOR**  
**SOUTH PUGET SOUND**  
**COMMUNITY COLLEGE**  
 [Filed March 28, 1990, 2:27 p.m.]

This letter is to officially notify you that Patty Pynch has been designated as South Puget Sound Community College's administrative rules coordinator. She can be contacted at the President's Office, South Puget Sound Community College, 2011 Mottman Road S.W., Olympia, WA 98502, (206) 754-7711, ext. 202.

Kenneth J. Minnaert  
 President

**WSR 90-08-022**  
**PERMANENT RULES**  
**EDMONDS COMMUNITY COLLEGE**  
 [Filed March 28, 1990, 3:59 p.m.]

Date of Adoption: February 16, 1990.

Purpose: To adopt procedural rules for adjudicative proceedings.

Statutory Authority for Adoption: RCW 34.05.250.

Pursuant to notice filed as WSR 90-02-062 on January 2, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 27, 1990  
 Barbara Patterson  
 Director of Human Resources and  
 Assistant to the President

Chapter 132Y-108 WAC  
PRACTICE AND PROCEDURE

NEW SECTION

WAC 132Y-108-010 **ADOPTION OF MODEL RULES OF PROCEDURE.** The model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended, are hereby adopted for use at this institution. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and procedural rules previously adopted by this institution, the model rules prevail.

NEW SECTION

WAC 132Y-108-020 **APPOINTMENT OF PRESIDING OFFICERS.** The president or president's designee shall designate a presiding officer for an adjudicative proceeding. The presiding officer shall be an administrative law judge, a member in good standing of the Washington State Bar Association, a panel of individuals, the president or his or her designee, or any combination of the above. Where more than one individual is designated to be the presiding officer, one person shall be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

NEW SECTION

WAC 132Y-108-030 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

NEW SECTION

WAC 132Y-108-040 **APPLICATION FOR ADJUDICATIVE PROCEEDING.** An application for adjudicative proceeding shall be in writing. Application forms are available at the following address:

20000 68th Avenue West  
Lynnwood, WA 98036

Written application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless provided for otherwise by statute or rule.

NEW SECTION

WAC 132Y-108-050 **BRIEF ADJUDICATIVE PROCEDURES.** This rule is adopted in accordance with RCW 34.05.482 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Residency determinations.
- (2) Challenges to contents of education records.
- (3) Student conduct proceedings.
- (4) Parking violations.

- (5) Outstanding debts owed by students or employees.
- (6) Loss of eligibility for participation in institution-sponsored athletic events.

NEW SECTION

WAC 132Y-108-060 **DISCOVERY.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

NEW SECTION

WAC 132Y-108-070 **PROCEDURE FOR CLOSING PARTS OF THE HEARINGS.** A party may apply for a protective order to close part of a hearing. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore in writing within twenty days of receiving the request.

NEW SECTION

WAC 132Y-108-080 **RECORDING DEVICES.** No cameras or recording devices shall be allowed in those parts of proceedings which the presiding officer has determined shall be closed pursuant to WAC 132Y-108-010, except for the method of official recording selected by the institution.

**WSR 90-08-023****PROPOSED RULES****WASHINGTON STATE PATROL****(Commission on Equipment)**

[Filed March 29, 1990, 8:42 a.m.]

Original Notice.

Title of Rule: Chapter 204-48 WAC, Tires.

Purpose: Establishes the safe operating conditions of motor vehicle tires.

Statutory Authority for Adoption: RCW 46.37.005 and 46.37.425.

Summary: Clarifies requirements for motor vehicle tires.

Reasons Supporting Proposal: Brings administrative rules into conformance with federal standards.

Name of Agency Personnel Responsible for Drafting and Implementation: Lt. L. E. Klewin, 400 East Union, Olympia, (206) 753-0347; and Enforcement: Field Operations Personnel.

Name of Proponent: Washington State Patrol, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Rule clarifies what a safe motor vehicle tire is.

Proposal Changes the Following Existing Rules: Increases minimum required tread depth on the front tires of trucks, truck tractors and busses from 2/32" to 4/32" which is the same as federal standards. Rule also allows the use of "emergency" or "temporary use" tires that meet federal standards.

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

This rule will have no effect on industry.

Hearing Location: Washington State Patrol Supply Facility Conference Room, 4242 Martin Way, Olympia, WA 98504, on May 8, 1990, at 9:00 a.m.

Submit Written Comments to: Lt. Klewin, Washington State Patrol, ESR Section, AX-12, Olympia, Washington 98504, by May 8, 1990.

Date of Intended Adoption: May 8, 1990.

March 29, 1990  
George B. Tellevik  
Chief

AMENDATORY SECTION (Amending Order 7502, filed 11/18/77, effective 12/21/77)

WAC 204-48-020 STANDARDS. No person shall drive or move, or cause to be driven or moved, any vehicle, the tires of which have contact with the driving surface of the road, subject to registration in this state, upon the public highways of this state unless such vehicle is equipped with tires in safe operating condition. A tire shall be considered unsafe if the defects listed below can be detected by visual observation, with or without simple measurable gauges, while the tire is mounted on the vehicle. A tire is unsafe if:

(1) It has any ply or cord exposed either to the naked eye or when cut or abrasions on the tire are probed.

(2) It has any bump, bulge or knot, affecting the tire structure.

(3) It has any break repaired with a boot.

(4) It has a tread depth of less than 2/32 of an inch measured in any two major tread grooves at three locations equally spaced around the circumference of the tire (~~or for those tires with tread wear indicators, a tire shall be considered unsafe if it is worn to the point that the tread wear indicators contact the road in any two major tread grooves at three locations equally spaced around the circumference of the tire~~). The measurement shall not be made where tie bars, humps, fillets or tread wear indicators are located.

Provided that: Any tires on the front wheels of trucks, truck tractors, and buses (including school buses) shall have no less than 4/32 of an inch of tread measured as described above.

(5) It has a legend which indicates the tire is not intended for use on public highways such as "not for highway use," or "for racing purposes only."

(6) It is in such condition as may be reasonably demonstrated to render it unsafe.

(7) Not matched in tire size, designation, construction, and profile to the other tire and/or tires on the same axle. Provided that: Tires meeting federal standards for "emergency" or "temporary use" may be used if installed and operated within manufacturer's guidelines.

**WSR 90-08-024**  
**PROPOSED RULES**  
**WASHINGTON STATE PATROL**  
**(Commission on Equipment)**  
[Filed March 29, 1990, 8:45 a.m.]

Original Notice.

Title of Rule: Chapter 204-990 WAC, Appendix.  
Purpose: Repeals obsolete substantive regulations.  
Statutory Authority for Adoption: RCW 46.37.005.  
Statute Being Implemented: RCW 46.37.004 [46.37.005].

Summary: Rule outlines equipment requirements for motor vehicle safety inspections that are no longer performed.

Reasons Supporting Proposal: The reasons the regulations were adopted no longer exist and motor vehicle equipment requirements are established in other statutes and rules.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Lt. L. E. Klewin, 400 East Union, Olympia, (206) 753-0347.

Name of Proponent: Washington State Patrol, 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 does not change existing rules.

Repeals obsolete motor vehicle equipment regulation.

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

No effect to industry.

Hearing Location: Washington State Patrol Supply Section Conference Room, 4242 Martin Way, Olympia, WA 98504, on May 8, 1990, at 9:00 a.m.

Submit Written Comments to: Lt. L. E. Klewin, ESR Section, AX-12, Olympia, 98504, by May 8, 1990.

Date of Intended Adoption: May 8, 1990.

March 29, 1990  
George B. Tellevik  
Chief

#### REPEALER

The following chapter of the Washington Administrative Code is repealed:

Chapter 204-990 WAC APPENDIX—SUBSTANTIVE REGULATIONS OF THE STATE COMMISSION ON EQUIPMENT

**WSR 90-08-025**  
**NOTICE OF PUBLIC MEETINGS**  
**HUMAN RIGHTS COMMISSION**  
[Memorandum—March 28, 1990]

This is to advise you that the Washington State Human Rights Commission will hold its next regular commission meeting in Tacoma on April 25, 26 and 27, 1990. The meeting on April 25, will be held at the Executive Inn, Chart Room, 5700 Pacific Highway East, Tacoma, beginning at 7:00 p.m. and will be a training, planning and work session. The regular business meeting will be held at the same location, beginning at 9:30 a.m. on April 26, 1990. Interviews for the position of executive director will be held at the same location on April 27, beginning at 9:30 a.m.

**WSR 90-08-026**  
**RULES COORDINATOR**  
**BOARD OF ACCOUNTANCY**  
 [Filed March 29, 1990, 9:32 a.m.]

The board appointed its chief executive as agency rules coordinator. The present incumbent is Carey L. Rader, Chief Executive Officer, Board of Accountancy, 210 East Union, Suite H, EP-21, Olympia, WA 98504.  
 Carey L. Rader, CPA

**WSR 90-08-027**  
**RULES COORDINATOR**  
**CONSERVATION COMMISSION**  
 [Filed March 29, 1990, 9:33 a.m.]

Please add my name to your list of designated rules coordinators: Bob Bottman, Conservation Commission, Mailstop PV-11.

Bob Bottman  
 Administrative Officer

**WSR 90-08-028**  
**PERMANENT RULES**  
**EMPLOYMENT SECURITY DEPARTMENT**  
 [Filed March 29, 1990, 2:16 p.m.]

Date of Adoption: March 29, 1990.

Purpose: To clarify exemptions from coverage available to small farms; and to clarify interpretations and recordkeeping requirements.

Citation of Existing Rules Affected by this Order: Amending WAC 192-12-050.

Statutory Authority for Adoption: RCW 50.12.010 and 50.12.040.

Pursuant to notice filed as WSR 91-01-102 [90-01-102] on December 20, 1989.

Effective Date of Rule: Thirty days after filing.

March 29, 1990  
 Ernest F. LaPalm  
 Deputy Commissioner

**AMENDATORY SECTION** (Amending Order 1-78, filed 8/14/78)

WAC 192-12-050 RECORDS. RCW 50.12.070 provides: "Each employing unit shall keep true and accurate work records, containing such information as the commissioner may prescribe . . ."

RCW 50.12.010 provides: "The commissioner shall administer this title. He or she shall have the power and authority to adopt, amend, or rescind such rules and regulations, . . . as he or she deems necessary or suitable to that end."

The commissioner accordingly prescribes:

(1) Each person or entity shall preserve existing records with respect to personal services performed for it on and after January 1, 1936. On and after the effective date of this regulation, each such person or entity shall

establish and maintain records with respect to each individual performing services for it, which records shall show the following: (a) The name of each such individual; (b) his or her Social Security account number; (c) the days and weeks during which each such individual performed services for said person or entity; (d) hours spent in employment and in nonsubject work with respect to any pay period; (e) the amount of wages or remuneration paid or payable to such individual on account of such services, said amounts to be segregated in such records into cash payment and payments in media other than cash; (f) the location at which such services were performed; (g) the date upon which each such individual was engaged or reengaged to perform services or returned to work after a temporary layoff; (h) the date when any individual's name was removed from the payroll; (i) in the case of any individual whose separation from work was due to discharge, the cause of such discharge, or if his or her work was terminated by quit, the cause of such quit if known to such person or entity; ~~((and))~~ (j) in the case of a farm operator contracting with a crew leader or a farm labor contractor, the name of the crew leader or farm labor contractor, the inclusive dates of the contract, the types of services performed, and the number of persons performing such services(-); and (k) in the case of students exempt under RCW 50.04.150, written certification by the worker acknowledging his or her status as a student during the period of employment. A student, for agricultural purposes, is defined as an individual who is enrolled and regularly attending classes, or is between two successive academic years or terms, at an elementary school, a secondary school, or an institution of higher education which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on. The student's course of study must be taken for credit at such institution.

(2) Records relating to services performed in employment shall be maintained and preserved for not less than four years subsequent to the date contributions have been paid in respect thereto. Records relating to services not performed in employment shall be preserved and maintained for not less than four years subsequent to the calendar year in which the remuneration for such services was paid.

**NEW SECTION**

WAC 192-12-350 INTERPRETIVE REGULATION—INCLUSION OF FARM LABOR CONTRACTOR. As defined in RCW 50.04.150(1), agricultural labor performed on a farm, in the employ of any person includes labor performed for a farm labor contractor or a crew leader.

**NEW SECTION**

WAC 192-12-355 INTERPRETIVE REGULATION—CLARIFICATION OF AGRICULTURAL LIABILITY. A student or immediate family member, otherwise exempt under RCW 50.04.150, shall be deemed to be in covered employment from January 1 of



any year that his or her employer meets or exceeds the levels of remuneration or employment set forth in RCW 50.04.155. Such student or immediate family member will remain in covered employment until his or her employer is free of the provisions of RCW 50.04.155.

Penalties and interest will not be charged for any calendar quarters that are prior to the quarter the employer met the aforementioned levels of remuneration or employment: PROVIDED, That all taxes due for those prior quarters are paid before the taxes become delinquent for the quarter in which one or more of the levels are first met except for good cause shown.

#### NEW SECTION

WAC 192-12-360 INTERPRETIVE REGULATION—INCLUSION OF IMMEDIATE FAMILY MEMBERS OF PARTNERS. The exemption in RCW 50.04.150 for family employment on corporate farms includes family employment of the partners in a partnership as well as family employment of corporate officers.

#### NEW SECTION

WAC 192-12-365 INTERPRETIVE REGULATION—DEFINITION OF SUITABLE WORK AS IT APPLIES TO AGRICULTURAL LABOR. RCW 50.20.100 requires that:

". . . for individuals with base year work experience in agricultural labor, any agricultural labor available from any employer shall be deemed suitable unless it meets the conditions in RCW 50.20.110 or the commissioner finds elements of specific work opportunity unsuitable for a particular individual."

For the purposes of determining the suitability of agricultural labor, the commissioner may consider the degree of risk involved to the individual's health, safety, and morals, the individual's physical fitness the individual's skill level, the individual's length of unemployment and prospects for securing local work in the individual's customary occupation, the distance of the available work from the individual's residence, and such other factors that are pertinent to the individual's capacity to perform the work.

As it applies to suitable work, the department will use the definition of agricultural labor in RCW 50.04.150

#### **WSR 90-08-029**

#### **NOTICE OF PUBLIC MEETINGS SEATTLE COMMUNITY COLLEGES**

[Memorandum—March 27, 1990]

In compliance with the open meeting law notice provisions, the board of trustees of Seattle Community College District has scheduled a retreat to be held on Tuesday, April 3, 1990, from 8:45 a.m. to 3:00 p.m. It will be held at the Battelle Institute, 4000 N.E. 41st, Seattle, WA.

#### **WSR 90-08-030**

#### **PROPOSED RULES**

#### **UNIVERSITY OF WASHINGTON**

[Filed March 30, 1990, 9:30 a.m.]

#### **Original Notice.**

Title of Rule: WAC 478-136-030 Limitation on the use of university facilities.

Purpose: To define the limitations on the use of university facilities as they pertain to the safety and health of persons attending athletic events in Husky Stadium.

Statutory Authority for Adoption: Chapter 70.160 RCW.

Statute Being Implemented: Chapter 70.160 RCW.

Summary: Consistent with the Washington State Clean Indoor Air Act, smoking in various campus facilities has been regulated since 1972. However, there is no regulation pertaining to the control of smoking in an outdoor facility such as Husky Stadium.

Reasons Supporting Proposal: In recent years, the university has become increasingly aware of the discomfort caused to nonsmokers by smoking in Husky Stadium.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Melody Tereski, Rules Coordination Office, AF-50, 543-4150.

Name of Proponent: Assistant Vice-President Norman Arkans, Office of the Vice-President for University Relations, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: In recent years, the university has become increasingly aware of the discomfort caused to nonsmokers by smoking in Husky Stadium. The tiered seating configuration in the stadium exacerbates this problem especially for those seated directly behind and therefore above smokers. Crowded seating conditions add to the difficulties encountered by nonsmokers. In the interest of public health and safety, and for the comfort of the majority of spectators at events in the stadium, the university has decided to prohibit smoking in the seating areas of Husky Stadium. This proposed rule will still permit smoking on the pedestrian concourses.

Proposal does not change existing rules.

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

Hearing Location: University of Washington, Husky Union Building, Room 106B, on May 8, 1990, at 11:30-1:00.

Submit Written Comments to: Melody Tereski, Rules Coordination Office, AF-50, Administration 101, University of Washington, by May 7, 1990.

Date of Intended Adoption: May 18, 1990.

March 20, 1990  
James Collier  
Vice-President  
University Relations

#### AMENDATORY SECTION (Amending Order 88-05, filed 9/14/88)

WAC 478-136-030 LIMITATIONS ON USE. (1) University facilities may not be used in ways which obstruct or disrupt university operations, the freedom of movement, or any other lawful activities.

(2) Faculty, staff, registered or official student organizations may use university facilities to present educational forums regarding ballot propositions and/or candidates who have filed for public office as long as the audience is limited to university faculty, staff and students. However, state law (RCW 42.17.130) prohibits "the use of any of the facilities of a public office or agency, directly or indirectly, for the purpose of assisting a campaign for election of any person to any office or for the promotion of or opposition to any ballot proposition."

(3) University facilities may not be used for private or commercial purposes such as sales, advertising, or promotional activities unless such activities serve an educational purpose, as determined by the committee on the use of university facilities.

(4) The distribution of handbills, pamphlets and similar materials is not permitted in those areas of campus to which access by the public is restricted or where such distribution would significantly impinge upon the primary business being carried on. Handbills and similar printed materials may not be left in the Daily distribution boxes or left for distribution anywhere else on campus.

(5) Charitable solicitation is not permitted in those areas of the campus to which access by the public is restricted or where such solicitation would significantly impinge upon the primary business being carried on.

(6) Electronic amplification on the grounds of the campus is prohibited with the following exceptions:

(a) The lawn area immediately west of the student union building will be available for open-air speaking events using directional and volume-controlled speech amplification equipment provided by the university. Use of the student union building lawn site will be available to registered or official student organizations and faculty or staff groups on a first-come, first-served basis. The amplification system will be issued upon presentation of a currently valid student, faculty or staff identification card at the Student Union Reservation Office, 104C Student Union Building.

(b) The committee on the use of university facilities may grant permission, under special circumstances, for the use of other amplification equipment on the lawn site west of the student union building or in other outdoor locations. Permission should be requested through the Secretary to the Committee, 400 Administration Building (A1-10), 543-2560, sufficiently in advance of the program to allow timely consideration.

(7)(a) The parking garages on the campus of the University of Washington are open to the public for the limited purpose of parking motor vehicles. Sleeping, or remaining in the parking garages for purposes unrelated to vehicular parking is prohibited. Violators are subject to arrest and criminal prosecution under applicable statutes including RCW 9A.52.080, 9.66.030, and 7.48.220.

(b) The term "parking garages" as used in (a) of this subsection shall mean the sheltered parking areas on the University of Washington campus, and the stairwells and entrances of those covered parking areas.

(8) Within the limits of applicable laws, the University of Washington is committed to establishing and maintaining safe conditions for persons attending football games in Husky Stadium or other athletic events or concerts in campus facilities. Accordingly, the rules enumerated below will apply to all such events and be strictly enforced.

(a) The possession or consumption of alcoholic beverages or illegal drugs is prohibited. In addition to having the beverages or drugs confiscated, violators may be subject to university disciplinary action and/or legal proceedings, and removal from the events.

(b) Air horns, glass bottles, cans, picnic baskets, bota bags, ice chests, and thermoses (in excess of two quart capacity) are prohibited. Individuals possessing such will not be admitted to, or will be removed from, Husky Stadium or other athletic or concert facilities until the items have been stored temporarily at locations provided for that purpose or disposed of in some other manner.

(c) Smoking of tobacco in any form is prohibited in the seating areas of Husky Stadium. Smoking is permitted on the pedestrian concourses.

**WSR 90-08-031**  
**NOTICE OF PUBLIC MEETINGS**  
**CONVENTION AND TRADE CENTER**  
[Memorandum—March 28, 1990]

The board of directors of the Washington State Convention and Trade Center will hold a regular meeting on Wednesday, April 4, 1990, at 2:00 p.m.

Due to the fact that the Association of Computing Machinery's national convention of 1,700 delegates will utilize all WSCTC meeting rooms the first week of April, the board meeting will be held at the Plymouth Congregational Church, Room 320, 6th and University, Seattle.

If you have any questions regarding these meetings, please call 447-5000.

**WSR 90-08-032**  
**EMERGENCY RULES**  
**DEPARTMENT OF FISHERIES**  
[Order 90-23—Filed March 30, 1990, 2:04 p.m.]

Date of Adoption: March 29, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-57-160.

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: Additional harvestable spring chinook are available, because the incidental harvest of upriver spring chinook through March was less than expected.

Effective Date of Rule: 12:01 a.m., April 1, 1990.

March 29, 1990

Judith M. Merchant

Deputy

for Joseph R. Blum

Director

**NEW SECTION**

**WAC 220-57-16000D COLUMBIA RIVER—SPORT SALMON** *Notwithstanding the provisions of WAC 220-57-160, effective 12:01 a.m. April 1, 1990 it is unlawful to take, or possess salmon for personal use except:*

(1) *Open from the I-5 bridge in Vancouver, downstream to Buoy 10, from 12:01 AM April 1 to 11:59 PM April 4. Daily bag limit, two adult salmon.*

(2) *Open from 12:01 AM April 1 to 11:59 PM April 15, that portion of the Columbia River at and below the mouth of Multnomah Channel (Willamette Slough) bounded by yellow angling boundary markers described as follows: beginning at the marker on the Columbia*

River side of Warrior Point (northern tip of Sauvie Island), across the Columbia River approximately 600 yards to the marker on the red over green navigational day marker on the end of the pile dike off Sand Island at St. Helens Bar, thence along the pile dike to the southern end of Sand Island, downstream along the western shore of Sand Island approximately 1,200 yards to the marker located on northern end of Sand Island, across the Columbia River approximately 300 yards to the marker located on the red navigational day marker No. 2 on the Oregon mainland, upstream on the Oregon mainland shore approximately 2,000 yards to the marker located at the mouth of Multnomah Channel, across the mouth of Multnomah Channel approximately 150 yards to the marker located on the Multnomah Channel side of Warrior Point, thence over Warrior Point to the marker on the Columbia River side of Warrior Point.

(a) Daily bag limit, two adult salmon.

**WSR 90-08-033**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 90-24—Filed March 30, 1990, 2:07 p.m.]

Date of Adoption: March 30, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Amending WAC 220-56-245 and 220-56-255.

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 personal use halibut season and bag limits were announced by the United States on March 28, 1990. There is insufficient time to promulgate permanent regulations before the opening of halibut season on April 16, 1990.

Effective Date of Rule: Immediately.

March 30, 1990  
Judith M. Merchant  
Deputy  
for Joseph R. Blum  
Director

**NEW SECTION**

**WAC 220-56-24500G HALIBUT—BAG AND POSSESSION LIMITS.** (1) *It is unlawful to fish for or possess more than:*

(a) 1 halibut per day taken from Washington waters west of the Bonilla-Tatoosh Line and south of the Canadian border and Pacific Ocean waters in the Exclusive Economic Zone from the Canadian border south to Cape Falcon.

(b) 2 halibut per day taken from Washington waters east of the Bonilla-Tatoosh Line including all Puget Sound waters.

(2) *The possession limit is the same as the daily bag limit.*

**NEW SECTION**

**WAC 220-56-25500F HALIBUT—SEASONS.** *It is unlawful to fish for or possess halibut taken for personal use except:*

(1) *From April 16, 1990 through June 15, 1990 in Washington waters east of the Bonilla-Tatoosh Line, including Puget Sound. Halibut fishing is allowed seven days per week.*

(2) *From May 1 until further notice in Washington waters west of the Bonilla-Tatoosh Line, south of the Canadian Border and north of the mouth of the Queets River, and adjacent waters of the Exclusive Economic Zone. Halibut fishing is allowed Tuesday through Saturday only.*

(3) *From May 1 until further notice in Washington waters south of the mouth of the Queets River, Oregon waters north of Cape Falcon, and adjacent waters of the Pacific Ocean. Halibut fishing is allowed seven days per week.*

**WSR 90-08-034**

**EMERGENCY RULES**

**DEPARTMENT OF FISHERIES**

[Order 90-25—Filed March 30, 1990, 2:10 p.m.]

Date of Adoption: March 30, 1990.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:  
Repealing WAC 220-55-01000A.

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: In order to reduce the processing time for obtaining a razor clam license, and reducing the documentation from two instruments to one, the department is doing away with the razor clam stamp. There is inadequate time to promulgate this as a permanent regulation by the opening of razor clam season on April 1, 1990, but this is being proposed for permanent rule status.

Effective Date of Rule: Immediately.

March 30, 1990  
Judith M. Merchant  
Deputy  
for Joseph R. Blum  
Director

**NEW SECTION**

**WAC 220-55-01000B RAZOR CLAM LICENSE—REQUIREMENTS.** *Notwithstanding the provisions of WAC 220-55-010 and 220-55-015, effective immediately until further notice:*

(1) A personal-use razor clamming license shall consist of a tag issued by the department on which is printed the razor clam license number. The razor clam license shall be provided with an opening for attachment or display on outer clothing and shall be color-coded to designate resident, nonresident, or juvenile-senior citizen.

(2) It shall be unlawful for any person, other than Washington State residents less than 15 years of age, to take or possess razor clams without having in possession a valid razor clam license. The razor clam license must be displayed on outer clothing while digging razor clams or in possession of razor clams on the digging beach.

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 220-55-01000A RAZOR CLAM LICENSE—REQUIREMENTS. (90-21)

**WSR 90-08-035**

**PERMANENT RULES**

**DEPARTMENT OF HEALTH  
(Chiropractic Disciplinary Board)**

[Order 046—Filed March 30, 1990, 2:40 p.m.]

Date of Adoption: March 22, 1990.

Purpose: To repeal WAC 113-12-130, 113-12-160 and 113-12-161.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to notice filed as WSR 90-04-029 on January 30, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 29, 1990  
Connie M. Glasgow  
Program Manager

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

WAC 113-12-130 CIVIC AND CHARITABLE CONTRIBUTION RECOGNITION.

WAC 113-12-160 ETHICAL STANDARDS—PERMITTED PUBLICITY AND ADVERTISING.

WAC 113-12-161 ETHICAL STANDARDS—PERMITTED IDENTIFICATION OF CHIROPRACTOR.

**WSR 90-08-036**

**PROPOSED RULES**

**DEPARTMENT OF HEALTH  
(Chiropractic Disciplinary Board)**

[Filed March 30, 1990, 2:41 p.m.]

Continuance of WSR 90-04-029.

Title of Rule: WAC 113-12-200 Scope of practice for chiropractors.

Purpose: To prohibit electromyography.

Statutory Authority for Adoption: RCW 18.26.110 and 18.130.050(1).

Statute Being Implemented: RCW 18.130.050(12).

Summary: Amends the scope of practice to prohibit chiropractors from using any form of electromyography.

Reasons Supporting Proposal: The use of electromyography lacks objective and scientific support for its use as part of a physical examination to detect subluxations or to determine the necessity of chiropractic care.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 Quince Street, Olympia, 753-0776.

Name of Proponent: Chiropractic Disciplinary Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amends WAC 113-12-200 to include a prohibition against the use of electromyography.

Proposal Changes the Following Existing Rules: The proposal would add a prohibition against the use of electromyography to the current list of prohibited practices for chiropractors.

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

Hearing Location: West Coast Sea-Tac, 18220 Pacific Highway South, Seattle, WA 98188, on May 24, 1990, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 21, 1990.

Date of Intended Adoption: June 1, 1990.

March 29, 1990  
Connie M. Glasgow  
Program Manager

**AMENDATORY SECTION** (Amending Order PM 765, filed 8/23/88)

WAC 113-12-200 SCOPE OF PRACTICE—REVOCATION OR SUSPENSION OF LICENSE AUTHORIZED FOR PRACTICE OUTSIDE SCOPE. (1) The chiropractic disciplinary board finds that over the past few years there has been an increasing number of persons licensed as chiropractors who have been practicing other healing arts while holding themselves out to the public as chiropractors to the detriment of the public health and welfare of the state of Washington and contrary to the legislative directive contained in RCW 18.26.010(5). The board further finds and deems it necessary to carry out the provisions of chapter 18.26 RCW that this rule be adopted to give guidance to members of the profession, and the public, in interpreting for purposes of application by the disciplinary board of RCW 18.26.030, the scope of health care which comes within the definition of chiropractic in RCW 18.25.005 and which is authorized under a license to practice chiropractic in the state of Washington.

(2) RCW 18.25.005 defines the term "chiropractic" for purposes of chapters 18.25 and 18.26 RCW, as that practice of health care which deals with the detection of subluxations, which shall be defined as any alteration of the biomechanical and physiological dynamics of contiguous spinal structures which can cause neuronal disturbances, the chiropractic procedure preparatory to, and complementary to the correction thereof, by adjustment or manipulation of the articulations of the vertebral column and its immediate articulations for the restoration and maintenance of health; it includes the normal regimen and rehabilitation of the patient, physical examination to determine the necessity for chiropractic care, the use of x-ray and other analytical instruments generally used in the practice of chiropractic: PROVIDED, That no chiropractor shall prescribe or dispense any medicine or drug

nor practice obstetrics or surgery nor use x-rays for therapeutic purposes: PROVIDED, HOWEVER, That the term "chiropractic" as defined in this act shall not prohibit a practitioner licensed under chapter 18.71 RCW from performing accepted medical procedures, except such procedures shall not include the adjustment by hand of any articulation of the spine: AND PROVIDED FURTHER, That nothing herein shall be construed to prohibit the rendering of dietary advice.

(3) The board finds that the following diagnostic techniques and procedures, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005, and, consequently, a license to practice chiropractic does not authorize their use:

- (a) The use of x-rays or other forms of radiation for any other reason than to x-ray the human skeleton.
- (b) The use of any form of electrocardiogram.
- (c) The testing and reduction to mathematical formulae of sputum and/or urine (commonly known as "Reams" testing).
- (d) Hair analysis.
- (e) The use of a vasculizer or plethysonograph (commonly known as plethysmography) except for research purposes.
- (f) The use of iridology.
- (g) The taking of blood samples.
- (h) Female breast examinations.
- (i) The use of any form of electromyography.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other diagnostic technique or procedure is outside the scope of chiropractic practice.

(4) The board finds that the following treatment modalities, by whatever name known, are not within the definition of "chiropractic" as specified in subsection (2) of this section and in RCW 18.25.005 and, consequently, a license to practice chiropractic does not authorize their use:

- (a) Ultrasound, diathermy, high voltage galvanic therapy and x-rays or other radiation.
- (b) Colonic irrigation.
- (c) Extremity adjusting.
- (d) Electrotherapy.
- (e) The use of a transcutaneous electrical nerve stimulator (TENS).
- (f) The use of the endonasal technique.
- (g) The use of any type of casting other than light body casting.
- (h) The use of meridian therapy, whether known as "acupressure," or the same type of therapy under any other names.
- (i) The use of hypnosis for any other than relaxation purposes.
- (j) The use of clinical herbology.

The above list is not to be considered exhaustive or to limit the board in any way from finding under the statutory definition in RCW 18.25.005 that any other treatment modalities are outside the scope of chiropractic practice.

(5) The use by a chiropractor of diagnostic techniques or procedures or treatment modalities which are outside the definition of chiropractic in RCW 18.25.005, whether or not listed in this rule, or the use by a chiropractor of any of the diagnostic techniques and procedures listed in subsection (3) of this section or the use by a chiropractor of any of the treatment modalities listed in subsection (4) of this section shall constitute unprofessional conduct under RCW 18.130.180(12) which shall be good and sufficient cause for revocation or suspension of that chiropractor's license to practice chiropractic in Washington.

**WSR 90-08-037**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:14 p.m.]

Original Notice.

Title of Rule: WAC 388-86-027 Early and periodic screening, diagnosis and treatment of eligible individuals twenty years of age and younger.

Purpose: To add the 1989 federal law changes to the early periodic screening diagnosis and treatment program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: OBRA 89 now mandates periodic screening, and components of the screening examination; clarifies that providers may provide partial screenings; and requires Medicaid to pay for all items and services allowed under federal Medicaid law when a condition is discovered in the regular scheduled or periodic screen.

Reasons Supporting Proposal: This rule amendment is necessary to implement the EPSDT changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, OBRA 1989, Section 6403.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990

Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS ((~~UNDER TWENTY-ONE~~)) TWENTY YEARS OF AGE AND YOUNGER. (1) To the extent provided under these rules, the department ((~~will~~)) shall make available to ((~~categorically needy individuals under twenty-one~~)) Medicaid recipients twenty years of age and younger, early and periodic screening and diagnosis ((to ascertain their physical and/or mental defects and will authorize treatment to correct or ameliorate the defects and chronic conditions discovered thereby. There will be freedom of choice in obtaining screening services)) and treatment (EPSDT).

(2) Early and periodic screening and diagnosis shall be provided at intervals:

(a) Meeting reasonable standards of dental and medical practice as determined by the division of medical assistance; and

(b) When indicated as medically necessary to determine the existence of a suspected physical or mental illness or condition.

(3) In obtaining EPSDT services, the recipient shall be free to choose from ((among)) participating providers.

(4) The following services are included in the program:

(a) Screening by providers of screening services ((who have been)) authorized by the division of medical assistance to provide ((~~an unclothed physical examination including at least~~)) screening. The screening services shall, at a minimum, include:

(i) ((Medical)) A comprehensive health and developmental history;

(ii) An assessment of physical ((growth)) and mental health development and nutritional status;

(iii) ((Developmental assessment (physical and mental))) A comprehensive unclothed physical exam;

(iv) ~~((Inspection for obvious defects))~~ Appropriate immunizations according to age and health history;

(v) ~~((Inspection of ears, nose, mouth, teeth and throat))~~ Laboratory tests, including lead blood level assessment appropriate for age and risk factors; and

(vi) ~~((Visual screening, auditory testing~~

(vii) ~~Screening for cardiac abnormalities~~

(viii) ~~Screening for anemia~~

(ix) ~~Urine screening~~

(x) ~~Blood pressure (children twelve years of age or older)~~

(xi) ~~Assessment of immunization status and updating immunization~~

(xii) ~~Referral to a dentist for examination, diagnosis and treatment for children three years of age and over))~~ Health education, including anticipatory guidance.

(b) ~~((When indicated by screening findings, providers of screening services will provide, or refer eligible children for more definitive diagnostic study and/or treatment.))~~ Vision services which shall, at a minimum, include diagnosis and treatment for defects in vision, including eyeglasses;

(c) ~~((Treatment shall be limited to the same duration and scope of care available to other recipients of medical assistance, except regardless of any such limitations, treatment for visual and hearing defects including eyeglasses and hearing aids, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided, subject to such utilization controls as may be imposed by the department))~~ Dental services which shall, at a minimum, include relief of pain and infections, restoration of teeth, and dental health maintenance;

(d) Hearing services which shall, at a minimum, include diagnosis and treatment for defects in hearing, including hearing aids; and

(e) Other medically necessary health care, diagnostic services, treatment, and other measures provided under Medicaid program, to correct or ameliorate defects and physical and mental illnesses and conditions the screening services discover. In addition, the department shall provide the following services, provided the screening services provider determines the necessity for such services during an EPSDT screening process:

(i) Occupational therapy;

(ii) Nutritional counseling; or

(iii) Chiropractic services.

(5) EPSDT services are subject to utilization controls as the department may impose.

(6) See WAC 388-86-005 and 388-86-020 for limitations of the dental program, WAC 388-86-030 for eyeglasses and examinations, and WAC 388-86-040 for management of hearing defects.

~~((2) EPSDT is available to all individuals under twenty-one years of age who are determined to be categorically needy.))~~

**WSR 90-08-038**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:15 p.m.]

Original Notice.

Title of Rule: WAC 388-100-010 Limited casualty program—Medically indigent—Eligibility determination.

Purpose: To make WAC 388-100-010 consistent with the spenddown chapter 388-99 WAC.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Allows health insurance premiums expected to be paid during the base period to be deducted from income.

Reasons Supporting Proposal: This rule amendment is necessary to make WAC 388-100-010 consistent with the spenddown chapter 388-99 WAC.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2378, filed 5/14/86)

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION.  
(1) Citizenship and residency are not requirements for eligibility. However, ~~((a))~~ an individual ~~((who is))~~ shall not be eligible for LCP-MI when the individual:

(a) ~~Is eligible for medical care from another state ((is not eligible for LCP-MI)); or~~

(b) ~~((an individual who))~~ Enters Washington state specifically for the purpose of obtaining medical care ~~((is not eligible for LCP-MI)).~~

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not receiving continuing cash assistance or eligible for any other medical program((-));

(b) Income shall:

(i) ~~Not exceed the medically needy income level in WAC 388-99-020; or ((shall))~~

(ii) ~~Be ((spenddown)) spend down~~ to that level according to procedures in WAC 388-99-030((-);

(c) Nonexempt resources shall not exceed the resource standard for SSI or shall be ~~((spenddown)) spend down~~ to that level according to procedures in WAC 388-100-015((-);

(d) The applicant who ~~((has))~~ transferred resources within two years ~~((prior to))~~ before the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC ~~((388-100-010))~~ 388-100-015. See WAC ~~((388-99-035(2)))~~ 388-92-043 for determining the uncompensated value of the transferred resource((-); and

(e) For a pregnant woman ~~((who does not meet the AFDC income, resource and/or deprivation requirements)),~~ the department shall increase the number in the household by one before comparing the number in the household to the:

(i) ~~((The number in the household shall be increased by one before being compared to the))~~ Income requirements of subdivision (b) of this subsection; and

(ii) ~~((The number in the household shall be increased by one before being compared to the))~~ Resource requirements of subdivision (c) of this subsection.

(3) The department shall use AFDC income guidelines in chapter 388-28 WAC to determine treatment of income((-); except:

(a) The AFDC earned income exemption of thirty dollars plus one-third of the remainder does not apply to individuals applying for LCP-MI((-); and

(b) Deduct health insurance premiums expected to be paid during the base period.

(4) The department shall use AFDC resource guidelines in chapter 388-28 WAC to determine ~~((exempt))~~ resources, except for provisions under WAC 388-28-425.

(5) The applicant shall satisfy the deductible requirement in WAC 388-100-030.

**WSR 90-08-039**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:16 p.m.]

Original Notice.

Title of Rule: WAC 388-85-105 Certification of eligibility.

Purpose: To clarify the wording which medical programs must be considered before terminating cash or medical assistance. Add cross references to the WAC on medical extensions. Correct the wording when medical assistance ends for pregnant women.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Clarifies that before terminating medical or cash assistance, an individual must have their eligibility considered for another medical assistance or medical indigent program. Extension terminations are cross referred to WAC 388-82-029. Medical assistance shall continue for pregnant women to the end of the month containing the sixtieth day from the day pregnancy ends.

Reasons Supporting Proposal: This rule amendment is necessary to clarify the wording of which programs must be considered before terminating cash or medical assistance. To cross refer to the WAC on medical extensions. Correct the wording when medical assistance ends for pregnant women.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Director of Medical Assistance, 753-5029.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990

Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. (1) The department shall continue eligibility for medical assistance until the client is determined ineligible for cash assistance.

~~((+))~~ (2) Before termination of medical assistance, whenever terminating cash assistance or medical assistance, the department shall ((automatically)) redetermine the recipient's eligibility for other medical assistance programs ((prior to termination of medical assistance including Medicaid, the limited casualty program,)) or ((medical care services)) the medically indigent program.

(a) ~~((+))~~ When additional information is necessary to redetermine eligibility, the department shall give the client ten days' notice and an opportunity to provide such information.

(b) The department shall give the client advance and adequate notice of the redetermination decision ~~((prior to))~~ before termination of medical assistance ~~((See))~~ as described under WAC 388-33-376.

(c) Until the department redetermines a client's eligibility in conformity with the requirements of this section, the client shall remain eligible for categorically needy medical benefits.

~~((+))~~ (3) When eligibility for AFDC cash assistance is terminated:

(a) Due to increased income from or increased hours ((from)) of employment, medical assistance shall continue for ((four calendar months beginning with month of ineligibility)) the extension periods as described under WAC 388-82-029;

(b) Due to reaching state legal age of majority, the department shall ((automatically)) redetermine eligibility for medical assistance under another program;

(c) For lack of cooperation in WIN or work registration or for lack of school attendance, which are not eligibility factors for medical assistance, ((the)) eligibility for medical assistance shall continue;

(d) Due solely to the loss of the thirty dollars plus one-third or the thirty dollar income exemption, medical assistance shall continue for ((nine calendar months beginning with the month of ineligibility)) the appropriate extension periods as described under WAC 388-82-029; and

(e) Due to the termination of pregnancy, medical assistance shall continue ((for two calendar months following the month of pregnancy termination)) to the end of the month containing the sixtieth day from the day pregnancy ends.

~~((+))~~ (4) When eligibility for FIP cash assistance is terminated due to:

(a) ~~((Due to))~~ Increased earnings, medical assistance shall continue for up to twelve calendar months beginning with the month of ineligibility;

(b) ~~((Due to))~~ An increase in hours ((from)) of employment, medical assistance shall continue for ((up to four calendar months beginning with the month of ineligibility)) the appropriate extension periods as described under WAC 388-82-029;

(c) ~~((Due to))~~ Reaching state legal age of majority, the department shall ((automatically)) redetermine eligibility for medical assistance under another program; and

(d) ~~((Due to))~~ Termination of pregnancy, medical assistance shall continue ((for two calendar months following the month of pregnancy termination)) to the end of the month containing the sixtieth day from the day pregnancy ends.

~~((+))~~ (5) The department shall redetermine eligibility for medical assistance the same as for the related cash assistance program, for clients:

(a) ~~((For clients))~~ Under eighteen years of age not related to SSI, eligibility shall be redetermined every six months using AFDC or FIP financial criteria;

(b) ~~((For clients))~~ In medical institutions, eligibility shall be redetermined every twelve months.

~~((+))~~ (6) The client shall report to the CSO, within twenty days, any change in circumstances relating to eligibility.

~~((+))~~ (7) For any change of eligibility, the department shall use the same notification procedures as for cash assistance.

**WSR 90-08-040**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:17 p.m.]

**Original Notice.**

Title of Rule: WAC 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department; and WAC 388-87-060 Payment—Extended care patient—Coinsurance.

Purpose: To incorporate the changes in Medicare deductible and coinsurance payments as changed by the Catastrophic Repeal Act of 1989.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The department pays the deductible and coinsurance when the Medicare diagnostic related groups is payment in full and the recipient participates in Medicare Part A and B. The recipient is eligible for 100 days of Medicare benefits while in a participating skilled nursing facility. The recipient pays the coinsurance and deductible beginning the twenty-first day of extended care. The department shall pay the coinsurance and deductible until the hundred days are gone or the recipient is no longer eligible whichever comes first.

Reasons Supporting Proposal: This rule amendment is necessary to change the rules to the rules in effect in December 1988.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Medicare Catastrophic Coverage Repeal Act of 1989.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2793, filed 5/4/89)

WAC 388-87-011 CONDITIONS OF PAYMENT—MEDICARE DEDUCTIBLE AND COINSURANCE—WHEN PAID BY DEPARTMENT. (1) The department shall ~~((be responsible for))~~ pay the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the ~~((following conditions are met))~~:

~~((+++))~~ (a) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule ~~((see))~~ as described under WAC 388-87-010; and

(b) Provider accepts assignment for Medicare payment.

(2) When the recipient has Part A of Medicare and has:

(a) Not exhausted lifetime reserve days, the department recognizes the Medicare diagnostic related group (DRG) ~~((shall be recognized))~~ as payment in full, except for deductible and coinsurance amounts; ~~((and))~~ or

(b) Exhausted lifetime reserve days during an inpatient hospital stay, the department recognizes the Medicare DRG as payment in full, except coinsurance and deductible amounts until the Medicaid outlier threshold is reached. After the Medicaid outlier threshold is reached, the department pays an amount based on the policy described in Title XIX state plan.

(3) The ~~((provider accepts assignment for Medicare payment))~~ department shall base its outlier policy on the methodology prescribed in the department's Title XIX state plan, methods, and standards used for establishing payment rates for hospital inpatient services.

(4) The department shall pay for Medicaid covered services when the recipient exhausts Medicare benefits.

**AMENDATORY SECTION** (Amending Order 2792, filed 5/4/89)

WAC 388-87-060 PAYMENT—EXTENDED CARE PATIENT—COINSURANCE. Effective ~~((January 1, 1989))~~ January 1, 1990, a recipient, entitled to Medicare benefits may be eligible for ~~((up to))~~ a maximum of one hundred ~~((fifty))~~ days of Medicare benefits ~~((in a calendar year for extended care))~~ for the same period of illness in a participating Medicare skilled nursing facility. ~~((See WAC 388-87-011 for payment of the coinsurance))~~ The recipient shall pay the coinsurance from available resources and income, beginning the twenty-first day of the extended care. If the recipient has insufficient resources and income, according to department standards, the department shall pay the coinsurance for the remainder of the one hundred day period or until the recipient is no longer eligible for Medicare skilled nursing home benefits, whichever comes first.

**WSR 90-08-041**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:18 p.m.]

**Original Notice.**

Title of Rule: WAC 388-49-470 Income—Exclusions.

Purpose: Exclude federal census income received by census takers during a federal demonstration project.

Statutory Authority for Adoption: RCW 74.04.510.

Statute Being Implemented: RCW 74.04.510.

Summary: The department shall exclude earnings from the federal census bureau received by census takers during the 1990 federal census demonstration project.

Reasons Supporting Proposal: This rule is necessary to implement the exclusion approved by the food and nutrition service (FNS) as part of a department project to study the effects of excluding such census income.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dan Ohlson, Income Assistance, 753-1354.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, WFS-100:FS-6-5/Census-Gen.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2911, filed 12/1/89, effective 1/1/90)

WAC 388-49-470 INCOME—EXCLUSIONS. (1) The department shall exclude the following income:

- (a) Money withheld from an assistance payment, earned income, or other income source used to repay a prior overpayment from that same income source;
- (b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;
- (c) The earned income of children who are:
  - (i) Members of the household((:));
  - (ii) Seventeen years of age or under((:)); and
  - (iii) Attending school at least half time.
- (d) Infrequent or irregular income received during a three-month period that:
  - (i) Cannot be reasonably anticipated as available((:)); and
  - (ii) Shall not exceed thirty dollars for all household members.
- (e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;
- (f) Nonrecurring lump sum payments;
- (g) The cost of producing self-employment income;
- (h) Financial aid received under Title IV of the Higher Education Act designated by the school for:
  - (i) Tuition((:));
  - (ii) Fees ((f)), including equipment and material((:));
  - (iii) Books((:));
  - (iv) Supplies((:));
  - (v) Transportation((:)); and
  - (vi) Miscellaneous personal expenses determined by the institution.
- (i) Other federal financial aid designated by the school for:
  - (i) Tuition((:)); and
  - (ii) Mandatory fees.
- (j) Nonfederal financial aid designated by the school for:
  - (i) Tuition and mandatory fees at any school beyond high school or a school at any level for the physically or mentally handicapped; and
  - (ii) Other earmarked educational expenses such as transportation, supplies, and textbooks.
- (k) Reimbursements for past or future expenses to the extent the reimbursements do not:
  - (i) Exceed the actual expense((:)); and
  - (ii) Represent a gain or benefit to the household.
- (l) Any gain or benefit not in money;
- (m) Vendor payments as defined in WAC 388-49-020;
- (n) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;
- (o) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;
- (p) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
3	56
4	67
5	77
6	87
7	101
8 or more	111

- (q) Support payments specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;
- (r) Support payments not required by the support court order or other legally binding written support or alimony agreement paid directly to a third party rather than to the household;
- (s) Payments from the individual and family grant program;
- (t) Public assistance payments:
  - (i) Over and above the regular warrant amount; ((and))
  - (ii) Not normally a part of the regular warrant; and
  - (iii) Paid directly to a third party on behalf of the household.
- (u) Earnings from on-the-job training programs under the Job Training Partnership Act by household members:
  - (i) Eighteen years of age and under; and
  - (ii) Under parental control.
- (v) Cash donations based on need:
  - (i) Received directly by the household;
  - (ii) From one or more private, nonprofit, charitable organizations; and
  - (iii) Not exceeding three hundred dollars in any federal fiscal year quarter.
- (w) Earned income credit; and
- (x) Federal census bureau wages earned:
  - (i) During the 1990 Federal Census Demonstration Project; and
  - (ii) By a temporary census worker eligible for this exclusion.
- (2) When a child's earnings or amount of work performed cannot be differentiated from the earnings or work performed by other household members, the department shall:
  - (a) Prorate the earnings equally among the working members((:)); and
  - (b) Exclude the child's pro rata share.
- (3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:
  - (a) Any identifiable portion intended and used for the care and maintenance of the person out of the household((:)); or
  - (b) If the portions are not readily identified as:
    - (i) An even pro rata share; or
    - (ii) The amount actually used for the care and maintenance of the person out of the household, whichever is less.

**WSR 90-08-042**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:19 p.m.]

Original Notice.

Title of Rule: WAC 388-86-021 Dentures.

Purpose: To incorporate into the rules the current policy regarding dentures.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This WAC clarifies when prior approval is necessary for replacement, rebases, and relining of dentures and partial dentures.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 36
2	47

Reasons Supporting Proposal: This rule is necessary to explain what denture services the department provides to recipients.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2649, filed 7/8/88)

WAC 388-86-021 DENTURES. (1) The department shall provide ~~((to the extent of these rules))~~ complete and partial dentures and ~~modification, repair, and adjustment of dentures to recipients of medical assistance and the limited casualty ((program that includes only fabrication and fitting. All denture requests require prior approval except for the initial dentures and replacement of dentures more than five years old))~~ programs with the following limitations:

- (a) Prior approval is needed for:
  - (i) Replacement dentures or partial dentures less than five years old;
  - (ii) Rebases on dentures and partial dentures; and
  - (iii) Cast base partial dentures.
- (b) The department shall approve only one:
  - (i) Rebasings of dentures or partial dentures:
    - (A) In a five-year period; and
    - (B) The rebased dentures or partial dentures must be at least three years of age or older.
  - (ii) Relining of dentures or partial dentures:
    - (A) In a two-year period; and
    - (B) The relined dentures or partial dentures must be six months of age or older.
- (2) Exceptions to the limitations under subsection (1)(b) of this section shall be granted when medical necessity is documented.

**WSR 90-08-043**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:20 p.m.]

Original Notice.

Title of Rule: WAC 388-95-360 Availability of resources; and WAC 388-95-337 Allocation of income—Institutionalized recipient.

Purpose: The 1990 federal poverty level raises the family maintenance needs.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: WAC 388-95-360, the maintenance needs level for family members of the community spouse is raised to one-third of the amount \$856 exceeds the family member's income. The income standard is raised. The family members of an institutionalized recipient without a community spouse, maintenance needs residing in the institutionalized recipients home is an amount equal to the medically needy income level less income of the dependents; and WAC 388-95-337, the resource the community spouse can keep is \$62,580. The cross reference on transfers is corrected to WAC 388-92-043(6).

Reasons Supporting Proposal: This rule is necessary to raise the maintenance needs of family members because of the 1990 federal poverty level increase; clarifies the maintenance needs are for family members because of the 1990 federal poverty level increase; clarifies the maintenance needs are for family members living with a community spouse; and adds a subsection for maintenance needs of family members when their is no community spouse.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Federal Register, Volume 55, No. 33.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2898, filed 11/17/89, effective 12/18/89)

WAC 388-95-337 AVAILABILITY OF RESOURCES.

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340, 388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) The department shall follow Washington state community property principles in determining the ownership of resources:

- (a) For persons whose most recent period of institutionalization:
  - (i) Began before October 1, 1989; and
  - (ii) Remains continuously institutionalized.
- (b) For purposes of Medicaid eligibility, the department shall presume all resources are:
  - (i) Community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only;

(ii) The separate property of the nonapplicant spouse if:

(A) Held in the separate name of the nonapplicant spouse; or

(B) Transferred between spouses as described under WAC ((~~388-92-043(4)~~) 388-92-043(6)).

(c) The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.

(4) A person is no longer continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; (~~and/or~~) or

(b) Does not receive COPES/CAP waived services.

(5) The department shall use the following criteria for the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989:

(a) The department shall exclude resources in WAC 388-95-380 with the exception of subsection (3) (~~of this section~~) under WAC 388-95-380. One automobile per couple is totally excluded without regard to use;

(b) The department shall consider available to the community spouse, resources in the names of either the community spouse (~~and/or~~) or the institutionalized spouse, except resources exceeding the greater of:

(i) Sixty-two thousand five hundred eighty dollars;

(ii) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(iii) An amount ordered transferred to the community spouse by the court.

(c) The resources available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse before the first regularly scheduled eligibility review after the initial eligibility determination is completed; and

**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 2898, filed 11/17/89, effective 12/18/89)

WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT. (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

(a) Specified personal needs allowance;

(b) An amount an SSI, AFDC, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(c) The current personal needs allowance plus wages the (~~supplemental security income~~) SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level:

(i) No deductions are allowed for expenses of employment; and

(ii) The excess wages shall apply to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The department shall increase the standard need maintenance amount by:

(i) Shelter expenses exceeding two hundred (~~forty-five~~) fifty-six dollars and eighty cents. The department shall calculate actual expenses for the community spouse's principal residence for:

(A) Rent;

(B) Mortgage;

(C) Taxes and insurance;

(D) Any maintenance charge for a condominium or cooperative; and

(E) A food stamp standard allowance for utilities provided the utilities are not included in the maintenance charges for a condominium or cooperative(~~and~~);

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred sixty-five dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(e) An amount for the maintenance needs of a family member(~~the maintenance needs of~~) residing with the community spouse equal to one-third of the amount eight hundred (~~fifteen~~) fifty-six dollars exceeds the family member's income for each:

(i) Dependent or minor child;

(ii) Dependent parent; or

(iii) Dependent sibling of the institutionalized or community spouse (~~residing with the community spouse~~);

(f) If an institutional recipient does not have a community spouse, an amount for the maintenance needs of family members residing in the recipient's home is equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(~~g~~) (h) Maintenance of the home of a single person:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(3) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

(4) The recipient shall use the income remaining after allocations specified in subsection (2) of this section, toward payment of the recipient's cost of care at the department rate.

(5)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider the SSI payment when computing the participation amount.

**WSR 90-08-044**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:21 p.m.]

Original Notice.

Title of Rule: WAC 388-83-032 Pregnant women and infants.

Purpose: To update the income level to the 185% of the 1990 federal poverty level.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: This change to WAC raises the family income for pregnant women and infants to 185% of the 1990 federal poverty level.

Reasons Supporting Proposal: This rule amendment is necessary to raise the income level of this group to 185% of the 1990 federal poverty level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Federal Register, Vol. 55, No. 33, February 16, 1990.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990
Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2884, filed 10/27/89, effective 11/27/89)

WAC 388-83-032 PREGNANT WOMEN AND INFANTS.

(1) The department shall find pregnant women and infants under one year of age eligible for Medicaid as categorically needy, if the pregnant women and infants meet:

- (a) The income requirements of this section; and
(b) Citizenship, Social Security Number, and Residence requirements under chapter 388-83 WAC.

(2) If ((the)) a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:

(a) Total family income shall not exceed one hundred eighty-five percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. One hundred eighty-five percent of the ((+989)) 1990 federal poverty income guidelines is:

Table with 3 columns: Family Size, Monthly, and Income. Rows (i) through (viii) showing income levels for 1 to 8 family members.

(ix) For family units with nine members or more, add \$ ((+3+5)) 330 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology, except the department shall exclude the income of the unmarried father of the unborn unless the income is actually contributed; and

(ii) Apply the special situations under WAC 388-83-130 ((+5)) (3) and ((+6)) (4).

(3) The department shall not consider resources in determining the eligibility of groups in this section.

(4) Changes in family income shall not affect eligibility for medical assistance during pregnancy and when eligible under subsection (2) of this section through the sixtieth day from the last day of pregnancy:

(a) Once the department determines a pregnant woman eligible under this section; or

(b) If at any time while eligible for and receiving medical assistance a pregnant woman meets the eligibility requirements of this section.

(5) An infant shall be eligible until the later of the end of the month in which the infant:

(a) ((The end of the month in which the infant)) Becomes one year of age; or

(b) ((The end of the month in which the infant)) Receives inpatient services if:

(i) The infant is receiving inpatient services on the last day of the month in which the child becomes one year of age; and

(ii) The stay for inpatient services continues into the following month or months; and

(iii) The infant is eligible for medical assistance under this section except for age.

WSR 90-08-045
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed March 30, 1990, 3:22 p.m.]

Original Notice.

Title of Rule: WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing.

Purpose: To update the qualified federal beneficiary income level to 90% of the 1990 federal poverty level as required by law.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The qualified Medicare beneficiary income levels are raised to 90% of the 1990 federal poverty level.

Reasons Supporting Proposal: This rule amendment is necessary to increase the income level of the qualified Medicare beneficiary to 90% of the 1990 federal poverty level.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Federal Register, Vol. 55, No. 33, February 16, 1990.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.  
 March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 2910, filed 12/1/89, effective 1/1/90)

WAC 388-82-140 QUALIFIED MEDICARE BENEFICIARIES ELIGIBLE FOR MEDICARE COST SHARING. The department shall provide Medicare cost sharing under WAC 388-81-060(2) for an individual:

- (1) Meeting the general nonfinancial requirements under chapter 388-83 WAC; and
- (2) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act; and
- (3) Having resources not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC; and
- (4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding ninety percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. Ninety percent of the ~~((+989))~~ 1990 federal poverty income guidelines is:

	Family Size	Monthly
(a)	One	\$ <del>((449))</del> 471
(b)	Two	<del>((602))</del> 632
(c)	Three	792
(d)	Four	953
(e)	Five	1,113
(f)	Six	1,274
(g)	Seven	1,434
(h)	Eight	1,595

(i) For family units with more than ~~((two))~~ eight members, add \$~~((153.00))~~ 161 to the monthly income for each additional member.

**WSR 90-08-046**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**  
 [Filed March 30, 1990, 3:23 p.m.]

Original Notice.

Title of Rule: WAC 388-83-200 Community options program entry system (COPEs); and 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program.

Purpose: To incorporate the spousal income allocation under WAC 388-95-360 for COPEs, CAP and OBRA recipients. To add to WAC 388-83-210 the new waiver OBRA program.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The spousal impoverishment income allocations in WAC 388-95-360 will apply to COPEs, CAP and OBRA. The new OBRA program rules are added to WAC 388-83-210.

Reasons Supporting Proposal: This rule is necessary to incorporate the spousal income allocation under WAC 388-95-360 for COPEs, CAP and OBRA recipients. To add to WAC 388-83-210 the new waiver OBRA program.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 2243, filed 6/18/85)

WAC 388-83-200 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPEs) ~~((PROJECT))~~. (1) An eligible person ~~((s))~~ for ~~((the))~~ COPEs ~~((project are))~~ is an individual ~~((s-age))~~ eighteen ~~((and))~~ years of age or over ~~((who))~~:

(a) ~~((Meet))~~ Meeting the Title XIX categorically needy eligibility requirements for an SSI-related institutionalized individual ~~((s))~~. ~~((See chapter 388-95 WAC. Income and resources of parents or spouses will not be considered available when determining eligibility or participation for a COPEs applicant or recipient))~~ For the purposes of COPEs, an individual is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(b) ~~((Are assessed by))~~ The department ~~((to require))~~ assesses as requiring the level of care provided in a skilled nursing facility ~~((;))~~ or an intermediate care facility ~~((or an intermediate care facility for the mentally retarded))~~;

(c) ~~((Have))~~ For whom the department approves a feasible plan of care ~~((approved by the department))~~ and the total cost for this plan of care, including the MNIL for one person, is less than ninety percent of the department's state-wide average nursing home rate; and

(d) ~~((Are))~~ Able and ~~((choose))~~ choosing to ~~((live))~~ reside at home with community support services, ~~((or))~~ in a congregate care facility, or in a licensed adult family home.

(2) The department shall allocate available income of the COPEs ~~((participant living))~~ recipient residing at home ~~((shall be allocated))~~ as ~~((follows))~~:

~~((a))~~ described under WAC 388-95-360 (1), (2)(c), (d), (e), (f), and (g), (3), (4), and (5), except the recipient retains an amount equal to the medically needy income level (MNIL) for one person ~~((shall be protected))~~ for the recipient's maintenance needs ~~((of the recipient; and~~

~~((b))~~ For the maintenance needs of the participant's spouse or family at home, an additional amount shall be protected equal to the medically needy income level for the number of dependents in the home less the income of the dependents;

~~((c))~~ Amounts for incurred medical expenses not subject to third party payment shall be protected, including:

- ~~((i))~~ Medicare and other health insurance premiums, deductibles, or coinsurance charges; and
- ~~((ii))~~ Necessary medical care recognized under state law but not covered under Medicaid;

~~((d))~~ Income remaining after deductions in (a), (b), and (c) of this subsection will be the participation amount for COPEs services). ~~((See WAC 388-15-620.))~~

(3) The department shall allocate income of a COPEs ~~((participant living))~~ recipient residing in an adult family home or congregate care

facility ((shall be allocated as for other eligible categorically needy persons in similar living situations)). The recipient shall:

(a) Retain a specified personal needs allowance as described under WAC 388-29-130 and 388-29-280; and

(b) Pay remaining income up to the MNIL to the facility for the cost of board and room.

(4) Income remaining after allocations shall be the participation amount for COPEs services as described under WAC 388-15-620.

AMENDATORY SECTION (Amending Order X [2243], filed X [6/18/85])

WAC 388-83-210 COMMUNITY ALTERNATIVES PROGRAM (CAP) ((PROJECT)) AND OUTWARD BOUND RESIDENTIAL ALTERNATIVES (OBRA) PROGRAM. (1) An eligible person(s) for ((the)) CAP ((project are)) is an individual((s who)):

(a) ~~((Meet))~~ Meeting the requirements and ((are)) eligible for services of the division of developmental disabilities and ((are)) disabled according to SSI rules((-);

(b) ~~((Meet))~~ Meeting the Title XIX categorically needy eligibility requirements for an SSI-related institutionalized individual((s—See chapter 388-95 WAC. Income and resources of parents or spouses will not be considered available when determining eligibility or participation for a CAP applicant or recipient)). For the purposes of CAP and OBRA, an individual is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

(c) ~~((Are assessed by the department to require))~~ The department assesses as requiring the level of care provided in an intermediate care facility for the mentally retarded (IMR)((-);

(d) ~~((Have a))~~ For whom the department approves an individual plan of care ((approved by the department and the total cost for this plan of care including the medically needy income level for one person is eighty percent or less than the cost of IMR care as demonstrated in the client's services budget.)) describing the provided community support services; and

(e) ~~((Are))~~ Able and ((choose)) choosing to ((live)) reside in the community with community support services according to ((a CAP service)) the plan of care.

(2) An eligible person for the OBRA home and community-based services program is an individual:

(a) Meeting the CAP eligibility standards in WAC 388-83-210(1) of this section; and

(b) Residing in a Title XIX nursing facility at the time of application for OBRA services.

(3) The department shall allocate available total income, including amounts disregarded in determining eligibility, of a CAP ((participant shall be allocated)) or OBRA recipient as follows:

(a) For a recipient residing in the recipient's residence, including a recipient receiving intensive tenant support services, an amount equal to ((the medically needy income level)) a maximum of three hundred percent of the SSI federal benefit rate for one person shall be protected for the recipient's maintenance needs ((of the recipient)); ((or))

(b) For a recipient residing in a state-contracted or state-operated group home, adult family home, or congregate care facility, the following amounts shall be protected for the recipient's maintenance needs:

(i) A specified personal needs allowance, as described under WAC 388-29-130 and 388-29-280;

(ii) An amount equal to the monthly room and board cost for the facility where the recipient resides;

(iii) The first twenty dollars per month of earned or unearned income; and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(c) For a recipient described in subsection (3)(b) of this section, the maximum amount allowed for any recipient's individual maintenance needs shall not exceed three hundred percent of the SSI federal benefit rate. A recipient shall not be allowed an individual maintenance needs deduction of less than the SSI payment standard;

(d) For ((an individual)) a recipient with a spouse ((or dependent children)) at home who is not receiving CAP or OBRA services, an amount ((shall be)) is protected ((equal to the medically needy income level adjusted for the appropriate family size)) for the spouse's maintenance needs as computed in WAC 388-95-360 (2)(d);

~~((or))~~ (e) For a recipient with a dependent relative residing with the spouse not receiving CAP or OBRA services, an amount is protected for the relative's maintenance needs as computed in WAC 388-95-360 (2)(e);

(f) Amounts for incurred medical expenses not subject to third party payment shall be protected, including:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered under Medicaid((-);

~~((or))~~ (g) Income remaining after deductions in subdivision (a), (b), ((and)) (c), (d), (e), and (f) of this subsection will be the participation amount for CAP or OBRA services.

~~((3))~~ Income of a CAP participant living in an adult family home shall be allocated as for other eligible categorically needy persons in similar living situations(-);

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

**WSR 90-08-047  
PROPOSED RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Filed March 30, 1990, 3:24 p.m.]

Original Notice.

Title of Rule: WAC 388-83-033 Needy children one year of age to eight years of age.

Purpose: To incorporate in the rules the provisions of the law that increases the income level for children 1-6 years of age to raise the income level for children to the 1990 federal poverty level.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Adds a group of children ages 1-6 as eligible for Medicaid at 133% of the federal poverty level when the children meet certain eligibility criteria. Raises the income level of children 6-8 to 100% of the 1990 federal poverty level.

Reasons Supporting Proposal: This rule amendment is necessary to add a group of children ages 1-6 eligible for Medicaid at 133% of the federal poverty level. To increase the income level for children ages 6-8.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

Name of Proponent: Department of Social and Health Services, governmental.

Rule is necessary because of federal law, Congressional Record No. 165-Part III, November 21, 1989.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.  
 March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

- (i) The child is receiving inpatient services on the last day of the month in which the child attains six years of age;
- (ii) The stay for inpatient services continues into the following months; and
- (iii) Who, but for attaining such age, is eligible for assistance under this section.

**AMENDATORY SECTION** (Amending Order 2884, filed 10/27/89, effective 11/27/89)

WAC 388-83-033 **NEEDY CHILDREN—((UNDER)) ONE YEAR OF AGE TO EIGHT YEARS OF AGE.** (1) The department shall find ~~((children))~~ a child under eight years of age, born after September 30, 1983, eligible for Medicaid as categorically needy if the ~~((children))~~ child meets:

- (a) The income requirements ~~((of))~~ corresponding to the age requirements as listed in this section; and
- (b) Citizenship, Social Security Number, and residence under chapter 388-83 WAC.

(2) Income eligibility:  
 (a) For the child attaining six years of age but has not attained eight years of age, the total family income shall not exceed one hundred percent of the poverty income guidelines as published and updated by the secretary of health and human services. One hundred percent of the ~~((1988))~~ 1990 poverty income guidelines is:

	FAMILY SIZE	MONTHLY
(i)	One	\$ <del>((498-00))</del> 523
(ii)	Two	\$ <del>((668-00))</del> 702
(iii)	Three	\$ <del>((838-00))</del> 880
(iv)	Four	\$ <del>((1,008-00))</del> 1,058
(v)	Five	\$ <del>((1,178-00))</del> 1,237
(vi)	Six	\$ <del>((1,348-00))</del> 1,415
(vii)	Seven	\$ <del>((1,518-00))</del> 1,593
(viii)	Eight	\$ <del>((1,688-00))</del> 1,772

(ix) For family units with more than eight members, add \$~~((170))~~ 178 to the monthly income for each additional member.

(b) Effective April 1, 1990, for the child attaining one year of age but has not attained six years of age, the total family income shall not exceed one hundred thirty-three percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. One hundred thirty-three percent of the 1990 federal poverty income guidelines is:

	FAMILY SIZE	MONTHLY
(i)	One	\$ 696
(ii)	Two	\$ 933
(iii)	Three	\$ 1,170
(iv)	Four	\$ 1,408
(v)	Five	\$ 1,645
(vi)	Six	\$ 1,882
(vii)	Seven	\$ 2,119
(viii)	Eight	\$ 2,356

(ix) For family units with more than eight members, add \$237 to the monthly income for each additional member.

- (c) The department shall determine family income:
  - (i) According to AFDC methodology; and
  - (ii) Applying the special situations under WAC 388-83-130 ~~((5))~~ (3) and ~~((6))~~ (4).

(3) The department shall not consider resources in determining eligibility of ~~((children))~~ a child included in this section.

(4) A child ~~((who becomes))~~ attaining eight years of age shall be eligible under subsection (2)(a) of this section until the later of the end of the month:

- (a) ~~((The end of the month))~~ Of the child's eighth birthday; or
- (b) ~~((The end of the month))~~ In which the child receives inpatient services if:

- (i) The child is receiving inpatient services on the last day of the month in which the child becomes eight years of age; and
- (ii) The stay for inpatient services continues into the following months; and
- (iii) Who, but for becoming such age, ~~((would be))~~ is eligible for assistance under this section.

(5) A child attaining six years of age shall be eligible under subsection (2)(b) of this section until the later of the end of the month:

- (a) Of the child's sixth birthday; or
- (b) In which the child receives inpatient services if:

**WSR 90-08-048**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed March 30, 1990, 3:25 p.m.]

Original Notice.

Title of Rule: WAC 388-83-028 Eligibility factors for special categories; 388-83-029 Medical extensions; and 388-83-130 Eligibility—Special situations.

Purpose: To incorporate the changes caused by the Family Support Act of 1989. To eliminate duplicate WAC material. To clarify eligibility for certain family groups in WAC 388-83-130.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: WAC 388-83-028 is repealed as it duplicates another existing WAC; WAC 388-83-029 is added as a new section on medical extensions; and WAC 388-83-130 is amended to clarify eligibility factors of certain groups for medical assistance.

Reasons Supporting Proposal: This amendment is necessary to add the new rules on medical extensions; to repeal WAC 388-83-028 as this material is duplicated in another section of WAC; and to clarify eligibility for certain family groups in WAC 388-83-130.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Division of Medical Assistance, 753-0529.

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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

**NEW SECTION**

WAC 388-83-029 MEDICAL EXTENSIONS. (1) See WAC 388-83-031 for extensions for a pregnant woman.

(2) A family unit ineligible for AFDC or FIP cash assistance as a result, wholly or partly, of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility provided the family unit:

(a) Is eligible for and received AFDC or FIP cash assistance in three or more of the six months immediately preceding the month of ineligibility; and

(b) Became ineligible for AFDC or FIP on or after August 16, 1984.

(3) Beginning with the month of ineligibility, an AFDC family unit becoming ineligible solely because of increased income from or increased hours of employment shall remain eligible for medical assistance (MA):

(a) For four calendar months, if ineligible before April 1, 1990;

(b) When the family receives AFDC or FIP in three or more of the six months immediately preceding the month of ineligibility; and

(c) If a family member continues employment.

(4) Beginning with April 1, 1990, an AFDC family unit which becomes ineligible because of income from or hours of employment of the caretaker relative or the loss of the thirty dollars plus one-third disregard, or the thirty dollar exemption, shall remain eligible for six calendar months when:

(a) The family receives AFDC or FIP in three or more of the six months immediately preceding the month of ineligibility; and

(b) The family unit includes a child.

(5) The AFDC family unit, under subsection (4) of this section, shall be:

(a) Eligible for six additional calendar months of medical assistance provided the family unit:

(i) Continues to meet the criteria under subsection (4)(b) of this section;

(ii) Receives medical assistance for the entire six-month extension under subsection (4) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative, for the immediately preceding three-month period by the twenty-first day of the fourth month of the initial extension.

(b) Terminated from the six additional calendar months of medical assistance when the:

(i) Family's average gross income, less the costs of child care related to the employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period;

(ii) Family fails to report any family earnings and cost of child care related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the first and fourth months of the additional extension period, unless good cause is established; or

(iii) Caretaker relative has no earnings in one or more of the previous three months, unless such lack of earnings is due to a good cause.

(6) Beginning with the month of ineligibility, an AFDC family unit becoming ineligible for AFDC cash assistance solely because of the loss of the thirty dollars plus one-third disregard, or the thirty-dollar income exemption, shall remain categorically eligible for MA for nine calendar months, if ineligible before April 1, 1990.

(7) A family unit suspended from FIP cash assistance because of increased earned income shall be eligible for extended medical assistance. This period of eligibility shall not exceed twelve months as determined under WAC 388-77-737.

(8) Beginning with the month of ineligibility, a FIP family unit becoming ineligible solely because of hours of employment shall remain eligible for MA:

(a) For four calendar months, if ineligible before April 1, 1990;

(b) When the family receives FIP or AFDC in three or more of the six months immediately preceding the month of ineligibility; and

(c) If a family member continues employment.

(9) Beginning with the month of ineligibility, a FIP family unit becoming ineligible solely because of hours of the caretaker relative's employment shall remain eligible for MA for six calendar months, if ineligible after March 31, 1990, provided:

(a) The family receives FIP or AFDC in three or more of the six months immediately preceding the month of ineligibility; and

(b) The family unit includes a child.

(10) The FIP family unit, under subsection (9) of this section, shall be:

(a) Eligible for six additional calendar months of extended medical assistance provided the family unit:

(i) Continues meeting the criteria under subsection (9)(b) of this section;

(ii) Receives medical assistance for the entire six-month extension under section (9) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the fourth month of the initial extension.

(b) Terminated from the six additional calendar months of extended medical assistance when the:

(i) Family's average gross income, less the cost of the child care related to the employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period; or

(ii) Family fails to report any family earnings and child care costs related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the first and fourth months of the additional extension period, unless good cause is established; or

(iii) Caretaker relative has no earnings in one or more of the previous three months, unless lack of earnings is due to good cause.

(11) An AFDC or FIP family member is not eligible for the extensions in subsections (4), (5), (9), or (10) of this section when the department finds the person ineligible for AFDC or FIP in any of the last six months before the extension because of fraud.

#### AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

##### WAC 388-83-130 ELIGIBILITY—SPECIAL SITUATIONS.

(1) The department shall consider parent's income available whether or not actually contributed, when determining eligibility of a person under eighteen years of age residing in the same family unit with parents.

(2) The department shall not allow the AFDC earned income exemption of thirty dollars plus one-third of remainder to clients ((initially):

(a) Applying solely for medical assistance((:

(3) ~~The department shall allow the thirty dollars plus one-third disregard~~), except for families applying for medical assistance who received AFDC ((or FIP)) cash assistance in any of the four preceding months(;;) and

(b) After ((receiving)) the client receives the thirty dollars plus one-third income disregard for a maximum of four consecutive months((; the)), A client is not eligible for the disregard until the client ((has been off)) does not receive AFDC cash assistance for twelve consecutive months.

~~((4) AFDC or FIP children sixteen or seventeen years of age terminated from AFDC or FIP cash assistance solely because they have ceased to attend school and have refused to register for WIN are eligible for Medicaid on the same basis as a dependent child.~~

(5) ~~For family units determined ineligible for AFDC or FIP assistance solely due to the requirements of WAC 388-24-050 or 388-77-210 that certain parents and siblings be included in the assistance unit; at the applicant's option, such individuals and their income may be excluded from the assistance unit when determining eligibility of the remaining assistance unit members for categorically needy medical assistance.~~

~~(6) For family units determined ineligible for AFDC or FIP financial assistance solely due to the requirements of WAC 388-28-500(4) or 388-77-285 that income of the nonapplying parents of a minor parent be considered available to the assistance unit of the minor parent and such minor's child or children, such income shall be disregarded when determining eligibility of such minor's child or children)) (3) The department shall consider AFDC children sixteen and seventeen years of age, terminated from cash assistance, as eligible for Medicaid on the same basis as a dependent child when termination was solely due to the children:~~

~~(a) Ceasing to attend school; and~~

~~(b) Refusing to participate in the OPPORTUNITIES program.~~

~~(4) The department shall consider a person eligible for Medicaid when the person is denied AFDC cash assistance solely because:~~

~~(a) Of income and resources deemed available from the following person who is not a member of the AFDC unit, unless actually available to the assistance unit:~~

~~(i) Stepparent who is not legally liable for support of stepchildren;~~

~~(ii) Grandparent;~~



(iii) Legal guardian who is not a parent;

(iv) Alien sponsor; or

(v) Sibling.

(b) Of counting a sibling's income or resources or both to determine AFDC cash assistance when the sibling is residing in the same residence, unless the sibling actually contributes or makes available the income or resources or both to the AFDC assistance unit.

(c) After July 1, 1989, a member of the family transferred a resource without receiving adequate compensation. If the family member is institutionalized, refer to chapter 388-95 WAC.

(5) The department shall consider a person eligible for Medicaid when the person is denied SSI cash assistance solely because of income and resources deemed available from an alien sponsor.

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-83-028 ELIGIBILITY FACTORS FOR SPECIAL CATEGORIES.

**WSR 90-08-049**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2953—Filed March 30, 1990, 3:26 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To make WAC 388-100-010 consistent with the spenddown chapter 388-99 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 388-100-010 Limited casualty program—Medically indigent—Eligibility determination.

Statutory Authority for Adoption: RCW 74.08.090.

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 make WAC 388-100-010 consistent with the spenddown chapter 388-99 WAC.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990  
Leslie F. James, Director  
Administrative Services

#### AMENDATORY SECTION (Amending Order 2378, filed 5/14/86)

WAC 388-100-010 LIMITED CASUALTY PROGRAM—MEDICALLY INDIGENT—ELIGIBILITY DETERMINATION. (1) Citizenship and residency are not requirements for eligibility. However, ~~((a))~~ an individual ~~((who is))~~ shall not be eligible for LCP-MI when the individual:

(a) Is eligible for medical care from another state ~~((is not eligible for LCP-MI,))~~; or

(b) ~~((an individual who))~~ Enters Washington state specifically for the purpose of obtaining medical care ~~((is not eligible for LCP-MI)).~~

(2) Persons receiving LCP-MI shall meet the following eligibility standards:

(a) The individual is not receiving continuing cash assistance or eligible for any other medical program~~((:));~~

(b) Income shall:

(i) Not exceed the medically needy income level in WAC 388-99-020; or ~~((shall))~~

(ii) ~~Be~~ ~~((spenddown))~~ spent down to that level according to procedures in WAC 388-99-030~~((:));~~

(c) Nonexempt resources shall not exceed the resource standard for SSI or shall be ~~((spenddown))~~ spent down to that level according to procedures in WAC 388-100-015~~((:));~~

(d) The applicant who ~~((has))~~ transferred resources within two years ~~((prior to))~~ before the date of application but after July 1, 1981, shall spenddown the uncompensated value of the resource as described in WAC ~~((388-100-010))~~ 388-100-015. See WAC ~~((388-99-035(2)))~~ 388-92-043 for determining the uncompensated value of the transferred resource~~((:));~~ and

(e) For a pregnant woman ~~((who does not meet the AFDC income, resource and/or deprivation requirements)),~~ the department shall increase the number in the household by one before comparing the number in the household to the:

(i) ~~((The number in the household shall be increased by one before being compared to the))~~ Income requirements of subdivision (b) of this subsection; and

(ii) ~~((The number in the household shall be increased by one before being compared to the))~~ Resource requirements of subdivision (c) of this subsection.

(3) The department shall use AFDC income guidelines in chapter 388-28 WAC to determine treatment of income~~((:));~~ except:

(a) The AFDC earned income exemption of thirty dollars plus one-third of the remainder does not apply to individuals applying for LCP-MI~~((:));~~ and

(b) Deduct health insurance premiums expected to be paid during the base period.

(4) The department shall use AFDC resource guidelines in chapter 388-28 WAC to determine ~~((exempt))~~ resources, except for provisions under WAC 388-28-425.

(5) The applicant shall satisfy the deductible requirement in WAC 388-100-030.

**WSR 90-08-050**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2954—Filed March 30, 1990, 3:27 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To update the qualified federal beneficiary income level to 90% of the 1990 federal poverty level as required by law.

Citation of Existing Rules Affected by this Order: Amending WAC 388-82-140 Qualified Medicare beneficiaries eligible for medical cost sharing.

Statutory Authority for Adoption: RCW 74.08.090.

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 increase the income level of the qualified Medicare beneficiary to 90% of the 1990 federal poverty level.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2910, filed 12/1/89, effective 1/1/90)

**WAC 388-82-140 QUALIFIED MEDICARE BENEFICIARIES ELIGIBLE FOR MEDICARE COST SHARING.** The department shall provide Medicare cost sharing under WAC 388-81-060(2) for an individual:

(1) Meeting the general nonfinancial requirements under chapter 388-83 WAC; and

(2) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act; and

(3) Having resources not exceeding twice the maximum supplemental security income (SSI) resource limits under chapter 388-92 WAC; and

(4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding ninety percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. Ninety percent of the ~~((1989))~~ 1990 federal poverty income guidelines is:

	Family Size	Monthly
(a)	One	\$ <del>((449))</del> <u>471</u>
(b)	Two	<del>((602))</del> <u>632</u>
(c)	Three	<u>792</u>
(d)	Four	<u>953</u>
(e)	Five	<u>1,113</u>
(f)	Six	<u>1,274</u>
(g)	Seven	<u>1,434</u>
(h)	Eight	<u>1,595</u>

(i) For family units with more than ~~((two))~~ eight members, add \$~~((153.00))~~ 161 to the monthly income for each additional member.

**WSR 90-08-051**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2955—Filed March 30, 1990, 3:28 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To incorporate in the rules the provisions of the law that increases the income level for children 1-6 years of age; and to raise the income level for children to the 1990 federal poverty level.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-033 Needy children one year of age to eight years of age.

Statutory Authority for Adoption: RCW 74.08.090.

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 add a group of children ages 1-6 eligible for Medicaid at 133% of the federal poverty level; and to increase the income level for children ages 6-8.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2884, filed 10/27/89, effective 11/27/89)

**WAC 388-83-033 NEEDY CHILDREN—((UN-  
 DER)) ONE YEAR OF AGE TO EIGHT YEARS OF AGE.** (1) The department shall find ~~((children))~~ a child under eight years of age, born after September 30, 1983, eligible for Medicaid as categorically needy if the ~~((children))~~ child meets:

(a) The income requirements ~~((of))~~ corresponding to the age requirements as listed in this section; and

(b) Citizenship, Social Security Number, and residence under chapter 388-83 WAC.

(2) Income eligibility:

(a) For the child attaining six years of age but has not attained eight years of age, the total family income shall not exceed one hundred percent of the poverty income guidelines as published and updated by the secretary of health and human services. One hundred percent of the ~~((1988))~~ 1990 poverty income guidelines is:

	FAMILY SIZE	MONTHLY
(i)	One	\$ <del>((498.00))</del> <u>523</u>
(ii)	Two	\$ <del>((668.00))</del> <u>702</u>
(iii)	Three	\$ <del>((838.00))</del> <u>880</u>
(iv)	Four	\$ <del>((1,008.00))</del> <u>1,058</u>
(v)	Five	\$ <del>((1,178.00))</del> <u>1,237</u>
(vi)	Six	\$ <del>((1,348.00))</del> <u>1,415</u>
(vii)	Seven	\$ <del>((1,518.00))</del> <u>1,593</u>
(viii)	Eight	\$ <del>((1,688.00))</del> <u>1,772</u>

(ix) For family units with more than eight members, add \$((+70)) 178 to the monthly income for each additional member.

(b) Effective April 1, 1990, for the child attaining one year of age but has not attained six years of age, the total family income shall not exceed one hundred thirty-three percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. One hundred thirty-three percent of the 1990 federal poverty income guidelines is:

FAMILY SIZE MONTHLY

(i)	One	\$	696
(ii)	Two	\$	933
(iii)	Three	\$	1,170
(iv)	Four	\$	1,408
(v)	Five	\$	1,645
(vi)	Six	\$	1,882
(vii)	Seven	\$	2,119
(viii)	Eight	\$	2,356

(ix) For family units with more than eight members, add \$237 to the monthly income for each additional member.

(c) The department shall determine family income:

(i) According to AFDC methodology; and

(ii) Applying the special situations under WAC 388-83-130 ((+5)) (3) and ((+6)) (4).

(3) The department shall not consider resources in determining eligibility of ((children)) a child included in this section.

(4) A child ((who becomes)) attaining eight years of age shall be eligible under subsection (2)(a) of this section until the later of the end of the month:

(a) ((The end of the month)) Of the child's eighth birthday; or

(b) ((The end of the month)) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month in which the child becomes eight years of age; and

(ii) The stay for inpatient services continues into the following months; and

(iii) Who, but for becoming such age, ((would be)) is eligible for assistance under this section.

(5) A child attaining six years of age shall be eligible under subsection (2)(b) of this section until the later of the end of the month:

(a) Of the child's sixth birthday; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month in which the child attains six years of age;

(ii) The stay for inpatient services continues into the following months; and

(iii) Who, but for attaining such age, is eligible for assistance under this section.

**WSR 90-08-052  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 2956—Filed March 30, 1990, 3:29 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To incorporate the changes caused by the Family Support Act of 1989; to eliminate duplicate WAC material; and to clarify eligibility for certain family groups in WAC 388-83-130.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-83-028 Eligibility factors for special categories; and amending WAC 388-83-130 Eligibility—Special situations.

Statutory Authority for Adoption: RCW 74.08.090.

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 add the new rules on medical extensions; to repeal WAC 388-83-028 as this material is duplicated in another section of WAC; and to clarify eligibility for certain family groups in WAC 388-83-130.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990  
Leslie F. James, Director  
Administrative Services

NEW SECTION

WAC 388-83-029 MEDICAL EXTENSIONS. (1) See WAC 388-83-031 for extensions for a pregnant woman.

(2) A family unit ineligible for AFDC or FIP cash assistance as a result, wholly or partly, of the collection or increased collection of child or spousal support shall be eligible for medical assistance for four months beginning with the month of ineligibility provided the family unit:

(a) Is eligible for and received AFDC or FIP cash assistance in three or more of the six months immediately preceding the month of ineligibility; and

(b) Became ineligible for AFDC or FIP on or after August 16, 1984.

(3) Beginning with the month of ineligibility, an AFDC family unit becoming ineligible solely because of increased income from or increased hours of employment shall remain eligible for medical assistance (MA):

(a) For four calendar months, if ineligible before April 1, 1990;

(b) When the family receives AFDC or FIP in three or more of the six months immediately preceding the month of ineligibility; and

(c) If a family member continues employment.

(4) Beginning with April 1, 1990, an AFDC family unit which becomes ineligible because of income from or hours of employment of the caretaker relative or the loss

of the thirty dollars plus one-third disregard, or the thirty dollar exemption, shall remain eligible for six calendar months when:

(a) The family receives AFDC or FIP in three or more of the six months immediately preceding the month of ineligibility; and

(b) The family unit includes a child.

(5) The AFDC family unit, under subsection (4) of this section, shall be:

(a) Eligible for six additional calendar months of medical assistance provided the family unit:

(i) Continues to meet the criteria under subsection (4)(b) of this section;

(ii) Receives medical assistance for the entire six-month extension under subsection (4) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative, for the immediately preceding three-month period by the twenty-first day of the fourth month of the initial extension.

(b) Terminated from the six additional calendar months of medical assistance when the:

(i) Family's average gross income, less the costs of child care related to the employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period;

(ii) Family fails to report any family earnings and cost of child care related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the first and fourth months of the additional extension period, unless good cause is established; or

(iii) Caretaker relative has no earnings in one or more of the previous three months, unless such lack of earnings is due to a good cause.

(6) Beginning with the month of ineligibility, an AFDC family unit becoming ineligible for AFDC cash assistance solely because of the loss of the thirty dollars plus one-third disregard, or the thirty-dollar income exemption, shall remain categorically eligible for MA for nine calendar months, if ineligible before April 1, 1990.

(7) A family unit suspended from FIP cash assistance because of increased earned income shall be eligible for extended medical assistance. This period of eligibility shall not exceed twelve months as determined under WAC 388-77-737.

(8) Beginning with the month of ineligibility, a FIP family unit becoming ineligible solely because of hours of employment shall remain eligible for MA:

(a) For four calendar months, if ineligible before April 1, 1990;

(b) When the family receives FIP or AFDC in three or more of the six months immediately preceding the month of ineligibility; and

(c) If a family member continues employment.

(9) Beginning with the month of ineligibility, a FIP family unit becoming ineligible solely because of hours of the caretaker relative's employment shall remain eligible for MA for six calendar months, if ineligible after March 31, 1990, provided:

(a) The family receives FIP or AFDC in three or more of the six months immediately preceding the month of ineligibility; and

(b) The family unit includes a child.

(10) The FIP family unit, under subsection (9) of this section, shall be:

(a) Eligible for six additional calendar months of extended medical assistance provided the family unit:

(i) Continues meeting the criteria under subsection (9)(b) of this section;

(ii) Receives medical assistance for the entire six-month extension under section (9) of this section; and

(iii) Reports any family earnings and child care costs related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the fourth month of the initial extension.

(b) Terminated from the six additional calendar months of extended medical assistance when the:

(i) Family's average gross income, less the cost of the child care related to the employment of the caretaker relative, exceeds one hundred eighty-five percent of the Federal Poverty Level when averaged over the immediately preceding three-month period; or

(ii) Family fails to report any family earnings and child care costs related to the employment of the caretaker relative for the immediately preceding three-month period by the twenty-first day of the first and fourth months of the additional extension period, unless good cause is established; or

(iii) Caretaker relative has no earnings in one or more of the previous three months, unless lack of earnings is due to good cause.

(11) An AFDC or FIP family member is not eligible for the extensions in subsections (4), (5), (9), or (10) of this section when the department finds the person ineligible for AFDC or FIP in any of the last six months before the extension because of fraud.

#### AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

WAC 388-83-130 ELIGIBILITY—SPECIAL SITUATIONS. (1) The department shall consider parent's income available whether or not actually contributed, when determining eligibility of a person under eighteen years of age residing in the same family unit with parents.

(2) The department shall not allow the AFDC earned income exemption of thirty dollars plus one-third of remainder to clients (~~initially~~):

(a) Applying solely for medical assistance(~~(~~  
~~(3) The department shall allow the thirty dollars plus one-third disregard~~), except for families applying for medical assistance who received AFDC (~~(or FIP)~~) cash assistance in any of the four preceding months(); and

(b) After (~~receiving~~) the client receives the thirty dollars plus one-third income disregard for a maximum of four consecutive months(~~(, the)~~). A client is not eligible for the disregard until the client (~~has been off~~) does not receive AFDC cash assistance for twelve consecutive months.

~~((4) AFDC or FIP children sixteen or seventeen years of age terminated from AFDC or FIP cash assistance solely because they have ceased to attend school and have refused to register for WIN are eligible for Medicaid on the same basis as a dependent child.~~

~~(5) For family units determined ineligible for AFDC or FIP assistance solely due to the requirements of WAC 388-24-050 or 388-77-210 that certain parents and siblings be included in the assistance unit, at the applicant's option, such individuals and their income may be excluded from the assistance unit when determining eligibility of the remaining assistance unit members for categorically needy medical assistance.~~

~~(6) For family units determined ineligible for AFDC or FIP financial assistance solely due to the requirements of WAC 388-28-500(4) or 388-77-285 that income of the nonapplying parents of a minor parent be considered available to the assistance unit of the minor parent and such minor's child or children, such income shall be disregarded when determining eligibility of such minor's child or children)) (3) The department shall consider AFDC children sixteen and seventeen years of age, terminated from cash assistance, as eligible for Medicaid on the same basis as a dependent child when termination was solely due to the children:~~

~~(a) Ceasing to attend school; and~~

~~(b) Refusing to participate in the OPPORTUNITIES program.~~

~~(4) The department shall consider a person eligible for Medicaid when the person is denied AFDC cash assistance solely because:~~

~~(a) Of income and resources deemed available from the following person who is not a member of the AFDC unit, unless actually available to the assistance unit:~~

~~(i) Stepparent who is not legally liable for support of stepchildren;~~

~~(ii) Grandparent;~~

~~(iii) Legal guardian who is not a parent;~~

~~(iv) Alien sponsor, or~~

~~(v) Sibling.~~

~~(b) Of counting a sibling's income or resources or both to determine AFDC cash assistance when the sibling is residing in the same residence, unless the sibling actually contributes or makes available the income or resources or both to the AFDC assistance unit.~~

~~(c) After July 1, 1989, a member of the family transferred a resource without receiving adequate compensation. If the family member is institutionalized, refer to chapter 388-95 WAC.~~

~~(5) The department shall consider a person eligible for Medicaid when the person is denied SSI cash assistance solely because of income and resources deemed available from an alien sponsor.~~

#### REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-83-028 ELIGIBILITY FACTORS FOR SPECIAL CATEGORIES.

WSR 90-08-053  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2957—Filed March 30, 1990, 3:30 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To clarify the wording which medical programs must be considered before terminating cash or medical assistance; add cross references to the WAC on medical extensions; and correct the wording when medical assistance ends for pregnant women.

Citation of Existing Rules Affected by this Order: Amending WAC 388-85-105 Certification of eligibility.

Statutory Authority for Adoption: RCW 74.08.090.

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 clarify the wording of which programs must be considered before terminating cash or medical assistance; to cross refer to the WAC on medical extensions; and correct the wording when medical assistance ends for pregnant women.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990  
Leslie F. James, Director  
Administrative Services

#### AMENDATORY SECTION (Amending Order 2672, filed 8/17/88)

WAC 388-85-105 CERTIFICATION OF ELIGIBILITY. (1) The department shall continue eligibility for medical assistance until the client is determined ineligible for cash assistance.

~~((+)) (2) Before termination of medical assistance, whenever terminating cash assistance or medical assistance, the department shall ((automatically)) redetermine the recipient's eligibility for other medical assistance programs ((prior to termination of medical assistance including Medicaid, the limited casualty program,)) or ((medical care services)) the medically indigent program.~~

~~(a) ((H)) When additional information is necessary to redetermine eligibility, the department shall give the client ten days' notice and an opportunity to provide such information.~~

~~(b) The department shall give the client advance and adequate notice of the redetermination decision ((prior to)) before termination of medical assistance((-Sec)) as described under WAC 388-33-376.~~

~~(c) Until the department redetermines a client's eligibility in conformity with the requirements of this section, the client shall remain eligible for categorically needy medical benefits.~~

~~((+2)) (3) When eligibility for AFDC cash assistance is terminated:~~

(a) Due to increased income from or increased hours ((from)) of employment, medical assistance shall continue for ((four calendar months beginning with month of ineligibility)) the extension periods as described under WAC 388-82-029;

(b) Due to reaching state legal age of majority, the department shall ((automatically)) redetermine eligibility for medical assistance under another program;

(c) For lack of cooperation in WIN or work registration or for lack of school attendance, which are not eligibility factors for medical assistance, ((the)) eligibility for medical assistance shall continue;

(d) Due solely to the loss of the thirty dollars plus one-third or the thirty dollar income exemption, medical assistance shall continue for ((nine calendar months beginning with the month of ineligibility)) the appropriate extension periods as described under WAC 388-82-029; and

(e) Due to the termination of pregnancy, medical assistance shall continue ((for two calendar months following the month of pregnancy termination)) to the end of the month containing the sixtieth day from the day pregnancy ends.

~~((3))~~ (4) When eligibility for FIP cash assistance is terminated due to:

(a) ~~((Due to))~~ Increased earnings, medical assistance shall continue for up to twelve calendar months beginning with the month of ineligibility;

(b) ~~((Due to))~~ An increase in hours ((from)) of employment, medical assistance shall continue for ((up to four calendar months beginning with the month of ineligibility)) the appropriate extension periods as described under WAC 388-82-029;

(c) ~~((Due to))~~ Reaching state legal age of majority, the department shall ((automatically)) redetermine eligibility for medical assistance under another program; and

(d) ~~((Due to))~~ Termination of pregnancy, medical assistance shall continue ((for two calendar months following the month of pregnancy termination)) to the end of the month containing the sixtieth day from the day pregnancy ends.

~~((4))~~ (5) The department shall redetermine eligibility for medical assistance the same as for the related cash assistance program, for clients:

(a) ~~((For clients))~~ Under eighteen years of age not related to SSI, eligibility shall be redetermined every six months using AFDC or FIP financial criteria;

(b) ~~((For clients))~~ In medical institutions, eligibility shall be redetermined every twelve months.

~~((5))~~ (6) The client shall report to the CSO, within twenty days, any change in circumstances relating to eligibility.

~~((6))~~ (7) For any change of eligibility, the department shall use the same notification procedures as for cash assistance.

WSR 90-08-054  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)

[Order 2958—Filed March 30, 1990, 3:31 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To incorporate the changes in Medicare deductible and coinsurance payments as changed by the Catastrophic Repeal Act of 1989.

Citation of Existing Rules Affected by this Order: Amending WAC 388-87-011 Conditions of payment—Medicare deductible and coinsurance—When paid by department; and WAC 388-87-060 Payment—Extended care patient—Coinsurance.

Statutory Authority for Adoption: RCW 74.08.090.

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 change the rules to the rules in effect in December 1988.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990

Leslie F. James, Director  
Administrative Services

AMENDATORY SECTION (Amending Order 2793, filed 5/4/89)

WAC 388-87-011 CONDITIONS OF PAYMENT—MEDICARE DEDUCTIBLE AND COINSURANCE—WHEN PAID BY DEPARTMENT. (1) The department shall ((be responsible for)) pay the deductible and coinsurance amounts for recipients participating in the benefits of Parts A and B of Medicare (Title XVIII of the Social Security Act) when the ((following conditions are met)):

~~((1))~~ (a) Total combined reimbursement to the provider from Medicare and the department does not exceed the department's fee schedule((-see)) as described under WAC 388-87-010; and

(b) Provider accepts assignment for Medicare payment.

(2) When the recipient has Part A of Medicare and has:

(a) Not exhausted lifetime reserve days, the department recognizes the Medicare diagnostic related group (DRG) ((shall be recognized)) as payment in full, except for deductible and coinsurance amounts; ((and)) or

(b) Exhausted lifetime reserve days during an inpatient hospital stay, the department recognizes the Medicare DRG as payment in full, except coinsurance and deductible amounts until the Medicaid outlier threshold is reached. After the Medicaid outlier threshold is reached, the department pays an amount based on the policy described in Title XIX state plan.

~~(3) The ((provider accepts assignment for Medicare payment)) department shall base its outlier policy on the methodology prescribed in the department's Title XIX state plan, methods, and standards used for establishing payment rates for hospital inpatient services.~~

~~(4) The department shall pay for Medicaid covered services when the recipient exhausts Medicare benefits.~~

AMENDATORY SECTION (Amending Order 2792, filed 5/4/89)

WAC 388-87-060 PAYMENT—EXTENDED CARE PATIENT—COINSURANCE. Effective ~~((January 1, 1989))~~ January 1, 1990, a recipient, entitled to Medicare benefits may be eligible for ~~((up to))~~ a maximum of one hundred ~~((fifty))~~ days of Medicare benefits ~~((in a calendar year for extended care))~~ for the same period of illness in a participating Medicare skilled nursing facility. ~~((Sec WAC 388-87-011 for payment of the coinsurance))~~ The recipient shall pay the coinsurance from available resources and income, beginning the twenty-first day of the extended care. If the recipient has insufficient resources and income, according to department standards, the department shall pay the coinsurance for the remainder of the one hundred day period or until the recipient is no longer eligible for Medicare skilled nursing home benefits, whichever comes first.

**WSR 90-08-055**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2959—Filed March 30, 1990, 3:32 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To add the 1989 federal law changes to the early periodic screening diagnosis and treatment program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-027 Early and periodic screening, diagnosis and treatment of eligible individuals twenty years of age and younger.

Statutory Authority for Adoption: RCW 74.08.090.

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 implement the EPSDT changes.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990  
 Leslie F. James, Director  
 Administrative Services

AMENDATORY SECTION (Amending Order 1725, filed 12/3/81)

WAC 388-86-027 EARLY AND PERIODIC SCREENING, DIAGNOSIS AND TREATMENT OF ELIGIBLE INDIVIDUALS ~~((UNDER TWENTY-ONE))~~ TWENTY YEARS OF AGE AND YOUNGER. (1) To the extent provided under these rules, the department ~~((with))~~ shall make available to ~~((categorically needy individuals under twenty-one))~~ Medicaid recipients twenty years of age and younger, early and periodic screening and diagnosis ~~((to ascertain their physical and/or mental defects and will authorize treatment to correct or ameliorate the defects and chronic conditions discovered thereby. There will be freedom of choice in obtaining screening services))~~ and treatment (EPSDT).

(2) Early and periodic screening and diagnosis shall be provided at intervals:

(a) Meeting reasonable standards of dental and medical practice as determined by the division of medical assistance, and

(b) When indicated as medically necessary to determine the existence of a suspected physical or mental illness or condition.

(3) In obtaining EPSDT services, the recipient shall be free to choose from ((among)) participating providers.

(4) The following services are included in the program:

(a) Screening by providers of screening services ((who have been)) authorized by the division of medical assistance to provide ((an unclothed physical examination including at least)) screening. The screening services shall, at a minimum, include:

(i) ((Medical)) A comprehensive health and developmental history;

(ii) An assessment of physical ((growth)) and mental health development and nutritional status;

(iii) ((Developmental assessment (physical and mental)) A comprehensive unclothed physical exam;

(iv) ((Inspection for obvious defects)) Appropriate immunizations according to age and health history;

(v) ((Inspection of ears, nose, mouth, teeth and throat)) Laboratory tests, including lead blood level assessment appropriate for age and risk factors; and

(vi) ((Visual screening, auditory testing

(vii) Screening for cardiac abnormalities

(viii) Screening for anemia

(ix) Urine screening

(x) Blood pressure (children twelve years of age or older)

(xi) Assessment of immunization status and updating immunization

(xii) Referral to a dentist for examination, diagnosis and treatment for children three years of age and over))

Health education, including anticipatory guidance.



~~(b) ((When indicated by screening findings, providers of screening services will provide, or refer eligible children for more definitive diagnostic study and/or treatment.)) Vision services which shall, at a minimum, include diagnosis and treatment for defects in vision, including eyeglasses;~~

~~(c) ((Treatment shall be limited to the same duration and scope of care available to other recipients of medical assistance, except regardless of any such limitations, treatment for visual and hearing defects including eyeglasses and hearing aids, and at least such dental care as is necessary for relief of pain and infection and for restoration of teeth and maintenance of dental health shall be provided, subject to such utilization controls as may be imposed by the department)) Dental services which shall, at a minimum, include relief of pain and infections, restoration of teeth, and dental health maintenance;~~

~~(d) Hearing services which shall, at a minimum, include diagnosis and treatment for defects in hearing, including hearing aids; and~~

~~(e) Other medically necessary health care, diagnostic services, treatment, and other measures provided under Medicaid program, to correct or ameliorate defects and physical and mental illnesses and conditions the screening services discover. In addition, the department shall provide the following services, provided the screening services provider determines the necessity for such services during an EPSDT screening process:~~

- ~~(i) Occupational therapy;~~
- ~~(ii) Nutritional counseling; or~~
- ~~(iii) Chiropractic services.~~

~~(5) EPSDT services are subject to utilization controls as the department may impose.~~

~~(6) See WAC 388-86-005 and 388-86-020 for limitations of the dental program, WAC 388-86-030 for eyeglasses and examinations, and WAC 388-86-040 for management of hearing defects.~~

~~((2) EPSDT is available to all individuals under twenty-one years of age who are determined to be categorically needy.))~~

**WSR 90-08-056**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 296]—Filed March 30, 1990, 3:33 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To update the income level to the 185% of the 1990 federal poverty level.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-032 Pregnant women and infants.

Statutory Authority for Adoption: RCW 74.08.090.

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 raise the income level of this group to 185% of the 1990 federal poverty level.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990

Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION (Amending Order 2884, filed 10/27/89, effective 11/27/89)**

**WAC 388-83-032 PREGNANT WOMEN AND INFANTS.** (1) The department shall find pregnant women and infants under one year of age eligible for Medicaid as categorically needy, if the pregnant women and infants meet:

- (a) The income requirements of this section; and
- (b) Citizenship, Social Security Number, and Residence requirements under chapter 388-83 WAC.

(2) If ~~((the))~~ a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:

(a) Total family income shall not exceed one hundred eighty-five percent of the federal poverty income guidelines as published and updated by the secretary of health and human services. One hundred eighty-five percent of the ~~((+989))~~ 1990 federal poverty income guidelines is:

	Family Size	Monthly
(i)	One	\$ <del>((922))</del> 968
(ii)	Two	\$ <del>((+236))</del> 1,298
(iii)	Three	\$ <del>((+551))</del> 1,628
(iv)	Four	\$ <del>((+865))</del> 1,958
(v)	Five	\$ <del>((2,180))</del> 2,288
(vi)	Six	\$ <del>((2,494))</del> 2,618
(vii)	Seven	\$ <del>((2,809))</del> 2,948
(viii)	Eight	\$ <del>((3,123))</del> 3,278

(ix) For family units with nine members or more, add \$ ~~((315))~~ 330 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology, except the department shall exclude the income of the unmarried father of the unborn unless the income is actually contributed; and

(ii) Apply the special situations under WAC 388-83-130 ~~((5))~~ (3) and ~~((6))~~ (4).

(3) The department shall not consider resources in determining the eligibility of groups in this section.

(4) Changes in family income shall not affect eligibility for medical assistance during pregnancy and when eligible under subsection (2) of this section through the sixtieth day from the last day of pregnancy:

(a) Once the department determines a pregnant woman eligible under this section; or



(b) If at any time while eligible for and receiving medical assistance a pregnant woman meets the eligibility requirements of this section.

(5) An infant shall be eligible until the later of the end of the month in which the infant:

(a) ~~((The end of the month in which the infant))~~ Becomes one year of age, or

(b) ~~((The end of the month in which the infant))~~ Receives inpatient services if:

(i) The infant is receiving inpatient services on the last day of the month in which the child becomes one year of age, and

(ii) The stay for inpatient services continues into the following month or months; and

(iii) The infant is eligible for medical assistance under this section except for age.

**WSR 90-08-057**

**EMERGENCY RULES  
DEPARTMENT OF**

**SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 2962—Filed March 30, 1990, 3:34 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To incorporate the spousal income allocation under WAC 388-95-360 for COPEs, CAP and OBRA recipients; and to add to WAC 388-83-210 the new waiver OBRA program.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-200 Community options program entry system (COPEs); and 388-83-210 Community alternatives program (CAP) and outward bound residential alternatives (OBRA) program.

Statutory Authority for Adoption: RCW 74.08.090.

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 incorporate the spousal income allocation under WAC 388-95-360 for COPEs, CAP and OBRA recipients; and to add to WAC 388-83-210 the new waiver OBRA program.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2243, filed 6/18/85)

WAC 388-83-200 COMMUNITY OPTIONS PROGRAM ENTRY SYSTEM (COPEs) ~~((PROJECT))~~. (1) An eligible person((s)) for ~~((the))~~ COPEs ~~((project are))~~ is an individual((s-age)) eighteen ~~((and))~~ years of age or over ~~((who))~~:

~~(a) ((Meet))~~ Meeting the Title XIX categorically needy eligibility requirements for an SSI-related institutionalized individual((s)). ~~((See chapter 388-95 WAC: Income and resources of parents or spouses will not be considered available when determining eligibility or participation for a COPEs applicant or recipient))~~ For the purposes of COPEs, an individual is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;

~~(b) ((Are assessed by))~~ The department ~~((to require))~~ assesses as requiring the level of care provided in a skilled nursing facility((:)) or an intermediate care facility ~~((or an intermediate care facility for the mentally retarded))~~;

~~(c) ((Have))~~ For whom the department approves a feasible plan of care ~~((approved by the department))~~ and the total cost for this plan of care, including the MNIL for one person, is less than ninety percent of the department's state-wide average nursing home rate; and

~~(d) ((Are))~~ Able and ~~((choose))~~ choosing to ~~((live))~~ reside at home with community support services, ~~((or))~~ in a congregate care facility, or in a licensed adult family home.

(2) The department shall allocate available income of the COPEs ~~((participant living))~~ recipient residing at home ~~((shall be allocated))~~ as ~~((follows:~~

~~(a))~~ described under WAC 388-95-360 (1), (2)(c), (d), (e), (f), and (g), (3), (4), and (5), except the recipient retains an amount equal to the medically needy income level (MNIL) for one person ~~((shall be protected))~~ for the recipient's maintenance needs ~~((of the recipient, and~~

~~(b) For the maintenance needs of the participant's spouse or family at home, an additional amount shall be protected equal to the medically needy income level for the number of dependents in the home less the income of the dependents;~~

~~(c) Amounts for incurred medical expenses not subject to third party payment shall be protected, including:~~

~~(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and~~

~~(ii) Necessary medical care recognized under state law but not covered under Medicaid;~~

~~(d) Income remaining after deductions in (a),(b), and (c) of this subsection will be the participation amount for COPEs services). ((See WAC 388-15-620.))~~

(3) The department shall allocate income of a COPEs ~~((participant living))~~ recipient residing in an adult family home or congregate care facility ~~((shall be allocated as for other eligible categorically needy persons in similar living situations))~~. The recipient shall:

~~(a) Retain a specified personal needs allowance as described under WAC 388-29-130 and 388-29-280; and~~

~~(b) Pay remaining income up to the MNIL to the facility for the cost of board and room.~~

~~(4) Income remaining after allocations shall be the participation amount for COPEs services as described under WAC 388-15-620.~~

AMENDATORY SECTION (Amending Order X [2243], filed X [6/18/85])

WAC 388-83-210 COMMUNITY ALTERNATIVES PROGRAM (CAP) ((PROJECT)) AND OUTWARD BOUND RESIDENTIAL ALTERNATIVES (OBRA) PROGRAM. (1) An eligible person(s) for ((the)) CAP ((project are)) is an individual((s who)):

(a) ~~((Meet)) Meeting~~ the requirements and ~~((are))~~ eligible for services of the division of developmental disabilities and ~~((are))~~ disabled according to SSI rules~~((:))~~;

(b) ~~((Meet)) Meeting~~ the Title XIX categorically needy eligibility requirements for an SSI-related institutionalized individual~~((s. See chapter 388-95 WAC. Income and resources of parents or spouses will not be considered available when determining eligibility or participation for a CAP applicant or recipient)). For the purposes of CAP and OBRA, an individual is considered institutionalized as of the date all eligibility criteria, except institutionalized status, is met;~~

(c) ~~((Are assessed by the department to require)) The department assesses as requiring the level of care provided in an intermediate care facility for the mentally retarded (IMR)((:))~~;

(d) ~~((Have a)) For whom the department approves an individual plan of care ((approved by the department and the total cost for this plan of care including the medically needy income level for one person is eighty percent or less than the cost of IMR care as demonstrated in the client's services budget.)) describing the provided community support services, and~~

(e) ~~((Are)) Able and ((choose)) choosing to ((live)) reside in the community with community support services according to ~~((a CAP service)) the plan of care.~~~~

(2) An eligible person for the OBRA home and community-based services program is an individual:

(a) Meeting the CAP eligibility standards in WAC 388-83-210(1) of this section; and

(b) Residing in a Title XIX nursing facility at the time of application for OBRA services.

(3) The department shall allocate available total income, including amounts disregarded in determining eligibility, of a CAP ((participant shall be allocated)) or OBRA recipient as follows:

(a) For a recipient residing in the recipient's residence, including a recipient receiving intensive tenant support services, an amount equal to ~~((the medically needy income level)) a maximum of three hundred percent of the SSI federal benefit rate for one person shall be protected for the recipient's maintenance needs ((of the recipient)); ((or))~~

(b) For a recipient residing in a state-contracted or state-operated group home, adult family home, or congregate care facility, the following amounts shall be protected for the recipient's maintenance needs:

(i) A specified personal needs allowance, as described under WAC 388-29-130 and 388-29-280;

(ii) An amount equal to the monthly room and board cost for the facility where the recipient resides;

(iii) The first twenty dollars per month of earned or unearned income, and

(iv) The first sixty-five dollars plus one-half of the remaining earned income not previously excluded.

(c) For a recipient described in subsection (3)(b) of this section, the maximum amount allowed for any recipient's individual maintenance needs shall not exceed three hundred percent of the SSI federal benefit rate. A recipient shall not be allowed an individual maintenance needs deduction of less than the SSI payment standard;

(d) For ~~((an individual)) a recipient with a spouse ((or dependent children)) at home who is not receiving CAP or OBRA services, an amount ~~((shall be)) is protected ((equal to the medically needy income level adjusted for the appropriate family size)) for the spouse's maintenance needs as computed in WAC 388-95-360 (2)(d);~~~~

~~((c)) (e) For a recipient with a dependent relative residing with the spouse not receiving CAP or OBRA services, an amount is protected for the relative's maintenance needs as computed in WAC 388-95-360 (2)(e);~~

(f) Amounts for incurred medical expenses not subject to third party payment shall be protected, including:

(i) Medicare and other health insurance premiums, deductibles, or coinsurance charges; and

(ii) Necessary medical care recognized under state law but not covered under Medicaid~~((:))~~.

~~((d)) (g) Income remaining after deductions in subdivision (a), (b), ~~((and)) (c), (d), (e), and (f) of this subsection will be the participation amount for CAP or OBRA services.~~~~

~~((3) Income of a CAP participant living in an adult family home shall be allocated as for other eligible categorically needy persons in similar living situations.))~~

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

**WSR 90-08-058  
EMERGENCY RULES  
DEPARTMENT OF  
SOCIAL AND HEALTH SERVICES  
(Public Assistance)**

[Order 2963—Filed March 30, 1990, 3:35 p.m.]

Date of Adoption: March 30, 1990.

Purpose: Exclude federal census income received by census takers during a federal demonstration project.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-470 Income—Exclusions.

Statutory Authority for Adoption: RCW 74.04.510.

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 amendment is necessary to implement the exclusion approved by the food and nutrition service (FNS) as part of a department project to study the effects of excluding such census income.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2911, filed 12/1/89, effective 1/1/90)

**WAC 388-49-470 INCOME—EXCLUSIONS.**

- (1) The department shall exclude the following income:
  - (a) Money withheld from an assistance payment, earned income, or other income source used to repay a prior overpayment from that same income source;
  - (b) Income specifically excluded by any federal statute from consideration as income in the food stamp program;
  - (c) The earned income of children who are:
    - (i) Members of the household((:));
    - (ii) Seventeen years of age or under((:)); and
    - (iii) Attending school at least half time.
  - (d) Infrequent or irregular income received during a three-month period that:
    - (i) Cannot be reasonably anticipated as available((:)); and
    - (ii) Shall not exceed thirty dollars for all household members.
  - (e) Loans, including those from private individuals and commercial institutions, other than educational loans where repayment is deferred;
  - (f) Nonrecurring lump sum payments;
  - (g) The cost of producing self-employment income;
  - (h) Financial aid received under Title IV of the Higher Education Act designated by the school for:
    - (i) Tuition((:));
    - (ii) Fees ((f)), including equipment and material((?));
    - (iii) Books((:));
    - (iv) Supplies((:));
    - (v) Transportation((:)); and
    - (vi) Miscellaneous personal expenses determined by the institution.
  - (i) Other federal financial aid designated by the school for:
    - (i) Tuition((:)); and
    - (ii) Mandatory fees.
  - (j) Nonfederal financial aid designated by the school for:
    - (i) Tuition and mandatory fees at any school beyond high school or a school at any level for the physically or mentally handicapped; and
    - (ii) Other earmarked educational expenses such as transportation, supplies, and textbooks.
  - (k) Reimbursements for past or future expenses to the extent the reimbursements do not:
    - (i) Exceed the actual expense((:)); and
    - (ii) Represent a gain or benefit to the household.
  - (l) Any gain or benefit not in money;
  - (m) Vendor payments as defined in WAC 388-49-020;
  - (n) Money received and used for the care and maintenance of a third-party beneficiary who is not a household member;

- (o) Supplemental payments or allowances made under federal, state, or local laws for the purpose of offsetting increased energy costs;
- (p) Energy allowances included in AFDC, continuing general assistance, and refugee assistance grants.

Number in Grant Assistance Unit	Energy Exclusion
1	\$ 36
2	47
3	56
4	67
5	77
6	87
7	101
8 or more	111

- (q) Support payments specified by the support court order or other legally binding written support or alimony agreement to go directly to a third-party beneficiary rather than to the household;
- (r) Support payments not required by the support court order or other legally binding written support or alimony agreement paid directly to a third party rather than to the household;
- (s) Payments from the individual and family grant program;
- (t) Public assistance payments:
  - (i) Over and above the regular warrant amount; ((and))
  - (ii) Not normally a part of the regular warrant; and
  - (iii) Paid directly to a third party on behalf of the household.
- (u) Earnings from on-the-job training programs under the Job Training Partnership Act by household members:
  - (i) Eighteen years of age and under; and
  - (ii) Under parental control.
- (v) Cash donations based on need:
  - (i) Received directly by the household;
  - (ii) From one or more private, nonprofit, charitable organizations; and
  - (iii) Not exceeding three hundred dollars in any federal fiscal year quarter.
- (w) Earned income credit; and
- (x) Federal census bureau wages earned:
  - (i) During the 1990 Federal Census Demonstration Project; and
  - (ii) By a temporary census worker eligible for this exclusion.
- (2) When a child's earnings or amount of work performed cannot be differentiated from the earnings or work performed by other household members, the department shall:
  - (a) Prorate the earnings equally among the working members((:)); and
  - (b) Exclude the child's pro rata share.

(3) When the intended beneficiaries of a single payment for care and maintenance of a third-party beneficiary include both household members and persons not in the household, the department shall exclude:

(a) Any identifiable portion intended and used for the care and maintenance of the person out of the household(;-); or

(b) If the portions are not readily identified as:

(i) An even pro rata share; or

(ii) The amount actually used for the care and maintenance of the person out of the household, whichever is less.

**WSR 90-08-059**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2964—Filed March 30, 1990, 3:36 p.m.]

Date of Adoption: March 30, 1990.

Purpose: The 1990 federal poverty level raises the family maintenance needs.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-360 Availability or [of] resources; and 388-95-337 Allocation of income—Institutionalized recipient.

Statutory Authority for Adoption: RCW 74.08.090.

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 raise the maintenance needs of family members because of the 1990 federal poverty level increase; clarifies the maintenance needs are for family members because of the 1990 federal poverty level increase; clarifies the maintenance needs are for family members living with a community spouse; and adds a subsection for maintenance needs of family members when there is no community spouse.

Effective Date of Rule: April 1, 1990, 12:01 a.m.

March 30, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2898, filed 11/17/89, effective 12/18/89)

**WAC 388-95-337 AVAILABILITY OF RESOURCES.**

(1) Resources are defined under WAC 388-92-005 for the SSI-related applicant or recipient and under WAC 388-22-030 for an AFDC-related applicant or recipient.

(2) The methodology and standards for determining and evaluating resources are under WAC 388-95-340,

388-95-380, and 388-95-390. Transfers of resources are evaluated under WAC 388-95-395.

(3) The department shall follow Washington state community property principles in determining the ownership of resources:

(a) For persons whose most recent period of institutionalization:

(i) Began before October 1, 1989; and

(ii) Remains continuously institutionalized.

(b) For purposes of Medicaid eligibility, the department shall presume all resources are:

(i) Community resources if jointly held in the names of both the husband and wife, or in the name of the applicant/recipient only;

(ii) The separate property of the nonapplicant spouse if:

(A) Held in the separate name of the nonapplicant spouse; or

(B) Transferred between spouses as described under WAC ((~~388-92-043(4)~~) 388-92-043(6)).

(c) The department shall divide by two, the total value of the community resources the husband and wife own and assign one-half of the total value to each spouse.

(4) A person is no longer continuously institutionalized if, for thirty consecutive days, the person:

(a) Is absent from an institution; ((~~and/or~~) or

(b) Does not receive COPEs/CAP waived services.

(5) The department shall use the following criteria for the purpose of determining Medicaid eligibility of a person, whose most recent continuous period of institutionalization starts on or after October 1, 1989:

(a) The department shall exclude resources in WAC 388-95-380 with the exception of subsection (3) ((~~of this section~~)) under WAC 388-95-380. One automobile per couple is totally excluded without regard to use;

(b) The department shall consider available to the community spouse, resources in the names of either the community spouse ((~~and/or~~) or the institutionalized spouse, except resources exceeding the greater of:

(i) Sixty-two thousand five hundred eighty dollars;

(ii) An amount established by a fair hearing under chapter 388-08 WAC if the community spouse's resource allowance is inadequate to provide a minimum monthly maintenance needs allowance; or

(iii) An amount ordered transferred to the community spouse by the court.

(c) The resources available to the community spouse shall be in the name of the community spouse or transferred to the community spouse or to another for sole benefit of the community spouse before the first regularly scheduled eligibility review after the initial eligibility determination is completed; and

(d) The department shall consider resources greater than such resources in subsection (5)(b) of this section available to the institutional spouse.

(6) The department shall consider resources of the community spouse:

(a) Unavailable to the institutionalized spouse during a continuous period of institutionalization; or

(b) When the institutionalized spouse acquires resources in excess of the one-person resource maximum,

if the most recent period of institutionalization began after September 30, 1989.

**AMENDATORY SECTION** (Amending Order 2898, filed 11/17/89, effective 12/18/89)

**WAC 388-95-360 ALLOCATION OF INCOME—INSTITUTIONALIZED RECIPIENT.** (1) In reducing payment to the institution, the department shall consider the institutionalized recipient's income under WAC 388-95-335 (3)(a), (b), (c), and (d).

(2) The department shall deduct the following amounts, in the following order, from the institutionalized recipient's total income, including amounts excluded in determining eligibility:

- (a) Specified personal needs allowance;
- (b) An amount an SSI, AFDC<sub>2</sub>, or FIP-related client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;
- (c) The current personal needs allowance plus wages the (~~supplemental security income~~) SSI-related client receives for work approved by the department as part of a training or rehabilitative program designed to prepare the individual for a less-restrictive placement when the total wages received plus the personal needs allowance do not exceed the one-person medically needy income level;

(i) No deductions are allowed for expenses of employment; and

(ii) The excess wages shall apply to the cost of care when the total wages received plus the initial personal needs allowance exceeds the one-person medically needy income level.

(d) An amount for the community spouse equal to the standard maintenance need of one thousand dollars less the separate income of the community spouse. The department shall increase the standard need maintenance amount by:

(i) Shelter expenses exceeding two hundred (~~forty-five~~) fifty-six dollars and eighty cents. The department shall calculate actual expenses for the community spouse's principal residence for:

- (A) Rent;
- (B) Mortgage;
- (C) Taxes and insurance;
- (D) Any maintenance charge for a condominium or cooperative; and

(E) A food stamp standard allowance for utilities provided the utilities are not included in the maintenance charges for a condominium or cooperative(~~; and~~).

(ii) The total of the standard maintenance need amount and the shelter expenses shall not exceed one thousand five hundred sixty-five dollars, unless:

(A) A court enters an order against the institutionalized client for the community spouse support in excess of this amount; or

(B) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(e) An amount for the maintenance needs of a family member(~~'s maintenance needs of~~) residing with the

community spouse equal to one-third of the amount eight hundred (~~fifteen~~) fifty-six dollars exceeds the family member's income for each:

- (i) Dependent or minor child;
- (ii) Dependent parent; or
- (iii) Dependent sibling of the institutionalized or community spouse (~~(residing with the community spouse)~~);

(f) If an institutional recipient does not have a community spouse, an amount for the maintenance needs of family members residing in the recipient's home is equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(g) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(~~(g)~~) (h) Maintenance of the home of a single person:

- (i) Up to one hundred eighty dollars per month; and
- (ii) Limited to a six-month period; and
- (iii) A physician has certified the individual is likely to return to the home within that period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(3) The department shall not deduct specified personal needs allowance, community spouse, needy dependent maintenance needs, or home maintenance needs from a veteran's aid and attendance allowance.

(4) The recipient shall use the income remaining after allocations specified in subsection (2) of this section, toward payment of the recipient's cost of care at the department rate.

(5)(a) Effective July 1, 1988, SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility if the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to their former living arrangements.

(b) The department shall not consider the SSI payment when computing the participation amount.

**WSR 90-08-060**

**EMERGENCY RULES**

**DEPARTMENT OF LICENSING**

[Filed March 30, 1990, 3:50 p.m.]

Date of Adoption: March 29, 1990.

Purpose: To require special fuel licensees to file an additional fuel tax report whenever the effective date of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period.

Statutory Authority for Adoption: RCW 82.38.260.

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 special fuel tax rate change reflected in RCW 82.36.025 as amended by section 101, chapter 42, Laws of 1990, is effective April 1, 1990, the public interest requires that rule be in effect before that date.

Effective Date of Rule: Immediately.

March 29, 1990  
Mary Faulk  
Director

### NEW SECTION

**WAC 308-77-125 TAX RATE CHANGE.** *Whenever the beginning of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period, the department may require the licensee, regardless of the reporting frequency designated, to file a report reflecting the old tax rate covering the period from the licensee's last report to the day before the effective date of tax rate change. Failure to file a report for this period shall be sufficient cause for the revocation of the special fuel user or the special fuel dealer license, provided, that licenses revoked under this section will not be subject to the penalty imposed by RCW 82.38.170(10); provided further, that the revoked license shall not be reissued or a new license issued until the special fuel user or the special fuel dealer has filed the required report and all other conditions for issuing a license have been satisfied. The next report shall be the regular fuel tax report covering the period from the date of the new tax rate to the end to the regular reporting period of the licensee.*

### **WSR 90-08-061**

#### **EMERGENCY RULES**

### **DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed March 30, 1990, 4:02 p.m.]

Date of Adoption: March 30, 1990.

Purpose: Repeal provisions enjoined from enforcement by order of superior court.

Citation of Existing Rules Affected by this Order: Repealing WAC 296-127-016.

Statutory Authority for Adoption: RCW 43.22.270 and 39.12.020.

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: Rules clarifying applicability of chapter 39.12 RCW for material handlers were enjoined due to procedural defects. Continuing delay in adoption of permanent rules addressing this issue warrants immediate repeal to avoid protracted litigation.

Effective Date of Rule: Immediately.

March 30, 1990  
Joseph A. Dear  
Director

### REPEALER

*The following section of the Washington Administrative Code is repealed:*

**WAC 296-127-016 COVERAGE AND EXEMPTIONS OF WORKERS INVOLVED IN THE PRODUCTION AND DELIVERY OF MATERIALS PREDOMINANTLY USED IN ROAD CONSTRUCTION.**

### **WSR 90-08-062**

#### **PROPOSED RULES**

### **DEPARTMENT OF AGRICULTURE**

[Filed March 30, 1990, 4:21 p.m.]

Continuance of WSR 90-04-109.

Title of Rule: Applications of pesticides in Benton County and portions of Franklin and Walla Walla counties, chapter 16-230 WAC.

Purpose: Restrictions were placed on the use of pesticides to protect public health, beneficial insects and prevent damage to nontargeted crops.

Statutory Authority for Adoption: Chapters 17.21 and 15.58 RCW.

Statute Being Implemented: Chapters 17.21 and 15.58 RCW.

Reasons Supporting Proposal: To further reduce the possibility of damage to nontargeted crops.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ted Maxwell, Compliance Program Manager, 406 General Administration Building, AX-41, Olympia, WA, 753-5062.

Name of Proponent: Tri-Act (Tri-City Citizens Against Chemical Trespass), private.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: This filing continues the date of adoption.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Further restricts the use of pesticides in Benton County and portions of Franklin and Walla Walla county. No aerial applications of herbicides and Category 1 and 2 insecticides in a large portion of the area under order. Applications by air may be made in certain limited areas only after a permit has been issued by the department. Additional restrictions placed on weather conditions, nozzle size and residual herbicides.

Proposal Changes the Following Existing Rules: Changes from the existing rules include the following: Provides for four areas in place of six; an expansion of those areas in which aerial application of herbicides and Category 1 and 2 insecticides cannot be applied; creation of an Area 1-A which prohibits aerial applications of all pesticides; more restrictive conditions for weather in

which applications are allowed; more restrictive requirements for nozzle requirements (ground applications); and additional restriction for application by ground of all herbicides with a residual life of more than four months in the soil, and that cannot be detected by analysis of the foilage at the lowest levels that can cause damage to plants, crops, humans or animals.

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

Date of Intended Adoption: April 6, 1990.

March 30, 1990  
Glen E. Smerdon  
Acting Assistant Director  
for Art G. Losey  
Assistant Director

**WSR 90-08-063**  
**PERMANENT RULES**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**

[Order 428—Filed March 30, 1990, 4:54 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Spokane River.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-04-104 on February 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1990  
John C. McGlenn  
Chairman

NEW SECTION

WAC 232-28-61805 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - SPOKANE RIVER. Notwithstanding the provisions of WAC 232-28-618 for the Spokane River, the following regulations apply:

SPOKANE RIVER, from the mouth at Lake Roosevelt upstream to the Greene St. Bridge in Spokane, including Long Lake, formed by Long Lake Dam: year around season. TROUT - catch limit - 5, no more than 2 over 20". WALLEYE - catch limit - 8, no more than 1 over 20". Only walleye less than 16" or over 20" may be kept; CLOSED Apr. 1-May 31.

From Greene St. Bridge in Spokane upstream to the Idaho/Washington state line: Apr. 22, 1990-Sep. 30, 1990 and Apr. 21, 1991-Sep. 30, 1991 seasons. TROUT - catch limit - 1, min. lgth. 8"; BAIT PROHIBITED.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

**WSR 90-08-064**  
**PERMANENT RULES**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**

[Order 429—Filed March 30, 1990, 4:55 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Sauk River.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-04-101 on February 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1990  
John C. McGlenn  
Chairman

NEW SECTION

WAC 232-28-61802 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - SAUK RIVER. Notwithstanding the provisions of WAC 232-28-618 for the Sauk River, the following regulations apply:

SAUK RIVER, 150, from its mouth to the mouth of the White Chuck River: June 15-last day of Feb. season. TROUT - catch limit - 2, min. lgth. 12".

From the mouth of the White Chuck River to headwaters, including North and South Forks: June 1-Oct. 31 season. TROUT - catch limit - 2, min. lgth. 12", max. lgth. 20". Retaining steelhead over 20" in length is prohibited. BAIT PROHIBITED.

From its mouth to the Darrington Bridge: additional Mar. 1-Apr. 30 season. Catch-and-Release Only, Selective Fishery Regulations, see pages 3 and 5.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

**WSR 90-08-065**  
**PERMANENT RULES**  
**DEPARTMENT OF WILDLIFE**  
**(Wildlife Commission)**

[Order 430—Filed March 30, 1990, 4:56 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Tye River.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-04-102 on February 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1990  
John C. McGlenn  
Chairman

NEW SECTION

WAC 232-28-61803 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - TYE RIVER. Notwithstanding the provisions of WAC

232-28-618 for the Tye River, the following regulations apply:

TYE RIVER: TROUT - catch limit - 2, min. lgth. 12".  
WILD STEELHEAD RELEASE, see page 3. BAIT PROHIBITED.  
Additional Nov. 1-last day of Feb. season for WHITEFISH only.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

**WSR 90-08-066**

**EMERGENCY RULES**

**DEPARTMENT OF WILDLIFE**

**(Wildlife Commission)**

[Order 431—Filed March 30, 1990, 4:57 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To modify the steelhead season for the 1988-90 Washington game fish season on the Columbia River by extending it four days.

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 Washington Department of Fisheries and the Oregon Department of Fish and Wildlife took joint action on Tuesday, March 27, to extend the sport fishery for spring chinook on the Columbia River from the Astoria-Megler Bridge upstream to the I-5 Bridge. The fishery which was scheduled to close Saturday, March 31, will be extended four days to Wednesday, April 4. The sport steelhead winter season closure of March 31, on the Columbia was originally adopted to complement the spring chinook closure. Oregon decided on March 27, to extend their sport steelhead winter season through April 4. It is anticipated that an extension of the Washington sport steelhead winter season by four days would result in a take of no more than 30 steelhead. The department has proposed an extension of the sport steelhead winter season on the Columbia from the Astoria-Megler Bridge upstream to the I-5 Bridge from 12:01 a.m. Sunday, April 1, to 11:59 p.m. Wednesday, April 4. All other regulations as shown in the 1988-90 Game fish pamphlet would remain in effect.

Effective Date of Rule: Immediately.

March 30, 1990

Ray Ryan

for John C. McGlenn

Chairman

**NEW SECTION**

**WAC 232-28-61731 1988-90 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS—COLUMBIA RIVER.** Notwithstanding the provisions of WAC 232-28-617, effective at 12:01 a.m. on April 1, 1990 through 11:59 p.m. April 4, 1990, the Columbia

*River from the Megler-Astoria Bridge to the I-5 Bridge is open to the taking of both hatchery and wild steelhead.*

**WSR 90-08-067**

**PERMANENT RULES**

**DEPARTMENT OF WILDLIFE**

**(Wildlife Commission)**

[Order 433—Filed March 30, 1990, 4:58 p.m.]

Date of Adoption: March 23, 1990.

Purpose: To modify catch and size limits for the 1990-92 Washington game fish seasons on the Toutle River, South Fork.

Statutory Authority for Adoption: RCW 77.12.040.

Pursuant to notice filed as WSR 90-04-103 on February 7, 1990.

Effective Date of Rule: Thirty-one days after filing.

March 23, 1990

Ray Ryan

Deputy Director

for John C. McGlenn

Chairman

**NEW SECTION**

**WAC 232-28-61804 1990-92 WASHINGTON GAME FISH SEASONS AND CATCH LIMITS - TOUTLE RIVER, SOUTH FORK.** Notwithstanding the provisions of WAC 232-28-618 for the Toutle River, South Fork, the following regulations apply:

TOUTLE RIVER, South Fork, 188, mouth to 4100 road bridge (Note: all tributaries CLOSED): June 15-Jan. 31 season. Open only to the taking of steelhead over 20". WILD STEELHEAD RELEASE, see page 3. Additional Feb. 1-Mar. 31 season, open on Fridays and Saturdays only. Steelhead - catch and possession limit - 1, min. lgth. 20". Open only to steelhead fishing.

From 4100 road bridge to source, including all tributaries: CLOSED WATERS.

All other provisions of WAC 232-28-618 remain in effect and unchanged.

**WSR 90-08-068**

**PROCLAMATION**

**OFFICE OF THE GOVERNOR**

[No. 90-05]

Twin Rivers Correction Center has been designated as the site of the Department of Corrections Sex Offender Treatment Program. A change in the capacity is needed in anticipation of the increasing numbers of sex offenders requiring placement at this facility. In order to assist the state in responding to this condition, it is necessary that the Department of Corrections be authorized to increase the population ceiling at Twin Rivers Correction Center by 10 percent (50 beds) in excess of the rated capacity of the facility.



NOW, THEREFORE, I, Booth Gardner, Governor of the State of Washington, do hereby declare, pursuant to RCW 72.02.180, that an emergency exists with respect to the classification needs and number of the inmates currently in the custody of the Department of Corrections, and further, that the Department of Corrections is authorized to increase the population limitation at the Twin Rivers Corrections Center and to house up to 550 prisoners at the facility for a period not to exceed one (1) year from the date the Department exceeds the present rated capacity of the facility, unless this Proclamation shall have been rescinded.

IN WITNESS WHERE-  
OF, I have hereunto set my  
hand and caused the Seal  
of the State of Washington  
to be affixed at Olympia this  
30th day of March, A.D.,  
nineteen hundred and  
ninety.

Booth Gardner

\_\_\_\_\_  
Governor of Washington

BY THE GOVERNOR:

Ralph Munro

\_\_\_\_\_  
Secretary of State

**WSR 90-08-069**

**PERMANENT RULES**

**DEPARTMENT OF AGRICULTURE**

[Filed April 2, 1990, 2:02 p.m.]

Date of Adoption: March 30, 1990.

Purpose: Implement the Agriculture [Agricultural] Marketing and Fair Practices Act, chapter 15.83 RCW. Statutory Authority for Adoption: RCW 15.83.020.

Pursuant to notice filed as WSR 90-01-038 on December 13, 1989.

Effective Date of Rule: Thirty-one days after filing.

March 30, 1990

C. Alan Pettibone

Director

Chapter 16-622 WAC

Agriculture Marketing and Fair Practices

NEW SECTION

WAC 16-622-001 PURPOSE. The department of agriculture promulgates this chapter to implement the provisions of the Agricultural Marketing and Fair Practices Act, chapter 15.83 RCW (chapter 355, Laws of 1989). The purpose of this act is to establish standards of fair practices required of handlers, producers, and association of producers dealing in sweet corn and potatoes and to establish the mutual obligation of handlers and accredited associations of producers to negotiate relative to the production or marketing of these agricultural commodities.

NEW SECTION

WAC 16-622-005 DEFINITIONS. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Accredited association of producers" means an association of producers which is accredited by the director to be the exclusive negotiating agent for all producer members of the association within a negotiating unit.

(2) "Advance contract" means a contract for purchase and sale of a crop entered into before the crop becomes a growing crop and providing for delivery at or after the harvest of that crop.

(3) "Agricultural products" as used in this chapter means sweet corn and potatoes produced for sale from farms in this state.

(4) "Association of producers" means any association of producers of agricultural products engaged in marketing, negotiating for its members, shipping, or processing as defined in section 15(a) of the Federal Agriculture Marketing Act of 1929 or in section 1 of 42 Stat. 388.

(5) "Department" means the department of agriculture of the state of Washington.

(6) "Director" means the director of the department of agriculture or duly authorized representative.

(7) "Handler" means a processor or a person engaged in the business or practice of:

(a) Acquiring agricultural products from producers or associations of producers for use by a processor;

(b) Processing agricultural products received from producers or associations of producers, provided that a cooperative association owned by producers shall not be a handler except when contracting for crops from producers who are not members of the cooperative association;

(c) Contracting or negotiating contracts or other arrangements, written or oral, with or on behalf of producers or associations of producers with respect to the production or marketing of any agricultural product for use by a processor; or

(d) Acting as an agent or broker for a handler in the performance of any function or act specified in (a), (b), or (c) of this subsection.

(8) "Negotiate" means meeting at reasonable times and for reasonable periods of time commencing at least sixty days before the normal planting date and concluding thirty days prior to the normal planting date to make a serious, fair, and reasonable attempt to reach agreement by acknowledging or refuting with reason points brought up by either party with respect to the price, terms of sale, compensation for products produced under contract, or other terms relating to the production or sale of these products: PROVIDED, That neither party shall be required to disclose proprietary business or financial records or information.

(9) "Negotiating unit" means a negotiating unit approved by the director under the provisions of this chapter and shall include all members of an accredited association of producers supplying qualified commodities to a single processing facility.

(10) "Person" means an individual, partnership, corporation, association, or any other entity.

(11) "Processor" means any person that purchases agricultural crops from a producer and cans, freezes, dries, dehydrates, cooks, presses, powders, or otherwise processes those crops in any manner for eventual resale. A person who solely cleans, sorts, grades, and packages a farm product for sale without altering the natural condition of the product is not a processor. A person processing any portion of a crop is a processor.

(12) "Producer" means a person engaged in the production of agricultural products as a farmer or planter, including a grower or farmer furnishing inputs, production management, or facilities for growing or raising agricultural products. A producer who is also a handler shall be considered a handler under this chapter.

(13) "Qualified commodity" means agricultural products as defined in subsection (3) of this section.

(14) "Processing facility" means a facility operated by a processor at a single location where qualified commodities purchased from producers are canned, frozen, dried, dehydrated, cooked, pressed, powdered, or otherwise processed in a manner for eventual resale.

#### NEW SECTION

WAC 16-622-010 APPLICATION FOR ACCREDITATION OF AN ASSOCIATION OF PRODUCERS. An association of producers requesting accreditation to serve as the exclusive negotiating agent on behalf of its members who are within a proposed negotiating unit with respect to any qualified commodity shall file with the director an application to accredit a negotiating unit containing the following information:

(1) The name and address of the processing facility for which accreditation of a negotiating unit is being requested.

(2) A description of the geographical boundaries of the proposed negotiating unit, stated in terms of the number of miles, from the processing facility in each direction of the most distant producer in the proposed unit.

(3) A list of the names of producers who are members of the proposed negotiating unit and the total number of acres of qualified commodities contracted for delivery by those producers to the processing facility for each of the previous two years.

(4) The total number of members of the association of producers proposing the negotiating unit, a list of the counties in which those members reside, and the total number of acres of qualified commodities the association of producers had contracts to represent on behalf of its producer members for the previous growing season.

#### NEW SECTION

WAC 16-622-015 ACCREDITATION FILE. Both the association of producers requesting accreditation of a negotiating unit and the person operating the processing facility for which the negotiating unit is being proposed shall create and maintain in their possession an

accreditation file for the purpose of allowing the director to determine if the association of producers has met the requirements for the accreditation of the negotiating unit. The file shall be available to the department during normal working hours with reasonable advance notice. Documents contained in the file shall become a permanent part of the file and shall be serially numbered and indexed to assure the integrity of the file. Copies of original documents may be placed in the file or new documents may be created to satisfy the requirements of this chapter. The director may examine other records as necessary to confirm the validity of the information contained in the accreditation file. The accreditation files shall be maintained at the principal business address of the association of producers and the person operating the processing facility. In the case where the principal business address of the person operating a processing facility is located outside of the state of Washington, the accreditation file shall be maintained at the processing facility or at some other location within the state of Washington as approved by the director.

#### NEW SECTION

WAC 16-622-020 ACCREDITATION FILE REQUIREMENTS—ASSOCIATION OF PRODUCERS. The association of producers shall create and maintain an accreditation file for each negotiating unit it is requesting accreditation for, which shall include the following:

(1) A copy of the articles of incorporation and by-laws of the association;

(2) A copy of the contract between the association of producers and the producer empowering the association to sell or negotiate the terms of sale of its members qualified commodities and a list of the producers who have executed said contract; and

(3) A list of the names of producers who are members of the proposed negotiating unit together with the number of acres of qualified commodities that each producer had contracted to deliver to the processing facility for each of the previous two growing seasons.

#### NEW SECTION

WAC 16-622-025 ACCREDITATION FILE—PROCESSOR. The processor shall create and maintain an accreditation file for each processing facility where a negotiating unit is being proposed by an association of producers, which shall include the following:

(1) A list of the names of producers for each facility with whom the processor had an advance contract for qualified commodities for each of the previous two growing seasons;

(2) The total number of acres of qualified commodities the processing facility had contracted to receive the production from under the provisions of advance contracts for each of the previous two growing seasons.

(3) A copy of the contract between the processor and producer supplying the affected commodities.

NEW SECTION

**WAC 16-622-030 ACCREDITATION PROCEDURE.** The director shall, upon receipt of an application for accreditation of a negotiating unit, promptly notify in writing the processor who operates the processing facility. The director shall schedule a time to examine the accreditation files of both the association of producers and the processor operating the processing facility. This examination shall not occur prior to five working days following the receipt of the notice to the processor of the application for accreditation of the negotiating unit. The director shall issue a report of findings resulting from the examination of the accreditation files of both parties which shall include:

(1) Whether the association of producers is owned and controlled by producers and that one of its functions is to act as principal or agent for its members in negotiations with processors;

(2) Whether the association of producers has valid and binding contracts with its members who are part of the proposed negotiating unit;

(3) Whether the members of the proposed negotiating unit represent more than fifty percent of the total average number of producers of record at the processing facility with advance contracts for the previous two growing seasons, or whether the number of acres of qualified commodities produced by members of the proposed negotiating unit, who were producers of records at the processing facility, represents more than fifty percent of the total average number of acres of qualified commodity obtained through advance contracts for the previous two growing seasons.

If the director's findings regarding subsection (1), (2), and (3) above are that the association meets the criteria for accreditation, a notice of accreditation of the negotiating unit will be issued to both parties. If the finding regarding any of the subsections above is that the association fails to meet any of the criteria, a notice citing the specific deficiency will be issued to both parties pending the filing of an amended application in a timely manner.

The director shall not accredit more than one bargaining unit for each processing facility. Should more than one proposed bargaining unit meet the criteria for accreditation the director shall accredit the proposed negotiating unit that would function as the most effective agent for producers in negotiating with the processor. The director, when considering the accreditation of proposed negotiating units, shall consider the ratio of the number of producers to acres previously contracted by those producers, with substantial weight given to the number of acres contracted.

NEW SECTION

**WAC 16-622-035 AMENDED APPLICATION FOR ACCREDITATION.** An association of producers upon receiving notice of deficiencies in the application for accreditation of a proposed negotiating unit may file an amended application with the director. The amended

application will be examined in the same manner as the initial application. Amended applications must be filed with the director within thirty days of receipt of the notice of deficiencies in the application.

NEW SECTION

**WAC 16-622-040 RENEWAL OF APPLICATION FOR ACCREDITATION.** An affected processor or an affected association of producers may petition the director to require an accredited association of producers to renew the application for accreditation of a negotiating unit. If the director concurs with the request of the petitioners or determines that a renewed application would best carry-out the purposes of the chapter, then the parties will be notified of the requirement that a new application be filed. The renewed application shall be examined in the same manner as an initial application.

NEW SECTION

**WAC 16-622-045 HEARINGS.** A hearing, conducted under the provisions of chapter 34.05 RCW, to determine whether alleged violations of RCW 15.83.030 or 15.83.040 have occurred may be held concurrently with the hearing for civil penalty under section (9) of the act.

NEW SECTION

**WAC 16-622-050 NEGOTIATING PERIOD.** The negotiating period provided in RCW 15.83.010 and 15.83.060 shall commence each year on February 1st for potatoes and on February 5th for sweet corn. Negotiations may begin at any time prior to these dates and may continue past the date which is thirty days following these dates by mutual consent of the affected parties. Contracts which are agreed to during this mutual consent period will be considered advance contracts.

NEW SECTION

**WAC 16-622-055 DEADLINE FOR APPLICATION FOR OR REVIEW OF NEGOTIATING UNIT ACCREDITATION.** Applications for accreditation of a negotiating unit or petitions by affected parties for renewal of an existing negotiating unit shall be received by the director by September 1st of each year to allow sufficient time to determine if the criteria for accreditation has been met. Applications or petitions received after that date will be considered for the next succeeding negotiating period. Applications for accreditation of negotiating units for the 1990 growing season will be accepted until January 10, 1990.

NEW SECTION

**WAC 16-622-900 SEVERABILITY.** If any section or provision of this rule shall be adjudged to be invalid or unconstitutional, such adjudication shall not affect the validity of the rule as a whole, or any section, provision or part thereof, not adjudged invalid or unconstitutional.

**WSR 90-08-070**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Filed April 2, 1990, 3:05 p.m.]

**Original Notice.**

**Title of Rule:** Amending WAC 356-47-090 Career executive program—Development and training.

**Purpose:** To provide training and development guidance for career executive program participants and participating agencies in compliance with RCW 41.06.430.

**Statutory Authority for Adoption:** RCW 41.06.430.

**Statute Being Implemented:** RCW 41.06.430.

**Summary:** This proposal will require agencies to provide mobility opportunities (i.e., internal/external task forces, job rotations) for career executive program participants.

**Reasons Supporting Proposal:** To ensure the career executive program is administered in accordance with the intent of RCW 41.06.430(1).

**Name of Agency Personnel Responsible for Drafting:** Rebecca A. Sisler, 600 South Franklin, 586-2721; **Implementation and Enforcement:** Department of Personnel.

**Name of Proponent:** Department of Personnel, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The purpose of the proposed rule is threefold: To ensure state agencies provide and/or allow mobility opportunities and experiences for their respective career executive program participants; to ensure career executives' participation in developmental opportunities in addition to formal training; and to meet the intent of the enabling legislation specifically relating to mobility of career executive participants.

**Proposal Changes the Following Existing Rules:** The program implemented a participation standard in January 1989, as a way of enforcing WAC 356-47-060(7). This standard has been followed by participating agencies and the Department of Personnel this past year. It has shown itself to be workable, realistic yet flexible enough to accommodate large and small agency needs. By adding an additional requirement, that being a mobility experience, to the already established participation standard, agencies and the Department of Personnel can continue in the consensual and cooperative path already established. In this way, the WAC will provide simple, straight-forward guidance while the administrative implementation of the rule will remain in the Department of Personnel policy and procedural guidance.

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

**Hearing Location:** Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.

**Submit Written Comments to:** Rebecca Sisler, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

April 2, 1990  
 Dee W. Henderson  
 Secretary

**AMENDATORY SECTION** (Amending Order 250, filed 5/30/86, effective 7/1/86)

WAC 356-47-090 CAREER EXECUTIVE PROGRAM—DEVELOPMENT AND TRAINING. (1) Career executive employees shall be afforded development and training opportunities specifically designed to refine and broaden managerial knowledge, skills, and abilities.

(2) Each agency shall prepare an annual development and training plan for each of its career executive employees. Each plan shall be filed with the director of personnel, or designee, in accordance with WAC 356-47-070(2) and, subsequently, within 30 days after each annual evaluation period.

~~((Upon request, the department of personnel shall provide agencies with guidelines and assistance in the preparation of development and training plans for career executive employees.))~~

(3) All participating agencies shall ensure that each agency career executive program participant completes one mobility assignment.

The department of personnel shall provide agencies with participation standards and guidelines to assist in the completion of these developmental experiences.

**WSR 90-08-071**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Filed April 2, 1990, 3:07 p.m.]

**Original Notice.**

**Title of Rule:** New sections WAC 356-46-135 Return to work program—Purpose; 356-46-140 Return to work program—Responsibilities—State agencies; and 356-46-145 Return to work program—Employee eligibility.

**Purpose:** The purpose of these three new rules is to establish an early return to work program for employees who are receiving compensation under RCW 51.32.060 for temporary disabilities.

**Statutory Authority for Adoption:** RCW 41.06.040.

**Statute Being Implemented:** RCW 41.06.150.

**Summary:** The rules establish the program purpose, define the responsibilities of state agencies for its implementation and establishes participation guidelines.

**Reasons Supporting Proposal:** The return to work rules are being proposed to comply with legislation directing the state to establish a return to work program (section 3 of chapter 41.06 RCW).

**Name of Agency Personnel Responsible for Drafting:** Jill Schwenke, 521 Capitol Way South, Olympia, 586-1769; **Implementation and Enforcement:** Department of Personnel.

**Name of Proponent:** Department of Personnel, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** The return to work program is being established to encourage state agencies to find light or modified work for their employees that are temporarily disabled and unable to do their usual work. Agencies that are successful will be able to take advantage of a new industrial

insurance premium refund account established under section 3 of chapter 51.44 RCW.

Proposal does not change existing rules.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.

Submit Written Comments to: Jill Schwenke, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

April 2, 1990  
Dee W. Henderson  
Secretary

NEW SECTION

WAC 356-46-135 RETURN-TO-WORK PROGRAM—PURPOSE. To establish return-to-work program for permanent state employees who are receiving compensation under RCW 51.32.090 and who are, by reason of their temporary disability, unable to return to their previous work, but are capable of carrying out work of a lighter or modified nature.

NEW SECTION

WAC 356-46-140 RETURN-TO-WORK PROGRAM—RESPONSIBILITIES—STATE AGENCIES. It will be the responsibility of each state agency to:

- (1) Adopt a return-to-work policy.
- (2) Designate an agency representative to be responsible for coordinating the return-to-work program of the agency.
- (3) Provide an explanation of the agency return-to-work policy to all classified employees.
- (4) Require training of supervisors on implementation of the agency return-to-work policy, including but not limited to assessment of the appropriateness of the return-to-work job for the employee.
- (5) Coordinate participation of applicable employee assistance programs, as appropriate.
- (6) Provide temporary opportunities to agency employees who are in the return-to-work program if possible.
- (7) Provide job counseling to eligible agency employees regarding job opportunities in the state.

NEW SECTION

WAC 356-46-145 EMPLOYEE ELIGIBILITY IN THE RETURN-TO-WORK PROGRAM. Employees are eligible to participate in the return-to-work program under the following conditions:

- (1) The employee is a permanent state employee.
- (2) The employee is receiving compensation under RCW 51.32.090.
- (3) The employee has a temporary disability which makes him/her temporarily unable to return to his or her previous work, but who is physically capable of carrying out work of a lighter or modified nature as evidenced by a written statement from a physician or licensed mental health professional.

**WSR 90-08-072  
PROPOSED RULES  
DEPARTMENT OF PERSONNEL  
(Personnel Board)**

[Filed April 2, 1990, 3:08 p.m.]

Original Notice.

Title of Rule: WAC 356-22-070 Applications—Disqualification.

Purpose: This rule defines the results of medical examinations as a cause for disqualifying applicants from eligibility for a referral register or examination.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal deletes "medical examination" and substitutes "written statement from a physician or a licensed mental health professional."

Reasons Supporting Proposal: Medical examinations must be interpreted in writing by a physician or mental health professional before they are meaningful for this purpose.

Name of Agency Personnel Responsible for Drafting: Jill Schwenke, 521 Capitol Way South, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 356-22-070 establishes reasons for disqualifying applicants after examinations, refusing to examine, removing an applicant from a register or refusing to certify an applicant. Paragraph (9) of this rule covers disqualifying an applicant because they have a disability which an agency can't accommodate. The evidence that is used to determine the inability of the applicant is a medical examination.

Proposal Changes the Following Existing Rules: The rule needs to be changed to read evidenced by a written statement from a physician or mental health professional because the statement would tell whether the employee was capable of working in the class, the examination may not. Also, the examination would have to be accompanied by a statement to be of use in the determination.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.

Submit Written Comments to: Jill Schwenke, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

March 22, 1990  
Dee W. Henderson  
Secretary

AMENDATORY SECTION (Amending Order 267, filed 1/2/87)

WAC 356-22-070 APPLICATIONS—DISQUALIFICATION. The director of personnel is expected to follow accepted standards of personnel practice in screening applicants and may refuse to examine an applicant, may disqualify an applicant after examination or may remove the applicant's name from a register or refuse to certify the applicant if:

- (1) The applicant is found to lack any of the requirements established for the register (as defined in WAC 356-26-030) or the class.
- (2) The applicant has been convicted of any infamous crime, a crime involving moral turpitude, or any crime which would be grounds for dismissal from the position for which he/she is applying.
- (3) The applicant has made a false statement of material fact in the application.

(4) The applicant has previously been dismissed or requested to resign from private or public service for delinquency, misconduct, inability to do similar work, or any other such cause directly bearing upon fitness as an employee.

(5) The applicant has used, or attempted to use, bribery to secure an advantage in the examination or appointment.

(6) The applicant has directly or indirectly obtained information regarding examinations to which he/she was not entitled.

(7) The applicant has otherwise violated provisions of these rules.

(8) The applicant has taken part in the compilation, administration or correction of the examination.

(9) The applicant has a disability, as evidenced by a ~~((medical examination))~~ written statement from a physician or a licensed mental health professional, that renders the employer unable to reasonably accommodate the applicant in any position within the class.

**WSR 90-08-073**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Filed April 2, 1990, 3:09 p.m.]

Original Notice.

Title of Rule: WAC 356-47-030 Career executive program—General provisions.

Purpose: Paragraph (1) limits the number of positions that can be put into the career executive program to one percent of employees covered by chapter 41.06 RCW.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: This proposal will change the number of employees who can participate in the career executive program to two percent.

Reasons Supporting Proposal: The change of RCW 41.06.430 allows for the change which would double the programs size.

Name of Agency Personnel Responsible for Drafting: Jill Schwenke, 521 Capitol Way South, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The current rule limits the number of employees who can be in the career executive program to no more than one percent of employees covered by chapter 41.06 RCW at one time. The proposed rule change would increase the number to two percent. The rule change would bring the rule in line with the intent of recent legislation.

Proposal Changes the Following Existing Rules: The rule change will allow twice as many employees to participate in the career executive program than before. The career executive program has been a very successful program. The governor, legislature and state agencies want to have the ability to expand the program.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.

Submit Written Comments to: Jill Schwenke, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

March 23, 1990

Dee W. Henderson  
Secretary

AMENDATORY SECTION (Amending Order 308, filed 9/7/88, effective 11/1/88)

WAC 356-47-030 CAREER EXECUTIVE PROGRAM—GENERAL PROVISIONS. (1) No more than ~~((one))~~ two percent of employees covered by chapter 41.06 RCW, the state civil service law, may be placed in the career executive program at one time.

(2) Employees shall not be placed in positions in the career executive program without their prior agreement.

(3) Employees holding temporary, emergency, or intermittent appointments to classified career executive positions are not considered to be participants in the career executive program.

(4) Employees shall not be offered reduction-in-force options or trial service reversion right to positions within the career executive program.

**WSR 90-08-074**  
**PROPOSED RULES**  
**DEPARTMENT OF PERSONNEL**  
**(Personnel Board)**

[Filed April 2, 1990, 3:10 p.m.]

Original Notice.

Title of Rule: Amending WAC 356-06-055 Exempt—Classified service—Movement between; and 356-06-020 Exemptions—Exceptions.

Purpose: The purpose of the current rules is to establish exemptions to the classified service and allow classified employees who go into exempt positions up to eight years of return rights to classified service.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: The proposed changes to the rules would establish statutory exemption for deputy agency heads, assistant directors and three principle policy assistants in each agency with fifty or more employees; and the changes would also allow an employee who goes from classified to exempt service unending return rights unless he/she was terminated from the exempt position for gross misconduct or malfeasance.

Reasons Supporting Proposal: Changes are necessary due to legislative changes to RCW 41.06.070.

Name of Agency Personnel Responsible for Drafting: Jill Schwenke, 521 Capitol Way South, Olympia, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed changes adding deputy agency heads, assistant directors and policy assistants to exempt service will allow agency heads more freedom to organize their agency the way they need to, to make the

most impact on supplying services for the state. The unending return rights for classified employees that take exempt positions is important to employees who want to take exempt positions but also want the right to classified jobs when that job ends.

Proposal Changes the Following Existing Rules: Allows for more exemptions from classified service; changes return rights to classified service from eight years to unending return rights; and does not allow an employee return rights if they were terminated from their exempt position for gross misconduct or malfeasance.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA 98507, on May 10, 1990, at 10:00 a.m.

Submit Written Comments to: Jill Schwenke, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

April 2, 1990  
Dee W. Henderson  
Secretary

AMENDATORY SECTION (Amending Order 237, filed 10/23/85, effective 12/1/85)

WAC 356-06-055 EXEMPT—CLASSIFIED SERVICE—MOVEMENT BETWEEN. (1) Any classified employee having civil service status in a classified position who accepts an appointment in an exempt position shall have the right to return to the highest class of position in which the employee previously held permanent status, or to a position of similar nature and salary, (~~within four years from the date of appointment to the exempt position. However, (a) upon the prior request of the appointing authority of the exempt position, the personnel board may approve one extension of no more than four years; and (b) if an appointment was accepted prior to July 10, 1982, then the four-year period shall begin as of that date)~~) provided the employee was not terminated from an exempt position for gross misconduct or malfeasance. Such employee must apply to return to classified service within 30 calendar days of:

- (i) Termination of employment in such exempt position, or
  - (ii) Termination of employment in any other exempt position in which the employee subsequently served provided there was no break in his/her service with the state of more than 30 calendar days.
- (2) When a classified employee holds a position in the classified service which is exempted, the following provisions shall apply at the time of the exemption:
- (a) If the employee is appointed to the exempted position or to another exempt position, the employee shall have the right to return to the classified service as specified in subsection (1) of this section.
  - (b) If the employee is not appointed to the exempted position or to another exempt position but has previously held permanent status in another classified position, the employee shall have the right to return to the highest class of position previously held, or to a position of similar nature and salary.
  - (3) Employees exercising return rights within the time specified, as provided in subsection (1) of this section, shall return:
    - (a) At the time of separation or application, whichever is later.
    - (b) To a salary not less than the salary they left, adjusted according to salary changes made in the interim.
    - (c) With the same status they last held at the time they left the classified service.
    - (d) With their seniority credited with the full time of their absence from the classified service and with no break in service.
  - (4) Present or past employees of the exempt service who have not previously left the classified service specifically to take an exempt position shall not be entitled to move back into the classified service under the provisions of this section or WAC 356-30-330.

(5) Employees may replace incumbents currently in the positions to which they are returning. The replaced incumbents are entitled to the rights and options of the reduction in force procedures of their agency.

Employees in the classified service whose positions have been exempted from the civil service law in accordance with RCW 41.06.070 (24) or (26) and have not previously held other classified positions may return to the classified service in any vacant positions in their respective departments provided the employees:

- (a) Meet the minimum qualifications;
- (b) Have greater seniority than other employees who would be offered the vacancy(ies) as a reduction in force option or certifications from the reduction in force register.

AMENDATORY SECTION (Amending Order 287, filed 11/24/87, effective 1/1/88)

WAC 356-06-020 EXEMPTIONS—EXCEPTIONS. With the exceptions noted in subsection (20) of this section the provisions of these rules do not apply to:

(1) Members of the legislature or to any employee of, or position in, the legislative branch of the state government including members, officers and employees of the legislative council, legislative budget committee, statute law committee, and any interim committee of the legislature.

(2) Judges of the supreme court, of the superior courts or of the inferior courts or to any employee of, or position in the judicial branch of, state government.

(3) Officers, academic personnel and employees of state institutions of higher education, the state board for community college education, and the higher education personnel board.

(4) Employees of the state printing office.

(5) The officers of the Washington state patrol.

(6) Elective officers of the state.

(7) The chief executive officer of each agency.

(8) In the departments of employment security and fisheries, the director and the director's confidential secretary.

(9) In the department of social and health services, the secretary, the secretary's executive assistant, if any; not to exceed six assistant secretaries, thirteen division directors, six regional directors and one confidential secretary for each of the above named officers; not to exceed six bureau directors and all superintendents of institutions of which the average daily population equals or exceeds one hundred residents: PROVIDED, That each such confidential secretary must meet the minimum qualifications for the class of secretary 2 as determined by the state personnel board.

(10) In all departments except those mentioned in subsection (8) above, the executive head of which is appointed by the governor, the director, the director's confidential secretary, and the statutory assistant directors.

(11) In the case of a multimember board, commission or committee, whether the members thereof are elected, appointed by the governor or other authority, serve ex officio, or otherwise chosen.

(a) All members of such boards, commissions or committees.

(b) If the members of the board, commission or committee serve on a part-time basis and there is a statutory executive officer:

(i) The secretary of the board, commission or committee.

(ii) The chief executive officer of the board, commission or committee.

(iii) The confidential secretary of the chief executive officer of the board, commission or committee.

(c) If the members of the board, commission or committee serve on a full-time basis:

(i) The chief executive officer or administrative officer as designated by the board, commission or committee.

(ii) The confidential secretary to the chairman of the board, commission or committee.

(d) If all members of the board, commission or committee serve ex officio:

(i) The chief executive officer.

(ii) The confidential secretary of such chief executive officer.

(12) The confidential secretaries and administrative assistants in the immediate offices of the elective officers of the state.

(13) Assistant attorneys general.

(14) Commissioned and enlisted personnel in the military service of the state.

(15) Resident, student, part-time or temporary employees, and part-time professional consultants as defined by the state personnel board to include:

(a) State and local officials serving ex officio and performing incidental administrative duties in the programs of the agency.

(b) Part-time local health officers.

(c) Persons employed on a part-time, or temporary basis for medical, nursing or other professional service and who are not engaged in the performance of administrative duties.

(d) Part-time or temporary employees who are enrolled as full-time students in recognized educational institutions and whose employment is largely to provide training opportunity, and all temporary employees not in federal grant-in-aid programs.

(e) Patient and resident help in the covered institutions.

(f) Skilled and unskilled labor employed temporarily on force account; construction and maintenance projects; or employed on temporary seasonal single phases of agricultural production or harvesting; or as determined by the director of personnel to be equivalent.

(g) Washington state patrol trooper cadets in training for commissioning as troopers in the Washington state patrol.

(16) All officers and employees in those commissions made exempt by legislative action, namely:

(a) Washington state fruit commission.

(b) Washington state apple commission.

(c) Washington state dairy products commission.

(d) Washington state wheat commission.

(e) Officers and employees of any commission formed under the provisions of chapter 15.66 RCW.

(f) Agricultural commissions formed under the provisions of chapter 15.65 RCW.

(17) ~~((One deputy executive secretary of the Washington centennial commission:))~~

~~((+8))~~ Up to a total of five senior staff positions of the Western library network under chapter 27.26 RCW responsible for formulating policy or for directing program management of a major administrative unit.

~~((+9))~~(18) In the department of information services, up to twelve positions in the planning component involved in policy development and/or senior professionals.

~~((20))~~(19) Up to five employees of the Washington basic health plan.

~~((21))~~(20) Liquor vendors appointed by the Washington state liquor control board pursuant to RCW 66.08.050: PROVIDED, HOWEVER, That rules and regulations adopted by the state personnel board pursuant to RCW 41.06.150 regarding the basis for, and procedures to be followed for, the dismissal, suspension or demotion of an employee, and appeals therefrom shall be fully applicable to liquor vendors except those part-time agency vendors employed by the liquor control board, when, in addition to the sale of liquor for the state, they sell goods, wares, merchandise or services as a self-sustaining private retail business.

~~((22))~~(21) Executive assistants, for personnel administration and labor relations in all state agencies employing such executive assistants including but not limited to all departments, offices, commissions, committees, boards, or other bodies subject to the provisions of this chapter and this subsection shall prevail over any provision of law inconsistent herewith unless specific exception is made in such law.

(22) In each agency with fifty or more employees: Deputy agency heads, assistant directors or division directors, and not more than three principal policy assistants who report directly to the agency head or deputy agency head.

(23) In addition to the exemptions specifically provided by this chapter, the state personnel board may provide for further exemptions pursuant to the following procedures. The governor or other appropriate elected official may submit requests for exemption to the personnel board stating the reasons for requesting such exemptions. The personnel board shall hold a public hearing after proper notice, on requests submitted pursuant to this subsection. If the personnel board determines that the position for which exempting is requested is one involving substantial responsibility for the formulation of basic agency or executive policy or one involving directing and controlling program operations of an agency or a major administrative division thereof, the personnel board shall grant the request and such determination shall be final. The total number of additional exemptions permitted under this subsection shall not exceed one hundred eighty-seven for those agencies not directly under the authority of any elected public official other than the governor, and shall not exceed a total of twenty-five for all agencies under the authority of elected public officials other than the governor. The state personnel board shall report to each regular

session of the legislature all exemptions granted ~~((pursuant to the provisions of this subsection))~~ under subsections (21), (22), and (23) of this section, together with the reasons for such exemptions.

(24) While other provisions of these rules do not apply, the personnel board shall determine salaries and fringe benefits of incumbents in all exempt positions in agencies with positions under the jurisdiction of the personnel board, other than positions listed under subsections (5) through (8), (11)(a) and (b), (12) through (16), and ~~((21))~~ (20) of this section.

## WSR 90-08-075

### PROPOSED RULES

### DEPARTMENT OF PERSONNEL

#### (Personnel Board)

[Filed April 2, 1990, 3:11 p.m.]

#### Original Notice.

Title of Rule: Amending WAC 356-06-080 Personnel Board—Powers—Duties; and 356-26-060 Certification—General methods.

Purpose: The purpose of the current rules is to limit the number of names to be certified to fill vacancies to four more than the number of vacancies to be filled, and to limit the number of names of protected group members certified to three. Candidates are ranked by highest score. If there is a tied score candidates names are chosen by lot.

Statutory Authority for Adoption: RCW 41.06.040.

Statute Being Implemented: RCW 41.06.150.

Summary: The proposed changes will allow certification of applicants that have scores equal to the lowest score among the names to be certified to also have their names certified.

Reasons Supporting Proposal: Rule changes are necessary to comply with legislative changes to RCW 41.06.070.

Name of Agency Personnel Responsible for Drafting: Jill Schwenke, 521 Capitol Way South, Olympia, 586-1769; Implementation and Enforcement: Department of Personnel.

Name of Proponent: Department of Personnel, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule changes will allow people with tied scores to have their names certified if their score is equal to the lowest score among the names being certified rather than take a chance on having their name certified by lot. This change is especially beneficial to applicants for jobs that are rarely vacant. The change also gives agencies the opportunity to consider all the applicants that score the same.

Proposal Changes the Following Existing Rules: Tied scores of the last name to be certified will no longer be chosen by lot. All of those names will be certified.

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

Hearing Location: Department of Personnel, 521 Capitol Way South, Olympia, WA, on May 10, 1990, at 10:00 a.m.



Submit Written Comments to: Jill Schwenke, Department of Personnel, P.O. Box 1789, FE-11, Olympia, WA 98507, by May 8, 1990.

Date of Intended Adoption: May 10, 1990.

April 2, 1990  
Dee W. Henderson  
Secretary

**AMENDATORY SECTION** (Amending Order 284, filed 11/24/87, effective 1/1/88)

WAC 356-26-060 CERTIFICATION—GENERAL METHODS. Upon receipt of a request for certification, the director of personnel shall normally certify to the appointing authority a list of names equal in number to four more than there are vacancies to be filled from the ranked registers except:

(1) One name will constitute a complete certification when referrals are made from the agency reduction in force register, the service-wide reduction in force register, or the dual agency reversion register. When an appointing authority requests a selective certification for specialized qualifications, the eligible candidate must meet the selective criteria in order to be referred to the position, provided:

(a) The criteria were approved when the position was established, reallocated, or last filled; or

(b) The specialized qualifications were previously required for a classification that was later merged with other classifications that did not require them; or

(c) It has been determined that the position involves new duties that would warrant future selective certification. Such selective criteria shall not be applied for certification purposes until six months after the department of personnel approves the selective criteria for the position.

(d) In the case of (a), (b), or (c) of this subsection, the director of personnel or designee must determine that the specialized qualifications are still required for successful job performance and cannot be learned within a reasonable length of time.

(2) Where all names are certified exclusively from an open competitive register, the director of personnel may certify in ranked order up to all of the names from the open competitive register: PROVIDED, That the appointing authority shall select from those eligibles available from the highest ranking names which constitute five names per vacancy to be filled.

(3) ~~(When more than one candidate has the same examination rating and when necessary to limit the number of names to four more than the number of vacancies, ties shall be broken by lot upon each instance of certification.)~~ The names of candidates who have the equal score as the lowest score to be certified will also be certified.

(4) An unranked register may be used to complete a certification. In such cases, all names appearing on that register shall be certified. Subsequent unranked registers shall not be used until the certification is again incomplete.

(5) The director of personnel, upon request and after consultation with the employing agency and employee representatives, may declare positions, groups of positions or classes of positions as in-training positions. The in-training designation is normally at the second level of a series. Such positions may be filled from the register for the entry level class in the series. The employee shall automatically advance to the higher level after completion of one year of service in the entry level class. When the classification specifications require completion of a formal training plan to advance, such positions may be filled from a register of any lower level class in the series; the employee shall automatically advance to the next higher level in the series after completion of the training period designated in the specification.

(6) When the vacancy to be filled is identified as part of an agency's affirmative action goals as established by their approved affirmative action plan, the director of personnel may, except where there are employees on the reduction in force register, refer up to three additional names per vacancy of individuals who are on existing registers and who are members of the protected groups. More than three additional names per vacancy will be certified if there are tied scores. This action may be taken when necessary to comply with the best standards of personnel administration as contemplated by chapter 41.06 RCW.

Prior to the utilization of this subsection, the agency shall determine if there are protected group members on the existing registers. If there are fewer than three protected group members on the register, the agency shall:

(a) Appoint one of the eligibles from the register; or

(b) Request assistance from the department of personnel in completing the certification. The department of personnel and the agency will then initiate targeted recruitment.

(7) When one or more of the following conditions exist, the director of personnel or designee may certify a sufficient number of names to assure that the requesting agency has not less than five names available for consideration:

(a) The position is in an isolated or undesirable location.

(b) The position has undesirable working conditions.

(c) The agency needs to fill several positions in the class.

(d) One or more agencies have had difficulty filling positions in the class.

(e) The director of personnel or designee determines that such certification is necessary to provide the requesting agency with efficient service.

If such certification contains five or more available promotional candidates, agencies shall appoint from the promotional candidates.

(8) Permanent employees certified from a ranked register for consideration of appointment shall be notified by the agency at the time of the referral. Upon appointment the agency shall advise those employees certified but not appointed of the action taken.

**AMENDATORY SECTION** (Amending Order 251, filed 5/30/86, effective 7/1/86)

WAC 356-06-080 PERSONNEL BOARD—POWERS—DUTIES. It shall be the responsibility of the personnel board to:

(1) Establish general policies for the administration of merit system examinations and the hearing of personnel appeals.

(2) Make rules and regulations providing for employee participation in the development and administration of personnel policies.

(3) Hear personnel appeals.

(4) Promote public understanding of the purposes, policies, and practices of the merit system.

(5) Adopt and promulgate rules and regulations consistent with the purposes and provisions of the state civil service law and with the best standards of personnel administration, regarding the basis and procedures to be followed for:

(a) The demotion, suspension, reduction in salary or dismissal of an employee and appeals therefrom.

(b) Certification of names for vacancies including departmental promotions with the number of names equal to four more names than there are vacancies to be filled(~~(-The))~~ such names (~~shall represent~~) representing applicants (~~(ranked)~~) rated highest on the eligibility list((s)) PROVIDED, that when other applicants have scores equal to the lowest score among the names certified, their names shall also be certified.

(c) Examinations for all positions in the competitive and noncompetitive service.

(d) Appointments.

(e) Probationary periods of six to twelve months and rejections therein.

(f) Transfers.

(g) Sick and vacation leaves.

(h) Hours of work.

(i) Layoffs, when necessary, and subsequent reemployment.

(j) Agreements between agencies and certified exclusive representatives providing for grievance procedures and collective negotiations on personnel matters.

(k) Adoption and revision of a comprehensive classification plan for all positions in the classified service, based on investigation and analysis of duties and responsibilities of each position.

(l) Allocation and reallocation of positions within the classification plan.

(m) Adoption and revision of a state salary schedule to reflect not less than the prevailing rates in Washington state private industries and other governmental units for positions of a similar nature, with adoption and revision subject to approval by the director of the office of financial management in accordance with the provisions of chapter 43.88 RCW.

(n) Training programs, including in-service, promotional and supervisory.

(o) Regular increments within the series of steps for each pay range, based on length of service for all employees whose standards of performance are such as to permit them to retain job status in the classified service.

(p) Compliance with existing veterans preference statutes.

**WSR 90-08-076**  
**PROPOSED RULES**  
**BOARD OF PILOTAGE COMMISSIONERS**

[Filed April 2, 1990, 4:38 p.m.]

Original Notice.

Title of Rule: WAC 296-116-130 Period of incapacitation.

Purpose: To repeal the rule.

Statutory Authority for Adoption: RCW 88.16.090.

Statute Being Implemented: RCW 88.16.090.

Summary: The rule is now in conflict with WAC 296-116-120 which addresses the period of incapacitation.

Reasons Supporting Proposal: The subject matter of WAC 296-116-130 has been incorporated into WAC 296-116-120.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Washington State Board of Pilotage Commissioners, Pier 52, Seattle, 464-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The board needs to repeal WAC 296-116-130 since it has been recently incorporated into WAC 296-116-120.

Proposal does not change existing rules.

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

Hearing Location: Conference Room, Pier 52, Seattle, Washington 98104, on June 14, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet A. Richmond, by June 1, 1990.

Date of Intended Adoption: June 14, 1990.

March 22, 1990  
 Marjorie T. Smitch  
 Assistant Attorney General

**REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 296-116-130 PERIOD OF INCAPACITATION.

**WSR 90-08-077**  
**EMERGENCY RULES**  
**COMMISSION ON**  
**JUDICIAL CONDUCT**

[Order 1—Filed April 3, 1990, 9:07 a.m.]

Date of Adoption: April 3, 1990.

Purpose: To maintain effectiveness of emergency rules until permanent rules are adopted pursuant to proposed rule making CR-102, filed January 24, 1990.

Citation of Existing Rules Affected by this Order: Continues effectiveness of Title 292 WAC.

Statutory Authority for Adoption: Chapter 2.64 RCW.

Other Authority: Washington State Constitution, Article IV, Section 31, SSJR 8202.

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: Continues effectiveness of rules until permanent rules can be adopted.

Other Findings Required by Other Provisions of Law as Precondition to Adoption or Effectiveness of Rule: Article IV, Section 31(10) states: "The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings."

Effective Date of Rule: Immediately.

April 3, 1990  
 Wesley A. Nuxoll  
 Chairman

Title 292 WAC  
**JUDICIAL CONDUCT, COMMISSION ON**

Chapters

292-08 Agency Organization - Confidentiality.  
 292-12 Procedural Rules.

Chapter 292-08 WAC  
**AGENCY ORGANIZATION—CONFIDENTIALITY**

WAC

292-08-010 Purpose.  
 292-08-020 Function.  
 292-08-030 Definitions.  
 292-08-040 Organization.  
 292-08-050 Confidentiality Provisions.

NEW SECTION

WAC 292-08-010 **PURPOSE.** The purpose of this chapter is to provide rules implementing Article IV, Section 31, of the Constitution of the State of Washington and 2.64 RCW for the Commission on Judicial Conduct.

NEW SECTION

WAC 292-08-020 **FUNCTION.** (1) The Commission on Judicial Conduct is constitutionally created to consider complaints that a judge has violated a rule of judicial conduct, or has a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties.

(2) The Commission shall adopt, amend, or repeal a rule in accordance with the procedures of RCW 34.05.310 through .395. In addition, the Commission will provide adopted rules to the Reporter of Decisions for publication in the official codification of Washington Court Rules.

NEW SECTION

WAC 292-08-030 **DEFINITIONS.** In these rules, (1) "Admonishment", when issued by the commission, means a written disposition of an advisory nature that cautions a judge not to engage in certain proscribed behavior. An admonishment may include a requirement that the judge follow a specified corrective course of action.

(2) "Censure" means a written action of the commission that requires a judge to appear personally before the commission, and that finds that conduct of the judge violates a rule of judicial conduct, detrimentally affects the integrity of the judiciary, undermines public confidence in the administration of justice, and may or may not require a recommendation to the Supreme Court that the judge be suspended or removed. A censure shall include a requirement that the judge follow a specified corrective course of action.

(3) "Chairperson" includes the acting chairperson.

(4) "Commission" means the Commission on Judicial Conduct.

(5) "Complaint" means a statement or communication alleging facts which may upon investigation lead to a finding of judicial misconduct or disability.

(6) "Fact-Finder" means the commission, or at the discretion of the commission, a three-member subcommittee consisting of a citizen, a judge, and a lawyer member of the commission or a master.

(7) "Hearing" means a meeting for the purpose of taking evidence and conducted by a fact-finder.

(8) "Judge" means a judge or justice and includes justices of the supreme court, judges of the court of appeals, judges of the superior court, judges of any court organized under Titles 3, 35, or 35A RCW, judges pro tempore, court commissioners and magistrates. The term includes full-time and part-time judges and judges who have been or have not been admitted to the practice of law in Washington.

(9) "Master" means a person appointed by the commission to hear and take evidence with respect to charges against a judge.

(10) "Meeting" means a meeting of the commission for any purpose other than the taking of evidence for fact-finding.

(11) "Member" means a member of the commission and includes alternates acting as members.

(12) "Party" means the judge or the commission.

(13) "Reprimand", means a written action of the commission that requires a judge to appear personally before the commission, and that finds that the conduct of the judge is a minor violation of the code of judicial conduct and does not require censure or a formal recommendation to the Supreme Court that the judge be suspended or removed. A reprimand shall include a requirement that the judge follow a specified corrective course of action.

(14) "Statement of Charges" means the formal charge of judicial misconduct or disability filed by the commission upon the completion of an investigation and initial proceeding and forming the basis for a fact-finding hearing.

(15) "Verified Statement" means a sworn statement which includes allegations showing that a judge may have violated a rule of judicial conduct or may be suffering a disability that seriously interferes with the performance of judicial duties and is or is likely to become permanent.

## NEW SECTION

WAC 292-08-040 ORGANIZATION. (1) The commission shall elect from its members a chairperson, a vice-chairperson, and secretary, each of whom shall serve a term of two years or until they cease to be members of the commission, whichever period is shorter. The vice-chairperson shall act as chairperson in the absence of the chairperson. In the absence of both the chairperson and the vice-chairperson, the members present may select a temporary chairperson.

(2) The commission may hire attorneys or others by personal service contract to conduct initial proceedings regarding a complaint against a judge. The commission shall employ one or more investigative officers with appropriate professional training and experience. The investigative officers of the commission shall report directly to the commission. The commission shall employ an executive director and such administrative or other staff as are necessary to manage the affairs of the commission.

(3) Meetings of the commission shall be held at the call of the chairperson or the written request of five members of the commission.

(a) The commission may conduct executive meetings by telephone conference call.

(4) Six members must be present for the transaction of business by the commission. However, the adoption of or amendment to the rules of the commission, the determination of probable cause, or lack thereof, the imposition of, or stipulation to, an admonishment, reprimand or censure, with or without a recommendation of suspension or removal of the judge, or the recommendation of retirement of a judge shall require the affirmative vote of six members of the commission.

(5) The chairperson will call upon an alternate member selected by the appropriate appointing authority to serve in the place of a member whenever a member is disabled, disqualified, or unable to serve. The alternate member so called upon shall have all the authority of a member of the commission. The chairperson shall identify when an alternate member is serving in the place of a commission member.

## NEW SECTION

WAC 292-08-050 CONFIDENTIALITY PROVISIONS. (1) Except as provided in this rule and WAC 292-12-030 and WAC 292-12-040, the fact that a complaint has been made, or a statement has been given to the commission and all papers and matters submitted to the commission together with the investigation and initial proceedings conducted pursuant to these rules, shall be confidential. However, the person filing a complaint or giving a statement to the commission is not prohibited by these rules from informing any third party, or the public generally, of the factual basis upon which a complaint is based, or a statement is given.

(2) The statement of charges alleging judicial misconduct or disability shall be available for public inspection as provided in WAC 292-12-030(1). The

fact-finding hearing before the commission, a subcommittee of the commission or a master shall be open to the public; however, deliberation of the fact-finder in reaching a decision on the statement of charges shall be conducted in executive session.

(3) In the following circumstances, the commission may, with the permission of the judge, make a public statement regarding complaints concerning the judge which would otherwise be confidential:

(a) If public statements that charges are pending before the commission are substantially unfair to a judge; or,

(b) If a judge is publicly associated with violating a rule of judicial conduct or with having a disability, and the commission, after a preliminary investigation has determined there is no basis for further proceedings or for a recommendation of discipline or retirement.

(4) After final commission action on a complaint, the commission shall disclose to the person making a complaint that after an investigation of the charges:

(a) the commission has found no basis for action by the commission against the judge, or,

(b) the commission has admonished, reprimanded or censured the judge or censured the judge and recommended to the Supreme Court the suspension or removal of the judge or has recommended to the Supreme Court the retirement of the judge. The name of the judge, in the discretion of the commission, shall not be used in written communication to the complainant.

(5) Informal action taken by the commission prior to May 5, 1989, when amended rules were adopted eliminating private informal dispositions, may, in the Commission's discretion, be disclosed to the Washington State Bar Association, American Bar Association, a judicial authority, any judicial appointive, selection or confirmation authority, or to law enforcement agencies when required in the interests of justice, or to maintain confidence in the selection of judges or administration of the judiciary. The person to whom the information relates may, in the commission's discretion, be informed of any information released.

(6) Unless otherwise permitted by these rules, no person shall disclose information obtained by that person during commission proceedings or from papers filed with the commission. Any person violating confidentiality rules may be subject to contempt proceedings.

Chapter 292-12 WAC  
PROCEDURAL RULES

WAC

292-12-010	Preliminary Investigation.
292-12-020	Initial Proceedings.
292-12-030	Statement of Charges.
292-12-040	Fact-Finding Hearing.
292-12-050	Disqualification of Fact-Finder.
292-12-060	Procedural Rights of Judge.
292-12-070	Guardian Ad Litem.
292-12-080	Discovery Procedure Before Fact-Finding.
292-12-090	Amendments to Statement of Charges or Answer.

292-12-110	Procedure at Fact-Finding Hearing
292-12-120	Report of Fact-Finder.
292-12-130	Commission Decision.
292-12-140	Additional Evidence.
292-12-150	Supreme Court Procedures
292-12-160	Reinstatement of Eligibility.
292-12-170	Extension of Time.
292-12-180	Service.

NEW SECTION

WAC 292-12-010 PRELIMINARY INVESTIGATION. (1) Any organization, association, or person, including a member of the commission, may make a complaint of judicial misconduct or disability to the commission. A complaint may be made orally or in writing.

(2) Upon receipt of a complaint not obviously unfounded or frivolous, the investigative officer shall make a prompt, discreet, preliminary investigation and evaluation. Failure of a person making the complaint to supply requested additional information may result in dismissal of that complaint. On every complaint received, the investigative officer shall make a recommendation to the commission as to whether to commence initial proceedings.

(3) If the complaint alleges that a judge is suffering a possible physical and/or mental disability which may seriously impair the performance of judicial duties, the commission may order a judge to submit to physical and/or mental examinations at commission expense. The failure or refusal of a judge to submit to physical and/or mental examination ordered by the commission may, in the discretion of the commission, preclude the judge from presenting the results of other physical and/or mental examinations on his or her own behalf.

(4) If the commission determines to commence initial proceedings, the person making the complaint may be requested to file a verified statement with the commission. If a verified statement is not filed by the person making the complaint, the investigative officer shall prepare and file a verified statement. Initial proceedings will begin upon filing of a verified statement.

NEW SECTION

WAC 292-12-020 INITIAL PROCEEDINGS. (1) An investigative officer will supervise the investigation.

(2) The judge who is the subject of initial proceedings will be notified by the commission within 7 days after the filing of a verified statement. The judge shall also be advised of the nature of the complaint with sufficient specificity to permit an adequate response. In its discretion, the commission may disclose to the judge the name of the individual making the complaint and may provide a copy of the verified statement to the judge.

(3) The judge shall be afforded a reasonable opportunity in the course of the initial proceedings to present such matters as he or she may choose.

(4) If the commission determines that there are insufficient grounds for further commission proceedings, the judge and the person making the complaint will be so notified.

(5) If the commission determines that probable cause exists that the judge has violated a rule of judicial conduct or may be suffering from a disability that seriously interferes with the performance of judicial duties and is permanent or is likely to become permanent, the commission shall order the filing of a statement of charges pursuant to WAC 292-12-030.

(6) Any matter before the commission, after a determination of probable cause has been made, may be disposed of by a stipulation entered into in a public proceeding. The stipulation shall be signed by the judge and the commission and may impose any terms and conditions deemed appropriate by the commission. A stipulation shall set forth all material facts relating to the proceeding and the conduct of the judge. When a stipulation which disposes of a violation of a rule of judicial conduct has been signed by the necessary parties, the person making the complaint shall be notified of the action taken by the commission and shall be provided with a copy of the stipulation.

#### NEW SECTION

##### WAC 292-12-030 STATEMENT OF CHARGES.

(1) The commission shall file a statement of charges in the Commission's office alleging the violation of a rule of judicial conduct or the disability of a judge that is or is likely to become permanent and which seriously impairs the performance of judicial duties. The statement of charges and any material or information within the commission's knowledge which tends to negate the statement of charges will be served on the judge within 7 days after filing of the statement of charges. After service, the statement of charges shall be available to the public except as otherwise provided by protective order.

(2) A statement of charges under WAC 292-12-030 shall be served on a judge in person, unless the judge cannot be found within the state. If the judge cannot be found, the statement of charges may be served by mail addressed to the judge's last known business and residence addresses. All other papers in commission proceedings may be served on a judge in person or by mail. If counsel has appeared for a judge, papers, other than a statement of charges, may be served on counsel in lieu of service upon the judge.

(3) When a statement of charges is filed, no further factual information shall be considered by the members of the commission prior to a fact-finding hearing unless notice is given to both parties.

(4) The statement of charges will state in ordinary and concise language the basis for commission action and the facts supporting the statement of charges. The statement of charges shall also inform the judge that he or she may file a written answer to the charges as provided in WAC 292-12-030(5).

(5) The judge may file with the commission an answer to the statement of charges. The answer must be filed within 14 days after service of the statement of charges on the judge. If the judge does not file a written answer, a general denial will be entered on behalf of the judge. The statement of charges and the answer shall be the only pleadings required. Once filed, the answer shall be available to the public.

#### NEW SECTION

##### WAC 292-12-040 FACT-FINDING HEARING.

(1) Upon filing of a statement of charges, a public fact-finding hearing will be scheduled at a location selected by the commission. The record of the initial proceeding that was the basis of a finding of probable cause shall become public as of the date of the fact-finding hearing.

(2) The executive director will set a time and place for the public fact-finding hearing to be held no later than 42 days after the time for answer has expired or after the answer is filed, whichever is earlier. The judge will be given at least 14 days notice of the hearing which will include the name or names of the fact-finder and the presiding officer, if any.

#### NEW SECTION

##### WAC 292-12-050 DISQUALIFICATION OF FACT-FINDER.

(1) A member of the commission or a master must disqualify himself or herself in any proceedings involving his or her own conduct or alleged disability. A member of the commission or a master must disqualify himself or herself if he or she cannot impartially consider the statement of charges against a judge.

(2) A judge may file an affidavit challenging for cause any member or a master who the judge believes will not impartially consider the statement of charges. The affidavit must be filed within 7 days after notice of the fact-finding hearing. The commission will decide any challenge for cause if the member or master does not disqualify himself or herself.

(3) A judge may file a peremptory challenge against one member of the commission. The challenge must be filed within 7 days after notice of a fact-finding hearing. If the judge has unsuccessfully challenged a member for cause, any peremptory challenge against that member must be filed within 3 days after service of notice of the determination of the challenge for cause.

#### NEW SECTION

##### WAC 292-12-060 PROCEDURAL RIGHTS OF JUDGE.

(1) The judge has a right to notice of the complaints concerning the judge which have been found by the commission to warrant initial proceedings. The judge shall have the right and reasonable opportunity at a fact-finding hearing to defend against the allegations in the statement of charges by the introduction of evidence. The judge has the privilege against self-incrimination. The judge may be represented by counsel and may examine and cross-examine witnesses. The judge has the right to testify or not to testify on his or her own behalf. The judge has the right to issuance of subpoenas for the attendance of witnesses to testify or produce evidentiary matters. The judge has the right to a prompt resolution of the allegations in the statement of charges.

(2) A judge's compliance with an opinion by the Ethics Advisory Committee shall be considered by the commission as evidence of good faith.

(3) The judge will be provided, without cost, a copy of any report of proceedings prepared by the commission.

The judge may, in addition, have all or any portion of the testimony in the proceedings transcribed at his or her own expense.

(4) All witnesses shall receive fees and expenses in the amount allowed by law. Expenses of witnesses shall be borne by the party calling them, provided that if the commission determines that the imposition of costs and expert witness fees would work a financial hardship or injustice upon the judge, it may order that all or part of such costs and fees be reimbursed.

#### NEW SECTION

**WAC 292-12-070 GUARDIAN AD LITEM.** If it appears to the commission at any time during the proceedings that the judge is not competent to act, or if it has been previously judicially determined that the judge is not competent to act, the commission will appoint a guardian ad litem for the judge unless the judge already has a guardian who will represent the judge's interests. In the appointment of a guardian ad litem, consideration may be given to the wishes of the members of the judge's immediate family. The guardian or guardian ad litem may claim and exercise any right and privilege and make any defense for the judge which the judge could have claimed, exercised, or made if competent. Any notice to be served on the judge will also be served on the guardian or guardian ad litem.

#### NEW SECTION

**WAC 292-12-080 DISCOVERY PROCEDURE BEFORE FACT-FINDING.** (1) Upon written demand, the opposing party will disclose within 7 days thereof, with a continuing obligation thereafter, the following:

(a) names and addresses of all witnesses whose testimony that party expects to offer at the hearing,

(b) a brief summary of the expected testimony of each witness,

(c) copies of signed or recorded statements of anticipated witnesses, and,

(d) copies of documents which may be offered. Witnesses or documents not disclosed may be excluded.

(2) The taking of depositions, the requesting of admissions and all other procedures authorized by Rules 26 through 37 of the Superior Court Civil Rules are available upon stipulation of the parties or upon prior permission of the master or presiding officer. A request for discovery shall be granted, unless the master or presiding officer determines that the request is frivolous, will create an undue burden on the party, or will result in undue delay.

(3) The commission's counsel shall disclose to the judge any material or information within his or her knowledge which tends to negate the complaints against the judge or mitigate the degree of discipline which may be imposed.

(4) The judge or counsel for either party may make prehearing motions to the designated presiding officer, who may make rulings or defer rulings to the commission. Motions shall be in writing and shall be filed and served on the opposing party. The responding party shall be allowed five days from service to respond,

unless the time is shortened by the presiding officer for good cause. Motions will be promptly decided by written order filed in the commission office. Motions will be decided on the written materials submitted unless the presiding officer requests argument, which may be heard by conference telephone call.

#### NEW SECTION

**WAC 292-12-090 AMENDMENTS TO STATEMENT OF CHARGES OR ANSWER.** The fact-finder, at any time prior to the conclusion of the hearing, or the commission, at any time prior to its decision, may allow or require amendments to the statement of charges or the answer. The statement of charges may be amended to conform to the proof or set forth additional facts, whether occurring before or after the commencement of the hearing. Except for amendments to conform to the proof by evidence admitted without objection at a fact-finding hearing, if an amendment substantially affects the nature of the charges, the judge will be given reasonable time to answer the amendment and prepare and present a defense against the new matter raised.

#### NEW SECTION

**WAC 292-12-110 PROCEDURE AT FACT-FINDING HEARING.** (1) The order of presentation shall be in the same manner as in civil cases in superior court.

(2) The case for the commission shall be presented by counsel retained by the commission.

(3) The Rules of Evidence (ER) as applicable in civil proceedings shall govern the fact-finding hearing.

(4) Any finding that the judge has violated a rule of judicial conduct or that the judge has a disability which is or is likely to become permanent and which seriously interferes with the performance of judicial duties must be supported by clear, cogent and convincing evidence.

(5) Unless the fact-finding hearing is before a master, the chairperson may appoint a member to be presiding officer or to rule on motions and objections made during the hearing. If the hearing is before the commission, a member may appeal a ruling to the commission members present. A majority vote will determine the motion.

(6) The failure of a judge to answer or to appear at the hearing or to submit to a mental or physical examination required by the commission will not prevent the commission from proceeding.

(7) Unless the judge and the commission stipulate to a different record, a verbatim record will be made and kept of the fact-finding hearing. The commission shall determine whether the verbatim record will be by court reporter or electronic recording device.

(8) Canon 3 (A)(7), from the Code of Judicial Conduct, shall be followed for media participation in public hearings.

#### NEW SECTION

**WAC 292-12-120 REPORT OF FACT-FINDER.** (1) The fact-finder, when other than the entire

commission, shall prepare a report containing a brief statement of the procedure followed and the proposed findings of fact, conclusions of law, and a recommendation with respect to the issues presented at the fact-finding hearing. The report and verbatim record shall be filed in the commission office within 35 days after the hearing. The report and record shall be served on the parties within 14 days thereafter. The original fact-finder may request the prevailing party to prepare the findings of fact and conclusions of law.

(2) A party may file with the commission a statement of objections to the report of the fact-finder. The statement shall set forth all objections to the report and state reasons therefor. The objections must be filed with the commission and served on the opposing party within 14 days after service of the report on the party.

(3) If no statement of objections to the report of the fact-finder is filed within the time provided in paragraph (2), the report may be adopted without argument.

(4) If a statement of objections is timely filed, the commission may schedule oral argument, or consider the matter on the record along with briefs of the parties. The parties shall be given at least 14 days written notice of the time and place for argument.

(5) If the commission proposes to modify or reject the original fact-finder's report, the commission shall schedule a time for oral argument on the record along with briefs of the parties. The parties shall be given at least 14 days written notice of the time and place for argument.

#### NEW SECTION

##### WAC 292-12-130 COMMISSION DECISION.

(1) The commission in open session shall announce its decision either to dismiss the case, or to admonish, reprimand or censure the judge, or to censure the judge and recommend to the Supreme Court the suspension or removal of the judge, or to recommend to the Supreme Court the retirement of the judge because the judge is suffering from a disability which is permanent or likely to become permanent and which seriously interferes with the performance of judicial duties. The commission may not recommend suspension or removal unless it censures the judge for the violation serving as the basis for the recommendation. If the commission decides to censure or reprimand a judge, the commission shall order the judge to appear personally before the commission. The commission's written decision will include findings of fact, conclusions of law, and any recommendation required to be filed with the Supreme Court. The commission may adopt the report of the original fact-finder, in whole or in part, by reference. To vote on a matter, a member who did not sit as a fact-finder must consider the verbatim record and any report of a fact-finder. Any commission member may file a dissent.

(2) The commission may consider for probative value any conduct that may have occurred prior to, on, or after December 4, 1980, by a person who was, or is now, a judge when such conduct relates to a complaint filed with the commission against the same judge.

(3) The commission's written decision will be served upon the judge and his or her counsel of record within

14 days after the decision is filed in the commission's office.

(4) A party may file objections to the record or a motion for reconsideration of the commission decision within 14 days after the decision and record have been served. Objections will be determined by the chairperson or, in his or her discretion, by the commission.

(5) The commission decision is final 14 days after service unless a motion for reconsideration or objection or an order for the taking of additional evidence pursuant to WAC 292-12-140 is filed. If a motion for reconsideration or objection is denied, the decision is then final. If either the motion for reconsideration or objection is granted, the reconsidered decision is final when filed in the commission's office.

(6) When the decision is final, the commission will notify the person making the complaint of its decision.

#### NEW SECTION

##### WAC 292-12-140 ADDITIONAL EVIDENCE.

The commission may order a public hearing for the taking of additional evidence at any time before its decision is final. The order will set the time and place of the hearing and will specify the matters on which the additional evidence is to be taken. A copy of the order shall be served upon the judge at least 14 days prior to the date set for hearing. The hearing will be conducted in the manner provided in WAC 292-12-040 through 130.

#### NEW SECTION

##### WAC 292-12-150 SUPREME COURT

PROCEDURES. (1) Within 14 days after the decision is final, a commission decision recommending the suspension, removal or retirement of a judge will be filed in the Supreme Court and served on the judge. The notice of the decision served on the judge shall state the date the decision was filed in the Supreme Court and shall specify the period during which the judge may challenge the commission recommendation as provided in Discipline Rules for Judges.

(2) If the commission recommendation is that the judge be removed, the judge shall be suspended, with salary, from that judicial position effective upon filing the recommendation with the Supreme Court; such suspension with pay will remain in effect until a final determination is made by the Supreme Court.

(3) The chairperson shall certify the record of commission proceedings to the Supreme Court, having transmitted to the judge those portions of the record required by Discipline Rules for Judges or these rules.

(4) If the Supreme Court remands a case, the commission will proceed in accordance with the order on remand.

#### NEW SECTION

##### WAC 292-12-160 REINSTATEMENT OF

ELIGIBILITY. A former judge whose eligibility for judicial office had been removed by the Supreme Court may file with the commission a petition for reinstatement of eligibility. WAC 292-08-050 and



WAC 292-12-040 through 180 apply to commission review of a petition for reinstatement of eligibility. The commission will recommend to the Supreme Court in writing that the former judge should or should not be reinstated to eligibility to hold judicial office as provided in Discipline Rules for Judges.

**NEW SECTION**

WAC 292-12-170 EXTENSION OF TIME. Upon a showing of good cause the chairperson or fact-finder may extend the time within which an act must be done under these rules.

**NEW SECTION**

WAC 292-12-180 SERVICE. (1) Service of papers on the commission shall be given by delivering or mailing the papers to the commission's office.

(2) If service is by mail, a paper is timely served if mailed within the time permitted for service. If a paper is served by mail, a time period dependent on the service begins to run 3 days after the paper is mailed.

**WSR 90-08-078**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[March 29, 1990]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENT TO RULE 16 FOR APR 12 NO. 25700-A-448 ORDER

The Limited Practice Board having recommended the adoption of the amendment to Rule 16 for APR 12, and the Court having approved the proposed amendment to the Rule;

Now, therefore, it is hereby

**ORDERED:**

That the amendment to Rule 16 for APR 12 is hereby adopted.

DATED at Olympia, Washington this 29th day of March, 1990

Keith M. Callow

**CHIEF JUSTICE**

**RULE 16**

**INACTIVE STATUS**

Any Limited Practice Officer may request leave of the Limited Practice Board to move to inactive status after being certified.

Any Limited Practice Officer who has been granted inactive status must meet all the continuing education requirements occurring during the period of inactive status within one (1) year of transfer before transferring to active status by the Limited Practice Officer.

Any Limited Practice Officer awarded inactive status by the Limited Practice Board is not required to pay the annual fee prescribed by Rule 13 or to meet the insurance requirements prescribed by Rule 14 during the period of inactive status.

If a Limited Practice Officer remains on inactive status for longer than two (2) years from the date of transfer to inactive status, the Limited Practice Officer can be returned to active status only after successfully taking the examination required for certification under APR/12.

A Limited Practice Officer who has been awarded voluntary inactive status may return to active status by filing a petition to return to active status with the Board within two (2) years from the date the LPO was granted voluntary inactive status. To be granted active status, the Limited Practice Officer must pay the annual dues prescribed by Rule 13 and meet the insurance requirements prescribed by Rule 14.

**WSR 90-08-079**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
[March 29, 1990]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENTS TO REGULATIONS 101, 102, 103, 104, NEW 104A, 105, AND 106 FOR RLD 13.5 NO. 25700-A-449 ORDER

The Washington State Bar Association have recommended the adoption of the amendments to Regulations 101, 102, 103, 104, New 104A, 105, and 106, and the Court having approved the proposed amendments to the regulations;

Now, therefore, it is hereby

**ORDERED:**

That the amendments to Regulations 101, 102, 103, 104, New 104A, 105, and 106 are hereby adopted.

DATED at Olympia, Washington this 29th day of March, 1990.

Keith M. Callow

**CHIEF JUSTICE**

**REGULATION 101. DEFINITIONS**

As used in these Regulations the following definitions shall apply:

(a) An "active member" shall mean any person licensed to practice law in the State of Washington as an active member of the Washington State Bar Association.

(b) The "Board" shall mean the Disciplinary Board established pursuant to RLD 2.3.

(c) The term "Chairperson" shall mean the chairperson of the Board.

(d) The term "firm" means any attorney or group of attorneys practicing law in the State of Washington, regardless of the form, or legal entity under which such practice is conducted.

(e) The "Auditor" shall mean the person or accounting firm conducting the audits and examinations specified in RLD Title 13.

(f) The "Association" shall mean the Washington State Bar Association.

(g) The "Director" shall mean the Executive Director of the Association.



(h) "Examination" shall mean a review and testing by the auditor of the internal controls and procedures used by an attorney or firm to receive, hold, disburse and account for money or property in which a client or other person has an interest using generally accepted auditing standards, to the extent they apply, without, however, making outside confirmations. In order to conduct such review and testing, the auditor shall have access to all of the internal books and records kept by the attorney or firm of attorneys which comprise the attorney's or firm's financial records showing financial transactions involving the receipt of client's funds for fees, costs or other purposes, either from the client or third persons and all expenditures by the firm or attorney for ~~itself~~ the firm or (or himself) attorney, for his clients or third persons and all distributions to the attorney or attorneys including but not necessarily limited to all journals, ledgers, books of account, cancelled checks, deposit slips, bank statements, check registers, cash accounts, receipts, correspondence, records of accounts receivable, income and expense statements, balance sheets, tax returns of all types, federal, state, county, and city excepting, however, income tax returns.

(i) "Audit" shall encompass "examination" but in addition may include positive or negative confirmation from external sources.

REGULATION 102. PERSONS AUTHORIZED TO CONDUCT AUDITS

(a) The Director may from time to time select such person or persons or accounting firm as ~~he~~ the Director deems qualified to conduct the audits and examinations specified in RLD Title 13. The selection of the auditor or auditors shall be subject to confirmation by the Board of Governors.

(b) The auditor need not be a Certified Public Accountant but must be qualified under the laws of the State of Washington to practice public accountancy. ~~It~~ The auditor may be an accounting firm or individual or individuals.

(c) The auditor or auditors may, but need not be, in the employ of the Association. If the auditor is an employee of the Association ~~he~~ the auditor need not be qualified under the laws of the State of Washington to practice public accountancy.

(d) If the Director selects an auditor or auditors persons who are independent contractors, they may be hired to perform all or some examinations or audits or solely for the performance of a particular examination or audit. No auditor shall perform an audit or examination of a firm or attorney for whom ~~he~~ the auditor has performed accounting work in the two (2) years preceding the date of the proposed examination or audit. The auditor, as a condition of employment, shall agree that neither ~~he~~ the auditor nor any accounting firm which ~~he~~ the auditor is associated, will perform accounting work for any attorney or firm which ~~he~~ the auditor audits or examines for a period of not less than two years (2) years following the date of said audit or examination, whichever is later; however, this shall not preclude performances of accounting work for clients of the attorney

or firm, nor preclude the auditor from being a lay or expert witness on behalf of a client of the attorney or firm.

(e) Compensation of the auditor or auditors shall be as determined by the Director subject to confirmation by the Board of Governors.

REGULATION 103. EXAMINATION AND AUDIT REPORTS

(a) The auditor shall furnish a written report of each examination or audit to the Board.

(b) The report shall contain the date of the audit or examination, the name of the firm or attorney, and a statement of the scope of the examination or audit. In respect to each examination, it shall include a statement to the effect that either (i) as a result of the examination, an audit or further examination is indicated or, (ii) during the course of the examination, the auditor has not observed anything which would indicate a need for further examination or audit at this time. In respect to each audit, ~~he~~ the report shall state either (i) as a result of the audit, ~~he~~ the auditor concludes that RPD 1.14 has not been complied with (stating the particulars), or (ii) as a result of the audit ~~he~~ the auditor has not observed anything which would indicate RPC 1.14 has not been complied with. ~~He~~ The auditor shall further state ~~whether in his~~ an opinion, ~~whether~~ the attorney or firm has cooperated as required by RLD 13.2, giving particulars if lack of cooperation is claimed.

(c) Upon request by the Chairperson, the auditor shall make available ~~his~~ the working papers in respect to particular examinations or audits, for review by the Board and shall consult with the Board in respect to particular examinations and audits. Upon request the auditor shall similarly make available ~~his~~ the working papers to and consult with the Board of Governors.

(d) Upon conclusion of ~~his~~ the examination or audit, the auditor shall make available to the attorney or firm a copy of ~~his~~ the audit report.

(e) The auditor shall preserve inviolate all confidences and secrets of clients of the examined attorney or firm. No client name or information which would permit identification of a particular client shall be revealed in the working papers or the report of the auditor, except that the name or names of clients who have filed complaints with the Association may be released. As a condition of the auditor's employment, the Association shall require such undertakings of the auditor as may be required to insure compliance with this regulation.

(f) When the audit is concluded, if it is determined pursuant to Reg. 104(a) that no further investigation, examination or action is appropriate, the Association's copies of the audit report, working papers or other materials relating to the audit shall be destroyed, except that the Association shall maintain a record showing the identity of any attorney or firm audited and the dates of the audit to ensure that the restrictions of Reg. 105(a) are complied with.

REGULATION 104. DETERMINATION THAT FURTHER EXAMINATION AND AUDIT OR OTHER ACTIONS ARE WARRANTED.

(a) The Chairperson or ~~his~~ a delegate shall review all reports of the auditor. After such review and upon such

further investigation, which ~~he~~ the Chairperson may direct, and after such consultation, if any, as ~~he~~ the Chairperson deems appropriate with the Board, Director, Board of Governors, or Association counsel, the Chairperson shall make such order in respect to further examination and audit as ~~he~~ the Chairperson deems appropriate, consistent with RLD 13.1. In addition, the Chairperson may order other actions by the attorney as are necessary to insure that the attorney's handling of client funds complies with the requirements of the Rules of Professional Conduct.

(b) In any case where the Chairperson orders the attorney to make payments in order to insure that the attorney's handling of client funds during the examination period complied with the Rules of Professional Conduct and the amount to be paid exceeds \$1,500, the attorney may appeal the order requiring payment to a subcommittee of the Disciplinary Board consisting of three lawyers who are members of the Board appointed by the Chairperson. The subcommittee shall review the auditor's report, and any other materials submitted by the attorney and the auditor and shall have the authority to change or modify the Chairperson's order as a majority of the subcommittee deems appropriate. The subcommittee's order shall be final.

REGULATION 104A. AUDITOR'S OPINIONS ADVISORY ONLY.

(ba) The opinions expressed in the report of the Auditor shall be advisory only. They shall not in and of themselves constitute findings of fact in any disciplinary proceedings against any attorney unless so stipulated by the attorney or ~~his~~ the attorney's counsel.

REGULATION 105. METHOD OF SELECTION OF ATTORNEYS AND FIRMS TO BE EXAMINED

(a) At such time and from time to time as the Board of Governors after consultation with the Board shall determine, random examination of attorneys or firms shall be conducted. Procedures shall be established by the Board, in consultation with the Board of Governors, for the selection of attorneys or firms to be examined which (1) will utilize the principle of random selection and (2) will distribute the examinations among the congressional districts of the state substantially in the ratio that the number of attorneys in each district bears to the total number of active attorneys in the state. For example, the Board may (i) determine the total number of examinations which can be made during the time period in question by the auditor or auditors, (ii) allocate the number of examinations to each district substantially in the ratio that the number of active attorneys therein bears to all active attorneys in the state and (iii) select the attorneys by random within each group. If the number drawn is that of an attorney who is an employee or member of a firm, the firm shall be examined. If the number is that of an active member who is a sole practitioner, such active member shall be examined. If the number is that of an attorney who, himself, or his firm either as an individual or as a firm member, has been audited in the twenty-four (24) months immediately preceding the drawing,

the Chairperson may in ~~his~~ the Chairperson's discretion excuse such attorney or firm from examination.

(b) Upon consent of an active member, ~~he or his~~ the attorney's books and records or those of a firm may be examined even though the active member's number has not been selected randomly.

(c) The Chairperson may at all time upon receipt of information that a particular attorney or firm may not be in compliance with RPC 1.14 authorize an examination.

REGULATION 106. CONTENTS OF ATTORNEY DECLARATION

In December of each year, the Association shall mail to each active member, a written questionnaire. The completed questionnaire shall be delivered by the member to the Association on or before January 31 of the following year. The questionnaire shall be comprised of two parts. Parts One and Two shall be completed and signed by each active member, provided that Part Two, in lieu of completion and signing by each individual active member practicing in a firm, may be completed and signed by an authorized member of the firm on behalf of all attorneys practicing in the firm. Part One and Part Two shall each be separately signed and verified by the signer under penalty or perjury and shall require disclosure of the following information:

PART ONE

(i) Name, current address and telephone number of the active member.

(ii) Whether the active member is in active private practice.

(iii) If the answer to (ii) is no, whether the member is nonetheless engaged in any practice of the law which involves or might involve the handling of client's funds or property.

(iv) Whether the member (or firm) maintains identifiable bank account(s) within the state for the deposit of funds of clients and a recordkeeping system to record funds, securities and other properties of clients coming into the member's (or firm's) possession. (to be answered by all members unless the answers to both (ii) and (iii) are "no").

PART TWO

(a) The name of the bank(s) and branch(es) where the separate identifiable bank accounts are maintained as the depository (or depositories) for client funds.

(b) Whether the accounts identified in (a) are maintained in the manner specified in RPC 1.14, and whether all clients' funds to the extent required by RPC 1.14 are kept therein.

(c) Whether all funds, securities, and other properties of clients coming into the member's (or firm's) possession are held in the manner specified in RPC 1.14 and whether records in respect thereto are maintained in the manner specified in RPC 1.14.

Part Two may also require disclosure of the account numbers for each separate identifiable bank account maintained as a depository for client funds.

WSR 90-08-080  
PROPOSED RULES  
DEPARTMENT OF ECOLOGY  
[Filed April 3, 1990, 9:24 a.m.]

Continuance of WSR 90-02-096, 90-05-048 and 90-06-010.

Title of Rule: Chapter 173-166 WAC, Emergency drought relief.

Date of Intended Adoption: June 19, 1990.

April 3, 1990  
Fred Olson  
Deputy Director

WSR 90-08-081  
RULES OF COURT  
STATE SUPREME COURT  
[March 29, 1990]

IN THE MATTER OF THE ADOPTION  
OF THE AMENDMENTS TO CrR 6.5 and  
CR 47

NO. 25700-A-450  
ORDER

The Court having considered the proposed amendments and having determined that the amendments will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby

ORDERED:

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 29th day of March, 1990.

Callow, C.J.

Utter, J.

Durham, J.

Brachtenbach, J.

Andersen, J.

Dolliver, J.

Smith, J.

Dore, A.C.J.

Guy, J.

CRIMINAL RULE 6.5  
ALTERNATE JURORS

When the jury is selected the court may direct the selection of one or more additional jurors, in its discretion, to be known as alternate jurors. Each party shall be entitled to one preemptory challenge for each alternate juror to be selected. When several defendants are on trial together, each defendant shall be entitled to one challenge in addition to the challenge provided above, with discretion in the trial judge to afford the prosecution such additional challenges as circumstances warrant. If at any time before submission of the case to the jury a juror is found unable to perform his the duties the court

shall order ~~him~~ the juror discharged, and the clerk shall draw the name of an alternate who shall take ~~his~~ the juror's place on the jury.

Alternate jurors who do not replace a regular juror may be discharged or temporarily excused after the jury retires to consider its verdict. When jurors are temporarily excused but not discharged, the trial judge shall take appropriate steps to protect alternate jurors from influence, interference or publicity, which might affect that juror's ability to remain impartial and the trial judge may conduct brief voir dire before seating such alternate juror for any trial or deliberations. Such alternate juror may be recalled at any time that a regular juror is unable to serve, ~~provided that the original jury has not returned any verdicts or findings including a second phase of any trial that is bifurcated.~~ If the jury has commenced deliberations prior to replacement of an initial juror with an alternate juror, the jury shall be instructed to disregard all previous deliberations and begin deliberations anew.

CIVIL RULE 47  
JURORS

(a) Examination of Jurors. The court may examine the prospective jurors to the extent it deems appropriate, and shall permit the parties or their attorneys to ask reasonable questions.

(b) Alternate Jurors. The court may direct that not more than six jurors in addition to the regular jury be called and impaneled to sit as alternate jurors. Alternate jurors in the order in which they are called shall replace jurors who, prior to the time the jury retires to consider its verdict, become or are found to be unable or disqualified to perform their duties. Alternate jurors shall be drawn in the same manner, shall have the same qualifications, shall be subject to the same examination and challenges, shall take the same oath, and shall have the same functions, powers, facilities, and privileges as the regular jurors. Each side is entitled to one preemptory challenge in addition to those otherwise allowed by law if one or two alternate jurors are to be impaneled, two preemptory challenges if three or four alternate jurors are to be impaneled, and three preemptory challenges of five or six alternate jurors are to be impaneled. The additional preemptory challenges may be used against an alternate juror only, and the other preemptory challenges allowed by law shall not be used against an alternate juror. An alternate juror who does not replace a regular juror may be discharged or temporarily excused after the jury retires to consider its verdict. When an alternate juror is temporarily excused but not discharged, the trial judge shall take appropriate steps to protect such juror from influence, interference or publicity which might affect that juror's ability to remain impartial, that the trial judge may conduct brief voir dire before seating such alternate juror for any trial or deliberations. An alternate juror may be recalled at anytime that a regular juror is unable to serve, ~~provided that the original jury has not returned any verdicts or findings including a second phase of any trial that is bifurcated.~~ If the jury has commenced deliberations prior to the replacement of a regular juror with an alternate juror, the jury shall be

instructed to disregard all previous deliberations and to begin deliberations anew.

- (c) Procedure When Juror Becomes Ill. Unchanged.
- (d) Impaneling Jury. Unchanged.
- (e) Challenge. Unchanged.
- (f) Oath of Jurors. Unchanged.
- (g) View of Premises by Jury. Unchanged.
- (h) Admonitions to Jurors. Unchanged.
- (i) Care of Jury While Deliberating. Unchanged.
- (j) Note Taking by Jurors. Unchanged.

**WSR 90-08-082**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [March 29, 1990]

IN THE MATTER OF THE ADOPTION OF NO. 25700-A-451  
 SUPERIOR COURT ADMINISTRATIVE RULE  
 AR 2 ORDER

The Board for Judicial Administration (BJA) having recommended the adoption of Superior Court Administrative Rule AR 2 and the Court having determined that the amendment will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby  
**ORDERED:**

(a) That the amendment as attached hereto is adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendment will be published expeditiously in the Washington Reports and will become effective upon publication.

DATED at Olympia, Washington this 29th day of March, 1990.

	Callow, C.J.
Utter, J.	Durham, J.
Brachtenbach, J.	Andersen, J.
Dolliver, J.	Smith, J.
Dore, A.C.J.	Guy, J.

**PROPOSED CASE INFORMATION RULE**  
**Superior Court Administrative Rules (AR)**  
**Rule 2**

Each new civil and domestic case filing shall be accompanied by a Case Information Cover Sheet prepared and submitted by the plaintiff. The minimum requirements of this Case Information Sheet shall be established by the Court Management Council in coordination with the Office of the Administrator for the Courts. Any additional case flow information deemed necessary for the management of cases by a court must be approved by the Office of the Administrator for the Courts.

**WSR 90-08-083**  
**RULES OF COURT**  
**STATE SUPREME COURT**  
 [March 29, 1990]

IN THE MATTER OF THE ADOPTION NO. 25700-A-452  
 OF THE AMENDMENTS TO CRLJ 10 AND  
 CrRLJ 1.5 ORDER

The Court having considered the proposed amendments and having determined that the amendments will aid in the prompt and orderly administration of justice and having further determined that an emergency exists which necessitates an early adoption;

Now, therefore, it is hereby  
**ORDERED;**

(a) That the amendments as attached hereto are adopted.

(b) That pursuant to the emergency provisions of GR 9(i), the amendments will be published expeditiously in the Washington Reports and will become effective September 1, 1990.

DATED at Olympia, Washington this 29th day of March, 1990.

	Callow, C.J.
Utter, J.	Durham, J.
Brachtenbach, J.	Andersen, J.
Dolliver, J.	Smith, J.
Dore, A.C.J.	Guy J.

**CRLJ 10**  
**FORM OF PLEADINGS**

(a) Caption; Names of Parties. Unchanged.

(b) Adoption by Reference; Exhibits. Unchanged.

(c) Form. All notices, pleadings, motions, and other papers filed shall be plainly written or typed, and, except for exhibits and forms approved by the Office of the Administrator for the Courts, the use of letter-size paper (8 1/2 by 11 inches) is mandatory. The use of letter-size copies is encouraged if it does not impair legibility.

**CrRLJ 1.5**  
**STYLE AND FORM**

The complaint, citation and notice, warrant, summons, motions, briefs, orders, and all other papers or forms required by these rules shall be plainly written, typed or printed. Except for exhibits, and the citation and notice, and forms approved by the Office of the Administrator for the Courts, the use of letter-size paper (8 1/2 by 11 inches) is mandatory. The use of letter-size copies of exhibits is encouraged if it does not impair legibility. The citation and notice shall be on a form prescribed or approved by the Office of the Administrator for the Courts.

**WSR 90-08-084**  
**PROPOSED RULES**  
**UNIVERSITY OF WASHINGTON**  
 [Filed April 3, 1990, 9:31 a.m.]

[Original Notice.]

Purpose: Amendments and addition of various WACs for compliance with the new Administrative Procedure Act.

Statutory Authority for Adoption: Chapter 34.05 RCW.

Statute Being Implemented: Chapter 34.05 RCW.

Reasons Supporting Proposal: Under the APA, any reference to a "hearing" raises the spectre that a formal hearing is required; therefore, all references to "hearings" or "formal hearings" must be replaced with "adjudications."

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Melody Tereski, Administration Processing Officer, Admin. 101, 543-4150.

Name of Proponent: President William P. Gerberding, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Consistent with the Washington Administrative Procedure Act, the additions and amendments shown below establish brief adjudicative proceedings in place of formal hearing processes.

Proposal does not change existing rules.

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

Hearing Location: Husky Union Building, 200ABC, University of Washington, on May 14, 1990, at 11:30-1:00.

Submit Written Comments to: Melody Tereski, Rules Coordination Office, AF-50, University of Washington, 98195, by May 11, 1990.

Date of Intended Adoption: May 18, 1990.

March 20, 1990  
 William P. Gerberding  
 President

Chapter 478-04 WAC  
 ORGANIZATION

NEW SECTION

WAC 478-04-010 PURPOSE. The purpose of this chapter is to establish rules implementing RCW 34.05.220 (1)(b) and 42.17.250 (1)(a) and (b).

NEW SECTION

WAC 478-04-020 ORGANIZATION—OPERATION—INFORMATION. (1) Organization. The University of Washington is established in Title 28B RCW as a public institution of higher education. The institution is governed by a nine-member board of regents, appointed by the governor. The board employs a president, who acts as the chief executive officer of the institution. The president establishes the structure of the administration.

(2) Operation. The administrative office of the University of Washington is at the following address:

Office of the President  
 301 Administration, AH-30  
 University of Washington  
 Seattle, Washington 98195

(3) Information. Additional and detailed information concerning the educational offerings may be obtained from the catalog, copies of which are available at the following address:

Office of the Registrar  
 209 Schmitz, PD-10  
 University of Washington  
 Seattle, Washington 98195

Chapter 478-108 WAC  
 PRACTICE AND PROCEDURE

PART I  
 GENERAL PROCEDURAL RULES

NEW SECTION

WAC 478-108-010 MATTERS SUBJECT TO BRIEF ADJUDICATION. This rule is adopted in accordance with RCW 34.05.479 through 34.05.494, the provisions of which are hereby adopted. Brief adjudicative procedures shall be used in all matters related to:

- (1) Appeals from residency classifications under RCW 28B.15.013 as established in chapter 478-160 WAC;
- (2) Appeals from traffic and parking violations as provided for in chapter 478-116 WAC;
- (3) Student conduct or disciplinary proceedings as provided in the procedural rules of chapter 478-120 WAC outstanding debts owed by students or employees. And in rules established by individual academic departments of the University.
- (4) Challenges to contents of educational records as provided for in chapter 478-140 WAC;
- (5) Proceedings under the conduct on campus code as detailed in chapter 478-124 WAC;
- (6) Proceedings under the animal control policy as detailed in chapter 478-124 WAC;
- (7) Requests for reconsideration of admission decisions as provided for in chapter 478-160 WAC;
- (8) Appeals of library charges as provided in chapter 478-168 WAC;
- (9) Reviews of denials of public records requests as provided in chapter 478-276 WAC;
- (10) Federal financial aid appeals as provided for by federal law;
- (11) Collection of outstanding debts owed by students or employees; and
- (12) Appeals from areas exempt from the rules requirements of chapter 34.05 RCW including standards of admission, academic advancement, academic credit, graduation and the granting of degrees, employment relationships, and fiscal processes.

NEW SECTION

WAC 478-108-020 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. The application shall include the signature of the applicant, the nature of the matter for which an adjudicative proceeding is sought, and an explanation of the facts involved. Application forms are available at the following address:

Visitors Information Center  
 4014 University Way N.E., HI-22  
 University of Washington  
 Seattle, Washington 98195

An application for an adjudicative proceeding should be submitted to the above address within twenty days of the agency action giving rise to the application, unless otherwise provided for by statute or rule.

NEW SECTION

WAC 478-108-030 APPOINTMENT OF PRESIDING OFFICERS. The president of the University of Washington or his or her designee shall have the power to appoint presiding officers for formal and brief adjudicative proceedings. The presiding officer shall be an administrative law judge; a member in good standing of the Washington State Bar Association; committees or members of the faculty, staff, or student body; a panel of individuals; the president or his or her designee; or any combination of the above. Where more than one individual is designated to be the presiding officer, one person may

be designated by the president or president's designee to make decisions concerning discovery, closure, means of recording adjudicative proceedings, and similar matters.

#### NEW SECTION

WAC 478-108-040 **METHOD OF RECORDING.** Proceedings shall be recorded by a method determined by the presiding officer, among those available pursuant to the model rules of procedure in WAC 10-08-170.

#### NEW SECTION

WAC 478-108-050 **ADJUDICATIVE PROCEEDINGS CLOSED.** Adjudicative proceedings shall be closed to the public unless the Open Public Meetings Act, chapter 42.30 RCW, requires otherwise. If the act requires an open proceeding, then a party may apply to the presiding officer for a protective order to close part of the proceeding. The party making the request should state the reasons for making the application to the presiding officer. If the other party opposes the request, a written response to the request shall be made within ten days of the request to the presiding officer. The presiding officer shall determine which, if any, parts of the proceeding shall be closed, and state the reasons therefore in writing within twenty days of receiving the request.

No cameras or recording devices, other than the official recording method, shall be allowed in proceedings or parts of proceedings which have been closed.

### PART II PROCEDURAL RULES FOR FORMAL PROCEEDINGS

#### NEW SECTION

WAC 478-108-110 **ADOPTION OF MODEL RULES OF PROCEDURE.** In formal proceedings pursuant to RCW 34.05.413 through 34.05.476, the University of Washington adopts the model rules of procedure adopted by the chief administrative law judge pursuant to RCW 34.05.250, as now or hereafter amended. Those rules may be found in chapter 10-08 WAC. Other procedural rules adopted in this title and this chapter are supplementary to the model rules of procedure. In the case of a conflict between the model rules of procedure and these procedural rules, the procedural rules adopted by this institution shall govern.

#### NEW SECTION

WAC 478-108-120 **DISCOVERY.** Discovery in adjudicative proceedings may be permitted at the discretion of the presiding officer. In permitting discovery, the presiding officer shall make reference to the civil rules of procedure. The presiding officer shall have the power to control the frequency and nature of discovery permitted, and to order discovery conferences to discuss discovery issues.

#### NEW SECTION

WAC 478-108-130 **TRANSMITTAL OF RECOMMENDED DECISIONS.** The presiding officer shall transmit a full and complete record of the proceedings and a recommended decision to the institutional official who is to enter a final or initial order after considering the record and evidence so transmitted. The record of proceedings shall include such comments upon the demeanor of witnesses as the presiding officer deems relevant.

#### NEW SECTION

WAC 478-108-140 **PETITION FOR STAY PENDING APPEAL.** Upon the request of a party intending to appeal, the official, officer, or body of officers who entered a final decision in an adjudicative proceeding may issue a stay of effectiveness pending the outcome of the appeal.

#### AMENDATORY SECTION (Amending Order 89-1, filed 7/13/89)

WAC 478-116-510 **PROCEDURE—JUDGMENT.** (1) Upon conclusion of the hearing, the parking judge shall specify the charge or charges, pronounce judgment of acquittal or conviction as to each charge, and shall assess fines or penalties not in excess of the schedule of fines and penalties established pursuant to the procedures set forth in WAC 478-116-520.

(2) The parking court judge shall endorse his or her signature upon the court docket, certifying the record to be correct.

(3) The judgment and sentence imposed, if any, shall be recorded in the records maintained by the parking violations division for a period not less than one year.

(4) Within ten days, the parking judge shall give the parties a brief written statement of the reasons for the decision and any internal administrative review available.

#### AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

WAC 478-120-070 **APEALS.** (1) Any disciplinary action taken by the dean of a college or school or his representative, by the vice president for student affairs or his representatives, or by the university disciplinary committee, may be appealed by the student to the next higher hearing body with the following conditions:

(a) If a student chooses to make an appeal, the appeal body may base its decision on the record of the proceedings in the initial hearing(s) or, if it chooses, may receive additional evidence, or rehear the case entirely. The appeal body may sustain, reduce, or vacate the penalty imposed by the group or individual originally hearing the case.

(b) A student who has been disciplined by the deans or by the office of student affairs or their representatives may appeal the case to the university disciplinary committee.

(c) Cases brought before the university disciplinary committee, either for initial hearing or for appeal, may be appealed to the faculty appeal board. (See WAC 478-120-100.)

(d) All cases in which the sanction imposed by the university disciplinary committee is dismissal shall be automatically heard on appeal by the faculty appeal board. Should the faculty appeal board sustain the recommendation of dismissal, approval of the president of the university is required before the sanction takes effect.

(2) A student wishing to appeal to either the disciplinary committee or the faculty appeal board shall indicate his intention, in writing, and within ~~((five))~~ twenty-one calendar days of the original decision, to the chairman of the group to which the appeal is made.

#### AMENDATORY SECTION (Amending Order 72-9, filed 11/30/72)

WAC 478-120-130 **EMERGENCY AUTHORITY OF THE PRESIDENT OF THE UNIVERSITY.** Ordinarily, disciplinary sanctions of any kind will be imposed only after the appropriate informal or formal hearing has taken place, and after the student, if he so chooses, has availed himself of his right of appeal. However, the president of the university or his authorized representative, by virtue of the authority delegated to them by the board of regents of the university, under conditions which the president or his authorized representative deems to be an emergency situation, may suspend students from participation in any or all university privileges, pending the application of university disciplinary procedures, in order to protect the offenders or other members of the university community, or to assure the university's ability to function. The president of the university or his/her authorized representative shall issue a brief statement of findings of fact, conclusions of law, and policy reasons for the decision if it is an exercise of the university's discretion, to justify the determination of an immediate danger and the university's decision to take the specific action. In any case in which this provision is invoked, the student or students in question are entitled to an early disciplinary hearing by the university disciplinary committee, and the case takes precedence over other business pending before the committee.

#### NEW SECTION

WAC 478-160-162 **FINANCIAL AID INFORMATION.** Federal, state, and private financial aid applications and information may be obtained at the following address:

Office of Student Financial Aid  
105 Schmitz Hall, PE-20  
University of Washington  
Seattle, WA 98195

Award of federal and state aid will be made in accordance with applicable federal and state laws and regulations.

#### NEW SECTION

WAC 478-160-232 **APEALS PROCEDURES—BRIEF ADJUDICATORY PROCEEDINGS.** The residence classification review

committee shall provide a brief adjudicatory proceeding for each appeal of residence classification. This proceeding shall be in accordance with RCW 34.05.482 through 34.05.494.

**WSR 90-08-085**  
**EMERGENCY RULES**  
**POLLUTION LIABILITY**  
**INSURANCE AGENCY**

[Order 90-1—Filed April 3, 1990, 11:35 a.m.]

Date of Adoption: April 3, 1990.

Purpose: To establish procedures for the establishment and use of reserve funds for the pollution liability insurance program.

Statutory Authority for Adoption: RCW 70.148.040.

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: This rule is necessary for the prompt implementation of the pollution liability insurance program established by chapter 70.148 RCW.

Effective Date of Rule: Immediately.

April 3, 1990  
James M. Sims  
Director

Chapter 374-30 WAC  
RESERVES

NEW SECTION

**WAC 374-30-010 AUTHORITY AND PURPOSE.** This chapter is promulgated under the authority conferred by RCW 70.148.040. The purpose of this chapter is to implement those provisions of chapter 70.148 RCW as amended by Substitute House Bill No. 2609 (chapter 64, Laws of 1990) relating to the establishment of reserves for the pollution liability insurance program.

NEW SECTION

**WAC 374-30-020 DEFINITIONS.** Unless the context requires otherwise, the following definitions shall apply:

(1) "Claim" means a properly filed request for insurance benefits made by the holder of a pollution liability insurance policy issued by an insurer with whom the pollution liability insurance program has executed a contract for reinsurance.

(2) "Director" means the director of the pollution liability insurance agency and program appointed by the governor pursuant to chapter 70.148 RCW, or a person designated to act on the director's behalf.

(3) "Insurer" means a commercial property and casualty insurance company, risk retention group, or group of insurance companies or risk retention groups.

(4) "Loss reserve" means the amount traditionally set aside by insurers for costs and expenses related to claims that have been made.

(5) "Program" means the pollution liability insurance program created in chapter 70.148 RCW.

(6) "Surplus reserve" means the amount traditionally set aside by insurers to provide financial protection from unexpected losses and to serve, in part, as a measure of an insurer's net worth.

(7) "Unrestricted trust account balance" means the cash balance in the pollution liability insurance program trust account created in RCW 70.148.020 less reserves established under this chapter and any other encumbrances authorized by law or rule.

NEW SECTION

**WAC 374-30-030 LOSS RESERVES—ESTABLISHMENT AND ADJUSTMENT.** (1) When the director is notified by an insurer with whom a reinsurance contract has been entered into that claims have been made by policyholders, the director shall order the establishment of a loss reserve for each claim. The loss reserves will consist of an accounting transfer from the unrestricted trust account balance of funds sufficient to cover the program's estimated reinsurance reimbursement obligation for costs and expenses for each claim as reported by the insurer.

(2) In the event that the costs and expenses associated with a claim change during the claim adjustment and settlement process, the director shall order that the loss reserve established for that claim be adjusted to reflect changes in the program's reinsurance reimbursement obligation. Such adjustments shall consist of additional transfers of funds from or to the unrestricted trust account balance as required in each case.

NEW SECTION

**WAC 374-30-040 LOSS RESERVES—USE AND DISPOSITION.** (1) When the adjustment and settlement of claims for which the program has provided reinsurance has been completed, the insurer shall notify the director of the terms of final settlement and shall provide such documentation as the director may require. The director shall order that the insurer be reimbursed for those costs and expenses in excess of the insurer's contractual net retention that are properly due to the insurer under the reinsurance contract. Such payments will be made from the funds set aside as loss reserves for the pertinent claim.

(2) In the event that the program's final reinsurance obligation for any claim differs from the amount set aside as a loss reserve for that claim, adjustment shall be made as follows:

(a) If the program's reinsurance obligation is greater than the amount set aside as a loss reserve, the additional funds required shall be withdrawn from the unrestricted trust account balance.

(b) If the program's reinsurance obligation is less than the amount set aside as a loss reserve, the unutilized funds shall be restored to the unrestricted trust account balance.

NEW SECTION

**WAC 374-30-050 SURPLUS RESERVES—ESTABLISHMENT AND ADJUSTMENT.** *The director shall establish a surplus reserve, consisting of an accounting segregation of funds from the unrestricted trust account balance, for the program in order to protect the program and the state against unexpected catastrophic losses and in order to establish a financial foundation for the program that will be acceptable to commercial insurers and insurance industry regulatory authorities. The surplus reserve shall be established as soon as practicable following the effective date of this rule, and shall be adjusted by the director from time to time as needed. In establishing and adjusting the surplus reserve, the director shall consider the following:*

(1) *The required minimum capitalization for insurers and reinsurers established in chapter 48.05 RCW.*

(2) *Similar requirements set forth in the laws and rules of the state or states in which the insurer or insurers for whom the program is providing reinsurance are domiciled.*

(3) *Generally accepted standards of financial soundness and solvency applicable to insurance and reinsurance.*

(4) *Actuarial analysis and information concerning likely levels of reinsurance cost and expense exposure of the program over time.*

(5) *Advice and information from the Washington insurance commissioner, insurance industry advisors, the pollution liability insurance program technical advisory committee, and other knowledgeable persons.*

(6) *The actual loss and expense experience of insurers and the program as this develops over time.*

(7) *Any additional information that the director may deem pertinent and relevant.*

NEW SECTION

**WAC 374-30-060 SURPLUS RESERVES—USE AND REESTABLISHMENT.** *Funds set aside as surplus reserves shall be used only for payment of reinsurance costs and expenses resulting from natural disasters, catastrophes, or other conditions not foreseen or expected through ongoing actuarial analysis and planning. Such payments may be made only by order of the director. In the event that such use is made of any or all of the surplus reserves established by this rule, the surplus reserve balance shall be restored to required levels out of program revenues as expeditiously as possible.*

**WSR 90-08-086****PERMANENT RULES****DEPARTMENT OF ECOLOGY**

[Filed April 3, 1990, 1:49 p.m.]

Date of Adoption: April 3, 1990.

Purpose: It establishes administrative processes and standards to identify, investigate and cleanup facilities where hazardous substances have come to be located.

Statutory Authority for Adoption: The Model Toxics Control Act, Initiative 97, chapter 70.105D RCW.

Pursuant to notice filed as WSR 90-02-098 on January 3, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 3, 1990

Fred Olson

Deputy Director

Chapter 173-340 WAC  
 ((HAZARDOUS WASTE CLEANUP SETTLEMENT PROCEDURES)) MODEL TOXICS CONTROL ACT—CLEANUP

## WAC

## PART I—OVERALL CLEANUP PROCESS

- 173-340-100 Purpose.
- 173-340-110 Applicability.
- 173-340-120 Overview.
- 173-340-130 Administrative principles.
- 173-340-140 Deadlines.

## PART II—DEFINITIONS AND USAGE

- 173-340-200 Definitions.
- 173-340-210 Usage.

## PART III—SITE REPORTS AND CLEANUP DECISIONS

- 173-340-300 Site discovery and reporting.
- 173-340-310 Initial investigation.
- 173-340-320 Site hazard assessment.
- 173-340-330 Hazardous sites list.
- 173-340-340 Biennial program report.
- 173-340-350 State remedial investigation and feasibility study.
- 173-340-360 Selection of cleanup actions.

## PART IV—SITE CLEANUP AND MONITORING

- 173-340-400 Cleanup actions.
- 173-340-410 Compliance monitoring requirements.
- 173-340-420 Periodic review.
- 173-340-430 Interim actions.

## PART V—ADMINISTRATIVE PROCEDURES FOR REMEDIAL ACTIONS

- 173-340-500 Determination of status as a potentially liable person.
- 173-340-510 Administrative options for remedial actions.
- 173-340-520 Consent decrees.
- 173-340-530 Agreed orders.
- 173-340-540 Enforcement orders.
- 173-340-550 Payment of remedial action costs.
- 173-340-560 Mixed funding.

## PART VI—PUBLIC PARTICIPATION

- 173-340-600 Public notice and participation.
- 173-340-610 Regional citizens' advisory committees.

## PART VII—CLEANUP STANDARDS

- 173-340-700 Reserved.

## PART VIII—GENERAL PROVISIONS

- 173-340-800 Property access.
- 173-340-810 Worker safety and health.
- 173-340-820 Sampling and analysis plans.



173-340-830	Laboratory analysis procedures.
173-340-840	General submittal requirements.
173-340-850	Recordkeeping requirements.
173-340-860	Endangerment.
173-340-870	Project coordinator.
173-340-880	Emergency actions.
173-340-890	Severability.

## PART I—OVERALL CLEANUP PROCESS

### NEW SECTION

**WAC 173-340-100 PURPOSE.** This chapter is promulgated under the Model Toxics Control Act. It establishes administrative processes and standards to identify, investigate, and cleanup facilities where hazardous substances have come to be located. It defines the role of the department and encourages public involvement in decision making at these facilities.

The goal of this chapter is to implement the policy declared by chapter 70.105D RCW. This chapter provides a workable process to accomplish effective and expeditious cleanups in a manner that protects human health and the environment. This chapter is primarily intended to address releases of hazardous substances caused by past activities although its provisions may be applied to potential and ongoing releases of hazardous substances from current activities.

### NEW SECTION

**WAC 173-340-110 APPLICABILITY.** (1) This chapter shall apply to all facilities where there has been a release or threatened release of a hazardous substance that may pose a threat to human health or the environment. Under this chapter, the department may require or take those actions necessary to investigate and remedy these releases.

(2) Nothing herein shall be construed to diminish the department's authority to address a release or threatened release under other applicable laws or regulations. The cleanup process and procedures under this chapter and under other laws may be combined. The department may initiate a remedial action under this chapter and may upon further analysis determine that another law is more appropriate, or vice versa.

(3) If a hazardous substance remains at a facility after actions have been completed under other applicable laws or regulations, the department may apply this chapter to protect human health or the environment.

### NEW SECTION

**WAC 173-340-120 OVERVIEW.** (1) **Purpose.** This section provides an overview of the cleanup process that typically will occur at a site where a release of a hazardous substance has been discovered. If there are any inconsistencies between this section and any specifically referenced sections, the referenced section shall govern.

(2) **Site discovery.** Site discovery includes:

(a) **Release reporting.** A reporting program is established to help identify potential hazardous waste sites. Owners and operators who know of or discover a release

of a hazardous substance due to past activities must report the release to the department under WAC 173-340-300. Current releases of hazardous substances must be reported to the department under the state's hazardous waste and water quality laws. The term "hazardous substance" includes a broad range of substances as defined by chapter 70.105D RCW.

(b) **Initial investigation.** Within ninety days of learning of a hazardous substance release, the department will conduct an initial investigation of the site under WAC 173-340-310. For sites that may need further remedial action, an early notice letter will be sent to the owner and operator informing them of the department's decision.

(3) **Site priorities.** Priorities for further remedial action are set by the following process:

(a) **Site hazard assessment.** Based on the results of the initial investigation, a site hazard assessment will be performed if necessary, under WAC 173-340-320. The purpose of the site hazard assessment is to gather information to confirm whether a release has occurred and to enable the department to evaluate the relative potential hazard posed by the release. If the department decides that no further action is required, it will notify the public of that decision through the site register.

(b) **Hazardous sites list.** The department will maintain a list of sites that require further remedial action. Sites will be listed after the completion of a site hazard assessment. Sites placed on the list will be ranked using the department's hazard ranking method. The department may remove a site from the hazardous sites list if the cleanup action at the site has achieved the cleanup standards and all remedial actions except confirmational monitoring have been completed. See WAC 173-340-330.

(c) **Biennial program report.** Every even-numbered year, the department will prepare a biennial program report for the legislature. The hazard ranking, along with other factors, will be used in this report to identify the projects and expenditures recommended for appropriation. See WAC 173-340-340.

(4) **Detailed site investigations and cleanup decisions.** The following steps will be taken to ensure that the proper method of cleanup is chosen for the site.

(a) **Remedial investigation and feasibility study.** A state remedial investigation/feasibility study will be performed at ranked sites under WAC 173-340-350. The state remedial investigation/feasibility study defines the extent of the problems at the site and evaluates alternative cleanup actions.

(b) **Selection of cleanup action.** The department will evaluate the remedial investigation/feasibility study and select a cleanup action that will protect human health and the environment consistent with WAC 173-340-360. The cleanup action will be set forth in a draft cleanup action plan that addresses cleanup requirements for hazardous substances at the site. After public comment on the draft plan, a final cleanup action plan will be issued by the department.

(5) **Site cleanup.** Once the appropriate cleanup action has been selected for the site, the actual cleanup will be performed.

(a) Cleanup actions. WAC 173-340-400 describes the design and construction requirements for implementing the cleanup action plan.

(b) Compliance monitoring and review. The cleanup action must include compliance monitoring under WAC 173-340-410 and in some cases periodic review under WAC 173-340-420 to ensure the long-term effectiveness of the cleanup action.

(6) Procedures for conducting remedial actions.

(a) Remedial action agreements. The department has authority to take remedial actions or to order persons to conduct remedial actions under WAC 173-340-510 and 173-340-540. However, the department encourages agreements for investigations and cleanups in appropriate cases. These agreements can be agreed orders or consent decrees reached under the procedures of WAC 173-340-520 and 173-340-530.

(b) Independent remedial actions. Persons may decide to perform investigations and cleanups without department approval under this chapter. The department will use the appropriate requirements contained herein in its evaluation of the adequacy of any independent remedial actions performed. Nothing in this chapter prohibits persons from performing such actions before the department is ready to act at the site; however, all interim and cleanup actions must be reported to the department under WAC 173-340-300. Furthermore, independent remedial actions are done at the potentially liable person's own risk and the department may take or require additional remedial actions at these sites at any time. (See WAC 173-340-510.)

(c) Public participation. The public will receive notice and an opportunity to comment on most of the steps in the cleanup process. At many sites, a public participation plan will be prepared to provide opportunities for more extensive public involvement in the cleanup process.

These requirements are described in WAC 173-340-600.

## NEW SECTION

WAC 173-340-130 ADMINISTRATIVE PRINCIPLES. (1) Introduction. The department shall conduct or require remedial actions consistent with the provisions of this section, as typically defined by the subsequent sections.

(2) Information sharing. It is the policy of the department to make available information about releases or threatened releases with property owners or other persons with potential liability for a site in order to encourage them to conduct prompt remedial action. It is also the policy of the department to make information available to interested members of the public.

(3) Information exchange.

(a) Technical assistance. Persons are encouraged to contact the department and seek assistance on the general administrative and technical requirements of this chapter. The department may provide informal advice and assistance to potentially liable persons at any time during the development of a remedial action. Unless the department is providing formal guidance for the implementation of an order or decree any comments by the

department or its agents are advisory and not commitments or approvals binding on the department. A person may not represent this advice as an approval of a remedial action. If the person requesting the advice is seeking binding commitments or approvals an order or consent decree shall be used. The department advises persons requiring site-specific legal or technical assistance to hire an attorney or engineering consultant with the appropriate environmental expertise.

(b) Response to requests. If the department believes that responding to a request for technical assistance would involve substantial time or resources or would not be in the public interest, the department may decline to provide the requested assistance. The department shall inform the requester of its response. The department may require one or more of the following before devoting time to the request:

(i) A proposed schedule;

(ii) Payment, in advance, for its costs in responding to the request;

(iii) Other assurances that the requester is serious about carrying out the provisions of this chapter; or

(iv) Other information.

(4) Scope of public participation. The department seeks to encourage public participation in all steps of the cleanup process. The department shall encourage a level of participation appropriate to the conditions at a facility and the level of the public's interest.

(5) Scope of information. It is the department's intention that adequate information will be gathered at a site to enable decisions on appropriate actions. It is also the department's intention that decisions be made once adequate information is obtained. Studies can be performed and submittals made at varying levels of detail appropriate to the conditions at the site. For example, the department might decide that a study of a small site with minimal ground water impacts need not include as detailed an analysis of the ground water flow system as for a study of a geologically more complex site. Once the department has adequate information it will make cleanup decisions within the framework provided in this chapter and in site-specific orders or decrees.

(6) Combining steps. Several steps in the cleanup process may be combined into fewer steps, when appropriate. For example, the department and a potentially liable person may agree that conditions at a site are such that the remedial investigation/feasibility study and remedial design and implementation steps could be combined into a single step.

(7) Routine cleanup actions. Flexibility in the scope of investigations and in combining steps may be particularly appropriate for routine cleanup actions. For example, the department may decide to approve a routine cleanup action based upon a single investigation that includes a site hazard assessment and a simplified state remedial investigation/feasibility study and engineering design plan.

(a) A cleanup action may be considered routine if the following criteria are met:

(i) It involves an obvious and limited choice among cleanup methods;

(ii) It uses a cleanup method that is reliable and has proven capable of accomplishing cleanup standards;

(iii) Cleanup standards for each hazardous substance addressed by the cleanup are obvious and undisputed, and allow an adequate margin of safety for protection of human health and the environment;

(iv) The department has experience with similar actions; and

(v) The action does not require an environmental impact statement.

(b) Routine cleanup actions consist of or are comparable to one or more of the following remedial actions:

(i) Cleanup of above-ground structures;

(ii) Cleanup of below-ground structures;

(iii) Cleanup of contaminated soils where the action would restore the site to cleanup levels; or

(iv) Cleanup of solid wastes, including containers.

(c) Cleanup of ground water will not normally be considered a routine cleanup action.

(d) A routine cleanup action may be conducted under any of the procedures described in WAC 173-340-510. However, the department will attempt to ensure that all routine cleanup action decisions are consistent with this chapter.

(8) Preparation of documents. Except for the initial investigation, any of the studies, reports, or plans used in the cleanup process can be prepared by either the department or the potentially liable person. The department retains all authority to review and verify the documents submitted and to make decisions based on the documents.

(9) Inter-agency coordination.

(a) The department shall ensure appropriate local, state, and federal agencies and tribal organizations are kept informed and, as appropriate, involved in the development and implementation of remedial actions. The department may require a potentially liable person to undertake this responsibility. If the potentially liable person demonstrates that they are unable to obtain adequate involvement to allow the remedial action to proceed by a particular government agency or tribe, the department shall request the involvement of the agency or tribe.

(b) The nature and degree of coordination and consultation shall be commensurate with the other agencies and tribes interest and need at the site. Interested agencies and tribes shall also be included in the mailing list for public notices under WAC 173-340-600. To facilitate coordination, it is important for the agencies and tribes to provide specific comments, including the identification of additional information needed or mitigating measures that are necessary or desirable to satisfy their concerns.

(c) In order to provide for expeditious cleanup actions, all federal, state, and local agencies are encouraged to coordinate when providing notices, holding meetings and hearings, and preparing documents. Whenever reasonable, the department shall coordinate and combine its activities with other agencies and tribes to minimize the duplication of notices, hearings and preparation of documents, unless otherwise prohibited.

(10) Appeals. Unless otherwise indicated all department decisions made under this chapter are remedial decisions and may be appealed only as provided for in RCW 70.105D.060.

#### NEW SECTION

WAC 173-340-140 DEADLINES. (1) Purpose. It is the department's intent to move sites through the cleanup process as expeditiously as possible. However, the department is limited by the amount of personnel and funds it can expend in any given fiscal year. This section is intended to establish reasonable deadlines for remedying releases within these constraints. The procedure for setting priorities is described in WAC 173-340-330 and 173-340-340.

(2) Within ninety days of learning of a release or threatened release of a hazardous substance, the department shall complete an initial investigation under WAC 173-340-310.

(3) At least twice a year, the department will determine which sites with completed initial investigations are a high priority for further investigation. At that time, the department will schedule high priority sites for further investigations to commence within six months. This determination will be based on best professional judgment of department staff. Sites may be scheduled for further investigation at any time if the department determines that the site warrants expedited action.

(4) The department shall complete the site hazard assessment and hazard ranking on high priority sites within one hundred eighty days of the scheduled start date. These sites will be identified in the department's site register. Sites not designated as a high priority will be scheduled for future investigations and listed in the biennial report to the legislature (WAC 173-340-340). The department will conduct at least thirty-five site hazard assessments each fiscal year until the number of sites needing site hazard assessments are reduced below this number.

(5) Within thirty days of ranking, the department shall designate which sites are a high priority for a state remedial investigation/feasibility study and which sites are a lower priority where further action can be delayed. The department shall review these lower priority sites and provide an opportunity for public comment as part of the biennial report to the legislature (WAC 173-340-340).

(6) For all sites designated as a high priority the state remedial investigation/feasibility study shall be completed under WAC 173-340-350 within eighteen months of signing the order or decree. The department may extend the deadline up to twelve months if the circumstances at the site merit a longer timeframe. The department shall provide the public an opportunity to comment on any extension. The department shall initiate a state remedial investigation/feasibility study on at least ten sites per fiscal year.

(7) The department shall select the cleanup action under WAC 173-340-360 and file a consent decree or issue an order for cleanup action for all designated high priority sites within six months of the completion of the

state remedial investigation/feasibility study. The department may extend the deadline for up to four months for consent decree and order discussions. The department shall provide the public with an opportunity to comment on any deadline extension.

(8) The department will publish site schedules for designated high priority sites in the site register under WAC 173-340-600(6).

## PART II—DEFINITIONS AND USAGE

### NEW SECTION

WAC 173-340-200 DEFINITIONS. For the purpose of this chapter, the following definitions shall apply:

(1) "Act" means the same as the "Model Toxics Control Act" and "chapter 70.105D RCW."

(2) "Agreed order" means an order issued under WAC 173-340-530.

(3) "Cleanup action" means any remedial action, except interim actions, taken at a site to eliminate, render less toxic, stabilize, contain, immobilize, isolate, treat, destroy, or remove a hazardous substance that complies with cleanup standards, utilizes permanent solutions to the maximum extent practicable, and includes adequate monitoring to ensure the effectiveness of the cleanup action.

(4) "Cleanup action plan" means the document prepared by the department under WAC 173-340-360 which selects the cleanup action and specifies cleanup standards and other requirements for the cleanup action.

(5) "Cleanup process" means the process for identifying, investigating, and cleaning up hazardous waste sites under chapter 70.105D RCW.

(6) "Cleanup standards" means the standards promulgated under RCW 70.105D.030 (2)(d).

(7) "Compliance monitoring" means a remedial action that consists of monitoring as described in WAC 173-340-410.

(8) "Containment" means a container, vessel, barrier, or structure, whether natural or constructed, by which a hazardous substance is prevented or hindered from release to or migration into the environment.

(9) "Day" means calendar day; however, any document due on the weekend or a holiday may be submitted on the first working day after the weekend or holiday.

(10) "Decree" means consent decree under WAC 173-340-520. "Consent decree" is synonymous with decree.

(11) "Department" means the department of ecology.

(12) "Director" means the director of ecology or the director's designee.

(13) "Environment" means any plant, animal, natural resource, surface water (including underlying sediments), ground water, drinking water supply, land surface (including tidelands and shorelands) or subsurface strata, or ambient air within the state of Washington or under the jurisdiction of the state of Washington.

(14) "Exposure" means subjection to the action, influence, or effects of a substance or condition.

(15) "Facility" means:

(a) Any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft; or

(b) Any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(16) "Food crop" means any domestic plant which is produced for the purpose of, or may be used in whole or in part for, consumption by people or livestock. This shall include nursery, root, or seedstock to be used for the production of food crops.

(17) "Ground water" means water in a saturated zone or stratum beneath the surface of land or water.

(18) "Hazardous sites list" means the list of hazardous waste sites maintained under WAC 173-340-330.

(19) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010 (5) and (6), or any dangerous or extremely dangerous waste as designated by rule under chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under chapter 70.105 RCW;

(c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C., Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(20) "Hazardous waste site" means any facility where there has been confirmation of a release or threatened release of a hazardous substance that requires remedial action.

(21) "Independent remedial actions" means remedial actions conducted without department oversight or approval and not under an order or decree.

(22) "Initial investigation" means a remedial action that consists of an investigation under WAC 173-340-310 to determine that a release or threatened release may have occurred that warrants further action under this chapter.

(23) "Interim action" means a remedial action conducted under WAC 173-340-430 that partially addresses the cleanup of a site.

(24) "Mail" means delivery through the United States Postal Service or an equivalent method of delivery or transmittal, including private mail carriers, or personal delivery.

(25) "Mixed funding" means any funding provided to potentially liable persons from the state toxics control account under WAC 173-340-560.

(26) "Model Toxics Control Act" or "act" means the act approved by the voters at the November 1988 general election, also known as Initiative 97 (chapter 70.105D RCW).

(27) "Natural person" means any unincorporated individual or group of individuals.

(28) "Order" means an enforcement order issued under WAC 173-340-540 or an agreed order issued under WAC 173-340-530.

(29) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment. The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or

(ii) A person who, without participating in the management of a facility, holds indicia of ownership primarily to protect the person's security interest in the facility.

(30) "Person" means an individual, firm, corporation, association, partnership, consortium, joint venture, commercial entity, state government agency, unit of local government, federal government agency, or Indian tribe.

(31) "Potentially liable person" means any person whom the department finds, based on credible evidence, to be liable under RCW 70.105D.040.

(32) "Public notice" means, at a minimum, adequate notice mailed to all persons who have made a timely request of the department and to persons residing in the potentially affected vicinity of the proposed action; mailed to appropriate news media; published in the newspaper of largest circulation in the city or county of the proposed action; and opportunity for interested persons to comment.

(33) "Public participation plan" means a plan prepared under WAC 173-340-600 to encourage coordinated and effective public involvement tailored to the public's needs at a particular facility.

(34) "Regional office" means one of the regional offices of the department of ecology.

(35) "Release" means any intentional or unintentional entry of any hazardous substance into the environment, including but not limited to the abandonment or disposal of containers of hazardous substances.

(36) "Remedy" or "remedial action" means any action or expenditure consistent with the purposes of chapter 70.105D RCW to identify, eliminate, or minimize any 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 and any health assessments or health effects studies conducted in order to determine the risk or potential risk to human health.

(37) "Routine cleanup action" means a remedial action that consists of a cleanup action meeting the requirements in WAC 173-340-130(7).

(38) "Safety and health plan" means a plan prepared under WAC 173-340-810.

(39) "Sampling and analysis plan" means a plan prepared under WAC 173-340-820.

(40) "Science advisory board" means the advisory board established by the department under RCW 70.105D.030(4).

(41) "Sensitive environment" means an area of particular environmental value, where a release could pose a greater threat than in other areas including: Wetlands; critical habitat for endangered or threatened species; national or state wildlife refuge; critical habitat, breeding or feeding area for fish or shellfish; wild or scenic river; rookery; riparian area; big game winter range.

(42) "Site" means the same as facility.

(43) "Site hazard assessment" means a remedial action that consists of an investigation performed under WAC 173-340-320.

(44) "Site register" means the public information document described in WAC 173-340-600.

(45) "State remedial investigation/feasibility study" means a remedial action that consists of activities performed under WAC 173-340-350 to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup plan.

(46) "Surface water" means lakes, rivers, ponds, streams, inland waters, salt waters, and all other surface waters and water courses within the state of Washington or under the jurisdiction of the state of Washington.

(47) "Wastewater facility" means all structures and equipment required to collect, transport, treat, reclaim, or dispose of domestic, industrial, or combined domestic/industrial wastewaters.

(48) "Wetlands" means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For the purposes of this classification, wetlands must have one or more of the following attributes:

(a) At least periodically, the land supports predominantly hydrophytes;

(b) The substrate is predominately undrained hydric soil; and

(c) The substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

#### NEW SECTION

WAC 173-340-210 USAGE. For the purposes of this chapter, the following shall apply:

(1) Unless the context clearly requires otherwise the use of the singular shall include the plural and conversely.

(2) The terms "applicable," "appropriate," "relevant," "unless otherwise directed by the department" and similar terms implying discretion mean as determined by the department, with the burden of proof on other persons to demonstrate the requirements are or are not necessary.

(3) "Conduct" means to perform or undertake whether directly or through an agent or contractor, unless this chapter expressly provides otherwise.

(4) "Include" means included but not limited to.

(5) "May" means the provision is optional and permissive, and does not impose a requirement.

(6) "Shall" means the provision is mandatory.

(7) "Threat" means threat or potential threat.

(8) "Under" means pursuant to, subject to, required by, established by, in accordance with, and similar expressions of legislative or administrative authorization or direction.

### PART III—SITE REPORTS AND CLEANUP DECISIONS

#### NEW SECTION

**WAC 173-340-300 SITE DISCOVERY AND REPORTING.** (1) Purpose. As part of a program to identify hazardous waste sites, this section sets forth the requirements for reporting a release of a hazardous substance due to past activities, whether discovered before or after the effective date of this regulation. It also sets forth the requirements for reporting independent cleanup actions. The department may take any other actions it deems appropriate to identify potential hazardous waste sites consistent with chapter 70.105D RCW.

(2) Release report. Any owner or operator who has information that a hazardous substance has been released to the environment at the owner or operator's facility and may be a threat to human health or the environment shall report such information to the department by June 1, 1990, or for discovery of releases after this date, within ninety days of discovery. To the extent known, the report shall include: The identification and location of the hazardous substance, circumstances of the release and the discovery, and any remedial actions planned, completed, or underway. All other persons are encouraged to report such information to the department.

(3) Exemptions. The following releases are exempt from these notification requirements:

(a) Application of pesticides and fertilizers for their intended purposes and according to label instructions;

(b) Lawful and nonnegligent use of hazardous substances by a natural person for personal or domestic purposes;

(c) A release in accordance with a permit that authorizes the release;

(d) A release previously reported to the department in fulfillment of a reporting requirement in this chapter or in another law or regulation;

(e) A release previously reported to the United States Environmental Protection Agency under CERCLA, Section 103(c) (42 9603(c));

(f) A release to the air;

(g) Releases discovered in public water systems regulated by the department of health; or

(h) A release to a permitted wastewater facility.

An exemption from these notification requirements does not imply a release from liability in future actions by the department.

(4) Report of independent actions.

(a) Report. Any person who conducts an independent interim action or cleanup action shall submit a written report to the department within ninety days of the completion of the action. For the purposes of this section, the department will consider an interim action or cleanup action complete if no remedial action other than compliance monitoring has occurred at the site for ninety days. This is not intended to preclude earlier reporting of such actions.

(b) Contents. The report shall include the information in subsection (2) of this section if not already reported, and results of all site investigations, cleanup actions and compliance monitoring planned or underway. The department may require additional reports on the work performed.

(c) Combined reports. If the independent interim action or cleanup action is completed within ninety days of discovery, a single written report may be submitted on both the release and the action taken. The reports shall contain the information specified in subsections (2) and (4) of this section and shall be submitted within ninety days of completion of the interim action or cleanup action.

(d) Notification. The department shall publish a notice of all reports on independent interim actions and cleanup actions received under this section in the site register.

(5) Department response. Within ninety days of receipt of information under this section, the department shall respond in accordance with WAC 173-340-310. Receipt of information regarding an independent interim action or cleanup action under subsection (3) or (4) of this section shall not obligate the department to take any action beyond that prescribed in WAC 173-340-310 and subsection (4)(d) of this section. Neither submission of information on independent interim action and cleanup actions nor any response by the department shall release the person submitting the report or any other person from liability. The department reserves all rights to pursue any subsequent action it deems appropriate.

(6) Other obligations. Nothing in this section shall eliminate any obligations to comply with reporting requirements that may exist in a permit or under other laws.

#### NEW SECTION

**WAC 173-340-310 INITIAL INVESTIGATION.** (1) Purpose. The purpose of the initial investigation is to determine whether or not a release or threatened release of a hazardous substance may have occurred that warrants further action under this chapter.

(a) Applicability and timing. Whenever the department receives information and has a reasonable basis to believe that there may be a release or a threatened release of a hazardous substance that may pose a threat to human health or the environment, the department shall conduct an initial investigation within ninety days.

(b) Exemptions. The department shall not be required to conduct an initial investigation when:

(i) The circumstances associated with the release or threatened release are known to the department and have previously been or currently are being evaluated by the department or other government agency; or

(ii) The release is permitted.

(2) Contents. The initial investigation shall include at a minimum: A site visit and documentation of conditions observed.

(3) Department deferral to others. The department may rely on another government agency or a contractor to the department to conduct an initial investigation on its behalf, provided the department determines such agency or contractor is not suspected to have contributed to the release or threatened release of a hazardous substance and that no conflict of interest exists.

(4) Department decision. Based on the information obtained about the site, the department shall within thirty days of completion of the initial investigation make one or more of the following decisions:

(a) A site hazard assessment is required;

(b) Emergency remedial action is required;

(c) Interim action is required; or

(d) The site requires no further action under this chapter at this time because either:

(i) There has been no release or threatened release of a hazardous substance; or

(ii) A release or threatened release of a hazardous substance has occurred, but in the department's judgment, does not pose a threat to human health or the environment; or

(iii) Action under another authority is appropriate.

A decision for a particular follow-up action does not preclude the department from requiring some other action in the future based on reevaluation of the site or additional information.

(5) Early notice letter.

(a) For sites requiring further remedial action under chapter 70.105D RCW, the department will notify the owner, operator, and any potentially liable person known to the department of its decision. This letter may be combined with the notice in WAC 173-340-500.

(b) The notification shall be a letter mailed to the person which includes:

(i) The basis for the department's decision;

(ii) Information on the cleanup process provided for in this chapter;

(iii) A statement that it is the department's policy to work cooperatively with persons to accomplish prompt and effective cleanups;

(iv) A person or office of the department to contact regarding the contents of the letter; and

(v) A statement that the letter is not a determination of liability and that cooperating with the department in planning or conducting a remedial action is not an admission of guilt or liability.

Nothing in this section shall preclude the department from taking or requiring appropriate remedial action at any time.

## NEW SECTION

WAC 173-340-320 SITE HAZARD ASSESSMENT. (1) Purpose. The purpose of the site hazard assessment is to provide sufficient sampling data and other information to:

(a) Confirm or rule out that a release or threatened release of a hazardous substance has occurred;

(b) To identify the hazardous substance and provide some information regarding the extent and concentration of the substance;

(c) Identify site characteristics that could result in the hazardous substance entering and moving through the environment;

(d) Evaluate the potential for the threat to human health and the environment; and

(e) Determine the hazard ranking of the site under WAC 173-340-330, if appropriate.

(2) Timing. Unless otherwise directed by the department, a site hazard assessment shall be completed before proceeding to any subsequent phase of remedial action, other than an emergency or interim action.

(3) Administrative options. The site hazard assessment may be conducted under any of the procedures described in WAC 173-340-510.

(4) Scope and content. A site hazard assessment is an early study to provide preliminary data regarding the relative potential hazard of the site. A site hazard assessment is not intended to be a detailed site characterization, however it shall include sufficient sampling, site observations, maps, and other information needed to meet the purposes specified in subsection (1) of this section. To fulfill this requirement, a site hazard assessment shall include, as appropriate, the following information:

(a) Identification of hazardous substances, including what was released and is threatened to be released and/or, if known, what products of decomposition, recombination, or chemical reaction are currently present on site, and an estimate of their quantities and concentrations;

(b) Evidence confirming a release or threatened release of hazardous substances to the environment;

(c) Description of facilities containing releases, if any, and their condition;

(d) Identification of the location of all areas where a hazardous substance is known or suspected to be, indicated on a site map;

(e) Consideration of surface water run-on and run-off and the hazardous substances leaching potential;

(f) Preliminary characterization of the subsurface and ground water actually or potentially affected by the release, including vertical depth to ground water and distance to nearby wells, bodies of surface water, and drinking water intakes;

(g) Preliminary evaluation of receptors, including: Human population, food crops, recreation areas, parks, sensitive environments, irrigated areas, and aquatic resources currently or potentially affected by ground water, air, or surface water containing the release of hazardous substances at the site, including distances to these receptors; and



(h) Any other physical factors which may be significant in estimating the potential or current exposure to sensitive biota.

(5) Guidance. The department shall make available guidance for how to conduct a site hazard assessment to meet the requirements of this section.

(6) Notification. The department shall make available the results of the site hazard assessment to the site's owner and operator and any person who has received a potentially liable person status letter under WAC 173-340-500 regarding the site. If the department finds after a site hazard assessment that the site requires no further action, it shall publish this decision in the site register.

### NEW SECTION

#### WAC 173-340-330 HAZARDOUS SITES LIST.

(1) Purpose. The department shall maintain a list of sites where remedial action has been determined by the department to be necessary. This hazardous sites list shall fulfill the department's responsibilities under RCW 70.105D.030 (2)(b) and (3). From this list, the department shall select those sites where action is anticipated and include those in the biennial program report. (See WAC 173-340-340).

(2) Hazard ranking. Sites placed on the list shall be given a hazard ranking. The purpose of hazard ranking is to estimate, based on the information compiled during the site hazard assessment, the relative potential risk posed by the site to human health and the environment. This assessment considers air, ground water, and surface water migration pathways, human and nonhuman exposure targets, properties of the substances present, and the interaction of these variables.

(a) The department shall evaluate each site on a consistent basis using the procedure described in the "Washington Ranking Method Scoring Manual," and all revisions and additions thereto. The ranking procedure and major amendments to the manual shall be reviewed by the science advisory board established under chapter 70.105D RCW. Information obtained in the site hazard assessment, plus any additional data specified in the manual, shall be included in the hazard ranking evaluation.

(b) The department shall periodically provide notification of the results of hazard ranking in the site register established under WAC 173-340-600. The department shall make available hazard ranking results for each site to the site owner and operator and any potentially liable person known to the department prior to publishing in the site register.

(c) The department may at its discretion re-rank a site if, prior to the initiation of state action at the site, the department receives additional information within the scope of the evaluation criteria which indicates that a significant change in rank may result.

#### (3) Listing.

(a) Sites shall be placed on the hazardous sites list if, after the completion of a site hazard assessment, the department has determined that further action is required at the site. The list shall be updated at least once per year. Placement of a site on the hazardous sites list does

not, by itself, imply that persons associated with the site are liable under chapter 70.105D RCW.

(b) The hazardous sites list shall also reflect the current status of remedial action at each site. The department may change a site's status to reflect current conditions. The status for each site shall be identified as one of the following:

(i) Sites awaiting further remedial action;

(ii) Sites with remedial action in progress;

(iii) Sites where a cleanup action has been conducted but confirmational monitoring is underway;

(iv) Sites with independent remedial actions; or

(v) Other categories established by the department.

(4) Removing sites from the list.

(a) The department may remove a site from the list only after it has determined that:

(i) All remedial actions except confirmational monitoring have been completed and compliance with the cleanup standards has been achieved at the site; or

(ii) The listing was erroneous.

(b) A site owner, operator, or potentially liable person may request that a site be removed from the list by submitting a petition to the department. The petition shall include thorough documentation of all investigations performed, all cleanup actions taken, and of adequate compliance monitoring to demonstrate to the department's satisfaction that one of the conditions in (a) of this subsection has been met. The department may require payment of costs incurred, including an advance deposit, for review and verification of the work performed. The department shall review such petitions; however, the timing of the review shall be at its discretion and as resources may allow.

(c) The department will maintain a record of sites that have been removed from the list under (a)(i) of this subsection. This record will be made available to the public upon request.

(5) Relisting of sites. The department may relist a site which has previously been removed if it determines that the site requires further remedial action.

(6) Notice. The department shall provide public notice and an opportunity to comment when the department proposes to remove a site from the list. Additions to the list, changes in site status, and removal from the list shall be published in the site register.

### NEW SECTION

WAC 173-340-340 BIENNIAL PROGRAM REPORT. (1) Before November 1 of each even-numbered year, the department shall prepare a biennial program report for the legislature containing its plan for conducting remedial actions for the following two fiscal years. This report shall identify the projects and expenditures recommended for appropriation from both the state and local toxics control accounts. In determining which sites the department shall consider for planned action, emphasis shall be given to sites posing the highest risk to human health and the environment, as indicated by a site's hazard ranking. The department may also consider other factors in setting site priorities. After legislative action and any revisions, this report shall become the department's biennial program plan.



(2) The department shall provide public notice and a hearing on the proposed plan. For purposes of this subsection only, public notice shall consist of mailings to all persons who have made a timely request and to appropriate news media, and publication in the state register. Notice shall also be provided in the site register. The public comment period on the proposed plan shall run for at least thirty days from the date of the publication in the site register.

#### NEW SECTION

WAC 173-340-350 STATE REMEDIAL INVESTIGATION AND FEASIBILITY STUDY. (1) Purpose. The purpose of a state remedial investigation/feasibility study is to collect, develop, and evaluate sufficient information regarding a site to enable the selection of a cleanup action under WAC 173-340-360.

(2) Timing. Unless otherwise directed by the department, a state remedial investigation/feasibility study shall be completed before selecting a cleanup action under WAC 173-340-360, except for an emergency or interim action.

(3) Administrative options. A state remedial investigation/feasibility study may be conducted under any of the procedures described in WAC 173-340-510.

(4) Public participation will be accomplished in a manner consistent with WAC 173-340-600.

(5) Scope. The scope of a state remedial investigation/feasibility study will depend on the informational needs of the specific facility. This requires that the process remain flexible, with the scope of the state remedial investigation/feasibility study varying from site to site to avoid the collection of unnecessary information so that the cleanup can proceed in a timely manner. However, in all cases sufficient information must be collected, developed, and evaluated to enable the selection of a cleanup action under WAC 173-340-360. In addition, for facilities on the federal national priorities list, the state remedial investigation/feasibility study shall comply with federal requirements.

(6) Contents. A state remedial investigation/feasibility study shall include the following information as appropriate:

(a) General facility information. General information, including: Project title; name, address, and phone number of project coordinator; legal description of the facility location; dimensions of the facility; present owner and operator; chronological listing of past owners and operators and operational history; and other pertinent information.

(b) Site conditions map. An existing site conditions map which illustrates relevant current site features such as: Property boundaries; proposed facility boundaries; surface topography; surface and subsurface structures; utility lines; well locations; and other pertinent information.

(c) Field investigations. Sufficient investigations to characterize the distribution of hazardous substances present at the site, and threat to human health and the environment. Where applicable to the site, these investigations will need to address the following:

(i) Surface water and sediments. Investigations of surface water and sediments to characterize significant hydrologic features such as: Surface drainage patterns and quantities, areas of erosion and sediment deposition, surface waters, floodplains, and actual or potential hazardous substance migration routes towards and within these features. Sufficient surface water and sediment sampling shall be performed to adequately characterize the areal and vertical distribution and concentrations of hazardous substances. Properties of surface and subsurface sediments which are likely to influence the type and rate of hazardous substance migration, or are likely to affect the ability to implement alternative cleanup actions shall be characterized.

(ii) Soils. Investigations to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the soil due to the facility. Properties of surface and subsurface soils which are likely to influence the type and rate of hazardous substance migration, or which are likely to affect the ability to implement alternative cleanup actions shall be characterized.

(iii) Geology and ground water system characteristics. Investigations of site geology and hydrogeology to adequately characterize the areal and vertical distribution and concentrations of hazardous substances in the ground water and those features which affect the fate and transport of these hazardous substances. This shall include, as appropriate, the description, physical properties and distribution of bedrock and unconsolidated materials; ground water flow rate and gradient for affected and potentially affected aquifers; ground water divides; areas of ground water recharge and discharge; location of public and private production wells; and ground water quality data.

(iv) Air. An evaluation of air quality impacts, including sampling, where appropriate, and information regarding local and regional climatological characteristics which are likely to affect the hazardous substance migration such as: Seasonal patterns of rainfall; the magnitude and frequency of significant storm events; temperature extremes; prevailing wind direction; and wind velocity.

(v) Land use. Information characterizing human populations exposed or potentially exposed to the hazardous substance released from the facility and present and proposed land uses and zoning for the site and potentially affected areas.

(vi) Natural resources and ecology. Information to determine the impact or potential impact of the hazardous substance from the facility on the natural resources and ecology of the area such as: Sensitive environment, plant and animal species, and other environmental receptors.

(vii) Hazardous substance sources. A description of and sufficient sampling to define the location, quantity, areal and vertical extent, concentration within and sources of waste disposal areas. Where relevant, information on the physical and chemical characteristics, and the biological effects of hazardous substances shall be provided.

(viii) Regulatory classifications. Regulatory designations classifying affected air, surface water and ground water, if any.

(d) Risk assessment. A risk assessment characterizing the current and potential threats to human health and the environment that may be posed by hazardous substances. This assessment may not be required when the department determines that proposed cleanup standards are obvious and undisputed and allow an ample margin of safety for protection of human health and the environment.

(e) Cleanup action alternatives. An evaluation of alternative cleanup actions that protect human health and the environment by eliminating, reducing, or otherwise controlling risks posed through each exposure pathway and migration route, shall be required. The number and types of alternatives to be evaluated shall take into account the characteristics and complexity of the facility. A phased approach for evaluation of alternatives may be required for certain facilities, including an initial screening of alternatives to reduce the number of potential remedies for the final detailed evaluation. The final evaluation of cleanup action alternatives that pass the initial screening shall consider the following factors:

(i) Overall protection of human health and the environment, including the degree to which existing risks are reduced, time required to reduce risk at the facility and attain cleanup standards, and on-site and off-site risks resulting from implementing the alternative;

(ii) Attainment of cleanup standards and compliance with applicable federal, state, and local laws;

(iii) Short-term effectiveness, including protection of human health and the environment during construction and implementation of the alternative, and degree of risk to human health and the environment prior to attainment of cleanup standards;

(iv) Long-term effectiveness, including degree of certainty that the alternative will be successful, long-term reliability, magnitude of residual risk, and effectiveness of controls required to manage treatment residues or remaining wastes;

(v) Permanent reduction of toxicity, mobility and volume through treatment, including adequacy of the alternative in treating or managing the hazardous materials, reduction or elimination of hazardous material releases and sources of releases, degree of irreversibility of waste treatment process, and the characteristics and quantity of treatment residuals generated;

(vi) Ability to be implemented. The ability to be implemented including consideration of technical feasibility, availability of needed off-site facilities, services and materials, administrative and regulatory requirements, scheduling, monitoring requirements, access for construction, operations and monitoring, and integration with existing facility operations and other current or potential remedial actions;

(vii) Cost, including consideration of present and future direct and indirect capital, operation and maintenance costs;

(viii) The degree to which community concerns are addressed; and

(ix) The degree to which recycling, reuse, and waste minimization are employed.

(f) Work plans. A sampling and analysis plan, and a safety and health plan shall be prepared as part of state remedial investigation/feasibility study activities. These plans shall conform to the requirements specified in this chapter.

(g) Treatability studies. The department may require treatability studies as necessary to provide sufficient information to develop and evaluate cleanup action alternatives for a site.

(h) Any information needed to fulfill the applicable requirements of the State Environmental Policy Act.

(i) Other information as required by the department.

(7) In appropriate cases the department may allow departure from the requirements of subsection (5) of this section and will allow information to be incorporated by reference to avoid unnecessary duplication.

(8) Report. A report shall be prepared at the completion of the remedial investigation/feasibility study. Additionally, the department may require reports to be submitted following discrete elements of the remedial investigation/feasibility study. Reports prepared under this section and under an order or decree shall be submitted to the department for review and approval.

#### NEW SECTION

WAC 173-340-360 SELECTION OF CLEANUP ACTIONS. (1) General requirements. All cleanup action plans approved and cleanup actions conducted under this chapter shall meet the following requirements:

(a) Achieves a degree of cleanup that is protective of human health and the environment;

(b) Addresses the requirements of applicable state, federal, and local laws;

(c) Uses permanent solutions to the maximum extent practicable;

(d) Provides adequate monitoring to ensure the effectiveness of the cleanup action;

(e) Is appropriate for conditions and circumstances at the facility; and

(f) Achieves compliance with cleanup standards.

(2) General considerations.

(a) Cleanup actions involving treatment which permanently and significantly reduces the volume, toxicity, or mobility of the hazardous substances shall be preferred over cleanup actions not involving such treatment.

(b) The off-site transport and disposal of hazardous substances or contaminated materials without treatment is the least favored alternative cleanup action where practicable treatment technologies are available.

(3) Draft cleanup action plan. The department shall issue a draft cleanup action plan for cleanup actions conducted under the provisions of this chapter. The cleanup action plan shall include the following:

(a) A description of the cleanup action to be implemented, including an explanation of how that action will meet the requirements of RCW 70.105D.030 (1)(b) and (2)(d);

(b) A brief summary of other cleanup alternatives evaluated in the remedial investigation/feasibility study or comparable documents;

(c) A brief summary of how the proposed cleanup alternative addresses the factors in WAC 173-340-350 (6)(e);

(d) A schedule for implementation of the cleanup action plan; and

(e) Identification of applicable federal, state, and local requirements to be met to complete the cleanup action.

(4) Public participation. The department will provide public notice and opportunity for comment on the draft cleanup plan as described in WAC 173-340-600.

(5) Final plan. After completion of the public comment period the department shall issue a final cleanup action plan and publish its availability in the site register and by other appropriate methods.

(6) For routine actions, the department may use an order or decree to fulfill the requirements of this section, provided that the information of subsection (3) of this section is included therein.

## PART IV—SITE CLEANUP AND MONITORING

### NEW SECTION

WAC 173-340-400 CLEANUP ACTIONS. Unless otherwise directed by the department, cleanup actions shall comply with this section except for emergencies or interim actions.

(1) Purpose. The purpose of this section is to ensure that the cleanup action is designed, constructed, and operated in a manner which is consistent with:

(a) The cleanup action plan;

(b) Accepted engineering practices; and

(c) The requirements of WAC 173-340-360 (1) and (2).

(2) Administrative options. A cleanup action may be conducted under any of the procedures described in WAC 173-340-510.

(3) Public participation. During cleanup action implementation, public participation shall be accomplished in a manner consistent with the requirements of WAC 173-340-600.

(4) Plans describing the cleanup action. Design, construction, and operation of the cleanup action shall be consistent with the purposes of this section and shall consider relevant information provided by the state remedial investigation/feasibility study. For most cleanups, to ensure this is done it will be necessary to prepare the following engineering documents. The scope and level of detail in these documents may vary from site to site depending on the site specific conditions and nature and complexity of the proposed cleanup action. In some cases it may be appropriate to combine the information in these various documents into one report to avoid unnecessary duplication. Any document prepared in order to implement a cleanup may be used to satisfy these requirements provided they contain the required information. In addition, for facilities on the national priorities list the plans prepared for the cleanup action shall also comply with federal requirements.

(a) Engineering design report. The engineering design report shall include sufficient information for the development and review of construction plans and specifications. It shall document engineering concepts and design criteria used for design of the cleanup action. The following information shall be included in the engineering design report, as appropriate:

(i) Goals of the cleanup action including specific cleanup or performance requirements;

(ii) General information on the facility including a summary of information in the state remedial investigation/feasibility study updated as necessary to reflect the current conditions;

(iii) Identification of who will own, operate, and maintain the cleanup action during and following construction;

(iv) Facility maps showing existing site conditions and proposed location of the cleanup action;

(v) Characteristics, quantity, and location of materials to be treated or otherwise managed, including ground water containing hazardous substances;

(vi) A schedule for final design and construction;

(vii) A description and conceptual plan of the actions, treatment units, facilities, and processes required to implement the cleanup action including flow diagrams;

(viii) Engineering justification for design and operation parameters, including: Design criteria, assumptions and calculations for all components of the cleanup action; expected treatment, destruction, immobilization, or containment efficiencies and documentation on how that degree of effectiveness is determined; demonstration that the cleanup action will achieve compliance with cleanup requirements by citing pilot or treatability test data, results from similar operations, or scientific evidence from the literature;

(ix) Design features for control of hazardous materials spills and accidental discharge (for example, containment structures, leak detection devices, run-on and run-off controls);

(x) Design features to assure long-term safety of workers and local residences (for example, hazardous substances monitoring devices, pressure valves, bypass systems, safety cutoffs);

(xi) A discussion of methods for management or disposal of any treatment residual and other waste materials containing hazardous substances generated as a result of the cleanup action;

(xii) Facility specific characteristics which may affect design, construction, or operation of the selected cleanup action, including: Relationship of the proposed cleanup action to existing facility operations; probability of flooding, probability of seismic activity, temperature extremes, local planning and development issues; soil characteristics and ground water system characteristics;

(xiii) A general description of construction testing which will be used to demonstrate adequate quality control;

(xiv) A general description of compliance monitoring which will be performed during and after construction to meet the requirements of WAC 173-340-410;

(xv) A general description of construction procedures proposed to assure that the safety and health requirements of WAC 173-340-810 are met;

(xvi) Any information not provided in the state remedial investigation/feasibility study needed to fulfill the applicable requirements of the State Environmental Policy Act (chapter 43.21C RCW);

(xvii) Any additional information needed to address the applicable state, federal and local requirements; and property access issues which need to be resolved to implement the cleanup action; and

(xviii) Other information as required by the department.

(b) Construction plans and specifications. Construction plans and specifications shall detail the cleanup actions to be performed. The plans and specifications shall be prepared in conformance with currently accepted engineering practices and techniques and shall include the following information as applicable:

(i) A general description of the work to be performed and a summary of the engineering design criteria from the engineering design report;

(ii) General location map and existing facility conditions map;

(iii) A copy of any permits and approvals;

(iv) Detailed plans and procedural material specifications necessary for construction of the cleanup action;

(v) Specific quality control tests to be performed to document the construction, including specifications for the testing or reference to specific testing methods, frequency of testing, acceptable results, and other documentation methods;

(vi) Startup procedures and criteria to demonstrate the cleanup action is prepared for routine operation;

(vii) Additional information to address applicable state, federal, and local requirements;

(viii) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during construction, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;

(ix) Provisions to assure safety and health requirements of WAC 173-340-810 are met; and

(x) Other information as required by the department.

(c) Operation and maintenance plan. An operation and maintenance plan which presents technical guidance and regulatory requirements to assure effective operations under both normal and emergency conditions. The operation and maintenance plan shall include the following elements, as appropriate:

(i) Name and phone number of the responsible individuals;

(ii) Process description and operating principles;

(iii) Design criteria and operating parameters and limits;

(iv) General operating procedures, including startup, normal operations, operation at less than design loading, shutdown, and emergency or contingency procedures;

(v) A discussion of the detailed operation of individual treatment units, including a description of various controls, recommended operating parameters, safety features, and any other relevant information;

(vi) Procedures and sample forms for collection and management of operating and maintenance records;

(vii) Spare part inventory, addresses of suppliers of spare parts, equipment warranties, and appropriate equipment catalogues;

(viii) Equipment maintenance schedules incorporating manufacturers recommendations;

(ix) Contingency procedures for spills, releases, and personnel accidents;

(x) A compliance monitoring plan prepared under WAC 173-340-410 describing monitoring to be performed during operation and maintenance, and a sampling and analysis plan meeting the requirements of WAC 173-340-820;

(xi) Description of procedures which assure that the safety and health requirements of WAC 173-340-810 are met, including specification of contaminant action levels and contingency plans, as appropriate;

(xii) Procedures for the maintenance of the facility after completion of the cleanup action, including provisions for removal of unneeded appurtenances, and the maintenance of covers, caps, containment structures, and monitoring devices; and

(xiii) Other information as required by the department.

(5) In appropriate cases the department may authorize departure from the requirements of subsection (4) of this section, and may allow information to be incorporated by reference to avoid unnecessary duplication.

(6) Permits and approvals, if required for construction or to otherwise implement the cleanup action shall be identified and where possible, resolved prior to, or during, the design phase to avoid delays during construction and implementation of the cleanup action.

(7) Construction. Construction shall be conducted in accordance with the construction plans and specifications, and other plans prepared under this section.

(a) Department inspections.

(i) The department may perform site inspections and construction oversight. The department may require that construction activities be halted at a site if construction or any supporting activities: Are not consistent with approved plans; are not in compliance with environmental regulations or accepted construction procedures; or endanger human health or the environment.

(ii) The department may conduct a formal inspection of the site following construction and an initial operational shake down period to ensure satisfactory completion of the construction. If such an inspection is performed, the construction documentation report and engineer's opinion specified in (b)(ii) of this subsection shall be available prior to the inspection.

(b) Construction documentation.

(i) All aspects of construction shall be performed under the supervision of a professional engineer registered in the state of Washington or a qualified technician under the direct supervision of a professional engineer registered in the state of Washington. During construction detailed records shall be kept of all aspects of the work performed including construction techniques and materials used, items installed, and tests and measurements performed.

(ii) As built reports. At the completion of construction the engineer responsible for the supervision of construction shall prepare as built drawings and a report documenting all aspects of facility construction. The report shall also contain an opinion from the engineer, based on testing results and inspections, as to whether the cleanup action has been constructed in substantial compliance with the plans and specifications and related documents.

(iii) In appropriate cases the department may authorize departure from the requirements of this subsection and may allow information to be incorporated by reference to avoid unnecessary duplication.

(c) Plan modifications. Changes in the design or construction of the cleanup action performed under an order or decree shall be approved by the department.

(8) If the department determines that any plans prepared under this section represent a substantial change from the cleanup action plan, the department shall provide public notice and opportunity for comment under WAC 173-340-600.

(9) Plans or reports prepared under this section and under an order or decree shall be submitted to the department for review and approval.

(10) Waste management. Any waste contaminated by a hazardous substance generated during cleanup activities and requiring off-site treatment, storage or disposal, shall be transported to a facility permitted or approved to handle these wastes.

#### NEW SECTION

**WAC 173-340-410 COMPLIANCE MONITORING REQUIREMENTS.** (1) Purpose. The purposes of compliance monitoring and evaluation of the data are to:

(a) Protection monitoring. Confirm that human health and the environment are adequately protected during construction and the operation and maintenance period of an interim action or cleanup action as described in the safety and health plan;

(b) Performance monitoring. Confirm that the interim action or cleanup action has attained cleanup standards and, if appropriate, other performance standards;

(c) Confirmational monitoring. Confirm the long-term effectiveness of the interim action or cleanup action once cleanup standards and, if appropriate, other performance standards have been attained.

(2) General requirements. Compliance monitoring shall be required for all cleanup actions, and may be required for interim and emergency actions, performed under this chapter.

(3) Compliance monitoring plans. A compliance monitoring plan shall be prepared for all cleanup actions and may be required for interim and emergency actions unless otherwise directed by the department. Plans prepared under this section and under an order or decree shall be submitted to the department for review and approval. Protection monitoring may be addressed in the safety and health plan. Performance and confirmational monitoring may be addressed in separate plans and may be combined with other plans or submittals, such as those in WAC 173-340-400 and 173-340-820.

Compliance monitoring plans shall be specific for the media being tested and shall contain the following elements:

(a) A sampling and analysis plan meeting the requirements of WAC 173-340-820 which shall explain in the statement of objectives how the purposes of WAC 173-340-410(2) are met;

(b) Data analysis and evaluation procedures used, to demonstrate and confirm compliance and justification for these procedures, including:

(i) A description of any statistical method to be employed; or

(ii) If sufficient data is not available prior to writing the plan to propose a reliable statistical method to demonstrate and confirm compliance, a contingency plan proposing one or more reliable statistical methods to demonstrate and confirm compliance, and the conditions under which the methods would be used at the facility; and

(c) Other information as required by the department.

#### NEW SECTION

**WAC 173-340-420 PERIODIC REVIEW.** If the department selects or approves a cleanup action that results in hazardous substances remaining at a site, the department shall review such cleanup action no less frequently than every five years after the initiation of such cleanup action to assure that human health and the environment are being protected.

#### NEW SECTION

**WAC 173-340-430 INTERIM ACTIONS.** (1) Purpose. The purpose of this section is to describe how certain interim actions can occur prior to the selection and completion of a cleanup action. An interim action is:

(a) An action that is technically necessary to reduce a threat to human health or the environment by eliminating or substantially reducing one or more pathways for exposure to a hazardous substance at a facility; or

(b) An action that corrects a problem that may become substantially worse or cost substantially more to address if the action is delayed; or

(c) An action needed to provide for completion of a site hazard assessment, state remedial investigation/feasibility study or design of a cleanup action.

Example. A site is identified where oil-based wood preservative has leaked from a tank and is puddled on the ground and is floating on the water table. Run-off from adjacent properties passes through the site. Neighborhood children have been seen on the site. In this case, several interim actions would be appropriate prior to fully defining the extent of the distribution of hazardous substances at the site and selecting a cleanup action. These interim actions might consist of removing the tank, fencing the site, rerouting run-off, and removing the product puddled on the ground and floating on the water table. Further studies would then determine what additional soil and ground water cleanup would be needed.

(2) General requirements.

(a) Interim actions may:

(i) Achieve cleanup standards for a portion of the site; or

(ii) Provide a partial cleanup, that is, cleanup hazardous substances from all or part of the site, but not achieve cleanup standards; or

(iii) Provide a partial cleanup of hazardous substances and not achieve cleanup standards, but provide information on how to achieve cleanup standards for a cleanup. For example, demonstration of an unproven cleanup method.

(b) Relationship to the cleanup action:

(i) If the cleanup action is known, the interim action shall be consistent with the cleanup action.

(ii) If the cleanup action is not known, the interim action shall not foreclose reasonable alternatives for the cleanup action. This is not meant to preclude the destruction or removal of hazardous substances.

(3) Timing.

(a) Interim actions may occur anytime during the cleanup process. Interim actions shall not be used to delay or supplant the cleanup process. An interim action may be done prior to or in conjunction with a site hazard assessment and hazard ranking. However, sufficient technical information must be available regarding the facility to ensure the interim action is appropriate and warranted.

(b) Interim actions shall be followed by additional remedial actions unless compliance with cleanup standards has been confirmed at the site.

(c) The department shall set appropriate deadlines commensurate with the actions taken for completion of the interim action.

(4) Administrative options. Except as provided in WAC 173-340-530, interim cleanup actions may be conducted under any of the procedures described in WAC 173-340-510.

(5) Public participation will be accomplished in a manner consistent with WAC 173-340-600.

(6) Submittal requirements. Unless otherwise directed by the department and except for emergencies, a report shall be prepared prior to conducting an interim action. Reports prepared under an order or decree shall be submitted to the department for review and approval. Reports shall be of a scope and detail commensurate with the work performed and site-specific characteristics, and shall include, as appropriate:

(a) A description of the interim action and how it will meet the criteria identified in subsections (1) and (2) of this section;

(b) Information from the applicable subsections of the remedial investigation/feasibility study of WAC 173-340-350, including at a minimum;

(i) A description of existing site conditions and a summary of all available data related to the interim action;

(ii) Alternative interim actions considered and an explanation why the proposed alternative was selected;

(c) Information from the applicable subsections of the design and construction requirements of WAC 173-340-400;

(d) A compliance monitoring plan meeting the applicable requirements of WAC 173-340-410;

(e) A safety and health plan meeting the requirements of WAC 173-340-810; and

(f) A sampling and analysis plan meeting the requirements of WAC 173-340-820.

(7) Construction. Construction of the interim action shall be in conformance with WAC 173-340-400(5).

## PART V—ADMINISTRATIVE PROCEDURES FOR REMEDIAL ACTIONS

### NEW SECTION

#### WAC 173-340-500 DETERMINATION OF STATUS AS A POTENTIALLY LIABLE PERSON.

(1) Status letter. The department shall issue a potentially liable person status letter to any person it believes to be potentially liable as provided for in RCW 70.105D.020(8), unless an emergency requires otherwise. Persons will be notified when the department has credible evidence of their potential liability under RCW 70.105D.040 and when the department is ready to proceed with remedial action except for emergencies and initial investigations. The status letter shall be sent by certified mail, return receipt requested, or by personal service.

(2) Contents of letter. The status letter shall provide:

(a) The name of the person the department believes to be potentially liable;

(b) A general description of the location of the facility;

(c) The basis for the department's belief that the person has a relationship to the facility;

(d) The basis for the department's belief that a release or threatened release of a hazardous substance has occurred at the facility and that the release or threatened release poses a threat to human health or the environment;

(e) An indication of the department's intentions regarding enforcement or other actions at the facility; and

(f) The names of other persons to whom the department has sent a status letter.

(3) Opportunity to comment. Any comments shall be submitted in writing to the department within thirty days from the date of receipt by the potentially liable person of the status letter unless the department provides an extension.

(4) Determination of status. If after reviewing any comments submitted, the department concludes that credible evidence supports a finding of potential liability, then the department shall issue a determination of potentially liable person status.

(5) Voluntary waiver. Persons may accept status as a potentially liable person at any time through a voluntary waiver of their right to notice and comment.

(6) Additional potentially liable persons. The department reserves the right to notify additional potentially liable persons at any time, and as resources permit, will facilitate potentially liable persons' efforts to identify additional potentially liable persons. The department

shall notify in writing, all persons who previously received a status letter for the facility whenever additional status letters have been sent.

#### NEW SECTION

**WAC 173-340-510 ADMINISTRATIVE OPTIONS FOR REMEDIAL ACTIONS.** (1) Policy. It is the responsibility of each and every liable person to conduct remedial action so that sites are cleaned up well and expeditiously where a release or threatened release of a hazardous substance requires remedial action. Potentially liable persons are encouraged to initiate discussions and negotiations with the department and the office of the attorney general which may lead to an agreement on the remedial action to be conducted with the state of Washington. The department may provide informal advice and assistance on the development of proposals for remedial action, as provided by WAC 173-340-130. Any approval by the department or the state of remedial action shall occur by one of the means described in subsections (2) and (3) of this section.

(2) Actions initiated by the potentially liable person. Potentially liable persons may initiate a remedial action, as follows:

(a) A person may initiate negotiations for a consent decree by submitting a letter under WAC 173-340-520(1).

(b) A person may request an agreed order by submitting a letter under WAC 173-340-530.

(3) Action initiated by the department. The department may initiate remedial action by:

(a) Issuing a letter inviting negotiations on a consent decree under WAC 173-340-520(2); or

(b) Issuing an enforcement order under WAC 173-340-540.

(4) Department remedial action. Nothing in this chapter shall preclude the department from taking appropriate remedial action on its own at any time. Except for emergency actions and initial investigations, reasonable effort will be made to notify potentially liable persons prior to the department taking remedial actions for which the recovery of public funds can be sought under RCW 70.105D.050(3).

(5) Independent remedial action. Nothing in this chapter shall preclude potentially liable persons from taking independent remedial action without oversight or approval from the department at sites not in discussions or negotiations for, or under, an order or decree. A potentially liable person may not take independent remedial actions after commencing discussions or negotiations for an agreed order or consent decree unless:

(a) Such action does not foreclose or preempt the remedial actions under discussion or negotiations and such action does not foreclose the selection of cleanup action; or

(b) If the potentially liable person has provided reasonable notice to the department and the department does not object to such action.

The department will use the appropriate requirements contained herein to evaluate the adequacy of any independent remedial action performed. Persons performing independent remedial actions do so at their own risk and

may be required to take additional remedial actions if the department deems such actions necessary. In such circumstances, the department reserves all of its rights to take actions authorized by law.

#### NEW SECTION

**WAC 173-340-520 CONSENT DECREES.** (1) Initiated by potentially liable persons. To request a consent decree a person shall submit a letter to the department and office of the attorney general via certified mail, return receipt requested, or by personal delivery.

(a) Request. The letter shall describe, based on available information:

(i) The proposed remedial action, including the schedule for the work;

(ii) Information which demonstrates that the settlement will lead to a more expeditious cleanup, be consistent with cleanup standards if the remedial action is a cleanup action, and be consistent with any previous orders;

(iii) The facility, including location and boundaries;

(iv) The environmental problems to be addressed including a description of the releases at the facility and the potential impact of those releases to human health and the environment;

(v) A summary of the relevant historical use or conditions at the facility;

(vi) The date on which the potentially liable person will be ready to submit a detailed proposal;

(vii) Any special scheduling considerations for implementing the remedial actions;

(viii) Names of other persons who the person has reason to believe may be potentially liable persons at the facility; and

(ix) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include the elements listed in WAC 173-340-600(8).

(b) The letter may include:

(i) A waiver of the procedural requirements of WAC 173-340-500 and acceptance, for purposes of settlement, of potentially liable person status.

(ii) The contents of detailed proposal under (f) of this subsection.

(c) Recognizing that the steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the steps in the process for which the consent decree is requested. For example, a request for a consent decree for a state remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, if not already done by the department, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(e) Response. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. This determination will be



based in part on a preliminary finding by the department that any resulting consent decree would be in accordance with RCW 70.105D.040 (4)(a). The department may:

- (i) Request additional information;
  - (ii) Accept the request and require the person to submit a detailed written proposal by a specified date; or
  - (iii) Provide written reasons for denying the request.
- (f) Contents of detailed proposal. The proposal shall contain:
- (i) A proposed technical scope of work describing the remedial action to be conducted;
  - (ii) The data, studies, or any other information upon which the settlement proposal is based;
  - (iii) A statement describing the potentially liable person's ability to conduct or finance the remedial action as described in the proposed scope of work; and
  - (iv) A schedule for proposed negotiations and implementation of the proposed remedial actions.
- (g) The department and the office of the attorney general shall determine whether the proposal provides a sufficient basis for negotiations, and shall deliver to the potentially liable person within sixty days following receipt of their proposal a written notice indicating whether or not the proposal is sufficient to proceed with negotiations.

(h) Time limits for negotiations. The department shall set the time period and starting date for negotiations. The department and the office of the attorney general shall then negotiate with those potentially liable persons who have received a notice under (e) of this subsection that their proposal was sufficient to proceed with negotiations. Negotiations may address one or more phases of remedial action. The length of the negotiation period specified by the department shall be no less than that proposed by the potentially liable person provided it does not conflict with the deadlines established under WAC 173-340-140.

(i) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW, but the duration of such stay shall not exceed one hundred twenty days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

- (i) Reasonable progress is not being made toward a consent decree acceptable to the department; or
- (ii) The proposal is inappropriate based on new information or changed circumstances.

The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(2) State-initiated procedures. When the department believes that a consent decree will be a more expeditious method to achieve remedial action at a facility, it may initiate the procedures set forth in this subsection by sending a letter to the potentially liable person. The letter shall be sent via certified mail, return receipt requested, or by personal service.

(a) The letters may be delivered with potentially liable person status letters issued under WAC 173-340-500. The period for negotiation shall not commence until the thirty-day comment period required by WAC 173-340-

500 has expired or the person expressly waives the procedural requirements of WAC 173-340-500.

(b) Contents of letter. The letter shall:

- (i) Inform potentially liable person(s) that the department and the attorney general want to begin negotiations which may lead to a consent decree providing for remedial action;
- (ii) Propose a draft consent decree and scope of work;
- (iii) Define the negotiation process and schedule which shall not exceed ninety days;
- (iv) Reference the department's finding under WAC 173-340-500;
- (v) Request a written statement of the potentially liable person's willingness to proceed with the negotiation process defined in the letter; and
- (vi) Request the names of other persons whom the person has reason to believe may be potentially liable persons at the facility.

(c) The letter may request the potentially liable person to respond, in writing, to the proposed draft consent decree and scope of work prior to initiating the negotiation phase.

(d) Negotiations. The department and the office of the attorney general shall negotiate with potentially liable persons who have indicated to the department a willingness to proceed with the negotiations. The negotiation time frame shall begin from the date the potentially liable person receives the letter under (a) of this subsection unless modified by the department. Negotiations may address one or more phases of remedial action.

(e) Enforcement stay. Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW, but the duration of the stay shall not exceed ninety days from the date negotiations begin. The department can withdraw from negotiations if it determines that:

- (i) Reasonable progress is not being made toward a consent decree acceptable to the department; or
- (ii) The proposal is inappropriate based on new information or changed circumstances. The department may commence with enforcement action after notifying the potentially liable person, in writing, of its intent to withdraw from negotiations.

(f) Deadline extensions. The department may at its discretion extend the deadline for negotiations established in (b) of this subsection, provided the extension does not exceed thirty days.

(3) Filing a decree. After satisfying the public comment and hearing requirements, the department shall determine whether the proposed settlement negotiated under subsection (1) or (2) of this section, is more expeditious and consistent with cleanup standards established and in compliance with any order issued by the department relevant to the remedial action. After making the requisite findings, the department shall forward the proposed consent decree with the findings required by RCW 70.105D.040(4), to the office of the attorney general. If agreed to by the office of the attorney general, the consent decree will be filed by that office with the appropriate superior court or the federal court having jurisdiction over the matter.



NEW SECTION

**WAC 173-340-530 AGREED ORDERS.** (1) Agreed orders may be used for all remedial actions except for nonroutine cleanup actions and interim actions that constitute a substantial majority of a cleanup action likely to be selected. Since an agreed order is not a settlement, an agreed order shall not provide for mixed funding, a covenant not to sue, or protection from claims for contribution. An agreed order means that the potentially liable person agrees to perform remedial actions at the site in accordance with the provisions of the agreed order and that the department will not take additional enforcement action against the potentially liable person to require those remedial actions specified in the agreed order so long as the potentially liable person complies with the provisions of the order. The department may require additional remedial actions should it deem such actions necessary.

## (2) Request.

(a) To request an agreed order, a person shall submit a letter to the department based on available information, describing:

(i) The proposed remedial action including a schedule for the work;

(ii) The facility, including location and boundaries;

(iii) The environmental problems to be addressed, including the releases at the facility and the potential impact of those releases to human health and the environment;

(iv) A summary of the relevant historical use or conditions at the facility;

(v) Names of other persons whom the person has reason to believe may be potentially liable persons at the facility; and

(vi) A proposed public participation plan. This proposed plan shall be commensurate with the nature of the proposal and site and shall include at a minimum the elements listed in WAC 173-340-600(8).

(b) The letter may include a waiver of the procedural requirements of WAC 173-340-500, and acceptance, for purposes of the agreed order, of potentially liable person status.

(c) Recognizing that the basic steps of the cleanup process may be combined and may vary by site, the information in the request shall be at the level of detail appropriate to the step in the process for which the order is requested. For example, a request for an agreed order for a state remedial investigation/feasibility study should generally include the level of information needed for a site hazard assessment, so that the department and the public can evaluate the proposed scope of work and relative priority of the site.

(d) The department may waive part of the letter requirements of (a) of this subsection if the requirements have already been met.

(3) Response. The department shall respond to the request within sixty days, unless the department needs additional time to determine potentially liable person status under WAC 173-340-500. The department may:

(a) Request additional information;

(b) Proceed with discussions, if the department believes it is in the public interest to do so; or

(c) Provide written reasons for denying the request.

(4) Discussions on the agreed order shall not exceed sixty days unless the department decides continued discussions are in the public interest.

Unless an emergency exists, the department will stay any enforcement action under chapter 70.105D RCW; however, the duration of such stay shall not exceed sixty days from the date discussions begin. Furthermore, the department can withdraw from discussions if it determines that:

(a) Reasonable progress is not being made toward an agreed order acceptable to the department; or

(b) The agreed order is inappropriate based on new information or changed circumstances.

The department may commence with enforcement action after notifying the potentially liable person in writing of its intent to withdraw from discussions.

(5) Focus of discussions. The focus of discussions for the agreed order shall ordinarily be the technical scope of work and work schedule. This subsection is not intended to preclude discussion on any item. It is intended to convey the expectation that the scope of work and work schedule will be the primary topics of discussion in formulating agreed orders.

(6) When issuing an agreed order, the department shall provide appropriate public participation opportunities under WAC 173-340-600. If the agreed order is for a routine cleanup action and any person requests judicial review, then the applicable consent decree procedures under WAC 173-340-520 will be initiated.

(7) Revisions. If the department and the potentially liable person signing the order agree to substantial changes in the order, the department shall provide appropriate additional public notice and opportunity to comment.

NEW SECTION

**WAC 173-340-540 ENFORCEMENT ORDERS.** The department may issue an enforcement order requiring remedial action after issuing a notice of potentially liable person status letter under WAC 173-340-500. In emergencies, the notice of potentially liable person status may occur concurrently with the issuance of the order. Unless an emergency requires otherwise, the issuance of a potentially liable person status letter shall precede or take place concurrently with the issuance of an enforcement order. Furthermore, except in an emergency, the department shall issue its determination under WAC 173-340-500(4) before an enforcement order can become effective. Failure to comply with an enforcement order may result in substantial liability for costs and penalties as specified in RCW 70.105D.050.

NEW SECTION

**WAC 173-340-550 PAYMENT OF REMEDIAL ACTION COSTS.** (1) Policy. RCW 70.105D.050(3) requires that the state seek to recover the amounts spent by the department for investigative and remedial actions and orders. It is the department's intention to recover

those costs which are reasonably attributable to the site. Timing of cost recovery for individual sites will be considered on a case-by-case basis, however, the department may demand payment of costs as they are incurred.

(2) Costs. Each person who is liable under chapter 70.105D RCW is liable for remedial action costs incurred by the department. Remedial action costs are costs reasonably attributable to the site and may include costs of direct activities, support costs of direct activities, and interest charges for delayed payments.

(3) Request for payment. When the department requests payment of remedial action costs it shall provide an itemized statement documenting the costs incurred.

(4) Interest charges. A minimum of twelve percent interest shall accrue on all remedial action costs not paid within ninety days of the billing date, or within another longer time period designated by the department.

(5) Contribution rights. In addition to any other action under chapter 70.105D RCW, cost recovery is available through contribution actions between potentially liable persons, unless such claims are barred by RCW 70.105D.040 (4)(d). The right to contribution furthers the purposes of chapter 70.105D RCW because it provides an incentive for potentially liable persons to work with the department in complying with chapter 70.105D RCW.

(6) Natural resource damages. Nothing in this section shall affect the authority of the department and the office of attorney general to recover natural resource damages.

#### NEW SECTION

WAC 173-340-560 MIXED FUNDING. (1) Introduction. Under RCW 70.105D.070 (2)(d)(xi), the department may provide public funds from the state toxics control account to a potentially liable person for the purpose of assisting with the payment of remedial action costs regardless of when incurred. This assistance can be provided in the form of a loan or a contribution, in cash or in kind. Any funding decision under this section is solely the responsibility of the director.

(2) Applicability and request.

(a) Mixed funding shall be provided only to potentially liable persons whom the department has found to be eligible and who have entered into a consent decree with the department under the requirements of this chapter.

(b) The consent decree shall identify remedial action tasks to be addressed by the mixed funding, costs to be borne by the potentially liable person, costs to be borne by the state toxics control account and terms of the agreement. In the case of loans, the consent decree shall also define any terms and conditions under which the potentially liable person receiving mixed funding has agreed to reimburse the state toxics control account.

(c) The potentially liable person shall submit sufficient documentation to support its request for mixed funding.

(3) Eligibility and mixed funding criteria. The director shall make a determination, based upon specific criteria whether a proposal is eligible for funding. The only

circumstances under which mixed funding can be approved by the department are when the funding will achieve both:

(a) A substantially more expeditious or enhanced cleanup than would otherwise occur; and

(b) The prevention or mitigation of unfair economic hardship. In considering this criterion the department shall consider the extent to which mixed funding will either:

(i) Prevent or mitigate unfair economic hardship faced by the potentially liable person if the remedial action plan were to be implemented without public funding; or

(ii) Achieve greater fairness with respect to the payment of remedial action costs between the potentially liable person entering into a consent decree with the department and any nonsettling potentially liable persons.

(4) Funding decision. The department may have informal discussions on mixed funding. If a potentially liable person is found to be eligible for mixed funding, the director shall make a determination regarding the amount of funding to be provided, if any. This shall be determined at the discretion of the director and is not subject to review. A determination of eligibility is not a funding commitment. Actual funding will depend on the availability of funds.

(5) The department may recover the amount of public funding spent on investigations and remedial actions from potentially liable persons who have not entered into a consent decree under this chapter. For purposes of such cost recovery action, the amount in mixed funding attributed to the site shall be considered as remedial action costs paid by the department.

### PART VI—PUBLIC PARTICIPATION

#### NEW SECTION

WAC 173-340-600 PUBLIC NOTICE AND PARTICIPATION. (1) Purpose. Public participation is an integral part of the department's responsibilities under the Model Toxics Control Act. The department's goal is to provide the public with timely information and meaningful opportunities for participation which are commensurate with each site. The department will meet this goal through a public participation program that includes: The early planning and development of a site-specific public participation plan; the provision of public notices; a site register; public meetings or hearings; and the participation of regional citizens' advisory committees.

(2) Criteria. In order to promote effective and meaningful public participation, the department may determine that public participation opportunities in addition to those specifically required by chapter 70.105D RCW, or this chapter, are appropriate and should be provided. In making this determination, the department may consider:

(a) Known or potential risks to human health and the environment that could be avoided or reduced by providing information to the public;

(b) Public concerns about the facility;

(c) The need to contact the public in order to gather information about the facility;

(d) The extent to which the public's opportunity to affect subsequent departmental decisions at the facility may be limited or foreclosed in the future;

(e) The need to prevent disclosure of confidential, unverified, or enforcement-sensitive information;

(f) The routine nature of the contemplated remedial action; and

(g) Any other factors as determined by the department.

(3) Public notice. Whenever public notice is required by chapter 70.105D RCW, the department shall at a minimum provide or require notice as described in this section except as specified for the biennial report in WAC 173-340-340.

(a) Request. Notice shall be mailed to persons who have made a timely request. A request for notice is timely if received prior to or during the public comment period for the current phase of remedial action at the facility. However, the receipt of a request for notice shall not require the department to extend the comment period associated with the notice.

(b) Mail. Notice shall be mailed to persons who reside within the potentially affected vicinity of the proposed action. The potentially affected vicinity shall include all property adjoining the site and any other area that the department determines to be directly affected by the proposed action.

(c) Newspaper publication. Notice of the proposed action shall be published in the newspaper of largest circulation in the city or county of the proposed action, by one or more of the following methods: Display ad; legal notice; or any other appropriate format, as determined by the department.

(d) Other news media. Notice of the proposed action shall be mailed to any other news media which the department determines to be appropriate. The department may consider how a medium compares with the newspaper of largest circulation in terms of: Audience reached; timeliness; adequacy in conveying the particular information in the notice; cost; or other relevant factors.

(e) Comment periods. All public notices shall indicate the public comment period on the proposed action. Unless stated otherwise, comment periods shall be for thirty days at a minimum.

(f) Combining public comment requirements. Whenever reasonable, the department shall consolidate public notice and opportunities for public comment under this chapter with public notice and comment requirements under other laws and regulations.

(4) Public meetings. During any comment period announced by a public notice issued under this chapter, if ten or more persons request a public meeting on the subject of the public notice, the department shall hold a public meeting for the purpose of receiving comments.

(5) Additional methods. In addition to "public notice" required by chapter 70.105D RCW, or this chapter, the department may use any of the following methods to provide information to the public:

(a) Press releases;

(b) Fact sheets;

(c) Public meetings;

(d) Publications;

(e) Personal contact by department employees;

(f) Posting signs at the facility;

(g) Notice in the site register;

(h) Any other methods as determined by the department.

(6) Site register. The department shall regularly publish and maintain a site register, giving notice of the following:

(a) Determinations of no further action under WAC 173-340-320;

(b) Results of site hazard rankings;

(c) Availability of annual and biennial reports;

(d) Issuance of enforcement orders, agreed orders, or proposed consent decrees;

(e) Public meetings or hearings;

(f) Scoping notice of department-conducted state remedial investigation/feasibility study;

(g) Availability of state remedial investigation/feasibility study reports and draft and final cleanup plans;

(h) Change in site status or placing sites on or removing sites from the hazardous sites list under WAC 173-340-330;

(i) Availability of engineering design reports under WAC 173-340-400;

(j) Schedules developed under WAC 173-340-140;

(k) Reports of independent cleanup actions received under WAC 173-340-300;

(l) Commencement of negotiations or discussions under WAC 173-340-520 and 173-340-530;

(m) Deadline extensions or missed deadlines under WAC 173-340-140; and

(n) Any other notice that the department deems appropriate for inclusion.

(7) Evaluation. As part of requiring or conducting a remedial action at any facility, the department shall evaluate public participation needs at the facility, including an identification of the potentially affected vicinity for the remedial action.

(8) Public participation plans.

(a) Scope. The public participation plans required by this section are intended to encourage a coordinated and effective public involvement tailored to the public's needs at a particular facility. The scope of a plan shall be commensurate with the nature of the proposed remedial actions; the level of public concern; and the risks posed by the facility.

(b) Early planning encouraged. In order to develop an appropriate plan, the department or potentially liable person (if submitting a plan to the department) should engage in an early planning process to assess the public participation needs at the facility. This process may include identifying and conferring with individuals, community groups, local governments, tribes, public agencies, or any other organizations that may have an interest in or knowledge of the facility.

(c) Plan development. The department shall develop the plan, or work with the potentially liable person to develop the plan. If a plan already exists for a facility, the department shall consider whether the existing plan is still appropriate or whether the plan should be

amended. For example, a plan originally developed to address a state remedial investigation/feasibility study may need to be amended to address implementation phases.

(d) Plans required. As part of requiring or conducting a remedial action, except emergency actions, at any site that has been assigned a hazard ranking score, the department shall ensure that a public participation plan is developed and implemented. The department may also require the development of a public participation plan for facilities which have not been assigned a hazard ranking score as part of an agreed order or consent decree with a potentially liable person.

(e) Plan as part of order or decree. A potentially liable person will ordinarily be required to submit a proposed public participation plan as part of its request for an agreed order or a consent decree. If a plan already exists for the facility, the potentially liable person may either resubmit the existing plan with any proposed amendments or submit an entirely new proposed plan. The proposed plan may be revised during the course of discussions or negotiations on the agreed order or consent decree.

The final public participation plan may become part of the agreed order or consent decree.

(f) Contents. The public participation plan shall include the following:

(i) Applicable public notice requirements and how these will be met, including: When public notice will occur; the length of the comment periods accompanying each notice; the potentially affected vicinity and any other areas to be provided notice, to the extent known.

(ii) Information repositories. The plan should identify at least one location where the public can review information about the remedial action. Multiple locations may be appropriate.

(iii) Methods of identifying the public's concerns. Such methods may include: Interviews; questionnaires; meetings; contacts with community groups or other organizations which have an interest in the site; establishing citizen advisory groups for sites; or obtaining advice from the appropriate regional citizens' advisory committee.

(iv) Methods of addressing the public's concerns and conveying information to the public. These may include any of the methods listed in subsection (5) of this section.

(v) Coordination of public participation requirements. The plan should identify any public participation requirements of other applicable federal, state or local laws, and address how such requirements can be coordinated. For example, if Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) applies to the proposed action, the plan should explain how CERCLA and this chapter's public comment periods will be coordinated.

(vi) Amendments to the plan. The plan should outline the process for amending the plan. Any amendments must be approved by the department.

(vii) Any other elements that the department determines to be appropriate for inclusion in the final public participation plan.

(g) Implementation. The department shall retain approval authority over the actions taken by a potentially liable person to implement the plan.

(9) Consent decrees. In addition to any other applicable public participation requirements, the following shall be required for consent decrees.

(a) A public participation plan which meets the requirements of subsection (8) of this section shall be developed when required by subsection (8)(d) of this section.

(b) Notice of negotiations. When the department decides to proceed with negotiations it shall place a notice in the site register advising the public that negotiations have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for negotiations.

(c) Notice of proposed decree. The department shall provide or require public notice of proposed consent decree. The notice may be combined with notice of other documents under this chapter, such as a cleanup action plan, or under other laws. The notice shall briefly:

(i) Identify and generally describe the facility;

(ii) Identify the person(s) who are parties to the consent decree;

(iii) Generally describe the remedial action proposed in the proposed consent decree;

(iv) Indicate the date, place, and time of the public hearing on the proposed consent decree; and

(v) Invite the public to comment at the public hearing or in writing. The public comment period shall run for at least thirty days from the date of the issuance of the notice.

(d) Public hearing. The department shall hold a public hearing on the proposed consent decree for the purpose of providing the public with an opportunity to comment.

(e) Revisions. If the state and the potentially liable person agree to substantial changes to the proposed consent decree, the department shall provide additional public notice and opportunity to comment.

(f) Extensions. The department shall publish in the next site register the extension of deadlines for designated high priority sites.

(10) Agreed orders. In addition to any other applicable public participation requirements, the following shall be required for agreed orders under WAC 173-340-530.

(a) Public participation plan. A plan meeting the requirements of subsection (8) of this section shall be developed when required by subsection (8)(d) of this section.

(b) Notice of discussions. When the department decides to proceed with discussions it shall place a notice in the site register advising the public that discussions have commenced. This notice shall include the name of the facility, a general description of the subject of the order and the deadlines for discussions.

(c) Notice of agreed orders. Public notice shall be provided by the department for any agreed order. For all agreed orders, notice shall be mailed no later than three days after the issuance of the agreed order. For agreed orders covering a state remedial investigation/feasibility study, the comment period shall be at least thirty days

and shall be completed before the agreed order becomes effective. For other agreed orders, the agreed order may be effective before the comment period is over, unless the department determines it is in the public interest to complete the public comment period prior to the effective date of the agreed order. The department may determine that it is in the public interest to provide public notice prior to the effective date of any agreed order or to hold a public meeting or hearing on the agreed order. This notice shall briefly:

- (i) Identify and generally describe the facility;
- (ii) Identify the person(s) who are parties to the order;
- (iii) Generally describe the remedial action proposed in the proposed order; and
- (iv) Invite the public to comment on the proposed order.

(d) Revisions. If the department and the potentially liable person agree to substantial changes to the proposed order, the department shall provide additional public notice and opportunity to comment.

(e) Extensions. The department shall publish in the next site register the extension of deadlines for designated high priority sites.

(11) Enforcement orders. In addition to any other applicable public participation requirements, the department shall provide public notice of all enforcement orders. Except in the case of emergencies, notice shall be mailed no later than three days after the date of the issuance of the order. In emergencies, notice shall be mailed no later than ten days after the issuance of the order.

(a) Contents of notice. All notices shall briefly:

- (i) Identify and generally describe the facility;
- (ii) Identify the person(s) who are parties to the order;
- (iii) Generally describe the terms of the proposed order; and
- (iv) Invite the public to comment on the proposed order.

(b) The department may amend the order on the basis of public comments. The department shall provide additional public notice and opportunity to comment if the order is substantially changed.

(12) State remedial investigation/feasibility study. In addition to any other applicable public participation requirements, the following shall be required during a state remedial investigation/feasibility study.

(a) Scoping. When the department elects to perform a state remedial investigation/feasibility study, public notice and an opportunity to comment on the scope of the state remedial investigation/feasibility study will be provided.

(b) Extensions. The department shall publish in the next site register the extension of deadlines for designated high priority sites.

(c) Report. The department shall provide or require public notice of state remedial investigation/feasibility study reports prepared under WAC 173-340-350. This public notice may be combined with public notice of the draft cleanup action plan. At a minimum, public notice shall briefly:

(i) Describe the site and state remedial investigation/feasibility study results;

(ii) If available, identify the department's selected cleanup action and provide an explanation for its selection;

(iii) Invite public comment on the report. The public comment period shall extend for at least thirty days from the date of mailing of the notice.

(13) Selection of cleanup actions. In addition to any other applicable public participation requirements, the department shall:

(a) Provide a notice of availability of draft or final cleanup action plans and a brief description of the proposed or selected alternative in the site register;

(b) Provide public notice of the draft cleanup action plan. A notice of a draft cleanup plan may be combined with notice on the state remedial investigation/feasibility study. Notice of a draft cleanup action plan may be combined with notice on a draft consent decree or on an order. At a minimum, public notice shall briefly:

(i) Describe the site;

(ii) Identify the department's proposed cleanup action and provide an explanation for its selection;

(iii) Invite public comment on the draft cleanup action plan. The public comment period shall run for at least thirty days from the date of issuance of the public notice.

(14) Cleanup action implementation. In addition to any other applicable public participation requirements, the following shall be required during cleanup action implementation.

(a) Public notice and opportunity to comment on any plans prepared under WAC 173-340-400 that represent a substantial change from the cleanup action plan.

(b) When the department conducts a cleanup action, public notice and an opportunity to comment shall be provided on the engineering design report and notice shall be given in the site register.

(15) Routine cleanup and interim actions. In addition to any other applicable public participation requirements, the following will be required for routine cleanup actions and interim actions.

(a) Public notice shall be provided for any proposed routine cleanup or interim actions under WAC 173-340-130 or 173-340-430. This public notice shall be combined with public notice of an order or settlement whenever practicable.

(b) At a minimum, public notice shall briefly:

(i) Describe the site;

(ii) Identify the proposed action;

(iii) Identify the likely or planned schedule for the action;

(iv) Reference any planning documents prepared for the action;

(v) Identify department staff who may be contacted for further information; and

(vi) Invite public comment on the routine cleanup or interim action.

The public comment period shall extend for at least thirty days from the date of the mailing of notice.

NEW SECTION

WAC 173-340-610 REGIONAL CITIZENS' ADVISORY COMMITTEES. (1) The department shall establish regional citizens' advisory committees as part of a public participation program. The regional citizens' advisory committees are intended to promote meaningful and effective public involvement in the department's remedial action program under chapter 70.105D RCW. The committees will advise the department as to the concerns of citizens locally and regionally regarding the remedial actions within each committee's region, with emphasis on issues that affect the region as a whole, rather than site-specific concerns.

(2) Location. There shall be a regional citizens' advisory committee representing each geographic region of the state served by a regional office of the department.

(3) Membership. At any time, each committee shall have no fewer than five and no more than twelve members. The director shall, no later than July 1, 1990, appoint five members to each committee to represent citizens' interests in the region. These members shall serve three-year terms that may be renewed at the director's discretion. These members should represent citizen interests in the region.

(a) The director may appoint up to seven additional members to represent communities that may be affected by the remedial actions within each region. These members shall serve two-year terms that may be renewed at the director's discretion.

(b) At no time shall more than twenty-five percent of the membership of any committee consist of persons who are elected or appointed public officials or their representatives.

(c) The department shall advise the public as to whether any vacancies exist on the committees, and shall accept applications from interested citizens.

(d) The following persons shall not be eligible to serve on any committee:

(i) Persons whom the department has found are potentially liable persons under WAC 173-340-500 with regard to any facility that is currently the subject of department investigative, remedial or enforcement actions, not including compliance monitoring;

(ii) Agents or employees of such potentially liable persons as described in (d)(i) of this subsection; and

(iii) Agents or employees of the department.

(e) A member shall refrain from participating in a committee matter if that member for any reason cannot act fairly and in the public interest with regard to that matter.

(f) The director may dismiss a member for cause in accordance with the terms of the regional citizens' advisory committee charter.

(4) Meetings. The committees shall meet at least twice a year at the regional offices or elsewhere as agreed upon by a committee and the department. Appropriate department staff may attend these meetings. The department shall brief the committees on the program's major planned and ongoing activities for the year.

(a) The department and the committees may agree to additional meetings.

(b) Each committee will designate one of its members to serve as chair. The committee chairs shall meet every year with the program manager or his/her designee.

(c) All committee meetings shall be open to the public. The department shall inform the public of committee meetings.

(5) Resources to be allocated to the committees.

(a) The department shall determine, after consulting with the committees, the amount of staff time and other department resources that shall be available to the committees for each biennium.

(b) The department shall designate staff to work with the committees.

(c) Members shall be reimbursed for travel expenses (as provided for in chapter 43.03 RCW) for any meetings approved by the department.

(6) Responsibilities. The committees are directed to:

(a) Meet at least twice annually;

(b) Inform citizens within each region as to the existence of the committees and their availability as a resource;

(c) Review the department's biennial program priorities, and advise the department of citizen concerns regarding the program priorities;

(d) Advise the department on a timely basis of citizen concerns regarding investigative or remedial activities within each region, and where possible, suggest ways in which the department can address those concerns;

(e) Annually prepare a brief report to the department describing:

(i) Major citizen concerns that have been brought to the committee's attention during the past year;

(ii) Any committee proposals or recommendations to address these concerns;

(iii) The committee's plans for the coming year; and

(iv) Any other information or issues which the committee believes appropriate for inclusion.

(7) The committees are encouraged to work with the department and the public to develop additional committee goals or responsibilities.

## PART VII—CLEANUP STANDARDS

NEW SECTION

WAC 173-340-700 RESERVED.

## PART VIII—GENERAL PROVISIONS

NEW SECTION

WAC 173-340-800 PROPERTY ACCESS. (1) Normal entry procedures. Whenever there is a reasonable basis to believe that a release or threatened release of a hazardous substance may exist, the department's authorized employees, agents or contractors may, after reasonable notice, enter upon any real property, public or private, to conduct investigations or remedial actions. The notice shall briefly describe the reason for requesting access. For the purpose of this subsection, unless earlier access is granted, reasonable notice shall mean:

(a) Written notice to site owner and operator to the extent known to the department, sent through the United States Postal Service at least three days prior to entry; or

(b) Notice to site owner and operator to the extent known to the department, in person or by telephone at least twenty-four hours prior to entry.

(2) Notification of property owner. The department will ask a resident, occupant, or other persons in custody of the site to identify the name and address of owners of the property. If an owner is identified who has not been previously notified, the department will make a prompt and reasonable effort to notify such owners of remedial actions planned or conducted.

(3) Orders and consent decrees. Whenever investigations or remedial actions are conducted under a consent decree or order, a potentially liable person shall not deny access to the department's authorized employees, agents, or contractors to enter and move freely about the property to oversee and verify investigations and remedial actions being performed.

(4) Ongoing operations. Persons gaining access under this section shall take all reasonable precautions to avoid disrupting the ongoing operations on a site. Such persons shall comply with all state and federal safety and health requirements which the department determines to be applicable.

(5) Access to documents. The department's authorized employees, agents or contractors may, after reasonable notice, enter property for the purpose of inspecting documents relating to a release or threatened release at the facility. Persons maintaining such documents shall:

(a) Provide access during normal business hours and allow the department to copy these documents; or

(b) At the department's request, provide legible copies of the requested documents to the department.

(6) Emergency entry. Notice by the department's authorized employees, agents, or contractors is not required for entry onto property to investigate, mitigate, or abate an emergency posed by the release or threatened release of a hazardous substance. The department will make efforts which are reasonable under the circumstances to promptly notify those owners and operators to the extent known to the department of the actions taken.

(7) Other authorities. Where consent has not been obtained for entry, the department shall secure access in a manner consistent with state and federal law, including compliance with any warrant requirements. Nothing in this chapter shall affect site access authority granted under other state laws and regulations.

(8) Access by potentially liable persons. The department shall make reasonable efforts to facilitate access to real property and documents for persons who are conducting remedial actions under either an order or decree.

(9) Information sharing. The department will provide the documents and factual information on releases or threatened releases obtained through this section to persons who request such in accordance with chapter 42.17 RCW and chapter 173-03 WAC. The department does not intend application of these authorities to limit its sharing of such factual information.

(10) Split samples. Whenever the department intends to perform sampling at a site, it shall indicate in its notification under subsection (1) of this section whether sampling may occur. The person receiving notice may take split samples, provided this does not interfere with the department's sampling.

#### NEW SECTION

**WAC 173-340-810 WORKER SAFETY AND HEALTH.** (1) General provisions. Requirements under the Occupational Safety and Health Act of 1970 (29 U.S.C. Sec. 651 et seq.) and the Washington Industrial Safety and Health Act (chapter 49.17 RCW), and regulations promulgated pursuant thereto shall be applicable to remedial actions taken under this chapter. These requirements are subject to enforcement by the designated federal and state agencies. All governmental agencies and private employers are directly responsible for the safety and health of their own employees and compliance with those requirements. Actions taken by the department under this chapter do not constitute an exercise of statutory authority within the meaning of section (4)(b)(1) of the Occupational Safety and Health Act.

(2) Safety and health plan. Potentially liable persons responsible for undertaking remedial actions under WAC 173-340-520 through 173-340-540, shall submit a safety and health plan for the department's review and comment. The safety and health plan must be consistent with chapter 49.17 RCW and regulations promulgated pursuant thereto.

#### NEW SECTION

**WAC 173-340-820 SAMPLING AND ANALYSIS PLANS.** (1) General. A sampling and analysis plan shall be prepared for all sampling activities which are part of investigation and remedial actions unless otherwise directed by the department and except for emergencies. The level of detail required in the sampling and analysis plan may vary with the scope and purpose of the sampling activity. Sampling and analysis plans prepared under an order or decree shall be submitted to the department for review and approval.

(2) Contents. The sampling and analysis plan shall specify procedures which ensure that sample collection, handling, and analysis will result in data of sufficient quality to plan and evaluate remedial actions at the site. Additionally, information necessary to insure proper planning and implementation of sampling activities shall be included. References to standard protocols or procedures manuals may be used provided the information referenced is readily available to the department. The sampling and analysis plan shall contain:

(a) A statement on the purpose and objectives of the data collection, including quality assurance and quality control requirements;

(b) Organization and responsibilities for the sampling and analysis activities;

(c) Requirements for sampling activities including:

(i) Project schedule;



- (ii) Identification and justification of location and frequency of sampling;
  - (iii) Identification and justification of parameters to be sampled and analyzed;
  - (iv) Procedures for installation of sampling devices;
  - (v) Procedures for sample collection and handling, including procedures for personnel and equipment decontamination;
  - (vi) Procedures for the management of waste materials generated by sampling activities, including installation of monitoring devices, in a manner that is protective of human health and the environment;
  - (vii) Description and number of quality assurance and quality control samples, including blanks and spikes;
  - (viii) Protocols for sample labeling and chain of custody; and
  - (ix) Provisions for splitting samples, where appropriate.
- (d) Procedures for analysis of samples and reporting of results, including:
- (i) Detection or quantification limits;
  - (ii) Analytical techniques and procedures;
  - (iii) Quality assurance and quality control procedures; and
  - (iv) Data reporting procedures, and where appropriate, validation procedures.
- (3) Available guidance. The department shall make available guidance for preparation of sampling and analysis plans.

#### NEW SECTION

WAC 173-340-830 LABORATORY ANALYSIS PROCEDURES. Reserved.

#### NEW SECTION

WAC 173-340-840 GENERAL SUBMITTAL REQUIREMENTS. Unless otherwise specified by the department, all reports, plans, specifications, and similar information submitted under this chapter shall meet the following requirements:

- (1) Cover letter. Include a letter describing the submittal and specifying the desired department action or response.
- (2) Number of copies. Three copies of the plan or report shall be submitted to the department's office responsible for the facility. The department may require additional copies to meet public participation and inter-agency coordination needs.
- (3) Certification. All engineering work submitted under this chapter shall be under the seal of a professional engineer registered with the state of Washington.
- (4) Visuals. Maps, figures, photographs, and tables to clarify information or conclusions shall be legible. All maps, plan sheets, drawings, and cross-sections shall meet the following requirements:
  - (a) To facilitate filing and handling, be on paper no larger than 24 x 36 inches and no smaller than 8 1/2 x 11 inches. Photo-reduced copies of plan sheets may be submitted provided at least one full-sized copy of the photo-reduced sheets are included in the submittal.

- (b) Identify and use appropriate and consistent scales to show all required details in sufficient clarity.
- (c) Be numbered, titled, have a legend of all symbols used, and specify drafting or origination dates.

- (d) Contain a north arrow.
- (e) Use United States Geological Survey datum as a basis for all elevations.

(f) For planimetric views, show a survey grid based on monuments established in the field and referenced to state plane coordinates. This requirement does not apply to conceptual diagrams or sketches when the exact location of items shown is not needed to convey the necessary information.

(g) Where grades are to be changed, show original topography in addition to showing the changed site topography. This requirement does not apply to conceptual diagrams or sketches where before and after topography is not needed to convey the necessary information.

(h) For cross-sections, identify the location and be cross-referenced to the appropriate planimetric view. A reduced diagram of a cross-section location map shall be included on the sheets with the cross-sections.

(5) Sampling data. All sampling data shall be submitted consistent with procedures specified by the department.

(6) Appendix. An appendix providing the principal information relied upon in preparation of the submittal. This should include, for example: A complete citation of references; applicable raw data; a description of, or where readily available, reference to testing and sampling procedures used; relevant calculations; and any other information needed to facilitate review.

#### NEW SECTION

WAC 173-340-850 RECORDKEEPING REQUIREMENTS. (1) Any remedial actions at a facility must be documented with adequate records. Such records may include: Factual information or data; relevant decision documents; and any other relevant, site specific documents or information.

(2) Unless otherwise required by the department, records shall be retained for at least ten years from the date of completion of compliance monitoring.

(3) Records shall be retained by the person taking remedial action, unless the department requires that person to submit the records to the department.

(4) The department shall maintain its records in accordance with chapter 42.17 RCW.

#### NEW SECTION

WAC 173-340-860 ENDANGERMENT. In the event that the department determines that any activity being performed at a hazardous waste site is creating or has the potential to create a danger to human health or the environment, the department may direct such activities to cease for such period of time as it deems necessary to abate the danger.

#### NEW SECTION

WAC 173-340-870 PROJECT COORDINATOR. The potentially liable person shall designate a project



coordinator for work performed under an order or decree. The project coordinator shall be the designated representative for the purposes of the order or decree. That person shall coordinate with the department and the public and shall facilitate compliance with requirements of the order or decree.

**NEW SECTION**

WAC 173-340-880 EMERGENCY ACTIONS. Nothing in this chapter shall limit the authority of the department, its employees, agents, or contractors to take or require appropriate action in the event of an emergency.

**NEW SECTION**

WAC 173-340-890 SEVERABILITY. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances shall not be affected.

**REPEALER**

The following sections of the Washington Administrative Code are repealed:

- WAC 173-340-010 PURPOSE.
- WAC 173-340-020 DEFINITIONS.
- WAC 173-340-030 EMERGENCY ACTIONS.
- WAC 173-340-040 SETTLEMENT PROCEDURES.

WAC 173-340-050 STATE CONDUCTED REMEDIAL ACTION—NOTICE.

**WSR 90-08-087**  
**NOTICE OF PUBLIC MEETINGS**  
**UNIVERSITY OF WASHINGTON**  
 [Memorandum—March 28, 1990]

It has been brought to my attention that the list of dates for 1990 University of Washington board of regents meetings published in the Washington Register is incorrect. The date of the October meeting is shown as Friday, October 16. The correct date is Friday, October 26, per my memo to you of December 18, 1989.

Please publish a corrected list of dates for the University of Washington board of regents meetings in 1990.

In accordance with RCW 42.30.075, the board of regents of the University of Washington established the following meeting schedule for 1990 at its regular meeting held December 15, 1989:

DAY	DATE
Friday	January 19
Friday	February 16
Friday	March 16
Friday	April 20
Friday	May 18
Friday	June 8
Friday	July 20

Friday	August 17
Friday	September 21
Friday	October 26
Friday	November 16 in Spokane
Friday	December 14

The meetings will commence at 1:00 p.m. unless public notice is given to the contrary. The meetings will be held in Room 301 Administration Building on the University of Washington main campus, Seattle, Washington, unless another location is established and public notice given.

**WSR 90-08-088**  
**NOTICE OF PUBLIC MEETINGS**  
**BOARD FOR VOLUNTEER FIREFIGHTERS**  
 [Memorandum—April 3, 1990]

This is to inform you that the Board for Volunteer Firefighters will be holding their quarterly business meeting on April 20, 1990, at 9:00 a.m. in Room 207 of the Olympia Forum Building, Olympia, Washington.

**WSR 90-08-089**  
**PROPOSED RULES**  
**COLUMBIA RIVER GORGE COMMISSION**  
 [Filed April 4, 1990, 9:00 a.m.]

**Reviser's note:** The following material has not been adopted under the Administrative Procedure Act, chapter 34.05 RCW, but has been filed in the office of the code reviser and is published in the Register exactly as filed.

Agency: Columbia River Gorge Commission.  
 The above named agency gives notice of hearing.  
 Hearings to be Held: May 8, 1990, 9:30 a.m., The Dalles City Hall, 313 Court, The Dalles, OR 97058.  
 Hearings Officer: Stafford Hansell, Chair.

Pursuant to the statutory authority of RCW 493.97.015 [43.97.015] to 493.97.035 [43.97.035] or chapter 499, Washington Laws of 1987, the following action is proposed: Amending 350-16 and 350-20.

No Prior Notice Given.

Summary: The proposed amendment to 350-20 would allow the director to hold a prehearing conference prior to a contested case hearing on an appeal. The purpose of the conference would be to list witnesses and exhibits and take note of objections to any witness or exhibit. The proposed amendment to 350-16 would add a definition to commission rules of "indigency." Commission rules allow a waiver from the cost of preparing a record upon judicial review of commission contested case orders to an indigent person. The proposed rules would define eligible persons.

Statement of Need: The proposed amendment to 350-20 responds to a need for smoother and more efficient contested case hearings. A prehearing conference prior to more complicated hearings will improve the efficiency of the hearings. The proposed amendment to 350-16 is needed to define which persons are eligible for a waiver from the cost of preparing the record when the person

seeks judicial review of commission orders. Neither rule is needed as the result of federal law or a court decision.

**Statutory Authority:** These rules are needed to implement sections 10(c) and 15 (b)(4) of the Scenic Area Act, P.L. 99-663. Authority to adopt rules derives from section 5(b) of the Scenic Area Act and the Columbia River Gorge Compact, Article I, section a (4)(g) at ORS 196.150 and chapter 499, Washington Laws of 1987.

**Documents Relied Upon:** For the proposed amendment to 350-20 the commission relied upon its own experience with development reviews. For the proposed amendment to 350-16, the commission relied upon the rules of the federal Department of Health and Human Services for a definition of "indigency." These rules are available for review in commission offices.

**Fiscal Impact Statement:** The proposed amendment to 350-20 will increase some commission operating costs slightly, to staff prehearing conferences. But the amendment will reduce commission operating costs at the hearing itself. The cost should balance. The amendment would have the same impact upon parties to commission contested case hearings. The proposed amendment to 350-16 will reduce costs to an indigent party of judicial review of commission decisions. The amendment will increase costs to the commission when granting a waiver for an indigent party.

**Statement of Anticipated Effects:** The proposed amendments will improve the commission's appeal process by reducing hearing time and issues. A definition of "indigency" will facilitate the granting of waivers from the cost of preparation of commission records on judicial review.

**Public Comment:** Interested persons may comment orally or in writing at the hearing. Written comment received at the commission's office by May 4, 1990, will also be considered. Comment may be made to or copies of the proposed rule received from: Jan Brending, Rules Coordinator, Columbia River Gorge Commission, 288 East Jewett Boulevard, P.O. Box 730, White Salmon, WA 98672, (509) 493-3323.

April 2, 1990  
Richard Benner  
Executive Director

COLUMBIA RIVER GORGE COMMISSION  
PROPOSED RULE AMENDMENTS  
350-20

350-20-017. Pre-Hearing Conference.

(1) The Director may schedule a pre-hearing conference with the parties to an appeal no later than five (5) working days prior to the date set for the hearing. The purpose of the pre-hearing conference shall be to:

- (a) List witnesses and exhibits to be presented at the hearing by each party;
- (b) Note objections to any of the witnesses or exhibits by any party;
- (c) Identify, simplify and clarify issues to be raised at the hearing;
- (d) Consider other matters which may facilitate the orderly conduct of the hearing.

(2) All witnesses and exhibits to be presented by the parties at the hearing must be introduced at the pre-hearing conference. The Director shall prepare a list of witnesses and exhibits for introduction at the hearing and inclusion in the record of the hearing. Any witness or exhibit not introduced at the pre-hearing conference may not be presented at the hearing unless the party demonstrates that the witness or exhibit could not have been introduced at the pre-hearing conference.

(3) Any objection to a witness or an exhibit introduced at the pre-hearing conference must be raised at the conference.

350-20-018(7). Conduct of the Hearing.  
(Note renumbering only)

350-20-019(8). Final Order.  
(Note renumbering only)

350-20-020(19). Resubmission of Disapproved Application.  
(Note renumbering only)

350-20-021(0). Changes or Alterations to an Approved Action.  
(Note renumbering only)

COLUMBIA RIVER GORGE COMMISSION  
PROPOSED RULE AMENDMENTS  
350-16

350-16-024. Commission Record for Review.

(1) Within thirty days after service of a petition for judicial review, or within further time allowed by the court, the commission shall transmit to the court the original or a certified copy of the commission record specified in 350-16-020.

(2) The commission may charge a nonindigent petitioner with the reasonable costs of preparing any necessary copies and transcripts for transmittal to the court. A failure by the petitioner to pay this cost to the commission relieves the commission from the responsibility for preparation of the record and transmittal to the court. For the purposes of this paragraph, a nonindigent person is one whose income is more than 130 percent of the poverty income guidelines published in the Federal Register by the U.S. Department of Health and Human Resources.

WSR 90-08-090  
PROPOSED RULES  
DEPARTMENT OF AGRICULTURE  
[Filed April 4, 1990, 9:52 a.m.]

Original Notice.

Title of Rule: Chapter 16-158 WAC, Organic food processing certification and labeling.

Purpose: To establish organic processing standards and requirements for labeling of products.

Statutory Authority for Adoption: RCW 15.86.070.

Statute Being Implemented: Chapter 15.86 RCW.

**Summary:** Revision of chapter 15.86 RCW permits certification of processors who process organic food. This will ensure organically processed food within Washington will be processed under Department of Agriculture standards and be certified as organic. It will further ensure that the purchaser gets a product that conforms to Washington organic standards.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Miles McEvoy, 2627B Parkmont Lane S.W., Olympia, 753-5043.

**Name of Proponent:** Food Safety and Animal Health Division, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** This chapter is promulgated pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food. This chapter includes definitions of organically processed food, organic processing standards, labeling provisions for organically processed food, record-keeping requirements, organic food processor certification requirements, setting inspection and sampling standards, and setting a fee schedule for organic food processing certification.

**Proposal does not change existing rules.**

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

**Hearing Location:** General Administration Building, 1st Floor Conference Room 105, Olympia, Washington 98504, on May 15, 1990, at 11:00 a.m.

**Submit Written Comments to:** Miles McEvoy, 406 General Administration Building, Olympia, WA 98504, by May 15, 1990.

**Date of Intended Adoption:** May 18, 1990.

April 4, 1990  
John Daly  
Assistant Director

Chapter 16-158 WAC  
ORGANIC FOOD PROCESSING CERTIFICATION AND LABELING

NEW SECTION

WAC 16-158-010 **PURPOSE.** This chapter is promulgated pursuant to RCW 15.86.070 wherein the director is authorized to adopt rules establishing a certification program for processors of organic food.

NEW SECTION

WAC 16-158-020 **DEFINITIONS.** As used in this chapter:

(1) "Organically processed food" means food which in its processing has not been treated with synthetically or artificially derived preservatives, colorings, flavorings, or any other artificial or synthetic additive.

(2) "Organic food processor certification" means that a food product complies with the organic processing standards and has been inspected and tested as set forth in this chapter.

(3) "Food processing" and "food processing plants" are as defined under RCW 69.07.010.

(4) "Director" means the director of the department of agriculture or his or her designee.

NEW SECTION

WAC 16-158-030 **ORGANIC PROCESSING STANDARDS.**

(1) **Ingredients:**

All processed foods and raw materials labeled as organic must comply with chapter 15.86 RCW and chapter 16-154 WAC. A copy of grower affidavits for raw materials must be placed on file at the time of purchase as part of the manufacturer's audit.

All nonorganic ingredients which are used in product formulation must be approved by the director and their sources must be listed as part of the audit process.

The source(s) of any "approved ingredients" which are not organically grown and are used as less than one percent by weight of the total product because these ingredients or additives are vital to product formulation and the organic ingredient is unavailable, extremely difficult to obtain, or impractical to substitute, must be listed as part of the manufacturer's audit.

(2) **Storage:**

All ingredients in an organic food processing facility must be stored so that there is no cross contamination from or confusion with a non-organic substance.

Insect and rodent control programs must be in place for organic product storage areas. Any insecticides and rodenticides must be approved for organic production.

In areas where entire manufacturing plants are periodically fumigated, the processor must demonstrate that any fumigants used will not form toxic residues on organic products.

Compounds for cleaning storage areas must be used in a manner that leaves no contamination of organically grown or approved nonorganic products by such synthetically formulated compounds.

(3) **Manufacturing facility:**

In addition to meeting all state and federal manufacturing standards, the processor of organic foods must submit a complete description of the processing method to the director. This description should detail how all ingredients are handled, changed, and ultimately packaged. It should detail each machine, its ability to be thoroughly cleaned, the introduction of all ingredients, including water, into the product, packaging procedures, and cleanup procedures.

The manufacturer should demonstrate that once packaged, the product has not been contaminated by any step in the process. Manufacturers must be aware of possible contamination by various forms of packaging. For example, no packaging film which acts as a preservative is allowed.

All packaging and products must be free of fungicides, preservatives, fumigants, and contaminants which are not approved for use on organic products.

All water used in processing must be noted in the manufacturer's audit. Source(s) and the additives chlorine and fluoride are to be monitored and comply with all applicable state regulations.

In any event cleaning must be accomplished with adequate sanitizers including unstable chlorine compounds to adequately clean and sanitize equipment, and as needed to maintain satisfactory sanitary practices.

NEW SECTION

WAC 16-158-040 **LABELING.** All processed organic foods processed or sold in Washington state must comply with the following labeling regulations.

(1) All organically processed foods must be labeled in accordance with Title 21, C.F.R., Part 101.

(2) No organic food product may be labeled "organic when available."

(3) The terms "organic" or "organically grown" may be used without restriction on the principal display panel of a processed food product if that product is a single or multi-ingredient food where all ingredients are organically grown.

(4) In multi-ingredient food products which contain some nonorganic ingredients the use of the terms "organic" or "organically grown" can only be used to modify the organic ingredient(s). The terms "organic" or "organically grown" cannot be used in the principal display panel.

If organically-grown ingredients comprise less than fifty percent by weight of the ingredients in a multi-ingredient food the word organic or any derivative of the word organic cannot be used on the principle display panel or information panel.

Furthermore, products which contain organic and nonorganic ingredients must restrict the type size of the words organic or organically grown etc., to not larger than three-quarters type size of the product identity.

(5) The term "organically grown" may be used in the product identity when less than one percent by weight of the total product contains minor ingredients or additives which are:

From a list approved by the Washington state department of agriculture.

**NEW SECTION**

**WAC 16-158-050 RECORDKEEPING REQUIREMENTS.** All organically processed food must be completely followed by an audit control system.

Organic food processors must keep records of products bought and sold that will enable the department to trace processed food products from the farm to the market. Such records must include but are not limited to, invoices, bill of ladings, and grower affidavits of raw product incoming in; repack data and production run reports; and invoices and bill of ladings of processed products shipped out. These records must be kept for a minimum of two years. The audit control must be complete enough so that any product suspected of contamination can be immediately traced from point of origin to retailer.

**NEW SECTION**

**WAC 16-158-060 PERMITTED SUBSTANCES FOR ORGANIC FOOD PROCESSING.** A list of permitted substances and good manufacturing practices will be made available by the department. In general, all substances used in organic food processing should be grown organically.

**NEW SECTION**

**WAC 16-158-070 ORGANIC FOOD PROCESSING CERTIFICATION.** The processor seeking voluntary certification of its facility for organic processing must:

- (1) Fill out an application form for certification and submit it to the department of agriculture.
- (2) Fill out and notarize the processor affidavit and submit it to the department of agriculture.
- (3) Send the required fee to the department of agriculture.
- (4) Be currently licensed as a food processor with the Washington state department of agriculture.

Upon approval of the application by the director and an inspection finds the applicant in compliance with the provisions of this chapter, the applicant shall be issued a license of certification.

**NEW SECTION**

**WAC 16-158-080 USE OF ORGANIC FOOD PROCESSORS CERTIFICATION LABEL.** Organic food processors certified under the Washington department of agriculture organic food program will be able to use the words "processed under the Washington department of agriculture organic food processors certification program" in their labeling as long as their practices comply with this chapter, chapter 15.86 RCW, and chapter 16-154 WAC.

**NEW SECTION**

**WAC 16-158-090 INSPECTION.** The director shall make at least one visit and any additional visits deemed necessary to each organic food processor under the organic food certification program each year for the purpose of inspection for compliance with this chapter and chapter 15.86 RCW and chapter 16-154 WAC.

This inspection may entail survey of required records, examination of processing equipment and storage areas, and any other information deemed necessary to the requirements of this chapter.

**NEW SECTION**

**WAC 16-158-100 SAMPLING.** A sample representative of a processed product processed by organic food processors under the organic food certification program may be tested for pesticide residues whenever the director deems it necessary for certification.

It shall be the processor's responsibility to arrange for and bear the costs for any additional testing which is deemed necessary by the director.

**NEW SECTION**

**WAC 16-158-110 OTHER REQUIREMENTS.** Nothing in this chapter shall be construed as allowing foods to be labeled as a standardized food under Title 21 C.F.R. unless they meet the standards and identity of such foods. Organic certified food processors are subject to all the requirements of chapters 69.04, 69.07, 15.86, and 69.28 RCW, and any other statutes which are applicable.

**NEW SECTION**

**WAC 16-158-120 DECERTIFICATION.** Whenever the director finds that an organic food processor who has been certified under this program has:

- (1) Violated the standards for certification which are set forth in RCW 15.86.030 and WAC 16-154-010 and 16-154-020;
  - (2) Has filed an application for certification which is false or misleading in any particular;
  - (3) Has violated any of the provisions of this chapter;
  - (4) Has failed to provide records as required by WAC 16-154-020;
- or
- (5) Has violated any provisions of chapter 69.04 or 69.07 RCW;

The director may issue an order suspending or revoking that producer's certification under this program or he may issue an order directing the organic food processor to take other appropriate action to correct the violation. If the appropriate action is taken, the producer will be returned to its previous status under the program.

Any organic food processor who has received notice that its certification may be revoked under this section may apply for a hearing under the Washington Administrative Procedure Act, chapter 34.05 RCW. Such application must be in writing, addressed to the director of the Washington department of agriculture and be received in the Olympia administrative offices not later than twenty days from the date of the notice of the opportunity to apply for a hearing.

This shall not preclude the department of agriculture from taking whatever action they deem appropriate under chapter 69.04 or 69.07 RCW for violations of those statutes.

**NEW SECTION**

**WAC 16-158-130 FEE SCHEDULE.** Application for a license shall be on a form prescribed by the director and accompanied by a three hundred dollar annual license fee. In addition, one-quarter of one percent of gross receipts of the previous years' sales of organically processed food must accompany the application.

**NEW SECTION**

**WAC 16-158-140 ORGANIC FOOD PROCESSING LOGO.**



**WSR 90-08-091**  
**NOTICE OF PUBLIC MEETINGS**  
**PUGET SOUND**  
**WATER QUALITY AUTHORITY**  
 [Memorandum—March 30, 1990]

Listed below is the location for a special meeting of the Puget Sound Water Quality Authority.

These meetings will begin at 9:30 a.m.

April 25, 1990  
 Conference Room H  
 Center House  
 Seattle Center  
 Seattle, Washington

April 26, 1990  
 Conference Room H  
 Center House  
 Seattle Center  
 Seattle, Washington

We would also like to include the following explanation of the authority meeting on May 16, 1990:

May 16, 1990  
 Council Chambers  
 Port Orchard City Hall  
 216 Prospect Street  
 Port Orchard

At its meeting on May 16, the authority will address the question of establishing a Puget Sound Foundation as authorized by recent amendments to chapter 90.70 RCW. Following discussion of draft articles of incorporation for the foundation, the authority will take a formal vote on the question of whether to proceed with establishment of a foundation. There will be an opportunity for public comment on this subject.

**WSR 90-08-092**  
**PROPOSED RULES**  
**DEPARTMENT OF LABOR AND INDUSTRIES**  
 [Filed April 4, 1990, 1:30 p.m.]

**Original Notice.**

**Title of Rule:** Manual of rules, classifications, rates and rating system for Washington workers' compensation insurance, chapter 296-17 WAC.

**Purpose:** Revise general reporting rules, classification plan and corresponding base rate tables applicable to workers' compensation insurance underwritten by the Washington state fund, Department of Labor and Industries.

**Statutory Authority for Adoption:** RCW 51.04.020(1).

**Statute Being Implemented:** RCW 51.16.035.

**Summary:** Agency proposed to establish one new risk classification; amend nine risk classification definitions; adjust base rates for the new classification; amend three general reporting rules; and amend two rules applicable to experience rating.

**Reasons Supporting Proposal:** RCW 51.16.035 requires the department to maintain actuarial solvency of the industrial insurance funds and maintain a classification plan. Adjustments to the classification and rating plan reflect changes in Washington industries and/or changes in loss experience by various industries. Revisions to general reporting rules are intended to provide greater clarity to the rates.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Douglas Connell and Francis Romero, 905 Plum Street, S.E., Olympia, 753-1434.

**Name of Proponent:** Department of Labor and Industries, governmental.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** Revisions to the classification plan are intended to provide greater ratepayer equity. Since classifications are keyed to the nature of an employer's business and rates are based on losses sustained by industries or businesses within a given classification, the more precise the plan, the greater the equity to the policyholder (employer). Revisions to general reporting rules are intended to clarify how the classification plan is to be administered and/or how a classification or premium calculation is to be determined. Revisions to base rates are intended to recognize recent loss (claims) experience and reported exposure (hours worked) over which those losses can be spread.

**Proposal Changes the Following Existing Rules:** WAC 296-17-350 Minimum premiums—Assumed worker hours, amend rule to clarify payroll reporting conversion to hours for the building and property management industry and distinguished commission personnel reporting between inside and outside activities. Proposal also adds heading to subsection (3), (8) and (9) of the same rule; WAC 296-17-45002 Special trucking industry rules, amend rule to cap actual or estimated work hours for the trucking industry to 520 hours for each worker per quarter; WAC 296-17-45003, Special construction industry rule, amend subsection (2) of this rule to remove the caption "or specialist contractor" from the first sentence. Specialist contractor register or license under chapter 18.27 or 19.28 RCW by law are not permitted to subcontract work out to others . . . only general contractors can subcontract work out; WAC 296-17-50904 Classification 0206—Concrete construction, amend definition to reflect current classification assignment applicable to concrete building construction; WAC 296-17-519 Classification 0504—Painting, amend definition to add waterproofing, N.O.C., excluding roofing or subaqueous work; WAC 296-17-532 Classification 0901—Ship building, amend definition to delete classification reference to pleasure craft. Classification 3606 was repealed July 1, 1988, and is no longer applicable; WAC 296-17-57602 Classification 3303—Retail meat stores, amend definition to recognize changes in chapter 16.49 RCW, Licensing requirements for custom meat cutting facilities; WAC 296-17-590 Classification 3506—Crane operators, amend definition to delete reference to class 0505 and add new reference class 0518;

WAC 296-17-592 Classification 3508—Plastic goods manufacturing, amend definition to add fiberglass goods manufacturing; WAC 296-17-59202 Classification 3510—Plastic goods manufacturing, establish a new classification to cover employers engaged in blow molding, vacuum farming, foam molding, and injection molding processes; WAC 296-17-631 Classification 4302—Custom meat cutting, amend definition to reflect changes in licensing requirements in chapter 16.49 RCW applicable to the custom meat-cutting industry; WAC 296-17-634 Classification 4305—Garbage works, amend definition to include incidental recycle operations; WAC 296-17-679 Classification 5306—County government operations, amend definition to add public utility districts to the existing rule; WAC 296-17-870 Evaluation of actual losses, amend subsection (1) to clarify rule; WAC 296-17-87308 Experience modification, amend definition to reflect new number of the experience rating plan; WAC 296-17-885 Expected loss rates, amend table to add expected loss rates and D ratios for classification 3510; and WAC 296-17-895 Industrial insurance base rates table, amend table to add base rates for new classification 3510 and add asterisks to classifications 6614 through 6618 to denote per license rates.

**Small Business Economic Impact Statement:** This statement pertains to revisions in chapter 296-17 WAC, proposed by the Department of Labor and Industries to become effective July 1, 1990, and is prepared to conform with sections 3(2) and 4 of the Regulatory Fairness Act (chapter 6, Laws of 1982).

**Existing Rules:** Chapter 296-17 WAC presently defines 297 risk classifications for purposes of reporting exposures and computing premiums for workers' compensation insurance. Base rates are established separately for accident fund and medical aid fund coverage in each risk classification within these rules, and an assessment rate for all risk classifications is prescribed for the supplemental pension. An experience rating plan is also established, which provides adjustment of the base industrial insurance rate by class up or down to a merit rate based upon past reporting experience of each individual employer. Chapter 296-17 WAC also provides optional rating plans referred to as retrospective rating. These optional rating plans are available on an elective basis to employers and industry groups and provide them with additional opportunities to reduce their workers' compensation insurance costs through accident prevention and active claims management.

**Treatment of Small Business Under Existing Rules:** Classification definitions are keyed to the nature of an employer's business and/or employment, and are independent of business size. Once applicable classifications are determined, base rates are identical for all employers within each classification. Experience rating increases or decreases individual employer's accident fund rates, providing rate reductions for favorable past experience and rate increases for unfavorable past experience. Within the experience-rating plan, small employers with loss-free records in the rating experience period are allowed rate credits in excess of those initially computed by the rating plan based on risk size, by a maximum modification for loss-free firms of various sizes in WAC 296-17-

890. During 1989 medical aid premiums became subject to experience rating under a three-year phase-in plan. Experience rating of medical aid premiums is achieved in much the same fashion as the accident fund. Employers and industry groups (associations) wishing to further reduce their workers' compensation insurance costs can participate in optional retrospective rating plans. Dependent on the plan selected and the employers' actual losses, adjustments are made to premiums paid in; if actual losses are below expected losses for the plan selected, dividends are paid to the employer. Employers with losses which are greater than expected losses pay additional premiums within the limits as determined by their selected plans.

**Effect of Proposed Revisions:** One new risk classification is being proposed to be added to chapter 296-17 WAC, including corresponding expected losses and base rates applicable to the new classification. At the same time, modifications to nine other existing classifications are proposed. Three general reporting rules are being modified. There is no increase in administrative costs for employers to comply with these changes, since no new records or forms are required for compliance and all other requirements are unchanged.

**Hearing Location:** General Administration Building, First-Floor Conference Room in Olympia, located at 11th and Columbia, on May 10, 1990, at 10 a.m.

**Submit Written Comments to:** Douglas Connell, Assistant Director, Employer Services, HC-211, 905 Plum Street S.E., Olympia, WA 98504, by May 10, 1990.

**Date of Intended Adoption:** May 31, 1990.

April 4, 1990  
Joseph A. Dear  
Director

**AMENDATORY SECTION** (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-350 **MINIMUM PREMIUMS—ASSUMED WORKER HOURS.** A minimum premium is the lowest amount of premium to be paid by an employer and is also the basis for determining premium computation for workers for whom an assumed number of worker hours must be, and hereby, is established:

(1) **Minimum premium.** Except as otherwise provided in this chapter, every employer shall be liable for a premium not less than ten dollars for any calendar quarter regardless of number of worker hours reported.

(2) **Excluded employments.** Any employer having any person in their employ excluded from industrial insurance whose application for coverage under the elective adoption provisions of RCW 51.12.110 or authority of RCW 51.12.095 or 51.32.030 has been accepted by the director shall report and pay premium on the actual hours worked for each such person who is paid on an hourly, salaried-part time, percentage of profit or piece basis; or one hundred sixty hours per month for any such person paid on a salary basis employed full time. In the event records disclosing actual hours worked are not maintained by the employer for any person paid on an hourly, salaried-part time, percentage of profits or piece basis the worker hours of such person shall be determined by dividing the gross wages of such person by the state minimum wage for the purpose of premium calculation. However, when applying the state minimum wage the maximum number of hours assessed for a month will be one hundred sixty.

(3) **Building or property management.** Resident managers, caretakers, or similar employments that are employed for irregular periods and whose compensation is for a stipulated sum in money or a substitute for money shall be reported for the purpose of premium calculation ((as provided in subsection (6) of this section)) by dividing total

compensation by \$6.00 to determine reportable assumed hours. Provided that the reportable exposure calculated under this subsection shall not exceed 520 hours per quarter for each worker.

(4)(a) Commission personnel—Inside employments. Commission personnel—inside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed exclusively within an office having no duties away from the office. Commission personnel—inside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment unless the employer maintains and presents to the department's representative at the time of audit payroll records that show in detail the name of each such commissioned worker, the actual number of hours worked for each such worker and the date or dates the services were rendered. If actual time records are maintained then such actual hours shall be reported to the department and premiums paid on such actual hours.

(b) Commission personnel—Outside employments. Commission personnel—outside employments are persons whose compensation is based upon a percentage of the amount charged for the commodity or service rendered and who are employed to perform duties primarily away from the employers premises although some office work may be performed. Commission personnel—outside employments are to be reported for premium purposes at a minimum of assumed worker hours of not less than eight worker hours a day for part-time employment, or not less than 40 worker hours per week for full-time employment: PROVIDED, That the assumed eight worker hours daily for part-time employment will apply only if the employer's books and records are maintained so as to show separately such person's actual record of employment.

(5) Salaried personnel. Salaried personnel for the purposes of this chapter means persons whose compensation is not governed by the number of hours devoted to employment for their employer. Employers having salaried personnel in their employ shall for the purpose of premium calculation report assumed worker hours based upon one hundred sixty worker hours for each month in which the employee is on salary: PROVIDED, That if the employer maintains complete and accurate records, supported by original time cards or timebook entries, the employer may report and pay premium on the actual hours worked by salaried personnel: PROVIDED FURTHER, That the department may, at its discretion, authorize some other method in assuming workers hours for premium calculating purposes in the case of contract personnel employed by schools and/or school districts.

(6) Piece workers. For employees whose compensation is based upon the accomplishment of a number of individual tasks whether computed on the number of pounds, items, pieces, or otherwise who are not subject to any federal or state law or rule which requires the reporting of actual hours worked, the employer shall for the purpose of premium calculation assume each two dollars of earnings of each employee as representing one worker hour: PROVIDED, That if the average rate of compensation for the applicable classification is at least \$3.00 but less than \$3.50 per worker hour the assumed amount shall be \$3.00 of earnings as representing one worker hour, and on a progressive basis, if the average compensation is at least \$3.50 but less than \$4.00 the assumed amount shall be \$3.50 of earnings as representing one worker hour, and so forth. The records of the department as compiled for the preceding fiscal year ending June 30, shall be the basis for determining the average rate of compensation for each classification: PROVIDED FURTHER, That an employer who maintains records but is not required to do so shall report the actual hours worked for the purpose of premium calculation. In the event an employer who is otherwise required by federal or state laws or rules to maintain records of actual hours worked by each employee fails to do so, the worker hours of such employees will be determined by dividing the gross wages of each employee by the state minimum hourly wage to determine the hours reported for the purpose of premium calculation. Notwithstanding any other provisions of this section, workers employed in a work activity center pursuant to WAC 296-17-779 shall be reported on the basis of the piece worker rule.

(7) Noncontact sports teams. All employers having personnel in their employ as defined under WAC 296-17-745 shall for the purpose of premium calculations, report assumed worker hours based upon 40 worker hours for each week in which any duties are performed.

(8) Jockeys and race drivers. All employers having personnel in their employ as defined under WAC 296-17-739 shall, for the purpose of premium calculations, report assumed worker hours based upon ten

hours for each mount in each horse race; professional drivers shall report worker hours based upon ten hours for each heat or race of any racing event: PROVIDED, That any day such personnel do not ride or drive in a race, the premium calculation shall be made by assuming ten worker hours for any day in which duties are performed.

(9) Pilots and flight crew members. Pilots and flight crew members having flight duties during a work shift including preflight time shall have premium calculated by utilizing daily readings logged per federal requirements of the aircraft tachometer time: PROVIDED, That if the total tachometer time for any day includes a fraction of an hour, the reportable time will be increased to the next full hour: PROVIDED FURTHER, That pilots and flight crew members who assume nonflying duties during a work shift will have premium calculated in accordance with the appropriate rules and classifications applicable to nonflight duties.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-45002 SPECIAL TRUCKING INDUSTRY RULES. The following subsection shall apply to all trucking industry employers as applicable.

(1) Insurance liability. Every trucking industry employer operating as an intrastate carrier or a combined intrastate and interstate carrier must insure their workers' compensation insurance liability through the Washington state fund or be self-insured with the state of Washington.

Washington employers operating exclusively in interstate or foreign commerce or any combination of interstate and foreign commerce must insure their workers' compensation insurance liability for their Washington employees with the Washington state fund, be self-insured with the state of Washington, or provide workers' compensation insurance for their Washington employees under the laws of another state when such other state law provides for such coverage.

Interstate or foreign commerce trucking employers who insure their workers' compensation insurance liability under the laws of another state must provide the department with copies of their current policy and applicable endorsements upon request.

Employers who elect to insure their workers' compensation insurance liability under the laws of another state and who fail to provide updated policy information when requested to do so will be declared an unregistered employer and subject to all the penalties contained in Title 51 RCW.

(2) Reporting. Trucking industry employers insuring their workers' compensation insurance liability with the Washington state fund shall keep and preserve all original time records/books including supporting information from drivers' logs for a period of three calendar years plus three months.

Employers are to report actual hours worked, including time spent loading and unloading trucks, for each driver in their employ. For purposes of this section, actual hours worked does not include time spent during lunch or rest periods or overnight lodging.

Failure of employers to keep accurate records of actual hours worked by their employees will result in the department estimating work hours by dividing gross payroll wages by the state minimum wage for each worker for whom records were not kept. However, in no case will the estimated or actual hours to be reported exceed five hundred twenty hours per calendar quarter for each worker.

(3) Exclusions. Trucking industry employers meeting all of the following conditions are exempted from mandatory coverage.

(a) Must be engaged exclusively in interstate or foreign commerce.

(b) Must have elected to cover their Washington workers on a voluntary basis under the Washington state fund and must have elected such coverage in writing on forms provided by the department.

(c) After having elected coverage, withdrew such coverage in writing to the department on or before January 2, 1987.

If all the conditions set forth in (a), (b), and (c) of this subsection have not been met, employers must insure their workers' compensation insurance liability with the Washington state fund or under the laws of another state.

(4) Definitions. For purposes of interpretation of RCW 51.12.095(1) and administration of this section, the following terms shall have the meanings given below:

(a) "Agents" means individuals hired to perform services for the interstate or foreign commerce carrier that are intended to be carried out by the individual and not contracted out to others but does not include owner operators as defined in RCW 51.12.095(1).



(b) "Contacts" means locations at which freight, merchandise, or goods are picked up or dropped off within the boundaries of this state.

(c) "Doing business" means having any terminals, agents or contacts within the boundaries of this state.

(d) "Employees" means the same as the term "worker" as contained in RCW 51.08.180.

(e) "Terminals" means a physical location wherein the business activities (operations) of the trucking company are conducted on a routine basis. Terminals will generally include loading or shipping docks, warehouse space, dispatch offices and may also include administrative offices.

(f) "Washington" shall be used to limit the scope of the term "employees." When used with the term "employees" it will require the following test for benefit purposes (all conditions must be met).

(i) The individual must be hired in Washington or must have been transferred to Washington; and

(ii) The individual must perform some work in Washington (i.e., driving, loading, or unloading trucks).

**AMENDATORY SECTION** (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-45003 SPECIAL CONSTRUCTION INDUSTRY RULE. (1) Construction or erection operations. Each distinct type of construction or erection operation at a job site or location shall be assigned to the basic classification describing that operation provided separate payroll/time records are maintained for each such operation and which show in detail the name, rate of pay, and actual hours worked for each employee.

In the event payroll/time records are not maintained to support separate classification assignments the entire number of work hours in question shall be assigned to the highest rated classification which applies to the job site or location where the operation is being performed. The department may upon request by an employer (contractor) prior to the commencement of a contract authorize the use of a single basic classification to cover an entire project.

Selection of the basic classification will be determined by estimating the work hours for each construction operation at the site or location and calculating the premiums by each applicable classification—total estimated premiums will then be divided by the total estimated hours to produce an average rate. The basic classification assigned to the employer that carries the rate nearest to the estimated average rate will be selected provided that if the estimated average rate is equally between two classifications assigned to the employer the lower of the two rates will be selected.

Separate construction or erection classifications shall not be assigned to any operation which is within the scope of another basic classification assigned to such a job site or location. For example a carpenter employed by a concrete contractor to build foundation forms is to be assigned to a concrete construction classification and not a carpentry classification.

(2) Subcontracted work. The general contractor (~~(or specialist contractor)~~) as defined in RCW 18.27.010, (~~(as the case may be)~~) who subcontracts work out to others must ensure that such subcontractors are properly registered and licensed under chapter 18.27 or 19.28 RCW as applicable to avoid being held liable for industrial insurance premiums for such subcontractors (RCW 51.12.070). At the time of audit or within thirty days thereafter the general contractor or specialist contractor as the case may be who has subcontracted work out to others must provide the department's traveling auditors, agents or assistants a list containing the names of such subcontractors, their contractors registration of license number, the expiration date of such registration or license, and their uniform business identifier or industrial insurance account number. Failure by the general contractor or specialist contractor to provide this record at the time of audit may result in a premium assessment being made for each subcontractor used by the general contractor or specialist contractor.

(3) Debris removal. Work hours related to the removal of construction materials equipment or debris from a job site or location by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction work being supported by such clean up personnel. However, if clean up personnel are involved in general job site or location clean up then risk classification 0510 or 0518 will apply as applicable to the job site or location. Employees of a specialist contractor engaged exclusively in debris removal services shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location serviced.

(4) Scaffolding, hoists, and towers. Work hours related to the installation, maintenance or removal of scaffolding, hod hoists, distributing towers, sidewalk bridges, and elevators by employees of a general contractor or specialist contractor are to be assigned to the construction classification applicable to the phase of construction being supported. However, if the scaffolding, hod hoists, distributing towers, sidewalk bridges and elevators being installed supports several phases of construction then risk classification 0510 or 0518 will apply as applicable to the jobsite or location. Employees of a specialist contractor engaged exclusively in work described in this subsection shall be assigned to risk classification 0510 or 0518 as applicable to the job site or location.

(5) Preoccupancy clean up. Work hours related to preoccupancy clean up by employees of a general contractor or specialist contractor are to be assigned to classification 6602 "Janitors, N.O.C." provided that the term "preoccupancy clean up" for purposes of this rule is limited in scope to dusting, washing windows, vacuuming carpets, mopping floors, and cleaning fixtures. A division of individual work hours between classification 6602 and any construction, erection, or shop classification is not allowed. Employees having duties that fall within a construction classification and who are also engaged in preoccupancy clean up are to be reported in the applicable construction classification.

(6) Shop or yard operations. Construction or erection contractors who maintain a permanent shop or yard operation may report the work hours of such employees in classification 5206, provided that this classification shall not apply to any yard or shop employee during any work shift in which the yard or shop employee has duties subject to another classification or if the classification assigned to the employer requires a separate treatment for shop operations.

**AMENDATORY SECTION** (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-50904 CLASSIFICATION 0206.

Commercial concrete construction such as but not limited to sewage disposal plants, swimming pools, fish hatcheries, water purification plants construction, and similar concrete projects

This classification will be used to report concrete construction projects other than concrete building construction reported in risk classification ~~((6505))~~ 0518; concrete construction done in connection with wood frame building construction reported in risk classification 0102; highway, street, and road construction projects reported in risk classification 0101; and bridge construction projects reported in risk classification 0201.

**AMENDATORY SECTION** (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-519 CLASSIFICATION 0504.

Cleaning, washing, and/or sandblasting buildings, N.O.C. - including shop operations

Painting bridges, including incidental preparation work

Painting, coating or cleaning oil or gas storage tanks and beer vats

Painting, decorating or paperhanging, N.O.C., including incidental preparation, including shop

Painting towers, smokestacks and steel or iron structures

Plastering, stuccoing, and lathing buildings - interior work

Sandblasting, N.O.C., including shop operations

Wallboard taping and texturing, excluding wallboard installation rated under risk classification 0515 (WAC 296-17-52107)

Water proofing, N.O.C., excluding roofing or subaqueous work.

**AMENDATORY SECTION** (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-532 CLASSIFICATION 0901.

Ship building or repair, N.O.C., all types - including dismantling of ship hulls

This classification includes all shop and yard operations

~~((See risk classification 3606 for pleasure craft/recreational boat building)).~~



AMENDATORY SECTION (Amending Order 87-12, filed 5/29/87, effective 7/1/87)

WAC 296-17-57602 CLASSIFICATION 3303.

Meat, fish and poultry dealers, retail

This classification is limited to employers engaged in selling fresh meats, fish and poultry over the counter, by the pound to a retail consumer and who maintain show cases displaying fresh cuts of meat, fish and poultry available for sale by the pound to such consumers

This classification excludes custom meat cutting facilities (~~licensed under chapter 16.49 RCW who are prohibited by law from selling fresh meat, fish and poultry by the pound to a retail customer~~) which are subject to risk classification 4302 (~~(WAC 296-17-631)~~) and wholesale meat dealers subject to risk classification 3304.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-590 CLASSIFICATION 3506.

Crane, hoisting service and rigging contractors. This classification excludes operations incidental to risk classifications 0201 (WAC 296-17-508), 0202 (WAC 296-17-509), (~~0505 (WAC 296-17-520)~~), 0506 (WAC 296-17-52001), 0507 (WAC 296-17-52002), 0508 (WAC 296-17-521), 0509 (WAC 296-17-52101), 0510 (WAC 296-17-52102), 0518 (WAC 296-17-52110), 0604 (WAC 296-17-525), 0701 (WAC 296-17-528) and 5001 (WAC 296-17-659).

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-592 CLASSIFICATION 3508.

Plastic or fiberglass goods manufacturing, N.O.C.

NEW SECTION

WAC 296-17-59202 CLASSIFICATION 3510.

Plastic goods manufacturing: Blow molding, vacuum forming, foam molding, and injection molding.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-631 CLASSIFICATION 4302.

Custom meat cutting facilities (~~as licensed under chapter 16.49 RCW~~) engaged in cutting uninspected or combined uninspected and inspected meats including farm kill operations. For purposes of this rule the terms "uninspected and inspected meats" shall be given the meanings as contained in chapter 16.49 RCW.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-634 CLASSIFICATION 4305.

Garbage, refuse or ashes collecting

Garbage works, landfill, reduction or incineration operations - including cashiers collecting fees from customers and incidental recycle operation conducted in connection with a landfill or garbage works operation

Radioactive waste landfill.

AMENDATORY SECTION (Amending Order 85-33, filed 11/27/85, effective 1/1/86)

WAC 296-17-679 CLASSIFICATION 5306.

Clerical office, sales personnel and white collar employees of county, public utility districts and taxing districts, N.O.C.

Clerical office, sales personnel and white collar employees of Indian tribal councils.

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-870 EVALUATION OF ACTUAL LOSSES. Except as provided in the following subsections of this paragraph, actual

losses shall include all payments as of the "valuation date" for each claim arising from an accident occurring during the experience period. Losses for claims open as of the valuation date may also include a reserve for future payments. Actual losses on claims for accidents occurring outside of the experience period shall not be included.

(1) Valuation date. The valuation date shall be on and include December 31, one year and one day immediately preceding the effective date of premium rates as set forth in WAC 296-17-895. For experience modifications effective January 1, 1990, and thereafter, the valuation date shall be June 1, seven months immediately preceding the effective date of premium rates.

(2) Retroactive adjustments - revision of losses between valuation dates. No claim value shall be revised between valuation dates and no retroactive adjustment of an experience modification shall be made because of disputation concerning the judgment of the claims examiner or because of subsequent developments except as specifically provided in the following cases:

(a) In cases where loss values are included or excluded through mistake other than error of judgment.

(b) In cases where a third party recovery is made.

(c) In cases where the claim qualifies as a second injury claim under the provisions of RCW 51.16.120.

(d) In cases where a claim, which was previously evaluated as a compensable claim, is closed and is determined to be noncompensable (ineligible for benefits other than medical treatment).

(e) In cases where a claim is closed and is determined to be ineligible for any benefits.

In the above specified cases retroactive adjustment of the experience modification shall be made for each rating in which the claim was included. Retroactive adjustments will not be made for rating periods more than ten years prior to the date on which the claim status was changed.

(3) Average death value. Each fatality occurring to a worker included within the mandatory or elective coverage of Title 51 RCW shall be assigned the "average death value," said value to be the average incurred cost for all such fatalities occurring during the experience period. The average death value is set forth in Table II.

(4) Third party recovery. In the event of a third party recovery on a claim, the employer shall be charged for a portion of the actual loss amount, gross of such recovery, established on the claim for each year in which the claim's injury date falls within the experience period (see WAC 296-17-850). This portion shall be calculated at the time the recovery is made, and shall be determined by taking the ratio of the total cost of the claim, including attorneys' fees, after recovery, to the total cost of the claim before recovery. If the claim is open at the time the recovery is made, then costs before and after recovery may include an allowance for future claim payments. Both the primary and excess components of the actual loss amount shall be reduced in the same proportion.

(5) Second injury claims. The primary and excess values of any claim which becomes eligible for second injury relief under the provisions of RCW 51.16.120, as now or hereafter amended, shall be reduced by the percentage of relief granted.

(6) Occupational disease claims. When a claim results from an employee's exposure to an occupational disease hazard, the "date of injury," for the purposes of experience rating, shall be the date on which the disability was diagnosed, giving rise to the filing of a claim for benefits. The cost of any occupational disease claim, paid from the accident fund and medical aid fund and arising from exposure to the disease hazard under two or more employers, shall be prorated to each period of employment involving exposure to the hazard. Each insured employer who had employed the claimant during the experience period, and for at least ten percent of the claimant's exposure to the hazard, shall be charged for his share of the claim based upon the prorated costs.

(7) Maximum claim value. No claim shall enter an employer's experience record at a value greater than the "maximum claim value." The maximum claim value is set forth in Table II.

AMENDATORY SECTION (Amending Order 89-18, filed 11/30/79, effective 1/1/80)

WAC 296-17-87308 EXPERIENCE MODIFICATION. WAC 296-17-873 through (~~296-17-87309~~) 296-17-87308 do not permit the establishment of more than one experience modification on a single risk at the same time.

**AMENDATORY SECTION** (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-885 TABLE III.

Expected Loss Rates and D-Ratios  
Expected Loss Rates in Dollars Per Worker Hour  
for Indicated Fiscal Year

CLASS	1986	1987	1988	D-RATIO	CLASS	1986	1987	1988	D-RATIO
					1507	.2184	.2013	.1785	.478
					1701	1.5226	1.3903	1.2292	.353
					1702	1.5226	1.3903	1.2292	.353
					1703	.4016	.3686	.3258	.420
					1704	.8110	.7437	.6589	.401
					1801	.9320	.8561	.7588	.424
					1802	.4605	.4237	.3758	.452
					2002	.5330	.4904	.4353	.450
					2003	.3475	.3207	.2843	.504
					2004	.6197	.5707	.5043	.475
					2005	.3139	.2894	.2570	.481
					2007	.3098	.2853	.2535	.464
					2008	.2351	.2161	.1915	.436
0101	1.0704	.9817	.8683	.409	2101	.5361	.4940	.4384	.472
0102	1.0477	.9644	.8513	.468	2102	.3475	.3207	.2843	.504
0103	1.3726	1.2600	1.1188	.406	2104	.2930	.2709	.2395	.542
0104	1.1143	1.0164	.9001	.330	2105	.3922	.3610	.3197	.457
0105	((θ)).9767	((θ)).8972	.7955	.422	2106	.3792	.3491	.3100	.452
0106	2.0719	1.9065	1.6985	.432	2201	.2066	.1907	.1689	.511
0107	.9024	.8287	.7329	.429	2202	.4204	.3876	.3443	.481
0108	.8723	.7999	.7056	.418	2203	.2737	.2526	.2231	.506
0109	2.3494	2.1497	1.9037	.372	2401	.4624	.4258	.3767	.473
0201	1.6872	1.5406	1.3643	.345	2903	.5862	.5420	.4789	.540
0202	2.5949	2.3783	2.1253	.339	2904	.7069	.6519	.5813	.475
0206	1.3955	1.2760	1.1291	.367	2905	.4531	.4182	.3703	.513
0301	.5383	.4966	.4391	.500	2906	.4823	.4441	.3926	.475
0302	1.5129	1.3900	1.2240	.449	2907	.4262	.3931	.3475	.500
0306	.7058	.6491	.5741	.452	2908	.7897	.7269	.6431	.462
0307	.6944	.6390	.5658	.456	2909	.5450	.5017	.4442	.464
0401	1.2094	1.1102	((θ)).9822	.445	3101	.5293	.4851	.4297	.393
0402	((θ)).4824	((θ)).4457	((θ)).3955	.406	3102	.3745	.3441	.3049	.433
0403	((θ)).9808	((θ)).9001	.7985	.406	3103	.3745	.3441	.3049	.433
0502	((θ)).9117	.8373	.7387	.437	3104	.4947	.4558	.4064	.457
0503	((θ)).2960	((θ)).2732	((θ)).2422	.450	3105	.8299	.7629	.6736	.451
0504	1.2094	1.1102	.9822	.423	3301	.6583	.6087	.5365	.543
0505	1.2292	1.1288	((θ)).9971	.436	3302	.6583	.6087	.5365	.543
0506	3.0066	2.7636	2.4494	.436	3303	.2224	.2047	.1818	.446
0507	2.7268	2.5097	2.2163	.468	3304	.6583	.6087	.5365	.543
0508	2.9591	2.7054	2.4016	.348	3309	.3122	.2873	.2552	.445
0509	1.8578	1.7004	1.5088	.366	3401	.3344	.3081	.2733	.476
0510	1.1320	1.0416	.9207	.460	3402	.3215	.2971	.2628	.527
0511	1.0032	.9227	.8164	.454	3403	.1206	.1111	.0986	.485
0512	1.3228	1.2172	1.0754	.463	3404	.3612	.3337	.2954	.518
0513	.7048	.6482	.5733	.453	3405	.2059	.1898	.1681	.489
0514	1.1633	1.0683	.9468	.428	3406	.1654	.1528	.1360	.504
0515	1.8952	1.7394	1.5359	.426	3407	.2596	.2386	.2116	.437
0516	1.4878	1.3680	1.2082	.451	3408	.0907	.0836	.0741	.456
0517	1.3810	1.2671	1.1217	.413	3409	.1469	.1354	.1204	.464
0518	1.1378	1.0455	((θ)).9227	.444	3501	.6602	.6067	.5383	.428
0519	1.4509	1.3342	1.1788	.452	3503	.2111	.1948	.1724	.514
0601	.4375	.4028	.3570	.461	3506	.6333	.5813	.5145	.416
0602	.3640	.3351	.2969	.459	3508	.4937	.4563	.4037	.537
0603	.6461	.5939	.5246	.446	3509	.3154	.2925	.2582	.600
0604	1.6417	1.5046	1.3440	.341	3510	.4937	.4563	.4037	.537
0606	.2167	.1999	.1771	.490	3602	.0764	.0707	.0627	.538
0607	.2403	.2214	.1960	.485	3603	.5101	.4706	.4168	.498
0608	.2438	.2249	.1990	.499	3604	1.0656	((θ)).9779	.8672	.408
0701	1.3727	1.2559	1.1090	.385	3605	.3799	.3502	.3100	.485
0803	.3159	.2905	.2575	.443	3606	.6866	.6319	.5614	.447
0804	.5846	.5367	.4754	.421	3701	.2372	.2187	.1939	.483
0901	1.8248	1.6645	1.4738	.333	3702	.3849	.3532	.3132	.410
1002	((θ)).8656	.7992	.7058	.516	3707	.3418	.3155	.2784	.511
1003	.5366	.4940	.4370	.466	3708	.2435	.2246	.1986	.501
1004	.5366	.4940	.4370	.466	3801	.1905	.1756	.1554	.486
1005	3.2974	3.0351	2.6728	.475	3802	.1564	.1446	.1290	.536
1007	.2012	.1855	.1643	.478	3808	.2332	.2155	.1906	.524
1101	.5224	.4825	.4281	.518	3901	.1380	.1272	.1129	.483
1102	1.0482	((θ)).9621	.8505	.425	3902	.4583	.4227	.3742	.495
1103	.3985	.3675	.3250	.493	3903	((θ)).9887	.9101	.8093	.450
1104	.4725	.4353	.3859	.472	3905	.1265	.1172	.1042	.562
1106	.1890	.1747	.1553	.538	3906	.3408	.3139	.2781	.472
1108	.4150	.3828	.3392	.491	3909	.2599	.2397	.2129	.487
1109	.7282	.6712	.5938	.485	4002	.6021	.5543	.4907	.463
1301	.2022	.1859	.1649	.440	4101	.1901	.1754	.1562	.484
1303	.1702	.1563	.1384	.441	4103	.2355	.2173	.1925	.509
1304	.0164	.0152	.0135	.512					
1305	.2814	.2598	.2300	.510					
1401	1.1698	1.0792	((θ)).9670	.461					
1404	.5294	.4879	.4315	.484					
1405	.4731	.4359	.3855	.479					
1501	.3326	.3063	.2712	.470					

CLASS	1986	1987	1988	D-RATIO	CLASS	1986	1987	1988	D-RATIO
4107	.0953	.0878	.0780	.485	6304	.1126	.1038	.0923	.478
4108	.1901	.1754	.1562	.484	6305	.0512	.0473	.0421	.509
4109	.1901	.1754	.1562	.484	6306	.2294	.2112	.1879	.454
4201	.2452	.2257	.1997	.463	6308	.0335	.0308	.0273	.446
4301	.7605	.7009	.6189	.488	6309	.1043	.0964	.0857	.531
4302	.6187	.5693	.5035	.464	6402	.2092	.1928	.1706	.489
4303	.2372	.2187	.1939	.483	6403	.1496	.1384	.1227	.543
4304	.5227	.4824	.4277	.507	6404	.1222	.1129	.1001	.539
4305	((0)).9921	((0)).9120	.8085	.438	6405	.4910	.4524	.4004	.476
4401	.4059	.3751	.3312	.533	6406	.0676	.0625	.0555	.514
4402	.6336	.5840	.5169	.481	6407	.1491	.1377	.1223	.512
4404	.5392	.4978	.4396	.514	6408	.3069	.2820	.2511	.407
4501	.1268	.1164	.1032	.420	6409	.3871	.3564	.3176	.444
4502	.0322	.0297	.0263	.411	6501	.0601	.0557	.0493	.550
4504	.0725	.0671	.0596	.526	6502	.0163	.0151	.0134	.480
4601	.5632	.5176	.4619	.396	6503	.0828	.0755	.0673	.317
4802	.2812	.2593	.2294	.496	6504	.3064	.2837	.2526	.563
4803	.3236	.2989	.2639	.525	6505	.1597	.1475	.1310	.516
4804	.5123	.4728	.4194	.504	6506	.0633	.0584	.0519	.499
4805	.3321	.3061	.2711	.485	6508	.3623	.3342	.2962	.498
4806	.0837	.0771	.0682	.495	6509	.1846	.1703	.1511	.491
4808	.3892	.3582	.3173	.460	6601	.1626	.1500	.1334	.493
4809	.2125	.1963	.1742	.525	6602	.4824	.4457	.3955	.518
4810	.1448	.1337	.1184	.500	6603	.2236	.2062	.1829	.487
4811	.2658	.2446	.2166	.455	6604	.0575	.0528	.0468	.455
4812	.3799	.3504	.3098	.502	6605	.1931	.1782	.1577	.510
4901	.0414	.0382	.0338	.494	6607	.1515	.1402	.1243	.539
4902	.0324	.0298	.0264	.482	6608	.2019	.1857	.1640	.453
4903	.0414	.0382	.0338	.494	6704	.1682	.1551	.1379	.482
4904	.0164	.0152	.0135	.512	6705	.6760	.6250	.5547	.535
4905	.2852	.2639	.2340	.550	6706	.3265	.3011	.2677	.480
4906	.0459	.0423	.0376	.479	6707	1.5956*	1.4781*	1.3124*	.576
4907	.0771	.0711	.0630	.462	6708	4.3646	4.0262	3.6128	.451
4908	.1095	.1010	.0904	.464	6709	.1379	.1277	.1136	.554
4909	.1095	.1010	.0904	.464	6801	.3725	.3412	.3024	.386
4910	.2960	.2732	.2422	.499	6802	.3128	.2881	.2557	.464
5001	3.5218	3.2287	2.8550	.406	6803	1.3764	1.2480	1.1036	.272
5002	.4629	.4275	.3774	.521	6804	.1978	.1816	.1611	.401
5003	1.1451	1.0501	((0)).9292	.406	6809	2.2170	2.0490	1.8297	.520
5004	2.2503	2.0665	1.8243	.436	6901	.0337	.0311	.0285	.682
5101	.5740	.5282	.4672	.459	6902	.4291	.3939	.3484	.428
5102	((0)).6781	((0)).6246	.5526	.472	6903	5.2349	4.7702	4.2438	.287
5103	.6781	.6246	.5526	.472	6904	.1602	.1474	.1308	.446
5106	.5535	.5091	.4527	.432	6905	.2031	.1862	.1655	.386
5108	.6276	.5780	.5118	.471	6906	.0835	.0772	.0705	.682
5109	.4273	.3915	.3470	.385	6907	1.2509	1.1500	1.0158	.450
5201	.2741	.2523	.2238	.462	6908	.3141	.2898	.2562	.504
5204	1.1802	1.0877	((0)).9553	.498	6909	.0541	.0499	.0443	.470
5206	.2850	.2615	.2312	.419	7101	.0235	.0216	.0192	.431
5207	.1515	.1402	.1243	.539	7102	2.9918*	2.7652*	2.4818*	.508
5208	.8187	.7533	.6661	.460	7103	.1717	.1581	.1399	.457
5209	.5020	.4623	.4093	.468	7104	.0395	.0364	.0321	.466
5301	.0209	.0193	.0171	.490	7105	.2809	.2594	.2293	.519
5305	.0262	.0241	.0214	.426	7106	.5610	.5161	.4556	.500
5306	.0299	.0276	.0244	.448	7107	1.2771	1.1776	1.0481	.498
5307	.2928	.2702	.2389	.507	7108	2.1598	1.9890	1.7559	.481
6103	.0362	.0334	.0297	.534	7109	5.4194	4.9873	4.4167	.457
6104	.2820	.2599	.2305	.482	7110	.2809	.2594	.2293	.521
6105	.1388	.1280	.1133	.485	7111	.2809	.2594	.2293	.521
6107	.0928	.0856	.0760	.482	7112	.5609	.5161	.4556	.463
6108	.4737	.4385	.3880	.565	7113	.5609	.5161	.4556	.463
6109	.0322	.0298	.0264	.540	7114	.5609	.5161	.4556	.463
6110	.2619	.2425	.2146	.569	7115	.5609	.5161	.4556	.463
6201	.1258	.1159	.1030	.476	7116	.5609	.5161	.4556	.463
6202	.5459	.5010	.4449	.404	7117	1.2771	1.1776	1.0481	.476
6203	.0780	.0719	.0638	.457	7118	2.1598	1.9890	1.7559	.477
6204	.1349	.1246	.1106	.521	7119	2.1598	1.9890	1.7559	.477
6205	.1349	.1246	.1106	.521	7120	5.4194	4.9873	4.4167	.457
6206	.1349	.1246	.1106	.521	7121	5.4194	4.9873	4.4167	.457
6207	.8171	.7539	.6702	.495	7201	.5870	.5415	.4766	.513
6208	.2100	.1936	.1717	.482	7202	.0296	.0272	.0241	.446
6209	.2029	.1872	.1666	.492	7203	.1084	.0999	.0888	.457
6301	.1011	.0930	.0825	.435	7204	.0000	.0000	.0000	.682
6302	.1418	.1302	.1156	.412	7301	.5554	.5123	.4536	.496
6303	.0532	.0491	.0436	.460	7302	.6295	.5812	.5172	.500

CLASS	1986	1987	1988	D-RATIO	Base Rates Effective January 1, 1990	
					Accident Fund	Medical Aid Fund
7307	1.1401	1.0555	.9371	.563		
7308	.2154	.1985	.1762	.477		
7309	.1379	.1277	.1136	.554		

\*Daily expected loss rate

AMENDATORY SECTION (Amending Order 89-22, filed 12/1/89, effective 1/1/90)

WAC 296-17-895 INDUSTRIAL INSURANCE ACCIDENT FUND BASE RATES AND MEDICAL AID BASE RATES BY CLASS OF INDUSTRY. Industrial insurance accident fund and medical aid fund base rates by class of industry shall be as set forth below.

Class	Base Rates Effective January 1, 1990		Class	Accident Fund	Medical Aid Fund
	Accident Fund	Medical Aid Fund			
0101	1.2222	0.6207	1301	0.2114	0.1467
0102	1.1529	0.6391	1303	0.1782	0.1092
0103	1.3079	0.9728	1304	0.0145	0.0140
0104	1.3381	0.5465	1305	0.2501	0.2113
0105	0.8936	0.6653	1401	0.6842	1.2560
0106	1.8695	1.5910	1404	0.4608	0.3679
0107	1.0469	0.5469	1405	0.4459	0.3241
0108	1.0913	0.4396	1501	0.3059	0.2331
0109	2.7192	1.3186	1507	0.1970	0.1672
0201	1.9953	0.8657	1701	1.8744	0.7117
0202	2.2044	2.1940	1702	1.8744	0.7117
0206	1.6933	0.7296	1703	0.4290	0.2340
0301	0.5045	0.3799	1704	0.8234	0.5071
0302	1.8706	0.7567	1801	0.9655	0.6276
0306	0.7548	0.4520	1802	0.4027	0.3356
0307	0.6983	0.4755	2002	0.4557	0.4026
0403	0.9842	0.6665	2003	0.3053	0.2736
0502	1.1202	0.4946	2004	0.5936	0.4019
0504	1.2989	0.7388	2005	0.2485	0.2555
0506	3.0344	2.0654	2007	0.2506	0.2495
0507	2.7529	1.6845	2008	0.2187	0.1577
0508	3.1977	1.8432	2101	0.4421	0.4184
0509	2.0130	1.1533	2102	0.3053	0.2736
0510	1.1487	0.7237	2104	0.2206	0.2184
0511	1.0313	0.6550	2105	0.3938	0.2723
0512	1.4676	0.8291	2106	0.3166	0.2949
0513	0.6854	0.4539	2201	0.1805	0.1578
0514	1.2017	0.7746	2202	0.3371	0.3425
0515	2.2189	1.0423	2203	0.2528	0.1839
0516	1.6437	0.8907	2401	0.4367	0.3146
0517	1.5523	0.8465	2903	0.5209	0.4355
0518	1.3461	0.6423	2904	0.4963	0.6544
0519	1.6420	0.8924	2905	0.3683	0.3413
0601	0.4442	0.3137	2906	0.4900	0.3164
0602	0.3726	0.2609	2907	0.3939	0.2957
0603	0.6717	0.3846	2908	0.7648	0.5287
0604	1.2664	1.3686	2909	0.4905	0.3789
0606	0.2002	0.1655	3101	0.5539	0.3201
0607	0.2147	0.1698	3102	0.3669	0.2495
0608	0.2342	0.1749	3103	0.3669	0.2495
0701	1.7049	0.6622	3104	0.3991	0.4489
0803	0.2848	0.2240	3105	0.8326	0.4832
0804	0.5882	0.3742	3303	0.1834	0.1699
0901	2.0753	0.8865	3304	0.5999	0.4410
1002	0.8094	0.5984	3309	0.2575	0.2408
1003	0.5306	0.3604	3401	0.3063	0.2532
1004	0.5306	0.3604	3402	0.2883	0.2417
1005	3.3817	1.7917	3403	0.1080	0.0962
1007	0.1959	0.1474	3404	0.3137	0.2770
1101	0.4344	0.4307	3405	0.1876	0.1481
1102	1.1343	0.6137	3406	0.1164	0.1532
1103	0.3711	0.2769	3407	0.2554	0.1832
1104	0.4029	0.3524	3408	0.0888	0.0676
1106	0.1346	0.1708	3409	0.1154	0.1224
1108	0.3739	0.3141	3501	0.5964	0.4696
1109	0.6326	0.5085	3503	0.1683	0.1547
			3506	0.6986	0.3926
			3508	0.4346	0.3791
			3509	0.2862	0.2381
			3510	0.4346	0.3791
			3602	0.0594	0.0639
			3603	0.4602	0.3822
			3604	0.9838	0.7083
			3605	0.3380	0.2729
			3701	0.2121	0.1807
			3702	0.3769	0.2550
			3707	0.3250	0.2282
			3708	0.2160	0.1737
			3801	0.1783	0.1368
			3802	0.1125	0.1494
			3808	0.2045	0.1751

Base Rates Effective  
January 1, 1990

Base Rates Effective  
January 1, 1990

Base Rates Effective January 1, 1990			Base Rates Effective January 1, 1990		
Class	Accident Fund	Medical Aid Fund	Class	Accident Fund	Medical Aid Fund
3901	0.1106	0.1083	6202	0.4829	0.3862
3902	0.4003	0.3342	6203	0.0646	0.0613
3903	0.7843	0.7985	6204	0.1052	0.1133
3905	0.0882	0.1223	6205	0.1052	0.1133
3906	0.3249	0.2451	6206	0.1052	0.1133
3909	0.2004	0.2132	6207	0.6270	0.7017
4002	0.5786	0.4115	6208	0.1726	0.1629
4101	0.1382	0.1690	6209	0.1496	0.1792
4103	0.2298	0.1807	6301	0.1102	0.0717
4107	0.0862	0.0761	6302	0.1234	0.1020
4108	0.1382	0.1690	6303	0.0438	0.0443
4109	0.1382	0.1690	6304	0.0814	0.0941
4201	0.2556	0.1667	6305	0.0340	0.0447
4301	0.7354	0.4891	6306	0.1733	0.1911
4302	0.5859	0.4048	6308	0.0314	0.0223
4304	0.4350	0.4134	6309	0.0750	0.0909
4305	1.0451	0.6882	6402	0.1763	0.1491
4401	0.3784	0.2870	6403	0.1151	0.1269
4402	0.5770	0.4500	6404	0.0894	0.1014
4404	0.5039	0.3671	6405	0.4745	0.3454
4501	0.1210	0.0877	6406	0.0523	0.0579
4502	0.0312	0.0221	6407	0.1051	0.1255
4504	0.0506	0.0664	6408	0.2551	0.2477
4601	0.4303	0.4894	6409	0.3150	0.3364
4802	0.2294	0.1985	6501	0.0492	0.0490
4803	0.1907	0.2251	6502	0.0134	0.0137
4804	0.4266	0.4071	6503	0.0863	0.0543
4805	0.2771	0.2427	6504	0.1988	0.2993
4806	0.0582	0.0581	6505	0.1237	0.1376
4808	0.3406	0.2731	6506	0.0471	0.0551
4809	0.1701	0.1777	6508	0.3163	0.2780
4810	0.1044	0.1089	6509	0.1504	0.1477
4811	0.2027	0.1841	6601	0.1238	0.1369
4812	0.3549	0.2651	6602	0.3818	0.4025
4901	0.0409	0.0312	6603	0.1959	0.1738
4902	0.0290	0.0249	6604	0.0564	0.0394
4903	0.0409	0.0312	6605	0.1945	0.1410
4904	0.0134	0.0140	6607	0.1128	0.1300
4905	0.2132	0.2437	6608	0.2158	0.1242
4906	0.0387	0.0373	6614	127.2820**	148.8180**
4907	0.0664	0.0575	6615	95.0120**	111.0880**
4908	0.0648	0.1138	6616	12.4930**	14.6070**
4909	0.0648	0.1138	6617	9.2660**	10.8340**
4910	0.2404	0.2291	6618	68.7350**	80.3650**
5001	4.1269	1.9893	6704	0.1288	0.1451
5002	0.4747	0.3181	6705	0.4702	0.5796
5003	1.2407	0.6748	6706	0.2826	0.2770
5004	2.1618	1.3200	6707	9.69*	11.66*
5101	0.5408	0.3774	6708	2.6540	3.6860
5103	0.6031	0.4655	6709	0.0916	0.1311
5106	0.4607	0.4385	6801	0.4098	0.2252
5108	0.6117	0.4403	6802	0.2748	0.2381
5109	0.4191	0.2661	6803	1.8750	0.4345
5201	0.2518	0.2040	6804	0.1968	0.1352
5204	1.3680	0.5900	6809	1.4431	2.2613
5206	0.3167	0.1679	6901	—	0.0566
5207	0.1128	0.1300	6902	0.4463	0.2594
5208	0.8342	0.5292	6903	5.7307	3.0914
5209	0.4570	0.3511	6904	0.1658	0.1170
5301	0.0170	0.0181	6905	0.1962	0.1404
5305	0.0226	0.0208	6906	—	0.1404
5306	0.0270	0.0224	6907	1.2887	0.7471
5307	0.2887	0.2099	6908	0.2810	0.2223
6103	0.0270	0.0336	6909	0.0461	0.0441
6104	0.2352	0.2178	7101	0.0248	0.0159
6105	0.1220	0.1014	7102	13.34*	27.76*
6107	0.0794	0.0753	7103	0.1688	0.1181
6108	0.4048	0.3793	7104	0.0162	0.0188
6109	0.0265	0.0262	7105	0.0379	0.0269
6110	0.2190	0.2094	7106	0.1942	0.1470
6201	0.1071	0.1034	7107	0.1942	0.1470

Base Rates Effective  
January 1, 1990

Class	Accident Fund	Medical Aid Fund
7108	0.1926	0.1470
7109	0.2520	0.2019
7110	0.2520	0.2019
7111	0.2611	0.2019
7112	0.5796	0.3398
7113	0.5544	0.3398
7114	0.5544	0.3398
7115	0.5544	0.3398
7116	0.5544	0.3398
7117	0.9528	1.1142
7118	2.1091	1.3442
7119	2.1091	1.3442
7120	4.9234	3.7491
7121	4.9234	3.7491
7201	0.6148	0.3426
7202	0.0267	0.0220
7203	0.0823	0.0909
7204		
7301	0.4707	0.4096
7302	0.4842	0.5661
7307	0.7184	1.0230
7308	0.1702	0.1699
7309	0.0916	0.1311

\*Daily rate. The daily rate shall be paid in full on any person for any calendar day in which any duties are performed that are incidental to the profession of the worker.

\*\*These rates are calculated on a per license basis for parimutuel race tracks and are base rated.

**WSR 90-08-093**

**PROPOSED RULES**

**DEPARTMENT OF LABOR AND INDUSTRIES**

[Filed April 4, 1990, 1:36 p.m.]

Continuance of WSR 90-07-078.

Title of Rule: Agricultural labor, chapter 296-131 WAC.

Purpose: Implementing RCW 49.30.030.

Statutory Authority for Adoption: RCW 49.30.030.

Statute Being Implemented: RCW 49.30.030.

Summary: The proposed rules establish requirements for rest and meal periods for agricultural employees. The proposed rules also establish limitations on the employment of minors in agriculture.

Reasons Supporting Proposal: The proposed rules are based on recommendations of an advisory committee on agricultural labor established by RCW 49.30.030.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Mark M. McDermott, 406 Legion Way, Olympia, (206) 753-3487.

Name of Proponent: Department of Labor and Industries, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See WSR 90-07-078.

Proposal Changes the Following Existing Rules: WAC 296-131-001 is amended to limit the applicability of some rules in this chapter, Agricultural labor.

Small Business Economic Impact Statement: See WSR 90-07-078.

Hearing Location: Additional hearing at Clark College, Hanna Hall, Room 119, Vancouver, Washington, on May 9, 1990, at 3:00 p.m.

Submit Written Comments to: Mark M. McDermott, 406 Legion Way, HC-710, Olympia, WA 98501, by May 15, 1990.

Date of Intended Adoption: May 31, 1990.

April 4, 1990

Dorette M. Markham  
for Joseph A. Dear  
Director

**WSR 90-08-094**

**PROPOSED RULES**

**BOARD OF**

**PILOTAGE COMMISSIONERS**

[Filed April 4, 1990, 2:13 p.m.]

Continuance of WSR 89-23-090.

Title of Rule: Physical requirements.

Purpose: To incorporate more definitive physical standards into the regulation.

Other Identifying Information: In order to meet procedural requirements, the board will readopt the revised language as adopted at its regularly scheduled February board meeting.

Statutory Authority for Adoption: RCW 88.16.090(6).

Statute Being Implemented: RCW 88.16.090(6).

Summary: The proposed additions to the regulation provide a more definitive framework for both the board and examining physician in making the determination of one's physical ability to carry out the duties of a state licensed vessel pilot.

Reasons Supporting Proposal: Will help insure that all candidates/pilots are fully capable of carrying out the duties of a pilot.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Board of Pilotage Commissioners, Pier 52, 464-7818.

Name of Proponent: Washington State Board of Pilotage Commissioners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule is intended to provide a more definitive framework to both the board and examining physician when a candidate/pilot undergoes the initial physical exam or the annual physical exam required for relicensure.

Proposal Changes the Following Existing Rules: The process is similar, the proposed changes augment the present physical standards.

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

Hearing Location: Conference Room, Pier 52, Colman Dock, Seattle, Washington, on June 14, 1990, at 9:00 a.m.

Submit Written Comments to: Admiral Chet Richmond, by June 1, 1990.

Date of Intended Adoption: June 14, 1990.

April 4, 1990  
Marjorie Smitch  
Assistant Attorney General

**WSR 90-08-095**  
**PERMANENT RULES**  
**BOARD OF**  
**PILOTAGE COMMISSIONERS**  
[Filed April 4, 1990, 2:14 p.m.]

Date of Adoption: March 8, 1990.

Purpose: To amend the pilotage tariff for the Puget Sound pilotage district.

Citation of Existing Rules Affected by this Order: Amending WAC 296-116-300.

Statutory Authority for Adoption: RCW 88.16.035.

Pursuant to notice filed as WSR 90-03-097 on January 24, 1990.

Changes Other than Editing from Proposed to Adopted Version: Proposed version called for a 10 percent increase in tariff rate. Adopted version is for a 5.04 percent increase.

Effective Date of Rule: Thirty days after filing.

April 4, 1990  
Marjorie Smitch  
Assistant Attorney General

**AMENDATORY SECTION (Amending Order 89-2, Resolution No. 89-2, filed 3/31/89)**

WAC 296-116-300 PILOTAGE RATES FOR THE PUGET SOUND PILOTAGE DISTRICT. These rates shall become effective on May 1, 1989.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee:	(( <del>\$ 25.00</del> )) <u>\$ 26.00</u>
Per each boarding/deboarding at the Port Angeles pilot station.	
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge:	Double LOA Zone
LOA of tug + LOA of tow + beam of tow	
Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	
Waterway and bridge charges:	
Ships up to 90' beam:	
A charge of \$(( <del>134.00</del> )) <u>141.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of	

CLASSIFICATION	RATE
Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of \$(( <del>64.00</del> )) <u>67.00</u> per bridge.	
Ships 90' beam and/or over:	
A charge of \$(( <del>181.00</del> )) <u>190.00</u> shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of \$(( <del>127.00</del> )) <u>133.00</u> per bridge.	
(The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	
Two or <u>three</u> pilots required:	
In a case where two or <u>three</u> pilots are employed for a single vessel waterway or bridge transit, (( <del>a</del> )) the second and/or <u>third</u> pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.	
Compass adjustment	(( <del>\$180.00</del> )) <u>\$189.00</u>
Radio direction finder calibration	(( <del>\$180.00</del> )) <u>\$189.00</u>
Launching vessels	(( <del>\$271.00</del> )) <u>\$285.00</u>
Trial trips, 6 hours or less (Minimum \$(( <del>511.00</del> )) <u>534.00</u> )	(( <del>\$ 85.00</del> )) <u>\$ 89.00</u> per hr.
Trial trips, over 6 hours (two pilots)	(( <del>\$170.00</del> )) <u>\$178.00</u> per hr.
Shilshole Bay - Salmon Bay	(( <del>\$106.00</del> )) <u>\$111.00</u>
Salmon Bay - Lake Union	(( <del>\$ 83.00</del> )) <u>\$ 87.00</u>
Lake Union - Lake Washington (plus LOA zone from Webster Point)	(( <del>\$106.00</del> )) <u>\$111.00</u>
Cancellation charge	LOA Zone I
Cancellation charge - Port Angeles (when pilot is ordered and vessel proceeds without stopping for pilot.)	LOA Zone I
Docking delay after anchoring:	(( <del>\$ 85.00</del> )) <u>\$ 89.00</u> per hr.
Applicable harbor shift rate to apply, plus \$(( <del>85.00</del> )) <u>89.00</u> per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(( <del>85.00</del> )) <u>89.00</u> for every hour or fraction thereof.	
Sailing delay:	(( <del>\$ 85.00</del> )) <u>\$ 89.00</u> per hour
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is \$(( <del>85.00</del> )) <u>89.00</u> for every hour or fraction thereof.	
Slowdown:	(( <del>\$ 85.00</del> )) <u>\$ 89.00</u> per hour
When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of \$(( <del>85.00</del> )) <u>89.00</u> per	

CLASSIFICATION

RATE

hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.

Super ships:

20,000 to 50,000 gross tons:  
Additional charge to LOA zone mileage of ~~\$(0.0449)~~ 0.0472 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons.

50,000 gross tons and up:

In excess of 50,000 gross tons, the charge shall be ~~\$(0.0538)~~ 0.0565 per gross ton.

For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.

Delayed arrival-Port Angeles:

~~(\$ 85.00)~~  
\$ 89.00  
per hour

When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ~~\$(85.00)~~ 89.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.

Transportation to vessels on Puget Sound:

March Point or Anacortes	\$ 112.00
Bangor	65.00
Bellingham	124.00
Bremerton	34.00
Cherry Point	146.00
Dupont	65.00
Edmonds	23.00
Everett	42.00
Ferndale	134.00
Manchester	51.00
Mukilteo	41.00
Olympia	84.00
Point Wells	23.00
Port Gamble	60.00
Port Townsend (Indian Island)	85.00
Semiahmoo (Blaine)	153.00
Tacoma	43.00
Tacoma Smelter	49.00
Winslow	34.00

- (a) Interport shifts: Transportation paid to and from both points.
- (b) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.
- (c) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.
- (d) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.60 per mile.

Delinquent payment charge: 1 1/2% per month after 45 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

CLASSIFICATION

RATE

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I Intra Harbor	II 0-30 Miles	III 31-50 Miles	IV 51-75 Miles	V 76-100 Miles	VI 101 Miles & Over
(Up to 449	127	198	344	515	695	904
450-459	129	203	347	523	705	907
460-469	133	206	350	531	716	911
470-479	138	210	355	543	719	914
480-489	141	215	357	552	724	917
490-499	144	217	361	562	731	922
500-509	150	221	367	570	737	928
510-519	152	226	371	577	744	931
520-529	154	234	377	580	751	940
530-539	160	237	382	586	763	949
540-549	163	241	389	593	776	958
550-559	166	248	392	602	782	967
560-569	172	258	400	607	790	977
570-579	175	262	404	609	797	983
580-589	183	266	411	614	803	994
590-599	191	271	414	618	814	1004
600-609	198	279	420	620	823	1010
610-619	209	282	427	624	832	1019
620-629	218	286	433	628	841	1030
630-639	229	292	437	630	848	1041
640-649	239	298	442	633	858	1048
650-659	254	304	449	638	867	1058
660-669	262	307	454	641	876	1066
670-679	269	314	459	652	886	1073
680-689	274	321	465	659	894	1083
690-699	282	326	470	671	904	1105
700-719	295	336	480	678	920	1119
720-739	312	347	491	687	940	1137
740-759	326	361	502	695	958	1157
760-779	339	376	513	705	977	1174
780-799	355	390	523	716	994	1194
800-819	369	404	533	721	1010	1211
820-839	382	417	545	731	1030	1226
840-859	399	434	556	739	1048	1247
860-879	412	449	567	760	1066	1264
880-899	427	464	577	777	1083	1283
900-919	440	477	587	795	1105	1301
920-939	455	491	602	814	1119	1319
940-959	470	505	610	832	1137	1336
960-979	483	520	622	848	1157	1355
980-999	500	533	631	867	1174	1372
1000 & over	513	551	643	886	1194	1391
Up to 449	133	208	361	541	730	950
450-459	136	213	364	549	741	953
460-469	140	216	368	558	752	957
470-479	145	221	373	570	755	960
480-489	148	226	375	580	760	963
490-499	151	228	379	590	768	968
500-509	158	232	386	599	774	975
510-519	160	237	390	606	782	978
520-529	162	246	396	609	789	987
530-539	168	249	401	616	801	997
540-549	171	253	409	623	815	1006
550-559	174	261	412	632	821	1016
560-569	181	271	420	638	830	1026
570-579	184	275	424	640	837	1033
580-589	192	279	432	645	843	1044
590-599	201	285	435	649	855	1055
600-609	208	293	441	651	864	1061
610-619	220	296	449	655	874	1070
620-629	229	300	455	660	883	1082



LOA	ZONE	ZONE	ZONE	ZONE	ZONE	ZONE
	I	II	III	IV	V	VI
	Intra Harbor	0-30 Miles	31-50 Miles	51-75 Miles	76-100 Miles	101 Miles & Over
630 - 639	241	307	459	662	891	1093
640 - 649	251	313	464	665	901	1101
650 - 659	267	319	472	670	911	1111
660 - 669	275	322	477	673	920	1120
670 - 679	283	330	482	685	931	1127
680 - 689	288	337	488	692	939	1138
690 - 699	296	342	494	705	950	1161
700 - 719	310	353	504	712	966	1175
720 - 739	328	364	516	722	987	1194
740 - 759	342	379	527	730	1006	1215
760 - 779	356	395	539	741	1026	1233
780 - 799	373	410	549	752	1044	1254
800 - 819	388	424	560	757	1061	1272
820 - 839	401	438	572	768	1082	1288
840 - 859	419	456	584	776	1101	1310
860 - 879	433	472	596	798	1120	1328
880 - 899	449	487	606	816	1138	1348
900 - 919	462	501	617	835	1161	1367
920 - 939	478	516	632	855	1175	1385
940 - 959	494	530	641	874	1194	1403
960 - 979	507	546	653	891	1215	1423
980 - 999	525	560	663	911	1233	1441
1000 & over	539	579	675	931	1254	1461

**WSR 90-08-096****WITHDRAWAL OF PROPOSED RULES  
BOARD OF TAX APPEALS**

[Filed April 4, 1990, 2:34 p.m.]

The proposed amendments to the following rules are withdrawn: WAC 456-09-320 published in WSR 90-08-007; and WAC 456-10-320 published in WSR 90-08-006.

New proposed amendments to such rules will [be] filed for hearing on May 11, 1990.

David Akana  
Executive Director

**WSR 90-08-097****PROPOSED RULES  
BOARD OF TAX APPEALS**

[Filed April 4, 1990, 2:39 p.m.]

**Original Notice.**

Title of Rule: Formal hearings—Practice and procedure.

Purpose: Amending WAC 456-09-320 to clarify filing and service procedures. This notice supplants only that portion of the notice published in WSR 90-08-007 for proposed amendments to WAC 456-09-320, which proposal was withdrawn.

Statutory Authority for Adoption: RCW 82.03.170.

Statute Being Implemented: RCW 82.03.140 and 82.03.160.

Summary: The rule sets forth the administrative procedures for filing appeals at the board in formal hearings.

Reasons Supporting Proposal: The amendments clarify the existing rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, 910 5th Avenue S.E., Olympia, WA 98504, (206) 753-5446.

Name of Proponent: Board of Tax Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes to WAC 456-09-320 is to clarify filing and service requirements.

Proposal Changes the Following Existing Rules: The amendment clarifies filing and service requirements.

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

The Board of Tax Appeals has reviewed WAC 456-09-320 to determine the economic impact on small business. The rule is procedural and would have no impact.

Hearing Location: Hearing Room, Board of Tax Appeals, 910 5th Avenue S.E., Olympia, WA 98504, on May 11, 1990, at 10:00 a.m.

Submit Written Comments to: David Akana, Board of Tax Appeals, 910 5th Avenue S.E., Mailstop EW-12, Olympia, WA 98504, by May 4, 1990.

Date of Intended Adoption: May 11, 1990.

April 4, 1990

David Akana

Executive Director

**AMENDATORY SECTION** [(Amending Order 89-02, filed 5/2/89)]

WAC 456-09-320 NOTICE OF APPEAL—SERVICE AND FILING. (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. ~~((and a))~~ A certificate of service shall be filed with the board pursuant to WAC 456-09-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall ~~((retain the other for its files))~~ transmit one copy to the clerk of the board of equalization.

(d) Appeals not ~~((properly or))~~ timely filed as provided by statute and ((m)) this ((section)) regulation shall be ((continued or)) dismissed. Appeals not properly filed may be dismissed if the appealing party fails to substantially comply with this regulation.

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

**WSR 90-08-098****PROPOSED RULES  
BOARD OF TAX APPEALS**

[Filed April 4, 1990, 2:42 p.m.]

**Original Notice.**

Title of Rule: Informal hearings—Practice and procedure.

Purpose: Amend WAC 456-10-320 to clarify filing and service procedures. This notice supplants only that portion of the notice published in WSR 90-08-006 for proposed amendments to WAC 456-10-320, which proposal was withdrawn.

Statutory Authority for Adoption: RCW 82.03.170.

Statute Being Implemented: RCW 82.03.140 and 82.03.150.

Summary: The rule sets forth the administrative procedures for filing appeals at the board in informal hearings.

Reasons Supporting Proposal: The amendments clarify the existing rule.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: David Akana, 910 5th Avenue S.E., Olympia, WA 98504, (206) 753-5446.

Name of Proponent: Board of Tax Appeals, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the proposed changes to WAC 456-10-320 is to clarify filing and service requirements.

Proposal Changes the Following Existing Rules: The amendment clarifies filing and service requirements.

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

The Board of Tax Appeals has reviewed the proposed amendments to chapter 456-10 WAC to determine the impact on small business. The rules are procedural and would have no impact.

Hearing Location: Hearing Room, Board of Tax Appeals, 910 5th Avenue S.E., Olympia, WA 98504, on May 11, 1990, at 10:00 a.m.

Submit Written Comments to: David Akana, Board of Tax Appeals, 910 5th Avenue S.E., Mailstop EW-12, Olympia, WA 98504, by May 4, 1990.

Date of Intended Adoption: May 11, 1990.

April 4, 1990

David Akana

Executive Director

**AMENDATORY SECTION** [(Amending Order 89-03, filed 5/2/89)]

WAC 456-10-320 NOTICE OF APPEAL—SERVICE AND FILING. (1) Except as provided in subsection (2) of this section, notice of appeal shall be filed with the board and a copy served upon all other parties in accordance with the provisions of this chapter. ~~((and a))~~ A certificate of service shall be filed with the board pursuant to WAC 456-10-440.

(2)(a) Notice of an appeal authorized under RCW 82.03.130(2) (appeal from action of the board of equalization) shall be filed in duplicate with the appropriate county auditor within thirty days after the mailing of the board of equalization's decision; and the appellant shall serve a copy of the notice on all other named parties.

(b) In King County, notice of appeal shall be filed in duplicate with the clerk of the county council.

(c) The county auditor or clerk shall transmit one copy of the notice of appeal to the board and shall ~~((retain the other for its files))~~ transmit one copy to the clerk of the board of equalization.

(d) Appeals not ~~((properly or))~~ timely filed as provided by statute and ((im)) this ((section)) regulation shall be ((continued or)) dismissed. Appeals not properly filed may be dismissed if the appealing party fails to substantially comply with this regulation.

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

**WSR 90-08-099**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed April 4, 1990, 2:46 p.m.]

Original Notice.

Title of Rule: Hospital licensing rules, chapter 248-18 WAC.

Purpose: Technical corrections and editing of rules implementing hospital licensing, chapter 70.41 RCW.

Statutory Authority for Adoption: Chapter 70.41 RCW.

Statute Being Implemented: Chapter 70.41 RCW.

Summary: Over the past year, several cited sections of hospital rules were repealed or revised. Technical/editing corrections required for accuracy in implementation.

Reasons Supporting Proposal: Errors in chapter 248-18 WAC require correction.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ken Lewis, Olympia, 753-5851.

Name of Proponent: Facility Licensing and Certification Division, Health Facilities Survey Section, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No fiscal impact, technical/editing revision only.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 248-18 WAC implements hospital licensing chapter 70.41 RCW. Over the past year, several sections were amended or repealed. Cites in various sections now inaccurate due to amendments or repeals. In addition, references to department require correction from Department of Social and Health Services to Department of Health.

Proposal does not change existing rules.

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

No substantive revision proposed.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 14, 1990, at 9:30 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince, Olympia, WA 98504, by May 13, 1990.

Date of Intended Adoption: May 21, 1990.

April 3, 1990

Pam Campbell Mead  
for Kristine M. Gebbie  
Secretary

**AMENDATORY SECTION** (Amending Order 2348, filed 3/20/86)

WAC 248-18-010 EXEMPTIONS AND INTERPRETATIONS. (1) If a hospital that is required to be licensed under this act does not normally provide a particular service or department, the section or sections of these regulations relating to such service or department will not be applicable.

(2) The department may, in its discretion, exempt certain hospitals from complying with parts of these regulations when it has been found after thorough investigation and consideration that such exemption may be made in an individual case without placing the safety or health of the patients in the hospitals involved in jeopardy.

(3) The secretary of the department (~~(of social and health services)~~) or his or her designee may, upon written application of a hospital, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated to his or her satisfaction to be at least equivalent to those prescribed. The secretary or his or her designee shall send a written response to a hospital which has applied for approval of a substitution. The response shall approve or disapprove the substitution and shall be issued within thirty working days after the department has received all the information necessary to the review of the application.

(4) A hospital may, upon submission of a written request to the secretary of the department (~~(of social and health services)~~) or his or her designee, obtain an interpretation of a rule or regulation contained in chapter 248-18 WAC. The secretary or his or her designee shall, in response to such a request, send a written interpretation of the rule or regulation within thirty working days after the department has received complete information relevant to the requested interpretation.

(5) A copy of each exemption or substitution granted or interpretation issued pursuant to the provisions of this section shall be reduced to writing and filed with the department and the hospital.

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

WAC 248-18-018 HOSPITAL LICENSE TO COVER ATTACHED NURSING HOME BUILDING—WHEN PERMISSIBLE. A building meeting the requirements of chapter 248-14 WAC and which has been approved by the department of social and health services as a nursing home may be licensed as a part of a hospital by means of a hospital license rider provided:

(1) The hospital makes application for license of the nursing home facility as a part of the hospital;

(2) The hospital and nursing home facility organization, administration and operation are integrated;

(3) The nursing home facility is connected to the hospital by an enclosed, heated passageway which has been approved by the department for the transport of patients, equipment and supplies; and

(4) The hospital establishes and maintains a mechanism whereby placement and retention of patients in the nursing home facility are reviewed by a professional group representative of the hospital's administrative, medical and nursing staffs to assure that use of the nursing home facility is limited to patients who require nonacute, convalescent or chronic care only.

And further provided that where requirements of chapter 248-14 WAC affecting only the maintenance and operation of the nursing home facility are in conflict with chapter 248-18 WAC, then such conflicts may be resolved by each hospital individually: PROVIDED, That maintenance and operation of the facility meet either chapter 248-14 WAC or chapter 248-18 WAC.

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

WAC 248-18-020 APPROVAL OF PLANS. (1) Plans and specifications for new construction other than minor alterations, shall be prepared by or under the direction of an architect duly registered in the state of Washington. It is strongly recommended that a narrative description of any proposed construction or alterations be submitted to the department prior to the preparation of any preliminary drawings.

(2) All new construction, other than minor alterations, shall be done in accordance with at least the specific minimum requirements of the (~~(board)~~) department covering new construction in hospitals, including submission of preliminary plans and the submission and approval of final working drawings and specifications.

(3) Compliance with these standards and regulations does not relieve the hospital of the need to comply with applicable state and local building and zoning codes.

#### AMENDATORY SECTION (Amending Order 010, filed 11/1/89, effective 12/2/89)

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)~~) newborn screening test was obtained and forwarded, as required under RCW 70.83.020 and chapter (~~(248-102)~~) 248-103 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)~~) labor, delivery, recovery and (~~(LDRP)~~) labor, delivery, recovery, post partum 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).

#### AMENDATORY SECTION (Amending Order 2348, filed 3/20/86)

WAC 248-18-245 CARE OF TUBERCULOSIS PATIENTS.  
 (1) Any hospital which provides inpatient services to both tuberculous and nontuberculous patients shall provide:

- (a) Designated patient rooms for patients with suspected or known infectious tuberculosis.
  - (i) Any patient room used for the care of a patient with suspected or known infectious tuberculosis shall be a private or semiprivate room providing respiratory isolation and a handwashing facility and shall have a separate adjoining toilet. Only a patient with tuberculosis may share a room with a patient with infectious tuberculosis.
  - (ii) Ventilation: A negative pressure condition shall be maintained in the patient rooms relative to adjacent spaces, except bath and toilet areas. No air shall move out of the patient room space except to be discharged to the outdoor atmosphere. The discharge of air shall be at least twenty-five feet from any air intake or occupied space. Ventilation shall be at the rate of six air changes per hour, exhaust. Make-up or supply air may come from adjacent ventilated spaces with a minimum of two air changes being tempered outside air.
  - (iii) Ultraviolet generator irradiation: The ceiling and upper air space of patients' rooms shall be irradiated with ultraviolet fluorescent fixtures, with lamps emitting wave lengths of 253.7 nanometers. An average density of radiant flux shall be maintained at approximately twenty to twenty-five microwatts per square centimeter as registered on an ultraviolet meter at the ceiling. The average reflected irradiance shall be approximately 0.1 microwatts per square centimeter in the room at the five foot level.
- Fixture installation shall conform to the recommendations of the Illuminating Engineering Society Handbook, 5th edition, section 25, "Ultraviolet Energy." A maintenance program shall be established to include cleaning of the ultraviolet fixtures and lamps at least once per month with alcohol.
- (b) Clinical laboratory services including slide microscopy shall be available in the facility or through the state laboratory.
- (c) Complete diagnostic x-ray service including laminography.
- (d) Respiratory therapy services, including therapy related to positive pressure breathing, humidification, and nebulization.
- (2) There shall be written policies and procedures pertinent to care of patients with tuberculosis.
  - (a) These shall be developed by representatives of administrative, medical, and nursing staffs.
  - (b) The policies and procedures shall be applicable within the hospital, designed to ensure safe and adequate care to patients, and consistent with applicable laws and regulations.
  - (c) Policies shall be made known and readily available to medical and nursing staffs, shall be followed in the care of patients, and shall be kept current by periodic review and revision.
- (3) There shall be an infection control committee whose activities related to tuberculosis shall include:
  - (a) Review and approval of infection control policies for nursing, laboratory services, and respiratory therapy services.
  - (b) Consultation for nurses and other personnel on problems associated with isolation of tuberculosis.
  - (c) Surveillance of the skin testing and chest x-ray program for employees.
  - (4) There shall be a planned education program provided for personnel having responsibility for services to the tuberculosis patient. The educational program shall give each employee the opportunity to develop understanding of the:
    - (a) Nature and transmission of tuberculosis.
    - (b) Methods of control of tuberculosis.
    - (c) Treatment of tuberculosis.

(d) Psychological aspects of isolation.

(e) Community health aspects of tuberculosis.

A record shall be maintained of the education provided for the employee, which shall be sufficient to allow determination of whether or not the employee has received the education necessary to do an effective job in care of tuberculosis patients.

(5) There shall be a planned program of patient education to teach the patient about tuberculosis and how it is treated. The teaching program shall be directed towards helping the patient gain an understanding of:

(a) The nature and transmission of tuberculosis.

(b) How tuberculosis affects the patient's body.

(c) The treatment of tuberculosis, including the importance of regular intake of medications.

(d) The importance of regular follow-up after discharge from hospital. Entries in the patient's clinical record shall provide current information on the instruction which the patient has received and his or her progress in learning about his or her disease.

(6) There shall be regular case conferences involving the tuberculosis patient's physician, a pulmonary disease consultant, a registered nurse, and the health officer or his or her designee of the patient's county of residence to: Assure accurate diagnosis, effective treatment regimen, and discharge at earliest date consistent with good management and safety from transmission. A discharge conference shall include a representative of the facility to which a patient is being transferred or the health department of the patient's county of residence.

(7) There shall be planning for discharge and continued care of each tuberculosis patient in accordance with the patient's needs and resources. This shall include:

(a) Exchange of information with appropriate staff of another health care facility to which transfer of a patient is pending to ascertain that the other facility can receive and care for the patient.

(b) Transfer of written current medical information, which includes a medical history and physical examination, medical diagnosis, summary of the patient's course of treatment followed in the hospital, nursing and dietary information useful in the care of the patient, and pertinent social information.

(c) Transfer of written information as outlined in subsection (7)(b) of this section to the health department of the patient's county of residence when a patient is discharged to home care.

(d) Notification of the health department of the patient's county of residence at any time a patient is discharged.

(8) No hospital may provide inpatient services to tuberculous patients except upon the written finding of the department (~~(of social and health services)~~), based upon an inspection performed pursuant to RCW 70.41.120, that such hospital is in compliance with this section.

#### AMENDATORY SECTION (Amending Order 209, filed 2/18/81)

WAC 248-18-510 PROGRAMS, DRAWINGS AND CONSTRUCTION. (1) Professional design services. Drawings and specifications for new construction shall be prepared by, or under the direction of, an architect registered in the state of Washington, and shall include plans and specifications prepared by consulting professional engineers for the various branches of the work where appropriate; except the services of a registered professional engineer may be used in lieu of the services of an architect if work involves engineering only. If the work involved is believed to be not extensive enough to require professional design services, a written description of the proposed construction should be submitted to the department for a determination of the applicability of this regulation.

(2) Submission for review. The program and drawings for new construction shall be submitted in the following stages for review. Each room, area and item of fixed equipment and major movable equipment shall be identified on all drawings to demonstrate that the required facilities for each function have been provided.

(a) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used which will affect the extent of facilities required by these regulations. If the project involves an addition or alteration which materially increases the bed capacity of the hospital, the program shall contain a thorough appraisal of all existing supporting services to determine their adequacy for the increased number of patients.

(b) Preliminary drawings of the new construction including major equipment. For alterations and additions, a functional layout of the existing building must be included. The hospital should be designed so that it may be expanded to provide for anticipated future needs. The

future additions and their proposed functions should be designated on the preliminary plans.

(c) Detailed working drawings and specifications including mechanical and electrical work.

(d) If carpets are to be used, the following information is to be submitted for review:

(i) A floor plan showing areas to be carpeted and adjoining areas. These areas shall be labeled, according to function, and the proposed carpeted areas coded on the plan and keyed to the appropriate carpet sample.

(ii) One 3" x 5" sample of each carpet type, labeled to identify the following:

(A) Manufacturer; and

(B) Specific company designation (trade name and number).

(iii) Information showing that proposed carpeting meets the specifications as listed in WAC ((~~248-18-718(5)~~) 248-18-719(5)).

(iv) Carpets may be used in the following nonpatient occupied areas: administrative areas, lobbies, lounges, chapels, waiting areas, nurses' station, dining rooms, corridors, equipment alcoves opening onto carpeted corridors. Carpets are not permitted in any areas of the surgery or delivery suites. Carpets may be used in other areas only upon written approval of such use by the department.

(v) Carpets may be used in the following patient occupied areas: Patient rooms (excluding toilets, bathrooms, and designated isolation rooms), coronary care units, recovery rooms (not within surgical suites), labor rooms (not within delivery suites), corridors within patient occupied areas, dayrooms, equipment alcoves opening onto carpeted corridors. Carpets may be used in other areas only upon written approval of such use by the department.

(3) Construction.

(a) Construction, of other than minor alterations, shall not be commenced until the final drawings and specifications have been stamped "construction authorized" by the department. Such authorization by the department does not constitute release from the requirements contained in these regulations.

(b) Compliance with these regulations does not constitute release from the requirements of applicable state and local codes and ordinances. These regulations must be followed where they exceed other codes and ordinances.

(c) Notification shall be given the department when construction is commenced. If construction takes place in or near occupied areas, adequate provision shall be made for the safety and comfort of patients.

(d) Construction shall be completed in compliance with the final drawings and specifications. Addenda or modifications which might affect the fire safety or functional operation shall be submitted for review by the department.

(4) Department's reports on reviews or on-site construction inspections. The department shall identify the sections and items of chapter 248-18 WAC under which a requirement is stated or a deficiency noted in any written report on a review of a functional program, drawings or specifications and in any report on an on-site inspection of a construction project.

#### AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-520 SITE AND SITE DEVELOPMENT. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) LOCATION.<sup>2, 3</sup>

(a) SERVED BY AT LEAST ONE STREET, USABLE UNDER ALL WEATHER CONDITIONS.

(b) REMOTE FROM INSECT BREEDING AREAS AND FREE FROM OBJECTIONABLE NOISE, SMOKE, DUST, AND ODORS.

(c) SERVED BY ADEQUATE UTILITIES.<sup>2</sup>

(d) ON HIGH GROUND PROVIDING NATURAL DRAINAGE OR SERVED BY ADEQUATE STORM SEWERS.

(e) SERVED BY ADEQUATE ORGANIZED FIRE FIGHTING AND POLICE SERVICES.

Sufficiently close to center of community served.

(2) SIZE.

(a) ADEQUATE FOR HOSPITAL PLANNED AND NECESSARY SERVICE ROADS AND PARKING.

(b) SUFFICIENT TO PROVIDE PRIVACY FOR PATIENTS and attractive grounds.

Sufficient for one hundred percent expansion in building area.

Four acres for twenty-five beds, six acres for fifty beds, nine acres for one hundred beds, sixteen acres for two hundred beds are recommended.

(c) SUFFICIENT FOR PRIVATE SEWAGE DISPOSAL IF THERE IS NO PUBLIC SEWER SYSTEM.

(3) PARKING AREA.

(a) LOCATED FOR CONVENIENCE AND TO AVOID UN-DUE DISTURBANCE TO PATIENTS.

(b) ADEQUATE NUMBER OF PARKING SPACES.

One parking space per bed plus one space per employee for the day shift recommended.

(c) ADEQUATE DRAINAGE.

(d) SURFACE TREATED TO MINIMIZE DUST.

Illuminated at night.

(4) DRIVES AND WALKS.

(a) ADEQUATE FOR MOVEMENT OF PATIENTS, VISITORS, STAFF AND SERVICE VEHICLES.

(b) CONSTRUCTED FOR USE UNDER ALL WEATHER CONDITIONS.

(c) LOCATED TO PREVENT CONFLICTING TRAFFIC.

(d) LOCATED FOR A MINIMUM OF DISTURBANCE TO PATIENTS.

(e) SURFACE TREATED TO MINIMIZE DUST.

Illuminated at night.

(5) ENTRANCES.

(a) LOCATED FOR A MINIMUM OF DISTURBANCE TO PATIENTS.

(b) ENTRANCES REQUIRED FOR MOVEMENT OF PATIENTS IN WHEELCHAIRS OR ON STRETCHERS TO BE DESIGNED WITHOUT STAIRS. RAMPS PERMISSIBLE WITH SLOPE NOT EXCEEDING ONE IN TEN. A slope not exceeding one in twenty recommended. AT LEAST ONE ENTRANCE TO THE HOSPITAL TO BE SO DESIGNED.

(i) PATIENTS' AND VISITORS' ENTRANCE.

ADJACENT TO LOBBY.

(ii) Emergency patients' entrance.

REQUIRED IF HOSPITAL HAS AN EMERGENCY DEPARTMENT.

LOCATED FOR READY ACCESS TO EMERGENCY DEPARTMENT.

AT GRADE LEVEL AND READILY ACCESSIBLE TO PEDESTRIAN, AMBULANCE, AND OTHER VEHICULAR TRAFFIC.

AMBULANCE PORT SIZED TO ACCOMMODATE AT LEAST ONE VEHICLE TWENTY-TWO FEET LONG, ONE HUNDRED THIRTY INCHES HIGH AND EIGHT FEET WIDE. AMBULANCE PORT TO BE DESIGNED TO PROTECT AN EMERGENCY PATIENT AND THE INTERIOR OF THE EMERGENCY DEPARTMENT FROM WEATHER WHEN A PATIENT IS BROUGHT FROM AN AMBULANCE OR OTHER VEHICLE INTO THE EMERGENCY DEPARTMENT.

Designed to permit attendants to stand on same level as entrance when removing a stretcher from ambulance.

RAMPS TO BRIDGE ANY DIFFERENCE IN LEVELS OF APPROACH FOR PEDESTRIAN TRAFFIC.

(iii) OUTPATIENT ENTRANCE.

May be combined with entrances for patients and visitors or emergency patients.

LOCATED NEAR OUTPATIENT FACILITIES AND FOR ACCESSIBILITY BY WHEELCHAIR PATIENTS.

(iv) SERVICE ENTRANCE.

CLOSE TO STORAGE, ELEVATORS, AND KITCHEN.

(v) EXIT FOR REMOVAL OF BODIES.

May be combined with emergency patients' entrance and/or service entrance.

LOCATED WHERE BODIES CAN BE REMOVED IN AN UNOBTRUSIVE MANNER.

(vi) Employees' entrance.

Convenient to locker rooms and for control of ingress and egress.

(vii) Doctors' entrance.

Convenient to locker room, records room, and switchboard.

(6) ORIENTATION OF PATIENT ROOMS.<sup>4</sup>

(a) ON QUIET SIDE OF SITE.

(b) LOCATED FOR PRIVACY FOR PATIENTS.

(c) PROTECTED FROM THE VIEW OF REMOVAL OF BODIES, AND STORAGE OF RUBBISH.

Oriented for sunlight and prevailing breezes.

Notes:

<sup>2</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718(6))) 248-18-719(3), PLUMBING AND SEWERAGE.

<sup>3</sup>Not applicable to alterations and additions to existing hospitals.

<sup>4</sup>See requirements for "windows," WAC ((248-18-718(4))) 248-18-719(1) and see WAC 248-18-001 for definition of "grade."

#### AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-525 ADMINISTRATIVE FACILITIES. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) LOBBY.

(a) WAITING SPACE.

(b) WHEELCHAIR PARKING.

(c) PUBLIC TOILETS FOR EACH SEX.

(d) PUBLIC TELEPHONE.

(e) INFORMATION COUNTER.

Provision for sale of newspapers, soft drinks, gifts, cigarettes, etc.

(2) ADMITTING FACILITIES.

(a) PROVISION FOR AUDITORY PRIVACY DURING INTERVIEW.

(b) Interview rooms.

(c) Vault for patient valuables.

(d) Routine examination facilities.

(3) ADMINISTRATION FACILITIES.

(a) OFFICE FOR ADMINISTRATOR.

(b) OFFICE FOR DIRECTOR OF NURSING - IF OVER TWENTY-FIVE BEDS.

(c) Offices for other administrative personnel.

(d) Secretarial office space.

(e) Board room.

(4) BUSINESS OFFICE. Vault for records, cash, etc.

(5) MEDICAL RECORDS FACILITIES.

(a) ACTIVE RECORDS STORAGE. SPACE FOR FIFTY INPATIENT RECORDS PER BED PER YEAR, NOT LESS THAN THREE SQUARE FEET FLOOR SPACE PER BED.

(b) ADDITIONAL SPACE FOR OUTPATIENT RECORDS.

(c) INACTIVE RECORDS STORAGE.

(i) SPACE FOR FIFTY INPATIENT RECORDS PER BED PER YEAR.

(ii) TOTAL SPACE DEPENDENT UPON DURATION AND TYPE OF STORAGE PLANNED.

(iii) Doctors' dictation facilities.

(iv) Transcribing facilities.

(6) MEDICAL STAFF FACILITIES.

(a) Doctors' in-and-out register.

(b) COAT ROOM.

(c) Toilet.

(d) Medical lounge and library.

(7) HOSPITAL EMPLOYEE FACILITIES.

(a) LOCKER ROOMS, and lounges. ADEQUATE TO ACCOMMODATE ALL EMPLOYEES NOT PROVIDED ADEQUATE FACILITIES IN INDIVIDUAL DEPARTMENTS.

(i) SEPARATE FOR MEN AND WOMEN.

(ii) SPACE FOR INDIVIDUAL LOCKERS.

(b) TOILETS. ADEQUATE TOILETS ADJOINING EACH LOCKER ROOM. ADDITIONAL EMPLOYEES' TOILETS THROUGHOUT THE HOSPITAL TO ADEQUATELY SERVE EMPLOYEES OF ALL DEPARTMENTS.

(c) Showers - Adjoining locker rooms.

(8) Conference and training facilities.

(9) Retiring room.

(10) Social service office.

(11) HOUSEKEEPING FACILITIES<sup>5</sup>

Suitable combination with other housekeeping facilities permitted if convenient to administration facilities.

Note:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

#### AMENDATORY SECTION (Amending Order 216, filed 10/23/81)

WAC 248-18-530 NURSING UNIT-GENERAL. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) DEFINITION. A SEPARATE, PHYSICAL, AND FUNCTIONAL UNIT OF THE HOSPITAL WHICH INCLUDES A GROUP OF PATIENT ROOMS, AND THE ANCILLARY ADMINISTRATIVE AND SERVICE FACILITIES NECESSARY TO PROVIDE NURSING SERVICE TO THE OCCUPANTS OF THESE PATIENT ROOMS. EXCLUDES FACILITIES WHICH SERVE OTHER AREAS OF THE HOSPITAL AND WHICH CREATE TRAFFIC UNNECESSARY TO THE FUNCTIONS OF THE NURSING UNIT.

(2) LOCATION.

(a) EACH NURSING UNIT LOCATED TO AVOID THROUGH TRAFFIC TO ANY SERVICE, DIAGNOSTIC, TREATMENT, OR ADMINISTRATIVE AREA. INTENSIVE CARE UNITS, AND PSYCHIATRIC NURSING UNITS IN A LOCATION WITH NO THROUGH TRAFFIC TO ANY OTHER AREA OF THE HOSPITAL. For nursery or neonatal intensive care unit, refer to WAC ((248-18-015 and 248-18-636)) 248-18-224 and 248-18-637.

(b) ALL ROOMS AND AREAS WITHIN A NURSING UNIT ON THE SAME FLOOR.

(c) Nursing units placed on quiet side of site and separated from service and ambulance courts. Convenient relationships to surgery and obstetrical delivery suites, adjunct diagnostic and treatment facilities and service areas.

(d) Location and relationship of nursing units in hospital to provide for flexible overlap of postpartum rooms with surgical rooms.

(3) CAPACITY.

(a) Bed capacity of a nursing unit, twenty to thirty-five beds, except where necessary to provide separation of units, such as units for special care.<sup>24</sup>

(b) Additional service facilities may be required in units of more than thirty-five beds.<sup>24</sup>

(4) SEPARATION OF CLINICAL SERVICES.<sup>24</sup> Suitable combinations of ancillary administrative and service facilities between or among units may be permitted.<sup>24</sup>

(a) BEDS FOR POSTPARTUM PATIENTS GROUPED TOGETHER AND LOCATED TO AVOID INTERMIXING WITH BEDS FOR OTHER TYPES OF PATIENTS.

(b) ROOMS WITH PEDIATRIC BEDS LOCATED TOGETHER OR IN CLOSE PROXIMITY TO EACH OTHER.<sup>24</sup> Refer to WAC ((248-18-539)) 248-18-541.

(c) WHEN A SEPARATE PSYCHIATRIC UNIT IS PLANNED, WAC 248-18-534 APPLIES. WHEN TEN OR MORE PSYCHIATRIC BEDS ARE PLANNED, A PSYCHIATRIC UNIT SHALL BE PROVIDED. Refer to WAC 248-18-534.

(d) SEGREGATED INTENSIVE CARE PATIENT BEDS.<sup>24</sup> SEPARATE INTENSIVE CARE NURSING UNIT WHERE FIVE OR MORE BEDS ARE PLANNED. Refer to WAC 248-18-555.

(e) SEPARATE NURSING HOME OR LONG-TERM CARE UNIT WHERE TEN OR MORE BEDS ARE PLANNED FOR NURSING HOME OR LONG-TERM CARE PATIENTS.

(5) SPECIAL DESIGN FEATURES OF SPECIALIZED FACILITIES.

(a) Facilities for psychiatric patients. Refer to WAC 248-18-530 (6)(c) and 248-18-534.

(b) Facilities for pediatric patients. Refer to WAC 248-18-530 (6)(d) and ((248-18-539)) 248-18-541.

(c) Facilities for intensive care. Refer to WAC 248-18-555. Relites between corridors and rooms.

(6) PATIENT ROOM.

(a) DIRECTLY ACCESSIBLE FROM CORRIDOR OF NURSING UNIT. LOCATED TO PREVENT TRAFFIC THROUGH ROOMS AND TO MINIMIZE ENTRANCE OF ODORS, NOISE, AND OTHER NUISANCES.

(b) ISOLATION ROOM(S), ONE OR MORE PER HOSPITAL, FOR AIRBORNE COMMUNICABLE DISEASE WITH ADJOINING TOILET, BEDPAN FLUSHING EQUIPMENT, AND BATHING FACILITY. LAVATORY LOCATED IN ROOM AT ENTRY. AIR CHANGES AND AIR PRESSURE GRADIENTS AS DESCRIBED IN WAC ((248-18-718 (8)(g))) 248-18-719 TABLE ((B)) 719-3. ULTRAVIOLET GENERATOR IRRADIATION IN ROOMS DESIGNATED FOR ISOLATION OF TUBERCULOSIS PATIENTS AS DESCRIBED IN WAC 248-18-245 (1)(a)(iii).<sup>6, 24</sup> Mirror, shelf, and towel bar or hook not required if provided with lavatory in adjoining toilet room.

(c) Rooms for disturbed medical or psychiatric patients. At least one seclusion or security room with adjoining toilet for the care of seriously

disturbed patients on an appropriate nursing unit or near emergency rooms unless a separate psychiatric unit is provided, as described in WAC 248-18-534.

(d) CAPACITY AND AREA.

(i) MAXIMUM CAPACITY OF FOUR BEDS PER PATIENT ROOM. Maximum patient room capacity of two beds recommended. At least twenty-five percent of beds in one-bed rooms.

(ii) AT LEAST EIGHTY SQUARE FEET USABLE FLOOR SPACE PER BED IN MULTIBED ROOMS. One hundred square feet of usable floor space per bed in multibed rooms recommended.

(iii) AT LEAST ONE HUNDRED SQUARE FEET USABLE FLOOR SPACE IN ONE-BED ROOMS. One hundred twenty-five square feet usable floor space in one-bed rooms recommended.

(iv) AT LEAST FORTY SQUARE FEET PER BASSINET IN PATIENT ROOM FOR INFANT PEDIATRIC PATIENTS. ADULT REQUIREMENTS APPLY TO ROOMS FOR YOUTH CRIBS AND BEDS. Refer to WAC ((248-18-539)) 248-18-541.

(e) DIMENSIONS.

(i) MINIMUM WIDTH OF ELEVEN FEET FOR MULTIBED ROOMS. Minimum recommended dimensions of twelve feet by six-teen feet for two-bed rooms.

(ii) MULTIBED ROOMS ARRANGED TO ALLOW SPACING OF BEDS AT LEAST TWO FEET FROM WALL (EXCEPT AT HEAD) AND AT LEAST THREE FEET APART. CLEARANCE AT LEAST THREE FEET EIGHT INCHES AT FOOT OF BED TO PERMIT PASSAGE OF LARGE EQUIPMENT AND BEDS.

(f) EQUIPMENT.

(i) LAVATORY IN EACH ROOM EXCEPT OPTIONAL IN PSYCHIATRIC PATIENT ROOMS OR SINGLE PATIENT ROOMS HAVING A SEPARATE ADJOINING TOILET ROOM WHICH SERVES SINGLE ROOM ONLY AND CONTAINS A LAVATORY.

(ii) CUBICLE CURTAIN TRACKS OR RAILS TO PROVIDE COMPLETE SCREENING OF EACH BED OR AN EQUIVALENT MEANS FOR PROVIDING PRIVACY FOR EACH PATIENT IN ALL MULTIBED PATIENT ROOMS EXCEPT PSYCHIATRIC. Refer to WAC 248-18-534. TRACKS OR EQUIVALENT SCREENING SHALL PROVIDE ACCESS TO TOILET, LAVATORY, WARDROBE, AND ENTRY WITHOUT INTERFERENCE WITH PRIVACY OF OTHER PATIENTS.

(iii) WARDROBE, CLOSET OR LOCKER PER BED FOR HANGING FULL LENGTH GARMENTS AND STORAGE OF PERSONAL EFFECTS, extra pillows, and other equipment.<sup>6</sup>

(iv) SEPARATE OXYGEN OUTLET LOCATED AT HEAD OF EACH BED. (See exception for psychiatric unit WAC 248-18-534 (4)(c)). Alcoholism units may be excepted.

(v) SEPARATE SUCTION OR VACUUM OUTLET LOCATED AT HEAD OF EACH BED. (See exception for psychiatric unit WAC 248-18-534 (4)(c)). Alcoholism units may be excepted.

(vi) NURSE CALL SYSTEM. Refer to WAC ((248-18-718 (1)(b))) 248-18-719, Table 719-6.

(g) DOORS AND WINDOWS. Refer to WAC ((248-18-718(4))) 248-18-719(1), Table 719-1.

(h) ELECTRICAL REQUIREMENTS. Refer to WAC ((248-18-718(10))) 248-18-719(4), Table 719-5.

(7) PATIENT TOILET.

(a) TOILET EQUIPPED WITH BEDPAN FLUSHING EQUIPMENT ADJOINING EACH PATIENT ROOM. Exceptions: Refer to WAC 248-18-534 PSYCHIATRIC NURSING UNIT, WAC ((248-18-539)) 248-18-541 PEDIATRIC NURSING UNIT, WAC 248-18-555 INTENSIVE CARE.

(b) WATER CLOSETS IN RATIO OF AT LEAST ONE PER FOUR BEDS OR MAJOR FRACTION THEREOF ON EACH NURSING UNIT. For alteration projects, ratio of one per six acceptable.

(c) AT LEAST ONE TOILET, DESIGNED AND ARRANGED FOR USE BY INDIVIDUALS IN WHEELCHAIRS, OPENING DIRECTLY FROM A MAIN CORRIDOR ON EACH FLOOR. For use by patients, public, and staff. May be used by either sex.

(8) PATIENT BATHING FACILITIES.

(a) SHOWERS OR TUBS IN THE RATIO OF AT LEAST ONE BATHING FACILITY PER EIGHT BEDS OR MAJOR FRACTION THEREOF ON EACH NURSING UNIT.<sup>24</sup> BEDS HAVING A BATHING FACILITY ADJOINING THE PATIENT ROOM SHALL BE EXCLUDED FROM THE RATIO. For alteration projects, one bathing facility per twelve beds or major fraction thereof may be acceptable.



(b) AT LEAST ONE COMMUNAL BATHING FACILITY ON EACH FLOOR TO BE AN "ISLAND" TUB (ACCESSIBLE ON TWO SIDES AND ONE END), OR ROLL-IN SHOWER OR EQUIVALENT, (shower in which a chair on wheels may be used). SPACE PROVIDED FOR WHEELCHAIR WITH ASSISTING ATTENDANT. Elevation of island tub on pedestal not recommended.

(c) PROPERLY LOCATED GRAB BARS AT EACH BATH-TUB, SHOWER, AND WATER CLOSET FOR PATIENT USE. Refer to WAC ((~~248-18-710(6)(g)(viii)~~) 248-18-719(6)).

(9) MISCELLANEOUS FACILITIES AND EQUIPMENT.

(a) NURSES' STATION OR EQUIVALENT.<sup>24</sup>

(i) STATION FOR EACH NURSING UNIT OR SHARED WITH ADJACENT UNIT.<sup>24</sup>

(ii) EQUIPMENT:<sup>24</sup>

CHARTING SURFACE.<sup>6</sup>

STORAGE FOR PATIENT CHARTS.<sup>6, 24</sup>

TELEPHONE.

NURSE CALL ANNUNCIATOR.

Storage for charting supplies.

Clock.

(b) UTILITY OR MATERIALS ROOM.<sup>7</sup> May be shared if adequate size and convenient to units served.<sup>24</sup>

(i) AT LEAST ONE CLEAN UTILITY ROOM OR A CLEAN MATERIALS ROOM ON EACH NURSING UNIT. Refer to WAC ((~~248-18-710(2)(a) and (b)~~) 248-18-711(3) or (4)).

(ii) AT LEAST ONE SOILED UTILITY ROOM OR A SOILED MATERIALS ROOM ON EACH NURSING UNIT. Refer to WAC ((~~248-18-710(2)(c) and (d)~~) 248-18-711(8) or (9)).

(c) MEDICINE DISTRIBUTION FACILITIES.<sup>7</sup> AT LEAST ONE ON EACH NURSING UNIT OR SHARED WITH ADJACENT UNIT(S).<sup>24</sup> Convenient to beds served.

(d) LINEN STORAGE.<sup>18</sup> IN CLEAN AREA ON EACH NURSING UNIT (SHELVEING, CART, OR EQUIVALENT). OR SHARED WITH OTHER UNIT(S), if adequate size and convenient to units.

(e) ICE FACILITIES.

(i) ON OR ADJACENT TO EACH NURSING UNIT. LOCATED IN AREA SERVING CLEAN FUNCTIONS ONLY, EXCEPT SELF-DISPENSING ICE MACHINES may be in alcove on corridor.

(ii) EQUIPMENT: May be combined with nourishment facilities.

WORK COUNTER.<sup>6</sup>

ICE MACHINE OR ADEQUATE STORAGE UNIT.

(Self-dispensing types recommended.)

(f) DRINKING FACILITIES ACCESSIBLE IN PUBLIC AREA ON EACH FLOOR TO PROVIDE WATER: (Fountain, disposable drinking cups or equivalent dispensing system accessible to individuals using wheelchairs).

(g) NOURISHMENT FACILITIES.

(i) ON OR ADJACENT TO EACH NURSING UNIT. SEPARATE AREA IN ROOM SERVING CLEAN FUNCTIONS ONLY; SEPARATE ROOM IF FACILITIES TO BE USED FOR DISHWASHING OR DECENTRALIZED FOOD SERVICE.

(ii) SPACE FOR WASTE CONTAINER.

(iii) EQUIPMENT:

REFRIGERATOR.<sup>6</sup>

WORK COUNTER.<sup>6</sup>

SINK OR LAVATORY.

STORAGE FOR UTENSILS AND FOODSTUFFS.<sup>6</sup>

Cooking unit.<sup>6</sup>

DISHWASHING MACHINE (OR THREE-COMPARTMENT SINK) IF DISHES, GLASSES OR PITCHERS ARE TO BE WASHED ON THE UNIT.

(iv) ADDITIONAL FACILITIES MAY BE REQUIRED DEPENDING UPON DEGREE OF DECENTRALIZATION OF FOOD SERVICE. Refer to chapter 248-84 WAC.

(h) EQUIPMENT STORAGE.<sup>18</sup> ON OR ADJACENT TO EACH NURSING UNIT. FOR NURSING AND MEDICAL EQUIPMENT. Centralized equipment storage area may be acceptable.<sup>24</sup>

(i) WHEELCHAIR AND STRETCHER STORAGE ON OR ADJACENT TO EACH NURSING UNIT.<sup>18</sup>

(j) HOUSEKEEPING FACILITIES.<sup>5</sup> ON OR ADJACENT TO EACH NURSING UNIT.

(k) PERSONNEL FACILITIES.

(i) TOILET ON OR ADJACENT TO EACH NURSING UNIT.

(ii) STORAGE FOR PURSES AND PERSONAL EFFECTS APART FROM STORAGE FOR PATIENT CARE SUPPLIES AND EQUIPMENT ON OR ADJACENT TO EACH NURSING UNIT.

(l) Treatment and examination room.<sup>24</sup> REQUIRED FOR HOSPITALS WITH PSYCHIATRIC AND PEDIATRIC UNITS. Refer to WAC 248-18-534 (8)(e), ((~~248-18-539~~)) 248-18-541.

(i) MINIMUM DIMENSION, EIGHT FEET, AT LEAST EIGHTY SQUARE FEET EXCLUSIVE OF CABINETS, SINK, WORK COUNTER, DESK AND VESTIBULE.

(ii) EQUIPMENT:

EMERGENCY SIGNAL DEVICE.

LAVATORY OR SINK.

Clock.

Oxygen outlet.

Suction outlet.

WORK SURFACE.<sup>6</sup>

STORAGE CABINET.<sup>6</sup>

(m) Patient activity areas.<sup>24</sup> Optional except where mandated in this section.

(i) Adequate facilities to accommodate the maximum number of patients to be cared for.

(ii) PLAYROOM OR AREA FOR PEDIATRIC PATIENTS. Refer to WAC ((~~248-18-539~~)) 248-18-541.

(iii) DAYROOM WITH WINDOWS OR SOLARIUM ON PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG-TERM CARE UNITS. Refer to WAC 248-18-534.

(iv) RECREATION ROOM ON PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG-TERM CARE UNITS.<sup>24</sup> Refer to WAC 248-18-534.

(v) DINING AREA ON OR AVAILABLE TO PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG-TERM CARE UNITS.<sup>24</sup> Refer to WAC 248-18-534.

(vi) OCCUPATIONAL THERAPY AREA ON OR AVAILABLE TO PSYCHIATRIC NURSING UNITS AND NURSING HOME OR LONG-TERM CARE UNITS.<sup>24</sup> Refer to WAC 248-18-534.

(vii) Above areas may be combined in one room.<sup>24</sup>

(viii) Suitable outdoor recreational space for patients on nursing home or long-term care units and psychiatric units. Refer to WAC 248-18-534.

(ix) Barber and beauty shop facilities available for psychiatric and nursing home or long-term care units. Refer to WAC 248-18-534.

(n) Patient laundry facilities.<sup>24</sup>

(i) REQUIRED ON PSYCHIATRIC UNITS. Refer to WAC 248-18-534. Recommended on nursing home or long-term care units.<sup>24</sup>

(ii) EQUIPMENT:

SINK AND COUNTER.<sup>6</sup>

Drying facilities.<sup>6, 24</sup>

STORAGE CABINET.<sup>6</sup>

Ironing facilities.<sup>6, 24</sup>

(o) Interview room. REQUIRED ON OR ACCESSIBLE TO PSYCHIATRIC UNITS. Refer to WAC 248-18-534. Recommended on nursing home or long-term care units. May be combined with private office.

(p) Patient classroom. Recommended availability for obstetric, psychiatric, and pediatric units and other units where group instruction to patients may be given. Refer to WAC ((~~248-18-539~~)) 248-18-541.

(q) OFFICE FOR HEAD NURSE OR NURSING SUPERVISOR ON OR CONVENIENT TO UNITS OF TWENTY BEDS OR MORE.<sup>24</sup> AT LEAST ONE NURSING OFFICE PER HOSPITAL.

(r) CONFERENCE ROOM FOR CONFIDENTIAL STAFF COMMUNICATION.<sup>24</sup> Combined with rooms for other nursing functions as appropriate.

(s) AT LEAST ONE WAITING ROOM OR AREA PER FLOOR.<sup>24</sup>

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((~~248-18-710(5)~~)) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>7</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((~~248-18-710~~)) 248-18-711.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((~~248-18-710(3)~~)) 248-18-711(10), STORAGE FACILITIES.

<sup>24</sup>In accordance with program.



**AMENDATORY SECTION** (Amending Order 216, filed 10/23/81)

WAC 248-18-534 PSYCHIATRIC NURSING UNIT. Optional, SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS—SEE WAC 248-18-515.)

(1) WHEN A SEPARATE PSYCHIATRIC UNIT IS PLANNED, WAC 248-18-534 SHALL APPLY. WHEN TEN OR MORE BEDS ARE PLANNED, A PSYCHIATRIC UNIT SHALL BE PROVIDED.

(2) DESIGNED FOR CARE OF AMBULATORY AND/OR NONAMBULATORY INPATIENTS.

(a) PROVISION FOR FLEXIBILITY IN ARRANGEMENT FOR VARIOUS TYPES OF PSYCHIATRIC THERAPIES.

(b) Design should present as noninstitutional an appearance as possible or practicable.

(c) FACILITIES SHALL BE SAFE FOR PATIENTS AND STAFF.

(3) WINDOWS AND RELITES IN ALL ROOMS ON PSYCHIATRIC UNITS SHALL MEET REQUIREMENTS OF WAC ((248-18-718-(4)(b))) 248-18-719(1) EXCEPT THAT ALL WINDOWS SHALL BE SECURITY OR MAXIMUM SECURITY WINDOWS OR EQUIVALENT.<sup>24</sup>

(4) PATIENT ROOMS SHALL MEET REQUIREMENTS UNDER WAC 248-18-530(6) EXCEPTIONS:

(a) WINDOWS AND RELITES, refer to WAC 248-18-534(3).

(b) NURSE CALL SYSTEM. Optional in ambulatory patient room.<sup>24</sup>

(c) Oxygen and suction outlets at head of each bed.<sup>24</sup>

(d) Lavatory, Optional.<sup>24</sup>

(e) Cubicle curtain tracks or rails in multibed rooms not required, PROVIDED OTHER EQUIVALENT MEANS OF INSURING PATIENT PRIVACY SHALL BE AVAILABLE, WHEN REQUIRED.

(f) CEILINGS SHALL MEET REQUIREMENTS UNDER WAC ((248-18-718-(5)(c)(viii))) 248-18-719(1), (5), and Table 719-1.

(5) TOILET AND BATHING FACILITIES SHALL MEET REQUIREMENTS UNDER WAC 248-18-530 (7) AND (8).

(a) Bedpan flushing devices optional in patient toilet rooms.

(b) WAC 248-18-530 (8)(b) shall not apply to ambulatory psychiatric units.<sup>24</sup>

(6) SECURITY ROOM(S).

(a) DESIGNED TO MINIMIZE POTENTIAL FOR ESCAPE, HIDING, INJURY OR SUICIDE. If more than one psychiatric nursing unit, the rooms may be centralized on one nursing unit or decentralized on each nursing unit.<sup>24</sup>

(b) MAXIMUM CAPACITY, TWO-BED ROOM.

(c) DOORS SHALL HAVE PROVISION TO OPEN OUTWARD.

(d) AT LEAST EIGHTY SQUARE FEET FLOOR SPACE PER BED IN MULTIBED ROOMS. AT LEAST ONE HUNDRED SQUARE FEET FLOOR SPACE IN ONE-BED ROOMS.

(e) WARDROBE, CLOSET OR LOCKER. May be located in adjoining anterooms, or nearby.

(f) TOILET WITH LOCK ON DOOR, STAFF CONTROLLED AND OPERABLE FROM BOTH SIDES OF DOOR, ADJOINING SECURITY ROOM. May serve more than one room and maximum of four patients.

(g) BATHING FACILITY MEETING MAXIMUM SAFETY AND SECURITY REQUIREMENTS. Refer to WAC 248-18-530(8) and definition of security room.

(h) SPECIAL FIXTURES AND HARDWARE INCLUDING DUPLEX RECEPTACLES. Refer to WAC ((248-18-718-(10)(c)(ix))) 248-18-719(4) and Table 719-5.

(7) Seclusion room(s).

(a) DESIGNED TO MINIMIZE POTENTIAL FOR STIMULATION, ESCAPE, HIDING, INJURY OR SUICIDE for short periods of time generally not to exceed twenty-four hours. If more than one psychiatric nursing unit, the rooms may be centralized on one nursing unit or decentralized on each nursing unit.<sup>24</sup>

(b) MAXIMUM CAPACITY, ONE PATIENT.

(c) MAXIMUM SECURITY WINDOW IF USED AS ASSIGNED PATIENT ROOM, IN ACCORDANCE WITH WAC ((248-18-718-(4)(b))) 248-18-719(1), 248-18-534(3), and 248-18-530(6).

(d) DOORS SHALL HAVE PROVISION TO OPEN OUTWARD.

(e) AT LEAST EIGHTY SQUARE FEET AND MINIMUM DIMENSION OF EIGHT FEET. Ceiling height ten feet recommended.

(f) STAFF CONTROLLED, LOCKABLE TOILET ROOM ADJOINING SECLUSION ROOM(S). May be entered through an adjoining anteroom. One toilet may serve more than one and maximum of four patients.

(g) SPECIAL FIXTURES AND HARDWARE. Refer to WAC ((248-18-718)) 248-18-719. Receptacles and other electrical devices other than ceiling lights not recommended.

(8) SERVICE AND SUPPORT FACILITIES.

(a) NURSES STATION OR CONTROL FACILITIES WITH SPACE FOR CLERICAL FUNCTIONS, TELEPHONES, confidential staff communication.<sup>24</sup>

(b) STANDARDS FOR NURSING UNIT IN WAC 248-18-530 (9)(b), (d), (e), (g), (h), (i), (j), and (k) apply.

(c) MEDICINE DISTRIBUTION OR STORAGE FACILITIES WITH PROVISIONS FOR SECURITY AGAINST UNAUTHORIZED ACCESS. Refer to WAC ((248-18-710(+))) 248-18-711(7).

(d) Time out room, optional. SHALL MEET REQUIREMENTS OF SECLUSION ROOM IF INCLUDED.

(e) EXAMINATION AND TREATMENT ROOM SHALL MEET REQUIREMENTS IN WAC 248-18-530 (9)(l). LOCATED ON UNIT OR WITHIN SAME BUILDING.

(9) Treatment room for electroconvulsive therapy (ECT) REQUIRED WHEN ECT PERFORMED UNLESS SURGERY, RECOVERY OR OTHER ROOM(S) MEETING FOLLOWING REQUIREMENTS ARE AVAILABLE.<sup>24</sup>

(a) MINIMUM DIMENSION OF TWELVE FEET AND MINIMUM AREA OF ONE HUNDRED FIFTY SQUARE FEET.

(b) EQUIPMENT:

EMERGENCY CALL.

LAVATORY OR SINK.

TREATMENT LIGHT.<sup>6</sup>

STORAGE FOR SUPPLIES AND EQUIPMENT.<sup>6, 18</sup>

ROBE HOOK AND SHELF.

SPACE AND ELECTRICAL RECEPTACLE(S) FOR ECT MACHINE.

OXYGEN OUTLET.

SUCTION OUTLET.

STRETCHER OR TREATMENT TABLE OR EQUIVALENT.<sup>24</sup>

SPACE FOR EMERGENCY MEDICAL SUPPLIES AND EQUIPMENT (CRASH CART).<sup>24</sup>

SPACE FOR ANESTHESIA MACHINE OR CART AND EQUIPMENT.

SPACE FOR EKG MONITOR.<sup>24</sup>

CLOCK WITH SWEEP SECOND HAND.

(10) RECOVERY FACILITY<sup>14, 24</sup>; REQUIRED IF ECT IS PROVIDED.<sup>24</sup> May use post anesthesia recovery room or other room provided with following:

(a) Located near ECT treatment facilities.

(b) OXYGEN OUTLET FOR EACH BED, STRETCHER OR CART. SUCTION OUTLET FOR EACH BED, STRETCHER OR CART.

(c) Clean and soiled utility or material rooms may be combined with other suitable facilities, if properly located.

(11) SOCIAL FACILITIES.

(a) AT LEAST TWO SEPARATE ROOMS.

(i) QUIET ACTIVITY ROOM.

(ii) NOISY RECREATION/ACTIVITY ROOM.

(b) DINING AREA<sup>24</sup> - may be shared with other areas. Centralized or decentralized.

(c) COMBINED ROOMS AND AREAS NOT LESS THAN FOUR HUNDRED SQUARE FEET.<sup>24</sup> FOR EVERY PLANNED PATIENT OCCUPANCY OF UNIT OVER EIGHT, ADD TWENTY SQUARE FEET PER PATIENT.

(d) Outside court or activity area, recommended.

(12) OTHER TREATMENT FACILITIES.

(a) GROUP ROOM MINIMUM AREA OF TWO HUNDRED FIFTY SQUARE FEET.

(b) INTERVIEW AND CONSULTATION ROOM(S).

(i) May be within psychiatric unit or immediately accessible to it.

(ii) Eighty square feet in each room.

(iii) ONE ROOM FOR EACH TWELVE PSYCHIATRIC BEDS OR MAJOR FRACTION THEREOF.

(iv) May be combined with examination and treatment room.

(c) OCCUPATIONAL THERAPY SPACE(S) and/or recreational therapy space(s):

(i) LOCATED WITHIN PSYCHIATRIC UNIT OR IN AN ACCESSIBLE AREA. One room of at least three hundred square feet recommended.

(ii) May serve more than one nursing unit if properly located.

(iii) May be combined with a social activity area.

(iv) EQUIPMENT:

SINK plaster trap recommended.

WORK COUNTER(S).<sup>6</sup>

STORAGE CABINETS.<sup>6</sup>

DISPLAY CABINETS<sup>6</sup> AND AREAS.

(13) PATIENT LAUNDRY FACILITIES OR EQUIVALENT.<sup>24</sup>

EQUIPMENT:

AUTOMATIC WASHER AND DRYER.

SINK AND COUNTER.<sup>6</sup>

Drying facilities.

Storage cabinet<sup>6</sup>, including storage for ironing equipment.

Ironing facilities.<sup>6</sup>

Notes:

<sup>6</sup> May be moveable equipment.

<sup>7</sup> See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(1))) 248-18-711(7).

<sup>14</sup> See RECOVERY UNIT, WAC 248-18-560.

<sup>18</sup> See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(3))) 248-18-711(10), STORAGE FACILITIES.

<sup>24</sup> In accordance with program.

#### AMENDATORY SECTION (Amending Order 267, filed 9/20/83)

WAC 248-18-555 INTENSIVE CARE UNIT. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - See WAC 248-18-515.)

(1) STANDARDS FOR NURSING UNIT (WAC 248-18-530) APPLY EXCEPT FOR THE FOLLOWING:

(a) MAXIMUM CAPACITY OF SIX BEDS PERMISSIBLE IN PATIENT ROOMS DESIGNED FOR INTENSIVE CARE.

(b) Bathing facilities, optional.

(c) VARIATIONS MAY BE PERMITTED IN GENERAL DESIGN REQUIREMENTS, IN EXTENT AND ARRANGEMENT OF FACILITIES, AND IN COMBINATIONS OF FACILITIES FOR FUNCTIONS ALLOTTED SEPARATE SPACES OR ROOMS IN THE NURSING UNIT STANDARDS, PROVIDED THE RESULTING PLAN PROVIDES FACILITIES FOR ALL BASIC FUNCTIONS AND WILL NOT COMPROMISE THE BEST STANDARDS OF MEDICAL AND NURSING PRACTICE.

(2) Acute cardiac care unit.

(a) LOCATION. LOCATED TO AVOID THROUGH TRAFFIC AND PENETRATION OF OBJECTIONABLE HEAT OR NOISE OR ODORS FROM OTHER AREAS OF THE HOSPITAL AND TO MINIMIZE POTENTIAL FOR INTERFERENCE WITH ELECTRONIC MONITORING EQUIPMENT.

ALL ROOMS AND AREAS WITHIN THE UNIT ON THE SAME FLOOR.

Located adjacent to another unit or service from which additional assistance is always available.

(b) PATIENT ROOM.

(i) ROOM. MAXIMUM CAPACITY OF TWO BEDS FOR PATIENT ROOMS. AT LEAST ONE SINGLE ROOM FOR EVERY THREE BEDS.

(ii) LOCATION OF ROOMS AND PLACEMENT OF BEDS IN ROOMS TO PROVIDE FOR DIRECT VISIBILITY OF PATIENTS FROM NURSES' STATION UNLESS THERE IS PROVISION FOR INDIRECT VIEWING OF PATIENTS FROM NURSES' STATION BY MIRROR SYSTEM OR TELEVISION.

(iii) AT LEAST ONE HUNDRED FIFTY SQUARE FEET USABLE FLOOR SPACE IN ONE-BED ROOM AND ONE HUNDRED THIRTY-FIVE SQUARE FEET USABLE FLOOR SPACE PER BED IN MULTIBED ROOMS. ARRANGEMENT OF ROOMS SHALL ALLOW SPACING OF AT LEAST FOUR FEET BETWEEN SIDE OF A BED AND WALL AND AT LEAST SIX FEET BETWEEN THE FOOT OF A BED AND A WALL. MULTIBED ROOMS SHALL BE ARRANGED TO PROVIDE AT LEAST EIGHT FEET BETWEEN BEDS.

WHERE CONSTRUCTION IS TO BE AN ALTERATION PROJECT AND STRUCTURAL CHANGES NECESSARY TO MEET THESE REQUIREMENTS ARE INFEASIBLE OR ECONOMICALLY IMPRACTICABLE, THE FOLLOWING MAY BE ACCEPTED: ONE HUNDRED THIRTY-FIVE SQUARE FEET

USABLE FLOOR SPACE IN EACH ONE-BED ROOM; ONE HUNDRED TWENTY-FIVE SQUARE FEET PER BED IN MULTIBED ROOMS; FOUR FEET SPACE BETWEEN SIDE OF A BED AND A WALL; FIVE FEET SPACE BETWEEN THE FOOT OF A BED AND A WALL; AND SIX FEET SPACE BETWEEN BEDS IN A MULTIBED ROOM.

(iv) ACOUSTICAL TREATMENT OF PATIENT ROOMS TO MINIMIZE SOUND TRANSFERENCE.

(c) PATIENT ROOM EQUIPMENT.

(i) LAVATORY WITHIN EACH PATIENT ROOM.

(ii) CLOSET OR LOCKER PER EACH BED FOR PATIENT CLOTHING, LUGGAGE, ETC. May be in or adjacent to patient room.

(iii) SEPARATE STORAGE PER BED FOR EXTRA PILLOWS AND BLANKETS. May be combined with closet or locker.

(iv) OXYGEN OUTLET ADJACENT TO EACH BED.

(v) SUCTION OUTLET ADJACENT TO EACH BED.

(A) Two suction outlets per bed recommended.

(B) Compressed air outlet adjacent to each bed recommended.

(vi) CUBICLE CURTAINS COMPLETELY SCREENING EACH BED OR AN EQUIVALENT MEANS FOR PROVIDING PRIVACY FOR EACH BED IN ALL MULTIBED PATIENT ROOMS.

(vii) CURTAINS OR EQUIVALENT MEANS FOR PROVIDING VISUAL PRIVACY FOR EACH PATIENT AT ALL WINDOWS IN PATIENT ROOM DOORS, INTERIOR PARTITIONS, AND EXTERIOR WINDOWS.

(viii) AN INDIVIDUAL SWITCH FOR EACH PATIENT ROOM TELEVISION CAMERA OR AN EQUIVALENT MEANS FOR ENSURING VISUAL PRIVACY AS INDICATED FOR EACH PATIENT WHO MAY BE VISUALLY MONITORED BY TELEVISION.

(ix) ELECTROCARDIOGRAPHIC MONITOR WITH OSCILLOSCOPE (AT LEAST FIVE-INCH WIDTH) AND AUDIO ALARM SYSTEM FOR EACH BED.

(x) Overhead tracks or wall-mounted supports for suspension of parenteral solution containers at each bed.

(xi) Wall-mounted sphygmomanometer per patient bed.

(xii) Telephone jack. Permanent telephone installations not recommended.

(xiii) MEDICAL EMERGENCY SIGNAL DEVICE IN EACH PATIENT ROOM TO REGISTER AT LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE. (Such emergency signal device recommended for each bed.)

(d) PATIENT TOILET AND BATHING FACILITIES.

(i) AT LEAST ONE COMMUNAL TOILET PER SIX BEDS OR FRACTION THEREOF ON THE UNIT OR AN ADJACENT NURSING UNIT UNLESS A TOILET ADJOINS EACH PATIENT ROOM.

(ii) GRAB BARS AT EACH BATHING FACILITY AND WATER CLOSET FOR PATIENT USE.

(e) NURSES' STATION.

(i) SEPARATE STATION FOR UNIT HAVING FIVE BEDS OR MORE. For subsidiary unit of less than five beds, may be combined with nurses' station of other nursing unit provided nurses' station is in close proximity to acute cardiac care unit patient rooms and provides sufficient space to accommodate staff and equipment for acute cardiac care.

(A) Designed for auditory privacy.

(B) LOCATED FOR DIRECT VISIBILITY OF EACH PATIENT UNLESS MIRROR SYSTEM OR TELEVISION IS PROVIDED FOR VISUAL OBSERVATION OF PATIENTS.

(ii) EQUIPMENT.

(A) "SLAVE" OSCILLOSCOPE WITH AUDIO ALARM FOR CONTINUOUS DISPLAY OF EACH PATIENT'S ELECTROCARDIOGRAM.

(B) RATE METER (Cardio-Tachometer).

(C) DIRECT WRITING ELECTROCARDIOGRAPHIC "STRIP" RECORDER. Electrocardiographic memory recorder.

(D) TELEPHONE.

(E) NURSE CALL ANNUNCIATOR.

(F) Rack for patient charts.

(G) CHARTING SURFACE FOR NURSES AND PHYSICIANS TO ACCOMMODATE AT LEAST ONE NURSE PER TWO PATIENT BEDS AND ONE PHYSICIAN PER FOUR PATIENT BEDS. Separate charting area for physicians recommended.

(H) Storage for charting supplies.

(I) WALL-MOUNTED CLOCK WITH SWEEP SECOND HAND, PROPERLY LOCATED.

(J) Bulletin board.

(f) UTILITY OR WORK ROOM.<sup>7</sup> SEPARATE FOR UNIT HAVING FIVE BEDS OR MORE. For subsidiary unit of less than five beds, may be combined with utility or work room of other nursing unit if in close proximity to patient rooms for coronary care.

Central to beds served and convenient to the nurses' station, medicine area, and linen storage.

(g) MEDICINE AREA.<sup>7</sup> For subsidiary unit of less than five beds, may be combined with medicine area of other nursing unit if in close proximity to patient rooms.

(h) LINEN STORAGE.<sup>18</sup>

SHELVING, CART OR EQUIVALENT IN CLEAN AREA. For subsidiary unit of less than five beds, may be combined with linen storage of other nursing unit if in close proximity to patient rooms.

(i) Conference Room.

(j) Family Waiting Room.

Outside but adjacent to unit.

Telephone located in or adjacent to room.

(k) STANDARDS FOR NURSING UNIT, WAC 248-18-530 (9)(e), (g), (h), (i), (j), and (k) APPLY TO OTHER FACILITIES OF THE CORONARY CARE UNIT.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710)) 248-18-711.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(3))) 248-18-711(10), STORAGE FACILITIES.

AMENDATORY SECTION (Amending Order 2302, filed 11/13/85)

WAC 248-18-560 RECOVERY UNIT. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) LOCATION.

(a) LOCATED TO AVOID THROUGH TRAFFIC.

(b) Located in or near clinical department assuming responsibility.

(2) PATIENT CARE AREA.

(a) ROOM OR ROOMS WITH AT LEAST EIGHTY SQUARE FEET PER BED, STRETCHER, OR CART.

(b) CUBICLE CURTAIN TRACKS OR EQUIVALENT.

(c) EQUIPMENT FOR EACH PATIENT STATION:

(i) OXYGEN OUTLET. Two recommended.

(ii) TWO SUCTION OUTLETS.

(iii) MEDICAL EMERGENCY SIGNALLING DEVICE.<sup>56</sup>

(iv) SIX SINGLE OR THREE DUPLEX ELECTRICAL RECEPTACLES.

(v) OVERHEAD LIGHTING.

(vi) Medical air.

(d) LAVATORY LOCATED CONVENIENT TO EVERY SIX PATIENT STATIONS.

(e) STORAGE, SHELVES, DRAWERS, OR EQUIVALENT AND CHARTING SURFACE AT EACH PATIENT STATION.<sup>6</sup>

(f) Isolation room.

(i) LAVATORY OR SINK.

(ii) ONE OXYGEN OUTLET.

(iii) TWO SUCTION OUTLETS.

(iv) MEDICAL EMERGENCY SIGNALLING DEVICE.<sup>56</sup>

(v) ONE HUNDRED TWENTY SQUARE FEET. One hundred fifty square feet recommended.

(vi) CLOCK.

(vii) Access from both outside and inside recovery unit.

(viii) Relites from isolation room into recovery unit.

(ix) Capability to change or switch from negative to positive pressure gradient.

(x) Curtain tracks or equivalent.

(xi) Medical air.

(xii) LIGHTING OVER PATIENT STATION.

(xiii) SIX SINGLE OR THREE DUPLEX ELECTRICAL RECEPTACLES.

(xiv) CLINIC SERVICE SINK OR WATER CLOSET WITH BEDPAN RINSING/FLUSHING ATTACHMENT ADJOINING ROOM.

(3) SERVICE FACILITIES.

(a) ADEQUATE SPACE, IN ADDITION TO REQUIRED PATIENT CARE AREA, IF LOCATED IN SAME ROOM AS PATIENT CARE AREA.

(b) CLEAN UTILITY OR MATERIALS. May be located in patient care room or adjoining room or rooms.

(i) WORK SURFACE.

(ii) SINK.

(iii) LOCKED DRUG STORAGE INCLUDING SEPARATELY LOCKED STORAGE FOR CONTROLLED SUBSTANCES - See WAC ((248-18-710(1)(b))) 248-18-711(7).

(iv) STORAGE UNIT.<sup>6, 18</sup>

(v) REFRIGERATOR. Ice dispenser.<sup>6</sup>

(vi) LINEN STORAGE.<sup>6, 18</sup>

(vii) EQUIPMENT STORAGE.<sup>6, 18</sup>

(viii) Warmer for blankets and solutions.

(c) SOILED UTILITY OR SOILED MATERIALS ROOM<sup>7</sup>, LOCATED WITH DIRECT ENTRY FROM RECOVERY UNIT. May be shared with clean-up facilities of the surgical suite or combined surgical/obstetrical suite provided there is a direct entry from each.

(d) CHARTING SURFACE.<sup>6</sup> May be shelf, desk, or equivalent.

STAFF TOILET. May be in or convenient to unit.

(f) HOUSEKEEPING FACILITIES.<sup>5</sup>

[(e)] Suitable combination with other housekeeping facilities permitted if convenient to recovery unit.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>7</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(2)(c) AND (d))) 248-18-711 (8) or (9), SOILED UTILITY OR MATERIALS ROOM.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(3))) 248-18-711(10), STORAGE FACILITIES.

<sup>56</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718(1)(b)(iii))) 248-18-719, Table 719-6.

AMENDATORY SECTION (Amending Order 2302, filed 11/13/85)

WAC 248-18-565 SURGERY SUITE. <sup>8</sup> Optional. SHALL MEET REQUIREMENTS IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) SURGERY SUITE, GENERAL.

(a) A SEPARATE SEGREGATED UNIT UNLESS SURGERY AND OBSTETRICAL DELIVERY FACILITIES ARE IN A COMBINED SUITE, IN ACCORD WITH WAC ((248-18-600)) 248-18-601. TO INCLUDE OPERATING ROOMS AND ANCILLARY FACILITIES ESSENTIAL TO THE PROPER FUNCTIONING OF THE OPERATING ROOMS. ANCILLARY FACILITIES TO BE LOCATED OUTSIDE OPERATING ROOMS AND, IF A COMBINED SUITE, OUTSIDE DELIVERY ROOMS.

(b) LOCATED TO PREVENT TRAFFIC THROUGH SURGERY SUITE TO ANY OTHER AREA OF THE HOSPITAL AND TO FACILITATE TRANSFER OF PATIENTS TO SURGICAL NURSING UNITS AND, IF A COMBINED SUITE, TO OBSTETRICAL NURSING UNIT.

(c) SUITE TO INCLUDE NO FACILITIES (such as central sterilizing and processing service facilities) SERVING OTHER AREAS OF THE HOSPITAL AND THEREBY CREATING TRAFFIC UNNECESSARY TO THE SURGICAL SUITE, EXCEPT AS PROVIDED FOR IN WAC ((248-18-600)) 248-18-601 FOR COMBINED SURGERY/OBSTETRICAL DELIVERY SUITE.

(d) NUMBER AND TYPES OF OPERATING ROOMS TO BE PREDICATED UPON THE TYPES OF SURGERY TO BE PERFORMED AND THE ANTICIPATED SURGERY CASELOAD.

(e) ARRANGED TO PREVENT TRAFFIC THROUGH AN OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM TO OTHER AREAS OF THE SUITE, EXCEPT DIRECTLY CONNECTING SUBSTERILIZING ROOM SERVING ONLY OPERATING ROOMS OR OBSTETRICAL DELIVERY ROOMS TO WHICH IT CONNECTS.

(f) ANY ROOMS IN THE SUITE PLANNED TO SERVE FOR OUTPATIENT SURGERY LOCATED SO PENETRATION OF THE SUITE BY THE PUBLIC IS LIMITED.

(g) CONDUCTIVITY METER WITHIN SUITE REQUIRED ONLY IF OPERATING ROOMS DESIGNED FOR USE OF FLAMMABLE ANESTHETICS.<sup>6</sup>

(h) MEDICAL EMERGENCY SIGNALLING DEVICE - SEE WAC ((248-18-718(1)(b))) 248-18-719(4) and Table 719-6.

(2) MAJOR OPERATING ROOM.

(a) AT LEAST ONE MAJOR OPERATING ROOM.

(b) MINIMUM DIMENSION AT LEAST EIGHTEEN FEET.<sup>24</sup>  
Twenty feet or more recommended.

MINIMUM CLEAR AREA AT LEAST THREE HUNDRED SIXTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.<sup>24</sup>

(c) EQUIPMENT:

(i) OVERHEAD SURGERY LIGHT.  
(ii) TWO X-RAY FILM ILLUMINATORS.<sup>6</sup>  
(iii) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.

(iv) STORAGE FOR SURGICAL SUPPLIES.<sup>6, 18</sup>

(v) TWO SUCTION OUTLETS.

(vi) TWO OXYGEN OUTLETS.

(vii) SEPARATE WASTE GAS EVACUATION SYSTEM.

(viii) Work surface.<sup>6</sup>

(ix) Medical gases and medical air.<sup>24</sup>

(3) Minor operating room.

(a) All operating rooms should be designed as major operating rooms to achieve maximum flexibility in use. However, in large or specialty hospitals a large volume of minor surgery may make inclusion of minor operating rooms practical.

(b) MINIMUM DIMENSION AT LEAST FIFTEEN FEET.

MINIMUM CLEAR AREA AT LEAST TWO HUNDRED SEVENTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.

(c) EQUIPMENT:

(i) OVERHEAD SURGERY LIGHT OR EQUIVALENT.<sup>24</sup>

(ii) TWO X-RAY ILLUMINATORS.<sup>6</sup>

(iii) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.<sup>24</sup>

(iv) STORAGE FOR SURGICAL SUPPLIES.<sup>6, 18</sup>

(v) TWO SUCTION OUTLETS.

(vi) TWO OXYGEN OUTLETS.

(vii) SEPARATE WASTE GAS EVACUATION SYSTEM.

(viii) Work surface.<sup>6</sup>

(ix) Medical gases and medical air.<sup>24</sup>

(4) Cystoscopy facilities.

(a) Cystoscopy operating room.

(i) May be in suitable location outside surgery suite.

(ii) MINIMUM DIMENSION AT LEAST FIFTEEN FEET.

MINIMUM CLEAR AREA OF TWO HUNDRED SEVENTY SQUARE FEET EXCLUSIVE OF FIXED AND MOVABLE CABINETS AND SHELVES.<sup>24</sup>

(iii) IF LOCATED OUTSIDE SURGERY SUITE, PROVIDE ONE SCRUB SINK OUTSIDE THE ENTRANCE AND FACILITIES FOR CLEANING AND STERILIZATION IN SOILED AND CLEAN UTILITY ROOMS.

(iv) EQUIPMENT:

(A) SURGERY LIGHT.<sup>24</sup>

(B) TWO X-RAY FILM ILLUMINATORS.<sup>6</sup>

(C) Work surface.<sup>6</sup>

(D) STORAGE FOR SURGICAL SUPPLIES.<sup>6, 18</sup>

(E) ELECTRIC CLOCK WITH SWEEP SECOND HAND OR EQUIVALENT AND INTERVAL TIMER.<sup>24</sup>

(F) X-RAY UNIT<sup>6</sup> - preferably mounted on urological table.

(G) TWO OXYGEN OUTLETS.

(H) TWO SUCTION OUTLETS.

(I) Flushing rim type floor drain may be permitted; PROVIDED DRAIN SYSTEM IS SPECIFICALLY DESIGNED FOR EASY ACCESS FOR CLEANING DRAIN AND TRAP.

(J) SEPARATE WASTE GAS EVACUATION SYSTEM.

(b) Darkroom or equivalent.

(c) Adjoining toilet, wheelchair accessible, if outside surgery suite.

(5) SEPARATE PATIENT HOLDING AREA.<sup>24</sup>

(a) May be omitted in hospitals with only one operating room.

(b) ROOM OR ALCOVE OUT OF TRAFFIC.

(c) LOCATED FOR DIRECT VISIBILITY OF EACH PATIENT.<sup>24</sup>

(d) IF SURGICAL PREPS AND INDUCTIONS DONE, PROVIDE LAVATORY OR SINK, WORK COUNTERS, AND CUBICLE CURTAINS OR EQUIVALENT.

(e) OXYGEN AND SUCTION OUTLETS.

(f) MEDICAL EMERGENCY SIGNALLING DEVICE - SEE WAC ((248-18-718 (1)(b))) 248-18-719(4) and Table 719-6.

(6) SCRUB-UP AREA.

(a) ADJACENT TO EACH OPERATING ROOM.

(b) DIRECT ACCESS TO EACH OPERATING ROOM.

(c) EQUIPMENT:

(i) AT LEAST THREE SCRUB SINKS FOR EACH TWO OPERATING ROOMS, BUT IN NO CASE LESS THAN TWO SCRUB SINKS.

(ii) DETERGENT DISPENSER OR EQUIVALENT.<sup>6</sup> FOOT CONTROL OR EQUIVALENT IF LIQUID DISPENSER.

(iii) BRUSH DISPENSER OR EQUIVALENT.<sup>24</sup>

(iv) SHELF.

(v) TOWEL DISPENSER OR EQUIVALENT.<sup>24</sup>

(vi) CLOCK WITHIN VIEW FROM SCRUB SINKS.

(7) CLEAN-UP FACILITIES WITH A SINK WITH ACCESSIBLE PLASTER TRAP. Sink with plaster trap may be in other appropriate soiled area.<sup>10</sup>

(8) CLEAN WORKROOM.

(a) May be omitted if written program defines a supply and equipment system eliminating need for preparation and assembly within the suite.

(b) EQUIPMENT:

(i) Lavatory.

(ii) WORK COUNTERS OR TABLES OR EQUIVALENT.<sup>6</sup>

(iii) STORAGE FOR SUPPLIES AND SMALL EQUIPMENT.<sup>6, 18</sup>

(9) STERILIZING FACILITIES.

(a) HIGH SPEED STERILIZERS WITH RECORDING THERMOMETERS AND AUTOMATIC CONTROLS OF SUFFICIENT CAPACITY TO ACCOMMODATE SUPPLIES AND EQUIPMENT TO BE STERILIZED IN SUITE.

(b) MINIMUM OF ONE STERILIZER<sup>11</sup> IN EACH SURGERY SUITE.

(c) IF PRACTICE OF STERILIZING UNWRAPPED SETS OF INSTRUMENTS IS TO BE FOLLOWED, A SUFFICIENT NUMBER OF STERILIZERS<sup>12</sup> ACCESSIBLE FOR MAINTENANCE, SHALL BE LOCATED TO PROVIDE DIRECT ACCESS TO EACH OPERATING ROOM AND OBSTETRICAL DELIVERY ROOM FROM A STERILIZING FACILITY.

(10) SOLUTION WARMER.<sup>6, 24</sup>

(11) STORAGE FACILITIES.<sup>18</sup>

(a) CLEAN SUPPLY ROOM;

(b) INSTRUMENTS. May be located in clean supply room;

(c) DRUGS - SEE WAC ((248-18-710(1))) 248-18-711(7). May be located in anesthesia work room or in clean supply room;

(d) LINEN.<sup>6</sup> May be located in clean supply room;

(e) BLOOD REFRIGERATION unless satisfactory provision elsewhere;

(f) SOLUTIONS;

(g) STERILE SUPPLIES;

(h) LARGE AND SMALL EQUIPMENT;

(i) STRETCHERS. Space for one stretcher per operating room or delivery room;

(j) PORTABLE X-RAY unless suitable provision for storage elsewhere.

(12) ANESTHESIA STORAGE - MACHINES AND CARTS<sup>13</sup> unless satisfactory provision elsewhere.

(13) Anesthesia workroom.

(a) IF CLEANING OF ANESTHESIA EQUIPMENT TO BE DONE, DESIGNED FOR SEPARATION OF SOILED AND CLEAN FUNCTIONS. Soiled room may be omitted if cleaning function to occur in clean-up or decontamination room in central processing.

(b) CLEAN ROOM.

(i) WORK COUNTERS.<sup>6</sup>

(ii) STORAGE FOR ANESTHESIA SUPPLIES AND SMALL EQUIPMENT.<sup>6</sup>

(iii) SPACE FOR TESTING AND STORAGE OF ANESTHESIA MACHINES AND EQUIPMENT WITH ADEQUATE ELECTRICAL OUTLETS.<sup>24</sup>

(iv) LAVATORY OR SINK FOR HANDWASHING.

(c) SOILED ROOM. May be omitted if cleaning to be done in clean-up or decontamination room or soiled processing areas elsewhere in the hospital.

(i) WORK COUNTERS.

(ii) DOUBLE COMPARTMENT SINK.

(iii) STORAGE FOR CLEANING SUPPLIES AND EQUIPMENT.

(iv) Space for anesthesia carts.<sup>24</sup>

(14) ADMINISTRATIVE FACILITIES.

(a) CONTROL STATION.<sup>24</sup>

(i) LOCATED TO PERMIT COORDINATION OF FUNCTIONS AMONG OPERATING ROOMS and to permit visual surveillance of traffic entering suite.

(ii) TELEPHONE.

(iii) ANNUNCIATOR FOR EMERGENCY SIGNALLING DEVICE UNLESS LOCATED IN ALTERNATE LOCATION FROM WHICH ADDITIONAL ASSISTANCE IS ALWAYS AVAILABLE.<sup>56</sup>

(b) SUPERVISOR'S OFFICE PROVIDING PRIVACY. May be combined with control station.<sup>24</sup>

(c) Surgery schedule board or equivalent.

(d) Dictating facilities.

(e) CONFERENCE ROOM FOR CONFIDENTIAL COMMUNICATION.<sup>24</sup> May be combined with other facilities, as appropriate.

(15) STAFF FACILITIES.

(a) LOCATED AND ARRANGED FOR ACCESS FROM OUTSIDE SUITE TO CLOTHING CHANGE AREA PRIOR TO ENTERING SUITE.

(b) LOCKER ROOM OR ROOMS, TOILET OR TOILETS, SHOWER OR SHOWERS, AND LOUNGE OR LOUNGES.

(i) Lockers, secured spaces, or equivalent predicated upon daily average volume or flow of personnel, medical staff, and others to and from surgical suite.<sup>24</sup>

(ii) STORAGE SPACE FOR SCRUB CLOTHING.<sup>6, 18</sup>

(iii) SPACE FOR COLLECTION RECEPTACLES FOR SOILED SCRUB CLOTHING.

(16) HOUSEKEEPING FACILITIES.<sup>5</sup>

(17) RECOVERY OR POST ANESTHESIA CARE UNIT.<sup>24</sup>

(18) Viewing gallery.

ACCESS TO GALLERY NOT THROUGH AN OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM and outside of suite.

GLASS SEPARATION BETWEEN GALLERY AND OPERATING ROOM OR OBSTETRICAL DELIVERY ROOM.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>8</sup>Where combustible anesthetic is to be used, see FLOOR FINISHES, WAC ((248-18-718)) 248-18-719(5); VENTILATION, WAC ((248-18-718(8))) 248-18-719(2); and ELECTRICAL SYSTEMS, WAC ((248-18-718(10))) 248-18-719(4).

<sup>10</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(4))) 248-18-711(2), CLEAN-UP FACILITIES.

<sup>11</sup>May be instrument sterilizer (high speed recommended) if only instruments are to be sterilized within the suite.

<sup>12</sup>May be instrument pressure sterilizer (high speed recommended) or instrument washer-sterilizer.

<sup>13</sup>See RECEIVING, STORES, AND DISTRIBUTION, WAC 248-18-700(10), FLAMMABLE ANESTHETIC STORAGE.

<sup>14</sup>See Recovery Unit, WAC 248-18-560.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(3))) 248-18-711(10), STORAGE FACILITIES.

<sup>24</sup>In accordance with program.

<sup>56</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718)) 248-18-719(4) and Table 719-6.

**AMENDATORY SECTION** (Amending Order 2302, filed 11/13/85)

WAC 248-18-568 FACILITIES FOR ONE-DAY PATIENT CARE. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED.

(1) LOCATED FOR CONVENIENT TRANSFER TO AND FROM A SURGICAL SUITE.<sup>24</sup>

(2) WAITING ROOM OR AREA FOR FAMILY MEMBERS. May be combined with other waiting areas, if in close proximity.

(3) PATIENT CARE ROOM OR ROOMS.

(a) DIRECTLY ACCESSIBLE FROM CORRIDOR.

(b) ONE-BED ROOM OR ROOMS WITH ONE HUNDRED SQUARE FEET PER ROOM.

(c) MULTI-BED ROOM OR ROOMS WITH AT LEAST EIGHTY SQUARE FEET PER EACH BED, STRETCHER, OR EQUIVALENT. THIS SPACE MAY INCLUDE SUPPORT FACILITIES PERMITTED WITHIN THE ROOM, THREE FEET CLEAR SPACE BETWEEN EACH BED, STRETCHER, OR EQUIVALENT.

(d) EQUIPMENT.

(i) OXYGEN OUTLET AT HEAD OF EACH BED, STRETCHER, OR EQUIVALENT.

(ii) SUCTION OUTLET AT HEAD OF EACH BED, STRETCHER, OR EQUIVALENT.

(iii) NURSE CALL SIGNAL DEVICE AT EACH BED, STRETCHER, OR EQUIVALENT. SEE WAC ((248-18-718)) 248-18-719(4) and Table 719-6.

(iv) CLOSET, LOCKER, OR EQUIVALENT PER EACH BED, STRETCHER, OR EQUIVALENT FOR PATIENT CLOTHING. May be in or adjacent to the patient care room or rooms.

(v) LAVATORY.

(vi) MEDICAL EMERGENCY SIGNALLING DEVICE.<sup>56</sup>

(vii) CUBICLE CURTAIN TRACKS OR RAILS OR EQUIVALENT TO PROVIDE COMPLETE SCREENING OF EACH BED, STRETCHER, OR EQUIVALENT TO PROVIDE VISUAL PRIVACY FOR EACH PATIENT IN MULTI-BED ROOMS.

(4) SERVICE FACILITIES LOCATED IN PATIENT CARE ROOM OR ROOMS OR ADJOINING ROOM OR ROOMS OR AREAS.

(a) SINK OR LAVATORY if service facility outside patient care room.

(b) WORK COUNTER.<sup>6</sup>

(c) LOCKED DRUG STORAGE INCLUDING SEPARATELY LOCKED STORAGE FOR CONTROLLED SUBSTANCES.<sup>6, 24</sup>

(d) STORAGE UNIT.<sup>6, 18</sup>

(e) REFRIGERATOR.<sup>6</sup>

(f) LINEN STORAGE.<sup>6</sup>

(g) CHARTING SURFACE OR DESK.<sup>6</sup>

(h) TELEPHONE.

(5) SOILED UTILITY OR SOILED MATERIALS ROOM. REFER TO WAC ((248-18-710(2)(c) and (d))) 248-18-711(8) and (9).

(6) PATIENT TOILET DESIGNED AND ARRANGED TO ACCOMMODATE A PATIENT IN A WHEELCHAIR.

(7) HOUSEKEEPING FACILITIES.<sup>5</sup> Suitable combination with other housekeeping facilities permitted, if convenient to one-day patient care facilities.

(8) Predischarge area or lounge.

(a) Multipatient accommodation.

(b) Seventy square feet per patient space.

(c) Curtain tracks or equivalent to provide for visual privacy for patients.

(d) Access to toilet.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(3))) 248-18-711(10), STORAGE FACILITIES.

<sup>24</sup>In accordance with program.

<sup>56</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718)) 248-18-719(4) and Table 719-6.

**AMENDATORY SECTION** (Amending Order 269, filed 9/20/83)

WAC 248-18-640 INFANT FORMULA FACILITIES. Required only if hospital is to provide obstetrical or pediatric services. SHALL MEET REQUIREMENTS IF INCLUDED. (REQUIREMENTS ARE SHOWN IN CAPITAL LETTERS. SEE WAC 248-18-515.) FACILITIES LISTED UNDER EITHER SUBSECTION (1) OR (2) OF THIS SECTION ARE REQUIRED.

(1) FACILITIES FOR PREPARATION OF FORMULA IN HOSPITAL.

(a) Not required if services of a commercial formula service to be used exclusively.

(b) Located on obstetrical unit, pediatric unit, or in dietary department.

(c) LOCATED TO AVOID CONTAMINATION OF FORMULA.

(d) LOCATED TO PREVENT THROUGH TRAFFIC.

(e) DESIGNED TO PROVIDE SEPARATE CLEAN AND SOILED AREAS.

(i) SOILED AREA TO SERVE FOR RECEIVING AND WASHING OF GLASSWARE, NIPPLES, AND UTENSILS.

(ii) CLEAN AREA TO SERVE FOR PREPARATION, TERMINAL HEATING, AND STORAGE OF FORMULAS AND SPECIAL FLUIDS.

(f) BOTTLE AND UTENSIL WASHING AREA (SOILED AREA).

EQUIPMENT:

WORK COUNTER.

TWO-COMPARTMENT SINK (MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER). Single compartment sink may serve if mechanical bottle washing machine is provided.

Mechanical nipple washer.

STORAGE FOR CLEANING AGENTS.

(g) FORMULA PREPARATION AREA (CLEAN AREA).

EQUIPMENT:

WORK COUNTER.

SINK (MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER) - If formula is to be prepared for less than six infants per day, sink in washing area may serve if in same room and equipped with foot, knee, or elbow faucet control and gooseneck spout.

STORAGE FOR FORMULA INGREDIENTS, CLEAN BOTTLES, ETC. No cabinet should be immediately above formula preparation area.

HOT PLATE.<sup>6</sup>

EQUIPMENT FOR TERMINAL STERILIZATION.<sup>6</sup> Sterilizing equipment in a suitable location elsewhere in hospital may be used.

REFRIGERATION.<sup>6</sup> Not required if refrigerator for formula is provided in other suitable location.

(h) HOUSEKEEPING FACILITIES.<sup>5</sup> Suitable combination with other housekeeping facilities permitted if convenient to infant formula facilities.

(2) FACILITIES REQUIRED WHEN COMMERCIAL FORMULA SERVICE USED.

(a) RECEIVING AND STORAGE AREA (CLEAN AREA). May be combined with dietary facilities or other suitable clean facilities.

EQUIPMENT:

COUNTER.

REFRIGERATOR.

(b) PICK-UP AREA (SOILED AREA). May be combined with other suitable facilities.

EQUIPMENT:

STORAGE FOR USED BOTTLES AND NIPPLES.

Counter.

Sink.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

#### AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-645 EMERGENCY DEPARTMENT. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.) REQUIRED IF HOSPITAL WILL OFFER EMERGENCY CARE SERVICES REGULARLY.

(1) EMERGENCY DEPARTMENT - GENERAL.<sup>8</sup>

(a) ON SAME FLOOR AS EMERGENCY PATIENTS' ENTRANCE.

(b) LOCATED FOR READY ACCESS FROM EMERGENCY PATIENT ENTRANCE.

(c) SEPARATE FROM SURGERY SUITE AND DELIVERY SUITE.

(d) LOCATED SO EMERGENCY TRAFFIC THROUGH INPATIENT AREAS WILL BE AVOIDED.

(e) Close to radiology department.

(f) NUMBERS, TYPES, AND EQUIPMENT OF ROOMS TO BE PREDICATED UPON THE SCOPE AND TYPES OF SERVICES TO BE OFFERED, AND THE ANTICIPATED PATIENT LOAD.

(g) CUBICLE CURTAINS OR AN EQUIVALENT MEANS FOR PROVIDING COMPLETE PRIVACY SCREENING FOR EACH EXAMINATION OR TREATMENT TABLE (OR CART) AND PATIENT BED IN EXAMINATION, TREATMENT, OR OBSERVATION ROOMS.

(h) AN EMERGENCY AUDIO ALARM SYSTEM WITH AN EMERGENCY ALARM SIGNAL DEVICE IN EACH TREATMENT, EXAMINATION, AND OBSERVATION ROOM. EMERGENCY AUDIO ALARM TO BE DISTINCT AND DIFFERENT FROM OTHER AUDIO SIGNALS AND ALARM SYSTEMS IN

HOSPITAL. EMERGENCY AUDIO ALARM SYSTEM TO SOUND ALARM CALL INTO AN AREA OF HOSPITAL WHERE NURSING PERSONNEL ARE ON DUTY AT ALL TIMES. IN MULTIROOM EMERGENCY DEPARTMENT, EMERGENCY ALARM SYSTEM ALSO TO ACTIVATE A DISTINCT VISUAL SIGNAL AT DOOR OF ROOM FROM WHICH ALARM IS SOUNDED SO PERSONS RESPONDING TO AUDIO ALARM CAN IMMEDIATELY IDENTIFY ROOM WHERE ASSISTANCE IS NEEDED.

(2) STRETCHER AND WHEELCHAIR STORAGE.

ADJACENT TO EMERGENCY DEPARTMENT ENTRANCE.

(3) RECEIVING AND TRIAGE AREA.

(a) ADJACENT TO EMERGENCY ENTRANCE.

(b) ADJACENT TO TREATMENT ROOMS.

(c) Sufficient space for triage in event of mass casualties.

(4) REGISTRATION AREA.

(a) OFFICE FACILITIES OR DESK SPACE FOR REGISTRATION LOCATED TO CONTROL ACCESS TO AREAS OF THE EMERGENCY DEPARTMENT WHERE EXAMINATION, TREATMENT, AND OBSERVATION ROOMS ARE LOCATED.

(b) CONVENIENT TO WAITING AREA.

(5) WAITING AREA.

(a) OUTSIDE AREA OF MAIN TRAFFIC FLOW IN EMERGENCY DEPARTMENT.

(b) May be combined with other waiting area in close proximity to emergency department.

(6) PUBLIC TOILETS.

Other public toilets may serve if close and easily accessible from the emergency department.

(7) Police, press, and ambulance attendants' room or rooms.

(a) OUTSIDE AREA OF MAIN TRAFFIC FLOW IN EMERGENCY DEPARTMENT.

(b) Equipped with desk and telephone.

(8) MAJOR EMERGENCY TREATMENT ROOM OR ROOMS.

(a) Number of rooms dependent upon anticipated volume of emergency services.

(b) AT LEAST ONE, MAJOR EMERGENCY TREATMENT ROOM.

(c) DIMENSIONS AND ARRANGEMENT OF EACH EMERGENCY TREATMENT ROOM TO PROVIDE A CLEAR SPACE AT LEAST FOUR FEET WIDE BETWEEN BOTH SIDES AND BOTH ENDS OF EACH TREATMENT TABLE (OR CART) AND ANY FIXED EQUIPMENT (CABINETS, SINKS, ETC.) OR MAJOR MOVABLE EQUIPMENT KEPT IN THE ROOM: PROVIDED HOWEVER, THE CLEAR SPACE BETWEEN TREATMENT TABLES (OR CARTS) SHALL BE AT LEAST EIGHT FEET WIDE. THE FLOOR SPACE ALLOWED FOR A TREATMENT TABLE SHALL BE AT LEAST EIGHTY INCHES BY THIRTY INCHES.

(d) Major emergency treatment room designed and equipped to accommodate at least two treatment tables if emergency department has only one major treatment room.

(e) EQUIPMENT:

STORAGE FOR CLEAN AND STERILE SUPPLIES, SMALL EQUIPMENT, AND DRUGS.<sup>6, 18</sup>

CLEAN WORK COUNTER FOR ASSEMBLY AND PREPARATION OF CLEAN AND STERILE SUPPLIES AND EQUIPMENT FOR USE.<sup>6</sup>

SINK (MOUNTED IN, INTEGRAL WITH, OR ADJACENT TO CLEAN WORK COUNTER).

SCRUB SINK - EIGHT FEET APART OR PHYSICAL BARRIER SEPARATING FROM CLEAN WORK COUNTER AND STORAGE FOR CLEAN AND STERILE SUPPLIES AND EQUIPMENT AND DRUGS. Not required if a scrub sink is located outside but adjacent to emergency treatment room.

DETERGENT DISPENSER.<sup>6</sup>

SOILED WORK COUNTER FOR COLLECTION OF CONTAMINATED SUPPLIES AND EQUIPMENT.<sup>6</sup>

SINK WITH PLASTER TRAP - Not required if separate fracture room provided. Suitable combination with other sink in emergency department permitted.

TREATMENT LIGHT.<sup>6</sup>

SUCTION OUTLET.

OXYGEN OUTLET.

FILM ILLUMINATORS.<sup>6</sup>

OUTLET FOR PORTABLE X-RAY MACHINE.

CLOCK - WITH SWEEP SECOND HAND and interval timer.  
SPACE FOR MAJOR MEDICAL EQUIPMENT TO BE KEPT  
IN ROOM.

SPACE FOR LINEN HAMPERS AND TRASH  
CONTAINERS.

(9) Minor treatment and examination room or rooms.

(a) At least one minor treatment and examination room.

(b) DIMENSIONS AND ARRANGEMENT OF EXAMINA-  
TION ROOM OR ROOMS TO PROVIDE AT LEAST EIGHTY  
NET SQUARE FEET OF FLOOR SPACE, EXCLUSIVE OF  
SPACE FOR LAVATORY, CABINETS, WORK COUNTER,  
WARDROBE, DESK, OR VESTIBULE. CONFIGURATION OF  
THIS NET FLOOR SPACE TO ALLOW FOR PLACEMENT OF  
A SIX FEET BY TWO FEET EXAMINATION TABLE WITH AT  
LEAST THREE FEET WIDE CLEAR SPACE ON EACH SIDE  
OF THE TABLE AND FOUR FEET WIDE CLEAR SPACE AT  
THE FOOT END OF THE TABLE.

(c) EQUIPMENT:

LAVATORY.

WORK COUNTER.<sup>6</sup>

STORAGE FOR SUPPLIES AND EQUIPMENT.<sup>6, 18</sup>

SUCTION OUTLET.

OXYGEN OUTLET.

EXAMINATION LIGHT.<sup>6</sup>

(10) Observation room or rooms.

(a) NEAR TO NURSES' STATION OR OTHER CONTROL  
STATION TO PERMIT CLOSE OBSERVATION OF PATIENTS.

(b) AT LEAST ONE HUNDRED TWENTY-FIVE SQUARE  
FEET IN ONE-BED ROOM.

(c) MINIMUM DIMENSION OF TEN FEET FOR ONE-BED  
ROOM.

(d) EACH MULTIPLE-BED ROOM DESIGNED TO PROVIDE  
AT LEAST FOUR FEET WIDE SPACE BETWEEN SIDE OF  
EACH BED (OR CART) AND ANY WALL, OTHER BED, OR  
FIXED EQUIPMENT (e.g., CABINET, SINK, CLOSET), AND  
AT LEAST FIVE FEET WIDE SPACE BETWEEN FOOT END  
OF ANY BED AND ANY WALL OR FIXED EQUIPMENT.

(e) ROOM DETAILS, DOORS, HARDWARE, WINDOWS,  
AND SCREENS IN ANY ROOM FOR SEVERELY DISTURBED  
PERSON TO PROVIDE FOR PATIENT SAFETY IN AN UNOB-  
TRUSIVE MANNER.

(f) EQUIPMENT:

LAVATORY IN EACH ROOM.

A NURSE CALL SIGNAL DEVICE AT EVERY PATIENT  
BED.

OXYGEN OUTLET FOR EACH BED (OR CART).

SUCTION OUTLET FOR EACH BED (OR CART).

CLOSET OR LOCKER PER EACH BED FOR PATIENT  
CLOTHING. May be in or adjacent to observation room or rooms.

SEPARATE STORAGE PER BED FOR EXTRA PILLOWS  
AND BLANKETS. May be combined with closet or locker.

(11) PATIENT TOILET OR TOILETS.

(a) CONVENIENT TO EXAMINATION AND TREATMENT  
ROOMS.

(b) TOILET OR TOILETS LOCATED SO PATIENTS IN EV-  
ERY OBSERVATION ROOM HAVE ACCESS TO A TOILET  
WITHOUT ENTERING A PUBLIC CORRIDOR.

(c) AT LEAST ONE COMMUNAL PATIENT TOILET DE-  
SIGNERD AND ARRANGED TO ACCOMMODATE A PATIENT  
IN A WHEELCHAIR.

(d) GRAB BARS AT EACH PATIENT TOILET.

(12) MEDICINE AREA.<sup>7</sup>

(13) UTILITY ROOMS.<sup>7</sup>

(14) DESK SPACE FOR NURSES AND PHYSICIANS.

May be combined with office facilities in reception, triage, and reg-  
istration area.

(15) EQUIPMENT STORAGE.

(a) STORAGE FOR MOBILE CART WITH EMERGENCY  
MEDICAL SUPPLIES AND EQUIPMENT (CRASH CART) IN A  
CLEAN AREA READILY ACCESSIBLE FROM ALL ROOMS  
USED FOR PATIENT CARE OR TREATMENT.

(b) Storage area for portable x-ray equipment.  
REQUIRED IF PORTABLE X-RAY EQUIPMENT TO BE  
STORED IN EMERGENCY DEPARTMENT.

(c) STORAGE FOR OTHER MAJOR PORTABLE OR MOBILE  
EQUIPMENT.

(16) HOUSEKEEPING FACILITIES.<sup>5</sup>

Suitable combination with other housekeeping facilities permitted if  
convenient to emergency department.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC  
(~~248-18-710(5)~~) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>7</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC  
(~~248-18-710~~) 248-18-711.

<sup>8</sup>Where combustible anesthetic is to be used, see FLOOR FINISHES, WAC  
(~~248-18-718~~) 248-18-719(5); VENTILATION, WAC ((~~248-18-718(8)~~)  
248-18-719(2); and ELECTRICAL SYSTEMS, WAC ((~~248-18-718(10)~~)  
248-18-719(4).

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC  
(~~248-18-710(3)~~) 248-18-711(10), STORAGE FACILITIES.

#### AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-650 OUTPATIENT DEPARTMENT. Optional.  
SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIRE-  
MENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) OUTPATIENT DEPARTMENT, GENERAL.

(a) LOCATED FOR EASY ACCESS BY OUTPATIENTS.

(b) LOCATED SO OUTPATIENT TRAFFIC THROUGH IN-  
PATIENT AREAS WILL BE AVOIDED.

(c) Located for convenient access to radiology, pharmacy, laborato-  
ry, and physical therapy.

(d) NUMBER, SIZE, AND TYPE OF FACILITIES DEPEND-  
ENT UPON TYPE AND ANTICIPATED VOLUME OF OUT-  
PATIENT WORK.

(2) ADMINISTRATIVE FACILITIES.

(a) In small department, may be combined with inpatient or emer-  
gency department administrative facilities.

(b) Secondary facilities may be needed adjacent to major clinic ar-  
eas in large department.

(c) WAITING AREA.

(d) ADMITTING FACILITIES.

(e) Appointment and cashier facilities.

(f) Office.

(g) PUBLIC TOILET.

(h) Staff toilet.

(3) EXAMINATION ROOM.

(a) MINIMUM DIMENSION OF EIGHT FEET AND MINI-  
MUM AREA OF EIGHTY SQUARE FEET.

(b) EQUIPMENT:

LAVATORY OR SINK.

EXAMINATION LIGHT.<sup>6</sup>

STORAGE FOR SUPPLIES AND EQUIPMENT.<sup>6, 18</sup>

Dressing cubicles.

Film illuminator.

(4) Doctors' office.

(5) Minor surgery or treatment room.

(a) MINIMUM DIMENSION OF FIFTEEN FEET.

(b) EQUIPMENT:

SCRUB SINK.

LIQUID DETERGENT DISPENSER WITH FOOT  
CONTROL.<sup>6</sup>

SURGERY OR TREATMENT LIGHT.<sup>6</sup>

STORAGE FOR SUPPLIES AND EQUIPMENT.<sup>6, 18</sup>

FILM ILLUMINATOR OR ILLUMINATORS.<sup>6</sup>

(6) UTILITY ROOM.<sup>7</sup>

Located close to examination and treatment rooms.

(7) MEDICINE FACILITIES.<sup>7</sup>

(8) HOUSEKEEPING FACILITIES.<sup>5</sup>

Suitable combination with other housekeeping facilities permitted if  
convenient to outpatient department.

(9) LINEN STORAGE.<sup>18</sup>

(10) EQUIPMENT STORAGE.<sup>18</sup>

(11) Observation or recovery room.<sup>14</sup>

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC  
(~~248-18-710(5)~~) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>7</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC  
(~~248-18-710~~) 248-18-711.

<sup>14</sup>See Recovery Unit, WAC 248-18-560.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC  
(~~248-18-710(3)~~) 248-18-711(10), STORAGE FACILITIES.



**AMENDATORY SECTION** (Amending Order 2560, filed 11/18/87)

WAC 248-18-660 LABORATORY FACILITIES. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.) NUMBER, SIZE, AND TYPE OF FACILITIES DEPENDENT UPON TYPE AND ANTICIPATED VOLUME OF LABORATORY WORK AS PRESENTED IN FUNCTIONAL PROGRAM.

- (1) LABORATORY, GENERAL.
  - (a) LOCATED TO AVOID OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS.
  - (b) ELECTRICAL SERVICE. EMERGENCY POWER TO CRITICAL LABORATORY AREAS.
  - (c) NOISE ATTENUATION.<sup>24</sup>
  - (d) PIPED UTILITY VALVES AND WASTE LINE CLEAN-OUTS ACCESSIBLE FOR REPAIR AND MAINTENANCE.
  - (e) WAITING AREA AVAILABLE.<sup>24</sup>
  - (f) WORK AREAS FOR TECHNICAL, CLERICAL, AND ADMINISTRATIVE STAFF, FILES, AND STORAGE AREAS.<sup>24</sup>
  - (g) STAFF TOILET CONVENIENT TO LABORATORY.
- (2) EQUIPMENT - LABORATORY GENERAL:
  - (a) WORK COUNTER OR COUNTERS AT LEAST TWENTY-FOUR INCHES DEEP (FREE WORK SPACE) AND TWENTY-EIGHT INCHES HIGH AND OF SUFFICIENT DEPTH, HEIGHT, AND LENGTH TO ACCOMMODATE LABORATORY EQUIPMENT AND WORK PROCEDURES.<sup>20, 24</sup>
  - (b) KNEE HOLE SPACES AT WORK STATIONS.<sup>24</sup>
  - (c) SINK OR SINKS IN TESTING AREA OR AREAS.<sup>19, 24</sup>
  - (d) SPACE FOR FREESTANDING EQUIPMENT.<sup>24</sup>
  - (e) SPACE FOR CHAIRS AND/OR STOOLS AT WORK STATIONS.<sup>24</sup>
  - (f) EASILY ACCESSIBLE EMERGENCY SHOWERS WITH FLOOR DRAINS AND EYE WASHERS.<sup>24</sup>
  - (g) DRAINAGE FOR EQUIPMENT AND WASTE DISPOSAL.<sup>24</sup>
- (3) HOUSEKEEPING FACILITIES WHICH ARE SEPARATE OR SUITABLY COMBINED WITH OTHER HOUSEKEEPING FACILITIES, CONVENIENT TO THE LABORATORY FACILITIES.<sup>5</sup>
  - (4) BLOOD DRAWING FACILITIES.
    - (a) ROOM OR PRIVATE AREA SEPARATE FROM LABORATORY TESTING AREA.
    - (b) EQUIPMENT.
      - (i) WORK COUNTER.<sup>6</sup>
      - (ii) LAVATORY.
      - (iii) SPACE TO ACCOMMODATE ADULT WHEELCHAIR AND ACCOMMODATION FOR INFANTS.
    - (c) WHEELCHAIR ACCESSIBLE PATIENT TOILET.
    - (d) LOCATED CONVENIENT TO LABORATORY.
      - (b) OPEN SHELF IN TOILET.
  - (6) CLEAN-UP, DECONTAMINATION, BIOHAZARDOUS WASTE COLLECTION, OR SOILED UTILITY FACILITIES IN LABORATORY OR ELSEWHERE.<sup>24</sup>
  - (7) WHEN PROVIDED IN FUNCTIONAL PROGRAM, SPECIMEN PREPARATION FACILITY SHALL INCLUDE THE FOLLOWING.<sup>24</sup>
    - (a) LOCATED IN OR ADJACENT TO LABORATORY.
    - (b) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION.
  - (8) WHEN PROVIDED IN FUNCTIONAL PROGRAM, A MEDIA PREPARATION FACILITY SHALL INCLUDE A ROOM OR AREA MEETING VENTILATION REQUIREMENTS SPECIFIED IN WAC ((248-18-718)) 248-18-719(2) and Table 719-3.<sup>24</sup>
  - (9) WHEN PROVIDED IN FUNCTIONAL PROGRAM, A REAGENT PREPARATION FACILITY SHALL INCLUDE EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS:<sup>24</sup>
    - (a) SPACE FOR VIBRATION-FREE BALANCE TABLE UNLESS AVAILABLE ELSEWHERE IN LABORATORY.
    - (b) EQUIPMENT FOR PREPARATION OF REAGENT WATER OR OUTLET FOR PIPED REAGENT WATER PREPARED ELSEWHERE.<sup>24</sup>
    - (10) WHEN PROVIDED IN FUNCTIONAL PROGRAM, MICROBIOLOGY FACILITY SHALL INCLUDE:<sup>24</sup>
      - (a) SEPARATE ENCLOSED ROOM OR AN AREA LOCATED AWAY FROM TRAFFIC FLOW.

(b) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS:

- (i) SPACE FOR SPECIAL GAS CYLINDERS WITH SAFETY FASTENERS UNLESS ALL GAS IS PIPED IN.
- (ii) FOR HIGHLY INFECTIOUS MATERIALS (INCLUDING BUT NOT LIMITED TO TUBERCLE BACILLUS, VIRUS, SYSTEMIC MYCOLOGY), PROVIDE ADDITIONAL ENCLOSED AREA WITH COUNTERS, SINK, STORAGE, AND BIOLOGICAL SAFETY CABINET OR LAMINAR FLOW HOOD.<sup>24</sup>
  - (11) WHEN PROVIDED IN FUNCTIONAL PROGRAM, BLOOD BANK FACILITY SHALL INCLUDE:
    - (a) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION,
    - (b) A BLOOD BANK REFRIGERATOR EQUIPPED WITH HIGH AND LOW TEMPERATURE ALARM WHICH SIGNALS IN STAFFED AREA, AND
    - (c) EMERGENCY POWER.
  - (12) CHEMISTRY FACILITIES, WHEN PROVIDED IN FUNCTIONAL PROGRAM SHALL INCLUDE EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS.
    - (a) FUME HOOD WHEN ANY PROCEDURE PRODUCES DANGEROUS, TOXIC, OR NOXIOUS FUMES.<sup>24</sup>
    - (b) SPECIAL EQUIPMENT PROPERLY VENTED AS PER MANUFACTURER'S INSTRUCTIONS (e.g., atomic absorption).<sup>24</sup>
    - (c) SPECIAL GASES PIPED IN OR SPACE FOR SPECIAL GAS CYLINDERS WITH SAFETY FASTENERS (WHEN SPECIAL GASES REQUIRED FOR PROCEDURES).<sup>24</sup>
  - (13) WHEN PROVIDED IN FUNCTIONAL PROGRAM, CYTOLOGY FACILITY SHALL INCLUDE EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION AND FORCED AIR EXHAUST VENTILATION OVER STAINING AREA.
  - (14) WHEN INCLUDED IN FUNCTIONAL PROGRAM, HEMATOLOGY FACILITIES SHALL BE LOCATED AS REQUIRED IN SUBSECTION (1) OF THIS SECTION AND EQUIPPED AS IN SUBSECTION (2) OF THIS SECTION.
  - (15) WHEN PROVIDED IN FUNCTIONAL PROGRAM, HISTOLOGY FACILITIES SHALL INCLUDE:
    - (a) LOCATED IN A SEPARATE ROOM OR AREA.
    - (b) EQUIPMENT AS REQUIRED IN SUBSECTION (2) OF THIS SECTION WITH THE FOLLOWING DIFFERENCES OR EXCEPTIONS:
      - (i) FUME HOOD OR FORCED AIR LOCATED TO EXHAUST TISSUE PROCESSING EQUIPMENT AND AREAS AS NECESSARY.
      - (ii) SPACE FOR FROZEN SECTION EQUIPMENT WHEN FROZEN SECTIONS ARE TO BE PERFORMED IN THIS AREA.<sup>24</sup>
    - (16) MORGUE FACILITIES WHEN IN FUNCTIONAL PROGRAMS SHALL INCLUDE:<sup>24</sup>
      - (a) LOCATED TO ACCOMMODATE TRANSPORTATION OF BODIES VIA LEAST PUBLIC USE CORRIDOR OR CORRIDORS.
      - (b) REFRIGERATION FOR BODY STORAGE.
      - (c) SPACE FOR HOUSEKEEPING EQUIPMENT.<sup>24</sup>
    - (17) AUTOPSY ROOM WHEN IN FUNCTIONAL PROGRAM SHALL INCLUDE:
      - (a) LOCATION CONVENIENT TO MORGUE.
      - (b) EQUIPMENT.
      - (i) AUTOPSY TABLE WITH WATER SUPPLY, SUCTION OUTLET, AND APPROPRIATE DRAIN.
      - (ii) SPACE FOR DISSECTION TABLE OR COUNTER (MAY BE PART OF AUTOPSY TABLE).<sup>6</sup>
      - (iii) FLOOR DRAIN.
      - (iv) SCRUB SINK.
      - (v) STORAGE FOR SUPPLIES AND EQUIPMENT.<sup>6</sup>
      - (vi) INSTRUMENT STERILIZER UNLESS PROVIDED ELSEWHERE.
      - (vii) CLINIC SERVICE SINK (SIPHON JET) OR OTHER TISSUE DISPOSAL SYSTEM.
      - (viii) CHANGING ROOM AND SHOWER.<sup>24</sup>
      - (c) SPACE FOR HOUSEKEEPING EQUIPMENT.<sup>24</sup>
    - (18) WHEN PROVIDED IN FUNCTIONAL PROGRAM, ANIMAL QUARTERS WHICH SHALL INCLUDE:



(a) LOCKED APART FROM LABORATORY AND TO AVOID ANNOYANCE.

(b) ADEQUATE FACILITIES BASED UPON TYPES AND EXTENT OF USAGE OF ANIMALS IN LABORATORY WORK, INCLUDING PROVISIONS FOR FOOD AND SUPPLY STORAGE, HANDWASHING, DISPOSAL OF WASTES AND DEAD ANIMALS, CLEANING AND SANITIZING OF QUARTERS AND CAGES, AND LOCKED ISOLATION OF INOCULATED ANIMALS.

NOTES:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC (248-18-710(5)) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>19</sup>CORROSION RESISTANT - Stainless steel recommended.

<sup>20</sup>IMPERMEABLE SURFACE.

<sup>24</sup>IN ACCORDANCE WITH PROGRAM.

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

WAC 248-18-665 RADIOISOTOPE FACILITIES. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) RADIOISOTOPE FACILITIES, GENERAL.<sup>21</sup>

(a) LOCATED SO OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS WILL BE AVOIDED.

(b) LOCATED TO MINIMIZE EXPOSURE HAZARD TO PATIENTS AND PERSONNEL.

(c) Located for ease of access by outpatients.

(d) Located in or near clinical department assuming responsibility.

(e) WORK SURFACES AND FLOORS SUBJECT TO SPILLS OF RADIOACTIVE SOLUTIONS TO BE IMPERMEABLE, READILY DECONTAMINATED SURFACES.

(2) RADIOCHEMISTRY LABORATORY.

(a) ADEQUATE RADIATION SHIELDING AND OTHER PROTECTIVE DEVICES TO FACILITATE SAFE STORAGE AND HANDLING OF ISOTOPES AND WASTE MATERIALS.<sup>6</sup>

(b) EQUIPMENT:

SEPARATE WORK SURFACES FOR PATIENT DOSE AND FOR CLINICAL SPECIMEN PREPARATION.

FACILITIES FOR AIR CONTROL<sup>22</sup> (glove box or fume hood).

LOCKABLE ISOTOPE STORAGE.<sup>6</sup>

EQUIPMENT AND SUPPLY STORAGE.<sup>6</sup>

LAVATORY OR SINK.

LOCKABLE STORAGE FOR CONTAMINATED EQUIPMENT AND WASTE MATERIALS.<sup>6</sup>

Storage unit<sup>6</sup> for monitoring equipment located to avoid contamination.

(3) PATIENT UP-TAKE MEASURING ROOM.

(a) LOCATED AWAY FROM X-RAY MACHINES, AND RADIOACTIVE MATERIALS OR BE ADEQUATELY SHIELDED.

(b) DESK AND FILE SPACE.

(c) WAITING AREA - May be shared with other area if adjacent.

(d) SPACE FOR DENTAL CHAIR OR EXAMINATION TABLE.

(e) EQUIPMENT:

Lavatory or sink.

WORK SURFACE FOR SCALER AND DETECTORS.

STORAGE CABINETS.<sup>6</sup>

Notes:

<sup>6</sup>May be movable equipment.

<sup>21</sup>Refer to (~~"Rules and Regulations for Radiation Protection"~~ of the Washington State Department of Social and Health Services, Title 402-WAC) WAC 248-18-99902(27).

<sup>22</sup>May be omitted if program indicates is not needed.

**AMENDATORY SECTION** (Amending Order 269, filed 9/20/83)

WAC 248-18-675 REHABILITATION FACILITIES. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) REHABILITATION FACILITIES, GENERAL.

(a) Located for easy access by inpatients and outpatients and to facilitate transport of equipment for bedside treatment when necessary.

(b) LOCATED TO AVOID OUTPATIENT TRAFFIC THROUGH INPATIENT AREAS.

(c) TYPE AND EXTENT OF FACILITIES ADEQUATE FOR THE TYPE AND VOLUME OF ANTICIPATED SERVICES.

(2) WAITING AREA.

(a) Suitable combinations with other waiting areas permitted.

(b) Accommodations for inpatients and outpatients.

(c) ADEQUATE SPACE FOR STRETCHERS AND WHEELCHAIRS.

(d) Reception counter or desk.

(3) PHYSICAL THERAPY FACILITIES. May be omitted if program indicates not needed.

(a) ADMINISTRATIVE FACILITIES.

OFFICE SPACE suitable for interviewing patients, and administrative and clerical functions.

(b) Examining room.

(i) Floor to ceiling partitions for privacy. Arranged to permit permanent placement of examining equipment.

(c) TREATMENT AREA.

(i) GENERAL TREATMENT AREA.

(A) CUBICLES LARGE ENOUGH FOR THERAPIST TO WORK ON BOTH SIDES OF TABLE.

(B) Divided by curtains rather than solid partitions.

(C) ARRANGED TO PERMIT EASY ACCESS FOR WHEELCHAIR OR STRETCHER PATIENTS.

(ii) Underwater exercise area.

(A) Concentration of equipment requiring special water supply and plumbing in one section of department.

(B) ACCESSIBLE AND ADJACENT TO OTHER TREATMENT AREAS.

(C) Overhead lifts for tank or exercise pool.

(iii) General exercise area.

(A) Flexible open space.

(B) At least one wall reinforced for installation of stall bars and similar equipment.

(d) PATIENT LOCKER FACILITIES.

LOCKERS OR OTHER SUITABLE PROVISION FOR PATIENT CLOTHING IN OR NEAR TREATMENT AREAS.

(e) STORAGE FOR SUPPLIES AND EQUIPMENT.

(i) ADEQUATE TO MEET NEEDS OF SERVICE.

(ii) Near work areas.

(f) SPECIAL DESIGN FEATURES.

(i) SINK OR SINKS.

(A) HANDWASHING FACILITIES IN GENERAL TREATMENT AREA AND IN OR CONVENIENT TO OTHER TREATMENT AREAS.

(B) AT LEAST ONE SINK OF SUFFICIENT WIDTH AND DEPTH TO ACCOMMODATE WET PACKS.

(ii) Ceiling moorings.

(A) Constructed to support at least five hundred pounds.

(B) Strategically located throughout treatment areas for attachment of overhead equipment.

(4) Occupational therapy.<sup>23</sup> Located close to physical therapy facilities.

(a) ADMINISTRATIVE FACILITIES.

(i) OFFICE AND WORK SPACE FOR STAFF.

(ii) Separate room recommended.

(iii) Designed and located to permit visual supervision of therapy areas.

(b) STORAGE FOR SUPPLIES AND EQUIPMENT.

(i) ADEQUATE TO MEET NEEDS OF THERAPY PROGRAM.

(ii) Near therapy areas.

(c) THERAPY AREA.<sup>24</sup>

(i) At least thirty-six square feet of floor area per patient for the maximum number to be in therapy at any one time.

(ii) Divided and equipped for diversified work.

(iii) EQUIPMENT:

SINK WITH SLUDGE TRAP.

(d) Facilities for teaching activities of daily living.

(5) Psychological facilities.

Office space for psychological testing, evaluation, and counseling.

(6) Social service facilities.

Office space for private interview and counseling.

(7) Vocational facilities.

Office and work space for counseling, evaluation, prevocational program, and placement.

(8) Special education facilities.

Schoolroom for children if children are to be included in program.

(9) TOILET, LOCKER, AND SHOWER FACILITIES.

(a) LOCKER, TOILET, AND SHOWER FACILITIES FOR PATIENTS.

(b) PATIENT TOILET OR TOILETS DESIGNED FOR ACCOMMODATION OF WHEELCHAIR PATIENTS.

(c) May be omitted if program does not indicate need for locker and shower facilities and other suitable patient toilets are convenient to rehabilitation facilities.

(10) HOUSEKEEPING FACILITIES.<sup>5</sup>

Suitable combination with other housekeeping facilities permitted if convenient to rehabilitation facilities.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>23</sup>For construction and ventilation requirements for areas in which flammable agents are to be handled or stored, refer to standards of the State Fire Marshal.

<sup>24</sup>In accordance with program.

**AMENDATORY SECTION** (Amending Order 281, filed 2/15/85)

WAC 248-18-680 CENTRAL STERILIZING AND PROCESSING SERVICE FACILITIES. Optional. SHALL MEET REQUIREMENTS, IF INCLUDED. (REQUIREMENTS IN CAPITAL LETTERS. SEE WAC 248-18-515.)

(1) GENERAL.

(a) A SEGREGATED UNIT DESIGNED AND LOCATED:

(i) TO PREVENT THROUGH TRAFFIC,

(ii) TO AVOID CONTAMINATION OF CLEAN AND STERILE SUPPLIES AND EQUIPMENT,

(iii) TO PREVENT OBJECTIONABLE HEAT AND NOISE IN PATIENT CARE AREAS,

(iv) TO FACILITATE DELIVERY AND RETURN OF SUPPLIES AND EQUIPMENT TO AND FROM OTHER SERVICES,<sup>24</sup>

(v) Near or adjacent to central stores and distribution services.

(b) AREAS WITHIN THE UNIT ADEQUATE TO PROVIDE FOR PROPER HANDLING OF SUPPLIES AND EQUIPMENT.<sup>24</sup>

(c) WORK FLOW:

(i) EQUIPPED AND ARRANGED TO PROVIDE WORK FLOW MAINTAINING PROPER SEPARATION OF CLEAN OR STERILE ITEMS FROM SOILED OR CONTAMINATED ITEMS.

(ii) DESIGNED FOR CONTINUOUS OR SEQUENTIAL WORK FLOW FROM RECEIVING TO ISSUING.

(d) SEPARATE RECEIVING AND DECONTAMINATION ROOM.

(e) SEPARATE CLEAN EQUIPMENT STORAGE ROOM.<sup>24</sup>

(f) ADEQUATE SPACE FOR CIRCULATION AND PARKING OF CARTS.<sup>24</sup>

(2) SOILED RECEIVING AND DECONTAMINATION ROOM OR ROOMS.

(a) FACILITIES FOR RECEIVING, DISASSEMBLING, AND CLEANING OF SUPPLIES AND EQUIPMENT PHYSICALLY SEPARATED FROM ALL OTHER AREAS OF CENTRAL PROCESSING SERVICE.

(b) LOCATED TO FACILITATE RETURN OF SOILED OR CONTAMINATED ITEMS WITHOUT TRANSPORTING THE ITEMS THROUGH OTHER AREAS OF CENTRAL PROCESSING SERVICE.

(c) SPACE FOR PARKING OF SOILED COLLECTION CARTS, IF USED.

(d) PROVISIONS FOR CLEANING AND DISINFECTING CARTS AND LARGE EQUIPMENT UNLESS CART WASH FACILITIES PROVIDED ELSEWHERE. Refer to WAC ((248-18-710(6))) 248-18-711(2).

(e) WORK FLOW FROM DECONTAMINATION ROOM DIRECTLY INTO CLEAN PREPARATION ROOM AND/OR CLEAN CART STORAGE/PARKING AREA OR AREAS.

(f) EQUIPMENT:

(i) AT LEAST ONE DOUBLE-COMPARTMENT SINK MOUNTED IN COUNTER OR INTEGRAL WITH COUNTER.

(ii) ADDITIONAL SINKS OR MECHANICAL WASHERS AS REQUIRED BY TYPES AND VOLUME OF ITEMS TO BE PROCESSED.<sup>24</sup>

(iii) Washer-sterilizer or sterilizer, pass-through type.

(iv) WORK COUNTER OR EQUIVALENT SPACE FOR COLLECTION EQUIPMENT ADJACENT TO EACH SINK OR MECHANICAL WASHER FOR COLLECTION OF SOILED OR CONTAMINATED ITEMS.

(v) WORK COUNTER OR EQUIVALENT SPACE FOR COLLECTION EQUIPMENT ADJACENT TO EACH SINK OR MECHANICAL WASHER FOR COLLECTION OF ITEMS WHICH HAVE BEEN WASHED.

(vi) STORAGE FOR CLEANING AGENTS AND OTHER CLEANING SUPPLIES AND EQUIPMENT.

(vii) FLUSH OR RECESSED FLOOR DRAIN.

(viii) Pressure systems such as air, water, steam, vacuum.

(ix) Deionized or distilled water system.

(3) CLEAN WORKROOM, PREPARATION, AND REPACKAGING AREAS.

(a) SPACE AND FACILITIES ARRANGED FOR ASSEMBLING AND PACKAGING SUPPLIES AND EQUIPMENT FOR STERILIZATION.

(b) WORK SURFACES OF SUFFICIENT SIZE AND QUANTITY TO FACILITATE ASSEMBLY OF MATERIALS AND EQUIPMENT.<sup>24</sup>

(c) STORAGE FOR CLEAN ITEMS AND MATERIALS USED IN PACKAGING.

(d) SPACE FOR PARKING OF CARTS AND OTHER MOVABLE EQUIPMENT.

(e) HANDWASHING LAVATORY LOCATED TO PREVENT SPLASH OR SPRAY ON CLEAN ITEMS.<sup>24</sup>

(f) WHEN PREPARATION OF LINEN IS A FUNCTION IN CENTRAL PROCESSING, A SEPARATE ROOM IS REQUIRED TO AVOID ACCUMULATION AND SPREAD OF LINT.<sup>24</sup>

(4) FACILITIES FOR STERILIZING.

(a) LOCATED BETWEEN FACILITIES FOR ASSEMBLING AND PACKAGING AND FACILITIES FOR STORAGE OF CLEAN AND STERILE SUPPLIES.

(b) EQUIPMENT:

(i) AT LEAST ONE PRESSURE STERILIZER OF ADEQUATE SIZE.

(ii) ADDITIONAL PRESSURE STERILIZERS AS REQUIRED BY VOLUME OF ITEMS TO BE PROCESSED.

(iii) PRESSURE STERILIZERS TO HAVE RECORDING THERMOMETERS AND AUTOMATIC CONTROLS.

(iv) Ethylene oxide sterilizer with automatic controls. MECHANICAL AERATOR REQUIRED WHEN ETHYLENE OXIDE STERILIZER INSTALLED.<sup>6</sup>

(v) Dry heat sterilizer.

(5) STORAGE OF CLEAN AND STERILE ITEMS FOR ISSUE/DISTRIBUTION FROM CENTRAL PROCESSING SERVICE.<sup>6, 18</sup>

(a) SEPARATE ROOM OR AREA LOCATED TO FACILITATE ISSUE WITHOUT TRANSPORT OF CLEAN AND STERILE ITEMS THROUGH OTHER AREAS OF CENTRAL PROCESSING AND STERILIZING SERVICE.

(b) IF STORAGE AREA IS PART OF THE PREPARATION AREA, ENCLOSED SHELVING IN CABINETS, CARTS, OR EQUIVALENT SHALL BE PROVIDED.<sup>6</sup> Open shelving permitted if separate room provided.<sup>6</sup>

(6) CLEAN EQUIPMENT STORAGE ROOM, AREA, OR AREAS.<sup>18</sup> Also refer to WAC 248-18-700.

(a) LOCATED TO FACILITATE ISSUE OF LARGE AND SMALL PATIENT CARE EQUIPMENT. SEPARATED FROM OTHER AREAS OF CENTRAL PROCESSING SERVICE. May be centralized in one room or area or decentralized on each nursing unit or within each department.<sup>24</sup>

(b) AREA SUFFICIENT TO PROVIDE FOR PROPER HANDLING OF EQUIPMENT IN ACCORDANCE WITH PLANNED SYSTEM.<sup>24</sup>

(c) PROVISION FOR CLEANING THE EQUIPMENT IN THE DECONTAMINATION ROOM, CART-WASH ROOM OR AREA OR OTHER SUITABLE FACILITIES IN THE HOSPITAL WITH SINK OR EQUIVALENT.

(7) DISTRIBUTION/ISSUE AREA OR AREAS. Also refer to WAC 248-18-700.

(a) LOCATED TO FACILITATE ISSUE OF CLEAN AND STERILE ITEMS WITHOUT BACKTRACKING THROUGH OTHER AREAS OF CENTRAL PROCESSING SERVICE.

(b) SPACE FOR MOVEMENT AND PARKING OF CARTS.<sup>24</sup>

(c) SPACE FOR EQUIPMENT; e.g., communication system, files, labeling.

(8) PERSONNEL FACILITIES.

(a) TOILET, SHOWER ROOM OR AREA, CHANGE AND LOCKER AREA AS CLOSE AS POSSIBLE TO ENTRANCE OF CENTRAL PROCESSING/STERILIZING UNIT WITH STORAGE FOR CLEAN WORK ATTIRE. May be combined with other facilities if close by and adequate for both.

(b) LOCKER ROOM with storage<sup>24</sup> or equivalent for clean attire LOCATED TO ALLOW SEPARATE ACCESS TO AND FROM CLEAN AND SOILED ROOMS.

(9) OFFICE ROOM OR SPACE WITH COMMUNICATION DEVICE.

(a) LOCATED TO PERMIT ACCESS FROM PUBLIC AREAS WITHOUT ENTERING PROCESSING AREAS.

(b) Located to allow observation of activities within central processing service.

(c) May be desk and file space in suitable location within workroom.

(10) HOUSEKEEPING FACILITIES.<sup>5</sup>

Combination with other housekeeping facilities permitted only if suitable and convenient to central sterilizing and processing service facilities.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((~~248-18-710(5)~~) 248-18-711(6)), HOUSEKEEPING FACILITIES.

<sup>6</sup>May be movable equipment.

<sup>18</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((~~248-18-710(3)~~) 248-18-711(10)), STORAGE FACILITIES.

<sup>24</sup>In accordance with program.

**AMENDATORY SECTION** (Amending Order 257, filed 3/18/83)

WAC 248-18-685 DIETARY DEPARTMENT. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) DIETARY DEPARTMENT, GENERAL.

(a) SUITABLY LOCATED TO FACILITATE DELIVERY OF STORES, DISPOSAL OF KITCHEN WASTE, AND TRANSPORTATION OF FOOD TO NURSING UNITS.

(b) EQUIPMENT CONSTRUCTED AND INSTALLED IN ACCORDANCE WITH NATIONAL SANITATION FOUNDATION STANDARDS.<sup>26</sup>

(c) ALL EQUIPMENT AND COUNTERS CONSTRUCTED FOR EASY CLEANING AND FREE FROM INACCESSIBLE SPACE PROVIDING HARBORAGE FOR VERMIN.

(d) ADEQUATE SPACE BETWEEN EQUIPMENT (INCLUDING CASEWORK) AND WALL AND/OR FLOOR TO PERMIT CLEANING; OR, EQUIPMENT TIGHT AGAINST WALL AND/OR FLOOR AND JOINT PROPERLY SEALED.

(e) ADEQUATE SPACE FOR CIRCULATION OF CARTS THROUGHOUT DIETARY DEPARTMENT.

(2) ADMINISTRATIVE FACILITIES.

(a) OFFICE SPACE - may be limited to desk and file space.<sup>24</sup>

(b) Separate room recommended.

(3) RECEIVING AREA.<sup>27</sup>

(a) LOCATED FOR READY ACCESS TO REFRIGERATION AREA.

(b) Floor scales.

(4) BULK FOOD STORAGE AREA.<sup>27</sup>

(5) DAY STORAGE ROOM OR AREA.

(a) IN OR ADJACENT TO KITCHEN - may be combined in a room with bulk food storage.

(b) SPACE FOR THREE DAYS SUPPLY.

(c) STORAGE SHELVES AT LEAST TWELVE INCHES OFF FLOOR AND AT LEAST EIGHTEEN INCHES FROM TOP OF SHELVES TO CEILING.

(d) SPACE FOR LARGE CONTAINERS AND DOLLIES.

(6) REFRIGERATION AREA.

(a) IN OR ADJACENT TO KITCHEN.

(b) SPACE ADEQUATE FOR MINIMUM OF THREE DAYS SUPPLY.

(c) REFRIGERATION UNITS, GENERAL.<sup>6</sup>

A MINIMUM OF TWO SEPARATE SECTIONS OR BOXES (ONE FOR MEATS AND DAIRY PRODUCTS AND ONE FOR FRUIT AND VEGETABLES) - three sections or boxes recommended (one for meat, one for dairy products, and one for fruit and vegetables).

(d) Walk-in boxes.

(i) SHELVES AT LEAST TWELVE INCHES OFF FLOOR.

(ii) SPACE FOR LARGE STORAGE CONTAINERS AND DOLLIES.

(e) Frozen food storage.

Section of walk-in box or separate deep freeze unit.

(7) Ice facilities.

(a) LOCATED TO AVOID CONTAMINATION OF ICE AND TO AVOID TRAFFIC INTO KITCHEN FOR ICE SERVICE FOR OTHER DEPARTMENTS.

(b) EQUIPMENT:  
WORK COUNTER.<sup>6</sup>

ICE MACHINE OR ADEQUATE STORAGE UNIT (self-dispensing types recommended).

(8) KITCHEN.

(a) LOCATED AND ARRANGED TO AVOID CONTAMINATION OF FOOD; TO PREVENT OBJECTIONABLE HEAT, NOISE, AND ODORS TO PATIENT CARE AREAS; AND TO ELIMINATE THROUGH TRAFFIC.

(b) ADEQUATE FLOOR DRAINS.

(c) ADEQUATE SPACE FOR GARBAGE CONTAINERS.

(d) MEAT PREPARATION AREA.

(i) May be omitted if only prefabricated meats are to be used.

(ii) EQUIPMENT:

SINK WITH INTEGRAL DRAINBOARD OR COUNTER.

WORK TABLE OR COUNTER.<sup>6</sup>

MEAT BLOCK.<sup>6</sup>

Lavatory.

(e) FRUIT AND VEGETABLE PREPARATION AREA.

(i) LOCATED TO AVOID CONTAMINATION OF PREPARED FOODS AND CLEAN EQUIPMENT BY SOIL FROM VEGETABLES.

(ii) EQUIPMENT:

TWO-COMPARTMENT SINK WITH INTEGRAL DRAINBOARDS OR COUNTERS.

Food waste grinder.

Vegetable peeler.

(f) COOKING AREA.

(i) Located between preparation and serving units.

(ii) EQUIPMENT:

RANGE(S).

WORK TABLE(S) OR COUNTER(S).<sup>6</sup>

UTENSIL STORAGE.

COOK'S SINK - meat or vegetable sink may be used if conveniently located.

OVEN(S).<sup>28</sup>

Steam kettles.

Mixers.

(g) SALAD AND SANDWICH PREPARATION AREA.<sup>29</sup>

EQUIPMENT:

WORK TABLE OR COUNTER.<sup>6</sup>

REFRIGERATOR.<sup>6 30</sup>

(h) DESSERT PREPARATION AREA.<sup>29</sup>

EQUIPMENT:

WORK TABLE OR COUNTER.<sup>6</sup>

REFRIGERATOR.<sup>6 30</sup>

(i) SPECIAL DIET PREPARATION AREA.

(i) May be omitted if special diets are to be prepared in same areas as general diets.

(ii) EQUIPMENT:

SINK WITH INTEGRAL DRAINBOARD OR COUNTER.

REFRIGERATOR.<sup>6 30</sup>

WORK COUNTER.<sup>6</sup>

STORAGE CABINETS.

RANGE.

(j) Bakery area.

EQUIPMENT:

MIXER(S).

OVEN(S).

RANGE.

THREE-COMPARTMENT SINK - may be single compartment if utensils are to be washed in main pot and pan wash area.

WORK TABLE(S).<sup>6</sup>

COOLING RACK.<sup>6</sup>

POT AND PAN CABINET.

STORAGE SHELVES.<sup>6</sup>

PROOF BOX<sup>6</sup> unless bread is purchased elsewhere.

(k) PATIENT SERVING AREA.

(i) ADEQUATE SPACE FOR MOBILE EQUIPMENT SUCH AS FOOD CARTS AND TRAY CARTS.<sup>24</sup>

(ii) EQUIPMENT:  
ADEQUATE SERVING EQUIPMENT.<sup>24</sup>  
CLOSED STORAGE UNITS FOR FOOD CONTAINERS, DISHES, AND TRAYS - may be on open shelves at least thirty inches above floor if utensils are to be reused within twenty-four hour periods.

ICE CREAM STORAGE.<sup>24</sup>  
BEVERAGE SERVICE EQUIPMENT.<sup>24</sup>  
(9) EMPLOYEE SERVING AREA.<sup>24</sup>  
(a) LOCATED AND ARRANGED TO ELIMINATE TRAFFIC INTO KITCHEN FOR SERVICE. Convenient to kitchen.  
(b) PROTECTION OF OPEN FOOD DISPLAY COUNTERS.  
(c) REFRIGERATION FOR PERISHABLE FOODS.<sup>24</sup>  
(10) DINING ROOM OR AREA.  
(a) ADJACENT TO EMPLOYEE SERVING AREA - adjacent to dishwashing area.

(b) AT LEAST TWELVE SQUARE FEET OF FLOOR AREA PER PERSON FOR THE MAXIMUM NUMBER TO BE SERVED AT ANY ONE TIME.

(11) POT AND PAN WASH AREA.<sup>29</sup>  
EQUIPMENT:  
THREE-COMPARTMENT SINK (OR EQUIVALENT) WITH INTEGRAL DRAINBOARDS OR COUNTERS.

Floor drain.  
STORAGE CABINETS.  
Food waste grinder.  
(12) DISHWASHING ROOM OR AREA.  
(a) May be located in a separate area of the kitchen.  
(b) LOCATED TO AVOID TRAFFIC THROUGH OTHER AREAS OF THE KITCHEN.

(c) LOCATED TO PERMIT UNLOADING OF TRAY CARTS AND RECEIVING OF SOILED DISHES FROM DINING ROOM WITHOUT OBSTRUCTING TRAFFIC IN CORRIDORS.

(d) EQUIPMENT:  
DISHWASHING MACHINE OR EQUIVALENT.  
FLOOR DRAIN.  
COUNTER FOR DIRTY DISHES.

Food waste grinder.  
SPACE FOR GARBAGE CAN.  
PRE-RINSE SINK UNLESS DISHWASHER EQUIPPED FOR PRE-RINSE CYCLE.  
COUNTER FOR CLEAN DISHES.<sup>6</sup>

LAVATORY - may be located in cooking area if convenient to dishwashing area.

(13) GARBAGE FACILITIES.  
(a) May be combined with general waste disposal facilities.<sup>31</sup>  
(b) ADEQUATE SPACE (twenty-four square feet of floor area plus five square feet of storage space per can).

(c) STORAGE AREA.  
(i) LOCATED IN SEPARATE, WELL-VENTILATED ROOM OR OUTSIDE, ENCLOSED SPACE.

(ii) CONVENIENT TO KITCHEN.  
(iii) CONSTRUCTED TO PREVENT RAT HARBORAGE.  
(iv) Refrigerated storage.

(d) CAN WASH AREA.  
GARBAGE CAN WASH AREA WITH FLOOR DRAIN AND HOT AND COLD WATER. Steam recommended.

(14) HOUSEKEEPING FACILITIES.<sup>5</sup>  
Suitable combination with other housekeeping facilities permitted if convenient to dietary facilities.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES (JANITORS' AND MAIDS').

<sup>6</sup>May be movable equipment.

<sup>24</sup>In accordance with program.

<sup>26</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718(11)(c)(iii))) 248-18-719 (5) and (6), EQUIPMENT AND CASEWORK.

<sup>27</sup>See RECEIVING AND STORES, WAC 248-18-700.

<sup>28</sup>May be combined with ranges.

<sup>29</sup>May be combined with cooking areas.

<sup>30</sup>May be combined with other refrigeration.

<sup>31</sup>See HOUSEKEEPING DEPARTMENT, WAC 248-18-690(4), WASTE DISPOSAL FACILITIES.

AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-690 HOUSEKEEPING DEPARTMENT. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) Administrative facilities.

(a) Office space.

(b) Telephone.

(2) STORAGE ROOM.

(a) RACKS, BINS, SHELVES, CABINETS.

For: Extra mop trucks and pails.

Vacuum cleaners and polishers.

Wall-working equipment.

Scaffolding and ladders.

Handtrucks and maids' carts.

Extra mop heads and wringers.

Dusters and cleaning cloths.

Soaps and detergents.

(b) LOCKED CUPBOARD.

For: Pesticides, drain cleaners, etc.

(3) FACILITIES FOR CLEANING.

(a) LARGE EQUIPMENT CLEAN-UP AREA.<sup>24</sup>

(i) May be within storage room for housekeeping equipment if properly separated from storage area.

(ii) EQUIPMENT:

SINK.

FLOOR DRAIN.

(b) HOUSEKEEPING FACILITIES.<sup>5</sup>

WITHIN OR CONVENIENT TO EACH AREA OF THE HOSPITAL AS REQUIRED IN OTHER SECTIONS OF THESE REGULATIONS.

(4) WASTE DISPOSAL FACILITIES.

(a) LOCATED TO PREVENT OBJECTIONABLE TRAFFIC, SMOKE, AND ODORS IN OTHER AREAS OF THE HOSPITAL.

(b) Waste chutes not recommended.

(c) INCINERATION FACILITIES.<sup>((22))</sup>

(d) STORAGE AREA.

(i) LOCATED IN SEPARATE, WELL-VENTILATED ROOM OR OUTSIDE, ENCLOSED SPACE.

(ii) CONSTRUCTED TO PREVENT RAT HARBORAGE.

(e) CAN WASH AREA.

CAN WASH AREA WITH FLOOR DRAIN, HOT AND COLD WATER. Steam recommended.

Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>24</sup>In accordance with program.

~~((22) See GENERAL DESIGN REQUIREMENTS, WAC 248-18-718(9), INCINERATION FACILITIES.))~~

AMENDATORY SECTION (Amending Order 269, filed 9/20/83)

WAC 248-18-695 LAUNDRY FACILITIES. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.) FACILITIES LISTED UNDER SUBSECTION (1) OR (2) OF THIS SECTION ARE REQUIRED.

(1) FACILITIES REQUIRED WHEN COMMERCIAL LAUNDRY SERVICE USED EXCLUSIVELY.

(a) ADEQUATE SPACE FOR CIRCULATION AND SEPARATE PARKING AREAS FOR CLEAN AND SOILED CARTS.

(b) SOILED LINEN ROOM.

(i) LOCATED TO PREVENT ODORS AND CONTAMINATION TO PATIENT CARE, SUPPLY, AND FOOD SERVICE AREAS.

(ii) SUITABLY LOCATED FOR DISPATCHING TO COMMERCIAL LAUNDRY.

(iii) SEPARATE ENCLOSED ROOM. ARRANGED TO AVOID THROUGH TRAFFIC.

(iv) SIZED FOR STORAGE OF THREE DAYS' ACCUMULATION OF SOILED LINEN AND NECESSARY SORTING (IF ANY).

(v) MECHANICAL VENTILATION TO PROVIDE AN EXCESS OF EXHAUST OVER SUPPLY.<sup>33</sup>

(vi) EQUIPMENT:

HANDWASHING FACILITY IN OR ADJACENT.

FLOOR DRAIN.

(c) CLEAN LINEN ROOM.

(i) SEPARATE ENCLOSED ROOM.

- (ii) ARRANGED TO AVOID THROUGH TRAFFIC.
- (iii) LOCATED AND ARRANGED TO AVOID SOURCES OF MOIST OR CONTAMINATED AIR.
- (iv) SIZED FOR STORAGE OF RESERVE SUPPLY OF LINEN, BLANKETS, AND PILLOWS.

## (d) SEWING ROOM.

May be combined with clean linen room.

(e) HOUSEKEEPING FACILITIES.<sup>5</sup>

Suitable combination with other housekeeping facilities permitted if convenient to laundry facilities.

## (2) FACILITIES REQUIRED WHEN LAUNDRY IS PROCESSED IN HOSPITAL.

(a) LOCATED AND ARRANGED TO PREVENT OBJECTIONABLE HEAT, NOISE, ODORS, MOISTURE, AND CONTAMINATION TO PATIENT CARE, SUPPLY, AND FOOD SERVICE AREAS.

(b) ADEQUATE SPACE FOR CIRCULATION AND SEPARATE PARKING AREAS FOR CLEAN AND SOILED CARTS.

## (c) SOILED LINEN ROOM.

(i) SEPARATE ENCLOSED ROOM.

(ii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iii) SIZED FOR STORAGE OF THREE DAYS' ACCUMULATION OF SOILED LINEN AND NECESSARY SORTING (IF ANY).

## (iv) EQUIPMENT:

HANDWASHING FACILITY IN OR ADJACENT.

FLOOR DRAIN.

MECHANICAL VENTILATION TO PROVIDE AN EXCESS OF EXHAUST OVER SUPPLY.<sup>33</sup>

## (d) PROCESSING ROOM OR ROOMS.

(i) SEPARATE FROM OTHER HOSPITAL FACILITIES.

(ii) ROOM SIZE AND CAPACITY OF EQUIPMENT ADEQUATE TO PROCESS FULL SEVEN DAYS' LAUNDRY IN WORK WEEK.

(iii) ARRANGED FOR UNINTERRUPTED FLOW FROM SOILED TO CLEAN (I.E., WASHING, EXTRACTING, IRONING, FOLDING, STORAGE).

(iv) BOTH SOILED AND CLEAN LINENS STORED OUTSIDE PROCESSING AREA.

(v) ADEQUATE VENTILATION PROPERLY ENGINEERED TO AVOID FLOW OF POTENTIALLY CONTAMINATED AIR FROM WASH AREA TO CLEAN AREAS.<sup>33</sup>

## (vi) EQUIPMENT:

COMMERCIAL WASHER OR WASHERS LOCATED TO AVOID THE SPREAD OF CONTAMINANTS IN THE LOADING OF SOILED LINEN.

COMMERCIAL EXTRACTOR OR EXTRACTORS.

COMMERCIAL TUMBLER OR TUMBLERS.

Commercial ironer or ironers.

Presses.

STORAGE FOR LAUNDRY SUPPLIES.

HANDWASHING FACILITY IN WASH AREA.

FLOOR DRAIN IN WASH AREA.

## (e) Drying room.

(i) REQUIRED IF HANG DRYING IS TO BE DONE.

(ii) SEPARATE ENCLOSED ROOM.

(iii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iv) SIZED AND EQUIPPED TO SUIT DRYING NEEDS (e.g., blankets, curtains, etc.).

(iv) ADEQUATE VENTILATION PROPERLY ENGINEERED TO AVOID FLOW OF POTENTIALLY CONTAMINATED AIR INTO ROOM.<sup>33</sup>

## (f) SEWING ROOM.

May be combined with clean linen room.

## (g) CLEAN LINEN ROOM.

(i) SEPARATE ENCLOSED ROOM.

(ii) ARRANGED TO AVOID THROUGH TRAFFIC.

(iii) LOCATED AND ARRANGED TO AVOID SOURCES OF MOIST OR CONTAMINATED AIR.

(iv) SIZED FOR STORAGE OF RESERVE SUPPLY OF LINEN, BLANKETS, AND PILLOWS.

(h) HOUSEKEEPING FACILITIES.<sup>5</sup>

(i) FACILITIES SERVING OTHER AREAS OF THE LAUNDRY MAY NOT BE IN SOILED LINEN ROOM.

(ii) Suitable combination with other housekeeping facilities permitted if convenient to laundry facilities.

## Notes:

<sup>5</sup>See GENERAL REQUIREMENTS FOR SERVICE FACILITIES, WAC ((248-18-710(5))) 248-18-711(6), HOUSEKEEPING FACILITIES.

<sup>33</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718(8))) 248-18-719(2) and Table 719-3, VENTILATION.

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

WAC 248-18-705 MAINTENANCE AND MECHANICAL FACILITIES. (REQUIREMENTS IN CAPITAL LETTERS - SEE WAC 248-18-515.)

(1) BOILER AND/OR MECHANICAL EQUIPMENT ROOMS.<sup>35</sup>

INSULATED, SOUND DEADENED, AND MECHANICALLY VENTILATED TO MINIMIZE TRANSFER OF HEAT AND NOISE TO ROOMS OCCUPIED BY PATIENTS AND EMPLOYEES. Not required if location of rooms precludes necessity.

## (2) Maintenance shop.

(a) LOCATED FOR A MINIMUM OF NOISE AND DUST TO THE REST OF THE HOSPITAL.

(b) LOCATED AND DESIGNED FOR EASY DELIVERY AND REMOVAL OF EQUIPMENT.

## Note:

<sup>35</sup>See GENERAL DESIGN REQUIREMENTS, WAC ((248-18-718(1) through(11))) 248-18-719.

AMENDATORY SECTION (Amending Order 009, filed 11/1/89)

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 seven-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 ducts, if installed, of nonerosive wearing surfaces specified under WAC 248-18-99902 (9) and (10); and
    - (iii) With fiberglass-lined ducts, if installed, 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.
  - (l) 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)) fixtures 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:

$$\frac{\text{Yarn weight (ounces per square yard)} \times 36}{\text{Pile height (inches)}} = \text{Average pile density (ounces per cubic yard);}$$

(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 hand-capped 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
<b>Anesthetizing and Special:</b>		
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"
<b>Critical Care:</b>		
Intensive care	3'-10"	8'-0"
<b>Nursing:</b>		
Birthing	3'-10" (1)	8'-0"
Nurseries, all	3'-10" (1)	8'-0"
Patient	3'-10" (1)	8'-0"
<b>Radiology and Imaging:</b>		
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"
<b>Diagnostic and treatment:</b>		
Physical treatment therapy	3'-10" (1)	8'-0"
<b>General:</b>		
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 <sub>1</sub>
	OXYGEN	MEDICAL AIR	NITROUS OXIDE	VACUUM	
<b>Anesthetizing and Special:</b>					
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	
Special procedures	D	E	A	D	E
Trauma	D	E		D	E
<b>Critical Care:</b>					
Coronary care	B	B		C	
Intensive care	B	B		C	
<b>Nursing:</b>					
Birthing (Labor, Delivery and Recovery)	A			B	
Examination, treatment	A			A	
Labor	B			B	
<b>Nursery:</b>					
Intermediate care	F	F		G	
Neonatal intensive care	F	F		G	
Newborn	A			A	
<b>Patient:</b>					
Medical, surgical and obstetrical	B			B	
Outpatient	B			B	
Pediatrics	B	B		B	



TABLE 719-2  
MEDICAL GASES, VACUUM, AND WASTE GAS EVACUATION

AREA/ROOM NAME	MEDICAL GASES			VACUUM	WASTE GAS EVACUATION <sup>1</sup>
	OXYGEN	MEDICAL AIR	NITROUS OXIDE		
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 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	Recirculated Within Room Units
<b>ANESTHETIZING AND SPECIAL:</b>					
Operating and obstetrical delivery (recirculating air system)	P	3	15	Optional	No <sup>1</sup>
Operating and obstetrical delivery (all outdoor air system) <sup>6</sup>	P	15	15	Yes	No
Recovery	P	2	6	Optional	No <sup>1</sup>
Trauma <sup>2</sup>	P	3	15	Optional	No <sup>1</sup>
<b>CRITICAL CARE:</b>					
Intensive care	P	2	6	Optional	No
<b>NURSING:</b>					
Birthing	P	((5))	((±2))	Optional	No <sup>1</sup>
Nursery, newborn	P	$\frac{2}{2}$	$\frac{2}{6}$	Optional	No <sup>1</sup>
Patient	NA	2	2	Optional	Optional
Patient Corridor	NA	2	4	Optional	Optional
Patient isolation <sup>3</sup>	P or N	2	6	Yes	No
Patient isolation alcove or anteroom <sup>3</sup>	P or N	2	10	Yes	No
Patient toilet	N	Optional	10	Yes	No
<b>RADIOLOGY AND IMAGING:</b>					
Darkroom	N	2	10	Optional	No
X-ray	NA	2	6	Optional	Optional
<b>DIAGNOSTIC AND TREATMENT:</b>					
Autopsy	N	2	12	Yes	No
Body holding, nonrefrigerated <sup>4</sup>	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	N	2	6	Optional	Optional
Treatment	NA	2	6	Optional	Optional

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
<b>LABORATORY:</b>					
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 <sup>2</sup>
Pathology	N	2	6	Yes	No
Serology	P	2	6	Optional	No
Sterilizing	N	Optional	10	Yes	No
<b>CENTRAL SERVICE:</b>					
Clean workroom and sterile storage	P	2	4	Optional	Optional
Equipment storage	NA	2 (Optional)	2	Optional	Optional
ETO sterilizer <sup>7</sup>					
Sterilizer equipment	N	Optional	10	Yes	No
<b>KITCHEN AND DIETARY:</b>					
Dietary day storage	NA	Optional	2	Optional	No
Food preparation centers <sup>3</sup>	NA	2	10	Yes	No
Ware washing	N	Optional	10	Yes	No
<b>GENERAL:</b>					
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 %
<b>Anesthetizing and Special:</b>		
Operating and delivery	25	90
Organ transplant	25	90 (A)
Recovery	25	90
Special procedures	25	90
<b>Critical Care:</b>		
Intensive and CCU	25	90
<b>Nursing:</b>		
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)
<b>Radiology and Imaging:</b>		
X-Ray	25	90 (B)
Fluoroscopy	25	90 (B)
Laundry:	80	NA
<b>Kitchen and Dietary:</b>		
Food preparation	80	NA
Storage, bulk	25	NA

TABLE 719-4  
VENTILATION AND AIR CONDITIONING SYSTEMS  
FILTER EFFICIENCIES IN HOSPITALS

(A) 99.9% recirculating air.

(B) 80% acceptable with total outside air.

NA Not applicable.

AREA/ROOM NAME	FILTER BED 1 %	FILTER BED 2 %
General:		
Administration	25	NA
Utility, soiled	25	NA

NOTES:

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)
<b>ANESTHETIZING AND SPECIAL:</b>				
Delivery	*	12	12	*
Trauma	*	6	6	*
Patient holding	*	4	4	*
Operating	*	12	12	*
Recovery	Head of each bed	4	4	*
Special procedures	*	12	12	*
<b>CRITICAL CARE:</b>				
Intensive care and other	Head of each bed	12	12	*
<b>NURSING:</b>				
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
<b>DIAGNOSTIC AND TREATMENT:</b>				
Emergency examination	One per wall	4	4	*
Emergency, minor	One per wall	6	6	*
Physical therapy	*	<del>((2-(A)))</del>	<u>2(A)</u>	(B)
Occupational therapy	*			
Radiology and imaging	*	(C)		
<b>LABORATORY:</b>				
General	*			
Critical equipment	*	2	2	(D)
<b>GENERAL:</b>				
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 INDICATOR		INDICATOR	
		LOCATION	TYPE	LOCATION	TYPE
<b>ANESTHETIZING AND SPECIAL:</b>					
Delivery	MES	H	E	E	
Trauma	MES	H,A	E	E	
Operating	MES	H	E	C	
Patient holding area	PNC	A	B	B	
Patient induction	PNC	A	B	B	
Recovery stations	MES	H	E	E	
	PNC	A	G	C	
<b>CRITICAL CARE:</b>					
Intensive and coronary care	PNC	A	B	B	
	MES	H,A	E	E	
<b>NURSING:</b>					
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 care	MES	H	E	E	
Nursery, newborn	MES	H	E	E	
Nurses station			Annunciator panel for PNC/MES		
Patient dressing	PNC	F	B,D	B	
	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		
<b>RADIOLOGY AND IMAGING:</b>					
X-ray, Fluoroscopy	MES	H	E	E	
<b>DIAGNOSTIC AND TREATMENT:</b>					
Emergency exam	PNC	A	B	C	
	MES	H	E	E	
Minor treatment	PNC	A	B,C	B,C	
	MES	H	E	E	
	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	
<b>GENERAL:</b>					
Emergency entrance	Doorbell	Outside hospital door	AS/VL	At a 24-hour monitored duty station	Duty station
Utilities	AS/VL		AS/VL		

**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.

**AMENDATORY SECTION** (Amending Order 009, filed 11/1/89, effective 12/2/89)

WAC 248-18-99902 APPENDIX B—DATES OF DOCUMENTS ADOPTED BY REFERENCE IN CHAPTER 248-18 WAC. (1) National Fire Protection Association (NFPA), 99, Chapter 12, 1987. Required.

(2) American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE) Handbook - five volumes: 1987 HVAC Systems and Applications; 1983 Equipment; 1985 Fundamentals; 1986 Refrigeration. Recommended.

(3) Uniform Plumbing Code Standards, WAC 51-16-060, as hereafter amended, 1985 edition. Required.

(4) National Fire Protection Association (NFPA), 99, Chapter 4, 1987. Required.

(5) National Fire Protection Association (NFPA), 90A-1985. Required.

(6) Food Service Equipment Standards of the National Sanitation Foundation. Required.

(7) Recommended are:

(a) "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) "National Sanitation Foundation Standard No. 49 (NSF No. 49) for Class II Biohazard Cabinetry," revised June 1987.

(8) Uniform Mechanical Code, WAC 51-16-040, as now and hereafter amended. Required.

(9) Underwriters Laboratories (UL), 181 Factory Made Air Ducts and Connectors, 1984 edition. Required.

(10) 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 (NFPA) 70-1987. Required.

(14) 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 (NFPA) 30-1987. Required.

(16) National Fire Protection Association (NFPA) 99, CHAPTER 7, 1987. Required.

(17) National Fire protection Association (NFPA) 43C-1986. Required.

(18) 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 Standards, WAC 51-16-030, as now and hereafter amended. (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.~~
- ~~(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.~~

**WSR 90-08-100**  
**EMERGENCY RULES**  
**DEPARTMENT OF HEALTH**  
 [Order 047—Filed April 4, 1990, 2:50 p.m.]

Date of Adoption: April 4, 1990.

Purpose: To establish licensing fees for naturopathic physicians.

Citation of Existing Rules Affected by this Order: Amending WAC 308-34-170 Naturopathic physician licensing fees.

Statutory Authority for Adoption: RCW 43.70.250.

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 existing fee is prohibitively high, and will restrict public access to health care by discouraging applications for, and the renewal of, licenses to practice the profession.

Effective Date of Rule: Immediately.

April 4, 1990  
 Pam Campbell Mead  
 Deputy  
 for Kristine M. Gebbie  
 Secretary

AMENDATORY SECTION (Amending Order 029, filed 2/7/90)

WAC 308-34-170 NATUROPATHIC PHYSICIAN LICENSING FEES. (1) The following fees are payable to the department of health.

Title of Fee	Amount
Application/examination/reexamination	\$ <del>((675.00))</del> 550.00
Pregraduate basic science examination	<del>((540.00))</del> 300.00
License renewal	<del>((715.00))</del> 550.00
Late renewal penalty	<del>((715.00))</del> 300.00
Duplicate license	50.00

Title of Fee	Amount
Certification	50.00
Application for reciprocity	<del>((715.00))</del> 550.00

(2) Fees submitted to and processed by the department are nonrefundable.

**WSR 90-08-101**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
 [Filed April 4, 1990, 2:53 p.m.]

Original Notice.

Title of Rule: Naturopathic physician licensing fees.

Purpose: To establish licensing fees for naturopathic physicians.

Other Identifying Information: WAC 308-34-170.

Statutory Authority for Adoption: RCW 43.70.250.

Statute Being Implemented: RCW 43.70.250.

Reasons Supporting Proposal: The existing fee is prohibitively high, and will restrict public access to health care by discouraging applications for, and the renewal of, licenses to practice the profession.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Maria Gardipee, 1300 Quince Street, Olympia, 753-1230.

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: To amend licensing fees for naturopathic physicians.

Proposal does not change existing rules.

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

Hearing Location: OB-2, 12th and Franklin, Olympia, Washington, on May 14, 1990, at 10:00 a.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 11, 1990.

Date of Intended Adoption: May 21, 1990.

April 4, 1990  
 Pam Campbell Mead  
 Deputy  
 for Kristine M. Gebbie  
 Secretary

AMENDATORY SECTION (Amending Order 029, filed 2/7/90)

WAC 308-34-170 NATUROPATHIC PHYSICIAN LICENSING FEES. (1) The following fees are payable to the department of health.

Title of Fee	Amount
Application/examination/reexamination	\$ <del>((675.00))</del> 550.00
Pregraduate basic science examination	<del>((540.00))</del> 300.00
License renewal	<del>((715.00))</del> 550.00
Late renewal penalty	<del>((715.00))</del> 300.00
Duplicate license	50.00

Title of Fee	Amount
Certification	50.00
Application for reciprocity	((715.00))
	550.00

(2) Fees submitted to and processed by the department are nonrefundable.

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

**Reviser's note:** The 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 90-08-102**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed April 4, 1990, 2:54 p.m.]

**Original Notice.**

**Title of Rule:** New sections WAC 248-19-800 Nursing home and CCRC definitions; 248-19-805 Nursing home bed need method; and 248-19-806 Nursing home bed need method revision.

**Purpose:** Places in rule certain certificate of need decision criteria now in state health plan, which sunsets June 30, 1990. Placement in rule is consistent with RCW 70.38.919.

**Statutory Authority for Adoption:** RCW 70.38.919.

**Statute Being Implemented:** RCW 70.38.115.

**Summary:** WAC 248-19-800 establishes definitions used in nursing home review rules; WAC 248-19-805 places in rule the method the department uses to project nursing home bed need; and WAC 248-19-806 sets a schedule and factors to be considered by the department in changing the nursing home bed need projection method.

**Reasons Supporting Proposal:** Forms part of the certificate of need decision rules for governing the number of new nursing home beds the department may approve. Sets the method by which the department determines where new nursing home beds would be located.

**Name of Agency Personnel Responsible for Drafting:** Charles Pugh, 1300 Quince Street, Olympia, 753-5816; **Implementation and Enforcement:** Kristine Sparks, Program Manager, 1300 Quince Street, Olympia, 753-5857.

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

**Explanation of Rule, its Purpose, and Anticipated Effects:** WAC 248-19-800 defines in one location terms used by the department in rules relating to the review of nursing home and continuing care retirement community certificate of need applications; WAC 248-19-805 establishes the projection method the department uses to forecast the number of nursing home beds needed in each planning area. Describes the procedures for allocating allowable new beds to geographic areas with the greatest need; and WAC 248-19-806 describes when the department shall review the nursing home bed need method and what the department shall consider in making any changes.

**Proposal Changes the Following Existing Rules:** The existing rules WAC 248-19-373 and 248-19-375 are based on 1987 amendments to the state health plan. The proposed rules are based on 1989 amendments to the state health plan. The latest amendments implement a reduction in the number of nursing home beds for reasonable and appropriate use to 45 beds per 1,000 residents sixty-five and older.

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

Proposed rules would result in no substantive change over existing regulatory scheme.

**Hearing Location:** OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 14, 1990, at 1:00 p.m.

**Submit Written Comments to:** Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 13, 1990.

**Date of Intended Adoption:** May 21, 1990.

April 3, 1990

Pam Campbell Mead  
for Kristine M. Gebbie  
Secretary

NEW SECTION

WAC 248-19-800 NURSING HOME AND CONTINUING CARE RETIREMENT COMMUNITY DEFINITIONS. The department shall use the definitions in this section in sections WAC 248-19-805 nursing home bed need projection method through WAC 248-19-886 continuing care retirement community (CCRC) structure and process of care review standards.

(1) "Baseline-bed-need" means the number of additional nursing home beds needed in the state or a planning-area by the resident-population by the projection-year.

(2) "Baseline-projection" means the number of nursing home beds calculated by the department as necessary statewide or within a planning-area, by the end of the projection-period, for reasonable and appropriate use by the resident-population.

(3) "Bedded" is a term which describes the adequacy of the bed-supply within a planning-area relative to the baseline-projection.

(a) A planning-area is "under-bedded" if the area's bed-to-population ratio is less than the target-ratio.

(b) A planning-area is "adequately-bedded" if the area's bed-to-population ratio is between the target-ratio and the statewide-current-ratio.

(c) A planning-area is "over-bedded" if its bed-to-population ratio is greater than the statewide-current-ratio.

(4) "Bed-supply" means within a geographic area the total number of:

(a) Nursing home beds which are licensed or certificate of need approved but not yet licensed, excluding:

(i) Those nursing home beds certified as intermediate care facility for the mentally retarded (ICF-MR) the operators of which have not signed an agreement on or before July 1 1990, with the department of social and health services to give appropriate notice prior to termination of the ICF-MR service;

(ii) New or existing nursing home beds within a Type A CCRC which are approved under the provisions of WAC 248-19-810(5), or

(iii) Nursing home beds within a CCRC which is excluded from the definition of a health care facility per RCW 70.38.025(6), and

(iv) In computing the bed supply of a planning area, but not in computing statewide bed supply, new nursing home beds within a Type B CCRC as defined in subdivision (7)(b) of this section.

(b) Licensed hospital beds used for long term care or certificate of need approved hospital beds to be used for long term care not yet in use, excluding swing-beds,

(5) "Bed-to-population-ratio" means the bed-supply per one thousand persons of the estimated or forecast resident-population age sixty-five and older, and includes the following:

(a) "Statewide-current-ratio" means a bed-to-population-ratio computed from the most recent statewide bed-supply and the most recent estimate of the statewide resident-population.

(b) "Target-ratio" means a bed-to-population-ratio of forty-five established for planning and policy-making purposes.

(6) A "continuing care contract" means a contract to provide a person, for the duration of the person's life or for a term in excess of one year, shelter along with nursing, medical, health-related or personal care services, in exchange for payment of an entrance fee, periodic charges, or both. The living space and services under a continuing care contract may or may not be provided at the same location. Continuing care contracts include, but are not limited to, life care agreements, and mutually terminable contracts.

(7) A "continuing care retirement community (CCRC)" means any of a variety of entities, unless excluded from the definition of health care facility under RCW 70.38.025(6), which provides shelter and services based on continuing care contracts with its members. CCRCs are categorized as follows:

(a) "Type A CCRC" means a CCRC which:

(i) Maintains for a period in excess of one year a CCRC contract with a member which provides or arranges for at least the following specific services:

(A) Independent living units,

(B) Nursing home care with no limit on the number of medically needed days,

(C) Assistance with activities of daily living, and

(D) Services equivalent in scope to either state chore services or Medicaid home health services;

(ii) Continues a contract, if a member is no longer able to pay for services;

(iii) Offers services only to contractual members with limited exception during a transition period; and

(iv) Holds the Medicaid program harmless from liability for costs of care, even if the member depletes his or her personal resources.

(b) "Type B CCRC" means a CCRC which:

(i) Maintains for a period in excess of one year a CCRC contract with its members,

(ii) Provides a range of services beyond nursing home care,

(iii) May terminate a contract, if a member is unable to pay for services,

(iv) May admit patients to the nursing home who are not CCRC members, and

(v) May maintain Medicaid contracts and/or other requirements for third party payment.

(8) A "member" of a CCRC means an individual who has signed a continuing care contract with a CCRC.

(9) "Net-bed-need" means baseline-bed-need of a planning-area changed by any redistributions as follows:

(a) Adding nursing home beds being redistributed from another nursing home planning-area or areas, or

(b) Subtracting nursing home beds being redistributed to another nursing home planning-area or areas.

(10) "Planning-and-service-area" (PSA) means the geographic area of one or more counties designated by the department of social and health services's aging and adult services administration to be represented by a single area agency on aging.

(11) "Planning-area" means each individual county designated by the department as the smallest geographic area for which nursing home bed need projections are developed, except as follows:

(a) Clark and Skamania counties shall be one planning-area.

(b) Chelan and Douglas counties shall be one planning-area.

(c) Camano Island shall be included in Snohomish county and excluded from Island county.

(12) "Projection-period" means the interval of time between July 1, 1990 and June 30, 1993.

(13) "Projection-year" means the time interval between July 1, 1992 and June 30, 1993.

(14) "Redistribution" means a shift of net-bed-need among planning-areas in accordance with a redistribution plan as described in WAC 248-19-810(4).

(15) "Resident-population" means the number of residents sixty-five years of age and older living within the same geographic area which:

(a) Excludes contract holders living within a Type A CCRC:

(i) With approval for new nursing home beds under the provisions of WAC 248-19-810(5), or

(ii) Excluded from the definition of a health care facility per RCW 70.38.025(6);

(b) Is calculated using demographic data obtained from:

(i) The office of financial management; and

(ii) Certificate of need applications and exemption requests previously submitted by Type A CCRC.

(16) "Swing-beds" means up to the first five hospital beds designated by an eligible rural hospital which are available to provide either acute care or long-term nursing services as required.

(17) "Transition period" means the period of time, not exceeding five years, between the date the facility is inhabited by a member and the date it fully meets the requirements of a Type A CCRC as contained in subdivision (7)(a) of this section.

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

#### NEW SECTION

##### WAC 248-19-805 NURSING HOME BED NEED METHOD.

(1) The department has developed the following projection method for determining the number of new nursing home beds necessary for reasonable and appropriate use.

(2) The department shall use the following projection method during the projection-period.

(a) The department shall calculate the statewide baseline-bed-need for the projection-year which is:

(i) The greater of:

(A) The product of the estimated statewide resident-population for the projection-year multiplied by the target-ratio, or

(B) Thirty thousand two hundred,

(ii) Minus thirty-five nursing home beds for a statewide AIDS nursing home demonstration project to be located in PSA # 4.

(b) The department shall calculate the baseline-projection for each planning-area by multiplying the projection-year estimated resident-population for each planning-area by either:

(i) The target-ratio, or

(ii) If thirty thousand two hundred minus thirty-five is used as the statewide baseline-bed-need, the bed-to-population-ratio computed using a statewide bed-supply of thirty thousand one hundred sixty-five and statewide projection-year resident-population.

(c) The department shall calculate the projected-current-supply-ratio for each planning-area, which is a bed-to-population-ratio computed from the most recent bed-supply and the projection-year estimate of resident-population.

(d) The department shall rank order each planning-area from lowest to highest according to the planning-area's projected-current-supply-ratio.

(e) The department shall determine the areas of the state that will be under-bedded, adequately-bedded, and over-bedded in the projection-year by comparing each planning-area's projected-current-supply-ratio to the target-ratio and statewide-current-ratio.

(f) The department shall compare the most recent statewide bed-supply with the statewide baseline-bed-need.

(i) If the current statewide bed-supply is greater than or equal to the statewide baseline-bed-need, then:

(A) Calculation of planning-area need for new beds ends, and

(B) Need for new beds in every planning-area is determined to be zero.

(ii) If the current statewide bed-supply is less than the statewide baseline-bed-need, the department shall determine the difference between the statewide baseline-bed-need and the statewide current bed-supply, which shall be called statewide-available-beds.

(A) If the number of statewide-available-beds is large enough, the department shall assign to each under-bedded planning-area the number of beds necessary to bring it up to the target-ratio in the projection-year.

(B) If the number of statewide-available-beds is insufficient to assign each under-bedded planning-area the number of new beds necessary to bring it up to the target-ratio, the department shall assign to each under-bedded planning-area a proportion of statewide-available-beds equal to the ratio of that planning area's bed need to reach the target-ratio to the total beds required for all under-bedded planning-areas to reach the target-ratio in the projection-year.

(C) If after assigning new beds to under-bedded planning-areas per subitem (2)(f)(ii)(A) of this subsection statewide-available-beds remain, the department shall assign this remainder to under-bedded or adequately-bedded planning-areas as follows:

(I) Since currently under-bedded planning-areas have been assigned sufficient beds to reach the target-ratio under provisions of subitem (2)(f)(ii)(A) of this section, for purposes of this step of the calculation

the department shall consider each currently under-bedded planning area to be adequately-bedded and to have a bed-supply exactly sufficient to achieve the target-ratio in the projection-year.

(II) The department shall determine the number of beds needed to bring all adequately-bedded planning-areas up to the statewide-current-ratio.

(III) If the remainder of statewide-available-beds is large enough, the departments shall assign adequately-bedded planning areas the number of beds each needs to reach the statewide-current-ratio in the projection-year.

(IV) If the remainder of statewide-available-beds is insufficient to bring adequately-bedded planning-areas up to the statewide-current-ratio, the department shall assign to each adequately-bedded planning-area a proportion of statewide-available-beds equal to the ratio of that planning-area's bed need to reach the target ratio to the total beds required for all adequately-bedded planning-areas to reach the target-ratio in the projection-year.

(D) The department shall not assign more new beds to a planning-area than the number which, when added to the planning-area's bed-supply, will raise the planning-area's bed-to-population-ratio to the greater of the target-ratio and the statewide-current-ratio.

#### NEW SECTION

WAC 248-19-806 NURSING HOME BED NEED METHOD REVISION. (1) The department shall review the projection method and may make changes in accordance to the following schedule:

(a) By June 30, 1992, the department, in consultation with the department of social and health services and appropriate advisory bodies representing both consumers and providers, shall review the projection method.

(b) During the first half of the projection-year, the department shall amend these rules to change the projection method as necessary.

(c) During January 1993 the department shall calculate the base-line-projections for the projection-period beginning July 1, 1993.

(2) When reviewing the projection method the department shall consider the following:

(a) The national bed-to-population-ratio and the bed-to-population-ratios of other states judged by the aging and adult services administration of the department of social and health services to have reasonable and progressive long term care policies,

(b) State governmental policy goals for distributing scarce resources between nursing homes and other institutional or community based services,

(c) The effects of developments in the delivery or financing of long term care services on nursing home bed need, and

(d) Progress in developing other long term care services for the statewide resident population.

**WSR 90-08-103  
PROPOSED RULES  
DEPARTMENT OF HEALTH**

[Filed April 4, 1990, 2:55 p.m.]

#### Original Notice.

Title of Rule: WAC 248-19-880 CCRC review standards; 248-19-882 CCRC need review standards; 248-19-884 CCRC financial feasibility review standards; and 248-19-886 CCRC structure and process of care review standards.

Purpose: Places in rule certain certificate of need decision criteria relating to CCRC projects in the state health plan which sunsets June 30, 1990. Placement in rule is consistent with 70.38.919.

Statutory Authority for Adoption: RCW 70.38.919.

Statute Being Implemented: RCW 70.38.115.

Summary: These rules provide the criteria and standards for new or existing continuing care retirement communities submitting certificate of need applications.

Reasons Supporting Proposal: The state health plan which contains the standards used as the basis for certificate of need decisions, sunsets June 30, 1990. Transfer of these decision standards to rule is necessary in order for the department's certificate of need decisions to be maximally enforceable.

Name of Agency Personnel Responsible for Drafting: Charles Pugh, 1300 Quince Street, Olympia, 753-5816; Implementation and Enforcement: Kristina Sparks, Program Manager, 1300 Quince Street, Olympia, 753-5857.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 248-19-880 describes the required content of a transition plan. The requirements of a CCRC following a transition period are stated; WAC 248-19-882 details the content requirements of the market analysis, model continuing care contract, model waiting list agreement, and legally binding commitments to continue use of model contract; WAC 248-19-884 details the financial and actuarial requirements of CCRC certificate of need applications; and WAC 248-19-886 describes the required information to be disclosed to each CCRC member or prospective member.

Proposal Changes the Following Existing Rules: The content requirements of the feasibility study, model continuing care contract, model waiting list which are in the application information requirements are included in proposed rules. Reference to CCRC Type A's maintaining a limited Medicaid contract following the end of a transition period has been deleted. Following a transition period, Type A CCRCs can not have a Medicaid contract.

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

Proposed rules would not result in a substantive change over existing regulatory scheme.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 14, 1990, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 11, 1990.

Date of Intended Adoption: May 21, 1990.

April 3, 1990  
Pam Campbell Mead  
for Kristine M. Gebbie  
Secretary

#### NEW SECTION

WAC 248-19-880 CONTINUING CARE RETIREMENT COMMUNITY (CCRC) REVIEW STANDARDS. (1) The department shall use rules in this section and those in WAC 248-19-810, WAC 248-19-820, and WAC 248-19-882 through WAC 248-19-886, to interpret the certificate of need review criteria contained in WAC 248-19-370, WAC 248-19-380, WAC 248-19-390, and WAC 248-19-400 for the following:

(a) Construction, development, or other establishment of a CCRC; or

(b) Undertakings proposed by or on behalf of existing CCRC.

(2) The department shall require applicants proposing a transition period to submit a transition plan which:

(a) Describes whether and for how long non-members will be admitted to the nursing home unit;



(b) Describes whether and for how long a Medicaid contract will be sought for the nursing home unit;

(c) Describes whether and for how long a congregate care contract with the department of social and health services will be sought for any boarding home unit;

(d) Includes a written, binding assurance that every non-member admitted to the nursing home unit shall be informed upon admission of the contents of the transition plan and how the plan affects the non-member's rights and charges, and

(e) Documents arrangements for continuing financial support of any non-members remaining as indigent patients after the end of the transition period.

(3) The department shall require that by the end of a transition period, the CCRC shall:

(a) Not have a Medicaid contract for its nursing home.

(b) Not have a congregate care contract for any area which is licensed as a boarding home.

(c) Shall admit to its nursing home unit only members who have signed continuing care contracts.

(d) Shall provide written, legally binding assurances of continuing compliance with the requirements under subdivisions (3)(a), (3)(b) and (3)(c) of this section including a signed agreement with the department of social and health services which stipulates that Medicaid and congregate care contracts will not be sought.

#### NEW SECTION

WAC 248-19-882 CONTINUING CARE RETIREMENT COMMUNITY (CCRC) NEED REVIEW STANDARDS. (1) The department shall use the following rules, in addition to those under WAC 248-19-810, WAC 248-19-820, and WAC 248-19-880, to interpret the certificate of need review criteria contained in WAC 248-19-370(1) for applications proposing the following:

(a) Construction, development or other establishment of a CCRC;

or

(b) Undertakings proposed by or on behalf of existing CCRCs.

(2) The department shall require applicants to submit in their application a marketing analysis which at least includes:

(a) The expected demographics, including numbers, age, sex, health and financial means, of members for at least the first ten years of operation; and

(b) The expected utilization levels and costs of contractually guaranteed services, in total and in relation to demographic categories, in each year of the analysis.

(3) The department shall require applicants to submit in their application a model continuing care contract which:

(a) Is written in plain English,

(b) Identifies all fees and charges which will be imposed, including:

(i) Any initial payment or payments,

(ii) Initial amount of all periodic payments, and

(iii) Describes all methods by which the CCRC may change or add fees;

(c) Lists all services to be provided, including:

(i) Extent and limitations of all service benefits with particular attention to the nature and duration of health and nursing care benefits, and

(ii) Distinguishes between covered and uncovered services.

(d) Specifies provisions governing issues of tenancy, including:

(i) Specific living unit to be occupied,

(ii) Transfers among living units,

(iii) Return to the previously occupied unit after an illness or other absence, and

(iv) Where dual tenancy is involved, occupancy options of the other tenant if one dies, withdraws, is dismissed, or needs care in a health care facility;

(e) Describes policies and procedures for dismissal, eviction or contract termination, including:

(i) Limitations on dismissal and contract termination to good cause, and

(ii) Prohibitions on eviction or other retaliation against a member due to complaints against the CCRC;

(f) States member cancellation rights;

(g) Explains all refund policies, including those pertaining to:

(i) Member cancellation during cooling-off period or probationary period,

(ii) Member withdrawal after probationary period;

(iii) Member dismissal, or

(iv) Member death;

(h) Provides for a pre-occupancy cooling-off period of not less than seven days, and post-occupancy probationary period of not less than ninety days, during which a prospective member or new member may cancel with or without cause with a full refund less reasonable costs determined by a method specified in the contract.

(i) Specifies circumstances under which members are permitted to remain in the CCRC if unable to pay fees;

(j) Guarantees members' right to organize, including the right to collectively represent the concerns of members in dealings with the CCRC's administration; and

(k) Includes binding commitments of adherence by the CCRC to the following as stated in the application:

(i) Escrow plan,

(ii) Consumer disclosure documents,

(iii) Actuarially sound pricing and reserves or other mechanisms to assure future service obligations,

(iv) If a Type A CCRC, scope of services, and

(v) If a Type A CCRC exercising a transition period, the timely termination of contracts for Medicaid nursing home reimbursement or congregate care payment as provided under WAC 248-19-880 (3)(a) and (b).

(4) The department shall require applicants to submit in their application a model waiting list agreement which describes:

(a) Deposit amounts and other fees,

(b) Refund amounts in the events of admission, rejection of application or withdrawal of application,

(c) Any interest to be paid on deposits,

(d) The maximum time before a refund will be given to a prospective member, and

(e) Provisions for obtaining information on approximate length of time before a vacancy will occur.

(5) The department shall require applicants to submit in their application a written, legally binding commitment that the CCRC will continue to use either the model contract or, if the contract changes, future contracts which also satisfy all standards in subsection (3) of this section.

(6) The department shall not approve applications which:

(a) Propose a total CCRC nursing home capacity, including contracted beds, exceeding one nursing home bed per four CCRC independent living units, including existing units, and those proposed in the application and included in the financial feasibility plan; or

(b) Propose nursing home beds exceeding those supported by actuarially sound forecasts of expected age, sex, and health characteristics of members in the ten years following the year of the application, and evidence concerning demographically comparable nursing home use rates for the general public and within similar CCRCs.

#### NEW SECTION

WAC 248-19-884 CONTINUING CARE RETIREMENT COMMUNITY (CCRC) FINANCIAL FEASIBILITY REVIEW STANDARDS. (1) The department shall use the following rules, in addition to those under WAC 248-19-880, to interpret the certificate of need review criteria contained in WAC 248-19-380 for applications proposing the following:

(a) Construction, development or other establishment of a CCRC;

or

(b) Undertakings proposed by or on behalf of existing CCRCs.

(2) The department shall require applicants to submit a financially and actuarially feasible application as demonstrated by:

(a) Submission of a feasibility study and financial plan based on a market analysis, relevant literature, experience of other similar CCRCs, and specific actuarial study, which include:

(i) Expected demographics, including numbers, age, sex, health and financial means, of CCRC members for at least a ten-year period;

(ii) Expected utilization levels and costs of contractually guaranteed services, in total and in relation to demographic categories, in each year of the study;

(iii) Proposed financing of construction and start-up, including amounts and uses of any deposits applied to these expenses;

(iv) Proposed plan for securing future service obligations through one or a combination of:

(A) Designated reserves,

(B) Reinsurance, such as stop-loss insurance, and/or

(C) Bonding;

(v) Proposed pricing plan including:

(A) Amounts of initial and periodic fees,

(B) Necessary increases in fees over at least a ten-year period to assure continued financial feasibility, and

(C) Anticipated application of reserves or other methods to safeguard future service obligations; and

(vi) All other actuarial, financial, service use, and cost assumptions necessary to derive the conclusions of the study.

(b) Submission of an actuarial opinion, written and signed by a qualified actuary as defined in WAC 284-05-060, which indicates the likely feasibility of the project based on the feasibility study, financial plan and model continuing care contract.

(c) Determination upon advisory review of the feasibility study, financial plan, actuarial opinion and model continuing care contract, by an independent, qualified actuary contracted by the department, that the project is likely to be financially and actuarially feasible.

(d) Submission of a written, legally binding commitment, supported by provisions of the model continuing care contract, that the CCRC shall maintain actuarially sound pricing structure and reserves or other mechanisms to assure future service obligations, based on actuarial restudy as necessary.

(e) Submission of an escrow plan, including:

(i) Identification of escrow agents;

(ii) A copy of executed escrow agreements, which:

(A) Safeguard all deposits received from members or prospective members, including initial membership fees, so that obligations for refunds and/or application of these funds to CCRC reserves and expenses according to the escrow plan can be assured,

(B) Identifies conditions under which each escrow shall be released, including provisions which assure that pre-construction deposits shall not be released, except for refunds, until the following conditions are achieved:

(I) The CCRC has received signed contracts and required deposits totaling one-half of the amount that would be received if all units were subscribed,

(II) Commitments have been obtained for both construction and long-term financing, and

(III) Funds equal or exceeding the total required for construction and start-up have been received, committed or pledged; and

(C) Documents provisions in the model continuing care contract which legally bind the CCRC to follow the escrow plan; and

(iii) Statement of anticipated use of all escrows.

#### NEW SECTION

WAC 248-19-886 CONTINUING CARE RETIREMENT COMMUNITY (CCRC) STRUCTURE AND PROCESS OF CARE REVIEW STANDARDS. (1) The department shall use the following rules, in addition to those under WAC 248-19-820 and WAC 248-19-880, to interpret the certificate of need review criteria contained in WAC 248-19-390 for applications proposing the following:

(a) Construction, development, or other establishment of a CCRC; or

(b) Undertakings proposed by or on behalf of existing CCRCs.

(2) The department shall require applicants to submit an application which:

(a) Fosters an acceptable or improved quality of health care;

(b) Includes a written, legally binding commitment to provide members and prospective members with an accurate basis for informed decisions about CCRC participation and purchase of CCRC nursing home and other health services, by including at least the following:

(i) A model continuing care contract which contains all information described in WAC 248-19-882(3); and

(ii) Information which discloses:

(A) The names, business addresses, legal structure of ownership, experience in establishing or operating CCRCs, nursing homes, or other health facilities, and other existing and proposed CCRC properties of the provider and of each individual constituting, owning an interest in, serving on the governing board of, or managing the CCRC;

(B) Whether any of the persons identified under subitem (2)(b)(ii)(A) of this section has been convicted of a crime relating to a commercial enterprise or been a party to any civil action claiming fraud, embezzlement, fraudulent conversion, or misappropriation of property which resulted in a judgement against said person for damages or enjoining any such activity, and whether any such person has had any state or federal licenses or permits suspended or revoked in connection with any commercial enterprise because of fraud, embezzlement, fraudulent conversion, or misappropriation of property.

(C) Whether the applicant is, or is affiliated with, a religious, charitable or other organization, and the extent to which any such affiliated organization is responsible for any financial service liabilities of the CCRC;

(D) All services provided or proposed by the CCRC under its continuing care contracts, including the extent to which nursing, medical, health-related or personal care is furnished, the present or proposed costs of all services, and a description of any services made available by the CCRC at an additional charge beyond initial and periodic fees in the contract;

(E) All fees required of members, including:

(I) Initial and periodic charges, apartment resale fees, and special service fees,

(II) The process by which the CCRC may adjust fees,

(III) The history of fee increases for at least the last five years for the CCRC, and/or for any other CCRCs which the applicant or contract manager operates,

(IV) The circumstances under which members will be permitted to remain in the CCRC, including use of benevolent funds, if the member is unable to pay charges;

(V) Whether continuation of services may in any circumstances require the member to use public assistance or Medicaid funds, and

(VI) The method of calculating fees that will be charged if the member marries while in the CCRC;

(F) Health and financial conditions required for acceptance as a member and continuation of membership, including provisions for any change in these conditions between the date the continuing care contract is executed and the date the member occupies a living unit;

(G) Income statements, and balance sheets for the three most recent fiscal years, plus a pro-forma income statement for the next fiscal year and a statement of any changes in operations or management that are expected to substantially affect financial position over the next three years;

(H) If operation of the CCRC has not begun:

(I) A statement of the anticipated sources and application of funds to be used in the purchase or construction and start-up of the CCRC,

(II) Description of any mortgage, loan or other long-term financing and its terms and conditions,

(III) An estimate of the total entrance fees to be received from members at or prior to the commencement of operations, and

(IV) An estimate of any start-up losses;

(I) Summarized financial information, such as accounting and actuarial studies or reports, including a summary of any significant commitments, contingencies, or material weaknesses in the internal control structure contained in the auditor's report.

(J) The general nature of any anticipated cost-shifting and cross-subsidization among CCRC members;

(K) The term and renewability of the contract;

(L) Unless demonstrably false, a statement to the effect that the individual contracts of various CCRC members may over time be different as to services and fees due to contract changes resulting from changing conditions;

(M) Any other information necessary to understand the nature of the agreement and the risks involved in CCRC membership; and

(N) The contract cover sheet shall identify the principal state agencies with responsibility for the regulation of CCRCs to assist members in resolving problems.

(c) Includes a written, legally binding commitment to provide members at least annually with update disclosure of changes in the information specified under item (2)(b)(ii) of this section.

**WSR 90-08-104**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
[Filed April 4, 1990, 2:56 p.m.]

**Original Notice.**

Title of Rule: WAC 248-106-030 Provision of information on prenatal tests.

Purpose: To provide education about the use and availability of maternal serum AFP screening. To establish reporting procedures for laboratories.

Statutory Authority for Adoption: Chapter 70.83B RCW and RCW 70.54.220.

Statute Being Implemented: Same.

Summary: Health care providers are required to distribute information concerning prenatal testing to each pregnant patient, and to submit certain information to the Department of Health.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Roberta Spiro M.S., Public Health Labs, Seattle, (206) 545-6783.

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: Health care providers must provide approved written information regarding prenatal testing to each pregnant patient, and forward certain information to the Department of Health. Laboratories must submit a form to the Department of Health annually to provide information about maternal serum AFP screening tests.

Proposal does not change existing rules.

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, Washington, on May 14, 1990, at 10:30 a.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 Quince Street, Olympia, WA 98504, by May 13, 1990.

Date of Intended Adoption: May 18, 1990.

April 3, 1990  
Pam Campbell Mead  
for Kristine M. Gebbie  
Secretary

#### NEW SECTION

WAC 248-106-030 PROVISION OF INFORMATION ON PRENATAL TESTS. (1) Board of health definitions in WAC 248-106-010 apply.

(2) Effective July 1, 1990, all health care providers offering prenatal care shall:

(a) Distribute approved written information regarding the use and availability of maternal serum AFP screening to all pregnant women in their care at a prenatal visit occurring prior to the end of the twentieth completed menstrual week of gestation;

(b) Request woman's signature and date verifying receipt of information on maternal serum AFP screening using department Form DOH-344-002 or an equivalent form.

(3) Effective July 1, 1990, all health care providers offering prenatal care shall:

(a) Ask each pregnant woman offered maternal serum AFP screening to complete the bottom of department Form DOH-344-002 or an equivalent form;

(b) Tear off and forward the bottom of Form DOH-344-002 or equivalent form to the department after removing patient identifiers, following directions for mailing on the form.

(4) Department Form DOH-344-002 shall include information about maternal serum AFP screening and request pregnant women to supply the following information:

- (a) Age;
- (b) Due date;
- (c) Woman's plans to have maternal serum AFP screening or reasons for refusal;
- (d) County of residence;
- (e) Ethnic/racial background;
- (f) Education; and
- (g) Occupation.

(5) Effective July 1, 1990, laboratories shall annually provide to the department information about the maternal serum AFP screening test requested on department Form DOH-344-003 as follows:

- (a) Published price;
- (b) Number of tests performed;
- (c) Number of abnormal test results and cut-offs for considering result abnormal;
- (d) Method of standardization;
- (e) Reporting practices;
- (f) Proficiency testing; and
- (g) Laboratory accreditation or certification.

#### **WSR 90-08-105**

#### **PROPOSED RULES**

#### **DEPARTMENT OF HEALTH**

[Filed April 4, 1990, 2:57 p.m.]

Original Notice.

Title of Rule: WAC 248-19-810 Nursing home bed need standards; 248-19-811 Nursing home bed need adjustments; 248-19-820 Nursing home review standards; 248-19-840 AIDS long-term care pilot facility review standards; 248-19-860 Swing bed review standards; and repealing WAC 248-19-373, 248-19-375 and 248-19-403.

Purpose: Places in rule certain certificate of need decision criteria now in state health plan, which sunsets June 30, 1990. Placement in rule is consistent with RCW 70.38.919. Repeal sections that are being replaced by proposed sections or are no longer needed.

Statutory Authority for Adoption: RCW 70.38.919.

Statute Being Implemented: RCW 70.38.115.

Summary: Proposed rules set the method the department will use to calculate nursing home bed need for each planning area for the three-year period beginning July 1, 1990.

Reasons Supporting Proposal: State health plan, which contains the certificate of need nursing home decision criteria, sunsets June 30, 1990. These criteria must be transferred to rules in order for certificate of need decisions to be maximally enforceable.

Name of Agency Personnel Responsible for Drafting: Charles Pugh, 1300 Quince Street, Olympia, 753-5816; Implementation and Enforcement: Kristine Sparks, Program Manager, 1300 Quince Street, Olympia, 753-5857.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 248-19-810 places in rule the number of nursing home beds each planning area needs by 1993; WAC 248-19-811 sets forth policy and procedures for making adjustments to the departments forecasts of new nursing home beds each planning area needs; WAC 248-19-820 establishes access, structure and process of care, and cost containment standards which the department will use to evaluate nursing home certificate of need applications; WAC 248-19-840 establishes access, financial feasibility, structure and process of care, and cost containment standards for an AIDS long-term care pilot facility; WAC 248-19-860 establishes standards for hospital swing bed projects; WAC 248-19-373 and

248-19-375 are being replaced by sections being proposed; and WAC 248-19-403 is being repealed because major medical equipment is no longer subject to certificate of need review.

Proposal Changes the Following Existing Rules: Existing rules are based on 1987 amendments to state health plan which set the number of nursing home beds needed in state at 53.7 per 1,000 residents 65 and older. The proposed rules are based on 1989 amendments to state health plan which reduce the target ratio to 45 beds per 1,000 residents 65 and older. Decreases the number of steps in the nursing home bed need projection method. Recalculation of bed need projections would be done annually, rather than at the beginning of the three-year projection period.

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

Proposed rules would result in no substantive change over existing regulatory scheme.

Hearing Location: OB-2 Auditorium, 12th and Franklin, Olympia, Washington, on May 14, 1990, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, 1300 Quince Street, Olympia, WA 98504, by May 13, 1990.

Date of Intended Adoption: May 21, 1990.

April 3, 1990  
 Pam Campbell Mead  
 for Kristine M. Gebbie  
 Secretary

**NEW SECTION**

WAC 248-19-810 NURSING HOME BED NEED STANDARDS. (1) The department shall use the following rules to interpret the certificate of need review criteria contained in WAC 248-19-370(1) for applications proposing the following:

- (a) Construction, development or other establishment of a new nursing home;
- (b) Increase in the licensed bed capacity of a nursing home or a hospital long term care unit;
- (c) Change in license category of beds from the following to nursing home or hospital long term care unit beds:
  - (i) Acute care, or
  - (ii) Boarding home care; or
- (d) Change of intermediate care facility beds to skilled nursing facility beds.

(2) The department shall comply with the following time schedule for developing bed need projections:

- (a) By the last working day in January of each year, the department shall recalculate the baseline projection for each planning-area.
- (b) By the last working day in January of each year, the department shall provide the aging and adult services administration of the department of social and health services with the baseline-bed-need for each planning-area, pending the department's decisions on applications submitted during the previous year's nursing home concurrent review cycles.
- (c) By the last working day in January of each year, the department shall rank order planning-areas from lowest to highest by the projected-current-supply-ratio.
- (d) By the first working day of June of each year the department shall calculate the net-bed-need for each planning-area.

(3) The following are the baseline-projections for the projection-period, listed by planning-and-service-area and planning-area.

Planning-area	Baseline-projection
(a) PSA # 1	
Clallam	480
Grays Harbor	488
Jefferson	175
Pacific	172

Planning-area	Baseline-projection
(b) PSA # 2	
Island excluding Camano	397
San Juan	92
Skagit	605
Whatcom	887
(c) PSA # 3	
Snohomish including Camano	2,342
(d) PSA # 4	
King	9,030
AIDS project	35
(e) PSA # 5	
Pierce	3,253
(f) PSA # 6	
Lewis	467
Mason	302
Thurston	972
(g) PSA # 7	
Clark/Skamania	1,290
Cowlitz	521
Klickitat	176
Wahkiakum	28
(h) PSA # 8	
Adams	80
Chelan/Douglas	623
Grant	320
Lincoln	95
Okanogan	249
(i) PSA # 9	
Asotin	151
Benton	423
Columbia	41
Franklin	181
Garfield	23
Kittitas	182
Walla Walla	412
Yakima	1,459
(j) PSA # 11	
Ferry	32
Pend Oreille	66
Spokane	2,632
Stevens	193
Whitman	219
(k) PSA # 13	
Kitsap	1,108

(4) The aging and adult services administration of the department of social and health services may submit any redistribution plans to the department which:

- (a) Redistribute baseline-bed-need among planning-areas,
- (b) Document the following:
  - (i) That all involved area agencies on aging support each proposed redistribution, and
  - (ii) That the redistribution plan was approved by the assistant secretary for aging and adult services of the department of social and health services.
- (c) Are received by the department no later than April tenth or the first working day thereafter.
- (5) The department shall limit to three hundred the total number of nursing home beds approved for all Type A CCRC which propose or are operating within a transition period.
  - (a) These three hundred beds available for Type A CCRC during transition periods shall be in addition to the net nursing home beds needed in all of the planning-areas.
  - (b) All nursing home beds approved for Type A CCRC which propose or are operating within a transition period shall be counted as beds within this three hundred bed limitation unless and until the

CCRC fully complies with all provisions of the Type A CCRC performance standards.

(6) The department shall not issue certificates of need approving more than the net-bed-need indicated for a given planning-area, unless:

- (a) The department finds such additional beds are needed to be located reasonably close to the people they serve; and
- (b) The department explains such approval in writing.

#### NEW SECTION

WAC 248-19-811 NURSING HOME BED NEED ADJUSTMENTS. (1) The department shall use the procedures described in this section to make adjustments to planning-area net-bed-need.

(2) For planning-areas for which a nursing home review is scheduled or is ongoing, the department shall use the following procedures to adjust a planning-area's net-bed-need between April tenth or the first working day thereafter and the last working day in January of the following year.

(a) Where an increase in the bed-supply of a planning-area results in a reduction in net-bed-need, the department shall use the following procedures:

(i) When a reduction in net-bed-need occurs prior to the date of beginning of review for the applicable concurrent review cycle, the department shall:

(A) Inform, in writing, all persons from whom the department has received an application and/or a valid letter of intent of the reduction; and

(B) Explain the procedures for withdrawing or amending a certificate of need application.

(ii) When a reduction in net-bed-need occurs after the date of beginning of review for the applicable concurrent review cycle, the department shall use the need projected at the time the review began in reaching a decision on each affected application.

(b) Where a decrease in the bed supply of a planning-area results in the increase in net-bed-need, the department shall:

(i) Use the following policies:

(A) If such a decrease in the bed-supply would make a planning-area under-bedded, the department shall:

(I) Assign to the planning-area only enough beds for the planning-area to reach the target-ratio in the projection-year, but not to exceed the number of beds which closed; and

(II) Redistribute any remaining beds to planning areas statewide through the next scheduled recalculation of baseline projections for all planning-areas.

(B) If such decrease in the bed supply would not make a planning-area under-bedded, the department shall redistribute any remaining beds to planning areas statewide through the next scheduled recalculation of baseline projections for all planning-areas.

(ii) Subject to the provisions of item (2)(b)(i) of this section, use the following procedures:

(A) When an increase in net-bed-need can be made prior to the last day on which the department can accept amendments to applications under review, the department shall:

(I) Notify all affected applicants in writing, and

(II) Explain to each affected applicant the procedures for amending a certificate of need application.

(B) When an increase cannot be made prior to the last day on which the department can accept amendments to applications under review, the department shall include the increased net-bed-need in any subsequent decisions on each affected application or the next applicable concurrent review cycle, whichever occurs first.

(3) For planning-areas for which a nursing home review is not scheduled or ongoing, the department shall use the following procedures to adjust a planning-area's net-bed-need between April tenth or the first working day thereafter and the last working day in January of the following year:

(a) If a decrease in the bed-supply would make a planning-area under-bedded, the department shall:

(i) Assign to the planning-area only enough beds for the planning-area to reach the target-ratio in the projection-year; and

(ii) Redistribute any remaining beds to planning areas statewide through the next scheduled recalculation of baseline projections for all planning-areas.

(b) If such decrease in the bed supply would not make a planning-area under-bedded, the department shall redistribute any remaining beds to planning areas statewide through the next scheduled recalculation of baseline projections for all planning-areas.

#### NEW SECTION

WAC 248-19-820 NURSING HOME REVIEW STANDARDS. (1) The department shall apply the standards in this section in the review of applications proposing projects involving nursing homes, which are either:

- (a) Free-standing, or
- (b) Part of another health care facility.

(2) The department shall consider the standards in this subsection in determining the compliance of a nursing home application with the certificate of need review criteria contained in WAC 248-19-370:

(a) Applicants for a certificate of need should:

(i) Admit patients without regard to their source of income or payment,

(ii) Except for applicants proposing projects involving a Type A CCRC:

(A) Maintain a Medicare contract in areas with less than the state-wide average of Medicare certified nursing home beds to current bed-supply as defined by WAC 248-19-800(4),

(B) Maintain a Medicaid contract.

(b) Applicants proposing new nursing homes or bed additions to a nursing home with more than one hundred beds shall commit substantial nursing care resources to caring for:

(i) Heavy care patients in areas where community services office placement staff of the department of social and health services or hospital discharge planners document significant and continuing difficulties in placing heavy care patients in nursing homes, and

(ii) Patients with dementias.

(3) The department shall consider the standards in this subsection in determining the compliance of a nursing home application with the certificate of need review criteria contained in WAC 248-19-390.

(a) Applicants for a certificate of need, which own or operate a nursing home, shall demonstrate that according to governmental survey reports, each nursing home they own or operate, for at least the last three years, has not had any repeated and/or severe violations of standards of patient care.

(b) Applicants for a certificate of need shall provide evidence of a commitment to the least restrictive placement of patients, which shall include:

(i) Information provided to prospective patients on existing community-based long term care services,

(ii) The existence of a continuing patient assessment program for all patients regardless of their payment status, and

(iii) For existing nursing homes, a documented record of:

(A) Discharging patients to their homes or less intensive services;

(B) Receiving the last three annual governmental survey reports without repeat and/or severe violations of discharge planning standards; and

(C) Providing adequate services to maintain patient functional independence.

(4) The department, in determining the compliance of a nursing home related application with the certificate of need review criteria contained in WAC 248-19-400 shall give preference to applicants upgrading a nursing home with substantial physical plant waivers or exceptions, as determined by the aging and adult services administration of the department of social and health services.

#### NEW SECTION

WAC 248-19-840 AIDS LONG-TERM CARE PILOT FACILITY REVIEW STANDARDS. (1) Until an AIDS long-term care pilot facility has received a license to operate as a nursing home in this state, the department shall apply the standards in this section and those in WAC 248-19-810 and WAC 248-19-820 in the review of applications for an AIDS long-term care pilot facility.

(2) The department shall use the standards in this subsection to interpret the certificate of need review criteria contained in WAC 248-19-370.

(a) Applicants for a certificate of need shall propose a facility to be:

(i) Licensed for not more than thirty-five nursing home beds;

(ii) Located in the King County nursing home planning area;

(iii) Located in reasonable proximity to:

(A) A hospital;

(B) An outpatient radiology service; and

(C) An outpatient laboratory service; and

(iv) Operated with admissions policies which select patients with the following characteristics:

(A) Rapidly fluctuating care needs including at least some period of needing skilled nursing care;

(B) Do not need acute hospitalization; and

(C) Need some level of twenty-four-hour care, but cannot live at home.

(v) Designated to provide a residential environment supporting people in living at the maximum level of independence possible.

(b) Applicants for a certificate of need shall:

(i) Make a commitment of at least five years to maintaining the facility as described in the application; and

(ii) Admit patients with fluctuating care needs similar to those with AIDS.

(3) The department, in interpreting the certificate of need review criteria contained in WAC 248-19-380, shall give preference to those applicants that demonstrate substantial financial support from a combination of community, federal, and/or private foundation sources.

(4) The department shall use the standards in this subsection to interpret the certificate of need review criteria contained in WAC 248-19-390.

(a) Applicants for a certificate of need shall:

(i) Show how planning the facility includes input from community AIDS service organizations;

(ii) Show how they will integrate the facility's services with the services provided by other public and private AIDS services organizations; and

(iii) Document their experience in health care services delivery to patients with AIDS.

(b) Applicants for a certificate of need shall express their intent to develop a policy advisory board after the facility is in operation, to include representatives from the groups served by the facility.

(5) The department, in interpreting the certificate of need review criteria contained in WAC 248-19-400, shall require that applicants demonstrate their capability to evaluate the project and state their willingness to share the information with the assistant secretary for HIV/AIDS infectious diseases.

**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 248-19-860 SWING-BED REVIEW STANDARDS. (1) The department shall use the following rules, in addition to those under WAC 248-19-810 and WAC 248-19-820 to interpret the certificate of need review criteria contained in WAC 248-19-370, WAC 248-19-380, WAC 248-19-390, and WAC 248-19-400 for applications by hospitals proposing an increase in the number of designated swing beds.

(2) Swing-beds are defined as up to the first five hospital beds, so designated by an eligible rural hospital, which are available to provide either acute care or long-term care nursing services as required.

(3) Hospitals proposing swing bed projects shall:

(a) Be located in geographic areas of the state defined by the United States Bureau of the Census as a non-standardized metropolitan statistical area, and

(b) Have total licensed bed capacity not exceeding fifty.

(4) Hospitals shall demonstrate ability to meet minimum Medicare standards of care for rural hospital swing-beds.

#### REPEALER

The following sections of the Washington Administrative Code are each repealed:

(1) WAC 248-19-373 DETERMINATION OF NURSING HOME BED NEEDS.

(2) WAC 248-19-375 AIDS LONG-TERM CARE PILOT FACILITY PERFORMANCE STANDARDS.

(3) WAC 248-19-403 MAJOR MEDICAL EQUIPMENT NOT OWNED BY OR LOCATED IN A HEALTH CARE FACILITY.

#### WSR 90-08-106

#### PROPOSED RULES

#### DEPARTMENT OF HEALTH

#### (Board of Optometry)

[Filed April 4, 1990, 2:58 p.m.]

#### Original Notice.

Title of Rule: WAC 308-53-075 Examination eligibility requirements; 308-53-084 Examination subjects; and 308-53-085 Grading exam subjects.

Purpose: Expand exam eligibility requirement to include a national pharmacology test; update examination subjects; and update grading of revised examination subjects.

Statutory Authority for Adoption: RCW 18.54.070.

Statute Being Implemented: Chapter 18.53 RCW.

Summary: WAC 308-53-075, national pharmacology test to be required effective January 1, 1991; WAC 308-53-084, exam subjects changed to test in dynamic areas of optometry; and WAC 308-53-085, grading new exam requirements.

Reasons Supporting Proposal: Maintain standards of competency through clinical testing of applicants.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dorothy Gosney, PLS, 1300 Quince Street, Olympia, 753-4614.

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: Allows for testing in dynamic areas to maintain level of competence.

Proposal Changes the Following Existing Rules: Requires applicants to pass an additional nation exam in pharmacology; exam subjects are based on major, moderate or minor optical procedures in a practice; and changes the weighting of the exam according to the importance of the procedure (see above).

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

Hearing Location: Olympia Room, West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98168, on May 12, 1990, at 9:30 a.m.

Submit Written Comments to: Dorothy Gosney, Professional Licensing Services, P.O. Box 1099, Olympia, WA 98507, by May 11, 1990.

Date of Intended Adoption: May 12, 1990.

April 3, 1990

Dorothy Gosney  
Program Manager

#### AMENDATORY SECTION (Amending Order PM 598, filed 6/5/86)

WAC 308-53-075 EXAMINATION ELIGIBILITY. To be eligible to take the state optometry examination, the applicant must:

(1) Be a graduate of a school or college of optometry accredited by the Council on Optometric Education of the American Optometric Association and approved by the Washington state board of optometry;

(2) Satisfy the application requirements for examination as published in the annual application instructions; ((and))

(3) Have successfully completed all written parts of the National Board of Examiners in Optometry (NBEO) examinations; and

(4) Effective January 1, 1991, have successfully completed all written parts of the International Association of Examiners in Optometry (IAB) examination in treatment and management of ocular disease.

AMENDATORY SECTION (Amending Order PM 646, filed 4/14/87)

WAC 308-53-084 EXAMINATION SUBJECTS. Every (~~qualified applicant for a license as an optometrist~~) eligible applicant as a prerequisite to licensure shall successfully pass (~~all~~) examinations (~~of the examinations~~) which may include, but not be limited to, the following (~~subjects and types of examination~~) tests:

(1) (~~Successful completion of a written test on Washington state law pertaining to the practice of optometry is required of all applicants:~~

(2) Every applicant shall complete a practical examination conducted by the board, which may include, but not be limited to: Funduscopy, lensometry, retinoscopy, biomicroscopy, tonometry, radiuscope, and two oral interviews on diagnostic and patient management procedures. Each applicant must furnish his/her own patient for the practical examination.) Major tests: Pathology, oral interview, ophthalmoscopy.

(2) Moderate tests: Contact lens, gonioscopy, biomicroscopy, tonometry.

(3) Minor tests: Lensometry and jurisprudence.

Each applicant must furnish his/her own patient for the practical tests.

AMENDATORY SECTION (Amending Order PM 646, filed 4/14/87)

WAC 308-53-085 GRADING EXAMINATIONS. (~~To successfully pass the examination, an applicant must:~~

(1) Pass the practical examination section with a minimum average score of seventy-five, with no score below sixty-five;

(2) Pass both oral interviews on diagnostic and patient management procedures with a minimum score of seventy-five on each interview section;

(3) Obtain a minimum score of seventy-five on the written examination on Washington state law relating to optometry.) Each test will be weighted as major, moderate, or minor. An applicant is deemed failing the examination if he/she fails one major test, two moderate tests, or one moderate test and two minor tests.

**WSR 90-08-107**  
**PROPOSED RULES**  
**DEPARTMENT OF HEALTH**  
**(Hearing Aid Council)**

[Filed April 4, 1990, 2:59 p.m.]

Original Notice.

Title of Rule: WAC 308-50-295 Defamation of competitors; and 308-50-310 Personal disclosure.

Purpose: To adopt amendatory rules relating to hearing aid fitter/dispensers.

Statutory Authority for Adoption: RCW 18.35.161.

Statute Being Implemented: Chapter 18.35 RCW.

Summary: WAC 308-50-295, to more fully describe unethical methods of competition; and WAC 308-50-310, to instruct licensees to include specific information on direct mail or other advertising initiated by the licensee.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Barbara Hayes, 1300 Quince Street, Olympia, WA 98504, (206) 753-1817.

Name of Proponent: Hearing Aid Council, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-50-295 adds an unfair practice to the existing description and will warn licensees of unethical conduct in methods of competition in the hearing aid fitting and dispensing business; and WAC 308-50-310 adds the location of the licensee's principle establishment to required disclosure and adds direct mail or other advertising to the requirement for personal disclosure. This will effect better protection for consumers.

Proposal Changes the Following Existing Rules: WAC 308-50-295 adds an unfair practice to the existing description and will warn licensees of unethical conduct in methods of competition; WAC 308-50-310 adds the location of the licensee's principle establishment to required disclosure and adds direct mail or other advertising to the requirement for personal disclosure.

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

The present proposed rules do not require a statement because they will have minor or negligible economic impact.

Hearing Location: Governor House Hotel, Council Room, 621 South Capitol Way, Olympia, WA, on May 14, 1990, at 10:30 a.m.

Submit Written Comments to: Barbara Hayes, Program Manager, Professional Licensing Services, EY-17, P.O. Box 1099, Olympia, WA 98507-1099, by May 14, 1990.

Date of Intended Adoption: May 14, 1990.

March 16, 1990  
Ralph G. Lenhard  
Chairman

AMENDATORY SECTION (Amending Order PL 469, filed 7/3/84)

WAC 308-50-295 UNFAIR OR DECEPTIVE PRACTICES, UNETHICAL CONDUCT AND UNFAIR METHODS OF COMPETITION—DEFAMATION OF COMPETITORS OR FALSE DISPARAGEMENT OF THEIR PRODUCTS. (1) It is an unfair trade practice to defame competitors by falsely imputing to them dishonorable conduct, inability to perform contracts, questionable credit standing, or by other false representations, or falsely to disparage the products of competitors in any respect, or their testing procedures, testing equipment, business methods, selling prices, values, credit terms, policies, or services, or to knowingly intervene in any way with any contractual agreement between a competitor and his/her hearing aid purchaser, or to try to influence the purchaser to cancel the contract, or to attempt to induce the purchaser to cancel the contract by offering a lower price or by any other act of intervention.

(Note: The use of "bait" or "blind" advertisements as a means of accomplishing such defamation or false disparagement is deemed to be within the prohibitions of this rule.)

(2) Under this rule, it is an unfair trade practice for an industry member:

(a) To display competitive products in his show window, shop, or in his advertising in such manner as falsely to disparage them; or

(b) To represent falsely that competitors are unreliable but that the disparager is not; or

(c) To quote prices of competitive hearing aids or devices without disclosing that they are not the present current prices, or to shown, demonstrate, or represent competitive models as being the current models when such is not the fact.

AMENDATORY SECTION (Amending Order PL 563, filed 11/19/85)

WAC 308-50-310 PERSONAL DISCLOSURE. A licensee who contacts a prospective purchaser away from the licensee's place of business must:

(1) When the contact is in person, present the prospective purchaser with written notice of:

(a) His or her name, the name of his or her business firm, his or her business address and telephone number;

(b) The number of his or her license.

(2) Telephone contact with prospective purchasers must disclose the name of the licensee, name and location of his or her ((business firm)) principal establishment and purpose of call.

(3) When the contact is through a direct mail piece or other advertising initiated by the licensee, clearly show on all promotional items the business/establishment name, the principal establishment address and telephone number, not just the address or telephone number where he/she will be on given days.

(4) A principal establishment is one which is bonded pursuant to RCW 18.35.240.

**WSR 90-08-108**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 4, 1990, 3:00 p.m.]

**Original Notice.**

**Title of Rule:** New section WAC 388-98-810 Civil penalty fund.

**Purpose:** Allows the expenditure of funds collected from civil penalties for: Residential relocation; transportation to review new place of residence and cost of moving personal belongings; cost of reestablishing independent housing; reimburse personal loss; and pay for the cost of maintaining residence until the facility is recertified.

**Statutory Authority for Adoption:** RCW 18.51.070.

**Statute Being Implemented:** RCW 18.51.070.

**Summary:** The department shall use civil penalties collected from Medicaid-funded nursing homes which are found deficient in serving the residents' needs.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Allen Shanafelt, Aging and Adult Field Services, 586-8657.

**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, Washington, on May 8, 1990, 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 May 8, 1990.

**Date of Intended Adoption:** May 31, 1990.

April 4, 1990  
Leslie F. James, Director  
Administrative Services

**NEW SECTION**

**WAC 388-98-810 CIVIL PENALTY FUND.** The department shall use civil penalties, collected under RCW 18.51.060(4)(a) or chapter 74.42 RCW, for the following purposes listed in order of priority:

(1) Issue a relocation allowance to the Medicaid-funded nursing home resident who must relocate because the department finds the resident's nursing home deficient. The department may issue the resident a relocation allowance for the following purposes:

(a) Transportation to review potential relocation sites, including a nursing home, a congregate care facility, an adult family home, or independent housing;

(b) Cost of sending personal belongings to the resident's new location, including a residential setting or the resident's own residence; and

(c) Cost of obtaining or re-establishing independent housing when the resident is able to relocate to the resident's own residence. The department shall issue a relocation allowance if the resident meets the conditions for issuing a nursing home discharge allowance, as described under WAC 388-15-245. If the discharge allowance maximum of four hundred dollars does not sufficiently cover relocation costs, the department shall issue the relocation allowance in addition to the discharge allowance.

(2) Reimburse the Medicaid-funded nursing home resident for personal funds lost due to negligence or malfeasance by nursing home staff where the resident resides. The department shall use the civil penalty fund only if the resident's personal funds cannot be recovered from the nursing home or other responsible party; and

(3) Pay the cost of maintaining the Medicaid-funded nursing home resident in the resident's nursing home which lost its Medicaid certification until the:

(a) Resident is relocated; or

(b) Nursing home corrects the deficiencies; and

(c) Department reinstates the nursing home Medicaid certification.

**WSR 90-08-109**  
**PROPOSED RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Filed April 4, 1990, 3:01 p.m.]

**Original Notice.**

**Title of Rule:** WAC 388-86-005 Services available to recipients of categorical needy medical assistance.

**Purpose:** To include that Medicaid pays for detoxification of acute alcohol or other drug intoxication.

**Statutory Authority for Adoption:** RCW 74.08.090.

**Statute Being Implemented:** RCW 74.08.090.

**Summary:** The department shall provide detoxification of alcohol or other drug intoxication when the detoxification is in Medicaid provider certified detoxification. The department shall provide outpatient chemical dependency treatment in programs certified under chapter 275-19 WAC.

**Reasons Supporting Proposal:** This rule amendment is necessary to clarify that Medicaid pays for detoxification of acute alcohol or other drug intoxication when certain criteria is met.

**Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement:** Bobbe Andersen, Division of Medical Assistance, 753-0529.

**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, Washington, on May 8, 1990, 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 May 8, 1990.

Date of Intended Adoption: May 31, 1990.

April 4, 1990

Leslie F. James, Director  
Administrative Services

**AMENDATORY SECTION** (Amending Order 2860, filed 8/29/89, effective 9/29/89)

WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF CATEGORICAL NEEDY MEDICAL ASSISTANCE. (1) The department shall provide the following Title XIX mandatory services:

(a) Early and periodic screening diagnosis and treatment services to eligible individuals twenty years of age or under;

(b) Family planning services;

(c) Home health agency services;

(d) Inpatient and outpatient hospital care;

(e) Other laboratory and x-ray services;

(f) Skilled nursing home care;

(g) Certified registered nurse practitioner services; and

(h) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

(a) Anesthetization services;

(b) Blood;

(c) Drugs and pharmaceutical supplies;

(d) Eyeglasses and examination;

(e) Hearing aids and examinations;

(f) Hospices services;

(g) Nurse and licensed midwife services;

(h) Maternity support services;

(i) Oxygen;

~~((f))~~ j Personal care services;

~~((g))~~ k Physical therapy services;

~~((h))~~ l Private duty nursing services;

~~((i))~~ m Rural health clinic services;

~~((m))~~ n Surgical appliances;

~~((n))~~ o Prosthetic devices and certain other aids to mobility; and

~~((o))~~ p Dental services.

(3) The department shall limit organ transplants to the cornea, heart, kidney, liver, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys in the home, hospital, and kidney center ~~((See))~~ as described under WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically ~~((dependent))~~ using pregnant women in a hospital ~~((or on an outpatient basis))~~.

~~((The department shall not provide treatment to detoxify narcotic addiction cases, other than pregnant women, in a hospital or on an outpatient basis as a part of the medical assistance program. The department shall provide treatment for concurrent diseases and complications.~~

~~((7))~~ The department shall provide detoxification of ~~((an))~~ acute ~~((alcoholic condition))~~ alcohol or other drug intoxication only in a certified detoxification center or in a general hospital ~~((with certified))~~ having a detoxification ~~((facilities))~~ provider agreement with the department.

~~((7))~~ The department shall provide outpatient chemical dependency treatment in programs certified under chapter 275-19 WAC.

~~((8))~~ The department shall approve requested services:

(a) ~~((That are))~~ Listed in this section; and

(b) Where evidence is obtainable to establish medical necessity ~~((;))~~ as defined under WAC 388-80-005, if the recipient or provider submits sufficient objective clinical information including, but not limited to:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports; and

(iv) Patient profiles.

~~((9))~~ The department shall deny a request for medical services ~~((if))~~ when the requested service is:

(a) Not medically necessary as defined under WAC 388-80-005; or

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient ~~((can))~~ demonstrates through sufficient objective clinical evidence the existence of particular circumstances ~~((which render))~~ rendering the requested service medically necessary.

~~((10))~~ The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) If additional justifying information is necessary before a decision can be made, neither approve nor deny the request, but shall return the request to the provider within five working days of the original receipt. If additional justifying information is:

(i) Not returned within thirty days of the date the request was returned to the provider, then the department shall approve or deny the original request.

(ii) Returned to the department, the department shall act on the request within five working days of the receipt of the additional justifying information.

~~((11))~~ When the department denies a request for medical services, the department shall, within five working days of the decision, give the recipient and the provider written notice of the denial. The notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service;

(b) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing;

(c) The recipient may be represented at the hearing by legal counsel or other representative;

(d) That upon request, the community service office (CSO) shall furnish the recipient the name and address of the nearest legal services office; and

(e) If a fair hearing is requested, a medical assessment from other than ~~((that of))~~ the person ~~((or persons))~~ involved in making the original decision may be obtained at the department's expense ~~((of the department))~~.

~~((12))~~ For services available under the limited casualty program-medically:

(a) ~~((The limited casualty program-medically))~~ Needy, see chapter 388-99 WAC; and

(b) ~~((The limited casualty program-medically))~~ Indigent, see chapter 388-100 WAC.

~~((13))~~ The department may require a second opinion and/or consultation ~~((prior to))~~ before the approval of any elective surgical procedure.

~~((14))~~ The department shall designate ~~((those))~~ diagnoses that may require surgical ~~((procedures which))~~ intervention:

(a) ~~((Can be))~~ Performed in other than a hospital in-patient setting; and

(b) ~~((Require))~~ Requiring prior approval by the central authorization unit for a hospital admission.

~~((15))~~ The department shall assure the availability of necessary transportation to and from covered Title XIX medical services.

**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 90-08-110**  
**EMERGENCY RULES**  
**DEPARTMENT OF**  
**SOCIAL AND HEALTH SERVICES**  
**(Public Assistance)**

[Order 2965—Filed April 4, 1990, 3:02 p.m.]

Date of Adoption: April 4, 1990.

Purpose: To include that Medicaid pays for detoxification of acute alcohol or other drug intoxication.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-005.

Statutory Authority for Adoption: RCW 74.08.090.

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 clarify that Medicaid pays for detoxification of acute alcohol or other drug intoxication when certain criteria is met.

Effective Date of Rule: April 5, 1990, 12:01 a.m.

April 4, 1990  
 Leslie F. James, Director  
 Administrative Services

**AMENDATORY SECTION** (Amending Order 2860, filed 8/29/89, effective 9/29/89)

**WAC 388-86-005 SERVICES AVAILABLE TO RECIPIENTS OF CATEGORICAL NEEDY MEDICAL ASSISTANCE.** (1) The department shall provide the following Title XIX mandatory services:

(a) Early and periodic screening diagnosis and treatment services to eligible individuals twenty years of age or under;

(b) Family planning services;

(c) Home health agency services;

(d) Inpatient and outpatient hospital care;

(e) Other laboratory and x-ray services;

(f) Skilled nursing home care;

(g) Certified registered nurse practitioner services; and

(h) Physicians' services in the office or away from the office as needed for necessary and essential medical care.

(2) The department shall provide the following Title XIX optional services:

(a) Anesthetization services;

(b) Blood;

(c) Drugs and pharmaceutical supplies;

(d) Eyeglasses and examination;

(e) Hearing aids and examinations;

(f) Hospices services;

(g) Nurse and licensed midwife services;

(h) Maternity support services;

(i) Oxygen;

~~((f))~~ j Personal care services;

~~((f))~~ k Physical therapy services;

~~((f))~~ l Private duty nursing services;

~~((f))~~ m Rural health clinic services;

~~((m))~~ n Surgical appliances;

~~((m))~~ o Prosthetic devices and certain other aids to mobility; and

~~((o))~~ p Dental services.

(3) The department shall limit organ transplants to the cornea, heart, kidney, liver, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys in the home, hospital, and kidney center ~~((See))~~ as described under WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically ~~((dependent))~~ using pregnant women in a hospital ~~((or on an outpatient basis))~~.

~~(6) ((The department shall not provide treatment to detoxify narcotic addiction cases, other than pregnant women, in a hospital or on an outpatient basis as a part of the medical assistance program. The department shall provide treatment for concurrent diseases and complications:~~

~~(7))~~ The department shall provide detoxification of ~~((an))~~ acute ~~((alcoholic condition))~~ alcohol or other drug intoxication only in a certified detoxification center or in a general hospital ~~((with certified))~~ having a detoxification ~~((facilities))~~ provider agreement with the department.

~~(7) The department shall provide outpatient chemical dependency treatment in programs certified under chapter 275-19 WAC.~~

(8) The department shall approve requested services:

(a) ~~((That are))~~ Listed in this section; and

(b) Where evidence is obtainable to establish medical necessity~~((:))~~ as defined under WAC 388-80-005, if the recipient or provider submits sufficient objective clinical information including, but not limited to:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports; and

(iv) Patient profiles.

(9) The department shall deny a request for medical services ~~((if))~~ when the requested service is:

(a) Not medically necessary as defined under WAC 388-80-005; or

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient ~~((can))~~ demonstrates through sufficient objective clinical evidence the existence of particular circumstances ~~((which render))~~ rendering the requested service medically necessary.

(10) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) If additional justifying information is necessary before a decision can be made, neither approve nor deny the request, but shall return the request to the provider within five working days of the original receipt. If additional justifying information is:

(i) Not returned within thirty days of the date the request was returned to the provider, then the department shall approve or deny the original request.

(ii) Returned to the department, the department shall act on the request within five working days of the receipt of the additional justifying information.

(11) When the department denies a request for medical services, the department shall, within five working days of the decision, give the recipient and the provider written notice of the denial. The notice shall state:

(a) The specific reasons for the department's conclusion to deny the requested service;

(b) The recipient has a right to a fair hearing if the request is made within ninety days of receipt of the denial, with the instruction on how to request the hearing;

(c) The recipient may be represented at the hearing by legal counsel or other representative;

(d) That upon request, the community service office (CSO) shall furnish the recipient the name and address of the nearest legal services office; and

(e) If a fair hearing is requested, a medical assessment from other than ~~((that of))~~ the person ~~((or persons))~~ involved in making the original decision may be obtained at the department's expense ~~((of the department))~~.

(12) For services available under the limited casualty program—medically:

(a) ~~((The limited casualty program—medically))~~ Needy, see chapter 388-99 WAC; and

(b) ~~((The limited casualty program—medically))~~ Indigent, see chapter 388-100 WAC.

(13) The department may require a second opinion and/or consultation ~~((prior to))~~ before the approval of any elective surgical procedure.

(14) The department shall designate ~~((those))~~ diagnoses that may require surgical ((procedures which)) intervention:

(a) ~~((Can be))~~ Performed in other than a hospital inpatient setting; and

(b) ~~((Require))~~ Requiring prior approval by the central authorization unit for a hospital admission.

(15) The department shall assure the availability of necessary transportation to and from covered Title XIX medical services.

**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 90-08-111**  
**EMERGENCY RULES**  
**STATE BOARD OF EDUCATION**

[Filed April 4, 1990, 3:50 p.m.]

Date of Adoption: March 30, 1990.

Purpose: To allow for specific educational staff associate roles (school nurse, physical therapist, occupational therapist) to be covered under the provisions of the consultant special limited certificate regulations. Shortages of trained personnel in these roles, coupled with an increasing demand for these services, cause the need for emergency adoption.

Citation of Existing Rules Affected by this Order: Amending WAC 180-79-230.

Statutory Authority for Adoption: RCW 28A.04.120(5) and 28A.70.005.

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: Under current conditions in school districts where the need for services to children in the school nursing, occupational therapist and physical therapist areas is high and the supply of trained, certificated personnel is low, it has been necessary to hire noncertificated persons to provide the services. This practice violates basic education requirements and the code of professional conduct, but the needs of children must be served. This rule will allow this to happen.

Effective Date of Rule: Immediately.

April 4, 1990  
Monica Schmidt, Secretary  
Executive Director

**AMENDATORY SECTION** (Amending Order 12-89, filed 5/31/89)

WAC 180-79-230 **LIMITED CERTIFICATES**. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited ~~((periods of))~~ service:

(1) Consultant special teacher or educational staff associate certificate.

(a) The issuance of consultant special certificates is limited to:

(i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;

(ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3);

(iii) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved basic education program;

(iv) Persons who possess a baccalaureate or higher degree as otherwise required in WAC 180-79-125 and have met the licensing requirement for the state of Washington for a nurse, occupational therapist, or physical therapist.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special teacher or educational staff associate certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional or educational staff associate activities and will

not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-75-085 (1) and (2) have been met.

(c) The certificate is valid for one year and only for the activity specified, by endorsement, on such certificate. The certificate may be reissued on application and evidence that requirements continue to be met: **PROVIDED**, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:

(c) **PROVIDED**, That if the district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: **PROVIDED**, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate.

(b) The emergency certificate is valid for one year.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 392-193-055(1) and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(5) Nonimmigrant alien foreign language teacher. Applicants for certification as a nonimmigrant alien foreign language teacher must qualify pursuant to WAC 392-193-055(2) and possess a baccalaureate degree or establish equivalency to a baccalaureate degree by having his or her college or university transcripts evaluated as equivalent by any accredited college or university within the state of Washington.

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 90-08-112

### PROPOSED RULES

### STATE BOARD OF EDUCATION

[Filed April 4, 1990, 3:53 p.m.]

Original Notice.

Title of Rule: Chapter 180-75 WAC, Professional certification—General provisions; WAC 180-75-061 Application for certification; 180-75-065 Fee for certification; and 180-75-090 Temporary permits.

Purpose: To add amendatory language to the rules that will clarify intent and provide needed changes in the certification fee structure.

Statutory Authority for Adoption: RCW 28A.04.120 (1), (2) and (3) and 28A.70.005.

Statute Being Implemented: Same.

Summary: The amendatory language in WAC 180-75-061 is for clarification purposes; the amendatory language in WAC 180-75-065 increases the fee for certificates by \$5 per year; and the amendatory language in WAC 180-75-090 includes educational service districts as designated agents authorized to issue temporary permits.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Ted Andrews, Old Capitol Building, 753-3222; and Enforcement: Doyle Winter, Old Capitol Building, 753-1880.

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: WAC 180-75-061 specifies that applicants for certification in Washington must meet standards in effect at the time of application, including passing an admission to practice exam in 1993. The amendatory language clarifies the situations that would qualify as exemptions from the rule requirement; WAC 180-75-065 specifies the fees for certification, those authorized to collect the fees, and how the certification fees are to be used for preservice and inservice activities. The amendatory language increases the certification fees by \$5 per year to offset the increased costs of processing certificates by authorized collection agencies; and WAC 180-75-090 specifies the temporary permits may be issued by

authorized agencies for up to 120 days while the processing of the regular certificate occurs. The amendatory language permits educational service districts to serve as an authorized agency.

Proposed 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: Moses Lake High School Library, 803 Sharon Avenue, Moses Lake, WA 98837, on May 17, 1990, at 8:30 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by May 15, 1990.

Date of Intended Adoption: May 18, 1990.

April 4, 1990

Monica Schmidt, Secretary  
Executive Director

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

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))~~ out-of-state 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 initial or continuing Washington state certificate issued pursuant to chapter 180-79 WAC other than a limited certificate issued pursuant to WAC 180-79-230, the candidate must have passed the applicable parts of the admission to practice examination within one calendar year of the date of application.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

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))~~ or reinstatement thereof is seventy-five dollars;

(b) ~~((The reinstatement;))~~ An additional endorsement on the certificate, duplicate certificates, substitute certificates, and certificates issued for the purpose of showing a name change is ~~((fifteen))~~ twenty dollars; and

(c) Any other certificate or credential or any renewal thereof shall be ~~((five))~~ ten 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:))~~

~~((Official))~~ Officials authorized to collect certification fees are educational service district superintendents ~~((, local school district superintendents;))~~ and deans and directors of education at colleges and universities ~~((, and designers of program units))~~. The fee must accompany the application for a certificate and, except as provided in (a) of this subsection, 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.))~~ Entities authorized to collect fees for application may retain up to twenty percent of the fees collected for each application which is processed, in whole or in part, in accordance with instructions issued by the superintendent of public instruction for the processing of such applications. Such retained fees shall be used exclusively for precertification professional preparation activities by such entity.

(b) No less than fifty percent of the remaining 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 in-service training programs and evaluations thereof.

AMENDATORY SECTION (Amending WSR 89-22-010, filed 10/20/89, effective 11/20/89)

WAC 180-75-090 TEMPORARY PERMITS. Temporary permits may be issued by the superintendent of public instruction and designated agents 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))~~ or designated agents—i.e., educational service districts or Washington state institutions 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 shall provide institutions of higher education and educational service districts with forms and instructions relevant to application for a permit.

WSR 90-08-113

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 4, 1990, 3:54 p.m.]

Original Notice.

Title of Rule: WAC 180-78-057 Approval of courses offered by an out-of-state college or university applicable to certification.

Purpose: To repeal paragraphs (1), (2), (3) and (4) and part of paragraph (5).

Statutory Authority for Adoption: RCW 28A.04.120 and 28A.70.005.

Statute Being Implemented: Same.

Summary: The proposed repeal of paragraphs (1), (2), (3) and (4) will eliminate the role of the State Board of Education in approving individual education courses offered by out-of-state institutions within the state of Washington; and the repeal language in part of paragraph (5) removes reference to college/university acceptance of this out-of-state individual education course credit offered in-state, but retains language pertaining to the necessity of out-of-state institutions offering programs leading to certification to meet all program approval requirements set forth in chapter 180-78 WAC.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Ted Andrews, Old Capitol Building, 753-3222; and Enforcement: Doyle Winter, Old Capitol Building, 753-1880.

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: In the past, WAC 180-78-057 has authorized the approval by the State Board of Education of all individual education courses offered by out-of-state institutions within the state of Washington. This approval process has been time consuming and a significant burden on the administrative responsibilities of the Professional Education and Certification Office, OSPI. Since the Higher Education Coordinating Board (HECB) performs similar functions in registering all degree programs offered by out-of-state institutions in Washington, there appears to be no need to continue the duplicating roles. The HECB should have sole responsibility for authorizing out-of-state institutions to operate in-state, and OSPI should be excluded from the process. Out-of-state institutions offering programs in Washington leading to certification will still have to meet all program approval standards as specified in chapter 180-78 WAC and receive State Board of Education approval.

Proposed 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: Moses Lake High School Library, 803 Sharon Avenue, Moses Lake, WA 98837, on May 17, 1990, at 8:30 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by May 15, 1990.

Date of Intended Adoption: May 18, 1990.

April 4, 1990

Monica Schmidt, Secretary  
Executive Director

AMENDATORY SECTION (Amending Order 26-88, filed 12/14/88)

WAC 180-78-057 APPROVAL OF ((COURSES)) PREPARATION PROGRAM OFFERED BY AN OUT-OF-STATE COLLEGE OR UNIVERSITY WITHIN THE STATE APPLICABLE TO CERTIFICATION. ((In order for any education course offered by an out-of-state college or university within the state of Washington to be applicable to Washington state certification, prior approval must be

~~obtained by the out-of-state college or university from the state board of education or its designee within the office of the superintendent of public instruction:~~

~~A course offered under such circumstances must comply with the following requirements to qualify for approval:~~

~~(1) Be offered by a college or university which is accredited in its respective region by the regional accrediting association;~~

~~(2) Be offered by a college or university which has had its Washington-based course offerings reviewed and approved during the accreditation process required in subsection (1) of this section;~~

~~(3) Be offered by a college or university which is approved in its respective home state for purposes of preparing personnel for certification to serve in the common schools;~~

~~(4) File an application and provide evidence to the state board of education that the preceding requirements are met;~~

~~(5) PROVIDED, That no college or university within the state of Washington having an approved professional education program shall be required to accept such course work as part of a certificate program. AND PROVIDED FURTHER, That)) No out-of-state college or university shall offer a program of courses within Washington state for purposes of Washington state certification without meeting all program approval requirements set forth in this chapter.~~

## WSR 90-08-114

### PROPOSED RULES

### STATE BOARD OF EDUCATION

[Filed April 4, 1990, 3:55 p.m.]

Original Notice.

Title of Rule: WAC 180-79-045, 180-79-049, 180-79-060, 180-79-065, 180-79-075, 180-79-080, 180-79-230, 180-79-245, 180-79-362 and 180-79-364.

Purpose: To amend rules for editorial and clarification purposes; to repeal the recency requirement; to authorize the consultant special certificate for certain ESA roles; and to standardize the requirements for all out-of-state applicants of Washington certification.

Statutory Authority for Adoption: RCW 28A.04.120 and 28A.70.005.

Statute Being Implemented: Same.

Summary: The amendatory language to WAC 180-79-045, 180-79-049, 180-79-060 and 180-79-075 removes language no longer applicable for certification purposes and clarification purposes; the amendatory language in WAC 180-79-080, 180-79-362 and 180-79-364 implement legislation changing the K-6 grade level designation to K-8 and change two subject area endorsement titles; the amendatory language in WAC 180-79-065 removes the recency requirement (i.e. 15 quarter hours within the last 7 years) as a condition for obtaining an initial certificate; the amendatory language in WAC 180-79-230 provides that the consultant special limited certificate be used for the ESA roles of school nurse, occupational therapist and physical therapist upon request by school districts and/or educational service districts; and the amendatory language in WAC 180-79-245 provides that any out-of-state applicant for Washington certification, whether from a reciprocity or nonreciprocity state, shall have to meet the same criteria as provided in rule to be eligible for initial or continuing certification.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Ted Andrews, Old Capitol Building,

753-3222; and Enforcement: Doyle Winter, Old Capitol Building, 753-1880.

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: See Summary 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: Moses Lake High School Library, 803 Sharon Avenue, Moses Lake, WA 98837, on May 17, 1990, at 8:30 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by May 15, 1990.

Date of Intended Adoption: May 18, 1990.

April 4, 1990  
Monica Schmidt, Secretary  
Executive Director

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-045 CERTIFICATES—PREVIOUS STANDARDS. (1) Certificates issued under previous standards which were issued for a specific term shall continue to be effective for that term. All persons who hold any standard teacher, administrator, or specialized personnel certificate issued under previous standards of the state board of education shall be issued a continuing certificate at such time as it is necessary for them to reinstate a standard certificate or on application and payment of the fee as specified in WAC 180-75-065(1): PROVIDED, That until August 31, 1992, all persons who hold any provisional or initial certificate granted under previous standards of the state board of education shall be authorized to meet requirements for standard or continuing certification as set forth in the relevant previous standards so long as the standard or continuing certificate is obtained within six calendar years of the date on which the first provisional or initial certificate was issued; and, if such requirements are met, shall be issued a continuing certificate subject to the conditions of this chapter: PROVIDED FURTHER, That all persons who hold other than provisional or standard teaching certificates issued under standards of the state board of education adopted prior to 1971 shall be issued continuing certificates if they have completed forty-five quarter hours (thirty semester hours) of preparation past the baccalaureate degree and three years of experience: PROVIDED FURTHER, That ~~((persons holding provisional credentials as administrators under standards adopted by the state board of education in 1956 who have completed all requirements for the standard credential except the three years of experience as a principal or superintendent shall be issued continuing administrator certificates under these standards if they have completed at least five years of experience in an educational setting and three years of experience in the role of superintendent, principal, vice principal, or deputy or assistant to a principal or superintendent: PROVIDED FURTHER, That))~~ any person holding a provisional certificate as a school nurse under provisions of chapter 180-84 WAC shall be granted a continuing certificate: PROVIDED FURTHER, That any person who holds a provisional principal's or provisional superintendent's certificate under previous standards of the state board of education shall be issued upon application, including payment of applicable fees, continuing administrative certificates with endorsements for such respective roles and such certificates shall be subject to the continuing education requirements of chapter 180-85 WAC.

(2) Except as noted in subsection (1) of this section, certificates issued under previous standards which were issued for an indefinite period shall continue to be in effect.

AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-049 PROFESSIONAL PREPARATION PROGRAM REQUIREMENT FOR CERTIFICATION. All applicants for certification, except as otherwise provided in WAC 180-79-230

and 180-79-245, in order to be certified within the state of Washington shall have completed a state approved preparation program in the professional field for which certification is to be issued. In addition, candidates for principal's certificates must have completed a state approved preparation program for certification as a teacher and candidates for superintendent's certificates must have completed a state approved preparation program for certification as a teacher or educational staff associate.

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-060 LEVELS OF CERTIFICATES. Two levels of certification may be issued:

(1) Initial certificate. The initial ~~((teaching))~~ teacher certificate is valid for two years and the initial administrator and educational staff associate certificates are valid for seven years. Initial ~~((teaching))~~ teacher certificates shall be subject to renewal ~~((and reinstatement))~~ pursuant to WAC 180-79-065. Initial administrator and educational staff associate certificates shall not be subject to renewal ~~((but may be reinstated pursuant to WAC 180-79-065(4))~~): PROVIDED, That initial ~~((teaching))~~ teacher certificates issued or applied for, if the candidate is otherwise eligible, prior to August 31, 1992, shall be valid for four years.

(2) Continuing certificate. The continuing certificate is valid on a continuing basis as specified in WAC 180-79-065(2).

AMENDATORY SECTION (Amending Order 27-88, filed 12/14/88)

WAC 180-79-065 INITIAL AND CONTINUING CERTIFICATES—APPLICABLE CONDITIONS. The following shall apply to initial and continuing certificates issued pursuant to this chapter:

(1) Initial certificate.

(a) An initial teacher certificate issued prior to August 31, 1992, and an initial educational staff associate or administrator certificate issued prior to August 31, 1988, may be renewed for an additional three-year period on application and verification that the individual has completed all course work requirements for continuing certification or has completed at least fifteen quarter hours (ten semester hours) of course work since the certificate was issued or renewed.

(b) An initial ~~((teaching))~~ teacher certificate issued on or after August 31, 1992 may be renewed for a three-year period by the applicant providing proof that he or she is enrolled in an approved masters degree program. A second renewal for a two-year period shall be granted if the candidate provides the following information from the degree granting institution:

(i) That the candidate has made substantial—i.e., fifty percent or more—progress toward the completion of an approved masters degree;

(ii) That the candidate has made satisfactory progress in the approved masters degree program;

(iii) That the candidate has made satisfactory arrangements to complete the approved masters degree program during the two-year extension period.

(2) Continuing certificate.

(a) The continuing certificates of holders who were eligible for such certificates prior to August 31, 1987 and who applied for such certificates prior to July 1, 1988 or who would have been eligible for such certificates prior to August 31, 1987, but for one of the three-year experience requirement and who complete such requirement and apply for such certificate prior to August 31, 1988, will be valid for life. Holders of valid continuing certificates affected by this subsection shall be entitled to have such certificate reissued and subject to the terms and conditions applicable to certification at the time of reissuance including the continuing education requirements of chapter 180-85 WAC.

(b) All continuing certificates not affected by the exception stated in (a) of this subsection shall lapse if the holder does not complete the continuing education requirement specified in chapter 180-85 WAC. To reinstate such a lapsed continuing certificate the individual must complete the requirements for reinstatement stated within chapter 180-85 WAC.

~~((3) Recency of training. Prior to August 31, 1993, if an applicant for an initial certificate has not completed fifteen quarter (ten semester) hours of course work within the seven years immediately preceding application for such initial certificate, he/she will be required to complete fifteen quarter (ten semester) hours of course work prior to receipt of an initial certificate.))~~



**AMENDATORY SECTION** (Amending Order 27-88, filed 12/14/88)

WAC 180-79-075 CERTIFICATE ENDORSEMENT. Professional education certificates shall be endorsed as follows:

(1) Teacher certificates shall specify endorsements in subject area(s) and grade level(s) (~~PROVIDED, That notwithstanding provisions of this chapter to the contrary, applicants who have completed all requirements for continuing teaching certificates pursuant to WAC 180-79-060 prior to August 31, 1987, and whose certificates are applied for prior to July 1, 1988, and applicants who have completed all requirements except one of the three-year experience requirement for continuing teaching certificates pursuant to WAC 180-79-060 and who complete such requirement and apply for such certificates prior to August 31, 1988, and applicants who complete the requirements for standard certificates or continuing certificates pursuant to WAC 180-80-705 shall receive no endorsements~~).

(2) Educational staff associate certificates shall identify the field of specialization by endorsement.

(3) Administrator certificates shall identify the field of specialization (principal, program administrator, superintendent) by endorsement.

Principals' initial certificates shall be endorsed for grades preschool-9, 4-12, or preschool-12 based on recommendations from the college or university in which the candidate completed an approved preparation program.

(4) In order to change or add an endorsement to any certificate, the candidate must complete an application, pay the certification fee specified in WAC 180-75-065, and submit verification of completion of the necessary requirements specified in this chapter.

**AMENDATORY SECTION** (Amending Order 3-88, filed 2/17/88)

WAC 180-79-080 AUTHORIZED ENDORSEMENTS FOR TEACHERS. Endorsements for grade levels and subject areas within such grade levels for certificated teachers receiving endorsements shall be limited to the following:

(1) Preschool through grade three endorsements shall be granted in the subject area of:

- (a) Early childhood special education.
- (b) Early childhood education.

(2) Grade kindergarten through grade ~~(six)~~ eight endorsements shall be granted in the subject area of elementary education which shall include all subject areas taught in such grades (~~PROVIDED, That endorsements granted pursuant to this subsection prior to August 31, 1992, shall be for grade kindergarten through grade eight~~).

(3) Grade kindergarten through grade twelve endorsements shall be granted in:

- (a) Art
- (b) Music (broad subject area endorsement) and the specialized subject areas of:

- (i) Choral music
- (ii) Instrumental music
- (c) Physical education
- (d) Reading
- (e) Designated foreign language
- (f) Special education
- (g) Learning resources
- (h) English as a second language
- (i) Bilingual education.

(4) Grade four through grade twelve endorsements shall be granted in:

(a) English/language arts (broad subject area endorsement) and the specialized English/language arts subject areas of:

- (i) Drama
- (ii) English
- (iii) Journalism
- (iv) Speech.

(b) Science (broad subject area endorsement) and the specialized science subject areas of:

- (i) Biology
- (ii) Chemistry
- (iii) Earth science
- (iv) Physics.

(c) Social studies (broad subject area endorsement) and the specialized social studies subject areas of:

- (i) Anthropology
- (ii) Economics

(iii) Geography

(iv) History

(v) Political science

(vi) Psychology

(vii) Sociology.

(d) The specialized subject areas of:

(i) Agriculture

(ii) Business education

(iii) Computer science

(iv) Health

(v) Home and family life education (formerly home economics)

(vi) Technology education (formerly industrial arts)

(vii) Mathematics

(viii) Marketing education.

(5) Traffic safety endorsements may be noted on certificates issued under this chapter if the candidate meets the requirements of the regulations promulgated by the superintendent of public instruction pursuant to RCW 28A.08.010(3).

**AMENDATORY SECTION** (Amending Order 12-89, filed 5/31/89)

WAC 180-79-230 LIMITED CERTIFICATES. Notwithstanding other requirements prescribed in this chapter for eligibility for certification in the state of Washington, the following certificates shall be issued under specific circumstances set forth below for limited (~~periods of~~) service:

(1) Consultant special teacher or educational staff associate certificate.

(a) The issuance of consultant special certificates is limited to:

(i) Persons highly qualified and experienced in fields of knowledge to be taught in the common or nonpublic schools;

(ii) Persons who qualify to instruct in the traffic safety program as paraprofessionals pursuant to WAC 392-153-020 (2) and (3);

(iii) Persons who are assigned instructional responsibility for intramural/interscholastic activities which are part of the district approved basic education program;

(iv) Persons who possess a baccalaureate or higher degree as otherwise required in WAC 180-79-125 and who possess a state of Washington license for a nurse, occupational therapist, or physical therapist.

(b) Such certificates are issued to individuals who are screened by the local school district or educational service district superintendents. The educational service district or local district superintendent will verify that the following criteria have been met when requesting the consultant special teacher or educational staff associate certificate:

(i) No person with regular certification in the field is available as verified by the district or educational service district superintendent;

(ii) The individual will be delegated primary responsibility for planning, conducting, and evaluating instructional or educational staff associate activities and will not be serving in a paraprofessional role which would not require certification;

(iii) The individual is being certificated for a limited assignment and responsibility in a specified activity/field;

(iv) Personnel so certificated will be oriented and prepared for the specific assignment and will be apprised of any legal liability, the lines of authority, and the duration of the assignment; and

(v) The district or educational service district superintendent will indicate the basis on which he/she has determined that the individual is competent for the assignment and will verify that general requirements for certification as set forth in WAC 180-75-085 (1) and (2) have been met.

(c) The certificate is valid for one year and only for the activity specified, by endorsement, on such certificate. The certificate may be reissued on application and evidence that requirements continue to be met: PROVIDED, That the superintendent of public instruction may extend the validity of the certificate for more than one year but no more than four years.

(2) Substitute certificate.

(a) The substitute certificate entitles the holder to act as substitute during the absence of the regularly certificated staff member for a period not to exceed thirty consecutive school days during the school year in any one assignment. This certificate may be issued to:

(i) Teachers, educational staff associates or administrators whose state of Washington certificates have expired, or

(ii) Persons who have completed state approved preparation programs at regionally accredited colleges and universities for certificates.

(b) The substitute certificate is valid for life:



(c) PROVIDED, That if the district has exhausted or reasonably anticipates it will exhaust its list of qualified substitutes who are willing to serve as substitutes, the superintendent of public instruction may issue emergency substitute certificates to persons not fully qualified under this subsection for use in a particular school district once the list of otherwise qualified substitutes has been exhausted. Such emergency substitute certificates shall be valid for three years.

(3) Emergency certification.

(a) Emergency certification for specific positions may be issued upon the recommendation of school district and educational service district superintendents to persons who hold the appropriate degree and have substantially completed a program of preparation in accordance with Washington requirements for certification: PROVIDED, That a qualified person who holds regular certification is not available or that the position is essential and circumstances warrant consideration of issuance of an emergency certificate.

(b) The emergency certificate is valid for one year.

(4) Nonimmigrant alien exchange teacher. Applicants for certification as a nonimmigrant alien exchange teacher must qualify pursuant to WAC 392-193-055(1) and be eligible to serve as a teacher in the elementary or secondary schools of the country of residence.

(5) Nonimmigrant alien foreign language teacher. Applicants for certification as a nonimmigrant alien foreign language teacher must qualify pursuant to WAC 392-193-055(2) and possess a baccalaureate degree or establish equivalency to a baccalaureate degree by having his or her college or university transcripts evaluated as equivalent by any accredited college or university within the state of Washington.

#### AMENDATORY SECTION (Amending Order 3-88, filed 2/17/88)

WAC 180-79-245 ((~~RECIPROCIITY~~)) OUT-OF-STATE CANDIDATES. Out-of-state candidates for certification shall not be required to demonstrate passage of any applicable admission to practice or other applicable examination until making application for a continuing certificate. Candidates for certification ((who hold certificates or credentials in other states or who have completed approved or accredited preparation programs in)) from other states shall be eligible for Washington certificates as follows:

(1) Initial certificate. The initial certificate shall be issued by the superintendent of public instruction to any candidate who meets one of the following:

(a) Qualifies under provisions of the interstate compact.

(b) Holds the appropriate degree and, if applicable, credit hours and/or licensing as set forth in this chapter and has completed a state approved preparation program at a regionally accredited college or university in the professional field for which the certificate is to be issued and such additional professional fields as required by WAC 180-79-049.

(c) Holds an appropriate degree from a regionally accredited college or university and also holds or has held a certificate in another state and has practiced in that respective role under the appropriate certificate for three years.

(d) Holds an appropriate degree from a regionally accredited college or university and has practiced three years as an educational staff associate in that role in a state where such certificate was not required.

(2) Continuing certificate. The continuing certificate shall be issued on verification that the candidate ((meets relevant academic and experience)) has met all requirements ((and of passing the exit examination or admission to practice examination required)) for initial ((certification in the state of Washington)) and ((the candidate provides the superintendent of public instruction evidence of complying with the academic and experience requirements within this chapter for)) continuing certification in the state of Washington.

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-362 HOME AND FAMILY LIFE EDUCATION (FORMERLY HOME ECONOMICS)—SUBJECT AREA ENDORSEMENT. In order to receive an endorsement in home ((~~economics~~)) and family life education, the candidate shall have completed the minimum course work credit hours in the subject area of home ((~~economics~~)) and family life education, including, but not limited to, credit hours in each of the following essential areas of study:

(1) Family relations.

(2) Child growth and development.

(3) Nutrition.

(4) Consumer education or resource management.

#### AMENDATORY SECTION (Amending Order 4-87, filed 4/3/87)

WAC 180-79-364 TECHNOLOGY EDUCATION (FORMERLY INDUSTRIAL ARTS)—SUBJECT AREA ENDORSEMENT. In order to receive an endorsement in ((~~industrial arts~~)) technology education, the candidate shall have completed the minimum course work credit hours in the subject area of ((~~industrial arts~~)) technology education, including, but not limited to, credit hours in each of the following essential areas of study:

(1) Industrial safety.

(2) Technology education.

(3) Industrial arts program management.

(4) Manufacturing, construction, communications, or transportation.

#### WSR 90-08-115

#### PROPOSED RULES

#### STATE BOARD OF EDUCATION

[Filed April 4, 1990, 3:56 p.m.]

#### Original Notice.

Title of Rule: WAC 180-85-045, 180-85-085, 180-85-100, 180-85-105, 180-85-106, 180-85-107, 180-85-108, 180-85-109, 180-85-110, 180-85-115 and 180-85-205; and repealing WAC 180-85-080, 180-85-083 and 180-85-202.

Purpose: To revise the administrative process for the continuing education requirement that will facilitate its implementation for the recipient of the credits/hours, the in-service provider, and the OSPI Office.

Statutory Authority for Adoption: RCW 28A.70.005.

Statute Being Implemented: Same.

Summary: The proposed amendatory language and new language in chapter 180-85 WAC alters the administration of the continuing clock hour education requirement. The State Board of Education continues to approve all providers each year, but following approval it is the responsibility of the local in-service committee/board of directors to approve individual in-service offerings prior to their occurrence. Further, it is the responsibility of the individual certificate holder to maintain records of in-service offerings taken during the 5 year validity of the continuing certificate. The Superintendent of Public Instruction Office will monitor compliance by in-service providers and randomly check the verification of clock hour completion form submitted by certificate holders who have sworn by affidavit that they have completed the 150 clock hours.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Old Capitol Building, 753-2298; Implementation: Ted Andrews, Old Capitol Building, 753-3222; and Enforcement: Doyle Winter, Old Capitol Building, 753-1880.

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: See Summary 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: Moses Lake High School Library, 803 Sharon Avenue, Moses Lake, WA 98837, on May 17, 1990, at 8:30 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, Old Capitol Building, FG-11, Olympia, Washington 98504, by May 15, 1990.

Date of Intended Adoption: May 18, 1990.

April 4, 1990  
Monica Schmidt, Secretary  
Executive Director

AMENDATORY SECTION (Amending Order 16-87, filed 12/21/87)

WAC 180-85-045 APPROVED IN-SERVICE EDUCATION AGENCY—DEFINITION. As used in this chapter, the term "approved in-service education agency" shall mean an agency approved by the state board of education to provide in-service education programs and to grant continuing education credit hours to all or a selective group of educators. Such agency must demonstrate the following characteristics:

(1) The agency is one of the following entities or a department or section within such entities:

- (a) A college or university referenced in WAC 180-85-025(1);
- (b) A professional organization which for the purpose of this chapter shall mean any local, state, regional, or national organization composed primarily of teachers, administrators, and/or educational staff associates;
- (c) A school district, an educational service district, and the superintendent of public instruction; or
- (d) An approved private school which for the purpose of this chapter shall mean the same as provided in WAC 180-90-112.

(2) The agency has either a committee or board of directors which provides prior approval to proposed in-service education programs on the basis that the proposed programs are designed to meet the program standards set forth in WAC 180-85-200. In the case of school districts or educational service districts the committee shall be composed of the same representatives as required by RCW 28A.71.210—i.e., "representatives from the ranks of administrators, building principals, teachers, classified and support personnel . . . , the public . . . , and . . . institution(s) of higher education, . . . ."

AMENDATORY SECTION (Amending Order 28-88, filed 12/14/88)

WAC 180-85-085 IN-SERVICE EDUCATION RECORDS. Holders of certificates affected by this chapter (~~who do not claim credit pursuant to WAC 180-85-080 for the same in-service education program~~) shall (~~cause the transmission of~~) retain the necessary (information to claim continuing education credit hours by the) in-service (provider to the superintendent of public instruction, on forms provided or approved by the superintendent of public instruction and distributed to registrants by) records from the approved in-service provider for the purpose of any audit by the superintendent of public instruction. Such holders shall be notified on such form that the intentional misrepresentation of a material fact on such form subjects the holder to revocation of his or her certificate pursuant to chapter 180-86 WAC and that a copy of such completed form should be retained by the holder for possible disputes arising under this chapter and for other purposes that may arise, including verification of in-service hours completed for a current or prospective employer.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-100 CALCULATION OF LAPSE DATES. The lapse dates of certificates affected by this chapter shall be calculated as follows:

- (1) Certificates issued prior to (~~July 1~~) October 1 of a given year shall have a lapse date of (~~June 30~~) August 31 of the subsequent fifth calendar year and of each fifth calendar year thereafter.
- (2) Certificates issued on or after (~~July 1~~) October 1 of a given year shall have a lapse date of (~~June 30~~) August 31 of the subsequent sixth calendar year and of each fifth calendar year thereafter.
- (3) If a holder of an affected professional certificate qualifies for a different affected professional certificate—e.g., a holder of a continuing

teaching certificate who subsequently qualifies for a continuing administrative certificate—the lapse dates of the new affected professional certificate shall be the same as provided on the first affected professional certificate.

(4) If a holder of a certificate, issued prior to the effective date of the 1990 amendments to this section, has a lapse date of June 30 the certificate is hereby extended to August 31 of the same year without reissuance of the certificate.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-105 SPI INITIAL NOTICE TO CERTIFICATE HOLDERS OF CONTINUING EDUCATION REQUIREMENT. Upon issuance or reinstatement of an affected professional certificate, the superintendent of public instruction shall notify the holder of the lapse date and shall provide such holder with a written explanation of the continuing education requirements of this chapter and the holder's responsibility to keep accurate records demonstrating attendance at approved in-service education programs (in order to challenge discrepancies in reports by approved in-service education agencies and to transmit college and university transcripts in a timely manner in order to demonstrate completion of such courses prior to lapse dates). In addition, the superintendent of public instruction shall provide the certificate holder with a form to be completed by the certificate holder which indicates compliance with the continuing education requirements and which includes instruction for filing the report with the superintendent of public instruction.

NEW SECTION

WAC 180-85-106 FILING REQUIREMENT WITH SPI. Each certificate holder, affected by the continuing education requirements of this chapter, shall be responsible for filing with the superintendent of public instruction, prior to the lapse date, a verification form supplied by the superintendent of public instruction, which indicates compliance with the continuing education requirements of this chapter. Such form shall:

- (1) Provide space for indicating how the certificate holder met the continuing education requirement.
- (2) Include an attestation by the certificate holder as to the accuracy of the information provided.
- (3) State thereon that misrepresentation of any fact shall be an act of unprofessional conduct for which the holder's certificate may be revoked.

NEW SECTION

WAC 180-85-107 DOCUMENTATION REQUIREMENT. Each certificate holder filing a report with the superintendent of public instruction shall be responsible for retaining records which document compliance with the continuing education requirements. Such documents shall include:

- (1) In-service registration forms approved by the superintendent of public instruction and furnished by an approved in-service education agency.
- (2) College and university grade sheets or transcripts which indicate completion of courses.
- (3) Any official correspondence from an approved in-service agency which verifies completion of three or more clock hours.

NEW SECTION

WAC 180-85-108 DOCUMENTATION RETENTION PERIOD. Documents indicating compliance with the continuing education requirement must be retained by the certificate holder for one year after the lapse date or until such documentation is audited by the superintendent of public instruction, whichever is earlier.

NEW SECTION

WAC 180-85-109 SPI AUDITS OF DOCUMENTATION. Each year the superintendent of public instruction shall audit at least five percent of the continuing education compliance forms filed with the superintendent of public instruction. Such audit may consist of requesting the affected certificate holder to supply the superintendent of public instruction copies of the documents which indicate compliance and/or may consist of any other audit procedure deemed necessary by the superintendent of public instruction in order to check compliance.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-110 SPI SUBSEQUENT NOTICE TO CERTIFICATE HOLDERS OF CONTINUING EDUCATION REQUIREMENT. On or before February 1 of the year (~~(prior to)~~) of the lapse date for affected certificate holders, the superintendent of public instruction shall notify by mail each affected certificate holder who has not completed a report indicating completion of the one hundred fifty continuing credit hours (~~(since the commencement of his or her current lapse period;)~~) that his or her certificate will lapse as of (~~(June 30)~~) August 31 of the (~~(following)~~) current calendar year unless the continuing education requirement is met. (~~(Included with such notice shall be a statement indicating the number of continuing credit hours remaining to be completed by such holder prior to the lapse date and a written explanation of the continuing education requirements of this chapter.)~~) In the event such notice is returned to the superintendent of public instruction for any reason, the name and certification number of each such person shall be placed upon a list which shall be circulated in the form of a bulletin by the superintendent of public instruction to each school district, approved private school, and educational service district with a request to notify such employees, if employed by such agency, of the forthcoming lapse date and to notify the superintendent of public instruction of any change in name or address.

AMENDATORY SECTION (Amending Order 8-86, filed 6/10/86)

WAC 180-85-115 SPI NOTICE OF LAPSED CERTIFICATE. On or before (~~(August)~~) October 1 of each year, the superintendent of public instruction shall make reasonable attempts to notify (~~(by certified mail)~~) each affected certificate holder whose certificate has lapsed the preceding (~~(June 30th)~~) August 31 of such status. The notice shall include procedures for reinstatement and procedures for disputing the lapsed status. In addition, on or before (~~(August 15)~~) October 1 of each year, the superintendent of public instruction shall notify by bulletin each school district, approved private school, and educational service district of the name and certificate number of each holder of an affected certificate whose certificate has lapsed the preceding (~~(June 30th)~~) August 31.

AMENDATORY SECTION (Amending Order 16-87, filed 12/21/87)

WAC 180-85-205 REQUIRED RECORDKEEPING BY APPROVED IN-SERVICE EDUCATION AGENCIES. Each approved in-service education agency shall provide the following record service:

(1) Documentation that the in-service education program, including the program agenda, received (~~(the prior)~~) approval by the board or committee provided in WAC 180-85-045(2) prior to offering the in-service program.

(2) A copy of the summary of evaluations required by WAC 180-85-200(5); and

(3) A copy of the minutes of the board or advisory committee which demonstrates that such board or advisory committee reviewed the assessment required by WAC 180-85-200(6).

(4) A list, for each in-service education program, of all participants who have requested continuing education credit hours by signing a registration form made available at the in-service education program. Such registration form shall provide space for the registrant to indicate he or she is requesting fewer hours than the amount calculated for the entire in-service education program due to partial attendance.

(5) (~~(The name, certification number, the number of continuing education credits granted for each registrant of an in-service education program who is claiming continuing education credit hours for certification purposes, and the date, title, and sponsor of each in-service program shall be transmitted to the superintendent of public instruction or his or her designated recordkeeping agency within forty-five days of the completion of all or a portion of each in-service education program:~~)

(6)) The registrant (~~(claiming continuing education credit hours)~~) shall be provided (~~(evidence of attendance)~~) a form to be completed at the in-service education program (~~(within forty-five days of completion of the in-service education program)~~) which includes the necessary information for recording in-service credits, and upon request if such request is made within seven calendar years of such in-service education program, including the number of continuing education credit hours (~~(granted and reported pursuant to subsection (5) of this section)~~) recorded. In addition, the registrant shall be given specific

instructions regarding the need to preserve the record and how to correct the record if attendance or credit hours has been (~~(reported)~~) recorded by the approved in-service education agency inaccurately.

(~~(7)~~) (6) The above records shall be available for inspection by the superintendent of public instruction for a period of seven calendar years from the date of each in-service education program. The amendments to this section reducing the amount of recordkeeping by in-service providers shall apply retroactively to August 31, 1987.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 180-85-080 COLLEGE AND UNIVERSITY TRANSCRIPTS.

WAC 180-85-083 VTI COURSE HOUR VERIFICATION.

WAC 180-85-202 PRIOR NOTICE TO SPI OF SPONSORSHIP OF AN IN-SERVICE PROGRAM.

**WSR 90-08-116****PROPOSED RULES****DEPARTMENT OF LICENSING**

[Filed April 4, 1990, 3:59 p.m.]

**Original Notice.**

Title of Rule: Motor vehicle fuel tax rules, amending WAC 308-72-520 Reports; 308-72-540 Tax exempt transactions; 308-72-570 Invoices; and 308-72-690 Special rules and requirements.

Purpose: To implement sections 1 and 2, chapter 193, Laws of 1989, and expands methods of furnishing a bond.

Statutory Authority for Adoption: RCW 82.36.435.

Statute Being Implemented: Chapter 193, Laws of 1989.

Summary: Enumerates details on invoices covering purchases of fuel for immediate exportation without collecting fuel tax; allows other forms of bonds required for licensing; incorporate rules for tax exemption for foreign diplomats; and adopts uniform forms used nationwide.

Reasons Supporting Proposal: Simplifies transactions on exported fuel, more liberal bonding and adopts uniform forms.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ildelfonso Origenes, 2nd Floor, Highways-Licenses Building, Olympia, Washington 98504, 753-6860.

Name of Proponent: Fuel Tax Section, Vehicle Services, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Allows other forms of bond for licensing. The detail on invoices makes tracking of exported fuel easier for states, and exportation easier for purchasers. Notwithstanding all those, the interest of the state is safeguarded. Tax exemption for foreign governments is handled by the distributor in conformance with federal rules.

Proposal Changes the Following Existing Rules: Yes, on exemption to foreign government personnel. There will be no more refunds processed through the department.

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, Olympia, Washington 98504, on May 17, 1990, at 10:45 a.m.

Submit Written Comments to: Fuel Tax Section, P.O. Box 9228, Olympia, WA 98504, by May 15, 1990.

Date of Intended Adoption: May 17, 1990.

April 3, 1990  
Merle M. Steffenson  
Administrator

#### NEW SECTION

WAC 308-72-509 BONDING REQUIREMENTS. The bond may be in the form of a corporate surety bond pursuant to RCW 82-36.060, or in the form of lawful money of the United States in the amount so fixed by the department.

The department may also accept certificates of deposit of lawful money of the United States in any of the following forms:

(1) Automatically renewable certificate(s) of deposit, not exceeding the federally insured amount, issued by a bank doing business in the state of Washington and insured by the Federal Deposit Insurance Corporation, made in the name of the licensee or applicant for the license, payable to or assigned to the Washington state treasurer; or

(2) Certificate(s) of deposit or share account, not exceeding the federally insured amount, issued by a savings and loan association doing business in the state of Washington and insured by the Federal Savings and Loan Insurance Corporation. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

(3) Certificate(s) of deposit or share account, issued by a credit union doing business in the state of Washington and insured by the Washington Credit Union Share Guaranty Association, not exceeding the amount insured by the guaranty association. Evidence of the insured account, in the form of either a certificate of deposit or passbook, must be filed with the department along with a properly executed assignment form whereby the fund on deposit is assigned to the Washington state treasurer.

The certificate and/or the assignment forms shall contain the provision that interest earned shall be payable to the depositor, and that the assignment may only be cancelled upon written authorization of the director of licensing or the director's designee.

#### AMENDATORY SECTION (Amending Order 474-DOL, filed 12/30/77)

WAC 308-72-520 REPORTS. Every licensed distributor and every person licensed as "other than a distributor" shall on or before the twenty-fifth day of each month, file:

(1) A signed statement of the gallons of motor vehicle fuel sold, distributed, and used; the gallons sold or distributed which are exempt or deductible in the computation of the tax; the net taxable gallons and the amount due the state during the preceding calendar month. A person licensed as "other than a distributor" shall compute the tax on the gallonage otherwise taxable. A remittance to cover the amount of excise tax due shall accompany the report.

(2) A summary of all motor vehicle fuel transactions resulting in sales, distribution and use or in an increase or decrease of stock in licensed bulk storage plants in this state each month.

(3) Such schedules as are necessary to completely explain and support the entries on the statement and summary. ~~((Machine tabulated data))~~ The schedules shall be the Uniform Motor Fuel Tax Multiple Schedules and such other schedules the department may require. Computer generated statements, summaries, and schedules will be accepted if prepared in the same format ~~((as required for manually prepared schedules. The Motor Vehicle Fuel Report Procedures will serve as a guide in preparing the supporting schedules and other documents))~~ identical to the forms furnished by the department.

(4) If the twenty-fifth day of the month falls on a Saturday, Sunday, or on a federal holiday for which the U.S. Post Office is closed, the report and tax will be filed or paid on or before the first succeeding day that is not a Saturday, Sunday, or holiday for which the U.S. Post

Office is closed, without penalty or loss of rights of any kind. RCW 82.36.050 of the Washington law is explicit regarding the timely filing or receiving of the motor vehicle fuel tax report, tax payment and other data.

#### AMENDATORY SECTION (Amending Order PFT 88-003, filed 3/22/88)

WAC 308-72-540 TAX EXEMPT TRANSACTIONS. (1) Exports. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To a customer at a point outside the state by means of equipment owned and operated or completely controlled by the licensed distributor.

(b) To a common or contract "carrier" for transportation to a destination outside the state under a bill of lading or a shipping contract that definitely establishes that the Washington licensed distributor claiming the export actually and, in fact, retains title to and control over said fuel until actual delivery to its destination out of the state of Washington.

(c) To another Washington licensed distributor at a destination outside the state. The delivering distributor shall claim exemption by reason of export and shall report such transactions in the same manner as an export to any other customer.

(d) To another Washington licensed distributor at a destination outside this state following a receipt from another licensed distributor in this state. The licensed distributor receiving the fuel in this state shall be deemed the exporter.

~~(e) ((To a buyer in an individual quantity of 500 gallons or less for export by the buyer provided that the licensed distributor is also licensed in and agrees to pay the applicable fuel tax to the state, territory or country of destination.~~

~~(f))~~ Into the transportation equipment of a buyer or a common or contract carrier employed by the buyer if the buyer transports the fuel to a location in a foreign nation.

(2) United States armed forces and National Guard. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel:

(a) To the United States armed forces or National Guard under a government bill of lading for the express purpose of exportation from the state by the armed forces or National Guard.

(b) Into the fuel tanks of ships operated by the United States armed forces or National Guard and bearing armed forces or National Guard identification names or numbers.

(c) Into the storage facilities of the United States armed forces or National Guard maintained exclusively for the purpose of fueling ships.

(d) Within the state in accordance with a credit or courtesy card issued to the United States armed forces or National Guard by a licensed distributor provided that a delivery is made into the fuel tanks of ships operated by the United States armed forces or National Guard.

(e) No exemptions shall be granted for motor vehicle fuel sold to contractors acting as agents of the United States armed forces or National Guard for use in the performance of contracts with the United States armed forces or National Guard.

(3) Sales or distributions to other licensed distributors. Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor delivers motor vehicle fuel to another Washington licensed distributor in this state except no sale or distribution of motor vehicle fuel from one licensed distributor to another licensed distributor may be made free of motor vehicle fuel tax where the sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage. No exemption from motor vehicle fuel tax may be claimed where a sale or distribution is a withdrawal of motor vehicle fuel for delivery to a retail service station or to unlicensed bulk storage.

(4) Sales for immediate export out of the state by purchaser.

(a) Exemption from the motor vehicle fuel tax may be claimed when a licensed distributor sells motor vehicle fuel in this state to a purchaser other than another licensed distributor, and the fuel is delivered into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state.

(b) The selling distributor must issue to the purchaser an invoice which shall contain at least the following details:

- (i) An invoice serial number;
- (ii) Name and address of seller;

- (iii) Name and address of purchaser;
  - (iv) The date of delivery (month, day, and year);
  - (v) The location of the point of shipment, in words;
  - (vi) The place of delivery, in words, if different from shipping point;
  - (vii) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);
  - (viii) State or foreign jurisdiction of destination;
  - (ix) Name of product sold;
  - (x) The quantity, in gallons, of product sold;
  - (xi) The price per gallon and total amount charged; and
  - (xii) The statement: "Ex Washington State Fuel Tax."
- (c) The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.36.160 and WAC 307-72-560.
- (d) These sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

#### NEW SECTION

WAC 308-72-542 TAX EXEMPT SALES TO QUALIFIED PERSONNEL OF FOREIGN GOVERNMENTS. (1) Tax exempt sales may be made by a licensed motor vehicle fuel distributor to qualified foreign diplomatic and consular missions and their qualified personnel by means of tax exempt credit card accounts. The Office of Foreign Missions, United States Department of State, will determine who are qualified under existing federal treaties or agreements with foreign governments.

(2) Motor vehicle fuel purchased by cash is not tax exempt.

(3) The tax exempt credit card accounts may be obtained by foreign government personnel from oil companies through the Office of Foreign Missions of the United States Department of State, 3005 Massachusetts Avenue N.W., Washington, D.C. 20008, Attention: Gasoline Tax Exemption Program.

(4) Distributors issuing credit cards for the purchase of motor vehicle fuel, shall not accept credit card applications for diplomatic motor vehicle fuel tax exemption, unless the application is accompanied by Form DSP-99A, issued by the Office of Foreign Missions, United States Department of State, and approved by that office.

(5) Such sales shall be reported monthly under "Sales to Qualified Foreign Government Personnel" and supported by an accompanying schedule showing the month of sale, the name of the foreign government personnel, and the quantity in gallons of motor vehicle fuel sold.

#### AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-570 INVOICES. (1) Every licensed distributor and every broker shall issue an invoice at the time of each sale, distribution or use. An invoice is defined as: Any document evidencing the transfer of title to motor vehicle fuel and which must include:

- (a) An ~~((imprinted))~~ invoice serial number;
- (b) The ~~((imprinted))~~ name of the distributor or broker;
- (c) The name and address of the purchaser;
- (d) The date of delivery; (month, day and year)
- (e) The location of the point of shipment, in words;
- (f) The place of delivery, in words, if different from shipping point;
- (g) Customers truck or common carrier when delivered thereto;
- (h) Name of product sold;
- (i) The quantity, in gallons, of product sold;
- (j) The price per gallon and total amount charged;
- (k) The statement "Ex Washington motor vehicle fuel tax" if exemption is claimed; and

(l) In the case of border or interstate sales where place of delivery may be different than purchaser's address, indicate, "state" where delivered, i.e., Washington delivery, Idaho delivery, Oregon delivery.

(2) Returns. When motor vehicle fuel is physically returned for credit from a customer other than a dealer (service station) the licensed distributor may claim credit for the tax if the original invoice is obtained from the customer and retained by the licensed distributor. When the number of gallons returned is less than the quantity sold and when the customer desires to file claim for refund of tax on the unreturned portion, the licensed distributor shall obtain the refund copy of

the delivery invoice and retain it in the tax files. In such cases, a new invoice may be issued for the unreturned portion, making reference to the original date of delivery and invoice number. If the licensed distributor is unable to obtain the customer's original invoice when motor vehicle fuel is physically returned, the licensed distributor receiving the fuel may obtain permission from the director to claim credit for the tax without obtaining the original invoice after furnishing the name and address of the customer, name or location of the licensed distributor's station making the sale, date and number of the delivery invoice, gallons delivered and gallons returned.

An invoice used to record a returned sale or billing adjustment resulting in a credit, must be clearly identified as a credit invoice by means other than circling of figures.

When circumstances require an invoice prepared at the time of delivery to be replaced by another, the new document must include all of the pertinent information shown on the first document including the invoice number and date of transaction.

(3) Own use, taxable. Fuel used in motor vehicles or for other taxable purposes by a licensed distributor or his agent shall be supported by an invoice or usage report covering the total fuel used at a particular plant during the month. If motor vehicle fuel is acquired from another licensed distributor or a dealer, the invoice shall be retained in the licensed distributor's files and the purchase noted on the usage report.

(4) Own use, tax refundable. If motor vehicle fuel is used for a purpose subject to tax refund, the licensed distributor may claim credit for such use on the statement. In such case, the supporting invoices or usage report shall clearly indicate the use as well as the equipment in which used.

#### AMENDATORY SECTION (Amending Order 107MV, filed 9/10/71)

WAC 308-72-690 SPECIAL RULES AND REQUIREMENTS FOR FUEL TAX REFUNDS. (1) U.S. government. Tax refund shall be allowed for fuel used off the public highways for official use in a motor vehicle owned by the United States. When fuel is sold to agencies of the United States, including taxable sales to the armed forces, and when the original invoice must be forwarded to the federal service agencies to support payment for the fuel, the seller, the federal agency and the state by mutual arrangement shall designate a copy as the only copy to be used in support of a claim for refund of the tax. The invoice so designated shall be deemed the original invoice.

~~(2) ((Foreign governments. Employees of a foreign government, including foreign diplomatic and consular offices, shall receive a refund of the tax paid on the gallons of fuel used. The refund shall be allowed only if such foreign government grants an equivalent exemption to employees of the United States performing similar services in such country. No refund will be allowed unless and until the claimant complies with the provisions of RCW 82.36.310 and 82.36.330.~~

~~(3))~~ Marine users. Marine users, excluding marine dealers, need only to submit those fuel receipts on which the tax is refundable.

~~((4))~~ (3) Urban transportation systems. A schedule of vehicle operations of an urban passenger transportation system shall supplement the claim for refund.

~~((5))~~ (4) Snowmobiles and all terrain vehicles. Motor vehicle fuel used and purchased for providing the motive power for snowmobiles and for all terrain vehicles (ATV), although considered a nonhighway use of fuel, shall not be claimed for refund of the motor vehicle fuel tax paid thereon.

~~((6))~~ (5) No refund shall be made and should not be claimed for motor vehicle fuel used in a motor vehicle required to be registered and licensed notwithstanding that such motor vehicle occasionally may be operated over private roads or property which would otherwise be subject to refund.

WSR 90-08-117

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed April 4, 1990, 4:00 p.m.]

Original Notice.

Title of Rule: Special fuel tax rules, amending WAC 308-77-034 Special fuel user license; 308-77-040 Issuance of license; 308-77-120 Tax reports; and new section WAC 308-77-165 Invoices for exported fuel.

Purpose: To implement section 3, chapter 193, Laws of 1989.

Statutory Authority for Adoption: RCW 82.38.260.

Statute Being Implemented: Chapter 193, Laws of 1989.

Summary: Strikes a word from two existing rules; allows computer generated report forms; and enumerates details required on invoices covering fuel exported from the state by unlicensed purchasers.

Reasons Supporting Proposal: Striking the word removes an enforcement problem; and simplifies transactions on exported fuel.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ildefonso L. Origenes, 2nd Floor, Highways-Licenses Building, Olympia, Washington 98504, 753-6860.

Name of Proponent: Fuel Tax Section, Vehicle Services, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Striking the word "registered" from two rules makes enforcement easier; existing rules do not allow computer generated forms, which in [is] now proposed to be acceptable. Enumerates data required on invoices covering exported fuel purchased by unlicensed dealers. The rule on invoices for export simplifies the process of handling exported fuel by an unlicensed purchaser.

Proposal does not change existing rules.

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, Olympia, Washington 98504, on May 16, 1990, at 10:15 a.m.

Submit Written Comments to: Fuel Tax Section, P.O. Box 9228, Olympia, WA 98504, by May 15, 1990.

Date of Intended Adoption: May 17, 1990.

April 3, 1990

Merle M. Steffenson  
Administrator

**AMENDATORY SECTION** (Amending Order PFT 89-02, filed 1/6/89)

WAC 308-77-034 SPECIAL FUEL USER'S LICENSE. A special fuel user's license must be obtained by any person wishing to purchase special fuel without payment of the special fuel tax at the time of purchase. It must also be obtained by any person operating a diesel vehicle with a ((registered)) gross vehicle weight of over twelve thousand pounds into the state of Washington from another state or province. This includes vehicles bearing Washington license plates. Persons using special fuel for heating purposes only are allowed to purchase special fuel without payment of the special fuel tax without obtaining a special fuel license.

**AMENDATORY SECTION** (Amending Order PFT 89-02, filed 1/6/89)

WAC 308-77-040 ISSUANCE OF LICENSE. A special fuel supplier or dealer who wishes to conduct separate businesses at different locations will be issued a license for each business upon request and filing an application for a license and a bond (if required) for each.

The license shall be displayed or kept available for inspection at the place of each business where fuel is sold and delivered to users.

A special fuel supplier or dealer having more than one place of business holding a single license shall reproduce the license and keep a photocopy on display at each additional place of business, each place of storage from which special fuel is sold or delivered, and in each motor vehicle used to transport special fuel owned by him for sale, delivery or use, and in addition, must identify by location and capacity all bulk storage plants of #1 and #2 distillates capable of being used as vehicle fuel as required by the department.

A special fuel user who wishes to conduct separate businesses at different locations or to operate two or more separate fleets of motor vehicles will be issued a license for each separate business or fleet upon request and filing an application for a license and a bond (if required) for each location or fleet. The license shall be displayed or be kept available for inspection at the owner's principal place of business and a reproduced copy thereof shall be carried in each motor vehicle entering this state from another state or province. A special fuel tax trip permit may be purchased by a user entering this state in lieu of a special fuel license. The user must be the registered owner and/or lessee of the vehicle, or a dealer of motor vehicles. Operators of vehicles with a ((registered)) gross weight of more than twelve thousand pounds will require a special fuel license or a special fuel tax trip permit to enter this state.

**AMENDATORY SECTION** (Amending Order 548 DOL, filed 8/1/79)

WAC 308-77-120 TAX REPORTS. Each special fuel dealer and special fuel user is required to file a tax report for each month (or each reporting period if required by the department to make a return and payment of tax for other than monthly periods) on forms prescribed and furnished by the department. Report forms generated by computers and submitted in lieu of the forms furnished by the department are acceptable provided the format is the same as that prescribed by the department. A report shall be filed with the department for each calendar month (or reporting period) even though no special fuel was sold or used ((during)) or no tax is due for the month (or reporting period). Reports are due on the twenty-fifth day of the month following the end of the reporting period. The postmark date shall be accepted as the day of receipt. Tax remittances shall be made payable to the state treasurer.

If tax reporting forms are not available, a special fuel dealer or user may make a written informal report to the department setting forth the name, address, license number, month or reporting period and the number of gallons of fuel sold or used on which the tax is due. This report with remittance will be accepted in lieu of a report on the prescribed form.

Any special fuel user whose vehicle is operated within and without the state and any special fuel user whose vehicle is operated regularly on and off the public highways exclusively within the state shall report his miles traveled and fuel purchases with his special fuel tax report.

**NEW SECTION**

WAC 308-77-165 INVOICES FOR EXPORT SALES. A sale is considered for export under RCW 82.38.030(2) when a licensed special fuel dealer sells special fuel in this state to a purchaser who is not a licensed special fuel user or special fuel dealer, and the fuel is delivered into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state.

The selling special fuel dealer must issue to the purchaser an invoice which shall contain at least the following details:

- (1) An invoice serial number;
- (2) Name and address of seller;
- (3) Name and address of purchaser;
- (4) The date of delivery (month, day, and year);
- (5) The location of the point of shipment, in words;
- (6) The place of delivery, in words, if different from shipping point;
- (7) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);
- (8) State or foreign jurisdiction of destination;
- (9) Name of product sold;
- (10) The quantity, in gallons, of product sold;
- (11) The price per gallon and total amount charged; and
- (12) The statement: "Ex Washington State Fuel Tax."

The original copy of the invoice must be furnished the purchaser and a copy of the invoice must be kept by the selling special fuel dealer.

These sales shall be reported as "export sales, exported by purchaser" and supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. This Schedule 10 should be submitted with the tax report. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

**WSR 90-08-118**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**

[Filed April 4, 1990, 4:02 p.m.]

**Original Notice.**

Title of Rule: Aircraft fuel tax rules, amending WAC 308-78-010 Definitions; 308-78-030 Required reports; 308-78-040 Tax exempt transactions; and 308-78-070 Records.

Purpose: To implement section 4, chapter 193, Laws of 1989.

Statutory Authority for Adoption: RCW 82.42.040.

Statute Being Implemented: Chapter 193, Laws of 1989.

Summary: Enumerates details required on an invoice when fuel is purchased in state for immediate exportation when fuel tax is not collected; allows computer generated reports; and adopts the nationwide uniform motor fuel multiple tax schedule.

Reasons Supporting Proposal: Simplifies transactions on exported fuel.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ildefonso L. Origenes, 2nd Floor, Highways-Licenses Building, Olympia, Washington 98504, 753-6860.

Name of Proponent: Fuel Tax Section, Vehicle Services, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule enumerates the data required on invoices covering fuel purchased for immediate exportation out of state by an unlicensed purchaser. The rule insures that the state is safeguarded from losses of taxes due while expediting nontaxable transactions.

Proposal does not change existing rules.

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, Olympia, Washington 98504, on May 16, 1990, at 10:30 a.m.

Submit Written Comments to: Fuel Tax Section, P.O. Box 9228, Olympia, WA 98504, by May 15, 1990.

Date of Intended Adoption: May 17, 1990.

April 3, 1990  
Merle M. Steffenson  
Administrator

**AMENDATORY SECTION** (Amending Order TL-RG-23, filed 12/31/85)

WAC 308-78-010 DEFINITIONS. (1) "Aircraft fuel" includes any combustible gas or liquid, which is normally defined as motor vehicle fuel under chapter 82.36 RCW or a special fuel under chapter 82.38 RCW, when it is used to propel an aircraft.

(2) "User" means any person other than a distributor who is licensed to acquire aircraft fuel without payment of the aircraft fuel tax at time of acquisition.

(3) "Local service commuter" means an air taxi operator who operates at least five round trips per week between two or more points; publishes flight schedules which specify the times, days of the week, and points between which it operates; and whose aircraft has ~~((at))~~ a maximum capacity of sixty passengers or eighteen thousand pounds of useful load.

(4) "Operation for testing and experimental purposes" shall include only those flights conducted under either an experimental, research and development, or special air-worthiness certificate issued by the FAA or other documented experimental or testing flights including the flight of other aircraft used in the test or experimental flight.

(5) "Private, nonstate funded airfield" means an airport not eligible to receive state funding under chapter 47.68 RCW.

**AMENDATORY SECTION** (Amending Order MV 696, filed 10/6/82)

WAC 308-78-030 REQUIRED REPORTS. (1) Every licensed distributor and user of aircraft fuel shall submit to the department of licensing, on or before the 25th day of each month, on forms furnished by the department:

(a) A signed statement showing the total number of gallons of aircraft fuel acquired, sold, delivered, and used during the preceding calendar month;

(b) A report of the number of gallons of aircraft fuel resulting in an increase or decrease of stock in bulk and/or mobile storage facilities;

(c) Such other data as necessary to support the various entries on the reports. The format of the Uniform Motor Fuel Tax Multiple Schedules shall be used for the supporting data unless a different format is specifically required by the department.

(2) A report shall be rendered each month regardless of whether fuel has been received or dispensed during the immediately preceding calendar month. The department may permit a user whose sole use of aircraft fuel is for tax exempt purposes to submit one annual report in lieu of monthly reports.

(3) ~~((In addition to the))~~ Reports required by subsection (1) of this section ~~(, every licensed distributor shall submit a report for each March and September showing the total monthly sales receipts, less state and federal taxes collected, from all sales of aviation fuel to licensed users and unlicensed purchasers. These reports shall be due by the 25th of April and October respectively))~~ may be submitted on computer-generated forms in lieu of the forms furnished by the department provided that the format is identical to the report forms pre-printed by the department.

**AMENDATORY SECTION** (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-040 TAX EXEMPT TRANSACTIONS. (See WAC 308-78-080-Refunds) A distributor may sell aircraft fuel without collecting aircraft fuel tax when delivery is made by the distributor:

(1) To a buyer at a point outside the state; or

(2) To a common or contract carrier under a bill of lading naming the distributor as consignor to the buyer outside the state; or

(3) To United States or foreign government agencies; or

(4) To aircraft fuel users licensed by the department; or

(5) Directly into the aircraft fuel tanks of equipment operated by air carriers, supplemental air carriers, and foreign flag carriers operating under part 121 of the Federal Aviation Regulations, and local service commuters; or

(6) To another licensed distributor; or

(7) To a person who purchases and exports the fuel under the provisions of RCW 82.42.030. The fuel is considered sold for export under the provisions of RCW 82.42.030 if the fuel is delivered in the state into the transportation equipment of the purchaser or a common or contract carrier employed by the purchaser, and the purchaser transports the fuel and unloads it at a location outside the state. The selling



distributor must issue to the purchaser an invoice which shall contain at least the following details:

- (a) An invoice serial number;
- (b) Name and address of seller;
- (c) Name and address of purchaser;
- (d) The date of delivery (month, day, and year);
- (e) The location of the point of shipment, in words;
- (f) The place of delivery, in words, if different from shipping point;
- (g) Purchaser's method of transporting fuel (either customer equipment, common carrier, or pipeline, if by common carrier, common carrier's name);
- (h) State or foreign jurisdiction of destination;
- (i) Name of product sold;
- (j) The quantity, in gallons, of product sold;
- (k) The price per gallon and total amount charged; and
- (l) The statement: "Ex Washington State Fuel Tax."

The original copy of the invoice must be furnished the purchaser; a copy of the invoice must be kept by the selling distributor as required by RCW 82.42.040 and WAC 307-78-070.

These sales shall be supported by Schedule 10, Uniform Motor Vehicle Fuel Tax Multiple Schedule of Disbursements (Form FT 441-841), a separate schedule for each state of destination. The department shall furnish the government agency of the state or foreign jurisdiction of destination a copy of this Schedule 10 to give information on the movement of untaxed fuel across state lines.

**AMENDATORY SECTION** (Amending Order PFT 85-001, filed 1/31/85)

WAC 308-78-070 RECORDS. (1) Stock records. Every distributor and user shall maintain a complete stock summary of the gallons of aircraft fuel handled each month which reflects inventories, receipts, sales, use, transfers, loss or gain, and other distribution. The stock summary shall be supported by:

- (a) Physical inventories of bulk storage facilities and mobile storage facilities taken at the close of each calendar month;
  - (b) A record of fuel receipts together with invoices, bills of lading, transfer documents, and other documents relative to the acquisition of fuel;
  - (c) A record of fuel disbursements supported by sales invoices and other documents relative to the disbursements of fuel.
- (2) Invoices. An original invoice shall be issued at the time of each sale, or delivery, and shall show:
- (a) An ((imprinted)) invoice serial number;
  - (b) The ((imprinted)) name of the distributor;
  - (c) The date of delivery;
  - (d) The name and address of the purchaser (address not required on credit card deliveries);
  - (e) The location of the storage facility from which the fuel was withdrawn;
  - (f) The type or grade of fuel;
  - (g) The number of gallons;
  - (h) The price per gallon and the total amount charged;
  - (i) The statement: "Ex Washington Aircraft Fuel Tax" for tax exempt sales. The distributor or user license number must be shown for all deliveries other than those made directly into the aircraft fuel tanks of unlicensed exempt carriers.

(3) Own use. Every distributor and user shall maintain a withdrawal record covering this total usage during the month, which contains the same information concerning each withdrawal of aircraft fuel for own use as required in subsection((s)) (2)(c), (e), (f), and (g) of this section.

(4) Each person claiming an exemption from the aircraft fuel tax shall keep records in a form convenient to the operator, of each flight or series of flights for which tax exempt use is claimed. Such records shall include:

- (a) Flight or block time of each flight or series of flights;
  - (b) Type of aircraft;
  - (c) Purpose of each flight or series of flights;
  - (d) Dates;
  - (e) Gallons consumed for each flight or series of flights.
- (5) Maintenance and audit of records. Every distributor and user shall maintain and keep for a period of not less than three years in their original form such records as the department may require. The department may make such examinations of the records, stocks, facilities, equipment, and aircraft of distributors and users as necessary in carrying out the provisions of chapter 10, Laws of 1967 ex. sess., as

amended. If such examination or investigations disclose that any reports filed with the department have shown incorrectly the gallonage of aircraft fuel or the tax accruing thereon, the department may make such changes in subsequent reports and payments as necessary to correct the errors disclosed.

**WSR 90-08-119**  
**PROPOSED RULES**  
**DEPARTMENT OF LICENSING**  
 [Filed April 4, 1990, 4:03 p.m.]

Original Notice.

Title of Rule: WAC 308-77-125 Tax rate change.

Purpose: To require special fuel licensees to file an additional fuel tax report whenever the effective date of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period.

Statutory Authority for Adoption: RCW 82.38.260.

Statute Being Implemented: RCW 82.36.025 as amended by section 101, chapter 42, Laws of 1990.

Summary: Licensee is required to file a report reflecting the old tax rate up to the day before the effective date of the tax rate change and another report beginning the effective date of the new tax rate.

Reasons Supporting Proposal: To assure proper reporting and remitting of taxes due.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ildefonso L. Origenes, 2nd Floor, Highways-Licenses Building, Olympia, Washington 98504, 753-6860.

Name of Proponent: Fuel Tax Section, Prorate and Fuel Tax Services, Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule requires special fuel licensees to file an additional fuel tax report whenever the effective date of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period. The purpose is to facilitate licensees' compliance with record keeping and reporting requirements by specifying that a new reporting period shall begin the effective date of a fuel tax rate change. This requires an additional fuel tax report from all special fuel licensees whose designated reporting period does not end the day before the effective date of a fuel tax rate change.

Proposal does not change existing rules.

Small Business Economic Impact Statement: [No information supplied by agency.]

Hearing Location: 2nd Floor, Conference Room, Highways-Licenses Building, 12th and Franklin, Olympia, Washington 98504, on May 16, 1990, Wednesday, at 10:00 a.m.

Submit Written Comments to: Ildefonso Origenes, by May 16, 1990.

Date of Intended Adoption: May 16, 1990.

March 29, 1990  
 Merle M. Steffenson  
 Administrator, Prorate and Fuel Tax Services



**NEW SECTION**

**WAC 308-77-125 TAX RATE CHANGE.** Whenever the beginning of a fuel tax rate change does not coincide with the beginning of a licensee's designated reporting period, the department may require the licensee, regardless of the reporting frequency designated, to file a report reflecting the old tax rate covering the period from the licensee's last report to the day before the effective date of tax rate change. Failure to file a report for this period shall be sufficient cause for the revocation of the special fuel user or the special fuel dealer license; provided, that licenses revoked under this section will not be subject to the penalty imposed by RCW 82.38.170(10); provided further, that the revoked license shall not be reissued or a new license issued until the special fuel user or the special fuel dealer has filed the required report and all other conditions for issuing a license have been satisfied. The next report shall be the regular fuel tax report covering the period from the date of the new tax rate to the end of the regular reporting period of the licensee.

**WSR 90-08-120**

**PERMANENT RULES**

**DEPARTMENT OF ECOLOGY**

[Order 90-12—Filed April 4, 1990, 4:10 p.m.]

Date of Adoption: April 4, 1990.

Purpose: Repeal chapters that are no longer applicable.

Citation of Existing Rules Affected by this Order: Repealing chapter 173-336 WAC, Initial investigation; and chapter 173-338 WAC, Hazard ranking system.

Statutory Authority for Adoption: The Model Toxics Control Act, Initiative 97, chapter 70.105D RCW.

Pursuant to notice filed as WSR 90-02-098 on January 3, 1990.

Effective Date of Rule: Thirty-one days after filing.

April 4, 1990  
Fred Olson  
Deputy Director

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-336-010 PURPOSE AND AUTHORITY.
- WAC 173-336-020 DEFINITIONS.
- WAC 173-336-030 GENERAL.

**REPEALER**

The following chapter of the Washington Administrative Code is repealed:

- WAC 173-338-010 PURPOSE.
- WAC 173-338-020 DEFINITIONS.
- WAC 173-338-030 EVALUATION CRITERIA.
- WAC 173-338-040 SCORING PROCEDURE.
- WAC 173-338-050 RESCORING.

**WSR 90-08-121**

**EMERGENCY RULES**

**PARKS AND RECREATION COMMISSION**

[Filed April 4, 1990, 4:31 p.m.]

Date of Adoption: April 4, 1990.

Purpose: To delay the effective date of the camping fee changes done by WSR 90-07-062 until May 15, 1990.

Citation of Existing Rules Affected by this Order: Suspending WAC 352-12-020, 352-12-030, 352-20-010, 352-20-050, 352-32-045, 352-32-050, 342-32-250, 352-32-25001 and 352-32-252.

Statutory Authority for Adoption: RCW 43.51.040.

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 original filing, under WSR 90-07-062 did not accurately reflect the date that the commission intended for the camping fee increases as is reflected in the commission's March 20, 1990, meeting agenda and minutes.

Effective Date of Rule: Immediately.

April 4, 1990  
Moyes Lucas  
Chair

**AMENDATORY SECTION** (Amending Order 103, filed 3/18/88, effective 5/15/88)

**WAC 352-12-020 MOORAGE FEES.** (1) Vessels moored between 3 p.m. and 8 a.m. at those facilities designated by the commission shall be charged a nightly moorage fee during the period May 1 through September 30, inclusive, according to the following schedule:

(a) Vessels twenty-six feet in length, and over, ~~\$(6.00)~~ 7.00 per night;

(b) Vessels under twenty-six feet in length, ~~\$(4.00)~~ 4.50 per night: **PROVIDED, HOWEVER,** This fee shall be applicable all year at Blake Island, Cornet Bay, Fort Worden, Jarrell Cove, and Mystery Bay State Parks: PROVIDED FURTHER, Vessels properly displaying a valid (~~seasonal~~) annual permit shall not be charged a nightly moorage fee: **PROVIDED FURTHER,** There shall be no moorage fee for dinghies, vessels moored to state park buoys, vessels moored to floats not attached to piers, or any vessel riding on its own anchor: **PROVIDED FURTHER,** There shall be no charge for temporary moorage for the purpose of loading or unloading a vessel, such temporary moorage shall be limited to thirty minutes.

(2) A vessel rafted to another vessel shall be charged the appropriate moorage fee based on that vessel's own length.

AMENDATORY SECTION (Amending Order 59, filed 3/31/82)

WAC 352-12-030 ((SEASONAL)) ANNUAL MOORAGE PERMITS. (1) ((Seasonal)) Annual moorage permits may be obtained for the period ((May)) January 1 through ((Labor Day)) December 31, inclusive. Application for such permits may be obtained from most state park managers, or by writing to the Commission Headquarters, 7150 Cleanwater Lane, KY-11, Olympia, WA 98504.

(2) ((Seasonal)) Annual moorage permits will be issued for a particular vessel. The charge for such permits will be based upon the length of the vessel for which the permit is issued. ((Seasonal)) Annual permits for vessels twenty-six feet in length and over shall cost \$40.00; for vessels under twenty-six feet in length shall cost \$24.00; PROVIDED HOWEVER, Effective January 1, 1991, the permit for vessels twenty-six feet in length and over shall cost \$45.00 and for vessels under twenty-six feet in length shall cost \$27.00.

(3) ((Seasonal)) Annual permits shall be visible from outside the vessel, and permanently affixed to the lower left corner of the vessel's left (port) forward windshield, or if not equipped with a windshield, to the left (port) outside transom, or if a sailboat, on the forward portion of the left (port) cabin trunk.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-20-010 PARKING. (1) No operator of any automobile, trailer, camper, boat trailer, or other vehicle, shall park such vehicle in any state park area, except where the operator is using the area for a designated recreational purpose and the vehicle is parked either in a designated parking area, or in another area with the permission of a ranger.

(2) No person shall park, leave standing, or abandon a vehicle in any state park area after closing time, except when camping in a designated area, or with permission from the ranger.

(3) No person shall park, leave standing, or abandon a vehicle being used for commercial purposes in any state park area without written permission from the ranger.

(4) Any vehicle found parked in violation of subsection (1) ((or)), (2), or (3) of this section may be towed away at the owner's or operator's expense.

AMENDATORY SECTION (Amending Order 9, filed 11/24/70)

WAC 352-20-050 TRUCKS AND COMMERCIAL VEHICLES. No person shall cause a truck or other vehicle while being used for commercial purposes to enter upon, use, or traverse any portion of any state park area or any park road therein except in the service of the commission at the request of an employee or concessionaire of the commission, or by express permission of the director for a special activity not inconsistent with state park use: PROVIDED, That the provisions of this section shall not apply to county roads or state highways.

Any vehicle in violation of this section may be towed away at the owner's or operator's expense.

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-32-045 RESERVATIONS FOR GROUP DAY USE. (1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) A daily permit fee of ten dollars for groups of 20 to 50 persons, ((twenty)) twenty-five dollars for groups of 51 to 100 persons, ((forty)) fifty dollars for groups of 101 to 500 persons, and one hundred twenty-five dollars for groups of more than 500 persons shall be charged to reservations granted under this WAC. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group activity area. For groups of 20, but not exceeding 50, this deposit shall be \$35. For groups in excess of 50, but not exceeding 100, this deposit shall be \$75. For groups in excess of 100, but not exceeding 500, this deposit shall be \$150. For groups in excess of 500, this deposit shall be \$300. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

**AMENDATORY SECTION** (Amending Order 91, filed 2/25/86)

WAC 352-32-050 PARK PERIODS. The director shall establish for each state park area, according to existing conditions, times, and periods when it will be open or closed to the public. Such times and periods shall be posted at the entrance to the state park area affected and at the park office. No person shall enter or be present in a state park area after the posted closing time except ~~((when camping, in a designated campsite or camping area, who has paid the applicable camping fee, as a state parks employee, or as a guest of a state parks employee))~~:

- (1) Currently registered campers who are camping in a designated campsite or camping area;
- (2) Guests of a currently registered camper who may enter and remain until 10:00 p.m.;
- (3) Guests of a state park employee.

**AMENDATORY SECTION** (Amending Order 89-01, filed 3/7/89)

WAC 352-32-250 STANDARD FEES CHARGED. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

- (1) Overnight camping - standard campsite: ~~\$(7.00)~~ 7.50 per night;
- (2) Overnight camping - utility campsite: ~~\$(7.00)~~ 7.50 per night plus a nightly fee of ~~\$(.50)~~ .75 for domestic water hookup, ~~\$(.50)~~ .75 for sewer hookup, and \$1.50 for electrical hookup. Payment for all utility hookups available to the site will be collected whether utility is actually used or not except when otherwise specified by a ranger;
- (3) Overnight camping - primitive campsite: \$3.00 per night for nonmotorized vehicle and \$4.50 per night for motorized vehicle;
- (4) Overnight camping - reservation fee: As specified in WAC 352-32-035;
- (5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by

the number of individual campsites to be used in the designated multiple campsite.

(6) Group camping area - certain parks: \$.50 per person per day and/or night; nonrefundable reservation fee - \$10.00. Recreational vehicle campers must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: \$3.40 per camper per night: PROVIDED, HOWEVER, The fee shall be \$3.65 per camper per night, effective June 15, 1989;

(a) Camp Wooten and Cornet Bay environmental learning centers during the season the swimming pools are operational: \$3.80 per camper per night: PROVIDED, HOWEVER, The fee shall be \$4.05 per camper per night, effective June 15, 1989;

(b) Environmental learning center - day use only: \$1.00 multiplied by the minimum capacity established for each environmental learning center or \$1.00 for each member of the group - whichever is higher;

(8) Hot showers: \$.25 for a minimum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle charge: \$3.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: PROVIDED, An extra vehicle charge shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: Unoccupied vehicles parked overnight in designated areas must obtain a permit by registering and paying the \$3.00 per night permit fee. The permit must be prominently displayed in the vehicle.

**AMENDATORY SECTION** (Amending WSR 89-22-073, filed 10/31/89, effective 12/1/89)

WAC 352-32-25001 RECREATIONAL AND CONFERENCE CENTER HOUSING FEES AND MEETING ROOM FEES CHARGED. (1) The following fees shall be charged per day for recreational and conference center housing at Fort Worden State Park:

- (a) Renovated housing
  - Noncommissioned officers' row buildings—#331 and #332  
(4 units, each with 2 bedrooms)..... \$ 64.25/unit

Officers' row buildings—#5, #6, and #7 (6 units, each with 3.5 bedrooms).....	\$ 103.70/unit
Officers' row buildings—#4 and #11 (4 units, each with 6 bedrooms).....	\$ 172.10/unit
Charge for additional rollaway beds.....	\$ 9.75 per bed

(b) Nonrenovated housing

Officers' row building—#9, #10 and #16 (5 units, each with 3 bedrooms).....	\$ 79.75/unit
Officers' row buildings—#15 (1 unit with 5 bedrooms).....	\$ 125.90/unit
Charge for additional rollaway beds.....	\$ 9.75 per bed
Bliss vista building—#235 (1 unit with 1 bedroom).....	\$ 52.75/unit

A deposit equal to the cost of the first night's fee for each unit rented is required. A \$10.00 per unit cancellation fee is deducted from the deposit for any cancelled reservations, to cover processing costs. If the cancellation is made less than three weeks prior to the arrival date, the entire deposit is forfeited, unless the unit is re-rented.

Standard meal charges (meals optional for above-listed housing)

Breakfast.....	\$ 2.85
Lunch.....	\$ 3.95
Dinner.....	\$ 5.80
Total.....	\$ 12.60

Coffee service.....\$10.00  
minimum charge for  
any group of 20 or  
less. 50¢ per person  
for additional persons.

(c) Dormitory housing (for group reservations only—meals included)

1 - 2 days.....	\$ 22.60/person/day
3 - 13 days.....	\$ 20.75/person/day
14 or more days.....	\$ 19.20/person/day

Dormitory linen and towel charge.....	\$8.25
Additional towel charges.....	\$ .75
Additional towel set.....	\$1.75

The parks and recreation commission has an agreement with the Centrum organization which provides for use of Fort Worden State Park dormitory facilities and services in conjunction with special group programs administered by Centrum. For further information, contact Centrum at Fort Worden State Park.

(d) Barracks-style housing (for group reservations only—meals included)

1 - 2 days.....	\$ 20.80/person/day
3 - 13 days.....	\$ 19.15/person/day
14 or more days.....	\$ 17.45/person/day

All meals are served in the dining hall.  
Washington state sales tax is added to all charges.

(2) Meeting rooms are available at varying charges, depending on size, character of facility, and length of stay. Prices range between \$ 6.85 and \$ 34.65 for those residing in Fort Worden recreational housing, with increased charges for nonusers of recreational housing facilities. Additional cleaning fee is charged if food or beverages are consumed in the room. Theatre is available for performances—\$ 105.00 per day; for rehearsals—\$ 27.30 per night. For larger performances or events, the balloon hangar pavilion is available at the following rental rates:

Commercial events.....\$800 per day (plus \$100 or 10% of the net profit, whichever is greater)

Nonprofit or charitable events (with admission fee).....\$500 per day

Nonprofit or charitable events (without admission fee).....\$250 per day

Rehearsals.....\$50 per day

Pavilion rates apply to users except as otherwise provided under separate contracts pertaining to project funding. The kitchen shelter is available for the minimum fee of \$ 21.00 per day plus a refundable \$50.00 cleaning deposit.

(3) Where not covered by or not inconsistent with the agency's facility use agreement with the Centrum Foundation, groups or organizations of twenty-five or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may make application for reservation up to two years in advance of the date of use by contacting the park. Confirmation of reservations is subject to the user group complying with the procedures specified in the group booking agreement, copies of which are available at the park.

(4) During the period from July 1 through Labor Day, conference center groups may reserve no more than twenty campsites per night in addition to other reserved conference center facilities.

AMENDATORY SECTION (Amending Order 106, filed 9/19/88)

WAC 352-32-252 OFF-SEASON SENIOR CITIZEN PASS—FEE. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to thirty nights of camping at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, between the day following the Labor Day legal holiday and April 30. Each such pass shall be valid only during one off-season period and may be renewed after being used for thirty nights of camping.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 15 for the following off-season period.

(3) The fee for each off-season senior citizen pass and renewal shall be \$((+5.00)) 20.00. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or

*portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.*

*(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.*

*(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.*

**WSR 90-08-122**  
**PROPOSED RULES**  
**DEPARTMENT OF ECOLOGY**

[Filed April 4, 1990, 4:37 p.m.]

Continuance of WSR 90-07-061, 90-03-112, 90-06-024, 90-05-075, 90-03-110, 90-05-077 and 90-05-076.

Title of Rule: WAC 173-19-220 Grays Harbor County; 173-19-360 San Juan County; 173-19-3601 Friday Harbor, town of; 173-19-3514 Tacoma, city of; 173-19-420 Thurston County; 173-19-4201 Bucoda; 173-19-4202 Lacey; 173-19-4203 Olympia; 173-19-4204 Tenino; 173-19-4205 Tumwater; and 173-19-4206 Yelm.

Purpose: Continues adoption date for shoreline master program revisions for listed jurisdictions from May 1 to May 15, 1990.

Date of Intended Adoption: May 15, 1990.

April 4, 1990  
Fred Olson  
Deputy Director

## 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
- PREP = Preproposal comments
- 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
- S = Supplemental notice
- 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 #
16-22-040	AMD-P	90-07-065	16-316-290	AMD-W	90-06-105	16-403-142	AMD-P	90-05-067
16-86	AMD-E	90-05-049	16-317-040	AMD	90-04-003	16-403-155	AMD-W	90-03-036
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16-86-005	AMD-P	90-07-066	16-317-090	REP	90-04-003	16-403-190	AMD-W	90-03-036
16-86-093	NEW-E	90-05-049	16-318-040	AMD	90-03-026	16-403-190	AMD-P	90-05-066
16-86-093	NEW-P	90-07-066	16-318-065	NEW	90-03-026	16-403-190	AMD-P	90-05-067
16-158-010	NEW-P	90-08-090	16-318-200	NEW	90-03-026	16-403-220	AMD-W	90-03-036
16-158-020	NEW-P	90-08-090	16-318-205	NEW	90-03-026	16-403-220	AMD-P	90-05-066
16-158-030	NEW-P	90-08-090	16-318-210	NEW	90-03-026	16-403-280	AMD-W	90-03-036
16-158-040	NEW-P	90-08-090	16-318-215	NEW	90-03-026	16-403-280	AMD-P	90-05-066
16-158-050	NEW-P	90-08-090	16-318-220	NEW	90-03-026	16-462-060	NEW-P	90-06-050
16-158-060	NEW-P	90-08-090	16-318-225	NEW	90-03-026	16-494-001	AMD-P	90-03-090
16-158-070	NEW-P	90-08-090	16-318-230	NEW	90-03-026	16-494-001	AMD-W	90-06-105
16-158-080	NEW-P	90-08-090	16-318-235	NEW	90-03-026	16-494-010	AMD-P	90-03-090
16-158-090	NEW-P	90-08-090	16-318-240	NEW	90-03-026	16-494-010	AMD-W	90-06-105
16-158-100	NEW-P	90-08-090	16-318-300	NEW	90-03-026	16-555-010	AMD-P	90-05-059
16-158-110	NEW-P	90-08-090	16-318-305	NEW	90-03-026	16-555-040	AMD-P	90-05-059
16-158-120	NEW-P	90-08-090	16-318-310	NEW	90-03-026	16-557-010	NEW-W	90-05-068
16-158-130	NEW-P	90-08-090	16-318-315	NEW	90-03-026	16-557-020	NEW-W	90-05-068
16-158-140	NEW-P	90-08-090	16-318-320	NEW	90-03-026	16-557-030	NEW-W	90-05-068
16-228-164	AMD-E	90-08-017	16-318-325	NEW	90-03-026	16-557-040	NEW-W	90-05-068
16-228-190	AMD-C	90-06-014	16-318-330	NEW	90-03-026	16-557-041	NEW-W	90-05-068
16-228-700	NEW-C	90-06-012	16-318-335	NEW	90-03-026	16-557-050	NEW-W	90-05-068
16-228-700	NEW-W	90-07-042	16-318-340	NEW	90-03-026	16-557-060	NEW-W	90-05-068
16-228-705	NEW-C	90-06-012	16-318-345	NEW	90-03-026	16-557-070	NEW-W	90-05-068
16-228-705	NEW-W	90-07-042	16-318-350	NEW	90-03-026	16-557-080	NEW-W	90-05-068
16-228-710	NEW-C	90-06-012	16-318-355	NEW	90-03-026	16-570-040	AMD-P	90-03-071
16-228-710	NEW-W	90-07-042	16-318-360	NEW	90-03-026	16-570-040	AMD	90-07-013
16-228-715	NEW-C	90-06-012	16-318-365	NEW	90-03-026	16-622-001	NEW	90-08-069
16-228-715	NEW-W	90-07-042	16-318-370	NEW	90-03-026	16-622-005	NEW	90-08-069
16-228-720	NEW-C	90-06-012	16-318-375	NEW	90-03-026	16-622-010	NEW	90-08-069
16-228-720	NEW-W	90-07-042	16-318-380	NEW	90-03-026	16-622-015	NEW	90-08-069
16-230	AMD-C	90-08-062	16-318-385	NEW	90-03-026	16-622-020	NEW	90-08-069
16-230-615	AMD-E	90-08-017	16-318-390	NEW	90-03-026	16-622-025	NEW	90-08-069
16-230-805	REP-P	90-04-109	16-318-395	NEW	90-03-026	16-622-030	NEW	90-08-069
16-230-835	AMD-P	90-04-109	16-318-400	NEW	90-03-026	16-622-035	NEW	90-08-069
16-230-839	NEW-P	90-04-109	16-318-405	NEW	90-03-026	16-622-040	NEW	90-08-069
16-230-840	REP-P	90-04-109	16-318-410	NEW	90-03-026	16-622-045	NEW	90-08-069
16-230-845	AMD-P	90-04-109	16-318-415	NEW	90-03-026	16-622-050	NEW	90-08-069
16-230-850	REP-P	90-04-109	16-318-420	NEW	90-03-026	16-622-055	NEW	90-08-069
16-230-855	AMD-P	90-04-109	16-400-010	AMD-E	90-03-034	16-622-900	NEW	90-08-069
16-230-859	NEW-P	90-04-109	16-400-010	AMD-P	90-05-065	50-36-090	AMD-P	90-03-105
16-230-860	REP-P	90-04-109	16-400-100	AMD-E	90-03-034	50-36-090	AMD	90-07-011
16-230-861	NEW-P	90-04-109	16-400-100	AMD-P	90-05-065	51-04-010	AMD	90-02-108
16-230-862	NEW-P	90-04-109	16-400-210	AMD-E	90-03-034	51-04-015	NEW	90-02-108
16-230-863	NEW-P	90-04-109	16-400-210	AMD-P	90-05-065	51-04-018	NEW	90-02-108
16-316-285	AMD-P	90-03-090	16-403-142	AMD-E	90-03-035	51-04-020	AMD	90-02-108
16-316-285	AMD-W	90-06-105	16-403-142	AMD-W	90-03-036	51-04-025	NEW	90-02-108
16-316-290	AMD-P	90-03-090	16-403-142	AMD-P	90-05-066	51-04-030	NEW	90-02-108

### Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
51-04-035	NEW	90-02-108	132D-400-020	NEW	90-05-045	132H-108-300	REP-E	90-03-079
51-04-037	NEW	90-02-108	132D-400-030	NEW	90-05-045	132H-108-310	REP-P	90-03-077
51-04-040	NEW	90-02-108	132D-400-040	NEW	90-05-045	132H-108-310	REP-E	90-03-079
51-04-050	NEW	90-02-108	132E-108-010	NEW-P	90-03-012	132H-108-320	REP-P	90-03-077
51-04-060	NEW	90-02-108	132E-108-020	NEW-P	90-03-012	132H-108-320	REP-E	90-03-079
51-04-070	NEW	90-02-108	132E-108-030	NEW-P	90-03-012	132H-108-330	REP-P	90-03-077
51-06-010	AMD	90-02-108	132E-108-040	NEW-P	90-03-012	132H-108-330	REP-E	90-03-079
51-06-020	AMD	90-02-108	132E-108-050	NEW-P	90-03-012	132H-108-410	NEW-P	90-03-077
51-06-030	REP	90-02-108	132E-108-060	NEW-P	90-03-012	132H-108-410	NEW-E	90-03-079
51-06-040	REP	90-02-108	132E-108-070	NEW-P	90-03-012	132H-108-420	NEW-P	90-03-077
51-06-050	REP	90-02-108	132E-108-080	NEW-P	90-03-012	132H-108-420	NEW-E	90-03-079
51-06-060	REP	90-02-108	132E-133-020	NEW-P	90-03-019	132H-108-430	NEW-P	90-03-077
51-06-070	AMD	90-02-108	132E-400-010	NEW-P	90-03-021	132H-108-430	NEW-E	90-03-079
51-06-080	REP	90-02-108	132E-400-020	NEW-P	90-03-021	132H-108-440	NEW-P	90-03-077
51-06-090	REP	90-02-108	132E-400-030	NEW-P	90-03-021	132H-108-440	NEW-E	90-03-079
51-06-100	REP	90-02-108	132E-400-040	NEW-P	90-03-021	132H-108-450	NEW-P	90-03-077
51-06-110	REP	90-02-108	132H-108-005	REP-P	90-03-077	132H-108-450	NEW-E	90-03-079
51-06-120	AMD	90-02-108	132H-108-005	REP-E	90-03-079	132H-108-460	NEW-P	90-03-077
51-08-010	AMD	90-02-108	132H-108-010	REP-P	90-03-077	132H-108-460	NEW-E	90-03-079
51-10	AMD	90-02-110	132H-108-010	REP-E	90-03-079	132H-108-470	NEW-P	90-03-077
51-12-201	AMD-P	90-05-064	132H-108-020	REP-P	90-03-077	132H-108-470	NEW-E	90-03-079
51-12-202	AMD-P	90-05-064	132H-108-020	REP-E	90-03-079	132H-108-480	NEW-P	90-03-077
51-12-204	AMD-P	90-05-064	132H-108-030	REP-P	90-03-077	132H-108-480	NEW-E	90-03-079
51-12-220	AMD	90-02-110	132H-108-030	REP-E	90-03-079	132H-200-040	NEW-P	90-03-076
51-12-403	AMD	90-02-110	132H-108-040	REP-P	90-03-077	132H-200-040	NEW-E	90-03-080
51-12-404	AMD	90-02-110	132H-108-040	REP-E	90-03-079	132H-200-040	NEW-P	90-03-078
51-12-411	AMD-P	90-05-064	132H-108-050	REP-P	90-03-077	132H-400-005	NEW-E	90-03-081
51-12-426	AMD	90-02-110	132H-108-050	REP-E	90-03-079	132H-400-010	NEW-P	90-03-078
51-12-601	AMD	90-02-110	132H-108-060	REP-P	90-03-077	132H-400-010	NEW-E	90-03-081
51-12-602	AMD-P	90-05-064	132H-108-060	REP-E	90-03-079	132H-400-020	NEW-P	90-03-078
51-12-608	AMD	90-02-110	132H-108-070	REP-P	90-03-077	132H-400-020	NEW-E	90-03-081
51-16-030	AMD	90-02-110	132H-108-070	REP-E	90-03-079	132H-400-030	NEW-P	90-03-078
51-16-050	AMD	90-02-110	132H-108-080	REP-P	90-03-077	132H-400-030	NEW-E	90-03-081
51-16-080	AMD-P	90-07-083	132H-108-080	REP-E	90-03-079	132H-400-040	NEW-P	90-03-078
51-16-090	REP-P	90-07-083	132H-108-090	REP-P	90-03-077	132H-400-040	NEW-E	90-03-081
51-18-010	NEW	90-02-110	132H-108-090	REP-E	90-03-079	132L-20-090	REP	90-05-004
51-18-020	NEW	90-02-110	132H-108-100	REP-P	90-03-077	132L-108-010	NEW-E	90-03-074
51-18-030	NEW	90-02-110	132H-108-100	REP-E	90-03-079	132L-108-010	NEW	90-05-005
51-18-040	NEW	90-02-110	132H-108-110	REP-P	90-03-077	132L-108-020	NEW-E	90-03-074
51-18-050	NEW	90-02-110	132H-108-110	REP-E	90-03-079	132L-108-020	NEW	90-05-005
113-12-130	REP-P	90-04-029	132H-108-120	REP-P	90-03-077	132L-108-030	NEW-E	90-03-074
113-12-130	REP	90-08-035	132H-108-120	REP-E	90-03-079	132L-108-030	NEW	90-05-005
113-12-160	REP-P	90-04-029	132H-108-130	REP-P	90-03-077	132L-108-040	NEW-E	90-03-074
113-12-160	REP	90-08-035	132H-108-130	REP-E	90-03-079	132L-108-040	NEW	90-05-005
113-12-161	REP-P	90-04-029	132H-108-140	REP-P	90-03-077	132L-108-050	NEW-E	90-03-074
113-12-161	REP	90-08-035	132H-108-140	REP-E	90-03-079	132L-108-050	NEW	90-05-005
113-12-200	AMD-P	90-04-029	132H-108-150	REP-P	90-03-077	132L-108-060	NEW-E	90-03-074
113-12-200	AMD-C	90-08-036	132H-108-150	REP-E	90-03-079	132L-108-060	NEW	90-05-005
114-12-136	AMD	90-04-094	132H-108-160	REP-P	90-03-077	132L-108-070	NEW-E	90-03-074
131-16-055	NEW-E	90-04-066	132H-108-160	REP-E	90-03-079	132L-108-070	NEW	90-05-005
132D-108-010	NEW	90-05-045	132H-108-170	REP-P	90-03-077	132L-108-080	NEW-E	90-03-074
132D-108-020	NEW	90-05-045	132H-108-170	REP-E	90-03-079	132L-108-080	NEW	90-05-005
132D-108-030	NEW	90-05-045	132H-108-180	REP-P	90-03-077	132L-133-020	NEW-E	90-03-074
132D-108-040	NEW	90-05-045	132H-108-180	REP-E	90-03-079	132L-133-020	NEW	90-05-005
132D-108-050	NEW	90-05-045	132H-108-190	REP-P	90-03-077	132L-280-010	NEW	90-05-004
132D-108-060	NEW	90-05-045	132H-108-190	REP-E	90-03-079	132L-280-015	NEW	90-05-004
132D-108-070	NEW	90-05-045	132H-108-200	REP-P	90-03-077	132L-280-020	NEW	90-05-004
132D-108-080	NEW	90-05-045	132H-108-200	REP-E	90-03-079	132L-280-030	NEW	90-05-004
132D-108-090	NEW	90-05-045	132H-108-210	REP-P	90-03-077	132L-280-040	NEW	90-05-004
132D-130-010	NEW	90-05-045	132H-108-210	REP-E	90-03-079	132L-280-050	NEW	90-05-004
132D-130-020	NEW	90-05-045	132H-108-220	REP-P	90-03-077	132L-280-060	NEW	90-05-004
132D-130-030	NEW	90-05-045	132H-108-220	REP-E	90-03-079	132L-280-070	NEW	90-05-004
132D-130-035	NEW	90-05-045	132H-108-230	REP-P	90-03-077	132L-280-080	NEW	90-05-004
132D-130-040	NEW	90-05-045	132H-108-230	REP-E	90-03-079	132L-280-090	NEW	90-05-004
132D-130-045	NEW	90-05-045	132H-108-240	REP-P	90-03-077	132L-280-100	NEW	90-05-004
132D-130-050	NEW	90-05-045	132H-108-240	REP-E	90-03-079	132L-280-110	NEW	90-05-004
132D-130-055	NEW	90-05-045	132H-108-250	REP-P	90-03-077	132L-280-120	NEW	90-05-004
132D-130-060	NEW	90-05-045	132H-108-250	REP-E	90-03-079	132L-400-010	NEW-E	90-03-073
132D-130-070	NEW	90-05-045	132H-108-260	REP-P	90-03-077	132L-400-010	NEW	90-05-009
132D-130-075	NEW	90-05-045	132H-108-260	REP-E	90-03-079	132L-400-020	NEW	90-05-009
132D-130-080	NEW	90-05-045	132H-108-270	REP-P	90-03-077	132L-400-030	NEW	90-05-009
132D-130-085	NEW	90-05-045	132H-108-270	REP-E	90-03-079	132L-400-040	NEW	90-05-009
132D-130-090	NEW	90-05-045	132H-108-280	REP-P	90-03-077	132N-400-010	NEW-P	90-04-079
132D-130-095	NEW	90-05-045	132H-108-280	REP-E	90-03-079	132N-400-020	NEW-P	90-04-079
132D-130-100	NEW	90-05-045	132H-108-290	REP-P	90-03-077	132N-400-030	NEW-P	90-04-079
132D-133-020	NEW	90-05-045	132H-108-290	REP-E	90-03-079	132N-400-040	NEW-P	90-04-079
132D-400-010	NEW	90-05-045	132H-108-300	REP-P	90-03-077	132P-136-040	AMD-P	90-07-058

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
132S-01-010	NEW-P	90-03-082	132Y-108-010	NEW	90-08-022	154-12-086	AMD-P	90-02-086
132S-01-010	NEW	90-07-006	132Y-108-020	NEW-P	90-02-062	154-12-086	AMD	90-05-078
132S-01-020	NEW-P	90-03-082	132Y-108-020	NEW	90-08-022	154-12-087	AMD-P	90-02-086
132S-01-020	NEW	90-07-006	132Y-108-030	NEW-P	90-02-062	154-12-087	AMD	90-05-078
132S-01-030	NEW-P	90-03-082	132Y-108-030	NEW	90-08-022	154-12-090	AMD-P	90-02-086
132S-01-030	NEW	90-07-006	132Y-108-040	NEW-P	90-02-062	154-12-090	AMD	90-05-078
132S-01-040	NEW-P	90-03-082	132Y-108-040	NEW	90-08-022	154-12-107	REP-P	90-02-086
132S-01-040	NEW	90-07-006	132Y-108-050	NEW-P	90-02-062	154-12-107	REP	90-05-078
132S-01-050	NEW-P	90-03-082	132Y-108-050	NEW	90-08-022	154-12-110	AMD-P	90-02-086
132S-01-050	NEW	90-07-006	132Y-108-060	NEW-P	90-02-062	154-12-110	AMD	90-05-078
132S-01-060	NEW-P	90-03-082	132Y-108-060	NEW	90-08-022	154-24-010	AMD-P	90-02-086
132S-01-060	NEW	90-07-006	132Y-108-070	NEW-P	90-02-062	154-24-010	AMD	90-05-078
132S-01-070	NEW-P	90-03-082	132Y-108-070	NEW	90-08-022	154-32-010	AMD-P	90-02-086
132S-01-070	NEW	90-07-006	132Y-108-080	NEW-P	90-02-062	154-32-010	AMD	90-05-078
132S-01-080	NEW-P	90-03-082	132Y-108-080	NEW	90-08-022	154-32-020	AMD-P	90-02-086
132S-01-080	NEW	90-07-006	132Y-133-020	NEW-P	90-02-063	154-32-020	AMD	90-05-078
132S-01-090	NEW-P	90-03-082	136-01-010	AMD	90-07-071	154-40	AMD-P	90-02-086
132S-01-090	NEW	90-07-006	136-01-030	AMD	90-07-071	154-40	AMD	90-05-078
132S-05-010	NEW-P	90-03-082	136-01-040	REP	90-07-071	154-40-010	AMD-P	90-02-086
132S-05-010	NEW	90-07-006	136-04-020	AMD	90-07-072	154-40-010	AMD	90-05-078
132S-05-015	NEW-P	90-03-082	136-04-030	AMD	90-07-072	154-44-010	AMD-P	90-02-086
132S-05-015	NEW	90-07-006	136-04-040	AMD	90-07-072	154-44-010	AMD	90-05-078
132S-05-020	NEW-P	90-03-082	136-04-060	AMD	90-07-072	154-64-050	AMD-P	90-02-086
132S-05-020	NEW	90-07-006	136-04-080	AMD	90-07-072	154-64-050	AMD	90-05-078
132S-30-037	NEW-P	90-03-082	136-04-090	AMD	90-07-072	173-06-030	RE-AD	90-07-014
132S-30-037	NEW	90-07-006	136-04-100	AMD	90-07-072	173-18-090	AMD-C	90-02-107
132S-40-130	NEW-P	90-03-082	136-10-010	AMD	90-07-073	173-18-090	AMD	90-06-068
132S-40-130	NEW	90-07-006	136-10-020	AMD	90-07-073	173-18-090	AMD-E	90-06-069
132S-40-135	NEW-P	90-03-082	136-10-030	AMD	90-07-073	173-18-200	AMD-C	90-02-107
132S-40-135	NEW	90-07-006	136-10-040	AMD	90-07-073	173-18-200	AMD	90-06-068
132S-40-140	NEW-P	90-03-082	136-10-050	AMD	90-07-073	173-18-200	AMD-E	90-06-069
132S-40-140	NEW	90-07-006	136-10-060	AMD	90-07-073	173-19-1104	AMD	90-02-105
132S-40-145	NEW-P	90-03-082	136-12-010	AMD	90-07-074	173-19-220	AMD-P	90-03-112
132S-40-145	NEW	90-07-006	136-12-020	AMD	90-07-074	173-19-220	AMD-C	90-08-122
132S-40-150	NEW-P	90-03-082	136-12-030	AMD	90-07-074	173-19-220	AMD-C	90-07-061
132S-40-150	NEW	90-07-006	136-12-060	AMD	90-07-074	173-19-240	RE-AD	90-07-027
132S-40-155	NEW-P	90-03-082	136-12-070	AMD	90-07-074	173-19-2401	RE-AD	90-07-027
132S-40-155	NEW	90-07-006	136-12-080	AMD	90-07-074	173-19-2505	AMD	90-06-067
132T-104-010	REP	90-03-065	136-14-010	AMD	90-07-075	173-19-2512	AMD	90-06-106
132T-104-020	REP	90-03-065	136-14-020	AMD	90-07-075	173-19-2519	AMD	90-02-101
132T-104-030	REP	90-03-065	136-14-030	AMD	90-07-075	173-19-2520	AMD-P	90-05-074
132T-104-040	REP	90-03-065	136-14-040	AMD	90-07-075	173-19-3514	AMD-P	90-03-110
132T-104-060	REP	90-03-065	136-14-050	AMD	90-07-075	173-19-3514	AMD-C	90-08-122
132T-104-070	REP	90-03-065	136-14-060	AMD	90-07-075	173-19-360	AMD-P	90-03-111
132T-104-080	REP	90-03-065	136-16-010	AMD	90-07-076	173-19-360	AMD-C	90-06-024
132T-104-090	REP	90-03-065	136-16-018	AMD	90-07-076	173-19-360	RE-AD	90-07-026
132T-104-100	REP	90-03-065	136-16-022	AMD	90-07-076	173-19-360	AMD-C	90-08-122
132T-104-110	REP	90-03-065	136-16-042	AMD	90-07-076	173-19-3601	AMD-P	90-05-075
132T-104-120	REP	90-03-065	136-16-050	AMD	90-07-076	173-19-3601	AMD-C	90-08-122
132T-104-121	REP	90-03-065	136-36-010	REP	90-07-077	173-19-390	RE-AD	90-07-025
132T-104-130	REP	90-03-065	136-36-020	REP	90-07-077	173-19-3910	RE-AD	90-07-028
132T-104-200	REP	90-03-065	136-36-030	REP	90-07-077	173-19-420	AMD-C	90-05-077
132T-104-210	REP	90-03-065	136-36-040	REP	90-07-077	173-19-420	AMD-C	90-08-122
132T-104-240	REP	90-03-065	139-05-925	NEW-P	90-03-085	173-19-4201	AMD-P	90-05-076
132T-104-250	REP	90-03-065	139-05-925	NEW	90-07-012	173-19-4201	AMD-C	90-08-122
132T-104-260	REP	90-03-065	154-04-035	REP-P	90-02-086	173-19-4202	AMD-P	90-05-076
132T-104-265	REP	90-03-065	154-04-035	REP	90-05-078	173-19-4202	AMD-C	90-08-122
132T-104-270	REP	90-03-065	154-04-041	NEW-P	90-02-086	173-19-4203	AMD-P	90-05-076
132T-104-280	REP	90-03-065	154-04-041	NEW	90-05-078	173-19-4203	AMD-C	90-08-122
132U-03-010	NEW	90-05-043	154-04-110	REP-P	90-02-086	173-19-4204	AMD-P	90-05-076
132U-03-020	NEW	90-05-043	154-04-110	REP	90-05-078	173-19-4204	AMD-C	90-08-122
132U-03-030	NEW	90-05-043	154-08-050	AMD-P	90-02-086	173-19-4205	AMD-P	90-05-076
132U-108-010	NEW	90-05-043	154-08-050	AMD	90-05-078	173-19-4205	AMD-C	90-08-122
132U-108-020	NEW	90-05-043	154-12-010	AMD-P	90-02-086	173-19-4206	AMD-P	90-05-076
132U-108-021	NEW	90-05-043	154-12-010	AMD	90-05-078	173-19-4206	AMD-C	90-08-122
132U-108-030	NEW	90-05-043	154-12-015	AMD-P	90-02-086	173-19-4507	AMD	90-07-063
132U-116-030	AMD	90-05-043	154-12-015	AMD	90-05-078	173-50-010	RE-AD	90-07-017
132U-400-010	NEW	90-05-043	154-12-030	AMD-P	90-02-086	173-50-020	RE-AD	90-07-017
132V-400-010	NEW-P	90-03-094	154-12-030	AMD	90-05-078	173-50-030	RE-AD	90-07-017
132V-400-010	NEW	90-07-038	154-12-050	AMD-P	90-02-086	173-50-040	RE-AD	90-07-017
132V-400-020	NEW-P	90-03-094	154-12-050	AMD	90-05-078	173-50-050	RE-AD	90-07-017
132V-400-020	NEW	90-07-038	154-12-070	AMD-P	90-02-086	173-50-060	RE-AD	90-07-017
132V-400-030	NEW-P	90-03-094	154-12-070	AMD	90-05-078	173-50-070	RE-AD	90-07-017
132V-400-030	NEW	90-07-038	154-12-080	AMD-P	90-02-086	173-50-080	RE-AD	90-07-017
132V-400-040	NEW-P	90-03-094	154-12-080	AMD	90-05-078	173-50-090	RE-AD	90-07-017
132V-400-040	NEW	90-07-038	154-12-085	AMD-P	90-02-086	173-50-100	RE-AD	90-07-017
132Y-108-010	NEW-P	90-02-062	154-12-085	AMD	90-05-078	173-50-110	RE-AD	90-07-017



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-50-120	RE-AD	90-07-017	173-336-020	REP	90-08-120	173-340-360	NEW-P	90-02-098
173-50-130	RE-AD	90-07-017	173-336-030	REP-W	90-02-097	173-340-360	NEW	90-08-086
173-50-140	RE-AD	90-07-017	173-336-030	REP-P	90-02-098	173-340-400	NEW-W	90-02-097
173-50-150	RE-AD	90-07-017	173-336-030	REP	90-08-120	173-340-400	NEW-P	90-02-098
173-50-160	RE-AD	90-07-017	173-338-010	REP-W	90-02-097	173-340-400	NEW	90-08-086
173-50-170	RE-AD	90-07-017	173-338-010	REP-P	90-02-098	173-340-410	NEW-W	90-02-097
173-50-180	RE-AD	90-07-017	173-338-010	REP	90-08-120	173-340-410	NEW-P	90-02-098
173-50-190	RE-AD	90-07-017	173-338-020	REP-W	90-02-097	173-340-410	NEW	90-08-086
173-50-200	RE-AD	90-07-017	173-338-020	REP-P	90-02-098	173-340-420	NEW-W	90-02-097
173-50-210	RE-AD	90-07-017	173-338-020	REP	90-08-120	173-340-420	NEW-P	90-02-098
173-158-030	RE-AD	90-06-059	173-338-030	REP-W	90-02-097	173-340-420	NEW	90-08-086
173-158-060	RE-AD	90-06-059	173-338-030	REP-P	90-02-098	173-340-430	NEW-W	90-02-097
173-160-215	RE-AD	90-07-016	173-338-030	REP	90-08-120	173-340-430	NEW-P	90-02-098
173-166	AMD-P	90-02-096	173-338-040	REP-W	90-02-097	173-340-430	NEW	90-08-086
173-166	AMD-C	90-05-048	173-338-040	REP-P	90-02-098	173-340-500	NEW-W	90-02-097
173-166	AMD-C	90-06-010	173-338-040	REP	90-08-120	173-340-500	NEW-P	90-02-098
173-166	AMD-C	90-08-080	173-338-050	REP-W	90-02-097	173-340-500	NEW	90-08-086
173-166-010	AMD-P	90-02-096	173-338-050	REP-P	90-02-098	173-340-510	NEW-W	90-02-097
173-166-020	AMD-P	90-02-096	173-338-050	REP	90-08-120	173-340-510	NEW-P	90-02-098
173-166-030	AMD-P	90-02-096	173-340	AMD-W	90-02-097	173-340-510	NEW	90-08-086
173-166-040	AMD-P	90-02-096	173-340	AMD-P	90-02-098	173-340-520	NEW-W	90-02-097
173-166-050	AMD-P	90-02-096	173-340	AMD	90-08-086	173-340-520	NEW-P	90-02-098
173-166-060	AMD-P	90-02-096	173-340-010	REP-W	90-02-097	173-340-520	NEW	90-08-086
173-166-070	AMD-P	90-02-096	173-340-010	REP-P	90-02-098	173-340-530	NEW-W	90-02-097
173-166-080	NEW-P	90-02-096	173-340-010	REP	90-08-086	173-340-530	NEW-P	90-02-098
173-166-090	NEW-P	90-02-096	173-340-020	REP-W	90-02-097	173-340-530	NEW	90-08-086
173-166-100	NEW-P	90-02-096	173-340-020	REP-P	90-02-098	173-340-540	NEW-W	90-02-097
173-166-110	NEW-P	90-02-096	173-340-020	REP	90-08-086	173-340-540	NEW-P	90-02-098
173-166-120	NEW-P	90-02-096	173-340-030	REP-W	90-02-097	173-340-540	NEW	90-08-086
173-166-130	NEW-P	90-02-096	173-340-030	REP-P	90-02-098	173-340-550	NEW-W	90-02-097
173-221A-010	NEW-P	90-06-071	173-340-030	REP	90-08-086	173-340-550	NEW-P	90-02-098
173-221A-020	NEW-P	90-06-071	173-340-040	REP-W	90-02-097	173-340-550	NEW	90-08-086
173-221A-030	NEW-P	90-06-071	173-340-040	REP-P	90-02-098	173-340-560	NEW-W	90-02-097
173-221A-100	NEW-P	90-06-071	173-340-040	REP	90-08-086	173-340-560	NEW-P	90-02-098
173-221A-150	NEW-P	90-06-071	173-340-050	REP-W	90-02-097	173-340-560	NEW	90-08-086
173-224-015	RE-AD	90-07-015	173-340-050	REP-P	90-02-098	173-340-600	NEW-W	90-02-097
173-224-020	RE-AD	90-07-015	173-340-050	REP	90-08-086	173-340-600	NEW-P	90-02-098
173-224-030	RE-AD	90-07-015	173-340-100	NEW-W	90-02-097	173-340-600	NEW	90-08-086
173-224-040	RE-AD	90-07-015	173-340-100	NEW-P	90-02-098	173-340-610	NEW-W	90-02-097
173-224-050	RE-AD	90-07-015	173-340-100	NEW	90-08-086	173-340-610	NEW-P	90-02-098
173-224-060	RE-AD	90-07-015	173-340-110	NEW-W	90-02-097	173-340-610	NEW	90-08-086
173-224-070	RE-AD	90-07-015	173-340-110	NEW-P	90-02-098	173-340-700	NEW-W	90-02-097
173-224-080	RE-AD	90-07-015	173-340-110	NEW	90-08-086	173-340-700	NEW-P	90-02-098
173-224-090	RE-AD	90-07-015	173-340-120	NEW-W	90-02-097	173-340-700	NEW	90-08-086
173-224-100	RE-AD	90-07-015	173-340-120	NEW-P	90-02-098	173-340-800	NEW-W	90-02-097
173-224-110	RE-AD	90-07-015	173-340-120	NEW	90-08-086	173-340-800	NEW-P	90-02-098
173-224-120	RE-AD	90-07-015	173-340-130	NEW-W	90-02-097	173-340-800	NEW	90-08-086
173-303	PREP	90-06-002	173-340-130	NEW-P	90-02-098	173-340-810	NEW-W	90-02-097
173-306-010	NEW-P	90-02-088	173-340-130	NEW	90-08-086	173-340-810	NEW-P	90-02-098
173-306-050	NEW-P	90-02-088	173-340-140	NEW-W	90-02-097	173-340-810	NEW	90-08-086
173-306-100	NEW-P	90-02-088	173-340-140	NEW-P	90-02-098	173-340-820	NEW-W	90-02-097
173-306-150	NEW-P	90-02-088	173-340-140	NEW	90-08-086	173-340-820	NEW-P	90-02-098
173-306-200	NEW-P	90-02-088	173-340-200	NEW-W	90-02-097	173-340-820	NEW	90-08-086
173-306-300	NEW-P	90-02-088	173-340-200	NEW-P	90-02-098	173-340-830	NEW-W	90-02-097
173-306-310	NEW-P	90-02-088	173-340-200	NEW	90-08-086	173-340-830	NEW-P	90-02-098
173-306-320	NEW-P	90-02-088	173-340-210	NEW-W	90-02-097	173-340-830	NEW	90-08-086
173-306-330	NEW-P	90-02-088	173-340-210	NEW-P	90-02-098	173-340-840	NEW-W	90-02-097
173-306-340	NEW-P	90-02-088	173-340-210	NEW	90-08-086	173-340-840	NEW-P	90-02-098
173-306-345	NEW-P	90-02-088	173-340-300	NEW-W	90-02-097	173-340-840	NEW	90-08-086
173-306-350	NEW-P	90-02-088	173-340-300	NEW-P	90-02-098	173-340-850	NEW-W	90-02-097
173-306-400	NEW-P	90-02-088	173-340-300	NEW	90-08-086	173-340-850	NEW-P	90-02-098
173-306-405	NEW-P	90-02-088	173-340-310	NEW-W	90-02-097	173-340-850	NEW	90-08-086
173-306-410	NEW-P	90-02-088	173-340-310	NEW-P	90-02-098	173-340-860	NEW-W	90-02-097
173-306-440	NEW-P	90-02-088	173-340-310	NEW	90-08-086	173-340-860	NEW-P	90-02-098
173-306-450	NEW-P	90-02-088	173-340-320	NEW-W	90-02-097	173-340-860	NEW	90-08-086
173-306-470	NEW-P	90-02-088	173-340-320	NEW-P	90-02-098	173-340-870	NEW-W	90-02-097
173-306-480	NEW-P	90-02-088	173-340-320	NEW	90-08-086	173-340-870	NEW-P	90-02-098
173-306-490	NEW-P	90-02-088	173-340-330	NEW-W	90-02-097	173-340-870	NEW	90-08-086
173-306-495	NEW-P	90-02-088	173-340-330	NEW-P	90-02-098	173-340-880	NEW-W	90-02-097
173-306-500	NEW-P	90-02-088	173-340-330	NEW	90-08-086	173-340-880	NEW-P	90-02-098
173-306-900	NEW-P	90-02-088	173-340-340	NEW-W	90-02-097	173-340-880	NEW	90-08-086
173-306-9901	NEW-P	90-02-088	173-340-340	NEW-P	90-02-098	173-340-890	NEW-W	90-02-097
173-336-010	REP-W	90-02-097	173-340-340	NEW	90-08-086	173-340-890	NEW-P	90-02-098
173-336-010	REP-P	90-02-098	173-340-350	NEW-W	90-02-097	173-340-890	NEW	90-08-086
173-336-010	REP	90-08-120	173-340-350	NEW-P	90-02-098	173-342-010	NEW	90-03-020
173-336-020	REP-W	90-02-097	173-340-350	NEW	90-08-086	173-342-020	NEW	90-03-020
173-336-020	REP-P	90-02-098	173-340-360	NEW-W	90-02-097	173-342-030	NEW	90-03-020



Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
174-132-020	REP	90-04-011	174-276-060	NEW	90-04-011	180-85-080	REP-P	90-08-114
174-132-030	REP	90-04-011	174-276-070	NEW	90-04-011	180-85-083	REP-P	90-08-114
174-132-040	REP	90-04-011	174-276-080	NEW	90-04-011	180-85-085	AMD-P	90-08-114
174-132-050	REP	90-04-011	174-276-090	NEW	90-04-011	180-85-100	AMD-P	90-08-114
174-132-060	REP	90-04-011	174-276-100	NEW	90-04-011	180-85-105	AMD-P	90-08-114
174-132-070	REP	90-04-011	174-276-110	NEW	90-04-011	180-85-106	NEW-P	90-08-114
174-132-080	REP	90-04-011	174-276-120	NEW	90-04-011	180-85-107	NEW-P	90-08-114
174-132-090	REP	90-04-011	174-280-010	NEW	90-04-011	180-85-108	NEW-P	90-08-114
174-132-100	REP	90-04-011	174-280-015	NEW	90-04-011	180-85-109	NEW-P	90-08-114
174-132-110	REP	90-04-011	174-280-020	NEW	90-04-011	180-85-110	AMD-P	90-08-114
174-132-120	REP	90-04-011	174-280-025	NEW	90-04-011	180-85-115	AMD-P	90-08-114
174-133-010	NEW	90-04-011	174-280-030	NEW	90-04-011	180-85-202	REP-P	90-08-114
174-133-020	NEW	90-04-011	174-280-035	NEW	90-04-011	180-85-205	AMD-P	90-08-114
174-135-010	NEW	90-04-011	174-280-040	NEW	90-04-011	180-86-003	NEW	90-02-076
174-136-010	REP	90-04-011	174-280-045	NEW	90-04-011	180-86-005	NEW	90-02-076
174-136-011	REP	90-04-011	174-400-010	NEW	90-05-031	180-86-010	NEW	90-02-076
174-136-012	REP	90-04-011	180-25-025	AMD	90-04-031	180-86-012	NEW	90-02-076
174-136-013	REP	90-04-011	180-25-300	REP	90-04-032	180-86-015	NEW	90-02-076
174-136-014	REP	90-04-011	180-27-050	AMD	90-04-031	180-86-020	NEW	90-02-076
174-136-015	REP	90-04-011	180-27-058	AMD	90-04-031	180-86-030	NEW	90-02-076
174-136-016	REP	90-04-011	180-27-425	NEW	90-04-031	180-86-035	NEW	90-02-076
174-136-017	REP	90-04-011	180-29-300	REP	90-04-032	180-86-040	NEW	90-02-076
174-136-018	REP	90-04-011	180-75-005	AMD	90-02-073	180-86-050	NEW	90-02-076
174-136-019	REP	90-04-011	180-75-018	REP	90-02-073	180-86-055	NEW	90-02-076
174-136-02001	REP	90-04-011	180-75-019	REP	90-02-073	180-86-065	NEW	90-02-076
174-136-021	REP	90-04-011	180-75-020	REP	90-02-073	180-86-070	NEW	90-02-076
174-136-022	REP	90-04-011	180-75-025	REP	90-02-073	180-86-075	NEW	90-02-076
174-136-060	REP	90-04-011	180-75-026	REP	90-02-073	180-86-085	NEW	90-02-076
174-136-080	REP	90-04-011	180-75-027	REP	90-02-073	180-86-090	NEW	90-02-076
174-136-090	REP	90-04-011	180-75-030	REP	90-02-073	180-86-095	NEW	90-02-076
174-136-100	REP	90-04-011	180-75-033	REP	90-02-073	180-86-097	NEW	90-02-076
174-136-110	REP	90-04-011	180-75-034	REP	90-02-073	180-86-100	NEW	90-02-076
174-136-120	REP	90-04-011	180-75-035	REP	90-02-073	180-86-105	NEW	90-02-076
174-136-130	REP	90-04-011	180-75-037	REP	90-02-073	180-86-110	NEW	90-02-076
174-136-140	REP	90-04-011	180-75-038	REP	90-02-073	180-86-115	NEW	90-02-076
174-136-160	REP	90-04-011	180-75-039	REP	90-02-073	180-86-120	NEW	90-02-076
174-136-170	REP	90-04-011	180-75-040	REP	90-02-073	180-86-130	NEW	90-02-076
174-136-210	REP	90-04-011	180-75-042	REP	90-02-073	180-86-135	NEW	90-02-076
174-136-220	REP	90-04-011	180-75-043	REP	90-02-073	180-86-140	NEW	90-02-076
174-136-230	REP	90-04-011	180-75-044	REP	90-02-073	180-86-145	NEW	90-02-076
174-136-240	REP	90-04-011	180-75-045	AMD	90-02-073	180-86-150	NEW	90-02-076
174-136-250	REP	90-04-011	180-75-061	AMD-P	90-08-112	180-86-155	NEW	90-02-076
174-136-300	REP	90-04-011	180-75-065	AMD-P	90-08-112	180-86-160	NEW	90-02-076
174-136-310	REP	90-04-011	180-75-081	AMD	90-02-073	180-86-165	NEW	90-02-076
174-136-320	REP	90-04-011	180-75-084	REP	90-02-073	180-86-170	NEW	90-02-076
174-136-330	REP	90-04-011	180-75-086	REP	90-02-073	180-86-175	NEW	90-02-076
174-157-600	REP	90-04-011	180-75-090	AMD-P	90-08-112	180-86-180	NEW	90-02-076
174-157-610	REP	90-04-011	180-75-199	REP	90-02-073	180-86-185	NEW	90-02-076
174-157-620	REP	90-04-011	180-78-057	AMD-P	90-08-113	180-86-200	NEW	90-02-076
174-157-990	REP	90-04-011	180-78-191	AMD	90-02-074	180-87-001	NEW	90-02-075
174-160-010	REP	90-04-011	180-78-191	AMD	90-02-104	180-87-003	NEW	90-02-075
174-160-020	REP	90-04-011	180-78-192	REP	90-02-074	180-87-005	NEW	90-02-075
174-160-030	REP	90-04-011	180-78-192	REP	90-02-104	180-87-010	NEW	90-02-075
174-160-040	REP	90-04-011	180-78-193	REP	90-02-074	180-87-015	NEW	90-02-075
174-162-010	REP	90-04-011	180-78-193	REP	90-02-104	180-87-020	NEW	90-02-075
174-162-015	REP	90-04-011	180-78-194	REP	90-02-074	180-87-025	NEW	90-02-075
174-162-020	REP	90-04-011	180-78-194	REP	90-02-104	180-87-030	NEW	90-02-075
174-162-025	REP	90-04-011	180-78-195	REP	90-02-074	180-87-035	NEW	90-02-075
174-162-030	REP	90-04-011	180-78-195	REP	90-02-104	180-87-040	NEW	90-02-075
174-162-035	REP	90-04-011	180-78-197	REP	90-02-074	180-87-045	NEW	90-02-075
174-162-040	REP	90-04-011	180-78-197	REP	90-02-104	180-87-050	NEW	90-02-075
174-162-045	REP	90-04-011	180-78-198	REP	90-02-074	180-87-055	NEW	90-02-075
174-168-010	NEW-W	90-03-037	180-78-198	REP	90-02-104	180-87-060	NEW	90-02-075
174-168-010	NEW-P	90-04-028	180-78-199	REP	90-02-074	180-87-065	NEW	90-02-075
174-168-020	NEW-W	90-03-037	180-78-199	REP	90-02-104	180-87-070	NEW	90-02-075
174-168-020	NEW-P	90-04-028	180-79-045	AMD-P	90-08-115	180-87-080	NEW	90-02-075
174-168-030	NEW-P	90-04-028	180-79-049	AMD-P	90-08-115	180-87-085	NEW	90-02-075
174-168-040	NEW-P	90-04-028	180-79-060	AMD-P	90-08-115	180-87-090	NEW	90-02-075
174-168-050	NEW-P	90-04-028	180-79-065	AMD-P	90-08-115	180-87-095	NEW	90-02-075
174-168-060	NEW-P	90-04-028	180-79-075	AMD-P	90-08-115	182-12-115	AMD-P	90-04-087
174-168-070	NEW-P	90-04-028	180-79-080	AMD-P	90-08-115	192-12-050	AMD	90-08-028
174-168-080	NEW-P	90-04-028	180-79-230	AMD-E	90-08-111	192-12-350	NEW	90-08-028
174-276-010	NEW	90-04-011	180-79-230	AMD-P	90-08-115	192-12-355	NEW	90-08-028
174-276-020	NEW	90-04-011	180-79-245	AMD-P	90-08-115	192-12-360	NEW	90-08-028
174-276-030	NEW	90-04-011	180-79-362	AMD-P	90-08-115	192-12-365	NEW	90-08-028
174-276-040	NEW	90-04-011	180-79-364	AMD-P	90-08-115	196-08-030	REP	90-05-071
174-276-050	NEW	90-04-011	180-85-045	AMD-P	90-08-114	196-24-090	AMD	90-05-071

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196-24-092	NEW	90-05-071	220-56-125	AMD	90-06-026	220-57-497	NEW-P	90-02-112
196-26-020	AMD	90-03-028	220-56-126	AMD-P	90-02-112	220-57-497	NEW	90-06-044
196-26-020	AMD-E	90-04-010	220-56-126	AMD	90-06-026	220-57-505	AMD-P	90-02-112
196-27-020	AMD	90-05-071	220-56-127	NEW-P	90-02-112	220-57-505	AMD	90-06-026
204-36-030	AMD-P	90-04-023	220-56-127	NEW	90-06-026	220-57-50500R	NEW-E	90-07-032
204-36-030	AMD	90-07-034	220-56-128	AMD-P	90-02-112	220-57-515	AMD-P	90-02-112
204-36-040	AMD-P	90-04-023	220-56-128	AMD	90-06-026	220-57-51500E	NEW-E	90-07-032
204-36-040	AMD	90-07-034	220-56-156	AMD-C	90-06-081	220-57-530	NEW-P	90-02-112
204-36-050	AMD-P	90-04-023	220-56-156	AMD	90-08-001	220-57A	AMD-C	90-06-025
204-36-050	AMD	90-07-034	220-56-160	AMD-P	90-02-112	220-57A-080	AMD-P	90-02-112
204-36-060	AMD-P	90-04-023	220-56-160	AMD	90-06-026	220-57A-080	AMD	90-06-026
204-36-060	AMD	90-07-034	220-56-165	AMD-P	90-02-112	220-57A-180	AMD-P	90-02-112
204-44-010	AMD	90-06-055	220-56-165	AMD	90-06-026	220-57A-180	AMD	90-06-026
204-44-030	AMD	90-06-055	220-56-175	AMD-P	90-02-112	220-69-220	AMD	90-03-068
204-48-020	AMD-P	90-08-023	220-56-175	AMD	90-06-026	220-69-237	AMD	90-03-068
204-88-030	AMD	90-06-056	220-56-180	AMD-P	90-02-112	220-69-238	AMD	90-03-068
204-990	REP-P	90-08-024	220-56-180	AMD	90-06-026	220-69-260	AMD	90-03-068
212-17-300	AMD-P	90-04-097	220-56-190	AMD-P	90-02-112	220-69-264	AMD	90-03-068
212-17-305	AMD-P	90-04-097	220-56-190	AMD	90-06-026	220-140-001	NEW	90-04-026
212-17-310	AMD-P	90-04-097	220-56-195	AMD-P	90-02-112	220-140-010	NEW	90-04-026
212-17-315	AMD-P	90-04-097	220-56-195	AMD	90-06-026	220-140-020	NEW	90-04-026
212-17-317	NEW-P	90-04-097	220-56-197	AMD-P	90-02-112	220-140-030	NEW	90-04-026
212-17-325	AMD-P	90-04-097	220-56-197	AMD	90-06-026	224-12-090	AMD-P	90-03-091
212-17-330	AMD-P	90-04-097	220-56-205	AMD-P	90-02-112	230-02-010	AMD	90-03-064
212-17-335	AMD-P	90-04-097	220-56-205	AMD	90-06-026	230-02-022	AMD-P	90-05-034
220-12-01000B	NEW-E	90-06-058	220-56-230	NEW-P	90-02-112	230-04-020	AMD	90-03-064
220-16	AMD-C	90-06-025	220-56-230	NEW	90-06-026	230-04-190	AMD	90-03-064
220-16-410	AMD	90-03-068	220-56-235	AMD-P	90-02-112	230-04-270	AMD	90-03-064
220-16-420	NEW	90-03-068	220-56-235	AMD	90-06-026	230-08-120	AMD-P	90-05-034
220-16-430	NEW-C	90-07-002	220-56-240	AMD-P	90-02-112	230-08-125	AMD-P	90-05-034
220-16-430	NEW	90-07-003	220-56-240	AMD	90-06-026	230-20-064	AMD-P	90-05-034
220-16-440	NEW-P	90-02-112	220-56-2400G	NEW-E	90-08-033	230-20-325	AMD	90-05-032
220-16-440	NEW	90-06-026	220-56-25500F	NEW-E	90-08-033	230-20-698	NEW	90-05-033
220-16-450	NEW-P	90-02-112	220-56-282	AMD-P	90-02-112	230-30-052	NEW-P	90-05-034
220-16-450	NEW	90-06-026	220-56-282	AMD	90-06-026	230-30-070	AMD	90-05-032
220-20	AMD-C	90-06-043	220-56-307	NEW-P	90-02-112	230-30-070	AMD-E	90-06-020
220-20-010	AMD-P	90-06-079	220-56-307	NEW	90-06-026	230-30-070	AMD-P	90-06-021
220-20-017	AMD-P	90-08-008	220-56-310	AMD-P	90-02-112	230-40-010	AMD	90-05-032
220-20-020	AMD-P	90-02-111	220-56-310	AMD	90-06-026	230-40-120	AMD	90-05-032
220-20-020	AMD	90-06-045	220-56-320	AMD-P	90-02-112	230-40-125	NEW	90-05-032
220-20-020	AMD-C	90-07-002	220-56-320	AMD	90-06-026	230-40-125	AMD-E	90-07-019
220-20-020	AMD	90-07-003	220-56-330	AMD-P	90-02-112	230-40-125	AMD-P	90-07-022
220-20-025	AMD-P	90-02-111	220-56-330	AMD	90-06-026	230-50-012	AMD-P	90-03-060
220-20-025	AMD	90-06-045	220-56-350	AMD-P	90-02-112	230-50-012	AMD-E	90-03-061
220-22-020	AMD	90-03-068	220-56-350	AMD	90-06-026	230-50-012	AMD	90-07-018
220-28-41303	NEW-E	90-02-065	220-56-35000I	NEW-E	90-06-058	230-60-010	AMD	90-03-064
220-32-05100X	REP-E	90-04-046	220-56-36000T	NEW-E	90-07-039	230-60-020	REP	90-03-064
220-32-05100Y	NEW-E	90-04-046	220-56-380	AMD-P	90-02-112	230-60-025	AMD	90-03-064
220-32-05700E	NEW-E	90-03-006	220-56-380	AMD	90-06-026	230-60-100	NEW	90-05-032
220-33-01000L	REP-E	90-05-008	220-56-38000F	NEW-E	90-03-007	232-12-011	AMD-P	90-04-098
220-33-01000M	NEW-E	90-05-008	220-56-38000F	REP-E	90-03-027	232-12-017	AMD-P	90-06-084
220-33-01000M	REP-E	90-05-030	220-56-38000G	NEW-E	90-03-027	232-12-019	AMD-P	90-06-085
220-33-01000N	NEW-E	90-05-030	220-56-38000G	REP-E	90-04-041	232-12-047	AMD-P	90-06-091
220-44-050	AMD-P	90-06-080	220-56-38000H	NEW-E	90-04-041	232-12-051	AMD-P	90-06-092
220-44-05000B	REP-E	90-04-047	220-56-400	AMD-P	90-02-112	232-12-054	AMD	90-03-092
220-44-05000C	NEW-E	90-04-047	220-56-400	AMD	90-06-026	232-12-177	AMD-P	90-06-089
220-44-05000C	REP-E	90-07-031	220-57	AMD-C	90-06-025	232-12-184	RE-AD-P	90-06-090
220-44-05000D	NEW-E	90-07-031	220-57	AMD-C	90-06-042	232-12-187	RE-AD-P	90-06-090
220-48-01500D	NEW-E	90-06-001	220-57-140	AMD-P	90-02-112	232-12-191	AMD-P	90-06-088
220-49-063	NEW-C	90-07-002	220-57-140	AMD	90-06-026	232-12-251	RE-AD-P	90-06-090
220-49-063	NEW	90-07-003	220-57-160	AMD-P	90-02-112	232-12-254	RE-AD-P	90-06-090
220-49-064	NEW-C	90-07-002	220-57-160	AMD	90-06-026	232-12-297	NEW-P	90-04-099
220-49-064	NEW	90-07-003	220-57-16000D	NEW-E	90-08-032	232-28-022	NEW-P	90-04-100
220-52-07300H	NEW-E	90-03-067	220-57-220	AMD-P	90-02-112	232-28-218	REP-P	90-04-100
220-55-010	AMD-P	90-08-008	220-57-220	AMD	90-06-026	232-28-219	NEW-P	90-06-093
220-55-01000A	NEW-E	90-07-040	220-57-242	NEW-P	90-02-112	232-28-220	NEW-P	90-06-094
220-55-01000A	REP-E	90-08-034	220-57-260	AMD-P	90-02-112	232-28-221	NEW-P	90-06-095
220-55-01000B	NEW-E	90-08-034	220-57-260	AMD	90-06-026	232-28-222	NEW-P	90-06-096
220-55-015	AMD-P	90-08-008	220-57-270	AMD-P	90-02-112	232-28-223	NEW-P	90-06-097
220-55-086	AMD	90-03-068	220-57-270	AMD	90-06-026	232-28-61728	NEW	90-02-070
220-55-150	NEW	90-03-068	220-57-290	AMD-P	90-02-112	232-28-61729	NEW	90-02-071
220-56	AMD-C	90-06-025	220-57-290	AMD	90-06-026	232-28-61730	NEW-E	90-03-072
220-56-105	AMD-P	90-02-112	220-57-315	AMD-P	90-02-112	232-28-61731	NEW-E	90-08-066
220-56-105	AMD	90-06-026	220-57-31500S	NEW-E	90-07-032	232-28-61802	NEW-E	90-02-067
220-56-115	AMD-P	90-02-112	220-57-328	NEW-P	90-02-112	232-28-61802	NEW-P	90-04-101
220-56-115	AMD	90-06-026	220-57-465	AMD-P	90-02-112	232-28-61802	NEW	90-08-064
220-56-125	AMD-P	90-02-112	220-57-465	AMD	90-06-026	232-28-61803	NEW-E	90-02-068

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232-28-61803	NEW	90-08-065	248-08-490	REP	90-06-018	248-18-719	AMD-P	90-08-099
232-28-61804	NEW-E	90-02-069	248-08-500	REP	90-06-018	248-18-99902	AMD-P	90-08-099
232-28-61804	NEW-P	90-04-103	248-08-510	REP	90-06-018	248-19-220	AMD	90-02-093
232-28-61804	NEW	90-08-067	248-08-515	NEW	90-06-018	248-19-373	REP-P	90-08-105
232-28-61805	NEW-E	90-02-066	248-08-520	REP	90-06-018	248-19-375	REP-P	90-08-105
232-28-61805	NEW-P	90-04-104	248-08-525	NEW	90-06-018	248-19-403	REP-P	90-08-105
232-28-61805	NEW	90-08-063	248-08-530	REP	90-06-018	248-19-480	AMD	90-06-019
232-28-61806	NEW-P	90-06-086	248-08-535	NEW	90-06-018	248-19-800	NEW-P	90-08-102
232-28-61807	NEW-P	90-06-087	248-08-540	REP	90-06-018	248-19-805	NEW-P	90-08-102
232-28-712	REP	90-03-083	248-08-545	NEW	90-06-018	248-19-806	NEW-P	90-08-102
232-28-713	NEW	90-03-083	248-08-550	REP	90-06-018	248-19-810	NEW-P	90-08-105
232-28-811	REP-P	90-04-105	248-08-560	REP	90-06-018	248-19-811	NEW-P	90-08-105
232-28-812	NEW-P	90-04-105	248-08-565	NEW	90-06-018	248-19-820	NEW-P	90-08-105
246-09-060	NEW-P	90-04-030	248-08-570	REP	90-06-018	248-19-840	NEW-P	90-08-105
246-09-060	NEW	90-08-003	248-08-575	NEW	90-06-018	248-19-860	NEW-P	90-08-105
248-06-385	AMD	90-06-019	248-08-580	REP	90-06-018	248-19-880	NEW-P	90-08-103
248-08-001	REP	90-06-018	248-08-590	REP	90-06-018	248-19-882	NEW-P	90-08-103
248-08-010	REP	90-06-018	248-08-700	REP	90-06-018	248-19-884	NEW-P	90-08-103
248-08-020	REP	90-06-018	248-08-705	REP	90-06-018	248-19-886	NEW-P	90-08-103
248-08-030	REP	90-06-018	248-08-710	REP	90-06-018	248-21-005	AMD	90-05-038
248-08-040	REP	90-06-018	248-08-715	REP	90-06-018	248-22-005	AMD	90-06-019
248-08-050	REP	90-06-018	248-08-720	REP	90-06-018	248-23-010	AMD	90-06-019
248-08-060	REP	90-06-018	248-08-725	REP	90-06-018	248-25-010	AMD	90-06-019
248-08-070	REP	90-06-018	248-08-730	REP	90-06-018	248-26-020	AMD	90-06-019
248-08-075	REP	90-06-018	248-08-735	REP	90-06-018	248-27-025	AMD	90-06-019
248-08-080	REP	90-06-018	248-08-740	REP	90-06-018	248-27-035	AMD	90-06-019
248-08-090	REP	90-06-018	248-08-750	REP	90-06-018	248-27-045	AMD	90-06-019
248-08-100	REP	90-06-018	248-08-755	REP	90-06-018	248-27-055	AMD	90-06-019
248-08-110	REP	90-06-018	248-08-760	REP	90-06-018	248-29-020	AMD	90-06-019
248-08-120	REP	90-06-018	248-08-765	REP	90-06-018	248-31-025	AMD	90-06-019
248-08-130	REP	90-06-018	248-08-770	REP	90-06-018	248-31-035	AMD	90-06-019
248-08-140	REP	90-06-018	248-08-775	REP	90-06-018	248-31-045	AMD	90-06-019
248-08-150	REP	90-06-018	248-08-780	REP	90-06-018	248-31-055	AMD	90-06-019
248-08-160	REP	90-06-018	248-08-785	REP	90-06-018	248-33-040	AMD	90-05-038
248-08-170	REP	90-06-018	248-08-790	REP	90-06-018	248-33-060	REP	90-05-038
248-08-180	REP	90-06-018	248-08-800	REP	90-06-018	248-33-080	REP	90-05-038
248-08-190	REP	90-06-018	248-08-805	REP	90-06-018	248-36-025	AMD	90-06-019
248-08-200	REP	90-06-018	248-08-810	REP	90-06-018	248-36-035	AMD	90-06-019
248-08-210	REP	90-06-018	248-08-815	REP	90-06-018	248-36-045	AMD	90-06-019
248-08-220	REP	90-06-018	248-08-820	REP	90-06-018	248-36-055	AMD	90-06-019
248-08-230	REP	90-06-018	248-08-825	REP	90-06-018	248-55-220	AMD	90-06-019
248-08-240	REP	90-06-018	248-08-830	REP	90-06-018	248-55-230	REP	90-06-019
248-08-250	REP	90-06-018	248-08-835	REP	90-06-018	248-55-235	NEW	90-06-019
248-08-260	REP	90-06-018	248-08-840	REP	90-06-018	248-55-240	AMD	90-06-019
248-08-270	REP	90-06-018	248-08-845	REP	90-06-018	248-55-250	REP	90-06-019
248-08-280	REP	90-06-018	248-14-070	AMD-C	90-04-015	248-55-260	REP	90-06-019
248-08-290	REP	90-06-018	248-14-070	AMD	90-04-071	248-58-085	NEW	90-06-049
248-08-300	REP	90-06-018	248-15-110	AMD	90-06-019	248-59-030	AMD	90-06-019
248-08-310	REP	90-06-018	248-16-031	AMD	90-06-019	248-59-040	REP	90-06-019
248-08-320	REP	90-06-018	248-17-060	AMD	90-06-019	248-59-050	REP	90-06-019
248-08-330	REP	90-06-018	248-17-230	AMD	90-06-019	248-59-060	REP	90-06-019
248-08-340	REP	90-06-018	248-18-010	AMD-P	90-08-099	248-59-070	REP	90-06-019
248-08-350	REP	90-06-018	248-18-015	AMD	90-06-019	248-59-080	REP	90-06-019
248-08-360	REP	90-06-018	248-18-018	AMD-P	90-08-099	248-63-025	AMD	90-06-049
248-08-370	REP	90-06-018	248-18-020	AMD-P	90-08-099	248-91-060	AMD	90-06-019
248-08-380	REP	90-06-018	248-18-221	AMD-P	90-08-099	248-97-130	AMD	90-06-049
248-08-390	REP	90-06-018	248-18-245	AMD-P	90-08-099	248-97-135	NEW	90-06-049
248-08-400	REP	90-06-018	248-18-510	AMD-P	90-08-099	248-98-001	AMD-P	90-02-072
248-08-410	AMD	90-06-018	248-18-520	AMD-P	90-08-099	248-98-001	AMD	90-07-010
248-08-413	NEW	90-06-018	248-18-525	AMD-P	90-08-099	248-98-003	NEW-P	90-02-072
248-08-420	REP	90-06-018	248-18-530	AMD-P	90-08-099	248-98-003	NEW	90-07-010
248-08-425	NEW	90-06-018	248-18-534	AMD-P	90-08-099	248-98-005	NEW-P	90-02-072
248-08-428	NEW	90-06-018	248-18-555	AMD-P	90-08-099	248-98-005	NEW	90-07-010
248-08-430	REP	90-06-018	248-18-560	AMD-P	90-08-099	248-98-010	AMD-P	90-02-072
248-08-431	NEW	90-06-018	248-18-565	AMD-P	90-08-099	248-98-010	AMD	90-07-010
248-08-434	NEW	90-06-018	248-18-568	AMD-P	90-08-099	248-98-015	NEW-P	90-02-072
248-08-437	NEW	90-06-018	248-18-640	AMD-P	90-08-099	248-98-015	NEW	90-07-010
248-08-440	AMD	90-06-018	248-18-645	AMD-P	90-08-099	248-98-020	AMD-P	90-02-072
248-08-446	NEW	90-06-018	248-18-650	AMD-P	90-08-099	248-98-020	AMD	90-07-010
248-08-449	NEW	90-06-018	248-18-660	AMD-P	90-08-099	248-98-025	NEW-P	90-02-072
248-08-450	REP	90-06-018	248-18-665	AMD-P	90-08-099	248-98-025	NEW	90-07-010
248-08-452	NEW	90-06-018	248-18-675	AMD-P	90-08-099	248-98-030	AMD-P	90-02-072
248-08-460	REP	90-06-018	248-18-680	AMD-P	90-08-099	248-98-030	AMD	90-07-010
248-08-461	NEW	90-06-018	248-18-685	AMD-P	90-08-099	248-98-035	NEW-P	90-02-072
248-08-464	NEW	90-06-018	248-18-690	AMD-P	90-08-099	248-98-035	NEW	90-07-010
248-08-470	AMD	90-06-018	248-18-695	AMD-P	90-08-099	248-98-040	AMD-P	90-02-072

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248-98-045	NEW-P	90-02-072	250-69-050	NEW-P	90-04-068	275-56-220	AMD	90-03-113
248-98-045	NEW	90-07-010	250-69-060	NEW-P	90-04-068	275-56-225	AMD	90-03-113
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248-98-050	AMD	90-07-010	250-69-080	NEW-P	90-04-068	275-56-235	AMD	90-03-113
248-98-060	AMD-P	90-02-072	250-69-090	NEW-P	90-04-068	275-56-240	AMD	90-03-113
248-98-060	AMD	90-07-010	250-69-100	NEW-P	90-04-068	275-56-245	AMD	90-03-113
248-98-080	AMD-P	90-02-072	250-69-110	NEW-P	90-04-068	275-56-250	REP	90-03-113
248-98-080	AMD	90-07-010	251-04-040	AMD	90-06-023	275-56-255	REP	90-03-113
248-98-085	NEW-P	90-02-072	251-09-085	NEW-W	90-06-082	275-56-260	AMD	90-03-113
248-98-085	NEW	90-07-010	251-09-090	AMD-C	90-06-083	275-56-265	REP	90-03-113
248-98-090	AMD-P	90-02-072	251-09-092	NEW-C	90-06-083	275-56-270	REP	90-03-113
248-98-090	AMD	90-07-010	251-09-094	NEW-C	90-06-083	275-56-275	AMD	90-03-113
248-98-095	NEW-P	90-02-072	275-16-055	AMD-C	90-04-019	275-56-280	REP	90-03-113
248-98-095	NEW	90-07-010	275-16-055	AMD	90-04-075	275-56-285	AMD	90-03-113
248-98-098	NEW-P	90-02-072	275-19-050	AMD-C	90-04-017	275-56-290	AMD	90-03-113
248-98-098	NEW	90-07-010	275-19-050	AMD	90-04-073	275-56-295	AMD	90-03-113
248-98-100	AMD-P	90-02-072	275-20-080	AMD-C	90-04-018	275-56-300	AMD	90-03-113
248-98-100	AMD	90-07-010	275-20-080	AMD	90-04-074	275-56-305	AMD	90-03-113
248-98-102	NEW-P	90-02-072	275-26-022	AMD-C	90-04-018	275-56-310	REP	90-03-113
248-98-102	NEW	90-07-010	275-26-022	AMD	90-04-074	275-56-315	REP	90-03-113
248-98-104	NEW-P	90-02-072	275-27-500	AMD-C	90-04-018	275-56-320	REP	90-03-113
248-98-104	NEW	90-07-010	275-27-500	AMD	90-04-074	275-56-325	REP	90-03-113
248-98-110	AMD-P	90-02-072	275-36-310	AMD-C	90-04-018	275-56-330	REP	90-03-113
248-98-110	AMD	90-07-010	275-36-310	AMD	90-04-074	275-56-335	AMD	90-03-113
248-98-120	AMD-P	90-02-072	275-38-960	AMD-C	90-04-018	275-56-340	AMD	90-03-113
248-98-120	AMD	90-07-010	275-38-960	AMD	90-04-074	275-56-345	REP	90-03-113
248-98-130	NEW-P	90-02-072	275-56-005	AMD	90-03-113	275-56-350	REP	90-03-113
248-98-130	NEW	90-07-010	275-56-010	AMD	90-03-113	275-56-355	AMD	90-03-113
248-98-135	NEW-P	90-02-072	275-56-015	AMD	90-03-113	275-56-360	REP	90-03-113
248-98-135	NEW	90-07-010	275-56-016	NEW	90-03-113	275-56-365	AMD	90-03-113
248-98-998	NEW-P	90-02-072	275-56-017	NEW	90-03-113	275-56-370	REP	90-03-113
248-98-998	NEW	90-07-010	275-56-020	AMD	90-03-113	275-56-375	REP	90-03-113
248-98-999	REP-P	90-02-072	275-56-025	AMD	90-03-113	275-56-380	REP	90-03-113
248-98-999	REP	90-07-010	275-56-030	REP	90-03-113	275-56-385	AMD	90-03-113
248-100-016	AMD-P	90-02-095	275-56-035	AMD	90-03-113	275-56-390	REP	90-03-113
248-100-016	AMD	90-07-033	275-56-040	AMD	90-03-113	275-56-395	REP	90-03-113
248-100-021	AMD-P	90-06-063	275-56-042	NEW	90-03-113	275-56-400	AMD	90-03-113
248-100-086	AMD-P	90-06-063	275-56-043	NEW	90-03-113	275-56-405	REP	90-03-113
248-100-217	NEW-P	90-06-063	275-56-050	AMD	90-03-113	275-56-410	REP	90-03-113
248-106-001	NEW	90-02-094	275-56-055	AMD	90-03-113	275-56-415	REP	90-03-113
248-106-010	NEW	90-02-094	275-56-060	AMD	90-03-113	275-56-420	REP	90-03-113
248-106-020	NEW	90-02-094	275-56-065	AMD	90-03-113	275-56-425	AMD	90-03-113
248-106-030	NEW-P	90-08-104	275-56-070	AMD	90-03-113	275-56-430	REP	90-03-113
248-140-200	AMD	90-05-038	275-56-075	AMD	90-03-113	275-56-435	REP	90-03-113
248-144-031	AMD	90-06-049	275-56-080	AMD	90-03-113	275-56-440	REP	90-03-113
248-170-001	NEW	90-04-082	275-56-085	AMD	90-03-113	275-56-445	AMD	90-03-113
248-170-020	NEW	90-04-082	275-56-087	NEW	90-03-113	275-56-450	REP	90-03-113
248-170-100	NEW	90-04-082	275-56-088	NEW	90-03-113	275-56-465	NEW	90-03-113
248-170-130	NEW	90-04-082	275-56-089	NEW	90-03-113	275-56-475	NEW	90-03-113
248-170-160	NEW	90-04-082	275-56-090	AMD	90-03-113	275-56-485	NEW	90-03-113
248-170-200	NEW	90-04-082	275-56-095	AMD	90-03-113	275-56-495	NEW	90-03-113
248-170-300	NEW	90-04-082	275-56-095	AMD-C	90-04-019	275-56-505	NEW	90-03-113
248-170-320	NEW	90-04-082	275-56-095	AMD-W	90-04-069	275-56-515	NEW	90-03-113
248-180-010	NEW	90-03-052	275-56-100	AMD	90-03-113	284-12-010	REP	90-04-060
248-180-020	NEW	90-03-052	275-56-105	AMD	90-03-113	284-12-030	REP	90-04-060
248-320-340	NEW	90-06-018	275-56-110	AMD	90-03-113	284-12-040	REP	90-04-060
248-320-350	NEW	90-06-018	275-56-115	AMD	90-03-113	284-12-080	AMD	90-04-042
248-320-360	NEW	90-06-018	275-56-120	REP	90-03-113	284-17-121	NEW	90-04-060
248-320-370	NEW	90-06-018	275-56-125	REP	90-03-113	284-17-122	NEW	90-04-060
248-320-400	NEW	90-06-018	275-56-130	REP	90-03-113	284-17-123	NEW	90-04-060
248-320-410	NEW	90-06-018	275-56-135	AMD	90-03-113	284-55-010	REP-P	90-04-089
248-320-500	NEW	90-06-018	275-56-140	REP	90-03-113	284-55-020	REP-P	90-04-089
248-554-030	AMD-C	90-04-016	275-56-145	REP	90-03-113	284-55-030	REP-P	90-04-089
248-554-030	AMD	90-04-072	275-56-150	AMD	90-03-113	284-55-035	REP-P	90-04-089
250-20-001	AMD	90-04-067	275-56-155	REP	90-03-113	284-55-040	REP-P	90-04-089
250-20-011	AMD	90-04-067	275-56-160	REP	90-03-113	284-55-045	REP-P	90-04-089
250-20-015	AMD	90-04-067	275-56-165	REP	90-03-113	284-55-050	REP-P	90-04-089
250-20-021	AMD	90-04-067	275-56-170	AMD	90-03-113	284-55-060	REP-P	90-04-089
250-20-031	AMD	90-04-067	275-56-175	AMD	90-03-113	284-55-065	REP-P	90-04-089
250-20-037	NEW	90-04-067	275-56-180	AMD	90-03-113	284-55-067	REP-P	90-04-089
250-20-041	AMD	90-04-067	275-56-185	AMD	90-03-113	284-55-070	REP-P	90-04-089
250-20-051	AMD	90-04-067	275-56-190	REP	90-03-113	284-55-080	REP-P	90-04-089
250-20-071	AMD	90-04-067	275-56-195	AMD	90-03-113	284-55-090	REP-P	90-04-089
250-69-010	NEW-P	90-04-068	275-56-200	AMD	90-03-113	284-55-095	REP-P	90-04-089
250-69-020	NEW-P	90-04-068	275-56-205	AMD	90-03-113	284-55-115	REP-P	90-04-089
250-69-030	NEW-P	90-04-068	275-56-210	AMD	90-03-113	284-55-120	REP-P	90-04-089

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284-55-125	REP-P	90-04-089	284-66-350	NEW	90-07-059	296-06-170	AMD-P	90-02-089
284-55-150	REP-P	90-04-089	284-66-400	NEW-P	90-04-089	296-06-170	AMD	90-07-004
284-55-155	REP-P	90-04-089	284-66-400	NEW	90-07-059	296-06-990	REP-P	90-02-089
284-55-160	REP-P	90-04-089	292-08-010	NEW-P	90-03-095	296-06-990	REP	90-07-004
284-55-165	REP-P	90-04-089	292-08-010	NEW-E	90-08-077	296-06-99001	REP-P	90-02-089
284-55-172	REP-P	90-04-089	292-08-020	NEW-P	90-03-095	296-06-99001	REP	90-07-004
284-55-177	REP-P	90-04-089	292-08-020	NEW-E	90-08-077	296-14-400	AMD	90-04-007
284-55-180	REP-P	90-04-089	292-08-030	NEW-P	90-03-095	296-17-350	AMD-P	90-08-092
284-55-185	REP-P	90-04-089	292-08-030	NEW-E	90-08-077	296-17-45002	AMD-P	90-08-092
284-55-190	REP-P	90-04-089	292-08-040	NEW-P	90-03-095	296-17-45003	AMD-P	90-08-092
284-55-205	REP-P	90-04-089	292-08-040	NEW-E	90-08-077	296-17-50904	AMD-P	90-08-092
284-55-210	REP-P	90-04-089	292-08-050	NEW-P	90-03-095	296-17-519	AMD-P	90-08-092
284-66-010	NEW-P	90-04-089	292-08-050	NEW-E	90-08-077	296-17-532	AMD-P	90-08-092
284-66-010	NEW	90-07-059	292-12-010	NEW-P	90-03-095	296-17-57602	AMD-P	90-08-092
284-66-020	NEW-P	90-04-089	292-12-010	NEW-E	90-08-077	296-17-590	AMD-P	90-08-092
284-66-020	NEW	90-07-059	292-12-020	NEW-P	90-03-095	296-17-592	AMD-P	90-08-092
284-66-030	NEW-P	90-04-089	292-12-020	NEW-E	90-08-077	296-17-59202	NEW-P	90-08-092
284-66-030	NEW	90-07-059	292-12-030	NEW-P	90-03-095	296-17-631	AMD-P	90-08-092
284-66-040	NEW-P	90-04-089	292-12-030	NEW-E	90-08-077	296-17-634	AMD-P	90-08-092
284-66-040	NEW	90-07-059	292-12-040	NEW-P	90-03-095	296-17-679	AMD-P	90-08-092
284-66-050	NEW-P	90-04-089	292-12-040	NEW-E	90-08-077	296-17-870	AMD-P	90-08-092
284-66-050	NEW	90-07-059	292-12-050	NEW-P	90-03-095	296-17-87308	AMD-P	90-08-092
284-66-060	NEW-P	90-04-089	292-12-050	NEW-E	90-08-077	296-17-885	AMD-P	90-08-092
284-66-060	NEW	90-07-059	292-12-060	NEW-P	90-03-095	296-17-895	AMD-P	90-08-092
284-66-070	NEW-P	90-04-089	292-12-060	NEW-E	90-08-077	296-20-010	AMD	90-04-057
284-66-070	NEW	90-07-059	292-12-070	NEW-P	90-03-095	296-20-01002	AMD	90-04-057
284-66-080	NEW-P	90-04-089	292-12-070	NEW-E	90-08-077	296-20-015	AMD	90-04-057
284-66-080	NEW	90-07-059	292-12-080	NEW-P	90-03-095	296-20-02001	AMD	90-04-057
284-66-090	NEW-P	90-04-089	292-12-080	NEW-E	90-08-077	296-20-02010	AMD	90-04-057
284-66-090	NEW	90-07-059	292-12-090	NEW-P	90-03-095	296-20-022	AMD	90-04-057
284-66-100	NEW-P	90-04-089	292-12-090	NEW-E	90-08-077	296-20-024	AMD	90-04-057
284-66-100	NEW	90-07-059	292-12-110	NEW-P	90-03-095	296-20-03001	AMD	90-04-057
284-66-110	NEW-P	90-04-089	292-12-110	NEW-E	90-08-077	296-20-045	AMD	90-04-057
284-66-110	NEW	90-07-059	292-12-120	NEW-P	90-03-095	296-20-075	AMD	90-04-057
284-66-120	NEW-P	90-04-089	292-12-120	NEW-E	90-08-077	296-20-124	AMD	90-04-007
284-66-120	NEW	90-07-059	292-12-130	NEW-P	90-03-095	296-20-680	AMD	90-04-007
284-66-130	NEW-P	90-04-089	292-12-130	NEW-E	90-08-077	296-23A-150	AMD	90-04-057
284-66-130	NEW	90-07-059	292-12-140	NEW-P	90-03-095	296-23A-170	AMD	90-04-057
284-66-140	NEW-P	90-04-089	292-12-140	NEW-E	90-08-077	296-24-020	AMD	90-03-029
284-66-140	NEW	90-07-059	292-12-150	NEW-P	90-03-095	296-24-102	NEW	90-03-029
284-66-150	NEW-P	90-04-089	292-12-150	NEW-E	90-08-077	296-24-10203	NEW	90-03-029
284-66-150	NEW	90-07-059	292-12-160	NEW-P	90-03-095	296-24-12009	AMD	90-03-029
284-66-160	NEW-P	90-04-089	292-12-160	NEW-E	90-08-077	296-24-15001	AMD	90-03-029
284-66-160	NEW	90-07-059	292-12-170	NEW-P	90-03-095	296-24-16507	AMD	90-03-029
284-66-170	NEW-P	90-04-089	292-12-170	NEW-E	90-08-077	296-24-16515	AMD	90-03-029
284-66-170	NEW	90-07-059	292-12-180	NEW-P	90-03-095	296-24-16517	AMD	90-03-029
284-66-180	NEW-P	90-04-089	292-12-180	NEW-E	90-08-077	296-24-20503	AMD	90-03-029
284-66-180	NEW	90-07-059	296-04-001	AMD-P	90-06-103	296-24-20700	AMD-P	90-03-093
284-66-190	NEW-P	90-04-089	296-04-001	AMD-S	90-07-084	296-24-550	AMD	90-03-029
284-66-190	NEW	90-07-059	296-04-042	NEW-P	90-06-104	296-24-58513	AMD	90-03-029
284-66-200	NEW-P	90-04-089	296-04-042	NEW-S	90-07-085	296-24-75009	AMD	90-03-029
284-66-200	NEW	90-07-059	296-04-160	AMD-P	90-06-103	296-24-76503	AMD	90-03-029
284-66-210	NEW-P	90-04-089	296-04-160	AMD-S	90-07-084	296-24-78007	AMD	90-03-029
284-66-210	NEW	90-07-059	296-06-010	AMD-P	90-02-089	296-24-81003	AMD	90-03-029
284-66-220	NEW-P	90-04-089	296-06-010	AMD	90-07-004	296-24-81005	AMD	90-03-029
284-66-220	NEW	90-07-059	296-06-020	AMD-P	90-02-089	296-24-82503	AMD	90-03-029
284-66-230	NEW-P	90-04-089	296-06-020	AMD	90-07-004	296-24-870	AMD-P	90-03-093
284-66-230	NEW	90-07-059	296-06-030	AMD-P	90-02-089	296-24-87001	AMD-P	90-03-093
284-66-240	NEW-P	90-04-089	296-06-030	AMD	90-07-004	296-24-87003	REP-P	90-03-093
284-66-240	NEW	90-07-059	296-06-040	AMD-P	90-02-089	296-24-87005	REP-P	90-03-093
284-66-250	NEW-P	90-04-089	296-06-040	AMD	90-07-004	296-24-87007	REP-P	90-03-093
284-66-250	NEW	90-07-059	296-06-080	AMD-P	90-02-089	296-24-87009	AMD-P	90-03-093
284-66-260	NEW-P	90-04-089	296-06-080	AMD	90-07-004	296-24-87011	NEW-P	90-03-093
284-66-260	NEW	90-07-059	296-06-090	AMD-P	90-02-089	296-24-87013	NEW-P	90-03-093
284-66-270	NEW-P	90-04-089	296-06-090	AMD	90-07-004	296-24-87015	NEW-P	90-03-093
284-66-270	NEW	90-07-059	296-06-100	AMD-P	90-02-089	296-24-87017	NEW-P	90-03-093
284-66-300	NEW-P	90-04-089	296-06-100	AMD	90-07-004	296-24-87019	NEW-P	90-03-093
284-66-300	NEW	90-07-059	296-06-110	AMD-P	90-02-089	296-24-87031	NEW-P	90-03-093
284-66-310	NEW-P	90-04-089	296-06-110	AMD	90-07-004	296-24-87033	NEW-P	90-03-093
284-66-310	NEW	90-07-059	296-06-120	AMD-P	90-02-089	296-24-87035	NEW-P	90-03-093
284-66-320	NEW-P	90-04-089	296-06-120	AMD	90-07-004	296-24-87037	NEW-P	90-03-093
284-66-320	NEW	90-07-059	296-06-130	AMD-P	90-02-089	296-52-417	AMD	90-03-029
284-66-330	NEW-P	90-04-089	296-06-130	AMD	90-07-004	296-52-419	AMD	90-03-029
284-66-330	NEW	90-07-059	296-06-140	AMD-P	90-02-089	296-52-461	AMD	90-03-029
284-66-340	NEW-P	90-04-089	296-06-140	AMD	90-07-004	296-52-473	REP	90-03-029
284-66-340	NEW	90-07-059	296-06-150	AMD-P	90-02-089	296-52-477	AMD	90-03-029
284-66-350	NEW-P	90-04-089	296-06-150	AMD	90-07-004	296-52-481	AMD	90-03-029



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296-52-510	NEW	90-03-029	308-20-140	AMD	90-07-030	308-56A-500	NEW-P	90-06-015
296-54-569	AMD-P	90-03-093	308-20-155	AMD-P	90-03-018	308-56A-500	NEW-E	90-06-016
296-62-07007	REP-P	90-03-093	308-20-155	AMD	90-07-030	308-56A-505	NEW-P	90-06-015
296-62-07107	AMD-P	90-03-093	308-20-210	AMD-P	90-03-018	308-56A-505	NEW-E	90-06-016
296-62-07314	AMD	90-03-029	308-20-210	AMD	90-07-030	308-56A-510	NEW-P	90-06-015
296-62-07507	AMD	90-03-029	308-25-065	AMD	90-04-094	308-56A-510	NEW-E	90-06-016
296-62-07515	AMD	90-03-029	308-29-045	AMD-P	90-03-107	308-56A-515	NEW-P	90-06-015
296-62-07517	AMD-P	90-03-093	308-29-045	AMD	90-06-052	308-56A-515	NEW-E	90-06-016
296-62-07521	AMD	90-03-029	308-30-030	AMD-P	90-03-107	308-56A-520	NEW-P	90-06-015
296-62-07531	AMD-P	90-03-093	308-30-040	AMD-P	90-03-107	308-56A-520	NEW-E	90-06-016
296-62-07540	AMD	90-03-029	308-30-050	AMD-P	90-03-107	308-66-150	AMD-P	90-04-048
296-62-07544	AMD	90-03-029	308-30-060	AMD-P	90-03-107	308-66-152	NEW-P	90-04-048
296-62-3110	AMD-P	90-03-093	308-30-070	AMD-P	90-03-107	308-66-190	AMD-P	90-06-022
296-99-015	AMD	90-03-029	308-30-080	AMD-P	90-03-107	308-67-010	NEW	90-03-022
296-99-050	AMD	90-03-029	308-30-090	AMD-P	90-03-107	308-72-509	NEW-P	90-08-116
296-104-015	AMD-P	90-04-065	308-30-100	AMD-P	90-03-107	308-72-520	AMD-P	90-08-116
296-104-015	AMD	90-07-082	308-30-100	AMD	90-06-052	308-72-540	AMD-P	90-08-116
296-104-195	NEW	90-04-009	308-31-210	NEW-P	90-06-064	308-72-542	NEW-P	90-08-116
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296-116-130	REP-P	90-08-076	308-31-240	NEW-P	90-06-064	308-77-034	AMD-P	90-08-117
296-116-185	AMD-P	90-03-096	308-31-250	NEW-P	90-06-064	308-77-040	AMD-P	90-08-117
296-116-300	AMD-P	90-03-097	308-31-260	NEW-P	90-06-064	308-77-120	AMD-P	90-08-117
296-116-300	AMD	90-08-095	308-31-270	NEW-P	90-06-064	308-77-125	NEW-E	90-08-060
296-127-016	REP-E	90-08-061	308-31-280	NEW-P	90-06-064	308-77-125	NEW-P	90-08-119
296-127-400	NEW-E	90-06-008	308-32-090	AMD-P	90-03-107	308-77-165	NEW-P	90-08-117
296-127-410	NEW-E	90-06-008	308-32-090	AMD	90-06-052	308-78-010	AMD-P	90-08-118
296-127-420	NEW-E	90-06-008	308-33-105	AMD-P	90-03-107	308-78-030	AMD-P	90-08-118
296-127-430	NEW-E	90-06-008	308-33-105	AMD	90-06-052	308-78-040	AMD-P	90-08-118
296-127-440	NEW-E	90-06-008	308-34-170	AMD	90-04-094	308-78-070	AMD-P	90-08-118
296-127-450	NEW-E	90-06-008	308-34-170	AMD-E	90-08-100	308-93-010	AMD	90-08-018
296-127-460	NEW-E	90-06-008	308-34-170	AMD-P	90-08-101	308-93-050	AMD	90-08-018
296-127-470	NEW-E	90-06-008	308-39-100	AMD-P	90-06-065	308-93-140	AMD	90-08-018
296-131	AMD-C	90-08-093	308-39-110	AMD-P	90-06-065	308-93-660	NEW	90-08-018
296-131-001	AMD-P	90-07-078	308-39-120	REP-P	90-06-065	308-115-405	AMD	90-04-094
296-131-005	NEW-P	90-07-078	308-39-125	NEW-P	90-06-065	308-117-500	AMD	90-04-094
296-131-020	NEW-P	90-07-078	308-39-130	NEW-P	90-06-065	308-120-165	AMD	90-04-059
296-131-100	NEW-P	90-07-078	308-39-140	NEW-P	90-06-065	308-120-275	AMD	90-04-094
296-131-105	NEW-P	90-07-078	308-39-150	NEW-P	90-06-065	308-120-620	NEW	90-04-059
296-131-110	NEW-P	90-07-078	308-39-160	NEW-P	90-06-065	308-122-275	AMD	90-04-094
296-131-115	NEW-P	90-07-078	308-39-170	NEW-P	90-06-065	308-122-500	AMD-E	90-05-016
296-131-120	NEW-P	90-07-078	308-39-180	NEW-P	90-06-065	308-122-500	AMD-P	90-05-040
296-131-125	NEW-P	90-07-078	308-39-190	NEW-P	90-06-065	308-122-503	REP	90-05-015
296-131-126	NEW-P	90-07-078	308-39-200	NEW-P	90-06-065	308-122-503	REP-E	90-05-017
296-131-130	NEW-P	90-07-078	308-39-210	NEW-P	90-06-065	308-122-550	REP	90-05-015
296-131-135	NEW-P	90-07-078	308-39-220	NEW-P	90-06-101	308-122-550	REP-E	90-05-017
296-131-140	NEW-P	90-07-078	308-40-107	NEW-P	90-04-085	308-122-555	REP	90-05-015
296-155-225	AMD-P	90-03-093	308-40-107	NEW	90-08-011	308-122-555	REP-E	90-05-017
296-155-227	NEW-P	90-03-093	308-40-115	NEW-P	90-07-067	308-122-560	REP	90-05-015
296-155-480	AMD-P	90-03-093	308-40-125	AMD-E	90-04-083	308-122-560	REP-E	90-05-017
296-155-485	AMD	90-03-029	308-40-125	AMD	90-04-094	308-122-565	REP	90-05-015
296-155-48533	AMD	90-03-029	308-40-130	REP	90-05-039	308-122-565	REP-E	90-05-017
296-155-505	AMD	90-03-029	308-40-135	NEW	90-05-039	308-122-570	REP	90-05-015
296-155-675	AMD	90-03-029	308-40-150	NEW-P	90-07-068	308-122-570	REP-E	90-05-017
296-155-680	AMD	90-03-029	308-40-151	NEW-P	90-07-068	308-122-575	REP	90-05-015
296-155-690	AMD	90-03-029	308-40-152	NEW-P	90-07-068	308-122-575	REP-E	90-05-017
296-155-692	REP	90-03-029	308-42-045	AMD-P	90-04-095	308-122-580	REP	90-05-015
296-155-694	AMD	90-03-029	308-42-060	AMD-P	90-04-095	308-122-580	REP-E	90-05-017
296-155-697	AMD	90-03-029	308-42-145	AMD-P	90-04-095	308-124E-014	AMD-P	90-02-103
296-155-725	AMD	90-03-029	308-48-800	AMD-P	90-04-110	308-124E-014	AMD-C	90-05-073
296-155-730	AMD	90-03-029	308-48-800	AMD	90-07-024	308-124H	AMD-P	90-02-102
296-306	AMD-C	90-05-002	308-50-295	AMD-W	90-03-069	308-124H	AMD-C	90-05-072
296-350-030	AMD-P	90-03-093	308-50-295	AMD-P	90-08-107	308-124H-011	NEW-P	90-02-102
308-11-030	AMD-P	90-03-107	308-50-310	AMD-W	90-03-069	308-124H-011	NEW-C	90-05-072
308-11-030	AMD	90-06-052	308-50-310	AMD-P	90-08-107	308-124H-020	REP-P	90-02-102
308-12-031	AMD-P	90-06-066	308-50-440	AMD	90-04-094	308-124H-020	REP-C	90-05-072
308-12-320	PREP	90-05-041	308-51-120	AMD-P	90-07-069	308-124H-021	NEW-P	90-02-102
308-12-326	AMD	90-03-032	308-51-130	AMD-P	90-07-069	308-124H-021	NEW-C	90-05-072
308-13-150	AMD	90-03-031	308-52-100	AMD	90-05-001	308-124H-025	NEW-P	90-02-102
308-14-080	NEW-P	90-05-058	308-52-590	AMD-E	90-04-093	308-124H-025	NEW-C	90-05-072
308-14-090	NEW-P	90-05-058	308-52-590	AMD-E	90-06-100	308-124H-030	REP-P	90-02-102
308-14-100	NEW-P	90-05-058	308-52-590	AMD-P	90-08-009	308-124H-030	REP-C	90-05-072
308-14-110	NEW-P	90-05-058	308-53-075	AMD-P	90-08-106	308-124H-033	REP-P	90-02-102
308-14-200	NEW-P	90-05-058	308-53-084	AMD-P	90-08-106	308-124H-033	REP-C	90-05-072
308-20-107	AMD-P	90-03-018	308-53-085	AMD-P	90-08-106	308-124H-035	AMD-P	90-02-102
308-20-107	AMD	90-07-030	308-54-315	AMD	90-04-094	308-124H-035	AMD-C	90-05-072



**Table of WAC Sections Affected**

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-124H-036	AMD-P	90-02-102	308-127-020	REP	90-07-023	314-60-040	AMD	90-02-109
308-124H-036	AMD-C	90-05-072	308-127-030	REP-P	90-04-088	315-04-132	AMD-P	90-07-086
308-124H-037	AMD-P	90-02-102	308-127-030	REP	90-07-023	315-06-080	AMD-P	90-07-086
308-124H-037	AMD-C	90-05-072	308-127-035	NEW-P	90-04-088	315-08-010	NEW-P	90-07-086
308-124H-038	REP-P	90-02-102	308-127-035	NEW	90-07-023	315-08-020	NEW-P	90-07-086
308-124H-038	REP-C	90-05-072	308-127-040	AMD-P	90-04-088	315-08-030	NEW-P	90-07-086
308-124H-040	REP-P	90-02-102	308-127-040	AMD	90-07-023	315-08-040	NEW-P	90-07-086
308-124H-040	REP-C	90-05-072	308-127-100	REP-P	90-04-088	315-11-480	AMD	90-03-023
308-124H-041	NEW-P	90-02-102	308-127-100	REP	90-07-023	315-11-490	AMD	90-03-023
308-124H-041	NEW-C	90-05-072	308-127-105	NEW-P	90-04-088	315-11-491	AMD	90-03-023
308-124H-043	REP-P	90-02-102	308-127-105	NEW	90-07-023	315-11-530	NEW-P	90-03-109
308-124H-043	REP-C	90-05-072	308-127-110	AMD-P	90-04-088	315-11-530	NEW	90-06-060
308-124H-045	REP-P	90-02-102	308-127-110	AMD	90-07-023	315-11-531	NEW-P	90-03-109
308-124H-045	REP-C	90-05-072	308-127-120	AMD-P	90-04-088	315-11-531	NEW	90-06-060
308-124H-050	REP-P	90-02-102	308-127-120	AMD	90-07-023	315-11-532	NEW-P	90-03-109
308-124H-050	REP-C	90-05-072	308-127-130	AMD-P	90-04-088	315-11-532	NEW	90-06-060
308-124H-051	NEW-P	90-02-102	308-127-130	AMD	90-07-023	315-11-540	NEW-P	90-03-109
308-124H-051	NEW-C	90-05-072	308-127-140	AMD-P	90-04-088	315-11-540	NEW	90-06-060
308-124H-055	REP-P	90-02-102	308-127-140	AMD	90-07-023	315-11-541	NEW-P	90-03-109
308-124H-055	REP-C	90-05-072	308-127-155	REP-P	90-04-088	315-11-541	NEW	90-06-060
308-124H-060	REP-P	90-02-102	308-127-155	REP	90-07-023	315-11-542	NEW-P	90-03-109
308-124H-060	REP-C	90-05-072	308-127-160	NEW-P	90-04-088	315-11-542	NEW	90-06-060
308-124H-061	NEW-P	90-02-102	308-127-160	NEW	90-07-023	315-11-550	NEW-P	90-07-086
308-124H-061	NEW-C	90-05-072	308-127-200	AMD-P	90-04-088	315-11-551	NEW-P	90-07-086
308-124H-062	NEW-P	90-02-102	308-127-200	AMD	90-07-023	315-11-552	NEW-P	90-07-086
308-124H-062	NEW-C	90-05-072	308-127-210	AMD-P	90-04-088	315-33-010	NEW-P	90-03-109
308-124H-065	REP-P	90-02-102	308-127-210	AMD	90-07-023	315-33-010	NEW	90-06-060
308-124H-065	REP-C	90-05-072	308-127-220	REP-P	90-04-088	315-33-020	NEW-P	90-03-109
308-124H-070	REP-P	90-02-102	308-127-220	REP	90-07-023	315-33-020	NEW	90-06-060
308-124H-070	REP-C	90-05-072	308-127-225	NEW-P	90-04-088	315-33-030	NEW-P	90-03-109
308-124H-210	NEW-C	90-05-072	308-127-225	NEW	90-07-023	315-33-030	NEW	90-06-060
308-124H-220	NEW-C	90-05-072	308-127-300	AMD-P	90-04-088	315-33-040	NEW-P	90-03-109
308-124H-230	NEW-C	90-05-072	308-127-300	AMD	90-07-023	315-33-040	NEW	90-06-060
308-124H-240	NEW-C	90-05-072	308-128B-060	REP	90-03-098	315-33-050	NEW-P	90-03-109
308-124H-250	NEW-C	90-05-072	308-128B-080	AMD	90-03-099	315-33-050	NEW	90-06-060
308-124H-260	NEW-C	90-05-072	308-138-080	AMD	90-04-094	315-33-060	NEW-P	90-03-109
308-124H-270	NEW-C	90-05-072	308-152-030	AMD	90-04-094	315-33-060	NEW	90-06-060
308-124H-280	NEW-C	90-05-072	308-152-030	AMD-P	90-08-009	315-33-070	NEW-P	90-03-109
308-124H-290	NEW-C	90-05-072	308-171-001	AMD-P	90-04-096	315-33-070	NEW	90-06-060
308-124H-300	NEW-C	90-05-072	308-171-010	AMD-P	90-04-096	316-55-001	AMD-P	90-03-039
308-124H-310	NEW-C	90-05-072	308-171-020	AMD-P	90-04-096	316-55-001	AMD	90-06-047
308-124H-320	NEW-C	90-05-072	308-171-041	NEW-P	90-04-096	316-55-005	NEW-P	90-03-039
308-124H-330	NEW-C	90-05-072	308-173-130	AMD	90-04-094	316-55-005	NEW	90-06-047
308-124H-340	NEW-C	90-05-072	308-175-140	AMD	90-04-094	316-55-010	AMD-P	90-03-039
308-124H-510	NEW-C	90-05-072	308-175-200	AMD-E	90-06-004	316-55-010	AMD	90-06-047
308-124H-520	NEW-C	90-05-072	308-177-110	AMD	90-04-094	316-55-020	AMD-P	90-03-039
308-124H-530	NEW-C	90-05-072	308-180-120	AMD-P	90-05-053	316-55-020	AMD	90-06-047
308-124H-540	NEW-C	90-05-072	308-180-150	AMD-P	90-08-002	316-55-030	AMD-P	90-03-039
308-124H-550	NEW-C	90-05-072	308-180-210	AMD-P	90-08-002	316-55-030	AMD	90-06-047
308-124H-560	NEW-C	90-05-072	308-180-250	AMD-P	90-08-002	316-55-050	AMD-P	90-03-039
308-124H-570	NEW-C	90-05-072	308-180-260	AMD-P	90-04-094	316-55-050	AMD	90-06-047
308-124H-580	NEW-C	90-05-072	308-180-260	AMD-P	90-08-009	316-55-070	AMD-P	90-03-039
308-124J-010	NEW-P	90-02-102	308-190-010	AMD	90-04-094	316-55-070	AMD	90-06-047
308-124J-020	NEW-P	90-02-102	308-190-010	AMD-P	90-08-009	316-55-090	RE-AD-P	90-03-039
308-124J-030	NEW-P	90-02-102	308-310-010	AMD	90-04-094	316-55-090	RE-AD	90-06-047
308-124J-040	NEW-P	90-02-102	308-320-010	NEW	90-02-060	316-55-110	AMD-P	90-03-039
308-124J-050	NEW-P	90-02-102	308-320-010	NEW-E	90-02-061	316-55-110	AMD	90-06-047
308-124J-060	NEW-P	90-02-102	308-320-020	NEW	90-02-060	316-55-120	NEW-P	90-03-039
308-124J-070	NEW-P	90-02-102	308-320-020	NEW-E	90-02-061	316-55-120	NEW	90-06-047
308-124J-080	NEW-P	90-02-102	308-320-030	NEW	90-02-060	316-55-130	RE-AD-P	90-03-039
308-124J-090	NEW-P	90-02-102	308-320-030	NEW-E	90-02-061	316-55-130	RE-AD	90-06-047
308-124J-100	NEW-P	90-02-102	308-320-040	NEW	90-02-060	316-55-150	RE-AD-P	90-03-039
308-124J-110	NEW-P	90-02-102	308-320-040	NEW-E	90-02-061	316-55-150	RE-AD	90-06-047
308-124J-120	NEW-P	90-02-102	308-320-050	NEW	90-02-060	316-55-160	AMD-P	90-03-039
308-124J-130	NEW-P	90-02-102	308-320-050	NEW-E	90-02-061	316-55-160	AMD	90-06-047
308-124J-140	NEW-P	90-02-102	308-320-060	NEW	90-02-060	316-55-170	RE-AD-P	90-03-039
308-124J-010	NEW-P	90-02-102	308-320-060	NEW-E	90-02-061	316-55-170	RE-AD	90-06-047
308-124J-020	NEW-P	90-02-102	308-320-070	NEW	90-02-060	316-55-500	AMD-P	90-03-039
308-124J-030	NEW-P	90-02-102	308-320-070	NEW-E	90-02-061	316-55-500	AMD	90-06-047
308-124J-040	NEW-P	90-02-102	308-320-080	NEW	90-02-060	316-55-505	AMD-P	90-03-039
308-124J-050	NEW-P	90-02-102	308-320-080	NEW-E	90-02-061	316-55-505	AMD	90-06-047
308-124J-060	NEW-P	90-02-102	308-320-090	NEW	90-02-060	316-55-510	RE-AD-P	90-03-039
308-124J-070	NEW-P	90-02-102	308-320-090	NEW-E	90-02-061	316-55-510	RE-AD	90-06-047
308-124J-080	NEW-P	90-02-102	308-400-042	AMD	90-04-051	316-55-515	AMD-P	90-03-039
308-127-010	REP-P	90-04-088	308-400-095	AMD	90-04-051	316-55-515	AMD	90-06-047
308-127-010	REP	90-07-023	314-16-170	AMD-P	90-03-088	316-55-517	NEW-P	90-03-039
308-127-020	REP-P	90-04-088	314-20-025	NEW-P	90-03-089	316-55-517	NEW	90-06-047

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316-55-520	REP-P	90-03-039	352-36-010	REP-P	90-06-109	352-37-210	NEW-E	90-06-006
316-55-520	REP	90-06-047	352-36-020	REP-P	90-06-109	352-37-210	NEW	90-07-050
316-55-525	AMD-P	90-03-039	352-36-025	REP-P	90-06-109	352-64-020	AMD	90-04-064
316-55-525	AMD	90-06-047	352-36-030	REP-P	90-06-109	352-64-030	AMD	90-04-064
316-55-600	RE-AD-P	90-03-039	352-36-040	REP-P	90-06-109	352-64-040	AMD	90-04-064
316-55-600	RE-AD	90-06-047	352-36-050	REP-P	90-06-109	352-64-050	AMD	90-04-064
316-55-700	NEW-P	90-03-039	352-36-060	REP-P	90-06-109	352-64-060	AMD	90-04-064
316-55-700	NEW	90-06-047	352-36-070	REP-P	90-06-109	352-64-070	AMD	90-04-064
316-55-710	NEW-P	90-03-039	352-36-080	REP-P	90-06-109	352-64-080	AMD	90-04-064
316-55-710	NEW	90-06-047	352-36-090	REP-P	90-06-109	352-66-010	NEW-P	90-04-107
316-55-730	NEW-P	90-03-039	352-36-100	REP-P	90-06-109	352-66-010	NEW	90-07-051
316-55-730	NEW	90-06-047	352-36-110	REP-P	90-06-109	352-66-020	NEW-P	90-04-107
316-85-001	NEW-P	90-03-040	352-36-115	REP-P	90-06-109	352-66-020	NEW	90-07-051
316-85-001	NEW	90-06-046	352-36-120	REP-P	90-06-109	352-66-030	NEW-P	90-04-107
316-85-010	NEW-P	90-03-040	352-36-130	REP-P	90-06-109	352-66-030	NEW	90-07-051
316-85-010	NEW	90-06-046	352-36-140	REP-P	90-06-109	352-66-040	NEW-P	90-04-107
316-85-020	NEW-P	90-03-040	352-37-010	NEW-P	90-04-106	352-66-040	NEW	90-07-051
316-85-020	NEW	90-06-046	352-37-010	NEW-E	90-06-006	352-66-050	NEW-P	90-04-107
316-85-030	NEW-P	90-03-040	352-37-010	NEW	90-07-050	352-66-050	NEW	90-07-051
316-85-030	NEW	90-06-046	352-37-020	NEW-P	90-04-106	352-66-060	NEW-P	90-04-107
316-85-040	NEW-P	90-03-040	352-37-020	NEW-E	90-06-006	352-66-060	NEW	90-07-051
316-85-040	NEW	90-06-046	352-37-020	NEW	90-07-050	352-66-070	NEW-P	90-04-107
316-85-050	NEW-P	90-03-040	352-37-030	NEW-P	90-04-106	352-66-070	NEW	90-07-051
316-85-050	NEW	90-06-046	352-37-030	NEW-E	90-06-006	352-66-080	NEW-P	90-04-107
316-85-060	NEW-P	90-03-040	352-37-030	NEW	90-07-050	352-66-080	NEW	90-07-051
316-85-060	NEW	90-06-046	352-37-040	NEW-P	90-04-106	352-66-090	NEW-P	90-04-107
316-85-070	NEW-P	90-03-040	352-37-040	NEW-E	90-06-006	352-66-090	NEW	90-07-051
316-85-070	NEW	90-06-046	352-37-040	NEW	90-07-050	352-66-100	NEW-P	90-04-107
316-85-080	NEW-P	90-03-040	352-37-050	NEW-P	90-04-106	352-66-100	NEW	90-07-051
316-85-080	NEW	90-06-046	352-37-050	NEW-E	90-06-006	352-66-110	NEW-P	90-04-107
316-85-090	NEW-P	90-03-040	352-37-050	NEW	90-07-050	352-66-110	NEW	90-07-051
316-85-090	NEW	90-06-046	352-37-060	NEW-P	90-04-106	352-66-120	NEW-P	90-04-107
316-85-100	NEW-P	90-03-040	352-37-060	NEW-E	90-06-006	352-66-120	NEW	90-07-051
316-85-100	NEW	90-06-046	352-37-060	NEW	90-07-050	352-75-010	NEW-P	90-06-110
326-30-030	AMD	90-06-040	352-37-070	NEW-P	90-04-106	352-75-020	NEW-P	90-06-110
326-30-03902	NEW	90-06-041	352-37-070	NEW-E	90-06-006	352-75-030	NEW-P	90-06-110
332-30-166	AMD	90-02-085	352-37-070	NEW	90-07-050	352-75-040	NEW-P	90-06-110
332-130-030	AMD-P	90-03-066	352-37-080	NEW-P	90-04-106	352-75-050	NEW-P	90-06-110
332-130-030	AMD	90-06-028	352-37-080	NEW-E	90-06-006	352-75-060	NEW-P	90-06-110
332-130-070	AMD-P	90-03-066	352-37-080	NEW	90-07-050	352-75-070	NEW-P	90-06-110
332-130-070	AMD	90-06-028	352-37-090	NEW-P	90-04-106	352-75-080	NEW-P	90-06-110
332-130-080	AMD-P	90-03-066	352-37-090	NEW-E	90-06-006	352-75-090	NEW-P	90-06-110
332-130-080	AMD	90-06-028	352-37-090	NEW	90-07-050	356-05-210	AMD	90-03-044
332-130-090	AMD-P	90-03-066	352-37-100	NEW-P	90-04-106	356-06-020	AMD-P	90-08-074
332-130-090	AMD	90-06-028	352-37-100	NEW-E	90-06-006	356-06-055	AMD-P	90-08-074
352-12-020	AMD-P	90-04-108	352-37-100	NEW	90-07-050	356-06-080	AMD-P	90-08-075
352-12-020	AMD	90-07-062	352-37-110	NEW-P	90-04-106	356-07-030	AMD-C	90-03-048
352-12-020	AMD-E	90-08-121	352-37-110	NEW-E	90-06-006	356-07-030	AMD	90-07-056
352-12-030	AMD-P	90-04-108	352-37-110	NEW	90-07-050	356-14-240	AMD-P	90-03-102
352-12-030	AMD	90-07-062	352-37-120	NEW-P	90-04-106	356-14-240	AMD-C	90-07-054
352-12-030	AMD-E	90-08-121	352-37-120	NEW-E	90-06-006	356-15-060	AMD-P	90-03-102
352-20-010	AMD-P	90-04-108	352-37-120	NEW	90-07-050	356-15-060	AMD-C	90-07-054
352-20-010	AMD	90-07-062	352-37-130	NEW-P	90-04-106	356-15-125	AMD-P	90-03-102
352-20-010	AMD-E	90-08-121	352-37-130	NEW-E	90-06-006	356-15-125	AMD-C	90-07-054
352-20-050	AMD-P	90-04-108	352-37-130	NEW	90-07-050	356-22-010	AMD-C	90-03-047
352-20-050	AMD	90-07-062	352-37-140	NEW-P	90-04-106	356-22-010	AMD	90-05-029
352-20-050	AMD-E	90-08-121	352-37-140	NEW-E	90-06-006	356-22-070	AMD-P	90-08-072
352-32-010	AMD-P	90-04-108	352-37-140	NEW	90-07-050	356-22-11001	REP-C	90-03-047
352-32-010	AMD-W	90-07-064	352-37-150	NEW-P	90-04-106	356-22-11001	REP	90-05-029
352-32-045	AMD-P	90-04-108	352-37-150	NEW-E	90-06-006	356-22-111	NEW-C	90-03-047
352-32-045	AMD	90-07-062	352-37-150	NEW	90-07-050	356-22-111	NEW	90-05-029
352-32-045	AMD-E	90-08-121	352-37-160	NEW-P	90-04-106	356-22-120	AMD-C	90-03-047
352-32-050	AMD-P	90-04-108	352-37-160	NEW-E	90-06-006	356-22-120	AMD	90-05-029
352-32-050	AMD	90-07-062	352-37-160	NEW	90-07-050	356-26-060	AMD-P	90-08-075
352-32-050	AMD-E	90-08-121	352-37-170	NEW-P	90-04-106	356-30-145	AMD-C	90-03-045
352-32-235	AMD	90-04-025	352-37-170	NEW-E	90-06-006	356-30-145	AMD-C	90-05-027
352-32-250	AMD-P	90-04-108	352-37-170	NEW	90-07-050	356-30-145	AMD-C	90-07-055
352-32-250	AMD	90-07-062	352-37-180	NEW-P	90-04-106	356-30-180	AMD-C	90-03-045
352-32-250	AMD-E	90-08-121	352-37-180	NEW-E	90-06-006	356-30-180	AMD-C	90-05-027
352-32-25001	AMD-P	90-04-108	352-37-180	NEW	90-07-050	356-30-180	AMD-C	90-07-055
352-32-25001	AMD	90-07-062	352-37-190	NEW-P	90-04-106	356-30-190	AMD-C	90-03-045
352-32-25001	AMD-E	90-08-121	352-37-190	NEW-E	90-06-006	356-30-190	AMD-C	90-05-027
352-32-251	AMD	90-04-024	352-37-190	NEW	90-07-050	356-30-190	AMD-C	90-07-055
352-32-252	AMD-P	90-04-108	352-37-200	NEW-P	90-04-106	356-30-280	AMD-C	90-03-045
352-32-252	AMD	90-07-062	352-37-200	NEW-E	90-06-006	356-30-280	AMD-C	90-05-027
352-32-252	AMD-E	90-08-121	352-37-200	NEW	90-07-050	356-30-280	AMD-C	90-07-055
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356-34-110	REP-P	90-03-101	360-15-060	NEW	90-03-054	388-08-535	NEW	90-04-076
356-34-110	REP-C	90-07-053	360-15-070	NEW	90-03-054	388-08-540	REP-C	90-04-020
356-34-113	REP-P	90-03-101	360-16A-010	NEW	90-03-055	388-08-540	REP	90-04-076
356-34-113	REP-C	90-07-053	360-16A-020	NEW	90-03-055	388-08-545	NEW-C	90-04-020
356-34-115	REP-P	90-03-101	360-16A-030	NEW	90-03-055	388-08-545	NEW	90-04-076
356-34-115	REP-C	90-07-053	360-16A-040	NEW	90-03-055	388-08-550	REP-C	90-04-020
356-34-117	REP-P	90-03-101	360-16A-060	NEW	90-03-055	388-08-550	REP	90-04-076
356-34-117	REP-C	90-07-053	360-16A-070	NEW	90-03-055	388-08-555	NEW-C	90-04-020
356-34-118	REP-P	90-03-101	360-16A-080	NEW	90-03-055	388-08-555	NEW	90-04-076
356-34-118	REP-C	90-07-053	360-16A-090	NEW	90-03-055	388-08-560	REP-C	90-04-020
356-34-119	REP-P	90-03-101	360-16A-100	NEW	90-03-055	388-08-560	REP	90-04-076
356-34-119	REP-C	90-07-053	365-110-020	AMD-P	90-03-017	388-08-565	NEW-C	90-04-020
356-34-130	REP-P	90-03-101	365-110-030	REP-P	90-03-017	388-08-565	NEW	90-04-076
356-34-130	REP-C	90-07-053	365-110-035	AMD-P	90-03-017	388-08-575	NEW-C	90-04-020
356-34-140	REP-P	90-03-101	365-110-040	REP-P	90-03-017	388-08-575	NEW	90-04-076
356-34-140	REP-C	90-07-053	365-110-050	REP-P	90-03-017	388-08-580	REP-C	90-04-020
356-34-160	REP-P	90-03-101	365-110-060	REP-P	90-03-017	388-08-580	REP	90-04-076
356-34-160	REP-C	90-07-053	365-110-080	REP-P	90-03-017	388-08-590	REP-C	90-04-020
356-34-170	REP-P	90-03-101	374-30-010	NEW-E	90-08-085	388-08-590	REP	90-04-076
356-34-170	REP-C	90-07-053	374-30-020	NEW-E	90-08-085	388-09-010	REP-C	90-04-020
356-34-180	REP-P	90-03-101	374-30-030	NEW-E	90-08-085	388-09-010	REP	90-05-020
356-34-180	REP-C	90-07-053	374-30-040	NEW-E	90-08-085	388-09-020	REP-C	90-04-020
356-34-190	REP-P	90-03-101	374-30-050	NEW-E	90-08-085	388-09-020	REP	90-05-020
356-34-190	REP-C	90-07-053	374-30-060	NEW-E	90-08-085	388-09-030	REP-C	90-04-020
356-34-200	REP-P	90-03-101	388-08-00201	REP-C	90-04-020	388-09-030	REP	90-05-020
356-34-200	REP-C	90-07-053	388-08-00201	REP	90-04-076	388-09-040	REP-C	90-04-020
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356-34-210	REP-C	90-07-053	388-08-00401	REP	90-04-076	388-11-100	AMD-C	90-04-021
356-34-220	REP-P	90-03-101	388-08-006	REP-C	90-04-020	388-11-100	AMD	90-04-077
356-34-220	REP-C	90-07-053	388-08-006	REP	90-04-076	388-11-105	REP-C	90-04-021
356-34-230	REP-P	90-03-101	388-08-00601	REP-C	90-04-020	388-11-105	REP	90-04-077
356-34-230	REP-C	90-07-053	388-08-00601	REP	90-04-076	388-11-180	AMD-C	90-04-021
356-37-010	NEW-P	90-03-101	388-08-010	REP-C	90-04-020	388-11-180	AMD	90-04-077
356-37-010	NEW	90-07-057	388-08-010	REP	90-04-076	388-11-185	REP-C	90-04-021
356-37-020	NEW-P	90-03-101	388-08-405	REP-C	90-04-020	388-11-185	REP	90-04-077
356-37-020	NEW	90-07-057	388-08-405	REP	90-04-076	388-13-050	AMD-C	90-04-021
356-37-030	NEW-P	90-03-101	388-08-406	REP-C	90-04-020	388-13-050	AMD	90-04-077
356-37-030	NEW	90-07-057	388-08-406	REP	90-04-076	388-13-060	AMD-C	90-04-021
356-37-040	NEW-P	90-03-101	388-08-409	REP-C	90-04-020	388-13-060	AMD	90-04-077
356-37-040	NEW	90-07-057	388-08-409	REP	90-04-076	388-13-070	AMD-C	90-04-021
356-37-050	NEW-P	90-03-101	388-08-410	NEW-C	90-04-020	388-13-070	AMD	90-04-077
356-37-050	NEW	90-07-057	388-08-410	NEW	90-04-076	388-13-080	REP-C	90-04-021
356-37-060	NEW-P	90-03-101	388-08-413	AMD-C	90-04-020	388-13-080	REP	90-04-077
356-37-060	NEW	90-07-057	388-08-413	AMD	90-04-076	388-13-110	AMD-C	90-04-021
356-37-070	NEW-P	90-03-101	388-08-416	REP-C	90-04-020	388-13-110	AMD	90-04-077
356-37-070	NEW	90-07-057	388-08-416	REP	90-04-076	388-13-120	AMD-C	90-04-021
356-37-080	NEW-P	90-03-101	388-08-425	NEW-C	90-04-020	388-13-120	AMD	90-04-077
356-37-080	NEW	90-07-057	388-08-425	NEW	90-04-076	388-14-200	AMD	90-05-022
356-37-090	NEW-P	90-03-101	388-08-428	NEW-C	90-04-020	388-14-260	AMD-C	90-04-021
356-37-090	NEW	90-07-057	388-08-428	NEW	90-04-076	388-14-260	AMD	90-04-077
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356-37-100	NEW	90-07-057	388-08-431	NEW	90-04-076	388-14-270	AMD-E	90-03-042
356-37-110	NEW-P	90-03-101	388-08-434	NEW-C	90-04-020	388-14-270	AMD-C	90-04-021
356-37-110	NEW	90-07-057	388-08-434	NEW	90-04-076	388-14-270	AMD-W	90-04-069
356-37-120	NEW-P	90-03-101	388-08-435	REP-C	90-04-020	388-14-385	AMD-C	90-04-021
356-37-120	NEW	90-07-057	388-08-435	REP	90-04-076	388-14-385	AMD	90-04-077
356-37-130	NEW-P	90-03-101	388-08-437	NEW-C	90-04-020	388-14-390	AMD-C	90-04-021
356-37-130	NEW	90-07-057	388-08-437	NEW	90-04-076	388-14-390	AMD	90-04-077
356-37-140	NEW-P	90-03-101	388-08-440	NEW-C	90-04-020	388-14-415	AMD-C	90-04-021
356-37-140	NEW	90-07-057	388-08-440	NEW	90-04-076	388-14-415	AMD	90-04-077
356-37-150	NEW-P	90-03-101	388-08-446	NEW-C	90-04-020	388-15-820	AMD-E	90-02-079
356-37-150	NEW	90-07-057	388-08-446	NEW	90-04-076	388-15-820	AMD-P	90-02-084
356-42-055	AMD-P	90-03-104	388-08-449	NEW-C	90-04-020	388-15-820	AMD	90-06-038
356-42-055	AMD	90-08-020	388-08-449	NEW	90-04-076	388-15-870	AMD-E	90-02-079
356-42-056	NEW-P	90-03-103	388-08-452	NEW-C	90-04-020	388-15-870	AMD-P	90-02-084
356-46-060	AMD-P	90-07-052	388-08-452	NEW	90-04-076	388-15-870	AMD	90-06-038
356-46-135	NEW-P	90-08-071	388-08-461	NEW-C	90-04-020	388-15-880	AMD-E	90-02-079
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356-46-145	NEW-P	90-08-071	388-08-464	NEW-C	90-04-020	388-15-880	AMD	90-06-038
356-47-030	AMD-P	90-08-073	388-08-464	NEW	90-04-076	388-17-100	AMD-C	90-04-022
356-47-090	AMD-P	90-08-070	388-08-470	NEW-C	90-04-020	388-17-100	AMD	90-04-070
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360-15-020	NEW	90-03-054	388-08-515	NEW	90-04-076	388-17-510	AMD-C	90-04-022
360-15-030	NEW	90-03-054	388-08-525	NEW-C	90-04-020	388-17-510	AMD	90-04-070
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388-29-100	AMD	90-06-035	388-76-475	NEW	90-03-051	388-320-350	NEW-C	90-04-020
388-29-110	AMD	90-06-035	388-76-480	AMD	90-03-051	388-320-350	NEW	90-04-076
388-29-112	AMD	90-06-035	388-76-490	AMD	90-03-051	388-320-360	NEW-C	90-04-020
388-29-160	AMD	90-06-035	388-76-520	AMD	90-03-051	388-320-360	NEW	90-04-076
388-29-200	AMD	90-06-035	388-76-530	AMD	90-03-051	388-320-370	NEW-C	90-04-020
388-29-220	AMD	90-06-035	388-82-010	AMD	90-04-013	388-320-370	NEW	90-04-076
388-29-230	AMD	90-06-035	388-82-115	AMD	90-06-033	388-320-400	NEW-C	90-04-020
388-29-260	REP	90-06-035	388-82-140	AMD-P	90-08-045	388-320-400	NEW	90-04-076
388-29-280	AMD	90-06-035	388-82-140	AMD-E	90-08-050	388-320-410	NEW-C	90-04-020
388-29-295	AMD	90-06-035	388-83-013	AMD	90-04-012	388-320-410	NEW	90-04-076
388-33-376	AMD-P	90-06-099	388-83-028	REP-P	90-08-048	388-320-500	NEW-C	90-04-020
388-33-382	AMD-P	90-06-099	388-83-028	REP-E	90-08-052	388-320-500	NEW	90-04-076
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388-42-150	AMD-P	90-05-025	388-83-032	AMD-P	90-08-044	391-08-007	RE-AD	90-06-070
388-49-410	AMD-E	90-07-036	388-83-032	AMD-E	90-08-056	391-08-010	RE-AD	90-06-070
388-49-410	AMD-P	90-07-079	388-83-033	AMD-P	90-08-047	391-08-020	RE-AD	90-06-070
388-49-470	AMD-P	90-08-041	388-83-033	AMD-E	90-08-051	391-08-030	RE-AD	90-06-070
388-49-470	AMD-E	90-08-058	388-83-130	AMD-P	90-08-048	391-08-040	RE-AD	90-06-070
388-49-560	RESCIND	90-03-008	388-83-130	AMD-E	90-08-052	391-08-100	RE-AD	90-06-070
388-49-560	AMD-C	90-03-050	388-83-200	AMD-P	90-08-046	391-08-110	REP	90-06-070
388-49-560	AMD-C	90-06-030	388-83-200	AMD-E	90-08-057	391-08-120	AMD	90-06-070
388-49-590	AMD-P	90-07-080	388-83-210	AMD-P	90-08-046	391-08-160	REP	90-06-070
388-49-600	AMD-P	90-06-098	388-83-210	AMD-E	90-08-057	391-08-180	AMD	90-06-070
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388-51-300	NEW	90-06-032	388-85-105	AMD-E	90-08-053	391-08-210	REP	90-06-070
388-70-590	AMD-C	90-04-016	388-86-005	AMD-P	90-08-109	391-08-230	RE-AD	90-06-070
388-70-590	AMD	90-04-072	388-86-005	AMD-E	90-08-110	391-08-300	AMD	90-06-070
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388-76-020	AMD	90-03-051	388-86-027	AMD-E	90-08-055	391-08-510	REP	90-06-070
388-76-030	AMD	90-03-051	388-87-011	AMD-P	90-08-040	391-08-600	REP	90-06-070
388-76-040	AMD	90-03-051	388-87-011	AMD-E	90-08-054	391-08-610	RE-AD	90-06-070
388-76-045	NEW	90-03-051	388-87-060	AMD-P	90-08-040	391-08-630	AMD	90-06-070
388-76-050	AMD	90-03-051	388-87-060	AMD-E	90-08-054	391-08-800	RE-AD	90-06-070
388-76-060	AMD	90-03-051	388-92-015	AMD	90-06-036	391-08-810	RE-AD	90-06-070
388-76-070	AMD	90-03-051	388-95-337	AMD-W	90-06-029	391-08-820	AMD	90-06-070
388-76-085	NEW	90-03-051	388-95-337	AMD-P	90-08-043	391-08-900	REP	90-06-070
388-76-087	NEW	90-03-051	388-95-337	AMD-E	90-08-059	391-08-910	REP	90-06-070
388-76-090	AMD	90-03-051	388-95-360	AMD-W	90-06-029	391-08-920	REP	90-06-070
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388-76-095	NEW	90-04-071	388-95-360	AMD-E	90-08-059	391-25-001	AMD	90-06-072
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388-76-110	NEW	90-03-051	388-96-010	AMD-P	90-05-014	391-25-010	RE-AD	90-06-072
388-76-130	AMD	90-03-051	388-96-204	AMD-P	90-05-014	391-25-012	RE-AD	90-06-072
388-76-140	AMD	90-03-051	388-96-559	AMD-E	90-05-013	391-25-030	RE-AD	90-06-072
388-76-155	NEW	90-03-051	388-96-559	AMD-P	90-05-014	391-25-050	RE-AD	90-06-072
388-76-160	AMD	90-03-051	388-96-561	AMD-P	90-05-014	391-25-070	RE-AD	90-06-072
388-76-170	AMD	90-03-051	388-96-585	AMD-E	90-05-013	391-25-090	RE-AD	90-06-072
388-76-180	AMD	90-03-051	388-96-585	AMD-P	90-05-014	391-25-092	RE-AD	90-06-072
388-76-185	NEW	90-03-051	388-96-713	AMD-P	90-05-014	391-25-110	RE-AD	90-06-072
388-76-190	AMD	90-03-051	388-96-719	AMD-P	90-05-014	391-25-130	RE-AD	90-06-072
388-76-200	AMD	90-03-051	388-96-745	AMD-P	90-05-014	391-25-140	RE-AD	90-06-072
388-76-220	AMD	90-03-051	388-96-754	AMD-E	90-05-013	391-25-150	RE-AD	90-06-072
388-76-240	AMD	90-03-051	388-96-754	AMD-P	90-05-014	391-25-170	RE-AD	90-06-072
388-76-250	AMD	90-03-051	388-96-763	AMD-P	90-05-014	391-25-190	RE-AD	90-06-072
388-76-260	AMD	90-03-051	388-96-768	AMD-P	90-05-014	391-25-210	RE-AD	90-06-072
388-76-280	AMD	90-03-051	388-96-771	AMD-P	90-05-014	391-25-220	NEW	90-06-072
388-76-290	AMD	90-03-051	388-96-773	REP-P	90-05-014	391-25-230	RE-AD	90-06-072
388-76-300	AMD	90-03-051	388-96-774	AMD-P	90-05-014	391-25-250	RE-AD	90-06-072
388-76-310	AMD	90-03-051	388-96-904	AMD-C	90-04-015	391-25-252	RE-AD	90-06-072
388-76-340	AMD	90-03-051	388-96-904	AMD	90-04-071	391-25-253	RE-AD	90-06-072
388-76-350	AMD	90-03-051	388-98-003	NEW-P	90-02-099	391-25-270	RE-AD	90-06-072
388-76-360	AMD	90-03-051	388-98-003	NEW-E	90-02-100	391-25-290	RE-AD	90-06-072
388-76-370	AMD	90-03-051	388-98-003	NEW	90-06-031	391-25-299	RE-AD	90-06-072
388-76-380	AMD	90-03-051	388-98-810	NEW-P	90-08-108	391-25-310	RE-AD	90-06-072
388-76-390	AMD	90-03-051	388-99-010	AMD	90-04-033	391-25-350	AMD	90-06-072
388-76-400	AMD	90-03-051	388-99-020	AMD	90-06-034	391-25-370	RE-AD	90-06-072
388-76-410	AMD	90-03-051	388-99-030	AMD	90-04-034	391-25-390	RE-AD	90-06-072
388-76-420	AMD	90-03-051	388-99-030	AMD-E	90-04-035	391-25-391	RE-AD	90-06-072
388-76-430	AMD	90-03-051	388-100-010	AMD-P	90-08-038	391-25-410	RE-AD	90-06-072
388-76-435	NEW	90-03-051	388-100-010	AMD-E	90-08-049	391-25-412	RE-AD	90-06-072
388-76-440	AMD	90-03-051	388-320	AMD-C	90-04-020	391-25-413	RE-AD	90-06-072

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391-25-450	RE-AD	90-06-072	392-109-117	AMD	90-04-043	392-142-125	NEW	90-02-077
391-25-470	RE-AD	90-06-072	392-120-005	AMD-P	90-05-035	392-142-130	NEW	90-02-077
391-25-490	RE-AD	90-06-072	392-120-010	AMD-P	90-05-035	392-142-135	NEW	90-02-077
391-25-510	RE-AD	90-06-072	392-120-015	AMD-P	90-05-035	392-142-140	NEW	90-02-077
391-25-530	RE-AD	90-06-072	392-120-020	AMD-P	90-05-035	392-142-145	NEW	90-02-077
391-25-531	RE-AD	90-06-072	392-120-025	AMD-P	90-05-035	392-142-150	NEW	90-02-077
391-25-550	RE-AD	90-06-072	392-120-030	NEW-P	90-05-035	392-142-155	NEW	90-02-077
391-25-570	RE-AD	90-06-072	392-120-035	NEW-P	90-05-035	392-142-160	NEW	90-02-077
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391-25-650	RE-AD	90-06-072	392-120-055	NEW-P	90-05-035	392-142-180	NEW	90-02-077
391-25-670	RE-AD	90-06-072	392-120-060	NEW-P	90-05-035	392-142-185	NEW	90-02-077
391-35-001	AMD	90-06-073	392-120-065	NEW-P	90-05-035	392-142-190	NEW	90-02-077
391-35-002	RE-AD	90-06-073	392-120-070	NEW-P	90-05-035	392-142-195	NEW	90-02-077
391-35-010	RE-AD	90-06-073	392-137-010	AMD	90-04-044	392-142-200	NEW	90-02-077
391-35-020	RE-AD	90-06-073	392-140-190	NEW	90-06-007	392-142-205	NEW	90-02-077
391-35-030	RE-AD	90-06-073	392-140-191	NEW	90-06-007	392-142-210	NEW	90-02-077
391-35-050	RE-AD	90-06-073	392-140-192	NEW	90-06-007	392-142-215	NEW	90-02-077
391-35-070	RE-AD	90-06-073	392-140-193	NEW	90-06-007	392-142-220	NEW	90-02-077
391-35-080	NEW	90-06-073	392-140-194	NEW	90-06-007	392-142-225	NEW	90-02-077
391-35-090	RE-AD	90-06-073	392-140-195	NEW	90-06-007	392-142-230	NEW	90-02-077
391-35-099	RE-AD	90-06-073	392-140-196	NEW	90-06-007	392-142-235	NEW	90-02-077
391-35-110	RE-AD	90-06-073	392-140-197	NEW	90-06-007	392-142-240	NEW	90-02-077
391-35-130	RE-AD	90-06-073	392-140-198	NEW	90-06-007	392-142-245	NEW	90-02-077
391-35-170	AMD	90-06-073	392-140-199	NEW	90-06-007	392-142-250	NEW	90-02-077
391-35-190	RE-AD	90-06-073	392-140-200	NEW	90-06-007	392-142-255	NEW	90-02-077
391-35-210	RE-AD	90-06-073	392-140-201	NEW	90-06-007	392-142-260	NEW	90-02-077
391-35-230	RE-AD	90-06-073	392-140-202	NEW	90-06-007	392-142-265	NEW	90-02-077
391-35-250	RE-AD	90-06-073	392-140-400	NEW-P	90-07-045	392-142-270	NEW	90-02-077
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391-45-230	RE-AD	90-06-074	392-140-414	NEW-P	90-07-045	392-183-010	NEW-P	90-05-036
391-45-250	RE-AD	90-06-074	392-140-415	NEW-P	90-07-045	392-183-015	NEW-P	90-05-036
391-45-260	AMD	90-06-074	392-140-416	NEW-P	90-07-045	392-183-020	NEW-P	90-05-036
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391-45-310	RE-AD	90-06-074	392-140-419	NEW-P	90-07-045	392-191-001	AMD	90-02-078
391-45-330	RE-AD	90-06-074	392-140-420	NEW-P	90-07-045	392-191-005	AMD	90-02-078
391-45-350	RE-AD	90-06-074	392-140-421	NEW-P	90-07-045	392-191-010	AMD	90-02-078
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391-45-410	RE-AD	90-06-074	392-142-005	AMD	90-02-077	392-191-030	NEW	90-02-078
391-45-430	RE-AD	90-06-074	392-142-010	AMD	90-02-077	392-191-035	NEW	90-02-078
391-45-431	RE-AD	90-06-074	392-142-015	REP	90-02-077	392-191-040	NEW	90-02-078
391-45-550	RE-AD	90-06-074	392-142-020	REP	90-02-077	392-191-045	NEW	90-02-078
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391-95-010	RE-AD	90-06-075	392-142-035	REP	90-02-077	392-191-070	NEW	90-02-078
391-95-030	RE-AD	90-06-075	392-142-040	REP	90-02-077	392-191-075	NEW	90-02-078
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391-95-110	RE-AD	90-06-075	392-142-060	REP	90-02-077	392-191-095	NEW	90-02-078
391-95-130	RE-AD	90-06-075	392-142-065	REP	90-02-077	402-44-050	REP-P	90-06-106
391-95-150	RE-AD	90-06-075	392-142-070	REP	90-02-077	402-44-057	REP-P	90-06-106
391-95-170	AMD	90-06-075	392-142-075	NEW	90-02-077	402-44-058	REP-P	90-06-106
391-95-190	RE-AD	90-06-075	392-142-080	NEW	90-02-077	402-44-059	REP-P	90-06-106
391-95-230	AMD	90-06-075	392-142-085	NEW	90-02-077	402-44-060	REP-P	90-06-106
391-95-250	RE-AD	90-06-075	392-142-090	NEW	90-02-077	402-44-061	REP-P	90-06-106
391-95-260	RE-AD	90-06-075	392-142-095	NEW	90-02-077	402-44-062	REP-P	90-06-106
391-95-270	RE-AD	90-06-075	392-142-100	NEW	90-02-077	402-70-010	AMD-P	90-06-106
391-95-280	RE-AD	90-06-075	392-142-105	NEW	90-02-077	402-70-020	AMD-P	90-06-106
391-95-290	RE-AD	90-06-075	392-142-110	NEW	90-02-077	402-70-030	AMD-P	90-06-106
391-95-310	RE-AD	90-06-075	392-142-115	NEW	90-02-077	402-70-040	NEW-P	90-06-106

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402-70-055	NEW-P	90-06-106	460-24A-205	AMD-P	90-06-061	463-30-060	AMD	90-05-018
402-70-060	NEW-P	90-06-106	460-44A-060	REP-P	90-02-087	463-30-070	REP	90-05-018
402-70-062	NEW-P	90-06-106	460-44A-060	REP-S	90-05-061	463-30-080	AMD	90-05-018
402-70-064	NEW-P	90-06-106	460-44A-065	REP-P	90-02-087	463-30-085	NEW	90-05-018
402-70-066	NEW-P	90-06-106	460-44A-065	REP-S	90-05-061	463-30-090	AMD	90-05-018
402-70-068	NEW-P	90-06-106	460-44A-070	REP-P	90-02-087	463-30-100	AMD	90-05-018
402-70-070	AMD-P	90-06-106	460-44A-070	REP-S	90-05-061	463-30-110	REP	90-05-018
402-70-073	NEW-P	90-06-106	460-44A-500	AMD-P	90-02-087	463-30-120	AMD	90-05-018
402-70-077	NEW-P	90-06-106	460-44A-500	AMD-S	90-05-061	463-30-130	REP	90-05-018
402-70-080	AMD-P	90-06-106	460-44A-501	AMD-P	90-02-087	463-30-140	REP	90-05-018
402-70-085	NEW-P	90-06-106	460-44A-501	AMD-S	90-05-061	463-30-150	REP	90-05-018
402-70-090	AMD-P	90-06-106	460-44A-502	AMD-P	90-02-087	463-30-160	REP	90-05-018
440-44-028	NEW	90-03-049	460-44A-502	AMD-S	90-05-061	463-30-170	REP	90-05-018
446-10-090	AMD-P	90-04-027	460-44A-503	AMD-P	90-02-087	463-30-180	REP	90-05-018
456-09-110	AMD-P	90-08-007	460-44A-503	AMD-S	90-05-061	463-30-190	AMD	90-05-018
456-09-150	AMD-P	90-08-007	460-44A-504	NEW-P	90-02-087	463-30-200	AMD	90-05-018
456-09-210	AMD-P	90-08-007	460-44A-504	NEW-S	90-05-061	463-30-210	REP	90-05-018
456-09-230	AMD-P	90-08-007	460-44A-508	AMD-P	90-02-087	463-30-220	REP	90-05-018
456-09-310	AMD-P	90-08-007	460-44A-508	AMD-S	90-05-061	463-30-230	AMD	90-05-018
456-09-315	AMD-P	90-08-007	460-46A	AMD-P	90-02-087	463-30-240	AMD	90-05-018
456-09-320	AMD-P	90-08-007	460-46A	AMD-S	90-05-061	463-30-250	AMD	90-05-018
456-09-320	AMD-W	90-08-096	460-46A-010	AMD-P	90-02-087	463-30-260	REP	90-05-018
456-09-320	AMD-P	90-08-097	460-46A-010	AMD-S	90-05-061	463-30-270	AMD	90-05-018
456-09-325	AMD-P	90-08-007	460-46A-020	AMD-P	90-02-087	463-30-290	REP	90-05-018
456-09-430	AMD-P	90-08-007	460-46A-020	AMD-S	90-05-061	463-30-295	REP	90-05-018
456-09-440	AMD-P	90-08-007	460-46A-025	AMD-P	90-02-087	463-30-300	AMD	90-05-018
456-09-520	AMD-P	90-08-007	460-46A-025	AMD-S	90-05-061	463-30-310	AMD	90-05-018
456-09-530	AMD-P	90-08-007	460-46A-040	AMD-P	90-02-087	463-30-320	AMD	90-05-018
456-09-655	AMD-P	90-08-007	460-46A-040	AMD-S	90-05-061	463-30-330	AMD	90-05-018
456-09-730	AMD-P	90-08-007	460-46A-090	AMD-P	90-02-087	463-30-335	NEW	90-05-018
456-09-732	NEW-P	90-08-007	460-46A-090	AMD-S	90-05-061	463-30-340	REP	90-05-018
456-09-740	AMD-P	90-08-007	460-46A-095	AMD-P	90-02-087	463-30-350	REP	90-05-018
456-09-742	NEW-P	90-08-007	460-46A-095	AMD-S	90-05-061	463-30-360	REP	90-05-018
456-09-760	AMD-P	90-08-007	460-46A-100	AMD-P	90-02-087	463-30-370	REP	90-05-018
456-09-762	NEW-P	90-08-007	460-46A-100	AMD-S	90-05-061	463-30-380	REP	90-05-018
456-09-925	AMD-P	90-08-007	460-46A-105	AMD-P	90-02-087	463-30-410	AMD	90-05-018
456-09-930	AMD-P	90-08-007	460-46A-105	AMD-S	90-05-061	463-30-420	AMD	90-05-018
456-09-935	AMD-P	90-08-007	460-46A-110	AMD-P	90-02-087	463-34	AMD-C	90-03-087
456-09-940	AMD-P	90-08-007	460-46A-110	AMD-S	90-05-061	463-34	AMD	90-05-018
456-09-945	AMD-P	90-08-007	460-46A-145	AMD-P	90-02-087	463-34-010	AMD	90-05-018
456-09-955	AMD-P	90-08-007	460-46A-145	AMD-S	90-05-061	463-34-020	REP	90-05-018
456-09-960	NEW-P	90-08-007	460-46A-150	AMD-P	90-02-087	463-34-030	AMD	90-05-018
456-10-110	AMD-P	90-08-006	460-46A-150	AMD-S	90-05-061	463-34-040	REP	90-05-018
456-10-160	AMD-P	90-08-006	460-46A-155	AMD-P	90-02-087	463-34-050	AMD	90-05-018
456-10-310	AMD-P	90-08-006	460-46A-155	AMD-S	90-05-061	463-34-060	AMD	90-05-018
456-10-315	AMD-P	90-08-006	460-46A-160	AMD-P	90-02-087	463-34-070	AMD	90-05-018
456-10-320	AMD-P	90-08-006	460-46A-160	AMD-S	90-05-061	463-34-080	AMD	90-05-018
456-10-320	AMD-W	90-08-096	460-46A-165	AMD-P	90-02-087	463-34-090	AMD	90-05-018
456-10-320	AMD-P	90-08-098	460-46A-165	AMD-S	90-05-061	463-34-100	REP	90-05-018
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456-10-430	AMD-P	90-08-006	460-90A-005	AMD	90-06-051	478-04-020	NEW-P	90-08-084
456-10-440	AMD-P	90-08-006	460-90A-015	AMD-P	90-03-106	478-108-010	NEW-P	90-08-084
456-10-545	AMD-P	90-08-006	460-90A-017	AMD-P	90-03-106	478-108-020	NEW-P	90-08-084
456-10-730	AMD-P	90-08-006	460-90A-017	AMD	90-06-051	478-108-030	NEW-P	90-08-084
456-10-735	AMD-P	90-08-006	460-90A-018	AMD-P	90-03-106	478-108-040	NEW-P	90-08-084
456-10-740	AMD-P	90-08-006	460-90A-018	AMD	90-06-051	478-108-050	NEW-P	90-08-084
456-10-755	AMD-P	90-08-006	460-90A-032	AMD-P	90-03-106	478-108-110	NEW-P	90-08-084
456-12-030	AMD-P	90-08-005	460-90A-032	AMD	90-06-051	478-108-120	NEW-P	90-08-084
456-12-090	AMD-P	90-08-005	460-90A-035	AMD-P	90-03-106	478-108-130	NEW-P	90-08-084
456-12-140	AMD-P	90-08-005	460-90A-035	AMD	90-06-051	478-108-140	NEW-P	90-08-084
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458-16-265	NEW	90-06-048	460-90A-090	AMD-P	90-03-106	478-116-510	AMD-P	90-08-084
458-20-107	AMD-E	90-06-077	460-90A-090	AMD	90-06-051	478-120-070	AMD-P	90-08-084
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