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CITATION

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

PUBLIC INSPECTION OF DOCUMENTS

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

REPUBLICATION OF OFFICIAL DOCUMENTS

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

CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

The maximum allowable interest rate applicable for the month of November 1991 pursuant to RCW 19.52.020 is twelve point zero percent (12.00%).

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 1991 pursuant to RCW 63.14.130(1)(a) is thirteen point seven five percent (13.75%).

The maximum allowable retail installment contract service charge for the purchase of a motor vehicle pursuant to RCW 63.14.130(2)(a) is eleven point seven five percent (11.75%) for the fourth calendar quarter of 1991.

The maximum allowable retail installment contract service charge for the purchase of a vessel pursuant to RCW 63.14.130(3)(a) is eleven point two five percent (11.25%) for the fourth calendar quarter of 1991.

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.

1991 – 1992

DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue No.	Closing Dates ¹			Distribution Date	First Agency Hearing Date ³
	Non-OTS & 30 p. or more	Non-OTS & 11 to 29 p.	OTS ² or 10 p. max. Non-OTS		
For Inclusion in—	File no later than—			Count 20 days from—	For hearing on or after
91-16	Jul 10	Jul 24	Aug 7	Aug 21	Sep 10
91-17	Jul 24	Aug 7	Aug 21	Sep 4	Sep 24
91-18	Aug 7	Aug 21	Sep 4	Sep 18	Oct 8
91-19	Aug 21	Sep 4	Sep 18	Oct 2	Oct 22
91-20	Sep 4	Sep 18	Oct 2	Oct 16	Nov 5
91-21	Sep 25	Oct 9	Oct 23	Nov 6	Nov 26
91-22	Oct 9	Oct 23	Nov 6	Nov 20	Dec 10
91-23	Oct 23	Nov 6	Nov 20	Dec 4	Dec 24
91-24	Nov 6	Nov 20	Dec 4	Dec 18	Jan 7, 1992
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92-01	Nov 21	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 22
92-02	Dec 5	Dec 19, 1991	Jan 2, 1992	Jan 15	Feb 4
92-03	Dec 26, 1991	Jan 8, 1992	Jan 22	Feb 5	Feb 25
92-04	Jan 8	Jan 22	Feb 5	Feb 19	Mar 10
92-05	Jan 22	Feb 5	Feb 19	Mar 4	Mar 24
92-06	Feb 5	Feb 19	Mar 4	Mar 18	Apr 7
92-07	Feb 19	Mar 4	Mar 18	Apr 1	Apr 21
92-08	Mar 4	Mar 18	Apr 1	Apr 15	May 5
92-09	Mar 25	Apr 8	Apr 22	May 6	May 26
92-10	Apr 8	Apr 22	May 6	May 20	Jun 9
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92-23	Oct 21	Nov 4	Nov 18	Dec 2	Dec 22
92-24	Nov 4	Nov 18	Dec 2	Dec 16	Jan 5, 1993

¹All documents are due at the code reviser's office by 5:00 p.m. on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

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

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

WSR 91-21-142
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed October 23, 1991, 4:35 p.m.]

Original Notice.

Title of Rule: WAC 480-04-010, 480-04-020, 480-04-030, 480-04-040, 480-04-050, 480-04-060, 480-04-065, 480-04-070, 480-04-080, 480-04-090, 480-04-100, 480-04-110, 480-04-120, and 480-04-130, commission rules regarding public access to information and records; and WAC 480-09-100 and 480-09-210, commission procedural rules. The proposed repealed, new, and amendatory sections are shown below as Appendix A, Docket No. A-910530. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed sections on economic values, pursuant to chapter 43.21H RCW.

Purpose: These amendments are to update and clarify the commissioner's rules regarding the disclosure of public records and other public information and to bring this chapter of WAC into conformity with WAC 480-09-015, relating to disclosure of information which has been designated "confidential." Amendments to procedural rules to update commission address.

Statutory Authority for Adoption: RCW 42.17.260 and 80.01.040.

Statute Being Implemented: RCW 42.17.250, [42.17].340, and 80.01.040.

Summary: See Purpose above.

Name of Agency Personnel Responsible for Drafting: John Prusia, Hearing Examiner, 1300 South Evergreen Park Drive S.W., Olympia, (206) 586-1108; Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

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

Proposal Changes the Following Existing Rules: See Purpose above, clarifies existing rules. Modifies, in WAC 480-04-120, the procedure the commission follows in reviewing denials of public records requests, and deletes the requirement that a request for review be returned with the chairman's final decision within two business days.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on December 18, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by December 6, 1991.

Date of Intended Adoption: December 18, 1991.

October 18, 1991

Paul Curl
Secretary

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-04-010 PURPOSE.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-020 DEFINITIONS. (1) Public records. "Public record" includes any writing containing information relating to the conduct of (~~governmental~~) government or the performance of any governmental or proprietary function prepared, owned, used or retained by (~~any state or local agency~~) the commission regardless of physical form or characteristics.

(2) Writing. "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds or symbols, or combination thereof, and all telefacsimile copies, papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

(3) Washington utilities and transportation commission. The Washington utilities and transportation commission, referred to as "the commission" in these rules, is the commission appointed by the governor pursuant to RCW 80.01.010. (~~The Washington utilities and transportation commission shall hereinafter be referred to as the "commission."~~)

Where appropriate, the term "commission" also refers to the staff and employees of the Washington utilities and transportation commission.

(4) Secretary. "Secretary" means the secretary of the commission. Except as otherwise provided, the term "secretary" also refers to the acting secretary and to the secretary's designee.

AMENDATORY SECTION (Amending Order R-157, Cause No. TV-1429, filed 3/4/81)

WAC 480-04-030 DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION OF WASHINGTON UTILITIES AND TRANSPORTATION COMMISSION. (1) (~~Washington utilities and transportation commission.~~) The Washington utilities and transportation commission (~~is a regulatory agency. The administrative offices of the Washington utilities and transportation commission and its staff are located at the Seventh Floor, Highways-Licenses Building, Olympia, Washington 98504.~~) consists of three members who are appointed by the governor pursuant to RCW 80.01.010. The governor designates one member as the

((a) The commission is limited by RCW 80.01.010 to three members, of whom one member is designated as) chairman.

((b) The office of administrative manager and secretary and the executive officer are responsible directly to the commission. All departmental divisions and sections normally respond to the commission through the office of administrative manager and secretary. As required on occasion, the following departments may respond directly to the commission: The hearing examiners, the accounting section, the administrator of the utilities division, and the administrator of the transportation division.

(c) Pursuant to RCW 80.01.100, the attorney general division is assigned to the commission to represent the people of the state of Washington and the commission in all actions or proceedings involving any question under Titles 80 and 81 RCW or in reference to any act or order of the commission.

(d) Sections and individuals responsible directly to the administrative manager and secretary are: The personnel officer, the controller, the data research and planning section, and the machine operations section.

(e) Sections responsible directly to the utilities administrator are: The utilities tariff section, the utilities finance section, and the utilities engineering section.

(f) Sections responsible directly to the administrator of transportation are: The transportation permit and insurance section, the transportation tariff section, the transportation research section, the railroad section, and the transportation enforcement or field section:))

((2) Field organization:

(a) The field section is composed of six districts, each of which is in the charge of a supervisor:

Office	Address	Office Hours
(i) Seattle District No. 1	1231 Andover Park East, Tukwila WA 98188	Mon. thru Fri. 8-5
(ii) Vancouver District No. 1	110-A "Y" Street P.O. Box 1119 Vancouver, WA 98660	Mon. thru Fri. 8-5
(iii) Yakima District No. 2	3006 Main Street Union Gap, WA 98903	Mon. thru Fri. 8-5
(iv) Spokane District No. 4	East 6204 Dean Spokane, WA 99201	Mon. thru Fri. 8-5
(v) Olympia District No. 5	4320 Martin Way Olympia, WA 98506	Mon. thru Fri. 8-5
(vi) Pasco District No. 6	1600-C West Clark Pasco, WA 99301	Mon. thru Fri. 8-5

((b) The various special investigators, investigators and truck inspectors (at ports of entry) in each district are responsible to the district supervisor:))

(2) The administrative office of the commission, also known as the headquarters, is located at P.O. Box [number to be determined], 1300 S. Evergreen Park Drive S.W., Olympia, Washington 98504-[number to be determined]. Its telephone number is (206) 753-6423.

(3) The commission is organized into the following principal parts: administrative services division; transportation division; utilities division; policy planning and research section; public affairs section; and regulatory affairs section. The heads of the listed parts are responsible directly to the commissioners. They are housed in the commission's headquarters office.

(4) The commission has six district offices, each of which is in the charge of a district manager. Each of the offices is open during customary commission hours. As of the effective date of this rule, the addresses of the commission's district offices were as follows:

Office	Address
(i) Seattle District No. 1	West Meeker Square 1313 West Meeker Ave. Kent, WA 98032 (206) 575-0750
(ii) Vancouver District No. 2	1006 N.E. 146th Suite A Vancouver, WA 98686 (206) 737-2000
(iii) Yakima District No. 3	2808 Main Street Union Gap, WA 98903 (509) 454-7652
(iv) Spokane District No. 4	East 6204 Dean Spokane, WA 99206 (509) 533-2475
(v) Olympia District No. 5	7912 Martin Way Suite D Olympia, WA 98506 (206) 493-2699
(vi) Pasco District No. 6	1600-C West Clark Pasco, WA 99301 (509) 545-2321

Because district office addresses may change from time to time, current addresses and telephone numbers should be obtained from the local telephone directory or from the commission's administrative office.

((c)) (5) Each district office maintains ((a district office and)) one or more field offices((:)). ((the)) The addresses and office hours of the various field offices are available at the district offices and the commission's administrative ((offices)) office ((of the commission during customary office hours)).

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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-04-040 PUBLIC INFORMATION AVAILABLE.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-050 ((PUBLIC SUBMITTALS OR REQUESTS OTHER THAN REQUESTS FOR PUBLIC DOCUMENTS:)) **PUBLIC INFORMATION; PUBLIC SUBMITTALS OR REQUESTS OTHER THAN REQUESTS FOR PUBLIC RECORDS.** ((Members of the public may make submittals or requests other than requests for public documents to the commission through the Office of the Administrative Manager and Secretary, Seventh Floor, Highways-Licenses Building, Olympia, Washington)) (1) General information concerning utilities and transportation matters subject to the commission's jurisdiction is available through the commission's administrative office, district offices, and field offices.

(2) Information concerning the current operating authority of common or contract carriers of garbage or motor freight, and the current commission-published tariffs of common carriers of motor freight, may be obtained by requesting the information in writing from the commission's administrative office, from the supervisor of any district office, or from a commission field agent at any field office. Because records may not be located in the office at which the request is made, no fewer than five business days may be required for the information to be gathered.

(3) Documents or written requests should be submitted to the office of the secretary of the commission. Written communications should be in the form and should contain the information prescribed in WAC 480-09-100.

(4) Requests may be made by telephone to the commission's public number, and will be routed to staff who can assist the requester.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-060 ((PUBLIC RECORDS AVAILABLE:)) **PUBLIC RECORDS AVAILABLE; HOURS FOR INSPECTION AND COPYING.** ((+)) Inspection. All public records of the commission, as defined in WAC 480-04-020(1) are deemed to be available for public inspection by any person, irrespective of whether such documents are located at the administrative offices or at the district or field offices of the commission, pursuant to these rules, except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 480-04-110.

(2) Copying. All public records of the commission, as defined in WAC 480-04-020(1) are deemed to be available for copying pursuant to these rules and except as otherwise provided by section 31, chapter 1, Laws of 1973 and WAC 480-04-110 only at the Administrative Offices of the Commission, Seventh Floor, Highways-Licenses Building, Olympia, Washington, inasmuch as duplicates of all documents located at district and field offices will be available at the administrative offices, and it is deemed and hereby held that use by the public of extremely limited copying facilities at district and field offices will be unreasonably disruptive of the commission's business:)) (1) Except as otherwise provided by RCW 42.17.310 (exempt records), RCW 42.17.260(6) (lists of individuals requested for commercial purposes), RCW 80.04.095 (records containing commercial information), WAC 480-09-015, these rules, and other provisions of the law, all public records of the commission, as defined in WAC 480-04-020(1), are available for public inspection and copying.

(2) The commission shall act promptly on requests for inspection and copying.

(3) The commission shall respond in accordance with these rules to requests received by mail for identifiable public records.

(4) Public records shall be available for inspection and copying during the commission's customer office hours. For purposes of this chapter, the customary office hours of the commission's administrative and

district offices shall be from 8:00 a.m. to 5:00 p.m., Monday through Friday, excluding legal holidays.

NEW SECTION

WAC 480-04-065 RECORDS INDEX. The Commission will publish and index its significant adjudicative decisions; declaratory orders; and interpretive statements and policy statements.

(1) Each month, the commission will publish separately and make available to subscribers its adjudicative decisions entered the prior month which resolve contested issues or which it believes will be of interest or significance. The commission will include declaratory orders and interpretive and policy statements and will include a summary of the decisions, orders and statements with each publication.

(2) The commission will annually publish indices of the principles which are applied in the text of published orders and statements entered during the prior year.

(3) The publications will be available for sale at the commission's estimated actual cost of reproduction and distribution. They will also be available for inspection during office hours in each district office of the commission and in the commission's library in Olympia.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-070 PUBLIC RECORDS OFFICER. ~~The secretary of the commission is (commission's public records shall be in charge of) the public records officer ((designated by) of the commission for all records maintained by the commission. ((The commission shall designate an alternate officer to act in the absence of the public records officer. The persons so designated)) The secretary's office is ((shall be) located in the ((Administrative) administrative ((Offices) office of the ((Commission) commission ((Seventh Floor, Highways-Licenses Building, Olympia, Washington)). As the commission's ((The) public records officer, the secretary shall be responsible for ((the following: The implementation)) implementing ((of) the commission's rules and regulations regarding release of public records((:)); coordinating the staff of the commission in this regard((-)); and ((generally insuring)) for compliance by the staff with the public records disclosure requirements of chapter ((1, Laws of 1973)) 42.17, RCW.~~

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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 480-04-080 OFFICE HOURS.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-090 REQUESTS FOR PUBLIC RECORDS. ~~((In accordance with the requirements of chapter 1, Laws of 1973;)) RCW 42.17.250 through 42.17.320 require that agencies prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, and RCW 80.04.095 protects records containing commercial information. To allow compliance with those statutes, public records may be inspected or copies of such records may be obtained, by members of the public, ((upon compliance)) in accordance with the following procedures:~~

(1) ~~((Requests for inspection of documents available at district and field offices. A request to inspect documents which are available at district or field offices of the commission shall be made in writing upon a form prescribed by the commission for this purpose, which shall be available at the district offices listed in WAC 480-04-030 (2)(a), (i) through (vi), inclusive, as well as the Commission Administrative Offices, Seventh Floor, Highways-Licenses Building, Olympia, Washington. The form shall be presented to the district supervisor at the district office, or to the commission field agent at the local offices, during the customary office hours as defined in WAC 480-04-080 (2) and (3):))~~

~~((2) Other requests. Other requests involving public documents, including requests for copies of public documents;)) A request shall be made in writing upon a form prescribed by the commission or in a letter containing equivalent supporting information. The prescribed form ((which)) shall be available at the commission's administrative office~~

~~((offices of the commission)) and at each of its district and field offices. ((The form shall be presented to the public records officer, or to the acting public records officer if the public records officer is not available, at the administrative offices of the commission during customary office hours, as defined in WAC 480-04-080(1):))~~

~~((2) A request shall be made during the commission's customary office hours.~~

~~((3) A request may be initiated at any office of the commission, by giving the written request to the receptionist or to any other available commission staff member; except that a request for a record or portion thereof which has been designated as confidential under the provisions of RCW 80.04.095 or WAC 480-09-015 must be submitted to the secretary of the commission as provided in WAC 480-09-015(5). Mailed requests should be addressed to the secretary of the commission.~~

~~((3)) (4) A ((Request)) request ((under (1) or (2), supra;)) shall include the following information:~~

~~((a)) (a) The name of the person requesting the record;~~

~~((b)) (b) The time of day and calendar date on which the request is made;~~

~~((c)) (c) The identity of any organization represented by the person making the request;~~

~~((c)) (d) The nature of the request;~~

~~((d)) (e) If the ((matter)) record requested is referenced within ((a)) the current index ((which may be)) maintained by the ((records officer)) secretary of the commission, a reference to the requested record as it is described in ((such)) the current index;~~

~~((e)) (f) If the requested ((matter)) record is not identifiable by reference to ((a commission)) the current index, ((an appropriate)) a description of the record requested sufficiently specific to allow the record to be readily identified((:));~~

~~((g)) (g) A statement of whether the information is to be used for a commercial purpose.~~

~~((4)) (5) ((In all cases in which a member of the public makes a request, it shall be the obligation of the public records officer or staff member to whom the request is made, to assist the member of the public in appropriately)) Commission staff will make a reasonable effort to assist in identifying and securing the public record requested.~~

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.

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

NEW SECTION

WAC 480-04-095 DISCLOSURE PROCEDURE. (1) Upon the receipt of a request, the secretary or the secretary's designee will promptly notify the requester of any deficiency which has been identified in the request, and will take no further action pending resubmission. It will be the responsibility of the requester to correct a deficient request and re-submit it pursuant to this rule. Notifying the requester of a deficiency is not a denial of the request.

(2) Upon the receipt of a sufficient request, the secretary or the secretary's designee shall review a requested record, to determine whether the record or a portion of the record is exempt from disclosure under the provisions of RCW 42.17.260, 42.17.310, or other provision of law.

(3) To the extent required to prevent an unreasonable invasion of personal privacy interests protected by RCW 42.17.310 and 42.17.315, the commission will delete identifying details from a public record when it makes the record available or publishes it. In each case, the justification for the deletion will be explained in writing.

(4) Only the secretary, or in the absence of the secretary, the acting secretary, is authorize to deny requests for public records under these rules. Any action other than the granting of access to public records, when taken by a person other than the secretary or acting secretary, is a deferral of action, and not a denial of a request. Any commission staff member who does not grant access to a public record upon a sufficient written request must immediately remit the requested document together with a written request to the secretary or acting secretary for decision granting or denying the request.

(5) If the secretary or the acting secretary determines that a requested record contains material exempt from disclosure, the secretary or acting secretary shall deny disclosure of those exempt portions, and shall specify the reasons for the denial, in writing, at the time of the denial, including a statement of the specific exemption authorizing the

withholding of the record and a brief explanation of how the exemption applies to the record withheld. Any nonexempt material shall be fully disclosed.

(6) A request for a record or portion thereof designated as confidential under the provisions of RCW 80.04.095 and WAC 480-09-015 shall be processed in accordance with the provisions of WAC 480-09-015.

(7) Any person continuing to seek disclosure, after having received a written explanation for nondisclosure pursuant to this rule, may request a review under the provision of WAC 480-04-120.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-110 ((EXEMPTIONS:)) EXEMPTIONS; QUALIFICATIONS ON NONDISCLOSURE. ((1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in WAC 480-04-090 is exempt from disclosure under the provisions of section 31, chapter 1, Laws of 1973.

(2) In addition, pursuant to section 26, chapter 1, Laws of 1973, the commission reserves the right to delete identifying details when it makes available or publishes any public record, in any case when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 1, Laws of 1973. The public records officer will fully justify such deletions in writing.

(3) Only the public records officer of the commission, or in the absence of the public records officer, the acting public records officer is authorized to deny requests for public records under these rules. Any actions other than the granting of access to public records upon request, when taken by persons other than the public records officer, or acting public records officer, will be deemed deferrals of action, and not denials of requests. Any commission staff member or field section member who does not grant access to a public document upon written request by a member of the public, must immediately remit the requested document or documents together with the written request therefor, to the public records officer for decision granting or denying the request. All denials of requests for public records must be accompanied by a written statement specifying the reason for denial, including a statement of the specific exemption authorizing the withholding of the record and a brief explanation of how the exemption applies to the record withheld. (1) The commission will not disclose any public records which it has determined are exempt from public inspection and copying under RCW 42.17.310 or any other provision of law.

(2) The commission will not give, sell or provide access to lists of individuals requested for commercial purposes, except as provided in RCW 42.17.260(6).

(3) To the extent that nondisclosable information can be deleted from the specific records sought, the remainder of the records shall be disclosable.

(4) No exemptions shall be construed to require non-disclosure of statistical information not descriptive of identifiable persons, as required by RCW 42.17.310(2).

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-120 REVIEW OF DENIALS OF PUBLIC RECORDS REQUESTS. (1) ((Any person who objects to)) If the person requesting disclosure disagrees with the denial of a request for a public record, the person may petition for prompt review of ((such)) the decision by ((tendering)) submitting a written request for review to the secretary. The written request shall specifically refer to the written statement by the ((public records officer)) secretary or acting ((public records officer)) secretary which constituted or accompanied the denial. Requesting this review is optional, and failure to request this review does not constitute failure to exhaust administrative remedies.

(2) A request for review may be made in person at the commission's administrative office or at a district office, or may be made by mail. Response to a request which is made at a district office or by mail may take longer than response to a request made at the administrative office. ((2) Immediately)) (3) Promptly after receiving a written request for review of a decision denying ((a public record)) disclosure, the ((public records officer shall refer it to the chairman of the commission. The chairman shall immediately consider the matter and either affirm or reverse such denial or call a special meeting of the commission as soon as legally possible to review the denial. In any case, the request shall be returned with his final decision, within two business

days following the original denial)) secretary or acting secretary shall review the denial decision. The secretary or acting secretary may reconsider the denial decision, or may refer the request to the commission for review at a regular or special meeting of the commission.

((3) Administrative remedies shall not be considered exhausted until the commission has returned the petition with a decision or until the close of the second business day following denial of inspection, which ever occurs first:)) (4) If a revised decision is not sooner returned, the commission's review of a decision denying disclosure shall be deemed completed at the end of the second business day following the secretary's or acting secretary's initial denial decision, and the commission's final decision shall be deemed to be a denial of disclosure. Completion of the review shall constitute final commission action for purposes of judicial review. This provision shall not be construed to prohibit the commission from reversing a denial after the end of the second business day following the initial denial decision.

AMENDATORY SECTION (Amending Order R-43, filed 4/5/73)

WAC 480-04-130 PROTECTION OF PUBLIC RECORDS. ((In order to implement the provisions of section 29, chapter 1, Laws of 1973, requiring agencies to enact reasonable rules to protect public records from damage or disorganization, the following rules are adopted:))

(1) Copying of public documents shall be done by commission personnel only, upon the request of members of the public under the procedures set ((down)) out in these rules, unless the secretary determines that it is consistent with the procedures and not disruptive of commission operations to allow the member of the public to perform the copying.

(2) No commission document ((shall)) may be physically removed by a member of the public from the area designated by the ((commission)) secretary for the public inspection of documents ((for any reason whatever)) unless the secretary or the acting secretary authorizes its removal.

(3) When a member of the public requests to examine an entire file or group of documents, as distinguished from a request to examine certain individual documents which can be identified and supplied by themselves, the commission shall be allowed a reasonable time to inspect the file to determine whether it contains material designated as confidential or information protected from disclosure by ((section 31, chapter 1, Laws of 1973)) RCW 42.17.310 or other provision of law ((is contained therein, and the commission shall not be deemed in violation of its obligation to reply promptly to requests for public documents by reason of causing such an inspection to be performed)).

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

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91)

WAC 480-09-100 COMMISSION ADDRESS—COMMUNICATIONS. (1) Address. Except as provided in chapter 480-04 WAC, all written communications and documents should be addressed to: The Office of the Secretary, Washington Utilities and Transportation Commission, P.O. Box ((9022)) [number to be determined], 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504—((9022)) [number to be determined], and not to individual members of the commission staff.

(2) Receipt of communications. Except as provided in chapter 480-04 WAC, all communications and documents are deemed to be officially received only when delivered at the office of the secretary and stamped with the date and time. Documents and communications physically received in the commission offices between 5:00 p.m. of one business day and the start of the next business day are not considered officially received until the next business day when stamped with the date and time.

(3) Identification; one subject in a letter. Letters to the Washington utilities and transportation commission (referred to in these rules as the "commission") should include only one subject.

(a) Each item of pleading of correspondence which relates to a proceeding before the commission shall set forth at the top of the first page the docket number and name of the proceeding, and the identity of the person who submits it.

(b) Communications to the commission from the holder of any permit, license, or certificate shall identify the exact name and the number under which the authority is held and the name and title of the writer.

(4) Communications from the commission. Official communications from the commission, other than orders, shall be signed by the commission, or the secretary's designee.

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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89)

WAC 480-09-210 **RULE MAKING—NOTICE OF PROPOSED RULE—RULES COORDINATOR.** (1) In any proposed rule making, the commission may solicit comments from the public on the subject of possible rule making under active consideration within the agency by causing notice to be published in the state register of the subject matter and indicating where, when, and how persons may comment.

(2) At least twenty days before the rule-making hearing at which the agency receives public comment regarding adoption of a rule, the agency shall cause notice of the hearing to be published in the State Register. The publication shall contain information as provided in RCW 34.05.320 and shall constitute the proposal of a rule.

(3) Within a reasonable time after the publication of the notice of proposed rule in the State Register, any person may request a copy of the notice by writing to the secretary of the commission.

(4) Petitions for adoption, amendment, or repeal of a rule shall be made pursuant to WAC 480-09-220.

(5) Upon filing notice of a proposed rule with the code reviser, the commission shall have copies of the statement on file and available for public inspection.

(6) Inquiries regarding rules being proposed or being prepared within the commission for proposal may be made to Office of the Secretary, Rules Coordinator, Washington Utilities and Transportation Commission, P.O. Box [number to be determined], 1300 South Evergreen Park Drive S.W., Olympia, Washington 98504-[number to be determined].

(7) Persons may receive notice of proposed rule makings for all commission rules, or for those affecting specific industries, by sending a request in writing to the rules coordinator.

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 brackets and enclosed material in the text of the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

WSR 91-22-001

EMERGENCY RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 591—Filed October 24, 1991, 10:16 a.m.]

Date of Adoption: October 24, 1991.

Purpose: Lifting closure of forest lands in eastern Washington.

Citation of Existing Rules Affected by this Order:
Repealing WAC 332-26-031.

Statutory Authority for Adoption: RCW 76.04.015 and 76.04.325(2).

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: Weather conditions have created a situation of decreased fire danger, whereby the need to close department protected lands in eastern Washington is no longer needed for the protection of life and property.

Effective Date of Rule: Immediately.

October 24, 1991

Brian J. Boyle

Commissioner of

Public Lands

NEW SECTION

WAC 332-26-087 **LIFTING FOREST CLOSURE.** Effective immediately Thursday, October 24, 1991 all lands protected by the Department of Natural Resources in eastern Washington are open to the public.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-031

WSR 91-22-002

EMERGENCY RULES

DEPARTMENT OF WILDLIFE

[Order 517—Filed October 24, 1991, 2:10 p.m.]

Date of Adoption: October 24, 1991.

Purpose: To repeal existing temporary WACs closing Department of Wildlife owned and managed lands due to extreme fire danger.

Citation of Existing Rules Affected by this Order:
Repealing WAC 232-24-301 and 232-24-302.

Statutory Authority for Adoption: RCW 77.12.210.

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: Extremely dry conditions have moderated, relieving the imminent threat of wildfire on Department of Wildlife owned and managed lands. Public use of such lands may be resumed.

Effective Date of Rule: Immediately.

October 24, 1991

Curt Smitch

Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-24-301 CLOSURE OF DEPARTMENT OWNED AND MANAGED LANDS
WAC 232-24-302 CLOSURE OF KLICKITAT WILDLIFE AREA

WSR 91-22-003
EMERGENCY RULES
WILDLIFE COMMISSION
 [Order 518—Filed October 24, 1991, 2:12 p.m.]

Date of Adoption: October 24, 1991.

Purpose: Extend hunting opportunity that was limited due to closure of lands in Washington because of high fire danger.

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: Severe fire danger in both eastern and western Washington caused closure of large blocks of lands to access during some hunting seasons. These proposed supplemental hunting seasons will replace lost hunting opportunity, provide necessary harvest and result in reduced damage caused to private landowners from animals typically removed by hunters from the wild during seasons.

Effective Date of Rule: Immediately.

October 24, 1991
 Curt Smitch
 Director
 for Dean A. Lydig
 Chair

NEW SECTION

WAC 232-28-232 1991-1992 DEER AND ELK SUPPLEMENTAL HUNTING SEASONS. *The 1991-1992 deer and elk hunting seasons are amended immediately to include the following.*

(1) Deer

Modern Firearm Buck Seasons

GMUs 127-185 October 26 and 27 three point minimum

GMUs 335-370 November 1, 2, and 3 buck only

GMUs 405-572, 580, 600-684 October 28-31, buck only except either sex in GMUs 410, 480, and 564; two point minimum in GMUs 433, 478, 558, 636, and 681; and three point minimum in GMU 450

Deer Permit Seasons

Hunters drawing special permits in hunt numbers 1078 (White Salmon), 1079 (Goodnoe), and 1080 (Grayback) may hunt October 26-November 1 for antlerless or two point minimum deer.

(2) Elk

Modern Firearm Bull Seasons

Colockum Early and Late Elk Tag Bull Season extended to include October 30 and 31.

Colockum Elk Permit Season Extensions

Hunters drawing special permits in hunt numbers 2021 (Naneum), 2029 (West Bar A), 2030 (West Bar B), and 2031 (West Bar C) may hunt October 26-31 in GMU 328 (Naneum).

Permit hunters unable to participate in this extended permit season may return their original permit to the Washington Department of Wildlife by letter post-marked no later than midnight October 25, to have their name deleted from the two year disqualification period. All other applicable regulations remain in effect unchanged.

WSR 91-22-004
EMERGENCY RULES
WILDLIFE COMMISSION
 [Order 519—Filed October 24, 1991, 2:15 p.m.]

Date of Adoption: October 24, 1991.

Purpose: To eliminate the 1991-92 Lynx hunting/trapping season in Washington.

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 Department of Wildlife recently completed a biological assessment of the population status of lynx in Washington. The results of this assessment indicated that the current and/or future population status of the lynx is of sufficient concern to warrant consideration for listing as endangered, threatened, or sensitive by the Wildlife Commission and therefore was designated by the director as a state candidate species. Until a final species status analysis can be completed and management/recovery strategies are identified the closure of hunting/trapping seasons will minimize the loss of potential options in the future.

Effective Date of Rule: Immediately.

October 24, 1991
 Curt Smitch
 Director
 for Dean A. Lydig
 Chair

AMENDATORY SECTION (Amending Order 503, filed 6/17/91, effective 7/18/91)

WAC 232-28-231 1991-92 SPECIAL SPECIES HUNTING AND TRAPPING PERMITS. PERMIT APPLICATION INSTRUCTIONS

You must have a valid 1991 Washington hunting license to apply for any special hunting season permit.

Application deadline: Applications must be postmarked no later than June 28, 1991, or received not later than 5:00 p.m., June 28, 1991, at the Washington Department of Wildlife, 600 Capitol Way North, Olympia, WA 98501-1091, or any Department of Wildlife regional office.

Computer drawing: Drawings for goat, bighorn sheep, moose, cougar, and lynx will be done by computer selection. All applicants will be notified by August 10, 1991.

Disqualification: Anyone who submits more than one application for each species will be disqualified for drawings for that species.

Incomplete applications: To be eligible for the permit drawing, applications must contain unit number and unit name, applicant's complete name and address including zip code, date of birth, and hunting license number.

Permit hunting report: A hunter questionnaire report will be sent to each permittee. This questionnaire must be returned to the Department of Wildlife within ten days after the close of the hunting season.

MOOSE

Open season: Oct. 1 to Nov. 30, 1991, both dates inclusive.

Who may apply: Anyone with a 1991 Washington hunting license. Only one moose permit will be issued during an individual's lifetime.

Bag Limit: One moose of either sex.

Moose Unit 1

Selkirk Mountains Area:

5 Special Moose Permits will be issued.

Moose Unit 2

Mt. Spokane:

3 Special Moose Permits will be issued.

MOUNTAIN SHEEP (BIGHORN)

Open Season: Separate seasons are indicated for each bighorn sheep unit.

Who may apply: Anyone with a valid 1991 Washington hunting license: EXCEPT those who drew bighorn permits during 1986, 1987, 1988, 1989, or 1990.

Bag Limit for Permit Holders: One bighorn ram.

Any Legal Weapon

Sheep Unit 1

Okanogan:

Open Season: Sept. 7-29, 1991, both dates inclusive.

1 Special Permit will be issued.

Sheep Unit 2

Vulcan Mountain Area:

Open Season: Sept. 21-Oct. 6, 1991, both dates inclusive.

2 Special Permits will be issued.

Sheep Unit 3

Tucannon River Area:

Open Season: Sept. 7-29, 1991, both dates inclusive.

2 Special Permits will be issued.

Sheep Unit 5

Umtanum Area:

Open Season: Sept. 21-Oct. 6, 1991, both dates inclusive.

3 Special Permits will be issued.

Sheep Unit 9

Blackbutte:

Open Season: Sept. 1-18, 1991, both dates inclusive.

2 Special Permits will be issued.

Sheep Unit 10

Mt. Hull:

Open Season: Sept. 7-29, 1991, both dates inclusive.

2 Special Permits will be issued.

Sheep Unit 11

Wenaha Wilderness:

Open Season: Sept. 7-29, 1991, both dates inclusive.

2 Special Permits will be issued.

MOUNTAIN GOAT

Open Season: Sept. 21 to Oct. 31, 1991, both dates inclusive, in all goat units.

Who may apply: Anyone with a valid 1991 Washington hunting license, EXCEPT those who drew goat permits in 1986, 1987, 1988, 1989, or 1990.

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. The Department of Wildlife urges hunters to refrain from shooting nannies with kids.

Any Legal Weapon

Goat Unit 2-1

Mount Chopaka Area:

2 Special Permits will be issued.

Goat Unit 2-2

Methow Area:

5 Special Permits will be issued.

Goat Unit 3-2

North Wenatchee Mountains Area:

5 Special Permits will be issued.

Goat Unit 3-4

Snoqualmie:

5 Special Permits will be issued.

Goat Unit 3-6

Naches Pass Area:

8 Special Permits will be issued.

Goat Unit 3-7

Bumping River Area:

5 Special Permits will be issued.

Goat Unit 3-9

Tieton River Area:

5 Special Permits will be issued.

Goat Unit 4-1

Ruth Creek Area:

10 Special Permits will be issued.

Goat Unit 4-3

Chowder Ridge Area:

2 Special Permits will be issued.

Goat Unit 4-4
 Lincoln Peak Area:
 2 Special Permits will be issued.

Goat Unit 4-6
 Dillard Creek Area:
 5 Special Permits will be issued.

Goat Unit 4-7
 Avalanche Gorge Area:
 5 Special Permits will be issued.

Goat Unit 4-8
 East Ross Lake Area:
 10 Special Permits will be issued.

Goat Unit 4-9
 Jack Mountain Area:
 2 Special Permits will be issued.

Goat Unit 4-16
 Glacier Peak Area:
 5 Special Permits will be issued.

Goat Unit 4-32
 Foss River Area:
 10 Special Permits will be issued.

Goat Unit 4-34
 Pratt River Area:
 10 Special Permits will be issued.

Goat Unit 5-2
 Tatoosh Area:
 5 Special Permits will be issued.

Goat Unit 5-4
 Goat Rocks Area:
 10 Special Permits will be issued.

Muzzleloading Goat Hunts

Goat Unit 3-5
 Cle Elum:
 5 Special Permits will be issued.

Goat Unit 3-8
 Bumping River Area:
 5 Special Permits will be issued.

Goat Unit 4-24
 Sloan Peak Area:
 3 Special Permits will be issued.

Archery Goat Hunts

Goat Unit 3-3
 Goat and Davis Mountains Area:
 10 Special Permits will be issued.

Goat Unit 4-18
 Sauk River Area:
 4 Special Permits will be issued.

Goat Unit 4-21
 Liberty Mountain Area:
 8 Special Permits will be issued.

Goat Unit 4-23
 Twin Peaks Area:
 4 Special Permits will be issued.

Goat Unit 4-38
 Corral Pass Area:
 4 Special Permits will be issued.

Goat Unit 6-1
 Elwha River Area:
 3 Special Permits will be issued.

Goat Unit 6-2
 Quilcene River Area:
 25 Special Permits will be issued.

Goat Unit 6-3
 Hamma Hamma River Area:
 10 Special Permits will be issued.

NATIVE CATS

A valid hunting license is required to hunt (including pursuit seasons) native cats. A hound stamp is required for all hunters if dogs are used to hunt any native cats.

COUGAR

Pursuit-Only Season (Cougar may not be killed or injured.): Sept. 1-30 and Nov. 27-Jan. 31, 1992 in the cat units listed below, EXCEPT closed to hound hunting in Walla Walla and Columbia counties outside of Umatilla National Forest Sept. 1-Oct. 11, 1991.

Open Season (Cougar may be killed by permit holders only.): Nov. 27-Jan. 31, 1992.

Who May Apply: Anyone with a valid 1991 Washington hunting license may submit one special permit application for cougar during the 1991-92 season. Successful cougar applicants must purchase a cougar tag by October 1, 1991. Special permits assigned to those hunters failing to purchase a cougar tag by the deadline will be voided and cougar permits will be issued to other applicants. Cougar permit hunters failing to return their cougar hunting questionnaire by February 15, 1992, will be ineligible to apply for a permit the following season.

Bag Limit: One (1) cougar during the 1991-92 hunting season except that it is unlawful to kill or possess spotted cougar kittens or adult cougar accompanied by spotted kittens.

Unit	Description	Permits
1	Pend Oreille	25
2	Colville	35
3	Republic	25
4	Spokane	10
5	Blue Mountains	40
6	Okanogan	20
7	Wenatchee	25
8	Nooksack	10
9	Skagit	5
10	Snoqualmie	8
11	Olympic Peninsula	25
12	Rainier	7

~~(LYNX~~

~~Open Season (Lynx may be killed by permit holders only.): Nov. 27-Jan. 15, 1992.~~

~~Who May Apply: Anyone with a valid 1991 Washington hunting or trapping license may submit one special permit application for lynx during the 1991-92 season. Lynx permittees failing to return their lynx hunting questionnaire by January 31, 1992 will be ineligible to apply for a permit the following season.~~

~~Bag Limit: One (1) lynx during the 1991-92 hunting or trapping season except that it is unlawful to kill adult lynx accompanied by kittens.~~

~~Lynx Unit 1~~

~~Okanogan~~

~~3 Special Lynx Permits will be issued.)~~

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 91-22-005

NOTICE OF PUBLIC MEETINGS

WESTERN WASHINGTON UNIVERSITY

[Memorandum—October 21, 1991]

1992 Board of Trustee Meeting Schedule

February 6 and 7, 1992	Bellingham	Old Main 340, WWU
April 2 and 3, 1992	out of town	
June 4 and 5, 1992	Bellingham	Old Main 340, WWU
August 6 and 7, 1992	Bellingham	Old Main 340, WWU
October 1 and 2, 1992	Bellingham	Old Main 340, WWU
December 3 and 4, 1992	Bellingham	Old Main 340, WWU

WSR 91-22-006

PERMANENT RULES

CODE REVISER'S OFFICE

[Filed October 24, 1991, 4:16 p.m., effective January 1, 1992]

Date of Adoption: October 24, 1991.

Purpose: To change the closing time for Register filing from 5:00 p.m. to 12:00 noon on the cut-off day.

Citation of Existing Rules Affected by this Order: Amending WAC 1-21-040.

Statutory Authority for Adoption: RCW 1.08.110, 34.05.385, and 34.08.030.

Pursuant to notice filed as WSR 91-18-027 on August 28, 1991.

Effective Date of Rule: January 1, 1992.

October 24, 1991
Dennis W. Cooper
Code Reviser

AMENDATORY SECTION (Amending Order 89-1, filed 5/31/89)

WAC 1-21-040 NOTICE—TIME FOR FILING. To permit sufficient lead time for the editorial, data capture, and printing process, material to be published in a particular issue of the Register must be in the physical possession of and filed in the code reviser's office according to the following schedule:

(1) If the material has been prepared and completed by the code reviser's Order Typing Service (OTS), by ((5:00 p.m.)) 12:00 noon on the fourteenth day before the distribution date of that issue of the Register; or

(2) If the material has been prepared by any means other than OTS and it contains:

(a) No more than 10 pages, by ((5:00 p.m.)) 12:00 noon on the fourteenth day before the distribution date of that Register; or

(b) More than 10 but less than 30 pages, by ((5:00 p.m.)) 12:00 noon on the twenty-eighth day before the distribution date of that Register; or

(c) 30 or more pages, by ((5:00 p.m.)) 12:00 noon on the forty-second day before the distribution date of that Register.

WSR 91-22-007

EMERGENCY RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 592—Filed October 25, 1991, 12:06 p.m.]

Date of Adoption: October 25, 1991.

Purpose: Cancelling closed season.

Citation of Existing Rules Affected by this Order: Repealing WAC 332-26-085.

Statutory Authority for Adoption: RCW 76.04.005(2).

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: Weather conditions have created a situation of decreased fire danger state-wide, whereby the need for an extended closed season is no longer needed to protect life and property.

Effective Date of Rule: Immediately.

October 25, 1991
Brian J. Boyle
Commissioner of
Public Lands

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-085

WSR 91-22-008

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-123—Filed October 25, 1991, 3:06 p.m.]

Date of Adoption: October 25, 1991.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-19500B, 220-57-20500B,
220-57-21000B, 220-57-26500B, 220-57-43000D,
220-57-47000B, and 220-57-49000B.

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 return of naturally spawning (wild) coho salmon to Hood Canal is expected to be below escapement levels needed for maximum production and closures are warranted on rivers managed for these naturally spawning stocks.

Effective Date of Rule: Immediately.

October 25, 1991
Judith Merchant
Deputy
for Joseph R. Blum
Director

NEW SECTION

WAC 220-57-19500C DEWATTO CREEK. Notwithstanding the provisions of WAC 220-57-195, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Dewatto Creek.

NEW SECTION

WAC 220-57-20500C DOSEWALLIPS RIVER. Notwithstanding the provisions of WAC 220-57-205, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Dosewallips River.

NEW SECTION

WAC 220-57-21000C DUCKABUSH RIVER. Notwithstanding the provisions of WAC 220-57-210, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Duckabush River.

NEW SECTION

WAC 220-57-26500C HAMMA HAMMA RIVER. Notwithstanding the provisions of WAC 220-57-265, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Hamma Hamma River.

NEW SECTION

WAC 220-57-43000E SKOKOMISH RIVER. Notwithstanding the provisions of WAC 220-57-430, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Skokomish River.

NEW SECTION

WAC 220-57-47000C TAHUYA RIVER. Notwithstanding the provisions of WAC 220-57-470, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Tahuya River.

NEW SECTION

WAC 220-57-49000C UNION RIVER. Notwithstanding the provisions of WAC 220-57-490, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Union River.

REPEALER

The following sections of the Washington Administrative Code are repealed effective immediately:

WAC 220-57-19500B DEWATTO CREEK. (91-46)

WAC 220-57-20500B DOSEWALLIPS RIVER. (91-46)

WAC 220-57-21000B DUCKABUSH RIVER. (91-46)

WAC 220-57-26500B HAMMA HAMMA RIVER. (91-46)

WAC 220-57-43000D SKOKOMISH RIVER. (91-48)

WAC 220-57-47000B TAHUYA RIVER. (91-46)

WAC 220-57-49000B UNION RIVER. (91-46)

WSR 91-22-009

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-124—Filed October 25, 1991, 3:09 p.m., effective October 27, 1991, 12:01 a.m.]

Date of Adoption: October 25, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-47-718.

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 opening in Areas 7 and 7A provides opportunity to harvest the nontreaty share of United States and Canadian origin chum salmon, as per the chum annex of the Pacific Salmon Treaty. The openings in Areas 7B, 8A, 10, and 11 provide opportunity to harvest the nontreaty share of chum salmon originating from the Nooksack-Samish, Stillaguamish-Snohomish and south Puget Sound regions. The openings in Areas 8D and 9A target Tulalip and Hood Canal hatchery returns in order to harvest nontreaty shares of coho salmon originating from the Stillaguamish-

Snohomish and Hood Canal regions. The Area 10 in-season restriction is necessary to reduce impacts on local chum stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., October 27, 1991.

October 25, 1991

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-47-719 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. Notwithstanding the provisions of chapter 220-47 WAC, effective 12:01 AM Sunday October 27th, 1991, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:

*Areas 7 and 7A - Purse seines may fish from 5:00 AM to 8:00 PM daily, Monday and Tuesday October 28 and 29. Gillnets using 6-inch minimum mesh may fish from 4:00 PM until 8:00 AM nightly, Monday and Tuesday nights October 28 and 29. The exclusion zones described in WAC 220-47-307 are in effect for this fishery.

*Area 7B - Gillnets using 6-inch minimum mesh, and purse seines, may fish continuously from 5:00 AM Monday October 28 until 4:00 PM Friday November 1. The exclusion zones described in WAC 220-47-307 are in effect for this fishery.

*Area 8A - Purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, Monday and Tuesday October 28 and 29. Gillnets using 6-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly Monday and Tuesday nights October 28 and 29. The exclusion zones described in WAC 220-47-307 are in effect for this fishery.

*Area 8D - Purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, Monday and Tuesday October 28 and 29, and from 9:00 AM to 5:00 PM Wednesday October 30. Gillnets using 5-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly, Monday and Tuesday nights October 28 and 29, and from 9:00 AM to 5:00 PM Thursday October 31.

*Areas 10 and 11 - Purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, Monday and Tuesday October 28 and 29. Gillnets using 6-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly, Monday and Tuesday nights October 28 and 29. The following area 10 in-season restriction applies: closed in Port Madison west of a line projected 178 degrees true from the light at the end of the Indianola Dock to the landfall on the south shore of Port Madison. The exclusion zones described in WAC 220-47-307 are in effect for this fishery.

*Area 9A - Gillnets using 5-inch minimum mesh and purse seines using the 5-inch strip may fish continuously

from 5:00 AM Monday October 28 to 4:00 PM Friday November 1.

*Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 8, 9, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12, 12A, 12B, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday October 27th, 1991:

WAC 220-47-718 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (91-120)

WSR 91-22-010

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-125—Filed October 25, 1991, 3:12 p.m.]

Date of Adoption: October 25, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-32-05100I.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This rule is consistent with the decision of the federal district court for Oregon.

Effective Date of Rule: Immediately.

October 25, 1991

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-32-05100J COLUMBIA RIVER SALMON SEASONS ABOVE BONNEVILLE. (1) Notwithstanding the provisions of WAC 220-32-051 and 220-32-052, 220-32-053, 220-32-056, 220-32-057, and 220-32-058, effective immediately, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River Salmon Management and Catch Reporting Areas 1F, 1G or 1H, except those individuals possessing treaty fishing rights under the Yakima, Warm Springs, Umatilla or Nez Perce treaties may fish or possess salmon, sturgeon and shad under the following provisions:

(a) Open for salmon and shad: immediately to noon October 28, 1991.

Sturgeon may be retained only for subsistence purposes.

(b) Open area: SMCRA 1F, 1G, and 1H

(c) Mesh: no mesh restriction

(2) Notwithstanding the provisions of WAC 220-32-058, closed area at the mouth of:

(a) Hood River is those waters along the Oregon side of the Columbia River and extends to mid-stream at right angles to the thread of the Columbia River between markers located approximately 0.85 miles downriver from the west bank at the end of the breakwall at the west end of the port of Hood River and ½ mile upriver from the east bank.

(b) Herman Creek is those waters upstream from a line between deadline markers near the mouth. One marker is located on the east bank piling and the other is located on the west bank to the north of the boat ramp.

(c) Deschutes River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(d) Umatilla River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between points one-half mile upstream from the eastern shoreline to one mile downstream from the western shoreline.

(e) Big White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between a marker located one-half mile downstream from the west bank upstream to light "35".

(f) Wind River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between markers located 1 ¼ miles downstream from the west bank and ½-mile upstream from the east bank.

(g) Klickitat River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between the downstream margin of Lyle Landing downstream to a marker located near the railroad tunnel approximately 1 ½ miles downstream from the west bank.

(h) Little White Salmon River is those waters of the Columbia River extending to midstream at right angles to the thread of the Columbia River between Light "27" upstream to a marker located approximately one-half mile upstream from the eastern shoreline.

(i) Spring Creek is those waters of the Columbia River within a radius of 50 feet of the Spring Creek Hatchery fishway.

(3) Notwithstanding the provisions of WAC 220-22-010, during the open periods in subsection (1):

(a) Area 1F (Bonneville Pool) shall include those waters of the Columbia River upstream from the Bridge of Gods, and downstream from the west end of the 3 mile rapids located approximately 1.8 miles below the Dalles Dam.

(b) Area 1G shall include those waters of the Columbia River upstream from a line drawn between a deadline marker on the Oregon shore located approximately ¾ mile above the Dalles Dam fishway exit,

thence at a right angle to the the thread of the river to a point in midriver, then downstream to Light "1" on the Washington shore, and downstream from Preacher's Eddy light below John Day Dam.

(c) Area 1H shall include those waters of the Columbia River upstream from a fishing boundary marker approximately one-half mile above the John Day River, Oregon, extending at a right angle across the thread of the river to a point in midriver, then downstream to a fishing boundary marker on the Washington shore approximately opposite the mouth of the John Day River, and downstream from a line at a right angle across the thread of the river one mile downstream from McNary Dam

Reviser's note: The 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.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-32-051001 COLUMBIA RIVER SALMON SESONS ABOVE BONNEVILLE. (91-104)

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

WSR 91-22-011

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-126—Filed October 25, 1991, 3:15 p.m., effective October 26, 1991]

Date of Adoption: October 25, 1991.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Amending WAC 220-57-319.

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: Large numbers of harvestable hatchery fish are available in these waters.

Effective Date of Rule: October 26, 1991.

October 25, 1991

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-57-31900E LEWIS RIVER. Notwithstanding the provisions of WAC 220-57-319 (1) and (3), effective October 26, 1991 through December 31, 1991, for the North Fork and Mainstem of the Lewis

River from Colvin Creek on the North Fork downstream to mouth of the Lewis River, the bag limit in any one day is six salmon not less than 10 inches, not more than four of these six salmon may be any combination of the following:

- Chinook over 24 inches in length;*
- Coho over 20 inches in length.*

WSR 91-22-012

PERMANENT RULES

OFFICE OF

INSURANCE COMMISSIONER

[Order R 91-8—Filed October 25, 1991, 4:09 p.m.]

Date of Adoption: October 25, 1991.

Purpose: The purpose of this regulation is to protect annuity purchasers by clarifying and giving effect to RCW 48.23.460 with respect to two-tier annuities and permanent surrender charges in those annuities. These annuities are different from traditional annuities.

Statutory Authority for Adoption: RCW 48.02.060 (3)(a).

Pursuant to notice filed as WSR 91-19-050 on September 12, 1991.

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

October 25, 1991

Dick Marquardt

Insurance Commissioner

By David H. Rodgers

Chief Deputy

Insurance Commissioner

NEW SECTION

WAC 284-23-570 DEFERRED ANNUITIES WITH CASH SURRENDER BENEFITS—CLARIFICATION. (1) For contracts which provide cash surrender benefits, the "maturity value of the paid-up annuity benefit," to which RCW 48.23.460 refers, shall be equal to the cash surrender value on the maturity date.

(2) On the maturity date, the cash surrender value shall be equal to the amount used to determine the annuity benefit payments. There are no surrender charges at maturity.

WSR 91-22-013

PROPOSED RULES

DEPARTMENT OF REVENUE

[Filed October 25, 1991, 4:35 p.m.]

Original Notice.

Title of Rule: New sections WAC 458-50-085 Computer software—Definitions—Valuation—Centrally assessed utilities; and 458-12-251 Computer software—Definitions—Valuation.

Purpose: To implement chapter 29, Laws of 1991.

Statutory Authority for Adoption: RCW 84.08.010.

Statute Being Implemented: Chapter 29, Laws of 1991.

Summary: WAC 458-50-085, describes the methods of valuing computer software for centrally assessed utilities and how exemptions for computer software will be calculated; and WAC 458-12-251, defines the various types of computer software and explains which is taxed and which exempt.

Name of Agency Personnel Responsible for Drafting: Claire Hesselholt, 711 Capitol Way, #400, Olympia, (206) 753-3446; Implementation and Enforcement: William Rice, 6004 Capitol Boulevard, Tumwater, (206) 753-5503.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 458-50-085, this rule defines various types of computer software, explains what is taxable and what is exempt, and provides a method for removing the exempt software from the percent taxable ratio; and WAC 458-12-251, this rule defines different types of computer software, and explains what is taxed and what is exempt. It also explains the valuation of taxable software.

Proposal does not change existing rules.

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

The Department of Revenue has reviewed administrative provisions contained in these rules in order to lessen the economic impact on small businesses.

A small business economic impact statement is not required for the following reasons: WAC 458-50-085, affects less than 20% of utilities classed as small businesses; and WAC 458-12-251, the rule does not impose a performance burden on any taxpayer. Thus, there is no impact on any taxpayer as a result of the rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on December 12, 1991, at 9:30 a.m.

Submit Written Comments to: Claire Hesselholt, Chief Administrative Law Judge, Department of Revenue, AX-02, P.O. Box 47460, Olympia, WA 98504-7460, by December 12, 1991.

Date of Intended Adoption: December 19, 1991.

October 25, 1991

William N. Rice

Assistant Director

NEW SECTION

WAC 458-50-085 COMPUTER SOFTWARE — DEFINITIONS—VALUATION — CENTRALLY ASSESSED UTILITIES.

(1) This rule implements the provisions of Chapter 29, Laws of Washington 1991, ex. sess, regarding the property taxation of computer software for centrally assessed utilities.

(2) **COMPUTER SOFTWARE.** Computer software is a set of directions or instructions that exist in the form of machine-readable or human-readable code, is recorded on physical or electronic medium and directs the operation of a computer system or other machinery and/or equipment. Computer software includes the associated documentation which describes the code and/or its use, operation, and maintenance and typically is delivered with the code to the user. Computer software does not include databases, but does include the computer programs and code which are used to generate databases. Computer software can be canned, custom, or a mixture of both.

(a) A database is text, data, or other information that may be accessed or managed with the aid of computer software but that does not

itself have the capacity to direct the operation of a computer system or other machinery and equipment; and, therefore does not constitute computer software.

(3) **CUSTOM SOFTWARE.** Custom software is computer software that is specially designed for a single person's or a small group of persons' specific needs. Custom software includes modifications to canned software and can be developed in-house by the user, by outside developers, or by both.

(4) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

(5) A "small group of persons" shall consist of less than four persons. A group of four or more persons shall be presumed not to be a small group of persons for the purposes of this section unless each of the persons are affiliated through common control and ownership.

(a) "Persons affiliated through common control and ownership" means

(i) Corporations qualifying as controlled group of corporations in 26 USC § 1563; or

(ii) Partnerships or other persons in which at least 80% of the ownership in the persons claimed to be affiliated is the same.

(6) **CANNED SOFTWARE.** Canned software, also referred to as pre-written, "shrink-wrapped" or standards software, is computer software that is designed for and distributed "as is" for multiple persons who can use it without modifying its code and which is not otherwise considered custom software.

(a) Computer software that is a combination of pre-written or standard components and components specially modified to meet the needs of a user is a mixture of canned and custom software. The standard or pre-written components are canned software and the modifications are custom software.

(b) Canned software that is "bundled" with or sold with computer hardware retains its identity as canned software and shall be valued as such. "Bundled" software is canned software that is sold with hardware and does not have a separately stated price, and can include operating systems such as DOS, UNIX, OS-2, or System 6.0 as well as other programs.

(c) An upgrade is canned software provided by the software developer, author, distributor, inventor, licensor or sublicensee to improve, enhance or correct the workings of previously purchased canned software.

(7) **EMBEDDED SOFTWARE.** Embedded software is computer software that resides permanently on some internal memory device in a computer system or other machinery and equipment, that is not removable in the ordinary course of operation, and that is of a type necessary for the routine operation of the computer system or other machinery and equipment.

(a) Embedded software can be either canned or custom software which:

(i) is an integral part of the computer system or machinery or other equipment in which it resides;

(ii) is designed specifically to be included in or with the computer system or machinery or other equipment; and (iii) in its absence, the computer system or machinery or other equipment is inoperable.

(b) "Not removable in the ordinary course of operation" means that the software is not readily accessible and is not intended to be removed without

(i) terminating the computer system, machinery, or equipment's operation; or

(ii) removal of a computer chip, circuit board, or other mechanical device, or similar item.

(c) "Necessary for the routine operation" means that the software is required for the machinery, equipment, or computer to be able to perform its intended function. In the case of machinery or other equipment, such embedded software does not have to be a physical part of the actual machinery or other equipment, but may be part of a separate control or management panel or cabinet.

(8) **RETAINED RIGHTS.** Retained rights are any and all rights, including intellectual property rights such as those rights arising from copyright, patent, and/or trade secret laws, that are owned or held under contract or license by a computer software developer, author, inventor, publisher or distributor, licensor or sublicensee.

(9) **GOLDEN OR MASTER COPY.** A golden or master copy of computer software is a copy of computer software from which a computer software developer, author, inventor, publisher or distributor makes copies for sale or license.

(10) **ACQUISITION COST.**

(a) The acquisition cost of computer software shall include the total consideration paid for the software, including money, credits, rights, or other property expressed in terms of money, actually paid or accrued. The term also includes freight and installation charges but does not include charges for modifying software, retail sales tax or training. No deduction from the acquisition cost of computer software shall be allowed for any retained rights held by the developer, author, inventor, publisher, or distributor.

(b) In cases where the acquisition cost of computer software cannot be specifically identified, it will be valued at the usual retail selling price of the same or substantially similar computer software.

(c) In cases where canned software is specially modified for the user, the canned component of the computer software retains its identity as canned software; and the modifications are considered custom software and not taxable.

(11) **VALUATION OF CANNED SOFTWARE.**

(a) In the first year in which it will be subject to assessment, canned software shall be listed and valued at one hundred percent (100%) of acquisition cost as defined in section (10)(a), above, regardless of whether the software has been expensed or capitalized on the accounting records of the business.

(b) In the second year in which it will be subject to assessment, canned software shall be listed at one hundred percent (100%) of acquisition cost and valued at 50% (fifty percent) of its acquisition cost.

(c) After the second year in which canned software has been subject to assessment, it shall be valued at zero.

(d) Upgrades to canned software shall be listed and valued at the acquisition cost of the upgrade package under subsections (11)(a) and (b), above, and not at the value of what the complete software package would cost as a new item.

(12) **VALUATION OF CUSTOMIZED CANNED SOFTWARE.** In the case where a person purchases canned software and subsequently has that canned software customized or modified in-house, by outside developers, or both, only the canned portion of such computer software shall be taxable and it shall be valued as described in subsection (11).

(13) **VALUATION OF EMBEDDED SOFTWARE.** Because embedded software is part of the computer system, machinery, or other equipment, it has no separate acquisition cost and shall be not be separately valued apart from the computer system, machinery, or other equipment in which it is housed.

(14) **TAXABLE PERSON.** Canned software is taxable to the person having the right to use the software, including a licensee.

(15) **SITUS.** Canned and custom software with situs in Washington means software physically located in Washington or installed in or on machinery, equipment, or computer systems physically located in Washington on the assessment date.

(16) **REPORTING.** Each utility/taxpayer defined in RCW 84.12 and 84.16 shall report to the Department, using the Annual Report tax form provided by the Department, the following information regarding its software with situs in Washington in use on the assessment date:

(a) The acquisition cost of expensed canned computer software which was purchased:

(i) In the year preceding the assessment date; and

(ii) In the second year prior to the assessment date; and

(iii) In the years prior to the second year preceding the assessment date.

(b) The historic cost less depreciation of capitalized canned computer software which was purchased:

(i) In the year preceding the assessment date;

(ii) In the second year prior to the assessment date;

(iii) In the years prior to the second year preceding the assessment date;

(c) The acquisition cost of expensed custom computer software which was purchased:

(i) In the year preceding the assessment date;

(ii) In the second year prior to the assessment date;

(iii) In the years prior to the second year preceding the assessment date;

(d) The historic cost less depreciation of capitalized custom computer software.

(17) **CALCULATION OF COMPUTER SOFTWARE VALUE.** The following formulas shall be used for determining the percent taxable calculation of computer software used by centrally assessed utilities.

(a) For the purpose of determining the numerator of the percent taxable calculation, the historic cost less depreciation of all taxable Washington property shall be computed by adjusting the historic cost less depreciation of property capitalized in the company's records as follows:

(i) Add the acquisition cost of expensed canned software acquired in the year preceding the assessment date; and

(ii) Add 50% of the acquisition cost of expensed canned software acquired in the second year preceding the assessment date; and

(iii) Subtract 50% of the historic cost less depreciation of capitalized canned software acquired in the second year preceding the assessment date; and

(iv) Subtract the historic cost less depreciation of capitalized canned software acquired in years prior to the second year preceding the assessment date; and

(v) Subtract the historic cost less depreciation of capitalized custom software.

(b) For the purpose of determining the denominator of the percent taxable calculation, the historic cost less depreciation of all Washington property shall be computed by adding the acquisition cost of expensed canned and custom software in use on the assessment date to the historic cost less depreciation of Washington property capitalized in the company's records.

(c) The historic cost less depreciation of all taxable Washington property (calculated as set forth in subsection (a) above) shall be divided by the historic cost less depreciation of all Washington property (calculated as set forth in subsection (b) above) to arrive at the percent taxable calculation.

(d) The portion of the unit value allocated to Washington State shall be multiplied by the percent taxable calculated as set for in subsection (c) above to determine the Washington taxable property value.

(18) **EXEMPTIONS.**

(a) All custom software, except embedded software, shall be exempt from property taxation;

(b) Retained rights of the computer software developer, author, inventor, publisher, distributor, licensor or sublicensor are exempt from property taxation;

(c) Modifications to canned software shall be exempt from property taxation as custom software; however, the underlying canned software shall retain its identity as canned software and shall be valued as prescribed in subsection (11) of this rule;

(d) Master or golden copies of computer software are exempt from property taxation;

(e) The taxpayer is responsible for maintaining and providing records sufficient to support any claim of exemption for either canned or custom software.

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 458-12-251 COMPUTER SOFTWARE — DEFINITIONS—VALUATION. (1) This rule implements the provisions of Chapter 29, Laws of Washington 1991, ex. sess, regarding the property taxation of computer software.

(2) **COMPUTER SOFTWARE.** Computer software is a set of directions or instructions that exist in the form of machine-readable or human-readable code, is recorded on physical or electronic medium and directs the operation of a computer system or other machinery and/or equipment. Computer software includes the associated documentation which describes the code and/or its use, operation, and maintenance and typically is delivered with the code to the user. Computer software does not include databases, but does include the computer programs and code which are used to generate databases. Computer software can be canned, custom, or a mixture of both.

(a) A database is text, data, or other information that may be accessed or managed with the aid of computer software but that does not itself have the capacity to direct the operation of a computer system or other machinery and equipment; and, therefore does not constitute computer software.

(3) **CUSTOM SOFTWARE.** Custom software is computer software that is specially designed for a single person's or a small group of persons'

specific needs. Custom software includes modifications to canned software and can be developed in-house by the user, by outside developers, or by both.

(4) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

(5) A "small group of persons" shall consist of less than four persons. A group of four or more persons shall be presumed not to be a small group of persons for the purposes of this section unless each of the persons are affiliated through common control and ownership.

(a) "Persons affiliated through common control and ownership" means

(i) Corporations qualifying as controlled group of corporations in 26 USC § 1563; or

(ii) Partnerships or other persons in which at least 80% of the ownership in the persons claimed to be affiliated is the same.

(6) **CANNED SOFTWARE.** Canned software, also referred to as pre-written, "shrink-wrapped" or standards software, is computer software that is designed for and distributed "as is" for multiple persons who can use it without modifying its code and which is not otherwise considered custom software.

(a) Computer software that is a combination of pre-written or standard components and components specially modified to meet the needs of a user is a mixture of canned and custom software. The standard or pre-written components are canned software and the modifications are custom software.

(b) Canned software that is "bundled" with or sold with computer hardware retains its identity as canned software and shall be valued as such. "Bundled" software is canned software that is sold with hardware and does not have a separately stated price, and can include operating systems such as DOS, UNIX, OS-2, or System 6.0 as well as other programs.

(c) An upgrade is canned software provided by the software developer, author, distributor, inventor, licensor or sublicensor to improve, enhance or correct the workings of previously purchased canned software.

(7) **EMBEDDED SOFTWARE.** Embedded software is computer software that resides permanently on some internal memory device in a computer system or other machinery and equipment, that is not removable in the ordinary course of operation, and that is of a type necessary for the routine operation of the computer system or other machinery and equipment.

(a) Embedded software can be either canned or custom software which:

(i) is an integral part of the computer system or machinery or other equipment in which it resides;

(ii) is designed specifically to be included in or with the computer system or machinery or other equipment; and

(iii) in its absence, the computer system or machinery or other equipment is inoperable.

(b) "Not removable in the ordinary course of operation" means that the software is not readily accessible and is not intended to be removed without

(i) terminating the computer system, machinery, or equipment's operation; or

(ii) removal of a computer chip, circuit board, or other mechanical device, or similar item.

(c) "Necessary for the routine operation" means that the software is required for the machinery, equipment, or computer to be able to perform its intended function. In the case of machinery or other equipment, such embedded software does not have to be a physical part of the actual machinery or other equipment, but may be part of a separate control or management panel or cabinet.

(8) **RETAINED RIGHTS.** Retained rights are any and all rights, including intellectual property rights such as those rights arising from copyright, patent, and/or trade secret laws, that are owned or held under contract or license by a computer software developer, author, inventor, publisher or distributor, licensor or sublicensor.

(9) **GOLDEN OR MASTER COPY.** A golden or master copy of computer software is a copy of computer software from which a computer software developer, author, inventor, publisher or distributor makes copies for sale or license.

(10) **ACQUISITION COST.**

(a) The acquisition cost of computer software shall include the total consideration paid for the software, including money, credits, rights, or other property expressed in terms of money, actually paid or accrued. The term also includes freight and installation charges but does not include charges for modifying software, retail sales tax or training. No deduction from the acquisition cost of computer software shall be allowed for any retained rights held by the developer, author, inventor, publisher, or distributor.

(b) In cases where the acquisition cost of computer software cannot be specifically identified, it will be valued at the usual retail selling price of the same or substantially similar computer software.

(c) In cases where canned software is specially modified for the user, the canned component of the computer software retains its identity as canned software; and the modifications are considered custom software and not taxable.

(11) VALUATION OF CANNED SOFTWARE.

(a) In the first year in which it will be subject to assessment, canned software shall be listed and valued at one hundred percent (100%) of acquisition cost as defined in section (10)(a), above, regardless of whether the software has been expensed or capitalized on the accounting records of the business.

(b) In the second year in which it will be subject to assessment, canned software shall be listed at one hundred percent (100%) of acquisition cost and valued at 50% (fifty percent) of its acquisition cost.

(c) After the second year in which canned software has been subject to assessment, it shall be valued at zero.

(d) Upgrades to canned software shall be listed and valued at the acquisition cost of the upgrade package under subsections (11)(a) and (b), above, and not at the value of what the complete software package would cost as a new item.

(12) VALUATION OF CUSTOMIZED CANNED SOFTWARE. In the case where a person purchases canned software and subsequently has that canned software customized or modified in-house, by outside developers, or both, only the canned portion of such computer software shall be taxable and it shall be valued as described in subsection (11).

(13) VALUATION OF EMBEDDED SOFTWARE. Because embedded software is part of the computer system, machinery, or other equipment, it has no separate acquisition cost and shall be not be separately valued apart from the computer system, machinery, or other equipment in which it is housed.

(14) TAXABLE PERSON. Canned software is taxable to the person having the right to use the software, including a licensee.

(15) EXEMPTIONS.

(a) All custom software, except embedded software, shall be exempt from property taxation;

(b) Retained rights of the computer software developer, author, inventor, publisher, distributor, licensor or sublicensee are exempt from property taxation;

(c) Modifications to canned software shall be exempt from property taxation as custom software; however, the underlying canned software shall retain its identity as canned software and shall be valued as prescribed in subsection (11) of this rule;

(d) Master or golden copies of computer software are exempt from property taxation;

(e) The taxpayer is responsible for maintaining and providing records sufficient to support any claim of exemption for either canned or custom software.

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

WSR 91-22-014
EMERGENCY RULES
DEPARTMENT OF REVENUE
[Filed October 25, 1991, 4:40 p.m.]

Date of Adoption: October 25, 1991.

Purpose: To implement chapter 29, Laws of 1991 sess., regarding the valuation and taxation of computer software.

Statutory Authority for Adoption: Chapter 29, Laws of 1991 and RCW 84.08.010.

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

Reasons for this Finding: Rules must be in place as of January 1, 1992, for assessment of property taxes for 1993.

Effective Date of Rule: Immediately.

October 25, 1991
William N. Rice
Assistant Director

NEW SECTION

WAC 458-50-085 COMPUTER SOFTWARE — DEFINITIONS—VALUATION — CENTRALLY ASSESSED UTILITIES. (1) *This rule implements the provisions of Chapter 29, Laws of Washington 1991, ex. sess, regarding the property taxation of computer software for centrally assessed utilities.*

(2) **COMPUTER SOFTWARE.** *Computer software is a set of directions or instructions that exist in the form of machine-readable or human-readable code, is recorded on physical or electronic medium and directs the operation of a computer system or other machinery and/or equipment. Computer software includes the associated documentation which describes the code and/or its use, operation, and maintenance and typically is delivered with the code to the user. Computer software does not include databases, but does include the computer programs and code which are used to generate databases. Computer software can be canned, custom, or a mixture of both.*

(a) *A database is text, data, or other information that may be accessed or managed with the aid of computer software but that does not itself have the capacity to direct the operation of a computer system or other machinery and equipment, and, therefore does not constitute computer software.*

(3) **CUSTOM SOFTWARE.** *Custom software is computer software that is specially designed for a single person's or a small group of persons' specific needs. Custom software includes modifications to canned software and can be developed in-house by the user, by outside developers, or by both.*

(4) *"Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.*

(5) *A "small group of persons" shall consist of less than four persons. A group of four or more persons shall be presumed not to be a small group of persons for the purposes of this section unless each of the persons are affiliated through common control and ownership.*

(a) "Persons affiliated through common control and ownership" means

(i) Corporations qualifying as controlled group of corporations in 26 USC § 1563; or

(ii) Partnerships or other persons in which at least 80% of the ownership in the persons claimed to be affiliated is the same.

(6) **CANNED SOFTWARE.** Canned software, also referred to as pre-written, "shrink-wrapped" or standards software, is computer software that is designed for and distributed "as is" for multiple persons who can use it without modifying its code and which is not otherwise considered custom software.

(a) Computer software that is a combination of pre-written or standard components and components specially modified to meet the needs of a user is a mixture of canned and custom software. The standard or pre-written components are canned software and the modifications are custom software.

(b) Canned software that is "bundled" with or sold with computer hardware retains its identity as canned software and shall be valued as such. "Bundled" software is canned software that is sold with hardware and does not have a separately stated price, and can include operating systems such as DOS, UNIX, OS-2, or System 6.0 as well as other programs.

(c) An upgrade is canned software provided by the software developer, author, distributor, inventor, licensor or sublicensor to improve, enhance or correct the workings of previously purchased canned software.

(7) **EMBEDDED SOFTWARE.** Embedded software is computer software that resides permanently on some internal memory device in a computer system or other machinery and equipment, that is not removable in the ordinary course of operation, and that is of a type necessary for the routine operation of the computer system or other machinery and equipment.

(a) Embedded software can be either canned or custom software which:

(i) is an integral part of the computer system or machinery or other equipment in which it resides;

(ii) is designed specifically to be included in or with the computer system or machinery or other equipment; and (iii) in its absence, the computer system or machinery or other equipment is inoperable.

(b) "Not removable in the ordinary course of operation" means that the software is not readily accessible and is not intended to be removed without

(i) terminating the computer system, machinery, or equipment's operation; or

(ii) removal of a computer chip, circuit board, or other mechanical device, or similar item.

(c) "Necessary for the routine operation" means that the software is required for the machinery, equipment, or computer to be able to perform its intended function. In the case of machinery or other equipment, such embedded software does not have to be a physical part of the actual machinery or other equipment, but may be part of a separate control or management panel or cabinet.

(8) **RETAINED RIGHTS.** Retained rights are any and all rights, including intellectual property rights such as

those rights arising from copyright, patent, and/or trade secret laws, that are owned or held under contract or license by a computer software developer, author, inventor, publisher or distributor, licensor or sublicensor.

(9) **GOLDEN OR MASTER COPY.** A golden or master copy of computer software is a copy of computer software from which a computer software developer, author, inventor, publisher or distributor makes copies for sale or license.

(10) **ACQUISITION COST.**

(a) The acquisition cost of computer software shall include the total consideration paid for the software, including money, credits, rights, or other property expressed in terms of money, actually paid or accrued. The term also includes freight and installation charges but does not include charges for modifying software, retail sales tax or training. No deduction from the acquisition cost of computer software shall be allowed for any retained rights held by the developer, author, inventor, publisher, or distributor.

(b) In cases where the acquisition cost of computer software cannot be specifically identified, it will be valued at the usual retail selling price of the same or substantially similar computer software.

(c) In cases where canned software is specially modified for the user, the canned component of the computer software retains its identity as canned software, and the modifications are considered custom software and not taxable.

(11) **VALUATION OF CANNED SOFTWARE.**

(a) In the first year in which it will be subject to assessment, canned software shall be listed and valued at one hundred percent (100%) of acquisition cost as defined in section (10)(a), above, regardless of whether the software has been expensed or capitalized on the accounting records of the business.

(b) In the second year in which it will be subject to assessment, canned software shall be listed at one hundred percent (100%) of acquisition cost and valued at 50% (fifty percent) of its acquisition cost.

(c) After the second year in which canned software has been subject to assessment, it shall be valued at zero.

(d) Upgrades to canned software shall be listed and valued at the acquisition cost of the upgrade package under subsections (11)(a) and (b), above, and not at the value of what the complete software package would cost as a new item.

(12) **VALUATION OF CUSTOMIZED CANNED SOFTWARE.**

In the case where a person purchases canned software and subsequently has that canned software customized or modified in-house, by outside developers, or both, only the canned portion of such computer software shall be taxable and it shall be valued as described in subsection (11).

(13) **VALUATION OF EMBEDDED SOFTWARE.** Because embedded software is part of the computer system, machinery, or other equipment, it has no separate acquisition cost and shall be not be separately valued apart from the computer system, machinery, or other equipment in which it is housed.

(14) **TAXABLE PERSON.** Canned software is taxable to the person having the right to use the software, including a licensee.

(15) **SITUS.** Canned and custom software with situs in Washington means software physically located in Washington or installed in or on machinery, equipment, or computer systems physically located in Washington on the assessment date.

(16) **REPORTING.** Each utility/taxpayer defined in RCW 84.12 and 84.16 shall report to the Department, using the Annual Report tax form provided by the Department, the following information regarding its software with situs in Washington in use on the assessment date:

(a) The acquisition cost of expensed canned computer software which was purchased:

- (i) In the year preceding the assessment date, and
- (ii) In the second year prior to the assessment date, and

(iii) in the years prior to the second year preceding the assessment date.

(b) The historic cost less depreciation of capitalized canned computer software which was purchased:

- (i) In the year preceding the assessment date,
- (ii) In the second year prior to the assessment date,
- (iii) In the years prior to the second year preceding the assessment date,

(c) The acquisition cost of expensed custom computer software which was purchased:

- (i) In the year preceding the assessment date,
- (ii) In the second year prior to the assessment date,
- (iii) In the years prior to the second year preceding the assessment date,

(d) The historic cost less depreciation of capitalized custom computer software.

(17) **CALCULATION OF COMPUTER SOFTWARE VALUE.** The following formulas shall be used for determining the percent taxable calculation of computer software used by centrally assessed utilities.

(a) For the purpose of determining the numerator of the percent taxable calculation, the historic cost less depreciation of all taxable Washington property shall be computed by adjusting the historic cost less depreciation of property capitalized in the company's records as follows:

(i) Add the acquisition cost of expensed canned software acquired in the year preceding the assessment date, and

(ii) Add 50% of the acquisition cost of expensed canned software acquired in the second year preceding the assessment date, and

(iii) Subtract 50% of the historic cost less depreciation of capitalized canned software acquired in the second year preceding the assessment date, and

(iv) Subtract the historic cost less depreciation of capitalized canned software acquired in years prior to the second year preceding the assessment date, and

(v) Subtract the historic cost less depreciation of capitalized custom software.

(b) For the purpose of determining the denominator of the percent taxable calculation, the historic cost less

depreciation of all Washington property shall be computed by adding the acquisition cost of expensed canned and custom software in use on the assessment date to the historic cost less depreciation of Washington property capitalized in the company's records.

(c) The historic cost less depreciation of all taxable Washington property (calculated as set forth in subsection (a) above) shall be divided by the historic cost less depreciation of all Washington property (calculated as set forth in subsection (b) above) to arrive at the percent taxable calculation.

(d) The portion of the unit value allocated to Washington State shall be multiplied by the percent taxable calculated as set for in subsection (c) above to determine the Washington taxable property value.

(18) **EXEMPTIONS.**

(a) All custom software, except embedded software, shall be exempt from property taxation;

(b) Retained rights of the computer software developer, author, inventor, publisher, distributor, licensor or sublicensor are exempt from property taxation;

(c) Modifications to canned software shall be exempt from property taxation as custom software; however, the underlying canned software shall retain its identity as canned software and shall be valued as prescribed in subsection (11) of this rule;

(d) Master or golden copies of computer software are exempt from property taxation;

(e) The taxpayer is responsible for maintaining and providing records sufficient to support any claim of exemption for either canned or custom software.

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 458-12-251 COMPUTER SOFTWARE — DEFINITIONS—VALUATION. (1) This rule implements the provisions of Chapter 29, Laws of Washington 1991, ex. sess, regarding the property taxation of computer software.

(2) **COMPUTER SOFTWARE.** Computer software is a set of directions or instructions that exist in the form of machine-readable or human-readable code, is recorded on physical or electronic medium and directs the operation of a computer system or other machinery and/or equipment. Computer software includes the associated documentation which describes the code and/or its use, operation, and maintenance and typically is delivered with the code to the user. Computer software does not include databases, but does include the computer programs and code which are used to generate databases. Computer software can be canned, custom, or a mixture of both.

(a) A database is text, data, or other information that may be accessed or managed with the aid of computer software but that does not itself have the capacity to direct the operation of a computer system or other machinery and equipment; and, therefore does not constitute computer software.

(3) **CUSTOM SOFTWARE.** Custom software is computer software that is specially designed for a single person's

or a small group of persons' specific needs. Custom software includes modifications to canned software and can be developed in-house by the user, by outside developers, or by both.

(4) "Person" means any individual, receiver, administrator, executor, assignee, trustee in bankruptcy, trust, estate, firm, copartnership, joint venture, club, company, joint stock company, business trust, municipal corporation, political subdivision of the state of Washington, corporation, association, society, or any group of individuals acting as a unit, whether mutual, cooperative, fraternal, nonprofit, or otherwise and the United States or any instrumentality thereof.

(5) A "small group of persons" shall consist of less than four persons. A group of four or more persons shall be presumed not to be a small group of persons for the purposes of this section unless each of the persons are affiliated through common control and ownership.

(a) "Persons affiliated through common control and ownership" means

(i) Corporations qualifying as controlled group of corporations in 26 USC § 1563; or

(ii) Partnerships or other persons in which at least 80% of the ownership in the persons claimed to be affiliated is the same.

(6) CANNED SOFTWARE. Canned software, also referred to as pre-written, "shrink-wrapped" or standards software, is computer software that is designed for and distributed "as is" for multiple persons who can use it without modifying its code and which is not otherwise considered custom software.

(a) Computer software that is a combination of pre-written or standard components and components specially modified to meet the needs of a user is a mixture of canned and custom software. The standard or pre-written components are canned software and the modifications are custom software.

(b) Canned software that is "bundled" with or sold with computer hardware retains its identity as canned software and shall be valued as such. "Bundled" software is canned software that is sold with hardware and does not have a separately stated price, and can include operating systems such as DOS, UNIX, OS-2, or System 6.0 as well as other programs.

(c) An upgrade is canned software provided by the software developer, author, distributor, inventor, licensor or sublicensor to improve, enhance or correct the workings of previously purchased canned software.

(7) EMBEDDED SOFTWARE. Embedded software is computer software that resides permanently on some internal memory device in a computer system or other machinery and equipment, that is not removable in the ordinary course of operation, and that is of a type necessary for the routine operation of the computer system or other machinery and equipment.

(a) Embedded software can be either canned or custom software which:

(i) is an integral part of the computer system or machinery or other equipment in which it resides;

(ii) is designed specifically to be included in or with the computer system or machinery or other equipment; and

(iii) in its absence, the computer system or machinery or other equipment is inoperable.

(b) "Not removable in the ordinary course of operation" means that the software is not readily accessible and is not intended to be removed without

(i) terminating the computer system, machinery, or equipment's operation; or

(ii) removal of a computer chip, circuit board, or other mechanical device, or similar item.

(c) "Necessary for the routine operation" means that the software is required for the machinery, equipment, or computer to be able to perform its intended function. In the case of machinery or other equipment, such embedded software does not have to be a physical part of the actual machinery or other equipment, but may be part of a separate control or management panel or cabinet.

(8) RETAINED RIGHTS. Retained rights are any and all rights, including intellectual property rights such as those rights arising from copyright, patent, and/or trade secret laws, that are owned or held under contract or license by a computer software developer, author, inventor, publisher or distributor, licensor or sublicensor.

(9) GOLDEN OR MASTER COPY. A golden or master copy of computer software is a copy of computer software from which a computer software developer, author, inventor, publisher or distributor makes copies for sale or license.

(10) ACQUISITION COST.

(a) The acquisition cost of computer software shall include the total consideration paid for the software, including money, credits, rights, or other property expressed in terms of money, actually paid or accrued. The term also includes freight and installation charges but does not include charges for modifying software, retail sales tax or training. No deduction from the acquisition cost of computer software shall be allowed for any retained rights held by the developer, author, inventor, publisher, or distributor.

(b) In cases where the acquisition cost of computer software cannot be specifically identified, it will be valued at the usual retail selling price of the same or substantially similar computer software.

(c) In cases where canned software is specially modified for the user, the canned component of the computer software retains its identity as canned software, and the modifications are considered custom software and not taxable.

(11) VALUATION OF CANNED SOFTWARE.

(a) In the first year in which it will be subject to assessment, canned software shall be listed and valued at one hundred percent (100%) of acquisition cost as defined in section (10)(a), above, regardless of whether the software has been expensed or capitalized on the accounting records of the business.

(b) In the second year in which it will be subject to assessment, canned software shall be listed at one hundred percent (100%) of acquisition cost and valued at 50% (fifty percent) of its acquisition cost.

(c) After the second year in which canned software has been subject to assessment, it shall be valued at zero.

(d) Upgrades to canned software shall be listed and valued at the acquisition cost of the upgrade package under subsections (11)(a) and (b), above, and not at the value of what the complete software package would cost as a new item.

(12) VALUATION OF CUSTOMIZED CANNED SOFTWARE. In the case where a person purchases canned software and subsequently has that canned software customized or modified in-house, by outside developers, or both, only the canned portion of such computer software shall be taxable and it shall be valued as described in subsection (11).

(13) VALUATION OF EMBEDDED SOFTWARE. Because embedded software is part of the computer system, machinery, or other equipment, it has no separate acquisition cost and shall be not be separately valued apart from the computer system, machinery, or other equipment in which it is housed.

(14) TAXABLE PERSON. Canned software is taxable to the person having the right to use the software, including a licensee.

(15) EXEMPTIONS.

(a) All custom software, except embedded software, shall be exempt from property taxation;

(b) Retained rights of the computer software developer, author, inventor, publisher, distributor, licensor or sublicensor are exempt from property taxation;

(c) Modifications to canned software shall be exempt from property taxation as custom software; however, the underlying canned software shall retain its identity as canned software and shall be valued as prescribed in subsection (11) of this rule;

(d) Master or golden copies of computer software are exempt from property taxation;

(e) The taxpayer is responsible for maintaining and providing records sufficient to support any claim of exemption for either canned or custom software.

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

WSR 91-22-015

NOTICE OF PUBLIC MEETINGS

TRANSPORTATION IMPROVEMENT BOARD

[Memorandum—October 28, 1991]

HEARING AND MEETING NOTICE FOR NOVEMBER 1991
TRANSPORTATION IMPROVEMENT BOARD
TRANSPORTATION BUILDING
OLYMPIA, WASHINGTON 98504

TIB work session, 6:00 p.m., Thursday, November 14, 1991, in Spokane at Cavanaugh's Inn at the Park, Finch Room, West 303 North River Drive.

TIB hearing and meeting, 10:00 a.m., Friday, November 15, 1991, in Spokane at the City of Spokane Council Chambers, West 808 Spokane Fall Boulevard.

WSR 91-22-016

EMERGENCY RULES

DEPARTMENT OF

NATURAL RESOURCES

[Order 593—Filed October 28, 1991, 9:26 a.m.]

Date of Adoption: October 28, 1991.

Purpose: Cancelling rule burn suspension.

Citation of Existing Rules Affected by this Order:
Repealing WAC 332-26-086.

Statutory Authority for Adoption: RCW 76.04.165.

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: Weather conditions have created a situation of decreased fire danger in eastern Washington, whereby the need for suspension of rule burns is no longer needed to protect life and property.

Effective Date of Rule: Immediately.

October 28, 1991

Brian J. Boyle

Commissioner of Public Lands

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 332-26-086

WSR 91-22-017

PERMANENT RULES

DEPARTMENT OF LICENSING

[Filed October 28, 1991, 4:41 p.m.]

Date of Adoption: October 23, 1991.

Purpose: Regulation of the engineering and land surveying professions. These amendments bring rules into compliance with a statutory amendment and implement a staggered renewal of corporations and partnerships.

Citation of Existing Rules Affected by this Order:
Amending WAC 196-26-020 and 196-26-030.

Statutory Authority for Adoption: RCW 43.24.086 and 43.24.140.

Pursuant to notice filed as WSR 91-19-091 on September 18, 1991.

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

October 23, 1991

Marsha Tadano Long

Assistant Director PLS

AMENDATORY SECTION (Amending WSR 91-10-046, filed 4/25/91, effective 5/26/91)

WAC 196-26-020 ENGINEER AND LAND SURVEYOR FEES. The following fees shall be charged by the professional licensing services division of the department of licensing:

Title of Fee	Fee
Engineers:	
<u>Professional engineer application ((and)), examination, and certificate</u>	\$ 100.00
((Specialty exam (structural, sanitary)))	
<u>Structural engineer application, examination, and certificate</u>	175.00
<u>Professional engineer examination retake ((2nd subsequent or more))</u>	90.00
((Specialty)) <u>Structural exam retake ((2nd subsequent or more))</u>	160.00
((Reciprocity)) <u>Comity</u>	100.00
((Engineer certificate (initial registration))	25.00
Replacement certificate	25.00
Exam (locally prepared) rescore	50.00
Renewal (per year)	70.00
Late renewal penalty	70.00
Duplicate license	15.00
Temporary permit	100.00
Engineer in training:	
Application, examination and certificate	50.00
Examination retake ((2nd subsequent or more))	50.00
Replacement certificate	25.00
Land surveyor:	
Application, examination and certificate	100.00
FLS examination retake ((2nd subsequent or more))	40.00
PPLS examination retake ((2nd subsequent or more))	60.00
((Reciprocity)) <u>Comity</u>	100.00
<u>Comity exam retake</u>	60.00
PPLS exam rescore	50.00
Renewal (per year)	70.00
Late renewal penalty	70.00
Replacement certificate	25.00
Duplicate license	15.00
Engineer corporation:	
Certificate of authorization	300.00
Renewal	175.00
Duplicate license	15.00
Replacement certificate	25.00
Engineer partnership:	
Certification of authorization	300.00
Renewal	175.00
Replacement certificate	25.00
Duplicate license	15.00

AMENDATORY SECTION (Amending WSR 91-10-046, filed 4/25/91, effective 5/26/91)

WAC 196-26-030 LICENSE RENEWALS. The licenses for those individuals registered as a professional engineer and/or a professional land surveyor shall be renewed every two years. The date of renewal shall be the licensee's birth date. Licensees who fail to pay the prescribed renewal fee within ninety days of the license expiration date will be subject to the late payment penalty fee as set forth in WAC 196-24-060.

Effective with renewals due on July 1, 1991, and continuing through those due on June 30, 1992, the renewal period for engineers and land surveyors will be converted from one to two years. This conversion will be accomplished as follows:

(1) Current licensees as of July 1, 1991, with a birth date which is an even number shall initially renew for one year. All subsequent renewals shall be for a two-year period.

(2) Current licensees as of July 1, 1991, with a birth date which is an odd number shall initially renew for a two-year period. All subsequent renewals shall be for a two-year period.

The initial license issued to an individual shall expire on the licensee's next birth date. However, if the licensee's next birth date is within three months of the initial date of licensure, the original license shall expire on his or her second birth date following original licensure. All subsequent renewals shall be for a two-year period.

The certificates of authorization for corporations and partnerships shall be renewed annually. The date of renewal shall be the ~~((last day of the month of December))~~ month and day of receipt of their original license application. Effective with renewals due on December 31, 1991, corporation and partnership renewals will be converted to the month and day of original application receipt. This conversion will be accomplished as follows:

(a) Renewal notices issued for payment by December 31, 1991, will include a prorated renewal fee equal to one-twelfth of the annual fee for each month until their new renewal date (month and day of original application receipt). For purposes of this conversion, all actively licensed corporations and partnerships will be issued a renewal which will at minimum expire in December 1992 and at maximum expire in November 1993.

(b) All subsequent renewals shall be for one year. Failure to pay the prescribed fee by the date of expiration shall cause the certificate to become invalid.

WSR 91-22-018

**NOTICE OF PUBLIC MEETINGS
TRANSPORTATION COMMITTEE** -
[Memorandum—October 25, 1991]

The November Washington State Transportation Commission meeting will be held on Thursday, November 21, 1991, at 9:00 a.m., in the Transportation Commission Conference Room - 1D2, Transportation Building, Olympia, Washington. There will be subcommittee meetings on Wednesday, November 20.

WSR 91-22-019

**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES**
[Filed October 29, 1991, 10:22 a.m.]

The Department of Labor and Industries is hereby submitting to your office notice of withdrawal of rules pursuant to chapters 296-81 and 296-95 WAC. The rules being withdrawn were originally notice in WSR 91-10-091.

Joseph A. Dear
Director

WSR 91-22-020
PERMANENT RULES
DEPARTMENT OF ECOLOGY
 [Order 91-26—Filed October 29, 1991, 1:30 p.m.]

Date of Adoption: October 28, 1991.

Purpose: The amendments will change the deadline for compliance with the financial responsibility requirements to be the same as the federal regulation. Additional changes have been made to clarify requirements.

Citation of Existing Rules Affected by this Order: Amending chapter 173-360 WAC.

Statutory Authority for Adoption: Chapter 90.76 RCW.

Pursuant to notice filed as WSR 91-17-079 on August 21, 1991.

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

October 28, 1991

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-110 APPLICABILITY, EXEMPTIONS, AND DEFERRALS. (1) The requirements of this chapter apply to all owners and operators of an underground storage tank (UST) system as defined in WAC 173-360-120 except as otherwise provided in subsections (2) and (3) of this section. It is the responsibility of owners and operators to ensure that any UST system service providers and supervisors they employ are properly licensed in accordance with WAC 173-360-600 through 173-360-690.

(2) Exemptions. The following UST systems, including any piping connected thereto, are exempt from the requirements of this chapter:

(a) Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances.

(b) Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act.

(c) Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks.

(d) Any UST system whose capacity is one hundred ten gallons or less.

(e) Any UST system that contains a de minimis concentration of regulated substances.

(f) Any emergency spill or overflow containment UST system that is expeditiously emptied after use.

(g) Farm or residential UST systems of one thousand one hundred gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);

(h) UST systems ~~((of one thousand one hundred gallons or less capacity))~~ used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred gallons are subject to the release reporting requirements of WAC 173-360-372;

(i) Septic tanks;

(j) Any pipeline facility (including gathering lines) regulated under:

(i) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.); or

(ii) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.); or

(iii) Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in (j) (i) or (ii) of this subsection;

(k) Surface impoundments, pits, ponds, or lagoons;

(l) Storm water or wastewater collection systems;

(m) Flow-through process tanks;

(n) Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or

(o) Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.

(3) Deferrals. The following UST systems are subject only to the requirements of WAC 173-360-130, 173-360-140, 173-360-160, 173-360-170, 173-360-190, 173-360-200, 173-360-372 and 173-360-385(~~except that any UST system included in (f) of this subsection shall only be subject to the requirements of WAC 173-360-372, and~~). Any new deferred UST systems shall also be subject to the ((requirements)) performance standards of WAC 173-360-300:

(a) Wastewater treatment tank systems not regulated under section 307(b) or 402 of the Clean Water Act;

(b) Any UST systems containing radioactive material that are regulated under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.);

(c) Any UST system that is part of an emergency generator system at nuclear power generation facilities regulated by the Nuclear Regulatory Commission under 10 CFR Part 50 Appendix A;

(d) Airport hydrant fuel distribution systems;

(e) UST systems with field-constructed tanks(~~(; and~~

~~(f) UST systems in excess of one thousand one hundred gallons used for storing heating oil for consumptive use on the premises where stored)).~~

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-120 DEFINITIONS. For the purposes of this chapter, the following definitions shall apply:

"Abandoned" means left unused indefinitely, without being substantially emptied or permanently altered structurally to prevent reuse.

"Aboveground release" means any release to the surface of the land or to surface water. This includes, but is not limited to, releases from the above-ground portion of an UST system and aboveground releases associated with overfills and transfer operations as the regulated substance moves to or from an UST system.

"Accidental release" means any sudden or nonsudden release of petroleum from an underground storage tank

that results in a need for corrective action and/or compensation for bodily injury or property damage neither expected nor intended by the tank owner or operator.

"Ancillary equipment" means any devices including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps used to distribute, meter, or control the flow of regulated substances to and from an UST.

"Belowground release" means any release to the sub-surface of the land and to ground water. This includes, but is not limited to, releases from the belowground portions of an underground storage tank system and belowground releases associated with overfills and transfer operations as the regulated substance moves to or from an underground storage tank.

"Beneath the surface of the ground" means beneath the ground surface or otherwise covered with earthen materials.

"Bodily injury" shall have the meaning given to this term by applicable state law; however, this term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for bodily injury.

"Cathodic protection" means a technique to prevent corrosion of a metal surface by making that surface the cathode of an electrochemical cell. For example, a tank system can be cathodically protected through the application of either galvanic anodes or impressed current.

"Cathodic protection tester" means a person who can demonstrate an understanding of the principles and measurements of all common types of cathodic protection systems as applied to buried or submerged metal piping and tank systems by passing an examination and obtaining a license for supervision of cathodic protection installation and testing in compliance with WAC 173-360-600 through 173-360-690. At a minimum, such persons shall have education and experience in soil resistivity, stray current, structure-to-soil potential, and component electrical isolation measurements of buried metal piping and tank systems.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended.

"Closure" means to take an underground storage tank out of operation, either temporarily or permanently, in accordance with WAC 173-360-380 or 173-360-385. The term is synonymous with "decommissioning."

"Compatible" means the ability of two or more substances or materials to maintain their respective physical and chemical properties upon contact with one another such that the stored substance will not pass through the wall or lining of the tank and connected piping for the design life of the tank system under conditions likely to be encountered in the UST.

"Connected piping" means all underground piping including valves, elbows, joints, flanges, and flexible connectors attached to a tank system through which regulated substances flow. For the purpose of determining how much piping is connected to any individual UST system, the piping that joins two UST systems should be allocated equally between them.

"Consumptive use" with respect to heating oil means consumed on the premises.

"Controlling interest" means direct ownership of at least fifty percent of the voting stock of another entity.

"Corrosion expert" means a person who possesses a thorough knowledge of the physical sciences and the principles of engineering and mathematics acquired by a professional education and related practical experience, and is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person shall be accredited or certified as being qualified by the National Association of Corrosion Engineers or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control of buried or submerged metal piping systems and metal tanks.

"Decommissioning" means to take an underground storage tank out of operation, either temporarily or permanently, in accordance with WAC 173-360-380 or 173-360-385. The term is synonymous with "closure."

"Deferral" means a category of UST systems which are subject to certain, but not all, of the requirements of this chapter as specified in WAC 173-360-110(3).

"Delegated agency" means the local government agency which has been delegated responsibility by the department for administering any portion of an UST program approved in accordance with WAC 173-360-500.

"Department" means the department of ecology.

"Dielectric material" means a material that does not conduct direct electrical current. Dielectric coatings are used to electrically isolate UST systems from the surrounding soils. Dielectric bushings are used to electrically isolate portions of the UST system (e.g., tank from piping).

"Director" means the director of the department of ecology.

"Electrical equipment" means underground equipment that contains dielectric fluid that is necessary for the operation of equipment such as transformers and buried electrical cable.

"Emergency power generator" means an engine that uses fuel to produce auxiliary electrical or mechanical energy for use in emergencies.

"Emergency power generator tank" means a tank that stores fuel solely for use by an emergency power generator.

"Excavation zone" means the volume containing the UST system and backfill material bounded by the ground surface, walls, and floor of the pit and trenches into which the UST system is placed at the time of installation.

"Existing UST system" means an UST system used to contain an accumulation of regulated substances or for which installation had commenced on or before December 22, 1988. Installation is considered to have commenced if: The owner or operator had obtained all federal, state, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system; and if

Either a continuous on-site physical construction or installation program had begun; or

The owner or operator had entered into contractual obligations—which cannot be cancelled or modified without substantial loss—for physical construction at the site or installation of the tank system to be completed within a reasonable time.

"False alarm" means indicating that an UST system is leaking when in fact it is tight.

"Farm tank" is a tank located on a tract of land devoted to the production of crops or raising animals, including fish, and associated residences and improvements. A farm tank must be located on the farm property. "Farm" includes fish hatcheries, rangeland, and nurseries with growing operations. It does not include laboratories where animals are raised, land used to grow timber, pesticide aviation operations, retail stores or garden centers where nursery products are marketed but not grown, cemeteries, golf courses, or other facilities dedicated primarily to recreation or aesthetics, or other non-agricultural activities.

"Field-constructed tank" means an underground storage tank that is constructed in the field rather than factory built because of its large size.

"Financial reporting year" means the latest consecutive twelve-month period for which any of the following reports used to support a financial test is prepared: A 10-K report submitted to the SEC; an annual report of tangible net worth submitted to Dun and Bradstreet; or annual reports submitted to the Energy Information Administration or the Rural Electrification Administration. "Financial reporting year" may thus comprise a fiscal or a calendar year period.

"Firm" means any business, including but not limited to corporations, limited partnerships, and sole proprietorships, engaged in performing tank services.

"Flow-through process tank" is a tank that forms an integral part of a production process through which there is a steady, variable, recurring, or intermittent flow of materials during the operation of the process. Flow-through process tanks do not include tanks used for the storage of materials prior to their introduction into the production process or for the storage of finished products or by-products from the production process.

"Free product" refers to a regulated substance that is present as a nonaqueous phase liquid (e.g., liquid not dissolved in water).

"Gathering lines" means any pipeline, equipment, facility, or building used in the transportation of oil or gas during oil or gas production or gathering operations.

"Ground water" means water in a saturated zone or stratum beneath the surface of land or below a surface water body.

"Hazardous substance UST system" means an underground storage tank system that contains a hazardous substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C) or any mixture of such substances and petroleum, and which is not a petroleum UST system.

"Heating oil" means petroleum that is No. 1, No. 2, No. 4—light, No. 4—heavy, No. 5—light, No. 5—

heavy, and No. 6 technical grades of fuel oil; other residual fuel oils (including Navy Special Fuel Oil and Bunker C); and other fuels when used as substitutes for one of these fuel oils. Heating oil is typically used in the operation of heating equipment, boilers, or furnaces.

"Hydraulic lift tank" means a tank holding hydraulic fluid for a closed-loop mechanical system that uses compressed air or hydraulic fluid to operate lifts, elevators, and other similar devices.

"Immiscible" means largely incapable of blending or mixing.

"Installation" means the activity of placing an underground storage tank system or any part thereof in the ground and preparing it to be placed in service.

"Legal defense cost" is any expense that an owner or operator or provider of financial assurance incurs in defending against claims or actions brought: By the United States Environmental Protection Agency (EPA) or a state to require corrective action or to recover the costs of corrective action; by or on behalf of a third party for bodily injury or property damage caused by an accidental release; or by any person to enforce the terms of a financial assurance mechanism.

"Licensed" means a firm or a person which has been issued a license by the department under this chapter.

"Liquid trap" means sumps, well cellars, and other traps used in association with oil and gas production, gathering, and extraction operations (including gas production plants), for the purpose of collecting oil, water, and other liquids. These liquid traps may temporarily collect liquids for subsequent disposition or reinjection into a production or pipeline stream, or may collect and separate liquids from a gas stream.

"Maintenance" means the normal operational upkeep to prevent an underground storage tank system from releasing a regulated substance.

"Motor fuel" means petroleum or a petroleum-based substance that is motor gasoline, aviation gasoline, No. 1 or No. 2 diesel fuel, or any grade of gasohol, and is typically used in the operation of a motor engine.

"New UST system" means a tank system that will be used to contain an accumulation of regulated substances and for which installation commenced after December 22, 1988. (See also "existing tank system.")

"Noncommercial purposes" with respect to motor fuel means not for resale.

"Occurrence" means an accident, including continuous or repeated exposure to conditions, which results in a release from an underground storage tank.

Note: This definition is intended to assist in the understanding of WAC 173-360-400 through 173-360-499 and is not intended either to limit the meaning of "occurrence" in a way that conflicts with standard insurance usage or to prevent the use of other standard insurance terms in place of "occurrence."

"On the premises where stored" with respect to heating oil means UST systems located on the same property where the stored heating oil is used.

"Operational life" refers to the period beginning when installation of the tank system has commenced until the time the tank system is properly closed under WAC 173-360-380 through 173-360-398.

"Operator" means any person in control of, or having responsibility for, the daily operation of the UST system.

"Overfill release" is a release that occurs when a tank is filled beyond its capacity, resulting in a discharge of the regulated substance to the environment.

"Owner" means: In the case of an UST system in use on November 8, 1984, or brought into use after that date, any person who owns an UST system used for storage, use, or dispensing of regulated substances; and in the case of any UST system in use before November 8, 1984, but no longer in use on that date, any person who owned such UST immediately before the discontinuation of its use. In the event that the owner of an UST system cannot be physically located, the owner shall be the person who owns the property where the UST system is located, except any lien holder and any 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 a release or threatened release of a regulated substance from the UST system.

"Owner or operator," means, for the purposes of WAC 173-360-400 through 173-360-499, when the owner or operator are separate parties, the party that is obtaining or has obtained financial assurances.

"Party" means a person or group concerned or having or taking part in any affair, matter, transaction, or proceeding.

"Permanently closed" means: (1) In the case of an UST system taken out of operation before December 22, 1988, the UST system was substantially emptied of regulated substances or permanently altered structurally to prevent reuse; (2) in the case of an UST system taken out of operation after December 21, 1988, and before the effective date of this chapter, the UST system was closed in accordance with 40 CFR 280; and (3) in the case of an UST system taken out of operation on or after the effective date of this chapter, the UST system was closed in accordance with WAC 173-360-385.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation, state, municipality, commission, political subdivision of a state, or any interstate body. "Person" also includes a consortium, a joint venture, a commercial entity, and the United States government.

"Petroleum marketing facilities" include all facilities at which petroleum is produced or refined and all facilities from which petroleum is sold or transferred to other petroleum marketers or to the public.

"Petroleum marketing firms" are all firms owning petroleum marketing facilities. Firms owning other types of facilities with USTs as well as petroleum marketing facilities are considered to be petroleum marketing firms.

"Petroleum UST system" means an underground storage tank system that contains petroleum or a mixture of petroleum with de minimis quantities of other regulated substances. Such systems include those containing motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils.

"Pipe" or "piping" means a hollow cylinder or tubular conduit that is constructed of nonearthen materials.

"Pipeline facilities (including gathering lines)" are new and existing pipe rights-of-way and any associated equipment, facilities, or buildings.

"Property damage" shall have the meaning given this term by applicable state law. This term shall not include those liabilities which, consistent with standard insurance industry practices, are excluded from coverage in liability insurance policies for property damage. However, such exclusions for property damage shall not include corrective action associated with releases from tanks which are covered by the policy.

"Provider of financial assurance" means an entity that provides financial assurance to an owner or operator of an underground storage tank through one of the mechanisms listed in WAC 173-360-413 through 173-360-436, including a guarantor, insurer, risk retention group, surety, issuer of a letter of credit, issuer of a state-required mechanism, or a state.

"Regulated substance" means:

Any substance defined in section 101(14) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980 (but not including any substance regulated as a hazardous waste under Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and any other regulated substances); and

Petroleum, including crude oil or any fraction thereof that is liquid at standard conditions of temperature and pressure (sixty degrees Fahrenheit and 14.7 pounds per square inch absolute). The term "regulated substance" includes but is not limited to petroleum and petroleum-based substances comprised of a complex blend of hydrocarbons derived from crude oil through processes of separation, conversion, upgrading and finishing, such as motor fuels, jet fuels, distillate fuel oils, residual fuel oils, lubricants, petroleum solvents, and used oils. The term "regulated substance" does not include propane or asphalt or any other petroleum product which is not liquid at standard conditions of temperature and pressure.

"Release" means any spilling, leaking, emitting, discharging, escaping, leaching, or disposing from an UST system to ground water, surface water or soils.

"Release detection" means determining whether a release of a regulated substance has occurred from the UST system into the environment or into the interstitial space between the UST system and its secondary barrier or secondary containment around it.

"Repair" means to restore a tank or UST system component that has caused a release of a regulated substance from the UST system.

"Residential tank" is a tank located on property used primarily for dwelling purposes; such properties do not include dormitories, convents, mobile parks, apartments, hotels and similar facilities, unless the tank is used by the owner solely ~~((to maintain))~~ for his or her own ~~((residence))~~ personal use, rather than to maintain the overall facility.

"Retrofitting" means the repair or upgrading of an existing underground storage tank system including, but not limited to, installation of splash, spill and overfill

protection, installing or replacing monitoring systems, adding cathodic protective systems, tank repair, replacement of piping, valves, fill pipes or vents and installing tank liners.

"Septic tank" is a water-tight covered receptacle designed and used to receive or process, through liquid separation or biological digestion, the sewage discharged from a building sewer. The effluent from such receptacle is distributed for disposal through the soil and settled solids and scum from the tank are pumped out periodically and hauled to a treatment facility.

"Site assessment" means investigating an UST site for the presence of a release at the time of closure or change-in-service.

"Site check" means investigating an UST site for the presence of a release when evidence indicates that a release may have occurred.

"Stormwater or wastewater collection system" means piping, pumps, conduits, and any other equipment necessary to collect and transport the flow of surface water run-off resulting from precipitation, or domestic, commercial, or industrial wastewater to and from retention areas or any areas where treatment is designated to occur. The collection of storm water and wastewater does not include treatment except where incidental to conveyance.

"Structural defect" means a hole or crack in the tank portion of the UST system, which has either caused a release from the system or is being repaired to prevent a release from the system.

"Substantial business relationship" means the extent of a business relationship necessary under applicable state law to make a guarantee contract issued incident to that relationship valid and enforceable. A guarantee contract is issued "incident to that relationship" if it arises from and depends on existing economic transactions between the guarantor and the owner or operator.

"Supervisor" means a licensed person operating independently or employed by a contractor, who is responsible for directing and overseeing the performance of tank services at a facility.

"Surface impoundment" is a natural topographic depression, excavation, or diked area formed primarily of earthen materials (although it may be lined with synthetic materials) that is not an injection well.

"Tangible net worth" means the tangible assets that remain after deducting liabilities; such assets do not include intangibles such as goodwill and rights to patents or royalties. For purposes of this definition, "assets" means all existing and all probable future economic benefits obtained or controlled by a particular entity as a result of past transactions.

"Tank" is a stationary device designed to contain an accumulation of regulated substances and constructed of nonearthen materials (e.g., concrete, steel, plastic) that provide structural support.

"Tank permit" means a tank tag, as required by RCW 90.76.020(4).

"Tank services" include underground storage tank installation, decommissioning, retrofitting, and testing.

"Tank services provider" is a person or firm licensed to perform tank services on regulated underground storage tanks in Washington.

"Termination" under WAC 173-360-476 and 173-360-480 means only those changes that could result in a gap in coverage as where the insured has not obtained substitute coverage or has obtained substitute coverage with a different retroactive date than the retroactive date of the original policy.

"Testing" means applying a method to determine the integrity of an underground storage tank.

"Tightness testing" means a procedure for testing the ability of a tank system to prevent an inadvertent release of any stored substance into the environment or, in the case of an underground storage tank system, intrusion of ground water into a tank system.

"Underground area" means an underground room, such as a basement, cellar, shaft or vault, providing enough space for physical inspection of the exterior of the tank situated on or above the surface of the floor.

"Underground release" means any below ground release.

"Underground storage tank" or "UST" means any one or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent or more beneath the surface of the ground. This term does not include any of the exempt UST systems specified in WAC 173-360-110(2), or any piping connected thereto.

"Upgrade" means the addition or retrofit of some systems such as cathodic protection, lining, or spill and overflow controls to improve the ability of an underground storage tank system to prevent the release of regulated substances.

"UST site" or "site" means the location at which underground storage tanks are in place or will be placed. An UST site encompasses all of the property within a contiguous ownership that is associated with the use of the tanks.

"UST system" or "tank system" means an underground storage tank, connected underground piping, underground ancillary equipment, and containment system, if any.

"Wastewater treatment tank" means a tank that is designed to receive and treat an influent wastewater through physical, chemical, or biological methods.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-130 TANK PERMITS AND DELIVERY OF REGULATED SUBSTANCES. (1) Requirement for a permit. After July 1, 1991, no underground storage tank system, as defined in this chapter, shall be operated without a valid permit from the department. However, possession of a valid permit does not preclude enforcement against the owner or operator of the underground storage tank under this or other laws.

(2) Application for a permit. Permits for UST systems shall be obtained as follows:

(a) To apply for a permit for an UST system which is to be newly installed, the owner or operator shall complete a notice of intent to install an UST system, as specified in WAC 173-360-200(1), and submit it to the department at least thirty days prior to installation of the system. An initial permit, valid for ninety days, will be provided by the department so the UST system can be tested and operation of the system can begin. If necessary, and if circumstances warrant, an additional permit valid for ninety days will be provided by the department. Upon receipt of the following items, a permit valid until the following June 30, if the UST system remains in compliance, will be provided by the department for the newly installed UST system:

- (i) A properly completed UST notification form, as specified in WAC 173-360-200(2); and
- (ii) A properly completed installation checklist, as specified in WAC 173-360-200(3); ~~and~~
- ~~(iii) The applicable annual tank fee, as specified in WAC 173-360-190).~~

(b) To apply for a permit for an existing UST system not previously reported to the department, the owner or operator shall complete a Washington state underground storage tank notification form, as specified in WAC 173-360-200(2), and submit it to the department with a payment of the applicable annual fee, as specified in WAC 173-360-190, including any fees which should have been paid for earlier fiscal years if the UST system had been properly registered, but which were not paid.

~~(c) ((In January of))~~ To apply for a permit for a tank which has been temporarily out of service, the owner or operator shall notify the department of the change in status and follow the provisions of WAC 173-360-380.

(d) Each year the department will request owners and operators of reported UST systems to certify compliance with the requirements of this chapter. UST systems which are in the department's notification data base when the department requests this certification will receive permits by July 1 of each year if:

(i) Adequate documentation of compliance, as specified by the department, is submitted to the department; and

(ii) The documentation of compliance is submitted by the deadline for submittal established by the department in its request.

(3) Eligibility for a permit. Tanks which are temporarily closed under WAC 173-360-380 are not eligible to receive permits. Underground storage tank systems are eligible for a permit if the following conditions are met:

(a) The owner or operator is in compliance with all requirements of this chapter, including the financial responsibility requirements, and chapter 173-340 WAC, if applicable, or the owner or operator is in conformance with a compliance schedule negotiated with and agreed to by the department;

(b) The storage tank system is not known by the owner or operator to be leaking; and

(c) All annual state tank fees and local environmentally sensitive area tank fees have been remitted.

(4) Delivery of regulated substances. Regulated substances shall not be delivered to any underground storage tank requiring a permit under this section unless a valid permit is displayed on such tank itself or the dispensing or measuring device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. This subsection applies only to suppliers who directly transfer regulated substances into underground storage tank systems.

(5) Waste oil tanks. Tanks used to collect and store used or waste oil regulated under this chapter shall not be pumped by a used or waste oil collector unless a valid permit is displayed on such tank itself or a device connected thereto or, where appropriate, in the office or kiosk of the facility where the tank is located. This prohibition does not apply to a one-time removal of substances from tanks which will not be used again for the storage of used or waste oil once the substances are removed; such tanks must be properly closed or undergo the procedures for a change-in-service in accordance with WAC 173-360-385. This subsection applies only to used or waste oil collectors who directly transfer regulated substances from underground storage tanks.

(6) Delivery prohibited to leaking tanks. Except as specified in subsection (10) of this section, suppliers shall not deliver regulated substances to any underground storage tank which is known by the supplier to be leaking, or to have leaked and not been properly repaired, regardless of the permit status of the tank.

(7) Delivery of regulated substances. If a confirmed release occurs from a permitted tank, in addition to meeting the reporting requirements of WAC 173-360-372, within twenty-four hours of having knowledge of the release the owner or operator shall lock the fill pipe and remove from display the permit for the tank from which the release has occurred. At no time can the owner or operator receive regulated substances, except as specified in subsection (10) of this section, until all the applicable requirements of this chapter and chapter 173-340 WAC have been met. If the department determines that reasonable progress is not being made in meeting these requirements it may request that the owner or operator surrender the permit, as specified in subsection (8) of this section, for the tank from which the release occurred.

(8) Permit revocation. The department may request the surrender of a permit for any tank which does not remain in compliance with the requirements of this chapter, including financial responsibility requirements and payment of fees, or for any violation of the chapter by an underground storage tank owner or operator, including refusal of access to property under WAC 173-360-140. Upon request of a representative of the department or delegated agency or upon receipt of a letter from the department or delegated agency requesting surrender of the permit, the owner or operator must return the permit to the department or delegated agency within seven days.

(9) When a tank is closed, any active permit must be returned to ecology within thirty days of the completion of the closure procedures.

(10) Appeals. The revocation of a permit may be appealed to the pollution control hearings board, pursuant to chapter 43.21B RCW.

~~((+0))~~ (11) Display of permits for tightness testing. A permit which has been removed from display in accordance with subsection (7) of this section may be redisplayed for the purpose of receiving regulated substances in order to conduct a volumetric tightness test on the storage system. If a leak is determined to exist in the uppermost level of the system, the regulated substance shall be immediately removed to a point below the source of the leak. If a leak is determined to exist below the uppermost level of the system, all regulated substances shall be immediately removed from the system. The requirements of subsection (7) of this section and the requirement for reporting of confirmed releases specified in WAC 173-360-372 shall be followed, regardless of the location of the source of the release in the storage tank system.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-200 NOTIFICATION REQUIREMENTS. (1) Notice of intent to install a new UST system. Except in the circumstances defined in subsection (5) of this section, any owner who intends to install a new UST system shall submit a notice of such intent to the department or delegated agency at least thirty days prior to installing the UST system. Such notice shall meet the following requirements:

(a) The notice of intent shall be provided on the appropriate Washington state form, which is available from the department;

(b) Each UST system to be installed which is regulated under this chapter shall be reported;

(c) Owners may provide notice for more than one UST system using a single form, but UST systems to be installed at separate sites shall be reported on separate forms; and

(d) The completed form shall include all of the information required on the form.

(2) Notification of new UST systems in use. Within thirty days of bringing any newly installed UST system regulated under this chapter into use, the owner shall submit notice of such UST system to the department. This notice shall meet the following requirements:

(a) The notice shall be provided on the appropriate Washington state underground storage tank notification form, which is available from the department;

(b) Each tank regulated under this chapter shall be reported;

(c) Owners may provide notice for more than one tank using a single notification form, but owners who own tanks located at more than one site shall file a separate notification form for each site;

(d) Notification required under this section shall include all of the information required on the form for each tank for which notice must be given; and

(e) Notification for tanks installed after December 22, 1988, shall also certify compliance with the following requirements:

(i) Corrosion protection of steel tanks and piping under WAC 173-360-305 (1) and (2);

(ii) Financial responsibility under WAC 173-360-400 through 173-360-499; and

(iii) Release detection under WAC 173-360-335 and 173-360-340.

(3) Installation checklist. All owners and operators of new UST systems shall ensure that a licensed installation supervisor certifies that the methods used to install the tanks and piping comply with the requirements in WAC 173-360-305(4). Such certification shall be accomplished by completing an installation checklist, which is available from the department, as specified in WAC 173-360-305(5).

(4) Notification of existing UST systems. Owners of any existing UST system regulated under this chapter which has not previously been reported to the department shall provide notification regarding such UST system immediately, following the requirements of subsection (2) (a) through (e) of this section.

Note: Owners and operators of UST systems that were in the ground on or after May 8, 1986, unless taken out of operation on or before January 1, 1974, were required to notify the department in accordance with the Hazardous and Solid Waste Amendments of 1984, Public Law 98-616, on a form published by Washington state (~~in December 1985 (Form ECY-020-32))~~) unless notice was given pursuant to section 103(c) of CERCLA.

(5) Emergency replacement of UST systems.

(a) An exception to the thirty-day notice requirement for new installations in subsection (1) of this section is allowed when an UST system is being replaced on an emergency basis due to a release from the system being replaced. An emergency shall be regarded as a newly discovered release from an UST system which is:

(i) In operation at the time of the release;

(ii) Located at an operating facility; and

(iii) Necessary for the normal operation of the facility.

(b) Under the circumstances described in (a) of this subsection, the notice of intent to install an UST system may be provided after the installation of the new system but no more than seven days after the installation is completed. The information which must be included in the notice of intent form is the same as in subsection (1) of this section. A site assessment meeting the requirements of WAC 173-360-390 shall be completed prior to installing a tank in the excavation pit of a tank being replaced and prior to installing new piping in the piping trench of piping being replaced.

(6) Changes to UST systems. Any changes in the information initially reported in the notification form submitted under subsection (2), (4) or (5) of this section, including temporary closure of an UST system that was initially reported as being in use, shall be reported to the department or delegated agency by submitting a new notification form within thirty days after such changes occur.

(7) Beginning October 24, 1988, any person who sells a new tank which is intended to be used as an underground storage tank, or an existing UST system or property including an existing UST system which is intended to be used as an UST system, shall notify the

purchaser of such tank or UST system of the owner's notification obligations under this section.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-305 PERFORMANCE STANDARDS FOR NEW UST SYSTEMS. In order to prevent releases due to structural failure, corrosion, or spills and overfills for as long as the UST system is used to store regulated substances, all owners and operators of new UST systems shall meet the following requirements:

(1) Tanks. Each tank shall be properly designed and constructed with material that is compatible with and impermeable to the stored substance, and any portion underground that routinely contains regulated substances shall be protected from corrosion, in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified under (a) through (d) below:

(a) The tank is constructed of fiberglass-reinforced plastic; or

Note: The following industry codes may be used to comply with subsection (1)(a) of this section: Underwriters Laboratories Standard 1316, "Standard for Glass-Fiber-Reinforced Plastic Underground Storage Tanks for Petroleum Products"; Underwriter's Laboratories of Canada CAN4-S615-M83, "Standard for Reinforced Plastic Underground Tanks for Petroleum Products"; or American Society of Testing and Materials Standard D4021-86, "Standard Specification for Glass-Fiber-Reinforced Polyester Underground Petroleum Storage Tanks."

(b) The tank is constructed of steel and cathodically protected in the following manner:

(i) The tank is coated with a suitable dielectric material;

(ii) The tank is equipped with a factory-installed or field-installed cathodic protection system designed by a corrosion expert;

(iii) Cathodic protection systems are designed and installed to include provisions for testing to allow a determination of current operating status as required in WAC 173-360-320(2) and to facilitate testing by the department or delegated agency in accordance with WAC 173-360-325 (5) and (6); and

(iv) Cathodic protection systems are operated and maintained in accordance with WAC 173-360-320 or according to guidelines established by the department or delegated agency; or

Note: The following codes and standards may be used to comply with subsection (1)(b) of this section:

(A) Steel Tank Institute "Specification for STI-P3 System of External Corrosion Protection of Underground Steel Storage Tanks";

(B) Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks";

(C) Underwriters Laboratories of Canada CAN4-S603-M85, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids," and CAN4-G03.1-M85, "Standard for Galvanic Corrosion Protection Systems for Underground Tanks for Flammable and

Combustible Liquids," and CAN4-S631-M84, "Isolating Bushings for Steel Underground Tanks Protected with Coatings and Galvanic Systems"; or

(D) National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems," and Underwriters Laboratories Standard 58, "Standard for Steel Underground Tanks for Flammable and Combustible Liquids."

(c) The tank is constructed of a steel-fiberglass-reinforced-plastic composite; or

Note: The following industry codes may be used to comply with subsection (1)(c) of this section: Underwriters Laboratories Standard 1746, "Corrosion Protection Systems for Underground Storage Tanks," or the Association for Composite Tanks ACT-100, "Specification for the Fabrication of FRP Clad Underground Storage Tanks."

(d) The tank construction and corrosion protection are determined by the department or delegated agency to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than subsection (1)(a) through (c) of this section.

(2) Piping. The piping that routinely contains regulated substances and is in contact with the ground shall be properly designed and constructed with material that is compatible with and impermeable to the stored substance, and protected from corrosion in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory as specified below:

(a) The piping is constructed of fiberglass-reinforced plastic; or

Note: The following codes and standards may be used to comply with subsection (2)(a) of this section:

(i) Underwriters Laboratories Subject 971, "UL Listed Non-Metal Pipe";

(ii) Underwriters Laboratories Standard 567, "Pipe Connectors for Flammable and Combustible and LP Gas";

(iii) Underwriters Laboratories of Canada Guide ULC-107, "Glass Fiber Reinforced Plastic Pipe and Fittings for Flammable Liquids"; and

(iv) Underwriters Laboratories of Canada Standard CAN 4-S633-M81, "Flexible Underground Hose Connectors."

(b) The piping is constructed of steel and cathodically protected in the following manner:

(i) The piping is coated with a suitable dielectric material;

(ii) Field-installed cathodic protection systems are designed by a corrosion expert;

(iii) Cathodic protection systems are designed and installed to include provisions for testing to allow a determination of current operating status as required in WAC 173-360-320(2) and to facilitate testing by the department or delegated agency in accordance with WAC 173-360-325 (5) and (6); and

(iv) Cathodic protection systems are operated and maintained in accordance with WAC 173-360-320 or guidelines established by the department or delegated agency; or

Note: The following codes and standards may be used to comply with subsection (2)(b) of this section:

(A) National Fire Protection Association Standard 30, "Flammable and Combustible Liquids Code";

(B) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage Systems";

(C) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems"; and

(D) National Association of Corrosion Engineers Standard RP-01-69, "Control of External Corrosion on Submerged Metallic Piping Systems."

(c) The piping construction and corrosion protection are determined by the department or delegated agency to be designed to prevent the release or threatened release of any stored regulated substance in a manner that is no less protective of human health and the environment than the requirements in subsection (2)(a) and (b) of this section.

(d) Metal flexible underground hose connectors shall be cathodically protected or covered with sleeves or jackets that will provide corrosion protection over the operating life of the UST system.

(3) Spill and overflow prevention equipment.

(a) Except as provided in subsection (3)(b) of this section, to prevent spilling and overfilling associated with transfer of regulated substances to the UST system, owners and operators shall use the following spill and overflow prevention equipment:

(i) Spill prevention equipment that will prevent release of regulated substances to the environment when the transfer hose is detached from the fill pipe (for example, a spill catchment basin); and

(ii) Overflow prevention equipment that will:

(A) Automatically shut off flow into the tank when the tank is no more than ninety-five percent full;

(B) Alert the transfer operator when the tank is no more than ninety percent full by restricting the flow into the tank or triggering a high-level alarm; or

(C) Restrict flow thirty minutes prior to overfilling, alert the operator with a high level alarm one minute before overfilling, or automatically shut off flow into the tank so that none of the fittings located on top of the tank are exposed to regulated substances due to overfilling.

Note: Overflow prevention equipment that will automatically shut off or restrict flow into the tank should not be used where a pressurized ((~~delivery~~)) fuel transfer system may be employed since an overflow may occur when the flow is suddenly shut off or restricted.

(b) Owners and operators are not required to use the spill and overflow prevention equipment specified in subsection (3)(a) of this section if:

(i) Alternative equipment is used that is determined by the department or delegated agency to be no less protective of human health and the environment than the equipment specified in subsection (3)(a)(i) or (ii) of this section; or

(ii) The UST system is filled by transfers of no more than twenty-five gallons at one time.

(4) Installation. All tanks and piping shall be properly installed by a licensed tank services provider in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and in accordance with the manufacturer's instructions.

Note: Tank and piping system installation practices and procedures described in the following codes may be used to comply with the requirements of subsection (4) of this section:

(a) American Petroleum Institute Publication 1615, "Installation of Underground Petroleum Storage System"; or

(b) Petroleum Equipment Institute Publication RP100((-90)), "Recommended Practices for Installation of Underground Liquid Storage Systems"; or

(c) American National Standards Institute Standard B31.3, "Petroleum Refinery Piping," and American National Standards Institute Standard B31.4 "Liquid Petroleum Transportation Piping System."

(5) Certification of installation. All owners and operators shall ensure that a licensed tank services provider certifies compliance with subsection (4) of this section by submitting a properly completed installation checklist to the department on a form provided by the department as required in WAC 173-360-630(12).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-310 UPGRADING REQUIREMENTS FOR EXISTING UST SYSTEMS. (1) Alternatives allowed. Not later than December 22, 1998, all existing UST systems shall comply with one of the following requirements:

(a) New UST system performance standards under WAC 173-360-305;

(b) The upgrading requirements in subsections (2) through (4) of this section; or

(c) Closure requirements under WAC 173-360-380 through 173-360-398, including applicable requirements for corrective action under WAC 173-360-399.

(2) Tank upgrading requirements. Steel tanks shall be upgraded by a licensed tank services provider to meet one of the following requirements in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory:

(a) Interior lining. A tank may be upgraded by interior lining if:

(i) The lining is installed in accordance with the requirements of WAC 173-360-325; and

(ii) Within ten years after lining, and every five years thereafter, the lined tank is internally inspected and found to be structurally sound with the lining still performing in accordance with original design specifications, unless cathodic protection is also installed within ten years of lining the tank, as specified in WAC 173-360-310 (2)(c).

(b) Cathodic protection. A tank may be upgraded by cathodic protection if the cathodic protection system meets the requirements of WAC 173-360-305 (1)(b)(ii), (iii), and (iv) and the integrity of the tank is ensured using one of the following methods:

(i) The tank is internally inspected and assessed to ensure that the tank is structurally sound and free of corrosion holes prior to installing the cathodic protection system; or

(ii) The tank has been installed or internally lined for less than ten years and is monitored monthly for releases in accordance with WAC 173-360-345 (6)(e) through (6)(i); or

(iii) The tank has been installed or internally lined for less than ten years and is assessed for corrosion holes by conducting two tightness tests that meet the requirements of WAC 173-360-345 (6)(d). The first tightness test shall be conducted prior to installing the cathodic protection system. The second tightness test shall be conducted between three and six months following the first operation of the cathodic protection system; or

(iv) The tank is assessed for corrosion holes by a method that is determined by the department or delegated agency to prevent releases in a manner that is no less protective of human health and the environment than subsection (2)(b)(i) through (iii) of this section.

(c) Internal lining combined with cathodic protection. A tank may be upgraded by both internal lining and cathodic protection if:

(i) The lining is installed in accordance with the requirements of WAC 173-360-325; and

(ii) The cathodic protection system is installed within ten years of the tank being lined and meets the requirements of WAC 173-360-305 (1)(b)(ii), (iii), and (iv).

Note: The following codes and standards may be used to comply with this section:

(A) American Petroleum Institute Publication 1631, "Recommended Practice for the Interior Lining of Existing Steel Underground Storage Tanks";

(B) National Leak Prevention Association Standard 631, "Spill Prevention, Minimum 10 Year Life Extension of Existing Steel Underground Tanks by Lining Without the Addition of Cathodic Protection";

(C) National Association of Corrosion Engineers Standard RP-02-85, "Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems"; (and)

(D) American Petroleum Institute Publication 1632, "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems(-)"; and

(E) Steel Tank Institute Publication STI F894-91 "Specifications for External Corrosion Protection FRP Composite Underground Steel Storage Tanks."

(3) Piping upgrading requirements. Metal piping that routinely contains regulated substances and is in contact with the ground shall be cathodically protected in accordance with a code of practice developed by a nationally recognized association or independent testing laboratory and shall meet the requirements of WAC 173-360-305 (2)(b)(ii), (iii), and (iv).

Note: The codes and standards listed in the note following WAC 173-360-305 (2)(b) may be used to comply with this requirement.

(4) Spill and overfill prevention equipment. To prevent spilling and overfilling associated with transfer of regulated substances to the UST system, all existing UST systems shall comply with new UST system spill and overfill prevention equipment requirements specified in WAC 173-360-305(3), except that an UST system that is filled by transfers of no more than twenty-five gallons

at a time is not required to use spill and overfill prevention equipment.

(5) Tank services providers who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-330 **RELEASE DETECTION COMPLIANCE SCHEDULE.** Owners and operators of all UST systems shall comply with the release detection requirements of WAC 173-360-330 through 173-360-355 by December 22 of the year listed in the following table:

TABLE: SCHEDULE FOR PHASE-IN OF RELEASE DETECTION

Year System was installed	Year when release detection is required (by December 22 of the year indicated)						
	1989	1990	1991	1992	1993	1994	1995
Before 1965 or date unknown.	RD	P	E				
1965-69..		P/RD		E			
1970-74..		P	RD		E		
1975-79..		P		RD		E	
1980-88..		P			RD		E

New tanks (after December 22, 1988,) immediately upon installation, except that emergency generator tanks installed between 1989 and 1990 must have release detection by 1996 and emergency generator tanks installed after December 29, 1990, must have release detection immediately upon installation.

P- Except for pressurized piping associated with emergency power generator tanks, must begin release detection ((for all pressurized piping as defined in WAC 173-360-350 (2)(a))) by December 22, 1992.

RD- Except for emergency power generator tanks, must begin release detection for tanks and suction piping in accordance with WAC 173-360-335 (2)(a), 173-360-350 (2)(b), and 173-360-340.

E- Must begin release detection for emergency power generator tanks and piping in accordance with WAC 173-360-335 (2)(a) and 173-360-350 (2)(a) or (b).

Note: Dates preceding the effective date of this rule correspond to federal requirements under 40 CFR 280 and are included here to reflect conformity to the federal rule.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-345 **METHODS OF RELEASE DETECTION FOR TANKS.** (1) Any method of release detection for tanks shall meet the performance requirements of this section. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, shall be capable of detecting the leak rate or quantity specified for that method in subsection (6)(b), (c), (d), and (e) of this section with a probability of detection of 0.95 and a probability of false alarm of 0.05. (That is, under test conditions, a method

will correctly detect at least ninety-five of one hundred actual releases, and will falsely indicate a release no more than five times in one hundred tests of nonleaking systems.)

Note: The establishment of leak indication thresholds is a means of setting a standard for the equipment or method used. It is not in any way meant to imply that actual leak rates less than these limits are allowable. No release is acceptable, and any indication that a release may have occurred should be investigated in accordance with WAC 173-360-360. Manufacturers and tank services providers installing or utilizing leak detection equipment and/or methods are encouraged to follow EPA's standard test procedures for evaluating leak detection methods to demonstrate compliance with the requirements of subsection (1) of this section.

(2) UST systems that meet the new tank or upgraded tank performance standards in WAC 173-360-305 or 173-360-310, and the inventory control requirements in subsection (6) (a) or (b) of this section, may use tank tightness testing (conducted in accordance with subsection (6)(d) of this section) at least every five years until December 22, 1998, or until ten years after the tank is installed or upgraded under WAC 173-360-310(2), whichever is later.

(3) UST systems that do not meet the new tank or upgraded tank performance standards in WAC 173-360-305 or 173-360-310 may use inventory controls (conducted in accordance with subsection (6) (a) or (b) of this section) and annual tank tightness testing (conducted in accordance with subsection (6)(d) of this section) until December 22, 1998, when the tank shall be upgraded under WAC 173-360-310 or permanently closed under WAC 173-360-385.

(4) Tanks with capacity of ~~((550))~~ one thousand gallons or less may use weekly tank gauging conducted in accordance with subsection (6)(b) of this section.

(5) Tanks that store fuel solely for use by emergency power generators may use the following methods of release detection:

(a) Emergency power generator tanks with nominal capacity of ~~((five hundred fifty))~~ one thousand gallons or less may use monthly tank gauging conducted in accordance with subsection (6)(c) of this section.

(b) Emergency power generator tanks with nominal capacity of five hundred fifty-one to two thousand gallons may use monthly tank gauging conducted in accordance with subsection (6)(c) of this section, in conjunction with annual tank tightness testing conducted in accordance with subsection (6)(d) of this section.

(c) Except as provided in subsection (2) of this section, emergency power generator tanks with nominal capacity greater than two thousand gallons may use weekly tank gauging conducted in accordance with subsection (6)(b) of this section, in conjunction with annual tank tightness testing conducted in accordance with subsection (6)(d) of this section.

(6) Each method of release detection for tanks used to meet the requirements of WAC 173-360-335 shall be conducted in accordance with the following:

(a) Daily inventory control. Daily inventory control (or another test of equivalent performance) shall be

conducted in a manner capable of detecting a release of at least 1.0 percent of flow-through plus 130 gallons on a monthly basis in the following manner:

(i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded each operating day;

(ii) The equipment used is capable of measuring the level of regulated substance in the tank over the full range of the tank's height to the nearest one-eighth of an inch;

(iii) The regulated substance inputs are reconciled with delivery receipts by measurement of the tank inventory volume before and after delivery;

(iv) Deliveries are made through a drop tube that extends to within one foot of the tank bottom;

(v) Dispensing of regulated substances is metered and recorded within the local standards for meter calibration or an accuracy of at least six cubic inches for every five gallons of regulated substances which is withdrawn; and

(vi) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month.

Note: Practices described in the American Petroleum Institute Publication 1621, "Recommended Practice for Bulk Liquid Stock Control at Retail Outlets," may be used, where applicable, as guidance in meeting the requirements of this paragraph.

(b) Weekly tank gauging. Only tanks of ~~((five hundred fifty))~~ one thousand gallons or less nominal capacity may use weekly tank gauging as the sole method of release detection. Tanks of ~~((five hundred fifty-one))~~ one thousand to two thousand gallons may use the method in place of daily inventory control in (a) of this subsection, in conjunction with tank tightness testing, as specified in (d) of this subsection. Tanks of greater than two thousand gallons nominal capacity may use this method to meet the requirements of WAC 173-360-330 through 173-360-355 only if such tanks store fuel solely for use by emergency power generators. Weekly tank gauging shall meet the following requirements:

(i) Tank liquid level measurements are taken weekly at the beginning and ending of a period of at least thirty-six hours during which no liquid is added to or removed from the tank;

(ii) Level measurements are based on an average of two consecutive stick readings at both the beginning and ending of the period (that is, four measurements shall be taken, two consecutive measurements at the beginning and two consecutive measurements at the end of the period during which no liquid has been added or removed from the tank);

(iii) The equipment used is capable of measuring the level of regulated substance in the tank over the full range of the tank's height to the nearest one-eighth of an inch;

(iv) If the variation between beginning and ending measurements exceeds the weekly or monthly standards in the following table, a leak may be occurring and the requirements of WAC 173-360-360 through 173-360-375 shall be followed:

Nominal Tank Capacity	Weekly Standard (one test)	Monthly Standard (average of four tests)
550 gallons or less	10 gallons	5 gallons
551-1,000 gallons	13 gallons	7 gallons
1,001-2,000 gallons	26 gallons	13 gallons
2,001 gallons or more*	.75% of capacity	.5% of capacity

(*Emergency Power Generator Tanks only.)

(c) Monthly tank gauging. Only tanks that store fuel solely for use by emergency power generators with a nominal capacity of two thousand gallons or less may use monthly tank gauging as a method of release detection. Such tanks with nominal capacity of five hundred fifty-one to two thousand gallons shall also have an annual tank tightness test conducted in accordance with (d) of this subsection. Monthly tank gauging shall meet the following requirements:

(i) Inventory volume measurements for regulated substance inputs, withdrawals, and the amount still remaining in the tank are recorded whenever inputs or withdrawals occur;

(ii) Tank liquid level measurements reconciled with inventory volume measurements are taken monthly at the beginning and ending of a period of at least twenty-one days, except when extreme snowfall or other travel obstructions occurring in remote locations and preventing access are specifically documented by the owner and operator;

(iii) Level measurements are based on an average of two consecutive readings at both the beginning and ending of the period (that is, four measurements shall be taken, two consecutive measurements at the beginning and two consecutive measurements at the end of the period);

(iv) The equipment used is capable of measuring the level of regulated substance in the tank over the full range of the tank's height to the nearest one-eighth of an inch or a corresponding amount of gallons;

(v) The measurement of any water level in the bottom of the tank is made to the nearest one-eighth of an inch at least once a month;

(vi) If the variation between beginning and ending measurements exceeds the monthly standards in the following table, a leak may be occurring and the requirements of WAC 173-360-360 through 173-360-375 shall be followed:

Nominal Tank Capacity	Monthly Standard (average of four tests)
550 gallons or less	5 gallons
551-1,000 gallons	7 gallons
1,001-2000 gallons	13 gallons

(d) Tank tightness testing. Tank tightness testing (or another test of equivalent performance) shall be capable of detecting at least a 0.1 gallon per hour leak rate from any portion of the tank that routinely contains a regulated substance while accounting for the effects of thermal expansion or contraction of the regulated substance, vapor pockets, tank deformation, evaporation or condensation, and the location of the water table.

(e) Automatic tank gauging. Equipment for automatic tank gauging that tests for the loss of regulated substance and conducts inventory control shall meet the following requirements:

(i) The automatic product level monitor test can detect at least a 0.2 gallon per hour leak rate from any portion of the tank that routinely contains a regulated substance; and

(ii) Daily inventory control (or another test of equivalent performance) is conducted in accordance with the requirements of (a) of this subsection.

(f) Vapor monitoring. Testing or monitoring for vapors within the soil gas of the excavation zone shall meet the following requirements:

(i) The materials used as backfill are sufficiently porous (e.g., gravel, sand, crushed rock) to readily allow diffusion of vapors from releases into the excavation area;

(ii) The stored regulated substance, or a tracer compound placed in the tank system, is sufficiently volatile (e.g., gasoline) to result in a vapor level that is detectable by the monitoring devices located in the excavation zone in the event of a release from the tank;

(iii) The measurement of vapors by the monitoring device is not rendered inoperative by the ground water, rainfall, or soil moisture or other known interferences so that a release could go undetected for more than thirty days;

(iv) The level of background contamination in the excavation zone will not interfere with the method used to detect releases from the tank;

(v) The vapor monitors are designed and operated to detect any significant increase in concentration above background of the regulated substance stored in the tank system, a component or components of that substance, or a tracer compound placed in the tank system;

(vi) In the UST excavation zone, the site is evaluated for its appropriateness for installation of vapor monitors to ensure compliance with the requirements of this subsection and to establish the number and positioning of monitoring wells that will detect releases within the excavation zone from any portion of the tank that routinely contains a regulated substance; and

(vii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

Note: Monitoring wells must also comply with the minimum standards for construction, maintenance, and abandonment of wells specified in chapter 173-160 WAC.

(g) Ground water monitoring. Testing or monitoring for liquids on or in the ground water shall meet the following requirements:

(i) The regulated substance stored is immiscible in water and has a specific gravity of less than one;

(ii) Ground water is never more than twenty feet from the ground surface and the hydraulic conductivity of the soil(s) between the UST system and the monitoring wells or devices is not less than 0.01 cm/sec (e.g., the soil should consist of gravels, coarse to medium sands, coarse silts or other permeable materials);

(iii) The slotted portion of the monitoring well casing shall be designed to prevent migration of natural soils or filter pack into the well and to allow entry of regulated substance on the water table into the well under both high and low ground-water conditions;

(iv) Monitoring wells shall be sealed from the ground surface to the top of the filter pack;

(v) Monitoring wells or devices intercept the excavation zone or are as close to it as is technically feasible;

(vi) The continuous monitoring devices or manual methods used can detect the presence of at least one-eighth of an inch of free product on top of the ground water in the monitoring wells;

(vii) Within and immediately below the UST system excavation zone, the site is evaluated for its appropriateness for installation of ground water monitors to ensure compliance with the requirements in (g)(i) through (v) of this subsection and to establish the number and positioning of monitoring wells or devices that will detect releases from any portion of the tank that routinely contains a regulated substance; and

(viii) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

Note: Monitoring wells must also comply with the minimum standards for construction, maintenance, and abandonment of wells specified in chapter 173-160 WAC.

(h) Interstitial monitoring. Interstitial monitoring between the UST system and a secondary barrier immediately around or beneath it may be used, but only if the system is designed, constructed and installed to detect a leak from any portion of the tank that routinely contains a regulated substance and also meets one of the following requirements:

(i) For double-walled UST systems, the sampling or testing method can detect a release through the inner wall in any portion of the tank that routinely contains a regulated substance;

Note: The provisions outlined in the Steel Tank Institute's "Standard for Dual Wall Underground Storage Tanks" may be used as guidance for aspects of the design and construction of underground steel double-walled tanks.

(ii) For UST systems with a secondary barrier within the excavation zone, the sampling or testing method used can detect a release between the UST system and the secondary barrier;

(A) The secondary barrier around or beneath the UST system consists of artificially constructed material that is sufficiently thick and impermeable (at least 10^{-6} cm/sec for the regulated substance stored) to direct a release to the monitoring point and permit its detection;

(B) The barrier is compatible with the regulated substance stored so that a release from the UST system will not cause a deterioration of the barrier allowing a release to pass through undetected;

(C) For cathodically protected tanks, the secondary barrier shall be installed so that it does not interfere with the proper operation of the cathodic protection system;

(D) The ground water, soil moisture, or rainfall will not render the testing or sampling method used inoperative so that a release could go undetected for more than thirty days;

(E) The site is evaluated for its appropriateness for installation of interstitial monitors to ensure that the secondary barrier is always above the ground water and not in a twenty-five-year flood plain, unless the barrier and monitoring designs are for use under such conditions; and

(F) Monitoring wells are clearly marked and secured to avoid unauthorized access and tampering.

(iii) For tanks with an internally fitted liner, an automated device can detect a release between the inner wall of the tank and the liner, and the liner is compatible with the substance stored.

(i) Other methods. Any other type of release detection method, or combination of methods, can be used if:

(i) It can detect a 0.2 gallon per hour leak rate or a release of one hundred fifty gallons within a month with a probability of detection of 0.95 and a probability of false alarm of 0.05; or

(ii) The department or delegated agency may approve another method if the owner and operator can demonstrate that the method can detect a release as effectively as any of the methods allowed in (d) through (i) of this subsection. In comparing methods, the department or delegated agency shall consider the size of release that the method can detect and the frequency and reliability with which it can be detected. If the method is approved, the owner and operator shall comply with any conditions imposed by the department or delegated agency on its use to ensure the protection of human health and the environment.

(7) Tank services providers who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-350 METHODS OF RELEASE DETECTION FOR PIPING. (1) Any method of release detection for piping shall meet the performance requirements of this section, with any performance claims and their manner of determination described in writing by the equipment manufacturer or installer. In addition, methods used after December 22, 1990, except for methods permanently installed prior to that date, shall be capable of detecting the leak rate or quantity specified for that method in subsection (3)(a) and (b) of this section with a probability of detection of 0.95 and a probability of false alarm of 0.05. (That is, under test conditions, a method will correctly detect at least ninety-five of one hundred actual releases, and will falsely indicate a release no more than five times in one hundred tests of nonleaking systems.)

Note: The establishment of leak indication thresholds is a means of setting a standard for the equipment or method used. It is not in any way meant to imply that actual leak rates less than these limits are allowable. No release is acceptable, and any indication that a release may have occurred should be investigated in accordance with WAC 173-360-360.

(2) Underground piping that routinely contains regulated substances shall be monitored for releases in a manner that meets one of the following requirements:

(a) Pressurized piping. Underground piping that conveys regulated substances under pressure shall:

(i) Be equipped with an automatic line leak detector conducted in accordance with subsection (3)(a) of this section; and

(ii) Have an annual line tightness test conducted by a licensed tank services provider in accordance with subsection (3)(b) of this section or have monthly monitoring conducted in accordance with subsection (3)(c) of this section.

(b) Suction piping. Underground piping that conveys regulated substances under suction shall either have a line tightness test conducted at least every three years and in accordance with subsection (3)(b) of this section, or use a monthly monitoring method conducted in accordance with subsection (3)(c) of this section. No release detection is required for suction piping that is designed and constructed to meet the following standards:

(i) The below-grade piping operates at less than atmospheric pressure;

(ii) The below-grade piping is sloped so that the contents of the pipe will drain back into the storage tank if the suction is released;

(iii) Only one check valve is included in each suction line;

(iv) The check valve is located directly below and as close as practical to the suction pump; and

(v) A method is provided that allows compliance with subsection (2)(b)(ii) through (iv) of this section to be readily determined.

(3) Each method of release detection for piping used to meet the requirements of WAC 173-360-335 shall be conducted in accordance with the following:

(a) Automatic line leak detectors. Methods which alert the operator to the presence of a leak by restricting or shutting off the flow of regulated substances through piping or triggering an audible or visual alarm may be used only if they detect leaks of three gallons per hour at ten pounds per square inch line pressure within one hour. An annual test of the operation of the leak detector shall be conducted in accordance with the manufacturer's requirements.

(b) Line tightness testing. A periodic test of piping may be conducted only if it can detect a 0.1 gallon per hour leak rate at one and one-half times the operating pressure.

~~((Note: National Fire Protection Association Standard 329, "Underground Leakage of Flammable and Combustible Liquids", may be used to comply with this requirement.))~~

(c) Applicable tank methods. Any of the methods in WAC 173-360-345 (6)(f) through (i) may be used if they are designed to detect a release from any portion of the underground piping that routinely contains regulated substances.

(4) Tank services providers who perform any of the tank services described in this section shall certify that such services comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-370 RELEASE INVESTIGATION AND CONFIRMATION STEPS. Unless corrective action is initiated in accordance with WAC 173-

360-399, owners and operators shall immediately investigate and confirm all suspected releases of regulated substances requiring reporting under WAC 173-360-360 within seven days of discovery, or another reasonable time period specified by the department or delegated agency, using either the following steps or another procedure approved by the department or delegated agency:

(1) System test. Owners and operators shall have a licensed tank services provider conduct tests (according to the requirements for tightness testing in WAC 173-360-345 (6)(d) and 173-360-350 (3)(b)) that determine whether a leak exists in any portions of the UST system that routinely contains a regulated substance, including the tank and the attached delivery piping, and in any connected tanks and piping that may or may not be in use. All such portions shall be tested either separately or together or in combinations thereof.

(a) Owners and operators shall have a licensed tank services provider repair, replace, upgrade, or close the UST system, and shall begin corrective action in accordance with WAC 173-360-399 if the test results for the system, tank, or delivery piping indicate that a leak exists.

(b) Further investigation is not required if the test results for the system, tank, and delivery piping do not indicate that a leak exists and if environmental contamination is not the basis for suspecting a release.

(c) Owners and operators shall conduct a site check in accordance with subsection (2) of this section if the test results for the system, tank, and delivery piping do not indicate that a leak exists but environmental contamination is the basis for suspecting a release.

(2) Site check. Owners and operators shall have a person registered by the department to perform site assessments, as specified in WAC 173-360-610, sample for the presence of a release. Such samples shall be taken (~~and~~), analyzed, and results reported to the department or delegated agency in accordance with the department's guidance document for site checks and site assessments, or as otherwise directed by the department or delegated agency, where contamination is most likely to be present at the UST site.

(a) If the site check results indicate that a release has occurred, owners and operators shall report to the department or delegated agency in accordance with WAC 173-360-372 and begin corrective action in accordance with WAC 173-360-399.

(b) If the site check results do not indicate that a release has occurred, further investigation is not required.

(3) Tank services providers who perform any of the tank services described in this section, and persons who perform site checks, shall certify that such services or site checks, as applicable, comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-380 TEMPORARY CLOSURE OF UST SYSTEMS. (1) When an UST system is temporarily closed, owners and operators shall continue operation and maintenance of corrosion protection in accordance with WAC 173-360-320, and any release detection in accordance with WAC 173-360-330 through 173-360-355. WAC 173-360-360 through 173-360-375 and 173-360-399 shall be complied with if a release is suspected or confirmed. However, release detection is not required as long as the UST system is empty. The UST system is empty when all materials have been removed using commonly employed practices so that no more than 2.5 centimeters (one inch) of residue, or 0.3 percent by weight of the total capacity of the UST system, remain in the system.

(2) When an UST system is temporarily closed for three months or more, owners and operators shall also comply with the following requirements:

(a) Leave vent lines open and functioning; and

(b) Cap and secure all other lines, pumps, entryways, and ancillary equipment.

(3) Any UST system temporarily closed for three months or more shall be tightness tested by a licensed tank services provider in accordance with WAC 173-360-345 (6)(d) and 173-360-350 (3)(b) prior to being put back into service unless the system is subject to and in compliance with the release detection requirements of WAC 173-360-330.

(4) When an UST system is temporarily closed for more than twelve months, owners and operators shall have a licensed tank services provider permanently close the UST system if it does not either meet the performance standards in WAC 173-360-305 for new UST systems or the upgrading requirements in WAC 173-360-310 (2) and (3). Such UST systems shall be permanently closed in accordance with WAC 173-360-385 through 173-360-398 at the end of the twelve-month period unless the department or delegated agency provides an extension before expiration of the twelve-month temporary closure period. Owners and operators shall have a site assessment completed in accordance with WAC 173-360-390 before such an extension is applied for.

(5) Tank services providers who perform any of the tank services described in this section, and persons who perform site assessments, shall certify that such services and site assessments, as applicable, comply with the requirements of this chapter by submitting the appropriate checklist(s) to the department in accordance with WAC 173-360-630(12).

(6) Any active permits for those systems being temporarily closed shall be returned to the department within thirty days of completion of the temporary closure activities.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-385 PERMANENT CLOSURE AND CHANGE-IN-SERVICE. (1) At least thirty

days before beginning either permanent closure or a change-in-service under subsections (2) and (3) of this section, or within another reasonable time period determined by the department or delegated agency, owners and operators shall notify the department or delegated agency in writing of their intent to permanently close or make the change-in-service, unless such action is in response to corrective action. The site assessment required under WAC 173-360-390 shall be performed after notifying the department or delegated agency but before completion of the permanent closure or a change-in-service.

(2) Permanent closure shall be completed by a licensed tank services provider within sixty days after expiration of the thirty-day notice, unless a written request for an extension, explaining the reason for the request, is approved by the department or delegated agency. Any UST system not permanently closed by a compliance date that the UST system is subject to, shall be in compliance with the requirement associated with the compliance date, including the payment of fees. Any UST system not in compliance with any such requirement will be subject to the penalties described in WAC 173-360-170.

(3) To permanently close an UST system, the tank services provider shall empty and clean the tank by removing all liquids and accumulated sludges.

Note: Any sludges removed must also be designated and disposed of in accordance with chapter 173-303 WAC.

(4) All tanks taken out of service permanently shall also be either removed from the ground or filled with an inert solid material. All piping shall either be capped (except any vent lines) or removed from the ground.

(5) Continued use of an UST system to store a non-regulated substance is considered a change-in-service. Before a change-in-service, owners and operators shall have a licensed tank services provider empty and clean the tank by removing all liquid and accumulated sludge, and shall have a site assessment conducted in accordance with WAC 173-360-390.

Note: The following cleaning and closure procedures may be used to comply with this section:

(A) American Petroleum Institute Recommended Practice 1604, "Removal and Disposal of Used Underground Petroleum Storage Tanks";

(B) American Petroleum Institute Publication 2015, "Cleaning Petroleum Storage Tanks";

(C) American Petroleum Institute Recommended Practice 1631, "Interior Lining of Underground Storage Tanks," may be used as guidance for compliance with this section; and

(D) The National Institute for Occupational Safety and Health "Criteria for a Recommended Standard...Working in Confined Space" may be used as guidance for conducting safe closure procedures at some hazardous substance tanks.

(5) Tank services providers who perform any of the tank services described in this section, and persons who perform site assessments, shall certify that such services or site assessments, as applicable, comply with the requirements of this section by submitting the appropriate checklist(s) to the department in accordance with WAC

173-360-630(12). Any active tank permits for the systems being closed shall be returned to the department within thirty days of closure activities.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-390 SITE ASSESSMENT AT CLOSURE OR CHANGE-IN-SERVICE. (1) Before permanent closure or a change-in-service is completed, except as specified in subsections (2), (3), and (4) of this section, owners and operators shall have a person registered by the department to perform site assessments, as specified in WAC 173-360-610, sample for the presence of a release. Such samples shall be taken ~~((and))~~, analyzed, and the results reported to the department or delegated agency in accordance with the department's guidance document for site assessments, or as otherwise directed by the department or delegated agency, where contamination is most likely to be present at the UST site.

(2) The requirements of this section are satisfied if one of the external release detection methods allowed in WAC 173-360-345 (6)(f) and (g) is employed for the UST system being closed or undergoing a change-in-service, if the following conditions are met:

(a) The external release detection method is operating, at the time of closure or change-in-service, in accordance with the requirements of WAC 173-360-345 (6)(f) or (g), as applicable; and

(b) A report is provided to the department with sufficient information to clearly demonstrate that:

(i) The external release detection method employed was appropriately designed, installed, and operated to adequately detect any releases from the UST system; and

(ii) No release was detected from the UST system.

(3) If the department determines that the conditions specified in subsection (2)(a) and (b) of this section have not been satisfactorily met, the department may require that a site assessment be performed for the site.

(4) If contaminated soils, contaminated ground water, or free product is discovered under subsection (1) of this section, or by any other manner, owners and operators shall report to the department or delegated agency in accordance with WAC 173-360-372 and take appropriate action in accordance with WAC 173-360-399.

(5) Persons who perform site assessments shall certify that such site assessments comply with the requirements of this section by submitting the appropriate checklist to the department in accordance with WAC 173-360-630(12).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-395 APPLICABILITY TO PREVIOUSLY CLOSED UST SYSTEMS. When directed by the department or delegated agency, the owner ~~((and))~~ or operator of an UST system permanently closed or abandoned before December 22, 1988, shall

have a person registered to perform site assessments assess the site and shall have a licensed tank services provider close the UST system in accordance with WAC 173-360-380 through 173-360-398 if releases from the UST may, in the judgment of the department or delegated agency, pose a current or potential threat to human health and the environment.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-403 COMPLIANCE DATES. Owners of petroleum underground storage tanks are required to comply with the requirements of WAC 173-360-400 through 173-360-499 by the following dates:

(1) All petroleum marketing firms owning 1,000 or more USTs and all other UST owners that report a tangible net worth of twenty million dollars or more to the United States Securities and Exchange Commission (SEC), Dun and Bradstreet, the Energy Information Administration, or the Rural Electrification Administration; January 24, 1989, except that compliance with WAC 173-360-410 (2) is required by July 24, 1989.

(2) All petroleum marketing firms owning 100-999 USTs; October 26, 1989.

(3) All petroleum marketing firms owning a combined total of 13-99 USTs which are located at more than one facility; April 26, 1991.

(4) All petroleum UST owners not described in subsections (1), (2), or (3) of this section, including all local government entities; ~~((October 26, 1991))~~ the same as the requirements and deadlines adopted under 40 C.F.R. 280.91.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-473 APPENDIX B—GUARANTEE.

GUARANTEE

Guarantee made this [date] by name of guaranteeing entity, a business entity organized under the laws of ~~((the state of Washington))~~ (name of state), herein referred to as guarantor, to the Washington state department of ecology and to any and all third parties, and obligees, on behalf of [owner or operator] of [business address].

Recitals.

(1) Guarantor meets or exceeds the financial test criteria of WAC 173-360-413 (2) or (3) and (4) and agrees to comply with the requirements for guarantors as specified in WAC 173-360-416(2).

(2) [Owner or operator] owns or operates the following underground storage tank(s) covered by this guarantee: [List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to WAC 173-360-200, and the name and address of the facility.] This guarantee satisfies WAC 173-360-400

through 173-360-499 requirements for assuring funding for [insert: "Taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the above-identified underground storage tank(s) in the amount of [insert dollar amount] per occurrence and [insert dollar amount] annual aggregate.

(3) [Insert appropriate phrase: "On behalf of our subsidiary" (if guarantor is corporate parent of the owner or operator); "On behalf of our affiliate" (if guarantor is a related firm of the owner or operator); or "Incident to our business relationship with" (if guarantor is providing the guarantee as an incident to a substantial business relationship with owner or operator)] [owner or operator], guarantor guarantees to the Washington state department of ecology and to any and all third parties that:

In the event that [owner or operator] fails to provide alternate coverage within 60 days after receipt of a notice of cancellation of this guarantee and the director of the Washington state department of ecology has determined or suspects that a release has occurred at an underground storage tank covered by this guarantee, the guarantor, upon instructions from the director, shall fund a standby trust fund in accordance with the provisions of WAC 173-360-453, in an amount not to exceed the coverage limits specified above.

In the event that the director determines that [owner or operator] has failed to perform corrective action for releases arising out of the operation of the above-identified tank(s) in accordance with WAC 173-360-399, the guarantor, upon written instructions from the director, shall fund a standby trust in accordance with the provisions of WAC 173-360-453, in an amount not to exceed the coverage limits specified above.

If [owner or operator] fails to satisfy a judgment or award based on a determination of liability for bodily injury or property damage to third parties caused by ["sudden" and/or "nonsudden"] accidental releases arising from the operation of the above-identified tank(s), or fails to pay an amount agreed to in settlement of a claim arising from or alleged to arise from such injury or damage, the guarantor, upon written instructions from the director, shall fund a standby trust in accordance with the provisions of WAC 173-360-453 to satisfy such judgment(s), award(s), or settlement agreement(s) up to the limits of coverage specified above.

(4) Guarantor agrees that if, at the end of any fiscal year before cancellation of this guarantee, the guarantor fails to meet the financial test criteria of WAC 173-360-413 (2) or (3) and (4), guarantor shall send within 120 days of such failure, by certified mail, notice to [owner or operator]. The guarantee will terminate 120 days from the date of receipt of the notice by [owner or operator], as evidenced by the return receipt.

(5) Guarantor agrees to notify [owner or operator] by certified mail of a voluntary or involuntary proceeding under Title 11 (Bankruptcy), U.S. Code, naming guarantor as debtor, within 10 days after commencement of the proceeding.

(6) Guarantor agrees to remain bound under this guarantee notwithstanding any modification or alteration of any obligation of [owner or operator] pursuant to chapter 173-360 WAC.

(7) Guarantor agrees to remain bound under this guarantee for so long as [owner or operator] shall comply with the applicable financial responsibility requirements of WAC 173-360-400 through 173-360-499 for the above-identified tank(s), except that guarantor may cancel this guarantee by sending notice by certified mail to [owner or operator], such cancellation to become effective no earlier than 120 days after receipt of such notice by [owner or operator], as evidenced by the return receipt.

(8) The guarantor's obligation does not apply to any of the following:

(a) Any obligation of [insert owner or operator] under a workers' compensation, disability benefits, or unemployment compensation law or other similar law;

(b) Bodily injury to an employee of [insert owner or operator] arising from, and in the course of, employment by [insert owner or operator];

(c) Bodily injury or property damage arising from the ownership, maintenance, use, or entrustment to others of any aircraft, motor vehicle, or watercraft;

(d) Property damage to any property owned, rented, loaned to, in the care, custody, or control of, or occupied by [insert owner or operator] that is not the direct result of a release from a petroleum underground storage tank;

(e) Bodily damage or property damage for which [insert owner or operator] is obligated to pay damages by reason of the assumption of liability in a contract or agreement other than a contract or agreement entered into to meet the requirements of WAC 173-360-406.

(9) Guarantor expressly waives notice of acceptance of this guarantee by the Washington state department of ecology, by any or all third parties, or by [owner or operator].

I hereby certify that the wording of this guarantee is identical to the wording specified in WAC 173-360-473 as such regulations were constituted on the effective date shown immediately below.

Effective date:

[Name of guarantor]

[Authorized signature for guarantor]

[Name of person signing]

[Title of person signing]

Signature of witness or notary:

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

AMENDATORY SECTION (Amending 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-480 APPENDIX D—CERTIFICATE OF INSURANCE.

CERTIFICATE OF INSURANCE

Name: [Name of each covered location]
 Address: [Address of each covered location]
 Policy number:
 Endorsement (if applicable):
 Period of coverage: [Current policy period]
 Name of [insurer or risk retention group]:
 Address of [insurer or risk retention group]:
 Name of insured:
 Address of insured:
 Certification:

1. [Name of insurer or risk retention group], [the "insurer" or "group"], as identified above, hereby certifies that it has issued liability insurance covering the following underground storage tank(s):

[List the number of tanks at each facility and the name(s) and address(es) of the facility(ies) where the tanks are located. If more than one instrument is used to assure different tanks at any one facility, for each tank covered by this instrument, list the tank identification number provided in the notification submitted pursuant to WAC 173-360-200, and the name and address of the facility].

for [insert: "Taking corrective action" and/or "compensating third parties for bodily injury and property damage caused by" either "sudden accidental releases" or "nonsudden accidental releases" or "accidental releases"; in accordance with and subject to the limits of liability, exclusions, conditions, and other terms of the policy; if coverage is different for different tanks or locations, indicate the type of coverage applicable to each tank or location] arising from operating the underground storage tank(s) identified above.

The limits of liability are [insert the dollar amount of the "each occurrence" and "annual aggregate" limits of the insurer's or group's liability; if the amount of coverage is different for different types of coverage or for different underground storage tanks or locations, indicate the amount of coverage for each type of coverage and/or for each underground storage tank or location], exclusive of legal defense costs, which are subject to a separate limit under the policy. This coverage is provided under [policy number]. The effective date of said policy is [date].

2. The ["insurer" or "group"] further certifies the following with respect to the insurance described in Paragraph 1:

a. Bankruptcy or insolvency of the insured shall not relieve the ["insurer" or "group"] of its obligations under the policy to which this certificate applies.

b. The ["insurer" or "group"] is liable for the payment of amounts within any deductible applicable to the policy to the provider of corrective action or a damaged third-party, with a right of reimbursement by the insured for any such payment made by the ["insurer" or "group"]. This provision does not apply with respect to that amount of any deductible for which coverage is demonstrated under another mechanism or combination of mechanisms as specified in WAC 173-360-413 through 173-360-433.

c. Whenever requested by the director of the Washington state department of ecology, the ["insurer"

or "group"] agrees to furnish the director a signed duplicate original of the policy and all endorsements.

d. Cancellation or any other termination of the insurance by the ["insurer" or "group"], except for nonpayment of premium or misrepresentation by the insured, will be effective only upon written notice and only after the expiration of 60 days after a copy of such written notice is received by the insured. Cancellation for nonpayment of premium or misrepresentation by the insured will be effective only upon written notice and only after expiration of a minimum of 10 days after a copy of such notice is received by the insured.

[Insert for claims-made policies:

e. The insurance covers claims otherwise covered by the policy that are reported to the ["insurer" or "group"] within six months of the effective date of the cancellation or nonrenewal of the policy except where the new or renewed policy has the same retroactive date or a retroactive date earlier than that of the prior policy, and which arise out of any covered occurrence that commenced after the policy retroactive date, if applicable, and prior to such policy renewal or termination date. Claims reported during such extended reporting period are subject to the terms, conditions, limits, including limits of liability, and exclusions of the policy.]

I hereby certify that the wording of this instrument is identical to the wording in WAC 173-360-480 and that the ["insurer" or "group"] is ["licensed to transact the business of insurance, or eligible to provide insurance as an excess or surplus lines insurer, in one or more states"].

[Signature of authorized representative of insurer]

[Type name]

[Title], authorized representative of [name of insurer or risk

retention group]

[Address of representative]

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

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-610 SCOPE. (1) WAC 173-360-610 through 173-360-690 establishes requirements for:

(a) Registration and licensing of firms that perform services on underground storage tank((s)) systems;

(b) Examination, qualification, and licensing of persons who supervise the performance of underground storage tank system service;

(c) Examination and licensing of persons conducting underground storage tank system inspections for determination of compliance with the state underground storage tank regulations; and

(d) Administration and enforcement of these rules by the department.

(2) Except as specified in WAC 173-360-655, 173-360-610 through 173-360-690 applies to any person or firm who performs the installation, retrofitting, decommissioning, testing, site check, site assessment, and inspection for compliance with state regulations, by any

person, of underground storage tanks regulated by chapter 90.76 RCW.

(3) A site assessment or site check shall only be performed by a hydrogeologist, geologist, licensed professional engineer, professional soil scientist, certified ground water professional or other person whose experience, education, and/or training meet criteria established by the department. A person performing site assessments and site checks must register with the department ~~((as per the requirements of WAC 173-360-630 (1) and (2), except that))~~ on a form provided by the department. No license ((will be)) is required for this activity.

(4) The requirements of this licensing program do not apply to persons performing the activities specified in subsection (2) of this section for tanks which are exempt or deferred from the UST rule, as provided in WAC 173-360-110 (1) and (2).

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-630 REGISTRATION AND LICENSING OF TANK SERVICE PROVIDERS. ~~((After August 1, 1990,))~~ Only firms that ((have registered with)) are licensed by the department shall perform tank services in the state of Washington.

(2) ~~((Registration and))~~ Application for a license shall be accomplished by:

(a) Completing ((a registration)) an application form provided by the department, including submission of the following information to the department:

(i) The name, address, and telephone number of the firm;

(ii) The nature of the tank services to be offered;

(iii) A summary of the recent project history of the firm (the two-year period immediately preceding the application) including the number of projects completed by the firm in each tank services category and identification of any other industry or government licenses held by the firm related to specific tank services;

(iv) Identifying the names of employees or principals responsible for on-site project supervision; and

(b) Including a signed statement that certifies that:

"I (name), am the chief executive officer of (company) and do hereby certify that I will comply with the applicable laws, and rules, and procedures pertaining to the regulation of underground storage tanks in the state of Washington and will direct the employees and principals of this company to perform the tank services rendered by this company in a manner that is consistent with these requirements."

(3) ~~((After January 1, 1991,))~~ Only tank services providers who have obtained a license from the department may install, retrofit, test, decommission, or inspect for the purpose of determining compliance with state regulations, an underground storage tank system in the state of Washington.

(4) ~~((After January 1, 1991,))~~ An application for a tank services provider license must be submitted to the department and must include:

(a) The information required by subsection (2)(a) and (b) of this section;

(b) A list of employees licensed by the department to supervise tank services, and identification of the specific tank services for which they are licensed; the date the employee received a license from the department; and the license number of the employee.

(5) The department will review the license application for completeness. If the application is incomplete, the department shall notify the applicant of the deficiencies. The department shall deny, in writing, a license to an applicant who has not satisfied the license application requirements. The department shall issue a license to the applicant after approving the application.

(6) The department shall issue licenses for a period not to exceed two years.

(7) Renewals:

(a) License renewals must be applied for in the same manner as is required for an initial license, pursuant to subsection (4) of this section.

(b) The complete license renewal application shall be submitted to the department no later than thirty days prior to the expiration date of the current license.

(8) The department may suspend or revoke a license if the tank services provider:

(a) Fraudulently obtains or attempts to obtain a license;

(b) Fails at any time to satisfy the requirements for a license or comply with any rules or procedures adopted by the department;

(c) Fails to meet any applicable state or federal standard relating to the service performed under the license; or

(d) Fails to employ and designate a licensed supervisor for each underground storage tank project which is directly overseen by the tank services provider.

(9) A tank services provider who has a license suspended or revoked may reapply for a license after demonstrating to the department that the cause of the revocation has been resolved.

(10) In the event a tank services provider no longer employs a supervisor licensed to perform a particular tank service, the tank services provider must stop providing this service on any regulated underground storage tank system. Work involving this service shall not start until a supervisor licensed for the particular service is again employed by the provider and written notice of the hiring of a licensed supervisor is received by the department.

(11) Any tank services provider licensed by the department under the provisions of this chapter shall:

(a) Comply with WAC 173-360-600 through 173-360-690;

(b) Maintain a current address on file with the department; and

(c) Comply with all federal and state regulations and procedures when performing tank services.

(12)(a) A checklist must be completed for each regulated activity performed. The service provider shall submit the checklist to the department within thirty days following the completion of an underground storage tank installation, retrofit, decommissioning, or test, using the appropriate form provided by the department. The checklist must be signed by the owner or operator, by an

executive officer of the service provider firm, or his or her designee, and by the licensed tank services supervisor.

(b) A checklist must be completed for each site check or site assessment performed. The person performing the site check or site assessment shall submit the checklist to the department within thirty days following the completion of the site check or site assessment. A checklist for a site check or site assessment must be signed by the person registered to perform site assessments (rather than a licensed supervisor) and an executive officer of the firm or his or her designee, and the tank owner or operator.

(c) The firm shall submit an as-built site plan, showing the location of completed tank system installations or retrofitted tank system, including adjacent structures, if present. The as-built site plan shall be submitted on the appropriate form provided by the department, or shall be an 8 1/2 inch by 11 inch single page drawing.

(13) A licensed tank services provider, or person qualified to conduct a site assessment or site check shall report to the department and the tank owner or operator the existence of any confirmed release from an underground tank system that poses a threat to human health and the environment. This report shall be provided to the tank owner or operator immediately, and to the department within seventy-two hours of the discovery of the condition. If the owner or operator are not immediately available, the report should be made immediately to the department.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-650 EXAMINATION AND LICENSING OF TANK SERVICES SUPERVISORS.

(1) ~~((After January 1, 1991,))~~ A licensed tank services supervisor shall be present on site at all times tank service activities are being carried out at a tank installation, retrofit, testing, or decommissioning project unless otherwise determined by the department. These tasks may include but may not be limited to:

- (a) Preparing the excavation immediately prior to receiving backfill and placement of the tank into the excavation;
- (b) Any movement of the tank vessel, including but not limited to transferring the vessel from the vehicle used to transport it to the project site;
- (c) Setting the tank and its associated piping into the excavation, including placing any anchoring devices and strapping, if any, and backfilling to the level of the tank;
- (d) Placing and connecting the piping system to the tank vessel;
- (e) Installing cathodic protection systems;
- (f) All pressure testing of the underground storage tank system, including associated piping, performed during the installation or retrofitting;
- (g) Completing the backfill and filling of the installation;
- (h) Evaluating preparation for and installing any tank lining system;
- (i) Tank purging or inerting;

(j) Removal of the tank, removal of sludge from the tank, and cleaning of the tank;

(k) Removing flammable vapors from tanks;

(l) Excavating around tanks for removal;

(m) Field installation and operational testing of cathodic protection systems;

(n) Inspecting of existing tank and piping systems for corrosion;

(o) Tank or line tightness testing;

(p) Inspection of existing tanks for structural integrity; and

(q) Inspection of existing tank and piping systems for the purpose of determining compliance with the Washington state underground storage tank regulations; and

(r) Installation of release detection equipment.

(2) If a licensed supervisor, or person ~~((qualified to conduct))~~ registered as a site ~~((assessment or site check))~~ assessor, obtains knowledge, in the course of performing regulated activities, that a regulated underground storage tank has not been registered with the department, or is otherwise out of compliance with the requirements of this chapter, the ~~((supervisor))~~ individual shall inform the tank owner or operator of the notification requirement and any other applicable requirements.

(3) ~~((After January 1, 1991,))~~ Only persons licensed by the department under this section may perform the duties of a tank services supervisor.

(4) To obtain a license from the department as a tank services supervisor, a person shall take and pass a qualifying examination approved by the department.

(5) ~~((At least once prior to January 1, 1991, and))~~ Twice ((every)) each year ((thereafter,)) the department shall offer a qualifying examination for any person who wishes to become licensed to install, remove, test, or retrofit underground storage tank systems. Not less than thirty days prior to offering an examination, the department shall prepare and make available to interested persons, a study guide which may include sample examination questions. The department shall develop and administer the qualifying examinations in a manner consistent with the objectives of this section.

(6) An application for a supervisor examination and license shall be submitted to the department on a form provided at least forty-five days prior to the date of the qualifying examination.

(7) A tank services supervisor license is valid for a period not to exceed two years after the date of issue. Upon issuance of a supervisor's license, the department shall issue an identification card showing the license number and license expiration date to the successful applicant.

The supervisor's license identification card shall be available for inspection at any project site supervised by the licensee.

(8) License renewals shall be applied for in the same manner as the original license, including taking a qualifying examination.

(9) The department may suspend or revoke a supervisor's license for failure to comply with any state or federal law, regulation, or procedure pertaining to underground storage tanks.

(10) If a supervisor's license is revoked, that person may not apply for another supervisor license prior to ninety days after the revocation date.

(11) The requirements of this section are in addition to and not in lieu of any other licensing and registration requirement imposed by other laws or regulations.

AMENDATORY SECTION (Amending WSR 90-24-017, filed 11/28/90, effective 12/29/90)

WAC 173-360-655 EXAMINATION AND LICENSING OF PERSONS WHO PERFORM INSPECTIONS. ((After January 1, 1991,)) Only persons who have the appropriate supervisor license shall conduct underground storage tank system inspections for the purpose of determining compliance with the Washington state underground storage tank regulations. Persons wishing to obtain such a license shall comply with the requirements of WAC 173-360-650. This requirement applies only to inspectors who are employed by the department or by an agency which has received delegation of regulatory authority from the department.

NEW SECTION

WAC 173-360-695 INACTIVE LICENSE. An individual or firm may voluntarily deactivate their license by notifying the department in writing and requesting that the license be made inactive.

WSR 91-22-021

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 91-39—Filed October 29, 1991, 1:34 p.m.]

Date of Adoption: October 28, 1991.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-280 Klickitat County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 91-14-100 on July 2, 1991.

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

October 28, 1991

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 90-14, filed 7/3/90, effective 8/3/90)

WAC 173-19-280 KLICKITAT COUNTY. Klickitat County master program approved August 29, 1975. Revision approved September 6, 1979. Revision approved March 1, 1984. Revision approved July 3, 1990. Revision approved October 28, 1991.

WSR 91-22-022

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 91-40—Filed October 29, 1991, 1:39 p.m.]

Date of Adoption: October 28, 1991.

Purpose: Adoption of revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending WAC 173-19-420 Thurston County.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 91-14-051 on June 27, 1991.

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

October 28, 1991

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order 89-63, filed 5/16/90, effective 6/16/90)

WAC 173-19-420 THURSTON COUNTY. Thurston County master program approved May 21, 1976. Revision approved August 27, 1976. Revision approved August 7, 1979. Revision approved September 23, 1981. Revision approved March 4, 1982. Revision approved August 30, 1984. Revision approved September 29, 1987. Revision approved May 15, 1990. Revision approved October 28, 1991.

WSR 91-22-023

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 91-41—Filed October 29, 1991, 1:42 p.m.]

Date of Adoption: October 28, 1991.

Purpose: Adoption of a revised shoreline master program into the state master program, chapter 173-19 WAC.

Citation of Existing Rules Affected by this Order: Amending city of Omak, WAC 173-19-3204.

Statutory Authority for Adoption: RCW 90.58.200.

Pursuant to notice filed as WSR 91-14-052 on June 27, 1991.

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

October 28, 1991

Fred Olson

Deputy Director

AMENDATORY SECTION (Amending Order DE 79-34, filed 1/30/80)

WAC 173-19-3204 OMAK, CITY OF. City of Omak master program approved December 16, 1975. Revision approved March 9, 1976. Revision approved October 28, 1991.

WSR 91-22-024**WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF ECOLOGY**

[Filed October 29, 1991, 1:45 p.m.]

Notice is hereby given that the Department of Ecology will not take further action under WSR 91-14-054, filed on June 27, 1991, to amend WAC 173-19-120, Administrative Order 91-43, Chelan County. The Department of Ecology may, at a later date, file a new notice of intent to amend this program.

Fred Olson
Deputy Director

WSR 91-22-025**PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3270—Filed October 29, 1991, 1:49 p.m.]

Date of Adoption: October 29, 1991.

Purpose: WAC 388-96-010, to provide a definition of "gain on sale" for the purpose of depreciation reimbursement recovery; WAC 388-96-023, to require as a condition of participation in Medicaid that a nursing facility have at least 15% of its beds certified for Medicare participation; WAC 388-96-507, to clarify that ordinary and necessary costs of providing care and meeting standards are not allowable if they are expressly declared unallowable elsewhere in the chapter; WAC 388-96-559, to further clarify that both land and depreciable assets are subject to appraisal limitations for all rate periods after December 31, 1984. To further clarify that both land and depreciable assets are prohibited from being revalued upward for all partial or whole rate periods after July 17, 1984, for changes of ownership after this date; WAC 388-96-569, to provide for recovery of prior depreciation reimbursement to the extent there is a gain on sale of nursing facility assets resulting from a sale or capitalized lease. To clarify there will be no adjustment of depreciation base or cost basis for the buyer or capitalized lessee in the event of recapture; WAC 388-96-585, to further clarify the cost of land and depreciable assets, which cannot be reimbursed under the Deficit Reduction Act of 1984 (DEFRA) and state statutory and regulatory provisions, for sales on or after July 18, 1984, are unallowable for all partial or whole rate periods after July 17, 1984. To provide that costs of nursing "pool services" (temporary nursing services purchased under contract) are unallowable to the extent they exceed what the services would have cost for the same services at in-house nursing wages at the same facility for the same category of health care worker; WAC 388-96-722, to provide for the nonreimbursement of costs of temporary nursing services ("pool services") to the extent they exceed the cost of such services had they been performed by in-house staff at the facility. To provide for the exclusion of such excess costs from nursing costs for the purpose of measuring year-to-year nursing cost

increases in calculating and applying the nursing cost increase lid and from converting excess nursing hours to costs in computing the hours lid. To provide for the suspension of the nursing cost increase lid for state fiscal year 1992 only (July 1, 1991, to June 30, 1992, rate setting); and WAC 388-96-754, to reduce the financing allowance from 11% to 10% of net invested funds. To further clarify that the cost basis of land as well as the depreciation base of depreciable assets cannot be increased for reimbursement purposes for all changes of ownership on or after July 18, 1984, for all partial or whole rate periods after July 17, 1984. To further clarify the cost basis of leased land shall be lessor's historical capitalized cost, regardless of whether the lease is capitalized or not.

Citation of Existing Rules Affected by this Order: Amending chapter 388-96 WAC, Nursing home—Accounting—Reimbursement.

Statutory Authority for Adoption: WAC 388-96-010, 388-96-023, 388-96-507, 388-96-559, and 388-96-585 is RCW 74.09.120; WAC 388-96-722 is RCW 74.09.180 and 74.46.800; and WAC 388-96-569 and 388-96-754 is RCW 74.09.120 and 74.46.800.

Pursuant to notice filed as WSR 91-17-088 on August 21, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 388-96-010(30), terms, subsection (30), definition of "gain on sale." The department received a number of questions and critical comments regarding the proposed definition of "gain on sale" and related proposed depreciation reimbursement recovery provisions. The department agrees with comments that the recovery legislation leaves many questions unanswered which are vital to the implementation of this aspect of the reimbursement system. In general the department has resolved questions in favor of suggestions offered by commenting parties and awaits further legislative clarification, if any, at the next opportunity. In response to comments, the present definition eliminates the term "imputed" sales price of assets because the statute, RCW 74.46.020(19) references "total sales price." Likewise, references to "capitalized lease" are removed because this is not a straight sale. References to net book value "assigned for Medicaid reimbursement purposes" are removed for statutory consistency.

WAC 388-96-569 (3) through (10), Retirement of depreciable assets, subsection (3), references to "capitalized lease" and "capitalized lessor" are eliminated to emphasize depreciation recapture, as the department presently interprets the statute, applies only to straight sales of nursing facility assets. A clarification is made to provide reimbursement recovery for depreciation paid to the selling contractor or lessee related to the selling lessor only. A further clarification made that sellers and buyers, for depreciation reimbursement recovery purposes, include parties or organizations related to them as defined in chapter 388-96 WAC. This is consistent with the state's reimbursement system regarding related parties and organizations. A provision is added that only reimbursement for depreciation from July 1, 1991, forward will be subject to recovery in order to avoid any suggestion that either the regulation or statute is being

applied retroactively. Because the recovery provisions, as set out in the statute and regulation, apply to sales on or after July 1, 1991, only, the department does not concede the provisions are retroactive if depreciation reimbursement paid prior to July 1, 1991, is subject to recovery. However, since the statute does not make clear whether pre-July 1, 1991, depreciation is included, further legislative direction is needed and the department will presume, for the present, that only post-July 1, 1991, depreciation is involved. Subsection (4), a provision is made that any sale completed under an enforceable agreement existing prior to July 1, 1991, (the effective date of the legislative change to RCW 74.46.380) is exempt from depreciation reimbursement recovery. Further provision is made that any such pre-July 1, 1991, sale and purchase agreement must be on file with the department's Rates Management Office on or before December 31, 1991, to allow ample time to file such agreements. References to "capitalized lease" removed. Subsection (5), references to "capitalized lease" and "capitalized lessee" removed. Statutory provision makes clear that recovery shall be made from the buyer first and then from the seller. Clarification made that this principle applies to parties or organizations related to the buyer and seller as well. Subsection (6), clarification added that recovery by deduction from the buyer's monthly payments for Medicaid services is in addition to all other means of recovering debt to the state authorized by law. Subsection (7), proposed subsections (7), (8), and (9) have been eliminated. The provisions contained in these have either been moved to other subsections or eliminated altogether in response to comments. Proposed subsection (10) has been renumbered as subsection (7) for permanent adoption. References to "capitalized lease" and "capitalized lessor" have been removed. Reference to "net book value used for Medicaid reimbursement purposes" eliminated.

WAC 388-96-585 (2)(uu), Unallowable costs, subsection (2)(uu), clarification made that average facility hourly wages for each nursing classification shall include regular and overtime hours and compensation for in-house staff. Further clarification made that "classification" means classification of registered nurse, licensed practical nurse or nurse assistant only.

WAC 388-96-722(7), Nursing services cost area rate, subsection (7), a new subsection (7) is added for clarification and in response to comments. Previously proposed subsection (7) is retained intact and renumbered as subsection (8). Clarifications are made in the new subsection (7) as follows: That "staff of like classification" means the classifications of registered nurse, licensed practical nurse or nurse assistant only; that the department will not recognize particular individuals, positions or subclassifications for whom pool staff may be substituting or helping in calculating the pool limit; that average hourly wages for each classification shall include both regular and overtime in-house hours and compensation; that the average shall be derived by dividing total compensation by total hours for each nursing classification; and that all data for calculating facility hourly averages for the three classifications shall be taken from

the facility's cost report on file with the department for the most recent cost report period.

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

October 29, 1991

Leslie F. James, Director
Administrative Services

Reviser's note: The material contained in this filing will appear in the 91-23 issue of the Register as it was received after the applicable closing date for the issue for agency-typed material exceeding the volume limitations of WAC 1-21-040.

WSR 91-22-026
EMERGENCY RULES
FOREST PRACTICES BOARD

[Filed October 29, 1991, 2:42 p.m., effective October 30, 1991]

Date of Adoption: October 9, 1991.

Purpose: Classify those forest practices subject to environmental review under SEPA and SEPA rules.

Citation of Existing Rules Affected by this Order: Amending WAC 222-16-010 and 222-16-050(1).

Statutory Authority for Adoption: RCW 76.09.040, 76.09.050, and 34.05.350.

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: On October 25, 1990, the Snohomish County Superior Court issued a final judgment declaring WAC 222-16-050(1) invalid as it existed on that date. *Snohomish County v. DNR*, No. 89-2-06923-5 (Snohomish Cy. Super. Ct.). On November 14, 1990, the Forest Practices Board adopted an emergency rule to replace the one declared invalid, and adopted a second emergency rule directing the Department of Natural Resources to develop a watershed screening and analysis process (WSR 90-23-041). A revision of that rule was adopted on March 13, 1991, (WSR 91-07-034). On March 15, 1991, the Forest Practices Board filed a request for preproposal comments on permanent rule changes to WAC 222-16-050(1) (WSR 91-07-030). The board established three task forces to develop recommendations for new permanent rule language relating to pesticide use, aesthetics, and wildlife. The task forces reported the results of their work at Forest Practices Board meetings on February 13, 1991, March 13, 1991, May 8, 1991, and June 25, 1991. The task forces have completed preliminary drafts and are continuing to receive comment and input. In addition, the Cumulative Effects Committee of the board is reviewing the watershed screening and analysis process. At its June 25, 1991, meeting, the Forest Practices Board incorporated recommendations of the task forces in the new emergency rules.

Effective Date of Rule: October 30, 1991.

October 29, 1991
 Brian J. Boyle
 Commissioner of
 Public Lands

AMENDATORY SECTION (Amending Order 551,
 Resolution No. 88-1, filed 9/21/88)

WAC 222-16-010 GENERAL DEFINITIONS.*
 Unless otherwise required by context, as used in these regulations:

(1) "ACT" means the Forest Practices Act, chapter 76.09 RCW.

(2) "AFFECTED INDIAN TRIBE" means any federally recognized Indian tribe that requests in writing from the department information on forest practices applications and notification filed on specified areas.

(3) "APPEALS BOARD" means the forest practices appeals board established in the act.

(4) "BOARD" means the forest practices board established by the act.

(5) "BORROW PIT" shall mean an excavation site outside the limits of construction to provide material necessary to that construction, such as fill material for the embankments.

(6) "CHEMICALS" means substances applied to forest lands or timber to accomplish specific purposes and includes pesticides, (~~insecticides, rodenticides,~~) plant-growth regulators, (~~fungicides, fertilizers,~~) desiccants, fire retardants when used in controlled burning, repellents, oil, dust-control agents (other than water), salt and other materials that may present hazards to the environment.

(7) "COMMERCIAL TREE SPECIES" means any species which is capable of producing a merchantable stand of timber on the particular site, or which is being grown as part of a Christmas tree or ornamental tree-growing operation.

(8) "COMPLETION OF HARVEST" means the latest of:

(a) Completion of removal of timber from the portions of forest lands harvested in the smallest logical unit that will not be disturbed by continued logging or an approved slash disposal plan for adjacent areas; or

(b) Scheduled completion of any slash disposal operations where the department and the applicant agree within 6 months of completion of yarding that slash disposal is necessary or desirable to facilitate reforestation and agree to a time schedule for such slash disposal; or

(c) Scheduled completion of any site preparation or rehabilitation of adjoining lands approved at the time of approval of the application or receipt of a notification: **PROVIDED**, That delay of reforestation under this subsection (c) is permitted only to the extent reforestation would prevent or unreasonably hinder such site preparation or rehabilitation of adjoining lands.

(9) "CONTAMINATION" means the introducing into the atmosphere, soil, or water, sufficient quantities of substances as may be injurious to public health, safety or welfare, or to domestic, commercial, industrial, agriculture or recreational uses, or to livestock, wildlife, fish or other aquatic life.

(10) "CONVERSION TO A USE OTHER THAN COMMERCIAL TIMBER OPERATION" shall mean a bona fide conversion to an active use which is incompatible with timber growing.

(11) "CRITICAL WILDLIFE HABITAT" means the habitat of any threatened or endangered species, as such habitat is established by the board in the forest practices board manual, or other situations as identified by the board, after consultation with the department of wildlife, where specific management practices are needed to prevent critical wildlife habitat destruction.

(12) "CULTURAL RESOURCES" means archaeological and historic sites and artifacts and traditional religious, ceremonial and social uses and activities of affected Indian tribes.

(13) "DEBRIS" means woody vegetative residue less than 3 cubic feet in size resulting from forest practice activities which would reasonably be expected to cause significant damage to a public resource.

(14) "DEPARTMENT" means the department of natural resources.

(15) "END HAULING" means the removal and transportation of excavated material, pit or quarry overburden, or landing or road cut material from the excavation site to a deposit site not adjacent to the point of removal.

(16) "ERODIBLE SOILS" means those soils exposed or displaced by a forest practice operation, that would be readily moved by water.

(17) "FERTILIZERS" means any substance or any combination or mixture of substances used principally as a source of plant food or soil amendment.

(18) "FLOOD LEVEL - 50 YEAR." For purposes of field interpretation of these regulations, the 50-year flood level shall be considered to refer to a vertical elevation measured from the ordinary high-water mark which is 1.25 times the vertical distance between the average stream bed and the ordinary high-water mark, and in horizontal extent shall not exceed 2 times the channel width measured on either side from the ordinary high-water mark, unless a different area is specified by the department based on identifiable topographic or vegetative features or based on an engineering computation of flood magnitude that has a 2 percent chance of occurring in any given year. The 50-year flood level shall not include those lands that can reasonably be expected to be protected from flood waters by flood control devices maintained by or under license from the federal government, the state, or a political subdivision of the state.

(19) "FOREST LAND" means all land which is capable of supporting a merchantable stand of timber and is not being actively used for a use which is incompatible with timber growing.

(20) "FOREST LAND OWNER" shall mean any person in actual control of forest land, whether such control is based either on legal or equitable title, or on any other interest entitling the holder to sell or otherwise dispose of any or all of the timber on such land in any manner: **PROVIDED**, That any lessee or other person in possession of forest land without legal or equitable title to such land shall be excluded from the definition of "forest land owner" unless such lessee or other person has the right

to sell or otherwise dispose of any or all of the timber located on such forest land.

(21) "FOREST PRACTICE" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting, or processing timber, including but not limited to:

- (a) Road and trail construction;
- (b) Harvesting, final and intermediate;
- (c) Precommercial thinning;
- (d) Reforestation;
- (e) Fertilization;
- (f) Prevention and suppression of diseases and insects;
- (g) Salvage of trees, and
- (h) Brush control.

"Forest practice" shall not include: Preparatory work such as tree marking, surveying and road flagging; or removal or harvest of incidental vegetation from forest lands such as berries, ferns, greenery, mistletoe, herbs, mushrooms, and other products which cannot normally be expected to result in damage to forest soils, timber or public resources.

(22) "HERBICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any tree, bush, weed or algae and other aquatic weeds.

(23) "HISTORIC SITE" includes:

- (a) Sites, areas and structures or other evidence of human activities illustrative of the origins, evolution and development of the nation, state or locality; or
- (b) Places associated with a personality important in history; or
- (c) Places where significant historical events are known to have occurred even though no physical evidence of the event remains.

(24) "INSECTICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate any insect, other arthropods or mollusk pests.

(25) "INTERDISCIPLINARY TEAM" (ID Team) means a group of varying size comprised of individuals having specialized expertise, assembled by the department to respond to technical questions associated with a proposed forest practice activity.

(26) "LIMITS OF CONSTRUCTION" means the area occupied by the completed roadway or landing, including the cut bank, fill slope, and the area cleared for the purpose of constructing the roadway or landing.

(27) "LOAD BEARING PORTION" means that part of the road, landing, etc., which is supportive soil, earth, rock or other material directly below the working surface and only the associated earth structure necessary for support.

(28) "MERCHANTABLE STAND OF TIMBER" means a stand of trees that will yield logs and/or fiber:

- (a) Suitable in size and quality for the production of lumber, plywood, pulp or other forest products.
- (b) Of sufficient value at least to cover all the costs of harvest and transportation to available markets.

(29) "NOTICE TO COMPLY" means a notice issued by the department pursuant to RCW 76.09.090 of the act and may require initiation and/or completion of action necessary to prevent, correct and/or compensate for material damage to public resources which resulted from forest practices.

(30) "OPERATOR" shall mean any person engaging in forest practices except an employee with wages as his sole compensation.

(31) "ORDINARY HIGH-WATER MARK" means the mark on the shores of all waters, which will be found by examining the beds and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation: PROVIDED, That in any area where the ordinary high-water mark cannot be found, the ordinary high-water mark adjoining saltwater shall be the line of mean high tide and the ordinary high-water mark adjoining freshwater shall be the line of mean high-water.

(32) "PARK" means any park included on the parks register maintained by the department pursuant to WAC 222-20-100(2). Developed park recreation area means any park area developed for high density outdoor recreation use.

(33) "PARTIAL CUTTING" means the removal of a portion of the merchantable volume in a stand of timber so as to leave an uneven-aged stand of well-distributed residual, healthy trees that will reasonably utilize the productivity of the soil. Partial cutting does not include seedtree or shelterwood or other types of regeneration cutting.

(34) "PESTICIDE" means any insecticide, herbicide, fungicide or rodenticide but does not include nontoxic repellents or other chemicals.

(35) "PLANTABLE AREA" is an area capable of supporting a commercial stand of timber excluding lands devoted to permanent roads, utility rights-of-way, that portion of riparian management zones where scarification is not permitted, and any other area devoted to a use incompatible with commercial timber growing.

(36) "POWER EQUIPMENT" means all machinery operated with fuel burning or electrical motors, including heavy machinery, chain saws, portable generators, pumps, and powered backpack devices.

(37) "PUBLIC RESOURCES" means water, fish, and wildlife and in addition shall mean capital improvements of the state or its political subdivisions.

(38) "REHABILITATION" means the act of renewing, or making usable and reforesting forest land which was poorly stocked or previously nonstocked with commercial species.

(39) "RELIEF CULVERT" means a structure to relieve surface runoff from roadside ditches to prevent excessive buildup in water volume and velocity.

(40) "RIPARIAN MANAGEMENT ZONE" means a specified area alongside Type 1, 2 and 3 Waters where specific measures are taken to protect water quality and fish and wildlife habitat.

(41) "RODENTICIDE" means any substance or mixture of substances intended to prevent, destroy, repel, or mitigate rodents or any other vertebrate animal which the director of the state department of agriculture may declare by regulation to be a pest.

(42) "SALVAGE" means the removal of snags, down logs, windthrow, or dead and dying material.

(43) "SCARIFICATION" means loosening the topsoil and/or disrupting the forest floor in preparation for regeneration.

(44) "SIDE CASTING" means the act of moving excavated material to the side and depositing such material within the limits of construction or dumping over the side and outside the limits of construction.

(45) "SHORELINES OF THE STATE" shall have the same meaning as in RCW 90.58.030 (Shoreline Management Act).

(46) "SKID TRAIL" means a route used by tracked or wheeled skidders to move logs to a landing or road.

(47) "SLASH" means pieces of woody material containing more than 3 cubic feet resulting from forest practice activities.

(48) "SPOIL" means excess material removed as overburden or generated during road or landing construction which is not used within limits of construction.

(49) "STOP WORK ORDER" means the "stop work order" defined in RCW 76.09.080 of the act and may be issued by the department to stop violations of the forest practices chapter or to prevent damage and/or to correct and/or compensate for damages to public resources resulting from forest practices.

(50) "THREATENED OR ENDANGERED SPECIES" applies to all species of wildlife listed as "threatened" or "endangered" by the United States Fish and Wildlife Service, except any species which the Washington department of wildlife determines does not require special protection under the Forest Practices Act because conservation of the species is reasonably assured through a recovery and enhancement program or existence of an adequate population on lands where commercial forestry and land development are prohibited, or through other means. For this purpose, "wildlife" means all members of the animal kingdom except insects and benthic organisms.

(51) "TIMBER" shall mean forest trees, standing or down, of a commercial species, including Christmas trees.

(52) "WATER BAR" means a diversion ditch and/or hump in a trail or road for the purpose of carrying surface water runoff into the vegetation duff, ditch, or other dispersion area so that it does not gain the volume and velocity which causes soil movement and erosion.

(53) "WEED" is any plant which tends to overgrow or choke out more desirable vegetation.

(54) "WINDTHROW" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind.

AMENDATORY SECTION (Amending Order 551, Resolution No. 88-1, filed 9/21/88)

WAC 222-16-050 **CLASSES OF FOREST PRACTICES.** There are 4 classes of forest practices created by the act. ~~((These classes are listed below in the order most convenient for the applicant's use in determining into which class his operations fall.))~~ All forest practices (including those in Classes I and II) must be conducted in accordance with the forest practices regulations.

(1) "Class IV - special." Application to conduct forest practices involving the following circumstances requires an environmental checklist in compliance with the State Environmental Policy Act (SEPA), and SEPA guidelines, as they have been determined to have potential for a substantial impact on the environment. It may be determined that additional information or a detailed environmental statement is required before these forest practices may be conducted.

~~*((a)) ((Aerial application of pesticides to an "area of water supply interest" as determined according to WAC 222-38-020 (5)(i).))~~ Aerial application of pesticides in a manner identified as having the potential for a substantial impact on the environment under WAC 222-16-070.

(b) Harvesting, road construction, site preparation or aerial application of pesticides:

(i) on lands known to contain a breeding pair or the nest or breeding grounds of any threatened or endangered species; or

(ii) Within the critical habitat designated for such species by the United States Fish and Wildlife Service.

~~((c)) Widespread use of ((DDT or a similar)) a persistent insecticide.))~~

~~((d))~~ (c) Harvesting, road construction, aerial application of pesticides and site preparation on all lands within the boundaries of any national park, state park, or any park of a local governmental entity, except harvest of less than 5 MBF within any developed park recreation area and park managed salvage of merchantable forest products.

~~*((e))~~ (d) Construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on slide prone areas as defined in WAC 222-24-020(6) and field verified by the department, when such slide prone areas occur on an uninterrupted slope above ((a Type 1, 2, 3 or 4)) any Water Type or capital improvement of the state or its political subdivisions where there is potential for a substantial debris flow or mass failure to cause significant impact to public resources.

~~*((f))~~ (e) Timber harvest on slide prone areas, field verified by the department, where soils, geologic structure and local hydrology indicate that canopy removal has the potential for increasing slope instability, when such areas occur on an uninterrupted slope above any Water Type or a capital improvement of the state or its political subdivisions where there is a potential for a substantial debris flow or mass failure to cause significant impact to public resources.

~~((g))~~ (f) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on snow avalanche slopes within those areas designated by the department, in consultation with department of transportation, as high avalanche hazard.

~~((h))~~ (g) Timber harvest, construction of roads, landings, rock quarries, gravel pits, borrow pits, and spoil disposal areas on archaeological or historic sites registered with the Washington state office of archaeology and historic preservation, or on sites containing evidence of Native American cairns, graves or glyptic records, as provided for in chapters 27.44 and 27.53

RCW. The department shall consult with affected Indian Tribes in identifying such sites.

(2) "CLASS IV – GENERAL." Applications involving the following circumstances are "Class IV – general" forest practices unless they are listed in "Class IV – special." Upon receipt of an application, the department will determine the lead agency for purposes of compliance with the State Environmental Policy Act pursuant to WAC 197-11-924 and 197-11-938(4) and RCW 43.21C.037(2). Such applications are subject to a 30-day period for approval unless the lead agency determines a detailed statement under RCW 43.21C.030 (2)(c) is required. Upon receipt, if the department determines the application is for a proposal that will require a license from a county/city acting under the powers enumerated in RCW 76.09.240, the department shall notify the applicable county/city under WAC 197-11-924 that the department has determined according to WAC 197-11-938(4) that the county/city is the lead agency for purposes of compliance with State Environmental Policy Act.

(a) Forest practices (other than those in Class I) on lands platted after January 1, 1960, or on lands being converted to another use.

(b) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of likelihood of future conversion to urban development. (See WAC 222-34-050.)

(3) "CLASS I." Those operations that have been determined to have no direct potential for damaging a public resource are Class I forest practices. When the conditions listed in "Class IV – Special" are not present, these operations may be commenced without notification or application.

(a) Culture and harvest of Christmas trees and seedlings.

(b) Road maintenance except: (i) Replacement of bridges and culverts across Type 1, 2, 3 or flowing Type 4 Waters; or (ii) movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(c) Construction of landings less than 1 acre in size, if not within a shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(d) Construction of less than 600 feet of road on a sideslope of 40 percent or less if the limits of construction are not within the shoreline area of a Type 1 Water, the riparian management zone of a Type 2 or Type 3 Water, or the ordinary high-water mark of a Type 4 Water.

(e) Installation or removal of a portable water crossing structure where such installation does not take place within the shoreline area of a Type 1 Water and does not involve disturbance of the beds or banks of any waters.

(f) Initial installation and replacement of relief culverts and other drainage control facilities not requiring a hydraulic permit.

(g) Rocking an existing road.

(h) Loading and hauling timber from landings or decks.

(i) Precommercial thinning and pruning.

(j) Tree planting and seeding.

(k) Removal of less than 5,000 board feet of timber (including live, dead and down material) for personal use (i.e., firewood, fence posts, etc.) in any 12-month period.

(l) Emergency fire control and suppression.

(m) Slash burning pursuant to a burning permit (RCW 76.04.205).

(n) Other slash control and site preparation not involving either off-road use of tractors on slopes exceeding 40 percent or off-road use of tractors within the shorelines of a Type 1 Water, the riparian management zone of any Type 2 or 3 Water, or the ordinary high-water mark of a Type 4 Water.

(o) Ground application of chemicals. (See WAC 222-38-020.)

(p) Aerial application of chemicals (except insecticides) when applied to not more than 40 contiguous acres if the application is part of a combined or cooperative project with another landowner and where the application does not take place within 100 feet of lands used for farming, or within 200 feet of a residence, unless such farmland or residence is owned by the forest landowner. Provisions of chapter 222-38 WAC shall apply.

(q) Forestry research studies and evaluation tests by an established research organization.

(4) "CLASS II." Certain forest practices have been determined to have a less than ordinary potential to damage a public resource and may be conducted as Class II forest practices: PROVIDED, That no forest practice enumerated below may be conducted as a Class II forest practice if the operation requires a hydraulic project approval (RCW 75.20.100) or is within a "shorelines of the state," or involves a bond in lieu of landowners signature (other than renewals). Such forest practices require an application. No forest practice enumerated below may be conducted as a "Class II" forest practice if it takes place on lands platted after January 1, 1960, or on lands being converted to another use. Such forest practices require a Class IV application. Class II forest practices are the following:

(a) Renewal of a prior Class II notification.

(b) Renewal of a previously approved Class III or IV forest practice application where:

(i) No modification of the uncompleted operation is proposed;

(ii) No notices to comply, stop work orders or other enforcement actions are outstanding with respect to the prior application; and

(iii) No change in the nature and extent of the forest practice is required under rules effective at the time of renewal.

(c) Any of the following if none of the operation or limits of construction takes place within the riparian management zone of a Type 2 or 3 Water, or within the ordinary highwater mark of a Type 4 Water:

(i) Construction of advance fire trails.

(ii) Opening a new pit of, or extending an existing pit by, less than 1 acre.

(iii) The following operations except those involving off-road use of tractor or wheeled skidding systems on a sideslope of greater than 40 percent:

(A) Salvage of logging residue.

(B) Salvage of dead, down or dying timber if less than 40 percent of the total timber volume is removed in any 12-month period.

(C) West of the Cascade summit, partial cutting of 40 percent or less of the live timber volume.

(D) East of the Cascade summit, partial cutting of 5,000 board feet per acre or less.

(E) Any harvest on less than 40 acres.

(F) Construction of 600 or more feet of road, provided that the department shall be renotified at least 2 business days before commencement of the construction.

(5) "CLASS III" forest practices not listed under Classes IV, I or II above are "Class III" forest practices. Among Class III forest practices are the following:

(a) Those requiring hydraulic project approval (RCW 75.20.100).

(b) Those within the shorelines of the state other than those in a Class I forest practice.

(c) Aerial application of insecticides, except where classified as a Class IV forest practice.

(d) Aerial application of chemicals (except insecticides), except where classified as Class I or IV forest practices.

(e) Harvest or salvage of timber except where classed as Class I, II or IV forest practices.

(f) All road construction and reconstruction except as listed in Classes I, II and IV forest practices.

(g) Opening of new pits or extensions of existing pits over 1 acre.

(h) Road maintenance involving:

(i) Replacement of bridges or culverts across Type 1, 2, 3, or flowing Type 4 Waters; or

(ii) Movement of material that has a direct potential for entering Type 1, 2, 3 or flowing Type 4 Waters.

(i) Operations involving an applicant's bond in lieu of a landowner's signature.

(j) Site preparation or slash abatement not listed in Classes I or IV forest practices.

(k) Harvesting, road construction, site preparation or aerial application of pesticides on lands which contain cultural, historic or archaeological resources which, at the time the application or notification is filed, are:

(i) On or are eligible for listing on the National Register of Historic Places; or

(ii) Have been identified to the department as being of interest to an affected Indian tribe.

(l) Harvesting exceeding 19 acres in a designated difficult regeneration area.

(m) Utilization of an alternate plan. See WAC 222-12-040.

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

NEW SECTION

WAC 222-16-070 PESTICIDE USES WITH THE POTENTIAL FOR A SUBSTANTIAL IMPACT ON THE ENVIRONMENT. To identify forest practices involving pesticide uses that have the potential for a substantial impact on the environment, the department shall apply the process prescribed in this section.

(1) Pesticide list – The department shall maintain a list of all pesticides registered under chapter 15.58 RCW for use in forest practices. The list shall be developed through consultation with the departments of ecology, health, agriculture, and wildlife. The department shall conduct an annual review of the list for the purpose of including new pesticides and/or removing those pesticides which have been prohibited from use. The list shall be available to the public at each of the department's offices. A list of the department's offices and their addresses appears at WAC 332-10-030. In preparing the pesticide list, the department shall include information on the following characteristics:

(a) active ingredients, name brand or trade mark, labeled uses, pesticide type, EPA-registration number;

(b) toxicity of the pesticide based on the Environmental Protection Agency (EPA) label warning under 40 C.F.R. 156.10 (h)(1), listed as "caution", "warning", "danger", or "danger – poison";

(c) mobility based on the pesticide being a state restricted use pesticide for the protection of groundwater under WAC 16-228-164(1);

(2) Key for evaluating applications. To determine whether aerial application of a pesticide has the potential for a substantial impact on the environment, the department shall apply the following analysis:

**KEY FOR EVALUATION OF SITE SPECIFIC USE OF AERIALY APPLIED CHEMICALS
EMERGENCY RULES**

Question	Question	Resp	Action
1	Is the pesticide or has the pesticide been registered for sale in Washington State per Chapter 15.58 RCW?	Yes No	go to 2 Class IV Sp
2	Is the toxicity rating for the pesticide to be used "Danger -Poison" as designated in the pesticide list (WAC 222-16-070(1)(b)(b))?	Yes No	Class IV Sp go to 3 (a)
3 (a)	Is Bacillus thuringiensis (BT) the only pesticide being used on this application?	Yes No	go to 6 (b) go to 4 (a)
4 (a)	Is this operation occurring over groundwater with a high susceptibility to contamination as specified in EPA 910/ 9-87-189 or in documentation provided by the department of ecology?	Yes No	go to 4 (b) go to 5 (a)
4 (b)	Is this pesticide a state restricted use pesticide for the protection of groundwater under WAC 16-228-164 (1)	Yes No	Class IV Sp go to 5 (a)
5 (a)	Is the operation adjacent (within 100 ft.) of surface water?	Yes No	go to 5 (b) go to 5 (e)
5 (b)	Determine the toxicity ratings: * Is the toxicity rating "Caution" or "Warning"? * Is the toxicity rating "Danger"?	Yes Yes	go to 5 (c) go to 5 (d)
5 (c)	Is there a Group A or B water surface water system (WAC 246-290-020) intake OR a fish hatchery intake within 2 miles downstream of the operation?	Yes No	Class IV Sp go to 5 (e)
5 (d)	Is there a Group A or B water surface system intake OR a fish hatchery intake within 3 miles downstream of the operation?	Yes No	Class IV Sp go to 5 (e)
5 (e)	Is the operation within 200 feet of the intake of a Group A or B spring water system?	Yes No	Class IV Sp Go to 6
6 (a)	Does any portion of the planned operation cover 240 or more contiguous acres? Pesticide treatment units will be considered contiguous if they are separated by less than 300 feet or treatment dates of adjacent units are less than 90 days apart.	Yes No	Class IV Sp go to 6(b)
6 (b)	Does the FPA call for application of this pesticide to lands known to contain a breeding pair or nest or breeding grounds of any threatened or endangered species?	Yes No	Class IV Sp Class III

WSR 91-22-027

PERMANENT RULES

DEPARTMENT OF HEALTH

[Order 208—Filed October 29, 1991, 2:45 p.m.]

Date of Adoption: October 28, 1991.

Purpose: Updates fee schedules to cover current program costs; edits and clarifies text.

Citation of Existing Rules Affected by this Order: Repealing WAC 246-254-057, 246-254-058 and 246-254-999; and amending WAC 246-254-001, 246-254-010, 246-254-020, 246-254-030, 246-254-050, 246-254-053, 246-254-120, 246-254-150, 246-254-160, and 246-254-170.

Statutory Authority for Adoption: RCW 43.70.110.

Pursuant to notice filed as WSR 91-18-056 on August 30, 1991.

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

October 28, 1991

Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-001 PURPOSE AND SCOPE. This chapter establishes fees charged for licensing, permitting, registration, and inspection services rendered by the ((office)) division of radiation protection as authorized under ((RCW 70.121.030)) chapters 43.70, 70.98,

and 70.121 RCW. These fees apply to owners and operators of radiation generating machines, users of radioactive material, operators of low-level radioactive waste disposal facilities, owners and operators of facilities emitting airborne radioactivity, and owners and operators of certain mineral processing and uranium or thorium milling operations and their associated tailings or waste.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-010 DEFINITIONS. As used in this chapter, the following definitions apply:

(1) "Application" means a completed RHF-1 or equivalent with supporting documentation requesting the department to grant authority to receive, possess, use, transfer, own or acquire radioactive material((s)).

(2) "Compliance inspection" means a routinely scheduled visit to the licensee's facility and/or temporary job site(s) for the purpose of determining compliance with the radioactive material license and applicable regulations. This service is covered by the annual fee for the radioactive material license.

(3) "Department" means the department of ((social and)) health ((services)) which has been designated as the state radiation control agency.

((3)) (4) "Direct staff time" means all work time directly applicable to or associated with a specific radioactive material licensee and includes license file review, inspection preparation, on-site visits, report writing, review and acknowledgement of correspondence, review of license applications, renewals and amendment requests, telephone contacts, and staff or management conferences specifically related to the license. Travel time is not considered direct staff time.

(5) "Emission unit" means the point of release of airborne emissions of radioactive material.

(6) "Environmental cleanup monitoring" means an on-site visit by the department to a licensee's facility or site of operation to determine the status of corrective actions to remove environmental radiation contamination resulting from the licensee's operation. Such a monitoring visit may include, but is not limited to, the review of the licensee's records pertaining to the environmental cleanup, observation of the licensee's cleanup work, sampling by the department for analysis, associated laboratory work, and the analysis of the information collected by the department.

(7) "Facility" means all buildings, structures and operations on one contiguous site.

(8) "Follow-up inspection" means an on-site visit to a licensee's facility to verify that prompt action was taken to correct significant items of noncompliance found by the department in a previous inspection. The first follow-up inspection is covered by the annual fee for the radioactive material license.

(9) "Inspection" means an official examination or observation by the department including but not limited to tests, surveys and monitoring to determine compliance with rules, regulations, orders, requirements and conditions of the department.

~~((4))~~ (10) "Investigation" means an on-site visit to a licensee's facility or site of operation when, in the department's judgment, it is required for the purpose of reviewing specific conditions, allegations, or other information regarding unusual conditions, operations, or practices. This service is covered by the annual fee for the radioactive material license.

(11) "License" means a license issued by the department in accordance with the regulations adopted by the department.

~~((5))~~ (12) "New license application" means a request to use radioactive material from a person not currently a licensee or from a current licensee requesting authorization to use radioactive material in a new way such that a change of fee category is required.

(13) "Perpetual care and maintenance" means further maintenance, surveillance or other care of milling or tailings impoundment sites after termination of the site operator's decommissioning responsibilities and license.

(14) "Registration" means registration with the department by any person possessing a source of ionizing radiation in accordance with regulations adopted by the department.

(15) "Sealed source and device evaluation" means a radiological safety evaluation performed by the department on the design, manufacture, and test data of any single sealed source and/or device model for the purpose of registering the sealed source or device with the United States Nuclear Regulatory Commission.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-020 PAYMENT OF FEES. ~~((+))~~ Application: Each application shall be accompanied by a remittance in the full amount of the initial application fee. No application will be processed prior to payment of the full amount specified. Applications for which no remittance is received may be returned to the applicant. The applicant shall pay any additional actual costs involved with processing the application, and will be billed on a calendar quarter basis. The initial application fee shall be a credit to the applicant's quarterly billings.

(2) Operations: A charge shall be made to each uranium or thorium milling operation covering the actual expenses incurred by the department in determining compliance with the provisions of established regulations and conditions of the license. The licensee will be billed each calendar quarter until the license is terminated by the department. The quarterly bills will delineate the manpower, laboratory and support service costs associated with routine regulatory activities completed by the department.

(3) Amendment: The actual costs incurred in reviewing and processing an amendment to a license will be added to and included with the department's calendar quarter charge for routine regulatory activities.

(4) Renewal: The actual costs incurred in reviewing and processing an application for renewal will be added to and included with the department's calendar quarter charge for routine regulatory activities.) (1) Applicants, licensees, permittees, and registrants requesting or receiving licenses, permits, registrations, and actions or

services by the department shall pay the applicable fee or fees for the license, permit, registration, and action or service provided by the department.

(2) The department shall charge a fee for each:

(a) Radiation machine facility registration;

(b) Radioactive material license;

(c) Service or action with respect to a radioactive material licensee not otherwise covered by fees;

(d) Cubic foot of low-level radioactive waste volume received at a commercial disposal site;

(e) Kilogram of uranium or thorium milled from ore; and

(f) Air emission permit.

(3) The department shall charge a fee for each radioactive material license based on the single highest fee category describing activities subject to the conditions of the license.

(4) The department shall charge the applicable license fee for each category when multiple licenses are required.

(5) The department may require multiple radioactive material licenses based upon:

(a) Physical separation of operations;

(b) Organizational separations within a licensee's operation;

(c) Complexity of uses of radioactive material such that two or more fee categories would apply to the operation.

(6) Each licensee, permittee, or registrant shall:

(a) Remit the full fee (i) at the fee rate established by rule at the time such fee is paid, and (ii) at least thirty days prior to the annual anniversary date for licensees or the biennial expiration date for registrants or (iii) on a payment schedule as provided in WAC 246-254-030.

(b) Consider the annual anniversary to be the month and day of the expiration date of the existing radioactive material license.

(7) The department shall refund one-half of the fee if an application is withdrawn prior to issuance of a radioactive material license.

(8) If there is a change by the applicant, licensee, permittee or registrant resulting in a higher fee category, the applicant, licensee, permittee, or registrant shall pay an additional fee prorated for the remainder of the fee interval.

(9) Each licensee, permittee, or registrant shall remit the full amount of any quarterly billing or individual billing for licensing or compliance actions within thirty days of receipt of the bill.

(10) Fees due on or after the effective date of these regulations shall be at the rate prescribed in this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-030 SMALL BUSINESS DISCOUNT PROVISION AND OPTIONAL FEE PAYMENT SCHEDULE APPLICABLE TO RADIOACTIVE MATERIALS LICENSEES. (1) Small business may receive a twenty-five percent discount on radioactive materials license fees ((due on or after June 30, 1986. (See WAC 440-44-057(2) for fee amount.))

specified in WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100.

(2) To qualify for the discount, the business shall:

(a) Be a corporation, partnership, sole proprietorship, or other legal entity formed for the purpose of making a profit;

(b) Be independently owned and operated from all other businesses (i.e., not a subsidiary of a parent company); and

(c) Have fifty or fewer employees.

(3) To receive the discount, the license applicant at the time of initial license request, or the licensee at the time of annual billing shall:

(a) Certify, on the business' letterhead or appropriate departmental form, the business meets the conditions in subsection (2) of this section (~~((have been met))~~);

(b) Sign the certification as the chief executive officer of the business or as an official designee;

(c) Have the certification notarized;

(d) Enclose the payment with the certification; and

(e) Submit the certification and payment in accordance with instructions provided by the department.

(4) The department may verify certifications and will suspend any radioactive materials license if the applicant/licensee:

(a) Failed to pay the required fee; or

(b) Made an invalid or false certification.

(5) Upon request of any radioactive materials licensee or license applicant, the department may accept semiannual or quarterly payments in lieu of the required annual license fee, provided:

(a) A written payment schedule setting specific due dates and payment amounts is submitted; and

(b) The total payments per the schedule equal the fee in effect at the time such fee payment schedule is accepted by the department.

NEW SECTION

WAC 246-254-040 DENIAL, REVOCATION, SUSPENSION, AND REINSTATEMENT. The department shall:

(1) Deny an application if the appropriate fee is not received;

(2) Suspend or revoke a license, permit, or registration if a required fee is not received;

(3) Refund no fees if a license, permit or registration is denied, revoked, or suspended;

(4) Require reapplication for a license, permit, or registration after denial or revocation including fees as required under this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-050 METHOD OF PAYMENT. Licensees, permittees and registrants shall:

(1) ~~((Fee payments shall be))~~ Submit fee payments by check, draft or money order made payable to the department of ~~((social and))~~ health ~~((services:)); and~~

(2) ~~((Fees are due and payable upon submission of))~~ Include fee payment with the application for license or ~~((within thirty days of receipt of a bill for actual costs~~

~~incurred per calendar quarter))~~ submit the fee by mail, in person, or by courier to the address provided in the bill or bill correspondence.

NEW SECTION

WAC 246-254-070 FEES FOR SPECIALIZED RADIOACTIVE MATERIAL LICENSES. (1) Persons licensed or authorized to possess or use radioactive material in the following special categories shall forward annual fees to the department as follows:

(a) Eight thousand seven hundred dollars for operation of a single radioactive waste facility allowing processing, volume reduction, or waste treatment, but not permitting commercial on-site disposal.

(b) Three thousand five hundred dollars for operation of a single nuclear pharmacy.

(c) Six thousand dollars for operation of a single nuclear laundry.

(d) Six thousand dollars for a license authorizing a single facility to use more than one curie of unsealed radioactive material in the manufacture and distribution of radioactive products or devices containing radioactive material.

(e) Two thousand one hundred dollars for a license authorizing a single facility to use less than or equal to one curie of unsealed radioactive material or any quantity of previously sealed sources in the manufacture and distribution of products or devices containing radioactive material.

(f) Four thousand dollars for a license authorizing decontamination services operating from a single facility.

(g) One thousand nine hundred dollars for a license authorizing waste brokerage including the possession, temporary storage at a single facility, and over-packing only of radioactive waste.

(h) Eight hundred fifty dollars for a license authorizing equipment servicing involving:

(i) Incidental use of calibration sources;

(ii) Maintenance of equipment containing radioactive material; or

(iii) Possession of sealed sources for purpose of sales demonstration only.

(i) One thousand six hundred dollars for a license authorizing health physic services, leak testing, or calibration services.

(j) One thousand dollars for a civil defense license.

(k) Three hundred dollars for a license authorizing possession of special nuclear material as pacemakers or depleted uranium as shielding.

(2) Persons licensed or authorized to possess and use radioactive material in the following broad scope categories shall forward annual fees to the department as follows:

(a) Twelve thousand dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than one curie.

(b) Five thousand five hundred dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession of any single isotope greater than 0.1 curie but less than or equal to one curie.

(c) Four thousand five hundred dollars for a license authorizing possession of atomic numbers three through eighty-three with maximum authorized possession less than or equal to 0.1 curie.

NEW SECTION

WAC 246-254-080 FEES FOR MEDICAL AND VETERINARY RADIOACTIVE MATERIAL LICENSES. (1) Persons licensed or authorized to possess or use radioactive material in the following medical or veterinary categories shall forward annual fees to the department as follows:

(a) Three thousand two hundred dollars for operation of a mobile nuclear medicine program from a single base of operation.

(b) Two thousand two hundred dollars for a license authorizing groups II and III of WAC 246-235-120 for diagnostic nuclear medicine at a single facility.

(c) One thousand nine hundred dollars for a license authorizing groups IV and V of WAC 246-235-120 for medical therapy at a single facility.

(d) Three thousand dollars for a license authorizing groups II or III and groups IV or V of WAC 246-235-120 for full diagnostic and therapy services at a single facility.

(e) One thousand six hundred dollars for a license authorizing groups VI of WAC 246-235-120 for brachytherapy at a single facility.

(f) One thousand dollars for a license authorizing brachytherapy or teletherapy at a single facility.

(g) One thousand five hundred dollars for a license authorizing medical or veterinary possession of greater than two hundred millicuries total possession of radioactive material at a single facility.

(h) One thousand two hundred dollars for a license authorizing medical or veterinary possession of greater than thirty millicuries but less than or equal to two hundred millicuries total possession of radioactive material at a single facility.

(i) Nine hundred dollars for a license authorizing medical or veterinary possession of less than or equal to thirty millicuries total possession of radioactive material at a single facility.

(j) Eight hundred dollars for a license authorizing group I as defined in WAC 246-235-120 or in vitro uses of radioactive material at a single facility.

(k) Five hundred dollars for a license authorizing medical or veterinary possession of a sealed source for diagnostic use at a single facility.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location or base of operation.

NEW SECTION

WAC 246-254-090 FEES FOR INDUSTRIAL RADIOACTIVE MATERIAL LICENSES. (1) Persons licensed or authorized to possess or use radioactive material in the following industrial categories shall forward annual fees to the department as follows:

(a) Three thousand seven hundred dollars for a license authorizing the use of radiographic exposure devices in

one or more permanent radiographic vaults in a single facility.

(b) Four thousand seven hundred dollars for a license authorizing the use of radiographic exposure devices at temporary job sites but operating from a single storage facility.

(c) Two thousand three hundred dollars for a license authorizing well-logging activities including the use of radioactive tracers operating from a single storage facility.

(d) Five hundred dollars for a license authorizing possession of portable sealed sources including moisture/density gauges and excluding radiographic exposure devices operating from a single storage facility.

(e) Five hundred fifty dollars for a license authorizing possession of any nonportable sealed source, including special nuclear material and excluding radioactive material used in gas chromatograph at a single facility.

(f) Three hundred fifty dollars for a license authorizing possession of gas chromatograph units containing radioactive material at a single facility.

(g) Nine hundred fifty dollars for a license authorizing possession of any self-shielded or pool type irradiator with sealed source total quantity greater than one hundred curies at a single facility.

(h) Five thousand dollars for a license authorizing possession of sealed sources for a walk-in type irradiator at a single facility.

(i) Four thousand four hundred dollars for a license authorizing possession of greater than one gram of unsealed special nuclear material or greater than five hundred kilograms of source material at a single facility.

(j) One thousand four hundred dollars for a license authorizing possession of less than or equal to one gram of unsealed special nuclear material or five hundred kilograms of source material at a single facility.

(2) Persons with licenses authorizing multiple locations of permanent storage shall increase the annual fee by fifty percent for each additional location.

(3) Depleted uranium registrants required to file Form RHF-20 shall forward an annual fee of fifty dollars to the department.

NEW SECTION

WAC 246-254-100 FEES FOR LABORATORY RADIOACTIVE MATERIAL LICENSES. (1) Persons licensed or authorized to possess or use unsealed radioactive material in the following laboratory categories shall forward annual fees to the department as follows:

(a) Two thousand four hundred dollars for a license authorizing possession at a single facility of unsealed sources in amounts greater than:

(i) One millicurie of I-125 or I-131; or

(ii) One hundred millicuries of H-3 or C-14; or

(iii) Ten millicuries of any single isotope.

(b) One thousand two hundred dollars for a license authorizing possession at a single facility of unsealed sources in amounts:

(i) Greater than 0.1 millicurie and less than or equal to one millicurie of I-125 or I-131; or

(ii) Greater than ten millicuries and less than or equal to one hundred millicuries of H-3 or C-14; or

(iii) Greater than one millicurie and less than or equal to ten millicuries of any single isotope.

(c) One thousand dollars for a license authorizing possession at a single facility of unsealed sources in amounts less than or equal to:

(i) 0.1 millicurie of I-125 or I-131; or

(ii) Ten millicuries of H-3 or C-14; or

(iii) One millicurie of any other single isotope.

(2) Persons with licenses authorizing multiple locations of use shall increase the annual fee by fifty percent for each additional location.

(3) Persons registered to perform in vitro testing pursuant to Form RHF-15 shall forward an annual fee of fifty dollars to the department.

NEW SECTION

WAC 246-254-110 FEES FOR RECIPROCITY.

(1) The department shall charge fees for reciprocal recognition of other agreement state, licensing state or United States Nuclear Regulatory Commission licenses based upon the actual amount of radioactive material or type of devices being transported into Washington state or the type of service to be performed involving radioactive material.

(2) The department shall charge a fee equal to one hundred percent of the fee specified under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-100.

(3) The department shall permit the reciprocally recognized licensee to possess and use radioactive material in the state of Washington up to one hundred eighty days during the twelve-month period following payment of each fee.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

~~WAC 246-254-120 FEES FOR LICENSING AND COMPLIANCE ACTIONS. ((+)) Licenses specifically authorizing the receipt, possession or use of natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall be subject to quarterly payment of expenses incurred by the department. Expenses of the department include those activities which determine licensee's compliance with terms and conditions of the license, review licensing requests and requirements, or maintain a uranium mill program which is compatible with the requirements of the United States Nuclear Regulatory Commission.~~

~~(2) The initial application fee shall be twenty-five thousand dollars. Annual costs shall not exceed ninety thousand dollars for any licensee, except when an environmental impact statement shall be prepared in accordance with chapter 173-11 WAC in which case annual costs shall not exceed two hundred thousand dollars for any licensee.)~~ (1) In addition to the fee for each radioactive material license as described under WAC 246-254-070, 246-254-080, 246-254-090, and 246-254-

100, a licensee shall pay a service fee for each additional licensing and compliance action as follows:

(a) For a second follow-up inspection, and each follow-up inspection thereafter, a fee of eighty dollars per hour of direct staff time associated with the follow-up inspection, not to exceed eight hundred dollars per follow-up inspection. Hours are calculated in half-hour increments.

(b) For each environmental cleanup monitoring visit, a fee of eighty dollars per hour of direct staff time associated with the environmental cleanup monitoring visit, not to exceed two thousand dollars per visit. Hours are calculated in half-hour increments.

(c) For each new license application, the fee of one hundred fifty dollars in addition to the required annual fee.

(d) For each sealed source and device evaluation, a fee of eighty dollars per hour of direct staff time associated with each sealed source and device evaluation, not to exceed two thousand four hundred dollars per evaluation.

(2) The licensee or applicant shall pay any additional service fees at the time of application for a new license or within thirty days of the date of the billing for all other licensing and compliance actions.

(3) The department shall process an application only upon receipt of the new application fee and the annual fee.

(4) The department may take action to modify, suspend, or terminate the license or sealed source and device registration if the licensee fails to pay the fee for additional licensing and compliance actions billed by the department.

NEW SECTION

WAC 246-254-140 FEES FOR URANIUM, THORIUM AND OTHER MINERAL PROCESSES. (1) Persons licensed or authorized to receive, possess, or use natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall pay:

(a) Initial application fee of thirty-five thousand dollars; and

(b) Quarterly billings for actual costs to the department.

(2) The department shall bill the uranium or thorium milling licensee quarterly for the department's actual cost of:

(a) Reviewing and issuing a license in excess of the initial application fee;

(b) Determining the licensee's compliance with terms and conditions of the license;

(c) Reviewing license amendment requests;

(d) Maintaining a uranium mill program which is compatible with the requirements of the United States Nuclear Regulatory Commission;

(e) Determining and assuring compliance with chapter 173-11 WAC; and

(f) Reviewing and processing an application for renewal.

(3) The department shall delineate in the quarterly billing the staff, laboratory, and support service costs.

(4) The department:

(a) Shall process any initial application only upon receipt of the full fee specified; and

(b) May return an application to an applicant if no payment is received.

(5) The department shall credit the initial application fee to the applicants' quarterly billing.

(6) Mineral processors requiring licenses for naturally occurring radioactive material in excess of exempt concentrations shall pay:

(a) Initial application fee of twenty-seven thousand dollars; and

(b) Quarterly billings not to exceed forty thousand dollars.

(7) The department shall bill mineral processor licenses quarterly for the department's actual cost of:

(a) Processing and issuing a license in excess of the initial application fee;

(b) Determining the licensee's compliance with terms and conditions of the license;

(c) Reviewing and processing amendment and renewal requests; and

(d) Determining and assuring compliance with chapter 173-11 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-150 FEES FOR PERPETUAL CARE AND MAINTENANCE. (1) Persons with licenses specifically authorizing the receipt, possession, or use of natural uranium and its decay daughters for the extraction of uranium or thorium compounds or for the reclamation and disposal of the associated tailings or waste shall ~~((be subject to))~~:

(a) Make quarterly payments of twenty cents per kilogram of uranium or thorium compound milled out of the raw ore~~((:))~~;

(b) Remit this payment ~~((is due))~~ within thirty days after the end of each calendar quarter~~((:))~~; and

(c) Pay to the department a minimum ~~((charge))~~ of two hundred fifty thousand dollars (1978 dollars) ~~((accrued as specified in WAC 402-22-070 (6)(d)))~~ to cover the costs of long-term surveillance ~~((shall be paid by each mill operator to the department))~~ prior to the termination of a uranium or thorium mill license.

~~((The maximum amount paid by each licensee for perpetual care and maintenance shall not exceed one million dollars))~~ (2) Licensees under this section may make additional payments to meet the minimum, prior to the release of any surety arranged by the licensee in accordance with WAC 246-235-080 (6)(d).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-160 FEES FOR AIRBORNE EMISSIONS OF RADIOACTIVE MATERIALS. (1) The department shall include fees for emission ~~((sources))~~ units at facilities licensed by the department, as part of the license fees specified in WAC ~~((440-44-057))~~

246-254-070, 246-254-080, 246-254-090, and 246-254-100.

(2) For emission ~~((sources))~~ units at all other facilities~~((, the department shall assess fees for air emission permits as follows))~~:

(a) Application. The ~~((initial application fee shall be))~~ applicant shall submit a fee of one thousand dollars for each air emission permit to the department with each application.

(i) ~~((Each application for an emission permit shall be accompanied by the full amount of the initial application fee.~~

~~((ii) No application shall be processed prior to payment of the full amount specified.~~

~~((iii) Applications for which no remittance is received shall be returned to the applicant.~~

~~((iv))~~ The department shall process only those applications accompanied by the fee prescribed in (a) of this subsection. The department shall return any application submitted without the prescribed fee to the applicant.

~~((ii))~~ The applicant shall pay any additional actual costs involved with processing the application ~~((, and))~~ upon receipt of a bill from the department ~~((shall bill for these))~~ on a calendar quarter basis.

~~((v))~~ ~~((iii))~~ The department shall credit the initial application fee ~~((shall be a credit))~~ to the applicant's quarterly billings.

(b) Operations. The department shall charge each emission ~~((source))~~ unit operator ~~((to cover))~~ the actual expenses incurred by the department ~~((incurs))~~ in determining compliance with the provisions of established regulations and conditions of the air emission permit~~((:))~~; and:

(i) ~~((The department shall))~~ Bill the operator each calendar quarter until the permit is terminated by the department.

(ii) Specify in the quarterly bill ~~((s shall specify the manpower))~~ the staff, laboratory, and support service costs associated with the regulatory activities conducted by the department.

(c) Amendment. The ~~((actual costs))~~ department shall add and include the actual costs incurred by the department ~~((incurs))~~ in reviewing and processing an amendment to an air emission permit ~~((shall be added to and included))~~ in the department's calendar quarter charge for regulatory activities.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-170 FAILURE BY APPLICANT OR LICENSEE TO PAY PRESCRIBED FEES. In any case where the department finds that an applicant, a permittee, a registrant, or a licensee ~~((has))~~ failed to pay a prescribed fee or actual costs incurred during a calendar quarter, the department ~~((with))~~: (1) Shall not process any application and (2) may suspend or revoke any license, permit, registration, or approval involved; or (3) may issue an order with respect to licensed, permitted, or registered activities as the department determines ~~((to be))~~ appropriate or necessary in order to carry out the provisions of this chapter.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-254-057 LICENSE FEES FOR RADIOACTIVE MATERIALS.

WAC 246-254-058 FEES FOR ADDITIONAL SERVICE.

WAC 246-254-999 SITE USE PERMIT FEE.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-254-053 RADIATION MACHINE FACILITY REGISTRATION FEES. (1) Persons owning and/or leasing and using radiation-producing machines shall submit a ~~((fifty))~~ sixty dollar registration fee to the department at the time of application and every two years thereafter. In addition:

(a) For dentists, veterinarians, and podiatrists, add:

(i) ~~((Sixty))~~ Seventy dollars for the first tube; and

(ii) ~~((Twenty))~~ Twenty-five dollars for each additional tube.

(b) For hospitals and medical or chiropractic facilities, add:

(i) ~~((One))~~ Two hundred ~~((eighty))~~ dollars for the first tube; and

(ii) ~~((Sixty))~~ Seventy dollars for each additional tube.

(c) For industrial, research, and other uses, add:

(i) One hundred dollars for the first tube; and

(ii) Thirty dollars for each additional tube.

(2) The department shall charge a maximum total fee of ~~((three))~~ four thousand dollars ~~((total fee))~~ for any ~~((facilities under one administration))~~ facility or group of facilities where an in-house, full-time staff of at least two or more is devoted entirely to in-house radiation safety.

(3) For any facility with a mammographic x-ray machine, add a biennial surcharge of two hundred dollars.

(4) A penalty fee of sixty dollars shall be charged for late registration or re-registration.

318 WAC, Hospitals; chapter 246-321 WAC, Hospice care center; chapter 246-323 WAC, Residential treatment facilities for psychiatrically impaired children and youth; chapter 246-325 WAC, Adopt residential rehabilitation centers and private adult treatment homes; chapter 246-326 WAC, Alcoholism treatment facilities; chapter 246-327 WAC, Home health agencies; chapter 246-329 WAC, Childbirth centers; chapter 246-331 WAC, Hospice agencies; chapter 246-333 WAC, Approval of eye banks; chapter 246-336 WAC, Home care agency rules; chapter 246-340 WAC, Second trimester abortion facilities; chapter 246-358 WAC, Temporary worker housing; chapter 246-388 WAC, Rural health care facility licensing rules; chapter 246-490 WAC, Vital statistics; chapter 246-510 WAC, Standards for community health clinics; chapter 246-650 WAC, Newborn screening; chapter 246-800 WAC, General provisions—Professionals; chapter 246-815 WAC, Dental hygienists; chapter 246-822 WAC, Dietitians or nutritionists; chapter 246-824 WAC, Dispensing opticians; chapter 246-826 WAC, Health care assistants; chapter 246-830 WAC, Massage practitioners; chapter 246-834 WAC, Midwives; chapter 246-836 WAC, Naturopathic physicians; chapter 246-841 WAC, Nursing assistants; chapter 246-845 WAC, Nursing pool; chapter 246-849 WAC, Ocularists; and chapter 246-928 WAC, Respiratory care practitioners.

Purpose: To make housekeeping changes to update references regarding: Obsolete WACs and RCWs; department name and address information; terminology; and to improve readability.

Statutory Authority for Adoption: Chapter 246-03 WAC is RCW 43.21C.120; chapter 246-08 WAC is RCW 34.05.220; chapter 246-130 WAC is RCW 43.70.120; chapter 246-132 WAC is RCW 70.24.130 and 70.24.440; chapter 246-170 WAC is RCW 70.33.020; chapter 246-171 WAC is RCW 70.33.020 and 70.30.072; chapter 246-270 WAC is RCW 43.70.040 and 57.08.065; WAC 246-270-050 is RCW 43.70.040 and 34.05.220; chapter 246-310 WAC is RCW 70.38.135 and 70.38.919; WAC 246-310-990 is RCW 70.38.135, 70.38.919 and 43.70.250; chapter 246-316 WAC is RCW 18.20.090; WAC 246-316-020 is RCW 18.20.090 and 34.05.220; chapter 246-318 WAC is RCW 70.41.030; chapter 246-321 WAC is RCW 43.70.040; WAC 246-321-012 is RCW 43.70.040 and 34.05.220; WAC 246-321-017 is RCW 43.70.040 and 70.24.310; chapter 246-323 WAC is RCW 43.70.040 and chapter 71.12 RCW; WAC 246-323-040 is RCW 43.70.040, 70.24.310 and chapter 71.12 RCW; chapter 246-325 WAC is RCW 43.70.040 and chapter 71.12 RCW; WAC 246-325-012 is RCW 43.70.040, 34.05.220 and chapter 71.12 RCW; WAC 246-325-025 is RCW 43.70.040, 70.24.310 and chapter 71.12 RCW; chapter 246-326 WAC is RCW 43.70.040 and chapter 71.12 RCW; WAC 246-326-020 is RCW 43.70.040, 34.05.220 and chapter 71.12 RCW; WAC 246-326-035 is RCW 43.70.040, 70.24.310 and chapter 71.12 RCW; chapter 246-327 WAC is RCW 70.127.120 and 70.127.250; WAC 246-327-035 is RCW 70.127.120, 70.127.250 and 34.05.220; WAC 246-327-055 is RCW 70.127.120, 70.127.250 and 34.05.220; WAC 246-327-105 is RCW

WSR 91-22-028

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed October 29, 1991, 2:48 p.m.]

Original Notice.

Title of Rule: The Department of Health is proposing housekeeping changes to sections within the following: Chapter 246-03 WAC, State Environmental Policy Act—Guidelines; chapter 246-08 WAC, Practice and procedure; chapter 246-130 WAC, Human immunodeficiency virus (HIV) infection treatment; chapter 246-132 WAC, Class IV HIV health insurance eligibility; chapter 246-170 WAC, Tuberculosis—control, prevention, and treatment; chapter 246-171 WAC, Tuberculosis—Financial responsibility; chapter 246-270 WAC, Sewer systems—Certification of necessity for water district involvement; chapter 246-310 WAC, Certificate of need; chapter 246-316 WAC, Boarding homes; chapter 246-

70.127.120, 70.127.250 and 70.24.310; chapter 246-329 WAC is RCW 18.46.060; WAC 246-329-020 is RCW 18.46.060 and 34.05.220; WAC 246-329-050 is RCW 18.46.060 and 70.24.310; chapter 246-331 WAC is RCW 70.127.120 and 70.127.260; WAC 246-331-035 is RCW 70.127.120 and 34.05.220; WAC 246-331-055 is RCW 70.127.120 and 34.05.220; WAC 246-331-105 is RCW 70.127.120 and 70.24.310; chapter 246-333 WAC is RCW 43.70.040 and 68.50.280; WAC 246-333-020 is RCW 43.70.040, 68.50.280 and 34.05.220; WAC 246-333-030 is RCW 43.70.040, 68.50.280 and 70.24.310; chapter 246-336 WAC is RCW 70.127.120 and 70.127.270; WAC 246-336-035 is RCW 70.127.120, 70.127.270 and 34.05.220; WAC 246-336-055 is RCW 70.127.120, 70.127.270 and 34.05.220; WAC 246-336-105 is RCW 70.127.120, 70.127.270 and 70.24.310; chapter 246-340 WAC is RCW 43.70.040, 9.02.005 and 9.02.070; WAC 246-340-050 is RCW 43.70.040, 9.02.005, 9.02.070 and 34.05.220; WAC 246-340-070 is RCW 43.70.040, 9.02.005, 9.02.070 and 34.05.220; WAC 246-340-090 is RCW 43.70.040, 9.02.005, 9.02.070 and 70.24.310; WAC 246-358-990 is RCW 43.70.340 and 43.70.040; chapter 246-388 WAC is RCW 70.175.040 and 70.175.100; WAC 246-388-080 is RCW 70.175.040, 70.175.100 and 70.24.310; chapter 246-490 WAC is RCW 43.70.040 and 43.70.150; chapter 246-510 WAC is section 214(3), chapter 19, Laws of 1989; WAC 246-650-990 is RCW 43.20B-.020; chapter 246-800 WAC is RCW 69.50.311; chapter 246-815 WAC is RCW 18.29.130; WAC 246-815-040 is RCW 18.29.130 and 70.24.270; WAC 246-815-160 is RCW 18.29.130, 18.29.076 and 18.130.050; WAC 246-815-170 is RCW 18.29.130 and 18.130.070; WAC 246-815-250 is RCW 18.29.130 and 18.130.070; chapter 246-822 WAC is RCW 18.138.070, 18.130.050 and 18.130.070; WAC 246-822-110 is RCW 70.24.270; chapter 246-824 WAC is RCW 43.70.040 and chapter 18.34 RCW; WAC 246-824-160 is chapter 18.34 RCW, RCW 18.130.050 and 18.130.070; WAC 246-824-170 is RCW 70.24.270; WAC 246-824-990 is RCW 43.70.250; chapter 246-826 WAC is RCW 18.135.030; WAC 246-826-090 is RCW 18.135.030 and 34.05.220; WAC 246-826-230 is RCW 70.24.270; chapter 246-830 WAC is RCW 18.108.085; WAC 246-830-050 is RCW 70.24.270; WAC 246-830-610 is RCW 18.108.085 and 18.130.050; WAC 246-830-690 is RCW 18.108.085, 18.130.050, and 18.130.070; WAC 246-830-990 is RCW 43.70.250; chapter 246-834 WAC is RCW 18.50.135 and 18.50.045; WAC 246-834-200 is RCW 18.50.135, 18.50.045 and 34.05.220; WAC 246-834-260 is RCW 18.50.135, 18.50.045, 18.130.050 and 18.130.070; WAC 246-834-350 is RCW 18.50.135, 18.50.045, 18.130.050 and 18.130.070; WAC 246-834-500 is RCW 70.24.270; chapter 246-836 WAC is RCW 18.36A.060; WAC 246-836-170 is RCW 18.36A.060 and 34.05.220; WAC 246-836-400 is RCW 18.36A.060, 18.130.050 and 18.130.070; WAC 246-836-410 is RCW 70.24.270; chapter 246-841 WAC is RCW 18.88A.050, 18.130.050 and 18.130.080; WAC 246-841-610 is RCW 70.24.270; WAC 246-845-020 is RCW 18.52C.030; WAC 246-845-040 is RCW 18.52C.030 and 18.130.050; WAC 246-849-020 is section 8, chapter 180, Laws of 1991,

RCW 18.130.050 and 18.130.070; WAC 246-849-100 is section 8, chapter 180, Laws of 1991, RCW 18.130.050 and 18.130.070; WAC 246-849-110 is RCW 70.24.270; WAC 246-849-990 is RCW 43.70.250; chapter 245-928 WAC is RCW 18.89.050; WAC 246-928-110 is RCW 18.89.050, 18.130.050 and 18.130.070; WAC 246-928-180 is RCW 18.89.050, 18.130.050 and 18.130.070; WAC 246-928-190 is RCW 70.24.270; and WAC 246-928-990 is RCW 43.70.250.

Summary: This rule action makes only housekeeping changes.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Leslie Baldwin, 1300 Quince Street S.E., Olympia, (206) 586-6894.

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: Housekeeping changes only.

Proposal Changes the Following Existing Rules: Housekeeping.

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

Hearing Location: General Administration Auditorium, 11th and Columbia Street, Olympia, Washington, on December 12, 1991, at 1:00 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 Quince Street, P.O. Box 47902, Olympia, WA 98504-7902, by December 11, 1991.

Date of Intended Adoption: December 16, 1991.

October 28, 1991
Kristine M. Gebbie
Secretary

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-03-030 TIMING AND PROCEDURES FOR SPECIFIED MAJOR ACTIONS. (1) Regulations and licenses relating to radioactive material.

(a) Scope of major action.

(i) Regulations relating to radioactive material shall include the adoption or amendment by the department of any regulations incorporating general standards for issuance of licenses authorizing the possession, use and transfer of radioactive material pursuant to RCW 70.98.080, and 70.121.030.

(ii) The issuance, revocation or suspension of individual licenses under RCW 70.98.080 shall be exempt. However, the following licenses shall not be exempt: Licenses to operate low level waste burial facilities or licenses to operate or expand beyond design capacity mineral processing facilities, or their tailings areas, whose products, or byproducts, have concentrations of naturally occurring radioactive materials in excess of exempt concentrations as specified in WAC 246-232-010.

(b) Timing of SEPA requirements for regulations for radioactive material.

(i) A final EIS or determination of nonsignificance, whichever is determined appropriate by the lead agency's responsible official, shall be completed for proposed regulations relating to radioactive material prior to the hearing preceding final adoption of such regulations.

(ii) The responsible official shall mail to the department of ecology headquarters office in Olympia for listing in the "SEPA register" (see WAC 197-11-508) a copy of any determination of nonsignificance, a copy of the draft EIS, and a copy of the final EIS. Copies of the draft EIS shall also be mailed to those agencies identified in WAC 197-11-455, and of the final EIS to those agencies identified in WAC 197-11-460. The responsible official shall also give public notice in the form and manner specified in RCW 43.21C.080 of the determination of nonsignificance or final EIS.

(c) Timing of SEPA requirements for licenses for uranium or thorium mills or radioactive waste burial facilities.

(i) The applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing an environmental report regarding the environmental impact of proposed activities for independent evaluation by the department, prior to issuance of a draft EIS by the responsible official. The environmental report shall be submitted within ninety days following determination of significance. The following material presents a more detailed description of the responsibilities of the private applicant as well as of the responsible official.

(ii) The applicant shall be responsible for contacting the responsible official during the early stages of the applicants planning activities to obtain an outline of SEPA requirements.

(iii) Thereafter the private applicant shall be responsible for preparation of an environmental checklist. The responsible official shall review each environmental checklist and, within fifteen days of the responsible official's receipt of the checklist, shall prepare and issue either a determination of nonsignificance as per WAC 197-11-340 or a determination of significance as per WAC 197-11-360.

(iv) When the responsible official has issued a determination of nonsignificance, the official shall send the determination and environmental checklist to the applicant and to all agencies with jurisdiction for review and comment as per WAC 197-11-340.

(v) When the responsible official makes a determination of significance, the preparation of an environmental report shall be completed in a manner consistent with the requirements for a draft EIS and shall be the responsibility of the private applicant. If the applicant desires, he may contract with an outside consultant for the preparation of the environmental report. The department may also contract with an outside consultant for the preparation of a draft or final EIS. The department or the department's contracted consultant will independently evaluate the environmental report and be responsible for the reliability of any information used in the draft or final EIS. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be issued as described in WAC 197-11-460(6).

(vi) The responsible official shall request review of the draft EIS from the agencies listed in WAC 197-11-455 and from such other agencies as he determines.

(vii) The responsible official shall mail a copy of the draft EIS to the department of ecology headquarters in Olympia for listing in the "SEPA register" (see WAC 197-11-508) and also to those agencies listed in WAC 197-11-455.

(viii) When the responsible official determines that substantial changes are needed or that new information has become available, the preparation of an amended or new environmental report is the responsibility of the private applicant.

(ix) The responsible official shall mail a copy of the final EIS to the department of ecology headquarters office in Olympia for listing in the "SEPA register" (see WAC 197-11-508). The responsible official shall also mail copies of the final EIS to those agencies specified in WAC 197-11-460 and shall give public notice of the completion of the final EIS in the form and manner specified in RCW 43.21C.080.

(2) Water system plans for public water systems as per WAC 246-290-100 and RCW 70.116.050.

(a) Scope of major action. Water system plans are plans developed and submitted to the department for review and approval pursuant to WAC 246-290-100 and RCW 70.116.050.

(b) Timing and procedures for water system plans prepared by private applicants.

(i) In general, when a private applicant has prepared a water system plan for review and approval by the department, the private applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official. The following material presents a more detailed description of the responsibilities of the private applicant as well as the responsible official.

(ii) Follow steps outlined in subsection (1)(c)(ii) through (iv) of this section.

(iii) When the responsible official makes a determination of significance, the preparation of a draft and final EIS shall be in compliance with WAC 197-11-400 through 197-11-620 and shall be the responsibility of the private applicant. If the applicant desires, he may contract with an outside consultant for preparation of the draft or final

EIS. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be completed within sixty days of the end of the comment period for the draft EIS.

(iv) See subsection (1)(c)(vi) and (vii) of this section.

(v) When the responsible official determines that substantial changes are needed or that new information has become available, the preparation of an amended or a new draft EIS is the responsibility of the private applicant.

(vi) See subsection (1)(c)(ix) of this section.

(vii) Every water system plan submitted by a private applicant to the department for review and approval shall be accompanied by either a determination of nonsignificance or a final EIS.

(c) Timing and procedure for water system plans prepared by agencies. Every water system plan submitted by an agency to the department for review and approval shall be accompanied by either a determination of nonsignificance or a final EIS.

(3) New public water supply systems and major extensions of existing public water supply systems.

(a) Scope of major action. The approval of engineering reports or plans and specifications pursuant to chapter 246-290 WAC for all surface water source development, all water system storage facilities greater than one-half million gallons, new transmission lines longer than one thousand feet and larger than eight inches in diameter located in new rights of way and major extensions to existing water distribution systems involving use of pipes greater than eight inches in diameter, which are designed to increase the existing service area by more than one square mile.

(b) Timing and procedures for projects proposed by private applicants.

(i) In general, when a private applicant seeks the approval of the department for a new public water supply or a major extension to an existing public water supply, the private applicant shall be responsible for completing an environmental checklist, furnishing additional information needed by the department to make the threshold determination, and preparing the draft and final EIS under the direction of the responsible official. The following material presents a more detailed description of the responsibilities of the private applicant as well as of the responsible official.

(ii) Follow steps outlined in subsection (1)(c)(ii) through (iv) of this section.

(iii) See subsection (2)(b)(iii) of this section.

(iv) See subsection (1)(c)(vi) and (vii) of this section.

(v) See subsection (2)(b)(v) of this section.

(vi) See subsection (1)(c)(ix) of this section.

(vii) Whenever preliminary engineering reports, or plans and specifications for a new public water supply system or a major extension to an existing public water supply system are submitted by a private applicant to the secretary for review and approval pursuant to chapter 246-290 WAC, these reports, plans and specifications shall be accompanied by a determination of nonsignificance or a final EIS.

(c) Timing and procedures for projects proposed by an agency. Whenever preliminary engineering reports, plans and specifications for a new public water supply system or a major extension to an existing public water supply system are submitted by an agency to the secretary for review and approval pursuant to chapter 246-290 WAC, these reports, plans and specifications shall be accompanied by a determination of nonsignificance or a final EIS.

(4) Certificates of need.

(a) Scope of major action. Certificate of need applications are subject to SEPA requirements whenever the applicant proposes to construct a new hospital or to construct major additions to the existing service capacity of such an institution: PROVIDED, That such applications are not subject to SEPA requirements when the proposed construction consists of additions which provide less than twelve thousand square feet of floor area and with associated parking facilities designed for forty automobiles or less: PROVIDED FURTHER, That certificate of need applications for "substantial acquisitions" are not subject to SEPA requirements.

(b) Timing and procedures for hospital certificates of need. Where a state or local agency other than the department is lead agency for hospital construction, the department shall not issue a certificate of need approving this hospital construction until the applicant has supplied it with a determination of nonsignificance or a final EIS, and until seven days after the issuance by the lead agency of any final EIS. Nothing in this subsection shall preclude the department from making a commitment to issue a certificate of need to an applicant subject to the timely

receipt of an appropriate environmental impact statement or determination of nonsignificance.

(5) Approval of sewerage general plans and/or water general plans described in RCW 36.94.010.

(a) Scope of major action. Sewerage general plans and water general plans shall mean and include those described in RCW 36.94.010.

(b) Timing and procedures for water general plans. Every water general plan submitted by a county to the department for review and approval shall be accompanied by either a determination of nonsignificance or a final EIS.

(6) Plans and specifications for new sewage treatment works or for major extensions to existing sewage treatment works pursuant to (~~WAC 246-271-020~~) chapter 246-271 WAC.

Scope of major action. Plans and specifications for new sewage treatment works or for major extensions to existing sewage treatment works are those which are reviewed and approved by the department pursuant to WAC 246-271-050.

(7) Construction of any building, facility or other installation for the purpose of housing department personnel or for prisons or for fulfilling other statutorily directed or authorized functions.

(a) Scope of major action. The construction of buildings, facilities or other installations for the purpose of housing department personnel or for other authorized functions shall be subject to SEPA requirements, but such construction shall not be subject to SEPA requirements when it consists of additions which provide less than twelve thousand square feet of floor area and with associated parking facilities designed for forty automobiles or less.

(b) Timing and procedures.

(i) The responsible official shall, prior to the request for construction bids, prepare an environmental checklist for each construction project of the type described in (a) of this subsection.

(ii) Within fifteen days of the request for construction bids, the responsible official shall make (A) a written declaration of nonsignificance where the responsible official determines that the proposed construction will not have a significant adverse environmental impact or (B) a written declaration of significance where the responsible official determines that the proposed construction will have a significant adverse environmental impact.

(iii) Where the responsible official has made a determination of significance, the preparation of the draft and final EIS shall be in compliance with WAC 197-11-400 through 197-11-620, and shall be the responsibility of the responsible official. Unless the scope or complexity of the proposal indicates otherwise, the final EIS shall be completed within sixty days of the end of the comment period for the draft EIS.

(iv) See subsection (1)(c)(vi) of this section.

(v) The responsible official shall mail to the department of ecology headquarters office in Olympia for listing in the "SEPA register" a copy of any determination of nonsignificance, a copy of the draft EIS, and a copy of the final EIS. Copies of the draft EIS shall also be mailed to those agencies identified in WAC 197-11-455, and of the final EIS to those agencies identified in WAC 197-11-460. The responsible official shall also give public notice in the form and manner specified in RCW 43.21C.080 of the determination of nonsignificance or final EIS.

(8) Approval of final plans for construction of a private psychiatric hospital pursuant to WAC 246-322-020, or construction of an alcoholism treatment (~~center~~) facility pursuant to WAC 246-326-020.

(a) Scope of major action. The approval of final plans for construction of a private psychiatric hospital pursuant to WAC 246-322-020, or construction of an alcoholism treatment center pursuant to WAC 246-326-020 shall be subject to SEPA requirements: PROVIDED, That such construction shall not be subject to SEPA requirements when it consists of additions which provide less than twelve thousand square feet of floor area and with associated parking facilities designed for forty automobiles or less.

(b) Timing and procedures for construction of the type described. Where a state or local agency other than the department is lead agency for construction of the type described in (a) of this subsection, the department shall not approve final plans for construction of a private psychiatric hospital or alcoholism treatment center until the applicant for such approval has supplied the department with a final declaration of nonsignificance or a final EIS for the construction in question, and until seven days after the issuance by the lead agency of any final EIS.

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-03-050 DETERMINATION OF LEAD AGENCY AND RESPONSIBLE OFFICIAL. (1) The department shall be the lead agency for the following actions:

(a) Adoption or amendment of regulations relating to radioactive source materials; proposals to construct, operate, or expand any uranium or thorium mill, or any tailings areas generated by uranium or thorium milling, or any low level radioactive waste burial facilities. The responsible official would be the (~~section head, radiation control section, division of environmental health~~) division director, division of radiation protection, environmental health programs. Lead agency determination for other mineral processing proposals should be made in accordance with WAC 197-11-924 through 197-11-948;

(b) Approval of comprehensive plans for public water supply systems when such plans are developed by private applicants and unless indicated otherwise by WAC 197-11-932, 197-11-934 and 197-11-936, and approval of new public water supply systems or major extensions of existing public water supply systems when such systems are being proposed by a private applicant unless indicated otherwise by WAC 197-11-932, 197-11-934, and 197-11-936. The responsible official would be the section head, water supply and waste section, division of environmental health;

(c) Construction of any building, facility, or other installation for the purpose of housing department personnel or for fulfilling other statutorily directed or authorized functions. The responsible official would be a capital programs representative from the management services division, comptroller's office;

(2) Determination of the lead agency for department major actions not listed above shall be made in accordance with the procedures and requirements of WAC 246-03-140 (4)(c) and 197-11-922 through 197-11-948.

AMENDATORY SECTION (Amending Order 122, filed 12/27/90, effective 1/31/91)

WAC 246-03-140 SEPA COMMITTEE. (1) There is hereby created a SEPA committee to oversee the department's SEPA activities.

(2) The SEPA committee shall be composed of:

(a) One representative from the (~~water supply and waste section, division of environmental health~~) division of drinking water, environmental health programs;

(b) One representative from the facility licensing and certification section;

(c) One capital programs representative from the comptroller's office, management services division(~~comptroller's office~~); and

(d) One representative from the (~~radiation control section, division of environmental health~~) division of radiation protection, environmental health programs.

(3) A representative from the office of the attorney general will provide legal support to the committee.

(4) The SEPA committee shall:

(a) Oversee the department's SEPA activities to ensure compliance with these agency guidelines, the state SEPA guidelines, and the policies and goals set forth in the State Environmental Policy Act;

(b) Oversee the future revision of these agency guidelines so as to reflect:

(i) Future amendment of SEPA or the state SEPA guidelines;

(ii) The creation of new department programs.

(c) Designate the responsible official for any major action for which the department is lead agency when such designation has not occurred elsewhere in these agency guidelines.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-001 APPLICATION OF CHAPTER (~~248-08~~) 246-08 WAC. (1) Scope. This chapter applies to adjudicative proceedings, begun on or after July 1, 1989, in programs administered by the department of health except those professional licensing programs for which the secretary is not the disciplinary authority as defined under RCW 18.130.040 (2)(b). The definition of the word "begun" is the department's receipt of the application for an adjudicative proceeding. Proceedings begun before July 1, 1989, are governed by the procedural rules in effect on June 30, 1989. Legal authority for adopting this chapter is RCW 34.05.220 (1)(a).

(2) Conflict in rules. If a provision in this chapter conflicts with a provision in the chapter containing the program's substantive rules, the provision in the chapter containing the program's substantive rules governs.

(3) Physical and mailing addresses. The presiding officer is generally an administrative law judge from the office of administrative hearings. Presiding officer administrative and field office addresses are listed under WAC 10-04-020. The reviewing officer is generally the secretary or the secretary's designee. ~~((The secretary's address for professions governed by the Uniform Disciplinary Act is the legal support section of the investigation, legal and audit unit, which is located at 1300 Quince, Olympia, and the mailing address is Legal Support Section, P.O. Box 2245, Olympia, WA 98507-2245.))~~ The reviewing officer's address ~~((for other programs))~~ is the ~~((office of appeals which is located in Office Building Number 2, Twelfth and Franklin, Olympia, and the mailing address is Office of Appeals, P.O. Box 2465, Olympia, WA 98504-2465))~~ Administrative Hearings Unit, Department of Health, 1300 Quince Street, S.E., Olympia, WA 98504.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-020 APPLICATION FOR AN ADJUDICATIVE PROCEEDING. (1) Uniform Disciplinary Act application. A person contesting a decision or statement of charges under the Uniform Disciplinary Act shall file a written application for an adjudicative proceeding with the ~~((legal support section of the investigation, legal and audit))~~ administrative hearings unit. The application must be filed within twenty days of the person's receipt of the decision or statement of charges.

(2) Other program application. A person contesting a department decision in a program not governed by the Uniform Disciplinary Act shall file a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((office of appeals))~~ administrative hearings unit within twenty-eight days of receipt of the decision.

(3) Application contents. The application must include or have attached:

- (a) A specific statement of the issue or issues and law involved;
- (b) The grounds for contesting the department decision or statement of charges; and
- (c) A copy of the contested department decision or statement of charges.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-030 ADMINISTRATIVE LAW JUDGE—AUTHORITY—APPLICATION OF LAW—ASSIGNMENT—DISQUALIFICATION. (1) Authority. The administrative law judge shall:

- (a) Hear and decide the issue anew (de novo);
 - (b) Determine the order of presentation of evidence;
 - (c) Administer oaths and affirmations;
 - (d) Issue subpoenas;
 - (e) Rule on procedural matters, objections, and motions;
 - (f) Rule on offers of proof and receive relevant evidence;
 - (g) Interrogate witnesses called by the parties in an impartial manner to develop any facts deemed necessary to fairly and adequately decide the matter;
 - (h) Call additional witnesses and request additional exhibits deemed necessary to complete the record and receive such evidence subject to full opportunity for cross-examination and rebuttal by all parties;
 - (i) Take any appropriate action necessary to maintain order during the hearing;
 - (j) Permit or require oral argument or briefs and determine the time limits for submission thereof;
 - (k) Permit photographic and recording equipment at hearings subject to conditions imposed by the administrative law judge to preserve confidentiality or to prevent disruption;
 - (l) Permit a person to waive any right conferred upon that person by chapter 34.05 RCW and/or chapter ~~((248-08))~~ 246-08 WAC, except to the extent precluded by another provision of law; and
 - (m) Take any other action necessary and authorized by any applicable rule.
- (2) Application of law. The administrative law judge shall:

(a) Apply as the first source of law governing an issue the rules of the department as adopted in the Washington Administrative Code (WAC);

(b) If there is no department rule governing the issue, resolve the issue on the basis of the best legal authority and reasoning available, including that found in federal and Washington Constitutions, statutes and regulations, and court decisions;

(c) Not declare any department rule invalid;

(d) If the validity of any department rule is raised as an issue at any proceeding, permit arguments to be made on the record concerning that issue for subsequent review purposes; and

(e) If the sole issue is one of federal or state law requiring adjustments for classes of people the department serves or regulates, dismiss the application without permitting argument to be made on the record regarding the validity of the law.

(3) Assignment of administrative law judge. If the notice of hearing does not state the name of the presiding administrative law judge, the chief administrative law judge of the office of administrative hearings shall:

(a) Make such assignment five days or more before the hearing; and

(b) Disclose the assignment to any party or representative making inquiry.

(4) Motion of prejudice.

(a) A motion of prejudice with a supporting affidavit under RCW 34.12.050 shall be filed at least three days before the hearing or any earlier stage of the adjudicative proceeding when the administrative law judge may be required to issue a discretionary ruling.

(b) The chief administrative law judge or designee shall rule upon subsequent motions of prejudice filed by the same party in the same proceeding.

(5) Petition for disqualification. An individual petitioning to disqualify an administrative law judge under RCW 34.05.425 shall file such petition with the administrative law judge assigned to preside over the proceeding.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-070 FILING AND SERVICE OF PAPERS. (1) Service required when filing. A party filing a pleading, brief, or other paper, except an application for an adjudicative proceeding, with the ~~((support section of the investigation, legal and audit unit, or with the office of appeals))~~ administrative hearings unit, or the administrative law judge shall serve a copy of the paper upon:

(a) Every other party; or

(b) If the other party is represented or has an agent, the other party's representative or agent.

(2) Filing and service made by. Unless otherwise provided by law, filing and service shall be made by:

(a) Personal service;

(b) First class, registered, or certified mail;

(c) Telegraph;

(d) Electronic telefacsimile transmission and same-day mailing of copies; or

(e) Commercial parcel delivery company.

(3) Filing complete. Filing with the ~~((support section of the investigation, legal and audit unit or with the office of appeals))~~ administrative hearings unit shall be complete upon actual receipt during office hours at the appropriate office. Filing with the administrative law judge shall be complete upon actual receipt during office hours at the office of the administrative law judge.

(4) Service complete. Service shall be complete when:

(a) Personal service is made;

(b) Mail is properly stamped, addressed, and deposited in the United States mail;

(c) A properly addressed telegram is deposited with a telegraph company with charges prepaid;

(d) An electronic telefacsimile transmission produces proof of transmission; or

(e) A commercial parcel is delivered to the parcel delivery company with charges prepaid.

(5) Proof of service. Where proof of service is required by statute or rule, filing the papers with the department or the administrative law judge, together with one of the following, shall constitute proof of service:

(a) An acknowledgement of service;

(b) A certificate of service including the date the papers were served upon all parties and the signature of the serving party indicating service was completed by:

- (i) Personal service;
- (ii) Mailing a copy properly addressed with postage prepaid to each party to the proceeding, or the party's representative or authorized agent;
- (iii) Telegraphing a copy properly addressed with charges prepaid to each party to the proceeding, or the party's representative or authorized agent;
- (iv) Transmitting a copy by electronic telefacsimile device and, on the same day, mailing a copy to each party to the proceeding, or the party's representative or authorized agent; or
- (v) Depositing a copy properly addressed with charges prepaid with a commercial parcel delivery company.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-080 VACATING AN ORDER OF DISMISSAL FOR REASON OF DEFAULT OR WITHDRAWAL. (1) Right to request. A party against whom a dismissal for reason of default or withdrawal is entered shall have the right to file a written petition requesting that the order be vacated.

(2) Contents. The request shall state the grounds relied upon.

(3) Filed at. The request shall be filed at the ~~((legal support section of the investigation, legal and audit unit for Uniform Disciplinary Act proceedings or the office of appeals))~~ administrative hearings unit for other programs within twenty-one days from the date the dismissal order was served.

(4) Grounds to vacate an order of dismissal. If, in the reasoned opinion of the administrative law judge, good cause to grant the relief is shown, the administrative law judge shall vacate the order of dismissal and reinstate the application.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-100 TELECONFERENCE HEARING. (1) When authorized. The administrative law judge may conduct all or part of the hearing by telephone, television, or other electronic means if each participant in the hearing has an opportunity to participate in, to hear, and, if technically and economically feasible, to see the entire proceeding while it is taking place.

(2) Documentary evidence. When the hearing is conducted by electronic means, documentary evidence shall be submitted in advance as provided under WAC ~~((248-08-452(2)))~~ 246-08-110(2).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-130 PETITION FOR REVIEW—RESPONSE TO PETITION—DISQUALIFICATION OF REVIEW JUDGE. (1) Initial orders that may become final orders.

(a) If a petition for review is not filed within twenty-one days from service of the initial order, the initial order shall, subject to the provisions of this section, become the final order.

(b) An initial order shall not become the final order in proceeding governed by the Uniform Disciplinary Act. Each party shall have the right to file a petition for review of the administrative law judge's order. Whether a petition for review is or is not filed, the secretary or designee shall enter the final order.

(2) Who may petition. Each party has the right to file a petition for review of an order entered by an administrative law judge.

(3) Petition contents. The petition for review shall:

- (a) Specify the portions of the order to which exception is taken; and
- (b) Refer to the evidence of record relied upon to support the petition.

(4) Petition time limits.

(a) The period to timely file a petition for review is twenty-one days from the date the initial decision was served.

(b) The secretary or designee shall extend the twenty-one day period to file a petition for review upon request of a party when:

- (i) The request is made during the twenty-one day period; and
- (ii) Good cause for the extension is shown.

(c) The secretary or designee shall waive the twenty-one day limit for filing a petition for review when:

(i) A petition for review is filed within thirty days of the date the initial order becomes final; and

(ii) The petitioner demonstrates good cause for failure to file a timely petition. Good cause includes:

(A) A mistake, inadvertence, or excusable neglect on the part of the petitioner; or

(B) An unavoidable casualty or misfortune preventing the petitioner from timely filing a petition for review.

(5) Petition filing and service. The petition for review shall be in writing and filed with the secretary or designee. The petitioner shall serve copies of the petition upon the other parties or their representative at the time the petition is filed. A petition in a proceeding governed by the Uniform Disciplinary Act ~~((shall be filed on the secretary or designee at the legal support section of the investigation, legal and audit unit.))~~ and/or a petition in other programs shall be filed on the secretary or designee at the ~~((office of appeals))~~ administrative hearings unit.

(6) Notice of petition. When a petition for review is filed, the secretary or designee shall send a copy of the petition to the nonpetitioning party or, if represented, to the representative with a notice of the right to file a response.

(7) Response time limit, filing, service.

(a) The nonpetitioning party shall file any response with the secretary or designee within seven days of the date that office served a copy of the petition on the nonpetitioning party or representative.

(b) The nonpetitioning party shall serve a copy of the response upon the petitioner and any other party or, if represented, on the representative at the time the response is filed.

(c) A secretary or designee may extend the period to file a response upon request of a party showing good cause.

(8) Disqualification. The secretary or designee shall disclose the assignment of the reviewing officer to any party or representative making inquiry. An individual petitioning to disqualify a reviewing officer under RCW 34.05.425 shall file such petition with the reviewing officer assigned to the proceeding.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-140 RECONSIDERATION. Within ten days of service of a review order, any party may file a petition for reconsideration. The petition shall state the specific grounds upon which relief is requested. A petition for reconsideration shall be filed at the ~~((legal support section of the investigation, legal and audit unit for proceedings governed by the Uniform Disciplinary Act. A petition for reconsideration in other programs shall be filed at the office of appeals))~~ administrative hearings unit.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-08-200 JUDICIAL REVIEW OF FINAL ADJUDICATIVE ORDER. (1) Right to judicial review; exclusive remedy. An appellant or intervenor aggrieved, as described under RCW 34.05.530, by the final decision or order in a department of health adjudicative proceeding may appeal the decision or order to court. Judicial review shall only be obtained under chapter 34.05 RCW. Judicial review may not be obtained through any other procedure. Chapter 34.05 RCW contains the pertinent provisions of law.

(2) Instituting judicial review; filing and serving the petition. As described under RCW 34.05.542(2), within thirty days after the secretary or designee mails the final decision, the petitioner shall file the petition for judicial review with the court and serve a copy of the petition on the department of health, the office of the attorney general, and all parties of record.

(a) A petition shall be filed in the superior court, at the petitioner's option, for:

- (i) Thurston County;
- (ii) The county of the petitioner's residence or principal place of business; or
- (iii) Any county where property affected by the decision is located.

(b) Service of a copy of the petition for judicial review on the department of health may be had by personally serving a copy of the petition on the ~~((office of appeals))~~ administrative hearings unit.

(c) Service of a copy of the petition for judicial review on the office of the attorney general may be had by mailing a copy of the petition, postage prepaid, to the Office of the Attorney General, Highway-Licenses Building, PB-55, Olympia, WA 98504.

(d) Service of a copy of the petition for judicial review on other parties of record may be had by mailing the copy of the petition to the other parties, properly addressed and postage prepaid.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-130-010 DEFINITIONS. The following words and phrases have the following meaning in chapter ~~((248-168))~~ 246-130 WAC unless the context clearly indicates otherwise:

- (1) "AIDS" means acquired immunodeficiency syndrome.
- (2) "APDP" means AIDS prescription drug program.
- (3) "Department" or "DOH" means the Washington state department of health.
- (4) "HIV" means human immunodeficiency virus.
- (5) "NPIG" means National Poverty Income Guidelines as under sections 652 and 673 (2) of the Omnibus Budget Reconciliation Act of 1981 (Public Law 9735) and as updated annually in the Federal Register on February 16.
- (6) "Patient share" means the amount of cost borne by the patient.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-130-030 REIMBURSEMENTS. Individuals desiring reimbursement for APDP approved drugs and treatments must provide evidence of financial eligibility as established by WAC ~~((248-168-040))~~ 246-130-040. The department will make reimbursement, reduced by the patient share computed in accordance with WAC ~~((248-168-070))~~ 246-130-070, to eligible participants who, in the department's judgment, demonstrate the greatest need or the most likely benefit from the treatments.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-130-040 FINANCIAL ELIGIBILITY. (1) The department will consider a patient eligible if he or she:

- (a) Has resources at or below the exemptions listed under subsection (3) of this section; and
- (b) Is not eligible for any other resources providing similar benefits to meet the costs of the treatment; and
- (c) Has gross monthly income at or below three hundred seventy percent of the NPIG; and
- (d) The total cost of program covered medications is in excess of the patient's share as computed in accordance with WAC ~~((248-168-070))~~ 246-130-070.

(2) The department shall consider the following in determining resources:

- (a) Savings, property, and other assets;
- (b) Government and private medical insurance programs, including Medicaid, providing partial or full coverage for drug and treatments needed in the treatment of infection with HIV; and
- (c) Local funds raised for the purpose of providing financial support for a specified patient.

(3) The following exemptions shall not be considered in determining a patient's resources to pay for treatments covered by these regulations:

- (a) A home, defined as real property owned by a patient as a principal place of residence, together with the property surrounding and contiguous thereto not to exceed five acres; and
- (b) Commercial property, or property used for the purpose of producing income, except to the extent that its value exceeds the sum of ten thousand dollars;
- (c) Household furnishings;
- (d) An automobile; and
- (e) Savings, property, or other liquid assets, to the extent the value thereof does not exceed the sum of ten thousand dollars.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-132-020 CLASS IV HUMAN IMMUNODEFICIENCY VIRUS (HIV) INSURANCE PROGRAM. Definitions of program covered by the department of health.

(1) "Class IV HIV insurance program" means the program authorized by chapter 70.24 RCW and financed by state funds to assure

health insurance coverage for an individual with Class IV HIV infection as defined by the state board of health meeting eligibility requirements established by the department.

(2) "Class IV HIV infection" means an illness characterized by the diseases and conditions defined and described by the state board of health in WAC ~~((248-100-011(1) and 248-100-076 (1)(c)(i)))~~ 246-100-011(1) and 246-100-076.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-170-001 PURPOSE. (1) These regulations are adopted for the purpose of establishing standards necessary to assure the effective and adequate care and treatment of persons suffering from tuberculosis in hospitals, nursing homes, and other organized living groups, or outpatient settings, including patient homes.

(2) Outpatient treatment should be given the highest priority in personnel and services. A high degree of success must be achieved, requiring the dedicated service of physicians and nurses who can identify with every type of patient and a provision of a full range of type of service, including office, clinic, home visit and special clinics.

(3) These regulations are adopted pursuant to section 2, chapter 213, Laws of 1973 1st ex. sess., and RCW 70.33.020, and the requirements of these regulations shall be in addition to the requirements of WAC ~~((248-100-532))~~ 246-170-080, now or as hereafter amended.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-170-010 DEFINITIONS. (1) "Primary physician" shall mean the physician who assumes the day-to-day medical care of a tuberculosis patient.

(2) "Chest clinic" shall mean an outpatient medical activity provided for persons suffering from or suspected to be suffering from disease primarily affecting the lungs.

(3) "Inpatient" shall mean medical care furnished in a hospital, nursing home or other organized living group in which the patient is a resident.

(4) "Outpatient" shall mean medical care furnished to patients who are residents in their homes or other places of residence.

(5) "Surveillance" shall mean an organized system of medical observation of persons at risk of developing active disease.

(6) "Suspect" shall mean a person who may possibly have a disease condition.

(7) "Epidemiological investigation" shall mean those specific actions taken by physicians or nurses which are taken to determine the extent of spread of infection from an active case of tuberculosis.

(8) "Register" shall mean the listing of all tuberculosis patients as required by WAC ~~((248-100-532 (3)(c)))~~ 246-170-080, now or as hereafter amended.

(9) "UV generator" shall mean a properly mounted fluorescent tube which electrically produces ultraviolet radiation with bacteriocidal properties.

(10) "Slide microscopy" shall mean the diagnostic test in which body fluids such as sputum are examined for the presence of pathogenic bacteria.

(11) "Prophylaxis" shall mean either primary treatment to prevent infection in an uninfected person or secondary treatment to treat disease in an infected person.

(12) "Infectious" shall mean the state of being the possible transmitter of tuberculosis infection to other persons.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-170-030 LOCAL HEALTH DEPARTMENT RESPONSIBILITIES. (1) Each health department shall staff and provide a chest clinic under the supervision of a physician specializing in pulmonary diseases. Sufficient nursing and clerical personnel shall be provided to furnish supervision of post-inpatient treatment, post-treatment surveillance, suspect evaluation, epidemiological investigation, contact workup and prophylaxis. A health department unable to provide these services shall contract for such services.

(2) A register must be kept of all known cases of tuberculosis within the jurisdiction in accordance with WAC ~~((248-100-532 (3)(c)))~~ 246-170-080, now or as hereafter amended. Reports of all newly discovered cases of tuberculosis must be made promptly to the department of social and health services.

(3) One or more physicians qualified to treat tuberculosis as determined by the local health officer with the advice of the state tuberculosis advisory committee shall be secured to assume the primary inpatient and/or outpatient care of patients. A tuberculosis clinical consultant, similarly endorsed, shall be available to provide review in case conferences of diagnoses, plans of management and dates of discharge.

(4) The health department shall also provide by contract appropriate inpatient care. Public health nursing services sufficient to meet the needs of outpatients including home care programs shall be available. Social service is necessary, and if not available within the department, shall be arranged.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-170-080 CASE MONITORING. From the time of diagnosis every patient shall be monitored by the local health department for the purpose of assuring that treatment is continuous, appropriately reviewed and completed. The case register shall be kept in sufficient detail to allow recording of accomplishment of periodic diagnostic studies, clinical progress and changes in state of disease. Quarterly status reports on each diseased patient will be furnished to the department of ~~((social and))~~ health ~~((services))~~ tuberculosis control program. Business and financial records including contracts and accounts shall be maintained by an administrative clerk.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-171-050 FINANCIAL ABILITY—DETERMINATION. Upon the filing of a financial statement as provided for under WAC ~~((248-118-020))~~ 246-171-020 through ~~((248-118-022))~~ 246-171-040, it shall be the duty of the local health officer to determine the financial ability of such patient, or the person responsible therefor, to contribute in whole or in part to the cost of care in such facility.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-171-120 LIABILITY OF ESTATE. The unpaid portion of any patient's share of charges for hospitalization shall be a liability of the estate which, while there is a surviving spouse, shall be considered as capital assets of the responsible person and subject to depletion according to WAC ~~((248-118-070))~~ 246-171-100(5).

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-270-010 DEFINITIONS. For purposes of this chapter, the following definitions are applicable:

~~((1))~~ "Department" shall mean the Washington state department of health.

~~((2))~~ "Board" shall mean the Washington state board of health.

~~((3))~~ "Approval and a certification of necessity" shall mean an order of the department which gives approval to a water district to establish, maintain, construct and operate a sewer system in a proposed service area in accordance with RCW 57.08.065.

~~((4))~~ "Necessity" shall mean a reasonable need and not mean an indispensable need.

~~((5))~~ "Proposed service area" shall mean the area proposed to be served with a sewer system by the applicant water district.

~~((6))~~ "Sewer system" shall mean a system of sewers and appurtenances for the collection, transportation, treatment and disposal of sewage and industrial wastes.

~~((7))~~ "Sewage" shall mean the water-carried waste products or discharge from human beings or other wastes from residences, public or private buildings, or industrial plants, together with such ground, surface or storm waters as may be present.

~~((8))~~ "Industrial wastes" shall mean the liquids, solids, or other wastes resulting from any process of industry, or from the development of any natural resource.

~~((9))~~ "Drainage basin" shall mean a geographic area drained by a surface stream or body of impounded water together with all tributary surface streams and bodies of impounded surface water.

~~((10))~~ "Sewer entities" shall mean any municipal or public corporations which by law are entitled to construct and operate a sewer system. (1) "Approval and a certification of necessity" shall mean an

order of the department which gives approval to a water district to establish, maintain, construct and operate a sewer system in a proposed service area in accordance with RCW 57.08.065.

~~((2))~~ "Board" shall mean the Washington state board of health.

~~((3))~~ "Department" shall mean the Washington state department of health.

~~((4))~~ "Drainage basin" shall mean a geographic area drained by a surface stream or body of impounded water together with all tributary surface streams and bodies of impounded surface water.

~~((5))~~ "Industrial wastes" shall mean the liquids, solids, or other wastes resulting from any process of industry, or from the development of any natural resource.

~~((6))~~ "Necessity" shall mean a reasonable need and not mean an indispensable need.

~~((7))~~ "Proposed service area" shall mean the area proposed to be served with a sewer system by the applicant water district.

~~((8))~~ "Sewage" shall mean the water-carried waste products or discharge from human beings or other wastes from residences, public or private buildings, or industrial plants, together with such ground, surface or storm waters as may be present.

~~((9))~~ "Sewer entities" shall mean any municipal or public corporations which by law are entitled to construct and operate a sewer system.

~~((10))~~ "Sewer system" shall mean a system of sewers and appurtenances for the collection, transportation, treatment and disposal of sewage and industrial wastes.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-270-020 APPLICATION CONTENT. An application for an approval and a certification of necessity must be presented to the department and shall include, but not be limited to, the following considerations:

(1) A general statement of the present and future sewage problems in the proposed area of service.

(2) A consideration of the relationship of the district to contiguous, nearby or overlapping sewer entities.

(3) Service areas considering reasonable drainage basin oriented planning.

(4) Population forecasts as a basis of sewer system design in the proposed service area.

(5) A layout map showing major trunk lines and interceptor lines including the drainage area to be served within and outside of the boundaries of the water district.

(6) The methods of interception and disposal of sewage.

(7) The projected completion time for the sewer system.

(8) An affidavit signed by an officer of the applicant water district, stating that all persons, parties or entities have been given the notice required by WAC ~~((248-91-040))~~ 246-270-030.

(9) A summary setting forth the reasons why the applicant water district is better suited to provide a sewer system within the proposed service area than a contiguous or adjacent sewer entity.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-270-050 NOTICE OF DECISION—ADJUDICATIVE PROCEEDING. (1) The department's notice of a denial, suspension, modification, or revocation of an approval and certificate of necessity shall be consistent with ~~((RCW 43.20A.XXX and))~~ section ~~((95))~~ 377, chapter ~~((175))~~ 3, Laws of ~~((1989))~~ 1991. An applicant or certificate holder has the right to an adjudicative proceeding to contest the decision.

(2) A certificate applicant or holder contesting a department certificate decision shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Appeals, P.O. Box 2465))~~ Administrative Hearings Unit, Department of Health, 1300 Quince Street, S.E., Mailstop: EY-17, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(3) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ~~((248-08))~~ 246-08 WAC. If a provision in this chapter conflicts with chapter ~~((248-08))~~ 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-270-060 **LIMITATION OF AN APPROVAL AND A CERTIFICATION OF NECESSITY.** The granting of an approval and a certification of necessity by the department shall only constitute approval to establish, maintain, construct, and operate a sewer system within the proposed service area requested in the initial application for an approval and a certification of necessity, and shall in no way constitute approval or authority to establish, maintain, construct and operate a sewer system in any area which may be annexed at some future time by the applicant water district.

The granting of an approval and a certification of necessity by the department does not constitute approval of the engineering report or plans and specifications of any sewer system, and all plans and specifications and the proposed method of operation and maintenance for any sewer system must be approved by the department pursuant to WAC ((248-92-040)) 246-271-050.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-010 **DEFINITIONS.** For the purposes of chapter ((248-19)) 246-310 WAC, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Acute care facilities" means hospitals and ambulatory surgical facilities.

(2) "Affected persons" means:

(a) The applicant;

(b) Health care facilities and health maintenance organizations providing services similar to the services under review and located in the health service area;

(c) Third-party payers reimbursing health care facilities in the health service area;

(d) Any agency establishing rates for health care facilities and health maintenance organizations in the health service area where the proposed project is to be located;

(e) Health care facilities and health maintenance organizations which, in the twelve months prior to receipt of the application, have submitted a letter of intent to provide similar services;

(f) Any person residing within the geographic area to be served by the applicant; and

(g) Any person regularly using health care facilities within the geographic area to be served by the applicant.

(3) "Alterations," see "construction, renovation, or alteration."

(4) "Ambulatory care facility" means any place, building, institution, or distinct part thereof not a health care facility as defined in this section and operated for the purpose of providing health services to individuals without providing such services with board and room on a continuous twenty-four-hour basis. The term "ambulatory care facility" includes the offices of private physicians, whether for individual or group practice.

(5) "Ambulatory surgical facility" means a facility, not a part of a hospital, providing surgical treatment to patients not requiring inpatient care in a hospital. This term does not include a facility in the offices of private physicians or dentists, whether for individual or group practice, if the privilege of using such facility is not extended to physicians or dentists outside the individual or group practice.

(6) "Applicant," except as used in WAC ((248-19-390)) 246-310-230, means any person proposing to engage in any undertaking subject to review under the provisions of chapter 70.38 RCW.

"Applicant," as used in WAC ((248-19-390)) 246-310-230, means any person or individual with a ten percent or greater financial interest in a partnership or corporation or other comparable legal entity engaging in any undertaking subject to review under the provisions of chapter 70.38 RCW.

(7) "Capital expenditure" means an expenditure, including a force account expenditure (i.e., an expenditure for a construction project undertaken by a nursing home facility as its own contractor), which, under generally accepted accounting principles, is not properly chargeable as an expense of operation or maintenance. The costs of any studies, surveys, designs, plans, working drawings, specifications, and other activities (including staff effort, consulting and other services which, under generally accepted accounting principles, are not properly chargeable as an expense of operation and maintenance) shall be considered capital expenditures. Where a person makes an acquisition under lease or comparable arrangement, or through donation, which would have required certificate of need review if the acquisition had

been made by purchase, such acquisition shall be deemed a capital expenditure. Capital expenditures include donations of equipment or facilities to a nursing home facility, which if acquired directly by such facility, would be subject to review under the provisions of this chapter and transfer of equipment or facilities for less than fair market value if a transfer of the equipment or facilities at fair market value would be subject to such review.

(8) "Certificate of need" means a written authorization by the secretary's designee for a person to implement a proposal for one or more undertakings.

(9) "Certificate of need program" means that organizational program of the department responsible for the management of the certificate of need program.

(10) "Commencement of the project" means whichever of the following occurs first: In the case of a construction project, giving notice to proceed with construction to a contractor for a construction project; beginning site preparation or development; excavating or starting the foundation for a construction project; or beginning alterations, modification, improvement, extension, or expansion of an existing building. In the case of major medical equipment, installation. In the case of other projects, initiating a health service.

(11) "Construction, renovation, or alteration" means the erection, building, remodeling, modernization, improvement, extension, or expansion of a physical plant of a health care facility, or the conversion of a building or portion thereof to a health care facility.

(12) "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(13) "Continuing care retirement community" means an entity providing shelter and services under a continuing care contract with the entity's members and sponsoring or including a health care facility or a health service.

(14) "Days" means calendar days. Days are counted starting the day after the date of the event from which the designated period of time begins to run. If the last day of the period falls on a Saturday, Sunday, or legal holiday observed by the state of Washington, a designated period runs until the end of the first working day following the Saturday, Sunday, or legal holiday.

"Working days" exclude Saturdays, Sundays, and legal holidays observed by the state of Washington. Working days are counted in the same way as calendar days.

(15) "Department" means the Washington state department of health.

(16) "Ex parte contact" means any oral or written communication between any person in the certificate of need program or any other person involved in the decision regarding an application for, or the withdrawal of, a certificate of need and the applicant for, or holder of, a certificate of need, any person acting on behalf of the applicant or holder, or any person with an interest regarding issuance or withdrawal of a certificate of need.

(17) "Expenditure minimum" means one million dollars for the twelve-month period beginning with July 24, 1983, adjusted annually by the department according to the provisions of ((chapter 248-156)) WAC 246-310-900.

(18) "Health care facility" means hospitals, psychiatric hospitals, nursing homes, kidney disease treatment centers including freestanding dialysis units, ambulatory surgical facilities, continuing care retirement communities, hospices and home health agencies, and includes such facilities when owned and operated by a political subdivision or instrumentality of the state and such other facilities as required by federal law and implementing regulations, but does not include Christian Science sanatoriums operated or listed and certified by the First Church of Christ Scientist, Boston, Massachusetts. In addition, the term "health care facility" does not include any nonprofit hospital:

(a) Operated exclusively to provide health care services for children;

(b) Which does not charge fees for such services; and

(c) If not contrary to federal law as necessary to the receipt of federal funds by the state.

(d) In addition, the term "health care facility" does not include a continuing care retirement community which:

(i) Offers services only to contractual members;

(ii) Provides its members a contractually guaranteed range of services from independent living through skilled nursing, including some form of assistance with activities of daily living;

(iii) Contractually assumes responsibility for costs of services exceeding the member's financial responsibility as stated in contract, so that, with the exception of insurance purchased by the retirement community or its members, no third party, including the Medicaid program, is liable for costs of care even if the member depletes personal resources;

(iv) Offers continuing care contracts and operates a nursing home continuously since January 1, 1988, or obtained a certificate of need to establish a nursing home;

(v) Maintains a binding agreement with the department of social and health services assuring financial liability for services to members, including nursing home services, shall not fall upon the department of social and health services;

(vi) Does not operate, and has not undertaken, a project resulting in a number of nursing home beds in excess of one for every four living units operated by the continuing care retirement community, exclusive of nursing home beds; and

(vii) Has undertaken no increase in the total number of nursing home beds after January 1, 1988, unless a professional review of pricing and long-term solvency was obtained by the retirement community within the prior five years and fully disclosed to members.

(19) "Health maintenance organization" means a public or private organization, organized under the laws of the state, which:

(a) Is a qualified health maintenance organization under Title XIII, Section 1310(d) of the Public Health Service Act; or

(b)(i) Provides or otherwise makes available to enrolled participants health care services, including at least the following basic health care services: Usual physician services, hospitalization, laboratory, x-ray, emergency and preventive services, and out-of-area coverage;

(ii) Is compensated (except for copayments) for the provision of the basic health care services listed in (b)(i) of this subsection to enrolled participants by a payment made on a periodic basis without regard to the date the health care services are provided and fixed without regard to the frequency, extent, or kind of health service actually provided; and

(iii) Provides physicians' services primarily:

(A) Directly through physicians who are either employees or partners of such organization, or

(B) Through arrangements with individual physicians or one or more groups of physicians (organized on a group practice or individual practice basis).

(20) "Health service area" means a geographic region appropriate for effective health planning including a broad range of health services.

(21) "Health services" means clinically related (i.e., preventive, diagnostic, curative, rehabilitative, or palliative) services and includes alcoholism, drug abuse, and mental health services.

(22) "Home health agency" means an entity which is, or is to be, certified as a provider of home health services in the Medicaid or Medicare program. The department shall not require a home health agency previously issued a certificate of need as a new health care facility to obtain additional certificate of need approval if the agency has not received Medicare or Medicaid certification by the effective date of these rules.

(23) "Hospice" means an entity which is, or is to be, certified as a provider of hospice services in the Medicaid or Medicare program. The department shall not require a hospice previously issued a certificate of need as a new health care facility to obtain additional certificate of need approval if the hospice has not received Medicare or Medicaid certification by the effective date of these rules.

(24) "Hospital" means any institution, place, building or agency or distinct part thereof which qualifies or is required to qualify for a license under chapter 70.41 RCW, or as a psychiatric hospital licensed under chapter 71.12 RCW.

(25) "Inpatient" means a person receiving health care services with board and room in a health care facility on a continuous twenty-four-hour-a-day basis.

(26) "Intermediate care facility" means any institution or distinct part thereof certified as an intermediate care facility for participation in the Medicaid (Title XIX of the Social Security Act) program.

(27) "Kidney disease treatment center" means any place, institution, building or agency or a distinct part thereof equipped and operated to provide services, including dialysis and/or kidney transplantation, to persons who have end-stage renal disease.

(28) "May" means an act is permitted, but not required.

(29) "Nursing home" means any home, place, institution, building or agency or distinct part thereof including a nursing unit or a long-term care area of a hospital operating or maintaining facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who, by reason of illness or infirmity, are unable properly to care for themselves. Convalescent and chronic care may include, but not be limited to, any or all procedures commonly employed in waiting on the sick, such as administration of medicines, preparation of special diets, giving of bedside nursing care, application of dressings and bandages, and carrying out of treatment prescribed by a duly licensed practitioner of the healing arts. Nursing home includes any such entity licensed or required to be licensed under the provisions of chapter 18.51 RCW and any other intermediate care facility or skilled nursing facility as these terms are defined in this section.

(30) "Obligation," when used in relation to a capital expenditure, means the following has been incurred by or on behalf of a health care facility:

(a) An enforceable contract has been entered into by a health care facility or by a person on behalf of the health care facility for the construction, acquisition, lease, or financing of a capital asset; or

(b) A formal internal commitment of funds by a health care facility for a force account expenditure constituting a capital expenditure; or

(c) In the case of donated property, the date on which the gift is completed in accordance with state law.

(31) "Offer," when used in connection with health services, means the health facility provides one or more specific health services.

(32) "Person" means an individual, a trust or estate, a partnership, a corporation (including associations, joint stock companies, and insurance companies), the state, or a political subdivision or instrumentality of the state, including a municipal corporation or a hospital district.

(33) "Predevelopment expenditures" means capital expenditures, the total of which exceeds the expenditure minimum, made for architectural designs, plans, drawings, or specifications in preparation for the acquisition or construction of physical plant facilities. "Predevelopment expenditures" exclude any obligation of a capital expenditure for the acquisition or construction of physical plant facilities and any activity which the department may consider the "commencement of the project" as this term is defined in this section.

(34) "Professional review of continuing care retirement community pricing and long-term solvency" means prospective financial statements, supported by professional analysis and documentation, which:

(a) Conform to Principles and Practices Board Statement Number 9 of the Healthcare Financial Management Association, "Accounting and Reporting Issues Related to Continuing Care Retirement Communities"; and

(b) Project the financial operations of the continuing care retirement community over a period of ten years or more into the future; and

(c) Are prepared and signed by a qualified actuary as defined under WAC 284-05-060 or an independent certified public accountant, or are prepared by management of the continuing care retirement community and reviewed by a qualified actuary or independent certified public accountant who issues a signed examination or compilation report on the prospective financial statements; and

(d) Include a finding by management that the intended expansion project of the continuing care retirement project is financially feasible.

(35) "Project" means all undertakings proposed in a single certificate of need application or for which a single certificate of need is issued.

(36) "Secretary" means the secretary of the Washington state department of health or the secretary's designee.

(37) "Shall" means compliance is mandatory.

(38) "Skilled nursing facility" means any institution or distinct part thereof certified as a skilled nursing facility for participation in the Medicare (Title XVIII) or Medicaid (Title XIX) program.

(39) "State health plan" means a document developed in accordance with RCW 70.38.065 and in effect until June 30, 1990, unless superseded by department-adopted rules.

(40) "State Health Planning and Resources Development Act" means chapter 70.38 RCW.

(41) "Tertiary health service" means a specialized service meeting complicated medical needs of people and requires sufficient patient volume to optimize provider effectiveness, quality of service, and improved outcomes of care.

(42) "Undertaking" means any action subject to the provisions of chapter (~~248-19~~) 246-310 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-020 **APPLICABILITY OF CHAPTER** ((248-19)) 246-310 WAC. (1) The following undertakings shall be subject to the provisions of chapter ((248-19)) 246-310 WAC, with the exceptions provided for in this section.

(a) The construction, development, or other establishment of a new health care facility:

(i) No new health care facility may be initiated as a health service of an existing health care facility without certificate of need approval as a new health care facility;

(ii) The extension, on a regular and ongoing basis, of the services of a home health agency or a hospice in a county not previously regularly included in the service area of that home health agency or hospice during the preceding twelve months shall be considered the development of a new home health agency or hospice.

(b) The sale, purchase, or lease of part or all of any existing hospital licensed under chapter 70.41 RCW or a psychiatric hospital licensed under chapter 71.12 RCW;

(c) A change in bed capacity of a health care facility increasing the total number of licensed beds or redistributing beds among acute care, skilled nursing, intermediate care, and boarding home care, as defined under RCW 18.20.020, if the bed redistribution is effective for a period in excess of six months;

(d) Any new tertiary health services offered in or through a health care facility, and not offered on a regular basis by, in, or through such health care facility within the twelve-month period prior to the time the facility will offer such services:

(i) Tertiary services include the following:

(A) Specialty burn services. This is a service designed, staffed, and equipped to care for any burn patient regardless of the severity or extent of the burn. All staff and equipment necessary for any level of burn care are available;

(B) Intermediate care nursery and/or obstetric services level II. Intermediate care nursery is defined in chapter ((248-18)) 246-318 WAC. A level II obstetric service is in an area designed, organized, equipped, and staffed to provide a full range of maternal and neonatal services for uncomplicated patients and for the majority of complicated obstetrical problems;

(C) Neonatal intensive care nursery and/or obstetric services level III. Neonatal intensive care nursery is defined in chapter ((248-18)) 246-318 WAC. A level III obstetric service is in an area designed, organized, equipped, and staffed to provide services to the few women and infants requiring full intensive care services for the most serious type of maternal-fetal and neonatal illnesses and abnormalities. Such a service provides the coordination of care, communications, transfer, and transportation for a given region. Level III services provide leadership in preparatory and continuing education in prenatal and perinatal care and may be involved in clinical and basic research;

(D) Transplantation of specific solid organs, including, but not limited to, heart, liver, pancreas, lung, and kidney and including bone marrow. A transplantation service for each solid organ is considered a separate tertiary service;

(E) Open heart surgery and/or elective therapeutic cardiac catheterization including elective percutaneous transluminal coronary angioplasty (PTCA). Open heart surgery includes the care of patients who have surgery requiring the use of a heart lung bypass machine. Therapeutic cardiac catheterization means passage of a tube or other device into the coronary arteries or the heart chambers to improve blood flow. PTCA means the treatment of a narrowing of a coronary artery by means of inflating a balloon catheter at the site of the narrowing to dilate the artery;

(F) Inpatient physical rehabilitation services level III. Level III rehabilitation services are services for persons with usually nonreversible, multiple function impairments of a moderate-to-severe complexity resulting in major changes in the patient's lifestyle and requiring intervention by several rehabilitation disciplines. Services are multidisciplinary, including such specialists as a rehabilitation nurse; and physical, occupational, and speech therapists; and vocational counseling; and a physiatrist. The service is provided in a dedicated unit with a separate nurses station staffed by nurses with specialized training and/or experience in rehabilitation nursing. While the service may specialize (i.e., spinal cord injury, severe head trauma, etc.), the service is able to treat all persons within the designated diagnostic specialization regardless of the level of severity or complexity of the impairments;

(G) Specialized inpatient pediatric services. The service is designed, staffed, and equipped to treat complex pediatric cases for more than

twenty-four hours. The service has a staff of pediatric specialists and subspecialists.

(ii) The department shall review, periodically revise, and update the list of tertiary services. The department shall change the tertiary services list following the procedures identified in WAC ((248-19-235)) 246-310-035;

(iii) The offering of an inpatient tertiary health service by a health maintenance organization or combination of health maintenance organizations is subject to the provisions under chapter ((248-19)) 246-310 WAC unless the offering is exempt under the provisions of RCW 70.38.111.

(e) Any increase in the number of dialysis stations in a kidney disease center;

(f) Any capital expenditure in excess of the expenditure minimum for the construction, renovation, or alteration of a nursing home. However, a capital expenditure, solely for any one or more of the following, which does not substantially affect patient charges, is not subject to certificate of need review:

(i) Communications and parking facilities;

(ii) Mechanical, electrical, ventilation, heating, and air conditioning systems;

(iii) Energy conservation systems;

(iv) Repairs to, or the correction of, deficiencies in existing physical plant facilities necessary to maintain state licensure;

(v) Acquisition of equipment, including data processing equipment, not for use in the direct provision of health services;

(vi) Construction, involving physical plant facilities, including administrative and support facilities, not for use in the provision of health services;

(vii) Acquisition of land; and

(viii) Refinancing of existing debt.

(g) Any expenditure for the construction, renovation, or alteration of a nursing home or change in nursing home services in excess of the expenditure minimum made in preparation for any undertaking subject to the provisions under chapter ((248-19)) 246-310 WAC and any arrangement or commitment made for financing such undertaking;

(h) No person may divide a project in order to avoid review requirements under any of the thresholds specified under this section; and

(i) The department may issue certificates of need authorizing only predevelopment expenditures, without authorizing any subsequent undertaking for which the predevelopment expenditures are made.

(2) No person shall engage in any undertaking subject to certificate of need review unless:

(a) A certificate of need authorizing such undertaking is issued and remains valid; or

(b) An exemption is granted in accordance with the provisions of this chapter.

NEW SECTION

WAC 246-310-035 **TERTIARY SERVICES IDENTIFICATION**. (1) The criteria in this section shall be used as guidelines when examining services to determine whether the service is considered a tertiary service.

(2) In determining whether a service is a tertiary service the department shall consider the degree to which the service meets the following criteria:

(a) Whether the service is dependent on the skills and coordination of specialties and subspecialties. Including, but not limited to, physicians, nurses, therapists, social workers;

(b) Whether the service requires immediate access to an acute care hospital;

(c) Whether the service is characterized by relatively few providers;

(d) Whether the service is broader than a procedure;

(e) Whether the service has a low use rate;

(f) Whether consensus supports or published research shows that sufficient volume is required to impact structure, process, and outcomes of care; and

(g) Whether the service carries a significant risk or consequence.

(3) Annually the department shall request review of proposed changes to the list of tertiary services identified in WAC 246-310-020. The annual review shall be conducted as follows:

(a) The department shall send notice to all persons who have sent the certificate of need program a written request to be notified of the annual review of tertiary services.

(b) The notice shall contain the following:

(i) Identification of the thirty-day period during which written comments may be received. This thirty-day period shall be called the comment period;

(ii) The criteria listed in this section; and

(iii) The name and address of the person in the department to whom written comments are to be addressed.

(c) The written comments must address whether a service meets or partially meets the criteria in this section.

(d) Within sixty days after the close of the comment period the department shall determine whether to propose any changes to the list of tertiary services in chapter 246-310 WAC. This sixty-day period shall be called the consideration period.

(e) During the consideration period information may be exchanged between the department and persons proposing changes to the list of tertiary services in chapter 246-310 WAC.

(4) The department shall convene a technical work group at least every three years to do the following:

(a) Review the criteria listed in this section to determine whether the criteria appropriately define a tertiary service; and

(b) Propose any necessary changes to the list of tertiary services in WAC 246-310-020.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-050 APPLICABILITY DETERMINATION. (1) Any person wanting to know whether an action the person is considering is subject to certificate of need requirements (chapter ~~((248-19))~~ 246-310 WAC) should submit a written request to the certificate of need unit requesting a formal determination of applicability of the certificate of need requirements to the action.

(a) A copy of a written request for determination of applicability shall be sent simultaneously to the appropriate advisory review agencies.

(b) The written request shall be in a form prescribed by the department and contain an explicit description of the action. The description shall include the nature and extent of any construction, changes in services, and the estimated total costs of the action.

(2) The department may request such additional written information as is reasonably necessary to make an applicability determination on the action.

(3) The department shall respond in writing to a request for an applicability determination within thirty days of receipt of all the information needed for such determination. In the written response, the department shall state the reasons for its determination that the action is or is not subject to certificate of need requirements.

(4) Information or advice given by the department as to whether an action is subject to certificate of need requirements shall not be considered an applicability determination unless it is in written form in response to a written request submitted in accordance with provisions of this section.

(5) A written applicability determination on an action in response to a written request and based on written information shall be binding upon the department: PROVIDED, The nature, extent, or cost of the action does not significantly change.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-080 LETTER OF INTENT. Any person planning to propose an undertaking subject to certificate of need review shall submit a letter of as follows:

(1) A copy of the letter of intent shall include the following information:

(a) A description of the extent of the services proposed;

(b) The estimated cost of the proposed project;

(c) A description of the service area.

(d) Any person proposing an undertaking subject to certificate of need review shall send simultaneously a copy of the letter of intent to the regional health council or councils, if any, for the health service area or areas in which the project is to be located and, in the case of a hospital project, to the hospital commission.

(e) The letter of intent shall not constitute "notice of intent" with respect to the acquisition of major medical equipment ~~((as required by WAC 248-19-403)).~~

(2) Expedited or regular review. Any person proposing an undertaking subject to an expedited or regular review shall submit a letter of intent at least thirty days prior to the submission of the application.

(3) Concurrent review.

(a) Any person proposing undertakings subject to concurrent review shall submit a letter of intent according to the applicable schedule.

(b) Within thirty days following the last day of the letter of intent submittal period, the department, after consultation with the advisory review agencies, shall determine which of the proposed undertakings compete with other proposed undertakings. Two or more undertakings within the same concurrent review cycle may be competing when the proposed nursing home beds would be located in the same county or nursing home planning area and/or the undertakings propose nursing home beds to be allocated from the same statewide continuing care retirement community (CCRC) bed pool as defined in WAC ~~((248-19-373))~~ 246-310-380.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-090 SUBMISSION AND WITHDRAWAL OF APPLICATIONS. (1) General.

(a) A person proposing an undertaking subject to review shall submit a certificate of need application in such form and manner and containing such information as the department, after consultation with the advisory review agencies, has prescribed and published as necessary to such a certificate of need application.

(i) The information, which the department prescribes and publishes as required for a certificate of need application, shall be limited to the information necessary for the department to perform a certificate of need review and shall vary in accordance with and be appropriate to the category of review or the type of proposed project: PROVIDED HOWEVER, That the required information shall include that which is necessary to determine whether the proposed project meets applicable criteria and plan standards.

(ii) Information regarding a certificate of need application submitted by an applicant after the department has given "notification of the beginning of review" in the manner prescribed by WAC ~~((248-19-310))~~ 246-310-170 shall be submitted in writing to the department, the regional health council, and for hospital projects, to the hospital commission.

(iii) Except as provided in WAC ~~((248-19-325))~~ 246-310-326, no information regarding a certificate of need application submitted by an applicant after the conclusion of a public hearing conducted under the provisions of WAC ~~((248-19-320))~~ 246-310-180 or the date of the final action of the appropriate regional health council or the date of the final action of the hospital commission on the application, whichever occurs last, shall be considered by the department in reviewing and taking action on a certificate of need application. An exception to this rule shall be made when, during its final review period, the department finds an unresolved pivotal issue requires submission of further information by an applicant and the applicant agrees to an extension of the review period in order to resolve this issue as provided for in WAC ~~((248-19-330 (2)(b), 248-19-340 (2)(c), and 248-19-350(4))~~ 246-310-160 (2)(b), 246-310-150 (2)(c), and 246-310-140(4). The department shall furnish copies of its request to the applicant for such additional information to the appropriate advisory review agencies. The department shall give public notice of such request for additional information through the same newspaper in which the "notification of beginning of review" for the project was published. The notice shall identify the project, the nature of the unresolved issue and the information requested of the applicant, and shall state the period of time allowed for receipt of written comments from interested persons.

(b) A person submitting a certificate of need application shall simultaneously submit copies of such application to the certificate of need unit of the department and the appropriate advisory review agencies.

(i) The original and two copies of the application shall be submitted to the certificate of need unit of the department.

(ii) At least three and such additional copies of the application as may be required by the regional health council shall be submitted to the appropriate regional health council.

(iii) For a hospital project, one copy shall be submitted to the hospital commission.

(c) On or before the last day of the applicable screening period for a certificate of need application, as prescribed in subsections (2) and (3) of this section, the department shall send a written notice to the person submitting the application stating whether or not the application has been declared complete. If an application has been found to be incomplete, the notice from the department shall specifically identify the portions of the application in which the information provided has been

found to be insufficient or indefinite and request the supplemental information needed to complete the application. The notice from the department shall incorporate the findings as to insufficient or indefinite application information transmitted to the department by the regional health council and the hospital commission.

(d) The department shall not request any supplemental information of a type not prescribed and published as being necessary to a certificate of need application for the type of project being proposed. The department may request clarification of information provided in the application.

(e) A response to the department's request for information to supplement an incomplete application shall be written and submitted to the same agencies and in the same numbers as required for an application under the provisions of subsection (1)(b) of this section.

(2) Screening and prereview activities.

(a) The department and the appropriate advisory review agencies shall, within a fifteen-day period for emergency, expedited, and regular reviews, screen the application to determine whether the information provided in the application is complete and as explicit as is necessary for a certificate of need review. This screening period shall begin on the first day after which the department and the advisory review agencies have each received copies of the application.

(b) The department shall return an incomplete certificate of need application to the person submitting the application if the department has not received a response to a request for the supplemental information sent in accordance with subsection (1)(c) of this section within forty-five days for emergency, expedited, and regular reviews and within one month for concurrent review after such request was sent.

(c) For emergency, expedited, and regular reviews, a person submitting a response to the department's request for supplemental information to complete a certificate of need application within forty-five days after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall have the right to exercise one of the following options:

(i) Submission of written supplemental information and a written request that such information be screened and the applicant be given opportunity to submit further supplemental information if the application is still incomplete;

(ii) Submission of written supplemental information with a written request that review of the certificate of need application begin without the department notifying the applicant as to whether the supplemental information is adequate to complete the application; or

(iii) Submission of a written request that the incomplete application be reviewed without supplemental information.

(d) For concurrent review a person submitting a response to the department's request for supplemental information to complete a certificate of need application within one month after the request was sent by the department, in accordance with subsection (1)(c) of this section, shall submit written supplemental information or a written request that the incomplete application be reviewed. The review shall begin in accordance with the published schedule.

(e) After receipt of a request for review of a certificate of need application, submitted in accordance with subsection (2)(c)(ii) or (iii) of this section, the department shall give notification of the beginning of review in the manner prescribed for a complete application in WAC ((248-19-310)) 246-310-170.

(f) If a person requests the screening of supplemental information in accordance with subsection (2)(c)(i) of this section, such screening shall be carried out in the same number of days and in the same manner as required for an application in accordance with the provisions of subsection (1)(c) and (2)(a) of this section. The process of submitting and screening supplemental information may be repeated until the department declares the certificate of need application complete, the applicant requests that review of the incomplete application begin, or the one hundred twentieth day after the beginning of the first screening period for the application, whichever occurs first. The department shall return an application to the applicant if it is still incomplete on the one hundred twentieth day after the beginning of the first screening period and the applicant has not requested review of such incomplete application.

(3) Withdrawal of applications.

A certificate of need application shall be withdrawn from the certificate of need process if the department receives a written request for withdrawal of the application from the person submitting the application at any time before final action on such application has been taken by the secretary's designee.

(4) Resubmission of applications withdrawn or returned as incomplete.

A submission of a new certificate of need application shall be required for a certificate of need review of any undertaking for which the department has returned an incomplete application in accordance with subsection (2)(b) of this section, or for which a certificate of need application has been withdrawn in accordance with subsection (3) of this section. The content of the application should be updated as necessary before resubmission.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-100 AMENDMENT OF CERTIFICATE OF NEED APPLICATIONS. (1) The following changes to an application may be considered an amendment of an application:

(a) The addition of a new service or elimination of a service included in the original application.

(b) The expansion or reduction of a service included in the original application.

(c) An increase in the bed capacity.

(d) A change in the capital cost of the project or the method of financing the project.

(e) A substantial change in the rationale used to justify the project.

(2) Direct responses to screening questions will not be considered amendments.

(3) Amendments to certificate of need applications shall include information and documentation consistent with the requirements of WAC ((248-19-280)) 246-310-090 (1)(a)(i) and (b).

(4) Application for emergency review. If an applicant amends an application during the screening period, the department, after consultation with the advisory review agencies, shall determine whether the amended application constitutes a new application. An application amended during the review period shall be considered a new application.

(5) An application for expedited or regular review may be amended during the screening period or the advisory review period.

(a) The advisory review agency recommends to the department that a change to an application constitutes an amendment. When the advisory agency recommends an application has been amended, a written justification shall be submitted to the applicant and the department within five working days after the recommendation is made. The applicant may submit written information to the department within five working days indicating why the change should not be considered an amendment. The applicant shall also submit the written information to the advisory agency.

(b) The department shall determine within five working days of receipt of the advisory agency recommendation concerning an amendment whether the change constitutes an amendment to an application.

(c) When an application has been amended, the review period may be extended at the written request of the advisory review agency for a period not to exceed forty-five days.

(6) An application for concurrent review may be amended according to the following provisions:

(a) The department, in consultation with the advisory review agency, shall determine when an application has been amended.

(b) An amendment may be made through the first forty-five days of the concurrent review process. When an applicant amends an application, the review period for all applications reviewed concurrently shall be extended by a single thirty-day period. The forty-five days for amendments shall be divided as follows:

(i) During the first thirty days an applicant or applicants may amend an application one or more times.

(ii) When an amendment has been made to an application in the first thirty days, all applicants may make one final amendment during the remaining fifteen days of the forty-five day period.

(iii) The department shall send written notice to all applicants when an amendment to an application is submitted.

(iv) If no amendment has been made to any application through the thirty-day period, no amendments may be made during the subsequent fifteen-day period.

(c) Any information submitted after the amendment period which has not been requested in writing by the department shall be returned to the person submitting the information and shall not be considered in the review of the application.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-110 CATEGORIES OF REVIEW. (1) In the review of any certificate of need application, one of the following review processes shall be used: Regular review, concurrent review, emergency review, expedited review, or administrative review.

(2) Determination of review process.

The department, after any necessary consultation with the appropriate advisory review agencies, shall determine which review process will be used in the review of a given certificate of need application.

(a) Administrative review.

(i) The secretary's designee shall have the authority to review an abbreviated application proposing the obligation of any capital expenditure by or on behalf of a health care facility decreasing the total number of licensed beds or relocating licensed beds from one facility to another, by ten beds or ten percent, whichever is less, in any two-year period. Prior to making a determination of administrative review, the secretary's designee shall consult with the advisory review agencies.

(ii) An abbreviated application shall be submitted in a form acceptable to the secretary's designee in accordance with the provisions of WAC ((248-19-280)) 246-310-090 (1)(b).

(iii) Such review shall be completed within ten working days after receipt of an application.

(b) Emergency review.

(i) Beginning January 1, 1981, an emergency review may, with the written consent of the appropriate advisory review agencies, be conducted when an immediate capital expenditure is required in order for a health care facility to maintain or restore basic and essential patient services.

(ii) The department may, after consulting with the appropriate advisory review agencies, determine an application submitted for emergency review does not qualify for such review. Such a determination and notification to the applicant shall be made within five days after receipt of the application. When the department makes a determination an application is not subject to emergency review procedures, the application will be reviewed under another review process appropriate for the type of undertaking proposed. The department will notify the applicant of the other process under which the application will be reviewed.

(c) Expedited review.

Beginning July 24, 1983, an expedited review shall be conducted on a certificate of need application for the following:

(i) Projects proposed for the correction of deficiencies as described in WAC ((248-19-415)) 246-310-480, except projects for the repair to or correction of deficiencies in the physical plant necessary to maintain state licensure, which are exempt from review by the provisions of WAC ((248-19-230(12))) 246-310-020, if they do not substantially affect patient charges.

(ii) The replacement of equipment having similar functional capability and not resulting in the offering or development of any new health services.

(iii) Demonstration or research projects: PROVIDED, That such projects do not involve a change in bed capacity or the provision of a new institutional health service.

(iv) Acquisition of an existing health care facility.

(v) Projects limited to predevelopment expenditures.

(d) Regular review process.

The regular review process shall be used for any application unless the department has determined the emergency, expedited, or concurrent review process will be used in the review of such application. The regular review process will also be used to review applications for projects solely for the purposes listed in WAC ((248-19-230(12))) 246-310-020 determined by the department to substantially affect patient charges, unless the project qualifies for an expedited review under subsection (2)(b)(i) of this section.

(e) Concurrent review process.

The concurrent review process shall be used for all applications determined to be competing in accordance with WAC ((248-19-327)) 246-310-120.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-120 CONCURRENT REVIEW PROCESS. (1) Projects for which the department may establish concurrent review schedules are identified in RCW 70.38.115(7). An annual concurrent review has been scheduled for competing projects proposing:

(a) New nursing homes,
(b) Nursing home bed additions,
(c) The redistribution of beds from the following facility and service categories to skilled nursing facility beds:

(i) Acute care,

(ii) Boarding home, or

(iii) Intermediate care for the mentally retarded, or

(d) The redistribution of beds from the following facility and service categories to intermediate care facility beds:

(i) Acute care, or

(ii) Boarding home, and

(e) The relocation of nursing home beds from one county or nursing home planning area to another county or nursing home planning area.

(2) Procedures for the concurrent review process shall be as follows:

(a) Submittal of initial applications.

(i) Each applicant shall submit simultaneously copies of the application to each reviewing agency.

(ii) Each applicant if requested in writing shall provide a copy of his or her application to the applicant of each other competing application.

(b) Screening of the initial applications.

(i) The department and the appropriate advisory agencies shall screen each initial application during the screening period of the applicable concurrent review cycle schedule.

(ii) The screening period shall begin on the first work day following the last day of the initial application submittal period for the applicable concurrent review cycle schedule.

(iii) The department by the end of the screening period of the applicable concurrent review cycle schedule shall send a written request for supplemental information to each applicant.

(iv) Each applicant by the end of the final application submittal period shall respond to the department's written request for supplemental information in one of the following ways:

(A) Submitting the requested written supplemental information, or

(B) Submitting a written request that the incomplete application be reviewed without supplemental information.

(c) Reviewing of final applications.

(i) The department shall commence the review of competing applications on the date prescribed for the applicable concurrent review cycle schedule.

(ii) The total number of days in the advisory and final review periods shall not exceed one hundred and thirty-five, unless extended in accordance with subsection (2)(d) of this section.

(iii) The appropriate advisory review agencies shall submit written findings and recommendations on each competing application to the department within ninety days from the beginning of the advisory review period, unless the advisory review period is extended in accordance with subsection (2)(d) of this section.

(iv) The department shall conclude its final review and the secretary's designee shall take action on a certificate of need application within forty-five days after the end of the advisory review agencies' review period, unless extended in accordance with subsection (2)(d) of this section.

(d) Extending review of final applications.

(i) The advisory review period shall be extended in accordance with the provisions of WAC ((248-19-295)) 246-310-100(6).

(ii) The final review period may be extended by the department under the following provisions:

(A) The department informs each applicant of the competing applications of the existence of an unresolved pivotal issue.

(B) The department may make a written request for additional information from one or more of the applicants of the competing applications.

(C) The department shall specify in the written request a deadline for receipt of written responses.

(D) Each applicant receiving such written request may provide a written response within the specified deadline.

(E) The department may extend the final review period for all competing applications up to thirty days after the receipt of the last response to the department's request for additional information or after the specified deadline, whichever occurs first.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-130 NURSING HOME CONCURRENT REVIEW CYCLES. (1) The department shall review concurrently during review cycles established under subsection (6) of this section the following:

(a) New nursing homes,
 (b) Nursing home bed additions, or
 (c) Redistribution of beds from the following facility or service categories to skilled nursing care beds:

(i) Acute care,
 (ii) Boarding home care, or
 (iii) Intermediate care for the mentally retarded; or
 (d) Redistribution of beds from the following facility or service categories to intermediate care facility beds:

(i) Acute care, or
 (ii) Boarding home care.
 (2) Undertakings of type A continuing care retirement communities (CCRCs), as defined in subsection (3)(b)(i) of this section which do not propose or are not operating within a transition period as defined in subsection (3)(d) of this section during development, and which meet the following conditions, shall be reviewed under the regular review process per WAC ((~~248-19-330~~) 246-310-160):

(a) The number of nursing home beds requested in a single undertaking shall not exceed sixty; and

(b) After project completion, the number of nursing home beds, including those with which the CCRC contracts, shall not exceed one bed for each four independent living units within the CCRC. In computing this ratio, only independent living units of the CCRC already existing, and/or scheduled for completion at the same time as the proposed nursing home beds under the same financial feasibility plan, shall be counted.

(3) For purposes of this section, the following definitions shall be used:

(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. Continuing care contracts include, but are not limited to, life care agreements and mutually terminable contracts. The living space and services under a continuing care contract may or may not be provided at the same location.

(b) "Continuing care retirement community (CCRC)" means any of a variety of entities providing shelter and services based on continuing care contracts with its enrollees. CCRCs are categorized as follows:

(i) "Type A CCRC" means a CCRC meeting the following requirements:

(A) Maintains for a period in excess of one year a CCRC contract with its enrollees or residents for a contractually guaranteed range of services from independent living through nursing home care, including some form of assistance with activities of daily living;

(B) Continues a contract if an enrollee or resident is no longer able to pay for services;

(C) Offers services only to contractual enrollees with limited exception related to use of transition periods; and

(D) Prohibits Medicaid program liability for costs of care even if the member depletes his or her personal resources.

(ii) "Type B CCRC" means a CCRC meeting the following requirements:

(A) Maintains for a period in excess of one year a CCRC contract with its enrollees or residents,

(B) May provide a range of services beyond nursing home care,

(C) May terminate a contract if an enrollee or resident is unable to pay for services,

(D) May admit patients to the nursing home who are not CCRC enrollees or residents, and

(E) May maintain Medicaid contracts and/or other requirements for third-party payment.

(c) "Enrollee" of a CCRC means an individual who has signed a continuing care contract with a CCRC.

(d) "Transition period" means a period of time, not exceeding five years, between the date an enrollee becomes the first resident of a type A CCRC and the date it fully meets the requirements of a type A CCRC as contained in the current state health plan.

(4) The annual nursing home concurrent review consists of the following cycles:

(a) One of the annual cycles is reserved for the review of competing applications submitted by or on behalf of:

(i) Type A CCRCs applying for nursing home beds available from the statewide CCRC allotment as described in WAC ((~~248-19-373(8)~~) 246-310-380(5));

(ii) Type A CCRCs which propose or are operating within a transition period during development and are not applying for nursing home beds available from any nursing home planning area; and

(iii) Type B CCRCs applying for nursing home beds available from the statewide CCRC allotment ((~~as described in WAC 248-19-373(8)~~)).

(b) Two other cycles are for review of competing applications for nursing home beds needed in half of the nursing home planning areas; and

(c) Until whichever occurs first, December 31, 1990, or issuance of a certificate of need for all or part of those available beds, one cycle is reserved for the review of competing applications submitted for nursing home beds available from the King County AIDS nursing home bed allotment established under WAC ((~~248-19-373(9)~~) 246-310-400).

(5) The department shall use the following nursing home concurrent review application filing procedures:

(a) Each applicant shall:

(i) File the required number of copies of each application as specified in the application information requirements, and

(ii) Mail or deliver the application so that the department receives it no later than the last day for initial application receipt as prescribed in the schedule for that concurrent review cycle.

(b) The department shall:

(i) Only review applications for which a letter of intent, as described in WAC ((~~248-19-270~~) 246-310-080), was mailed or delivered to the department before the last day for receipt of letters of intent as indicated below;

(ii) Begin screening all applications received during the initial application period on the first working day following the close of that period; and

(iii) Return to the applicant any application received after the last day of the initial application receipt period.

(6) The schedules for the annual nursing home bed concurrent review cycles shall be as follows:

(a) For those applications described in subsection (4)(a) of this section, the concurrent review cycle schedule shall be as follows:

(i) Period for receipt of letters of intent shall begin on the first working day of June and end on the first working day of July,

(ii) Period for receipt of initial applications shall begin on the first working day of July and end on the first working day of August,

(iii) End of initial application completeness screening period is the first working day of September,

(iv) End of final application receipt period is the first working day of October, and

(v) Beginning of concurrent review period is October 16 or first working day after that date.

(b) For competing applications submitted for nursing home beds available for the Chelan/Douglas, Clallam, Clark/Skamania, Cowlitz, Grant, Grays Harbor, Island excluding Camano, Jefferson, King, Kittitas, Klickitat, Okanogan, Pacific, San Juan, Skagit, Spokane, and Yakima nursing home planning areas, the concurrent review cycle schedule shall be as follows:

(i) Period for receipt of letters of intent shall begin on the first working day of July and end on the first working day of August,

(ii) Period for receipt of initial applications shall begin on the first working day of August and end on the first working day of September,

(iii) End of initial application completeness screening period is the first working day of October,

(iv) End of final application receipt period is the first working day of November, and

(v) Beginning of concurrent review period is November 16 or first working day after that date.

(c) For competing applications submitted for nursing home beds available for the Adams, Asotin, Benton, Columbia, Ferry, Franklin, Garfield, Kitsap, Lewis, Lincoln, Mason, Pend Oreille, Pierce, Snohomish including Camano, Stevens, Thurston, Wahkiakum, Walla Walla, Whatcom, and Whitman nursing home planning areas, the concurrent review cycle schedule shall be as follows:

(i) Period for receipt of letters of intent shall begin on the first working day of August and end on the first working day of September,

(ii) Period for receipt of initial applications shall begin on the first working day of September and end on the first working day of October,

(iii) End of initial application completeness screening period is the first working day of November,

(iv) End of final application receipt period is the first working day of December, and

(v) Beginning of concurrent review period is December 16 or first working day after that date.

(d) For those applications described in subsection (4)(c) of this section, the concurrent review cycle shall be as follows:

(i) Period for receipt of letters of intent shall begin on February 17, 1989, and end on March 3, 1989;

(ii) Period of receipt of initial applications shall begin on March 6, 1989, and end on March 20, 1989;

(iii) End of initial application completeness screening period is April 3, 1989;

(iv) End of final application receipt period is April 17, 1989;

(v) Beginning of concurrent review period is April 17, 1989;

(vi) End of the advisory review period is June 16, 1989; and

(vii) End of the final review period is July 14, 1989.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-150 EXPEDITED REVIEW PROCESS. (1) The expedited review process shall not exceed fifty days from the beginning of the review period unless extended in accordance with the provisions of subsection (2) of this section: **PROVIDED HOWEVER**, That the appropriate regional health council consents in writing to a thirty-day review period. If the regional health council does not consent to a thirty-day review period, the expedited review process shall not exceed eighty days from the beginning of the review period.

(a) If the advisory agencies' review period is thirty days, advisory review agencies shall submit written findings and recommendations to the department within thirty days of the beginning of the review period. If the advisory agencies' review period is sixty days, the advisory review agencies shall submit written findings and recommendations to the department within sixty days of the beginning of the review period.

(b) The department shall complete its final review and the secretary's designee shall make his or her decision on a certificate of need application under an expedited review within twenty days of the end of the review period or extended review period of the advisory review agencies.

(2) The review period for an expedited review may be extended according to the following provisions:

(a) If the regional health council has consented to a thirty-day review period, the review period may be extended for up to an additional thirty days upon the written request of the advisory review agency when additional time is needed by the advisory review agency, to complete the review and submit written findings and recommendations to the department and/or up to an additional forty-five days in accordance with WAC ((~~248-19-295~~)) 246-310-100. The department may grant further extensions to this review period: **PROVIDED**, The person submitting the certificate of need application gives written consent to further extension.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final expedited review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend either the expedited review period for the advisory review agencies or the department's final review period upon receipt of a written request of the person submitting the application: **PROVIDED HOWEVER**, That such an extension shall not exceed sixty days.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-160 REGULAR REVIEW PROCESS. (1) The regular review process shall not exceed ninety days from the beginning of the review period and shall be conducted in accordance with this section unless the review period is extended in accordance with the provisions of subsection (2) of this section.

(a) Within sixty days from the first day of the review period, the advisory review agencies shall submit written findings and recommendations on a certificate of need application to the department unless either of the advisory review agencies has requested and received an extension of this review period from the department.

(b) The department shall complete its final review and the secretary's designee shall make a decision on a certificate of need application within thirty days of the end of the review period or extended review period of the advisory review agencies.

(2) The review period for a regular review may be extended according to the following provisions:

(a) The advisory agencies' review period may be extended for up to an additional thirty days upon the written request of either of the advisory review agencies when such additional time is needed to complete the review and submit written findings and recommendations to the department and/or up to an additional forty-five days in accordance with WAC ((~~248-19-295~~)) 246-310-100. The department may grant further extensions to this review period: **PROVIDED**, The person submitting the certificate of need application gives written consent to such further extensions.

(b) If an issue, which is pivotal to the decision of the secretary's designee remains unresolved, the department may make one request for additional information from the person submitting the application. The department may extend its final review period up to but not exceeding thirty days after receipt of the applicant's written response to the department's request for information.

(c) The department may extend either the review period for the advisory review agencies or the department's final review period upon receipt of a written request of the person submitting the application: **PROVIDED HOWEVER**, That such an extension shall not exceed ninety days.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-170 NOTIFICATION OF BEGINNING OF REVIEW. (1) Notice required.

The department shall provide written notification of the beginning of the review of a certificate of need application and notification of the beginning of the review of a proposed withdrawal of a certificate of need to affected persons (other than persons residing within the geographic area served or to be served by the applicant, any persons regularly using health care facilities within that geographic area, and third-party payers reimbursing health care facilities for services in the health service area in which the project is proposed to be located), and any other person submitting a written request that the person's name be on the mailing list for such notice. Notification of the beginning of the review of a certificate of need application shall be provided to persons residing within the geographic area served or to be served by the applicant, to any person regularly using health care facilities within that geographic area, and third-party payers reimbursing health care facilities for services in the health service area in which the project is proposed to be located, through a newspaper of general circulation in the health service area of the project.

(2) Specific notice requirements.

(a) The department shall give "notification of the beginning of review" of an application after the department and the appropriate advisory review agencies have each received a complete application or the applicant's request, submitted in accordance with WAC ((~~248-19-289~~)) 246-310-090 (2)(c), that review of the application begin. Such notice shall be given according to the following requirements:

(i) Emergency review.

When an application is being reviewed under the emergency review process, required notices shall be given within five working days following the receipt of a complete application or the applicant's written request that review of the application begin.

(ii) Expedited and regular review.

When an application is being reviewed under the expedited or regular review process, required notices shall be given within five working days of a declaration that the application is complete or the applicant's request that review of the application begin.

(b) The department shall give notification of the beginning of the review of a proposed withdrawal of a certificate of need when the department determines there may be good cause to withdraw a certificate of need.

(c) The notices shall include:

(i) A general description of the project;

(ii) In the case of a proposed withdrawal of a certificate of need, the reasons for the proposed withdrawal;

(iii) The proposed review schedule;

(iv) The period within which one or more affected persons may request the conduct of a public hearing during the review;

(v) The name and address of the agency to which a request for a public hearing should be sent;

(vi) The manner in which notification will be provided of the time and place of any hearing so requested;

(vii) Notice that any affected person wishing to receive notification of a meeting on the application called by the department after the end of the advisory agencies review period shall submit a written request to the department to receive notification of such meetings; and

(viii) The period within which any affected person may request notification of the meetings referenced in subsection (2)(c)(vii) of this section.

(d) The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(3) Beginning of review.

(a) Review of a certificate of need application under the expedited or regular review process shall begin on the day the department sends notification of the beginning of review to the general public and other affected persons unless the department has received a written request from the applicant pursuant to WAC ((~~248-19-280~~) 246-310-090 (2)(c)(iii), in which case review shall begin upon receipt of such request.

(b) Review of certificate of need applications under the concurrent review process shall begin fifteen days after the conclusion of the published time period for the submission of final applications subject to concurrent review.

(c) Review of a certificate of need application under emergency review shall begin on the first day after the date on which the department and the appropriate advisory review agencies have determined the application is complete, or have each received a written request to begin review submitted by the applicant in accordance with WAC ((~~248-19-280~~) 246-310-090 (2)(c).

(d) Review of a proposed withdrawal of a certificate of need shall begin on the day the department sends notification of the beginning of review to the general public and to other affected persons.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-180 PUBLIC HEARINGS. (1) "Opportunity for a public hearing," as used in this section, shall mean a public hearing will be conducted if a valid request for such a hearing has been submitted by one or more affected persons.

(2) The department shall provide opportunity to affected persons for a public hearing on:

(a) A certificate of need application which is under review, unless the application is being reviewed according to the emergency or expedited review processes; and

(b) The proposed withdrawal of a certificate of need.

This requirement for a public hearing shall be satisfied if the appropriate regional health council has provided opportunity for such a public hearing to "affected persons" as this term is defined in WAC ((~~248-19-220~~) 246-310-010: PROVIDED HOWEVER, That the department has delegated the responsibility for such hearing to the appropriate regional health council, and such regional health council has followed public hearing procedures required under the provisions of this section.

(3) To be valid, a request for a public hearing on a certificate of need application or on the proposed withdrawal of a certificate of need shall:

(a) Be submitted in writing;

(b) Be received by the agency identified in the "notification of beginning of review" within fifteen days after the date on which the department's "notification of beginning of review" for the particular certificate of need application or proposed withdrawal of a certificate of need was published in a newspaper of general circulation; and

(c) Include identification of the particular certificate of need application or proposed certificate of need withdrawal for which the public hearing is requested and the full name, complete address, and signature of the person making the request.

(4) The department or the regional health council to which the department delegated responsibility for public hearings shall give written notice of a public hearing conducted pursuant to this section.

(a) Written notice shall be given to affected persons and the public at least fifteen days prior to the beginning of the public hearing.

(b) The notices shall include: Identification of the certificate of need application or certificate of need on which the public hearing is to be conducted and the date, time, and place of the public hearing.

(c) Notice to the general public to be served by the proposed project to which the certificate of need application or certificate of need pertains shall be through a newspaper of general circulation in the health

service area of the proposed project. The notices to other affected persons shall be mailed on the same date the notice to the public is mailed to the newspaper for publication.

(5) In a public hearing on a certificate of need application or on a proposed withdrawal of a certificate of need, any person shall have the right to be represented by counsel and to present oral or written arguments and evidence relevant to the matter which is the subject of the hearing. Any person affected by the matter may conduct reasonable questioning of persons who make relevant factual allegations.

(6) The department or regional health council, whoever conducts the hearing, shall maintain a verbatim record of a public hearing and shall not impose fees for the hearing.

(7) The department shall not be required to conduct a public hearing on a certificate of need application being reviewed according to the emergency or expedited review procedures.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-190 EX PARTE CONTACTS. (1) There shall be no ex parte contacts as defined in WAC ((~~248-19-220~~) 246-310-010(17) after whichever of the following occurs last:

(a) The conclusion of a public hearing held in accordance with WAC ((~~248-19-320~~) 246-310-180, or

(b) The final action of the appropriate regional health council, or

(c) The final action of the hospital commission.

(2) Any of the following communications shall not be considered ex parte contacts:

(a) A communication regarding the procedure or process of the review.

(b) A communication made in a meeting open to the public requested by the department and reasonable notice of the meeting has been given to the applicant, the advisory review agencies, all applicants in a concurrent review, and all persons having previously requested in writing to be notified of all such meetings or written requests for information concerning a specific application for certificate of need or a specific proposed withdrawal of a certificate of need.

(c) A written request for information made by the department and provided to all persons specified in subsection (2)(b) of this section.

(d) A response to a request made by the department in a meeting held in accordance with subsection (2)(b) of this section or in response to subsection (2)(c) of this section, and submitted to the department and to all persons specified in subsection (2)(b) of this section.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-200 BASES FOR FINDINGS AND ACTION ON APPLICATIONS. (1) The findings of the department's review of certificate of need applications and the action of the secretary's designee on such applications shall, with the exceptions provided for in WAC ((~~248-19-410 and 248-19-415~~) 246-310-470 and 246-310-480 be based on determinations as to:

(a) Whether the proposed project is needed;

(b) Whether the proposed project will foster containment of the costs of health care;

(c) Whether the proposed project is financially feasible; and

(d) Whether the proposed project will meet the criteria for structure and process of care identified in WAC ((~~248-19-390~~) 246-310-230.

(2) The decision on a certificate of need application shall be consistent with the state health plan in effect at the time the secretary's designee made the original or reconsidered or remanded decision. A finding of inconsistency shall not be based solely on the fact a proposed project is not specifically referenced in the state health plan.

(3) Criteria contained in this section and in WAC ((~~248-19-370; 248-19-380, 248-19-390, and 248-19-400~~) 246-310-210, 246-310-220, 246-310-230, and 246-310-240 shall be used by the department in making the required determinations.

(a) In the use of criteria for making the required determinations, the department shall consider:

(i) The consistency of the proposed project with the applicable regional health plan (RHP) and annual implementation plan (AIP), and the state health plan (SHP);

(ii) The standards in the state health plan identified to be used for certificate of need review purposes and applicable to the type of project under review;

(iii) In the event standards in the state health plan or regional health plan do not address in sufficient detail for a required determination the services or facilities for health services proposed, the department may consider standards not in conflict with the state health plan or regional health plan in accordance with subsection (3)(b) of this section;

(iv) The findings and recommendations of the regional health council and the hospital commission (in relation to the immediate and long-range financial feasibility of a hospital project as well as the probable impact of such project on the cost of and charges for providing health services by the hospital, including recommendations to approve, conditionally approve, partially approve, or deny an application); and

(v) The relationship of the proposed project to the long-range plan (if any) of the person proposing the project.

(b) The department may consider any of the following in its use of criteria for making the required determinations:

(i) Nationally recognized standards from professional organizations;

(ii) Standards developed by professional organizations in Washington state;

(iii) Federal Medicare and Medicaid certification requirements;

(iv) State licensing regulations;

(v) The hospital commission's policies, guidelines and regulations;

(vi) Applicable standards developed by other individuals, groups, or organizations with recognized expertise related to a proposed undertaking; and

(vii) The written findings and recommendations of individuals, groups, or organizations with recognized expertise related to a proposed undertaking, with whom the department consults during the review of an application.

(c) At the request of an applicant, the department shall identify the criteria and standards it will use prior to the submission and screening of a certificate of need application: PROVIDED HOWEVER, That when a person requests identification of criteria and standards prior to the submission of an application, the person shall submit such descriptive information on a project as is determined by the department to be reasonably necessary in order to identify the applicable criteria and standards. The department shall respond to such request within fifteen working days of its receipt. In the absence of an applicant's request under this subsection, the department shall identify the criteria and standards it will use during the screening of a certificate of need application. The department shall inform the applicant about any consultation services it will use in the review of a certificate of need application prior to the use of such consultation services.

(d) Representatives of the department or consultants whose services are engaged by the department may make an on-site visit to a health care facility, or other place for which a certificate of need application is under review, or for which a proposal to withdraw a certificate of need is under review when the department deems such an on-site visit is necessary and appropriate to the department's review of a proposed project.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-210 DETERMINATION OF NEED. The determination of need for any project shall be based on the following criteria, except these criteria will not justify exceeding the limitation on increases of nursing home beds provided in WAC ((246-19-373)) 246-310-810.

(1) The population served or to be served has need for the project and other services and facilities of the type proposed are not or will not be sufficiently available or accessible to meet that need. The assessment of the conformance of a project with this criterion shall include, but need not be limited to, consideration of the following:

(a) In the case of a reduction, relocation, or elimination of a service, the need the population presently served has for the service, the extent to which the need will be met adequately by the proposed relocation or by alternative arrangements, and the effect of the reduction, elimination, or relocation of the service on the ability of low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly to obtain needed health care;

(b) In the case of health services or facilities proposed to be provided, the efficiency and appropriateness of the use of existing services and facilities similar to those proposed;

(c) In the case of an application by an osteopathic or allopathic facility for a certificate of need to construct, expand, or modernize a health care facility, acquire major medical equipment, or add services,

the need for that construction, expansion, modernization, acquisition of equipment, or addition of services on the basis of the need for and the availability in the community of services and facilities for osteopathic and allopathic physicians and their patients, and the impact on existing and proposed institutional training programs for doctors of osteopathy and medicine at the student, internship, and residency training levels; and

(d) In the case of a project not involving health services, the contribution of the project toward overall management and support of such services.

(2) All residents of the service area, including low-income persons, racial and ethnic minorities, women, handicapped persons, and other underserved groups and the elderly are likely to have adequate access to the proposed health service or services. The assessment of the conformance of a project with this criterion shall include, but not be limited to, consideration as to whether the proposed services makes a contribution toward meeting the health-related needs of members of medically underserved groups which have traditionally experienced difficulties in obtaining equal access to health services, particularly those needs identified in the applicable regional health plan, annual implementation plan, and state health plan as deserving of priority. Such consideration shall include an assessment of the following:

(a) The extent to which medically underserved populations currently use the applicant's services in comparison to the percentage of the population in the applicant's service area which is medically underserved, and the extent to which medically underserved populations are expected to use the proposed services if approved;

(b) The past performance of the applicant in meeting obligations, if any, under any applicable federal regulations requiring provision of uncompensated care, community service, or access by minorities and handicapped persons to programs receiving federal financial assistance (including the existence of any unresolved civil rights access complaints against the applicant);

(c) The extent to which Medicare, Medicaid, and medically indigent patients are served by the applicant; and

(d) The extent to which the applicant offers a range of means by which a person will have access to its services (e.g., outpatient services, admission by house staff, admission by personal physician).

(3) The resources for the proposed project are not needed for higher priority alternative uses identified in applicable health plans.

(4) The applicant has substantiated any of the following special needs and circumstances the proposed project is to serve.

(a) The special needs and circumstances of entities such as medical and other health professions schools, multidisciplinary clinics and specialty centers providing a substantial portion of their services or resources, or both, to individuals not residing in the health service areas in which the entities are located or in adjacent health service areas.

(b) The special needs and circumstances of biomedical and behavioral research projects designed to meet a national need and for which local conditions offer special advantages.

(c) The special needs and circumstances of osteopathic hospitals and nonallopathic services.

(5) The project will not have an adverse effect on health professional schools and training programs. The assessment of the conformance of a project with this criterion shall include consideration of:

(a) The effect of the means proposed for the delivery of health services on the clinical needs of health professional training programs in the area in which the services are to be provided; and

(b) If proposed health services are to be available in a limited number of facilities, the extent to which the health professions schools serving the area will have access to the services for training purposes.

(6) The project is needed to meet the special needs and circumstances of enrolled members or reasonably anticipated new members of a health maintenance organization or proposed health maintenance organization and the services proposed are not available from nonhealth maintenance organization providers or other health maintenance organizations in a reasonable and cost-effective manner consistent with the basic method of operation of the health maintenance organization or proposed health maintenance organization. In assessing the availability of health services from these providers, the department shall consider only whether the services from these providers:

(a) Would be available under a contract of at least five years' duration;

(b) Would be available and conveniently accessible through physicians and other health professionals associated with the health maintenance organization or proposed health maintenance organization (for example - whether physicians associated with the health maintenance

organization have or will have full staff privileges at a nonhealth maintenance organization hospital);

(c) Would cost no more than if the services were provided by the health maintenance organization or proposed health maintenance organization; and

(d) Would be available in a manner administratively feasible to the health maintenance organization or proposed health maintenance organization.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-250 OPEN HEART SURGERY. (1) Open heart surgery means a specialized surgical procedure (excluding organ transplantation) which utilizes a heart-lung bypass machine and is intended to correct congenital and acquired cardiac and coronary artery disease.

(2) Open heart surgery is a tertiary service as listed in WAC (~~(248-19-231)~~) 246-310-020. To receive approval an open heart surgery program must meet the following standards in addition to applicable review criteria in WAC (~~(248-19-370, 248-19-380, 248-19-390 and 248-19-400)~~) 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(3) There shall be a minimum volume of two hundred adult open heart surgery procedures (one hundred if exclusively pediatric) performed annually in each institution performing open heart surgery within three years of initial operation.

(4) To receive approval an application shall meet the following standards unless the department finds that the new open heart surgery operating rooms are needed to substantially improve access to care.

(a) New open heart surgery services shall not result in a number of open heart operating rooms that exceeds the maximum number of open heart operating rooms needed in the area by 1995, as determined by multiplying the state's most recent (at the time of the application) adult or pediatric open heart surgery use rate by the area's 1995 adult or pediatric populations, and dividing the result by the minimum capacity of adult or pediatric units (two hundred or one hundred surgeries, respectively).

(b) There shall be no new open heart surgery operating rooms approved until all facilities providing open heart surgery in the planning area are performing at least two hundred (one hundred for pediatric) open heart surgeries per year per open heart surgery operating room.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-260 KIDNEY TRANSPLANTATION. (1) Kidney transplantation is a tertiary service as listed in WAC (~~(248-19-231)~~) 246-310-020.

(2) To receive approval a kidney transplant center must meet the following standards in addition to applicable review criteria in WAC (~~(248-19-370, 248-19-380, 248-19-390, and 248-19-400)~~) 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(a) A center shall perform at least fifteen transplants annually by the fourth year of operation.

(b) A center shall document that it will meet the requirements of membership to the United Network for Organ Sharing (UNOS) or its successor organization.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-270 AMBULATORY SURGERY. (1) To receive approval, an ambulatory surgical facility must meet the following standards in addition to applicable review criteria in WAC (~~(248-19-370, 248-19-380, 248-19-390, and 248-19-400)~~) 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(2) The area to be used to plan for operating rooms and ambulatory surgical facilities is the secondary health services planning area.

(3) Secondary health services planning areas are: San Juan, Whatcom, East Skagit, Whidbey-Fidalgo, Western North Olympic, East Clallam, East Jefferson, North Snohomish, Central Snohomish, East Snohomish, Southwest Snohomish, Kitsap, North King, East King, Central King, Southwest King, Southeast King, Central Pierce, West Pierce, East Pierce, Mason, West Grays Harbor, Southeast Grays Harbor, Thurston, North Pacific, South Pacific, West Lewis, East Lewis, Cowlitz-Wahkiakum-Skamania, Clark, West Klickitat,

East Klickitat, Okanogan, Chelan-Douglas, Grant, Kittitas, Yakima, Benton-Franklin, Ferry, North Stevens, North Pend Oreille, South Stevens, South Pend Oreille, Southwest Lincoln, Central Lincoln, Spokane, Southwest Adams, Central Adams, Central Whitman, East Whitman, Walla Walla, Columbia, Garfield, and Asotin.

(4) Outpatient operating rooms should ordinarily not be approved in planning areas where the total number of operating rooms available for both inpatient and outpatient surgery exceeds the area need.

(5) When a need exists in planning areas for additional outpatient operating room capacity, preference shall be given to dedicated outpatient operating rooms.

(6) An ambulatory surgical facility shall have a minimum of two operating rooms.

(7) Ambulatory surgical facilities shall document and provide assurances of implementation of policies to provide access to individuals unable to pay consistent with charity care levels provided by hospitals affected by the proposed ambulatory surgical facility. The amount of an ambulatory surgical facility's annual revenue utilized to finance charity care shall be at least equal to or greater than the average percentage of total patient revenue, other than medicare or medicaid, that affected hospitals in the planning area utilized to provide charity care in the last available reporting year.

(8) The need for operating rooms will be determined using the method identified in subsection (9) of this section.

(9) Operating room need in a planning area shall be determined using the following method:

(a) Existing capacity.

(i) Assume the annual capacity of one operating room located in a hospital and not dedicated to outpatient surgery is ninety-four thousand two hundred fifty minutes. This is derived from scheduling forty-four hours per week, fifty-one weeks per year (allowing for five week-day holidays), a fifteen percent loss for preparation and clean-up time, and fifteen percent time loss to allow schedule flexibility. The resulting seventy percent productive time is comparable to the previously operating hospital commission's last definition of "billing minutes" which is the time lapse from administration of anesthesia until surgery is completed.

(ii) Assume the annual capacity of one operating room dedicated to ambulatory surgery is sixty-eight thousand eight hundred fifty minutes. The derivation is the same as (a)(i) of this subsection except for twenty-five percent loss for prep/clean-up time and scheduling is for a thirty-seven and one-half hour week. Divide the capacity minutes by the average minutes per outpatient surgery (see (a)(vii) of this subsection). Where survey data are unavailable, assume fifty minutes per outpatient surgery, resulting in a capacity for one thousand three hundred seventy-seven outpatient surgeries per room per year.

(iii) Calculate the total annual capacity (in number of surgeries) of all dedicated outpatient operating rooms in the area.

(iv) Calculate the total annual capacity (in number of minutes) of the remaining inpatient and outpatient operating rooms in the area, including dedicated specialized rooms except for twenty-four hour dedicated emergency rooms. When dedicated emergency operating rooms are excluded, emergency or minutes should also be excluded when calculating the need in an area. Exclude cystoscopic and other special purpose rooms (e.g., open heart surgery) and delivery rooms.

(b) Future need.

(i) Project number of inpatient and outpatient surgeries performed within the hospital planning area for the third year of operation. This shall be based on the current number of surgeries adjusted for forecasted growth in the population served and may be adjusted for trends in surgeries per capita.

(ii) Subtract the capacity of dedicated outpatient operating rooms from the forecasted number of outpatient surgeries. The difference continues into the calculation of (b)(iv) of this subsection.

(iii) Determine the average time per inpatient and outpatient surgery in the planning area. Where data are unavailable, assume one hundred minutes per inpatient and fifty minutes per outpatient surgery. This excludes preparation and cleanup time and is comparable to "billing minutes."

(iv) Calculate the sum of inpatient and remaining outpatient (from (b)(ii) of this subsection) operating room time needed in the third year of operation.

(c) Net need.

(i) If (b)(iv) of this subsection is less than (a)(iv) of this subsection, divide their difference by ninety-four thousand two hundred fifty minutes to obtain the area's surplus of operating rooms used for both inpatient and outpatient surgery.

(ii) If (b)(iv) of this subsection is greater than (a)(iv) of this subsection, subtract (a)(iv) of this subsection from the inpatient component of (b)(iv) of this subsection and divide by ninety-four thousand two hundred fifty minutes to obtain the area's shortage of inpatient operating rooms. Divide the outpatient component of (b)(iv) of this subsection by sixty-eight thousand eight hundred fifty to obtain the area's shortage of dedicated outpatient operating rooms.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-280 KIDNEY DISEASE TREATMENT CENTERS. (1) To receive approval, a kidney disease treatment center must meet the following standards in addition to applicable review criteria in WAC ((~~248-19-370, 248-19-380, 248-19-390, and 248-19-400~~) 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(2) End stage renal disease planning areas shall be health service areas. The health service areas are as follows:

(a) Health service Area I includes Clallam, Jefferson, San Juan Island, Kitsap, Pierce, King, Snohomish, Skagit, and Whatcom counties.

(b) Health service Area II includes Thurston, Mason, Grays Harbor, Pacific, Wahkiakum, Lewis, Cowlitz, Clark, Skamania, and Klickitat counties.

(c) Health service Area III includes Okanogan, Chelan, Douglas, Grant, Kittitas, Yakima, Benton, and Franklin counties.

(d) Health service Area IV includes Ferry, Stevens, Pend Oreille, Lincoln, Spokane, Adams, Whitman, Walla Walla, Columbia, Garfield, and Asotin counties.

(3) The maximum number of dialysis stations needed in an end stage renal disease planning area shall be determined using the following data:

(a) Utilization of a dialysis station or a center.

(i) One hundred percent utilization equals twelve dialyses per week.

(ii) Eighty percent utilization equals 9.6 dialyses per week.

(iii) When determining the utilization of an existing center each station on which at least six patients have been self/home trained annually shall be deducted from the approved stations.

(iv) When determining the utilization of an existing center, the utilization rate may be reduced to seventy-five percent and seventy percent in facilities with ten percent and twenty percent peritoneal dialysis patients respectively.

(b) At the time of the application, the most recent Washington state office of financial management population data.

(c) Historical data of the Northwest renal network.

(d) The health service area's most recent three-year average shall be used for incidence, death, transplant, and home training rates.

(4) The maximum number of dialysis stations projected as needed in an ESRD planning area shall be determined using the following methodology:

(a) Identify the number of incenter patients expected in the planning area in the year in which the application is submitted.

(i) Add expected new ESRD and re-entry cases per year.

(ii) Subtract expected ESRD patient deaths per year.

(iii) Subtract expected ESRD home training patients per year.

(iv) Subtract the number of expected functional transplants per year.

(b) Calculate the number of expected dialyses by multiplying the number of incenter patients by three treatments per week.

(c) Calculate the number of dialysis stations needed in the applicant's projected third full year of operation using eighty percent utilization.

(5) All kidney disease treatment centers within a reasonable driving time must be operating at an eighty percent utilization rate before additional stations are approved.

(6) New kidney disease treatment centers must reasonably project an eighty percent utilization rate by the third year of operation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-350 NURSING HOME AND CONTINUING CARE RETIREMENT COMMUNITY DEFINITIONS. The department shall use the definitions in this section in sections WAC ((~~248-19-805~~) 246-310-360 Nursing home bed need projection method through WAC ((~~248-19-886 Continuing care retirement community (CCRC) structure and process of care review standards~~) 246-310-390 Nursing home bed need adjustment.

(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 state-wide 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 state-wide current ratio.

(c) A planning area is "over-bedded" if its bed-to-population ratio is greater than the state-wide 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~~) 246-310-380(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 state-wide bed supply, new nursing home beds within a Type B CCRC as defined in subsection (8)(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) "State-wide current ratio" means a bed-to-population ratio computed from the most recent state-wide bed supply and the most recent estimate of the state-wide resident population.

(b) "Target ratio" means a bed-to-population ratio of forty-five established for planning and policy-making purposes.

(6) "Concurrent reviews" have been scheduled in WAC ((~~248-19-327~~) 246-310-120 for competing projects proposing nursing home beds. The redistribution of nursing home beds certified as intermediate care for the mentally retarded (ICF-MR) to skilled nursing facility beds will not be subject to concurrent review when the ICF-MR beds have been counted in the "bed supply" as referenced in subsection (4)(a)(i) of this section.

(7) "Continuing care contract" means a contract providing a person, for the duration of that person's life or for a term in excess of one year, shelter along with nursing, medical, health-related, or personal care services. The contract is conditioned on the transfer of property, the payment of an entrance fee to the provider of such services, or the payment of periodic charges for the care and services involved. A continuing care contract is not excluded from this definition because the contract is mutually terminable or because shelter and services are not provided at the same location.

(8) 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 shelter along with nursing, medical, health-related, or personal care services;

(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.

(9) A "member" of a CCRC means an individual who has signed a continuing care contract with a CCRC.

(10) "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.

(11) "Planning and service area" (PSA) means the geographic area of one or more counties designated by the department of social and health services' aging and adult services administration to be represented by a single area agency on aging.

(12) "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.

(13) "Projection period" means the interval of time between July 1, 1990, and June 30, 1993.

(14) "Projection year" means the time interval between July 1, 1992, and June 30, 1993.

(15) "Redistribution" means a shift of net bed need among planning areas in accordance with a redistribution plan as described in WAC ((248-19-810)) 246-310-380(4).

(16) "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)) 246-310-380(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.

(17) "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.

(18) "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 subsection (8)(a) of this section.

AMENDATORY SECTION (Amending Order 121 [179], filed 12/27/90 [7/10/91], effective 1/31/91 [8/10/91])

WAC 246-310-380 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)) 246-310-210(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; or

(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.

(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. When a planning area baseline projection is greater than the "bed supply" no beds can be added until the state-wide target ratio is reached, except as allowed in subsection (6) of this section.

Planning area	Baseline projection
(a) PSA # 1	
Clallam	480
Grays Harbor	488
Jefferson	175
Pacific	172
(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

Planning area	Baseline projection
(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.

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

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-400 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 248-19-820~~)) 246-310-380 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~~)) 246-310-210.

- (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~~)) 246-310-220, 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~~)) 246-310-230.

(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~~)) 246-310-240, 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.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-410 SWING BED REVIEW STANDARDS. (1) The department shall use the following rules, in addition to those under WAC ((~~248-19-810 and 248-19-820~~)) 246-310-380 to interpret the certificate of need review criteria contained in WAC ((~~248-19-370, 248-19-380, 248-19-390, and 248-19-400~~)) 246-310-210, 246-310-220, 246-310-230, and 246-310-240 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 nonstandardized 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.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-470 REVIEW AND ACTION ON HEALTH MAINTENANCE ORGANIZATION PROJECTS. (1) Undertakings requiring a certificate of need.

A certificate of need shall be required for any undertaking which, in accordance with WAC ((~~248-19-230~~)) 246-310-020, is subject to the provisions of chapter ((~~248-19~~)) 246-310 WAC, unless an exemption has been granted for such undertaking under the provisions of WAC ((~~248-19-405~~)) 246-310-040.

(2) Required approval.

The secretary's designee shall issue a certificate of need for a proposed project if the certificate of need applicant for the proposed project is a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization and the department finds the proposed project meets the criteria set forth in WAC ((~~248-19-370~~)) 246-310-210(6).

(3) Limitation on denials.

The secretary's designee shall not deny a certificate of need to a health maintenance organization or a health care facility controlled (directly or indirectly) by a health maintenance organization solely because a proposed project is not discussed in the applicable regional health plan, annual implementation plan, or state health plan.

(4) Sale, acquisition, or lease of facilities or equipment for which a certificate of need has been issued.

A health care facility (or portion thereof) or medical equipment for which a certificate of need has been issued under the provisions of this

section shall not be sold or leased and a controlling interest in such facility or equipment or in a lease of the facility or equipment shall not be acquired unless an exemption or a certificate of need for such sale, lease, or acquisition has been granted by the secretary's designee.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-480 PROJECTS PROPOSED FOR THE CORRECTION OF DEFICIENCIES. (1) For the purposes of this section, "correction of deficiencies" shall mean one or more of the following:

(a) Eliminating or preventing imminent safety hazards as defined by federal, state, or local fire, building, or life safety codes or regulations; or

(b) Complying with state licensing standards; or

(c) Complying with accreditation or certification standards which must be met to receive reimbursement under Titles XVIII or XIX of the Social Security Act.

(2) An application submitted for a project limited to the correction of deficiencies, as defined in subsection (1) of this section, shall be approved unless the department finds, after consultation with the appropriate regional health council, that:

(a) The facility or service with respect to which such capital expenditure is proposed is not needed; or

(b) The obligation of such capital expenditure is not consistent with the state health plan in effect.

(3) A determination a facility or service is not needed shall be made only if the department finds the facility or service has been identified in the state health plan as not being needed.

(4) An application submitted for the correction of deficiencies shall be reviewed under the expedited review process, in accordance with WAC ((248-19-340)) 246-310-150, unless it qualifies for emergency review in accordance with WAC ((248-19-350)) 246-310-140.

(5) An application reviewed under the provisions of this section shall be approved only to the extent the capital expenditure is needed for the correction of the deficiency.

(6) If the department finds any portion of the project or the project as a whole is not needed for the correction of deficiencies, such portion or entire project shall be reviewed in accordance with WAC ((248-19-360, 248-19-370, 248-19-380, 248-19-390, and 248-19-400)) 246-310-200, 246-310-210, 246-310-220, 246-310-230, and 246-310-240.

(7) If the department finds a proposed capital expenditure is needed to correct deficiencies, as defined in subsection (1) of this section, the criteria in WAC ((248-19-370)) 246-310-210 shall not be applied to the consideration of the project.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-490 WRITTEN FINDINGS AND ACTIONS ON CERTIFICATE OF NEED APPLICATIONS. (1) Written findings.

(a) The findings of the department's review of a certificate of need application shall be stated in writing and include the basis for the decision of the secretary's designee as to whether a certificate of need is to be issued or denied for the proposed project.

(b) In making its findings and taking action on a certificate of need application, the department shall use all criteria contained in chapter ((248-19)) 246-310 WAC applicable to the proposed project.

(i) The written findings shall identify any criterion the department has decided is not applicable to the particular project and give the reason for such decision.

(ii) The secretary's designee may deny a certificate of need if the applicant has not provided the information which is necessary to a determination that the project meets all applicable criteria and which the department has prescribed and published as necessary to a certificate of need review of the type proposed: PROVIDED HOWEVER, That the department has requested such information in a screening letter sent in accordance with WAC ((248-19-280)) 246-310-090 (1)(c).

(c) The department shall make written findings on the extent to which the project meets the criteria set forth in WAC ((248-19-370)) 246-310-210 (1) and (2) when the secretary's designee issues a certificate of need directly related to the provision of health services, beds, or major medical equipment: PROVIDED HOWEVER, That no such written finding shall be necessary for projects for the correction of deficiencies of the types described in WAC ((248-19-415)) 246-310-480 and for projects proposed by or on behalf of a health maintenance

organization or a health care facility controlled, directly or indirectly, by a health maintenance organization.

(d) When, as a part of concurrent review proceedings, the secretary's designee makes a decision to approve an application or applications and to disapprove other competing applications, he or she shall provide a specific written statement of reasons for determining the approved application or applications to be superior.

(2) Separability of application and action.

When a certificate of need application is for multiple services or multiple components or the proposed project is to be multiphased, the secretary's designee may take individual and different action on separable portions of the proposed project.

(3) Conditional certificate of need.

(a) The secretary's designee in making his or her decision on a certificate of need application may decide to issue a conditional certificate of need if the department finds the project is justified only under specific circumstances: PROVIDED HOWEVER, That conditions shall relate directly to the project being reviewed and to review criteria.

(b) When the department finds a project for which a certificate of need is to be issued does not satisfy the review criteria set forth in WAC ((248-19-370)) 246-310-210 (1) and (2), the secretary's designee may impose a condition or conditions that the applicant take affirmative steps so as to satisfy those review criteria. In evaluating the accessibility of the project, the current accessibility of the facility as a whole shall be taken into consideration.

(c) The conditions attached to a certificate of need may be released by the secretary's designee upon the request of the health care facility or health maintenance organization for which the certificate of need was issued.

(i) The request must include information needed by the department demonstrating the conditions are no longer valid and the release of such conditions would be consistent with the purpose of chapter 70.38 RCW.

(ii) A request for the removal of a condition must be submitted in accordance with WAC ((248-19-280)) 246-310-090 and will be reviewed in accordance with the regular or expedited review procedures described in WAC ((248-19-330 or 248-19-340)) 246-310-160 or 246-310-150.

(4) Distribution of written findings and statement of decision.

(a) A copy of the department's written findings and statement of the decision of the secretary's designee on a certificate of need application shall be sent to:

(i) The person submitting the certificate of need application;

(ii) The regional health council for the health service area in which the proposed project is to be located;

(iii) The hospital commission, if the proposed project is for a hospital;

(iv) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States Department of Health and Human Services; and

(v) When the secretary's designee issues a certificate of need for a project which does not satisfy the review criteria set forth in WAC ((248-19-370)) 246-310-210 (1) and (2), the appropriate regional office of the Department of Health and Human Services.

(b) The written findings and statement of the decision of the secretary's designee on a certificate of need application shall be available to others requesting the certificate of need unit to provide access to a copy of such findings and statement.

(5) Explanation of inconsistency with the regional health council recommendation or plan.

The department shall send to the applicant and to the appropriate regional health council a detailed, written statement as to the reasons why a decision the secretary has made on a certificate of need application is inconsistent with any of the following:

(a) The regional health council's recommendation as to the action to be taken on the certificate of need application;

(b) The goals and policies of the applicable regional health plan; or

(c) The priorities of the applicable annual implementation plan.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-560 PROVISION FOR RECONSIDERATION DECISION. (1) Any person or affected person may, for good cause shown, request a public hearing for the purpose of reconsideration of the decision of the secretary's designee on a certificate of need application or withdrawal of a certificate of need.¹

(2) The department shall conduct a reconsideration hearing if it finds the request is in accord with the following requirements:

(a) The request for a reconsideration hearing shall be written, be received by the department within thirty days of the department's decision on the certificate of need application or withdrawal of the certificate of need, state in detail the grounds which the person requesting the hearing believes to show good cause, and be signed by the person making the request.

(b) Grounds which the department may deem to show good cause for a reconsideration hearing shall include but not be limited to the following:

(i) Significant relevant information not previously considered by the department which, with reasonable diligence, could not have been presented before the department made its decision;

(ii) Information on significant changes in factors or circumstances relied upon by the department in making its findings and decision; or

(iii) Evidence the department materially failed to follow adopted procedures in reaching a decision.

(3) A reconsideration hearing shall commence within thirty days after receipt of the request for the hearing.

(4) Notification of a public reconsideration hearing on a certificate of need application or withdrawal of a certificate of need shall be sent prior to the date of such hearing by the department to the following:

(a) The person requesting the reconsideration hearing;

(b) The person submitting the certificate of need application which is under reconsideration or the holder of the certificate of need;

(c) The regional health council for the health service area in which the proposed project is to be offered or developed;

(d) The hospital commission, if the proposed project is a hospital project;

(e) Health care facilities and health maintenance organizations located in the health service area where the project is proposed to be located providing services similar to the services under review;

(f) In the case of a concurrent review, other applicants competing as described in WAC ((~~248-19-270~~) 246-310-080); and to

(g) Other persons requesting the department to send them such notification.

(5) The department shall, within forty-five days after the conclusion of a reconsideration hearing, make written findings stating the basis of the decision made after such hearing.

(6) The secretary's designee may, upon the basis of the department's findings on a reconsideration hearing, issue or reissue, amend, revoke, or withdraw a certificate of need or impose or modify conditions on a certificate of need for the project about which the reconsideration hearing was conducted.

Note:

¹No fee will be charged for a reconsideration hearing.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-570 CIRCUMSTANCES FOR WHICH AN AMENDED CERTIFICATE OF NEED IS REQUIRED. (1) An amended certificate of need shall be required for any of the following modifications of a project for which a certificate of need was issued:

(a) An addition of a new service;

(b) An expansion of a service beyond that which was included in the certificate of need application on which the issuance of the certificate of need was based;

(c) An increase in the inpatient bed capacity; or

(d) A significant reduction in the scope of a project for which a certificate of need has been issued without a commensurate reduction in the cost of the project, or the project cost increases (as represented in bids on a construction project or final cost estimate or estimates acceptable to the person to whom the certificate of need was issued) when the total of such increases exceeds twelve percent or fifty thousand dollars, whichever is greater, over the maximum capital expenditure specified by the secretary's designee in issuing the certificate of need: PROVIDED HOWEVER, That the review of such reductions or cost increases shall be restricted to the continued conformance of the project with the criteria contained in WAC ((~~248-19-380 and 248-19-400~~) 246-310-220 and 246-310-240).

(2) An application for an amended certificate of need shall be submitted in accordance with the provisions of WAC ((~~248-19-280~~) 246-310-090).

(3) An application for an amended certificate of need may be reviewed under the expedited review process set forth in WAC ((~~248-19-340~~) 246-310-150).

(4) The department shall, after consultation with the appropriate advisory review agencies, provide a written determination as to the requirement for an amended certificate of need within twenty-one days after receipt of a request for such determination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-590 MONITORING OF APPROVED PROJECTS. (1) The department, in cooperation with the advisory review agencies, shall monitor the costs and components of approved projects so as to assure conformance with certificates of need that have been issued.

(2) The department shall require periodic progress reports from those applicants to whom certificates of need have been issued.

(a) Progress reports shall be required at least annually and at no greater frequency than quarterly.

(b) Progress reports shall be submitted in the form and manner prescribed and published by the department.

(3) Information required on approved projects may include:

(a) Actual project costs;

(b) Changes in the project;

(c) Financing arrangements, different than approved under the certificate of need;

(d) Project commencement date;

(e) Progress toward completion of construction; and

(f) Project completion date.

(4) The information required on approved projects may vary according to the nature of the projects.

(5) Progress reports on a project for which a particular certificate of need has been issued shall terminate when the project has been completed and the department finds it has received all the information necessary to determine the project has been completed in accordance with the certificate of need which had been issued and the provisions of chapter ((~~248-19~~) 246-310) WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-600 WITHDRAWAL OF A CERTIFICATE OF NEED. (1) The secretary's designee may withdraw a certificate of need if the department determines, after consultation with the appropriate advisory review agencies, that the holder of a certificate is not meeting the timetable specified in the certificate of need application for making services or equipment available or completing the project and is not making a good-faith effort to meet such timetable.

(2) In reviewing a proposed withdrawal of a certificate of need, the department shall adhere to the provisions of WAC ((~~248-19-310, 248-19-320, 248-19-326, and 248-19-430~~) 246-310-170, 246-310-180, 246-310-190, and 246-310-560).

(3) The review period for a proposed withdrawal of a certificate of need shall not exceed ninety days unless extended by the department to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC ((~~248-19-320~~) 246-310-180). The review period of the appropriate advisory review agencies shall not exceed sixty days unless extended by the department at the written request of the regional health council to allow sufficient time for the conduct of a public hearing pursuant to the provisions of WAC ((~~248-19-320~~) 246-310-180). Such extension shall not exceed thirty days.

(4) The findings of the department's review of a proposed withdrawal of a certificate of need shall be stated in writing and include the basis for the decision of the secretary's designee as to whether the certificate of need is to be withdrawn for a proposed project. A copy of the department's written findings and statement of the decision of the secretary's designee on the proposed withdrawal of a certificate of need shall be sent to:

(a) The holder of the certificate of need;

(b) The regional health council for the health service area in which the proposed project is to be located;

(c) The hospital commission, if the proposed project is for a hospital; and

(d) In the case of a project proposed by a health maintenance organization, the appropriate regional office of the United States Department of Health and Human Services.

(5) The written findings and statement of the decision of the secretary's designee on the proposed withdrawal of a certificate of need shall be available to others requesting the certificate of need unit to provide access to a copy of such findings and statement.

(6) The department shall send to the appropriate regional health council a detailed, written statement as to the reasons why a decision which the secretary's designee has made is inconsistent with any of the following:

(a) The regional health council's recommendation as to the action to be taken;

(b) The goals of the applicable regional health plan; or

(c) The priorities of the applicable annual implementation plan.

(7) When a certificate of need is for multiple services or multiple components or the proposed project is to be multiphased, the secretary's designee may take individual and different action regarding withdrawal of the certificate of need on separable portions of the certificate of need.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-610 ADJUDICATIVE PROCEEDING. (1) An applicant denied a certificate of need or a certificate holder whose certificate was suspended or revoked has the right to an adjudicative proceeding.

(2) A certificate applicant or holder contesting a department certificate decision shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the (~~Office of Appeals, P.O. Box 2465~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street, S.E., Mailstop: EY-17, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(3) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter (~~248-08~~) 246-08 WAC. If a provision in this chapter conflicts with chapter (~~248-08~~) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-630 PUBLIC ACCESS TO RECORDS. The general public shall have access in accordance with the provisions of chapter 42.17 RCW to all applications reviewed by the department and to all other written materials essential to any review by the department pursuant to the provisions of chapter (~~248-19~~) 246-310 WAC.

NEW SECTION

WAC 246-310-900 CAPITAL EXPENDITURE MINIMUM ADJUSTMENT PROCEDURES. These rules and regulations are adopted pursuant to RCW 70.38.025 (6) and (12) for the purpose of establishing the index to be used and procedures for making adjustments to the "expenditure minimum" for capital expenditures and to the annual operating costs for new "institutional health services" which are subject to the requirements of the certificate of need program established under the provisions of chapter 70.38 RCW.

(1) Index to be used. For the purposes of the certificate of need program, the United States Department of Commerce Composite Construction Cost Index shall be used in the annual adjustments of the following:

(a) The "expenditure minimum" as this term is defined in RCW 70.38.025 and WAC 246-310-010; and

(b) The minimum annual operating costs entailed in the provision of new "institutional health services," as this term is defined in RCW 70.38.025 and WAC 246-310-010, which will cause a new institutional health service to be subject to the provisions of chapter 246-310 WAC, the certificate of need rules and regulations.

(2) Procedure for adjustment.

(a) On or before the first day of each January, the department shall adjust and publish the adjusted expenditure minimum for capital expenditures and the adjusted minimum annual operating costs for institutional health services. Such adjusted minimums shall be in effect during the entire calendar year for which they are established.

(b) The adjustments in the minimums shall be based on the changes which occurred in the Department of Commerce Composite Construction Cost Index during the twelve month period ending the preceding October.

(c) The adjusted minimums shall be published by the department by public notice in one or more newspapers of general circulation within the state and through a written notice sent to each health systems agency, the hospital commission, each health care facility subject to the requirements of the certificate of need program, each statewide organization of such health care facilities, and the state health coordinating council.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-310-990 CERTIFICATE OF NEED REVIEW FEES. (1) An application for a certificate of need under chapter (~~248-19~~) 246-310 WAC shall include payment of a fee consisting of the following:

(a) An application processing fee in the amount of seven hundred fifty dollars which shall not be refundable;

(b) A review fee based on the project description and the total capital expenditure.

Project Description	Capital Expenditure Range	Review Fee
Additional kidney disease treatment center stations	\$ 0 - 100,000 100,001 - 250,000 250,001 or more	\$ 4,300 5,700 7,600
Administrative or emergency review	0 - 250,000 250,001 or more	5,400 8,100
Amendment to a certificate of need		5,000
Bed addition of less than 10 beds	0 - 100,000 100,001 - 5,000,000 5,000,001 or more	4,300 5,700 7,600
Bed addition of 10 beds or more	0 - 500,000 500,001 - 5,000,000 5,000,001 or more	8,100 11,900 15,700
Bed redistribution or bed relocation	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	7,000 10,600 13,200
Capital expenditure over the minimum expenditure	Exp. min. - 5,000,000 5,000,001 - 10,000,000 10,000,001 or more	7,600 9,600 13,600
Establishment of a new hospital, nursing home, or continuing care retirement community	0 - 2,000,000 2,000,001 or more	10,600 15,700
Establishment of a new home health agency, hospice, ambulatory surgery facility, or kidney disease treatment center	0 1 - 100,000 100,001 or more	3,700 5,700 7,600
Extension of the certificate of need validity period (projects involving plans review by construction review unit)		150
Extension of the certificate of need validity period (other projects)		900
Replacement of an existing health care facility	1 - 2,000,000 2,000,001 - 5,000,000 5,000,001 or more	5,400 8,100 9,600
Sale, purchase, or lease of part or all of an existing hospital	1 - 5,000,000 5,000,001 or more	7,600 11,500
Substantial change in services, or offering a new tertiary health service	0 - 100,000 100,001 - 2,000,000 2,000,001 or more	8,100 10,600 15,700

Project Description	Capital Expenditure Range	Review Fee
Transfer of a certificate of need		2,700

(c) A nonrefundable two thousand dollar actuarial review fee surcharge for an application sponsored by an existing or proposed continuing care retirement community (CCRC) as defined in WAC ((~~248-19-328~~) 246-310-130) (3)(b).

(2) For purposes of subsection (1)(b) of this section, "total capital expenditure" means the total project costs to be capitalized according to generally accepted accounting principles consistently applied, and includes, but is not limited to, the following:

- (a) Legal fees;
- (b) Feasibility studies;
- (c) Site development;
- (d) Soil survey and investigation;
- (e) Consulting fees;
- (f) Interest expenses during construction;
- (g) Temporary relocation;
- (h) Architect and engineering fees;
- (i) Construction, renovation, or alteration;
- (j) Total costs of leases of capital assets;
- (k) Labor;
- (l) Materials;
- (m) Equipment;
- (n) Sales taxes;
- (o) Equipment delivery; and
- (p) Equipment installation.

(3) Where more than one project description under subsection (1)(b) of this section applies to an application, the applicant shall use the project description and capital expenditure range with the highest review fee in calculating the payment to accompany the application submittal.

(4) The applicant shall accompany the submittal of an amendment to a certificate of need application with a fee consisting of the following:

- (a) A nonrefundable processing fee of five hundred dollars;
- (b) When the amendment increases the capital expenditure, or results in a project description with a larger review fee, an additional review fee based on the difference between the review fee previously paid when the application was submitted and the review fee applicable to the greater capital expenditure or new project description; and
- (c) When the amendment decreases the capital expenditure, or results in a project description with a smaller review fee, the department shall refund to the applicant the difference between the review fee previously paid when the application was submitted and the review fee applicable to the smaller capital expenditure or new project description.

(5) When an application for a certificate of need is returned by the department in accordance with the provisions of WAC ((~~248-19-280~~) 246-310-090) (2)(b) or (e), the department shall refund all review fees paid.

(6) When an applicant submits a written request to withdraw an application before the beginning of review, the department shall refund any review fees paid by the applicant.

(7) When an applicant submits a written request to withdraw an application after the beginning of review, but before the beginning of the ex parte period as determined by the department consistent with WAC ((~~248-19-326~~) 246-310-190), the department shall refund one-half of all review fees paid.

(8) When an applicant submits a written request to withdraw an application after the beginning of the ex parte period as determined by the department consistent with WAC ((~~248-19-326~~) 246-310-190), the department shall not refund any of the review fees paid.

(9) Other certificate of need program fees are:

- (a) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of WAC ((~~248-19-405~~) 246-310-040); and
- (b) A nonrefundable two hundred fifty dollar processing fee for each request for an exemption from certificate of need review submitted under the provisions of RCW 70.38.105 (4)(d).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 246-310-002 PURPOSE OF CHAPTER 248-156 WAC.

WAC 246-310-030 INDEX AND PROCEDURES FOR ADJUSTMENT.

WAC 246-310-030A TERTIARY SERVICES IDENTIFICATION.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-010 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Abuse" means the injury, sexual use or sexual mistreatment of an individual resident by any person under circumstances which indicate the health, welfare, and safety of the resident is harmed thereby. Abuse includes emotional, as well as physical, abuse.

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal or nonverbal actions which constitute harassment.

(2) "Ambulatory" means physically and mentally capable of walking or traversing a normal path to safety, including the ascent and descent of stairs, without the physical assistance of another person.

(a) "Semi-ambulatory" means physically and mentally capable of traversing a normal path to safety with the use of mobility aids, but unable to ascend or descend stairs without the physical assistance of another person.

(b) "Nonambulatory" means physically or mentally unable to walk or traverse a normal path to safety without the physical assistance of another person.

(c) "Physical assistance" as used in subsection (2)(a) and (b) of this section means carrying, pushing, pulling, holding, or dragging a resident along a normal path to safety.

(3) "Area," except when used in reference to a major section of a boarding home, means a portion of a room which contains the equipment essential to carry out a particular function and is separated from other facilities of the room by a physical barrier or adequate space.

(4) "Bathing facility" means a bathtub, shower or sit-down shower.

(5) "Bathroom" means a room containing at least one bathing facility.

(6) "Board" as used in RCW 18.20.020(2) means the provision of daily meal service and lodging.

(7) "Boarding home" means:

- (a) A facility as defined in RCW 18.20.020(2) and in this chapter;
- (b) The licensee or person granted a license by the department to operate a boarding home.

(8) "Department" means the Washington state department of ((~~social and~~) health ((~~services~~-(~~DSHS~~))) (DOH).

(9) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American dietetic association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(10) "Domiciliary care," as used in RCW 18.20.020 and this chapter, means the care offered an individual in his or her living accommodation which includes the assumption of a general responsibility for the safety and well-being of the individual and provision of assistance in the activities of daily living, as needed.

(11) "Facilities" means a room or area and/or equipment to serve a specific function.

(12) "Foot candle" means a measurement of light approximately equal to the light produced by a lighted candle at the distance one foot away from the candle.

(13) "Functional abilities" means the physical, mental, emotional and social abilities to cope with the affairs and activities of daily living.

(14) "Grade" means the level of the ground adjacent to the building measured at required windows with ground level or sloping downward for a distance of at least ten feet from the wall of the building.

(15) "Health care practitioner" means any individual, group or organization providing health care as authorized by Washington state law, including, but not limited to, physician, chiropractor, naturopath, certified registered nurse, physician's assistant.

(16) "Home health care agency" means any nursing or other service provided by licensed nurses, other practitioners or aides on a periodic or short-term basis excluding continuous nursing care.

(17) "Infirmary," as used in RCW 18.20.020 and this chapter, means a disability which materially limits normal activity without causing an individual to need inpatient medical or nursing care of a type provided by institutions licensed under the provisions of chapters 18.46, 18.51, 70.41 or 71.12 RCW. An infirmity may be based on

conditions including, but not limited to, physical handicap, mental illness, developmental disability, chemical addiction or habituation or mental confusion, disability or disturbance.

(18) "Lavatory" means a plumbing fixture designed and equipped to serve for handwashing purposes.

(19) "May" means to permit, at the discretion of the department.

(20) "Medication" means all pharmaceuticals, vitamins, and nutrient supplements, both over-the-counter and prescribed.

(21) "Medication administration" means an act in which a single dose of a medication is given to a resident by an authorized person, other than the resident, under laws and regulations governing such acts and entailing:

(a) Removing an individual dose from a previously dispensed, properly labeled container;

(b) Reviewing the label on the container with prescriber's order or with a direct copy of a verified transcription of the order;

(c) Giving an individual dose to the proper resident; and

(d) Properly recording the time and dose given.

(22) "Minor alteration" means:

(a) Physical or functional modification in a boarding home without changing department-approved use of the modified room or area; and

(b) Prior department review of the plan specified in WAC (~~248-16-055~~) 246-316-070 is not required.

(23) "Neglect" means negligent treatment or maltreatment; an act or omission which evinces a disregard of consequences of such a magnitude as to constitute a clear and present danger to a resident's health, welfare, and/or safety.

(24) "New construction" means:

(a) Constructing or building a new physical plant or facility to be used as a boarding home;

(b) Additions to an existing facility or physical plant constructed for intended use as part of a boarding home;

(c) A physical alteration, modification, or renovation changing department-approved use of a room or area excluding "minor alteration."

(25) "Nurse" means either a licensed practical nurse under provisions of chapter 18.78 RCW or a registered nurse.

(26) "Nursing care" means services:

(a) Designed to maintain or promote achievement of optimal, independent function, and health status; and

(b) Planned, supervised, and evaluated by a registered nurse in the context of an overall individual plan of care as in WAC 248-14-001.

(27) "Physician" or "doctor," as used in RCW 18.20.160 and in this chapter, means an individual licensed as a physician under chapters 18.57 or 18.71 RCW.

(28) "Prescriber" means a physician, dentist under chapter 18.32 RCW, or registered nurse with prescriptive authority or others legally authorized in Washington state to prescribe drugs.

(29) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(30) "Resident" means an individual who, by reason of age or infirmity, requires domiciliary care and who is not related by blood or marriage to the operator of the boarding home.

(31) "Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(32) "Self-administration of medication" means medication administration by a resident taking his or her own medication from a properly labeled container.

(33) "Sit-down shower" means a shower which has a molded seat, fold-down type of seat, or an equivalent means for sitting and is designed for bathing while in a sitting position.

(34) "Suitable chair" means a piece of furniture intended to accommodate the act of sitting which is sturdy, comfortable, and appropriate for the age and physical condition of a resident.

(35) "Supervised medication service Category A" means:

(a) A level of self-medication or self-administration; or

(b) Self-directed medication service for a resident requiring limited assistance or no assistance, and monitoring by boarding home staff to assure medication is taken and stored properly.

(36) "Supervised medication service Category B" means a level of service for residents requiring assistance and monitoring by boarding home staff to assure:

(a) Medications taken in accordance with a health care practitioner's instructions; and

(b) Inaccessibility of medications to other residents.

(37) "Supervised medication service Category C" means a full medication administration service.

(38) "Toilet" means a disposal apparatus consisting of a hopper, fitted with a seat and flushing device, used for urination and defecation.

(39) "Usable floor space" means floor area available for:

(a) Use in a resident bedroom excluding areas with ceiling height under seven feet six inches and walk-in closets if initially and continuously licensed prior to December 31, 1988; or

(b) Living and sleeping, excluding bathrooms, toilets, toilet compartments, closets, halls, storage, or utility spaces if initially licensed after December 31, 1988.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-020 BOARDING HOME LICENSE APPLICATION—DEPARTMENT DENIAL, SUSPENSION, REVOCATION OF LICENSE. (1) Boarding home license applicants shall:

(a) Submit appropriate, signed, completed department application forms to the department;

(b) Apply at least thirty days prior to expiration of license for renewal;

(c) Promptly report changes in information related to the application including identity of:

(i) Officers and directors if operated by a legally incorporated entity; and

(ii) Partners if a legal partnership.

(2) The department shall:

(a) Evaluate qualifications of persons named in boarding home license application prior to granting initial and subsequent licenses;

(b) Deny, suspend, or revoke a boarding home license if the department finds persons named unqualified or unable to operate or direct operation of the facility as described in chapter 18.20 RCW and this chapter (~~248-16-WAC~~);

(c) Determine if reasonable relationship exists between any previous conviction of the applicant and ability to competently, safely oversee, or operate a boarding home;

(d) Deny, suspend, or revoke a boarding home license if any person named:

(i) Was previously denied a license to operate an agency for care of children, aged, ill, or infirm in Washington or elsewhere;

(ii) Had a license to operate an agency for treatment or care of people revoked or suspended;

(iii) Has a record of a criminal or civil conviction for:

(A) Operating an agency for care of aged, children, ill, or infirm without an appropriate, applicable license; or

(B) Any crime involving physical harm to another person.

(iv) Is identified on department abuse registry as perpetrator of substantiated abuse described in chapter 26.44 RCW;

(v) Committed, permitted, aided, or abetted an illegal act on boarding home premises;

(vi) Demonstrated cruelty, abuse, negligence, assault, or indifference to welfare and well-being of a resident;

(vii) Failed to exercise fiscal accountability and responsibility involving:

(A) A resident;

(B) The department;

(C) Public agencies; or

(D) The business community.

(3) The department may grant a license to operate a boarding home to previously disqualified licensees as specified in subsection (2) of this section if such person provides evidence including demonstrated ability to operate a boarding home according to applicable laws and rules.

(4)(a) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with (~~RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989~~) section 377, chapter 3, Laws of 1991. An applicant or license holder has the right to an adjudicative proceeding to contest a license decision.

(b) A license applicant or holder contesting a department decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the (~~Office of Appeals, P.O. Box 2465~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ((248-08)) 246-08 WAC. If a provision in this chapter conflicts with chapter ((248-08)) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-030 CHANGE OF LICENSEE. (1) Boarding homes shall:

(a) Notify the department in writing at least thirty days prior to proposed change of boarding home license including:

- (i) Full names of the present licensee and prospective licensee;
- (ii) Name and address of the boarding home concerned;
- (iii) The date of the proposed change; and
- (iv) The kind of change to be made, such as sale, lease, or rental.

(b) If a corporation or partnership:

(i) Notify the department, in writing, with the name and address of the responsible officers in corporation or controlling partners; and

(ii) Submit a signed statement testifying the new controlling officer or officers is in compliance with WAC ((248-16-031)) 246-316-020.

(2) Applicants for an initial boarding home license shall submit a new application thirty days or more before proposed effective date of license as specified in WAC ((248-16-031)) 246-316-020.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-040 REQUIREMENT FOR AND QUALIFICATIONS OF BOARDING HOME ADMINISTRATOR. (1) Boarding homes shall have continuous availability of an administrator or designated alternate who:

(a) Is available in person or by phone or page at all times;

(b) Is at least twenty-one years of age;

(c) Is not a resident as defined in WAC ((248-16-001)) 246-316-010(30);

(d) Possesses a high school diploma or equivalent unless administering a boarding home in Washington state prior to January 1, 1958;

(e) Has demonstrated competence and experience in management of a boarding home or completed high school or post-high school courses including:

(i) Basic accounting, except when a designated alternate administrator is in charge for two weeks or less;

(ii) Management including personnel management; and

(iii) Care of persons characteristic of those admitted or accepted as residents in a specific boarding home, such as frail elderly, developmentally disabled, or mentally ill persons.

(f) Meets requirements as specified in WAC ((248-16-046)) 246-316-050 (2)(b).

(2) Boarding homes shall notify the department when changes in the administrator occur including:

(a) Provide written notice to the department of new administrator's name upon appointment; and

(b) Provide a statement of administrator's compliance with ((WAC 248-16-036)) this section and ((248-16-046)) WAC 246-316-050.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-070 NEW CONSTRUCTION—MODIFICATION OF EXISTING STRUCTURE. (1) Boarding homes shall forward plans for new construction, if applicable, to the department including:

(a) Preliminary documents with:

(i) Description of program, services, and operational methods affecting boarding home building, premises, or residents;

(ii) Scaled drawings for any physical or functional construction or modification;

(iii) Two sets of plans drawn to scale including:

(A) Plot plan showing streets and driveways;

(B) Water supply;

(C) Sewage disposal system;

(D) Grade and location of each building;

(E) Designated function of each room; and

(F) Fixed equipment.

(iv) General description of construction and materials.

(b) Final construction documents requiring department approval which are two sets of final plans and specifications including:

(i) Plot plans;

(ii) Plans for each floor of each affected building designating function for each room and fixed equipment;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) A schedule of floor, wall, and ceiling finishes and the type and size of doors and windows;

(v) Plumbing, heating, ventilating, and electrical systems;

(vi) Specifications which fully describe workmanship and finishes; and

(vii) A sample of each different carpet, if provided, including tests for flame spread and smoke density conducted by an independent testing laboratory approved by the department.

(2) Boarding homes involved in new construction projects shall:

(a) Obtain department approval of final construction documents prior to starting construction;

(b) Consult with the department prior to changing approved plans and specifications;

(c) Submit modified plans or addenda if required by the department;

(d) Construct only changes approved by the department;

(e) Provide a written notice of construction project completion to the department indicating date to be completed and compliance with requirements of chapter 18.20 RCW and this chapter ((248-16-WAC)); and

(f) Occupy and use buildings or rooms only after authorization by the department.

(3) When modifications or alterations to existing boarding home structure are planned, boarding homes shall forward plans to the department including:

(a) Preliminary documents with:

(i) Descriptive drawings of each floor of proposed modifications indicating area to be modified;

(ii) Description of impacts on physical plant, operations, and services;

(iii) A plan showing existing and proposed function of each room and fixed equipment; and

(iv) A sample of carpets, if provided, including tests for flame spread and smoke density conducted by an independent testing laboratory approved by the department.

(b) Final plans submitted after department review of preliminary documents.

(4) Boarding homes involved in alteration or modification projects shall:

(a) Begin modifications only after department approval of final plans; and

(b) Make adequate provisions for the health, safety, and comfort of residents during construction.

(5) Boarding homes shall obtain approval of the Washington state division of fire protection prior to new construction, modifications, alterations, and minor alterations under RCW 18.20.130.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-090 WATER SUPPLY. Boarding homes shall:

(1) Provide a water supply system and water meeting requirements described in chapter ((248-54)) 246-290 WAC public water supplies;

(2) Maintain water supply systems free of cross-connections;

(3) Provide hot and cold water under adequate pressure readily available throughout the facility;

(4) Provide hot water not to exceed 120° Fahrenheit at lavatories and bathing facilities used by residents;

(5) Label or color code unsafe or nonpotable water supplies used for irrigation, fire protection, and purposes other than domestic use;

(6) Meet laundry requirements of WAC ((248-16-160)) 246-316-190; and

(7) Meet dishwashing machine requirements in WAC ((248-16-144)) 246-316-170.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-100 SEWAGE AND LIQUID WASTE DISPOSAL. Boarding homes shall:

(1) Have all sewage and waste water drain into a sewerage system approved by the governmental agency having jurisdiction;

(2) Prevent discharge of sewage or liquid wastes directly on the surface of the ground or directly into ground water; and

(3) For new construction, if on-site sewage disposal systems are used, discharge sewage and liquid wastes per chapter ~~((248-96))~~ 246-272 WAC on-site sewage disposal or chapter 173-240 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-150 RESIDENT ROOM—ROOM FURNISHINGS—STORAGE. (1) Boarding homes shall have resident sleeping rooms with:

- (a) Eighty square feet usable floor space in a one-person room;
- (b) At least seventy square feet of usable floor space per person in rooms occupied by two or more;
- (c) Ceiling heights of at least seven feet six inches over all portions of rooms considered usable floor space;
- (d) Accommodations for a maximum of four persons per room if initially and continuously licensed before July 1, 1989;
- (e) Maximum occupancy of two persons per room for boarding homes applying for initial license or increasing number of resident sleeping rooms after June 30, 1989;
- (f) Appropriate room identification and resident capacity consistent with department-approved list;
- (g) Unrestricted direct access to a hallway, living room, outside, or other acceptable common-use area;
- (h) An exclusion for use as corridors or passageways;
- (i) Window sill or sills of a window or windows used for required window area, under subsection (1)(j) of this section:
 - (i) No more than three feet eight inches from the floor;
 - (ii) At or above grade extending ten or more feet outside horizontally from the window sill.
- (j) Windows, excluding openings into window wells, enclosed porches, light or ventilation shafts, or similarly enclosed areas, providing:
 - (i) Clear glass area at least one-tenth of required room area;
 - (ii) Minimum area of ten square feet.
 - (k) Windows designed to operate freely if necessary for fire exit or ventilation;
 - (l) Adjustable window curtains, shades, blinds, or equivalent for visual privacy;
 - (m) One or more duplex electrical outlets per bed if initially licensed after July 1, 1983;
 - (n) Switch at entry of bedroom to control one or more light fixtures in room;
 - (o) Artificial lighting at bedside if requested by a resident under WAC ~~((248-16-105))~~ 246-316-120; and
 - (p) Noncombustible wastebaskets.
- (2) Boarding homes shall provide or ensure each resident has:
 - (a) Sufficient storage facilities either in or immediately adjacent to his or her sleeping room to adequately store a reasonable quantity of clothing and personal possessions;
 - (b) Individual towel and washcloth rack or equivalent;
 - (c) A secure space for valuables at least one-half cubic foot and a minimum dimension of four inches if requested by the resident;
 - (d) A comfortable bed appropriate for size of resident and at least thirty-six inches wide with:
 - (i) A mattress which:
 - (A) Fits the bed frame;
 - (B) Is in good condition; and
 - (C) Is at least four inches thick unless otherwise requested or necessary for resident health and/or safety.
 - (ii) Spacing at least three feet from the other beds unless otherwise requested by all affected residents; and
 - (iii) Acceptable types including:
 - (A) Standard household bed;
 - (B) Studio couch;
 - (C) Hide-a-bed;
 - (D) Day bed; and
 - (E) Water bed if it is structurally and electrically safe.
 - (f) One or more comfortable pillows;
 - (f) Clean, and in good repair, bedding at least one time per week, or as necessary to maintain cleanliness;
 - (g) Clean towels and washcloths at least once each week or more often if necessary to maintain cleanliness; and
 - (h) At least one suitable chair excluding those used to permanently furnish the day room, dining room, or other common-use rooms.
 - (3) Boarding homes may permit a resident to use his or her own furniture and furnishings when consistent with health and safety of all residents including:

(a) Cooking equipment, coffee makers, and other equipment and appliances in sleeping rooms when approved by the Washington state director of fire protection; and

(b) Food and beverage storage and preparation area in sleeping room if maintained in a sanitary condition.

(4) Boarding homes shall regularly:

(a) Ascertain functional ability of residents to use cooking facilities safely; and

(b) Take appropriate actions to prohibit resident access to cooking facilities when a resident is judged unable to cook safely, including:

(i) Rewire, disconnect, or remove stove or appliance;

(ii) Transfer of resident to another accommodation; or

(iii) Ensure constant attendance by a responsible person when resident has access to or use of cooking facilities.

(5) Boarding homes may use and allow use of carpets or other floor coverings if:

(a) Securely fastened to the floor or provided with nonskid backing;

(b) Free of hazards such as curling edges or tattered sections; and

(c) Clean.

(6) If a boarding home plans to install carpeting, the boarding home shall submit samples to the department for approval prior to purchase and installation as required in WAC ~~((248-16-055))~~ 246-316-070 (3)(a)(iv).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-170 FOOD AND NUTRITION SERVICES. (1) Boarding homes shall maintain food service facilities and practices required in chapter ~~((248-84))~~ 246-215 WAC food service sanitation. Boarding homes may use home-canned high-acid foods with a pH of less than 4.6, such as fruit, jelly, and jam.

(2) Boarding homes using dishwashing machines shall ensure:

(a) Machine operation per manufacturer directions; and

(b) "Home-type" machines, without high temperature sanitizing cycles, maintain water temperature at 155° Fahrenheit or above.

(3) Boarding homes shall:

(a) Provide a minimum of three meals in each twenty-four-hour period;

(b) Deviate from minimum of three meals in a twenty-four-hour period only following written approval by the department;

(c) Allow no more than fourteen hours between the evening meal and breakfast unless a snack contributing to the daily nutrient total is served or made available to all residents between the evening meal and breakfast;

(d) Provide sufficient time for residents to consume meals;

(e) Have written menus which:

(i) Are available at least one week in advance;

(ii) Include date, day of week, month, and year;

(iii) Are retained at least six months; and

(iv) Provide a variety of foods with cycle duration of at least three weeks before repeating.

(f) Prepare palatable, attractively served foods, meals, and nourishments sufficient in quality, quantity, and variety to meet the recommended dietary allowances of the food and nutrition board, National Research Council, 1980;

(g) When substituting for food contributing to daily nutrient total requirement, use food of comparable nutrient value and record food actually served;

(h) Keep a record of all food and snacks served and contributing to nutritional requirements; and

(i) Maintain an adequate dining area approved by the department with seating capacity for fifty percent or more residents per meal setting.

(4) Boarding homes shall prepare and serve:

(a) Resident specific modified or therapeutic diets when and as prescribed by a health care practitioner using a dietitian-approved menu or diet manual; and

(b) Only nutrient concentrates and supplements prescribed in writing by a health care practitioner.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-200 STORAGE SPACE. (1) Boarding homes shall provide adequate storage space for:

(a) Supplies;

(b) Equipment;

- (c) Linens; and
- (d) Personal possessions of residents including spaces described in WAC ((~~248-16-121~~) 246-316-150(2)).
- (2) Boarding homes shall maintain storage space to:
 - (a) Prevent fire or accident hazards; and
 - (b) Provide separate, lockable storage for disinfectants and poisonous compounds in drawers, rooms, or equivalent.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-240 ADMISSION, PLACEMENT AND RE-
TENTION OF RESIDENTS. (1) Prior to admission or acceptance as a resident, boarding homes shall obtain sufficient information to evaluate whether or not a resident/applicant can be safely housed and provided domiciliary care in the particular facility, including information in reference to:

- (a) Resident/applicant's ability to function with respect to the physical premises, equipment, and staff of the boarding home;
- (b) Space, equipment, and furniture requirements;
- (c) Ambulatory status;
- (d) Currently demonstrated overt behavior dangerous to self or others;
- (e) Need for care in a hospital, nursing home, or other licensed facility under chapters 18.51, 70.41, and 71.12 RCW;
- (f) Requirements for assistance in obtaining or administering medications; and
- (g) Need or desire for nursing care exceeding periodic visits by staff of a home health care agency or a licensed nurse employed by an individual resident.

(2) Boarding homes shall accept, admit, and retain persons as residents only when:

- (a) Ambulatory unless the boarding home is approved by the Washington state director of fire protection to:
 - (i) Care for semi-ambulatory residents; or
 - (ii) Care for nonambulatory residents not needing medical or nursing care as specified in subsection (2)(f)(ii) and (iii) of this section.
- (b) Nonsmoking residents can be accommodated with smoke-free rooms and smoke-free common-use areas to prevent contact with smoke;
- (c) Smoking residents can be accommodated by areas meeting the requirements in WAC ((~~248-16-115~~) 246-316-140(2));
- (d) The individual resident can be accommodated by:
 - (i) Physical plant, facilities, and spaces;
 - (ii) Furniture and equipment; and
 - (iii) Staff who are available and sufficient to provide nature of domiciliary care required and desired by the resident.
- (e) The amount and nature of needed assistance with medication or medication service is available in the boarding home under RCW 18.20.160 and WAC ((~~248-16-229~~) 246-316-300; and
- (f) Individuals do not:
 - (i) Exhibit continuing overt behavior which is a danger to others or self;
 - (ii) Need inpatient care in a hospital, nursing home, or other facility licensed under chapters 18.51, 70.12, or 70.41 RCW; or
 - (iii) Need continuous nursing care exceeding periodic or short-term services from:
 - (A) Staff of a home health care agency; or
 - (B) A licensed nurse retained by an individual resident.
- (3) Upon admission or acceptance of an individual as a resident, boarding homes shall determine a resident's choice regarding:
 - (a) Definite arrangements with a health care practitioner; and
 - (b) Who to call in case of resident illness or death.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-320 RESIDENT HEALTH RECORD. (1) Boarding homes shall maintain a health record in ink, typewritten or equivalent, for each resident including:

- (a) Full name, date of birth, and former address of resident;
- (b) Date admitted as resident and date discharged;
- (c) Name, address, and telephone number of next-of-kin or other responsible person;
- (d) Name, address, and telephone number of resident's personal physician or health care practitioner;
- (e) Signed staff entries about:

(i) Dates and descriptions of resident illnesses, accidents, or incidents;

(ii) Changes in resident functional abilities or physical and mental coordination; and

(iii) Actions of staff related to subdivision (e)(i) and (ii) of this subsection.

(f) Orders signed by a resident's physician or health care practitioner for any modified diet, concentrate or supplement provided by the boarding home; and

(g) Medication orders and records as specified in WAC ((~~248-16-229~~) 246-316-300).

(2) Boarding homes shall:

(a) Maintain a systematic, secure method of identifying and filing resident health records for ease in locating; and

(b) Retain each resident health record at least five years following resident discharge.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-330 ADULT DAY CARE. (1) Boarding homes choosing to provide adult day care services and to accept or admit adults for domiciliary care in a boarding home for less than a contiguous twenty-four hours shall:

(a) Accept and retain for day care only those adults meeting resident criteria described in WAC ((~~248-16-213~~) 246-316-240;

(b) Provide day room and dining room facilities complying with WAC ((~~248-16-141 and 248-16-150~~) 246-316-170 and 246-316-180;

(c) Provide toilets and lavatories complying with WAC ((~~248-16-131~~) 246-316-160;

(d) Provide comfortable, suitable chairs and furniture;

(e) Provide sufficient furniture for comfort of residents and day care adults including, but not limited to:

(i) Napping furniture for day care adults such as lounge chairs, recliners, couches; and

(ii) Ability to space napping furniture at least three feet apart if needed or requested.

(f) Provide staff to supervise and assist day care adults in activities of daily living and medication management as described in WAC ((~~248-16-216 and 248-16-229~~) 246-316-260 and 246-316-300;

(g) Provide a meal meeting at least one-third of the recommended dietary allowance during every five-hour period of stay (the exception to the recommended dietary allowance is during normal sleeping hours when fasting periods greater than fourteen hours are prohibited);

(h) Ensure and provide rights, services, notification, and safety as described in WAC ((~~248-16-215, 248-16-216, 248-16-223, 248-16-226~~) 246-316-250, 246-316-260, 246-316-280, and 246-316-290;

(i) Maintain a separate register of all day care adults using format described in WAC ((~~248-16-230~~) 246-316-310;

(j) Maintain a health record for each day care adult as described for residents in WAC ((~~248-16-235~~) 246-316-320).

(2) Boarding homes choosing to accept adults for day care shall:

(a) Notify the department of the plan to accept or admit adults to day care;

(b) Provide information as required for the department to establish compliance with this section; and

(c) Obtain written department approval for maximum day care adult capacity prior to accepting or admitting adults for day care.

(3) When notified of boarding home licensee's plan to accept day care adults, the department shall:

(a) Determine whether or not a boarding home complies with this section;

(b) Issue written approval for occupancy based on compliance with WAC ((~~248-16-300~~) 246-316-330; and

(c) Indicate approved capacity for day care adults on the boarding home license.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-010 DEFINITIONS. For the purposes of this chapter ((~~248-18-WAC~~) and chapter 70.41 RCW, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, suitable, properly, or sufficient used in these regulations to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury or sexual abuse of a patient under circumstances indicating the health, welfare, and safety of the patient is harmed. Person "legally responsible" shall include a parent, guardian, or an individual to whom parental or guardian responsibility is delegated (e.g., teachers, providers of residential care and treatment, and providers of day care):

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Accredited" means approved by the joint commission on accreditation of hospitals or the bureau of hospitals of the American Osteopathic Association.

(3) "Adolescent" means an individual during that period of life beginning with the appearance of secondary sex characteristics and ending with the cessation of somatic growth.

(4) "Agent," when used in a reference to a medical order or a procedure for a treatment, means any power, principle, or substance, whether physical, chemical, or biological, capable of producing an effect upon the human body.

(5) "Alterations":

(a) "Alterations" means changes requiring construction in existing hospitals.

(b) "Minor alterations" means any physical or functional modification within existing hospitals not changing the approved use of the room or area. (Minor alterations performed under this definition do not require prior review of the department as specified in WAC ((~~246-10-510~~) 246-318-510 (3)(a); however, this does not constitute a release from other applicable requirements.)

(6) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the hospital.

(7) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and discipline; or

(b) A unique identifier allowing identification of the responsible individual.

(8) "Bathing facility" means a bathtub or shower and does not include sitz baths or other fixtures designated primarily for therapy.

(9) "Birthing room" or "labor, delivery, recovery (LDR) room" or "labor-delivery-recovery-postpartum (LDRP) room" means a room designed and equipped to provide care of a woman, fetus, and newborn and to accommodate her support persons during the complete process of vaginal childbirth.

(10) "Children" means young persons of either sex between infancy and adolescence.

(11) "Clean" means space or spaces and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition, when the word is used in reference to a room, area, or facility.

(12) "Critical care" means a special physical and functional nursing unit for the segregation, concentration, and close or continuous observation and care of patients critically, acutely, or seriously ill and in need of intensive, highly skilled services.

(13) "Department" means the Washington state department of health.

(14) "Dentist" means an individual licensed under chapter 18.32 RCW.

(15) "Diagnostic radiologic technician" means an individual:

(a) Certified or eligible for certification as a diagnostic radiologic technologist under chapter 18.84 RCW; or

(b) Trained by a radiologist and approved by a radiologist member of medical staff to perform specified diagnostic radiologic procedures.

(16) "Dialysis facility" means a separate physical and functional nursing unit of the hospital serving patients receiving renal dialysis.

(17) "Dialysis station" means an area designed, equipped, and staffed to provide dialysis services for one patient.

(18) "Dietitian" means an individual meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980.

(19) "Double-checking" means verification of patient identity, agent to be administered, route, quantity, rate, time, and interval of administration by two persons legally qualified to administer prior to administration of the agent.

(20) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails:

(a) Removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container);

(b) Reviewing the label on the container with a verified transcription, a direct copy or the original medical practitioner's orders;

(c) Giving the individual dose to the proper patient; and

(d) Properly recording the time and dose given.

(21) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(22) "Easily cleanable" means of material or finish and so fabricated to allow complete removal of residue by normal cleaning methods.

(23) "Electrical receptacle outlet" means an outlet where one or more electrical receptacles are installed.

(24) "Facilities" means a room or area and equipment serving a specific function.

(25) "Faucet controls" means wrist, knee, or foot control of the water supply:

(a) "Wrist control" means water supply controls not exceeding four and one-half inches overall horizontal length designed and installed to be operated by the wrists;

(b) "Knee control" means the water supply is controlled through a mixing valve designed and installed to be operated by the knee;

(c) "Foot control" means the water supply control is through a mixing valve designed and installed to be operated by the foot.

(26) "Governing body" means the person or persons responsible for establishing the purposes and policies of the hospital.

(27) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(28) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

(29) "He, him, his, or himself" means a person of either sex, male, or female, and does not mean preference for nor exclude reference to either sex.

(30) "High-risk infant" means an infant, regardless of gestational age or birth weight, whose extrauterine existence is compromised by a number of factors, prenatal, natal, or postnatal needing special medical or nursing care.

(31) "Hospital" means any institution, place, building, or agency providing accommodations, facilities and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this chapter does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes, as defined and which come within the scope of chapter 18.51 RCW;

(d) Maternity homes, which come within the scope of chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals, which come within the scope of chapter 71.12 RCW; nor

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions.

(g) Furthermore, nothing in this chapter shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(32) "Infant" means a baby or very young child up to one year of age.

(33) "Infant station" means a space for a bassinet, incubator, or equivalent, including support equipment used for the care of an individual infant.

(34) "Intermediate care nursery" means an area designed, organized, staffed, and equipped to provide constant care and treatment for mild to moderately ill infants not requiring neonatal intensive care, but requiring or may require physical support and treatment beyond support required for a normal neonate and may include the following:

- (a) Electronic cardiorespiratory monitoring;
- (b) Gavage feedings;
- (c) Parenteral therapy for administration of drugs; and
- (d) Respiratory therapy with intermittent mechanical ventilation not to exceed a continuous period of twenty-four hours for stabilization when trained staff are available.

(35) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application (IND) is approved by the Food and Drug Administration.

(36) "Island tub" means a bathtub placed in a room to permit free movement of a stretcher, patient lift, or wheelchair to at least one side of the tub, and movement of people on both sides and at the end of the tub.

(37) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

(38) "Legend drugs" means any drugs required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or are restricted to use by practitioners only.

(39) "Licensed practical nurse," abbreviated L.P.N., means an individual licensed under provisions of chapter 18.78 RCW.

(40) "May" means permissive or discretionary on the part of the board or the department.

(41) "Medical staff" means physicians and may include other practitioners appointed by the governing body to practice within the parameters of governing body and medical staff bylaws.

(42) "Movable equipment" means equipment not built-in, fixed, or attached to the building.

(43) "Neglect" means mistreatment or maltreatment; an act or omission evincing; a serious disregard of consequences of a magnitude constituting a clear and present danger to an individual patient's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(44) "Nuclear medicine technologist" means an individual certified or eligible for certification as a nuclear medicine technologist under chapter 18.84 RCW.

(45) "Neonate" or "newborn" means a newly born infant through the twenty-seventh day of life or under twenty-eight days of age.

(46) "Neonatal intensive care nursery" means an area designed, organized, equipped, and staffed to provide constant nursing and medical care and treatment for high-risk infants who may require:

- (a) Continuous ventilatory support, twenty-four hours per day;
- (b) Intravenous fluids or parenteral nutrition;
- (c) Preoperative and postoperative monitoring when anesthetic other than local is administered; or
- (d) Cardiopulmonary or other life support on a continuing basis.

(47) "Neonatologist" means a pediatrician who is board certified in neonatal-perinatal medicine or board eligible in neonatal-perinatal medicine, provided the period of eligibility does not exceed three years, as defined and described in Directory of Residency Training Programs by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982 or the American Osteopathic Association Yearbook and Directory, 1981-1982.

(48) "Newborn care" means provision of nursing and medical services described by the hospital and appropriate for well and convalescing infants including supportive care, ongoing physical assessment, and resuscitation.

(49) "New construction" means any of the following:

- (a) New buildings to be used as hospitals;
- (b) Additions to existing buildings to be used as hospitals;
- (c) Conversion of existing buildings or portions thereof for use as hospitals;
- (d) Alterations.

(50) "Nursing home unit" or "long-term care unit" means a group of beds for the accommodation of patients who, because of chronic illness or physical infirmities, require skilled nursing care and related medical services but are not acutely ill and not in need of the highly technical or specialized services ordinarily a part of hospital care.

(51) "Nursing unit, general" means a separate physical and functional unit of the hospital including a group of patient rooms, ancillary and administrative, and service facilities necessary to provide nursing service to the occupants of these patient rooms. Facilities serving other areas of the hospital and creating traffic unnecessary to the functions of the nursing unit are excluded.

(52) "Observation room" means a room for close nursing observation and care of one or more outpatients for a period of less than twenty-four consecutive hours.

(53) "Obstetrical area" means the portions or units of the hospital designated or designed for care and treatment of women during the antepartum, intrapartum, and postpartum periods, and/or areas designed as nurseries for care of newborns.

(54) "Occupational therapist" means an individual licensed under the provisions of chapter 18.59 RCW.

(55) "Patient" means an individual receiving (or has received) preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the hospital. "Outpatient" means a patient receiving services that generally do not require admission to a hospital bed for twenty-four hours or more.

(56) "Patient care areas" means all nursing service areas of the hospital where direct patient care is rendered and all other areas of the hospital where diagnostic or treatment procedures are performed directly upon a patient.

(57) "Pediatrician" means a physician:

(a) Having successfully completed a residency program approved by the American Board of Pediatrics as described in the Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982; or

(b) Approved by the American Osteopathic Board of Pediatrics as described in the American Osteopathic Association Yearbook and Directory, 1981-1982; and

(c) Board certified or board eligible for period not to exceed three years.

(58) "Pediatric service" means any diagnostic, treatment, or care service provided for infants, children, or adolescents.

(59) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(60) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW as now or hereafter amended.

(61) "Pharmacy" means the central area in a hospital where drugs are stored and are issued to hospital departments or where prescriptions are filled.

(62) "Physical barrier" means a partition or similar space divider designed to prevent splash or spray between room areas.

(63) "Physical therapist" means an individual licensed under provisions of chapter 18.74 RCW.

(64) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(65) "Physician's assistant" means an individual who is not a physician but practices medicine under provisions, rules, and regulations of chapter 18.71A RCW, or provisions, rules, and regulations under chapter 18.57A RCW.

(66) "Physician member of medical staff qualified in nuclear medicine" means a physician with staff privileges who is:

(a) Certified or eligible for certification by the American Board of Radiology (ABR) or the American Board of Nuclear Medicine (ABNM) in radiologic physics including diagnostic, therapeutic, and medical nuclear physics; and

(b) Included in the 1987-1989 list of board-certified physicians maintained by ACR Professional Bureau, 1899 Preston White Drive, Reston, VA 22091.

(67) "Prescription" means an order for drugs for a specific patient given by a licensed physician, dentist, or other individual legally authorized to write prescriptions, transmitted to a pharmacist for dispensing to the specific patient.

(68) "Protocols" and "standing order" mean written descriptions of actions and interventions for implementation by designated hospital

personnel under defined circumstances and authenticated by a legally authorized person under hospital policy and procedure.

(69) "Psychiatric unit" means a separate portion of the hospital specifically reserved for the care of psychiatric patients (a part of which may be unlocked and a part locked), as distinguished from "seclusion rooms" or "security rooms" as defined in this section.

(70) "Psychiatrist" means a physician having successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology as described in the Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in the American Osteopathic Association Yearbook and Directory, 1981-1982.

(71) "Psychologist" means an individual licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(72) "Radiation oncologist" means a physician who successfully completed an approved residency program in therapeutic radiology and is either board certified or eligible for board certification in radiation oncology by:

(a) The American Board of Radiology described under Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-82, with:

(i) Certification in use of both external and brachytherapy techniques; and

(ii) Continuing education requirements of the board met; or

(b) The American Osteopathic Board of Radiology described in the American Osteopathic Association Yearbook and Directory, 1981-82 with:

(i) Certification in use of both external and brachytherapy techniques; and

(ii) Continuing education requirements of the board met.

(73) "Radiologist" means a physician who is board certified or eligible for certification in radiology and meeting continuing education requirements of:

(a) The American Board of Radiology described under Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-82; or

(b) The American Osteopathic Board of Radiology described under American Osteopathic Association Yearbook and Directory, 1981-82.

(74) "Recreational therapist" means an individual with a bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped.

(75) "Recovery unit" means a special physical and functional unit for the segregation, concentration, and close or continuous nursing observation and care of patients for a period of less than twenty-four hours immediately following anesthesia, obstetrical delivery, surgery, or other diagnostic or treatment procedures which may produce shock, respiratory obstruction or depression, or other serious states.

(76) "Referred outpatient diagnostic service" means a service provided to an individual receiving medical diagnosis, treatment, and other health care services from one or more sources outside the hospital limited to diagnostic tests and examinations:

(a) Not involving administration of a parenteral injection, the use of a local or general anesthesia or the performance of a surgical procedure; and

(b) Ordered by a health care practitioner, legally permitted to order such tests and examinations, to whom the hospital reports the findings and results of the tests and examinations.

(77) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW and practicing in accordance with the rules and regulations promulgated thereunder.

(78) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement. This shall not be interpreted to include a safety device as defined herein.

(79) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(80) "Rooming-in" means an arrangement for mother and infant to room together with provision for family interaction within the hospital setting.

(81) "Safety device" means a device used to safeguard a patient who, because of developmental level or condition, is particularly subject to accidental self-injury.

(82) "Seclusion room" means a small, secure room specifically designed and organized to provide for temporary placement, care, and observation of one patient and further providing an environment with minimal sensory stimuli, maximum security and protection, and visualization of the patient by authorized personnel and staff. Doors of seclusion rooms shall be provided with staff-controlled locks. There shall be security relocks in the door or equivalent means affording visibility of the occupant at all times. Inside or outside rooms may be acceptable.

(83) "Security room" means a patient sleeping room designed, furnished, and equipped to provide maximum safety and security, including window protection or security windows and a lockable door with provision for observation of room occupant.

(84) "Self-administration of drugs" means a patient administering or taking his or her own drugs from properly labeled containers: PROVIDED, That the facility maintains the responsibility for seeing the drugs are used correctly and the patient is responding appropriately.

(85) "Sensitive area" means a room used for surgery, obstetrical delivery, nursery, post-anesthesia recovery, special procedures where invasive techniques are used, or critical care including, but not limited to, intensive and cardiac care.

(86) "Shall" means compliance is mandatory.

(87) "Should" means a suggestion or recommendation, but not a requirement.

(88) "Sinks":

(a) "Clinic service sink (siphon jet)" means a plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter.

(b) "Scrub sink" means a plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic, or equivalent control, and gooseneck spout.

(c) "Service sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

(89) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work approved by the council on social work education.

(90) "Soiled" (when used in reference to a room, area, or facility) means space and equipment for collection or cleaning of used or contaminated supplies and equipment or collection or disposal of wastes.

(91) "Stretcher" means a four-wheeled cart designed to serve as a litter for the transport of an ill or injured individual in a horizontal or recumbent position.

(92) "Surgical procedure" means any manual or operative procedure performed upon the body of a living human being for the purpose of preserving health, diagnosing or curing disease, repairing injury, correcting deformity or defect, prolonging life or relieving suffering, and involving any of the following:

(a) Incision, excision, or curettage of tissue or an organ;

(b) Suture or other repair of tissue or an organ including a closed as well as an open reduction of a fracture;

(c) Extraction of tissue including the premature extraction of the products of conception from the uterus; or

(d) An endoscopic examination with use of a local or general anesthesia.

(93) "Therapeutic radiologic technologist" means an individual certified or eligible for certification as a therapeutic radiologic technologist under chapter 18.84 RCW.

(94) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.

(95) "Toilet" means a room containing at least one water closet.

(96) "Tuberculous patient" means an individual receiving diagnostic or treatment services because of suspected or known tuberculosis.

(97) "Water closet" means a plumbing fixture for defecation fitted with a seat and device for flushing the bowl of the fixture with water.

(98) "Window" means a glazed opening in an exterior wall.

(a) "Maximum security window" means a window that can only be opened by keys or tools under the control of personnel. The operation shall be restricted to prohibit escape or suicide. Where glass fragments may create a hazard, safety glazing and other appropriate security features shall be incorporated. Approved transparent materials other than glass may be used.

(b) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(c) "Security window" means a window designed to inhibit exit, entry, and injury to a patient, incorporating approved, safe transparent material.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-013 LICENSE EXPIRATION DATES—NOTICE OF DECISION—ADJUDICATIVE PROCEEDING. (1) The department shall issue hospital licenses initially and reissue hospital licenses as often thereafter as necessary to stagger license expiration dates throughout the calendar year so as to cause approximately one-twelfth of the total number of hospital licenses to expire on the last day of each month, but no license issued pursuant to this chapter shall exceed thirty-six months in duration. If there is failure to comply with the provisions of chapter 70.41 RCW or this chapter, the department may, in its discretion, issue a provisional license to permit the operation of the hospital for a period of time to be determined by the department.

(2) The department may deny, suspend, modify, or revoke a license for cause.

(3)(a) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with ((~~RCW 43.20A.XXX and section 95, chapter 175, Laws of 1989~~) section 377, chapter 3, Laws of 1991). An applicant or license holder has the right to an adjudicative proceeding to contest a license decision.

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ((~~Office of Appeals, P.O. Box 2465~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

- (A) A specific statement of the issue or issues and law involved;
- (B) The grounds for contesting the department decision; and
- (C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ((~~248-08~~) 246-08 WAC. If a provision in this chapter conflicts with chapter ((~~248-08~~) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-015 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 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 or his or her designee, obtain an interpretation of a rule or regulation contained in this 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 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-017 SINGLE LICENSE TO COVER TWO OR MORE BUILDINGS—WHEN PERMISSIBLE. When an applicant

and the hospital facility for which such application is submitted meet the licensure requirements of chapter 70.41 RCW and this chapter ((~~248-18 WAC~~)), the department may issue a single hospital license to include two or more buildings, provided:

(1) The licensee shall operate the multiple buildings as a single integrated system.

(a) All buildings or portions of buildings under a single license shall be governed by a single governing body and under administrative control of a single administrator, and

(b) All hospital facilities operating under a single license shall have a single medical staff.

(2) Buildings connected by a heated, enclosed passageway are considered a single building and the passageway shall be constructed and maintained to permit the safe transfer of patients, equipment, and supplies.

(3) Safe, appropriate, and adequate transport of patients between buildings shall be provided.

(4) Hospital buildings included under one license shall not be located more than ten surface miles apart.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-018 HOSPITAL LICENSE TO COVER ATTACHED NURSING HOME BUILDING—WHEN PERMISSIBLE. A building meeting the requirements of this 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 this chapter ((~~248-14 WAC~~)) affecting only the maintenance and operation of the nursing home facility are in conflict with this 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 this chapter ((~~248-18 WAC~~)).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-025 REQUIRED APPROVAL FOR OCCUPANCY AFTER COMPLETION OF NEW CONSTRUCTION. (1) Prior to occupancy and use of a building or any room or other portion of a building constituting the whole or part of a new construction project, a hospital shall have obtained written authorization for such occupancy from the department.

(2) The hospital shall notify the department when either of the following has been substantially completed: An entire new construction project, or any room or other portion of a new construction project the hospital plans to occupy before the entire new construction project is finished.

(3) The department shall authorize occupancy if the new construction has been completed in accordance with this chapter ((~~248-18 WAC~~)) and the department has received written approval of such occupancy from the state fire marshal.

(4) The department may authorize occupancy of a building or any room or other portion of a building when the new construction is deficient in relation to this chapter ((~~248-18 WAC~~)): **PROVIDED**, That the department has determined, after thorough investigation and consideration, the deficiencies will not impair services to patients or otherwise jeopardize the safety or health of patients, the hospital has provided written assurance of completion or correction of deficient items within a period of time acceptable to the department, and the department has received written approval of such occupancy from the state fire marshal.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-035 INFECTION CONTROL PROGRAM. Each hospital shall maintain an effective hospital wide program for the surveillance, prevention, and control of infection including:

(1) Designation of an infection control committee to oversee the program with:

(a) Multidisciplinary membership on the committee including representatives from medical staff, nursing, administration, and persons directly responsible for management of the infection control program;

(b) Description of the program approved by the committee and including surveillance, prevention, and control activities;

(c) Delegation of authority, approved in writing by administrative and medical staff, to institute surveillance, prevention, and control measures when there is reason to believe any patient or personnel may be at risk of infection;

(d) Regularly scheduled meetings at least quarterly;

(e) Maintenance of written minutes and reports of findings presented during committee meetings; and

(f) A method for forwarding recommendations to the medical staff, nursing, administration, quality assurance, and other committees and departments as appropriate.

(2) Management of the infection control program by one or more persons with documented evidence of qualifications related to infection surveillance, prevention, and control including:

(a) Education;

(b) Training;

(c) Certification; or

(d) Supervised experience.

(3) Establishing the following components of the infection control program:

(a) Review of patient and personnel infections, as appropriate, to determine whether an infection is nosocomial using definitions and criteria established by the committee;

(b) Written policies and procedures describing the types of surveillance carried out to monitor:

(i) Rates of nosocomial infections;

(ii) Systems used to collect and analyze data; and

(iii) Activities to prevent and control infections;

(c) A system for reporting communicable diseases and following requirements under chapter ~~(248-100)~~ 246-100 WAC, Communicable and certain other diseases;

(d) A procedure for reviewing and approving infection control aspects of policies and procedures used in each area of the hospital;

(e) Provision of consultation regarding patient care practices, equipment, and supplies influencing risk of infection;

(f) Provision of consultation regarding appropriate procedures and products used for cleaning, disinfection, and sterilization;

(g) Provision of information on infection control for orientation and in-service education of employees, and nonemployees performing direct patient care;

(h) Development of recommendations, consistent with federal, state, and local laws and rules, on methods for the proper disposal to prevent unsafe or unsanitary conditions related to:

(i) Sewage;

(ii) Solid and liquid wastes; and

(iii) Infectious wastes including safe management of sharps;

(i) Defining indications for specific precautions to prevent transmission of infections;

(j) Coordinating or cooperating with the employee health activities relating to control of hospital exposure and transmission of infections to or from employees and others performing patient services;

(k) Designing and monitoring of the physical environment of the hospital for infectious disease control.

(4) Provision of the following in any hospital providing inpatient services for tuberculous patients:

(a) Designated patient rooms for patients with suspected or known infectious tuberculosis including:

(i) Ventilation to maintain a negative pressure condition in each patient room relative to adjacent spaces, except bath and toilet areas with:

(A) Air movement or exhaust from the patient room to the out-of-doors;

(B) Ventilation at the rate of six air changes per hour, exhaust; and

(C) Make-up or supply air from adjacent ventilated spaces permitted only when a minimum of two air changes is tempered with outside air;

(ii) Ultraviolet generator irradiation as follows:

(A) Use of ultraviolet fluorescent fixtures with lamps emitting wave length of 253.7 nanometers to irradiate ceiling and upper space of patient room;

(B) The average reflected irradiance approximately 0.2 microwatts per square centimeter in the room at the five foot level;

(C) Fixture installation conforming to the recommendations of the Illuminating Engineering Society Handbook, 5th edition, section 25, "Ultraviolet Energy";

(D) Lamps changed as recommended by the manufacturer;

(b) Transfer of discharge information to the health department of the patient's county of residence;

(c) Mantoux tuberculin skin testing of employees in contact with infectious tuberculosis cases within one year of contact if regularly working in areas described under subsection (4)(a)(i) and (ii) of this section.

(d) Tuberculin skin testing employees as required by the local health officer or the department for contact investigations. Positive skin tests for contact investigations are 5 mm induration read at forty-eight to seventy-two hours.

(5) Implementation of a human immunodeficiency virus (HIV) and acquired immunodeficiency syndrome (AIDS) education plan including:

(a) Verifying or arranging for appropriate education and training of personnel on the prevention, transmission, and treatment of HIV and AIDS consistent with RCW 70.24.310; and

(b) Use of infection control standards and educational material consistent with the department-approved curriculum manual KNOW - HIV/AIDS, Prevention Education for Health Care Facility Employees, (~~May 31, 1989~~) January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-040 PERSONNEL. (1) Hospitals shall employ sufficient qualified personnel to operate each department of the hospital with verification of required license, certification, or registration.

(2) Hospitals shall ensure that nonemployees providing direct patient care comply with hospital policies and procedures.

(3) Hospitals shall establish written job descriptions for each job classification, minimally including:

(a) Job title, reporting relationships, summary of duties and responsibilities, and qualifications; and

(b) Provisions for review every two years with revision when necessary.

(4) Hospitals shall:

(a) Ensure a periodic performance appraisal of employees and volunteers related to:

(i) Satisfactory performance of assigned tasks; and

(ii) Competence in delivering health care services;

(b) Document background checks required under RCW 43.43.830 through 43.43.842 for all prospective employees and volunteers who may have regularly scheduled unsupervised access to:

(i) Children under sixteen years of age;

(ii) Groups of children under certain circumstances;

(iii) The elderly;

(iv) The developmentally disabled;

(v) Individuals declared mentally incompetent or unable to participate in consent to care given; and

(vi) Others as required under chapter 43.43 RCW;

(c) Designate an employee responsible for volunteer services and activities;

(d) Plan and implement orientation and education programs minimally to include:

(i) New employee and volunteer orientation for:

(A) Organizational structure;

(B) Building layout;

(C) Infection control;

(D) Safety, including the fire and disaster plan;

(E) Policies and procedures; and

(F) Equipment pertinent to the job;

(ii) Employee continuing education for maintaining and improving skills;

(iii) Documentation of orientation, in-service, and continuing education for employees; and

(iv) HIV/AIDS training for employees as specified under WAC (~~248-18-035~~) 246-318-035;

(e) Establish a nursing service under the direction of a registered nurse to:

(i) Provide for adequate numbers of registered nurses on duty at all times; and

(ii) Require registered nurse supervision of employees and others performing nursing service functions;

(f) Ensure adequate supervision of employees and nonemployees;

(g) Maintain a current employee call back list for disasters;

(h) Require each employee to have on employment a tuberculin skin test by the Mantoux method within thirty days of employment and as follows:

(i) For new employees, a negative skin test is defined as less than ten millimeters of induration read at forty-eight to seventy-two hours. Employees with negative reactions to the first test and thirty-five years of age or older shall have a second test one to three weeks after the first test;

(ii) New employees with positive reactions to either test shall have a chest x-ray within thirty days. Hospitals shall:

(A) Retain records of test results, reports of x-ray findings, exceptions, or exemptions in the facility; and

(B) Provide a copy of test results to the employee;

(iii) Exclude from skin testing:

(A) New employees documenting a positive Mantoux test in the past;

(B) New employees providing documentation of meeting requirements under subsection (4)(h)(i) and (ii) of this section within the six months preceding the date of employment; and

(C) An employee with a written waiver from the department after stating the tuberculin skin test by the Mantoux method presents a hazard to his or her health and presenting supportive medical data to the department tuberculosis control program;

(i) Document the following when individuals request tuberculosis skin test waivers from the department:

(i) Department notification of the individual requesting a waiver from tuberculosis skin testing and department decision; and

(ii) Department advice to the individual employee and the hospital regarding department screening requirements if a waiver is granted.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-180 DIETARY AND/OR FOOD SERVICE. Each hospital shall have an organized dietary and/or food service.

(1) There shall be a designated individual responsible for management of dietary and/or food service. Personnel from dietary and/or food service shall be present in the hospital during all patient meal times.

(2) The dietary and/or food service shall incorporate the ongoing and regularly scheduled input of a dietitian. A dietitian shall be responsible for developing policies and procedures for adequate nutritional and dietary consultation services for patients and food service. Patient consultation shall be documented in the medical record.

(3) At least three scheduled meals a day shall be served at regular intervals with not more than fifteen hours between the evening meal and breakfast. Snacks of nourishing quality shall be available at all times.

(4) Meals and nourishments shall provide a variety of food of sufficient quantity and quality to meet the nutritional needs of each patient. Unless contraindicated, Recommended Dietary Allowances, Ninth edition, 1980, the Food and Nutrition Board of the National Research Council, adjusted for activity, shall be used.

(5) Written menus shall be planned in advance and approved by a dietitian. Substitutes shall be of similar nutritional value, as approved by a dietitian. A record of the planned menus, with substitutions as served, shall be retained for one month.

(6) There shall be written orders (by an authorized individual) for all patient diets. Diets shall be prepared and served as prescribed. A current diet manual, approved in writing by the dietitian and medical staff, shall be used for planning and preparing diets.

(7) Food service sanitation shall be in compliance with chapter ((248-84)) 246-215 WAC Food service ((sanitation)), except for WAC ((248-84-070)) 246-215-149.

(8) There shall be current written policies and procedures to include safety, infection control, food acquisition, food storage, food preparation, management of food not provided or purchased by dietary/food service, serving of food, and scheduled cleaning of all food service equipment and work areas.

(9) There shall be current written policies and procedures, with documentation of orientation and inservice, of dietary and food service employees.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-210 PEDIATRIC SERVICES. (1) Hospitals admitting, treating, or diagnosing infants, children, and adolescents shall have readily available equipment and supplies of appropriate sizes including:

(a) Intubation equipment;

(b) Oxygen masks and ventilatory bags;

(c) Blood pressure cuffs;

(d) Stethoscope;

(e) Defibrillator and paddles;

(f) Emergency medications;

(g) Intravenous equipment and supplies; and

(h) Measuring devices for length, height, weight, and circumferences.

(2) Hospitals providing services for infants, children, and adolescents shall establish written policies and procedures specific to pediatric services, consistent with WAC ((248-18-190 (2)(g), 248-18-202, and 248-18-336)) 246-318-190 (2)(g), 246-318-200, and 246-318-435 and minimally including:

(a) Admission criteria;

(b) Conditions requiring transfer or transport;

(c) Room assignment of infants and children considering requirements for observation and developmental age level needs;

(d) Safety measures in terms of equipment, including but not limited to:

(i) Cribs, bassinets, and beds;

(ii) Restraint use;

(iii) Side rails;

(iv) Electrical outlet protection; and

(v) Toys.

(e) Placement of infants, children, and adolescents with infection, suspected infection, or exposure to infection;

(f) Nutritional guidelines for infants, children, and adolescents to include normal diets and diets for special nutritional needs;

(g) Safe administration of pediatric doses of blood, blood products, medications, intravenous fluids, and admixtures including:

(i) Intake and output;

(ii) Precalculated dosages of emergency drugs immediately available or posted;

(iii) An established list of pediatric dosages approved by the hospital pharmacist and the physician responsible for medical policies in pediatric services;

(iv) List of agents requiring double checking prior to administration; and

(v) Hospital-approved method of double checking by appropriately licensed personnel or medical staff which include nurses, physicians, or pharmacists.

(3) Hospitals providing organized, distinct pediatric units or service areas shall provide and establish:

(a) An accessible examination or treatment area;

(b) A sufficient area for diversionary play activities;

(c) Criteria and procedures for use of established areas for isolation;

(d) Medical services directed by a physician member of medical staff having experience in treatment of infants, children, and adolescents whose functions and scope of responsibility are delineated by medical staff;

(e) Review of policies, procedures, protocols, and standing orders as necessary and at least every two years with revision as necessary;

(f) A registered nurse responsible for implementation of nursing policies and procedures;

(g) Adequate nursing staff for the pediatric unit or service area available to perform all the specialized nursing skills required.

(4) Hospitals providing nurseries in pediatric services or elsewhere in the hospital shall meet requirements for intermediate care nursery or neonatal intensive care nursery under WAC ((248-18-224)) 246-318-230.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-220 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~~)) 246-318-035 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 newborn screening test was obtained and forwarded, as required under RCW 70.83.020 and chapter ((~~248-103~~)) 246-650 WAC, now or as hereafter amended;

(v) Documentation of newborn eye treatment, required under ((~~RCW 70.24.040 and chapter 248-100~~)) WAC 246-100-206, now or as hereafter amended; and

(vi) Medical records register or registers and index or indexes described under WAC ((~~248-18-440~~)) 246-318-440.

(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 labor, delivery, recovery and 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~~)) 246-318-190.

(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 ((~~248-18-254~~)) 246-318-290(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~~)) 246-318-300 and 246-318-310 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 ((~~248-18-254~~)) 246-318-290(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 ((~~248-18-25+~~) 246-318-290 (2)(b).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-230 INTERMEDIATE CARE NURSERY SERVICE—NEONATAL INTENSIVE CARE NURSERY SERVICE. (1) Hospitals providing intermediate care nursery services or neonatal intensive care nursery services or both shall meet requirements described under WAC ((~~248-18-22+~~) 246-318-220 (6) and (7).

(2) Additional requirements for hospitals providing intermediate care nursery service include:

- (a) Infant stations having adequate space within each station to accommodate equipment, supplies, and staff required for treatment of intermediate care infants;
- (b) Provision for emergency power to support equipment requirements for each infant station;
- (c) Oxygen, air, and suction capabilities including:
 - (i) One oxygen outlet in each infant station with other sources of oxygen available;
 - (ii) One medical air source available for each infant station;
 - (iii) Provision for blending, warming, humidifying, and monitoring oxygen mixtures; and
 - (iv) One electrical-mechanical or pneumatic suction in each infant station with other mechanical suction available in the hospital.
- (d) All equipment and supplies for infant resuscitation immediately available and present within the intermediate care nursery service area;
- (e) One cardiorespiratory monitor in the intermediate care nursery area and others available;
- (f) Sufficient micro-volumetric infusion pumps available;
- (g) A waiting and instruction area available;
- (h) A registered nurse responsible for neonatal nursing and implementation of policies;
- (i) Provision of adequate nursing staff for the intermediate care nursery available to perform all the specialized nursing skills required;
- (j) Laboratory, pharmacy, radiological, and respiratory care services appropriate for infants available at all times and in the hospital during assisted ventilation;
- (k) Medical staff with experience in neonatal medicine available at all times during assisted ventilation;
- (l) A physician with experience in neonatal medicine who is continuously available to come to the hospital as required;
- (m) Medical services directed by a physician member or members of the medical staff having experience in neonatal intensive care whose functions and scope of responsibility are delineated by the medical staff;
- (n) Requirements for authentication of all orders, standing orders, and protocols when used with:
 - (i) Delineation of the circumstances when a particular protocol is used;
 - (ii) Provision of notification of appropriate medical staff;
 - (iii) Description of minimum qualifications or training of persons required to execute a particular order or protocol;

- (iv) Written approval of policies, standing orders, and protocols by appropriate members of the medical, nursing, and administrative staffs;
- (v) Orders for drug or treatment administration including:
 - (A) A description of the treatment with the name of each drug or agent;
 - (B) The dosage and concentration of the drug or agent;
 - (C) The route or method of administration; and
 - (D) Where pertinent, the time interval, frequency, or duration of administration.
- (vi) Review of policies, procedures, protocols, and standing orders at least every two years with revisions as necessary.
- (o) A hospital-approved procedure for double checking certain drugs, biologicals, and agents by appropriately licensed personnel or medical staff including nurses, physicians, and pharmacists.
- (3) Hospitals providing neonatal intensive care nursery service shall meet requirements described under WAC ((~~248-18-22+~~) 246-318-220(6) and subsection (2) of this section, and additionally provide:
 - (a) At least fifty square feet within each infant station;
 - (b) Twelve electrical outlets, with at least eight clearly identified as being on emergency power, available in each infant station;
 - (c) Oxygen, air, and suction capabilities including:
 - (i) Two separate oxygen outlets in each infant station;
 - (ii) Two medical air outlets in each infant station;
 - (iii) One mechanism for blending oxygen and medical air for each infant station;
 - (iv) Sufficient numbers of oxygen analyzers available to continuously monitor oxygen;
 - (v) A means for warming, humidifying, and monitoring temperature of oxygen mixtures on a continuous basis; and
 - (vi) Two electrical-mechanical or pneumatic suction in each infant station with others available if needed.
 - (d) All equipment and supplies for infant resuscitation available and present within the neonatal intensive care nursery service area;
 - (e) Continuous ventilatory support equipment available at all times;
 - (f) Equipment for continuous monitoring of respirations and heart rate in each infant station;
 - (g) Equipment for continuous hemodynamic monitoring and status of oxygenation available;
 - (h) Equipment for continuous monitoring of body temperature available;
 - (i) Sufficient microvolumetric infant infusion pumps immediately available at all times in the neonatal intensive care nursery service area;
 - (j) Laboratory, radiology, and respiratory care and pharmacy services appropriate for neonates and infants available in the hospital at all times;
 - (k) Twenty-four-hour availability of an anesthesia services and a pharmacist to come to the hospital as required or requested available at all times;
 - (l) Provision of a registered nurse responsible for neonatal intensive care nursery services and implementation of policies;
 - (m) Provision of sufficient and adequate nursing staff in the neonatal intensive care nursery service to perform all specialized nursing skills required;
 - (n) Medical responsibility for intensive care nursery services by a neonatologist member of the medical staff;
 - (o) Twenty-four-hour availability of a neonatologist to come for in-house consultation as required or requested;
 - (p) A designated physician in the hospital available at all times to the neonatal intensive care nursery service with experience or skills including:
 - (i) Neonatal and infant resuscitation; and
 - (ii) Ventilator management including chest tube placement.
 - (q) Standing orders, protocols, patient discharge/transfer plans and evaluation of neonatal intensive care nursery services meeting requirements under subsection (2) of this section and WAC ((~~248-18-22+~~) 246-318-220 (6)(c);
 - (r) Provision for referral or arranging for social work services as required; and
 - (s) Provision for patient access to other services as required.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-250 RENAL DIALYSIS SERVICES. Hospitals providing renal dialysis services shall:

(1) Reuse dialyzers only when the cleaning and sterilization procedure meets guidelines under Association for Advancement of Medical Instrumentation (AAMI), July 1986, "Recommended Practices for Re-use of Hemodialyzers";

(2) Provide adequate space for:

- (a) Equipment and supplies necessary for the dialyzing patient;
- (b) Preparation of materials necessary for dialysis; and
- (c) Cleaning and disinfecting equipment;

(3) Provide water treatment, if necessary to ensure water quality, meeting recommendations under AAMI guidelines under subsection (1) of this section;

(4) Test water for bacterial contamination monthly and chemical purity as required under AAMI, July 1986;

(5) Test dialysis machine for bacterial contamination monthly or demonstrate a quality assurance program establishing effectiveness of disinfection methods and intervals;

(6) Take appropriate measures to prevent contamination, including backflow prevention under chapter ~~((248-54))~~ 246-290 WAC, between:

- (a) Dialysis machines;
- (b) Dialysis machines and potable water supply; and
- (c) Dialysis machine, drain line, and sewer;

(7) Provide for the availability of any special dialyzing solutions required by a patient;

(8) Meet requirements under WAC ~~((248-18-001 through 248-18-445))~~ 246-318-010 through 246-318-450.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-260 LONG-TERM CARE SERVICES. (1) Hospitals providing inpatient long-term care services shall:

(a) Meet requirements under WAC ~~((248-18-190))~~ 246-318-190;

(b) Require an assessment of each patient by a registered nurse upon admission to determine immediate care needs;

(c) Require documentation of the initial plan of care in the patient's medical record;

(d) Make the plan of care accessible to direct caregivers who have a need to know in order to provide actual health care services to the patient;

(e) Establish a plan of care individualized to the needs of each patient and:

- (i) Developed by those disciplines involved in a patient's care;
- (ii) Implemented in conjunction with a registered nurse responsible for total care of the patient for the duration of hospitalization in a long-term care service unit or area; and
- (iii) Maintained in a confidential manner;

(f) Require a physician's order for use of any physical restraint restricting freedom of movement or position change, including the specific reason, type, and location of restraint, and:

- (i) Establish and follow a policy on release of patients from physical restraints for specified intervals and monitoring of patients in restraints;
- (ii) Require documentation in a patient's medical record of patient's restraint - release time intervals;
- (iii) Document reason for use of any restraint on a patient in the patient care plan.

(2) Hospitals providing long-term care shall establish written policies and procedures specifying:

- (a) Rights of patients including:
 - (i) Informing each patient of individual rights at the time of admission;
 - (ii) Documenting evidence of informing a legally delegated person about a patient's rights when a patient is unable to receive and understand the information;
- (b) A mechanism to:
 - (i) Identify social and emotional needs of the patients;
 - (ii) Refer patients in need of social services to appropriate social agencies.

(3) Hospitals with inpatient long-term care services shall provide:

- (a) An activities program designed to encourage each long-term care patient to maintain or attain normal activity and achieve an optimal level of independence;
- (b) A community dining area;
- (c) Handrails on both sides of all patient access corridors;
- (d) Patient bathrooms and toilets arranged to accommodate wheelchair patients;

(e) A shower stall accommodating a shower chair on the same level and convenient to patient rooms.

(4) Hospitals providing long-term care services and permitting pets shall:

(a) Require and provide for humane care and maintenance of pets under conditions prohibiting animals, except for fish in an aquarium, in rooms or areas for:

- (i) Food storage and preparation;
- (ii) Group dining areas during the times food is served and consumed;
- (iii) Cleaning and storage of cooking and eating utensils;
- (iv) Linen storage or laundry;
- (v) Drug or sterile supply storage; and
- (vi) Patient bedrooms if the condition of a patient in the room contraindicates the presence of the animal;

(b) Permit seeing eye, hearing, and assistance dogs as needed;

(c) Provide reasonable opportunity for a patient to have regular contact with animals, if the patient desires;

(d) Consider preferences of the long-term care patients through a long-term care resident council, poll, or other means;

(e) Ensure the presence of animals does not compromise the rights, preferences, and medical requirements of individual patients;

(f) Permit animals such as dogs, cats, fish, gerbils, hamsters, guinea pigs, and birds;

(g) Require veterinarian certification of psittacine birds certified free of psittacosis or other diseases and meeting United States Department of Agriculture (USDA) quarantine procedures;

(h) Require regularly scheduled veterinarian examinations and appropriate immunizations for animals living on the premises, with records retained in the hospital;

(i) Keep animals living on the premises clean and free of external parasites such as fleas and ticks.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-270 ALCOHOLISM AND/OR SUBSTANCE ABUSE UNIT. (1) Definitions specific to WAC ~~((248-18-235 and 248-18-532))~~ 246-318-270 and 246-318-810:

(a) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(b) "Alcoholism counselor" means an individual with adequate education, experience, and knowledge regarding the nature and treatment of alcoholism, who is knowledgeable about community resources providing services alcoholics may need, and who knows and understands the principles and techniques of alcoholism counseling with minimal requirements to include:

(i) No history of alcohol or other drug misuse for a period of at least two years immediately prior to time of employment as an alcoholism counselor with no misuse of alcohol or other drugs while employed as an alcoholism counselor;

(ii) A high school diploma or equivalent;

(iii) Satisfactory completion of at least twelve quarter or eight semester credits from a college or university, including at least six quarter credits or four semester credits in specialized alcoholism courses exclusive of field experience credits.

(c) "Detoxification" means care or treatment of an intoxicated person during a period in which the individual recovers from the effects of intoxication.

(i) "Intoxication" means acute alcohol poisoning or temporary impairment of an individual's mental or physical functioning caused by alcohol in the body.

(ii) "Acute detoxification" means a method of withdrawing a patient from alcohol where nursing services are available and medications are routinely administered to facilitate the patient's withdrawal from alcohol.

(d) "Family" means individuals important to and designated by a patient who need not be relatives.

(e) "Individualized treatment plan" means a written statement of care to be provided for a patient based upon assessment of his or her strengths and physical and psychosocial problems. When appropriate, the statement shall be developed with participation of the patient.

(f) "Multidisciplinary treatment team" means a group comprised of individuals from the various treatment disciplines and clinical services

who assess, plan, implement, and evaluate treatment for patients under care.

(2) Rules and regulations in this chapter ((~~248-18-WAC~~)) shall apply with addition of the following:

(a) There shall be a room adequate for counseling and social activities of patients.

(b) Adequate provision for space and privacy shall be made for interviewing, group and individual counseling, and physical examinations.

(c) Policies and procedures shall include and address, as appropriate: (i) Development, implementation, and review of the individualized treatment plan, including the participation of the multidisciplinary treatment team, the patient, and the family, as appropriate.

(ii) Patient rights to include:

(A) Treatment and care of patients in a manner promoting dignity and self-respect;

(B) Protection from invasion of privacy: PROVIDED, That reasonable means may be used to detect or prevent contraband from being possessed or used on the premises;

(C) Confidential treatment of clinical and personal information in communications with individuals not associated with the plan of treatment;

(D) A means of implementing federal requirements related to confidentiality of records, Title 42, Code of Federal Regulations, Part 2, Federal Register, July 1, 1975;

(E) Provision of reasonable opportunity to practice religion of choice insofar as such religious practice does not infringe upon rights and treatment of others or the treatment program: PROVIDED, That the patient also has the right to refuse participation in any religious practice.

(F) Communication with significant others in emergency situations.

(G) Freedom from physical abuse or other forms of abuse against patient's will, including being deprived of food, clothes, or other basic necessities.

(iii) Patient work assignments related to treatment program, if applicable.

(d) Personnel, staff, other services.

(i) Clinical responsibility for alcoholism and substance abuse units shall be assigned to an individual having demonstrated experience in this type of treatment and care. This individual shall be designated and function as specified by the governing body.

(ii) There shall be on staff at least one alcoholism counselor and such additional alcoholism counselors as necessary to provide alcoholism counseling services needed by patients.

(iii) There shall be a licensed nurse on duty on the unit whenever acute detoxification is taking place on the unit.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-280 PSYCHIATRIC UNITS AND SERVICES.

(1) Definitions.

In addition to definitions in WAC ((~~248-18-001~~)) 246-318-010, the following words and phrases are defined for the purpose of this section and WAC ((~~248-18-536~~)) 246-318-820 unless the context clearly indicates otherwise.

(a) "Acutely mentally ill" means a condition limited to a short-term severe crisis episode of:

(i) A mental disorder, meaning any organic, mental, or emotional condition having substantial adverse effects on an individual's cognitive or volitional functions;

(ii) Suicidal or self-destructive behavior;

(iii) Actual or threatened behavior harmful to others;

(iv) Behavior which caused substantial damage to property; or

(v) Being gravely disabled, meaning a condition in which a person, as a result of a mental disorder:

(A) Is in danger of serious physical harm resulting from a failure to provide for his or her essential human needs of health and safety; or

(B) Manifests severe deterioration in routine functioning evidenced by repeated and escalating loss of cognitive or volitional control over his or her actions and is not receiving care essential for his or her health or safety.

(b) "Child" or "children" means children and adolescents seventeen years of age or younger.

(c) "Child psychiatrist" means a physician, board-certified or board-eligible in child psychiatry under:

(i) The directory of residency training programs accredited by the accreditation council for graduate medical education, American Medical Association, 1981-82; or

(ii) The American Osteopathic Association Yearbook and Directory, American Osteopathic Board of Neurology and Psychiatry, 1981-82.

(d) "Child mental health specialist" means a mental health professional with:

(i) A minimum of one hundred actual, rather than semester, hours of specialized training devoted to a study of child development and the treatment of children; and

(ii) The equivalent of one year full-time experience in the treatment of children under supervision of a child mental health specialist.

(e) "Consultation" means review and recommendations regarding patient care and treatment programs.

(f) "Family" means individuals important to and designated by a patient, who need not be relatives.

(g) "Individualized treatment plan" means a written statement of care planned for a patient based upon assessment of the patient's developmental, biological, psychological, and social strengths and problems, and including:

(i) Treatment goals, with time frames stipulated;

(ii) Specific services utilized;

(iii) Designation of individual responsible for specific service provided;

(iv) Discharge criteria with estimated timeframes; and

(v) Participation of the patient and the patient's designee as appropriate.

(h) "Least restrictive alternative" means the setting, environment, or service in which the individual functions at maximum independence.

(i) "Mental health professional" or "MHP" means:

(i) A psychiatrist;

(ii) A psychiatric nurse, social worker, physician, or psychologist; or

(iii) A person with at least a masters degree in behavioral sciences, nursing science, or related field from an accredited college or university and two years experience in direct treatment of mentally ill individuals under the supervision of a mental health professional.

(j) "Multidisciplinary treatment team" means a group comprised of individuals from various disciplines and clinical services who assess, plan, implement, and evaluate treatment for patients.

(k) "Psychiatric nurse" means a registered nurse with:

(i) A bachelors degree from an accredited college or university and at least two years experience in direct treatment of mentally ill or emotionally disturbed persons with such experience gained under supervision of a psychiatrist or psychiatric nurse; or

(ii) Three years experience in the direct treatment of mentally ill or emotionally disturbed persons with such experience gained under the supervision of a psychiatrist or psychiatric nurse.

(l) "Psychiatric service" means admission of patients with primary psychiatric diagnoses for treatment pertinent to the psychiatric diagnosis in any available bed in the hospital whether or not the hospital maintains a psychiatric unit.

(m) "Psychiatric unit" means a nursing unit specifically reserved for the care of individuals with primary psychiatric diagnoses.

(n) "Recreational therapist" means an individual:

(i) With a bachelors degree including a major or option in therapeutic recreation or recreation for the ill and handicapped; and

(ii) Preferably certified or certification-eligible under Certification Standards for Therapeutic Recreation Personnel, June 1, 1988, National Council for Therapeutic Recreation Certification, 49 South Main Street, Suite 005, Spring Valley, New York 10977.

(2) Hospitals with psychiatric units shall provide a therapeutic environment to maintain safe, secure, adequate care of acutely mentally ill persons including:

(a) Access to at least one seclusion room;

(b) Provisions for close observation of patients including provision of security windows or maximum security windows and relites appropriate to the area and program;

(c) Adequate space suitably equipped including:

(i) A day room on the unit;

(ii) Dining and therapeutic program activities either on the unit or elsewhere in the hospital appropriate to meet each patient's needs;

(iii) Space for physical and recreational activities of patients on the hospital premises; and

(iv) One area permitted to accommodate functions in (c)(i), (ii), and (iii) of this subsection if scheduled appropriately.

(d) An examination or treatment room available within the hospital;

(e) Space and privacy for interviewing, group and individual counseling, and patient and family visiting; and

(f) Separate patient sleeping rooms for children and adults.

(3) Hospitals providing a psychiatric unit shall:

(a) Provide adequate staff to implement individualized treatment plans;

(b) Assign and designate responsibility for the psychiatric unit programming to a mental health professional;

(c) Designate a psychiatrist with medical staff privileges, available for ongoing psychiatric unit consultation;

(d) Have a physician and mental health professional available for consultation and communication with each patient and the unit staff on a twenty-four hour per day, seven day a week basis;

(e) Employ a full-time psychiatric nurse responsible for nursing care;

(f) Designate staff or contract with persons or agencies responsible for:

(i) Provision of social work services with consultations by a social worker experienced in working with mentally ill patients;

(ii) Provision of occupational therapy services with the ongoing input of an occupational therapist experienced in working with mentally ill patients;

(iii) Provision of recreational therapy services with the ongoing input of a recreational therapist experienced in working with mentally ill patients; and

(iv) Providing access to psychological evaluation by or under direction of a psychologist.

(g) Provide documented staff training relating to the needs of psychiatric patients for all psychiatric unit personnel including:

(i) The utilization of least restrictive alternatives;

(ii) Methods of patient care;

(iii) Managing assaultive and self-destructive behavior;

(iv) Patient rights under chapters 71.05 and 71.34 RCW;

(v) The special needs of children, minorities, the elderly, and handicapped when appropriate.

(h) For hospitals providing a child or adolescent psychiatric unit:

(i) Assign and designate responsibility for the child and adolescent psychiatric unit programming to a child mental health specialist;

(ii) Designate a child psychiatrist with medical staff privileges available for ongoing input and consultation to the child and adolescent psychiatric unit;

(iii) Have a physician and child mental health specialist available for consultation and communication with each patient and unit staff on a twenty-four hour per day, seven days per week basis;

(iv) Employ a full-time psychiatric nurse meeting requirements of a child mental health specialist under subsection (1)(d) of this section responsible for nursing care;

(v) Designate staff or contract with persons or agencies responsible for:

(A) Provision of social work services with consultation and ongoing input by a social worker experienced in working with mentally ill children and adolescents;

(B) Provision of occupational and recreational therapy services as required under (f)(ii) and (iii) of this subsection;

(C) Provision of access to psychological evaluation as required under (f)(iv) of this subsection;

(D) Provision of documented staff training as required under (g) (i) through (v) of this subsection; and

(E) Provision of educational services.

(4) Hospitals providing psychiatric units shall establish and implement written policies and procedures including:

(a) Provision or arrangement for the care and treatment of acutely mentally ill patients;

(b) Informing patients of their rights as required under chapters 71.05 and 71.34 RCW;

(c) Posting of patient rights in prominent locations;

(d) Development of an initial individualized treatment plan for each patient within twenty-four hours of admission;

(e) Continued development of the individualized treatment plan within seventy-two hours of admission, excluding holidays, by a multi-disciplinary treatment team, the patient, family, and other agencies as appropriate;

(f) Provision of or arrangement for appropriate services including:

(i) Psychological evaluation and services;

(ii) Social work services;

(iii) Occupational therapy services;

(iv) Recreational therapy services; and

(v) Other specialized services as appropriate;

(g) Completion of a physical examination and history by a member of the medical staff and an evaluation by a mental health professional within twenty-four hours of admission with consultation of a psychiatrist as indicated;

(h) Admission, retention and transfer criteria, based upon health and safety needs of patients, including a referral and transfer mechanism for persons in need of care and not meeting the admission criteria;

(i) Continuity of care, coordination and integration of services, including discharge planning consistent with WAC ((~~248-18-445~~)) 246-318-450;

(j) Prohibiting use of patients to perform basic maintenance of the hospital and equipment, housekeeping, or food service except when tasks are:

(i) Included in and appropriate to the individualized treatment plan; and

(ii) Performed under direct supervision.

(k) Appropriate response to assaultive, self-destructive, or out-of-control behavior including the use of seclusion and restraints and subject to the following conditions:

(i) Use of seclusion and restraints only to the extent and duration necessary to ensure the safety of patients, staff, and property;

(ii) Infliction of physical pain for punitive purposes is prohibited, regardless of whether or not objective damage occurs;

(iii) All assaultive incidents documented in the medical record;

(iv) Staff observation of any patients in restraint or seclusion at least every fifteen minutes with:

(A) Interventions as indicated and required; and

(B) Observations and interventions recorded in the medical record;

(v) Notification of and authorization by a physician within one hour for emergency use of patient restraint or seclusion and including:

(A) Physician examination of the patient and renewal of physician order for every twenty-four continuous hours of restraint and seclusion; and

(B) Patient evaluation by a mental health professional or registered nurse when secluded or restrained more than two continuous hours with repeat evaluation at least one time every eight hours thereafter.

(l) Notification of the family and other agencies as appropriate as soon as possible, in event of:

(i) Serious injury or physical illness of the patient;

(ii) Death of the patient; or

(iii) Disappearance of the patient.

(m) For hospitals providing child or adolescent psychiatric units:

(i) Requirements under (a) through (l) of this subsection except:

(A) Substitute for (g) of this subsection - completion of a physical examination and history by a member of the medical staff and an evaluation by a child mental health specialist within twenty-four hours of admission with consultation by a child psychiatrist as indicated; and

(B) In (k)(v)(B) of this subsection, require patient evaluation by a child mental health specialist every two hours when a child is secluded or restrained.

(ii) Evaluation by a child mental health specialist within twenty-four hours of admission including consultation with a child psychiatrist as indicated;

(iii) Requirement for designated staff to make and document a determination of the hospital's ability to safely care for each child; and

(iv) Coordination with appropriate educational agencies, as appropriate.

(5) Hospitals with psychiatric units or psychiatric services shall maintain a medical records system required under WAC ((~~248-18-440~~)) 246-318-440 and require diagnoses, abbreviations, and terminology consistent with the "American Psychiatric Association Diagnostic and Statistical Manual of Mental Disorders," III R edition, 1987, and "International Classification of Diseases," 9th edition, 1989.

(6) Hospitals with psychiatric units or services shall establish and implement policies and procedures to protect patient confidentiality and release of records and information consistent with requirements under chapters 71.05 and 71.34 RCW.

(7) Hospitals providing any inpatient psychiatric service shall establish and implement written policies and procedures including:

(a) Provision of a therapeutic environment to maintain safe, secure, adequate care of acutely mentally ill patients;

(b) Provision of facilities appropriate to the scope of the psychiatric service;

(c) Designation of responsibility for psychiatric services programming to a mental health professional;

(d) Provision for close observation of patients with a security room available;

(e) Designation of a psychiatrist with medical staff privileges available for consultation;

(f) A physician and mental health professional available on staff or by contract for consultation and communication with the patient and the hospital staff on a twenty-four hour per day, seven day a week basis;

(g) Designation of a staff person responsible for developing a plan for arranging needed special services as identified in the individualized treatment plan for each patient;

(h) Employment of a registered nurse with experience and/or specialized education in psychiatric nursing responsible for nursing care twenty-four hours a day;

(i) Designation of a staff person responsible for arranging for social work services;

(j) Provision for transfer to a hospital with a psychiatric unit or appropriate psychiatric services within twenty-four hours when the hospital is unable to establish and implement procedures required under (a) through (i) of this subsection.

(k) Designating staff responsible for documented training relating to the needs of psychiatric patients for all personnel responsible for care of psychiatric patients including:

(i) The availability and utilization of the least restrictive alternatives;

(ii) Methods of patient care;

(iii) Managing assaultive and self-destructive behavior;

(iv) The special needs of children, minorities, the elderly, and handicapped as appropriate;

(v) Patient rights under chapters 71.05 and 71.34 RCW.

(l) Implementation of requirements in subsection (4) of this section except requirement for recreational or occupational therapy services under subsection (4)(f)(iii) and (iv) of this section;

(m) For hospitals providing any child or adolescent psychiatric services, with or without a psychiatric unit:

(i) All requirements under (a) through (l) of this subsection apply;

(ii) Establish and implement policy and procedures for age and behavior specific criteria in determining appropriate room assignment.

(F) Emergency drugs and fluids including schedules of pediatric dosages.

(c) There shall be adequate operating room scrub sinks with provisions for a cleansing agent located adjacent to operating rooms and providing hot and cold water and equipped with knee, foot, elbow, or automatic faucet controls.

(d) Separate and adequate refrigerated storage facilities with appropriate alarms shall be provided for blood if blood is stored in the operating room area.

(e) There shall be a dressing area with appropriate locker storage available for persons entering operating rooms.

(f) Toilet facilities shall be available.

(g) Adequate types and quantities of surgical instruments, equipment, and supplies for procedures performed shall be provided and maintained in a sanitary and safe condition.

(h) There shall be adequate storage within the operating room service area for clean and sterile supplies and equipment.

(i) A designated area shall be provided for collection and cleaning of soiled instruments and equipment.

(j) There shall be adequate, cleanable facilities for safe and appropriate waste collection and disposal.

(k) Housekeeping facilities shall be located within operating room service areas. These may be included in a soiled utility room equipped with a clinic service sink or service sink.

(l) There shall be filtered clean air in each operating room. A positive pressure ventilation gradient to adjoining corridors shall be maintained in operating rooms.

(m) Operating rooms shall be equipped with a room temperature control device or system capable of maintaining appropriate patient body temperature.

(3) Policies – procedures – responsibility.

(a) The organization plan of the hospital shall identify lines of authority, responsibility, and accountability within all operating room areas and areas where surgical procedures are performed or anesthesia administered.

(i) There shall be a physician designated and responsible for implementation of hospital policy related to medical staff in operating rooms and operating room service areas.

(ii) A designated registered nurse shall supervise personnel as specified in hospital policy in operating rooms and operating room service areas and shall be responsible for:

(A) Development and implementation of operating room and operating room service staffing plans to maintain adequate and safe patient care.

(B) Provision for orientation and ongoing training of personnel providing services within operating rooms and operating room service areas.

(C) Defining nursing responsibility between the time of patient entry into and exit from operating rooms and operating room service areas.

(b) Written policies and procedures shall be approved in writing by appropriate representatives of administration, medical staff, and nursing services.

(i) Information, policies and procedures available to nursing and scheduling staff shall include:

(A) A current roster of medical staff including delineated surgical privileges as granted by the governing body.

(B) Policies and delineated privileges, responsibilities, and accountability of others approved by medical staff and governing body to provide services in operating rooms including, but not limited to, dentists, oral surgeons, and podiatrists.

(C) Requirements for surgical and technical-professional assistants, including current licensure and/or other qualifications and any limitations related to patient care activities within the operating room or operating room service areas including, but not limited to, surgical technicians, other technicians, nurses, or technicians who are not hospital personnel or students.

(ii) There shall be a policy and procedures for obtaining surgical assistants.

(iii) There shall be policies and procedures specifying responsibility to document all aspects of patient care in operating rooms and operating room service areas.

(iv) Written infection control policies approved by the infection control or equivalent interdisciplinary group shall delineate responsibility in training and orientation of operating room and operating room service area personnel and others. Infection control policies and procedures shall specifically address:

(A) Surgical attire;

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-290 SURGERY—OPERATING ROOMS AND AREAS—SPECIAL PROCEDURE ROOMS—SURGICAL TREATMENT OR DIAGNOSTIC AREAS. (1) Operating rooms, facilities, personnel, equipment, policies and procedures shall be appropriate to the scope of surgical services offered in each hospital.

(2) Environment – facilities – equipment.

(a) Operating room facilities and services, when provided, shall be located in a segregated area or areas of the hospital with access limited by hospital policy and procedures.

(b) Operating rooms and operating room service areas and facilities shall be properly equipped, easily cleanable, and of adequate size to accommodate the equipment and personnel required for surgical procedures performed.

(i) Each operating room shall have available:

(A) Operating light and adequate general lighting;

(B) Operating table, stretcher, or equivalent;

(C) Oxygen;

(D) Suction;

(E) Appropriate electrical outlets;

(F) X-ray film illuminator;

(G) Cardiac monitor;

(H) Anesthesia equipment and supplies;

(I) Emergency signaling device which automatically registers at a location from or through which additional assistance is always available;

(J) Source of emergency power; and

(K) Emergency lighting.

(ii) Each hospital shall provide appropriately maintained emergency equipment, supplies, and services available within sixty seconds and appropriate for the care of adults, children, and infants minimally to include:

(A) Ventilatory equipment, including airways;

(B) Cardiac defibrillator;

(C) Cardiac monitor;

(D) Laryngoscopes and endotracheal tubes;

(E) Suctions; and

- (B) Appropriate surgical scrub procedures;
- (C) Housekeeping functions specific to operating room and operating room service areas before, between, and after cases;
- (D) Cleaning, disinfecting, sanitizing, packaging, sterilizing, and storage of equipment and supplies;
- (E) Disposal of wastes;
- (F) Nonhospital and hospital-owned equipment that may be brought into the operating room or operating room service areas including requirements for cleaning and sterilization including, but not limited to, tools for repairing equipment and physician-owned instruments.
- (G) People who may enter operating room areas including those who are not hospital personnel, such as repairmen and vendors.
- (v) Written policies and procedures related to patient safety or protection shall address servicing, maintenance, and safety checks of electrical-electronic equipment and other patient care equipment including nonhospital-owned equipment.
- (vi) Policies and procedures shall address and define responsibility for continuous patient care and documentation when a patient is transferred from one place to another in the course of performing a surgical or invasive procedure.
- (4) Preoperative patient care shall be addressed in written hospital policies which shall define requirements for patient care during the preoperative period to include:
 - (a) A current patient history and report of physical examination by a practitioner, authorized by medical staff rule, included in the patient medical record prior to surgery. "Current," as used in this subsection, shall be defined by hospital policy.
 - (b) Documented assessment of patient needs for care including, but not limited to, allergies, fears, anxieties, changes in condition, vital signs.
 - (c) Written consent for procedure or surgery and anesthesia available in the medical record.
 - (d) Identification of patients by a secured name band.
 - (e) Test results available prior to surgery or procedure.
- (5) Short stay or short term or ambulatory or one-day surgery services or special procedures, regardless of where performed, shall function according to written policies and procedures approved by representatives of hospital administration, medical staff, and nursing services and include:
 - (a) Patient identification system, patient consent, and preoperative patient assessment requirements.
 - (b) Provisions for appropriate monitoring or observation of patients undergoing procedures by at least one qualified person in addition to the medical staff authorized practitioner performing the procedure.
 - (c) Written approved infection control and equipment safety policies as specified in (~~WAC 248-18-251~~) subsection (3)(b) of this section.
 - (d) Emergency equipment as required for all operating rooms, available within sixty seconds as specified in (~~WAC 248-18-251~~) subsection (2)(b)(ii) of this section.
 - (e) Documentation of patient assessment prior to, during, and post procedure.
 - (f) Teaching protocols for post procedure period including teaching what signs and symptoms the patient should report, who to contact, limitations on activities or diet, medication control, driving, operation of mechanical equipment, and instructions for follow-up.
 - (g) Patient evaluation prior to discharge.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

- WAC 246-318-300 ANESTHESIA SERVICES.** (1) Anesthesia facilities, equipment, personnel, staff, policies and procedures shall be appropriate to the scope of surgical, obstetrical, or other care offered in each hospital.
- (2) There shall be a designated physician member of medical staff responsible for anesthesia services and for establishing general policies for administration of anesthesia to patients throughout the hospital.
- (3) Written policies and procedures shall be established to provide safety for all anesthetized patients to include:
- (a) Provision for appropriate monitoring and attendance of all anesthetized patients.
 - (b) Qualifications and responsibilities of persons performing anesthesia services and care in compliance with applicable federal and state laws and rules.
 - (c) Evaluation of each patient prior to anesthesia.
 - (d) Pertinent information recorded in the medical record at the time of the preoperative anesthesia evaluation.

(e) Criteria or protocols for assessment of all patients by qualified persons prior to discharge from any post-anesthesia recovery area or the hospital.

(f) Precautions or procedures for safe administration of anesthetic agents and other drugs consistent with hospital policy approved by the appropriate medical staff committee in accordance with WAC (~~248-18-190~~) 246-318-190 (1)(n) and (~~248-18-190~~) (2)(f).

(g) Preparation, administration, and documentation of intravenous solutions, medications, and admixtures consistent with WAC (~~248-18-335 and 248-18-336~~) 246-318-430 and 246-318-435.

(4) All information specific to condition and treatment of the patient occurring during anesthesia induction, anesthesia maintenance, or emergence from anesthesia shall be documented and retained in the medical record of the patient.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-310 POST-ANESTHESIA RECOVERY AREAS. (1) Post-anesthesia facilities, equipment, personnel, staff, policies and procedures shall be appropriate to the scope of surgical, obstetrical, or other care offered in each hospital.

- (2) Environment - facilities.
 - (a) A handwashing sink, soap dispenser, and towel dispenser shall be available within each post-anesthesia recovery room or area.
 - (b) There shall be provisions for visual privacy for patients.
 - (c) Suction and oxygen shall be available for each patient.
 - (d) Emergency equipment and supplies shall be appropriately maintained and available within sixty seconds, as specified in WAC (~~248-18-251~~) 246-318-290 (2)(b)(ii).
 - (e) Adequate, easily cleanable storage facilities shall be provided.
 - (f) There shall be a soiled utility room available.
 - (g) An emergency signalling device registering at a location from or through which additional assistance is always available shall be available within recovery rooms or areas.
- (3) Policies - procedures - responsibility.
 - (a) The organization plan of the hospital shall identify lines of authority, responsibility, and accountability within post-anesthesia recovery rooms or areas.
 - (i) There shall be a physician designated and responsible for implementation of hospital policy related to medical staff in post-anesthesia recovery rooms and areas. Policy shall specify amount and degree of physician availability to post-anesthesia recovery areas at all times when patients are present.
 - (ii) A designated registered nurse shall supervise personnel as specified in hospital policy in post-anesthesia recovery rooms and areas and shall be responsible for:
 - (A) Developing and implementing post-anesthesia recovery service staffing plans to maintain adequate and safe patient care, and
 - (B) Providing for orientation and ongoing training of personnel providing services within post-anesthesia recovery rooms or areas.
 - (b) There shall be criteria or protocols for assessment of all patients by qualified persons prior to discharge or release from any post-anesthesia recovery room or area.
 - (c) There shall be policies and procedures regarding management of infected or infectious cases, approved by the infection control committee.

(4) Nursing and other staff providing patient care in post-anesthesia recovery areas shall have documented orientation and demonstrated appropriate skills related to life support activities or functions.

(5) There shall be written orders authenticated by a physician for all drugs, intravenous solutions, blood, and medical treatments. Standing medical orders or protocols, when used, shall be in the patient medical record and authenticated by a physician.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-320 PROCESSING AND STERILIZING SERVICES. (1) Hospitals shall make adequate provisions for proper cleaning, disinfection, and sterilization of supplies, equipment, utensils, and solutions.

- (2) Processing and sterilizing services and areas shall have adequate space and equipment for sorting, processing, and storage.
 - (a) Separation between soiled and clean items shall be maintained during sorting, processing, transporting, and storage.
 - (b) Positive air pressure shall be maintained in clean areas in relation to adjacent areas.

(c) Negative air flow shall be maintained in soiled areas.
 (d) Equipment including sterilizers of the proper type for adequate sterilization shall be provided and maintained in a satisfactory and safe condition.

(e) If ethylene oxide sterilizers are used, mechanical aerators shall be provided and maintained in a safe and satisfactory condition.

(3) Processing and sterilizing services shall be adequately staffed with trained personnel:

(a) Orientation and inservice, including infection control and safe practices, shall be provided.

(b) Written policies and procedures shall specify scheduled activities and routines of personnel.

(4) There shall be written policies and procedures, approved by the infection control committee or an equivalent interdisciplinary group, for the activities performed in all processing and sterilizing areas in the hospital addressing:

(a) Collecting, receiving, decontaminating, packaging, sterilizing, and distributing of items;

(b) Aerating of items exposed to ethylene oxide;

(c) A recognized method of checking sterilizer performance by mechanical monitoring of time, temperature, and pressure as well as biological and chemical testing;

(d) Establishment of shelf life determined by packaging material and storage environment;

(e) Recall, disposal, and reprocessing of outdated, improperly sterilized, and limited-use items;

(f) Maintaining clean areas free of external shipping containers.

(5) There shall be written policies and procedures addressing emergency collection and disposition of supplies when special warnings have been issued by a manufacturer or safety agency.

(6) Processed and sterilized items shall be maintained as specified in WAC ((248-18-190)) 246-318-190 (3)(a), (b), (c), (d), and (e).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-350 EMERGENCY CARE SERVICES. The hospital shall have a well defined system for providing emergency care services. The nature and scope of the hospital's emergency care services should be in accord with the community's needs and the hospital's capabilities.

(1) The hospital shall provide the following basic, outpatient emergency care services.

(a) Assessment of a person's condition to determine the nature, acuity, and severity of the person's immediate medical need.

The condition of each person, who comes or is brought to the hospital for emergency medical care, shall, upon arrival, be assessed by a registered nurse, physician, or physician's assistant for the purpose of determining the nature and urgency of the person's medical need and the timing and place of the person's care and treatment.

(b) Immediate diagnosis and treatment of any life threatening cardiac arrhythmia, respiratory insufficiency or shock.

(c) Appropriate transfer or referral of a patient who needs medical care services not provided by the hospital. Prior to transfer of an emergency patient to another health care facility, the hospital shall:

(i) Perform the emergency procedures needed to minimize aggravation of the patient's condition during transport to the other health care facility; and

(ii) Ascertain that the means by which the patient is to be transported to the other health care facility are suitable for the patient.

(2) A hospital shall not be required to comply with ((WAC 248-18-285)) subsections (3)(h), ((248-18-285)) (4)(a) and (d), ((248-18-285)) (5)(a), and ((248-18-285)) (6)(a) of this section if the hospital does not offer outpatient emergency care services regularly and only provides the outpatient emergency services required under ((WAC 248-18-285)) subsection (1) of this section to the occasional emergency patient who comes or is brought to the hospital by chance.

(3) The hospital shall have, in effect, written policies and procedures which supplement and are coordinated with the hospital's basic policies and are specific to emergency care services. These policies and procedures shall be: Reviewed and revised as necessary to keep them current and, in any case, at least annually; dated and approved in writing by appropriate representatives of the hospital's administrative, medical, and nursing staffs; and made known and readily available to physicians, nurses, and other persons having a responsibility for emergency care services. Policies and procedures pertaining to emergency care services shall include the following.

(a) Policies on the scope and extent of the emergency care services to be provided.

(i) The hospital shall establish the conditions under which treatment is to be provided in the emergency care area, the types of procedures that are to be performed in another area of the hospital (e.g., surgery) rather than the emergency area, the conditions under which a patient is to be admitted as an inpatient, the conditions under which a patient is to be transferred to another health care facility, the conditions under which a patient is to be referred to a private physician or another health care facility, and the conditions under which arrangements should be made for a patient to return to the hospital for treatment.

(ii) A patient shall not be transferred to another health care facility until the other health care facility has been contacted and has consented to accept the patient.

(iii) A record containing the following data shall be sent with an emergency patient who is transferred to another health care facility: Patient identification data, identification of the patient's illness or injury, treatment given to the patient, and an appraisal of the patient's condition upon transfer.

(b) Policies and procedures which prescribe the course of action to be taken when the number of emergency patients, who have arrived or are expected, constitute an overload for the emergency service facilities and staff on hand.

The hospital shall establish who is to be notified when an overload of emergency patients occurs, the conditions under which arrangements are to be made for care of some emergency patients at other hospitals, the conditions under which additional physicians, nurses, and other persons are to be summoned, the methods by which necessary, additional supplies and equipment are to be obtained, and the conditions under which rooms and areas outside the emergency service area of the hospital are to be used for emergency care and treatment.

(c) Medical policies, standing emergency medical orders, and written medical procedures to guide the action of nurses and other personnel when a person presents a medical emergency and a physician is not present.

(i) Medical policies shall delineate the circumstances under which particular medical policies are to be followed, provide for a physician to be called as rapidly as possible, and establish the minimum qualifications or training of persons who may execute particular emergency medical orders.

(ii) There shall be written procedures, approved in writing by a representative of the medical staff, for any use of defibrillators, respirators or other special medical equipment and for the performance of the special, emergency medical procedures listed in ((WAC 248-18-285)) subsection (4)(c) of this section.

(iii) A standing medical order for administration of a drug or other treatment during a medical emergency shall include: A description of the treatment which includes the name of any drug or other agent; the dosage, concentration or intensity of any drug or other agent; the route or method of administration; where pertinent, the time interval, frequency, or duration of administration; and the signature of a representative of the medical staff.

(d) Policies which delineate medical staff responsibilities for emergency care services as related to assigned clinical privileges, physician coverage of emergency care services, and physician participation in the training of personnel.

(e) Policies regarding the notification of an emergency patient's next of kin or legal guardian.

(f) Policies relevant to obtaining consent for treatment from an emergency patient or other person who may legally give consent for treatment of the patient.

These shall include instructions regarding action to be taken when the condition of an emergency patient and the absence of another person legally able to act on behalf of the patient make it impossible to gain an informed consent for critically needed treatment or consent for critically needed treatment is refused.

(g) Policies and procedures pertaining to the care and handling of persons whose conditions require special medical or medico-legal consideration.

(i) Policies and procedures shall prescribe the course of action to be followed in the care of persons who manifest severe emotional disturbances, are under the influence of alcohol or other drugs, are victims of suspected child abuse, are victims of other suspected criminal acts, have a contagious disease, have been contaminated by radioactive material, are diagnosed dead on arrival, or present other conditions requiring special directions regarding action to be taken.

(ii) Definite provision shall be made for communications, as indicated, with health authorities, police or coroner relative to a person whose condition or its cause are reportable.

(h) Policies governing special diagnostic and therapeutic services (e.g., clinical laboratory, x-ray, pharmacy, surgery) to emergency patients.

These shall be designed to ensure prompt availability of necessary diagnostic and therapeutic services and establish the types, scope, and extent of the special diagnostic and therapeutic services to be provided for the care of emergency patients.

(i) Policies regarding notification of an emergency outpatient's personal physician and procedures for transfer of relevant reports to the personal physician.

(j) Policies regarding disclosure of information about an emergency patient.

(4) Organization and staffing for emergency care services shall be in accord with the anticipated patient load and the services provided by the hospital.

(a) There shall be a physician responsible for the medical direction of the hospital's emergency care services. This physician shall be a representative of the medical staff or a physician whose services the hospital has arranged on a regular basis. The functions and responsibilities of the physician responsible for medical direction of the emergency care services shall be delineated in writing and made known to members of the medical and nursing staffs.

(b) At all times, there shall be a physician on duty or call for emergency care services. A current schedule of the names of on-call physicians and the telephone numbers of these physicians or the call service(s) through which they can be contacted rapidly shall be posted in the emergency care area.

(c) At all times, there shall be on duty within the hospital at least one registered nurse who is immediately available and responsible for emergency care services and who is qualified to perform the following: Administration of intravenous fluids, electrocardiography and defibrillation of life threatening arrhythmias, cardio-pulmonary resuscitation, control of hemorrhage, gastric lavage, and basic neurological evaluation. It is recommended that such a nurse also be qualified to perform endotracheal intubation and arterial puncture.

(d) There shall be additional nursing staff and other personnel for emergency care services as are necessary to provide the types and amount of care required by patients.

(i) Staffing for emergency care services shall be adequate to ensure that each applicant for emergency medical care is seen within a period of time commensurate with the nature, acuity and severity of his or her immediate medical need.

(ii) Each hospital employee engaged in the provision of emergency care shall have had the education and training necessary to perform the emergency medical procedures and other functions and duties for which he or she may be responsible.

(5) The physical plant facilities, equipment, and supplies for emergency care services shall be commensurate with the scope, types and volume of the services provided by the hospital.

(a) A hospital which regularly offers emergency care services shall maintain a distinct emergency service area.

(i) The emergency service area shall be in close proximity to an emergency entrance and separate from the surgery and delivery suites and inpatient nursing units.

(ii) The emergency service area shall provide adequate space for reception and screening of patients and have examination, treatment, and observation rooms in such numbers, sizes, and arrangements as are necessary to assure safe and effective treatment of patients.

(iii) There shall be some means of providing visual privacy to patients in all rooms or areas in which patients are examined or treated.

(iv) At the emergency entrance there shall be an outside night call bell which, when activated, sounds in an area of the hospital in which nursing personnel are always on duty.

(b) A hospital which limits its emergency care services to care of the occasional emergency patient shall not be required to maintain a distinct emergency service area, but shall designate the area(s) to be used for emergency care and provide the equipment, pharmaceuticals and other supplies essential to providing basic emergency care services required under (WAC 248-18-285) subsection (1) of this section. Emergency equipment and supplies shall be maintained in such a location and manner (e.g., on a "crash" cart) that they may be brought into use immediately upon arrival of a person who presents a medical emergency.

(c) The equipment, pharmaceuticals and other supplies necessary to provide emergency care services shall be readily available at all times.

(i) There shall be specific, designated locations for storage of drugs, parenteral solutions, other supplies, instruments and special equipment so personnel can obtain them rapidly.

(ii) There shall be a system for regular inventory and replenishment of the stock of emergency supplies and equipment to ensure an adequate supply at all times.

(iii) There should be regular inspection and maintenance servicing of medical equipment to keep it in a safe and operable condition.

(d) Current references on toxicology, antidote information and the telephone number of the regional poison control center shall be readily available in the emergency care area.

(e) Telephone numbers of the pharmacist, the blood bank, the ambulance service, the Washington state patrol, Military Assistance Safety and Traffic (MAST), the fire department, the police department, local health authorities, the coroner and other persons or organizations emergency service personnel may need to contact rapidly shall be posted in the emergency service area.

(f) Hospital to ambulance radio communication compatible with the state-wide emergency communication system is recommended for any hospital which regularly provides emergency care services.

(6) The hospital shall maintain an emergency service register and a medical record for each person who has received emergency care service.

(a) There shall be a permanent, current register for all emergency patients.

(i) The register shall contain at least the following data for each person who comes or is brought to the hospital for immediate medical care services: Full name, age, date and time of arrival, the identifying number, the disposition of the patient and the time of the patient's departure from the emergency service area.

(ii) Data on patients shall be entered in the register in chronological order according to the dates and times of arrivals.

(iii) Identification data on a person who is dead on arrival shall be entered in the register.

(b) The hospital shall maintain a medical record for each person who receives emergency care services. Each medical record shall contain the following data.

(i) Patient identification data.

(ii) The date and time of arrival, the means by which the patient came to the hospital and by whom the patient was transported or accompanied.

(iii) Pertinent history of the patient's injury or illness which may include information on first aid or emergency care given the patient prior to his or her arrival.

(iv) Description of significant clinical findings derived from an assessment or examination of the patient.

(v) Any clinical laboratory or roentgenologic findings.

(vi) Diagnosis (tentative or definitive).

(vii) Treatment given.

(viii) Orders for administration of drugs or other treatments which are received by telephone, radio, or verbally from a physician or other person legally authorized to prescribe and acting within the scope of his or her license.

Such a telephone or verbal order shall be received, entered in the patient's medical record and signed by a registered nurse. The counter-signature of the physician or other legally authorized practitioner who gave the order shall be obtained as soon as possible thereafter. This shall not be interpreted to include verbal orders which are received from a physician or other legally authorized practitioner to whom one is providing direct assistance in care of the patient or to include standing emergency medical orders which have been established in accordance with (WAC 248-18-285) subsection (3)(c)(iii) of this section.

(ix) Appraisal of the patient upon transfer or departure.

(x) Disposition of the patient, which shall include a resume of any instruction given to the patient or his family regarding necessary follow-up care.

Entries of data listed as (iv), (vi), (vii), (ix), and (x) above shall be authenticated by the signature of the person who rendered the service.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-370 LABORATORY. (1) Each hospital shall ensure:

(a) Availability of laboratory services sufficient in size and scope to provide adequate care of all patients minimally to include provisions for:

- (i) Obtaining blood and blood products,
- (ii) Performing hemoglobin or hematocrit,
- (iii) Performing white blood count,
- (iv) Performing platelet estimate,
- (v) Performing urinalysis,
- (vi) Performing blood glucose, and
- (vii) Performing serum potassium.

(b) Disposal of contaminated materials in a safe manner (see WAC ((~~248-18-170~~)) 246-318-170);

(c) Appropriate maintenance, safety, and cleanliness of hospital laboratory facilities and equipment (see WAC ((~~248-18-035, 248-18-150, 248-18-155, and 248-18-170~~)) 246-318-035, 246-318-150, 246-318-155, and 246-318-170);

(d) Provision for pathology services appropriate to all services available in the hospital.

(2) Hospitals shall provide laboratory services in accordance with guidelines for laboratory quality assurance program, WAC ((~~248-18-99910~~)) 246-318-99910.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-380 DIAGNOSTIC AND THERAPEUTIC RADIOLOGY AND OTHER IMAGING SERVICES. (1) Hospitals shall:

(a) Ensure availability of radiologic services appropriate to the type and scope of hospital services offered for inpatients and outpatients; and

(b) Provide a written description of the type and scope of nuclear medicine and other diagnostic and therapeutic imaging services when provided in the hospital for inpatients and outpatients.

(2) Hospitals with imaging services shall:

(a) Designate medical responsibility to a physician member of the medical staff and require access to a radiologist, if radiologic services are provided in the hospital;

(b) Designate medical responsibility to one or more physician members of the medical staff qualified in nuclear medicine, if nuclear medicine services are provided;

(c) Designate medical responsibility to one or more physician members of the medical staff qualified in the appropriate specific imaging specialty if other imaging services are provided;

(d) Require performance of radiology, nuclear, and other imaging services only when:

(i) Ordered, in writing, by a member of the medical staff; or

(ii) In accordance with hospital policy and procedures; and

(e) Provide sufficient numbers of personnel and medical staff qualified to safely deliver the type, scope, and volume within each imaging service including:

(i) At least one diagnostic radiologic technician, technologist, or physician available to come to the hospital to perform diagnostic procedures at all times;

(ii) Performance of therapeutic radiologic services by:

(A) A radiologist or radiation oncologist; or

(B) A therapeutic radiologic technologist directed by a radiologist or radiation oncologist;

(iii) Performance of diagnostic radiologic services by:

(A) A physician or radiologist; or

(B) A diagnostic radiologic technician under policies and procedures approved by a radiologist; and

(iv) After December 31, 1990, performance of nuclear medicine services by a nuclear medicine technologist or by a physician member of the medical staff qualified in nuclear medicine.

(f) Establish policies and procedures approved by administration, a radiologist, and other medical staff qualified in the specialties provided including:

(i) Protection of patients and others from radiation hazards including shielding for syringes, vials, and sources of radioactivity;

(ii) Patient preparation, patient examination, and administration of diagnostic agents;

(iii) Medical staff responsibility for preparation and administration of radiopharmaceuticals;

(iv) Designating authorized users of the equipment;

(v) Safe operation of equipment;

(vi) Safe handling, storage, preparation, labeling, transporting, and disposal of radioactive materials;

(vii) Precautions to minimize unnecessary radiation exposure to patients and others;

(viii) Actions required in event of radioactive contamination of patients, personnel, equipment, and environment;

(ix) Prevention of electrical, mechanical, fire, explosion, and other hazards; and

(x) Written reports on any adverse reaction of a patient to diagnostic or therapeutic agents, including notation in the medical record or outpatient report.

(3) Hospitals providing any imaging service shall provide:

(a) Adequate space and facilities for:

(i) Patient privacy;

(ii) Patient access to a toilet;

(iii) Patient examinations;

(iv) Patient reception;

(v) Patient dressing rooms;

(vi) Exposed and unexposed film storage; and

(vii) Safe storage, preparation, labeling, transportation, and disposal of radioactive materials.

(b) Maintenance of safe, clean equipment, facilities, and supplies appropriate for the type and scope of service offered;

(c) Maintenance of all patient care equipment in safe, operating condition;

(d) Emergency equipment, supplies, and medications required under WAC ((~~248-18-251~~)) 246-318-290(5); and

(e) A method for summoning extra appropriate staff for emergencies arising in imaging service areas.

(4) Hospitals providing radiologic areas, rooms, and services shall:

(a) Conduct radiologic services in a safe, appropriately equipped area of the hospital, shielded as necessary to prevent radiation hazards to individuals;

(b) Maintain radiology equipment meeting applicable state rules for radiation protection under chapter ((~~402-28~~)) 246-225 WAC; and

(c) Arrange for services of a qualified expert defined and described under WAC ((~~402-32-100~~)) 246-240-040 as needed for:

(i) Consultation, including periodic radiologic safety testing;

(ii) Supervision of radiation safety measures; and

(iii) Participation in education programs.

(5) Hospitals with imaging services shall:

(a) Maintain authenticated and dated reports of diagnostic and therapeutic procedures, consultations, and interpretations in each patient's medical record;

(b) Retain hard copies or electronic access to authenticated interpretative reports for films, consultations, and therapeutic procedures in the imaging service area for a period defined by the hospital;

(c) Require hospital-authorized practitioners to provide a reason for each examination on all requests for services;

(d) Require authentication of interpretative reports by:

(i) The radiologist for radiology reports; or

(ii) A designated physician member of the medical staff qualified in the appropriate, specific imaging specialty.

(e) Retain patient logs for imaging services and records of equipment calibration inspections and quality assurance testing in the imaging service area for a period defined, in writing, by the hospital;

(f) Maintain records of receipt and disposition of radioactive materials; and

(g) Maintain documentation of:

(i) Maintenance and periodic calibration of all radiation safety equipment;

(ii) Maintenance of all patient care equipment in a safe, operating condition; and

(iii) Calibration of diagnostic and treatment radiologic equipment by:

(A) A qualified expert defined and required under WAC ((~~402-34-190~~)) 246-240-040; or

(B) An individual qualified according to manufacturer's specifications for a particular piece of equipment.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-410 OTHER SERVICES. Hospitals offering and providing diagnostic or therapeutic services other than those specified elsewhere in this chapter ((~~248-18-WAC~~)) shall:

(1) Maintain adequate space and equipment for the scope of services offered.

(2) Provide for patient privacy.

- (3) Require professional staff licensure when required by state statute.
- (4) Require evidence of specific medical staff orders for any diagnostic services or treatments for inpatients.
- (5) Establish policy and procedure addressing referral orders issued by persons other than medical staff for outpatient treatments and diagnostic services.
- (6) Maintain appropriate pharmacist participation as described in WAC ((~~248-18-190~~) 246-318-190 (1)(n) and (2)(f)).
- (7) Establish policies and procedures specific to operation of each service offered minimally to include:
- Providing orientation and inservice for staff,
 - Ensuring patient safety and infection control,
 - Providing maintenance and calibration of equipment, and
 - Maintaining coordination with other hospital services.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-420 HOSPITAL PHARMACY. Each hospital shall provide evidence of current approval by the Washington state board of pharmacy pursuant to chapter 18.64 RCW and chapter ((~~360-17~~) 246-873 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

- WAC 246-318-435 INTRAVENOUS ADMINISTRATION.
- (1) There shall be written policies and procedures including:
- Administration of intravenous solutions, medications, admixtures, blood, and blood products.
 - Infection control policies and procedures approved by the infection control or an equivalent committee, and including:
 - Site preparation.
 - Tubing and dressing management.
 - Site assessment and rotation.
 - Use and control of intravenously administered investigational drugs.
 - Administration of parenterally administered drugs causing tissue necrosis upon extravasation.
 - Documentation requirements.
 - Patient teaching and discharge instruction.
 - All orders or prescriptions for intravenous solutions, admixtures, and medications shall minimally include identification of solution or medication, rate of flow or frequency, duration, strength of additive, dilution ratio of solution, identification of patient, and identification of prescribing practitioner.
 - Use of electronic infusion control devices.
- (2) Personnel inserting intravenous devices shall be legally authorized and appropriately trained with demonstrated and documented skills in intravenous insertion techniques.
- (3) Personnel administering intravenous solutions and admixtures shall be legally authorized to administer medications with appropriate training, demonstrated and documented skill in intravenous administration, procedures, equipment, and approval of the hospital.
- (4) There shall be drug compatibility reference material readily available to individuals who administer intravenous medications and admixtures.
- (5) Intravenous solutions shall be administered only upon the order of a legally authorized practitioner authorized by hospital policy to prescribe drugs in the hospital.
- (6) Intravenous solution containers shall be labeled to include patient name, identification of solution, identification and strength of additives, volume, rate of flow, expiration time and date of admixture, any special requirement for handling and storage, and identification of individual preparing admixture. There shall be procedures for appropriate labeling of precision volume chambers during times such are used for administering admixtures.
- (7) There shall be documentation in the medical record to include:
- Solution, medication or medications, time, date, amount administered, and rate;
 - Site and site assessment;
 - Date and time of insertion and removal of cannula;
 - Device used, including gauge, length and type needle, or cannula;
 - Condition of cannula and site at the time removed from patient;
 - Use of electronic infusion devices;
 - Observed complications and treatment of complications;

- Management of tubing and dressing; and
 - Signature. An initial signature identification system is acceptable.
- (8) Administration of intravenous preparations to pediatric patients shall comply with regulations in this section and WAC ((~~248-18-215~~) 246-318-210).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-318-440 RECORDS AND REPORTS—MEDICAL RECORD SYSTEM. Each hospital shall have a well-defined medical record system with facilities, staff, equipment, and supplies necessary to develop, maintain, control, analyze, retrieve, and preserve patient care data and medical records.

(1) Medical record service. Hospitals shall establish an organized medical record service, consistent with recognized principles of medical record management, directed, staffed, and equipped to ensure:

- Timely, complete and accurate checking, processing, indexing, filing, and preservation of medical records; and
- The compilation, maintenance, and distribution of patient care statistics.

(2) Policies and procedures related to medical record system. Hospitals shall establish and follow current written policies and procedures related to the medical record system, including requirements for:

- An established format for patients' individual medical records;
- Access to and release of data in patients' individual medical records and other medical data considering the confidential nature of information in these records;
- The retention, preservation, and destruction of medical records; and

(d) Maintenance and disposition of medical and other records in Washington state owned or operated hospitals as required in chapter 40.14 RCW and rules promulgated under chapter 40.14 RCW.

(3) Patients' medical records, general. Hospitals shall:

(a) Develop and maintain an individual medical record for each person, including each neonate, receiving care, treatment, or diagnostic service at the hospital except as permitted in subsection (4)(b) of this section;

(b) Establish a systematic method for identifying each patient's medical record or records to allow ready identification, filing, and retrieval of all of the patient's record or records;

(c) Require prompt, pertinent entries in a patient's medical record on:

- A significant observation;
- Any diagnostic or treatment procedure; and
- Other significant events in a patient's clinical course or care and treatment.

(d) Require entries to include:

- A date;
- Authentication by the individual assuming responsibility for the entry; and
- A time in accordance with hospital policy.

(e) File the originals or durable, legible, direct copies of originals of reports in patients' individual medical records;

(f) Enter all diagnoses and operative procedures in patients' medical records in terminology consistent with a recognized system of disease and operations nomenclature;

(g) Require legible entries in a patient's medical record which are:

- Written in ink;
- Typewritten; or
- Recorded on a computer terminal designed to receive such information.

(4) Hospitals may:

(a) Store entries on magnetic tapes, discs, or other devices suited to the storage of data;

(b) Maintain a simple record system instead of the individual medical records required under subsections (3) and (4)(c) of this section for patients receiving only referred outpatient diagnostic services, as defined in WAC ((~~248-18-001~~) 246-318-010), provided the system permits:

- Identification of patient; and
- Filing and retrieval of authenticated reports on all tests or examinations provided to any patient receiving services.

(c) Limit content in individual medical records for patients who would be considered referred outpatients, except for use of parenteral injections during diagnostic tests to:

- Relevant history and physical findings where indicated;

- (ii) Known allergies or idiosyncratic reactions;
 - (iii) Diagnostic interpretation;
 - (iv) Written consent; and
 - (v) Identifying admission data.
- (5) Patients' medical records, content. Hospitals shall require and ensure entry of the following data into a medical record for each period a patient receives inpatient or outpatient services with exceptions only as specified in subsection (4) of this section and WAC ((~~248-18-285~~) 246-318-350(6):
- (a) Admission data including:
 - (i) Identifying and sociological data;
 - (ii) The full name, address, and telephone number of the patient's next of kin or, when indicated, another person with legal authority over the person of the patient;
 - (iii) The date of the patient's admission as an inpatient or outpatient;
 - (iv) The name or names of the patient's attending physician or physicians; and
 - (v) The admitting or provisional diagnosis or description of medical problem.
 - (b) A report on any medical history obtained from the patient;
 - (c) Report or reports on the findings of physical examination or examinations performed upon the patient;
 - (d) An entry on any known allergies of the patient or known idiosyncratic reaction to a drug or other agent;
 - (e) Authenticated orders for:
 - (i) Any drug or other therapy administered to a patient;
 - (ii) Any diet served to the patient;
 - (iii) Any standing medical orders used in the care and treatment of the patient except standing medical emergency orders; and
 - (iv) Any restraint of the patient.
 - (f) Reports on all:
 - (i) Roentgenologic examinations;
 - (ii) Clinical laboratory tests or examinations;
 - (iii) Macroscopic and microscopic examinations of tissue;
 - (iv) Other diagnostic procedures or examinations performed upon the patient; and
 - (v) Specimens obtained from the patient.
 - (g) An entry on each administration of therapy, including drug therapy, to the patient;
 - (h) Entries on nursing services to the patient including:
 - (i) A report on all significant nursing observations and assessments of the patient's condition or response to care and treatment;
 - (ii) Nursing interventions and other significant direct nursing care including all administration of drugs or other therapy;
 - (iii) An entry on the time and reason for each notification of a physician or patient's family regarding a significant change in the patient's condition; and
 - (iv) A record of other significant nursing action on behalf of the patient.
 - (i) An entry on any significant health education, training, or instruction provided to the patient or family related to the patient's health care;
 - (j) An entry on any social services provided the patient;
 - (k) An entry regarding:
 - (i) Any adverse drug reaction of the patient; and
 - (ii) Any other untoward incident or accident occurring during hospitalization or outpatient visit and involving the patient.
 - (l) Operative report or reports on all surgery performed upon the patient;
 - (m) An entry or report on each anesthetic administered to the patient;
 - (n) Report or reports on consultation or consultations concerning the patient;
 - (o) Reports on labor, delivery, and postpartum period for any woman giving birth to a child in the hospital;
 - (p) Infant status data for any infant born in or enroute to the hospital including:
 - (i) The date and time of birth;
 - (ii) Condition at birth or upon arrival at the hospital;
 - (iii) Sex; and
 - (iv) Weight, if condition permits weighing.
 - (q) Progress notes describing the results of treatment and changes in the patient's condition and portraying the patient's clinical course in chronological sequence;
 - (r) In the event of an inpatient leaving without medical approval, an entry on:
 - (i) Any known events leading to the patient's decision to leave;
 - (ii) A record of notification of the physician regarding the patient's leaving; and
 - (iii) The time of the patient's departure.
 - (s) Discharge data including:
 - (i) The final diagnosis or diagnoses;
 - (ii) Any associated or secondary diagnoses or complications; and
 - (iii) The titles of all operations performed upon the patient; and
 - (iv) A discharge summary for any inpatient whose hospitalization exceeded forty-eight hours, except a normal newborn infant or normal obstetrical patient, to:
 - (A) Recapitulate significant clinical findings and events during the patient's hospitalization;
 - (B) Describe the patient's condition upon discharge or transfer; and
 - (C) Summarize any recommendations and arrangements for future care of the patient.
 - (t) An entry on any transmittal of medical and related data regarding the patient to a health care facility or agency or other community resource when the patient was referred or transferred;
 - (u) In event of the patient's death in the hospital, entries, reports, and authorizations including:
 - (i) A pronouncement of death;
 - (ii) An authorization for the autopsy, if performed;
 - (iii) A report on the autopsy, if performed, including findings and conclusions; and
 - (iv) An entry on release of the patient's body to a mortuary or coroner or medical examiner.
 - (v) Written consents, authorizations, or releases given by the patient or, if the patient was unable to give such consents, authorizations, or releases, by a person or agency with legal authority over the person of the patient;
 - (w) The relationship, legal or familial, of the signer to the patient clearly stated when a person other than the patient gives written consent, or authorizes treatment, or signs a release.
 - (6) Hospitals shall regard materials obtained through procedures employed in diagnosing a patient's condition or assessing the patient's clinical course as original clinical evidence excluded from requirements for content of medical records in subsection (5) of this section. Original clinical evidence includes, but is not limited to:
 - (a) X-ray films;
 - (b) Laboratory slides;
 - (c) Tissue specimens; and
 - (d) Medical photographs.
 - (7) Registers.
 - (a) Hospitals shall maintain current registers with data entered in chronological order including:
 - (i) An inpatient register containing at least the following data for each inpatient admission:
 - (A) The patient's identifying number;
 - (B) The patient's full name, and birth date or age; and
 - (C) The date of the patient's admission.
 - (ii) One or more outpatient registers other than registers for emergency care services to:
 - (A) Contain sufficient data on each outpatient to ensure positive identification; and
 - (B) Permit rapid retrieval of all of the outpatient's medical record or records when indicated.
 - (iii) An emergency service register as required under WAC ((~~248-18-285~~) 246-318-350 (6)(a));
 - (iv) An operation register containing at least the following data for each operation performed in a hospital surgery:
 - (A) The date;
 - (B) The identifying number and full name of the patient;
 - (C) The descriptive name of the operation;
 - (D) The names of the surgeon and the surgeon's assistant or assistants;
 - (E) The type of anesthesia; and
 - (F) The name and title of the person who administered the anesthesia.
 - (b) Hospitals may maintain separate registers or suitable combinations of registers if the combined register contains data for each specific register as required in subsection (7)(a) of this section.
 - (8) Indexes. Hospitals shall establish and maintain:
 - (a) A master patient index containing a master reference card or equivalent for each person receiving inpatient or outpatient care or treatment in the hospital.
 - (i) Master reference cards or equivalent shall contain:

- (A) The patient's medical record number or numbers;
- (B) The patient's full name; and
- (C) The patient's date of birth.
- (ii) Master patient indexes may be omitted for:
 - (A) Referred outpatients; and
 - (B) Outpatient emergency patients provided the hospital retains and preserves an emergency service register for the same period of time as the medical record.
- (b) Current indexes with required entries on index cards or equivalent completed within three months after discharge or transfer of the patient;
- (c) A disease index containing index cards or equivalent for all categories of diseases or conditions treated in the hospital on an inpatient basis with entries on index card or cards for a given category of disease including:
 - (i) The identifying number, sex, and age of each patient treated for that category of disease; and
 - (ii) The code for the particular disease or condition for which each patient was treated.
- (d) An operation index containing index cards or equivalent for all categories of operations performed in a hospital surgery on an inpatient or outpatient basis with entries on the index card or cards for a given category of operation with:
 - (i) Identifying information including the medical record number, age, and sex of each patient upon whom that category of operation was performed; and
 - (ii) The code for the particular operative procedure performed upon each patient.
- (e) Codes for entries in the disease and operation indexes in accordance with the coding system and the recognized diagnostic classification system of disease and operation nomenclature adopted by the hospital;
- (f) A physicians' index, separate or combined with the disease and operation indexes, as follows:
 - (i) A combined physician's-disease operation index with the name or code number of the physician treating the patient to whom a particular entry pertains; or
 - (ii) A separate physicians' index containing:
 - (A) A record for every member of the hospital's medical staff; and
 - (B) Entries on each physician's index card or equivalent record including the medical record number or name of each patient the particular physician treated in the hospital on an inpatient basis.
- (9) Reports on hospital services. Hospitals shall prepare the following separate or combined reports:
 - (a) Census reports including:
 - (i) A daily inpatient census report on admissions to inpatient services, births, and discharges including deaths and transfers to another health care facility; and
 - (ii) Regular monthly or more frequent reports on admissions to outpatient services and the number of emergency care patients.
 - (b) Analyses of hospital services.
- (10) Storage, handling, and control of medical records and other medical data. Hospitals shall:
 - (a) Control access to patients' individual medical records and other personal or medical data on patients;
 - (b) Prevent access to records by unauthorized persons;
 - (c) Protect medical records and other personal and medical data from undue deterioration or destruction; and
 - (d) Maintain a system permitting easy retrieval of medical records and information for medical or administrative purposes.
- (11) Retention, preservation, and final disposal of medical records and other patient care data and reports.
 - (a) Hospitals shall retain and preserve:
 - (i) Each patient's medical record or records, excluding reports on referred outpatient diagnostic services for a period of:
 - (A) No less than ten years following the most recent discharge of the adult patient; or
 - (B) For patients who are minors at the time of care, treatment, or diagnosis, no less than three years following the date upon which the minor patient attained the age of eighteen years or ten years following the most recent discharge, whichever is longer.
 - (ii) Reports on referred outpatient diagnostic services for at least two years;
 - (iii) A master patient index card (or equivalent) for at least the same period of time as the medical record or records for the patient to whom the master patient index card or equivalent pertains;

- (iv) Data in the inpatient and outpatient registers for at least three years;
- (v) Data in an emergency service register for at least the same period of time as the medical record or records for any patient on whom data were entered in the register;
- (vi) Data in the operation register, the disease and operation indexes, the physicians' index, and annual reports on analyses of hospital services for at least three years; and
- (vii) Patients' medical records, registers, indexes, and analyses of hospital service in original form or in photographic form in accordance with the provisions of chapter 5.46 RCW.
- (b) A hospital may elect to retain and preserve an emergency service register for only three years after last entry if the hospital includes all outpatient emergency care patients in the master patient index.
- (c) During final disposal, each hospital shall prevent retrieval and subsequent use of any data permitting identification of individuals in relation to personal or medical information.
- (d) In event of transfer of ownership of the hospital, the hospital shall keep patients' medical records, registers, indexes, and analyses of hospital services in the hospital to be retained and preserved by the new owner in accordance with state statutes and regulations.
- (e) If the hospital ceases operation, the hospital shall:
 - (i) Make immediate arrangements for preservation of its medical records and other records of or reports on patient care data in accordance with applicable state statutes and regulations; and
 - (ii) Obtain approval of the department for the planned arrangements prior to the cessation of operation.
- (12) Records kept by approved eye banks pursuant to WAC ((~~248-33-100~~) 246-333-040) are not medical records or registers within the meaning of this section.
- (13) Nothing in these regulations shall be construed to prohibit hospitals from collecting additional health and/or medical information or retaining medical records beyond the statutory requirements.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-321-010 DEFINITIONS. For the purposes of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

- (1) "Active volunteer" means unpaid worker or workers providing direct care to patients or clients and/or working with clinical records or confidential client information.
- (2) "Adjunctive therapies" means those prescribed services provided by medically related disciplines which include but are not limited to physical therapy, occupational therapy, recreational therapy, music therapy, respiratory therapy.
- (3) "Administrator" means an individual appointed as chief executive officer by the governing body of the center to act in its behalf in the overall management of the hospice care center.
- (4) "Authenticated" or "authentication" means authorization of a written entry in a record or chart by means of a signature which shall include, minimally, first initial, last name, and title.
- (5) "Bathing facility" means a bathtub, shower, or equivalent.
- (6) "Bereavement care" means consultation, support, counseling, and follow-up of the client before and following the death of a patient.
- (7) "Client" means the patient and family which together compose the unit of care in the hospice care center.
- (8) "Client education" means provision of information on physical care, disease symptomatology, palliative treatment, psychosocial coping skills, availability, and utilization of community resources.
- (9) "Clinical record" means a file containing all pertinent clinical information about a particular patient to include: Identifying information, data bases, assessment, individualized comprehensive care plan, diagnosis, treatment, progress notes, other clinical events, and a discharge summary.
- (10) "Department" means the Washington state department of ((social and)) health ((services)).
- (11) "Dietitian" means a person who is eligible for membership in the American Dietetic Association.
- (12) "Drug" means medication, chemical, device, or other material used in the diagnosis and/or treatment of injury, illness, or disease.
- (13) "Drug administration" means an act in which a single dose of a prescribed drug or a biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, verifying it

with the order of the physician, giving the individual dose to the proper patient, and properly recording the time and dose given.

(14) "Drug dispensing" means an act entailing the interpretation of an order (prescription) for a drug or biological and, pursuant to that order (prescription), proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(15) "Family" means individuals, who need not be relatives, who are important to a patient and designated by that patient.

(16) "Governing body" means the individual or group legally responsible for the operation and maintenance of the hospice care center.

(17) "Grade" means the level of the ground adjacent to the building measured at required windows. The ground must be level or slope downward for a distance of at least ten feet from the wall of the building. From there the ground may slope upward not greater than an average of one foot vertical to two feet horizontal within a distance of eighteen feet from the building.

(18) "Hospice care center" means any building, facility, place, or equivalent organized, maintained, and operated specifically to provide beds, accommodations, facilities, and services over a continuous period of twenty-four hours or more for palliative care of two or more individuals, not related to the operator, who are diagnosed as being in the latter stages of an advanced disease which is expected to lead to death. Hospice care centers are specialized types of health care facilities which come within the scope of chapter 70.41 RCW, hospital licensing and regulation. Hospice care centers may be freestanding or separately licensed portions or areas of another type of health care facility: PROVIDED, That the hospice care center is under control and administered by a separate and autonomous governing body. Hospice care centers as used in this chapter do not include hotels or similar places furnishing only food and lodging or similar domiciliary care; nor does it include clinics or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include hospitals licensed pursuant to chapter 70.41 RCW which provide services in addition to or in combination with hospice care services; nor does it include nursing homes as defined and which come under the scope of chapter 18.51 RCW; nor does it include psychiatric hospitals, which come under the scope of chapter 71.12 RCW; nor any other hospital or institution specifically intended for use in the diagnosis and care of those suffering mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this act or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creeds or tenets of any well-recognized church or religious denomination.

(19) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity, or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital," as used in this chapter, does not include hotels or similar places furnishing only food and lodging or simply domiciliary care; nor does it include clinics or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which come under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come under the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come within the scope of chapter 71.12 RCW; nor any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this chapter or the rules and regulations adopted pursuant thereto shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(20) "Individualized care plan" means a written statement of care to be provided for a client based upon physical, psychosocial, spiritual assessment of the patient, and assessment of family as appropriate. This statement shall include short- and long-term goals, client education, discharge planning, and the name of the individual member of the interdisciplinary care team designated as responsible for implementation.

This statement shall be developed with participation of clients as appropriate.

(21) "Interdisciplinary care team" means a group composed of the patient, the family, and professional care providers which may include, but is not limited to, required adjunctive therapists, registered nurses, nutritionists, spiritual advisors, pharmacists, physicians, mental health professionals, or social workers. "Core team" means those individuals required to provide services for clients within the hospice care center program and shall include a registered nurse, physician, medical director, social worker, spiritual consultant or advisor, and volunteer director.

(22) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(23) "Licensed nurse" means a registered nurse under provisions of chapter 18.88 RCW or a licensed practical nurse under provisions of chapter 18.78 RCW.

(24) "Medical staff" means physicians and other medical practitioners appointed by the governing body to practice within the parameters of the medical staff bylaws of the hospice care center.

(25) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building or buildings to be used as part of the hospice care center;

(b) Addition or additions to existing hospice care center to be used as part of the hospice care center;

(c) Alteration or alterations or modification or modifications other than minor alteration or alterations to a hospice care center. "Minor alteration or alterations" means any structural or functional modification within the existing center which does not change the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department.

(26) "Palliative care" means activities, interventions, and interactions which are planned and executed to cause a lessening or reduction of physical, psychosocial and spiritual pain, and intended to ease without curing.

(27) "Patient" means the terminally ill individual.

(28) "Patient care coordinator" means a designated, qualified employee who is responsible for the organization, implementation, and evaluation of the individualized care plan of a patient.

(29) "Person" means any individual, firm, partnership, corporation, company, association or joint stock association, and the legal successor thereof.

(30) "Personnel" means individuals employed and receiving monetary payment from the hospice care center.

(31) "Pharmacist" means an individual who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(32) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(33) "Prescription" means a written or oral order for drugs issued by a medical practitioner, licensed in the state of Washington, in the course of his or her professional practice, as defined by Washington state statute, for a legitimate medical purpose (RCW 18.64.011 (3)(a)).

(34) "Registered nurse" means an individual licensed under the provisions of the law regulating the practice of registered nursing in the state of Washington, chapter 18.88 RCW.

(35) "Scheduled drug" means those substances or immediate precursors listed in Schedules I through V, Article II, RCW 69.50.201, State Uniform Substance Act, now or as hereafter amended.

(36) "Self-administration" means those instances when a patient or member of the client family administer a medication from a properly labeled container while on the premises of the hospice care center.

(37) "Shall" means compliance (~~when~~) with the regulation is mandatory.

(38) "Should" means compliance with the regulation or rule is suggested or recommended but not required.

(39) "Social worker" means an individual with a masters degree in social work from an accredited school of social work or an individual eligible for membership in the academy of certified social workers.

(40) "Staff" means those individuals providing services within the hospice care center. These individuals may be paid or unpaid and shall be designated as medical staff, personnel, or volunteers, respectively.

(41) "Toilet" means a room containing at least one water closet.

(42) "Useable floor area" means floor spaces in patient rooms excluding areas taken up by vestibules, closets, wardrobes, portable lockers, lavatories, and toilet rooms.

(43) "Water closet" means a plumbing fixture fitted with a seat and a device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-321-012 LICENSURE—NOTICE OF DECISION—ADJUDICATIVE PROCEEDING. (1) After January 1, 1982, no person acting separately or jointly with any other person shall establish, maintain, conduct or operate a hospice care center in this state or use the words "hospice care center" to describe or identify a place or building which does not have a license as a hospice care center as defined and described herein.

(2) An application for a hospice care center license shall be submitted to the department on forms provided by the department. The application shall be signed by the operator of the facility and the legal representative of the governing body.

(3) Other requirements related to licensure, fees, and inspection are as stipulated in RCW 70.41.100, 70.41.110, 70.41.120, 70.41.130, 70.41.150, 70.41.160 (~~and~~), 70.41.170, and WAC 246-321-990.

(4) There shall be compliance with other regulations to include:

(a) Applicable rules and regulations for hospice care centers adopted by the Washington state fire marshal pursuant to RCW 70.41.080 and chapter 48.48 RCW;

(b) Applicable national, state, and local electrical, fire, zoning, building, and plumbing codes.

(5)(a) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with (~~RCW 43-20A-205~~) section 377, chapter 3, Laws of 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written adjudicative proceeding application by a method showing proof of receipt with the (~~Office of Appeals, P.O. Box 2465~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter (~~246-08~~) 246-08 WAC. If a provision in this chapter conflicts with chapter (~~246-08~~) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-321-017 HIV/AIDS EDUCATION AND TRAINING. Hospice care centers shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, (~~May 31, 1989~~) January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-321-030 FOOD AND DIETARY SERVICES. (1) The dietary and food service shall be provided and managed by an individual trained in food service.

(2) Food and dietary services shall incorporate the periodic input of a dietitian. Appropriate nutritional and dietary consultation shall be provided patients.

(3) Food shall be prepared and served at intervals appropriate to the needs of patients. Unless contraindicated, current recommendations of the food and nutrition board of the national research council adjusted for age, sex, and activity shall be used. Snacks of a nourishing quality shall be available as needed for patients. Cultural and ethnic preferences of patients should be respected in planning and serving meals.

(4) There shall be written physician orders for all therapeutic diets served to patients. A current therapeutic diet manual approved in writing by a dietitian and the medical director shall be used for planning and preparing therapeutic diets.

(5) All menus shall be retained for one year.

(6) When the hospice care center policy provides for allowing for the preparation and/or storage of personal food brought in by clients for consumption by clients, there shall be adequate mechanical refrigeration capable of maintaining a temperature of forty-five degrees fahrenheit or lower and dishwashing facilities which provide hot water at a temperature of not less than one hundred fifty degrees fahrenheit. Suitable dining area(s) should be provided for clients.

(7) Food service sanitation shall be governed by chapter (~~248-84~~) 246-215 WAC, rules and regulations of the state board of health governing food service sanitation.

(8) There shall be current written policies and procedures for food storage, food preparation, food service, scheduled cleaning of all food service equipment and work areas. A copy of the procedures shall be kept within the food service area and shall be available for reference by dietary or food service personnel and other personnel at all times.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-321-035 INFECTION CONTROL. (1) There shall be written policies and procedures addressing infection control, including: Housekeeping; cleaning, sterilization, disinfection, sanitization, and storage of supplies and equipment; health of personnel; pets; food service sanitation.

(2) Provision shall be made for isolation of patients with infectious conditions in accordance with Isolation Techniques For Use In Hospitals, United States Department of Health and Human Services, most recent edition.

(3) There shall be reporting of communicable disease in accordance with chapter (~~248-100~~) 246-100 WAC.

(4) Recognized standards of medical aseptic technique including basic handwashing practices shall be followed in all direct personal care of patients.

(5) Methods for cleaning, disinfecting or sterilizing, handling and storage of all supplies and equipment shall be such as to prevent the transmission of infection.

(6) Written procedures shall specify daily and periodic cleaning schedules and routines for facility and equipment.

(7) Sewage, garbage, refuse, and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition or nuisance.

(8) There shall be in effect a current system of discovering, reporting, investigating, and reviewing infections among patients and personnel with maintenance of records on such infections.

(9) Upon employment and annually thereafter each employee and volunteer shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. A negative skin test shall consist of less than ten millimeters induration read at forty-eight to seventy-two hours. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(a) New employees who can document a positive Mantoux test in the past shall have an initial screening in the form of a chest x-ray;

(b) After entry, annual screening in the form of a skin test or chest x-ray shall not be required for reactors;

(c) Those with positive skin tests who have completed the recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing;

(d) Records of test results, x-rays or exemptions from such, shall be kept by the facility.

(10) Employees with a communicable disease in a known infectious stage shall not be on duty. Policy and procedures shall specify conditions for staff who are working despite presence of communicable disease.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-321-050 PHYSICAL ENVIRONMENT AND EQUIPMENT. (1) The hospice care center shall provide a safe and

clean environment for clients, staff, and visitors. Equipment shall be kept clean, calibrated, adjusted, and in good repair.

(2) The hospice care center shall be accessible and equipped to accommodate physically handicapped individuals, to include minimally:

- (a) Corridors serving as egress from patient rooms eight feet wide;
- (b) Corridors elsewhere in the center minimally four feet wide;
- (c) Doorways for use by clients at least thirty-two inches clear width (thirty-four inch door);
- (d) Doorways for patient rooms and exterior exit doors from eight foot corridors forty-four inches clear width, (forty-six inch door);
- (e) Minimally, one toilet, lavatory, and bathing facility which meet barrier free code, on each floor used for client services;
- (f) Stairways and stairwells shall be minimally forty-four inches clear width;
 - (i) Interior and exterior stairways and stairwells shall have handrails on both sides. Railing ends shall be returned to wall;
 - (ii) Exterior stairways and stairwells shall have adequate protection from moisture, ice, other hazards, and slipping.
 - (iii) Exterior steps shall be equipped with nonslip material on treads; open risers are prohibited; nosing shall be flush, slip resistant and rounded to one-half inch maximum radius.
- (g) Ramps shall be minimally forty-four inches clear width;
 - (i) There shall be handrails on both sides;
 - (ii) Ramps shall not exceed slope ratio of one in twelve;
 - (iii) Ramps shall be provided with nonslip surfaces.
- (h) There shall be provision for adequate personal privacy for personal and private activities such as toileting, bathing, dressing, sleeping, communicating with family and time alone.
- (4) Patient rooms:
 - (a) Each patient room shall be directly accessible from a corridor or common use activity room or an area for patients;
 - (b) Each sleeping room shall have a clear window or relite area of approximately one-tenth of the usable floor area providing for patient visibility of the out-of-doors. A court or glass covered atrium may be equivalent to out-of-doors. Distance from relites to exterior windows or atrium relites shall not exceed eight feet, six inches.
 - (i) Windows shall be at least twenty-four feet from other buildings or the opposite wall of a court or at least ten feet from a property line, except on street sides;
 - (ii) If the depth of a court is less than one-half its width, the width requirement shall not apply.
 - (iii) Outside window walls shall be at least eight feet from outside public walkways.
 - (iv) Operable windows or openings that serve for ventilation shall be provided with screening.
 - (c) No room more than two foot six inches below grade shall be used for the housing of patients. Room size shall be determined by program, provided all patient rooms have at least one hundred square feet of usable floor space in each single patient room. Multipatient rooms shall provide not less than eighty-five square feet of usable floor area per bed. There shall not be less than seven and one-half foot ceiling height over the usable floor area;
 - (d) Each patient shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within his or her room or nearby. There shall be provision for secure storage of patient valuables;
 - (e) Each patient shall be provided a bed appropriate to the special needs and size of the patient with a cleanable mattress which is in good repair and a cleanable or disposable pillow;
 - (f) Room furnishings shall be provided and maintained in a clean and safe condition;
 - (g) Patient beds shall be spaced so that they do not interfere with entrance, exit or traffic flow within the room. Patient rooms shall be of a dimension and conformation allowing not less than three feet between beds.
- (5) There shall be, minimally, one bathing facility for each six patients within the center, or major fraction thereof, (tub, shower, portable shower, portable tub or equivalent). This ratio includes the bathing facility described in WAC ((248-21-050)) 246-321-050 (2)(e).
- (6) Toilets shall be in a ratio of at least one toilet for every four patients, or major fraction thereof. This ratio excludes toilet described in WAC ((248-21-050)) 246-321-050 (2)(e).
- (7) Lavatories shall be provided in a ratio of at least one lavatory for each toilet located in toilet room(s). Lavatories shall be provided in a ratio of at least one per four patients. Lavatories shall be located at entry of patient rooms used for isolation.

(8) At least one toilet and lavatory shall be provided on each floor for use by those who are not patients. This may include toilet and lavatory described in WAC ((248-21-050)) 246-321-050 (2)(e).

(9) Carpets may be used in patient and nonpatient occupied areas with the following exceptions; toilet rooms, bathing facilities, isolation rooms, laundry rooms, utility rooms, examination or treatment rooms, housekeeping closets;

- (a) Specifications for acceptable carpeting include:
 - (i) Carpet material which meets the standards of the state fire marshal and is easily cleanable;
 - (ii) Pile tufts shall be a minimum of sixty-four per square inch or equivalent density;
 - (iii) Rows shall be a minimum of eight per square inch or equivalent density;
 - (b) Installation of carpet material.
 - (i) Pad and carpet shall be installed according to manufacturer recommendations;
 - (ii) Edges of carpet shall be covered and cove or base shoe used at all wall junctures. Seams shall be sewn or bonded together with manufacturer recommended cement.

(10) There shall be adequate visiting and lounge areas provided, excluding hallways and corridors. Ratio of fifteen square feet per patient bed and not less than one hundred eighty square feet per facility recommended, excluding hallways and corridors.

(11) There shall be adequate meeting rooms and office areas for use by the interdisciplinary care team. Other rooms or areas may serve as meeting rooms provided confidentiality is maintained.

(12) Linen and laundry:

- (a) A safe and adequate clean linen storage area shall be provided with a supply of clean linen available for patients use;
- (b) Any laundry done in the facility shall be done in a laundry room separate from the kitchen, dining areas, clean and soiled storage and handling areas;
- (c) The soiled laundry storage and sorting area shall be in a well ventilated area separate from the clean linen handling area, clean storage areas, and food preparation areas. If linen or laundry is washed on the premises, an adequate supply of hot water shall be available to provide water at a minimum of one hundred sixty degrees fahrenheit in the washing machine.

(13) Utility and storage facilities:

- (a) Sufficient clean storage and handling room(s) shall provide closed storage for clean and sterile supplies and equipment;
- (b) Washing, disinfection, storage and other handling of medical and nursing supplies and equipment shall be accomplished in a manner which ensures segregation of clean and sterile supplies and equipment from those that are contaminated;
- (c) Soiled room(s) shall provide:
 - (i) Clinic service sink, siphon jet or equivalent;
 - (ii) Space for soiled linen or laundry containers;
 - (iii) Counter top, double compartment sink, and goose-neck spout or equivalent;
- (iv) Storage for cleaning supplies and equipment.

(14) Housekeeping:

- (a) Adequate and clean housekeeping equipment shall be maintained;
- (b) At least one service sink and housekeeping closet or enclosed cabinet equipped with shelving shall be provided in a suitable setting within the facility. May be combined with a soiled room as described in ((WAC 248-21-050)) subsection (13)(c) of this section. Clinic service sink may be considered equivalent to service sink.

(15) Communications:

- (a) There shall be a telephone readily available for patients to make and receive confidential calls;
- (b) There shall be at least one "nonpay" telephone per floor readily accessible in event of fire and other emergencies.
- (c) A nurse call shall be provided at each bed and in each toilet room and bathing facility.

(16) Appropriate first aid supplies and equipment shall be maintained and available in a safe and sanitary location.

(17) Water supply and plumbing. The water supply plumbing, the fixtures and the waste and drainage system of the hospice care center shall be maintained to avoid insanitary conditions:

- (a) There shall be an adequate supply of hot and cold running water under pressure which conforms with chapter ((248-54)) 246-290 WAC;
- (b) Hot water shall be a safe temperature at all fixtures used by patients. Hot water temperatures at bathing fixtures used by patients

shall be automatically regulated so as not to exceed one hundred and twenty degrees fahrenheit;

(c) There shall be devices to prevent backflow into the water supply system from fixtures where extension hoses or other cross connections may occur.

(18) Heating. Heating systems shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by patients during the coldest weather conditions ordinarily encountered in the geographical location of the hospice care center.

(19) Ventilation. There shall be ventilation of all rooms used by patients and personnel sufficient to remove all objectional odors, excess heat, and condensation. Inside rooms including toilets, bathrooms, smoking rooms, and other rooms in which excessive moisture, odors or contaminants originate shall be provided with mechanical exhaust ventilation.

(20) Lighting, wiring, and power. Adequate lighting shall be provided in all usable areas of the hospice care center, appropriate to the function:

(a) Appropriate, adequate, and safe electrical service shall be provided;

(b) Adequate emergency lighting for means of egress, (battery operated acceptable);

(c) Adequate emergency power available, (battery operated acceptable).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-323-010 DEFINITIONS. (1) "Abuse" means injury, sexual abuse or negligent treatment or maltreatment of a child or adolescent by a person who is legally responsible for the child's/adolescent's welfare under circumstances which indicate that the child's/adolescent's health, welfare and safety is harmed thereby. (RCW 26.44.020.)

Person "legally responsible" shall include a parent or guardian or a person to whom parental responsibility has been delegated (e.g., teachers, providers of residential care, providers of day care).

(a) "Physical abuse" means damaging or potentially damaging, nonaccidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in its behalf in the overall management of the residential treatment facility.

(3) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(4) "Child psychiatrist" means a psychiatrist who has specialization in the assessment and treatment of children and youth with psychiatric impairments. This individual shall be certified in child psychiatry by the board of psychiatry and neurology or board eligible.

(5) "Client" means an individual child or youth who is living in a residential treatment facility for the purpose of receiving treatment and/or other services for a psychiatric impairment.

(6) "Clinical staff" means mental health professionals who have been appointed by the governing body of a residential treatment facility to practice within the parameters of the clinical staff bylaws as established by the governing body of that residential treatment facility.

(7) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.

(8) "Department" means the Washington state department of ((social and) health ((services)).

(9) "Dietician" means a person who is eligible for membership in the American dietetic association.

(10) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable client behavior. The individualized treatment plan shall define both of these.

(11) "Drug administration" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container (including a unit dose container), verifying it with the physician's orders, giving the

individual dose to the proper patient, and properly recording the time and dose given.

(12) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a patient or for a service unit of the facility.

(13) "Governing body" means the individual or group which is legally responsible for operation and maintenance of the residential treatment facility.

(14) "Individualized treatment plan" means a written statement of care to be provided to a client based upon assessment of his/her strengths, assets, interests, and problems. This statement shall include short and long-term goals with an estimated time frame stipulated, identification of the process for attaining the goals and a discharge plan. When possible, this statement shall be developed with participation of the client.

(15) "Mental health professional" means those individuals described in RCW 71.05.020 and WAC ((275-55-100)) 275-55-020.

(16) "Multidisciplinary treatment team" means a group comprised, when indicated, of individuals from various clinical services, to include medicine, psychiatry, psychology, social work, nursing, occupational and recreational therapies, dietary, pharmacy, education, speech, and hearing. Members of this group shall assess, plan, implement, and evaluate treatment for clients under care.

(17) "Neglect" means negligent treatment or maltreatment or an act of omission which evinces a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a child's/adolescent's health, welfare, and safety. (RCW 26.44.020.)

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for client level of development, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development.

(18) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as part of the residential treatment facility;

(b) Addition(s) to or conversions of existing building(s) to be used as part of the residential treatment facility;

(c) Alteration(s) or modification(s) other than minor alteration(s) to a residential treatment facility or to a facility seeking licensure as a residential treatment facility.

"Minor alteration(s)" means any structural or functional modification(s) within the existing residential treatment facility which does not change the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in chapter 248-16 WAC.

(19) "Occupational therapist" means a person eligible for certification as a registered occupational therapist by the American Occupational Therapy Association.

(20) "Occupational therapy services" means activities directed toward provision of ongoing evaluation and treatment which will increase the client's ability to perform those tasks necessary for independent living, including daily living skills, sensory motor, cognitive and psychosocial components.

(21) "Owner" means an individual, firm, or joint stock association or the legal successor thereof who operates residential treatment facilities for psychiatrically impaired children, whether owning or leasing the premises.

(22) "Pharmacist" means a person who is licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(23) "Physician" means a doctor of medicine or a doctor of osteopathy licensed to practice in the state of Washington.

(24) "Prescription" means the written or oral order for drugs issued by a duly licensed medical practitioner in the course of his/her professional practice, as defined by Washington state statutes for legitimate medical purposes. (RCW 18.64.011.)

(25) "Psychiatric impairment" means severe emotional disturbance corroborated by clear psychiatric diagnosis provided that one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, chronic school failure, or other signs or symptoms which are the result of gross, ongoing distortions in thought processes;

(b) School phobias, suicide attempts, or other signs or symptoms associated with marked severe or chronic affective disorders as defined in the most recent edition of American Psychiatric Association Diagnostic and Statistical Manual;

(c) Chronic sexual maladjustment, history of aggressive unmanageability including violent, chronic, grossly maladaptive behaviors which are associated with (a) or (b) above.

(26) "Psychiatrist" means a physician who has successfully completed a three-year residency program in psychiatry and is certified by the American board of psychiatry and neurology.

(27) "Psychological services" means activities directed towards the provision of interpretation, review and supervision of psychological evaluations; treatment services; participation in admission and discharge; diagnostic formulation; consultation and research.

(28) "Psychologist" means a person who is licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW with training in child clinical psychology.

(29) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(30) "Recreational therapist" means a person with a bachelor's degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelor's degree in a related field with equivalent professional experience.

(31) "Recreational therapy services" means those activities directed toward providing assessment of a client's current level of functioning in social and leisure skills and implementation of treatment in areas of deficiency.

(32) "Residential treatment facility for psychiatrically impaired children and youth" means a residence, place or facility designed and organized to provide twenty-four hour residential care and long-term individualized, active treatment for clients who have been diagnosed or evaluated as psychiatrically impaired.

(33) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting volitional body movement.

(34) "Scheduled drugs" means those drugs, substances, or immediate precursors listed in Scheduled I through V, Article II, RCW 69-.50.201, State Uniform Controlled Substance Act, as now or hereafter amended.

(35) "Self-administration of medication" means that a client administers or takes his/her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility for seeing that medications are used correctly and that the client is responding appropriately.

(36) "Shall" means that compliance with regulation is mandatory.

(37) "Should" means that compliance with a regulation or standard is suggested or recommended but not required.

(38) "Social work services" means "professional social work services" which includes activities and/or services which are performed to assist individuals, families, groups or communities in improving their capacity for social functioning or in effecting changes in their behavior, emotional responses or social conditions.

(39) "Social worker" means a person with a master's degree in social work obtained from an accredited school of social work.

(40) "Special services" means clinical and rehabilitative activities and/or programs which shall include but not be limited to: Laboratory, radiology and anesthesiology services; education and vocational training; speech, language, hearing, vision, dentistry, and physical rehabilitation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-323-020 LICENSURE. Residential treatment facilities shall be licensed under chapter 71.12 RCW, Private establishments. Chapter ~~((248-23))~~ 246-323 WAC establishes minimum licensing standards for the safety, adequate care and treatment of clients who are residents in a residential treatment facility.

(1) Application for license.

(a) An application for a residential treatment facility license shall be submitted on forms furnished by the department. Applications shall be signed by the legal representative of the owner.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer and director of the corporation, if the program is operated by a legally incorporated entity, profit or nonprofit, and of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) Each and every individual named in an application for a residential facility license shall be considered separately and jointly as applicants, and if anyone is deemed disqualified/unqualified by the department in accordance with the law or these rules and regulations, a license may be denied, suspended or revoked. A license may be denied, suspended or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with rules and regulations promulgated pursuant thereto, and, in addition, for any of the following:

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

(ii) Permitting, aiding or abetting the commission of an illegal act on the premises of the residential treatment facility;

(iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any client;

(iv) Misappropriation of the property of the client; and

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual client, the department, or the business community.

(b) Before granting a license to operate a residential treatment facility, the department shall consider the ability of each individual named in the application to operate the residential treatment facility in accordance with the law and with these regulations. Individuals who have previously been denied a license to operate a health care or child care facility in this state or elsewhere, or who have been convicted civilly or criminally of operating such a facility without a license, or who have had their license to operate such a facility suspended or revoked, shall not be granted a license unless, to the satisfaction of the department, they affirmatively establish clear, cogent and convincing evidence of their ability to operate the residential treatment facility, for which the license is sought, in full conformance with all applicable laws, rules and regulations.

(3) Visitation and examination of the residential treatment facility by the department to ascertain compliance with this chapter and chapter 71.12 RCW shall occur as necessary and at least one time each twelve months.

(4) Denial, suspension, modification, or revocation of a license; adjudicative proceeding.

(a) When the department determines that a facility has failed or refused to comply with the requirements of chapter 71.12 RCW and/or these rules, the department may, if the interests of the clients so demand, issue to the applicant or licensee a notice to deny a license application or to suspend, modify, or revoke a license to a license holder. The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with ~~((RCW 43.20A.XXX and))~~ section ~~((95))~~ 377, chapter ~~((175))~~ 3, Laws of ~~((1989))~~ 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Appeals, P.O. Box 2465))~~ Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ~~((248-08))~~ 246-08 WAC. If a provision in this chapter conflicts with chapter ~~((248-08))~~ 246-08 WAC, the provision in this chapter governs.

(5) Submission of plans. The following shall be submitted with an application for license: PROVIDED, HOWEVER, That when any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes which are not on file need to be submitted.

(a) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site and grade elevations within ten feet of any building in which clients are to be housed.

(b) Floor plans of each building in which clients are to be housed. The floor plans shall provide the following information:

(i) Identification of each client's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;

(ii) The usable square feet of floor space in each room;

(iii) The clear window glass area in each client's sleeping room;

(iv) The height of the lowest portion of the ceiling in any client's sleeping room;

(v) The floor elevations referenced to the grade level.

(6) Posting of license. A license for the residential treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is contemplated, the following shall be submitted to the department for review:

(i) 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.

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building(s) on the site; the plans for each floor of the building(s), existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of the water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

(i) Plot plans;

(ii) Plans for each floor of the building(s) which designate the function of each room and show all fixed equipment and the planned location of beds and other furniture in client's sleeping rooms;

(iii) Interior and exterior elevations, building sections and construction details;

(iv) A schedule of floors, wall and ceiling finishes, and the types and sizes of doors and windows;

(v) Plumbing, heating, ventilation, and electrical systems; and

(vi) Specifications which fully describe workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications. The department shall be consulted prior to making any changes from the approved plans and specifications. When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change(s) for approval. Only those changes which have been approved by the department may be incorporated into a construction project. In all cases, modified plans or addenda on changes which are incorporated into the construction project shall be submitted for the department's file on the project even though it was not required that these be submitted prior to approval.

(8) Exemptions. The ((state board of health)) department may, in its discretion, exempt a residential treatment facility from complying with parts of these rules pursuant to the procedures set forth in WAC ((248-08-595)) 246-08-210.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provisions of RCW 71.12.485 which are found in Title 212 WAC apply.

(b) If there is no local plumbing code, the uniform plumbing code of the international association of plumbing and mechanical officials shall be followed.

(c) Compliance with these regulations does not exempt a residential treatment facility from compliance with local and state electrical codes or local zoning, building and plumbing codes.

(10) Transfer of ownership. The ownership of a residential treatment facility shall not be transferred until the transferee has been notified by the department that the transferee's application for a license has been approved. Change in administrator shall be reported to the department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-323-040 HIV/AIDS EDUCATION AND TRAINING. Residential treatment facilities for psychiatrically impaired children and youth shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, ((May 31, 1989)) January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-323-050 CLIENT CARE SERVICES. (1) The residential treatment facility shall have written policies regarding admission criteria and treatment methods. The admission of clients shall be in keeping with the stated policies and shall be limited to clients for whom the facility is qualified by staff, services, and equipment to give adequate care.

(2) Acceptance of a client for admission and treatment shall be based upon an assessment and intake procedure that determines the following:

(a) A client requires treatment which is appropriate to the intensity and restrictions of care provided by the programs; and/or

(b) The treatment required can be appropriately provided by the program(s) or program component(s); and

(c) Alternatives for less intensive or restrictive treatment are not available.

(3) Treatment and discharge planning.

(a) An initial treatment plan shall be developed for each client upon admission.

(b) The multidisciplinary treatment team shall develop an individualized treatment plan for each client within fourteen days of admission to the facility.

(i) This plan shall be developed following a complete client assessment which shall include, but not be limited to assessment of physical, psychological, chronological age, developmental, family, educational, social, cultural, environmental, recreational, and vocational needs of the clients.

(ii) The individualized treatment plan shall be written and interpreted to the client, guardian, and client care personnel.

(iii) There shall be implementation of the individualized treatment plan by the multidisciplinary treatment team with written review and evaluation at least one time each thirty days. Modifications in the treatment plan shall be made as necessary. Implementation and review shall be evidenced in the clinical record.

(iv) The individualized treatment plan shall include a written discharge plan developed and implemented by the multidisciplinary treatment team.

(v) The individualized treatment plan shall be included in the clinical record.

(4) A written plan shall be developed describing the organization of clinical services. This plan shall address the following:

(a) Medical services.

(i) A comprehensive health assessment and medical history shall be completed and recorded by a physician within five working days after admission unless a comprehensive health assessment and history have been completed within thirty days prior to admission and records are available to the residential treatment facility.

(ii) A complete neurological evaluation shall be completed when indicated.

(iii) A physician member of the clinical staff shall be responsible for the care of any medical condition that may be present during residential treatment.

(iv) Orders for medical treatment shall be signed by a physician.

(v) There shall be a physician on call at all times to advise regarding emergency medical problems. Provisions shall be made for emergency medical services when needed.

(vi) A psychiatric evaluation shall be completed and documented by a psychiatrist within thirty days prior or fourteen days following admission.

(vii) If there is not a child psychiatrist on the staff, there shall be a child psychiatrist available for consultation.

(b) Psychological services. There shall be a psychologist with documented evidence of skill and experience in working with children and youth available either on the clinical staff or by consultation, responsible for planning and reviewing psychological services and for developing a written set of guidelines for psychological services.

(c) Nursing service. There shall be a registered nurse, with training and experience in working with psychiatrically impaired children and youth, on staff as a full-time or part-time employee who shall be responsible for all nursing functions.

(d) Social work services. There shall be a social worker with experience in working with children and youth on staff as a full-time or part-time employee who shall be responsible for social work functions and the integration of these functions into the individualized treatment plan.

(e) Special services.

(i) There shall be an educational/vocational assessment of each client with appropriate educational/vocational programs developed and implemented or assured on the basis of that assessment.

(ii) Special services shall be provided by qualified persons as necessary to meet the needs of the clients.

(f) Occupational therapy services. There shall be an occupational therapist available who has experience in working with psychiatrically impaired children and youth responsible for occupational therapy functions and the integration of these functions into treatment.

(g) Recreational therapy services. There shall be a recreational therapist available who has had experience in working with psychiatrically impaired children and youth responsible for the recreational therapy functions and the integration of these functions into treatment.

(h) Food and dietary services.

(i) Food and dietary services shall be provided and managed by a person knowledgeable in food service.

(ii) Dietary service shall incorporate the services of a dietician in order to meet the individual nutritional needs of clients.

(iii) All menus shall be written at least one week in advance, approved by a dietician, and retained for one year.

(iv) There shall be client-specific physician orders for therapeutic diets served to clients. Therapeutic diets shall be prepared and served as prescribed. A current therapeutic diet manual approved by the dietician shall be used for planning and preparing therapeutic diets.

(v) Meals and nourishment shall provide a well balanced diet of good quality food in sufficient quantity to meet the nutritional needs of children and youth. Unless contraindicated, the dietary allowances of the food and nutrition board of the national research council adjusted for age, sex, and activity shall be used. Snacks of a nourishing quality shall be available as needed for clients.

(vi) Food service sanitation shall be governed by chapter ~~((248-84))~~ 246-215 WAC, "food service sanitation."

(5) Other client safety and care requirements.

(a) Disciplinary policies and practices shall be stated in writing.

(i) Discipline shall be fair, reasonable, consistent, and related to the behavior of the client. Discipline, when needed, shall be consistent with the individualized treatment plan.

(ii) Abusive, cruel, hazardous, frightening, or humiliating disciplinary practices shall not be used. Seclusion and restraints shall not be used as punitive measures. Corporal punishment shall not be used.

(iii) Disciplinary measures shall be documented in the clinical record.

(b) Assault, abuse and neglect. Clients shall be protected from assault, abuse and neglect. Suspected or alleged incidents of nonaccidental injury, sexual abuse, assault, cruelty or neglect to a child or adolescent shall be reported to a law enforcement agency or to the department.

Reporting requirements for suspected incidents of child abuse and/or neglect shall comply with chapter 26.44 RCW.

(i) Staff and/or practitioners legally obligated to report suspected abuse or neglect include licensed practical nurses, registered nurses, physicians and their assistants, podiatrists, optometrists, chiropractors, dentists, social workers, psychologists, pharmacists, professional school personnel, and employees of the department.

(ii) Orientation material shall be made available to the facility personnel, clinical staff and/or consultants informing practitioners of their reporting responsibilities and requirements. Appropriate local police and department phone numbers shall be available to personnel and staff.

(iii) When suspected or alleged abuse is reported, the clinical record shall reflect the fact that an oral or written report has been made to the child protective services of the department or to a law enforcement agency. This note shall include the date and time that the report was made, the agency to which it was made and the signature of the person making the report. Contents of the report need not be included in the clinical record.

(iv) Conduct conforming with reporting requirements of this section or chapter 26.44 RCW shall not be deemed a violation of the confidential communication privileges of RCW 5.60.060 (3) and (4) and 18.83.110.

(c) Allowances, earnings, and expenditures shall be accounted for by the facility. When a client is discharged, he/she may be permitted to take the balance of his/her money or be fully informed about the transfer of his/her money to another facility or other transfer as permitted by state or federal law.

(d) Clients shall not be used to carry the responsibility for basic housekeeping and maintenance of the facility and equipment. Assigned tasks may be performed insofar as they are appropriate and are a part of the individualized treatment plan. Work assignments shall be adequately supervised and there shall be documentation of the work as part of the treatment program. Work assignments shall be appropriate to the age, physical and mental condition of the client.

(e) Written policy statements and procedures shall describe client rights as specified in WAC 275-55-170, 275-55-200(1), 275-55-260, and 275-55-270.

(f) There shall be current written policies and orders signed by a physician to guide the action of facility personnel when medical emergencies or a threat to life arise and a physician is not present.

(i) Medical policies shall be reviewed as needed and at least biennially and approved in writing by representatives of the medical, nursing, and administrative staffs.

(ii) There shall be current transfer agreement with an acute care general hospital. Medical and related data shall be transmitted with the client in the event of a transfer.

(g) Written policies and procedures shall address notification of legal guardian or next of kin in the event of a serious change in the client's condition, transfer of a client to another facility, elopement, death, or when unusual circumstances warrant.

(h) There shall be written policies and procedures addressing safety precautions to include:

(i) Smoking by personnel, clients, visitors, and others within the facility.

(ii) Provision for immediate emergency access to sleeping rooms, toilets, showers, bathrooms, or any other rooms occupied by clients.

(iii) Use and monitoring of seclusion rooms and restraints in accordance with WAC ~~((275-55-280(2)(o), (p)(i) through (iv)))~~ 275-55-263 (2)(c).

(iv) Availability and access to emergency supplies and equipment to include airways, bag resuscitators and other equipment as identified in the emergency medical policies.

(v) Summoning of internal or external resource agencies or persons, e.g., poison center, fire department, police.

(vi) Systems for routine preventative maintenance, checking and calibration of electrical, biomedical, and therapeutic equipment with documentation of the plan and dates of inspection.

(vii) Fire and disaster plans which include a documentation process and evidence of rehearsals on a regular basis.

(viii) Immediate actions or behaviors of facility staff when client behavior indicates that he/she is assaultive, out of control, or self-destructive. There shall be documentation that rehearsals of staff occur on a regular basis.

(i) There shall be written policies and procedures governing actions to be taken following any accident or incident which may be harmful or injurious to a client which shall include documentation in the clinical record.

(j) There shall be written policies addressing transportation of clients which shall include consideration of the following:

(i) When transportation is provided for clients in a vehicle owned by the facility, the vehicle shall be in safe operating condition as evidenced by preventive maintenance records.

(ii) Authorization of all drivers of vehicles transporting clients by administration of the facility. Drivers shall possess a current driver's license.

(iii) Observation of maximum safe vehicle driving capacity. Seat belts or other safety devices shall be provided for and used by each passenger.

(iv) Conditions under which clients may be transported in nonfacility-owned vehicles.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-323-070 INFECTION CONTROL. (1) There shall be written policies and procedures addressing infection control and isolation of clients (should isolation be necessary and medically appropriate for an infectious condition).

(2) There shall be reporting of communicable disease in accordance with WAC ((~~248-100-075 and 248-100-080~~) 246-100-075 and 246-100-080) as now or hereafter amended.

(3) There shall be a current system for reporting, investigating and reviewing infections among clients and personnel and for maintenance of records on such infections.

(4) Upon employment, each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method, unless medically contraindicated. When the skin test is negative (less than ten millimeters induration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive skin test shall consist of ten millimeters of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(a) Those with positive skin tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing.

(b) Records of test results, x-rays or exemptions to such shall be kept by the facility.

(5) Employees with communicable diseases in an infectious stage shall not be on duty.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-323-090 PHYSICAL ENVIRONMENT. (1) The residential treatment facility shall provide a safe, clean environment for clients, staff, and visitors.

(2) The residential treatment facility shall be accessible to physically handicapped persons.

(3) Client sleeping rooms.

(a) Each sleeping room shall be directly accessible from a corridor or a common use activity room or an area for clients.

(b) Sleeping rooms shall be outside rooms with a clear glass window area of approximately one-eighth of the usable floor area. Windows shall be shatter-proof and of the security type. This may be an operating security type window.

(c) No room more than three feet six inches below grade shall be used for the housing of clients. There shall be a minimum of ninety square feet of usable floor space in a single bedroom and multiclient rooms shall provide not less than eighty square feet of floor area per bed. The maximum capacity of a sleeping room shall be two clients. There shall not be less than seven and one-half foot ceiling height over the required floor area.

(d) There shall be provision for visual privacy from other clients as needed. This may be achieved through program assuring privacy in toileting, bathing, showering and dressing.

(e) Each client shall be provided an enclosed space suitable for hanging garments and storage of personal belongings within or convenient to his/her room. There shall be provision in the room or elsewhere for secure storage of client valuables.

(f) Each client shall have access to his/her room except when contraindicated by the determination of the treatment team staff.

(g) Each client shall be provided a bed at least thirty-six inches wide or appropriate to the special needs and size of the client with a cleanable, firm mattress and cleanable or disposable pillow.

(h) Sufficient room furnishings shall be provided and maintained in a clean and safe condition.

(i) Client beds shall be spaced so that they do not interfere with entrance, exit or traffic flow within the client's room. Client rooms shall be of a dimension and conformation allowing not less than three feet between beds.

(4) Each client-occupied floor of the facility shall provide one toilet and sink for each five clients or any fraction thereof. There shall be one bathing facility for each five clients or fraction thereof. If there are more than five clients, separate toilet and bathing facility for each sex are required. Privacy shall be assured.

(5) Adequate lighting shall be provided in all areas of the residential treatment facility.

(a) An adequate number of electrical outlets shall be provided to permit use of electrical fixtures appropriate to the needs of the program. These outlets shall be of a tamper-proof type.

(b) General lighting shall be provided for sleeping rooms. There shall be an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room.

(c) Emergency lighting equipment, such as flashlights or battery-operated lamps, shall be available and maintained in operating condition.

(6) Ventilation.

(a) Ventilation of all rooms used by clients or personnel shall be sufficient to remove objectionable odors, excessive heat or condensation.

(b) Inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors or contaminants originate shall be provided with mechanical exhaust ventilation.

(7) There shall be an adequate supply of hot and cold running water under pressure which conforms with the standards of the state board of health, chapter ((~~248-54~~) 246-290) WAC.

(a) The hot water temperature at bathing fixtures used by clients shall be automatically regulated and shall not exceed one hundred twenty degrees Fahrenheit.

(b) There shall be hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment and dishwashing.

(c) There shall be devices to prevent backflow into the water supply system from fixtures where extension hoses or other cross-connections may be used.

(8) Linen and laundry.

(a) An adequate storage area and supply of clean linen, washcloths and towels shall be available for client use.

(b) At least one laundry room with washer and dryer located in an area separate from the kitchen and dining area shall be available.

(c) Soiled laundry/linen storage area and sorting areas shall be in a well-ventilated area physically separated from the clean linen handling area, the kitchen and the eating areas.

(9) Within the facility, at least one private area shall be provided for the visiting of clients and visitors.

(10) An adequate number of rooms shall be provided for group and individual therapy.

(a) These rooms shall be enclosed and reasonably sound-proofed as necessary to maintain confidentiality.

(b) When seclusion or maximum security rooms are required by program(s), at least one seclusion room intended for short-term occupancy, which provides for direct supervision by the treatment team staff shall be provided.

(i) Seclusion rooms and furnishings shall be designed to provide maximum security for clients.

(ii) Seclusion rooms shall have provisions for natural or artificial light and may be inside or outside rooms.

(iii) There shall be window lights in doors or other provisions for direct visibility of a client at all times during occupancy.

(iv) Seclusion rooms shall provide fifty square feet of floor space, exclusive of fixed equipment, with a minimum dimension of six feet.

(11) When physical examinations of clients are done on a regular basis within the facility, there should be an examination room available which provides privacy and adequate light. A handwashing facility and soap dispenser shall be available.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored or handled within the facility, there shall be utility and storage areas which shall be designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from those that are contaminated.

(13) Housekeeping facilities.

(a) At least one service sink and housekeeping closet equipped with shelving shall be provided in a suitable setting.

(b) Sewage, garbage, refuse and liquid wastes shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition or nuisance.

(14) The heating system shall be operated and maintained to provide a comfortable, healthful temperature in rooms used by clients during the coldest weather conditions ordinarily encountered in the geographical location of the residential treatment facility.

(15) There shall be an area provided for secure storage of client records and for privacy of authorized personnel to read and document in the client records.

(16) There shall be a dining room(s) or area(s) large enough to provide table service for all clients. Appropriate furnishings shall be provided for dining.

(a) If a multipurpose room is used for dining and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without their interference with one another.

(b) At least forty square feet per bed shall be provided for the total combined area which is utilized for dining, social, educational, recreational activities and group therapies.

(17) There shall be at least one "nonpay" telephone readily accessible in the event of fire or other emergencies. There shall be a telephone which is readily available for use of clients (located so that privacy is possible).

(18) A safely maintained outdoor recreation area shall be available for use of clients.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-010 DEFINITIONS. (1) "Abuse" means injury, sexual use or abuse, negligent or maltreatment of a resident by a person legally responsible for the resident's welfare under circumstances which indicate harm to the resident's health, welfare, and safety.

Person "legally responsible" shall include a guardian or a person to whom legal responsibility has been delegated (e.g., providers of residential care, day care, etc.).

(a) "Physical abuse" means damaging or potentially damaging, nonaccidental acts or incidents resulting in bodily injury or death.

(b) "Emotional abuse" means verbal behavior, harassment, or other actions resulting in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(2) "Administrator" means the individual appointed as chief executive officer by the governing body of the facility, to act in the facility's behalf in the overall management of the residential rehabilitation center.

(3) "Adult residential rehabilitation center" or "center" means a residence, place, or facility designed and organized primarily to provide twenty-four-hour residential care, crisis and short-term care, and/or long-term individualized active rehabilitation and treatment for residents diagnosed or evaluated as psychiatrically impaired or chronically mentally ill as defined herein or in chapter 71.24 RCW.

(4) "Ambulatory" means physically and mentally able to:

(a) Walk unaided or move about independently with only the help of a cane, crutches, walker, wheelchair, or artificial limb;

(b) Traverse a normal path to safety unaided by another individual;

(c) Get into and out of bed without assistance of another individual; and

(d) Transfer to a chair or toilet or move from place to place without assistance of another individual.

(5) "Authenticated" or "authentication" means authorization of a written entry in a record by means of a signature including minimally, first initial, last name, and title.

(6) "Board and domiciliary care" means provision of daily meal service, lodging, and care offered within the living accommodation and includes the general responsibility for safety and well-being of the resident with provision of assistance in activities of daily living as needed.

(7) "Corporal punishment" means punishment or negative reinforcement accomplished by direct physical contact of a harmful or potentially harmful nature regardless of whether or not damage is actually inflicted.

(8) "Department" means the Washington state department of ((social and)) health ((services)).

(9) "Dietitian" means an individual meeting the eligibility requirements described in "Directory of Dietetic Programs Accredited and Approved," American Dietetic Association, Edition 100, 1980.

(10) "Discipline" means actions taken by personnel and staff to encourage the establishment of habits of self-control or to regulate unacceptable resident behavior. The individualized treatment plan shall define establishment of habits of self-control and unacceptable resident behavior.

(11) "Drug administration" means an act where a single dose of a prescribed drug or biological is given to a resident by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from the previously dispensed, properly labeled container (including the unit dose container), verifying the individual dose with the physician's orders, giving the individual dose to the proper resident, and properly recording the time and the dose given.

(12) "Drug dispensing" means an act entailing the interpretation of an order for a drug or biological and, pursuant to that order, proper selection, measuring, labeling, packaging, and issuance of the drug for a resident or for a service unit of the facility.

(13) "Dwelling" means any building or any portion thereof which is not an apartment house, lodging house or hotel, containing one or two

guest rooms used, rented, leased, let, or hired out to be occupied for living purposes.

(14) "Governing body" means the individual or group responsible for establishing and maintaining the purposes and policies of the residential rehabilitation center.

(15) "Independent living skill training" consists of:

(a) Social skill training: A service designed to aid residents in learning appropriate social behavior in situations of daily living (e.g., the use of appropriate behavior in families, work settings, the residential center and other community settings).

(b) Self-care skills training: A service designed to aid residents in developing appropriate skills of grooming, self-care and other daily living skills such as eating, food preparation, shopping, handling money, the use of leisure time, and the use of other community and human services.

(16) "Individualized treatment plan or ITP" means a written statement of care to be provided to a resident based upon assessment of his or her strengths, assets, interests, and problems. The statement shall include stipulation of an estimated time frame, identification of the process for attaining the goals, and a discharge plan.

(17) "Licensed practical nurse (LPN)" means an individual licensed under provisions of chapter 18.78 RCW.

(18) "Mental health professional" means the individuals described in RCW 71.05.020 and WAC 275-55-020.

(19) "Multidisciplinary treatment team" means the availability of a group comprised, when indicated, of individuals from various clinical disciplines, to include medicine, psychiatry, psychology, social work, nursing, occupational and recreational therapies, dietary, pharmacy, speech, and hearing services. Members of the team shall assess, plan, implement, and evaluate rehabilitation and treatment for residents under care.

(20) "Neglect" means negligent treatment or maltreatment or an act of omission, evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a resident's health, welfare, and safety.

(a) "Physical neglect" means physical or material deprivation (e.g., lack of medical care, lack of supervision necessary for resident level of functioning, inadequate food, clothing, or cleanliness).

(b) "Emotional neglect" means acts such as rejection, lack of stimulation or other acts of commission or omission, resulting in emotional or behavioral problems, or physical manifestations.

(21) "New construction" means any of the following started after promulgation of these rules and regulations:

(a) New building(s) to be used as a part of the residential rehabilitation center;

(b) Addition or additions to or conversions, either in whole or in part, of the existing building or buildings to be used as part of the residential rehabilitation center;

(c) Alteration or modification other than minor alteration to a residential rehabilitation center or to a facility seeking licensure as a residential rehabilitation center;

(d) "Minor alteration" means any structural or functional modification within the existing residential rehabilitation center, without changing the approved use of the room or area. Minor alterations performed under this definition do not require prior approval of the department; however, this does not constitute a release from the applicable requirements contained in this chapter ((248-25 WAC)).

(22) "Occupational therapist" means an individual licensed as an occupational therapist under provisions of chapter 18.59 RCW.

(23) "Owner" means an individual, partnership or corporation, or the legal successor thereof, operating residential rehabilitation centers for psychiatrically impaired adults, whether owning or leasing the premises.

(24) "Paraprofessional" means a person qualified, through experience or training, or a combination thereof, deemed competent while under supervision of a mental health professional, to provide counseling, rehabilitation, training, and treatment services to psychiatrically impaired adults. Such a person shall have, at a minimum:

(a) One year of training in the field of social, behavioral, or health sciences, and one year of experience in an approved treatment program for the mentally ill; or

(b) Two years of training in the field of social, behavioral, or health sciences; or

(c) Three years of work experience in an approved treatment program for the mentally ill.

(25) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under the provisions of chapter 18.64 RCW.

(26) "Physician" means an individual licensed under the provisions of chapter 18.57 or 18.71 RCW.

(27) "Prescription" means the written or oral order for drugs or devices issued by a duly licensed medical practitioner in the course of his or her professional practice, as defined by Washington state statutes for legitimate medical purposes under the provisions of RCW ((~~18-64.011~~) ~~{18.64.001}~~) 18.64.011(8).

(28) "Private adult treatment home" or "treatment home" means a dwelling which is the residence or home of one or more adults providing food, shelter, beds, and care for two or fewer psychiatrically impaired residents, provided these residents are detained under chapter 71.05 RCW and the home is certified as an evaluation and treatment facility under provisions of chapter 71.05 RCW.

(29) "Psychiatric impairment" means serious mental disorders, excluding mental retardation, substance abuse disorders, simple intoxication with alcohol or drugs, personality disorders, and specific developmental disorders as defined in the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, third edition, revised (DSM-III-R), where one or more of the following symptomatic behaviors is exhibited:

(a) Bizarreness, severe self-destructiveness, schizophrenic ideation, or other signs or symptoms resulting from gross, on-going distortions in thought processes;

(b) Suicide attempts or other signs or symptoms associated with marked, severe, or chronic affective disorders;

(c) Chronic sexual maladjustment, or other grossly maladaptive behaviors, in accordance with subsection (29) (a) or (b) of this section.

(30) "Psychiatrist" means a physician having successfully completed a three-year residency program in psychiatry and is eligible for certification by the American Board of Psychiatry and Neurology (ABPN) as described in Directory of Residency Training Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-1982, or eligible for certification by the American Osteopathic Board of Neurology and Psychiatry as described in American Osteopathic Association Yearbook and Directory, 1981-1982.

(31) "Psychologist" means a person licensed as a psychologist in the state of Washington under provisions of chapter 18.83 RCW.

(32) "Recreational therapist" means a person with a bachelors degree with a major or option in therapeutic recreation or in recreation for ill and handicapped or a bachelors degree in a related field with equivalent professional experience.

(33) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, regulating the practice of registered nursing in the state of Washington.

(34) "Rehabilitation services" means a combination of social, physical, psychological, vocational, and recreational services provided to strengthen and enhance the capability of psychiatrically impaired persons and to enable these persons to function with greater independence. The services include, but are not limited to, training in independent living skills.

(35) "Rehabilitation specialist" means mental health professionals, paraprofessionals, and medical personnel employed to work in a residential rehabilitation center to provide direct resident treatment, training, and rehabilitation services within the residential rehabilitation center, and includes full-time and part-time staff and consultants.

(36) "Resident" means an individual living in an adult residential rehabilitation center or private adult treatment home for the purpose of participating in rehabilitation and treatment for psychiatric impairment or an individual living in the facility for board and domiciliary care.

(37) "Restraint" means any apparatus or chemical used for the purpose of preventing or limiting free body movement.

(38) "Security window" means a window designed to inhibit exit, entry, and injury to a resident, incorporating approved, safe, transparent material.

(39) "Self-administration of medication" means the resident administers or takes his or her own medication from a properly labeled container: PROVIDED, That the facility maintains the responsibility to assure medications are used correctly and the resident is responding appropriately.

(40) "Shall" means compliance with regulation is mandatory.

(41) "Should" means compliance with a regulation or standard is suggested or recommended, but not required.

(42) "Social worker" means an individual holding a masters degree in social work from a graduate school of social work.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-012 LICENSURE—ADULT RESIDENTIAL REHABILITATION CENTERS AND PRIVATE ADULT TREATMENT HOMES. Centers and treatment homes shall obtain a license under chapter 71.12 RCW. This chapter ((~~248-25 WAC~~)) establishes minimum licensing standards for the safety, adequate care, and treatment of residents living in centers or treatment homes.

(1) Application for license.

(a) Applicants shall apply for a center or treatment home license on forms furnished by the department. The owner or a legal representative of the owner shall sign the application.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes affecting the current accuracy of such information as to:

(i) The identity of each officer and director of the corporation, if the program is operated by legally incorporated entity, profit or nonprofit; and

(ii) The identity of each partner, if the program is a legal partnership.

(2) Disqualified applicants.

(a) The department shall consider each and every individual named in an application for a center or treatment home license, separately and jointly, as applicants. If the department deems anyone disqualified or unqualified in accordance with the law or these rules, a license may be denied, suspended, or revoked.

(b) The department may deny, suspend, or revoke a license for failure or refusal to comply with the requirements and rules established under provisions of chapter 71.12 RCW, and in addition, but not limited to, for any of the following:

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

(ii) Permitting, aiding, or abetting the commission of an illegal act on the premises of a center or treatment home;

(iii) Cruelty, abuse, neglect or assault, or indifference to the welfare of any resident;

(iv) Misappropriation of the property of the resident;

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual resident, the department, or the business community.

(c) The department shall consider the ability of each individual named in the license application prior to granting a license to determine:

(i) Ability of each individual to operate the center or treatment home in accordance with the law and these rules;

(ii) If there is cause for denial of a license to an individual named in the application for any of the following reasons:

(A) Previous denial of a license to operate a health or personal care facility in Washington state or elsewhere, or

(B) Civil or criminal conviction for operating a health or personal care facility without a license, or

(C) Previous revocation or suspension of a license to operate a health or personal care facility.

(d) The department shall deny a license for reasons listed in subsections (2)(c)(ii) of this section unless an applicant affirmatively establishes clear, cogent, and convincing evidence of ability to operate a center or treatment home in full conformance with all applicable laws, rules and regulations.

(3) Inspection of premises. Centers and treatment homes shall permit the department to visit and examine the premises of centers and treatment homes annually and as necessary to ascertain compliance with chapter 71.12 RCW and this chapter ((~~248-25 WAC~~)).

(4) Denial, suspension, or revocation of a license; adjudicative proceeding.

(a) The department shall issue a letter to an applicant or licensee stating the department is denying an application, or is suspending, modifying, or revoking a license because:

(i) Findings upon inspection reveal failure or refusal of a center or treatment home to comply with chapter 71.12 RCW and this chapter ((~~248-25 WAC~~)); and

(ii) The criteria in WAC ((~~248-25-010~~)) 246-325-012 (2)(b) are satisfied; and

(iii) The health, safety, or welfare of residents is endangered.

(b) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with ~~((RCW 43.20A.030 and))~~ section ~~((95))~~ 377, chapter ~~((175))~~ 3, Laws of ~~((1989))~~ 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(c) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Appeals, P.O. Box 2465))~~ Administrative Hearings Unit, Department of Health, 1300 Quince Street, S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(d) The proceeding is governed by the Administrative Procedure Act (chapter ~~((34.04))~~ 34.05 RCW), this chapter, and chapter ~~((248-08))~~ 246-08 WAC. If a provision in this chapter conflicts with chapter ~~((248-08))~~ 246-08 WAC, the provision in this chapter governs.

(5) Submission of plans and programs for centers. Centers shall submit the following with an application for license unless already on file with the department:

(a) A written description of activities and functions containing, at a minimum, information concerning services to be provided and operational methods to be used affecting the physical plant and facilities required by this chapter ~~((248-25-WAC))~~;

(b) A plot plan showing street, driveways, water and sewage disposal systems, the location of buildings on the site, and grade elevations within ten feet of any building housing residents;

(c) Floor plans of each building housing residents with the following information:

(i) Identification of each resident's sleeping room by use of a lettering or numbering system, or some equivalent mechanism of identification;

(ii) The usable square feet of floor space in each room;

(iii) The clear window glass area in each resident's sleeping room;

(iv) The height of the lowest portion of the ceiling in any resident's sleeping room; and

(v) The floor elevations referenced to the grade level.

(6) New construction for centers.

(a) Centers shall submit the following to the department for review when new construction is contemplated:

(i) A written description of activities and functions containing, at a minimum, information concerning services to be provided and operational methods to be used affecting the physical plant and facilities required by these regulations;

(ii) Duplicate sets of preliminary plans drawn to scale and including:

(A) A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building or buildings on the site; and

(B) The plans for each floor of the building or buildings, existing and proposed, designating the functions of each room and showing all fixed equipment.

(iii) A statement about:

(A) Source of the water supply;

(B) The method of sewage and garbage disposal; and

(C) A general description of construction and materials, including interior finishes.

(b) Licensees and applicants shall start construction only after department receipt and approval of:

(i) Specifications and duplicate sets of final plans drawn to scale;

(ii) Specifications showing complete details to contractors for construction of buildings; and

(iii) Plans and specifications including:

(A) Plot plans;

(B) Plans for each floor of each building designating the function of each room and showing all fixed equipment and the planned location of beds and other furniture in residents' sleeping rooms;

(C) Interior and exterior elevations, building sections, and construction details;

(D) A schedule of floor, wall and ceiling finishes, and the types and sizes of doors and windows;

(E) Plumbing, heating, ventilation, electrical systems, fire safety; and

(F) Specifications fully describing workmanship and finishes.

(c) Centers shall make adequate provisions for safety and comfort of residents as construction work takes place in or near occupied areas.

(d) Centers shall:

(i) Ensure all construction takes place in accordance with department approved final plans and specifications;

(ii) Consult with the department prior to making any changes from the approved plans and specifications;

(iii) Incorporate only department-approved changes into a construction project;

(iv) Submit modified plans or addenda on changes incorporated into a construction project to the department file on the project even though submission of the modified plans or addenda was not required by the department prior to approval.

(e) The department may require submission of modified plans or addenda for review prior to considering a proposed change or changes for approval.

(7) Compliance with other regulations.

(a) Centers shall comply with rules and regulations adopted by the Washington state fire marshal under provisions of RCW 71.12.485.

(b) Centers involved in construction shall comply with the state building code as required in chapter 19.27 RCW.

(c) ~~((Center))~~ Compliance with this chapter ~~((248-25-WAC))~~ does not exempt ~~((it))~~ centers from compliance with codes under other state authorities or local jurisdictions, such as state electrical codes or local zoning, building, and plumbing codes.

(8) Posting of license. Centers shall post the license in a conspicuous place on the premises.

(9) Transfer of ownership. A center shall transfer ownership or, if a corporation, sell a majority of stock, only after the transferee has received department approval of the license application and reported change of center administrator.

(10) Exemptions.

(a) The secretary or designee may exempt a center or treatment home from compliance with specified subsections of these regulations when the department ascertains such exemptions may be made in an individual case without jeopardizing the safety or health of the residents in a particular center or treatment home.

(b) Centers and treatment homes shall keep all written exemptions granted by the department pursuant to this chapter ~~((248-25-WAC))~~ on file in the center or treatment home.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-015 LICENSURE—PRIVATE ADULT TREATMENT HOME. Private adult treatment homes shall be licensed under chapter 71.12 RCW, private establishments. This chapter ~~((248-25-WAC))~~ establishes minimum licensing rules and regulations for safety and adequate care of psychiatrically-impaired clients living in a private adult treatment home. WAC ~~((248-25-010))~~ 246-325-010 (1), (2), (3), (4), (6), (8), (9), and (10) shall apply. All other rules and regulations for private adult treatment homes are contained in WAC ~~((248-25-002, 248-25-100, and 248-25-120))~~ 246-325-010, 246-325-100, and 246-325-120.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-025 HIV/AIDS EDUCATION AND TRAINING. Adult residential rehabilitation centers and private adult treatment homes shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, ~~((May 31, 1989))~~ January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-030 RESIDENT CARE SERVICES IN ADULT RESIDENTIAL REHABILITATION CENTERS OR PRIVATE ADULT TREATMENT HOMES. (1) Policies and procedures. Centers shall establish and follow written policies regarding admission criteria and treatment methods ensuring:

(a) Admission of residents in keeping with stated policies and limited to residents for whom a center is qualified by staff, services, and equipment, to give adequate care;

(b) Acceptance of a psychiatrically impaired resident based upon prior assessment by a mental health professional as defined in chapter 71.05 RCW or by a community mental health program under chapter 71.24 RCW.

(2) Resident assessments. Centers shall require documentation of the assessment of each psychiatrically impaired resident by a mental health professional or program to establish:

(a) Resident requirements are appropriate to the intensity and restrictions of care available and provided;

(b) Resident services required can be appropriately provided by the center or treatment home program or program components; and

(c) The resident is free of a physical condition requiring medical or nursing care available only in a hospital.

(3) Board and domiciliary care. Centers may admit and provide services for residents requiring only board and domiciliary care.

(4) Resident admission limitations. Unless excepted in writing by the Washington state fire marshal and the department, centers and treatment homes shall prohibit admission and retention of individuals who:

(a) Need physical restraints,

(b) Are not ambulatory,

(c) Lack adequate cognitive functioning to enable response to a fire alarm, or

(d) Are unable to evacuate the premises in an emergency without assistance.

(5) Individual treatment and discharge planning.

(a) Centers and treatment homes shall ensure an initial assessment of each resident within seventy-two hours of admission with development of a provisional individualized treatment plan (ITP) for each psychiatrically impaired resident.

(b) A multidisciplinary treatment team shall develop a written ITP for each resident within fourteen days of admission.

(i) The center or treatment home shall provide interpretation of the ITP to resident care staff.

(ii) Each resident and/or an individual selected or chosen by the resident shall be provided an opportunity to participate in development of the ITP.

(iii) The center or treatment home and the multidisciplinary treatment team shall implement the ITP with written review and evaluation as necessary and at least once each thirty days with:

(A) Modifications in the ITP as necessary; and

(B) Implementation and review evidenced in the clinical record.

(iv) Centers and treatment homes shall include the ITP in the clinical record.

(6) Treatment and rehabilitation delivery services. Centers and treatment homes shall develop a written plan describing the organization of services. Consistent with the plan, policies and procedures shall address the following:

(a) ~~((A))~~ Requirements for physician authentication of a completed comprehensive health assessment and medical history within three working days after admission unless a comprehensive health assessment or review performed within the previous thirty days is available upon admission;

(b) Arrangements for physician care of any resident with a medical condition present;

(c) Signing of orders for medical treatment by a physician or other authorized practitioner acting within the scope of Washington state statutes defining practice;

(d) Provisions for emergency medical services;

(e) Completion of a psychiatric evaluation for each psychiatrically impaired resident with authentication by a psychiatrist within thirty days prior to or three working days following admission;

(f) Requirements for a registered nurse, with training and experience in working with psychiatrically impaired adults as follows:

(i) Employed full or part-time or under contract or written agreement; and

(ii) Responsible for all nursing functions.

(g) Access to and availability of mental health professionals, occupational therapists, recreational therapists, LPN, rehabilitation specialists, and paraprofessionals with experience in working with psychiatrically impaired adults, as necessary to develop, integrate, and implement the ITP.

(h) Rehabilitation services under long-term care to include:

(i) An educational and vocational assessment of each resident with appropriate educational and vocational programs developed and implemented or arranged on the basis of the assessment; and

(ii) Training in independent living skills provided by qualified persons as necessary to meet the needs of the residents.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-045 FOOD STORAGE—PREPARATION—SERVICE. (1) Centers shall maintain food service facilities and practices complying with chapter ~~((248-84))~~ 246-215 WAC.

(2) Centers and treatment homes shall provide:

(a) A minimum of three meals in each twenty-four hour period;

(b) Evidence of written approval by the department when a specific request for fewer than three meals per twenty-four hour period is granted;

(c) A maximum time interval between the evening meal and breakfast of fourteen hours unless a snack contributing to the daily nutrient total is served or made available to all residents between the evening meal and breakfast;

(d) Dated, written menus which:

(i) Are written at least one week in advance,

(ii) Are retained six months, and

(iii) Provide a variety of foods with cycle duration of at least three weeks before repeating.

(e) Substitutions for food on menus of comparable nutrient value;

(f) Palatable, attractively served diets, meals, and nourishments sufficient in quality, quantity, and variety to meet the recommended dietary allowances of the food and nutrition board, national research council, 1980 edition; and

(g) A record of all food and snacks served and contributing to nutritional requirements.

(3) Centers and treatment homes shall prepare and serve:

(a) Resident specific modified or therapeutic diets when prescribed and as prescribed by a physician with menus approved by a dietitian; and

(b) Only those nutrient concentrates and supplements prescribed in writing by a physician.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-050 INFECTION CONTROL IN ADULT RESIDENTIAL REHABILITATION CENTERS. (1) Centers shall establish written policies and procedures addressing infection control and isolation of residents (should isolation be necessary and medically appropriate for an infectious condition).

(2) Centers shall report communicable disease in accordance with chapter ~~((248-100))~~ 246-100 WAC.

(3) Centers shall maintain:

(a) A current system for reporting, investigating, and reviewing infections among residents and personnel; and

(b) A system for keeping records on such infections.

(4) Centers shall require off-duty status or restrict resident contact where an employee is known to have a communicable disease in an infectious stage and is likely to be spread by casual contact.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-060 CLINICAL RECORDS. (1) Centers shall maintain and retain:

(a) A well-defined clinical record system, adequate and experienced staff;

(b) Adequate facilities, equipment, and supplies necessary to the development, maintenance, security, control, retrieval, analysis, use, and preservation of resident care data; and

(c) A person demonstrating competency and experience or training in clinical record administration responsible for the clinical record system.

(2) Centers and treatment homes shall document and maintain individual resident records and a record system in accordance with recognized principles of clinical record management to include:

(a) Ready access for appropriate members of staff;

~~((f))~~ Systematic methods for identifying the record of each resident; and

(c) Legible, dated, authenticated entries (ink, typewritten, computer terminal, or equivalent) on all diagnostic and treatment procedures and other clinical events;))

(b) Systematic methods for identifying the record of each resident; and

(c) Legible, dated, authenticated entries (ink, typewritten, computer terminal, or equivalent) on all diagnostic and treatment procedures and other clinical events].

(3) Centers shall have current policies and procedures related to the clinical record system including:

(a) An established format and documentation expectations for the clinical record of each resident;

(b) Control of access to and release of data in clinical records including confidentiality of information contained in records and release of information in accordance with chapter 71.05 RCW;

(c) Retention, preservation, and final disposal of clinical records and other resident care data to ensure:

(i) Retention and preservation of:

(A) Each resident's clinical record for a period of no less than five years, or for five years following the resident's most recent discharge, whichever is the longer period of time;

(B) A complete discharge summary, authenticated by an appropriate member of the staff, for a period of no less than ten years or no less than ten years following the resident's most recent discharge, whichever is the longer period of time; and

(C) Reports of tests related to the psychiatric condition of each resident for a period of no less than ten years or no less than ten years following the resident's most recent discharge, whichever is the longer period of time.

(ii) Final disposal of any resident clinical record, indices, or other reports permitting identification of the individual shall be accomplished so retrieval and subsequent use of data contained therein are impossible;

(iii) In the event of transfer of ownership of the center or treatment home, resident clinical records, indices, and reports remain in the center or treatment home, retained and preserved by the new operator in accordance with this section;

(iv) Center or treatment home arrangements for preservation of clinical records, reports, indices, and resident data in accordance with this section if the center or treatment home ceases operation; and

(v) Department approval of plans for preservation and retention of records prior to cessation of operation.

(d) Psychiatric diagnoses, abbreviations, and terminology consistent with the American Psychiatric Association's Diagnostic and Statistical Manual of Mental Disorders, third edition, revised (DSM-III-R), physical diagnoses, abbreviations, and terminology consistent with International Classification of Diseases, ninth revision, Clinical Modification (ICD-9-CM);

(e) Clinical records identifying information, assessments by the multidisciplinary treatment team, regular progress notes by members of the multidisciplinary treatment team, individualized treatment plans, final evaluation, and a discharge summary;

(f) A master resident index;

(g) Identifying information;

(h) Assessments and regular progress notes by the multidisciplinary treatment team;

(i) Individualized treatment plans; and

(j) Final evaluation and discharge summary.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-070 PHYSICAL ENVIRONMENT IN ADULT RESIDENTIAL REHABILITATION CENTERS. (1) Each center shall provide a safe, clean environment for residents, staff, and visitors.

(2) Centers shall provide:

(a) A ground floor accessible to the physically handicapped; and

(b) Program activity areas and sleeping quarters for any physically handicapped residents on floors meeting applicable standards.

(3) Residents' sleeping rooms.

(a) Centers shall provide sleeping rooms which:

(i) Are directly accessible from a corridor or common-use activity room or an area for residents;

(ii) Are outside rooms with a clear glass window area of approximately one-tenth of the usable floor area;

(iii) Have windows above the ground floor level appropriately screened or have a security window;

(iv) Provide a minimum of eighty square feet of usable floor space in a single-bed room;

(v) Provide no less than seventy square feet of usable floor area per bed in multi-bed rooms;

(vi) Accommodate no more than four residents;

(vii) Provide no less than seven and one-half feet of ceiling height over the required floor area;

(viii) Provide space so beds do not interfere with the entrance, exit, or traffic flow within the room;

(ix) Have dimensions and conformation allowing placement of beds three feet apart; and

(x) Have room furnishings maintained in a clean, safe condition.

(b) Centers shall prohibit use of any room more than three feet, six inches below grade as a resident sleeping room.

(c) Centers shall provide:

(i) Visual privacy for each resident as needed and may achieve this through a program assuring privacy in toileting, bathing, showering, and dressing;

(ii) An enclosed space suitable for hanging garments and storage of personal belongings for each resident within or convenient to his or her room; and

(iii) Secure storage of resident valuables in the room or elsewhere.

(d) Centers shall provide each resident access to his or her room with the following exceptions:

(i) If appropriate, center rules may specify times when rooms are unavailable; and/or

(ii) An ITP may specify restrictions on use of a room.

(e) Centers shall provide a bed for each resident which is:

(i) At least thirty-six inches wide or appropriate to the special needs and size of the resident; and

(ii) Provided with a clean, cleanable, firm mattress and a clean, cleanable, or disposable pillow.

(4) Centers shall ensure that each resident occupied floor or level provides:

(a) One toilet and sink for each eight residents or any fraction thereof;

(b) A bathing facility for each twelve residents or fraction thereof; and

(c) Arrangements for privacy in toilets and bathing facilities.

(5) Centers shall provide:

(a) Adequate lighting in all areas;

(b) An adequate number of electrical outlets to permit use of electrical fixtures appropriate to the needs of residents and consistent with the program;

(c) General lighting for sleeping rooms with an electrical wall switch located at the door of each sleeping room to control one built-in light fixture within the room; and

(d) Emergency lighting equipment such as flashlights or battery-operated lamps available and maintained in operating condition.

(6) Ventilation.

(a) Centers shall provide ventilation of all rooms used by residents or personnel sufficient to remove objectionable odors, excessive heat, or condensation.

(b) Centers shall provide appropriate vents in inside rooms, including toilets, bathrooms, and other rooms where excessive moisture, odors, or contaminants originate.

(7) Centers shall provide:

(a) An adequate supply of hot and cold running water under pressure conforming with standards of the state board of health, chapter ((248-54)) 246-290 WAC;

(b) Hot water temperature at bathing fixtures not to exceed one hundred twenty degrees Fahrenheit;

(c) Hot water at a temperature of one hundred forty degrees Fahrenheit available for laundry equipment; and

(d) Devices to prevent back-flow into the water supply system from fixtures where extension hoses or other cross connections may be used.

(8) Linen and laundry. Centers shall provide:

(a) An adequate storage area and supply of clean linen, washcloths, and towels available for resident use;

(b) Availability of at least one laundry room with washer and dryer located in an area separated from the kitchen and dining area; and

(c) Well-ventilated soiled laundry or linen storage and sorting areas physically separated from the clean linen handling area, the kitchen, and the eating areas.

(9) Centers shall provide at least one private area within the center for visitation of residents and guests.

(10) Centers shall provide an adequate number of therapy and examination rooms for:

(a) Group and individual therapy reasonably sound-proofed to maintain confidentiality;

(b) Seclusion or maximum security if required by a program, unless immediately accessible in a hospital, with each room:

- (i) Under direct staff supervision;
- (ii) Intended for short-term occupancy only;
- (iii) Designed and furnished to provide maximum security and safety for occupant;
- (iv) An inside or outside room with natural or artificial light;
- (v) Provided with window lights in door or other provisions for direct visibility of an occupant at all times; and
- (vi) A minimum of fifty square feet of floor space, exclusive of fixed equipment and a minimum dimension of six feet.

(c) Physical examination of residents when performed on a routine basis within the center including:

- (i) Provisions for privacy and adequate light;
- (ii) A handwashing facility with single-use disposable towels or equivalent; and
- (iii) A soap dispenser.

(11) If seclusion or maximum security rooms are not required by program, these shall be immediately available in a hospital or other licensed facility.

(12) When medical and nursing supplies and equipment are washed, disinfected, stored, or handled within the center, centers shall provide utility and storage areas designed and equipped for these functions providing for segregation of clean and sterile supplies and equipment from contaminated supplies and equipment.

(13) Centers shall provide housekeeping facilities including:

(a) At least one service sink and housekeeping closet equipped with shelving; and

(b) Provision for collection and disposal of sewage, garbage, refuse, and liquid wastes in a manner to prevent creation of an unsafe or unsanitary condition or nuisance.

(14) Centers shall provide:

(a) A heating system operated and maintained to provide a comfortable, healthful temperature in rooms used by residents;

(b) An area for secure storage of resident records;

(c) An area providing privacy for authorized personnel to read and document in the resident records;

(d) An appropriately furnished dining room or rooms or area or areas large enough to provide table service for all residents;

(e) Sufficient space to accommodate various activities when a multi-purpose room is used for dining as well as recreational activities or meetings; and

(f) At least forty square feet per bed for the total combined area utilized for dining, social, educational, recreational activities, and group therapies.

(15) Centers shall provide:

(a) Ready access to one "nonpay" telephone in the event of fire or other emergencies; and

(b) A readily available telephone for use by residents located so privacy is possible.

(16) Centers shall arrange availability of a safely maintained outdoor recreational area for use of residents.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-325-100 RESIDENT CARE SERVICES IN PRIVATE ADULT TREATMENT HOMES. (1) The treatment home shall have written policies regarding admission criteria and treatment methods. Admission of residents shall be in keeping with stated policies and limited to psychiatrically impaired residents for whom the home can provide adequate safety, treatment, and care.

(2) Rules and regulations contained in this chapter (~~(248-25~~ WAC)) shall apply except for the following:

(a) WAC (~~(248-25-010)~~ 246-325-012 (5), (6), (8), and (9));

(b) WAC (~~(248-25-020)~~ 246-325-020;

(c) WAC (~~(248-25-030)~~ 246-325-030 (1), (2), (6)(f);

(d) WAC (~~(248-25-035)~~ 246-325-035 (6)(j)(i)-(ii) and (6)(k);

(e) WAC (~~(248-25-040)~~ 246-325-040;

(f) WAC (~~(248-25-050)~~ 246-325-050; and

(g) WAC (~~(248-25-070)~~ 246-325-070.

(3) The treatment home shall:

(a) Require a specific order or prescription by a physician or other legally authorized practitioner for resident medications;

(b) Assume responsibility for security and monitoring of resident medications including:

(i) Locked storage or other means to keep medication unaccessible to unauthorized persons;

(ii) Refrigeration of medication when required;

(iii) External and internal medications stored separately (separate compartments);

(iv) Each medication stored in original labeled container;

(v) Medication container labels including the name of the resident and the date of purchase;

(vi) Limiting disbursement and access to licensee except for self-administered medications;

(vii) Medications dispersed only on written approval of an individual or agency having authority by court order to approve medical care;

(viii) Medications dispersed only as specified on the prescription label or as otherwise authorized by a physician; and

(ix) Ensuring self-administration of medications by a resident in accordance with the following:

(A) The resident shall be physically and mentally capable of properly taking his or her own medicine; and

(B) Prescription drugs, over-the-counter drugs, and other medical materials used by individuals shall be kept so the prescription drugs are not available to other individuals.

(4) Clinical records and record systems shall comply with WAC (~~(248-25-060)~~ 246-325-060.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-001 PURPOSE. Regulations relating to alcoholism treatment facilities are hereby adopted pursuant to chapter 71.12 RCW. The purpose of these regulations is to provide health and safety standards and procedures for the issuance, denial, suspension, and/or revocation of licenses for facilities, other than hospitals regulated pursuant to chapter (~~(248-18 or 248-22)~~ 246-318 or 246-322 WAC, maintained and operated primarily for receiving or caring for alcoholics.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-010 DEFINITIONS. For the purpose of these regulations, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, approved, competent, qualified, necessary, reasonable, reputable, satisfactory, sufficiently, effectively, appropriately, or suitable used in these rules and regulations to qualify an individual, a procedure, equipment, or building shall be as determined by the Washington state department of (~~(social and)~~) health (~~(services)~~).

(1) "Abuse," other than substance or alcohol abuse, means the injury, sexual use, or sexual mistreatment of an individual patient by any person under circumstances which indicate the health, welfare, and safety of the patient is harmed thereby.

(a) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(b) "Emotional abuse" means verbal or nonverbal actions, outside of accepted therapeutic programs, which are degrading to a patient or constitute harassment.

(2) "Administrator" means an individual appointed as the chief executive officer by the governing body of a facility to act in the facility's behalf in the overall management of the alcoholism treatment facility.

(3) "Alcoholic" means a person with alcoholism.

(4) "Alcoholism" means an illness characterized by lack of control as to the consumption of alcoholic beverages, or the consumption of alcoholic beverages to the extent an individual's health is substantially impaired or endangered, or his or her social or economic function is substantially disrupted.

(5) "Alcoholism counselor" means an individual having adequate education, experience, and knowledge regarding the nature and treatment of alcoholism and knowledgeable about community resources providing services alcoholics may need and who knows and understands the principles and techniques of alcoholism counseling with minimal requirements to include:

(a) A history of no alcohol or other drug misuse for a period of at least two years immediately prior to time of employment as an alcoholism counselor and no misuse of alcohol or other drugs while employed as an alcoholism counselor;

- (b) A high school diploma or equivalent;
- (c) Satisfactory completion of at least twelve quarter or eight semester credits from a college or university, including at least six quarter credits or four semester credits in specialized alcoholism courses.
- (6) "Alcoholism treatment facility" means a private place or establishment, other than a licensed hospital, operated primarily for the treatment of alcoholism.
- (7) "Alteration" means changes requiring construction in an existing alcoholism treatment facility.
- "Minor alteration" means any physical or functional modification within existing alcoholism treatment facilities not changing the approved use of a room or area. Minor alterations performed under this definition do not require prior review of the department; however, this does not constitute a release from any applicable requirements herein.
- (8) "Area," except when used in reference to a major section of an alcoholism treatment facility, means a portion of a room containing the equipment essential to carry out a particular function and separated from other facilities of the room by a physical barrier or adequate space.
- (9) "Authenticated" means written authorization of any entry in a patient treatment record by means of a signature including, minimally, first initial, last name, and title.
- (10) "Authentication record" means a document which is part of each patient treatment record and includes identification of all individuals initialing entries in the treatment record: Full printed name, signature as defined in WAC (~~(246-26-010)~~) 246-326-010(9), title, and initials that may appear after entries in the treatment record.
- (11) "Bathing facility" means a bathtub or shower.
- (12) "Counseling, group" means an interaction between two or more patients and alcoholism counselor or counselors for the purpose of helping the patients gain better understanding of themselves and develop abilities to deal more effectively with the realities of their environments.
- (13) "Counseling, individual" means an interaction between a counselor and a patient for the purpose of helping the patient gain a better understanding of self and develop the ability to deal more effectively with the realities of his or her environment.
- (14) "Detoxification" means care or treatment of an intoxicated person during a period where the individual recovers from the effects of intoxication.
- (a) "Acute detoxification" means a method of withdrawing a patient from alcohol where nursing services and medications are routinely administered to facilitate the patient's withdrawal from alcohol.
- (b) "Subacute detoxification" means a method of withdrawing a patient from alcohol utilizing primarily social interaction between patients and staff within a supportive environment designed to facilitate safety for patients during recovery from the effects of intoxication with no medications administered by the staff.
- (15) "Detoxified" means withdrawn from the consumption of alcohol and recovered from the effects of intoxication and any associated acute physiological withdrawal reactions.
- (16) "Department" means the Washington state department of (~~(social and)~~) health (~~(services)~~).
- (17) "Facilities" means a room or area and/or equipment to serve a specific function.
- (18) "General health supervision" means provision of the following services as indicated:
- (a) Reminding a patient to self-administer medically prescribed drugs and treatments;
- (b) Encouraging a patient to follow a modified diet and rest or activity regimen when one has been medically prescribed;
- (c) Reminding and assisting a patient to keep appointments for health care services, such as appointments with physicians, dentists, home health care services, or clinics;
- (d) Encouraging a patient to have a physical examination if he or she manifests signs and symptoms of an illness or abnormality for which medical diagnosis and treatment are indicated.
- (19) "Governing body" means an individual or group responsible for approving policies related to operation of an alcoholism treatment facility.
- (20) "Grade" means the level of the ground adjacent to the building measured at the required windows. The ground shall be level or sloped downward for a distance of at least ten feet from the wall of the building.
- (21) "Inpatient" means a patient to whom the alcoholism treatment facility is providing board and room on a twenty-four-hour-per-day basis.

- (22) "Intoxication" means acute or temporary impairment of an individual's mental or physical functioning caused by alcohol in the body.
- (23) "Intoxicated" means in the state of intoxication.
- (24) "Lavatory" means a plumbing fixture of adequate size and proper design for washing hands.
- (25) "Legend drug" means any drug required by state law or regulation of the state board of pharmacy to be dispensed on prescription only or is restricted to use by practitioners only.
- (26) "Licensed nurse" means either a registered nurse or a licensed practical nurse.
- (a) "Licensed practical nurse" means an individual licensed pursuant to chapter 18.78 RCW.
- (b) "Registered nurse" means an individual licensed pursuant to chapter 18.88 RCW.
- (27) "May" means permissive or possible at the discretion of the department.
- (28) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a disregard of consequences of such magnitude as to constitute a clear and present danger to a patient's health, welfare, and/or safety.
- (29) "New construction" means any of the following:
- (a) New building to be used as an alcoholism treatment facility.
- (b) Additions to existing buildings to be used as an alcoholism treatment facility.
- (c) Conversion of existing buildings or portions thereof for use as an alcoholism treatment facility.
- (d) Alterations.
- (30) "Owner" means an individual, firm, partnership, corporation, company, association, or joint stock association or the legal successor thereof operating an alcoholism treatment facility whether he or she owns or leases the premises.
- (31) "Patient" means any individual receiving services for the treatment of alcoholism.
- (32) "Pharmacist" means an individual licensed as a pharmacist in the state of Washington pursuant to provisions of chapter 18.64 RCW.
- (33) "Physician" means an individual licensed under the provisions of chapter 18.71 RCW Physicians, or chapter 18.57 RCW Osteopathy—Osteopathic medicine and surgery.
- (34) "Room" means a space set apart by floor to ceiling partitions on all sides with proper access to a corridor or a common-use living room or area and with all openings provided with doors or windows.
- (35) "Secretary" means the secretary of the Washington state department of (~~(social and)~~) health (~~(services)~~).
- (36) "Shall" means compliance is mandatory.
- (37) "Should" means a suggestion or recommendation but not a requirement.
- (38) "Through traffic" means traffic for which the origin and destination are outside the room or area serving as a passageway.
- (39) "Toilet" means a disposal apparatus consisting of a hopper fitted with a seat and flushing device, used for urination and defecation.
- (40) "Usable floor space" means, in reference to patient sleeping room, the floor space exclusive of vestibules and closets, wardrobes, or portable lockers.
- (41) "Utility sink" means a plumbing fixture of adequate size and proper design for filling and emptying mop buckets.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

- WAC 246-326-020 LICENSURE. (1) Application for license.
- (a) An application for an alcoholism treatment facility license shall be submitted on forms furnished by the department. An application shall be signed by the owner of the facility, or his or her legal representative, and the administrator.
- (b) The applicant shall furnish to the department full and complete information, and promptly report any changes.
- (2) Disqualified applicants.
- (a) Each and every individual named in an application for an alcoholism treatment facility license shall be considered separately and jointly as applicants and, if anyone be deemed unqualified by the department in accordance with the law or these rules and regulations, the license may be denied, suspended, or revoked.
- (b) A license may be denied, suspended, or revoked for failure or refusal to comply with the requirements established by chapter 71.12 RCW or with these rules and regulations and, in addition, any of the following:

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

(ii) Permitting, aiding, or abetting the commission of any illegal act on the premises of the alcoholism treatment facility;

(iii) Cruelty, assault, abuse, neglect, or indifference to the welfare of any patient;

(iv) Misappropriation of the property of the patients; or

(v) Failure or inability to exercise fiscal accountability and responsibility toward the individual patient, the department, or the business community.

(c) Before granting a license to operate an alcoholism treatment facility, the department shall consider the ability of each individual named in the application to operate the alcoholism treatment facility in accordance with the law and these regulations. Individuals having been previously denied a license to operate a health or personal care facility in this state or elsewhere, or having been convicted civilly or criminally of operating such a facility without a license, or having had their license to operate such a facility suspended or revoked shall not be granted a license unless to the satisfaction of the department they affirmatively establish clear, cogent, and convincing evidence of their ability to operate the alcoholism treatment facility, for which the license is sought, in full conformance with all applicable laws, rules, and regulations.

(d) Individuals convicted of a felony, child abuse, and/or any crime involving physical harm to another person, or individuals identified as perpetrators of substantiated child abuse pursuant to chapter 26.44 RCW, shall be disqualified by reason of such conviction if such conviction is reasonably related to the competency of the person to exercise responsibilities for ownership, operation, and/or administration of an alcoholism treatment facility unless, to the satisfaction of the department, the individual establishes clear, cogent, and convincing evidence of sufficient rehabilitation subsequent to such conviction or abuse registry listing to warrant public trust.

(3) Submission of plans. The following shall be submitted with an application for license: PROVIDED HOWEVER, That whenever any of the required plans are already on file with the department through previous applications for license or construction approval, only plans for portions or changes not on file need to be submitted.

(a) A plot plan showing streets, driveways, water and sewage disposal systems, locations of buildings on the site, and grade elevations within ten feet of any building where patients are to be housed.

(b) Floor plans of each building where patients are to be housed. The floor plans shall provide the following information:

(i) Identification of each room by use of a system;

(ii) Identification of category of service intended for each room;

(iii) The usable square feet of floor space in each patient sleeping room;

(iv) The clear window glass area in each patient's sleeping room;

(v) The height of the lowest portion of the ceiling in any patient's sleeping room; and

(vi) Floor elevations referenced to the grade level.

(c) If new construction or remodeling is planned, requirements in WAC ((~~248-26-020~~) 246-326-020(7)) shall apply.

(4) Classification or categories of alcoholism treatment services. For the purpose of licensing, alcoholism treatment services provided by alcoholism treatment facilities shall be classified as follows:

(a) Alcoholism detoxification services are either acute or subacute services required for the care and/or treatment of individuals intoxicated or incapacitated by alcohol during the initial period the body is cleared of alcohol and the individual recovers from the transitory effects of intoxication. Services include screening of intoxicated persons, detoxification of intoxicated persons, counseling of alcoholics regarding their illness to stimulate motivation to obtain further treatment, and referral of detoxified alcoholics to other, appropriate alcoholism treatment programs.

(b) Alcoholism intensive inpatient treatment services are those services provided to the detoxified alcoholic in a residential setting including, as a minimum, limited medical evaluation and general health supervision, alcoholism education, organized individual and group counseling, discharge referral to necessary supportive services, and a patient follow-through program after discharge.

(c) Alcoholism recovery house services are the provision of an alcohol-free residential setting with supporting services and social and recreational facilities for detoxified alcoholics to aid their adjustment to alcohol-free patterns of living and their engagement in occupational training, gainful employment, or other types of community activities.

(d) Alcoholism long-term treatment services are long-term provision of a residential care setting providing a structural living environment, board, and room for alcoholics with impaired self-maintenance capabilities needing personal guidance and assistance to maintain sobriety and optimum health status.

(5) Authorization and designation of categories of alcoholism treatment service.

(a) The license issued to an alcoholism treatment facility shall show the category or categories of alcoholism treatment the facility is licensed to provide.

(b) For each category of alcoholism treatment service, the licensee shall designate and maintain the particular category or categories of service for which the department has shown approval on the license.

(c) If maintenance and operation are not in compliance with chapter 71.12 RCW or chapter ((~~248-26~~) 246-326) WAC, the department may deny, suspend, or revoke authorization to provide a particular category of treatment service.

(6) Posting of license. The license for an alcoholism treatment facility shall be posted in a conspicuous place on the premises.

(7) New construction.

(a) When new construction is planned, the following shall be submitted to the department for review:

(i) A written program containing, at a minimum, information concerning services to be provided and operational methods to be used affecting the extent of facilities required by these regulations.

(ii) Duplicate sets of preliminary plans for new construction drawn to scale and including:

(A) A plot plan showing streets, driveways, the water and sewage disposal systems, grade and location of building or buildings on the site;

(B) Plans of each floor of the building or buildings, existing and proposed, designating the function of each room and showing all fixed equipment;

(iii) Preliminary plans shall be accompanied by a statement as to:

(A) Source of the water supply;

(B) Method of sewage and garbage disposal; and

(C) A general description of construction and materials including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans for new construction, drawn to scale, and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings. These shall include:

(i) Plot plan;

(ii) Plans of each floor of the building or buildings designating the function of each room and showing all fixed equipment;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) A schedule of floor, wall, and ceiling finishes, and the types and sizes of doors and windows;

(v) Plumbing, heating, ventilating, and electrical systems; and

(vi) Specifications fully describing the workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of patients if construction work takes place in or near occupied areas.

(d) All construction shall take place in accordance with the approved final plans and specifications.

(i) The department shall be consulted prior to making any changes from the approved plans and specifications.

(ii) When indicated by the nature or extent of proposed changes, the department may require the submission of modified plans or addenda for review prior to considering proposed change or changes for approval.

(iii) Only those changes approved by the department shall be incorporated into a construction project.

(iv) In all cases, modified plans or addenda on changes incorporated into the construction project shall be submitted for the department's file on the project even though it was not required these be submitted prior to approval.

(8) Exemptions.

(a) The secretary or designee may exempt an alcoholism treatment facility from compliance with parts of these regulations when it has been found after thorough investigation and consideration such exemption may be made in an individual case without jeopardizing the safety or health of the patients in the particular alcoholism treatment facility.

(b) The secretary or designee may, upon written application, allow the substitution of procedures, materials, or equipment for those specified in these regulations when such procedures, materials, or equipment have been demonstrated, to the satisfaction of the secretary, to be at least equivalent to those prescribed.

(c) All exemptions or substitutions granted pursuant to the foregoing provisions shall be reduced to writing and filed with the department and the alcoholism treatment facility.

(9) Compliance with other regulations.

(a) Rules and regulations adopted by the Washington state fire marshal under provision of RCW 71.12.485 which are found in chapter 212-40 WAC apply.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the International Association of Plumbing and Mechanical Officials, 1979 edition, shall be followed.

(c) Compliance with these regulations does not exempt an alcoholism treatment facility from compliance with local and state electrical codes or local zoning, building, and plumbing codes.

(10) Transfer of ownership. The possession or ownership of an alcoholism treatment facility shall not be transferred until the transferee has been notified by the department that the transferee's application for license has been approved.

(11) Denial, suspension, modification, or revocation of licenses or a license appeal; notice; adjudicative proceeding.

(a) When the department determines a facility has failed or refused to comply with the requirements of chapter 71.12 RCW and/or these rules, the department may deny, suspend, modify, or revoke a license. The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with (~~RCW 43.20A.XXX and~~) section (~~95~~) 377, chapter (~~175~~) 3, Laws of (~~1989~~) 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the (~~Office of Appeals, P.O. Box 2465~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter (~~248-08~~) 246-08 WAC. If a provision in this chapter conflicts with chapter (~~248-08~~) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-030 ADMINISTRATIVE MANAGEMENT. (1) Governing body.

(a) The alcoholism treatment facility shall have a governing body responsible for adopting policies related to the conduct of the alcoholism treatment facility in accordance with applicable laws and regulations.

(b) The governing body shall provide for the personnel, facilities, equipment, supplies, and special services necessary to meet patient needs for services and to maintain and operate the facility in accordance with applicable laws and regulations.

(2) Administrator.

(a) There shall be an administrator at least twenty-one years of age, with no history of drug or alcoholism misuse for a period of two years prior to employment, to manage the alcoholism treatment facility in compliance with chapter 71.12 RCW and chapter (~~248-26~~) 246-326 WAC.

(b) The administrator either shall be on duty or readily available at all times except when an alternate administrator meeting qualifications in this section is designated in writing or in written job description and is on duty or readily available.

(c) The administrator shall establish and maintain a current written plan of organization including all positions and delineating the functions, responsibilities, authority, and relationships of all positions within the alcoholism treatment facility.

(d) The administrator shall ensure the existence and availability of policies and procedures which are:

(i) Written, developed, reviewed, and revised as necessary to keep them current;

(ii) Dated and signed by persons having responsibility for approval of the policies and procedures;

(iii) Readily available to personnel; and

(iv) Followed in the care and treatment of patients.

(3) Personnel.

(a) There shall be sufficient numbers of qualified personnel, who are not patients, to provide services needed by patients and to properly maintain the alcoholism treatment facility. At least one staff person shall be on duty or in residence within the alcoholism treatment facility at all times.

(b) There shall be a written job description for each position classification within the facility.

(c) Upon employment each person shall have or provide documented evidence of a tuberculin skin test by the Mantoux method unless medically contraindicated. When this skin test is negative (less than ten millimeters of induration read at forty-eight to seventy-two hours), no further tuberculin skin test shall be required. A positive test consists of ten millimeters or more of induration read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(i) Those with positive tests who have completed a recommended course of preventive or curative treatment, as determined by the local health officer, shall be exempted from testing.

(ii) Records of test results, x-rays, or exemptions to such shall be kept by the facility.

(d) Employees with a communicable disease in an infectious stage shall not be on duty.

(e) A planned, supervised orientation shall be provided to each new employee to acquaint him or her with the organization of the facility, the physical plant layout, his or her particular duties and responsibilities, the policies, procedures, and equipment pertinent to his or her work, and the disaster plan for the facility.

(f) A planned, training program shall be provided to any employee not prepared for his or her job responsibilities through previous training.

(g) Records shall be maintained of orientation, on-the-job training, and continuing education provided for employees.

(h) At least one staff person on the premises shall be currently qualified to provide basic first aid and cardiopulmonary resuscitation.

(i) Medical or nursing responsibilities, functions, or tasks shall be consistent with current Washington state law governing physician or nursing practice.

(j) Records or documentation of compliance with employee requirements described in chapter (~~248-26~~) 246-326 WAC shall be available.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-035 HIV/AIDS EDUCATION AND TRAINING. Alcoholism treatment facilities shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, (~~May 31, 1989~~) January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-040 PATIENT CARE AND SERVICES—GENERAL. (1) Individual treatment plan. For each patient, there shall be a plan individualized for treatment to include the treatment prescribed as well as assessment of physical, mental, emotional, social, and spiritual needs.

(a) The patient shall be encouraged to participate in development of the plan.

(b) Work assignments may be permitted when part of the individual treatment plan and under supervision of staff.

(2) General care and treatment.

(a) Each patient shall have available the equipment, supplies, and assistance needed to maintain personal cleanliness and grooming.

(b) The patient shall be treated in a manner respecting individual identity and human dignity with policies and procedures, as appropriate, to include:

(i) Protection from invasion of privacy: PROVIDED, That reasonable means may be used to detect or prevent contraband from being possessed or used on the premises;

(ii) Confidential treatment of clinical and personal information in communications with individuals not associated with the plan of treatment;

(iii) Means of implementing federal requirements related to confidentiality of records, Title 42, Code of Federal Regulations, Part 2, Federal Register, July 1, 1975;

(iv) Provision of reasonable opportunity to practice religion of choice insofar as such religious practice does not infringe upon rights and treatment of other patients or the treatment program in the alcoholism treatment facility: PROVIDED, That a patient also has the right to refuse participation in any religious practice;

(v) Communication with significant others in emergency situations;

(vi) Freedom from physical abuse, corporal punishment, or other forms of abuse against the patient's will, including being deprived of food, clothes, or other basic necessities.

(c) Infection control, general.

(i) There shall be policies and procedures designed to prevent transmission of infection minimally to include aseptic techniques, hand-washing, methods of cleaning, disinfecting or sterilizing, handling, and storage of all supplies and equipment.

(ii) There shall be reporting of communicable disease of patients in accordance with chapter (~~246-100~~) 246-100 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-050 HEALTH AND MEDICAL CARE SERVICES—ALL FACILITIES. (1) Admission and retention of patients shall be appropriate to services available.

(a) Each alcoholism treatment facility shall have written policies related to admission, retention, leave, and discharge.

(b) Patients manifesting signs and symptoms of a physical or mental condition requiring medical or nursing care not provided or available in the alcoholism treatment facility shall not remain in the facility. Staff shall facilitate movement of such patients to an appropriate setting as soon as possible and feasible.

(2) Each alcoholism treatment facility shall have a current, transfer agreement with a hospital licensed pursuant to chapter 70.41 or 71.12 RCW.

(3) Medical coverage.

(a) A physician shall be responsible for direction of all medical aspects of the alcoholism treatment program or programs with medical responsibility minimally to include approval of policies and procedures related to:

(i) Initial and ongoing medical screening and assessment of patients;

(ii) Care of patients with minor illnesses or other conditions requiring minor treatment or first aid; and

(iii) Medical emergencies.

(b) There shall be specific arrangements for physician services at all times with schedules, names, and phone numbers posted and available in appropriate locations. Physician services may include hospital emergency departments, group clinic practice, or equivalent emergency facilities.

(c) Medical emergency policy and procedures related to emergency situations shall minimally include:

(i) Delineation of circumstances, signs, and symptoms related to specific actions required of personnel;

(ii) Circumstances warranting immediate contact of physician services or other licensed personnel;

(iii) Minimum qualifications for staff executing procedures; and

(iv) Written approval or acceptance of medical emergency policies and procedures by administrator and responsible physician. When nursing services are provided, approval or acceptance by the responsible registered nurse shall be included.

(4) Nursing services. Nursing services, when provided, shall be planned and supervised by a registered nurse minimally to include:

(a) Responsibility for any nursing functions performed by personnel in the alcoholism treatment facility.

(b) Selection, training, and written evaluation of personnel or volunteers providing nursing observation and/or care.

(c) Written nursing procedures to guide actions of personnel and volunteers providing nursing observation and/or care.

(5) Supplies. Appropriate supplies for first aid, medical, or nursing procedures shall be readily available.

(6) Safety measures.

(a) There shall be written policies and procedures governing actions of staff following any accident or incident jeopardizing a patient's health or life, minimally to include:

(i) Facilitation of patient protection and safety;

(ii) Investigation of accidents or incidents;

(iii) Institution of preventive measures insofar as possible;

(iv) Written documentation in the patient treatment record.

(b) There shall be provision for staff to gain immediate emergency access to any room occupied by a patient.

(7) Individual patient treatment/care records.

(a) There shall be an organized record system providing for:

(i) Maintenance of a current, complete, treatment record for each patient;

(ii) A systematic method of identifying and filing patient records so each record can be located readily;

(iii) Maintenance of the confidentiality of patient treatment records by storing and handling the records under conditions allowing only authorized persons access to the records.

(b) Each entry in the patient's treatment/care record shall be dated and authenticated by the signature and title of the person making the entry. (An authentication record system may be acceptable.)

(c) Each record shall be available to treatment staff and include:

(i) Identifying and sociological data including the patient's full name, birthdate, home address, or last known address if available;

(ii) Date of admission;

(iii) The name, address, and telephone number of the patient's personal physician or medical practitioner if available;

(iv) A record of the findings of any health screenings;

(v) A record of medical findings following examination by a medical practitioner;

(vi) A record of observations of the patient's condition;

(vii) A physician or legally authorized practitioner's written order for any modified diet served to the patient;

(viii) Orders for any drugs or medical treatment shall be dated and signed by a physician or legally authorized practitioner unless self-administered from a container bearing an appropriate pharmacist-prepared label in accordance with instructions on that label;

(ix) A record of any administration of a medication or treatment to a patient by the person legally authorized to administer medications and/or observation of self-administration including time and date of administration and signature of the individual administering the medication or observing self-administration;

(x) Medical progress notes, when applicable, shall be made in the treatment record.

(8) Notification regarding change in patient's condition. A member of the patient's family or another person with whom the patient is known to have a responsible personal relationship shall be notified as rapidly as possible, upon the discretion of the treating physician, should a serious change in the patient's condition, transfer, or death of the patient occur: PROVIDED HOWEVER, That the patient is incapable of rational communication. Such notification shall not occur without the consent of the patient any time when the patient is capable of rational communication.

(9) Food services - general.

(a) Food service sanitation shall be governed by chapter (~~246-84~~) 246-215 WAC rules and regulations of the state board of health governing food service sanitation.

(b) Areas used for storage and preparation of food shall be used only for performance of assigned food service duties. Through traffic is prohibited.

(c) There shall be current written policies and procedures to include safety, food acquisition, food storage, food preparation, serving of food, and scheduled cleaning of all food service equipment and work areas. These policies shall be readily available to all personnel.

(i) All personnel handling food, including patients assisting in food services, shall follow the procedures.

(ii) Cooking shall not be permitted in sleeping rooms.

(d) Food provided shall be appropriate to meet the needs of patients on a twenty-four hour basis.

(10) Food service - alcoholism intensive inpatient treatment, recovery house, long-term treatment services.

(a) There shall be a designated individual responsible for food service.

(b) Staff trained in food service procedures shall be present during all meal times when meals are served on the premises.

(c) Meals and nourishments shall be palatable, properly prepared, attractively served, and sufficient in quality, quantity, and variety to meet "Recommended Dietary Allowance," Food and Nutrition Board, National Research Council, 1980 edition, adjusted for activity unless medically contraindicated.

(i) At least three meals a day shall be served at regular intervals with not more than fourteen hours between the evening meal and breakfast.

(ii) There shall be written medical orders for any therapeutic diet served to a patient. Therapeutic diets shall be prepared and served as prescribed.

(iii) A current diet manual, approved in writing by a dietitian and physician, shall be used for planning and preparing diets.

(d) Menus shall be planned, written, and dated at least one week in advance.

(i) Food substitutions shall be of comparable nutritional value and recorded as served.

(ii) A record of planned menus with substitutions and food as served shall be retained for six months.

(iii) The written order of a legally authorized medical practitioner is required prior to serving any nutrient concentrate or supplement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-060 MEDICATION RESPONSIBILITY—ADMINISTRATION OF MEDICATIONS AND TREATMENTS. (1) There shall be provisions for timely delivery of necessary patient medications from a pharmacy so a physician's or legally authorized practitioner's orders for medication therapy can be implemented without undue delay.

(2) There shall be written policies and procedures providing for description of types of stock medications, procurement, storage, control, use, retention, release, and disposal of medications in accordance with applicable federal and state laws and regulations.

(a) There shall be adequate medication facilities providing for locked storage of all medications.

(b) There shall be a sink with hot and cold running water, other than the lavatory or sink in a toilet room, available.

(c) Medications, including stock medications, shall be accessible only to authorized staff.

(d) Stock internal and external medicine and medications shall be stored apart from each other.

(e) Medicine or medications requiring special storage conditions shall be stored according to manufacturer's or pharmacist's directions.

(f) The inside temperature of the refrigerator where drugs are stored shall be maintained within a thirty-five to fifty degree Fahrenheit range. Medication stored in a refrigerator shall be enclosed in a container to separate the medications from food or other products.

(g) All medications shall be obtained and kept in containers labeled securely and legibly by a pharmacist, or in original containers labeled by the manufacturer, and shall not be transferred from the container except for preparation of a single dose for administration. A label on a container of medication shall not be altered or replaced except by a pharmacist.

(i) Medication containers having soiled, damaged, incomplete, illegible, or makeshift labels shall be returned to a pharmacist for relabeling or disposal.

(ii) Medication in containers having no labels shall be destroyed.

(h) Any medication having an expiration date shall be removed from usage and destroyed immediately after the expiration date.

(i) All of an individual patient's medications left in the facility following discharge, transfer, or departure, except those released to the patient upon discharge and Schedule II controlled substances, shall be destroyed by authorized staff after departure (of) of the patient or returned to a pharmacist for appropriate disposition.

(i) Medications or medicines shall be destroyed in the presence of a witness or by a pharmacist in such a manner that the medications cannot be retrieved, salvaged, or used; medications shall not be discarded with garbage or refuse.

(ii) For any medication destroyed, staff shall make an entry in the individual patient treatment record to include:

- (A) Date;
- (B) Name of medication;
- (C) Strength of medication;

(D) Quantity of medication;

(E) Signature of staff who destroyed the medication; and

(F) Signature of staff who witnessed destruction.

(j) When staff who are legally authorized to administer medications are employed or available in an alcoholism treatment facility, a physician or legally authorized prescribing practitioner may provide an emergency drug or medication supply within a facility: PROVIDED, That the following requirements are met:

(i) The emergency drug or medication supply shall be considered an extension of the physician's or prescribing practitioner's own drug or medication supply and remain his or her responsibility.

(ii) All drugs or medications for an emergency supply shall be kept in a separate, secure, locked, emergency drug drawer or cabinet or equivalent.

(iii) The emergency drug or medication supply shall be limited to medications needed for genuine medical emergencies, including the need for the medical management of an intoxicated person.

(iv) The quantity of any medication in a particular dosage strength shall be limited to a seventy-two hour supply determined by calculating the number of patients and the potential need for emergency medication.

(v) A list of drugs or medications to be kept in the emergency medication supply shall be available with the emergency medication supply.

(A) This list shall include the names and dosage strength of each medication, and be dated and signed by the physician or legally authorized prescribing practitioner.

(B) The emergency medication supply shall contain only those medications on this list.

(vi) There shall be a record of each medication removed or added to the emergency medication supply. This record shall include:

(A) Name and amount of medication removed or added;

(B) Date of removal or addition;

(C) Identification of the patient receiving a medication removed;

(D) Signature of staff removing or adding to the emergency medication supply.

(k) Medications listed as controlled substances in Washington shall be prohibited. This does not preclude individual patient prescriptions or medications kept in an emergency medication supply pursuant to WAC ((246-26-060)) 246-326-060 (2)(j).

(l) The alcoholism treatment facility maintaining nonprescription medications in a first-aid supply shall establish policies and procedures for use of the first-aid supply, approved by signature of a legally authorized prescribing practitioner.

(3) Administration of medications and medical treatments. Policies and procedures shall be established for administration of medications, including self-administration, within each alcoholism treatment facility.

(a) There shall be an organized system designed to ensure accuracy in receiving, transcribing, and implementing orders for administration of medications and treatments.

(i) Orders for medications and treatments, including standing orders, used in the care of a patient shall be entered in the patient's treatment record and shall be signed by a physician or other legally authorized practitioner.

(ii) Orders for drugs and medical treatments shall include:

(A) Date ordered;

(B) Name of the medication or description of the treatment including the name of medication, solution, or other agent to be used in the treatment;

(C) Dosage, concentration, or intensity of a medication, solution, or other agent used;

(D) Route or method of administration;

(E) Frequency, time interval between doses, or duration of administration;

(F) Maximum number of doses or treatments to be administered;

(G) Circumstances for which the medication or treatment is to be administered; and

(H) Signature of the legally authorized prescribing practitioner.

(iii) A verbal or telephone order for the administration of medication or medications or medical treatment or treatments shall be received by a licensed nurse from the physician or other practitioner legally authorized to prescribe. Upon receipt of such an order, the following shall be entered immediately into the patient's treatment record.

(A) Data required under WAC ((246-26-060)) 246-326-060 (3)(a)(ii);

(B) Name of the physician or legally authorized practitioner issuing the order;

(C) Signature of the licensed nurse receiving the order;

(D) Physician's or legally authorized practitioner's signature for such an order shall be obtained as soon as possible and not later than five days after receipt of the verbal or telephone order.

(iv) Persons administering medications and medical treatments to patients shall be qualified by training and legally permitted to assume this responsibility.

(v) Any medication administered to a patient shall be prepared, administered, and recorded in the patient's treatment record by the same person. This shall not be interpreted to preclude a physician's administration of a medication having been prepared for administration by a person assisting the physician in the performance of a diagnostic or treatment procedure or the administration of a single, properly labeled medication having been dispensed or issued from a pharmacy so the medication is ready to administer.

(b) Medications shall be administered or self-administered only as legally authorized through written order, approval, or prescription signed by a physician or other legally authorized practitioner or self-administered from a container in accordance with an appropriately affixed pharmacist-prepared label.

(c) Medications shall be administered by appropriately licensed personnel when they are not self-administered.

(d) Self-administration of drugs by a patient shall be in accordance with the following:

(i) The patient shall be physically and mentally capable of administering his or her own medication properly.

(ii) Any medication a patient has for self-administration in the facility shall have been ordered, approved, or prescribed by a legally authorized practitioner.

(iii) Prescription medications, over-the-counter medications purchased independently by the patient, and other medicinal materials used by a patient shall be kept in individual storage units within locked drawers, medicine cabinets, compartments, or equivalent. Access to all medications shall be controlled by authorized staff. Use of such medications and materials in each individual storage unit shall be restricted to the particular patient for self-administration.

(iv) Staff shall observe use of medications by each patient and record the observation in the patient's individual treatment record.

(e) Any medications used in the subacute detoxification service shall be self-administered only with observation of use of medication recorded in the individual treatment record by the staff of the alcoholism treatment facility.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-090 PHYSICAL PLANT AND EQUIPMENT.

(1) Patients' sleeping rooms.

(a) There shall be at least eighty square feet of usable floor space in single-bed sleeping rooms and seventy square feet of usable floor space per bed in multiple bed sleeping rooms.

(i) No portion of a sleeping room having less than seven foot six inch ceiling height may be counted as part of the required area.

(ii) The maximum capacity of any patient sleeping room shall not exceed twelve beds.

(b) Each sleeping room shall be located to prevent through traffic and minimize the entrance of excessive noise, odors, and other nuisances.

(c) Only rooms having unrestricted direct access to a hallway, living room, outside, or other common-use area shall be used as sleeping rooms.

(d) Sleeping rooms shall be outside rooms with a clear glass window area in a vertical wall not less than one-tenth of the required floor area.

(i) Rooms shall not be considered to be outside rooms if such required window area is within ten feet of another building or other obstruction to view or opens into a window well, enclosed porch, light shaft, ventilation shaft, or other enclosure of similar confining nature.

(ii) Windows designed to open shall operate freely.

(iii) Curtains, shades, blinds, or equivalent shall be provided at each window for visual privacy.

(e) A basement room may be used as a sleeping room provided the floor of the room is no more than three feet eight inches below the base of the window or windows, and there is adequate natural light. The grade shall extend ten feet out horizontally from the base of the window or windows.

(f) Each patient shall be provided with sufficient storage facilities, either in or convenient to his or her sleeping room, to adequately store a reasonable quantity of clothing and personal possessions.

(g) Sleeping rooms, furniture, and furnishings.

(i) Each patient shall be provided a comfortable bed not less than thirty-six inches wide, with a mattress in good condition.

(ii) To be acceptable, a patient's bed shall be a sturdy, nonfolding type, at least thirty-six inches wide and length appropriate to the height of the patient.

(iii) Room design and size shall be adequate to accommodate patient beds spaced three feet apart.

(iv) Sleeping rooms shall be provided with adequate furnishings including one chair per bed available in the facility.

(2) Toilet and bathing facilities.

(a) On each level there shall be one toilet and one lavatory for each eight persons or fraction thereof.

(b) There shall be one bathing facility for each twelve persons or fraction thereof residing in the facility.

(c) The word "persons" used in subsection (2)(a) and (b) of this section includes all patients and staff members not having private toilet and bathing facilities for their exclusive use.

(d) There shall be a lavatory in each toilet room unless the toilet room adjoins a single patient room containing a lavatory.

(e) Each toilet and each bathing facility shall be enclosed in a separate room or stall, with a door or curtain for privacy. One toilet may be permitted in a room containing a single bathing facility. When a room contains more than one toilet or one bathing facility, it shall be used by one sex only.

(f) Grab bars shall be securely mounted at toilets and bathing facilities in such numbers and in such locations that accidental falls will be minimized minimally to include:

(i) One grab bar at each bathing facility.

(ii) One grab bar appropriately mounted at each toilet.

(3) Patient dining, living, and therapy rooms.

(a) The alcoholism treatment facility shall have two or more rooms suitably furnished to accommodate patients' dining, social, educational and recreational activities, group therapy, and staff meetings. At least one of these rooms shall be an outside room with a window or windows.

(i) An adequate dining area shall be provided with capacity to seat at least fifty percent of the patients at each meal setting.

(ii) If a multipurpose room is used for dining and social and recreational activities or meetings, there shall be sufficient space to accommodate each of the activities without their interference with one another.

(iii) At least twenty-five square feet of floor space per bed shall be provided for dining, social, educational, recreational activities, and group therapy.

(b) There shall be at least one room providing privacy for interviewing and counseling of patients on an individual basis. Additional rooms shall be provided in a ratio of 1:12 patient beds or major fraction thereof.

(4) Medical examination room. If there is regular provision for a medical practitioner to perform physical examinations of patients within the facility, there shall be an examination room in the facility. This examination room shall be equipped with an examination table, examination light, and storage units for medical supplies and equipment. There shall be a handwashing facility readily accessible to the examination room.

(5) Utility and storage for medical and nursing supplies and equipment. If the services provided by the alcoholism treatment facility involve the use of medical supplies and equipment, there shall be facilities designed and equipped for washing, disinfection or sterilization, storage, and other handling of supplies and equipment in a manner ensuring segregation of clean and sterile supplies and equipment from those that are contaminated, soiled, or used.

(6) Storage facilities. There shall be sufficient, suitable storage facilities to provide for storage of clean linen and other supplies and equipment under sanitary conditions.

(7) Handrails on stairways and ramps.

(a) All stairways and ramps shall be provided with handrails on both sides.

(b) Adequate guardrails and other safety devices shall be provided on all open stairways and ramps.

(8) Surfaces (floors, walls, ceilings).

(a) The surfaces in each room and area of the alcoholism treatment facility shall be easily cleanable and suited to the functions of the room or area.

(b) Toilet rooms, bathrooms, kitchens, and other rooms subject to excessive soiling or moisture shall have washable, impervious floors.

(c) Ramp surfaces and stairway treads shall be of nonslip materials.

(9) Communications. There shall be at least one telephone and such additional telephones as may be needed to operate the alcoholism treatment facility and to provide for a telephone to be readily accessible in the event of fire or other emergency.

(10) Lighting.

(a) Lighting in all areas of the facility shall provide adequate illumination.

(b) An adequate number of electrical outlets shall be provided.

(c) General lighting shall be provided for sleeping rooms.

(d) Emergency lighting equipment, such as flashlights or battery-operated lamps, shall be available and maintained in operating condition.

(11) Heating-temperature.

(a) The alcoholism treatment facility shall be equipped with an approved heating system capable of maintaining a healthful temperature. Use of portable space heaters is prohibited unless approved in writing by the Washington state fire marshal.

(b) Temperature shall be maintained at a healthful level and not less than sixty-five degrees Fahrenheit.

(12) Ventilation.

(a) Ventilation of all rooms used by patients or personnel shall be sufficient to remove all objectionable odors, excessive heat, or condensation.

(b) All inside rooms, including toilets, bathrooms, and other rooms in which excessive moisture, odors, or contaminants originate, shall be provided with mechanical exhaust ventilation.

(13) Water supply. Hot and cold water under pressure shall be readily available at all times.

(a) Water used for domestic purposes shall meet the standards of the department as described in chapter ((248-54)) 246-290 WAC.

(b) Cross connections of any kind are prohibited.

(c) In the event an unsafe or nonpotable water supply is used for irrigation, fire protection, or other purposes, the system shall be adequately color-coded or labeled to lessen any chance of water use for domestic purposes.

(d) Hot water at lavatories, bathtubs, and showers used by patients shall not exceed one hundred twenty degrees Fahrenheit.

(14) Sewage disposal system. All sewage shall be discharged into a public sewage system where such system is available and is acceptable to the department. Otherwise, sewage shall be collected, treated, and disposed of in an independent sewage disposal system approved by the appropriate local health department.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-326-100 SPECIAL ADDITIONAL REQUIREMENTS FOR FACILITIES PROVIDING ALCOHOLISM DETOXIFICATION SERVICE. (1) When an alcoholism detoxification service is located in an alcoholism treatment facility, it shall be designated as either an acute detoxification service or a subacute detoxification service.

(2) Acute detoxification services shall provide:

(a) Initial medical screening and ongoing nursing assessments of each patient with transfer to an appropriate hospital when signs and symptoms of a serious illness or severe trauma exist.

(b) Nursing services as described in WAC ((248-26-050)) 246-326-050(4) with the following additional requirements:

(i) When there is not a need for full-time services of a registered nurse, part-time registered nurse supervision is acceptable, provided such a supervisor is on duty within the facility at least four hours each week.

(ii) At least one staff member, qualified to provide nursing observation and care needed by patients during detoxification, shall be on duty in the facility at all times.

(A) "Qualified" shall include training and approval by the responsible registered nurse supervisor to provide physiological and psychological observation and care as required.

(B) When a licensed nurse is not on duty, a registered nurse shall be on call who shall come to the alcoholism treatment facility when indicated.

(iii) Continuing observation of each patient's condition shall be by persons competent to recognize and evaluate significant signs and symptoms and to take appropriate action.

(A) Frequency of observation shall correspond with degrees of acuity, severity, and instability of patient's condition with at least one written note on patient condition every eight hours in each individual patient treatment record.

(B) Observation of significant signs and symptoms indicative of abnormality, adverse change, or favorable progress including vital signs, motor and sensory abilities, behavior, and discomfort.

(C) Observations shall be recorded and signed by the person making the observation.

(D) Significant adverse signs and symptoms shall be appropriately reported to a physician with nature of the report and time noted in the patient's treatment record.

(3) Subacute detoxification services shall provide:

(a) Screening of patients by a person knowledgeable about alcoholism and trained and skilled in recognition of significant signs and symptoms of illness or trauma.

(b) Continuing observation of each patient's condition by persons competent to recognize and evaluate significant signs and symptoms and to take appropriate action.

(i) Frequency of observation shall correspond to degree of acuity, severity, and instability of patient's condition with appropriate documentation in the individual treatment record;

(ii) Observation of significant signs and symptoms indicative of abnormality, adverse change, or favorable progress including vital signs, motor and sensory abilities, behavior, and discomfort.

(iii) Observations shall be recorded and signed by the person making the observation.

(c) Personnel on duty having valid, current first-aid and cardiopulmonary resuscitation certificates.

(d) Medication shall not be provided or administered by personnel in the distinct part of the alcoholism treatment facility where subacute detoxification service is located.

(e) A written plan or policies and procedures for management of patient-owned medications to include:

(i) Method of verification of need for patient to continue a medication while in subacute detoxification;

(ii) Method of verification that medication is correct (as labeled);

(iii) Security of patient-owned medication while in the facility;

(iv) Disposition of patient-owned medications when patient leaves; and

(v) Observation and documentation of patient use of any medication in the individual treatment record.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-010 DEFINITIONS. For the purpose of chapter 70.127 RCW and chapter ((248-27)) 246-327 WAC, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Acute care" means care provided by an agency for patients who are not medically stable or have not attained a satisfactory level of rehabilitation. These patients require frequent monitoring by a health care professional in order to maintain their health status.

(2) "Administrator" means a person managing and responsible for the day-to-day operation of each licensed agency.

(3) "Advanced registered nurse practitioner" means a registered nurse with a ARNP recognition document under chapter ((308-120)) 246-839 WAC.

(4) "Agency" means a home health agency defined under this section and chapter 70.127 RCW.

(5) "AIDS" means acquired immunodeficiency syndrome defined under WAC ((248-100-011)) 246-100-011.

(6) "Authorizing practitioner" means a person authorized to sign a home health plan of treatment including a physician licensed under chapter 18.57 or 18.71 RCW, a podiatrist licensed under chapter 18.22 RCW, or an advanced registered nurse practitioner as authorized by the board of nursing under chapter 18.88 RCW.

(7) "Branch office" means a location or site from which an agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency, included in the license of the agency, and located sufficiently close to share administration, supervision, and services.

(8) "Bylaws" means a set of rules adopted by an agency for governing the agency operation.

(9) "Clinical note" means a written, signed, dated notation of each contact with a patient which may contain a description of signs and symptoms, treatments, medications given, the patient reaction, any changes in physical or emotional condition, and other pertinent information.

(10) "Department" means the department of ~~((social and))~~ health ~~((services or successor state health department))~~.

(11) "Dietitian" means an individual certified under chapter 18.138 RCW, Dietitians and Nutritionists.

(12) "Family" means an individual or individuals who are important to and designated by the patient, and who may or may not be relatives.

(13) "Governing body" means the person, who may be the owner or a group, with responsibility and authority to establish policies related to operation of the agency.

(14) "HIV" means human immunodeficiency virus defined under RCW 70.24.017(7).

(15) "Home health agency" means a private or public agency or organization administering or providing home health aide services or two or more home health services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence.

(16) "Home health aid" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(17) "Home health aid services" means services provided by a home health agency under supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist and as further defined under RCW 70.127.010(7).

(18) "Home health plan of care" or "plan of care" means a written plan of care established by a home health agency by appropriate health care professionals, including comprehensive case assessment and management, and describing maintenance care to be provided. A patient or the patient's representative shall be allowed to participate in the development of the plan of care to the extent practicable.

(19) "Home health plan of treatment" or "plan of treatment" means a written plan of care established by a physician, a podiatrist, or an advanced registered nurse practitioner, in consultation with appropriate health care professionals within the agency, including comprehensive case assessment and management, and describing medically necessary acute care to be provided for treatment of illness or injury.

(20) "Home health services" means health or medical services provided to ill, disabled, or infirm persons. Home health services of an acute or maintenance care nature include, but are not limited to:

- (a) Nursing services;
- (b) Home health aide services;
- (c) Physical therapy services;
- (d) Occupational therapy services;
- (e) Speech therapy services;
- (f) Respiratory therapy services;
- (g) Nutritional services;
- (h) Homemaker services;
- (i) Personal care services;
- (j) Medical social services;
- (k) Medical supplies or equipment services; and
- (l) Pharmacy services.

(21) "Homemaker services" means services assisting ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management, including transportation, shopping, and maintenance of premises.

(22) "Ill, disabled, or infirm persons" means persons needing home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

(23) "Licensed practical nurse" means an individual licensed as a practical nurse under chapter 18.78 RCW, Practical nurses.

(24) "Maintenance care" means care provided by home health agencies that is necessary to support an existing level of health and to preserve a patient from further failure or decline.

(25) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(26) "May" means permissive or discretionary on the part of the department.

(27) "Medical social worker" means an individual with a bachelor's degree in social work, psychology, or a related field and having completed one year of social work experience and registered as a counselor under RCW 18.19.090.

(28) "Nutritional services" means nutritional assessment and counseling, dietary teaching, and the monitoring and management of special diets and hyperalimentation provided by a dietitian or certified nutritionist under chapter 18.138 RCW.

(29) "Occupational therapist" means an individual licensed as an occupational therapist under chapter 18.59 RCW.

(30) "Owner" means the individual, partnership, or corporate entity legally responsible for the business requiring licensure as a home health agency under chapter 70.127 RCW.

(31) "Personal care services" means services assisting ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.

(32) "Personnel" means individuals providing patient care on behalf of an agency including employees and individuals under contract.

(33) "Pharmacist" means an individual licensed as a pharmacist under RCW 18.64.080.

(34) "Physical therapist" means an individual licensed as a physical therapist under chapter 18.74 RCW.

(35) "Physician" means an individual licensed as a medical doctor under chapter 18.71 RCW or an osteopathic physician and surgeon licensed under chapter 18.57 RCW, or a podiatrist licensed under chapter 18.22 RCW.

(36) "Prehire screening" means checking of work references, appropriate registration, certification, licensure, and qualifications.

(37) "Registered nurse" means an individual licensed under chapter 18.88 RCW, Registered nurses.

(38) "Respiratory therapist" means an individual certified under chapter 18.89 RCW, Respiratory care practitioners.

(39) "Shall" means compliance is mandatory.

(40) "Speech therapist" means a person meeting:

(a) The education and experience requirements for a certificate of clinical competence in the appropriate area of speech pathology or audiology, granted by the American Speech, Language, and Hearing Association as described in The ASLHA Directory, American Speech, Language, and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or

(b) The education requirements for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in The ASLHA Directory, 1983.

(41) "Supervision" means authoritative procedural guidance by a qualified person who assumes the responsibility for the accomplishment of a function or activity and who provides direction and ongoing monitoring and evaluation of the actual act of accomplishing the function or activity.

(42) "Therapist" means a physical therapist, occupational therapist, speech therapist, or respiratory therapist defined under this section or other therapist licensed or certified under Title 18 RCW and providing health or medical care or treatment within their defined scope of practice.

(43) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter ~~((308-42))~~ 246-915 WAC.

(44) "Therapy services" means those services delivered by a therapist defined under this section.

(45) "Volunteer" means an individual providing assistance to the home health agency and:

(a) Oriented, trained, and supervised to perform specific assigned tasks; and

(b) Working without compensation.

(46) "Without compensation" means:

(a) A recipient of care is not charged a fee for any service delivered by the volunteer; and

(b) An individual delivering care receives no pay, except reimbursement for personal mileage incurred to deliver home health services.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-025 LICENSURE OF THE HOME HEALTH AGENCY. (1) After June 30, 1989, persons operating home health agencies defined under chapter 70.127 RCW shall submit applications and fees to the department ~~((by July 1, 1989))~~.

(2) After July 1, 1990, no person shall:

(a) Advertise, operate, manage, conduct, open, or maintain a home health agency without first obtaining an appropriate license from the department; or

(b) Use the words "home health agency," "home health care services," or "visiting nurse services" in its corporate or business name, or

advertise using such words unless licensed as a home health agency under chapter 70.127 RCW.

(3) Applicants for a home health agency license shall:

(a) Submit a completed application and fee for initial license or renewal to the department on forms furnished by the department, including signature of the owner or legal representative of the owner;

(b) Furnish to the department full and complete information as required by the department for the proper administration of department requirements including:

(i) Evidence of current insurance including:

(A) Professional liability insurance coverage specified under RCW 70.127.080; and

(B) Public liability and property damage insurance coverage specified under RCW 70.127.080.

(ii) Information on organizational and governing structure and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(iii) A list of counties where the applicant will operate;

(iv) A list of branch offices; and

(v) A list of services provided or offered.

(4) Agencies requesting license renewal shall submit a renewal application and fee to the department.

(5) If the applicant or owner meets the requirements of this chapter and chapter 70.127 RCW, the department shall issue or renew a license for the agency.

(6) The department shall:

(a) Deny a license if in the last five years the owner, applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets are found in a civil or criminal proceeding to have committed any act reasonably relating to the fitness of any of the above persons to:

(i) Establish, maintain, or administer an agency; or

(ii) Provide care in the home of another.

(b) Provide a combination of applications and licenses and the reduction of individual license fees if an applicant applies for more than one category of license under chapter 70.127 RCW;

(c) Establish fees to be paid under RCW (~~(43-20B-110)~~) 43.70.110 and (~~chapter 440-44~~) WAC 246-327-990, including providing for the reduction of individual license fees if an applicant applies for more than one category of license under RCW 70.127.110;

(d) Prohibit transfer or reassignment of a license without thirty-day-prior-notice to the department and department approval;

(e) Issue a license following approval of a new or current owner's application;

(f) Conduct on-site reviews of the agency, which may include in-home visits with consent of the patient, to determine compliance;

(g) Examine and audit records of the agency if the department has reason to believe persons are providing care without an appropriate license;

(h) Provide for combined licensure inspections and audits for owners holding more than one license under RCW 70.127.110;

(i) Give written notice of any violations, including a statement of deficiencies observed;

(j) Inform the owner or applicant of the requirement to:

(i) Present a plan of correction to the department within ten working days; and

(ii) Comply within a specified time not to exceed sixty days.

(k) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency prior to assessing a civil penalty unless:

(i) The deficiency is an immediate threat to life, health, or safety; or

(ii) The owner fails to comply with any of the provisions under WAC (~~(248-27-045)~~) 246-327-045 (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j).

(l) Initiate disciplinary action, under RCW 70.127.170 and this chapter, if the owner or applicant fails to comply.

(7) The department may:

(a) Issue a license effective for one year or less unless the license is suspended or revoked;

(b) Inspect an agency and examine records at any time to determine compliance with chapter 70.127 RCW and this chapter;

(c) Deny, suspend, modify, or revoke an agency license for failure to comply with chapter 70.127 RCW or this chapter.

(8) When a change of ownership is planned, the owner shall notify the department, in writing, at least thirty days prior to the date of transfer, including:

(a) Full name and address of the current owner and prospective new owner;

(b) Name and address of the agency and new name under which the agency will be operating, if known; and

(c) The date of the proposed change of ownership.

(9) The prospective new owner shall submit a new application for an agency license with the fee at least thirty days prior to the change of ownership.

(10) The agency shall inform the department, in writing, at the time of opening or closing the agency or branch offices included in the agency license.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-035 LICENSE DENIALS—SUSPENSIONS—MODIFICATIONS—REVOCATIONS. (1) The department may deny, suspend, modify, or revoke a license or assess civil penalties, or both, against the agency if an applicant, owner, officer, director, or managing employee:

(a) Fails or refuses to comply with the provisions under chapter 70.127 RCW or this chapter;

(b) Continues to operate after the license is revoked or suspended for cause without subsequent reinstatement by the department;

(c) Makes a false statement of a material fact in the application for the license or data attached or in any record required by this chapter or matter under investigation by the department;

(d) Refuses to allow representatives of the department to inspect any part of the agency or books, records, or files required by this chapter;

(e) Willfully prevents or interferes with, or attempts to impede in any way, the work of a representative of the department in the lawful enforcement of chapter 70.127 RCW and this chapter;

(f) Willfully prevents or interferes with a representative of the department in the preservation of evidence of a violation under chapter 70.127 RCW or this chapter;

(g) Fails to pay or make arrangements to pay a civil monetary penalty assessed by the department within ten days after the assessment becomes final, as provided under WAC (~~(248-27-045)~~) 246-327-045, Civil fines;

(h) Uses false, fraudulent, or misleading advertising;

(i) Has repeated incidents of personnel performing services beyond services authorized by the agency or law; or

(j) Misrepresents, or is fraudulent in an aspect of, the conduct of the applicant's or owner's business.

(2) If the department finds the public health, safety, or welfare imperatively require emergency action, a license may be summarily suspended pending proceedings for revocation or other action.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-055 LICENSE ACTION AND/OR CIVIL FINE—NOTICE—ADJUDICATIVE PROCEEDING. (1) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with (~~(RCW 43-20A-XXX and section 95, chapter 175, Laws of 1989)~~) section 377, chapter 3, Laws of 1991. An applicant or licensee holder has the right to an adjudicative proceeding to contest the decision.

(2) The department's notice of imposition of a civil fine shall be consistent with (~~(RCW 43-20A-XXX and)~~) section (~~(96)~~) 378, chapter (~~(175)~~) 3, Laws of (~~(1989)~~) 1991. A person the department imposes a civil fine on has the right to an adjudicative proceeding to contest the decision.

(3) A license applicant or holder or a person the department imposes a civil fine on contesting a department decision shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the (~~(Office of Appeals, P.O. Box 2465)~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street, S.E., Mailstop: EY-17, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(4) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter (~~(248-08)~~) 246-08 WAC. If a provision in this chapter conflicts with chapter (~~(248-08)~~) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-105 AIDS EDUCATION AND TRAINING. Home health agencies shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual KNOW - AIDS EDUCATION FOR HEALTH CARE FACILITY EMPLOYEES, (~~March 1, 1989~~) January 1991, published by the department office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-327-155 FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF DIRECT CARE PERSONNEL. (1) Agencies shall describe functions, duties, and responsibilities of direct patient care personnel and volunteers including:

(a) Initial and ongoing patient assessment, reassessment, and evaluation;

(b) Participation in development and revision of plan of treatment or care;

(c) Provision of appropriate services in accordance with agency policy and procedures;

(d) Participation in case conferences or other processes used to coordinate patient care;

(e) Teaching and counseling patients and family to meet patient needs identified in the plan of treatment or care;

(f) Preparation of clinical notes;

(g) Participation in discharge planning from home health care;

(h) Development of written directions for use by home health aide or appropriate therapy assistant; and

(i) Supervision and orientation of home health aide or appropriate therapy assistant to assure safe, therapeutic patient care.

(2) Agencies utilizing the services of licensed practical nurses shall follow agency policies, provide supervision by a registered nurse, and comply with chapter 18.78 RCW.

(3) The agency shall utilize the services of therapy assistants:

(a) Only as defined under WAC (~~248-27-015~~) 246-327-010;

(b) Under supervision of an appropriately qualified therapist; and

(c) Following a plan of care compatible with the plan of treatment which is approved and supervised by the qualified therapist.

(4) Home health aide services, when utilized, shall:

(a) Be included in the plan of care or plan of treatment;

(b) Follow a specific written plan of care or treatment; and

(c) Be under the supervision of a registered nurse, therapist, or licensed practical nurse, as appropriate, with:

(i) Orientation of the home health aide to the specific home health care of each patient prior to care given;

(ii) Evidence of an in-home supervisory visit at least once a month if the patient needs acute care and at least once every three months if the patient needs maintenance care; and

(iii) Direct observation of in-home performance of each home health aide at least every six months.

(5) The agency shall define the functions and duties of home health aides including the ability to:

(a) Observe and recognize changes in patient's condition and report changes to the supervisor;

(b) Initiate emergency procedures under the agency policy;

(c) Assist with medications ordinarily self-administered by the patient, with assistance limited to:

(i) Communication of appropriate information to the patient regarding self-administration including:

(A) Reminding a patient of when it is time to take a prescribed medication; and

(B) Reading the label of the medication container.

(ii) Handing a patient-owned medication container to the patient;

(iii) Opening the medication container; or

(iv) Application or installation of skin, nose, eye, and ear preparations only under specific direction of the supervisor.

(d) Record pertinent information in the patient's clinical record.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-329-010 DEFINITIONS. (1) "Administration of drugs" means an act in which a single dose of a prescribed drug or biological is given to a client by an authorized person in accordance with all laws and regulations governing such acts. The complete act of administration entails removing an individual dose from a previously dispensed, properly labeled container, including a unit dose container, verifying it with the orders of a practitioner who is legally authorized to prescribe, giving the individual dose to the proper client and properly recording the time and dose given.

(2) "Authenticated or authentication" means authorization of a written entry in a record by means of a signature which shall include, minimally, first initial, last name, and title.

(3) "Bathing facility" means a bathtub or shower.

(4) "Birth center or childbirth center" means a type of maternity home which is a house, building, or equivalent organized to provide facilities and staff to support a birth service, provided that the birth service is limited to low-risk maternal clients during the intrapartum period.

(5) "Birthing room" means a room designed, equipped, and arranged to provide for the care of a woman and newborn and to accommodate her support person or persons during the process of vaginal childbirth, (the three stages of labor and recovery of a woman and newborn).

(6) "Birth service" means the prenatal, intrapartum, and postpartum care provided for individuals with uncomplicated pregnancy, labor, and vaginal birth, to include the newborn care during transition and stabilization.

(7) "Client" means a woman, fetus, and newborn receiving care and services provided by a birth center during pregnancy and childbirth and recovery.

(8) "Clinical staff" means physicians and midwives appointed by the governing body to practice within the birth center and governed by rules approved by the governing body.

(9) "Department" means the Washington state department of (~~social and~~) health (~~services~~).

(10) "Governing body" means the person or persons responsible for establishing and approving the purposes and policies of the childbirth center.

(11) "Hospital" means any institution, place, building, or agency which provides accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care, of two or more individuals not related to the operator or suffering from any other condition which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" as used in this definition does not include hotels, or similar places furnishing only food and lodging, or simply, domiciliary care; nor does it include clinics, physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, as defined and which comes under the scope of chapter 18.51 RCW; nor does it include maternity homes, which come within the scope of chapter 18.46 RCW; nor does it include psychiatric hospitals, which come under the scope of chapter 71.12 RCW; nor any other hospital or institution specifically intended for use and the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions. Furthermore, nothing in this definition shall be construed as authorizing the supervision, regulation, or control of the remedial care or treatment of residents or patients in any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with creed or tenets of any well-recognized church or religious denomination.

(12) "Lavatory" means a plumbing fixture designed and equipped for handwashing purposes.

(13) "Low-risk maternal client" means an individual who:

(a) Is in general good health with uncomplicated prenatal course and participating in ongoing prenatal care;

(b) Is participating in an appropriate childbirth and infant care education program;

(c) Has no major medical problems;

(d) Has no previous major uterine wall surgery, caesarean section, or obstetrical complications likely to recur;

(e) Has parity under six unless a justification for a variation is documented by clinical staff;

(f) Is not a nullipara of greater than thirty-eight years of age unless a justification for a variation is documented by clinical staff;

(g) Is not less than sixteen years of age unless a justification for variation for ages fourteen through fifteen only is documented by clinical staff;

(h) Has no significant signs or symptoms of pregnancy-induced hypertension, polyhydramnios or oligohydramnios, abruptio placenta, chorioamnionitis, multiple gestation, intrauterine growth retardation, meconium stained amniotic fluid, fetal complications, or substance abuse;

(i) Demonstrates no significant signs or symptoms of anemia, active herpes genitalis, pregnancy-induced hypertension, placenta praevia, malpositioned fetus, or breech while in active labor;

(j) Is in labor, progressing normally;

(k) Is without prolonged ruptured membranes;

(l) Is not in preterm labor nor postterm gestation;

(m) Is appropriate for a setting where analgesia is limited; and

(n) Is appropriate for a setting where anesthesia is used in limited amounts and limited to local infiltration of the perineum or pudendal block.

(14) "Maternity home" means any home, place, hospital, or institution in which facilities are maintained for the care of four or more women not related by blood or marriage to the operator during pregnancy or during or within ten days after delivery: PROVIDED HOWEVER, That this chapter shall not apply to any hospital licensed under chapter 70.41 RCW, "Hospital licensing and regulation."

(15) "Midwife" means an individual recognized by the Washington state board of nursing as a certified nurse midwife as provided in chapter 18.88 RCW, chapter ~~((308-120))~~ 246-839 WAC, or an individual possessing a valid, current license to practice midwifery in the state of Washington as provided in chapter 18.50 RCW, chapter 246-834 WAC.

(16) "New construction" means any of the following:

(a) New buildings to be used as a birth center;

(b) Addition or additions to an existing building or buildings to be used as a childbirth center;

(c) Conversion of existing buildings or portions thereof for use as a childbirth center;

(d) Alterations or modifications other than minor alterations.

"Minor alterations" means any structural or physical modification within an existing birth center which does not change the approved use of a room or an area. Minor alterations performed under this definition do not require prior review of the department; however, this does not constitute a release from other applicable requirements.

(17) "Personnel" means individuals employed by the birth center.

(18) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, "Physicians," or chapter 18.57 RCW, "Osteopathy—Osteopathic medicine and surgery."

(19) "Registered nurse" means an individual licensed under the provision of chapter 18.88 RCW, "Registered nurses," who is practicing in accordance with the rules and regulations promulgated thereunder.

(20) "Recovery" means that period or duration of time starting at birth and ending with discharge of a client from the birth center or the period of time between the birth and the time a client leaves the premises of the birth center.

(21) "Shall" means compliance is mandatory.

(22) "Should" means a suggestion or recommendation, but not a requirement.

(23) "Support person" means the individual or individuals selected or chosen by a maternal client to provide emotional support and to assist her during the process of labor and childbirth.

(24) "Toilet" means a room containing at least one water closet.

(25) "Volunteer" means an individual who is an unpaid worker in the birth center, other than a support person.

(26) "Water closet" means a plumbing fixture for defecation fitted with a seat and a device for flushing the bowl of the fixture with water.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-329-020 LICENSURE. (1) Application for license (~~==Fcc~~).

(a) An application for a childbirth center license shall be submitted on forms furnished by the department. The application shall be signed by the legal representative of the governing body.

(b) The applicant shall furnish to the department full and complete information and promptly report any changes which would affect the current accuracy of such information as to the identity of each officer

and director of the corporation, if the birth center is operated by a legally incorporated entity, profit or nonprofit, and of each partner if the birth center is operated through a legal partnership.

(c) Each application for license shall be accompanied by a license fee as established by the department under RCW ~~((43-20A-055))~~ 43-70.110: PROVIDED, That no fee shall be required of charitable or nonprofit or government-operated birth centers. Upon receipt of the license fee, when required, the department shall issue a childbirth center license if the applicant and the birth center facilities meet the requirements of this chapter.

(2) License renewal—Limitations—Display.

(a) A license, unless suspended or revoked, shall be renewed annually.

(i) Applications for renewal shall be on forms provided by the department and shall be filed with the department not less than ten days prior to expiration.

(ii) ~~((Each application for renewal shall be accompanied by a license fee as established by the department under RCW 43-20A-055.~~

~~((iii)))~~ The department shall inspect and investigate each childbirth center as needed and at least annually to determine compliance with standards herein (chapter ~~((248-29))~~ 246-329 WAC) and applicable standards of chapter 18.46 RCW.

(b) Each license shall be issued only for the premises and persons named. Licenses shall be transferrable or assignable only with written approval by the department.

(c) Licenses shall be posted in a conspicuous place on the licensed premises.

(3) Denial, suspension, modification, revocation of a license; notice; adjudicative proceeding.

(a) The department may, if the interests of the clients so demand, deny, suspend, or revoke a license when there has been failure or refusal to comply with the requirements of chapter 18.46 RCW and/or these rules. The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with ~~((RCW 43-20A-XXX and section 95, chapter 175, Laws of 1989))~~ section 377, chapter 3, Laws of 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(b) A license applicant or holder contesting a department license decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Appeals, P.O. Box 2465))~~ Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ~~((248-08))~~ 246-08 WAC. If a provision in this chapter conflicts with chapter ~~((248-08))~~ 246-08 WAC, the provision in this chapter governs.

(4) New construction—Major alterations.

(a) When new construction or major alteration is contemplated, the following shall be submitted to the department for review:

(i) 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;

(ii) Duplicate sets of preliminary plans which are drawn to scale and include: A plot plan showing streets, driveways, water, and sewage disposal systems, grade and location of the building or buildings on the site; the plans for each floor of each building, existing and proposed, which designate the functions of each room and show all fixed equipment. The preliminary plans shall be accompanied by a statement as to the source of water supply and the method of sewage and garbage disposal and a general description of construction and materials, including interior finishes.

(b) Construction shall not be started until duplicate sets of final plans (drawn to scale) and specifications have been submitted to and approved by the department. Final plans and specifications shall show complete details to be furnished to contractors for construction of buildings or major alterations in existing buildings. These shall include:

(i) Plot plans;

(ii) Plans for each floor of each building which designate the function of each room and show all fixed equipment and the planned location of beds and other furniture;

(iii) Interior and exterior elevations, building sections, and construction details;

(iv) Schedule of floors, wall, and ceiling finishes, and the types and sizes of doors and windows; plumbing, heating, ventilation, and electrical systems; and

(v) Specifications which fully describe workmanship and finishes.

(c) Adequate provisions shall be made for the safety and comfort of clients as construction work takes place in or near an occupied area.

(d) Construction shall take place in accordance with approved final plans and specifications. Only those changes which have been approved by the department may be incorporated into the construction project. Modified plans, additions, or changes incorporated into the construction project shall be submitted to the department for the department file on the project.

(5) Compliance with other regulations.

(a) Applicable rules and regulations adopted by the Washington state fire marshal.

(b) If there is no local plumbing code, the Uniform Plumbing Code of the National Association of Plumbing and Mechanical Officials shall be followed.

(c) Compliance with these regulations does not exempt birth centers from compliance with the local and state electrical codes or local fire, zoning, building, and plumbing codes.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-329-030 GOVERNING BODY AND ADMINISTRATION. (1) The birth center shall have a governing body.

(2) The governing body shall be responsible for provision of personnel, facilities, equipment, supplies, and special services needed to meet the needs of the clients.

(3) The governing body shall adopt policies for the care of clients within or on the premises of the birth center.

(4) The governing body shall appoint an administrator or director who shall be responsible for implementing the policies adopted by the governing body.

(5) The governing body shall establish and maintain a current written organizational plan which includes all positions and delineates responsibilities, authority, and relationship of positions within the birth center.

(6) The governing body shall have the authority and responsibility for appointments and reappointments of clinical staff and ensure that only members of the clinical staff shall admit clients to the birth center.

(a) Each birth center shall have designated physician participation in clinical services and in the quality assurance program.

(b) Each birth center shall have a written policy and program which shall stipulate the extent of physician participation in the services offered.

(c) Each physician and midwife appointed to the clinical staff shall provide evidence of current licensure in the state of Washington.

(d) The clinical staff shall develop and adopt bylaws, rules, and regulations subject to the approval of the governing body which shall include requirements for clinical staff membership; delineation of clinical privileges and the organization of clinical staff.

(7) The governing body shall be responsible for a quality assurance audit on a regular basis to review cases, minimally to include ongoing compliance with rules in chapter ((248-29)) 246-329 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-329-050 HIV/AIDS EDUCATION AND TRAINING. Childbirth centers shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, ((May 31, 1989)) January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-329-060 BIRTH CENTER POLICIES AND PROCEDURES. Written policies and procedures shall include, but not be limited to:

(1) Definition of a low-risk maternal client who shall be eligible for birth services offered by the birth center.

(2) Definition of a client who shall be ineligible for birth services at the birth center.

(3) Identification and transfer of clients who, during the course of pregnancy, are determined to be ineligible.

(4) Identification and transfer of clients who, during the course of labor or recovery, are determined to be ineligible for continued care in the birth center.

(5) Written plans for consultation, backup services, transfer and transport of a newborn and maternal client to a hospital where appropriate care is available.

(6) Written informed consent which shall be obtained prior to the onset of labor and shall include evidence of an explanation by personnel of the birth services offered and potential risks.

(7) Provision for the education of clients, family, and support persons in childbirth and newborn care.

(8) Plans for immediate and long-term follow-up of clients after discharge from the birth center.

(9) Registration of birth and reporting of complications and anomalies, including sentinel birth defect reporting pursuant to RCW 70.58-.320 and chapter ((248-164)) 246-420 WAC, as now or as hereafter amended.

(10) Prophylactic treatment of the eyes of the newborn in accordance with ((RCW 70.24.040;)) WAC ((248-100-295)) 246-100-206 (5)(b) as now, or as hereafter, amended.

(11) Metabolic screening of newborns.

(a) Educational materials shall be provided to each client relative to metabolic screening and informed consent for metabolic screening. These materials shall be obtained from the genetics program of the department.

(b) There shall be a mechanism for weekly reporting of all live births to the genetics program of the department on forms provided by the genetics program.

(c) The birth center shall provide each client with instructions and a metabolic screening collection kit, obtained from the genetics program of the department. There shall be a procedure and/or evidence of a plan for follow-up so that blood samples are collected between the seventh and tenth day of life.

(d) When parents refuse metabolic screening, there shall be provisions for a signed refusal statement which shall be sent to the genetics program of the department in lieu of the blood sample.

(12) Infection control to include consideration of housekeeping; cleaning, sterilization, sanitization, and storage of supplies and equipment, and health of personnel. Health records for personnel shall be kept in the facility and include documented evidence of a tuberculin skin test by the Mantoux method upon employment. A copy of the health record shall be given to each employee upon termination of employment. A nonsignificant skin test is defined as less than 10mm induration read at forty-eight to seventy-two hours. A significant skin test is defined as 10mm of induration, or greater, read at forty-eight to seventy-two hours. Positive reactors shall have a chest x-ray within ninety days of the first day of employment. Exemptions and specific requirements are as follows:

(a) New employees who can document a positive Mantoux test in the past shall be excluded from screening;

(b) Those with positive skin tests and abnormal chest x-ray for tuberculosis shall complete the recommended course of preventive or curative treatment, as determined by the local health officer;

(c) Employees with any communicable disease in an infectious stage shall not be on duty.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-329-100 BIRTH CENTER—PHYSICAL ENVIRONMENT. (1) The birth center shall be maintained to provide a safe and clean environment.

(2) At least one birthing room shall be maintained which is adequate and appropriate to provide for the equipment, staff, supplies, and emergency procedures required for the physical and emotional care of a maternal client, her support person or persons, and the newborn during birth, labor, and the recovery period.

(a) Birthing rooms built, modified, or altered after July 31, 1980, shall have a gross floor space of one hundred fifty-six square feet or fourteen and one-half square meters and a minimum room dimension of eleven feet.

(b) Birthing rooms shall be located to provide unimpeded, rapid access to an exit of the building which will accommodate emergency transportation vehicles.

(3) Adequate fixed or portable work surface areas shall be maintained for use in the birthing room or rooms.

(4) Toilet and bathing facilities.

(a) A toilet and lavatory shall be maintained in the vicinity of the birthing room or rooms.

(b) A bathing facility should be available for client use.

(c) All floor surfaces, wall surfaces, water closets, lavatories, tubs, and showers shall be kept clean and in good repair.

(5) There shall be provisions and facilities for secure storage of personal belongings and valuables of clients.

(6) There shall be provisions for visual privacy for each maternal client and her support person or persons.

(7) Hallways and doors providing access and entry into the birth center and birthing room or rooms shall be of adequate width and conformation to accommodate maneuvering of ambulance stretchers and wheelchairs.

(8) Water supply. There shall be an adequate supply of hot and cold running water under pressure for human consumption and other purposes which shall comply with chapter ~~((248-54))~~ 246-290 WAC, rules and regulations of the Washington state board of health regarding public water supplies.

(9) Heating and ventilation.

(a) A safe and adequate source of heat capable of maintaining a room temperature of at least seventy-two degrees Fahrenheit shall be provided and maintained.

(b) Ventilation shall be sufficient to remove objectionable odors, excessive heat, and condensation.

(10) Lighting and power.

(a) There shall be provisions for emergency lighting.

(b) There shall be general lighting and provision for adequate examination lights in the birthing room.

(11) Linen and laundry.

(a) Soiled linen/laundry storage and sorting areas shall be physically separated from clean linen storage and handling areas, kitchen and eating facilities.

(b) Laundry equipment shall provide hot water at a temperature of one hundred sixty degrees Fahrenheit.

(12) Utility, housekeeping, garbage, and waste.

(a) There shall be utility and storage facilities designed and equipped for washing, disinfecting, storing, and other handling of equipment and medical supplies in a manner which ensures segregation of clean and sterile supplies and equipment from those that are soiled and/or contaminated.

(b) All sewage, garbage, refuse, and liquid waste shall be collected and disposed of in a manner to prevent the creation of an unsafe or unsanitary condition.

(13) Food storage and/or preparation.

(a) Food service and catering of food shall not be provided by the facility.

(b) When birth center policy provides for allowing the preparation or storage of personal food brought in by the client or families of clients for consumption by that family, there shall be an adequate electric or gas refrigerator capable of maintaining a temperature of forty-five degrees Fahrenheit or lower and dishwashing facilities which provide hot water at a temperature of not less than one hundred forty degrees Fahrenheit.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-010 DEFINITIONS. For the purpose of chapter 70.127 RCW and chapter ~~((248-31))~~ 246-331 WAC, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Administrator" means a person managing and responsible for the day-to-day operation of each licensed agency.

(2) "Agency" means a hospice agency defined under this section and chapter 70.127 RCW.

(3) "AIDS" means acquired immunodeficiency syndrome defined under WAC ~~((248-100-011))~~ 246-100-011.

(4) "Branch office" means a location or site from which an agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency, included in the license of agency, and is located sufficiently close to share administration, supervision, and services.

(5) "Bereavement care" means care provided to the family of a patient with the goal of alleviating the emotional and spiritual discomfort associated with the death of the patient.

(6) "Bylaws" means a set of rules adopted by an agency for governing the agency operation.

(7) "Clinical note" means a written, signed, dated notation of each contact with a patient which may contain a description of signs and symptoms, treatments, medications given, the patient reaction, any changes in physical or emotional condition, and other pertinent information.

(8) "Department" means the department of ~~((social and))~~ health ~~((services or successor state health department)).~~

(9) "Dietitian" means an individual certified under chapter 18.138 RCW, Dietitians and nutritionists.

(10) "Family" means an individual or individuals who are important to and designated by the patient, and who may or may not be relatives.

(11) "Governing body" means the person, who may be the owner or a group, with responsibility and authority to establish policies related to operation of the agency.

(12) "HIV" means human immunodeficiency virus defined under RCW 70.24.017(7).

(13) "Home health aide" means an individual registered or certified as a nursing assistant under chapter 18.88A RCW.

(14) "Home health aide services" means services provided by a hospice under supervision of a registered nurse, physical therapist, occupational therapist, or speech therapist and as further defined under RCW 70.127.010(7).

(15) "Homemaker services" means services assisting ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management, including transportation, shopping, and maintenance of premises.

(16) "Hospice agency" means a private or public agency or organization administering or providing hospice care directly or through a contract arrangement to terminally ill persons in place of temporary or permanent residence by using an interdisciplinary team composed of at least nursing, social work, physician, and pastoral or spiritual counseling.

(17) "Hospice care" means:

(a) Palliative care provided to a terminally ill person in a place of temporary or permanent residence with the goal of alleviating physical symptoms, including pain, the emotional and spiritual discomfort associated with dying; and

(b) Bereavement care; and

(c) May include health and medical services, personal care, respite care, or homemaker services.

(18) "Hospice plan of care" means a written plan of care established by the interdisciplinary team and periodically reviewed by a physician describing hospice care to be provided to a terminally ill patient for palliation or medically necessary treatment of an illness or injury.

(19) "Ill, disabled, or infirm persons" means persons who need home health, hospice, or home care service in order to maintain themselves in their places of temporary or permanent residence.

(20) "Interdisciplinary team" means all disciplines involved in patient care minimally including a physician, nurse, medical social worker, and spiritual counselor.

(21) "Licensed practical nurse" means an individual licensed as a practical nurse under chapter 18.78 RCW, Practical Nurses.

(22) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(23) "May" means permissive or discretionary on the part of the department.

(24) "Medical social worker" means an individual with a bachelor's degree in social work, psychology, or a related field having completed one year of social work experience and registered as a counselor under RCW 18.19.090.

(25) "Occupational therapist" means an individual licensed as an occupational therapist under chapter 18.59 RCW.

(26) "Owner" means the individual, partnership, or corporate entity legally responsible for the business requiring licensure as a hospice agency under chapter 70.127 RCW.

(27) "Patient" means the terminally ill individual.

(28) "Patient unit" means the patient and family who together form the unit of care in hospice.

(29) "Personal care services" means services assisting ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.

(30) "Personnel" means individuals providing patient care on behalf of an agency including employees and individuals under contract.

(31) "Pharmacist" means an individual licensed as a pharmacist under RCW 18.64.080.

(32) "Physical therapist" means an individual licensed as a physical therapist under chapter 18.74 RCW.

(33) "Physician" means an individual licensed as a medical doctor under chapter 18.71 RCW or an osteopathic physician and surgeon licensed under chapter 18.57 RCW.

(34) "Prehire screening" means checking of work references, appropriate registration, licensure or certification, and qualifications.

(35) "Registered nurse" means an individual licensed under chapter 18.88 RCW, Registered nurses.

(36) "Respite care services" means services assisting or supporting the primary caregiver on a scheduled basis.

(37) "Respiratory therapist" means an individual certified under chapter 18.89 RCW, Respiratory care practitioners.

(38) "Shall" means compliance is mandatory.

(39) "Speech therapist" means a person meeting:

(a) The education and experience requirements for a certificate of clinical competence in the appropriate area of speech pathology or audiology, granted by the American Speech, Language, and Hearing Association, as described in The ASLHA Directory, American Speech, Language and Hearing Association, 10801 Rockville Pike, Rockville, Maryland 20852, 1983; or

(b) The education requirements for a certificate of clinical competence and in the process of accumulating the supervised experience, as specifically prescribed in The ASLHA Directory, 1983.

(40) "Spiritual counseling services" means services coordinated by an individual with knowledge of theology, pastoral counseling, or an allied field, or an individual authorized by a spiritual organization to provide counseling services.

(41) "Supervision" means authoritative procedural guidance by a qualified person who assumes the responsibility for the accomplishment of a function or activity and who provides direction and ongoing monitoring and evaluation of the actual act of accomplishing the function or activity.

(42) "Therapist" means a physical therapist, occupational therapist, speech therapist, or respiratory therapist as defined in this section or other therapist licensed or certified under Title 18 RCW and providing health or medical care or treatment within their defined scope of practice.

(43) "Therapy assistant" means a licensed occupational therapy assistant defined under chapter 18.59 RCW or physical therapist assistant defined under chapter ((308-42)) 246-915 WAC.

(44) "Therapy services" means those services delivered by therapists as defined in this section.

(45) "Volunteer" means an individual providing assistance to the hospice agency and:

(a) Oriented, trained, and supervised to perform specific assigned tasks; and

(b) Working without compensation.

(46) "Without compensation" means:

(a) A recipient of care is not charged a fee for any service delivered by the volunteer; and

(b) An individual delivering care receives no pay, except reimbursement for personal mileage incurred to deliver hospice services.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-025 LICENSURE OF THE HOSPICE AGENCY. (1) After June 30, 1989, persons operating hospice agencies defined under chapter 70.127 RCW shall submit applications and fees to the department ((by July 1, 1989)).

(2) After July 1, 1990, no person shall:

(a) Advertise, operate, manage, conduct, open, or maintain a hospice agency without first obtaining an appropriate license from the department; or

(b) Use the words "hospice agency" or "hospice care" in its corporate or business name, or advertise using such words unless licensed as a hospice agency under chapter 70.127 RCW.

(3) Applicants for a hospice agency license shall:

(a) Submit a completed application and fee for initial license or renewal to the department on forms furnished by the department, including signature of the owner or legal representative of the owner;

(b) Furnish to the department full and complete information as required by the department for the proper administration of department requirements including:

(i) Evidence of current insurance including:

(A) Professional liability insurance coverage specified under RCW 70.127.080; and

(B) Public liability and property damage insurance coverage specified under RCW 70.127.080.

(ii) Information on organizational and governing structure and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(iii) A list of counties where the applicant will operate;

(iv) A list of branch offices; and

(v) A list of services provided or offered.

(4) Agencies requesting license renewal shall submit a renewal application and fee to the department.

(5) If the applicant or owner meets the requirements of this chapter and chapter 70.127 RCW, the department shall issue or renew a license for the agency.

(6) The department shall:

(a) Deny a license if in the last five years the owner, applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets are found in a civil or criminal proceeding to have committed any act reasonably relating to the fitness of any of the above persons to:

(i) Establish, maintain, or administer an agency; or

(ii) Provide care in the home of another.

(b) Provide for a combination of applications and licenses and the reduction of individual license fees if an applicant applies for more than one category of license under chapter 70.127 RCW;

(c) Establish fees to be paid under chapter 43.70 RCW ((43-20B-110)) and ((chapter 440-44)) WAC 246-331-990, including providing for the reduction of individual license fees if an applicant applies for more than one category of license under RCW 70.127.110;

(d) Prohibit transfer or reassignment of a license without thirty days prior notice to the department and department approval;

(e) Issue a license following approval of a new or current owner's application;

(f) Conduct on-site reviews of the agency, which may include in-home visits with the consent of the patient, to determine compliance;

(g) Examine and audit records of the agency if the department believes a person is providing care without an appropriate license;

(h) Provide for combined licensure inspections and audits for owners holding more than one license under RCW 70.127.110;

(i) Give written notice of any violations, including a statement of deficiencies observed;

(j) Inform the owner or applicant of the requirement to:

(i) Present a plan of correction to the department within ten working days; and

(ii) Comply within a specified time not to exceed sixty days.

(k) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency prior to assessing a civil penalty unless:

(i) The deficiency is an immediate threat to life, health, or safety; or

(ii) The owner fails to comply with any of the provisions of WAC ((246-31-045)) 246-331-045 (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j).

(l) Initiate disciplinary action, under RCW 70.127.170 and this chapter, if the owner or applicant fails to comply.

(7) The department may:

(a) Issue a license effective for one year or less unless the license is suspended or revoked;

(b) Inspect an agency and examine records at any time to determine compliance with chapter 70.127 RCW and this chapter; and

(c) Deny, suspend, modify, or revoke an agency license for failure to comply with chapter 70.127 RCW and this chapter.

(8) When a change of ownership is planned, the owner shall notify the department, in writing, at least thirty days prior to the date of transfer, including:

(a) Full name and address of the current owner and prospective new owner;

(b) Name and address of the agency and new name under which the agency will be operating, if known; and

(c) The date of the proposed change of ownership.

(9) The prospective new owner shall submit a new application for an agency license with the fee at least thirty days prior to the change of ownership.

(10) The agency shall inform the department, in writing, at the time of opening or closing the agency or branch offices included in the agency license.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-035 LICENSE DENIALS—SUSPENSIONS—MODIFICATIONS—REVOCATIONS. (1) The department may deny, suspend, modify, or revoke a license or assess civil penalties, or both, against the agency if an applicant, owner, officer, director, or managing employee:

- (a) Fails or refuses to comply with the provisions under chapter 70.127 RCW or this chapter;
 - (b) Continues to operate after the license is revoked or suspended for cause without subsequent reinstatement by the department;
 - (c) Makes a false statement of a material fact in the application for the license or data attached or in any record required by this chapter or matter under investigation by the department;
 - (d) Refuses to allow representatives of the department to inspect any part of the agency or books, records, or files required by this chapter;
 - (e) Willfully prevents or interferes with, or attempts to impede in any way, the work of a representative of the department in the lawful enforcement of chapter 70.127 RCW and this chapter;
 - (f) Willfully prevents or interferes with a representative of the department in the preservation of evidence of a violation under chapter 70.127 RCW or this chapter;
 - (g) Fails to pay or make arrangements to pay a civil monetary penalty assessed by the department within ten days after the assessment becomes final, as provided under WAC ((248-27-045)) 246-331-045, Civil fines;
 - (h) Uses false, fraudulent, or misleading advertising;
 - (i) Has repeated incidents of personnel performing services beyond services authorized by the agency or law; or
 - (j) Misrepresents, or is fraudulent in an aspect of, the conduct of the applicant's or owner's business.
- (2) If the department finds the public health, safety, or welfare imperatively require emergency action, a license may be summarily suspended pending proceedings for revocation or other action.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-055 LICENSE ACTION AND/OR CIVIL FINE—NOTICE—ADJUDICATIVE PROCEEDING. (1) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with ((RCW 43.20A.XXX and)) section ((95)) 377, chapter ((175)) 3, Laws of ((1989)) 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(2) The department's notice of imposition of a civil fine shall be consistent with ((RCW 43.20A.XXX and)) section ((96)) 378, chapter ((175)) 3, Laws of ((1989)) 1991. A person the department imposes a civil fine on has the right to an adjudicative proceeding to contest the decision.

(3) A license applicant or holder or a person the department imposes a civil fine on contesting a department decision shall within twenty-eight days of receipt of the decision:

- (a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ((Office of Appeals, P.O. Box 2465)) Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and
- (b) Include in or with the application:
 - (i) A specific statement of the issue or issues and law involved;
 - (ii) The grounds for contesting the department decision; and
 - (iii) A copy of the contested department decision.

(4) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ((248-08)) 246-08 WAC. If a provision in this chapter conflicts with chapter ((248-08)) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-105 AIDS EDUCATION AND TRAINING. Hospice agencies shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual KNOW - AIDS EDUCATION FOR HEALTH CARE FACILITY EMPLOYEES, ((March 1, 1989)) January 1991, published by the department office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-331-155 FUNCTIONS, DUTIES, AND RESPONSIBILITIES OF DIRECT CARE PERSONNEL. (1) Agencies shall describe functions, duties, and responsibilities of personnel and volunteers in direct contact with the patient unit including:

- (a) Initial and ongoing assessment and reassessment evaluation;
 - (b) Participation in development and revision of the hospice plan of care;
 - (c) Provision of appropriate services in accordance with agency policy and procedures;
 - (d) Participation in case conferences or other processes used to coordinate patient care;
 - (e) Teaching and counseling patient unit to meet needs identified in the hospice plan of care;
 - (f) Preparation of clinical notes;
 - (g) Development of written directions for use by home health aide or appropriate therapy assistant; and
 - (h) Supervision and orientation of home health aide, appropriate therapy assistant, and others to assure safe, therapeutic patient care.
- (2) Agencies utilizing the services of licensed practical nurses shall follow agency policies, provide supervision by a registered nurse, and comply with chapter 18.78 RCW.
- (3) The agency shall utilize the services of therapy assistants:

- (a) Only as defined under WAC ((248-31-015)) 246-331-010;
 - (b) Under supervision of an appropriately qualified therapist; and
 - (c) Following a plan of care which is approved by the qualified therapist.
- (4) Home health aide services, when utilized, shall:
- (a) Be included in the hospice plan of care;
 - (b) Follow a specific written plan of care; and
 - (c) Be under the supervision of the agency and a registered nurse, or therapist with:
 - (i) Orientation of the home health aide to the specific hospice care of each patient prior to care given;
 - (ii) Evidence of an in-home supervisory visit at least every two weeks; and
 - (iii) Direct supervisory observation of each home health aide during care at least one time every two months.
- (5) The agency shall define the functions and duties of home health aides including the ability to:
- (a) Observe and recognize changes in patient's condition and report changes to the supervisor;
 - (b) Initiate emergency procedures under the agency policy;
 - (c) Assist with medications ordinarily self-administered by the patient, with assistance limited to:
 - (i) Communication of appropriate information to the patient regarding self-administration including:
 - (A) Reminding a patient of when it is time to take a prescribed medication; and
 - (B) Reading the label of the medication container.
 - (ii) Handing a patient-owned medication container to the patient;
 - (iii) Opening the medication container; or
 - (iv) Application or installation of skin, nose, eye, and ear preparations only under specific direction of the supervisor.
 - (d) Record pertinent information in the patient's clinical record.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-333-010 DEFINITIONS. As used herein the following terms shall have the meaning set forth in this section unless the context clearly indicates otherwise:

- (1) "Accepted medical standards" shall mean those standards relating to the removal and storage of eye tissue which preserve that tissue in a state wherein the tissue may be successfully transplanted.
- (2) "Approved eye bank" shall mean a facility approved by the secretary wherein eye tissue may be received and stored in accordance with accepted medical standards for future transplantation or research.

(3) "Department" shall mean the department of ~~((social and)) health ((services))~~.

(4) "Developmental loss" shall mean the loss of developmental opportunities including, but not limited to, hand-eye coordination, small muscle development and dexterity and large muscle coordination which would occur in the normal course of development if the loss of vision had not occurred.

(5) "Economic loss" shall mean the loss of wages from employment and the loss of services within a home requiring the replacement of those services to provide for the care of dependent children and adults.

(6) "Educational loss" shall mean the loss of educational opportunities by virtue of an inability to perceive visual images.

(7) "Emergency" shall mean a situation which occurs as a result of trauma to the eyes necessitating the replacement of corneal tissue within 48 hours to prevent the loss of sight.

(8) "Secretary" shall mean the secretary of the department of ~~((social and)) health ((services))~~ and his or her designee.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-333-020 APPROVAL PROCESS. (1) A facility which seeks to qualify as an approved eye bank must submit a written request for approval to the secretary. The request must include a statement of the arrangements made for the storage of tissue received, the name and availability of ophthalmologists and the policies to be followed for the distribution of tissue.

(2) Approval may be granted by the secretary when:

(a) The eye bank meets accepted medical standards for the preservation of eye tissue in a condition suitable for transplantation including, but not limited to, the provision of a storage area for the tissue which is maintained at an appropriate temperature and in which the tissue may be protected from contamination and/or damage, and

(b) There are one or more board certified or board qualified ophthalmologists on the staff of a hospital which seeks approval for its eye bank who are able to, and express a willingness to, perform corneal transplants, and

(c) The director or administrator of the eye bank declares it to be the intention of those who direct and/or administer the eye bank to distribute available corneal tissue to recipients in a fair and reasonable manner, which means the distribution of corneal tissue to recipients requiring such tissue:

(i) Without discrimination based on race, creed, ethnic origin, sex, or age, and

(ii) With consideration of the length of time that the potential recipient has had a medically defined need to receive corneal tissue, and

(iii) With consideration of the impact of waiting to receive such tissue on the recipient and the resulting economic, educational, or developmental loss to the potential recipient, and

(iv) With provision made for emergency requests for corneal tissue.

(3) The department shall deny, suspend, modify, or revoke approval of an eye bank when a facility fails or refuses to comply with legal requirements, including the criteria set forth in chapter ~~((248-08)) 246-08 WAC~~.

(4) The secretary may, in the secretary's discretion, reinstate the approval of an eye bank when the facility has corrected the conditions which led to the suspension, modification, or revocation of approval.

(5)(a) The department's notice of a denial, suspension, modification, or revocation of approval shall be consistent with ~~((RCW 43.20A-205)) section 377, chapter 3, Laws of 1991~~. An applicant or approval holder has the right to an adjudicative proceeding to contest the decision.

(b) An approval applicant or holder contesting a department approval decision shall within twenty-eight days of receipt of the decision:

(i) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Appeals, P.O. Box 2465)) Administrative Hearings Unit, Department of Health, 1300 Quince Street, S.E., Mailstop: EY-17, Olympia, WA 98504; and~~

(ii) Include in or with the application:

(A) A specific statement of the issue or issues and law involved;

(B) The grounds for contesting the department decision; and

(C) A copy of the contested department decision.

(c) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ~~((248-08)) 246-08 WAC~~. If a provision in this chapter conflicts with chapter ~~((248-08)) 246-08 WAC~~, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-333-030 HIV/AIDS EDUCATION AND TRAINING. Eye banks shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, ~~((May 31, 1989))~~ January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-010 DEFINITIONS. For the purpose of chapter 70.127 RCW and chapter ~~((248-36)) 246-336 WAC~~, the following words and phrases shall have the following meaning unless the context clearly indicates otherwise.

(1) "Administrator" means a person managing and responsible for the day-to-day operation of each licensed agency.

(2) "Agency" means a home care agency as defined under this section and chapter 70.127 RCW.

(3) "AIDS" means acquired immunodeficiency syndrome defined under WAC ~~((248-100-011)) 246-100-011~~.

(4) "Branch office" means a location or site from which an agency provides services within a portion of the total geographic area served by the parent agency. The branch office is part of the agency, included in the license of the agency, and located sufficiently close to share administration, supervision, and services.

(5) "Bylaws" means a set of rules adopted by an agency for governing the agency operation.

(6) "Department" means the department of ~~((social and)) health ((services or successor health department))~~.

(7) "Family" means an individual or individuals who are important to and designated by the participant, and who may or may not be relatives.

(8) "Governing body" means the person, who may be the owner or a group, with responsibility and authority to establish policies related to operation of the agency.

(9) "HIV" means human immunodeficiency virus as defined under RCW 70.24.017(7).

(10) "Home care agency" means a private or public agency or organization administering or providing home care services directly or through a contract arrangement to ill, disabled, or infirm persons in places of temporary or permanent residence unless:

(a) Included as an exclusion under RCW 70.127.040; or

(b) A licensed home health agency or hospice agency delivers home care as an integral part of delivery of home health or hospice care; or

(c) The organization provides home care through volunteers without compensation as defined in this section; or

(d) An individual provides home care through direct agreement with the recipient of care; or

(e) An individual provides home care through a direct agreement with a third-party payor where comparable services are not readily available through a home care agency.

(11) "Home care plan of care" or "care plan" means a written personalized plan established and periodically reviewed by a home care agency describing the home care to be provided and requiring consent of the participant or the participant's designated representative.

(12) "Home care services" means personal care services, homemaker services, respite care services, or any other nonmedical services provided to ill, disabled, or infirm persons enabling these persons to remain in their own residences consistent with their desires, abilities, and safety.

(13) "Homemaker services" means services assisting ill, disabled, or infirm persons with household tasks essential to achieving adequate household and family management, including transportation, shopping, and maintenance of premises.

(14) "Ill, disabled, or infirm persons" means persons needing home health, hospice, or home care services in order to maintain themselves in their places of temporary or permanent residence.

(15) "Managed care plan" means a plan controlled by the terms of the reimbursement source.

(16) "May" means permissive or discretionary on the part of the department.

(17) "Other nonmedical services" means noninvasive procedures, such as assistance with toileting, applying nonsterile dry dressing, ambulation, transfer, positioning, bathing, reminding about medication, or other services unless such service must be delivered by a licensed or certified individual under Washington state law.

(18) "Owner" means the individual, partnership, or corporate entity legally responsible for the business requiring licensure as a home care agency under chapter 70.127 RCW.

(19) "Participant" means an individual receiving home care services.

(20) "Personal care services" means services assisting ill, disabled, or infirm persons with dressing, feeding, and personal hygiene to facilitate self-care.

(21) "Personnel" means individuals employed or under contract in a home care agency.

(22) "Respite care services" means services assisting or supporting the primary caregiver on a scheduled basis.

(23) "Shall" means compliance is mandatory.

(24) "Supervisor" means an individual qualified by training, education, and demonstrated skills and/or experience in home care service delivery who assumes the responsibility for the accomplishment of a function or activity and who provides initial direction and ongoing monitoring of performance.

(25) "Volunteer" means an individual providing assistance to the home care agency and:

(a) Oriented, trained, and supervised to perform specific assigned tasks; and

(b) Working without compensation.

(26) "Without compensation" means:

(a) A recipient of care is not charged a fee for any service delivered by the volunteer; and

(b) An individual delivering care receives no pay, except reimbursement for personal mileage incurred to deliver home care services.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-025 LICENSURE OF THE HOME CARE AGENCY. (1) After June 30, 1989, persons operating home care agencies as defined under chapter 70.127 RCW, shall submit application and fees to the department ~~((by July 1, 1989))~~.

(2) After July 1, 1990, no person shall:

(a) Advertise, operate, manage, conduct, open, or maintain a home care agency without first obtaining an appropriate license from the department; or

(b) Use the words "home care agency" or "home care services" in its corporate or business name, or advertise using such words unless licensed as a home care agency under chapter 70.127 RCW.

(3) Applicants for a home care agency license shall:

(a) Submit a completed application and fee for initial license or renewal to the department on forms furnished by the department, including signature of the owner or legal representative of the owner; and

(b) Furnish to the department full and complete information as required by the department for the proper administration of department requirements including:

(i) Evidence of current insurance including:

(A) Professional liability insurance coverage specified under RCW 70.127.080; and

(B) Public liability and property damage insurance coverage as specified under RCW 70.127.080.

(ii) Information on organizational and governing structure and the identity of the applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets;

(iii) A list of counties where the applicant will operate;

(iv) A list of branch offices; and

(v) A list of services provided or offered.

(4) Agencies requesting license renewal shall submit a renewal application and fee to the department.

(5) If the applicant or owner meets the requirements of this chapter and chapter 70.127 RCW, the department shall issue or renew a license for the agency, including branch offices.

(6) The department shall:

(a) Deny a license if in the last five years the owner, applicant, officers, directors, partners, managing employees, or owners of ten percent or more of the applicant's assets are found in a civil or criminal proceeding to have committed any act reasonably relating to the fitness of any of the above persons to:

(i) Establish, maintain, or administer an agency; or

(ii) Provide care in the home of another.

(b) Provide a combination of applications and licenses and the reduction of individual license fees if an applicant applies for more than one category of license under chapter 70.127 RCW;

(c) Establish fees to be paid as required under RCW ~~((43-20B-110))~~ 43.70.110 and ~~((chapter 440-44))~~ WAC 246-336-990, including providing for the reduction of individual license fees if an applicant applies for more than one category of license under RCW 70.127.110;

(d) Prohibit transfer or reassignment of a license without a thirty-day prior notice to the department and department approval;

(e) Issue a license following approval of a new or current owner's application;

(f) Conduct on-site reviews of the agency, which may include in-home visits with the consent of the participant, in order to determine compliance;

(g) Examine and audit records of the agency if the department has reason to believe persons are providing care without an appropriate license;

(h) Provide for combined licensure inspections and audits for owners holding more than one license under RCW 70.127.110;

(i) Give written notice of any violations, including a statement of deficiencies observed;

(j) Inform the owner or applicant of the requirement to:

(i) Present a plan of correction to the department within ten working days; and

(ii) Comply within a specified time not to exceed sixty days.

(k) Allow the owner a reasonable period of time, not to exceed sixty days, to correct a deficiency prior to assessing a civil penalty unless:

(i) The deficiency is an immediate threat to life, health, or safety; or

(ii) The owner fails to comply with any of the provisions of WAC ~~((246-36-045))~~ 246-336-045 (3)(a), (b), (c), (d), (e), (f), (g), (h), (i), and (j).

(l) Initiate disciplinary action, under RCW 70.127.170 and this chapter, if the owner or applicant fails to comply.

(7) The department may:

(a) Issue a license effective for one year unless the license is suspended or revoked;

(b) Inspect an agency and examine records at any time to determine compliance with chapter 70.127 RCW and this chapter; and

(c) Deny, suspend, modify, or revoke an agency license for failure to comply with chapter 70.127 RCW or this chapter.

(8) When a change of ownership is planned, the owner shall notify the department, in writing, at least thirty days prior to the date of transfer, including:

(a) Full name and address of the current owner and prospective new owner;

(b) Name and address of the agency and new name under which the agency will be operating, if known; and

(c) The date of the proposed change of ownership.

(9) The prospective new owner shall submit a new application for an agency license with the fee at least thirty days prior to the change of ownership.

(10) The agency shall inform the department in writing at the time of opening or closing of the agency or branch offices.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-035 LICENSE DENIALS—SUSPENSIONS—MODIFICATIONS—REVOCATIONS. (1) The department may deny, suspend, modify, or revoke a license or assess civil penalties, or both, against the agency if an applicant, owner, officer, director, or managing employee:

(a) Fails or refuses to comply with the provisions of chapter 70.127 RCW or this chapter;

(b) Continues to operate after the license is revoked or suspended for cause and not subsequently reinstated by the department;

(c) Makes false statement of a material fact in the application for the license or data attached or in any record required by this chapter or matter under investigation by the department;

(d) Refuses to allow representatives of the department to inspect any part of the agency or books, records, or files required by this chapter;

(e) Willfully prevents or interferes with or attempts to impede in any way the work of any representative of the department in the lawful enforcement of chapter 70.127 RCW and this chapter;

(f) Willfully prevents or interferes with any representative of the department in the preservation of evidence of a violation under chapter 70.127 RCW or this chapter;

(g) Fails to pay or make arrangements to pay a civil monetary penalty assessed by the department within ten days after the assessment becomes final, as provided under WAC (~~(248-36-045)~~) 246-336-045, Civil fines;

(h) Uses false, fraudulent, or misleading advertising;

(i) Has repeated incidents of personnel performing services beyond those authorized by the agency or law; or

(j) Misrepresents, or is fraudulent in an aspect of, the conduct of the applicant's or owner's business.

(2) If the department finds the public health, safety, or welfare imperatively require emergency action, a license may be summarily suspended pending proceedings for revocation or other action.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-055 LICENSE ACTION AND/OR CIVIL FINE—NOTICE—ADJUDICATIVE PROCEEDING. (1) The department's notice of a denial, suspension, modification, or revocation of a license shall be consistent with (~~(RCW 43-20A-XXX and)~~) section (~~(95)~~) 377, chapter (~~(+75)~~) 3, Laws of (~~(+989)~~) 1991. An applicant or license holder has the right to an adjudicative proceeding to contest the decision.

(2) The department's notice of imposition of a civil fine shall be consistent with (~~(RCW 43-20A-XXX and)~~) section (~~(96)~~) 378, chapter (~~(+75)~~) 3, Laws of (~~(+989)~~) 1991. A person the department imposes a civil fine on has the right to an adjudicative proceeding to contest the decision.

(3) A license applicant or holder or a person the department imposes a civil fine on contesting a department decision shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the (~~(Office of Appeals, P.O. Box 2465)~~) Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(b) Include in or with the application:

(i) A specific statement of the issue or issues and law involved;

(ii) The grounds for contesting the department decision; and

(iii) A copy of the contested department decision.

(4) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter (~~(248-08)~~) 246-08 WAC. If a provision in this chapter conflicts with chapter (~~(248-08)~~) 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-105 AIDS EDUCATION AND TRAINING. Home care agencies shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know-AIDS Education for Health Care Facility Employees, (~~(March 1, 1989)~~) January 1991, published by the department office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-336-125 SUPERVISION AND COORDINATION OF SERVICES. The agency shall employ a supervisor responsible for:

(1) Assessment of participant/family needs except under managed care plans;

(2) Development of care plan, except under managed care plans;

(3) Implementing the care plan;

(4) Referral to other community resources;

(5) Explaining resources the participant may access;

(6) Performance evaluations as indicated under WAC (~~(248-36-095)~~) 246-336-095, Personnel and Volunteers;

(7) Regular monitoring of effectiveness of the care plan, including:

(a) The participant's satisfaction with care received;

(b) Participant's health and safety;

(c) Periodic contact with participant to re-assess effectiveness and appropriateness of home care plan of care;

(d) Participating in development and review of agency policies for coordination; and

(e) Coordination or arrangement of home care services.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-340-010 DEFINITIONS. Unless the context clearly indicates otherwise, the following terms, whenever used in this chapter, shall be deemed to have the following meanings:

(1) "Certificate of approval" means a certificate issued by the department to a nonhospital facility approved for the performance of induction and/or termination procedures during the second trimester.

(2) "Certified nurse anesthetist" means a registered nurse whose application for certified registered nurse designation has been approved by the Washington state board of nursing pursuant to RCW 18.88.080 and WAC (~~(308-120-300)~~) 246-839-300.

(3) "Clean" when used in reference to a room or area means space and/or equipment for storage and handling of supplies and/or equipment which are in a sanitary or sterile condition.

(4) "Department" means the Washington state department of (~~(social and)~~) health (~~(services)~~).

(5) "Facility" means any nonhospital institution, place, building, or agency or portion thereof in which induction and/or termination is conducted during the second trimester.

(6) "Induction" means the procedure used to initiate termination of pregnancy.

(7) "Observation unit" means a room or rooms for the segregation, close or continuous observation, and care of a patient before or after a termination procedure.

(8) "Patient" means a woman undergoing induction and/or termination of pregnancy.

(9) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association.

(10) "Physician" means an individual licensed under provisions of chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(11) "Registered nurse" means an individual licensed under the provisions of chapter 18.88 RCW, Registered nurses.

(12) "Second trimester" means the second three-month period of pregnancy.

(13) "Secretary" means the secretary of the department of (~~(social and)~~) health (~~(services)~~) or his or her designee or authorized representative.

(14) "Soiled," when used in reference to a room or area, means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or disposal of wastes.

(15) "Termination" means ending of a pregnancy.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-340-020 FACILITIES APPROVED FOR TERMINATION OF PREGNANCY. For the purpose of preserving and protecting maternal health, all abortions performed during the second trimester of pregnancy shall be performed in hospitals licensed pursuant to chapter 70.41 RCW or in a medical facility approved for that purpose by the department, as set forth in chapter (~~(248-140)~~) 246-340 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-340-050 ISSUANCE, DURATION, AND ASSIGNMENT OF CERTIFICATE OF APPROVAL. (1) Upon receipt of an application for a certificate of approval, the department shall issue a certificate of approval if the person and the facility meet the requirements, standards, rules and regulations established herein. Each certificate of approval shall be issued for the premises and persons named in the application and no certificate of approval shall be transferable or assignable. No certificate of approval shall exceed twelve months duration.

(2) If there be failure to comply with the standards, rules and regulations, the secretary may, when, in his or her judgment, the well-being and safety of patients would not be jeopardized, issue to an applicant for an initial or renewed certificate of approval, a provisional certificate of approval which will permit the operation of the facility for a specific, determined period of time. A provisional certificate of approval may be issued only when, after thorough investigation, it has been determined that time can be allowed for the facility to correct existing deficiencies without placing in jeopardy the safety or health of women receiving services for the induction and/or termination of pregnancy in

second trimester. In no case shall provisional approval exceed six months without review and sanction by the secretary.

(3) Any action to deny, suspend or revoke a certificate of approval shall comply with chapter ~~((34-04))~~ 34.05 RCW, Administrative Procedure Act, and chapter ~~((248-08))~~ 246-08 WAC, Practice and procedure.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-340-070 NOTICE OF DECISION—ADJUDICATIVE PROCEEDING. (1) The department's notice of a denial, suspension, modification, or revocation of a certificate shall be consistent with ~~((RCW 43-20A-205))~~ section 377, chapter 3, Laws of 1991. An applicant or certificate holder has the right to an adjudicative proceeding to contest the decision.

(2) A certificate applicant or holder contesting a department certificate decision shall within twenty-eight days of receipt of the decision:

(a) File a written application for an adjudicative proceeding by a method showing proof of receipt with the ~~((Office of Appeals, P.O. Box 2465))~~ Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., Mailstop: EY-17, Olympia, WA 98504; and

(b) Include in or with the application:

- (i) A specific statement of the issue or issues and law involved;
- (ii) The grounds for contesting the department decision; and
- (iii) A copy of the contested department decision.

(3) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter ~~((248-08))~~ 246-08 WAC. If a provision in this chapter conflicts with chapter ~~((248-08))~~ 246-08 WAC, the provision in this chapter governs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-340-090 HIV/AIDS EDUCATION AND TRAINING. Abortion facilities shall:

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

(2) Use infection control standards and educational material consistent with the approved curriculum manual Know - HIV/AIDS Prevention Education for Health Care Facility Employees, ~~((May 31, 1989))~~ January 1991, published by the office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-358-990 LABOR CAMP HEALTH AND SANITATION PERMIT AND SURVEY FEES. Starting December 1, 1987, owners or operators of labor camps, as defined in chapter ~~((248-63))~~ 246-358 WAC, shall pay fees to the department as follows:

(1) A state health and sanitation permit of fifty dollars plus one dollar and fifty cents for each dwelling unit intended for occupancy by temporary workers.

(2) A labor camp survey charge of:

(a) Five dollars per dwelling unit up to and including twenty-nine units intended for occupancy by temporary workers, or

(b) One hundred fifty dollars for each camp with thirty or more dwelling units intended for occupancy by temporary workers.

(3) Owners or operators of labor camps shall submit the health and sanitation fee with initial application for permit or upon receipt of a renewal notice.

(4) Owners or operators of labor camps shall submit the labor camp survey fee:

(a) With initial application for new labor camps, or

(b) Within thirty days after the department completes each survey for existing labor camps.

(5) The department shall:

(a) Issue the health and sanitation permit for two calendar years, and

(b) Collect no more than one survey fee from each labor camp annually.

(6) Labor camps regulated by local health officers in accordance with WAC ~~((248-63-020))~~ 246-358-025 are excluded from the requirements in this section.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-010 DEFINITIONS. For the purposes of these regulations, the following words and phrases have the following meanings unless the context clearly indicates otherwise. All adjectives and adverbs such as adequate, appropriate, suitable, properly, or sufficient used in this chapter to qualify a requirement shall be determined by the department.

(1) "Abuse" means the injury, emotional, physical, or sexual abuse of an individual under circumstances indicating the health, welfare, and safety of the individual is harmed including:

(a) "Emotional abuse" means verbal behavior, harassment, or other actions which may result in emotional or behavioral problems, physical manifestations, disordered or delayed development.

(b) "Physical abuse" means damaging or potentially damaging non-accidental acts or incidents which may result in bodily injury or death.

(2) "Advanced registered nurse practitioner" or "ARNP" means a registered nurse authorized to practice specialized and advanced nursing under requirements in RCW 18.88.175.

(3) "Alterations" means a change requiring construction in an existing rural health care facility.

(4) "Area" means a portion of a room containing the equipment essential to carrying out a particular function and separated from other facilities of the room by a physical barrier or adequate space, except when used in reference to a major section of the rural health care facility.

(5) "Authenticate" means to authorize or validate an entry in a record by:

(a) A signature including first initial, last name, and discipline; or

(b) A unique identifier allowing identification of the responsible individual.

(6) "Bathing facility" means a bathtub or shower excluding sitz baths or other fixtures designated primarily for therapy.

(7) "Clean" means free of soil, a sanitary or sterile condition of a space, room, area, facility, or equipment.

(8) "Department" means the Washington state department of health.

(9) "Dentist" means an individual licensed under chapter 18.32 RCW.

(10) "Dietitian" means an individual: (a) Meeting the eligibility requirements for active membership in the American Dietetic Association described in Directory of Dietetic Programs Accredited and Approved, American Dietetic Association, edition 100, 1980; or (b) certified under chapter 18.138 RCW.

(11) "Drug administration" or "administering of drugs" means an act in which a single dose of a prescribed drug or biological is given to a patient by an authorized person in accordance with all laws and regulations governing such acts.

(12) "Facilities" means a room or area and/or equipment to serve a specific function.

(13) "Governing body" means the person or persons responsible for establishing the purposes and policies of the rural health care facility.

(14) "Grade" means the slope of the ground adjacent to the building measured at required windows with ground level or sloping downward for a distance of at least ten feet from the wall of the building. From the ten-foot distance, the ground may slope upward no greater than an average of one foot vertical to two-foot horizontal within a distance of eighteen feet from the building.

(15) "Handwashing facility" means a lavatory or a sink properly designed and equipped to serve for handwashing purposes.

(16) "Health care facility" means any land, structure, system, subsidiary, equipment, or other real or personal property or appurtenances useful for or associated with delivery of inpatient or outpatient health care service or support for such care or any combination operated or undertaken in connection with:

(a) A hospital;

(b) A clinic;

(c) A health maintenance organization;

(d) A diagnostic or treatment center;

(e) An extended care facility; or

(f) Any facility providing or designed to provide therapeutic, convalescent, or preventive health care services.

(17) "Health care provider" means an individual with direct or supervisory responsibility for delivery of health or medical care who is licensed, registered, or certified in Washington state under Title 18 RCW.

(18) "Hospital" means any institution, place, building, or agency providing accommodations, facilities, and services over a continuous period of twenty-four hours or more, for observation, diagnosis, or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity or abnormality, or from any other condition for which obstetrical, medical, or surgical services would be appropriate for care or diagnosis. "Hospital" does not include:

(a) Hotels, or similar places furnishing only food and lodging, or simply domiciliary care;

(b) Clinics, or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more;

(c) Nursing homes under chapter 18.51 RCW;

(d) Maternity homes under chapter 18.46 RCW;

(e) Psychiatric or alcoholism hospitals under chapter 71.12 RCW;

(f) Any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders, or other abnormal mental conditions;

(g) Rural health care facilities under RCW 70.175.020(11); nor

(h) Any hospital conducted for those who rely primarily upon treatment by prayer or spiritual means in accordance with the creed or tenets of any well-recognized church or religious denominations.

(19) "Infant" means a child up to one year of age.

(20) "Investigational drug" means any article not approved for use in the United States, but for which an investigational drug application has been approved by the Food and Drug Administration.

(21) "Lavatory" means a plumbing fixture of adequate design and size for washing hands.

(22) "Licensed practical nurse" or "L.P.N." means an individual licensed under requirements of chapter 18.78 RCW.

(23) "Low-risk maternal patient" means a woman:

(a) In general good health with uncomplicated prenatal course and participating in ongoing prenatal care;

(b) Participating in an appropriate childbirth and infant care education program;

(c) With no major medical problems;

(d) With no previous uterine wall surgery, caesarean section, or obstetrical complications likely to recur;

(e) With parity under six unless a justification for a variation is documented by medical staff;

(f) Who is not a nullipara of greater than thirty-eight years of age unless a justification for a variation is documented by medical staff;

(g) Not less than sixteen years old unless a justification for variation for ages fourteen through fifteen is documented by medical staff;

(h) With no significant signs or symptoms of pregnancy-induced hypertension, polyhydramnios or oligohydramnios, abruptio placenta, chorioamnionitis, multiple gestation, intrauterine growth retardation, meconium stained amniotic fluid, fetal complications, or substance abuse;

(i) Demonstrating no significant signs or symptoms of anemia, active herpes genitalis, pregnancy-induced hypertension, placenta praevia, malpositioned fetus, or breech while in active labor;

(j) In labor, progressing normally;

(k) Without prolonged ruptured membranes;

(l) Not in preterm labor nor in postterm gestation;

(m) Appropriate for a setting where analgesia is limited; and

(n) Appropriate for a setting where anesthesia is used in limited amounts and limited to local infiltration of the perineum or pudendal block.

(24) "May" means permissive or discretionary on the part of the department.

(25) "Medical staff" means physicians and other health care providers appointed by the governing body to practice within the parameters of the governing body rules.

(26) "Metropolitan statistical area" or "MSA" means a metropolitan statistical area defined and described by the United States Department of Census, Bureau of the Census, Statistical Abstract of the United States: 1988, 108th edition, Washington, D.C., United States Government Printing Office, and displayed for the state of Washington in State of Washington Data Book, Office of Financial Management, Olympia, Washington, 1988, including:

(a) Benton;

(b) Clark;

(c) Franklin;

(d) King;

(e) Kitsap;

(f) Pierce;

(g) Snohomish;

(h) Spokane;

(i) Thurston;

(j) Whatcom; and

(k) Yakima.

(27) "Midwife" means an individual recognized by the Washington state board of nursing as an advanced registered nurse practitioner/certified nurse midwife under chapter 18.88 RCW and chapter ((308-120) 246-839 WAC, or an individual licensed to practice midwifery in the state of Washington under chapter 18.50 RCW.

(28) "Neglect" means negligent treatment or maltreatment; an act or omission evincing a serious disregard of consequences of such a magnitude as to constitute a clear and present danger to a patient's health, welfare, and safety including:

(a) Emotional neglect meaning acts such as rejection, lack of stimulation, or other acts of commission or omission which may result in emotional or behavioral problems, physical manifestations, and disordered development; and

(b) Physical neglect meaning physical or material deprivation, such as lack of medical care, lack of supervision necessary for patient level of development, inadequate food, clothing, or cleanliness.

(29) "Newborn" means a newly born infant under twenty-eight days of age.

(30) "New construction" means any of the following:

(a) Additions to existing buildings to be used as rural health care facilities;

(b) Alterations;

(c) Conversion of existing buildings or portions for use as rural health care facilities unless currently licensed as a hospital under chapter 70.41 RCW;

(d) New buildings to be used as rural health care facilities.

(31) "Occupational therapist" means an individual licensed under the provisions of chapter 18.59 RCW.

(32) "Outpatient" means a patient receiving services generally not requiring admission to a rural health care facility bed for twenty-four hours or more.

(33) "Patient" means an individual receiving preventive, diagnostic, therapeutic, rehabilitative, maintenance, or palliative health services at the rural health care facility.

(34) "Patient care areas" means all patient service areas of the rural health care facility where direct patient care is rendered and all other areas of the rural health care facility where diagnostic or treatment procedures are performed directly upon a patient.

(35) "Person" means any individual, firm, partnership, corporation, company, association, or joint stock association, and the legal successor thereof.

(36) "Pharmacist" means an individual licensed by the state board of pharmacy to engage in the practice of pharmacy under chapter 18.64 RCW.

(37) "Pharmacy" means an area or service or place approved by the Washington state board of pharmacy under chapter 18.64 RCW.

(38) "Physical therapist" means an individual licensed under the provisions of chapter 18.74 RCW.

(39) "Physician" means an individual licensed under chapter 18.71 RCW, Physicians, or chapter 18.57 RCW, Osteopathy—Osteopathic medicine and surgery.

(40) "Physician's assistant" means an individual who is not a physician but is practicing medicine under chapter 18.71A or 18.57A RCW and the rules and regulations promulgated thereunder.

(41) "Prescription" means an order for drugs for a specific patient issued by a legally authorized individual.

(42) "Radiologist" means a physician, board certified or eligible for certification in radiology and meeting continuing education requirements under:

(a) The American Board of Radiology described under Directory of Residency Programs Accredited by the Accreditation Council for Graduate Medical Education, American Medical Association, 1981-82; or

(b) The American Osteopathic Board of Radiology described under American Osteopathic Association Yearbook and Directory, 1981-82.

(43) "Registered nurse" means an individual licensed under chapter 18.88 RCW.

(44) "Relite" means a glazed opening in an interior partition between a corridor and a room or between two rooms to permit viewing.

(45) "Restraint" means any apparatus used for the purpose of preventing or limiting free body movement excluding safety devices.

(46) "Room" means a space set apart by floor-to-ceiling partitions on all sides with proper access to a corridor and with all openings provided with doors or windows.

(47) "Rural area" means a geographical area outside the boundaries of metropolitan statistical areas (MSA's) or an area within an MSA but more than thirty minutes average travel time from an urban area of at least ten thousand population.

(48) "Rural health care facility" means a facility, group, or other formal organization or arrangement of facilities, equipment, services, and personnel capable of providing or assuring availability of health services within a rural area. The services to be provided by the rural health care facility may be delivered in a single location or geographically dispersed in the community health service catchment area so long as they are organized under a common administrative structure with mechanisms for providing appropriate referral, treatment, and follow-up.

(a) "Administrative structure" means a system of contracts or formal agreements between organizations and persons providing health services in an area that establishes the roles and responsibilities each will assume in providing the services of the rural health care facility.

(b) "Community health service catchment area" means a description of the geographical boundaries of a rural area through a coordinated effort of health care providers, community health clinics, health care facilities, local health department, emergency medical services, support service providers, and citizens.

(49) "Services" means an organized group of health care delivery components.

(a) "Core services" means:

(i) Twenty-four hour emergency care meeting requirements under WAC 246-388-240;

(ii) Outpatient care meeting requirements under WAC 246-388-250;

(iii) Laboratory service meeting requirements under WAC 246-388-260;

(iv) Radiology service meeting requirements under WAC 246-388-270;

(v) Inpatient care meeting criteria and requirements under WAC 246-388-280;

(vi) Low-risk maternal and newborn care meeting requirements under WAC 246-388-290;

(vii) Support services and functions including:

(A) Material processing described under WAC 246-388-310;

(B) Dietary described under WAC 246-388-320;

(C) Housekeeping described under WAC 246-388-330;

(D) Laundry described under WAC 246-388-340;

(E) Maintenance described under WAC 246-388-350;

(F) Medical records described under WAC 246-388-360;

(G) Pharmacy described under WAC 246-388-370;

(H) Intravenous care under WAC 246-388-380; and

(I) Discharge planning under WAC 246-388-390.

(b) "Optional services" means patient care services a rural health care facility may provide, including:

(i) Long-term care described under WAC 246-388-410;

(ii) Occupational and physical therapy and respiratory care described under WAC 246-388-420;

(iii) Other diagnostic and therapeutic services described under WAC 246-388-430;

(iv) Surgical services described under WAC 246-388-440; and

(v) Anesthesia described under WAC 246-388-450.

(50) "Shall" means compliance is mandatory.

(51) "Sinks" means one of the following:

(a) A plumbing fixture of adequate size and proper design for waste disposal with siphon jet or similar action sufficient to flush solid matter of at least two and one-eighth inch diameter, usually called a clinic service sink; or

(b) A plumbing fixture of adequate size and proper design for thorough washing of hands and arms, equipped with knee, foot, electronic or equivalent control, and gooseneck spout, called a scrub sink; or

(c) A plumbing fixture of adequate size and proper design for filling and emptying mop buckets, known as a service sink.

(52) "Soiled," when used in reference to a room, area, or facility, means space and equipment for collection and/or cleaning of used or contaminated supplies and equipment and/or collection and/or disposal of wastes.

(53) "Toilet" means a room containing at least one water closet.

(54) "Window" means a glazed opening in an exterior wall.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-070 PERSONNEL. (1) Rural health care facilities shall employ qualified personnel with verification of required license, certification, or registration.

(2) Rural health care facilities shall establish personnel policies requiring:

(a) Written job descriptions for each job classification including job title, reporting relationships, summary of duties and responsibilities, and qualifications;

(b) Provisions for review every two years, with revision as necessary;

(c) Periodic performance evaluation of:

(i) All employees; and

(ii) Volunteers providing direct patient care;

(d) Documented background checks as required under RCW 43.43-.830 through 43.43.842 for all prospective employees and volunteers who may have regularly scheduled unsupervised access to patients;

(e) Coordination and supervision of volunteer services and activities by a designated employee of the rural health care facility;

(f) Orientation and education programs for employees and volunteers including:

(i) Purpose and organizational structure;

(ii) Location and layout of the rural health care facility;

(iii) Infection control;

(iv) Safety;

(v) Policies and procedures; and

(vi) Equipment pertinent to the job;

(g) Continuing education for maintaining skills for personnel and volunteers providing direct patient care;

(h) Documentation of orientation, in-service, and continuing education; and

(i) HIV/AIDS education of employees and volunteers including:

(i) Verifying or arranging for appropriate education and training on prevention, transmission, and treatment of HIV and AIDS consistent with RCW 70.24.310; and

(ii) Use of infection control standards and educational materials consistent with the department-approved manual KNOW-HIV/AIDS Prevention Education for Health Care Facility Employees, (~~May 31, 1989~~) January 1991, office on HIV/AIDS.

(3) Rural health care facilities shall:

(a) Provide nursing staff on duty necessary to take care of inpatients with an on-call system when inpatients are not present;

(b) Require medical staff or registered nurse supervision of nonemployees and others performing patient care functions;

(c) Maintain an employee callback list for use in the event of disaster;

(d) Require individuals to remain off duty if they have a known communicable disease in an infectious stage when transmission to patients is probable during performance of assigned work duties;

(e) Require each employee and volunteer to have a tuberculin skin test by the Mantoux method within one week of serving with the rural health care facility, and as follows:

(i) A negative skin test defined as less than ten millimeters of induration read at forty-eight to seventy-two hours;

(ii) Negative reactors to the first test who are thirty-five years of age or older are required to have a second test one to three weeks after the first test;

(iii) Positive reactors to either test are required to have a chest x-ray within thirty days;

(iv) A record of test results, reports of x-ray findings, or exceptions to such kept in the facility;

(v) A copy of the record in (e)(iv) of this subsection supplied to the individual;

(vi) Exceptions including:

(A) Exclusion of new persons from screening if documenting a positive Mantoux test in the past; and

(B) Exclusion of an employee with a written waiver from the department tuberculosis control program after stating the tuberculin skin test by the Mantoux method presents a hazard to his or her health and presenting supportive medical data to the department tuberculosis control program.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-080 INFECTION CONTROL. Rural health care facilities shall have an infection control program with a designated individual responsible for direction of the program, including establishing and maintaining systems, policies, and procedures for:

- (1) Discovering, reporting, investigating, reviewing, and maintaining records on infections among patients and personnel;
- (2) Surveillance of environmental hazards related to potential for transmission of infection;
- (3) Universal precautions;
- (4) Medical asepsis;
- (5) Reporting and other requirements for communicable diseases as required under chapter 248-100 WAC, Communicable and certain other diseases; and
- (6) Use of infection control standards and educational material consistent with department-approved manual KNOW-HIV/AIDS Prevention Education for Health Care Facility Employees, (~~May 31, 1989~~) January 1991, office on HIV/AIDS.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-100 WATER SUPPLY. (1) The rural health care facility shall ensure:

- (a) An adequate supply of hot and cold water under pressure conforming to the quality standards under chapter (~~248-54~~) 246-290 WAC; and
- (b) Hot water supplied for bathing and handwashing purposes, not to exceed one hundred twenty degrees Fahrenheit.
- (2) Rural health care facilities initiating new construction shall:
 - (a) Install plumbing fixtures meeting the minimum water efficiency standards under chapter 51-18 WAC, Washington state water conservation performance standards; and
 - (b) Meet minimum construction requirements under the Uniform Plumbing Code and Uniform Plumbing Standards, WAC 51-16-060.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-110 PLUMBING. (1) Rural health care facilities shall ensure:

- (a) Water supply plumbing, fixtures, waste, and drainage systems maintained to avoid unsanitary conditions; and
- (b) Prohibition of cross connections between potable and nonpotable water as required under chapter (~~248-54~~) 246-290 WAC.
- (2) Rural health care facilities initiating new construction shall meet:
 - (a) Requirements under chapter 51-18 WAC, Washington state water conservation performance standards; and
 - (b) Minimum construction requirements under the Uniform Plumbing Code and Uniform Plumbing Standards, WAC 51-16-060.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-160 EMERGENCY LIGHT AND POWER. Rural health care facilities shall ensure:

- (1) Flashlights or battery-operated lamps available to employees and maintained in operating condition; and
- (2) A (~~property~~) properly maintained, appropriately sized emergency generator for lighting and power in areas where core services occur.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-170 VENTILATION. (1) Rural health care facilities shall ensure adequate ventilation for:

- (a) All patient rooms;
- (b) All rooms where personnel routinely work; and
- (c) Rooms which, because of use, might have objectionable odors and/or excessive condensation.
- (2) Rural health care facilities involved in new construction shall meet the following minimum requirements (~~under~~):
 - (a) The Uniform Building Code and Uniform Mechanical Code under WAC 51-16-030 and 51-16-040, respectively; and

(b) (~~Prior to July 1, 1991, state energy code ventilation requirements under chapter 51-12 WAC; and~~
(c) ~~After July 1, 1991;~~) The state ventilation and indoor air quality code under chapter 51-13 WAC.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-240 CORE SERVICES—TWENTY-FOUR-HOUR EMERGENCY CARE. (1) Rural health care facilities shall:

- (a) Define a system for providing emergency care services; and
- (b) Establish emergency care services with a nature and scope consistent with community needs and the rural health care facility's capabilities.
- (2) Rural health care facility emergency services shall have arrangements with other health care providers or health care facilities for services not provided by the rural health care facility, including but not limited to:
 - (a) Inpatient hospital care;
 - (b) Additional and specialized diagnostic imaging and laboratory services;
 - (c) Medical specialty consultation;
 - (d) Skilled nursing care;
 - (e) Home health care licensed under chapter 70.127 RCW;
 - (f) Mental health services;
 - (g) Substance abuse services; and
 - (h) Patient transport.
- (3) Rural health care facilities shall provide the following basic, emergency care services:
 - (a) In-person assessment of an individual's condition to determine the nature, acuity, and severity of the person's immediate medical need by a registered nurse, physician, physician's assistant, or advanced registered nurse practitioner (ARNP);
 - (b) Determination of the nature and urgency of the person's medical need including the timing and place of care and treatment;
 - (c) Immediate diagnosis and treatment of any life-threatening condition;
 - (d) Appropriate transfer or referral of a patient needing health care services not provided by the rural health care facility;
 - (e) Diagnostic radiology available in the same building and meeting requirements under WAC 246-388-270;
 - (f) Laboratory services available and meeting requirements under WAC 246-388-260; and
 - (g) Resource and referral services to provide information and assistance to patients for:
 - (i) Health maintenance;
 - (ii) Prevention of illness and injury;
 - (iii) Environmental hazards or concerns such as water, wastes, food, pesticides;
 - (iv) Prenatal care;
 - (v) Vision and hearing care;
 - (vi) Dental care; and
 - (vii) Nonemergent transportation to receive required health and medical care services.
- (4) Prior to transfer of an emergency patient to another health care facility, rural health care facilities shall:
 - (a) Perform the emergency procedures necessary to minimize aggravation of the patient's condition during transport;
 - (b) Ascertain means of transport appropriate for patient's condition; and
 - (c) Notify the receiving facility.
- (5) Rural health care facilities shall staff emergency care services in accord with the anticipated patient load and the services provided, including:
 - (a) A physician member of medical staff responsible for the medical direction of emergency care services;
 - (b) A physician or physicians available for consultation at all times;
 - (c) Twenty-four-hour-per-day coverage by at least one member of medical staff or an employee with training in advance cardiac life support approved by the American Heart Association and:
 - (i) On duty in the emergency care area; or
 - (ii) On call, available, and able to arrive at the emergency care area within fifteen minutes of notification or signal;
 - (d) A mechanism for summoning personnel or volunteers for emergency care services as necessary to provide the types and amount of care required by patients.
- (6) Rural health care facilities shall establish and implement written policies and procedures for emergency care services including:

- (a) Review and revision as necessary to keep current;
 - (b) Date of approval by the governing body;
 - (c) Readily available to those providing emergency care services;
 - (d) Description of the type, location, and extent of the emergency care services provided;
 - (e) Patient transfer to another health care facility, including transfer of the patient records;
 - (f) The course of action when the number of emergency patients constitutes an overload;
 - (g) Medical policies, standing emergency medical orders, and written medical procedures to guide the action of those providing emergency service when a member of the medical staff is not present;
 - (h) Delineation of medical staff responsibilities for emergency care services related to assigned clinical privileges, staff coverage of emergency care services, and staff and volunteer participation in the training of personnel;
 - (i) Notification of an emergency patient's next of kin or legal guardian;
 - (j) A mechanism for obtaining consent for treatment from an emergency patient or other person who may legally give consent for treatment of the patient;
 - (k) The care and treatment of persons requiring special medical consideration, such as:
 - (i) Substance abuse;
 - (ii) Communicable disease;
 - (iii) Child abuse or other suspected criminal acts;
 - (iv) Dead on arrival or death;
 - (v) Radioactive contamination; and
 - (vi) Pesticide exposure;
 - (l) Notification of a patient's medical practitioner and transfer of relevant reports; and
 - (m) Disclosure of information about a patient.
- (7) Emergency care services shall maintain a permanent chronological register listing each patient presenting for emergency care including:
- (a) Full name;
 - (b) Age and date of birth;
 - (c) A patient identifying number;
 - (d) Date and time of arrival and departure;
 - (e) Presenting complaint; and
 - (f) Disposition, discharge, or referral.
- (8) The rural health care facility shall provide facilities, equipment, and supplies for emergency care services including:
- (a) Locating emergency service areas close to the entrance with designated adequate space for reception, screening, examination, and treatment;
 - (b) A means of providing visual privacy for the patient;
 - (c) An outside call bell at the designated emergency entrance which, when activated, sounds in an area where personnel are always accessible;
 - (d) Equipment and supplies necessary to provide emergency care services;
 - (e) Current references on toxicology, antidote information, and the telephone number of the regional poison control center readily available in the emergency care area; and
 - (f) Facility-to-ambulance radio communication compatible with the state-wide emergency communication system.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-260 CORE SERVICE—LABORATORY. Rural health care facilities shall:

- (1) Provide or arrange for laboratory services to meet emergency and routine needs of patients; and
- (2) Ensure laboratory services meet the requirements under chapter 70.42 RCW and chapter ((248-38)) 246-338 WAC, medical test site rules, as licensed or waived medical test sites.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-270 CORE SERVICE—RADIOLOGY. (1) Rural health care facilities shall provide or arrange for access to imaging services including:

- (a) Diagnostic x-ray in the same building as emergency services;

- (b) Availability of radiologic services appropriate to the type and scope of rural health care facility services offered for emergency patients, inpatients, and outpatients; and
- (c) A written description of the type and scope of imaging services provided in the rural health care facility.

(2) Rural health care facilities shall:

- (a) Designate medical responsibility and require access to a radiologist;
- (b) Perform radiology and other imaging services when ordered in accordance with rural health care facility policy and procedures;
- (c) Require a reason specified in writing on requests for imaging services;
- (d) Provide sufficient staff qualified to safely deliver the type, scope, and volume within each imaging service;
- (e) Require persons operating radiology equipment to meet requirements under chapter ((402-28)) 246-225 WAC;
- (f) Establish and implement written policies and procedures approved by a radiologist and medical staff including:
 - (i) Patient preparation, examination, and administration of diagnostic agents;
 - (ii) Medical staff responsibility for preparation and administration of radiopharmaceuticals;
 - (iii) Who is authorized to use equipment;
 - (iv) Safe operation of equipment;
 - (v) Safe handling, storage, preparation, labeling, transporting, and disposal of radioactive materials;
 - (vi) Precautions to minimize unnecessary radiation exposure to patients and others;
 - (vii) Actions required in event of radioactive contamination of patients, personnel, equipment, and environment;
 - (viii) Prevention of electrical, mechanical, fire, explosion, and other hazards; and
- (h) Written reports on any adverse reaction of a patient to diagnostic or therapeutic agents, including notation in the medical record or outpatient report.

(3) Rural health care facilities imaging services shall:

- (a) Maintain patient logs for imaging services; and
 - (b) Maintain authenticated and dated reports of providers and consultation interpretations as required under WAC 246-388-360.
- (4) Rural health care facilities imaging services shall provide:
- (a) Adequate space for services, equipment, and patients to accommodate:
 - (i) Patient privacy;
 - (ii) Patient access to a toilet;
 - (iii) Patient examinations;
 - (iv) Exposed and unexposed film storage; and
 - (v) Safe storage, preparation, labeling, transportation, and disposal of radioactive materials;
 - (b) Maintenance of safe, clean equipment, facilities, and supplies appropriate for the type and scope of service offered;
 - (c) Maintenance of all patient care equipment in safe, operating condition with documentation of maintenance planned and performed;
 - (d) Emergency equipment, supplies, and medications;
 - (e) A method for summoning extra appropriate staff for emergencies arising in imaging service areas;
 - (f) Maintenance of radiology equipment meeting applicable state rules for radiation protection under chapter ((402-28)) 246-225 WAC;

(g) Arrangements for services of a qualified expert as defined and described under WAC ((402-32-100)) 246-240-040, if therapeutic radiation is utilized, as needed for:

- (i) Consultation, including periodic radiologic safety testing;
- (ii) Supervision of radiation safety measures; and
- (iii) Participation in education programs;
- (h) Maintain documentation of:
 - (i) Maintenance and periodic calibration of all radiation safety equipment;
 - (ii) Receipt and disposition of radioactive materials, if used.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-290 CORE SERVICE—LOW-RISK MATERNAL PATIENT AND NEWBORN CARE. (1) Rural health care facilities shall:

- (a) Provide low-risk maternal patient and newborn care meeting requirements under this section; or

(b) Arrange for transportation and care in a licensed childbirth center or hospital.

(2) Rural health care facilities offering birthing or obstetrical delivery services shall provide only low-risk maternal patient and newborn care including:

(a) Medical services directed by a physician member or members of the medical staff with experience in obstetrics and newborn care, whose functions and scope of responsibility are delineated by the medical staff;

(b) Adequate staff supervised by a midwife or a registered nurse prepared by education and experience in obstetrical and newborn care; and

(c) Capability for transfer and transport to a hospital for Caesarean sections or complications twenty-four hours per day.

(3) Maternal patient care services in rural health care facilities shall establish and implement written policies and procedures for maternal and infant patient care including:

(a) Infection control principles related to:

(i) Room assignment and placement of maternal patients and newborns;

(ii) Visitors;

(iii) Special clothing requirements for staff and visitors;

(iv) Universal precautions; and

(v) Handling and storage of breast milk and formula;

(b) Provisions for transfer and transport of a woman or a newborn when necessary for appropriate care;

(c) Provision for maintaining body heat of each newborn;

(d) Provision for intrapartum evaluation of fetal heart rate;

(e) Provision for the management of obstetrical and newborn emergencies, including resuscitation; and

(f) Recordkeeping as required under WAC 246-388-360 and including:

(i) Completion of birth and death certificates as necessary;

(ii) Staff verification of initial and discharge identification of the newborn;

(iii) Documentation of metabolic screening test obtained and forwarded, as required under RCW 70.83.020 and chapter ~~((248-103))~~ 246-650 WAC, now or as hereafter amended; and

(iv) Documentation of newborn eye treatment, required under chapter 248-100 WAC, now or as hereafter amended.

(4) Rural health care facilities providing maternal and infant care services shall:

(a) Designate and maintain appropriate, safe, clean facilities and equipment for the care of the woman, fetus, and newborn; and

(b) Maintain systems for scrub, clean up, materials management, housekeeping, and staff change room facilities.

(5) Rural health care facilities providing birthing or obstetrical delivery services shall provide sufficient and appropriate area in rooms to accommodate not only patients, staff, and designated attendants, but also adequate and appropriate furnishings, equipment, and supplies for the care of the woman, fetus, and newborn including:

(a) A bed or equivalent suitable for labor, birth, and postpartum;

(b) Oxygen with individual flow meters and mechanical suction for woman and newborn;

(c) Newborn resuscitation bag, masks, endotracheal tubes, laryngoscopes, oral airways, and mechanical suction in the room for each birth;

(d) Newborn bed available;

(e) Radiant heat source available for the newborn;

(f) General lighting source and provision for examination lights;

(g) A clock with a sweep hand or equivalent second indicator visible from each patient's bedside;

(h) Work surfaces;

(i) Emergency power for lighting and operation of equipment;

(j) Easily cleanable floors, walls, cabinets, ceilings, and furnishings;

(k) Fetal monitoring equipment; and

(l) A method for staff to summon emergency back-up personnel.

(6) Rural health care facilities with maternal and infant services shall provide appropriate newborn care including, but not limited to:

(a) Devices for measuring weight, length, and circumference;

(b) An established system to identify newborns prior to separation from mother;

(c) Established policies and procedures 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;

(d) Access to oxygen, oxygen analyzers, warmed and humidified oxygen, resuscitation and emergency equipment, mechanical suction, medical air and supplies specifically for infants and newborns.

AMENDATORY SECTION (Amending Order 123, filed 12/21/90, effective 1/21/91)

WAC 246-388-320 SUPPORT SERVICES AND FUNCTIONS—DIETARY. Rural health care facilities shall provide or arrange for dietary and food service meeting requirements under chapter ~~((248-84))~~ 246-215 WAC, Food service sanitation, excluding requirements under WAC ~~((248-84-070))~~ 246-215-149, and including:

(1) Serving at least three scheduled meals a day at regular intervals with not more than fifteen hours between the evening meal and breakfast when inpatients are present;

(2) Making available snacks of nourishing quality at all times when inpatients are present;

(3) Serving meals and nourishments providing a variety of food of sufficient quantity and quality to meet the nutritional needs of each inpatient;

(4) Unless contraindicated, use of Recommended Dietary Allowances, Ninth Edition, 1980, the Food and Nutrition Board of the National Research Council, adjusted for activity;

(5) Written menus for inpatient services and long-term care services:

(a) Planned in advance;

(b) Approved by a dietitian;

(c) With substitutes of similar nutritional value, as approved by a dietitian; and

(d) With record of the planned menus, and substitutions as served, retained for one month;

(6) A designated individual responsible for dietary and/or food service;

(7) Arrangements for consultation with a dietitian, including documentation, when needed;

(8) Establishing and implementing written policies and procedures approved by a dietitian for:

(a) Adequate nutritional service;

(b) Arrangements for dietary consultation services as needed and regularly scheduled for long-term care patients;

(c) Safety;

(d) Infection control;

(e) Food acquisition;

(f) Food storage;

(g) Food preparation;

(h) Management of food not provided or purchased by rural health care facility dietary or food service;

(i) Serving of food; and

(j) Scheduled cleaning of all food service equipment and work areas;

(9) Written orders by an authorized individual for all patient diets;

(10) Restricted diets prepared and served as prescribed;

(11) A current diet manual, approved in writing by a dietitian and medical staff, used for planning and preparing diets.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-490-019 NEW RECORD ~~((WHEN CHILD IS LEGITIMIZED))~~ FOR CHILD WHEN FATHER ACKNOWLEDGES PATERNITY. Whenever ~~((it is alleged that the father and mother of an illegitimate child have))~~ the father and mother are not married at the time of the child's birth, but they become legally married((;)) at any time subsequent to the birth of ~~((said))~~ the child, the state registrar shall require such satisfactory evidence to be presented in the form of affidavits, certified copies of records or otherwise, as may be necessary to establish the fact of such marriage, and when so established a new certificate shall be substituted for the original to record the ~~((legitimate birth of the child))~~ father's name on the child's birth certificate.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-490-029 FATHER AND/OR MOTHER MAY CHANGE GIVEN NAME. The father and/or mother of any child~~((; or the mother alone of an illegitimate child;))~~ whose birth has been

registered(;) may, during the minority of said child, change the given name of the child on the record by filing an affidavit of change with the state registrar.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-490-039 CERTIFICATES IN PENCIL NOT ALLOWED. All certificates of birth or death shall either be made out legibly with unfading ink or typewritten through a good grade of typewriter ribbon, and shall be signed in either case in ink. No certificate made in pencil shall be accepted by ((an)) a registrar as a permanent record of birth or death.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-510-100 ADMINISTRATION. The department shall contract with community health clinics to provide primary health care in the state of Washington by:

(1) Developing criteria for the selection of community health clinics to receive funding;

(2) Establishing statewide standards governing the granting of awards and assistance to community health clinics;

(3) Disbursing funds appropriated for community health clinics only to those clinics meeting the criteria in ((chapter 248-170)) WAC 246-510-160;

(4) Distributing available state funds to community health clinics according to the following priority in the order listed:

(a) First, to community health clinics that are private, nonprofit corporations classified exempt under Internal Revenue Service Rule 501 (c)(3) when governed by a board of directors including representatives from the populations served.

(b) Second, to public health departments with an organized primary health clinic or division.

(d) Third, to private nonprofit or public hospitals with an organized primary health clinic or department.

(5) Reviewing records and conducting on-site visits of contractors as necessary to assure compliance with these rules and;

(6) Withholding funding from a contractor until such time as satisfactory evidence of corrective action is received and approved by the department, if the department determines:

(a) Noncompliance with applicable state law or rule; or

(b) Noncompliance with the contract; or

(c) Failure to provide such records and data required by the department to establish compliance with chapter 19, section 214(3), this chapter, and the contract; or

(d) The contractor or applicant provided inaccurate information in the application.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-510-130 APPLICATION FOR FUNDS. (1) The department shall:

(a) Upon request, supply a prospective applicant with an application kit for a contract requesting information as follows:

(b) Include in the application a request for information as follows:

(i) The applicant's name, address, and telephone number;

(ii) A description of the primary health care provided;

(iii) A brief statement of intent to apply for funds;

(iv) The signature of the agency's authorized representative;

(v) Description of the nature and scope of services provided or planned;

(vi) Evidence of a current financial audit establishing financial accountability; and

(vii) A description of how the applicant meets eligibility requirements under WAC ((248-170-160)) 246-510-160.

(c) Notify existing contractors at least 90 days in advance of the date a new contract application is due to the department.

(d) Review completed application kits for evidence of compliance with this section.

(e) Develop procedures for:

(i) Awarding of funds for new contractors, special projects, and emergency needs of existing contractors; and

(ii) Notifying existing and prospective contractors of procedures and application process.

(2) The applicant shall:

(a) Complete the application on standard forms provided or approved by the department; and

(b) Return the completed application kit to the department by the specified due date.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-510-160 ELIGIBILITY. Applicants shall:

(1) Demonstrate private, nonprofit, tax exempt status incorporated in Washington state or public agency status under the jurisdiction of a local or county government;

(2) Receive other funds from at least one of the following sources:

(a) Section 329 of the Public Health Services Act,

(b) Section 330 of the Public Health Services Act,

(c) Community development block grant funds,

(d) Title V Urban Indian Health Service funds, or

(e) Other public or private funds providing the clinic demonstrates:

(i) 51% of total clinic population are low income;

(ii) 51% or greater of funds come from sources other than programs under ((chapter 248-170)) WAC 246-510-160.

(3) Operate as a community health clinic providing primary health care for at least eighteen months prior to applying for funding;

(4) By July 1, 1991 provide primary health care services with:

(a) Twenty-four hour coverage of the clinic including provision or arrangement for medical and dental services after clinic hours;

(b) Direct clinical services provided by one or more of the following:

(i) Physician licensed under chapters 18.57 and ((18-71A)) 18.71 RCW;

(ii) Physician's assistant licensed under chapters 18.71A and 18.57A RCW;

(iii) Advanced registered nurse practitioner under chapter 18.88 RCW;

(iv) Dentist under chapter 18.32 RCW.

(c) Provision or arrangement for services as follows:

(A) Preventive health services on site or elsewhere including:

(A) Eye and ear examinations for children;

(B) Perinatal services;

(C) Well-child services; and

(D) Family planning services.

(ii) Diagnostic and treatment services of physicians and where feasible a physician's assistant and/or advanced registered nurse practitioner, on site;

(iii) Services of a dental professional licensed under Title 18 on site or elsewhere;

(iv) Diagnostic laboratory and radiological services on site or elsewhere;

(v) Emergency medical services on site or elsewhere;

(vi) Arrangements for transportation services;

(vii) Preventive dental services on site or elsewhere; and

(viii) Pharmaceutical services, as appropriate, on site or elsewhere.

(5) Demonstrate eligibility to receive and receipt of reimbursement from:

(a) Public insurance programs; and

(b) Public assistant programs, where feasible and possible.

(6) Have established a sliding scale fee schedule for adjustment of charges, based upon the individual's ability to pay for low income individuals;

(7) Provide health care regardless of the individual's ability to pay; and

(8) Establish policies and procedures reflecting sensitivity to cultural and linguistic differences of individuals served and provide sufficient staff with the ability to communicate with the individuals.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-650-990 FEES. The department has authority under ((chapter 43-20A)) RCW 43.20B.020 to require a reasonable fee from parents or responsible parties for the costs of newborn metabolic screening to be collected through the hospital where the specimen was obtained.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-800-120 OFFICIAL TRIPLICATE PRESCRIPTION FORMS. Any licensed health care practitioner upon whom

participation in the triplicate prescription form program is imposed shall obtain official triplicate prescription forms from the Washington state department of (~~licensing~~) health. The practitioner shall pay a fee for these forms that is equal to the cost to the department of the forms. The official triplicate prescriptions forms shall be utilized by the practitioner with respect to the drug or drugs specified by the disciplinary authority. The official triplicate prescriptions forms utilized in this program will be sequentially numbered. The practitioner shall account for all numbered prescriptions provided to him or her.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-800-130 DISTRIBUTION AND RETENTION OF THE TRIPPLICATE PRESCRIPTION FORMS. The triplicate prescriptions utilized pursuant to this program shall be retained as follows:

(1) The original prescription shall be provided to the patient unless the drug is dispensed or administered to the patient by the practitioner, or if an emergency prescription is issued. In instances where the drug is dispensed or administered, the provisions of WAC (~~(308-250-040)~~) 246-800-140 shall apply. In the case of an emergency prescription, the provisions of WAC (~~(308-250-050)~~) 246-800-150 shall apply;

(2) One copy shall be transmitted to the department. These copies shall be transmitted to the department monthly unless otherwise directed by the disciplinary authority;

(3) One copy shall be retained by the health care practitioner and shall be available for inspection by an authorized representative of the department.

(4) Any official triplicate prescription forms improperly completed, damaged or otherwise not utilized shall be accounted for by the practitioner. An explanation and accounting for the forms not properly utilized, along with any improperly completed or damaged triplicate prescriptions forms shall be returned to the department along with the other copies to be submitted pursuant to this rule.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-800-140 DRUGS ADMINISTERED OR DISPENSED BY THE HEALTH CARE PRACTITIONER. A health care practitioner participating in the triplicate prescription program shall complete a prescription form for all drugs specified by the disciplinary authority. If the drugs are administered or dispensed to the patient, the original shall be transmitted to the department along with the copy as required by WAC (~~(308-250-030)~~) 246-800-130.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-800-150 EMERGENCY PRESCRIPTIONS. In an emergency, unless prohibited by the order of the disciplinary authority, a practitioner participating in this program may orally prescribe and a pharmacist may dispense a drug specified by the disciplinary authority to be included in the triplicate prescription program. For the purposes of this rule, "emergency" means that the immediate provision of the drug is necessary for proper treatment, that no alternative treatment is available and it is not possible for the practitioner to provide a written prescription for the drug. If such a drug is orally prescribed, the practitioner shall:

(1) Contemporaneously reduce the prescription to writing;

(2) Cause the original of the written prescription to be delivered to the pharmacy filling the prescription within 72 hours; and,

(3) Retain and transmit copies of the prescription as provided in WAC (~~(308-250-030)~~) 246-800-130.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-020 DENTAL HYGIENE EXAMINATION ELIGIBILITY. (1) To be eligible to take the Washington dental hygiene examination, the applicant must meet the following requirements:

(a) The applicant must have successfully completed a dental hygiene education program approved by the secretary of the department of health pursuant to WAC (~~(308-25-013)~~) 246-815-030.

(b) The applicant must have completed the AIDS prevention and information education required by WAC (~~(308-25-300)~~) 246-815-040.

(c) The applicant must demonstrate, by affidavit, knowledge of Washington law pertaining to the practice of dental hygiene.

(d) The applicant must complete the required application materials and pay the required nonrefundable fee.

(2) Applications for the dental hygiene examination are available from the department of health, professional licensing services, dental hygiene program. The completed application must be received by the department of health sixty days prior to the examination. The application must include:

(a) The required nonrefundable examination fee.

(b) Either the national board IBM card reflecting a passing score or a notarized copy of the national board certificate.

(c) Two photographs of the applicant taken within one year preceding the application.

(3) An official transcript or certificate of completion constitutes proof of successful completion from an approved dental hygiene education program. Applicants who will successfully complete the dental hygiene education program within forty-five days preceding the examination for which they are applying may provide documentation of successful completion by inclusion of their names on a verified list of students successfully completing the program from the dean or director of the education program. No other proof of successful completion is acceptable. An applicant may complete the application and be scheduled for the examination, but will not be admitted to the examination if the department of health has not received the required proof of successful completion.

(4) By check-in on the first day of the examination, applicants must provide to the department of health documentary evidence of malpractice liability insurance covering their performance during the examination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-030 EDUCATION REQUIREMENTS FOR LICENSURE APPLICANTS. (1) To be eligible for dental hygiene licensure, the applicant must have successfully completed a dental hygiene education program approved by the secretary of the department of health. The secretary adopts those standards of the American Dental Association Commission on Dental Accreditation relevant to the accreditation of dental hygiene schools, in effect in January, 1981. In implementing the adopted standards, the secretary approves those dental hygiene education programs which were accredited by the commission as of January 1981. PROVIDED, That the accredited education program's curriculum includes:

(a) Didactic and clinical competency in the administration of injections of local anesthetic;

(b) Didactic and clinical competency in the administration of nitrous oxide analgesia;

(c) Didactic and clinical competency in the placement of restorations into cavities prepared by a dentist; and

(d) Didactic and clinical competency in the carving, contouring, and adjusting contacts and occlusions of restorations.

(2) Dental hygiene education programs approved by the secretary of the department of health pursuant to the American Dental Association Commission on Dental Accreditation standards in effect in January, 1981, whose curriculum does not include the didactic and clinical competency enumerated in (1)(a)-(d) above will be accepted if the applicant has successfully completed an expanded functions education program(s) approved pursuant to WAC (~~(308-25-072, 308-25-073 and 308-25-074)~~) 246-815-110, 246-815-120, and 246-815-130.

(3) A form will be provided in the department of health licensure application packages for the purpose of education verification.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-040 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements,

evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~(3) ((1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~(4))~~ AIDS education and training.

(a) Acceptable education and training. The ~~((director))~~ secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~(b) ((Implementation. Effective January 1, 1989;))~~ The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-100 LICENSURE BY INTERSTATE ENDORSEMENT OF CREDENTIALS. A license to practice as a dental hygienist in Washington may be issued pursuant to RCW 18.29-.045 provided the applicant meets the following requirements:

(1) The applicant has successfully completed a dental hygiene education program which is approved by the secretary of the department of health pursuant to WAC ~~((308-25-013))~~ 246-815-030.

(2) The applicant has been issued a valid, current, nonlimited license by successful completion of a dental hygiene examination in another state. The other state's current licensing standards must be substantively equivalent to the licensing standards in the state of Washington. The other state's examination must have included the following portions and minimum level of competency standards. Each portion must be independently graded and successfully completed:

(a) Written tests - the written tests which include:

(i) The National Board of Dental Hygiene examination.

(ii) A state written test covering local anesthesia, nitrous oxide analgesia, restorative dentistry and asepsis.

(b) Practical tests - all portions shall be graded anonymously by calibrated practicing dental hygienists or dental hygienists and dentists. The calibration process shall consist of training sessions which include components to evaluate and confirm each examiners ability to uniformly detect known errors on pregraded patients and dentoforms. Examiners will be calibrated to the established standard of minimum level of competency. The examination must have equivalent patient selection criteria for the patient evaluation, prophylaxis and anesthesia portions.

The current Washington state patient selection criteria for examination will be used as the basis of comparison at the time of application for licensure by interstate endorsement of credentials.

(i) Patient evaluation clinical competency test which includes a health history, extra-oral and intra-oral examination, periodontal charting and radiographs. The entire patient evaluation test shall be done on an approved patient of which the candidate has no previous knowledge.

(ii) Prophylaxis clinical competency test which includes a clinical demonstration of a prophylaxis to consist of the removal of deposits from and the polishing of the surfaces of the teeth.

(iii) Anesthesia clinical competency test which includes a clinical demonstration of the administration of a local anesthetic.

(iv) Restorative test which includes a clinical demonstration of the application of a matrix and a wedge, the insertion, condensation, and carving of amalgam on a prepared Class II dentoform tooth and polishing on a condensed, carved and unpolished MOD amalgam restoration on a molar dentoform tooth.

(3) The applicant holds a valid current license, and is currently engaged in practice as a dental hygienist in another state. Verification of licensure must be obtained from the state of licensure, and any fees for verification required by the state of licensure must be paid by the applicant.

(4) The applicant has not engaged in unprofessional conduct as defined in the Uniform Disciplinary Act in RCW 18.130.180 or is not an impaired practitioner under RCW 18.130.170 in the Uniform Disciplinary Act.

(5) The applicant has completed the AIDS prevention and information education required by WAC ~~((308-25-300))~~ 246-815-040.

(6) The applicant demonstrates to the secretary, by affidavit, knowledge of Washington law pertaining to the practice of dental hygiene.

(7) The applicant completes the required application materials and pays the required nonrefundable application fee. Applications for licensure by interstate endorsement are available from the department of health, professional licensing services, dental hygiene program.

(8) Applicants shall request the state of licensure to submit to the Washington state department of health the current standards and criteria for the other states examination and licensing on a form provided in the licensure application package by the Washington state department of health.

(9) If the secretary of the department of health finds that the other state's licensing standards are substantively equivalent except for a portion(s) of the examination, the applicant may take that portion(s) to qualify for interstate endorsement. That portion(s) of the exam must be successfully completed to qualify for interstate endorsement and an additional nonrefundable examination fee as well as the licensure by interstate endorsement nonrefundable fee shall be required.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-110 APPLICATION PROCEDURES FOR APPROVAL OF DENTAL HYGIENE EXPANDED FUNCTIONS EDUCATION PROGRAMS. (1) The representative of the education program must complete the required application materials and pay the required nonrefundable fee.

(2) Applications for approval of dental hygiene expanded functions education programs are available from the department of health, professional licensing services, dental hygiene program.

(3) The application shall include but is not limited to a self study guide which reflects WAC ~~((308-25-073 and 308-25-074))~~ 246-815-120 and 246-815-130.

(4) The application may include a site visit and evaluation at the discretion of the secretary of the department of health.

(5) An approved dental hygiene expanded function education program shall report in writing all modifications of the approved program to the department of health and shall be required to pay the nonrefundable evaluation fee if the secretary of the department determines that the modification(s) substantially affects an area included in WAC ~~((308-25-073))~~ 246-815-120.

(6) An approved dental hygiene expanded function education program shall apply for evaluation sixty days prior to the month and day of the initial approval date every four years and shall pay the required nonrefundable evaluation fee. PROVIDED, That the approved dental hygiene expanded function education program has not been required to be evaluated due to modifications within one year prior to the required four year evaluation date.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-160 STANDARDS OF DENTAL HYGIENE CONDUCT OR PRACTICE. The purpose of defining standards of dental hygiene conduct or practice is to identify minimum responsibilities of the registered dental hygienist licensed in Washington in health care settings and as provided in the Dental Hygiene Practice Act, chapter 18.29 RCW, and the Uniform Disciplinary Act, chapter 18.130 RCW. The standards provide consumers with information about quality care and provides the ~~((director))~~ secretary guidelines to evaluate safe and effective care. Upon entering the practice of dental hygiene, each individual assumes the responsibility, public trust, and a

corresponding obligation to adhere to the standards of dental hygiene practice.

(1) Dental hygiene provision of care.

The dental hygienist shall:

(a) Accurately and systematically collect, permanently record, and update data on the general and oral health status of the client.

(b) Communicate collected data to the appropriate health care professional.

(c) Take into consideration the dental hygiene assessment, the client treatment goals, appropriate sequencing of procedures, and currently accepted scientific knowledge in developing a dental hygiene plan.

(i) The dental hygiene plan shall include preventative and therapeutic care to promote and maintain the clients' oral health.

(ii) Where appropriate, the dental hygiene plan shall be compatible with the treatment plan of other licensed health care professionals.

(d) Communicate the dental hygiene plan to the client and/or legal guardian.

The client and/or legal guardian or where appropriate other health care professionals are to be informed of the progress and results of dental hygiene care and clients' self-care.

(e) Continually re-evaluate client progress related to the attainment of their oral health goals. Implement additional dental hygiene treatment and client self-care as appropriate.

(2) Professional responsibilities.

The licensed dental hygienist shall have knowledge of the statutes and regulations governing dental hygiene practice and shall function within the legal scope of dental hygiene practice.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-170 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

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

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

(4) "Department" means the department of ((licensing, whose address is:)) health.

((Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001))

(5) "Dental hygienist" means a person licensed pursuant to chapter 18.29 RCW.

(6) "Mentally or physically disabled dental hygienist" means a dental hygienist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dental hygiene with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-815-250 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ((director)) secretary of the department of ((licensing)) health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ((director)) secretary or the ((director's)) secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the ((director)) secretary or the ((director's)) secretary's designee will decide if the charges will be prosecuted or

settled. If the charges are to be settled the settlement proposal will be negotiated by the ((director's)) secretary's designee. Settlements are not considered final until the ((director)) secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-822-020 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

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

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

(4) "Department" means the department of ((licensing)) health, whose address is:

((Department of Licensing
Professional Programs Management Division
P.O. Box 9649))
Department of Health
Professional Licensing Services
1300 Quince St., Mailstop EY-23
Olympia, Washington 98504((-8001))

(5) "Dietitian or nutritionist" means a person certified pursuant to chapter ((277, Laws of 1988)) 18.138 RCW.

(6) "Mentally or physically disabled dietitian or nutritionist" means a dietitian or nutritionist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice dietetics or general nutrition services with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-822-100 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of ((licensing)) health by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ((director)) secretary or the ((director's)) secretary's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued ((pursuant to RCW 18.130.180(8))) for failure to cooperate pursuant to RCW 18.130.180(8). If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the ((director)) secretary or the ((director's)) secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ((director's)) secretary's designee. Settlements are not considered final until the ((director)) secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-822-110 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989 persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ((4)) (3) of this section.

(3) ((1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension:

(4)) AIDS education and training.

(a) Acceptable education and training. The ((director)) secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours for dietitians and seven clock hours for nutritionists and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ((subsection)) (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-822-120 APPLICATION REQUIREMENTS. (1) Individuals applying for certification as a certified dietitian must submit:

(a) A completed application form with fee;

(b) Verification of AIDS education and training as set forth in WAC ((308-177-100)) 246-822-110; and

(c) Verification of current registration status with the commission on dietetic registration.

(2) Individuals applying for certification as a certified dietitian who have not passed the required written examination or who are not registered with the commission on dietetic registration must:

(a) Provide transcripts forwarded directly from the issuing college or university showing completion of a baccalaureate degree or higher in a major course of study in human nutrition, foods and nutrition, dietetics, or food management;

(b) Provide evidence of completion of a continuous preprofessional experience or coordinated undergraduate program in dietetics under the supervision of a qualified supervisor;

(c) Take and pass the required written examination; and

(d) Provide verification of AIDS education and training as set forth in WAC ((308-177-100)) 246-822-110.

(3) Individuals applying for certification as a certified nutritionist must submit:

(a) A completed application form with fee; and

(b) Documentation that the applicant meets the application requirements for certified dietitians, as set forth in subsection (1) or (2) of this section; or

(c) Transcripts forwarded directly from the issuing college or university showing completion of a masters or doctorate degree in one of the following subject areas: Human nutrition, nutrition education, foods and nutrition, or public health nutrition; and

(d) Verification of AIDS education and training as set forth in WAC ((308-177-100)) 246-822-110.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-822-150 EXAMINATIONS. (1) A written examination will be given at least once annually to qualified applicants at a time and place determined by the ((director)) secretary.

(2) Applications must be received sixty days in advance of the scheduled examination.

(3) Applicants who fail the examination shall submit the appropriate fee for reexamination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-822-170 CERTIFICATION FOR DIETITIANS—GRANDFATHERING. An individual may be certified as a certified dietitian if he or she provides evidence of meeting criteria for registration with the commission on dietetic registration on June 9, 1988, and provides documentation of completion of the AIDS education requirements as set forth in WAC ((308-177-100)) 246-822-110.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-040 APPLICATION FOR EXAMINATION. (1) An individual shall make application for examination, in accordance with RCW 18.34.070, on an application form prepared and provided by the ((director)) secretary.

(2) The apprenticeship training requirement shall be supported with certification by the licensed individual (or individuals) who provided such training.

(3) Examination fees are not refundable. If an applicant is unable to attend his or her scheduled examination, and so notifies the ((director)) secretary in writing at least 7 days prior to the scheduled examination date, the applicant will be rescheduled at no additional charge. Otherwise, the fee will be forfeited. (Emergencies considered.)

(4) If an applicant takes the examination and fails to obtain a satisfactory grade, he or she may be scheduled to retake the examination ((if he pays)) by submitting an application and paying the statutory examination fee.

(5) Applications and fees for examination must be submitted to the division of professional licensing, department of ((licensing)) health, at least sixty days prior to the scheduled examination. Failure to meet the deadline will result in the applicant not being scheduled until the next scheduled examination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-070 EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the dispensing optician examining committee of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of notification of the examination results. The committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of ((licensing)) health office in Olympia for an appointment to appear personally to review incorrect answers on the written portion of failed examination, and score sheets on the failed practical portion of the examination.

(b) The candidate will be provided a form to complete in the department of ((licensing)) health office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the examining committee.

(e) The candidate may not bring in notes or texts for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The examining committee will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before the dispensing optician examining committee pursuant to the administrative procedures act. Such written request for hearing must be received by the department of health within twenty days of the postmark of the result of the committee's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The examining committee will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The committee will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

- (a) The simplification of issues;
- (b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;
- (c) The possibility of obtaining stipulations, admission of facts and documents;
- (d) The limitation of the number of expert witnesses;
- (e) A schedule for completion of all discovery; and,
- (f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-160 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the secretary of the department of health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the secretary or the secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the secretary or the secretary's designee will decide if the charges will be prosecuted or

settled. If the charges are to be settled the settlement proposal will be negotiated by the secretary's designee. Settlements are not considered final until the secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-170 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. ~~(Effective January 1, 1989)~~ Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~(3) ((1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~((4))~~ AIDS education and training.

(a) Acceptable education and training. The secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) ~~((Implementation:))~~ Effective January 1, 1989, the requirement for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

- (i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;
- (ii) Keep records for two years documenting attendance and description of the learning;
- (iii) Be prepared to validate, through submission of these records, that attendance has taken place.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-824-990 DISPENSING OPTICIAN FEES. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Optician:	
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	30.00
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	75.00
Duplicate license	15.00
Certification	25.00

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-020 DELEGATION OF FUNCTIONS TO HEALTH CARE ASSISTANTS. The authority to perform the functions authorized in chapter 18.135 RCW may only be personally delegated from one individual (the delegator) to another individual (the delegatee). The delegator can only delegate those functions that he or

she can order within the scope of his or her license. A licensee who is performing a function at or under the direction of another may not further delegate that function. Functions may not be delegated unless a completed and current certification/delegation form is on file with the department of ~~((licensing))~~ health.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-040 **CERTIFICATION OF HEALTH CARE ASSISTANTS.** Health care assistants' certification is valid for two years. The delegating practitioner or health care facility is responsible for certifying or recertifying health care assistants. An updated recertification form must be submitted if a health care assistant is to be delegated functions by a practitioner other than the delegating practitioner indicated on his or her delegation/certification form.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-050 ~~((RE-CERTIFICATION))~~ **RENEWAL OF HEALTH CARE ASSISTANTS.** Updated certification/delegation forms must be submitted within two years from the date of the most recent certification ~~((/delegation form))~~ on file with the department of ~~((licensing. Recertification forms are available from the department of licensing. The department of licensing will not send renewal forms or notifications of necessity to renew certification))~~ health. The department will send renewal forms to the delegation or facility's address on record approximately sixty days prior to the expiration date. It shall be the responsibility of every health care facility and ~~((every))~~ health care practitioner who certifies health care assistants to submit ~~((a recertification))~~ the renewal forms and fees on or before ~~((each))~~ the certification expiration date.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-060 **DEPARTMENT OF ~~((LICENSING))~~ HEALTH RESPONSIBILITIES.** The department of ~~((licensing))~~ health will maintain files with regard to certification of health care assistants and delegation of functions. Department of ~~((licensing))~~ health will not approve training programs.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-070 **MAINTENANCE OF LISTING OF DRUGS AND FUNCTIONS AUTHORIZED.** Each delegator must maintain a list of the specific medications/diagnostic agents and the route of administration of each that he or she has authorized for injection. Both the delegator and the delegatee shall sign the above list, indicating the date of each signature. The signed list shall be available for review by the ~~((director))~~ secretary of the department of ~~((licensing))~~ health or his/her designee.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-080 **MEDICATION AND DIAGNOSTIC AGENT LIST.** The list of specific medications, diagnostic agents, and the route of administration of each that has been authorized for injection pursuant to RCW 18.135.065 shall be submitted to the ~~((director within sixty days))~~ secretary at the time of initial certification registration and again with every recertification registration. If any changes occur which alter the list, a new list with the delegator and delegatee's signatures must be submitted to the department within thirty days of the change. All submitted lists will be maintained in the department of ~~((licensing))~~ health filed under the name of the certifying practitioner or facility and shall be available for review.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-090 **DECERTIFICATION OR DISCIPLINARY ACTIONS.** Any proceeding taken pursuant to these rules or chapter 18.135 RCW by the department of ~~((licensing))~~ health, by the licensing authority of health care facilities or by the disciplinary board

of the delegating or supervising health care practitioner shall be pursuant to the provisions of the Administrative Procedure Act, chapter ~~((34-04))~~ 34.05 RCW.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-826-230 **AIDS PREVENTION AND INFORMATION EDUCATION REQUIREMENTS—HEALTH CARE ASSISTANTS.** (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 chapter 70.24 RCW.

(2) Application for certification. Effective January 1, 1989, persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

(3) ~~((1989 renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989, all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4) of this section. Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) of this section with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) of this section on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989, will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~) AIDS education and training.

(a) Acceptable education and training. The ~~((director))~~ secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

~~((5))~~ (4) Temporary emergency waiver of seven hours training requirement. The secretary may waive the minimum seven clock hour requirement of subsection ~~((4))~~(3)(a) of this section if evidence is provided which documents compliance with AIDS training curriculum content. Certificates issued under this provision will be effective for one hundred twenty days only.

AMENDATORY SECTION (Amending Order 102B, filed 12/17/90, effective 1/31/91)

WAC 246-830-020 **APPLICATIONS.** Application forms for licensure shall be prepared by the ~~((director))~~ secretary and shall provide for the statement of all information required for the license in question. An applicant shall be required to furnish to the ~~((director))~~ secretary a current photograph of passport size, approximately two inches by two inches, with the original application and satisfactory evidence to establish that all requirements for the license have been fulfilled by the applicant, including the requirement that the applicant be of good moral character and is not in violation of chapter 18.130 RCW.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)**WAC 246-830-050 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~(3) ((1989) Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~((4))~~ AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~(b) ((Implementation. Effective January 1, 1989, the))~~ Requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

AMENDATORY SECTION (Amending Order 102B, filed 12/17/90, effective 1/31/91)

WAC 246-830-230 FREQUENCY AND LOCATION OF EXAMINATIONS. (1) The board will normally conduct examinations twice a year.

(2) Written examinations will be conducted prior to the practical examinations. Applicants will be required to pass the written examination and the practical examination.

(3) Written and practical examinations will be conducted at a location within the state as determined by the secretary.

(4) A notification will be sent to the residential address of record of each examination applicant at least fifteen days prior to each applicant's scheduled examination dates. Such notification will contain appropriate instructions or information and will reflect the time, date and location at which the applicant is expected to appear for examination. Examination fees are nonrefundable. Should an applicant fail to appear for examination at the designated time and place, ~~((he/she))~~ the applicant shall forfeit the examination fee unless he/she has notified the division of professional licensing of his/her inability to appear for the scheduled examination. Notification must reach the department of health at least five days before the designated time. With the required five days notice, a candidate may request to be rescheduled for examination any time within two years of the time he/she submitted his/her original application.

AMENDATORY SECTION (Amending Order 102B, filed 12/17/90, effective 1/31/91)

WAC 246-830-270 REEXAMINATION FOR ASSURANCE OF COMPETENCY. (1) An applicant for licensure who has been previously licensed shall retake both the practical and written portions

of the examination and achieve passing scores before relicensure under any one of the following circumstances:

(a) The applicant has been unlicensed voluntarily for more than thirty-six calendar months; or

(b) The applicant's license has been revoked or suspended by reason of a disciplinary action by the director of the department of licensing.

(2) The ~~((director))~~ secretary may require reexamination in any disciplinary order, based upon findings and conclusions relative to the competency of a licensee to practice massage before issuing an unconditional license.

(3) Whenever reexamination is required, the licensee shall pay the appropriate fees set forth in WAC ~~((308-51-210))~~ 246-830-990.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-830-610 ((GENERAL PROVISIONS)) DEFINITIONS. ~~(((1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.~~

~~(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.~~

~~(3) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.~~

~~(4) "Department" means the department of licensing, whose address is:~~

Department of Licensing
Professional Programs Management Division
P.O. Box 9012
Olympia, Washington 98504-8001

~~(5) "Massage practitioner" means an individual licensed under chapter 18.108 RCW.~~

~~(6) "Mentally or physically disabled massage practitioner" means a massage practitioner who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice massage therapy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.)~~ For the purposes of WAC 246-830-610 through 246-830-690, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

~~(1) "Department" means the department of health, whose address is:~~

Department of Health
Professional Licensing Services
P.O. Box 1099
Olympia, Washington 98507-1099

~~(2) "Hospital" means any health care institution licensed pursuant to chapter 70.41 RCW.~~

~~(3) "Massage practitioner" means an individual licensed under chapter 18.108 RCW.~~

~~(4) "Mentally or physically disabled massage practitioner" means a massage practitioner who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice massage therapy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.~~

~~(5) "Nursing home" means any health care institution which comes under chapter 18.51 RCW.~~

~~(6) "Unprofessional conduct" means the conduct described in RCW 18.130.180.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-830-690 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the director of the department of licensing by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ~~((director's))~~ secretary's designee. Settlements are not considered final until the ~~((director))~~ secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-830-990 MASSAGE FEES. The following fees shall be charged by the professional licensing ~~((division))~~ services of the department of ~~((licensing))~~ health:

Title of Fee	Fee
((Massage practitioner:))	
Written examination and reexamination	\$ 60.00
Practical examination and reexamination	80.00
Reciprocity	50.00
Initial License	80.00
Renewal	70.00
Late Renewal Penalty	75.00
Certification	25.00
Duplicate License	15.00

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-010 DEFINITIONS. ~~((+))~~ Preceptor. A preceptor is a licensed or legally practicing obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(2) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in nonbirth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(3) Survey visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

(4) Nursing education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.

(5) Practical midwifery experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is verified by affidavit, testimony or other sworn written documentation that verifies that the experience and its documentation is equivalent to that required of regularly enrolled midwifery students.

(6) Health care provider as used in RCW 18.50.108 means any licensed physician who is engaged in active clinical obstetrical practice.

(7) Academic director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program. (1) Academic director as used in these rules means the individual who is responsible for planning, organizing and implementing all aspects of the curriculum of a midwifery education program.

(2) Health care provider as used in RCW 18.50.108 means any licensed physician who is engaged in active clinical obstetrical practice.

(3) Nursing education as used in these rules means completion of courses for credit in a school that is approved to train persons for licensure as registered nurses or licensed practical nurses, or courses in other formal training programs which include instruction in basic nursing skills.

(4) Practical midwifery experience as used in these rules means performance in midwifery functions, prior to obtaining a license, that is

verified by affidavit, testimony or other sworn written documentation that verifies that the experience and its documentation is equivalent to that required of regularly enrolled midwifery students.

(5) Preceptor. A preceptor is a licensed or legally practicing obstetric practitioner who assumes responsibility for supervising the practical (clinical obstetric) experience of a student midwife. The preceptor shall be physically present whenever the student is managing a birth, and shall evaluate in writing the student's overall performance.

(6) Supervision means the observation and evaluation of a student midwife's practical performance. A supervisor need not be physically present in nonbirth situations. However, when a student midwife undertakes managing a birth, the supervisor must be physically present.

(7) Survey visit is an information gathering and observational visit intended to provide the basis for the director's assessment of a school's compliance with all aspects of chapter 18.50 RCW.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-060 APPLICATION FOR LICENSING EXAMINATION. (1) All applicants shall file a completed, notarized application, with the application fee specified in WAC ~~((308-115-400))~~ 246-834-990, at least 45 days prior to the examination.

(2) Applicants shall request that the school of midwifery send an official transcript directly to the department of ~~((licensing, division of))~~ health, professional licensing services.

(3) Those who have properly applied to take the midwifery licensing examination and have met all qualifications will be notified of their eligibility to be examined. Upon notification of eligibility, the examination fee specified in WAC ~~((308-115-400))~~ 246-834-990 must be submitted. Only applicants so notified will be admitted to the examination.

(4) No fees submitted and processed by the department will be subject to refund.

(5) All applicants shall take the current state licensing examination for midwives.

(6) The minimum passing score on the licensing examination is 75 percent.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-080 FAILURES. (1) An applicant who has failed the examination may be reexamined if he/she

(a) Applies to the department at least 30 days prior to the next scheduled examination, and

(b) Pays any required fee as specified in WAC ~~((308-115-400))~~ 246-834-990.

(2) If an applicant fails his/her first examination, no additional fee will be required if the candidate is reexamined within one year. Applicants shall pay an examination fee determined by the ~~((director))~~ secretary for examinations taken after the first reexamination.

(3) Applicants who fail the second retest shall be required to submit evidence to the ~~((director))~~ secretary of completion of an individualized program of study prior to being permitted to be reexamined.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-090 PURPOSE OF ACCREDITATION OF MIDWIFERY EDUCATIONAL PROGRAMS. The ~~((director))~~ secretary provides for accreditation of midwifery educational programs for the following reasons:

(1) To ensure that only qualified midwives will be licensed to practice in the state of Washington.

(2) To ensure the safe practice of midwifery by setting minimum standards for midwifery educational programs that prepare persons for licensure as midwives.

(3) To ensure that each midwifery educational program has flexibility to develop and implement its program of study and that it is based on minimum standards for accredited schools of midwifery provided herein.

(4) To ensure that standards for each accredited midwifery program promote self evaluation.

(5) To assure the graduates of accredited schools of their eligibility for taking the licensing examination for midwives.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-130 STAFFING AND TEACHER QUALIFICATIONS. At the time of application for accreditation pursuant to WAC ((308-115-180)) 246-834-180, the school shall provide proof of the following:

(1) That the academic director for the midwifery program is either (a) a midwife licensed under chapter 18.50 RCW or (b) a nurse midwife (ARNP) licensed under chapter 18.88 RCW or (c) has been educated in a midwifery program having standards comparable to standards in Washington and has experience in legal midwifery clinical practice.

(2) That the clinical faculty and preceptors either (a) hold a current license in the jurisdiction where they practice and demonstrate expertise in the subject area to be taught, or (b) are legally engaged in an active clinical practice and demonstrate expertise in the subject area to be taught.

(3) That each member of the faculty either (a) holds a certificate or degree in midwifery or the subject area to be taught, or (b) has no less than three years of experience in the subject area to be taught.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-140 CURRICULUM. (1) The basic curriculum shall be at least three academic years, and shall consist of both didactic and clinical instruction sufficient to meet the educational standards of the school and of chapter 18.50 RCW. However, the school may shorten the length of time for the program after consideration of the student's documented education and experience in the required subjects, if the applicant is a registered nurse under chapter 18.88 RCW, a licensed practical nurse under chapter 18.78 RCW, or has had previous nursing education or practical midwifery experience. The midwifery training shall not be reduced to a period of less than two academic years. Each student must undertake the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods. The care of up to thirty five women in each of the periods may be undertaken as a part of previous nursing education or practical midwifery experience as defined in WAC ((308-115-050)) 246-834-010(5). No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous nursing education or practical midwifery experience as defined in WAC ((308-115-050)) 246-834-010(5). No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.

(2) Each school must ensure that the students receive instructions in the following instruction area:

(a) Instruction in basic sciences (including biology, physiology, microbiology, anatomy with emphasis on female reproductive anatomy, genetics and embryology) normal and abnormal obstetrics and gynecology, family planning techniques, childbirth education, nutrition both during pregnancy and lactation, breast feeding, neonatology, epidemiology, community care, and medicolegal aspects of midwifery.

(b) Instruction in basic nursing skills and clinical skills, including but not limited to vital signs, perineal prep, enema, catheterization, aseptic techniques, administration of medications both orally and by injection, local infiltration for anesthesia, venipuncture, administration of intravenous fluids, infant and adult resuscitation, and charting.

(c) Clinical practice in midwifery which includes care of women in the prenatal, intrapartum and early postpartum periods, in compliance with RCW 18.50.040.

(3) Provision shall be made for systematic, periodic evaluation of the curriculum.

(4) Any proposed major curriculum revision shall be presented to the ((director)) secretary at least three months prior to implementation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-150 STUDENTS. (1) Written policies and procedures for selection, admission, promotion, graduation and withdrawal of students shall be available.

(2) Courses completed prior to enrollment in the midwifery school should have been completed within ten years of enrollment and must be documented by official transcript in order for reduction of basic requirements to be considered.

(3) Students who seek admission by transfer from another midwifery educational program shall meet the equivalent of the school's current standards for those regularly enrolled. The school may grant credit for the care of up to thirty five women in each of the periods undertaken as a part of previous midwifery education. No less than fifteen women must be cared for in each period while enrolled in the school from which the student graduates. The student need not see the same women throughout each of the periods. A candidate for licensure must observe an additional fifty women in the intrapartum period in order to qualify for licensure. Up to thirty five of these observations may be as a part of previous midwifery education. No less than fifteen women must be observed in the intrapartum period while enrolled in the school from which the student graduates.

(4) Individuals may request advanced placement on the basis of their previous practical midwifery experience as specified in RCW 18.50.040(2) and WAC ((308-115-050)) 246-834-010(5) but in no case shall a school grant credit for more than thirty-five of the fifty required managed births. At least fifteen of the managed births must be undertaken while enrolled in the school granting advanced placement.

(5) Each school shall maintain a comprehensive system of student records.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-160 STUDENT MIDWIFE PERMIT. (1) A permit may be issued to any individual who has:

(a) Successfully completed an accredited midwifery program as specified in RCW 18.50.040 (2)(a) and (b); and

(b) Undertaken the care of not less than fifty women in each of the prenatal, intrapartum and early postpartum periods as required by RCW 18.50.040 (2)(c) and by these rules; and

(c) Satisfactorily completed the licensing examination required by RCW 18.50.060; and

(d) Filed a completed application for student midwife permit accompanied by a nonrefundable fee as specified in WAC ((308-115-400)) 246-834-990.

(2) The student midwife permit authorizes the individuals to practice and observe fifty women in the intrapartum period under the supervision of a licensed midwife, licensed physicians or CRN (nurse midwife).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-170 REPORTS TO THE DIRECTOR OF DEPARTMENT OF LICENSING BY ACCREDITED MIDWIFERY EDUCATIONAL PROGRAMS. (1) An annual report on the program and its progress for the period July 1 to June 30 shall be submitted to the department by each midwifery educational program on forms supplied by the department.

(2) Written notification shall be sent to the department regarding major changes relating to, but not limited to, the following:

(a) Change in the administrator or academic director.

(b) Organizational change.

(c) Changes in extended learning sites.

The information submitted to the department of ((licensing)) health shall include the reason for the proposed change.

(3) The ((director)) secretary may require submission of additional reports.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-180 APPLICATION FOR ACCREDITATION. Applicants for accreditation as midwifery educational programs shall:

(1) Apply for accreditation using a form provided by the ((director)) secretary.

(2) Comply with the department's accreditation procedures and obtain accreditation before its first class graduates, in order for these graduates to be eligible to take the state licensing examination.

The accreditation will be based on, but not limited to, the quality of the curriculum and the qualifications of the faculty and preceptors.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-190 SCHOOL SURVEY VISITS. The ((director's)) secretary's designee shall make survey visits to midwifery educational programs:

- (1) At least annually during the first three years of operation, and
- (2) At least every two years after the new school's first three years of operation or more often at the discretion of the ((director)) secretary.
- (3) The cost of a survey visit to a midwifery educational program outside the state of Washington shall be borne by the program requesting accreditation.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-200 APPEAL OF DEPARTMENT OF LICENSING DECISIONS. A school of midwifery aggrieved by a department decision affecting its accreditation may appeal the decision pursuant to chapter 18.50 RCW and the Administrative Procedure Act, chapter ((34.04)) 34.05 RCW.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-210 CLOSURE OF AN ACCREDITED SCHOOL OF MIDWIFERY. (1) When an organization decides to discontinue its school of midwifery, written notification of the planned closure should be sent to the department.

(2) A school in the process of closing shall remain accredited until the students who are enrolled at the time the department receives the notice of planned closure have been graduated, provided that the minimum standards are maintained by the school.

(3) When a closing midwifery school's last students graduate, its accreditation shall terminate.

(4) A closing midwifery school shall provide for safe storage of vital school records and should confer with the ((director)) secretary concerning the matter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-220 CREDIT TOWARD EDUCATIONAL REQUIREMENTS FOR LICENSURE. (1) Applicants not meeting the minimum requirements set forth in WAC ((308-115-060)) 246-834-060 may apply to the department for licensure by submitting the following:

(a) A completed, notarized application on a form provided by the department accompanied by a nonrefundable fee as specified in WAC 308-115-405;

(b) Credit for academic courses:

(i) Certification by an accrediting body, which has been approved by the department, of completed academic and continuing education courses as required in RCW 18.50.040(2)(b) for which the applicant has received a grade of "C" or better. A certified copy of the courses taken and grades or scores achieved shall be submitted by the accrediting body directly to the department; or

(ii) Completion of challenge examinations approved by the department with a minimum score of 75% for any academic subject required in RCW 18.50.040(2)(b). Challenge examinations shall be administered a minimum of twice a year. An applicant for challenge examination must file a completed application for each examination along with the required fee with the department at least 45 days prior to the examination.

(c) A prospectus for permission to undertake a midwife-in-training program. Such a program shall be on such terms as the department finds necessary to assure that the applicant meets the minimum statutory requirements for licensure set forth in RCW 18.50.040, and shall include, but not be limited to the following:

(i) The program shall be under the guidance and supervision of a preceptor, and shall be conducted for a period of not more than five years;

(ii) The program shall be designed to provide for individual learning experiences and instruction based upon the applicant's academic background, training, and experience;

(iii) The prospectus for the program shall be submitted on an approved form, signed by the preceptor, and approved by the department

prior to the commencement of the program. Any changes in the program shall be reported within 30 days in writing to the department, and the department may withdraw the approval given, or alter the conditions under which approval was originally given, if the department finds that the program as originally submitted and approved has not been or is not being followed.

(2) The midwife-in-training program prospectus must include the following components:

(a) A plan for completion of required academic subjects required in RCW 18.50.040 (2)(b);

(b) Planned reading and written assignments;

(c) A project including at least one problem-solving component to be submitted in writing. The problem-solving component should include the definition of an acknowledged problem, the method of approach to the problem, the listing of possible alternatives, the actions taken, evaluation, and final recommendations to improve care given;

(d) Other planned learning experiences including acquisition of knowledge about other health and welfare agencies in the community;

(e) A quarterly written report, on an approved form, submitted to the department by the trainee, which shall include a detailed outline of progress toward meeting the objectives of the prospectus during the reporting period;

(f) The program must provide for a broad range of experience with a close working relationship between preceptor and the trainee. Toward that end, as a general rule, no program will be approved which would result in an individual preceptor supervising more than two midwives-in-training simultaneously. Exception to this rule may be granted by the department in unusual circumstances;

(g) The department may, in an individual case, require additional approved education, based upon assessment of the individual applicant's background, training and experience.

(3) Upon approval of the application, a trainee permit will be issued which enables the trainee to practice under the supervision of a preceptor. The permit shall expire within one year of issuance and may be extended as provided by rule.

(4) The trainee shall provide documentation of care given as follows:

(a) Records of no more than thirty-five women to whom the trainee has given care in each of the prenatal, intrapartum, and early postpartum periods, although the same women need not have been seen through all three periods. These records must contain affidavits from the clients certifying that the care was given. If a client is unavailable to sign an affidavit, an affidavit from a preceptor or a certified copy of the birth certificate may be substituted. The care may have been given prior to the beginning of the midwife-in-training program or during the trainee period;

(b) After being issued a trainee permit, the trainee must manage care in the prenatal, intrapartum, and early postpartum period of fifteen women under the supervision of the preceptor. These women shall be in addition to the women whose records were used to meet the conditions of ((WAC 308-115-220 (4))) (a) of this subsection. The preceptor shall submit, on approved forms, completed check-lists of skills and experiences when this requirement has been met;

(c) Evidence, on an approved form, of observing 50 deliveries in addition to those specified in ((section (4))) (b) ((above)) of this subsection. The deliveries may have been observed prior to the beginning of the midwife-in-training program or may be observed during the trainee period.

(5) Upon satisfactory completion of ((sections)) subsections (1)(a) through (4)(c) of this ((subsection)) section, the trainee is eligible to apply for the examination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-230 PRECEPTOR FOR MIDWIFE-IN-TRAINING PROGRAM. (1) In reviewing a proposed midwife-in-training program, the department shall use the following criteria in assessing the qualifications and determining the responsibilities of the preceptor:

(a) Qualifications of preceptor:

(i) The preceptor shall have demonstrated the ability and skill to provide safe, quality care;

(ii) The preceptor shall have demonstrated continued interest in professional development beyond the requirements of basic licensure;

(iii) The preceptor shall participate in and successfully complete any preceptor workshop or other training deemed necessary by the department; and,

(iv) The preceptor shall be licensed in the state of Washington. Exception to this rule may be granted by the department in unusual circumstances.

(b) Responsibilities of the preceptor:

(i) The preceptor shall monitor the educational activities of the trainee and shall have at least one conference with the trainee quarterly to discuss progress;

(ii) The preceptor shall submit quarterly progress reports on approved forms to the department, and,

(iii) The preceptor shall maintain and submit the checklists as specified in WAC ((308-115-220)) 246-834-220 (4)(b).

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-240 TRAINEE PERMIT FOR MIDWIFE-IN-TRAINING PROGRAM. (1) A trainee permit may be issued to any individual who has:

(a) Been approved for a midwife-in-training program; and,

(b) Filed a completed application accompanied by a non-refundable fee.

(2) The trainee permit authorizes individuals to manage care as required in WAC ((308-115-220)) 246-834-220 (4)(b).

(3) Permits will be issued yearly for the duration of the trainee's midwife-in-training program.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-260 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

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

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

(4) "Department" means the department of ((licensing)) health, whose address is:

((Department of Licensing
Professional Programs Management Division
P.O. Box 9012))
Department of Health
Professional Licensing Services
1300 S.E. Quince St.
P.O. Box 1099
Olympia, Washington 98504((-800+))

(5) "Midwife" means a person licensed pursuant to chapter 18.50 RCW.

(6) "Mentally or physically disabled midwife" means a midwife who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice midwifery with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-350 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ((director)) secretary of the department of ((licensing)) health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ((director)) secretary or the ((director's)) secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the ((director)) secretary or the ((director's)) secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ((director's)) secretary's designee. Settlements are not considered final until the ((director)) secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-834-500 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. Effective January 1, 1989 persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ((+)) (3) of this section.

(3) ((1989-Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.))
AIDS education and training.

(a) Acceptable education and training. The ((director)) secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. ((Effective January 1, 1989, the requirement for)) Licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ((subsection)) (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

NEW SECTION

WAC 246-836-010 DEFINITIONS. For the purposes of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.

(1) "Department" means the department of health, whose address is:

Department of Health
Professional Licensing Service
P.O. Box 1099
Olympia, Washington 98507

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

(3) "Mentally or physically disabled naturopath" means a naturopath who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice naturopathy with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

(4) "Naturopath" means a person licensed pursuant to chapter 18-36A RCW.

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

(6) "Unprofessional conduct" means the conduct described in RCW 18.130.180.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-020 ELIGIBILITY FOR LICENSURE EXAMINATION. (1) Graduates holding a degree/diploma from a college of naturopathic medicine approved by Washington state department of ((licensing)) health shall be eligible to take the examination, provided all other requirements of RCW 18.36A.090 are met.

(2) All applicants shall file with the department a completed application, with the required fee, at least 60 days prior to the exam.

(3) Applicants shall request that the college of naturopathic medicine send official transcripts directly to the department.

(4) Applicants who have filed the required applications, whose official transcript has been received by the department, and who meet all qualifications shall be notified of their eligibility, and only such applicants will be admitted to the exam.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-050 REEXAMINATIONS. (1) A candidate wishing to retake the examination or any portion thereof must file with the department the required reexamination fees and an application to retake the examination at least sixty days before the administration of the exam.

(2) A candidate must retake the entire basic science component if he or she failed to achieve a passing score in three or more basic science tests. A candidate must retake the entire clinical science component if he or she failed to achieve a passing score in four or more clinical science tests. A candidate must retake any test(s) for which the candidate failed to achieve a passing score.

(3) A candidate who failed to achieve a passing score in three or more basic science tests and/or four or more clinical science tests must achieve a passing score on those tests within the next two administrations of the examination. A candidate who does not achieve a passing score within those next two administrations of the exam will be required to retake the entire component.

(4) A candidate must achieve passing scores on all tests in the entire exam within a twenty-seven month period; otherwise the candidate's exam results are null and void and the candidate must retake the entire exam. Provided: WAC ((308-34-120)) 246-836-030(2) shall apply to a candidate who took the basic science component of the exam after two years in training.

(5) A candidate is required to pay a reexamination fee to retake the exam or any portion thereof.

(6) A candidate who took the basic science component of the exam after two years of training must submit an application for reexamination, along with reexamination fees, to take the clinical science component and the state law test at a later exam administration.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-060 EXAMINATION APPEALS. (1) Any candidate who takes the licensure examination and does not pass may request informal review of his or her examination results. This request must be in writing and must be received by the department within thirty days of the date of service of notification of the examination results. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of ((licensing)) health office in Olympia for an appointment to appear personally to review questions answered incorrectly and the incorrect answers on the written portion of failed examination.

(b) The candidate will be provided a form to complete in the department of ((licensing)) health office in Olympia in defense of examination answers.

(c) The candidate must specifically identify the challenged portion(s) of the examination and must state the specific reason or

reasons why the candidate feels the results of the examination should be changed.

(d) The candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the department.

(e) The candidate may not bring in notes, texts, or resource material for use while completing the informal review form.

(f) The candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The department will schedule a closed session meeting to review the examinations, score sheets and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the informal examination review may submit a written request for a formal hearing to be held before an administrative law judge. The hearing will be conducted pursuant to the administrative procedures act. The issues raised by the candidate at the formal hearing shall be limited to those issues raised by the candidate for consideration at the informal review unless amended by a prehearing order. Such written request for hearing must be received by the department of ((licensing)) health within twenty days of the date of service of the result of the department's informal review of the examination results. The written request must specifically identify the challenged portion(s) of the examination and must state the specific reason(s) why the candidate feels the results of the examination should be changed. The department will not set aside its prior determination unless the candidate shows, by a preponderance of evidence, error in examination content or procedure, or bias, prejudice, or discrimination in the examination process. The department will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(4) Before the hearing is scheduled either party may request a prehearing conference before an administrative law judge to consider the following:

(a) The simplification of issues;

(b) Amendments to the candidate's notice identifying the challenged portion(s) of the examination and the statement of the specific reason(s) why the candidate feels the results of the examination should be changed;

(c) The possibility of obtaining stipulations, admission of facts and documents;

(d) The limitation of the number of expert witnesses;

(e) A schedule for completion of all discovery; and,

(f) Such other matters as may aid in the disposition of the proceeding.

(5) In the event there is a prehearing conference, the administrative law judge shall enter an order which sets forth the actions taken at the conference, the amendments allowed to the pleading and the agreements made by the parties of their qualified representatives as to any of the matters considered, including the settlement or simplification of issues. The prehearing order limits the issues for hearing to those not disposed of by admissions or agreements. Such order shall control the subsequent course of the proceeding unless modified for good cause by subsequent prehearing order.

(6) Candidates will receive at least twenty days notice of the time and place of the formal hearing. The hearing will be restricted to the specific portion(s) of the examination the candidate has identified as the bases for his or her challenge of the examination results unless amended by a prehearing order.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-070 RENEWAL OF LICENSES. (1) The license renewal date shall coincide with the licensee's birthdate.

(2) Licensees may renew their licenses at the annual renewal fee rate, for one year, from birth date to next birth date.

(3) The late renewal penalty provision will be applied as follows: Before the expiration date of the individual's license, the ((director)) secretary shall mail the licensee a notice for renewal of license. The licensee must return such renewal notice, and proof of having met continuing educational requirements, along with current renewal fees prior to the expiration of said license. Failure of any licensee to receive such notice for renewal shall not relieve or exempt such licensee from the requirements of license renewal by the licensee's birthdate. Should the licensee fail to renew his or her license prior to the expiration date, he or she is subject to the late renewal penalty fee.

(4) Any licensee failing to renew his or her license within one year from expiration must reapply for licensing in accordance with the section of this chapter pertaining to license reinstatement.

(5) Failure to renew a license shall invalidate the license and all privileges granted by the license.

(6) A licensee's annual renewal fees may be prorated during the transition period while renewal dates are changed to coincide with the licensee's birthdate.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-080 CONTINUING COMPETENCY PROGRAM. (1) ~~((Beginning with license renewal dates after July 31, 1989, each))~~ Naturopathic physicians licensed under these rules shall complete 20 hours of continuing education each year in courses approved by the ~~((director))~~ secretary. Prior approval of courses shall be available by application to the ~~((director))~~ secretary. Only courses in diagnosis and therapeutics as listed in RCW 18.36A.040 shall be eligible for credit.

(2) ~~((Along with))~~ In addition to the license renewal form and fee ~~((for license renewal dates after July 31, 1989))~~, the licensee shall submit ~~((a completed sworn certification, on a form to be provided by the department, of completion of the twenty hours of continuing education))~~ an affidavit of compliance with the twenty hour continuing education requirement on a form provided by the department. Failure to submit the sworn certification will result in nonrenewal of the license.

(3) It is the responsibility of the licensee to maintain appropriate records or evidence of compliance with the continuing education requirement. The department may, in its discretion require any licensee to submit, in addition to the sworn certification, proof of completion of continuing education requirements.

(4) A material false statement on the sworn certification, or failure to provide proof of completion of continuing education requirements when proof is required in the department's discretion, is grounds for disciplinary action, including but not limited to, suspension, revocation, or nonrenewal of the license.

(5) Continuing education hours in excess of the required hours earned in any renewal period may not be carried forward to a subsequent renewal period.

(6) In emergency situations, such as personal or family illness, the department may in its discretion, for good cause shown, waive all or part of the continuing education requirement for a particular one year period for an individual licensee. The department may require such verification of the emergency as is necessary to prove its existence.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-090 LICENSE REINSTATEMENT. (1) Any naturopathic physician whose license has expired must pay the current application fee and penalty fee, if applicable, and apply for reinstatement on an application form provided by the department. The application shall include an explanation for the license lapse and a chronology of the applicant's professional activities since last renewal.

(2) Any licensee who has been out of active practice for one year or more or has allowed his or her license to lapse for a period of three years or more, may, at the discretion of the ~~((director))~~ secretary, be required to pass the licensing examination in order to determine the applicant's fitness to practice naturopathic medicine.

(3) In all cases, any person seeking to reinstate a license which has lapsed for one year or more must present satisfactory evidence of having completed at least twenty hours of approved continuing education for each year since his or her license expired, lapsed, or otherwise was not current and valid.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-100 APPLICANTS EDUCATED AND/OR LICENSED IN ANOTHER COUNTRY. (1) Applicants for licensure educated in a country outside the United States or its territories shall meet the following requirements for licensure.

(a) Satisfactory completion of a basic naturopathic medical program in a naturopathic school or college officially approved by the country where the school is located.

(i) The naturopathic education program at the time of graduation shall be equivalent to or exceed the minimum required standards for Washington state approved colleges of naturopathic medicine.

(ii) Any deficiencies in the naturopathic medical program shall be satisfactorily completed in a Washington state approved college of naturopathic medicine.

(b) Applicants licensed under the laws of a country outside of the United States or its territories shall be required to take the current licensing examinations noted in WAC ~~((308-34-120))~~ 246-836-030: PROVIDED, That those persons meeting the requirements of WAC ~~((308-34-320))~~ 246-836-110, (Licensing by endorsement), are exempt from this requirement.

(c) All other requirements of chapter 18.36A RCW and this chapter must be met, including the requirement that the applicant be of good moral character; not have engaged in unprofessional conduct; and not be unable to practice with reasonable skill and safety as a result of a physical or mental impairment.

(2) Applicants for examination shall:

(a) File with the department a completed notarized license application with the required fee at least sixty days prior to examination.

(b) Request the college of naturopathic medicine to submit an official transcript directly to the department.

(c) Request the licensing agency in the country of original license to submit evidence of licensure to the department.

(d) If the applicant's original documents (education and licensing) are on file in another state, the applicant may request that the other state send to the department notarized copies in lieu of the originals.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-110 LICENSING BY ENDORSEMENT. A license to practice as a naturopathic physician in the state of Washington may be issued without examination at the discretion of the ~~((director))~~ secretary provided the applicant meets all of the following requirements:

(1) The candidate has graduated from and holds a degree/diploma from a college of naturopathic medicine approved by the state or jurisdiction where the school is located and which prepares candidates for licensure as a naturopathic physician: PROVIDED, That such program at the time of the candidate's graduation is equivalent to or exceeds the minimum naturopathic medical educational standards required for Washington state approved schools;

(2) The candidate holds a current valid license in good standing to practice as a naturopathic physician in another state or jurisdiction. Official written verification of such licensure status must be received by the department from the other state or jurisdiction;

(3) The candidate has completed and filed with the department a notarized application for licensure by endorsement, a true and correct copy of the current valid license, and the required application fee;

(4) The candidate has successfully passed a naturopathic physician licensure examination in another state or jurisdiction. Written official verification of successful completion of the licensure examination and of licensure in good standing must be requested of the state or jurisdiction by the candidate and must be received by the department directly from the state or jurisdiction;

(5) The candidate must meet all other requirements of chapter 18.36A RCW and this chapter, including the requirement that the applicant be of good moral character; not have engaged in unprofessional conduct; and not be unable to practice with reasonable skill and safety as a result of a physical or mental impairment; and

(6) The state or jurisdiction in which the candidate is currently licensed grants similar privilege of licensure without examination to candidates who are licensed in Washington as naturopathic physicians.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-120 RECIPROCITY OR WAIVER OF EXAMINATION REQUIREMENTS. Reciprocity or waiver of examination requirements may be granted for certain examinations administered by other states or jurisdictions. These examinations must include the clinical and the basic science sections. The minimum passing score will depend upon the quality of the examination, but must be equivalent to or better than the score of seventy-five which is required in WAC ~~((308-34-120))~~ 246-836-030. Reciprocity or waiver shall be in accordance with the reciprocal agreement in place with that state or jurisdiction.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-130 APPROVAL OF COLLEGES OF NATUROPATHIC MEDICINE. (1) The minimum educational requirement for licensure to practice naturopathic medicine in Washington is graduation from a naturopathic college approved by the ((director)) secretary which teaches adequate courses in all subjects necessary to the practice of naturopathic medicine.

(2) These rules provide the standards and procedures by which naturopathic colleges may obtain approval by the ((director)) secretary in order that graduates of those schools may be permitted to take examinations for license.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-140 PROVISIONAL APPROVAL OF COLLEGES OF NATUROPATHIC MEDICINE. Provisional approval is the initial approval given to a previously unapproved program while the program is undergoing the process of gaining full program approval. The ((director)) secretary may grant provisional approval to a naturopathic college which has been in continuous operation for at least one year. Provisional approval may be granted for a period not to exceed two and one-half years and may not be renewed or extended. Provisional approval shall neither imply nor assure eventual approval.

(1) In order to obtain provisional approval, a naturopathic college must demonstrate compliance with, or adequate planning and resources to achieve compliance with, the standards contained in this chapter and chapter 18.36A RCW.

(2) The procedures for application, examination, review and revocation of provisional approval shall be the same as those specified for full approval in this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-150 FULL APPROVAL OF COLLEGES OF NATUROPATHIC MEDICINE. (1) Full approval of a college of naturopathic medicine is the approval given a program that meets the requirements of chapter 18.36A RCW and this chapter. Colleges of naturopathic medicine seeking approval shall apply to the ((director)) secretary on a form and in a manner prescribed by the ((director)) secretary.

(2) The ((director)) secretary may grant full approval to naturopathic colleges which have demonstrated compliance with the standards contained in this chapter and chapter 18.36A RCW.

(3) To be eligible for full approval a naturopathic college must have been in continuous operation for a period of at least three years.

(4) After approval by the ((director)) secretary, periodic reports may be required. Failure to conform to or maintain established standards may result in loss of approval. No naturopathic college shall receive approval for a period longer than five years. Prior to the expiration of the period of approval, the college must apply to the ((director)) secretary for renewal of approval. The ((director)) secretary shall review the application and make a final decision of approval or disapproval in not more than one hundred twenty days.

(5) If a naturopathic college fails to maintain the required standards or fails to report significant institutional changes, including changes in location, within ninety days of the change, the ((director)) secretary may revoke or suspend approval. The ((director)) secretary may contact a naturopathic college at any time, either through an evaluation committee or representative, to audit, inspect or gather information concerning the operating of the school or college.

(6) After suspension of approval of a naturopathic college, the ((director)) secretary may reinstate approval upon receipt of satisfactory evidence that the college meets the standards of chapter 18.36A RCW and this chapter.

(7) After revocation of approval of a naturopathic college, a college may seek provisional approval, if otherwise qualified.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-160 UNAPPROVED COLLEGE OF NATUROPATHIC MEDICINE. An "unapproved college of naturopathic medicine" is a program that has been removed from the ((director's)) secretary's list of approved colleges of naturopathic medicine for failure to meet the requirements of chapter 18.36A RCW and/or this

chapter, or a program that has never been approved by the ((director)) secretary.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-170 APPEAL OF ((DIRECTOR'S)) SECRETARY'S DECISIONS. A college of naturopathic medicine deeming itself aggrieved by a decision of the ((director)) secretary affecting its approval status shall have the right to appeal the ((director's)) secretary's decision in accordance with the provisions of the Administrative Procedure Act, chapter ((34-04)) 34.05 RCW.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-180 STANDARDS FOR APPROVAL OF COLLEGES OF NATUROPATHIC MEDICINE. The following standards shall be used by the ((director)) secretary in considering a naturopathic college's application for approval:

(1) Objectives. The objectives of the institution shall be clearly stated and address the preparation for the naturopathic physician to provide patient care. The implementation of the objectives should be apparent in the administration of the institution, individual course objectives, and in the total program leading to graduation.

(2) Organization. The institution shall be incorporated under the laws of the state of its residence as an education corporation. Control shall be vested in a board of directors composed of naturopathic physicians and others. No less than one-third plus one of the directors shall be naturopathic physicians. Under no circumstances shall more than one-third of the directors have administrative or instructional positions in the college. The directors must demonstrate collective responsibility in their knowledge of, and policy decisions consistent with, the objectives of the college; support of college programs and active participation in college governance; and selection and oversight of the chief administrative officer.

(3) Administration. The education and experience of directors, administrators, supervisors, and instructors should be sufficient to ensure that the student will receive educational services consistent with institutional objectives. The administration of the institution shall be such that the lines of authority are clearly drawn. The institution shall present with its application a catalog and a brief, narrative explanation of how the administration of the institution is, or is to be, organized and how the administrative responsibility for each of the following is, or is to be, managed:

- (a) Faculty and staff recruitment;
- (b) Personnel records management;
- (c) Faculty pay scale and policies;
- (d) Standards and practices relating to evaluation, improvement of instruction, promotion, retention and tenure;
- (e) Admissions policies including procedures used to solicit students;
- (f) Development and administration of policies governing rejection and retention of students, job placement, and student counseling and advising services;
- (g) Curriculum requirements;
- (h) Tuition and fee policies; and
- (i) Financial management policies.

(4) Financial condition. The institution shall demonstrate its financial stability by submitting certified audits once every three years and reports, or other appropriate evidence annually.

(5) Records. The institution shall maintain an adequately detailed system of records for each student beginning with application credentials through the entire period of attendance. The records, including matriculation, attendance, grades, disciplinary action and financial accounts, shall be the permanent property of the institution, to be safeguarded from all hazards and not to be loaned or destroyed.

(6) Educational credentials.

(a) Upon satisfactory completion of the educational program, the student shall receive a degree from the institution indicating that the course of study has been satisfactorily completed by the student.

(b) In addition, for each student who graduates or withdraws, the institution shall prepare, permanently file, and make available a transcript which specifies all courses completed. Each course entry shall include a title, the number of credits awarded, and a grade. The transcript shall separately identify all credits awarded by transfer or by examination.

(c) Upon request, all student records and transcripts shall be made available to the ((director)) secretary.

(7) Catalog. The institution shall publish a current catalog at least every two years containing the following information:

- (a) Name and address of the school;
- (b) Date of publication;
- (c) Admission requirements and procedures;
- (d) A statement of tuition and other fees or charges for which a student is responsible and a statement on refund policies;
- (e) A school calendar designating the beginning and ending dates of each term, vacation periods, holidays, and other dates of significance to students;

(f) Objectives of the institution;

(g) A list of trustees (directors), administrative officers and faculty members including titles and academic qualifications;

(h) A statement of policy about standards of progress required of students, including the grading system, minimum satisfactory grades, conditions for interruption for unsatisfactory progress, probation, and reentry, if any;

(i) A description of each course indicating the number of hours and course content, and its place in the total program;

(j) A description of facilities and major equipment, including library, laboratory and clinical training facilities;

(k) Statements on the nature and availability of student financial assistance, counseling, housing, and placement services, if any;

(l) A statement indicating whether the school is recognized by other agencies or associations for the licensing or certification of naturopathic physicians; and

(m) Any other material facts concerning the institution which are reasonably likely to affect the decision of the potential student.

(8) Admission policies and procedures. The institution shall not deny admission to a prospective student because of sex, race, color, religion, physical handicap and/or ethnic origin.

(9) Attendance. The institution shall have a written policy relative to attendance.

(10) Curriculum. The curriculum of the institution shall be designed and presented to meet or exceed the requirements of this chapter. Each student shall complete a minimum of three thousand hours instruction, which shall include no less than two hundred post-graduate hours in the study of mechanotherapy. A minimum total clinical training shall be one thousand one hundred hours, of which no less than eight hundred hours shall be training with student actively involved in diagnosis and treatment in accordance with RCW 18.36A.050(3). The remainder, if any, may be preceptorships overseen by the college. The clinical training shall be in naturopathic procedures. The following standards are intended not as an exact description of a college's curriculum, but rather as guidelines for the typical acceptable program. It is expected that the actual program taught by each naturopathic college will be prepared by the academic departments of the college to meet the needs of their students and will exceed the outline present here. The ((director's)) secretary's policy is to preserve the autonomy and uniqueness of each naturopathic college, and to encourage innovative and experimental programs to enhance the quality of education in colleges of naturopathic medicine.

- (a) Basic science
 - Anatomy (includes histology and embryology)
 - Physiology
 - Pathology
 - Biochemistry
 - Public health (includes public health, genetics, microbiology, immunology)
 - Naturopathic philosophy
 - Pharmacology
- (b) Clinical sciences
- (i) Diagnostic courses
 - Physical diagnosis
 - Clinical diagnosis
 - Laboratory diagnosis
 - Radiological diagnosis
- (ii) Therapeutic courses
 - Materia medica (botanical medicine)
 - Homeopathy
 - Nutrition
 - Physical medicine (includes mechanical and manual manipulation, hydrotherapy, and electrotherapy)
 - Psychological medicine
- (iii) Specialty courses

Organ systems (cardiology, dermatology, endocrinology, EENT, gastroenterology)

Human development (gynecology, obstetrics, pediatrics, geriatrics)

State law and regulations as they relate to the practice of naturopathy

Medical emergencies

Office procedures

(iv) Clinical externship/preceptorship

(11) Academic standards. The institution must regularly evaluate the quality of its instruction and have a clearly defined set of standards of competence required of its students. Promotion to each successive phase of the program and graduation shall be dependent on mastery of the knowledge and skills presented in the program.

(12) Faculty. Faculty members shall be qualified by training and experience to give effective instruction in the subject(s) taught; advanced degrees in their respective disciplines are expected. The faculty should participate in development and evaluation of curriculum instructional methods and facilities; student discipline, welfare, and counseling; establishment of administrative and educational policies; scholarly and professional growth. Provisions shall be made to allow and encourage faculty involvement in these noninstructional functions, including a plan for peer observation and evaluation among faculty. The institution shall not discriminate on the basis of sex, race, age, color, religion, physical handicap, or national or ethnic origin in the recruitment and hiring of faculty. The institution shall have stated policies on faculty hiring, compensation, fringe benefits, tenure, retirement, firing, grievance and appeals procedures. The institution shall submit to the ((director)) secretary for each faculty member a resume which includes the following information.

- (a) Academic rank or title;
- (b) Degree(s) held, the institution(s) that conferred the degree(s), the date(s) thereof, and whether earned or honorary;
- (c) Other qualifying training or experience;
- (d) Name and course number of each course taught;
- (e) Other noninstructional responsibilities, if any, and the proportion of the faculty member's time devoted to them; and
- (f) The length of time associated with the institution.

(13) Library. The library shall be staffed, equipped and organized to adequately support the instruction, and research of students and faculty.

(14) Clinical training. The clinical facilities shall be adequate in size, number and resources to provide all aspects of naturopathic diagnosis and treatment. There shall be properly equipped rooms for consultation, physical examination and therapy, and a pharmacy, laboratory, and radiological equipment each consistent with the definition of practice in chapter 18.36A RCW as now or hereafter amended. A licensed and adequately experienced naturopathic physician must be in direct supervision of and have final decision in the diagnosis and treatment of patients by students, and must be present in the clinic at all times when the clinic is open.

(15) Physical plant, materials and equipment. The institution shall own or enjoy the full use of buildings and equipment adequate to accommodate the instruction of its students, and administrative and faculty offices. There shall be adequate facilities of the safekeeping of valuable records. The plant and grounds, equipment and facilities shall be maintained in an efficient, sanitary, and presentable condition. All laws relating to safety and sanitation and other regulations concerning public buildings shall be observed. There shall be sufficient personnel employed to carry out proper maintenance.

(16) Cancellation and refund policy. The institution shall maintain a fair and equitable policy regarding refund of the unused portion of tuition fees and other charges in the event a student fails to enter the course, or withdraws at any time prior to completion of the course. Such a policy shall be in keeping with generally accepted practices of institutions of higher education.

(17) Other information. The applicant institution shall provide any other information about the institution and its programs as required by the ((director)) secretary.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-200 SITE REVIEW PROCEDURES FOR APPROVAL OF COLLEGE OF NATUROPATHIC MEDICINE. The ((director)) secretary may send a representative or an examining or evaluation committee to inspect any institution requesting approval as a college of naturopathic medicine. Such inspections may be at any

reasonable time during the normal operating hours of the institution. The report of the representative or committee and the institution's response shall be submitted as part of the documentation necessary for the ~~((director's))~~ secretary's action on the institution's application for approval. Expenses incurred for the site review shall be the responsibility of the program requesting approval.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-400 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ~~((director))~~ secretary of the department of ~~((licensing))~~ health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued for failure to cooperate pursuant to RCW 18.130.180(8) ~~((for failure to cooperate))~~. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ~~((director's))~~ secretary's designee. Settlements are not considered final until the ~~((director))~~ secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-836-410 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. ~~((Effective January 1, 1989))~~ Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~((3))~~ ~~((1989 Renewal of licensure. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~((4))~~ AIDS education and training.

(a) Acceptable education and training. The ~~((director))~~ secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~((Implementation. Effective January 1, 1989,))~~ The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed ~~((after January 1, 1987))~~;

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

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

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-836-320 GENERAL PROVISIONS.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-841-610 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for registration or certification. Effective January 1, 1989 persons applying for registration or certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Initial applicants may have a four month extension upon written application to the department.

(3) 1989 Renewal of registration. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for registration renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 registration expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

(4) AIDS education and training.

(a) Acceptable education and training. The director will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for registration, certification, renewal, or reinstatement of any registration on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of subsection (a).

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-841-710 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

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

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

(4) "Department" means the department of ~~((licensing))~~ health, whose address is:

((Department of Licensing
Professional Programs Management Division
P.O. Box 9649))
Department of Health
Board of Nursing
1300 SE Quince St., Mailstop: EY-27
Olympia, Washington 98504((-8001))

(5) "Nursing assistant" means a person registered or certified pursuant to chapter ((267, Laws of 1988)) 18.88A RCW.

(6) "Mentally or physically disabled nursing assistant" means a nursing assistant who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice nursing assistance with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-841-720 MANDATORY REPORTING. (1) All reports required by this chapter shall be submitted to the department as soon as possible, but no later than twenty days after a determination is made.

(2) A report should contain the following information if known:

(a) The name, address, and telephone number of the person making the report.

(b) The name and address and telephone numbers of the nursing assistant being reported.

(c) The case number of any patient whose treatment is a subject of the report.

(d) A brief description or summary of the facts which gave rise to the issuance of the report, including dates of occurrences.

(e) If court action is involved, the name of the court in which the action is filed along with the date of filing and docket number.

(f) Any further information which would aid in the evaluation of the report.

(3) Mandatory reports shall be exempt from public inspection and copying to the extent permitted under RCW 42.17.310 or to the extent that public inspection or copying of the report or any portion of the report would invade or violate a person's right to privacy as set forth in RCW 42.17.255.

(4) A person is immune from civil liability, whether direct or derivative, for providing information to the department pursuant to RCW 18.130.070.

(5) The administrator, executive officer, or their designee of any nursing home shall report to the department of ((licensing)) health when any nursing assistant under chapter 18.130 RCW is terminated or such person's services are restricted based on a determination that the nursing assistant has committed an act or acts which may constitute unprofessional conduct as defined in RCW 18.130.180 or that the nursing assistant may be mentally or physically impaired as defined in RCW 18.130.170.

(6) The administrator, executive officer, or their designee of any nursing home shall report to the department of ((licensing)) health when any person practices, or offers to practice as a nursing assistant in the state of Washington when the person is not registered or certified in the state; or when a person uses any title, abbreviation, card, or device to indicate the person is registered or certified when the person is not.

(7) The department of ((licensing)) health requests the assistance of responsible personnel of any state or federal program operating in the state of Washington, under which a nursing assistant is employed, to report to the department whenever such a nursing assistant is not registered or certified pursuant to this act or when such a nursing assistant has committed an act or acts which may constitute unprofessional conduct as defined in RCW 18.130.180 or may be mentally or physically impaired as defined in RCW 18.130.170.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-841-750 COOPERATION WITH INVESTIGATION. (1) A certificant or registrant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ((director)) secretary of the department of ((licensing)) health by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or registrant

or their attorney, whichever is first. If the certificant or registrant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ((director)) secretary or the ((director's)) secretary's designee.

(3) If the certificant or registrant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant or registrant complies with the request after the issuance of the statement of charges, the ((director)) secretary or the ((director's)) secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ((director's)) secretary's designee. Settlements are not considered final until the ((director)) secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-845-020 REGISTRATION OF A NURSING POOL.

(1) After January 1, 1989, no individual, firm, corporation, partnership or association may advertise, operate, manage, conduct, open or maintain a business providing, procuring, or referring health care personnel for temporary employment in health care facilities without first registering with the department of ((licensing)) health.

(2) Applicants for nursing pool registration shall submit to the department of ((licensing)) health:

(a) A completed application for registration on forms furnished by the department;

(b) A registration fee;

(c) The names and addresses of the owner or owners of the nursing pool;

(d) If the owner is a corporation:

(i) Copies of the articles of incorporation and current bylaws;

(ii) The names and addresses of officers and directors.

(3) If the applicant meets the requirements of this chapter and chapter 18.130 RCW, the department shall issue a registration which shall remain effective for a period of one year from date of issuance unless revoked or suspended pursuant to chapter 18.130 RCW, or voided pursuant to subsection (4) of this section.

(4) If the registered nursing pool is sold or ownership or management is transferred, the new owner or operator shall apply for a new registration.

(5) Each separate location of the business of a nursing pool shall have a separate registration.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-845-040 DENIAL, SUSPENSION, OR REVOCATION OF REGISTRATION. The ((director)) secretary may deny, suspend, or revoke the registration and/or assess penalties if any nursing pool is found to have violated the provisions of chapter 18.130 RCW, the Uniform Disciplinary Act, or of this chapter.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-849-020 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

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

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

(4) "Department" means the department of ((licensing)) health, whose address is:

~~((Department of Licensing
Professional Programs Management Division
P.O. Box 9012))
Department of Health
Professional Licensing Division
1300 S.E. Quince St.
Olympia, Washington ((98504-8001)) 98507~~

(5) "Ocularist" means a person licensed under chapter 18.55 RCW.

(6) "Mentally or physically disabled ocularist" means an ocularist who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice ocular prosthetic services with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-849-100 COOPERATION WITH INVESTIGATION. (1) A licensee must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ~~((director))~~ secretary of the department of ~~((licensing))~~ health by submitting the requested items within fourteen calendar days of receipt of the request by either the licensee or their attorney, whichever is first. If the licensee fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the director or the director's designee.

(3) If the licensee fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the licensee complies with the request after the issuance of the statement of charges, the ~~((director))~~ secretary or the ~~((director's))~~ secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ~~((director's))~~ secretary's designee. Settlements are not considered final until the ~~((director))~~ secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-849-110 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. ~~((Effective January 1, 1989))~~ Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ~~((4))~~ (3) of this section.

~~((3))~~ ~~((1989 Renewal of licenses. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Persons whose 1989 license expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applications who have documented hardship that prevents obtaining the required education may petition for an extension.~~

~~((4))~~ AIDS education and training.

(a) Acceptable education and training. The ~~((director))~~ secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours and shall include, but is not limited to, the following: Etiology and epidemiology; infection control guidelines; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

~~((Implementation Effective January 1, 1989, the))~~ Requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ~~((subsection))~~ (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-849-990 OCULARIST FEES. The following fees shall be charged by the professional licensing division of the department of ~~((licensing))~~ health:

Title of Fee	Fee
Application and examination	\$ 500.00
Renewal	500.00
Late renewal penalty	500.00
Duplicate license	15.00
Certification	25.00

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-030 STATE EXAMINATION—EXAMINATION WAIVER—EXAMINATION APPLICATION DEADLINE.

(1) The entry level certification examination of the National Board of Respiratory Care, Inc. shall be the official examination for certification as a respiratory care practitioner.

(a) The examination for certification as a respiratory care practitioner shall be conducted three times a year in the state of Washington, in March, July, and November.

(b) The examination shall be conducted in accordance with the National Board of Respiratory Care, Inc.'s security measures and contract.

(c) Examination candidates shall be advised of the results of their examination in writing.

(2) Applicants taking the state examination must submit the application and supporting documents to the department of ~~((licensing))~~ health no later than the first day of December, for the March examination; the first day of April, for the July examination; and the first day of August for the November examination.

(3) An applicant who has passed the certification or registry examination given by the National Board of Respiratory Care, Inc., or an equivalent examination administered by a predecessor organization that is accepted and verified by the National Board of Respiratory Care, Inc. for certification, may be granted a certificate without further examination.

(4) A scaled score of 75 is required to pass the examination.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-110 GENERAL PROVISIONS. (1) "Unprofessional conduct" as used in this chapter shall mean the conduct described in RCW 18.130.180.

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

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

(4) "Department" means the department of ~~((licensing))~~ health, whose address is:

~~((Department of Licensing
Professional Programs Management Division
P.O. Box 9012))
Department of Health
Professional Licensing Services
1300 Quince St. S.E.
Mailstop: EY-21
Olympia, Washington 98504((-8001))~~

(5) "Respiratory care practitioner" means a person certified pursuant to chapter 18.89 RCW.

(6) "Mentally or physically disabled respiratory care practitioner" means a respiratory care practitioner who is currently mentally incompetent or mentally ill as determined by a court, or who is unable to practice respiratory care with reasonable skill and safety to patients by reason of any mental or physical condition and who continues to practice while so impaired.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-180 COOPERATION WITH INVESTIGATION. (1) A certificant must comply with a request for records, documents, or explanation from an investigator who is acting on behalf of the ((director)) secretary of the department of ((licensing)) health by submitting the requested items within fourteen calendar days of receipt of the request by either the certificant or their attorney, whichever is first. If the certificant fails to comply with the request within fourteen calendar days, the investigator will contact that individual or their attorney by telephone or letter as a reminder.

(2) Investigators may extend the time for response if the request for extension does not exceed seven calendar days. Any other requests for extension of time may be granted by the ((director)) secretary or the ((director's)) secretary's designee.

(3) If the certificant fails to comply with the request within three business days after receiving the reminder, a subpoena will be served to obtain the requested items. A statement of charges may be issued pursuant to RCW 18.130.180(8) for failure to cooperate. If there is sufficient evidence to support additional charges, those charges may be included in the statement of charges.

(4) If the certificant complies with the request after the issuance of the statement of charges, the ((director)) secretary or the ((director's)) secretary's designee will decide if the charges will be prosecuted or settled. If the charges are to be settled the settlement proposal will be negotiated by the ((director's)) secretary's designee. Settlements are not considered final until the ((director)) secretary signs the settlement agreement.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-190 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for certification. ((Effective January 1, 1989)) Persons applying for certification shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection ((4)) (3) of this section.

(3) ((1989 Renewal of certificate. Effective for the 1989 renewal period beginning January 1, 1989 all persons making application for certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Those persons who must renew during 1989 shall submit evidence of compliance with the education requirements of subsection (4) with their renewal application. Those persons who must renew during 1990 shall submit evidence of compliance with subsection (4) on or before December 31, 1989. Persons whose 1989 certificate expires on or before March 31, 1989 will, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement. Renewal applicants who have documented hardship that prevents obtaining the required education may petition for an extension.

((4)) AIDS education and training.

(a) Acceptable education and training. The ((director)) secretary will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of seven clock hours and shall include, but is not

limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. Effective January 1, 1989, the requirement for certification, renewal, or reinstatement of any certificate on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ((subsection)) (a) of this subsection.

(c) Documentation. The applicant shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-220 ALTERNATIVE TRAINING REQUIREMENTS. An individual must possess the following alternative training qualifications to be certified as a respiratory care practitioner:

(1) Completed a program recognized by the Canadian Society of Respiratory Therapists in their current list, or any previous lists and are eligible to sit for the Canadian Society of Respiratory Therapists registry examination; or

(2) Been registered by the Canadian Society of Respiratory Therapists; or

(3) Obtained a minimum of three thousand hours supervised practical clinical experience within the past five years and meet the following criteria:

(a) The following course content areas of training may be obtained directly by supervised clinical practical experience:

(i) Physical assessment;

(ii) Chest percussion/postural drainage;

(iii) Oxygen administration;

(iv) Incentive spirometry;

(v) Aerosol administration via:

(A) Pneumatic nebulization;

(B) Ultrasonic nebulization.

(vi) Clearance of secretions via oro- and nasopharyngeal suction devices;

(vii) Gas metering and analyzing devices;

(viii) Ventilator care including CMV, IMV, SIMV, and PEEP;

(ix) Artificial airways including oro- and nasopharyngeal airways, oral and nasal endotracheal tubes, tracheostomy tubes and buttons, esophageal obturator airways and intubation equipment;

(x) IPPB;

(xi) CPAP;

(xii) Interpretation of blood gases;

(xiii) Fundamentals of patient care.

(b) The following course content areas of training must be obtained through formal education:

(i) Anatomy and physiology - Ten quarter or six semester credit hours;

(ii) Microbiology - Five quarter or three semester credit hours;

(iii) Math (college level algebra or higher) - Five quarter or three semester credit hours;

(iv) Chemistry - Five quarter or three semester credit hours;

(v) Biology - Five quarter or three semester credit hours;

(vi) Physics - Five quarter or three semester credit hours;

(vii) Medical terminology - Three quarter or two semester credit hours;

(viii) CPR certification - Basic life support; and

(4) Satisfactorily pass an examination approved or administered by the ((director)) secretary.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-928-990 FEES. The following fees shall be charged by the professional licensing division of the department of ((licensing)) health:

Title of Fee	Fee
Application	\$ 85.00
Examination application	110.00
Examination retake	25.00
Duplicate license	15.00
Verification/certification	25.00
Renewal	100.00
Late renewal penalty	50.00

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 246-928-070 GRANDFATHER—EXAMINATION DATES.
WAC 246-928-100 RURAL HOSPITAL EXEMPTION.

WSR 91-22-029
PERMANENT RULES
GAMBLING COMMISSION

[Order 229—Filed October 29, 1991, 3:45 p.m.]

Date of Adoption: October 22, 1991.

Purpose: Describes the licensing process.

Citation of Existing Rules Affected by this Order:
Amending WAC 230-04-190.

Statutory Authority for Adoption: RCW 9.46.0331.

Pursuant to notice filed as WSR 91-19-011 on September 6, 1991.

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

October 28, 1991

Sharon M. Tolton
Rules Coordinator

AMENDATORY SECTION (Amending Order 224, filed 7/17/91, effective 8/17/91)

WAC 230-04-190 ISSUANCE OF LICENSE. (1) Charitable and nonprofit organizations and agricultural fairs. The commission may issue a license to qualified bona fide charitable or nonprofit organizations or to qualified agricultural fairs to operate each of the following activities upon a specified location:

- (a) Bingo;
- (b) Raffles;
- (c) Amusement games;
- (d) Punchboards and pull tabs; and
- (e) Social cards(~~(, and)~~);
- ~~((f) Electronic cranes.))~~

(2) Fund raising event as defined in RCW 9.46.0233. The commission may issue a license to a bona fide charitable or bona fide nonprofit organization defined in RCW 9.46.0209, other than any agricultural fair defined therein, to conduct fund raising events.

(3) ~~((Special amusement game license. The commission may issue a license to any person, association or organization other than a bona fide charitable or bona fide nonprofit organization to conduct amusement games only at one or more of the locations set out by the commission in WAC 230-20-380.))~~ Commercial location amusement game license. The commission may issue a separate license to commercial business operators of

amusement games at one or more of the locations listed in WAC 230-04-138.

(4) Commercial stimulant card games. The commission may issue a license to persons operating a business primarily engaged in the selling of items of food or drink for consumption on the premises ~~((operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board.))~~ to allow a specified portion of a specified premises to be used by persons to play authorized card games.

(5) Public card room employee. The commission may issue a license to a person to perform duties in a public card room.

(6) Commercial stimulant punchboards and pull tabs. The commission may issue a license to a person operating a business primarily engaged in the selling of items of food or drink for consumption on the premises ~~((operating under the authority of a license or permit for the business issued by the state, district or local health officer, and/or a license issued by the Washington state liquor control board.))~~ to operate punchboards and pull tabs upon specified premises.

(7) ~~((Commercial electronic cranes:~~

~~(a) Electronic crane operator — The commission may issue a license to any person, association or organization other than a bona fide charitable or nonprofit organization to operate electronic cranes at a single or multiple locations as defined in WAC 230-20-670(1). Provided, That if electronic cranes are operated at more than one location, each separate location shall be licensed per subparagraph (b) below.~~

~~(b) Electronic crane separate premises — The commission may issue a license to any person operating a business, as defined in WAC 230-20-670 (1)(a), (b), or (c), to allow an electronic crane operator to locate and operate electronic cranes upon their premises.~~

~~(8) Manufacturers and distributors of gambling equipment, paraphernalia and electronic cranes. The commission may issue a separate or combination license to the following:~~

~~(a) Manufacturers of punchboards, pull tabs, devices for the dispensing of pull tabs and electronic cranes; and~~

~~(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events, recreational gaming activities and electronic cranes;~~

~~(9) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment, paraphernalia and electronic cranes.]~~

~~[Punchboard and pull tab manufacturer and distributor. The commission may issue a separate license to:~~

~~(a) Punchboard and pull tab manufacturers;~~
~~(b) Distributors to sell and distribute punchboards and pull tabs and related equipment within the state of Washington;~~

~~(c) Manufacturer's representatives to sell and distribute punchboards and pull tabs and related equipment on~~

~~behalf of the manufacturer in the state of Washington, and~~

~~(d) Distributor's representatives to sell and distribute punchboards and pull tabs and related equipment on behalf of the distributor in the state of Washington.}~~

~~{{(10)}}) Manufacturers and distributors of gambling equipment and paraphernalia. The commission may issue a separate or combination license to the following:~~

~~(a) Manufacturers of punchboards, pull tabs, and devices for the dispensing of pull tabs; and~~

~~(b) Distributors of punchboards, pull tabs, devices for the dispensing of pull tabs, any gambling equipment or paraphernalia for use in connection with licensed fund raising events.~~

~~(8) Representatives of manufacturers or distributors. The commission may issue a separate license to a representative of a manufacturer or distributor to engage in the sale and distribution of gambling equipment and paraphernalia.~~

~~(9) Recreational gaming activity permit. The commission may issue a permit to an organization that has been in existence for at least six months to conduct a recreational gaming activity as defined by WAC 230-02-505.~~

~~{{(10)}}(8)(11)) (10) License expiration. Each such license shall be valid for one year from the date that it is issued: Provided, That:~~

(a) All annual licenses for punchboard and pull tab and Class D and above bingo shall be issued with an expiration date adjusted to expire on March 31, June 30, September 30, or December 31. Punchboard and pull tab licenses shall expire on the above date that is closest to the license issuance date and does not exceed one year. Class D and above bingo licenses shall expire on the above date that is closest to licensee's fiscal year end plus at least six months. All other applicants or licensees may request specific license expiration dates to correspond with the above dates. Whenever license expiration dates are adjusted under this provision, the required fee shall be prorated by the commission. The prorated fees shall be computed on a monthly basis (i.e., one-twelfth of the annual payment per month) and subtracted from the regular annual fee. A prorated fee will be based on the number of whole months remaining upon approval of a license. For the purposes of this proration, any part of a month in which the activity is licensed shall be deemed to be a whole month when computing an annual fee. Any difference between the required fee which exceeds twenty dollars, shall be refunded to the applicant.

(b) Licenses issued to conduct any authorized activity in connection with and upon the site of a qualified agricultural fair, qualified community-wide civic festival, qualified world's fair, or qualified civic center shall be valid only for the duration of the fair or festival, or, in the case of an activity at a civic center, for the seasons during which the civic center is operating and open to the public. In no event shall such license exceed one calendar year.

(c) Notwithstanding the provisions of ~~((subsection))~~ (a) of this subsection, a license issued to conduct a raffle in connection with a qualified agricultural fair, qualified community-wide civic festival or qualified world's fair

shall be in effect from the date the license was issued through the conclusion of the fair or festival.

(d) A license issued to conduct a card tournament shall be valid only for the duration of the tournament, but in no event shall exceed ten consecutive days.

(e) A license issued to conduct a fund raising event shall be valid for one year from the date issued but the event (or events) permitted under the license shall be held only at the place and time set forth in the application or otherwise approved by the commission. The number of events permitted under the license in any calendar year is subject to the limitations set out in RCW 9.46.0233 defining a fund raising event.

(f) A license issued to an individual shall be valid for a period of one year from the date of employment or issuance, whichever occurs first: Provided, a bingo game manager license shall expire as set out in WAC 230-04-145.

(g) If any licensee fails to submit a properly completed application and all applicable fees prior to the normal expiration date, the license shall expire and the operation of the applicable activity must immediately cease. When a license expires, a new application must then be submitted and a pre-licensing evaluation/investigation to the extent deemed necessary by the director will be completed prior to granting a license: Provided, that if a properly completed renewal application and fees are received within the fourteen (14) day period following the expiration date, the commission may reinstate the license using normal renewal procedures. Reinstating a license under this provision does not, in any case, grant authority to operate the activity during the period between the normal expiration date and the date of reinstatement.

(h) Licenses approved under the six month payment plan shall be issued with an expiration date of six months from the license approval date or the original license expiration date, whichever is applicable. Upon receipt and validation of the second half payment, a licensee may be granted a second license for an additional six month period. Second half payments must be received by the commission on or before the due date. If the licensee fails to submit the second half of the fee payment(s) as established by WAC 230-04-201 prior to the expiration date, the license shall expire.

~~{{(11)}}(9)(12)) (11) Conditions of license issuance. All activities so licensed are licensed subject to compliance with all of the applicable provisions of chapter 9.46 RCW, including any amendments thereto, all applicable rules and regulations passed by the commission, all other applicable laws of the United States, the state of Washington and all political subdivisions of the state of Washington (~~{which include but are not limited to the following:~~~~

- ~~(a) Business licenses or permits;~~
- ~~(b) Health certificates;~~
- ~~(c) Fire inspections;~~
- ~~(d) Use and occupancy permit; and~~
- ~~(e) Liquor license or permit.}}~~ which include but are

not limited to the following:

- (a) Business licenses or permits;
- (b) Health certificates;
- (c) Fire inspections;

- (d) Use and occupancy permit; and
- (e) Liquor license or permit.

WSR 91-22-030
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 91-08]

ESTABLISHING THE GOVERNOR'S
DISTINGUISHED MANAGEMENT LEADERSHIP
AWARD PROGRAM

WHEREAS, Washington State government highly values state government managers who demonstrate outstanding leadership in providing quality service to the public;

NOW THEREFORE, I, Booth Gardner, Governor of the State of Washington, by virtue of the power vested in me, do hereby establish the Governor's Distinguished Management Leadership Award Program to recognize state government managers who demonstrate management excellence in the performance of their responsibilities as members of the state management team.

All management employees of state government agencies are eligible, including elected official agencies. This includes project managers and could, under special circumstances, include first-line supervisors. Nominations for the awards shall be requested annually from agency directors.

Guidelines for the criteria shall be established by the Governor to include, but not be limited to, individual initiatives; planning, direction and leadership skills; ethical example; quality of service provided to the public; efficiency, innovation and creativity in managing human and fiscal resources, such as innovative redesigning of a service delivery process that results in better quality at reduced cost; participative management; employee involvement; and success in managing workforce diversity and implementing affirmative action programs. Award categories and criteria shall be reviewed annually by the Governor.

The Governor shall appoint a selection committee to evaluate nominees and select the number of recipients to receive the award.

An award ceremony to honor recipients shall be held at the time, place, and in the manner the Governor chooses.

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 24th day of October A.D. nineteen hundred and ninety one.

Booth Gardner

 Governor of Washington

BY THE GOVERNOR:

Ralph Munro

 Secretary of State

WSR 91-22-031
NOTICE OF PUBLIC MEETINGS
WASHINGTON STATE LIBRARY
 [Memorandum—October 28, 1991]

Thursday, December 5, 1991, the Washington State Library Commission will meet for a staff briefing at the Meany Tower Grill, 4507 Brooklyn N.E., Seattle, WA, beginning at 6:30 p.m.

Friday, December 6, 1991, the Washington State Library Commission will hold its regular quarterly business meeting at the Allen Library, University of Washington, 171 Suzzallo Library, Seattle, WA, beginning at 10:00 a.m.

WSR 91-22-032
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 91-127—Filed October 30, 1991, 11:03 a.m., effective, November 1, 1991, 6:00 p.m.]

Date of Adoption: October 30, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-40-02700C.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable numbers of chum, chinook and coho salmon are available.

Effective Date of Rule: 6:00 p.m., November 1, 1991.

October 30, 1991

Judith Merchant

Deputy

for Joseph R. Blum

Director

NEW SECTION

WAC 220-40-02700D WILLAPA BAY SALMON — FALL FISHERY. Notwithstanding the provisions of WAC 220-40-027, it is unlawful to fish for salmon in Willapa Bay for commercial purposes or to possess salmon taken from those waters for commercial purposes, except that:

FISHING PERIOD

(1) Gill net gear may be used to fish for salmon from:

(a) 6:00 p.m. November 1 to 6:00 p.m. November 30, 1991 in SMCRA 2J, 2K, 2M and that part of SMCRA 2G west of a line drawn true north-south through Willapa Channel Marker 24 and east of a line drawn true north-south through Willapa Channel Entrance Buoy 10.

(b) Immediately to 6:00 p.m. November 30, 1991 in SMCRA 2H and that part of SMCRA 2G east of Willapa Channel Marker 24.

(c) The Tokeland Boat Basin is closed to commercial fishing during the opening in SMCRA 2G described in subsection (a) of this section. The Tokeland Boat Basin means that portion of SMCRA 2G bounded on the south by the shoreline of the boat basin, on the west by the seawall and on the north and east by a line from Tokeland Channel Marker "3" (flashing green, 4-second) to Tokeland Channel Marker "4" to the tip of the seawall.

GEAR

(2) Gill net gear shall be used as provided in WAC 220-40-015, except that after November 19, the minimum mesh size is 7-½ inches.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 220-40-02700C SALMON—WILLAPA BAY FALL FISHERY. (91-117)

WSR 91-22-033

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed October 30, 1991, 1:16 p.m.]

Date of Adoption: October 22, 1991.

Purpose: Amending WAC 390-16-011 Forms—Registration statement for political committees; and WAC 390-16-041 Forms—Summary of total contributions and expenditures.

Citation of Existing Rules Affected by this Order: Amending WAC 390-16-011 and 390-16-041.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 91-19-038 on September 11, 1991.

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

October 29, 1991

Graham E. Johnson
Executive Director

AMENDATORY SECTION (Amending Order 86-01 [WSR 89-20-068], filed 2/5/86 [10/4/89])

WAC 390-16-011 FORMS—REGISTRATION STATEMENT FOR POLITICAL COMMITTEES. The official form for providing statement or organization by political committees for designating campaign treasurer and depository and for reporting information required to qualify for abbreviated campaign finance reporting is designated "C-1pc," revised ((+/90)) 10/91. Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.

STATE OF WASHINGTON

REGISTRATION: POLITICAL COMMITTEES

PUBLIC DISCLOSURE COMMISSION

C1 (1/90)

PDC OFFICE USE

Committee Name (Show entire official name.)

Acronym

Address

City

County

Zip

NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION?
NEW: Complete all items in the registration
AMENDED: Supply the information below which has changed.

COMMITTEE STATUS
Continuing committee
19__ election only

1. COMMITTEES: What is the purpose or description of the committee?
Political Party, Central Committee, District Club, etc.
Ballot Committee (Initiative, Bond, Levy, Recall, etc.)
Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name:
Other. Explain on attached sheet.

FOR AGAINST

2. Related or affiliated committees. List name, address and relationship.

3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year.)

ABBREVIATED REPORTING
We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor.

FULL REPORTING
We will use the Full Reporting System. We understand this means we must file frequent, detailed reports required by law.

4. Treasurer's name and address (List deputy treasurers on attached sheet.)

Daytime phone no.

5. Committee's Principal Officers. List name, address and title.

6. Campaign Bank or Depository.

Branch

City

7. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:

Street Address (Do not use a Post Office Box Number)

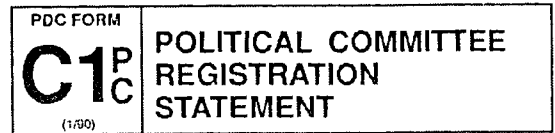
8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code.



9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge.
Committee treasurer's signature
Date

Need campaign finance forms and instructions for the reporting system selected? Please check one of the following boxes:
I already have forms and instructions.
I will get forms and instructions from my county elections office.
I want the public disclosure commission to mail me the proper forms and instructions.

See instructions on reverse



INSTRUCTIONS

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups which receive contributions and make expenditures in support of or opposition to candidates, statewide ballot issues or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the **original** to PDC at the above address. Send a **copy to the County Auditor** (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**
 - Abbreviated Reporting: May be used by committees which raise and spend no more than \$2,000 on their campaign activities. No more than \$200 per year may be accepted from any contributor. A 10th-of-the-month post general or special election ABB C-4 report is required. Continuing committees also file a year-end ABB C-4 report and re-register annually.
 - Full Reporting: Required of all committees which do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**
 - C-3 (Cash Receipts Reports): Used with Full Reporting only.
 - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
 - ABB C-4 (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
 - Special Report E (Earmarked Contributions Report): Filed by committees which receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. Committees which follow the Code's principles may use the Fair Campaign Practices Seal in their political advertising.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; or donated to the State General Fund.

For assistance, call or write PDC!

Logo

REGISTRATION: POLITICAL COMMITTEES

Option 2

Committee Name (Show entire official name.)		Acronym	C1 P C (10/91) P M O A R S T K R E C E I V E D P D C OFFICE USE
Address			
City	County	212 + 4	
NEW REGISTRATION OR UPDATE OF PRIOR REGISTRATION? <input type="checkbox"/> NEW: Complete all items in the registration <input type="checkbox"/> AMENDED: Supply the information below which has changed		COMMITTEE STATUS <input type="checkbox"/> Continuing committee <input type="checkbox"/> 19__ election only; election date ____	
1. COMMITTEES: What is the purpose or description of the committee? <input type="checkbox"/> Political Party, Central Committee, District Club, etc. Identify political party. If you are not supporting the entire party ticket, attach a list of the candidates you support.			
<input type="checkbox"/> Ballot Committee (Initiative, Bond, Levy, Recall, etc.) Name or description of ballot measure: _____			
<input type="checkbox"/> Political Action Committee. If committee is associated with a business, association, labor union, or similar organization, list name: _____			
<input type="checkbox"/> Other. Explain on attached sheet.			
2. Related or affiliated committees. List name, address and relationship.			
3. HOW MUCH DO YOU PLAN TO SPEND DURING THIS ENTIRE ELECTION CAMPAIGN, INCLUDING THE PRIMARY AND GENERAL ELECTIONS? BASED ON THAT ESTIMATE, CHOOSE ONE OF THE REPORTING OPTIONS BELOW. (If the committee is a continuing organization, estimate spending on a calendar year.) If no box is checked you are obligated to use Full Reporting. See reporting instruction booklets for information about reports required and changing reporting options.			
<input type="checkbox"/> ABBREVIATED REPORTING We will use the Abbreviated Reporting System. We will raise and spend no more than \$2,000 and will accept no more than \$200 from any one contributor.			
<input type="checkbox"/> FULL REPORTING We will use the Full Reporting System. We understand this means we must file frequent, detailed reports required by law.			
4. Treasurer's name and address (List deputy treasurers on attached sheet.)			Daytime phone no.
5. Committee's Principal Officers. List name, address and title.			
6. Campaign Bank or Depository.			
Branch		City	
7. Campaign records are to be open for public inspection the last eight days before election. (Two hours daily between 8 AM - 8 PM, Monday - Friday.) Show location and hours below:			
Street Address (Do not use a Post Office Box Number)			Hours
8. Fair Campaign Practices: All committee officers are encouraged to subscribe to the Code of Fair Campaign Practices printed in campaign instruction booklets. Use of the fair campaign seal in political advertising shows your intent to subscribe to the Code. Obtain seal from PDC.		9. Signature and Certification. I certify that this statement is true, complete and correct to the best of my knowledge. Committee treasurer's signature _____ Date _____	

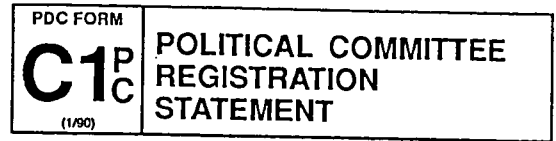
Need campaign finance forms and instructions for the reporting system selected?

Please check one of the following boxes:

I already have forms and instructions.

I will get forms and instructions from my county elections office.

I want the Public Disclosure Commission to mail me the proper forms and instructions.



INSTRUCTIONS

Please consult PDC instruction manuals when completing this report. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Persons, committees, organizations and groups which receive contributions and make expenditures in support of or opposition to candidates, statewide ballot issues or local ballot issues in jurisdictions with 1,000 or more registered voters as of the last general election.
- WHEN TO FILE** Within 2 weeks of organizing a committee or first expecting to receive contributions or make expenditures, whichever occurs first. File an amended C-1pc form within 10 days of significant changes to the registration information provided. Continuing political committees using Abbreviated Reporting must also file a C-1pc annually in January. Reports are considered filed as of the postmark date or date hand-delivered to PDC.
- WHERE TO FILE** Send the original to PDC at the above address. Send a copy to the County Auditor (County Elections Department) of the county in which the committee headquarters is located. If there is no headquarters, send to the County Auditor of the county in which the treasurer resides.
- REPORTING OPTIONS**
 - Abbreviated Reporting: May be used by committees which raise and spend no more than \$2,000 on their campaign activities. No more than \$200 per year may be accepted from any contributor. A 10th-of-the-month post general or special election ABB C-4 report is required. Continuing committees also file a year-end ABB C-4 report and re-register annually.
 - Full Reporting: Required of all committees which do not qualify for Abbreviated Reporting. Frequent, detailed reports of contributions and expenditures are required until the committee is disbanded and the campaign account is closed.
- OTHER REPORTS**
 - C-3 (Cash Receipts Reports): Used with Full Reporting only.
 - C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
 - ABB C-4 (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
 - Special Report E (Earmarked Contributions Report): Filed by committees which receive funds earmarked for use on behalf of a candidate or another political committee.
- FAIR CAMPAIGN PRACTICES CODE** This is a voluntary code adopted by PDC to stress the importance of ethical campaign practices. Committees which follow the Code's principles may use the Fair Campaign Practices Seal in their political advertising.
- SURPLUS FUNDS** Funds remaining in committee accounts after the election may only be disposed of in one or more of the following ways: returned to contributors; donated to registered charity; held for future election campaign; given to candidates or other committees; or donated to the State General Fund.

For assistance, call or write PDC!

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

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

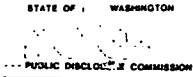
AMENDATORY SECTION (Amending WSR 90-16-083, filed 7/31/90)

WAC 390-16-041 FORMS—SUMMARY OF TOTAL CONTRIBUTIONS AND EXPENDITURES. The official form for reports of contributions and expenditures by candidates and political committees is designated "C-4," revised 1/90, and includes Schedule A, revised 1/90, Schedule B, revised 1/90, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(2) The official form for reports of contributions and expenditures by candidates for the state legislature or state executive office and who use the "full" reporting option is designated C-4, revised 1/90, and includes ((~~form C4x, revised 1/90;~~) Schedule A-s/1, revised ((~~1/90~~) 10/91, Schedule B, revised ((~~1/90~~) 10/91, Schedule C, revised 1/90, and Schedule L, revised 1/90.

(3) The official form for reports of contributions and expenditures by candidates and political committees who use the "abbreviated" reporting option is designated "C-4abb," revised 1/90.

(4) Copies of this form are available at the commission office, Room 403, Evergreen Plaza Building, Olympia, Washington 98504. Any attachments shall be on 8-1/2" x 11" white paper.



SUMMARY, FULL REPORT RECEIPTS AND EXPENDITURE

C4 1/90

PDC OFFICE USE

POSTAL RECEIVED

Candidate or committee name (Do not abbreviate. Include full name.)

Address

City

County

Zip

Report Period Covered From: (last C-4) To: (end of period)

RECEIPTS

- 1. Previous total cash and in kind contributions (From line 8, last C-4)
2. Cash received (From line 2, Schedule A)
3. In kind contributions received (From line 1, Schedule B)
4. Total cash and in kind contributions received this period (Line 2 plus 3)
5. Loan principal repayments made (From line 2, Schedule L)
6. Corrections (From line 1 or 3, Schedule C)
7. Net adjustments this period (Combine lines 5 & 6)
8. Total cash and in kind contributions during campaign (Combine lines 1, 4 & 7)
9. Total pledge payments due (From line 2, Schedule B)

EXPENDITURES

- 10. Previous total cash and in kind expenditures (From line 17, last C-4)
11. Total cash expenditures (From line 4, Schedule A or line 5 Schedule A-s/I)
12. In kind expenditures (goods & services) (From line 1, Schedule B)
13. Total cash and in kind expenditures made this period (Line 11 plus line 12)
14. Loan principal repayments made (From line 2, Schedule L)
15. Corrections (From line 2 or 3, Schedule C)
16. Net adjustments this period (Combine lines 14 & 15)
17. Total cash and in kind expenditures during campaign (Combine lines 10, 13 and 16)

CANDIDATES

Table with columns: Won, Lost, Unopposed, Name not on ballot. Rows: Primary election, General election.

CASH SUMMARY

- 18. Cash on hand (Line 6 minus line 17)
19. Liabilities: (Sum of loans and debts owed)
20. Balance (Surplus or deficit) (Line 18 minus line 19)

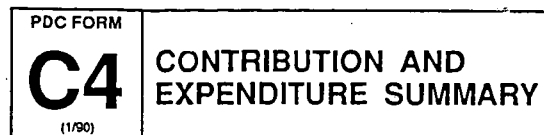
CERTIFICATION: I certify that the information herein and on accompanying schedules and attachments is true to the best of my knowledge.

Candidate's Signature

Date

Treasurer's Signature (if a political committee)

Date



INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.
 Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

- WHO MUST FILE** Each candidate and political committee using Full Reporting.
- FILING DATES**
- 1) File with C-1 (Registration) if you received contributions or made expenditures before registering.
 - 2) File on the 10th of each month if contributions or expenditures were over \$200 since last C-4 was filed. (Note: These 10th-of-the-month reports are not required if another C-4 must be filed during that month. See #3 below.)
 - 3) For each primary, general and special election in which the candidate or political committee makes an expenditure, file
 - 21 days prior to the election
 - 7 days prior to the election
 - 10th of the first month after the election*
 (*Not required after primary from candidates who will be in the general election or from continuing political committees.)
 - 4) File final report when campaign is finished or committee closes operation. Often, this coincides with the primary or general post-election, 10th-of-the-month report.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.
- SCHEDULES AND ATTACHMENTS**
- State executive and legislative candidates will file Schedules A-s/l, B, C and L, as appropriate, along with the C-4. These candidates also will file Form C-4x with each C-4.
- Judicial and local office candidates and all political committees will file Schedules A, B, C and L, as appropriate, along with their C-4 reports.
- All candidates and committees must attach any C-3 reports that were due but not filed.
- WHERE TO SEND REPORTS**
- Send original C-4 reports along with any attachments to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Elections Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.
- OTHER REPORTS**
- C-3 (Cash Receipts Report): Used with Full Reporting only.
- C-4 (Contribution and Expenditure Report): Used with Full Reporting only.
- ABB C-4 (Receipts and Expenditures Summary): Filed by candidates using Abbreviated Reporting.
- Special Report E (Earmarked Contributions Report): Filed by committees which receive funds earmarked for use on behalf of another candidate or committee.

For assistance, call or write PDC!

CASH RECEIPTS AND EXPENDITURES

SCHEDULE A
to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits

2. TOTAL CASH RECEIPTS

Enter also on line 2 of C4

3. CASH EXPENDITURES. List all expenses since last C-4 report was filed.

- a. Total expenditures each \$50 or less not itemized below (including petty cash)
- b. Payments and reimbursement to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Date paid	Name and address of recipient or vendor paid	Purpose of expenditure

Check here if continued on attached sheet

Total from attached pages

4. TOTAL CASH EXPENDITURES

Enter also on line 11 of C4

PDC form C4A (rev 1/90) -1499-

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS,
DEBTS, OBLIGATIONS**

SCHEDULE B
to C4 (1/90)

Candidate or committee name (Do not abbreviate. Use full name)

1. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date received	Contributor's name and address	Description of contribution	Fair market value	Total given by this person during campaign or year
		TOTAL		
		(Enter also on line 3 and line 12 of C4)		

2. PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date you were notified of pledge	Name and address of person making pledge (including organizations)	Amount	Total given by this person during campaign or year
		TOTAL	
		(Include new pledges above and all other outstanding pledges.)	
		(Enter also on line 9 of C4)	

3. ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)

- a. List each debt, obligation or estimated expenditure which is more than \$250.00.
- b. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.

Expenditure date	Vendor's/Recipient's name and address	Amount owed	Purpose of expenditure
		TOTAL	
		(Include in line 19 of C4)	

**IN KIND CONTRIBUTIONS, PLEDGES, ORDERS
DEBTS, OBLIGATIONS**

SCHEDULE **B**
to C4 (1091)

Candidate or Committee Name (Do not abbreviate. Use full name)

I. IN KIND CONTRIBUTIONS RECEIVED (goods, services, discounts, etc.)

Date Received	Contributor's Name and Address	Description of Contribution	Fair Market Value	Total given by this person during campaign or year
TOTAL (Enter also on lines 3 and 12 of C4)			_____	

PLEDGES RECEIVED BUT NOT YET PAID. List each pledge of \$100.00 or more.

Date Notified of Pledge	Name and Address of Person Making Pledge (including organizations)	Amount	Total given by this person during campaign or year
N/A	Sum of outstanding pledges previously itemized on Schedule B →	_____	N/A
TOTAL (Enter also on line 9 of C4)		_____	

ORDERS PLACED, DEBTS, OBLIGATIONS, ESTIMATED EXPENDITURES (Excluding loans. Report loans on Schedule L.)

- a. List each debt, obligation or estimated expenditure which is more than \$250.00.
- b. List each debt, obligation or estimated expenditure which is more than \$50.00 and has been outstanding for over 30 days.

Expenditure Date	Vendor's/Recipient's Name and Address	Amount Owed	Code*	OR	Description of Obligation
TOTAL		_____			

CORRECTIONS

**SCHEDULE
to C4** **C**

Candidate or committee name (Do not abbreviate. Use full name.)

Date

1. CONTRIBUTIONS AND RECEIPTS (include mathematical corrections.)

Date of report	Contributor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to contributions		
		Enter on line 6 of C4. Show + or (-).		

2. EXPENDITURES (include mathematical corrections.)

Date of report	Vendor's name or description of correction	Amount reported	Corrected amount	Difference (+ or -)
		Total corrections to expenditures		
		Enter on line 15 of C4. Show + or (-).		

3. REFUNDS. The below listed amounts have been received as refunds on expenditures previously reported. The refund has been deposited and reported on C3 report, line 1d.

Date of refund	Source/person making refund	Amount of refund
		Total refunds
		Enter as (-) on line 6 & line 15 of C4.

LOANS

See instructions and examples on reverse

SCHEDULE
TO C3
OR C4

L
(1/90)

Candidate or committee name _____

1. LOAN RECEIVED.

Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due

Also include this amount → on line 1c, C3 report

Name and address of each endorser, co-signer, guarantor or other person liable for the loan: _____

2. LOAN PAYMENTS.

Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed
Total Principal Paid (Enter also on lines 5 and 14, C-4 report)		→			
Total Payments (Enter as an expenditure on Schedule A)			→		

3. LOAN FORGIVEN.

Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed

4. LOANS STILL OWED. List each loan which has previously been reported and still has a balance due.

Loan date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed
Subtotal				
New loans received during this reporting period				
Total Loans Owed (Include in total on line 19, C-4 report)				

Check here if continued on attached sheet.



SCHEDULE TO C3 OR C4	L (1/90)	LOANS
----------------------------	--------------------	--------------

INSTRUCTIONS

Please consult PDC instruction manuals when completing this schedule. Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

WHO MUST FILE Each candidate and political committee using full reporting that receives one or more campaign loans.

FILING DATES When a loan is received by the campaign, complete Part 1 and file the Schedule L with the C-3 report that corresponds with the loan's deposit into the account. Use a separate schedule for each loan received.

When a loan is paid or forgiven, in whole or in part, complete Part 2 and/or Part 3 and file the Schedule L with the C-4 covering the period when the payment or forgiveness occurred.

When one or more loans remain unpaid, complete Part 4 and file the schedule with each C-4 report until all loans are repaid in full or forgiven. (The same schedule may be used to show loan payments, forgiveness information and to show which loans remain unpaid.)

LOAN RECEIVED
(Information would appear on separate Schedule L)

LOAN PAYMENTS

LOAN FORGIVEN

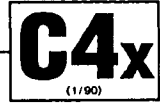
LOANS STILL OWED

LOANS		See instructions and examples on reverse		SCHEDULE L TO C3 OR C4 (1/90)	
Candidate or committee name Adrian Adams for State House					
1. LOAN RECEIVED.					
Date loaned	Lender's name and address	Amount of loan	Annual interest rate	Repayment schedule	Date due
2/10/9X	Candidate	\$5,000	12%	\$200/month	Not fixed
		Also include this amount on line 1c, C-3 report → \$5,000			
Name and address of each address, co-signer, guarantor or other person liable for the loan: Commercial loan to the candidate from Washington State Bank. Loan co-signed by Sam P. Smith, 145 Boulevard Drive, Podunk, WA and Jane S. Paul, 541 B Street, Podunk, WA. Each guaranteed \$2,500 of the loan.					
2. LOAN PAYMENTS.					
Date paid	Lender's name and address	Principal paid	Interest paid	Total payment	Balance owed
3/30/9X	Candidate	\$200	\$50	\$250	\$4,800
3/31/9X	Michael Murray	\$100	None	\$100	\$ 400
		Total Principal Paid (Enter also on lines 5 and 14, C-4 report) → \$300			
				Total Payments (Enter as an expenditure on Schedule A) → \$350	
3. LOAN FORGIVEN.					
Date	Lender's name and address	Original amount	Principal repaid	Amount forgiven	Balance owed
3/15/9X	Kelly Adams	\$250	None	\$150	\$100
4. LOANS STILL OWED. List each loan which has previously been reported and still has a balance due.					
Loan date	Lender's name and address	Original amount	Principal repaid or forgiven	Amount owed	
2/10/9X	Candidate	\$5,000	\$200	\$4,800	
1/22/9X	Michael Murray	500	100	400	
3/01/9X	Kelly Adams	250	150	100	
3/11/9X	K.M. Lawrence	1,000	0	1,000	
				Subtotal	\$6,300
				New loans received during this reporting period	0
				Total Loans Owed (Include in total on line 19, C-4 report)	\$6,300
<input type="checkbox"/> Check here if continued on attached sheet.					

((

DETAILED EXPENDITURE SUMMARY

State executive and legislative candidates only.



Candidate Name (Do not abbreviate. Include full name.)

INSTRUCTIONS: State executive and legislative candidates are required to provide additional detail about the purpose of expenditures from their campaign funds. Using information from the Schedule A-s/I report and your campaign financial records, provide the information below. Attach this report to each C4 report filed.

1. EXPENDITURES FOR YOUR OWN CAMPAIGN

- a. Expenditures previously reported (from line 1c, last C4x)
- b. Campaign spending during this report period
- c. Total campaign expenditures (1a & 1b)

2. CONTRIBUTIONS OR LOANS TO OTHER CANDIDATES OR COMMITTEES

- a. Previous contributions or loans still outstanding (from line 2d, last C4x)
- b. Loans repaid to your committee during this period ()
- c. Contributions or loans during this report period
- d. Total contributions or loans to others (2a-2b+2c)

3. OFFICE RELATED EXPENSES

- a. Previous office expenses (from line 3c, last C4x)
- b. Office related expenses this report period
- c. Total office related expenses (3a + 3b)

4. OTHER EXPENDITURES

- a. Other miscellaneous expenditures previously reported (from line 4c, last C4x)
- b. Other expenditures this report period
- c. Total other expenditures (4a + 4b)

5. TOTAL CASH EXPENDITURES (1c + 2d + 3c + 4c)

)

CASH RECEIPTS AND EXPENDITURES STATE EXECUTIVE AND LEGISLATIVE CANDIDATES

SCHEDULE to C4 **A-S/L**
(1/80)

Candidate or committee name (Do not abbreviate. Use full name)

1. CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit made since last C4 report was submitted.

Date of deposit	Amount	Date of deposit	Amount	Date of deposit	Amount	Total deposits

2. TOTAL CASH RECEIPTS Enter also on line 2 of C4

3. CASH EXPENDITURES FOR YOUR OWN ELECTION CAMPAIGN. List all expenses since last C-4 report was filed.

		Amount
a.	Total expenditures each \$50 or less not itemized below (including petty cash)
b.	Payments and reimbursements to candidate or committee officials. Attach a sheet listing each payment, the person paid, the original vendor and the purpose of the expenditure. Attach a copy of each receipt or invoice.

EXPENDITURES OVER \$50.00. ITEMIZE EACH BELOW.

Date paid	Name and address of recipient or vendor paid	Purpose of expenditure

Check here if continued on attached sheet

Total from attached pages
Total expenses
Also enter on line 1b of C4x

4. **Non-campaign Expenditures.** Provide information about any campaign account expenditures which were not related to your own election or re-election. Enter the total amount spent for each category on the line provided. If "none," specify none. In the space provided for each category (or on an attached sheet), show the date, recipient's name and mailing address, the purpose and the amount of each expenditure included in the category total. Also enter the respective totals on lines 2c, 3b and 4b of form C4x.
- a. Contributions or loans to other candidates or political committees
 - b. Office related expenses (incumbents only)
 - c. All other non-campaign expenses (including expenditures of surplus funds)

5. TOTAL CASH EXPENDITURES Enter also on line 11 of C4

PDC form C4A/al (rev. 1/80) -1489-

Option 2

**CASH RECEIPTS AND EXPENDITURES
STATE EXECUTIVE AND LEGISLATIVE CANDIDATES**

SCHEDULE to C4 **A-S/L**
(10/91)

Candidate or Committee Name (Do not abbreviate. Use full name)

CASH RECEIPTS (Contributions) which have been reported on C3. List each deposit since last C4 report was submitted.

Date of Deposit	Amount	Date of Deposit	Amount	Date of Deposit	Amount	Total deposits

TOTAL CASH RECEIPTS Enter also on line 2 of C4

CODES FOR CLASSIFYING EXPENDITURES: If one of the following codes is used to describe an expenditure, no written description is generally needed. The exceptions are: 1) If expenditures made constitute in-kind or earmarked contributions to another candidate or committee or independent expenditures that benefit another candidate or committee, identify that candidate or committee in the Description block; and 2) when reporting payments to vendors for travel expenses, identify the traveller in the Description block.

CODE
DEFINITIONS
ON REVERSE

- *C* - Contributions (monetary, in-kind & transfers)
- *I* - Independent Expenditures
- *L* - Literature, Bookshelves, Printing
- *B* - Broadcast Advertising (Radio, TV)
- *N* - Newspaper and Periodical Advertising
- *O* - Other Advertising (yard signs, buttons, etc.)

- *P* - Postage, mailing permits
- *S* - Surveys and Polls
- *F* - Fundraising Events Expenses
- *T* - Travel, Accommodations, Meals
- *M* - Management/Consulting Services
- *W* - Wages, Salaries, Benefits
- *G* - General Operation and Overhead

EXPENDITURES

- a) Expenditures of \$50 or less, including those from petty cash, need not be itemized. Add up those expenditures, by category (Own Campaign, Contribution to Others, etc.), and show the categorical subtotals in the appropriate column on the first line below.
- b) Itemize each expenditure of more than \$50 by date paid, name and address of vendor, code/description, and amount. Put the amount in the appropriate expense category column.
- c) For each payment to a candidate, campaign worker, PR firm, advertising agency or credit card company, attach a list of expenses or copies of receipts/invoices supporting the payment.

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Own Campaign	Contribution to Others	Public Office	Non-Campaign Misc.
N/A	Expenditures of \$50 or Less	N/A	N/A				
Totals From Attached Pages							
TOTALS BY EXPENSE CATEGORY							

1 2 3 4

Enter also on line 11 of C4

EXPENDITURE CODE DEFINITIONS AND USES

- "C" MONETARY, IN-KIND AND EARMARKED CONTRIBUTIONS** (including transfers) your campaign makes to other candidates and committees. Put a "C" in the Code column, in the Description column, specify who was benefited and, if in-kind, what was purchased, and put the amount in "Contribution to Others."
- "I" INDEPENDENT EXPENDITURES** (those expenditures that benefit other candidates or committees but are made independently of them). Put an "I" in the Code column, fully describe purpose and put the amount in "Contribution to Others."
- "L" LITERATURE**. Use "L" for expenditures made for the preparation and production of campaign literature and printed solicitations, including expenditures for mailing lists, design, photography, copy, layout, printing and reproduction. Use "P" for literature mailing costs.
- "B" BROADCAST ADVERTISING**. Use "B" for expenditures associated with the production and purchase of radio and television advertising.
- "N" NEWSPAPER & PERIODICAL ADVERTISING**. Use "N" for expenditures associated with the production and purchase of advertising in newspapers, periodicals and other publications.
- "O" OTHER ADVERTISING**. Use "O" for expenditures associated with the production and purchase of advertising on billboards, yard signs and campaign paraphernalia such as buttons, bumper stickers, T-shirts, etc.
- "P" POSTAGE**. Use "P" for expenditures for stamps, postage, United Parcel Service, Federal Express and direct mail services (postage only). Use "L" for design and other production costs associated with producing campaign literature.
- "F" FUNDRAISING EVENTS**. Use "F" for expenditures associated with holding a fundraiser, including payments to restaurants, hotels, caterers, other food and refreshment vendors, entertainers and speakers. Use "L" for expenditures for printed matter produced in connection with fundraising events.
- "S" SURVEYS AND POLLS**. Use "S" for expenditures associated with designing or producing polls, reports on election trends, voter surveys, telemarketing, telephone banks, GOTV drives, etc.
- "T" TRAVEL, ACCOMMODATIONS, MEALS**. Use "T" for expenditures associated with travel. If vendor has been paid directly, identify the traveller in Description column. If travel payment was made to credit card company or traveller (for out-of-pocket expenses), itemize expenses on separate sheet and attach to Sch. A-s/l.
- "M" MANAGEMENT AND CONSULTING SERVICES**. Use "M" for salaries, fees and commissions paid to ~~professional campaign managers and consultants~~, including law firms, whether the person is retained or formally employed by the campaign (for tax withholding purposes).
- "W" WAGES, SALARIES, BENEFITS**. Use "W" for expenditures associated with hiring campaign employees and other freelance workers who provide miscellaneous services other than ~~professional~~ campaign management or consulting.
- "G" GENERAL OPERATION AND OVERHEAD**. Use "G" for general campaign operating expenses and overhead, including filing fees, miscellaneous campaign expenses, headquarters rental, utilities, and purchase or rental of office equipment and furniture. (Note: these are campaign-related expenses, not costs associated with holding public office.)

NO CHANGE

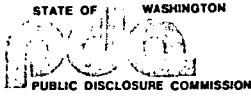
**EXPENDITURES CONTINUATION SHEET (Attachment to Schedule A-s/l)
STATE EXECUTIVE AND LEGISLATIVE CANDIDATES**

Page _____

Candidate or Committee Name (Do not abbreviate. Use full name.)

Report Date

Date Paid	Vendor or Recipient (Name and Address)	Code	Purpose of Expense and/or Description	Own Campaign	Contribution to Others	Public Office	Non-Campaign Misc.



SUMMARY, ABBREVIATED REPORT RECEIPTS AND EXPENDITURES

ABB C4 (1/90) PDC OFFICE USE PM O A S R T K R E C E I V E D

Candidate or committee name (Do not abbreviate. Include full name)

Address

City

County

Zip

1. PERIOD COVERED BY REPORT: From: to:

- a. Candidates: Start of campaign through the end of the month in which the election occurred.
b. Ballot Measure Committees: Start of campaign through the end of the month in which the election occurred.
c. Continuing Committees filing post-election report: January 1 through end of the month in which election occurred.
d. Continuing Committees filing annual report: Calendar year (January 1 through December 31).

2. RECEIPTS

- a. Cash on hand from previous campaign or year (include money in checking, savings and other accounts)
b. Cash contributions received this campaign or year (include monetary contributions, loans, fund raising and cash contributions by a candidate)
c. Total cash receipts (Add lines 2a + 2b)
d. Other contributions, including in-kind (include candidates and committee workers out of pocket expenditures over \$50.00, donated goods and services, filing fees paid by others and similar non-cash contributions)
e. Total contributions (Add lines 2c + 2d)

3. EXPENSES

- a. Cash expenditures
b. Other expenditures. (Enter the amount shown on line 2d above here. Non-cash contributions are listed as both received and expended. Disregard any materials which may remain on hand.)
c. Total expenditures (Add lines 3a + 3b)

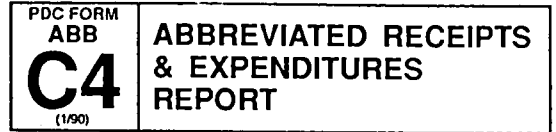
4. SURPLUS/DEFICIT

- a. Cash on hand at end of reporting period (Subtract: line 3a from 2c)
b. Debts and obligations owed
c. Surplus or deficit

CANDIDATES Won Lost Unopposed Name not on ballot
Please complete: Primary election
General election

CERTIFICATION: I certify that this report is true and correct to the best of my knowledge.

Candidate's signature Date Treasurer's signature (if a political committee) Date



INSTRUCTIONS

Please consult PDC instruction manuals when completing this report.
Reporting requirements are contained in and governed by chapters 42.17 RCW and 390-16 WAC.

WHO MUST FILE

Each candidate and political committee using Abbreviated Reporting.

FILING DATES

- 1) Special election candidates and political committees supporting or opposing special election candidates or ballot issues file on the 10th of the month following the election.
- 2) Candidates and political committees making expenditures supporting or opposing primary or general election candidates or ballot measures file on December 10.
- 3) Continuing political committees that do not take part in a primary or general election are only required to file an annual report on January 10 covering the preceding calendar year.
- 4) A final report is filed whenever a candidate's committee or a political committee ceases operation, disposes of any surplus campaign funds and has a zero account balance. Final reports may be filed at any time and may coincide with one of the due dates listed above.

All reports are considered filed as of the postmark date or the date hand-delivered to PDC.

WHERE TO FILE

Send original ABB C-4 report to PDC at the above address. Candidates send a duplicate copy to their County Auditor (County Election Department). Political committees send a copy to County Auditor of the county in which their headquarters is located or, if no headquarters, the county in which their treasurer resides.

For assistance, call or write PDC!

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 91-22-034
PERMANENT RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Order R-351, Docket No. A-910835—Filed October 30, 1991, 1:46 p.m.]

In the matter of amending WAC 480-09-120, 480-09-230, 480-09-425, 480-09-480 and 480-09-820; and adopting WAC 480-09-115, 480-30-032, 480-50-035 and 480-70-155, relating to procedure and concurrent review.

The Washington Utilities and Transportation Commission takes this action under Notice No. WSR 91-17-092, filed with the code reviser on August 21, 1991. The commission brings this proceeding pursuant to RCW 80.01.040, 80.04.160, 81.04.160 and chapter 34.05 RCW to implement those statutes.

This proceeding complies 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).

The commission scheduled this matter under Notice No. WSR 91-17-092 for consideration and adoption at its open public meeting at 9:00 a.m., Wednesday, September 25, 1991, in the Commission's Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA. Then and there, consideration and adoption were continued until the commission's regular open public meeting of October 9, 1991, at the same place and hour.

The notice provided interested persons the opportunity to submit data, views, or arguments to the commission in writing until September 16, 1991, and orally at the time and place set for consideration. The commission extended the time for receiving written comments until October 1, 1991. It received written comments from GTE-Northwest and from WITA, the Washington Independent Telephone Association. The commission considered the rule change proposal at its October 9, 1991, open public meeting, before Chairman Sharon L. Nelson and Commissioners Richard D. Casad and A. J. Pardini. Oral comments were heard from Ed Shaw, representing US West, and from Richard A. Finnigan, representing WITA.

The rule change affects no economic values.

In reviewing the entire record, the commission determines that it should amend WAC 480-09-120, 480-09-230, 480-09-425, 480-09-480 and 480-09-820, and that it should adopt WAC 480-09-115, 480-30-032, 480-50-035 and 480-70-155 relating to procedure, concurrent review and protests, to read as set forth in Appendix A, shown below.

The commission modified the proposals before adoption, in the following regards: Proposed WAC 480-09-115 was modified to allow the commission discretion to direct the secretary to enter orders implementing commission decisions at open public meetings, in order to give the commission flexibility as to when it is done. The proposed amendment to WAC 480-09-425 was modified to delete the reduction in time for answers from 20 days to ten; the time for answers to pleadings thus remains 20 days. A reference in an existing portion of WAC 480-09-820 to the former chapter 480-08 WAC was amended to show the correct citation in chapter 480-09 WAC. Provision was added to proposed WAC 480-30-032, 480-50-035, and 480-70-155 that applications for authority will be available for inspection in the commission offices for 30 days after publication of notice of the filing, in order to emphasize public access to filings.

As adopted, the rule changes have the following effects: WAC 480-09-115, specifies the time and place of the commission's regular meetings and the form of the agenda, and allows the commission to delegate to the secretary the entry of orders effecting commissioners' decisions at open public meetings; WAC 480-09-120, allows filing proof of insurance by telefacsimile if the hard copy is filed within ten days; WAC 480-09-230, brings commission declaratory order practice into consistency with the statute; WAC 480-09-425, requires requests to file a reply be made within ten days after filing of the answer to which it would be addressed; WAC 480-09-480, requires that depositions be taken at Olympia and corrects a reference to another procedural rule; WAC 480-09-820, specifies when rehearing is available; WAC 480-30-032, provides for notices of applications for auto transportation service, for protests to applications, and for the timing of hearings upon overlapping applications; WAC 480-50-035, provides for notices of applications for steamboat service, for protests to applications, and for the timing of hearings upon overlapping applications; and WAC 480-70-155, provides for the timing of hearings upon overlapping applications for solid waste collection or disposal service.

ORDER

THE COMMISSION ORDERS the following:

WAC 480-09-120, 480-09-230, 480-09-425, 480-09-480, and 480-09-820 are amended, and WAC 480-09-115, 480-30-032, 480-50-035, and 480-70-155 are adopted, as rules of the Washington Utilities and Transportation Commission, as set forth in the appendix shown below, to take effect pursuant to RCW 34.05.380(2).

This order and the rules shown below shall be recorded in the order register of the Washington Utilities and Transportation Commission and forwarded to the code reviser for filing pursuant to chapter 34.05 RCW and chapter 1-21 WAC.

DATED at Olympia, Washington, this 29th day of October, 1991.

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

APPENDIX "A"

NEW SECTION

WAC 480-09-115 PROCEDURE AT OPEN PUBLIC MEETINGS. (1) Meetings. Regular meetings of the commission for the conduct of business pursuant to chapter 42.30 RCW, the Open Public Meetings Act, shall be held beginning at 9:00 a.m., each Wednesday, except state holidays, in the commission's administrative offices, 1300 S. Evergreen Park Drive SW, Olympia, Washington. If the regular meeting day is a state holiday, the regular meeting shall be held on the next business day. Regular meetings may be cancelled, and special meetings may be convened from time to time pursuant to the provisions of RCW 42.30.080.

(2) Agenda, orders. The commission secretary shall direct the preparation and distribution of an agenda for each meeting. When feasible, the secretary shall identify each item scheduled for discussion and action as relating principally to utility regulation under Title 80 RCW; as relating principally to transportation regulation under Title 81 RCW; or "other"; and shall group similarly identified items together on the agenda. When an order is necessary to implement the commission's decision as to any agenda item, the secretary may enter the order when directed to do so by the commission.

(3) "No action" agenda. Any request, proposal, or other filing which, pursuant to statute, will take effect without commission action, may be placed on a "no action required" portion of the agenda. Any item on this portion of the agenda will be discussed upon the request of any commissioner, and the commission may take such action on the item as the commission desires.

(4) "Consent" agenda. Any item which the secretary deems to be noncontroversial and of relatively slight public concern may be placed on a "consent agenda" portion of the open meeting agenda. An item shall be removed from the consent agenda for individual discussion and action at the request of any commissioner. Items on the consent agenda may be collectively moved for approval by a single motion any may be collectively approved by a single vote of the commission. When directed to do so by the commission, the secretary shall enter an individual order implementing the commission's decision as to each consent agenda item.

(5) Modifications. The commission may modify the procedures set forth in this section when it deems the modification appropriate.

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

WAC 480-09-120 FILING AND SERVICE. (1) Filing. Filing of any document shall be deemed complete only upon receipt by the secretary or, when authorized by the presiding officer of a proceeding before the commission, upon receipt by the presiding officer.

(a) Except as provided in WAC 480-80-070 for tariff filings and except for the filing of Form E proof of insurance when a hard copy is received within ten days,

receipt in the commission's telefax machine, or similar device, does not constitute filing.

(b) Unless in a particular case the commission specifies a different number of copies, every pleading submitted to the commission shall be filed with three copies for transportation matters and nineteen copies for all other matters.

(c) Filing a document with the commission does not constitute service upon the office of the attorney general or any other party. Likewise, service on the office of the attorney general does not constitute a filing with the commission.

(d) The filing of a pleading with the commission is not complete unless service has been made upon all parties to a proceeding, evidenced by a valid certificate of service or its equivalent as provided in this rule.

(2) Service.

(a) Except as otherwise provided, when any party has appeared by an attorney or other authorized representative in a proceeding before the commission, service of documents required to be served shall be made upon the representative. Service upon the representative is valid service upon the party.

(b) Service by parties. Service by parties shall be made by delivering one copy to each party in person; by mailing, properly addressed with postage prepaid; by commercial parcel delivery company properly tendered with fees prepaid, or by telefacsimile transmission, where originals are mailed simultaneously. Service by mail shall be complete when a true copy of the document is properly addressed and stamped and deposited in the United States mail. Service by commercial parcel delivery company shall be complete when accepted for delivery by the company.

(c) Service by commission. All notices, complaints, petitions, findings of fact, opinions, and orders required to be served by the commission may be served in person, by mail, by commercial parcel delivery company, properly tendered with fees prepaid, or by telefacsimile transmission, when originals are mailed simultaneously. Service thereof shall be complete when a true copy of the document, properly addressed and stamped, is deposited in the United States mail with first class postage affixed, or accepted for delivery by the parcel delivery company.

(d) Certificate of service. There shall appear on the original of every pleading when filed with the commission in accordance with this subsection (2) of this section, either an acknowledgment of service, or the following certificate:

"I hereby certify that I have this day served the foregoing document upon all parties of record in this proceeding, by (authorized method of service pursuant to WAC 480-09-120 (2)(a))

Dated at this day of
(signature)

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-230 DECLARATORY ORDERS. As prescribed by RCW 34.05.240, any interested person may petition the commission for a declaratory order. The commission shall consider the petition and within fifteen days after its receipt give notice of the petition to all persons to whom notice is required by law and to any other person it deems desirable. Within thirty days of receipt of a petition for declaratory order, the commission shall:

- (1) Enter a declaratory order; or
- (2) Notify the petitioner that no declaratory order is to be entered and state reasons for the action; or
- (3) Set a specified time, no later than ninety days after the day the petition was filed, by which the commission will enter a declaratory order; or
- (4) Set a reasonable time and place for a hearing to be held no more than ninety days after receipt of the petition~~((; or such later date as may be established upon a finding of good cause;))~~ or call for the submission of a statement of fact upon the matter~~((; and;))~~. If a hearing is ~~((granted;))~~ held, the commission will give not less than seven days' notification to the petitioner, all persons to whom notice is required by law and any other person it deems desirable of the time and place for such hearing and of the issues involved.

~~((4))~~ (5) The commission may upon a finding of good cause extend the times specified in subsections(3) and (4) of this section for entry of an order or for holding a hearing.

(6) If a hearing is held or statements of fact are submitted, as provided in subsection ~~((3))~~ (4) of this section, the commission shall within a reasonable time:

- (a) Enter a declaratory order; or
 - (b) Notify the petitioner that no declaratory order is to be entered and state the reasons for the action.
- The commission shall serve its order upon all persons to whom notice is required by subsection ~~((3))~~ (4) of this section.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-425 PLEADINGS—VERIFICATION, TIME FOR FILING, RESPONSIVE PLEADINGS, AMENDMENTS. (1) Verification. All pleadings, except motions and complaints brought upon the commission's own motion, shall be dated and signed by at least one attorney or representative of record in his or her individual name, stating his or her address, or by the party if the party is not represented.

Pleadings of a party who is not represented by an attorney shall contain a statement that the pleading is true and correct to the best of the signer's belief.

(2) Time for motion. Any motion directed toward a pleading must be submitted in writing and, unless good cause is shown for a delay, filed no later than the time the responsive pleading is due. If no responsive pleading is provided for, the motion must be filed within ten days after service of the pleading. Motions shall be filed separately from any other filing.

(3) Time for answer; reply.

(a) An answer~~((; if made;))~~ must be filed within twenty days, after the service of the pleading against which it is directed~~((; PROVIDED, This section shall not apply to proceedings brought on the commission's own motion for violation of the laws, rules, or regulations governing public service companies))~~. The filing of an answer is not mandatory.

(b) A request to reply to an answer must be filed within ten days after service of the answer to which it is directed. A request to file a reply is deemed denied unless specifically granted by the commission. If the commission allows a reply, it will set the time for filing.

(c) Whenever the commission believes that the public interest so requires, it may alter the time allowed for any answer.

(4) Liberal construction. All pleadings shall be liberally construed with a view to effect justice among the parties. The commission will, at every stage of any proceeding, disregard errors or defects in the pleadings or proceeding which do not affect the substantial rights of the parties.

(5) Amendments. The commission may allow amendments to the pleadings or other relevant documents at any time upon such terms as may be lawful and just.

AMENDATORY SECTION (Amending Order R-308, Docket No. U-89-2748-R, filed 8/25/89, effective 9/25/89)

WAC 480-09-480 METHODS FOR OBTAINING DATA IN ADJUDICATIVE PROCEEDINGS.

(1) General. The only discovery procedure available in adjudicative proceedings before the commission is the subpoena. "Subpoena" as used in this section includes subpoena duces tecum: **PROVIDED**, That in the following proceeding(s) discovery will be available as provided by this section according to a schedule established by prehearing order:

(a) Any proceeding involving a change in the rate levels of a utility company or a segment of the motor carrier industry;

(b) Any proceeding of a precedential nature;

(c) Any proceeding in which a commission policy of general applicability is to be reconsidered;

(d) Any complaint proceeding involving claims of discriminatory and/or anticompetitive conduct.

Nothing in this section shall be construed as imposing any limitation whatsoever on the commission's ability to audit and/or obtain the books and records of public service companies, and the public service companies' obligation to provide information to the commission, whether or not in the context of an adjudicative proceeding. Parties in an adjudicative proceeding may agree on informal discovery procedures in addition to or in place of the procedures contained in this section.

(2) Definitions.

(a) Party. Any party as defined by WAC ~~((480-08-030))~~ 480-09-410: **PROVIDED**, That a person who has filed a petition to intervene shall be deemed to be a party for purposes of this section pending a ruling on the petition.

(b) Data. As used in this section, data means information of any type in any form.

(c) Data request. A request for data issued by a party in an adjudicative proceeding. The request may be in writing or may be made by oral motion at a conference or hearing. Generally, data requests seek extant documents, an analysis, compilation or summary of extant documents into a requested format, or a narrative explaining a policy, position or document. If a party relies on a cost study, it is expected that the party will, upon request, rerun the study based on different assumptions, subject to the standards in (5)(a)(iii) of this section. Parties will not be ordered to respond to a data request which seeks production of a new cost study unless the commission so orders, based upon a compelling need for such production.

(d) Depositions. Depositions are described in (5)(b) of this section.

(3) When available. The data requests and the deposition procedure described in this section shall be available in the context of an adjudicative proceeding when the commission, on its own motion or on motion of a party declares that the adjudicative proceeding meets one of the criteria set forth in subsection (1) of this section.

(4) Procedure. At a prehearing conference, a data request and deposition schedule shall be established, and set forth in a prehearing order. The schedule must provide for deadlines sufficient to allow a timely opportunity for disputes to be resolved by an administrative law judge, and by subsequent commission order if necessary. Unless a different schedule is adopted, motions involving disputes arising from use of the procedures in this section will be heard by an administrative law judge on Wednesday mornings at the hour of 9:00 a.m. If commission review is required, such review will take place on the same day, if possible, as soon as the commission is available to hear argument.

(5) Methods available. Unless otherwise specified in the prehearing order, the following procedures will apply:

(a) Data requests.

(i) To whom sent. Written data requests shall be sent to the party of whom the request is made, with copies to all other parties. Neither the commissioners nor the secretary of the commission should receive copies of such requests, except upon the filing of a motion to compel or an objection to the request, at which time the specific request or requests shall be attached to the motion or objection. Data requests may also be made on the record, at hearing or conference. Each party shall number its data requests sequentially as submitted.

(ii) Receipt of responses. Responses to data requests shall be sent to the requesting party and to any other party who shall have requested a copy, so long as such responses are consistent with the terms of any protective order which may be entered in the proceeding.

The party responding to the data request shall provide the response to the data requested to the requesting party within ten days of receipt of the request. In the event the data cannot be supplied within ten days, the responding party shall notify the requesting party, in writing and within five days of receipt of the request, of the reasons why the ten-day limit cannot be met. In this

event, the responding party shall also provide a schedule for producing the requested data or shall explain why portions of the data will not be supplied. Weekends and holidays will be excluded in calculating these time limits. Time limits may be modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

No response to a data request shall be considered or treated as evidence until it is entered into the record.

(iii) Scope of request. The scope of any request for data shall be for data relevant to the issues identified in the notices of hearing or orders in the adjudicative proceeding. It is not grounds for objection that the information sought will be inadmissible at the hearing, if the information sought appears reasonably calculated to lead to discovery of admissible evidence. The frequency, extent, or scope of discovery shall be limited by the commission if it determines that the discovery sought is unreasonably cumulative or duplicative, or is obtainable from some other source that is more convenient, less burdensome, or less expensive; the party seeking discovery has had ample opportunity to obtain the information sought; or, the discovery is unduly burdensome or expensive, taking into account the needs of the adjudicative proceeding, limitations on the parties' resources, scope of the responding party's interest in the proceeding, and the importance of the issues at stake in the adjudicative proceeding.

(b) Depositions. Depositions will be available during one or more conferences scheduled in the prehearing order. A party who intends to depose a witness will give at least five days notice to the commission and all parties prior to the scheduled conference. The conference will be convened at Olympia by an administrative law judge who will, thereafter, withdraw from further participation in the deposition unless requested by the parties to remain. Should all parties request the administrative law judge to participate in the deposition portion of the conference, or should no party object prior to such participation, the parties will be deemed to have waived the right to argue that the deposition constitutes a "hearing" within the meaning of RCW 34.12.060. Only witnesses who have been identified by a party as a prospective witness will be subject to deposition: PROVIDED, That an individual compelled to appear as an adverse witness will not be deemed to be a "prospective witness" for purposes of this subsection.

(i) Depositions—How conducted. Depositions will be conducted by the parties, using Rule 30 of the Civil Rules of Procedure as a guide. At the request of a party, the deposition may be interrupted for purposes of presenting to an administrative law judge or the commission a dispute regarding the deposition process. However, to avoid interruption, such disputes should, if possible, be reserved to the conclusion of the deposition. The scope of questioning will be the same standard set forth in (5)(a)(iii) of this section. The deposition will be recorded by a court reporter provided by the commission. Each party will be responsible for arranging for the attendance of those of its prospective witnesses who have been asked to be deposed.

(ii) Use of depositions. Except as provided in this subsection, depositions may be used for any purposes. If a witness is available, and a party seeks to offer that witness' deposition into evidence for other than impeachment purposes, that party must do the following:

(A) Offer only those portions of the deposition upon which it intends to rely; and

(B) Provide five working days' written notice (prior to the hearing at which the witness will appear) to other parties of its intent to offer the specified portions of the deposition into evidence.

At hearing, if portions of a deposition are admitted into evidence, other parties shall have the right of offer other portions of the deposition. Time limits may be modified by prehearing order to the extent necessary to conform to the the commission's hearing schedule. The portions of the deposition moved into evidence shall be admitted as testimony if the testimony is otherwise admissible, and if admitting the testimony would substantially reduce repetitive questioning.

(6) Procedure for resolving disputes. If a responding party refuses to produce the data requested or refuses to comply with a request for deposition, or if a witness fails to respond to a question at deposition, and the parties have failed in good faith efforts to resolve the dispute, the matter may be brought upon motion filed with the secretary of the commission and presented to an administrative law judge for resolution.

Motions shall be timely filed. Responses to the motion shall be filed within five working days of the receipt of the motion, and shall be served on all parties. Time limits may be imposed or modified by prehearing order to the extent necessary to conform to the commission's hearing schedule.

Argument on motions under this section will typically be heard at the commission's offices in Olympia, on Wednesdays, beginning at 9:00 a.m. The administrative law judge will notify the parties to the motion of the specific time and place of the argument. The notification may be by telephone or by letter. Oral arguments will be transcribed or tape recorded. The administrative law judge will rule on the motion.

If the ruling of the administrative law judge is unsatisfactory to a party, the administrative law judge, upon oral request at the time the motion is ruled upon, shall refer the matter to the commission for resolution. Oral arguments will be transcribed or tape recorded. If possible, the commission will hear the matter on the same day as soon as the commission is available to hear argument. If this is not possible, the commission will advise the parties, by telephone or by letter, of the time and place of the argument.

If a party fails or refuses to comply with a commission order resolving a dispute under this section, the commission may impose sanctions including but not limited to dismissal, striking of testimony, evidence, or cross-examination, or penalties as provided by law.

AMENDATORY SECTION (Amending Order R-310, Docket No. U-89-2966-R, filed 10/12/89, effective 11/12/89)

WAC 480-09-820 REHEARING OR REOPENING. (1) Rehearing. A petition for rehearing may be filed with the commission by any person affected by any final order of the commission, pursuant to RCW 80.04.200 and 81.04.200. The commission will grant the petition:

(a) If there are changed circumstances injurious to the petitioner since the entry of the final order which were not considered by the commission; or

(b) To correct defects in the order; or

(c) For any good and sufficient cause which, for any reason, was not considered and determined in the original order.

The commission may, in its discretion, permit the filing of a petition for rehearing at any time after the conclusion of the proceeding.

(2) Reopening. A petition for reopening may be filed with the commission by any party to a proceeding at any time after the close of the record and before entry of the final order.

(a) In uncontested proceedings, a petition may be granted to correct failure to allow receipt of written evidence when otherwise permissible.

(b) In contested proceedings, a petition may be granted to permit receipt of evidence which is essential to a decision and which was unavailable and not reasonably discoverable at the time of the hearing with due diligence, or for any other good and sufficient cause.

NEW SECTION

WAC 480-70-155 CONTEMPORANEOUS APPLICATIONS. (1) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days following the mailing of the notice of the filing of the initial application specified in WAC 480-70-150 in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(2) The commission may consolidate overlapping applications, pursuant to WAC 480-09-610.

(3) Overlapping applications which are not filed within thirty days after mailing of the notice of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(4) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

NEW SECTION

WAC 480-50-035 NOTICE OF APPLICATION; PROTESTS; CONTEMPORANEOUS APPLICATIONS. (1) Notice shall be made of the filing of applications for authority to provide passenger and ferry steamboat service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide passenger and ferry steamboat service under this chapter; all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty days following mailing of the notice of filing of the initial application in order for the applications to be considered jointly. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the initial application and any other application qualifying for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

NEW SECTION

WAC 480-30-032 NOTICE OF APPLICATION; PROTESTS; CONTEMPORANEOUS APPLICATIONS. (1) Notice shall be made of the filing of applications for authority to provide auto transportation service in identified territory by sending notice of the application, with a description of its terms, to all persons presently authorized to provide auto transportation service under this chapter in the territory of the application, all present applicants for such service, and any other person who has requested, in writing, to receive such notices. Interested persons shall have twenty days from the date of mailing of the notice in which to file a protest with the commission stating opposition to the application. Protests should set forth specifically the grounds on which they are made and contain a concise statement of the interest of the protestant in the proceeding.

(2) If any person wishes to seek authority which overlaps, in whole or in part, that sought in any pending application, it must apply for that authority within thirty

days after the mailing of the notice of filing of the initial application in order for the applications to be considered jointly by the commission. During the thirty-day period, pending applications will be on file and available for inspection in the commission headquarters office in Olympia.

(3) The commission may consolidate overlapping pending applications, pursuant to WAC 480-09-610, for joint consideration.

(4) Overlapping applications which are not filed within thirty days after mailing of the notice of filing of the initial application will not be jointly considered with the initial application and will not be decided until after the conclusion of proceedings resolving the pending application and any other application which qualifies for joint consideration.

(5) The commission may consider and decide, on any schedule, portions of an overlapping application when:

(a) The portions to be heard do not overlap a prior pending application; and

(b) The overlapping portions may appropriately be severed from the portions to be heard.

**WSR 91-22-035
PERMANENT RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
(Division of Banking)**

[Filed October 30, 1991, 2:12 p.m., effective January 1, 1992]

Date of Adoption: October 8, 1991.

Purpose: To implement a new act passed by the 1991 legislature.

Citation of Existing Rules Affected by this Order: Repealing WAC 50-20-001, 50-20-010, 50-20-020, 50-20-030, 50-20-040, 50-20-050, 50-20-055, 50-20-060, 50-20-070, 50-20-080, and 50-20-090.

Statutory Authority for Adoption: Section 17, chapter 208, Laws of 1991.

Pursuant to notice filed as WSR 91-18-079 on September 4, 1991.

Changes Other than Editing from Proposed to Adopted Version: Addition of WAC 50-20-190 Schedule of fees and 50-20-200 Transitional rule.

Effective Date of Rule: January 1, 1992.

October 15, 1991

John L. Bley

Supervisor of Banking

**Chapter 50-20 WAC
(~~INDUSTRIAL LOAN COMPANIES~~)
WASHINGTON CONSUMER LOAN ACT**

NEW SECTION

WAC 50-20-100 BOOKS AND RECORDS. (1) The books, accounts, records, and files required to be maintained by RCW 31.04.145 may be maintained by means of electronic display equipment if such equipment is made available to the supervisor of banking or his

representatives for purposes of examination at the licensee's place of business.

(2) All real estate loans above ten thousand dollars shall be supported by either an appraisal prepared by a qualified independent professional third party appraiser or by the most recent property tax assessment prepared by the county assessor.

(3) No licensee shall take any instruments in which blanks are not filled in completely before the proceeds of the loan are delivered.

(4) Whenever a loan or forbearance is made by mail by a licensee outside Washington state to a person then residing in this state, the licensee shall license such out-of-state office pursuant to RCW 31.04.055 and 31.04.075.

(5) A licensee may service loans made pursuant to chapter 208, Laws of 1991, at locations outside the state of Washington provided that the licensee shall consent to the supervisor's examination of such loans at that out-of-state location. All costs which are reasonable and necessary for the examination of the location shall be paid by the licensee.

NEW SECTION

WAC 50-20-110 THE NOTE. (1) Specimen forms of the written instrument or note evidencing any loan under this act shall be filed with the supervisor of banking.

(2) The written instrument or note shall state the following:

(a) The number and date of the loan except for mail loans and live checks, to which a number shall be affixed after the documents have been returned to the licensed location.

(b) Total amount to be repaid or amount of credit line.

(c) The manner in which it is to be repaid.

(d) Adequate description of any security. Under no circumstance shall a licensee intentionally take a security interest in collateral prohibited under federal law.

(e) For closed-end loans, the maturity date.

(f) The rate of interest and the method of calculating interest to be collected after original maturity date.

NEW SECTION

WAC 50-20-120 CONTENTS OF STATEMENT TO BORROWER. (1) The licensee shall deliver to the borrower at the time any loan, whether open-end or closed-end, is made, a statement in the format required by Federal Reserve Board Regulation Z which shall disclose in clear and distinct terms the following information:

(a) The name and address of the licensee.

(b) The name and address of the borrower.

(c) The number and date of the loan except for mail loans and live checks.

(d) The total amount of the loan.

(e) List of charges, including:

(i) Interest rate and amount. This shall be disclosed both as (A) the annual percentage rate (APR) as defined in Regulation Z, 12 (C.F.R. 226), and (B) the

simple interest rate, which is the single nominal annual interest rate (stated as a percentage), which if applied to the unpaid amounts of principal outstanding from time to time would produce the same total of interest paid at maturity as originally contracted for, based upon the assumption that all payments were made on the loan according to the schedule of payments agreed to by the borrower and calculations were made according to the actuarial method.

(ii) Loan origination fee.

(iii) Filing and releasing fee.

(iv) Title insurance premium.

(v) Appraisal fee.

(f) For closed-end loans, date of maturity of the loan.

(g) Rate of interest after original maturity date.

(h) Description of the security, if any.

(i) Agreement to permit payment in full before maturity.

(j) Penalty and charge, if any, of ten cents or less on each dollar of any installment payment delinquent ten days or more.

(k) Charge for checks returned by bank unpaid.

(l) Service fees, if any.

(m) Any other requirements imposed by Regulation Z (Titles I and V of Consumer Credit Protection Act, P.L. 90-321, 82 Stat. 146 1/5 U.S.C. 1601-1665.)

(2) Sufficient information must be maintained in the licensee's files to show compliance with state and federal law.

NEW SECTION

WAC 50-20-130 RESTRICTIONS AS TO CHARGES. (1) No licensee shall charge or collect from the borrower any funds for the cost of filing, recording, releasing, or reconveyance of mortgages, deeds of trust, security agreements, or other documents, or for transferring title certificates to vehicles, or for any other fees paid or to be paid to public officials, unless such charges are paid or are to be paid within one hundred eighty days by the licensee to public officials or other third parties for such filing, recording, transferring, releasing, or reconveyance thereof. Fees for releasing or reconveying security for the obligation owed to the licensee may be charged and collected at the time of final payment of the loan.

(2) No licensee may charge and collect an annual fee in excess of thirty-five dollars payable each year in advance for the privilege of opening and maintaining an open-end loan account.

(3) No licensee may charge or collect a fee in excess of twenty-five dollars for a check returned unpaid by the bank drawn upon. Only one fee may be collected with respect to a particular check in the event it has been re-deposited and returned a second time.

(4) No licensee may charge or collect an appraisal fee incurred or to be incurred in appraising security offered by the borrower in excess of the actual costs paid or to be paid to an independent third party professional appraiser. Such charge may be made or collected from the borrower for costs of an appraisal at the time of application for the loan or at any time thereafter except as prohibited herein. If the appraisal fee is not collected at

the time of the application, the licensee's good faith estimate of that fee shall be given to the borrower at the time of the application.

(5) A licensee may agree with the borrower for the payment by the borrower of the fees charged by a title company in connection with title insurance required by the licensee in connection with a loan. The borrower has the right to select the person or company by or through whom such title insurance will be offered, subject to the licensee's reasonable conditions, such as type of coverage or endorsements, or financial soundness and proper licensing of the company to do business in the state of Washington. The licensee may select the person or company by or through whom such title insurance will be offered if the borrower does not do so within a reasonable time before the loan transaction is consummated.

(6) A licensee may include the premiums for non-credit insurance in the principal amount of the loan, provided that purchase of the insurance is not required to obtain a loan and that this fact is disclosed to the borrower in writing.

(7) In the event a licensee makes a new loan where any part of the proceeds is used to pay the amount due it on an existing loan within four months from date of origination or of the most recent advance upon an existing loan, an origination fee shall be permitted only to the extent that new money is advanced or the existing credit line increased, unless the origination fee on the existing loan is refunded.

(8) A licensee may not collect a prepayment penalty except as preempted by federal law.

(9) A licensee may not collect fees related to foreclosure or repossession except for reasonable costs incurred relating to post-judgment collections or as preempted under federal law.

NEW SECTION

WAC 50-20-140 ADVERTISING. A copy of all direct mail advertising shall be sent by the company to the supervisor of banking.

NEW SECTION

WAC 50-20-150 OTHER BUSINESS IN SAME OFFICE. (1) No licensee will be permitted to conduct its business within an office, room or place of business in which other business is solicited or engaged in, or in association or in conjunction therewith, if the supervisor of banking shall find, after five days written notice, and after a hearing, that the other business has concealed or facilitated evasion of the Consumer Loan Act. If the supervisor so finds, he shall order such licensee in writing to desist from such conduct.

(2) No licensee shall transact such business or make any loan provided for or by this act under any other name or at any other place of business than that named on the license. This is not intended to prohibit loans by mail or the closing of real estate-secured loans in an escrow company, a title insurance company, or an attorney's office.

(3) A licensee may engage in the sale of incidental products on the premises of the licensed location upon

receiving approval from the supervisor of banking. The cost of such products may, at the consumer's option, be payable from the proceeds of the consumer loan and included in the amount financed provided that (a) the sale of the product is not a factor in the approval of credit and this fact is clearly disclosed in writing to the consumer and (b) in order to obtain the product the consumer gives specific affirmative written indication of his or her desire to purchase the product after receiving disclosure of the cost.

(4) No licensee shall change its place of business to another location unless and until authority for such change shall have been granted by the supervisor of banking.

NEW SECTION

WAC 50-20-160 OPEN-END LOANS—INCREASE IN INTEREST—NOTICE TO BORROWER. A licensee is not required to give thirty days written notice of an increase in the interest rate charged on an open-end loan pursuant to RCW 31.04.115(6), if the following conditions are met:

(1) The interest rate charged on the open-end loan is based upon a commonly published index or upon an index approved by the supervisor; and

(2) The borrower has agreed in writing prior to the increase to base the interest rate on the index.

NEW SECTION

WAC 50-20-170 FILE FOR OFFICIAL CORRESPONDENCE AND REPORTS. Each licensee shall maintain a permanent file for all official communications from the office of the supervisor of banking and for copies of correspondence and reports addressed to the supervisor of banking.

NEW SECTION

WAC 50-20-180 KNOWLEDGE OF THE LAW AND REGULATIONS. Each licensee shall be responsible for assuring that any person making loans on behalf of the licensee under the Consumer Loan Act shall have a sufficient understanding of the statutes and regulations applicable to its business so as to insure compliance with the Consumer Loan Act.

NEW SECTION

WAC 50-20-190 SCHEDULE OF FEES. The rate of charges for review of applications and attendant investigations other than regular examinations covered in WAC 50-44-030(1) shall be at the rate prescribed in WAC 50-12-045(2).

NEW SECTION

WAC 50-20-200 TRANSITIONAL RULE. (1) Any industrial loan company holding a certificate of authority under RCW 31.04.070 on December 31, 1991, shall receive, effective January 1, 1992, a license to do business as a consumer loan licensee under the Consumer Loan Act, RCW 31.04.045(3). The supervisor shall issue a license for each location at which the industrial

loan company is authorized to conduct its business under the Industrial Loan Company Act, chapter 31.04 RCW. This transitional rule shall apply to all industrial loan companies maintaining their corporate form in lieu of the surety bond requirements described in RCW 31.04.045(3). Industrial loan companies changing their name effective January 1, 1992, are required to give the supervisor notice of such change by December 20, 1991. Nothing in this transitional rule shall prohibit a licensee after January 1, 1992, from applying to the supervisor's office for approval to operate under the surety bond requirements of RCW 31.04.045(3).

(2) An industrial loan company may submit an application, on a form prescribed by the supervisor, to convert to bond form, as authorized under RCW 31.04.045(3), prior to January 1, 1992. If approved, such approval shall become effective on January 1, 1992, and the respective licenses shall be issued under the name of the licensee as described in the application. If an application is approved under this section, no licenses shall be granted under subsection (1) of this section.

(3) By January 10, 1992, all industrial loan companies holding certificates of authority pursuant to RCW 31.04.070 shall surrender such certificates of authority to the supervisor's office.

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 50-20-001 FOREWORD.
- WAC 50-20-010 BOOKS AND RECORDS.
- WAC 50-20-020 THE NOTE.
- WAC 50-20-030 INVESTMENT CERTIFICATES.
- WAC 50-20-040 CONTENTS OF STATEMENT TO BORROWER.
- WAC 50-20-050 RESTRICTIONS AS TO CHARGES.
- WAC 50-20-055 SIMPLE INTEREST DEFINED.
- WAC 50-20-060 ADVERTISING.
- WAC 50-20-070 OTHER BUSINESS IN SAME OFFICE.
- WAC 50-20-080 BRANCHING.
- WAC 50-20-090 OPEN-END LOANS—INCREASE IN INTEREST—NOTICE TO BORROWER.

WSR 91-22-036
WITHDRAWAL OF PROPOSED RULES
LOTTERY COMMISSION
 [Filed October 30, 1991, 2:25 p.m.]

Please take notice that pursuant to WAC 1-21-060, proposed rules WAC 315-11-710, 315-11-711 and 315-11-712, filed in WSR 91-19-108 are hereby withdrawn.

Evelyn Y. Sun
 Director

WSR 91-22-037

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Order CWU AO 68—Filed October 31, 1991, 1:39 p.m.]

Date of Adoption: October 24, 1991.

Purpose: WAC 106-08-010 to adopt model rules of procedure; WAC 106-08-020 to designate presiding officer for adjudicative proceeding; WAC 106-08-030 to require how an application for an adjudicative proceeding shall be made; WAC 106-08-040 to require that adjudicative proceedings be open to the public, with few exceptions; WAC 106-08-050 to explain when brief adjudicative procedures shall be used; WAC 106-08-060 to regulate when discovery may be permitted in adjudicative proceedings; WAC 106-08-070 to regulate the method of recording proceedings; WAC 106-08-080 to limit the use of cameras and recording devices used in closed proceedings; WAC 106-08-100 to designate by whom a disposition of a stay for effectiveness shall be made; and WAC 106-08-120 to designate to whom the initial orders from an adjudicative proceeding shall be sent.

Citation of Existing Rules Affected by this Order: Amending WAC 106-08-010, 106-08-080, 106-08-100, and 106-08-120.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Pursuant to notice filed as WSR 91-19-016 on September 9, 1991.

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

October 28, 1991
 Donald M. Schliesman
 Provost and Vice President
 for Academic Affairs

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

~~WAC 106-08-010 ((APPEARANCE AND PRACTICE BEFORE AGENCY)) ADOPTION OF MODEL RULES OF PROCEDURE. ((No person may appear in a representative capacity before the agency other than the following:~~

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

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

~~(3) Persons otherwise qualified as possessing the requisite skill to appear and expertly represent others who have applied to the agency and have been duly authorized by the agency to appear in a representative capacity before the agency;~~

~~(4) A bona fide officer, partner, or full time employee of an individual firm, association, partnership, or corporation who appears for such individual firm, association,~~

partnership or corporation.)) 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 adopted in this title, the procedural rules adopted by this institution shall govern. Rules adopted at this institution prior to July 1, 1989, remain in full force and effect unless specifically repealed or amended.

NEW SECTION

WAC 106-08-020 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 106-08-030 APPLICATION FOR ADJUDICATIVE PROCEEDING. An application for an adjudicative proceeding shall be in writing. Application forms are available at the following address:

Business Office
Central Washington University
Ellensburg, WA 98926

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 106-08-040 ADJUDICATIVE PROCEEDINGS OPEN. All adjudicative proceedings shall be open to the public, with the exception of student, faculty, and administrative exempt disciplinary proceedings unless the subject of the proceedings chooses an open proceeding.

NEW SECTION

WAC 106-08-050 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 made pursuant to RCW 28B.15.013, conducted by the admissions office;
- (2) Challenges to contents of education records;
- (3) Student conduct proceedings. The procedural rules in chapter 106-120 WAC apply to these proceedings;

(4) Parking violations. The procedural rules in chapter 106-116 WAC apply to these proceedings;

(5) Outstanding debts owed by students or employees;

(6) Loss of eligibility for participation in institution-sponsored athletic events, pursuant to chapter 106-122 WAC.

NEW SECTION

WAC 106-08-060 DISCOVERY IN ADJUDICATIVE PROCEEDINGS. 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 106-08-070 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.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

~~WAC 106-08-080 ((NOTICE AND OPPORTUNITY FOR HEARING IN CONTESTED CASES)) RECORDING DEVICES. ((In any contested case, all parties shall be served with a notice at least ten days before the date set for the hearing. The notice shall be signed by the president of Central Washington University or his designee and shall state the time, place, and issues involved, as required by RCW 28B.19.120.)) 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 106-08-040, except for the method of official recording selected by the institution.~~

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

~~WAC 106-08-100 ((SERVICE OF PROCESS UPON WHOM SERVED)) PETITIONS FOR STAY OF EFFECTIVENESS. ((All papers served by either the agency or any party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel or upon their agents designated by them or by law. Any counsel entering an appearance subsequent to the initiation of the proceeding shall notify all other counsel then of record and all parties not represented by counsel of such fact.)) Disposition of a petition for stay of effectiveness of a final order shall be made by the official, officer, or body of officers, who entered the final order.~~

AMENDATORY SECTION (Amending Order 3244, filed 12/8/71)

~~WAC 106-08-120 ((SERVICE OF PROCESS METHOD OF SERVICE)) TRANSMITTAL OF INITIAL ORDERS. ((Service of papers shall be made~~

~~personally or, unless otherwise provided by law, by first-class, registered, or certified mail, or by telegraph:)) Initial orders prepared in compliance with RCW 34.05.461 shall be transmitted to the president, who in turn shall enter a final order after considering the record and evidence.~~

WSR 91-22-038

PERMANENT RULES

CENTRAL WASHINGTON UNIVERSITY

[Order CWU AO 67—Filed October 31, 1991, 1:42 p.m.]

Date of Adoption: October 23, 1991.

Purpose: To establish more reasonable and enforceable speed limit for vehicular and bicycle traffic.

Citation of Existing Rules Affected by this Order: Amending WAC 106-116-501 and 106-116-901.

Statutory Authority for Adoption: RCW 28B.10.528, 28B.10.560, and 28B.35.120(12).

Pursuant to notice filed as WSR 91-19-017 on September 9, 1991.

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

October 28, 1991

Donald M. Schliesman
Provost and Vice President
for Academic Affairs

AMENDATORY SECTION (Amending Order 55, filed 4/2/84)

WAC 106-116-501 BASIC SPEED LIMIT. The speed limit on the university owned streets shall be as posted except:

- (1) The speed limit in the parking areas is 15 m.p.h.
- (2) No person shall operate a motor vehicle on the campus at a speed greater than is reasonable and prudent for existing conditions.
- (3) The speed limit on malls and service drives is ((5)) 10 m.p.h.

AMENDATORY SECTION (Amending Order 63, filed 5/18/88)

WAC 106-116-901 BICYCLE PARKING AND TRAFFIC REGULATIONS. (1) The primary aim of the bicycle control program is safety, and this aim will be achieved by keeping bicycles out of buildings, away from building exits, and parking them off paths and sidewalks. Bicycles must never be parked in stairwells, hallways, or any place which will be a safety hazard or hinder exit from buildings.

(2) Bicycles must be parked in racks. At times, rack space may not be available and parking near the racks is permitted provided the parked bicycles do not interfere with pedestrian traffic.

(3) The following specific regulations must be observed while operating bicycles on campus:

- (a) Do not ride bicycles inside buildings at any time.
- (b) Do not lean or park bicycles near or against windows.
- (c) Pedestrians have the right of way on all malls and sidewalk areas of the university. At all times and places

of congested pedestrian traffic, the bicycle rider must go slowly and yield to pedestrians. A violation of this provision shall constitute a moving violation and shall be referred directly to the court of the judge of the Lower Kittitas County district court.

(d) Bicyclists must observe the ((5)) 10 m.p.h. speed limits on malls and service drives.

(e) Bicyclists must ride in designated lanes where they exist.

(4) Impoundment policy:

(a) Bicycles parked on paths, sidewalks, in buildings or near building exits may be impounded, except in areas adjacent to residence halls, or as otherwise permitted and designated by the director of housing as bike storage rooms. Bicycles left over 72 hours may be impounded.

(b) Impounded bicycles will be stored in a location determined by the chief of campus safety. Bicycles will be released at specific times and upon presentation of proof of ownership. Owners of impounded bicycles, if identifiable, will be notified immediately upon impoundment and must reclaim the bicycle within seven days.

(c) Abandoned, lost or found bicycles that have been impounded shall be subject to sale in accordance with the laws of the state of Washington.

WSR 91-22-039

PROPOSED RULES

**DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Filed October 31, 1991, 2:10 p.m.]

Original Notice.

Title of Rule: WAC 388-83-013 Cooperation in securing medical support.

Purpose: To assure correctness of compliance with current policy.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: The department shall require a medical client to cooperate in obtaining medical support unless pregnant or there is good cause.

Reasons Supporting Proposal: To clarify who is required to cooperate in obtaining medical support.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Hornby, Medical Assistance Administration, 753-7462.

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 December 10, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 19, 1991.

October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3175, filed 5/1/91, effective 6/1/91)

WAC 388-83-013 COOPERATION IN SECURING MEDICAL SUPPORT. (1) As a condition of eligibility for ((~~medical assistance~~)) Medicaid, the department shall require ((~~the applicant or recipient/enrollee~~)) a client, unless ((~~an~~)) pregnant ((~~woman~~)) or there is a finding of good cause, to cooperate with the department in:

(a) Obtaining medical support, as defined under WAC 388-11-011, for the ((~~applicant or recipient/enrollee~~)) client or for any other ((~~applicant or recipient/enrollee~~)) client other than an unborn for whom the ((~~applicant or recipient/enrollee~~)) client can legally assign rights; and

(b) Identifying and providing information to assist the department in pursuing any liable third party; and

(c) Establishing paternity of the client's child.

(2) The department shall ((~~also~~)) require ((~~an AFDC/FIP-related medical assistance~~)) a Medicaid client to cooperate as described under WAC 388-14-200 (2)(a), (b), (c), (3), (4), (5), (6), (7), (8), (9), and (16), unless ((~~an~~)):

(a) The client is pregnant ((~~woman~~)); or

(b) There is a finding of good cause under WAC 388-24-111 ((~~except for the provision under WAC 388-24-111 (15)(b), in establishing:~~

(a) The paternity of a child; and

(b) Medical support as defined under WAC 388-11-011)).

(3) The department shall waive such client's cooperation requirements if the department finds the ((~~applicant or recipient/enrollee~~)) client has good cause ((~~under WAC 388-83-014~~)) for noncooperation as described under WAC 388-83-014.

(4) Unless the department finds good cause for noncooperation under WAC 388-24-111 or 388-83-014, the department shall find the ((~~applicant or recipient/enrollee~~)) client, who refuses to cooperate under subsection (1) of this section, ineligible to receive ((~~medical assistance~~)) Medicaid.

(5) The department shall provide ((~~medical assistance~~)) Medicaid to an otherwise eligible ((~~applicant or recipient/enrollee~~)) client when the person ((~~who has~~)) having the legal authority to cooperate on behalf of the ((~~applicant or recipient/enrollee~~)) client refuses such cooperation.

(6) Effective March 1, 1991, the department shall not establish an obligation to collect a client's birth costs that are:

(a) Paid or expected to be paid by the department; and

(b) Defined under WAC 388-11-011.

(7) The department may seek reimbursement of a client's birth costs covered by available insurance or other liable third party.

WSR 91-22-040

PROPOSED RULES

DEPARTMENT OF SOCIAL AND HEALTH SERVICES (Public Assistance)

[Filed October 31, 1991, 2:11 p.m.]

Original Notice.

Title of Rule: WAC 388-81-038 Medical services request; and 388-86-005 Services available to recipients of categorical needy medical assistance.

Purpose: To establish regulations for processing requests for medical services.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Describes how a request for medical services will be processed, the criteria used for decision making, the timelines for making the decision and the recourse of the client when denied part or all of a medical service.

Reasons Supporting Proposal: To clarify the processing of requests for medical services. To delete the subsections under available medical services that duplicates the medical services requested.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Bobbe Andersen, Medical Assistance Administration, 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 December 10, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by October 31, 1991 [December 10, 1991].

Date of Intended Adoption: December 19, 1991.

October 31, 1991

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-81-038 MEDICAL SERVICES REQUEST. (1) The department shall evaluate the request for medical services listed in WAC 388-86-005.

(2) The department shall base a decision to approve or deny a service on obtainable evidence that establishes whether the service is "medically necessary" as defined under WAC 388-80-005.

(a) In each case, the department shall make an individualized decision whether a requested service is "medically necessary." A decision that a requested service is not "medically necessary" shall be based only on information contained in the recipient's file.

(b) The evidence must be sufficient to determine that the requested service is or is not "medically necessary," and may include:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports;

(iv) Patient profiles; and

(v) Other objective medical information, including but not limited to medically acceptable clinical findings and diagnoses resulting from physical or mental examinations.

(3) In deciding to approve or deny a durable medical equipment or prosthetic device request, the department shall give substantial weight to objective medical information, and conclusions based thereon, from an examining physician responsible for the recipient's diagnosis or treatment or both when:

(a) There is an uncontradicted and adequately substantiated conclusion of an examining physician that the requested service is "medically necessary," the department shall accept the examining physician's conclusion unless the department presents in specific detail reasons for rejecting that conclusion that are consistent with sound medical practice and supported by objective medical information in the recipient's file; or

(b) Two or more examining physicians provide conflicting medical information on conclusions about whether the requested durable medical equipment or a prosthetic device is "medically necessary," the department may conclude the durable medical equipment or a prosthetic device is not "medically necessary" only if the department enumerates specific reasons for its conclusion that are supported by objective medical information in the recipient's file.

(4) The department shall deny a requested service when the service is:

- (a) Not medically necessary as defined under WAC 388-80-005;
- (b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient demonstrates through sufficient objective clinical evidence the existence of particular circumstances rendering the requested service medically necessary; or
- (c) Not a covered medical service.

(5) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) Return a request to the requesting provider when the information submitted is insufficient for a determination of medically necessary. The department shall make a request for justifying additional information from the requesting provider within five working days of the original receipt. If additional information is:

(i) Not received by the department within thirty days of the date requested, then the department shall deny the original request within five days after the thirty-day period on the basis of insufficient justification of medical necessity;

(ii) Received by the department, the department shall make a final determination on the request within five working days of the receipt of the additional information.

(c) Send a copy of the request to the recipient for additional information justifying medical necessity for durable medical equipment or a prosthetic device.

(6) When the department denies a request for medical services, including all or part of requested 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 WAC references used as a basis for the decision;
- (b) A summary statement of the specific facts the department relied upon for the decision;
- (c) An explanation of the reasons for denial, including the reasons why the specific facts relied on did not meet the requirements for approval;

(d) When required by subsection (3) of this section, a specific statement of reasons and their supporting facts for rejecting any medical information or conclusions of an examining physician;

(e) The recipient's 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;

(f) The recipient may be represented at the hearing by legal counsel or other representative;

(g) That the community service office (CSO) shall furnish the recipient, upon the recipient's request, the name and address or the nearest legal services office; and

(h) If a fair hearing is requested, a medical assessment from other than the person involved in making the original decision may be obtained at the department's expense.

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

AMENDATORY SECTION (Amending Order 3056, filed 8/21/90)

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 an eligible (~~individuals~~) person twenty years of age or under;
- (b) Family planning services;
- (c) Federally qualified health center services;
- (d) Home health agency services;
- (e) Inpatient and outpatient hospital care;
- (f) Medicare certified rural health clinic services;
- (g) Other laboratory and x-ray services;
- (h) Skilled nursing home care;
- (i) Certified registered nurse practitioner services; and

(j) 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) Anesthesia services;
- (b) Blood;
- (c) Chiropractic services;
- (d) Drugs and pharmaceutical supplies;
- (e) Eyeglasses and examination;
- (f) Hearing aids and examinations;
- (g) Hospice services;
- (h) Licensed midwife services;
- (i) Maternity support services;
- (j) Oxygen;
- (k) Personal care services;
- (l) Physical therapy services;
- (m) Private duty nursing services;
- (n) Surgical appliances;
- (o) Prosthetic devices and certain other aids to mobility; and
- (p) Dental services.

(3) The department shall limit organ transplants to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the recipient is in the home, hospital, or kidney center as described under WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically using pregnant women in a hospital.

(6) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification 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) 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 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 demonstrates through sufficient objective clinical evidence the existence of particular circumstances 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 the person involved in making the original decision may be obtained at the department's expense:~~

~~(+2)) For services available under the ((limited casualty)):~~

(a) Limited casualty program—medically needy, see chapter 388-99 WAC; and

(b) Limited casualty program—medically indigent, see chapter 388-100 WAC.

(13) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.

(14) The department shall designate diagnoses that may require surgical intervention:

(a) Performed in other than a hospital in-patient setting; and

~~(b) Requiring prior approval by the ((central authorization unit)) department for a hospital admission.~~

(15) The department shall assure the availability of necessary transportation to and from ~~((covered Title XIX))~~ medical services covered under a recipient's medical program.

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 91-22-041
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 31, 1991, 2:14 p.m.]

Original Notice.

Title of Rule: WAC 388-95-337 Availability of resources.

Purpose: To allow additional time for the transfer of resources for the support of the community spouse when a court order is required.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Available resources shall be transferred to the community spouse before the first regularly scheduled eligibility review unless additional time is necessary to obtain a court order for community spouse support.

Reasons Supporting Proposal: To clarify language to comply with federal law.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Hornby, Medical Assistance Administration, 753-7462.

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

Rule is necessary because of federal law, 42 CFR 1396 Social Security Act 7291-10.

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 December 10, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health

Services, Mailstop 5805, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 19, 1991.

October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2567 [3150], filed 12/11/87 [3/11/91])

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. Transfer(s) of resources are evaluated under WAC 388-95-395.

(3) The department shall ~~((follow))~~ determine ownership of resources following Washington state community property principles ((in determining the ownership of resources)):

(a) For a person((s)):

(i) Whose most recent period of institutionalization began before October 1, 1989; and ~~((remains))~~

(ii) Remaining 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(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; or

(b) Does not receive ~~((COPES/CAP/OBRA/CCASA/HOSPICE))~~ home or community based 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) 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 name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:

(i) Sixty-six thousand four hundred eighty dollars effective January 1, 1991;

(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))~~ or as soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse; 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.

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

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

WSR 91-22-042
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 31, 1991, 2:15 p.m.]

Original Notice.

Title of Rule: WAC 388-33-480 Direct rental payments to landlords—Pilot program.

Purpose: The legislature mandated that the pilot [program] expire June 30, 1991.

Statutory Authority for Adoption: RCW 74.04.050.

Statute Being Implemented: RCW 74.04.050.

Summary: Lack of client participation in the pilot project means no program experience to base future direction.

Reasons Supporting Proposal: The legislature mandated that the pilot project [program] expire June 30, 1991.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Dave Monfort, Income Assistance, 586-4594.

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 December 10, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 19, 1991.

October 31, 1991

Leslie F. James, Director
 Administrative Services

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-33-480 Direct rental payments to landlords—Pilot programs.

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

WSR 91-22-043
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Filed October 31, 1991, 2:16 p.m.]

Original Notice.

Title of Rule: WAC 388-83-033 Children—Eligible to eighteen years of age.

Purpose: Allows pregnant children under the children's health state-funded program to remain on the program until the end of the post partum period.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: No interruption of a pregnant minor's medical care. Coverage will be extended through the end of the post partum period.

Reasons Supporting Proposal: Extend medical coverage for pregnant children through the end of the post partum period.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Hornby, Medical Assistance Administration, 3-7462.

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 December 10, 1991, at 10:00 a.m.

Submit Written Comments to: Troyce Warner, Chief, Office of Issuances, Department of Social and Health Services, Mailstop 5805, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 19, 1991.

October 31, 1991

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3179, filed 5/21/91, effective 6/21/91)

WAC 388-83-033 CHILDREN—ELIGIBLE TO EIGHTEEN YEARS OF AGE. (1) The department shall find a child who has not yet attained eighteen years of age eligible for Medicaid when the child meets citizenship, residence, and ((enumeration)) Social Security Number requirements under this chapter and the income requirement corresponding to the age levels under the following subsections:

(a) A child born before October 1, 1983, who attains seven years of age, but has not attained eighteen years of age, shall be eligible as categorically needy when the family income and resources are equal to or less than the AFDC income and resource standards;

(b) A child born after September 30, 1983, who attains six years of age, but has not attained eight years of age, shall be eligible as categorically needy when the total family countable income does 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 1991 poverty income guidelines is:

	FAMILY SIZE	MONTHLY
(i)	One	\$ 552
(ii)	Two	\$ 740
(iii)	Three	\$ 928
(iv)	Four	\$ 1,117
(v)	Five	\$ 1,305
(vi)	Six	\$ 1,493
(vii)	Seven	\$ 1,682
(viii)	Eight	\$ 1,870

(ix) For family units with more than eight members, add \$188 to the monthly income for each additional member.

(c) A child who attains one year of age, but has not attained six years of age, shall be eligible as categorically needy when the total family countable income does 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 1991 federal poverty income guidelines is:

	FAMILY SIZE	MONTHLY
(i)	One	\$ 734
(ii)	Two	\$ 984
(iii)	Three	\$ 1,234
(iv)	Four	\$ 1,486
(v)	Five	\$ 1,736
(vi)	Six	\$ 1,986
(vii)	Seven	\$ 2,237
(viii)	Eight	\$ 2,487

(ix) For family units with more than eight members, add \$250 to the monthly income for each additional member.

(d) An infant under one year of age shall be eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the 1991 federal poverty income guidelines. See income guidelines as described under WAC 388-83-032 (3)(a).

(2) The department shall:

(a) Find an infant under one year of age and born before January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household and the mother remains eligible for medical assistance.

(b) Find an infant under one year of age and born on or after January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household.

(c) Not consider citizenship, ~~((enumeration))~~ application for, or possession of, a Social Security Number, income, or resource requirements for infants under this subsection.

(3) Effective January 1, 1991, regardless of citizenship or ~~((enumeration))~~ application for, or possession of a Social Security Number, the department shall determine a child from birth to eighteen years of age, eligible for state-funded medical services with the same medical coverage as categorically needy, if the:

(a) Child is not eligible for any federally-funded Medicaid program; and

(b) Child's total family countable income does not exceed one hundred percent of the 1991 federal poverty income guidelines. See income guidelines as described under subsection (1)(b) of this section.

(4) The department shall determine family income according to AFDC methodology, and apply the special situations as required under WAC 388-83-130.

(5) The department shall not consider resources in determining eligibility of a child under this section except in subsection (1)(a) of this section.

(6) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for assistance under this section.

(7) A child eligible under subsection (3) if pregnant, shall remain eligible:

(a) Regardless of the changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

WSR 91-22-044

PERMANENT RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Institutions)

[Order 3275—Filed October 31, 1991, 2:17 p.m.]

Date of Adoption: October 31, 1991.

Purpose: Clarifies procedures for notification of authorities prior to the transfer of patients between state-operated hospitals by including notice to regional support networks.

Citation of Existing Rules Affected by this Order: Amending WAC 275-55-115 and 275-59-071.

Statutory Authority for Adoption: RCW 74.05.560 [71.05.560].

Pursuant to notice filed as WSR 91-16-057 on August 1, 1991.

Changes Other than Editing from Proposed to Adopted Version: WAC 275-55-115, refers to "state-operated facilities for persons with mental illness" rather than "state-operated hospitals" throughout. Includes the regional support network liaison to receive information on the proposed transfer, recommend appropriate action, and receive notification of the decision; and WAC 275-55-071, refers to "state-operated facilities for persons with mental illness" rather than "state-operated hospitals" throughout. Includes the regional support network liaison to receive information on the proposed transfer, recommend appropriate action, and receive notification of the decision. Requires the sending facility to contact the prosecuting attorney's office prior to the transfer.

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

October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2724, filed 11/7/88)

WAC 275-55-115 TRANSFER OF A PATIENT BETWEEN STATE-OPERATED ~~((HOSPITALS))~~ FACILITIES FOR PERSONS WITH MENTAL ILLNESS. In some instances, it is appropriate for the department to transfer a patient currently residing in a state ((hospital to be transferred)) facility to another state ((hospital)) facility for ongoing ((hospitalization)) treatment. The department shall accomplish the transfer with the utmost care given to the therapeutic needs of the patient. This section describes the procedures for handling a patient transfer between state ((hospitals)) facilities in a manner consistent with the best interest of the patient.

(1) The department may use the following criteria((; if present, shall determine)) when determining the appropriateness of a patient transfer:

(a) The patient's family (~~((tives))~~) resides within the receiving (~~((hospital's))~~) facility's catchment area; or

(b) The patient's primary home of residence is in the receiving (~~((hospital's))~~) facility's catchment area; or

(c) A particular service or need of the patient is better met at the receiving (~~((hospital))~~) facility; ~~((and))~~ or

(d) Transfer to the receiving (~~((hospital))~~) facility may facilitate community discharge due to the availability of community service in the receiving (~~((hospital's))~~) facility's catchment area; or

(e) The county, regional support network, or patient requests a transfer.

(2) Prior to any proposed transfer of a patient, the state ((hospital)) facility shall comply with the following ((procedure when transferring a patient)):

(a) ((The state hospital shall notify the patient, and the patient's guardian, five days prior to the patient's:

(i) Transfer to another state hospital; and

(ii) Hearing if the patient is a court-ordered commitment.

(b)) The sending facility, at the ((direction)) request of the superintendent, shall ((contact the designated liaison at the)) in writing forward information necessary to make a decision on whether transfer is appropriate to the receiving ((facility who shall obtain information necessary to make a decision relevant to the propriety of the transfer)) facility's liaison and the regional support network liaison;

((c) The designated liaison at the receiving facility shall discuss his or her recommendation with the superintendent for approval or denial of the transfer proposal;

(d) The receiving superintendent shall make the final determination for the transfer within five days of receipt of the transfer proposal;

(e)) (b) The receiving facility's and regional support network designated ((liaison at the receiving facility shall notify the liaison at)) liaisons shall recommend appropriate action to the superintendent of the sending facility ((of the decision)) in writing within five calendar days of receipt of the transfer request;

(c) If the receiving facility accepts the proposed patient transfer, the sending facility shall notify the patient, guardian, regional support network liaison, and attorney, if known, at least five days before the proposed patient transfer;

((f)) (d) The sending facility is responsible for all patient transfer arrangements, e.g., transportation, staff escort, etc., and shall coordinate the day and time of arrival with the receiving facility's liaison; and

((g)) (e) The sending facility shall arrange for the transfer of patient's medical record to the receiving facility ((and for the transfer of the official court file, if the patient is an involuntary civil or criminal commitment, to the receiving court)).

(3) The sending state ((hospital)) facility shall document the following in the patient's record:

(a) Physician documentation of the medical suitability of the patient for transfer; and

(b) Social worker documentation regarding:

(i) Justification as to why the transfer is considered in the patient's best interests; and

(ii) The patient's wishes regarding transfer((;

(iii) The family and guardian's wishes regarding transfer and their involvement. Documentation that the family and guardian was notified of the pending transfer;

(iv) Consultation with the patient advocacy agency; and

(v) Notification of the patient's attorney)).

(4) ((The state hospital shall comply with the following additional procedure if the patient is a civil or criminal court-ordered commitment:

(a) Prior to transfer, the department shall file and serve a motion for transfer upon the patient, the patient's attorney, and the patient's guardian, if any;

(b)) If a transfer is proposed for a ((civilly committed patient, the attorney general's office is responsible for taking the necessary legal action. If a transfer is proposed for a criminally committed patient, the local prosecuting attorney's office is responsible for taking the necessary legal action;

(c) The patient shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except that the patient shall have no right to a jury trial. The issue determined at the hearing is whether the proposed transfer is in the patient's best interest;

(d) The department shall set a hearing and shall notify the patient of the patient's right to refuse medication or medications for twenty-four hours prior to the hearing; and

(e) If the transfer is approved by the court, the court shall enter a change of venue order to the receiving county. Also, the court shall enter an amended order to indicate the change in facilities, unless the patient's current court order commits the patient to both the sending and receiving facility under RCW 72.23.290 and 72.68.032 through 72.68.037)) court-ordered patient, the sending facility shall contact the prosecuting attorney's office for persons committed for up to fourteen days or the attorney general's office for persons committed for ninety or hundred eighty days to determine if legal action is necessary prior to the transfer.

AMENDATORY SECTION (Amending Order 2724, filed 11/7/88)

WAC 275-59-071 TRANSFER OF A PATIENT BETWEEN STATE-OPERATED ((HOSPITALS)) FACILITIES FOR PERSONS WITH MENTAL ILLNESS. In some instances, it is appropriate for the department to transfer a patient currently residing in a state ((hospital to be transferred)) facility to another state ((hospital)) facility for ongoing ((hospitalization)) treatment. The department shall accomplish the transfer with the utmost care given to the therapeutic needs of the patient. This section describes the procedures for handling a patient transfer between state ((hospitals)) facilities in a manner consistent with the best interest of the patient.

(1) The department may use the following criteria((; if present, shall determine)) when determining the appropriateness of a patient transfer:

(a) The patient's family ((tives)) resides within the receiving ((hospital's)) facility's catchment area; or

(b) The patient's primary home of residence is in the receiving ((hospital's)) facility's catchment area; or

(c) A particular service or need of the patient is better met at the receiving ((hospital)) facility; ~~((and)) or~~

(d) Transfer to the receiving ((hospital)) facility may facilitate community discharge due to the availability of community service in the receiving ((hospital's)) facility's catchment area; or

(e) The county, regional support network, or patient requests a transfer.

(2) Prior to any proposed transfer of a patient, the state ((hospital)) facility shall comply with the following ~~((procedure when transferring a patient)):~~

(a) ~~((The state hospital shall notify the patient, and the patient's guardian, five days prior to the patient's:~~

(i) ~~Transfer to another state hospital; and~~

(ii) ~~Hearing if the patient is a court-ordered commitment.~~

~~((b))~~ The sending facility, at the ~~((direction)) request of the superintendent, shall ~~((contact the designated liaison at the)) in writing forward information necessary to make a decision on whether transfer is appropriate to the receiving facility's ~~((who shall obtain information necessary to make a decision relevant to the propriety of the transfer)) liaison and the regional support network liaison;~~~~~~

~~((c))~~ The designated liaison at the receiving facility shall discuss his or her recommendation with the superintendent for approval or denial of the transfer proposal;

~~((d))~~ The receiving superintendent shall make the final determination for the transfer within five days of receipt of the transfer proposal;

~~((e))~~ ~~((b))~~ The ~~((designated)) receiving facility's liaison ~~((at the receiving facility shall notify the liaison at)) and the regional support network liaison shall recommend appropriate action to the superintendent of the sending facility ~~((of the decision)) in writing within five calendar days of receipt of the request;~~~~~~

~~((f))~~ ~~((c))~~ If the receiving facility accepts the proposed patient transfer, the sending facility shall notify the patient, guardian, regional support network liaison, and attorney, if known, at least five days before the proposed patient transfer;

~~((d))~~ The sending facility is responsible for all patient transfer arrangements, e.g., transportation, staff escort, etc., and shall coordinate the day and time of arrival with the receiving facility's liaison; and

~~((g))~~ ~~((e))~~ The sending facility shall arrange for the transfer of patient's medical record to the receiving facility ~~((and for the transfer of the official court file, if the patient is an involuntary civil or criminal commitment, to the receiving court)).~~

(3) The sending state ((hospital)) facility shall document the following in the patient's record:

(a) Physician documentation of the medical suitability of the patient for transfer; and

(b) Social worker documentation regarding:

(i) Justification as to why the transfer is considered in the patient's best interests; and

(ii) The patient's wishes regarding transfer(;

~~((iii))~~ The family and guardian's wishes regarding transfer and their involvement. Documentation that the family and guardian was notified of the pending transfer;

~~((iv))~~ Consultation with the patient advocacy agency; and

~~((v))~~ Notification of the patient's attorney)).

(4) ~~((The state hospital shall comply with the following additional procedure if the patient is a civil or criminal court-ordered commitment:~~

~~((a))~~ Prior to transfer, the department shall file and serve a motion for transfer upon the patient, the patient's attorney, and the patient's guardian, if any;

~~((b))~~ If a transfer is proposed for a civilly committed patient, the attorney general's office is responsible for taking the necessary legal action. If a transfer is proposed for a criminally committed patient, the local prosecuting attorney's office is responsible for taking the necessary legal action;

~~((c))~~ The patient shall have the same rights with respect to notice, hearing, and counsel as for an involuntary treatment proceeding, except that the patient shall have no right to a jury trial. The issue determined at the hearing is whether the proposed transfer is in the patient's best interest;

~~((d))~~ The department shall set a hearing and shall notify the patient of the patient's right to refuse medication or medications for twenty-four hours prior to the hearing; and

~~((e))~~ If the transfer is approved by the court, the court shall enter a change of venue order to the receiving county. Also, the court shall enter an amended order to indicate the change in facilities, unless the patient's current court order commits the patient to both the sending and receiving facility under RCW 72.23.290 and 72.68-032 through 72.68-037)) The sending facility shall contact the prosecuting attorney's office of the committing county prior to the transfer.

WSR 91-22-045
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3276—Filed October 31, 1991, 2:19 p.m.]

Date of Adoption: October 31, 1991.

Purpose: To conform WAC 388-49-630 to the requirements of 7 CFR 273.12 (a)(1)(iv) as interpreted by Indexed Policy Memo 90-22 and Administrative Notice 90-57. Also, to make minor editorial changes for clarity.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-630 Changes—Reporting requirements.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 91-19-057 on September 18, 1991.

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

October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2575, filed 13/31/87 [12/31/87])

WAC 388-49-630 **CHANGES—REPORTING REQUIREMENTS.** The department shall require a household certified for more than one month and not subject to mandatory monthly reporting (~~shall~~) to report the following changes within ten days of the date the change becomes known to the household:

- (1) Change in the source of income;
- (2) Change in the amount of gross monthly income, except for public assistance income(~~(, or)~~);
- (3) Change in medical expenses of more than twenty-five dollars;
- ~~((3))~~ (4) Change in the household composition, such as the addition or loss of a household member;
- ~~((4))~~ (5) Change in residence and resulting change in shelter cost;
- ~~((5))~~ (6) The acquisition of licensed vehicles; ~~(and~~
- ~~(6))~~ (7) The end of a temporary disability when the temporary disability is the reason for exempting the value of a vehicle; and

(8) When nonexempt liquid resources exceed two thousand dollars or three thousand dollars for households with one or more members sixty years of age or older.

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

WSR 91-22-046**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 3277—Filed October 31, 1991, 2:20 p.m.]

Date of Adoption: October 31, 1991.

Purpose: WAC 388-49-420 is revised to comply with CFR 273.11 (j)(2)(vi) and (vii) which require resources of an alien sponsor be prorated by the number of other aliens sponsored and in certain circumstances the resources of a sponsor continue to be deemed to an alien after the alien loses his/her spouse.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-420 Resources—Nonexempt.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 91-17-087 on August 21, 1991.

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

October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3171, filed 5/1/91, effective 6/1/91)

WAC 388-49-420 **RESOURCES—NONEXEMPT.** (1) The department shall consider the following resources nonexempt:

- (a) Liquid resources;

(b) Real and personal property not exempted by WAC 388-49-410; and

(c) Money secured in the form of a lump sum.

(2) The value of a nonexempt resource, except for licensed vehicles as specified in WAC 388-49-430, shall be its equity value.

(3) The department shall exempt funds having been commingled in an account with nonexempt funds for more than six months.

(4) The department shall consider resources owned jointly by separate households available in their entirety to each household, unless:

(a) The resource is inaccessible to one of the households, and

(b) Ownership is verified, if questionable.

(5) The department shall consider resources of the following persons as available to the remaining household members:

(a) Ineligible aliens;

(b) Persons disqualified for failure to meet Social Security number requirements;

(c) Persons disqualified for intentional program violation;

(d) Persons disqualified for failure to comply with work requirements as described under WAC 388-49-360; or

(e) Persons who fail to sign the application attesting to their citizenship or alien status.

(6) ~~((The department shall consider resources, reduced by one thousand five hundred dollars, of an alien sponsor and spouse, if living together, available to the alien household for three years following the alien's admission to the United States for permanent residence))~~ Excluding one thousand five hundred dollars, the department shall consider resources of an alien sponsor and spouse living together available:

(a) To the household as specified in WAC 388-49-270, for three years following the alien's admission to the United States for permanent residence;

(b) To the extent deemed resources are divided by the number of sponsored aliens applying for or participating in the program, if the alien can demonstrate the sponsor is sponsoring other aliens; and

(c) Until one of the following occurs:

(i) Alien obtains a new sponsor, should the alien lose a sponsor during the three-year limit;

(ii) The three-year period for applying the sponsored alien provisions expires; or

(iii) The sponsor dies.

WSR 91-22-047**PERMANENT RULES****DEPARTMENT OF****SOCIAL AND HEALTH SERVICES****(Public Assistance)**

[Order 3278—Filed October 31, 1991, 2:21 p.m.]

Date of Adoption: October 31, 1991.

Purpose: Amends the time frame for food stamp program households to elect a repayment method for intentional program violation (IPV) claims.

Citation of Existing Rules Affected by this Order: Amending WAC 388-49-640 Overissuances.

Statutory Authority for Adoption: RCW 74.04.510.

Pursuant to notice filed as WSR 91-19-105 on September 18, 1991.

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

October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2610, filed 4/1/88)

WAC 388-49-640 OVERISSUANCES. (1) The department shall establish claims and take collection action against households and household members for administrative error, inadvertent household error, or intentional program violation resulting in overissuances except as provided in subsections (3), (10), and (11) of this section.

(2) The department shall establish an overissuance claim against any household:

(a) Receiving more food stamp benefits than it was entitled to receive((;)); or

(b) Containing an adult member who was an adult member of another household receiving more benefits than it was entitled to receive.

(3) The department shall not establish an administrative error claim or an inadvertent household error claim if an overissuance occurred because:

(a) The department failed to ensure the household:

(i) Signed the application form((;));

(ii) Completed a current work registration form((;));

or

(iii) Was certified in the correct project area.

(b) The household transacted an expired food coupon authorization (FCA) unless the household had altered the FCA.

(4) The department shall hold all persons((;)) who were adult members of the household at the time of the overissuance jointly and severally liable for the overissuance.

(a) The department shall establish an overissuance claim and pursue collection action against any or all of these persons.

(b) If the household composition changes, the department may establish an overissuance claim and pursue collection action against any household containing a person who was an adult member of the household receiving the overissuance.

(5) The department shall not collect more than the amount of the overissuance.

(6) The department shall calculate the allotment the household should have been authorized when the department discovers an:

(a) ~~((An))~~ Administrative error or inadvertent household error occurred in the prior twenty-four months((;)); or

(b) ~~((An))~~ Intentional program violation in the prior seventy-two months.

(7) Except as provided in subsection (8) of this section, the amount of the overissuance shall be the difference between:

(a) The monthly allotment actually authorized, and

(b) The monthly allotment the household should have been authorized.

(8) When determining the monthly allotment the household should have been authorized, the department shall not apply the ~~((20))~~ twenty percent earned income deduction:

(a) To that portion of earned income which the household intentionally failed to report;

(b) When the department has determined that the household committed an intentional program violation.

(9) The amount of the household's and/or household member's liability for an overissuance shall be the difference between:

(a) The amount of the overissuance((;)); and

(b) Any lost benefits ~~((that have))~~ not ~~((been))~~ previously restored or used as an offset.

(10) The department shall initiate collection action on all inadvertent household or administrative error claims unless:

(a) The claim is collected through offset((;));

(b) The total amount of the claim is less than thirty-five dollars and the claim cannot be recovered by reducing the household's allotment((;));

(c) The department cannot locate the liable household((;)); or

(d) The department determines collection action will prejudice an inadvertent household error claim case being referred for possible prosecution or administrative disqualification.

(11) The department shall initiate collection action against the liable household whose member is found to have committed an intentional program violation unless:

(a) The household has repaid the overissuance((;));

(b) The department cannot locate the household((;));

or
(c) The department determines collection action will prejudice the case against a household member referred for prosecution.

(12) The department shall initiate collection action by providing the household a demand letter.

(13) A household or household member may repay an overissuance except as provided in subsections (14) through (18) of this section by:

(a) A lump sum((;));

(b) Regular installments under a payment schedule agreed to by the household or household member and the department((;)); and/or

(c) Allotment reductions.

(14) When the allotment reduction is the method of collection, the department shall reduce a currently participating household's allotment to repay an:

(a) Inadvertent household error overissuance by the greater of:

(i) Ten percent of the household's monthly allotment((;)); or

(ii) Ten dollars per month.

(b) Intentional program violation overissuance by the greater of:

(i) Twenty percent of the household's monthly entitlement(;;); or

(ii) Ten dollars per month.

(c) Administrative error overissuance by the amount agreed to by the household.

(15) A household member and/or the department may request the payment schedule be renegotiated.

(16) The department shall ensure the negotiated monthly installment amount is not less than the amount which could be recovered through allotment reduction when:

(a) A current participating household is liable for an inadvertent household error or an intentional program violation(;;); and

(b) An installment payment schedule is the method of collection.

(17) The department shall reduce the allotment to repay an inadvertent household error or an intentional program violation overissuance without additional notice if, after notification of failure to make payment in accordance with a repayment schedule, the household member fails to:

(a) ~~((To))~~ Make the overdue payments(;;); or

(b) ~~((To))~~ Request renegotiation of the payment schedule.

(18) The department shall reduce the household's allotment if:

(a) The household member fails to respond to the demand letter:

(i) Within thirty days of the date the inadvertent household error overissuance notice is mailed(~~(, and))~~;
or

(ii) Upon receipt of the intentional program violation overissuance notice or the next business day if received on a nonbusiness day.

(b) The household is liable for an inadvertent household error or an intentional program violation claim.

(19) The department shall suspend collection action when:

(a) Collection action has not been initiated as provided in subsection (10) of this section(;;);

(b) A liable household member cannot be located(;;);
or

(c) The cost of further collection action is likely to exceed the amount that can be recovered.

(20) The department may accept offers of compromise for overissuances when:

(a) The department has already established the account receivable for the overissuance and taken steps to recover the overissuance; and

(b) The amount offered approximates the net amount expected to be collected prior to the expiration of the collection period allowed by statute.

(21) The department shall write-off amounts from its account receivable records and release any applicable liens prior to the expiration of the collection period allowed by statute when there is:

(a) No further possibility of collection;

(b) An account receivable balance after payment of an accepted offer of compromise; or

(c) An account receivable balance after a claim has been in suspense for three consecutive years, as provided in subsection (19) of this section.

WSR 91-22-048

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3271—Filed October 31, 1991, 2:22 p.m., effective November 1, 1991, 12:01 a.m.]

Date of Adoption: October 31, 1991.

Purpose: To establish regulations for processing requests for medical services.

Citation of Existing Rules Affected by this Order: Amending WAC 388-86-005 Services available to recipients of categorical needy medical assistance.

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: To clarify the processing of requests for medical services. To delete the subsections under available medical services that duplicate the medical services requested.

Effective Date of Rule: November 1, 1991, 12:01 a.m.

October 31, 1991

Leslie F. James, Director
Administrative Services

NEW SECTION

WAC 388-81-038 MEDICAL SERVICES REQUEST. (1) The department shall evaluate the request for medical services listed in WAC 388-86-005.

(2) The department shall base a decision to approve or deny a service on obtainable evidence that establishes whether the service is "medically necessary" as defined under WAC 388-80-005.

(a) In each case, the department shall make an individualized decision whether a requested service is "medically necessary." A decision that a requested service is not "medically necessary" shall be based only on information contained in the recipient's file.

(b) The evidence must be sufficient to determine that the requested service is or is not "medically necessary," and may include:

(i) A physiological description of the disease, injury, impairment, or other ailment;

(ii) Pertinent laboratory findings;

(iii) X-ray reports;

(iv) Patient profiles; and

(v) Other objective medical information, including but not limited to medically acceptable clinical findings and diagnoses resulting from physical or mental examinations.

(3) In deciding to approve or deny a durable medical equipment or prosthetic device request, the department shall give substantial weight to objective medical information, and conclusions based thereon, from an examining physician responsible for the recipient's diagnosis or treatment or both when:

(a) There is an uncontradicted and adequately substantiated conclusion of an examining physician that the requested service is "medically necessary," the department shall accept the examining physician's conclusion unless the department presents in specific detail reasons for rejecting that conclusion that are consistent with sound medical practice and supported by objective medical information in the recipient's file, or

(b) Two or more examining physicians provide conflicting medical information on conclusions about whether the requested durable medical equipment or a prosthetic device is "medically necessary," the department may conclude the durable medical equipment or a prosthetic device is not "medically necessary" only if the department enumerates specific reasons for its conclusion that are supported by objective medical information in the recipient's file.

(4) The department shall deny a requested service when the service is:

(a) Not medically necessary as defined under WAC 388-80-005;

(b) Generally regarded by the medical profession as experimental in nature or as unacceptable treatment, unless the recipient demonstrates through sufficient objective clinical evidence the existence of particular circumstances rendering the requested service medically necessary; or

(c) Not a covered medical service.

(5) The department shall:

(a) Approve or deny all requests for medical services within fifteen days of the receipt of the request; or

(b) Return a request to the requesting provider when the information submitted is insufficient for a determination of medically necessary. The department shall make a request for justifying additional information from the requesting provider within five working days of the original receipt. If additional information is:

(i) Not received by the department within thirty days of the date requested, then the department shall deny the original request within five days after the thirty-day period on the basis of insufficient justification of medical necessity;

(ii) Received by the department, the department shall make a final determination on the request within five working days of the receipt of the additional information.

(c) Send a copy of the request to the recipient for additional information justifying medical necessity for durable medical equipment or a prosthetic device.

(6) When the department denies a request for medical services, including all or part of requested 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 WAC references used as a basis for the decision;

(b) A summary statement of the specific facts the department relied upon for the decision;

(c) An explanation of the reasons for denial, including the reasons why the specific facts relied on did not meet the requirements for approval;

(d) When required by subsection (3) of this section, a specific statement of reasons and their supporting facts for rejecting any medical information or conclusions of an examining physician;

(e) The recipient's 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;

(f) The recipient may be represented at the hearing by legal counsel or other representative;

(g) That the community service office (CSO) shall furnish the recipient, upon the recipient's request, the name and address of the nearest legal services office; and

(g) If a fair hearing is requested, a medical assessment from other than the person involved in making the original decision may be obtained at the department's expense.

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

AMENDATORY SECTION (Amending Order 3056, filed 8/21/90)

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 an eligible ((~~individuals~~)) person twenty years of age or under,

(b) Family planning services;

(c) Federally qualified health center services;

(d) Home health agency services;

(e) Inpatient and outpatient hospital care;

(f) Medicare certified rural health clinic services;

(g) Other laboratory and x-ray services;

(h) Skilled nursing home care;

(i) Certified registered nurse practitioner services; and

(j) 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) Anesthesia services;

(b) Blood;

(c) Chiropractic services;

(d) Drugs and pharmaceutical supplies;

(e) Eyeglasses and examination;

(f) Hearing aids and examinations;

(g) Hospice services;

(h) Licensed midwife services;

(i) Maternity support services;

(j) Oxygen;

(k) Personal care services;

(l) Physical therapy services;

(m) Private duty nursing services;

(n) Surgical appliances;

(o) Prosthetic devices and certain other aids to mobility; and

(p) Dental services.

(3) The department shall limit organ transplants to the cornea, heart, heart-lung, kidney, kidney-pancreas, liver, pancreas, single lung, and bone marrow.

(4) The department shall provide treatment, dialysis, equipment, and supplies for acute and chronic nonfunctioning kidneys when the recipient is in the home, hospital, or kidney center as described under WAC 388-86-050(5).

(5) The department shall provide detoxification and medical stabilization to chemically using pregnant women in a hospital.

(6) The department shall provide detoxification of acute alcohol or other drug intoxication only in a certified detoxification center or in a general hospital having a detoxification 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) 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 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 demonstrates through sufficient objective clinical evidence the existence of particular circumstances 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 the person involved in making the original decision may be obtained at the department's expense.~~

~~((12)) For services available under the ((limited casualty)):~~

~~(a) Limited casualty program—medically needy, see chapter 388-99 WAC; and~~

~~(b) Limited casualty program—medically indigent, see chapter 388-100 WAC.~~

~~(13) The department may require a second opinion and/or consultation before the approval of any elective surgical procedure.~~

~~(14) The department shall designate diagnoses that may require surgical intervention:~~

~~(a) Performed in other than a hospital in-patient setting; and~~

~~(b) Requiring prior approval by the ((central authorization unit)) department for a hospital admission.~~

~~(15) The department shall assure the availability of necessary transportation to and from ((covered Title XIX)) medical services covered under a recipient's medical program.~~

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 91-22-049
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3272—Filed October 31, 1991, 2:23 p.m., effective November 1, 1991, 12:01 a.m.]

Date of Adoption: October 31, 1991.

Purpose: The legislature mandated the pilot [program] expire June 30, 1991.

Citation of Existing Rules Affected by this Order: Repealing WAC 388-33-480 Direct rental payments to landlords—Pilot program.

Statutory Authority for Adoption: RCW 74.04.050.

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

Reasons for this Finding: The legislature mandated the pilot project [program] expire June 30, 1991.

Effective Date of Rule: November 1, 1991, 12:01 a.m.
October 31, 1991
Leslie F. James, Director
Administrative Services

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-33-480 Direct rental payments to landlords—Pilot programs.

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

WSR 91-22-050
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3273—Filed October 31, 1991, 2:24 p.m., effective November 1, 1991, 12:01 a.m.]

Date of Adoption: October 31, 1991.

Purpose: To allow additional time for the transfer of resources for the support of the community spouse when a court order is required.

Citation of Existing Rules Affected by this Order: Amending WAC 388-95-337 Availability of resources.

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: To clarify language to comply with federal law.

Effective Date of Rule: November 1, 1991, 12:01 a.m.
October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 2567 [3150], filed 12/11/87 [3/11/91])

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. Transfer((s)) of resources are evaluated under WAC 388-95-395.

(3) The department shall ((follow)) determine ownership of resources following Washington state community property principles ((in determining the ownership of resources)):

(a) For a person((s)):

(i) Whose most recent period of institutionalization began before October 1, 1989, and ((remains))

(ii) Remaining 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(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; or

(b) Does not receive ((COPES/CAP/OBRA/CCASA/HOSPICE)) home or community based 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) 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 name of either the community spouse or the institutionalized spouse, except resources exceeding the greater of:

(i) Sixty-six thousand four hundred eighty dollars effective January 1, 1991;

(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)) or as soon as practicable thereafter, taking into account such time as may be necessary to obtain a court order for the support of the community spouse, 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.

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

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

WSR 91-22-051
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3274—Filed October 31, 1991, 2:25 p.m., effective November 1, 1991, 12:01 a.m.]

Date of Adoption: October 31, 1991.

Purpose: Allow pregnant children under the children's health state-funded program to remain on the program until the end of the post partum period.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-033 Children—Eligible to eighteen 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: Extend medical coverage for pregnant children through the end of the post partum period.

Effective Date of Rule: November 1, 1991, 12:01 a.m.
October 31, 1991

Leslie F. James, Director
Administrative Services

AMENDATORY SECTION (Amending Order 3179, filed 5/21/91, effective 6/21/91)

WAC 388-83-033 CHILDREN—ELIGIBLE TO EIGHTEEN YEARS OF AGE. (1) The department shall find a child who has not yet attained eighteen years of age eligible for Medicaid when the child meets citizenship, residence, and ((enumeration)) Social Security Number requirements under this chapter and the income requirement corresponding to the age levels under the following subsections:

(a) A child born before October 1, 1983, who attains seven years of age, but has not attained eighteen years of age, shall be eligible as categorically needy when the family income and resources are equal to or less than the AFDC income and resource standards;

(b) A child born after September 30, 1983, who attains six years of age, but has not attained eight years of age, shall be eligible as categorically needy when the total family countable income does 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 1991 poverty income guidelines is:

FAMILY SIZE MONTHLY

(i)	One	\$	552
(ii)	Two	\$	740
(iii)	Three	\$	928
(iv)	Four	\$	1,117
(v)	Five	\$	1,305
(vi)	Six	\$	1,493
(vii)	Seven	\$	1,682
(viii)	Eight	\$	1,870

(ix) For family units with more than eight members, add \$188 to the monthly income for each additional member.

(c) A child who attains one year of age, but has not attained six years of age, shall be eligible as categorically needy when the total family countable income does 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 1991 federal poverty income guidelines is:

FAMILY SIZE MONTHLY

(i)	One	\$	734
(ii)	Two	\$	984
(iii)	Three	\$	1,234
(iv)	Four	\$	1,486
(v)	Five	\$	1,736
(vi)	Six	\$	1,986
(vii)	Seven	\$	2,237
(viii)	Eight	\$	2,487

(ix) For family units with more than eight members, add \$250 to the monthly income for each additional member.

(d) An infant under one year of age shall be eligible as categorically needy when the infant is a member of a family whose total family countable income does not exceed one hundred eighty-five percent of the 1991 federal poverty income guidelines. See income guidelines as described under WAC 388-83-032 (3)(a).

(2) The department shall:

(a) Find an infant under one year of age and born before January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household and the mother remains eligible for medical assistance.

(b) Find an infant under one year of age and born on or after January 1, 1991, eligible as categorically needy when the infant:

(i) Is born to a woman eligible for and receiving medical assistance on the date of the infant's birth; and

(ii) Remains a member of the mother's household.

(c) Not consider citizenship, ((enumeration,)) application for, or possession of, a Social Security Number, income, or resource requirements for infants under this subsection.

(3) Effective January 1, 1991, regardless of citizenship or ((enumeration)) application for, or possession of a Social Security Number, the department shall determine a child from birth to eighteen years of age, eligible for state-funded medical services with the same medical coverage as categorically needy, if the:

(a) Child is not eligible for any federally-funded Medicaid program; and

(b) Child's total family countable income does not exceed one hundred percent of the 1991 federal poverty income guidelines. See income guidelines as described under subsection (1)(b) of this section.

(4) The department shall determine family income according to AFDC methodology, and apply the special situations as required under WAC 388-83-130.

(5) The department shall not consider resources in determining eligibility of a child under this section except in subsection (1)(a) of this section.

(6) A child shall remain eligible under this section until the later of the end of the month:

(a) Of the child's birthday that exceeds the age requirement; or

(b) In which the child receives inpatient services if:

(i) The child is receiving inpatient services on the last day of the month of the child's birthday that exceeds the age requirement; and

(ii) The stay for inpatient services continues into the following month or months; and

(iii) Except for the age requirement, the child would be eligible for assistance under this section.

(7) A child eligible under subsection (3) if pregnant, shall remain eligible:

(a) Regardless of the changes in family income; and

(b) Through the end of the month including the sixtieth day from the day the pregnancy ends.

WSR 91-22-052
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3279—Filed October 31, 1991, 2:26 p.m., effective November 1, 1991, 12:01 a.m.]

Date of Adoption: October 31, 1991.

Purpose: To assure correctness of compliance with current policy.

Citation of Existing Rules Affected by this Order: Amending WAC 388-83-013 Cooperation in securing medical support.

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: To clarify who is required to cooperate in obtaining medical support.

Effective Date of Rule: November 1, 1991, 12:01 a.m.

October 31, 1991

Leslie F. James, Director
 Administrative Services

AMENDATORY SECTION (Amending Order 3175, filed 5/1/91, effective 6/1/91)

WAC 388-83-013 COOPERATION IN SECURING MEDICAL SUPPORT. (1) As a condition of eligibility for ((medical assistance)) Medicaid, the department shall require ((the applicant or recipient/enrollee)) a client, unless ((a)) pregnant ((woman)) or there is a finding of good cause, to cooperate with the department in:

(a) Obtaining medical support, as defined under WAC 388-11-011, for the ((applicant or recipient/enrollee)) client or for any other ((applicant or recipient/enrollee)) client other than an unborn for whom the ((applicant or recipient/enrollee)) client can legally assign rights; and

(b) Identifying and providing information to assist the department in pursuing any liable third party; and

(c) Establishing paternity of the client's child.

(2) The department shall ((also)) require ((an AFDC/FIP-related medical assistance)) a Medicaid client to cooperate as described under WAC 388-14-200 (2)(a), (b), (c), (3), (4), (5), (6), (7), (8), (9), and (16), unless ((a)):

(a) The client is pregnant ((woman)); or

(b) There is a finding of good cause under WAC 388-24-111((, except for the provision under WAC 388-24-111 (15)(b), in establishing:

(a) The paternity of a child; and

(b) Medical support as defined under WAC 388-11-011).

(3) The department shall waive such client's cooperation requirements if the department finds the ((applicant or recipient/enrollee)) client has good cause ((under WAC 388-83-014)) for noncooperation as described under WAC 388-83-014.

(4) Unless the department finds good cause for noncooperation under WAC 388-24-111 or 388-83-014, the department shall find the ((applicant or recipient/enrollee)) client, who refuses to cooperate under subsection (1) of this section, ineligible to receive ((medical assistance)) Medicaid.

(5) The department shall provide ((medical assistance)) Medicaid to an otherwise eligible ((applicant or recipient/enrollee)) client when the person ((who has)) having the legal authority to cooperate on behalf of the ((applicant or recipient/enrollee)) client refuses such cooperation.

(6) Effective March 1, 1991, the department shall not establish an obligation to collect a client's birth costs that are:

(a) Paid or expected to be paid by the department; and

(b) Defined under WAC 388-11-011.

(7) The department may seek reimbursement of a client's birth costs covered by available insurance or other liable third party.

WSR 91-22-053**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 91-128—Filed October 31, 1991, 2:28 p.m., effective November 1, 1991, 12:01 a.m.]

Date of Adoption: October 31, 1991.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order: Repealing WAC 220-57-31900E; and amending WAC 220-57-175, 220-57-235, 220-57-250, 220-57-310, 220-57-495, 220-57-315, 220-57-319, 220-57-335, 220-57-340, and 220-57-510.

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: Large numbers of harvestable hatchery coho salmon are available in these waters.

Effective Date of Rule: 12:01 a.m., November 1, 1991.

October 31, 1991

Judith Freeman

for Joseph R. Blum

Director

NEW SECTION

WAC 220-57-17500U COWLITZ RIVER. Notwithstanding the provisions of WAC 220-57-319(3), effective November 1, 1991 through December 31, 1991, for the waters of the Cowlitz River downstream from fishing boundary markers approximately 400 feet below the barrier dam structures to the mouth, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit. Chinook salmon over 28 inches in length taken upstream of the mouth of Blue Creek must be released.

NEW SECTION

WAC 220-57-23500D ELOCHOMAN RIVER. Notwithstanding the provisions of WAC 220-57-235 (2) and (3), effective November 1, 1991 through December 31, 1991, for the waters of the Elochoman River downstream from the mouth of the west fork, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit. Chinook salmon over 28 inches in length taken upstream of the Foster Road Bridge must be released.

The following waters are closed to salmon angling at all times:

(1) From a point 100 feet above the upper hatchery rack to the Elokomin Salmon Hatchery Bridge located approximately 400 feet below the upper hatchery rack.

(2) From the department of fisheries temporary rack downstream to Foster Road Bridge while this rack is installed in the river.

(3) Between points 50 feet above and 100 feet below the outlet pipes from the most downstream Elokomin

Salmon Hatchery rearing pond and extending 30 feet out from the south bank of the river.

(4) From the Beaver Creek Bridge to 200 feet below the weir at Beaver Creek Hatchery.

NEW SECTION

WAC 220-57-25000A GRAYS RIVER. Notwithstanding the provisions of WAC 220-57-250, effective November 1, 1991 through December 31, 1991, for the waters of Grays River from the mouth to the 7000-line bridge, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit. Chinook salmon over 28 inches in length taken upstream of the covered bridge must be released. The West Fork Grays River is closed to salmon angling.

NEW SECTION

WAC 220-57-31000J KALAMA RIVER. Notwithstanding the provisions of WAC 220-57-310 (1), (2) and (3) effective November 1, 1991 through December 31, 1991, for the following waters of the Kalama River, Bag A, except that the minimum size is 12 inches and up to four coho over 20 inches in length may be retained in the daily bag limit:

(1) from Summers Creek upstream to the 6420 Road. In these waters, salmon may be taken only with fly fishing tackle. Legal flies are limited to single-hook artificial flies measuring not more than 1/2 inches between shank and point;

(2) from the mouth of Summers Creek downstream to the markers at the Kalama Falls (Upper) Salmon Hatchery; and

(3) from a point 1,000 feet below the fishway at the upper salmon hatchery downstream to the mouth. Chinook salmon over 28 inches in length taken in these waters upstream of the natural gas pipeline must be released.

NEW SECTION

WAC 220-57-31500V KLICKITAT RIVER. Notwithstanding the provisions of WAC 220-57-315 (1) and (3), effective November 1, 1991 through December 31, 1991, for the following waters of the Klickitat River, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit:

(1) from the Fisher Hill Bridge approximately 1-1/2 miles above the mouth downstream to the mouth; and

(2) from fishing boundary markers at the downstream end of the Klickitat River Salmon Hatchery grounds downstream to a point 400 feet above the No. 5 Fishway.

NEW SECTION

WAC 220-57-31900F LEWIS RIVER. Notwithstanding the provisions of WAC 220-57-319 (1) and (3), effective November 1, 1991 through December 31, 1991, for the following waters of the Lewis River, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit:

(1) for the North Fork of the Lewis River from Colvin Creek downstream to the mouth of the east fork, and

(2) for the Mainstem from the mouth of the east fork downstream to the mouth of the Lewis River

NEW SECTION

WAC 220-57-33500E NASELLE RIVER. Notwithstanding the provisions of WAC 220-57-335 (1) and (2), effective November 1, 1991 through December 31, 1991, for the waters of the Naselle River from the Big Hill bridge downstream to the Highway 101 bridge, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit.

NEW SECTION

WAC 220-57-34000F NEMAH RIVER. Notwithstanding the provisions of WAC 220-57-335, effective November 1, 1991 through December 31, 1991, for the following waters of the Nemah River, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit:

(1) for the North Nemah from the lower bridge on dead end Lower Nemah Road downstream to the mouth;

(2) for the Middle Nemah from the department of natural resources bridge downstream to the mouth; and

(3) for the South Nemah from the confluence of the Middle Nemah to the mouth.

NEW SECTION

WAC 220-57-49500A WASHOUGAL RIVER. Notwithstanding the provisions of WAC 220-57-495, effective November 1, 1991 through December 31, 1991, for the waters of the Washougal River from the bridge at Salmon Falls downstream to the mouth, Bag Limit A, except that up to four coho over 20 inches in length may be retained in the daily bag limit. Chinook salmon over 28 inches in length taken upstream of the mouth of the Little Washougal River must be released.

NEW SECTION

WAC 220-57-51000G WILLAPA RIVER. Notwithstanding the provisions of WAC 220-57-510, effective November 1, 1991 through December 31, 1991, for the waters of the Willapa River from the mouth of Fork Creek downstream to the Highway 101 Bridge, Bag A, except that up to four coho over 20 inches in length may be retained in the daily bag limit.

REPEALER (Amending Order 3175, filed 5/1/91, effective 6/1/91)

The following section of the Washington Administrative Code is repealed:

WAC 220-57-31900E LEWIS RIVER. (91-126)

WSR 91-22-054
PROPOSED RULES
SOUTHWEST AIR
POLLUTION CONTROL AUTHORITY

[Filed October 31, 1991, 4:38 p.m.]

Original Notice.

Title of Rule: Southwest Air Pollution Control Authority general regulation for air pollution sources, Section 400-100 Registration required, 400-110 New source review (NSR), 400-200 Regulatory actions and 400-210 Criminal penalties.

Purpose: The first two amendatory actions are to bring fees in line with cost of administering registration and new source review. The second two amendatory actions are to make the regulation equal to the new or amended State Clean Air Act, chapter 70.94 RCW.

Statutory Authority for Adoption: RCW 70.94.141.

Statute Being Implemented: RCW 70.94.430, 70.94.431, 70.94.151, and 70.94.152.

Summary: Increase fee for registration and new source review.

Reasons Supporting Proposal: The cost of those programs are being borne by funds not directly collected from industrial or commercial discharges.

Name of Agency Personnel Responsible for Drafting: Dick Serdoz, Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Vancouver, WA, (206) 574-3058; Implementation and Enforcement: Southwest Air Pollution Control Authority.

Name of Proponent: Southwest Air Pollution Control Authority, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This will bring the fees collected in line with the cost of administering the registration and new source review programs. The action will bring the enforcement provisions of the regulations in line with the new or amendatory portions of chapter 70.94 RCW.

Proposal Changes the Following Existing Rules: Amends the fees that were established in 1981 to reflect actual cost of implementing the program. The average cost of issuing a new source review was \$417.00 of which only \$75.00 was recovered from the emitter. The fees collected for registration over the last three years was approximately \$52,000 which is an estimated 40% of the actual cost for the same period.

Small Business Economic Impact Statement: [No Information Supplied By Agency.]

Hearing Location: Longview City Hall, Council Chambers, 1525 Broadway, Longview, WA, on December 17, 1991, at 4:00 p.m.

Submit Written Comments to: Southwest Air Pollution Control Authority, 1308 N.E. 134th Street, Suite D, Vancouver, WA 98685-2747, by December 17, 1991.

Date of Intended Adoption: December 17, 1991.

October 22, 1991

Dick Serdoz

Executive Director

AMENDATORY SECTION

GENERAL REGULATIONS SECTION 400-100 REGISTRATION REQUIRED

(1) All air contaminant emission units and related control apparatus within the jurisdiction of the Authority, shall be registered with the Authority upon request.

(2) General requirements for registration.

(a) Registration of an air contaminant emission unit and related control apparatus shall be made by the owner or lessee of the source, or his agent, on forms furnished by the Authority.

(b) A separate registration shall be required for each air contaminant emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process; provided further that, an owner need not make a separate registration for identical facilities on the same premises.

(c) Each registration shall be signed by the owner or lessee, or his agent. The owner of the source shall be responsible for the registration and the correctness of the information submitted.

(3) Air contaminant sources excluded.

The following air contaminant sources are excluded from the requirements of this section, but are not excluded from meeting the emission requirements of these regulations:

(a) Internal combustion engines unless excluded by Section 400-020.

(b) Equipment used exclusively for space heating other than boilers.

(4) Before the Control Officer may register any emission unit, the use of which may emit contaminants to the atmosphere, an annual registration fee of (~~(\$50.00)~~ \$100.00 for each emission unit shall be paid. The registration fee for a small operation may be waived by administrative action.

AMENDATORY SECTION

Section 400-110 NEW SOURCE REVIEW (NSR)

(1) Applicability.

(a) A notice of construction must be filed with the Authority prior to the construction, installation, or establishment of a new source.

(b) The Authority may require a notice of construction prior to the construction, installation, or establishment of any new source, other than a single family or duplex dwelling.

(c) The notice of construction and new source review shall apply only to the emission unit(s) affected and the contaminants involved.

(d) Before the Authority may commence processing a Notice of Construction a filing (~~and evaluation~~) fee of \$75.00, plan examination and evaluation fees as shown in Table A, and, if offsetting emission reductions are required, an offset analysis fee of \$75.00 shall be paid.

TABLE A

i. Fuel Burning Equipment (Million BTU/hr. heat input @ design capacity):	Fuel Change	Install- tion
less than 5	\$ 25.00	\$ 100.00
5 or more but less than 10	50.00	200.00
10 or more but less than 20	100.00	350.00
20 or more but less than 50	200.00	500.00
50 or more but less than 100	300.00	1,000.00
100 or more but less than 250	400.00	2,500.00
250 or more but less than 500	500.00	4,000.00
500 or more	600.00	6,000.00

ii. Actual Cubic Feet/Minute (ACFM) from control equipment or from uncontrolled process equipment:	
less than 5	\$ 100.00
6 or more but less than 5,000	200.00
5,000 or more but less than 20,000	300.00
20,000 or more but less than 50,000	400.00
50,000 or more but less than 100,000	500.00
100,000 or more but less than 250,000	1,000.00
250,000 or more but less than 500,000	2,000.00
500,000 or more	4,000.00

iii. Refuse burning Equipment (Incinerators) Ton/day:	
0.5 or more but less than 5	\$ 100.00
5 or more but less than 12	1,000.00
12 or more but less than 250	3,000.00
250 or more	4,000.00

iv. Storage Tanks, Reservoirs, or Containers (Gallons):	
250 or more but less than 6,000	\$ 100.00
6,000 or more but less than 40,000	500.00
40,000 or more but less than 100,000	1,000.00
100,000 or more but less than 500,000	2,000.00
500,000 or more	3,000.00
1,000,000 or more	4,000.00

v. Gasoline Station	
Stage I	\$ 500.00
Stage II	\$1,000.00

vi. Other, not classified in Subsection i., ii., iii., or iv. above:	\$100.00/ton of emission
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vii. Toxic Air Contaminant	\$100.00/lb. of emission
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viii. Source with Significant Impact	\$5,000.00
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ix. Odor Source	\$1,000.00
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(2) Additional information. Within thirty days of receipt of a notice of construction, the Authority may require the submission of additional plans, specifications, and such other information as deemed necessary for the review of the proposed new or modified source.

(3) Requirements for nonattainment areas. If the proposed new source is located in an area that is not in attainment for any air contaminant that would be emitted by the source, or if the source is located in an area that is not in attainment for ozone and the source would emit volatile organic compounds, the Authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state rules and regulations, including new source performance standards (NSPS) and national emissions standards for hazardous air pollutants (NESHAPS).

(b) The new source will use best available control technology (BACT) for emissions control.

(c) If the new source is a major source or the proposed change is a major modification, it will comply with lowest achievable emission rate (LAER) for emissions of the contaminants for which nonattainment has been designated.

(d) If the source is a major source and is located in an area that is not in attainment for carbon monoxide or ozone and the source will emit carbon monoxide or volatile organic compounds, it is required that there be an analysis of alternative sites, sizes, and production processes and environmental control techniques for the proposed new source which demonstrates that benefits of the proposed new source significantly outweigh the environmental and social costs imposed as a result of its location, construction, and modification. This analysis is the responsibility of the applicant, who may use an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act as a source of information for this analysis.

(e) The proposed new source will not violate the requirements for reasonable further progress established by the state implementation plan. If the source is a major source or the project is a major modification, the total new actual emissions from all sources existing at the time of application for notice of construction plus proposed allowable emissions for the new source, of the contaminants for which nonattainment has been designated, shall be no greater than the total actual emissions from existing sources, except that (i) the Authority may require that new total actual emissions be reduced to less than existing total actual emissions, as necessary to achieve air quality attainment goals stated in an approved plan of attainment, and except that (ii) the emissions from the proposed new source may be approved without an offsetting reduction from existing sources if an adequate emissions growth allowance is included in an approved plan of attainment. The above requirements must be met by reducing actual emissions from existing source(s). Arrangements for such offsetting reduction(s) of

actual emissions must be made by the owner or operator of the proposed new source. The proposed new source may be constructed only after the issuance of a regulatory order(s) to the proposed new source and to all the source(s) that provide the offset. The said orders shall include new allowable emissions limits for all the affected sources. An emission reduction that is the result of the shutdown or curtailment of an existing emissions unit may be used as an offsetting reduction to satisfy the requirements of this paragraph only by the source that created the reduction.

(f) If the source is a major source or the project is a major modification, the owner or operator shall demonstrate that all major sources owned or operated by such person (or persons under common control with such person) in the state which are subject to emission limitations are in compliance or on a schedule for compliance with applicable emission limitations and standards under the Federal Clean Air Act.

(4) Requirements for attainment areas. If the proposed new source is located in an area that is in attainment for all contaminants that would be emitted by the source and the source is located in an ozone attainment area if the source would emit volatile organic compounds, the Authority shall review notice(s) of construction, plans, specifications, and other information associated therewith to determine that:

(a) The new source will be in accord with applicable federal and state regulations, including new source performance standards (NSPS) and national emission standards for hazardous air pollutants (NESHAPS).

(b) The project will use Best Available Control Technology (BACT) for emissions control.

(c) If the new source is a major source the source shall meet all the requirements of prevention of significant deterioration regulations under WAC 173-403-080, in Washington and any adjacent state.

(d) The allowable emissions from the proposed new facility will not delay the attainment date for any area not in attainment. This requirement will be considered to met if the impact at any location within a nonattainment area does not exceed the following levels:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	—	—	0.5 mg/m ³	—	2 mg/m ³
TSP	1.0 ug/m ³	5 ug/m ³	—	—	—
SO ₂	1.0 ug/m ³	5 ug/m ³	—	25 ug/m ³	30 ug/m ³

(e) If the new source is a major source, the source shall undergo an impact analysis for visibility impairment with respect to all areas in Washington and any adjacent state that are mandatory Class 1 areas per 40 CFR 52.21(e). The impact analysis shall consist of the procedures required in WAC 173-403-050.

(5) Preliminary determination. Within thirty days after receipt of all information required, the Authority shall:

(a) Make preliminary determinations on the matter set forth in 400-110 (3) or (4), whichever is applicable; and

(b) Initiate compliance with the provisions of Section 400-140 relating to public notice and public comment, as applicable.

(6) Final determination. If, after review of all information received, including public comment, the Authority finds that all the conditions in Section 400-110 (3) and (4) are satisfied, whichever is applicable, the Authority will issue a regulatory order to approve the notice of construction for the proposed new source or modification.

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

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

AMENDATORY SECTION

GENERAL REGULATION SECTION 400-200 REGULATORY ACTIONS

Section 400-200 REGULATORY ACTIONS

The Control Officer may take any of the following regulatory actions to enforce this chapter.

(1) Notice of violation. Whenever the Control Officer has reason to believe that any provision of this regulation has been violated, he may cause written notice to be served on the alleged violator or violators. The notice shall specify the provision of this regulation alleged to be violated and the facts alleged to constitute a violation thereof, and may

include an order that necessary corrective action be taken within a reasonable time.

(2) Civil penalty. Whenever any person violates any of the provisions of this regulation, he shall be subject to a penalty in the form of a fine in an amount not to exceed ~~((one))~~ ten thousand dollars per day for each violation. Each such violation shall be separate and distinct and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation/ Notwithstanding any other provision of this chapter, ~~((no penalty may be levied for the violation of any opacity standard in an amount exceeding four hundred dollars per day.))~~ The penalty shall be imposed by a notice in writing from the Control Officer describing the violation with reasonable particularity.

(3) Assurance of discontinuance. The Control Officer may accept an assurance of discontinuance of any act or practice deemed in violation of this regulation. Any such assurance shall specify a time limit during which discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of this regulation which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the superior court.

(4) Restraining orders, injunctions. Whenever any person has engaged in, or is about to engage in any acts or practices which constitute or will constitute a violation of any provision of this regulation, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency episodes. The Authority may issue orders as authorized by chapter 194, Laws of 1971 ex. sess., whenever an air pollution episode forecast is declared.

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

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

AMENDATORY SECTION

GENERAL REGULATION SECTION 400-210 CRIMINAL PENALTIES

Persons in violation of this regulation may be subject to the provision of RCW 70.94.430.

WSR 91-22-055

PERMANENT RULES

WASHINGTON STATE PATROL

[Order 91-007—Filed November 1, 1991, 9:02 a.m.]

Date of Adoption: October 25, 1991.

Purpose: To update the address section of WAC 446-16-080 to include the campus mailstop.

Statutory Authority for Adoption: RCW 10.97.090.

Pursuant to notice filed as WSR 91-16-099 on August 7, 1991.

Changes Other than Editing from Proposed to Adopted Version: Changes address to a campus mailstop.

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

October 25, 1991

George B. Tellevik

Chief

AMENDATORY SECTION (Amending Order 1, filed 2/11/74)

WAC 446-16-080 REPORT TIME LIMITATIONS. All of the information requested on the disposition report shall be completed and the report mailed to

the Washington State Identification Section, ((P.O. Box 2527)) Mailstop: QE-02, Olympia, Washington 98504, within 10 days of the date that a disposition becomes effective.

WSR 91-22-056

PERMANENT RULES

WASHINGTON STATE PATROL

[Order 91-008—Filed November 1, 1991, 9:05 a.m.]

Date of Adoption: October 25, 1991.

Purpose: Amending WAC 204-10-040 to clarify what types of devices for transmitting sound can be used in motorcycle helmets.

Statutory Authority for Adoption: RCW 46.37.005.

Pursuant to notice filed as WSR 91-16-100 on August 7, 1991.

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

October 25, 1991

George B. Tellevik
Chief

AMENDATORY SECTION (Amending Order 81-08-02, filed 8/21/81)

WAC 204-10-040 MOTORCYCLE HELMETS.

(1) Federal Motor Vehicle Safety Standard 218 is hereby adopted by reference as the standard for motorcycle helmets.

(2) If a motorcycle helmet meeting the above Federal requirements is to be equipped with an electronic device for transmitting sound, the speaker portion, affixed to the helmet, must not enter or completely block the ear canals.

WSR 91-22-057

WITHDRAWAL OF PROPOSED RULES

DEPARTMENT OF HEALTH

(Board of Health)

[Filed November 1, 1991, 1:17 p.m.]

Per request received from the Department of Health, today, please withdraw the sections of chapter 246-358 WAC that were proposed for adoption in WSR 91-21-130. These sections will be proposed again, with additional amendments, for a public hearing at the December 11, 1991, State Board of Health meeting in Seattle.

Sylvia Beck
Executive Director

WSR 91-22-058

PROPOSED RULES

CENTRAL WASHINGTON UNIVERSITY

[Filed November 1, 1991, 1:38 p.m.]

Original Notice.

Title of Rule: Affirmative action policy/grievance procedures.

Purpose: WAC 106-72-005, to redefine policy statement and clarify protected groups; WAC 106-72-015, to clarify protected workforce groups which will be analyzed annually; WAC 106-72-025, to define university sponsored programs and activities to be provided equal access; WAC 106-72-130, to ensure nondiscrimination compliance for university contracts and contractors; WAC 106-72-220, to define significant minority group members for student population; WAC 106-72-400, to ensure that an individual will not be penalized or retaliated against for participation in complaint procedure; WAC 106-72-410, to change dean of students to vice-president for student affairs and delete contact confidentiality phrase; WAC 106-72-490, to change hearing to proceeding; WAC 106-72-510, to change hearing to proceeding; WAC 106-72-520, to change formal hearing to adjudicative proceeding; WAC 106-72-530, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-540, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-550, to change formal hearing to adjudicative proceeding; WAC 106-72-560, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-570, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-580, to change formal hearing to adjudicative proceeding; WAC 106-72-590, to change formal hearing to adjudicative proceeding and hearing to proceeding; and WAC 106-72-600, to change hearing to proceeding.

Statutory Authority for Adoption: RCW 28B.35.120(12).

Summary: WAC 106-72-005, defines the university's commitment to affirmative action for protected groups which is expressed in efforts to eliminate barriers to equal employment opportunities; WAC 106-72-015, defines protected group members who will receive an annual utilization analysis to identify underutilization; WAC 106-72-025, definition of programs and activities sponsored by the university subject to equal access; WAC 106-72-130, outlines university nondiscrimination policies, rules and regulations regarding contracts and contractors; WAC 106-72-220, states goal of university regarding recruitment and enrollment of minority students; WAC 106-72-400, outlines university affirmative action grievance procedure and states that claimant will not suffer retaliation from university community; WAC 106-72-410, outlines informal affirmative action grievance procedure, changes dean of students to vice-president for student affairs, and deletes contact confidentiality statement; WAC 106-72-490, defines action of affirmative action grievance committee and changes hearing to proceeding; WAC 106-72-510, states details of proceeding notice for formal grievance procedure and changes hearing to proceeding; WAC 106-72-520, details of adjudicative proceeding grievance challenges; WAC 106-72-530, statement of expeditious conduct regarding adjudicative proceeding; WAC 106-72-540, availability of necessary parties for adjudicative proceeding; WAC 106-72-550, permissibility of counsel

during adjudicative proceedings; WAC 106-72-560, confidentiality of adjudicative proceedings; WAC 106-72-570, responsibilities of parties in adjudicative proceeding; WAC 106-72-580, rights of parties in adjudicative proceeding; WAC 106-72-590, powers of proceeding panel in adjudicative proceeding; and WAC 106-72-600, procedure for filing findings of grievance committee.

Reasons Supporting Proposal: WAC 106-72-005, ensure that minority groups affected by affirmative action policies are defined; WAC 106-72-015, establish definition for protected group members involved in annual workforce analysis; WAC 106-72-025, define which university-sponsored programs or activities must be provided equal access; WAC 106-72-130, ensure that contract activity complies with affirmation action guidelines; WAC 106-72-220, define significant minority group representation in student body enrollment; WAC 106-72-400, outline affirmative action grievance procedure and ensure that an individual shall not be penalized or retaliated against for participation in complaint procedure; WAC 106-72-410, outline of informal grievance procedure with title change to vice-president for student affairs and contact confidentiality change; WAC 106-72-490, APA mandated change of hearing to proceeding; WAC 106-72-510, APA mandated change of hearing to proceeding; WAC 106-72-520, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-530, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-540, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-550, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-560, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-570, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-580, APA mandated change of formal hearing to adjudicative proceeding; WAC 106-72-590, APA mandated change of formal hearing to adjudicative proceeding; and WAC 106-72-600, APA mandated change of hearing to proceeding.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Nancy Howard, Director Affirmative Action, Central Washington University, Ellensburg, Washington 98926, 963-2205.

Name of Proponent: Central Washington University, public.

Rule is necessary because of federal law, Title IX of the Education Amendments of 1972 as interpreted by OCR (Title 20 USC 1681).

Explanation of Rule, its Purpose, and Anticipated Effects: Explanation and purpose of each rule were previously stated in the Purpose and Summary above. Anticipated effects for the rule changes are: WAC 106-72-005, affirmative action policy statement will be more easily understood with added clarification of protected groups; WAC 106-72-015, clarification of protected group members who will be involved in workforce analysis; WAC 106-72-025, any program or activity subject to nondiscrimination in delivery of services will be readily identifiable; WAC 106-72-130, regulations regarding nondiscrimination compliance for contracts

and contracts will be available; WAC 106-72-220, clarification of university goal regarding significant number of enrolling minority students; WAC 106-72-400, individuals will not be penalized or retaliated against for participation in complaint procedure; WAC 106-72-410, correct title reference and deletion of confidentiality phrase; WAC 106-72-490, 106-72-510, 106-72-520, 106-72-530, 106-72-540, 106-72-550, 106-72-560, 106-72-570, 106-72-580, 106-72-590 and 106-72-600, change made in compliance with APA.

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: Samuelson Union Building (SUB) 103, on December 10, 1991, at 10 a.m.

Submit Written Comments to: Judy Miller, Executive Offices, Central Washington University, Ellensburg, Washington 98926, by December 9, 1991.

Date of Intended Adoption: December 10, 1991.

October 28, 1991

Donald M. Schliesman
Provost and Vice President
for Academic Affairs

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-005 AFFIRMATIVE ACTION POLICY STATEMENT. ((It is the policy of)) Central Washington University is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons between the ages of forty and seventy, persons of disability, and disabled and Vietnam-era veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.

Furthermore, as an equal opportunity employer Central Washington University ((to)) will:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, creed, age, national origin, disabled or Vietnam era veteran status, the presence of any physical, mental, or sensory handicap, marital status, sexual orientation, or sex except where a bona fide occupational qualification exists.

(2) Insure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reductions in force (RIF), university sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, religion, sex, age, national origin, creed, marital status, or the presence of any physical, mental or sensory handicap.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-015 ANNUAL WORKFORCE ANALYSIS. (1) The affirmative action office will conduct an annual workforce analysis for each academic department and a separate utilization analysis for ((minorities and women)) protected group members (i.e., minorities, women, Vietnam-era and disabled veterans, persons of disability and persons over the age of forty in each major job group. ((If underutilization exists;)) The university will set forth specific goals and timetables ((for minorities and women)) where underutilization is identified. Underutilization is defined as ((^))having fewer ((women or minorities)) protected group members in a particular job than would reasonably be expected by their availability.((^)) (Higher Education Guidelines, Executive Order 11246.)

(2) The university and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill vacancies in order to achieve its goals, searching for personnel in areas and channels previously unexplored to the extent necessary to overcome underutilization. Before each vacancy can be officially filled, a designee of the affirmative action office or the personnel and benefits office must certify that the appropriate recruitment and hiring procedures have been followed.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-025 NONDISCRIMINATION IN DELIVERY OF SERVICES. Central Washington University will provide equal access to all programs for all students on the basis of merit without regard to race, color, religion, sex, age, national origin, or the presence of any sensory, physical, or mental handicap.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the university including, but not limited to, admissions, academic programs, student employment, counseling and guidance services, financial aid, recreational activities, and intercollegiate athletics.

Programs may be developed by the university, however, for special student populations as affirmative action measures to overcome the effects of past discrimination.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-72-130 PROCEDURES, RULES, AND REGULATIONS—CONTRACTS AND CONTRACTORS. ~~((Every department of the university which awards contracts for the construction, alteration or repair of any building or other public work shall utilize procedures which will ensure that minority group persons are employed on all public works projects of the university. This goal is to be sought whenever university funds, from any source, are expended.~~

The university shall include in the bid specifications for a public works contract a requirement that the prospective contractor and his subcontractors must agree to take affirmative action to employ minority group workers in the performance of the contract. The bid specifications shall express as precisely as possible what affirmative action a contractor will be obligated to take.)) The business manager, through the director of auxiliary services, director of physical plant, director of business services and contracts, and the director of facilities planning and construction shall comply with federal, state, and local nondiscrimination policies and procedures when soliciting bids on all contracts for construction, goods, and services. Bids will be solicited by women and minority group vendors and contractors. Agencies engaged in business with the university will be notified in writing of the university's affirmative action program and asked to provide a statement of nondiscrimination.

In the case of federal contracts for research grants and awards, the office of graduate studies will be charged with development and inclusion in any contract a statement of nondiscrimination in the fulfillment of such contract.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-72-220 PROCEDURES, RULES, AND REGULATIONS—ACADEMIC PROGRAM. It shall be the goal of this university to recruit and enroll a student body which reflects a significant number of minority group members. ~~((The test for significance shall be determined by the percentage of such minority groups in the population of the state.)) Significant means enrolling graduating minority high school students at the same rate as graduating nonminority high school students. The university shall, in the fulfillment of this goal, make special efforts within its financial resources to bring about this desired student mix.~~

No students are to be given special consideration in fulfilling graduation requirements at the university, except as may be available for all students through established university policy.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-400 AFFIRMATIVE ACTION GRIEVANCE PROCEDURE. (1) A person who believes he or she has been discriminated against by Central Washington University because of race, color, ethnic background, sexual orientation, religion, national origin, sex, physical or mental handicap, or Vietnam era or disabled veteran status is encouraged to utilize the grievance procedures provided by Central Washington University. There are informal and formal means of addressing complaints through the affirmative action office. These should be used as soon as possible after the alleged act of discrimination. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in this complaint procedure.

(2) All persons who seek the advice and assistance of the affirmative action office shall have explained to them the informal and the formal grievance procedures available to them through the university as well

as the existence of external complaint procedures available through state and federal agencies. They shall also receive a copy of the affirmative action grievance procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-410 INFORMAL GRIEVANCE PROCEDURE. Informal review and consultative processes are highly desirable means of resolving problems. Use of those methods by individuals (e.g., students, employees, applicants) at the lowest possible level within the university is strongly encouraged.

(1) Individuals who believe that they have been the target of discrimination by Central Washington University are encouraged to discuss the matter initially with their department chair, dean, administrative supervisor or department head. Students are encouraged to discuss the matter with the appropriate department chair, dean, or the ~~((dean of students)) vice-president for student affairs.~~ The matter may be concluded by mutual consent at this point. However, complainants should feel free to bring the alleged act of discrimination to the attention of the director of affirmative action at any time.

(2) Any person may contact the affirmative action office for informal discussion, advice, and assistance. ~~((These contacts are kept confidential.))~~ The affirmative action director or a designee will assist the complainant(s) in determining whether there exists any relationship of the complaint to civil rights legislation and the university's affirmative action program.

(3) With the consent of the complainant, there may be facilitation or informal intervention by the affirmative action director or a designee. Discussion of the grievance by the affirmative action director or a designee with the immediate supervisor of the respondent may follow the visit to the affirmative action office by the complainant. The discussion between the director of affirmative action and the immediate supervisor shall be confidential. The complainant may choose to participate in this discussion at his/her option. At this time it shall be the option of the director of affirmative action to notify the respondent's next higher supervisory authority of the complaint.

(4) All discussions held under this informal procedure shall have the goal of resolving the matter without the necessity of entering into a formal complaint procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-490 FORMAL GRIEVANCE PROCEDURE—COMMITTEE RECOMMENDATION. The affirmative action grievance committee shall review the complaint and the findings of the investigating officer and determine whether or not the facts warrant a ~~((hearing)) proceeding.~~ The committee's decision shall be limited to one of the following statements:

(1) Based on the evidence presented to us, we find probable cause for believing that a discriminatory act has been committed; or

(2) Based on the evidence presented, we find no probable cause for believing that a discriminatory act has been committed.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-510 FORMAL GRIEVANCE PROCEDURE—((HEARING)) PROCEEDING NOTICE. If probable cause is found, a ~~((hearing)) proceeding~~ will be held.

(1) The chair of the committee shall establish a date for the ~~((hearing)) proceeding.~~ A notice establishing the date, time and place of the ~~((hearing)) proceeding~~ shall be provided the parties not more than ten working days from the issuance of the probable cause or no cause decision. The composition of the ~~((hearing)) proceeding~~ committee shall be provided also.

(2) The ~~((hearing)) proceeding~~ shall be held not less than fifteen working days from the mailing of the notice of ~~((hearing)) proceeding~~ unless all of the parties, with the consent of the chair, agree to shorten the time to less than fifteen days.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-520 ~~((FORMAL HEARING))~~ ADJUDICATIVE PROCEEDING—CHALLENGES. Each party shall have the privilege of one challenge without stated cause and unlimited challenges for stated bias or interest. In the case of a challenge for stated bias or interest, a majority of the affirmative action grievance committee members must be satisfied that a challenged member cannot hear the case

impartially before the member can be disqualified. In the case of removal of a member through the challenge process, the president shall restore the committee to full membership.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-530 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—EXPEDITIOUS CONDUCT. The ((~~hearing~~)) proceeding shall be conducted as expeditiously as possible and on successive days if possible.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-540 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—AVAILABILITY OF NECESSARY PARTIES. The parties and any others the affirmative action grievance committee deems necessary to the proceedings shall make themselves available to appear at the ((~~hearing~~)) proceeding unless they can verify to the committee that their absence is unavoidable.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-550 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—COUNSEL. The complainant and the respondent shall be permitted to have with him/her a party of his/her own choosing to act as advisor and counsel.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-560 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—CONFIDENTIALITY. ((~~Hearings~~)) Proceedings shall be closed to all except those persons directly involved in the case as determined by the grievance committee. Statements, testimony, and all other evidence given at the ((~~hearing~~)) proceeding shall be confidential and shall not be released to anyone and may be used by the committee only for the purpose of making its findings and recommendations to the president. (However, it will be made available to federal and/or state compliance agencies upon request.)

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-570 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—RESPONSIBILITIES OF PARTIES. The chair of the grievance committee shall convene and regulate the ((~~hearing~~)) proceeding. All parties and members of the panel must be present during the ((~~hearing~~)) proceeding unless excused by the chair for good cause. Repeated failure, without reasonable explanation, of either party to appear shall be grounds for defaulting that party's case. The complainant shall have the burden of presenting the case and the respondent shall have the burden of challenging sufficiency of the evidence presented.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-580 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—RIGHTS OF PARTIES. (1) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to examine and cross examine witnesses.

(2) No individual shall be compelled to divulge information in any form which she/he could not be compelled to divulge in, or in connection with, superior court proceedings.

(3) Any legal opinion or interpretation given to the grievance committee by the parties may be shared with all parties to the case.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-590 ((~~FORMAL HEARING~~)) ADJUDICATIVE PROCEEDING—POWERS OF ((~~HEARING~~)) PROCEEDING PANEL. The ((~~hearing~~)) proceeding panel shall be empowered to: Examine witnesses and receive evidence; suspend the ((~~hearing~~)) proceeding on account of or exclude from attendance any person(s) felt to be unreasonably disruptive of the proceedings; hold conferences for the settlement and/or simplification of the issues involved; make decisions or proposals for decisions; and take any other action authorized by rule consistent with this procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-600 FINDINGS OF GRIEVANCE COMMITTEE. The affirmative action grievance committee shall file its findings

and recommendations with the president, the affirmative action director, the complainant and the respondent within fifteen working days after the conclusion of the ((~~hearing~~)) proceeding. If the findings and recommendations of the affirmative action grievance committee are acceptable to the complainant and the respondent, the president may direct implementation of the recommendations.

WSR 91-22-059

**RULES COORDINATOR
DEPARTMENT OF
INFORMATION SERVICES**

[Filed November 1, 1991, 1:53 p.m.]

Please be advised that Dennis Jones, Deputy Director, Department of Information Services has recently designated me as our agency rules coordinator. I may be contacted as follows: Department of Information Services, Stephen Plunkett, Assistant Director, Management Services Division, 1110 S.E. Jefferson Street, PC-11, P.O. Box 42440, Olympia, WA 98504-2440, (206) 753-7277.

Steve Plunkett, Assistant Director
Management Services Division

WSR 91-22-060

**EMERGENCY RULES
CENTRAL WASHINGTON UNIVERSITY**

[Filed November 1, 1991, 1:56 p.m.]

Date of Adoption: October 28, 1991.

Purpose: WAC 106-72-005, to redefine policy statement and clarify protected groups; WAC 106-72-015, to clarify protected workforce groups which will be analyzed annually; WAC 106-72-025, to define university sponsored programs and activities to be provided equal access; WAC 106-72-130, to ensure nondiscrimination compliance for university contracts and contractors; WAC 106-72-220, to define significant minority group members for student population; WAC 106-72-400, to ensure that an individual will not be penalized or retaliated against for participation in complaint procedure; WAC 106-72-410, to change dean of students to vice-president for student affairs and delete contact confidentiality phrase; WAC 106-72-490, to change hearing to proceeding; WAC 106-72-510, to change hearing to proceeding; WAC 106-72-520, to change formal hearing to adjudicative proceeding; WAC 106-72-530, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-540, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-550, to change formal hearing to adjudicative proceeding; WAC 106-72-560, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-570, to change formal hearing to adjudicative proceeding and hearing to proceeding; WAC 106-72-580, to change formal hearing to adjudicative proceeding; WAC 106-72-590, to change formal hearing to adjudicative proceeding and hearing to proceeding; and WAC 106-72-600, to change hearing to proceeding.

Citation of Existing Rules Affected by this Order: Amending WAC 106-72-005, 106-72-015, 106-72-025, 106-72-130, 106-72-220, 106-72-400, 106-72-410, 106-72-490, 106-72-510, 106-72-520, 106-72-530, 106-72-540, 106-72-550, 106-72-560, 106-72-570, 106-72-580, 106-72-590, and 106-72-600.

Statutory Authority for Adoption: RCW 28B.35.120(12).

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; and 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: Necessary clarification of nondiscrimination rules and compliance with Administrative Procedure Act; compliance with Title IX of the Education Amendments of 1972 (Title IX) as interpreted by Office for Civil Rights, Region X (Title 20 USC 1681).

Effective Date of Rule: Immediately.

October 28, 1991
Donald M. Schliesman
Provost and Vice President
for Academic Affairs

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-005 AFFIRMATIVE ACTION POLICY STATEMENT. ((It is the policy of)) Central Washington University is committed to affirmative action for Asians, Blacks, Hispanics, Native Americans, women, persons between the ages of forty and seventy, persons of disability, and disabled and Vietnam-era veterans. This commitment is expressed through the university's efforts to eliminate barriers to equal employment opportunity and improve employment opportunities encountered by these protected groups.

Furthermore, as an equal opportunity employer Central Washington University ((to)) will:

(1) Recruit, hire, train, and promote persons in all job titles, without regard to race, color, religion, creed, age, national origin, disabled or Vietnam era veteran status, the presence of any physical, mental, or sensory handicap, marital status, sexual orientation, or sex except where a bona fide occupational qualification exists.

(2) Insure that all personnel actions such as compensation, benefits, transfers, terminations, layoffs, return from layoff, reductions in force (RIF), university sponsored training, education, tuition assistance, and social and recreation programs, will be administered without regard to race, color, religion, sex, age, national origin, creed, marital status, or the presence of any physical, mental or sensory handicap.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-015 ANNUAL WORKFORCE ANALYSIS. (1) The affirmative action office will conduct an annual workforce analysis for each academic department and a separate utilization analysis for ((minorities and women)) protected group members (i.e., minorities, women, Vietnam-era and disabled veterans, persons of disability and persons over the age of forty in each major job group. ((If underutilization exists,)) The university will set forth specific goals and timetables ((for minorities and women)) where underutilization is identified. Underutilization is defined as ((^))having fewer ((women or minorities)) protected group members in a particular job than would reasonably be expected by their availability.((^)) (Higher Education Guidelines, Executive Order 11246.)

(2) The university and each organizational unit will make every possible effort to recruit and employ qualified minorities and women to fill vacancies in order to achieve its goals, searching for personnel in areas and channels previously unexplored to the extent necessary to overcome underutilization. Before each vacancy can be officially filled, a designee of the affirmative action office or the personnel and benefits office must certify that the appropriate recruitment and hiring procedures have been followed.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-025 NONDISCRIMINATION IN DELIVERY OF SERVICES. Central Washington University will provide equal access to all programs for all students on the basis of merit without regard to race, color, religion, sex, age, national origin, or the presence of any sensory, physical, or mental handicap.

No person will be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity sponsored by the university including, but not limited to, admissions, academic programs, student employment, counseling and guidance services, financial aid, recreational activities, and inter-collegiate athletics.

Programs may be developed by the university, however, for special student populations as affirmative action measures to overcome the effects of past discrimination.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-72-130 PROCEDURES, RULES, AND REGULATIONS—CONTRACTS AND CONTRACTORS. ((Every department of the university which awards contracts for the construction, alteration or repair of any building or other public work shall utilize procedures which will ensure that minority group persons are employed on all public works projects of the university. This goal is to be sought whenever university funds, from any source, are expended.

The university shall include in the bid specifications for a public works contract a requirement that the prospective contractor and his subcontractors must agree to

~~take affirmative action to employ minority group workers in the performance of the contract. The bid specifications shall express as precisely as possible what affirmative action a contractor will be obligated to take.)~~
The business manager, through the director of auxiliary services, director of physical plant, director of business services and contracts, and the director of facilities planning and construction shall comply with federal, state, and local nondiscrimination policies and procedures when soliciting bids on all contracts for construction, goods, and services. Bids will be solicited by women and minority group vendors and contractors. Agencies engaged in business with the university will be notified in writing of the university's affirmative action program and asked to provide a statement of nondiscrimination.

In the case of federal contracts for research grants and awards, the office of graduate studies will be charged with development and inclusion in any contract a statement of nondiscrimination in the fulfillment of such contract.

AMENDATORY SECTION (Amending Order 39, filed 7/11/78)

WAC 106-72-220 PROCEDURES, RULES, AND REGULATIONS—ACADEMIC PROGRAM. It shall be the goal of this university to recruit and enroll a student body which reflects a significant number of minority group members. ~~((The test for significance shall be determined by the percentage of such minority groups in the population of the state.))~~ Significant means enrolling graduating minority high school students at the same rate as graduating nonminority high school students. The university shall, in the fulfillment of this goal, make special efforts within its financial resources to bring about this desired student mix.

No students are to be given special consideration in fulfilling graduation requirements at the university, except as may be available for all students through established university policy.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-400 AFFIRMATIVE ACTION GRIEVANCE PROCEDURE. (1) A person who believes he or she has been discriminated against by Central Washington University because of race, color, ethnic background, sexual orientation, religion, national origin, sex, physical or mental handicap, or Vietnam era or disabled veteran status is encouraged to utilize the grievance procedures provided by Central Washington University. There are informal and formal means of addressing complaints through the affirmative action office. These should be used as soon as possible after the alleged act of discrimination. No individual shall be penalized or retaliated against in any way by the university community for his or her participation in this complaint procedure.

(2) All persons who seek the advice and assistance of the affirmative action office shall have explained to them

the informal and the formal grievance procedures available to them through the university as well as the existence of external complaint procedures available through state and federal agencies. They shall also receive a copy of the affirmative action grievance procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-410 INFORMAL GRIEVANCE PROCEDURE. Informal review and consultative processes are highly desirable means of resolving problems. Use of those methods by individuals (e.g., students, employees, applicants) at the lowest possible level within the university is strongly encouraged.

(1) Individuals who believe that they have been the target of discrimination by Central Washington University are encouraged to discuss the matter initially with their department chair, dean, administrative supervisor or department head. Students are encouraged to discuss the matter with the appropriate department chair, dean, or the ~~((dean of students))~~ vice-president for student affairs. The matter may be concluded by mutual consent at this point. However, complainants should feel free to bring the alleged act of discrimination to the attention of the director of affirmative action at any time.

(2) Any person may contact the affirmative action office for informal discussion, advice, and assistance. ~~((These contacts are kept confidential.))~~ The affirmative action director or a designee will assist the complainant(s) in determining whether there exists any relationship of the complaint to civil rights legislation and the university's affirmative action program.

(3) With the consent of the complainant, there may be facilitation or informal intervention by the affirmative action director or a designee. Discussion of the grievance by the affirmative action director or a designee with the immediate supervisor of the respondent may follow the visit to the affirmative action office by the complainant. The discussion between the director of affirmative action and the immediate supervisor shall be confidential. The complainant may choose to participate in this discussion at his/her option. At this time it shall be the option of the director of affirmative action to notify the respondent's next higher supervisory authority of the complaint.

(4) All discussions held under this informal procedure shall have the goal of resolving the matter without the necessity of entering into a formal complaint procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-490 FORMAL GRIEVANCE PROCEDURE—COMMITTEE RECOMMENDATION. The affirmative action grievance committee shall review the complaint and the findings of the investigating officer and determine whether or not the facts warrant a ~~((hearing))~~ proceeding. The committee's decision shall be limited to one of the following statements:

(1) Based on the evidence presented to us, we find probable cause for believing that a discriminatory act has been committed; or

(2) Based on the evidence presented, we find no probable cause for believing that a discriminatory act has been committed.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-510 FORMAL GRIEVANCE PROCEDURE—((HEARING)) PROCEEDING NOTICE. If probable cause is found, a ((hearing)) proceeding will be held.

(1) The chair of the committee shall establish a date for the ((hearing)) proceeding. A notice establishing the date, time and place of the ((hearing)) proceeding shall be provided the parties not more than ten working days from the issuance of the probable cause or no cause decision. The composition of the ((hearing)) proceeding committee shall be provided also.

(2) The ((hearing)) proceeding shall be held not less than fifteen working days from the mailing of the notice of ((hearing)) proceeding unless all of the parties, with the consent of the chair, agree to shorten the time to less than fifteen days.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-520 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—CHALLENGES. Each party shall have the privilege of one challenge without stated cause and unlimited challenges for stated bias or interest. In the case of a challenge for stated bias or interest, a majority of the affirmative action grievance committee members must be satisfied that a challenged member cannot hear the case impartially before the member can be disqualified. In the case of removal of a member through the challenge process, the president shall restore the committee to full membership.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-530 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—EXPEDITIOUS CONDUCT. The ((hearing)) proceeding shall be conducted as expeditiously as possible and on successive days if possible.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-540 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—AVAILABILITY OF NECESSARY PARTIES. The parties and any others the affirmative action grievance committee deems necessary to the proceedings shall make themselves available to appear at the ((hearing)) proceeding unless they can verify to the committee that their absence is unavoidable.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-550 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—COUNSEL. The

complainant and the respondent shall be permitted to have with him/her a party of his/her own choosing to act as advisor and counsel.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-560 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—CONFIDENTIALITY. ((Hearings)) Proceedings shall be closed to all except those persons directly involved in the case as determined by the grievance committee. Statements, testimony, and all other evidence given at the ((hearing)) proceeding shall be confidential and shall not be released to anyone and may be used by the committee only for the purpose of making its findings and recommendations to the president. (However, it will be made available to federal and/or state compliance agencies upon request.)

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-570 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—RESPONSIBILITIES OF PARTIES. The chair of the grievance committee shall convene and regulate the ((hearing)) proceeding. All parties and members of the panel must be present during the ((hearing)) proceeding unless excused by the chair for good cause. Repeated failure, without reasonable explanation, of either party to appear shall be grounds for defaulting that party's case. The complainant shall have the burden of presenting the case and the respondent shall have the burden of challenging sufficiency of the evidence presented.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-580 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—RIGHTS OF PARTIES. (1) Opportunity shall be afforded all parties to respond and present evidence and argument on all issues involved and to examine and cross examine witnesses.

(2) No individual shall be compelled to divulge information in any form which she/he could not be compelled to divulge in, or in connection with, superior court proceedings.

(3) Any legal opinion or interpretation given to the grievance committee by the parties may be shared with all parties to the case.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-590 ((FORMAL HEARING)) ADJUDICATIVE PROCEEDING—POWERS OF ((HEARING)) PROCEEDING PANEL. The ((hearing)) proceeding panel shall be empowered to: Examine witnesses and receive evidence; suspend the ((hearing)) proceeding on account of or exclude from attendance any person(s) felt to be unreasonably disruptive of the proceedings; hold conferences for the settlement and/or simplification of the issues involved; make decisions or

proposals for decisions; and take any other action authorized by rule consistent with this procedure.

AMENDATORY SECTION (Amending Order 59, filed 11/7/86)

WAC 106-72-600 FINDINGS OF GRIEVANCE COMMITTEE. The affirmative action grievance committee shall file its findings and recommendations with the president, the affirmative action director, the complainant and the respondent within fifteen working days after the conclusion of the ((hearing)) proceeding. If the findings and recommendations of the affirmative action grievance committee are acceptable to the complainant and the respondent, the president may direct implementation of the recommendations.

WSR 91-22-061
PERMANENT RULES
DEPARTMENT OF HEALTH
(Optometry Board)

[Order 210B—Filed November 1, 1991, 2:46 p.m.]

Date of Adoption: October 25, 1991.

Purpose: To update WAC and RCW references and make other housekeeping changes.

Citation of Existing Rules Affected by this Order: Amending 246-851-020, 246-851-030, 246-851-080, 246-851-120, 246-851-160, 246-851-170, 246-851-180, 246-851-210, 246-851-230, 246-851-260, 246-851-400 and 246-851-430.

Statutory Authority for Adoption: WAC 246-851-020, 246-851-030, 246-851-080, 246-851-120, 246-851-160, 246-851-170, 246-851-180, 246-851-210, 246-851-230, 246-851-260, and 246-851-400 is RCW 18.54.070; and WAC 246-851-430 is RCW 18.54.070 and 70.24.270.

Pursuant to notice filed as WSR 91-19-101 on September 18, 1991.

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

October 25, 1991

Dean H. Hattan

Chair

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-020 RENEWAL OF LICENSES.

(1) The annual license renewal date for licensed optometrists coincides with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) Licensees shall renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) All applicants for license renewal must comply with the continuing education requirements set forth in WAC ((308-53-100 to 308-53-180)) 246-851-090 through 246-851-240.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-030 TEMPORARY PERMIT POLICY RECOMMENDATION. To protect the public, the board recommends to the ((director)) secretary that temporary permits not be issued pursuant to the discretion granted in RCW 18.53.030. However, if a temporary permit is issued the board recommends that the applicant must be under the direct and immediate supervision of a currently licensed optometrist who is at all times on the same premises.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-080 EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass may request informal review by the board of his or her examination results. This request must be in writing and must be received by the department within thirty days of the postmark of notification of the examination results. The board will not set aside their prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

(2) The procedure for filing an informal review is as follows:

(a) Contact the department of ((licensing)) health office in Olympia for an appointment to appear personally to review incorrect answers on failed written tests and score sheets on failed practical tests.

(b) Candidate will be provided a form to complete in the department of ((licensing)) health office in Olympia in defense of test answers.

(c) The candidate must state the specific reason or reasons why the candidate feels the results of the test should be changed.

(d) Candidate will be identified only by candidate number for the purpose of this review. Letters of reference or requests for special consideration will not be read or considered by the board.

(e) Candidate may not bring in notes or texts for use while completing the informal review form.

(f) Candidate will not be allowed to take any notes or materials from the office upon leaving.

(g) The optometry board will schedule a closed session meeting to review the tests and forms completed by the candidate for the purpose of informal review.

(h) The candidate will be notified in writing of the results.

(3) Any candidate who is not satisfied with the result of the examination review may request a formal hearing to be held before the board pursuant to the Administrative Procedure Act. Such hearing must be requested within twenty days of the postmark of the result of the board's review of the examination results. The request must state the specific reason or reasons why the candidate feels the results of the examination should be changed. These reasons shall not be broader than those

stated for the informal review. The board will not set aside its prior determination unless the candidate proves the challenged score was the result of fraud, coercion, arbitrariness or manifest unfairness by the board. The board will not consider any challenges to examination scores unless the total revised score could result in issuance of a license.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-120 CREDIT FOR CLASSES. Continuing education credit may be granted for courses sponsored by schools and professional organizations. The board will individually consider granting or denying credit for any course other than those offered by organizations approved in WAC (~~(308-53-120)~~) 246-851-110.

(1) Requests for credit must be submitted at least thirty days prior to the date of the course. The request must include, as a minimum, an agenda, an outline of each offering, and a brief professional biography of each presenter. Within sixty days the board will notify the sponsor of its approval or denial of continuing education credits and the number of credits approved. If the board does not act on the continuing education credit request within sixty days after receipt, the request shall be approved as submitted.

(2) Any requests received after the thirty-day submission deadline will be considered by the board as soon as possible.

(3) In determining whether a course will be granted credit, the board may consider, among other factors: The relevancy of the course to the usual and customary practice of optometry, the correlation of the course to subjects taught in accredited colleges or schools of optometry, the speaker(s) being properly credentialed in the subject area, and the relationship to new concepts and techniques: PROVIDED, HOWEVER, Courses related to a single product or device will not normally be granted credit.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-160 CREDIT FOR REPORTS. Continuing education credit will be given for reports on professional optometric literature. Requests for credit must be submitted to the department of (~~(licensing)~~) health, professional licensing (~~(division)~~) services in Olympia, at least thirty days prior to the end of the reporting period. The request should include a copy of the article being reported on and the typewritten report. Such report shall list ten descriptive basic statements from an article or sequence of articles. Professional literature approved for such reports are: American Journal of Optometry and Physiological Optics, American Optometric Association News, Contact Lens Forum, Contacto, Insight, International Contact Lens Clinic, Journal of American Optometric Association, Journal on Optometric Education, Journal of Optometric Vision Development, OEP Monthly, Optometric Management,

Optometric Monthly, Optometric World, Review of Optometry, and 20/20 Magazine. Other professional literature may be submitted in advance for the board's consideration and approval. Reports shall list the title of the article(s), literature that the article(s) was taken from, the date of issuance/publication of the literature, page(s) utilized, and author(s).

Each report qualifies for one credit hour and may only be used for credit once. The maximum continuing education credit that will be granted under this section is ten credit hours for each two-year reporting period.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-170 CREDIT FOR PREPROGRAMMED EDUCATIONAL MATERIALS. Continuing education credit will be granted for observation and participation in the use of formal preprogrammed optometric educational materials, including the use of cassettes, videodiscs, videotapes, teaching machines, etc. Requests for credit must be submitted to the department of (~~(licensing)~~) health, professional licensing (~~(division)~~) services in Olympia, at least thirty days prior to the end of the reporting period. The request should include the title of the preprogrammed educational material, its date of issuance, its author/provider, and the length of time spent viewing/listening to the preprogrammed educational material. A synopsis of the preprogrammed educational material shall be submitted.

The maximum continuing education credit that will be granted under this section is ten credit hours for each two-year reporting period.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-180 CREDIT FOR LECTURING. Continuing education credit will be given for the preparation and presentation of courses and lectures in optometric education, if attendance at such a course or lecture would also qualify for such credit. For each hour of credit for the initial presentation of such a course or lecture, two additional hours of credit will be granted. Requests for credit must be submitted to the department of (~~(licensing)~~) health, professional licensing (~~(division)~~) services in Olympia, at least thirty days prior to the end of the reporting period. The request should include a brief outline of the lecture and the length of the presentation. Credit for subsequent presentations will be individually considered upon a showing that significant additional work has been required. No more than ten hours will be approved for any licensee in any two-year reporting period.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-210 CERTIFICATION FOR CONTINUING EDUCATION COURSES. (1) In conjunction with the application for renewal of licensure, a licensee shall submit, on a form provided by the board,

an affidavit of compliance with the continuing education requirement of WAC ((308-53-100)) 246-851-090.

(2) Upon request of the board, a licensee shall submit evidence in addition to the affidavit to substantiate compliance with the continuing education requirement. Accordingly, it shall be the responsibility of the licensee to maintain evidence and documentation of such compliance.

(3) It is the responsibility of the licensee to seek prior approval of the board for any continuing education credit where such credit is not automatically approved under the provisions of WAC ((308-53-120 through 308-53-155)) 246-851-110 through 246-851-190, or where the licensee has any doubt as to its acceptability.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-230 CREDITS FOR PRACTICE MANAGEMENT. Continuing education credit will be granted for courses or materials involving practice management; however, no more than ten credit hours total will be granted to any licensee for practice management courses under WAC ((308-53-120 through 308-53-150)) 246-851-110 through 246-851-180 in any two-year reporting period.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-260 MOBILE OPTOMETRIC UNITS. (1) Doctors of optometry operating mobile units are required to maintain the minimum equipment requirements of WAC ((308-53-200)) 246-851-250 in such units.

(2) Before examining a patient or filling a prescription for a patient, the doctor of optometry must provide to the patient his complete name, his business phone number, the address of his regular office, and his regular office hours. If such doctor of optometry does not maintain a business phone or regular office, he must provide this information to the patient, and must give him his personal phone number and address in place of his business number and address. If the practice of a mobile unit is owned in whole or in part by someone other than the doctor of optometry operating the mobile unit, such fact must also be provided to the patient, along with the names, phone numbers and addresses of all those who own an interest in the practice. The information required by this section may be provided to the patients by means of a sign on or near the mobile unit which the public may reasonably be expected to see and comprehend.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-400 CERTIFICATION REQUIRED FOR USE OF PHARMACEUTICAL AGENTS. (1) Licensed optometrists using pharmaceutical agents in the practice of optometry shall have a minimum of sixty hours of didactic and clinical instruction in general and ocular pharmacology as applied to optometry, and for therapeutic purposes an additional

minimum seventy-five hours of didactic and clinical instruction, and certification from an institution of higher learning, accredited by those agencies recognized by the United States Office of Education or the Council on Post-Secondary Accreditation to qualify for certification by the optometry board to use drugs for diagnostic and therapeutic purposes.

(2) Optometrists must obtain the required instructions in both diagnostic and therapeutic categories in order to be eligible to qualify for certification to use drugs for therapeutic purposes.

(3) The instruction in ocular therapeutics must cover the following subject area in order to qualify for certification training:

- (a) Ocular pharmacology.
 - (i) Corneal barrier, blood-aqueous, /-retinal barrier.
 - (ii) Routes of drug administration for ocular disease.
 - (iii) Prescription writing and labeling.
 - (iv) Ocular side-effects of systemic drugs.
- (b) Anti-infectives.
 - (i) General principles of anti-infective drugs.
 - (ii) Antibacterial drugs.
 - (iii) Treatment of ocular bacterial infections.
 - (iv) Antiviral drugs.
 - (v) Treatment of ocular viral infections.
 - (vi) Antifungal drugs.
 - (vii) Treatment of ocular fungal infections.
 - (viii) Antiparasitic drugs.
 - (ix) Treatment of parasitic eye disease.
- (c) Anti-inflammatory drugs.
 - (i) Nonsteroidal anti-inflammatory drugs (NSAIDS).
 - (ii) General principles of mast-cell stabilizers.
 - (iii) Antihistamines.
 - (iv) Ocular decongestants.
 - (v) Treatment of allergic disease.
 - (vi) Treatment of inflammatory disease.
 - (vii) Cycloplegic drugs.
 - (viii) Treatment of ocular trauma.
 - (ix) Ocular lubricants.
 - (x) Hypertonic agents.
 - (xi) Antiglaucoma drugs.

Each subject area shall be covered in sufficient depth so that the optometrist will be informed about the general principles in the use of each drug category, drug side effects and ((counter indications)) contra indications, and for each disease covered the subjective symptoms, objective signs, diagnosis and recommended treatment and programs.

AMENDATORY SECTION (Amending Order 119B, filed 2/26/91, effective 3/29/91)

WAC 246-851-430 AIDS PREVENTION AND INFORMATION 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 chapter 70.24 RCW.

(2) Application for licensure. Effective July 1, 1989 persons who submit an application for licensure shall submit, prior to being granted a license and in addition to the other requirements, evidence to show compliance with the educational requirements of subsection ((4)) of this section.

(3) ((1989 renewal of licenses. Effective with the renewal period beginning September 1, 1989, through August 31, 1990, all persons making application for licensure renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of subsection (4). Renewal applicants who have documented hardship which prevents obtaining the required education on AIDS may petition the board for an extension.

(4)) AIDS education and training.

(a) Acceptable education and training. The board will accept education and training that is consistent with the topical outline supported by the office on AIDS. Such education and training shall be a minimum of four clock hours regarding the prevention, transmission and treatment of AIDS, and may include, but is not limited to, the following: Etiology and epidemiology; testing and counseling; infection control guidelines; clinical manifestations and treatment; legal and ethical issues to include confidentiality; and psychosocial issues to include special population considerations.

(b) Implementation. ((Effective September 1, 1989,)) The requirements for licensure, renewal, or reinstatement of any license on lapsed, inactive, or disciplinary status shall include completion of AIDS education and training. All persons affected by this section shall show evidence of completion of an education and training program, which meets the requirements of ((subsection)) (a) of this subsection.

(c) Documentation. The licensee or applicant for licensure shall:

(i) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987;

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

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

**WSR 91-22-062
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER**

[Filed November 1, 1991, 3:29 p.m.]

Continuance of WSR 91-19-092.

Title of Rule: Regulation on transfer of insurance contracts.

Other Identifying Information: Insurance Commissioner Matter No. R 91-9.

Date of Intended Adoption: November 13, 1991.

November 1, 1991

Dick Marquardt
Insurance Commissioner
By David H. Rodgers
Chief Deputy
Insurance Commissioner

**WSR 91-22-063
PERMANENT RULES
PARKS AND RECREATION
COMMISSION**

[Filed November 1, 1991, 4:40 p.m.]

Date of Adoption: October 25, 1991.

Purpose: Adjust some user fees at Fort Worden, clarifies meal service requirements, and explains reservation policies for special events regarding Centrum.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-25001.

Statutory Authority for Adoption: RCW 43.51.040.

Pursuant to notice filed as WSR 91-19-095 on September 18, 1991.

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

October 25, 1991

Jack Shreve
Chairman

AMENDATORY SECTION (Amending WSR 90-23-031, filed 11/14/90, effective 1/1/91)

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) \$ ((66.96)) 68.60/unit
Officers' row buildings—#5, #6, and #7 (6 units, each with 3.5 bedrooms) ... \$ ((108.03)) 110.79/unit
Officers' row buildings—#4 and #11 (4 units, each with 6 bedrooms) \$ ((179.31)) 183.85/unit
Charge for additional rollaway beds \$ 10.20 per bed

(b) Nonrenovated housing

Officers' row building—#9, #10 and #16 (5 units, each with 3 bedrooms) \$ ((83.10)) 85.19/unit
Officers' row buildings—#15 (1 unit with 5 bedrooms) \$ ((131.16)) 134.45/unit
Charge for additional rollaway beds \$ 10.20 per bed
Bliss vista building—#235 (1 unit with 1 bedroom) \$ ((54.97)) 56.34/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.....\$ 2.95
Lunch.....\$ 4.00
Dinner.....\$ 6.00
Total.....\$ 12.95~~

~~Coffee service.....\$10.00
minimum charge for
any group of 20 or
less. 50¢ per person
for additional persons.))~~

Meal charges vary depending upon which meals and which level of service are selected by the visitor in the reservation agreement. All conference groups utilizing dormitory accommodations must contract for food services for a minimum of two meals per full day of occupancy. Food services are optional for nonconference groups using above-listed recreational housing.

(c) Dormitory housing (for group reservations only—meals not included)

1 - 2 days.....	\$ ((23.36)) 10.63/person/day
3 - 13 days	\$ ((21.41)) 8.70/person/day
14 or more days.....	\$ ((19.83)) 7.08/person/day
Dormitory linen and towel charge	\$ ((8.65)) 8.85
Additional towel charges	\$ ((-.86)) .85
Additional towel set	\$ ((1.86)) 1.85
Emergency bedroll	\$ ((9.86)) 9.15

~~((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 not included)

1 - 2 days.....	\$ ((21.44)) 8.72/person/day
3 - 13 days	\$ ((19.67)) 7.00/person/day
14 or more days.....	\$ ((18.02)) 5.21/person/day

All meals are served in the dining hall.
Washington state sales tax is added to all charges.

The Centrum organization has a preferential right to reserve certain facilities and services at Fort Worden State Park in conjunction with special group programs administered by Centrum as set forth in the Fort Worden State Park Master Facility Use Plan and by separate agreement with Centrum. For further information contact Fort Worden State Park.

(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)) thirty-two or more wishing to reserve the Fort Worden State Park housing or meeting room facilities may make application for reservations ((up to two years)) in advance ((of the date of use)) consistent with the provisions of the Fort Worden Master Facility Use Plan by contacting the park. Confirmation of reservations is subject to the user group complying with the procedures specified in the ((group booking)) Master Facility Use Plan and the reservation agreement, copies of which are available at the park.

(4) ~~((Conference center groups may reserve no more than fifty campsites per night in addition to other reserved conference center facilities.))~~ Consistent with the Fort Worden State Park Master Facility Use Plan, conference groups may also reserve campsites in advance as their sole overnight accommodation: PROVIDED, That there will be a twenty-site minimum for any individual reservation. During the months of May through September only the upper campground may be reserved by such conference groups. During the months of October through April, all of the upper campground and twenty sites in the beach level campground may be reserved by conference groups.

WSR 91-22-064

PERMANENT RULES

DEPARTMENT OF FISHERIES

[Order 91-132—Filed November 1, 1991, 4:47 p.m.]

Date of Adoption: September 13, 1991.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

Pursuant to notice filed as WSR 91-11-111 on May 22, 1991; WSR 91-15-031 on July 16, 1991; and WSR 91-18-029 on August 28, 1991.

Changes Other than Editing from Proposed to Adopted Version: Adopted Option 3, modified to three-day fishery in District 1 through March 2, 1992, and in District 4 all season. March 2, 1992, through April 15, 1992, District 1 open Monday and Tuesday only.

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

November 1, 1991

Judith Freeman
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 87-187 [91-22], filed 11/6/87 [4/23/91])

WAC 220-52-073 SEA URCHINS. It is unlawful to take or possess sea urchins taken for commercial purposes except as provided for in this section.

(1) Sea urchin districts:

(a) Sea Urchin District 1 (Northern San Juan Islands) is defined as Marine Fish-Shellfish Management and Catch Reporting Areas 20A, 20B, and those waters of Area 22A north of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and west of a line projected true north from Limestone Point on San Juan Island. The following areas within Sea Urchin District 1 are closed to the harvest of sea urchins at all times:

(i) Those waters within one-quarter mile of Green Point on Spieden Island.

(ii) Those waters within one-quarter mile of Gull Reef, located between Spieden and Johns Island.

(b) Sea Urchin District 2 (Southern San Juan Islands and Port Townsend) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 22A south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island and east of a line projected true north from Limestone Point on San Juan Island and Areas 23B and 25A. The following areas within Sea Urchin District 2 are closed to the harvest of sea urchins at all times:

(i) Those waters of Haro Strait north of a line projected east-west one-half mile south of Eagle Point on San Juan Island and south of a line projected east-west one-quarter mile north of Lime Kiln Light on San Juan Island.

(ii) Those waters of San Juan Channel and Upright Channel within the following lines: North of a line from Cattle Point on San Juan Island to Davis Point on Lopez Island; south of a line projected from Flat Point on Lopez Island true west to Shaw Island; west of a line from Neck Point on Shaw Island to Steep Point on Orcas Island; south of a line from Steep Point on Orcas Island to Limestone Point on San Juan Island.

(c) Sea Urchin District 3 (Port Angeles) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C east of a line projected true north from Low Point, and Area 23D.

(d) Sea Urchin District 4 (Sekiu) is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 23C west of a line projected true north from Low Point and those waters of Area 29 east of a line projected true north from the mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock).

(e) Sea Urchin District 5 is defined as those waters of Marine Fish-Shellfish Management and Catch Reporting Area 29 west of a line projected true north from the

mouth of Rasmussen Creek (3.1 miles southeast of Sail Rock) and Areas 59A and 59B. Within Sea Urchin District 5, waters within one-quarter mile of Tatoosh Island are closed to the harvest of sea urchins at all times.

(2) Sea urchin areas, seasons, species, and sizes:

(a) ~~((District 2 is open October 1, 1987 through March 31, 1988 to harvest red sea urchins between 4.0 and 5.25 inches:~~

~~(b) District 5 is open October 1, 1987 through March 31, 1988 to harvest red sea urchins between 3.25 and 4.5 inches:~~

~~((c)) District 1 is open ((October)) November 1, ((1988)) 1991, through March ((31, 1989)) 1, 1992, Monday through Wednesday only, and is open March 2, 1992, through April 15, 1992, Monday and Tuesday only, to harvest of red sea urchins between 4.0 and ((5.25)) 5.5 inches in size.~~

~~((d)) (b) District 4 is open ((October)) November 1, ((1988)) 1991, through ((March 31, 1989)) April 15, 1992, Monday through Wednesday only, to harvest of red sea urchins between ((3.25 and 5.0)) 3.75 and 5.25 inches in size.~~

~~((e) District 3 is open October 1, 1989 through March 31, 1990 to harvest red sea urchins between 3.25 and 5.0 inches:~~

~~((f)) (c) Otherwise as authorized by a permit issued by the director.~~

~~((g)) (d) All sizes in this subsection are shell diameter exclusive of the spines.~~

(3) Shellfish diver gear:

(a) Divers may only use hand-operated equipment that does not penetrate the shell.

(b) Sea urchins may not be taken from water shallower than 10 feet below mean lower low water.

(c) Green and purple sea urchins may not be taken.

(d) Divers operating from a vessel must have a number assigned by the department, placed on both sides and the top of the vessel in such a manner that the number is clearly visible when the vessel is viewed from either side or from the air and the number must be black on white no less than 18 inches high and of proportionate width.

(e) Divers may not take sea urchins from one-half hour after sunset to one-half hour before sunrise.

(f) No processing of sea urchins is permitted aboard the harvest vessel.

(g) Divers may not take sea urchins for use other than as human food.

(h) Variance from any of the provisions of this subsection is only allowed if authorized by a permit issued by the director.

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

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

WSR 91-22-065
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 91-129—Filed November 1, 1991, 4:50 p.m., effective
 November 3, 1991, 12:01 a.m.]

Date of Adoption: November 1, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
 Repealing WAC 220-47-719.

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 opening in Areas 7 and 7A provides opportunity to harvest the nontreaty share of United States and Canadian origin chum salmon, as per the chum annex of the Pacific Salmon Treaty. The openings in Areas 7B, 8, 8A, 10, 11, 12, and 12B provide opportunity to harvest the nontreaty shares of chum salmon originating from the Nooksack-Samish, Skagit, Stillaguamish-Snohomish, south Puget Sound and Hood Canal regions. The opening in Area 8D provides opportunity to harvest the remainder of the nontreaty share of Stillaguamish-Snohomish origin coho salmon by targeting on Tulalip hatchery-origin coho. The Area 10 in-season restriction is necessary to reduce impacts on local chum stocks. All other Puget Sound areas are closed to prevent overharvest of local salmon stocks.

Effective Date of Rule: 12:01 a.m., November 3, 1991.

November 1, 1991
 Judith Freeman
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-47-720 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY. *Notwithstanding the provisions of Chapter 220-47 WAC, effective 12:01 AM Sunday November 3, 1991, until further notice, it is unlawful to take, fish for, or possess salmon or Atlantic salmon for commercial purposes taken from the following Puget Sound Salmon Management and Catch Reporting Areas except in accordance with the following open periods and mesh and area restrictions:*

**Areas 7 and 7A - Gillnets using 6-inch minimum mesh may fish from 4:00 PM until 8:00 AM nightly, Monday and Tuesday nights November 4 and 5. Purse seines may fish from 5:00 AM to 8:00 PM daily, Tuesday and Wednesday November 5 and 6.*

**Area 7B - Gillnets using 6-inch minimum mesh, and purse seines, may fish continuously from 5:00 AM Monday November 4 until 4:00 PM Friday November 8.*

**Areas 8, 10 and 11 - Gillnets using 6-inch minimum mesh may fish from 4:00 PM Monday November 4 until 8:00 AM Tuesday November 5. Purse seines using the*

5-inch strip may fish from 5:00 AM to 8:00 PM Tuesday November 5. In addition to the exclusion zones described in WAC 220-47-307, the following area 10 in-season restriction applies: closed in Port Madison west of a line projected 178 degrees true from the light at the end of the Indianola Dock to the landfall on the south shore of Port Madison.

**Areas 8A, 12 and 12B - Gillnets using 6-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly, Monday and Tuesday nights November 4 and 5. Purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, Tuesday and Wednesday November 5 and 6.*

**Area 8D - Gillnets using 5-inch minimum mesh may fish from 4:00 PM to 8:00 AM nightly, Monday and Tuesday nights November 4 and 5. Purse seines using the 5-inch strip may fish from 5:00 AM to 8:00 PM daily, Tuesday and Wednesday November 5 and 6.*

**Areas 4B, 5, 6, 6A, 6B, 6C, 6D, 7C, 7D, 7E, 9, 9A, 10A, 10C, 10D, 10E, 10F, 10G, 11A, 12A, 12C, 12D, 13, 13A, 13C, 13D, 13E, 13F, 13G, 13H, 13I, 13J, and 13K, all freshwater areas, and exclusion zones provided for in WAC 220-47-307 except as modified herein - Closed.*

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 AM Sunday November 3, 1991:

WAC 220-47-719 PUGET SOUND ALL-CITIZEN COMMERCIAL SALMON FISHERY (91-124)

WSR 91-22-066
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 91-130—Filed November 1, 1991, 4:55 p.m.]

Date of Adoption: November 1, 1991.

Purpose: Amend commercial fishing rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-52-073.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: This rule is necessary to provide for a sea urchin fishery to take available product. Permanent rules have been adopted, and this rule covers the interim period until they take effect.

Effective Date of Rule: Immediately.

November 1, 1991
 Judith Freeman
 for Joseph R. Blum
 Director

NEW SECTION

WAC 220-52-07300K SEA URCHIN SEASONS. Notwithstanding the provisions of WAC 220-52-073, effective November 1, 1991, it is unlawful to fish for or possess sea urchins taken for commercial use except from the following areas during the times provided and of the sizes indicated (size is shell diameter exclusive of the spines):

(1) District 1 is open November 1, 1991, until further notice, Monday through Wednesday only, for harvest of red sea urchins between 4.0 and 5.5 inches in size.

(2) District 4 is open November 1, 1991, until further notice, Monday through Wednesday only, to harvest of red sea urchins between 3.75 and 5.25 inches in size.

WSR 91-22-067**EMERGENCY RULES****DEPARTMENT OF FISHERIES**

[Order 91-131—Filed November 1, 1991, 4:59 p.m., effective November 1, 1991, 6:00 p.m.]

Date of Adoption: November 1, 1991.

Purpose: Commercial fishing regulations.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-33-01000C.

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable coho salmon are available in the Lower Columbia River. This regulation is consistent with the actions of the November 1, 1991, meeting of the Columbia River Compact.

Effective Date of Rule: 6:00 p.m., November 1, 1991.

November 1, 1991

Judith Freeman
for Joseph R. Blum
Director

NEW SECTION

WAC 220-33-01000D COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. Notwithstanding the provisions of WAC 220-33-005, 220-33-010, 220-33-020, and 220-33-030, it is unlawful for a person to take or possess salmon, shad or sturgeon taken for commercial purposes from Columbia River SMCRA 1A, 1B, 1C, 1D or 1E except as provided for in this section:

(1) OPEN TIME PERIODS AND AREAS:

6:00 p.m. November 3 to 6:00 p.m. November 5, 1991.

in SMCRA 1A, 1B, 1C, 1D and 1E.

(2) SANCTUARIES:

During the open time periods provided for in section 1, the following sanctuaries remain closed: Sandy River, Grays River, Elokomin-A, Cowlitz River, Kalama-A, Lewis River-A, and Washougal River.

(3) ALLOWABLE GEAR:

(a) Gill net gear that does not exceed 1,500 feet in length along the corkline.

(b) Gill net gear that is not constructed of monofilament webbing.

(c) Lead or weight on the leadline not exceeding two pounds in any one fathom, measurement to be taken along the corkline of the net.

(d) In SMCRA 1E and that portion of 1D upstream of a line projected true north and south through the Washougal Blinker light (light "50" flashing red), only gill nets containing a mesh size of 9 inches or smaller are allowed.

REPEALER

The following section of the Washington Administrative Code is repealed, effective 6:00 p.m. November 1, 1991:

WAC 220-33-01000C COLUMBIA RIVER SALMON SEASONS BELOW BONNEVILLE. (91-119)

WSR 91-22-068**PROPOSED RULES****CRIMINAL JUSTICE****TRAINING COMMISSION**

[Filed November 4, 1991, 9:03 a.m.]

Original Notice.

Title of Rule: Chapter 139-30 WAC, Firearms certification of licensed private security guards.

Purpose: Establishes requirements and process for obtainment of a firearms certificate by licensed security guards desiring to be licensed as armed security guards.

Statutory Authority for Adoption: RCW 43.101.080(2).

Statute Being Implemented: Chapter 18.170 RCW.

Summary: Proposed rules establish procedures and requirements for obtainment of firearms certificate required for armed private security guard license.

Reasons Supporting Proposal: Implements statutes regarding the licensing of armed private security guards and ensures minimum [minimally] acceptable competency by requiring successful completion of a training and testing program approved and prescribed by the training commission.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; Implementation and Enforcement: Phil Shave, Firearms Certification Administration, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Licensed private security guards desiring to be licensed as armed security guards by the Department of Licensing must first obtain a firearms certificate from the training commission. Such certificate attests to the individual's competency and proficiency in the use of any firearm provided by the employing agency. Proposed rules establish the process and requirements for applying for a firearms certificate and establish the training and testing standards which must be met. Issuance of a firearms certificate requires successful completion of an approved program of at least eight hours of instruction and testing prescribed by the commission, including classroom instruction, a written examination, a skills test, and a range qualification course. Recertification requires successful completion of an approved program of at least four hours of instruction and testing prescribed by the commission for recertification purposes. The purpose of the proposed rules is to establish a statewide and standardized procedure and prescribe a training and testing requirement to ensure a minimumly [minimally] acceptable level of competency and proficiency in the use of firearms. The intent of the rules is to implement statutory provisions regarding the licensing of armed private security guards and thereby bring safety, propriety, and professionalism to the armed aspect of the private security business in and for the state of Washington.

Proposal does not change existing rules.

Small Business Economic Impact Statement: Establishes fees for application for certification.

Hearing Location: Criminal Justice Training Center, 2450 South 142nd Street, Seattle, WA 98168, on December 11, 1991, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Criminal Justice Training Commission, Mailstop PW-11, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 11, 1991.

November 4, 1991

James C. Scott

Executive Director

NEW SECTION

WAC 139-30-005 FIREARMS CERTIFICATION—DEFINITIONS. (1) Words and terms used in 139-30-005 through 139-30-025 shall have the same meaning as under RCW 18.170, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private security guard company.

(3) "Principal partner" means a partner who exercises operational control over a private security guard company.

(4) "Department" means this state's Department of Licensing.

(5) "Commission" means Washington State Criminal Justice Training Commission.

NEW SECTION

WAC 139-30-010 FIREARMS CERTIFICATION—LICENSING REQUIREMENT. Any licensed private security guard desiring to be licensed as an armed private security guard by the Department shall, as a precondition of being licensed as an armed private security guard, obtain a firearms certificate from the Commission.

NEW SECTION

WAC 139-30-015 FIREARMS CERTIFICATION—APPLICATION. (1) Any application for firearms certification shall:

(a) be filed with the Commission on a form provided by the Commission;

(b) be signed by the principal owner or a principal partner or a principal corporate officer of the licensed private security company employing the applicant;

(c) establish through required documentation or otherwise that applicant:

(i) is at least twenty-one years of age; and

(ii) possesses a valid and current private security guard license.

(d) be accompanied by payment of a processing fee of thirty dollars.

(2) After receipt and review of an application, the Commission will provide written notification to the requesting company regarding applicant's eligibility to obtain and possess a firearms certificate.

NEW SECTION

WAC 139-30-020 FIREARMS CERTIFICATION—REQUIREMENTS. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the Commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) classroom instruction which, through established learning objectives, addresses:

(i) legal issues regarding the use of deadly force;

(ii) decision making regarding the use of deadly force;

(iii) safe firearms handling; and

(iv) basic tactics in the use of deadly force.

(b) a written examination based upon the aforementioned learning objectives;

(c) a skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) a range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing company.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing company.

NEW SECTION

WAC 139-30-025 FIREARMS CERTIFICATION—EXPIRATION AND RENEWAL. (1) Any firearms certificate issued by the Commission shall expire fifteen months following date of issuance, or on the expiration date of any armed security guard license issued by the Department.

(2) Recertification shall require:

(a) submission of an application to the Commission on a form provided by the Commission;

(b) payment of a fee of twenty dollars to the Commission; and

(c) satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the Commission for recertification purposes and conducted by a certified instructor; provided, that if recertification requirements are not met prior to expiration of a firearms certificate, the eight-hour program prescribed by WAC 139-30-020(1) must be completed.

WSR 91-22-069

PROPOSED RULES

CRIMINAL JUSTICE

TRAINING COMMISSION

[Filed November 4, 1991, 9:05 a.m.]

Original Notice.

Title of Rule: Chapter 139-35 WAC, Firearms certification of licensed private detectives.

Purpose: Establishes requirements and process for obtaining of a firearms certificate by licensed private detectives desiring to be licensed armed private detectives.

Statutory Authority for Adoption: RCW 101.080(2) [43.101.080(2)].

Statute Being Implemented: Chapter 18.165 RCW.

Summary: Proposed rules establish procedures and requirements for obtainment of firearms certificate required for armed private detective license.

Reasons Supporting Proposal: Implements statutes regarding the licensing of armed private detectives and ensures minimumly [minimally] acceptable competency by requiring successful completion of a training and testing program approved and prescribed by the training commission.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; Implementation and Enforcement: Phil Shave, Firearms Certification Administration, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Licensed private detectives desiring to be licensed as armed private detectives by the Department of Licensing must first obtain a firearms certificate from the training commission. Such certificate attests to the individual's competency and proficiency in the use of any firearm provided by the employing agency. Proposed rules establish the process and requirements for applying for a firearms certificate and establish the training and testing standards which must be met. Issuance of a firearms certificate requires successful completion of an approved program of at least eight hours of instruction and testing prescribed by the commission, including classroom instruction, a written examination, a skills test, and a range qualification course. Recertification requires successful completion of an approved program of at least four hours of instruction and testing prescribed by the commission for recertification purposes. The purpose of the proposed rules is to establish a statewide and standardized procedure and prescribe a training and testing requirement to ensure a minimumly [minimally] acceptable level of competency and proficiency in the use of firearms. The intent of the rules is to implement statutory provisions regarding the licensing of armed private detectives and thereby bring safety, propriety, and professionalism to the armed aspect of the private security business in and for the state of Washington.

Proposal does not change existing rules.

Small Business Economic Impact Statement: Establishes fees for application for certification.

Hearing Location: Criminal Justice Training Center, 2450 South 142nd, Seattle, WA 98168, on December 11, 1991, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Criminal Justice Training Commission, Mailstop PW-11, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 11, 1991.

November 4, 1991
James C. Scott
Executive Director

NEW SECTION

WAC 139-35-005 FIREARMS CERTIFICATION—DEFINITIONS. (1) Words and terms used in 139-35-005 through 139-35-025 shall have the same meaning as under RCW 18.165, unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private detective agency.

(3) "Principal partner" means a partner who exercises operational control over a private detective agency.

(4) "Department" means this state's Department of Licensing.

(5) "Commission" means Washington State Criminal Justice Training Commission.

NEW SECTION

WAC 139-35-010 FIREARMS CERTIFICATION—LICENSING REQUIREMENT. Any licensed private detective desiring to be licensed as an armed private detective by the Department shall, as a precondition of being licensed as an armed private detective, obtain a firearms certificate from the Commission.

NEW SECTION

WAC 139-35-015 FIREARMS CERTIFICATION—APPLICATION. (1) Any application for firearms certification shall:

(a) be filed with the Commission on a form provided by the Commission;

(b) be signed by the principal owner or a principal partner or a principal corporate officer of the licensed private detective agency employing the applicant;

(c) establish through required documentation or otherwise that applicant:

(i) is at least twenty-one years of age; and

(ii) possesses a valid and current private detective license.

(d) be accompanied by payment of a processing fee of thirty dollars.

(2) After receipt and review of an application, the Commission will provide written notification to the requesting agency regarding applicant's eligibility to obtain and possess a firearms certificate.

NEW SECTION

WAC 139-35-020 FIREARMS CERTIFICATION—REQUIREMENTS. (1) A firearms certificate will be issued to any eligible applicant who has satisfactorily completed an approved program of at least eight hours of instruction and testing prescribed by the Commission for this purpose and conducted by a certified instructor. Such program shall include:

(a) classroom instruction which, through established learning objectives, addresses:

(i) legal issues regarding the use of deadly force;

(ii) decision making regarding the use of deadly force;

(iii) safe firearms handling; and

(iv) basic tactics in the use of deadly force.

(b) a written examination based upon the aforementioned learning objectives;

(c) a skills test wherein the applicant is required to demonstrate satisfactory proficiency in safe firearms handling; and

(d) a range qualification course wherein an applicant is required to demonstrate requisite proficiency with the specific firearm provided to applicant by applicant's employing agency.

(2) A firearms certificate shall be issued in the name of each successful applicant and forwarded to the respective employing agency.

NEW SECTION

WAC 139-35-025 FIREARMS CERTIFICATION—EXPIRATION AND RENEWAL. (1) Any firearms certificate issued by the Commission shall expire fifteen months following date of issuance, or on the expiration date of any armed private detective license issued by the Department.

(2) Recertification shall require:

(a) submission of an application to the Commission on a form provided by the Commission;

(b) payment of a fee of twenty dollars to the Commission; and

(c) satisfactory completion of an approved program of at least four hours of instruction and testing prescribed by the Commission for recertification purposes and conducted by a certified instructor; provided, that if recertification requirements are not met prior to expiration of a firearms certificate, the eight-hour program prescribed by WAC 139-35-020(1) must be completed.

WSR 91-22-070
PROPOSED RULES
CRIMINAL JUSTICE
TRAINING COMMISSION
 [Filed November 4, 1991, 9:09 a.m.]

Original Notice.

Title of Rule: Chapter 139-37 WAC, Firearms certification of licensed private security guards and licensed private detectives—General.

Purpose: Licensed private security guards and private detectives desiring to be licensed as armed guards or detectives must obtain a firearms certificate from the training commission. Obtainment requires successful completion of a prescribed program of training and testing conducted by a certified instructor. Proposed rules set forth the requirements and process for instructor certification.

Statutory Authority for Adoption: RCW 43.101.080(2).

Statute Being Implemented: Chapters 18.165 and [18].170 RCW.

Summary: Individuals wishing to be certified as instructors for the purpose of conducting the approved program of training and testing for firearms certification prescribed by chapters 139-30 and 139-35 WAC must satisfy the requirements and process prescribed by proposed rules.

Reasons Supporting Proposal: Ensures competent instruction and documentation in delivery of training and testing for firearms certification by licensed security guards and private detectives.

Name of Agency Personnel Responsible for Drafting: Garry E. Wegner, Assistant Director, Lacey, 459-6342; **Implementation and Enforcement:** Phil Shave, Firearms Certification Administration, Lacey, 459-6342.

Name of Proponent: Washington State Criminal Justice Training Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose, Summary, and Reasons Supporting Proposal above.

Proposal does not change existing rules.

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

Establishes fees for application for certification.

Hearing Location: Criminal Justice Training Center, 2450 South 142nd Street, Seattle, WA 98168, on December 11, 1991, at 10:00 a.m.

Submit Written Comments to: Garry E. Wegner, Criminal Justice Training Commission, Mailstop PW-11, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 11, 1991.

November 4, 1991
 James C. Scott
 Executive Director

NEW SECTION

WAC 139-37-005 FIREARMS CERTIFICATION—CERTIFIED INSTRUCTORS (1) For the purposes of WAC 139-30 and WAC 139-35, "certified instructor" means any individual who:

(a) applies for instructor certification to the Commission on a form prescribed by the Commission for such purpose; and

(b) pays an administrative fee of twenty-five dollars; and

(c) satisfactorily completes an instructor orientation course regarding the requirements of instruction and testing for firearms certification of private security guards and private detectives; and

(i) documents satisfactory completion of a firearms instructor course approved by the Commission; or

(ii) satisfactorily completes a firearms instructor course conducted by the Commission.

(2) A certified instructor is authorized to conduct an approved program of instruction and testing for firearms certification of private security guards and private detectives. The certified instructor shall not be considered an employee, agent, contractor, or representative of the Commission.

NEW SECTION

WAC 139-37-010 FIREARMS CERTIFICATION—RECORDS (1) A master record of firearms certificate issuances by the Commission to private security guards and private detectives shall be maintained by the Commission.

(2) A master record of certified instructors for purposes of WAC 139-30 and 139-35 shall be maintained by the Commission.

(3) The aforementioned records shall be accessible by any individual, organization, private security company, or private detective agency making written inquiry to the Commission at its administrative offices, P.O. BOX 0905, Olympia WA 98504-0905.

WSR 91-22-071
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
 [Filed November 4, 1991, 11:15 a.m.]

Original Notice.

Title of Rule: School district budgeting.

Purpose: To provide districts authority to have until August 31 for filing budget extensions.

Statutory Authority for Adoption: RCW 28A.505.140.

Statute Being Implemented: RCW 28A.505.140.

Summary: See Purpose above.

Reasons Supporting Proposal: See Purpose above.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Olympia, (206) 753-2298; **Implementation:** Ron Stead, Olympia, (206) 753-3584; and **Enforcement:** David Moberly, Olympia, (206) 753-6742.

Name of Proponent: Superintendent of Public Instruction, governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Superintendent of Public Instruction, Old Capitol Building, Wanamaker Conference Room, 2nd Floor, Olympia, Washington 98504, on December 13, 1991, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, Superintendent of Public Instruction, Legal Services, Olympia, Washington 98504, by December 10, 1991.

Date of Intended Adoption: December 20, 1991.

November 4, 1991
Judith A. Billings
Superintendent of
Public Instruction

Final Date For Action	First-Class Districts	Second-Class Districts
	submit one copy of budget to educational service district for review and comment.	
July 25		Final date for educational service district to notify districts of problems noted in review.
August 1		Final date for board directors to meet in public hearing and fix and adopt said budget.

AMENDATORY SECTION (Amending Order 87-7, filed 7/16/87)

WAC 392-123-054 TIME SCHEDULE FOR BUDGET. The time schedule for preparation, adoption and filing of the annual budget is as follows:

Final Date For Action	First-Class Districts	Second-Class Districts
July 10	Final date for district to prepare <u>annual</u> budget. Upon completion of their budgets, every school district shall publish a notice stating that the district has completed the budget and placed the same on file in the school district administration office, that a copy thereof will be furnished any person who will call upon the district for it, and that the board of directors will meet for the purpose of fixing and adopting the budget of the district for the ensuing fiscal year. Such notice shall designate the date, time, and place of said meeting. The notice shall also state that any person may appear thereat and be heard for or against any part of such budget. Said notice shall be published at least once each week for two consecutive weeks in a newspaper of general circulation in the district, or, if there be none, in a newspaper of general circulation in the county or counties in which such district is a part. The last notice shall be published no later than seven days immediately prior to the hearing.	Same as first-class.
July 15		Final date to have sufficient number of copies of budget to meet reasonable demands of public. Also, final date to submit one copy of budget to educational service district for review and comment.
July 20	Final date to have sufficient copies of budget to meet reasonable demands of public. Also, final date to	

		Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 1st.
		Upon conclusion of the hearing the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.
August 3		Last date to forward three copies of said adopted budget to educational service district for review, alteration and approval.
August 10	Final date for educational service district to notify districts of review problems noted in review.	<u>Final date for educational service district to file adopted and revised budgets with superintendent of public instruction.</u>
August 31	Final date for board of directors to meet in public hearing and fix and adopt said budget. Such hearing may be continued not to exceed a total of two days: PROVIDED, That the budget must be adopted no later than August 31st. Upon conclusion of the hearing, the board of directors shall fix and determine the appropriation from each fund contained in the budget separately, and shall by resolution adopt the budget and the appropriations as so finally determined, and enter the same in the official minutes of the board.	Last date for the budget review committee to fix and approve the amount of the appropriation from each fund of the budget. No budget review committee shall knowingly approve any budget or appropriation that is in violation of state law or rules and regulations adopted by the superintendent of public instruction. Members of the budget review committee as referred to in this section shall consist of the educational service district superintendent or a representative thereof, a member of the local board of directors or a representative thereof and a representative of the superintendent of public instruction.

Final Date For Action	First-Class Districts	Second-Class Districts
September 3	Final date for district to file ((two)) <u>three</u> copies of said adopted budget with their educational service district.	
September 10	Last date for educational service district to file a copy of said adopted budgets with the superintendent of public instruction. One copy will be retained by educational service district <u>and one copy will be returned to the school districts.</u>	Same as first-class except one copy of adopted and approved budget must be returned to local school district.

AMENDATORY SECTION (Amending Order 84-11, filed 6/13/84)

WAC 392-123-071 BUDGET EXTENSIONS—FIRST-CLASS SCHOOL DISTRICTS. Upon the happening of any emergency in a first-class school district caused by fire, flood, explosion, storm, earthquake, epidemic, riot, insurrection, or for the restoration to a condition of usefulness of any school district property, the usefulness of which has been destroyed by accident, and no provision has been made for such expenditures in the adopted appropriation, the board of directors, upon the adoption by the vote of the majority of all board members of a resolution stating the facts constituting the emergency, may make an appropriation therefor without notice or hearing.

If in first-class districts it becomes necessary to increase the amount of the appropriation, and if the reason is not one of the emergencies specifically enumerated above the school district board of directors, before incurring expenditures in excess of expenditures therefor, shall adopt a resolution stating the facts and the estimated amount of appropriation to meet it.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided in WAC 392-123-054. Its introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Two copies of all adopted appropriation resolutions shall be filed with the educational service district, who shall forward one copy to the superintendent of public instruction. One copy shall be retained by the educational service district. ~~((The final date for adopting appropriation resolutions extending budgets other than for any emergency as stated above shall be June 30.))~~ The final date for adopting appropriation resolutions extending budgets ~~((for any emergency as stated above))~~ shall be ~~((August 31))~~ the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day. Each copy of all appropriation resolutions filed shall have attached a copy of the school district budget as revised by the appropriation resolution and a copy of the latest budget status report. The revised budget shall be in the format prescribed by the superintendent of public instruction and shall be prepared in accordance with instructions provided by the superintendent of public instruction. Any appropriation resolution adopted after the date(s) specified in this section shall be null and void. Any appropriation resolution adopted after the current appropriation level has been exceeded shall be null and void to the extent that the current appropriation level has been exceeded.

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-072 BUDGET EXTENSIONS—SECOND-CLASS SCHOOL DISTRICTS. If a second-class school district needs to increase the amount of the appropriation from any fund the school district board of directors before incurring expenditures in excess of appropriations shall obtain approval from the superintendent of public instruction in the following manner: The school district board of directors shall adopt a resolution stating the specific reason(s) for extending the budget, the estimated amount of additional appropriation needed and the source(s) of funds.

Such resolution shall be voted on at a public meeting, notice to be given in the manner provided by WAC 392-123-054. Introduction and passage shall require the vote of a majority of all members of the school district board of directors.

Any person may appear at the meeting at which the appropriation resolution is to be voted on and be heard for or against the adoption thereof.

Upon passage of the appropriation resolution the school district shall petition the superintendent of public instruction for approval to increase the amount of its appropriations. Such petition to be made in the format prescribed by the superintendent of public instruction. Three copies of the request for budget extension shall be prepared in accordance with current instructions contained in bulletins now or hereafter published by the superintendent of public instruction and attached to each copy shall be a copy of the latest budget status report and a copy of the board resolution.

The request for budget extension shall be forwarded to the educational service district for approval by the educational service district superintendent.

If approved, all three copies of the request for budget extension shall be forwarded by the educational service district to the superintendent of public instruction for final approval. ~~((Except for requests for budget extensions for emergencies as defined in WAC 392-123-071, the superintendent of public instruction shall not approve requests for budget extensions received after the close of business on June 30 or the last business day prior to June 30 if June 30 occurs on a nonbusiness day.))~~ The final date for receiving ~~((requests for))~~ budget extension ~~((s for emergencies defined in WAC 392-123-071))~~ requests shall be the close of business on August 31 or the last business day prior to August 31 if August 31 occurs on a nonbusiness day.

Any request for budget extension shall not be approved by the educational service district or the superintendent of public instruction to the extent that the current appropriation has been exceeded prior to the request for budget extension.

Two copies of all appropriation resolutions approved by the superintendent of public instruction shall be returned by the superintendent of public instruction to the educational service district. The educational service district shall return one copy to the school district. The other copy shall be retained by the educational service district.

AMENDATORY SECTION (Amending Order 80-16, filed 5/13/80)

WAC 392-123-074 EFFECTIVE DATE OF APPROPRIATION RESOLUTIONS. The effective date of appropriation resolutions are as follows:

	First-Class Districts	Second-Class Districts
Resolutions adopted pursuant to WAC 392-123-054.	((12:00)) 12:00 a.m. September 1.	((12:00)) 12:00 a.m. September 1 or when approved by the budget review committee, whichever is later.
Resolutions adopted pursuant to WAC 392-123-071 and 392-123-072.	When ((fited)) <u>adopted by the school district board of directors.</u>	When approved by the superintendent of public instruction.

AMENDATORY SECTION (Amending Order 87-7, filed 7/16/87)

WAC 392-123-078 REVIEW OF FIRST-CLASS SCHOOL DISTRICT BUDGETS AND BUDGET EXTENSIONS. Annual budgets of first-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. First-class school districts shall submit a copy of their budgets to their educational service district for review at least fourteen days prior to budget adoption but not later than July 20.

The educational service district shall notify each of its first-class school districts of any problems noted during the review prior to adoption of the budget by the school district.

Budgets and budget extensions adopted by first-class school districts shall be reviewed by the educational service district prior to filing these documents with the superintendent of public instruction.

Said reviews shall include but not be limited to completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget or budget extension is in compliance with this chapter, state statutory law and budget instructions issued by the superintendent of public instruction.

The educational service district shall notify the district of all problems noted in the review and the due date for correction of the problems. Should the school district fail to meet the due date for correction, the educational service district shall notify the superintendent of public instruction. The superintendent of public instruction shall proceed in the manner prescribed in WAC 392-123-080 through 392-123-105.

AMENDATORY SECTION (Amending Order 18, filed 7/19/90, effective 8/19/90)

WAC 392-123-079 REVIEW OF SECOND-CLASS DISTRICT BUDGETS AND BUDGET EXTENSIONS. Annual budgets of second-class school districts shall be reviewed by the educational service district prior to adoption by the school district board of directors. Second-class school districts shall submit a copy of their budget to their educational service district for review at least fourteen days prior to adoption, but not later than July 15.

Educational service districts shall notify each of its second-class school districts of any problems noted during the review prior to adoption of the budget by the board of directors.

Review of second-class school district adopted budgets shall be performed by the educational service districts. Said reviews shall include, but not be limited to, completion of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures and determination of whether or not the budget is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction.

The educational service district will notify the district of all problems noted during the review. The educational service district shall attempt to have the problems corrected prior to submission of the budget to the superintendent of public instruction.

The superintendent of public instruction shall conduct meetings with representatives of the educational service district and/or school district as deemed necessary to correct problems and to fix and approve the amount of appropriation from each fund of the budget as prescribed in RCW 28A.505.070 and WAC 392-123-054.

Review of budget extensions shall consist of data entry and edit, review of revenues and reserved and unreserved fund balances for accuracy, appropriateness of expenditures, and determination of whether or not the budget extension is in compliance with this chapter, state statutory law, and budget instructions issued by the superintendent of public instruction. Approval of budget extensions shall be in accordance with WAC 392-123-072.

AMENDATORY SECTION (Amending Order 85-3, filed 7/24/85)

WAC 392-123-115 MONTHLY BUDGET STATUS REPORTS. A monthly budget status report for each fund shall be prepared by the administration of each school district; and a copy of the most current budget status reports shall be provided to each member of the board of directors of the district at the board's regular monthly meeting. The report shall contain the most current approved budget amounts by summary level accounts and the fund balance at the beginning and end of the period being analyzed. State Form F-198, which is entitled "~~(The)~~ budget status report," (~~and also is found in the state Form F-196;~~) is an example of the type and level of information necessary for this report. Also, as a part of the budget status report, the administration shall provide each member of the board of directors with a brief written explanation of any significant deviations in revenue and/or expenditure projections that may affect the financial status of the district. If deemed necessary by the superintendent of public instruction, and upon written notice to the district by the superintendent of public instruction, a monthly budget status report for one or more funds along with other financial information shall be filed with either the educational service district superintendent or the superintendent of public instruction or both for the period of time set forth in such notice.

AMENDATORY SECTION (Amending Order 83-12, filed 10/10/83)

WAC 392-123-120 STATEMENT OF FINANCIAL CONDITION—FINANCIAL POSITION OF THE SCHOOL DISTRICT. The administration of each school district shall be required to provide the board of directors of the district with a statement of financial condition monthly. The "statement of ~~((financial condition))~~ revenues, expenditures and changes in fund balance" in state Form F-196, is an example of the type of format and level of information necessary for this report.

WSR 91-22-072

PROPOSED RULES

PUGET SOUND

AIR POLLUTION CONTROL AGENCY

[Filed November 4, 1991, 1:43 p.m.]

Supplemental Notice to WSR 91-18-065.

Title of Rule: Amending Section 5.07 of Regulation I.

Purpose: Increase registration fees as part of a three-year effort to make the registration program fully fee-supported.

Other Identifying Information: This amended version will give the Puget Sound Air Pollution Control Agency board of directors more alternatives in structuring the fees.

Statutory Authority for Adoption: Chapter 70.94 RCW.

Statute Being Implemented: RCW 70.94.151.

Summary: The combination of fee elements (equipment/emissions/segments) and the fee per element will be decided by the board. This proposed amendment identifies maximum fees the board is considering. Budget target is under \$1,400,000; and the combination and rate will not result in revenue generation above the target. Staff recommendation to board is as follows:

TABLE 5-B REGISTRATION FEE SCHEDULE

(1) For all facilities, a fee of \$53.00 [or \$65.00] per facility; and

(2) For all facilities:

(i) \$35.00 for each item of air contaminant generating equipment; and

(ii) \$35.00 for each item of air contaminant control apparatus, including continuous emission monitors; and

(iii) \$5.00 for each Stage 2 gasoline dispensing nozzle; and

(iv) \$12.00 [or \$0] emission fee; and

(3) For only those facilities for which the Agency has recorded total annual emissions of 25 tons or more of any of the following: PM10, sulfur oxides, nitrogen oxides, or carbon monoxide; or annual emissions of 10 tons or more of toxic air contaminants or volatile organic compounds, including any negligibly reactive compound:

(i) \$12.00 per ton (after 1st ton) for PM10, sulfur oxides, nitrogen oxides, carbon monoxide, toxic air contaminants, or volatile organic compounds, including any negligibly reactive compound; and

(ii) \$100.00 for each emission segment; and

(iii) \$100.00 for each emission point.

Reasons Supporting Proposal: The board decided at the time of budget adoption (6/91), that programs that can be fee-supported should be as close to fully fee-supported as possible. It was decided to begin a 3-year phase-in of this goal in the FY'92 budget. Further, the board decided to raise fees this year sufficient to cover 75% of the program's costs. No fee increases have been made since December 9, 1982.

Name of Agency Personnel Responsible for Drafting: Harry Watters, 200 West Mercer, Room 205, Seattle, 98119, 296-7334; Implementation and Enforcement: James Nolan, 200 West Mercer, Room 205, Seattle, 98119, 296-7426.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Change fee schedule for registration program to enable the board to meet its target budget. Fees to regulated sources will increase, better reflecting agency costs. Reduced dependence on other revenue sources will allow such revenue to be spent on nonfee supported programs.

Proposal Changes the Following Existing Rules: The proposal increases the registration fees for sources required to be registered with this air pollution control agency.

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

Hearing Location: Port of Seattle Commissioner's Chamber, Terminal No. 66, Bell Street Terminal, on Alaskan Way, Seattle, on December 12, 1991, at 9:00 a.m.

Submit Written Comments to: Anita Frankel, 200 West Mercer Street, #205, Seattle, WA 98119, by December 2, 1991.

Date of Intended Adoption: December 12, 1991.

November 1, 1991
Harry Watters
Senior Air Pollution Engineer

AMENDATORY SECTION

REGULATION I SECTION 5.07 FEES - REGISTRATION PROGRAM

(a) The Agency shall levy annual registration fees as set forth in Table 5-B for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the registration program.

(b) Upon assessment by the Agency, registration fees are due and payable and shall be deemed delinquent if not fully paid within 60 days.

TABLE 5-B REGISTRATION FEE SCHEDULE

- (1) For all facilities, a fee of ~~(((\$60.00))~~ \$80.00 per facility; and
- (2) For all facilities:
 - (i) ~~(((\$25.00))~~ \$60.00 for each item of air contaminant generating equipment; and
 - (ii) ~~(((\$25.00))~~ \$60.00 for each item of air contaminant control apparatus, including continuous emission monitors; and
 - (iii) \$5.00 for each Stage 2 gasoline dispensing nozzle; and
 - (iv) \$25.00 emission fee; and
- (3) For only those facilities for which the Agency has recorded total annual emissions of ~~((250 tons or more of carbon monoxide or))~~ 25 tons or more of any of the following: PM¹⁰, sulfur oxides, nitrogen oxides, or carbon monoxide; or annual emissions of 10 tons or more of

~~((volatile organic compounds, or))~~ toxic air contaminants or volatile organic compounds, including any negligibly reactive compound:

- ~~((i))~~ ~~(\$55.00 for each type of fuel burned resulting in an annual emission of more than one ton; and~~
- ~~((ii))~~ ~~\$55.00 for each separate manufacturing process; and~~
- ~~((iii))~~ ~~\$55.00 for each incineration process; and~~
- ~~((iv))~~ ~~\$55.00 for the following materials handling operations: grain, mineral ores, slag dumping, rock and sand, coal exporting, petroleum products at refineries, terminals, or bulk plants; and~~
- ~~((v))~~ ~~\$55.00 for each material containing volatile organic compounds used for cleaning, dilution, bonding, printing, surface preparation, or coating whose annual loss into the atmosphere exceeds one ton; and~~
- ~~((vi))~~ ~~\$30.00 for each stack or other emission point;))~~
- (i) \$25.00 per ton for PM¹⁰, sulfur oxides, nitrogen oxides, carbon monoxide, toxic air contaminants, or volatile organic compounds, including any negligibly reactive compound; and
- (ii) \$100.00 for each emission segment; and
- (iii) \$100.00 for each emission point.

(4) The fees required by this section shall be based on Agency files showing equipment in place or permitted as of January 1 of the current reporting year; and materials, processes, and emission points and segments in use between January 1 and December 31 of the previous year. Items registered under Section 5.07 (b)(2) shall be reported as equipment. Items registered under Section 5.07 (b)(3) shall be reported as materials, processes, and emission points and segments.

WSR 91-22-073
NOTICE OF PUBLIC MEETINGS
LEGAL FOUNDATION
OF WASHINGTON
[Memorandum—October 31, 1991]

The following are meeting dates scheduled for 1991 by the board of trustees of the Legal Foundation of Washington for publication by the code reviser as required by the Washington Supreme Court.

March 8-9, 1991	noon	Inn at Langley Whidbey Island
May 9, 1991	10:00 a.m.	Westwater Inn Olympia
September 20, 1991	9:30 a.m.	Inn at the Park Spokane
November 22-23, 1991	10:30 a.m.	Logan Building 500 Union Street Seattle

WSR 91-22-074
PROPOSED RULES
LIQUOR CONTROL BOARD
[Filed November 4, 1991, 2:23 p.m.]

Original Notice.

Title of Rule: WAC 314-38-040 Beverage alcohol raffle permit.

Purpose: Implement chapter 92, Laws of 1991 and set forth a permit for the raffle of beverage alcohol by non-profit organizations.

Statutory Authority for Adoption: RCW 66.08.030.

Statute Being Implemented: Chapter 92, Laws of 1991.

Summary: Creates a permit (one time or annual) to allow nonprofit organizations to raffle beverage alcohol to members over 21.

Name of Agency Personnel Responsible for Drafting and Implementation: Lester C. Dalrymple, 1025 East

Union, Olympia, 753-6259; and Enforcement: Gary Gilbert, 1025 East Union, Olympia, 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Provides for a beverage alcohol raffle permit for nonprofit organizations. Sets fees of \$10.00 for one time raffle and \$25.00 for annual permit. Sets forth specific requirements for applicants.

Proposal does not change existing rules.

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

Hearing Location: Board Room, Liquor Control Board, 1025 East Union, Olympia, WA 98504, on December 11, 1991, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Washington State Liquor Control Board, Olympia, Washington 98504, by December 9, 1991.

Date of Intended Adoption: December 11, 1991.

October 29, 1991

Paula O'Connor

Chairman

NEW SECTION

WAC 314-38-040 BEVERAGE ALCOHOL RAFFLE PERMIT — FEE (1) Any organization authorized to conduct a raffle under RCW 9.46.0315 may raffle beverage alcohol upon obtaining a raffle permit from the board. The fee for a raffle permit shall be ten dollars for a one-time raffle permit or twenty-five dollars for an annual permit.

(2) An application for a raffle permit shall be on a form prescribed by the board and filed with the board at the headquarters office in Olympia thirty days in advance of the commencement of ticket sales.

(3) An application for a raffle permit must contain the following information:

(a) The full name of the bona fide charitable or bona fide nonprofit organization with verification of qualification as prescribed in RCW 9.46.0209;

(b) name, address, and phone number of the organization officer in charge of the raffle

(c) the date the raffle ticket sales will commence;

(d) the date, time and exact location of the drawing;

(e) a description of the beverage alcohol being raffled including its estimated value;

(f) and the source of the alcohol to be raffled.

(4) An organization officer must certify that:

(a) only organization members may purchase tickets or be awarded prizes;

(b) the organization meets the qualifications of a bona fide charitable or bona fide nonprofit organization as provided in RCW 9.46.0209;

(c) the organization will not sell more than \$5,000 dollars worth of raffle tickets in a calendar year;

(d) the organization may not sell raffle tickets to anyone under twenty one years of age when alcohol is awarded as a prize.

(5) Alcohol to be raffled must have all applicable Washington State taxes paid and may only be:

(a) purchased at retail or

(b) donated by a private citizen.

(6) Upon application being filed and fee paid the board may issue a raffle permit. The raffle permit will state the:

(a) organization name,

(b) address,

(c) date and time of the drawing,

(d) effective dates of the raffle permit.

(e) and a description of the alcohol to be raffled.

(7) The raffle permit shall be posted at the location of the drawing prior to and during the drawing. The organization or person in charge of the raffle shall; when requested by any representative or agent of the board and/or any law enforcement officer; exhibit to such person the

raffle permit and shall allow such person to inspect the raffle items at any time.

WSR 91-22-075

PROPOSED RULES

LIQUOR CONTROL BOARD

[Filed November 4, 1991, 2:26 p.m.]

Original Notice.

Title of Rule: WAC 314-18-060 Liquor to be served and consumed—Restrictions.

Purpose: To identify legal sources of liquor to be consumed at banquet permit functions. To explain restrictions on the purchase and delivery of the liquor to the banquet permit function.

Statutory Authority for Adoption: RCW 66.08.030.

Summary: To permit liquor purchased on military bases to be used at banquet permit functions.

Reasons Supporting Proposal: The board has an agreement with the military that allows liquor, purchased on base to be taken off the base for personal use. Banquet permit functions are personal use and the prohibition imposed by WAC 314-18-060 on military liquor should be eliminated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary W. Gilbert, 1025 East Union, Olympia, WA 586-3052.

Name of Proponent: Washington State Liquor Control Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 314-18-060, as it is now prohibits the use of military discount liquor at banquet permit functions. The board now has an agreement that allows military discount liquor to come off of the base for personal use. This change will allow the use of military liquor at banquet permit functions.

Proposal Changes the Following Existing Rules: [No Information Supplied by Agency.]

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

Hearing Location: Liquor Control Board, 1025 East Union, 5th Floor, Olympia, WA 98504, on December 11, at 9:30 a.m.

Submit Written Comments to: M. Carter Mitchell, Public Information Officer, by December 9, 1991.

Date of Intended Adoption: December 11, 1991.

November 4, 1991

Paula O'Connor

Chairman

[AMENDATORY SECTION (Amending Orders 110 and 112, Resolution Nos. 119 and 121, filed 8/4/82)]

WAC 314-18-060 LIQUOR TO BE SERVED AND CONSUMED—RESTRICTIONS. (1) Class H discount liquor ~~or military discount liquor~~ cannot be sold, served, or consumed under or by authority of a banquet permit. Liquor to be served will be purchased from an authorized retail source only.

(2) Licensees and/or commercial caterers shall not pay for or advance the moneys to purchase the liquor for the event for which the banquet permit application has been made, but they may transport the

prepaid liquor purchased by the applicant to whom the banquet permit was issued.

(3) No banquet permittee may buy or accept delivery of liquor from any manufacturer, brewer, wholesaler, distiller, winery, importer, or agent thereof.

(4) It is not necessary for a banquet permit applicant to purchase liquor at the time the permit is issued, and individuals attending a banquet function may bring their own liquor.

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

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

WSR 91-22-076

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-133—Filed November 4, 1991, 3:04 p.m.]

Date of Adoption: November 1, 1991.

Purpose: Repeal emergency rules.

Citation of Existing Rules Affected by this Order:
Repealing WAC 220-57-19500C, 220-57-20500C, 220-57-21000C, 220-57-26500C, 220-57-43000E, 220-57-47000C, and 220-57-49000C.

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: These rules are repealed pursuant to RCW 34.05.350(2). Permanent rule adoption filing will be made.

Effective Date of Rule: Immediately.

January 11, 1991 [November 1, 1991]

Judith Freeman
for Joseph R. Blum
Director

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 220-57-19500C DEWATTO CREEK.
- WAC 220-57-20500C DOSEWALLIPS RIVER.
- WAC 220-57-21000C DUCKABUSH RIVER.
- WAC 220-57-26500C HAMMA HAMMA RIVER.
- WAC 220-57-43000E SKOKOMISH RIVER.
- WAC 220-57-47000C TAHUYA RIVER.
- WAC 220-57-49000C UNION RIVER.

WSR 91-22-077

PROPOSED RULES

DEPARTMENT OF FISHERIES

[Filed November 4, 1991, 3:06 p.m.]

Original Notice.

Title of Rule: Personal use rules.

Purpose: Amend harvest rules.

Statutory Authority for Adoption: RCW 75.08.080.

Statute Being Implemented: RCW 75.08.080.

Summary: Closes Hood Canal streams.

Reasons Supporting Proposal: Inadequate coho salmon return for escapement.

Name of Agency Personnel Responsible for Drafting: Evan S. Jacoby, Mailstop AX-11, Olympia, 586-2429; Implementation: Gene DiDonato, Mailstop AX-11, Olympia, 753-6600; and Enforcement: Dayna Matthews, Mailstop AX-11, 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: These rules close Hood Canal streams that have natural coho salmon spawning, except for the Skokomish, which is closed after coho salmon are expected to enter the river. Hood Canal coho stocks have not returned in sufficient numbers to provide escapement for spawning.

Proposal Changes the Following Existing Rules: Closes certain rivers to sport fishing.

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

Hearing Location: Room 1602, Shoreline College, 16101 Greenwood Avenue, Seattle, WA 98133, on February 29, 1992, at 10:00 a.m.

Submit Written Comments to: Hearings Officer, Fisheries, 115 General Administration Building, Olympia, WA 98504, by February 28, 1992.

Date of Intended Adoption: March 16, 1992.

November 1, 1991
Judith Merchant
for Joseph R. Blum
Director

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-195 DEWATTO CREEK. (~~Bag Limit A—August 1 through November 30: Downstream from Dewatto Bay Road Bridge~~) Closed to the taking of salmon.

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

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

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-205 DOSEWALLIPS RIVER. (~~Bag Limit A—August 1 through January 31: Downstream from the Highway 101 Bridge~~) Closed to the taking of salmon.

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

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

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-210 DUCKABUSH RIVER. (~~Bag Limit A - August 1 through January 31. Downstream from the Highway 101 Bridge~~) Closed to the taking of salmon.

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

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

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-265 HAMMA HAMMA RIVER. (~~Bag Limit A - August 1 through January 31. Downstream from the Highway 101 Bridge~~) Closed to the taking of salmon.

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

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

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-430 SKOKOMISH RIVER. Bag Limit A - (~~August~~) July 1 through ((January 31)) September 15: Downstream from the mouth of Vance Creek. Chinook salmon only may be retained. Terminal gear on the Skokomish River is limited to one bait or lure with one single-pointed hook only, measuring no more than 1/2 inch from point to shank.

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

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

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-470 TAHUYA RIVER. (~~Bag Limit A - August 1 through November 30. Downstream from a marker approximately one mile above the North Shore Road Bridge~~) Closed to the taking of salmon.

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

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

AMENDATORY SECTION (Amending Order 89-12 [91-41], filed 3/15/89 [6/27/91])

WAC 220-57-490 UNION RIVER. (~~Bag Limit A - August 1 through November 30. Downstream from the North Shore Road Bridge~~) Closed to the taking of salmon.

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

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

WSR 91-22-078

EMERGENCY RULES

DEPARTMENT OF FISHERIES

[Order 91-134—Filed November 4, 1991, 3:11 p.m.]

Date of Adoption: November 1, 1991.

Purpose: Amend personal use rules.

Citation of Existing Rules Affected by this Order:
Amending WAC 220-57-195, 220-57-205, 220-57-210, 220-57-265, 220-57-430, 220-57-470, and 220-57-490.

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: Insufficient numbers of coho salmon are returning to provide escapement for spawning. A proposal for adoption of a permanent rule has been filed.

Effective Date of Rule: Immediately.

November 1, 1991

Judith Freeman

for Joseph R. Blum

Director

NEW SECTION

WAC 220-57-19500D DEWATTO CREEK. *Notwithstanding the provisions of WAC 220-57-195, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from Dewatto Creek.*

NEW SECTION

WAC 220-57-20500D DOSEWALLIPS RIVER. *Notwithstanding the provisions of WAC 220-57-205, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Dosewallips River.*

NEW SECTION

WAC 220-57-21000D DUCKABUSH RIVER. *Notwithstanding the provisions of WAC 220-57-210, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Duckabush River.*

NEW SECTION

WAC 220-57-26500D HAMMA HAMMA RIVER. *Notwithstanding the provisions of WAC 220-57-265, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Hamma Hamma River.*

NEW SECTION

WAC 220-57-43000F SKOKOMISH RIVER. *Notwithstanding the provisions of WAC 220-57-430,*

effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Skokomish River.

NEW SECTION

WAC 220-57-47000D TAHUYA RIVER. *Notwithstanding the provisions of WAC 220-57-470, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Tahuya River.*

NEW SECTION

WAC 220-57-49000D UNION RIVER. *Notwithstanding the provisions of WAC 220-57-490, effective immediately until further notice it is unlawful to fish for or possess salmon taken for personal use from the Union River.*

**WSR 91-22-079
PERMANENT RULES
DEPARTMENT OF
NATURAL RESOURCES**

[Order 580—Filed November 5, 1991, 11:14 a.m.]

Date of Adoption: November 5, 1991.

Purpose: To provide for consistent application of past due interest charges in terms of rate and timing of application, with all other department past due receivables. To provide for a consistent source of interest rate for property sale contracts requiring deferred payment schedules and a consistent rate for use in timber sale contract extensions.

Citation of Existing Rules Affected by this Order: Amending WAC 332-30-106, 332-30-122, 332-100-030, and 332-100-050.

Statutory Authority for Adoption: RCW 79.01.132, 79.01.216, 79.90.520, 79.90.535, and sections 1 and 2, chapter 64, Laws of 1991.

Pursuant to notice filed as WSR 91-19-099 on September 18, 1991.

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

November 5, 1991

James A. Stearns

Department Supervisor

AMENDATORY SECTION (Amending Resolution No. 500, filed 11/5/85)

WAC 332-30-106 DEFINITIONS. All definitions in this section shall apply to the department and to port districts managing aquatic lands under a management agreement (WAC 332-30-114). For the purpose of this chapter:

(1) "Accretion" means the natural buildup of shoreline through the gradual deposit of alluvium. The general principle of common law applicable is that a riparian or littoral owner gains by accretion and reliction, and loses by erosion. Boundary lines generally will change with accretion.

(2) "Alluvium" means material deposited by water on the bed or shores.

(3) "Anniversary date" means the month and day of the start date of an authorization instrument unless otherwise specified in the instrument.

(4) "Aquaculture" means the culture and/or farming of food fish, shellfish, and other aquatic plants and animals in fresh water, brackish water or salt water areas. Aquaculture practices may include but are not limited to hatching, seeding or planting, cultivating, feeding, raising, harvesting of planted crops or of natural crops so as to maintain an optimum yield, and processing of aquatic plants or animals.

(5) "Aquatic lands" means all state-owned tidelands, shorelands, harbor areas, and the beds of navigable waters (RCW 79.90.010). Aquatic lands are part of the public lands of the state of Washington (see subsection (49) of this section). Included in aquatic lands are public places subsection (51) of this section, waterways subsection (74) of this section, bar islands, avulsively abandoned beds and channels of navigable bodies of water, managed by the department of natural resources directly, or indirectly through management agreements with other governmental entities.

(6) "Aquatic land use classes" means classes of uses of tideland, shorelands and beds of navigable waters that display varying degrees of water dependency. See WAC 332-30-121.

(7) "Authorization instrument" means a lease, material purchase, easement, permit, or other document authorizing use of state-owned aquatic lands and/or materials.

(8) "Avulsion" means a sudden and perceptible change in the shoreline of a body of water. Generally no change in boundary lines occurs.

(9) "Beds of navigable waters" means those submerged lands lying waterward of the line of extreme low tide in navigable tidal waters and waterward of the line of navigability in navigable lakes, rivers and streams. The term, "bedlands" means beds of navigable waters.

(10) "Commerce" means the exchange or buying and selling of goods and services. As it applies to aquatic land, commerce usually involves transport and a land/water interface.

(11) "Covered moorage" means slips and mooring floats that are covered by a single roof with no dividing walls.

(12) "Department" means the department of natural resources.

(13) "Dredging" means enlarging or cleaning out a river channel, harbor, etc.

(14) "Educational reserves" means accessible areas of aquatic lands typical of selected habitat types which are suitable for educational projects.

(15) "Enclosed moorage" means moorage that has completely enclosed roof, side and end walls similar to a car garage i.e. boathouse.

(16) "Environmental reserves" means areas of environmental importance, sites established for the continuance of environmental baseline monitoring, and/or areas of historical, geological or biological interest requiring special protective management.

(17) "Erosion" means the gradual cutting away of a shore by natural processes. Title is generally lost by erosion, just as it is gained by accretion.

(18) "Extreme low tide" means the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water, (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(19) "Fair market value" means the amount of money which a purchaser willing, but not obligated, to buy the property would pay an owner willing, but not obligated, to sell it, taking into consideration all uses to which the property is adapted and might in reason be applied (*Donaldson v. Greenwood*, 40 (~~Wash.2d~~ {~~Wn.2d~~}) Wn.2d 238, 1952). Such uses must be consistent with applicable federal, state and local laws and regulations affecting the property as of the date of valuation.

(20) "First class shorelands" means the shores of a navigable lake or river belonging to the state not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, or the inner harbor line where established and within or in front of the corporate limits of any city, or within two miles thereof upon either side (RCW 79.90.040). These boundary descriptions represent the general rule; however exceptions do exist. To determine if the shorelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(21) "First class tidelands" means the shores of navigable tidal waters belonging to the state lying within or in front of the corporate limits of any city, or within one mile thereof upon either side and between the line of ordinary high tide and the inner harbor line; and within two miles of the corporate limits on either side and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.030). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide, or the inner harbor line where established, is the waterward boundary. To determine if the tidelands are within two miles of the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(22) "Fiscal year" means a period of time commencing on the first day of July and ending on the thirtieth day of June of the succeeding year. A fiscal year is identified by the year in which it ends, e.g., fiscal year 1985 is the period July 1, 1984 through June 30, 1985.

(23) "Governmental entity" means the federal government, the state, county, city, port district, or other municipal corporation or political subdivision thereof.

(24) "Harbor area" means the area of navigable waters determined as provided in section 1 of Article XV of the state Constitution which shall be forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce (RCW 79.90.020). Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission.

(25) "Harbor area use classes" means classes of uses of harbor areas that display varying degrees of conformance to the purpose for which harbor areas were established under the Constitution.

(26) "Harbor line" means either or both: (a) A line ((f))(outer harbor line((f))) located and established in navigable waters as provided for in section 1 of Article XV of the state Constitution beyond which the state shall never sell or lease any rights whatever to private persons (RCW 79.90.015). (b) A line ((f))(inner harbor line((f))) located and established in navigable waters between the line of ordinary high tide and the outer harbor line, constituting the inner boundary of the harbor area (RCW 79.90.025).

(27) "Houseboat" means a floating structure normally incapable of self propulsion and usually permanently moored that serves as a place of residence or business. Otherwise called a floating home.

(28) "Inflation rate" means, for a given year, the percentage rate of change in the previous calendar year's all commodity producer price index of the Bureau of Labor Statistics of the United States department of commerce (RCW 79.90.465). The rate published by the bureau during May of each year for the previous calendar year shall be the rate for the previous calendar year.

(29) "Interest rate" (~~((means, for a given year, the average rate of return for the prior calendar year on conventional real property mortgages as reported by the Federal Home Loan Bank Board))~~) shall be twelve percent per annum (RCW 79.90.520).

(30) "Interim uses" means certain uses which may, under special circumstances, be allowed to locate in harbor areas (see WAC 332-30-115(5)).

(31) "Inventory" means both a compilation of existing data on man's uses, and the biology and geology of aquatic lands as well as the gathering of new information on aquatic lands through field and laboratory analysis. Such data is usually presented in map form such as the Washington Marine Atlas.

(32) "Island" means a body of land entirely and customarily surrounded by water. Land in navigable waters which is only surrounded by water in times of high water, is not an island within the rule that the state takes title to newly formed islands in navigable waters.

(33) "Line of navigability" means a measured line at that depth sufficient for ordinary navigation as determined by the board of natural resources for the body of water in question.

(34) "Log booming" means placing logs into and taking them out of the water, assembling and disassembling log rafts before or after their movement in water-borne commerce, related handling and sorting activities taking place in the water, and the temporary holding of logs to be taken directly into a processing facility (RCW 79.90.465).

(35) "Log storage" means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.90.465).

(36) "Marine land" means those lands from the mean high tide mark waterward in marine and estuarine waters, including intertidal and submerged lands. Marine lands represents a portion of aquatic lands.

(37) "Meander line" means fixed determinable lines run by the federal government along the banks of all navigable bodies of water and other important rivers and lakes for the purpose of defining the sinuosities of the shore or bank and as a means of ascertaining the areas of fractional subdivisions of the public lands bordering thereon.

(38) "Motorized vehicular travel" means movement by any type of motorized equipment over land surfaces.

(39) "Multiple use management" means a management philosophy which seeks to insure that several uses or activities can occur at the same place at the same time. The mechanism involves identification of the primary use of the land with provisions such as performance standards to permit compatible secondary uses to occur.

(40) "Navigability or navigable" means that a body of water is capable or susceptible of having been or being used for the transport of useful commerce. The state of Washington considers all bodies of water meandered by government surveyors as navigable unless otherwise declared by a court.

(41) "Navigation" means the movement of vessels to and from piers and wharves.

(42) "Nonwater-dependent use" means a use that can operate in a location other than on the waterfront. Examples include, but are not limited to, hotels, condominiums, apartments, restaurants, retail stores, and warehouses not part of a marine terminal or transfer facility (RCW 79.90.465).

(43) "Open moorage" means moorage slips and mooring floats that have completely open sides and tops.

(44) "Optimum yield" means the yield which provides the greatest benefit to the state with particular reference to food production and is prescribed on the basis of the maximum sustainable yield over the state-wide resource base as modified by any relevant economic, social or ecological factor.

(45) "Ordinary high tide" means the same as mean high tide or the average height of high tide. In Puget Sound, the mean high tide line varies from 10 to 13 feet above the datum plane of mean lower low water (0.0).

(46) "Ordinary high water" means, for the purpose of asserting state ownership, the line of permanent upland vegetation along the shores of nontidal navigable waters. In the absence of vegetation, it is the line of mean high water.

(47) "Port district" means a port district created under Title 53 RCW (RCW 79.90.465).

(48) "Public benefit" means that all of the citizens of the state may derive a direct benefit from departmental actions in the form of environmental protection; energy and mineral production; utilization of renewable resources; promotion of navigation and commerce by fostering water-dependent uses; and encouraging direct public use and access; and generating revenue in a manner consistent with RCW 79.90.455.

(49) "Public lands" means lands belonging to or held in trust by the state, which are not devoted to or reserved for a particular use by law, and include state lands, tidelands, shorelands and harbor areas as herein defined, and the beds of navigable waters belonging to the state (RCW 79.01.004).

(50) "Public interest" means ... ((f))(reserved(f))

(51) "Public place" means a part of aquatic lands set aside for public access through platted tidelands, shorelands, and/or harbor areas to the beds of navigable waters.

(52) "Public tidelands" means tidelands belonging to and held in public trust by the state for the citizens of the state, which are not devoted to or reserved for a particular use by law.

(53) "Public trust" means that certain state-owned tidelands, shorelands and all beds of navigable waters are held in trust by the state for all citizens with each citizen having an equal and undivided interest in the land. The department has the responsibility to manage these lands in the best interest of the general public.

(54) "Public use" means to be made available daily to the general public on a first-come, first-served basis, and may not be leased to private parties on any more than a day use basis.

(55) "Public use beach" means a state-owned beach available for free public use but which may be leased for other compatible uses.

(56) "Public utility line" means pipes, conduits, and similar facilities for distribution of water, electricity, natural gas, telephone, other electronic communication, and sewers, including sewer outfall lines (RCW 79.90.465).

(57) "Real rate of return" means the average for the most recent ten calendar years of the average rate of return on conventional real property mortgages as reported by the Federal Home Loan Bank Board or any successor agency, minus the average inflation rate for the most recent ten calendar years (RCW 79.90.465).

(58) "Reliction" means the gradual withdrawal of water from a shoreline leaving the land uncovered. Boundaries usually change with reliction.

(59) "Renewable resource" means a natural resource which through natural ecological processes is capable of renewing itself.

(60) "Riparian" means relating to or living or located on the bank of a natural water course, such as a stream, lake or tidewater.

(61) "Scientific reserves" means sites set aside for scientific research projects and/or areas of unusually rich plant and animal communities suitable for continuing scientific observation.

(62) "Second class shorelands" means the shores of a navigable lake or river belonging to the state, not subject to tidal flow, lying between the line of ordinary high water and the line of navigability, and more than two miles from the corporate limits of any city (RCW 79.90.045). These boundary definitions represent the general rule; however, exceptions do exist. To determine if shorelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(63) "Second class tidelands" means the shores of navigable tidal waters belonging to the state, lying outside of and more than two miles from the corporate limits of any city and between the line of ordinary high tide and the line of extreme low tide (RCW 79.90.035). In general, the line of ordinary high tide is the landward boundary. The line of extreme low tide is the waterward boundary. To determine if the tidelands are more than two miles from the corporate limits of a city, the distance is measured along the shoreline from the intersection of the corporate limit with the shoreline.

(64) "Shore" means that space of land which is alternately covered and left dry by the rising and falling of the water level of a lake, river or tidal area.

(65) "State-owned aquatic lands" means those aquatic lands and waterways administered by the department of natural resources or managed under department agreement by a port district. "State-owned aquatic lands" does not include aquatic lands owned in fee by, or withdrawn for the use of, state agencies other than the department of natural resources (RCW 79.90.465).

(66) "State-wide value." The term state-wide value applies to aquatic land uses and natural resources whose use, management, or intrinsic nature have state-wide implications. Such uses and resources may be either localized or distributed state-wide. Aquatic land uses of state-wide value provide major state-wide public benefits. Public use and access, renewable resource use and water-dependent use have been cited by the legislature as examples of such uses. Aquatic land natural resources of state-wide value are those critical or uniquely suited to aquatic land uses of state-wide value or to environmental quality. For example, wild and scenic rivers, high quality public use beaches and aquatic lands fronting state parks are of state-wide value for public use and access. Commercial clam and geoduck beds and sites uniquely suited to aquaculture are of state-wide value to renewable resource use. Harbor areas are of state-wide value to water-dependent navigation and commerce. Certain aquatic land habitats and plant and animal populations are of state-wide value to recreational and commercial fisheries, wildlife protection, and scientific study.

(67) "Streamway" means stream dependent corridor of single or multiple, wet or dry channel, or channels within which the usual seasonal or storm water run-off peaks are contained, and within which environment the flora, fauna, soil and topography is dependent on or influenced by the height and velocity of the fluctuating river currents.

(68) "Terminal" means a point of interchange between land and water carriers, such as a pier, wharf, or group of such, equipped with facilities for care and handling of cargo and/or passengers (RCW 79.90.465).

(69) "Thread of stream - thalweg" means the center of the main channel of the stream at the natural and ordinary stage of water.

(70) "Town" means a municipal corporation of the fourth class having not less than three hundred inhabitants and not more than fifteen hundred inhabitants at the time of its organization (RCW 35.01.040).

(71) "Water-dependent use" means use which cannot logically exist in any location but on the water. Examples include, but are not limited to, waterborne commerce; terminal and transfer facilities; ferry terminals; watercraft sales in conjunction with other water dependent uses; watercraft construction, repair, and maintenance; moorage and launching facilities; aquaculture; log booming; and public fishing piers and parks (RCW 79.90.465).

(72) "Waterfront" means a parcel of property with upland characteristics which includes within its boundary, a physical interface with the existing shoreline of a body of water.

(73) "Water oriented use" means use which historically has been dependent on a waterfront location, but with existing technology could be located away from the waterfront. Examples include, but are not limited to, wood products manufacturing, watercraft sales, fish processing, petroleum refining, sand and gravel processing, log storage, and house boats (RCW 79.90.465).

(74) "Waterway" means an area platted across aquatic lands or created by a waterway district providing for access between the uplands and open water, or between navigable bodies of water.

(75) "Wetted perimeter" means a fluctuating water line which separates submerged river beds from the dry shoreland areas at any given time.

AMENDATORY SECTION (Amending Resolution No. 470, filed 11/9/84)

WAC 332-30-122 AQUATIC LAND USE AUTHORIZATION. All requirements in this section shall apply to the department. Subsection (2) of this section (except subsection (2)(a)(iii) and (b)(iii) of this section), subsections (3)(a), and (4)(a) shall apply to port districts managing aquatic lands under a management agreement (WAC 332-30-114).

(1) General requirements.

(a) In addition to other requirements of law, aquatic land activities that interfere with the use by the general public of an area will require authorization from the department by way of agreement, lease, permit, or other instrument.

(i) Suitable instruments shall be required for all structures on aquatic lands except for those federal structures serving the needs of navigation.

(ii) The beds of navigable waters may be leased to the owner or lessee of the abutting tideland or shoreland. This preference lease right is limited to the area between the landward boundary of the beds and the -3 fathom contour, or 200 feet waterward, whichever is closer to shore. However, the distance from shore may be less in locations where it is necessary to protect the navigational rights of the public.

(iii) When proposing to lease aquatic lands to someone other than the abutting property owner, that owner shall be notified of the intention to lease the area. When not adverse to the public's ownership, the abutting owner's water access needs may be reasonably accommodated.

(b) Determination of the area encumbered by an authorization for use shall be made by the department

based on the impact to public use and subsequent management of any remaining unencumbered public land.

(i) Operations involving fixed structures will include the area physically encumbered plus the open water area needed to operate the facility.

(ii) Areas for individual mooring buoys will be a circle with a radius equal to the expected swing of the vessel or object moored. Only the area encumbered at any given point in time shall be used to calculate any rentals due.

(iii) Areas for utility line easements will normally be ten feet wider than the overall width of the structure(s) placed in the right of way.

(c) All necessary federal, state and local permits shall be acquired by those proposing to use aquatic lands. Copies of permits must be furnished to the department prior to authorizing the use of aquatic lands. When evidence of interest in aquatic land is necessary for application for a permit, an authorization instrument may be issued prior to permit approval but conditioned on receiving the permit.

(2) Application review. In addition to other management considerations, the following special analysis shall be given to specific proposed uses:

(a) Environment.

(i) Authorization instruments shall be written to insure that structures and activities on aquatic lands are properly designed, constructed, maintained and conducted in accordance with sound environmental practices.

(ii) Uses which cause adverse environmental impacts may be authorized on aquatic lands only upon compliance with applicable environmental laws and regulations and appropriate steps as may be directed are taken to mitigate substantial or irreversible damage to the environment.

(iii) Nonwater-dependent uses which have significant adverse environmental impacts shall not be authorized.

(b) Public use and access.

(i) Wherever practical, authorization instruments for use of aquatic lands shall be written to provide for public access to the water.

(ii) Areas allocated for first-come, first-served public use shall not be managed to produce a profit for a concessionaire or other operator without a fee being charged.

(iii) Notice will be served to lessees of tidelands and shorelands allocated for future public use that prior to renewal of current leases, such leases will be modified to permit public use or will be terminated.

(c) Authorization to use aquatic lands shall not be granted to any person or organization which discriminates on the basis of race, color, creed, religion, sex, age, or physical or mental handicap.

(d) Authorization instruments for the installation of underwater pipelines, outfalls and cables may be granted when proper provisions are included to insure against substantial or irreversible damage to the environment and there is no practical upland alternative.

(3) Rents and fees.

(a) When proposed uses of aquatic lands requiring an authorization instrument (other than in harbor areas) have an identifiable and quantifiable but acceptable adverse impact on state-owned aquatic land, both within

and without the authorized area, the value of that loss or impact shall be paid by the one so authorized in addition to normal rental to the department or port as is appropriate.

(b) Normal rentals shall be calculated based on the classification of the aquatic land use(s) occurring on the property. Methods for each class of use are described in specific WAC sections.

(c) Advance payments for two or more years may be collected in those situations where annual payments are less than document preparation and administration costs.

(d) Rentals for leases will normally be billed annually, in advance. If requested by a lessee in good standing, billings will be made:

(i) Quarterly on a prorated basis when annual rental exceeds four thousand dollars; or

(ii) Monthly on a prorated basis when annual rental exceeds twelve thousand dollars.

(e) A one percent per month charge shall be made on any amounts which are (~~more than thirty days~~) past due, unless those amounts are appealed. Users of aquatic properties shall not be considered in good standing when they have amounts more than thirty days past due.

(4) Structures and improvements on aquatic lands.

(a) Authorization for placing structures and improvements on public aquatic lands shall be based on the intended use, other uses in the immediate area, and the effect on navigational rights of public and private aquatic land owners. Structures and improvements shall:

(i) Conform to the laws and regulations of any public authority;

(ii) Be kept in good condition and repair by the authorized user of the aquatic lands;

(iii) Not be, nor become, a hazard to navigation;

(iv) Be removed by the authorized user as stipulated in the authorization instrument.

(b) In addition to aquatic land rentals and fees, rent shall be charged for use of those structures and improvements:

(i) Owned by the department, under contract to the department for management; or that become state property under RCW 79.94.320;

(ii) As may be agreed upon as part of the authorization document;

(iii) Installed on an authorized area without written concurrence of the department; or

(iv) Not covered by an application for use of aquatic lands, or a lawsuit challenging such requirements, within ninety days after the date of mailing of the department's written notification of unauthorized occupancy of public aquatic lands.

(c) Only land rental and fees shall be charged for public aquatic lands occupied by those structures and improvements that are:

(i) Authorized in writing by the department;

(ii) Installed prior to June 1, 1971 (effective date of the Shoreline Management Act) on an area authorized for use from the department; or

(iii) Covered by an application for use of aquatic lands within ninety days after the date of mailing of the department's written notification of unauthorized occupancy of public aquatic lands.

(5) Insurance, bonds, and other security.

(a) The department may require authorized users of aquatic lands to carry insurance, bonding, or provide other forms of security as may be appropriate for the use or uses occurring on public property, in order to ensure its sustained utility and future value.

(b) Proof of coverage shall be acceptable to the department if provided by any of the following:

(i) Insurance and/or bonding companies licensed by the state;

(ii) Recognized insurance or bonding agent for the authorized user;

(iii) Savings account assignment from authorized user to department; or

(iv) Cash deposit.

(c) The amount of security required of each user shall be determined by the department and adjusted periodically as needed.

(i) Any portion of the required security relating to payment of rent or fees shall be limited to an amount not exceeding two year's rental or fees.

(ii) Required security related to other terms of the agreement shall be based on the estimated cost to the department of enforcing compliance with those terms.

(iii) Cash deposits shall not be required in an amount exceeding one-twelfth of the annual rental or fees. If this amount is less than the total required security, the remainder shall be provided through other forms listed in (b) of this subsection.

(d) Security must be provided on a continual basis for the life of the agreement. Security arrangements for less than the life of the agreement shall be accepted as long as those arrangements are kept in force through a series of renewals or extensions.

AMENDATORY SECTION (Amending Order 346, Resolution No. 304, filed 8/11/80)

WAC 332-100-030 RATE OF INTEREST FOR SALES. The interest rate to be charged on all sales requiring the same pursuant to RCW 79.01.132 shall be ~~((the average prime interest rate as quoted by Seattle First National Bank, National Bank of Washington, Rainier National Bank, and Peoples' National Bank on the first day of the last full quarter preceding approval of a sale by the board of natural resources. Said rate shall not be less than six))~~ twelve percent per annum.

AMENDATORY SECTION (Amending Order 346, Resolution No. 304, filed 8/11/80)

WAC 332-100-050 RATE OF INTEREST FOR CONTRACTS. The interest rate to be charged on all contracts requiring the same pursuant to RCW 79.01-.216 shall be the average ~~((rate of interest charged in the general area of the property to be sold by the six largest lending institutions in such area))~~ for thirty year fixed conventional mortgages on the first day of the last full ((quarter)) month preceding approval ((of a contract)) by the board of natural resources. Said rate shall not be less than six percent.

WSR 91-22-080

PROPOSED RULES

OFFICE OF THE

ATTORNEY GENERAL

[Filed November 5, 1991, 12:25 p.m.]

Original Notice.

Title of Rule: WAC 44-10-010 Definitions; 44-10-020 Consumer receipt of lemon law rights notice; 44-10-060 Powers and duties of arbitration special master; and 44-10-205 Compliance with arbitration decision.

Purpose: To provide a contextual definition of "subsequent transferee"; specify the procedures for verification of consumer notice of rights; and clarification of arbitration special master powers and identify what constitutes manufacturer and consumer compliance with an arbitration decision.

Statutory Authority for Adoption: RCW 19.118.080 and 19.118.090.

Statute Being Implemented: Chapter 19.118 RCW.

Summary: Definition of "subsequent transferee" incorporates definition of consumer. Motor vehicle dealers shall verify that they provided statutory rights notice to consumers through use of AG form or modification of standard forms. Arbitration special master powers are limited. Steps necessary to achieve compliance with arbitration decision are identified.

Reasons Supporting Proposal: Clarification of consumer compliance requirements was requested by motor vehicle manufacturers. Dealer verification of consumer notice is necessary to demonstrate compliance with statutory mandate. Subsequent transferee and arbitration special master provisions are program requests.

Name of Agency Personnel Responsible for Drafting and Implementation: Lynn D. W. Hendrickson, Assistant Attorney General, Lemon Law Administration, 900 Fourth Avenue, Suite 2000, Seattle, 98164-1012, 464-6219; and Enforcement: Lynn D. W. Hendrickson, Assistant Attorney General, Lemon Law Administration, 900 Fourth Avenue, Suite 200, Seattle, 98164-1012, 464-6219 and Doug Walsh, Assistant Attorney General, 464-7243.

Name of Proponent: Office of the Attorney General, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 44-10-010(5) defines "subsequent transferee" as it is used in RCW 19.118.130 to include the definition of "consumer" to allow eligibility for arbitration; WAC 44-10-020 provides for dealer verification of RCW 19.118.031(2) requirement that consumers be given a copy of their lemon law rights at the time of purchase; WAC 44-10-060 limits the scope of post-hearing arbitration special masters to the authority of the arbitration board; and WAC 44-10-205 provides procedural definitions of what constitutes compliance with an arbitration decision. Manufacturers have requested that the consumer have some responsibility to return the vehicle in reasonable condition after prevailing in an arbitration. The responsibilities of all parties to

an arbitration are identified. Allowance for use of arbitration special master in limited situations is also provided for. The anticipated effect is to resolve disputes surrounding the return of a "lemon" vehicle and the manufacturer repurchase or replacement of the vehicle.

Proposal Changes the Following Existing Rules: WAC 44-10-010 is amended to qualify requests for arbitration special master and a new subsection is added to define "subsequent transferee"; and WAC 44-10-060 is amended to define the scope of post-hearing arbitration special master powers and duties.

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

Hearing Location: Office of the Attorney General, 900 Fourth Avenue, Suite 2000, #2395, Seattle, WA 98164-1012, on December 16, 1991, at 10:00 a.m.

Submit Written Comments to: Lemon Law Administration, Mailstop TB-14, 900 Fourth Avenue, Suite 2000, Seattle, WA 98164-1012, by December 13, 1991.

Date of Intended Adoption: January 1, 1992.

November 5, 1991

Kenneth O. Eikenberry
Attorney General

AMENDATORY SECTION (Amending Order 87-4, filed 12/22/87)

WAC 44-10-010 DEFINITIONS. Terms, when used in this chapter, shall have the same meaning as terms used in chapter 19.118 RCW. The following definitions shall supplement or aid in the interpretation of the definitions set forth in chapter 19.118 RCW.

(1) The phrase "arbitration service" means the agency, firm, board, organization, individual or other entity selected by the attorney general through a request for proposal to conduct the arbitrations provided under chapter 19.118 RCW.

(2) The phrase "arbitration special master" means the individual or group of individuals selected by the arbitration service to hear and decide special issues timely brought before the arbitration service by the parties.

(3) The terms "attorney general" or "attorney general's office" means the person duly elected to serve as attorney general of the state of Washington and delegates authorized to act on his or her behalf.

(4) The term "person" includes every natural person, firm, partnership, corporation, association, or organization.

(5) "Subsequent transferee" means a consumer that acquires a motor vehicle and any remaining warranty coverage during the applicable manufacturer's written warranty period.

NEW SECTION

WAC 44-10-020 CONSUMER RECEIPT OF LEMON LAW RIGHTS NOTICE. New motor vehicle dealers shall obtain, at the time of purchase, a signed statement from the consumer that acknowledges receipt of the written statement of consumer's Lemon Law rights, prepared and supplied by the attorney general. The acknowledgment by the consumer must be in addition to and distinct from any signatures obtained in the execution of any vehicle purchase documentation. Vehicle purchase documentation may be modified to provide for separate consumer acknowledgement if the statement of receipt is presented in a clear and conspicuous manner and evidenced by a separate signature. Dealers, alternatively, may use an acknowledgment form prepared and supplied by the attorney general. The form shall be completed and signed by the consumer. Dealers shall keep the original acknowledgement form with the sales or lease documentation for a period of at least five years. A copy of the completed acknowledgment form shall be given to the consumer.

AMENDATORY SECTION (Amending Order 89-4, filed 7/24/89, effective 8/24/89)

WAC 44-10-060 POWERS AND DUTIES OF ARBITRATION SPECIAL MASTER. (1) (~~One or more arbitration special~~

~~masters shall be appointed by the arbitration service to hear and decide preliminary and post-hearing issues that must be resolved, including but not limited to:)) An arbitration special master may be appointed by the arbitration service to hear and decide preliminary and post-hearing issues which are within the arbitration service's authority to resolve. Requests for an arbitration special master may be made by either party, jointly or by the arbitration service and may occur at any time after the arbitration has been assigned by the attorney general to the arbitration service. However, no arbitration special master may be appointed after the arbitration decision unless requested within twenty (20) days after the date of mailing of the arbitration decision or by the date the manufacturer receives the notice of acceptance from the arbitration service, whichever occurs first. Post-hearing arbitration special masters shall not resolve matters previously presented in the arbitration hearing and addressed in the arbitration decision.~~

~~(2) Issues which may be decided by the arbitration special master include but are not limited to: Motions to quash subpoenas, motions for telephone conference hearings, requests for continuances, requests to view the vehicle, request to set aside default determinations, resolution of factual disputes effecting an arbitration award including specification of the award amounts which could not have been or were not resolved at the arbitration hearing. The arbitration special master may conduct telephonic conferences with a party or parties, as appropriate, and may request additional written information in order to rule on issues.~~

~~((2)) (3) Arbitration special masters shall sign a written oath prior to their appointment as arbitration special master attesting to their impartiality. There shall be no ex parte communication initiated by a party with an ((between such party and the)) arbitration special master.~~

NEW SECTION

WAC 44-10-205 COMPLIANCE WITH ARBITRATION DECISION. (1) Following consumer acceptance of a board decision requiring repurchase or replacement of a new motor vehicle, the manufacturer and consumer shall cooperate in affecting compliance.

(2) Manufacturer compliance requires the tendering of the full amount of the arbitrator's award, or making available a suitable replacement vehicle, as required by RCW 19.118.041 (1)(a), within forty days of notice of acceptance of the arbitration board decision by the consumer.

(3) Consumer compliance requires delivery of the new motor vehicle in reasonable condition considering its age, mileage and prior use. Nothing in this section shall be interpreted to require the consumer to repair any safety defect or nonconformity. In removing any consumer-installed equipment, the consumer shall exercise reasonable care to avoid damage to the vehicle. The consumer shall not remove equipment or options which are included in the repurchase price of the vehicle or which is included as equipment, an option, or options on the replacement vehicle.

(4) All post-arbitration hearing damage caused by fire, theft, collision or vandalism, which is covered by the consumer's insurance, shall be repaired prior to delivery of the new motor vehicle to the manufacturer. Any time necessary to effect such repairs shall not count against the forty-day time limit for manufacturer compliance, since mutual compliance will not be possible until the repairs have been effected.

(5) In all other cases arbitrators shall address consumer compliance issues raised at the arbitration hearing. Pre-hearing damage to the vehicle that is not addressed at the arbitration hearing is deemed waived. Nothing in this section shall preclude a mutually satisfactory agreement between manufacturer and consumer regarding compliance with the arbitration decision. Parties shall negotiate in a cooperative and good faith manner.

(6) The arbitration board may appoint a special master to resolve post arbitration hearing disputes arising under this section. A request for a special master may be made by either party as long as the request is made within twenty days of the arbitration decision or by the day the manufacturer receives acceptance of the arbitration decision by the consumer, whichever occurs first. The board shall respond to a request by either party for a special master within two business days of receipt of the request. Failure to render a decision within two business days shall constitute a denial of the request for special master. Any ruling under this section by a special master shall be limited in scope to those matters necessary for compliance with decisions of the arbitration board. The right to review such decisions shall be prohibited.

WSR 91-22-081

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed November 5, 1991, 12:28 p.m.]

Original Notice.

Title of Rule: Contributions limitations.

Purpose: Clarification of statutory language.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: Rule needs reference to WAC number in subsection (6)(b) corrected.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Olympia, 3-1111.

Name of Proponent: [Public Disclosure Commission,] governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The source of contribution rule sets out guidelines for campaign treasurers regarding how to determine the actual source of a contribution for campaign disclosure record keeping and reporting purposes. The contribution limitation rule clarifies how the statutory limit will be interpreted by the Public Disclosure Commission with respect to a candidate's personal contributions and those from sole proprietorships, partnerships, corporation, union and other organizations.

Proposal does not change existing rules.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA 98501, on January 28, 1992, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by January 15, 1992.

Date of Intended Adoption: January 28, 1992.

October 31, 1991
Graham E. Johnson
Executive Director

AMENDATORY SECTION (Amending WSR 90-20-088, filed 9/28/90)

WAC 390-16-310 LIMITATIONS ON CONTRIBUTIONS. The limitations on contributions as provided in RCW 41.17.105(8) shall be as follows:

(1) The limitation on contributions shall apply to a "candidate" as that term is defined in RCW 42.17.020(5) when the candidate is contributing to his or her own campaign using his or her own personal funds.

(2) The limitations on contributions shall apply separately to the contributions made by each spouse.

(3) Minor children (children under 18 years of age) may make contributions which do not exceed the limitations on contributions if the contribution is properly attributed to the minor child and if:

(a) The decision to contribute is made knowingly and voluntarily by the minor child;

(b) The funds, goods, or services contributed are owned or controlled exclusively by the minor child, such as income earned by the child, the proceeds of a trust for which the child is the beneficiary, or a savings account opened and maintained exclusively in the child's name; and

(c) The contribution is not made from the proceeds of a gift, the purpose of which was to provide funds to be contributed, or is not in any other way controlled by another individual.

(4) Contributions from a business organized as a sole proprietorship and contributions from the owner of the sole proprietorship shall be

aggregated for purposes of determining the limitations of contributions under to RCW 42.17.105(8).

(5) The limitations on contributions shall apply separately to the contributions made by a partnership from the contributions made by an individual partner except that;

Contributions made from or charged against the capital account of an individual partner shall be aggregated with the partner's individual contributions for purposes of determining the limitations on contributions under RCW 42.17.105(8).

(6) The limitations on contributions shall apply separately to the contributions made by a corporation, union, association or subsidiary corporation, or subdivision of the union, association or other similar organization except that;

(a) A contribution from a wholly owned or controlled subsidiary corporation or subdivision of a union, association or other similar organization shall be aggregated with the contributions of the parent or controlling corporation or organization for purposes of determining the limitations on contributions under RCW 42.17.105(8).

(b) A subsidiary, union subdivision or subdivision of an association or other similar organization is "controlled" by another entity, if it does not maintain executive and fiscal independence over its operations and functions as demonstrated by the factors set forth in WAC (~~390-20-300 (i)-(vi)~~) 390-16-308 (5)(d)(i)-(vi).

(7) The limitations on contributions shall apply separately to political committees except that; Political committees which are established, financed, maintained or controlled by any corporation, organization or any other person, including any parent, subsidiary, branch, division, department, or local unit of such persons shall be aggregated and considered as having been made by a single political committee for purposes of determining the limitations on contributions under RCW 42.17.105(8).

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 91-22-082

PROPOSED RULES

PUBLIC DISCLOSURE COMMISSION

[Filed November 5, 1991, 12:31 p.m.]

Original Notice.

Title of Rule: WAC 390-12-040 Public Disclosure Commission—Description of central and field organization; and WAC 390-16-125 Abbreviated campaign reporting—Exceeding limitations.

Purpose: WAC 390-16-125, eliminate language that refers to an obsolete form; and WAC 390-12-040, add reference to new phantom post office box address.

Statutory Authority for Adoption: RCW 42.17.370.

Summary: WAC 390-12-040, changes in the way state mail will be processed after January 1, 1992, require a modification to rules indicating what the new post office box will be; and WAC 390-16-125, the C4x report was eliminated and this language must also be eliminated.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Graham E. Johnson, Olympia, 3-1111.

Name of Proponent: Public Disclosure Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 390-12-040, briefly describes the commission members and staff and location; and WAC 390-16-

125, describes procedures for filing campaign finance reporting forms with the Public Disclosure Commission and the reporting methods.

Proposal does not change existing rules.

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

Hearing Location: Second Floor Conference Room, Evergreen Plaza Building, 711 Capitol Way, Olympia, WA, on January 28, 1992, at 9 a.m.

Submit Written Comments to: Public Disclosure Commission, P.O. Box 40908, Olympia, WA 98504-0908, by January 15, 1992.

Date of Intended Adoption: January 28, 1992.

November 4, 1991
Graham E. Johnson
Executive Director

AMENDATORY SECTION (Amending Order 85-03, filed 7/9/85)

WAC 390-12-040 PUBLIC DISCLOSURE COMMISSION—DESCRIPTION OF CENTRAL AND FIELD ORGANIZATION. The public disclosure commission is a five member commission appointed by the governor with the consent of the senate. The commission is assisted by a staff consisting of an executive director and such other employees as are necessary. The administrative office of the commission is located at Public Disclosure Commission, Room 403, Evergreen Plaza Building, Olympia, Washington. Correspondence should be addressed to: Public Disclosure Commission, 711 Capitol Way Rm 403, PO Box 40908, Olympia WA 98504-0908.

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

AMENDATORY SECTION (Amending WSR 90-16-083, filed 7/31/90)

WAC 390-16-125 ABBREVIATED CAMPAIGN REPORTING—EXCEEDING LIMITATIONS. Whenever there is reason to believe that any of the aggregate limitations specified in WAC 390-16-105, 390-16-115, or 390-16-120 will or may be exceeded, the candidate or committee may apply to the commission for authorization to change reporting options.

(1) If the application is made more than thirty days prior to the date of the election, the application will be considered approved without further action by the commission if the person making application submits:

(a) A PDC form C-1 or C-1pc indicating the intention of using the full reporting system provided by RCW 42.17.040 - 42.17.090;

(b) A PDC form C-4 with Schedules A, A-s/l, B, C and L, as appropriate, disclosing all contributions and expenditures reportable under RCW 42.17.090 for the election campaign or in the case of continuing political committees for the calendar year. ~~((Additionally candidates for state executive or legislative office must file a C-4x report.))~~

(c) A statement affirming that all known candidates for the office being sought have been notified personally of the application stating the manner and date of such notification. In the case of a ballot proposition, the statement shall affirm that the committee treasurer of all committees identifiable from the records of the county elections officer or public disclosure commission to be opposing or supporting the proposition have been notified personally of the application stating the manner and date of such notification.

(2) If the application is made within thirty days of the date of the election, the application shall be approved only by authorization of the commission executive director.

(a) Prior to such approval being granted, the executive director shall determine that the application contains those documents shown in subsection (1)(a), (b) and (c) above.

(b) The commission staff shall investigate why the applicable requirements were not complied with in the first instance and whether or not the probability of exceeding such limitations was reasonably foreseeable. If the investigation shows that the declaration by the candidate, committee or other person filed under WAC 390-16-115 was

made in good faith and that the probability of exceeding such limitations was not reasonably foreseeable, the executive director will approve the reporting option change conditioned upon full future compliance with all applicable requirements of chapter 42.17 RCW.

(3) When one candidate or committee on either side of an election campaign has applied for permission to exceed the limitations of the exemption under subsection (1) above, all other candidates and/or committees may change reporting options by meeting the requirements of subsection (1)(a), (b) and (c).

(4) Any person who knowingly or negligently causes or permits the limitations specified in these regulations to be exceeded shall be deemed to have violated the applicable provisions of RCW 42.17.040 - 42.17.090.

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

WSR 91-22-083

PERMANENT RULES

PUBLIC DISCLOSURE COMMISSION

[Filed November 5, 1991, 12:36 p.m.]

Date of Adoption: October 22, 1991.

Purpose: To allow applicants to request reporting modifications.

Citation of Existing Rules Affected by this Order: Amending WAC 390-28-020, 390-28-025, 390-28-040, 390-28-060, and 390-28-080.

Statutory Authority for Adoption: RCW 42.17.370.

Pursuant to notice filed as WSR 91-19-039 on September 11, 1991.

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

November 1, 1991

Graham E. Johnson

Executive Director

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-28-020 DEFINITION—APPLICANT. The term applicant for the purposes of chapter 390-28 WAC shall mean any person as defined in RCW 42.17.020(21) that seeks a modification pursuant to RCW 42.17.370(~~((9))~~) (10) and these rules.

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-28-025 HEARING TO MODIFY REPORTING REQUIREMENTS. (1) Any person who considers compliance with any of the reporting requirements of chapter 42.17 RCW to be a manifestly unreasonable hardship in a particular case may apply for a modification of such reporting requirements pursuant to RCW 42.17.370(~~((9))~~) (10) and further pursuant to these rules.

AMENDATORY SECTION (Amending Order 85-05, filed 11/26/85)

WAC 390-28-040 HEARING TO MODIFY REPORTING—PREHEARING PROCEDURE AND REQUIREMENTS. (1) An applicant must file with the commission a written request for hearing for suspension

or modification of reporting requirements. The request should be submitted by the tenth day of the month preceding the month in which the report is due so that action on the request can be completed before the filing deadline.

(2) The request should contain (a) the required report completed to the extent possible, (b) the applicant's evidence to be submitted at the hearing, ~~((c))~~ (c) a statement of reasons why the reporting of required information would cause a manifestly unreasonable hardship, with as much detail as possible. (A general statement, such as "violates right of privacy" shall not be deemed as sufficient compliance with this requirement.) The applicant is encouraged to also include a proposed modification to the required reporting which, in the applicant's opinion, will relieve the perceived hardship.

(3) The filing of a request for modification shall not suspend the reporting requirement of any portion of chapter 42.17 RCW.

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-28-060 HEARING TO MODIFY REPORTING—ADMINISTRATIVE LAW JUDGE PROCEEDINGS. (1) The commission may request through the office of administrative hearings the appointment of an administrative law judge to hear individual applicants.

(2) After such hearing is concluded, the administrative law judge shall prepare and distribute to the applicant and each commissioner a proposed decision determining the issue. The applicant shall have five days to file with the commission specific objections to the administrative law judge's proposed decision and to request an opportunity to present additional evidence to the commission. When written objections are timely filed, the commission, at the time of review and ratification, shall consider the whole record or such portions as may be cited by the administrative law judge, applicant or executive director. The commission may also hear additional testimony.

(3) If the applicant files objections to the administrative law judge's proposed decision, the filing requirement from which the applicant has sought modification shall not be suspended unless the commission, upon notice of the filing of objections, determines that a temporary suspension is justifiable pursuant to the criteria set out in RCW 42.17.370~~((9))~~ (10). Such suspension of filing requirements shall be granted only until the decision is finalized by formal action of the commission.

(4) At the next meeting at which the matter can be lawfully considered, the commission shall review and either ratify or modify or revise the proposed order.

AMENDATORY SECTION (Amending Order 85-04, filed 10/31/85)

WAC 390-28-080 HEARING TO MODIFY REPORTING—EVIDENCE, RECORD, ADVERSE DECISIONS. (1) All evidence presented at hearings of the

commission held pursuant to chapter 390-28 WAC and RCW 42.17.370~~((9))~~ (10) shall be considered to be a public record: PROVIDED, That the commission may close the hearing and hold an executive session if it finds that it is necessary to allow the applicant to provide sufficient evidence to assure that proper findings are made. All evidence presented at any portion of a hearing held in executive session identifying the matters for which the applicant requests modification under these rules shall be considered and held confidential by the commission unless otherwise ordered by a court of competent jurisdiction. In the event that an administrative law judge determines that testimony in private may be necessary, the judge shall immediately adjourn the hearing and refer the matter to the commission.

(2) Any decision or order adverse to an applicant rendered by the commission or administrative law judge shall be in writing or stated in the record and shall be accompanied by findings of fact and conclusions of law.

WSR 91-22-084

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—November 4, 1991]

There has been a change in the location of the regular commission meeting of the Washington State Human Rights Commission for the month of November 1991. The meeting, which was originally scheduled to be held in Spokane, will be held in Seattle on November 20 and 21. The meeting on November will be held at the offices of the Washington State Human Rights Commission, Melbourne Tower, 1511 Third Avenue, Suite 921, Seattle, beginning at 7:00 p.m. and will be a training and planning session. The regular business meeting on November 21 will be held at the Edgewater Inn, Terrace Room, 2411 Alaskan Way, Pier 67, Seattle, beginning at 9:30 a.m.

WSR 91-22-085

**NOTICE OF PUBLIC MEETINGS
HUMAN RIGHTS COMMISSION**

[Memorandum—November 4, 1991]

The Washington State Human Rights Commission will hold its December regular commission meeting in Spokane on December 18 and 19, 1991. The meetings will both be held at the Great Northwest Savings and Loan Association, Conference Room, North 222 Wall, Spokane. The meeting on December 18 will be a training and planning session and will begin at 7:00 p.m. The regular business meeting on December 19 will begin at 9:30 a.m.

WSR 91-22-086
PERMANENT RULES
OFFICE OF
MARINE SAFETY

[Filed November 5, 1991, 3:52 p.m., effective January 1, 1992]

Date of Adoption: November 5, 1991.

Purpose: To implement the provisions of the 1991 Spill Prevention Act (ESHB 1027) relating to oil spill response requirements for cargo and passenger vessels and oil tank vessels.

Statutory Authority for Adoption: ESHB 1027.

Pursuant to notice filed as WSR 91-14-111 on July 3, 1991.

Changes Other than Editing from Proposed to Adopted Version: A number of editorial changes that do not change intent or meaning were made throughout the rule for clarification purposes. Additional changes follow:

WAC 317-10-010, "Response contractor standards" was added to the purpose to reflect addition of WAC 317-10-090 through 317-10-096.

WAC 317-10-020, Statutory authority was amended to reflect provisions of chapter 200, Laws of 1991.

WAC 317-10-030, Definition of "best achievable technology" was added, (using statutory definition, in order to provide a reference for subsequent use of the term); subpart (b)(v) of "facility" definition was modified to clarify that a covered vessel was defined as a tank, cargo, or passenger vessel; "safety" was added to criteria listed in the definition of "maximum extent practicable," based on recognition that safety must be considered in evaluating practicability; definition of "primary response contractor" was changed to remove nondefinition language; this language was moved to WAC 317-10-090, where it was more appropriate because it involved contractor requirements; "hazardous substances" was deleted from "spill" definition to clarify that the rule only focused on oil spills; and definition of "worst case spill" was revised to clarify meaning of "adverse weather conditions."

WAC 317-10-035, subsection (2) was amended regarding submittal of federal plans to clarify that the office has discretion in acceptability of federal plans.

WAC 317-10-040, "when implemented" was added to subsection (4) to clarify that plans themselves do not remove oil.

WAC 317-10-045, the use of chapters and appendices was revised to discuss which types of information belonged in each. This change was made to clarify how plans can simultaneously fulfill both emergency response and background documentation needs; and subsection (6) was revised to require computerized plans to be accompanied by a hard copy, in order to ensure access during computer failure.

WAC 317-10-050, subsection (2) was revised to add verification of office notification in order to cross-reference the log sheet with WAC 317-10-080(3); "between individuals" was added to subsection (7) to clarify what type of position transfer was referenced; subsection (11) was revised to encourage, rather than require, plan

holders to use the state system, but still require use of some system. This change was made to recognize that federal and other systems may be appropriate also; subsection (12) was revised to replace the specific RCW reference with a general Washington Department of Wildlife reference in order to reference all appropriate existing and future rules; subsection (16) was revised by adding terms which clarified that flow charts or decision trees were intended as general in focus; air traffic was added to subsection (17) to reflect the fact that air traffic operations are an important aspect of emergency operations; subsection (20) was expanded by cross-referencing WAC 317-10-065(3), in order to require information that facilitates review of plan adequacy; "conditions permitting" was added to subsections (21) and (22) to clarify that these methods must be discussed unless the plan holder will absolutely never plan to use them even in favorable conditions; a reference to environmentally sensitive area maps was added to subsections (23) and (30) to provide a better reference to department information sources; subsection (23) was revised to refer to Washington Department of Wildlife rules rather than policies, since policies are not the mechanism to set regulatory requirements; subsection (27) was revised to state that the tests do not involve deployment in order to clarify that the test is only a communication exercise; and subsections (30) and (31) were revised to require plans to list information rather than demonstrate access; this change was made to facilitate plan review and enhance plan adequacy.

WAC 317-10-065, the term "endeavor to" was added prior to office review deadlines in order to allow legal flexibility if unforeseen circumstances arise; subsection (1) was revised to address prompt completeness review in order to clarify that this task will be completed quickly upon submittal; the term "unique" was removed from subsection (4) to improve clarity; subsection (4) was changed by adding an explanation on plan approval to clarify that the plan may still need partial review; "shall" was changed to "may" in subsection (6) to provide the office with flexibility in preparation of a manual; flexibility to office use of the manual was added to subsection (6) to allow the reviewers to exercise best professional judgment for unforeseen circumstances; subsection (7) was revised by eliminating possession criteria in order to clarify that plan approval is the concern involved; and subpart (d) regarding appeals was added to subsection (7) in order to clarify the process for appealing a decision by the office.

WAC 317-10-070, subsection (4) was revised to cross-reference options in subsection (3) in order to apply these options consistently to contractors; and the term "endeavor to" was added to subsection (5) in order to allow legal flexibility if unforeseen circumstances arise.

WAC 317-10-075, subsection (1) was revised to cross-reference WAC 317-10-050 in order to create consistency.

WAC 317-10-080, allowances for submittal of a letter for reapproval was added to eliminate the need for refileing a plan already in office possession.

WAC 317-10-085, reference to facility licenses was deleted to clarify that this enforcement function was a department role under chapter 173-181 WAC.

WAC 317-10-090, 317-10-092, 317-10-094 and 317-10-096, contractor standard provisions, essentially identical to the like sections of chapter 173-181 WAC, were added to clarify that the office has statutory jurisdiction over approval of primary response contractors referenced in vessel plans. These provisions do not impose any real new requirements on response contractors.

Effective Date of Rule: January 1, 1992.

November 5, 1991
 Bob Nichols
 Acting Administrator

Chapter 317-10 WAC
**VESSEL CONTINGENCY PLAN AND RESPONSE
 CONTRACTOR STANDARDS**

WAC	
317-10-010	Purpose.
317-10-020	Authority.
317-10-030	Definitions.
317-10-035	Applicability.
317-10-040	Plan preparation.
317-10-045	Plan format requirements.
317-10-050	Plan content requirements.
317-10-060	Plan submittal.
317-10-065	Plan review.
317-10-070	Drills and inspections.
317-10-075	Plan maintenance and use.
317-10-080	Plan update timeline.
317-10-085	Noncompliance with plan requirements.
317-10-090	Contractor standards.
317-10-092	Contractor approval information required.
317-10-094	Submittal of contractor approval applications.
317-10-096	Contractor application review.
317-10-098	Severability.

NEW SECTION

WAC 317-10-010 **PURPOSE.** The purpose of this chapter is to establish vessel oil spill contingency plan requirements and response contractor standards which, when followed, will:

- (1) Maximize the effectiveness and timeliness of oil spill response by responsible parties and response contractors;
- (2) Ensure readiness of equipment and personnel;
- (3) Support coordination with state, federal, and other contingency plans; and
- (4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills.

NEW SECTION

WAC 317-10-020 **AUTHORITY.** Part IV, chapter 200, Laws of 1991, provides statutory authority for the contingency plan preparation and review requirements and response contractor standards established by this chapter.

NEW SECTION

WAC 317-10-030 **DEFINITIONS.** (1) "Administrator" means the administrator of the Washington office of marine safety.

(2) "Average efficiency factor" means a factor used to estimate limitations of equipment efficiency from variables such as sea state, current velocity, or visibility.

(3) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are developed, or could feasibly be developed given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the administrator shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(4) "Board" means the pollution control hearings board.

(5) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(6) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to, commercial fish processing vessels and freighters.

(7) "Columbia River" means the length of the Columbia River from its mouth at the Pacific Ocean to its confluence with the Snake River.

(8) "Covered vessel" means a tank vessel, cargo vessel, or passenger vessel.

(9) "Department" means the state of Washington department of ecology.

(10) "Deadweight ton" means the difference, in metric tons, between the lightweight displacement and the total displacement of a vessel, as defined under Title 46, United States Code of Federal Regulations, Part 30, Subpart 30.10.

(11) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(12)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that (both):

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a

tank vessel, cargo vessel, or passenger vessel, in a single transaction.

(13) "Gross ton" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(14) "Interim storage site" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site. Interim storage sites include trucks, barges, and other vehicles used to store recovered oil or oily waste until transport begins.

(15) "Liquefied petroleum gas" means petroleum gas converted to a liquid state by pressure and cooling, including but not limited to natural gas, butane, and propane.

(16) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(17) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, and best achievable technology. In determining what is the maximum extent practicable, the administrator shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(18) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(19) "Office" means the state of Washington office of marine safety.

(20) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(21) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(22) "Owner or operator" means:

(a) In the case of a vessel, any person owning, operating, or chartering by demise, the vessel; or

(b) In the case of an abandoned vessel, the person who owned or operated the vessel immediately before its abandonment.

(23) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(24) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(25) "Pipeline" means, for the purposes of subsection (12)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (12)(a) of this section.

(26) "Plan" means oil spill response, cleanup, and disposal contingency plan.

(27) "Primary response contractor" means a response contractor that is directly responsible to a contingency plan holder, either by a contract or written agreement.

(28) "Response contractor" means an individual, organization, association, or cooperative that provides or intends to provide equipment and/or personnel for oil spill containment, cleanup, and/or removal activities.

(29) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(30) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(31) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(32) "Vessel type" means a general category of vessel based on form and function, such as tank barge, tanker, freighter, cruise ship, ferry, or fish-processing vessel.

(33) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(34) "Worst case spill" means a spill of the vessel's entire cargo and fuel complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations).

NEW SECTION

WAC 317-10-035 APPLICABILITY. (1) Oil spill response, cleanup, and disposal contingency plans must be prepared, submitted, and used, pursuant to requirements in this chapter, for:

(a) Tank vessels of twenty thousand or more dead weight tons, including those operating on the Columbia River;

(b) Tank vessels less than twenty thousand dead weight tons not operating on the Columbia River; and

(c) Cargo vessels and passenger vessels of three hundred or more gross tons which are not operating on the Columbia River but otherwise operating on waters of the state.

(2) Federal plans required under 33 C.F.R. 154, 40 C.F.R. 109, 40 C.F.R. 110, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the office deems that such federal requirements possess approval criteria which equal or exceed those of the office.

(3) Response contractors must be approved by the office before they may serve as primary response contractors for a vessel contingency plan.

(4) For those sections of contingency plans which address liquefied petroleum gases, the office may excuse plan holders from meeting requirements in this chapter that are not applicable to spill response for liquefied petroleum gases due to their physical properties.

NEW SECTION

WAC 317-10-040 PLAN PREPARATION. (1) Each covered vessel shall prepare a contingency plan for the containment and cleanup of oil spills from the covered vessel into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from such spills.

(2) Plans shall be in a form usable for oil spill control, containment, cleanup, and disposal operations and shall be capable of being located according to requirements in WAC 317-10-075.

(3) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(4) Plans shall be designed to be capable to the maximum extent practicable, when implemented, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, including small chronic spills, and worst case spills. At a minimum, plans shall meet the criteria specified in WAC 317-10-045 and 317-10-050; criteria are presented in suggested but not requisite order.

NEW SECTION

WAC 317-10-045 PLAN FORMAT REQUIREMENTS. (1) Plans shall be prepared using a combined narrative and graphic format which facilitates both the study of detailed spill response information and quick access to general information given emergency information needs and time constraints.

(2) Plans shall be divided into a system of chapters and appendices. Chapters and sections shall be numbered. Chapters should be reserved primarily for information on emergency response and cleanup operations, such as notification procedures or description of the spill response organization structure. Appendices should be used primarily for supplemental background and documentation information, such as response scenarios or description of drills and exercises.

(3) A system of index tabs shall be used to provide easy reference to particular chapters or appendices.

(4) Plans shall be formatted to allow replacement of chapter or appendix pages with revisions without requiring replacement of the entire plan.

(5) A simplified field document suitable for on-site use in the event of a spill and summarizing key notification and action elements of the plan shall also be prepared and submitted as part of the plan.

(6) Computerized plans may be submitted to the office in addition to a hard copy. Computerized plans, accompanied by a hard copy, may be used to meet the requirements of WAC 317-10-075.

NEW SECTION

WAC 317-10-050 PLAN CONTENT REQUIREMENTS. (1) Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party;

(b) Verifies acceptance of the plan, including any incorporated contingency plans, by the owner or operator of the covered vessel, by signature of the owner or operator or their designee;

(c) Commits execution of the plan, including any incorporated contingency plans, by the owner or operator or their designee, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions; and

(d) Except for plans filed by the Washington state maritime commission or a maritime association defined under Oregon law, includes the vessel's name, the name, location, and address of the owner or operator, official identification code or call sign, country of registry, common ports of call in Washington waters, type of oil(s) handled, oil volume capacity, expected period of operation in state waters, and passenger capacity if a passenger vessel.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the office was notified of the amendment pursuant to WAC 317-10-080(3), and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe the purpose and scope of that plan, including:

(a) The geographic area covered by the plan;

(b) The covered vessel operations covered by the plan; and

(c) The size of the worst case spill from the covered vessel.

(5) Each plan shall describe the procedures and time periods corresponding to updates of the plan and distribution of the plan and updates to affected and interested parties.

(6) Each plan shall present a strategy to ensure use of the plan for spill response and cleanup operations pursuant to requirements in WAC 317-10-075.

(7) Each plan shall describe the organization of the spill response system, including all task assignments addressed by requirements of this section. This description shall identify the role of an incident commander or primary spill response manager, who shall possess the lead authority in spill response and cleanup decisions. The plan shall describe how a smooth transfer of the incident commander or primary spill response manager position

between individuals will be accomplished. An organizational diagram depicting the chain of command shall also be included.

(8)(a) For each primary response contractor which a plan holder may or does rely on to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state that contractor's name, address, phone number, or other means of contact at any time of the day, and response capability (e.g., land spills only). For each primary response contractor, the plan shall include a letter of intent signed by the primary response contractor which indicates the contractor's willingness to respond. Copies of written contracts or agreements with primary response contractors shall be available for inspection, if requested by the department.

(b) If a plan holder is a member of an oil spill response cooperative and relies on that cooperative to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state the cooperative's name, address, phone number, and response capability. The plan shall also include proof of cooperative membership.

(c) Plans which rely on primary response contractors shall rely only on primary response contractors approved by the office under WAC 317-10-090.

(9) Each plan shall briefly describe its relation to all applicable local, state, regional, and federal government response plans. Plans shall address how the plan holder's response organization will be coordinated with an incident command system utilized by state and federal authorities.

(10) Each plan shall list procedures which will be used to detect and document the presence and size of a spill, including methods which are effective during low visibility conditions. For tank vessels, the plan shall describe the use, if any, of mechanical or electronic monitoring or alarm systems (including threshold sensitivities) used to detect oil discharges into adjacent land or water from tanks, pipes, manifolds, and other transfer or storage equipment.

(11) Each plan shall describe procedures which will be taken to immediately notify appropriate parties that a spill has occurred.

(a) The plan holder shall maintain a notification call out list which shall be available if requested by the office for inspection, and which:

(i) Provides a contact at any time of the day for all spill response personnel identified under subsection (7) of this section, including the contact's name, position title, phone number or other means of contact for any time of the day, and an alternate contact in the event the individual is unavailable;

(ii) Lists the name and phone number of all government agencies which must be notified in the event of an oil spill pursuant to requirements under RCW 90.48.360 as recodified by section 1115, chapter 200, Laws of 1991, and other state and federal requirements; and

(iii) Establishes a clear order of priority for immediate notification;

(b) The plan shall identify a central reporting office or individual who is responsible for implementing the call out process; and

(c) The plan shall utilize a system of categorizing incident type and severity. Plan holders are encouraged to utilize the system established by the department in the Washington state-wide master oil and hazardous substance spill contingency plan as developed pursuant to RCW 90.48.378 as recodified by section 1115, chapter 200, Laws of 1991.

(12) Each plan shall describe the personnel (including contract personnel) available to respond to an oil spill, including:

(a) A job description for each type of spill response position needed as indicated in the spill response organization scheme addressed in subsection (7) of this section;

(b) The number of personnel available to perform each type of spill response position;

(c) Arrangements for prepositioning personnel at strategic locations which will meet criteria pursuant to WAC 317-10-065 (3)(d);

(d) The type and frequency of spill response operations and safety training that each individual in a spill response position receives to attain the level of qualification demanded by their job description; and

(e) The procedures, if any, to train and use volunteers willing to assist in spill response operations. Volunteer procedures for wildlife rescue shall comply with rules adopted by the Washington department of wildlife.

(13)(a) Each plan shall list the type, quantity, age, location, maintenance schedule, and availability of equipment used during spill response, including equipment used for oil containment, recovery, storage, and removal, shoreline and adjacent lands cleanup, wildlife rescue and rehabilitation, and communication.

(b) For equipment listed under (a) of this subsection that is not owned by or available exclusively to the plan holder, the plan shall also estimate the extent to which other contingency plans rely on that same equipment.

(c) For oil containment and recovery equipment, the plan also shall include equipment make and model, and the manufacturer's nameplate capacity of the response equipment (in gallons per minute), and applicable design limits (e.g., maximum wave height capability; inland waters vs. open ocean).

(d) Based on information described in (c) of this subsection, the plan shall state the maximum amount of oil which could be recovered per twenty-four-hour period.

(e) For purposes of determining plan adequacy under WAC 317-10-065, and to assess realistic capabilities based on potential limitations by weather, sea state, and other variables, the data presented in (c) and (d) of this subsection will be multiplied by an average efficiency factor of twenty percent. The office will apply a higher efficiency factor for equipment listed in a plan if that plan holder provides adequate evidence that the higher efficiency factor is warranted for particular equipment. The office may assign a lower efficiency factor to particular equipment listed in a plan if it determines that the performance of that equipment warrants such a reduction.

(f) The plan shall provide arrangements for repositioning of oil spill response equipment at strategic locations which will meet criteria pursuant to WAC 317-10-065 (3)(d).

(14) Each plan shall describe the communication systems used for spill notification and response operations, including:

- (a) Communication procedures;
- (b) The communication function (e.g., ground-to-air) assigned to each channel or frequency used; and
- (c) The maximum geographic range for each channel or frequency used.

(15) Each plan shall describe the process to establish sites needed for spill response operations, including location or location criteria for:

- (a) A central command post;
- (b) A central communications post if located away from the command post; and
- (c) Equipment and personnel staging areas.

(16)(a) Each plan shall present a flowchart or decision tree describing the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.

(b) Each plan shall describe all key spill response operations in checklist form, to be used by spill response managers in the event of an oil spill.

(17)(a) Each plan shall list the local, state, and other government authorities responsible for the emergency procedures peripheral to spill containment and cleanup, including:

- (i) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;
- (ii) Procedures to control ground and air traffic which may interfere with spill response operations; and
- (iii) Procedures to manage access to the spill response site.

(b) Each plan shall describe the plan holder's role in these emergency operation procedures prior to the arrival of proper authorities.

(18) Each plan shall describe equipment and procedures to be used by the vessel personnel to minimize the magnitude of the spill and minimize structural damage which may increase the quantity of oil spilled.

(a) For tank vessels, damage control procedures shall include methods and onboard equipment to achieve vessel stability and prevent further vessel damage, slow or stop pipe, tank, and other leaks, and achieve emergency shutdown during oil transfer.

(b) For other covered vessels, damage control procedures shall address methods to achieve vessel stability and slow or stop leaks from fuel tanks and lines.

(19) Each plan shall describe, in detail, methods to contain spilled oil and remove it from the environment. Methods shall describe deployment of equipment and personnel, using diagrams or other visual aids when possible. Response methods covered must include:

- (a) Surveillance methods used to detect and track the extent and movement of the spill;
- (b) Methods to contain and remove oil in offshore waters;

(c) Methods to contain and remove oil in near-shore waters, including shoreline protection procedures and oil diversion/pooling procedures; and

(d) Methods to contain and remove oil, including surface oil, subsurface oil, and oiled debris and vegetation, from a variety of shoreline, adjacent land, and beach types.

(20) Each plan shall briefly describe initial equipment and personnel deployment activities which will accomplish the response standard listed in WAC 317-10-065 (3)(d), and provide an estimate of the actual execution time.

(21) If the plan holder will use dispersants, coagulants, bioremediants, or other chemical agents for response operations, conditions permitting, the plan shall describe:

- (a) Type and toxicity of chemicals;
- (b) Under what conditions they will be applied in conformance with all applicable local, state, and federal requirements, including the state-wide master oil and hazardous substance spill contingency plan;
- (c) Methods of deployment; and
- (d) Location and accessibility of supplies and deployment equipment.

(22) If the plan holder will use in-situ burning for response operations, conditions permitting, the plan shall describe:

- (a) Type of burning operations;
- (b) Under what conditions burning will be applied in conformance with all applicable local, state, and federal requirements, including the state-wide master oil and hazardous substance spill contingency plan;
- (c) Methods of application; and
- (d) Location and accessibility of supplies and deployment equipment.

(23) Each plan shall describe how environmental protection will be achieved, including:

(a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;

(b) Priorities for sensitive area protection in the geographic area covered by the plan as designated by the department in environmentally sensitive area maps referenced in the state-wide master oil and hazardous substance spill contingency plan;

(c) Rescue and rehabilitation of birds, marine mammals, and other wildlife contaminated or otherwise affected by the oil spill in compliance with rules adopted by the Washington department of wildlife; and

(d) Measures taken to reduce damages to the environment caused by shoreline and adjacent land cleanup operations, such as impacts to sensitive shoreline habitat by heavy machinery.

(24)(a) Each plan shall describe site criteria and methods used for interim storage of oil recovered and oily wastes generated during response and cleanup operations. Interim storage methods and sites shall be designed to prevent contamination by recovered oil and oily wastes.

(b) If use of interim storage sites will require approval by local, state, or federal officials, the plan shall include information which could expedite the approval process,

including a list of appropriate contacts and a brief description of procedures to follow for each applicable approval process.

(c) Each plan shall describe methods and sites used for permanent disposal of oil recovered and oily wastes generated during response and cleanup operations.

(d) Interim storage and permanent disposal methods and sites shall be sufficient to keep up with oil recovery operations and handle the entire volume of oil recovered and oily wastes generated.

(e) Interim storage and permanent disposal methods and sites shall comply with all applicable local, state, and federal requirements.

(25) Each plan shall describe procedures to protect the health and safety of oil spill response workers, volunteers, and other individuals on-site. Provisions for training, decontamination facilities, safety gear, and a safety officer position shall be addressed.

(26) Each plan shall explain post-spill review procedures, including methods to review both the effectiveness of the plan and the need for plan amendments. Post-spill procedures shall provide for a debrief of the office.

(27)(a) Each plan shall describe the schedule and type of drills and other exercises which will be practiced to ensure readiness of the plan elements, including drills which satisfy WAC 317-10-070(3).

(b) Tests of internal call out procedures shall be performed at least once every ninety calendar days and documented by the plan holder. Such tests are only required to involve notification, not actual deployment.

(28) Unless the plan holder has received approval for a prevention plan submitted pursuant to chapter 200, Laws of 1991, each tank vessel plan shall describe measures taken to reduce the likelihood that a spill will occur which exceed or are not covered by existing state and federal requirements, including:

(a) Type and frequency of personnel training on methods to minimize operational risks;

(b) Methods to ensure equipment integrity, including inspection and maintenance schedules;

(c) Methods to reduce spills during transfer operations, including overfill prevention; and

(d) For tank vessels, key measures used to reduce risks during navigation.

(29) Each covered vessel plan shall list the spill risk variables within the geographic area covered by the plan, including:

(a) Types, physical properties, and amounts of oil handled;

(b) Except for plans filed by the Washington state maritime commission or a maritime association defined under Oregon law, a written description and diagram indicating cargo, fuel, and ballast tanks and piping, power plants, and other oil storage and transfer sites and operations; and

(c) A written description of operations with a history of or high potential for oil spills, including key areas which pose significant navigation risk within the geographic area covered by the plan.

(30) Each plan shall list the environmental variables within the geographic area covered by the plan, including:

(a) Natural resources, including coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species (environmental variable information may be obtained directly from environmentally sensitive area maps referenced in the state-wide master oil and hazardous substance spill contingency plan);

(b) Public resources, including public beaches, water intakes, drinking water supplies, and marinas;

(c) Seasonal hydrographic and climatic conditions; and

(d) Physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics.

(31) Each plan shall list the logistical resources within the geographic area covered by the plan, including:

(a) Facilities for fire services, medical services, and accommodations; and

(b) Shoreline access areas, including boat launches.

(32)(a) Each plan shall describe detailed, plausible, step-by-step response scenarios for:

(i) A small oil spill less than five hundred gallons; and

(ii) A worst case spill as described in the plan pursuant to subsection (4)(c) of this section.

(b) Each scenario description shall include:

(i) The circumstances surrounding the spill, including size, type, location, climatic and hydrographic conditions, time, and cause;

(ii) An estimate of oil movement during the first seventy-two hours, including likely shoreline contact points; and

(iii) Estimates of response time and percent recovery for each major phase of operations.

(c) If a plan applies to multiple covered vessels, each scenario description shall discuss implementation of the plan in the event of simultaneous separate spills.

(33) Each plan shall include a glossary of technical terms and abbreviations used in the plan.

NEW SECTION

WAC 317-10-060 PLAN SUBMITTAL. (1)(a) Plans for tank vessels of three thousand gross tons or more shall be submitted to the office within six months after adoption of this chapter.

(b) All other covered vessels shall submit plans to the office within eighteen months after adoption of this chapter.

(2)(a) Any covered vessel that first begins operating after the adoption of this chapter shall submit a plan to the office at least sixty-five calendar days prior to the beginning of operations in Washington waters, with the exception of covered vessels which fall under the jurisdiction of the Washington maritime commission pursuant to chapter 88.44 RCW, as amended by sections 901 through 907, chapter 200, Laws of 1991.

(b) Covered vessels which fall under the jurisdiction of the Washington maritime commission pursuant to chapter 88.44 RCW, as amended by sections 901 through 907, chapter 200, Laws of 1991, shall be incorporated into the maritime commission contingency plan pursuant to WAC 317-10-080.

(3) Three copies of the plan and appendices shall be delivered to:

Contingency Plan Review
Washington Office of Marine Safety
P.O. Box 42407
Olympia, WA 98504-2407

(4)(a) Tank vessel plans may be submitted by:

(i) The tank vessel owner or operator;

(ii) The owner or operator of a facility where the tank vessel unloads cargo, in conformance with requirements under WAC 317-10-050(1); or

(iii) A primary response contractor approved by the office pursuant to WAC 317-10-090, in conformance with requirements under WAC 317-10-050(1).

(b) Cargo and passenger vessel plans may be submitted by:

(i) The vessel owner or operator;

(ii) The agent for the vessel, in conformance with requirements under WAC 317-10-050(1); or

(iii) A response contractor approved by the office pursuant to WAC 317-10-090, in conformance with requirements under WAC 317-10-050(1).

(c) Plans for covered vessels which fall under the jurisdiction of the Washington maritime commission pursuant to chapter 88.44 RCW, as amended by sections 901 through 907, chapter 200, Laws of 1991, may be submitted by the Washington maritime commission, in conformance with requirements under WAC 317-10-050(1).

(5) A single plan may be submitted for multiple vessels of the same vessel type, provided that the plan contents meet the requirements in this chapter for each vessel listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21B.160.

NEW SECTION

WAC 317-10-065 PLAN REVIEW. (1) The office shall endeavor to review each plan in sixty-five calendar days. Upon receipt of a plan, the office shall evaluate promptly whether the plan is incomplete. If the office determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the office receives a complete plan.

(2) The office shall regularly notify interested parties of any contingency plans which are under review by the office, and make plans available for review to all other state, local, and federal agencies, and the public. The office shall accept comments from these interested parties on the plan during the first thirty calendar days of review by the office.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 317-10-045 and 317-10-050, it demonstrates that when implemented, it can:

(a) To the maximum extent practicable, provide for prompt and proper response to and cleanup of a variety of spills, including small chronic spills, and worst case spills;

(b) To the maximum extent practicable, provide for prompt and proper protection of the environment from oil spills;

(c) Provide for immediate notification and mobilization of resources upon discovery of a spill;

(d) Provide for initial deployment of response equipment and personnel at the site of the spill within two hours of the plan holder's awareness that a spill has occurred given suitable safety conditions; and

(e) Use as primary response contractors, only those response contractors approved by the office under WAC 317-10-090.

(4) When reviewing plans, the office shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of vessels, including spill reports by department on-scene coordinators;

(c) The presence of operating hazards;

(d) The sensitivity and value of natural resources within the geographic area covered by the plan;

(e) Any pertinent local, state, federal agency, or public comments received on the plan;

(f) The extent to which reasonable, cost-effective spill prevention measures have been incorporated into the plan; and

(g) The nature and amount of vessel traffic and navigational hazards within the geographic area covered by the plan.

(5) The office may approve a plan without a full review as per provisions of this section if that plan has been approved by a federal agency or other state which the office has deemed to possess approval criteria which equal or exceed those of the office.

(6) The office may prepare a manual to aid office staff responsible for plan review. This manual may be made available to provide guidance for plan preparers. While the manual would be used as a tool to conduct review of a plan, the office will not be bound by the contents of such a manual.

(7) The office shall endeavor to notify the covered vessel owner or operator or their designee within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the covered vessel owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b)(i) The office may approve a plan conditionally by requiring a covered vessel owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(iii) A plan holder shall have thirty calendar days after the office gives notification of conditional status to submit and implement required changes to the office, with the option for an extension at the office's discretion.

Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied, the covered vessel owner or operator shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The covered vessel shall not continue oil storage, transfer, or other operations until a plan for that vessel has been approved.

(d) A plan holder shall have thirty calendar days from the date of the notice of nonapproval to appeal the office's decision. The appeal shall be perfected by serving an application for an adjudicative proceeding upon the office within the time specified herein.

(e) If a plan holder demonstrates an inability to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, the office may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by the office does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(8) The office shall work with the department to ensure that no duplication of regulatory responsibilities occurs in the review of contingency plans from marine facilities.

NEW SECTION

WAC 317-10-070 DRILLS AND INSPECTIONS. (1) For the purpose of determining plan adequacy, the office may require a plan holder to participate in one unannounced full deployment drill annually. The office shall choose plan holders for such drills through a random process.

(2) The office may require a plan holder to participate in one announced, limited deployment drill annually. The office shall choose plan holders for such drills through a random process.

(3) Requirements under subsections (1) and (2) of this section may be met:

(a) By drills led by other state, local, or federal authorities if the office finds that the criteria for drill execution and review equal or exceed those of the office;

(b) By drills initiated by the plan holder, if the office is involved in participation, review, and evaluation of the drill, and if the office finds that the drill adequately tests the plan; and

(c) By responses to actual spill events, if the office is involved in participation, review, and evaluation of the spill response, and if the office finds that the spill event adequately tests the plan.

(4) The office may excuse a primary response contractor from full deployment participation in more than one drill, if in the past twelve months, the primary response contractor has performed to the office's satisfaction in a full deployment drill or an exercise listed in subsection (3) of this section.

(5) The office shall review the degree to which the specifications of the plan are implemented during the drill. The office shall endeavor to notify the covered vessel owner or operator of the review results within thirty calendar days following the drill. If the office finds deficiencies in the plan, the office shall report those deficiencies to the plan holder and require the plan holder to make specific amendments to the plan pursuant to requirements in WAC 317-10-080.

(6) The department shall publish an annual report on plan drills, including a summary of response times, actual equipment and personnel use, recommendations for plan requirement changes, and industry response to those recommendations.

(7) The office may require the covered vessel owner or operator to participate in additional drills beyond those required in subsections (1) and (2) of this section if the office is not satisfied with the adequacy of the plan during exercises or spill response events.

(8) The office may verify compliance with this chapter by unannounced inspections.

NEW SECTION

WAC 317-10-075 PLAN MAINTENANCE AND USE. (1) At least one copy of the plan shall be kept in a central location accessible at any time by the incident commander or spill response manager named in accordance with WAC 317-10-050(7).

(2) A field document prepared under WAC 317-10-045(5) shall be available to all appropriate personnel. Each covered vessel covered by the plan shall possess a copy of the field document and keep it in a conspicuous and accessible location.

(3) A covered vessel owner or operator or their designee shall implement the plan in the event of a spill. The covered vessel owner or operator or their designee must receive approval from the office before it conducts any major aspect of the spill response contrary to the plan unless:

(a) Such actions are necessary to protect human health and safety;

(b) Such actions must be performed immediately in response to unforeseen conditions to avoid additional environmental damage; or

(c) The plan holder has been directed to perform such actions by the department or the United States Coast Guard.

NEW SECTION

WAC 317-10-080 PLAN UPDATE TIMELINE.

(1) The office shall be notified in writing as soon as possible and within twenty-four hours of any significant change which could affect implementation of the plan, including a substantial decrease in available spill response equipment or personnel. The plan holder shall also provide a schedule for the prompt return of the plan to full operational status. A facsimile will be considered written notice for the purposes of this subsection. Changes which are not considered significant include minor variations in equipment or personnel characteristics, call out lists, or operating procedures. Failure to

notify the office of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 317-10-065 (7)(e).

(2) If the office finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 317-10-065, the office may, in its discretion, place conditions on approval or revoke approval in accordance to WAC 317-10-065 (7)(e). Plan holders are encouraged to maintain back-up resources in order to ensure that their plans can always be fully implemented.

(3) Within thirty calendar days of an approved change, the covered vessel owner or operator or their designee shall distribute the amended page(s) of the plan to the office and other plan holders.

(4) Plans shall be reviewed by the office every five years pursuant to WAC 317-10-065. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the office review the plan already in the office's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The office may review a plan following any spill for which the plan holder is responsible.

NEW SECTION

WAC 317-10-085 NONCOMPLIANCE WITH PLAN REQUIREMENTS. (1) Any violation of this chapter may be subject to the enforcement and penalty sanctions of chapter 200, Laws of 1991.

(2) The office may deny entry onto the waters of the state to any covered vessel that does not have an approved plan and is so required.

(3) The office may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a person or covered vessel is in violation of this section shall be considered a separate violation.

NEW SECTION

WAC 317-10-090 CONTRACTOR STANDARDS. (1) Primary response contractors listed in a covered vessel contingency plan must be approved by the office. Response contractors which are listed in a contingency plan only as subcontractors to a primary response contractor do not have to be approved by the office.

(2) Primary response contractors shall be approved by the office subject to the following conditions:

(a) Equipment, equipment maintenance, and equipment and personnel deployment readiness must be verifiable by inspection by the office. Any resources not on site at the time of an inspection must be accounted for by company records. Approval of personnel readiness shall require capability of a one hour call out time in which personnel must be able to begin mobilization of response efforts. Equipment readiness shall include being available and able to be deployed to a spill site without delay, not counting normal maintenance and repairs;

(b) Response personnel shall comply with all appropriate safety and training requirements listed in WAC 296-62-300. Training records may be audited for verification; and

(c) Determination of an acceptable safety history by review of pertinent records on a case-by-case, best-professional-judgment basis. Lack of a safety history will not be grounds for denying approval.

(3) The office shall work with the department to ensure that no duplication of regulatory responsibilities occurs in the review of primary response contractors.

NEW SECTION

WAC 317-10-092 CONTRACTOR APPROVAL INFORMATION REQUIRED. To apply for approval, contractors shall submit the following items to the office:

(1) Contractor's name, UBI number, address, and phone number;

(2) Response capability, including geographic area of response coverage, with any exclusions;

(3) The types of oil and media (e.g., marine, fresh water, or land) to which the contractor is willing and able to respond;

(4) An organizational diagram depicting chain of command;

(5) A call out list as described in WAC 317-10-050 (11)(a)(i);

(6) A list of all response equipment and personnel pursuant to WAC 317-10-050 (12)(a), (b), and (d) and (13)(a) and (c); and

(7) A list of all OSHA/WISHA citations and reports, lost-time accidents, and accident claims related to oil spill response operations for the last five years. Any applicant with less than five years under their current business name or organization shall provide a listing of any oil spill response contract businesses owned or operated by the principals in the new company within the last five years, including a brief description of the companies and their safety history information as listed above.

NEW SECTION

WAC 317-10-094 SUBMITTAL OF CONTRACTOR APPROVAL APPLICATIONS. (1) Three copies of the contractor's approval application shall be delivered to:

Response Contractor Approval
Washington Office of Marine Safety
P.O. Box 42407
Olympia, WA 98504-2407

(2) Applications may be submitted at any time after adoption of this chapter. If submitted with a contingency plan, the information required pursuant to WAC 317-10-092 shall be presented separately.

NEW SECTION

WAC 317-10-096 CONTRACTOR APPLICATION REVIEW. (1) The office shall endeavor to review each application for primary response contractor approval in forty-five calendar days. Upon receipt of an application, the office shall evaluate promptly whether the application is incomplete. If the office determines that an application is incomplete, the submitter shall be

notified of deficiencies. The forty-five-day review period shall begin when the application is complete.

(2) An application shall be approved if it meets the conditions specified in WAC 317-10-090.

(3) The office shall endeavor to notify the applicant that the application has been approved/not approved within five working days after the review is completed.

(a) If the application is approved, the contractor shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The contractor may not act as a primary response contractor for a covered vessel contingency plan until approved by the office.

(c) If the application is not approved, the contractor shall have thirty calendar days from the date of the notice of nonapproval to appeal the office's decision. The appeal shall be perfected by serving an application for an adjudicative proceeding upon the office within the time specified herein.

(d) Approval of a response contractor by the office does not constitute an express assurance regarding the adequacy of the contractor nor constitute a defense to liability imposed under state law.

(4) Response contractor approvals shall be reviewed by the office every two years pursuant to WAC 317-10-094. Reapproval applications shall be submitted sixty calendar days in advance of the approval expiration date.

(5) An approved contractor shall notify the office in writing as soon as possible and within twenty-four hours of any significant change in the information reported in the approval application, such as a substantial change in equipment ownership. A facsimile received by the office will be considered written notice for the purposes of this subsection. Failure to notify the office may result in loss of approval status. Upon notification, the office may review and modify the approval of the primary response contractor pursuant to this section. If the department determines that approval conditions are no longer met, approval may be withdrawn.

NEW SECTION

WAC 317-10-098 SEVERABILITY. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

WSR 91-22-087

PERMANENT RULES

DEPARTMENT OF ECOLOGY

[Order 91-12—Filed November 5, 1991, 4:15 p.m.]

Date of Adoption: November 5, 1991.

Purpose: To implement the provisions of RCW 90.48-.315, 90.48.371 through 90.48.377 relating to oil spill response requirements and standards for oil handling facilities and response contractors.

Statutory Authority for Adoption: RCW 90.48.035.

Pursuant to notice filed as WSR 91-14-110 on July 3, 1991.

Changes Other than Editing from Proposed to Adopted Version: A number of editorial changes that do not change intent or meaning were made throughout the rule for clarification purposes. Additional changes follow:

WAC 173-181-020, statutory authority was amended to reflect amendments, repeals, and recodifications contained in chapter 200, Laws of 1991.

WAC 173-181-030, definition of "best achievable technology" was added (using statutory definition, in order to provide a reference for subsequent use of the term); definition of "bulk" was added (using statutory definition, in order to provide a reference for subsequent use of the term); definition of "cargo vessel" was added (using statutory definition, in order to provide a reference for subsequent use of the term); subpart (b)(v) of "facility" definition was modified to clarify that a covered vessel was defined as a tank, cargo, or passenger vessel; definition of "gross ton" was added (using statutory definition, in order to provide a reference for subsequent use of the term); "safety" was added to criteria listed in the definition of "maximum extent practicable," based on recognition that safety must be considered in evaluating practicability; definition of "passenger vessel" was added (using statutory definition, in order to provide a reference for subsequent use of the term); definition of "primary response contractor" was changed to remove nondefinition language, this language was moved to WAC 173-181-090, where it was more appropriate because it involved contractor requirements; definition of "ship" was added (using statutory definition, in order to provide a reference for subsequent use of the term); "hazardous substances" was deleted from "spill" definition to clarify that the rule only focused on oil spills; definition of "tank vessel" was added (using statutory definition, in order to provide a reference for subsequent use of the term); and definition of "worst case spill" was revised to clarify meaning of "adverse weather conditions."

WAC 173-181-035, subsection (2) was amended regarding submittal of federal plans to clarify that the department has discretion in acceptability of federal plans.

WAC 173-181-040, "when implemented" was added to subsection (4) to clarify that plans themselves do not remove oil.

WAC 173-181-045, the use of chapters and appendices was revised to discuss which types of information belonged in each. This change was made to clarify how plans can simultaneously fulfill both emergency response and background documentation needs; and subsection (6) was revised to require computerized plans to be accompanied by a hard copy, in order to ensure access during computer failure.

WAC 173-181-050, subsection (2) was revised to add verification of department notification in order to cross-reference the log sheet with WAC 173-181-080(3); "between individuals" was added to subsection (7) to clarify what type of position transfer was referenced; subsection (11) was revised to encourage, rather than

require, plan holders to use the state system, but still require use of some system. This change was made to recognize that federal and other systems may be appropriate also; subsection (12) was revised to replace the specific RCW reference with a general Washington Department of Wildlife reference in order to reference all appropriate existing and future rules; subsection (16) was revised by adding terms which clarified that flow charts or decision trees were intended as general in focus; air traffic was added to subsection (17) to reflect the fact that air traffic operations are an important aspect of emergency operations; subsection (20) was expanded by cross-referencing WAC 317-10-065(3), in order to require information that facilities review of plan adequacy; "conditions permitting" was added to subsections (21) and (22) to clarify that these methods must be discussed unless the plan holder will absolutely never plan to use them even in favorable conditions; a reference to environmentally sensitive area maps was added to subsections (23) and (30) to provide a better reference to department information sources; subsection (23) was revised to refer to Washington Department of Wildlife rules rather than policies, since policies are not the mechanism to set regulatory requirements; subsection (27) was revised to state that the tests do not involve deployment in order to clarify that the test is only a communication exercise; and subsections (30) and (31) were revised to require plans to list information rather than demonstrate access, this change was made to facilitate plan review and enhance plan adequacy.

WAC 173-181-065, the term "endeavor to" was added prior to office review deadlines in order to allow legal flexibility if unforeseen circumstances arise; subsection (1) was revised to address prompt completeness review in order to clarify that this task will be completed quickly upon submittal; the term "unique" was removed from subsection (4) to improve clarity; subsection (4) was changed by adding an explanation on plan approval to clarify that the plan may still need partial review; "shall" was changed to "may" in subsection (6) to provide the office with flexibility in preparation of a manual; flexibility to office use of the manual was added to subsection (6) to allow the reviewers to exercise best professional judgment for unforeseen circumstances; subsection (7) was revised by eliminating possession criteria in order to clarify that plan approval is the concern involved; and subpart (d) regarding appeals was added to subsection (7) in order to clarify the process for appealing a decision by the office.

WAC 173-181-070, subsection (4) was revised to cross-reference options in subsection (3) in order to apply these options consistently to contractors; and the term "endeavor to" was added to subsection (5) in order to allow legal flexibility if unforeseen circumstances arise.

WAC 173-181-075, subsection (1) was revised to cross-reference WAC 173-181-050 in order to create consistency.

WAC 173-181-080, allowances for submittal of a letter for reapproval was added to eliminate the need for refileing a plan already in department possession.

WAC 173-181-090, subsection (1) was revised by adding information originally in the definition of primary response contractor, in order to clarify who is regulated; and a new subsection (3) was added regarding coordination with the Office of Marine Safety in order to cross-reference addition of contractor standards to chapter 317-10 WAC.

WAC 173-181-096, the term "endeavor to" was added to subsections (1) and (3) in order to allow legal flexibility if unforeseen circumstances arise; subsection (1) was revised to address prompt completeness review in order to clarify that this task will be completed quickly upon submittal; and a new subsection (5) was added regarding contractor update requirements to ensure that the department is notified of changes in information in the contractor's approval application.

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

November 5, 1991

Fred Olson

Deputy Director

Chapter 173-181 WAC FACILITY CONTINGENCY PLAN AND RESPONSE CONTRACTOR STANDARDS

WAC

173-181-010	Purpose.
173-181-020	Authority.
173-181-030	Definitions.
173-181-035	Applicability.
173-181-040	Plan preparation.
173-181-045	Plan format requirements.
173-181-050	Plan content requirements.
173-181-060	Plan submittal.
173-181-065	Plan review.
173-181-070	Drills and inspections.
173-181-075	Plan maintenance and use.
173-181-080	Plan update timeline.
173-181-085	Noncompliance with plan requirements.
173-181-090	Contractor standards.
173-181-092	Contractor approval information required.
173-181-094	Submittal of contractor approval applications.
173-181-096	Contractor application review.
173-181-098	Severability.

NEW SECTION

WAC 173-181-010 PURPOSE. The purpose of this chapter is to establish onshore and offshore facility oil spill contingency plan requirements and response contractor standards which, when followed, will:

(1) Maximize the effectiveness and timeliness of oil spill response by responsible parties and response contractors;

(2) Ensure readiness of equipment and personnel;

(3) Support coordination with state, federal, and other contingency plans; and

(4) Provide improved protection of Washington waters and natural resources from the impacts of oil spills.

NEW SECTION

WAC 173-181-020 AUTHORITY. RCW 90.48.371, 90.48.372, 90.48.373, 90.48.374, 90.48.375, 90.48.376, 90.48.377, and 90.48.380, as recodified by section 1115, chapter 200, Laws of 1991, provide statutory authority for the contingency plan preparation and review requirements and response contractor standards established by this chapter.

NEW SECTION

WAC 173-181-030 DEFINITIONS. (1) "Average efficiency factor" means a factor used to estimate limitations of equipment efficiency from variables such as sea state, current velocity, or visibility.

(2) "Best achievable technology" means the technology that provides the greatest degree of protection, taking into consideration processes that are developed, or could feasibly be developed given overall reasonable expenditures on research and development, and processes that are currently in use. In determining what is best achievable technology, the director shall consider the effectiveness, engineering feasibility, and commercial availability of the technology.

(3) "Board" means the pollution control hearings board.

(4) "Bulk" means material that is stored or transported in a loose, unpackaged liquid, powder, or granular form capable of being conveyed by a pipe, bucket, chute, or belt system.

(5) "Cargo vessel" means a self-propelled ship in commerce, other than a tank vessel or a passenger vessel, of greater than three hundred or more gross tons, including but not limited to commercial fish processing vessels and freighters.

(6) "Department" means the state of Washington department of ecology.

(7) "Director" means the director of the state of Washington department of ecology.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9)(a) "Facility" means any structure, group of structures, equipment, pipeline, or device, other than a vessel, located on or near the navigable waters of the state that (both):

(i) Transfers oil in bulk to or from a tank vessel or pipeline; and

(ii) Is used for producing, storing, handling, transferring, processing, or transporting oil in bulk.

(b) A facility does not include any:

(i) Railroad car, motor vehicle, or other rolling stock while transporting oil over the highways or rail lines of this state;

(ii) Underground storage tank regulated by the department or a local government under chapter 90.76 RCW;

(iii) Motor vehicle motor fuel outlet;

(iv) Facility that is operated as part of an exempt agricultural activity as provided in RCW 82.04.330; or

(v) Marine fuel outlet that does not dispense more than three thousand gallons of fuel to a ship that is not a

tank vessel, cargo vessel, or passenger vessel, in a single transaction.

(10) "Gross ton" means a vessel's approximate volume as defined under Title 46, United States Code of Federal Regulations, Part 69.

(11) "Interim storage site" means a site used to temporarily store recovered oil or oily waste until the recovered oil or oily waste is disposed of at a permanent disposal site. Interim storage sites include trucks, barges, and other vehicles used to store recovered oil or oily waste until transport begins.

(12) "Liquefied petroleum gas" means petroleum gas converted to a liquid state by pressure and cooling, including but not limited to natural gas, butane, and propane.

(13) "Marine facility" means any facility used for tank vessel wharfage or anchorage, including any equipment used for the purpose of handling or transferring oil in bulk to or from a tank vessel.

(14) "Maximum extent practicable" means the highest level of effectiveness that can be achieved through staffing levels, training procedures, and best achievable technology. In determining what is the maximum extent practicable, the director shall consider the effectiveness, engineering feasibility, commercial availability, safety, and the cost of the measures.

(15) "Navigable waters of the state" means those waters of the state, and their adjoining shorelines, that are subject to the ebb and flow of the tide and/or are presently used, have been used in the past, or may be susceptible for use to transport intrastate, interstate, or foreign commerce.

(16) "Offshore facility" means any facility, as defined in subsection (9) of this section, located in, on, or under any of the navigable waters of the state, but does not include a facility, any part of which is located in, on, or under any land of the state, other than submerged land.

(17) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum, gasoline, fuel oil, diesel oil, oil sludge, oil refuse, and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of 40 C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the Federal Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended by P.L. 99-499.

(18) "Oily waste" means oil contaminated waste resulting from an oil spill or oil spill response operations.

(19) "Onshore facility" means any facility, as defined in subsection (9) of this section, any part of which is located in, on, or under any land of the state, other than submerged land, that because of its location, could reasonably be expected to cause substantial harm to the environment by discharging oil into or on the navigable waters of the state or the adjoining shorelines.

(20)(a) "Owner or operator" means:

(i) In the case of an onshore or offshore facility, any person owning or operating the facility; and

(ii) In the case of an abandoned onshore or offshore facility, the person who owned or operated the facility immediately before its abandonment.

(b) "Operator" does not include any person who owns the land underlying a facility if the person is not involved in the operations of the facility.

(21) "Passenger vessel" means a ship of greater than three hundred or more gross tons or five hundred or more international gross tons carrying passengers for compensation.

(22) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(23) "Pipeline" means, for the purposes of subsection (9)(a)(i) of this section, a pipeline connected to a marine facility, and not owned or operated by the facility referred to in subsection (9)(a) of this section.

(24) "Plan" means oil spill response, cleanup, and disposal contingency plan.

(25) "Primary response contractor" means a response contractor that is directly responsible to a contingency plan holder, either by a contract or written agreement.

(26) "Response contractor" means an individual, organization, association, or cooperative that provides or intends to provide equipment and/or personnel for oil spill containment, cleanup, and/or removal activities.

(27) "Ship" means any boat, ship, vessel, barge, or other floating craft of any kind.

(28) "Spill" means an unauthorized discharge of oil which enters waters of the state.

(29) "Tank vessel" means a ship that is constructed or adapted to carry, or that carries, oil in bulk as cargo or cargo residue, and that:

(a) Operates on the waters of the state; or

(b) Transfers oil in a port or place subject to the jurisdiction of this state.

(30) "Waters of the state" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(31) "Worst case spill" means:

(a) For an offshore facility, the largest possible spill considering storage, production, and transfer capacity complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations); or

(b) For an onshore facility, the entire volume of the largest above ground storage tank on the facility site complicated by adverse weather conditions (during which wind, reduced visibility, and sea state hinder but do not preclude normal response operations), unless the department determines that a larger volume is more appropriate given a particular facility's site characteristics and storage, production, and transfer capacity.

NEW SECTION

WAC 173-181-035 **APPLICABILITY.** (1) Oil spill response, cleanup, and disposal contingency plans

must be prepared, submitted, and used pursuant to requirements in this chapter, for onshore and offshore facilities.

(2) Federal plans required under 33 C.F.R. 154, 40 C.F.R. 109, 40 C.F.R. 110, or the Federal Oil Pollution Act of 1990 may be submitted to satisfy plan requirements under this chapter if the department deems that such federal requirements possess approval criteria which equal or exceed those of the department.

(3) Response contractors must be approved by the department before they may serve as primary response contractors for an onshore or offshore facility contingency plan.

(4) For those sections of contingency plans which address liquified petroleum gases, the department may excuse plan holders from meeting requirements in this chapter that are not applicable to spill response for liquified petroleum gases due to their physical properties.

NEW SECTION

WAC 173-181-040 **PLAN PREPARATION.** (1) Each onshore and offshore facility shall prepare a contingency plan for the containment and cleanup of oil spills from the facility into the waters of the state, and for the protection of fisheries and wildlife, other natural resources, and public or private property from such spills.

(2) Plans shall be in a form usable for oil spill control, containment, cleanup, and disposal operations and shall be capable of being located according to requirements in WAC 173-181-075.

(3) Plans shall be thorough and contain enough information, analyses, supporting data, and documentation to demonstrate the plan holder's ability to meet the requirements of this chapter.

(4) Plans shall be designed to be capable to the maximum extent practicable, when implemented, of promptly and properly removing oil and minimizing environmental damage from a variety of spill sizes, including small chronic spills, and worst case spills. At a minimum, plans shall meet the criteria specified in WAC 173-181-045 and 173-181-050; criteria are presented in suggested but not requisite order.

NEW SECTION

WAC 173-181-045 **PLAN FORMAT REQUIREMENTS.** (1) Plans shall be prepared using a combined narrative and graphic format which facilitates both the study of detailed spill response information and quick access to general information given emergency information needs and time constraints.

(2) Plans shall be divided into a system of chapters and appendices. Chapters and sections shall be numbered. Chapters should be reserved primarily for information on emergency response and cleanup operations, such as notification procedures or description of the spill response organization structure. Appendices should be used primarily for supplemental background and documentation information, such as response scenarios or description of drills and exercises.

(3) A system of index tabs shall be used to provide easy reference to particular chapters or appendices.

(4) Plans shall be formatted to allow replacement of chapter or appendix pages with revisions without requiring replacement of the entire plan.

(5) A simplified field document suitable for on-site use in the event of a spill and summarizing key notification and action elements of the plan shall also be prepared and submitted as part of the plan.

(6) Computerized plans may be submitted to the department in addition to a hard copy. Computerized plans, accompanied by a hard copy, may be used to meet the requirements of WAC 173-181-075.

NEW SECTION

WAC 173-181-050 PLAN CONTENT REQUIREMENTS. (1) Each plan shall contain a submittal agreement which:

(a) Includes the name, address, and phone number of the submitting party;

(b) Verifies acceptance of the plan, including any incorporated contingency plans, by the owner or operator of the facility by either signature of the owner or operator or signature by a person with authority to bind the corporation which owns such facility;

(c) Commits execution of the plan, including any incorporated contingency plans, by the owner or operator of the facility, and verifies authority for the plan holder to make appropriate expenditures in order to execute plan provisions; and

(d) Includes the name, location, and address of the facility, type of facility, starting date of operations, types of oil(s) handled, and oil volume capacity.

(2) Each plan shall include a log sheet to record amendments to the plan. The log sheet shall be placed at the front of the plan. The log sheet shall provide for a record of the section amended, the date that the old section was replaced with the amended section, verification that the department was notified of the amendment pursuant to WAC 173-181-080(3), and the initials of the individual making the change. A description of the amendment and its purpose shall also be included in the log sheet, or filed in the form of an amendment letter immediately after the log sheet.

(3) Each plan shall include a detailed table of contents based on chapter, section, and appendix numbers and titles, as well as tables and figures.

(4) Each plan shall describe the purpose and scope of that plan, including:

(a) The geographic area covered by the plan;

(b) The onshore facility or offshore facility operations covered by the plan; and

(c) The size of the worst case spill from the facility.

(5) Each plan shall describe the procedures and time periods corresponding to updates of the plan and distribution of the plan and updates to affected and interested parties.

(6) Each plan shall present a strategy to ensure use of the plan for spill response and cleanup operations pursuant to requirements in WAC 173-181-075.

(7) Each plan shall describe the organization of the spill response system, including all task assignments addressed by requirements of this section. This description shall identify the role of an incident commander or primary spill response manager, who shall possess the lead authority in spill response and cleanup decisions. The plan shall describe how a smooth transfer of the incident commander or primary spill response manager position between individuals will be accomplished. An organizational diagram depicting the chain of command shall also be included.

(8)(a) For each primary response contractor which a plan holder may or does rely on to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state that contractor's name, address, phone number, or other means of contact at any time of the day, and response capability (e.g., land spills only). For each primary response contractor, the plan shall include a letter of intent signed by the primary response contractor which indicates the contractor's willingness to respond. Copies of written contracts or agreements with primary response contractors shall be available for inspection, if requested by the department.

(b) If a plan holder is a member of an oil spill response cooperative and relies on that cooperative to perform or supplement its response operations within the geographic area covered by the plan, the plan shall state the cooperative's name, address, phone number, and response capability. The plan shall also include proof of cooperative membership.

(c) Plans which rely on primary response contractors shall rely only on primary response contractors approved by the department under WAC 173-181-090.

(9) Each plan shall briefly describe its relation to all applicable local, state, regional, and federal government response plans. Plans shall address how the plan holder's response organization will be coordinated with an incident command system utilized by state and federal authorities.

(10) Each plan shall list procedures which will be used to detect and document the presence and size of a spill, including methods which are effective during low visibility conditions. In addition, the plan shall describe the use, if any, of mechanical or electronic monitoring or alarm systems (including threshold sensitivities) used to detect oil discharges into adjacent land or water from tanks, pipes, manifolds, and other transfer or storage equipment.

(11) Each plan shall describe procedures which will be taken to immediately notify appropriate parties that a spill has occurred.

(a) The plan holder shall maintain a notification call out list which shall be available if requested by the department for inspection, and which:

(i) Provides a contact at any time of the day for all spill response personnel identified under subsection (7) of this section, including the contact's name, position title, phone number or other means of contact for any time of the day, and an alternate contact in the event the individual is unavailable;

(ii) Lists the name and phone number of all government agencies which must be notified in the event of an oil spill pursuant to requirements under RCW 90.48.360 as recodified by section 1115, chapter 200, Laws of 1991, and other state and federal requirements; and

(iii) Establishes a clear order of priority for immediate notification;

(b) The plan shall identify a central reporting office or individual who is responsible for implementing the call out process; and

(c) The plan shall utilize a system of categorizing incident type and severity. Plan holders are encouraged to utilize the system established by the department in the Washington state-wide master oil and hazardous substance spill contingency plan as developed pursuant to RCW 90.48.378 as recodified by section 1115, chapter 200, Laws of 1991.

(12) Each plan shall describe the personnel (including contract personnel) available to respond to an oil spill, including:

(a) A job description for each type of spill response position needed as indicated in the spill response organization scheme addressed in subsection (7) of this section;

(b) The number of personnel available to perform each type of spill response position;

(c) Arrangements for prepositioning personnel at strategic locations which will meet criteria pursuant to WAC 173-181-065 (3)(d);

(d) The type and frequency of spill response operations and safety training that each individual in a spill response position receives to attain the level of qualification demanded by their job description; and

(e) The procedures, if any, to train and use volunteers willing to assist in spill response operations. Volunteer procedures for wildlife rescue shall comply with rules adopted by the Washington department of wildlife.

(13)(a) Each plan shall list the type, quantity, age, location, maintenance schedule, and availability of equipment used during spill response, including equipment used for oil containment, recovery, storage, and removal, shoreline and adjacent lands cleanup, wildlife rescue and rehabilitation, and communication.

(b) For equipment listed under (a) of this subsection that is not owned by or available exclusively to the plan holder, the plan shall also estimate the extent to which other contingency plans rely on that same equipment.

(c) For oil containment and recovery equipment, the plan also shall include equipment make and model, and the manufacturer's nameplate capacity of the response equipment (in gallons per minute), and applicable design limits (e.g., maximum wave height capability; inland waters vs. open ocean).

(d) Based on information described in (c) of this subsection, the plan shall state the maximum amount of oil which could be recovered per twenty-four-hour period.

(e) For purposes of determining plan adequacy under WAC 173-181-065, and to assess realistic capabilities based on potential limitations by weather, sea state, and other variables, the data presented in (c) and (d) of this subsection will be multiplied by an average efficiency factor of twenty percent. The department will apply a higher efficiency factor for equipment listed in a plan if

that plan holder provides adequate evidence that the higher efficiency factor is warranted for particular equipment. The department may assign a lower efficiency factor to particular equipment listed in a plan if it determines that the performance of that equipment warrants such a reduction.

(f) The plan shall provide arrangements for prepositioning of oil spill response equipment at strategic locations which will meet criteria pursuant to WAC 173-181-065 (3)(d).

(14) Each plan shall describe the communication system used for spill notification and response operations, including:

(a) Communication procedures;

(b) The communication function (e.g., ground-to-air) assigned to each channel or frequency used; and

(c) The maximum geographic range for each channel or frequency used.

(15) Each plan shall describe the process to establish sites needed for spill response operations, including location or location criteria for:

(a) A central command post;

(b) A central communications post if located away from the command post; and

(c) Equipment and personnel staging areas.

(16)(a) Each plan shall present a flowchart or decision tree describing the procession of each major stage of spill response operations from spill discovery to completion of cleanup. The flowchart or decision tree shall describe the general order and priority in which key spill response activities are performed.

(b) Each plan shall describe all key spill response operations in checklist form, to be used by spill response managers in the event of an oil spill.

(17)(a) Each plan shall list the local, state, and other government authorities responsible for the emergency procedures peripheral to spill containment and cleanup, including:

(i) Procedures to control fires and explosions, and to rescue people or property threatened by fire or explosion;

(ii) Procedures to control ground and air traffic which may interfere with spill response operations; and

(iii) Procedures to manage access to the spill response site.

(b) Each plan shall describe the plan holder's role in these emergency operation procedures prior to the arrival of proper authorities.

(18) Each plan shall describe equipment and procedures to be used by the facility personnel to minimize the magnitude of the spill and minimize structural damage which may increase the quantity of oil spilled. Damage control procedures shall include methods to slow or stop pipeline, storage tank, and other leaks, and methods to achieve immediate emergency shutdown.

(19) Each plan shall describe, in detail, methods to contain spilled oil and remove it from the environment. Methods shall describe deployment of equipment and personnel, using diagrams or other visual aids when possible. Response methods covered must include:

(a) Surveillance methods used to detect and track the extent and movement of the spill;

(b) Methods to contain and remove oil in offshore waters;

(c) Methods to contain and remove oil in near-shore waters, including shoreline protection procedures and oil diversion/pooling procedures; and

(d) Methods to contain and remove oil, including surface oil, subsurface oil, and oiled debris and vegetation, from a variety of shoreline, adjacent land, and beach types.

(20) Each plan shall briefly describe initial equipment and personnel deployment activities which will accomplish the response standard listed in WAC 173-181-065 (3)(d), and provide an estimate of the actual execution time.

(21) If the plan holder will use dispersants, coagulants, bioremediants, or other chemical agents for response operations, conditions permitting, the plan shall describe:

(a) Type and toxicity of chemicals;

(b) Under what conditions they will be applied in conformance with all applicable local, state, and federal requirements, including the state-wide master oil and hazardous substance spill contingency plan;

(c) Methods of deployment; and

(d) Location and accessibility of supplies and deployment equipment.

(22) If the plan holder will use in-situ burning for response operations, conditions permitting, the plan shall describe:

(a) Type of burning operations;

(b) Under what conditions burning will be applied in conformance with all applicable local, state, and federal requirements, including the state-wide master oil and hazardous substance spill contingency plan;

(c) Methods of application; and

(d) Location and accessibility of supplies and deployment equipment.

(23) Each plan shall describe how environmental protection will be achieved, including:

(a) Protection of sensitive shoreline and island habitat by diverting or blocking oil movement;

(b) Priorities for sensitive area protection in the geographic area covered by the plan as designated by the department in environmentally sensitive area maps referenced in the state-wide master oil and hazardous substance spill contingency plan;

(c) Rescue and rehabilitation of birds, marine mammals, and other wildlife contaminated or otherwise affected by the oil spill in compliance with rules adopted by the Washington department of wildlife; and

(d) Measures taken to reduce damages to the environment caused by shoreline and adjacent land cleanup operations, such as impacts to sensitive shoreline habitat by heavy machinery.

(24)(a) Each plan shall describe site criteria and methods used for interim storage of oil recovered and oily wastes generated during response and cleanup operations, including sites available within the facility. Interim storage methods and sites shall be designed to prevent contamination by recovered oil and oily wastes.

(b) If use of interim storage sites will require approval by local, state, or federal officials, the plan shall include

information which could expedite the approval process, including a list of appropriate contacts and a brief description of procedures to follow for each applicable approval process.

(c) Each plan shall describe methods and sites used for permanent disposal of oil recovered and oily wastes generated during response and cleanup operations.

(d) Interim storage and permanent disposal methods and sites shall be sufficient to keep up with oil recovery operations and handle the entire volume of oil recovered and oily wastes generated.

(e) Interim storage and permanent disposal methods and sites shall comply with all applicable local, state, and federal requirements.

(25) Each plan shall describe procedures to protect the health and safety of oil spill response workers, volunteers, and other individuals on-site. Provisions for training, decontamination facilities, safety gear, and a safety officer position shall be addressed.

(26) Each plan shall explain post-spill review procedures, including methods to review both the effectiveness of the plan and the need for plan amendments. Post-spill procedures shall provide for a debrief of the department.

(27)(a) Each plan shall describe the schedule and type of drills and other exercises which will be practiced to ensure readiness of the plan elements, including drills which satisfy WAC 173-181-070(3).

(b) Tests of internal call out procedures shall be performed at least once every ninety calendar days and documented by the plan holder. Such tests are only required to involve notification, not actual deployment.

(28) Unless the plan holder has received approval for a prevention plan submitted pursuant to chapter 200, Laws of 1991, each onshore facility and offshore facility plan shall describe measures taken to reduce the likelihood that a spill will occur which exceed or are not covered by existing state and federal requirements, including:

(a) Type and frequency of personnel training on methods to minimize operational risks;

(b) Methods to ensure equipment integrity, including inspection and maintenance schedules;

(c) Methods to reduce spills during transfer operations, including overflow prevention; and

(d) Secondary containment for tanks, pipes, manifolds, or other structures used for storage or movement of oil other than liquefied petroleum gases.

(29) Each facility plan shall list the spill risk variables within the geographic area covered by the plan, including:

(a) Types, physical properties, and amounts of oil handled;

(b) A written description and map indicating site topography, storm water and other drainage systems, mooring areas, pipelines, tanks, and other oil processing, storage, and transfer sites and operations; and

(c) A written description of sites or operations with a history of or high potential for oil spills.

(30) Each plan shall list the environmental variables within the geographic area covered by the plan, including:

(a) Natural resources, including coastal and aquatic habitat types and sensitivity by season, breeding sites, presence of state or federally listed endangered or threatened species, and presence of commercial and recreational species (environmental variable information may be obtained directly from environmentally sensitive area maps referenced in the state-wide master oil and hazardous substance spill contingency plan);

(b) Public resources, including public beaches, water intakes, drinking water supplies, and marinas;

(c) Seasonal hydrographic and climatic conditions; and

(d) Physical geographic features, including relative isolation of coastal regions, beach types, and other geological characteristics.

(31) Each plan shall list the logistical resources within the geographic area covered by the plan, including:

(a) Facilities for fire services, medical services, and accommodations; and

(b) Shoreline access areas, including boat launches.

(32)(a) Each plan shall describe detailed, plausible, step-by-step response scenarios for:

(i) A small oil spill less than five hundred gallons; and

(ii) A worst case spill as described in the plan pursuant to subsection (4)(c) of this section.

(b) Each scenario description shall include:

(i) The circumstances surrounding the spill, including size, type, location, climatic and hydrographic conditions, time, and cause;

(ii) An estimate of oil movement during the first seventy-two hours, including likely shoreline contact points; and

(iii) Estimates of response time and percent recovery for each major phase of operations.

(c) If a plan applies to multiple facilities, each scenario description shall discuss implementation of the plan in the event of simultaneous separate spills.

(33) Each plan shall include a glossary of technical terms and abbreviations used in the plan.

NEW SECTION

WAC 173-181-060 PLAN SUBMITTAL. (1)(a) Plans for onshore facilities capable of storing one million gallons or more of oil, and offshore facilities shall be submitted to the department within six months after adoption of this chapter.

(b) All other onshore facilities shall submit plans to the department by January 1, 1993.

(2) Any onshore or offshore facility that first begins operating after the above deadlines shall submit a plan to the department at least sixty-five calendar days prior to the beginning of operations.

(3) Three copies of the plan and appendices shall be delivered to:

Spill Management Section,
Contingency Plan Review
Washington Department of Ecology
PV-11
P.O. Box 47600
Olympia, WA 98504-7600

(4) Onshore and offshore facility plans may be submitted by:

(a) The facility owner or operator; or

(b) A primary response contractor approved by the department pursuant to WAC 173-181-090, in conformance with requirements under WAC 173-181-050(1).

(5) A single plan may be submitted for more than one facility, provided that the plan contents meet the requirements in this chapter for each facility listed.

(6) The plan submitter may request that proprietary information be kept confidential under RCW 43.21B.160.

NEW SECTION

WAC 173-181-065 PLAN REVIEW. (1) The department shall endeavor to review each plan in sixty-five calendar days. Upon receipt of a plan, the department shall evaluate promptly whether the plan is incomplete. If the department determines that a plan is incomplete, the submitter shall be notified of deficiencies. The review period shall not begin until the department receives a complete plan.

(2) The department shall regularly notify interested parties of any contingency plans which are under review by the department, and make plans available for review to all department programs, other state, local, and federal agencies, and the public. The department shall accept comments from these interested parties on the plan during the first thirty calendar days of review by the department.

(3) A plan shall be approved if, in addition to meeting criteria in WAC 173-181-045 and 173-181-050, it demonstrates that when implemented, it can:

(a) To the maximum extent practicable, provide for prompt and proper response to and cleanup of a variety of spills, including small chronic spills, and worst case spills;

(b) To the maximum extent practicable, provide for prompt and proper protection of the environment from oil spills;

(c) Provide for immediate notification and mobilization of resources upon discovery of a spill;

(d) Provide for initial deployment of response equipment and personnel at the site of the spill within one hour of the plan holder's awareness that a spill has occurred given suitable safety conditions; and

(e) Use as primary response contractors, only those response contractors approved by the department pursuant to WAC 173-181-090.

(4) When reviewing plans, the department shall, in addition to the above criteria, consider the following:

(a) The volume and type of oil(s) addressed by the plan;

(b) The history and circumstances of prior spills by similar types of facilities, including spill reports by department on-scene coordinators;

(c) The presence of operating hazards;

(d) The sensitivity and value of natural resources within the geographic area covered by the plan;

(e) Any pertinent local, state, federal agency, or public comments received on the plan;

(f) The extent to which reasonable, cost-effective spill prevention measures have been incorporated into the plan.

(5) The department may approve a plan without a full review as per provisions of this section if that plan has been approved by a federal agency or other state which the department has deemed to possess approval criteria which equal or exceed those of the department.

(6) The department shall prepare a manual to aid department staff responsible for plan review. This manual shall be made available to provide guidance for plan preparers. While the manual will be used as a tool to conduct review of a plan, the department will not be bound by the contents of the manual.

(7) The department shall endeavor to notify the facility owner or operator within five working days after the review is completed whether the plan has been approved.

(a) If the plan receives approval, the facility owner or operator shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b)(i) The department may approve a plan conditionally by requiring a facility owner or operator to operate with specific precautionary measures until unacceptable components of the plan are resubmitted and approved.

(ii) Precautionary measures may include, but are not limited to, reducing oil transfer rates, increasing personnel levels, or restricting operations to daylight hours. Precautionary measures may also include additional requirements to ensure availability of response equipment.

(iii) A plan holder shall have thirty calendar days after the department gives notification of conditional status to submit and implement required changes to the department, with the option for an extension at the department's discretion. Plan holders who fail to meet conditional requirements or provide required changes in the time allowed shall lose conditional approval status.

(c) If plan approval is denied, the facility owner or operator shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The facility shall not continue oil storage, transfer, production, or other operations until a plan for that facility has been approved.

(d) A plan holder may appeal the department's decision under WAC 173-04-010.

(e) If a plan holder demonstrates an inability to comply with an approved contingency plan or otherwise fails to comply with requirements of this chapter, the department may, at its discretion:

(i) Place conditions on approval pursuant to (b) of this subsection; or

(ii) Revoke its approval pursuant to (c) of this subsection.

(f) Approval of a plan by the department does not constitute an express assurance regarding the adequacy of the plan nor constitute a defense to liability imposed under state law.

(8) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of contingency plans from marine facilities.

NEW SECTION

WAC 173-181-070 DRILLS AND INSPECTIONS. (1) For the purpose of determining plan adequacy, the department may require a plan holder to participate in one unannounced full deployment drill annually. The department shall choose plan holders for such drills through a random process.

(2) The department may require a plan holder to participate in one announced, limited deployment drill annually. The department shall choose plan holders for such drills through a random process.

(3) Requirements under subsections (1) and (2) of this section may be met:

(a) By drills led by other state, local, or federal authorities if the department finds that the criteria for drill execution and review equal or exceed those of the department;

(b) By drills initiated by the plan holder, if the department is involved in participation, review, and evaluation of the drill, and if the department finds that the drill adequately tests the plan; and

(c) By responses to actual spill events, if the department is involved in participation, review, and evaluation of the spill response, and if the department finds that the spill event adequately tests the plan.

(4) The department may excuse a primary response contractor from full deployment participation in more than one drill, if in the past twelve months, the primary response contractor has performed to the department's satisfaction in a full deployment drill or an exercise listed in subsection (3) of this section.

(5) The department shall review the degree to which the specifications of the plan are implemented during the drill. The department shall endeavor to notify the facility owner or operator of the review results within thirty calendar days following the drill. If the department finds deficiencies in the plan, the department shall report those deficiencies to the plan holder and require the plan holder to make specific amendments to the plan pursuant to requirements in WAC 173-181-080.

(6) The department shall publish an annual report on plan drills, including a summary of response times, actual equipment and personnel use, recommendations for plan requirement changes, and industry response to those recommendations.

(7) The department may require the facility owner or operator to participate in additional drills beyond those required in subsections (1) and (2) of this section if the department is not satisfied with the adequacy of the plan during exercises or spill response events.

(8) The department may verify compliance with this chapter by unannounced inspections in accordance with RCW 90.48.090.

NEW SECTION

WAC 173-181-075 PLAN MAINTENANCE AND USE. (1) At least one copy of the plan shall be kept in a central location accessible at any time by the incident commander or spill response manager named in accordance with WAC 173-181-050(7). Each facility

covered by the plan shall possess a copy of the plan and keep it in a conspicuous and accessible location.

(2) A field document prepared under WAC 173-181-045(5) shall be available to all appropriate personnel.

(3) A facility owner or operator shall implement the plan in the event of a spill. The facility owner or operator must receive approval from the department before it conducts any major aspect of the spill response contrary to the plan unless:

(a) Such actions are necessary to protect human health and safety;

(b) Such actions must be performed immediately in response to unforeseen conditions to avoid additional environmental damage; or

(c) The plan holder has been directed to perform such actions by the department or the United States Coast Guard.

NEW SECTION

WAC 173-181-080 PLAN UPDATE TIMELINE.

(1) The department shall be notified in writing as soon as possible and within twenty-four hours of any significant change which could affect implementation of the plan, including a substantial decrease in available spill response equipment or personnel. The plan holder shall also provide a schedule for the prompt return of the plan to full operational status. A facsimile will be considered written notice for the purposes of this subsection. Changes which are not considered significant include minor variations in equipment or personnel characteristics, call out lists, or operating procedures. Failure to notify the department of significant changes shall be considered noncompliance with this chapter and subject to provisions of WAC 173-181-065 (7)(e).

(2) If the department finds that, as a result of the change, the plan no longer meets approval criteria pursuant to WAC 173-181-065, the department may, in its discretion, place conditions on approval or revoke approval in accordance to WAC 173-181-065 (7)(e). Plan holders are encouraged to maintain back-up response resources in order to ensure that their plans can always be fully implemented.

(3) Within thirty calendar days of an approved change, the facility owner or operator shall distribute the amended page(s) of the plan to the department and other plan holders.

(4) Plans shall be reviewed by the department every five years pursuant to WAC 173-181-065. Plans shall be submitted for reapproval unless the plan holder submits a letter requesting that the department review the plan already in the department's possession. The plan holder shall submit the plan or such a letter at least sixty-five calendar days in advance of the plan expiration date.

(5) The department may review a plan following any spill for which the plan holder is responsible.

NEW SECTION

WAC 173-181-085 NONCOMPLIANCE WITH PLAN REQUIREMENTS. (1) Any violation of this chapter may be subject to the enforcement and penalty

sanctions of RCW 90.48.376 as recodified by section 1115, chapter 200, Laws of 1991.

(2) The department may notify the secretary of state to suspend the business license of any onshore or offshore facility or other person that is in violation of this section. The department may assess a civil penalty of up to one hundred thousand dollars against any person who is in violation of this section. Each day that a facility or person is in violation of this section shall be considered a separate violation.

NEW SECTION

WAC 173-181-090 CONTRACTOR STANDARDS. (1) Primary response contractors listed in an offshore or onshore facility contingency plan must be approved by the department. Response contractors which are listed in a contingency plan only as subcontractors to a primary response contractor do not have to be approved by the department.

(2) Primary response contractors shall be approved by the department subject to the following conditions:

(a) Equipment, equipment maintenance, and equipment and personnel deployment readiness must be verifiable by departmental inspection. Any resources not on site at the time of an inspection must be accounted for by company records. Approval of personnel readiness shall require capability of a one hour call out time in which personnel must be able to begin mobilization of response efforts. Equipment readiness shall include being available and able to be deployed to a spill site without delay, not counting normal maintenance and repairs;

(b) Response personnel shall comply with all appropriate safety and training requirements listed in WAC 296-62-300. Training records may be audited for verification; and

(c) Determination of an acceptable safety history by review of pertinent records on a case-by-case, best-professional-judgment basis. Lack of a safety history will not be grounds for denying approval.

(3) The department shall work with the office of marine safety to ensure that no duplication of regulatory responsibilities occurs in the review of primary response contractors.

NEW SECTION

WAC 173-181-092 CONTRACTOR APPROVAL INFORMATION REQUIRED. To apply for approval, contractors shall submit the following items to the department:

(1) Contractor's name, UBI number, address, and phone number;

(2) Response capability, including geographic area of response coverage, with any exclusions;

(3) The types of oil and media (e.g., marine, fresh water, or land) to which the contractor is willing and able to respond;

(4) An organizational diagram depicting chain of command;

(5) A call out list as described in WAC 173-181-050 (11)(a)(i);

(6) A list of all response equipment and personnel pursuant to WAC 173-181-050 (12)(a), (b), and (d) and (13)(a) and (c); and

(7) A list of all OSHA/WISHA citations and reports, lost-time accidents, and accident claims related to oil spill response operations for the last five years. Any applicant with less than five years under their current business name or organization shall provide a listing of any oil spill response contract businesses owned or operated by the principals in the new company within the last five years, including a brief description of the companies and their safety history information listed above.

NEW SECTION

WAC 173-181-094 SUBMITTAL OF CONTRACTOR APPROVAL APPLICATIONS. (1) Three copies of the contractor's approval application shall be delivered to:

Spill Management Section,
Response Contractor Approval
Washington Department of Ecology
PV-11
P.O. Box 47600
Olympia, WA 98504-7600

(2) Applications may be submitted at any time after adoption of this chapter. If submitted with a contingency plan, the information required pursuant to WAC 173-181-092 shall be presented separately.

NEW SECTION

WAC 173-181-096 CONTRACTOR APPLICATION REVIEW. (1) The department shall endeavor to review each application for primary response contractor approval in forty-five calendar days. Upon receipt of an application, the department shall evaluate promptly whether the application is incomplete. If the department determines that an application is incomplete, the submitter shall be notified of deficiencies. The forty-five day review period shall begin when the application is complete.

(2) An application shall be approved if it meets the conditions specified in WAC 173-181-090.

(3) The department shall endeavor to notify the applicant that the application has been approved/not approved within five working days after the review is completed.

(a) If the application is approved, the contractor shall receive a certificate of approval describing the terms of approval, including expiration dates.

(b) If the application is not approved, the contractor shall receive an explanation of the factors for disapproval and a list of actions to be taken to gain approval. The contractor may not act as a primary response contractor for a facility contingency plan until approved by the department.

(c) A contractor may appeal the department's decision under WAC 173-04-010.

(d) Approval of a response contractor by the department does not constitute an express assurance regarding

the adequacy of the contractor nor constitute a defense to liability imposed under state law.

(4) Response contractor approvals shall be reviewed by the department every two years pursuant to WAC 173-181-094. Reapproval applications shall be submitted sixty calendar days in advance of the approval expiration date.

(5) An approved contractor shall notify the department in writing as soon as possible and within twenty-four hours of any significant change in the information reported in the approval application, such as a substantial change in equipment ownership. A facsimile received by the department will be considered written notice for the purposes of this subsection. Failure to notify the department may result in loss of approval status. Upon notification, the department may review the approval of the primary response contractor pursuant to this section. If the department determines that approval conditions are no longer met, approval may be withdrawn.

NEW SECTION

WAC 173-181-098 SEVERABILITY. If any provision of this chapter is held invalid, the remainder of the rule is not affected.

WSR 91-22-088

PROPOSED RULES

DEPARTMENT OF LICENSING

[Filed November 5, 1991, 4:43 p.m.]

Original Notice.

Title of Rule: WAC 308-96A-005 Terminology; 308-96A-040 Monthly abatement of license fees; 308-96A-046 Veteran's free license; 308-96A-136 Mopeds—License plates; 308-96A-201 Purchasing a gross weight license; 308-96A-205 Increasing declared gross weight; 308-96A-206 Decreasing declared gross weight; 308-96A-207 Changing from farm use class to commercial use class; 308-96A-208 Changing from commercial use class to farm use class; 308-96A-210 Transfer of gross weight license to new owner; 308-96A-220 Transfer of gross weight license to replacement vehicle; 308-96A-260 Assignment of original registration year; 308-96A-275 Assignment of renewal expiration; and 308-96A-300 Changing assigned registration year.

Purpose: To enable the Department of Licensing to implement and administer the provisions of RCW 82.44.060 regarding full year (day to day) registration of vehicles.

Statutory Authority for Adoption: RCW 43.17.060, 46.01.060, 46.16.070, and 46.16.135.

Statute Being Implemented: RCW 82.44.060 and 46.16.006.

Summary: Modify existing rules and create new rules to establish the guidelines for registering vehicles to expire on specific days of the month rather than the last day of the registration month.

Reasons Supporting Proposal: Provide full year's registration upon payment of full year's fees.

Name of Agency Personnel Responsible for Drafting: Marlene Epp, 1st Floor, Highways-Licenses Building, 586-7044; Implementation and Enforcement: Nancy Kelly, 2nd Floor, Highways-Licenses Building, 753-6920.

Name of Proponent: Nancy Kelly, Administrator, Department of Licensing, Title and Registration Services, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 308-96A-005(1), broadened definition of "licensing" and "registering" to include transactions when license plates are not issued; WAC 308-96A-005(2), new term "day of expiration" added to facilitate implementation of day to day registrations; WAC 308-96A-040, applied abatement of license fees because excise tax abatement is in chapter 308-57 WAC; WAC 308-96A-046, updated emission inspections to alternate years, changed propane to include butane and natural gas; WAC 308-96A-136, corrected a typographical error to match the title of the section; WAC 308-96A-201, added new section on the general rules for purchasing gross weight; WAC 308-96A-205, modified the rules for increasing declared gross weight to facilitate implementation of day to day registrations; WAC 308-96A-206, added new section of rules for decreasing declared gross weight to facilitate implementation of day to day registrations; WAC 308-96A-207, added new section of rules to change from farm to commercial use, to facilitate implementation of day to day registrations; WAC 308-96A-208, added new section of rules to change from commercial to farm, to facilitate implementation of day to day registrations; WAC 308-96A-210, modified transfer of gross weight license to new owner rules to facilitate implementation of day to day registrations; WAC 308-96A-220, modified assignment of original registration year to facilitate implementation of day to day registrations; WAC 308-96A-260, modified assignment of original registration year rules to facilitate implementation of day to day registrations; WAC 308-96A-275, modified assignment of renewal registration year to facilitate implementation of day to day registrations; and WAC 308-96A-300, modified changing assigned registration year rules to facilitate implementation of day to day registrations.

Proposal Changes the Following Existing Rules: References to expiration dates now apply to specific days of the month rather than the last day of the month. WAC 308-96A-005, added definition of "day of expiration." This definition itself is not a change; WAC 308-96A-040, no change, replaced term "excise tax" with term "license fee" to more accurately describe the issue; WAC 308-96A-046, updated WAC to agree with RCW regarding emission inspection requirements; WAC 308-96A-136, no change, just corrected typographical error; WAC 308-96A-205, change is due to registration expiration no longer being "last day of the calendar month," however, procedures are still the same; WAC 308-96A-210, change is due to registration expiration no longer being "last day of the calendar month," however, procedures are still the same; WAC 308-96A-220, change is

due to registration expiration no longer being "last day of the calendar month," however, procedures are still the same. Text was rewritten for clarity; WAC 308-96A-260, changed the method of assigning expiration dates to comply with day to day registration requirements. Also, changed February 29 expiration from February 28 to March 1; WAC 308-96A-275, change is due to registration expiration no longer being "last day of the calendar month," and specifies that vehicles added to a fleet are charged for any partial month; and WAC 308-96A-300, change is authorizing new owner to get new expiration date assigned if vehicle registration has expired at the time of title transfer.

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

Hearing Location: Vehicle Services, Conference Room, 2nd Floor, Highways-Licenses Building, 1125 Washington Street, Olympia, WA 98504, on December 20, 1991, at 10:00 a.m.

Submit Written Comments to: Nancy Kelly, Administrator, P.O. Box 2957, Olympia, WA 98507-2957, by December 13, 1991.

Date of Intended Adoption: December 20, 1991.

November 5, 1991

David M. Hankins

Assistant Attorney General

AMENDATORY SECTION (Amending WSR 91-15-006, filed 7/8/91, effective 8/8/91)

WAC 308-96A-005 TERMINOLOGY. (1) The terms "licensing" and "registering" are synonymous for ~~((the))~~ a transaction in which ~~((both a certificate of registration and license plates and/or))~~ either the vehicle's registration expiration or the gross weight license or both is updated on the department's records. A registration certificate and current validation tabs are issued to the applicant unless the vehicle has current tabs or a permanent registration certificate and validation tabs, such as permanent fleet, Disabled American Veteran, or government owned vehicles.

(2) The terms "tonnage," "gross weight license," "license based on gross weight," and "gross weight fees" are used interchangeably when referring to license fees that are collected annually from owners of motor trucks, truck tractors, road tractors, tractors, bus, auto stage, or for hire vehicles with seating capacity of more than six, based upon the declared combined gross weight or declared gross weight.

(3) "Capacity fee" is used to refer to the load license for stages and for-hire vehicles with seating capacity of six or less and for fixed load vehicles including circus and tow.

(4) The term "no bill" refers to the notice to renew a license which is mailed by the department to the registered owner. This form indicates the additional information that is required prior to the registration for the current year license.

(5) A "prebill" is the notice to renew a vehicle license which is mailed by the department to the registered owner.

(6) References to "current year" mean the current registration year unless otherwise stated.

(7) "Month of expiration" or "expiration month" is the calendar month during which a registration year ends.

(8) A "fleet" is a group of fifteen or more vehicles registered in the same owner name and which have been assigned the same fleet identifier code by the department.

(a) "Perm or permanent fleet" means a fleet of commercial vehicles licensed to one registered owner where each vehicle is issued nonexpiring tabs and registration. Individual permanent fleet vehicles are not eligible for monthly license fee based on gross weight.

(b) "Regular fleet" means a fleet licensed to one registered owner where each vehicle is issued year and month tabs.

(9) "License fee" means and is limited to the fees required for the act of licensing a vehicle as set forth in chapter 46.16 RCW. License fee excludes the fees required for special vehicle license plates authorized by chapter 46.16 RCW.

(10) "Ride sharing van" for purposes of RCW 82.08.0287, 82.12-.0282, and 82.44.015 means a passenger vehicle with a seating capacity of no fewer than seven nor more than fifteen persons including the driver. The seating capacity may not be fewer than five persons including the driver when at least three passengers are confined to a wheelchair.

(11) "Day of expiration" is the day of the month that the registration and tabs expire.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-040 MONTHLY ABATEMENT OF ~~((EXCISE TAX))~~ LICENSE FEES. Vehicles being licensed in Washington and assigned a registration year of more than twelve months shall have the annual ~~((excise tax))~~ license fees increased by one-twelfth for each full or partial month of the registration year which extends beyond the normal twelve-month registration year. Vehicles assigned a registration year of less than twelve months shall have the annual ~~((excise tax))~~ license fees decreased by one-twelfth for each full month of the registration year by which the normal twelve-month registration year would exceed the assigned expiration. The normal twelve-month registration period, when first established, will begin with the day and the month ~~((m))~~ on which:

(1) ~~((The))~~ A dealer indicates the vehicle was ~~((sold))~~ delivered, if the application is made on a Washington dealer temporary permit ~~((or on an application for title))~~; or

(2) The ~~((vehicle was sold as indicated by the seller's release date on the title or, in lieu thereof, on a bill of sale))~~ department issues a vehicle registration certificate.

AMENDATORY SECTION (Amending WSR 91-04-025, filed 1/29/91, effective 3/1/91)

WAC 308-96A-046 VETERAN'S FREE LICENSE. (1) Any disabled American veteran, former prisoner of war, or the surviving spouse of a deceased former prisoner of war who qualifies under chapter 73.04 RCW is entitled to receive regular or special license plates and is exempt from paying any annual licensing fees or excise tax.

Permanent registration and permanent license plate tabs will be issued to qualified persons for use on one personal use passenger vehicle which includes motor homes, motorcycles, and trucks rated at less than twelve thousand pounds gross weight. Emission inspections are required ~~((each))~~ in alternate years in the designated inspection areas. For personalized license plates, the annual renewal ~~((fees are))~~ is required. Propane, butane, and natural gas powered vehicles are subject to annual ~~((propane))~~ liquefied petroleum gas (LPG) fees.

(2) For a disabled American veteran, confirmation of eligibility from the Veterans Administration or the military service from which the veteran was discharged must accompany the initial application. The confirmation of eligibility shall be certification of a service-connected disability rating and certification of one or more of the following conditions of eligibility:

(a) Has lost the use of both hands or one foot;

(b) Has become blind in both eyes as the result of military service; or

(c) Is rated by the Veterans Administration or the military service from which the veteran was discharged and is receiving service-connected compensation at the one hundred percent rate that is expected to exist for more than one year. Verification of vision acuity may be provided by an ophthalmologist or optometrist. Verification that the disabled veteran is receiving compensation at the one hundred percent rate, which may include unemployability expected to exist for more than one year, must be provided by the Veterans Administration or the military service from which the veteran was discharged.

(3) For a former prisoner of war, certification of the following fact from the Veteran's Administration or the military service from which the veteran was discharged must accompany the initial application: That the person was captured and incarcerated for more than twenty-nine days by an enemy of the United States during a period of war with the United States.

(4) The surviving spouse of a deceased former prisoner of war may be issued a regular or special prisoner of war license plate even if the deceased had not been issued a plate pursuant to chapter 73.04 RCW. In addition to confirming eligibility for the deceased, the spouse must furnish the following:

(a) A certified copy of the death certificate;

(b) A copy of the marriage certificate indicating the union of the applicant and the former prisoner of war; and

(c) An affidavit that the applicant is not currently married.

(5) When the special license plate or free license is transferred to another vehicle, a replacement plate fee, full license fees and the excise ~~((fees))~~ tax for twelve months will be collected on the vehicle from which the exemption is being removed. A new license expiration date will be established beginning with the ~~((first))~~ day ~~((of))~~ and the month ~~((m))~~ on which the exemption is transferred. The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must notify the department of the transfer and pay the transfer fees in effect.

(6) The disabled veteran, former prisoner of war or surviving spouse of a former prisoner of war must be a registered or coregistered owner or lessee of the vehicle for which licensure is granted.

(7) When a vehicle with a free veteran's license is sold, the special license plate must be removed and ~~((full))~~ the excise tax and license fees for a twelve-month ~~((s))~~ period must be paid by the new registered owner at time of title transfer.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-136 MOPEDS—LICENSE PLATES. The decal or other identifying device for ~~((motorcycles))~~ a moped specified by RCW 46.16.630 shall be the same as the motorcycle license plate. The number on the plate shall be the moped's registration number.

NEW SECTION

WAC 308-96A-201 PURCHASING A GROSS WEIGHT LICENSE. (1) When purchasing a gross weight license with a declared gross weight of twelve thousand pounds or less, the gross weight license expiration must be the same as the registration expiration. Gross weight fees must be paid for the same number of months as the registration.

(2) When purchasing a gross weight license with a declared gross weight of fourteen thousand pounds or more, it is the owner's option to purchase from one to twelve consecutive months of gross weight license at the time of registration of the vehicle. When renewing the registration, the gross weight license must be purchased for the first month the new registration is effective. The expiration date of any monthly gross weight license shall be the same day of the month as the registration expiration date.

(3) When a vehicle registration expires the 31st of a month, the monthly gross weight license expires the 31st. The monthly gross weight license will expire on the last calendar day of those months having fewer than thirty-one days.

(4) When there is a partial month between the requested effective date of the gross weight license and the expiration date of the gross weight license, gross weight fees shall be charged for a full month.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-205 INCREASING DECLARED GROSS WEIGHT ~~((FOR LICENSE BASED ON GROSS WEIGHT))~~. (1) A vehicle owner may increase the declared gross weight ~~((for the remainder of the registration year or, if the vehicle is eligible for monthly tonnage or license based on gross weight, for any number of consecutive months within the registration year.~~

(2) An applicant who wishes to increase the tonnage or declared gross weight must surrender the current tonnage or license based on gross weight to receive credit.

(3) If the license has been lost, the license agent's verification of current gross weight and an affidavit of loss must accompany the application for increased gross weight to receive credit.

(4) Credit is the dollar amount remaining when the value of the expired portion of current tonnage or license based on gross weight is subtracted from the amount originally paid. This credit amount is then applied toward fees being charged for tonnage or license based on gross weight currently being issued.

(5) A tonnage license or license based on gross weight cannot be transferred from one vehicle to another vehicle in order to place additional tonnage or increase the declared gross weight on the second vehicle.

(6) When increasing tonnage or declared gross weight, the value of the expired portion of the current tonnage or license based on gross

weight will be the value of all months used, not including the current month.) on a currently registered truck, tractor, or truck tractor. When increasing declared gross weight from twelve thousand pounds or less, the expiration date of the gross weight license will be the same as the registration expiration date.

(2) When increasing declared gross weight from fourteen thousand pounds or more, the expiration date of such increase shall be the same as the expiration date of the current gross weight license. When increasing declared gross weight, the gross weight license may be purchased to, but not exceed, the registration expiration date.

(3) When increasing gross weight, the owner has the option of making the effective date of the increase the day of application or the first day of any gross weight license month already purchased. Gross weight fees for the increased declared gross weight are charged from the first day of the gross weight license month that the increase is effective through the increased gross weight license expiration date.

(4) In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(5) Credit will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the increased gross weight license and the expiration date of the previous gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.

NEW SECTION

WAC 308-96A-206 DECREASING DECLARED GROSS WEIGHT. (1) A vehicle owner may decrease the declared gross weight on a currently registered truck, tractor, or truck tractor. When decreasing the declared gross weight, the expiration date of such decrease shall be the same as the expiration date of the current gross weight license. When decreasing the declared gross weight, the gross weight license may be purchased to, but not exceed, the registration expiration date.

(2) When decreasing declared gross weight to twelve thousand pounds or less, the decreased gross weight license must be purchased to expire the same date as the registration. If the owner applies for the decrease in declared gross weight on the first day of a gross weight license month, the owner has the option of making the effective date of the decrease the day of application or the first day of any gross weight license month already purchased. When decreasing declared gross weight, on other than the first day of a gross weight license month, the owner may not make the effective date the current registration month, however the owner does have the option of making the effective date the first day of any subsequent gross weight license month already purchased. Gross weight fees are charged at the decreased declared gross weight rate for the number of full months from the first day of the gross weight license month that the decrease is effective through the decreased gross weight license expiration date.

(3) In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(4) Credit will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the decreased gross weight license and the expiration date of the previous gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month. At the time of application for declared gross weight, any excess credit accrued as a result of such decrease may be applied toward the payment of gross weight fees for the gross weight license months between the decreased gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited.

NEW SECTION

WAC 308-96A-207 CHANGING FROM FARM USE CLASS TO COMMERCIAL USE CLASS. (1) A vehicle owner may change

the use class of a vehicle from farm to commercial on a currently registered truck, tractor, or truck tractor. When changing from farm to commercial use class on a vehicle with a declared gross weight of twelve thousand pounds or less, the expiration date of the new commercial use class will be the same as the current registration expiration date. When changing from farm to commercial use class on a vehicle with a declared gross weight of fourteen thousand pounds or more, the expiration date of such change shall be the same as the expiration date of the previously issued gross weight license. When changing the use class from farm to commercial, the gross weight license may be purchased to, but not exceed, the registration expiration date.

(2) When changing from farm to commercial use class on a vehicle with a declared gross weight of fourteen thousand pounds or more, the owner has the option of making the effective date of the change the day of application or the first day of any gross weight license month already purchased. Commercial gross weight fees are charged from the first day of the gross weight license month that the change of use class is effective through the commercial use class gross weight license expiration date.

(3) In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(4) Credit will be allowed for the number of months and at the farm rate for gross weight license fees already paid for the period between the effective date of the change in use class and the expiration date of the previous farm gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.

NEW SECTION

WAC 308-96A-208 CHANGING FROM COMMERCIAL USE CLASS TO FARM USE CLASS. (1) A vehicle owner may change the use class of a vehicle from commercial to farm on a currently registered truck, tractor, or truck tractor. When changing use class from commercial to farm on a vehicle with a declared gross weight of twelve thousand pounds or less, the expiration date of the farm gross weight license will be the same as the current registration expiration date. When changing use class from commercial to farm on a vehicle with a declared gross weight of fourteen thousand pounds or more, the expiration date of such change shall be the same as the previously issued gross weight license. When changing use class from commercial to farm, the gross weight license may be purchased to, but not exceed, the registration expiration date.

(2) If the vehicle owner applies for a change in use class on the first day of a gross weight license month, the owner has the option of making the effective date of the change the day of application or the first day of any gross weight license month already purchased. When changing use class from commercial to farm on other than the first day of a gross weight license month, the owner may not make the effective date the current registration month, however, the owner does have the option of making the effective date the first day of any subsequent gross weight license month already purchased. Gross weight license fees are charged at the farm rate for the number of full months from the first day of the gross weight license month that the farm use class is effective through the commercial gross weight license expiration date.

(3) In order to receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the applicant sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(4) Credit will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the effective date of the change in use class and the expiration date of the previously issued gross weight license. Credit will not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month. At the time of application for change of use class from commercial to farm, any excess credit accrued as a result of such change may be applied toward the payment of gross weight license fees for the gross weight license months between

the commercial gross weight license expiration date and the registration expiration date. Credit may not be carried over to the next registration year and any credit still remaining after purchasing gross weight license to the registration expiration date shall be forfeited.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-210 TRANSFER OF ((TONNAGE)) GROSS WEIGHT LICENSE((=NO REFUNDS)) TO NEW OWNER. (1) ~~((Tonnage licenses may be transferred from a former owner to a new owner and from a vehicle to a replacement vehicle.~~

(2) No refunds are given for a tonnage license or any portion of one not transferred.)) A gross weight license of twelve thousand pounds or less must be transferred to a new owner at the time of title transfer of the vehicle. A gross weight license of fourteen thousand pounds or more may be transferred to the new owner at the time of title transfer of the vehicle.

(2) Any gross weight credit not transferred to a new owner or to a replacement vehicle shall be forfeited and shall not be refunded.

(3) When transferring a gross weight license to a new owner, gross weight fees are charged from the first day of the registration month in which the application is made to the expiration date of the current gross weight license. The applicant may purchase gross weight license by the month, up to but not exceeding, the registration expiration date.

(4) To receive credit for gross weight license fees of fourteen thousand pounds or more, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight license expiration date on record and have the owner of record sign a statement that the registration certificate is lost and the gross weight license has not been transferred to another vehicle.

(5) Credit of \$15.00 or more will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the application date and the expiration date of the previously issued gross weight license. If the credit amount is less than \$15.00, no credit may be allowed. Credit may not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-220 TRANSFER OF ((LICENSE BASED ON)) GROSS WEIGHT((=)) LICENSE TO A REPLACEMENT VEHICLE. (1) ~~The ((license based on)) gross weight license on a truck, tractor, or truck tractor may be transferred to a replacement vehicle ((using a different fuel or of a different class when)) if the amount of credit is fifteen dollars or more. ((If the license has been lost, the license agent's verification of current license based on gross weight and an affidavit of loss must accompany the application to receive credit.))~~

(2) In order to qualify as a replacement, a vehicle must be:

(a) A presently unlicensed vehicle belonging to the owner; or
(b) A vehicle purchased for replacement which has either not been previously licensed for the current registration year or has had its ((license based on)) gross weight license retained by its former owner.

(3) A person may transfer a ((license based on)) gross weight license from one vehicle to a replacement ((which the person owns in circumstances which are limited to the following where a)) vehicle when the previously licensed vehicle ((is)) has been:

(a) Sold and the gross weight credit amount of ((the license based on gross weight is)) fifteen dollars or more ((and)) is retained ((rather than given to the purchaser));

(b) Destroyed;

(c) Reclassified so a ((license based on)) gross weight license is no longer required;

(d) ((Transferred to another state and)) Registered ((there)) in another jurisdiction;

(e) Involuntarily removed from the person's ownership by repossession, sheriff's sale, court order, chattel lien, landlord lien, abandoned vehicle sale; or

(f) Stolen.

(4) To receive credit for gross weight license fees already paid, the current registration certificate must be surrendered. If the registration certificate has been lost, the license agent must verify the gross weight

license expiration date on record and have the applicant sign a statement that the registration certificate is lost and has not been transferred to another vehicle.

(5) When transferring a ((license based on)) gross weight((=)) license, a credit of fifteen dollars or more will be allowed for the number of months and at the rate of the declared gross weight previously purchased for the period between the application date and the expiration date of the previous gross weight license. Credit is allowed only at the time the gross weight license is transferred to a replacement vehicle. Any excess credit shall be forfeited and shall not be refunded. Credit may not be given for the statutory fees charged for the privilege of purchasing gross weight licenses by the month.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-260 ((STAGGERED LICENSING=)) AS-SIGNMENT OF ORIGINAL REGISTRATION YEAR ((FIRST TIME LICENSED)). Vehicles licensed for the first time in this state will have expiration dates assigned as follows:

(1) Fleet vehicles and prorated vehicles will have a registration year ending December 31. A full month's fees are charged for any partial month.

(2) ((For hire vehicles will have a registration year ending June 30.

(3)) Snowmobiles will have a registration year ending September 30. Snowmobile fees may not be abated.

((4)) (3) Exempt vehicles are not required to have their licenses renewed so will not have an expiration date assigned, except that exempt vehicles using propane, butane or natural gas will have a June 30 expiration date for special fuel billing purposes. This does not apply to federal exempt vehicles which are required to be registered annually and pay the liquefied petroleum gas (LPG) fee at the time of registration renewal.

((5)) (4) All other vehicles, including those issued amateur radio operator plates, personalized plates, and ((ORV)) off road vehicle use permits, will have a registration year beginning at 12:01 a.m. on the ((first)) day ((of the month in)) which the vehicle is first licensed and ending at ((12:01 a.m.)) 12:00 midnight on the same date ((of)) the ((next)) succeeding year((; except that if the vehicle has been leased for thirteen months, the first registration year may be for thirteen months, beginning at 12:01 a.m. on the first day of the month in which the vehicle is first licensed and ending at 12:01 a.m. on the first day of the following month of the next succeeding year)).

((6)) (5) A license purchased on February 29 will have an expiration date of ((February 28)) March 1.

((7)) (6) In the event that the final day of a registration year falls on a Saturday, Sunday or legal holiday, such period shall extend through the end of the next business day.

AMENDATORY SECTION (Amending Order TL/RG 24, filed 5/5/86)

WAC 308-96A-275 ((STAGGERED LICENSING=)) AS-SIGNMENT OF RENEWAL ((AFTER FIRST BILLING)) EXPIRATION. ((Regardless of the number of months for which a vehicle is first billed, all subsequent renewals will be for a period of twelve months beginning with the expiration date of the previous license. Providing that those vehicles which, by being added to a fleet, or due to a change in use class, are required to have specific expiration dates, shall have the excise tax, basic fee and tonnage fees charged for anywhere from one to eighteen months as needed to achieve the desired expiration.)) Registration renewals will be for twelve months. If a vehicle is added to a fleet or is prorated, fees will be charged for the number of months necessary to have a December 31 registration expiration date. For any partial month from the current expiration date to the December 31 expiration date, a full month's fees will be charged. Fees may be charged from one to eighteen months to adjust the expiration date.

AMENDATORY SECTION (Amending Order TL/RG-34, filed 5/28/87)

WAC 308-96A-300 CHANGING ASSIGNED REGISTRATION YEAR. (1) ~~((Whenever a registration year is established for a vehicle, that year will remain with the vehicle regardless of the date on which a renewal application may be made and as long as it is not licensed in another jurisdiction in the interim. A vehicle which remains unlicensed for more than twelve months after the expiration date assigned to the vehicle will have a new registration year assigned. The first month of the new registration year is the month in which the owner applies for license registration renewal.~~

~~((2) A new registration year will be assigned when a vehicle is sold with a vehicle license that has been expired for more than thirty days and the new owner of the vehicle has applied for license registration renewal. The first month of the new registration year is the month in which the new owner applies for license registration.))~~ If a vehicle remains unlicensed for a full registration year, a new registration expiration date shall be assigned in accordance with WAC 308-96A-260.

(2) If a vehicle license has expired at the time of title transfer, the new owner shall be assigned a new expiration date in accordance with WAC 308-96A-260.

WSR 91-22-089
PROPOSED RULES
DEPARTMENT OF
TRADE AND ECONOMIC DEVELOPMENT

[Filed November 5, 1991, 4:58 p.m.]

Original Notice.

Title of Rule: Chapter 130-14 WAC, child care facility fund.

Purpose: To revise rules regarding the application for and disbursement of direct loans, loan guarantees, and grants from the child care facility fund in part to conform to legislative changes.

Statutory Authority for Adoption: RCW 43.31.504 and [43.31.]512.

Statute Being Implemented: Chapter 248, Laws of 1991, RCW 43.31.502 through 43.31.514.

Summary: Increase maximum amount available in direct loans (per chapter 248, Laws of 1991), and expand definition of applicant.

Reasons Supporting Proposal: New statute mandates change of maximum amounts for direct loans; and change definition of applicant to allow broader scope of eligible applicants for funds.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beryl Cheal, Business Assistance Center, 586-4842.

Name of Proponent: Department of Trade and Economic Development, Child Care Facility Fund, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To change rules regarding the application and disbursement of direct loans, loan guarantees, and grants from the child care facility fund and to implement RCW 43.31.502 through [43.31.]514, and chapter 248, Laws of 1991. Anticipated effects: To raise the direct loan limits of the program and to broaden the scope of eligible applicants.

Proposal Changes the Following Existing Rules: Raise direct loan limits from \$25,000 to \$100,000; and allow a

child care facility that has a written contract with one or more private sector businesses to provide child care for the employees of that business.

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

No small business economic statement is required for this rule change by chapter 19.85 RCW. The rules impose no duties but rather set forth a process by which to obtain governmental funds.

Hearing Location: December 11, 1991, at 7 p.m.-9 p.m., Spokane Community College, Building #6, North 1810 Green Street, Spokane; and on December 12, 1991, Sea-Tac area, 11 a.m.-1:00 p.m.

Submit Written Comments to: Beryl Cheal, by December 3, 1991.

Date of Intended Adoption: December 12, 1991.

November 4, 1991

Ronald R. Jutilla

Chair

Child Care Facility Fund

AMENDATORY SECTION (Amending WSR 90-17-054, filed 8/14/90, effective 9/14/90)

WAC 130-14-010 DEFINITIONS. As used in this chapter:

Capital improvements means improvements to real property or improvements or acquisition of personal property which is depreciable under the Federal Tax Code.

Existing child care facility means that facility which holds a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

New child care facility means that facility that does not hold a current license for a child care facility from the department of social and health services (DSHS) at the time of application to the child care facility fund.

Applicant means either:

(1) One or more businesses seeking to establish or cause to be established a child care facility primarily for use of the children of its employees; or

(2) A child care facility that has a written contract with one or more private sector businesses to provide child care for the employees of that business.

AMENDATORY SECTION (Amending WSR 90-17-054, filed 8/14/90, effective 9/14/90)

WAC 130-14-020 LOAN GUARANTEES. (1) Loans that are awarded to an applicant (~~(business)~~) through a lending institution can be guaranteed by the child care facility fund up to eighty percent of the loan or to a maximum of twenty-five thousand dollars. Such loan must be intended to start or expand a child care facility and be made by a state or federally regulated financial institution.

(2) The loan guarantee shall be awarded on a one-time-only basis and shall not exceed twenty-five thousand dollars.

(3) Applicants (~~(shall)~~) must provide sufficient collateral for funds under this section, as determined by the child care facility fund committee.

AMENDATORY SECTION (Amending WSR 90-17-054, filed 8/14/90, effective 9/14/90)

WAC 130-14-030 DIRECT LOANS. (1) Direct loans may be awarded to the applicant (~~(business)~~) on a one-time-only basis and shall not exceed a maximum of (~~(twenty-five)~~) one hundred thousand dollars.

(2) Repayment of the direct loan shall be made to the child care facility revolving fund.

(3) Interest rates for a direct loan may be up to prime rate, negotiated on a case-by-case basis, fixed for the life of the loan. Loan terms (~~(can be up to five years)~~) shall be negotiated on a case-by-case basis.

(4) Applicants ((~~staff~~)) must provide sufficient collateral for funds loaned under this section, as determined by the child care facility fund committee.

AMENDATORY SECTION (Amending WSR 90-17-054, filed 8/14/90, effective 9/14/90)

WAC 130-14-040 GRANTS. (1) A grant may be awarded to the applicant ((~~business~~)) on a one-time-only basis.

(2) A grant shall not exceed a maximum of twenty-five thousand dollars and must be matched on a dollar-for-dollar basis with cash or goods or services that would otherwise have required cash outlay and are necessary for start-up or capital improvement expenses.

(3) Full repayment of a grant to the child care facility revolving fund is required if the child care facility ceases to provide child care earlier than the following time periods from the date the grant is made:

- (a) Twelve months for a grant up to five thousand dollars;
- (b) Twenty-four months for a grant over five thousand dollars to ten thousand dollars;
- (c) Thirty-six months for a grant over ten thousand dollars to fifteen thousand dollars;
- (d) Forty-eight months for a grant over fifteen thousand dollars to twenty thousand dollars;
- (e) Sixty months for a grant over twenty thousand dollars to twenty-five thousand dollars.

(4) Applicants ((~~staff~~)) must provide sufficient collateral for funds for this section, as determined by the child care facility fund committee.

AMENDATORY SECTION (Amending WSR 90-17-054, filed 8/14/90, effective 9/14/90)

WAC 130-14-050 PROJECT ELIGIBILITY. (1) To receive child care facility funds ((the)) under these provisions, an applicant must((:

- ~~((a))~~ provide on-site or off-site child care((~~or~~));
- ~~((b))~~ (2) The business applicant must:
 - (a) Enter into a written contract with an existing or a newly licensed child care provider offering expanded child care services either on-site or off-site; or
 - ~~((c) Enter into a written contract with a newly licensed child care provider offering child care services either on-site or off-site.~~
 - ~~(2) If the applicant contracts with a provider for child care, a copy of the signed contract must be provided with the application.)~~ (b) Operate a child care facility for their own employees' children.
 - ~~(3) An applicant must include with its application a copy of the required written contract for child care services.~~
 - (4) The applicant ((~~business~~)) must submit a plan that includes a description of:
 - (a) The need for a new or improved child care facility in the area to be served by the applicant;
 - (b) The steps to be taken to serve a reasonable number of:
 - (i) Handicapped children;
 - (ii) Sick children;
 - (iii) Infants;
 - (iv) Children requiring nighttime or weekend care;
 - (v) Children whose costs of care are subsidized by the government;
 - (c) Why financial assistance from the state is needed to start or improve the child care facility;
 - (d) How the guaranteed loan, direct loan, or grant will be used, and how such use will meet the described need;
 - (e) The child care services to be available at the facility and the capacity of the applicant to provide these services;
 - (f) The financial status of the applicant, including other resources available to the applicant which will ensure the viability of the facility and the availability of its described services.

WSR 91-22-090
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed November 6, 1991, 8:36 a.m.]

Original Notice.

Title of Rule: WAC 236-12-290 Parking fees; and 236-12-300 Monthly parking fee payments.

Purpose: To increase revenues generated from parking facilities on the state capitol grounds, to encourage employee commutes in high occupancy vehicles, and to amend the authority of the Department of General Administration in the management of parking on the state capitol grounds.

Statutory Authority for Adoption: RCW 46.08.150 and 46.08.172.

Statute Being Implemented: RCW 46.08.150 and 46.08.172.

Summary: The proposed rule increases parking fees on the state capitol grounds, and redefines categories of users and vehicles for establishing those fees. The Department of General Administration is authorized to establish other permits, create parking areas, and issue a fee schedule for each. Criteria for considering future rate increases are established. Procedures for monthly parking fee collection, and relinquishing of parking permits, are amended as well.

Reasons Supporting Proposal: RCW 46.08.172 directs the director of general administration to establish an equitable and consistent employee parking rental fee on the state capitol grounds, taking into account the market rate of comparable privately-owned rental parking, and fees have not been increased since 1969. Changes in fee collection procedures are intended to improve the efficiency of parking administration for facility users and Office of Parking Services staff.

Name of Agency Personnel Responsible for Drafting: Vicki J. Toyohara, Division of Support Services, 218 General Administration Building, Olympia, WA 98504, 753-4243; Implementation: Gary Alexander, Division of Transportation Services, Plaza Garage, Level D, Olympia, WA 98504, 753-2755; and Enforcement: Artis Oliver, Office of Parking Services, 110 West 11th, Olympia, WA 98504, 753-3269.

Name of Proponent: Washington State Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 236-12-290, this proposed rule establishes increased parking fees as directed by statute, creates different fees for employee parking, agency parking and other types of parking uses, outlines the Department of General Administration's authority to create parking permits and reserved parking areas and fees schedules, and establishes the factors to be considered when determining future parking rate changes. The purpose is to increase parking fees which have not been changed since 1969, to make parking fee revenues cover a larger portion of parking facility debt service and maintenance and operation costs, and to amend and clarify the procedures

by which the Department of General Administration manages parking on the state capitol grounds, including authority to establish additional permits as needed, designate reserved parking areas, and establish fee schedules. The anticipated effects are reduced incidence of long-term parking in metered parking areas, increased use of high-occupancy vehicles and nonmotorized transport for employee commute trips, and less reliance on capitol land grant timber revenue to support parking facility costs; WAC 236-12-300, payroll deduction becomes the exclusive method by which monthly parking fees are collected from employees. Agencies and nonstate personnel will be billed. Persons holding monthly parking permits must still notify the Office of Parking Services prior to terminating their permits, but personal notice is no longer required. The purpose and the anticipated effect are the same. To simplify the parking facility management process for the Office of Parking Services and for parking facility users.

Proposal Changes the Following Existing Rules:

WAC 236-12-290, the following changes are made in regard to parking on the state capitol grounds: Separate fees are established for employee parking permits, agency parking permits, and other types of parking permits based upon parking use; metered and handicapped parking rate fees are designated; the Department of General Administration is authorized to issue additional types of parking permits as needed, and to set their fees by a fee schedule which will be on file at the Department of General Administration and available upon request; the director of general administration is authorized to create reserved parking spaces and areas, and to establish a fee schedule for such reserved parking (e.g. \$20.00 on capitol campus); factors which the director of general administration will consider in determining whether to adjust parking fees on the state capitol grounds are established; and monthly parking fees are increased for employees from \$3.00/\$5.00/\$10.00 to \$15.00 and \$20.00 depending upon employee use, agency assigned uses and agency service stalls are \$30.00, disabled employees are \$15.00, motorcycles will be increased from \$3.00 and \$5.00 to \$15.00, disabled visitors will not be charged a parking fee, metered parking fees are increased from \$.25 to \$.50 per hour, and nonstate personnel (concession vendors, lobbyists, press corps, daycare providers, etc.) uses are \$30.00.

WAC 236-12-300, parking fee collections is changed from cash, check or payroll deduction to payroll deduction only for employees; an employee, agency, or other user terminating use of a parking permit shall notify the Office of Parking Services prior to such termination but is no longer required to do so in person; and state agencies and nonstate personnel will be billed by the Office of Parking Services.

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

Hearing Location: First Floor Auditorium, General Administration Building, 11th and Columbia Street, Olympia, Washington 98504, on December 12, 1991, at 9:00 a.m. - 12:00 p.m.

Submit Written Comments to: K. Wendy Holden, Director, Department of General Administration, 218

General Administration Building, AX-22, Olympia, WA 98504, by December 12, 1991, 12:00 p.m.

Date of Intended Adoption: December 12, 1991.

November 5, 1991
Gary C. Alexander
Assistant Director

AMENDATORY SECTION (Amending Order 85-02, filed 9/5/85)

WAC 236-12-290 PARKING FEES. (1) The fees for rental parking shall be as follows:

PARKING FEES	AUTOMOBILE	(MOTOR- CYCLE/ MOTOR- DRIVEN CYCLE
		maximum
(a) Covered space (garage)	\$ 10.00/month	\$5.00/month
(b) Open space (lots/streets)	\$ 5.00/month	\$3.00/month
(c) Parking by-the-day	\$ 1.00 per day	

(d) No charge for visitors or tourists except where mechanical devices or meters are installed for general or specific area use:))

PARKING USES

PARKING FEES

(a) Agency assigned uses (visitor, off-campus staff, state cars, etc.)	\$30.00
(b) Employee uses	
(i) general, "zoned"	\$15.00
(ii) leased/reserved areas and/or stalls	\$20.00
(iii) disabled employees	\$15.00
(c) Motorcycle, motor-driven cycle/moped uses	\$10.00
(d) Nonstate personnel uses (concession vendors, lobbyists, daycare providers, press corps, etc.)	\$30.00
(e) Disabled visitor use	no charge
(f) Metered parking for visitor use	\$.50 per hour

((+)) (g) No charge for carpools/vanpools to which permits have been issued in accordance with WAC 236-12-295.

(h) In addition to the permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, the department may issue other permits including but not limited to agency prepaid monthly, service/delivery and temporary/daily permits; the department will establish a fee schedule for such permits other than permits issued under (a), (b), (c), (d), (e), (f), and (g) of this subsection, and will keep such fee schedule on file at 218 General Administration Building, Mailstop: AX-22, Olympia, Washington 98504 and will make it available to any person upon request.

(i) The director has authority to create reserved parking spaces/areas and to determine the rates for such parking; the director will establish a fee schedule for reserved parking spaces/areas and will keep such fee schedule on file at 218 General Administration Building, Mailstop: AX-22, Olympia, Washington 98504 and will make it available to any person upon request.

(2) In determining whether to adjust rental parking fees, the director will consider one or more of the following factors:

- (a) Parking facility costs;
 - (b) Available commuting alternatives;
 - (c) Change in the demand for parking facilities;
 - (d) Transportation demand management requirements;
 - (e) Market rates of comparable privately owned or leased property;
- and
- (f) Other circumstances as determined by the director, whereby a change in parking fees is necessary.

AMENDATORY SECTION (Amending Order 78-3, filed 4/7/78)

WAC 236-12-300 MONTHLY PARKING FEE PAYMENTS. ((Fees are payable in advance. Payments may be made by cash or check or by payroll deduction plan. For the payroll deduction plan, monthly payments should be accomplished by the initiation of a form to be designated by the director. Since retroactive deductions are not authorized, cash or check payments must be made for any month in which a payroll deduction has not been withheld. Checks should be made payable to the department of general administration and forwarded)) Agencies and nonstate personnel will be billed by the parking office. Employee rental parking fees and any and all employee parking permit fees shall be by payroll deduction. The director will designate a

form which will be completed and submitted to the Parking Office, 218 General Administration Building, (~~Mail Stop EF-13. Payment must be received not later than the tenth day of each month~~) Mailstop: AX-22, Olympia, Washington 98504. The person to whom the (~~parking space is rented~~) permit is issued, upon termination of use of (~~this parking space~~) such permit, shall (~~personally~~) notify the parking office prior to such termination of use.

WSR 91-22-091
PROPOSED RULES
DEPARTMENT OF
GENERAL ADMINISTRATION
 [Filed November 6, 1991, 8:40 a.m.]

Original Notice.

Title of Rule: WAC 236-12-011 State capitol grounds defined; and WAC 236-12-160, 236-12-170, 236-12-171, 236-12-175, and 236-12-180 Skateboarding prohibited on state capitol grounds.

Purpose: To control skateboarding activity on state capitol grounds since such activity threatens and endangers the health, safety and general welfare of pedestrians, motorists and skateboarders. Skateboarding activity also has a destructive impact on physical structures, roadways and pathways on the state capitol grounds. The definition of state capitol grounds is also amended for clarification purposes.

Statutory Authority for Adoption: RCW 46.08.150.

Statute Being Implemented: RCW 46.08.150.

Summary: The proposed rule prohibits skateboarding on the state capitol grounds, as defined in WAC 236-12-011. WAC 236-12-011 is amended as well to include the west capitol campus and grounds owned and otherwise designated as state capitol grounds in the definition.

Reasons Supporting Proposal: Skateboarding activity on state capitol grounds has increased significantly during recent years. Many skateboarders ride their boards in areas with high volume of pedestrian and motor vehicle traffic, and thus endanger and threaten the health, safety and welfare of pedestrians, motorists and skateboarders themselves. Skateboarding in areas of high pedestrian and motorist traffic is dangerous, destructive and an incompatible use of state capitol grounds and facilities.

Name of Agency Personnel Responsible for Drafting: Vicki J. Toyohara, 218 General Administration Building, Mailstop AX-22, Olympia, WA 98504, 753-4243; Implementation: Ronald J. McQueen, Capitol Buildings and Grounds, 218 General Administration Building, Mailstop PA-11, Olympia, WA 98504, 753-5686; and Enforcement: Sergeant Denny Louis, Washington State Patrol Campus Security, 1505 South Cherry Street, Mailstop KC-11, Olympia, WA 98504, 753-2191.

Name of Proponent: Washington State Department of General Administration, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 236-12-011, this proposed rule makes clear that the west capitol campus and grounds owned by the state and otherwise designated as state capitol grounds

are included in the definition of this term; and WAC 236-12-160, 236-12-170, 236-12-171, 236-12-175, and 236-12-180, this proposed rule would prohibit skateboarding on the state capitol grounds, as defined in WAC 236-12-011, including but not limited to, the streets, sidewalks, walls, raised structural elevations, east capitol campus plaza, parking structures, lots and ramps, other paved surfaces of the state capitol grounds and any other structure or part thereof. It is the intent of the director, in adopting these skateboard regulations, to acknowledge the dangerous impact that skateboarding on the capitol campus has to the health and safety of state employees, visitors, skateboarders and the general public and the destructive impact it has on physical structures, roadways and pathways on the capitol campus. The anticipated effects include the elimination of damage and destruction to physical structures, roadways and pathways on the capitol campus caused by skateboard activity; the elimination of the potential for serious damage to state properties and structures, and minimizing liability exposure for the state; the protection of health and safety of state employees, visitors, general public and skateboarders themselves, as a result of prohibiting skateboard activities on state capitol grounds.

Proposal Changes the Following Existing Rules: The following changes are made in regard to the definition of state capitol grounds: The west capitol campus is added and the language is modified to make clear that grounds owned by the state and otherwise designated as state capitol grounds are included within the meaning of the term "state capitol grounds."

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

Hearing Location: First Floor Auditorium, General Administration Building, 11th and Columbia Street, Olympia, Washington 98504, on December 11, 1991, at 9:00 a.m. - 12:00 p.m.

Submit Written Comments to: Ronald J. McQueen, Department of General Administration, Division of Capitol Buildings and Grounds, Olympia, Washington 98504, by December 10, 1991, 5:00 p.m.

Date of Intended Adoption: December 11, 1991.

November 5, 1991
 Ronald J. McQueen
 Assistant Director

AMENDATORY SECTION (Amending Order 83-2, filed 7/27/83)

WAC 236-12-011 "STATE CAPITOL GROUNDS" DEFINED. "State capitol grounds" as used herein shall mean those grounds owned by the state and otherwise designated as state capitol grounds, including the west capitol campus, the east capitol campus, Sylvester Park, the old capitol building and Capitol Lake, ways open to the public and specified adjoining lands and roadways.

NEW SECTION

WAC 236-12-160 INTENT OF THE DIRECTOR. It is the intent of the director in adopting these skateboard regulations to acknowledge the dangerous impact that skateboarding on the capitol campus has to the health and safety of state employees, visitors, skateboarders, and the general public and the destructive impact it has on physical structures, roadways, and pathways on the capitol campus.

The following are some of the reasons why skateboarding on the capitol campus must be controlled:

(1) During recent years, the use of skateboards has increased dramatically. As a result, the department has been contacted by numerous

employees and citizens complaining about the dangerous and destructive practices of skateboarders on the capitol campus grounds.

(2) Many skateboarders ride their boards in high volume areas and thus threaten the safety of pedestrians, motorists, and the skateboarders themselves.

(3) The director finds that skateboarding in such high volume or crowded areas, even if done in a nonnegligent manner, is incompatible with pedestrian use of these areas, due mainly to the speed and maneuverability of skateboards.

(4) Skateboard riders have ridden their boards down entrance and exit ramps of state underground parking facilities, sometimes against traffic, placing the skateboarders in serious danger and placing the motorists in a position of liability and possible harm. Skateboarders also have ridden their boards near doorways, nearly hitting pedestrians. In addition, skateboarders have ridden into state buildings jeopardizing occupants, and have ridden on walls, curbs, partitions, ramps, or other vertical and irregular physical surfaces, causing damage to state facilities and surfaces.

(5) The director finds that skateboarding in roadways and parking facilities and parking ramps creates a danger to the skateboard rider and to the motorist and is incompatible with motor vehicle use in such areas.

(6) The director finds that these skateboard regulations are necessary in order to avoid property loss, personal injury, and liability exposure associated with the use of skateboards on state property and within state facilities.

NEW SECTION

WAC 236-12-170 "SKATEBOARD" DEFINED. "Skateboard" as used herein shall mean an oblong board with roller skate wheels or other similar wheels mounted under it at each end.

NEW SECTION

WAC 236-12-171 "SKATEBOARDING" DEFINED. "Skateboarding" as used herein shall mean any person who stands with one or both feet touching a skateboard and/or who does handstands with one or both hands touching a skateboard and/or who crouches, sits, or lies upon a skateboard while it is in motion. "Skateboarding" also shall mean skateboard riding.

NEW SECTION

WAC 236-12-175 SKATEBOARDING PROHIBITED. Skateboarding is prohibited on the state capitol grounds, as defined in WAC 236-12-011, including but not limited to the streets, sidewalks, walkways, walls, raised structural elevations, east capitol campus plaza, parking structures, lots and ramps, other paved surfaces of the state capitol grounds and any other structure or part thereof.

NEW SECTION

WAC 236-12-180 VIOLATION—PENALTY. Violation of any of the provisions contained in WAC 236-12-011, 236-12-160, 236-12-170, 236-12-171, or 236-12-175 shall constitute a traffic infraction which is subject to the jurisdiction of the Thurston County district court. Violators shall be ticketed by the Washington state patrol. The fine for violating any provision of this section shall be twenty-five dollars.

WSR 91-22-092
PROPOSED RULES
DEPARTMENT OF
LABOR AND INDUSTRIES
[Filed November 6, 1991, 8:56 a.m.]

Original Notice.

Title of Rule: WAC 296-14-015 Industrial insurance labor/management cooperation program.

Purpose: WAC 296-14-015 is adopted to facilitate implementation of the industrial insurance labor-management cooperation program established by SSB 5374.

The program was established to assist labor and management in resolving workers' compensation and return-to-work issues in a nonadversarial environment.

Statutory Authority for Adoption: SSB 5374, chapter 172, Laws of 1991.

Statute Being Implemented: SSB 5374.

Summary: SSB 5374 stipulates that the director shall adopt rules to implement the industrial insurance labor-management cooperation program. WAC 296-14-015 is adopted to provide cooperative assistance in the expedited return of injured workers to meaningful, productive employment as soon as possible after an industrial injury, and the reduction of injury risk.

Reasons Supporting Proposal: See Summary above.

Name of Agency Personnel Responsible for Drafting: George Lewis, Mailstop HC - 284-1, Olympia, 286-2641; Implementation and Enforcement: Robert L. McCallister, Mailstop HC - 281, Olympia, 753-5173.

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: SSB 5374 establishes the labor-management cooperation program within the industrial insurance division of the department to promote and support efforts by labor and management throughout the state to jointly address issues regarding the industrial insurance system and its operation in a local area or industry. Adoption of the rule will foster cooperative dialogue and actions that can eliminate or reduce the adversarial tensions between labor and management that find expression in poor health and safety practices. The successful implementation of this program will save time-loss days and reduce industrial insurance costs.

Proposal does not change existing rules.

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

Minor or negligible impact: No changes over existing regulations; rule results in no substantive change over existing regulations; participation is voluntary.

Hearing Location: General Administration Building, First-Floor Conference Room, on December 13, 1991, at 9 a.m.

Submit Written Comments to: George Lewis, Program Coordinator, General Administration Building, Mailstop HC 234-1, Olympia, Washington 98504, by December 13, 5 p.m.

Date of Intended Adoption: January 13, 1992.

November 6, 1991

Joseph A. Dear

Director

NEW SECTION

WAC 296-14-015 INDUSTRIAL INSURANCE LABOR-MANAGEMENT COOPERATION PROGRAM. (1) In accordance with authority contained in SSB 5374, the industrial insurance labor-management cooperation program is established within the industrial insurance division of the department to nurture and support efforts by labor and management throughout the state to cooperatively address issues specific to the industrial insurance system and its operation in a local area or industry. The program is dedicated to assisting labor and

management in forming committees to help injured workers with industrial insurance claim problems, speedy recovery, and return to employment. The department will assist and facilitate, but not dominate, the committees' functions. The ultimate goal of this program is the creation of safer workplaces and a better working environment for all employees. To achieve this goal, the department's actions will include, but not be limited to:

- (a) Hiring a coordinator to establish and implement the program.
 - (b) Developing a marketing strategy to assist in the development of the program.
 - (c) Contacting interested businesses, agencies, and labor organizations to participate in the program.
 - (d) Continuing efforts with existing committees established prior to passage of SSB 5374 to ensure continued success.
 - (e) Developing an agency protocol that will include, but not be limited to:
 - (i) A marketing package.
 - (ii) A vehicle for measuring program results.
 - (iii) A communications network to disseminate news, events, and highlights of the program.
- (2) Established committees will be encouraged to meet and interact at local, regional, and state-wide levels.
- (3) The department will report quarterly to the workers' compensation advisory committee and annually to the legislature on the progress and status of the program as long as the program is legislatively authorized.

WSR 91-22-093
PROPOSED RULES
UNIVERSITY OF WASHINGTON
 [Filed November 6, 1991, 9:27 a.m.]

Original Notice.

Title of Rule: Schedule of meetings.

Purpose: To enact rules governing establishment of the University of Washington schedule of meetings for the board of regents.

Other Identifying Information: WAC 478-04-030.

Statutory Authority for Adoption: RCW 28B.20.130.

Statute Being Implemented: RCW 42.30.075.

Summary: WAC 478-04-030 establishes a new section consistent with RCW 42.30.075 Schedule of regular meetings.

Reasons Supporting Proposal: Chapter 42.30 RCW requires the adoption of agency rules governing the schedule of regular meetings held by the board of regents.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Office of the President, 300 Administration, 543-5010.

Name of Proponent: University of Washington, public.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal does not change existing rules.

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

Hearing Location: 309 Husky Union Building, University of Washington, Seattle, WA, on December 11, 1991, at 12:00 p.m.

Submit Written Comments to: Rules Coordination Office AI-10, 400 Administration Building, University of Washington, by December 11, 1991.

Date of Intended Adoption: December 13, 1991.

October 31, 1991

Melody Tereski

Administrative Procedures Officer

NEW SECTION

WAC 478-04-030 SCHEDULE OF MEETINGS. (1) Regular meetings. Regular meetings of the board of regents shall be held each month, pursuant to a schedule established yearly by resolution of the board. Meetings of the board will be held in Room 301 of the Administration Building on the campus in Seattle, Washington, or at such other place as the board may direct from time to time. The president of the board, with the concurrence of a majority of the members of the board, may cancel any regular meeting. All such regular meetings and notices of cancellation of meetings will be conducted in conformance with the laws of the state of Washington governing such meetings.

(2) Special meeting. The president of the university, the president of the board, or any five members of the board may call a special meeting at any time. Not less than twenty-four hours before any special meeting, the secretary shall have notified each member of the board by written notice of the time, place, and the business to be transacted at the meeting. Such notice shall be distributed and posted in accordance with the laws of the state governing such meetings. The presence of a regent at the meeting or the regent's written waiver of notice filed with the secretary shall constitute a waiver of receiving written notice of the meeting. When the meeting is called to deal with an emergency involving injury or damage, or the likelihood of injury or damage, to persons or property, and the time requirements for notice provided for above would be impractical and increase the likelihood of such injury or damage, such required notice may be dispensed with and the secretary shall notify each member of the board by the best means possible under the circumstances.

(3) Notice of agenda for regular meeting. Not less than four days before any regular meeting, the secretary shall mail to each member of the board a reminder of the regular meeting and a preliminary agenda setting forth the matters which are to be considered at the meeting.

(4) Addenda to the agenda at regular or special meetings. Addenda to the agenda of either a regular or a special meeting may be permitted at the commencement of or during such meeting, except that final disposition shall not be taken on addenda to the agenda of a special meeting unless notice as required by applicable law has been given.

(5) Quorum. A majority of the entire board shall be necessary to constitute a quorum at all regular meetings and special meetings.

WSR 91-22-094
PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed November 6, 1991, 9:45 a.m.]

Original Notice.

Title of Rule: Cosmetology, barber, manicurist, and esthetician licensing rules.

Purpose: To implement 1991 legislation.

Statutory Authority for Adoption: Chapter 18.16 RCW.

Statute Being Implemented: Chapter 18.16 RCW.

Summary: These revisions update and improve current cosmetology, barber, and manicurist rules and regulations, add estheticians, and establish the requirements for licensure as an esthetician as a licensed profession.

Reasons Supporting Proposal: Implementation of legislation.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Judy Riker, 2424 Bristol Court S.W., Olympia, WA, 586-4565.

Name of Proponent: Department of Licensing, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Revisions are being made to WAC 308-20-010, 308-20-020, 308-20-030, 308-20-040, 308-20-050, 308-20-060, 308-20-070, 308-20-080, 308-20-090, 308-20-100, 308-20-105, 308-20-107, 308-20-109, 308-20-110, 308-20-120, 308-20-130, 308-20-140, 308-20-150, 308-20-155, 308-20-171, 308-20-172, 308-20-175, 308-20-180, 308-20-205, 308-20-208 and 308-20-210, for the purpose of updating cosmetology training and licensing rules and regulations to implement legislation passed in the 1991 legislative session. The anticipated effect is to improve current licensing and training requirements.

Proposal Changes the Following Existing Rules: See above. The revisions update current training and licensing requirements for improved public safety and health pursuant to legislative changes.

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

An economic impact statement is not required since an economic burden will not be imposed by the implementation of these rules. The revisions classify and improve existing regulations and do not increase fees or require additional record keeping.

Hearing Location: Professional Licensing Services, 2424 Bristol Court S.W., Olympia, WA 98502, on December 10, 1991, at 9:00 a.m.

Submit Written Comments to: Judy Riker, Professional Licensing Services, 2424 Bristol Court S.W., Olympia, WA 98502, by December 9, 1991.

Date of Intended Adoption: December 10, 1991.

November 6, 1991
Marsha Tadano Long
Assistant Director

Chapter 308-20 WAC
COSMETOLOGY—BARBER—MANICURIST—ESTHETICIAN
RULES

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-010 DEFINITIONS. (1) "Creditable hour" means only those hours of training while the student is performing in the subject areas listed in the course outline, as stated in WAC 308-20-080 and 308-20-105.

(2) "Chemical compounds formulated for professional use only" are those compounds containing hazardous chemicals in a form not generally sold to the public; including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair ~~((of the))~~, face, neck, skin, or scalp.

(3) "Curriculum" means a detailed course of study.

(4) "Student learning objectives" are measurable outcomes expected to occur as the result of instruction.

(5) "Instructional objectives" are measurable evaluation of the attainment of the student learning objectives.

(6) "Terminal learning objectives" are final outcomes expected to occur at the completion of a course of study as a result of instruction.

(7) "Monthly student record" is a form provided by the school, approved by the department, preprinted with school name and address, that shows the actual activities of the student in each subject, (i.e., shampoo, haircut, perm, color, etc.) within each course (i.e., barbering, manicuring, ~~((chemical services))~~ cosmetology, esthetics, or ~~((cadet))~~ instructor-trainee).

(8) "Completed and graduated" is the completion of the state approved minimum hourly course of training and passage of a state approved performance evaluation administered by the school.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-020 TERM OF COURSE—EXAMINATION ELIGIBILITY. A school shall not require students to remain in school after the completion ~~((of))~~ and graduation from the minimum state ~~((creditable hours required in the))~~ approved course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director and graduated may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 500 hours of esthetics training approved by the director and graduated may apply for examination to be licensed as an esthetician.

Any individual, seventeen years of age or older, having completed ~~((800))~~ 1000 hours of barber training as approved by the director and graduated may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director and graduated may apply for examination to be licensed as a cosmetologist. ~~((Cosmetology training consists of the 500-hour manicurist course, the 800-hour barber course and the 300 hours of training in chemical services as approved by the director.))~~

Any person who has the same qualifications as a cosmetologist, barber, manicurist, or esthetician and who has completed at least 500 hours of instruction in ~~((cosmetology))~~ teaching techniques and lesson planning in a school may apply for examination to be licensed as ~~((a cosmetology))~~ an instructor/operator with endorsements to teach in the area of their individual license.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-030 CURRICULUM STRUCTURE. Each curriculum shall be designed to prepare students for at least beginning employment/job entry. A school offering training in cosmetology, barbering, esthetics, manicuring, and instructor-training will submit a curriculum for each course. The curriculum shall include the minimum state required hours in accordance with the course outline as stated in WAC 308-20-080 and 308-20-105.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs of each course offered by the school. The number of hours in each subject and the mannequin versus the live model work ratio will be detailed.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-040 APPLICATION FOR SCHOOL LICENSE. With each school application, the following items must be included before a school license will be approved by the department:

(1) Names and addresses of all school owners. Change in ownership of less than fifty-one percent must be submitted to the department within fifteen days, accompanied with the affidavit of sale;

(2) Names and addresses of all school operators or managers;

(3) Names and addresses of all instructors responsible for the training of students. The department must be notified, in writing within fifteen days, when a change of instructor staff occurs;

(4) A copy of the curriculum for each course the school intends to offer. A ~~((cosmetology))~~ school offering cosmetology instruction must submit a ~~((combined))~~ cosmetology curriculum ~~((for manicurist, barber and chemical services));~~ a school offering barber instruction must submit a barber curriculum; a school offering esthetics instruction must submit an esthetician curriculum; a school offering manicurist instruction must submit a manicurist curriculum. A school offering instruction in cosmetology, barber, esthetics, and ~~((manicurist))~~ manicuring must submit ~~((a))~~ separate complete curriculums for each. Any school offering ~~((cosmetology))~~ instructor training must submit a curriculum in ~~((cosmetology))~~ teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter. A copy of the instructional objectives, student learning objectives, terminal learning

objectives and student rating scale for each curriculum must be submitted with the application. The school minimum requirements of services designating mannequin versus live model ratio must be a minimum of twenty-five percent of all services performed. A school license will be issued with endorsements to instruct in cosmetology, barbering, esthetics, manicuring, and/or instructor training according to the curriculums submitted. Endorsement may be added to a school license by submitting the required curriculum and paying the required fee;

(5) Each school will submit, at the time of application, a catalog, bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:

(a) Names of all owners and/or managers.
 (b) Names and qualifications of all instructors.
 (c) Beginning and ending dates of training, including hours of operation, and observed holidays. Students attendance to be no more than eight hours per day and forty hours per week.

(d) Placement assistance, if any.
 (e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.

(f) School policy on absences, leave, tardiness, and make-up work.
 (g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.

(h) School policy and regulations regarding breaks and lunches. Lunches and break times are not creditable toward the minimum state requirements.

(i) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.

((+)) (j) A description of each course to include total hours, the course objectives and the method of instruction. (E.g., classroom lab, etc.,) and any certificate or credentials awarded upon completion.

((+)) (k) Cancellation and refund policies.

((+)) (l) The address and phone number of the department of licensing, cosmetology, barber, manicure, and esthetics section for student's use in contacting the state regarding Washington state laws or concerns about their training.

(6) A copy of the school's monthly and final student record form, showing hours of training earned in each area listed in WAC 308-20-080 or in the case of an instructor-trainee, WAC 308-20-105. The form must be preprinted with the school name and address and signature areas for both the student and instructor and be in a form (~~acceptable to~~) approved by the department.

The approved form must show operations or hours of activity daily in each subject, by course, i.e., barbering, manicuring, esthetics, cosmetology, or (~~chemicals~~) instructor-trainee with total hours by course daily and monthly in subjects, listed in WAC 308-20-080 or 308-20-105, with totals in each subject for month to date and total to date. Hours of training, in addition to state required hours, should show in a separate area. This form must also show the completion of the state approved performance evaluation demonstrating graduation.

(7) Each school shall submit a copy of the enrollment contract or agreement for each course of training offered. The contract/agreement must include at least the following:

(a) The school's cancellation and refund policy;
 (b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:
 (i) The name and address of the school and student.
 (ii) The date training is to begin, and the number of hours of instruction.

(iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.

(c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;

(d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.

(8) A description of the school facilities and equipment. This may be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(9) (~~A surety bond~~) An approved security as established by WAC 308-20-060 shall be submitted with the application for school license. No school shall be approved until the ((surety bond)) approved security is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (9) of this section.

(10) Estimated gross tuition form indicating the expected gross tuition for one year. This information will be used to determine the required ((bond)) security amount. If the tuition earned exceeds the estimated amount, the ((bond)) security will be amended to reflect actual tuition earned.

(11) A minimum of one instructor per twenty students is required.

(12) Schools must maintain all student's final records for a minimum of four years.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-050 CHANGE IN OWNERSHIP OF SCHOOL. If a change involving ((twenty-five or more percent)) the controlling interest of school ownership occurs, a new license application must be submitted with an affidavit of the sale demonstrating proof of ownership, or percentage of ownership, by the new owners. The new application must be complete. It must include all items listed in WAC 308-20-040 and the required fee. A new license must be issued prior to operation. Applicants should allow at least forty-five days for processing a complete application.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-060 ((SURETY BOND)) APPROVED SECURITY REQUIREMENT FOR SCHOOLS. Every currently licensed school and every applicant for a new or renewed school license is required to have ((a surety bond)) an approved security which meets legal requirements. ((Surety bonds)) Approved securities shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the ((bond)) security shall be ((one)) ten thousand dollars or ((five)) ten percent of the annual gross tuition collected by the school, whichever is greater. The ((bond)) security shall not exceed ((twenty-five)) fifty thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition.

(2) At the time of licensing each school shall file ((a surety bond)) an approved security with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The ((bond)) security may be continuous or renewable at the time of renewal of license: PROVIDED, That the ((bond)) security shall cover the full period during which a school is licensed unless the ((surety)) security has been released as provided in subsection (4) of this section.

(3) The ((bond)) security shall be executed by the licensed school as principal and by a ((surety)) company authorized to do business in this state ((as surety)). The ((bond)) security shall run to the state of Washington, for protection of unearned prepaid student tuition.

(4) A ((surety on a bond)) security may be released by serving written notice thereof to the director at least ((thirty-five)) sixty days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian.

The director shall give the school at least thirty days' written notice prior to the release of the ((surety)) security to the effect that upon release of the ((surety)) security the school license will be null and void by operation of RCW 19.72.130 until a new and sufficient ((surety bond)) approved security is filed in the same manner and amount as the ((bond)) security being terminated or the amount required by the gross tuition earned, whichever is greater. Students shall not receive credit for instruction received during any time a school ((bond)) security is not in effect.

(5) All currently licensed schools, in order to maintain a valid license, must file with the department of licensing an approved security as required in this section by July 1, 1992.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-070 TRAINING GUIDELINES. A ((numerical)) rating scale shall be used to evaluate and record student progress.

The student's competency in attaining learning objectives is to be rated.

Schools will design a rating method form that will demonstrate each student's progress in each course. Schools will design instructional objectives which promote student progress from beginning to completion within the specified hours required for each ((course)) program. ((Each month)) The school shall provide each student with a current copy of his/her ((rating)) progress report according to its evaluation schedule as outlined in the catalog on file with the department of licensing.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-080 COURSE OUTLINE OF TRAINING REQUIREMENTS. Listed are the subjects that make up the mandatory ((800)) 1000 hours of training for barbering, 500 hours of training for manicuring, 500 hours of training for esthetics, and ((300)) 1600 hours of training for ((chemical services)) cosmetology. To qualify for the barber examination students ((only)) need to complete the ((800)) 1000 hours of barbering ((subjects)) courses, to qualify for the manicurists examination students need ((only)) to complete the 500 hours of manicuring ((subjects-)) courses, to qualify for the esthetician examination students need to complete the 500 hours of esthetic courses, to qualify for the cosmetology examination students ((must)) need to complete ((800 hours of barbering subjects, 500 hours of manicuring subjects, and 300)) 1600 hours of ((chemical services subjects. A cosmetologist qualifies to perform all listed services and must be trained in all three areas)) cosmetology courses.

Barber ((Services)) Training:

1. Theory
2. Shampooing - includes draping, brushing hair, scalp manipulations, PH values, conditioning and rinsing
3. Scalp and Hair Analysis
4. Haircutting and Trimming - includes scissor, razor, thinning shears, and clipper
5. Cutting and Trimming of Facial Hair - includes shaving, beard, and mustache, eyebrow, ear & nose trimming
6. Thermal Styling
7. Wet Styling ((=includes pin curling, braiding, fingerwaves, shaping, and rollers))
8. Dry Styling ((=includes braiding, shaping, brushing, backcombing, and rollers))
9. Styling Aids
10. Artificial Hair - includes fitting and styling when working with clients
11. Sanitation - includes cleaning individual work station, shampoo and dispensary bowls after individual use, proper disposal and storage of towels used by the student, ((life expectancy of disinfectants,)) sanitizing implements used by the student
- ((+)) 12. Diseases - skin, scalp and hair
- ((+)) 13. Safety - includes demonstration of implements and proper use, electrical appliances
- ((+)) 14. First Aid - as related to the barbering field

Manicurist ((Services)) Training:

1. Theory
2. Artificial Nails - may include((s-nail analysis)) silk, linen, fiberglass, acrylic, gel, powder, extensions, and sculpting, preparation of the nail, application, finish and removal
3. ((Skin Care = includes hot compresses, facials, hand massage or using approved electrical or mechanical appliances, or approved chemical compounds)) Manicuring - cleaning, shaping, and polishing of the nail and the treatment of the cuticles
4. ((Temporary removal of superfluous hair = tweezing, waxing, tape, and chemicals)) Pedicuring - cleaning, shaping, and polishing of the nails of the feet
5. Sanitation - cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants ((and life expectancy of disinfectants)), sanitation methods of equipment
6. Safety - includes demonstration of implements and proper use
7. Diseases and Disorders - nail ((and skin))
8. First Aid - as related to the manicurist field

Esthetician Training:

1. Theory
2. Skin Care - includes hot compresses, massage, approved electrical or mechanical appliances or approved chemical compounds
3. Facials - may include make-up and skin and color analysis

4. Temporary removal of superfluous hair - tweezing, waxing, tape, and approved chemicals, lotions, creams, or mechanical or electrical apparatus or appliance
5. Sanitation - cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants, sanitation methods of equipment
6. Safety - includes demonstration of implements and proper use
7. Diseases and disorders of the skin
8. First aid - as related to the esthetics field

((Chemical Services)) Cosmetology Training consists of 1600 hours of cutting, trimming, and chemical processing of the hair and a basic introduction to manicuring and esthetics.

1. Theory
2. A minimum of 100 hours involving the safe and sanitary practice of manicuring, pedicuring, and artificial nails
3. A minimum of 100 hours involving the safe and sanitary practice of skin care and temporary removal of hair
4. Scalp and hair analysis
- ((2-)) 5. Permanent Waving - includes ((scalp and hair analysis,)) sectioning and wrapping, preperm test curl (when necessary), solution application, processing ((=)) test curl, (when necessary) and neutralizing
- ((3-)) 6. Chemical Relaxing - includes ((scalp and hair analysis,)) sectioning, strand test, relaxer application
- ((4-)) 7. ((Chemical Training Elements = includes processing, neutralizing, materials, equipment)) Hair cutting and trimming - includes scissor, razor, thinning shears, and clipper
8. Shampooing - includes draping, brushing hair, scalp manipulations, conditioning, and rinsing
9. Styling - thermal, wet, dry, and styling aids
- ((5-)) 10. Hair Coloring or Bleaching - includes ((scalp & hair analysis,)) predisposition test, strand test, measurement and mixing of chemicals, application of chemicals and removal of chemicals
11. Artificial Hair - may include extensions and fitting when working with clients
- ((6-)) 12. Sanitation - clean individual work station, sanitize individual equipment and tools, ((life expectancy of disinfectant,)) proper use and storage of linens and chemicals
- ((7-)) 13. First Aid and Safety - as it relates to ((the use of chemicals)) cosmetology

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-090 STUDENT CREDIT FOR TRAINING. (1) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the licensed school in which the student is enrolled and in the courses listed in this chapter shall be credited toward the hourly training requirements.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

(3) ((Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.)) Students withdrawing from a licensed school, within Washington state, prior to completion of the course must obtain a certified copy of the signed monthly report including the last day attended to verify credit for training when enrolling in another school.

(4) Students transferring from another school, state, country or territory may, at the school's discretion, receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each of the Washington state minimum recognized creditable hours in each course, as verified by the certified copy of the last student monthly report, and; (b) student learning objective credit after successfully demonstrating to the school that the objectives have been met.

Schools transferring credits will transfer to the student report form, in appropriate categories by course, the credits accepted. The certifying school accepts responsibility for total training of the student.

(5) Each month the school will provide a copy of the completed monthly report form to the student. When a student transfers to a new school an enrollment student record will be developed for the permanent student file with a copy given to the student prior to enrollment. This will reflect the training transferred and the areas of training still needed.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-100 RECORDING STUDENT HOURS. (1) Each school shall record student hours daily and provide to each student monthly accumulated totals of all hours obtained for each course offered including detailed noncreditable hours. ~~((Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place.))~~ Up to date monthly accumulated hourly totals shall be recorded as they are achieved~~((:))~~. The original report will be kept on file at the school and a copy provided to the student each month.

(2) Hours credited to a student may not be deducted without documentation demonstrating justification.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-105 CURRICULUM FOR INSTRUCTOR-TRAINEES. Licensed schools wishing to offer training for ~~((cosmetology))~~ instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

- (a) Methods of teaching ~~((cosmetology))~~:
 - (i) Lesson planning to meet instructional objectives;
 - (ii) Student learning principles for student learning objectives;
 - (iii) Classroom management;
 - (iv) Four-step method; and
 - (v) Occupational analysis.
- (b) Course organization:
 - (i) Develop instruction from analysis;
 - (ii) Organize and prioritize;
 - (iii) Group and sequence learning units;
 - (iv) Test and evaluate; record progress of students on monthly report forms; and
 - (v) Teaching aids.
- (c) Student leadership development:
 - (i) How to be effective;
 - (ii) Student leadership organization such as Vocational Industrial Clubs of America;
 - (iii) Personality and conduct;
 - (iv) Interpersonal relationships; and
 - (v) Customer relations.
- (d) One of the following topics or units:
 - (i) Testing and rating;
 - (ii) Audio visual materials;
 - (iii) Philosophy of vocational education; or
 - (iv) Techniques in individualized instruction.
- (2) Training in clinic supervision and management covering the application of teaching techniques as follows:
 - (a) Practical classroom and clinic services:
 - (i) Sanitation of all tools, implements, equipment, and work areas; and
 - (ii) Safety involved in providing any service to members of the public.
 - (b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.
 - (c) Student's practical assignments.
 - (d) Motivational supervision.
 - (e) Student assistance.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-107 USE AND TRAINING OF INSTRUCTOR-TRAINEES. (1) ~~((Cosmetology))~~ Instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed ~~((cosmetology))~~ instructor shall:

- (a) Inspect a substantial portion of the instructor-trainee's work;
- (b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours

of training received. Provided, that "direct supervision" shall not require that the licensed ~~((cosmetology))~~ instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed ~~((cosmetology))~~ instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance notice, in writing, of the name and address of each person who will receive instruction as a ~~((cosmetology))~~ instructor-trainee.

(4) No person may be used as, or receive credit for training as, ~~((a cosmetology))~~ an instructor-trainee unless the person holds a current, valid cosmetology, barber, manicurist, or esthetician license.

(5) Schools may enroll instructor-trainees, whose initial licenses are in programs offered by that school. For instance, a school limited to instructing barbers and instructor-trainees, cannot enroll an instructor-trainee whose individual license is in manicuring.

(6) No person may be used as, or receive credit for training as, ((a cosmetology)) an instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

((6)) (7) No ((cosmetology)) instructor-trainee may receive any wage or commission.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-109 INSTRUCTOR-TRAINEE CREDIT FOR TRAINING. Each ~~((cosmetology))~~ school shall daily record instructor-trainee hours of instruction received in ~~((cosmetology))~~ teaching techniques and in lesson planning. The ~~((cosmetology))~~ school shall provide to each instructor-trainee monthly accumulated totals of hours of instruction the instructor-trainee has received. Except for instruction received in an otherwise state approved teacher training program, only those hours of instruction received under the direct supervision of a licensed instructor and on the premises of the licensed school may be credited toward the instructor-trainee hourly training requirement.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-110 MINIMUM SCHOOL SAFETY STANDARDS. (1) Each licensed school or institution will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to ensure that sanitation and safety measures are applied for the maximum protection of the public, students, and models.

(2) An adequate supply of hot and cold running water must be provided ~~((for the benefit of the student's and consumer's health, safety and welfare))~~ in the shampoo area, dispensary and toilet facilities in accordance with federal, state, and local laws.

(3) Clean towels shall be provided for each customer and shall be laundered after every use. Clean towels will be kept in closed cabinets ~~((until used))~~ with tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(4) Robes or gowns used by customers must be laundered after every use, and stored in closed cabinets until used. ~~((Soiled linens should be kept in ventilated closed containers. Towels, robes and gowns shall not be washed or dried on the premises except in suitable automatic washers and dryers.))~~

(5) A separate area with an adequate supply of hot and cold running water, shall be designated as a dispensary for the dispensing of supplies and for the cleaning of tools, equipment and materials.

(6) Wet sanitizer—fresh, clean solution shall be in a clean covered container for the sanitizing of combs, brushes and other tools or implements. The solution will be of a sufficient chemical mixture that will destroy bacterial and viral germs.

(7) Chemicals must be stored in compliance with federal, state, and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination. Storage areas shall be posted "flammable liquids" and "hazardous chemicals." Materials should be inspected regularly and corroded containers and outdated chemicals must be discarded immediately.

(8) Adequate toilet facilities shall be provided for the use of customers, employees and students in sufficient quantity to comply with

state and local laws. The use of common towels and bar soap is prohibited.

- (9) Shampoo bowls will be kept clean and free of hair (~~(in traps)~~).
- (10) Licenses of the school and all currently employed instructors must be posted in (~~(public view)~~) the reception area.
- (11) All trays, rollers, floors, chairs, and other implements should be free from dust, dirt, and/or hair.
- (12) Clippers, scissors, razors, rollers, and other implements should be disinfected and sanitized after each use. Once sanitized they should be stored in clean covered/sealed containers to maintain dry sanitation. Used implements should be stored in an area separate from the sanitized implements.
- (13) (~~Hazardous chemicals and flammable liquid signs should be posted in the dispensary, storage room, and any other location these materials may be located.~~)
- (~~14) Fire extinguishers must be readily accessible to the dispensary, storage room, and other locations where flammable liquids may be kept.~~)
- (~~15) Facial rooms must have provisions for privacy, hot and cold running water, closed cabinets for linen storage, and method or procedure to sanitize and store implements in a manner that maintains sanitation:)) Soiled towels and linens must be stored in covered ventilated receptacles.~~
- (14) Each work station shall have a waste basket or similar container and must be emptied and cleansed daily.
- (15) Creams, lotions, and fluids shall be dispensed and administered in such a way to maintain acceptable sanitation standards.
- (16) General appearance - the school floor, walls, (~~and ceilings~~) fixtures, ceilings, and work stations must be clean and free from dust, dirt, and hair and in good working condition.
- (17) Ventilation should be sufficient to keep odors from the chemicals used at a safe level and in compliance with federal, state, and local laws.
- (18) Electrical wiring must be acceptable to the local fire district as demonstrated by a current fire inspection form. Electrical plug-ins should not reflect any frays and be properly repaired to prevent shock.
- (19) Waste disposal, plumbing, and lighting are to be in compliance with federal, state, and local laws.
- (20) No animals will be allowed in a school except animals trained to assist disabled patrons.
- (21) A notice supplied by the department of licensing, giving the address and phone number of the department for submitting written complaint, shall be posted in the reception area.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-120 EXAMINATION CONSTRUCTION AND CONTENT. Examinations for cosmetologists, barbers, estheticians, and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices includes but is not necessarily limited to, the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees. The examination for (~~a cosmetology~~) an instructor's license will cover lesson planning and (~~cosmetology~~) teaching techniques.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-130 EXAMINATION OBJECTIVES. The following objectives will constitute the basis for written examination questions for the cosmetologist's, barber's, esthetician's, and manicurist's license:

- (1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.
- (2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing as applies to each course of study.
- (3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.
- (4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber, esthetics, or manicurist occupations.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-140 EXAMINATION—APPLICATION. (1) Examinations are administered (~~(at least)~~) monthly. Examination schedules will be published and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the minimum state required (~~(creditable hours in the approved)~~) course of study and graduated.

(2) Each application submitted must be complete in every respect, including fee before the applicant will be scheduled for examination. The application must include a copy of the final student record form verifying the total activities in each subject and the hours of training in each course signed by the student and instructor. A sworn statement by the student that all statements on the application are true and correct is to be included. The school owner or manager will also sign a sworn statement that all statements made in the application are true and correct and this school has complied with all state regulations regarding the training of the student.

(3) Applications may be submitted when the student is within one hundred fifty hours of completing the required training. These applications must include a sworn statement by student and school owner or manager that the student is within 150 hours of completing the required training. The training affidavit and final student record form must be submitted prior to being authorized to sit for any examination. If completed properly and otherwise satisfactory, the applicant will be authorized to take the examination(~~(tst)~~).

(4) Applications and fees for examination must be received in the department of licensing no later than the first day of the month to be scheduled for the next month's examination. (For example: Must be received by August 1 to be scheduled for the September examination.) The postmark date is not acceptable.

(5) Any student trained in the cosmetology curriculum approved by the state under the law effective previous to July 28, 1991, may apply for the cosmetology, barber, manicurist, and esthetician examinations. A complete separate application and fee is required for each examination. This provision is not available to individuals trained in a school with an approved curriculum as required in WAC 308-20-080, effective January 1, 1992. Any person who qualifies by training under the previous law but does not make application and pass the required examination by January 1, 1993, must then meet the eligibility requirements of the current law.

(5) Any person who fails to appear as scheduled for an examination, shall forfeit the fee.

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

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-150 STUDENT APPEAL—EXAMINATION ELIGIBILITY DENIAL BY THE SCHOOL. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has (~~(obtained the required course hours)~~) met the minimum state requirements, the student may appeal. An appeal must be submitted to the department, in writing, stating specific reasons why the student feels he/she is eligible. An appeal must be submitted with a completed examination application, accompanied by the required fee and copy of (~~(achievement indicator)~~) final monthly student form showing completion of hours and (~~(learning objectives)~~) performance evaluation demonstrating graduation.

A school owner or manager is required to respond in writing stating the reason for refusal to sign. The school owner or manager shall provide documentation of events or reasons which substantiate his/her refusal to sign. A school's failure to respond within twenty days may result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-155 PROCEDURE FOR APPLICANTS REQUIRING SPECIAL ACCOMMODATIONS FOR LICENSURE EXAMINATION. (1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and ~~((translators))~~ interpreters provided and/or approved by the department may be used for reading/~~((translating))~~ interpreting the examination. The department will bear the costs of the initial scheduled examination. The applicant will be required to bear the costs associated with any rescheduled examinations.

(d) Applicants who pass the ~~((cosmetology))~~ examination with the assistance of a reader/~~((translator))~~ interpreter will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage ~~((When Performing Chemical Services))~~." If a licensee with a license restriction successfully retakes the ~~((chemical services portion of the))~~ examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-171 PASSING SCORES ON ALL EXAMINATIONS. Passing scores are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

The passing score on the barber, manicurist, esthetician, and ~~((chemical services))~~ cosmetology examinations is 76 percent. An applicant who receives a passing score of not less than 76 percent shall be entitled to a license.

~~((Applicants for a barber license will be required to obtain a passing score on the barber examination:~~

~~Applicants for a manicurist license will be required to obtain a passing score on the manicurist examination:~~

~~Applicants for a cosmetology license will be required to obtain a passing score on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform chemical services until successfully passing all three examinations:~~

~~If a cosmetology applicant passes the barber examination, a barber license will be issued upon request:~~

~~If a cosmetology applicant passes the manicurist examination, a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for a manicurist license will be required:)~~

Applicants for ~~((cosmetology))~~ instructor license will be required to obtain a converted score of eighty on the instructor's examination.

NEW SECTION

WAC 308-20-172 FAILED EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in issuance of license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date of the examination and must request a rescore of the examination.

(b) The following procedures apply to an appeal of the results of the examination.

(i) After a response regarding the rescore of the examination, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) The candidate will be allowed one hour to review their examination.

(iii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.

(c) The written request must specifically identify the challenged questions of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedures Act, chapter 34.05 RCW.

(g) The candidate will be notified in writing of the director's final decision.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-175 PERSONS LICENSED IN OTHER JURISDICTIONS. Persons licensed in any state, territory, or possession of the United States, or foreign country can apply for licensure by submitting a complete application, fee, and verification from the licensing authority of current licensure ~~((and a detailed transcript of all cosmetology, barber, and/or manicurist training))~~. Upon review, if a license is valid in another jurisdiction, the applicant will be scheduled for the next examination in the field in which they hold a current license.

(1) ~~((After review of the courses taken and hours involved if it is determined that the training at the time of licensure was obtained, is equivalent to Washington state requirements, as stated in WAC 308-20-080, a license will be issued without examination:~~

(2) ~~After review of the courses taken and hours involved if it is determined that the training is not equivalent to Washington state requirements, additional training in the lacking area(s) is required. When training to meet the requirements is obtained, the applicant must pass the examination(s) in the areas the training was needed, if a current out-of-state license is held. If the out-of-state license is invalid the complete examination for the requested license must be passed. The department will schedule the required examination(s) upon receipt of a statement from the school of the completion of required training and the monthly student record form that verifies the actual training received:)) To apply for licensure in any additional field, they must obtain training from a school licensed under this chapter in accordance with the course outline as shown in WAC 308-20-080.~~

(2) Individuals who applied for licensure under the law previous to July 28, 1991, have until January 1, 1993, to obtain their license under the conditions previously set forth. Failure to obtain their license under the previous law by January 1, 1993, will require the applicant to meet the criteria set forth in the current law.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-180 **POSTING OF LICENSE.** All individual licenses required by this chapter shall be posted (~~(in a location within the place of business)~~) at the individual work station with a current photograph of the licensee, at a location that is easily observed by members of the public for whom services are performed.

~~((The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee.))~~ School, instructor/operator, and salon/shop licenses will be displayed in the reception area.

In the case of multiple employment locations, a license must be posted at each location.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-205 **LICENSE RENEWAL—PENALTIES.** (1) Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director. Licenses may be reinstated up to ~~((three))~~ four years by payment of all renewal fees and a penalty fee for the period for which the license had lapsed.

(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director. Students shall not receive credit for instruction received during any period a school license is expired. In order to renew the school license in 1992, the new approved curriculum must be on file with the department of licensing.

(3) Each salon/shop, booth renter, mobile operator, and personal service operator license will expire annually. Booth renter, mobile operator, and personal service operator licenses will expire annually on the birth date expiration date. Salon/shop licenses will expire annually based on the date issued.

(4) Initial licenses will be issued to expire on the applicant's birth date but not less than ninety days from issuance. Renewals will be based on the two-year cycle.

(5) Beginning with the 1992 renewals, the renewal period will go to every two years. This will be staggered. If individual's birth year is even their 1992 renewal fee will be for two years. If the individual birth year is odd, a one year renewal fee is required with the beginning of two-year renewal cycle in 1993.

NEW SECTION

WAC 308-20-208 **GRANDFATHER PROVISIONS.** (1) All licenses issued prior to January 1, 1992, shall remain in effect until renewal or January 1, 1993, whichever is earlier. Prior to January 1, 1993, the licensee should take the following action:

(a) A cosmetologist whose license issue date is prior to January 1, 1992, may apply for licenses as a cosmetologist, barber, manicurist, and esthetician. A separate renewal fee is required for each. This may be done when the license is renewed for 1993. At the time of renewal send the renewal fee for each license type desired, with a statement designating the licenses to be issued.

(b) A manicurist whose license issue date is prior to January 1, 1992, may apply for licenses as an esthetician and a manicurist. A separate renewal fee is required for each. This may be done when the license is renewed for 1993. At the time of renewal send the renewal fee for each license type, with a statement designating the licenses to be issued.

(c) An instructor whose license issue date is prior to January 1, 1992, may be issued an instructor/operator license with endorsements for all four license types. This may be done when the license is renewed for 1993. When you submit your renewal and fee, the designation for the endorsements should be indicated.

(d) After January 1, 1993, multiple licenses and endorsements cannot be obtained based on original issue date. All applicants must meet training, licensure, and examination requirements of the current law.

(2) Students enrolled in a licensed school in the course outline as stated in WAC 308-20-080, may apply for examination in any type or any combination of types of examination when they complete the approved course.

(a) Cosmetology students, upon completion of the approved course of instruction, may apply for the cosmetology, barber, manicuring, and esthetic examinations. Each requires a separate application and fee and passage of the appropriate examination. Manicurists, upon completion of the approved course of instruction, may apply for the manicurist and esthetic examinations. Each requires a separate application and fee and passage of the appropriate examination.

(b) Students who have previously applied for examination and not obtained licensure prior to January 1, 1992, may also apply for the examination as stated in (a) of this subsection.

(c) All applicants who completed their training under the curriculum required in the previous law, but have not successfully obtained their license by July 1, 1993, will be eligible only for the examination offered in their primary course of training.

(d) Students may not be enrolled in any program under the previous law if they cannot complete their training prior to January 1, 1993.

(3) Schools must file with the department the curriculum required in the current law by July 1, 1992.

(a) A school may file and enroll students in the current law curriculum once it is approved by the department. Upon submission of the new curriculum, if a starting enrollment date other than July 1, 1992, is desired, the effective date of the curriculum must be designated. However, enrollment of all students from the designated date forward must be in the currently approved curriculum.

(b) Schools must complete the training of all students in the curriculum that was in effect when enrolled in the school. However, students may not be enrolled in the school under the curriculum required by the previous law if they cannot complete their training prior to January 1, 1993.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-210 **COSMETOLOGY FEES.** The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
Examination retake	30.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	30.00
Manicurist:	
Examination application	25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Esthetician:	
Examination application	25.00
Examination retake	25.00
Renewal per year	20.00
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00

Title of Fee	Fee
School:	
License application	175.00
Renewal <u>per year</u>	175.00
Late renewal penalty	175.00
Duplicate	15.00
<u>Curriculum review</u>	<u>15.00</u>
Barber:	
Examination application	25.00
<u>Examination retake</u>	<u>25.00</u>
Renewal <u>per year</u>	20.00
Late renewal penalty	20.00
Out-of-state application	25.00
Duplicate	15.00
Certification	25.00

**WSR 91-22-095
EMERGENCY RULES
DEPARTMENT OF LICENSING**

[Filed November 6, 1991, 9:52 a.m., effective January 1, 1992]

Date of Adoption: November 6, 1991.

Purpose: To implement the provisions of ESHB 1136.

Citation of Existing Rules Affected by this Order:
Amending chapter 308-20 WAC, Cosmetology—Barber—Manicurist rules.

Statutory Authority for Adoption: Chapter 18.16 RCW and RCW 34.05.220.

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 time constraints of the permanent rules filing process; there is not time for the process to be completed prior to January 1, 1992. Permanent rules are being filed concurrent with this emergency filing which will give the opportunity for public comment.

Effective Date of Rule: January 1, 1992.

November 6, 1991
Marsha Tadano Long
Assistant Director

**Chapter 308-20 WAC
COSMETOLOGY—BARBER—MANICURIST—
ESTHETICIAN RULES**

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-010 DEFINITIONS. (1) "Creditable hour" means only those hours of training while the student is performing in the subject areas listed in the course outline, as stated in WAC 308-20-080 and 308-20-105.

(2) "Chemical compounds formulated for professional use only" are those compounds containing hazardous

chemicals in a form not generally sold to the public, including but not limited to, bulk concentrates of permanent wave solution, neutralizers, chemical relaxers, oxidizing agents, flammable substances, facial creams, or approved chemical compounds. These compounds must be designated for use on the hair ~~((of the))~~, face, neck, skin, or scalp.

(3) "Curriculum" means a detailed course of study.

(4) "Student learning objectives" are measurable outcomes expected to occur as the result of instruction.

(5) "Instructional objectives" are measurable evaluation of the attainment of the student learning objectives.

(6) "Terminal learning objectives" are final outcomes expected to occur at the completion of a course of study as a result of instruction.

(7) "Monthly student record" is a form provided by the school, approved by the department, preprinted with school name and address, that shows the actual activities of the student in each subject, (i.e., shampoo, haircut, perm, color, etc.) within each course (i.e., barbering, manicuring, ~~((chemical services))~~ cosmetology, esthetics, or ~~((cadet))~~ instructor-trainee).

(8) "Completed and graduated" is the completion of the state approved minimum hourly course of training and passage of a state approved performance evaluation administered by the school.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-020 TERM OF COURSE—EXAMINATION ELIGIBILITY. A school shall not require students to remain in school after the completion ~~((of))~~ and graduation from the minimum state ~~((credit-able hours required in the))~~ approved course of instruction.

Any individual, seventeen years of age or older, having completed 500 hours of manicurist training approved by the director and graduated may apply for examination to be licensed as a manicurist.

Any individual, seventeen years of age or older, having completed 500 hours of esthetics training approved by the director and graduated may apply for examination to be licensed as an esthetician.

Any individual, seventeen years of age or older, having completed ~~((800))~~ 1000 hours of barber training as approved by the director and graduated may apply for examination to be licensed as a barber.

Any individual, seventeen years of age or older, having completed 1600 hours of cosmetology training as approved by the director and graduated may apply for examination to be licensed as a cosmetologist. ~~((Cosmetology training consists of the 500 hour manicurist course, the 800 hour barber course and the 300 hours of training in chemical services as approved by the director.))~~

Any person who has the same qualifications as a cosmetologist, barber, manicurist, or esthetician and who has completed at least 500 hours of instruction in ~~((cosmetology))~~ teaching techniques and lesson planning in a school may apply for examination to be licensed as ~~((a cosmetology))~~ an instructor/operator with endorsements to teach in the area of their individual license.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-030 CURRICULUM STRUCTURE. Each curriculum shall be designed to prepare students for at least beginning employment/job entry. A school offering training in cosmetology, barbering, esthetics, manicuring, and instructor-training will submit a curriculum for each course. The curriculum shall include the minimum state required hours in accordance with the course outline as stated in WAC 308-20-080 and 308-20-105.

Each curriculum shall include clearly defined, tangible instructional objectives and student learning objectives to meet the training needs of each course offered by the school. The number of hours in each subject and the mannequin versus the live model work ratio will be detailed.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-040 APPLICATION FOR SCHOOL LICENSE. With each school application, the following items must be included before a school license will be approved by the department:

(1) Names and addresses of all school owners. Change in ownership of less than fifty-one percent must be submitted to the department within fifteen days, accompanied with the affidavit of sale,

(2) Names and addresses of all school operators or managers,

(3) Names and addresses of all instructors responsible for the training of students. The department must be notified, in writing within fifteen days, when a change of instructor staff occurs,

(4) A copy of the curriculum for each course the school intends to offer. A ~~((cosmetology))~~ school offering cosmetology instruction must submit a ~~((combined))~~ cosmetology curriculum ~~((for manicurist, barber and chemical services))~~; a school offering barber instruction must submit a barber curriculum; a school offering esthetics instruction must submit an esthetician curriculum; a school offering manicurist instruction must submit a manicurist curriculum. A school offering instruction in cosmetology, barber, esthetics, and ~~((manicurist))~~ manicuring must submit ~~((a))~~ separate complete curriculums for each. Any school offering ~~((cosmetology))~~ instructor training must submit a curriculum in ~~((cosmetology))~~ teaching techniques and lesson planning. Each curriculum must meet the training guidelines established by the director and adopted by rules pursuant to this chapter. A copy of the instructional objectives, student learning objectives, terminal learning objectives and student rating scale for each curriculum must be submitted with the application. The school minimum requirements of services designating mannequin versus live model ratio must be a minimum of twenty-five percent of all services performed. A school license will be issued with endorsements to instruct in cosmetology, barbering, esthetics, manicuring, and/or instructor training according to the curriculums submitted. Endorsement may be added

to a school license by submitting the required curriculum and paying the required fee,

(5) Each school will submit, at the time of application, a catalog, bulletin or other printed material which contains accurate and current information regarding the operation and requirements of the school. Supplements to the catalog/bulletin are to be fastened to the publication and, if such information supersedes any information contained elsewhere in the catalog/bulletin, it must be clearly indicated on the supplement. The catalog/bulletin is to be made available to all students prior to enrollment and must include, but not be limited to, the following information:

(a) Names of all owners and/or managers.

(b) Names and qualifications of all instructors.

(c) Beginning and ending dates of training, including hours of operation, and observed holidays. Students attendance to be no more than eight hours per day and forty hours per week.

(d) Placement assistance, if any.

(e) Policy outlining acceptable conduct of students including grounds for dismissal and readmission.

(f) School policy on absences, leave, tardiness, and make-up work.

(g) School policy and regulations regarding student progress including expected rate of progress, minimum acceptable grades, penalties for unsatisfactory progress, and the rights of students to appeal.

(h) School policy and regulations regarding breaks and lunches. Lunches and break times are not creditable toward the minimum state requirements.

(i) Total cost to students including registration fee, books, supplies, equipment, tuition, lab fees, or any other associated cost for which the student is liable.

~~((+))~~ (j) A description of each course to include total hours, the course objectives and the method of instruction. (E.g., classroom lab, etc.,) and any certificate or credentials awarded upon completion.

~~((+))~~ (k) Cancellation and refund policies.

~~((+))~~ (l) The address and phone number of the department of licensing, cosmetology, barber, manicure, and esthetics section for student's use in contacting the state regarding Washington state laws or concerns about their training.

(6) A copy of the school's monthly and final student record form, showing hours of training earned in each area listed in WAC 308-20-080 or in the case of an instructor-trainee, WAC 308-20-105. The form must be preprinted with the school name and address and signature areas for both the student and instructor and be in a form ~~((acceptable to))~~ approved by the department.

The approved form must show operations or hours of activity daily in each subject, by course, i.e., barbering, manicuring, esthetics, cosmetology, or ~~((chemicals))~~ instructor-trainee with total hours by course daily and monthly in subjects, listed in WAC 308-20-080 or 308-20-105, with totals in each subject for month to date and total to date. Hours of training, in addition to state required hours, should show in a separate area. This form must also show the completion of the state approved performance evaluation demonstrating graduation.

(7) Each school shall submit a copy of the enrollment contract or agreement for each course of training offered. The contract/agreement must include at least the following:

- (a) The school's cancellation and refund policy;
- (b) Adequate information to clearly define the terms of the agreement between the student and the school, including but not limited to:
 - (i) The name and address of the school and student.
 - (ii) The date training is to begin, and the number of hours of instruction.
 - (iii) An itemized list of all costs incurred by the student to complete the training. Such costs shall include tuition and registration fees, books, supplies, and equipment and all other charges made by the school. Methods of payment or payment schedule must be clearly stated.
- (c) A statement acknowledging receipt of the copy of the school's catalog/brochure and enrollment agreement by the student;
- (d) The school shall retain a copy of the student enrollment agreement and one copy shall be delivered to the student at the time of execution.
- (8) A description of the school facilities and equipment. This may be submitted by facility architect's blue print with equipment penciled in or by accurate hand drawn diagram including equipment to be used for training of students;

(9) ~~((A surety bond))~~ An approved security as established by WAC 308-20-060 shall be submitted with the application for school licensure. No school shall be approved until the ~~((surety bond))~~ approved security is in force.

The department shall be notified within fifteen days of any changes in subsections (1) through (9) of this section.

(10) Estimated gross tuition form indicating the expected gross tuition for one year. This information will be used to determine the required ~~((bond))~~ security amount. If the tuition earned exceeds the estimated amount, the ~~((bond))~~ security will be amended to reflect actual tuition earned.

(11) A minimum of one instructor per twenty students is required.

(12) Schools must maintain all student's final records for a minimum of four years.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-050 CHANGE IN OWNERSHIP OF SCHOOL. If a change involving ~~((twenty-five or more percent))~~ the controlling interest of school ownership occurs, a new license application must be submitted with an affidavit of the sale demonstrating proof of ownership, or percentage of ownership, by the new owners. The new application must be complete. It must include all items listed in WAC 308-20-040 and the required fee. A new license must be issued prior to operation. Applicants should allow at least forty-five days for processing a complete application.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-060 ~~((SURETY BOND))~~ **APPROVED SECURITY REQUIREMENT FOR SCHOOLS.** Every currently licensed school and every applicant for a new or renewed school license is required to have ~~((a surety bond))~~ an approved security which meets legal requirements. ~~((Surety bonds))~~ Approved securities shall be made to the state of Washington and be kept on file at the department of licensing.

(1) The amount of the ~~((bond))~~ security shall be ~~((one))~~ ten thousand dollars or ~~((five))~~ ten percent of the annual gross tuition collected by the school, whichever is greater. The ~~((bond))~~ security shall not exceed ~~((twenty-five))~~ fifty thousand dollars and shall run to the state of Washington for the protection of unearned prepaid student tuition.

(2) At the time of licensing each school shall file ~~((a surety bond))~~ an approved security with the director of licensing, hereinafter referred to as the director, in a form acceptable to the department. The ~~((bond))~~ security may be continuous or renewable at the time of renewal of license: PROVIDED, That the ~~((bond))~~ security shall cover the full period during which a school is licensed unless the ~~((surety))~~ security has been released as provided in subsection (4) of this section.

(3) The ~~((bond))~~ security shall be executed by the licensed school as principal and by a ~~((surety))~~ company authorized to do business in this state ~~((as surety))~~. The ~~((bond))~~ security shall run to the state of Washington, for protection of unearned prepaid student tuition.

(4) A ~~((surety on a bond))~~ security may be released by serving written notice thereof to the director at least ~~((thirty-five))~~ sixty days prior to the release, but the release shall not discharge or otherwise affect any claim theretofore or thereafter filed by a student or enrollee, or, in the case of a minor, his or her parents or guardian.

The director shall give the school at least thirty days' written notice prior to the release of the ~~((surety))~~ security to the effect that upon release of the ~~((surety))~~ security the school license will be null and void by operation of RCW 19.72.130 until a new and sufficient ~~((surety bond))~~ approved security is filed in the same manner and amount as the ~~((bond))~~ security being terminated or the amount required by the gross tuition earned, whichever is greater. Students shall not receive credit for instruction received during any time a school ~~((bond))~~ security is not in effect.

(5) All currently licensed schools, in order to maintain a valid license, must file with the department of licensing an approved security as required in this section by July 1, 1992.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-070 TRAINING GUIDELINES. A ~~((numerical))~~ rating scale shall be used to evaluate and record student progress.

The student's competency in attaining learning objectives is to be rated.

Schools will design a rating method form that will demonstrate each student's progress in each course. Schools will design instructional objectives which promote student progress from beginning to completion within the specified hours required for each ((course)) program. ((Each month)) The school shall provide each student with a current copy of his/her ((rating)) progress report according to its evaluation schedule as outlined in the catalog on file with the department of licensing.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-080 COURSE OUTLINE OF TRAINING REQUIREMENTS. Listed are the subjects that make up the mandatory ((800)) 1000 hours of training for barbering, 500 hours of training for manicuring, 500 hours of training for esthetics, and ((300)) 1600 hours of training for ((chemical services)) cosmetology. To qualify for the barber examination students ((only)) need to complete the ((800)) 1000 hours of barbering ((subjects)) courses, to qualify for the manicurists examination students need ((only)) to complete the 500 hours of manicuring ((subjects:)) courses, to qualify for the esthetician examination students need to complete the 500 hours of esthetic courses, to qualify for the cosmetology examination students ((must)) need to complete ((800 hours of barbering subjects, 500 hours of manicuring subjects, and 300)) 1600 hours of ((chemical services subjects. A cosmetologist qualifies to perform all listed services and must be trained in all three areas)) cosmetology courses.

Barber ((Services)) Training:

1. Theory
2. Shampooing - includes draping, brushing hair, scalp manipulations, PH values, conditioning and rinsing
3. Scalp and Hair Analysis
4. Haircutting and Trimming - includes scissor, razor, thinning shears, and clipper
5. Cutting and Trimming of Facial Hair - includes shaving, beard, and mustache, eyebrow, ear & nose trimming
6. Thermal Styling
7. Wet Styling ((=includes pin curling, braiding, fingerwaves, shaping, and rollers))
8. Dry Styling ((=includes braiding, shaping, brushing, backcombing, and rollers))
9. Styling Aids
10. Artificial Hair - includes fitting and styling when working with clients
11. Sanitation - includes cleaning individual work station, shampoo and dispensary bowls after individual use, proper disposal and storage of towels used by the student, ((life expectancy of disinfectants:)) sanitizing implements used by the student
- ((+)) 12. Diseases - skin, scalp and hair
- ((+)) 13. Safety - includes demonstration of implements and proper use, electrical appliances
- ((+)) 14. First Aid - as related to the barbering field

Manicurist ((Services)) Training:

1. Theory
2. Artificial Nails - may include((s-nail analysis)) silk, linen, fiberglass, acrylic, gel, powder, extensions, and sculpting, preparation of the nail, application, finish and removal
3. ((Skin Care = includes hot compresses, facials, hand massage or using approved electrical or mechanical appliances, or approved chemical compounds)) Manicuring - cleaning, shaping, and polishing of the nail and the treatment of the cuticles

4. ((Temporary removal of superfluous hair - tweezing, waxing, tape, and chemicals)) Pedicuring - cleaning, shaping, and polishing of the nails of the feet
5. Sanitation - cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants ((and life expectancy of disinfectants)), sanitation methods of equipment
6. Safety - includes demonstration of implements and proper use
7. Diseases and Disorders - nail ((and skin))
8. First Aid - as related to the manicurist field

Esthetician Training:

1. Theory
2. Skin Care - includes hot compresses, massage, approved electrical or mechanical appliances or approved chemical compounds
3. Facials - may include make-up and skin and color analysis
4. Temporary removal of superfluous hair - tweezing, waxing, tape, and approved chemicals, lotions, creams, or mechanical or electrical apparatus or appliance
5. Sanitation - cleaning of individual work station, proper storage and disposal of equipment used by the student, disinfectants, sanitation methods of equipment
6. Safety - includes demonstration of implements and proper use
7. Diseases and disorders of the skin
8. First aid - as related to the esthetics field

((Chemical Services)) Cosmetology Training consists of 1600 hours of cutting, trimming, and chemical processing of the hair and a basic introduction to manicuring and esthetics.

1. Theory
2. A minimum of 100 hours involving the safe and sanitary practice of manicuring, pedicuring, and artificial nails
3. A minimum of 100 hours involving the safe and sanitary practice of skin care and temporary removal of hair
4. Scalp and hair analysis
- ((=)) 5. Permanent Waving - includes ((scalp and hair analysis;)) sectioning and wrapping, preperm test curl (when necessary), solution application, processing ((t))test curl, (when necessary) and neutralizing
- ((=)) 6. Chemical Relaxing - includes ((scalp and hair analysis;)) sectioning, strand test, relaxer application
- ((+)) 7. ((Chemical Training Elements = includes processing, neutralizing, materials, equipment)) Hair cutting and trimming - includes scissor, razor, thinning shears, and clipper
8. Shampooing - includes draping, brushing hair, scalp manipulations, conditioning, and rinsing
9. Styling - thermal, wet, dry, and styling aids
- ((=)) 10. Hair Coloring or Bleaching - includes ((scalp & hair analysis;)) predisposition test, strand test, measurement and mixing of chemicals, application of chemicals and removal of chemicals
11. Artificial Hair - may include extensions and fitting when working with clients
- ((=)) 12. Sanitation - clean individual work station, sanitize individual equipment and tools, ((life expectancy of disinfectant;)) proper use and storage of linens and chemicals
- ((=)) 13. First Aid and Safety - as it relates to ((the use of chemicals)) cosmetology

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-090 STUDENT CREDIT FOR TRAINING. (1) Only those hours of instruction received under the direction of a licensed instructor and on the premises of the licensed school in which the student is enrolled and in the courses listed in this chapter shall be credited toward the hourly training requirements.

(2) Students shall not receive credit for training received during any period the school license is void, expired, suspended, revoked, or otherwise not currently in effect.

(3) ((Manicurists will be given 500 hours credit and barbers will be given 800 hours credit toward meeting

~~the hourly requirement of 1600 hours in cosmetology. Cosmetology students transferring to a barber or manicurist course shall transfer only the credit that applies to the course for which they are transferring.)~~ Students withdrawing from a licensed school, within Washington state, prior to completion of the course must obtain a certified copy of the signed monthly report including the last day attended to verify credit for training when enrolling in another school.

(4) Students transferring from another school, state, country or territory may, at the school's discretion, receive credit toward completion of student learning objectives and course requirement hours as follows: (a) Hour for hour credit as applies to each of the Washington state minimum recognized creditable hours in each course, as verified by the certified copy of the last student monthly report, and; (b) student learning objective credit after successfully demonstrating to the school that the objectives have been met.

Schools transferring credits will transfer to the student report form, in appropriate categories by course, the credits accepted. The certifying school accepts responsibility for total training of the student.

(5) Each month the school will provide a copy of the completed monthly report form to the student. When a student transfers to a new school an enrollment student record will be developed for the permanent student file with a copy given to the student prior to enrollment. This will reflect the training transferred and the areas of training still needed.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-100 RECORDING STUDENT HOURS. (1) Each school shall record student hours daily and provide to each student monthly accumulated totals of all hours obtained for each course offered including detailed noncreditable hours. (~~Cosmetology students will have hours recorded in manicuring, barbering and chemical services as the training takes place.~~) Up to date monthly accumulated hourly totals shall be recorded as they are achieved(:). The original report will be kept on file at the school and a copy provided to the student each month.

(2) Hours credited to a student may not be deducted without documentation demonstrating justification.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-105 CURRICULUM FOR INSTRUCTOR-TRAINEES. Licensed schools wishing to offer training for ((cosmetology)) instructors are required to develop and maintain an appropriate curriculum. This curriculum should be based on five hundred hours of training and study in the areas shown below:

(1) Training in instructional methods covering the following subjects or units:

- (a) Methods of teaching ((cosmetology)):
 - (i) Lesson planning to meet instructional objectives;
 - (ii) Student learning principles for student learning objectives;

- (iii) Classroom management;
- (iv) Four-step method; and
- (v) Occupational analysis.
- (b) Course organization:
 - (i) Develop instruction from analysis;
 - (ii) Organize and prioritize;
 - (iii) Group and sequence learning units;
 - (iv) Test and evaluate; record progress of students on monthly report forms; and
 - (v) Teaching aids.
- (c) Student leadership development:
 - (i) How to be effective;
 - (ii) Student leadership organization such as Vocational Industrial Clubs of America;
 - (iii) Personality and conduct;
 - (iv) Interpersonal relationships; and
 - (v) Customer relations.
- (d) One of the following topics or units:
 - (i) Testing and rating;
 - (ii) Audio visual materials;
 - (iii) Philosophy of vocational education; or
 - (iv) Techniques in individualized instruction.
- (2) Training in clinic supervision and management covering the application of teaching techniques as follows:
 - (a) Practical classroom and clinic services:
 - (i) Sanitation of all tools, implements, equipment, and work areas; and
 - (ii) Safety involved in providing any service to members of the public.
 - (b) Safety in the storage, mixing, and use of all chemicals used in a cosmetology, barber, or manicurist school or business.
 - (c) Student's practical assignments.
 - (d) Motivational supervision.
 - (e) Student assistance.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-107 USE AND TRAINING OF INSTRUCTOR-TRAINEES. (1) ((Cosmetology)) Instructor-trainees cannot be used to replace a licensed instructor for the training of students. Instructor-trainees must be under the direct supervision of a licensed instructor at all times.

(2) "Direct supervision" means the licensed ((cosmetology)) instructor shall:

(a) Inspect a substantial portion of the instructor-trainee's work;

(b) Be physically present on the premises where the instructor-trainee is working and be available for consultation with the instructor-trainee a minimum of eighty percent of the time claimed as hours of training received. Provided, that "direct supervision" shall not require that the licensed ((cosmetology)) instructor while on the premises inspect all the instructor-trainee's work, nor shall it require that the licensed ((cosmetology)) instructor and the instructor-trainee be constantly in the same room.

(3) A school licensed under chapter 18.16 RCW and providing instruction to instructor-trainees must provide the department of licensing at least seven days advance

notice, in writing, of the name and address of each person who will receive instruction as a ~~((cosmetology))~~ instructor-trainee.

(4) No person may be used as, or receive credit for training as, ~~((a cosmetology))~~ an instructor-trainee unless the person holds a current, valid cosmetology, barber, manicurist, or esthetician license.

(5) Schools may enroll instructor-trainees, whose initial licenses are in programs offered by that school. For instance, a school limited to instructing barbers and instructor-trainees, cannot enroll an instructor-trainee whose individual license is in manicuring.

(6) No person may be used as, or receive credit for training as, ~~((a cosmetology))~~ an instructor-trainee for more than 600 hours total at any school or schools licensed under chapter 18.16 RCW, unless the school has first requested and received from the department of licensing written approval to use or train a certain instructor-trainee for additional hours.

~~((6))~~ (7) No ~~((cosmetology))~~ instructor-trainee may receive any wage or commission.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-109 INSTRUCTOR-TRAINEE CREDIT FOR TRAINING. Each ~~((cosmetology))~~ school shall daily record instructor-trainee hours of instruction received in ~~((cosmetology))~~ teaching techniques and in lesson planning. The ~~((cosmetology))~~ school shall provide to each instructor-trainee monthly accumulated totals of hours of instruction the instructor-trainee has received. Except for instruction received in an otherwise state approved teacher training program, only those hours of instruction received under the direct supervision of a licensed instructor and on the premises of the licensed school may be credited toward the instructor-trainee hourly training requirement.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-110 MINIMUM SCHOOL SAFETY STANDARDS. (1) Each licensed school or institution will be responsible for providing a clean, safe environment for the training of students and provide all students the necessary training to ensure that sanitation and safety measures are applied for the maximum protection of the public, students, and models.

(2) An adequate supply of hot and cold running water must be provided ~~((for the benefit of the student's and consumer's health, safety and welfare))~~ in the shampoo area, dispensary and toilet facilities in accordance with federal, state, and local laws.

(3) Clean towels shall be provided for each customer and shall be laundered after every use. Clean towels will be kept in closed cabinets ~~((until used))~~ with tight fitting doors and shall be kept closed to protect the linen and towels from dust and dirt.

(4) Robes or gowns used by customers must be laundered after every use, and stored in closed cabinets until used. ~~((Soiled linens should be kept in ventilated closed containers. Towels, robes and gowns shall not be washed~~

~~or dried on the premises except in suitable automatic washers and dryers.))~~

(5) A separate area with an adequate supply of hot and cold running water, shall be designated as a dispensary for the dispensing of supplies and for the cleaning of tools, equipment and materials.

(6) Wet sanitizer—fresh, clean solution shall be in a clean covered container for the sanitizing of combs, brushes and other tools or implements. The solution will be of a sufficient chemical mixture that will destroy bacterial and viral germs.

(7) Chemicals must be stored in compliance with federal, state, and local laws to ensure maximum protection against fires, fumes, corrosion of containers or contamination. Storage areas shall be posted "flammable liquids" and "hazardous chemicals." Materials should be inspected regularly and corroded containers and outdated chemicals must be discarded immediately.

(8) Adequate toilet facilities shall be provided for the use of customers, employees and students in sufficient quantity to comply with state and local laws. The use of common towels and bar soap is prohibited.

(9) Shampoo bowls will be kept clean and free of hair ~~((in traps)).~~

(10) Licenses of the school and all currently employed instructors must be posted in ~~((public view))~~ the reception area.

(11) All trays, rollers, floors, chairs, and other implements should be free from dust, dirt, and/or hair.

(12) Clippers, scissors, razors, rollers, and other implements should be disinfected and sanitized after each use. Once sanitized they should be stored in clean covered/sealed containers to maintain dry sanitation. Used implements should be stored in an area separate from the sanitized implements.

(13) ~~((Hazardous chemicals and flammable liquid signs should be posted in the dispensary, storage room, and any other location these materials may be located.~~

(14) Fire extinguishers must be readily accessible to the dispensary, storage room, and other locations where flammable liquids may be kept.

~~((15) Facial rooms must have provisions for privacy, hot and cold running water, closed cabinets for linen storage, and method or procedure to sanitize and store implements in a manner that maintains sanitation.))~~ Soiled towels and linens must be stored in covered ventilated receptacles.

(14) Each work station shall have a waste basket or similar container and must be emptied and cleansed daily.

(15) Creams, lotions, and fluids shall be dispensed and administered in such a way to maintain acceptable sanitation standards.

(16) General appearance – the school floor, walls, ~~((and ceilings))~~ fixtures, ceilings, and work stations must be clean and free from dust, dirt, and hair and in good working condition.

(17) Ventilation should be sufficient to keep odors from the chemicals used at a safe level and in compliance with federal, state, and local laws.

(18) Electrical wiring must be acceptable to the local fire district as demonstrated by a current fire inspection

form. Electrical plug-ins should not reflect any frays and be properly repaired to prevent shock.

(19) Waste disposal, plumbing, and lighting are to be in compliance with federal, state, and local laws.

(20) No animals will be allowed in a school except animals trained to assist disabled patrons.

(21) A notice supplied by the department of licensing, giving the address and phone number of the department for submitting written complaint, shall be posted in the reception area.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-120 EXAMINATION CONSTRUCTION AND CONTENT. Examinations for cosmetologists, barbers, estheticians, and manicurists shall consist of written questions, with multiple choice answers. The examination will determine the applicant's knowledge of safe and sanitary practice. Safe and sanitary practices includes but is not necessarily limited to, the use of tools, machines, materials, processes used to provide a service, or working conditions, which may adversely affect the members of the public or licensees. The examination for ~~((a cosmetology))~~ an instructor's license will cover lesson planning and ((cosmetology)) teaching techniques.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-130 EXAMINATION OBJECTIVES. The following objectives will constitute the basis for written examination questions for the cosmetologist's, barber's, esthetician's, and manicurist's license:

(1) The applicant's knowledge of safety skills in the use of tools, machines, materials and processes in providing any service offered within each course of instruction.

(2) The applicant's knowledge of providing maximum protection, caution and consideration for consumer's eyes, ears, skin, nails, hair and clothing as applies to each course of study.

(3) The applicant's knowledge of all means of sanitation necessary to maintain clean tools, equipment, machines, materials and work areas to prevent contamination and the spread of disease.

(4) The applicant's knowledge of hazards involved in the storage of flammable, volatile or combustible substances, acids and corrosive materials used within the cosmetology, barber, esthetics, or manicurist occupations.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-140 EXAMINATION—APPLICATION. (1) Examinations are administered ~~((at least))~~ monthly. Examination schedules will be published and issued to each school. Each licensed school shall post the schedule of examinations in plain view for the students and provide students with an application and all necessary information for completing and submitting the

application. No school shall prohibit or hinder a student from submitting an application for examination if the student is at least seventeen years of age and has completed the minimum state required ((creditable hours in the approved)) course of study and graduated.

(2) Each application submitted must be complete in every respect, including fee before the applicant will be scheduled for examination. The application must include a copy of the final student record form verifying the total activities in each subject and the hours of training in each course signed by the student and instructor. A sworn statement by the student that all statements on the application are true and correct is to be included. The school owner or manager will also sign a sworn statement that all statements made in the application are true and correct and this school has complied with all state regulations regarding the training of the student.

(3) Applications may be submitted when the student is within one hundred fifty hours of completing the required training. These applications must include a sworn statement by student and school owner or manager that the student is within 150 hours of completing the required training. The training affidavit and final student record form must be submitted prior to being authorized to sit for any examination. If completed properly and otherwise satisfactory, the applicant will be authorized to take the examination ~~((at))~~.

(4) Applications and fees for examination must be received in the department of licensing no later than the first day of the month to be scheduled for the next month's examination. (For example: Must be received by August 1 to be scheduled for the September examination.) The postmark date is not acceptable.

(5) Any student trained in the cosmetology curriculum approved by the state under the law effective previous to July 28, 1991, may apply for the cosmetology, barber, manicurist, and esthetician examinations. A complete separate application and fee is required for each examination. This provision is not available to individuals trained in a school with an approved curriculum as required in WAC 308-20-080, effective January 1, 1992. Any person who qualifies by training under the previous law but does not make application and pass the required examination by January 1, 1993, must then meet the eligibility requirements of the current law.

(5) Any person who fails to appear as scheduled for an examination, shall forfeit the fee.

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

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-150 STUDENT APPEAL—EXAMINATION ELIGIBILITY DENIAL BY THE SCHOOL. Should a school owner or manager refuse to sign the eligibility portion of the student examination application after the student has ~~((obtained the required course hours))~~ met the minimum state requirements, the student may appeal. An appeal must be submitted to the department, in writing, stating specific reasons why the

student feels he/she is eligible. An appeal must be submitted with a completed examination application, accompanied by the required fee and copy of (~~achievement indicator~~) final monthly student form showing completion of hours and ((~~learning objectives~~) performance evaluation demonstrating graduation.

A school owner or manager is required to respond in writing stating the reason for refusal to sign. The school owner or manager shall provide documentation of events or reasons which substantiate his/her refusal to sign. A school's failure to respond within twenty days may result in default. More than four appeals from students of any one school in a one-year period may result in review of curriculum and training provided for students by the school.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-155 PROCEDURE FOR APPLICANTS REQUIRING SPECIAL ACCOMMODATIONS FOR LICENSURE EXAMINATION. (1) An applicant for a licensure examination who, due to a specific physical, mental or sensory impairment, requires special accommodation in examination procedures, may submit a written request for the specific accommodation needed.

(a) The applicant must submit an individualized written opinion from a physician or other specialist:

(i) Verifying the existence of a specific physical, mental, or sensory impairment;

(ii) Stating whether special accommodation is needed for a specific licensure examination; and

(iii) Stating what special accommodation is necessary. The applicant must also submit to the department a signed and notarized authorization, authorizing the specifically identified physician or other specialist to discuss the matter with the department of licensing's representative.

(b) The written request for special accommodation and individualized written opinion must be submitted to the department of licensing at least eight weeks in advance of the examination date and must be accompanied by a completed application and the application fee.

(c) Only readers and (~~translators~~) interpreters provided and/or approved by the department may be used for reading/~~(translating)~~ interpreting the examination. The department will bear the costs of the initial scheduled examination. The applicant will be required to bear the costs associated with any rescheduled examinations.

(d) Applicants who pass the (~~cosmetology~~) examination with the assistance of a reader/~~(translator)~~ interpreter will be issued a license with the following printed restriction: "Requires Reading Supervision For Product Usage (~~When Performing Chemical Services~~)."
If a licensee with a license restriction successfully retakes the (~~chemical services portion of the~~) examination without the assistance of a reader or translator, a new license will be issued without the restriction.

(2) Applicants who wish to use a foreign language dictionary during an examination must obtain approval at the examination site prior to the examination. Only dictionaries without definitions will be approved for use.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-171 PASSING SCORES ON ALL EXAMINATIONS. Passing scores are based on the standard of 100 percent and are determined by the cosmetology/barber/manicurist advisory board.

The passing score on the barber, manicurist, esthetician, and (~~chemical services~~) cosmetology examinations is 76 percent. An applicant who receives a passing score of not less than 76 percent shall be entitled to a license.

~~((Applicants for a barber license will be required to obtain a passing score on the barber examination.~~

~~Applicants for a manicurist license will be required to obtain a passing score on the manicurist examination.~~

~~Applicants for a cosmetology license will be required to obtain a passing score on the barber examination, the manicurist examination and the chemical services examination. No one will be licensed to perform chemical services until successfully passing all three examinations.~~

~~If a cosmetology applicant passes the barber examination, a barber license will be issued upon request.~~

~~If a cosmetology applicant passes the manicurist examination, a manicurist license will be issued upon request. There will be no refund of fees for separate licenses issued. If both barber and manicurist licenses are requested, an additional fee for a manicurist license will be required.)~~

Applicants for (~~cosmetology~~) instructor license will be required to obtain a converted score of eighty on the instructor's examination.

NEW SECTION

WAC 308-20-172 FAILED EXAMINATION APPEAL PROCEDURES. (1) Any candidate who takes the state examination for licensure and does not pass the examination may request to review their papers.

(a) The department will not modify examination results unless the candidate presents clear and convincing evidence of error in the grading of the examination.

(b) The department will not consider any challenge to examination grading unless the total of the potentially revised score would result in issuance of license.

(2) The procedure for requesting an informal review of examination results is as follows:

(a) The request must be in writing and must be received by the department within thirty days of the date of the examination and must request a rescore of the examination.

(b) The following procedures apply to an appeal of the results of the examination.

(i) After a response regarding the rescore of the examination, the candidate must appear personally in the department office in Olympia to review the examination. The candidate must contact the department to make an appointment for the exam review session with department staff.

(ii) The candidate will be allowed one hour to review their examination.

(iii) Within fifteen days of the review the candidate, in writing, must specifically identify the challenged

questions of the examination and must state the specific reason(s) why the results should be modified with multiple published reference material supporting the candidate's position.

(c) The department will review the examination and justification submitted by the candidate. The candidate will be notified in writing of the department's decision.

(d) Any candidate who is not satisfied with the results of the informal examination review may, within twenty days of the date on the notice of the department's informal review notification, request a formal hearing to challenge the examination results.

(3) The procedures for requesting a formal hearing are as follows:

(a) The candidate must complete the informal review process before requesting a formal hearing.

(b) The request for a formal hearing must be received by the department within twenty days of the date on the notice of the results of the department's informal review.

(c) The written request must specifically identify the challenged questions of the examination and must state the specific reason(s) why the candidate believes the examination results should be modified.

(d) Candidates will receive at least twenty days notice of the time and place of the formal hearing.

(e) The hearing will be restricted to the specific portion(s) of the examination the candidate has identified in the request for formal hearing.

(f) The formal hearing will be conducted pursuant to the Administrative Procedures Act, chapter 34.05 RCW.

(g) The candidate will be notified in writing of the director's final decision.

AMENDATORY SECTION (Amending WSR 91-11-042, filed 5/10/91, effective 6/10/91)

WAC 308-20-175 PERSONS LICENSED IN OTHER JURISDICTIONS. Persons licensed in any state, territory, or possession of the United States, or foreign country can apply for licensure by submitting a complete application, fee, and verification from the licensing authority of current licensure (~~and a detailed transcript of all cosmetology, barber, and/or manicurist training~~). Upon review, if a license is valid in another jurisdiction, the applicant will be scheduled for the next examination in the field in which they hold a current license.

(1) ~~((After review of the courses taken and hours involved if it is determined that the training at the time of licensure was obtained, is equivalent to Washington state requirements, as stated in WAC 308-20-080, a license will be issued without examination.~~

(2) ~~After review of the courses taken and hours involved if it is determined that the training is not equivalent to Washington state requirements, additional training in the lacking area(s) is required. When training to meet the requirements is obtained, the applicant must pass the examination(s) in the areas the training was needed, if a current out-of-state license is held. If the out-of-state license is invalid the complete examination for the requested license must be passed. The department will schedule the required examination(s) upon receipt of a statement from the school of the completion of~~

~~required training and the monthly student record form that verifies the actual training received.)) To apply for licensure in any additional field, they must obtain training from a school licensed under this chapter in accordance with the course outline as shown in WAC 308-20-080.~~

(2) Individuals who applied for licensure under the law previous to July 28, 1991, have until January 1, 1993, to obtain their license under the conditions previously set forth. Failure to obtain their license under the previous law by January 1, 1993, will require the applicant to meet the criteria set forth in the current law.

AMENDATORY SECTION (Amending Order PL 480, filed 9/12/84)

WAC 308-20-180 POSTING OF LICENSE. All individual licenses required by this chapter shall be posted ~~((in a location within the place of business))~~ at the individual work station with a current photograph of the licensee, at a location that is easily observed by members of the public for whom services are performed.

~~((The address of the division of professional licensing shall be provided to consumers as the agency to handle complaints not resolved by the licensee.)) School, instructor/operator, and salon/shop licenses will be displayed in the reception area.~~

In the case of multiple employment locations, a license must be posted at each location.

AMENDATORY SECTION (Amending Order PM 772, filed 9/14/88)

WAC 308-20-205 LICENSE RENEWAL—PENALTIES. (1) Each individual license shall be renewed on or before the birthdate expiration date shown on the license. Failure to renew the license by the expiration date will result in a penalty fee determined by the director. Licenses may be reinstated up to ~~((three))~~ four years by payment of all renewal fees and a penalty fee for the period for which the license had lapsed.

(2) Each school license shall be renewed on or before July 1st as indicated by the expiration date on the license. Failure to renew the school license by the expiration date will result in a penalty fee determined by the director. Students shall not receive credit for instruction received during any period a school license is expired. In order to renew the school license in 1992, the new approved curriculum must be on file with the department of licensing.

(3) Each salon/shop, booth renter, mobile operator, and personal service operator license will expire annually. Booth renter, mobile operator, and personal service operator licenses will expire annually on the birth date expiration date. Salon/shop licenses will expire annually based on the date issued.

(4) Initial licenses will be issued to expire on the applicant's birth date but not less than ninety days from issuance. Renewals will be based on the two-year cycle.

(5) Beginning with the 1992 renewals, the renewal period will go to every two years. This will be staggered. If individual's birth year is even their 1992 renewal fee will be for two years. If the individual birth year is odd,

a one year renewal fee is required with the beginning of two-year renewal cycle in 1993.

NEW SECTION

WAC 308-20-208 GRANDFATHER PROVISIONS. (1) All licenses issued prior to January 1, 1992, shall remain in effect until renewal or January 1, 1993, whichever is earlier. Prior to January 1, 1993, the licensee should take the following action:

(a) A cosmetologist whose license issue date is prior to January 1, 1992, may apply for licenses as a cosmetologist, barber, manicurist, and esthetician. A separate renewal fee is required for each. This may be done when the license is renewed for 1993. At the time of renewal send the renewal fee for each license type desired, with a statement designating the licenses to be issued.

(b) A manicurist whose license issue date is prior to January 1, 1992, may apply for licenses as an esthetician and a manicurist. A separate renewal fee is required for each. This may be done when the license is renewed for 1993. At the time of renewal send the renewal fee for each license type, with a statement designating the licenses to be issued.

(c) An instructor whose license issue date is prior to January 1, 1992, may be issued an instructor/operator license with endorsements for all four license types. This may be done when the license is renewed for 1993. When you submit your renewal and fee, the designation for the endorsements should be indicated.

(d) After January 1, 1993, multiple licenses and endorsements cannot be obtained based on original issue date. All applicants must meet training, licensure, and examination requirements of the current law.

(2) Students enrolled in a licensed school in the course outline as stated in WAC 308-20-080, may apply for examination in any type or any combination of types of examination when they complete the approved course.

(a) Cosmetology students, upon completion of the approved course of instruction, may apply for the cosmetology, barber, manicuring, and esthetic examinations. Each requires a separate application and fee and passage of the appropriate examination. Manicurists, upon completion of the approved course of instruction, may apply for the manicurist and esthetic examinations. Each requires a separate application and fee and passage of the appropriate examination.

(b) Students who have previously applied for examination and not obtained licensure prior to January 1, 1992, may also apply for the examination as stated in (a) of this subsection.

(c) All applicants who completed their training under the curriculum required in the previous law, but have not successfully obtained their license by July 1, 1993, will be eligible only for the examination offered in their primary course of training.

(d) Students may not be enrolled in any program under the previous law if they cannot complete their training prior to January 1, 1993.

(3) Schools must file with the department the curriculum required in the current law by July 1, 1992.

(a) A school may file and enroll students in the current law curriculum once it is approved by the department. Upon submission of the new curriculum, if a starting enrollment date other than July 1, 1992, is desired, the effective date of the curriculum must be designated. However, enrollment of all students from the designated date forward must be in the currently approved curriculum.

(b) Schools must complete the training of all students in the curriculum that was in effect when enrolled in the school. However, students may not be enrolled in the school under the curriculum required by the previous law if they cannot complete their training prior to January 1, 1993.

AMENDATORY SECTION (Amending WSR 90-07-030, filed 3/14/90, effective 4/14/90)

WAC 308-20-210 COSMETOLOGY FEES. The following fees shall be charged by the professional licensing division of the department of licensing:

Title of Fee	Fee
Cosmetologist:	
Examination application	\$ 25.00
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Instructor:	
Examination application	30.00
<u>Examination retake</u>	<u>30.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	30.00
Manicurist:	
Examination application	25.00
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
Late renewal penalty	20.00
Duplicate	15.00
Certification	25.00
Out-of-state application	25.00
Esthetician:	
<u>Examination application</u>	<u>25.00</u>
<u>Examination retake</u>	<u>25.00</u>
<u>Renewal per year</u>	<u>20.00</u>
<u>Late renewal penalty</u>	<u>20.00</u>
<u>Duplicate</u>	<u>15.00</u>
<u>Certification</u>	<u>25.00</u>
<u>Out-of-state application</u>	<u>25.00</u>

Title of Fee	Fee
<i>School:</i>	
<i>License application</i>	<i>175.00</i>
<i>Renewal per year</i>	<i>175.00</i>
<i>Late renewal penalty</i>	<i>175.00</i>
<i>Duplicate</i>	<i>15.00</i>
<i>Curriculum review</i>	<i>15.00</i>
<i>Barber:</i>	
<i>Examination application</i>	<i>25.00</i>
<i>Examination retake</i>	<i>25.00</i>
<i>Renewal per year</i>	<i>20.00</i>
<i>Late renewal penalty</i>	<i>20.00</i>
<i>Out-of-state application</i>	<i>25.00</i>
<i>Duplicate</i>	<i>15.00</i>
<i>Certification</i>	<i>25.00</i>

WSR 91-22-096
PERMANENT RULES
PUGET SOUND
WATER QUALITY AUTHORITY
 [Filed November 6, 1991, 10:08 a.m.]

Date of Adoption: October 16, 1991.

Purpose: The purpose of revising chapter 400-12 WAC is to simplify existing requirements placed on local governments; decrease the amount of prescriptive language; and increase flexibility for local watershed action plan development.

Citation of Existing Rules Affected by this Order: Amending chapter 400-12 WAC.

Statutory Authority for Adoption: Chapter 90.70 RCW.

Pursuant to notice filed as WSR 91-15-090 on July 23, 1991.

Changes Other than Editing from Proposed to Adopted Version: There were a number of minor changes to the proposed revisions to chapter 400-12 WAC that simply serve to clarify the structure, intent, and direction of the rule. These include: WAC 400-12-320, allow for a review of whether reranking of watersheds after five years needs to occur, and add new criteria to allow early reranking if a jurisdiction in a lower-ranked watershed is ready to proceed with planning; 400-12-420, broaden options for requests to extend the planning period to 24 months by removing the phrase "in large and complex watersheds"; 400-12-515, allow for flexibility as to how early the watershed management committee gets involved with the characterization, up to the review stage; 400-12-525(4), change "shalls" to "shall considers" with provisions added for the committee to justify why a particular approach for controlling a nonpoint source of pollution was not chosen; 400-12-545(3), allow sixty days instead of thirty days for implementing entities to submit statements of concurrence; 400-12-545(6), change title of "appeal process" to "authority review"

and add language that the authority will review the decision for consistency with the plan and forward its determination to the department, lead agency and watershed management committee. Additionally, the time frame needed before authority review is initiated was changed from one hundred twenty days to sixty days; and 400-12-210(3) and 400-12-565, change language so that either the lead agency or the department may initiate a process for making revisions to the action plan.

Effective Date of Rule: Thirty-one days after filing.
 November 5, 1991
 Nancy McKay
 Executive Director

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-110 PURPOSE. ((The purpose of)) This chapter ((is to establish)) establishes criteria and procedures for ranking watersheds and for developing and implementing action plans for watersheds ((most)) in need of corrective and/or preventive actions. The purpose is to reduce pollutant loading from nonpoint sources, prevent new sources from being created, enhance water quality and protect beneficial uses.

This planning process encourages collaborative problem solving among a diversity of local, state, tribal, and federal interests, recognizing that political constituency-building is necessary for implementation.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-120 APPLICABILITY. This chapter applies to the Puget Sound basin as identified by RCW 90.70.060 and does not apply outside of the Puget Sound basin. ((Approved early action watersheds that are underway when this chapter becomes effective are not required to follow specific detailed provisions of this chapter, however, early action planning processes must be consistent with the purpose and goals of the plan and as consistent as practicable with this chapter.))

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-200 DEFINITIONS. For the purposes of this chapter, the following definitions shall apply:

(1) "Action plan" means a locally developed and department-approved plan which is implemented ((plan)) to prevent and control nonpoint pollution in a priority watershed or an early action watershed.

(2) "Affected parties" means both those whose beneficial use of water is being impaired, or potentially impaired, by nonpoint pollution and those groups associated with the nonpoint sources of pollution identified in WAC ((400-12-510(4)))400-12-515(2).

(3) "Authority" means the Puget Sound water quality authority.

(4) "Beneficial uses" means uses identified by Water quality standards for waters of the state of Washington (chapter 173-201 WAC) as desirable uses for given

classes of waters(~~(-such as)~~). Examples are water supplies for domestic, industrial, or agricultural purposes; fish, shellfish, and wildlife habitat; recreation; and navigation.

(5) "Best management practices" means agricultural, structural, and/or managerial practices that, when used singly or in combination as part of an approved site development plan or farm plan, provide minimum essential action or treatment needed to solve, prevent, or reduce site-specific water quality problems.

(6) (~~"Consultations" include informal meetings with representatives or small groups of interested or affected parties for the purpose of discussing problems or solutions or sharing information~~) "Comprehensive land use plan" means a generalized coordinated land use policy statement of the governing body of a county or city that is adopted pursuant to Title 35 RCW, Title 35A RCW, chapter 36.70, or 36.70A RCW.

(7) "Consensus" means achievement of general agreement on an issue by the watershed management committee during the planning process.

(~~(7)~~) (8) "Department" means the Washington state department of ecology.

(~~(8)~~) (9) "Document review" means solicitation of comment from interested and affected parties on reports, proposals, or plans during various stages of development of action plans.

(~~(9)~~) (10) "Early action watersheds" means those watersheds selected by the department for development of action plans prior to promulgation of this chapter.

(~~(10)~~) (11) "Failed," "failing," or "failure" of an on-site sewage disposal system (~~shall include, but not be limited to, the occurrence of any one, or combination of, the following factors:~~

(a) ~~The system cannot accept sewage effluent at the design rate, resulting in interference with plumbing fixture use;~~

(b) ~~Sewage effluent exceeds the infiltrative capacity of the soil resulting in objectionable odors, ponding, seepage, or other discharge of the effluent to the ground surface or surface water, and/or~~

(c) ~~Sewage effluent from the system results in contamination of a potable water supply, groundwater, or surface water)) means failure as defined by chapter 70.118 RCW (On-site sewage disposal systems) and chapter 246-272 WAC (On-site sewage system).~~

(~~(11)~~) (12) "Farm" means a property where (~~domesticated~~) domestic animals are kept to provide primary or supplemental income, for personal consumption, or for recreational use, or where crops are grown for resale.

(~~(12)~~) (13) "Farm plan" also known as "farm water quality management plan" means a site-specific plan developed by a farm operator in cooperation with a resource agency (such as those developed under the "208" water quality management program with assistance of a conservation district or the soil conservation service) and approved by the conservation district board of supervisors, for managing resources to protect water quality.

(~~(13)~~) (14) "Federal agencies" means units of the federal government having major facilities or substantial

land holdings in the watershed, such as the Departments of Defense, Interior, Agriculture, or Transportation.

(~~(14)~~) (15) "Ground water management areas" means areas designated and defined in chapter 173-100 WAC and administered by the department.

(~~(15)~~) (16) "Implementing entity" means a federal or state agency, Indian tribe, local government, organization, or special purpose district responsible for carrying out the day-to-day activities of the applicable provisions of an action plan once it is approved by the department and, where applicable, adopted by the legislative body of the entity.

(~~(16)~~) (17) "Lead agency" means any entity selected in accordance with WAC (~~(400-12-300)~~) 400-12-400 with responsibility for (~~convening the watershed ranking committee, or in accordance with WAC 400-12-400 with responsibility for~~) coordinating the development and implementation of (~~an~~) a watershed action plan (~~for a watershed~~). (~~In both cases,~~) The lead agency must possess the financial and staff resources in order to fulfill its responsibilities under this chapter. The lead agency must be a governmental (~~jurisdiction~~) agency or division thereof with power to pass resolutions, enact ordinances, and appropriate funds for expenditure, an Indian tribe recognized as such by the federal government with territory or usual and accustomed fishing grounds within waters in or adjacent to the county; a conservation district; a metropolitan municipal corporation; or a council of governments.

(~~(17)~~) (18) "Local government" means the city or town council, board of county commissioners, county council, special purpose district commission, metropolitan municipal corporation, council of governments, or that body assigned legislative duties by a city, county, or district charter.

(~~(18)~~) (19) "Nonpoint (~~source~~) pollution" (~~or "nonpoint pollution"~~) means pollution, as defined by chapter 90.48 RCW, (Water pollution control) that enters any waters of the state within Puget Sound basin from any dispersed land-based or water-based activities or sources, including (~~but not limited to atmospheric deposition, surface water runoff from agricultural lands, urban areas, or forest lands, subsurface or underground sources, or discharges from boats or marine vessels~~) farm practices, storm water and erosion, on-site sewage disposal, forest practices, marinas and boats, atmospheric deposition, garbage, and other residential, commercial, and industrial sources.

(20) "Nonpoint pollution control programs" or "nonpoint pollution control strategy" means programs using education, technical and financial assistance, regulation, incentives or disincentives, monitoring, and/or enforcement to control, prevent, and mitigate pollution from nonpoint sources.

(~~(19)~~) (21) "On-site sewage disposal system" means a septic tank and drainfield or alternative treatment and disposal system as defined in chapter (~~(248-96)~~) 246-272 WAC (On-site sewage system).

(~~(20)~~) (22) "Pesticides" means those substances intended to control pests and unwanted plants as defined in chapter 15.58 RCW, the Washington Pesticide Control Act.

~~((21))~~ (23) "Plan" means the ~~((1987))~~ 1991 Puget Sound water quality management plan ((and amendments)), which has been approved as the comprehensive conservation management plan for Puget Sound, and subsequent revisions.

~~((22))~~ (24) "Planning entity" means a governmental or nongovernmental body that prepares reports, makes recommendations, and participates in developing an action plan. An agency may serve both as a planning entity and implementing entity.

~~((23))~~ (25) "Prevention" means application of laws, ordinances, administrative procedures, and/or land management practices or education and public involvement programs which reduce or eliminate the potential for nonpoint pollution.

(26) "Priority" means highest or higher in importance or rank.

~~((24))~~ (27) "Public hearing" means a formal public meeting to take testimony on a pending action.

~~((25))~~ (28) "Public meeting" means an informal public proceeding, including a workshop, that informs the public and provides an opportunity for the public to ask questions and voice opinions.

~~((26))~~ (29) "Public notification" means use of public information techniques to ensure that:

(a) Information on decisions to be made or actions to be taken is complete and understandable;

(b) A full explanation is provided on the effects of decisions or actions on the public, especially the effects on specific groups or geographic areas; and

(c) The ways in which the public may influence the decision-maker and appeal the decision are explained.

~~((27))~~ (30) "Puget Sound" means all ~~((salt waters of the state of Washington inside the international boundary line between the state of Washington and the province of British Columbia, the Strait of Juan de Fuca, and, to the extent that they affect water quality in Puget Sound, all waters flowing into Puget Sound, and adjacent lands))~~ waters of Puget Sound south of the Admiralty Inlet including Hood Canal and Saratoga Passage, the waters north to the Canadian border, including portions of the Strait of Juan de Fuca south of the Canadian border, and all land draining into these waters as mapped by WAC 173-500-040, water resource inventory areas, number 1 through 19.

~~((28))~~ (31) "Regional watershed" means a large geographic region draining into a major river or body of water as identified and numbered by the state of Washington water resource inventory areas ~~((WRIs))~~ as defined in chapter 173-500 WAC.

~~((29))~~ (32) "Regulation" means laws, rules, or ordinances to establish legal standards or administrative procedures to control nonpoint pollution.

~~((30))~~ "Source control programs" or "source control strategy" means programs using education, technical and financial assistance, regulation, monitoring, and/or enforcement to control, prevent, and mitigate nonpoint pollution from ~~on-site sewage disposal, agricultural practices, stormwater and erosion, forest practices, marinas and boats, and other residential, agricultural, commercial, and industrial sources, and other sources.~~

~~((31))~~ (33) Section 313 of the Clean Water Act specifies that the federal government shall be subject to and comply with all federal, state, interstate and local requirements, administrative authority and process and sanctions respecting the control and abatement of water pollution.

(34) Section 319 of the Clean Water Act requires states to assess and rank their waters for impacts to beneficial uses from nonpoint source pollution and to develop and implement management programs to address the ranked waters.

(35) "Special purpose district" means a district established pursuant to statute or ordinance in a specific geographic area to carry out specific responsibilities which ~~((are related to water quality such as soil and water conservation, port development and management, or on-site sewage disposal system maintenance))~~ affect water quality. Examples are soil and water conservation districts, port districts or on-site sewage disposal system maintenance districts.

~~((32))~~ (36) "Special surveys" means intensive assessments of land use and water quality designed to obtain information on specific sources or pollutants not available through routine water sampling.

~~((33))~~ (37) "State-wide forest practices program" means chapter 76.09 RCW, the Washington state Forest Practices Act; forest practices regulations as adopted by the state forest practices board and the department of ecology; administration of the Forest Practices Act and regulations; and implementation of the Timber, Fish, and Wildlife Agreement.

~~((34))~~ (38) "Subwatershed" means a geographic and hydrologic subunit of a watershed or regional watershed.

~~((35))~~ (39) "Technical assistance" means service provided by state, tribal, or federal agencies to assist local entities in watershed ranking and/or action plan development and implementation.

~~((36))~~ (40) "Timber, fish, and wildlife agreement" means a voluntary agreement which was drawn up by resource agencies, tribes, industry, and environmental groups to address forest practices on state and private lands within the state of Washington.

(41) "208 water quality management plans" means nonpoint source control plans prepared in accordance with Section 208 of the Federal Clean Water Act.

~~((37))~~ (42) "Watershed" means a geographic region within which water drains into a particular river, stream, or body of water as identified and numbered by the state of Washington water resource inventory areas ~~((WRIs))~~ as defined in chapter 173-500 WAC, or as defined and delineated by a watershed ranking committee through the watershed ranking process.

~~((38))~~ (43) "Watershed management committee" means a local committee formed to develop an action plan in accordance with criteria set forth in this chapter and in the plan.

~~((39))~~ (44) "Watershed ranking committee" means a committee convened to identify and rank all of the watersheds within a county in accordance with criteria set forth in this chapter and as generally described in the plan.

~~((40))~~ (45) "Watershed rating criteria for nonpoint sources of pollution" means criteria developed by the United States Department of Agriculture Puget Sound Cooperative River Basin Study team to rank watersheds.

~~((41))~~ (46) "Water quality violation" means a violation of local, state, and/or federal water quality laws or regulations.

~~((42))~~ (47) "Wetlands" means ~~((lands defined using criteria contained in the United States Department of Interior Fish and Wildlife Service "Classification of Wetlands and Deepwater Habitats of the United States."))~~ areas as determined in accordance with element W 4.1.1 of the plan.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-210 OVERVIEW. (1) This chapter establishes a process to ~~((identify and rank))~~ review the ranking of watersheds in the Puget Sound basin and to develop and implement action plans to prevent nonpoint ~~((source))~~ pollution, enhance water quality, and protect beneficial uses.

(2) Each county will convene a committee to ~~((rank))~~ review and/or re-rank the watersheds wholly or partly within the county boundaries, using criteria set forth in this chapter. Local watershed management committees will be formed to develop action plans for the ranked watersheds. ~~((The))~~ Lead ~~((agency))~~ agencies will submit completed action plans to the department for approval. Each action plan may be implemented, as coordinated by the lead agency, through voluntary actions~~((;))~~, local ordinances~~((;))~~, or a combination thereof, and/or local, state, and federal laws, regulations, and programs.

(3) Technical assistance from state agencies will be available to committees and implementing entities ~~((during watershed ranking, development of action plans, and implementation))~~. Substantial involvement by both the general public and affected parties shall be sought in all phases of watershed ranking and action plan development. If action plans are ineffective, ~~((revision can be proposed))~~ a revision process can be initiated by either local governments or the department according to procedures outlined in the watershed action planning process ~~((and/or required by the department))~~.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-220 PUBLIC INVOLVEMENT. (1) In addition to the provisions of this chapter, public involvement shall be conducted in accordance with public involvement policies of the plan and with chapter 42.30 RCW, the Open Public Meetings Act.

(2) Except where otherwise specified in this chapter, meaningful and substantive participation by the general public and affected parties shall be provided as follows ~~((except where otherwise specified in this chapter))~~:

(a) ~~((The lead agency shall regularly provide written information on the watershed ranking process and the action planning process to))~~ All interested and affected local governments, special purpose districts, state and

federal agencies, Indian tribes, the general public, and other interested parties ~~((, informing them of progress and pending decisions))~~ shall be informed of progress in planning and implementation and educated and involved in decision-making through such activities as public meetings and hearings, watershed events, citizen workshops, open houses, and newsletters.

(b) The watershed ranking committee and the watershed management committee shall provide:

(i) Adequate opportunities for public comment both early in the watershed ~~((ranking))~~ re-ranking and action planning process ~~((, and at appropriate times throughout, including after preparation of draft documents from Phase 1 of the action planning process. Public meetings, consultations, and document reviews shall be used with other appropriate means to solicit public comment. The results from these activities shall be reported to either the watershed ranking committee or watershed management committee, as appropriate));~~ and

(ii) Public notification ~~((shall be provided))~~ sufficiently in advance of public meetings and public hearings to allow the general public and affected parties adequate time to consider the decision in question. ~~((Local entities may use existing public hearing procedures provided these procedures are consistent with this chapter.))~~

NEW SECTION

WAC 400-12-305 INITIAL WATERSHED RANKING. Each of the twelve Puget Sound counties has completed the initial watershed ranking. The initial watershed ranking process required each county to convene a committee of representatives from cities, special purpose districts, tribal governments, and other appropriate entities. Information on the water quality, habitat, biological conditions, and land use of each watershed was gathered. The committees then ranked the watersheds in order of need for preventive and/or corrective actions. The committees considered such factors as beneficial uses, likelihood of intensified land use, environmental factors, such as soil, slope, or precipitation, and contamination problems. Each county submitted a report on their ranking process and final ranked list to the department by January 1989.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-320 FIVE-YEAR REVIEW. ~~((The lead agency shall reconvene a watershed ranking committee at least every five years to evaluate the ranking based on the results of implementation of action plans and/or new information. Previously unranked early action watersheds shall be ranked at that time.))~~ (1) The county is assumed to be the lead agency for the watershed re-ranking process. The lead agency shall reconvene a watershed ranking committee at least every five years to evaluate the need to re-rank based on the results of the implementation of action plans and/or new information. The lead agency must explain that conditions in its watersheds have not changed enough to warrant going through the re-ranking process. This review shall be conducted more frequently than every five years

if a significant change occurs, such as intensified land use within the watershed, if there is an emergency situation which poses a hazard to public health or the health of an ecosystem within the watershed, or if a jurisdiction is ready to proceed with planning.

(2) Process.

(a) Watershed ranking committee. The lead agency shall invite representatives from interested and affected parties, including but not limited to, local government legislative authorities, special purpose districts, tribal governments, and the general public. In counties with numerous incorporated communities, committees shall include at least one representative from each population category of a city or town as identified in chapter 35.01 RCW (Municipal corporations classified).

(b) Information gathering. The lead agency shall provide any new information on water quality, habitat, biological conditions, and land use for all watersheds in the county, as well as information on the results of action plan implementation.

(c) Review and re-ranking. Using this information, the watershed ranking committee shall evaluate the initial ranking based on criteria in plan element NP-1 or on alternative methods consistent with the plan upon approval from the department. The use of consensus in the re-ranking process is encouraged.

(d) Public involvement. The watershed ranking committee shall conduct its public involvement program in accordance with the provisions of WAC 400-12-220. In addition, the committee shall conduct at least one public hearing in the county on the proposed re-ranking.

(3) If changes are made to the previous watershed ranking, a description and a brief rationale shall be prepared and submitted to the department.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-400 LEAD AGENCY FOR WATERSHED PLANNING. ((1) Designation. For watersheds within a single county, the county is responsible for the formation of watershed management committees and is the lead agency for preparation of watershed plans, except as described in subsection (3) of this section:

(2) Responsibilities. The lead agency shall coordinate the activities necessary to develop and implement the action plan, submit the action plan to the department for approval, administer the grant to develop or implement the action plan, coordinate SEPA review, oversee plan implementation, and perform other such duties as necessary to carry out the action planning or implementation process. To reduce duplication of effort, the lead agency shall also be responsible for coordinating the activities of the watershed management committee with other existing water management programs (e.g., groundwater). Coordination and integration of local efforts related to ground- and surface water is strongly encouraged. If a joint groundwater and watershed management program is established, the county shall be the lead agency for the joint program. The joint program shall comply with the requirements of chapter 173-100 WAC.

(3) Exceptions. After it is convened by the county, the watershed management committee may select another lead agency if that entity meets the requirements set forth in this chapter. If the county does not act as the lead agency, it shall serve on the committee and shall participate in local review of the action plan as described in Part Five of this chapter. When the watershed is wholly or mostly within a city, state park, Indian reservation, or other similar jurisdiction, the entity with such jurisdiction shall be the lead agency unless another arrangement is negotiated with the committee. In multi-county watersheds, the counties may agree on a temporary lead or may jointly convene the committee. However, in multicounty watersheds, only one lead agency shall be chosen by the counties involved to carry out the responsibilities of a lead agency during the action planning process. Where a joint groundwater and watershed management program is established, a city may be designated as the lead agency if both the groundwater and watershed management plan areas are wholly or mostly within the city.) (1) Designation.

(a) The county is assumed to be the lead agency for each watershed management committee. However, another entity may serve as the lead agency if it has geographic jurisdiction and/or responsibilities that wholly or mostly encompass the watershed and can demonstrate that it has the ability to perform the duties of a lead agency as per WAC 400-12-200(17), either directly or through a memorandum of agreement with the county. Additionally, the entity shall demonstrate coordination with the county. If the county does not act as the lead agency, it shall serve on the committee and shall participate in local review of the action plan as described in Part Five of this chapter.

(b) In multicounty watersheds, the counties may jointly convene the committee, provided there is demonstrated coordination, or may choose one entity to carry out lead agency responsibilities. In these situations there shall be a single public involvement process which ensures that interested and affected parties throughout the watershed are involved.

(c) Where a joint ground water and watershed management program is established, a city may be designated as the lead agency if both the ground water and watershed management plan areas are wholly or mostly within the city.

(2) Responsibilities. The lead agency shall be responsible for:

(a) Initiating the planning process and developing the work plan and schedule;

(b) Setting up the watershed management committee and convening additional advisory committees as necessary;

(c) Convening meetings and coordinating the activities necessary to develop the action plan;

(d) Coordinating the activities of the watershed management committee with other existing land and water planning and management programs (e.g., ground water, local comprehensive planning);

(e) Working with planning and implementing agencies throughout preparation of the action plan, including:

(i) Informing federal agencies with jurisdiction in the watershed of action plan requirements to ensure compliance with the Clean Water Act Section 313 and to assist federal agencies in the review of their activities pursuant to Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., if applicable, and

(ii) Informing local and state agencies that either have jurisdiction over any property or facility, or are engaged in any activity resulting in nonpoint pollution in the watershed, of their role or responsibility in the implementation of the action plan;

(f) Coordinating the SEPA review;

(g) Performing other such duties as necessary to ensure the action planning process is carried out;

(h) Reviewing the action plan to determine whether it is consistent with the requirements of this chapter and reporting its findings to the committee; and

(i) Submitting the action plan on behalf of the watershed management committee to the department for approval.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-410 WATERSHED MANAGEMENT COMMITTEES. (1) Membership. The watershed management committee shall include all entities that have a legitimate role in the development and implementation of a watershed action plan. This includes affected local and tribal governments, special purpose districts, affected parties, watershed residents, and appropriate state and federal agencies (if the watershed includes significant state or federal lands or if these agencies have regulatory roles within the watershed). Additional advisory committees may be established as necessary and agreed upon by the committee members. Membership on watershed management committees in multicounty watersheds shall include the same interests as those in single county watersheds.

(2) Responsibilities. ((The watershed management committee shall be responsible for developing the action plan:)) In addition to the responsibilities identified in Parts Five, Six, and Seven of this chapter, the watershed management committee shall be responsible for:

(a) ((Prepare and record)) Approving rules for conducting meetings, ((develop a)) decision-making ((process that is appropriate to the committee,)) and ((establish procedures for a)) dispute resolution ((process)). Use of consensus in making decisions is encouraged;

(b) ((Prepare a)) Reviewing and approving the work plan and schedule for the development of the action plan((, pursuant to WAC 400-12-420, which identifies:));

((i) The roles and responsibilities of members of the committee as mutually agreed upon;

((ii)) (c) Providing input to develop a strategy for public participation consistent with this chapter;

((iii) When SEPA compliance is to take place pursuant to WAC 197-11-055; and

(iv) The lead agency for coordinating SEPA compliance; and

(c) In addition to the requirements of WAC 400-12-220, comply with the following provisions for public involvement:

(i) Hold appropriate consultations, document review with interested parties including the department, and public meetings for the documents developed during each phase of the action planning process specified in WAC 400-12-510 and 400-12-520, and

(ii) Conduct at least one public hearing on the draft action plan in accordance with WAC 400-12-560(2).

(2) In addition to its responsibilities under WAC 400-12-220 and 400-12-560 the lead agency, in cooperation with the watershed management committee, shall also carry out the following activities for the watershed management committee:

(a) Incorporate the work plan and schedule agreed to by the committee into the grant agreement with the department;

(b) Review the action plan to determine whether it is consistent with the requirements of this chapter and report its findings to the committee;

(c) Inform federal agencies with jurisdiction in the watershed of action plan requirements to ensure compliance with 33 U.S.C. Section 1323 and to assist federal agencies in the review of their activities pursuant to Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., if applicable; and

(d) Inform local and state agencies that either have jurisdiction over any property or facility, or are engaged in any activity resulting in nonpoint pollution in the watershed, of their role or responsibility in the action plan pursuant to WAC 400-12-570.

(3) Membership. The watershed management committee process shall be structured to involve planning and potential implementing entities for each nonpoint source category to be addressed, including the participation of local governments and their legislative representatives, special purpose districts, tribes, watershed residents, affected parties, and appropriate state and federal agencies, if the watershed includes significant state or federal lands. Representatives of the general public and affected parties shall be included on the watershed management committee, on a separate advisory committee, or both. Membership on watershed management committees in multicounty watersheds shall include the same interests as those in single county watersheds, and there shall be a single public involvement process which ensures that interested and affected parties throughout the watershed are involved.

(4) Formation. The lead agency shall notify by letter all local government legislative authorities, conservation districts, and Indian tribes with jurisdiction in the watershed, inviting them to participate on the watershed management committee. These entities, including the lead agency, shall, in consultation with affected parties, jointly select a committee size and structure that provides for balanced representation based on the nonpoint sources in the watershed. The lead agency shall publicize the formation of the watershed management committee and may select a deadline for recruiting members. At any time during the planning process, when determined appropriate by the committee, the lead agency may seek

~~additional members to represent affected parties and appropriate local governments and state and federal agencies.~~

~~(5) Schedule and work plan. Within ninety days from the effective date of its grant agreement with the department, the lead agency shall convene the watershed management committee and the committee shall determine a schedule and work plan for the action planning process in accordance with WAC 400-12-410 (1)(b) and 400-12-420.)~~ (d) Informing representative interests about the action planning process; and

(e) Developing and approving the watershed action plan.

NEW SECTION

WAC 400-12-415 **PLANNING AND IMPLEMENTING ENTITIES.** Planning and implementing entities shall evaluate the applicability of the watershed action planning process to their jurisdiction and/or responsibilities early on and provide technical assistance and coordination as appropriate during the development of the plan. Planning and implementing entities shall also be responsible for reviewing the action plan. Each implementing entity shall be responsible for providing a statement of concurrence.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-420 **SCHEDULE FOR PREPARATION AND REVIEW OF ACTION PLAN.** Draft action plans shall be prepared and presented to the department within eighteen months after the watershed management committee ~~((determines))~~ approves the schedule and work plan ~~((in accordance with WAC 400-12-410(5))).~~ ~~((In large or complex watersheds,))~~ The department may allow a planning process of up to twenty-four months at the request of the watershed management committee.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-500 **OVERVIEW.** ~~((The watershed action plan shall describe a coordinated program of effective actions to be implemented to prevent and abate nonpoint source pollution within the watershed. This is to be accomplished through local programs that define nonpoint source problems and identify appropriate means to maintain or improve water quality and protect beneficial uses. Action plans are to be developed in three phases: In Phase 1, problems are defined and goals and objectives are developed; in Phase 2, the source control strategy and implementation plan are prepared, and in Phase 3, the action plan, including materials developed in Phases 1 and 2, is approved and submitted to the department for its approval. Each phase requires public involvement and consultation with implementing entities and agencies. Watershed management committees may obtain technical assistance during all three phases. Action plans may vary in content depending on water quality problems identified in the watershed. Implementing entities are strongly encouraged both to continue and~~

~~augment their ongoing efforts to prevent and correct nonpoint source pollution during the action planning process.))~~ (1) Nonpoint pollution comes from a large number of sources that vary in size and impact on water quality. Degradation of a waterbody results from the cumulative effect of pollutants from these sources. High risk and sensitive areas are particularly vulnerable to nonpoint pollution. The watershed action plan shall describe a coordinated program of effective actions to be implemented to prevent and abate nonpoint pollution within the watershed. This is to be accomplished through local watershed programs that define priority nonpoint pollution problems and identify appropriate means to maintain or improve water quality and protect beneficial uses.

(2) Action plans shall be developed in four phases:

(a) In phase 1, current conditions are assessed, risks and threats to beneficial uses are identified, priority problems are defined and goals and objectives are developed;

(b) In phase 2, the nonpoint pollution control strategy is prepared, consisting of a combination of voluntary, educational, and regulatory approaches to controlling the identified sources of the problem pollutants, and based on feasibility, likelihood of success and cost;

(c) In phase 3, the implementation strategy is developed, including milestones, financing, and monitoring; and

(d) In phase 4, the public hearing is held, statements of concurrence are solicited and submitted, and the action plan, including materials developed in phases 1, 2 and 3, is reviewed and submitted to the department for its approval.

(3) Each phase requires public involvement and consultation with implementing entities and agencies. Watershed management committees may obtain technical assistance during all four phases. Action plans may vary in content depending on water quality problems identified in the watershed, and on the feasibility and likelihood of success of various control strategies. Implementing entities are strongly encouraged to become involved early in the action planning process, and to continue and augment their ongoing efforts during plan development to prevent and correct nonpoint pollution.

NEW SECTION

WAC 400-12-515 **PHASE 1—WATERSHED CHARACTERIZATION AND GOALS AND OBJECTIVES DEVELOPMENT.** (1) Purpose. This section establishes requirements for gathering and evaluating water quality information to define priority nonpoint pollution problems and for developing goals and objectives for the action plan.

(2) Watershed characterization.

(a) Intent. The purpose of the watershed characterization is to provide the lead agency and the watershed management committee, other decision-making bodies, and the public with the most accurate current information on the types and levels of pollutants from nonpoint sources, and the relative impacts on water quality and beneficial uses of the water resource. This is to include those areas or resources which are particularly sensitive

to those pollutants. This information is to be used in developing and implementing action plan nonpoint pollution control strategies and in evaluating the effectiveness of these strategies. The characterization shall summarize current information and identify information needed to adequately define nonpoint pollution problems which need to be addressed.

(b) **Preparation.** Preparation of the watershed characterization shall be at the direction of the lead agency, and the watershed management committee as appropriate. The watershed management committee and the lead agency shall have the opportunity to evaluate the completeness and adequacy of the characterization. Other appropriate implementing agencies shall be involved in the preparation and review of the characterization.

(c) **Minimum requirements.** The watershed characterization shall include, at a minimum:

(i) A description of the biological conditions and physical characteristics of the environment;

(ii) Information on land use and population, including existing and potential trends;

(iii) A description of habitats;

(iv) An assessment of existing water quality and anticipated trends;

(v) A map showing the action plan boundaries. Where a plan is being jointly prepared with a ground water management program, the boundaries of the ground water management planning area shall be included;

(vi) A map showing jurisdictional boundaries of the local, state, federal, and tribal governments, participating special purpose districts and implementing entities in the watershed;

(vii) A map showing all waterways, water bodies, and known wetlands;

(viii) A discussion of existing federal, state, local, and other water quality programs ongoing in the watershed; and

(ix) A description of information that is desirable but unavailable.

(3) **Problem definition.** Using information from the watershed characterization prepared in accordance with subsection (2) of this section, the committee shall prepare a description of the extent of the water quality problems resulting from nonpoint pollution in the planning area including, but not limited to:

(a) Beneficial uses of the water bodies and/or stream segments impaired or threatened by nonpoint pollution and the extent of the impairment or threat;

(b) The extent that water quality standards in the various water bodies, as specified in chapter 173-201 WAC (Water quality standards for surface waters of the state of Washington), are not being met;

(c) Impacts or potential impacts of nonpoint pollution on ground water and surface water;

(d) Wetlands affected or threatened by nonpoint pollution;

(e) Existing or potential nonpoint pollutants and their sources that threaten or impair beneficial uses or contribute to water quality degradation in each water resource identified in (a), (b), (c), and (d) of this subsection. All potential pollutants and their sources must be

evaluated and ranked according to the extent of impairment of beneficial uses or contribution to water quality degradation. Evaluated pollutants shall include nutrients, pathogens, toxic chemicals, sediments, and other potential pollutants. Sources shall include farm practices, storm water, on-site septic systems, forest practices, boating and marinas, and any other source or potential source in the watershed. The evaluation shall include the best available estimates of the number and general location of sources and volume of pollutant loadings; and

(f) An analysis of the adequacy of existing water quality programs to prevent and correct nonpoint pollution.

(4) **Goals and objectives.** The committee shall prepare a statement of water quality goals and objectives. At a minimum, the goals and objectives statement shall provide for:

(a) Identifying the desired extent of protective measures and corrective actions that must be enacted to achieve the intended level of restoration and maintenance of beneficial uses;

(b) Achieving enhancement of water quality pursuant to chapter 173-201 WAC and chapter 90.48 RCW (Water pollution control); and

(c) Achieving consistency with the intent of this chapter, the programs resulting from Section 319 of the Federal Clean Water Act, and the plan.

NEW SECTION

WAC 400-12-525 PHASE 2—ACTION PLAN NONPOINT POLLUTION CONTROL STRATEGY.

(1) **Purpose.** This section guides the development of control strategies to prevent and minimize nonpoint pollution, protect beneficial uses, and achieve enhancement of water quality. Nonpoint pollution control strategies shall address the existing or potential nonpoint pollutants and sources identified by the watershed management committee as priorities. Control strategies for pollutants or sources which are not identified as priorities may be included in the action plan, but are not required.

(2) **Approach.** Watershed management committees may select voluntary, educational, and/or regulatory approaches for addressing nonpoint pollution in the watershed. Educational programs must involve agencies and/or individuals with expertise in education in program development and implementation, while regulatory programs must provide adequate enforcement.

(3) **Minimum requirements.** The watershed management committee shall prepare a description and analysis of nonpoint pollution control strategies for each pollutant or source category which has been designated a priority. A source control strategy would address the pollutants from each source category which has been designated as a priority. A pollutant-by-pollutant strategy still entails control of sources in order to reduce or prevent pollutant loadings, but would be across the range of sources for that pollutant. The committee shall not be limited to the approaches described in subsection (4) of this section. The rationale for choosing or not choosing the approaches described in subsection (4) of this section for each source or pollutant control strategy shall be discussed, including the feasibility, cost, likelihood of

success, and likelihood of achieving the stated goals and objectives. In addition, the committee shall describe the ways in which the nonpoint pollution control strategies will achieve enhancement of water quality and protection of beneficial uses in the watershed.

(4) **Nonpoint pollution source categories.** When addressing pollutants from farm practices, storm water and erosion, on-site septic systems, forest practices, marinas and boating, or other sources as applicable, the committee shall consider including the following in developing the nonpoint pollution control strategies:

(a) **Farm practices.** The intent of this strategy is to control nonpoint pollution that results from farm practices, and to emphasize education and incentives to obtain voluntary action for prevention and correction, the use of best management practices implemented as part of farm water quality management plans, and special considerations for noncommercial farms. Implementation of farm plans, including best management practices that meet USDA Soil Conservation Service technical standards, is the recommended control tool for action plans. The committee shall consider including a compliance and enforcement element for those cases where voluntary action is not obtained, and shall consider including the following:

(i) A farm inventory element that identifies all farms in the watershed, and includes information on the status of existing farm plans;

(ii) A prevention and corrective action element which includes: Provisions for encouraging farm operators without farm plans to develop and implement farm plans and to update existing farm plans; provisions for the local conservation district and lead implementing agency to evaluate on an ongoing basis the effectiveness of farm plan implementation; and special provisions to address nonpoint pollution from noncommercial farms;

(iii) An education element, coordinated with the conservation district and/or cooperative extension service, informing the agricultural community about nonpoint pollution from farm activities and the financial and technical assistance available to implement farm plans;

(iv) A compliance and enforcement element which includes: Incorporation of the Agriculture Compliance Memorandum of Agreement between the department, the Conservation Commission and conservation districts; additional enforcement provisions of the § 208 water quality management plans, such as the requirement for a National Pollutant Discharge Elimination system permit when applicable; and compliance with other applicable state and local laws and rules, such as the state water quality standards, and the federal Clean Water Act; and

(v) An exceptions element stating that any farm implementing an approved farm plan, as agreed upon by the operator and the conservation district, shall be exempt from further water quality regulation under this chapter unless there is a water quality violation pursuant to chapter 90.48 RCW (Water pollution control), chapter 90.52 RCW (Pollution Disclosure Act of 1971), or chapter 90.54 RCW (Water Resources Act of 1971) and/or degradation of water quality. In cases where a violation cannot be attributed to a specific farm or

farms, the committee shall consider surveying and evaluating all pollution sources potentially contributing to the violation.

(b) **Storm water and erosion.** The intent of this strategy is to correct and prevent pollution from storm water and erosion originating in urban, suburban, and urbanizing areas of the watershed through focusing on a combination of problem evaluation, public education, use of best management practices, and management of the quality and quantity of storm water runoff. This strategy does not apply to drainage and erosion control activities of farm operations or forest practices addressed pursuant to (a) and (d) of this subsection. The committee shall consider including the following:

(i) An evaluation of existing drainage and erosion control ordinances, policies, and programs to determine their effectiveness in controlling erosion and managing storm water to enhance water quality and protect beneficial uses;

(ii) A ranked list of the most significant storm water and erosion problems in the watershed as determined by the severity of their threat to or impacts on beneficial uses, an explanation of the criteria used to complete the ranking, and identification of needed monitoring information when existing information is not adequate to fully rank the problems;

(iii) A prevention and corrective action element that includes applicable requirements of the Plan elements SW-1 through SW-4. If a watershed includes jurisdictions that encompass both urbanized areas as well as those not considered urbanized, as defined by the Plan, the watershed management committee, together with local government entities responsible for stormwater management, shall propose an appropriate boundary for SW-2 application based on the following criteria: Urban growth areas defined in chapter 36.70A RCW (Growth Management Act), land use designations, and other special purpose district boundaries under the urbanized designation. A watershed management committee may choose storm water management and erosion control requirements that are more stringent than those in the Plan;

(iv) Coordination with local hazardous waste plans pursuant to chapter 70.105 RCW (Hazardous waste management); and

(v) Compliance with the provisions of the National Flood Insurance Program, 44 C.F.R. Parts 59 and 60, and chapter 86.16 RCW, Flood plain management; consideration of and coordination with NPDES Permit Application Regulations for Stormwater Discharges 40 C.F.R. Parts 122, 123, and 124, where appropriate.

(c) **On-site sewage disposal.** The intent of this strategy is to control nonpoint pollution that results from on-site sewage disposal systems and to emphasize prevention and remediation of water quality problems through education, regulation, correction of failing systems, and system maintenance. The committee shall consider including the following:

(i) Identification of geographic areas within the watershed with potential and existing risk of system failure, divided into categories of high, moderate, and low risk of failure, with an explanation of the criteria used. High

risk areas are considered to be areas where systems are failing, where soils have severe limitations for sewage treatment, where development is occurring at high densities, or where other site conditions create a potential for surface or ground water contamination when on-site systems are used;

(ii) A prevention and corrective action element that includes: Provisions requiring adherence to chapter 246-272 WAC (On-site sewage system), particularly that failing systems be repaired or replaced; required use of alternative on-site sewage disposal systems in high risk areas, if site conditions permit the use of on-site sewage disposal; consideration of whether high risk areas would be better served, and water quality better protected, by a community or municipal sewage treatment system; provisions for an ongoing operation and maintenance program in high risk areas for existing and new systems utilizing a maintenance district or other mechanism that ensures proper functioning of systems; and in low and moderate risk areas, provisions for periodically informing users of on-site systems of the need for regular system maintenance; and

(iii) An education element directed at owners and those who install and service on-site systems, informing them about basic principles of system siting, design, installation, operation, and maintenance; local and state health requirements; available alternative systems; and financial assistance for remedial actions.

(d) Forest practices. The intent of this strategy is to control nonpoint pollution that results from forest practices and to emphasize coordination with forest practices and forest management programs. The committee shall consider including the following:

(i) Identification and ranking, with an explanation of criteria used, of water quality impacts in the watershed resulting from forest practices, using in part the watershed analysis tools available from the department of natural resources, and/or the cooperative evaluation, monitoring and research steering committee with the timber/fish/wildlife agreement, categorized by type of forest practice, geographic area of impact, and land ownership, and ranked according to the severity of threat to beneficial uses and public resources;

(ii) A coordination element that specifies how the water quality impact will be addressed, including the forest practices rule and regulations and timber/fish/wildlife agreement for state and private forest lands, and the national forest planning process for federal forest lands. Proposals for correcting water quality or fish habitat problems should be coordinated with the department of fisheries or department of wildlife;

(iii) Provisions to ensure that the requirements of the Forest Practices Act and rules and regulations for land use conversions are implemented consistently to their fullest extent by all jurisdictions in the watershed;

(iv) Provisions for ensuring consistency among local jurisdictions in the watershed in carrying out the forest practices provisions in WAC 222-50-020(3) relating to the Shoreline Management Act; review of proposed regulations, and proposal of new regulations, pursuant to RCW 76.09.040 and review of forest practice applications pursuant to RCW 76.09.050;

(v) An education element coordinated with the department of natural resources that informs private landowners, especially small landowners, about the availability of technical assistance on water quality best management practices and compliance with forest practices rules and regulations, and informs watershed residents about opportunities for information and comment on forest practices in the watershed; and

(vi) Procedures for coordinating water quality monitoring on forest lands in the watershed with state; federal and timber/fish/wildlife monitoring programs.

(e) Marinas and boats. The intent of this strategy is to control nonpoint pollution from marinas and boats, focusing on coordinated education efforts for the boating public and marina operators to reduce pollutants from improper sewage disposal and boat maintenance. The committee shall consider including:

(i) Provisions for coordinating with the state parks and recreation commission, the department of health, and the state agency task force and advisory committees under MB-1 of the plan; and

(ii) An education program in coordination with element MB-4 of the plan to inform marina operators and the boating public about nonpoint pollution from boating activities, as well as the available methods to control such pollution and applicable federal, state, and local programs, including: On-board sanitation; near-shore and on-shore sewage disposal facilities; use of paints and solvents; solid waste disposal; and other practices related to the use, repair, or maintenance of boats that may contribute to water quality degradation. The boating public shall also be informed of the importance of preventing discharges in sensitive areas particularly shellfish beds and swimming areas; and

(iii) Measures may be developed for shoreside sewage disposal facilities at marinas, regulation of waste discharges from recreational boats and liveboards, and for the storage, use, and disposal of hazardous materials such as fuels, paints, and solvents.

(f) Other nonpoint sources. The intent is to control other priority or potential priority sources of nonpoint pollution in the watershed, including but not limited to pesticides, landfills, mines, sand and gravel pits, septage disposal practices, and contaminated sites, as needed. The committee shall consider including the following:

(i) A pesticides management strategy, emphasizing an education program coordinated with the cooperative extension service, conservation district, forest and farm practices strategies pursuant to this chapter, and the state department of agriculture. This will include informing users of pesticides in the watershed about the potential water quality problems associated with the improper use, storage, and disposal of pesticides, and the less toxic alternatives, including integrated pest management practices and nonpesticide substances and techniques that do not degrade water quality. The education program shall consider utilizing the Puget Sound Pest Management Information Program developed under element NP-17 of the plan, and other appropriate actions, including possible use of the Pesticide Usage Survey developed under element NP-16 of the plan. The strategy shall also consider including provisions which recognize

the state preemption to regulate pesticides pursuant to chapter 16-228 WAC (Pesticide regulations), chapter 17.21 RCW (Washington Pesticide Application Act) and chapter 15.58 RCW (Washington Pesticide Control Act).

(ii) A management strategy for addressing nonpoint pollution from landfills, mines, and sand and gravel pits shall consider including measures that local governments can incorporate into their permitting processes to minimize sedimentation, turbidity, particulates, and leachates from closed, active, and proposed landfills, mining, and excavation activities; an education program to inform those engaged in landfill and resource excavation activities about the potential water quality problems associated with these operations, existing applicable regulations, and effective methods to reduce erosion and leachates from these activities; and other appropriate actions.

(iii) A management strategy for septage disposal practices, including coordination with the local agency administering the regulations pursuant to chapter 173-304 WAC, Minimal functional standards for solid waste handling.

(iv) A management strategy for contaminated sites, including coordination with the plan, related federal superfund plans, and any relevant state cleanup plans.

(v) When addressing nonpoint pollution from other nonpoint sources, strategies shall be developed by the watershed management committee.

NEW SECTION

WAC 400-12-535 PHASE 3—ACTION PLAN IMPLEMENTATION STRATEGY. The watershed management committee shall prepare a strategy for implementing the action plan, including the following:

(1) A description of the specific actions required of each implementing agency and local government, including federal compliance requirements pursuant to Section 313 of the Federal Clean Water Act, and a means of coordinating these actions within and among control strategies. Where possible, the implementation strategy shall include, but is not limited to, specifically worded statements, such as model ordinances, recommended government policy statements, interagency agreements, proposed legislative changes, and proposed amendments to local comprehensive plans;

(2) A schedule that includes annual milestones for implementing nonpoint pollution control strategies and a specified time frame for achieving action plan objectives;

(3) Estimated implementation costs and budget, including a financing element that identifies existing and potential local, state, and federal funding sources to fully implement the action plan. Optional federal and state funding sources include Sections 319 and 205(j) of the Clean Water Act, as well as the state revolving loan program and the Centennial Clean Water Fund. The financing element shall include local long-term funding sources, such as utility districts, that are capable of generating revenues needed to sustain nonpoint pollution control programs;

(4) Identification of a lead agency which must be willing and able to assume a leadership role in coordinating the implementation of the action plan and the public involvement process;

(5) A dispute resolution process to resolve disputes between the lead implementing agency and other implementing entities;

(6) A process and strategy for coordination and integration with ongoing planning and management programs within the watershed which impact water quality, including local, state, federal, and tribal plans and programs. Such plans and programs shall include comprehensive land use plans under the Growth Management Act, storm water and highway runoff plans, drainage basin plans, ground water management programs, flood control plans, wetlands management and protection programs, Coastal Zone Management Act Section 6217 coastal nonpoint pollution control programs, the Shoreline Master Program (chapter 173-19 WAC), shellfish and fisheries management programs, and others as appropriate;

(7) Provisions for public involvement in the preparation and adoption of implementation plans, policies, and/or ordinances. Such public involvement may include the designation of a watershed management council or similar body to advise and assist the lead implementing agency with overseeing implementation of the action plan; and

(8) A method of evaluating the overall effectiveness of the action plan in preventing and correcting ground and surface water quality impacts from nonpoint pollution and protecting beneficial uses, including:

(a) A long-term monitoring program. The long-term monitoring program shall provide information on trends related to water quality, habitat, biological conditions, and land use to determine whether the nonpoint pollution control strategies in the approved action plan are effective; and

(b) A process for annual review. The lead implementing agency shall annually evaluate the effectiveness of the action plan and report the results of the evaluation to the department and affected parties. Every other year, this report shall include the results from the long-term monitoring program, as applicable, and shall coincide with the departmental biennial audit.

NEW SECTION

WAC 400-12-545 PHASE 4—ACTION PLAN REVIEW AND APPROVAL. (1) Departmental review. The watershed management committee and lead agency shall periodically consult with the department for technical assistance in the preparation of the draft plan to be submitted for the public and agency review in subsection (2) of this section. The watershed management committee and lead agency shall submit draft portions of the plan, as each phase is completed, to the department for review.

(2) Public and agency review.

(a) As soon as the watershed management committee completes the draft action plan, the lead agency shall:

(i) Forward this draft action plan to the department for review;

(ii) Forward this draft action plan to the planning and implementing entities identified in the action plan for review and to initiate the process for obtaining concurrence;

(iii) Distribute this draft action plan to the public; and
(iv) Initiate the SEPA review process.

(b) Within thirty days after distribution of the draft action plan, the watershed management committee and implementing entities shall conduct a joint public hearing to take public testimony on the draft action plan.

(c) Each planning and implementing entity shall evaluate those provisions of the draft action plan which require the entity's involvement.

(d) The department, planning and implementing agencies, and the public shall provide comments to the lead agency within sixty days of the distribution of the draft action plan.

(e) The lead agency shall collect the comments and present them to the watershed management committee.

(f) The committee shall prepare final revisions to the action plan and a summary of responses to the comments and forward these, preferably within sixty days, to the lead agency and planning and implementing agencies for statements of concurrence.

(3) Statements of concurrence.

(a) Within sixty days of publication of the final proposed action plan, each implementing entity shall submit a statement of its concurrence to the watershed management committee, indicating its intent to adopt implementing policies, ordinances, and programs as required, or a statement of nonconcurrence with the final proposed action plan which recommends specific revisions to those sections requiring its involvement. The lead agency need only concur with those provisions of the final proposed action plan which require its involvement.

(b) The committee shall attempt to resolve statements of nonconcurrence utilizing their dispute resolution process, prepare final revisions to the action plan, and approve it, preferably within sixty days.

(4) Action plan submittal. The final revised action plan shall be forwarded to the lead agency for submittal to the department. If there are unresolved issues or if there are statements of nonconcurrence which could not be resolved by the watershed management committee, these shall be described and included with the final revised action plan for submittal to the department. The lead agency shall propose solutions to any remaining statements of nonconcurrence and submit them to the department as part of the final action plan.

(5) Ecology approval process. Not more than thirty days from receipt of the final action plan, the department shall notify the lead agency, in writing, of its decision to approve or reject all or any portion of the final action plan. The lead agency shall promptly notify the watershed management committee of the decision of the department. Implementation of approved portions may proceed while approval of other portions is pending. To approve all or part of an action plan, the department must conclude that:

(a) The action plan is consistent with the goals and requirements of the plan;

(b) The action plan has been developed in accordance with the process described in this chapter;

(c) The plan contains a summary of the water quality characterization, the problem definition, and a statement of goals and objectives;

(d) The plan specifies a set of actions to be carried out by implementing entities to address the priority nonpoint pollution problems in the watershed and to meet the goals and objectives of the plan;

(e) The plan includes statements of concurrence from entities responsible for implementing recommendations of the action plan; in making a determination, the department shall consider the impact of any statements of nonconcurrence submitted with the action plan;

(f) The action plan includes a budget and implementation schedule;

(g) Adequate public involvement and participation has occurred in development of the action plan and a process for adequate public involvement in implementation of the plan is provided for in the action plan; and

(h) The plan complies with applicable state and federal laws.

(6) Authority review. If the department disapproves all or part of the action plan and the lead agency cannot reach agreement with the department on approval within sixty days, either the lead agency, the watershed management committee, or the department may request review by the authority. The authority will review the decision for consistency with the plan and forward its determination to the department, lead agency, and watershed management committee.

NEW SECTION

WAC 400-12-555 SEPA REVIEW. The action plan, subsequent revisions, and implementation actions of the action plan shall be subject to review pursuant to the State Environmental Policy Act, chapter 43.21C RCW, as required under the applicable state and local implementing regulations.

NEW SECTION

WAC 400-12-565 REVISIONS. The lead agency or the department may initiate a process for making revisions to the action plan if either determines through annual evaluations or biennial audits that the nonpoint pollution control strategies or implementation provisions of the action plan are not effective. Upon determining that an action plan needs revision, the lead agency or the department shall provide written notice to the other, identifying the provisions of the action plan to be modified, the reason for the revision, and a reasonable time frame in which the revision is to be made.

All revisions to action plans shall be processed in accordance with the requirements of WAC 400-12-525, 400-12-535, 400-12-545, and 400-12-220.

PART SIX (SOURCE CONTROLS) ACTION PLAN IMPLEMENTATION

NEW SECTION

WAC 400-12-605 DECISION OF DEPARTMENT. Within thirty days of approval or disapproval of all or part of the action plan by the department, the lead agency shall notify in writing all appropriate federal and state agencies, relevant local planning and implementing entities, and affected parties of the department's decision.

NEW SECTION

WAC 400-12-615 RESPONSIBILITIES OF IMPLEMENTING ENTITIES. (1) Implementing entities are encouraged to adopt action plans, or applicable parts thereof, once approved by the department. Each local and state implementing entity identified in the action plan approved by the department shall be responsible for carrying out its portion of the action plan within the prescribed schedule, using the approaches described in the action plan, pursuant to RCW 90.70.070.

(2) In addition, affected local governments and state agencies with jurisdiction in the watershed shall be guided by the action plan in developing and approving all studies, plans, permits, and facilities in the watershed. The lead implementing agency shall seek to ensure consistency of federal agency actions pursuant to Section 313 and Section 319 of the Clean Water Act, 33 U.S.C. 1251 et seq., as amended, if applicable.

NEW SECTION

WAC 400-12-625 LEAD AGENCY RESPONSIBILITIES. (1) The lead implementing agency, identified in the implementation strategy developed in accordance with WAC 400-12-535, shall be responsible for coordinating among implementing entities and establishing a public involvement process.

(2) Pursuant to chapter 39.34 RCW (Interlocal Cooperation Act), cooperative agreements may be used to facilitate coordination among implementing entities and between the lead agency and implementing entities.

(3) The lead agency shall also be responsible for providing annual progress reports according to the requirements under WAC 400-12-535.

NEW SECTION

WAC 400-12-635 DEPARTMENT RESPONSIBILITIES. The department shall provide ongoing oversight of watershed action plans. In addition, the department shall audit each watershed action plan every two years to ensure consistent and adequate implementation.

AMENDATORY SECTION (Amending Order 88-01, filed 3/2/88)

WAC 400-12-700 DEFAULT PROCEDURE. If a planning or implementing entity does not carry out its responsibilities pursuant to this chapter, such as (~~rank its watersheds, and/or~~) develop action plans, and/or carry out its responsibilities under the approved action plan, and has not been granted an exception under WAC 400-12-710, the department shall (~~either rank~~

~~the county watersheds, and/or prepare, and/or implement an action plan, or portion(s) thereof, or use its regulatory authority under chapter 90.48 RCW, the plan, or other authority to direct the entity to rank watersheds, and/or)) work directly with that entity to identify reasons why and to develop an appropriate strategy for addressing nonpoint pollution concerns. If the planning or implementing entity fails to prepare and/or implement a watershed action plan, or portions thereof, the authority shall follow procedures in chapter 90.70 RCW and in element EM-8 of the plan to seek action. In addition, the department shall use its regulatory authority under chapter 90.48 RCW (Water pollution control) to require that water quality problems are corrected and, as a last resort, prepare action plans, and/or implement portions thereof.~~

REPEALER

The following sections of the Washington Administrative Code are repealed:

- WAC 400-12-300 WATERSHED RANKING COMMITTEES.
- WAC 400-12-310 WATERSHED RANKING PROCESS AND CRITERIA.
- WAC 400-12-510 PHASE 1—ACTION PLAN PROBLEM DEFINITION, AND GOALS AND OBJECTIVES DEVELOPMENT.
- WAC 400-12-520 PHASE 2—ACTION PLAN SOURCE CONTROL AND IMPLEMENTATION STRATEGY.
- WAC 400-12-530 REVISIONS.
- WAC 400-12-540 SEPA REVIEW.
- WAC 400-12-550 ACTION PLAN CONTENTS.
- WAC 400-12-560 PHASE 3—ACTION PLAN REVIEW AND APPROVAL.
- WAC 400-12-570 ACTION PLAN IMPLEMENTATION.
- WAC 400-12-600 GENERAL PROVISIONS.
- WAC 400-12-610 AGRICULTURAL PRACTICES.
- WAC 400-12-620 ON-SITE SEWAGE DISPOSAL.
- WAC 400-12-630 STORM WATER AND EROSION.
- WAC 400-12-640 FOREST PRACTICES.
- WAC 400-12-650 MARINAS AND BOATS.
- WAC 400-12-660 OTHER NONPOINT SOURCES.

WSR 91-22-097

PROPOSED RULES

HIGHER EDUCATION
COORDINATING BOARD

[Filed November 6, 1991, 10:31 a.m.]

Original Notice.

Title of Rule: American Indian endowed scholarship program.

Purpose: Adoption of rules to establish the American Indian endowed scholarship program.

Statutory Authority for Adoption: Chapter 28.108 [28B.108] RCW.

Statute Being Implemented: Chapter 28.108 [28B.108] RCW.

Summary: A program to create an educational opportunity for American Indians who might not be able otherwise to attend and graduate from higher education institutions in the state of Washington.

Reasons Supporting Proposal: Implementation of the American Indian endowed scholarship program.

Name of Agency Personnel Responsible for Drafting and Implementation: John Klacik, 917 Lakeridge Way, Olympia, WA, (206) 586-1405; and Enforcement: Ann Daley and Shirley Ort, 917 Lakeridge Way, Olympia, WA, (206) 586-1405.

Name of Proponent: Higher Education Coordinating Board, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Summary and Reasons Supporting Proposal above.

Proposal does not change existing rules.

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

Hearing Location: Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, on December 12, 1991, at 1:30 p.m.

Submit Written Comments to: Ann Daley, Executive Director, Higher Education Coordinating Board, 917 Lakeridge Way, Olympia, WA 98504, by December 12, 1991.

Date of Intended Adoption: January 22, 1992.

November 5, 1991

Ann Daley

Executive Director

STATE OF WASHINGTON
AMERICAN INDIAN ENDOWED SCHOLARSHIP PROGRAM
CHAPTER 28.108 RCW
WAC 250-76

WAC 250-76-010	Purpose
WAC 250-76-020	Program Definitions
WAC 250-76-030	Eligibility Criteria
WAC 250-76-040	Selection Criteria
WAC 250-76-050	Terms of Award
WAC 250-76-060	Administration
WAC 250-76-070	Management of Funds

Reviser's note: The typographical error in the above caption 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 250-76-010 PURPOSE. American Indians are the most under-represented ethnic minority group in higher education. The purpose of this program is to create an educational opportunity for American Indians who might not be able otherwise to attend and graduate from higher education institutions in the state of Washington.

NEW SECTION

WAC 250-76-020 PROGRAM DEFINITIONS. (1) "Institution of higher education" or "institution" shall mean any public university, college, community college, or technical college operated by the state of Washington or any political subdivision thereof, or any other university, college, school, or institute in the state of Washington offering

instruction beyond the high school level which is a member institution of the Northwest Association of Schools and Colleges, providing such institution agrees to participate in the program in accordance with all applicable rules and regulations. Any institution, branch, extension or facility operating within the state of Washington which is affiliated with an institution operating in another state must be a separately accredited member institution of the above named accrediting association.

(2) "Board" means the higher education coordinating board. When a duty or responsibility of the board is referenced in these regulations, the authority needed to discharge that responsibility lies with the executive director or his or her designee.

(3) "Eligible student" or "student" means an American Indian student who meets the eligibility criteria as defined in WAC 250-76-030(1).

(4) "Full-time undergraduate student" is defined as a student who is enrolled for twelve (12) quarter credits or the equivalent.

(5) "Full-time graduate student" is defined as one who is enrolled in at least the minimum credit course load required by the institution for disbursing financial aid to full-time graduate students.

(6) "Private cash donation," "private donation," or "donation" means moneys from non-state sources that include, but are not limited to, federal moneys, tribal moneys, and assessments by commodity commissions authorized to conduct research activities, including but not limited to, research studies authorized under RCW 15.66.030 and 15.65.040.

NEW SECTION

WAC 250-76-030 ELIGIBILITY CRITERIA. (1) Student Eligibility. In order to be eligible to receive a scholarship under this program, the student must:

(a) Be a financially needy student, as defined in RCW 28B.10.802(3);

(b) Be a resident student, as defined by RCW 28B.15.012(2);

(c) Be enrolled as a full-time student at an institution of higher education;

(d) Promise to use his or her education to benefit other American Indians; and

(e) Not be involved in a program that includes any religious worship, exercise or instruction or the pursuit of any degree in religious, seminarian, or theological academic studies.

NEW SECTION

WAC 250-76-040 SELECTION CRITERIA. (1) Program Advisory Committee. The board will establish an advisory committee to assist in program design and to advise the board on matters of program administration including, but not limited to, application procedures, selection criteria, fund raising, and program publicity. The committee shall be comprised of persons involved in helping American Indian students to obtain a higher education. It is the intent of the board that the committee be comprised from members of the state's American Indian community. Membership of the committee may include, but is not limited to, representatives of: Indian tribes, urban Indians, the governor's office of Indian affairs, the Washington state Indian education association, and institutions of higher education.

(2) Screening Committee. The board will establish a screening committee to assist the board in selecting the students to receive American Indian endowed scholarships. The committee shall be composed of representatives of the same groups as the advisory committee described in WAC 250-76-040(1) of these rules.

(3) Selection of Recipients. The board, in consultation with the advisory committee, may annually consider and revise the criteria for selecting recipients. At the minimum, assuming program eligibility criteria are met, selection criteria shall include:

(a) An assessment of the student's social and cultural ties to an American Indian community within the state. Significant social and cultural ties may be assessed through documentation of one, or a combination of several, of the following:

(i) Enrollment in a federally recognized tribe; or

(ii) References supplied by an American Indian organization or agency from within the state; or

(iii) The student's self-statement describing, and attesting to, his or her own social and cultural ties; and

(iv) Additional forms of documentation as recommended each year by the advisory committee.

(b) Priority in awards to students in upper-division or graduate programs who are majoring in program areas in which expertise is needed by the state's American Indians.

NEW SECTION

WAC 250-76-050 TERMS OF AWARD. (1) Scholarship Amounts. (a) The amount of the scholarship for an undergraduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed the student's demonstrated financial need.

(b) The amount of the scholarship for a graduate student shall be determined by the higher education coordinating board in consultation with the advisory committee, not to exceed:

(i) the student's demonstrated financial need, or
(ii) the stipend of a teaching assistant, including tuition, at the University of Washington, whichever is higher.

(c) In calculating a student's need, the board shall consider the student's costs for tuition, fees, books, supplies, transportation, room, board, personal expenses, and child care.

(d) The maximum yearly scholarship for any student may not exceed the maximum possible scholarship received for a student attending the University of Washington.

(e) Monetary awards made from this endowment may not replace any other state or federal student financial aid grant which would otherwise be made available to the student. If the recipient of this award is also a recipient of other student aid, it is the intent of this program that the institution presume that the endowment award be used to fill an unmet financial need or replace loans.

(2) Term of Scholarship Award. (a) A student is eligible to receive a scholarship for a maximum of five years. In order to receive the scholarship award beyond the first year, the student must continue to meet eligibility and selection criteria as defined in WAC 250-76-020 (3)(4)(5), 250-76-030, and 250-76-040(3) of these rules. The following additional criteria may be employed by the board in determining renewal of a student's scholarship award:

(i) Amount of earnings by the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as administered by the state treasurer.

(3) Number of Scholarships Awarded. The maximum number of scholarships awarded or renewed each year shall be limited by the amount of earnings received by the board from the American Indian endowed scholarship trust fund and the American Indian scholarship endowment fund as administered by the state treasurer. Consideration for funding shall be given to those students eligible to renew their scholarship award.

NEW SECTION

WAC 250-76-060 ADMINISTRATION. (1) Administering Agency. The higher education coordinating board shall administer the American Indian endowed scholarship program. The board shall have the following administrative responsibilities:

(a) Publicize the program;
(b) Adopt necessary program guidelines;
(c) Accept and deposit donations into the endowment fund;
(d) Request and accept from the state treasurer moneys earned by the trust fund and the endowment fund for the disbursement of American Indian endowed scholarship awards;

(e) Solicit and accept grants and donations from public and private sources for the program;

(f) Name scholarships in honor of those American Indians from Washington who have acted as role models; and

(g) Select students to receive American Indian endowed scholarship awards, with the assistance of the selection committee created by WAC 250-76-040(2).

(2) Responsibility for Soliciting Contributions. The American Indian community will have primary responsibility for solicitation of contributions. The higher education coordinating board will work in support of individual tribes and organizations who are soliciting contributions.

NEW SECTION

WAC 250-76-070 MANAGEMENT OF FUNDS. (1) American Indian Endowed Scholarship Trust Fund. Funds appropriated by the legislature for the American Indian endowed scholarship trust fund shall be deposited into the fund and invested by the state treasurer.

(a) As the higher education coordinating board can match \$50,000 of state funds with an equal amount of private cash donations, the board may request that the state treasurer deposit \$50,000 of state matching funds and any earned interest from the trust fund into the American Indian scholarship endowment fund.

(2) American Indian Scholarship Endowment Fund. The American Indian scholarship endowment fund shall be administered by the state treasurer. Moneys received from the higher education coordinating board, private donations, state matching moneys, and funds received from any other source may be deposited into the endowment fund. All moneys deposited in the endowment fund shall be invested by the state treasurer.

(a) Donated monies may not be refunded, or otherwise returned, to the contributor after they have been deposited to the endowment fund.

(b) A donation may not be accepted if such acceptance conditions the awarding of scholarships from the endowment.

(3) Scholarships shall be disbursed from the investment earnings of the trust fund and the endowment fund. The principal of the trust and endowment funds shall not be invaded. No scholarships shall be awarded until sufficient earnings from the combined trust and endowment funds have accumulated.

(4) As sufficient earnings from the combined trust and endowment funds have accumulated, the higher education coordinating board may request that the state treasurer release earnings from the endowment fund to the board for scholarships.

(5) The higher education coordinating board may award scholarships to eligible students from the moneys earned by the American Indian endowed trust fund and the American Indian scholarship endowment fund as administered by the state treasurer, or from funds appropriated to the board for this purpose, or from any private donations, or from any other funds given to the board for this program.

WSR 91-22-098

PROPOSED RULES ENERGY OFFICE

[Filed November 6, 1991, 11:01 a.m.]

Original Notice.

Title of Rule: Chapter 194-20 WAC, Energy efficiency services account.

Purpose: Implements the provisions of section 12, chapter 201, Laws of 1991.

Statutory Authority for Adoption: RCW 43.21F.045(12) and section 12, chapter 201, Laws of 1991.

Statute Being Implemented: RCW 39.35C.110.

Summary: These rules provide for establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving funds for the energy efficiency services account.

Reasons Supporting Proposal: The promulgation of these rules is necessary for the implementation of section 12, chapter 201, Laws of 1991.

Name of Agency Personnel Responsible for Drafting: George Caan and Dave Sjoding, 809 Legion Way S.E., Olympia, WA 98504-3165, 956-2023; Implementation: Dave Sjoding, Pat Keegan and Gary Hirsch, 8089 Legion Way S.E., Olympia, WA 98504-3165, 956-2000; and Enforcement: Pat Keegan, Dave Sjoding and Gary Hirsch, 809 Legion Way S.E., Olympia, WA 98504-3165, 956-2006.

Name of Proponent: Washington State Energy Office, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this proposed new chapter of WAC

rules is to implement the provisions of section 12 and related sections of chapter 201, Laws of 1991 establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving funds for the energy efficiency services account.

Proposal does not change existing rules.

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

Hearing Location: Attorney General's Office, Conference Center, Rowsix, 4224 6th Avenue S.E., Building #1, Lacey, Washington 98503, on December 12, 1991, at 1:30 p.m.

Submit Written Comments to: George Caan or Dave Sjoding, c/o Washington State Energy Office, 809 Legion Way S.E., Olympia, WA 98504-3165, by December 11, 1991.

Date of Intended Adoption: December 19, 1991.

November 6, 1991
David W. Sjoding
Assistant Director
Administration and Finance

Chapter 194-20 WAC
ENERGY EFFICIENCY SERVICES ACCOUNT

NEW SECTION

WAC 194-20-010 PURPOSE. This chapter implements the provisions of section 12 and related sections of chapter 201, Laws of 1991, establishing criteria and procedures for setting a fee schedule, establishing working capital requirements, and receiving funds for the energy efficiency services account.

NEW SECTION

WAC 194-20-020 DEFINITIONS. (1) "WSEO" means the Washington state energy office.

(2) "Energy partnerships" means the energy efficiency program that emerges from chapter 201, Laws of 1991, the mission of which is the fulfillment of the requirements of that legislation: To achieve cost-effective conservation in state and school district facilities and to pursue development of cost-effective cogeneration in existing and/or new state facilities.

(3) "Life cycle cost analysis (LCCA)" means the method of economic analysis which accounts for the initial cost and the cost of operation of a major facility or its systems over its economic life. (See RCW 39.35.030(7).) Chapter 39.35 RCW requires that an LCCA be prepared prior to construction or alteration of a publicly owned or leased facility of twenty-five thousand square feet or larger.

(4) "Energy conservation report (ECR)" means the report in which LCCA's are performed for schools, funded in part by the Washington superintendent of public instruction and reviewed by WSEO under WAC 180-27-075. The contents of the report and the submission procedures are outlined in the WSEO publication, "Guidelines for Preparing Energy Conservation Reports."

(5) "School building energy characteristics report (SBEC)" means the conservation report which communicates compliance with the governing energy code, required for smaller projects not affected by WAC 180-27-075.

(6) "Energy efficiency project" means a project which reduces energy consumption or energy cost, or increases the efficient use of energy. It includes activities, measures, and/or equipment designed to achieve these results.

(7) "Cogeneration project" means a project which results in the sequential generation of two or more forms of energy from a common fuel or energy source.

NEW SECTION

WAC 194-20-030 CRITERIA AND PROCEDURES FOR SETTING FEES. The WSEO will charge fees sufficient to recover the cost of providing services to state agencies and school districts which undertake energy efficiency or cogeneration projects under the energy

partnerships program. Recoverable costs include, but are not limited to all necessary costs of providing services directly to client institutions, of monitoring and implementing utility agreements when utilities elect to offer designated services, and of monitoring agreements with private consultants who provide energy partnerships services. WSEO's fees are based on hourly rates and the billable hours of service providers, and shall include all technical and program costs, and associated administrative costs. Fees are negotiated between WSEO and the institution being served, except for fees to review LCCA's and ECR's.

NEW SECTION

WAC 194-20-040 LIFE CYCLE COST ANALYSIS/ENERGY CONSERVATION REPORT FEES. Fees for LCCA and ECR reviews will be established to recover WSEO's actual costs in conducting the reviews. Annually, these costs will be evaluated and a revised fee schedule will be published, effective July 1 of the year in which it is issued. WSEO's fee for an LCCA or ECR review will not exceed two thousand dollars or one-tenth of one percent of the project's total design and construction cost, whichever is less, unless mutually agreed by the institution and WSEO. No fee is charged for school building energy characteristics report reviews.

WSEO shall annually evaluate whether energy savings resulting from its review of LCCA's and ECR's justify the costs of performing the reviews. WSEO shall make the results of that report available to the public, on request.

NEW SECTION

WAC 194-20-050 RECEIPT OF FUNDS. WSEO requires full payment of its invoices in the form of a check made payable to WSEO or an electronic fund transfer. For LCCA's and ECR's submitted for review, institutions will be invoiced when the review takes place. For all other energy conservation or cogeneration services, institutions will be invoiced on a monthly basis unless other financing arrangements are mutually agreed upon in advance.

NEW SECTION

WAC 194-20-060 NET REVENUE FROM TRANSACTIONS FOR CONSERVATION. In accordance with RCW 39.35C.120, when an energy efficiency project at a state agency or a school district involves a financial transaction with a utility, Bonneville Power Administration, or other entity, and is funded in whole or part with state funds, fifty percent of all net revenue shall be deposited in the energy efficiency services account (RCW 39.35C.120(4)). Funds received as a result of the net revenue determination as outlined in RCW 39.35C.120(7) can be used for:

- (1) Funding energy partnerships services; and
- (2) Transfers by the legislature to the state general fund.

Net revenue received from K-12 school construction projects shall be deposited in a single subaccount if those projects have been identified by the superintendent of public instruction as having received state support from the common school construction fund.

NEW SECTION

WAC 194-20-070 NET SAVINGS AND NET REVENUE FROM TRANSACTIONS FOR COGENERATION. In accordance with RCW 39.35C.120, fifty percent of net savings and eighty percent of net revenue generated at state facilities with new cogeneration projects shall be deposited in the energy efficiency services account, and for institutions of higher education, fifty percent of net savings and fifty percent of net revenue from new cogeneration projects will be deposited in the energy efficiency services account; except that no net revenue will be assessed for cogeneration projects in operation as of July 28, 1991. Funds received as a result of the net revenue determination as outlined in RCW 39.35C.120(7) and from net savings will be placed in the energy efficiency services account and can be used for:

- (1) Funding energy partnerships services; and
- (2) Transfers by the legislature to the state general fund.

NEW SECTION

WAC 194-20-080 WORKING CAPITAL REQUIREMENTS. The WSEO establishes an initial goal of building within the energy efficiency services account a working capital account balance equal to four to five months of operating costs.

WSR 91-22-099
PROPOSED RULES
LIQUOR CONTROL BOARD
 [Filed November 6, 1991, 11:08 a.m.]

Original Notice.

Title of Rule: WAC 314-12-140 Prohibited practices—Contracts—Gifts—Rebates, etc.

Purpose: Amendatory language would allow movement of stock by wholesalers other than those representing brands involved.

Statutory Authority for Adoption: RCW 66.08.030(2).

Statute Being Implemented: RCW 66.28.010.

Summary: Proposal would establish conditions when one wholesaler could move, rotate, rearrange stock normally handled by another wholesaler.

Reasons Supporting Proposal: To facilitate the efficient handling of stock and the enforcement of intentional violations.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Gary Gilbert, 1025 East Union, Olympia, WA, 586-3052.

Name of Proponent: Washington State Liquor Control Board and Beer and Wine Wholesalers Association, private and governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Proposal would set forth strict conditions which would permit a wholesaler to move, rearrange or handle products so as to expedite displays or stock movement in retail licensed premises.

Proposal Changes the Following Existing Rules: Rule currently prohibits any handling of products by a wholesaler other than the brands that wholesaler represents.

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

Hearing Location: Washington State Liquor Control Board, Fifth Floor Board Room, 1025 East Union, Olympia, WA 98504, on December 11, 1991, at 9:30 a.m.

Submit Written Comments to: Washington State Liquor Control Board, 1025 East Union, Olympia, WA 98504, by December 10, 1991.

Date of Intended Adoption: December 11, 1991.

November 6, 1991

Paula O'Connor
Chairman

AMENDATORY SECTION (Amending Order 211, Resolution No. 211 [220], filed 1/27/87)

WAC 314-12-140 PROHIBITED PRACTICES — CONTRACTS — GIFTS — REBATES, ETC. (1) No contract shall be made or entered into whereby any retail licensee agrees to handle any particular brand or brands of liquor to the exclusion of any other brand or brands of liquor.

(2) No contract shall be made or entered into for the future delivery of liquor to any retail licensee: PROVIDED, That this regulation shall not be construed as prohibiting the placing and accepting of orders for the purchase and delivery of liquor which are made in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.

(3) No manufacturer, wholesaler, or importer, or his employee, shall directly or indirectly solicit, give or offer to, or receive from any retail

licensee, any employee thereof, or an applicant for a license, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever; nor shall any retail licensee, employee thereof, or an applicant for a license, directly or indirectly, solicit, receive from, or give or offer to any manufacturer, wholesaler or importer, or his employee, any gifts, discounts, loans of money, premiums, rebates, free liquor of any kind, treats or services of any nature whatsoever, except such services as are authorized in this regulation. It shall be a violation of this section for:

(a) Any retail licensee who has paid for beer or wine with a check which was dishonored upon presentation to thereafter refuse to make good on the check by immediate payment in cash.

(b) Any retail licensee to purchase beer and/or wine from any source after having received notice that a previous check given in payment for beer and/or wine has been dishonored until that dishonored check has been made good in cash.

(4) Pursuant to RCW 66.28.010 a manufacturer, wholesaler, importer, or his licensed agent may perform the following services for a retailer:

(a) Build, rotate, and restock displays, utilizing filled cases, filled bottles or filled cans of his own brands only, from stock or inventory owned by the retailer. Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer; PROVIDED, however, manufacturers, wholesalers, importers or any employees thereof may move or handle in any manner any products of any other manufacturer, importer or wholesaler on the premises of any retail licensee when reasonable notice is given to other interested manufacturers, wholesalers or their agents and such activity occurs during normal business hours.

~~((b) Rotate, rearrange or replenish bottles or cans of his own brands on shelves or in the refrigerators, but is prohibited from rearranging or moving displays of his products in such a manner as to cover up, hide or reduce the space of display of the products of any other manufacturer, wholesaler or importer.))~~

~~((c)) (b) Provide price cards and may also price goods of his own brands in accordance with the usual and common business practice and which are otherwise in compliance with the regulations.~~

~~((d)) (c) Provide point of sale advertising material and brand signs.~~

~~((e)) (d) Such services may be rendered only upon the specific approval of the retail licensee. Displays and advertising material installed or supplied for use on a retailer's premises must be in conformity with the board's advertising rules as set forth in chapter 314-52 WAC.~~

~~((f) No manufacturer, wholesaler, importer, or any employee thereof, shall move or handle in any manner any products other than his own brands on the premises of any retail licensee.))~~

(5) No manufacturer, wholesaler, importer, or employee thereof shall, directly or indirectly, give, furnish, rent or lend to, or receive from, any retail licensee any equipment, fixtures, supplies or property of any kind, nor shall any retail licensee, directly or indirectly, receive, lease or borrow from, or give or offer to, any manufacturer, wholesaler or importer any equipment, fixtures, supplies or property of any kind. Sales authorized in this regulation shall be made on a cash on delivery basis only.

(6) No manufacturer or wholesaler or employee thereof shall sell to any retail licensee or solicit from any such licensee any order for any liquor tied in with, or contingent upon, the retailer's purchase of some other beverage, alcoholic or otherwise, or any other merchandise, property or service.

(7) In selling equipment, fixtures, supplies or commodities other than liquor, no manufacturer, wholesaler or importer shall grant to retail licensees, nor shall such licensees accept, more favorable prices than those extended to nonlicensed retailers. The price thereof shall be in conformity with the open market price in the locality where sold. In no event shall credit be extended to any retail licensee.

(8) Any manufacturer, wholesaler or importer who sells what is commonly referred to as heavy equipment and fixtures, such as counters, back bars, stools, chairs, tables, sinks, refrigerators or cooling boxes and similar articles, shall immediately after making any such sales have on file and available for inspection in accordance with WAC 314-20-050 a copy of the invoice covering each such sale, which invoice shall contain a complete description of the articles sold, the purchase price of each unit sold together with the total amount of the sale, transportation costs and services rendered in connection with the installation of such articles. Such invoice shall list the date of such sale

and affirm that full cash payment for such articles was received from the retailer as provided in subsection (5) of this section.

(9) If the board finds in any instance that any licensee has violated this regulation, then all licenses involved shall be held equally responsible for such violation.

Note: WAC 314-12-140 is not intended to be a relaxation in any respect of section 90 of the Liquor Act (RCW 66.28.010). As a word of caution to persons desiring to avail themselves of the opportunity to sell to retail licensees fixtures, equipment and supplies subject to the conditions and restrictions provided in section 90 of the act and the foregoing regulation, notice is hereby given that, if at any time such privilege is abused or experience proves that as a matter of policy it should be further curtailed or eliminated completely, the board will be free to impose added restrictions or to limit all manufacturers and wholesalers solely to the sale of liquor when dealing with retail licensees. WAC 314-12-140 shall not be considered as granting any vested right to any person, and persons who engage in the business of selling to retail licensees property or merchandise of any nature voluntarily assume the risk of being divested of that privilege and they will undertake such business subject to this understanding. The board also cautions that certain trade practices are prohibited by rulings issued under the Federal Alcohol Administration Act by the United States Bureau of Alcohol, Tobacco and Firearms, and WAC 314-12-140 is not intended to conflict with such rulings or other requirements of federal law or regulations.

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

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

**WSR 91-22-100
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION**

[Filed November 6, 1991, 11:45 a.m.]

Original Notice.

Title of Rule: WAC 480-140-020 relating to annual budgets by water systems and 480-140-040 relating to preparation of budgets by public service companies for major capital projects. The amendatory sections are shown below as Appendix A, Docket No. U-911075. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed sections on economic values, pursuant to chapter 43.21H RCW.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: This amendment will include a supplemental exemption to filing annual budgets by water companies that are required to file water system plans with the Department of Health in compliance with WAC 246-290-100 and will more completely reflect the escalation of construction costs and the size of the projects related to the total construction budgets of public service companies.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Utilities Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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 Summary above.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on December 11, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., FY-11, P.O. Box 47250, Olympia, WA 98504-7250, by December 2, 1991.

Date of Intended Adoption: December 11, 1991.

November 5, 1991

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-341, Docket No. U-901099, filed 3/28/91, effective 4/28/91)

WAC 480-140-020 WHO MUST FILE. All public service companies shall ~~((be required to))~~ file budgets with the ~~((Washington utilities and transportation))~~ commission ~~((PROVIDED, HOWEVER,))~~ except (1) gas, water, telecommunications, telegraph, and electrical companies whose annual gross operating revenues do not exceed one hundred fifty thousand dollars ~~((shall not be required to file budgets))~~ and (2) water companies who are required to file water system plans with the department of health in compliance with WAC 246-290-100. Water companies required to file such plans with the department of health shall concurrently file a copy of such plan with the commission.

AMENDATORY SECTION (Amending Order R-341, Docket No. U-901099, filed 3/28/91, effective 4/28/91)

WAC 480-140-040 PREPARATION. Budgets shall be made in duplicate on forms furnished by the commission. The original and three copies shall be filed with the commission and one copy shall be kept by the company for its files. Each question must be answered fully and accurately. Where the word "none" truly and completely states the fact, it may be given as the answer to any particular inquiry or portion thereof. Do not leave blank lines. Items and schedules which do not apply to the reporting company's business and therefore cannot be filled in, shall be answered "not applicable." In no case shall any utility deviate from the requirements of these rules except upon a showing of good cause, and then only to the extent authorized by the commission in writing. For the purpose of the budget report an "individual major project," is defined according to the following schedule:

Company Construction Budget	Major Project
\$25,000 or less	\$2,000 or more
\$25,001 to \$50,000	\$2,500 or more
\$50,001 to \$100,000	\$10,000 or more
\$100,001 to \$(200,000)) <u>500,000</u>	\$15,000 or more
\$500,001 to \$1,000,000	\$50,000 or more
\$1,000,001 to \$5,000,000	\$100,000 or more
\$5,000,001 or more	\$500,000 or more

All other individual projects shall be listed by name, location, and estimated cost. For companies with utility operations in more than one state, the major project threshold shall be applied to all projects proposed to be located in the state of Washington and to all projects which will be partly or wholly allocated to Washington operations: **PROVIDED**, That individual project description sheets shall be required only for those projects for which the assigned or allocated costs to Washington equal or exceed the threshold set forth in this rule.

WSR 91-22-101
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 6, 1991, 11:49 a.m.]

Original Notice.

Title of Rule: WAC 480-12-084 relating to adoption of federal regulations, 49 C.F.R., Part 390. The proposed new section is shown below as Appendix A, Docket No. TV-2332. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the new section on economic values, pursuant to chapter 43.21H RCW.

Purpose: Adoption of this rule will ensure uniformity of regulation between state and federal agencies of motor carriers.

Statutory Authority for Adoption: RCW 80.01.040.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Transportation Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

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

Proposal does not change existing rules.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on December 11, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., FY-11, P.O. Box 47250, Olympia, WA, 98504-7250, by December 2, 1991.

Date of Intended Adoption: December 11, 1991.

November 6, 1991

Paul Curl
Secretary

APPENDIX "A"

NEW SECTION

WAC 480-12-084 FEDERAL REGULATIONS, 49 C.F.R., PART 390—ADOPTION BY REFERENCE. (1) The provisions of Title 49, Code of Federal Regulations, Part 390, are adopted and prescribed by the Commission, except carriers operating exclusively in intrastate commerce shall not be subject to the provisions of paragraph (c) of section 39.3, section 390.21, and for the purposes of application of federal regulations on intrastate commerce.

(2) With respect to section 390.5, the definitions shown for "exempt intracity zone," "farm to market agricultural transportation," "farm vehicle driver," "farmer," "private motor carrier of passengers," "private motor carrier of property," "school bus," and "school bus operation" shall not apply.

(3) Whenever the designation "commercial motor vehicle" is used, it shall mean a motor carrier as defined in RCW 81.80.010.

(4) "Exempt motor carrier," "motor carrier," "motor vehicle," and "private carrier" shall have the meanings subjoined to them by RCW 81.80.010.

(5) Whenever the designation "director" is used it shall mean the Washington utilities and transportation commission.

WSR 91-22-102
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 6, 1991, 11:51 a.m.]

Original Notice.

Title of Rule: WAC 480-120-340 relating to obligations of local exchange telecommunications companies concerning enhanced 911 services. The proposed new section is shown below as Appendix A, Docket No. UT-911238. Written and/or oral submissions may also contain data, views, and arguments concerning the effect of the proposed new section on economic values, pursuant to chapter 43.21H RCW.

Purpose: The proposed rule requires local exchange companies to provide the capability to identify the location of a telephone connected to a PBX which generates and forwards automatic number identification and which is served by enhanced 911.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: This proposed rule requires a progress report and a statement of anticipated costs to be made to the commission by March 1, 1992, on the technology chosen, with full implementation by July 1, 1992. Local exchange companies are required to file draft 911 tariffs by March 1, 1992.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Paul Curl, Secretary, and Utilities Staff, 1300 South Evergreen Park Drive S.W., Olympia, WA, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal does not change existing rules.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on December 11, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., FY-11, P.O. Box 47250, Olympia, WA, 98504-7250, by December 2, 1991.

Date of Intended Adoption: December 11, 1991.
November 6, 1991
Paul Curl
Secretary

APPENDIX "A"

NEW SECTION

WAC 480-120-340 9-1-1 OBLIGATIONS OF LOCAL EXCHANGE COMPANIES. (1) No later than July 1, 1992, every local exchange company shall provide the capability to identify the location of individual telephone stations at private branch exchanges served by enhanced 9-1-1 service, where the private branch exchange generates automatic number identification information.

(2) No later than March 1, 1992, every local exchange company shall file with the commission a detailed plan specifying the following:

- (a) The equipment, facilities, software, or other technology the company has chosen in order to comply with the requirement in subsection (1) above and the rationale for selecting such technology; and
- (b) The anticipated costs of providing the chosen technology.

(3) No later than March 1, 1992, every local exchange company shall file with the commission draft tariffs and supporting cost studies which would specify the charges and terms for 9-1-1 services, including enhanced 9-1-1 services.

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

WSR 91-22-103
PROPOSED RULES
DEPARTMENT OF HEALTH
(Board of Health)

[Filed November 6, 1991, 1:29 p.m.]

Original Notice.

Title of Rule: Temporary worker housing standards.

Purpose: To develop rules which include as a minimum the standards developed under Washington Industrial Safety and Health Act (2SSB 6780).

Statutory Authority for Adoption: RCW 70.54.110.

Summary: Three categories of changes were incorporated into chapter 246-358 WAC, Housekeeping, Department of Labor and Industries requirements and enhancements.

Reasons Supporting Proposal: The document is the product of 6 reviews including 4 public work sessions and 2 invited work sessions and several mailings to over 500 individuals. There remains about 6 "controversial" issues.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Ellen Haars, 1300 S.E. Quince, EY-29, Olympia, 586-4415.

Name of Proponent: State Board of Health, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 246-358 WAC contains the health and sanitation standards for temporary worker housing. The purpose of the chapter is to establish the Washington State Board of Health minimum health and sanitation requirements for temporary-worker housing or labor camps as specified in RCW 70.54.110. The proposed changes will meet the mandate specified in 2SSB 6780.

Proposal Changes the Following Existing Rules: There are three basic types of changes made to chapter 246-358 WAC. They are housekeeping changes to meet the legislative mandate to have standards be minimally the same as WISHA, and enhancements.

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

Hearing Location: W. R. Giedt Public Health, 1610 N.E. 50th, Seattle, WA 98155, on December 11, 1991, at 1:30 p.m.

Submit Written Comments to: Leslie Baldwin, Rules Coordinator, 1300 Quince Street S.E., Olympia, WA 98504, by December 10, 1991.

Date of Intended Adoption: December 11, 1991.

November 5, 1991

Sylvia Beck

Executive Director

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-001 PURPOSE. Chapter ((248-63)) 246-358 WAC establishes the Washington state board of health minimum health and sanitation requirements for temporary-worker housing or labor camps as specified in RCW 70.54.110. These rules implement chapter 253, Laws of 1990, to establish a set of standards for farm-worker housing and the intent of RCW ((43-20-050)) 70.54.110.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-010 DEFINITIONS. (1) "Construction" means building of new temporary-worker housing and additions, or alterations to existing temporary-worker housing when the housing started on or after May 3, 1969 (reference chapter 70.54 RCW).

(2) "Department" means the Washington state department of ((social and)) health ((services)).

(3) "Dormitory" means a shelter, building, or portion of a building which:

(a) Is physically separated from dwelling units and common use areas;

(b) Is designated by the operator as a sleeping area for groups of temporary workers and/or those who accompany temporary workers;

(c) Houses at least five occupants; and

(d) Lacks cooking and eating facilities.

(4) "Dwelling unit" means a shelter, building, or portion of a building which:

(a) Is physically separated from other units, dormitories, and common-use areas;

(b) Is designated by the operator for use by temporary workers and/or those who accompany temporary workers as sleeping and/or living space; and

(c) May contain cooking and eating facilities.

(5) "Drinking fountain" means a product equal to a nationally recognized standard or a designed and drained faucet which provides portable drinking water under pressure.

(6) "Exemption" means a written authorization from the Washington state board of health which excludes an operator from meeting a specific standard in this chapter.

(a) An exemption may be from:

((a)) (i) One or more subsections of this chapter;

((b)) (ii) A specific condition; and/or

((c)) (iii) A specific time limit.

(b) An exemption may not be granted for the permit requirements as defined in WAC 246-358-025(1).

((a)) (7) "Foodhandling facility" means a designated, enclosed area for preparation of food, either:

(a) "Central foodhandling facility," a cafeteria-type eating place with operator-furnished food prepared under the direction of the operator for consumption with or without charge by temporary workers; or

(b) "Common foodhandling facility," an area designated by the operator for temporary workers to store, prepare, cook, and eat their own food supplies.

~~((7))~~ (8) "Health and sanitation permit" or ~~((²permit²))~~ "operating license" means a document issued by the department or the health officer authorizing the use of temporary-worker housing under conditions specified in this chapter. An exemption shall not be granted for the permit requirement. A permit will specify:

- (a) The length of time the permit is valid;
 - (b) Operator's name; and
 - (c) Number of persons authorized to occupy temporary-worker housing according to square footage requirements.
- ~~((8))~~ (9) "Health officer" means the individual appointed under chapter 70.05 RCW as the health officer for a local health department or appointed under chapter 70.08 RCW as the director of public health of a combined city-county health department.

~~((9))~~ (10) "Laundry" means an area or room with laundry sink and/or mechanical washing machines used to wash clothing.

~~((10))~~ (11) "Operator" means owner or the individual designated as the person responsible for the temporary-worker housing and whose name appears on the health and sanitation permit.

~~((11))~~ (12) "Person" means any individual, firm, partnership, corporation, association or the legal successor thereof, or any agency of the city, county, or state, or any municipal subdivision.

~~((12))~~ (13) "Refuse" means solid wastes or garbage.

~~((13))~~ (14) "Sink" means a properly trapped plumbing fixture which prevents back passage or return of air and includes:

- (a) "Handwashing sink" or lavatory with hot and cold water under pressure and which is used for handwashing purposes; or
- (b) "Laundry sink" of a size large enough to accommodate hand laundering of clothing with hot and cold water under pressure.

~~((14))~~ (15) "Single operation" means the common use of labor, equipment, and supervision.

(16) "Temporary worker" means a person employed intermittently and not residing year-round in the same place.

~~((15))~~ (17) "Temporary-worker housing" (formerly a labor camp) means all facilities provided by the operator managed as a single operation including:

- (a) ~~((Foodhandling facilities, toilet, bathing, handwashing facilities, and laundry facilities;~~
- (b) ~~Spaces for accommodating worker-supplied housing and leisure/recreational facilities if either is provided;~~
- (c) ~~Shelter or a dormitory for housing ten or more temporary workers and/or those who accompany temporary workers;~~
- (d) ~~Five dwelling units; or~~
- (e) ~~A combination of facilities, shelters, spaces, dwelling units, or dormitories for housing ten or more temporary workers and/or those who accompany temporary workers.)~~ Five dwelling units;

(b) A combination of facilities, shelters, spaces, dwelling units, or dormitories for housing ten or more temporary workers and/or those who accompany temporary workers with a minimum square footage of five hundred twenty square feet;

(c) Food handling facilities, toilet, bathing, handwashing facilities, and laundry facilities; and

(d) Does not include housing which is covered by the Landlord Tenant Act.

~~((16))~~ (18) "Worker-supplied housing" means a shelter provided by the temporary worker and may include tents, recreational vehicles, or trailers.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-025 PERMIT—ADMINISTRATION—ENFORCEMENT—EXEMPTIONS. (1) The operator shall:

- (a) Submit a completed initial application to the department at least forty-five days prior to use of the temporary-worker housing;
- (b) Submit a completed renewal notice to the department or health officer as required;
- (c) Have a permit from the department or health officer prior to initial occupancy;

~~((e))~~ (d) ~~((Produce))~~ Post the department's health and sanitation permit ((upon request of workers, representatives of workers, or representatives of governmental agencies)) in a place readily accessible to workers; and

~~((d))~~ (e) Notify the department or health officer of a transfer of ownership. There will be no fee charged for transferring ownership.

(2) The operator may:

(a) Allow the use of temporary-worker housing without a permit when:

(i) More than forty-five days have passed since a completed initial application was submitted and received by the department or health officer as evidenced by the post mark; and

(ii) The department or health officer has not inspected or issued a permit; ~~((and))~~

(iii) Other local, state, or federal laws, rules, or codes do not prohibit use of the temporary-worker housing; and

(iv) Request refund of fees if housing is not occupied during the year.

(b) Request in writing an exemption for all sections of this chapter from the Washington state board of health except the requirement for a permit; and

(c) Appeal decisions of the department to an adjudicative proceeding governed by the Administrative Procedure Act (chapter 34.05 RCW) and chapter 388-08 WAC.

(3) The department may establish an agreement with a health officer whereby the health officer assumes responsibility for inspections, issuing permits, and enforcing chapter ~~((248-63))~~ 246-358 WAC excluding exemptions.

(4) The department or health officer shall:

(a) Survey each premises of temporary-worker housing to ensure standards of this chapter are met, including inspection:

- (i) Prior to issuance of initial permit;
- (ii) Upon request of operator or occupant; and
- (iii) At least once every year or more frequently as determined by the department or health officer.

(b) Respond to complaints;

(c) Issue a permit to the operator when an on-site inspection reveals conditions meet or exceed the requirements in chapter ~~((248-63))~~ 246-358 WAC;

(d) Include on each permit the duration for which the permit is valid not to exceed two years;

(e) Take appropriate enforcement action including any one or combination of the following:

- (i) Develop corrective action including a compliance schedule;
- (ii) Notify the operator concerning violations; and
- (iii) Suspend or revoke the permit.

(f) Allow the operator to use temporary-worker housing without a permit as specified in subsection (2) of this section;

(g) Allow permit to continue under the new ownership or transfer owner.

(5) The department or health officer may:

(a) Issue a provisional permit when temporary-worker housing fails to meet the standards in this chapter if:

- (i) A written corrective action plan including a compliance schedule is approved by the department or health officer; or
- (ii) Pending the Washington state board of health's decision regarding an exemption request.

(b) Establish and collect fee as authorized in chapter ~~((43-20A))~~ 43.70 RCW or RCW 70.05.060;

(c) Refund all or part of a permit fee for housing not occupied during the year if requested by the operator.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-035 SUPERVISION AND RESPONSIBILITY. The operator shall:

(1) Ensure regular maintenance of occupied temporary-worker housing to meet standards in this chapter;

(2) Comply with this chapter prior to occupancy even if the department or health officer fails to issue a permit within forty-five days of application as described in WAC ~~((248-63-025))~~ 246-358-025;

(3) ~~((Supervise the maintenance of temporary-worker housing at all times;~~

~~((4))~~ Establish rules for users of temporary-worker housing consistent with health and sanitation requirements in this chapter;

~~((5))~~ (4) Post ((rules for)) information regarding temporary-worker health and sanitation when available from the department or health officer; and

~~((6))~~ (5) Inform occupants of their responsibilities related to maintaining housing consistent with health and sanitation requirements of this chapter.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-045 LOCATION AND MAINTENANCE. The operator shall:

- (1) Provide well-drained sites for temporary-worker housing which prevents the existence of standing water becoming a nuisance;
- (2) Locate and maintain temporary-worker housing to prevent the creation of a health or safety hazard; and
- (3) Not locate temporary-worker housing:
 - (a) Within five hundred feet of ~~((an occupied feedlot, dairy, or poultry))~~ a livestock operation unless the department or health officer determines that no health risk exists; or
 - (b) Within two hundred feet of swamps, pools, sink holes, or other surface collections of water unless provisions are taken to prevent the breeding of mosquitoes.
- (4) Maintain all open areas surrounding the housing units and dormitories in a sanitary condition and free from garbage and other refuse.
- (5) All sites shall be sufficient in size to prevent overcrowding of necessary structures.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-055 WATER SUPPLY. The operator shall:

- (1) Provide an adequate, convenient water supply from an approved source as described in chapter ~~((248-54))~~ 246-290 WAC;
- (2) Submit a water sample to a department-certified laboratory for testing of bacteriological quality each year prior to opening temporary-worker housing as described in WAC ~~((248-54-165))~~ 246-290-300;
- (3) Delay opening housing until bacteriological quality meets requirements as described in WAC ~~((248-54-175))~~ 246-290-310;
- (4) Provide hot and cold running water under pressure twenty-four hours a day for bathing, laundry, and handwashing facilities adequate to meet needs of occupants served as defined by the department or health officer;
- (5) ~~((Provide water under pressure for laundry facilities;))~~ Provide one or more drinking fountains for every one hundred occupants of temporary-worker housing where drinking water is not available;
- (6) Prohibit the use of common drinking cups;
- ~~((6))~~ (7) Operate and maintain water service in accordance with chapter ~~((248-54))~~ 246-290 WAC for temporary-worker housing existing prior to August 1984;
- ~~((7))~~ (8) Design, construct, and maintain a water supply system in accordance with chapter ~~((248-54))~~ 246-290 WAC and this section for temporary-worker housing constructed after August 1984.
- (9) When water is unsafe for drinking purposes and accessible to occupants at the temporary worker housing site, a sign shall be posted within three feet of the source as "do not drink" in English or marked with easily understood pictures or symbols. Outlets for nonpotable water shall be rendered inaccessible to occupants of the temporary worker housing site.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-075 CONSTRUCTION AND MAINTENANCE OF DWELLING UNITS, DORMITORIES, AND OTHER FACILITIES USED FOR TEMPORARY-WORKER HOUSING. (1) The operator shall provide structurally sound buildings and shelters which:

- (a) Are maintained in good repair;
 - (b) Are maintained in a sanitary condition; and
 - (c) Protect temporary workers and those who accompany them against the elements.
- (2) ~~((The operator of temporary-worker housing may instead comply with requirements of the United States Department of Labor, Employment and Training Administration (ETA) standards, 20 CFR 654.404 through 654.417, if the housing was constructed before March 1980 and the housing does not meet standards in this section.~~
- ~~((3))~~ (3) The operator constructing new or remodeling existing temporary-worker housing shall meet requirements in this section that apply to the ~~((housing))~~ facilities being constructed or remodeled.
- ~~((4))~~ (4) The operator shall follow the compliance schedule established with the department or health officer when existing temporary-worker housing fails to meet requirements in this section.

~~((5))~~ (4) All heating, cooking, water heating, and other electrical equipment shall be installed in accordance with state, local ordinances, codes, and regulations governing such installation.

- (5) The operator shall provide temporary-worker housing with:
- (a) ~~((Floors of impervious material, such as concrete, tile, or smooth, planed, tight-fitting wood;))~~ Subfloors shall be constructed of wood, asphalt, or concrete and shall be of smooth and tight construction and kept in good repair;
 - (b) Wood floors. If used, wood floors shall be at least twelve inches above the ground;
 - (c) Clean, cleanable surfaces on interior walls and floors free of excessive peeling paint;
 - (d) Cold, potable, running water under pressure within one hundred feet of each dwelling unit;
 - (e) A minimum of seventy square feet gross floor space for first occupant and fifty square feet for each additional occupant in each dwelling unit;
 - (f) A minimum of fifty square feet for each occupant in each dormitory;
 - (g) At least fifty square feet of floor space for each occupant in rooms used for sleeping purposes;
 - (h) A minimum ceiling height of ~~((six feet eight inches))~~ seven feet over at least one-half the floor area except for manufactured homes which may have six feet eight inches ceiling height;
 - ~~((11))~~ (i) Windows. A window area of one-tenth of the total floor area in each dwelling unit, dormitory, and other habitable rooms;
 - ~~((12))~~ (i) An adequate mechanical ventilation system or natural ventilation including in the bathroom.
 - (i) Openable windows or skylights used for ventilation shall open:
 - ~~((13))~~ (A) To ~~((forty-five))~~ fifty percent of total window area; and
 - ~~((14))~~ (B) Directly to the outside.
 - (ii) The mechanical ventilation requirement for bathrooms shall meet the Washington state ventilation and indoor air quality code, Section 302.2.1.
 - ~~((15))~~ (k) Electrical service including:
 - (i) Installation of wiring of fixtures consistent with the ~~((state building code chapter 19.27 RCW))~~ department of labor and industries, RCW 19.28.070 and local ordinances;
 - (ii) Maintenance of wiring and fixtures in safe condition;
 - (iii) One electrical ceiling fixture and one wall outlet in each room of each dwelling unit;
 - (iv) One electrical ceiling or wall fixture and outlets as needed for each two hundred fifty square feet of space in each dormitory; and
 - (v) One electrical ceiling or wall fixture and outlets as needed in each central toilet, handwashing, bathing, and laundry room.
 - ~~((16))~~ (l) Sixteen-mesh screens on all exterior openings; and
 - ~~((17))~~ (m) Screen doors shall be tight fitting, in good repair, and equipped with self-closing devices.
 - ~~((18))~~ (7) The operator shall exclude floor space where ceiling height is under five feet when calculating minimum space requirements.
 - ~~((19))~~ (8) Temporary-worker housing consisting of trailers and recreational vehicles manufactured after July 1968 shall have Washington state department of labor and industries insignia as required in chapters 296-150A and 296-150B WAC.
 - (9) For painted surfaces, nonlead based paint shall be applied in all temporary worker housing facilities.
 - (10) Tents may be used for housing in emergency situations provided state board of health guidelines on the use of tents for temporary worker housing are followed and with the department's written approval prior to set up and occupancy. The signatory agencies of the interagency agreement pertaining to farmworker housing shall be provided the opportunity to participate in the development of the guidelines.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-095 TOILETS, HANDWASHING, BATHING, AND LAUNDRY FACILITIES. (1) The operator shall:

- (a) Provide toilets, handwashing, bathing, and laundry facilities as required in this section; and
- (b) Construct urinals, when provided so that the floor from the wall and for a distance not less than fifteen inches measured from the outward edge of the urinal is constructed of materials impervious to moisture; and
- (c) Provide toilets separate from habitable areas by walls.

(2) The operator providing centralized toilets, handwashing, and bathing facilities shall:

(a) Locate toilets and handwashing sinks within two hundred feet from temporary-worker housing lacking toilets;

(b) Locate bathing facilities within three hundred feet from temporary-worker housing;

(c) Provide means for individual privacy for toileting and bathing;

(d) Where the toilet rooms are shared such as in multifamily shelters and dormitories;

~~(i) Separate toilet rooms for each sex;~~

~~(ii) Distinctly mark each room for "men" and for "women" by signs printed in English or marked with easily understood pictures or symbols; and~~

~~(iii) If the facilities for each sex are in the same building, separate rooms by solid walls or partitions extending from the floor to the roof or ceiling;~~

~~(e) Maintain facilities in a clean and sanitary condition;~~

~~((f)) (f) Determine required number of centralized toilets, handwashing sinks, and bathing facilities by:~~

(i) Using the maximum occupancy permitted and recorded on the permit as a base; and

(ii) Excluding from the determination the numbers of occupants sheltered in(:

~~(A)) operator-supplied dwelling units containing toilets, handwashing sinks, and bathing facilities(;~~

~~(B) Worker-supplied housing containing toilet or bathing facilities).~~

~~((f)) Determine number of centralized toilets, handwashing, and bathing facilities according to the following table calculating by numbers or major fraction from sixteen people on:~~

Number of People	Handwashing		
	Toilets	Bathing	Sinks
1-15	2	2	2
16-30 or major fraction	3	3	3
31-45 or major fraction	4	4	4
46-60 or major fraction	5	5	5

~~(i) Add one additional toilet, handwashing sink, and bathing facility per fifteen occupants or major fraction beyond sixty occupants; and~~

~~(ii) If desired, substitute urinals for required toilets not to exceed replacement of one-third of the required toilets;)~~

~~(g) Toilets, handwashing sinks, and bathing units in centralized toilet facilities;~~

~~(i) The number of toilets or privy seats shall be in the ratio of one such unit for each fifteen persons with a minimum of two units for any facility shared by men and women;~~

~~(ii) The number of handwashing basins shall be one per six persons;~~

~~(iii) The number of shower heads shall be one for every ten persons.~~

~~(h) Provide water flush toilets unless privies or other methods are specifically approved by the department or health officer according to requirements in chapter ((248-96)) 246-272 WAC when approved, privies must be located at least one hundred feet from any sleeping room, dining room, lunch area, or kitchen; and~~

~~((th)) (i) Provide adequate, accessible supplies of toilet tissue and holders;~~

~~(j) Ensure that the toilet facilities are cleaned at least daily;~~

~~(k) Provide sloped floors;~~

~~(l) Provide coved floors of nonslip impervious materials;~~

~~(m) Provide cleanable, nonabsorbent waste containers; and~~

~~(n) Provide walls and partitions of shower rooms which are smooth and water impervious.~~

~~(3) The operator having toilet facilities in dwelling units shall:~~

~~(a) Provide a handwashing sink in each dwelling unit; and~~

~~(b) Inform occupants of requirements to maintain toilets in clean and sanitary condition.~~

~~(4) The operator shall(:~~

~~(a) Provide sloped floors in centralized toilet rooms;~~

~~(b)) connect handwashing sinks, bathing, and laundry facilities through properly trapped floor drains to an approved disposal system(;~~

~~(c) Provide floors of nonslip materials in centralized toilets, handwashing, bathing, and laundry facilities; and~~

~~(d) Provide cleanable, nonabsorbent waste containers in centralized toilet rooms).~~

(5) The operator shall provide centralized laundry facilities convenient to temporary-worker housing as follows:

(a) One laundry tub or sink and one mechanical washing machine for up to and including each ((fifty)) thirty occupants as approved and listed on the permit; or

~~(b) Additional mechanical washing machines may be provided ((to replace required numbers of laundry sinks)) but each laundry facility shall have at least one laundry sink or tub; or~~

(c) Two laundry tubs or sinks to replace every required mechanical washing machine; and

(d) Facilities for drying clothes.

~~((6) The operator may omit the requirement in subsection (5) of this section if commercial or public laundry facilities are:~~

~~(a) Reasonably accessible to temporary workers; and~~

~~(b) Conveniently located for temporary workers;))~~

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-105 HEATING. The operator shall:

(1) Provide means of maintaining temperature of at least ((sixty-five)) seventy degrees Fahrenheit in ((all rooms of)) dwelling units, dormitories and bathing facilities used during periods requiring artificial heating;

(2) Install, vent, and maintain heating facilities to prevent fire hazard and fume concentrations;

(3) Avoid placing heating facilities in locations obstructing exits from the dwelling unit;

(4) Prohibit use of portable kerosene heaters; and

(5) If providing wood burning devices in ((trailers, mobile)) manufactured homes, or recreational vehicles used as temporary-worker housing, ((have)) the Washington state department of labor and industries insignia ((as required in chapters 296-150A and 296-150B WAC)) in accordance with chapter 43.22 RCW shall be displayed.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-115 LIGHTING. The operator shall provide:

(1) A minimum of thirty foot-candles of light measured thirty inches from the floor in ((all rooms of temporary-worker housing)) dwelling units and dormitories and twenty foot candles of light measured thirty inches from the floor in the toilets facility; and

(2) Adequate outdoor lighting for safe passage within the temporary-worker housing area.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-125 COOKING AND FOODHANDLING FACILITIES. (1) The operator shall provide cooking or foodhandling facilities for all temporary workers housed by the operator.

(2) The operator providing cooking facilities in each dwelling unit shall include:

(a) An operable cook stove or hot plate with a minimum of two ((burners for every ten occupants)) cooking surfaces for two occupants or four cooking surfaces for two to ten occupants or two families;

(b) A sink with running water under pressure;

(c) Food storage ((shelves)) areas and food preparation counters which are off the floor;

(d) Individual or centralized mechanical refrigeration, capable of maintaining temperature of forty-five degrees Fahrenheit or below, which has space for storing perishable food items of all affected temporary workers;

(e) Tables and chairs or equivalent seating;

(f) Fire resistant, nonabsorbent, nonasbestos, and easily cleanable wall((s)) coverings adjacent to cooking areas; and

(g) Floors which are nonabsorbent and easily cleanable.

(3) The operator providing central foodhandling facilities for temporary workers shall:

~~(a) Meet requirements of the state board of health in chapter ((248-84)) 246-215 WAC food service sanitation;~~

~~(b) Ensure that there are no direct openings from living or sleeping areas into the central foodhandling facility; and~~

~~(c) Provide fire-resistant, nonasbestos, nonabsorbent, and easily cleanable wall coverings adjacent to the cooking area.~~

(4) The operator with common foodhandling facilities shall provide:

(a) A room or building separate from and convenient to ((temporary-worker housing)) dwelling units;

(b) An operable cook stove or hot plate with a minimum of two ~~((burners for every))~~ cooking surfaces for two occupants or four cooking surfaces for two to ten occupants or two families;

(c) Sinks with hot and cold running water under pressure;

(d) ~~((Spaces for))~~ Food storage ~~((shelves, counters;))~~ areas and food preparation counters which are off the floor;

(e) Mechanical refrigeration, capable of maintaining temperatures of forty-five degrees Fahrenheit or below, which has space for storing perishable food items for all affected temporary workers and those who accompany them;

(f) Tables and chairs or equivalent seating;

(g) Fire-resistant, nonabsorbent, ~~nonasbestos~~, and easily cleanable wall~~((s))~~ coverings adjacent to cooking areas; and

(h) Nonabsorbent, easily cleanable floors.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-135 BEDS AND BEDDING. The operator shall:

(1) Provide beds or bunks furnished with clean mattresses in good condition for numbers of occupants specified on the permit;

(2) If choosing to provide bedding, ensure bedding is clean and maintained in a sanitary condition;

(3) Provide a minimum of twelve inches between each bed or bunk and the floor;

(4) If single beds are used;

(a) Separate single beds, in dormitories, laterally and end to end by at least thirty-six inches;

(b) Separate single beds, in housing units, laterally and end to end by at least thirty-six inches.

(5) If bunk beds are used:

(a) Separate double-deck bunks, in dormitories, laterally and end to end by at least forty-eight inches;

(b) Separate double-deck bunks, in housing units, laterally and end to end by at least forty-eight inches;

(c) Maintain a minimum space of twenty-seven inches between the upper and lower bunks; and

~~((c))~~ (d) Prohibit triple bunks.

(6) Provide storage facilities for clothing and personal articles in ~~((temporary-worker housing))~~ dwelling units or dormitories.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-145 HEALTH AND SAFETY PROVISIONS. The operator shall:

(1) Provide two means of escape in every sleeping and eating area of temporary-worker housing (e.g., doors, windows);

(2) Meet requirements of Washington state fire marshal chapter 212-10 WAC for smoke detection devices;

(3) Prevent potential health, safety, and fire hazards by:

(a) Storing and using dangerous materials away from the temporary-worker housing; and

(b) Prohibiting:

(i) Storing flammables or volatile liquids or materials other than those intended for ~~((household))~~ use in the housing unit in or adjacent to ~~((dwelling units, foodhandling facilities, toilets, bathing facilities, or laundry areas))~~ temporary-worker housing; and

(ii) Storing or mixing pesticides or other toxic ~~((chemicals))~~ substances in temporary-worker housing ~~((areas))~~ other than those substances intended for occupant use in the ~~((household))~~ dwelling unit.

(c) Providing readily accessible, available first-aid equipment meeting requirements of WAC ~~((296-306-050))~~ 296-24-060 (Part A-1); and

(d) Provide a person trained in basic first aid and cardiopulmonary resuscitation (CPR) who is accessible to occupants of the temporary-workers housing;

(e) Storing unused refrigerator units to prevent harm to children (e.g., crushing, suffocation).

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-155 REFUSE DISPOSAL. The operator shall establish and maintain refuse disposal systems including:

(1) Protecting against rodent harborage, insect breeding, and other health hazards while storing, collecting, transporting, and disposing of refuse;

(2) Storing refuse in sound fly-tight, rodent-tight, impervious, and cleanable enclosed containers;

(3) Providing an accessible container~~((s for temporary-worker housing))~~ if necessary on a wooden, metal, or concrete stand within one hundred feet of all dwelling units or dormitories;

(4) Emptying refuse containers when full at least ~~((once))~~ twice every week, if possible, or more often if necessary;

(5) Removing refuse from temporary-worker housing areas; and

(6) Properly disposing of all refuse consistent with sanitation codes approved by the local jurisdiction.

(7) Whenever the camp is closed for the season or permanently, all garbage, manure, and other refuse shall be collected and so disposed of as to prevent a nuisance.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-358-175 DISEASE PREVENTION AND CONTROL. The operator shall:

(1) Make reasonable efforts to know if disease is present among occupants of temporary-worker housing;

(2) Report immediately the name(s) and address(es) of individuals suspected of having infectious or communicable diseases such as food poisoning or other unusual prevalence of fever, diarrhea, sore throat, vomiting, jaundice, productive cough, or weight loss among occupants of temporary-worker housing to the local health officer; and

(3) Assist temporary workers to obtain medical diagnosis and treatment when ill.

WSR 91-22-104

PROPOSED RULES

DEPARTMENT OF HEALTH

[Filed November 6, 1991, 1:34 p.m.]

Original Notice.

Title of Rule and Purpose: Temporary permits—Recognized jurisdictions, to adopt rules to allow chiropractors temporary permits in Washington state; temporary permits—Issuance and duration, to adopt rules to allow chiropractors temporary permits in Washington state; licensure by endorsement, to adopt rules to allow reciprocity of chiropractors in Washington state; preceptorship program, to adopt rules to set up a preceptorship program in Washington state; and registration of chiropractic x-ray technicians, to adopt rules to regulate chiropractic x-ray technicians in Washington state.

Statutory Authority for Adoption: RCW 18.26.110.

Summary: To adopt new rules for new legislation regarding examining board.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Connie Glasgow, 1300 S.E. Quince Street, Olympia, WA 98504, (206) 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: These rules provide requirements and processes for obtaining a temporary permit, licensure by endorsement, the chiropractic preceptorship program, registering as a chiropractic x-ray technician, and approving courses for chiropractic x-ray technician training.

Proposal does not change existing rules.

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

Hearing Location: West Coast Sea-Tac Hotel, 18220 Pacific Highway South, Seattle, WA 98188, on December 12, 1991, at 8:00 a.m.

Submit Written Comments to: Connie Glasgow, 1300 S.E. Quince, EY-21, Olympia, WA 98504, by December 5, 1991.

Date of Intended Adoption: December 12, 1991.

November 4, 1991
Connie M. Glasgow
Program Manager

NEW SECTION

WAC 246-806-150 TEMPORARY PERMITS—RECOGNIZED JURISDICTIONS. For the issuance of temporary permits under Chapter 18.26 RCW, all states except Illinois, Michigan, Virginia and Wyoming are deemed to have licensing standards substantially equivalent to the standards of the state of Washington.

NEW SECTION

WAC 246-806-160 TEMPORARY PERMITS—ISSUANCE AND DURATION. (1) An applicant may request a temporary practice permit by submitting to the board:

(a) A completed application on forms provided by the department with the request for a temporary practice permit indicated;

(b) An application fee and a temporary practice permit fee as specified in WAC 246-806-990; and

(c) Written verification directly from all states in which the applicant is or was licensed, attesting that the applicant has or had a license in good standing and is not subject to charges or disciplinary action for unprofessional conduct or impairment.

(2) The board shall issue a one-time-only temporary practice permit unless the board determines a basis for denial of the license or issuance of a conditional license.

(3) The temporary permit shall expire upon the issuance of a license by the board, initiation of an investigation of the applicant by the board, or 120 days, whichever occurs first.

(4) An applicant who receives a temporary practice permit and does not complete the application process shall not be issued another temporary practice permit, even upon submission of a new application in the future.

NEW SECTION

WAC 246-806-170 LICENSURE BY ENDORSEMENT. An applicant may apply for licensure by endorsement by submitting to the board: (1) A completed application on forms provided by the department;

(2) A fee as specified in WAC 246-806-990; and

(3) Evidence, satisfactory to the board:

(a) Of a license to practice chiropractic in another jurisdiction including, but not limited to, another state, a territory of the United States, the District of Columbia, the Commonwealth of Puerto Rico or a province in Canada; and

(b) Of credentials and qualifications which are equivalent to the requirements of the state of Washington for licensure by examination at the time of application under this section;

(c) That the jurisdiction in which the applicant is licensed grants similar recognition to licensees in the State of Washington;

(d) That the applicant has been engaged in the full-time practice of chiropractic, or has taught general clinical chiropractic subjects at an accredited school of chiropractic, as set forth in WAC 246-806-040, in a jurisdiction described in subsection (3)(a) of this section for at least three of the five years immediately preceding application under this section;

(e) That the applicant has not been convicted of a crime, if such crime would be grounds for the refusal, suspension, or revocation of a license to practice chiropractic in this state if committed in the state of Washington;

(f) That the applicant's license to practice chiropractic is not, at the time of application under this section, suspended or revoked in any jurisdiction, based on grounds which would be grounds for the refusal, suspension or revocation of a license to practice chiropractic in this state; and

(g) Of passing a Jurisprudence and Adjustive Technique Examination administered by the Washington Board of Chiropractic Examiners.

NEW SECTION

WAC 246-806-180 PRECEPTORSHIP PROGRAM (1) Definitions.

(a) "Preceptor" is a licensed doctor of chiropractic who supervises an undergraduate or post graduate intern in accordance with the requirements of this section.

(b) "Undergraduate intern" is an individual studying at an approved chiropractic college, who is in the final academic year prior to receiving a degree in chiropractic.

(c) "Board" means the Washington board of chiropractic examiners.

(d) "Approved chiropractic college" means a chiropractic college approved by the board of chiropractic examiners.

(2) Requirements of preceptor participation. A preceptor shall:

(a) Be approved for participation by the board;

(b) Be approved for participation by an approved chiropractic college;

(c) Have a current Washington chiropractic license;

(d) Have been in practice for five years or more;

(e) Provide evidence of malpractice insurance for himself/herself and the intern;

(f) Not misuse alcohol, controlled substances, or legend drugs;

(g) Be of good moral character; and

(h) Have not been found in violation of board rules for the preceding five years.

(3) Program requirements. (a) The preceptor and intern shall comply with all requirements of the institution sponsoring the preceptorship program.

(b) The preceptorship shall operate within the scope of practice authorized in Chapter 18.25 RCW and Chapter 246-807 WAC.

(c) The preceptor shall be present on the premises at all times that the intern is practicing chiropractic as defined in RCW 18.25.005 and the preceptor shall meet with the patient prior to the commencement of chiropractic treatment by the intern.

NEW SECTION

WAC 246-806-190 REGISTRATION OF CHIROPRACTIC X-RAY TECHNICIANS. (1) Chiropractic doctors shall employ only board registered technicians to operate x-ray equipment.

(2) Application. An x-ray technician may apply for registration by submitting to the board:

(a) Proof of satisfactory completion of a course of classroom instruction of at least forty-eight hours which has been approved by the board in accordance with subsection (4) of this section; and

(b) Verification of passing a proficiency examination in radiologic technology, which is approved by the board. A passing grade shall be seventy-five percent or a standardized score approved by the board. If the applicant fails the initial examination, the applicant may reapply to take the examination one additional time without additional classroom instruction. If the applicant fails a second examination, the applicant shall complete an additional sixteen hours of classroom instruction prior to reapplying for a third examination.

(3) Exceptions.

(a) For a period of one hundred and eighty days from the effective date of this rule a technician who has performed chiropractic radiographic procedures routinely for a minimum of:

(i) Two continuous calendar years immediately preceding application may register without examination.

(ii) One calendar year preceding application may take the examination after completing at least twenty hours of board-approved radiologic technology instruction. If the technician applying under this subsection does not pass the examination, the technician shall complete at least twenty-four additional hours of classroom instruction addressing the subjects listed in subsection (4) of this section prior to re-examination.

(b) An applicant who holds a current active registration, license, or certification from a national certifying agency or other governmental licensing agency whose standards for registration, licensure or certification are equal to or exceed the standards under these rules may register without examination.

(4) Course approval. An individual may request board approval of a course of classroom instruction for x-ray technicians by submitting the

following information to the board no later than ninety days prior to the first day of instruction:

(a) An outline of the course of instruction, which shall include:

- (i) Physics and equipment;
- (ii) Principles of radiographic exposure;
- (iii) Radiation protection;
- (iv) Anatomy and physiology; and
- (v) Radiographic positioning and procedures.

(b) Proficiency examination;

(c) Verification that the course instructor has on-campus or post-graduate faculty status in the field of radiology with a board approved chiropractic college; and

(d) Any other information deemed necessary by the board to make a determination.

(5) Continuing education. A registered chiropractic x-ray technician shall submit an affidavit certifying the completion of six hours of continuing education over the preceding year when applying for annual renewal.

(a) The board approves continuing education of subject matter listed in subsection (4) of this section. Prior approval of continuing education programs is not required by the board.

(b) The board shall conduct random audits. If the board determines that the applicant has not obtained continuing education that falls within the subject matter defined in subsection (4), the board shall deny renewal of the registration.

WSR 91-22-105
PROPOSED RULES
DEPARTMENT OF REVENUE
 [Filed November 6, 1991, 1:56 p.m.]

Original Notice.

Title of Rule: WAC 458-40-650 Timber quality code table; 458-40-660 Stumpage value tables; and 458-40-670 Stumpage value adjustments.

Purpose: To establish the stumpage values for reporting and payment of the timber excise tax.

Statutory Authority for Adoption: RCW 82.32.300 and 84.33.096.

Statute Being Implemented: RCW 84.33.091.

Summary: The rule establishes the stumpage value of timber within the state of Washington. These values are to be used by harvesters to compute their timber tax liability for the period from January 1, 1992, through June 30, 1992, first half 1992.

Name of Agency Personnel Responsible for Drafting: Gordon S. Gienty, 6004 Capitol Boulevard, Tumwater, (206) 586-2903; Implementation and Enforcement: John B. Conklin, 6004 Capitol Boulevard, Tumwater, (206) 753-2871.

Name of Proponent: Department of Revenue, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule establishes the stumpage value of timber, and adjustments, throughout the state of Washington. These values are to be used by harvesters to determine their taxable stumpage value when calculating their timber tax liability.

Proposal Changes the Following Existing Rules: This rule changes the stumpage values of timber throughout the state.

Small Business Economic Impact Statement: The Department of Revenue has reviewed administrative provisions contained in WAC 458-40-650, 458-40-660, and 458-40-670 in order to determine the economic impact on small businesses. The new provisions incorporated in this rule do not change the timing or frequency of tax payments, require new forms, or alter long standing and generally accepted record-keeping requirements. This rule will have no economic impact on industry. The economic impact of actual tax liability is beyond the scope of the small business economic impact statement and is therefore not addressed. The department does not have the legal authority to exempt small businesses from statutory requirements merely repeated in this rule. Taxpayers report liability on the forest excise tax return. Records that a taxpayer must keep are those necessary to determine actual tax liability or those which show a harvester's right to a deduction, credit, or exemption. There is no other compliance requirement imposed by this rule.

Hearing Location: General Administration Building, First Floor Conference Room, 11th and Columbia, Olympia, Washington 98504, on December 11, 1991, at 1:00 p.m.; and at the Department of Revenue, Conference Room, Third Floor, Northtown Office Building, North 4407 Division Street, Spokane, WA, on December 13, 1990 [1991], at 1:00 p.m.

Submit Written Comments to: John B. Conklin, Department of Revenue, Forest Tax Division, General Administration Building, AX-02, Olympia, Washington 98504, by December 13, 1991.

Date of Intended Adoption: December 31, 1991.

November 6, 1991

John B. Conklin
 Assistant Director
 Forest Tax

AMENDATORY SECTION (Amending Order FT-88-2, filed 6/30/88)

WAC 458-40-650 TIMBER EXCISE TAX—TIMBER QUALITY CODES DEFINED. The timber quality code numbers for each species of timber shown in the stumpage value tables contained in this chapter are defined as follows:

((TABLE 1—Timber Quality Code Table
 Stumpage Value Areas 1, 2, 3, 4, and 5

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Douglas-Fir & Spruce	Over 50% No. 2 Sawmill & better log grade and over 40% Special Mill, No. 1 Sawmill & better log grade
1	Western Redcedar & Alaska Cedar	Over 30% No. 2 Sawmill & better log grade and 15% & over Special Mill, No. 1 Sawmill, Pecker & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and over 25% Special Mill, No. 1 Sawmill & better log grade

TABLE 1—cont.

Timber Quality Code Number	Species	Log Grade Specifications ¹
	Hardwoods	All No. 3 Sawmill logs & better log grades
	Douglas-Fir & Spruce	Over 50% No. 2 Sawmill & better log grade and 15-40% inclusive Special Mill, No. 1 Sawmill & better log grade
2	Western Redcedar & Alaska-Cedar	Over 30% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill, Peeler & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and 5-25% inclusive Special Mill, No. 1 Sawmill & better log grade
	Douglas-Fir & Spruce	Over 50% No. 2 Sawmill & better log grade and less than 15% Special Mill, No. 1 Sawmill & better log grade
3	Western Redcedar & Alaska-Cedar	5-30% inclusive No. 2 Sawmill & better log grade
	Western Hemlock, True Firs & Other Conifer	Over 50% No. 2 Sawmill & better log grade and less than 5% Special Mill, No. 1 Sawmill & better log grade
	Douglas-Fir & Spruce	25-50% inclusive No. 2 Sawmill & better log grade
4	Western Redcedar & Alaska-Cedar	Less than 5% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer	25-50% inclusive No. 2 Sawmill & better log grade
	Douglas-Fir & Spruce	5% to but not including 25% No. 2 Sawmill & better log grade
	Western Hemlock & Other Conifer, except Western Redcedar & Alaska-Cedar	5% to but not including 25% No. 2 Sawmill & better log grade
5	Conifer Utility	All conifer logs graded as utility log grade
	Hardwood Utility	All No. 4 Sawmill log grade and all hardwood logs graded as utility
6	Douglas-Fir, Spruce, Western Hemlock & Other Conifer, except Western Redcedar & Alaska-Cedar	Less than 5% No. 2 Sawmill & better log grade

¹For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 450-40-680.

TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine	Less than 10 logs 16 feet long per thousand board feet Scribner scale
1	All Conifers Other Than Ponderosa Pine	All log sizes
	Hardwoods	Sawlogs only

TABLE 2—cont.

Timber Quality Code Number	Species	Log Grade Specifications
2	Ponderosa Pine	10 or more logs 16 feet long per thousand board feet Scribner scale
5	Utility	All logs graded as utility

TABLE 3—Timber Quality Code Table
Stumpage Value Area 10

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Timber Quality Code Number	Species	Log Grade Specifications
	Ponderosa Pine & Other Conifers	Less than 5 logs 16 feet long per MBF net log Scribner scale
1	Hardwoods	All logs graded as sawlogs
	Ponderosa Pine	5 to 9 logs inclusive 16 feet long per MBF net log Scribner scale
2	Other Conifer	5 to 12 logs inclusive 16 feet long per MBF net log scale
	Ponderosa Pine	More than 9 logs 16 feet long per MBF net log Scribner scale
3	Other Conifer	More than 12 logs 16 feet long per MBF net log Scribner scale
5	Utility	All logs graded as utility

TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10

Species	Quality Code Number	Log grade specifications ¹
Douglas-fir	1	Over 50% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	2	Over 50% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, and better log grade.
Douglas-fir	3	25-50% inclusive No. 2 Sawmill and better log grade.
Douglas-fir	4	Less than 25% No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	1	Over 30% No. 2 Sawmill and better log grade, and 15% and over Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	2	Over 30% No. 2 Sawmill and better log grade, and less than 15% Special Mill, No. 1 Sawmill, Peeler and better log grade.
Western Redcedar and Alaska-Cedar	3	5-30% inclusive No. 2 Sawmill and better log grade.
Western Redcedar and Alaska-Cedar	4	Less than 5% No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	1	Over 50% No. 2 Sawmill and better log grade, and 5% and over Special Mill, No. 1 Sawmill and better log grade.

**TABLE 1—Timber Quality Code Table
Stumpage Value Areas 1, 2, 3, 4, 5, and 10**

Species	Quality Code	Number Log grade specifications ¹
Western Hemlock, True Firs, Other Conifer, and Spruce	2	Over 50% No. 2 Sawmill and better log grade, and less than 5% Special Mill, No. 1 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	3	25-50% inclusive No. 2 Sawmill and better log grade.
Western Hemlock, True Firs, Other Conifer, and Spruce	4	Less than 25% No. 2 Sawmill and better log grade.
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
Hardwoods	1	All No. 3 Sawmill logs and better log grades.
Hardwood Utility	5	All No. 4 Sawmill log grade and all hardwood logs graded as utility.
Conifer Utility	5	All conifer logs graded as utility log grade.

¹ For detailed descriptions and definitions of approved log scaling, grading rules, and procedures see WAC 458-40-680.

**TABLE 2—Timber Quality Code Table
Stumpage Value Areas 6 and 7**

Species	Quality Code	Number Log grade specifications ¹
Ponderosa Pine	1	Less than 10 logs 16 feet long per thousand board feet Scribner scale.
Ponderosa Pine	2	10 or more logs 16 feet long per thousand board feet Scribner scale.
All conifers other than Ponderosa Pine	1	All log sizes.
Hardwoods	1	Sawlogs only.
Utility	5	All logs graded as utility.

AMENDATORY SECTION (Amending WSR 91-14-077, filed 6/28/91, effective 7/1/91)

WAC 458-40-660 **TIMBER EXCISE TAX—STUMPAGE VALUE TABLES.** The following stumpage value tables are hereby adopted for use in reporting the taxable value of stumpage harvested during the period ((July) January 1 through ((December 31, 1991)) June 30, 1992:

**((TABLE 1—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1991**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$440	\$433	\$426	\$419	\$412
		2	409	402	395	388	381
		3	382	375	368	361	354
		4	367	360	353	346	339
		5	131	124	117	110	103
		6	108	101	94	87	80
Western Redcedar ²	RC	1	428	421	414	407	400
		2	421	414	407	400	393
		3	267	260	253	246	239
		4	266	259	252	245	238
Sitka Spruce	SS	1	376	369	362	355	348
		2	372	365	358	351	344
		3	271	264	257	250	243
		4	200	193	186	179	172
		5	199	192	185	178	171
		6	198	191	184	177	170
Western Hemlock ³	WH	1	382	375	368	361	354
		2	322	315	308	301	294
		3	311	304	297	290	283
		4	269	262	255	248	241
		5	131	124	117	110	103
		6	108	101	94	87	80
Other Conifer	OC	1	382	375	368	361	354
		2	322	315	308	301	294
		3	311	304	297	290	283
		4	269	262	255	248	241
		5	131	124	117	110	103
		6	108	101	94	87	80
Red Alder	RA	1	173	166	159	152	145
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	40	33	26	19	12

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Alaska-Cedar.

³ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 2—Stumpage Value Table
Stumpage Value Area 1
July 1 through December 31, 1991**

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Quality Code	Species Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	150	143	136	129	122

TABLE 2—
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar & Other Posts ¹	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ²	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 3— Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$512	\$505	\$498	\$491	\$484
		2	450	443	436	429	422
		3	400	393	386	379	372
		4	348	341	334	327	320
		5	196	189	182	175	168
		6	91	84	77	70	63
Western Redcedar ²	RC	1	474	467	460	453	446
		2	432	425	418	411	404
		3	418	411	404	397	390
		4	280	273	266	259	252
Sitka Spruce	SS	1	376	369	362	355	348
		2	372	365	358	351	344
		3	271	264	257	250	243
		4	200	193	186	179	172
		5	199	192	185	178	171
		6	198	191	184	177	170
Western Hemlock ³	WH	1	405	398	391	384	377
		2	332	325	318	311	304
		3	315	308	301	294	287
		4	265	258	251	244	237
		5	196	189	182	175	168
		6	91	84	77	70	63
Other Conifer	OC	1	405	398	391	384	377
		2	332	325	318	311	304
		3	315	308	301	294	287
		4	265	258	251	244	237
		5	196	189	182	175	168
		6	91	84	77	70	63
Red Alder	RA	1	129	122	115	108	101
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	75	68	61	54	47

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Alaska-Cedar.

³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 4— Stumpage Value Table
Stumpage Value Area 2
July 1 through December 31, 1991

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS

Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

TABLE 5— Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1991

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$563	\$556	\$549	\$542	\$535
		2	459	452	445	438	431
		3	357	350	343	336	329
		4	270	263	256	249	242
		5	196	189	182	175	168
		6	134	127	120	113	106
Western Redcedar ³	RC	1	475	468	461	454	447
		2	444	437	430	423	416
		3	334	327	320	313	306
		4	301	294	287	280	273
Western Hemlock ⁴	WH	1	408	401	394	387	380
		2	295	288	281	274	267
		3	282	275	268	261	254
		4	234	227	220	213	206
		5	197	190	183	176	169
		6	151	144	137	130	123
Other Conifer	OC	1	408	401	394	387	380
		2	295	288	281	274	267
		3	282	275	268	261	254
		4	234	227	220	213	206
		5	197	190	183	176	169
		6	151	144	137	130	123
Red Alder	RA	1	155	148	141	134	127
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	84	77	70	63	56

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 6—Stumpage Value Table
Stumpage Value Area 3
July 1 through December 31, 1991**

**WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit**

Species Name	Species Code	Timber Quality		Hauling Distance Zone Number				
		Code	Number	1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1		\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1		150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1		0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

**TABLE 7—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1991**

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Douglas-Fir ²	DF	1		\$547	\$540	\$533	\$526	\$519
		2		466	459	452	445	438
		3		376	369	362	355	348
		4		289	282	275	268	261
		5		185	178	171	164	157
		6		134	127	120	113	106
Western Redcedar ³	RC	1		517	510	503	496	489
		2		465	458	451	444	437
		3		344	337	330	323	316
		4		288	281	274	267	260
Western Hemlock ⁴	WH	1		407	400	393	386	379
		2		323	313	306	299	292
		3		260	253	246	239	232
		4		253	246	239	232	225
		5		167	160	153	146	139
		6		134	127	120	113	106
Other Conifer	OC	1		407	400	393	386	379
		2		320	313	306	299	292
		3		260	253	246	239	232
		4		253	246	239	232	225
		5		167	160	153	146	139
		6		134	127	120	113	106
Red Alder	RA	1		152	145	138	131	124

**TABLE 7—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Black Cottonwood	BC	1		158	151	144	137	130
Other Hardwood	OH	1		165	158	151	144	137
Hardwood Utility	HU	5		81	74	67	60	53
Conifer Utility	CU	5		80	73	66	59	52

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

**TABLE 8—Stumpage Value Table
Stumpage Value Area 4
July 1 through December 31, 1991**

**WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit**

Species Name	Species Code	Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1		\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1		150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1		0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1		0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ³	TFX	1		0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.

²Stumpage value per 8 lineal feet or portion thereof.

³Stumpage value per lineal foot.

**TABLE 9—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1991**

**WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Quality Code	Number	Hauling Distance Zone Number				
				1	2	3	4	5
Douglas-Fir ²	DF	1		\$639	\$632	\$625	\$618	\$611
		2		455	448	441	434	427
		3		389	382	375	368	361
		4		312	305	298	291	284
		5		205	198	191	184	177
		6		160	153	146	139	132
Western Redcedar ³	RC	1		467	460	453	446	439
		2		444	437	430	423	416
		3		373	366	359	352	345
		4		227	220	213	206	199

TABLE 9—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ⁴	WH	1	514	507	500	493	486
		2	353	346	339	332	325
		3	275	268	261	254	247
		4	252	245	238	231	224
		5	162	155	148	141	134
		6	160	153	146	139	132
Other Conifer	OC	1	514	507	500	493	486
		2	353	346	339	332	325
		3	275	268	261	254	247
		4	252	245	238	231	224
		5	162	155	148	141	134
		6	160	153	146	139	132
Red Alder	RA	1	179	172	165	158	151
Black Cottonwood	BC	1	158	151	144	137	130
Other Hardwood	OH	1	165	158	151	144	137
Hardwood Utility	HU	5	81	74	67	60	53
Conifer Utility	CU	5	76	69	62	55	48

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 10—Stumpage Value Table
Stumpage Value Area 5
July 1 through December 31, 1991

WESTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Shake Blocks & Boards ¹	RCS	1	\$424	\$417	\$410	\$403	\$396
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	150	143	136	129	122
Western Redcedar & Other Posts ²	RCP	1	0.45	0.45	0.45	0.45	0.45
Douglas-Fir Christmas Trees ³	DFX	1	0.25	0.25	0.25	0.25	0.25
True Fir & Other Christmas Trees ⁴	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot.
⁴Stumpage value per lineal foot.

TABLE 11—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$235	\$229	\$223	\$217	\$211
Engelmann Spruce	ES	1	151	145	139	133	127
Lodgepole Pine	LP	1	93	87	81	75	69
Ponderosa Pine	PP	1	277	271	265	259	253
		2	231	225	219	213	207
Western Redcedar ³	RC	1	305	299	293	287	281
True Firs ⁴	WH	1	198	192	186	180	174
Western White Pine	WP	1	197	191	185	179	173
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	44	38	32	26	20

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 12—Stumpage Value Table
Stumpage Value Area 6
July 1 through December 31, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 13—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$132	\$126	\$120	\$114	\$108
Engelmann Spruce	ES	1	119	113	107	101	95
Lodgepole Pine	LP	1	78	72	66	60	54
Ponderosa Pine	PP	1	277	271	265	259	253
		2	146	140	134	128	122
Western Redcedar ³	RC	1	130	124	118	112	106
True Firs ⁴	WH	1	109	103	97	91	85
Western White Pine	WP	1	276	270	264	258	252
Hardwoods	OH	1	23	17	11	5	1
Utility	CU	5	19	13	7	1	1

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 14—Stumpage Value Table
Stumpage Value Area 7
July 1 through December 31, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks ¹	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 15—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1991

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$308	\$302	\$296	\$290	\$284
		2	239	233	227	221	215
		3	171	165	159	153	147
Engelmann Spruce	ES	1	179	173	167	161	155
		2	160	154	148	142	136
		3	141	135	129	123	117
Lodgepole Pine	LP	1	188	182	176	170	164
		2	179	173	167	161	155
		3	171	165	159	153	147
Ponderosa Pine	PP	1	355	349	343	337	331
		2	318	312	306	300	294
		3	218	212	206	200	194
Western Redcedar ³	RC	1	220	214	208	202	196
		2	208	202	196	190	184
		3	165	159	153	147	141
True Firs ⁴	WH	1	205	199	193	187	181
		2	200	194	188	182	176
		3	195	189	183	177	171
Western White Pine	WP	1	355	349	343	337	331
		2	318	312	306	300	294
		3	218	212	206	200	194
Hardwoods	OH	1	58	52	46	40	34
Utility	CU	5	41	35	29	23	17

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Western Larch.
³Includes Alaska-Cedar.
⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

TABLE 16—Stumpage Value Table
Stumpage Value Area 10
July 1 through December 31, 1991

EASTERN WASHINGTON SPECIAL FOREST PRODUCTS
Stumpage Values per Product Unit

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Redcedar Flatsawn & Shingle Blocks	RCF	1	\$150	\$144	\$138	\$132	\$126
Lodgepole Pine & Other Posts ²	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ³	PX	1	0.25	0.25	0.25	0.25	0.25
Douglas-Fir & Other Christmas Trees ⁴	DFX	1	0.25	0.25	0.25	0.25	0.25

¹Stumpage value per MBF net Scribner Scale. See conversion methods WAC 458-40-684 and 458-40-686.
²Stumpage value per 8 lineal feet or portion thereof.
³Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.
⁴Stumpage value per lineal foot.

TABLE 1—Stumpage Value Table
Stumpage Value Area 1
January 1 through June 30, 1992

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$437	\$430	\$423	\$416	\$409
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	432	425	418	411	404
		2	412	405	398	391	384
		3	361	354	347	340	333
		4	217	210	203	196	189
Western Hemlock ³	WH	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Other Conifer	OC	1	311	304	297	290	283
		2	285	278	271	264	257
		3	275	268	261	254	247
		4	251	244	237	230	223
Red Alder	RA	1	89	82	75	68	61
Black Cottonwood	BC	1	66	59	52	45	38
Other Hardwood	OH	1	66	59	52	45	38
Hardwood Utility	HU	1	30	23	16	9	2
Conifer Utility	CU	1	79	72	65	58	51
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

TABLE 2—Stumpage Value Table
Stumpage Value Area 2
January 1 through June 30, 1992

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir	DF	1	\$454	\$447	\$440	\$433	\$426
		2	380	373	366	359	352
		3	349	342	335	328	321
		4	195	188	181	174	167
Western Redcedar ²	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	430	423	416	409	402
		4	205	198	191	184	177

TABLE 2—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Western Hemlock ³	WH	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Other Conifer	OC	1	332	325	318	311	304
		2	320	313	306	299	292
		3	281	274	267	260	253
		4	247	240	233	226	219
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	90	83	76	69	62
Other Hardwood	OH	1	47	40	33	26	19
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	48	41	34	27	20
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁴	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁵	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁵	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.
²Includes Alaska-Cedar.
³Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."
⁴Stumpage value per 8 lineal feet or portion thereof.
⁵Stumpage value per lineal foot.

TABLE 3—Stumpage Value Table
Stumpage Value Area 3
January 1 through June 30, 1992

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$469	\$462	\$455	\$448	\$441
		2	396	389	382	375	368
		3	381	374	367	360	353
		4	195	188	181	174	167
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	364	357	350	343	336
		4	268	261	254	247	240
Western Hemlock ⁴	WH	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195
Other Conifer	OC	1	409	402	395	388	381
		2	300	293	286	279	272
		3	258	251	244	237	230
		4	223	216	209	202	195
Red Alder	RA	1	101	94	87	80	73
Black Cottonwood	BC	1	99	92	85	78	71
Other Hardwood	OH	1	119	112	105	98	91
Hardwood Utility	HU	1	29	22	15	8	1

**TABLE 3—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹**

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ³	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

**TABLE 4—Stumpage Value Table
Stumpage Value Area 4
January 1 through June 30, 1992**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$451	\$444	\$437	\$430	\$423
		2	374	367	360	353	346
		3	347	340	333	326	319
		4	195	188	181	174	167
Ponderosa Pine	PP	1	382	375	368	361	354
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	314	307	300	293	286
		4	205	198	191	184	177
Western Hemlock ⁴	WH	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Other Conifer	OC	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Red Alder	RA	1	95	88	81	74	67
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	32	25	18	11	4
Conifer Utility	CU	1	47	40	33	26	19
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ³	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

**TABLE 5—Stumpage Value Table
Stumpage Value Area 5
January 1 through June 30, 1992**

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$545	\$538	\$531	\$524	\$517
		2	380	373	366	359	352
		3	317	310	303	296	289
		4	195	188	181	174	167
Ponderosa Pine	PP	1	382	375	368	361	354
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	369	362	355	348	341
		4	240	233	226	219	212
Western Hemlock ⁴	WH	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Other Conifer	OC	1	311	304	297	290	283
		2	273	266	259	252	245
		3	267	260	253	246	239
		4	235	228	221	214	207
Red Alder	RA	1	82	75	68	61	54
Black Cottonwood	BC	1	77	70	63	56	49
Other Hardwood	OH	1	99	92	85	78	71
Hardwood Utility	HU	1	29	22	15	8	1
Conifer Utility	CU	1	56	49	42	35	28
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ³	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

²Includes Western Larch.

³Includes Alaska-Cedar.

⁴Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵Stumpage value per 8 lineal feet or portion thereof.

⁶Stumpage value per lineal foot.

**TABLE 6—Stumpage Value Table
Stumpage Value Area 6
January 1 through June 30, 1992**

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$231	\$224	\$217	\$210	\$203
Engelmann Spruce	ES	1	153	146	139	132	125

TABLE 6—
Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Lodgepole Pine	LP	1	95	88	81	74	67
Ponderosa Pine	PP	1	382	375	368	361	354
		2	186	179	172	165	158
Western Redcedar ³	RC	1	307	300	293	286	279
True Firs ⁴	WH	1	162	155	148	141	134
Western White Pine	WP	1	382	375	368	361	354
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	46	39	32	25	18
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 7—Stumpage Value Table
Stumpage Value Area 7
January 1 through June 30, 1992

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$161	\$154	\$147	\$140	\$133
Engelmann Spruce	ES	1	121	114	107	100	93
Lodgepole Pine	LP	1	80	73	66	59	52
Ponderosa Pine	PP	1	322	315	308	301	294
		2	148	141	134	127	120
Western Redcedar ³	RC	1	259	252	245	238	231
True Firs ⁴	WH	1	111	104	97	90	83
Western White Pine	WP	1	322	315	308	301	294
Hardwoods	OH	1	25	18	11	4	1
Utility	CU	1	21	14	7	1	1
RC Shake & Shingle Blocks	RCF	1	152	145	138	131	124
LP & Other Posts ⁵	LPP	1	0.35	0.35	0.35	0.35	0.35
Pine Christmas Trees ⁶	PX	1	0.25	0.25	0.25	0.25	0.25
Christmas Trees ⁷	DFX	1	0.25	0.25	0.25	0.25	0.25

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot. Includes Ponderosa Pine, Western White Pine, and Lodgepole Pine.

⁷ Stumpage value per lineal foot.

TABLE 8—Stumpage Value Table
Stumpage Value Area 10
January 1 through June 30, 1992

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Stumpage Values per Thousand Board Feet Net Scribner Log Scale¹

Species Name	Species Code	Timber Quality Code Number	Hauling Distance Zone Number				
			1	2	3	4	5
Douglas-Fir ²	DF	1	\$451	\$444	\$437	\$430	\$423
		2	374	367	360	353	346
		3	347	340	333	326	319
		4	195	188	181	174	167
Ponderosa Pine	PP	1	382	375	368	361	354
		2	186	179	172	165	158
Western Redcedar ³	RC	1	444	437	430	423	416
		2	444	437	430	423	416
		3	314	307	300	293	286
		4	205	198	191	184	177
Western Hemlock ⁴	WH	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Other Conifer	OC	1	396	389	382	375	368
		2	306	299	292	285	278
		3	254	247	240	233	226
		4	237	230	223	216	209
Red Alder	RA	1	95	88	81	74	67
Black Cottonwood	BC	1	88	81	74	67	60
Other Hardwood	OH	1	80	73	66	59	52
Hardwood Utility	HU	1	32	25	18	11	4
Conifer Utility	CU	1	47	40	33	26	19
RC Shake Blocks	RCS	1	512	505	498	491	484
RC Shingle Blocks	RCF	1	109	102	95	88	81
RC & Other Posts ⁵	RCP	1	0.45	0.45	0.45	0.45	0.45
DF Christmas Trees ⁶	DFX	1	0.25	0.25	0.25	0.25	0.25
Other Christmas Trees ⁶	TFX	1	0.50	0.50	0.50	0.50	0.50

¹ Log scale conversions Western and Eastern Washington. See conversion methods WAC 458-40-684 and 458-40-686.

² Includes Western Larch.

³ Includes Alaska-Cedar.

⁴ Includes Western Hemlock, Mountain Hemlock, Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir. Pacific Silver Fir, Noble Fir, Grand Fir, and Subalpine Fir are all commonly referred to as "White Fir."

⁵ Stumpage value per 8 lineal feet or portion thereof.

⁶ Stumpage value per lineal foot.

AMENDATORY SECTION (Amending WSR 91-14-077, filed 6/28/91, effective 7/1/91)

WAC 458-40-670 TIMBER EXCISE TAX—STUMPAGE VALUE ADJUSTMENTS. Harvest value adjustments relating to the various logging and harvest conditions shall be allowed against the stumpage values as set forth in WAC 458-40-660 for the designated stumpage value areas with the following limitations:

- (1) No harvest adjustment shall be allowed against special forest products.
- (2) Stumpage value rates for conifer and hardwoods shall be adjusted to a value no lower than one dollar per MBF.

(3) Timber harvesters planning to remove timber from areas having damaged timber or other unforeseen materially increased harvesting costs may apply to the department for adjustment in stumpage values. Such applications should contain a map with the legal descriptions of the area, a description of the damage sustained by the timber or cause of additional costs, and a list of estimated costs to be incurred. Such applications shall be sent to the department before the harvest commences. Upon receipt of such application, the department will determine the amount of adjustment allowed, and notify the harvester. Such amount may be taken as a credit against tax liabilities or, if harvest is terminated, a refund may be authorized. In the event the extent of such timber damage or additional costs are not known at the time the application is filed, the harvester may supplement the application not later than ninety days following completion of the harvest unit.

The following harvest adjustment tables are hereby adopted for use during the period of ~~((July))~~ January 1 through ~~((December 31, 1991))~~ June 30, 1992:

TABLE 1—Harvest Adjustment Table
Stumpage Value Areas 1, 2, 3, 4, ~~((and))~~ 5, and 10
~~((July))~~ January 1 through ~~((December 31, 1991))~~ June 30, 1992

WESTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 40 thousand board feet per acre.	\$0.00
Class 2	Harvest of 20 thousand board feet to 40 thousand board feet per acre.	- \$4.00
Class 3	Harvest of 10 thousand board feet to but not including 20 thousand board feet per acre.	- \$7.00
Class 4	Harvest of 5 thousand board feet to but not including 10 thousand board feet per acre.	- \$9.00
Class 5	Harvest of less than 5 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	((Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%)) Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	((Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%)) Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$17.00
Class 3	((Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%)) Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00
IV. Thinning (see WAC 458-40-610(20))		
Class 1	Average log volume of 50 board feet or more.	- \$25.00
Class 2	Average log volume of less than 50 board feet.	- \$35.00

TABLE 2—Harvest Adjustment Table
Stumpage Value Areas 6(~~(:)~~) and 7(~~(, and 10))~~)
~~((July))~~ January 1 through ~~((December 31, 1991))~~ June 30, 1992

EASTERN WASHINGTON MERCHANTABLE SAWTIMBER

Type of Adjustment	Definition	Dollar Adjustment Per Thousand Board Feet Net Scribner Scale
I. Volume per acre		
Class 1	Harvest of more than 8 thousand board feet per acre.	\$0.00
Class 2	Harvest of 3 thousand board feet to 8 thousand board feet per acre.	- \$7.00
Class 3	Harvest of less than 3 thousand board feet per acre.	- \$10.00
II. Logging conditions		
Class 1	((Favorable logging conditions and easy road construction. No significant rock outcrops or swamp barriers. Generally flat to gentle slopes under 40%)) Generally slopes less than 40%. No significant rock outcrops or swamp barriers.	\$0.00
Class 2	((Average logging conditions and average road construction. Some rock outcrops or swamp barriers. Generally slopes between 40% to 60%)) Generally slopes between 40% and 60%. Some rock outcrops or swamp barriers.	- \$18.00
Class 3	((Difficult logging and road building conditions because of numerous rock outcrops and bluffs. Generally rough, broken ground with slopes in excess of 60%)) Generally rough, broken ground with slopes in excess of 60%. Numerous rock outcrops and bluffs.	- \$25.00
Class 4	For logs which are yarded from stump to landing by helicopter. This does not include special forest products.	- \$69.00
III. Remote island adjustment:		
	For timber harvested from a remote island	- \$50.00

Table 3—Domestic Market Adjustment

Harvest of timber not sold by a competitive bidding process which is prohibited under the authority of state or federal law from foreign export may be eligible for the domestic market adjustment. The adjustment may be applied only to those species of timber which must be processed domestically. According to type of sale, the adjustment may be applied to the following species:

Federal Timber Sales: All species except Alaska Yellow Cedar. (Stat. Ref. - 36 CFR 223.10)

State Timber Sales: Western Red Cedar only. (Stat. Ref. - 50 USC appendix 2406.1)

Harvest of private timber which is legally restricted from foreign export, under the authority of The Forest Resources Conservation and Shortage Relief Act (Public Law 101-382), (16 U.S.C. Sec. 620 et seq.); the Export Administration Act of 1979 (50 U.S.C. App. 2406(i)); or Washington Administration Code (WAC 240-15-015(2)) is also eligible for the Domestic Market Adjustment.

The adjustment amounts shall be as follows:

((Class 1: All eligible species in Western Washington (SVA's 1 through 5))	- \$33.00 per MBF
Class 2: All eligible species in Eastern Washington (SVA's 6, 7, and 10)	- \$15.00 per MBF
Class 1: All eligible species in Western Washington (SVA's 1 through 6, and 10)	- \$12.00 per MBF
Class 2: All eligible species in Eastern Washington (SVA 7)	- \$0.00 per MBF

Note: The adjustment will not be allowed on special forest products.

WSR 91-22-106
EMERGENCY RULES
DEPARTMENT OF FISHERIES

[Order 91-135—Filed November 6, 1991, 2:07 p.m., effective
 November 7, 1991, 12:01 a.m.]

Date of Adoption: November 6, 1991.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:
 Amending WAC 220-57-130, 220-57-135, 220-57-200, 220-57-385, and 220-57-460.

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 allowable harvest of coho salmon has been achieved in these waters. This action is taken at the recommendation of the Fishery Advisory Board Chairman, Federal District Court.

Effective Date of Rule: 12:01 a.m., November 7, 1991.

November 6, 1991

Joseph R. Blum

Director

NEW SECTION

WAC 220-57-13000Q BOGACHIEL RIVER. *Notwithstanding the provisions of WAC 220-57-130, effective 12:01 a.m. November 7, 1991 through November 30, 1991, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Bogachiel River.*

NEW SECTION

WAC 220-57-13500N CALAWAH RIVER. *Notwithstanding the provisions of WAC 220-57-135, effective 12:01 a.m. November 7, 1991 through November 30, 1991, it is unlawful to fish for or possess salmon taken for personel use from those waters of the Calawah River.*

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 220-57-20000G DICKEY RIVER. *Notwithstanding the provisions of WAC 220-57-200, effective 12:01 a.m. November 7, 1991 through November 30, 1991, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Dickey River.*

NEW SECTION

WAC 220-57-38500S QUILLAYUTE RIVER. *Notwithstanding the provisions of WAC 220-57-385, effective 12:01 a.m. November 7, 1991 through*

November 30, 1991, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Quillayute River.

NEW SECTION

WAC 220-57-46000X SOLEDUCK RIVER. *Notwithstanding the provisions of WAC 220-57-460, effective 12:01 a.m. November 7, 1991 through November 30, 1991, it is unlawful to fish for or possess salmon taken for personal use from those waters of the Soleduck River.*

WSR 91-22-107
PROPOSED RULES
UTILITIES AND TRANSPORTATION
COMMISSION

[Filed November 6, 1991, 2:23 p.m.]

Original Notice.

Title of Rule: WAC 480-09-736 Commission procedural rule setting out hearing guidelines. The proposed amendatory section is shown below as Appendix A, Docket No. A-911231.

Purpose: The proposed amendment is designed to update the mailing address of the Washington Utilities and Transportation Commission subdivision of the Office of Administrative Hearings.

Statutory Authority for Adoption: RCW 80.01.040.

Summary: Consolidated mail services is in the process of issuing new P.O. Box numbers and new ZIP+4 numbers to state agencies. The new numbers will take the place of Thurston County mailstops January 1, 1992. The proposed amendment will update the mailing address of WUTC/OAH.

Name of Agency Personnel Responsible for Drafting: John Prusia, Hearing Examiner, 1300 South Evergreen Park Drive S.W., Olympia, (206) 586-1108; Implementation and Enforcement: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, (206) 753-6451.

Name of Proponent: Washington Utilities and Transportation Commission, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: There are no comments or recommendations being submitted inasmuch as the proposal is pursuant to legislative authorization as reflected in RCW 80.01.040.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See Purpose and Summary above.

Proposal Changes the Following Existing Rules: See Purpose and Summary above. Updates the mailing address of the Washington Utilities and Transportation Commission subdivision of the Office of Administrative Hearings.

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

Hearing Location: Commission Hearing Room, Second Floor, Chandler Plaza Building, 1300 South Evergreen Park Drive S.W., Olympia, WA, on December 18, 1991, at 9:00 a.m.

Submit Written Comments to: Paul Curl, Secretary, 1300 South Evergreen Park Drive S.W., Olympia, WA, by December 6, 1991.

Date of Intended Adoption: December 18, 1991.

November 6, 1991

Paul Curl
Secretary

APPENDIX "A"

AMENDATORY SECTION (Amending Order R-336, Docket No. A-900700, filed 2/22/91, effective 3/25/91)

WAC 480-09-736 HEARING GUIDELINES. These guidelines are of a general nature and are provided to assist the presiding officer in regulating the course of the proceeding. The presiding officer has discretion to suspend or modify the guidelines or to use measures not specified herein when appropriate in the circumstances of the case.

(1) Starting times will be strictly observed. The proceeding will go forward in the absence of counsel who are late.

(2) Motions will be stated and argued at the start of the day, unless they arise from matters emerging during the hearing that are not reasonably foreseeable. This rule does not apply to motions with respect to the admissibility of evidence which may require foundation. In such cases, the presiding officer should be notified that a motion will be presented during the hearing.

(3) All counsel are expected to address comments, objections, and statements to the presiding officer rather than to other counsel. Questions will be addressed to the witnesses rather than to counsel.

(4) There will be no off-the-record discussions at the request of counsel unless counsel asks leave to go off the record and states the purpose for the request.

(5) Extended colloquies regarding procedural issues may be conducted off the record. Each attorney will be given the opportunity to state for the record a summary of his or her view on behalf of his or her client when the record resumes.

(6) When predistribution of evidence is required, one copy should be addressed specifically to the presiding administrative law judge. One copy should be addressed to the commission's accounting adviser, in care of the secretary of the commission. Each party is responsible for having two revised, corrected copies of its exhibits ready for marking and inclusion in the official case file at the hearing itself. One set of copies should also be brought to the hearing for the court reporter. To advise the parties of corrections, an errata sheet may be used to indicate the corrections to copies that have been predistributed. Corrections and revisions should be made to all copies distributed at hearing before the copies are distributed. The presiding officer will advise the parties regarding the number of extra copies to be filed with the commission.

(7) Prefiled testimony may be accompanied by exhibits. Parties should not preassign numbers to their own prefiled testimony and exhibits. Instead the following system should be used, including the witness's initials, and marked serially. For John Q. Witness's prefiled testimony and accompanying exhibits:

Ex (JQW-Testimony)
Ex (JQW-1)

Ex (JQW-2)
Ex (JQW-3)

Counsel unfamiliar with this method of identification should contact the presiding officer for further guidance. The official numbers for the case will be assigned by the administrative law judge at the hearing session.

(8) Each witness should present a short summary of his or her remarks on the opening page or two of prepared testimony. Counsel will be expected to ask as a foundation question the subjects that will be covered by the witness. This foundation question should request only a statement of the subjects to be covered by the witness, e.g., rate of return, and not a summary of the witness's positions on those subjects.

Twenty copies of the summary shall be filed with the secretary of the commission unless the presiding officer advises that a different number is required.

(9) All prepared testimony, exhibits, and pleadings shall be 8-1/2 by 11 inches in size or folded to that size and punched for insertion into three-ring binders. Line numbers shall be set out on all prepared testimony to facilitate transcript or exhibit references. Large charts may be used at the hearing so long as a letter-size reduction is provided or so long as the chart is foldable to 8-1/2" by 11" for inclusion in the official record.

(10) Any revised pages for predistributed or previously admitted testimony or exhibits shall be prominently labeled "REVISED" and bear the date of the revision. The revised portions should be indicated for cross-reference to the original submissions. This practice should be followed even as to minor changes that involve only one page of an exhibit.

(11) Cross-examination will be limited to two rounds except upon a showing that good cause exists. Witnesses should not be asked to perform calculations or extract detailed data on the stand. Such questions should be provided to the witness in advance or asked "subject to check." When a witness answers "subject to check," the witness must perform the "check" as soon as possible. A response given "subject to check" will be deemed accurate unless disputed by the witness within ten days of distribution of the transcript or prior to the closing of the record, whichever occurs first.

(12) At the beginning of a hearing session for the purpose of taking testimony from members of the public, public counsel may inform the public of the major contested issues.

(13) All case-related correspondence should be addressed to the secretary of the commission, under existing commission rules. The parties are cautioned that correspondence addressed directly to an individual may not be logged in, may not be inserted in the case file, and may not constitute a part of the official record for appeal or for other purposes. In addition, one copy should be addressed to the presiding administrative law judge at the Office of Administrative Hearings, (~~Third Floor~~;) 2420 Bristol Court SW, (~~Building E, Mailstop FS-34, Olympia, Washington 98504~~) P.O. Box 42489, Olympia, WA 98504-2489.

(14) Petitions or motions intended for argument or resolution at previously-scheduled hearing sessions should be received by the commission and all parties at least three business days prior to argument. Oral response will be allowed on the record. (This guideline does not require personal service. Petitions or motions, if mailed, should be served so as to effect actual receipt three business days before argument.)

(15) When the commission is requested to take some action prior to the next hearing session, the petitioner or movant shall effect service upon all other parties. Responses are due in the office of the secretary of the commission no later than the close of the fifth business day following service, except as provided in WAC 480-09-425(3).

(16) The presiding officer shall confer with the parties at the conclusion of the hearing about post-hearing process. The presiding officer will determine whether oral argument, briefs, or both will be required, taking into consideration the parties' preferences. If briefs are required, the presiding officer shall determine a format to be used by all parties. Briefs shall not exceed sixty pages, including appendices and attachments but excluding the cover and index pages, without permission from the presiding officer. Briefs shall comply with WAC 480-09-770(1).

(17) Each party will bear its own costs for transcripts including charges for expedited service when requested.

(18) For planning purposes, counsel should be prepared to provide time estimates for cross-examination of witnesses.

(19) Documents provided by or on behalf of members of the public at a public hearing will ordinarily be placed with the hearing file or may be offered as an illustrative exhibit. Letters received by the secretary of the commission and by public counsel from members of the public may be offered into evidence as illustrative of the opinions of the correspondents. Documents which are exceptional in their detail or their probative nature may be offered into evidence separately, provided that a sponsoring witness is available for cross-examination. Only exhibits and testimony offered and received are part of the record and subject to consideration by the commission in its decision.

WSR 91-22-108

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 91-13—Filed November 6, 1991, 3:48 p.m.]

Original Notice.

Title of Rule: Chapter 173-183 WAC, Preassessment screening and oil spill compensation schedule.

Purpose: These rules provide guidance on how to proceed with multiagency natural resource damage assessments and provide a simplified methodology.

Statutory Authority for Adoption: RCW 90.48.366, 90.48.367, and 90.48.368.

Statute Being Implemented: RCW 90.48.366, 90.48.367, and 90.48.368.

Summary: These rules supply guidance for multiagency resource damage assessment following oil spills into state waters, and provide a simplified methodology for damage assessment in the form of a compensation schedule.

Reasons Supporting Proposal: For some past spills, the state has been unable to effectively and economically assess resource damages. The compensation schedule provides a cost effective approach.

Name of Agency Personnel Responsible for Drafting: Laura Geselbracht, Ecology Headquarters, (206) 493-2879; Implementation and Enforcement: Dick Logan, Ecology Headquarters, (206) 459-6840.

Name of Proponent: Washington Department of Ecology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rule provides guidance for multiagency resource damage assessment for resource injuries caused by oil spills. The rule also provides a simplified methodology for resource damage assessment via the compensation schedule. The effect of this rule will be to make the resource damage assessment process for oil spills into state waters more effective and more cost efficient.

Proposal does not change existing rules.

Small Business Economic Impact Statement: The aim of the regulations implementing the resource damage compensation schedule is to reduce the costs associated with assessing resource damages stemming from oil spills by providing a lower cost alternative to standard resource damage assessments. Because potentially liable parties are responsible for resource damages as well as the costs of assessing those damages, the resource damage compensation schedule regulations will reduce the economic impacts to parties in the state involved in oil spills into state waters.

The regulations consist of preassessment screening procedures, which outline the procedure for determining whether the compensation schedule or a resource damage assessment is to be used to determine damages from an oil spill, in addition to compensation schedules for marine and estuarine waters, the Columbia River estuary, freshwater wetlands, and other freshwater environments. These schedules are used to determine the monetary value owed to the state as compensation for damages resulting from oil spills into state waters. The

amount of compensation assessed under the schedules is determined on a per gallon of oil spilled basis. The per gallon assessment varies according to the type of oil spilled and the environmental sensitivity of the areas affected by the spill. The amount of compensation assessed shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled.

The Regulatory Fairness Act (RFA), chapter 19.85 RCW, requires that rules promulgated under the Administrative Procedure Act be reviewed in light of their economic impact on small businesses in the state. One goal of such a review is to ensure that a proposed rule does not place a proportionally higher burden on small businesses in an affected industry. To meet this goal, the RFA requires that a small business economic impact statement (SBEIS) be performed if a rule affects more than 20 percent of all businesses in the state or more than 10 percent of the businesses in any one industry, as identified by a three-digit standard industrial classification (SIC) code.

The resource compensation schedule regulations have been reviewed and will affect some businesses in the following industries: SIC 091 Commercial fishing; SIC 261 Pulp mills; SIC 262 Paper mills; SIC 286 Industrial organic chemicals; SIC 291 Petroleum refining; SIC 299 Miscellaneous petroleum products; SIC 373 Ship building and repair; SIC 401 Railroad transportation; SIC 441 Deep sea foreign transportation; SIC 442 Deep sea domestic transportation; SIC 444 Transportation on rivers and canals; SIC 448 Water transportation of passengers; SIC 449 Services incidental to water transportation; SIC 461 Pipelines except natural gas; SIC 517 Petroleum and petroleum products; SIC 554 Gasoline service stations; and SIC 598 Fuel dealers.

The regulations are activated by any discharge of oil into the waters of the state. As a result, businesses within the listed industries that handle oil on or near state waters will be subject to the rule if they are involved in an oil spill into state waters that violates chapter 90.48 RCW.

Estimated resource damages resulting from the use of the compensation schedule regulations for a given size spill will, on a cost per employee basis, proportionately impact small businesses more than large businesses. However, several factors tend to minimize the potential economic impacts of a spill and their relative impacts on small versus large firms.

First, the monetary compensation assessed using the compensation schedule regulations will be small in the vast majority of spills due to the small size of most spills as well as due to differences in oil types and receiving environments. In the worse case scenario of the most harmful oil type spilled into the most sensitive environment, assessed damages will be less than \$500 in more than 80% of spills. Second, actions on the part of a potentially responsible party may reduce the amount of assessed damages. Third, there is a positive correlation between spill size and the size of firms responsible for spills. Because small firms are less likely to be involved in large spills, they are less likely to be impacted by large resource damage assessments as determined by the

compensation schedule. Fourth, the compensation schedule itself is offered as a cost mitigation measure for existing state law. A business responsible for an illegal discharge of into state waters is liable for the resource damages caused by such a spill including the cost of assessing damages. Under current regulations, damages from spills are determined by the use of damage assessment studies. Such studies may be very costly to perform. Under the proposed rule, the preassessment screening regulations stipulate that such studies will be performed only when it can be demonstrated that they can be performed at a reasonable cost. Otherwise, the oil spill compensation schedule will be used. Because total payments on the part of firms involved in oil spills will likely be lower under the proposed rule than under existing state regulations, implementation of the resource damage compensation schedule regulations will not impose additional economic burdens on state businesses.

Copies of the full SBEIS are available from Dick Logan, Department of Ecology, Central Programs, PV-11, Olympia, Washington 98504-8711.

Hearing Location: Bellingham, on December 10, at 6:30 p.m., City Council Chambers, Second Floor, 210 Lottie Street; at Seattle, on December 12, at 6:30 p.m., National Oceanic and Atmospheric Administration (NOAA), Building 9, Conference Rooms A and B, 7600 Sandpoint Way N.E.; at Pasco, on December 16, at 6:30 p.m., Public Utility District Auditorium, 1411 West Clark, 125; at Port Angeles, on December 18, at 6:30 p.m., City Council Chambers, 321 East Fifth; and at Vancouver, on December 19, at 6:30 p.m., Clark County Public Utility District, Community Room, 1200 Fort Vancouver Way.

Submit Written Comments to: Laura Geselbracht, Department of Ecology, PV-11, P.O. Box 47600, Olympia, WA 98504-7600, by December 31, 1991.

Date of Intended Adoption: April 7, 1992.

November 4, 1991
Fred Olson
Deputy Director

Chapter 173-183 WAC
PREASSESSMENT SCREENING AND OIL SPILL COMPEN-
SATION SCHEDULE REGULATIONS

PREASSESSMENT SCREENING AND RDA COMMITTEE
DUTIES

NEW SECTION

WAC 173-183-010 PURPOSE. The purpose of this section is to establish a procedure for convening a resource damage assessment (RDA) committee and preassessment screening process for evaluating resource damages resulting from oil spills to waters of the state causing the death of, or injury to, fish, animals, vegetation, or other public resources of the state. The RDA committee, utilizing the preassessment screening process, shall determine whether a detailed resource damage assessment investigation should be conducted or whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages.

NEW SECTION

WAC 173-183-020 AUTHORITY. This regulation implements RCW 90.48.366, 90.48.367, and 90.48.368 of the Water Pollution Control Act, as amended in 1987, 1989, and 1991.

NEW SECTION

WAC 173-183-030 APPLICABILITY. This chapter shall apply to all oil spills into the waters of the state. Under this chapter, the department may require or take any and all actions necessary to investigate and assess damages from those spills.

NEW SECTION

WAC 173-183-100 DEFINITIONS. (1) "Adequate compensation" means the amount determined sufficient to compensate for the loss or diminution in value of unquantifiable damages or damages not quantifiable at a reasonable cost.

(2) "Compensation schedule" means the set of procedures used to determine the monetary value owed to the state as compensation for unquantifiable damages or for damages not quantifiable at a reasonable cost, developed under the guidelines provided in RCW 90.48.366.

(3) "Committee" means the resource damage assessment (RDA) committee.

(4) "Damaged resource" means a public resource that has sustained injury as a result of an oil discharge in violation of chapter 90.48 or 90.56 RCW.

(5) "Damages" means the amount of monetary compensation necessary to:

(a) Restore any damaged public resource to its condition before sustaining injury as a result of an oil discharge in violation of chapter 90.48 or 90.56 RCW, to the extent technically feasible, including any loss in value incurred during the period between injury and restoration in cases where damages are quantifiable at a reasonable cost; or

(b) Adequately compensate for the loss or diminution in value as determined by the compensation schedule rules provided in chapters 173-184 and 173-185 WAC in cases where damages are unquantifiable or not quantifiable at a reasonable cost.

(6) "Department" means the department of ecology.

(7) "Director" means the director of the department of ecology, or his or her designee.

(8) "Discharge" means any spilling, leaking, pumping, pouring, emitting, emptying, or dumping.

(9) "Diversity," in general, means species richness of plants and animals, but in reference to benthic habitat, diversity means species richness of meio- and macro-plants and animals in an undisturbed habitat type.

(10) "Estuarine waters" or "estuarine waters of the state" means the waters within state jurisdiction that are semi-enclosed by land but have open, partly obstructed, or sporadic access to the ocean, and in which seawater is at least occasionally diluted by freshwater runoff from land. Estuarine waters of the state include adjacent tidal flats and beaches up to the limit of tidal inundation or wave splash. For purposes of this chapter, estuarine waters of the state include those designated on the map attached as Appendix 1 to this chapter, and the Columbia River Estuary upstream to river mile 46 or the line drawn perpendicularly across the river which touches the upstream end of Puget Island.

(11) "Freshwater environments" or "freshwaters" means all lakes, rivers, streams, ponds, and other surface waters, including wetlands, under the jurisdiction of the state of Washington, but excluding marine and estuarine waters of the state as defined in this chapter.

(12) "Habitat," as it relates to the habitat vulnerability ranking, means the substrate and compliment of biota not otherwise included in the marine fish, shellfish, or salmonid vulnerability rankings that are part of this chapter.

(13) "Immediate removal" means the timely dispersal, containment or elimination of oil(s) in a manner which helps prevent significant injury or damage to public resources.

(14) "Initial department responder" means the department of ecology spill responder who first arrives at the scene of the spill.

(15) "Injury" or "injuries" means an adverse change, either long- or short-term, to a public resource resulting either directly or indirectly from exposure to a discharge of oil in violation of chapter 90.48 or 90.56 RCW.

(16) "Loss in services" means a temporary or permanent reduction in the ability of the resource to provide its use or benefit to the public or to other resources.

(17) "Loss in value or lost value" of a damaged resource means the amount equal to the sum of consumptive, nonconsumptive, and indirect use values, as well as lost taxation, leasing, and licensing revenues during the period between injury and restoration; indirect use values may include existence, bequest, option, and aesthetic values.

(18) "Marine birds" means all seabirds, shorebirds, waterfowl, raptors, and other avifauna that are dependent on marine or estuarine environments of the state for some portion of their life requirements including feeding, breeding, and habitat.

(19) "Marine fish," in context of the marine fish vulnerability ranking of this chapter, means the species listed in Appendix 2.

(20) "Marine mammals" means the cetaceans, pinnipeds, sea otters, and river otters associated with marine or estuarine waters of the state.

(21) "Marine waters" or "marine waters of the state" means all coastal waters not appreciably diluted by freshwater, including open coastal areas, straits, and euhaline inland waters extending from the seaward limit of state jurisdiction to:

(a) The landward limit of tidal inundation or wave splash; or

(b) The seaward limit of estuarine waters of the state.

(22) "Oil" or "oils" means naturally occurring liquid hydrocarbons at atmospheric temperature and pressure coming from the earth, including condensate and natural gasoline, and any fractionation thereof, including, but not limited to, crude oil, petroleum gasoline, fuel oil, diesel oil, oil sludge, oil refuse and oil mixed with wastes other than dredged spoil. Oil does not include any substance listed in Table 302.4 of C.F.R. Part 302 adopted August 14, 1989, under section 101(14) of the federal Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended by P.L. 99-499.

(23) "On scene coordinator" (OSC) means the department official who supervises the spill response team and compiles the initial report concerning the facts and circumstances of the spill for the department.

(24) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or any other entity whatsoever.

(25) "Potentially liable party" means the person or persons who may be liable for damages resulting from an oil spill.

(26) "Preassessment screening" means the investigation and determination of the facts and circumstances surrounding an oil spill which are used to determine whether a damage assessment investigation should be conducted, or alternatively, whether the compensation schedule will be used to assess damages.

(27) "Primary productivity" means annual net primary productivity.

(28) "Public resources" or "publicly owned resources" means any natural, recreational, aesthetic, or other property held in trust by and for the people of this state.

(29) "Reasonable cost" for a damage assessment means a cost that is anticipated to be less than the amount of damages that may have occurred or may occur.

(30) "Receiving environment" means waters of the state and coastal environments where public resources are injured or likely to be injured by an oil spill.

(31) "Resource damage assessment committee" or "RDA committee" means the preassessment screening committee established under RCW 90.48.368 and charged with determining whether to conduct a detailed damage assessment investigation or to apply the compensation schedule for oil spills into waters of the state, and overseeing reconnaissance and damage assessment activities.

(32) "Restoration or enhancement projects or studies" means an activity that is intended to restore, replenish, restock, or replace public resources, either to conditions prior to the injury or to the extent technically feasible, as such conditions are determined by the department, for the benefit of Washington's citizens.

(33) "Salmon," in context of the salmon vulnerability ranking of this chapter, means the species listed in Appendix 3.

(34) "Scientific advisory board" means the advisory group established by the department to assist in development of the compensation schedule as required by RCW 90.48.366.

(35) "Season" or "seasons" means winter, spring, summer, and/or fall, where winter occurs during the months December through February, spring occurs during the months March through May, summer occurs during the months June through August, and fall occurs during the months September through November.

(36) "Secondary productivity" means annual net secondary productivity of fish and invertebrates not covered in the fisheries vulnerability ranking.

(37) "Shellfish," in context of the shellfish vulnerability ranking of this chapter, means the species listed in Appendix 4, but does not include privately grown shellfish on public lands.

(38) "Spill" means an unauthorized discharge of oil into waters of the state.

(39) "State trustee agencies" means the state agencies with responsibility for protecting and/or managing public resources.

(40) "Subregion" or "subregions" means the areas into which state marine and estuarine waters and associated coastal environments have been divided for purposes of the compensation schedule as designated on the maps attached as Appendix 1.

(41) "Technical feasibility" or "technically feasible" means that given available technology, a restoration or enhancement project can be successfully completed at a cost that is not disproportionate to the value of the public resource before the injury.

(42) "Trust resources" means the public resource(s) under a particular state agency's jurisdiction for protection and/or management.

(43) "Unquantifiable damage" means any diminution in value of a public resource that cannot be measured with sufficient precision or accuracy by currently available and accepted procedures within a reasonable period of time.

(44) "Waters of the state" or "state waters" includes lakes, rivers, ponds, streams, inland waters, underground water, salt waters, estuaries, tidal flats, beaches, and lands adjoining the seacoast of the state, sewers, and all other surface waters and watercourses within the jurisdiction of the state of Washington.

(45) "Wetland" or "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, and lands having one or more of the following attributes at least periodically: The land supports predominantly hydrophytes; the substrate is predominantly undrained hydric soil; and the substrate is nonsoil and saturated with water or covered by shallow water at some time during the growing season each year.

PREASSESSMENT SCREENING

NEW SECTION

WAC 173-183-200 PREASSESSMENT SCREENING PROCESS. (1) Findings from the preassessment screening shall be used to determine whether a formal damage assessment investigation should be conducted or whether the compensation schedule will be applied to assess public resource damages associated with spills of oil into state waters.

(2) The preassessment screening process shall occur concurrently with reconnaissance and cleanup activities as defined in WAC 173-183-220(2).

NEW SECTION

WAC 173-183-210 INCIDENT DISCOVERY AND REPORTING. The state on-scene coordinator (OSC) or initial department responder, shall provide prompt notice to the committee chair when there is evidence of an oil spill into state waters.

NEW SECTION

WAC 173-183-220 INITIAL SITE RECONNAISSANCE AND NOTIFICATION OF THE RDA COMMITTEE. (1) The on-scene coordinator (OSC) or initial department responder at an oil spill shall report the following to the RDA committee chair:

(a) Initial determination of the type and character of the oil(s) spilled; and

(b) Initial location of the spill, general type of habitat(s) impacted, geographic coverage of the spill, and amount of oil(s) spilled.

(2) The RDA committee chair shall notify RDA committee members of an oil spill as soon as practicable after receiving a report by the OSC or initial department responder, and provide a preliminary assessment of the potential risks to public resources.

(3) The RDA committee may, upon notification of an oil spill, initiate or authorize the RDA committee chair to initiate any necessary reconnaissance activities to:

(a) Further identify public resources at risk;

(b) Determine the extent to which public resources are, or may be, adversely affected;

(c) Document actual or potential injury to public resources; and

(d) Determine which local, state, and federal agencies and Indian tribes may have interests or jurisdiction over any of the public resources that may be adversely affected by the spill.

NEW SECTION

WAC 173-183-230 RDA COMMITTEE. (1) The RDA committee shall convene as soon as possible, but no later than thirty days after

the department receives notification of a spill, or the next regularly scheduled meeting of the committee following a spill.

(2) Agencies with membership on the RDA committee shall nominate a representative and alternate to be appointed to the committee by the director.

(3) The department of ecology shall chair the RDA committee.

(4) The department may select representatives from the following agencies and governments for participation on the RDA committee: Departments of emergency management, as well as other federal, state, and local agencies, and tribal and local governments whose presence would enhance reconnaissance or damage assessment activities of spill response.

If a selected representative declines or is unable to participate on the committee, the representative shall provide written notice to the department within twelve hours of being notified so that a replacement member may be appointed.

(5) Prompt consideration will be given to other local, state, or federal agency, or tribal government requests for participation on the RDA committee on a spill-by-spill basis.

NEW SECTION

WAC 173-183-240 RDA COMMITTEE DUTIES. (1) The primary duty of the RDA committee is to determine whether a damage assessment investigation should be conducted under RCW 90.48.367, or alternatively, whether the compensation schedule authorized under RCW 90.48.366 and 90.48.367 will be used to assess damages.

(2) The RDA committee shall consider information collected during reconnaissance and cleanup as well as other relevant background information pertaining to threatened public resources or resource use for the preassessment screening process.

(3) The RDA committee shall consider the following factors when determining the type of damage assessment to be conducted:

(a) Whether evidence from reconnaissance investigations suggests that injury has occurred or is likely to occur to publicly owned resources;

(b) The potential loss in services provided by public resources injured or likely to be injured and the expected value of the potential loss;

(c) Whether a restoration project to return lost services is technically feasible;

(d) The accuracy of damage quantification methods that could be used and the anticipated cost-effectiveness of applying each method;

(e) The extent to which likely injury to public resources can be verified with available quantification methods; and

(f) Whether the injury, once quantified, can be translated into monetary values with sufficient precision or accuracy.

(4) If the RDA committee finds that the conditions of a spill make it likely that damage assessment studies authorized under RCW 90.48.367 may be warranted, the department shall notify the potentially liable party of this decision.

(5) The RDA committee may accept restoration or enhancement projects or studies proposed by the potentially liable party in lieu of some or all of:

(a) The damages calculated from the compensation schedule authorized under RCW 90.48.366; or

(b) The claims from damage assessment studies authorized under RCW 90.48.367.

(6) The department may negotiate with a potentially liable party to perform restoration and enhancement projects or studies which may substitute for all or part of the compensation or damages authorized under RCW 90.48.367.

(7) The RDA committee is encouraged to work cooperatively with the potentially liable party, to the greatest extent possible, to increase the efficiency of the damage assessment process, and shall provide for the ongoing involvement of the potentially liable party.

NEW SECTION

WAC 173-183-250 PREASSESSMENT SCREENING DECISION OPTIONS. (1) The RDA committee may determine that the compensation schedule authorized under RCW 90.48.366 and 90.48.367 should be applied, or may determine that detailed resource damage assessment studies should be undertaken.

(2) The department shall apply the compensation schedule to determine the amount of damages if the RDA committee determines that:

(a) Restoration or enhancement of the injured resources is not technically feasible;

(b) Damages are not quantifiable at a reasonable cost; and

(c) The restoration and enhancement projects or studies proposed by the potentially liable party are insufficient to adequately compensate the people of the state for resource injuries likely sustained as a result of the oil spill.

(3) If any of the conditions enumerated under subsection (2) of this section are not met and proposed studies are clearly linked to quantification of the damages incurred, then the RDA committee shall authorize a formal damage assessment.

(4) The state trustee agency responsible for the resource and habitat damaged shall conduct the damage assessment and pursue all appropriate remedies with the responsible party. The RDA committee shall consider the effects of any proposed remedies in a timely manner, consistent with WAC 173-183-240 (5)(b).

NEW SECTION

WAC 173-183-260 PARTICIPATION. (1) In order to efficiently implement WAC 173-183-250 the RDA committee may develop public resource damage assessment agreements to facilitate cooperation between state and federal agencies and Indian tribes.

(2) Agreements concerning the use of the appropriate damage assessment methodology for public resources with overlapping or delegated jurisdictions may be negotiated on a case-by-case basis by the RDA committee.

OIL SPILL COMPENSATION SCHEDULE GENERAL

NEW SECTION

WAC 173-183-300 PURPOSE. The purpose of this section is to establish a compensation schedule that will provide a simple methodology for assessing damages to public resources from oil spills into fresh, marine, and estuarine waters of the state. The intent is to provide an alternate methodology to the extensive and expensive natural resource damage assessments presently being conducted following oil spills. This section provides the procedures for:

(1) Establishing the relative vulnerability of public resources to oil spills by taking into consideration the relative toxicity of the oil spilled and the sensitivity of public resources present in the receiving environment; and

(2) Determining adequate monetary compensation for injury to public resources resulting from an oil spill.

NEW SECTION

WAC 173-183-310 AUTHORITY. This regulation implements the establishment of a resource damage compensation schedule consistent with the provisions of RCW 90.48.366 for the discharge of oil in violation of chapter 90.48 or 90.56 RCW which requires the department to establish the compensation schedule in consultation with the departments of fisheries, wildlife, and natural resources, and the parks and recreation commission, and with the assistance of a scientific advisory board.

NEW SECTION

WAC 173-183-320 APPLICABILITY. The following rules shall apply to all oil spills into fresh-, marine, and estuarine waters of the state. Under these rules, the department may require or take any and all actions necessary to assess damages from such spills.

NEW SECTION

WAC 173-183-330 COMPENSATION SCHEDULE. (1) The compensation schedule determines adequate compensation for unquantifiable damages or for damages not quantifiable at a reasonable cost for persons liable under RCW 90.48.142.

(2) Adequate compensation as determined from the compensation schedule is derived from preexisting information of resource vulnerability to a class of oil spilled in a particular subregion of the state during a particular season, plus any additional information collected at the reconnaissance stage of the spill response.

(3) Under RCW 90.48.366, the amount of compensation assessed under this schedule shall be no less than one dollar per gallon of oil spilled and no greater than fifty dollars per gallon of oil spilled.

NEW SECTION

WAC 173-183-340 RESOURCE DAMAGE ASSESSMENT USING THE COMPENSATION SCHEDULE. The compensation schedule includes:

- (1) A relative ranking for each of the classes of oil defined in this chapter as determined by their known chemical, physical, and mechanical properties, and other factors that may affect the severity and persistence of the spill on the receiving environment;
- (2) A relative vulnerability ranking for fresh-, marine, and estuarine waters of the state which takes into account habitat and living public resource sensitivity to oil, seasonal distribution of living resources, recreational use and aesthetic importance;
- (3) A quantitative method for determining compensation for an oil spill based on the oil effects and vulnerability rankings designed to compensate the people of this state for those damages that cannot be quantified at a reasonable cost and for those unquantifiable damages that result from oil spills; and
- (4) A method for taking into account actions taken by the potentially liable party that:
 - (a) Demonstrate a recognition and affirmative acceptance of responsibility for the spill, such as the immediate removal of oil and the amount of oil removed from the environment; or
 - (b) Enhance or impede the detection of the spill, the determination of the quantity of oil spilled, or the extent of damage, including the unauthorized removal of evidence such as injured fish or wildlife.

NEW SECTION

WAC 173-183-350 OIL CLASS RANKING. (1) The purpose of this section is to provide a relative toxicity ranking for each of the classes of oil defined in this section. The ranking is based on their known chemical, physical, and mechanical properties, as well as other properties affecting the severity and persistence of the oil on the receiving environment. Six classes of oil are ranked for their propensity to cause environmental harm based on acute toxicity, mechanical injury, and persistence and include:

- (a) Prudhoe Bay crude oil;
- (b) Bunker C;
- (c) No. 2 fuel oil;
- (d) Gasoline;
- (e) Kerosene; and
- (f) Kerosene-type jet fuel.

(2) The relative ranking scores for the classified oils range from 1 to 5 where 1 represents the least harmful effect and 5 represents the most harmful effect. For purposes of RCW 90.48.366 and 90.48.377, the acute toxicity, mechanical injury, and persistence relative ranking scores for the oil classes enumerated in subsection (1) of this section shall be as follows:

Table 1. Acute Toxicity, Mechanical Injury and Persistence Relative Ranking Scores for Classified Oils (OIL).

Oil Class	Acute Toxicity	Mechanical Injury	Persistence
Prudhoe Bay Crude Oil	1	4	5
Bunker C	1	5	5
No. 2 Fuel Oil	3	4	2
Gasoline	5	1	1
Kerosene	2	3	1
Kerosene-type Jet Fuel	5	3	1

(3) In cases where the spilled oil is not described by any of the classes of oil listed in subsection (1) of this section, the department shall determine the acute toxicity, mechanical injury, and persistence scores for the spilled oil for purposes of using the compensation schedule by:

- (a) Assigning the acute toxicity, mechanical injury, and persistence scores of the classified oil best describing the spilled oil; or
- (b) By using the following guidance to determine the acute toxicity, mechanical injury, and persistence relative ranking scores:
 - (i) Acute toxicity relative ranking score. An acute toxicity raw score is determined by summing the weighted averages of the 1-, 2-, and 3-ringed aromatic compounds comprising the spilled oil and dividing this sum by 107, where aromatic compound composition is determined by percent-weight, and weighting is determined by aqueous solubility of the aromatic compounds, as follows:

Acute Toxicity Raw Score =
$$\frac{[(SOL_1 * PCT - WT_1) + (SOL_2 * PCT - WT_2) + (SOL_3 * PCT - WT_3)]}{107}$$
 where SOL_i = solubility in seawater of i-ring aromatic hydrocarbons, and
 PCT-WT_i = percent weight of i-ring aromatic hydrocarbons in the spilled oil, i = 1, 2, and 3.

The final acute toxicity relative ranking score is determined by rounding the acute toxicity raw score up to the next whole number.

(ii) Mechanical injury relative ranking score. A mechanical injury raw score is determined by subtracting 0.688 from the specific gravity of the spilled oil and dividing this result by 0.062 as follows:

Mechanical Injury Score =
$$\frac{SP - 0.688}{0.062}$$
 where SP = specific gravity of the spilled oil.

The final mechanical injury ranking score is determined by rounding the mechanical injury raw score up to the next whole number.

(iii) Persistence relative ranking score. A persistence relative ranking score is determined from empirical data describing the length of time the spilled oil is known to, or is likely to, persist in a variety of habitat types. Scoring is assigned on a 1 to 5 scale as follows:

SCORE	ANTICIPATED PERSISTENCE
5	5 - 10 years or more
4	2 - 5 years
3	1 - 2 years
2	1 month to 1 year
1	days to weeks.

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

COMPENSATION SCHEDULE FOR SPILLS IN MARINE AND ESTUARINE WATERS OF THE STATE, EXCLUDING THE COLUMBIA RIVER ESTUARY

NEW SECTION

WAC 173-183-400 VULNERABILITY OF MARINE AND ESTUARINE ENVIRONMENTS TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking vulnerability of marine and estuarine waters of the state excluding the Columbia River estuary to oil spills for the purposes of assessing damages using the compensation schedule.

(2) Marine and estuarine waters of the state excluding the Columbia River estuary are divided into sixteen regions and one hundred thirty-one subregions for purposes of RCW 90.48.366, as designated on the maps attached as Appendix 5 of this chapter.

(3) A spill vulnerability score (SVS) shall be calculated at the time of a spill for the most sensitive subregion and season impacted by the spill. The SVS rates the vulnerability of public resources to spilled oil based on the propensity of the oil to cause acute toxicity and mechanical injury, and to persist in the environment. SVS is determined by summing the vulnerability scores for marine birds, marine mammals, fishery species, recreational use and habitats for the subregion(s) and most sensitive season impacted by the spill. The formula to be used to calculate SVS for each of the three oil effects, acute toxicity, mechanical injury, and persistence, is as follows:

Spill vulnerability score (SVS)_{ij} =
$$HVS_i + BVS_j + MVS_j + MFVS_j + SFVS_j + SAVS_j + RVS_j$$

- where
- HVS_i = habitat vulnerability to oil's propensity to cause i
 - BVS = marine bird vulnerability score
 - MVS = marine mammal vulnerability score
 - MFVS = marine fisheries vulnerability score
 - SFVS = shellfish vulnerability score
 - SAVS = salmon vulnerability score
 - RVS = recreation vulnerability score
 - i = acute toxicity, mechanical injury, or persistence
 - j = spring, summer, fall, or winter

NEW SECTION

WAC 173-183-410 MARINE AND ESTUARINE HABITAT VULNERABILITY. (1) The purpose of this section is to describe the methodology for calculating the habitat vulnerability score (HVS) described in WAC 173-183-400(3).

(2) HVS is based on two criteria:

(a) Predicted sensitivity of the habitats impacted by a spill to the three rated oil effects: Acute toxicity, mechanical injury, and persistence; and

(b) The primary productivity, secondary productivity, and diversity of these habitats prior to a spill.

(3) For purposes of RCW 90.48.366, marine and estuarine habitats of the state are classified into the following thirty-eight habitat types:

(a) Marine intertidal habitats.

(i) Exposed and semi-exposed rocky shores. Bedrock and boulder habitats exposed to the full range of wave energies of the Pacific (i.e., on the outer coast), or to extensive wave fetch along the Strait of Juan de Fuca. Rocky areas on the coast partly protected behind sea stacks or islands also fall into this category.

(ii) Sand-scoured rocky shores. Rocky headlands or sea stacks directly adjacent to high energy sandy beaches such that there is much suspended sand in the water, which scours the rock. Unique plants and animals are found here.

(iii) Protected rocky shores. Bedrock and boulder habitats lacking oceanic swell and extensive wave fetch; e.g., inside waters of the San Juan Islands, headlands in bays off the Strait of Juan de Fuca or well protected behind islands on the outer coast.

(iv) Semi-exposed cobble and mixed-coarse beaches. Beaches exposed to moderate wave action composed of cobble overlying sand, or to somewhat less wave action, with a mix of cobble, gravel, and sand where no one component occupies more than seventy percent of the surface. Algae may grow on larger cobbles, and animals live both on the surface and in the sediment. Species vary dramatically with degree of wave exposure and composition of the sediment. Found inside the San Juan Islands, outside of Whidbey Island, at semi-protected sites along the Strait, and behind island and sea stacks on the coast.

(v) Semi-exposed gravel beaches. Unstable beaches, containing some sand in more protected areas. Many sites along the Strait of Juan de Fuca.

(vi) Exposed sandy beaches. Pure marine sands found in moderate to high-energy areas, e.g., on the outer coast and along the Strait of Juan de Fuca. Mouths of bays with some wave action also fall into this category.

(vii) Semi-protected mixed-fine beaches. Mixed sand and silt habitats, found in bays and inlets with some wave action so they are not dominated by the finer sediments (muds). Patches of gravel may be present high on the shore.

(viii) Protected mud flats. Areas of little to no wave energy, where fine sediments settle and accumulate organic matter. Found in calm bays and inlets with little freshwater influx (i.e., not estuaries).

(b) Marine subtidal.

(i) Shallow subtidal rock and boulders. Areas less than 15 m depth with some currents so that sediments do not totally cover bedrock. Kelp beds are found in these habitats, which are widespread in the state.

(ii) Deep subtidal rock and boulders. Areas deeper than 15 m and thus lacking in significant algal cover, but still with enough currents to keep the substrate exposed. Common in the San Juans and the Strait.

(iii) Deep subtidal cobble and mixed-coarse areas. "Scoured" areas in channels or passes with high currents, composed entirely of cobbles or with gravel and sand mixed in.

(iv) Shallow subtidal mixed-coarse to mixed-fine areas (low energy). Areas ranging from cobbles lying over a matrix of sand and gravel to mixed sand and silt, in waters less than 15 m. Bays and inlets commonly have this range of substrate types. Plants and animals exist both on the cobbles and in the sediment.

(v) Shallow subtidal gravel or mixed-fine areas (high energy). Areas just offshore of sand or gravel beaches, where swells or wave action keep fine sediments from accumulating. Substrates range from pure gravel to gravel mixed with sand and shells. Common in the Strait.

(vi) Deep subtidal sand. Areas deeper than 15 m in the Strait or on the coast where swells keep the substratum fairly coarse.

(vii) Deep subtidal mixed-fine areas. Areas of sand, shells, and pebbles with some currents removing finer particles.

(viii) Deep subtidal muddy areas. Areas with no swell and few currents, where fine silts settle out and accumulate organic matter.

(ix) Open water. Areas deeper than 20 m.

(c) Estuarine intertidal.

(i) Open rocky shores. Rocky intertidal areas (including hardpan and riprap) in areas exposed to moderate waves or currents, e.g., on headlands in Puget Sound.

(ii) Open mixed-coarse beaches. One of the most common beach types in Puget Sound, composed of a mix of cobble, gravel, and sand in

areas with some wave action that keeps finer silts suspended. Sparse salt marsh vegetation may occur at the tops of these beaches, especially in quieter areas.

(iii) Open gravel beaches. Areas of gravel or pebbles, often overlying sand, in areas of moderate wave action.

(iv) Open sandy beaches. Common habitats of gently sloping beaches but moderate wave action. May have gravel on the upper shore. Found in Puget Sound and in some areas of other estuaries, including Grays Harbor.

(v) Sandy low marshes. Found on spits, berms, and deltas where sand collects. Areas of different salinities are dominated by different marsh plant communities. Widespread (although disturbed) throughout the Puget Trough.

(vi) Mixed-fine beaches and low marshes. Found in backwaters or deltas away from large channels, where the substrate is mixed sand and mud, sometimes with patches of gravel or peat. Substrate is stable and organic-rich. Marsh communities vary with salinity.

(vii) Saline lagoons. Areas where water-borne sediments are deposited into a spit closing off an embayment, which is flushed regularly or irregularly. Salinities vary with evaporation and runoff but are generally high.

(viii) Low-salinity lagoons. Lagoons that are nearly separated from tidal/salt influence by a berm, and where there is a source of freshwater. Substrate is usually soft silt. This habitat is rare in the state.

(ix) Mud flats. Areas lacking in gravel or significant amounts of sand due to limited wave action, usually found in the heads of bays and inlets. Includes undisturbed channels and sloughs which drain slowly through a tidal cycle, and which may contain some sand.

(x) High salt marshes. Areas above normal high water but salt influenced, with organic/peat substrata. Salinities vary, and plant communities with them.

(xi) Transition zone wetland. Areas transitional between salt marshes and uplands, where salt water only rarely inundates. Substrata are peat or fine silts.

(d) Estuarine subtidal.

(i) Shallow subtidal rock and boulders. Areas less than 15 m deep with moderate currents or wave action that remove silt. Kelp beds develop here.

(ii) Deep subtidal rock and boulders. Areas in narrow channels or around headlands where currents remove sediment that otherwise would settle in these deeper areas. These habitats are essentially marine, since freshwater tends to stay layered in shallow water.

(iii) Shallow subtidal cobble and mixed-coarse areas. Mixed cobble, gravel, and sand remain in shallow areas fairly open to wave action or currents.

(iv) Deep subtidal cobble and mixed-coarse areas. Tidal currents running through deep channels in Puget Sound keep fine silts from settling and create areas of mixed cobbles, sand, and gravel.

(v) Shallow subtidal sandy or mixed-fine areas. High-current areas with little debris and some gravel, or less current-swept with more debris. Both are common outside of enclosed bays in Puget Sound.

(vi) Deep subtidal sandy or mixed-fine areas. Current-swept areas below 15 m. Organic debris and gravel tend to accumulate deeper (below 30 m), leading to different assemblages there.

(vii) Shallow subtidal muddy bays. Common habitats in open to partly enclosed bays in Puget Sound, where limited water movement allows fine sediments to accumulate. Organic enrichment is high, especially in more enclosed bays.

(viii) Deep subtidal muddy bays. Habitats in the heads and centers of inlets in Puget Sound where there is little motion and the substrate is soft mud and sand. Assemblages vary with depth and amount of organic debris accumulated.

(ix) Open water. Areas deeper than twenty meters.

(4) In general, several of the habitat types classified in this subsection may be affected by a particular spill. HVS for a particular spill is composite of the vulnerability ranking scores calculated for each habitat type affected by the spill which takes into consideration the percent coverage of each habitat type in the area of spill impact.

(5) Habitat types are ranked on a 1 to 5 scale for sensitivity to oil's propensity to cause acute toxicity and mechanical injury, and to persist where a score of 5 represents the greatest sensitivity and a score of 1 represents the least sensitivity. For purposes of RCW 90.48.366, sensitivity to oil's propensity to cause acute and mechanical injury, and to persist, are ranked for all of the habitat types classified in subsection (3) of this section. The habitat sensitivity rankings are as follows:

Table 2. Habitat sensitivity score (HSS).

Habitat Class	Acute Toxicity Score	Mechanical Injury Score	Persistence Score
ESTUARINE INTERTIDAL			
(a) Open rocky shores	3	4	3
(b) Open mixed-coarse beaches & low marsh	4	3	3
(c) Open gravel beaches	5	1	2
(d) Open sandy beaches	4	3	2
(e) Sandy low marshes	4	3	3
(f) mixed-fine beaches and low marshes	4	4	4
(g) Saline lagoons	4	4	5
(h) Low-salinity lagoons	3	4	5
(i) Mud flats	4	2	5
(j) High salt marshes	3	4	5
(k) Transition zone wetlands	3	4	5
ESTUARINE SUBTIDAL			
(l) Shallow subtidal rock & boulders	3	3	2
(m) Deep subtidal rock and boulders	2	2	3
(n) Shallow subtidal cobble and mixed-coarse areas	2	3	3
(o) Deep subtidal cobble and mixed-coarse areas	1	2	3
(p) Shallow subtidal sandy or mixed-fine areas	3	3	3
(q) Deep subtidal sandy or mixed-fine areas	2	3	4
(r) Shallow subtidal muddy bays	3	2	5
(s) Deep subtidal muddy bays	2	2	5
(t) Open water	5	2	1
MARINE INTERTIDAL			
(a) Exposed and semi-exposed rocky shores	3	4	2
(b) Sand-scoured rocky shores	3	4	2
(c) Protected rocky shores	3	4	3
(d) Semi-exposed cobble and mixed-coarse beaches	3	3	3
(e) Semi-exposed gravel beaches	5	1	2
(f) Exposed sandy beaches	5	1	2
(g) Semi-protected mixed-fine beaches	3	2	4
(h) Protected mud flats	4	2	5
MARINE SUBTIDAL			
(i) Shallow subtidal rock and boulders	3	3	2
(j) Deep subtidal rock and boulders	2	2	3
(k) Deep subtidal cobble and mixed-coarse areas	1	2	2
(l) Shallow subtidal mixed-coarse to mixed-fine	3	3	3
(m) Shallow subtidal gravel or mixed-fine areas	3	1	2
(n) Deep subtidal sand	2	3	2
(o) Deep subtidal mixed-fine areas	1	3	4
(p) Deep subtidal muddy areas	2	2	5
(q) Open water	5	2	1

(6) Measures of habitat primary productivity, secondary productivity, and diversity provide an indication of the amount and significance of the biota present in a habitat. In general, the more productive and diverse a habitat is, the greater will be the resource injuries from an oil spill. For purposes of RCW 90.48.366 the habitat types classified under subsection (3) of this section are ranked on a 1 to 5 scale where a

score of 5 represents the greatest productivity or diversity and a score of 1 represents the least productivity or diversity as follows:

Table 3. Relative ranking scores for marine and estuarine environments based on primary productivity, secondary productivity and diversity.

Habitat Class	Primary Productivity	Secondary Productivity	Diversity
ESTUARINE INTERTIDAL			
(a) Open rocky shores	3	3	3
(b) Open mixed-coarse beaches & low marsh	3	3	4
(c) Open gravel beaches	2	3	2
(d) Open sandy beaches	3	4	1
(e) Sandy low marshes	4	3	2
(f) Mixed-fine beaches and low marshes	5	5	4
(g) Saline lagoons	4	3	3
(h) Low-salinity lagoons	4	3	2
(i) Mud flats	3	4	3
(j) High salt marshes	4	3	2
(k) Transition zone wetlands	4	3	2
ESTUARINE SUBTIDAL			
(l) Shallow subtidal rock & boulders	4	3	3
(m) Deep subtidal rock and boulders	2	4	2
(n) Shallow subtidal cobble and mixed-coarse areas	3	3	4
(o) Deep subtidal cobble and mixed-coarse areas	1	3	3
(p) Shallow subtidal sandy or mixed-fine areas	3	4	3
(q) Deep subtidal sandy or mixed-fine areas	1	3	2
(r) Shallow subtidal muddy bays	3	3	3
(s) Deep subtidal muddy bays	1	2	2
(t) Open water	5	5	5
MARINE INTERTIDAL			
(a) Exposed and semi-exposed rocky shores	4	5	5
(b) Sand-scoured rocky shores	3	4	4
(c) Protected rocky shores	3	3	3
(d) Semi-exposed cobble and mixed-coarse beaches	2	4	4
(e) Semi-exposed gravel beaches	1	3	2
(f) Exposed sandy beaches	1	3	1
(g) Semi-protected mixed-fine beaches	3	4	3
(h) Protected mud flats	4	4	3
MARINE SUBTIDAL			
(i) Shallow subtidal rock and boulders	5	4	5
(j) Deep subtidal rock and boulders	2	4	5
(k) Deep subtidal cobble and mixed-coarse areas	1	3	3
(l) Shallow subtidal mixed-coarse to mixed-fine	5	4	4
(m) Shallow subtidal gravel or mixed-fine areas	2	3	3
(n) Deep subtidal sand	1	2	1
(o) Deep subtidal mixed-fine areas	1	3	3
(p) Deep subtidal muddy areas	1	2	3
(q) Open water	5	5	5

(7) The vulnerability of a single habitat type to a particular oil effect is derived by multiplying the habitat sensitivity score by the average of the productivity and diversity scores as follows:

$$\text{Habitat vulnerability for a single habitat type and oil effect (hv)}_i = \frac{[(PPS_j + SPS_j + DS_j) \div 3] * HSS_i}{}$$

where: PPS = primary productivity score (from Table 3 of this section)
 SPS = secondary productivity score (from Table 3 of this section)
 DS = diversity score (from Table 3 of this section)
 j = habitat type (subsection (3) of this section)
 HSS = habitat sensitivity score (from Table 2 of this section)
 i = acute toxicity, mechanical injury, and persistence.

(8) The habitat vulnerability for a particular habitat type and oil effect (hv) shall be multiplied by a factor of 1.5 when seagrass or kelp are present in the habitat type.

(9) The habitat vulnerability score for a particular spill and oil effect (HVS) shall be determined by taking the square root of the sum of the weighted habitat vulnerability scores for each habitat type affected by the spill, where weighting is defined by percent coverage of each habitat type within the area of spill impact, as follows:

$$\text{Habitat vulnerability score for a particular spill, (HVS)}_i = (\sum_{j=1}^n hv_{ij} * PC_j)^{1/2}$$

where: PC_j = Percent-coverage of habitat-type j (determined at time of spill)
 hv_{ij} = habitat vulnerability for a particular habitat type and oil effect (subsection (7) of this section)
 j = habitat type (subsection (3) of this section)
 i = acute toxicity, mechanical injury, and persistence
 n = number of habitats present in the subregion

NEW SECTION

WAC 173-183-420 MARINE BIRD VULNERABILITY. (1) Each of the marine and estuarine subregions of state waters established in WAC 173-183-400(2) is relatively ranked and scored for marine bird vulnerability to oil spills on a 1 to 5 scale for each season, where a score of 5 represents the greatest vulnerability and a score of 1 represents the least vulnerability.

(2) The marine bird vulnerability ranking relatively ranks the vulnerability of seabirds, shorebirds, and waterfowl present in a subregion during a particular season to oil spills, where vulnerability is based on population status, abundance, roosting habits, escape behavior, flocking behavior, feeding specialization, population size, reproductive capacity, breeding dispersion, winter dispersion, seasonal exposure to waters where oil spills could occur, and significance of Washington population to total population.

(3) Marine bird seasonal vulnerability scores for each of the marine and estuarine subregions defined in WAC 173-183-400 are based on existing information and determinations made by the marine bird subcommittee of the scientific advisory board. For purposes of RCW 90-.48.366, marine bird seasonal vulnerability scores (BVS) for each of the subregions defined in WAC 173-183-400 shall be as follows:

Table 4. Subregional Marine Bird Vulnerability Scores (BVS)

SUBREGION	SP	SEASON		
		SU	FA	WI
101 NORTHERN OUTER COAST	5	5	5	5
102 KALALOH	5	5	5	5
103 QUINAULT	5	5	5	5
104 COPALIS BEACH	5	5	5	5
105 GRAYS HARBOR	5	5	5	5
106 TWIN HARBORS BEACH	5	5	5	5
107 WILLAPA BAY	5	5	5	5
108 LONG BEACH	5	5	5	5
109 INNER SHELF	4	2	5	5
110 OUTER SHELF	4	na	na	na
111 SHELF EDGE	5	na	na	na
112 CONTINENTAL SLOPE	2	na	na	na
201 STRAIT OF JUAN DE FUCA-OUTER	3	2	5	4
203 CAPE FLATTERY	4	3	4	3
204 NEAH BAY	2	2	2	2
205 NEAH BAY TO CLALLAM BAY	2	3	3	2
206 CLALLAM BAY	2	2	2	2
207 CLALLAM BAY TO CRESCENT BAY	2	3	3	2
208 CRESCENT BAY	2	2	2	2
209 CRESCENT BAY TO EDIZ HOOK	2	2	2	4
301 STRAIT OF JUAN DE FUCA-INNER	3	3	3	4
302 EDIZ HOOK	1	1	1	1
303 PORT ANGELES	2	3	3	2
304 VOICE OF AMERICA	2	2	2	2
305 DUNGENESS SPIT	2	2	2	3
306 DUNGENESS BAY/HARBOR	4	2	2	3
307 JAMESTOWN	5	5	5	5
308 SEQUIM BAY	2	1	1	2
309 MILLER PENINSULA	2	2	2	3
310 PROTECTION ISLAND	4	5	5	3
311 DISCOVERY BAY	3	1	1	4
312 QUIMPER PENINSULA	2	3	3	4
313 WHIDBEY ISLAND	1	2	2	2
314 SMITH ISLAND	3	5	5	3
315 DECEPTION PASS	2	2	2	2
316 LOPEZ ISLAND (SOUTH SHORE)	5	4	4	3
317 SAN JUAN IS. (SOUTH SHORE)	2	2	2	2
401 ADMIRALTY INLET	3	5	5	2
402 SOUTH ADMIRALTY INLET	2	1	2	3
403 PORT TOWNSEND	3	2	3	4
404 OAK BAY	2	2	2	2
405 KILLISUT HARBOR	3	2	3	4
501 BELLINGHAM CHANNEL	2	2	4	4
502 GUMES CHANNEL	2	2	1	3
503 FIDALGO BAY	2	2	2	3
504 PADILLA BAY	5	5	4	5
505 SAMISH BAY	5	5	4	5
506 BELLINGHAM BAY	4	4	4	5
507 HALE PASSAGE	3	3	2	2

Table 4. continued

SUBREGION	SP	SEASON		
		SU	FA	WI
601 LUMMI BAY	5	5	3	4
602 CHERRY POINT	5	5	2	2
603 BIRCH BAY	4	4	3	3
604 SEMIAHOO SPIT	4	4	4	4
605 DRAYTON HARBOR	3	3	3	4
607 SAN JUAN IS. -NORTHERN TIER	3	3	2	4
608 GEORGIA STRAIT-EASTERN	4	4	4	4
701 PT. ROBERTS	4	4	2	4
703 GEORGIA STRAIT-WESTERN	2	2	2	2
801 NORTHERN HARO STRAIT	2	2	4	3
802 SOUTHERN HARO STRAIT	1	1	1	2
901 SOUTHERN ROSARIO STRAIT	3	3	3	5
902 CENTRAL ROSARIO STRAIT	3	3	5	4
903 NORTHERN ROSARIO STRAIT	5	5	5	4
1001 PRESIDENT CHANNEL	2	2	2	2
1002 NORTHERN AREAS	1	1	2	3
1101 SPEIDEN CHANNEL	1	1	2	2
1102 NORTHERN SAN JUAN CHANNEL	1	1	1	1
1103 SOUTHERN SAN JUAN CHANNEL	1	1	2	3
1104 WASP PASS	1	1	1	2
1105 UPRIGHT CHANNEL	1	1	2	2
1106 HARNEY CHANNEL	1	1	1	2
1107 OBSTRUCTION PASS	2	2	3	2
1108 THATCHER PASS	1	1	1	1
1201 MOSQUITO/ROCHE COMPLEX	2	2	2	3
1202 FRIDAY HARBOR	2	2	2	2
1203 GRIFFIN BAY	2	2	2	3
1205 FISHERMAN BAY	2	2	2	3
1206 SWIFTS/SHOAL BAYS	2	2	2	2
1207 DEER HARBOR	2	2	2	2
1208 WEST SOUND	1	1	2	2
1209 EAST SOUND	2	2	1	2
1210 LOPEZ SOUND	2	2	3	4
1401 SKAGIT BAY	5	3	3	4
1402 PENN COVE/CRESCENT HARBOR	4	3	3	4
1403 SARATOGA PASSAGE	4	1	1	3
1404 HOLMES HARBOR	2	2	2	2
1405 PORT SUSAN	4	1	1	3
1406 POSSESSION SOUND	3	1	2	2
1501 HOOD CANAL ENTRANCE	2	1	2	3
1502 PORT LUDLOW	2	2	2	2
1503 PORT GAMBLE	2	2	2	2
1504 NORTHERN HOOD CANAL	2	1	2	2
1505 CENTRAL HOOD CANAL	2	1	2	2
1506 DABOB BAY	2	1	2	3
1507 QUILCENE BAY	2	2	2	2
1508 SOUTH CENTRAL HOOD CANAL	2	1	2	3
1509 ANNAS BAY	2	2	2	2
1510 GREAT BEND	3	1	3	5
1601 N. PUGET SOUND	4	1	2	2

Table 4. continued

SUBREGION	SP	SEASON		
		SU	FA	WI
1602 N. CENTRAL PUGET SOUND	2	1	2	2
1603 CENTRAL PUGET SOUND	2	1	2	2
1604 ELLIOT BAY	2	2	2	2
1605 EAST PASSAGE	2	1	2	2
1606 COLVOS PASSAGE	2	1	2	2
1607 COMMENCEMENT BAY	2	2	2	2
1608 NARROWS	3	2	3	4
1609 STEILACOOM	2	1	2	3
1610 NISQUALLY	2	1	2	3
1611 TREBLE-JOHNSON	2	2	2	2
1612 HALE PASSAGE	3	2	3	3
1613 CARR INLET	3	1	3	4
1614 PITT PASSAGE	2	2	2	2
1615 DRAYTON HARBOR	2	2	2	2
1616 CASE INLET	2	1	2	3
1617 HENDERSON INLET	2	2	2	1
1618 DANA PASSAGE	2	2	2	2
1619 BUDD INLET	2	2	2	2
1620 ELD INLET	2	2	2	2
1621 TOTTEN INLET	2	2	2	2
1622 PICKERING PASSAGE	2	2	2	2
1623 PEALE PASSAGE	2	2	2	2
1624 SQUAXIN	2	2	2	2
1625 SKOOKUM INLET	2	2	2	2
1626 HAMMERSLEY INLET	2	2	2	2
1627 OAKLAND BAY	2	2	2	2
1628 AGATE PASSAGE	2	2	2	2
1629 LIBERTY BAY	3	2	3	3
1630 PORT ORCHARD	2	2	2	2
1631 SINCLAIR INLET	3	2	3	3
1632 DYES INLET	2	2	2	2
1633 RICH PASSAGE	2	2	2	2
1634 QUARTERMASTER HARBOR	2	2	2	2
1635 DALCO PASSAGE	2	2	2	2
1636 BALCH PASS	2	2	2	2

(4) The marine bird vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine birds are injured as a result of the spill.

NEW SECTION

WAC 173-183-430 MARINE FISHERIES VULNERABILITY. (1) Each of the subregions designated in WAC 173-183-430 is relatively ranked and scored for marine fisheries vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the most vulnerable ranking and 1 represents the least vulnerable ranking.

(2) The marine fisheries vulnerability ranking relatively ranks the vulnerability of marine fisheries species present in a subregion to oil spills, where vulnerability is based on habitat preference, population status, abundance, fecundity, and sensitivity of life stages.

(3) Marine fisheries seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the marine fisheries subcommittee. For purposes of RCW 90.48.366 marine fisheries seasonal vulnerability ranking scores (FVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 5. Subregional Marine Fisheries Vulnerability Scores (FVS)

SUBREGION	SP	SEASON		
		SU	FA	WI
101 NORTHERN OUTER COAST	5	3	3	5
102 KALALOCH	5	3	3	5
103 QUINALT	5	3	3	5
104 COPALIS BEACH	5	3	3	5
105 GRAYS HARBOR	5	5	5	5
106 TWIN HARBORS BEACH	5	3	3	4
107 WILLAPA BAY	5	5	5	5
108 LONG BEACH	5	3	3	4
109 INNER SHELF	5	3	3	4
110 OUTER SHELF	4	2	2	4
111 SHELF EDGE	4	1	2	3
112 CONTINENTAL SLOPE	2	1	1	1
201 STRAIT OF JUAN DE FUCA-OUTER	5	3	3	4
203 CAPE FLATTERY	5	3	3	4
204 NEAH BAY	5	3	3	4
205 NEAH BAY TO CLALLAM BAY	5	3	3	4
206 CLALLAM BAY	5	3	3	4
207 CLALLAM BAY TO CRESCENT BAY	5	3	3	4
208 CRESCENT BAY	5	3	3	4
209 CRESCENT BAY TO EDIZ HOOK	5	3	3	4
301 STRAIT OF JUAN DE FUCA-INNER	5	3	3	4
302 EDIZ HOOK	5	3	3	4
303 PORT ANGELES	5	3	3	4
304 VOICE OF AMERICA	5	3	3	4
305 DUNCENESS SPIT	5	3	3	4
306 DUNCENESS BAY/HARBOR	5	3	3	4
307 JAMESTOWN	5	3	3	4
308 SEQUIM BAY	5	3	3	4
309 MILLER PENINSULA	5	3	3	4
310 PROTECTION ISLAND	5	3	3	4
311 DISCOVERY BAY	5	3	3	4
312 QUIMPER PENINSULA	5	3	3	4
313 WHIDBEY ISLAND	5	3	3	4
314 SMITH ISLAND	5	3	3	4
315 DECEPTION PASS	5	3	3	4
316 LOPEZ ISLAND (SOUTH SHORE)	5	3	3	4
317 SAN JUAN ISLAND (SOUTH SHORE)	5	3	3	4
401 ADMIRALTY INLET	5	4	3	5
402 SOUTH ADMIRALTY INLET	5	4	3	5
403 PORT TOWNSEND	5	4	3	5
404 OAK BAY	5	4	3	5
405 KILISUT HARBOR	5	4	3	5
501 BELLINGHAM CHANNEL	5	4	3	5
502 GUMES CHANNEL	5	4	3	5
503 FIDALGO BAY	5	4	3	5
504 PADILLA BAY	5	4	3	5
505 SAMISH BAY	5	3	3	5
506 BELLINGHAM BAY	5	3	3	5
507 HALE PASSAGE	5	3	3	5

Table 5. continued

SUBREGION	SP	SEASON			WI
		SU	FA	WI	
601 LUMMI BAY	5	3	3	5	
602 CHERRY POINT	5	3	3	5	
603 BIRCH BAY	5	3	3	5	
604 SEMIAHOO SPIT	5	3	3	5	
605 DRAYTON HARBOR	5	3	3	5	
607 SAN JUAN ISLANDS-NORTHERN TIER	5	3	3	4	
608 GEORGIA STRAIT-EASTERN	5	3	3	5	
701 PT. ROBERTS	5	3	3	5	
703 GEORGIA STRAIT-WESTERN	5	3	3	5	
801 NORTHERN HARO STRAIT	5	3	3	4	
802 SOUTHERN HARO STRAIT	5	3	3	4	
901 SOUTHERN ROSARIO STRAIT	5	3	3	4	
902 CENTRAL ROSARIO STRAIT	5	3	3	4	
903 NORTHERN ROSARIO STRAIT	5	3	3	4	
1001 PRESIDENT CHANNEL	5	3	3	4	
1002 NORTHERN AREAS	5	3	3	4	
1101 SPEIDEN CHANNEL	5	3	3	4	
1102 NORTHERN SAN JUAN CHANNEL	5	3	3	4	
1103 SOUTHERN SAN JUAN CHANNEL	5	3	3	4	
1104 WASP PASS	5	3	3	4	
1105 UPRIGHT CHANNEL	5	3	3	4	
1106 HARNEY CHANNEL	5	3	3	4	
1107 OBSTRUCTION PASS	5	3	3	4	
1108 THATCHER PASS	5	3	3	4	
1201 MOSQUITO/ROCHE COMPLEX	5	3	3	4	
1202 FRIDAY HARBOR	5	3	3	4	
1203 GRIFFIN BAY	5	3	3	4	
1205 FISHERMAN BAY	5	3	3	4	
1206 SWIFTS/SOAL BAYS	5	3	3	4	
1207 DEER HARBOR	5	3	3	4	
1208 WEST SOUND	5	3	3	4	
1209 EAST SOUND	5	3	3	4	
1210 LOPEZ SOUND	5	3	3	4	
1401 SKAGIT BAY	5	4	3	5	
1402 PENN COVE/CRESCENT HARBOR	5	4	3	5	
1403 SARATOGA PASSAGE	5	4	3	5	
1404 HOLMES HARBOR	5	4	3	5	
1405 PORT SUSAN	5	4	3	5	
1406 POSSESSION SOUND	5	4	3	5	
1501 HOOD CANAL ENTRANCE	2	1	1	2	
1502 PORT LUDLOW	2	1	1	2	
1503 PORT GAMBLE	2	1	1	2	
1504 NORTHERN HOOD CANAL	2	1	1	2	
1505 CENTRAL HOOD CANAL	2	1	1	2	
1506 DABOB BAY	2	1	1	2	
1507 QUILCENE BAY	2	1	1	2	
1508 SOUTH CENTRAL HOOD CANAL	2	1	1	2	
1509 ANNAS BAY	2	1	1	2	
1510 GREAT BEND	2	1	1	2	
1601 N. PUGET SOUND	5	4	3	5	

Table 5. continued

SUBREGION	SP	SEASON			WI
		SU	FA	WI	
1602 N. CENTRAL PUGET SOUND	5	4	3	5	
1603 CENTRAL PUGET SOUND	5	4	3	5	
1604 ELLIOT BAY	5	4	3	5	
1605 EAST PASSAGE	4	3	2	3	
1606 COLVOS PASSAGE	4	3	2	3	
1607 COMMENCEMENT BAY	4	3	2	3	
1608 NARROWS	4	3	2	3	
1609 STELLACOOM	4	3	2	3	
1610 NISQUALLY	4	3	2	3	
1611 TREBLE-JOHNSON	4	3	2	3	
1612 HALE PASSAGE	4	3	2	3	
1613 CARR INLET	4	3	2	3	
1614 PITT PASSAGE	4	3	2	3	
1615 DRAYTON HARBOR	4	3	2	3	
1616 CASE INLET	4	3	2	3	
1617 HENDERSON INLET	4	3	2	3	
1618 DANA PASSAGE	4	3	2	3	
1619 BUDD INLET	4	3	2	3	
1620 ELD INLET	4	3	2	3	
1621 TOTTEN INLET	4	3	2	3	
1622 PICKERING PASSAGE	4	3	2	3	
1623 PEALE PASSAGE	4	3	2	3	
1624 SQUAXIN	4	3	2	3	
1625 SKOOKUM INLET	4	3	2	3	
1626 HAMMERSLEY INLET	4	3	2	3	
1627 OAKLAND BAY	4	3	2	3	
1628 AGATE PASSAGE	5	4	3	5	
1629 LIBERTY BAY	5	5	5	5	
1630 PORT ORCHARD	5	5	5	5	
1631 SINCLAIR INLET	5	5	5	5	
1632 DYES INLET	5	5	5	5	
1633 RICH PASSAGE	5	5	5	5	
1634 QUARTERMASTER HARBOR	4	3	2	3	
1635 DALCO PASSAGE	4	3	2	3	
1636 BALCH PASS	4	3	2	3	

NEW SECTION

WAC 173-183-440 SHELLFISH VULNERABILITY. (1) Each of the subregions designated in WAC 173-183-430 is relatively ranked and scored for shellfish vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the most vulnerable ranking and 1 represents the least vulnerable ranking.

(2) Shellfish vulnerability ranking relatively ranks the vulnerability of shellfish present in a subregion to oil spills, where vulnerability is based on habitat preference, population status, abundance, fecundity, and sensitivity of life stages.

(3) Shellfish seasonal vulnerability scores for each of the marine and estuarine subregions are based on existing information and recommendations of the shellfish subcommittee. For purposes of RCW 90.48.366 shellfish seasonal vulnerability ranking scores (SFVS) for the subregions defined in WAC 173-183-400 are as follows:

Table 6. Shellfish Vulnerability Scores (SFVS)

REGION/SUBREGION	SP	SU	FA	WI
REGION 1 101	4	4	3	4
102	5	5	4	4
103	5	5	4	4
104	5	5	4	4
105	1	1	1	1
106	1	1	1	1
107	1	1	1	1
108	1	1	1	1
109	1	1	1	1
110	1	1	1	1
111	1	1	1	1
112	1	1	1	1
REGION 2 2	3	3	2	3
REGION 3 3	5	5	5	5
REGION 4 401	1	1	1	1
402, 404	4	4	3	4
403, 405	3	3	2	2
REGION 5 5	5	5	5	5
REGION 6 6	4	4	3	3
REGION 7 7	4	4	3	3
REGION 8 8	5	5	4	4
REGION 9 9	5	5	4	4
REGION 10 10	5	5	4	4
REGION 11 11	5	5	4	4
REGION 12 12	5	5	4	4
REGION 14 1401	3	3	2	2
1402, 1403	2	3	2	2
1404	1	1	1	1
1405	2	2	1	2
1406	3	3	2	2
REGION 15 1501, 1502	2	3	2	2
1504-1507	4	4	3	3
1508-1510	5	5	4	4
REGION 16 1601	2	3	2	2
1602-1604	4	4	3	3
1608	2	2	1	2
1609-1615, 1617, 1618, 1636	4	4	3	3
1616, 1622	3	3	2	2
1618	1	1	1	1
1619-1621, 1623-1627	3	4	2	2
1628-1633	3	3	2	2
1605-1607, 1634, 1635	2	3	2	1

(4) The shellfish vulnerability score for a spill shall be multiplied by 1.5 when any number of individuals of state or federal threatened or endangered shellfish species are injured as a result of the spill.

NEW SECTION

WAC 173-183-450 SALMON VULNERABILITY. (1) The vulnerability of five salmon species in nine habitats are relatively scored for vulnerability to oil spills on a 1 to 5 scale for each season, where 5 represents the most vulnerable condition, and a score of 1 represents the least vulnerable condition, as follows:

Table 7. Vulnerability of Salmon by Habitat and Season

	SEASON			
	WI	SP	SU	FA
<u>Chinook (subyearling)</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	1	2	2	1
Gravel	2	3	3	2
Sand (vegetated)	3	5	5	3
Sand (no vegetation)	2	3	3	2
Mud (vegetated)	3	5	5	3
Mud (no vegetation)	3	3	3	2
Subtidal	1	1	1	1
Pelagic	1	2	2	1
<u>Chinook (yearling)</u>				
Intertidal				
Rocky	1	2	2	1
Cobble	2	3	3	2
Gravel	2	4	4	3
Sand (vegetated)	2	3	3	2
Sand (no vegetation)	2	4	4	2
Mud (vegetated)	2	3	3	2
Mud (no vegetation)	2	3	3	2
Subtidal	2	2	2	2
Pelagic	2	3	4	3
<u>Coho</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	2	3	2	2
Gravel	2	3	4	2
Sand (vegetated)	4	5	4	3
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	4	5	4	3
Mud (no vegetation)	3	3	4	2
Subtidal	1	2	2	1
Pelagic	2	3	3	2
<u>Pink</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	1	2	1	1
Gravel	3	3	1	1
Sand (vegetated)	5	5	2	2
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	5	5	2	2
Mud (no vegetation)	3	3	1	1
Subtidal	1	2	1	1
Pelagic	2	4	2	1

Table 7. continued

	SEASON			
	WI	SP	SU	FA
<u>Chum</u>				
Intertidal				
Rocky	1	1	1	1
Cobble	1	2	1	1
Gravel	3	3	2	2
Sand (vegetated)	5	5	3	2
Sand (no vegetation)	3	3	2	2
Mud (vegetated)	5	5	3	2
Mud (no vegetation)	3	3	2	2
Subtidal	1	2	2	1
Pelagic	2	4	3	1
<u>Sockeye</u>				
Intertidal				
Rocky	1	2	2	1
Cobble	1	2	1	1
Gravel	1	2	1	1
Sand (vegetated)	1	2	1	1
Sand (no vegetation)	1	2	1	1
Mud (vegetated)	1	2	1	1
Mud (no vegetation)	1	3	1	1
Subtidal	1	1	2	1
Pelagic	2	4	4	3

The habitat-types classified under WAC 173-183-400 correlate with the habitats listed in Table 7 as follows:

<u>SALMON VULNERABILITY HABITAT</u>	<u>MARINE/ESTUARINE HABITAT TYPE</u>
Intertidal, rocky	Marine Intertidal, exposed and semi-exposed rocky shores
	Marine Intertidal, sand-scoured rocky shores
	Marine Intertidal, protected rocky shores
	Estuarine Intertidal, open rocky shores
Intertidal, cobble	Marine Intertidal, semi-exposed cobble and mixed-coarse beaches
	Estuarine Intertidal, open mixed-coarse beaches
Intertidal, gravel	Marine Intertidal, semi-exposed gravel beaches
	Estuarine Intertidal, open gravel beaches
Intertidal, sand (presence of vegetation will be determined at the time of the spill)	Marine Intertidal, exposed sandy beaches
	Marine Intertidal, semi-protected mixed-fine beaches
	Estuarine Intertidal, open sandy beaches
	Estuarine Intertidal, sandy low marshes
	Estuarine Intertidal, mixed-fine beaches and low marshes
Intertidal, mud (presence of vegetation will be determined at the time of the spill)	Marine Intertidal, protected mud flats
	Estuarine Intertidal, mud flats
Subtidal	all Marine and Estuarine Subtidal categories except open water
Pelagic	Marine Subtidal, open water
	Estuarine Subtidal, open water

(2) For each oil spill where the compensation schedule is applied, the RDA committee shall determine:

(a) The salmon vulnerability habitat(s) exposed to spilled oil and each habitat's percent-coverage of the total area exposed to spilled oil; and

(b) The season in which spill impacts will be greatest.

(3) From the information enumerated in subsection (2) of this section, the RDA committee shall determine the salmon vulnerability score for a spill (SAVS_s) by summing the weighted averages of the salmon vulnerability scores calculated for each of the nine habitats classified under subsection (1) of this section that is exposed to spilled oil, where weighting is defined as percent-coverage of the area exposed to the spill, as follows:

$$SAVS_s = (SAVS_1 * PCT-COV_1) + (SAVS_2 * PCT-COV_2) + \dots + (SAVS_9 * PCT-COV_9)$$

where SAVS_s = salmon vulnerability score for a spill
 SAVS_i = salmon vulnerability score for habitat i (subsection (3)(a) or (b) of this section)
 PCT-COV_i = habitat i's percent-coverage of total area exposed to the spill (determined at the time of the spill).

The salmon vulnerability score for a habitat classified under subsection (2) of this section shall be calculated as follows:

(a) In years when pink salmon are present in state waters. The chinook salmon scores for subyearlings and yearlings shall be averaged, then added to the scores for coho, pink, chum, and sockeye salmon. The sum of these scores shall then be divided by 5, as follows:

$$SAVS_i = [(C_{si} + C_{yi})/2 + C_i + P_i + Ch_i + S_i]/5$$

where SAVS_i = salmon vulnerability score for habitat type i
 C_{si} = chinook, subyearling score for habitat i (Table 7 of this section)
 C_{yi} = chinook, yearling score for habitat i (Table 7 of this section)
 C_i = coho score for habitat i (Table 7 of this section)
 P_i = pink score for habitat i (Table 7 of this section)
 Ch_i = chum score for habitat i (Table 7 of this section)
 S_i = sockeye score for habitat i (Table 7 of this section)
 i = habitat type (Table 8 of this section).

(b) In years when pink salmon are not present in state waters. The chinook salmon scores for subyearlings and yearlings shall be averaged, then added to the scores for coho, chum, and sockeye salmon. The sum of these scores shall then be divided by 4.

$$SAVS_1 = [(C_{s1} + C_{y1})/2 + C_1 + Ch_1 + S_1]/4$$

where SAVS_i = salmon vulnerability score for habitat i
 C_{si} = chinook, subyearling score for habitat i (Table 7 of this section)
 C_{yi} = chinook, subyearling score for habitat i (Table 7 of this section)
 C_i = coho score for habitat i (Table 7 of this section)
 Ch_i = chum score for habitat i (Table 7 of this section)
 S_i = sockeye score for habitat i (Table 7 of this section)
 i = habitat type (Table 8 of this section)

Table 9. Marine Mammal Vulnerability Scores (MVS)

SUBREGION	SP	SEASON		
		SU	FA	WI
101 NORTHERN OUTER COAST	5	5	5	5
102 KALALOCH	5	5	5	5
103 QUINAULT	5	5	5	5
104 COPALIS BEACH	5	5	5	5
105 GRAYS HARBOR	5	5	5	4
106 TWIN HARBORS BEACH	5	4	5	4
107 WILLAPA BAY	5	5	5	4
108 LONG BEACH	5	5	5	5
109 INNER SHELF	5	5	5	5
110 OUTER SHELF	4	2	3	3
111 SHELF EDGE	4	1	3	3
112 CONTINENTAL SLOPE	1	1	1	1
201 STRAIT OF JUAN DE FUCA-OUTER	4	4	3	2
203 CAPE FLATTERY	4	4	3	2
204 NEAH BAY	4	4	3	2
205 NEAH BAY TO CLALLAM BAY	3	3	2	2
206 CLALLAM BAY	3	3	2	2
207 CLALLAM BAY TO CRESCENT BAY	3	3	2	2
208 CRESCENT BAY	3	3	2	2
209 CRESCENT BAY TO EDIZ HOOK	3	3	2	2
301 STRAIT OF JUAN DE FUCA-INNER	4	4	4	3
302 EDIZ HOOK	4	4	4	3
303 PORT ANGELES	4	4	4	3
304 VOICE OF AMERICA	4	4	4	3
305 DUNCENESS SPIT	4	4	4	3
306 DUNCENESS BAY/HARBOR	4	4	4	3
307 JAMESTOWN	4	4	4	3
308 SEQUIM BAY	4	4	4	3
309 MILLER PENINSULA	4	4	4	3
310 PROTECTION ISLAND	4	4	4	3
311 DISCOVERY BAY	4	4	4	3
312 QUIMPER PENINSULA	4	4	4	3
313 WHIDBEY ISLAND	4	4	4	3
314 SMITH ISLAND	4	4	4	3
315 DECEPTION PASS	4	4	4	3
316 LOPEZ ISLAND (SOUTH SHORE)	4	4	4	3
317 SAN JUAN ISLAND (SOUTH SHORE)	4	4	4	3
401 ADMIRALTY INLET	4	4	4	3
402 SOUTH ADMIRALTY INLET	4	4	4	3
403 PORT TOWNSEND	4	4	4	3
404 OAK BAY	4	4	4	3
405 KILLSUT HARBOR	4	4	4	3
501 BELLINGHAM CHANNEL	2	3	2	2
502 GUMES CHANNEL	2	3	2	2
503 FIDALGO BAY	2	3	2	2
504 PADILLA BAY	2	3	2	2
505 SAMISH BAY	2	3	2	2
506 BELLINGHAM BAY	2	3	2	2
507 HALE PASSAGE	2	3	2	2

NEW SECTION

WAC 173-183-460 MARINE MAMMAL VULNERABILITY.

(1) Each of the marine and estuarine subregions of state waters designated in WAC 173-183-400(2) is relatively ranked and scored for marine mammal vulnerability to oil spills on a 1 to 5 scale for each season where 5 represents the greatest vulnerability and 1 represents the least vulnerability.

(2) Marine mammal vulnerability ranking scores take into consideration species presence, diversity, population status, breeding vulnerability, presence of young, physiological vulnerability, primary habitat, feeding habitats and abundance.

(3) Marine mammal seasonal vulnerability scores for each of the marine and estuarine subregions of state waters are based on existing information and determinations made by the marine mammals subcommittee of the scientific advisory board. For purposes of RCW 90-48.366, marine mammal vulnerability ranking scores for subregions classified in WAC 173-183-400(2) are as follows:

Table 9. continued

SUBREGION	SP	SEASON			WI
		SU	FA	WI	
601 LUMMI BAY	4	4	4	3	
602 CHERRY POINT	4	4	4	3	
603 BIRCH BAY	4	4	4	3	
604 SEMIAHOO SPIT	4	4	4	3	
605 DRAYTON HARBOR	4	4	4	3	
607 SAN JUAN ISLANDS-NORTHERN TIER	4	4	4	3	
608 GEORGIA STRAIT-EASTERN	4	4	4	3	
701 PT. ROBERTS	4	4	4	3	
703 GEORGIA STRAIT-WESTERN	4	4	4	3	
801 NORTHERN HARO STRAIT	5	4	4	4	
802 SOUTHERN HARO STRAIT	5	4	4	4	
901 SOUTHERN ROSARIO STRAIT	4	4	3	2	
902 CENTRAL ROSARIO STRAIT	4	4	3	2	
903 NORTHERN ROSARIO STRAIT	4	4	3	2	
1001 PRESIDENT CHANNEL	5	4	4	3	
1002 NORTHERN AREAS	5	4	4	3	
1101 SPEIDEN CHANNEL	3	3	3	2	
1102 NORTHERN SAN JUAN CHANNEL	3	3	3	2	
1103 SOUTHERN SAN JUAN CHANNEL	3	3	3	2	
1104 WASP PASS	3	3	3	2	
1105 UPRIGHT CHANNEL	3	3	3	2	
1106 HARNEY CHANNEL	3	3	3	2	
1107 OBSTRUCTION PASS	3	3	3	2	
1108 THATCHER PASS	3	3	3	2	
1201 MOSQUITO/ROCHE COMPLEX	3	3	3	2	
1202 FRIDAY HARBOR	3	3	3	2	
1203 GRIFFIN BAY	3	3	3	2	
1205 FISHERMAN BAY	3	3	3	2	
1206 SWIFTS/SHOAL BAYS	3	3	3	2	
1207 DEER HARBOR	3	3	3	2	
1208 WEST SOUND	3	3	3	2	
1209 EAST SOUND	3	3	3	2	
1210 LOPEZ SOUND	3	3	3	2	
1401 SKAGIT BAY	2	1	1	1	
1402 PENN COVE/CRESCENT HARBOR	2	1	1	1	
1403 SARATOGA PASSAGE	2	1	1	2	
1404 HOLMES HARBOR	2	1	1	1	
1405 PORT SUSAN	2	1	1	1	
1406 POSSESSION SOUND	2	1	1	2	
1501 HOOD CANAL ENTRANCE	1	1	1	1	
1502 PORT LUDLOW	1	1	1	1	
1503 PORT GAMBLE	1	1	1	1	
1504 NORTHERN HOOD CANAL	1	1	1	1	
1505 CENTRAL HOOD CANAL	1	1	1	1	
1506 DABOB BAY	1	1	1	1	
1507 QUILCENE BAY	1	1	1	1	
1508 SOUTH CENTRAL HOOD CANAL	1	1	1	1	
1509 ANNAS BAY	1	1	1	1	
1510 GREAT BEND	1	1	1	1	
1601 N. PUGET SOUND	3	2	2	2	

Table 9. continued

SUBREGION	SP	SEASON			WI
		SU	FA	WI	
1602 N. CENTRAL PUGET SOUND	3	2	2	2	
1603 CENTRAL PUGET SOUND	2	1	1	1	
1604 ELLIOT BAY	2	1	1	1	
1605 EAST PASSAGE	2	1	1	1	
1606 COLVOS PASSAGE	2	1	1	1	
1607 COMMENCEMENT BAY	2	1	1	1	
1608 NARROWS	2	1	1	1	
1609 STEILACOOM	2	1	1	1	
1610 NISQUALLY	2	1	1	1	
1611 TREBLE-JOHNSON	2	1	1	1	
1612 HALE PASSAGE	2	1	1	1	
1613 CARR INLET	2	1	1	1	
1614 PITT PASSAGE	2	1	1	1	
1615 DRAYTON HARBOR	2	1	1	1	
1616 CASE INLET	2	1	1	1	
1617 HENDERSON INLET	2	1	1	1	
1618 DANA PASSAGE	2	1	1	1	
1619 BUDD INLET	2	1	1	1	
1620 ELD INLET	2	1	1	1	
1621 TOTTEN INLET	2	1	1	1	
1622 PICKERING PASSAGE	2	1	1	1	
1623 PEALE PASSAGE	2	1	1	1	
1624 SQUAXIN	2	1	1	1	
1625 SKOOKUM INLET	2	1	1	1	
1626 HAMMERSLEY INLET	2	1	1	1	
1627 OAKLAND BAY	2	1	1	1	
1628 AGATE PASSAGE	2	1	1	1	
1629 LIBERTY BAY	2	1	1	1	
1630 PORT ORCHARD	2	1	1	1	
1631 SINCLAIR INLET	2	1	1	1	
1632 DYES INLET	2	1	1	1	
1633 RICH PASSAGE	2	1	1	1	
1634 QUARTERMASTER HARBOR	2	1	1	1	
1635 DALCO PASSAGE	2	1	1	1	
1636 BALCH PASS	2	1	1	1	

(4) The marine mammal vulnerability score for a spill shall be multiplied by 1.5 when any number of state or federal threatened or endangered marine mammal species are injured as a result of the spill.

NEW SECTION

WAC 173-183-470 MARINE AND ESTUARINE RECREATION VULNERABILITY. (1) Each of the marine and estuarine subregions of state waters designated in WAC 173-183-400(2) are relatively ranked and scored for recreation vulnerability on a 1 to 5 scale for each season where a score of 5 represents the greatest vulnerability and a score of 1 represents the least vulnerability.

(2) Recreation vulnerability ranking scores take into consideration seasonal level of participation in recreational activities, number of recreation sites and types of recreational amenities available in a subregion.

(3) Recreation vulnerability ranking scores for each of the marine and estuarine subregions of state waters in each season has been determined from existing information and recommendations of the recreation subcommittee of the scientific advisory board. For purposes of RCW 90.48.366, recreation vulnerability ranking scores (RVS) for the subregions designated in WAC 173-183-400(2) are as follows:

Table 10. Marine and Estuarine Recreation Vulnerability Scores (RVS)

SUBREGION	SP	SEASON			WI
		SU	FA	WI	
101 NORTHERN OUTER COAST	5	5	5	5	
102 KALALOCH	5	5	5	5	
103 QUINAULT	1	1	1	1	
104 COPALIS BEACH	5	5	5	5	
105 GRAYS HARBOR	4	4	4	3	
106 TWIN HARBORS BEACH	5	5	5	5	
107 WILLAPA BAY	5	5	5	5	
108 LONG BEACH	5	5	5	5	
109 INNER SHELF	1	1	1	1	
110 OUTER SHELF	1	1	1	1	
111 SHELF EDGE	1	1	1	1	
112 CONTINENTAL SLOPE	1	1	1	1	
201 STRAIT OF JUAN DE FUCA-OUTER	1	1	1	1	
203 CAPE FLATTERY	1	1	1	1	
204 NEAH BAY	1	1	1	1	
205 NEAH BAY TO CLALLAM BAY	5	5	5	4	
206 CLALLAM BAY	3	4	3	2	
207 CLALLAM BAY TO CRESCENT BAY	5	5	5	4	
208 CRESCENT BAY	3	4	3	3	
209 CRESCENT BAY TO EDIZ HOOK	4	5	4	3	
301 STRAIT OF JUAN DE FUCA-INNER	1	1	1	1	
302 EDIZ HOOK	1	1	1	1	
303 PORT ANGELES	2	2	2	2	
304 VOICE OF AMERICA	2	3	2	2	
305 DUNGENESS SPIT	1	1	1	1	
306 DUNGENESS BAY/HARBOR	5	5	5	4	
307 JAMESTOWN	2	3	2	2	
308 SEQUIM BAY	4	5	4	4	
309 MILLER PENINSULA	2	3	2	2	
310 PROTECTION ISLAND	1	1	1	1	
311 DISCOVERY BAY	2	2	2	2	
312 QUIMPER PENINSULA	3	3	2	2	
313 WHIDBEY ISLAND	2	3	2	2	
314 SMITH ISLAND	1	1	1	1	
315 DECEPTION PASS	5	5	5	5	
316 LOPEZ ISLAND (SOUTH SHORE)	4	5	4	3	
317 SAN JUAN ISLAND (SOUTH SHORE)	4	5	4	3	
401 ADMIRALTY INLET	5	5	5	4	
402 SOUTH ADMIRALTY INLET	5	5	5	4	
403 PORT TOWNSEND	3	4	3	3	
404 OAK BAY	4	5	4	3	
405 KILISNUT HARBOR	2	2	2	2	
501 BELLINGHAM CHANNEL	5	5	5	4	
502 GUEMES CHANNEL	1	1	1	1	
503 FIDALGO BAY	4	4	3	3	
504 PAFFLA BAY	5	5	5	4	
505 SAMISH BAY	4	4	3	3	
506 BELLINGHAM BAY	5	5	5	4	

Table 10. continued

SUBREGION	SP	SEASON		
		SU	FA	WI
507 HALE PASSAGE	3	4	3	2
601 LUMMI BAY	1	1	1	1
602 CHERRY POINT	1	1	1	1
603 BIRCH BAY	3	4	3	3
604 SEMIAHOO SPIT	3	4	3	3
605 DRAYTON HARBOR	2	2	2	2
607 SAN JUAN ISLANDS-NORTHERN TIER	5	5	5	5
608 GEORGIA STRAIT-EASTERN	1	1	1	1
701 PT. ROBERTS	3	3	3	2
703 GEORGIA STRAIT-WESTERN	1	1	1	1
801 NORTHERN HARO STRAIT	5	5	5	4
802 SOUTHERN HARO STRAIT	5	5	5	4
901 SOUTHERN ROSARIO STRAIT	5	5	5	5
902 CENTRAL ROSARIO STRAIT	4	5	4	4
903 NORTHERN ROSARIO STRAIT	4	4	4	3
1001 PRESIDENT CHANNEL	4	5	4	4
1002 NORTHERN AREAS	4	5	4	3
1101 SPEIDEN CHANNEL	3	4	3	2
1102 NORTHERN SAN JUAN CHANNEL	4	5	4	3
1103 SOUTHERN SAN JUAN CHANNEL	5	5	5	4
1104 WASP PASS	5	5	5	4
1105 UPRIGHT CHANNEL	5	5	4	4
1106 HARNEY CHANNEL	4	5	4	3
1107 OBSTRUCTION PASS	2	2	2	2
1108 THATCHER PASS	4	5	4	3
1201 MOSQUITO/ROCHE COMPLEX	3	4	3	3
1202 FRIDAY HARBOR	3	3	3	2
1203 GRIFFIN BAY	4	5	4	4
1205 FISHERMAN BAY	1	1	1	1
1206 SWIFTS/SHOAL BAYS	1	1	1	1
1207 DEER HARBOR	2	2	2	2
1208 WEST SOUND	3	4	3	2
1209 EAST SOUND	4	5	4	4
1210 LOPEZ SOUND	5	5	5	4
1401 SKAGIT BAY	5	5	5	5
1402 PENN COVE/CRESCENT HARBOR	4	4	3	3
1403 SARATOGA PASSAGE	3	4	3	3
1404 HOLMES HARBOR	2	3	2	2
1405 PORT SUSAN	3	4	3	3
1406 POSSESSION SOUND	4	5	4	3
1501 HOOD CANAL ENTRANCE	4	5	4	3
1502 PORT LUDLOW	4	4	4	3
1503 PORT GAMBLE	1	1	1	1
1504 NORTHERN HOOD CANAL	1	1	1	1
1505 CENTRAL HOOD CANAL	4	4	3	3
1506 DABOB BAY	4	5	4	3
1507 QUILCENE BAY	3	3	2	2
1508 SOUTH CENTRAL HOOD CANAL	4	5	4	3
1509 ANNAS BAY	4	4	4	3
1510 GREAT BEND	3	4	3	3

Table 10. continued

SUBREGION	SP	SEASON		
		SU	FA	WI
1601 N. PUGET SOUND	4	4	3	3
1602 N. CENTRAL PUGET SOUND	4	5	4	4
1603 CENTRAL PUGET SOUND	5	5	4	4
1604 ELLIOT BAY	4	5	4	3
1605 EAST PASSAGE	4	5	4	3
1606 COLVOS PASSAGE	3	3	2	2
1607 COMMENCEMENT BAY	2	2	2	2
1608 NARROWS	3	3	3	2
1609 STEILACOOM	3	3	3	2
1610 NISQUALLY	5	5	5	4
1611 TREBLE-JOHNSON	3	3	2	2
1612 HALE PASSAGE	2	2	2	2
1613 CARR INLET	4	5	4	4
1614 PITT PASSAGE	2	2	2	2
1615 DRAYTON HARBOR	2	2	2	2
1616 CASE INLET	4	4	3	3
1617 HENDERSON INLET	2	2	2	1
1618 DANA PASSAGE	2	2	2	2
1619 BUDD INLET	3	4	3	3
1620 ELD INLET	2	3	2	2
1621 TOTTEN INLET	1	1	1	1
1622 PICKERING PASSAGE	3	4	3	2
1623 PEALE PASSAGE	3	3	3	2
1624 SQUAXIN	2	2	2	1
1625 SKOOKUM INLET	1	1	1	1
1626 HAMMERSLEY INLET	2	2	2	2
1627 OAKLAND BAY	2	2	1	1
1628 AGATE PASSAGE	2	2	2	2
1629 LIBERTY BAY	2	3	2	2
1630 PORT ORCHARD	3	3	3	2
1631 SINCLAIR INLET	2	3	2	2
1632 DYES INLET	3	3	2	2
1633 RICH PASSAGE	3	4	3	3
1634 QUARTERMASTER HARBOR	2	3	2	2
1635 DALCO PASSAGE	4	5	4	3
1636 BALCH PASS	1	1	1	1

COMPENSATION SCHEDULE FOR SPILLS IN THE COLUMBIA RIVER ESTUARY

NEW SECTION

WAC 173-183-500 VULNERABILITY OF ESTUARINE WATERS OF THE COLUMBIA RIVER TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking vulnerability of the Columbia River estuary to oil spills for purposes of assessing damages using the compensation schedule.

(2) The Columbia River estuary has been distinguished from other estuarine waters of the state because it resides within the jurisdiction of two states, Washington and Oregon.

(3) For purposes of RCW 90.48.366, estuarine waters of the Columbia River are divided into one kilometer square cells. Bird, fish, mammal, invertebrate, habitat, and human use resource sensitivity have been evaluated for each cell by season. Seasonal resource sensitivities are ranked for each cell on a 1 to 5 scale where 5 represents the greatest sensitivity and 1 represents the least sensitivity as designated on the maps attached as Appendix 6 of this chapter.

(4) A vulnerability score (VS) shall be calculated at the time of a spill for each cell and for the most sensitive season impacted by the spill. The VS rates the vulnerability of public resources to the spilled oil based on the propensity of the oil to cause acute toxicity and mechanical injury, and to persist in the environment.

(a) VS for a particular cell is determined by summing the sensitivity scores assigned to each cell for bird, fish, mammal, invertebrate, habitat, and human use resources as follows:

$$VS_{ij} = 7/6 * (BSS_{ij} + FSS_{ij} + MSS_{ij} + ISS_{ij} + HSS_{ij} + HUS_{ij})$$

- where VS_{ij} = spill vulnerability score for a particular cell and season
- BSS = bird sensitivity score (from Appendix 6 of this chapter)
- FSS = fish sensitivity score (from Appendix 6 of this chapter)
- MSS = mammal sensitivity score (from Appendix 6 of this chapter)
- ISS = invertebrate sensitivity score (from Appendix 6 of this chapter)
- HSS = habitat sensitivity score (from Appendix 6 of this chapter)
- HUS = human use sensitivity score (from Appendix 6 of this chapter)
- i = the cell under consideration
- j = the most sensitive season impacted; fall, winter, spring, or summer

7/6 = correction factor necessary to equate the Columbia River compensation schedule with the general marine/estuarine compensation schedule.

(b) The vulnerability score for a spill (SVS) is calculated by calculating the average of the vulnerability scores for the cells exposed to the spill as follows:

$$SVS_j = (VS_1 + VS_2 + \dots + VS_x)/x$$

where VS_i = vulnerability score for cell i (Appendix 6), and x = number of cells exposed to the spill.

COMPENSATION SCHEDULE FOR SPILLS IN FRESHWATER

NEW SECTION

WAC 173-183-600 VULNERABILITY OF FRESHWATER STREAMS, RIVERS, AND LAKES TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking the vulnerability of state freshwater streams, rivers, lakes, and portions thereof, to oil spills for purposes of applying the compensation schedule.

(2) Vulnerability of freshwater streams, rivers, and lakes to oil spills is based on water type classifications and a habitat index.

(3) For each oil spill into a freshwater stream, river, or lake, a spill vulnerability score (SVS) is calculated. The SVS rates the vulnerability of public resources to spilled oil based on the spilled oil's propensity to cause acute toxicity, mechanical injury, and to persist in the environment. SVS is determined by multiplying the freshwater vulnerability score, which is based on the water type classification, by the habitat index score as follows:

$$\text{Spill Vulnerability Score (SVS)} = \text{FVS} * \text{HI}$$

where FVS = Freshwater vulnerability score (from WAC 173-183-610), and HI = Habitat index (from WAC 173-183-620).

NEW SECTION

WAC 173-183-610 FRESHWATER VULNERABILITY INDEX. (1) For purposes of this chapter, freshwater streams, rivers, lakes, and portions thereof, are classified into 5 water types based on the identification system set forth in WAC 222-16-030 which is incorporated by reference.

(a) "Type 1 Water" means all waters, within their ordinary high-water mark, as inventoried as "shorelines of the state" under chapter 90.58 RCW.

(b) "Type 2 Water" shall mean segments of natural waters which are not classified as Type 1 Water and have a high use and are important from a water quality standpoint for:

- (i) Domestic water supplies;
- (ii) Public recreation;
- (iii) Fish spawning, rearing, or migration or wildlife uses; or
- (iv) Are highly significant to protect water quality.

(c) "Type 3 Water" shall mean segments of natural waters which are not classified as Type 1 or 2 Water and have a moderate to slight use and are moderately important from a water quality standpoint for:

- (i) Domestic water supplies;
- (ii) Public recreation;
- (iii) Fish spawning, rearing, or migration or wildlife uses; or
- (iv) Are highly significant to protect water quality.

(d) "Type 4 Water" shall mean segments of natural waters which are not classified as Type 1, 2, or 3. Their significance lies in their influence of water quality downstream in Type 1, 2, or 3 Waters. These may be perennial or intermittent.

(e) "Type 5 Water" means all other waters, in natural water courses, including streams with or without a well-defined channel, areas of perennial or intermittent seepage, ponds, and natural sinks. Drainage ways having short periods of runoff are considered to be Type 5 Waters.

(3) The vulnerability of freshwater environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of biological and recreational resources ranges from 1 to 5 where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

TABLE 11. Freshwater Vulnerability Score (FVS).

FVS	QUALIFICATION
5	"Type 1 waters"
4	"Type 2 waters"
3	"Type 3 waters"
2	"Type 4 waters"
1	"Type 5 waters"

NEW SECTION

WAC 173-183-620 HABITAT INDEX (HI). (1) Most state freshwaters vary to some degree from the natural condition as increased activities within individual watersheds have decreased stream, river, and/or lake habitat quality. In order to account for that degradation prior to assessing damages using the compensation schedule, a habitat index (HI) is calculated to represent existing stream conditions prior to the oil spill.

(2) For each stream, river, or lake impacted by an oil spill where the preassessment screening committee determines that the compensation schedule shall be used, a habitat index (HI) shall be calculated following an oil spill using the following methodology. The HI measures the amount of stream degradation from natural conditions and shall be calculated using the following formula:

$$\text{Habitat Index (HI)} = [(P_1 + P_2 + P_3 + P_4 + P_5 + P_6) \div N_p] \times f_1 \times f_2 \times f_3$$

- where:
- P₁ = barriers to natural fish movement
 - P₂ = urbanization
 - P₃ = condition of riparian vegetation
 - P₄ = condition of floodplain
 - P₅ = land use of watershed
 - P₆ = flow alteration
 - N_p = number of P parameters used to calculate HI
 - f₁ = channel modifications
 - f₂ = impoundment
 - f₃ = water quality

(3) Habitat quality parameters (P).

(a) Barriers to natural fish movement (P₁). Barriers, to some degree, limit the free passage of fish upstream thus limiting the ability of streams to recover. The scoring of this parameter is based on the influence of barriers in the natural dispersal of fish populations as follows:

Table 12. Scoring of Barriers to Natural Fish Movement (P₁).

RATING QUALIFICATION

10	No manmade obstructions to free upstream passage of fish
8	No dams or other structures causing a vertical drop of more than 1 foot during low flow
5	No dams or other structures causing a vertical drop of more than 3 foot during low flow
3	No dams or other structures causing a vertical drop of more than 10 foot during low flow
0	One to several dams or other structures each causing a drop of more than 10 feet during low flow

(b) Urbanization (P₂). Urban development has historically had negative habitat effects on freshwater ecosystems. The percent of urban development in a watershed directly influences siltation, riparian abuse, and water quality deterioration. The scoring of this parameter is based on the percent of urbanization in the stream watershed.

Table 13. Scoring of Urbanization (P₂).

RATING QUALIFICATION

10	Less than 5 percent of the watershed in urban development
8	Five to 10 percent of the watershed in urban development
5	Ten to 40 percent of the watershed in urban development
3	Forty to 70 percent of the watershed in urban development

RATING QUALIFICATION

0 Seventy to 100 percent of the watershed in urban development

(c) Condition of riparian vegetation (P₃). Riparian vegetation is important to seventy percent of the animal and bird species in Washington for some part of their life cycle. It also exerts thermal regulatory and thermal controls for the aquatic system. The scoring of this parameter is based on the percent of banks that are protected by effective riparian vegetation.

Table 14. Scoring of Condition of Riparian Vegetation (P₃).

RATING QUALIFICATION

10 Ninety to 100 percent of the banks are protected by appropriate perennial vegetation
 8 Sixty to 90 percent of the banks are protected by appropriate perennial vegetation
 5 Forty to 60 percent of the banks are protected by appropriate perennial vegetation
 3 Ten to 40 percent of the banks are protected by appropriate perennial vegetation
 0 Zero to 10 percent of the banks are protected by appropriate perennial vegetation

(d) Condition of the floodplain (P₄). The condition of the floodplain forecasts the amount of sedimentation and erosion in the watershed and as such is a primary predictor of stream degradation. The rating of this parameter is as follows:

Table 15. Scoring of the Condition of the Floodplain (P₄).

RATING QUALIFICATION

10 Little or no evidence of active or recent erosion of the floodplain during floods
 5 All segments show evidence of occasional erosion of the floodplain. Stream channel essentially intact
 0 Floodplain severely eroded and degraded, stream channel poorly defined with much lateral erosion and much reduced flow capacity

(e) Land use of the watershed (P₅). Land use practices exert a great deal of influence on the quality of the aquatic habitat. The rating of this parameter is as follows:

Table 16. Scoring of Land Use of the Watershed (P₅).

RATING QUALIFICATION

10 More than 80 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
 8 Sixty to 80 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
 5 Forty to 60 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
 3 Twenty to 40 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices
 1 Zero to 20 percent of the watershed protected by timber, improved pasture, terraces, or other conservation practices

(f) Flow alteration (P₆). Alteration of the natural flow regime can frequently alter habitat conditions that are necessary for certain behavioral and ecological needs of species. The rating of this parameter is as follows:

Table 17. Scoring for Flow Alteration (P₆).

RATING QUALIFICATION

10 Less than 1 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
 8 One to 30 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
 5 Thirty to 60 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
 3 Sixty to 95 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds
 0 Ninety-five to 100 percent of the watershed controlled by impoundments and/or less than 50 percent of the watershed controlled by farm ponds

(4) Habitat alteration functions (F). Each habitat alteration function has the power to reduce the habitat quality rating, dependent on the type and extent of alteration. Functions are expressed on a scale of 0 to 1.0.

(a) Channel modification (F₁). Channel modification can have a dramatic effect of the ability of a stream to provide for a diversity of habitats. This parameter is rated as follows:

$$\text{Channel Modification (F}_1\text{)} = 1.0 - (\text{SM} \times \text{FR})$$

where F₁ = Channel modification rate
 SM = Percent stream reach modified, expressed as a decimal
 FR = Percent fish reduction, expressed as a decimal

Table 18. Scoring for Percent Fish Reduction (FR).

CHANNEL MODIFICATION % FISH REDUCATION

Clearing, Snagging	25
Channel realignment	80
Channel paving	95

(b) Water quality (F₂). Water quality exerts a variety of detrimental and/or beneficial on the aquatic ecosystem. This parameter is rated as follows:

Table 19. Scoring for Water Quality (F₂).

RATING QUALIFICATION

1.0 Stream water unpolluted. No pollutants detected by standard methods
 0.8 Occasional above normal levels of one or more water pollutants usually present, but detectable only by analysis
 0.5 Occasional visible signs of oversupply of nutrients or other pollutants detected by analysis
 0.4 Occasional fish kills averaging about every 4 years or more
 0.2 Occasional fish kills occurring more often than every 4 years
 0.0 Grossly polluted waters with fish kills occurring annually or more frequently

(c) Streambed condition (F₃). The condition of the substrate habitat can be altered in such a way as to reduce the effective habitat available to the aquatic community as a whole. This parameter is ranked as follows:

Table 20. Scoring of Streambed Condition.

RATING QUALIFICATION

1.0 No apparent unstable material in channel with substrate of bedrock, boulders, rubble, gravel or firm alluvium
 0.9 Traces of unstabilized silt, sand, or gravel in quiet areas or large pools with firm substrate
 0.8 Quiet areas covered with unstable materials, deep pools restricted to areas of greatest scour

RATING QUALIFICATION

0.7	Pools shallow, filled with silt, sand or gravel, riffles contain noticeable silt deposits
0.5	Streambed completely covered by varying thicknesses of transported material such as silt, sand and gravel
0.0	Stream channel nearly or completely filled with unconsolidated, transported material; no surface flow except during floods

COMPENSATION SCHEDULE FOR SPILLS IN FRESHWATER WETLANDSNEW SECTION

WAC 173-183-700 VULNERABILITY OF FRESHWATER WETLANDS TO OIL SPILLS. (1) The purpose of this section is to describe the method of ranking the vulnerability of freshwater wetlands to oil spills for purposes of assessing damages by applying the compensation schedule.

(2) Vulnerability of freshwater wetlands to oil spills is based on a wetlands classification which rates the vulnerability of a wetland to the acute toxicity, mechanical injury, and persistence effects caused by spilled oil. Wetlands are classified into five categories which represent the sensitivity of habitat, plants, animals, and recreational use to oil spills. For purposes of this chapter, the wetlands vulnerability score shall be equal to the spill vulnerability score as follows:

Spill Vulnerability Score (SVS) = WVS

where WVS = wetlands vulnerability score (from WAC 173-183-710).

NEW SECTION

WAC 173-183-710 WETLANDS VULNERABILITY CLASSIFICATION. (1) Wetlands and portions thereof, are classified into 4 types based on the identification system set forth below.

(a) Category I wetlands. The following types of wetlands are classed as category I wetlands:

(i) Documented habitat for threatened or endangered plant, animal, or fish species recognized by federal or state agencies; or

(ii) Documented Natural Heritage wetland sites or high quality native wetland communities which qualify as Natural Heritage wetland sites; or

(iii) Documented habitat of regional (Pacific Coast) or national significance for migratory birds; or

(iv) Regionally rare wetland communities; or

(v) Wetlands with irreplaceable ecological functions; or

(vi) Documented wetlands of local significance.

(b) Category II wetlands. The following types of wetlands are classed as category II wetlands:

(i) Documented habitat recognized by federal and state agencies for sensitive plant, animal, or fish species; or

(ii) Documented priority habitats and species recognized by state agencies; or

(iii) Wetlands with significant functions which may not be adequately replicated through creation or restoration; or

(iv) Wetlands with significant habitat value; or

(v) Documented wetlands of local significance.

(c) Category III wetlands. The following types of wetlands are classed as category III when they satisfy no category I, II, or IV criteria.

(d) Category IV wetlands. The following types of wetlands are classed as category IV wetlands:

(i) Wetlands less than one acre in size and hydrologically isolated and comprised of one vegetated class that is dominated (more than eighty percent areal cover) by one species from the list in Table 20; or

(ii) Wetlands less than two acres and hydrologically isolated with one vegetative class and more than ninety percent of the areal cover is any combination of species from the list in Table 21.

Table 21. List of invasive/exotic plant species for rating Category IV wetlands.

<u>Common name</u>	<u>Scientific name</u>
Soft Rush	<i>Juncus effusus</i>
Reed	<i>Phragmites communis</i>
Buttercup	<i>Ranunculus repens</i>
Reed Canary Grass	<i>Phalaris arundinaceae</i>
Purple loosestrife	<i>Lythrum salicaria</i>
Townsend's cordgrass	<i>Spartina townsendii</i>
Non-native blackberry	<i>Rubus discolor, laciniatus, vestitus, macrophyllus</i>
Velvet grass	<i>Holcus lanatus, mollis</i>
Fescue	<i>Festuca arundinaceae, pratensis</i>
Quackgrass	<i>Agropyron repens</i>
Meadow foxtail	<i>Alopecurus pratensis, aequalis</i>
Orchardgrass	<i>Dactylis glomerata</i>
Ryegrass	<i>Lolium perenne, multiflorum, temulentum</i>
Timothy	<i>Phleum pratense</i>
Bluegrass	<i>Poa compressa, palustris, pratensis</i>
Bromes	<i>Bromus tectorum, rigidus, brizaformis, geocalinus, japonicus, mollis, commutatus, inermis, cractus</i>
Sandbur	<i>Cauchrus longispinus</i>
Crab Grass	<i>Digitaria sanguinalis</i>
Barnyard grass	<i>Echinochloa crusgalli</i>
Green Bristlegrass	<i>Setaria viridis</i>
Foxtail Barley	<i>Hordeum jubatum</i>
Dogtail	<i>Cynosurus cristatus, achinatus</i>
Russian Thistle	<i>Salsola kali</i>
Knotweeds	<i>Polygonum aviculare, concoloculus, cuspidatum, lapathifolium, persicaria</i>
Tumblemustards	<i>Sisymbrium altissimum, loesclii, officinale</i>
Scotch broom	<i>Cytisus scoparius</i>
Sweet clover	<i>Melilotus alba, officinalis</i>
Bird's foot trefoil	<i>Lotus corniculatus</i>
Alfalfa	<i>Medicago sativa</i>
Clover	<i>Trifolium dubium, pratense, repens, aryense, subterraneum, hybridum</i>
Spurge	<i>Euphorbia pepius, caula</i>
St. John's wort	<i>Hypericum parfoliatum</i>
Teasel	<i>Dipsacus sylvestris</i>

Table 21. continued.

<u>Common Name</u>	<u>Scientific Name</u>
Pineapple weed	Marricaria matricartioides
Tansy	Tanacetum vulgare
Thistles	Cirsium vulgare, arvense
Burdock	Arctium minus
Knapweeds	Centauras solstitialis, repens, cyanus, maculosa
Cultivated species; wheat, corn, barley, triticum, rye	

Table 22. List of native species for rating of Category IV wetlands.

<u>Common name</u>	<u>Scientific name</u>
Hard hack	Spirea douglasii
Cattail	Typha latifolia
Soft rush	Juncus effusus

(2) Wetland vulnerability score (WVS). The vulnerability of freshwater environments is based on the stream typing system established in WAC 222-16-030 incorporated by reference. The rating of the biological and recreational resources ranges from 1 to 5 where 5 represents the most sensitive category and 1 represents the least sensitive category as follows:

Table 23. Freshwater Wetlands Vulnerability Score (WVS).

WVS	QUALIFICATION
5	Category I wetlands
4	Category II wetlands
3	Category III wetlands
1	Category IV wetlands

CALCULATION OF COMPENSATION

NEW SECTION

WAC 173-183-800 CALCULATION OF COMPENSATION GENERAL. The purpose of WAC 173-183-800 to 173-183-850 are to describe:

- (1) The responsibilities of the OSC and RDA committee chair in applying the compensation schedule; and
- (2) The procedures for determining adequate compensation for resource damages using the compensation schedule.

NEW SECTION

WAC 173-183-810 ON-SCENE COORDINATOR (OSC) RESPONSIBILITIES. (1) The OSC or initial department responder shall make the following initial determinations:

- (a) Identity of the potentially liable party;
- (b) Quantity and type of oil spilled;
- (c) Extent and location of the spill; and
- (d) The amount of oil cleaned up on a daily basis, and in total.

(2) The OSC or initial department responder shall provide the information enumerated in subsection (1) of this section to the RDA committee chair in a timely manner.

NEW SECTION

WAC 173-183-820 RDA COMMITTEE CHAIR RESPONSIBILITIES. (1) The RDA committee chair shall, in consultation with the OSC and RDA committee, determine the following:

- (a) For spills into marine or estuarine environments excluding the Columbia River estuary:
 - (i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;
 - (ii) Subregion(s) exposed to the spilled oil;
 - (iii) Habitat types exposed to the spilled oil as classified in WAC 173-183-410(4);
 - (iv) Percent coverage of each habitat type for the entire area impacted by the spill;
 - (v) Spill's habitat vulnerability scores (HVS) for acute toxicity, mechanical injury, and persistence as outlined in WAC 173-183-400; and
 - (vi) The most vulnerable season and subregion affected by the spill.
- (b) For spills in the estuarine waters of the Columbia River:
 - (i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;
 - (ii) The cell(s) exposed to the spilled oil; and
 - (iii) The most vulnerable season and cell exposed to the spilled oil.
- (c) For spills in freshwater streams, rivers, and lakes:
 - (i) The acute toxicity, mechanical injury and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;
 - (ii) Freshwater vulnerability score as described in WAC 173-183-610;
 - (iii) Habitat index as described in WAC 173-183-620; and
 - (iv) Spill vulnerability score (SVS) as outlined in WAC 173-183-600 for each stream, river, and/or lake impacted by the spill; and
- (d) For spills in freshwater wetlands:
 - (i) The acute toxicity, mechanical injury, and persistence oil class rankings for the spilled oil as provided in WAC 173-183-360;
 - (ii) Wetland vulnerability score as described in WAC 184-173-710;

(iii) Spill vulnerability score (SVS) as outlined in WAC 173-183-700 for each wetland impacted by the spill.

(2) For spills that enter both fresh and marine/estuarine waters, compensation shall be calculated for the spill in both freshwater and marine/estuarine waters. Total compensation shall be calculated by summing the weighted compensation calculated for the freshwater spill and the marine/estuarine water spill, where weighting is defined by percent coverage of the spill in each environment.

(3) For spills that enter both freshwater and marine/estuarine environments, the RDA committee chair shall, in consultation with the OSC and RDA committee, make the determinations enumerated under subsection (1)(a) and (b) of this section.

NEW SECTION

WAC 173-183-830 CALCULATION OF COMPENSATION FOR SPILLS IN MARINE OR ESTUARINE ENVIRONMENTS.

(1) Variables for the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined from the following:

(a) The determinations made by the OSC enumerated in WAC 173-183-810(1);

(b) The determinations made by the RDA committee chair enumerated in WAC 173-183-820(1); and

(c) The marine bird, marine mammal, fisheries species, and recreation vulnerability scores as determined under WAC 173-183-420 through 173-183-470 for the most vulnerable season and subregion affected by the spill.

(2) In making the determination of percent-coverage of habitats for the area covered by the spill, the RDA committee chair may assume that the habitat-type visible at low tide extends out to the 20 meter depth contour.

(3) The amount of compensation shall be calculated using the following formula:

Compensation (\$) =

gallons spilled * 1.14 * [(OIL_{AT}*SVS_{AT,j})+(OIL_{MI}*SVS_{MI,j})+(OIL_{PER}*SVS_{PER,j})]

where: SVS_{i,j} = spill vulnerability score (from WAC 173-183-400(3));

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

i = acute toxicity, mechanical injury and persistence effect of oil

j = the most sensitive season affected by the spill

1.14 = multiplier to adjust SVS scores to the \$1-50 per gallon assessment

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

NEW SECTION

WAC 173-183-840 CALCULATION OF COMPENSATION FOR SPILLS IN THE COLUMBIA RIVER ESTUARY. (1) Variables for the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined from the following:

(a) The determinations made by the OSC enumerated in WAC 173-183-810(1);

(b) The determinations made by the RDA committee chair enumerated in WAC 173-183-820 (1)(b);

(c) The bird, fish, mammal, invertebrate, habitat, and human resource sensitivity scores as determined from the maps attached as Appendix 3 to this chapter for the most sensitive season and cell affected by the spill.

(2) The amount of compensation shall be calculated using the following formula:

Compensation (\$) =

No. of gallons spilled * 1.14 * SVS_i* (OIL_{AT} + OIL_{MI} + OIL_{PER})

where: SVS_i = spill vulnerability score (from WAC 173-183-500(3));

j = the most sensitive season affected by the spill
1.14 = multiplier to adjust the SVS scores to the \$1-50 per gallon assessment.

OIL_{AT} = Acute Toxicity Score for Oil (from WAC 173-183-360);

OIL_{MI} = Mechanical Injury Score for Oil (from WAC 173-183-360); and

OIL_{PER} = Persistence Score for Oil (from WAC 173-183-360).

NEW SECTION

WAC 173-183-850 CALCULATION OF COMPENSATION FOR SPILLS IN FRESHWATER STREAMS, RIVERS, AND LAKES. (1) Variables for the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined from the following:

(a) The determinations made by the OSC enumerated in WAC 173-183-810(1); and

(b) The determinations made by the RDA committee chair enumerated in WAC 173-183-820 (2)(c).

(2) The amount of compensation shall be calculated using the following formula:

Compensation (\$) =

No. gals. spilled * 0.091 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})

where: # of gals. spilled = determined by OSC [from WAC 173-183-810 (1)(b)];

0.09 = multiplier to adjust SVS scores to the \$1-50 per gallon assessment;

SVS = Spill vulnerability score [from WAC 173-183-600(3)];

OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-360];

OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-360]; and

OIL_{PER} = Persistence Score for Oil [from WAC 173-183-360].

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

NEW SECTION

WAC 173-183-860 CALCULATION OF COMPENSATION FOR SPILLS IN FRESHWATER WETLAND ENVIRONMENTS. (1) Variables for the formula to calculate the amount of compensation for an oil spill in subsection (2) of this section shall be determined from the following:

(a) The determinations made by the OSC enumerated in WAC 173-183-810(1); and

(b) The determinations made by the RDA committee chair enumerated in WAC 173-183-820 (2)(d).

(2) The amount of compensation shall be calculated using the following formula:

Compensation (\$) =

No. gals. spilled * 0.98 * SVS * (OIL_{AT} + OIL_{MI} + OIL_{PER})

where: # of gals. spilled = determined by OSC [from WAC 173-183-810 (1)(b)];

0.98 = multiplier to adjust SVS scores to the \$1-50 per gallon assessment;

SVS = Spill vulnerability score [from WAC 173-183-700(3)];

OIL_{AT} = Acute Toxicity Score for Oil [from WAC 173-183-360];

OIL_{MI} = Mechanical Injury Score for Oil [from WAC 173-183-360]; and

OIL_{PER} = Persistence Score for Oil [from WAC 173-183-360].

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

NEW SECTION

WAC 173-183-870 MODIFICATION OF COMPENSATION BASED ON ACTIONS TAKEN BY THE POTENTIALLY LIABLE PARTY. (1) The dollar amount of compensation calculated under WAC 173-183-730 or 173-183-740 may be reduced in the following cases:

(a) Where the potentially liable party takes an action that results in no spill exposure and no injury to the following special habitat features: Seal and sea lion haulouts, public recreational areas, herring spawning areas, salmon concentration areas, hardshell and softshell clam beds, and seabird breeding colonies; and

(b) Where the potentially liable party takes an action that restores, rehabilitates, or enhances resources injured by the spill.

(2) When the conditions specified under subsection (1)(a) of this section are met, compensation may be reduced by the amount that the special feature that was protected contributed to the amount of compensation calculated under WAC 173-183-800 through 173-183-870. Decisions on reduction of compensation shall be made by the RDA committee.

(3) When conditions specified under subsection (1)(b) of this section are met, amount of compensation calculated under WAC 173-183-800 through 173-183-870 may be reduced. Decisions on reduction of compensation shall be made by the RDA committee.

(4) In no case shall the modifications to compensation enumerated in subsections (1) and (2) of this section result in a reduction of compensation to less than one dollar per gallon of oil spilled.

NEW SECTION

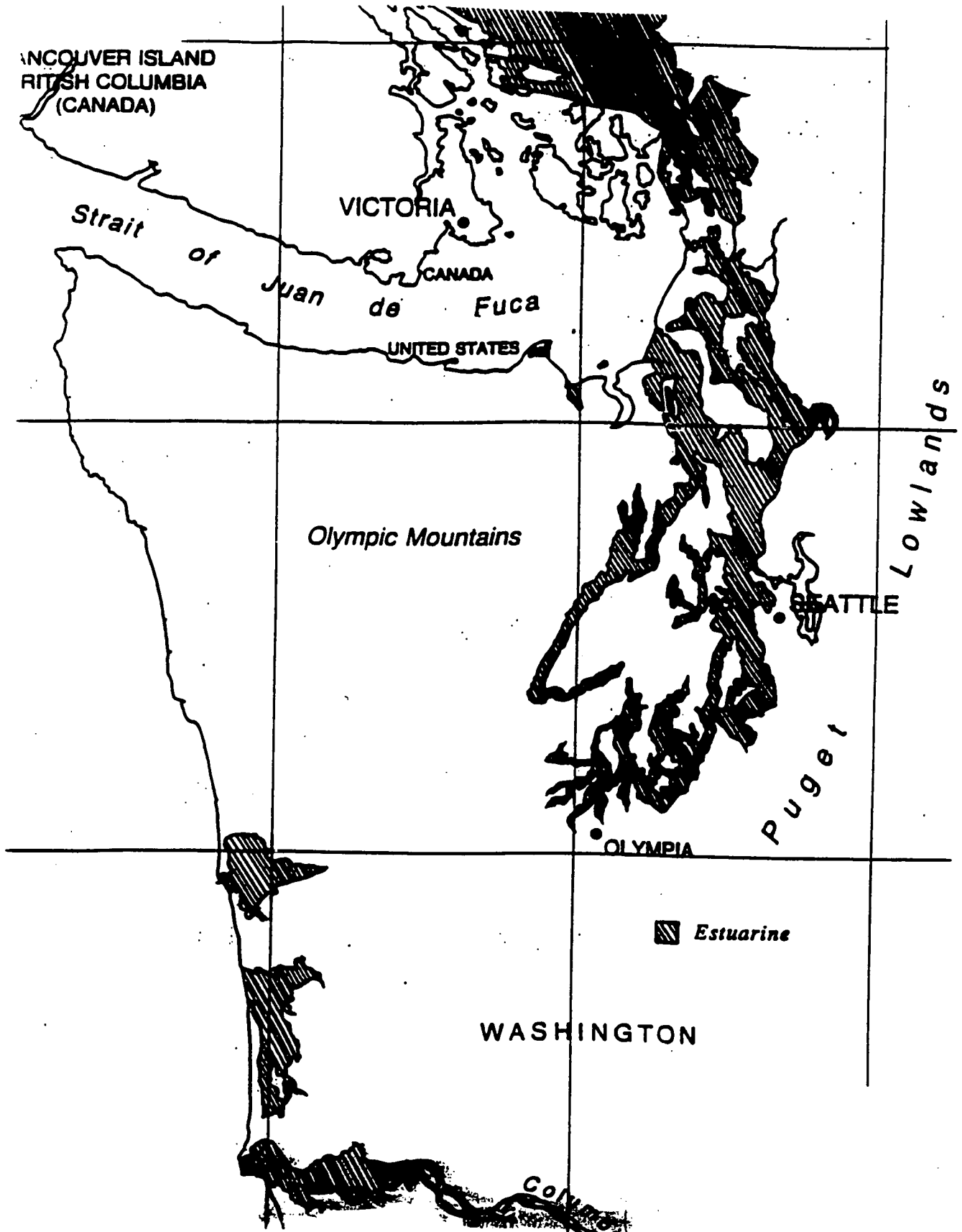
WAC 173-183-900 ANNUAL REPORT. Actions and decisions on all oil spills must be included in the annual legislative report which incorporates the facts and circumstances surrounding the spill, a brief description of the decisions made for determining damages from the compensation schedule or resource damage assessment, the amount of compensation determined to be owed and the actual amount collected from the party responsible for the oil spill.

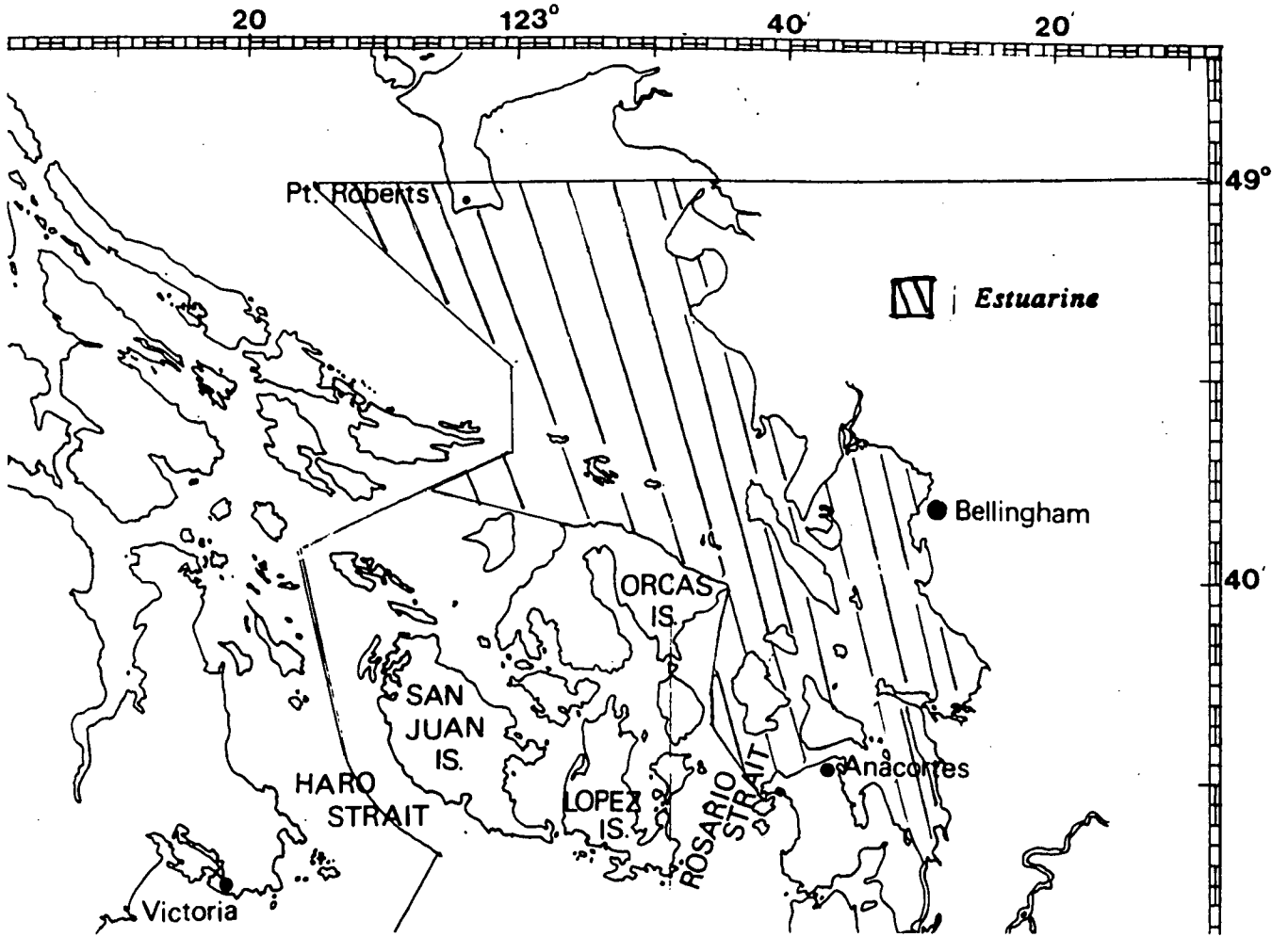
NEW SECTION

WAC 173-183-910 SEVERABILITY. If any provision of this rule or its application to any person or circumstance is held invalid, the remainder of the rule or application of the provision to other persons or circumstances is not affected.

NEW SECTION

WAC 173-183-990 APPENDICES. APPENDIX 1: ESTUARINE WATERS OF THE STATE





APPENDIX 2: SPECIES INCLUDED IN THE MARINE FISH VULNERABILITY RANKING

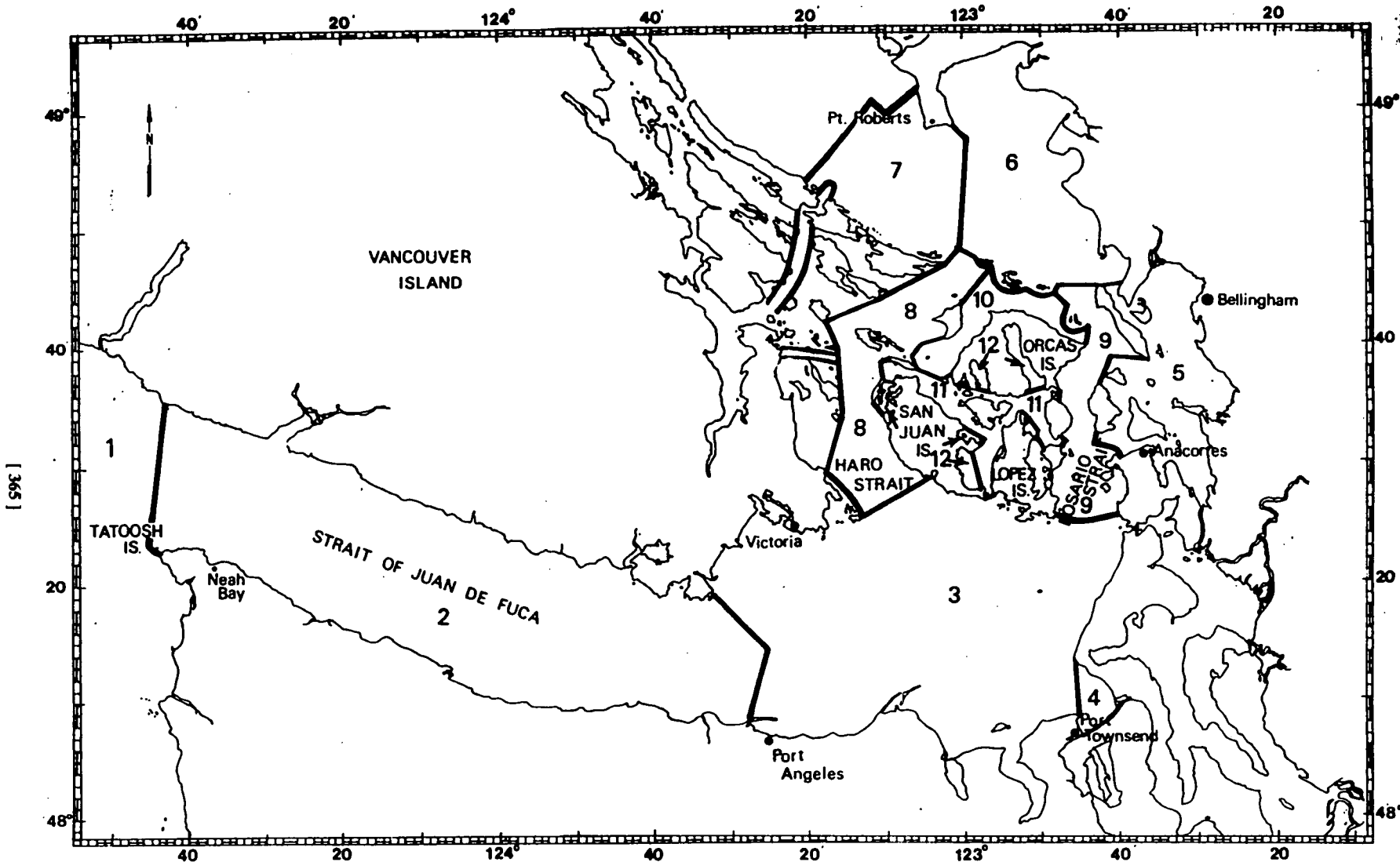
Dogfish	Bocaccio
Rajidae (skates)	Canary Rockfish
Ratfish	Yelloweye Rockfish
Green Sturgeon	Thornyhead
White Sturgeon	Sablefish
Pacific Herring	Kelp Greenling
Anchovy	Lingcod
Surf Smelt	Red Irish Lord
Night Smelt	Pac Staghorn Sculpin
Longfin Smelt	Cabezon
Eulachon	Redtail Surfperch
Pacific Cod	Shiner Surfperch
Tomcod	Pile Surfperch
Pollock	Striped Surfperch
Whiting	Eelpout
Midshipman	Snake Prickleback
Tubesnout	Gunnel
Three-spine Stickleback	Wolf-eel
Pac. Ocean Perch	Pacific Sandlance
Brown Rockfish	Sanddabs
Silvergray Rockfish	Arrowtooth Flounder
Copper Rockfish	Petrale Sole
Puget Sound Rockfish	Rex Sole
Widow Rockfish	Pacific Halibut
Yellowtail Rockfish	Rock Sole
Quillback Rockfish	Dover Sole
Black Rockfish	English Sole
Blue Rockfish	Starry Flounder
China Rockfish	Sand Sole

APPENDIX 3: SPECIES INCLUDED IN THE SALMON VULNERABILITY RANKING

<u>Common Name</u>	<u>Scientific Name</u>
Chinook	Oncorhynchus tshawytscha
Coho	O. kisutch
Pink	O. gorbushca
Chum	O. keta
Sockeye	O. nerka

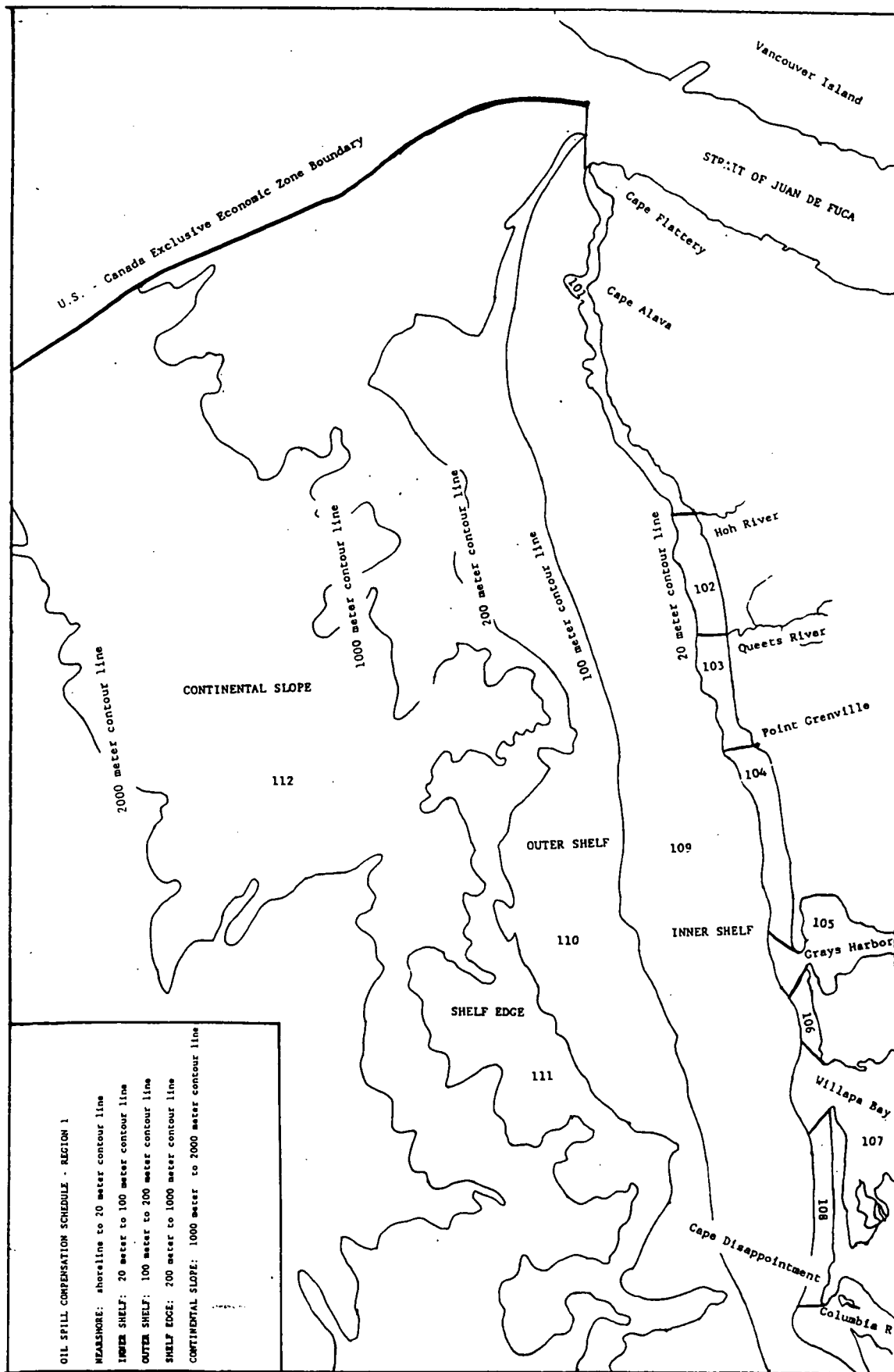
APPENDIX 4: SPECIES INCLUDED IN THE SHELLFISH VULNERABILITY RANKING

<u>Common Name</u>	<u>Scientific Name</u>
Pacific Oyster	Crassostrea gigas
Olympia Oyster	Ostrea lurida
Pacific Razor Clam	Siliqua patula
Geoduck	Panope generosa
Butter Clam	Saxidomus giganteus
Native Little Neck	Protothaca staminea
Manila Clam	Venerupis japonica
Gaper Clam	Tresus nuttalli
Horse Clam	T. capax
Eastern Soft Shell	Mya arenaria
Cockles	Clinocardium nuttalli
Pink Scallop	Chlamys rubida
Spiny Scallop	C. hastata
Rock Scallop	Hinnites multirugosus
Weathervane Scallop	Pecten caurinus
Bay Mussel	Mytilus spp.
California Mussel	M. californianus
Goose(neck) Barnacle	Pollicipes polymerus
Squid	Loligo opalescens
Octopus	Octopus dofleini
Northern Abalone	Haliotis kamschatkana
Limpets	subsistence harvest
Whelks	several species
Moon Snail	Polinices
Chitons	subsistence harvest
Sea Cucumber	Parastichopus californicus
Red Sea Urchin	Strongylocentrotus franciscanus
Green Sea Urchin	S. droebachiensis
Purple Sea Urchin	S. purpuratus
Dungeness Crab	Cancer magister
Red (Rock) Crab	C. productus
Spot Shrimp	Pandalus Platyceros
Coon Stripe Shrimp	P. danae
Side Shrimp	Pandalopsis dispar
Pink Shrimp	Pandalus jordani & P. borealis
Ghost Shrimp	Callinassa spp.
Mud Shrimp	Upogebia pugettensis
Humpback Shrimp	Pandalus hypsinotus



Northern Puget Sound, Strait of Juan de Fuca and Outer Coast
Compensation Schedule Regions

Region 1 Subregions



OIL SPILL COMPENSATION SCHEDULE - REGION 1

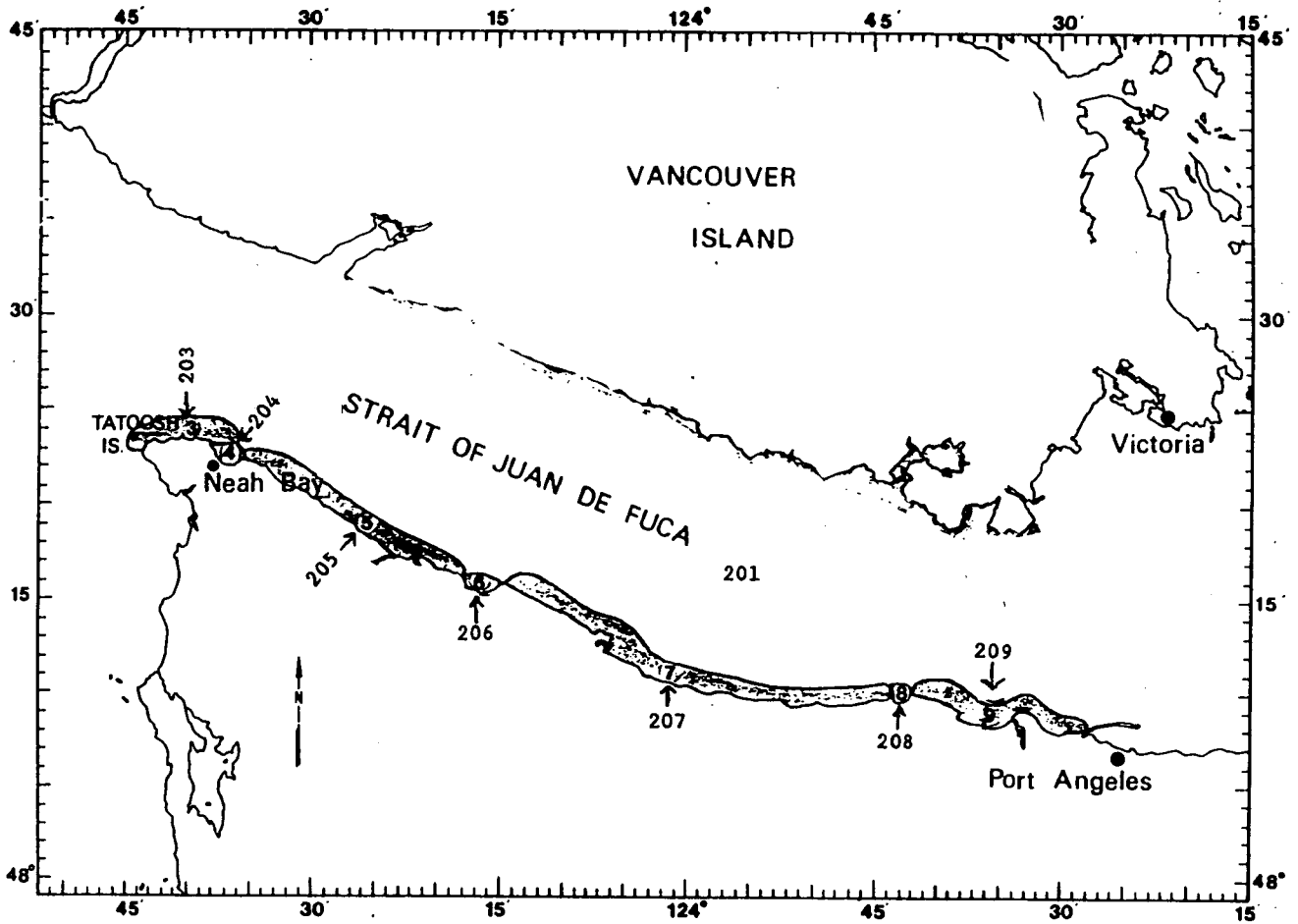
NEARSHORE: shoreline to 20 meter contour line

INNER SHELF: 20 meter to 100 meter contour line

OUTER SHELF: 100 meter to 200 meter contour line

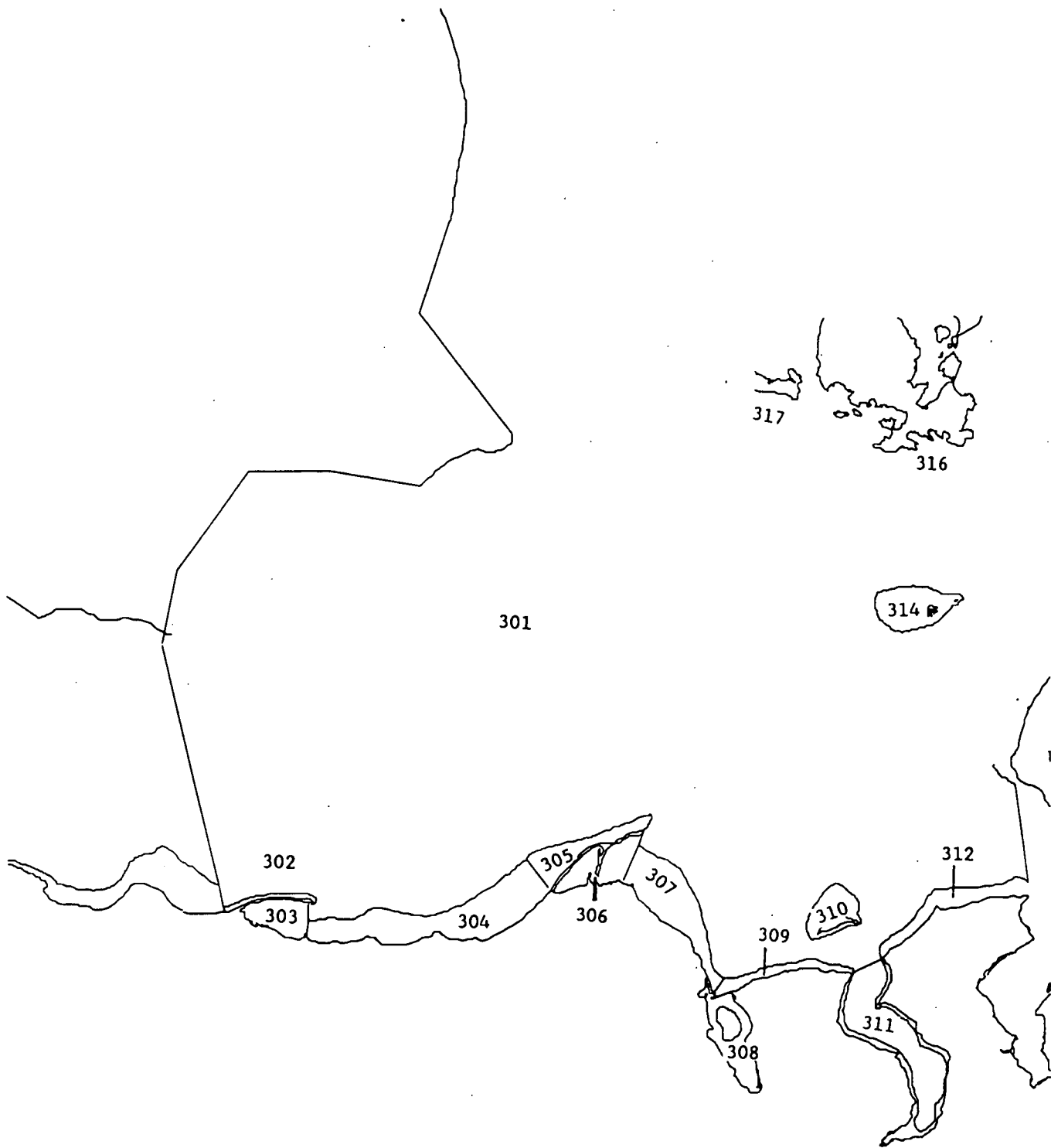
SHELF EDGE: 200 meter to 1000 meter contour line

CONTINENTAL SLOPE: 1000 meter to 2000 meter contour line



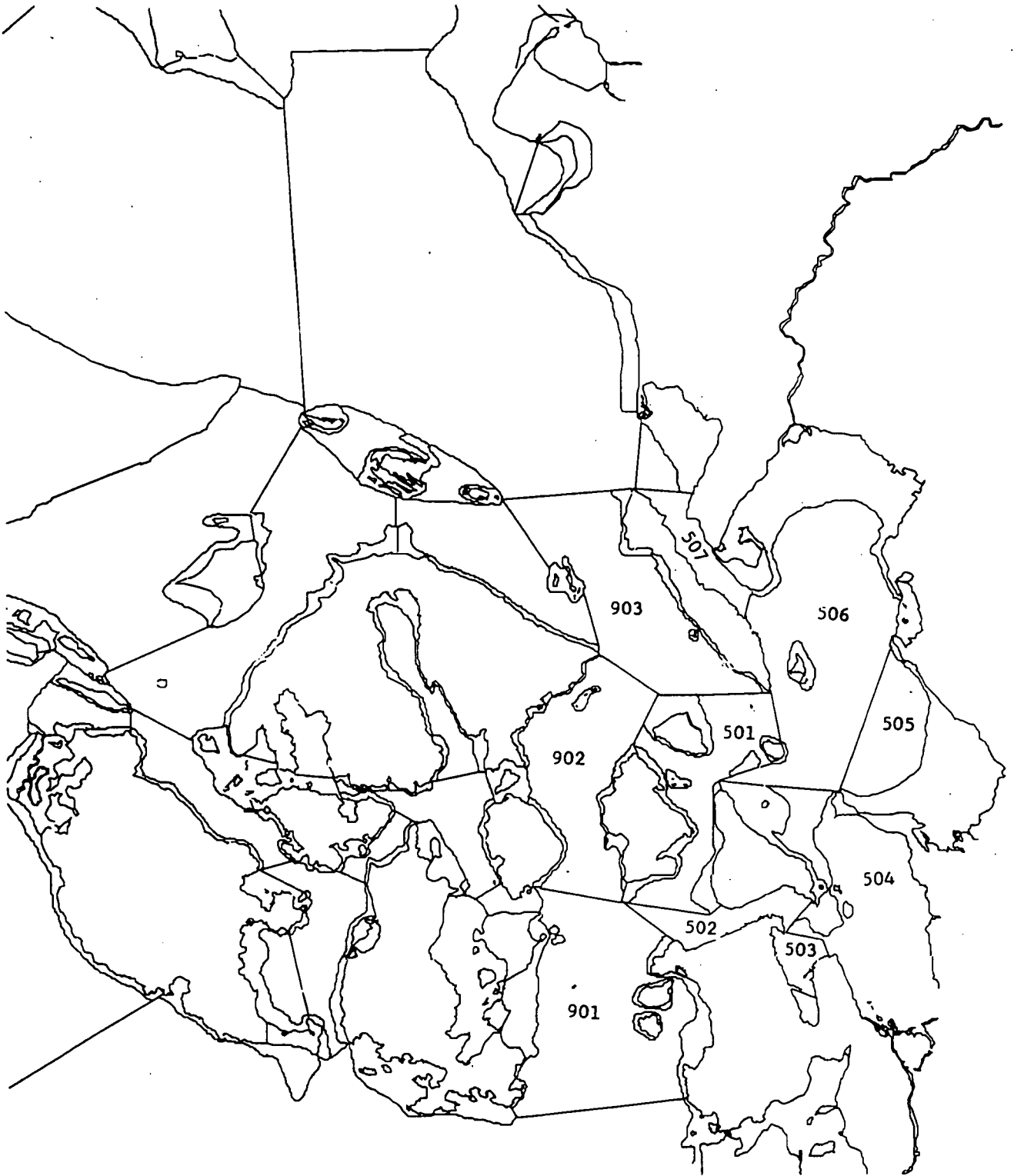
Region 2 Subregions

5-3

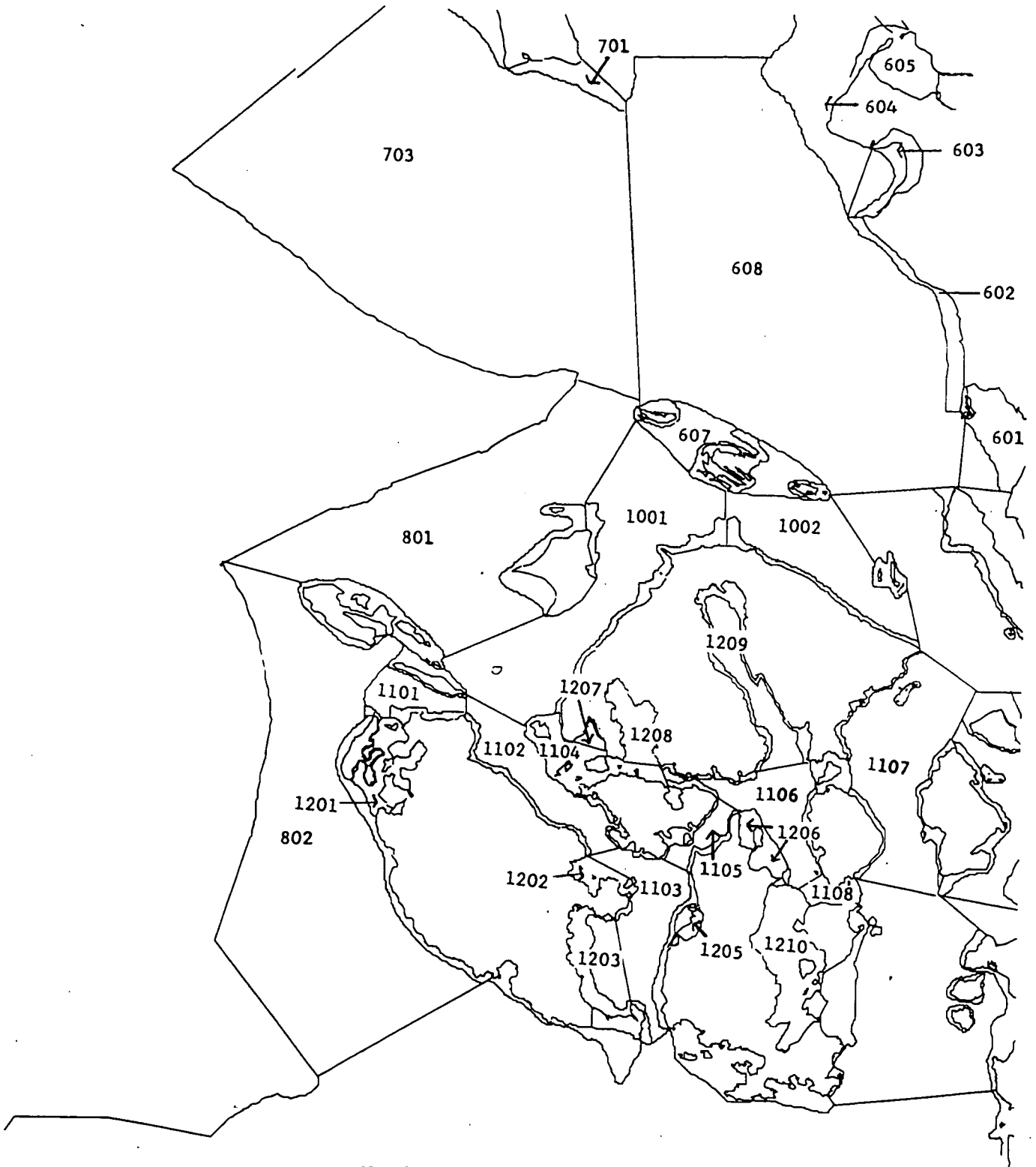


Region 3 Subregions

5-4



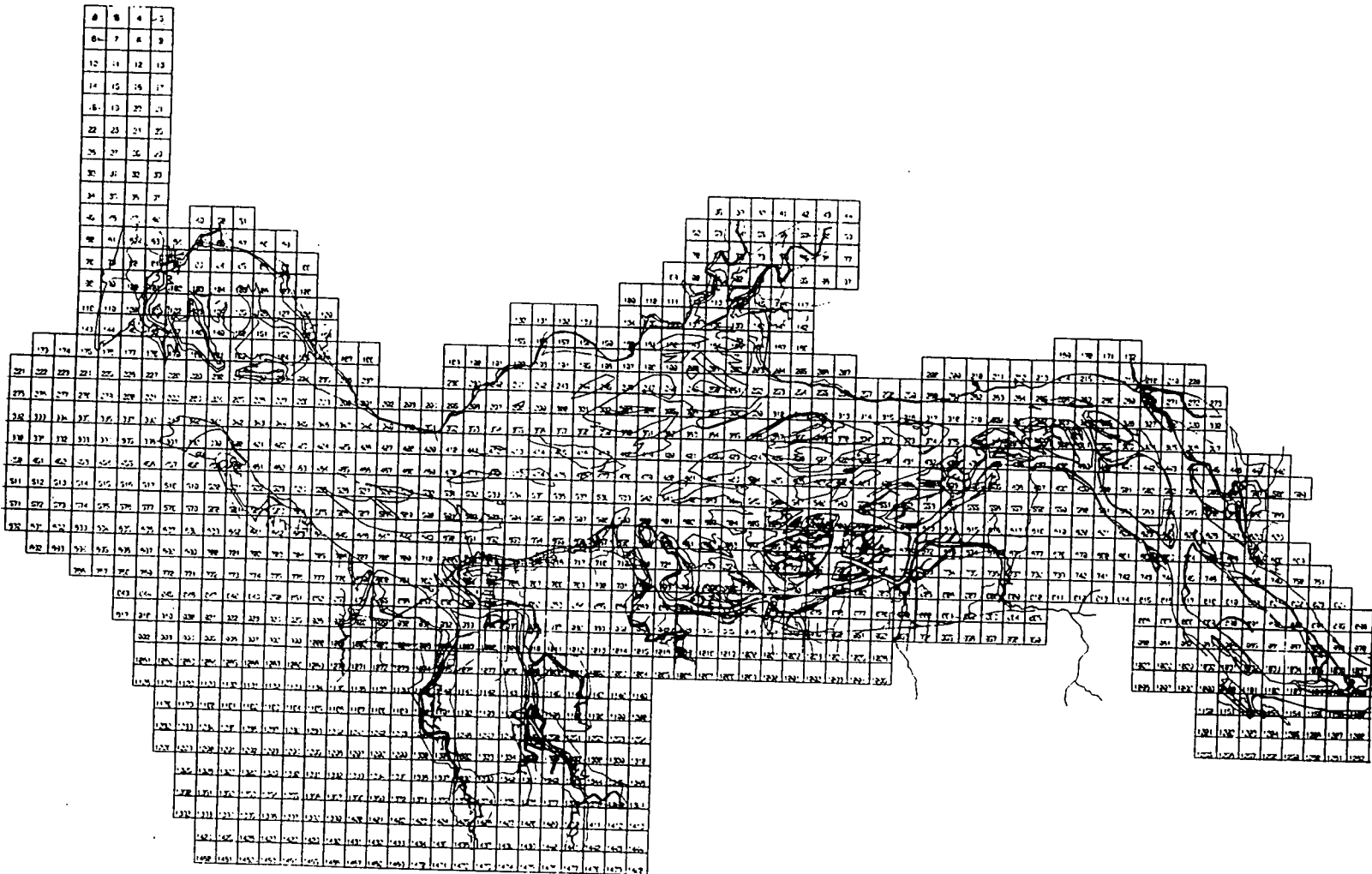
Northern Puget Sound Subregions



Northern Puget Sound Subregions

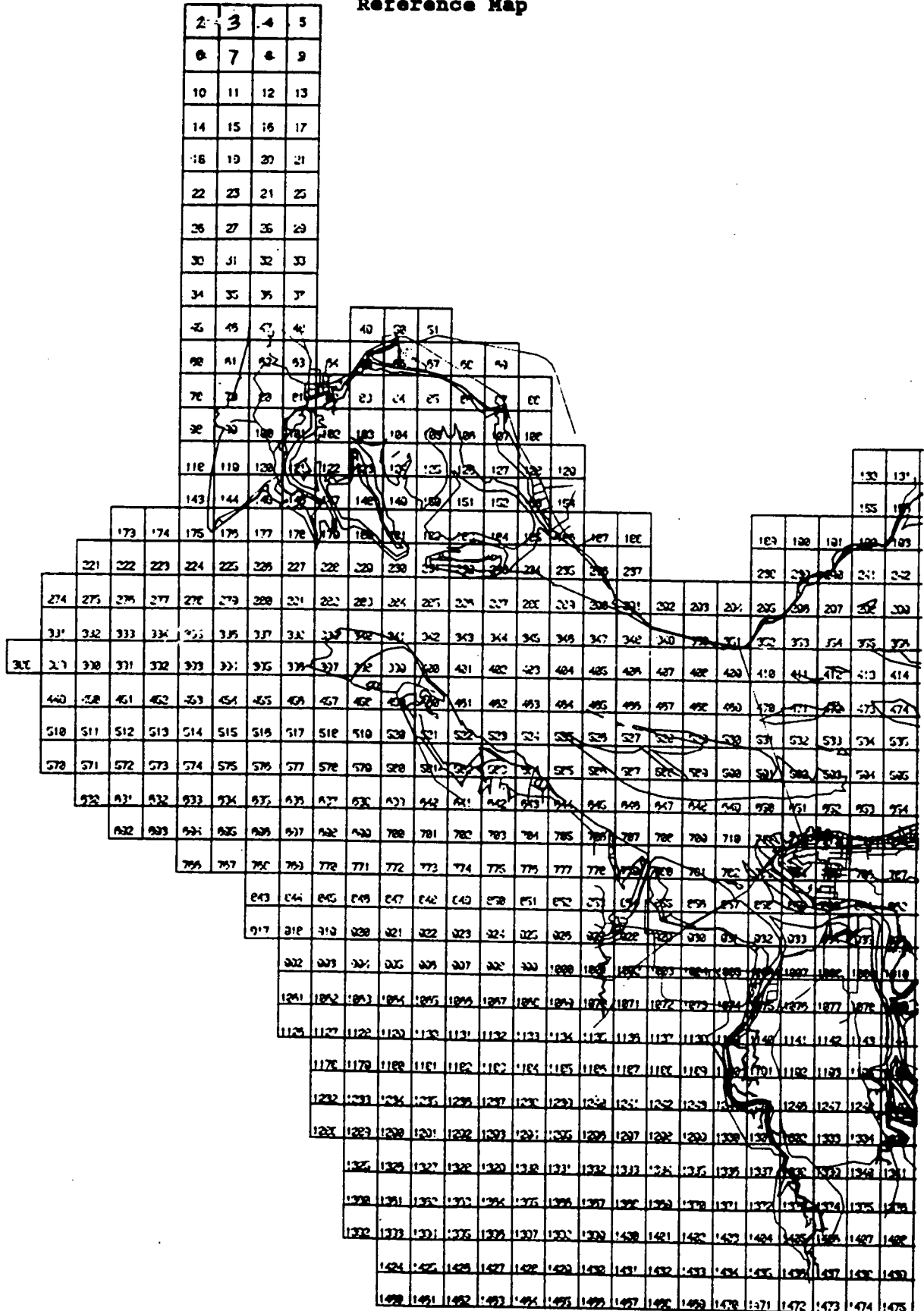
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Columbia River Estuary Grid-Cell Identification (CGRID-ID)
 REFERENCE MAP (enlarged maps and sensitivity rankings follow)

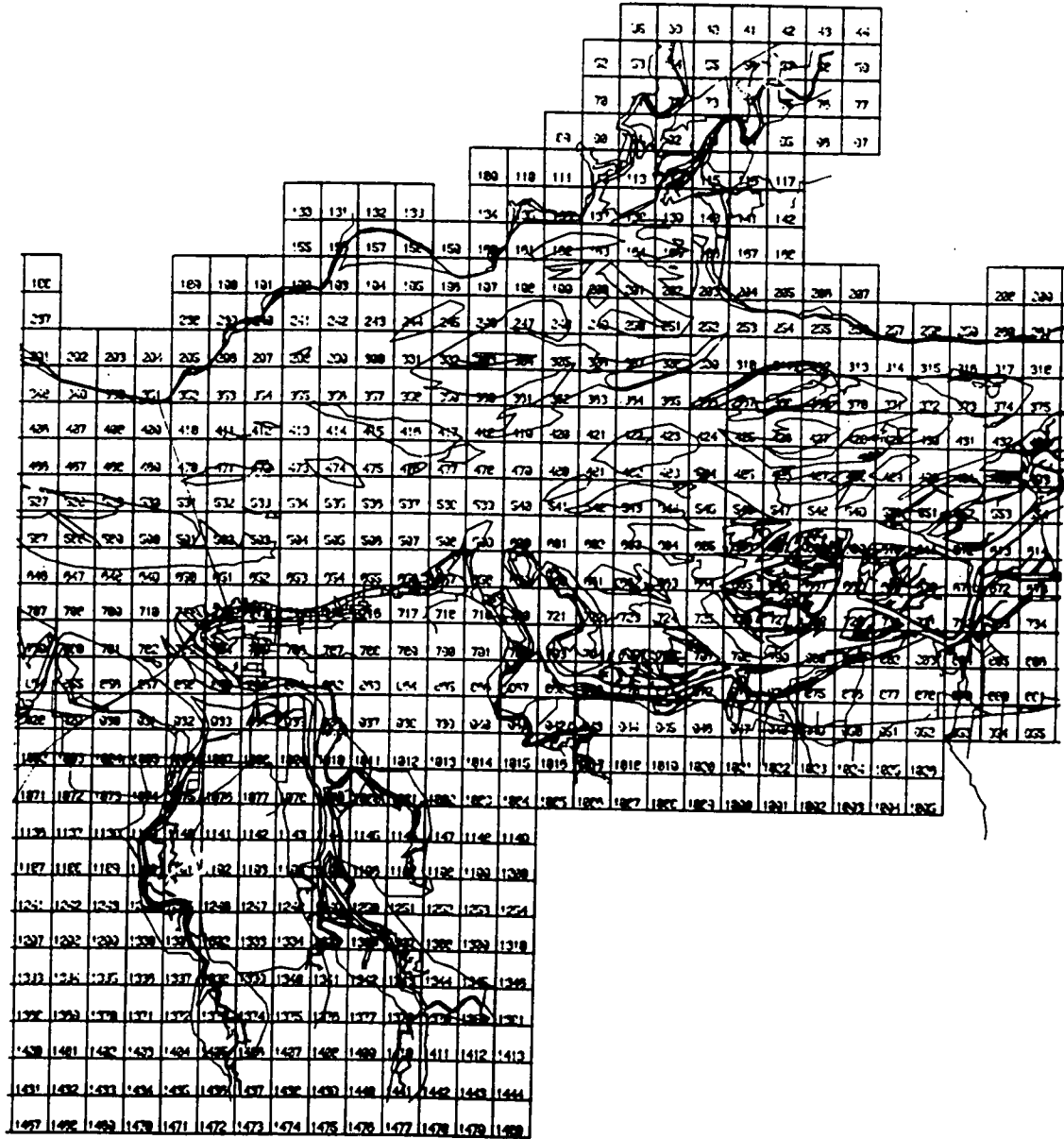


[371]

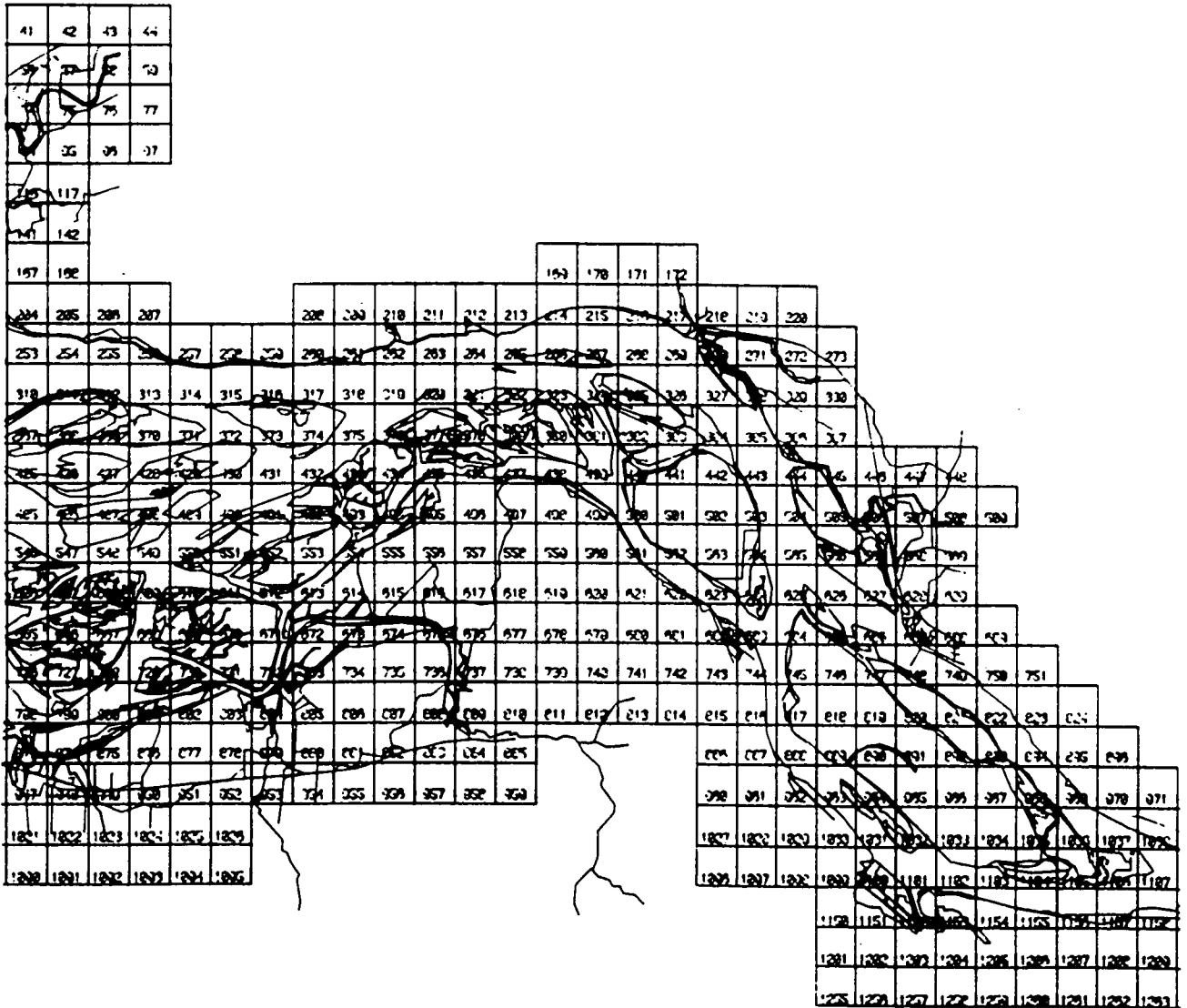
Columbia River Estuary Grid-Cell Identification (CGRID-ID) Reference Map



Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



Columbia River Estuary Grid-Cell Identification (CGRID-ID)
Reference Map



APPENDIX 6. COLUMBIA RIVER ESTUARY RESOURCE SENSITIVITY RANKINGS

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
0	1111	0	1111	1111	1111	0
1	1111	0	2222	1111	1111	0
2	1111	0	2222	1111	1111	0
3	1111	0	1111	1111	1111	0
4	1111	0	2222	1111	1111	0
5	1111	0	2222	1111	1111	0
6	1111	0	1111	1111	1111	0
7	1111	0	2222	1111	1111	0
8	1111	0	2222	1111	1111	0
9	1111	0	2222	1111	1111	0
10	1111	0	2222	1111	1111	0
11	1111	0	2222	1111	1111	0
12	1111	0	2222	1111	1111	0
13	1111	0	2222	1111	1111	0
14	1111	0	2222	1111	1111	0
15	1111	0	2222	1111	1111	0
16	1111	0	2222	1111	1111	0
17	1111	0	2222	1111	1111	0
18	1111	0	2222	1111	1111	0
19	1111	0	2222	1111	1111	0
20	1111	0	2222	1111	1111	0
21	1111	0	2222	1111	1111	0
22	1111	0	2222	1111	1111	0
23	1111	0	2222	1111	1111	0
24	1111	0	2222	1111	1111	0
25	1111	0	2222	1111	1111	0
26	1111	0	2222	1111	1111	0
27	1111	0	2222	1111	1111	0
28	1111	0	1111	1111	4444	0
29	1111	0	1111	1111	1111	0
30	1111	0	1111	1111	1111	0
31	1111	0	1111	1111	1111	0
32	1111	0	1111	1111	1111	0
33	1111	0	1111	1111	1111	0
34	1111	0	2222	1111	1111	0
35	1111	0	2222	1111	1111	0
36	1111	0	1111	1111	1111	0
37	1111	0	1111	1111	4444	0
38	1111	0	1111	1111	5555	0
39	1111	0	1111	1111	1111	0
40	1111	0	1111	2222	5555	0
41	1111	0	1111	1111	5555	0
42	1111	0	1111	1111	5555	0
43	1111	0	1111	1111	1111	0
44	1111	0	2222	1111	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
45	1111	0	2222	1111	1111	0
46	1111	0	1111	1111	1111	0
47	1111	0	1111	1111	1111	0
48	1111	0	1111	1111	1111	0
49	1111	0	1111	1111	5555	0
50	1111	0	1111	1111	5555	0
51	1111	0	1111	1111	5555	0
52	1111	0	1111	2222	5555	0
53	1111	0	1111	2222	5555	0
54	1111	0	1111	2222	5555	0
55	1111	0	1111	2222	5555	0
56	1111	0	1111	1111	5555	0
57	1111	0	1111	1111	5555	0
58	1111	0	1111	1111	1111	0
59	1111	0	2222	1111	1111	0
60	1111	0	2222	1111	1111	0
61	1111	0	1111	1111	1111	0
62	1111	0	1111	1111	3333	0
63	1111	0	1111	1111	5555	0
64	1111	0	1111	1111	5555	0
65	1111	0	1111	1111	4444	0
66	1111	0	1111	1111	5555	0
67	1111	0	1111	1111	5555	0
68	1111	0	1111	1111	5555	0
69	1111	0	1111	1111	5555	0
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71	1111	0	1111	1111	5555	0
72	1111	0	1111	2222	5555	0
73	1111	0	1111	2222	5555	0
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75	1111	0	2222	1111	1111	0
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77	1111	0	1111	1111	5555	0
78	1111	0	1111	1111	5555	0
79	1111	0	1111	1111	5555	0
80	1111	0	1111	1111	4444	0
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82	1111	0	1111	1111	4444	0
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89	1111	0	1111	1111	5555	0
90	1111	0	1111	1111	5555	0
91	1111	0	1111	1111	5555	0
92	1111	0	2222	1111	1111	0
93	1111	0	2222	1111	1111	0
94	1111	0	1111	1111	5555	0
95	1111	0	1111	1111	5555	0
96	1111	0	1111	1111	5555	0
97	1111	0	1111	1111	5555	0
98	1111	0	1111	1111	4444	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
99	1111	0	1111	1111	4444	0
100	1111	0	1111	1111	4444	0
101	1111	0	1111	2222	5555	0
102	1111	0	1111	1111	5555	0
103	1111	0	1111	1111	1111	0
104	1111	0	1111	1111	1111	0
105	1111	0	1111	1111	5555	0
106	1111	0	1111	1111	5555	0
107	1111	0	1111	1111	5555	0
108	1111	0	1111	1111	4444	0
109	1111	0	1111	1111	5555	0
110	1111	0	1111	1111	5555	0
111	1111	0	1111	1111	5555	0
112	1111	0	2222	1111	1111	0
113	1111	0	1111	1111	5555	0
114	1111	0	1111	1111	5555	0
115	1111	0	1111	1111	5555	0
116	1111	0	1111	1111	5555	0
117	1111	0	1111	1111	5555	0
118	1111	0	1111	1111	4444	0
119	1111	0	1111	1111	4444	0
120	1111	0	1111	1111	4444	0
121	1111	0	1111	2222	4444	0
122	1111	0	1111	2222	5555	0
123	1111	0	1111	1111	5555	0
124	1111	0	1111	1111	5555	0
125	1111	0	1111	1111	5555	0
126	1111	0	1111	1111	5555	0
127	1111	0	1111	2222	5555	0
128	1111	0	1111	2222	5555	0
129	1111	0	1111	1111	3333	0
130	1111	0	1111	1111	3333	0
131	1111	0	1111	1111	3333	0
132	1111	0	1111	1111	5555	0
133	1111	0	1111	1111	5555	0
134	1111	0	1111	1111	1111	0
135	1111	0	1111	1111	1111	0
136	1111	0	1111	1111	1111	0
137	1111	0	2222	1111	1111	0
138	1111	0	2222	1111	1111	0
139	1111	0	2222	1111	5555	0
140	1111	0	1111	1111	5555	0
141	1111	0	1111	1111	1111	0
142	1111	0	1111	1111	3333	0
143	1111	0	1111	1111	3333	0
144	1111	0	1111	1111	5555	0
145	1111	0	1111	1111	5555	0
146	1111	0	1111	1111	3333	0
147	1111	0	1111	1111	3333	0
148	1111	0	1111	2222	3333	0
149	1111	0	1111	2222	5555	0
150	1111	0	1111	2222	5555	0
151	1111	0	1111	1111	4444	0
152	1111	0	1111	2222	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
153	1111	0	1111	1111	4444	0
154	1111	0	1111	1111	4444	0
155	1111	0	1111	1111	5555	0
156	1111	0	1111	2222	5555	0
157	1111	0	1111	2222	3333	0
158	1111	0	1111	1111	3333	0
159	1111	0	1111	1111	3333	0
160	1111	0	1111	1111	3333	0
161	1111	0	1111	1111	5555	0
162	1111	0	1111	1111	5555	0
163	1111	0	1111	1111	3333	0
164	1111	0	1111	1111	1111	0
165	1111	0	1111	1111	3333	0
166	1111	0	1111	1111	3333	0
167	1111	0	1111	1111	3333	0
168	1111	0	1111	1111	3333	0
169	1111	0	2222	1111	1111	0
170	1111	0	2222	1111	1111	0
171	1111	0	2222	1111	1111	0
172	1111	0	2222	1111	3333	0
173	1111	0	2222	1111	1111	0
174	1111	0	2222	1111	1111	0
175	1111	0	1111	1111	3333	0
176	1111	0	1111	1111	3333	0
177	1111	0	1111	1111	3333	0
178	1111	0	1111	1111	5555	0
179	1111	0	1111	1111	5555	0
180	1111	0	1111	1111	5555	0
181	1111	0	1111	2222	5555	0
182	1111	0	1111	2222	4444	0
183	1111	0	1111	2222	3333	0
184	1111	0	1111	2222	5555	0
185	1111	0	1111	1111	5555	0
186	1111	0	1111	1111	4444	0
187	1111	0	1111	1111	1111	0
188	1111	0	1111	1111	1111	0
189	1111	0	1111	1111	1111	0
190	1111	0	1111	1111	4444	0
191	1111	0	1111	1111	4444	0
192	1111	0	1111	1111	4444	0
193	1111	0	1111	1111	4444	0
194	1111	0	1111	1111	4444	0
195	1111	0	1111	1111	3333	0
196	1111	0	1111	1111	3333	0
197	1111	0	1111	1111	3333	0
198	1111	0	1111	1111	4444	0
199	1111	0	1111	1111	3333	0
200	1111	0	1111	1111	3333	0
201	1111	0	1111	1111	3333	0
202	1111	0	1111	1111	3333	0
203	1111	0	1111	1111	3333	0
204	1111	0	1111	1111	3333	0
205	1111	0	1111	1111	5555	0
206	1111	0	1111	1111	3333	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
207	1111	0	1111	1111	5555	0
208	1111	0	1111	1111	3333	0
209	1111	0	1111	1111	5555	0
210	1111	0	1111	1111	5555	0
211	1111	0	1111	1111	1111	0
212	1111	0	1111	1111	5555	0
213	1111	0	1111	1111	5555	0
214	1111	0	1111	1111	5555	0
215	1111	0	1111	1111	3333	0
216	1111	0	2222	1111	1111	0
217	1111	0	2222	1111	1111	0
218	1111	0	2222	1111	1111	0
219	1111	0	2222	1111	1111	0
220	1111	0	2222	1111	1111	0
221	1111	0	2222	1111	1111	0
222	1111	0	2222	1111	1111	0
223	1111	0	2222	1111	1111	0
224	1111	0	2222	1111	1111	0
225	1111	0	2222	1111	1111	0
226	1111	0	2222	1111	1111	0
227	1111	0	2222	1111	1111	0
228	1111	0	2222	1111	1111	0
229	1111	0	2222	2222	1111	0
230	1111	0	1111	2222	3333	0
231	1111	0	1111	2222	3333	0
232	1111	0	1111	2222	5555	0
233	1111	0	1111	2222	3333	0
234	1111	0	1111	1111	5555	0
235	1111	0	1111	1111	1111	0
236	1111	0	1111	1111	3333	0
237	1111	0	1111	1111	1111	0
238	1111	0	1111	1111	4444	0
239	1111	0	1111	1111	4444	0
240	1111	0	1111	1111	4444	0
241	1111	0	1111	1111	4444	0
242	1111	0	1111	2222	4444	0
243	1111	0	1111	2222	4444	0
244	1111	0	1111	2222	4444	0
245	1111	0	1111	1111	4444	0
246	1111	0	1111	1111	4444	0
247	1111	0	1111	1111	4444	0
248	1111	0	1111	1111	4444	0
249	1111	0	1111	1111	5555	0
250	1111	0	1111	1111	5555	0
251	1111	0	1111	1111	1111	0
252	1111	0	1111	1111	3333	0
253	1111	0	1111	1111	3333	0
254	1111	0	1111	1111	3333	0
255	1111	0	1111	1111	3333	0
256	1111	0	1111	1111	3333	0
257	1111	0	1111	1111	1111	0
258	1111	0	1111	1111	3333	0
259	1111	0	1111	1111	5555	0
260	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
261	1111	0	1111	1111	5555	0
262	1111	0	1111	1111	5555	0
263	1111	0	1111	1111	5555	0
264	1111	0	1111	1111	5555	0
265	1111	0	1111	1111	5555	0
266	1111	0	1111	1111	5555	0
267	1111	0	1111	1111	5555	0
268	1111	0	2222	1111	1111	0
269	1111	0	2222	1111	1111	0
270	1111	0	2222	1111	1111	0
271	1111	0	2222	1111	1111	0
272	1111	0	2222	1111	1111	0
273	1111	0	2222	1111	1111	0
274	1111	0	2222	1111	1111	0
275	1111	0	2222	1111	1111	0
276	1111	0	2222	1111	3333	0
277	1111	0	2222	1111	3333	0
278	1111	0	2222	1111	3333	0
279	1111	0	2222	1111	1111	0
280	1111	0	2222	1111	1111	0
281	1111	0	2222	1111	1111	0
282	1111	0	2222	2222	1111	0
283	1111	0	1111	2222	1111	0
284	1111	0	1111	2222	2222	0
285	1111	0	1111	2222	3333	0
286	1111	0	1111	1111	3333	0
287	1111	0	1111	1111	3333	0
288	1111	0	1111	1111	3333	0
289	1111	0	1111	1111	5555	0
290	1111	0	1111	1111	1111	0
291	1111	0	1111	1111	1111	0
292	1111	0	1111	1111	3333	0
293	1111	0	1111	1111	1111	0
294	1111	0	1111	1111	1111	0
295	1111	0	1111	1111	4444	0
296	1111	0	1111	1111	4444	0
297	1111	0	1111	1111	4444	0
298	1111	0	1111	2222	4444	0
299	1111	0	1111	2222	4444	0
300	1111	0	1111	1111	4444	0
301	1111	0	1111	1111	4444	0
302	1111	0	1111	1111	4444	0
303	1111	0	1111	1111	4444	0
304	1111	0	1111	1111	4444	0
305	1111	0	1111	1111	5555	0
306	1111	0	1111	1111	5555	0
307	1111	0	1111	1111	5555	0
308	1111	0	1111	1111	3333	0
309	1111	0	1111	1111	3333	0
310	1111	0	1111	1111	5555	0
311	1111	0	1111	2222	5555	0
312	1111	0	1111	2222	5555	0
313	1111	0	1111	1111	5555	0
314	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
315	1111	0	1111	1111	5555	0
316	1111	0	1111	1111	5555	0
317	1111	0	1111	1111	5555	0
318	1111	0	1111	1111	5555	0
319	1111	0	1111	1111	5555	0
320	1111	0	1111	1111	5555	0
321	1111	0	1111	1111	5555	0
322	1111	0	1111	1111	5555	0
323	1111	0	1111	1111	4444	0
324	1111	0	2222	1111	1111	0
325	1111	0	2222	1111	1111	0
326	1111	0	2222	1111	1111	0
327	1111	0	2222	1111	1111	0
328	1111	0	2222	1111	1111	0
329	1111	0	2222	1111	1111	0
330	2222	0	2222	1111	3333	0
331	2222	0	2222	1111	3333	0
332	2222	0	2222	1111	3333	0
333	2222	0	2222	1111	3333	0
334	4444	0	1111	1111	3333	0
335	4444	0	1111	1111	3333	0
336	4444	0	2222	1111	3333	0
337	1111	0	2222	1111	1111	0
338	1111	0	2222	1111	1111	0
339	1111	0	1111	1111	1111	0
340	1111	0	1111	2222	1111	0
341	1111	0	1111	2222	1111	0
342	1111	0	1111	2222	1111	0
343	1111	0	1111	1111	1111	0
344	1111	0	1111	1111	1111	0
345	1111	0	1111	1111	3333	0
346	1111	0	1111	1111	1111	0
347	1111	0	1111	1111	3333	0
348	1111	0	1111	1111	3333	0
349	1111	0	1111	1111	3333	0
350	1111	0	1111	1111	3333	0
351	1111	0	1111	1111	3333	0
352	1111	0	1111	1111	3333	0
353	1111	0	1111	1111	3333	0
354	1111	0	1111	1111	4444	0
355	1111	0	1111	1111	4444	0
356	1111	0	1111	1111	4444	0
357	1111	0	1111	1111	3333	0
358	1111	0	1111	1111	3333	0
359	1111	0	1111	1111	3333	0
360	1111	0	1111	1111	3333	0
361	1111	0	1111	1111	4444	0
362	1111	0	1111	1111	5555	0
363	1111	0	1111	1111	3333	0
364	1111	0	1111	1111	5555	0
365	1111	0	1111	1111	5555	0
366	1111	0	1111	1111	5555	0
367	1111	0	1111	1111	5555	0
368	1111	0	1111	2222	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
369	1111	0	1111	1111	5555	0
370	1111	0	1111	1111	5555	0
371	1111	0	1111	1111	5555	0
372	1111	0	1111	1111	5555	0
373	1111	0	1111	1111	5555	0
374	1111	0	1111	1111	5555	0
375	1111	0	1111	1111	5555	0
376	1111	0	5555	1111	5555	0
377	1111	0	5555	1111	5555	0
378	1111	0	5555	1111	5555	0
379	1111	0	1111	1111	5555	0
380	1111	0	1111	1111	5555	0
381	1111	0	1111	1111	5555	0
382	1111	0	2222	1111	1111	0
383	1111	0	2222	1111	1111	0
384	1111	0	2222	1111	1111	0
385	1111	0	2222	1111	1111	0
386	1111	0	2222	1111	1111	0
387	2222	0	2222	1111	1111	0
388	2222	0	2222	1111	1111	0
389	2222	0	2222	1111	1111	0
390	2222	0	2222	1111	3333	0
391	4444	0	2222	1111	5555	0
392	4444	0	1111	1111	5555	0
393	4444	0	1111	1111	5555	0
394	2222	0	1111	1111	3333	0
395	2222	0	1111	1111	1111	0
396	1111	0	1111	1111	1111	0
397	1111	0	1111	1111	1111	0
398	1111	0	1111	1111	3333	0
399	1111	0	1111	1111	1111	0
400	1111	0	1111	1111	1111	0
401	1111	0	1111	1111	1111	0
402	1111	0	1111	1111	1111	0
403	1111	0	1111	1111	3333	0
404	1111	0	1111	1111	3333	0
405	1111	0	1111	1111	3333	0
406	1111	0	1111	1111	3333	0
407	1111	0	1111	1111	3333	0
408	1111	0	1111	1111	3333	0
409	1111	0	1111	1111	3333	0
410	1111	0	1111	1111	3333	0
411	1111	0	1111	1111	3333	0
412	1111	0	1111	1111	1111	0
413	1111	0	1111	1111	3333	0
414	1111	0	1111	1111	3333	0
415	1111	0	1111	1111	3333	0
416	1111	0	1111	1111	3333	0
417	1111	0	1111	1111	3333	0
418	1111	0	1111	1111	3333	0
419	1111	0	1111	1111	4444	0
420	1111	0	1111	1111	5555	0
421	1111	0	1111	1111	5555	0
422	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
423	1111	0	1111	1111	5555	0
424	1111	0	1111	1111	5555	0
425	1111	0	1111	1111	5555	0
426	1111	0	1111	1111	5555	0
427	1111	0	1111	1111	5555	0
428	1111	0	1111	1111	5555	0
429	1111	0	1111	1111	1111	0
430	4444	0	1111	1111	1111	0
431	1111	0	1111	1111	5555	0
432	1111	0	1111	1111	5555	0
433	1111	0	5555	1111	5555	0
434	1111	0	1111	1111	3333	0
435	1111	0	5555	1111	3333	0
436	1111	0	5555	1111	5555	0
437	1111	0	1111	1111	5555	0
438	1111	0	1111	1111	5555	0
439	1111	0	1111	1111	5555	0
440	1111	0	1111	1111	5555	0
441	1111	0	1111	1111	4444	0
442	1111	0	2222	1111	1111	0
443	1111	0	2222	1111	1111	0
444	1111	0	2222	1111	1111	0
445	1111	0	2222	1111	1111	0
446	1111	0	2222	1111	1111	0
447	1111	0	2222	1111	1111	0
448	1111	0	2222	1111	1111	0
449	1111	0	2222	1111	1111	0
450	1111	0	2222	1111	1111	0
451	1111	0	2222	1111	1111	0
452	4444	0	2222	1111	5555	0
453	4444	0	1111	2222	5555	0
454	2222	0	1111	2222	4444	0
455	2222	0	1111	1111	3333	0
456	2222	0	1111	1111	1111	0
457	1111	0	1111	1111	3333	0
458	1111	0	1111	1111	3333	0
459	1111	0	1111	1111	3333	0
460	1111	0	1111	1111	3333	0
461	1111	0	1111	1111	3333	0
462	1111	0	1111	1111	3333	0
463	1111	0	1111	1111	3333	0
464	1111	0	1111	2222	3333	0
465	1111	0	1111	2222	3333	0
466	1111	0	1111	1111	1111	0
467	1111	0	1111	1111	3333	0
468	1111	0	1111	1111	3333	0
469	1111	0	1111	1111	1111	0
470	1111	0	1111	2222	1111	0
471	1111	0	1111	2222	2222	0
472	1111	0	1111	2222	1111	0
473	1111	0	1111	1111	4444	0
474	1111	0	1111	1111	4444	0
475	1111	0	1111	1111	4444	0
476	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
477	1111	0	1111	1111	5555	0
478	1111	0	1111	1111	5555	0
479	1111	0	1111	1111	5555	0
480	1111	0	1111	1111	4444	0
481	1111	0	1111	1111	3333	0
482	1111	0	1111	1111	5555	0
483	1111	0	1111	1111	5555	0
484	1111	0	1111	1111	5555	0
485	1111	0	1111	1111	5555	0
486	1111	0	1111	1111	5555	0
487	1111	0	1111	1111	5555	0
488	1111	0	1111	1111	5555	0
489	1111	0	1111	1111	1111	0
490	1111	0	1111	1111	1111	0
491	1111	0	1111	1111	1111	0
492	1111	0	1111	1111	1111	0
493	1111	0	5555	1111	5555	0
494	1111	0	5555	1111	5555	0
495	1111	0	5555	1111	3333	0
496	1111	0	5555	1111	5555	0
497	1111	0	1111	1111	5555	0
498	1111	0	1111	1111	5555	0
499	2222	0	1111	1111	5555	0
500	1111	0	1111	1111	5555	0
501	1111	0	2222	1111	1111	0
502	1111	0	2222	1111	1111	0
503	1111	0	2222	1111	1111	0
504	1111	0	2222	1111	1111	0
505	1111	0	2222	1111	1111	0
506	1111	0	2222	1111	1111	0
507	1111	0	2222	1111	1111	0
508	1111	0	2222	1111	1111	0
509	1111	0	2222	1111	1111	0
510	1111	0	2222	1111	1111	0
511	4444	0	2222	1111	2222	0
512	4444	0	2222	2222	5555	0
513	4444	0	1111	2222	5555	0
514	4444	0	1111	1111	5555	0
515	4444	0	1111	1111	5555	0
516	1111	0	1111	1111	3333	0
517	1111	0	1111	2222	3333	0
518	1111	0	1111	2222	3333	0
519	1111	0	1111	2222	3333	0
520	1111	0	1111	2222	3333	0
521	1111	0	1111	2222	3333	0
522	1111	0	1111	2222	3333	0
523	1111	0	1111	2222	3333	0
524	1111	0	1111	2222	3333	0
525	1111	0	1111	1111	1111	0
526	1111	0	1111	1111	1111	0
527	1111	0	1111	1111	1111	0
528	1111	0	1111	2222	1111	0
529	1111	0	1111	2222	4444	0
530	1111	0	1111	2222	3333	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
531	1111	0	1111	2222	4444	0
532	1111	0	1111	1111	1111	0
533	1111	0	1111	1111	1111	0
534	1111	0	1111	1111	4444	0
535	1111	0	1111	1111	5555	0
536	1111	0	1111	1111	5555	0
537	1111	0	1111	1111	5555	0
538	1111	0	1111	1111	5555	0
539	1111	0	1111	1111	5555	0
540	1111	0	1111	1111	5555	0
541	1111	0	1111	1111	5555	0
542	1111	0	1111	1111	5555	0
543	1111	0	1111	1111	5555	0
544	1111	0	1111	1111	5555	0
545	1111	0	1111	1111	5555	0
546	1111	0	1111	1111	1111	0
547	1111	0	1111	1111	1111	0
548	1111	0	1111	1111	1111	0
549	1111	0	1111	1111	1111	0
550	1111	0	1111	1111	1111	0
551	1111	0	1111	1111	1111	0
552	1111	0	1111	1111	3333	0
553	1111	0	1111	1111	5555	0
554	1111	0	5555	1111	5555	0
555	1111	0	5555	1111	5555	0
556	1111	0	5555	1111	5555	0
557	1111	0	5555	1111	5555	0
558	1111	0	5555	1111	5555	0
559	1111	0	1111	1111	4444	0
560	1111	0	2222	1111	1111	0
561	1111	0	2222	1111	1111	0
562	1111	0	2222	1111	1111	0
563	1111	0	2222	1111	1111	0
564	1111	0	2222	1111	1111	0
565	1111	0	2222	1111	1111	0
566	1111	0	2222	1111	1111	0
567	1111	0	2222	1111	1111	0
568	1111	0	2222	1111	1111	0
569	2222	0	2222	1111	1111	0
570	4444	0	2222	1111	2222	0
571	4444	0	1111	1111	5555	0
572	4444	0	1111	1111	5555	0
573	4444	0	1111	1111	4444	0
574	4444	0	1111	1111	3333	0
575	1111	0	1111	2222	3333	0
576	1111	0	1111	2222	3333	0
577	1111	0	1111	2222	3333	0
578	1111	0	1111	2222	3333	0
579	1111	0	1111	2222	3333	0
580	1111	0	1111	2222	3333	0
581	1111	0	1111	2222	3333	0
582	1111	0	1111	2222	3333	0
583	1111	0	1111	2222	1111	0
584	1111	0	1111	2222	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
585	1111	0	1111	2222	3333	0
586	1111	0	1111	2222	5555	0
587	4444	0	1111	1111	5555	0
588	1111	0	1111	1111	3333	0
589	1111	0	1111	1111	5555	0
590	1111	0	1111	2222	5555	0
591	1111	0	1111	1111	3333	0
592	1111	0	1111	1111	5555	0
593	1111	0	1111	1111	5555	0
594	1111	0	1111	1111	5555	0
595	1111	0	1111	1111	5555	0
596	1111	0	1111	1111	5555	0
597	1111	0	1111	1111	5555	0
598	1111	0	1111	1111	5555	0
599	1111	0	1111	1111	5555	0
600	1111	0	1111	1111	5555	0
601	1111	0	5555	1111	5555	0
602	1111	0	1111	1111	5555	0
603	1111	0	1111	1111	5555	0
604	1111	0	1111	1111	5555	0
605	1111	0	1111	1111	5555	0
606	1111	0	1111	1111	5555	0
607	1111	0	1111	1111	1111	0
608	1111	0	1111	1111	1111	0
609	1111	0	1111	1111	1111	0
610	1111	0	1111	1111	1111	0
611	1111	0	1111	1111	1111	0
612	4444	0	1111	1111	5555	0
613	1111	0	1111	1111	5555	0
614	1111	0	5555	1111	5555	0
615	1111	0	5555	1111	5555	0
616	1111	0	5555	1111	5555	0
617	2222	0	1111	1111	4444	0
618	1111	0	1111	1111	1111	0
619	1111	0	2222	1111	1111	0
620	1111	0	2222	1111	1111	0
621	1111	0	2222	1111	1111	0
622	1111	0	2222	1111	1111	0
623	1111	0	2222	1111	1111	0
624	1111	0	2222	1111	1111	0
625	1111	0	2222	1111	1111	0
626	1111	0	2222	1111	1111	0
627	1111	0	2222	1111	1111	0
628	4444	0	2222	1111	2222	0
629	4444	0	1111	1111	2222	0
630	4444	0	1111	1111	1111	0
631	4444	0	1111	1111	1111	0
632	4444	0	1111	1111	3333	0
633	4444	0	1111	1111	5555	0
634	1111	0	1111	1111	4444	0
635	1111	0	1111	1111	3333	0
636	1111	0	1111	1111	3333	0
637	1111	0	1111	1111	3333	0
638	4444	0	1111	2222	3333	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
639	4444	0	1111	2222	3333	0
640	4444	0	1111	1111	3333	0
641	4444	0	1111	1111	5555	0
642	4444	0	1111	1111	5555	0
643	4444	0	1111	1111	4444	0
644	4444	0	1111	1111	5555	0
645	1111	0	1111	1111	5555	0
646	1111	0	1111	1111	5555	0
647	1111	0	1111	2222	5555	0
648	1111	0	1111	2222	5555	0
649	1111	0	1111	1111	5555	0
650	1111	0	1111	1111	5555	0
651	1111	0	1111	1111	5555	0
652	1111	0	1111	1111	5555	0
653	1111	0	1111	1111	5555	0
654	1111	0	1111	1111	5555	0
655	1111	0	1111	1111	5555	0
656	1111	0	1111	1111	5555	0
657	1111	0	1111	1111	5555	0
658	1111	0	5555	1111	5555	0
659	1111	0	5555	1111	5555	0
660	1111	0	1111	1111	5555	0
661	1111	0	1111	1111	5555	0
662	1111	0	1111	1111	1111	0
663	4444	0	1111	1111	5555	0
664	1111	0	1111	1111	5555	0
665	1111	0	1111	1111	1111	0
666	1111	0	1111	1111	1111	0
667	1111	0	1111	1111	1111	0
668	1111	0	1111	1111	1111	0
669	1111	0	1111	1111	1111	0
670	1111	0	1111	1111	5555	0
671	1111	0	1111	1111	5555	0
672	1111	0	1111	1111	3333	0
673	1111	0	5555	1111	5555	0
674	1111	0	5555	1111	5555	0
675	1111	0	5555	1111	5555	0
676	1111	0	1111	1111	1111	0
677	1111	0	1111	1111	1111	0
678	1111	0	1111	1111	4444	0
679	1111	0	1111	1111	4444	0
680	1111	0	2222	1111	1111	0
681	1111	0	2222	1111	1111	0
682	1111	0	2222	1111	1111	0
683	1111	0	2222	1111	1111	0
684	1111	0	2222	1111	1111	0
685	1111	0	2222	1111	1111	0
686	1111	0	2222	1111	1111	0
687	2222	0	2222	1111	1111	0
688	4444	0	2222	1111	2222	0
689	4444	0	1111	1111	1111	0
690	4444	0	1111	1111	1111	0
691	1111	0	1111	1111	1111	0
692	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
693	1111	0	1111	1111	5555	0
694	1111	0	1111	1111	5555	0
695	1111	0	1111	1111	3333	0
696	1111	0	1111	1111	3333	0
697	4444	0	1111	1111	4444	0
698	1111	0	1111	1111	4444	0
699	1111	0	1111	1111	1111	0
700	1111	0	1111	1111	1111	0
701	1111	0	1111	1111	1111	0
702	1111	0	1111	1111	1111	0
703	1111	0	1111	1111	1111	0
704	1111	0	1111	1111	1111	0
705	1111	0	1111	1111	1111	0
706	1111	0	1111	1111	5555	0
707	1111	0	1111	1111	5555	0
708	1111	0	1111	1111	5555	0
709	1111	0	1111	1111	5555	0
710	1111	0	1111	1111	5555	0
711	1111	0	1111	1111	5555	0
712	1111	0	1111	1111	5555	0
713	1111	0	1111	1111	5555	0
714	1111	0	1111	1111	5555	0
715	1111	0	1111	1111	5555	0
716	1111	0	1111	1111	5555	0
717	1111	0	1111	1111	5555	0
718	4444	0	5555	1111	5555	0
719	1111	0	1111	1111	5555	0
720	1111	0	1111	1111	1111	0
721	1111	0	1111	1111	1111	0
722	1111	0	1111	1111	5555	0
723	1111	0	1111	1111	5555	0
724	1111	0	1111	1111	1111	0
725	1111	0	1111	1111	1111	0
726	1111	0	1111	1111	1111	0
727	1111	0	1111	1111	1111	0
728	1111	0	1111	1111	1111	0
729	1111	0	1111	1111	1111	0
730	1111	0	1111	1111	3333	0
731	1111	0	1111	1111	5555	0
732	1111	0	1111	1111	1111	0
733	1111	0	5555	1111	5555	0
734	1111	0	5555	1111	5555	0
735	1111	0	5555	1111	5555	0
736	1111	0	1111	1111	5555	0
737	1111	0	1111	1111	1111	0
738	1111	0	1111	1111	2222	0
739	1111	0	1111	1111	2222	0
740	1111	0	1111	1111	5555	0
741	1111	0	1111	1111	5555	0
742	1111	0	1111	1111	5555	0
743	1111	0	1111	1111	4444	0
744	1111	0	1111	1111	4444	0
745	1111	0	1111	1111	4444	0
746	1111	0	1111	1111	4444	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
747	1111	0	1111	1111	4444	0
748	1111	0	1111	1111	4444	0
749	1111	0	1111	1111	4444	0
750	1111	0	1111	1111	1111	0
751	1111	0	1111	1111	4444	0
752	1111	0	2222	1111	1111	0
753	1111	0	2222	1111	1111	0
754	1111	0	2222	1111	1111	0
755	1111	0	2222	1111	1111	0
756	1111	0	2222	1111	1111	0
757	1111	0	2222	1111	1111	0
758	1444	0	2222	1111	2222	0
759	4444	0	1111	1111	1111	0
760	4444	0	1111	1111	1111	0
761	1111	0	1111	1111	1111	0
762	1111	0	1111	1111	1111	0
763	1111	0	1111	1111	5555	0
764	1111	0	1111	1111	5555	0
765	1111	0	1111	1111	4444	0
766	1111	0	1111	1111	4444	0
767	1111	0	1111	1111	4444	0
768	4444	0	1111	1111	5555	0
769	4444	0	1111	1111	5555	0
770	1111	0	1111	1111	5555	0
771	1111	0	1111	1111	5555	0
772	1111	0	1111	1111	1111	0
773	1111	0	1111	1111	1111	0
774	1111	0	1111	1111	1111	0
775	4444	0	1111	1111	4444	0
776	1111	0	1111	1111	5555	0
777	1111	0	1111	1111	5555	0
778	1111	0	1111	1111	5555	0
779	1111	0	1111	1111	5555	0
780	1111	0	1111	1111	5555	0
781	1111	0	1111	1111	5555	0
782	1111	0	1111	1111	5555	0
783	1111	0	1111	1111	5555	0
784	1111	0	1111	1111	5555	0
785	1111	0	1111	1111	5555	0
786	1111	0	1111	1111	1111	0
787	1111	0	1111	1111	5555	0
788	1111	0	1111	1111	5555	0
789	1111	0	1111	1111	1111	0
790	1111	0	1111	1111	1111	0
791	1111	0	1111	1111	1111	0
792	1111	0	1111	1111	5555	0
793	1111	0	1111	1111	5555	0
794	1111	0	1111	1111	1111	0
795	1111	0	1111	1111	1111	0
796	4444	0	1111	1111	4444	0
797	1111	0	1111	1111	5555	0
798	1111	0	1111	1111	4444	0
799	1111	0	1111	1111	4444	0
800	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
801	1111	0	1111	1111	5555	0
802	1111	0	1111	1111	5555	0
803	1111	0	1111	1111	5555	0
804	1111	0	1111	1111	1111	0
805	1111	0	1111	1111	1111	0
806	1111	0	1111	1111	2222	0
807	1111	0	1111	1111	2222	0
808	1111	0	1111	1111	2222	0
809	1111	0	1111	1111	4444	0
810	1111	0	1111	1111	5555	0
811	1111	0	1111	1111	5555	0
812	1111	0	1111	1111	5555	0
813	1111	0	1111	1111	5555	0
814	1111	0	1111	1111	5555	0
815	1111	0	1111	1111	2222	0
816	1111	0	1111	1111	2222	0
817	1111	0	1111	1111	2222	0
818	2222	0	1111	1111	3333	0
819	1111	0	1111	1111	4444	0
820	1111	0	1111	1111	4444	0
821	1111	0	1111	1111	4444	0
822	1111	0	1111	1111	4444	0
823	1111	0	2222	1111	1111	0
824	1111	0	2222	1111	1111	0
825	1111	0	2222	1111	1111	0
826	1111	0	2222	1111	1111	0
827	1111	0	2222	1111	1111	0
828	1111	0	2222	1111	1111	0
829	2222	0	2222	1111	2222	0
830	4444	0	2222	1111	2222	0
831	4444	0	1111	1111	1111	0
832	1111	0	1111	1111	1111	0
833	1111	0	1111	1111	5555	0
834	2222	0	1111	1111	5555	0
835	1111	0	1111	1111	5555	0
836	1111	0	1111	1111	5555	0
837	1111	0	1111	1111	5555	0
838	1111	0	1111	1111	5555	0
839	1111	0	1111	1111	4444	0
840	4444	0	1111	1111	5555	0
841	1111	0	1111	1111	5555	0
842	1111	0	1111	1111	5555	0
843	1111	0	1111	1111	1111	0
844	1111	0	1111	1111	1111	0
845	1111	0	1111	1111	1111	0
846	1111	0	1111	1111	5555	0
847	1111	0	1111	2222	4444	0
848	1111	0	1111	1111	5555	0
849	1111	0	1111	1111	5555	0
850	1111	0	1111	1111	1111	0
851	1111	0	1111	1111	5555	0
852	1111	0	1111	1111	1111	0
853	1111	0	1111	1111	5555	0
854	1111	0	1111	1111	5555	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
855	2222	0	1111	1111	5555	0
856	1111	0	1111	1111	1111	0
857	1111	0	1111	1111	1111	0
858	1111	0	1111	1111	1111	0
859	1111	0	1111	1111	1111	0
860	1111	0	1111	1111	1111	0
861	1111	0	1111	1111	1111	0
862	1111	0	1111	1111	1111	0
863	1111	0	1111	1111	1111	0
864	1111	0	1111	1111	1111	0
865	1111	0	1111	1111	1111	0
866	1111	0	1111	1111	1111	0
867	1111	0	1111	1111	1111	0
868	1111	0	1111	1111	5555	0
869	1111	0	1111	1111	5555	0
870	1111	0	1111	1111	5555	0
871	1111	0	1111	1111	4444	0
872	1111	0	1111	1111	1111	0
873	1111	0	1111	1111	5555	0
874	1111	0	1111	1111	5555	0
875	1111	0	1111	1111	5555	0
876	1111	0	1111	2222	1111	0
877	1111	0	1111	1111	1111	0
878	1111	0	1111	1111	4444	0
879	1111	0	1111	1111	4444	0
880	1111	0	1111	1111	4444	0
881	1111	0	1111	1111	4444	0
882	1111	0	1111	1111	1111	0
883	1111	0	1111	1111	1111	0
884	1111	0	1111	1111	5555	0
885	1111	0	1111	1111	5555	0
886	1111	0	1111	1111	5555	0
887	1111	0	1111	1111	5555	0
888	1111	0	1111	1111	4444	0
889	1111	0	1111	1111	4444	0
890	1111	0	1111	1111	4444	0
891	1111	0	1111	1111	5555	0
892	1111	0	1111	1111	5555	0
893	1111	0	1111	1111	5555	0
894	1111	0	1111	1111	4444	0
895	1111	0	2222	1111	1111	0
896	1111	0	2222	1111	1111	0
897	1111	0	2222	1111	1111	0
898	1111	0	2222	1111	1111	0
899	1111	0	2222	1111	1111	0
900	1111	0	2222	1111	1111	0
901	4444	0	2222	1111	2222	0
902	1111	0	1111	1111	1111	0
903	4444	0	1111	1111	1111	0
904	4444	0	1111	1111	4444	0
905	1111	0	1111	1111	1111	0
906	1111	0	1111	1111	1111	0
907	1111	0	1111	1111	1111	0
908	2222	0	1111	1111	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
909	4444	0	1111	1111	5555	0
910	1111	0	1111	1111	5555	0
911	1111	0	1111	1111	1111	0
912	1111	0	1111	1111	5555	0
913	1111	0	1111	1111	5555	0
914	1111	0	1111	2222	5555	0
915	1111	0	1111	1111	1111	0
916	1111	0	1111	1111	1111	0
917	1111	0	1111	1111	1111	0
918	1111	0	1111	1111	4444	0
919	1111	0	1111	1111	5555	0
920	1111	0	1111	1111	5555	0
921	1111	0	1111	1111	1111	0
922	1111	0	1111	1111	1111	0
923	1111	0	1111	1111	1111	0
924	1111	0	1111	1111	1111	0
925	1111	0	1111	1111	1111	0
926	1111	0	1111	1111	1111	0
927	1111	0	1111	1111	1111	0
928	1111	0	1111	1111	1111	0
929	1111	0	1111	1111	1111	0
930	1111	0	1111	1111	1111	0
931	1111	0	1111	1111	1111	0
932	1111	0	1111	1111	1111	0
933	1111	0	1111	1111	5555	0
934	1111	0	1111	1111	5555	0
935	1111	0	1111	1111	5555	0
936	1111	0	1111	1111	4444	0
937	1111	0	5555	1111	1111	0
938	1111	0	5555	1111	5555	0
939	1111	0	1111	1111	5555	0
940	1111	0	1111	2222	4444	0
941	1111	0	1111	2222	4444	0
942	1111	0	1111	1111	4444	0
943	1111	0	1111	1111	4444	0
944	1111	0	1111	1111	4444	0
945	1111	0	1111	1111	4444	0
946	1111	0	1111	1111	4444	0
947	1111	0	1111	1111	4444	0
948	1111	0	1111	1111	1111	0
949	1111	0	1111	1111	1111	0
950	1111	0	1111	1111	1111	0
951	1111	0	1111	1111	4444	0
952	1111	0	1111	1111	1111	0
953	1111	0	1111	1111	1111	0
954	1111	0	1111	1111	1111	0
955	1111	0	1111	1111	1111	0
956	1111	0	1111	1111	4444	0
957	1111	0	1111	1111	5555	0
958	1111	0	1111	1111	4444	0
959	1111	0	1111	1111	5555	0
960	1111	0	1111	1111	1111	0
961	1111	0	2222	1111	1111	0
962	1111	0	2222	1111	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
963	1111	0	2222	1111	1111	0
964	1111	0	2222	1111	1111	0
965	1111	0	2222	1111	1111	0
966	1111	0	2222	1111	1111	0
967	4444	0	2222	1111	2222	0
968	4444	0	1111	1111	1111	0
969	1111	0	1111	1111	1111	0
970	1111	0	1111	1111	1111	0
971	1111	0	1111	1111	1111	0
972	1111	0	1111	1111	1111	0
973	1111	0	1111	1111	1111	0
974	1111	0	1111	1111	5555	0
975	1111	0	1111	1111	5555	0
976	1111	0	1111	1111	1111	0
977	1111	0	1111	1111	1111	0
978	1111	0	1111	1111	5555	0
979	1111	0	1111	1111	5555	0
980	4444	0	1111	2222	5555	0
981	1111	0	1111	1111	5555	0
982	1111	0	1111	1111	5555	0
983	1111	0	1111	1111	1111	0
984	1111	0	1111	1111	1111	0
985	1111	0	1111	1111	1111	0
986	1111	0	1111	1111	5555	0
987	1111	0	1111	1111	4444	0
988	1111	0	1111	1111	1111	0
989	1111	0	1111	1111	1111	0
990	1111	0	1111	1111	1111	0
991	1111	0	1111	1111	1111	0
992	1111	0	1111	1111	1111	0
993	1111	0	1111	1111	1111	0
994	1111	0	1111	1111	1111	0
995	1111	0	1111	1111	1111	0
996	1111	0	1111	1111	1111	0
997	1111	0	1111	1111	1111	0
998	1111	0	1111	1111	1111	0
999	1111	0	1111	1111	1111	0
1000	1111	0	1111	1111	5555	0
1001	1111	0	1111	1111	5555	0
1002	1111	0	1111	1111	4444	0
1003	1111	0	5555	1111	5555	0
1004	1111	0	5555	1111	5555	0
1005	1111	0	1111	1111	5555	0
1006	1111	0	1111	2222	5555	0
1007	1111	0	1111	2222	4444	0
1008	1111	0	1111	2222	3333	0
1009	1111	0	1111	1111	4444	0
1010	1111	0	1111	1111	4444	0
1011	1111	0	1111	1111	4444	0
1012	1111	0	1111	1111	4444	0
1013	1111	0	1111	1111	5555	0
1014	1111	0	1111	1111	4444	0
1015	1111	0	1111	1111	1111	0
1016	1111	0	1111	1111	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
1017	1111	0	1111	1111	1111	0
1018	1111	0	1111	1111	1111	0
1019	1111	0	1111	1111	4444	0
1020	1111	0	1111	1111	5555	0
1021	1111	0	1111	1111	2222	0
1022	1111	0	1111	1111	2222	0
1023	1111	0	1111	1111	1111	0
1024	1111	0	2222	1111	1111	0
1025	1111	0	2222	1111	1111	0
1026	1111	0	2222	1111	1111	0
1027	1111	0	2222	1111	1111	0
1028	1111	0	2222	1111	1111	0
1029	1111	0	2222	1111	1111	0
1030	2222	0	2222	1111	1111	0
1031	4444	0	2222	1111	2222	0
1032	1111	0	1111	1111	1111	0
1033	1111	0	1111	1111	1111	0
1034	1111	0	1111	1111	1111	0
1035	1111	0	1111	1111	1111	0
1036	1111	0	1111	1111	1111	0
1037	4444	0	1111	1111	5555	0
1038	1111	0	1111	1111	5555	0
1039	1111	0	1111	1111	1111	0
1040	1111	0	1111	1111	1111	0
1041	1111	0	1111	1111	1111	0
1042	1111	0	1111	1111	5555	0
1043	1111	0	1111	1111	1111	0
1044	1111	0	1111	1111	5555	0
1045	1111	0	1111	1111	5555	0
1046	1111	0	1111	1111	1111	0
1047	1111	0	1111	1111	1111	0
1048	1111	0	1111	1111	5555	0
1049	1111	0	1111	1111	5555	0
1050	1111	0	5555	1111	5555	0
1051	1111	0	5555	1111	5555	0
1052	1111	0	5555	1111	2222	0
1053	1111	0	5555	1111	5555	0
1054	1111	0	5555	1111	5555	0
1055	1111	0	5555	2222	5555	0
1056	1111	0	1111	2222	2222	0
1057	1111	0	1111	2222	4444	0
1058	1111	0	1111	1111	4444	0
1059	1111	0	1111	1111	4444	0
1060	1111	0	1111	1111	4444	0
1061	1111	0	1111	1111	5555	0
1062	1111	0	1111	1111	5555	0
1063	1111	0	1111	1111	1111	0
1064	1111	0	1111	1111	1111	0
1065	1111	0	1111	1111	1111	0
1066	1111	0	1111	1111	1111	0
1067	1111	0	1111	1111	4444	0
1068	1111	0	1111	1111	5555	0
1069	1111	0	1111	1111	5555	0
1070	1111	0	1111	1111	4444	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
1071	1111	0	1111	1111	2222	0
1072	1111	0	2222	1111	1111	0
1073	1111	0	2222	1111	1111	0
1074	1111	0	2222	1111	1111	0
1075	1111	0	2222	1111	1111	0
1076	1111	0	2222	1111	1111	0
1077	1111	0	2222	1111	1111	0
1078	2222	0	2222	1111	2222	0
1079	1111	0	1111	1111	1111	0
1080	1111	0	1111	1111	1111	0
1081	1111	0	1111	1111	1111	0
1082	1111	0	1111	1111	1111	0
1083	1111	0	1111	1111	5555	0
1084	1111	0	1111	1111	5555	0
1085	1111	0	1111	1111	1111	0
1086	1111	0	1111	1111	1111	0
1087	1111	0	1111	1111	1111	0
1088	1111	0	1111	1111	4444	0
1089	1111	0	1111	1111	5555	0
1090	1111	0	1111	1111	1111	0
1091	1111	0	1111	1111	5555	0
1092	1111	0	1111	1111	5555	0
1093	1111	0	1111	1111	1111	0
1094	1111	0	1111	1111	1111	0
1095	1111	0	1111	1111	1111	0
1096	1111	0	1111	1111	1111	0
1097	1111	0	1111	1111	5555	0
1098	4444	0	1111	1111	5555	0
1099	1111	0	5555	1111	4444	0
1100	1111	0	5555	1111	1111	0
1101	1111	0	5555	1111	1111	0
1102	1111	0	5555	1111	1111	0
1103	1111	0	1111	1111	1111	0
1104	1111	0	1111	1111	1111	0
1105	1111	0	1111	1111	4444	0
1106	1111	0	1111	1111	4444	0
1107	1111	0	1111	1111	3333	0
1108	1111	0	1111	1111	5555	0
1109	1111	0	1111	1111	5555	0
1110	1111	0	1111	1111	4444	0
1111	1111	0	1111	1111	1111	0
1112	1111	0	1111	1111	1111	0
1113	1111	0	1111	1111	1111	0
1114	1111	0	1111	1111	5555	0
1115	1111	0	1111	1111	5555	0
1116	1111	0	1111	1111	5555	0
1117	1111	0	1111	1111	4444	0
1118	1111	0	1111	1111	2222	0
1119	1111	0	1111	1111	2222	0
1120	1111	0	2222	1111	1111	0
1121	1111	0	2222	1111	1111	0
1122	1111	0	2222	1111	1111	0
1123	1111	0	2222	1111	1111	0
1124	1111	0	2222	1111	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
1125	1111	0	2222	1111	1111	0
1126	2222	0	2222	1111	2222	0
1127	4444	0	1111	1111	1111	0
1128	1111	0	1111	1111	1111	0
1129	1111	0	1111	1111	1111	0
1130	1111	0	1111	1111	1111	0
1131	1111	0	1111	1111	1111	0
1132	1111	0	1111	1111	5555	0
1133	1111	0	1111	1111	5555	0
1134	1111	0	1111	1111	1111	0
1135	1111	0	1111	1111	1111	0
1136	1111	0	1111	1111	1111	0
1137	1111	0	1111	1111	5555	0
1138	1111	0	1111	2222	5555	0
1139	1111	0	1111	1111	5555	0
1140	1111	0	1111	1111	5555	0
1141	1111	0	1111	1111	1111	0
1142	1111	0	1111	1111	1111	0
1143	1111	0	1111	1111	1111	0
1144	1111	0	1111	1111	1111	0
1145	1111	0	1111	1111	1111	0
1146	1111	0	1111	1111	1111	0
1147	1111	0	1111	1111	1111	0
1148	1111	0	1111	1111	1111	0
1149	1111	0	1111	1111	1111	0
1150	1111	0	1111	1111	1111	0
1151	1111	0	1111	1111	1111	0
1152	1111	0	1111	1111	1111	0
1153	1111	0	1111	1111	1111	0
1154	1111	0	1111	1111	1111	0
1155	1111	0	1111	1111	1111	0
1156	1111	0	1111	1111	4444	0
1157	1111	0	1111	1111	4444	0
1158	1111	0	1111	1111	4444	0
1159	1111	0	1111	1111	1111	0
1160	1111	0	1111	1111	1111	0
1161	1111	0	1111	1111	1111	0
1162	1111	0	1111	1111	4444	0
1163	1111	0	1111	1111	4444	0
1164	1111	0	1111	1111	4444	0
1165	1111	0	1111	1111	4444	0
1166	1111	0	1111	1111	5555	0
1167	1111	0	1111	1111	2222	0
1168	1111	0	1111	1111	1111	0
1169	1111	0	1111	1111	4444	0
1170	1111	0	1111	1111	1111	0
1171	1111	0	1111	1111	4444	0
1172	1111	0	2222	1111	1111	0
1173	1111	0	2222	1111	1111	0
1174	1111	0	2222	1111	1111	0
1175	1111	0	2222	1111	1111	0
1176	1111	0	2222	1111	1111	0
1177	1111	0	2222	1111	1111	0
1178	2222	0	2222	1111	2222	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
1179	2222	0	2222	1111	2222	0
1180	1111	0	1111	1111	1111	0
1181	1111	0	1111	1111	1111	0
1182	1111	0	1111	1111	1111	0
1183	1111	0	1111	1111	1111	0
1184	1111	0	1111	1111	1111	0
1185	1111	0	1111	1111	5555	0
1186	1111	0	1111	1111	1111	0
1187	1111	0	1111	1111	1111	0
1188	1111	0	1111	1111	1111	0
1189	1111	0	1111	2222	5555	0
1190	1111	0	1111	2222	5555	0
1191	1111	0	1111	2222	5555	0
1192	1111	0	1111	1111	1111	0
1193	1111	0	1111	1111	1111	0
1194	1111	0	1111	1111	1111	0
1195	1111	0	1111	1111	1111	0
1196	1111	0	1111	1111	1111	0
1197	1111	0	1111	1111	5555	0
1198	1111	0	1111	1111	5555	0
1199	1111	0	1111	1111	5555	0
1200	1111	0	1111	1111	1111	0
1201	1111	0	1111	1111	1111	0
1202	1111	0	1111	1111	1111	0
1203	1111	0	1111	1111	1111	0
1204	1111	0	1111	1111	1111	0
1205	1111	0	1111	1111	4444	0
1206	2222	0	1111	1111	5555	0
1207	1111	0	1111	1111	5555	0
1208	1111	0	2222	1111	1111	0
1209	1111	0	2222	1111	1111	0
1210	1111	0	2222	1111	1111	0
1211	1111	0	2222	1111	1111	0
1212	1111	0	2222	1111	1111	0
1213	2222	0	2222	1111	1111	0
1214	4444	0	2222	1111	2222	0
1215	4444	0	1111	1111	1111	0
1216	1111	0	1111	1111	1111	0
1217	1111	0	1111	1111	1111	0
1218	1111	0	1111	1111	1111	0
1219	1111	0	1111	1111	1111	0
1220	1111	0	1111	2222	5555	0
1221	1111	0	1111	2222	5555	0
1222	1111	0	1111	1111	1111	0
1223	1111	0	1111	1111	1111	0
1224	1111	0	1111	1111	1111	0
1225	1111	0	1111	2222	5555	0
1226	1111	0	1111	1111	5555	0
1227	1111	0	1111	1111	5555	0
1228	1111	0	1111	1111	1111	0
1229	1111	0	1111	1111	1111	0
1230	1111	0	1111	1111	5555	0
1231	1111	0	1111	1111	2222	0
1232	1111	0	1111	1111	1111	0

Appendix 6. COLUMBIA RIVER RANKING SYSTEM (Cont.)

CGRID-ID	FINAL HUMAN VALUE (Sp,S,F,W)	FINAL BIRD VALUE (Sp,S,F,W)	FINAL MAMMAL VALUE (Sp,S,F,W)	FINAL FISH VALUE (Sp,S,F,W)	FINAL HABITAT VALUE (Sp,S,F,W)	FINAL INVERT VALUE (Sp,S,F,W)
1233	1111	0	1111	1111	1111	0
1234	2222	0	1111	1111	1111	0
1235	1111	0	1111	1111	4444	0
1236	1111	0	1111	1111	5555	0
1237	1111	0	1111	1111	5555	0
1238	1111	0	1111	1111	5555	0
1239	1111	0	2222	1111	1111	0
1240	1111	0	2222	1111	1111	0
1241	1111	0	2222	1111	1111	0
1242	1111	0	2222	1111	1111	0
1243	1111	0	2222	1111	1111	0
1244	1111	0	2222	1111	1111	0
1245	2222	0	2222	1111	2222	0
1246	4444	0	1111	1111	1111	0
1247	4444	0	1111	1111	1111	0
1248	1111	0	1111	1111	1111	0
1249	1111	0	1111	1111	1111	0
1250	1111	0	1111	1111	1111	0
1251	1111	0	1111	1111	5555	0
1252	1111	0	1111	1111	5555	0
1253	1111	0	1111	1111	5555	0

**WSR 91-22-109
PROPOSED RULES
PIERCE COLLEGE**

[Filed November 6, 1991, 4:20 p.m.]

Original Notice.

Title of Rule: Chapter 132K-12 WAC, Personnel rules.

Purpose: To repeal chapter 132K-12 WAC, Personnel rules, in order to be in compliance with the Higher Education Personnel Board rules.

Statutory Authority for Adoption: RCW 28B.50.140.

Summary: Existing chapter 132K-12 WAC, Personnel rules, are out-of-date.

Reasons Supporting Proposal: Higher Education Personnel Board rules govern the personnel rules for Pierce College.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: John Boesenberg, Director of Personnel, (206) 964-6519.

Name of Proponent: Pierce College, public.

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

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

Proposal Changes the Following Existing Rules: It would eliminate chapter 132K-12 WAC, Personnel rules, from Title 132K WAC, Community colleges—Pierce College.

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

Hearing Location: Pierce College, 9401 Farwest Drive S.W., Board Room 325H, Tacoma, WA 98498, on December 11, 1991, at 12:30 p.m.

Submit Written Comments to: John Boesenberg, by December 10, 1991.

Date of Intended Adoption: December 16, 1991.

November 6, 1991

Alan Spence

Executive Dean of
Administrative Services

REPEALER

The following chapter of the Washington Administrative Code is repealed.

Chapter 132K-12 WAC PERSONNEL RULES

**WSR 91-22-110
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING**

[Filed November 6, 1991, 4:22 p.m.]

We are withdrawing WAC 308-17-200 from the proposed rules filed in WSR 91-19-085 on September 17, 1991.

Marsha T. Long
Assistant Director
Professional Licensing Services

**WSR 91-22-111
PERMANENT RULES
DEPARTMENT OF LICENSING**

[Filed November 6, 1991, 4:24 p.m.]

Date of Adoption: October 28, 1991.

Purpose: To promulgate rules for RCW 18.165.170 Licensing requirements for private detectives and private detective agencies.

Statutory Authority for Adoption: RCW 18.165.170.

Pursuant to notice filed as WSR 91-19-085 on September 17, 1991.

Changes Other than Editing from Proposed to Adopted Version: Minor editing changes for clarification to WAC 308-17-120, 308-17-130 and 308-17-210; and deleted WAC 308-17-200.

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

November 6, 1991

Marsha Tadano Long

Assistant Director

**Chapter 308-17 WAC
PRIVATE DETECTIVE AGENCIES AND PRIVATE DETECTIVES**

WAC

**PART A
GENERAL**

308-17-010 Promulgation—Authority.
308-17-020 Organization.
308-17-030 Definitions.

**PART B
LICENSING APPLICATION AND FEES**

308-17-100 Agency applications—Conditions.
308-17-105 Branch office notification—
Conditions.
308-17-110 Private detective applications—
Conditions.
308-17-120 Armed private detective applica-
tions—Conditions.
308-17-130 Application for private detective and
armed private detective license, li-
censed in another state—Conditions.
308-17-140 Comments by chief law enforcement
officers and employers.
308-17-150 Private detective agency, private de-
tective, and armed private detective
fees.
308-17-160 Expiration and renewal of licenses.
308-17-165 Private detective and armed private
detective—Termination or services.
308-17-170 Inactive license.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S
RESPONSIBILITIES**

308-17-205 Filing of licenses.
308-17-210 Change of office location.
308-17-220 Licensee's responsibilities.
308-17-230 Complaint notification.
308-17-240 Required records.

**PART D
PREASSIGNMENT TRAINING AND
EXAMINATION REQUIREMENTS**

- 308-17-300 Minimum preassignment training and testing requirements.
- 308-17-310 Private detective agency principal examination requirements.
- 308-17-320 Certification of preassignment training trainers.

**PART A
GENERAL**

NEW SECTION

WAC 308-17-010 PROMULGATION—AUTHORITY. The director of the department of licensing, state of Washington, pursuant to the authority vested in the director by RCW 18.165.170, does hereby promulgate the following rules and regulations relating to the licensing of private detective agencies, private detectives, and armed private detectives.

NEW SECTION

WAC 308-17-020 ORGANIZATION. The principal location of the private detective licensing program is at 2424 Bristol Court SW, Olympia, Washington 98504. The department of licensing administers the Washington private detective license law, chapter 18.165 RCW. Submissions and requests for information regarding private detective agency licenses, private detective licenses, and armed private detective licenses may be sent in writing to the Private Detective Program, Department of Licensing, P.O. Box 9045, Olympia, Washington 98507-9045.

NEW SECTION

WAC 308-17-030 DEFINITIONS. (1) Words and terms used in these rules shall have the same meaning as each has under chapter 18.165 RCW unless otherwise clearly provided in these rules, or the context in which they are used in these rules clearly indicates that they be given some other meaning.

(2) "Principal owner" means the sole owner of a private detective agency.

(3) "Principal partner" means the partner who exercises operational control over a private detective agency.

(4) "Certified trainer" means a principal or a licensed private detective or armed private detective who has fulfilled the requirements of WAC 308-17-320.

(5) "Company identification" in RCW 18.165.160(6), shall include the license card issued by the director to a private detective or armed private detective.

**PART B
LICENSING APPLICATION AND FEES**

NEW SECTION

WAC 308-17-100 AGENCY APPLICATIONS—CONDITIONS. Any person desiring to be licensed as a

private detective agency must substantiate the experience requirements in RCW 18.165.050, or pass an examination as provided in this chapter. Persons meeting the experience requirements shall make application for a license on a form prescribed by the director. Persons who do not meet the experience requirements shall make application for an examination and for a license on a form prescribed by the director. Concurrently, the applicant shall:

(1) Pay a fee or fees as prescribed by WAC 308-17-150.

(2) If the applicant is the qualifying agent of a corporation, he or she shall furnish a certified copy of its articles of incorporation, and a list of its officers and directors and their addresses. If the applicant is the qualifying agent of a foreign corporation, he or she shall furnish a certified copy of certificate of authority to conduct business in the state of Washington, a list of its officers and directors and their addresses, and evidence of current registration with the secretary of state. If the applicant is a partnership or limited partnership, each partner shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or she shall act as the principal of the agency without the payment of additional license fees. When a license is issued to a corporation the qualifying agent shall act as the principal of the agency without the payment of additional fees. When a license is issued to a partnership the principal partner shall act as the principal of the agency without the payment of additional fees.

NEW SECTION

WAC 308-17-105 BRANCH OFFICE NOTIFICATION—CONDITIONS. A principal of a private detective agency shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the agency application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.

NEW SECTION

WAC 308-17-110 PRIVATE DETECTIVE APPLICATIONS—CONDITIONS. Any person desiring to be a private detective shall make application for a license on a form prescribed by the director and pay a fee as prescribed by WAC 308-17-150. Applicants who are employed by private detective agencies whose agency license was issued prior to January 1, 1992, shall make application during the time period as follows:

(1) Applicants whose last name begins with A through F shall apply during the month of February 1992.

(2) Applicants whose last name begins with G through L shall apply during the month of March 1992.

(3) Applicants whose last name begins with M through R shall apply during the month of April 1992.

(4) Applicants whose last name begins with S through Z shall apply during the month of May 1992.

Applicants need not fulfill the preassignment training requirements specified in WAC 308-17-300 if he or she, prior to June 30, 1992, provides proof to the director that he or she previously has met the training requirements and passed the preassignment training test or has been employed as a private detective or armed private detective continuously since January 1, 1991. The agency principal or a certified trainer shall attest on the application that the applicant has passed the preassignment training test or has been continuously employed since January 1, 1991.

NEW SECTION

WAC 308-17-120 ARMED PRIVATE DETECTIVE APPLICATIONS—CONDITIONS. Any person desiring to be an armed private detective shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a fee as prescribed by WAC 308-17-150.

NEW SECTION

WAC 308-17-130 APPLICATION FOR PRIVATE DETECTIVE AND ARMED PRIVATE DETECTIVE LICENSE, LICENSED IN ANOTHER STATE—CONDITIONS. Any person applying for a private detective or armed private detective license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.165 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-17-150 for a private detective or armed private detective license, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.

NEW SECTION

WAC 308-17-140 COMMENTS BY CHIEF LAW ENFORCEMENT OFFICERS AND EMPLOYERS. If comments required by RCW 18.165.070(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private detective shall be issued if he or she is otherwise qualified.

NEW SECTION

WAC 308-17-150 PRIVATE DETECTIVE AGENCY, PRIVATE DETECTIVE, AND ARMED PRIVATE DETECTIVE FEES. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Private detective agency:	
Application/examination	\$300.00
Reexamination	25.00
License renewal	200.00
Late renewal with penalty	300.00
Certification	25.00
Private detective:	
Original license	50.00
Certified trainer examination/ reexamination	25.00
License renewal	40.00
Late renewal with penalty	50.00
Certification	25.00
Armed private detective:	
Original license	25.00
Certified trainer examination/ reexamination	25.00
License renewal	40.00
Late renewal with penalty	50.00
Certification	25.00

NEW SECTION

WAC 308-17-160 EXPIRATION AND RENEWAL OF LICENSES. Licenses issued to private detectives and armed private detectives expire one year from the date of issuance which date will be the renewal date. Licenses issued to private detective agencies expire one year from the date of issuance which date will be the renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the agency license issued to the corporation shall expire on that date. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-17-150 must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-17-150 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

NEW SECTION

WAC 308-17-165 PRIVATE DETECTIVE AND ARMED PRIVATE DETECTIVE—TERMINATION OF SERVICES. A person licensed as a private detective

or armed private detective may perform duties and activities as licensed only under the direction and supervision of a licensed agency principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private detective or armed private detective. Notice of such termination shall be by the agency principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private detective or armed private detective license held by the agency. Notice of termination shall be provided by signature of the agency principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the agency cannot be surrendered to the department because the license has been lost, the agency principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

NEW SECTION

WAC 308-17-170 INACTIVE LICENSE. (1) Any license issued under chapter 18.165 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.165 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.165 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

PART C OFFICE REQUIREMENTS AND LICENSEE'S RESPONSIBILITIES

NEW SECTION

WAC 308-17-205 FILING OF LICENSES. Licenses of all private detectives and armed private detectives shall be on file in the office located at the address appearing on the individual license.

NEW SECTION

WAC 308-17-210 CHANGE OF OFFICE LOCATION. The principal of a private detective agency shall notify the department of the change of location and mailing address of the agency office within ten working

days by filing a completed change of address application with the department.

NEW SECTION

WAC 308-17-220 LICENSEE'S RESPONSIBILITIES. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.165 RCW.

NEW SECTION

WAC 308-17-230 COMPLAINT NOTIFICATION. Every licensee shall, within twenty days after service or knowledge thereof, notify the private detective program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

NEW SECTION

WAC 308-17-240 REQUIRED RECORDS. The minimum records the principal of a private detective agency shall be required to keep are preassignment training and testing records for each private detective. These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

PART D PREASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

NEW SECTION

WAC 308-17-300 MINIMUM PREASSIGNMENT TRAINING AND TESTING REQUIREMENTS. (1) The preassignment training required by RCW 18.165.090, shall include as a minimum:

- (a) Legal powers and limitations.
 - (i) Representation and misrepresentation.
 - (A) How to properly identify yourself.
 - (B) Misrepresentation defined.
 - (C) Problems/liability arising out of misrepresentation.
 - (ii) Powers of arrest.
 - (A) Laws pertaining to arrest by private citizen.
 - (B) Probable cause.
 - (C) Potential liability resulting from false arrest claim.
 - (b) Evidence.
 - (i) Definition.
 - (A) Written.
 - (B) Recorded.
 - (C) Material.
 - (ii) Marking.
 - (iii) Storage.
 - (iv) Chain of custody documentation.
 - (c) Report writing.
 - (i) Elements of a report.
 - (ii) Fact versus opinion or assumption.

- (iii) Penmanship.
- (d) Courtroom testimony.
- (i) Expert witnesses.
- (ii) Manufacturing evidence.
- (iii) Perjury.
- (iv) Discovery.
- (e) Confidentiality/privilege.
- (f) Federal, state, county, and municipal court systems.
- (g) Common sources of public information.
- (i) Court docket information.
- (ii) U.S. Postal Service.
- (iii) Voter registration.
- (iv) Credit reporting agencies.
- (v) Department of licensing.
- (vi) Private sources.
- (h) Frequent activities in violation of criminal statutes.

- (i) Privacy laws: Electronic surveillance.
- (i) Chapter 9.73 RCW privacy violations.
- (ii) U.S. Code violations.
- (iii) Appellate court decisions.
- (A) Explanation of privacy.
- (B) Video/photography.
- (C) Tracking transmissions.
- (j) Fair Credit Reporting Act.
- (i) Permissible purposes of reports.
- (ii) Obtaining information under false pretenses.

(2) The minimum time each private detective candidate must spend in preassignment training is four hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.

(3) All private detective applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private detective preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

NEW SECTION

WAC 308-17-310 PRIVATE DETECTIVE AGENCY PRINCIPAL EXAMINATION REQUIREMENTS. (1) All principals of an agency who do not meet the experience requirements required by RCW 18.165.050, must pass an examination demonstrating their knowledge and proficiency in the following areas:

- (a) All topics contained in the private detective preassignment training course.
- (b) Washington state law as it applies to private detective licensing and regulation.
- (c) Legal liability for employee actions pertaining to the private detective industry.

(d) The Federal Freedom of Information Act (5 U.S.C. 552).

(e) The Federal Privacy Act (5 U.S.C. 522A).

(f) The Washington state Public Disclosure Act (chapter 42.17 RCW).

(g) Communication skills.

(2) The examination shall consist of a minimum of fifty questions based on information in the above required areas. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of seven days before reexamination.

NEW SECTION

WAC 308-17-320 CERTIFICATION OF PREASSIGNMENT TRAINING TRAINERS. An individual must successfully score at least eighty-five percent on the agency principal examination to become a certified trainer. Individuals who fail to obtain an eighty-five percent score will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private detective agency may have certified.

**WSR 91-22-112
PERMANENT RULES
DEPARTMENT OF LICENSING
[Filed November 6, 1991, 4:25 p.m.]**

Date of Adoption: October 28, 1991.

Purpose: To promulgate rules for RCW 18.170.180 Licensing requirements for security guards and security guard companies.

Statutory Authority for Adoption: RCW 18.170.180.

Pursuant to notice filed as WSR 91-19-084 on September 17, 1991.

Changes Other than Editing from Proposed to Adopted Version: Minor editing changes for clarification to WAC 308-18-120, 308-18-130, 308-18-210, 308-18-300, and 308-18-310.

Effective Date of Rule: Thirty-one days after filing.
November 6, 1991
Marsha Tadano Long
Assistant Director

**Chapter 308-18 WAC
PRIVATE SECURITY GUARD COMPANIES AND
PRIVATE SECURITY GUARDS**

WAC

**PART A
GENERAL**

- 308-18-010 Promulgation—Authority.
- 308-18-020 Organization.
- 308-18-030 Definitions.

PART B

LICENSING APPLICATION AND FEES

- 308-18-100 Company applications—Conditions.

- 308-18-105 Branch office notification—
Conditions.
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Conditions.
- 308-18-120 Armed private security guard applica-
tions—Conditions.
- 308-18-130 Application for private security guard
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cense, licensed in another state—
Conditions.
- 308-18-140 Private security guard temporary reg-
istration card—Conditions.
- 308-18-145 Comments by chief law enforcement
officers and employers.
- 308-18-150 Private security guard company, pri-
vate security guard, and armed pri-
vate security guard fees.
- 308-18-160 Expiration and renewal of licenses.
- 308-18-165 Private security guard and armed pri-
vate security guard—Termination of
services.
- 308-18-170 Inactive license.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S
RESPONSIBILITIES**

- 308-18-200 Office identification.
- 308-18-205 Filing of licenses.
- 308-18-210 Change of office location.
- 308-18-220 Licensee's responsibilities.
- 308-18-230 Complaint notification.
- 308-18-240 Required records.

**PART D
PREASSIGNMENT TRAINING AND
EXAMINATION REQUIREMENTS**

- 308-18-300 Minimum preassignment training and
testing requirements.
- 308-18-310 Private security guard company prin-
cipal examination requirements.
- 308-18-320 Certification of preassignment training
trainers.

**PART A
GENERAL**

NEW SECTION

**WAC 308-18-010 PROMULGATION—AU-
THORITY.** The director of the department of licensing,
state of Washington, pursuant to the authority vested in
the director by RCW 18.170.180, does hereby promul-
gate the following rules and regulations relating to the
licensing of private security guard companies, private
security guards, and armed private security guards.

NEW SECTION

WAC 308-18-020 ORGANIZATION. The prin-
cipal location of the private security guard licensing pro-
gram is at 2424 Bristol Court S.W., Olympia,
Washington 98504. The department of licensing admin-
isters the Washington private security guard license law,

chapter 18.170 RCW. Submissions and requests for in-
formation regarding private security guard company li-
censes, private security guard licenses, and armed pri-
vate security guard licenses may be sent in writing to the
Private Security Guard Program, Department of Licens-
ing, P.O. Box 9045, Olympia, Washington 98507-9045.

NEW SECTION

WAC 308-18-030 DEFINITIONS. (1) Words and
terms used in these rules shall have the same meaning as
each has under chapter 18.170 RCW unless otherwise
clearly provided in these rules, or the context in which
they are used in these rules clearly indicates that they be
given some other meaning.

(2) "Principal owner" means the sole owner of a pri-
vate security guard company.

(3) "Principal partner" means the partner who exer-
cises operational control over a private security guard
company.

(4) "Certified trainer" means a principal or a licensed
private security guard or armed private security guard
who has fulfilled the requirements of WAC 308-18-320.

(5) "Other item of equipment" in RCW
18.170.170(7), shall include the license card issued by
the director to a private security guard or armed private
security guard.

**PART B
LICENSING APPLICATION AND FEES**

NEW SECTION

**WAC 308-18-100 COMPANY APPLICA-
TIONS—CONDITIONS.** Any person desiring to be li-
censed as a private security guard company must sub-
stantiate the experience requirements in RCW
18.170.060, or pass an examination as provided in this
chapter. Persons meeting the experience requirements
shall make application for a license on a form prescribed
by the director. Persons who do not meet the experience
requirements shall make application for an examination
and for a license on a form prescribed by the director.
Concurrently, the applicant shall:

(1) Pay a fee or fees as prescribed by WAC 308-18-
150.

(2) If the applicant is the qualifying agent of a corpo-
ration, he or she shall furnish a certified copy of its arti-
cles of incorporation, and a list of its officers and direc-
tors and their addresses. If the applicant is the qualify-
ing agent of a foreign corporation, he or she shall fur-
nish a certified copy of certificate of authority to conduct
business in the state of Washington, a list of its officers
and directors and their addresses, and evidence of cur-
rent registration with the secretary of state. If the appli-
cant is a partnership or limited partnership, each partner
shall apply and furnish their addresses.

(3) When a license is issued to a principal owner he or
she shall act as the principal of the company without the
payment of additional license fees. When a license is is-
sued to a corporation the qualifying agent shall act as
the principal of the company without the payment of
additional fees. When a license is issued to a partnership

the principal partner shall act as the principal of the company without the payment of additional fees.

NEW SECTION

WAC 308-18-105 BRANCH OFFICE NOTIFICATION—CONDITIONS. A principal of a private security guard company shall notify the director of the addresses of all branch offices under the same name as the main office as a part of the company application. The director shall issue a duplicate license for each of the branch offices showing the location of the main office and the particular branch. Each duplicate license shall be prominently displayed in the office for which it is issued. The principal shall notify the director by mail, within thirty days, of any changes to branch office addresses to include additions or deletions of branches.

NEW SECTION

WAC 308-18-110 PRIVATE SECURITY GUARD APPLICATIONS—CONDITIONS. Any person desiring to be a private security guard shall make application for a license on a form prescribed by the director and pay a fee as prescribed by WAC 308-18-150. Applicants who are employed by private security guard companies whose company license was issued prior to January 1, 1992, shall make application during the time period as follows:

- (1) Applicants whose last name begins with A through F shall apply during the month of February 1992.
- (2) Applicants whose last name begins with G through L shall apply during the month of March 1992.
- (3) Applicants whose last name begins with M through R shall apply during the month of April 1992.
- (4) Applicants whose last name begins with S through Z shall apply during the month of May 1992.

Applicants need not fulfill the preassignment training requirements specified in WAC 308-18-300 if he or she, prior to June 30, 1992, provides proof to the director that he or she previously has met the training requirements and passed the preassignment training test or has been employed as a private security guard or armed private security guard continuously since January 1, 1991. The company principal or a certified trainer shall attest on the application that the applicant has passed the preassignment training test or has been continuously employed since January 1, 1991.

NEW SECTION

WAC 308-18-120 ARMED PRIVATE SECURITY GUARD APPLICATIONS—CONDITIONS. Any person desiring to be an armed private security guard shall obtain a firearms certificate from the criminal justice training commission, make application on a form prescribed by the director, and pay a fee as prescribed by WAC 308-18-150.

NEW SECTION

WAC 308-18-130 APPLICATION FOR PRIVATE SECURITY GUARD AND ARMED PRIVATE SECURITY GUARD LICENSE, LICENSED IN ANOTHER STATE—CONDITIONS. Any person applying for a private security guard or armed private security guard license who holds a valid license, registration, identification, or similar card issued by another state that the director has determined has selection, training, and other requirements at least equal to those required by chapter 18.170 RCW shall make application on a form prescribed by the director, pay the fee as prescribed by WAC 308-18-150 for a private security guard or armed private security guard, and submit evidence of licensure in another state by a license verification form completed by an administrative officer of the licensure authority of such state.

NEW SECTION

WAC 308-18-140 PRIVATE SECURITY GUARD TEMPORARY REGISTRATION CARD—CONDITIONS. A private security guard temporary registration card issued by a private security guard company, as authorized by RCW 18.170.090, shall show, as a minimum, the following information:

- (1) A preprinted number issued by the company.
- (2) Company name.
- (3) Private security guard name.
- (4) Date of issue.
- (5) Date of expiration.
- (6) Name and signature of the certified trainer.

NEW SECTION

WAC 308-18-145 COMMENTS BY CHIEF LAW ENFORCEMENT OFFICERS AND EMPLOYERS. If comments required by RCW 18.170.130(3), are not received by the department within ten working days from the forwarding date, the permanent license for a private security guard shall be issued if he or she is otherwise qualified.

NEW SECTION

WAC 308-18-150 PRIVATE SECURITY GUARD COMPANY, PRIVATE SECURITY GUARD, AND ARMED PRIVATE SECURITY GUARD FEES. The following fees for a one-year period shall be charged by professional licensing services of the department of licensing:

Title of Fee	Fee
Private security guard company:	
Application/examination	\$250.00
Reexamination	25.00
License renewal	250.00
Late renewal with penalty	350.00
Certification	25.00

Title of Fee	Fee
Private security guard:	
Original license	25.00
Certified trainer examination/ reexamination	25.00
License renewal	20.00
Late renewal with penalty	25.00
Certification	25.00
Armed private security guard:	
Original license	15.00
Certified trainer examination/ reexamination	25.00
License renewal	20.00
Late renewal with penalty	25.00
Certification	25.00

NEW SECTION

WAC 308-18-160 EXPIRATION AND RENEWAL OF LICENSES. Licenses issued to private security guards and armed private security guards expire one year from the date of issuance which date will be the renewal date. Licenses issued to private security guard companies expire one year from the date of issuance which date will be the renewal date, except that if the corporation registration or certificate of authority filed with the secretary of state expires, the company license issued to the corporation shall expire on that date. Licenses must be renewed each year on or before the date established herein and a renewal license fee as prescribed by the director in WAC 308-18-150 must be paid.

If the application for a renewal license is not received by the director on or before the renewal date, a penalty fee as prescribed by the director in WAC 308-18-150 shall be paid. Acceptance by the director of an application for renewal after the renewal date shall not be a waiver of the delinquency.

The license of any person whose license renewal fee is not received within one year from the date of expiration shall be cancelled. This person may obtain a new license by satisfying the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

NEW SECTION

WAC 308-18-165 PRIVATE SECURITY GUARD AND ARMED PRIVATE SECURITY GUARD—TERMINATION OF SERVICES. A person licensed as a private security guard or armed private security guard may perform duties and activities as licensed only under the direction and supervision of a licensed company principal and as a representative of such principal. This relationship may be terminated unilaterally by either the company principal or private security guard or armed private security guard. Notice of such termination shall be by the company principal to the director without delay and such notice shall be accompanied by, and include the surrender of, the private

security guard's or armed private security guard's license held by the company. Notice of termination shall be provided by signature of the company principal, or a person authorized by the principal to sign for such principal, on the surrendered license. The termination date shall be the postmark date or date the license is hand delivered to the department. If the license held by the company cannot be surrendered to the department because the license has been lost, the company principal or authorized representative shall complete and submit an affidavit of lost license on a form provided by the department.

NEW SECTION

WAC 308-18-170 INACTIVE LICENSE. (1) Any license issued under chapter 18.170 RCW and not otherwise revoked or suspended shall be deemed "inactive" at any time it is delivered to the director. Until reissued, the holder of an inactive license shall be deemed to be unlicensed.

(2) An inactive license may be placed in an active status upon completion of an application as provided by the director and upon compliance with the rules adopted pursuant to chapter 18.170 RCW.

(3) An inactive license may not be renewed. The inactive license will be cancelled if not activated by the expiration date. To obtain a new license the person must satisfy the procedures and qualifications for initial licensing, including the successful completion of any applicable training and examination requirements.

(4) The provisions of chapter 18.170 RCW relating to the denial, suspension, and revocation of a license shall be applicable to an inactive license as well as an active license, except that when proceedings to suspend or revoke an inactive license have been initiated, the license shall remain inactive until the proceedings have been completed.

**PART C
OFFICE REQUIREMENTS AND LICENSEE'S
RESPONSIBILITIES**

NEW SECTION

WAC 308-18-200 OFFICE IDENTIFICATION. Every private security guard company office shall be identified by displaying the name, visible to the public, of the company name as licensed at the address appearing on the license.

NEW SECTION

WAC 308-18-205 FILING OF LICENSES. Licenses of all private security guards and armed private security guards shall be on file in the office located at the address appearing on the individual license.

NEW SECTION

WAC 308-18-210 CHANGE OF OFFICE LOCATION. The principal of a private security guard company shall notify the department of the change of

location and mailing address of the company office within ten working days by filing a completed change of address application with the department.

NEW SECTION

WAC 308-18-220 LICENSEE'S RESPONSIBILITIES. It is the responsibility of each and every licensee to obtain a copy of and be knowledgeable of and keep current with the rules implementing chapter 18.170 RCW.

NEW SECTION

WAC 308-18-230 COMPLAINT NOTIFICATION. Every licensee shall, within twenty days after service or knowledge thereof, notify the private security guard program manager of any criminal complaint, information, indictment, or conviction (including a plea of guilty or nolo contendere) in which the licensee is named as a defendant.

NEW SECTION

WAC 308-18-240 REQUIRED RECORDS. The minimum records the principal of a private security guard company shall be required to keep are:

- (1) Preassignment training and testing records for each private security guard.
- (2) Prenumbered private security guard temporary registration card ledger showing the number, name, date of issue, date of expiration and date card was forwarded to the director.

These records shall be retained and available for inspection by the director or the director's authorized representative for a minimum of three years.

PART D PREASSIGNMENT TRAINING AND EXAMINATION REQUIREMENTS

NEW SECTION

WAC 308-18-300 MINIMUM PREASSIGNMENT TRAINING AND TESTING REQUIREMENTS. (1) The preassignment training required by RCW 18.170.100, shall include as a minimum:

- (a) Basic security.
 - (i) Role of the security officer.
 - (ii) Typical assignments and tasks.
 - (iii) Observation.
 - (iv) Patrol.
 - (v) Proper actions.
- (b) Legal powers and limitations.
 - (i) Citizens arrest.
 - (ii) Authority to detain, question, or search a private citizen.
 - (iii) Authority to search or seize private property.
 - (iv) Use of force.
 - (v) Relationship with law enforcement.
 - (vi) Avoiding liability.
- (c) Emergency response.
 - (i) How to contact police, fire, and medical response services.
 - (ii) How to define what is or is not an emergency situation.
 - (iii) Response to fires.
 - (iv) Response to medical emergencies.
 - (v) Response to criminal acts.
 - (vi) Assisting emergency services personnel.
 - (vii) Bomb threats.
- (d) Safety and accident prevention.
 - (i) Observation and reporting of unsafe conditions.
 - (ii) Accident hazards.
 - (iii) Fire hazards.
 - (iv) Hazardous materials.
 - (v) Safety rules and regulations.
 - (vi) Accident reporting.
- (e) Report writing.
 - (i) Why write a report.
 - (ii) Elements of a report.
 - (iii) Proper times, names, and location descriptions.
 - (iv) Giving physical descriptions.
 - (v) Fact versus opinion or assumption.
 - (vi) Penmanship.
 - (vii) Changes to a report.
 - (viii) Reports as legal documents.
- (f) Public relations.
 - (i) Public relations skills.
 - (ii) Principles of good communication.
 - (iii) Proper telephone procedure.
 - (iv) Listening.
 - (v) Avoiding confrontation.
 - (vi) Dealing with the media.

(2) The minimum time each private security guard candidate must spend in preassignment training is four hours. The time spent on each required topic may vary providing the time for all required topics totals four hours and the four hours is devoted solely to the topics designated.

(3) All private security guard applicants, after receiving preassignment training and prior to receiving their license, must successfully complete a test designed to demonstrate their understanding and retention of the information learned in the training course. This test shall consist of a minimum of thirty multiple choice questions based on the training topics outlined above. Test results must be verified and signed by a certified trainer. All applicants must answer all questions correctly on the private security guard preassignment training test. Questions incorrectly answered initially must be reviewed to insure the applicant's understanding and then initialed by both the applicant and the certified trainer verifying knowledge of the correct answer(s).

NEW SECTION

WAC 308-18-310 PRIVATE SECURITY GUARD COMPANY PRINCIPAL EXAMINATION REQUIREMENTS. (1) All principals of a company who do not meet the experience requirements required by RCW 18.170.060, must pass an examination demonstrating their knowledge and proficiency in the following areas:

(a) All topics contained in the private security guard preassignment training course.

(b) Washington state law as it applies to private security guard licensing and regulation.

(c) Legal/liability issues related to the private security guard industry.

(d) General security management.

(2) The examination shall consist of a minimum of fifty questions based on information in the above required areas. A score of eighty-five percent must be achieved in order to pass the examination. Applicants who fail to achieve an eighty-five percent score will be required to wait a minimum of seven days before reexamination.

NEW SECTION

WAC 308-18-320. CERTIFICATION OF PREASSIGNMENT TRAINING TRAINERS. An individual must successfully score at least eighty-five percent on the agency principal examination to become a certified trainer. Individuals who fail to obtain an eighty-five percent score will be required to wait a minimum of seven days before reexamination. There is no limit on the number of certified trainers an individual private security guard company may have certified.

**WSR 91-22-113
PERMANENT RULES
LOTTERY COMMISSION
[Filed November 6, 1991, 4:26 p.m.]**

Date of Adoption: November 1, 1991.

Purpose: To amend the definitions for Instant Game No. 68 (Mistledough); to establish the game play rules and criteria for determining winners of Instant Game No. 72 (Moolah Moolah).

Citation of Existing Rules Affected by this Order: Amending WAC 315-11-680.

Statutory Authority for Adoption: RCW 67.70.040.

Pursuant to notice filed as WSR 91-19-108 on September 18, 1991.

Changes Other than Editing from Proposed to Adopted Version: Proposed WAC 315-11-710, 315-11-711, and 315-11-712 were withdrawn on October 30, 1991.

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

November 1, 1991

Evelyn Y. Sun
Director

AMENDATORY SECTION (Amending WSR 91-15-037, filed 7/16/91, effective 8/16/91)

WAC 315-11-680 DEFINITIONS FOR INSTANT GAME NUMBER 68 ("MISTLEDOUGH").

(1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$14.00"; "\$24.00"; "\$40.00"; "\$80.00"; and "\$5,000." One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and

correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under each play symbol. For Instant Game Number 68, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$14.00	FORTEEN
\$24.00	TTF DOL
\$40.00	\$FORTY\$
\$80.00	\$EIGHTY
\$5,000	FIVTHOU

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered by latex covering.

(4) Pack-ticket number: The eleven-digit number of the form 06800001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 68 constitute the "pack number" which starts at 06800001; the last three digits constitute the "ticket number" which starts at 000 and continues through ((399)) 199 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 or less. For Instant Game Number 68, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
EGT	\$8.00
FRN	\$14.00
TTF	\$24.00

(6) Pack: A set of ((four)) two hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-720 DEFINITIONS FOR INSTANT GAME NUMBER 72 ("MOOLAH MOOLAH"). (1) Play symbols: The following are the "play symbols": "\$1.00"; "\$2.00"; "\$4.00"; "\$8.00"; "\$40.00"; "\$5,000"; and "M". One of these play symbols appears in each of the six play spots under the latex covering on the front of the ticket.

(2) Play symbol captions: The small printed characters appearing below each play symbol which verify and correspond with that play symbol. The caption is a spelling out, in full or abbreviated form of the play symbol. One and only one of these captions appears under

each play symbol. For Instant Game Number 72, the captions which correspond with and verify the play symbols are:

<u>PLAY SYMBOL</u>	<u>CAPTION</u>
\$1.00	ONE DOL
\$2.00	TWO DOL
\$4.00	FOR DOL
\$8.00	EGT DOL
\$40.00	\$FORTY\$
\$5,000	FIVTHOU
☞	COW

(3) Validation number: The unique nine-digit number on the front of the ticket. The number is covered with latex.

(4) Pack-ticket number: The eleven-digit number of the form 07200001-000 printed on the front of the ticket. The first three digits are the game identifier. The first eight digits of the pack-ticket number for Instant Game Number 72 constitute the "pack number" which starts at 07200001; the last three digits constitute the "ticket number" which starts at 000 and continues through 399 within each pack of tickets.

(5) Retailer verification codes: Codes consisting of small letters found under the removable latex covering on the front of the ticket which the lottery retailer uses to verify instant winners of \$25 and less. For Instant Game Number 72, the retailer verification codes are three-letter codes, with each letter appearing in a varying three of six locations among the play symbols on the front of the ticket. The retailer verification codes are:

<u>VERIFICATION CODE</u>	<u>PRIZE</u>
ONE	\$1.00
TWO	\$2.00
FOR	\$4.00
EGT	\$8.00
SXT	\$16.00

(6) Pack: A set of four hundred fanfolded instant game tickets separated by perforations and packaged in plastic shrinkwrapping.

NEW SECTION

WAC 315-11-721 CRITERIA FOR INSTANT GAME NUMBER 72. (1) The price of each instant game ticket shall be \$1.00.

(2) Determination of prize winning tickets: An instant prize winner is determined in the following manner:

(a) The bearer of a ticket having the following play symbols in any three of the six spots beneath the removable covering on the front of the ticket shall win the following prize:

Three	\$1.00 play symbols	- Win	\$1.00
Two	\$1.00 play symbols and one ☞	- Win	\$2.00
Three	\$2.00 play symbols	- Win	\$2.00
Two	\$2.00 play symbols and one ☞	- Win	\$4.00
Two	\$4.00 play symbols and one ☞	- Win	\$8.00
Three	\$8.00 play symbols	- Win	\$8.00
Two	\$8.00 play symbols and one ☞	- Win	\$16.00
Three	\$40.00 play symbols	- Win	\$40.00
Two	\$40.00 play symbols and one ☞	- Win	\$80.00
Three	\$5000.00 play symbols	- Win	\$5000.00

(b) Only the highest instant prize amount meeting the standards of (a) of this subsection will be paid on a given ticket.

(3) No portion of the display printing nor any extraneous matter whatever shall be usable or playable as a part of the instant game.

(4) The determination of prize winners shall be subject to the general ticket validation requirements of the lottery as set forth in WAC 315-10-070, to the particular ticket validation requirements for Instant Game Number 72 set forth in WAC 315-11-722, to the confidential validation requirements established by the director, and to the requirements stated on the back of each ticket.

(5) Notwithstanding any other provisions of these rules, the director may:

(a) Vary the length of Instant Game Number 72; and/or

(b) Vary the number of tickets sold in Instant Game Number 72 in a manner that will maintain the estimated average odds of purchasing a winning ticket.

NEW SECTION

WAC 315-11-722 TICKET VALIDATION REQUIREMENTS FOR INSTANT GAME NUMBER 72. (1) In addition to meeting all other requirements in these rules and regulations, to be a valid instant game ticket for Instant Game Number 72 all of the following validation requirements apply.

(a) Exactly one play symbol must appear under each of the six play spots under the latex covering on the front of the ticket.

(b) Each of the six play symbols must have a caption below it, and each must agree with its caption.

(c) The display printing and the printed numbers, letters, and symbols on the ticket must be regular in every respect and correspond precisely with the artwork on file with the director. The numbers, letters, and symbols shall be printed as follows:

Play Symbols	Play Symbol Font
Captions	Caption Font
Pack-Ticket Number	Validation Font
Validation Number	Validation Font
Retail Verification Code	Validation Font

(d) Each of the play symbols and its caption, the validation number, pack-ticket number and retailer verification code must be printed in black ink.

(e) Each of the play symbols must be exactly one of those described in WAC 315-11-720(1) and each of the captions must be exactly one of those described in WAC 315-11-720(2).

(2) Any ticket not passing all the validation requirements in WAC 315-10-070 and subsection (1) of this section is invalid and ineligible for any prize.

WSR 91-22-114
PERMANENT RULES
LIQUOR CONTROL BOARD
[Filed November 6, 1991, 4:43 p.m.]

Date of Adoption: November 6, 1991.

Purpose: To set forth the criteria for submitting affidavits of ownership, financial interests or other interests when making applications for licenses or complying with requests for information from the Liquor Control Board.

Citation of Existing Rules Affected by this Order: Amending WAC 314-12-035.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 91-19-097 on September 18, 1991.

Effective Date of Rule: Thirty days after filing.

November 6, 1991

Paula O'Connor

Chairman

AMENDATORY SECTION (Amending Order 99, Resolution No. 108, filed 1/27/82)

WAC 314-12-035 FURNISHING OF INFORMATION AND/OR DOCUMENTATION TO THE BOARD((=OATH REQUIRED=FORM OF AFFIDAVIT)). (1) In order to facilitate the administration and/or enforcement of RCW 66.24.010, licensees, applicants for licenses, or the agents or representatives thereof, upon request by the board, furnish to the board copies of all documents affecting the ownership and/or proposed operation of the premises licensed or sought to be licensed. These documents ((shall be furnished)) may be required with the original license application, with any application for transfer of license, and at such other times as may be requested by the board. Licensees, applicants for licenses, or the agents or representatives thereof, shall furnish along with these documents a signed written summary of any oral agreements which affect the ownership and/or proposed operation of the premises licensed, or sought to be licensed. Failure or refusal to furnish said requested documentation will be good and sufficient cause for denial of any application in support of which the documentation was requested, and will be good and sufficient cause for revocation of any license held by a licensee who fails or refuses to furnish the said requested documentation.

(2) Written information and/or documentation requested by the board from any person for the purpose of administering and/or enforcing RCW 66.24.010 ((shall be submitted to the board along with an affidavit in the form provided in subsection (3) or (4) hereof, whichever is appropriate)), any person furnishing written information and/or documentation requested by the board may be required to submit an affidavit on a form prescribed by the board, which shall be signed by the person submitting the information, given under oath subject to the penalties of perjury, and certifying that all information and/or documentation being furnished is true, accurate and complete.

((3) Where the person furnishing information and/or documentation to the board is a licensee, an applicant for a license, or the agent or representative of such a licensee or applicant, the affidavit referenced in subsection (2) above shall be in the following form:

"AFFIDAVIT OF LICENSEE, APPLICANT FOR LICENSE OR AGENT OR REPRESENTATIVE THEREOF, CONCERNING DOCUMENTATION OF OWNERSHIP INTERESTS IN LICENSED PREMISES AND/OR BUSINESS

I, _____, having been duly sworn upon oath depose and say:

That I have read the following specifically identified application and/or documents which are herewith submitted by me to the board through its authorized representative for the purpose of inducing official action by the board:

(List application by date and documents by type and date)

That I am authorized to submit the application and/or documents on behalf of the licensee or applicant for a license, as the case may be.

That to the best of my knowledge all of the information on said specifically identified application and/or documents is true, accurate and complete.

That there are no oral agreements of any kind whatsoever which modify the provisions of the said specifically identified application and/or documents other than those which are fully disclosed in the said application and/or documents.

That the true identity of all persons or other entities who do, or will, have an interest in the business licensed, or sought to be licensed, have been fully disclosed to the board; all such interests being fully described in the said application and/or documents whether such interests result from open loans, mortgages, conditional sales contracts, silent partnerships, trusts, or from any other source whatsoever except open trade accounts incurred in the ordinary course of business.

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C Felony) for a person, with intent to mislead a public servant in the performance of his duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name _____

Title _____

- Sole Proprietor;
Corporate Officer
Shareholder, Partner;
Manager, Agent, Etc.

Date _____

SUBSCRIBED AND SWORN TO Before me this ____ day of _____ 1981.

Notary Public in and for
the state of _____
residing at _____.

(4) Where the person furnishing information and/or documentation to the board is some person other than a licensee or applicant for a license, and the person is not acting as the agent or representative of such a licensee or applicant, the affidavit referenced in subsection (2) above shall be in the following form:

~~^~~ AFFIDAVIT OF PERSON OTHER THAN A LICENSEE, OR APPLICANT FOR A LICENSE, RELATING TO INFORMATION AND/OR DOCUMENTATION FURNISHED TO THE BOARD

I, _____, having been duly sworn upon oath depose and say:

That I have read the following specifically identified documents which are herewith submitted by me to the board through its authorized representative for the purpose of inducing official action by the board:

(List documents by type and date)

That to the best of my knowledge all of the information on said specifically identified documents is true, accurate and complete.

That there are no oral agreements of any kind whatsoever which modify the provisions of the said specifically identified documents other than those which are fully disclosed in the said specifically identified documents.

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C Felony) for a person, with intent to mislead a public servant in the performance of his duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name _____

Title _____

Sole Proprietor,
Corporate Officer
Shareholder, Partner,
Manager, Agent, Etc.

Date _____

SUBSCRIBED AND SWORN TO Before me this ____ day of _____ 1981.

Notary Public in and for
the state of _____
residing at _____.

(5) For the purpose of effectively obtaining information concerning any matter relating to the administration or enforcement of Title 66 RCW, any person providing books, records, or other documents to a person

appointed in writing by the board pursuant to RCW 66.08.130 and 66.08.140 for the purposes specified in those statutes, shall provide the board at the same time with an affidavit in the following form:

~~^~~ AFFIDAVIT OF PERSON PROVIDING BOOKS, RECORDS OR OTHER DOCUMENTS FOR INSPECTION BY THE BOARD PURSUANT TO RCW 66.08.130 OR 66.08.140

I, _____, having been duly sworn upon oath depose and say:

That I have produced the following specifically identified books, records and other documents for inspection by the board, through its authorized representative, in compliance with RCW 66.08.130 and/or 66.08.140:

(List books, records or other documents by type and date)

That I am aware of no other books, records or documents which come within the purview of the request made for production under RCW 66.08.130 or 66.08.140 other than those which have been produced, except the following:

(Insert "none" or describe the other books, records or documents)

That to the best of my knowledge all of the documents which I have provided to the authorized representative of the board are true, correct, and complete, except the following:

(Insert "none" or identify specific documents and describe in what manner they are untrue, incorrect, or incomplete)

That to the best of my knowledge there are no oral agreements of any kind whatsoever which modify the provisions of any of the books, records and/or other documents produced by me other than those which are summarized below:

(Insert "none" or summarize each and every such oral agreement)

That I am aware that RCW 9A.72.030 provides that it is a crime (Class C Felony) for a person, with intent to mislead a public servant in the performance of his

duty, to make under an oath required or authorized by law a materially false statement, knowing it to be false.

Name _____

Title _____

Sole Proprietor,
Corporate Officer
Shareholder, Partner,
Manager, Agent, Etc.

Date _____

SUBSCRIBED AND SWORN TO Before me this ___ day of _
1981.

Notary Public in and for
the state of _____
residing at _____.)

WSR 91-22-115

**NOTICE OF PUBLIC MEETINGS
LIQUOR CONTROL BOARD**

[Memorandum—November 6, 1991]

The Washington State Liquor Control Board will meet in public session on Monday, December 23, and Monday, December 30, 1991. The board normally meets in public session each Wednesday, but due to the holidays, the change to a Monday schedule will be made for those two weeks. The public meetings will commence at 9:30 a.m. both days. Staff meetings will begin at 1:30 on those Mondays rather than their normal time on Tuesdays.

Table of WAC Sections Affected

KEY TO TABLE

Symbols:

- AMD = Amendment of existing section
- A/R = Amending and recodifying a section
- DECOD = Decodification of an 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
- RECOD = Recodification of previously codified section
- REP = Repeal of existing section
- RESCIND = Rescind previous emergency rule
- REVIEW = Review of 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.

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1-08-005	REP-P	91-06-067	1-08-250	REP-P	91-06-067	1-08-500	REP-P	91-06-067
1-08-005	REP	91-10-010	1-08-250	REP	91-10-010	1-08-500	REP	91-10-010
1-08-007	REP-P	91-06-067	1-08-260	REP-P	91-06-067	1-08-510	REP-P	91-06-067
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1-08-030	REP	91-10-010	1-08-280	REP	91-10-010	1-08-530	REP	91-10-010
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1-08-040	REP	91-10-010	1-08-290	REP	91-10-010	1-08-540	REP	91-10-010
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1-08-070	REP-P	91-06-067	1-08-320	REP-P	91-06-067	1-08-570	REP-P	91-06-067
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1-08-080	REP	91-10-010	1-08-330	REP	91-10-010	1-08-580	REP	91-10-010
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1-08-190	REP	91-10-010	1-08-440	REP	91-10-010	16-08-041	NEW-P	91-20-177
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Table of WAC Sections Affected

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16-557-040	NEW-E	91-08-021	36-12-150	AMD	91-11-038	36-12-470	REP-P	91-05-032
16-557-040	NEW	91-09-003	36-12-160	AMD-P	91-05-032	36-12-470	REP	91-11-038
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16-557-041	NEW	91-09-003	36-12-170	AMD-P	91-05-032	36-12-480	REP	91-11-038
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16-674-040	NEW	91-16-005	36-12-270	AMD	91-11-038	50-20-055	REP-P	91-18-079
16-674-050	NEW-P	91-13-106	36-12-280	AMD-P	91-05-032	50-20-055	REP	91-22-035
16-674-050	NEW	91-16-005	36-12-280	AMD	91-11-038	50-20-060	REP-P	91-18-079
16-694-020	NEW-P	91-13-106	36-12-290	AMD-P	91-05-032	50-20-060	REP	91-22-035
16-694-020	NEW	91-16-005	36-12-290	AMD	91-11-038	50-20-070	REP-P	91-18-079
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16-752-310	RE-AD	91-03-045	36-12-350	AMD-P	91-05-032	50-20-120	NEW	91-22-035
16-752-315	AMD	91-03-045	36-12-350	AMD	91-11-038	50-20-130	NEW-P	91-18-079
16-752-320	RE-AD	91-03-045	36-12-360	AMD-P	91-05-032	50-20-130	NEW	91-22-035
16-752-325	REP	91-03-045	36-12-360	AMD	91-11-038	50-20-140	NEW-P	91-18-079
16-752-330	AMD	91-03-045	36-12-365	NEW-P	91-05-032	50-20-140	NEW	91-22-035
36-12	AMD-P	91-05-032	36-12-365	NEW	91-11-038	50-20-150	NEW-P	91-18-079
36-12	AMD	91-11-038	36-12-367	NEW-P	91-05-032	50-20-150	NEW	91-22-035
36-12-010	AMD-P	91-05-032	36-12-367	NEW	91-11-038	50-20-160	NEW-P	91-18-079
36-12-010	AMD	91-11-038	36-12-370	AMD-P	91-05-032	50-20-160	NEW	91-22-035
36-12-011	AMD-P	91-05-032	36-12-370	AMD	91-11-038	50-20-170	NEW-P	91-18-079
36-12-011	AMD	91-11-038	36-12-380	REP-P	91-05-032	50-20-170	NEW	91-22-035
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36-12-020	AMD	91-11-038	36-12-385	NEW-P	91-05-032	50-20-180	NEW	91-22-035
36-12-030	AMD-P	91-05-032	36-12-385	NEW	91-11-038	50-20-190	NEW	91-22-035
36-12-030	AMD	91-11-038	36-12-390	REP-P	91-05-032	50-20-200	NEW	91-22-035
36-12-040	AMD-P	91-05-032	36-12-390	REP	91-11-038	50-30-010	NEW-P	91-20-176
36-12-040	AMD	91-11-038	36-12-400	AMD-P	91-05-032	50-30-020	NEW-P	91-20-176
36-12-050	AMD-P	91-05-032	36-12-400	AMD	91-11-038	50-30-030	NEW-P	91-20-176
36-12-050	AMD	91-11-038	36-12-410	AMD-P	91-05-032	50-30-040	NEW-P	91-20-176
36-12-060	AMD-P	91-05-032	36-12-410	AMD	91-11-038	50-30-050	NEW-P	91-20-176
36-12-060	AMD	91-11-038	36-12-415	NEW-P	91-05-032	50-30-060	NEW-P	91-20-176
36-12-070	AMD-P	91-05-032	36-12-415	NEW	91-11-038	50-30-070	NEW-P	91-20-176
36-12-070	AMD	91-11-038	36-12-420	REP-P	91-05-032	50-30-080	NEW-P	91-20-176
36-12-080	AMD-P	91-05-032	36-12-420	REP	91-11-038	50-30-090	NEW-P	91-20-176
36-12-080	AMD	91-11-038	36-12-425	NEW-P	91-05-032	50-30-100	NEW-P	91-20-176
36-12-090	REP-P	91-05-032	36-12-425	NEW	91-11-038	50-30-110	NEW-P	91-20-176
36-12-090	REP	91-11-038	36-12-430	REP-P	91-05-032	50-44-005	NEW-P	91-15-102
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106-72-025	AMD-E 91-22-060	113-12-200	DECOD 91-05-095	131-16-065	AMD 91-13-048
106-72-130	AMD-P 91-22-058	113-12-210	DECOD 91-05-095	131-16-066	AMD-P 91-09-036
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106-72-220	AMD-E 91-22-060	113-12-300	DECOD 91-05-095	131-16-069	REP-P 91-09-036
106-72-400	AMD-P 91-22-058	113-12-310	DECOD 91-05-095	131-16-069	REP-E 91-12-030
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106-72-490	AMD-P 91-22-058	113-12-350	DECOD 91-05-095	131-16-080	AMD-P 91-15-094
106-72-490	AMD-E 91-22-060	114-12-011	DECOD 91-05-026	131-16-080	AMD 91-21-009
106-72-510	AMD-P 91-22-058	114-12-021	DECOD 91-05-026	131-16-091	AMD-P 91-15-094
106-72-510	AMD-E 91-22-060	114-12-031	DECOD 91-05-026	131-16-091	AMD 91-21-009
106-72-520	AMD-P 91-22-058	114-12-041	DECOD 91-05-026	131-16-092	AMD-P 91-15-094
106-72-520	AMD-E 91-22-060	114-12-115	DECOD 91-05-026	131-16-092	AMD 91-21-009
106-72-530	AMD-P 91-22-058	114-12-126	DECOD 91-05-026	131-16-093	AMD-P 91-15-094
106-72-530	AMD-E 91-22-060	114-12-132	DECOD 91-05-026	131-16-093	AMD 91-21-009
106-72-540	AMD-P 91-22-058	114-12-136	DECOD 91-05-031	131-16-094	AMD-P 91-15-094
106-72-540	AMD-E 91-22-060	114-12-150	DECOD 91-05-026	131-16-094	AMD 91-21-009
106-72-550	AMD-P 91-22-058	114-12-155	DECOD 91-05-026	131-16-095	NEW-P 91-15-094
106-72-550	AMD-E 91-22-060	114-12-164	DECOD 91-05-026	131-16-095	NEW 91-21-009
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113-10-100	DECOD 91-05-095	131-16-031	NEW 91-13-048	132H-160-220	REP-P 91-15-050
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113-12-010	DECOD 91-05-095	131-16-040	AMD-E 91-12-030	132H-160-220	REP 91-20-038
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113-12-080	DECOD 91-05-095	131-16-050	AMD-P 91-09-036	132H-160-230	REP-P 91-15-050
113-12-085	DECOD 91-05-095	131-16-050	AMD-E 91-12-030	132H-160-230	REP-W 91-15-058
113-12-087	DECOD 91-05-095	131-16-050	AMD 91-13-048	132H-160-230	REP 91-20-038
113-12-101	DECOD 91-05-095	131-16-055	NEW-P 91-09-036	132H-160-240	REP-P 91-15-020
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113-12-103	DECOD 91-05-095	131-16-055	NEW 91-13-048	132H-160-240	REP-W 91-15-058
113-12-104	DECOD 91-05-095	131-16-060	AMD-P 91-09-036	132H-160-240	REP 91-20-038
113-12-115	DECOD 91-05-095	131-16-060	AMD-E 91-12-030	132H-160-250	REP-P 91-15-020
113-12-120	DECOD 91-05-095	131-16-060	AMD 91-13-048	132H-160-250	REP-P 91-15-050
113-12-150	DECOD 91-05-095	131-16-061	AMD-P 91-09-036	132H-160-250	REP-W 91-15-058
113-12-165	DECOD 91-05-095	131-16-061	AMD-E 91-12-030	132H-160-250	REP 91-20-038
113-12-170	DECOD 91-05-095	131-16-061	AMD 91-13-048	132H-160-260	AMD-P 91-15-020
113-12-175	DECOD 91-05-095	131-16-062	NEW-P 91-09-036	132H-160-260	AMD-P 91-15-050
113-12-180	DECOD 91-05-095	131-16-062	NEW-E 91-12-030	132H-160-260	AMD-W 91-15-058
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139-30-020	NEW-P	91-22-068	173-19-3209	AMD	91-04-070	173-183-230	NEW-P	91-22-108
139-30-025	NEW-P	91-22-068	173-19-3210	AMD	91-04-071	173-183-240	NEW-P	91-22-108
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154-300-010	NEW	91-05-084	173-160-040	AMD-E	91-12-041	173-183-440	NEW-P	91-22-108
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154-300-020	NEW	91-05-084	173-160-040	AMD-C	91-19-109	173-183-460	NEW-P	91-22-108
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154-300-040	NEW-P	91-02-098	173-166	AMD	91-03-081	173-183-600	NEW-P	91-22-108
154-300-040	NEW	91-05-084	173-166-010	AMD	91-03-081	173-183-610	NEW-P	91-22-108
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172-190-020	AMD-P	91-21-108	173-181-030	NEW	91-22-087	173-201-025	REP-W	91-10-048
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172-190-035	AMD-P	91-21-108	173-181-035	NEW	91-22-087	173-201-035	REP-P	91-09-056
172-190-040	AMD-P	91-21-108	173-181-040	NEW-P	91-14-110	173-201-035	REP-W	91-10-048
172-190-050	AMD-P	91-21-108	173-181-040	NEW	91-22-087	173-201-035	REP-P	91-11-089
172-190-060	AMD-P	91-21-108	173-181-045	NEW-P	91-14-110	173-201-045	REP-P	91-09-056
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172-190-090	AMD-P	91-21-108	173-181-050	NEW	91-22-087	173-201-047	REP-P	91-09-056
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173-19-120	AMD-P	91-14-054	173-181-070	NEW	91-22-087	173-201-080	REP-P	91-09-056
173-19-120	AMD-W	91-22-024	173-181-075	NEW-P	91-14-110	173-201-080	REP-W	91-10-048
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173-19-220	AMD	91-18-081	173-181-080	NEW	91-22-087	173-201-085	REP-W	91-10-048
173-19-2207	AMD-P	91-03-144	173-181-085	NEW-P	91-14-110	173-201-085	REP-P	91-11-089
173-19-2207	AMD	91-12-053	173-181-085	NEW	91-22-087	173-201-090	REP-P	91-09-056
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173-19-250	AMD	91-03-149	173-181-090	NEW	91-22-087	173-201-090	REP-P	91-11-089
173-19-2516	AMD-P	91-14-053	173-181-092	NEW-P	91-14-110	173-201-100	REP-P	91-09-056
173-19-2516	AMD-C	91-20-127	173-181-092	NEW	91-22-087	173-201-100	REP-W	91-10-048
173-19-2519	AMD-W	91-12-036	173-181-094	NEW-P	91-14-110	173-201-100	REP-P	91-11-089
173-19-2601	AMD-P	91-17-082	173-181-094	NEW	91-22-087	173-201-110	REP-P	91-09-056
173-19-2601	AMD-C	91-19-030	173-181-096	NEW-P	91-14-110	173-201-110	REP-W	91-10-048
173-19-280	AMD-P	91-03-141	173-181-096	NEW	91-22-087	173-201-110	REP-P	91-11-089
173-19-280	AMD-W	91-11-088	173-181-098	NEW-P	91-14-110	173-201-120	REP-P	91-09-056
173-19-280	AMD-P	91-14-100	173-181-098	NEW	91-22-087	173-201-120	REP-W	91-10-048
173-19-280	AMD	91-22-021	173-183-010	NEW-P	91-22-108	173-201-120	REP-P	91-11-089
173-19-3203	AMD	91-03-147	173-183-020	NEW-P	91-22-108	173-202-020	AMD-E	91-17-006
173-19-3204	AMD-P	91-14-052	173-183-030	NEW-P	91-22-108	173-203-010	NEW-P	91-09-056
173-19-3204	AMD	91-22-023	173-183-100	NEW-P	91-22-108	173-203-010	NEW-W	91-10-048
173-19-3205	AMD	91-03-146	173-183-200	NEW-P	91-22-108	173-203-010	NEW-P	91-11-089

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173-203-020	NEW-W 91-10-048	173-204-590	NEW 91-08-019	173-303-550	AMD 91-07-005
173-203-020	NEW-P 91-11-089	173-204-600	NEW 91-08-019	173-303-560	RE-AD 91-07-005
173-203-030	NEW-P 91-09-056	173-204-610	NEW 91-08-019	173-303-600	AMD 91-07-005
173-203-030	NEW-W 91-10-048	173-204-620	NEW 91-08-019	173-303-610	AMD 91-07-005
173-203-030	NEW-P 91-11-089	173-224	PREP 91-15-106	173-303-620	AMD 91-07-005
173-203-040	NEW-P 91-09-056	173-224-015	AMD-P 91-03-080	173-303-630	AMD 91-07-005
173-203-040	NEW-W 91-10-048	173-224-015	AMD-W 91-11-047	173-303-645	AMD 91-07-005
173-203-040	NEW-P 91-11-089	173-224-015	AMD-P 91-19-083	173-303-650	RE-AD 91-07-005
173-203-050	NEW-P 91-09-056	173-224-020	AMD-P 91-19-083	173-303-680	NEW 91-07-005
173-203-050	NEW-W 91-10-048	173-224-030	AMD-P 91-03-080	173-303-800	AMD 91-07-005
173-203-050	NEW-P 91-11-089	173-224-030	AMD-W 91-11-047	173-303-802	AMD 91-07-005
173-203-060	NEW-P 91-09-056	173-224-030	AMD-P 91-19-083	173-303-805	AMD 91-07-005
173-203-060	NEW-W 91-10-048	173-224-040	AMD-P 91-03-080	173-303-806	AMD 91-07-005
173-203-060	NEW-P 91-11-089	173-224-040	AMD-W 91-11-047	173-303-807	AMD 91-07-005
173-203-070	NEW-P 91-09-056	173-224-040	AMD-P 91-19-083	173-303-808	AMD 91-07-005
173-203-070	NEW-W 91-10-048	173-224-050	AMD-P 91-03-080	173-303-810	AMD 91-07-005
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173-203-090	NEW-W 91-10-048	173-224-100	AMD-P 91-19-083	173-303-9907	AMD 91-07-005
173-203-090	NEW-P 91-11-089	173-224-120	AMD-P 91-19-083	173-305-010	REP-E 91-03-139
173-203-100	NEW-P 91-09-056	173-230-090	AMD 91-13-058	173-305-010	AMD 91-08-040
173-203-100	NEW-W 91-10-048	173-270-010	NEW-P 91-04-091	173-305-01001	NEW-E 91-03-139
173-203-100	NEW-P 91-11-089	173-270-010	NEW 91-11-091	173-305-015	REP-E 91-03-139
173-203-110	NEW-P 91-09-056	173-270-020	NEW-P 91-04-091	173-305-015	AMD 91-08-040
173-203-110	NEW-W 91-10-048	173-270-020	NEW 91-11-091	173-305-01501	NEW-E 91-03-139
173-203-110	NEW-P 91-11-089	173-270-030	NEW-P 91-04-091	173-305-020	REP-E 91-03-139
173-203-120	NEW-P 91-09-056	173-270-030	NEW 91-11-091	173-305-020	AMD 91-08-040
173-203-120	NEW-W 91-10-048	173-270-040	NEW-P 91-04-091	173-305-02001	NEW-E 91-03-139
173-203-120	NEW-P 91-11-089	173-270-040	NEW 91-11-091	173-305-030	REP-E 91-03-139
173-203-130	NEW-P 91-09-056	173-270-050	NEW-P 91-04-091	173-305-030	AMD 91-08-040
173-203-130	NEW-W 91-10-048	173-270-050	NEW 91-11-091	173-305-03001	NEW-E 91-03-139
173-203-130	NEW-P 91-11-089	173-270-060	NEW-P 91-04-091	173-305-040	REP-E 91-03-139
173-203-140	NEW-P 91-09-056	173-270-060	NEW 91-11-091	173-305-040	AMD 91-08-040
173-203-140	NEW-W 91-10-048	173-270-070	NEW-P 91-04-091	173-305-04001	NEW-E 91-03-139
173-203-140	NEW-P 91-11-089	173-270-070	NEW 91-11-091	173-305-050	REP-E 91-03-139
173-203-150	NEW-P 91-09-056	173-270-080	NEW-P 91-04-091	173-305-050	AMD 91-08-040
173-203-150	NEW-W 91-10-048	173-270-080	NEW 91-11-091	173-305-05001	NEW-E 91-03-139
173-203-150	NEW-P 91-11-089	173-270-090	NEW-P 91-04-091	173-305-060	REP-E 91-03-139
173-203-160	NEW-P 91-09-056	173-270-090	NEW 91-11-091	173-305-06001	NEW-E 91-03-139
173-203-160	NEW-W 91-10-048	173-270-100	NEW-P 91-04-091	173-305-070	REP-E 91-03-139
173-203-160	NEW-P 91-11-089	173-270-100	NEW 91-11-091	173-305-07001	NEW-E 91-03-139
173-203-170	NEW-P 91-09-056	173-300-070	AMD-P 91-09-053	173-305-080	REP-E 91-03-139
173-203-170	NEW-W 91-10-048	173-300-070	AMD 91-12-040	173-305-090	REP-E 91-03-139
173-203-170	NEW-P 91-11-089	173-303	PREP 91-15-105	173-305-110	NEW 91-08-040
173-203-180	NEW-P 91-09-056	173-303-016	AMD 91-07-005	173-305-120	NEW 91-08-040
173-203-180	NEW-W 91-10-048	173-303-017	AMD 91-07-005	173-305-210	NEW 91-08-040
173-203-180	NEW-P 91-11-089	173-303-040	AMD 91-07-005	173-305-220	NEW 91-08-040
173-204	NEW-C 91-03-094	173-303-045	AMD 91-07-005	173-305-230	NEW 91-08-040
173-204	NEW-C 91-06-098	173-303-070	AMD 91-07-005	173-305-240	NEW 91-08-040
173-204-100	NEW 91-08-019	173-303-071	AMD 91-07-005	173-307-010	NEW 91-08-041
173-204-110	NEW 91-08-019	173-303-072	AMD 91-07-005	173-307-010	AMD-P 91-14-099
173-204-120	NEW 91-08-019	173-303-081	AMD 91-07-005	173-307-010	AMD 91-20-131
173-204-130	NEW 91-08-019	173-303-084	AMD 91-07-005	173-307-015	NEW 91-08-041
173-204-200	NEW 91-08-019	173-303-090	AMD 91-07-005	173-307-015	AMD-P 91-14-099
173-204-300	NEW 91-08-019	173-303-103	AMD 91-07-005	173-307-015	AMD 91-20-131
173-204-310	NEW 91-08-019	173-303-110	AMD 91-07-005	173-307-020	NEW 91-08-041
173-204-315	NEW 91-08-019	173-303-120	AMD 91-07-005	173-307-020	AMD-P 91-14-099
173-204-320	NEW 91-08-019	173-303-145	AMD 91-07-005	173-307-020	AMD 91-20-131
173-204-330	NEW 91-08-019	173-303-160	AMD 91-07-005	173-307-030	NEW 91-08-041
173-204-340	NEW 91-08-019	173-303-200	AMD 91-07-005	173-307-030	AMD-P 91-14-099
173-204-350	NEW 91-08-019	173-303-201	AMD 91-07-005	173-307-030	AMD 91-20-131
173-204-400	NEW 91-08-019	173-303-210	AMD 91-07-005	173-307-040	NEW 91-08-041
173-204-410	NEW 91-08-019	173-303-220	AMD 91-07-005	173-307-040	AMD-P 91-14-099
173-204-415	NEW 91-08-019	173-303-230	AMD 91-07-005	173-307-040	AMD 91-20-131
173-204-420	NEW 91-08-019	173-303-320	AMD 91-07-005	173-307-050	NEW 91-08-041
173-204-500	NEW 91-08-019	173-303-360	AMD 91-07-005	173-307-060	NEW 91-08-041
173-204-510	NEW 91-08-019	173-303-380	AMD 91-07-005	173-307-060	AMD-P 91-14-099
173-204-520	NEW 91-08-019	173-303-390	AMD 91-07-005	173-307-060	AMD 91-20-131
173-204-530	NEW 91-08-019	173-303-400	AMD 91-07-005	173-307-070	NEW 91-08-041
173-204-540	NEW 91-08-019	173-303-500	AMD 91-07-005	173-307-070	AMD-P 91-14-099
173-204-550	NEW 91-08-019	173-303-510	RE-AD 91-07-005	173-307-070	AMD 91-20-131
173-204-560	NEW 91-08-019	173-303-515	RE-AD 91-07-005	173-307-080	NEW 91-08-041
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173-307-100	NEW	91-08-041	173-360-385	AMD	91-22-020	173-405-045	AMD	91-05-064
173-307-110	NEW	91-08-041	173-360-390	AMD-P	91-17-079	173-405-061	AMD	91-05-064
173-307-120	NEW	91-08-041	173-360-390	AMD	91-22-020	173-405-072	AMD	91-05-064
173-307-130	NEW	91-08-041	173-360-395	AMD-P	91-17-079	173-405-077	AMD	91-05-064
173-307-140	NEW	91-08-041	173-360-395	AMD	91-22-020	173-405-078	AMD	91-05-064
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173-312-030	AMD	91-11-090	173-360-473	AMD	91-22-020	173-410-012	AMD	91-05-064
173-312-040	AMD	91-11-090	173-360-480	AMD-P	91-17-079	173-410-021	AMD	91-05-064
173-312-050	AMD	91-11-090	173-360-480	AMD	91-22-020	173-410-035	AMD	91-05-064
173-312-060	NEW	91-11-090	173-360-610	AMD-P	91-17-079	173-410-040	AMD	91-05-064
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173-312-080	NEW	91-11-090	173-360-620	NEW-W	91-04-022	173-410-045	AMD	91-05-064
173-312-090	NEW	91-11-090	173-360-630	AMD-P	91-17-079	173-410-062	AMD	91-05-064
173-312-100	NEW	91-11-090	173-360-630	AMD	91-22-020	173-410-067	AMD	91-05-064
173-319	PREP	91-10-032	173-360-650	AMD-P	91-17-079	173-410-071	AMD	91-05-064
173-331-010	NEW	91-05-020	173-360-650	AMD	91-22-020	173-410-086	AMD	91-05-064
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173-331-200	NEW	91-05-020	173-360-655	AMD	91-22-020	173-410-100	NEW	91-05-064
173-331-210	NEW	91-05-020	173-360-695	NEW-P	91-17-079	173-415-010	AMD	91-05-064
173-331-220	NEW	91-05-020	173-360-695	NEW	91-22-020	173-415-020	AMD	91-05-064
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173-331-400	NEW	91-05-020	173-400-020	AMD	91-05-064	173-415-040	AMD	91-05-064
173-331-410	NEW	91-05-020	173-400-030	AMD	91-05-064	173-415-041	REP	91-05-064
173-331-500	NEW	91-05-020	173-400-040	AMD	91-05-064	173-415-045	AMD	91-05-064
173-331-600	NEW	91-05-020	173-400-050	AMD	91-05-064	173-415-050	AMD	91-05-064
173-340-120	AMD	91-04-019	173-400-060	AMD	91-05-064	173-415-051	AMD	91-05-064
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173-340-300	AMD	91-04-019	173-400-100	AMD	91-05-064	173-415-080	AMD	91-05-064
173-340-350	AMD	91-04-019	173-400-105	AMD	91-05-064	173-422	PREP	91-19-031
173-340-360	AMD	91-04-019	173-400-110	AMD	91-05-064	173-425	PREP	91-21-112
173-340-420	AMD	91-04-019	173-400-115	AMD	91-05-064	173-433	AMD	91-07-066
173-340-430	AMD	91-04-019	173-400-120	AMD	91-05-064	173-433	PREP	91-20-129
173-340-440	NEW	91-04-019	173-400-131	NEW	91-05-064	173-433-030	AMD	91-07-066
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173-340-700	AMD	91-04-019	173-400-141	NEW	91-05-064	173-433-110	AMD	91-07-066
173-340-702	NEW	91-04-019	173-400-151	NEW	91-05-064	173-433-120	AMD	91-07-066
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173-340-706	NEW	91-04-019	173-400-180	NEW	91-05-064	173-433-150	AMD	91-07-066
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173-340-830	AMD	91-04-019	173-403-010	REP	91-05-064	173-460-090	NEW	91-13-079
173-360-110	AMD-P	91-17-079	173-403-020	REP	91-05-064	173-460-100	NEW	91-13-079
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173-360-130	AMD-P	91-17-079	173-403-070	REP	91-05-064	173-460-140	NEW	91-13-079
173-360-130	AMD	91-22-020	173-403-075	REP	91-05-064	173-460-150	NEW	91-13-079
173-360-200	AMD-P	91-17-079	173-403-080	REP	91-05-064	173-460-160	NEW	91-13-079
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173-360-230	NEW-W	91-04-022	173-403-110	REP	91-05-064	173-490-025	AMD	91-05-064
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173-360-370	AMD	91-22-020	173-405-033	AMD	91-05-064	173-490-200	AMD	91-05-064
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173-490-207	AMD	91-05-064	180-78-047	AMD-P	91-20-152	182-18-140	NEW-P	91-05-079
173-490-208	AMD	91-05-064	180-78-125	REP-P	91-20-152	182-18-140	NEW	91-17-043
173-491-010	NEW-P	91-02-107	180-78-145	AMD-P	91-20-152	182-18-150	NEW-P	91-05-079
173-491-010	NEW	91-14-101	180-78-165	AMD-P	91-20-152	182-18-150	NEW	91-17-043
173-491-015	NEW-P	91-02-107	180-78-170	AMD-P	91-20-152	182-18-160	NEW-P	91-05-079
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173-491-050	NEW-P	91-02-107	180-79-236	NEW	91-05-056	192-12-305	AMD-P	91-11-051
173-491-050	NEW	91-14-101	180-79-241	NEW	91-05-056	192-12-305	AMD-E	91-11-051
173-492	PREP	91-20-130	180-85-005	AMD	91-04-016	192-12-305	AMD	91-19-007
173-500-080	NEW-E	91-04-080	180-85-045	AMD	91-04-016	192-12-310	REP-E	91-03-054
173-500-080	NEW-P	91-12-038	180-86-012	REP-P	91-20-152	192-12-310	AMD-P	91-11-051
173-500-080	NEW-E	91-12-042	180-86-097	REP-P	91-20-152	192-12-310	AMD	91-19-007
173-500-080	NEW	91-18-011	180-86-100	AMD-P	91-05-024	192-12-320	AMD-E	91-03-054
173-548-050	AMD-E	91-04-073	180-86-100	AMD	91-08-056	192-12-320	AMD-P	91-11-051
173-548-050	AMD-P	91-12-039	180-96-055	AMD-P	91-20-150	192-12-320	AMD-E	91-11-052
173-548-050	AMD-E	91-12-041	180-96-060	AMD-P	91-20-150	192-12-320	AMD	91-19-007
173-548-050	AMD-C	91-15-104	182-08-111	REP-P	91-11-093	192-12-330	AMD-E	91-03-054
173-548-050	AMD-C	91-19-109	182-08-111	REP-P	91-11-094	192-12-330	AMD-P	91-11-051
173-548-050	AMD-E	91-20-132	182-08-111	REP	91-20-163	192-12-330	AMD-E	91-11-052
178-01-010	NEW-E	91-18-003	182-08-220	AMD-P	91-11-093	192-12-330	AMD	91-19-007
178-01-010	NEW-P	91-20-001	182-08-220	AMD	91-20-163	192-12-370	NEW-E	91-03-054
180-25-025	AMD-P	91-08-070	182-12-111	AMD-E	91-19-042	192-12-370	NEW-P	91-11-051
180-25-025	AMD	91-12-058	182-12-111	AMD-P	91-20-146	192-12-370	NEW-E	91-11-052
180-26-020	AMD-P	91-08-071	182-12-115	AMD-P	91-11-096	192-12-380	NEW-P	91-18-071
180-26-020	AMD	91-12-057	182-12-115	AMD	91-14-084	192-32-001	NEW-P	91-14-115
180-26-057	AMD-E	91-15-030	182-12-127	REP-P	91-04-086	192-32-001	NEW-E	91-14-116
180-26-057	AMD-P	91-17-073	182-12-127	REP	91-11-010	192-32-001	NEW	91-20-012
180-26-057	AMD	91-20-151	182-12-130	AMD-P	91-11-095	192-32-010	NEW-P	91-14-115
180-26-058	NEW-E	91-15-030	182-12-130	AMD	91-14-084	192-32-010	NEW-E	91-14-116
180-26-058	NEW-P	91-17-073	182-12-210	REP-P	91-04-086	192-32-010	NEW	91-20-012
180-26-058	NEW	91-20-151	182-12-210	REP	91-11-010	192-32-015	NEW-P	91-14-115
180-26-060	AMD-P	91-08-067	182-12-215	NEW-P	91-04-086	192-32-015	NEW-E	91-14-116
180-26-060	AMD	91-12-055	182-12-215	NEW	91-11-010	192-32-015	NEW	91-20-012
180-27-018	AMD-P	91-08-068	182-16-010	NEW-P	91-04-087	192-32-025	NEW-P	91-14-115
180-27-018	AMD	91-12-059	182-16-010	NEW	91-14-025	192-32-025	NEW-E	91-14-116
180-27-032	NEW-P	91-08-069	182-16-020	NEW-P	91-04-087	192-32-025	NEW	91-20-012
180-27-032	NEW	91-12-056	182-16-020	NEW	91-14-025	192-32-035	NEW-P	91-14-115
180-27-058	AMD-P	91-08-068	182-16-030	NEW-P	91-04-087	192-32-035	NEW-E	91-14-116
180-27-058	AMD	91-12-059	182-16-030	NEW	91-14-025	192-32-035	NEW	91-20-012
180-27-115	AMD-P	91-08-068	182-16-040	NEW-P	91-04-087	192-32-040	NEW-P	91-14-115
180-27-115	AMD	91-12-059	182-16-040	NEW	91-14-025	192-32-040	NEW-E	91-14-116
180-29-107	AMD-P	91-08-067	182-16-050	NEW-P	91-04-087	192-32-040	NEW	91-20-012
180-29-107	AMD	91-12-055	182-16-050	NEW	91-14-025	192-32-045	NEW-P	91-14-115
180-29-1075	AMD-E	91-15-030	182-18-005	NEW-P	91-05-079	192-32-045	NEW-E	91-14-116
180-29-1075	AMD-P	91-17-073	182-18-005	NEW	91-17-043	192-32-050	NEW-P	91-14-115
180-29-1075	AMD	91-20-151	182-18-010	NEW-P	91-05-079	192-32-050	NEW-E	91-14-116
180-29-1076	NEW-E	91-15-030	182-18-010	NEW	91-17-043	192-32-050	NEW	91-20-012
180-29-1076	NEW-P	91-17-073	182-18-020	NEW-P	91-05-079	192-32-055	NEW-P	91-14-115
180-29-1076	NEW	91-20-151	182-18-020	NEW	91-17-043	192-32-055	NEW-E	91-14-116
180-29-115	AMD-E	91-15-030	182-18-030	NEW-P	91-05-079	192-32-055	NEW	91-20-012
180-29-115	AMD-P	91-17-073	182-18-030	NEW	91-17-043	192-32-065	NEW-P	91-14-115
180-29-115	AMD	91-20-151	182-18-040	NEW-P	91-05-079	192-32-065	NEW-E	91-14-116
180-29-116	NEW-E	91-15-030	182-18-040	NEW	91-17-043	192-32-065	NEW	91-20-012
180-29-116	NEW-P	91-17-073	182-18-050	NEW-P	91-05-079	192-32-075	NEW-P	91-14-115
180-29-116	NEW	91-20-151	182-18-050	NEW	91-17-043	192-32-075	NEW-E	91-14-116
180-33-013	NEW-P	91-08-070	182-18-060	NEW-P	91-05-079	192-32-075	NEW	91-20-012
180-33-013	NEW	91-12-058	182-18-060	NEW	91-17-043	192-32-085	NEW-P	91-14-115
180-33-015	AMD-P	91-08-070	182-18-070	NEW-P	91-05-079	192-32-085	NEW-E	91-14-116
180-33-015	AMD	91-12-058	182-18-070	NEW	91-17-043	192-32-085	NEW	91-20-012
180-33-020	AMD-P	91-08-070	182-18-080	NEW-P	91-05-079	192-32-095	NEW-P	91-14-115
180-33-020	AMD	91-12-058	182-18-080	NEW	91-17-043	192-32-095	NEW-E	91-14-116
180-33-023	NEW-P	91-08-070	182-18-090	NEW-P	91-05-079	192-32-095	NEW	91-20-012
180-33-023	NEW	91-12-058	182-18-090	NEW	91-17-043	192-32-105	NEW-P	91-14-115
180-33-035	AMD-P	91-08-070	182-18-100	NEW-P	91-05-079	192-32-105	NEW-E	91-14-116
180-33-035	AMD	91-12-058	182-18-100	NEW	91-17-043	192-32-105	NEW	91-20-012
180-44-050	AMD-P	91-05-068	182-18-110	NEW-P	91-05-079	192-32-115	NEW-P	91-14-115
180-44-050	AMD	91-08-055	182-18-110	NEW	91-17-043			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #				
192-32-115	NEW-E	91-14-116		212-54-055	REP	91-11-001	212-55-080	REP-E	91-06-021
192-32-115	NEW	91-20-012		212-54-060	REP-P	91-06-020	212-55-080	REP	91-11-001
194-20-010	NEW-P	91-22-098		212-54-060	REP-E	91-06-021	212-55-085	REP-P	91-06-020
194-20-020	NEW-P	91-22-098		212-54-060	REP	91-11-001	212-55-085	REP-E	91-06-021
194-20-030	NEW-P	91-22-098		212-54-065	REP-P	91-06-020	212-55-085	REP	91-11-001
194-20-040	NEW-P	91-22-098		212-54-065	REP-E	91-06-021	212-55-090	REP-P	91-06-020
194-20-050	NEW-P	91-22-098		212-54-065	REP	91-11-001	212-55-090	REP-E	91-06-021
194-20-060	NEW-P	91-22-098		212-54-070	REP-P	91-06-020	212-55-090	REP	91-11-001
194-20-070	NEW-P	91-22-098		212-54-070	REP-E	91-06-021	212-55-095	REP-P	91-06-020
194-20-080	NEW-P	91-22-098		212-54-070	REP	91-11-001	212-55-095	REP-E	91-06-021
196-12-020	AMD-P	91-21-065		212-54-075	REP-P	91-06-020	212-55-095	REP	91-11-001
196-12-050	AMD-P	91-21-065		212-54-075	REP-E	91-06-021	212-56A-001	NEW-P	91-06-020
196-16-031	AMD-P	91-20-138		212-54-075	REP	91-11-001	212-56A-001	NEW-E	91-06-021
196-24-030	AMD-P	91-20-138		212-54-080	REP-P	91-06-020	212-56A-001	NEW	91-11-001
196-24-050	AMD-P	91-21-065		212-54-080	REP-E	91-06-021	212-56A-005	NEW-P	91-06-020
196-24-060	AMD-P	91-07-064		212-54-080	REP	91-11-001	212-56A-005	NEW-E	91-06-021
196-24-060	AMD	91-11-075		212-54-085	REP-P	91-06-020	212-56A-005	NEW	91-11-001
196-24-080	AMD-P	91-20-138		212-54-085	REP-E	91-06-021	212-56A-010	NEW-P	91-06-020
196-24-095	AMD-P	91-05-078		212-54-085	REP	91-11-001	212-56A-010	NEW-E	91-06-021
196-24-095	AMD-C	91-06-018		212-54-090	REP-P	91-06-020	212-56A-010	NEW	91-11-001
196-24-095	AMD	91-11-099		212-54-090	REP-E	91-06-021	212-56A-015	NEW-P	91-06-020
196-24-097	NEW-P	91-05-078		212-54-090	REP	91-11-001	212-56A-015	NEW-E	91-06-021
196-24-097	NEW-C	91-06-018		212-54-095	REP-P	91-06-020	212-56A-015	NEW	91-11-001
196-24-097	NEW-W	91-11-098		212-54-095	REP-E	91-06-021	212-56A-020	NEW-P	91-06-020
196-24-097	NEW-P	91-21-064		212-54-095	REP	91-11-001	212-56A-020	NEW-E	91-06-021
196-24-098	PREP	91-05-041		212-54-100	REP-P	91-06-020	212-56A-020	NEW	91-11-001
196-26-020	AMD-P	91-07-065		212-54-100	REP-E	91-06-021	212-56A-030	NEW-P	91-06-020
196-26-020	AMD	91-10-046		212-54-100	REP	91-11-001	212-56A-030	NEW-E	91-06-021
196-26-020	AMD-P	91-19-091		212-55-001	REP-P	91-06-020	212-56A-030	NEW	91-11-001
196-26-020	AMD	91-22-017		212-55-001	REP-E	91-06-021	212-56A-035	NEW-P	91-06-020
196-26-030	AMD-P	91-07-065		212-55-001	REP	91-11-001	212-56A-035	NEW-E	91-06-021
196-26-030	AMD	91-10-046		212-55-005	REP-P	91-06-020	212-56A-035	NEW	91-11-001
196-26-030	AMD-P	91-19-091		212-55-005	REP-E	91-06-021	212-56A-040	NEW-P	91-06-020
196-26-030	AMD	91-22-017		212-55-005	REP	91-11-001	212-56A-040	NEW-E	91-06-021
204-10-040	AMD-P	91-16-100		212-55-010	REP-P	91-06-020	212-56A-040	NEW	91-11-001
204-10-040	AMD	91-22-056		212-55-010	REP-E	91-06-021	212-56A-045	NEW-P	91-06-020
204-24-050	AMD-P	91-10-053		212-55-010	REP	91-11-001	212-56A-045	NEW-E	91-06-021
204-24-050	AMD	91-14-004		212-55-015	REP-P	91-06-020	212-56A-045	NEW	91-11-001
204-53-010	NEW	91-05-019		212-55-015	REP-E	91-06-021	212-56A-050	NEW-P	91-06-020
204-88-030	AMD-P	91-10-015		212-55-015	REP	91-11-001	212-56A-050	NEW-E	91-06-021
204-88-030	AMD	91-14-003		212-55-020	REP-P	91-06-020	212-56A-050	NEW	91-11-001
212-12-010	AMD-W	91-05-043		212-55-020	REP-E	91-06-021	212-56A-055	NEW-P	91-06-020
212-54-001	REP-P	91-06-020		212-55-020	REP	91-11-001	212-56A-055	NEW-E	91-06-021
212-54-001	REP-E	91-06-021		212-55-025	REP-P	91-06-020	212-56A-055	NEW	91-11-001
212-54-001	REP	91-11-001		212-55-025	REP-E	91-06-021	212-56A-060	NEW-P	91-06-020
212-54-005	REP-P	91-06-020		212-55-025	REP	91-11-001	212-56A-060	NEW-E	91-06-021
212-54-005	REP-E	91-06-021		212-55-030	REP-P	91-06-020	212-56A-060	NEW	91-11-001
212-54-005	REP	91-11-001		212-55-030	REP-E	91-06-021	212-56A-065	NEW-P	91-06-020
212-54-010	REP-P	91-06-020		212-55-030	REP	91-11-001	212-56A-065	NEW-E	91-06-021
212-54-010	REP-E	91-06-021		212-55-035	REP-P	91-06-020	212-56A-065	NEW	91-11-001
212-54-010	REP	91-11-001		212-55-035	REP-E	91-06-021	212-56A-070	NEW-P	91-06-020
212-54-015	REP-P	91-06-020		212-55-035	REP	91-11-001	212-56A-070	NEW-E	91-06-021
212-54-015	REP-E	91-06-021		212-55-040	REP-P	91-06-020	212-56A-070	NEW	91-11-001
212-54-015	REP	91-11-001		212-55-040	REP-E	91-06-021	212-56A-075	NEW-P	91-06-020
212-54-020	REP-P	91-06-020		212-55-040	REP	91-11-001	212-56A-075	NEW-E	91-06-021
212-54-020	REP-E	91-06-021		212-55-045	REP-P	91-06-020	212-56A-075	NEW	91-11-001
212-54-020	REP	91-11-001		212-55-045	REP-E	91-06-021	212-56A-080	NEW-P	91-06-020
212-54-025	REP-P	91-06-020		212-55-045	REP	91-11-001	212-56A-080	NEW-E	91-06-021
212-54-025	REP-E	91-06-021		212-55-050	REP-P	91-06-020	212-56A-080	NEW	91-11-001
212-54-025	REP	91-11-001		212-55-050	REP-E	91-06-021	212-56A-085	NEW-P	91-06-020
212-54-030	REP-P	91-06-020		212-55-050	REP	91-11-001	212-56A-085	NEW-E	91-06-021
212-54-030	REP-E	91-06-021		212-55-055	REP-P	91-06-020	212-56A-085	NEW	91-11-001
212-54-030	REP	91-11-001		212-55-055	REP-E	91-06-021	212-56A-090	NEW-P	91-06-020
212-54-035	REP-P	91-06-020		212-55-055	REP	91-11-001	212-56A-090	NEW-E	91-06-021
212-54-035	REP-E	91-06-021		212-55-060	REP-P	91-06-020	212-56A-090	NEW	91-11-001
212-54-035	REP	91-11-001		212-55-060	REP-E	91-06-021	212-56A-095	NEW-P	91-06-020
212-54-040	REP-P	91-06-020		212-55-060	REP	91-11-001	212-56A-095	NEW-E	91-06-021
212-54-040	REP-E	91-06-021		212-55-065	REP-P	91-06-020	212-56A-095	NEW	91-11-001
212-54-040	REP	91-11-001		212-55-065	REP-E	91-06-021	212-56A-100	NEW-P	91-06-020
212-54-045	REP-P	91-06-020		212-55-065	REP	91-11-001	212-56A-100	NEW-E	91-06-021
212-54-045	REP-E	91-06-021		212-55-070	REP-P	91-06-020	212-56A-100	NEW	91-11-001
212-54-045	REP	91-11-001		212-55-070	REP-E	91-06-021	212-56A-105	NEW-P	91-06-020
212-54-050	REP-P	91-06-020		212-55-070	REP	91-11-001	212-56A-105	NEW-E	91-06-021
212-54-050	REP-E	91-06-021		212-55-075	REP-P	91-06-020	212-56A-105	NEW	91-11-001
212-54-050	REP	91-11-001		212-55-075	REP-E	91-06-021	212-56A-110	NEW-P	91-06-020
212-54-055	REP-P	91-06-020		212-55-075	REP	91-11-001	212-56A-110	NEW-E	91-06-021
212-54-055	REP-E	91-06-021		212-55-080	REP-P	91-06-020	212-56A-110	NEW	91-11-001

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
212-56A-115	NEW-P	91-06-020	212-80-095	NEW	91-14-086	220-32-05700H	NEW-E	91-11-013
212-56A-115	NEW-E	91-06-021	212-80-100	NEW-P	91-10-083	220-32-05900S	NEW-E	91-20-124
212-56A-115	NEW	91-11-001	212-80-100	NEW-E	91-10-084	220-33-01000A	NEW-E	91-20-007
212-56A-120	NEW-P	91-06-020	212-80-100	NEW	91-14-086	220-33-01000A	REP-E	91-21-016
212-56A-120	NEW-E	91-06-021	212-80-105	NEW-P	91-10-083	220-33-01000B	NEW-E	91-21-016
212-56A-120	NEW	91-11-001	212-80-105	NEW-E	91-10-084	220-33-01000B	REP-E	91-21-088
212-56A-125	NEW-P	91-06-020	212-80-105	NEW	91-14-086	220-33-01000C	NEW-E	91-21-088
212-56A-125	NEW-E	91-06-021	212-80-110	NEW-P	91-10-083	220-33-01000C	REP-E	91-22-067
212-56A-125	NEW	91-11-001	212-80-110	NEW-E	91-10-084	220-33-01000D	NEW-E	91-22-067
212-56A-130	NEW-P	91-06-020	212-80-110	NEW	91-14-086	220-33-01000V	NEW-E	91-05-005
212-56A-130	NEW-E	91-06-021	212-80-115	NEW-P	91-10-083	220-33-01000V	REP-E	91-05-036
212-56A-130	NEW	91-11-001	212-80-115	NEW-E	91-10-084	220-33-01000W	NEW-E	91-05-036
212-56A-135	NEW-P	91-06-020	212-80-115	NEW	91-14-086	220-33-01000X	NEW-E	91-17-056
212-56A-135	NEW-E	91-06-021	212-80-120	NEW-P	91-10-083	220-33-01000X	REP-E	91-18-039
212-56A-135	NEW	91-11-001	212-80-120	NEW-E	91-10-084	220-33-01000Y	NEW-E	91-19-023
212-56A-140	NEW-P	91-06-020	212-80-120	NEW	91-14-086	220-33-01000Y	REP-E	91-19-072
212-56A-140	NEW-E	91-06-021	212-80-125	NEW-P	91-10-083	220-33-01000Z	NEW-E	91-19-072
212-56A-140	NEW	91-11-001	212-80-125	NEW-E	91-10-084	220-33-01000Z	REP-E	91-20-007
212-80-001	NEW-P	91-10-083	212-80-125	NEW-W	91-14-085	220-33-03000C	NEW-E	91-11-100
212-80-001	NEW-E	91-10-084	212-80-130	NEW-P	91-10-083	220-36-02300G	NEW-E	91-20-084
212-80-001	NEW	91-14-086	212-80-130	NEW-E	91-10-084	220-36-02300G	REP-E	91-21-032
212-80-005	NEW-P	91-10-083	212-80-130	NEW	91-14-086	220-36-02300H	NEW-E	91-21-032
212-80-005	NEW-E	91-10-084	212-80-135	NEW-P	91-10-083	220-36-02300H	REP-E	91-21-038
212-80-005	NEW	91-14-086	212-80-135	NEW-E	91-10-084	220-36-02300I	NEW-E	91-21-038
212-80-010	NEW-P	91-10-083	212-80-135	NEW	91-14-086	220-36-02300I	REP-E	91-21-049
212-80-010	NEW-E	91-10-084	220-12-020	AMD-P	91-05-102	220-36-02300J	NEW-E	91-21-049
212-80-010	NEW	91-14-086	220-12-020	AMD	91-10-024	220-36-02300J	REP-E	91-21-086
212-80-015	NEW-P	91-10-083	220-16-055	REP-P	91-03-151	220-36-02300K	NEW-E	91-21-086
212-80-015	NEW-E	91-10-084	220-16-055	REP	91-08-053	220-36-02300K	REP-E	91-21-120
212-80-015	NEW	91-14-086	220-16-220	AMD-P	91-03-153	220-40-02700A	NEW-E	91-17-055
212-80-020	NEW-P	91-10-083	220-16-220	AMD	91-08-054	220-40-02700A	REP-E	91-19-047
212-80-020	NEW-E	91-10-084	220-16-257	AMD-P	91-03-153	220-40-02700B	NEW-E	91-19-047
212-80-020	NEW	91-14-086	220-16-257	AMD	91-08-054	220-40-02700B	REP-E	91-21-086
212-80-025	NEW-P	91-10-083	220-20-010	AMD-P	91-03-153	220-40-02700C	NEW-E	91-21-086
212-80-025	NEW-E	91-10-084	220-20-010	AMD	91-08-054	220-40-02700C	REP-E	91-22-032
212-80-025	NEW	91-14-086	220-20-017	AMD-P	91-11-056	220-40-02700D	NEW-E	91-22-032
212-80-030	NEW-P	91-10-083	220-20-017	AMD	91-16-070	220-40-030	AMD-P	91-03-153
212-80-030	NEW-E	91-10-084	220-20-01700A	NEW-E	91-03-108	220-40-030	AMD	91-08-054
212-80-030	NEW	91-14-086	220-20-01700A	REP-E	91-10-071	220-40-031	AMD-P	91-03-153
212-80-035	NEW-P	91-10-083	220-20-01700B	NEW-E	91-10-071	220-40-031	AMD	91-08-054
212-80-035	NEW-E	91-10-084	220-24-02000D	NEW-E	91-10-058	220-44-030	AMD-W	91-11-027
212-80-035	NEW	91-14-086	220-24-02000D	REP-E	91-15-115	220-44-04000A	NEW-E	91-19-006
212-80-040	NEW-P	91-10-083	220-24-02000E	NEW-E	91-15-115	220-44-050	AMD-P	91-03-152
212-80-040	NEW-E	91-10-084	220-24-02000E	REP-E	91-17-004	220-44-050	AMD	91-07-050
212-80-040	NEW	91-14-086	220-24-02000F	NEW-E	91-17-004	220-44-050	AMD-W	91-11-027
212-80-045	NEW-P	91-10-083	220-24-02000F	REP-E	91-17-017	220-44-05000I	REP-E	91-08-023
212-80-045	NEW-E	91-10-084	220-24-02000G	NEW-E	91-17-017	220-44-05000J	NEW-E	91-08-023
212-80-045	NEW	91-14-086	220-24-02000G	REP-E	91-17-090	220-44-05000J	REP-E	91-10-012
212-80-050	NEW-P	91-10-083	220-24-02000H	NEW-E	91-17-090	220-44-05000K	NEW-E	91-10-012
212-80-050	NEW-E	91-10-084	220-24-02000H	REP-E	91-18-032	220-44-05000K	REP-E	91-11-077
212-80-050	NEW	91-14-086	220-24-02000I	NEW-E	91-18-032	220-44-05000L	NEW-E	91-11-077
212-80-055	NEW-P	91-10-083	220-24-02000I	REP-E	91-18-082	220-44-05000L	REP-E	91-14-026
212-80-055	NEW-E	91-10-084	220-24-02000J	NEW-E	91-18-082	220-44-05000M	NEW-E	91-14-026
212-80-055	NEW	91-14-086	220-24-02000J	REP-E	91-19-048	220-44-05000M	REP-E	91-16-041
212-80-060	NEW-P	91-10-083	220-24-02000K	NEW-E	91-19-048	220-44-05000N	NEW-E	91-16-041
212-80-060	NEW-E	91-10-084	220-32-05100D	REP-E	91-04-031	220-44-05000N	REP-E	91-19-046
212-80-060	NEW	91-14-086	220-32-05100E	NEW-E	91-04-031	220-44-05000P	NEW-E	91-19-046
212-80-065	NEW-P	91-10-083	220-32-05100F	NEW-E	91-17-001	220-44-05000P	REP-E	91-20-085
212-80-065	NEW-E	91-10-084	220-32-05100F	REP-E	91-19-005	220-44-05000Q	NEW-E	91-20-085
212-80-065	NEW	91-14-086	220-32-05100G	NEW-E	91-19-005	220-47-304	AMD-P	91-13-031
212-80-070	NEW-P	91-10-083	220-32-05100G	REP-E	91-19-035	220-47-304	AMD	91-18-024
212-80-070	NEW-E	91-10-084	220-32-05100H	NEW-E	91-19-035	220-47-307	AMD-P	91-13-031
212-80-070	NEW	91-14-086	220-32-05100H	REP-E	91-19-086	220-47-307	AMD	91-18-024
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212-80-075	NEW-E	91-10-084	220-32-05100I	REP-E	91-22-010	220-47-311	AMD-P	91-13-031
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212-80-080	NEW-P	91-10-083	220-32-05500W	NEW-E	91-10-011	220-47-319	AMD-P	91-13-031
212-80-080	NEW-E	91-10-084	220-32-05500W	REP-E	91-11-014	220-47-319	AMD	91-18-024
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212-80-085	NEW-P	91-10-083	220-32-05500X	REP-E	91-11-076	220-47-401	AMD	91-18-024
212-80-085	NEW-E	91-10-084	220-32-05500Y	NEW-E	91-11-076	220-47-411	AMD-P	91-13-031
212-80-085	NEW	91-14-086	220-32-05500Y	REP-E	91-12-004	220-47-411	AMD	91-18-024
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212-80-090	NEW-E	91-10-084	220-32-05700F	NEW-E	91-03-083	220-47-700	REP-E	91-16-027
212-80-090	NEW	91-14-086	220-32-05700F	REP-E	91-10-058	220-47-701	NEW-E	91-16-027
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220-47-706	NEW-E	91-18-058	220-52-073	AMD-C	91-18-029	220-56-25500J	NEW-E	91-14-007
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220-47-712	NEW-E	91-20-083	220-55-070	AMD	91-08-054	220-56-36000X	NEW-E	91-10-049
220-47-712	REP-E	91-21-014	220-55-075	AMD-P	91-03-153	220-56-36000Y	NEW-E	91-21-015
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220-47-713	REP-E	91-21-031	220-55-080	AMD-P	91-03-153	220-56-380	AMD	91-08-054
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220-47-715	NEW-E	91-21-039	220-55-086	AMD	91-08-054	220-57-13500N	NEW-E	91-22-106
220-47-715	REP-E	91-21-057	220-55-125	AMD-P	91-03-153	220-57-13700A	NEW-E	91-21-063
220-47-716	NEW-E	91-21-057	220-55-125	AMD	91-08-054	220-57-14000N	NEW-E	91-11-045
220-47-716	REP-E	91-21-087	220-56-100	AMD-P	91-03-153	220-57-16000H	NEW-E	91-08-002
220-47-717	NEW-E	91-21-087	220-56-100	AMD	91-08-054	220-57-16000I	NEW-E	91-14-078
220-47-717	REP-E	91-21-098	220-56-105	AMD-P	91-03-153	220-57-16000J	NEW-E	91-18-038
220-47-718	NEW-E	91-21-098	220-56-105	AMD	91-08-054	220-57-16000K	NEW-E	91-21-085
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220-48-01500E	NEW-E	91-05-037	220-56-180	AMD	91-08-054	220-57-19500C	NEW-E	91-22-008
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220-48-01700A	NEW-E	91-13-051	220-56-180	AMD	91-14-046	220-57-19500D	NEW-E	91-22-078
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220-49-056	AMD-P	91-09-064	220-56-19000F	NEW-E	91-14-008	220-57-205	AMD	91-14-047
220-49-056	AMD	91-12-051	220-56-19000F	REP-E	91-15-095	220-57-205	AMD-P	91-22-077
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220-49-063	AMD	91-05-016	220-56-19000G	REP-E	91-14-118	220-57-20500B	REP-E	91-22-008
220-52-020	AMD-P	91-05-102	220-56-19000H	NEW-E	91-14-118	220-57-20500C	NEW-E	91-22-008
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220-52-040	AMD-P	91-05-102	220-56-19000K	REP-E	91-17-002	220-57-210	AMD-C	91-12-008
220-52-040	AMD	91-10-024	220-56-19000K	NEW-E	91-17-002	220-57-210	AMD	91-14-047
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220-52-046	AMD	91-10-024	220-56-19000M	NEW-E	91-17-003	220-57-21000B	NEW-E	91-14-048
220-52-051	AMD-P	91-11-111	220-56-19000M	NEW-E	91-18-009	220-57-21000B	NEW-E	91-22-008
220-52-051	AMD-C	91-15-031	220-56-19000M	REP-E	91-18-031	220-57-21000C	NEW-E	91-22-008
220-52-051	AMD	91-18-030	220-56-19000N	NEW-E	91-18-031	220-57-21000C	REP-E	91-22-076
220-52-05100G	NEW-E	91-10-094	220-56-19000P	REP-E	91-19-088	220-57-21000D	NEW-E	91-22-078
220-52-05100H	NEW-E	91-11-044	220-56-19000P	NEW-E	91-20-039	220-57-23500A	NEW-E	91-22-053
220-52-05100H	REP-E	91-15-096	220-56-19000P	REP-E	91-20-082	220-57-25000A	NEW-E	91-22-053
220-52-05100I	NEW-E	91-15-096	220-56-19000Q	NEW-E	91-20-040	220-57-265	AMD-P	91-03-151
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220-52-071	AMD	91-10-024	220-56-232	NEW-P	91-03-152	220-57-26500B	REP-E	91-22-008
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220-57-31000J	NEW-E	91-22-053	220-57-47000B	REP-E	91-22-008	230-02-512	NEW-E	91-17-049
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220-57-313	NEW	91-08-054	220-57-47000C	REP-E	91-22-076	230-02-515	NEW-P	91-15-039
220-57-31500U	NEW-E	91-08-025	220-57-47000D	NEW-E	91-22-078	230-02-515	NEW-E	91-15-041
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220-57-42500V	NEW-E	91-12-009	222-16-010	AMD-P	91-13-072	230-04-138	NEW-E	91-15-041
220-57-42500V	REP-E	91-14-048	222-16-010	AMD-E	91-14-102	230-04-138	NEW	91-19-093
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220-57-42500W	REP-E	91-19-087	222-16-010	AMD-P	91-18-068	230-04-187	NEW-C	91-07-019
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246-560-110	NEW	91-16-108	246-807-290	RECOD	91-05-095	246-824-050	AMD	91-21-028
246-560-120	NEW-P	91-13-093	246-807-300	RECOD	91-05-095	246-824-065	NEW-P	91-16-103
246-560-120	NEW	91-16-108	246-807-310	RECOD	91-05-095	246-824-065	NEW	91-21-028
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246-800-130	AMD-P	91-22-028	246-807-380	RECOD	91-05-095	246-824-990	AMD-P	91-22-028
246-800-140	AMD-P	91-22-028	246-807-390	RECOD	91-05-095	246-826-020	AMD-P	91-22-028
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246-851-220	RECOD	91-06-025	246-854-030	AMD-P	91-14-088	246-857-310	RECOD	91-18-057
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246-851-250	RECOD	91-06-025	246-854-060	AMD	91-20-120	246-857-340	RECOD-P	91-14-033
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246-851-280	RECOD	91-06-025	246-855-030	AMD	91-20-120	246-858-030	RECOD-P	91-14-033
246-851-290	RECOD	91-06-025	246-855-100	AMD-P	91-14-088	246-858-030	RECOD	91-18-057
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246-851-320	RECOD	91-06-025	246-855-110	AMD	91-20-120	246-858-050	RECOD-P	91-14-033
246-851-330	RECOD	91-06-025	246-855-120	REP-P	91-14-088	246-858-050	RECOD	91-18-057
246-851-340	RECOD	91-06-025	246-855-120	REP	91-20-120	246-858-060	RECOD-P	91-14-033
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246-851-370	RECOD	91-06-025	246-857-020	RECOD	91-18-057	246-858-070	RECOD	91-18-057
246-851-380	RECOD	91-06-025	246-857-030	RECOD-P	91-14-033	246-858-080	RECOD-P	91-14-033
246-851-390	RECOD	91-06-025	246-857-030	RECOD	91-18-057	246-858-080	RECOD	91-18-057
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246-926-990	AMD-E	91-21-119	246-933-420	AMD-P	91-19-021	250-76-010	NEW-W	91-11-073
246-928-030	AMD-P	91-22-028	246-933-430	AMD-P	91-19-021	250-76-010	NEW-P	91-22-097
246-928-070	REP-P	91-22-028	246-933-440	AMD-P	91-19-021	250-76-020	NEW-W	91-11-073
246-928-100	REP-P	91-22-028	246-933-450	AMD-P	91-19-021	250-76-020	NEW-P	91-22-097
246-928-110	AMD-P	91-22-028	246-933-470	AMD-P	91-19-021	250-76-030	NEW-W	91-11-073
246-928-180	AMD-P	91-22-028	246-933-480	AMD-P	91-19-021	250-76-030	NEW-P	91-22-097
246-928-190	AMD-P	91-22-028	246-933-620	AMD-P	91-19-021	250-76-040	NEW-W	91-11-073
246-928-220	AMD-P	91-22-028	246-933-630	AMD-P	91-19-021	250-76-040	NEW-P	91-22-097
246-928-990	AMD-P	91-22-028	246-935-010	AMD-P	91-19-021	250-76-050	NEW-W	91-11-073
246-930-010	NEW-P	91-06-091	246-935-020	AMD-P	91-19-021	250-76-050	NEW-P	91-22-097
246-930-010	NEW	91-11-063	246-935-020	AMD-W	91-20-118	250-76-060	NEW-W	91-11-073
246-930-010	AMD-P	91-19-036	246-935-020	AMD-P	91-21-116	250-76-060	NEW-P	91-22-097
246-930-020	NEW-P	91-06-091	246-935-030	AMD-P	91-19-021	250-76-070	NEW-P	91-22-097
246-930-020	NEW	91-11-063	246-935-040	AMD-P	91-19-021	250-77-010	NEW-P	91-09-061
246-930-030	NEW-P	91-06-091	246-935-040	AMD-P	91-21-116	250-77-010	NEW	91-12-005
246-930-030	NEW	91-11-063	246-935-060	AMD-P	91-19-021	250-77-015	NEW-P	91-09-061
246-930-040	NEW-P	91-06-091	246-935-060	REP-P	91-21-116	250-77-015	NEW	91-12-005
246-930-040	NEW	91-11-063	246-935-061	NEW-P	91-21-116	250-77-020	NEW-P	91-09-061
246-930-050	NEW-P	91-06-091	246-935-070	AMD-P	91-19-021	250-77-020	NEW	91-12-005
246-930-050	NEW	91-11-063	246-935-080	AMD-P	91-19-021	250-77-025	NEW-P	91-09-061
246-930-060	NEW-P	91-06-091	246-935-090	AMD-P	91-19-021	250-77-025	NEW	91-12-005
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246-930-075	NEW	91-21-035	246-975-160	AMD	91-06-026	250-77-040	NEW	91-12-005
246-930-200	NEW-P	91-06-091	246-975-180	AMD	91-06-026	250-77-045	NEW-P	91-09-061
246-930-200	NEW	91-11-063	246-975-200	AMD	91-06-026	250-77-045	NEW	91-12-005
246-930-210	NEW-P	91-06-091	246-975-210	AMD	91-06-026	250-77-050	NEW-P	91-09-061
246-930-210	NEW	91-11-063	246-975-220	AMD	91-06-026	250-77-050	NEW	91-12-005
246-930-220	NEW-P	91-06-091	246-975-240	AMD	91-06-026	250-78-010	NEW-E	91-15-073
246-930-220	NEW	91-11-063	246-975-250	AMD	91-06-026	250-78-010	NEW-P	91-16-088
246-930-300	NEW-P	91-06-091	248-14-071	NEW-P	91-15-061	250-78-010	NEW	91-20-020
246-930-300	NEW	91-11-063	248-14-071	NEW-E	91-15-064	250-78-020	NEW-E	91-15-073
246-930-301	NEW-E	91-19-022	248-14-071	NEW	91-19-025	250-78-020	NEW-P	91-16-088
246-930-301	NEW-P	91-19-036	248-106-030	NEW-W	91-11-024	250-78-020	NEW	91-20-020
246-930-310	NEW-E	91-19-022	250-25-010	NEW-P	91-20-141	250-78-030	NEW-E	91-15-073
246-930-310	NEW-P	91-19-036	250-25-020	NEW-P	91-20-141	250-78-030	NEW-P	91-16-088
246-930-320	NEW-E	91-19-022	250-25-030	NEW-P	91-20-141	250-78-030	NEW	91-20-020
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246-930-330	NEW-E	91-19-022	250-25-045	NEW-P	91-20-141	250-78-040	NEW-P	91-16-088
246-930-330	NEW-P	91-19-036	250-25-050	NEW-P	91-20-141	250-78-040	NEW	91-20-020
246-930-340	NEW-E	91-19-022	250-25-060	NEW-P	91-20-141	250-78-050	NEW-E	91-15-073
246-930-340	NEW-P	91-19-036	250-25-070	NEW-P	91-20-141	250-78-050	NEW-P	91-16-088
246-930-400	NEW-P	91-06-091	250-25-080	NEW-P	91-20-141	250-78-050	NEW	91-20-020
246-930-400	NEW	91-11-063	250-25-090	NEW-P	91-20-141	250-78-060	NEW-E	91-15-073
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246-930-499	NEW	91-11-063	250-44-050	AMD	91-14-009	250-78-060	NEW	91-20-020
246-930-990	NEW-P	91-06-091	250-44-110	AMD-E	91-04-045	251-01-010	REP-P	91-20-140
246-930-990	NEW	91-11-063	250-44-110	AMD	91-14-009	251-01-155	REP-P	91-20-140
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246-933-020	AMD-P	91-19-021	250-44-130	AMD	91-14-009	251-01-395	AMD-P	91-21-129
246-933-030	AMD-P	91-19-021	250-67-010	REP-P	91-20-141	251-04-160	NEW-P	91-10-059
246-933-050	AMD-P	91-19-021	250-67-020	REP-P	91-20-141	251-04-160	NEW	91-13-011
246-933-070	AMD-P	91-19-021	250-67-030	REP-P	91-20-141	251-08-090	AMD-P	91-13-096
246-933-080	AMD-P	91-19-021	250-67-040	REP-P	91-20-141	251-08-090	AMD-E	91-15-032
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246-933-100	AMD-P	91-19-021	250-67-060	REP-P	91-20-141	251-08-112	AMD-E	91-05-052
246-933-140	AMD-P	91-19-021	250-68-001	REP-P	91-20-141	251-08-112	AMD-P	91-06-077
246-933-150	AMD-P	91-19-021	250-68-010	REP-P	91-20-141	251-08-112	AMD	91-10-003
246-933-170	AMD-P	91-21-113	250-68-020	REP-P	91-20-141	251-08-112	AMD-P	91-10-061
246-933-240	AMD-P	91-19-021	250-68-030	REP-P	91-20-141	251-08-112	AMD	91-13-011
246-933-250	AMD-P	91-19-021	250-68-035	REP-P	91-20-141	251-09-020	AMD-P	91-07-060
246-933-250	AMD-W	91-20-118	250-68-040	REP-P	91-20-141	251-09-020	AMD-E	91-13-014
246-933-250	AMD-P	91-21-113	250-68-050	REP-P	91-20-141	251-09-020	AMD-P	91-13-095
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275-36-010	REP	91-17-005	275-38-040	REP	91-17-005	284-02-070	AMD-P	91-14-064
275-36-020	REP-P	91-10-035	275-38-045	AMD-P	91-10-035	284-02-070	AMD	91-17-013
275-36-020	REP	91-17-005	275-38-045	AMD	91-17-005	284-12-090	NEW-P	91-19-051
275-36-030	REP-P	91-10-035	275-38-050	AMD-P	91-10-035	284-12-111	NEW-P	91-19-051
275-36-030	REP	91-17-005	275-38-050	AMD	91-17-005	284-14-010	REP-P	91-04-057
275-36-040	REP-P	91-10-035	275-38-055	AMD-P	91-10-035	284-14-010	REP-W	91-17-050
275-36-040	REP	91-17-005	275-38-055	AMD	91-17-005	284-15-080	NEW-P	91-19-051
275-36-050	REP-P	91-10-035	275-38-060	AMD-P	91-10-035	284-17-515	AMD-P	91-09-048
275-36-050	REP	91-17-005	275-38-060	AMD	91-17-005	284-17-515	AMD	91-12-032
275-36-061	REP-P	91-10-035	275-38-065	AMD-P	91-10-035	284-17-551	AMD-P	91-09-049
275-36-061	REP	91-17-005	275-38-065	AMD	91-17-005	284-17-551	AMD	91-12-033
275-36-065	REP-P	91-10-035	275-38-075	AMD-P	91-10-035	284-17-552	AMD-P	91-09-049
275-36-065	REP	91-17-005	275-38-075	AMD	91-17-005	284-17-552	AMD	91-12-033
275-36-071	REP-P	91-10-035	275-38-090	NEW-P	91-10-035	284-17-553	AMD-P	91-09-049
275-36-071	REP	91-17-005	275-38-090	NEW	91-17-005	284-17-553	AMD	91-12-033
275-36-081	REP-P	91-10-035	275-41	NEW-C	91-15-013	284-17-554	AMD-P	91-09-049
275-36-081	REP	91-17-005	275-41-005	NEW-P	91-10-035	284-17-554	AMD	91-12-033
275-36-091	REP-P	91-10-035	275-41-005	NEW	91-17-005	284-17-555	AMD-P	91-09-049
275-36-091	REP	91-17-005	275-41-010	NEW-P	91-10-035	284-17-555	AMD	91-12-033
275-36-101	REP-P	91-10-035	275-41-010	NEW	91-17-005	284-23-570	NEW-P	91-19-050
275-36-101	REP	91-17-005	275-41-015	NEW-P	91-10-035	284-23-570	NEW	91-22-012
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275-36-110	REP	91-17-005	275-41-020	NEW-P	91-10-035	284-30-610	NEW	91-03-073
275-36-120	REP-P	91-10-035	275-41-020	NEW	91-17-005	284-44-400	REP-P	91-04-057
275-36-120	REP	91-17-005	275-41-025	NEW-P	91-10-035	284-44-400	REP	91-07-053
275-36-130	REP-P	91-10-035	275-41-025	NEW	91-17-005	284-46-010	REP-P	91-04-057
275-36-130	REP	91-17-005	275-54-160	AMD-P	91-13-103	284-46-010	REP	91-07-053
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275-36-140	REP	91-17-005	275-54-190	AMD-P	91-13-103	284-51-050	AMD	91-18-026
275-36-150	REP-P	91-10-035	275-54-190	AMD	91-16-060	284-91	AMD-C	91-16-012
275-36-150	REP	91-17-005	275-54-200	AMD-P	91-13-103	284-91-025	AMD-P	91-13-076
275-36-153	REP-P	91-10-035	275-54-200	AMD	91-16-060	284-91-025	AMD	91-16-052
275-36-153	REP	91-17-005	275-54-290	AMD-P	91-16-013	284-91-050	NEW-P	91-13-076
275-36-160	REP-P	91-10-035	275-54-290	AMD-E	91-16-025	284-91-050	NEW	91-16-052
275-36-160	REP	91-17-005	275-54-290	AMD-C	91-20-048	284-95-010	NEW-P	91-19-092
275-36-170	REP-P	91-10-035	275-54-290	AMD	91-21-025	284-95-010	NEW-C	91-22-062
275-36-170	REP	91-17-005	275-55-115	AMD-P	91-16-057	284-95-020	NEW-P	91-19-092
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275-36-180	REP	91-17-005	275-55-115	AMD-C	91-20-047	284-95-030	NEW-P	91-19-092
275-36-190	REP-P	91-10-035	275-55-115	AMD-C	91-21-024	284-95-030	NEW-C	91-22-062
275-36-190	REP	91-17-005	275-55-115	AMD	91-22-044	284-95-040	NEW-P	91-19-092
275-36-200	REP-P	91-10-035	275-55-241	AMD-P	91-16-013	284-95-040	NEW-C	91-22-062
275-36-200	REP	91-17-005	275-55-241	AMD-E	91-16-025	284-95-050	NEW-P	91-19-092
275-36-211	REP-P	91-10-035	275-55-241	AMD-C	91-20-048	284-95-050	NEW-C	91-22-062
275-36-211	REP	91-17-005	275-55-241	AMD	91-21-025	284-95-060	NEW-P	91-19-092
275-36-260	REP-P	91-10-035	275-55-261	AMD-P	91-13-102	284-95-060	NEW-C	91-22-062
275-36-260	REP	91-17-005	275-55-261	AMD	91-16-061	284-95-070	NEW-P	91-19-092
275-36-270	REP-P	91-10-035	275-55-281	AMD-P	91-13-102	284-95-070	NEW-C	91-22-062
275-36-270	REP	91-17-005	275-55-281	AMD	91-16-061	284-95-080	NEW-P	91-19-092
275-36-275	REP-P	91-10-035	275-55-291	AMD-P	91-13-102	284-95-080	NEW-C	91-22-062
275-36-275	REP	91-17-005	275-55-291	AMD	91-16-061	286-27-010	NEW-P	91-13-025
275-36-280	REP-P	91-10-035	275-59-041	AMD-P	91-20-089	286-27-010	NEW	91-17-010
275-36-280	REP	91-17-005	275-59-071	AMD-P	91-16-057	286-27-020	NEW-P	91-13-025
275-36-285	REP-P	91-10-035	275-59-071	AMD-E	91-16-067	286-27-020	NEW	91-17-010
275-36-285	REP	91-17-005	275-59-071	AMD-C	91-20-047	286-27-030	NEW-P	91-13-025
275-36-290	REP-P	91-10-035	275-59-071	AMD-C	91-21-024	286-27-030	NEW	91-17-010
275-36-290	REP	91-17-005	275-59-071	AMD	91-22-044	286-27-040	NEW-P	91-13-025
275-36-295	REP-P	91-10-035	275-156-005	NEW-P	91-17-086	286-27-040	NEW	91-17-010
275-36-295	REP	91-17-005	275-156-005	NEW	91-21-027	286-27-050	NEW-P	91-13-025
275-36-300	REP-P	91-10-035	275-156-010	NEW-P	91-17-086	286-27-050	NEW	91-17-010
275-36-300	REP	91-17-005	275-156-010	NEW	91-21-027	286-27-060	NEW-P	91-13-025
275-36-305	REP-P	91-10-035	275-156-015	NEW-P	91-17-086	286-27-060	NEW	91-17-010
275-36-305	REP	91-17-005	275-156-015	NEW	91-21-027	286-27-070	NEW-P	91-13-025
275-36-310	REP-P	91-10-035	275-156-020	NEW-P	91-17-086	286-27-070	NEW	91-17-010
275-36-310	REP	91-17-005	275-156-020	NEW	91-21-027	286-27-080	NEW-P	91-13-025
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275-38-001	AMD	91-17-005	275-156-030	NEW	91-21-027	292-10-030	NEW	91-04-060
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296-17-320	AMD	91-12-014	296-21-027	AMD	91-07-008	296-22-235	AMD	91-07-008
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296-95-311	NEW-P	91-10-091	296-95-442	NEW-P	91-10-091	296-127-015	AMD-C	91-20-068
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296-95-313	NEW-P	91-10-091	296-95-444	NEW-P	91-10-091	296-127-016	REP-P	91-14-104
296-95-313	NEW-W	91-22-019	296-95-446	NEW-W	91-22-019	296-127-016	REP-C	91-20-068
296-95-316	NEW-P	91-10-091	296-95-446	NEW-W	91-10-091	296-127-017	AMD-W	91-10-092
296-95-316	NEW-W	91-22-019	296-95-448	NEW-P	91-10-091	296-127-017	AMD-P	91-14-104
296-95-318	NEW-P	91-10-091	296-95-448	NEW-W	91-22-019	296-127-017	AMD-C	91-20-068
296-95-318	NEW-W	91-22-019	296-95-450	NEW-P	91-10-091	296-127-017	NEW-W	91-10-092
296-95-321	NEW-P	91-10-091	296-95-450	NEW-W	91-22-019	296-127-018	NEW-P	91-14-104
296-95-321	NEW-W	91-22-019	296-95-500	NEW-P	91-10-091	296-127-018	NEW-C	91-20-068
296-95-322	NEW-P	91-10-091	296-95-500	NEW-W	91-22-019	296-127-018	AMD-W	91-10-092
296-95-322	NEW-W	91-22-019	296-95-510	NEW-P	91-10-091	296-127-019	AMD-P	91-14-104
296-95-323	NEW-P	91-10-091	296-95-510	NEW-W	91-22-019	296-127-019	AMD-C	91-20-068
296-95-323	NEW-W	91-22-019	296-95-540	NEW-P	91-10-091	296-127-019	AMD-W	91-10-092
296-95-324	NEW-P	91-10-091	296-95-540	NEW-W	91-22-019	296-127-020	AMD-P	91-14-104
296-95-324	NEW-W	91-22-019	296-95-600	NEW-P	91-10-091	296-127-020	AMD-C	91-20-068
296-95-325	NEW-P	91-10-091	296-95-600	NEW-W	91-22-019	296-127-020	AMD-P	91-14-104
296-95-325	NEW-W	91-22-019	296-95-610	NEW-P	91-10-091	296-127-022	AMD-C	91-20-068
296-95-326	NEW-P	91-10-091	296-95-610	NEW-W	91-22-019	296-127-022	AMD-W	91-10-092
296-95-326	NEW-W	91-22-019	296-95-620	NEW-P	91-10-091	296-127-025	AMD-P	91-14-104
296-95-328	NEW-P	91-10-091	296-95-620	NEW-W	91-22-019	296-127-025	AMD-C	91-20-068
296-95-328	NEW-W	91-22-019	296-95-630	NEW-P	91-10-091	296-127-025	AMD-W	91-10-092
296-95-330	NEW-P	91-10-091	296-95-630	NEW-W	91-22-019	296-127-050	NEW-P	91-14-104
296-95-330	NEW-W	91-22-019	296-95-700	NEW-P	91-10-091	296-127-050	NEW-C	91-20-068
296-95-332	NEW-P	91-10-091	296-95-700	NEW-W	91-22-019	296-127-320	AMD-P	91-14-104
296-95-332	NEW-W	91-22-019	296-95-710	NEW-P	91-10-091	296-127-320	AMD-C	91-20-068
296-95-334	NEW-P	91-10-091	296-95-710	NEW-W	91-22-019	296-127-990	NEW-W	91-10-092
296-95-334	NEW-W	91-22-019	296-95-800	NEW-P	91-10-091	296-127-990	NEW-P	91-14-104
296-95-336	NEW-P	91-10-091	296-95-800	NEW-W	91-22-019	296-127-990	NEW-C	91-20-068
296-95-336	NEW-W	91-22-019	296-95-810	NEW-P	91-10-091	296-155-100	AMD-P	91-17-068
296-95-338	NEW-P	91-10-091	296-95-810	NEW-W	91-22-019	296-155-100	AMD-C	91-20-069
296-95-338	NEW-W	91-22-019	296-99-050	AMD-P	91-04-077	296-155-20301	AMD-P	91-17-068
296-95-340	NEW-P	91-10-091	296-99-050	AMD	91-11-070	296-155-20301	AMD-C	91-20-069
296-95-340	NEW-W	91-22-019	296-104-015	AMD-P	91-09-047	296-155-205	AMD-P	91-04-077
296-95-342	NEW-P	91-10-091	296-104-015	AMD	91-11-107	296-155-205	AMD	91-11-070
296-95-342	NEW-W	91-22-019	296-104-120	AMD-P	91-09-047	296-155-225	REP	91-03-044
296-95-344	NEW-P	91-10-091	296-104-120	AMD	91-11-107	296-155-230	REP	91-03-044
296-95-344	NEW-W	91-22-019	296-104-200	AMD-P	91-09-047	296-155-24501	NEW	91-03-044

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296-155-24505	NEW	91-03-044	296-155-66504	REP	91-03-044	308-17-105	NEW-P	91-19-085
296-155-24510	NEW	91-03-044	296-155-66505	REP	91-03-044	308-17-105	NEW	91-22-111
296-155-24510	AMD-P	91-17-068	296-155-675	AMD-P	91-04-077	308-17-110	NEW-P	91-19-085
296-155-24510	AMD-C	91-20-069	296-155-675	AMD	91-11-070	308-17-110	NEW	91-22-111
296-155-24515	NEW	91-03-044	296-155-682	AMD	91-03-044	308-17-120	NEW-P	91-19-085
296-155-24515	AMD-P	91-17-068	296-155-688	AMD	91-03-044	308-17-120	NEW	91-22-111
296-155-24515	AMD-C	91-20-069	296-155-689	AMD	91-03-044	308-17-130	NEW-P	91-19-085
296-155-24520	NEW	91-03-044	296-155-694	AMD-P	91-04-077	308-17-130	NEW	91-22-111
296-155-24520	AMD-P	91-17-068	296-155-694	AMD	91-11-070	308-17-140	NEW-P	91-19-085
296-155-24520	AMD-C	91-20-069	296-155-700	AMD	91-03-044	308-17-140	NEW	91-22-111
296-155-24521	NEW	91-03-044	296-155-705	AMD	91-03-044	308-17-150	NEW-P	91-19-085
296-155-24525	NEW	91-03-044	296-155-720	AMD	91-03-044	308-17-150	NEW	91-22-111
296-155-363	AMD-P	91-04-077	296-155-730	AMD-P	91-04-077	308-17-160	NEW-P	91-19-085
296-155-363	AMD	91-11-070	296-155-730	AMD	91-11-070	308-17-160	NEW	91-22-111
296-155-36313	AMD-P	91-04-077	296-155-950	AMD	91-03-044	308-17-165	NEW-P	91-19-085
296-155-36313	AMD	91-11-070	296-305-025	AMD-P	91-17-068	308-17-165	NEW	91-22-111
296-155-375	AMD-P	91-04-077	296-305-025	AMD-C	91-20-069	308-17-170	NEW-P	91-19-085
296-155-375	AMD	91-11-070	296-305-06009	AMD-P	91-04-077	308-17-170	NEW	91-22-111
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296-155-47501	NEW-P	91-17-068	296-305-063	AMD-C	91-20-069	308-17-205	NEW-P	91-19-085
296-155-47501	NEW-C	91-20-069	296-305-110	AMD	91-03-044	308-17-205	NEW	91-22-111
296-155-476	NEW-P	91-17-068	296-306-025	AMD-P	91-17-068	308-17-210	NEW-P	91-19-085
296-155-476	NEW-C	91-20-069	296-306-025	AMD-C	91-20-069	308-17-210	NEW	91-22-111
296-155-477	NEW-P	91-17-068	296-306-040	AMD-P	91-17-068	308-17-220	NEW-P	91-19-085
296-155-477	NEW-C	91-20-069	296-306-040	AMD-C	91-20-069	308-17-220	NEW	91-22-111
296-155-480	AMD	91-03-044	296-306-165	AMD-P	91-17-068	308-17-230	NEW-P	91-19-085
296-155-480	AMD-P	91-17-068	296-306-165	AMD-C	91-20-069	308-17-230	NEW	91-22-111
296-155-480	AMD-C	91-20-069	296-306-260	AMD-P	91-04-077	308-17-240	NEW-P	91-19-085
296-155-48060	NEW-P	91-17-068	296-306-260	AMD	91-11-070	308-17-240	NEW	91-22-111
296-155-48060	NEW-C	91-20-069	296-306-265	AMD-P	91-04-077	308-17-300	NEW-P	91-19-085
296-155-48080	NEW-P	91-17-068	296-306-265	AMD	91-11-070	308-17-300	NEW	91-22-111
296-155-48080	NEW-C	91-20-069	296-306-27095	AMD-P	91-04-077	308-17-310	NEW-P	91-19-085
296-155-48090	AMD-P	91-17-068	296-306-27095	AMD	91-11-070	308-17-310	NEW	91-22-111
296-155-48090	AMD-C	91-20-069	296-306-310	AMD-P	91-04-077	308-17-320	NEW-P	91-19-085
296-155-481	NEW-P	91-17-068	296-306-310	AMD	91-11-070	308-17-320	NEW	91-22-111
296-155-481	NEW-C	91-20-069	296-306-320	AMD-P	91-04-077	308-18-010	NEW-P	91-19-084
296-155-483	NEW-P	91-17-068	296-306-320	AMD	91-11-070	308-18-010	NEW	91-22-112
296-155-483	NEW-C	91-20-069	296-306-400	AMD-P	91-17-068	308-18-020	NEW-P	91-19-084
296-155-485	AMD	91-03-044	296-306-400	AMD-C	91-20-069	308-18-020	NEW	91-22-112
296-155-485	AMD-P	91-17-068	296-350-300	REP-P	91-17-068	308-18-030	NEW-P	91-19-084
296-155-485	AMD-C	91-20-069	296-350-300	REP-C	91-20-069	308-18-030	NEW	91-22-112
296-155-48529	AMD	91-03-044	296-350-400	AMD-P	91-17-068	308-18-100	NEW-P	91-19-084
296-155-48531	AMD	91-03-044	296-350-400	AMD-C	91-20-069	308-18-100	NEW	91-22-112
296-155-48533	AMD	91-03-044	308-10-067	NEW-P	91-07-028	308-18-105	NEW-P	91-19-084
296-155-500	AMD	91-03-044	308-10-067	NEW	91-13-057	308-18-105	NEW	91-22-112
296-155-500	AMD-P	91-17-068	308-12-115	AMD-P	91-06-012	308-18-110	NEW-P	91-19-084
296-155-500	AMD-C	91-20-069	308-12-115	AMD-P	91-09-041	308-18-110	NEW	91-22-112
296-155-505	AMD	91-03-044	308-12-115	AMD	91-12-061	308-18-120	NEW-P	91-19-084
296-155-505	AMD-P	91-17-068	308-12-115	AMD-W	91-19-081	308-18-120	NEW	91-22-112
296-155-505	AMD-C	91-20-069	308-12-326	AMD-P	91-09-020	308-18-130	NEW-P	91-19-084
296-155-50501	REP	91-03-044	308-12-326	AMD	91-13-055	308-18-130	NEW	91-22-112
296-155-50503	AMD	91-03-044	308-13-150	AMD-P	91-20-139	308-18-140	NEW-P	91-19-084
296-155-50505	AMD-P	91-17-068	308-14-085	AMD-P	91-15-065	308-18-140	NEW	91-22-112
296-155-50505	AMD-C	91-20-069	308-14-085	AMD	91-20-002	308-18-145	NEW-P	91-19-084
296-155-510	AMD-P	91-17-068	308-14-085	AMD	91-20-044	308-18-145	NEW	91-22-112
296-155-510	AMD-C	91-20-069	308-14-090	AMD-P	91-15-065	308-18-150	NEW-P	91-19-084
296-155-525	AMD	91-03-044	308-14-090	AMD	91-20-002	308-18-150	NEW	91-22-112
296-155-530	AMD	91-03-044	308-14-090	AMD	91-20-044	308-18-160	NEW-P	91-19-084
296-155-59904	AMD-P	91-17-068	308-14-120	NEW-P	91-15-065	308-18-160	NEW	91-22-112
296-155-59904	AMD-C	91-20-069	308-14-120	NEW	91-20-002	308-18-165	NEW-P	91-19-084
296-155-620	AMD	91-03-044	308-14-120	NEW	91-20-044	308-18-165	NEW	91-22-112
296-155-625	AMD	91-03-044	308-14-130	AMD-P	91-15-065	308-18-170	NEW-P	91-19-084
296-155-650	AMD	91-03-044	308-14-130	AMD	91-20-002	308-18-170	NEW	91-22-112
296-155-655	AMD	91-03-044	308-14-130	AMD	91-20-044	308-18-200	NEW-P	91-19-084
296-155-65505	REP	91-03-044	308-14-135	NEW-W	91-03-065	308-18-200	NEW	91-22-112
296-155-657	NEW	91-03-044	308-14-135	NEW-P	91-15-065	308-18-205	NEW-P	91-19-084
296-155-660	REP	91-03-044	308-14-135	NEW	91-20-002	308-18-205	NEW	91-22-112
296-155-66005	REP	91-03-044	308-14-135	NEW	91-20-044	308-18-210	NEW-P	91-19-084
296-155-66103	NEW	91-03-044	308-17-010	NEW-P	91-19-085	308-18-210	NEW	91-22-112
296-155-66105	NEW	91-03-044	308-17-010	NEW	91-22-111	308-18-220	NEW-P	91-19-084
296-155-66109	NEW	91-03-044	308-17-020	NEW-P	91-19-085	308-18-220	NEW	91-22-112
296-155-664	NEW	91-03-044	308-17-020	NEW	91-22-111	308-18-230	NEW-P	91-19-084
296-155-665	REP	91-03-044	308-17-030	NEW-P	91-19-085	308-18-230	NEW	91-22-112
296-155-66501	REP	91-03-044	308-17-030	NEW	91-22-111	308-18-240	NEW-P	91-19-084
296-155-66502	REP	91-03-044	308-17-100	NEW-P	91-19-085	308-18-240	NEW	91-22-112

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308-18-300	NEW	91-22-112	308-20-180	AMD-P	91-22-094	308-50-020	DECOD-P	91-07-058
308-18-310	NEW-P	91-19-084	308-20-180	AMD-E	91-22-095	308-50-020	DECOD	91-11-031
308-18-310	NEW	91-22-112	308-20-205	AMD-P	91-22-094	308-50-035	DECOD-P	91-07-058
308-18-320	NEW-P	91-19-084	308-20-205	AMD-E	91-22-095	308-50-035	DECOD	91-11-031
308-18-320	NEW	91-22-112	308-20-208	NEW-P	91-22-094	308-50-040	DECOD-P	91-07-058
308-20	AMD-P	91-22-094	308-20-208	NEW-E	91-22-095	308-50-040	DECOD	91-11-031
308-20	AMD-E	91-22-095	308-20-210	AMD-P	91-22-094	308-50-090	DECOD-P	91-07-058
308-20-010	AMD-P	91-05-080	308-20-210	AMD-E	91-22-095	308-50-090	DECOD	91-11-031
308-20-010	AMD	91-11-042	308-31-001	DECOD	91-03-095	308-50-100	DECOD-P	91-07-058
308-20-010	AMD-P	91-22-094	308-31-010	DECOD	91-03-095	308-50-100	DECOD	91-11-031
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308-20-020	AMD-P	91-05-080	308-31-020	DECOD	91-03-095	308-50-110	DECOD	91-11-031
308-20-020	AMD	91-11-042	308-31-020	AMD-P	91-05-089	308-50-120	DECOD-P	91-07-058
308-20-020	AMD-P	91-22-094	308-31-025	DECOD	91-03-095	308-50-120	DECOD	91-11-031
308-20-020	AMD-E	91-22-095	308-31-025	AMD-P	91-05-089	308-50-130	DECOD-P	91-07-058
308-20-030	AMD-P	91-05-080	308-31-030	DECOD	91-03-095	308-50-130	DECOD	91-11-031
308-20-030	AMD	91-11-042	308-31-030	AMD-P	91-05-089	308-50-140	DECOD-P	91-07-058
308-20-030	AMD-P	91-22-094	308-31-040	DECOD	91-03-095	308-50-140	DECOD	91-11-031
308-20-030	AMD-E	91-22-095	308-31-040	AMD-P	91-05-089	308-50-150	DECOD-P	91-07-058
308-20-040	AMD-P	91-05-080	308-31-050	DECOD	91-03-095	308-50-150	DECOD	91-11-031
308-20-040	AMD	91-11-042	308-31-050	AMD-P	91-05-089	308-50-160	DECOD-P	91-07-058
308-20-040	AMD-P	91-22-094	308-31-055	DECOD	91-05-029	308-50-160	DECOD	91-11-031
308-20-040	AMD-E	91-22-095	308-31-057	DECOD	91-03-095	308-50-170	DECOD-P	91-07-058
308-20-050	AMD-P	91-05-080	308-31-057	AMD-P	91-05-089	308-50-170	DECOD	91-11-031
308-20-050	AMD	91-11-042	308-31-060	DECOD	91-03-095	308-50-180	DECOD-P	91-07-058
308-20-050	AMD-P	91-22-094	308-31-060	AMD-P	91-05-089	308-50-180	DECOD	91-11-031
308-20-050	AMD-E	91-22-095	308-31-100	DECOD	91-03-095	308-50-190	DECOD-P	91-07-058
308-20-060	AMD-P	91-22-094	308-31-100	AMD-P	91-05-089	308-50-190	DECOD	91-11-031
308-20-060	AMD-E	91-22-095	308-31-110	DECOD	91-03-095	308-50-200	DECOD-P	91-07-058
308-20-070	AMD-P	91-05-080	308-31-110	AMD-P	91-05-089	308-50-200	DECOD	91-11-031
308-20-070	AMD	91-11-042	308-31-120	DECOD	91-03-095	308-50-210	DECOD-P	91-07-058
308-20-070	AMD-P	91-22-094	308-31-120	AMD-P	91-05-089	308-50-210	DECOD	91-11-031
308-20-070	AMD-E	91-22-095	308-31-210	DECOD	91-03-095	308-50-220	DECOD-P	91-07-058
308-20-080	AMD-P	91-05-080	308-31-210	AMD-P	91-05-089	308-50-220	DECOD	91-11-031
308-20-080	AMD	91-11-042	308-31-220	DECOD	91-03-095	308-50-240	DECOD-P	91-07-058
308-20-080	AMD-P	91-22-094	308-31-220	AMD-P	91-05-089	308-50-240	DECOD	91-11-031
308-20-080	AMD-E	91-22-095	308-31-230	DECOD	91-03-095	308-50-250	DECOD-P	91-07-058
308-20-090	AMD-P	91-05-080	308-31-230	AMD-P	91-05-089	308-50-250	DECOD	91-11-031
308-20-090	AMD	91-11-042	308-31-240	DECOD	91-03-095	308-50-260	DECOD-P	91-07-058
308-20-090	AMD-P	91-22-094	308-31-240	AMD-P	91-05-089	308-50-260	DECOD	91-11-031
308-20-090	AMD-E	91-22-095	308-31-250	DECOD	91-03-095	308-50-270	DECOD-P	91-07-058
308-20-095	NEW-P	91-05-080	308-31-250	AMD-P	91-05-089	308-50-270	DECOD	91-11-031
308-20-095	NEW	91-11-042	308-31-260	DECOD	91-03-095	308-50-280	DECOD-P	91-07-058
308-20-100	AMD-P	91-22-094	308-31-260	AMD-P	91-05-089	308-50-280	DECOD	91-11-031
308-20-100	AMD-E	91-22-095	308-31-270	DECOD	91-03-095	308-50-290	DECOD-P	91-07-058
308-20-105	AMD-P	91-05-080	308-31-270	AMD-P	91-05-089	308-50-290	DECOD	91-11-031
308-20-105	AMD	91-11-042	308-31-280	DECOD	91-03-095	308-50-295	AMD-P	91-07-057
308-20-105	AMD-P	91-22-094	308-31-280	AMD-P	91-05-089	308-50-295	DECOD-P	91-07-058
308-20-105	AMD-E	91-22-095	308-31-500	DECOD	91-03-095	308-50-295	AMD-W	91-07-059
308-20-107	AMD-P	91-22-094	308-31-500	AMD-P	91-05-089	308-50-295	DECOD	91-11-031
308-20-107	AMD-E	91-22-095	308-31-510	DECOD	91-03-095	308-50-295	AMD	91-11-032
308-20-109	AMD-P	91-22-094	308-31-510	AMD-P	91-05-089	308-50-310	AMD-P	91-07-057
308-20-109	AMD-E	91-22-095	308-31-520	DECOD	91-03-095	308-50-310	DECOD-P	91-07-058
308-20-110	AMD-P	91-05-080	308-31-520	AMD-P	91-05-089	308-50-310	AMD-W	91-07-059
308-20-110	AMD	91-11-042	308-31-530	DECOD	91-03-095	308-50-310	DECOD	91-11-031
308-20-110	AMD-P	91-22-094	308-31-530	AMD-P	91-05-089	308-50-310	AMD	91-11-032
308-20-110	AMD-E	91-22-095	308-31-540	DECOD	91-03-095	308-50-320	DECOD-P	91-07-058
308-20-120	AMD-P	91-22-094	308-31-540	AMD-P	91-05-089	308-50-320	DECOD	91-11-031
308-20-120	AMD-E	91-22-095	308-31-550	DECOD	91-03-095	308-50-330	DECOD-P	91-07-058
308-20-130	AMD-P	91-22-094	308-31-550	AMD-P	91-05-089	308-50-330	DECOD	91-11-031
308-20-130	AMD-E	91-22-095	308-31-560	DECOD	91-03-095	308-50-350	DECOD-P	91-07-058
308-20-140	AMD-P	91-05-080	308-31-560	AMD-P	91-05-089	308-50-350	DECOD	91-11-031
308-20-140	AMD	91-11-042	308-31-570	DECOD	91-03-095	308-50-380	DECOD-P	91-07-058
308-20-140	AMD-P	91-22-094	308-31-570	AMD-P	91-05-089	308-50-380	DECOD	91-11-031
308-20-140	AMD-E	91-22-095	308-42-075	AMD	91-05-004	308-50-390	DECOD-P	91-07-058
308-20-150	AMD-P	91-22-094	308-48-520	REP-W	91-09-043	308-50-390	DECOD	91-11-031
308-20-150	AMD-E	91-22-095	308-48-580	REP-W	91-09-043	308-50-400	DECOD-P	91-07-058
308-20-155	AMD-P	91-22-094	308-48-590	AMD-W	91-09-043	308-50-400	DECOD	91-11-031
308-20-155	AMD-E	91-22-095	308-48-600	REP-W	91-09-043	308-50-410	DECOD-P	91-07-058
308-20-171	AMD-P	91-22-094	308-48-600	AMD-P	91-15-048	308-50-410	DECOD	91-11-031
308-20-171	AMD-E	91-22-095	308-48-600	AMD	91-20-071	308-50-420	DECOD-P	91-07-058
308-20-172	NEW-P	91-22-094	308-48-601	NEW-W	91-09-043	308-50-420	DECOD	91-11-031
308-20-172	NEW-E	91-22-095	308-48-610	NEW-W	91-09-043	308-50-430	DECOD-P	91-07-058
308-20-175	NEW-P	91-05-080	308-48-800	AMD-P	91-08-032	308-50-430	DECOD	91-11-031
308-20-175	NEW	91-11-042	308-48-800	AMD	91-11-023	308-50-440	AMD-P	91-08-078
308-20-175	AMD-P	91-22-094	308-50-010	DECOD-P	91-07-058	308-50-440	DECOD	91-11-030

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
308-50-500	DECOD-P 91-07-058	308-53-084	DECOD 91-06-025	308-57-030	NEW 91-04-026
308-50-500	DECOD 91-11-031	308-53-085	DECOD 91-06-025	308-57-110	NEW 91-04-026
308-51-230	DECOD-W 91-09-044	308-53-100	DECOD 91-06-025	308-57-120	NEW 91-04-026
308-51-240	DECOD-W 91-09-044	308-53-110	DECOD 91-06-025	308-57-130	NEW 91-04-026
308-51-250	DECOD-W 91-09-044	308-53-120	DECOD 91-06-025	308-57-140	NEW 91-04-026
308-51-260	DECOD-W 91-09-044	308-53-123	DECOD 91-06-025	308-57-210	NEW 91-04-026
308-51-270	DECOD-W 91-09-044	308-53-125	DECOD 91-06-025	308-57-220	NEW 91-04-026
308-51-280	DECOD-W 91-09-044	308-53-135	DECOD 91-06-025	308-57-230	NEW 91-04-026
308-51-290	DECOD-W 91-09-044	308-53-140	DECOD 91-06-025	308-57-240	NEW 91-04-026
308-51-300	DECOD-W 91-09-044	308-53-145	DECOD 91-06-025	308-57-310	NEW 91-04-026
308-51-310	DECOD-W 91-09-044	308-53-146	DECOD 91-06-025	308-57-320	NEW 91-04-026
308-51-320	DECOD-W 91-09-044	308-53-150	DECOD 91-06-025	308-57-410	NEW 91-04-026
308-52-010	DECOD 91-06-030	308-53-151	DECOD 91-06-025	308-57-420	NEW 91-04-026
308-52-030	DECOD 91-06-030	308-53-155	DECOD 91-06-025	308-57-430	NEW 91-04-026
308-52-040	DECOD 91-06-030	308-53-165	DECOD 91-06-025	308-57-440	NEW 91-04-026
308-52-100	DECOD 91-06-030	308-53-170	DECOD 91-06-025	308-58-010	AMD 91-04-025
308-52-120	DECOD 91-06-030	308-53-175	DECOD 91-06-025	308-58-020	AMD 91-04-025
308-52-132	DECOD 91-06-030	308-53-180	DECOD 91-06-025	308-61-175	AMD-P 91-13-035
308-52-135	AMD-E 91-04-033	308-53-200	DECOD 91-06-025	308-61-175	AMD 91-20-121
308-52-135	AMD-P 91-04-055	308-53-205	DECOD 91-06-025	308-61-185	AMD-P 91-13-035
308-52-135	DECOD 91-06-030	308-53-210	DECOD 91-06-025	308-61-185	AMD 91-20-121
308-52-136	DECOD 91-06-030	308-53-215	DECOD 91-06-025	308-66	AMD-P 91-14-097
308-52-138	DECOD 91-06-030	308-53-220	DECOD 91-06-025	308-66	AMD 91-20-057
308-52-139	DECOD 91-06-030	308-53-230	DECOD 91-06-025	308-66-120	AMD-P 91-14-097
308-52-140	DECOD 91-06-030	308-53-235	DECOD 91-06-025	308-66-120	AMD 91-20-057
308-52-141	DECOD 91-06-030	308-53-240	DECOD 91-06-025	308-66-135	AMD-P 91-14-097
308-52-146	DECOD 91-06-030	308-53-245	DECOD 91-06-025	308-66-135	AMD 91-20-057
308-52-147	DECOD 91-06-030	308-53-250	DECOD 91-06-025	308-66-140	AMD-P 91-14-097
308-52-148	DECOD 91-06-030	308-53-260	DECOD 91-06-025	308-66-140	AMD 91-20-057
308-52-149	DECOD 91-06-030	308-53-265	DECOD 91-06-025	308-66-152	AMD 91-03-019
308-52-150	DECOD 91-06-030	308-53-270	DECOD 91-06-025	308-66-155	AMD-P 91-14-097
308-52-160	DECOD 91-06-030	308-53-275	DECOD 91-06-025	308-66-155	AMD 91-20-057
308-52-165	DECOD 91-06-030	308-53-280	DECOD 91-06-025	308-66-156	NEW 91-03-092
308-52-190	DECOD 91-06-030	308-53-320	DECOD 91-06-025	308-66-160	AMD-P 91-14-097
308-52-201	DECOD 91-06-030	308-53-330	DECOD 91-06-025	308-66-160	AMD 91-20-057
308-52-205	DECOD 91-06-030	308-53-340	DECOD 91-06-025	308-66-165	NEW-P 91-14-097
308-52-211	DECOD 91-06-030	308-53-350	DECOD 91-06-025	308-66-165	NEW 91-20-057
308-52-215	DECOD 91-06-030	308-53-400	DECOD 91-06-025	308-66-170	AMD-P 91-14-097
308-52-221	DECOD 91-06-030	308-54-010	DECOD 91-06-060	308-66-170	AMD 91-20-057
308-52-255	DECOD 91-06-030	308-54-020	DECOD 91-06-060	308-66-190	AMD-P 91-14-097
308-52-260	DECOD 91-06-030	308-54-030	DECOD 91-06-060	308-66-190	AMD 91-20-057
308-52-260	AMD 91-06-038	308-54-040	DECOD 91-06-060	308-66-212	AMD-P 91-14-097
308-52-265	DECOD 91-06-030	308-54-050	DECOD 91-06-060	308-66-212	AMD 91-20-057
308-52-270	DECOD 91-06-030	308-54-060	DECOD 91-06-060	308-66-213	REP-P 91-14-097
308-52-320	DECOD 91-06-030	308-54-070	DECOD 91-06-060	308-66-213	REP 91-20-057
308-52-400	DECOD 91-06-030	308-54-080	DECOD 91-06-060	308-66-214	AMD-P 91-14-097
308-52-405	DECOD 91-06-030	308-54-090	DECOD 91-06-060	308-66-214	AMD 91-20-057
308-52-406	DECOD 91-06-030	308-54-095	DECOD 91-06-060	308-66-215	AMD-P 91-14-097
308-52-410	DECOD 91-06-030	308-54-100	DECOD 91-06-060	308-66-215	AMD 91-20-057
308-52-415	DECOD 91-06-030	308-54-110	DECOD 91-06-060	308-66-240	NEW-P 91-14-097
308-52-420	DECOD 91-06-030	308-54-120	DECOD 91-06-060	308-66-240	NEW 91-20-057
308-52-425	DECOD 91-06-030	308-54-125	DECOD 91-06-060	308-72-710	NEW-P 91-21-135
308-52-500	DECOD 91-06-030	308-54-130	DECOD 91-06-060	308-77-034	AMD-P 91-21-133
308-52-502	DECOD 91-06-030	308-54-150	DECOD 91-06-060	308-77-040	AMD-P 91-21-133
308-52-504	DECOD 91-06-030	308-54-155	DECOD 91-06-060	308-77-080	REP 91-03-018
308-52-510	DECOD 91-06-030	308-54-160	DECOD 91-06-060	308-77-100	AMD 91-03-018
308-52-515	DECOD 91-06-030	308-54-162	DECOD 91-06-060	308-77-215	NEW-P 91-21-133
308-52-530	DECOD 91-06-030	308-54-170	DECOD 91-06-060	308-77-250	AMD 91-03-017
308-52-540	DECOD 91-06-030	308-54-180	DECOD 91-06-060	308-78-090	NEW-P 91-21-134
308-52-570	DECOD 91-06-030	308-54-200	DECOD 91-06-060	308-90-150	AMD-P 91-21-090
308-52-580	DECOD 91-06-030	308-54-205	DECOD 91-06-060	308-91-030	AMD-E 91-02-109
308-52-590	REP 91-06-027	308-54-220	DECOD 91-06-060	308-91-030	AMD-P 91-02-110
308-52-600	DECOD 91-06-030	308-54-225	DECOD 91-06-060	308-91-030	AMD 91-06-093
308-52-610	DECOD 91-06-030	308-54-230	DECOD 91-06-060	308-91-090	AMD-E 91-02-109
308-52-620	DECOD 91-06-030	308-54-240	DECOD 91-06-060	308-91-090	AMD-P 91-02-110
308-52-630	DECOD 91-06-030	308-54-250	DECOD 91-06-060	308-91-090	AMD 91-06-093
308-52-640	DECOD 91-06-030	308-54-315	AMD-P 91-05-025	308-91-095	NEW-E 91-02-109
308-52-650	DECOD 91-06-030	308-54-315	DECOD 91-06-058	308-91-095	NEW-P 91-02-110
308-52-660	DECOD 91-06-030	308-54-320	DECOD 91-06-060	308-91-095	NEW 91-06-093
308-52-680	DECOD 91-06-030	308-56A-090	NEW 91-03-088	308-91-150	AMD-E 91-02-109
308-52-690	DECOD 91-06-030	308-56A-120	REP-P 91-11-084	308-91-150	AMD-P 91-02-110
308-53	DECOD-C 91-03-116	308-56A-120	REP 91-15-006	308-91-150	AMD 91-06-093
308-53-010	DECOD 91-06-025	308-56A-150	AMD 91-04-024	308-93-295	AMD-P 91-21-090
308-53-020	DECOD 91-06-028	308-56A-460	AMD 91-04-025	308-93-670	NEW 91-03-089
308-53-030	DECOD 91-06-025	308-57-005	NEW 91-04-026	308-94-035	AMD-P 91-03-142
308-53-070	DECOD 91-06-025	308-57-010	NEW 91-04-026	308-94-035	AMD 91-09-001
308-53-075	DECOD 91-06-025	308-57-020	NEW 91-04-026	308-96A-005	AMD-P 91-11-084

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
308-96A-005	AMD	91-15-006	308-120-540	DECOD	91-07-049	308-122-545	DECOD	91-04-020
308-96A-005	AMD-P	91-22-088	308-120-545	DECOD	91-07-049	308-122-600	DECOD	91-04-020
308-96A-040	AMD-P	91-22-088	308-120-550	DECOD	91-07-049	308-122-610	DECOD	91-04-020
308-96A-046	AMD	91-04-025	308-120-555	DECOD	91-07-049	308-122-620	DECOD	91-04-020
308-96A-046	AMD-P	91-22-088	308-120-560	DECOD	91-07-049	308-122-630	DECOD	91-04-020
308-96A-056	AMD	91-04-025	308-120-565	DECOD	91-07-049	308-122-640	DECOD	91-04-020
308-96A-057	NEW-P	91-11-084	308-120-565	AMD	91-07-067	308-122-650	DECOD	91-04-020
308-96A-057	NEW	91-15-006	308-120-570	DECOD	91-07-049	308-122-660	DECOD	91-04-020
308-96A-065	AMD-P	91-11-084	308-120-575	DECOD	91-07-049	308-122-660	AMD	91-04-021
308-96A-065	AMD	91-15-006	308-120-610	AMD	91-07-032	308-122-670	DECOD	91-04-020
308-96A-070	AMD	91-04-025	308-120-620	DECOD	91-07-049	308-122-670	AMD	91-04-021
308-96A-071	NEW-P	91-11-084	308-120-700	DECOD	91-07-049	308-122-680	DECOD	91-04-020
308-96A-071	NEW	91-15-006	308-120-710	DECOD	91-07-049	308-122-690	DECOD	91-04-020
308-96A-073	NEW	91-04-025	308-120-720	DECOD	91-07-049	308-122-695	DECOD	91-04-020
308-96A-074	NEW	91-04-025	308-120-730	DECOD	91-07-049	308-122-700	DECOD	91-04-020
308-96A-075	AMD	91-04-025	308-120-740	DECOD	91-07-049	308-122-710	DECOD	91-04-020
308-96A-136	AMD-P	91-22-088	308-120-750	DECOD	91-07-049	308-122-720	DECOD	91-04-020
308-96A-161	NEW-P	91-11-084	308-120-760	DECOD	91-07-049	308-124A-025	AMD-P	91-20-136
308-96A-161	NEW	91-15-006	308-120-770	DECOD	91-07-049	308-124A-110	AMD-P	91-20-136
308-96A-162	NEW-P	91-11-084	308-120-780	DECOD	91-07-049	308-124A-120	AMD-P	91-20-136
308-96A-162	NEW	91-15-006	308-120-800	DECOD	91-07-049	308-124A-422	NEW-P	91-20-136
308-96A-201	NEW-P	91-22-088	308-120-810	DECOD	91-07-049	308-124A-425	AMD-P	91-20-136
308-96A-205	AMD-P	91-22-088	308-121-110	DECOD	91-07-049	308-124A-430	AMD-P	91-03-047
308-96A-206	NEW-P	91-22-088	308-121-120	DECOD	91-07-049	308-124A-430	AMD	91-07-029
308-96A-207	NEW-P	91-22-088	308-121-130	DECOD	91-07-049	308-124A-570	NEW-P	91-20-136
308-96A-208	NEW-P	91-22-088	308-121-140	DECOD	91-07-049	308-124A-600	NEW-P	91-20-136
308-96A-210	AMD-P	91-22-088	308-121-145	DECOD	91-07-049	308-124E-012	AMD-P	91-09-013
308-96A-220	AMD-P	91-22-088	308-121-150	DECOD	91-07-049	308-124E-012	AMD	91-12-012
308-96A-260	AMD-P	91-22-088	308-121-155	DECOD	91-07-049	308-124E-012	AMD-P	91-20-136
308-96A-275	AMD-P	91-22-088	308-121-160	DECOD	91-07-049	308-124E-013	AMD-P	91-20-136
308-96A-300	AMD-P	91-22-088	308-121-165	DECOD	91-07-049	308-124E-014	AMD-P	91-20-136
308-96A-345	AMD	91-04-024	308-121-170	DECOD	91-07-049	308-124H-010	AMD-P	91-03-047
308-96A-350	AMD	91-04-024	308-121-175	DECOD	91-07-049	308-124H-010	REP-P	91-20-136
308-96A-380	AMD	91-04-024	308-121-180	DECOD	91-07-049	308-124H-010	AMD	91-07-029
308-96A-505	NEW	91-03-091	308-122-001	DECOD	91-04-020	308-124H-025	AMD-P	91-03-047
308-96A-510	NEW	91-03-091	308-122-005	DECOD	91-04-020	308-124H-025	AMD	91-07-029
308-96A-520	NEW	91-03-091	308-122-006	DECOD	91-04-020	308-124H-025	AMD-P	91-20-136
308-96A-530	NEW	91-03-091	308-122-060	DECOD	91-04-020	308-124H-270	AMD-P	91-20-136
308-96A-540	NEW	91-03-091	308-122-200	DECOD	91-04-020	308-124H-520	AMD-P	91-09-065
308-96A-550	NEW	91-03-091	308-122-200	AMD	91-04-021	308-124H-520	AMD	91-12-013
308-96A-560	NEW	91-03-091	308-122-211	DECOD	91-04-020	308-124H-540	AMD-P	91-03-047
308-120-100	DECOD	91-07-049	308-122-215	DECOD	91-04-020	308-124H-540	AMD	91-07-029
308-120-100	AMD	91-07-067	308-122-220	DECOD	91-04-020	308-124H-800	NEW-P	91-09-013
308-120-161	DECOD	91-07-049	308-122-225	DECOD	91-04-020	308-124H-800	NEW	91-12-012
308-120-162	DECOD	91-07-049	308-122-230	DECOD	91-04-020	308-125-010	NEW	91-04-074
308-120-163	DECOD	91-07-049	308-122-235	DECOD	91-04-020	308-125-020	NEW	91-04-074
308-120-164	DECOD	91-07-049	308-122-275	DECOD	91-05-028	308-125-030	NEW	91-04-074
308-120-165	DECOD	91-07-049	308-122-280	DECOD	91-04-020	308-125-035	NEW-P	91-20-137
308-120-166	DECOD	91-07-049	308-122-350	DECOD	91-04-020	308-125-040	NEW	91-04-074
308-120-168	AMD	91-07-032	308-122-360	DECOD	91-04-020	308-125-040	AMD-P	91-20-137
308-120-168	DECOD	91-07-049	308-122-360	AMD	91-04-021	308-125-045	NEW-P	91-20-137
308-120-170	DECOD	91-07-049	308-122-370	DECOD	91-04-020	308-125-050	NEW	91-04-074
308-120-180	DECOD	91-07-049	308-122-380	REP	91-04-021	308-125-060	NEW	91-04-074
308-120-185	DECOD	91-07-049	308-122-380	DECOD-W	91-12-035	308-125-070	NEW	91-04-074
308-120-186	DECOD	91-07-049	308-122-390	REP	91-04-021	308-125-080	NEW	91-04-074
308-120-270	DECOD	91-07-049	308-122-390	DECOD-W	91-12-035	308-125-090	NEW	91-04-074
308-120-275	DECOD	91-07-048	308-122-400	REP	91-04-021	308-125-100	NEW	91-04-074
308-120-300	DECOD	91-07-049	308-122-400	DECOD-W	91-12-035	308-125-110	NEW	91-04-074
308-120-305	DECOD	91-07-049	308-122-410	REP	91-04-021	308-125-120	NEW	91-04-074
308-120-315	DECOD	91-07-049	308-122-410	DECOD-W	91-12-035	308-125-130	NEW	91-04-074
308-120-325	DECOD	91-07-049	308-122-420	REP	91-04-021	308-125-140	NEW	91-04-074
308-120-335	DECOD	91-07-049	308-122-420	DECOD-W	91-12-035	308-125-150	NEW	91-04-074
308-120-338	DECOD	91-07-049	308-122-430	DECOD	91-04-020	308-125-160	NEW	91-04-074
308-120-345	DECOD	91-07-049	308-122-440	DECOD	91-04-020	308-125-170	NEW	91-04-074
308-120-360	DECOD	91-07-049	308-122-450	DECOD	91-04-020	308-125-180	NEW	91-04-074
308-120-365	REP	91-07-049	308-122-500	REP	91-04-021	308-125-190	NEW	91-04-074
308-120-400	DECOD	91-07-049	308-122-500	DECOD-W	91-12-035	308-125-200	NEW	91-04-074
308-120-410	DECOD	91-07-049	308-122-505	DECOD	91-04-020	308-125-210	NEW	91-04-074
308-120-420	DECOD	91-07-049	308-122-510	DECOD	91-04-020	308-128B-080	AMD-P	91-08-049
308-120-430	DECOD	91-07-049	308-122-515	DECOD	91-04-020	308-128B-080	AMD	91-11-066
308-120-440	DECOD	91-07-049	308-122-515	AMD	91-04-021	308-138-055	REP-P	91-03-117
308-120-450	DECOD	91-07-049	308-122-520	DECOD	91-04-020	308-171-001	DECOD	91-05-027
308-120-505	DECOD	91-07-049	308-122-520	AMD	91-04-021	308-171-001	AMD-P	91-05-088
308-120-506	DECOD	91-07-049	308-122-525	DECOD	91-04-020	308-171-002	DECOD	91-05-027
308-120-525	DECOD	91-07-049	308-122-530	DECOD	91-04-020	308-171-003	DECOD	91-05-027
308-120-530	DECOD	91-07-049	308-122-535	DECOD	91-04-020	308-171-010	DECOD	91-05-027
308-120-535	DECOD	91-07-049	308-122-540	DECOD	91-04-020	308-171-010	AMD-P	91-05-088

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-171-020	DECOD	91-05-027	315-11-201	REP	91-03-034	315-11-631	NEW	91-06-074
308-171-020	AMD-P	91-05-088	315-11-202	REP	91-03-034	315-11-632	NEW-P	91-03-112
308-171-040	DECOD	91-05-027	315-11-210	REP	91-03-034	315-11-632	NEW	91-06-074
308-171-041	DECOD	91-05-027	315-11-211	REP	91-03-034	315-11-632	AMD-P	91-12-069
308-171-041	AMD-P	91-05-088	315-11-212	REP	91-03-034	315-11-632	AMD	91-15-037
308-171-045	DECOD	91-05-027	315-11-220	REP	91-03-034	315-11-640	NEW-P	91-07-070
308-171-100	DECOD	91-05-027	315-11-221	REP	91-03-034	315-11-640	NEW	91-11-033
308-171-101	DECOD	91-05-027	315-11-222	REP	91-03-034	315-11-641	NEW-P	91-07-070
308-171-102	DECOD	91-05-027	315-11-230	REP	91-03-034	315-11-641	NEW	91-11-033
308-171-103	DECOD	91-05-027	315-11-231	REP	91-03-034	315-11-642	NEW-P	91-07-070
308-171-103	AMD-P	91-05-088	315-11-232	REP	91-03-034	315-11-642	NEW	91-11-033
308-171-104	DECOD	91-05-027	315-11-240	REP	91-03-034	315-11-650	NEW-P	91-07-070
308-171-200	DECOD	91-05-027	315-11-241	REP	91-03-034	315-11-650	NEW	91-11-033
308-171-201	DECOD	91-05-027	315-11-242	REP	91-03-034	315-11-651	NEW-P	91-07-070
308-171-202	DECOD	91-05-027	315-11-250	REP	91-03-034	315-11-651	NEW	91-11-033
308-171-300	DECOD	91-05-027	315-11-251	REP	91-03-034	315-11-652	NEW-P	91-07-070
308-171-301	DECOD	91-05-027	315-11-252	REP	91-03-034	315-11-652	NEW	91-11-033
308-171-302	DECOD	91-05-027	315-11-260	REP	91-03-034	315-11-660	NEW-P	91-07-070
308-171-310	DECOD	91-05-030	315-11-261	REP	91-03-034	315-11-660	NEW	91-11-033
308-171-320	DECOD	91-05-027	315-11-262	REP	91-03-034	315-11-660	AMD-P	91-16-084
308-171-330	DECOD	91-05-027	315-11-270	REP	91-03-034	315-11-660	AMD	91-20-062
308-173-210	DECOD	91-07-049	315-11-271	REP	91-03-034	315-11-661	NEW-P	91-07-070
308-173-220	DECOD	91-07-049	315-11-272	REP	91-03-034	315-11-661	NEW	91-11-033
308-173-230	DECOD	91-07-049	315-11-280	REP	91-03-034	315-11-661	AMD-P	91-16-084
308-173-240	DECOD	91-07-049	315-11-281	REP	91-03-034	315-11-661	AMD	91-20-062
308-173-245	DECOD	91-07-049	315-11-282	REP	91-03-034	315-11-662	NEW-P	91-07-070
308-173-250	DECOD	91-07-049	315-11-290	REP	91-03-034	315-11-662	NEW	91-11-033
308-173-255	DECOD	91-07-049	315-11-291	REP	91-03-034	315-11-662	AMD-P	91-16-084
308-173-260	DECOD	91-07-049	315-11-292	REP	91-03-034	315-11-662	AMD	91-20-062
308-173-265	DECOD	91-07-049	315-11-300	REP	91-03-034	315-11-670	NEW-P	91-12-069
308-173-270	DECOD	91-07-049	315-11-301	REP	91-03-034	315-11-670	NEW	91-15-037
308-173-275	DECOD	91-07-049	315-11-302	REP	91-03-034	315-11-671	NEW-P	91-12-069
308-173-280	DECOD	91-07-049	315-11-310	REP	91-03-034	315-11-671	NEW	91-15-037
314-12-035	AMD-P	91-16-081	315-11-311	REP	91-03-034	315-11-672	NEW-P	91-12-069
314-12-035	AMD-W	91-19-096	315-11-312	REP	91-03-034	315-11-672	NEW	91-15-037
314-12-035	AMD-P	91-19-097	315-11-320	REP	91-03-034	315-11-680	NEW-P	91-12-069
314-12-035	AMD	91-22-114	315-11-321	REP	91-03-034	315-11-680	NEW	91-15-037
314-12-140	AMD-P	91-22-099	315-11-322	REP	91-03-034	315-11-680	AMD-P	91-19-108
314-12-141	NEW-P	91-16-082	315-11-330	REP	91-03-034	315-11-680	AMD	91-22-113
314-12-141	NEW	91-19-071	315-11-331	REP	91-03-034	315-11-681	NEW-P	91-12-069
314-16-125	AMD-P	91-05-085	315-11-332	REP	91-03-034	315-11-681	NEW	91-15-037
314-16-125	AMD-C	91-09-005	315-11-340	REP	91-03-034	315-11-682	NEW-P	91-12-069
314-16-125	AMD-W	91-10-045	315-11-341	REP	91-03-034	315-11-682	NEW	91-15-037
314-16-125	AMD-P	91-16-083	315-11-342	REP	91-03-034	315-11-690	NEW-P	91-16-084
314-16-125	AMD	91-19-098	315-11-350	REP	91-03-034	315-11-690	NEW	91-20-062
314-16-250	AMD-P	91-16-081	315-11-351	REP	91-03-034	315-11-691	NEW-P	91-16-084
314-16-250	AMD	91-19-070	315-11-352	REP	91-03-034	315-11-691	NEW	91-20-062
314-18-060	AMD-P	91-22-075	315-11-360	REP	91-03-034	315-11-692	NEW-P	91-16-084
314-20-020	AMD-P	91-05-086	315-11-361	REP	91-03-034	315-11-692	NEW	91-20-062
314-20-020	AMD	91-08-022	315-11-362	REP	91-03-034	315-11-700	NEW-P	91-16-084
314-24-230	NEW-P	91-19-014	315-11-370	REP	91-03-034	315-11-700	NEW	91-20-062
314-24-230	NEW	91-21-132	315-11-371	REP	91-03-034	315-11-700	REP-P	91-20-155
314-24-240	NEW-P	91-19-014	315-11-372	REP	91-03-034	315-11-701	NEW-P	91-16-084
314-24-240	NEW	91-21-132	315-11-380	REP	91-03-034	315-11-701	NEW	91-20-062
314-24-250	NEW-P	91-19-014	315-11-381	REP	91-03-034	315-11-701	REP-P	91-20-155
314-24-250	NEW	91-21-132	315-11-382	REP	91-03-034	315-11-702	NEW-P	91-16-084
314-26-010	AMD-P	91-16-081	315-11-390	REP	91-03-034	315-11-702	NEW	91-20-062
314-26-010	AMD	91-19-070	315-11-391	REP	91-03-034	315-11-702	REP-P	91-20-155
314-38-040	NEW-P	91-22-074	315-11-392	REP	91-03-034	315-11-703	NEW-P	91-20-156
314-52-015	AMD-C	91-03-007	315-11-590	AMD	91-03-036	315-11-704	NEW-P	91-20-156
314-52-015	AMD-W	91-04-085	315-11-591	AMD	91-03-036	315-11-705	NEW-P	91-20-156
314-64-030	REP-P	91-16-081	315-11-610	NEW	91-03-036	315-11-710	NEW-P	91-19-108
314-64-030	REP	91-19-070	315-11-611	NEW	91-03-036	315-11-710	NEW-W	91-22-036
314-64-050	AMD-P	91-16-081	315-11-611	AMD-P	91-03-112	315-11-711	NEW-P	91-19-108
314-64-050	AMD	91-19-070	315-11-611	AMD	91-06-074	315-11-711	NEW-W	91-22-036
315-04-190	AMD-P	91-16-084	315-11-612	NEW	91-03-036	315-11-712	NEW-P	91-19-108
315-04-190	AMD	91-20-062	315-11-620	NEW-P	91-03-112	315-11-712	NEW-W	91-22-036
315-04-205	NEW-P	91-07-070	315-11-620	NEW	91-06-074	315-11-720	NEW-P	91-19-108
315-04-205	NEW	91-11-033	315-11-621	NEW-P	91-03-112	315-11-720	NEW	91-22-113
315-06-095	NEW-P	91-16-084	315-11-621	NEW	91-06-074	315-11-721	NEW-P	91-19-108
315-06-095	NEW	91-20-062	315-11-622	NEW-P	91-03-112	315-11-721	NEW	91-22-113
315-06-120	AMD	91-03-036	315-11-622	NEW	91-06-074	315-11-722	NEW-P	91-19-108
315-06-125	AMD-P	91-16-084	315-11-630	NEW-P	91-03-112	315-11-722	NEW	91-22-113
315-06-125	AMD	91-20-062	315-11-630	NEW	91-06-074	315-12-140	REP	91-03-035
315-10-080	NEW-P	91-16-084	315-11-630	AMD-P	91-12-069	315-12-145	NEW	91-03-036
315-10-080	NEW	91-20-062	315-11-630	AMD	91-15-037	315-33-060	AMD-P	91-16-084
315-11-200	REP	91-03-034	315-11-631	NEW-P	91-03-112	315-33-060	AMD	91-20-062

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
315-33A-010	NEW-P	91-16-084	332-08-060	REP	91-13-059	332-08-390	REP-P	91-08-066
315-33A-010	NEW	91-20-062	332-08-070	REP-P	91-08-066	332-08-390	REP	91-13-059
315-33A-020	NEW-P	91-16-084	332-08-070	REP	91-13-059	332-08-400	REP-P	91-08-066
315-33A-020	NEW	91-20-062	332-08-080	REP-P	91-08-066	332-08-400	REP	91-13-059
315-33A-030	NEW-P	91-16-084	332-08-080	REP	91-13-059	332-08-405	NEW-P	91-08-066
315-33A-030	NEW	91-20-062	332-08-090	REP-P	91-08-066	332-08-405	NEW	91-13-059
315-33A-040	NEW-P	91-16-084	332-08-090	REP	91-13-059	332-08-410	REP-P	91-08-066
315-33A-040	NEW	91-20-062	332-08-100	REP-P	91-08-066	332-08-410	REP	91-13-059
315-33A-050	NEW-P	91-16-084	332-08-100	REP	91-13-059	332-08-420	REP-P	91-08-066
315-33A-050	NEW	91-20-062	332-08-105	NEW-P	91-08-066	332-08-420	REP	91-13-059
315-33A-060	NEW-P	91-16-084	332-08-105	NEW	91-13-059	332-08-430	REP-P	91-08-066
315-33A-060	NEW	91-20-062	332-08-110	REP-P	91-08-066	332-08-430	REP	91-13-059
315-33A-070	NEW-P	91-16-084	332-08-110	REP	91-13-059	332-08-440	REP-P	91-08-066
315-33A-070	NEW	91-20-062	332-08-115	NEW-P	91-08-066	332-08-440	REP	91-13-059
317-10-010	NEW-P	91-14-111	332-08-115	NEW	91-13-059	332-08-450	REP-P	91-08-066
317-10-010	NEW	91-22-086	332-08-120	REP-P	91-08-066	332-08-450	REP	91-13-059
317-10-020	NEW-P	91-14-111	332-08-120	REP	91-13-059	332-08-460	REP-P	91-08-066
317-10-020	NEW	91-22-086	332-08-125	NEW-P	91-08-066	332-08-460	REP	91-13-059
317-10-030	NEW-P	91-14-111	332-08-125	NEW	91-13-059	332-08-470	REP-P	91-08-066
317-10-030	NEW	91-22-086	332-08-125	AMD-P	91-21-138A	332-08-470	REP	91-13-059
317-10-035	NEW-P	91-14-111	332-08-130	REP-P	91-08-066	332-08-480	REP-P	91-08-066
317-10-035	NEW	91-22-086	332-08-130	REP	91-13-059	332-08-480	REP	91-13-059
317-10-040	NEW-P	91-14-111	332-08-140	REP-P	91-08-066	332-08-500	REP-P	91-08-066
317-10-040	NEW	91-22-086	332-08-140	REP	91-13-059	332-08-500	REP	91-13-059
317-10-045	NEW-P	91-14-111	332-08-150	REP-P	91-08-066	332-08-505	NEW-P	91-08-066
317-10-045	NEW	91-22-086	332-08-150	REP	91-13-059	332-08-505	NEW	91-13-059
317-10-050	NEW-P	91-14-111	332-08-160	REP-P	91-08-066	332-08-510	REP-P	91-08-066
317-10-050	NEW	91-22-086	332-08-160	REP	91-13-059	332-08-510	REP	91-13-059
317-10-060	NEW-P	91-14-111	332-08-170	REP-P	91-08-066	332-08-515	NEW-P	91-08-066
317-10-060	NEW	91-22-086	332-08-170	REP	91-13-059	332-08-515	NEW	91-13-059
317-10-065	NEW-P	91-14-111	332-08-180	REP-P	91-08-066	332-08-515	AMD-P	91-21-138A
317-10-065	NEW	91-22-086	332-08-180	REP	91-13-059	332-08-520	REP-P	91-08-066
317-10-070	NEW-P	91-14-111	332-08-190	REP-P	91-08-066	332-08-520	REP	91-13-059
317-10-070	NEW	91-22-086	332-08-190	REP	91-13-059	332-08-525	NEW-P	91-08-066
317-10-075	NEW-P	91-14-111	332-08-200	REP-P	91-08-066	332-08-525	NEW	91-13-059
317-10-075	NEW	91-22-086	332-08-200	REP	91-13-059	332-08-530	REP-P	91-08-066
317-10-080	NEW-P	91-14-111	332-08-210	REP-P	91-08-066	332-08-530	REP	91-13-059
317-10-080	NEW	91-22-086	332-08-210	REP	91-13-059	332-08-535	NEW-P	91-08-066
317-10-085	NEW-P	91-14-111	332-08-220	REP-P	91-08-066	332-08-535	NEW	91-13-059
317-10-085	NEW	91-22-086	332-08-220	REP	91-13-059	332-08-540	REP-P	91-08-066
317-10-090	NEW	91-22-086	332-08-230	REP-P	91-08-066	332-08-540	REP	91-13-059
317-10-092	NEW	91-22-086	332-08-230	REP	91-13-059	332-08-545	NEW-P	91-08-066
317-10-094	NEW	91-22-086	332-08-240	REP-P	91-08-066	332-08-545	NEW	91-13-059
317-10-096	NEW	91-22-086	332-08-240	REP	91-13-059	332-08-550	REP-P	91-08-066
317-10-098	NEW-P	91-14-111	332-08-250	REP-P	91-08-066	332-08-550	REP	91-13-059
317-10-098	NEW	91-22-086	332-08-250	REP	91-13-059	332-08-560	REP-P	91-08-066
318-04-020	AMD-P	91-16-086	332-08-260	REP-P	91-08-066	332-08-560	REP	91-13-059
318-04-030	AMD	91-19-073	332-08-260	REP	91-13-059	332-08-570	REP-P	91-08-066
318-04-030	AMD-P	91-16-086	332-08-270	REP-P	91-08-066	332-08-570	REP	91-13-059
318-04-030	AMD	91-19-073	332-08-270	REP	91-13-059	332-08-580	REP-P	91-08-066
318-05-010	NEW-P	91-16-086	332-08-280	REP-P	91-08-066	332-08-580	REP	91-13-059
318-05-010	NEW-W	91-21-020	332-08-280	REP	91-13-059	332-08-590	REP-P	91-08-066
318-05-020	NEW-P	91-16-086	332-08-290	REP-P	91-08-066	332-08-590	REP	91-13-059
318-05-020	NEW-W	91-21-020	332-08-290	REP	91-13-059	332-10-020	AMD-P	91-09-060
318-05-030	NEW-P	91-16-086	332-08-300	REP-P	91-08-066	332-10-020	AMD	91-14-014
318-05-030	NEW-W	91-21-020	332-08-300	REP	91-13-059	332-10-030	AMD-P	91-09-060
318-05-040	NEW-P	91-16-086	332-08-305	NEW-P	91-08-066	332-10-030	AMD	91-14-014
318-05-040	NEW-W	91-21-020	332-08-305	NEW	91-13-059	332-10-035	REP-P	91-09-060
318-05-050	NEW-P	91-16-086	332-08-310	REP-P	91-08-066	332-10-035	REP	91-14-014
318-05-050	NEW-W	91-21-020	332-08-310	REP	91-13-059	332-10-040	AMD-P	91-09-060
326-30-03904	NEW-E	91-12-051	332-08-315	NEW-P	91-08-066	332-10-040	AMD	91-14-014
326-30-03904	NEW-P	91-14-105	332-08-315	NEW	91-13-059	332-10-045	REP-P	91-09-060
326-30-03904	NEW	91-18-041	332-08-315	NEW	91-13-059	332-10-045	REP	91-14-014
332-08-005	NEW-P	91-08-066	332-08-315	AMD-P	91-21-138A	332-10-045	REP	91-14-014
332-08-005	NEW	91-13-059	332-08-320	REP-P	91-08-066	332-10-050	AMD-P	91-09-060
332-08-010	REP-P	91-08-066	332-08-320	REP	91-13-059	332-10-050	AMD	91-14-014
332-08-010	REP	91-13-059	332-08-330	REP-P	91-08-066	332-10-060	AMD-P	91-09-060
332-08-015	NEW-P	91-08-066	332-08-330	REP	91-13-059	332-10-060	AMD	91-14-014
332-08-015	NEW	91-13-059	332-08-340	REP-P	91-08-066	332-10-070	AMD-P	91-09-060
332-08-020	REP-P	91-08-066	332-08-340	REP	91-13-059	332-10-070	AMD	91-14-014
332-08-020	REP	91-13-059	332-08-350	REP-P	91-08-066	332-10-080	AMD-P	91-09-060
332-08-025	NEW-P	91-08-066	332-08-350	REP	91-13-059	332-10-080	AMD	91-14-014
332-08-025	NEW	91-13-059	332-08-360	REP-P	91-08-066	332-10-100	AMD-P	91-09-060
332-08-040	REP-P	91-08-066	332-08-360	REP	91-13-059	332-10-100	AMD	91-14-014
332-08-040	REP	91-13-059	332-08-370	REP-P	91-08-066	332-10-120	AMD-P	91-09-060
332-08-050	REP-P	91-08-066	332-08-370	REP	91-13-059	332-10-120	AMD	91-14-014
332-08-050	REP	91-13-059	332-08-380	REP-P	91-08-066	332-10-130	AMD-P	91-09-060
332-08-060	REP-P	91-08-066	332-08-380	REP	91-13-059	332-10-130	AMD	91-14-014

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
332-10-135	REP-P	91-09-060	332-130-060	AMD-P	91-15-060	356-09-020	AMD	91-20-033
332-10-135	REP	91-14-014	332-130-060	AMD	91-19-013	356-09-050	AMD-P	91-16-047
332-10-140	AMD-P	91-09-060	352-12-010	AMD-P	91-03-142	356-09-050	AMD	91-20-034
332-10-140	AMD	91-14-014	352-12-010	AMD-W	91-16-078	356-10-050	AMD	91-03-070
332-10-145	NEW-P	91-09-060	352-12-020	AMD-P	91-03-142	356-15-020	AMD-P	91-04-046
332-10-145	NEW	91-14-014	352-12-020	AMD	91-09-001	356-15-020	AMD-C	91-07-054
332-18-010	AMD-P	91-21-140	352-12-030	AMD-P	91-03-142	356-15-020	AMD-W	91-09-037
332-18-130	NEW-P	91-21-140	352-12-030	AMD	91-09-001	356-15-061	AMD-E	91-15-079
332-24-005	AMD-P	91-15-107	352-32-010	AMD-P	91-03-142	356-15-061	AMD-P	91-16-089
332-24-005	AMD	91-20-060	352-32-010	AMD	91-09-001	356-15-061	AMD	91-20-028
332-24-201	AMD-P	91-15-107	352-32-035	AMD-P	91-03-142	356-15-063	AMD-E	91-15-079
332-24-201	AMD	91-20-060	352-32-035	AMD	91-09-001	356-15-063	AMD-P	91-16-089
332-24-211	AMD-P	91-15-107	352-32-045	AMD-P	91-03-142	356-15-063	AMD	91-20-028
332-24-211	AMD	91-20-060	352-32-045	AMD	91-09-001	356-15-080	AMD	91-03-069
332-24-225	REP-E	91-14-083	352-32-200	AMD-P	91-03-140	356-15-080	AMD-E	91-15-027
332-24-225	REP-P	91-15-107	352-32-200	AMD	91-07-014	356-15-080	AMD-P	91-15-075
332-24-225	REP	91-20-060	352-32-210	AMD-P	91-03-140	356-15-080	AMD	91-20-027
332-24-231	AMD-P	91-15-107	352-32-210	AMD	91-07-014	356-15-130	AMD	91-05-083
332-24-231	AMD	91-20-060	352-32-250	AMD-P	91-03-142	356-15-130	AMD-P	91-10-063
332-24-234	AMD-P	91-15-107	352-32-250	AMD	91-09-001	356-15-130	AMD	91-13-034
332-24-234	AMD	91-20-060	352-32-25001	AMD-P	91-19-095	356-15-130	AMD	91-15-021
332-24-238	AMD-P	91-15-107	352-32-25001	AMD	91-22-063	356-18-110	AMD-P	91-16-050
332-24-238	AMD	91-20-060	352-32-25002	AMD-P	91-19-095	356-18-110	AMD	91-20-035
332-24-301	AMD-P	91-15-107	352-32-25002	AMD-W	91-20-161	356-18-112	AMD-C	91-05-082
332-24-301	AMD	91-20-060	352-32-252	AMD-P	91-03-142	356-18-112	AMD	91-07-055
332-24-301	AMD	91-20-060	352-32-252	AMD	91-09-001	356-18-116	AMD-P	91-16-042
332-24-405	AMD-P	91-15-107	352-32-270	AMD-P	91-03-142	356-18-116	AMD-C	91-20-022
332-24-405	AMD	91-20-060	352-32-270	AMD	91-09-001	356-18-116	AMD-C	91-21-077
332-24-409	NEW-P	91-15-107	352-44-010	AMD-P	91-16-096	356-18-230	NEW-P	91-10-066
332-24-409	NEW	91-20-060	352-44-010	AMD	91-19-068	356-18-230	NEW-E	91-11-043
332-24-600	AMD-P	91-15-107	352-44-060	AMD-P	91-16-096	356-18-230	NEW-E	91-13-043
332-24-600	AMD	91-20-060	352-44-060	AMD	91-19-068	356-18-230	NEW	91-14-044
332-26-010	NEW-E	91-15-001	352-44-070	AMD-P	91-16-096	356-22-090	AMD-P	91-16-049
332-26-015	NEW-E	91-20-059	352-44-070	AMD	91-19-068	356-22-090	AMD	91-20-036
332-26-015	REP-E	91-21-008	352-44-080	AMD-P	91-16-096	356-22-120	AMD-P	91-12-034
332-26-020	NEW-E	91-15-001	352-44-080	AMD	91-19-068	356-22-120	AMD	91-15-078
332-26-030	NEW-E	91-21-066	352-44-090	AMD-P	91-16-096	356-22-130	AMD	91-03-071
332-26-031	NEW-E	91-21-105	352-44-090	AMD	91-19-068	356-22-230	AMD-C	91-03-068
332-26-031	REP-E	91-22-001	352-44-090	AMD	91-19-068	356-22-230	AMD-W	91-05-081
332-26-040	NEW-E	91-15-001	352-75	AMD-P	91-11-058	356-22-230	AMD-P	91-10-064
332-26-050	NEW-E	91-15-001	352-75	AMD	91-15-103	356-26-040	AMD-P	91-13-041
332-26-060	NEW-E	91-15-001	352-75-010	AMD-P	91-11-058	356-26-040	AMD	91-13-041
332-26-080	NEW-E	91-09-029	352-75-010	AMD	91-15-103	356-26-120	AMD-P	91-21-089
332-26-081	NEW-E	91-10-067	352-75-020	AMD-P	91-11-058	356-30-067	AMD-P	91-15-076
332-26-082	NEW-E	91-14-083	352-75-020	AMD	91-15-103	356-30-067	AMD	91-20-029
332-26-082	REP-E	91-21-008	352-75-030	AMD-P	91-11-058	356-30-120	AMD-P	91-18-083
332-26-083	NEW-E	91-14-083	352-75-030	AMD	91-15-103	356-30-120	AMD-C	91-21-078
332-26-084	NEW-E	91-21-008	352-75-040	AMD-P	91-11-058	356-30-260	AMD-C	91-05-082
332-26-084	REP-E	91-21-127	352-75-040	AMD	91-15-103	356-30-260	AMD	91-07-055
332-26-085	NEW-E	91-21-056	352-75-050	AMD-P	91-11-058	356-30-260	AMD-P	91-15-076
332-26-085	REP-E	91-22-007	352-75-050	AMD	91-15-103	356-30-260	AMD	91-20-029
332-26-086	NEW-E	91-21-127	352-75-060	AMD-P	91-11-058	356-30-290	AMD-P	91-15-076
332-26-086	REP-E	91-22-016	352-75-060	AMD	91-15-103	356-30-290	AMD	91-20-029
332-26-087	NEW-E	91-22-001	352-75-070	AMD-P	91-11-058	356-30-300	AMD-P	91-16-048
332-30-106	AMD-P	91-18-059	352-75-070	AMD	91-15-103	356-30-300	AMD	91-20-037
332-30-106	AMD-W	91-18-072	352-75-080	AMD-P	91-11-058	356-30-305	AMD-C	91-05-082
332-30-106	AMD-P	91-19-099	352-75-080	AMD	91-15-103	356-30-305	AMD	91-07-055
332-30-106	AMD	91-22-079	352-75-090	AMD-P	91-11-058	356-30-305	AMD-P	91-15-076
332-30-122	AMD-P	91-18-059	352-75-090	AMD	91-15-103	356-30-305	AMD	91-20-029
332-30-122	AMD-W	91-18-072	356-05-173	NEW-P	91-16-045	356-30-320	AMD-P	91-10-065
332-30-122	AMD-P	91-19-099	356-05-173	NEW	91-20-030	356-30-320	AMD	91-13-042
332-30-122	AMD	91-22-079	356-05-260	AMD-P	91-16-046	356-30-320	AMD	91-21-080
332-48-010	REP-P	91-15-107	356-05-260	AMD-C	91-20-021	356-30-330	AMD-P	91-20-026
332-48-010	REP	91-20-060	356-05-260	AMD-C	91-21-079	356-30-330	AMD-E	91-21-082
332-48-020	REP-P	91-15-107	356-05-327	AMD-P	91-16-044	360-08	DECOD-W	91-06-037
332-48-020	REP	91-20-060	356-05-327	AMD	91-20-031	360-08-005	DECOD-P	91-14-033
332-52-065	AMD-P	91-13-090	356-05-493	NEW-P	91-16-043	360-08-005	DECOD	91-18-057
332-52-065	AMD-C	91-17-031	356-05-493	NEW	91-20-032	360-08-010	DECOD-P	91-14-033
332-100-030	AMD-P	91-18-059	356-06-040	AMD-C	91-03-068	360-08-010	DECOD	91-18-057
332-100-030	AMD-W	91-18-072	356-06-040	AMD-W	91-05-081	360-08-040	DECOD-P	91-14-033
332-100-030	AMD-P	91-19-099	356-06-055	AMD-P	91-15-077	360-08-040	DECOD	91-18-057
332-100-030	AMD	91-22-079	356-06-055	AMD-C	91-20-023	360-08-050	DECOD-P	91-14-033
332-100-050	AMD-P	91-18-059	356-06-055	AMD	91-21-081	360-08-050	DECOD	91-18-057
332-100-050	AMD-W	91-18-072	356-06-110	NEW-P	91-10-062	360-08-060	DECOD-P	91-14-033
332-100-050	AMD-P	91-19-099	356-06-110	NEW-C	91-13-040	360-08-060	DECOD	91-18-057
332-100-050	AMD	91-22-079	356-06-110	NEW-C	91-15-074	360-08-230	DECOD-P	91-14-033
332-130-020	AMD-P	91-15-060	356-06-110	NEW-C	91-20-025	360-08-230	DECOD	91-18-057
332-130-020	AMD	91-19-013	356-09-020	AMD-P	91-16-051	360-08-240	DECOD-P	91-14-033

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360-08-240	DECOD 91-18-057	360-11-020	DECOD-P 91-14-033	360-15-030	DECOD 91-18-057
360-08-250	DECOD-P 91-14-033	360-11-020	DECOD 91-18-057	360-15-040	DECOD-P 91-14-033
360-08-250	DECOD 91-18-057	360-11-020	AMD-P 91-19-026	360-15-040	DECOD 91-18-057
360-08-260	DECOD-P 91-14-033	360-11-023	DECOD-P 91-14-033	360-15-050	DECOD-P 91-14-033
360-08-260	DECOD 91-18-057	360-11-023	DECOD 91-18-057	360-15-050	DECOD 91-18-057
360-08-270	DECOD-P 91-14-033	360-11-023	AMD-P 91-19-026	360-15-060	DECOD-P 91-14-033
360-08-270	DECOD 91-18-057	360-11-027	DECOD-P 91-14-033	360-15-060	DECOD 91-18-057
360-08-280	DECOD-P 91-14-033	360-11-027	DECOD 91-18-057	360-15-070	DECOD-P 91-14-033
360-08-280	DECOD 91-18-057	360-11-027	AMD-P 91-19-026	360-15-070	DECOD 91-18-057
360-08-290	DECOD-P 91-14-033	360-11-030	DECOD-P 91-14-033	360-16	DECOD-W 91-06-037
360-08-290	DECOD 91-18-057	360-11-030	DECOD 91-18-057	360-16-005	DECOD-P 91-14-033
360-08-300	DECOD-P 91-14-033	360-11-030	AMD-P 91-19-026	360-16-005	DECOD 91-18-057
360-08-300	DECOD 91-18-057	360-11-033	DECOD-P 91-14-033	360-16-011	DECOD-P 91-14-033
360-08-310	DECOD-P 91-14-033	360-11-033	DECOD 91-18-057	360-16-011	DECOD 91-18-057
360-08-310	DECOD 91-18-057	360-11-033	REP-P 91-19-026	360-16-020	DECOD-P 91-14-033
360-08-320	DECOD-P 91-14-033	360-11-037	DECOD-P 91-14-033	360-16-020	DECOD 91-18-057
360-08-320	DECOD 91-18-057	360-11-037	DECOD 91-18-057	360-16-025	DECOD-P 91-14-033
360-08-330	DECOD-P 91-14-033	360-11-037	REP-P 91-19-026	360-16-025	DECOD 91-18-057
360-08-330	DECOD 91-18-057	360-11-040	DECOD-P 91-14-033	360-16-040	DECOD-P 91-14-033
360-08-340	DECOD-P 91-14-033	360-11-040	DECOD 91-18-057	360-16-040	DECOD 91-18-057
360-08-340	DECOD 91-18-057	360-11-040	AMD-P 91-19-026	360-16-050	DECOD-P 91-14-033
360-08-350	DECOD-P 91-14-033	360-11-045	DECOD-P 91-14-033	360-16-050	DECOD 91-18-057
360-08-350	DECOD 91-18-057	360-11-045	DECOD 91-18-057	360-16-070	DECOD-P 91-14-033
360-08-360	DECOD-P 91-14-033	360-11-045	REP-P 91-19-026	360-16-070	DECOD 91-18-057
360-08-360	DECOD 91-18-057	360-11-060	DECOD-P 91-14-033	360-16-094	DECOD-P 91-14-033
360-08-370	DECOD-P 91-14-033	360-11-060	DECOD 91-18-057	360-16-094	DECOD 91-18-057
360-08-370	DECOD 91-18-057	360-11-060	REP-P 91-19-026	360-16-096	DECOD-P 91-14-033
360-08-380	DECOD-P 91-14-033	360-11-065	NEW-P 91-19-026	360-16-096	DECOD 91-18-057
360-08-380	DECOD 91-18-057	360-11-070	DECOD-P 91-14-033	360-16-098	DECOD-P 91-14-033
360-08-390	DECOD-P 91-14-033	360-11-070	DECOD 91-18-057	360-16-098	DECOD 91-18-057
360-08-390	DECOD 91-18-057	360-11-070	AMD-P 91-19-026	360-16-120	DECOD-P 91-14-033
360-08-400	DECOD-P 91-14-033	360-12	DECOD-W 91-06-037	360-16-120	DECOD 91-18-057
360-08-400	DECOD 91-18-057	360-12-015	DECOD-P 91-14-033	360-16-150	DECOD-P 91-14-033
360-08-420	DECOD-P 91-14-033	360-12-015	DECOD 91-18-057	360-16-150	DECOD 91-18-057
360-08-420	DECOD 91-18-057	360-12-050	DECOD-P 91-14-033	360-16-180	DECOD-P 91-14-033
360-08-520	DECOD-P 91-14-033	360-12-050	DECOD 91-18-057	360-16-180	DECOD 91-18-057
360-08-520	DECOD 91-18-057	360-12-065	DECOD-P 91-14-033	360-16-200	DECOD-P 91-14-033
360-08-530	DECOD-P 91-14-033	360-12-065	DECOD 91-18-057	360-16-200	DECOD 91-18-057
360-08-530	DECOD 91-18-057	360-12-110	DECOD-P 91-14-033	360-16-210	DECOD-P 91-14-033
360-08-540	DECOD-P 91-14-033	360-12-110	DECOD 91-18-057	360-16-210	DECOD 91-18-057
360-08-540	DECOD 91-18-057	360-12-120	DECOD-P 91-14-033	360-16-220	DECOD-P 91-14-033
360-08-550	DECOD-P 91-14-033	360-12-120	DECOD 91-18-057	360-16-220	DECOD 91-18-057
360-08-550	DECOD 91-18-057	360-12-125	DECOD-P 91-14-033	360-16-230	DECOD-P 91-14-033
360-08-560	DECOD-P 91-14-033	360-12-125	DECOD 91-18-057	360-16-230	DECOD 91-18-057
360-08-560	DECOD 91-18-057	360-12-128	AMD-P 91-08-078	360-16-235	DECOD-P 91-14-033
360-08-570	DECOD-P 91-14-033	360-12-128	AMD 91-13-002	360-16-235	DECOD 91-18-057
360-08-570	DECOD 91-18-057	360-12-128	DECOD-P 91-15-003	360-16-245	DECOD-P 91-14-033
360-08-580	DECOD-P 91-14-033	360-12-128	DECOD 91-19-028	360-16-245	DECOD 91-18-057
360-08-580	DECOD 91-18-057	360-12-130	DECOD-P 91-14-033	360-16-255	DECOD-P 91-14-033
360-08-590	DECOD-P 91-14-033	360-12-130	DECOD 91-18-057	360-16-255	DECOD 91-18-057
360-08-590	DECOD 91-18-057	360-12-140	DECOD-P 91-14-033	360-16-265	DECOD-P 91-14-033
360-10	DECOD-W 91-06-037	360-12-140	DECOD 91-18-057	360-16-265	DECOD 91-18-057
360-10-010	DECOD-P 91-14-033	360-12-150	DECOD-P 91-14-033	360-16-270	DECOD-P 91-14-033
360-10-010	DECOD 91-18-057	360-12-150	DECOD 91-18-057	360-16-270	DECOD 91-18-057
360-10-020	DECOD-P 91-14-033	360-12-160	DECOD-P 91-14-033	360-16-290	DECOD-P 91-14-033
360-10-020	DECOD 91-18-057	360-12-160	DECOD 91-18-057	360-16-290	DECOD 91-18-057
360-10-030	AMD-P 91-05-091	360-13	DECOD-W 91-06-037	360-16-300	DECOD-P 91-14-033
360-10-030	AMD 91-11-041	360-13-010	DECOD-P 91-14-033	360-16-300	DECOD 91-18-057
360-10-030	DECOD-P 91-14-033	360-13-010	DECOD 91-18-057	360-16A	DECOD-W 91-06-037
360-10-030	DECOD 91-18-057	360-13-020	DECOD-P 91-14-033	360-16A-010	DECOD-P 91-14-033
360-10-040	DECOD-P 91-14-033	360-13-020	DECOD 91-18-057	360-16A-010	DECOD 91-18-057
360-10-040	DECOD 91-18-057	360-13-030	DECOD-P 91-14-033	360-16A-020	DECOD-P 91-14-033
360-10-050	AMD-P 91-05-091	360-13-030	DECOD 91-18-057	360-16A-020	DECOD 91-18-057
360-10-050	AMD 91-11-041	360-13-045	DECOD-P 91-14-033	360-16A-030	DECOD-P 91-14-033
360-10-050	DECOD-P 91-14-033	360-13-045	DECOD 91-18-057	360-16A-030	DECOD 91-18-057
360-10-050	DECOD 91-18-057	360-13-055	DECOD-P 91-14-033	360-16A-040	DECOD-P 91-14-033
360-10-060	AMD-P 91-05-091	360-13-055	DECOD 91-18-057	360-16A-040	DECOD 91-18-057
360-10-060	AMD 91-11-041	360-13-066	DECOD-P 91-14-033	360-16A-060	DECOD-P 91-14-033
360-10-060	DECOD-P 91-14-033	360-13-066	DECOD 91-18-057	360-16A-060	DECOD 91-18-057
360-10-060	DECOD 91-18-057	360-13-100	DECOD-P 91-14-033	360-16A-070	DECOD-P 91-14-033
360-10-080	DECOD-P 91-14-033	360-13-100	DECOD 91-18-057	360-16A-070	DECOD 91-18-057
360-10-080	DECOD 91-18-057	360-15	DECOD-W 91-06-037	360-16A-080	DECOD-P 91-14-033
360-11	DECOD-W 91-06-037	360-15-010	DECOD-P 91-14-033	360-16A-080	DECOD 91-18-057
360-11-005	NEW-P 91-19-026	360-15-010	DECOD 91-18-057	360-16A-090	DECOD-P 91-14-033
360-11-010	DECOD-P 91-14-033	360-15-020	DECOD-P 91-14-033	360-16A-090	DECOD 91-18-057
360-11-010	DECOD 91-18-057	360-15-020	DECOD 91-18-057	360-16A-100	DECOD-P 91-14-033
360-11-010	AMD-P 91-19-026	360-15-030	DECOD-P 91-14-033	360-16A-100	DECOD 91-18-057

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360-17-010	AMD-W 91-05-049	360-21-060	DECOD 91-18-057	360-36-270	DECOD 91-18-057
360-17-010	DECOD-P 91-14-033	360-21-070	DECOD-P 91-14-033	360-36-400	DECOD-P 91-14-033
360-17-010	DECOD 91-18-057	360-21-070	DECOD 91-18-057	360-36-400	DECOD 91-18-057
360-17-020	DECOD-P 91-14-033	360-21-080	DECOD-P 91-14-033	360-36-410	DECOD-P 91-14-033
360-17-020	DECOD 91-18-057	360-21-080	DECOD 91-18-057	360-36-410	DECOD 91-18-057
360-17-030	DECOD-P 91-14-033	360-21-090	DECOD-P 91-14-033	360-36-410	AMD-P 91-19-027
360-17-030	DECOD 91-18-057	360-21-090	DECOD 91-18-057	360-36-411	DECOD-P 91-14-033
360-17-040	AMD-W 91-05-049	360-23	DECOD-W 91-06-037	360-36-411	DECOD 91-18-057
360-17-040	DECOD-P 91-14-033	360-23-010	DECOD-P 91-14-033	360-36-412	DECOD-P 91-14-033
360-17-040	DECOD 91-18-057	360-23-010	DECOD 91-18-057	360-36-412	DECOD 91-18-057
360-17-050	DECOD-P 91-14-033	360-23-020	DECOD-P 91-14-033	360-36-413	DECOD-P 91-14-033
360-17-050	DECOD 91-18-057	360-23-020	DECOD 91-18-057	360-36-413	DECOD 91-18-057
360-17-055	DECOD-P 91-14-033	360-23-030	DECOD-P 91-14-033	360-36-420	DECOD-P 91-14-033
360-17-055	DECOD 91-18-057	360-23-030	DECOD 91-18-057	360-36-420	DECOD 91-18-057
360-17-060	DECOD-P 91-14-033	360-23-050	DECOD-P 91-14-033	360-36-420	AMD-P 91-19-027
360-17-060	DECOD 91-18-057	360-23-050	DECOD 91-18-057	360-36-425	DECOD-P 91-14-033
360-17-070	AMD-W 91-05-049	360-28-010	DECOD-P 91-14-033	360-36-425	DECOD 91-18-057
360-17-070	DECOD-P 91-14-033	360-28-010	DECOD 91-18-057	360-36-430	DECOD-P 91-14-033
360-17-070	DECOD 91-18-057	360-32	DECOD-W 91-06-037	360-36-430	DECOD 91-18-057
360-17-075	NEW-W 91-05-049	360-32-050	DECOD-P 91-14-033	360-36-430	AMD-P 91-19-027
360-17-080	DECOD-P 91-14-033	360-32-050	DECOD 91-18-057	360-36-440	DECOD-P 91-14-033
360-17-080	DECOD 91-18-057	360-32-055	DECOD-P 91-14-033	360-36-440	DECOD 91-18-057
360-17-090	DECOD-P 91-14-033	360-32-055	DECOD 91-18-057	360-36-440	AMD-P 91-19-027
360-17-090	DECOD 91-18-057	360-32-060	DECOD-P 91-14-033	360-36-450	DECOD-P 91-14-033
360-17-095	NEW-W 91-05-049	360-32-060	DECOD 91-18-057	360-36-450	DECOD 91-18-057
360-17-100	AMD-W 91-05-049	360-33	DECOD-W 91-06-037	360-36-451	DECOD-P 91-14-033
360-17-100	DECOD-P 91-14-033	360-33-050	DECOD-P 91-14-033	360-36-451	DECOD 91-18-057
360-17-100	DECOD 91-18-057	360-33-050	DECOD 91-18-057	360-36-500	DECOD-P 91-14-033
360-18	DECOD-W 91-06-037	360-35-010	NEW 91-04-056	360-36-500	DECOD 91-18-057
360-18-010	DECOD-P 91-15-003	360-35-010	DECOD-P 91-14-033	360-38	DECOD-W 91-06-037
360-18-010	DECOD 91-19-028	360-35-010	DECOD 91-18-057	360-38-010	DECOD-P 91-14-033
360-18-020	AMD-P 91-08-078	360-35-020	NEW 91-04-056	360-38-010	DECOD 91-18-057
360-18-020	AMD 91-13-002	360-35-020	DECOD-P 91-14-033	360-38-020	DECOD-P 91-14-033
360-18-020	DECOD-P 91-15-003	360-35-020	DECOD 91-18-057	360-38-020	DECOD 91-18-057
360-18-020	DECOD 91-19-028	360-35-030	NEW 91-04-056	360-38-030	DECOD-P 91-14-033
360-18-025	DECOD-P 91-15-003	360-35-030	DECOD-P 91-14-033	360-38-030	DECOD 91-18-057
360-18-025	DECOD 91-19-028	360-35-030	DECOD 91-18-057	360-40	DECOD-W 91-06-037
360-19	DECOD-W 91-06-037	360-35-040	NEW 91-04-056	360-40-010	DECOD-P 91-14-033
360-19-010	DECOD-P 91-14-033	360-35-040	DECOD-P 91-14-033	360-40-010	DECOD 91-18-057
360-19-010	DECOD 91-18-057	360-35-040	DECOD 91-18-057	360-40-040	DECOD-P 91-14-033
360-19-020	DECOD-P 91-14-033	360-35-050	NEW 91-04-056	360-40-040	DECOD 91-18-057
360-19-020	DECOD 91-18-057	360-35-050	DECOD-P 91-14-033	360-40-070	DECOD-P 91-14-033
360-19-030	DECOD-P 91-14-033	360-35-050	DECOD 91-18-057	360-40-070	DECOD 91-18-057
360-19-030	DECOD 91-18-057	360-35-060	NEW 91-04-056	360-44	DECOD-W 91-06-037
360-19-040	DECOD-P 91-14-033	360-35-060	DECOD-P 91-14-033	360-44-010	DECOD-P 91-14-033
360-19-040	DECOD 91-18-057	360-35-060	DECOD 91-18-057	360-44-010	DECOD 91-18-057
360-19-050	DECOD-P 91-14-033	360-35-070	NEW 91-04-056	360-44-020	DECOD-P 91-14-033
360-19-050	DECOD 91-18-057	360-35-070	DECOD-P 91-14-033	360-44-020	DECOD 91-18-057
360-19-060	DECOD-P 91-14-033	360-35-070	DECOD 91-18-057	360-44-030	DECOD-P 91-14-033
360-19-060	DECOD 91-18-057	360-35-080	NEW 91-04-056	360-44-030	DECOD 91-18-057
360-19-070	DECOD-P 91-14-033	360-35-080	DECOD-P 91-14-033	360-44-040	DECOD-P 91-14-033
360-19-070	DECOD 91-18-057	360-35-080	DECOD 91-18-057	360-44-040	DECOD 91-18-057
360-19-080	DECOD-P 91-14-033	360-35-090	NEW 91-04-056	360-44-050	DECOD-P 91-14-033
360-19-080	DECOD 91-18-057	360-35-090	DECOD-P 91-14-033	360-44-050	DECOD 91-18-057
360-19-090	DECOD-P 91-14-033	360-35-090	DECOD 91-18-057	360-44-060	DECOD-P 91-14-033
360-19-090	DECOD 91-18-057	360-35-100	NEW 91-04-056	360-44-060	DECOD 91-18-057
360-19-100	DECOD-P 91-14-033	360-35-100	DECOD-P 91-14-033	360-44-070	DECOD-P 91-14-033
360-19-100	DECOD 91-18-057	360-35-100	DECOD 91-18-057	360-44-070	DECOD 91-18-057
360-20	DECOD-W 91-06-037	360-35-110	NEW 91-04-056	360-44-080	DECOD-P 91-14-033
360-20-100	DECOD-P 91-14-033	360-35-110	DECOD-P 91-14-033	360-44-080	DECOD 91-18-057
360-20-100	DECOD 91-18-057	360-35-110	DECOD 91-18-057	360-44-090	DECOD-P 91-14-033
360-20-210	DECOD-P 91-14-033	360-36	DECOD-W 91-06-037	360-44-090	DECOD 91-18-057
360-20-210	DECOD 91-18-057	360-36-010	DECOD-P 91-14-033	360-44-100	DECOD-P 91-14-033
360-20-220	NEW-P 91-07-056	360-36-010	DECOD 91-18-057	360-44-100	DECOD 91-18-057
360-20-220	NEW-W 91-20-134	360-36-010	AMD-P 91-19-027	360-44-110	DECOD-P 91-14-033
360-21	DECOD-W 91-06-037	360-36-020	DECOD-P 91-14-033	360-44-110	DECOD 91-18-057
360-21-010	DECOD-P 91-14-033	360-36-020	DECOD 91-18-057	360-44-120	DECOD-P 91-14-033
360-21-010	DECOD 91-18-057	360-36-115	DECOD-P 91-14-033	360-44-120	DECOD 91-18-057
360-21-020	DECOD-P 91-14-033	360-36-115	DECOD 91-18-057	360-44-130	DECOD-P 91-14-033
360-21-020	DECOD 91-18-057	360-36-115	AMD-P 91-19-027	360-44-130	DECOD 91-18-057
360-21-030	DECOD-P 91-14-033	360-36-210	DECOD-P 91-14-033	360-44-140	DECOD-P 91-14-033
360-21-030	DECOD 91-18-057	360-36-210	DECOD 91-18-057	360-44-140	DECOD 91-18-057
360-21-040	DECOD-P 91-14-033	360-36-250	DECOD-P 91-14-033	360-44-150	DECOD-P 91-14-033
360-21-040	DECOD 91-18-057	360-36-250	DECOD 91-18-057	360-44-150	DECOD 91-18-057
360-21-050	DECOD-P 91-14-033	360-36-260	DECOD-P 91-14-033	360-44-990	DECOD-P 91-14-033
360-21-050	DECOD 91-18-057	360-36-260	DECOD 91-18-057	360-44-990	DECOD 91-18-057

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
360-45-010	DECOD-P 91-14-033	360-52-010	DECOD-P 91-14-033	371-08-040	AMD 91-03-028
360-45-010	DECOD 91-18-057	360-52-010	DECOD 91-18-057	371-08-045	REP 91-03-028
360-46	DECOD-W 91-06-037	360-52-020	DECOD-P 91-14-033	371-08-065	AMD 91-03-028
360-46-010	DECOD-P 91-14-033	360-52-020	DECOD 91-18-057	371-08-071	AMD 91-03-028
360-46-010	DECOD 91-18-057	360-52-030	DECOD-P 91-14-033	371-08-075	AMD 91-03-028
360-46-020	DECOD-P 91-14-033	360-52-030	DECOD 91-18-057	371-08-080	AMD 91-03-028
360-46-020	DECOD 91-18-057	360-52-040	DECOD-P 91-14-033	371-08-085	AMD 91-03-028
360-46-030	DECOD-P 91-14-033	360-52-040	DECOD 91-18-057	371-08-095	REP 91-03-028
360-46-030	DECOD 91-18-057	360-52-050	DECOD-P 91-14-033	371-08-100	AMD 91-03-028
360-46-040	DECOD-P 91-14-033	360-52-050	DECOD 91-18-057	371-08-102	REP 91-03-028
360-46-040	DECOD 91-18-057	360-52-060	DECOD-P 91-14-033	371-08-104	AMD 91-03-028
360-46-050	DECOD-P 91-14-033	360-52-060	DECOD 91-18-057	371-08-105	REP 91-03-028
360-46-050	DECOD 91-18-057	360-52-070	DECOD-P 91-14-033	371-08-106	NEW 91-03-028
360-46-060	DECOD-P 91-14-033	360-52-070	DECOD 91-18-057	371-08-110	REP 91-03-028
360-46-060	DECOD 91-18-057	360-52-080	DECOD-P 91-14-033	371-08-115	REP 91-03-028
360-46-070	DECOD-P 91-14-033	360-52-080	DECOD 91-18-057	371-08-120	REP 91-03-028
360-46-070	DECOD 91-18-057	360-52-090	DECOD-P 91-14-033	371-08-125	AMD 91-03-028
360-46-081	DECOD-P 91-14-033	360-52-090	DECOD 91-18-057	371-08-130	AMD 91-03-028
360-46-081	DECOD 91-18-057	360-52-100	DECOD-P 91-14-033	371-08-131	REP 91-03-028
360-46-082	DECOD-P 91-14-033	360-52-100	DECOD 91-18-057	371-08-132	REP 91-03-028
360-46-082	DECOD 91-18-057	360-52-110	DECOD-P 91-14-033	371-08-135	REP 91-03-028
360-46-090	DECOD-P 91-14-033	360-52-110	DECOD 91-18-057	371-08-140	AMD 91-03-028
360-46-090	DECOD 91-18-057	360-52-120	NEW-P 91-05-092	371-08-144	AMD 91-03-028
360-46-100	DECOD-P 91-14-033	360-52-120	NEW 91-11-040	371-08-146	NEW 91-03-028
360-46-100	DECOD 91-18-057	360-52-120	DECOD-P 91-14-033	371-08-147	NEW 91-03-028
360-46-110	DECOD-P 91-14-033	360-52-120	DECOD 91-18-057	371-08-148	NEW 91-03-028
360-46-110	DECOD 91-18-057	360-54	DECOD-W 91-06-037	371-08-155	AMD 91-03-028
360-46-120	DECOD-P 91-14-033	360-54-010	DECOD-P 91-14-033	371-08-156	AMD 91-03-028
360-46-120	DECOD 91-18-057	360-54-010	DECOD 91-18-057	371-08-160	REP 91-03-028
360-46-130	DECOD-P 91-14-033	360-54-020	DECOD-P 91-14-033	371-08-162	NEW 91-03-028
360-46-130	DECOD 91-18-057	360-54-020	DECOD 91-18-057	371-08-163	REP 91-03-028
360-46-140	DECOD-P 91-14-033	360-54-030	DECOD-P 91-14-033	371-08-165	AMD 91-03-028
360-46-140	DECOD 91-18-057	360-54-030	DECOD 91-18-057	371-08-175	REP 91-03-028
360-46-150	DECOD-P 91-14-033	360-54-040	DECOD-P 91-14-033	371-08-180	AMD 91-03-028
360-46-150	DECOD 91-18-057	360-54-040	DECOD 91-18-057	371-08-183	AMD 91-03-028
360-46-160	DECOD-P 91-14-033	360-54-050	DECOD-P 91-14-033	371-08-184	NEW 91-03-028
360-46-160	DECOD 91-18-057	360-54-050	DECOD 91-18-057	371-08-186	AMD 91-03-028
360-47	DECOD-W 91-06-037	360-60	DECOD-W 91-06-037	371-08-187	AMD 91-03-028
360-47-010	DECOD-P 91-14-033	360-60-010	DECOD-P 91-14-033	371-08-188	AMD 91-03-028
360-47-010	DECOD 91-18-057	360-60-010	DECOD 91-18-057	371-08-189	AMD 91-03-028
360-47-020	DECOD-P 91-14-033	360-60-020	DECOD-P 91-14-033	371-08-190	REP 91-03-028
360-47-020	DECOD 91-18-057	360-60-020	DECOD 91-18-057	371-08-195	AMD 91-03-028
360-47-030	DECOD-P 91-14-033	360-60-030	DECOD-P 91-14-033	371-08-196	AMD 91-03-028
360-47-030	DECOD 91-18-057	360-60-030	DECOD 91-18-057	371-08-200	AMD 91-03-028
360-47-040	DECOD-P 91-14-033	360-60-040	DECOD-P 91-14-033	371-08-201	REP 91-03-028
360-47-040	DECOD 91-18-057	360-60-040	DECOD 91-18-057	371-08-205	REP 91-03-028
360-47-050	DECOD-P 91-14-033	365-90-010	AMD 91-04-017	371-08-210	REP 91-03-028
360-47-050	DECOD 91-18-057	365-90-020	AMD 91-04-017	371-08-215	AMD 91-03-028
360-48	DECOD-W 91-06-037	365-90-030	REP 91-04-017	371-08-220	AMD 91-03-028
360-48-010	DECOD-P 91-14-033	365-90-040	AMD 91-04-017	371-08-230	AMD 91-03-028
360-48-010	DECOD 91-18-057	365-90-050	REP 91-04-017	371-08-240	AMD 91-03-028
360-48-020	DECOD-P 91-14-033	365-90-070	AMD 91-04-017	371-08-245	REP 91-03-028
360-48-020	DECOD 91-18-057	365-90-080	AMD 91-04-017	371-12	REP-C 91-03-027
360-48-030	DECOD-P 91-14-033	365-90-090	AMD 91-04-017	371-12-010	REP 91-03-028
360-48-030	DECOD 91-18-057	365-180-030	AMD-P 91-21-139	371-12-020	REP 91-03-028
360-48-040	DECOD-P 91-14-033	365-180-060	AMD-P 91-21-139	371-12-030	REP 91-03-028
360-48-040	DECOD 91-18-057	365-180-090	AMD-P 91-21-139	371-12-040	REP 91-03-028
360-48-050	DECOD-P 91-14-033	365-190-010	NEW 91-07-041	371-12-050	REP 91-03-028
360-48-050	DECOD 91-18-057	365-190-020	NEW 91-07-041	371-12-060	REP 91-03-028
360-48-060	DECOD-P 91-14-033	365-190-030	NEW 91-07-041	371-12-070	REP 91-03-028
360-48-060	DECOD 91-18-057	365-190-040	NEW 91-07-041	371-12-080	REP 91-03-028
360-48-070	DECOD-P 91-14-033	365-190-050	NEW 91-07-041	371-12-090	REP 91-03-028
360-48-070	DECOD 91-18-057	365-190-060	NEW 91-07-041	371-12-100	REP 91-03-028
360-48-080	DECOD-P 91-14-033	365-190-070	NEW 91-07-041	371-12-110	REP 91-03-028
360-48-080	DECOD 91-18-057	365-190-080	NEW 91-07-041	371-12-120	REP 91-03-028
360-49	DECOD-W 91-06-037	371-08	AMD-C 91-03-027	371-12-130	REP 91-03-028
360-49-010	DECOD-P 91-14-033	371-08-001	NEW 91-03-028	374-50-010	NEW-P 91-08-033
360-49-010	DECOD 91-18-057	371-08-002	NEW 91-03-028	374-50-010	NEW-W 91-21-055
360-49-020	DECOD-P 91-14-033	371-08-005	AMD 91-03-028	374-50-020	NEW-P 91-08-033
360-49-020	DECOD 91-18-057	371-08-010	AMD 91-03-028	374-50-020	NEW-W 91-21-055
360-49-040	DECOD-P 91-14-033	371-08-015	REP 91-03-028	374-50-030	NEW-P 91-08-033
360-49-040	DECOD 91-18-057	371-08-020	AMD 91-03-028	374-50-030	NEW-W 91-21-055
360-49-050	NEW-P 91-05-090	371-08-030	AMD 91-03-028	374-50-040	NEW-P 91-08-033
360-49-050	NEW 91-13-004	371-08-031	REP 91-03-028	374-50-040	NEW-W 91-21-055
360-49-050	DECOD-P 91-14-033	371-08-032	AMD 91-03-028	374-50-050	NEW-P 91-08-033
360-49-050	DECOD 91-18-057	371-08-033	NEW 91-03-028	374-50-050	NEW-W 91-21-055
360-52	DECOD-W 91-06-037	371-08-035	AMD 91-03-028	374-50-060	NEW-P 91-08-033

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
374-50-060	NEW-W 91-21-055	381-20-130	NEW-P 91-10-009	381-70-030	NEW 91-14-029
374-50-070	NEW-P 91-08-033	381-20-130	NEW 91-14-028	381-70-040	NEW 91-14-029
374-50-070	NEW-W 91-21-055	381-20-140	NEW-P 91-10-009	381-70-050	NEW 91-14-029
374-50-080	NEW-P 91-08-033	381-20-140	NEW 91-14-028	381-70-060	NEW 91-14-029
374-50-080	NEW-W 91-21-055	381-30-010	NEW 91-14-029	381-70-070	NEW 91-14-029
374-50-090	NEW-P 91-08-033	381-30-020	NEW 91-14-029	381-70-080	NEW 91-14-029
374-50-090	NEW-W 91-21-055	381-30-030	NEW 91-14-029	381-70-090	NEW 91-14-029
374-60-010	NEW-P 91-21-072	381-30-040	NEW 91-14-029	381-70-100	NEW 91-14-029
374-60-020	NEW-P 91-21-072	381-30-050	NEW 91-14-029	381-70-110	NEW 91-14-029
374-60-030	NEW-P 91-21-072	381-30-060	NEW 91-14-029	381-70-120	NEW 91-14-029
374-60-040	NEW-P 91-21-072	381-30-070	NEW 91-14-029	381-70-130	NEW 91-14-029
374-60-050	NEW-P 91-21-072	381-30-080	NEW 91-14-029	381-70-140	NEW 91-14-029
374-60-060	NEW-P 91-21-072	381-30-090	NEW 91-14-029	381-70-150	NEW 91-14-029
374-60-070	NEW-P 91-21-072	381-30-100	NEW 91-14-029	381-70-160	NEW 91-14-029
374-60-080	NEW-P 91-21-072	381-30-110	NEW 91-14-029	381-70-170	NEW 91-14-029
374-60-090	NEW-P 91-21-072	381-30-120	NEW 91-14-029	381-70-180	NEW 91-14-029
374-60-100	NEW-P 91-21-072	381-30-130	NEW 91-14-029	381-70-190	NEW 91-14-029
374-60-110	NEW-P 91-21-072	381-30-140	NEW 91-14-029	381-70-200	NEW 91-14-029
374-60-120	NEW-P 91-21-072	381-30-150	NEW 91-14-029	381-70-210	NEW 91-14-029
381-10-010	NEW-P 91-10-009	381-30-160	NEW 91-14-029	381-70-220	NEW 91-14-029
381-10-010	NEW 91-14-028	381-30-170	NEW 91-14-029	381-70-230	NEW 91-14-029
381-10-020	NEW-P 91-10-009	381-30-180	NEW 91-14-029	381-70-240	NEW 91-14-029
381-10-020	NEW 91-14-028	381-40-010	NEW 91-14-029	381-70-250	NEW 91-14-029
381-10-030	NEW-P 91-10-009	381-40-020	NEW 91-14-029	381-70-260	NEW 91-14-029
381-10-030	NEW 91-14-028	381-40-030	NEW 91-14-029	381-70-270	NEW 91-14-029
381-10-040	NEW-P 91-10-009	381-40-040	NEW 91-14-029	381-70-280	NEW 91-14-029
381-10-040	NEW 91-14-028	381-40-050	NEW 91-14-029	381-70-290	NEW 91-14-029
381-10-050	NEW-P 91-10-009	381-40-060	NEW 91-14-029	381-70-300	NEW 91-14-029
381-10-050	NEW 91-14-028	381-40-070	NEW 91-14-029	381-70-310	NEW 91-14-029
381-10-060	NEW-P 91-10-009	381-40-080	NEW 91-14-029	381-70-320	NEW 91-14-029
381-10-060	NEW 91-14-028	381-40-090	NEW 91-14-029	381-70-330	NEW 91-14-029
381-10-070	NEW-P 91-10-009	381-40-100	NEW 91-14-029	381-70-340	NEW 91-14-029
381-10-070	NEW 91-14-028	381-40-110	NEW 91-14-029	381-70-350	NEW 91-14-029
381-10-080	NEW-P 91-10-009	381-40-120	NEW 91-14-029	381-70-360	NEW 91-14-029
381-10-080	NEW 91-14-028	381-40-130	NEW 91-14-029	381-70-370	NEW 91-14-029
381-10-090	NEW-P 91-10-009	381-40-140	NEW 91-14-029	381-70-380	NEW 91-14-029
381-10-090	NEW 91-14-028	381-40-150	NEW 91-14-029	381-70-390	NEW 91-14-029
381-10-100	NEW-P 91-10-009	381-40-160	NEW 91-14-029	381-70-400	NEW 91-14-029
381-10-100	NEW 91-14-028	381-40-170	NEW 91-14-029	381-70-410	NEW 91-14-029
381-10-110	NEW-P 91-10-009	381-50-010	NEW 91-14-029	381-70-420	NEW 91-14-029
381-10-110	NEW 91-14-028	381-50-020	NEW 91-14-029	381-70-430	NEW 91-14-029
381-10-120	NEW-P 91-10-009	381-50-030	NEW 91-14-029	381-70-440	NEW 91-14-029
381-10-120	NEW 91-14-028	381-50-040	NEW 91-14-029	381-80-010	NEW 91-14-029
381-10-130	NEW-P 91-10-009	381-50-050	NEW 91-14-029	381-80-020	NEW 91-14-029
381-10-130	NEW 91-14-028	381-50-060	NEW 91-14-029	381-80-030	NEW 91-14-029
381-10-140	NEW-P 91-10-009	381-50-070	NEW 91-14-029	381-80-040	NEW 91-14-029
381-10-140	NEW 91-14-028	381-50-080	NEW 91-14-029	381-80-050	NEW 91-14-029
381-10-150	NEW-P 91-10-009	381-50-090	NEW 91-14-029	381-80-060	NEW 91-14-029
381-10-150	NEW 91-14-028	381-50-100	NEW 91-14-029	388-11-055	AMD-P 91-18-049
381-10-160	NEW-P 91-10-009	381-50-110	NEW 91-14-029	388-11-055	AMD-E 91-18-053
381-10-160	NEW 91-14-028	381-50-120	NEW 91-14-029	388-11-055	AMD-W 91-19-001
381-10-170	NEW-P 91-10-009	381-50-130	NEW 91-14-029	388-11-140	AMD-P 91-18-049
381-10-170	NEW 91-14-028	381-50-140	NEW 91-14-029	388-11-140	AMD-E 91-18-053
381-20-010	NEW-P 91-10-009	381-50-150	NEW 91-14-029	388-11-140	AMD-W 91-19-001
381-20-010	NEW 91-14-028	381-50-160	NEW 91-14-029	388-11-200	AMD-P 91-18-049
381-20-020	NEW-P 91-10-009	381-50-170	NEW 91-14-029	388-11-200	AMD-E 91-18-053
381-20-020	NEW 91-14-028	381-50-180	NEW 91-14-029	388-11-200	AMD-W 91-19-001
381-20-030	NEW-P 91-10-009	381-60-010	NEW 91-14-029	388-11-205	AMD-P 91-18-049
381-20-030	NEW 91-14-028	381-60-020	NEW 91-14-029	388-11-205	AMD-E 91-18-053
381-20-040	NEW-P 91-10-009	381-60-030	NEW 91-14-029	388-11-205	AMD-W 91-19-001
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388-83-032	AMD	91-10-100	388-91-050	AMD-P	91-19-002	388-100-035	AMD-E	91-14-072
388-83-033	AMD-P	91-08-034	388-91-050	AMD-E	91-19-003	388-100-035	AMD	91-17-062
388-83-033	AMD-E	91-08-037	388-92-045	AMD-P	91-05-008	388-150-005	AMD-P	91-03-127
388-83-033	AMD-E	91-10-036	388-92-045	AMD-E	91-05-009	388-150-005	AMD-E	91-03-128
388-83-033	AMD	91-11-085	388-92-045	AMD	91-09-017	388-150-005	AMD	91-07-013
388-83-033	AMD-P	91-22-043	388-95-320	AMD-P	91-05-034	388-150-020	AMD-P	91-12-024
388-83-033	AMD-E	91-22-051	388-95-320	AMD-E	91-05-035	388-150-020	AMD-E	91-12-028
388-83-041	NEW-P	91-05-008	388-95-320	AMD	91-09-019	388-150-020	AMD	91-15-084
388-83-041	NEW-E	91-05-009	388-95-337	AMD	91-07-011	388-150-020	AMD	91-21-070
388-83-041	NEW	91-09-017	388-95-337	AMD-P	91-22-041	388-150-100	AMD-P	91-03-127
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388-83-130	AMD-E	91-06-047	388-95-360	AMD	91-07-011	388-150-100	AMD	91-07-013
388-83-130	AMD	91-10-100	388-95-360	AMD-P	91-14-068	388-150-180	AMD-P	91-03-127
388-83-200	AMD-P	91-12-067	388-95-360	AMD-E	91-14-071	388-150-180	AMD-E	91-03-128
388-83-200	AMD	91-16-059	388-95-360	AMD	91-17-061	388-150-180	AMD	91-07-013
388-84-105	AMD	91-05-011	388-95-380	AMD-P	91-05-008	388-150-210	AMD-P	91-03-127
388-84-105	AMD-P	91-20-099	388-95-380	AMD-E	91-05-009	388-150-210	AMD-E	91-03-128
388-84-105	AMD-E	91-20-109	388-95-380	AMD	91-09-017	388-150-210	AMD	91-07-013
388-85-115	AMD-E	91-11-016	388-95-395	AMD-P	91-12-022	388-150-280	AMD-P	91-03-127
388-85-115	AMD-P	91-11-017	388-95-395	AMD-E	91-12-029	388-150-280	AMD-E	91-03-128
388-85-115	AMD	91-16-024	388-95-395	AMD	91-15-085	388-150-280	AMD	91-07-013
388-86-005	AMD-P	91-22-040	388-96-010	AMD-P	91-17-088	388-150-390	AMD-P	91-03-127
388-86-005	AMD-E	91-22-048	388-96-010	AMD-E	91-17-089	388-150-390	AMD-E	91-03-128
388-86-00901	AMD-P	91-04-040	388-96-010	AMD	91-22-025	388-150-390	AMD	91-07-013
388-86-00901	AMD-E	91-04-044	388-96-023	AMD-P	91-17-088	388-150-450	AMD-P	91-03-127
388-86-00901	AMD	91-08-012	388-96-023	AMD-E	91-17-089	388-150-450	AMD-E	91-03-128
388-86-071	AMD-P	91-20-103	388-96-023	AMD	91-22-025	388-150-450	AMD	91-07-013
388-86-071	AMD-E	91-20-107	388-96-221	AMD-P	91-09-066	388-155	NEW-C	91-03-038
388-86-085	AMD-P	91-20-101	388-96-507	AMD-P	91-17-088	388-155-005	NEW	91-04-048
388-86-085	AMD-E	91-20-106	388-96-507	AMD-E	91-17-089	388-155-010	NEW	91-04-048
388-87-007	AMD-P	91-16-038	388-96-507	AMD	91-22-025	388-155-020	NEW	91-04-048
388-87-007	AMD-E	91-16-040	388-96-559	AMD-P	91-17-088	388-155-020	AMD-P	91-12-024
388-87-007	AMD	91-20-053	388-96-559	AMD-E	91-17-089	388-155-020	AMD-E	91-12-028
388-87-010	AMD	91-07-011	388-96-559	AMD	91-22-025	388-155-020	AMD	91-15-084
388-87-010	AMD-P	91-14-067	388-96-569	AMD-P	91-17-088	388-155-040	NEW	91-04-048
388-87-010	AMD-E	91-14-072	388-96-569	AMD-E	91-17-089	388-155-050	NEW	91-04-048
388-87-010	AMD	91-17-062	388-96-569	AMD	91-22-025	388-155-060	NEW	91-04-048
388-87-015	AMD-P	91-16-017	388-96-585	AMD-P	91-17-088	388-155-070	NEW	91-04-048
388-87-015	AMD-E	91-16-022	388-96-585	AMD-E	91-17-089	388-155-080	NEW	91-04-048
388-87-015	AMD	91-20-054	388-96-585	AMD	91-22-025	388-155-090	NEW	91-04-048
388-87-025	AMD-P	91-20-102	388-96-722	AMD-P	91-09-066	388-155-100	NEW	91-04-048
388-87-025	AMD-E	91-20-108	388-96-722	AMD	91-12-026	388-155-110	NEW	91-04-048
388-87-070	AMD-P	91-06-044	388-96-722	AMD-P	91-17-088	388-155-120	NEW	91-04-048
388-87-070	AMD-E	91-06-049	388-96-722	AMD-E	91-17-089	388-155-130	NEW	91-04-048
388-87-070	RESCIND	91-06-056	388-96-722	AMD	91-22-025	388-155-140	NEW	91-04-048
388-87-070	AMD	91-10-025	388-96-754	AMD-P	91-17-088	388-155-150	NEW	91-04-048
388-87-070	AMD-P	91-18-050	388-96-754	AMD-E	91-17-089	388-155-160	NEW	91-04-048
388-87-070	AMD-E	91-18-052	388-96-754	AMD	91-22-025	388-155-165	NEW	91-04-048
388-87-070	AMD	91-21-123	388-96-760	AMD-P	91-09-066	388-155-170	NEW	91-04-048
388-87-072	AMD-P	91-06-044	388-96-760	AMD	91-12-026	388-155-180	NEW	91-04-048
388-87-072	AMD-E	91-06-049	388-96-901	AMD-P	91-09-066	388-155-190	NEW	91-04-048
388-87-072	RESCIND	91-06-056	388-96-901	AMD	91-12-026	388-155-200	NEW	91-04-048
388-87-072	AMD	91-10-025	388-96-904	AMD-P	91-09-066	388-155-210	NEW	91-04-048
388-87-072	AMD-P	91-18-050	388-96-904	AMD	91-12-026	388-155-220	NEW	91-04-048
388-87-072	AMD-E	91-18-052	388-99-020	AMD	91-07-011	388-155-230	NEW	91-04-048
388-87-072	AMD	91-21-123	388-99-040	AMD-P	91-05-008	388-155-240	NEW	91-04-048
388-87-105	AMD-P	91-16-018	388-99-040	AMD-E	91-05-009	388-155-250	NEW	91-04-048
388-87-105	AMD-E	91-16-023	388-99-040	AMD	91-09-017	388-155-260	NEW	91-04-048
388-87-105	AMD	91-20-050	388-100-005	AMD-P	91-14-067	388-155-270	NEW	91-04-048
388-91-005	NEW-P	91-19-002	388-100-005	AMD-E	91-14-072	388-155-280	NEW	91-04-048
388-91-005	NEW-E	91-19-003	388-100-005	AMD	91-17-062	388-155-285	NEW-W	91-11-026
388-91-010	AMD-P	91-19-002	388-100-010	AMD-P	91-14-067	388-155-290	NEW	91-04-048
388-91-010	AMD-E	91-19-003	388-100-010	AMD-E	91-14-072	388-155-295	NEW	91-04-048
388-91-013	AMD-P	91-19-002	388-100-010	AMD	91-17-062	388-155-310	NEW	91-04-048
388-91-013	AMD-E	91-19-003	388-100-015	AMD-P	91-14-067	388-155-320	NEW	91-04-048
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388-91-016	AMD-E	91-19-003	388-100-020	AMD-E	91-14-072	388-155-360	NEW	91-04-048
388-91-020	AMD-P	91-19-002	388-100-020	AMD	91-17-062	388-155-370	NEW	91-04-048
388-91-020	AMD-E	91-19-003	388-100-025	AMD-P	91-14-067	388-155-380	NEW	91-04-048
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388-91-030	AMD-E	91-19-003	388-100-025	AMD	91-17-062	388-155-400	NEW	91-04-048
388-91-035	AMD-P	91-19-002	388-100-030	AMD-P	91-14-067	388-155-410	NEW	91-04-048
388-91-035	AMD-E	91-19-003	388-100-030	AMD-E	91-14-072	388-155-420	NEW	91-04-048
388-91-040	AMD-P	91-19-002	388-100-030	AMD	91-17-062	388-155-430	NEW	91-04-048

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388-155-450	NEW	91-04-048	390-37-085	NEW-W	91-15-051	392-115-120	NEW	91-07-007
388-155-460	NEW	91-04-048	390-37-090	AMD-P	91-13-089	392-115-125	NEW-P	91-03-001
388-155-470	NEW	91-04-048	390-37-090	AMD	91-16-072	392-115-125	NEW	91-07-007
388-155-480	NEW	91-04-048	390-37-100	AMD-P	91-13-089	392-115-130	NEW-P	91-03-001
388-155-490	NEW	91-04-048	390-37-100	AMD	91-16-072	392-115-130	NEW	91-07-007
388-155-500	NEW	91-04-048	390-37-105	NEW-P	91-13-089	392-115-135	NEW-P	91-03-001
388-320-010	AMD-P	91-20-091	390-37-105	NEW	91-16-072	392-115-135	NEW	91-07-007
388-320-020	REP-P	91-20-091	390-37-120	NEW-P	91-13-089	392-115-140	NEW-P	91-03-001
388-320-030	AMD-P	91-20-091	390-37-120	NEW	91-16-072	392-115-140	NEW	91-07-007
388-320-035	REP-P	91-20-091	390-37-130	NEW-P	91-13-089	392-115-145	NEW-P	91-03-001
388-320-040	REP-P	91-20-091	390-37-130	NEW	91-16-072	392-115-145	NEW	91-07-007
388-320-045	REP-P	91-20-091	390-37-132	NEW-P	91-13-089	392-115-150	NEW-P	91-03-001
388-320-050	REP-P	91-20-091	390-37-132	NEW	91-16-072	392-115-150	NEW	91-07-007
388-320-080	REP-P	91-20-091	390-37-134	NEW-P	91-13-089	392-115-155	NEW-P	91-03-001
388-320-090	REP-P	91-20-091	390-37-134	NEW	91-16-072	392-115-155	NEW	91-07-007
388-320-092	REP-P	91-20-091	390-37-136	NEW-P	91-13-089	392-117-005	NEW-P	91-09-025
388-320-100	AMD-P	91-20-091	390-37-136	NEW	91-16-072	392-117-005	NEW	91-13-054
388-320-110	REP-P	91-20-091	390-37-140	NEW-P	91-13-089	392-117-010	NEW-P	91-09-025
388-320-130	AMD-P	91-20-091	390-37-140	NEW	91-16-072	392-117-010	NEW	91-13-054
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388-320-140	AMD-P	91-20-091	390-37-142	NEW	91-16-072	392-117-015	NEW	91-13-054
388-320-180	REP-P	91-20-091	390-37-144	NEW-P	91-13-089	392-117-020	NEW-P	91-09-025
388-320-184	REP-P	91-20-091	390-37-144	NEW	91-16-072	392-117-020	NEW	91-13-054
388-320-185	REP-P	91-20-091	390-37-150	AMD-P	91-13-089	392-117-025	NEW-P	91-09-025
388-320-220	AMD-P	91-20-091	390-37-150	AMD	91-16-072	392-117-025	NEW	91-13-054
388-320-230	REP-P	91-20-091	390-37-210	REP-P	91-13-089	392-117-030	NEW-P	91-09-025
388-320-450	NEW-P	91-20-091	390-37-210	REP	91-16-072	392-117-030	NEW	91-13-054
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388-320-470	NEW-P	91-20-091	392-101-010	AMD	91-18-007	392-117-035	NEW	91-13-054
390-05-210	AMD-W	91-11-104	392-101-015	NEW	91-02-095	392-117-040	NEW-P	91-09-025
390-05-210	AMD-P	91-11-105	392-115-005	NEW-P	91-03-001	392-117-040	NEW	91-13-054
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390-12-040	AMD-P	91-20-154	392-115-010	NEW-P	91-03-001	392-117-045	NEW	91-13-054
390-12-040	AMD-P	91-22-082	392-115-010	NEW	91-07-007	392-117-050	NEW-P	91-09-025
390-14-045	AMD-P	91-13-089	392-115-015	NEW-P	91-03-001	392-117-050	NEW	91-13-054
390-14-045	AMD	91-16-072	392-115-015	NEW	91-07-007	392-121-108	AMD	91-02-096
390-16-011	AMD-P	91-19-038	392-115-020	NEW-P	91-03-001	392-121-133	AMD	91-02-096
390-16-011	AMD	91-22-033	392-115-020	NEW	91-07-007	392-121-136	AMD	91-02-096
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390-16-041	AMD	91-22-033	392-115-025	NEW	91-07-007	392-121-184	NEW-P	91-04-088
390-16-125	AMD-P	91-22-082	392-115-030	NEW-P	91-03-001	392-121-184	NEW	91-08-038
390-16-240	NEW-P	91-10-056	392-115-030	NEW	91-07-007	392-121-265	AMD	91-02-097
390-16-240	NEW	91-14-041	392-115-035	NEW-P	91-03-001	392-121-268	AMD	91-02-097
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390-16-308	AMD	91-14-041	392-115-040	NEW	91-07-007	392-121-272	AMD	91-02-097
390-16-310	AMD-P	91-22-081	392-115-045	NEW-P	91-03-001	392-121-280	AMD	91-02-097
390-16-312	NEW-W	91-11-104	392-115-045	NEW	91-07-007	392-121-295	AMD	91-02-097
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390-20-020	AMD-P	91-20-154	392-115-055	NEW	91-07-007	392-121-500	AMD-P	91-10-105
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390-20-0101	AMD	91-09-021	392-115-060	NEW	91-07-007	392-121-505	NEW	91-07-006
390-20-052	AMD-P	91-13-089	392-115-065	NEW-P	91-03-001	392-121-505	AMD-P	91-10-105
390-20-052	AMD	91-16-072	392-115-065	NEW	91-07-007	392-121-505	AMD	91-14-038
390-24-010	AMD-E	91-20-153	392-115-070	NEW-P	91-03-001	392-121-510	NEW	91-07-006
390-24-010	AMD-P	91-20-154	392-115-070	NEW	91-07-007	392-121-510	AMD-P	91-10-105
390-24-020	AMD-P	91-20-153	392-115-075	NEW-P	91-03-001	392-121-510	AMD	91-14-038
390-24-020	AMD-E	91-20-154	392-115-075	NEW	91-07-007	392-121-515	NEW	91-07-006
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390-24-031	NEW	91-10-057	392-115-080	NEW	91-07-007	392-121-525	NEW	91-07-006
390-28-020	AMD-P	91-19-039	392-115-085	NEW-P	91-03-001	392-121-530	NEW	91-07-006
390-28-020	AMD	91-22-083	392-115-085	NEW	91-07-007	392-121-535	NEW	91-07-006
390-28-025	AMD-P	91-19-039	392-115-090	NEW-P	91-03-001	392-121-540	NEW	91-07-006
390-28-025	AMD	91-22-083	392-115-090	NEW	91-07-007	392-121-545	NEW	91-07-006
390-28-040	AMD-P	91-19-039	392-115-095	NEW-P	91-03-001	392-122-010	AMD	91-03-118
390-28-040	AMD	91-22-083	392-115-095	NEW	91-07-007	392-122-100	AMD	91-03-118
390-28-050	REP-P	91-16-071	392-115-100	NEW-P	91-03-001	392-122-106	AMD	91-03-118
390-28-050	REP	91-21-030	392-115-100	NEW	91-07-007	392-122-107	AMD	91-03-118
390-28-060	AMD-P	91-19-039	392-115-105	NEW-P	91-03-001	392-122-110	AMD	91-03-118
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392-122-202	NEW-P	91-21-007	392-127-755	NEW	91-03-129	392-140-348	NEW	91-02-094
392-122-205	AMD-P	91-21-007	392-127-760	NEW	91-03-129	392-140-349	NEW	91-02-094
392-122-206	NEW	91-03-118	392-127-765	NEW	91-03-129	392-140-350	NEW	91-02-094
392-122-206	AMD-P	91-21-007	392-127-770	NEW	91-03-129	392-140-351	NEW	91-02-094
392-122-207	NEW-P	91-21-007	392-127-775	NEW	91-03-129	392-140-352	NEW	91-02-094
392-122-210	AMD	91-03-118	392-127-780	NEW	91-03-129	392-140-353	NEW	91-02-094
392-122-210	AMD-P	91-21-007	392-127-785	NEW	91-03-129	392-140-354	NEW	91-02-094
392-122-211	NEW-P	91-21-007	392-127-790	NEW	91-03-129	392-140-355	NEW	91-02-094
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392-122-214	NEW-P	91-21-007	392-127-805	NEW	91-03-129	392-140-358	NEW	91-02-094
392-122-215	REP	91-03-118	392-127-810	NEW	91-03-129	392-140-359	NEW	91-02-094
392-122-220	NEW-P	91-21-007	392-127-815	NEW	91-03-129	392-140-360	NEW	91-02-094
392-122-221	NEW-P	91-21-007	392-127-820	NEW	91-03-129	392-140-361	NEW	91-02-094
392-122-225	NEW-P	91-21-007	392-127-825	NEW	91-03-129	392-140-362	NEW	91-02-094
392-122-230	AMD	91-03-118	392-127-830	NEW	91-03-129	392-140-363	NEW	91-02-094
392-122-230	AMD-P	91-21-007	392-140-067	NEW-P	91-21-097	392-140-364	NEW	91-02-094
392-122-235	AMD	91-03-118	392-140-068	NEW-P	91-21-097	392-140-365	NEW	91-02-094
392-122-240	REP	91-03-118	392-140-069	NEW-P	91-21-097	392-140-366	NEW	91-02-094
392-122-245	REP	91-03-118	392-140-070	NEW-P	91-21-097	392-140-367	NEW	91-02-094
392-122-250	REP	91-03-118	392-140-071	NEW-P	91-21-097	392-140-368	NEW	91-02-094
392-122-255	AMD-P	91-21-007	392-140-072	NEW-P	91-21-097	392-140-369	NEW	91-02-094
392-122-260	AMD-P	91-21-007	392-140-075	REP-P	91-21-097	392-140-370	NEW	91-02-094
392-122-265	REP-W	91-13-071	392-140-076	REP-P	91-21-097	392-140-371	NEW	91-02-094
392-122-270	AMD	91-03-118	392-140-077	REP-P	91-21-097	392-140-372	NEW	91-02-094
392-122-270	AMD-P	91-21-007	392-140-078	REP-P	91-21-097	392-140-373	NEW	91-02-094
392-122-275	AMD-P	91-21-007	392-140-079	REP-P	91-21-097	392-140-374	NEW	91-02-094
392-122-600	AMD	91-03-118	392-140-080	REP-P	91-21-097	392-140-375	NEW	91-02-094
392-122-605	AMD	91-03-118	392-140-081	REP-P	91-21-097	392-140-376	NEW	91-02-094
392-122-610	AMD	91-03-118	392-140-082	REP-P	91-21-097	392-140-377	NEW	91-02-094
392-122-700	AMD	91-03-118	392-140-083	REP-P	91-21-097	392-140-378	NEW	91-02-094
392-122-800	AMD	91-03-118	392-140-160	REP-P	91-21-097	392-140-379	NEW	91-02-094
392-122-805	AMD	91-03-118	392-140-161	REP-P	91-21-097	392-140-380	NEW	91-02-094
392-122-910	NEW	91-03-118	392-140-162	REP-P	91-21-097	392-140-381	NEW	91-02-094
392-123-054	AMD-P	91-22-071	392-140-163	REP-P	91-21-097	392-140-390	NEW	91-02-094
392-123-071	AMD-P	91-22-071	392-140-165	REP-P	91-21-097	392-140-391	NEW	91-02-094
392-123-072	AMD-P	91-22-071	392-140-166	REP-P	91-21-097	392-140-392	NEW	91-02-094
392-123-074	AMD-P	91-22-071	392-140-167	REP-P	91-21-097	392-140-393	NEW	91-02-094
392-123-078	AMD-P	91-22-071	392-140-168	REP-P	91-21-097	392-140-400	REP-P	91-19-094
392-123-079	AMD-P	91-22-071	392-140-169	REP-P	91-21-097	392-140-401	REP-P	91-19-094
392-123-115	AMD-P	91-22-071	392-140-170	REP-P	91-21-097	392-140-402	REP-P	91-19-094
392-123-120	AMD-P	91-22-071	392-140-171	REP-P	91-21-097	392-140-403	REP-P	91-19-094
392-123-180	AMD-P	91-19-076	392-140-172	REP-P	91-21-097	392-140-404	REP-P	91-19-094
392-125-014	NEW-P	91-03-050	392-140-173	REP-P	91-21-097	392-140-405	REP-P	91-19-094
392-125-014	NEW	91-07-063	392-140-174	REP-P	91-21-097	392-140-406	REP-P	91-19-094
392-125-015	AMD-P	91-03-050	392-140-197	AMD-P	91-21-097	392-140-407	REP-P	91-19-094
392-125-015	AMD	91-07-063	392-140-198	AMD-P	91-21-097	392-140-408	REP-P	91-19-094
392-125-020	AMD-P	91-03-050	392-140-199	AMD-P	91-21-097	392-140-409	REP-P	91-19-094
392-125-020	AMD	91-07-063	392-140-201	AMD-P	91-21-097	392-140-410	REP-P	91-19-094
392-125-025	AMD-P	91-03-050	392-140-224	AMD-P	91-09-026	392-140-411	REP-P	91-19-094
392-125-025	AMD	91-07-063	392-140-224	AMD	91-12-021	392-140-412	REP-P	91-19-094
392-125-026	NEW-P	91-03-050	392-140-250	AMD-P	91-21-037	392-140-413	REP-P	91-19-094
392-125-026	NEW	91-07-063	392-140-251	REP-P	91-21-037	392-140-414	REP-P	91-19-094
392-125-027	NEW-P	91-03-050	392-140-252	AMD-P	91-21-037	392-140-415	REP-P	91-19-094
392-125-027	NEW	91-07-063	392-140-253	AMD-P	91-21-037	392-140-416	REP-P	91-19-094
392-125-030	AMD-P	91-03-050	392-140-254	AMD-P	91-21-037	392-140-417	REP-P	91-19-094
392-125-030	AMD	91-07-063	392-140-255	AMD-P	91-21-037	392-140-418	REP-P	91-19-094
392-125-085	AMD-P	91-03-050	392-140-256	AMD-P	91-21-037	392-140-419	REP-P	91-19-094
392-125-085	AMD	91-07-063	392-140-257	AMD-P	91-04-089	392-140-420	REP-P	91-19-094
392-127-004	AMD-P	91-12-006	392-140-257	AMD	91-08-039	392-140-421	REP-P	91-19-094
392-127-004	AMD	91-16-011	392-140-257	AMD-P	91-21-037	392-140-422	REP-P	91-19-094
392-127-006	AMD-P	91-12-006	392-140-258	AMD-P	91-21-037	392-140-423	REP-P	91-19-094
392-127-006	AMD	91-16-011	392-140-259	AMD-P	91-21-037	392-140-431	NEW-P	91-21-097
392-127-011	AMD-P	91-12-006	392-140-265	AMD-P	91-21-037	392-140-432	NEW-P	91-21-097
392-127-011	AMD	91-16-011	392-140-266	AMD-P	91-21-037	392-140-433	NEW-P	91-21-097
392-127-700	NEW	91-03-129	392-140-267	AMD-P	91-21-037	392-140-434	NEW-P	91-21-097
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392-127-740	NEW	91-03-129	392-140-345	NEW	91-02-094	392-140-444	NEW-P	91-21-097

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392-140-446	NEW-P	91-21-097	392-151-045	AMD	91-15-016	392-192-005	AMD	91-16-011
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392-140-463	NEW-P	91-21-097	392-151-095	AMD	91-15-016	392-196-100	AMD-E	91-18-020
392-140-464	NEW-P	91-21-097	392-151-105	AMD-P	91-10-085	392-198-005	NEW-P	91-14-035
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392-140-476	NEW-P	91-21-097	392-151-135	AMD	91-15-016	392-198-025	NEW	91-18-006
392-140-477	NEW-P	91-21-097	392-151-140	AMD-P	91-10-085	392-198-025	NEW	91-18-006
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392-140-481	NEW-P	91-21-097	392-151-145	REP	91-15-016	392-202-003	AMD	91-03-119
392-140-482	NEW-P	91-21-097	392-151-145	REP	91-15-016	392-202-080	AMD-P	91-14-036
392-140-482	NEW-P	91-21-097	392-151-150	REP-P	91-10-085	392-202-080	AMD-W	91-17-036
392-140-483	NEW-P	91-21-097	392-151-150	REP	91-15-016	392-202-110	AMD-P	91-14-036
392-140-485	NEW-P	91-21-097	392-160	AMD-C	91-11-028	392-202-115	AMD-P	91-14-036
392-140-486	NEW-P	91-21-097	392-160-015	AMD-P	91-07-062	392-202-120	AMD-P	91-14-036
392-140-490	NEW-P	91-21-097	392-160-015	AMD	91-17-008	399-30-030	AMD-P	91-14-093
392-140-491	NEW-P	91-21-097	392-160-020	AMD-P	91-07-062	399-30-040	AMD-P	91-14-093
392-140-492	NEW-P	91-21-097	392-160-020	AMD	91-17-008	399-30-042	AMD-P	91-14-093
392-140-493	NEW-P	91-21-097	392-160-040	AMD-P	91-07-062	399-30-045	AMD-P	91-14-093
392-140-494	NEW-P	91-21-097	392-160-040	AMD	91-17-008	399-30-050	AMD-P	91-14-093
392-140-495	NEW-P	91-21-097	392-162-095	AMD-P	91-13-052	399-30-060	AMD-P	91-14-093
392-140-496	NEW-P	91-21-097	392-162-095	AMD	91-18-005	399-30-065	AMD-P	91-14-093
392-140-497	NEW-P	91-21-097	392-163-340	AMD-P	91-14-037	399-40-020	AMD-P	91-14-092
392-142-005	AMD-P	91-12-006	392-163-340	AMD	91-18-040	400-06-070	AMD-P	91-15-089
392-142-005	AMD	91-16-011	392-163-345	AMD-P	91-14-037	400-06-070	AMD	91-20-076
392-142-095	AMD-P	91-12-006	392-163-345	AMD	91-18-040	400-06-170	AMD-P	91-15-089
392-142-095	AMD	91-16-011	392-163-355	AMD-P	91-14-037	400-06-170	AMD	91-20-076
392-142-155	AMD-P	91-19-077	392-163-355	AMD	91-18-040	400-12	PREP	91-05-066
392-142-165	AMD-P	91-19-077	392-163-435	AMD-P	91-14-037	400-12-110	AMD-P	91-15-090
392-142-215	REP-P	91-19-077	392-163-435	AMD	91-18-040	400-12-110	AMD	91-22-096
392-142-220	REP-P	91-19-077	392-171-321	NEW-P	91-14-002	400-12-120	AMD-P	91-15-090
392-142-235	AMD-P	91-12-006	392-171-321	NEW	91-18-004	400-12-120	AMD	91-22-096
392-142-235	AMD	91-16-011	392-171-461	AMD-P	91-14-002	400-12-200	AMD-P	91-15-090
392-142-250	AMD-P	91-12-006	392-171-461	AMD	91-18-004	400-12-200	AMD	91-22-096
392-142-250	AMD	91-16-011	392-191-001	AMD-P	91-12-006	400-12-210	AMD-P	91-15-090
392-142-260	AMD-P	91-19-075	392-191-001	AMD	91-16-011	400-12-210	AMD	91-22-096
392-142-260	AMD-P	91-19-077	392-191-007	AMD-P	91-12-006	400-12-220	AMD-P	91-15-090
392-143-030	AMD-P	91-19-078	392-191-007	AMD	91-16-011	400-12-220	AMD	91-22-096
392-143-031	NEW-P	91-19-078	392-191-030	AMD-P	91-12-006	400-12-300	REP-P	91-15-090
392-143-032	NEW-P	91-19-078	392-191-030	AMD	91-16-011	400-12-300	REP	91-22-096
392-143-080	NEW-P	91-19-078	392-191-035	AMD-P	91-12-006	400-12-305	NEW-P	91-15-090
392-145-015	AMD-P	91-03-074	392-191-035	AMD	91-16-011	400-12-305	NEW	91-22-096
392-145-015	AMD	91-06-032	392-191-040	AMD-P	91-12-006	400-12-310	REP-P	91-15-090
392-145-015	AMD-W	91-16-032	392-191-040	AMD	91-16-011	400-12-310	REP	91-22-096
392-145-020	AMD-P	91-19-079	392-191-060	REP-P	91-10-104	400-12-320	AMD-P	91-15-090
392-145-030	AMD-P	91-03-074	392-191-060	REP	91-16-026	400-12-320	AMD	91-22-096
392-145-030	AMD	91-06-032	392-191-065	REP-P	91-10-104	400-12-400	AMD-P	91-15-090
392-145-030	AMD-W	91-16-032	392-191-065	REP	91-16-026	400-12-400	AMD	91-22-096
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392-151-003	NEW	91-15-016	392-191-070	REP	91-16-026	400-12-410	AMD	91-22-096
392-151-005	AMD-P	91-10-085	392-191-075	REP-P	91-10-104	400-12-415	NEW-P	91-15-090
392-151-005	AMD	91-15-016	392-191-075	AMD-P	91-12-006	400-12-415	NEW	91-22-096
392-151-010	AMD-P	91-10-085	392-191-075	AMD	91-16-011	400-12-420	AMD-P	91-15-090
392-151-010	AMD	91-15-016	392-191-075	REP	91-16-026	400-12-420	AMD	91-22-096
392-151-015	AMD-P	91-10-085	392-191-080	REP-P	91-10-104	400-12-420	AMD-P	91-15-090
392-151-015	AMD	91-15-016	392-191-080	REP	91-16-026	400-12-500	AMD	91-22-096
392-151-017	NEW-P	91-10-085	392-191-085	REP-P	91-10-104	400-12-510	REP-P	91-15-090
392-151-017	NEW	91-15-016	392-191-085	AMD-P	91-12-006	400-12-510	REP	91-22-096
392-151-020	AMD-P	91-10-085	392-191-085	AMD	91-16-011	400-12-515	NEW-P	91-15-090
392-151-020	AMD	91-15-016	392-191-085	REP	91-16-026	400-12-515	NEW	91-22-096
392-151-035	AMD-P	91-10-085	392-191-090	REP-P	91-10-104	400-12-520	REP-P	91-15-090
392-151-035	AMD	91-15-016	392-191-090	REP	91-16-026	400-12-520	REP	91-22-096
392-151-040	AMD-P	91-10-085	392-191-095	REP-P	91-10-104	400-12-525	NEW-P	91-15-090
392-151-040	AMD	91-15-016	392-191-095	REP	91-16-026	400-12-525	NEW	91-22-096

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400-12-530	REP	91-22-096	414-20-060	REP-P	91-21-046	415-114-055	REP	91-19-062
400-12-535	NEW-P	91-15-090	414-24-010	REP-P	91-21-046	415-114-060	NEW-P	91-06-089
400-12-535	NEW	91-22-096	414-24-020	REP-P	91-21-046	415-114-060	NEW-C	91-10-108
400-12-540	REP-P	91-15-090	414-24-030	REP-P	91-21-046	415-114-060	RE-AD	91-11-061
400-12-540	REP	91-22-096	414-24-040	REP-P	91-21-046	415-114-060	RE-AD	91-13-049
400-12-545	NEW-P	91-15-090	414-24-050	REP-P	91-21-046	415-114-060	REP-P	91-16-091
400-12-545	NEW	91-22-096	414-24-060	REP-P	91-21-046	415-114-060	REP	91-19-062
400-12-550	REP-P	91-15-090	414-24-070	REP-P	91-21-046	415-114-070	NEW-C	91-10-108
400-12-550	REP	91-22-096	414-24-080	REP-P	91-21-046	415-114-070	NEW	91-13-049
400-12-555	NEW-P	91-15-090	414-24-090	REP-P	91-21-046	415-114-070	REP-P	91-16-091
400-12-555	NEW	91-22-096	415-04-020	AMD-P	91-16-092	415-114-070	REP	91-19-062
400-12-560	REP-P	91-15-090	415-04-020	AMD	91-19-064	415-114-100	NEW-P	91-16-091
400-12-560	REP	91-22-096	415-06-090	AMD-P	91-16-093	415-114-100	NEW	91-19-062
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400-12-565	NEW	91-22-096	415-100-041	NEW	91-03-013	415-114-200	NEW	91-19-062
400-12-570	REP-P	91-15-090	415-100-045	NEW	91-03-013	415-114-300	NEW-P	91-16-091
400-12-570	REP	91-22-096	415-100-051	NEW	91-03-013	415-114-300	NEW	91-19-062
400-12-600	REP-P	91-15-090	415-100-055	NEW	91-03-013	415-114-400	NEW-P	91-16-091
400-12-600	REP	91-22-096	415-104-108	AMD-P	91-16-094	415-114-400	NEW	91-19-062
400-12-605	NEW-P	91-15-090	415-104-108	AMD	91-19-063	415-114-500	NEW-P	91-16-091
400-12-605	NEW	91-22-096	415-104-201	NEW	91-03-014	415-114-500	NEW	91-19-062
400-12-610	REP-P	91-15-090	415-104-205	NEW	91-03-014	415-114-550	NEW-P	91-16-091
400-12-610	REP	91-22-096	415-104-211	NEW	91-03-014	415-114-550	NEW	91-19-062
400-12-615	NEW-P	91-15-090	415-104-215	NEW	91-03-014	415-114-600	NEW-P	91-16-091
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400-12-620	REP	91-22-096	415-108-324	NEW	91-03-015	415-114-700	NEW	91-19-062
400-12-625	NEW-P	91-15-090	415-108-326	NEW	91-03-015	415-115-010	NEW-P	91-10-109
400-12-625	NEW	91-22-096	415-108-520	NEW-P	91-18-069	415-115-010	NEW	91-13-030
400-12-630	REP-P	91-15-090	415-108-520	NEW	91-21-083	415-115-020	NEW-P	91-10-109
400-12-630	REP	91-22-096	415-112-040	AMD-P	91-16-095	415-115-020	NEW	91-13-030
400-12-635	NEW-P	91-15-090	415-112-040	AMD	91-19-065	415-115-030	NEW-P	91-10-109
400-12-635	NEW	91-22-096	415-112-330	AMD-P	91-18-070	415-115-030	NEW	91-13-030
400-12-640	REP-P	91-15-090	415-112-330	AMD	91-21-084	415-115-040	NEW-P	91-10-109
400-12-640	REP	91-22-096	415-112-515	NEW-P	91-18-070	415-115-040	NEW	91-13-030
400-12-650	REP-P	91-15-090	415-112-515	NEW	91-21-084	415-115-050	NEW-P	91-10-109
400-12-650	REP	91-22-096	415-112-535	NEW-P	91-18-070	415-115-050	NEW	91-13-030
400-12-660	REP-P	91-15-090	415-112-535	NEW	91-21-084	415-115-060	NEW-P	91-10-109
400-12-660	REP	91-22-096	415-112-540	AMD-P	91-18-070	415-115-060	NEW	91-13-030
400-12-700	AMD-P	91-15-090	415-112-540	AMD	91-21-084	415-115-070	NEW-P	91-10-109
400-12-700	AMD	91-22-096	415-112-720	NEW	91-03-016	415-115-070	NEW	91-13-030
402-70-010	AMD-W	91-08-059	415-112-722	NEW	91-03-016	415-115-080	NEW-P	91-10-109
402-70-020	AMD-W	91-08-059	415-112-725	NEW	91-03-016	415-115-080	NEW	91-13-030
402-70-030	AMD-W	91-08-059	415-112-727	NEW	91-03-016	415-115-090	NEW-P	91-10-109
402-70-040	NEW-W	91-08-059	415-114-010	NEW-P	91-06-089	415-115-090	NEW	91-13-030
402-70-045	NEW-W	91-08-059	415-114-010	NEW-C	91-10-108	415-115-100	NEW-P	91-10-109
402-70-050	AMD-W	91-08-059	415-114-010	NEW	91-11-061	415-115-100	NEW	91-13-030
402-70-055	NEW-W	91-08-059	415-114-010	RE-AD	91-13-049	415-115-110	NEW-P	91-10-109
402-70-060	NEW-W	91-08-059	415-114-010	REP-P	91-16-091	415-115-110	NEW	91-13-030
402-70-062	NEW-W	91-08-059	415-114-010	REP	91-19-062	415-115-120	NEW-P	91-10-109
402-70-064	NEW-W	91-08-059	415-114-020	NEW-P	91-06-089	415-115-120	NEW	91-13-030
402-70-066	NEW-W	91-08-059	415-114-020	NEW-C	91-10-108	415-116-010	NEW-P	91-10-107
402-70-068	NEW-W	91-08-059	415-114-020	NEW	91-11-061	415-116-010	NEW	91-13-029
402-70-070	AMD-W	91-08-059	415-114-020	RE-AD	91-13-049	415-116-020	NEW-P	91-10-107
402-70-077	NEW-W	91-08-059	415-114-020	REP-P	91-16-091	415-116-020	NEW	91-13-029
402-70-080	AMD-W	91-08-059	415-114-020	REP	91-19-062	415-116-030	NEW-P	91-10-107
402-70-085	NEW-W	91-08-059	415-114-030	NEW-P	91-06-089	415-116-030	NEW	91-13-029
402-70-090	AMD-W	91-08-059	415-114-030	NEW-C	91-10-108	415-116-040	NEW-P	91-10-107
414-04-010	REP-P	91-21-046	415-114-030	NEW	91-11-061	415-116-040	NEW	91-13-029
414-08-010	REP-P	91-21-046	415-114-030	RE-AD	91-13-049	415-116-050	NEW-P	91-10-107
414-08-020	REP-P	91-21-046	415-114-030	REP-P	91-16-091	415-116-050	NEW	91-13-029
414-08-030	REP-P	91-21-046	415-114-030	REP	91-19-062	417-01-100	NEW-E	91-09-052
414-08-040	REP-P	91-21-046	415-114-040	NEW-P	91-06-089	417-01-100	NEW-P	91-15-028
414-08-050	REP-P	91-21-046	415-114-040	NEW-C	91-10-108	417-01-100	NEW	91-20-006
414-08-060	REP-P	91-21-046	415-114-040	NEW	91-11-061	417-01-105	NEW-E	91-09-052
414-08-070	REP-P	91-21-046	415-114-040	AMD	91-13-049	417-01-105	NEW-P	91-15-028
414-08-080	REP-P	91-21-046	415-114-040	REP-P	91-16-091	417-01-105	NEW	91-20-006
414-08-090	REP-P	91-21-046	415-114-040	REP	91-19-062	417-01-110	NEW-E	91-09-052
414-08-100	REP-P	91-21-046	415-114-050	NEW-P	91-06-089	417-01-110	NEW-P	91-15-028
414-12-010	REP-P	91-21-046	415-114-050	NEW-C	91-10-108	417-01-110	NEW	91-20-006
414-12-020	REP-P	91-21-046	415-114-050	NEW	91-11-061	417-01-115	NEW-E	91-09-052
414-12-030	REP-P	91-21-046	415-114-050	RE-AD	91-13-049	417-01-115	NEW-P	91-15-028
414-20-010	REP-P	91-21-046	415-114-050	REP-P	91-16-091	417-01-115	NEW	91-20-006
414-20-020	REP-P	91-21-046	415-114-050	REP	91-19-062	417-01-120	NEW-E	91-09-052
414-20-030	REP-P	91-21-046	415-114-055	NEW-P	91-10-108	417-01-120	NEW-P	91-15-028
414-20-040	REP-P	91-21-046	415-114-055	NEW	91-13-049	417-01-120	NEW	91-20-006

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WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
417-01-125	NEW-E	91-09-052	417-06-120	NEW	91-20-006	434-26-020	NEW	91-18-013
417-01-125	NEW-P	91-15-028	417-06-130	NEW-E	91-13-021	434-26-025	NEW-P	91-13-022
417-01-125	NEW	91-20-006	417-06-130	NEW-P	91-15-028	434-26-025	NEW	91-18-013
417-01-130	NEW-E	91-09-052	417-06-130	NEW	91-20-006	434-26-030	NEW-P	91-13-022
417-01-130	NEW-P	91-15-028	417-06-140	NEW-E	91-13-021	434-26-030	NEW	91-18-013
417-01-130	NEW	91-20-006	417-06-140	NEW-P	91-15-028	434-26-035	NEW-P	91-13-022
417-01-135	NEW-E	91-09-052	417-06-140	NEW	91-20-006	434-26-035	NEW	91-18-013
417-01-135	NEW-P	91-15-028	417-06-150	NEW-E	91-13-021	434-26-040	NEW-P	91-13-022
417-01-135	NEW	91-20-006	417-06-150	NEW-P	91-15-028	434-26-040	NEW	91-18-013
417-01-140	NEW-E	91-09-052	417-06-150	NEW	91-20-006	434-26-045	NEW-P	91-13-022
417-01-140	NEW-P	91-15-028	417-06-160	NEW-E	91-13-021	434-26-045	NEW	91-18-013
417-01-140	NEW	91-20-006	417-06-160	NEW-P	91-15-028	434-26-050	NEW-P	91-13-022
417-01-145	NEW-E	91-09-052	417-06-160	NEW	91-20-006	434-26-050	NEW	91-18-013
417-01-145	NEW-P	91-15-028	417-06-170	NEW-E	91-13-021	434-26-055	NEW-P	91-13-022
417-01-145	NEW	91-20-006	417-06-170	NEW-P	91-15-028	434-26-055	NEW	91-18-013
417-01-150	NEW-E	91-09-052	417-06-170	NEW	91-20-006	434-26-060	NEW-P	91-13-022
417-01-150	NEW-P	91-15-028	419-14-030	AMD-P	91-03-107	434-26-060	NEW	91-18-013
417-01-150	NEW	91-20-006	419-14-030	AMD	91-06-063	434-26-065	NEW-P	91-13-022
417-01-155	NEW-E	91-09-052	419-14-040	AMD-P	91-03-107	434-26-065	NEW	91-18-013
417-01-155	NEW-P	91-15-028	419-14-040	AMD	91-06-063	434-26-900	NEW-P	91-13-022
417-01-155	NEW	91-20-006	419-14-090	AMD-P	91-03-107	434-26-900	NEW	91-18-013
417-02-100	NEW-E	91-13-020	419-14-090	AMD	91-06-063	434-40-010	AMD-E	91-14-080
417-02-100	NEW-P	91-15-028	419-14-100	AMD-P	91-03-107	434-40-010	AMD-P	91-17-046
417-02-100	NEW-W	91-20-004	419-14-100	AMD	91-06-063	434-40-010	AMD	91-20-074
417-02-100	NEW-E	91-20-005	419-14-110	AMD-P	91-03-107	434-40-050	AMD-E	91-14-080
417-02-105	NEW-E	91-13-020	419-14-110	AMD	91-06-063	434-40-050	AMD-P	91-17-046
417-02-105	NEW-P	91-15-028	419-18-030	AMD-P	91-03-106	434-40-050	AMD	91-20-074
417-02-105	NEW-W	91-20-004	419-18-030	AMD	91-06-062	434-40-060	AMD-E	91-14-080
417-02-105	NEW-E	91-20-005	419-18-040	AMD-P	91-03-106	434-40-060	AMD-P	91-17-046
417-02-110	NEW-E	91-13-020	419-18-040	AMD	91-06-062	434-40-060	AMD	91-20-074
417-02-110	NEW-P	91-15-028	419-18-050	AMD-P	91-03-106	434-40-070	AMD-E	91-14-080
417-02-110	NEW-W	91-20-004	419-18-050	AMD	91-06-062	434-40-070	AMD-P	91-17-046
417-02-110	NEW-E	91-20-005	419-18-060	AMD-P	91-03-106	434-40-070	AMD	91-20-074
417-02-115	NEW-E	91-13-020	419-18-060	AMD	91-06-062	434-40-080	AMD-E	91-14-080
417-02-115	NEW-P	91-15-028	419-18-070	AMD-P	91-03-106	434-40-080	AMD-P	91-17-046
417-02-115	NEW-W	91-20-004	419-18-070	AMD	91-06-062	434-40-080	AMD	91-20-074
417-02-115	NEW-E	91-20-005	434-15-010	REP-P	91-17-054	434-40-180	AMD-E	91-14-080
417-02-120	NEW-E	91-13-020	434-15-010	REP	91-21-045	434-40-180	AMD-P	91-17-046
417-02-120	NEW-P	91-15-028	434-15-020	REP-P	91-17-054	434-40-180	AMD	91-20-074
417-02-120	NEW-W	91-20-004	434-15-020	REP	91-21-045	434-42-900	NEW-P	91-03-125
417-02-120	NEW-E	91-20-005	434-15-030	REP-P	91-17-054	434-42-900	NEW-E	91-03-126
417-02-125	NEW-E	91-13-020	434-15-030	REP	91-21-045	434-42-900	REP-E	91-07-002
417-02-125	NEW-P	91-15-028	434-15-040	REP-P	91-17-054	434-42-900	NEW-W	91-07-003
417-02-125	NEW-W	91-20-004	434-15-040	REP	91-21-045	434-42-905	NEW-P	91-03-125
417-02-125	NEW-E	91-20-005	434-15-050	REP-P	91-17-054	434-42-905	NEW-E	91-03-126
417-02-130	NEW-E	91-13-020	434-15-050	REP	91-21-045	434-42-905	REP-E	91-07-002
417-02-130	NEW-P	91-15-028	434-15-060	REP-P	91-17-054	434-42-905	NEW-W	91-07-003
417-02-130	NEW-W	91-20-004	434-15-060	REP	91-21-045	434-42-910	NEW-P	91-03-125
417-02-130	NEW-E	91-20-005	434-15-070	REP-P	91-17-054	434-42-910	NEW-E	91-03-126
417-02-135	NEW-E	91-13-020	434-15-070	REP	91-21-045	434-42-910	REP-E	91-07-002
417-02-135	NEW-P	91-15-028	434-15-080	REP-P	91-17-054	434-42-910	NEW-W	91-07-003
417-02-135	NEW-W	91-20-004	434-15-080	REP	91-21-045	434-42-915	NEW-P	91-03-125
417-02-135	NEW-E	91-20-005	434-15-090	REP-P	91-17-054	434-42-915	NEW-E	91-03-126
417-02-140	NEW-E	91-13-020	434-15-090	REP	91-21-045	434-42-915	REP-E	91-07-002
417-02-140	NEW-P	91-15-028	434-15-100	REP-P	91-17-054	434-42-915	NEW-W	91-07-003
417-02-140	NEW-W	91-20-004	434-15-100	REP	91-21-045	434-42-920	NEW-P	91-03-125
417-02-140	NEW-E	91-20-005	434-15-110	REP-P	91-17-054	434-42-920	NEW-E	91-03-126
417-02-145	NEW-E	91-13-020	434-15-110	REP	91-21-045	434-42-920	REP-E	91-07-002
417-02-145	NEW-P	91-15-028	434-15-120	REP-P	91-17-054	434-42-920	NEW-W	91-07-003
417-02-145	NEW-W	91-20-004	434-15-120	REP	91-21-045	434-42-925	NEW-P	91-03-125
417-02-145	NEW-E	91-20-005	434-15-130	REP-P	91-17-054	434-42-925	NEW-E	91-03-126
417-02-150	NEW-E	91-13-020	434-15-130	REP	91-21-045	434-42-925	REP-E	91-07-002
417-02-150	NEW-P	91-15-028	434-15-140	REP-P	91-17-054	434-42-925	NEW-W	91-07-003
417-02-150	NEW-W	91-20-004	434-15-140	REP	91-21-045	434-42-930	NEW-P	91-03-125
417-02-150	NEW-E	91-20-005	434-15-150	REP-P	91-17-054	434-42-930	NEW-E	91-03-126
417-02-155	NEW-E	91-13-020	434-15-150	REP	91-21-045	434-42-930	REP-E	91-07-002
417-02-155	NEW-P	91-15-028	434-15-150	REP-P	91-17-054	434-42-930	NEW-W	91-07-003
417-02-155	NEW-W	91-20-004	434-15-150	REP	91-21-045	434-42-935	NEW-P	91-03-125
417-02-155	NEW-E	91-20-005	434-15-150	REP-P	91-17-054	434-42-935	NEW-E	91-03-126
417-06-100	NEW-E	91-13-021	434-15-99001	REP-P	91-17-054	434-42-935	REP-E	91-07-002
417-06-100	NEW-P	91-15-028	434-15-99001	REP	91-21-045	434-42-935	NEW-W	91-07-003
417-06-100	NEW	91-20-006	434-26-005	NEW-P	91-13-022	434-42-935	NEW-P	91-03-125
417-06-110	NEW-E	91-13-021	434-26-005	NEW	91-18-013	434-42-940	NEW-E	91-03-126
417-06-110	NEW-P	91-15-028	434-26-010	NEW-P	91-13-022	434-42-940	REP-E	91-07-002
417-06-110	NEW	91-20-006	434-26-010	NEW	91-18-013	434-42-940	NEW-W	91-07-003
417-06-120	NEW-E	91-13-021	434-26-015	NEW-P	91-13-022	434-42-945	NEW-P	91-03-125
417-06-120	NEW-P	91-15-028	434-26-015	NEW	91-18-013	434-42-945	NEW-E	91-03-126
			434-26-020	NEW-P	91-13-022			

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WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
434-42-945	REP-E	91-07-002	434-75-220	NEW	91-18-012	434-840-220	NEW-P	91-17-046
434-42-945	NEW-W	91-07-003	434-75-230	NEW-P	91-13-016	434-840-220	NEW	91-20-074
434-42-950	NEW-P	91-03-125	434-75-230	NEW	91-18-012	434-840-230	NEW-P	91-17-046
434-42-950	NEW-E	91-03-126	434-75-240	NEW-P	91-13-016	434-840-230	NEW	91-20-074
434-42-950	REP-E	91-07-002	434-75-240	NEW	91-18-012	434-840-240	NEW-P	91-17-046
434-42-950	NEW-W	91-07-003	434-75-250	NEW-P	91-13-016	434-840-240	NEW	91-20-074
434-42-955	NEW-P	91-03-125	434-75-250	NEW	91-18-012	434-840-300	NEW-P	91-17-046
434-42-955	NEW-E	91-03-126	434-75-260	NEW-P	91-13-016	434-840-300	NEW	91-20-074
434-42-955	REP-E	91-07-002	434-75-260	NEW	91-18-012	434-840-310	NEW-P	91-17-046
434-42-955	NEW-W	91-07-003	434-75-270	NEW-P	91-13-016	434-840-310	NEW	91-20-074
434-42-960	NEW-P	91-03-125	434-75-270	NEW	91-18-012	434-840-320	NEW-P	91-17-046
434-42-960	NEW-E	91-03-126	434-75-280	NEW-P	91-13-016	434-840-320	NEW	91-20-074
434-42-960	REP-E	91-07-002	434-75-280	NEW	91-18-012	434-840-330	NEW-P	91-17-046
434-42-960	NEW-W	91-07-003	434-75-290	NEW-P	91-13-016	434-840-330	NEW	91-20-074
434-42-965	NEW-P	91-03-125	434-75-290	NEW	91-18-012	434-840-340	NEW-P	91-17-046
434-42-965	NEW-E	91-03-126	434-75-300	NEW-P	91-13-016	434-840-340	NEW	91-20-074
434-42-965	REP-E	91-07-002	434-75-300	NEW	91-18-012	434-840-350	NEW-P	91-17-046
434-42-965	NEW-W	91-07-003	434-75-310	NEW-P	91-13-016	434-840-350	NEW	91-20-074
434-42-970	NEW-P	91-03-125	434-75-310	NEW	91-18-012	434-840-360	NEW-P	91-17-046
434-42-970	NEW-E	91-03-126	434-75-320	NEW-P	91-13-016	434-840-360	NEW	91-20-074
434-42-970	REP-E	91-07-002	434-75-320	NEW	91-18-012	434-840-370	NEW-P	91-17-046
434-42-970	NEW-W	91-07-003	434-75-330	NEW-P	91-13-016	434-840-370	NEW	91-20-074
434-42-975	NEW-P	91-03-125	434-75-330	NEW	91-18-012	434-840-900	NEW-E	91-14-079
434-42-975	NEW-E	91-03-126	434-75-340	NEW-P	91-13-016	434-840-901	NEW-E	91-14-079
434-42-975	REP-E	91-07-002	434-75-340	NEW	91-18-012	434-840-902	NEW-E	91-14-079
434-42-975	NEW-W	91-07-003	434-75-350	NEW-P	91-13-016	434-840-903	NEW-E	91-14-079
434-42-980	NEW-P	91-03-125	434-75-350	NEW	91-18-012	434-840-904	NEW-E	91-14-079
434-42-980	NEW-E	91-03-126	434-690-010	NEW-P	91-20-147	434-840-905	NEW-E	91-14-079
434-42-980	REP-E	91-07-002	434-690-020	NEW-P	91-20-147	434-840-906	NEW-E	91-14-079
434-42-980	NEW-W	91-07-003	434-690-030	NEW-P	91-20-147	434-840-907	NEW-E	91-14-079
434-42-985	NEW-P	91-03-125	434-690-040	NEW-P	91-20-147	434-840-908	NEW-E	91-14-079
434-42-985	NEW-E	91-03-126	434-690-050	NEW-P	91-20-147	434-840-909	NEW-E	91-14-079
434-42-985	REP-E	91-07-002	434-690-060	NEW-P	91-20-147	434-840-910	NEW-E	91-14-079
434-42-985	NEW-W	91-07-003	434-690-070	NEW-P	91-20-147	434-840-920	NEW-E	91-14-079
434-75-010	NEW-P	91-13-016	434-690-080	NEW-P	91-20-147	434-840-921	NEW-E	91-14-079
434-75-010	NEW	91-18-012	434-690-090	NEW-P	91-20-147	434-840-922	NEW-E	91-14-079
434-75-020	NEW-P	91-13-016	434-690-100	NEW-P	91-20-147	434-840-923	NEW-E	91-14-079
434-75-020	NEW	91-18-012	434-690-110	NEW-P	91-20-147	434-840-930	NEW-E	91-14-079
434-75-030	NEW-P	91-13-016	434-690-120	NEW-P	91-20-147	434-840-931	NEW-E	91-14-079
434-75-030	NEW	91-18-012	434-690-130	NEW-P	91-20-147	434-840-932	NEW-E	91-14-079
434-75-040	NEW-P	91-13-016	434-690-140	NEW-P	91-20-147	434-840-933	NEW-E	91-14-079
434-75-040	NEW	91-18-012	434-690-990	NEW-P	91-20-147	434-840-934	NEW-E	91-14-079
434-75-050	NEW-P	91-13-016	434-690-99001	NEW-P	91-20-147	434-840-940	NEW-E	91-14-079
434-75-050	NEW	91-18-012	434-840-001	NEW-P	91-17-046	434-840-941	NEW-E	91-14-079
434-75-060	NEW-P	91-13-016	434-840-001	NEW	91-20-074	434-840-942	NEW-E	91-14-079
434-75-060	NEW	91-18-012	434-840-005	NEW-P	91-17-046	434-840-943	NEW-E	91-14-079
434-75-070	NEW-P	91-13-016	434-840-005	NEW	91-20-074	434-840-944	NEW-E	91-14-079
434-75-070	NEW	91-18-012	434-840-010	NEW-P	91-17-046	434-840-945	NEW-E	91-14-079
434-75-080	NEW-P	91-13-016	434-840-010	NEW	91-20-074	434-840-946	NEW-E	91-14-079
434-75-080	NEW	91-18-012	434-840-020	NEW-P	91-17-046	434-840-947	NEW-E	91-14-079
434-75-090	NEW-P	91-13-016	434-840-020	NEW	91-20-074	440-44-050	REP-W	91-08-059
434-75-090	NEW	91-18-012	434-840-030	NEW-P	91-17-046	440-44-057	REP-W	91-08-059
434-75-100	NEW-P	91-13-016	434-840-030	NEW	91-20-074	440-44-058	REP-W	91-08-059
434-75-100	NEW	91-18-012	434-840-040	NEW-P	91-17-046	440-44-059	REP-W	91-08-059
434-75-110	NEW-P	91-13-016	434-840-040	NEW	91-20-074	440-44-060	REP-W	91-08-059
434-75-110	NEW	91-18-012	434-840-050	NEW-P	91-17-046	440-44-062	REP-W	91-08-059
434-75-120	NEW-P	91-13-016	434-840-050	NEW	91-20-074	440-44-085	REP-P	91-15-061
434-75-120	NEW	91-18-012	434-840-060	NEW-P	91-17-046	440-44-085	REP-E	91-15-064
434-75-130	NEW-P	91-13-016	434-840-060	NEW	91-20-074	440-44-085	REP	91-19-025
434-75-130	NEW	91-18-012	434-840-070	NEW-P	91-17-046	440-44-090	AMD-P	91-20-096
434-75-140	NEW-P	91-13-016	434-840-070	NEW	91-20-074	440-44-090	AMD-E	91-20-111
434-75-140	NEW	91-18-012	434-840-080	NEW-P	91-17-046	446-16-080	AMD-P	91-16-099
434-75-150	NEW-P	91-13-016	434-840-080	NEW	91-20-074	446-16-080	AMD	91-22-055
434-75-150	NEW	91-18-012	434-840-090	NEW-P	91-17-046	446-20-020	AMD-P	91-19-012
434-75-160	NEW-P	91-13-016	434-840-090	NEW	91-20-074	446-20-280	AMD-P	91-19-012
434-75-160	NEW	91-18-012	434-840-100	NEW-P	91-17-046	446-20-285	AMD-P	91-19-012
434-75-170	NEW-P	91-13-016	434-840-100	NEW	91-20-074	446-20-290	AMD-P	91-19-012
434-75-170	NEW	91-18-012	434-840-110	NEW-P	91-17-046	446-20-310	AMD-P	91-19-012
434-75-180	NEW-P	91-13-016	434-840-110	NEW	91-20-074	446-20-500	AMD-P	91-15-045
434-75-180	NEW	91-18-012	434-840-120	NEW-P	91-17-046	446-20-500	AMD	91-20-045
434-75-190	NEW-P	91-13-016	434-840-120	NEW	91-20-074	446-20-510	AMD-P	91-15-045
434-75-190	NEW	91-18-012	434-840-130	NEW-P	91-17-046	446-20-510	AMD	91-20-045
434-75-200	NEW-P	91-13-016	434-840-130	NEW	91-20-074	446-20-515	AMD-P	91-15-045
434-75-200	NEW	91-18-012	434-840-200	NEW-P	91-17-046	446-20-515	AMD	91-20-045
434-75-210	NEW-P	91-13-016	434-840-200	NEW	91-20-074	446-20-530	AMD-P	91-19-012
434-75-210	NEW	91-18-012	434-840-210	NEW-P	91-17-046	446-65	AMD-P	91-16-098
434-75-220	NEW-P	91-13-016	434-840-210	NEW	91-20-074	446-65	AMD-W	91-19-107

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
446-65-005	NEW-E	91-06-050	448-12-290	REP	91-06-022	448-15-040	NEW-P	91-03-124
446-65-005	NEW	91-06-066	448-12-300	REP-S	91-03-123	448-15-040	NEW-W	91-16-077
446-65-005	AMD-P	91-16-098	448-12-320	REP	91-06-022	448-15-050	NEW-P	91-03-124
446-65-005	AMD-W	91-19-107	448-12-320	REP-S	91-03-123	448-15-050	NEW-W	91-16-077
446-65-010	NEW-E	91-06-050	448-12-320	REP	91-06-022	448-15-060	NEW-P	91-03-124
446-65-010	NEW	91-06-066	448-12-330	REP-S	91-03-123	448-15-060	NEW-W	91-16-077
446-65-010	AMD-P	91-16-098	448-12-330	REP	91-06-022	448-15-070	NEW-P	91-03-124
446-65-010	AMD-W	91-19-107	448-12-340	REP-S	91-03-123	448-15-070	NEW-W	91-16-077
446-75-010	NEW-P	91-07-045	448-12-340	REP	91-06-022	448-15-080	NEW-P	91-03-124
446-75-010	NEW-E	91-07-046	448-13-010	NEW-S	91-03-123	448-15-080	NEW-W	91-16-077
446-75-010	NEW	91-11-046	448-13-010	NEW	91-06-022	456-09-210	AMD-P	91-04-084
446-75-020	NEW-P	91-07-045	448-13-020	NEW-S	91-03-123	456-09-210	AMD	91-07-038
446-75-020	NEW-E	91-07-046	448-13-020	NEW	91-06-022	456-09-325	AMD-P	91-04-084
446-75-020	NEW	91-11-046	448-13-020	AMD-E	91-18-033	456-09-325	AMD	91-07-038
446-75-030	NEW-P	91-07-045	448-13-020	AMD-P	91-18-034	456-09-365	AMD-P	91-04-084
446-75-030	NEW-E	91-07-046	448-13-020	AMD	91-21-040	456-09-365	AMD	91-07-038
446-75-030	NEW	91-11-046	448-13-030	NEW-S	91-03-123	456-10-360	AMD-P	91-04-083
446-75-040	NEW-P	91-07-045	448-13-030	NEW	91-06-022	456-10-360	AMD	91-07-039
446-75-040	NEW-E	91-07-046	448-13-040	NEW-S	91-03-123	456-10-547	NEW-P	91-04-083
446-75-040	NEW	91-11-046	448-13-040	NEW	91-06-022	456-10-547	NEW	91-07-039
446-75-050	NEW-P	91-07-045	448-13-040	AMD-E	91-18-033	458-12-251	PREP	91-18-025
446-75-050	NEW-E	91-07-046	448-13-040	AMD-P	91-18-034	458-12-251	NEW-P	91-22-013
446-75-050	NEW	91-11-046	448-13-040	AMD	91-21-040	458-12-251	NEW-E	91-22-014
446-75-060	NEW-P	91-07-045	448-13-050	NEW-S	91-03-123	458-14-010	REP	91-07-040
446-75-060	NEW-E	91-07-046	448-13-050	NEW	91-06-022	458-14-020	REP	91-07-040
446-75-060	NEW	91-11-046	448-13-060	NEW-S	91-03-123	458-14-030	REP	91-07-040
446-75-070	NEW-P	91-07-045	448-13-060	NEW	91-06-022	458-14-040	REP	91-07-040
446-75-070	NEW-E	91-07-046	448-13-070	NEW-S	91-03-123	458-14-045	REP	91-07-040
446-75-070	NEW	91-11-046	448-13-070	NEW	91-06-022	458-14-050	REP	91-07-040
446-75-080	NEW-P	91-07-045	448-13-080	NEW-S	91-03-123	458-14-052	REP	91-07-040
446-75-080	NEW-E	91-07-046	448-13-080	NEW	91-06-022	458-14-055	REP	91-07-040
446-75-080	NEW	91-11-046	448-13-080	AMD-E	91-18-033	458-14-060	REP	91-07-040
448-12-010	REP-S	91-03-123	448-13-080	AMD-P	91-18-034	458-14-062	REP	91-07-040
448-12-010	REP	91-06-022	448-13-080	AMD	91-21-040	458-14-065	REP	91-07-040
448-12-015	REP-S	91-03-123	448-13-090	NEW-S	91-03-123	458-14-070	REP	91-07-040
448-12-015	REP	91-06-022	448-13-090	NEW	91-06-022	458-14-075	REP	91-07-040
448-12-016	REP-S	91-03-123	448-13-100	NEW-S	91-03-123	458-14-080	REP	91-07-040
448-12-016	REP	91-06-022	448-13-100	NEW	91-06-022	458-14-085	REP	91-07-040
448-12-020	REP-S	91-03-123	448-13-110	NEW-S	91-03-123	458-14-086	REP	91-07-040
448-12-020	REP	91-06-022	448-13-110	NEW	91-06-022	458-14-090	REP	91-07-040
448-12-030	REP-S	91-03-123	448-13-120	NEW-S	91-03-123	458-14-091	REP	91-07-040
448-12-030	REP	91-06-022	448-13-120	NEW	91-06-022	458-14-092	REP	91-07-040
448-12-040	REP-S	91-03-123	448-13-130	NEW-S	91-03-123	458-14-094	REP	91-07-040
448-12-040	REP	91-06-022	448-13-130	NEW	91-06-022	458-14-098	REP	91-07-040
448-12-050	REP-S	91-03-123	448-13-140	NEW-S	91-03-123	458-14-100	REP	91-07-040
448-12-050	REP	91-06-022	448-13-140	NEW	91-06-022	458-14-110	REP	91-07-040
448-12-055	REP-S	91-03-123	448-13-150	NEW-S	91-03-123	458-14-115	REP	91-07-040
448-12-055	REP	91-06-022	448-13-150	NEW	91-06-022	458-14-120	REP	91-07-040
448-12-060	REP-S	91-03-123	448-13-160	NEW-S	91-03-123	458-14-121	REP	91-07-040
448-12-060	REP	91-06-022	448-13-160	NEW	91-06-022	458-14-122	REP	91-07-040
448-12-070	REP-S	91-03-123	448-13-170	NEW-S	91-03-123	458-14-125	REP	91-07-040
448-12-070	REP	91-06-022	448-13-170	NEW	91-06-022	458-14-126	REP	91-07-040
448-12-075	REP-S	91-03-123	448-13-170	AMD-E	91-18-033	458-14-130	REP	91-07-040
448-12-075	REP	91-06-022	448-13-170	AMD-P	91-18-034	458-14-135	REP	91-07-040
448-12-080	REP-S	91-03-123	448-13-170	AMD	91-21-040	458-14-140	REP	91-07-040
448-12-080	REP	91-06-022	448-13-180	NEW-S	91-03-123	458-14-145	REP	91-07-040
448-12-090	REP-S	91-03-123	448-13-180	NEW	91-06-022	458-14-150	REP	91-07-040
448-12-090	REP	91-06-022	448-13-190	NEW-S	91-03-123	458-14-152	REP	91-07-040
448-12-100	REP-S	91-03-123	448-13-190	NEW	91-06-022	458-14-155	REP	91-07-040
448-12-100	REP	91-06-022	448-13-200	NEW-S	91-03-123	458-16-013	AMD-E	91-13-074
448-12-210	REP-S	91-03-123	448-13-200	NEW	91-06-022	458-16-013	AMD-E	91-21-059
448-12-210	REP	91-06-022	448-13-210	NEW-S	91-03-123	458-16-020	AMD-E	91-13-074
448-12-220	REP-S	91-03-123	448-13-210	NEW	91-06-022	458-16-020	AMD-E	91-21-059
448-12-220	REP	91-06-022	448-13-220	NEW-S	91-03-123	458-18-010	AMD-E	91-13-075
448-12-230	REP-S	91-03-123	448-13-220	NEW	91-06-022	458-18-010	AMD-E	91-21-060
448-12-230	REP	91-06-022	448-14-010	REP-P	91-03-124	458-18-020	AMD-E	91-13-075
448-12-240	REP-S	91-03-123	448-14-010	REP-W	91-16-077	458-18-020	AMD-E	91-21-060
448-12-240	REP	91-06-022	448-14-020	REP-P	91-03-124	458-18-220	AMD-P	91-10-070
448-12-250	REP-S	91-03-123	448-14-020	REP-W	91-16-077	458-18-220	AMD	91-15-024
448-12-250	REP	91-06-022	448-14-030	REP-P	91-03-124	458-20-105	AMD-E	91-14-050
448-12-260	REP-S	91-03-123	448-14-030	REP-W	91-16-077	458-20-105	PREP	91-17-029
448-12-260	REP	91-06-022	448-15-010	NEW-P	91-03-124	458-20-109	PREP	91-03-057
448-12-270	REP-S	91-03-123	448-15-010	NEW-W	91-16-077	458-20-109	AMD-P	91-11-005
448-12-270	REP	91-06-022	448-15-020	NEW-P	91-03-124	458-20-110	PREP	91-03-058
448-12-280	REP-S	91-03-123	448-15-020	NEW-W	91-16-077	458-20-110	AMD-P	91-11-004
448-12-280	REP	91-06-022	448-15-030	NEW-P	91-03-124	458-20-126	PREP	91-04-062
448-12-290	REP-S	91-03-123	448-15-030	NEW-W	91-16-077	458-20-126	AMD-P	91-11-002

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #				
458-20-126	AMD	91-15-022		460-31A-480	REP	91-04-012	460-34A-130	REP	91-04-012
458-20-127	PREP	91-08-044		460-31A-485	REP	91-04-012	460-34A-135	REP	91-04-012
458-20-151	PREP	91-04-061		460-31A-490	REP	91-04-012	460-34A-200	REP	91-04-012
458-20-151	AMD-P	91-11-003		460-31A-495	REP	91-04-012	460-36A-100	REP	91-04-012
458-20-151	AMD	91-15-023		460-31A-500	REP	91-04-012	460-36A-105	REP	91-04-012
458-20-163	AMD	91-05-040		460-31A-505	REP	91-04-012	460-36A-110	REP	91-04-012
458-20-164	AMD-E	91-14-049		460-31A-510	REP	91-04-012	460-36A-115	REP	91-04-012
458-20-164	PREP	91-17-028		460-31A-515	REP	91-04-012	460-36A-120	REP	91-04-012
458-20-166	PREP	91-08-045		460-31A-520	REP	91-04-012	460-36A-125	REP	91-04-012
458-20-169	PREP	91-12-062		460-31A-525	REP	91-04-012	460-36A-130	REP	91-04-012
458-20-169	AMD-P	91-17-084		460-31A-530	REP	91-04-012	460-36A-135	REP	91-04-012
458-20-169	AMD-E	91-17-085		460-31A-535	REP	91-04-012	460-36A-140	REP	91-04-012
458-20-169	AMD	91-21-001		460-31A-540	REP	91-04-012	460-36A-145	REP	91-04-012
458-20-18601	NEW-E	91-14-027		460-31A-545	REP	91-04-012	460-36A-150	REP	91-04-012
458-20-18601	PREP	91-17-030		460-31A-550	REP	91-04-012	460-36A-155	REP	91-04-012
458-20-18801	PREP	91-12-002		460-31A-555	REP	91-04-012	460-36A-160	REP	91-04-012
458-20-193	NEW-P	91-20-122		460-31A-560	REP	91-04-012	460-36A-165	REP	91-04-012
458-20-193A	PREP	91-13-073		460-31A-565	REP	91-04-012	460-36A-170	REP	91-04-012
458-20-193A	REP-P	91-20-122		460-31A-570	REP	91-04-012	460-36A-175	REP	91-04-012
458-20-193B	PREP	91-13-073		460-31A-575	REP	91-04-012	460-36A-180	REP	91-04-012
458-20-193B	REP-P	91-20-122		460-31A-580	REP	91-04-012	460-36A-185	REP	91-04-012
458-20-199	PREP	91-08-043		460-31A-585	REP	91-04-012	460-36A-190	REP	91-04-012
458-20-227	AMD	91-05-039		460-31A-590	REP	91-04-012	460-36A-195	REP	91-04-012
458-20-228	PREP	91-16-008		460-31A-595	REP	91-04-012	460-42A-081	AMD	91-04-010
458-20-22802	PREP	91-17-026		460-31A-600	REP	91-04-012	460-46A-020	AMD	91-04-011
458-20-22802	AMD-P	91-21-017		460-31A-605	REP	91-04-012	460-46A-040	AMD	91-04-011
458-20-229	PREP	91-16-009		460-31A-610	REP	91-04-012	460-46A-050	AMD	91-04-011
458-20-237	AMD	91-05-038		460-31A-615	REP	91-04-012	460-46A-055	NEW	91-04-011
458-20-255	AMD-E	91-12-003		460-31A-620	REP	91-04-012	460-46A-061	NEW	91-04-011
458-20-255	PREP	91-12-063		460-31A-625	REP	91-04-012	460-46A-065	NEW	91-04-011
458-20-255	AMD-P	91-16-010		460-31A-630	REP	91-04-012	460-46A-071	NEW	91-04-011
458-20-255	AMD	91-20-058		460-31A-635	REP	91-04-012	460-46A-072	NEW	91-04-011
458-20-260	NEW-E	91-20-123		460-31A-640	REP	91-04-012	460-46A-095	AMD	91-04-011
458-20-615	PREP	91-17-027		460-31A-645	REP	91-04-012	460-46A-110	AMD	91-04-011
458-30-262	AMD	91-04-001		460-31A-650	REP	91-04-012	460-80-108	NEW-P	91-21-131
458-40-540	AMD-P	91-21-076		460-31A-655	REP	91-04-012	460-80-125	AMD-P	91-21-131
458-40-615	NEW-E	91-16-053		460-31A-660	REP	91-04-012	460-80-315	AMD-P	91-21-131
458-40-650	AMD-P	91-22-105		460-31A-665	REP	91-04-012	460-82	AMD-P	91-21-131
458-40-660	AMD-P	91-06-052		460-31A-670	REP	91-04-012	460-82-200	AMD-P	91-21-131
458-40-660	AMD-E	91-06-053		460-31A-675	REP	91-04-012	463-06-010	AMD	91-03-090
458-40-660	AMD	91-09-030		460-31A-680	REP	91-04-012	463-10-010	AMD	91-03-090
458-40-660	AMD-P	91-10-090		460-31A-685	REP	91-04-012	463-14-030	AMD	91-03-090
458-40-660	AMD	91-14-077		460-31A-690	REP	91-04-012	463-14-080	AMD	91-03-090
458-40-660	AMD-P	91-22-105		460-31A-695	REP	91-04-012	463-18-020	AMD	91-03-090
458-40-670	AMD-P	91-10-090		460-31A-700	REP	91-04-012	463-26-120	AMD	91-03-090
458-40-670	AMD	91-14-077		460-31A-705	REP	91-04-012	463-26-130	AMD	91-03-090
458-40-670	AMD-P	91-22-105		460-31A-710	REP	91-04-012	463-28-060	AMD	91-03-090
458-50-085	PREP	91-18-025		460-31A-715	REP	91-04-012	463-28-080	AMD	91-03-090
458-50-085	NEW-P	91-22-013		460-31A-720	REP	91-04-012	463-38-041	AMD	91-03-090
458-50-085	NEW-E	91-22-014		460-31A-725	REP	91-04-012	463-38-042	AMD	91-03-090
460-11A-010	NEW-P	91-14-089		460-31A-730	REP	91-04-012	463-38-063	AMD	91-03-090
460-11A-010	NEW	91-18-014		460-34A-010	REP	91-04-012	463-39-130	REP	91-03-090
460-11A-020	NEW-P	91-14-089		460-34A-015	REP	91-04-012	463-39-150	AMD	91-03-090
460-11A-020	NEW	91-18-014		460-34A-020	REP	91-04-012	463-42-680	NEW-P	91-03-132
460-11A-030	NEW-P	91-14-089		460-34A-025	REP	91-04-012	463-42-680	NEW	91-09-040
460-11A-030	NEW	91-18-014		460-34A-030	REP	91-04-012	463-43-060	AMD	91-03-090
460-11A-040	NEW-P	91-14-089		460-34A-035	REP	91-04-012	463-47-060	AMD	91-03-090
460-11A-040	NEW	91-18-014		460-34A-037	REP	91-04-012	463-50-030	AMD	91-03-090
460-16A-102	AMD	91-04-008		460-34A-040	REP	91-04-012	463-54-070	AMD	91-03-090
460-16A-200	NEW	91-04-008		460-34A-045	REP	91-04-012	463-58-030	AMD	91-03-090
460-16A-205	NEW	91-04-008		460-34A-050	REP	91-04-012	467-01-010	AMD-P	91-19-066
460-17A-030	AMD	91-04-009		460-34A-055	REP	91-04-012	467-01-020	NEW-P	91-19-066
460-17A-070	AMD	91-04-009		460-34A-060	REP	91-04-012	467-01-030	NEW-P	91-19-066
460-31A-410	REP	91-04-012		460-34A-065	REP	91-04-012	467-01-040	NEW-P	91-19-066
460-31A-415	REP	91-04-012		460-34A-070	REP	91-04-012	467-01-050	NEW-P	91-19-066
460-31A-420	REP	91-04-012		460-34A-075	REP	91-04-012	467-01-060	NEW-P	91-19-066
460-31A-425	REP	91-04-012		460-34A-080	REP	91-04-012	467-02-010	AMD-P	91-19-066
460-31A-430	REP	91-04-012		460-34A-085	REP	91-04-012	467-02-030	AMD-P	91-19-066
460-31A-435	REP	91-04-012		460-34A-090	REP	91-04-012	467-02-040	REP-P	91-19-066
460-31A-440	REP	91-04-012		460-34A-095	REP	91-04-012	467-02-050	AMD-P	91-19-066
460-31A-445	REP	91-04-012		460-34A-100	REP	91-04-012	467-02-060	REP-P	91-19-066
460-31A-450	REP	91-04-012		460-34A-105	REP	91-04-012	467-02-070	AMD-P	91-19-066
460-31A-455	REP	91-04-012		460-34A-110	REP	91-04-012	467-02-080	AMD-P	91-19-066
460-31A-460	REP	91-04-012		460-34A-112	REP	91-04-012	467-02-100	REP-P	91-19-066
460-31A-465	REP	91-04-012		460-34A-115	REP	91-04-012	467-02-120	AMD-P	91-19-066
460-31A-470	REP	91-04-012		460-34A-120	REP	91-04-012	467-02-130	AMD-P	91-19-066
460-31A-475	REP	91-04-012		460-34A-125	REP	91-04-012	468-16-010	NEW	91-04-014

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468-16-030	NEW	91-04-014	478-116-088	NEW-P	91-06-092	478-160-175	AMD-P	91-11-057
468-16-040	NEW	91-04-014	478-116-088	NEW	91-11-029	478-160-175	AMD	91-16-001
468-16-050	NEW	91-04-014	478-116-090	AMD-P	91-06-092	478-160-180	REP-P	91-11-057
468-16-060	NEW	91-04-014	478-116-090	AMD	91-11-029	478-160-180	REP	91-16-001
468-16-070	NEW	91-04-014	478-116-090	AMD	91-12-047	478-160-185	REP-P	91-11-057
468-16-080	NEW	91-04-014	478-116-110	AMD-P	91-06-092	478-160-185	REP	91-16-001
468-16-090	NEW	91-04-014	478-116-110	AMD	91-11-029	478-160-190	AMD-P	91-11-057
468-16-100	NEW	91-04-014	478-116-110	AMD	91-12-047	478-160-190	AMD	91-16-001
468-16-110	NEW	91-04-014	478-116-130	AMD-P	91-06-092	478-160-195	REP-P	91-11-057
468-16-120	NEW	91-04-014	478-116-130	AMD	91-11-029	478-160-195	REP	91-16-001
468-16-130	NEW	91-04-014	478-116-130	AMD	91-12-047	478-250-010	NEW-P	91-04-058
468-16-140	NEW	91-04-014	478-116-160	AMD-P	91-06-092	478-250-010	NEW	91-10-031
468-16-150	NEW	91-04-014	478-116-160	AMD	91-11-029	478-250-020	NEW-P	91-04-058
468-16-160	NEW	91-04-014	478-116-160	AMD	91-12-047	478-250-020	NEW-W	91-17-051
468-16-170	NEW	91-04-014	478-116-210	AMD-P	91-06-092	478-250-050	NEW-P	91-04-058
468-16-180	NEW	91-04-014	478-116-210	AMD	91-11-029	478-250-050	NEW	91-10-031
468-16-190	NEW	91-04-014	478-116-210	AMD	91-12-047	478-250-060	NEW-P	91-04-058
468-16-200	NEW	91-04-014	478-116-230	AMD-P	91-06-092	478-250-060	NEW	91-10-031
468-16-210	NEW	91-04-014	478-116-230	AMD	91-11-029	478-250-070	NEW-P	91-04-058
468-38-035	REP-P	91-06-078	478-116-230	AMD	91-12-047	478-250-070	NEW	91-10-031
468-38-035	REP	91-10-023	478-116-240	AMD-P	91-06-092	478-276-010	AMD-P	91-04-058
468-38-050	AMD-P	91-06-078	478-116-240	AMD	91-11-029	478-276-010	AMD	91-10-031
468-38-050	AMD	91-10-023	478-116-240	AMD	91-12-047	478-276-040	AMD-P	91-04-058
468-38-190	AMD-P	91-06-079	478-116-250	AMD-P	91-06-092	478-276-040	AMD	91-10-031
468-38-190	AMD	91-10-022	478-116-250	AMD	91-11-029	478-276-060	AMD-P	91-04-058
468-38-260	AMD-P	91-06-078	478-116-250	AMD	91-12-047	478-276-060	AMD	91-10-031
468-38-260	AMD	91-10-023	478-116-260	AMD-P	91-06-092	478-276-080	AMD-P	91-04-058
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468-38-370	REP-P	91-06-078	478-116-260	AMD	91-12-047	478-276-100	AMD-P	91-04-058
468-38-370	REP	91-10-023	478-116-300	AMD-P	91-06-092	478-276-100	AMD	91-10-031
468-38-400	REP-P	91-06-078	478-116-300	AMD	91-11-029	478-276-110	AMD-P	91-04-058
468-38-400	REP	91-10-023	478-116-300	AMD	91-12-047	478-276-110	AMD	91-10-031
468-38-410	REP-P	91-06-078	478-116-360	AMD-P	91-06-092	478-276-130	REP-P	91-04-058
468-38-410	REP	91-10-023	478-116-360	AMD	91-11-029	478-276-130	REP	91-10-031
468-54-020	AMD-P	91-12-031	478-116-360	AMD	91-12-047	479-02-010	NEW-P	91-10-037
468-54-020	AMD	91-18-023	478-116-390	AMD-P	91-06-092	479-02-010	NEW	91-13-056
468-54-040	AMD-P	91-12-031	478-116-390	AMD	91-11-029	479-02-020	NEW-P	91-10-037
468-54-040	AMD	91-18-023	478-116-390	AMD	91-12-047	479-02-020	NEW	91-13-056
468-54-050	AMD-P	91-12-031	478-116-450	AMD-P	91-06-092	479-02-030	NEW-P	91-10-037
468-54-050	AMD	91-18-023	478-116-450	AMD	91-11-029	479-02-030	NEW	91-13-056
468-54-065	AMD-P	91-12-031	478-116-450	AMD	91-12-047	479-02-050	NEW-P	91-10-037
468-54-065	AMD	91-18-023	478-116-455	NEW-P	91-06-092	479-02-050	NEW	91-13-056
468-54-070	AMD-P	91-12-031	478-116-455	NEW-W	91-19-080	479-02-060	NEW-P	91-10-037
468-54-070	AMD	91-18-023	478-116-463	NEW-P	91-06-092	479-02-060	NEW	91-13-056
468-70-030	AMD-P	91-13-024	478-116-463	NEW-W	91-19-080	479-02-070	NEW-P	91-10-037
468-70-030	AMD	91-17-012	478-116-470	AMD-P	91-06-092	479-02-070	NEW	91-13-056
468-70-050	AMD-P	91-13-024	478-116-470	AMD-W	91-19-080	479-02-080	NEW-P	91-10-037
468-70-050	AMD	91-17-012	478-116-520	AMD-P	91-06-092	479-02-080	NEW	91-13-056
468-70-060	AMD-P	91-13-024	478-116-520	AMD	91-11-029	479-02-090	NEW-P	91-10-037
468-70-060	AMD	91-17-012	478-116-520	AMD	91-12-047	479-02-090	NEW	91-13-056
468-70-070	AMD-P	91-13-024	478-116-540	AMD-P	91-06-092	479-02-100	NEW-P	91-10-037
468-70-070	AMD	91-17-012	478-116-540	AMD-W	91-19-080	479-02-100	NEW	91-13-056
468-300-010	AMD-P	91-14-031	478-116-584	AMD-P	91-06-092	479-02-110	NEW-P	91-10-037
468-300-010	AMD-E	91-14-032	478-116-584	AMD	91-11-029	479-02-110	NEW	91-13-056
468-300-010	AMD	91-18-022	478-116-584	AMD	91-12-047	479-02-120	NEW-P	91-10-037
468-300-020	AMD-P	91-14-031	478-116-586	AMD-P	91-06-092	479-02-120	NEW	91-13-056
468-300-020	AMD-E	91-14-032	478-116-586	AMD	91-11-029	479-02-130	NEW-P	91-10-037
468-300-020	AMD	91-18-022	478-116-586	AMD	91-12-047	479-02-130	NEW	91-13-056
468-300-040	AMD-P	91-14-031	478-116-588	AMD-P	91-06-092	479-02-140	NEW-P	91-10-037
468-300-040	AMD-E	91-14-032	478-116-588	AMD	91-11-029	479-02-140	NEW	91-13-056
468-300-040	AMD	91-18-022	478-116-588	AMD	91-12-047	479-210-010	NEW-P	91-20-055
468-300-070	AMD-P	91-14-031	478-116-600	REP-P	91-06-092	479-210-010	NEW-E	91-20-056
468-300-070	AMD-E	91-14-032	478-116-600	REP	91-11-029	479-210-100	NEW-P	91-20-055
468-300-070	AMD	91-18-022	478-116-600	REP	91-12-047	479-210-100	NEW-E	91-20-056
478-04-030	NEW-P	91-22-093	478-116-601	AMD-P	91-06-092	479-210-150	NEW-P	91-20-055
478-116-020	AMD-P	91-06-092	478-116-601	AMD	91-11-029	479-210-150	NEW-E	91-20-056
478-116-020	AMD	91-11-029	478-116-601	AMD	91-12-047	479-210-200	NEW-P	91-20-055
478-116-020	AMD	91-12-047	478-124	AMD-C	91-09-012	479-210-200	NEW-E	91-20-056
478-116-055	AMD-P	91-06-092	478-124-020	AMD-P	91-05-069	479-210-250	NEW-P	91-20-055
478-116-055	AMD	91-11-029	478-124-020	AMD	91-10-030	479-210-250	NEW-E	91-20-056
478-116-055	AMD	91-12-047	478-124-030	AMD-P	91-05-069	479-210-300	NEW-P	91-20-055
478-116-080	AMD-P	91-06-092	478-124-030	AMD	91-10-030	479-210-300	NEW-E	91-20-056
478-116-080	AMD	91-11-029	478-136-030	AMD-P	91-10-086	479-210-350	NEW-P	91-20-055
478-116-080	AMD	91-12-047	478-136-030	AMD-W	91-11-025	479-210-350	NEW-E	91-20-056
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479-216-010	NEW-E	91-20-056	480-09-100	AMD-P	91-02-105	480-70-155	NEW	91-22-034
479-216-050	NEW-P	91-20-055	480-09-100	AMD	91-06-010	480-70-230	AMD	91-03-053
479-216-050	NEW-E	91-20-056	480-09-100	AMD-P	91-21-142	480-70-240	AMD-P	91-21-093
479-216-100	NEW-P	91-20-055	480-09-115	NEW-P	91-17-092	480-70-245	AMD-P	91-11-048
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479-216-150	NEW-P	91-20-055	480-09-120	AMD-P	91-02-105	480-70-260	AMD	91-03-053
479-216-150	NEW-E	91-20-056	480-09-120	AMD	91-06-010	480-70-280	AMD	91-03-053
479-216-200	NEW-P	91-20-055	480-09-120	AMD-P	91-17-092	480-70-325	AMD-P	91-21-092
479-216-200	NEW-E	91-20-056	480-09-120	AMD	91-22-034	480-70-330	AMD	91-03-053
479-216-250	NEW-P	91-20-055	480-09-125	NEW-P	91-03-100	480-70-330	AMD-P	91-21-092
479-216-250	NEW-E	91-20-056	480-09-125	NEW	91-07-026	480-70-335	AMD-P	91-21-092
479-216-300	NEW-P	91-20-055	480-09-210	AMD-P	91-21-142	480-70-340	AMD	91-03-053
479-216-300	NEW-E	91-20-056	480-09-230	AMD-P	91-17-092	480-70-350	AMD	91-03-053
479-216-350	NEW-P	91-20-055	480-09-230	AMD	91-22-034	480-70-360	AMD	91-03-053
479-216-350	NEW-E	91-20-056	480-09-425	AMD-P	91-17-092	480-70-390	AMD	91-03-053
479-310-010	NEW-P	91-20-055	480-09-425	AMD	91-22-034	480-70-400	AMD	91-03-053
479-310-010	NEW-E	91-20-056	480-09-440	AMD-P	91-02-105	480-70-400	AMD-P	91-21-092
479-310-050	NEW-P	91-20-055	480-09-440	AMD	91-06-010	480-70-405	AMD	91-03-053
479-310-050	NEW-E	91-20-056	480-09-480	AMD-P	91-17-092	480-70-420	AMD	91-03-053
479-310-100	NEW-P	91-20-055	480-09-480	AMD	91-22-034	480-70-440	AMD	91-03-053
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479-310-150	NEW-P	91-20-055	480-09-500	AMD	91-06-010	480-70-570	AMD	91-03-053
479-310-150	NEW-E	91-20-056	480-09-510	AMD-P	91-02-105	480-70-700	NEW-P	91-10-080
479-310-200	NEW-P	91-20-055	480-09-510	AMD	91-06-010	480-70-700	NEW-W	91-14-013
479-310-200	NEW-E	91-20-056	480-09-520	NEW-P	91-03-097	480-70-710	NEW-P	91-10-080
479-312-010	NEW-P	91-20-055	480-09-520	NEW	91-07-024	480-70-710	NEW-W	91-14-013
479-312-010	NEW-E	91-20-056	480-09-610	AMD-P	91-02-105	480-70-720	NEW-P	91-10-080
479-312-050	NEW-P	91-20-055	480-09-610	AMD	91-06-010	480-70-720	NEW-W	91-14-013
479-312-050	NEW-E	91-20-056	480-09-736	AMD-P	91-02-105	480-70-990	REP-P	91-21-093
479-312-100	NEW-P	91-20-055	480-09-736	AMD	91-06-010	480-80-047	NEW-P	91-03-051
479-312-100	NEW-E	91-20-056	480-09-736	AMD-P	91-22-107	480-80-047	NEW-W	91-03-120
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479-312-150	NEW-E	91-20-056	480-09-820	AMD	91-22-034	480-80-047	NEW	91-13-004
479-312-200	NEW-P	91-20-055	480-12-003	AMD-P	91-10-081	480-80-047	NEW	91-17-045
479-312-200	NEW-E	91-20-056	480-12-003	AMD	91-13-077	480-80-047	AMD-P	91-21-111
479-312-250	NEW-P	91-20-055	480-12-030	AMD-P	91-06-009	480-80-048	NEW-P	91-21-111
479-312-250	NEW-E	91-20-056	480-12-030	AMD	91-09-038	480-80-390	AMD-P	91-03-096
479-312-300	NEW-P	91-20-055	480-12-033	AMD-P	91-06-009	480-80-390	AMD-W	91-07-023
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479-316-050	NEW-E	91-20-056	480-12-130	AMD	91-19-089	480-120-031	AMD-P	91-15-052
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479-316-250	NEW-P	91-20-055	480-12-255	AMD-P	91-21-094	480-120-106	AMD	91-13-078
479-316-250	NEW-E	91-20-056	480-12-315	REP	91-06-071	480-120-126	AMD-P	91-06-095
479-316-300	NEW-P	91-20-055	480-12-322	REP-W	91-08-060	480-120-126	AMD	91-09-039
479-316-300	NEW-E	91-20-056	480-12-322	AMD-P	91-21-091	480-120-136	AMD-P	91-06-095
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479-320-050	NEW-E	91-20-056	480-12-510	NEW	91-03-101	480-120-137	AMD-P	91-06-095
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