

Washington State Register

APRIL 20, 1994

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IN THIS ISSUE

Agriculture, Department of
Attorney General, Office of the
Bellingham Technical College
Community, Trade and Economic
Development, Department of
Convention and Trade Center
Deaf, Washington State School for the
Ecology, Department of
Education, State Board of
Energy Office
Fish and Wildlife, Department of
Fitting and Dispensing of Hearing Aids,
Board of
Governor, Office of the
Health, Board of
Health Care Authority
Health, Department of
Health Professions Quality Assurance
Division
Hispanic Affairs, Commission on
Insurance Commissioner, Office of
Licensing, Department of
Liquor Control Board

Minority and Women's Business Enterprises,
Office of
Natural Resources, Department of
Parks and Recreation Commission
Personnel Resources Board
Pharmacy, Board of
Pilotage Commissioners, Board of
Practical Nursing, Board of
Psychology, Examining Board of
Public Disclosure Commission
Public Employees Benefits Board
Public Instruction, Superintendent of
Puget Sound Air Pollution Control Agency
Retirement Systems, Department of
Revenue, Department of
Seattle Community Colleges
Social and Health Services, Department of
South Puget Sound Community College
Supreme Court, State
Transportation Commission
Washington State Patrol
Wildlife Commission

(Subject/Agency Index at back of issue)
This issue contains documents officially
filed not later than April 6, 1994

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).

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CERTIFICATE

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

DENNIS W. COOPER
Code Reviser

STATE MAXIMUM INTEREST RATE

(Computed and filed by the State Treasurer under RCW 19.52.025)

The maximum allowable interest rate applicable for the month of April 1994 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.

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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

The Register is arranged in the following six sections:

- (a) **PROPOSED**-includes the full text of preproposal comments, original proposals, continuances, supplemental notices, and withdrawals.
- (b) **PERMANENT**-includes the full text of permanently adopted rules.
- (c) **EMERGENCY**-includes the full text of emergency rules and rescissions.
- (d) **MISCELLANEOUS**-includes notice of public meetings of state agencies, rules coordinator notifications, summaries of attorney general opinions, executive orders and emergency declarations of the governor, rules of the state Supreme Court, and other miscellaneous documents filed with the code reviser's office under RCW 34.08.020 and 42.30.075.
- (e) **TABLE**-includes a cumulative table of the WAC sections that are affected in the current year.
- (f) **INDEX**-includes a combined subject matter and agency index.

Documents are arranged within each section 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 with a section's material.

2. 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 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.

3. MISCELLANEOUS MATERIAL NOT FILED UNDER THE ADMINISTRATIVE PROCEDURE ACT

Material contained in the Register other than rule-making actions taken under the APA (chapter 34.05 RCW) 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.

4. EFFECTIVE DATE OF RULES

- (a) Permanently adopted agency rules normally take effect thirty-one 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.

5. 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].

1993 - 1994
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		
<i>For Inclusion in--</i>	<i>File no later than--</i>			<i>Count 20 days from--</i>	<i>For hearing on or after</i>
93-16	Jul 7	Jul 21	Aug 4	Aug 18	Sep 7
93-17	Jul 21	Aug 4	Aug 18	Sep 1	Sep 21
93-18	Aug 4	Aug 18	Sep 1	Sep 15	Oct 5
93-19	Aug 25	Sep 8	Sep 22	Oct 6	Oct 26
93-20	Sep 8	Sep 22	Oct 6	Oct 20	Nov 9
93-21	Sep 22	Oct 6	Oct 20	Nov 3	Nov 23
93-22	Oct 6	Oct 20	Nov 3	Nov 17	Dec 7
93-23	Oct 20	Nov 3	Nov 17	Dec 1	Dec 21
93-24	Nov 3	Nov 17	Dec 1	Dec 15	Jan 4, 1994
94-01	Nov 24	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 25
94-02	Dec 8	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 8
94-03	Dec 22, 1993	Jan 5, 1994	Jan 19	Feb 2	Feb 22
94-04	Jan 5	Jan 19	Feb 2	Feb 16	Mar 8
94-05	Jan 19	Feb 2	Feb 16	Mar 2	Mar 22
94-06	Feb 2	Feb 16	Mar 2	Mar 16	Apr 5
94-07	Feb 23	Mar 9	Mar 23	Apr 6	Apr 26
94-08	Mar 9	Mar 23	Apr 6	Apr 20	May 10
94-09	Mar 23	Apr 6	Apr 20	May 4	May 24
94-10	Apr 6	Apr 20	May 4	May 18	Jun 7
94-11	Apr 20	May 4	May 18	Jun 1	Jun 21
94-12	May 4	May 18	Jun 1	Jun 15	Jul 5
94-13	May 25	Jun 8	Jun 22	Jul 6	Jul 26
94-14	Jun 8	Jun 22	Jul 6	Jul 20	Aug 9
94-15	Jun 22	Jul 6	Jul 20	Aug 3	Aug 23
94-16	Jul 6	Jul 20	Aug 3	Aug 17	Sep 6
94-17	Jul 27	Aug 10	Aug 24	Sep 7	Sep 27
94-18	Aug 10	Aug 24	Sep 7	Sep 21	Oct 11
94-19	Aug 24	Sep 7	Sep 21	Oct 5	Oct 25
94-20	Sep 7	Sep 21	Oct 5	Oct 19	Nov 8
94-21	Sep 21	Oct 5	Oct 19	Nov 2	Nov 22
94-22	Oct 5	Oct 19	Nov 2	Nov 16	Dec 6
94-23	Oct 26	Nov 9	Nov 23	Dec 7	Dec 27
94-24	Nov 9	Nov 23	Dec 7	Dec 21	Jan 10, 1995

¹All documents are due at the code reviser's office by 12:00 noon 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.

Regulatory Fairness Act

The Regulatory Fairness Act, chapter 19.85 RCW, was adopted in 1982 to minimize the impacts of state regulations on small business. RCW 43.31.025 defines small business as “any business entity (including a sole proprietorship, corporation, partnership, or other legal entity) which is owned and operated independently from all other businesses, which has the purpose of making a profit, and which has fifty or fewer employees.” The act requires review and mitigation of proposed rules that have an economic impact on more than 20 percent of the businesses of all industries or more than 10 percent of the businesses in any one industry (as defined by any three-digit SIC code).

When the above criteria is met, agencies must prepare a small business economic impact statement (SBEIS) that identifies and analyzes compliance costs and determines whether proposed rules impact small businesses disproportionately when compared to large businesses. When a proportionately higher burden is imposed on small businesses, agencies must mitigate those impacts. All permanent rules adopted under the Administrative Procedure Act, chapter 34.05 RCW, are subject to review to determine if the requirements of the Regulatory Fairness Act apply. Impact statements are filed with the Office of the Code Reviser as part of the required notice of hearing.

AN SBEIS IS REQUIRED

When:

The proposed rule has any economic impact on more than 20 percent of all industries or more than 10 percent of any one industry; or

The proposed rule IMPOSES costs to business that are not minor and negligible.

AN SBEIS IS NOT REQUIRED

When:

The rule is proposed only to comply or conform with a Federal law or regulation;

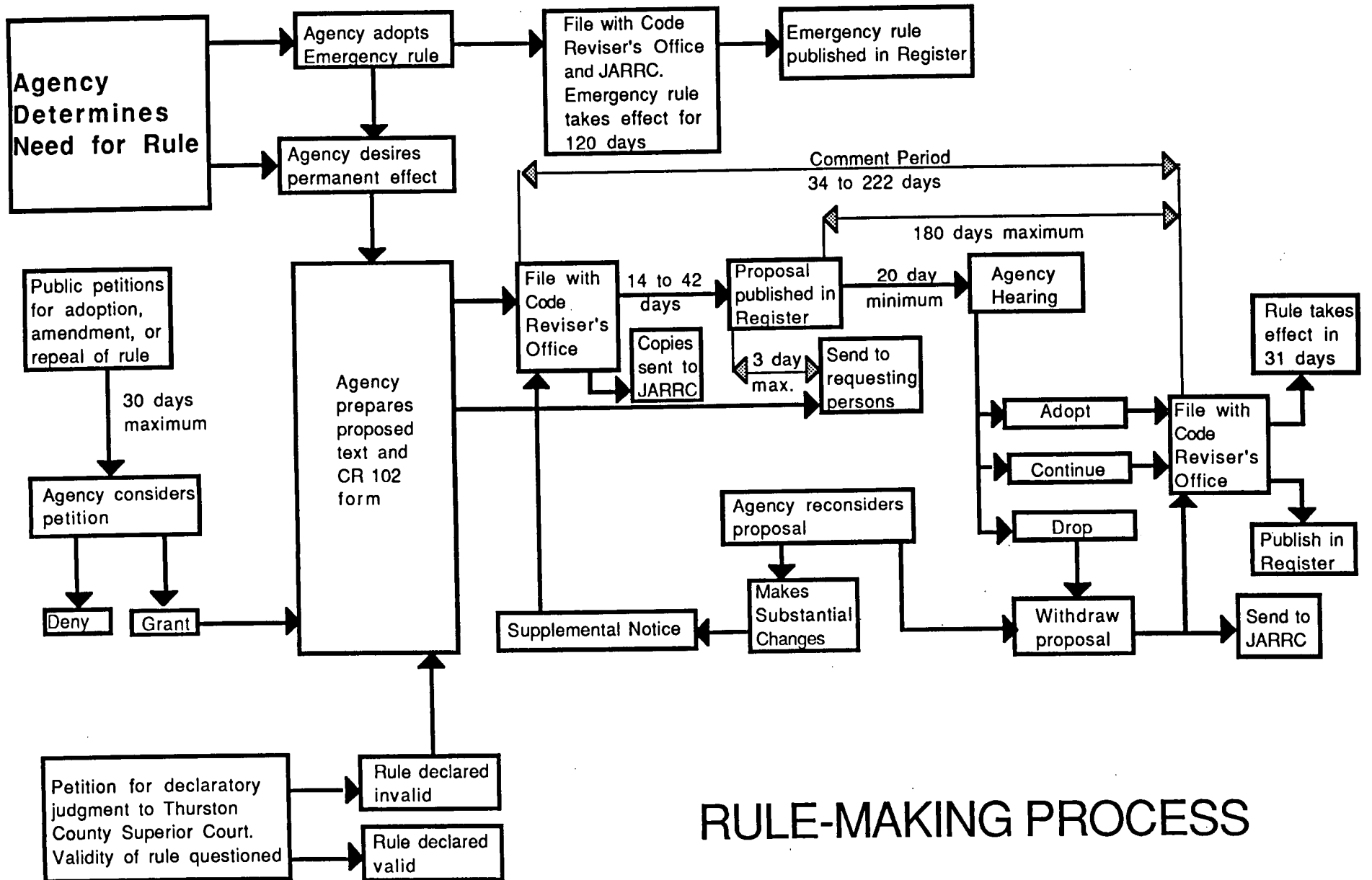
There is no economic impact on business;

The rule REDUCES costs to business;

There is only minor or negligible economic impact;

The rule is proposed as an emergency rule, although an SBEIS may be required when an emergency rule is proposed as a permanent rule; or

The rule is pure restatement of statute.



RULE-MAKING PROCESS

WSR 94-08-006
PROPOSED RULES
OFFICE OF
INSURANCE COMMISSIONER

[Filed March 25, 1994, 11:12 a.m.]

Continuance of WSR 94-04-126.

Title of Rule: Short-term health insurance reform: Portability of health insurance benefits and guaranteed continuity of health care coverage.

Other Identifying Information: Insurance Commissioner Matter No. R 94-7.

Date of Intended Adoption: April 1, 1994.

March 25, 1994
 Deborah Senn
 Insurance Commissioner
 by Patricia D. Petersen
 Deputy Commissioner

WSR 94-08-007
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Institutions)

[Filed March 25, 1994, 2:15 p.m.]

Original Notice.

Title of Rule: WAC 275-35-030 Establishment of a consolidated juvenile services program, 275-35-060 Administration, 275-35-070 Monitoring of performance and evaluation of program impact, and 275-35-080 Distribution of funds and fiscal management.

Purpose: Revises current contracting methodology for consolidated juvenile services to provide an annual comprehensive based block grant contract with the juvenile courts. Provides juvenile courts the ability to target front-end services for their offender population. Available funds will be awarded to the juvenile courts in a block grant which will be designed to allow the courts greater flexibility in the use of allocated funds.

Statutory Authority for Adoption: RCW 13.06.030.

Statute Being Implemented: RCW 13.06.030.

Summary: The comprehensive based block grant will provide the juvenile courts the ability to target front-end services for their offender population. Available funds will be awarded to the juvenile courts in a block grant which will be designed to allow the courts greater flexibility in the use of allocated funds.

Reasons Supporting Proposal: Revises the current contracting methodology for consolidated juvenile services to provide an annual comprehensive based block grant contract with the juvenile courts.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Marty Butkovich, Division of Juvenile Rehabilitation, 753-4707.

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, 14th and Franklin, Olympia, Washington, on May 10, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by April 26, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by May 3, 1994.

Date of Intended Adoption: May 12, 1994.

March 25, 1994
 Dewey Brock, Chief
 Office of Vendor Services
 Administrative Services Division

AMENDATORY SECTION (Amending Order 2632, filed 6/7/88)

WAC 275-35-030 Establishment of a consolidated juvenile services program. (1) Request to participate.

(a) A request by a county or group of counties to participate under these provisions shall include a signed resolution or letter of intent submitted to the ((division)) regional administrator by the executive body expressing intent to participate. The county or group of counties shall include in the request a statement that funds requested will not be used to replace county funds for existing programs. For those counties with juvenile detention facilities, the counties shall include in the resolution or letter of intent standards of operation as outlined under RCW 13.06.050.

(b) After official acceptance by the regional administrator, the county's application shall be considered in determining the division's community program expenditure for the ensuing funding period.

(c) Other public and private sector agencies within the county shall be considered in the development of the application and may be included as subcontractors in the county's request for funding by the division.

(d) Other public and private sector agencies may apply directly to the division for program funds. In such instances said agencies shall be responsible to meet all obligations and requirements specified for participating counties under this chapter.

(2) Program planning process and approval.

(a) Based upon divisional goals, the regional administrator develops the regional plan to assist planning bodies in formulating local priorities and program strategies.

(b) Each participating county shall develop through its existing planning process a program application for the delivery of services and shall agree through submission of the application to comply with the provisions of this chapter.

(c) The application shall be submitted to the review committee who shall review and make comments, which shall include but not be limited to the following areas:

(i) Efforts to identify and utilize existing community services;

(ii) The avoidance of service duplication;

(iii) Appropriate linkage to and support from other elements of the county's existing juvenile justice, education, and social service systems to reduce or eliminate barriers to effective family centered service delivery; ~~((and))~~

~~((iv))~~ The extent to which the regional ~~((plan has))~~ priorities have been addressed;

(v) Efforts to address racial disproportionality; and

(vi) Efforts to address issues specific to the Americans with Disabilities Act initiative as it relates to client and family service delivery.

(d) Prior to the submission of the application to the regional administrator, the comments of the review committee shall be considered by the planning body who shall, if needed, either modify the plan or attach to the plan the reasons for not making suggested modifications.

(e) Written guidelines and instructions for preparing the application shall be provided by the division. The application shall be developed in consultation with the regional administrator to ensure the coordination of state, county, and private sector resources within regional boundaries and shall be submitted to the regional administrator for review and approval.

(f) The division may provide planning bodies and review committees with technical services in the development of the application.

AMENDATORY SECTION (Amending Order 2632, filed 6/7/88)

WAC 275-35-060 Administration. (1) Approval of the application shall be contingent upon the designation of a program administrator as well as a supervisor for each project.

Said administrators and supervisors are responsible for the implementation of the program and the accomplishment of stated activities and results.

(2) Administrators or supervisors shall meet at least ~~((twice))~~ annually with the regional administrator to review progress toward the achievement of results and other matters related to the overall implementation and funding of projects within the program.

(3) Administrators or supervisors shall submit reports and data as requested relating to programs and/or projects covered under this chapter to the regional administrator and shall participate with the regional administrator in the development of program and/or project status reports as may be required by the division.

(4) Case records and management information.

(a) Administrators and supervisors shall ensure a case record is kept for each juvenile in projects covered under this chapter. Diversion units will keep only such information as is necessary to monitor and evaluate the referral and disposition activities.

(b) Juvenile offender records shall minimally contain a case plan, based upon assessed factors related to risk to reoffend, setting forth specific objectives and methods and a termination/closing report summarizing case activity and results.

(c) Case records and plans shall be current and reviewed at least quarterly by the project supervisor. Reviews shall be documented in the case record.

(d) The provisions of chapter 13.50 RCW pertaining to the maintenance and confidentiality of social and legal information apply to all programs and projects covered under this chapter.

(e) Administrators and/or supervisors shall provide necessary statistical data to maintain case files in the division's management information system.

(5) Policies and procedures.

(a) Each administrator shall maintain written policies and procedures for the reporting of serious criminal incidents involving juveniles participating in the program and misconduct or malfeasance by staff of the program to the regional administrator.

(b) These policies and procedures shall be submitted as attachments to the application.

(6) Change in application.

(a) Modification of a project requires the advance written approval of the regional administrator and may, at the regional administrator's discretion, require review and comment by the review committee.

(b) Changes in the budget during a funding period are accomplished by transfer, modification, or amendment.

(i) Transfers. The reallocation of funds between line items of the contract ~~((not exceeding four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year))~~ and which does not change the overall scope of the program may be accomplished by written notification to the regional administrator.

(ii) Modifications. Reallocation of funds between line items of the contract ~~((exceeding four thousand dollars or five percent, whichever is less, of the total budget within a fiscal year))~~ requires ~~((advance))~~ written ~~((approval))~~ notification of the regional administrator. The regional administrator may require review and comment by the review committee.

(iii) Amendments. Amendments shall be processed through the division's regional office, and may, at the regional administrator's discretion, require review and comment by the review committee. Amendments are necessary when:

(A) Total contract budget amounts are increased or decreased;

(B) A project is added or deleted;

(C) Increased agency staffing is requested;

(D) ~~((A change exceeds ten percent of the total contract budget;~~

~~((E)))~~ A change moves moneys into a previously vacant line item.

(7) Training. Each participating county or agency shall ensure program staff receive training necessary to execute programs covered under this chapter.

(8) Assumption of division services.

(a) The assumption of division services shall be negotiated between the regional administrator and the administrator and will be reviewed by the director prior to a final decision.

(b) Where such services are assumed, the regional administrator shall provide appropriate orientation and training.

(9) Review board authority in projects covered by this chapter shall rest with the administrator.

AMENDATORY SECTION (Amending Order 2632, filed 6/7/88)

WAC 275-35-070 Monitoring of performance and evaluation of program impact. (1) It shall be the responsibility of the administrator to submit monthly activity reports, administrator's annual narrative reports, corrective action plans and reports, and other such reports as specified in the division's monitoring instructions for the program to the regional administrator.

(2) It shall be the responsibility of the regional administrator to submit to the director progress reports as specified in the division's monitoring instructions for the program.

(3) The regional administrator may, at any time, request a formal program/project or fiscal audit and may also request other available technical services to assist in monitoring and evaluating the program/projects.

AMENDATORY SECTION (Amending Order 2632, filed 6/7/88)

WAC 275-35-080 Distribution of funds and fiscal management. (1) Funding constraints.

(a) Funds for programs covered by this chapter shall be utilized for the achievement of activities and results stated for each project.

(b) Failure on the part of any project to perform in accordance with the provisions of this chapter or to achieve established activities and results may result in the termination or reduction of funds.

(c) The administrator shall be responsible for the management of all fiscal matters related to the program, shall comply with state and local policies and procedures and the terms and conditions of the contract, and shall provide information to the regional administrator at regular and requested intervals.

(2) Limitations of funding.

(a) Funds received by participating counties shall not be used for indirect costs.

(b) Mileage reimbursement and per diem may not exceed the current allowable state or county rate, whichever is less.

(c) Equipment purchases shall be approved in advance by written approval of the regional administrator and shall be processed through the regional office (~~whenever possible and feasible~~).

(d) Funds for evaluation are allowable, but the design, scope, and the expected final product shall be clearly specified in the application.

(e) Funds for administration may not exceed ten percent of the total contract award.

(f) Further limitations on the distribution of funds for certain expenditure categories may be set forth in the division's application and budget instructions for the program.

WSR 94-08-010**WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed March 28, 1994, 12:25 p.m.]

At the public hearing, which was held on the rules regarding chapter 314-10 WAC as a series of rules, the board withdrew WAC 314-10-070.

Janice Lee Britt, Programs Administrator
Washington State Liquor Enforcement

WSR 94-08-013**PROPOSED RULES
OFFICE OF****INSURANCE COMMISSIONER**

[Filed March 28, 1994, 3:33 p.m.]

Continuance of WSR 94-05-089.

Title of Rule: Life and disability reinsurance agreements.

Other Identifying Information: Insurance Commissioner Matter No. R 94-4.

Date of Intended Adoption: April 27, 1994.

March 28, 1994

Deborah Senn

Insurance Commissioner

by Rich Nafziger

Deputy Commissioner

WSR 94-08-023**WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed March 29, 1994, 4:11 p.m.]

The Washington State Liquor Control Board wishes to withdraw rule making procedures on WAC 314-10-070 as filed under WSR 93-19-123. Following the hearing on this proposal, it was determined the statute's language (RCW 70.155.040) was sufficient and further clarification was not necessary.

In the interim from the hearing until now, there has not been a need to resume rule making efforts in respect to this particular statute.

Joseph L. McGavick
Chairman

WSR 94-08-029**WITHDRAWAL OF PROPOSED RULES
LIQUOR CONTROL BOARD**

[Filed March 30, 1994, 3:30 p.m.]

The Washington State Liquor Control Board has decided to withdraw proposed WAC 314-12-185 pertaining to FAS/FAE warning signs as published in WSR 94-05-094. The board will review this proposal, conduct a public meeting on the subject and then file another proposal at a later date.

Joseph L. McGavick
Chair

WSR 94-08-033
PROPOSED RULES
DEPARTMENT OF AGRICULTURE

[Filed March 31, 1994, 8:21 a.m.]

Continuance of WSR 94-05-092.

Title of Rule: Rules restricting the use of mevinphos (Phosdrin) in chapter 16-219 WAC.

Purpose: Places restrictions on the use and application of mevinphos (Phosdrin).

Statutory Authority for Adoption: Chapters 15.58 and 17.21 RCW.

Statute Being Implemented: RCW 15.58.040 and 17.21.030.

Summary: The proposal requires that only certified applicators shall be allowed to mix, load and apply and handle mevinphos (Phosdrin) and requires an observer to be present during all mixing and loading, and prohibits aerial application within 150 feet of an inhabited building unless written permission is given.

Name of Agency Personnel Responsible for Drafting and Enforcement: Cliff Weed, Program Manager, P.O. Box 42589, Olympia, WA 98504, (206) 902-2040; and Implementation: William E. Brookreson, Assistant Director, P.O. Box 42589, Olympia, WA 98504, (206) 902-2011.

Name of Proponent: [Department of Agriculture], governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The adoption date is being continued.

Date of Intended Adoption: April 15, 1994.

March 31, 1994

Jim Jesernig

Director

WSR 94-08-037
PROPOSED RULES
DEPARTMENT OF HEALTH

(Health Professions Quality Assurance Division)

[Filed March 31, 1994, 10:05 a.m.]

Original Notice.

Title of Rule: Trainee rules. Definitions; general information; supervision; and minimum standards of training.

Purpose: To provide trained individuals who can pass the licensure test and work competently with the public.

Statutory Authority for Adoption: RCW 18.35.161.

Statute Being Implemented: Chapter 18.35 RCW.

Summary: The new sections of WAC define trainee supervision and training requirements.

Reasons Supporting Proposal: Minimum standards for training and supervision are needed to protect the public.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Janice K. Boden, 1300 Quince, Olympia, (206) 753-3199.

Name of Proponent: Board on Fitting and Dispensing of Hearing Aids, governmental.

Proposed

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

Explanation of Rule, its Purpose, and Anticipated Effects: The rules to be adopted clarify obscure language and add needed definitions for supervision and training. These rules will establish minimum standards of training and supervision for hearing aid fitter/dispenser trainees. The purpose of the rules is to ensure that the public is adequately protected when receiving services from trainees. It is anticipated that trainees will achieve a higher level of competency and that fewer complaints regarding trainees will be received.

Proposal Changes the Following Existing Rules: The proposal updates current language and adds new sections.

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

Hearing Location: Department of Health, Firgrove Training Room, 1st Floor, 2413 Pacific Avenue, Olympia, WA, on May 10, 1994, at 3:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1112 Quince, Box 47890, Olympia, WA 98504-7890, by May 6, 1994.

Date of Intended Adoption: May 10, 1994.

March 21, 1994

Dorothy Muto-Coleman

Chairperson

NEW SECTION

WAC 246-828-055 Trainees—Definitions. For the purposes of this chapter, these terms shall be defined as follows:

(1) "Sponsor" shall mean the licensed hearing aid fitter dispenser who is registered with the department of health to provide sponsorship to a trainee. The sponsor must have been licensed in good standing as a hearing aid fitter dispenser in the state of Washington for at least one year.

(2) "Direct supervision" shall mean that the sponsor is physically present and in the same room with the trainee, observing the testing, fitting and dispensing activities of the trainee at all times.

(3) "Indirect supervision" shall mean the sponsor is immediately available for consultation.

(4) "Sponsor in good standing" shall mean a sponsor whose license has not been subject to sanctions pursuant to RCW 18.130.160 in the last one year.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-060 Trainees—General information.

~~(1) ((A trainee may not fit and dispense a hearing aid or be in physical contact with a client or patient unless the sponsor to whom the trainee is registered or a fitter/dispenser duly licensed under this act designated by the sponsor is physically present or on the premises with and supervising his/her actions at all times during the first ninety days the trainee is testing the hearing or fitting or dispensing hearing aids. The extent of direction and supervision of the trainee while on the premises after the first ninety days of a trainee licensure shall be at the discretion of the trainee sponsor.~~

~~(2) During the first ninety days of his or her licensure,))~~
 A trainee shall wear an identification badge readily visible to the public which identifies him or her as a trainee.

~~((3) A trainee licensed less than ninety days shall not make housecalls and test the hearing or dispense hearing aids unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.~~

~~(4) A trainee licensed more than ninety days may, at the discretion of the sponsor, make unsupervised housecalls. Provided, That effective February 1, 1985, no trainee shall make housecalls unless a licensed fitter/dispenser is physically present with and supervising his or her actions at all times.~~

~~(5) A trainee who loses his or her sponsor for any reason shall not continue his or her trainee status with a new sponsor until a new trainee application has been filed and payment of this license fee required by RCW 18.35.060 (1)(e) and as determined by the director as provided in RCW 43.24.086 as now or hereafter amended has been received by the department. Provided, That, if a trainee obtains a new sponsor and submits the required application within fifteen days of the withdrawal of his or her previous sponsor, the fee shall be that required of a transfer of sponsor.~~

~~(6) If a sponsor dies or withdraws from business, it shall be the responsibility of the trainee to report the loss of such sponsorship to the department in writing within ten days of such occurrence.~~

~~(7)) (2) Trainees shall((, if completing a sales contract, sign his or her name, "trainee," and license number on the contract.~~

~~(8) If trainees use business cards, the cards shall indicate "trainee.)) identify themselves on sales contracts, business cards, or any other document, by his or her name, "trainee," and license number.~~

~~(3) Trainees are subject to the provisions of chapter 18.130 RCW, Uniform Disciplinary Act.~~

NEW SECTION

WAC 246-828-065 Trainees—Supervision. (1) Direct supervision by the sponsor is required for a trainee to fit and dispense a hearing aid or to be in physical contact with a client or patient, except as provided in subsection (2) of this section.

(2) Upon successful completion of the minimum standards of training and after a minimum of ninety days after licensure as a trainee, a trainee may fit and dispense a hearing aid or be in physical contact with a client or patient under the indirect supervision of the sponsor.

(3) The sponsor shall review and initial all audiometric tests performed by his/her trainee and shall initial all trainee contracts whether or not under direct supervision.

(4) Termination of trainee sponsorship.

(a) A trainee who loses his or her sponsor for any reason shall not continue his or her trainee status with a new sponsor until a new trainee application and fee has been filed and approved by the department: *Provided*, That if a trainee obtains a new sponsor and submits the required application within fifteen days of the withdrawal of his or her previous sponsor, the fee shall be that required of a transfer of sponsor.

(b) It shall be the responsibility of the trainee to report the loss of such sponsorship to the department in writing within ten days of such occurrence.

(c) The sponsor of a trainee who desires to terminate the responsibilities of sponsorship shall provide the trainee written notice of such termination, giving reasons, and shall immediately notify the department, by registered or certified mail, of the termination of such sponsorship.

(d) In the event the trainee quits or terminates for any reason, the sponsor shall notify the department immediately by registered or certified mail.

(e) The sponsor of such terminating trainee shall be responsible for the trainee until such time as the notification of termination is deposited in the United States mail.

AMENDATORY SECTION (Amending Order 165B, filed 5/8/91, effective 6/8/91)

WAC 246-828-070 ((Termination of trainee sponsorship.)) Trainees—Minimum standards of training. ((+))
 The sponsor of a trainee who desires to terminate the responsibilities of sponsorship shall provide the trainee written notice of such termination, giving reasons, and shall immediately notify the department by registered or certified mail, of the termination of such sponsorship.

~~(2) In the event the trainee quits or terminates for any reason, the sponsor shall notify the department immediately by registered or certified mail.~~

~~(3) The sponsor of such terminating trainee shall be responsible for the trainee until such time as the notification of such termination is deposited in the United States mail.))~~

(1) The sponsor shall provide training in the following areas during the direct supervision period:

(a) Basic physics of sound;

(b) The human hearing mechanism, including the science of hearing and the causes and rehabilitation of abnormal hearing and hearing disorders;

(c) Structure and function of hearing aids;

(d) Pure tone audiometry, including air conduction testing and bone conduction testing;

(e) Live voice or recorded voice speech audiometry, including speech reception, threshold testing, MCL, VCL, and speech discrimination testing;

(f) Effective masking;

(g) Recording and evaluation of audiograms and speech audiometry to determine hearing aid candidacy;

(h) Selection and adaptation of hearing aids and testing of hearing aids;

(i) Taking ear mold impressions;

(j) Otoscopy;

(k) Evidence of knowledge regarding the medical and rehabilitation facilities that are available for children and adults in the area served;

(l) Evidence of knowledge of grounds for revocation or suspension of license under the provisions of this chapter;

(m) Fitting verification and post-fitting follow-up.

(2) Completion of the above training and competency of the trainee to perform such duties shall be documented by initial of both trainee and sponsor on a form provided by the department. The completed training verification form shall be submitted to the department upon completion of the direct supervision period. Failure to maintain a training log or to

verify training to the department shall be a violation of this chapter and may subject the sponsor to disciplinary action by the board.

(3) Trainees who have met one of the following are exempt from the minimum standards of training requirement. Documentation of the exemption shall be certified by the sponsor and submitted on a form provided by the department.

(a) Successful completion of the National Institute for Hearing Instruments Studies (NIHIS) Basic Course for Independent Study;

(b) Documentation that the trainee is either licensed in audiology in another state, or certified as an audiologist by the American Speech and Hearing Association, or holds a masters degree in audiology;

(c) Certification by the sponsor that the trainee has received the required minimum training from a previous sponsor.

WSR 94-08-039
PROPOSED RULES
DEPARTMENT OF HEALTH
 (Examining Board of Psychology)
 [Filed March 31, 1994, 10:13 a.m.]

Original Notice.

Title of Rule: Amend, adopt and repeal the rules on the list shown below which relate to the practice of psychology. Amending WAC 246-924-020 Applications for licensure, 246-924-040 Psychologists—Education prerequisite to licensing, 246-924-050 Psychologists—Education prerequisite to licensing for applicants enrolled in a doctoral program between December 28, 1978, to October 19, 1987, 246-924-080 Psychology examination—Application submittal date, 246-924-110 AIDS education and training, 246-924-120 Psychologists—Renewal of licenses, 246-924-130 Certificate of qualification, 246-924-230 Continuing education requirements, 246-924-240 Definition of categories of creditable CPE, 246-924-250 Continuing Education—Special considerations, 246-924-290 Continuing education—Certification of compliance, 246-924-300 Definition of acceptable documentation and proof of CPE, and 246-924-320 Continuing education—Enforcement; and new sections WAC 246-924-095 Failure of oral examination and 246-924-490 Responsibility for maintaining mailing address on file with the board; and repealing WAC 246-924-190 Staggered effective periods for new continuing education rules, WAC 308-122-586 through 308-122-583, 246-924-200 Continuing education—General requirements, 246-924-210 Continuing education—Categories of creditable activities, 246-924-220 Continuing education—Categories of creditable activities, 246-924-260 Continuing education—Enforcement, 246-924-270 Continuing education—Exemptions, 246-924-280 Continuing education—Program or course approval, 246-924-310 Continuing education—Special considerations, and 246-924-460 Telephone directory listings.

Purpose: Amendments are housekeeping in nature to correct WAC numbers referring to WACs whose numbers have been changed, amend rules regarding continuing education. Repealing of rules is to correct error made three years ago when these rules were supposed to be repealed but

the department was in the process of renumbering and the rules became renumbered rather than repealed. Repealing rule regarding advertising in yellow pages because there is no apparent increase in consumer protection for this costly rule. New rule regarding repeated failures on oral examination.

Statutory Authority for Adoption: RCW 18.83.050(5). Statute Being Implemented: Chapter 18.83 RCW.

Summary: Rules will be easier to understand and report regarding continuing education. Rule regarding oral exam repeats will make it clear to the candidate what is expected, content of existing rules will clearly reflect references to other WACs by their current number not their old number. Rule regarding addresses will put licensees on notice about responsibility to maintain addresses.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Terry J. West, Program Manager, 1300 S.E. Quince Street, Olympia, WA 98504, (206) 753-3095.

Name of Proponent: Department of Health, Examining Board of Psychology, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Amend, adopt and repeal rules regarding continuing education, education requirements, grammatical errors and adding new rule regarding successive oral examination failures and maintaining address on file with the board. Repealing rules regarding continuing education that were meant to be repealed three years ago but were maintained by error. Repeal rule regarding advertising in yellow pages because rule has been found to be expensive and provides no additional measure of public protection.

Proposal Changes the Following Existing Rules: Change continuing education from 150 hours every three years to 60 hours every three years. Change WAC numbers within text to the correct current WAC number; add "Association of Psychology Postdoctoral and Internship Centers" to list of accredited internship requirements; correct references to Department of Health not Department of Licensing. New sections regarding responsibility for maintaining mailing address on file with board and outlines requirements for persons who fail successive oral examinations.

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

Hearing Location: Valley Medical Center, Medical Arts Center, 400 South 43rd Street, Renton, WA 98055, on May 13, 1994, at 9:15 a.m.

Submit Written Comments to: Terry J. West, Department of Health, P.O. Box 47869, Olympia, WA 98504, by May 11, 1994.

Date of Intended Adoption: May 13, 1994.

March 25, 1994
 Dolph Printz, Ph.D., Chair
 Examining Board of Psychology

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-020 Applications for licensure. Effective January 1, 1989, persons applying for licensure or certification shall submit, in addition to the other require-

ments, evidence to show compliance with the educational requirements of WAC ((308-122-280)) 246-924-110.

AMENDATORY SECTION (Amending Order 335B, filed 3/3/93, effective 4/3/93)

WAC 246-924-040 Psychologists—Education prerequisite to licensing. This rule shall apply for applicants enrolled after October 19, 1987, in a program leading to a doctoral degree. To meet the education requirement of RCW 18.83.070, an applicant shall possess a doctoral degree from an institution of higher education accredited in the region in which the doctoral program is offered at the time the applicant's degree was awarded. In that doctoral program, at least forty semester hours, or sixty quarter-hours, of graduate courses shall have been passed successfully, and can be clearly identified by title and course content as being part of a psychology program. One of the standards for issuance of said degree shall have been the submission of an original dissertation which was psychological in nature. Endorsement by the program administrator shall be requested and considered.

An integrated program of graduate study in psychology shall be defined as follows:

(1) The following defines the organizational structure of the program:

(a) The program shall be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures shall show intent to educate and train psychologists.

(b) The psychology program shall stand as a recognized, coherent, entity within the institution.

(c) There shall be a clear authority and primary responsibility for the core and specialty areas, whether or not the program cuts across administrative lines.

(d) There shall be an organized sequence of study planned by those responsible for the program to provide an appropriate, integrated experience covering the field of psychology.

(e) There shall be an identifiable psychology faculty and a psychologist administratively responsible for the program.

(f) There shall be an identified body of students selected on the basis of high ability and appropriate educational preparation.

(2) The following defines the academic program:

(a) The curriculum shall encompass a minimum of three academic years of full-time graduate study or their equivalent. The doctoral program shall involve at least one continuous year of full-time residency at the institution which grants the degree. A minimum of seven hundred fifty hours of student-faculty contact involving face-to-face individual or group educational meetings shall be considered in lieu of one year residency. Such educational meetings must include both faculty-student and student-student interaction, be conducted by the psychology faculty of the institution at least seventy-five percent of the time, be fully documented by the institution and the applicant, and relate substantially to the program components specified. The applicant shall clearly have had instruction in: History and systems, research design and methodology, statistics and psychometrics. The program shall require each student to complete three or more semester hours (five or more quarter-hours) of core study in each of the following content areas:

(i) Biological bases of behavior (physiological psychology, comparative psychology, neurobases, sensation and perception, biological bases of development);

(ii) Cognitive-affective bases of behavior (learning, thinking, motivation, emotion, cognitive development);

(iii) Social bases of behavior (social psychology, organizational theory, community psychology, social development);

(iv) Individual differences (personality theory, psychopathology); and

(v) Scientific and professional ethics.

(b) The program shall include practicum, internship, field or laboratory experience appropriate to the area of psychology that is the student's major emphasis.

(3) If the major emphasis is in clinical, counseling, school or other applied area, the program shall include coordinated practicum and internship experience.

(a) Practicum experience shall total at least two semesters (three quarters) and consist of a total of at least 300 hours of direct experience and 100 hours of supervision.

(b) The practica shall be followed by an organized internship. Predoctoral internship programs accredited by the American Psychological Association and/or the Association of Psychology Postdoctoral and Internship Centers shall be accepted by the board as meeting this requirement. Otherwise, an organized internship shall be as follows:

(i) The internship shall be designed to provide a planned, programmed sequence of training experiences, the primary focus of which is to assure breadth and quality of training.

(ii) The internship setting shall have a clearly designated psychologist who is responsible for the integrity and quality of the training program and who is licensed/certified by the state/provincial board of psychology examiners.

(iii) The internship setting shall have two or more psychologists available as supervisors, at least one of whom is licensed/certified as a psychologist.

(iv) Supervision shall be provided by the person who is responsible for the cases being supervised. At least seventy-five percent of the supervision shall be provided by a psychologist(s).

(v) At least twenty-five percent of the intern's time shall be spent in direct client contact (minimum 375 hours) providing assessment and intervention services.

(vi) There shall be a minimum of 2 hours per week of regularly scheduled, formal, face-to-face individual supervision with the specific intent of dealing with the direct psychological services rendered by the intern. There shall also be a minimum of 2 hours of other learning activities such as: Case conferences, seminars on applied issues, co-supervision with a staff person including discussion, group supervision.

(vii) Supervision/training relating to ethics shall be an ongoing aspect of the internship program.

(viii) Trainees shall have titles such as "intern," "resident," "fellow," or other designation of trainee status.

(ix) The internship setting shall have a written statement or brochure describing the goals and content of the internship, stating clear expectations and quality of trainees' work, and made available to prospective interns.

(x) The internship experience shall consist of at least 1500 hours and shall be completed within twenty-four months.

(4) Applicants for licensure who obtained degrees from foreign universities shall first submit, at their own expense, their credentials to an independent, private professional organization approved by the board to establish equivalency of training required by this section.

AMENDATORY SECTION (Amending Order 335B, filed 3/3/93, effective 4/3/93)

WAC 246-924-050 Psychologists—Education prerequisites to licensing for applicants enrolled in a doctoral program between December 28, 1978 to October 19, 1987. (1) This rule applies for applicants enrolled between December 28, 1978 and October 19, 1987 in a program leading to a doctoral degree. To meet the education requirement imposed by the statute, an applicant must possess a doctoral degree from a training institution approved by the board in which at least forty semester hours, or sixty quarter-hours, of graduate courses were passed successfully, and were clearly identified by title and course content as being primarily psychological in nature, as determined by the board. Part of the standards for issuance of said degree must require the submission of an original dissertation which must be psychological in nature, as determined by the board.

(2) The following guidelines define the "academic core" of study that should have been completed by each applicant:

(a) Programs accredited by the American Psychological Association are recognized as one way of meeting the definition of a professional psychology program. The criteria for accreditation serve as a model for professional training.

(b) Training in professional psychology is doctoral training offered in regionally accredited institution of higher education.

(c) The program must be clearly identified and labeled as a psychology program. Pertinent catalogues and brochures must show intent to educate and train professional psychologists.

(d) The psychology program must stand as a recognizable, coherent, organizational entity within the institution.

(e) There must be a clear authority and primary responsibility for the core and specialty areas whether or not the program cuts across administrative lines.

(f) There must be an organized sequence of study planned by those responsible for the training program to provide an appropriate, integrated, experience applicable to the professional practice of psychology.

(g) There must be an identifiable psychology faculty and a psychologist responsible for the program.

(h) There must be an identifiable body of students, selected on the basis of high ability and appropriate educational preparation.

(i) Programs must include practicum, internship, field or laboratory experience appropriate to the practice of psychology.

(j) The curriculum should encompass a minimum (or equivalent) of three academic years of full-time graduate study. The doctoral program should involve at least one continuous year of full-time residency at the university at

which the degree is granted. Instruction should include scientific and professional ethics and standards, history and systems: Research design and methodology; statistics and psychometrics. The core program should also require each student to obtain an academic background of the following content areas (typically six or more semester hours):

(i) Biological bases of behavior: e.g., physiological psychology, comparative, neuropsychology, sensation and perception, psychopharmacology.

(ii) Cognitive-affective bases of behavior: e.g., learning, thinking, motivation, emotions.

(iii) Social bases of behavior: e.g., social, psychology, group processes, organizational and systems theory.

(iv) Individual differences: e.g., personality theory, human development, abnormal psychology.

(3) If the major emphasis is in an applied area such as clinical, counseling, school or other pertinent areas, the program must include a set of coordinated practicum and internship experiences which total at least two semesters in the practicum setting, and additionally a "one-year" internship. A minimum of 300 hours of practicum, including 100 hours of scheduled individual supervision, should precede the internship.

(4) The psychological services offered in the internship program in "Standards for providers of psychological services" published by the American Psychological Association and/or the Association of Psychology Postdoctoral and Internship Centers may be used as a framework for the internship program. The board also recognizes other quality internship programs.

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-080 Psychology examination—Application submittal date. To be eligible to take any particular written examination, an applicant for licensure must file his or her application with the department of (~~licensing~~) health not less than sixty days prior to the examination date. In the case of late filing, the time requirement for filing may be reduced if good cause for the late filing is shown and the application can still be processed prior to the examination date.

Examinations are normally held in April and October of each year.

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-110 AIDS education and training. (1) Acceptable education and training. Such education and training shall be consistent with the model curriculum available from the office on AIDS and with the standards set forth in WAC (~~(308-122-520)~~) 246-924-240(1), shall be a minimum of seven clock hours, and shall include, but not be 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.

(2) Implementation. Effective January 1, 1989, the requirement for licensure or certification application, renewal, or reinstatement of any license or certification on

lapsed, 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 (1) of this section.

(3) Documentation. The licensee shall:

(a) Certify, on forms provided, that the minimum education and training has been completed after January 1, 1987, and before renewal date or December 31, 1989, whichever date is earlier;

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

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

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-120 Psychologists—Renewal of licenses. (1) The annual license renewal date for psychologists is hereby changed to coincide with the licensee's birthdate. Individuals making application for initial license and examination, provided they meet all such requirements, will be issued a license, to expire on their next birth anniversary date.

(2) After the initial conversion to a staggered system, licensees may renew their licenses, at the annual renewal fee rate, for one year, from birth anniversary date to the next birth anniversary date.

(3) On a one time basis beginning January 1, 1989, all persons making application for licensure or certification renewal shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC ((308-122-280)) 246-924-110. Persons whose 1989 license expires on or before March 31, 1989, may, upon written application, be granted an extension to April 15, 1989, to meet the AIDS education requirement.

AMENDATORY SECTION (Amending Order 129B, filed 1/28/91, effective 2/28/91)

WAC 246-924-130 Certificates of qualification. Certificates of qualification shall not be granted. Those holding certificates of qualification as of July 1, 1990, shall continue to be in conformance with WAC ((308-122-370, 308-122-430, and 308-122-440)) 246-924-140, 246-924-150, and 246-924-160.

NEW SECTION

WAC 246-924-095 Failure of oral examination. The oral examination may be taken as follows:

(1) First reexamination: At next administration after the date of first examination;

(2) Second reexamination: At least one year after the date of the second examination;

(3) Successive reexamination: At least one year after the date of the previous reexamination and after having shown adequate proof of meeting any additional professional training required by the board before admittance to a subsequent examination.

AMENDATORY SECTION (Amending Order 129B, filed 1/28/91, effective 2/28/91)

WAC 246-924-230 Continuing education requirements. (1) The Washington state board of psychology (hereafter referred to as the board) requires a minimum of ~~((one hundred fifty))~~ sixty hours of continuing psychological education (hereafter referred to as CPE) every three years.

(2) One clock hour of instruction and/or training shall equal one credit hour for the purpose of satisfying the ~~((one hundred fifty))~~ sixty hour CPE requirement.

(3) ~~((A minimum of sixty hours must be earned in Category I; all one hundred fifty hours may be earned in Category I.~~

~~((4) A maximum of ninety hours may be earned in Category II; there is no minimum required for this category.~~

~~((5))~~ Credit hours in excess of the requirements set forth cannot be credited to CPE requirements for any succeeding three year cycle.

~~((6))~~ (4) A minimum of four hours credit in ethics must be included in the sixty hours required ~~((in Category I))~~. Areas to be covered, depending on the licensee's primary area(s) of function are practice, consultation, research, teaching, and/or supervision.

~~((7))~~ (5) Faculty providing CPE offerings shall meet the training and the full qualifications of their respective professions. All faculty shall have demonstrated an expertise in the areas in which they are instructing.

AMENDATORY SECTION (Amending Order 129B, filed 1/28/91, effective 2/28/91)

WAC 246-924-240 Definitions of categories of creditable CPE. ~~((+))~~ All CPE activities shall be directly relevant to maintaining or increasing professional or scientific competence in psychology. Courses or workshops primarily designed to increase practice income or office efficiency, while valuable to the licensee, are specifically noneligible for CPE credit. Recognized activities ~~((for Category I))~~ shall include:

~~((a))~~ (1) Courses, seminars, workshops and post-doctoral institutes offered by educational institutions chartered by a state and recognized (accredited) by a regional association of schools, colleges and universities as providing graduate level course offerings. Such educational activities shall be recorded on an official transcript or certificate of completion (see WAC ((308-122-563)) 246-924-180).

~~((b))~~ (2) Courses (including correspondence courses), seminars, workshops and post-doctoral institutes sponsored by the American Psychological Association, the National Academy of Professional Psychologists, regional or state psychological associations or their subchapters, psychology internship training centers and other professionally or scientifically recognized behavioral science organizations such as, but not limited to, National Training Laboratories, National Association of Social Workers, Department of Veterans' Affairs, Regional Medical Education Centers, Western Psychological Association, Northwest Family Training Institute, Seattle Institute for Psychoanalytic Training.

~~((2) Recognized activities of Category II shall include:~~

~~(a) Obtaining consultative training from a licensed professional or institute (other than supervision which is routinely required in one's employment).~~

~~(b) CPE which includes in-service and in-house seminars, case conferences, lectures, professional journal and book study groups, as well as noninstitutionally organized regularly scheduled similar activities.~~

~~(c) Teaching a specific course to psychology and other allied health students may be counted the first time it is taught. One classroom hour equals one CPE hour. The course may be counted only once.~~

~~(d) Supervising psychologists, psychology students, institutional staff, or other professionals or students from an institution with a formal teaching or training program, if the institution has approved the supervision, shall qualify for CPE on an hourly basis. Privately arranged supervision shall meet the professionally accepted standards of supervision.~~

~~(e) Writing and having accepted for publication articles and/or chapters for books. Such publications must appear in a scientific, psychological, or allied professional journal or book. Twenty five hours may be earned for each such article or chapter. Editing the work of others is not acceptable for CPE credit.~~

~~(f) Presentation of a scientific or professional paper or program at a professional/scientific meeting of psychologists or allied professionals. Ten hours of CPE credit may be claimed only once for the same materials or program regardless of how often presented.~~

~~(g) Attendance at or participation in professional meetings or conventions of national, regional, or state psychological associations or other professionally recognized behavioral science conventions. A maximum of five hours may be claimed for each convention or professional meeting.~~

~~(h) Courses or workshops offered by accredited colleges or universities not offering graduate courses in psychology.)~~

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-250 Continuing education—Special considerations. In lieu (total or partial) of ~~((one hundred fifty))~~ sixty hours of CPE the board may consider credit hour approval and acceptance of other programs as they are developed and implemented, such as:

(1) Compliance with a CPE program developed by the American Psychological Association which provides either a recognition award or certificate, may be evaluated and considered for partial or total fulfillment of the CPE credit hour requirements of the board:

(2) Psychologists licensed in the state of Washington but practicing in a different state or country which has a mandatory or voluntary CPE program may submit to the board evidence of completion of that other state's or country's CPE requirements for evaluation and partial or total credit hour approval.

(3) Psychologists licensed in the state of Washington but practicing in a state, U.S. territory or foreign country without CPE requirements, or who are not legally required to meet those CPE requirements, may submit evidence of their CPE activities pursued outside of Washington state directly to the board for evaluation and approval based on conformity to the board's CPE requirements.

(4) The board may also accept evidence of diplomate award by the American Board of Examiners in Professional Psychology (ABPP) and American Board of Professional Hypnosis (ABPH) in lieu of ~~((one hundred fifty))~~ sixty hours of CPE for that three year period in which the diplomate was awarded.

(5) Credit hours may be earned for other specialty board or diploma certifications if and when such are established.

(6) All board members appointed after December 31, 1985 shall receive, for each year of service on the board, ten continuing education credits, to be applied in any category the board member chooses.

AMENDATORY SECTION (Amending Order 117B, filed 1/28/91, effective 2/28/91)

WAC 246-924-290 Continuing education—Certification of compliance. (1) In conjunction with the application for renewal of licensure, a licensee shall submit an affidavit of compliance with the ~~((one hundred fifty))~~ sixty hours CPE requirement on a form supplied by the board.

(2) The board reserves the right to require any licensee to submit evidence, e.g., course or program certificate of training, transcript, course or workshop brochure description, evidence of attendance, etc., in addition to the affidavit form in order to demonstrate, compliance with the ~~((one hundred fifty))~~ sixty hours CPE requirement. Therefore, it is the responsibility of each licensee to maintain records, certificates, or the other evidence of CPE compliance.

AMENDATORY SECTION (Amending Order 129B, filed 1/28/91, effective 2/28/91)

WAC 246-924-300 Definition of acceptable documentation and proof of CPE. Licensees are responsible for acquiring and maintaining all acceptable documentation of their CPE activities.

Acceptable documentation ~~((for Category I CPE))~~ shall include transcripts, letters from course instructors, or certificate of completion or other formal certification. In all cases other than transcripts, the documentation must show the participant's name, the activity title, number of CPE credit hours, date(s) of activity, faculty's name(s) and degree and the signature of verifying individual (program sponsor).

AMENDATORY SECTION (Amending Order 129B, filed 1/28/91, effective 2/28/91)

WAC 246-924-320 Continuing education—Enforcement. (1) Affidavit of compliance: Every third year, in conjunction with the application for renewal of license, a licensee shall submit an affidavit of compliance with the requirement of ~~((one hundred fifty))~~ sixty hours of CPE on a form supplied by the board. Failure to submit such affidavit at licensure renewal time, or submission of the affidavit in such manner that CPE compliance cannot be determined by the board will result in denial of renewal of license. Subsequent renewal will be based on the decision of the board after compliance has been determined to be adequate.

(2) Audit: A percentage, which shall be determined by the board, of all licensees' affidavits submitted in conjunc-

tion with license renewal applications shall be regularly audited for supporting documentation by the board. Upon audit, it is the sole responsibility of the licensee to submit copies of the appropriate and acceptable documentation of completed CPE activities to the board. Failure to comply with the audit documentation request or failure to supply acceptable documentation within sixty days of the date of the audit request (in the absence of justification acceptable to the board) shall result in disciplinary action which shall remain in place until compliance is deemed acceptable by the board.

(3) Failure to meet the CPE requirements within each three-year cycle shall result in disciplinary action by the board. The licensee so disciplined may petition the board for a hearing. License reinstatement shall be based on decision of the board.

NEW SECTION

WAC 246-924-490 Responsibility for maintaining mailing address on file with the board. It is the responsibility of each licensee to maintain a current mailing address on file with the board. The mailing address on file with the board shall be used for mailing of all official matters from the board to the licensee. If charges against the licensee are mailed by certified mail to the address on file with the board and returned unclaimed or are unable to be delivered for any reason, then the board shall proceed against the licensee by default under RCW 34.05.440.

REPEALER

The following sections are hereby repealed:

- 246-924-190 Staggered effective periods for new continuing education rules, WAC 308-122-586 through 308-122-583
- 246-924-200 Continuing education - General requirements
- 246-924-210 Continuing education - Categories of creditable activities
- 246-924-220 Continuing education - Categories of creditable activities
- 246-924-260 Continuing education - Enforcement
- 246-924-270 Continuing education - Exemptions
- 246-924-280 Continuing education - Program or course approval
- 246-924-310 Continuing education - Special considerations
- 246-924-460 Telephone directory listings

WSR 94-08-040
PROPOSED RULES
DEPARTMENT OF HEALTH
 [Filed March 31, 1994, 10:16 a.m.]

Original Notice.

Title of Rule: Chapter 246-316 WAC, Boarding homes.

Purpose: Implement legislation and update rules.

Statutory Authority for Adoption: RCW 43.70.110 and 43.70.250 for WAC 246-316-990; and RCW 18.20.090 for remainder of chapter.

Summary: Establish minimum requirements for boarding homes choosing to provide limited nursing services and care for residents with special care needs. Revise resident rights and update chapter.

Name of Agency Personnel Responsible for Drafting: Bliss Moore, P.O. Box 47852, Olympia, WA 98504, (206) 705-6661; Implementation and Enforcement: Kathy Stout, P.O. Box 47852, Olympia, WA 98504, (206) 705-6652.

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: Update rules to incorporate recent legislation, update requirements and improve readability.

Proposal Changes the Following Existing Rules: Chapter 246-316 WAC.

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

Boarding homes comprise less than 10% of the industry (SIC code 8361).

Hearing Location: Training Room, Developmental Disability Office, West 1611 Indian, Spokane, WA, on May 10, 1994, at 1:00 p.m.; and at General Administration, Auditorium, 11th and Columbia, Olympia, Washington, on May 12, 1994, at 1:30 p.m.

Submit Written Comments to: Ann Foster, Rules Coordinator, 1112 S.E. Quince Street, Olympia, WA 98504-7902, by May 3, 1994.

Date of Intended Adoption: May 20, 1994.

March 28, 1994
 Mimi Fields, MD, MPH
 for Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-001 (~~Legal authority of the department.~~) **Purpose and scope.** ((See RCW 18.20.090-)) Chapter 246-316 WAC implements chapter 18.20 RCW by establishing minimum standards for boarding homes.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

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 nonaccidental 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 health (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) "Infirmity," 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 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.) For the purpose of this chapter, the following words and phrases shall have the following meanings unless the context clearly indicates otherwise.~~

~~(1) "Abuse" means an act by any individual which injures, exploits or in any way jeopardizes a resident's health, welfare, or safety, including but not limited to:~~

~~(a) Physically damaging or potentially damaging nonaccidental acts;~~

~~(b) Emotionally damaging verbal behavior and harassment; and~~

~~(c) Sexual use, exploitation and mistreatment through inappropriate touching, inappropriate remarks or encouraging participation in pornography or prostitution.~~

~~(2) "Activities of daily living" means those tasks related to basic personal care such as bathing, toileting, dressing, grooming, hygiene, ambulation, and eating.~~

(3) "Aged person" means, according to RCW 18.20.020, a person of the age of sixty-five years or more, or a person of less than sixty-five years who by reason of infirmity requires domiciliary care.

(4) "Ambulatory" means capable of walking or traversing a normal path to safety without the physical assistance of another individual;

(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 individual;

(b) "Nonambulatory" means unable to walk or traverse a normal path to safety without the physical assistance of another individual.

(5) "Bathing fixture" means a bathtub, shower or sit-down shower.

(6) "Bathroom" means a room containing at least one bathing fixture.

(7) "Board" means, in the definition of boarding home, the provision of meal service and lodging.

(8) "Boarding home" means any home or other institution, however named, which is advertised, announced or maintained for the express or implied purpose of providing board and domiciliary care to three or more aged persons not related by blood or marriage to the operator. It shall not include facilities certified as group training homes pursuant to RCW 71A.22.040, nor any home, institution or section thereof which is otherwise licensed and regulated under the provisions of state law providing specifically for the licensing and regulation of such home, institution or section thereof. Nor shall it include any independent senior housing, independent living units in continuing care retirement communities, or other similar living situations including those subsidized by the department of housing and urban development.

(9) "Colostomy care, uncomplicated routine" means an act of changing a colostomy bag and dressing according to boarding home procedures approved by a RN or physician, when the resident does not:

(a) Have colostomy complications, including but not limited to obvious infection, constipation, diarrhea, painful, cracked or bleeding skin; or

(b) Need colostomy irrigations.

(10) "Construction" means:

(a) A new building to be used as a boarding home or part of a boarding home;

(b) An addition, modification or alteration to the facility which changes the department-approved use of an existing boarding home or portion of a boarding home; and

(c) An existing building or portion thereof to be converted for use as a boarding home.

(11) "Continuing care contract" means, as stated in RCW 70.38.025, 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, which is conditioned upon 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.

(12) "Continuing care retirement community" means, as stated in RCW 70.38.025, an entity which provides shelter and services under continuing care contracts with its members and which sponsors or includes a health care facility or a health service.

(13) "Contractor" means an agency or person who contracts with a licensee to provide resident-care services or equipment.

(14) "Department" means the Washington state department of health.

(15) "Dietitian" means an individual certified under chapter 18.138 RCW.

(16) "Document" means to record, with signature, title, date and time:

(a) Information about medication administration or disposal, a nursing care procedure, accident, occurrence or change in resident condition that may impact the care or needs of a resident; and

(b) Processes, events or activities that are required by law, rule or policy.

(17) "Domiciliary care" means:

(a) Assistance with activities of daily living provided by the licensee either directly or by contract;

(b) Assuming general responsibility for the safety and well-being of the resident; and

(c) Limited nursing services, if provided by the licensee.

(18) "Exploitation" means the illegal or improper use of a resident's resources, labor, or services for another person's profit or advantage.

(19) "Functional abilities" means the physical, mental, emotional and social abilities of a resident to cope with the affairs and activities of daily living.

(20) "Health care practitioner" means any individual authorized by Washington state law to provide health care, including but not limited to a physician, dentist, chiropractor, naturopath, advanced registered nurse practitioner or physician's assistant.

(21) "Incident report" means a written record of an event involving a resident including but not limited to injury, abuse, neglect, or exploitation.

(22) "Infectious" means capable of causing infection or disease by entrance of organisms into the body which grow and multiply there, including but not limited to bacteria, viruses, protozoans, and fungi.

(23) "Independent living unit" means an apartment, condominium or other self-sufficient dwelling unit occupied by an individual or individuals not receiving domiciliary care.

(24) "Independent senior housing" means an independent living unit occupied by an individual or individuals sixty or more years of age.

(25) "Individual's resident plan" means a statement, written by the licensee and approved by the resident or resident's representative, of services to be provided based on an evaluation of the resident's needs.

(26) "Infirmity" means a disability which materially limits normal activity without requiring inpatient medical or nursing care. An infirmity may be based on conditions, including but not limited to physical handicap, mental illness, developmental disability, mental confusion, disability or disturbance.

(27) "Licensee" means the person to whom the department issues the boarding home license.

(28) "Licensed resident bed capacity" means the resident occupancy level requested by the licensee and approved by the department.

(29) "Licensed room list" means a department-approved list identifying resident rooms, the dimensions and calculated square footage of each room, the number of approved bed spaces, and other information relative to the licensed resident bed capacity of a boarding home.

(30) "Limited nursing services" means nursing care, consistent with chapters 18.78 and 18.88 RCW, provided by the licensee which does not include continuous skilled nursing care and supervision of the type provided in nursing homes licensed pursuant to chapter 18.51 RCW.

(31) "Medication" means "drugs" as defined in RCW 18.64.011.

(32) "Medication administration" means the act of an authorized individual giving medication to a resident in accordance with the laws and regulations governing such acts and entails:

(a) Comparing the label on the container with the prescriber's order or with a direct copy of a verified transcription of the order;

(b) Removing an individual dose from a previously dispensed, properly labeled container;

(c) Giving an individual dose to the proper resident; and

(d) Properly recording the medication, dose, and time given in the resident record.

(33) "Neglect" means conduct resulting in the deprivation of care necessary to maintain the resident's minimum physical and mental health including:

(a) Physical and material deprivation;

(b) Lack of medical care;

(c) Inadequate food, clothing or cleanliness;

(d) Rejection;

(e) Lack of social interaction and physical activity;

(f) Lack of personal care; and

(g) Lack of supervision appropriate for the resident's level of functioning.

(34) "Nurse" means an individual licensed either as a:

(a) "Licensed practical nurse" or "LPN" under chapter 18.78 RCW; or

(b) "Registered nurse" or "RN" under chapter 18.88 RCW.

(35) "Person" means any individual, firm, partnership, corporation, company, association, joint stock association, and the legal successor thereof.

(36) "Physician" means an individual licensed under chapter 18.57 or 18.71 RCW.

(37) "Prescriber" means a health care practitioner authorized by Washington state law to prescribe drugs.

(38) "Resident-care staff person" means any employee, temporary employee, volunteer, or contractor who provides direct care services to a resident.

(39) "Resident" means an individual living in a boarding home who is not related by blood or marriage to the operator of the boarding home and, by reason of age or infirmity, requires domiciliary care.

(40) "Resident's representative" means an individual legally appointed, or designated by the resident in writing, to act in the resident's behalf.

(41) "Respite care" means short term care of an aged person to temporarily relieve the family or other care-giver of providing that care.

(42) "Restraint" means any methods used to prevent or limit free body movement, including but not limited to:

(a) Confinement, unless agreed to as provided in WAC 246-316-335(3);

(b) An apparatus; and

(c) A drug given without, or contrary to, a legally prescribed order.

(43) "Room" means a space set apart by floor to ceiling partitions on all sides with all openings provided with doors or windows.

(44) "Secure unit" means an area of a boarding home designed to protect residents with special care needs including measures to manage the wandering of the resident.

(45) "Special care needs" means requirements necessary to manage a resident who exhibits chronic wandering behavior, memory loss, or disorientation, endangering self or others, including but not limited to Alzheimer's disease, dementia or related disorder; but not including developmentally disabled individuals as defined in chapter 71A.10 RCW.

(46) "Staff person" means any employee, temporary employee, volunteer, or contractor.

(47) "State Building Code" means chapter 51-20 WAC, State Building Code adoption and amendment of the Uniform Building Code; chapter 51-22 WAC, State Building Code adoption and amendment of the Uniform Mechanical Code; chapter 51-24 WAC, State Building Code adoption and amendment of the Uniform Fire Code; and chapter 51-25 WAC, State Building Code adoption and amendment of the Uniform Fire Code.

(48) "Toilet" means a disposal apparatus fitted with a seat and flushing device used for urination and defecation.

(49) "Urethral catheter care, uncomplicated routine" means an act of performing perineal care, emptying the drainage bag, measuring the contents as required, and replacing and repositioning the drainage bag; but does not mean the act of inserting, irrigating, or removing the catheter.

(50) "Usable floor space" means:

(a) For boarding homes licensed prior to January 1, 1989, and continuously thereafter, floor area in resident bedrooms excluding walk-in closets; or

(b) For boarding homes licensed after December 31, 1988, floor area in living and sleeping rooms excluding bathrooms, toilets, toilet compartments, closets, halls, storage, and utility spaces.

(51) "Volunteer" means an individual who regularly provides planned and organized services within the boarding home without reimbursement, but does not mean an individual who visits residents or provides occasional entertainment.

(52) "Vulnerable adult" means an individual sixty years of age or older who has the functional, mental, or physical inability to care for himself or herself.

(53) "WISHA" means the Washington Industrial Safety and Health Act, chapter 49.17 RCW administered by the Washington state department of labor and industries.

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

WAC 246-316-020 ((Boarding home license application—Department denial, suspension, revocation of license:)) ~~License—Initial, renewal, day care approval respite care, modifications.~~ ((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;

(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 as specified in WAC 246-316-045(4);

(iv) Committed, permitted, aided, or abetted an illegal act on boarding home premises;

(v) Demonstrated cruelty, abuse, negligence, assault, or indifference to welfare and well-being of a resident;

(vi) 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 43.70.115. 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 Adminis-

~~Administrative Hearings Unit, Department of Health, 1300 Quince Street S.E., P.O. Box 47851, Olympia, WA 98504-7851; 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.
(e) The proceeding is governed by the Administrative Procedure Act (chapter 34.05 RCW), this chapter, and chapter 246-08 WAC. If a provision in this chapter conflicts with chapter 246-08 WAC, the provision in this chapter governs.) (1) A person shall have a current license issued by the department before operating or advertizing a boarding home.~~

~~(2) An applicant for initial licensure shall submit to the department, forty-five days or more before commencing business:~~

~~(a) A completed application on forms provided by the department;~~

~~(b) Verification of department approval of plans submitted for:~~

~~(i) New construction; or
(ii) Existing building/boarding home compliance with requirements of this chapter;~~

~~(c) A criminal history background check in accordance with WAC 246-316-045(2);~~

~~(d) The fee specified in WAC 246-316-990; and
(e) Other information as required by the department.~~

~~(3) A licensee shall apply for license renewal annually at least thirty days before the expiration date of the current license by submitting to the department:~~

~~(a) A completed application on forms provided by the department;~~

~~(b) A criminal history background check in accordance with WAC 246-316-045(2);~~

~~(c) The fee specified in WAC 246-316-990; and
(d) Other information as required by the department.~~

~~(4) A licensee, prior to accepting adults for day care, shall:~~

~~(a) Submit a letter to the department which includes:
(i) The maximum number of adults in the proposed day care program; and~~

~~(ii) An attestation of meeting the requirements in WAC 246-316-330;~~

~~(b) Obtain written department approval, including the maximum approved capacity for day care adults; and~~

~~(c) Maintain and post written approval in a conspicuous place on the boarding home premises.~~

~~(5) A licensee may provide respite care within the licensed bed capacity.~~

~~(6) A licensee, prior to changing the licensed bed capacity, shall:~~

~~(a) Submit a letter requesting approval to the department at least thirty days before the intended change;~~

~~(b) Submit the prorated fee as determined by the department; and~~

~~(c) Obtain an amended license indicating the new bed capacity.~~

~~(7) A licensee, prior to changing the location or use of rooms listed on the licensed room list shall:~~

~~(a) Notify the department in writing thirty days or more before the intended change; and~~

~~(b) Maintain a copy of the licensed room list.~~

~~(8) At least thirty days before selling, leasing, or renting the boarding home or changing officers or partners, and immediately upon a change of administrator, the licensee shall submit to the department:~~

~~(a) Name and address of the boarding home;~~

~~(b) Type of change;~~

~~(c) Full names of the present and prospective licensee;~~

~~(d) Date of proposed change;~~

~~(e) Names and addresses of all responsible officers or controlling partners; and~~

~~(f) A signed statement attesting that any new controlling officers are in compliance with this chapter.~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-316-030 ((Change of licensee.)) **Responsibilities and rights—Licensee and department.** (((1) Boarding homes shall:

(a) Notify the department in writing at least thirty days prior to planned 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 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 246-316-020.) (1) The licensee shall:

(a) Comply with the provisions of chapter 18.20 RCW and this chapter;

(b) Maintain and post in a conspicuous place on the boarding home premises:

(i) A current boarding home license; and

(ii) The name, address and telephone number of the department, appropriate resident advocacy groups, and state and local long-term care ombudsman with a brief description of ombudsman services;

(c) Maintain the occupancy level at or below the licensed resident bed capacity of the boarding home;

(d) Cooperate with the department during on-site surveys and investigations;

(e) Respond to a statement of deficiencies by submitting to the department, according to the dates specified on the statement of deficiencies form:

(i) A written plan of correction for each deficiency stated in the report; and

(ii) A progress report of corrections.

(2) An applicant or licensee may contest a disciplinary decision or action of the department according to the

provisions of RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(3) The department shall:

(a) Issue or renew a license when the applicant or licensee and the boarding home facilities meet the requirements in chapter 18.20 RCW and this chapter;

(b) Verify with the state director of fire protection that the boarding home complies with the fire protection standards, chapter 212-12 WAC, before issuing a license;

(c) Evaluate qualifications of individuals named in each license application prior to granting an initial or renewal license;

(d) Conduct unannounced on-site surveys and investigations at any time to determine compliance with chapter 18.20 RCW and this chapter;

(e) Give the administrator a written statement of deficiencies of chapter 18.20 RCW and this chapter observed during on-site surveys and investigations;

(f) Provide the licensee with a licensed room list; and

(g) Deny, suspend, modify, or revoke a boarding home license in accordance with RCW 43.70.115, chapter 34.05 RCW and chapter 246-10 WAC.

(4) The department may:

(a) Deny, suspend, or revoke a boarding home license if the department finds any individual named in the license application unqualified or unable to operate or direct operation of the boarding home according to chapter 18.20 RCW and this chapter; and

(b) Deny, suspend, or revoke a boarding home license if the department finds the applicant, any individual named in the application, or the licensee:

(i) Knowingly or with reason to know, makes false statements of material fact in the application for the license or renewal of the license;

(ii) Obtains or attempts to obtain a license by fraudulent means or misrepresentation;

(iii) Fails or refuses to comply with the requirements of chapter 18.20 RCW or this chapter;

(iv) Fails to meet other applicable state and local regulations;

(v) Had a license to operate an agency for the treatment or care of children, aged, ill, or infirm denied, revoked or suspended;

(vi) Has a record of a criminal or civil conviction for:

(A) Operating an agency for care of aged, children, ill, or infirm without an applicable license; or

(B) Any crime involving physical harm to another individual;

(vii) Commits, permits, aids, or abets an illegal act on boarding home premises;

(viii) Demonstrates cruelty, abuse, negligence, assault, or indifference to the welfare and well-being of a resident;

(ix) Abandons a resident by:

(A) Leaving the resident without the means or ability to obtain food, clothing, shelter, or health care; or

(B) Neglecting to provide thirty days written notice to the department and resident or the resident's representative of intent to close or leave the boarding home;

(x) Fails to exercise fiscal accountability and responsibility involving:

(A) A resident;

(B) The department;

(C) Public agencies; or

(D) The business community;

(xi) Refuses to allow department representatives to examine any part of the licensed premises including records required under this chapter;

(xii) Fails to take immediate corrective action in any instance of cruelty, assault, abuse, neglect, or indifference to the welfare of a resident; or

(xiii) Retaliates against a staff person, resident or other individual for reporting suspected abuse or other alleged improprieties.

(5) The department may summarily suspend a license pending proceeding for revocation or other action if the department determines a deficiency is an imminent threat to a resident's health, safety or welfare.

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

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 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 246-316-045.

(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 this section and WAC 246-316-050.) (1) The licensee shall employ an administrator and designate an alternate administrator who are twenty-one or more years of age, and:

(a) Hold an associate degree in health, personal care, or business administration, such as:

(i) Social work;

(ii) Nursing;

(iii) Nutrition;

(iv) Physical therapy;

(v) Occupational therapy; and

(vi) Management; or

(b) Hold an advanced degree in a field specified in (a) of this subsection; or

(c) Are certified by a department-recognized national accreditation health or personal care organization, such as the American Association of Homes for the Aging; or

(d) Have a high school diploma or equivalent and two years experience as a resident-care staff person, including one year of caring for residents representative of the population in the boarding home; or

(e) Held the position of an administrator in a Washington state licensed boarding home or nursing home prior to July 1, 1994, (anticipated effective date of rules).

(2) The administrator, or alternate administrator when acting as the administrator, shall:

(a) Be responsible for the overall twenty-four-hour-per-day operation of the boarding home; and

(i) Provide for the care of residents; and

(ii) Comply with this chapter and policies of the licensee; and

(b) Be available in person or by telephone or electronic pager at all times.

(3) The administrator and alternate administrator shall meet the requirements for criminal history background checks in WAC 246-316-045.

(4) Upon the appointment of a new administrator or alternate administrator, the licensee shall provide in writing to the department:

(a) The full name of the new administrator or alternate administrator; and

(b) A statement that the new administrator or alternate administrator is in compliance with this chapter.

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

WAC 246-316-050 Staff ((and employees—Other persons living in boarding home)). ((1) Boarding homes shall provide:

(a) Sufficient, trained staff in each boarding home to provide:

(i) Services and care needed by residents;

(ii) Maintenance of the facility for resident health and safety;

(iii) Implementation of fire and disaster plans.

(b) One or more staff aged eighteen years of age or older:

(i) On boarding home premises at all times when residents are present;

(ii) Capable of assisting all residents present in boarding home; and

(c) Staff present and responsible for "on-premises" supervision when any resident is working as staff or employed by the boarding home unless approved in advance by the department;

(d) Orientation and appropriate training of employees and staff pertinent to expected duties including:

(i) Organization of boarding home;

(ii) Physical facility layout;

(iii) Specific duties and responsibilities;

(iv) Policies, procedures, equipment necessary to perform duties as expected, minimally including:

(A) Actions during emergencies;

(B) Actions related to suspected, or alleged abuse, neglect, or accidents involving residents; and

(C) Methods of preventing transmission of infection:

(2) Boarding homes shall require and have staff with resident care duties possessing:

(a) Current first aid cards, unless licensed nurses, from instructors certified by:

(i) American Red Cross; or

(ii) American Heart Association; or

(iii) United States Bureau of Mines; or

(iv) Washington state department of labor and industries.

(b) Current cardiopulmonary resuscitation cards from instructors certified as in subsection (2)(a)(i)(ii), (iii), and (iv) of this section.

(3) Boarding homes shall reassign and/or restrict staff contact with residents when:

(a) Staff have a known communicable disease in the infectious stage; and

(b) The disease is likely to be spread in the boarding home setting or by casual contact.

(4) Boarding homes shall maintain documentation of staff orientation and training pertinent to duties including cardiopulmonary resuscitation and first aid if required in subsection (2)(a) of this section.) (1) The licensee shall:

(a) Develop and maintain written job descriptions for the administrator and each staff position;

(b) Verify work references;

(c) Verify required credentialing is current and in good standing for licensed and certified staff;

(d) Document and retain weekly staffing schedules, as planned and worked, for the last twelve months;

(e) Provide sufficient, trained staff in each boarding home to:

(i) Furnish the services and care needed by residents;

(ii) Maintain the boarding home free of safety hazards; and

(iii) Implement fire and disaster plans;

(f) Assure one or more resident-care staff eighteen years of age or older, with current cardiopulmonary resuscitation and first-aid cards, is present to assist residents at all times:

(i) On the boarding home premises when one or more residents are present;

(ii) Off the boarding home premises during boarding home activities; and

(iii) When staff transport a resident;

(g) Assure staff provide "on-premises" supervision when any resident is working for, or employed by, the boarding home; and

(h) Provide staff orientation and appropriate training for expected duties, including:

(i) Organization of boarding home;

(ii) Physical boarding home layout;

(iii) Specific duties and responsibilities; and

(iv) Policies, procedures, and equipment necessary to perform duties.

(2) The licensee shall, in addition to following WISHA requirements, protect residents from tuberculosis by requiring each staff person to have, upon employment:

(a) A tuberculin skin test by the Mantoux method, unless the staff person:

(i) Documents a previous positive Mantoux skin test, which is ten or more millimeters of induration read at forty-eight to seventy-two hours;

(ii) Documents meeting the requirements of this subsection within the six months preceding the date of employment; or

(iii) Provides a written waiver from the department or authorized local health department stating the Mantoux skin test presents a hazard to the staff person's health;

(b) A second test one to three weeks after a negative Mantoux skin test for staff thirty-five years of age or older;

(c) A chest x-ray within seven days of any positive Mantoux skin test.

(3) The licensee shall report positive chest x-rays to the appropriate public health authority, and follow precautions ordered by a physician or public health authority.

(4) The licensee shall retain records of tuberculin test results, reports of x-ray findings, exceptions, physician or public health official orders, and waivers in the boarding home.

(5) The licensee shall assure that all resident-care staff including those transporting residents and supervising resident activities have, within thirty days of employment:

(a) Current cardiopulmonary resuscitation cards from instructors certified by:

(i) American Red Cross;

(ii) American Heart Association;

(iii) United States Bureau of Mines; or

(iv) Washington state department of labor and industries; and

(b) Current first-aid cards from instructors certified as in (a) of this subsection, except nurses do not need first-aid cards.

(6) The licensee shall restrict a staff person's contact with residents when the staff person has a known communicable disease in the infectious stage which is likely to be spread in the boarding home setting or by casual contact.

(7) The licensee shall assure any staff person suspected or accused of abuse does not have access to any resident until the licensee investigates and takes action to assure resident safety to the satisfaction of the department.

(8) The licensee shall not interfere with the investigation of a complaint, coerce a resident, or conceal evidence of alleged improprieties occurring within the boarding home.

(9) The licensee shall prohibit an employee from being directly employed by a resident or a resident's family during the hours the employee is working for the boarding home.

(10) The licensee shall maintain the following documentation on the boarding home premises, during employment, and at least two years following termination of employment:

(a) Staff orientation and training pertinent to duties, including cardiopulmonary resuscitation, first-aid, tuberculin skin testing and HIV/AIDS training;

(b) Criminal history disclosure and background checks as required in WAC 246-316-045; and

(c) Verification of contacting work references and professional licensing and certification boards as required by subsection (1) of this section.

AMENDATORY SECTION (Amending Order 381, filed 7/26/93, effective 8/26/93)

WAC 246-316-045 Criminal history, disclosure, and background inquiries. (1) ~~(A)~~ The licensee or license applicant shall require a disclosure statement as ~~(specified~~

~~under)~~ defined in RCW 43.43.834 for each prospective employee, volunteer, contractor, student, and any other ~~((person)) individual~~ associated with the ~~((licensed))~~ boarding home having direct contact with~~(:~~

~~(a) Children under sixteen years of age;~~

~~(b))~~ vulnerable adults as defined under RCW 43.43.830~~(; and~~

~~(c) Developmentally disabled individuals).~~

~~(2) ~~(A)~~ The licensee applicant having direct contact with vulnerable adults shall obtain a Washington state patrol criminal history background disclosure statement and submit it to the department either:~~

~~(a) With the initial application for licensure; or~~

~~(b) For current licensees, with the first application for renewal of license submitted after September 1, 1993.~~

~~(3) ~~(A)~~ The licensee or license applicant shall:~~

~~(a) Require a Washington state patrol background inquiry as specified in RCW 43.43.842(1) for each:~~

~~(i) ~~((Employee, volunteer, contractor))~~ Staff person, student, and any other ~~((person)) individual~~ currently associated with the ~~((licensed))~~ boarding home, having direct contact with vulnerable adults, when engaged on or since July 22, 1989; and~~

~~(ii) Prospective ~~((employee, volunteer, contractor))~~ staff person, student, and ~~((person)) individual~~ applying for association with the ~~((licensed facility))~~ boarding home prior to allowing the ~~((person)) individual~~ direct contact with vulnerable adults, except as allowed by subsection (4) of this section;~~

~~(b) Inform each ~~((person)) individual~~ identified in (a) of this subsection of the requirement for a background inquiry;~~

~~(c) Require the ~~((person)) individual~~ to sign an acknowledgement statement that a background inquiry will be made;~~

~~(d) Verbally inform the ~~((person)) individual~~ of the background inquiry results within seventy-two hours of receipt; and~~

~~(e) Offer to provide a copy of the background inquiry results to the ~~((person)) individual~~ within ten days of receipt.~~

~~(4) ~~(A)~~ The licensee may conditionally employ, contract with, accept as a volunteer or associate, ~~((a person))~~ an individual having direct contact with vulnerable adults pending a background inquiry, provided the licensee:~~

~~(a) Immediately obtains a disclosure statement from the ~~((person)) individual~~; and~~

~~(b) Requests a background inquiry within three business days of the conditional acceptance of the ~~((person)) individual~~.~~

~~(5) Except as provided in RCW 43.43.842 and in subsection (4) of this section, a licensee shall not hire or retain, directly or by contract, any ~~((person)) individual~~ having direct contact with vulnerable adults, if that ~~((person)) individual~~ has been:~~

~~(a) Convicted of a crime against ~~((persons)) individuals~~ as defined in RCW 43.43.830;~~

~~(b) Convicted of a crime relating to financial exploitation ~~((of a vulnerable adult))~~ as defined in RCW 43.43.830;~~

~~(c) Found in any disciplinary board final decision to have abused a vulnerable adult under RCW 43.43.830; or~~

~~(d) The subject in a protective proceeding under chapter 74.34 RCW.~~

(6) The licensee shall establish and implement procedures ensuring that all disclosure statements and background inquiry responses are:

- (a) Maintained in a confidential and secure manner;
- (b) Used for employment purposes only;
- (c) Not disclosed to any ~~((person))~~ individual except:
 - (i) The ~~((person))~~ individual about whom the licensee made the disclosure or background inquiry;
 - (ii) Authorized state and federal employees; and
 - (iii) The Washington state patrol auditor~~(-)~~; and
 - (d) Retained and available for department review ~~((during and at least two years following termination of employment))~~;

(i) During the individual's employment or association with a facility; and

(ii) At least two years following termination of employment or association with a facility.

(7) The department shall:

- (a) Review records required under this section;
- (b) Investigate allegations of noncompliance with RCW 43.43.830 through 43.43.842, when necessary, in consultation with law enforcement personnel; and
- (c) Use information collected under this section solely for the purpose of determining eligibility for licensure or relicensure as required under RCW 43.43.842.

(8) The department may require licensees to complete additional disclosure statements or background inquiries for ~~((a person))~~ an individual associated with the licensed ~~((facility))~~ boarding home having direct contact with vulnerable adults if the department has reason to believe that offenses specified under RCW 43.43.830 have occurred since completion of the previous disclosure statement or background inquiry.

NEW SECTION

WAC 246-316-055 Policies and procedures. (1) The licensee shall establish and observe the following written policies and procedures, consistent with this chapter:

(a) Accepting and retaining of residents, including specific policies, if any, for accepting or retaining residents needing state income assistance;

(b) Anti-discrimination;

(c) Limited nursing services consistent with WAC 246-316-265;

(d) Health care services arranged by a resident under the provisions of WAC 246-316-268, specifying the types of services allowed in the boarding home;

(e) Infection control, including:

(i) Cleaning and disinfecting toilets, bathing fixtures, floors, furniture, and common areas;

(ii) Cleaning resident rooms and furnishings;

(iii) Handwashing;

(iv) Managing staff and residents with communicable disease;

(v) Reporting communicable diseases in accordance with the requirements in chapter 246-100 WAC;

(vi) Handling and storing supplies and equipment used for resident services;

(vii) Infectious waste disposal;

(viii) Bloodborne pathogens in accordance with chapter 296-62 WAC; and

(ix) Laundry and handling of soiled and clean linens;
 (f) Supervising and monitoring residents;
 (g) Managing aggressive, assaultive residents, including but not limited to:

(i) Controlling violent residents; and

(ii) When and how to seek outside intervention;

(h) Food services, including but not limited to:

(i) Food service sanitation;

(ii) Procuring and storing food;

(iii) Meal times;

(iv) Modified diets;

(v) Food preparation;

(vi) Nutritive supplements; and

(vii) Food and meal substitution;

(i) Maintaining resident records and register;

(j) Medication services for each service category offered in the boarding home;

(k) Boarding home safety;

(l) Adult day care;

(m) Care of residents with special care needs, delineating special services required;

(n) Emergency medical care and first-aid, including:

(i) Major emergencies;

(ii) Minor emergencies; and

(iii) Staff actions upon finding a resident not responsive to appropriate stimuli;

(o) Death of a resident;

(p) Suspected abuse, neglect, or exploitation including but not limited to:

(i) Reporting requirements, including:

(A) Immediate notification of the department, and notification of police according to chapters 26.44 and 74.34 RCW; and

(B) Responsibility of staff to contact the department directly regarding suspected or alleged abuse or other improprieties, without retaliation from the licensee or administrator;

(ii) Protocol to protect residents according to WAC 246-316-050(7);

(iii) Additional steps to take in the event of suspected rape or sexual abuse, including:

(A) Immediate medical examination of the alleged victim, with prior notice to the examining physician that the patient may have been raped or sexually abused;

(B) Arranging for a counselor or other professional knowledgeable in the field of rape and sexual assault to question or interview the resident, and provide counseling or intervention, when appropriate; and

(C) Allowing only staff with special training in the field of rape and sexual assault to question the victim or the suspected perpetrator regarding the alleged incident, unless the department, police or prosecutor's office instructs otherwise;

(q) Protecting residents and maintaining living accommodations during internal and external disasters, such as fires, explosions, earthquakes, flooding, hazardous environmental contamination, and other events that jeopardize the safety of residents, describing:

(i) On-duty staff responsibilities;

(ii) Provisions for summoning emergency assistance;

(iii) Plans for evacuating residents from area or building;

- (iv) Alternative resident accommodations;
 - (v) Provisions for essential resident needs, supplies and equipment; and
 - (vi) Emergency communication plan;
 - (r) Advance directives as described in chapter 70.122 RCW, Natural Death Act;
 - (s) Resident's temporary absence from the boarding home;
 - (t) Confidentiality of resident information;
 - (u) Criminal history background checks in accordance with WAC 246-316-045.
 - (v) Resident trust funds; and
 - (w) Smoking, including means to protect nonsmokers.
- (2) The licensee shall make the policies and procedures specified in subsection (1) of this section available to staff at all times and residents and residents' representatives upon request.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-060 HIV/AIDS education and training. (~~Boarding homes shall:~~

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

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

(1) Verify or arrange appropriate education and training of staff within thirty days of employment 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:

(a) The approved curriculum manual *KNOW - HIV/AIDS Prevention Education for Health Care Facility Employees*, January 1991, subsequent editions published by the department; and

(b) WAC 296-62-08001, Bloodborne pathogens implementing WISHA.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

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) Sealed 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; 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.) (1) The licensee shall comply with chapter 31 of the Washington State Building Code for all construction.

(2) Prior to starting new construction, the licensee shall submit the following documentation to the department:

(a) A completed application form, a copy of which is provided in the *Submissions Guide for Health and Residential Facility Construction Projects*, which may be obtained from the department;

(b) The fee as determined from the fee schedule provided in the *Submissions Guide for Health and Residential Facility Construction Projects*;

(c) A functional program which describes the services and operational methods affecting the boarding home building, premises, and residents;

(d) One set of preliminary documents including, when applicable:

(i) Plot plans drawn to scale showing:

(A) Streets, driveways, parking, vehicle and pedestrian circulation;

(B) Site utilities, water service system, sewage disposal system, electrical service system, elevations; and

(C) Location of existing and new buildings and other fixed equipment;

(ii) Building plans drawn to scale showing:

(A) Floor plans designating function of each room and fixed equipment;

(B) Typical building sections and exterior elevations;

(iii) Outline specifications generally describing the construction and materials including mechanical and electrical systems; and

(e) Three sets of final construction drawings, stamped by a Washington state licensed architect or engineer, complying with the requirements of this chapter including, when applicable:

(i) Plot plans drawn to scale showing all items required in the preliminary plan in final form;

(ii) Building plans drawn to scale showing:

(A) Floor plans designating function of each room and fixed equipment;

(B) Interior and exterior elevations;

(C) Building sections and construction details;

(D) Schedules of room finishes, doors, finish hardware and windows;

(E) Mechanical, including plumbing, heating, venting and air conditioning; and

(F) Electrical, including lighting, power, and communication systems; and

(iii) Specifications fully describing the workmanship and finishes;

(f) Three copies of specifications, radiant panel and smoke density test reports for each carpet type used in corridors and exitways;

(g) Three copies of fire sprinkler system shop drawings, hydraulic calculations and equipment specifications, stamped by the fire sprinkler contractor; and

(h) Three copies of fire alarm system shop drawings and equipment specifications.

(3) The licensee shall:

(a) Obtain department approval of final construction documents prior to starting construction;

(b) Conform with the approved plans during construction;

(c) Consult with the department prior to deviating from approved documents;

(d) Provide a written construction project completion notice to the department indicating:

(i) The expected completion date; and

(ii) Compliance with the approved construction documents, requirements of chapter 18.20 RCW and this chapter;

(e) Make adequate provisions for the health, safety and comfort of residents during construction projects;

(f) Obtain authorization from the department prior to occupying or using new construction; and

(g) Obtain approval of the Washington state fire protection services division prior to new construction, modification, and alteration consistent with RCW 18.20.130.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-080 Communication system. (~~Boarding homes shall provide:~~

~~(1) One or more nonpay telephones in each building located for ready access by staff;~~

~~(2) Interooms, phone extensions, or other means of communications as required for maintaining resident safety;~~

~~(3) Resident access to one or more pay or nonpay telephones on the premises.)) (1) The licensee shall provide one or more nonpay telephones:~~

~~(a) In each building located for ready access by staff;~~

~~and~~
~~(b) On the premises for reasonable access and privacy by residents.~~

~~(2) By July 1, 1994, a licensee with a boarding home exceeding four thousand square feet total floor area, more than one building, or more than one floor shall have a means for staff and residents to communicate by voice or call system, which may be wired or wireless, from all common areas and corridors to on-duty staff in an emergency.~~

~~(3) The licensee shall have a mechanism in the room of, and easily accessible to, each resident whose medical or physical condition does not enable the resident to otherwise summon staff for assistance.~~

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-316-090 Water supply. (~~Boarding homes shall:~~

~~(1) Provide a water supply system and water meeting requirements described in chapter 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 246-316-190; and~~

~~(7) Meet dishwashing machine requirements in WAC 246-316-170.)~~ The licensee shall:

(1) Provide water meeting the provisions of chapter 246-290 WAC;

(2) Maintain the boarding home water systems free of cross-connections;

(3) Provide hot and cold water under adequate pressure readily available throughout the boarding home;

(4) Provide all sinks and bathing fixtures used by residents with hot water between one hundred five and one hundred twenty degrees Fahrenheit at all times;

(5) Label or color code nonpotable water supplies "unsafe for domestic use"; and

(6) Meet laundry and dishwashing water temperature requirements of this chapter.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

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 246-272 WAC on-site sewage disposal or chapter 173-240 WAC.) The licensee shall:

(1) Ensure all sewage and waste water drain into a municipal sewage disposal system if available; or

(2) Provide on-site sewage disposal systems designed, constructed, and maintained as required by chapter 246-272 WAC, chapter 173-240 WAC, and local ordinances.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-110 Garbage and refuse disposal. ((Boarding homes shall:

(1) Provide garbage containers which are:

(a) In a suitable location or storage area;

(b) Sufficient in number;

(c) Constructed to be nonabsorbent and water tight;

(d) Appropriately maintained; and

(e) Cleaned frequently to prevent presence of vectors, odors, and other nuisances.

(2) Dispose of garbage and wastes at sufficient frequent intervals to prevent hazards and nuisances; and

(3) Assure final disposal of garbage and refuse by use of authorized garbage collection services or other department approved methods.) The licensee shall:

(1) Provide an adequate number of garbage containers to store refuse generated by the boarding home:

(a) Located in a storage area convenient for resident and staff use;

(b) Constructed of nonabsorbent material;

(c) Cleansed and maintained to prevent:

(i) Entrance of insects, rodents, birds, or other pests;

(ii) Odors; and

(iii) Other nuisances;

(2) Provide only noncombustible waste containers in common use areas;

(3) Assure garbage and waste containers are emptied frequently to prevent hazards and nuisances;

(4) Use safe and sanitary garbage collection and disposal practices; and

(5) Use appropriate containers and collection/disposal services if infectious wastes are generated.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-120 Lighting. ((Boarding homes shall maintain light fixtures and lighting to provide for comfort and safety of residents minimally to include an intensity of:

(1) Five foot-candles of light measured thirty inches from the floor in all areas;

(2) Thirty foot-candles of light measured at reading, work, and recreation surfaces in any room or area used by residents for reading, work, and recreation; and

(3) Ten foot-candles of light measured thirty inches from the floor in toilet rooms and bathrooms.) The licensee shall maintain electric light fixtures and lighting necessary for the comfort and safety of residents, with minimum intensities of:

(1) Five foot-candles of light measured thirty inches from the floor in all areas;

(2) Thirty foot-candles of light measured at reading, work, and recreation surfaces in any room or area used by residents for reading, work, or recreation; and

(3) Ten foot-candles of light measured thirty inches from the floor in toilet rooms and bathrooms.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-130 Heating—Temperature. ((Boarding homes shall:

(1) Equip each resident occupied building with an approved heating system capable of maintaining a healthful temperature for residents;

(2) Prohibit use of portable space heaters unless approved, in writing, by the Washington state director of fire protection; and

(3) Maintain a temperature during sleeping hours no less than 60° Fahrenheit and no less than 68° Fahrenheit during waking hours except when:

(a) A room is designated for activities requiring physical exertion; or

(b) Individual residents can control temperature in their own unit, independent from other areas.) The licensee shall:

(1) Equip each resident-occupied building with an approved heating system which maintains a minimum temperature of:

(a) Sixty degrees Fahrenheit during sleeping hours; and

(b) Sixty-eight degrees Fahrenheit during waking hours, except when:

(i) A room is designated for activities requiring physical exertion; or

(ii) Residents can control temperature in their own units, independent from other areas;

(2) Equip each resident-occupied building with a mechanical air cooling system or equivalent in communities

where the design dry bulb temperature exceeds eighty-five degrees Fahrenheit for one hundred seventy-five hours per year or two percent of the time, as specified in the latest edition of "Recommended Outdoor Design Temperatures—Washington State," published by Puget Sound chapter of American Society of Heating, Refrigeration, and Air-Conditioning Engineers; and

(3) Prohibit the use of portable space heaters unless approved in writing by the Washington state director of fire protection.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-140 Ventilation. ((Boarding homes shall:

(1) Ventilate rooms to prevent excessive odors or moisture;

(2) Designate and maintain appropriately ventilated smoking areas to prevent air contamination throughout the facility if smoking is permitted in a boarding home;

(3) Provide insect screens for operable windows or openings serving for ventilation; and

(4) Avoid using a type of screen which might restrict or hinder escape or rescue in emergencies if a screen is used in a fire or emergency exit opening.)) The licensee shall:

(1) Ventilate rooms to:

(a) Provide adequate air circulation without drafts;

(b) Prevent excessive odors or moisture; and

(c) Remove smoke;

(2) Designate and ventilate smoking areas, if smoking is permitted in the boarding home, to prevent air contamination throughout the boarding home;

(3) Provide sixteen mesh screens on operable windows and on openings used for ventilation; and

(4) Prohibit screens that may restrict or hinder escape or rescue through emergency exit openings.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

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 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.

(e) 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 246-316-070 (3)(a)(iv).)~~

(1) The licensee shall provide each resident sleeping room or area, except as permitted in subsection (3) of this section, with:

(a) Eighty or more square feet of usable floor space in a one-person room or area;

(b) Seventy or more square feet of usable floor space per individual in a room occupied by two or more individuals;

(c) A minimum ceiling height of seven feet six inches over all square footage considered usable floor space;

(d) A maximum room occupancy of:

(i) Four individuals if the boarding home was licensed before July 1, 1989, and licensed continuously thereafter; and

(ii) Two individuals if the boarding home applied for initial licensure or to increase the number of resident sleeping rooms after June 30, 1989;

(e) Room identification and resident capacity consistent with the licensed room list;

(f) Unrestricted direct access to a hallway, living room, outside, or other common-use area;

(g) One or more outside windows with:

(i) A total clear glass area equal to at least one-tenth of the room area;

(ii) Minimum area of ten square feet;

(iii) Window sills no more than three feet eight inches from the floor; and

(iv) Window sills at or above grade, with grade extending horizontally ten or more feet from the building;

(v) Easy operation if necessary for fire exit or ventilation; and

(vi) Adjustable curtains, shades, blinds, or equivalent for visual privacy;

(h) One or more duplex electrical outlets per bed if the boarding home was initially licensed after July 1, 1983;

(i) A light control switch located by the entrance for a light fixture in the room;

(j) Lighting at bedside when requested by a resident;

(k) One or more noncombustible waste containers, and no combustible waste containers;

(l) An individual towel and washcloth rack or equivalent;

(m) When requested by the resident, a locked drawer, cupboard or other secure space measuring at least one-half cubic foot with a minimum dimension of four inches;

(n) Storage facilities in or immediately adjacent to the resident's sleeping room to adequately store a reasonable quantity of clothing and personal possessions;

(o) A comfortable bed, thirty-six or more inches wide, appropriate for size, age and physical condition of the resident and room dimensions, including but not limited to:

(i) Standard household bed;

(ii) Studio couch;

(iii) Hide-a-bed;

(iv) Day bed; or

(v) Water bed, if structurally and electrically safe;

(p) A bed mattress which:

(i) Fits the bed frame;

(ii) Is in good condition; and

(iii) Is at least four inches thick unless otherwise requested or necessary for resident health or safety;

(q) Beds spaced at least three feet from other beds unless otherwise requested by all affected residents;

(r) One or more comfortable pillows;

(s) Bedding, in good repair, changed weekly or more often as necessary to maintain cleanliness;

(t) Clean towels and washcloths provided weekly or more often as necessary to maintain cleanliness; and

(u) A sturdy, comfortable chair, appropriate for the age and physical condition of the resident.

(2) The licensee shall not allow the use of a resident room for a passageway or corridor.

(3) The licensee may, upon a resident's request, permit the resident to use personal furniture and furnishings when such usage does not jeopardize the health and safety of any resident.

(4) The licensee shall:

(a) Document the functional ability of each resident to use cooking facilities safely; and

(b) Limit access to cooking facilities by any resident deemed by the licensee unable to cook safely.

(5) The licensee may use or allow use of carpets and other floor coverings when:

(a) Securely fastened to the floor or provided with nonskid backing; and

(b) Kept clean and free of hazards such as curling edges or tattered sections.

(6) The licensee shall, prior to the purchase and installation of carpeting, submit samples to the department for approval in accordance with WAC 246-316-070.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-160 Toilet rooms and ((bathing facilities)) bathrooms. ((1) Unless a private toilet and bathing facility is provided for exclusive use in each resident living unit, boarding homes shall provide common use facilities for residents, staff, and others as follows including:

(a) At least one toilet and one lavatory available in a ratio of one toilet and lavatory for each eight or fewer persons;

~~(b) Toilet rooms containing more than one toilet reserved for use by one sex;~~

~~(c) No more than one toilet in a room containing a bathing facility to be counted as a required toilet;~~

~~(d) A lavatory located in:~~

~~(i) Each toilet room; or~~

~~(ii) A directly adjacent adjoining lounge, dressing room, locker room, or other suitable common-use area; or~~

~~(iii) A resident's room if the toilet room opens into resident's room.~~

~~(e) Lavatories equipped with:~~

~~(i) Suitable mirrors;~~

~~(ii) Soap; and~~

~~(iii) Single use or disposable towels, blower, or equivalent hand-drying device.~~

~~(f) Bathing facilities and toilets for resident use located where:~~

~~(i) Reasonable access is possible from a common hall or area for all residents living on the same level or floor;~~

~~(ii) Residents served live on same floor or level as toilet;~~

~~(iii) Residents served live on same floor or level as bathing facility or no more than one floor or level up or down;~~

~~(iv) Resident access is possible without passage through facility kitchen, pantry, food preparation, food storage, or dishwashing area; and~~

~~(v) Access occurs without passage from one bedroom through another bedroom.~~

~~(g) At least one bathing facility for every twelve or fewer persons; and~~

~~(h) Bathrooms containing more than one bathing facility reserved for use by one sex only.~~

~~(2) General requirements for all resident toilets, bathing facilities, and lavatories:~~

~~(a) Bathing facilities designed to meet the needs of residents living in the facility;~~

~~(b) Toilets and bathroom facilities equipped with:~~

~~(i) Water resistant, smooth, low gloss, nonslip, and easily cleanable materials;~~

~~(ii) Walls washable to height of splash or spray;~~

~~(iii) Suitable numbers of grab bars installed and located to minimize accidental falls including:~~

~~(A) At least one grab bar installed at each bathing facility; and~~

~~(B) Grab bars at toilets if needed by residents.~~

~~(iv) Sanitarily designed plumbing fixtures in good repair with clean, nonabsorbent toilet seats free of cracks;~~

~~(v) Adequate lighting;~~

~~(vi) A suitable mirror at each lavatory; and~~

~~(vii) Adequate ventilation to outside.)) (1) The licensee shall provide private or common-use toilet rooms and bathrooms meeting the needs of residents.~~

~~(2) The licensee shall provide each toilet room and bathroom with:~~

~~(a) Water resistant, smooth, low gloss, nonslip and easily cleanable materials;~~

~~(b) Washable walls to the height of splash or spray;~~

~~(c) Grab bars installed and located to minimize accidental falls including one or more grab bars at each:~~

~~(i) Bathing fixture; and~~

~~(ii) Toilet, if needed by residents;~~

(d) Plumbing fixtures designed for easy cleaning and kept in good repair;

(e) Clean, nonabsorbent toilet seats free of cracks;

(f) Handwashing sinks;

(g) Suitable mirrors with adequate lighting for general illumination; and

(h) Adequate ventilation to outside.

(3) For boarding homes approved for construction or initially licensed after July 1, 1994, the licensee shall provide a toilet and handwashing sink in, or adjoining, each bathroom.

(4) A licensee providing common-use toilet rooms and bathrooms shall:

(a) Provide a minimum of one toilet and one handwashing sink for each eight individuals or fraction thereof, with two or more toilets contained in a single bathroom counted as one toilet;

(b) Provide a minimum of one bathing fixture for every twelve individuals or fraction thereof;

(c) Designate toilet rooms containing more than one toilet for use by one sex at a time;

(d) Designate bathrooms containing more than one bathing fixture for use by one sex at a time;

(e) Provide a handwashing sink with soap and single use or disposable towels, blower or equivalent hand-drying device in each toilet room;

(f) Provide reasonable access to bathrooms and toilet rooms for each resident by:

(i) Locating a toilet room on the same floor or level as the sleeping room of the resident served;

(ii) Locating a bathroom on the same floor or level, or adjacent floor or level, as the sleeping room of the resident served; and

(iii) Providing access without passage through any kitchen, pantry, food preparation, food storage, or dishwashing area, or from one bedroom through another bedroom.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

WAC 246-316-170 Food and nutrition services. ((+) Boarding homes shall maintain food service facilities and practices required in chapter 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.)) (1) The licensee shall maintain food service facilities on site in compliance with chapter 246-215 WAC, food service sanitation, except the licensee may:~~

~~(a) Serve home-canned jams, jellies and fruit with a pH of less than 4.6; and~~

~~(b) In boarding homes with sixteen or fewer beds, use domestic or home-type kitchen appliances including mechanical dishwashers, provided the licensee:~~

~~(i) Operates appliances according to manufacturer directions; and~~

~~(ii) Uses water heated to one hundred fifty-five degrees Fahrenheit or more in dishwashers.~~

~~(2) The licensee shall:~~

~~(a) Provide a minimum of three meals a day at regular intervals, with fourteen or fewer hours between the evening meal and breakfast, unless the licensee provides a nutritious snack between the evening meal and breakfast;~~

~~(b) Provide sufficient time for residents to consume meals; and~~

~~(c) Ensure all menus:~~

~~(i) Are written at least one week in advance;~~

~~(ii) Indicate the date, day of week, month and year;~~

~~(iii) Include all food and snacks served that contribute to nutritional requirements;~~

~~(iv) Are retained at least six months;~~

~~(v) Provide a variety of foods; and~~

~~(vi) Are not repeated for at least three weeks;~~

~~(d) Prepare palatable, attractively served meals and nourishments that meet the current recommended dietary allowances of the National Research Council, 1989, adjusted for:~~

~~(i) Age, sex and activities, unless medically contraindicated; and~~

~~(ii) Individual and ethnic preferences to the extent reasonably possible;~~

~~(e) Substitute foods, when necessary, of comparable nutrient value and record changes on the menu; and~~

~~(f) Maintain a dining area approved by the department with a seating capacity for fifty percent or more of the residents per meal setting.~~

~~(3) The licensee 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) Nutrient concentrates and supplements only when prescribed in writing by a health care practitioner.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-180 Day rooms. ((~~Boarding homes shall provide day room area or areas for residents to participate in social, recreational, and diversional activities. Boarding homes shall provide in the day room area or areas:~~

~~(1) Comfortable furniture and furnishings to meet resident needs;~~

~~(2) Heat and light appropriate for the comfort of residents;~~

~~(3) Floor space of no less than one hundred fifty square feet or ten square feet per resident, whichever is larger. Such total area may include:~~

~~(a) Solariums;~~

~~(b) Enclosed sun porches;~~

~~(c) Recreation rooms;~~

~~(d) Dining rooms; and~~

~~(e) Living rooms.~~

~~(4) Floor space of no less than one hundred fifty square feet or twenty square feet per resident, whichever is larger, for boarding homes newly licensed after December 31, 1988.)) (1) The licensee shall provide one or more day room areas for residents to participate in social and recreational activities. Day room areas include, but are not limited to:~~

~~(a) Solariums;~~

~~(b) Enclosed sun porches;~~

~~(c) Recreation rooms;~~

~~(d) Dining rooms; and~~

~~(e) Living rooms.~~

~~(2) The licensee shall provide a total minimum floor space for day room areas of:~~

~~(a) One hundred fifty square feet, or ten square feet per resident, whichever is larger, in boarding homes licensed on or before December 31, 1988; or~~

~~(b) One hundred fifty square feet, or twenty square feet per resident, whichever is larger, in boarding homes licensed after December 31, 1988.~~

~~(3) The licensee shall provide day room areas with comfortable furniture and furnishings meeting resident needs.~~

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-190 Laundry. (((~~1) Boarding homes shall provide or make provision for appropriate handling, cleaning, and storage of linen and washable goods.~~

~~(2) When facility and/or commingled personal resident laundry is washed on the premises, boarding homes shall~~

~~provide, maintain, and appropriately equip a laundry room including:~~

- ~~(a) Washing machines with hot water intake temperature of 140° Fahrenheit for each load;~~
- ~~(b) Means of separating clean and soiled items; and~~
- ~~(c) Soiled laundry and linen storage and sorting areas in rooms other than those used for open food storage, food preparation, or food service.))~~ (1) The licensee shall provide laundry and linen services on the premises or by commercial laundry and provide appropriate handling, cleaning, and storage of linen and washable goods.

(2) A licensee washing boarding home laundry and residents' laundry in a single load or washing more than one resident's laundry in a single load, shall provide, maintain and equip a laundry room with:

- (a) Washing machines with hot water intake temperature of one hundred forty degrees Fahrenheit for each load; and
- (b) A means of separating clean and soiled items.
- (3) A licensee or resident washing a resident's personal laundry, separate from other laundry, may wash at temperatures below one hundred forty degrees Fahrenheit.
- (4) The licensee shall ventilate, to the outside, laundry rooms and areas.
- (5) The licensee shall locate laundry equipment in rooms other than those used for open food storage, food preparation or food service.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

~~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 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.))~~ The licensee shall:

- (1) Provide adequate storage space for supplies, equipment and linens;
- (2) Provide separate, locked storage for disinfectants and poisonous compounds to prevent access by residents; and
- (3) Maintain storage space to prevent fire or safety hazards.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

~~WAC 246-316-210 Stairs—Ramps. ((Boarding homes providing stairways or ramps for resident use shall maintain:~~

- ~~(a) Nonskid surfaces;~~
- ~~(2) Step treads at least nine inches deep (run) and a maximum of eight inches high (rise); and~~
- ~~(3) Ramps with a maximum slope of one to twelve (vertical to horizontal), as needed for resident safety.))~~ The licensee shall:
 - (1) Maintain nonskid surfaces on all stairways and ramps used by residents; and

(2) Construct and maintain stairs and ramps in compliance with current Washington state building code requirements.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

~~WAC 246-316-220 Guardrails((§)—Handrails. (((+ Boarding homes shall install and maintain sturdy handrails located:~~

- ~~(a) In halls and corridors if conditions indicate a need;~~
- ~~(b) On each side of interior and exterior stairways unless rail installation on one side:~~
 - ~~(i) Maintains safety of residents; and~~
 - ~~(ii) Is approved in writing by the department.~~
- ~~(c) In stairways with more than one step riser; and~~
- ~~(d) On each side of interior and exterior ramps.~~
- ~~(2) The department may require a boarding home to install guardrails if safety of residents is jeopardized.))~~ (1) The licensee shall install and maintain sturdy handrails according to Washington state building code requirements, located:
 - (a) In halls and corridors if necessary for resident safety;
 - (b) On each side of interior and exterior stairways with more than one step riser, unless the department approves in writing having a handrail on one side only; and
 - (c) On each side of interior and exterior ramps with slopes greater than one to twenty.
- (2) The licensee shall install guardrails if the department determines guardrails are necessary for resident safety.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

~~WAC 246-316-230 Maintenance and housekeeping. ((Boarding homes shall provide maintenance and housekeeping including:~~

- ~~(1) Safe and sanitary exterior grounds, boarding home structure, and component parts;~~
- ~~(2) Clean facilities, equipment, and furnishings in good repair;~~
- ~~(3) Safe and sanitary conditions in resident bedrooms;~~
- ~~(4) Provision for maintaining each resident bedroom if a resident does not keep his or her room clean and safe;~~
- ~~(5) Absence of safety hazards;~~
- ~~(6) A utility sink or equivalent means of obtaining and disposing of mop water away from areas used in food preparation and food service; and~~
- ~~(7) Storage for wet mops in areas:~~
 - ~~(a) mechanically ventilated; or~~
 - ~~(b) Ventilated to outside air.))~~ The licensee shall:
 - (1) Provide a safe, sanitary and well maintained environment for residents;
 - (2) Keep exterior grounds, boarding home structure, and component parts safe, sanitary and in good repair;
 - (3) Keep facilities, equipment and furnishings clean and in good repair;
 - (4) Assure each resident or staff person maintains the resident's quarters in a safe and sanitary condition;
 - (5) Equip a housekeeping supply area with:
 - (a) A utility sink or equivalent means of obtaining and disposing of mop water away from food preparation and service areas;

- (b) Storage for wet mops, ventilated to outside air;
and
(c) Locked storage for cleaning supplies.

AMENDATORY SECTION (Amending Order 224 [WSR 94-01-058], filed 12/23/91 [12/8/93], effective 1/23/92 [1/8/94])

WAC 246-316-240 (~~(Admission, placement and retention of)~~) **Criteria for accepting and retaining 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 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 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.) (1) The licensee shall evaluate the ability of staff and facilities to meet a prospective resident's housing, domiciliary and nursing care needs, based on:~~

~~(a) Space, equipment and furniture requirements;~~

~~(b) General behavior including the tendency to wander, fall, act verbally or physically abusive or socially inappropriate;~~

~~(c) Current medication status and need for assistance in obtaining or administering medications;~~

~~(d) Height, weight and age;~~

~~(e) Functional abilities, including but not limited to:~~

~~(i) Ambulatory status and need for mobility aides;~~

~~(ii) Mental status and behavioral problems;~~

~~(iii) Ability to perform activities of daily living independently or with assistance; and~~

~~(iv) Conditions requiring staff monitoring or care of the resident.~~

~~(2) If the licensee accepts residents requiring limited nursing services, in addition to the information specified in subsection (1) of this section, the licensee shall consider:~~

~~(a) Medical diagnosis;~~

~~(b) Blood pressure;~~

~~(c) Any chewing, swallowing, mouth and dental problems and treatments;~~

~~(d) Any infections, skin rashes, ulcers and open lesion problems and treatments;~~

~~(e) Appetite and hydration status;~~

~~(f) Need for chemotherapy, radiation and dialysis; and~~

~~(g) Any urethral catheter use and type.~~

~~(3) The licensee shall accept and retain an individual as a resident only when:~~

~~(a) The individual is ambulatory unless the boarding home is approved by the Washington state director of fire protection to care for semi-ambulatory or nonambulatory residents;~~

~~(b) The individual does not need medical or nursing care exceeding that allowed by WAC 246-316-265 and 246-316-268;~~

~~(c) A nonsmoking individual can be accommodated with a smoke-free room and smoke-free common-use areas;~~

~~(d) A smoking individual can be accommodated by areas meeting the requirements in WAC 246-316-140(2);~~

~~(e) The individual can be accommodated by:~~

~~(i) The physical plant, facilities and spaces;~~

~~(ii) Furniture and equipment;~~

~~(iii) Staff who are available and sufficient to provide the type of domiciliary care required and desired by the individual; and~~

~~(iv) Staff who are available and sufficient to provide limited nursing services, as required by the individual, if the boarding home provides such services;~~

~~(f) The appropriate medication service type pursuant to RCW 18.20.160 and WAC 246-316-300 is available in the boarding home; and~~

~~(g) The individual meets the acceptance criteria defined in the boarding home policies and procedures.~~

- (4) The licensee shall not accept or retain individuals:
 - (a) Exhibiting continuing overt acts which present a risk of harming self or others, including but not limited to self-mutilation, suicide attempts, and hitting or striking out at others;
 - (b) Having major areas of skin breakdown and open wounds; or
 - (c) Whose needs can only be met by inpatient care in a hospital, nursing home, or other facility licensed under chapter 18.51, 71.12, or 70.41 RCW; and
- (5) Upon admitting a resident, the licensee shall document in the resident's health record, the resident's choice regarding:
 - (a) Definite arrangements with a health care practitioner; and
 - (b) The identity of individuals to contact in case of an emergency, illness or death.

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

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-250 Boarding home resident rights. (~~Boarding homes shall assure each resident maintains the following rights in addition to any rights not specifically withheld by law insofar as a general or specific nuisance or a danger to the individual or others is not created:~~

- (1) Rights to:
 - (a) ~~Be informed or to have a resident designated agent informed of resident rights and the policies of the facility at the time of admission;~~
 - (b) ~~Have a written copy of resident rights and policies with verification of date of receipt in the resident's file or available elsewhere in the facility;~~
 - (c) ~~Be treated in a manner respecting individual identity, human dignity, and fostering constructive self-esteem;~~
 - (d) ~~Be notified thirty days in advance if transfer is necessary for medical or nursing care, resident well-being, or welfare of other residents, unless:~~
 - (A) ~~An emergency condition requires immediate transfer; or~~
 - (B) ~~Resident does not abide by written boarding home policy affecting health and safety of self or others; or~~
 - (C) ~~Orderly transfer or discharge is enhanced for the resident by earlier transfer.~~
- (2) Rights to:
 - (a) ~~Have any notice of transfer and discharge documented in resident's record;~~
 - (b) ~~Associate, visit, and communicate privately with persons of his or her choice;~~
 - (c) ~~Send and receive uncensored correspondence through the mail;~~
 - (d) ~~Have reasonable access to a telephone for making and receiving personal calls;~~
 - (e) ~~Manage personal financial affairs unless adjudicated incompetent in a court proceeding directed to that particular issue;~~
 - (f) ~~Retain and use personal clothing and possessions unless to do so would infringe upon the rights of other residents;~~

- (g) ~~Refuse to perform services for the facility unless these services are included in a plan of care;~~
 - (h) ~~Voice grievances and recommend changes in policies and services to the facility staff and to outside representatives of his or her choice free from restraint, interference, coercion, discrimination or reprisal;~~
 - (i) ~~Be informed of telephone numbers and address of the licensing agent or appropriate advocacy group;~~
 - (j) ~~Meet with and participate in activities of social, religious, and community groups at his or her discretion;~~
 - (k) ~~Freedom from physical, chemical, and psychological restraints unless authorized by law;~~
 - (l) ~~Freedom from exploitation, assault, abuse, and neglect;~~
 - (m) ~~Access information in own record or provide written authorization for a designated agent to access record;~~
 - (n) ~~Confidential treatment of information contained in resident health records with access only by authorized persons and those persons authorized by the department;~~
 - (o) ~~Receive timely notice of changes in policy and procedures affecting residents; and~~
 - (p) ~~Be informed of facility rules, including smoking rules and location of smoking and nonsmoking areas.)~~
- The licensee shall comply with Engrossed Second Substitute House Bill No. 2154, Laws of 1994.

AMENDATORY SECTION (Amending Order 121 [WSR 94-01-058], filed 12/27/90 [12/8/93], effective 1/31/91 [1/8/94])

WAC 246-316-260 ((Boarding home)) Resident services. (~~(1) Boarding homes shall:~~

- (a) ~~Observe and note changes in physical, mental, and emotional functioning; and~~
- (b) ~~Assist with arrangements for appropriate transfer as needed.~~
- (2) ~~Boarding homes shall provide basic domiciliary care including, but not limited to:~~
 - (a) ~~Assisting each resident to maintain his or her highest functional ability possible and compatible with individual safety and welfare;~~
 - (b) ~~Providing general health supervision if required by resident including:~~
 - (i) ~~Encouraging resident to self-administer medically prescribed drugs and treatment;~~
 - (ii) ~~Encouraging resident to follow any medically prescribed modified diet, rest or activity regimen;~~
 - (iii) ~~Encouraging and assisting a resident with arrangements to keep appointments for health care services, e.g., physicians, dentists, home health care services, or clinics;~~
 - (iv) ~~Encouraging and assisting resident with arrangements to see his or her health care practitioner when the resident shows signs or describes symptoms of an illness or abnormality for which medical diagnosis and treatment may be indicated; and~~
 - (v) ~~Encouraging, supervising, or assisting resident with:~~
 - (A) ~~Personal hygienic care, dressing, grooming, and other activities;~~
 - (B) ~~Functional aids or equipment, such as glasses, hearing aids, canes, crutches, walker, or wheelchair;~~
 - (C) ~~Clothing and other personal effects;~~

~~(D) Personal living quarters in a manner conducive to safety and comfort.~~

~~(e) Encouraging, guiding, or assisting residents with arrangements to participate in social, recreational, diversional, vocational, church, or other activities within the boarding home and the community in accordance with his or her interests, tolerance, and abilities.~~

~~(3) Boarding homes shall post a calendar of daily social or recreational activities and events for residents.))~~ (1) The licensee shall:

(a) Prepare a brief individual's resident plan upon admission, and a comprehensive individual's resident plan within thirty days of admission;

(b) Monitor and document any significant changes in a resident's physical, mental, and emotional functioning, as necessary, and review and document the resident's physical, mental and emotional functioning at least semi-annually;

(c) Ensure staff, who observe a change in a resident's functioning, immediately describe and document the change; and

(d) Take appropriate action when changes are noted which would alter the individual's resident plan.

(2) The licensee shall provide basic domiciliary care, including:

(a) Assisting each resident to attain and maintain the highest functional ability possible; and

(b) Providing general health supervision and assistance with:

(i) Self-administering prescribed drugs and treatments;

(ii) Following any prescribed modified diet, rest or activity regimen;

(iii) Making and keeping appointments for health care services;

(iv) Arranging health care when necessary;

(v) Maintaining personal hygiene, including bathing, oral care, dressing, grooming, and changing to clean clothing;

(vi) Obtaining and maintaining functional aids and equipment, including but not limited to glasses, hearing aids, dentures, canes, crutches, walkers and wheelchairs;

(vii) Keeping clothing and other personal effects clean and in good repair;

(viii) Maintaining safe and comfortable personal living quarters;

(ix) Arranging for social, recreational, religious, or other activities in the boarding home and the community;

(x) Resident mobility; and

(xi) Incontinence care.

(3) The licensee shall provide planned social and recreational activities for residents at least three times per week and post a calendar of daily activities and events.

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.

NEW SECTION

WAC 246-316-265 Limited nursing services. This section applies only to licensees who choose to provide limited nursing services. This section does not apply when residents care for themselves or arrange for independent nursing or health care services pursuant to WAC 246-318-268.

(1) The licensee shall employ or contract directly or indirectly with a RN to:

(a) Assess each resident's nursing needs upon admission, and develop the nursing component of the individual's resident plan;

(b) Reassess the resident's nursing needs when staff notice a change in the resident's functional ability or health status, and amend the nursing component of the individual's resident plan accordingly;

(c) Provide or supervise limited nursing services; and

(d) Be available in person, by pager, or by telephone during hours of limited nursing services.

(2) A licensee shall ensure the following services are only provided by a RN, or a LPN under the supervision of a RN:

(a) Insertion of urethral catheters, including indwelling;

(b) Glucometer testing;

(c) Injections of prescribed medications except those medication treatments specified in subsection (4) of this section; and

(d) Any other nursing service requested by the licensee and approved in writing by the department.

(3) The licensee may allow unlicensed staff to provide the following services under the delegation and supervision of a RN:

(a) Routine ostomy care that is well-established, with no breakdown or maintenance care;

(b) Enema;

(c) Uncomplicated routine colostomy care;

(d) Uncomplicated routine urethral catheter care;

(e) Care of wounds that are superficial without drainage or infection; and

(f) Assistance with glucometer testing if the resident can perform the finger stick.

(4) The licensee shall not provide the following nursing services on the premises:

(a) Respiratory ventilation;

(b) Intravenous procedures;

(c) Suctioning;

(d) Feeding tube insertion or site maintenance; and

(e) Care of residents who are bed-bound for more than fourteen consecutive days as a result of a medical condition.

(5) A licensee providing limited nursing services shall assure that employed or contracted nursing services are consistent with chapters 18.78 and 18.88 RCW.

(6) A licensee providing limited nursing services shall provide for safe and sanitary:

(a) Storage and handling of clean and sterile nursing equipment and supplies;

(b) Storage and handling of soiled laundry and linens;

(c) Cleaning and disinfecting soiled equipment; and

(d) Refuse and infectious waste disposal.

(7) In new construction designed for limited nursing services, or upon starting a limited nursing services program

within an existing boarding home, the licensee shall provide the following, accessible only by staff:

- (a) A clean utility area for the purposes of storing and preparing clean and sterile nursing supplies, equipped with:
 - (i) A work counter or table; and
 - (ii) Adjacent handwashing sink, with soap and paper towels or other approved hand-drying device; and
- (b) A soiled utility area for the purposes of storing soiled linen, cleaning and disinfecting soiled nursing care equipment, and disposing of refuse and infectious waste, equipped with:
 - (i) A work counter or table;
 - (ii) Sinks for handwashing and cleaning/sanitizing, with soap and paper towels or other approved hand-drying device.

NEW SECTION

WAC 246-316-268 Health care services—Resident-arranged. (1) The licensee shall allow a resident to arrange for on-site health care services, consistent with Title 18 RCW regulating health care professions, and the policies and procedures of the boarding home except as specified in subsection (2) of this section.

(2) Only when the resident resides in lockable quarters with a private toilet, handwashing sink, bathing fixture, and refrigerator; shall the licensee allow the following nursing services on-site:

- (a) Respiratory ventilation;
- (b) Intravenous procedures;
- (c) Suctioning;
- (d) Feeding tube insertion or site maintenance; and
- (e) Care of residents who are bed-bound for more than fourteen consecutive days as a result of a medical condition.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-280 Notification (~~regarding serious or significant~~)—Change in resident's condition. (~~Boarding homes shall:~~

~~(1) Notify the resident's next of kin, guardian, or other individual or agency responsible for, or designated by, the resident as soon as possible regarding:~~

- ~~(a) A serious or significant change in the resident's condition;~~
- ~~(b) Transfer of the resident to a hospital; and~~
- ~~(c) Death of a resident.~~

~~(2) In case of death, notify the coroner if required under RCW 68.50.010.~~

~~(3) Document notification in the resident's record.)~~ The licensee shall:

(1) Notify a resident's next of kin, guardian, or other individual or agency responsible for, or designated by, the resident as soon as possible regarding:

- (a) A serious or significant change in the resident's condition;
- (b) The relocation of the resident to a hospital or other health care facility; or
- (c) Death of the resident.

(2) In case of death, notify the coroner if required by RCW 68.50.010.

(3) Document in the resident's health record, the date and time individuals were notified, and the relationship of those individuals to the resident.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-290 Safety measures and quality assurance. (~~Boarding homes shall:~~

~~(1) Eliminate hazards;~~
~~(2) Investigate and document accidents or incidents jeopardizing the health or life of a resident to:~~

~~(a) Ascertain the circumstances of the accident or incident; and~~

~~(b) Institute appropriate measures to prevent similar future occurrences when possible;~~

~~(3) Provide a type of hardware on doors of storage rooms and closets preventing accidental lock in of a resident;~~

~~(4) Provide emergency means of rapid staff access to resident occupied bedrooms, toilets, showers, bathrooms, and other rooms;~~

~~(5) Keep resident care staff informed of emergency means of rapid access to resident occupied rooms;~~

~~(6) Prevent transmission of infection by sanitizing and appropriate handling and storage of supplies and equipment used for resident services; and~~

~~(7) Ensure availability of flashlights or other emergency lighting in all areas.)~~ (1) The licensee shall:

(a) Maintain the premises free of hazards;

(b) Investigate and prepare an incident report for any neglect, abuse, exploitation, accident, or incident jeopardizing or affecting a resident's health or life to:

(i) Determine the circumstances of the event; and

(ii) Institute and document appropriate measures to prevent similar future situations;

(c) Provide appropriate hardware on doors of storage rooms, closets and other rooms to prevent residents from being accidentally locked in;

(d) Provide and advise staff of a means of emergency access to resident-occupied bedrooms, toilets, showers, bathrooms, and other rooms;

(e) Sanitize, handle and store resident-care supplies and equipment to prevent the transmission of infection;

(f) Provide emergency lighting or flashlights in all areas of the boarding home;

(g) Maintain a first-aid kit and manual which are:

(i) Equivalent to that required by the department of labor and industries in WAC 296-24-065;

(ii) Readily available to all staff and residents;

(h) Develop and maintain a current disaster plan describing measures to take in the event of internal or external disasters; and

(i) Ensure residents are safe and warm during inclement weather and catastrophic events.

(2) The licensee may develop and implement a coordinated quality improvement program approved by the department according to RCW 43.70.510 and chapter 246-50 WAC.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-300 Medication services. ((1))
Boarding homes shall:

- (a) Provide at least one category of medication service as described in subsections (3), (5), and (6) of this section;
- (b) Determine an appropriate category of medication service for each resident involving the resident or resident-designated agent when possible;
- (c) Document the designated category or categories of each resident in the individual resident's health record;
- (d) Take actions appropriate to safety of a resident when the boarding home suspects the resident is having trouble with his or her medication management or is inappropriately categorized, including:
 - (i) Assigning a resident to a new medication service category; or
 - (ii) Transferring or discharging resident from the boarding home when the appropriate medication service category is unavailable in the boarding home.
- (2) Boarding homes shall follow established written policies and procedures for each medication service category provided in the boarding home including:
 - (a) Limitations of staff assistance;
 - (b) Requirements for staff providing assistance with medications;
 - (c) Storing of resident medications:
 - (i) In the original medication containers with pharmacist prepared or manufacturer's label;
 - (ii) Together for each resident and physically separated from other residents' medications;
 - (iii) Separate from food or toxic chemicals;
 - (iv) Accessible only to designated, responsible staff or appropriate resident; and
 - (v) In an environment recommended on label, if centrally stored.
 - (d) Arrangements or means for assuring the resident obtains medication as prescribed;
 - (e) Methods for disposition of medications following recommendations of a pharmacist or pharmacy consultant for:
 - (i) Outdated or discontinued medications;
 - (ii) Medications left behind when a resident leaves or dies;
 - (iii) Sending resident medication with a resident upon transfer or discharge or temporary leave.
 - (f) Procedures and system for documenting and recording of:
 - (i) Recommendations of a pharmacist about appropriate disposition action by the boarding home for outdated prescription medications in a centralized storage;
 - (ii) Medication disposition actions taken by boarding home staff;
 - (iii) Identity by signature of two persons observing any staff medication disposition, except when a resident is totally accountable and responsible for his or her own medication management;
 - (iv) Current prescriber's order for any medications managed and controlled by the boarding home; and

(v) When a resident takes or does not take medication, unless the resident is totally accountable and responsible for his or her own medication management.

(g) Maintenance and retention of completed medication records for five years from date of discharge.

(3) Boarding homes shall designate a resident as eligible for supervised medication service Category A when:

(a) A resident is capable of self-administration of medication without assistance or guidance from another person; and

(b) A resident is capable of storing his or her own medications in a manner prohibiting access and availability to other residents; or

(c) A resident has a physical condition or disability prohibiting or interfering with his or her ability to take prescribed medication properly, but:

(i) The resident understands the appropriate use of his or her medication; and

(ii) The resident is capable of communicating and directing others to give physical assistance with his or her medication as prescribed.

(4) Boarding homes shall only assist a resident in service category A to self-administer medication according to:

(a) A health care practitioner's written order or the pharmacist or manufacturer's prepared label;

(b) Limits specified in subsection (3) of this section;

(c) Procedures for designated staff responsible for physically assisting residents with medications limiting staff assistance to:

(i) Reading the label;

(ii) Opening the container; and

(iii) Application or instillation of oral, skin, nose, eye, and ear preparations.

(5) Boarding homes shall designate a resident as needing supervised medication service Category B when:

(a) A resident requires reminding, guiding, or coaching to take medication properly, but requires no physical assistance except opening of a container; and

(b) Access and availability of medications only to authorized persons cannot be assured unless controlled in locked storage by the boarding home.

(6) Boarding homes shall only assist a resident in service Category B to self-administer medication according to:

(a) A health care practitioner's written order or the pharmacist's or manufacturer's prepared label;

(b) Limits specified in subsection (5) of this section; and

(c) Procedures for designated staff responsible for reminding, guiding, or coaching residents with medication, limiting staff assistance to:

(i) Reading the label or more current prescriber order;

(ii) Opening the container; and

(iii) Communicating the prescriber's order to the resident in such a manner that the resident self-administers his or her medication properly.

(7) Boarding homes shall designate a resident as needing supervised medication service Category C when:

(a) A resident cannot take or handle his or her own medication appropriately; and

~~(b) The resident's physician provided a written order specifying the resident requires certain specified medications administered by a person licensed to administer medications.~~

~~(8) Boarding homes accepting or retaining any resident requiring supervised medication service Category C shall:~~

~~(a) Have a physician or registered nurse available for supervised medication service Category C who:~~

~~(i) Plans, directs, and supervises the service; and~~

~~(ii) Reviews each resident's condition and medication regimen as needed and at least quarterly, documenting reviews in the resident health record.~~

~~(b) Provide registered nurses, licensed practical nurses, or other licensed person under Washington state laws to administer medications; and~~

~~(e) Maintain and include in the resident health record a current, written prescriber's order specifying medications requiring nurse administration.)~~ (1) The licensee shall:

(a) Determine the medication service category or categories, specified in this section, best suited to the needs of each resident by:

(i) Consulting with the physician, family, and caregivers; and

(ii) Considering the resident's abilities, preferences, health and safety;

(b) Document the medication service category assigned to each resident in the resident's health record; and

(c) Reevaluate the resident's medication service category upon any change in the resident's condition, and if necessary:

(i) Reassign the resident a new medication service category; or

(ii) When the appropriate medication service category is unavailable in the boarding home, transfer the resident to a setting where the appropriate medication service can be provided.

(2) The licensee shall assign a resident to medication service category A when the licensee determines the resident can safely and securely store medications, and:

(a) Can fully understand the appropriate use of the medication and can self-administer the medication according to the prescribed dosage, time and any special instructions; or

(b) Cannot physically self-administer the medication, but can accurately direct others to assist with:

(i) Opening the container; and

(ii) Applying or instilling oral, skin, nose, eye, and ear preparations.

(3) The licensee shall assign a resident to category B when the licensee determines that the resident needs reminding, guiding or coaching limited to:

(a) Opening a container;

(b) Reading the label or prescriber's order, and explaining it in a manner to assure proper self-administration; and

(c) Assistance with applying or instilling skin, nose, eye, and ear preparations consistent with Washington state law;

(4) The licensee providing medication service category B shall:

(a) Store medications in a manner prohibiting access by other residents; and

(b) Document the medication name, time and dosage taken by the resident, or document that the resident did not take medication according to the prescription.

(5) A licensee shall assign a resident to category C when:

(a) The licensee determines a resident cannot safely self-administer medication; and

(b) A physician orders medication to be administered by a nurse or other individual authorized to administer medications by Washington state law.

(6) A licensee providing medication service category C shall:

(a) Assure the service is planned, directed and supervised by a RN or physician who:

(i) Documents a review of each resident's condition and medication regimen quarterly, or more often as needed;

(ii) Provides training for all medication administration staff and documents training in staff records; and

(iii) Observes, evaluates and documents each staff person administering medication annually or more often as necessary, to assure medications are administered according to the resident's needs;

(b) Document the medication name, time, and dosage administered to the resident, or document resident's refusal of medication;

(c) Assure medications are administered by nurses or other individuals authorized to administer medications by Washington state law;

(d) Assure each resident has a current prescription, either on the medication container or in the resident's health record, for each medication to be administered; and

(e) Provide an area for storing, handling, and preparing medications consistent with board of pharmacy requirements, including a sink, table or counter space, and secure storage.

(7) The licensee shall assure staff follow the written policies and procedures for each medication service category provided in the boarding home including:

(a) Limitations of staff assistance;

(b) Requirements for staff providing assistance with medications;

(c) Storing resident medications:

(i) In original containers with pharmacist-prepared or manufacturer's label;

(ii) Together for each resident and physically separated from other residents' medications;

(iii) Separate from food or toxic chemicals;

(iv) Accessible only to designated responsible staff or appropriate resident; and

(v) In environments recommended on the medication label;

(d) Assuring the resident obtains medication as prescribed;

(e) Managing medications administered in medication service category B and C in accordance with the pharmacist's recommendations including:

(i) Disposing of outdated, contaminated, damaged, or discontinued medications, and medications left behind when a resident leaves or dies;

(ii) Documenting date, method, signature of person who disposed of medication and person who witnessed the disposal;

(iii) Maintaining prescribers' orders to discontinue medications; and

(iv) Sending the resident's medication with the resident when moving out or leaving temporarily; and

(f) Retaining completed medication records for five years after the resident moves from the boarding home.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-310 Resident register. (~~Boarding homes shall maintain a permanent, current book or a register of all individuals who become residents including:~~

~~(1) Date of admission;~~

~~(2) Full name; and~~

~~(3) Date of discharge.))~~ The licensee shall maintain a

readily available permanent, current book, computer file, or register with entries in ink or typewritten, of all residents including:

(1) Date of moving in;

(2) Full name;

(3) Date of birth;

(4) Date of moving out;

(5) Reason for moving out; and

(6) New address if known.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

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 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.))~~ (1) The licensee shall

maintain a health record with entries in ink, typewritten or equivalent, for each resident including:

(a) Full name, date of birth, and former address of resident;

(b) Date of moving in and moving out;

(c) Name, address, and telephone number of individuals to contact in case of an emergency, illness or death;

(d) Resident's representative, if any;

(e) Name, address, and telephone number of resident's personal physician or health care practitioner;

(f) Resident admitting information, including any medical diagnoses pertinent to care services needed by the resident and provided by the boarding home;

(g) Documented staff entries about:

(i) Dates and descriptions of the resident's illnesses, accidents, and incidents;

(ii) Changes in the resident's physical, mental, emotional and social abilities to cope with the affairs and activities of daily living, physical and mental coordination; and

(iii) Actions of staff related to (g)(i) and (ii) of this subsection;

(h) Orders documented by the resident's health care practitioner for any modified diet, concentrate or supplement provided by the boarding home;

(i) Medication orders and records as specified in WAC 246-316-300;

(j) Clinical information such as weight, temperature, blood pressure, blood sugar and other laboratory tests that are ordered or required by the individual's resident plan;

(k) Advance notice for relocation as specified in WAC 246-316-250(7); and

(l) Notice of relocation as specified in WAC 246-316-280; and

(m) Proof of resident receiving a list of resident rights and boarding home policies affecting residents as required by WAC 246-316-250.

(2) The licensee shall:

(a) Maintain a systematic and secure method of identifying and filing resident health records for easy access;

(b) Allow authorized representatives of the department and other authorized regulatory agencies access to resident records;

(c) Provide any individual or organization access to resident records upon written consent of the resident or the resident's representative, unless state or federal law provide for broader access;

(d) Maintain resident records and health care information for residents receiving category B or C medication services or limited nursing services in accordance with chapter 70.02 RCW; and

(f) Retain each resident health record at least five years after the resident moves from the boarding home.

AMENDATORY SECTION (Amending Order 224, filed 12/23/91, effective 1/23/92)

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 246-316-240;~~

~~(b) Provide day room and dining room facilities complying with WAC 246-316-170 and 246-316-180;~~

~~(c) Provide toilets and lavatories complying with WAC 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 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 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 246-316-310;~~

~~(j) Maintain a health record for each day care adult as described for residents in WAC 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 this section; and~~

~~(c) Indicate approved capacity for day care adults on the boarding home license.) A licensee approved by the department to provide adult day care services for less than a contiguous twenty-four-hour period shall:~~

~~(1) Accept only those adults meeting the resident criteria in WAC 246-316-240;~~

~~(2) Provide dining room and day room facilities according to WAC 246-316-170 and 246-316-180;~~

~~(3) Provide toilets and handwashing sinks according to WAC 246-316-160;~~

~~(4) Provide sufficient furniture for the comfort of day care adults, in addition to furniture provided for residents, including:~~

~~(a) Sturdy comfortable chairs, appropriate for the age and physical condition of the day care adults; and~~

~~(b) Napping furniture such as lounge chairs, recliners, or couches which are placed three or more feet apart if needed or requested;~~

~~(5) Provide staff to supervise and assist day care adults in activities of daily living, limited nursing services and medication services as described in WAC 246-316-260, 246-316-265 and 246-316-300;~~

~~(6) Provide a meal, which meets at least one-third of the recommended dietary allowance described in WAC 246-316-170(2), during every five-hour period of stay or no more than fourteen hours between the evening meal and breakfast;~~

~~(7) Ensure rights according to WAC 246-316-250;~~

~~(8) Provide services, notification, and safety as described in WAC 246-316-260, 246-316-265, 246-316-280, and 246-316-290;~~

(9) Maintain a separate register of all day care adults using the format described in WAC 246-316-310; and

(10) Maintain a health record for each day care adult as described for residents in WAC 246-316-320.

NEW SECTION

WAC 246-316-335 Residents—Special care needs.

(1) If a licensee accepts residents with special care needs, the licensee shall:

(a) Provide qualified staff, present at all times, to care for and supervise residents with special care needs including:

(i) Dressing, grooming and personal hygiene;

(ii) Eating;

(iii) Orientation and activities;

(iv) Ensuring the safety of all residents; and

(v) Assisting residents during an emergency; and

(b) Take one or more of the following measures to prevent wandering from the boarding home:

(i) Staff sufficient to monitor and care for residents with special care needs;

(ii) An alarm and monitoring system to alert staff when a resident exits the building or enclosed outdoor area; or

(iii) A secure unit meeting the standards described in subsection (2) of this section.

(2) A licensee providing a secure unit for residents with special care needs shall, except as provided in subsection (4) of this section:

(a) Assure the secure unit meets the fire and life safety requirements for boarding homes according to the Washington State Building Code;

(b) Obtain written approval from the local official enforcing the Uniform Building Code and the Uniform Fire Code prior to approval by the Washington state director of fire protection as required by WAC 246-316-070;

(c) Provide a room which may be used for dining, socializing and recreation;

(d) Design floor and wall surfaces in such a way to augment resident orientation;

(e) Provide slip-resistant floors free of abrupt changes;

(f) Provide access to a secured outdoor space with:

(i) Walls or fences at least seventy-two inches high;

(ii) Walking surfaces that are firm, stable, slip-resistant and free from abrupt changes;

(iii) Outdoor furniture; and

(iv) Nontoxic plants;

(g) Provide an approved supervised automatic fire detection system and supervised automatic sprinkler system electrically interconnected with the fire alarm system;

(h) Provide automatic locking and unlocking exiting doors from the secure unit, which:

(i) Release automatically when:

(A) The fire alarm is activated;

(B) Primary power to the building is lost; and

(C) An override switch is used in case of emergency;

(ii) Are equipped with alarms;

(iii) Have directions for lock releasing devices posted by doors and accessible to residents; and

(iv) Are approved for use by the Washington state director of fire protection.

(3) A licensee shall obtain written consent from a resident, or if the resident is unable to give informed

consent, from an individual as set forth in RCW 7.70.065, prior to placing the resident in a secure unit.

(4) A licensee using a secure unit as of July 1, 1994, shall:

(a) Assure the unit is designed and maintained for safe and adequate care of residents; and

(b) Meet the requirements in subsection (2) of this section upon construction of a new secure unit or January 1, 2000, whichever occurs first.

AMENDATORY SECTION (Amending Order 121, filed 12/27/90, effective 1/31/91)

WAC 246-316-340 Exemptions. ~~((1) The secretary of the department or the designated licensing program administrator may approve an exemption to a specific rule under certain terms or conditions for a specified boarding home premise:~~

~~(a) Following an investigation regarding safety; and
(b) Provided an evaluation of the results reveals safety and health of residents will remain unjeopardized in that facility.~~

~~(2) Boarding homes shall maintain a copy of each department approved exemption.)~~ (1) The department may exempt the licensee from meeting a specific requirement in this chapter if the department determines the exemption will not jeopardize the health or safety of residents.

(2) A licensee wishing to request an exemption shall submit a written request to the department, including:

(a) A description of the requested exemption;
(b) Reason for the exemption; and
(c) Impact of the exemption on resident health and safety.

(3) The licensee shall retain a copy of each approved exemption in the boarding home.

AMENDATORY SECTION (Amending Order 276, filed 6/2/92, effective 7/1/92)

WAC 246-316-990 Fees. ~~((Boarding homes licensed under chapter 18.20 RCW shall:~~

~~Submit an annual fee of thirty four dollars per bed of the licensed resident bed capacity of the boarding home.~~

~~The "licensed resident bed capacity" is the resident occupancy level determined by the boarding home and approved by the department, consistent with physical plant and movable equipment requirements for resident sleeping rooms.~~

~~The occupancy level shall be maintained at or below the licensed resident bed capacity of the boarding home.)~~ The licensee or applicant shall:

(1) Submit an annual fee of thirty-four dollars per bed of the licensed resident bed capacity;

(2) Submit an additional one hundred fifty dollars when billed by the department for:

(a) A third on-site visit resulting from failure of the licensee or applicant to adequately respond to a statement of deficiencies; and

(b) A complete on-site survey resulting from a substantiated complaint; and

(3) Submit an additional late fee in the amount of ten dollars per day from the license renewal date until the date of mailing the fee, as evidenced by the postmark.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 246-316-270 First aid services.

WSR 94-08-042 PROPOSED RULES DEPARTMENT OF SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 31, 1994, 11:23 a.m.]

Original Notice.

Title of Rule: WAC 388-92-036 SSI-related income exemptions and 388-95-340 Computation of available income and resources.

Purpose: Brings rules into compliance with HCFA interpretation that court-ordered attorney fees, guardianship fees, and related court costs are not remedial costs. These expenses do not benefit a client medically and are not health care expenses.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Court-ordered attorney fees, guardianship fees, and related court costs do not benefit a client medically and are not health care expenses.

Reasons Supporting Proposal: To comply with legal requirement.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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

Rule is necessary because of federal law, 20 CFR 416.1123 (b)(3) POMS 830.100.

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, 14th and Franklin, Olympia, Washington, on May 10, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by April 28, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by May 3, 1994.

Date of Intended Adoption: May 11, 1994.

March 31, 1994
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending Order 3689, filed 12/22/93, effective 1/22/94)

WAC 388-92-036 SSI-related income exemptions.

(1) The department shall exempt:

- (a) Any public agency's refund of taxes paid on real property or on food;
- (b) State public assistance and supplemental security income (SSI) based on financial need;
- (c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at an educational institution;
- (d) Income a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;
- (e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit private child-placement or child-care agency;
- (f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;
- (g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply ~~((no))~~ such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;
- (h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;
- (i) Tax rebates or special payments exempted by other statutes;
- (j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;
- (k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse ~~((has no))~~ does not have income, an amount to meet the needs of an ineligible minor child living in the household of an SSI-related parent. See WAC 388-92-027 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;
 - (l) Veteran's benefits designated for the veteran's:
 - (i) Dependent; or
 - (ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-95-340(6).
 - (m) Title II Social Security Administration benefits. The department shall:
 - (i) Determine current client eligibility for categorically needy medical assistance under WAC 388-82-115(4), including all Title II cost of living adjustment (COLA) benefit increases received by the:
 - (A) Client since termination from SSI/SSP; or
 - (B) Client's spouse and/or other financially responsible family member living in the same household during the time period under subsection (1)(m)(i) of this section; and

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in the cost of the institutionalized client's care.

(n) A fee a guardian charges as reimbursement for providing services, when such guardianship services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client, such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383 and any interest earned from such payment;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income.

(2) For the SSI-related client, the department shall exclude the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

AMENDATORY SECTION (Amending Order 3642, filed 9/22/93, effective 10/23/93)

WAC 388-95-340 Computation of available income and resources. (1) The department shall limit financial responsibility of relatives to:

(a) A spouse for a spouse; and

(b) A parent for a child.

(2) Financial responsibility of spouses. The department shall:

(a) Consider, in the month the spouses stopped living together, the:

(i) Resources held by the institutionalized spouse, the community spouse, or both to be available to the institutionalized spouse;

(ii) Income available to the institutionalized spouse:

- (A) In the name of the institutionalized spouse; and
- (B) Community income received in the name of the community spouse that does not exceed the community income received in the name of the applying spouse.
- (b) Consider, in the month after the institutionalized spouse is determined eligible for institutional care, the community spouse's income and resources only when the community spouse actually contributes such income and resources; and
- (c) Consider the income and resources of spouses living in the same household as available to each other.
- (3) The department shall consider institutionalized spouses as not living together even if such spouses share a room.
- (4) Financial responsibility of parent to child. The department shall consider available only the parent's income actually contributed to an institutionalized person twenty years of age or younger.
- (5) The department shall consider a client's income exemptions as unavailable income when determining initial eligibility or post-eligibility. The department shall exempt sequentially from income:
- (a) Any public agency's refund of taxes paid on real property or on food;
- (b) Supplemental security income (SSI) and state public assistance based on financial need;
- (c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;
- (d) Child support received by a parent, from an absent parent, for a minor child who is not institutionalized;
- (e) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;
- (f) Tax rebates or special payments excluded by other statutes;
- (g) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;
- (h) Veteran's benefits designated for the veteran's:
- (i) Dependent; or
- (ii) Unusual medical expense allowance.
- (i) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, e.g., chore services;
- (j) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;
- (k) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's law for compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;
- (l) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;
- (m) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;
- (n) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(o) Restitution payment, and interest earned on such payment, to a civilian of Japanese or Aleut ancestry under P.L. 100-383;

(p) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(q) The amount of blindness-related work expenses of a blind client;

(r) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(s) Earned income tax credit (EITC);

(t) Victim's compensation.

(6) The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-95-360 for post-eligibility treatment of income. The department shall disregard sequentially from a client's income:

(a) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

(i) Twenty dollars per month if unearned; or

(ii) Ten dollars per month if earned.

(b) The first twenty dollars per month of earned or unearned income. The department may not exclude income paid to a client on the basis of need and is totally or partially funded by the federal government or by a private agency;

(c) The veteran's aid and attendance/house bound allowance;

(d) For an SSI-related person, the first sixty-five dollars per month of earned income not excluded according to subsection (5) of this section, plus one-half of the remainder;

(e) For an AFDC-related person, the first ninety dollars of earned income;

(f) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration for the recovery of SSI overpayments; and

(g) A fee charged by a guardian as reimbursement for provided services, when such guardian services are a requirement for the client to receive payment of the income.

WSR 94-08-044

PROPOSED RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 31, 1994, 11:26 a.m.]

Original Notice.

Title of Rule: WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing, 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing, 388-82-160 Hospital premium insurance enrollment for the working disabled, 388-83-032 Pregnant women, 388-83-033 Children—Eligible to nineteen years of age, and 388-95-360 Allocation of income and resources—Institutionalized client.

Purpose: Change standards April 1, 1994, based on change in federal poverty level; clarify technical language to inform field staff the community spouse's gross income is considered; clarify the Social Security cost of living allowance for SLMB clients is effective April 1 of each year.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Change standards based on change in federal poverty level. Technical language clarified to inform field staff the community spouse's gross income is considered. The Social Security cost of living allowance for SLMB (special low-income Medicare beneficiaries) clients will be effective April 1 of each year.

Reasons Supporting Proposal: Comply with federal guidelines.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Joanie Scotson, Medical Assistance Administration, 753-7462.

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

Rule is necessary because of federal law, FPL guidelines.

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, 14th and Franklin, Olympia, Washington, on May 10, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by April 27, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by May 3, 1994.

Date of Intended Adoption: May 11, 1994.

March 31, 1994
Dewey Brock, Chief
Office of Vendor Services
Administrative Services Division

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(2) for a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, except as specified in subsection (2) of this section, not exceeding one hundred percent

of the federal poverty level (FPL). One hundred percent of the current FPL is:

	Family Size	Monthly
(i)	One	((\$ 584)) \$ 614
(ii)	Two	((786)) 820

(2) The department shall not consider a person's Social Security cost of living allowance increase until April 1, of each year.

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing.

(1) The department shall provide Medicare cost sharing under WAC 388-81-060(4) for a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, over one hundred percent of the federal poverty level (FPL) but not exceeding one hundred ten percent of the FPL. One hundred ten percent of the current FPL is:

	Family Size	Monthly Income
(i)	One	((\$ 639)) \$ 675
(ii)	Two	((864)) 902

(2) Effective January 1, 1995, the department shall find a person eligible, under subsection (1)(d) of this section, whose total countable income does not exceed one hundred twenty percent of the FPL.

(3) The department shall not consider a person's Social Security cost of living allowance increase until April 1, of each year.

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-82-160 Hospital premium insurance enrollment for the working disabled. The department shall pay premiums for Medicare Part A for a person:

(1) Who is not otherwise entitled ((~~for~~)) to medical assistance;

(2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act;

(3) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding two hundred percent of the current federal poverty level (FPL). Two hundred percent of the current FPL is:

	Family Size	Monthly
(a)	One	((1,162)) <u>\$ 1,227</u>
(b)	Two	((1,572)) <u>1,640</u>

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-83-032 Pregnant women. (1) The department shall find a verifiably pregnant woman eligible for Medicaid as categorically needy, if the pregnant woman meets:

- (a) The income requirements of this section; and
- (b) Citizenship, Social Security number, and residence requirements under chapter 388-83 WAC.

(2) When a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:

(a) ~~The department shall ensure~~ total family income ~~(shall)~~ does not exceed one hundred eighty-five percent of the federal poverty level (FPL). One hundred eighty-five percent of the current FPL is:

	Family Size	Monthly
(i)	One	((1,075)) <u>\$ 1,135</u>
(ii)	Two	((1,454)) <u>1,517</u>
(iii)	Three	((1,833)) <u>1,900</u>
(iv)	Four	((2,212)) <u>2,282</u>
(v)	Five	((2,592)) <u>2,664</u>
(vi)	Six	((2,971)) <u>3,047</u>
(vii)	Seven	((3,350)) <u>3,429</u>
(viii)	Eight	((3,729)) <u>3,811</u>

(ix) For family units with nine members or more, add ~~((379))~~ \$383 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology, except the department shall:

(A) Exclude the income of the unmarried father of the unborn or unborns unless the income is actually contributed; and

(B) Determine eligibility as if the unborn or unborns are born.

(ii) By applying the special situations as required under WAC 388-83-130.

(c) The department shall consider the provisions of WAC 388-83-130(1) in determining countable income for a pregnant minor.

(4) The department shall not consider resources in determining the pregnant woman's eligibility.

(5) ~~The department shall ensure~~ changes in family income ~~(shall)~~ do not affect a pregnant woman's eligibility for medical assistance ~~((for the pregnant woman))~~ during the pregnancy and ~~((when eligible under subsection (2) of this section))~~ through the end of the month that contains the sixtieth day from the last day of pregnancy:

(a) Once the department determines a pregnant woman eligible under this section; or

(b) If, at any time while eligible for and receiving medical assistance, a pregnant woman meets the eligibility requirements of this section.

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-83-033 Children—Eligible to nineteen years of age. (1) The department shall find a child who has not yet attained nineteen years of age eligible for Medicaid when the child meets citizenship, residence, and Social Security Number requirements under this chapter and the income requirement corresponding to the following age levels ~~((under the following subsections))~~:

(a) A child under nineteen years of age shall be eligible as categorically needy when the family income is equal to or less than one hundred percent of the federal poverty level (FPL). One hundred percent of the current FPL is:

	Family Size	Monthly
(i)	One	((581)) <u>\$ 614</u>
(ii)	Two	((786)) <u>820</u>
(iii)	Three	((991)) <u>1,027</u>
(iv)	Four	((1,196)) <u>1,234</u>
(v)	Five	((1,401)) <u>1,440</u>
(vi)	Six	((1,606)) <u>1,647</u>
(vii)	Seven	((1,811)) <u>1,854</u>
(viii)	Eight	((2,016)) <u>2,060</u>

(ix) For family units with more than eight members, add ~~((205))~~ \$207 to the monthly income for each additional member.

(b) A child one year of age, but under 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 FPL. One hundred thirty-three percent of the current FPL is:

	Family Size	Monthly
(i)	One	((773)) <u>\$ 816</u>
(ii)	Two	((1,045)) <u>1,091</u>
(iii)	Three	((1,318)) <u>1,366</u>
(iv)	Four	((1,590)) <u>1,641</u>
(v)	Five	((1,863)) <u>1,916</u>
(vi)	Six	((2,136)) <u>2,191</u>
(vii)	Seven	((2,408)) <u>2,465</u>
(viii)	Eight	((2,681)) <u>2,740</u>

(ix) For family units with more than eight members, add ~~((273))~~ \$275 to the monthly income for each additional member.

(c) 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 current FPL. 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 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.

(b) Not consider citizenship; application for, or possession of, a Social Security number; income; or resource requirements for infants under this subsection.

(3) Regardless of citizenship; or 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 current FPL. See income guidelines as described under subsection (1)(a) 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.

(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 child's 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) of this section 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.

AMENDATORY SECTION (Amending Order 3688, filed 12/22/93, effective 1/22/94)

WAC 388-95-360 Allocation of income and resources—Institutionalized client. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-95-335 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-95-380 and 388-95-395.

(2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) Unearned income which:

(i) Is mandatorily withheld for income tax purposes before receipt by the client; and

(ii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less-restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(e) A monthly needs allowance for the community spouse not to exceed one thousand eight hundred seventeen dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified under subsection (5) of this section.

(f) An amount for the maintenance needs of each dependent family member residing with the community spouse:

(i) Equal to one-third of the amount one thousand ~~((one))~~ two hundred ~~((seventy-nine))~~ thirty dollars which exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) "Family member" means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(g) When an institutionalized client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) ~~((Shall)) Do not exceed three hundred ((fifty-three)) sixty-nine dollars ((and seventy cents)), effective ((April 1, 1993)) April 1, 1994.~~

(6) The department shall ~~((only))~~ ensure the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(d)(i) of this section when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified under subsection (4) of this section toward payment of the client's cost of care at the department rate.

(8)(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 94-08-046
PROPOSED RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Filed March 31, 1994, 11:28 a.m.]

Original Notice.

Title of Rule: WAC 388-81-065 Medical care client co-payment and 388-87-300 Payment—Co-payment.

Purpose: The 1994 state legislature passed a law eliminating the co-payment provision for medical assistance administration clients.

Statutory Authority for Adoption: RCW 74.08.090.

Statute Being Implemented: RCW 74.08.090.

Summary: Repeals WAC on medical care co-payments.

Reasons Supporting Proposal: The 1994 legislature included eliminating co-payments for medical care clients in the budget with an effective date of April 1, 1994.

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, 14th and Franklin, Olympia, Washington, on May 10, 1994, at 10:00 a.m.

If you need sign language assistance, please contact the Office of Vendor Services by April 26, 1994. TDD 753-4595 or SCAN 234-4595.

Submit Written Comments to: Identify WAC number, Dewey Brock, Chief, Office of Vendor Services, Mailstop 45811, Department of Social and Health Services, Olympia, 98504, TELEFAX 586-8487 or SCAN 321-8487, by May 3, 1994.

Date of Intended Adoption: May 11, 1994.

March 31, 1994

Dewey Brock, Chief

Office of Vendor Services

Administrative Services Division

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-81-065 Medical care client co-payment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-300 Payment—Co-payment.

WSR 94-08-052
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 1, 1994, 9:35 a.m.]

Original Notice.

Title of Rule: WAC 246-937-020, 246-937-030, 246-937-040, 246-937-070, and 246-937-080.

Purpose: To establish rules for veterinary medication clerk.

Statutory Authority for Adoption: RCW 18.92.030.

Statute Being Implemented: Chapter 18.92 RCW.

Summary: To establish rules for veterinary medication clerks.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Troutman, 1300 S.E. Quince Street, Olympia, 586-4566.

Name of Proponent: Veterinary Board of Governors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To establish rules for veterinary medication clerks.

Proposal does not change existing rules.

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

Hearing Location: Holiday Inn SeaTac, 17338 Pacific Highway South, Seattle, WA, on May 16, 1994, at 9 a.m.

Submit Written Comments to: Traci Troutman, Program Manager, P.O. Box 47866, Olympia, WA 98504-7866, by May 13, 1994.

Date of Intended Adoption: May 16, 1994.

March 29, 1994

Traci Troutman

Program Manager

Chapter 246-937 WAC
VETERINARY MEDICATION CLERKS

NEW SECTION

WAC 246-937-020 Responsibility for supervision.

Licensed veterinarians are responsible and accountable for the ordering, inventory, labeling, counting, packaging and delivery of legend drugs utilized in their practice. In accordance with chapter 18.92 RCW, certain nondiscretionary pharmaceutical tasks may be delegated by a veterinarian to a qualified nonveterinarian. The delegating veterinarian is responsible for the supervision of pharmaceutical tasks performed by veterinary medication clerks and registered animal technicians. Records shall be maintained that account for the receipt and disposition of all legend drugs.

NEW SECTION

WAC 246-937-030 Tasks and prohibited functions.

(1) A veterinary medication clerk and registered animal technician may perform the following tasks only under the direct supervision of a licensed veterinarian: Counting, labeling, and packaging of noncontrolled legend drugs. A licensed veterinarian must personally inspect all packaged medication orders to ensure accuracy of the order prior to

delivery to the client. The veterinarian will document the inspection by placing his/her initials on the label of the packaged drug.

(2) A veterinary medication clerk and registered animal technician may perform the following tasks under the indirect supervision of a licensed veterinarian: Ordering, stocking, inventorying, and the delivery of noncontrolled legend drugs. The identity of the client shall be confirmed before the delivery of legend drugs.

(3) The following functions shall not be delegated by a licensed veterinarian to a veterinary medication clerk or registered animal technician:

(a) Consultation with a client regarding the medication order and/or any information involving professional clinical judgment.

(b) Dispensing any medication. The medication must be recorded in the patient's record by the authorizing veterinarian.

(c) Extemporaneous compounding of a medication order.

(d) Interpretation of data in a patient record.

(e) Final inspection of a completed medication order as described in WAC 246-937-030(1).

(f) Any duties required by law to be performed by a licensed veterinarian.

(g) Any ordering, accountability, packaging, or delivery of controlled substances as defined in or under chapter 69.50 RCW.

NEW SECTION

WAC 246-937-040 Training and education.

(1) The training of veterinary medication clerks shall be obtained by completion of an on-the-job training program following guidelines approved by the board.

(2) The minimum educational requirement shall be high school graduation or equivalency.

NEW SECTION

WAC 246-937-070 Applications.

Applications for registration as a veterinary medication clerk shall be on forms prepared by the secretary of the department of health and submitted to the department. The application, in addition to the required fee, shall be accompanied by evidence of completion of an on-the-job training program.

Said application shall be signed by the applicant and sworn before some person authorized to administer oaths. Additionally, the application will be signed by the veterinarian/supervisor attesting that the veterinary medication clerk is qualified to perform the responsibilities of a veterinary medication clerk and is familiar with the procedures and policies of the practice. Registration is nontransferable and valid only for employment at the veterinary practice identified in the application.

NEW SECTION

WAC 246-937-080 Grounds for denial, suspension, or revocation of registration.

The board may suspend, revoke or deny the issuance or renewal of registration of any veterinary medication clerk if the veterinary medication clerk:

(1) Has employed fraud or misrepresentation in applying for or obtaining the registration.

(2) Has within ten years prior to the date of application been found guilty by any court of competent jurisdiction of violation of laws relating to the regulation of drugs.

NEW SECTION

WAC 246-937-090 Renewal of registration. (1) The registration shall be for a period of one year. A registrant shall apply for renewal by submitting to the department:

(a) The renewal fee specified in WAC 246-937-990.

(b) The name of the supervising veterinarian and employing veterinary practice.

(2) Failure to renew annually shall invalidate the registration.

WSR 94-08-054

PROPOSED RULES

TRANSPORTATION COMMISSION

[Filed April 1, 1994, 10:43 a.m.]

Original Notice.

Purpose: Revise level of authority for corridor selection activities.

Statutory Authority for Adoption: RCW 47.01.071.

Statute Being Implemented: RCW 47.28.10 [47.28.010].

Summary: Revise certain levels [of] authority from Transportation Commission to secretary of transportation.

Reasons Supporting Proposal: To be consistent with other levels of authority for project related activities.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: E. R. Burch, Transportation Building, (206) 705-7101.

Name of Proponent: Washington State Transportation Commission, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Delegates authority for selecting highway corridors from the Transportation Commission to the secretary of transportation.

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 1D2, Transportation Building, Olympia, Washington, on May 25, 1994, at 10:00 a.m.

Submit Written Comments to: E. R. Burch, Transportation Building, Olympia, Washington 98504, by May 18, 1994.

Date of Intended Adoption: June 25, 1994.

April 1, 1994
Chris Rose
Administrator

Chapter 468-48 WAC HIGHWAY CORRIDOR AND ALIGNMENT AUTHORITY

NEW SECTION

WAC 468-48-010 Definitions. For the purposes of this chapter, the following definitions of the terms shall apply unless the context clearly indicates otherwise.

(1) "Department" means the Washington state department of transportation.

(2) "Route" means a statutory designated state highway, being a new highway or existing highway with new alignment, and is laid out as running to or by way of certain designated points, without specifying the particular way to be followed to or by way of such points. Each route may contain one or more corridors.

(3) "Corridor" means one of several general paths a highway can take to satisfy the route requirements and has one or more specific alignment alternatives. A corridor can include, as a whole or in part, any existing state highway facility, county highway facility, city street, new alignments or any combination of these.

(4) "Alignment" means the specific path a highway will take between two designated points within a corridor.

NEW SECTION

WAC 468-48-020 Selection of corridors and alignments for highway facilities. The secretary of transportation is hereby delegated the commission's authority to conduct all hearings and adopt a specific highway corridor whenever the general route has been designated but there are several alternatives within that route. The secretary is further delegated the authority of the commission contained in RCW 47.28.010.

Nothing herein shall be construed as to restrict the ability of the department to select specific alignments and design elements within the corridor as part of the design process.

WSR 94-08-056

PROPOSED RULES

BOARD OF

PILOTAGE COMMISSIONERS

[Filed April 1, 1994, 1:31 p.m.]

Original Notice.

Title of Rule: WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district.

Purpose: To amend the pilotage tariff rate.

Statutory Authority for Adoption: RCW 88.16.035.

Statute Being Implemented: RCW 88.16.035.

Summary: The proposed amendment reflects a 5.234% increase in all categories except transportation. A reduction from 45 days to 30 is proposed under delinquent payment charge. The sailing delay charge is proposed to double after the first three hours. The proposed new tariff includes a beginning and ending effective date and time.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Pilotage Commission, 1008 Western Avenue, Seattle, 464-7818.

Name of Proponent: Puget Sound Pilots, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The proposed rule would increase the tariff for pilotage services in the Puget Sound pilotage district by 5.234%.

Proposal Changes the Following Existing Rules: The proposed rule is a 5.234% increase over the existing tariff except for transportation.

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

Hearing Location: Eikum Conference Room, 801 Alaskan Way, Pier 52, Seattle, WA 98104, on May 12, 1994, at 9:00 a.m.

Submit Written Comments to: Mr. Armand L. Tiberio, Chair, 801 Alaskan Way, Pier 52, Seattle, WA 98104-1487, by May 2, 1994.

Date of Intended Adoption: May 12, 1994.

March 31, 1994
Armand L. Tiberio
Chair

AMENDATORY SECTION (Amending WSR 93-12-133, filed 6/2/93, effective 7/3/93)

WAC 296-116-300 Pilotage rates for the Puget Sound pilotage district. Effective 0001 Hours July 1, 1994, through 2400 Hours June 30, 1995.

CLASSIFICATION	RATE
Ship length overall (LOA) Charges:	per LOA rate schedule in this section
Boarding fee: Per each boarding/deboarding at the Port Angeles pilot station.	((\$22.00)) \$ 34.00
Harbor shift - Live ship (Seattle Port)	LOA Zone I
Harbor shift - Live ship (other than Seattle Port)	LOA Zone I
Harbor shift - Dead ship	Double LOA Zone I
Dead ship towing charge: LOA of tug + LOA of tow + beam of tow Any tow exceeding seven hours, two pilots are mandatory. Harbor shifts shall constitute and be limited to those services in moving vessels from dock to dock, from anchorage to dock, from dock to anchorage, or from anchorage to anchorage in the same port after all other applicable tariff charges for pilotage services have been recognized as payable.	Double LOA Zone I
Waterway and bridge charges: Ships up to 90' beam: A charge of ((\$172.00)) \$181.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle, south of Eleventh Street Bridge in any of the Tacoma waterways, in Port Gamble, or in the Snohomish River. Any vessel movements required to transit through bridges shall have an additional charge of ((\$82.00)) \$86.00 per bridge.	
Ships 90' beam and/or over: A charge of ((\$232.00)) \$244.00 shall be in addition to bridge fees for any vessel movements both inbound and outbound required to transit south of Spokane Street Bridge in Seattle and south of Eleventh Street Bridge in any of the Tacoma waterways. Any vessel movements required to transit through bridges shall have an additional charge of ((\$162.00)) \$170.00 per bridge. (The above charges shall not apply to transit of vessels from Shilshole Bay to the limits of Lake Washington.)	

Two or three pilots required:

In a case where two or three pilots are employed for a single vessel waterway or bridge transit, the second and/or third pilot charge shall include the bridge and waterway charge in addition to the harbor shift rate.

Compass adjustment	((\$231.00)) \$243.00
Radio direction finder calibration	((\$231.00)) \$243.00
Launching vessels	((\$347.00)) \$365.00
Trial trips, 6 hours or less (Minimum ((\$654.00)) \$690.00)	((\$109.00)) \$115.00 per hr.
Trial trips, over 6 hours (two pilots)	((\$218.00)) \$230.00 per hr.
Shilshole Bay — Salmon Bay	((\$135.00)) \$142.00
Salmon Bay — Lake Union	((\$106.00)) \$112.00
Lake Union — Lake Washington (plus LOA zone from Webster Point)	((\$135.00)) \$142.00
Cancellation charge	LOA Zone I
Cancellation charge — Port Angeles (when a pilot is ordered and vessel proceeds to a port outside the Puget Sound pilotage district without stopping for pilot or when a pilot order is cancelled less than twelve hours prior to the original ETA.)	LOA Zone II
Docking delay after anchoring:	((\$109.00)) \$115.00 per hr.
Applicable harbor shift rate to apply, plus ((\$109.00)) \$115.00 per hour standby. No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((\$109.00)) \$115.00 for every hour or fraction thereof.	
Sailing delay:	((\$109.00)) \$115.00 per hour
No charge if delay is 60 minutes or less. If the delay is more than 60 minutes, charge is ((\$109.00)) \$115.00 for every hour or fraction thereof for the first three hours. Thereafter, the charge is \$230.00 for every additional hour or fraction thereof.	
Slowdown:	((\$109.00)) \$115.00 per hour
When a vessel chooses not to maintain its normal speed capabilities for reasons determined by the vessel and not the pilot, and when the difference in arrival time is one hour, or greater, from the predicted arrival time had the vessel maintained its normal speed capabilities, a charge of ((\$109.00)) \$115.00 per hour, and each fraction thereof, will be assessed for the resultant difference in arrival time.	
Super ships: 20,000 to 50,000 gross tons: Additional charge to LOA zone mileages of ((\$0.0576)) \$0.0606 a gross ton for all gross tonnage in excess of 20,000 gross tons up to 50,000 gross tons. 50,000 gross tons and up: In excess of 50,000 gross tons, the charge shall be ((\$0.0689)) \$0.0725 per gross ton. For vessels where a certificate of international gross tonnage is required, the appropriate international gross tonnage shall apply.	
Delayed arrival-Port Angeles:	((\$109.00)) \$115.00 per hour
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the vessel does not arrive within two hours of its ETA, or its ETA is amended less than six hours prior to the original ETA, a charge of ((\$109.00)) \$115.00 for each hour delay, or fraction thereof, shall be assessed in addition to all other appropriate charges.	
When a pilot is ordered for an arriving inbound vessel at Port Angeles and the ETA is delayed to six hours or more beyond the original ETA, a cancellation charge shall be assessed, in addition to all other appropriate charges, if the ETA was not amended at least twelve hours prior to the original ETA.	

Transportation to vessels on Puget Sound:

	620	629	279	366	554	806	1078	1320
March Point or Anacortes	\$144.00	630	639	294	374	560	808	1086
Bangor	84.00	640	649	306	381	566	811	1098
Bellingham	158.00	650	659	327	389	576	818	1111
Bremerton	44.00	660	669	335	393	581	821	1122
Cherry Point	175.00	670	679	345	403	588	836	1135
Dupont	85.00	680	689	351	411	594	845	1145
Edmonds	27.00	690	699	361	417	603	860	1158
Everett	52.00	700	719	378	431	615	869	1179
Ferndale	173.00	720	739	401	444	630	881	1204
Manchester	66.00	740	759	417	463	643	890	1227
Mukilteo	52.00	760	779	434	481	658	905	1252
Olympia	108.00	780	799	455	501	669	918	1273
Point Wells	27.00	800	819	474	517	683	923	1294
Port Gamble	77.00	820	839	489	534	698	937	1320
Port Townsend (Indian Island)	109.00	840	859	511	556	712	947	1342
Seattle	15.00	860	879	529	576	726	974	1366
Semiahmoo (Blaine)	196.00	880	899	548	593	739	995	1388
Tacoma	56.00	900	919	564	611	752	1019	1416
Tacoma Smelter	66.00	920	939	582	630	771	1043	1433
Winslow	42.00	940	959	603	647	782	1066	1457
		960	979	618	666	796	1086	1483
		980	999	640	683	809	1111	1503
		1000 & over	658	706	823	1135	1529	1782))

(a) Intraharbor transportation for the Port Angeles port area - transportation between Port Angeles pilot station and Port Angeles harbor docks - \$15.00.

(b) Interport shifts: Transportation paid to and from both points.

(c) Intraharbor shifts: Transportation to be paid both ways. If intraharbor shift is cancelled on or before scheduled reporting time, transportation paid one way only.

(d) Cancellation: Transportation both ways unless notice of cancellation is received prior to scheduled reporting time in which case transportation need only be paid one way.

(e) Any new facilities or other seldom used terminals, not covered above, shall be based on mileage x \$1.80 per mile.

Delinquent payment charge: 1 1/2% per month after ((45)) 30 days from first billing.

Nonuse of pilots: Ships taking and discharging pilots without using their services through all Puget Sound and adjacent inland waters shall pay full pilotage fees on the LOA zone mileage basis from Port Angeles to destination, from place of departure to Port Angeles, or for entire distance between two ports on Puget Sound and adjacent inland waters.

LOA rate schedule

The following rate schedule is based upon distances furnished by National Oceanic and Atmospheric Administration, computed to the nearest half-mile and includes retirement fund contributions.

LOA	ZONE I Intra Harbor	ZONE II 0-30 Miles	ZONE III 31-50 Miles	ZONE IV 51-75 Miles	ZONE V 76-100 Miles	ZONE VI 101 Miles & Over
((Up to 449	162	254	441	660	890	1158
450 - 459	167	260	444	669	905	1163
460 - 469	171	263	449	680	918	1167
470 - 479	176	270	455	695	921	1170
480 - 489	181	275	457	708	926	1175
490 - 499	184	278	463	720	937	1181
500 - 509	193	283	471	730	944	1189
510 - 519	196	290	476	739	954	1193
520 - 529	198	300	483	743	962	1204
530 - 539	205	304	489	751	978	1216
540 - 549	208	308	500	760	994	1227
550 - 559	212	318	503	771	1000	1239
560 - 569	220	331	513	778	1012	1252
570 - 579	225	335	517	781	1021	1259
580 - 589	234	341	528	787	1028	1273
590 - 599	245	347	531	791	1043	1287
600 - 609	254	358	538	794	1054	1294
610 - 619	269	361	548	798	1066	1305

Up to 449	170	267	464	695	937	1219
450 - 459	176	274	467	704	952	1224
460 - 469	180	277	473	716	966	1228
470 - 479	185	284	479	731	969	1231
480 - 489	190	289	481	745	974	1236
490 - 499	194	293	487	758	986	1243
500 - 509	203	298	496	768	993	1251
510 - 519	206	305	501	778	1004	1255
520 - 529	208	316	508	782	1012	1267
530 - 539	216	320	515	790	1029	1280
540 - 549	219	324	526	800	1046	1291
550 - 559	223	335	529	811	1052	1304
560 - 569	232	348	540	819	1065	1318
570 - 579	237	353	544	822	1074	1325
580 - 589	247	359	556	828	1082	1340
590 - 599	258	365	559	832	1098	1354
600 - 609	267	377	566	836	1109	1362
610 - 619	283	380	577	840	1122	1373
620 - 629	294	385	583	848	1134	1389
630 - 639	309	394	589	850	1143	1402
640 - 649	322	401	596	853	1155	1412
650 - 659	344	409	606	861	1169	1426
660 - 669	351	414	611	864	1181	1437
670 - 679	363	424	619	880	1194	1446
680 - 689	369	433	625	889	1205	1461
690 - 699	380	439	635	905	1219	1490
700 - 719	398	454	647	914	1241	1508
720 - 739	422	467	663	927	1267	1533
740 - 759	439	487	677	937	1291	1561
760 - 779	457	506	692	952	1318	1582
780 - 799	479	527	704	966	1340	1609
800 - 819	499	544	719	971	1362	1633
820 - 839	515	562	735	986	1389	1653
840 - 859	538	585	749	997	1412	1682
860 - 879	557	606	764	1025	1437	1705
880 - 899	577	624	778	1047	1461	1730
900 - 919	594	643	791	1072	1490	1755
920 - 939	612	663	811	1098	1508	1777
940 - 959	635	681	823	1122	1533	1801
960 - 979	650	701	838	1143	1561	1826
980 - 999	673	719	851	1169	1582	1850
1000 & over	692	743	866	1194	1609	1875

WSR 94-08-057
WITHDRAWAL OF PROPOSED RULES
DEPARTMENT OF LICENSING
 [Filed April 1, 1994, 1:35 p.m.]

March 29, 1994
 Bonnie Y. Terada
 Assistant Attorney General

The Department of Licensing has opted to withdraw proposed rule making WSR 93-20-078. The new rules proposed for adoption subject to this WSR will not be adopted because the authorizing RCW 46.12.400 and [46.12].410 are repealed by 2SSB 5341.

Nancy Kelly, Administrator
 Title and Registration Services
 Vehicles Services Division

WSR 94-08-066
PROPOSED RULES
WASHINGTON SCHOOL
FOR THE DEAF
 [Filed April 4, 1994, 11:17 a.m.]

Original Notice.

Title of Rule: Chapter 148-120 WAC, Student conduct code.

Purpose: To provide a comprehensive student conduct code and set forth the disciplinary process.

Statutory Authority for Adoption: RCW 72.40.022.

Statute Being Implemented: RCW 72.40.022.

Summary: These rules set forth student conduct which is prohibited and provides a framework for the disciplinary process which is consistent with state and federal law governing the education of students with disabilities.

Reasons Supporting Proposal: The need for a comprehensive student code and procedures and standards governing the imposition of corrective action.

Name of Agency Personnel Responsible for Drafting: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th #110, Vancouver, 696-6471; Implementation and Enforcement: Dr. Gary Holman, Superintendent, 611 Grand Boulevard, Vancouver, 696-6525.

Name of Proponent: Washington School for the Deaf, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule describes conduct regulations and prescribes the substantive and procedural due process rights of students served by the Washington State School for the Deaf in order to provide an environment conducive to the education and development of deaf and hearing impaired students.

Proposal does not change existing rules.

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

Hearing Location: Washington School for the Deaf, Vocational Lounge, 611 Grand Boulevard, Vancouver, WA 98661, on May 27, 1994, at 10:00 a.m.

Submit Written Comments to: Bonnie Y. Terada, Assistant Attorney General, 500 West 8th #110, Vancouver, WA 98660, by May 24, 1994.

Date of Intended Adoption: May 27, 1994.

WSR 94-08-067
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed April 4, 1994, 11:54 a.m.]

Original Notice.

Title of Rule: WAC 180-51-050 High school credit—
 Definition.

Purpose: Delays the implementation of the new lower uniform rate of conversion for converting college and university course work to high school credits until September 1, 1995, for all students.

Statutory Authority for Adoption: RCW 28A.230.090(1) and 28A.305.130 (8) and (9).

Statute Being Implemented: RCW 28A.230.090(1) and 28A.305.130 (8) and (9).

Summary: The lower uniform conversion rate of .75 high school credit for each five quarter hours or three semester hours of course work on the college or university level was adopted in November 1993. The 1993 rule would have applied the lower conversion rate to students beginning college or university level coursework in September 1994. The proposed amendment delays the implementation of the new conversion rate for all students until September 1, 1995.

Reasons Supporting Proposal: Legislative request to convene a task force to study the issue further.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation and Enforcement: Barbara Mertens, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-1142.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: See Summary above.

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

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way S.W., Olympia, WA 98501, on May 19, 1994, at 9:00 a.m.

Submit Written Comments to: Dr. Monica Schmidt, Executive Director, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by May 17, 1994.

Date of Intended Adoption: May 19, 1994.

April 4, 1994
Dr. Monica Schmidt
Executive Director/Secretary

AMENDATORY SECTION (Amending Order 1-94, filed 1/19/94, effective 9/1/94)

WAC 180-51-050 High school credit—Definition. As used in this chapter the term "high school credit" shall mean:

(1) Grades nine through twelve high school programs. One hundred fifty hours of planned in-school instruction;

(2) College and university course work. At the college or university level, except for community college adult high school completion programs, five quarter or three semester hours shall equal .75 high school credit: *Provided*, That five quarter or three semester hours shall continue to equal one high school credit (~~(in the case of high school students who qualify as eleventh or twelfth grade students as of the 1993-94 school year and who commence college or university course work during such school year for the purpose in whole or part of earning high school credit)~~) until September 1, 1995; and

(3) Community college adult high school completion program. Five quarter or three semester hours of community college work shall equal 1.0 high school credit for students in the community college high school completion program.

WSR 94-08-068
PROPOSED RULES
STATE BOARD OF EDUCATION
[Filed April 4, 1994, 11:56 a.m.]

Continuance of WSR 94-05-088.

Title of Rule: WAC 180-29-147 Retained percentage law related requirements, 180-29-135 Disbursement of moneys—General provisions applicable to payments, and 180-29-170 Liens.

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way S.W., Olympia, WA 98501, on May 19, 1994, at 9 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by May 18, 1994.

Date of Intended Adoption: May 19, 1994.

April 4, 1994
Dr. Monica Schmidt
Executive Director/Secretary

WSR 94-08-070
PREPROPOSAL COMMENTS
ENERGY OFFICE
[Filed April 4, 1994, 4:10 p.m.]

Subject of Possible Rule Making: Washington state electric curtailment plan. Policies and procedures for responding to regionwide, long-term shortages of electric energy. Does not pertain to short-term, localized shortages. Addresses implementation of voluntary and mandatory curtailment of electric energy during times of electric energy

insufficiency. Addresses responsibilities of electric utilities and utility customers.

Persons may comment on this subject in writing, by telephone/Fax, in-person, or through electronic-mail: Washington State Energy Office, 925 Plum Street, Building 4, P.O. Box 43165, Olympia, WA 98504-3165, Attn: Mark Anderson, Policy Group. Telephone comments: Mark Anderson: (206) 956-2012, TDD: (206) 956-2218, Fax: (206) 956-2217. Computer comments: Electric Ideas Clearinghouse, 1-800-762-3319, E-Mail to: Sysop: (System Operator). Topic: Electric Energy Curtailment. Comments accepted until 5:00 p.m., May 13, 1994. Commentors by telephone and in-person may need to leave message or arrange for an appointment. Computer e-mail not accessible 4-6 p.m. on Fridays.

Other Information or Comments by Agency at this Time, if any: The Washington State Energy Office (WSEO) has worked in cooperation with government representatives from the states of Oregon, Idaho, and Montana, and with utility representatives from the four northwest states to develop a regional curtailment plan for electric energy. Developing a regional plan acceptable to the four states and to utilities required two years of monthly meetings. The regional plan was designed as a model for individual state plans. Upon completion of the regional plan, WSEO held two workshops in the fall of 1993 with Washington state utilities, to develop a plan for Washington state. The resulting draft Washington state electric energy curtailment plan is the subject of possible rule making.

March 31, 1994
Mark L. Anderson
Energy Policy Specialist

DRAFT — (March 30, 1994) — DRAFT
Pre-proposal Comment Draft - Not a Proposed Rule

WASHINGTON STATE CURTAILMENT PLAN
for ELECTRIC ENERGY

WAC 194-22-010 Purpose and goal The purpose of this chapter is to establish the process by which the state of Washington and Washington state utilities will initiate and implement statewide electric load curtailment when there is an insufficient supply of electric energy. This chapter constitutes the Washington State Curtailment Plan for Electric Energy (Plan). The Plan is not intended to be activated for relatively short-term emergencies such as those caused by extremely cold weather or the temporary loss of a major generating plant, but for regional, protracted shortages of electric energy. The Plan will be activated by the Washington State Energy Office.

The goal of this Plan is to accomplish necessary curtailment while treating consumers fairly and equitably, minimizing adverse impacts from curtailment, complying with existing State laws and regulations, and providing for smooth, efficient, and effective curtailment administration.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-020 Definitions (1) "Base Billing Period" is one of the billing periods comprising the base year. Base billing period data may be weather-normalized at each utility's discretion before being used to calculate the amount of curtailment required by consumers.

(2) "Base Year" is the period from which required curtailment is calculated. It is normally the 12-month period immediately preceding imposition of State-initiated load curtailment.

(3) "Critical Load Consumer" includes consumers that supply essential services relating to public health, safety, welfare, or energy production, and includes but is not limited to those consumers listed in RCW 43.21G.030.

(4) "Curtailment" means electric load reduction, irrespective of the means by which that reduction is achieved.

(5) "Curtailment Target" is the maximum amount of energy that a consumer may use and still remain in compliance with the State curtailment request or order; the curtailment target is figured individually for each consumer.

(6) "Direct Service Industries" means industries, primarily aluminum plants, that receive electric power directly from the Bonneville Power Administration (BPA).

(7) "Excess Power Consumption" is that amount of electric energy consumed during any billing period which is above the consumer's calculated curtailment target. It is calculated as one of two values: (a) actual or estimated load minus curtailment target, or (b) weather-normalized load minus curtailment target. Under mandatory curtailment, if a consumer's electric energy consumption exceeds the threshold consumption level, all excess power consumption is subject to penalty unless exempted.

(8) "General Use Customer" refers to any non-residential consumer who purchased and consumed 5 average megawatts or less during the base year.

(9) "Major Use Consumer" refers to any consumer who purchased and consumed over 5 average megawatts during the base year.

(10) "Minimum Audit Level" is the minimum percentage of consumers in each consuming sector that must be audited each billing period under mandatory curtailment. The minimum audit level is set by the State and subject to change.

(11) "Region" includes the States of Washington, Oregon, Idaho, and those portions of Montana that are west of the continental divide and/or within the control area of the Montana Power Company.

(12) "Regional Curtailment Plan for Electric Energy, May 22, 1992" is the model document on which this Plan is based. The Regional Curtailment Plan for Electric Energy and Appendices are a policy document the State will use to guide implementation of this Plan. Where there are discrepancies, this chapter applies.

(13) "Regional Load" is the electric load placed by ultimate consumers within the region on their respective utility suppliers.

(14) "State" means the Washington State Energy Office. Other state agencies which participate in curtailment activities include: the Office of the Governor; the Utilities and Transportation Commission; and the joint Senate and House Energy and Utilities Committee established during energy emergencies.

(15) "State Contacts" refers to individuals who represent the State of Washington in connection with curtailment issues.

(16) "State-Initiated" refers to actions taken by the State to implement load curtailment.

(17) "Threshold Consumption Level" is the maximum amount of energy that a consumer can use during mandatory load curtailment without being subject to enforcement measures taken under this Plan. The threshold consumption level is set by the State and subject to change.

(18) "Utility Contacts" refers to individuals representing utilities in connection with curtailment issues.

(19) "Utility Coordinator" is the Director of the Northwest Power Pool.

(20) "Utility Curtailment Reports" are reports summarizing curtailment data, which must be submitted monthly to the State and the utility coordinator. Reporting requirements are provided by the State to utilities.

(21) "Weather-Normalization" is the procedure used to reflect the impact of weather on utility load levels, sometimes referred to as "weather-adjustment."

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-030 Curtailment stages State curtailment directives apply to all retail loads served within the State of Washington. Under this Plan, curtailment is requested or ordered as a percentage of historical, base billing period electric energy consumption, weather normalized at the discretion of each utility, for all individual residential, general, and major use consumers in the State of Washington. Curtailment stages are associated with increasing energy deficits, and are therefore likely to be implemented in a sequential manner, however, circumstances may require non-sequential implementation.

The five curtailment stages are:

Stage #	Nature	Curtailment Percent	Type of Curtailment
Stage 1	Voluntary	No specified %	Uniform among all consumers
Stage 2	Voluntary	5% +	Uniform among all consumers
Stage 3	Mandatory	5 to 15%	Uniform among all consumers
Stage 4	Mandatory	15% 15% + 15% +	Residential consumers General use consumers Major use consumers
Stage 5	Mandatory	% associated with Stage 4 + additional curtailment	Continued consumer curtailment plus utility action, including plant closures and possible black-outs

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-040 Initiation of load curtailment The State, in consultation with regional state and utility contacts, will determine if curtailment is required, and if so, the appropriate initial stage. It is the intent of the State to initiate statewide curtailment concurrent with Oregon, Idaho, and Montana, leading to an effective regional curtailment and consistent implementation policies. The State will formally notify the utility coordinator and all electric utilities

operating within the State of Washington that regional and statewide electric load curtailment are in effect. If any stage associated with a specific level of curtailment is declared (Stages 2-5), the State will publicly announce the need for curtailment and provide all utilities operating within the State of Washington with written instructions regarding utility obligations during the period of State-initiated load curtailment. Upon notification by the State, utilities shall immediately initiate curtailment on their own systems in conformance with this Plan.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-050 Curtailment administration - Stage by stage utility obligations Throughout the curtailment period, utilities will provide consumers with as much useful information as they reasonably can. The requirements specified below represent minimum actions to be taken. All requirements for lower level stages continue to apply to higher level stages. Utilities will provide information to the public, State and utility coordinator in conformance with the Regional Curtailment Plan for Electric Energy, Appendix B, "Types of Curtailment Information."

(1) Stage 1 requirements: Utilities will begin providing curtailment information to all consumers. Utilities shall also assist States, as appropriate, in briefing the media about the shortage.

(2) Stage 2 requirements: Utilities will (a) notify consumers of the percentage level of State-initiated voluntary curtailment; (b) provide curtailment tips to consumers; (c) answer consumer questions about curtailment; (d) provide curtailment reports to the States and the utility coordinator; and (e) provide more detailed information to the media than provided in Stage 1.

(3) Stage 3 requirements: Utilities will (a) notify consumers of the percentage level of State-ordered mandatory curtailment; (b) calculate base billing period data and curtailment targets for all consumers subject to audit in the current billing period; (c) provide curtailment targets to all consumers who request such data for their own accounts; (d) provide consumers with information about how to apply for exemption and adjustment of base year data (utilities may elect to provide this information only to audited consumers or those subject to penalties under this Plan); (e) process requests for exemption and base year data adjustments from those consumers selected for audit who would otherwise be subject to penalties; and (f) implement the enforcement requirements of the Plan.

(4) Stage 4 requirements: Utilities will notify consumers of any applicable changes in State-initiated mandatory curtailment.

(5) Stage 5 requirements: Utilities will collaborate with the State to develop and implement the most effective methods for securing the required load curtailment and to minimize the economic and human hardships of the last stage of load curtailment.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-060 Curtailment administration - Suggested curtailment actions Utilities will provide their

consumers with curtailment information about actions they can take to reduce their electric energy consumption. The State and utilities will work together to develop this material. The recommendations will be based on the actions described in the Regional Curtailment Plan for Electric Energy, Appendix C, "Curtailment Measures." Utilities are responsible for tailoring curtailment information to their service areas, adding utility-specific information, printing the material in an appropriate form, and disseminating it to their consumers.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-070 Curtailment administration - Base year, base billing period data The State will select a Base Year to be used in calculating curtailment targets for individual consumers. Base year and base billing period data may be weather-normalized at each utility's discretion using standard utility procedures, and will be calculated for any consumer audited under this Plan. Utilities may elect to audit residential and general use consumers for whom no actual base year or base billing period data exists, but must estimate data for such consumers. Utilities will estimate base year and base billing period data for all major use consumers for whom no actual billing data exists.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-080 Curtailment administration - Curtailment targets Under voluntary curtailment utilities need do no more than provide curtailment tips to consumers, provided sufficient curtailment is being achieved equitably between states and utilities. At the direction of the State, utilities will provide individual consumers with curtailment targets. Utilities will provide retrospective, current, and forthcoming billing period curtailment target data to all consumers as directed by the State. Under mandatory curtailment the following will apply:

(1) at a minimum, utilities will provide retrospective, current, and forthcoming billing period curtailment target data to any audited consumer and to any consumer who so requests.

(2) utilities may elect to audit up to 100 percent of their customers, provided that each billing period minimum audit level requirements are met. Unless adjusted by the State, the minimum audit level will be at least one percent of residential consumers, five percent of general use consumers, 100 percent of major use consumers, and any consumer whose previous billing period consumption exceeded the threshold consumption level. Such consumers will continue to be audited until their energy use falls below the threshold consumption level. Once their energy use falls below that level, they will be audited again only if selected by sample.

(3) For audit, new samples will be drawn each month. The number of consumers exempted or excluded from audit will not affect the sample size.

(4) Unless a utility is auditing 100 percent of its residential and general use consumers, all such consumers selected for audit will be chosen on a random sample basis,

except that the following consumers will be excluded: (a) consumers granted an exemption under this Plan; and (b) consumers with an estimated power bill in the current billing period. Utilities may elect to exclude residential and general use consumers with estimated base billing period data, if the State does not require their inclusion in the pool of consumers subject to audit.

(5) Any existing curtailment of load based on contractual provisions between an industrial consumer and its utility does not count towards the consumer's required curtailment obligation to the State, excepting where such curtailment represents 50 percent of the consumer's base year consumption level. This subsection (5) shall not pertain to curtailment requirements under Stage 5 of mandatory curtailment.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-090 Curtailment administration - Excess power consumption Excess power consumption is calculated at each utility's discretion as one of two values: (a) actual or estimated load minus curtailment target or (b) weather-normalized load minus curtailment target. Enforcement measures will only be assessed on excess power consumption if a consumer's actual, estimated or weather-normalized load is greater than the threshold consumption level.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-100 Curtailment administration - Threshold consumption level The threshold consumption level assigned to each consumer class is identified in the table below. These values are subject to change by the State.

Type of Consumer	Threshold Consumption Level
Residential consumers	10% above curtailment target
General use consumers	10% above curtailment target
Major use consumers	2% above curtailment target

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-110 Curtailment administration - Mandatory curtailment enforcement The state will take whatever measures are available and appropriate at the time mandatory curtailment is instituted to ensure that consumers comply with the mandates of the plan. Enforcement measures applicable to BPA's DSI customers may be assessed by the State based on billing data provided by BPA.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-120 Curtailment administration - Exemptions and adjustments (1) Utilities will inform consumers how to apply for exemption from Plan requirements and for adjustments of base billing period data. Utilities may elect to process exemptions and adjustments only for audited consumers. Consumers seeking an exemption or adjustment shall apply first to their utility and then, if dissatisfied with that outcome, to the State.

(2) No automatic consumer exemptions will be granted under mandatory State-initiated load curtailment. Critical load consumers may be exempted once they have demonstrated to their utility that they have eliminated all non-essential energy use and are using any reliable, cost-effective back-up energy resources. Exempted consumers should be informed that exemption may not protect them from Stage 5 black-outs.

(3) Exemptions for consumers not qualifying as critical load consumers under this Plan will be evaluated based on whether curtailment would result in unreasonable exposure to health or safety hazards, seriously impair the welfare of the affected consumer, cause extreme economic hardship relative to the amount of energy saved, or produce counter-productive results.

(4) Utilities will maintain a list of all consumers applying for exemption, noting the account, the nature of the requested exemption (base year adjustment or exemption from the mandatory curtailment order), the rationale provided by the consumer, and the action taken by the utility with respect to the request. Records regarding exemption determinations will be made available to the Washington State Energy Office upon request.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-130 Curtailment administration - State appeals board (1) In the event that mandatory curtailment is ordered, the State shall form an Electricity Curtailment Appeals Board (Board) to process consumer requests for either exemption or adjustment of base year data where the consumer is appealing a utility determination. The Board shall consist of 12 members: the Director of the State Energy Office or designee who shall serve as chair, the Chair of the Washington Utilities and Transportation Commission or designee, and one representative from each of the following groups as appointed by the Governor; public utility districts, cooperative, municipal, and investor-owned utilities, county and municipal government, commercial and industrial users, and two citizens at large.

(2) The Board will (a) develop its own plans and procedures for hearing appeals, (b) initiate communications with utilities for receiving appeals, and (c) provide information to the Governor for any case in which the Board refuses to grant the requested exemption or adjustment.

(3) Throughout the appeals process, the State will periodically inform the appealing consumers and their respective utilities of the status of the appeals.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-140 Utility exemption from plan The state expects all electric utilities to comply with all aspects of this Plan, and to work together to assist each other in conforming to curtailment requirements. Nevertheless, utilities may appeal to the State requesting an exemption from any aspect of this Plan. A petition for exemption shall identify specific requirements from which a utility wishes to be exempted, demonstration of need for the exemption, and alternative actions the utility will take in lieu of complying with Plan requirements.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-150 Utility waiver of liability and financial relief Utilities are released from liability and may seek financial relief from the extraordinary costs of curtailment in accordance with RCW 43.21G.050 and 080.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-160 Scheduling curtailment During periods of mandatory curtailment a consumer is obligated to provide the requisite amount of curtailment within each billing period. Within that billing period, and subject to equipment limitations and utility rules on load fluctuations, consumers are free to schedule their curtailment so as to minimize the economic cost, hardship, or inconvenience they experience as a result of the mandatory curtailment requirement.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-170 Purchase of curtailment requirements General and major use customers may, with approval from the state, and with the assistance and approval of effected utilities, sell curtailment requirements to other regional general and major use customers, which would allow reduced curtailment for one customer and a commensurate increase in curtailment requirements for the other. No arrangement under this section may be carried out that contravenes the goals of regional curtailment. No sale of curtailment requirements may result in a net increase in actual electricity consumption during the curtailment year.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-180 Consumer owned generation Consistent with the need for safety and system protection, consumers having their own generation facilities or access to electricity from non-utility power sources may use energy from those other sources to supplement their curtailed power purchases from their electric utility.

[Statutory Authority: RCW 43.21F.045(12).]

WAC 194-22-190 Return to normal operations The State will develop a plan for returning to normal utility operations based upon the circumstances at the end of the shortage. The nature of the actions required will depend on the last existing stage of curtailment and the actions taken and processes put in place during the curtailment. At a minimum, the procedures will address public information matters and the close-out of curtailment administrative procedures.

[Statutory Authority: RCW 43.21F.045(12).]

WSR 94-08-071
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 93-37—Filed April 4, 1994, 4:25 p.m.]

Original Notice.

Title of Rule: Chapter 173-202 WAC, Washington forest practices rules and regulations to protect water quality.

Purpose: Clarify protection requirements for forested bogs and fens and enhance field recognition of these systems.

Statutory Authority for Adoption: Chapters 90.48 and 76.09 RCW.

Statute Being Implemented: Chapter 90.48 RCW.

Summary: Tree species are added to bog and fen definitions. Classification and harvest restrictions are clarified for forested bogs and fens.

Reasons Supporting Proposal: Ambiguity in original rule language led to different interpretations.

Name of Agency Personnel Responsible for Drafting: David Roberts, 300 Desmond Drive, Lacey, WA 98503, 407-6414; Implementation: Fred Greef, 300 Desmond Drive, Lacey, WA 98503, 407-6409; and Enforcement: Regional Staff (TFW) and Fred Greef, 407-6295.

Name of Proponent: Washington Department of Ecology/Forest Practices Board, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Public education must play a large role in implementation and enforcement.

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

Explanation of Rule, its Purpose, and Anticipated Effects: A number of nonsubstantial corrections to Title 222 WAC are necessary to maintain consistency, to enhance field identification of bogs and fens, and to clarify their protection requirements.

Proposal does not change existing rules.

No change to the substance or intent of existing rules. Housekeeping changes to correct ambiguity of original rule language and to clarify intent.

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

Hearing Location: Natural Resources Building, Room 172, 1111 Washington Street, Olympia, WA, on June 8, 1994, at 9:00 a.m.

Submit Written Comments to: Judith Holter, Forest Practices Division, P.O. Box 47012, Olympia, WA 98504-7012, by June 8, 1994.

Date of Intended Adoption: June 8, 1994.

April 4, 1994
Mary Riveland
Director

AMENDATORY SECTION (Amending WSR 93-11-062, filed 5/13/93, effective 6/13/93)

WAC 173-202-020 Certain WAC sections adopted by reference. The following sections of the Washington Administrative Code existing on (~~May 12, 1993~~) April 15, 1994, are hereby adopted by reference as part of this chapter in all respects as though the sections were set forth herein in full:

- WAC 222-08-035—Continuing review of forest practices regulations.
- WAC 222-12-010—Authority.
- WAC 222-12-040—Alternate plans.
- WAC 222-12-045—Adaptive management.
- WAC 222-12-046—Cumulative effect
- WAC 222-12-070—Enforcement policy.
- WAC 222-16-010—General definitions.
- WAC 222-16-030—Water typing system.
- WAC 222-16-035—Wetland typing system.
- WAC 222-16-050 (1)(a), (1)(e), (1)(h), (1)(i), (3)(b), (3)(c), (3)(d), (3)(e), (3)(f), (3)(n), (3)(o), (3)(p), (4)(c), (4)(d), (4)(e), (5)(b), (5)(c), (5)(d), (5)(e), (5)(f), (5)(h), (5)(n)—Classes of forest practices.
- WAC 222-16-070—Pesticide uses with the potential for a substantial impact on the environment.
- WAC 222-22-010—Policy.
- WAC 222-22-020—Watershed administrative units.
- WAC 222-22-030—Qualification of watershed resource analysts, specialists, and field managers.
- WAC 222-22-040—Watershed prioritization.
- WAC 222-22-050—Level 1 watershed resource assessment.
- WAC 222-22-060—Level 2 watershed resource assessment.
- WAC 222-22-070—Prescription recommendation.
- WAC 222-22-080—Approval of watershed analysis.
- WAC 222-22-090—Use and review of watershed analysis.
- WAC 222-22-100—Application review prior to watershed analysis.
- WAC 222-24-010—Policy.
- WAC 222-24-020 (2), (3), (4), (6)—Road location.
- WAC 222-24-025 (2), (5), (6), (7), (8), (9), (10)—Road design.
- WAC 222-24-030 (2), (4), (5), (6), (7), (8), (9)—Road construction.
- WAC 222-24-035 (1), (2)(c), (2)(d), (2)(e), (2)(f)—Landing location and construction.
- WAC 222-24-040 (1), (2), (3), (4)—Water crossing structures.
- WAC 222-24-050—Road maintenance.
- WAC 222-24-060 (1), (2), (3), (6)—Rock quarries, gravel pits, borrow pits, and spoil disposal areas.
- WAC 222-30-010—Policy—Timber harvesting.
- WAC 222-30-020 (2), (3), (4), (5), (7)(a), (7)(e), (7)(f), (8)(c)—Harvest unit planning and design.

- WAC 222-30-025—Green-up: Even-aged harvest size and timing.
- WAC 222-30-030—Stream bank integrity.
- WAC 222-30-040—Shade requirements to maintain stream temperature.
- WAC 222-30-050 (1), (2), (3)—Felling and bucking.
- WAC 222-30-060 (1), (2), (3), (5)(c)—Cable yarding.
- WAC 222-30-070 (1), (2), (3), (4), (5), (7), (8), (9)—Tractor and wheeled skidding systems.
- WAC 222-30-080 (1), (2)—Landing cleanup.
- WAC 222-30-100 (1)(a), (1)(c), (4), (5)—Slash disposal.
- WAC 222-34-040—Site preparation and rehabilitation.
- WAC 222-38-010—Policy—Forest chemicals.
- WAC 222-38-020—Handling, storage, and application of pesticides.
- WAC 222-38-030—Handling, storage, and application of fertilizers.
- WAC 222-38-040—Handling, storage, and application of other forest chemicals.

WSR 94-08-072
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Filed April 4, 1994, 4:30 p.m.]

Continuance of WSR 94-04-106.
Title of Rule: Chapter 173-400 WAC, General regulations for air pollution sources.
Purpose: To change the adoption date from April 28, 1994, to May 20, 1994.
Date of Intended Adoption: May 20, 1994.

March 31, 1994
Mary Riveland
Director

WSR 94-08-073
PROPOSED RULES
DEPARTMENT OF ECOLOGY
[Order 93-30—Filed April 4, 1994, 4:34 p.m.]

Continuance of WSR 94-04-104.
Title of Rule: Chapter 173-401 WAC, Insignificant emission units.
Purpose: To change the adoption date from April 28, 1994, to May 13, 1994.
Date of Intended Adoption: May 13, 1994.

March 31, 1994
Mary Riveland
Director

WSR 94-08-074
PROPOSED RULES
SUPERINTENDENT OF
PUBLIC INSTRUCTION
[Filed April 5, 1994, 11:01 a.m.]

Original Notice.

Title of Rule: Chapter 392-330 WAC, Magnet schools.

Purpose: To establish rules for awarding funds to districts for magnet school programs.

Statutory Authority for Adoption: RCW 28A.150.290 and 28A.150.370.

Statute Being Implemented: Section 501 (2)(f), chapter 15, Laws of 1993 sp. sess.

Summary: See above.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation and Enforcement: Carol Gregory, Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2593.

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 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: Wanamaker Conference Room, 2nd Floor, Old Capitol Building, 600 South Washington Street, Olympia, WA 98504, on May 13, 1994, at 9:00 a.m.

Submit Written Comments to: Richard M. Wilson, P.O. Box 47200, Olympia, WA 98504-7200, by May 12, 1994.

Date of Intended Adoption: May 16, 1994.

April 5, 1994
Judith A. Billings
Superintendent of
Public Instruction

Chapter 392-330 WAC STATE MAGNET SCHOOL PROGRAM

NEW SECTION

WAC 392-330-010 Authority. The authority for this chapter is RCW 28A.150.290 which together with RCW 28A.150.370 authorizes the superintendent of public instruction to adopt rules for the establishment and administration of compensatory programs and other special programs.

NEW SECTION

WAC 392-330-020 Purpose. The purpose of this chapter is to set forth policies and procedures for the administration of the magnet school projects program, including the establishment of criteria for the award of grants to an eligible school district.

NEW SECTION

WAC 392-330-030 Definitions. The following terms are defined for purposes of this program as follows:

(1) "Minority" refers to those racial/ethnic categories as defined on the School Enrollment Report Form SPI P-105.

(2) "Eligible school district" means a school district which can demonstrate racial imbalance based on WAC 180-26-025 or is implementing a plan undertaken pursuant to a

final order issued by a court of the United States, or a court of the state of Washington, or any other state agency or official of competent jurisdiction, and that requires the desegregation of children or faculty in the elementary and secondary schools of such agency; or without having been required to do so, has adopted and is implementing or will implement such a plan for the desegregation of children or faculty in such schools.

(3) "Feeder school" refers to a school from which students are drawn to attend a magnet school program.

(4) "Magnet school program" means a school, education center or program that offers a special curriculum capable of attracting substantial numbers of students of different racial backgrounds and increasing the interaction among students or different social, economic, ethnic and racial backgrounds.

NEW SECTION

WAC 392-330-040 Policy. The public policy goals of the magnet school projects are to:

(1) Reduce, eliminate, continue to assist in preventing racial imbalance or prevent minority group isolation within the period of the grant award or allocation period either in the magnet school or in a feeder school, as appropriate;

(2) Preclude increases in the minority enrollment, at the magnet school or at any feeder school, above the district-wide percentage of minority students at the grade levels corresponding to those served by that magnet school;

(3) Foster interaction among students of different social, economic, ethnic and racial backgrounds in classroom activities, extracurricular activities, or other activities in the magnet schools;

(4) Address the educational needs of the students who will be enrolled in the magnet schools;

(5) Encourage greater parental teacher and community involvement and decision making;

(6) Evaluate the effectiveness of the magnet school pilot project and whether funding should be continued, expanded or discontinued.

NEW SECTION

WAC 392-330-050 Eligibility. (1) Applicant eligibility for magnet school project funding shall be based on magnet program enrollment numbers and percentages for minority and nonminority group students, for each magnet school/program for which funding is sought and each feeder school for the:

(a) School year prior to the creation of each magnet school;

(b) School year in which the application is submitted and for each of the school years of the proposed grant cycle;

(c) District-wide enrollment numbers and percentages for minority group students in the local school district's schools, for grade levels involved in the applicants' magnet schools; and

(d) Calculation that, but for the establishment of a magnet pilot program, or for the continuation of a magnet pilot program or other student assignment efforts the enrollment of the school/program would be racially imbalanced as defined in WAC 180-26-025.

(2) Funds shall be awarded by the superintendent of public instruction or designee based on the ranking of the applicant districts evaluated on the following criteria:

(a) Degree of racial imbalance in the proposed project school, or for racial imbalance but for magnet and other student assignment efforts - fifteen points;

(b) Nature of the proposed program and extent to which it meets goals set forth in WAC 392-330-040 - forty-five points;

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups - twenty-five points;

(d) Strength of the evaluation component for the pilot project - ten points;

(e) Nature and extent of local resources committed to the project - five points.

A district must receive a minimum of sixty-five points to be eligible for funding consideration.

NEW SECTION

WAC 392-330-060 Information—Forms. An eligible district's application shall be on forms provided by the superintendent of public instruction and shall contain at a minimum the following information:

(1)(a) Degree of racial imbalance in the proposed project school or for racial imbalance but for magnet and other student assignment efforts;

(b) Nature of the proposed program and the extent to which it meets the goals set forth in WAC 392-330-040; and

(c) Elements of the proposed program which support interaction among students of diverse minority and ethnic groups.

(2) The desired outcomes for each magnet program, including but not limited to, increased student achievement and desegregation of students;

(3) The design of the evaluation of the project that will produce quantifiable results which will be used to determine the success of the project in meeting the intended outcomes including but not limited to increased student achievement and desegregation of students;

(4) Identify efforts of the school district to collaborate with institutions of higher education, community-based organizations, civic organizations, municipal agencies and appropriate state agencies;

(5) Set forth the personnel plan including how personnel assigned to the magnet school program will be utilized to complete the tasks and achieve the project objectives;

(6) The district's expenditure plan for the application of funds allocated pursuant to this chapter; and

(7) Identify resources which the district may use to continue support for the magnet school activities when assistance under this program is no longer available.

NEW SECTION

WAC 392-330-070 Annual report. Each school district awarded magnet school funds shall submit an annual report to the superintendent of public instruction on or before July 1st. The report shall evaluate the components set forth in WAC 392-330-050 and include an assessment of how well the outcomes were achieved and the impact of the project on student desegregation. The report also shall

provide an accounting of how the magnet school project funds were expended.

Failure to submit an annual report which evaluates the components set forth in WAC 392-330-050 shall disqualify the participating school district from receiving magnet school funds for the next school year.

NEW SECTION

WAC 392-330-080 Advisory committee. Each school district participating in the magnet school project shall organize a local advisory committee. The purpose of the committee is to advise the school district in the development and operation of its magnet school program. The committee shall be comprised of not less than thirteen members and is to include representatives from the following groups: School principals, teachers, parents, municipal and community representatives, and students. This committee is to be representative of the local community and its gender and ethnic composition.

**WSR 94-08-075
PROPOSED RULES
STATE BOARD OF HEALTH
[Filed April 5, 1994, 11:07 a.m.]**

Original Notice.

Title of Rule: Public water supplies. Regulations that govern Group A public water systems.

Purpose: Revise current WAC chapter to incorporate new Federal Safe Drinking Water Act requirements, make minor program changes and corrections and delete references to Group B systems.

Statutory Authority for Adoption: RCW 43.20.050.

Summary: Adding new requirements for lead and copper monitoring and treatment, and expanded requirements for inorganic and organic chemical monitoring. In addition, wellhead protection requirements are being added along with changes that would require the covering of all existing uncovered reservoirs, deletion of references to Group B systems and other clean-up and corrections to existing regulation language.

Reasons Supporting Proposal: Revision necessary to maintain primacy for Safe Drinking Water Act.

Name of Agency Personnel Responsible for Drafting and Enforcement: John Aden, Building 3, Airdustrial Park 7822, 664-0441; and Implementation: B. David Clark, Building 3, Airdustrial Park 7822, 753-1280.

Name of Proponent: State Board of Health, governmental.

Rule is necessary because of federal law, 40 CFR Parts 141 and 142.

Explanation of Rule, its Purpose, and Anticipated Effects: Changes proposed to the rule reflect additions necessary to keep up to date with promulgated federal rules. The department is required as part of primacy to maintain rules that are as least as stringent as the federal rules governing public drinking water systems. The proposed revisions will impact all Group A public water systems.

Impacts will vary between systems based on drinking water source vulnerability and type of system.

Proposal Changes the Following Existing Rules: Adds new federally mandated requirements and makes other program modifications and corrections to existing language. Adds new requirements for lead and copper monitoring and treatment. Expands requirements for inorganic and organic monitoring.

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

Small Business Impact: The proposed revisions to the State Board of Health drinking water rules deal with new federally mandated requirements such as lead and copper monitoring and treatment, expanded requirements for inorganic and organic chemical monitoring and wellhead protection and other minor changes to existing sections of chapter 246-290 WAC. The Federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339, requires states which administer drinking water programs to adopt a series of regulations which must be at least as stringent as federal regulations.

To comply with the state Regulatory Fairness Act, chapter 19.85 RCW, either a small business impact statement or clear documentation why one is not required, must be filed with these proposed rules. RCW 19.85.060 states that: An agency is not required to prepare a small business impact statement if the agency files a statement that the rule is being adopted solely for the purpose of conformity or compliance, or both, with federal law or regulations.

RCW 19.85.060 also states that: An agency is not required to prepare a small business impact statement if the agency files a statement that the rule will have a minor or negligible economic impact.

Following, then, is documentation for not filing a small business impact statement: The proposed State Board of Health rules are being proposed for adoption primarily for the purpose of conforming to and complying with the Federal Safe Drinking Water Act Amendments of 1986, P.L. 99-339, and its implementation regulations, 40 CFR Parts 141 and 142. The state must adopt regulations as least as stringent as the federal regulations to maintain primary enforcement authority (primacy). Other changes being proposed at this time will have minor or negligible economic impact.

Hearing Location: University of Washington Center for Urban Horticulture, NHS Hall, 3501 N.E. 41 Street, Seattle, WA 98195, on May 11, 1994, at 10:15 a.m.

Submit Written Comments to: Ann Foster, Department of Health Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by April 29, 1994.

Date of Intended Adoption: May 11, 1994.

April 1, 1994

Sylvia Beck

Executive Director

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-010 Definitions. Abbreviations:

BAT - best available technology;

CFR - code of federal regulations;

CSE - comprehensive system evaluation;

GW - ground water under the direct influence of surface water;

HPC - heterotrophic plate count;

kPa - kilo pascal (SI units of pressure);

m - meter;

MCL - maximum contaminant level;

mg/L - milligrams per liter;

mL - milliliter;

mm - millimeter;

NTNC - nontransient **noncommunity**;

NTU - nephelometric turbidity unit;

pCi/L - picocuries per liter;

psi - pounds per square inch;

SAL - state advisory level;

SOC - synthetic organic chemical;

~~((THM))~~ TTHM - total trihalomethane;

TNC - transient **noncommunity**;

TNTC - too numerous to count;

ug/L - micrograms per liter;

umhos/cm - micromhos per centimeter;

VOC - volatile organic chemical; ~~((and))~~

WFI - water facilities inventory and report form; and

WHPA - wellhead protection area.

"Acute" means posing an immediate risk to human health.

"Authorized agent" means any person who:

Makes decisions regarding the operation and management of a public water system whether or not he or she is engaged in the physical operation of the system;

Makes decisions whether to improve, expand, purchase, or sell the system; or

Has discretion over the finances of the system.

"Best available technology (BAT)" means the best technology, treatment techniques, or other means which EPA finds, after examination for efficacy under field conditions, are available (taking cost into consideration). For the purposes of setting MCLs for synthetic organic chemicals, any BAT ~~((must))~~ shall be at least as effective as granular activated carbon.

"Category red operating permit" means an operating permit identified as such pursuant to chapter 246-294 WAC. Placement in this category results in permit issuance with conditions and a determination that the system is inadequate.

"Coliform sample" means a sample of water collected from the distribution system at or after the first service and analyzed for coliform presence in compliance with this chapter.

"Composite sample" means a sample created in a certified laboratory by mixing equal parts of water from up to five different sources.

"Comprehensive monitoring plan" means a schedule which describes both the frequency and appropriate locations for sampling of drinking water contaminants as required by state and federal rules.

"Comprehensive system evaluation (CSE)" means a review, inspection, and assessment of a public water system, including but not limited to: Source; facilities; equipment; operation and administration; maintenance; records; planning documents and schedules; and monitoring, for the purpose of ensuring that safe and adequate drinking water is provided.

"Confirmation" means to demonstrate the results of a sample to be precise by analyzing a ~~((repeat))~~ sample from

the same location. Confirmation occurs when analysis results fall within plus or minus thirty percent of the original sample.

"Confluent growth" means a continuous bacterial growth covering a portion or the entire filtration area of a membrane filter in which bacterial colonies are not discrete.

"Contaminant" means a substance present in drinking water which may adversely affect the health of the consumer or the aesthetic qualities of the water.

"Contingency plan" means that portion of the wellhead protection program section of the water system plan or small water system management program which addresses the replacement of the major well(s) or wellfield in the event of loss due to ground water contamination.

"Cross-connection" means a physical arrangement connecting a public water system, directly or indirectly, with anything other than another potable water system, and capable of contaminating the public water system.

"Department" means the Washington state department of health or health officer as identified in a joint plan of operation in accordance with WAC 246-290-030(1).

"Disinfection" means the use of chlorine or other agent or process the department approves for killing or inactivating microbiological organisms, including pathogenic and indicator organisms.

"Distribution reservoir" means a water storage structure which is integrated with a water system's distribution network to provide for variable system demands including, but not limited to, daily equalizing storage, standby storage, or fire reserves, or to provide for disinfectant contact time.

"Distribution system" means that portion of a public water system which conveys water from the source and/or treatment facilities to consumers.

"Domestic or other nondistribution system plumbing problem," means contamination of a system having more than one service connection with the contamination limited to the specific service connection from which the sample was taken.

"Duplicate (verification) sample" means a second sample collected at the same time and location as the first sample and used for verification.

"Expanding public water system" means a public water system installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities which will enable the system increasing in size its existing service area and/or its number of approved service connections. Exceptions:

A system which connects new approved individual retail or direct service connections onto an existing distribution system within an existing service area; or

A distribution system extension in an existing service area identified in a current and approved water system plan or project report.

"Fire flow" means the rate of water flow needed to fight fires under WAC 246-293-640 or adopted city, town, or county standards.

"First customer" means the first service connection, i.e., the point where water is first withdrawn for human consumption, excluding connections where water is delivered to another water system covered by these regulations.

"Grab sample" means a water quality sample collected at a specific instant in time and analyzed as an individual sample.

"Ground water under the direct influence of surface water (GWI)" means any water beneath the surface of the ground, which the department determines has the following characteristics:

Significant occurrence of insects or other macroorganisms, algae, or large-diameter pathogens such as *Giardia lamblia*; or

Significant and relatively rapid shifts in water characteristics such as turbidity, temperature, conductivity, or pH closely correlating to climatological or surface water conditions.

"Guideline" means a department document assisting the purveyor in meeting a rule requirement.

"Health officer" means the health officer of the city, county, city-county health department or district, or an authorized representative.

"Hydraulic analysis" means the study of the water system network evaluating water flows within the distribution system under worst case conditions such as, peak hourly design flow plus fire flow, when required. Hydraulic analysis includes consideration of all factors affecting system energy losses.

"Initial inventory" means an inventory which consists, at a minimum, of all potential sources of ground water contamination located within the one-year time of travel area of a WHPA and all high risk potential sources of ground water contamination located within the ten-year ground water time of travel area.

"Maximum contaminant level (MCL)" means the maximum permissible level of a contaminant in water the purveyor delivers to any public water system user, measured at the locations identified under WAC 246-290-300, Table 4.

"Maximum contaminant level violation" means a confirmed measurement above the MCL and for a duration of time, where applicable, as outlined under WAC 246-290-310.

"Monitoring waiver" means an action taken by the department pursuant to WAC 246-290-300 (3)(g) or (7)(f) to allow a water system to reduce specific monitoring requirements based on a determination of low source vulnerability to contamination. Guidance on applying for monitoring waivers is found in the department guideline titled, *Source Vulnerability and Monitoring Waivers* which is available from the department.

"Nonacute" means posing a possible or less than immediate risk to human health.

"Nonresident" means a person without a permanent home or without a home served by the system, such as travelers, transients, employees, students, etc.

"Peak hourly design flow" means the maximum rate of water use, excluding fire flow, which can be expected to ever occur within a defined service area over a sixty minute time period.

"Population served" means the number of persons, resident and nonresident, having immediate access to drinking water from a public water system, whether or not such persons have actually consumed water from that system. The number of nonresidents shall be the average number of persons having immediate access to drinking

water on days access was provided during that month. In the absence of specific population data, the number of residents shall be computed by multiplying the number of active services by two and one-half.

"Potable" means water suitable for drinking by the public.

"Primary standards" means standards based on chronic, nonacute, or acute human health effects.

"Protected ground water source" means a ground water source the purveyor shows to the department's satisfaction as protected from potential sources of contamination on the basis of hydrogeologic data and/or satisfactory water quality history.

"Public water system" is defined and referenced under WAC 246-290-020.

"Purchased source" means water a purveyor purchases from a public water system not under the control of the purveyor for distribution to the purveyor's customers.

"Purveyor" means an agency, subdivision of the state, municipal corporation, firm, company, mutual or cooperative association, institution, partnership, or person or other entity owning or operating a public water system. Purveyor also means the authorized agents of such entities.

"Regularly" means four hours or more per day for four days or more per week.

"Repeat sample" means a sample collected to confirm the results of a previous analysis.

"Resident" means an individual living in a dwelling unit served by a public water system.

"Residual disinfectant concentration" means the concentration of disinfectant in mg/L in a representative sample of disinfected water.

"Same farm" means a parcel of land or series of parcels which are connected by covenants and devoted to the production of livestock or agricultural commodities for commercial purposes and does not qualify as a Group A public water system.

"Seasonal source" means a public water system source used on a regular basis, but not in use more than three consecutive months within a twelve-month period.

"Secondary standards" means standards based on factors other than health effects.

"Service" means a connection to a public water system designed to ((serve)) provide potable water to a single family residence, ((dwelling unit,)) or other residential or nonresidential population. When the connection is to a system without clearly defined single family residences or with a nonresident population, the following formulas shall be used in determining equivalent ((use. When the connection is a)) number of services:

For group home or barracks-type accommodation, divide the average population served each day by two and one-half ((persons shall be equivalent to one service));

For NTNC systems, divide the average population served each day by two and one-half; and

For TNC systems, divide the average population served each day by twenty-five.

In no case shall the calculated number of services be less than one.

"Special purpose sample" means a sample collected for reasons other than the monitoring compliance specified in this chapter.

"Standard methods" means the 18th edition of the book, titled *Standard Methods for the Examination of Water and Waste Water*, jointly published by the American Public Health Association, American Water Works Association (AWWA), and Water Pollution Control Federation. This book is available through public libraries or may be ordered from AWWA, 6666 West Quincy Avenue, Denver, Colorado 80235.

"State advisory level (SAL)" means a department-established value for a ((chemical)) contaminant without an existing state board of health MCL. The SAL represents a level which when exceeded, indicates the need for further assessment to determine if the chemical is an actual or potential threat to human health.

"State board of health" and "board" means the board created by RCW 43.20.030.

"Surface water" means a body of water open to the atmosphere and subject to surface runoff.

"Susceptibility assessment" means the Susceptibility Assessment Survey Form developed by the department to evaluate the hydrologic setting of the water source and assess its contribution to the sources' overall vulnerability to pollution from surface activities.

"Synthetic organic chemical (SOC)" means a manufactured carbon-based chemical.

"Time-of-travel" means the time required for ground water to move through the water bearing zone from a specific point to a well.

"Too numerous to count (TNTC)" means the total number of bacterial colonies exceeds 200 on a 47-mm diameter membrane filter used for coliform detection.

"Trihalomethane ((THM))" means one of a family of organic compounds, named as derivatives of methane, where three of the four hydrogen atoms in methane are each substituted by a halogen atom in the molecular structure. Trihalomethanes may occur when chlorine, a halogen, is added to water containing organic material.

"Verification" means to demonstrate the results of a sample to be precise by analyzing a duplicate sample. Verification occurs when analysis results fall within plus or minus thirty percent of the original sample.

"Volatile organic chemical (VOC)" means a manufactured carbon-based chemical that vaporizes quickly at standard pressure and temperature.

"Waterborne disease outbreak" means the significant occurrence of acute infectious illness, epidemiologically associated with drinking water from a public water system, as determined by the appropriate local health agency or the department.

"Water facilities inventory form (WFI)" means the department form summarizing each public water system's characteristics.

"Watershed" means the region or area which:

Ultimately drains into a surface water source diverted for drinking water supply; and

Affects the physical, chemical, microbiological, and radiological quality of the source.

"Well field" means a group of wells one purveyor owns or controls which:

Draw from the same aquifer or aquifers as determined by comparable inorganic chemical analysis; and

Discharge water through a common pipe and the common pipe shall allow for collection of a single sample before the first distribution system connection.

"Wellhead protection area (WHPA)" means the portion of a well's, wellfield's or spring's zone of contribution defined as such using WHPA criteria established by the department.

"Zone of contribution" means the area surrounding a pumping well or spring that encompasses all areas or features that supply ground water recharge to the well or spring.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-020 Applicability. (1) Public water system shall mean any system, excluding a system serving only one single-family residence and a system with four or fewer connections all of which serve residences on the same farm, providing piped water for human consumption, including any:

(a) Collection, treatment, storage, or distribution facilities under control of the purveyor and used primarily in connection with such system; and

(b) Collection or pretreatment storage facilities not under control of the purveyor primarily used in connection with such system.

(2) The rules of this chapter shall apply to all **Group A** public water systems except those systems meeting all of the following conditions:

(a) Consists only of distribution and/or storage facilities and does not have any source or treatment facilities;

(b) Obtains all water from, but is not owned by, a public water system where the rules of this chapter apply;

(c) Does not sell water directly to any person; and

~~(d) ((Has water distribution facilities that are subject to inspection or regulation by a state or local agency other than the department; and~~

~~(e))~~ Is not a passenger-conveying carrier in interstate commerce.

~~(3) ((Public water))~~ **Group A** public water systems meeting all of the provisions under subsection (2) of this section may be required by the department to comply with such provisions of this chapter as are necessary to resolve a public health concern if the department determines a public health threat exists or is suspected.

~~(4) A Group A~~ system ~~((s))~~ shall be ~~((categorized))~~ defined as ~~((follows:~~

~~(a) A Group A))~~ a public water system ~~((shall be a system))~~:

~~((+))~~ (a) With fifteen or more service connections, regardless of the number of people; or

~~((++))~~ (b) Serving an average of twenty-five or more people per day for sixty or more days within a calendar year, regardless of the number of service connections.

~~(5) Group A~~ water systems are further defined as **community and noncommunity** water systems.

~~((b))~~ (a) **Community** ~~((residential))~~ water system means any **Group A** ~~((public))~~ water system:

(i) With fifteen or more service connections used by residents for one hundred eighty or more days within a calendar year, regardless of the number of people; or

(ii) Regularly serving twenty-five or more residents for one hundred eighty or more days within the calendar year, regardless of the number of service connections.

Examples of a **community** ~~((residential))~~ water system might include a municipality, subdivision, mobile home park, apartment complex, college with dormitories, nursing home, or prison.

~~((e))~~ (b) **Noncommunity** water system means a **Group A** ~~((public))~~ water system which is not a **community** ~~((residential))~~ water system. **Noncommunity** water systems are further defined as:

(i) **Nontransient (NTNC)** water system ~~((means a noncommunity water system))~~ which regularly ~~((serving))~~ serves twenty-five or more of the same nonresidents for one hundred eighty or more days within a calendar year.

Examples of a NTNC water system might include a school, day care center, or a business, factory, motel, or restaurant with twenty-five or more employees on-site.

(ii) **Transient (TNC)** water system ~~((means a noncommunity water system))~~ which:

(A) ~~((Having))~~ Has fifteen or more service connections used less than one hundred eighty days within a calendar year; or

(B) ~~((Serving))~~ Serves twenty-five or more different nonresidents for sixty or more days within a calendar year; or

(C) ~~((Serving))~~ Serves twenty-five or more of the same nonresidents for sixty or more days, but less than one hundred eighty days within a calendar year; or

(D) ~~((Serving))~~ Serves twenty-five or more residents for sixty or more days, but less than one hundred eighty days within a calendar year.

Examples of a TNC water system might include a restaurant, tavern, motel, campground, state or county park, an RV park, vacation cottages, highway rest area, or church.

~~((d))~~ (c) A **Group B** water system ~~((means))~~ is a public water system which ~~((is))~~ does not meet the definition of a **Group A** water system. ~~((This would include a water system with less than fifteen service connections and serving:~~

~~((i) An average of less than twenty-five people for sixty or more days within a calendar year; or~~

~~((ii) Any number of people for less than sixty days within a calendar year.))~~ (See Table 1 and chapter 246-291 WAC for further explanation of a **Group B** water system.)

~~((4))~~ (6) A ~~((public water))~~ **Group A** system meeting more than one of the categories described in this section shall be classified by the department in the following order:

(a) **Community** water system;

(b) NTNC water system; and

(c) TNC water system ~~((and~~

~~((d) Group B water system)).~~

~~((5))~~ (7) The rules of this chapter to apply to the source or supply of water used by bottled water or ice plants to produce bottled water or ice are as follows:

(a) If the bottled water or ice plant is a **Group A** water system and the plant uses the system's source for the water that is bottled or made into ice, the source and supply used for the bottled water and ice shall meet the applicable **Group A** requirements;

(b) If the bottled water or ice plant uses its own source for the water that is bottled or made into ice, and the plant

is not a **Group A** system, the owner or operator shall obtain source approval from the department, and the source water shall meet the ((minimum)) ongoing source water quality monitoring requirements for a **Group A** community system;

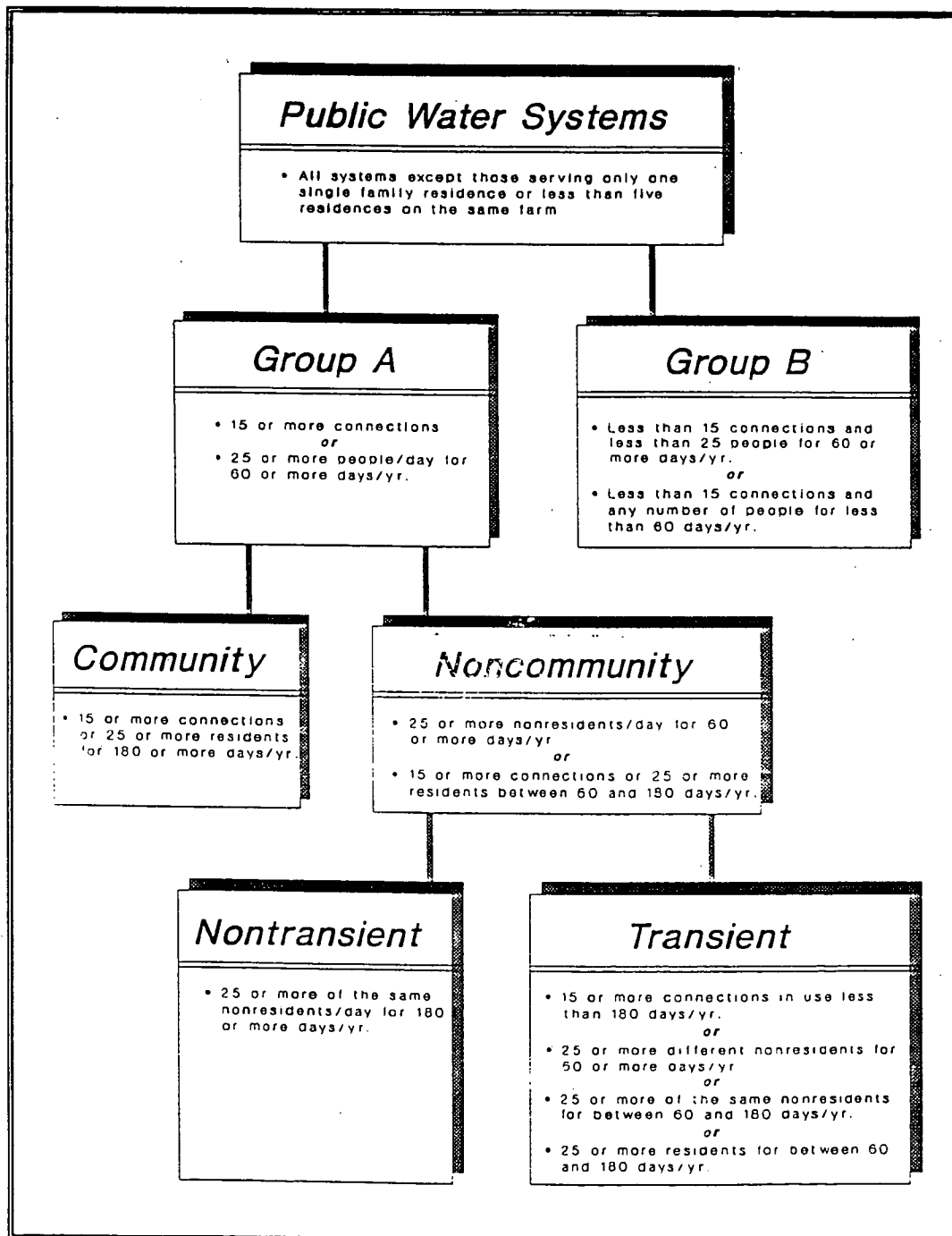
(c) If the bottled water or ice plant purchases the water for bottling or making ice from another source or supply, the water shall meet the minimum requirements for a **Group A** system, and the owner or operator of the plant shall ensure

that the water meets such requirements;

(d) The source or supply for the water that is bottled or made into ice shall be protected from contamination prior to the bottling or ice making process; and

(e) In addition to the requirements imposed under this subsection, the processing of bottled water shall be subject to regulation by the state department of agriculture and the United States Food and Drug Administration.

Table 1



NEW SECTION

WAC 246-290-025 Adoption by reference. The following sections and subsections of Title 40 Code of Federal Regulations (CFR) Part 141 National Primary Drinking Water Regulations revised as of July 1, 1993, and including all amendments and modifications thereto effective as of the date of adoption of this chapter are adopted by reference:

141.2 Definitions. Only those definitions listed as follows:

- Action level;
- Corrosion inhibitor;
- Effective corrosion inhibitor residual;
- First draw sample;
- Large water system;
- Lead service line;
- Medium-size water system;
- Optimal corrosion control treatment;
- Service line sample;
- Single family structure; and
- Small water system.

141.12 Maximum contaminant levels for organic chemicals.

141.23(a) - 141.23(j), Inorganic chemical sampling.

141.23(m) - 141.23(o)

141.24(a) - 141.24(d), Organic chemicals other than total trihalomethanes.

141.24(f)(1) - 141.24(f)(15),

141.24(f)(18), 141.24(f)(19),

141.24(f)(21),

141.24(g)(1) - 141.24(g)(9),

141.24(g)(12) - 141.24(g)(14),

141.24(h)(1) - 141.24(h)(11),

141.24(h)(14) - 141.24(h)(17)

141.40(a) - 141.40(e), Special monitoring for inorganic and organic chemicals.

141.40(g), 141.40(i) - 141.40(n)

141.61 Maximum contaminant levels for organic contaminants.

141.62 Maximum contaminant levels for inorganic chemical and physical contaminants.

141.80 General requirements.

141.81 Applicability of corrosion control treatment steps to small, medium-size and large water systems.

141.82(a) - 141.82(h) Description of corrosion control treatment requirements.

141.83 Source water treatment requirements.

141.84 Lead service line replacement requirements.

141.85 Public education and supplemental monitoring requirements.

141.86 Monitoring requirements for lead and copper in tap water.

141.87 Monitoring requirements for water quality parameters.

141.88 Monitoring requirements for lead and copper in source water.

141.90 Reporting requirements.

141.91 Recordkeeping requirements.

Copies of the incorporated sections and subsections of Title 40 CFR are available from the Department of Health,

Airustrial Center Building 3, P.O. Box 47822, Olympia, Washington 98504-7822.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-030 General administration. (1) The department and the health officer for each local health jurisdiction ~~((shall))~~ may develop a joint plan of operation ~~((listing the roles of each agency for administering these rules)).~~ This plan shall:

(a) List the roles and responsibilities of each agency;

(b) Specifically designate those **Group A** systems for which the department and local health officer have primary responsibility;

~~((b))~~ (c) Provide for a minimum ~~((acceptable))~~ level of water system supervision;

~~((e))~~ (d) Be signed by the department and the ~~((chairperson of the))~~ local ~~((board of))~~ health department or district; and

~~((d))~~ (e) Be reviewed at least once every five years and updated as needed.

Wherever in these rules the term "department" is used, the term "health officer" may be substituted based on the terms of this plan of operation.

(2) The department shall, upon request, review and report on the adequacy of water supply supervision to both the state and local boards of health.

(3) The local board of health may adopt rules governing ~~((public))~~ **Group A** water systems within its jurisdiction for which the health officer has assumed primary responsibility. Adopted local board of health rules shall be:

(a) No less stringent than this chapter; and

(b) Revised, if necessary, within twelve months after the effective date of revised state board of health rules. During this time period, existing local rules shall remain in effect, except provisions of the revised state board of health rules which are more stringent than the local board of health rules shall apply.

~~((The health officer may waive any or all requirements of these rules for Group B water systems with two connections where the health officer has assumed primary responsibility for these systems.~~

~~((5))~~ For those ~~((public))~~ **Group A** water systems where the health officer has assumed primary responsibility, the health officer may approve project reports and construction documents in accordance with engineering criteria approved by the department and listed under WAC 246-290-200.

~~((6))~~ (5) An advisory committee shall be established to provide guidance to the department on drinking water issues. Members shall be appointed by the department and conform to department policies for advisory committees. The committee shall be composed of representatives of public water systems, public groups, agencies, and individuals having an interest in drinking water.

~~((7))~~ (6) The department may develop guidelines to clarify sections of the rules as needed and make these available for distribution.

~~((8))~~ (7) Fees may be charged by the department as authorized in chapter 43.20B RCW and by local health agencies as authorized in RCW 70.05.060 to recover all or a portion of the costs incurred in administering these rules.

~~((9))~~ (8) All state and local agencies involved in review, approval, surveillance, testing, and/or operation of public water systems, or issuance of permits for buildings or sewage systems shall be governed by these rules and any decisions of the department.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-040 Engineering requirements. (1) Purveyors shall ensure that all water system plans, project reports, corrosion control recommendation reports, tracer studies, and construction documents are prepared ~~((by))~~ under the direction, and bear the seal and signature of a professional engineer:

(a) Licensed in the state of Washington under chapter 18.43 RCW; and

(b) Having specific expertise regarding design, operation, and maintenance of public water systems.

~~((All documents shall bear the professional engineer's seal and signature. Tracer studies, where required by this chapter, shall also be prepared by a professional engineer licensed in accordance with chapter 18.43 RCW.~~

~~((2))~~ Exceptions to ~~((the professional engineer requirement in subsection (1) of))~~ this ~~((section))~~ requirement are~~((: (a))~~ minor projects ~~((not requiring engineering expertise as determined by the department))~~ under WAC 246-290-120

~~((2))~~(a) through ~~((: and~~

~~((b))~~ Public water systems serving less than ten service connections consisting of a simple well and pressure tank with one pressure zone and not providing special treatment or having special hydraulic considerations. ~~These systems may be designed by a water system designer certified by the local health jurisdiction in those counties having a water system designer program recognized by the department).~~

~~((3))~~ (2) Purveyors shall submit a *Construction Report For Public Water System Projects* to the department within sixty days of completion and before use of any project approved by the department. The form shall:

(a) Be signed by~~((: (i))~~

~~((i))~~ a professional engineer~~((: or~~

~~((ii))~~ In the case of projects identified in subsection ~~((2))~~(b) of this section, by the certified designer).

(b) State:

(i) The project is constructed and is substantially completed in accordance with approved construction documents; and

(ii) In the opinion of the engineer, based on information available, the installation, testing, and disinfection of the system was carried out per department guidelines.

~~((4))~~ (3) The purveyor shall ensure the requirements of this section are fulfilled before the use of any completed project. When required by the department, the purveyor shall submit an updated water facilities inventory form with the *Construction Report For Public Water System Projects* form.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-060 Variances, exemptions, and waivers. (1) General.

(a) The state board of health may grant variances, exemptions, and waivers of the requirements of this chapter according to the procedures outlined in subsection (5) of this section. ~~((The procedures outlined in this section rather than the procedures outlined in WAC 246-08-210 shall govern the board's consideration of requests for variances, exemptions, and waivers of the requirements of this chapter.))~~ See WAC 246-290-300 (3)(g) and (7)(f) for monitoring waivers.

(b) Consideration by the board of requests for variances, exemptions, and waivers shall not be considered adjudicative proceedings as that term is defined in chapter 34.05 RCW.

(c) Statements and written material regarding the request may be presented to the board at or before the public hearing wherein the application will be considered. Allowing cross-examination of witnesses shall be within the discretion of the board.

(d) The board may grant a variance, exemption, or waiver if it finds:

(i) Due to compelling factors, the public water system is unable to comply with the requirements; and

(ii) The granting of the variance, exemption, or waiver will not result in an unreasonable risk to the health of consumers.

(2) Variances.

(a) MCL.

(i) The board may grant a MCL variance to a public water system that cannot meet the MCL requirements because of characteristics of the source water that is reasonably available to the system.

(ii) A MCL variance may only be granted after the system has applied the best available technology (BAT), treatment techniques, or other means as identified by the environmental protection agency (EPA) and still cannot meet a MCL as specified in section 1415, P.L. 99-523 as amended by P.L. 99-339.

(iii) A variance shall not be granted from the MCL for presence of total coliform under WAC 246-290-310(3).

(b) Treatment techniques.

(i) The board may grant a treatment technique variance to a public water system if the system demonstrates that the treatment technique is not necessary to protect the health of consumers because of the nature of the system's source water.

(ii) A variance shall not be granted from any treatment technique requirement under Part 6 of chapter 246-290 WAC.

(c) The board shall condition the granting of a variance upon a compliance schedule as described in subsection (6) of this section.

(3) Exemptions.

(a) The board may grant a MCL or treatment technique exemption to a public water system that cannot meet an MCL or provide the required treatment in a timely manner, or both, as specified under section 1416, P.L. 93-523 as amended by P.L. 99-339.

(b) An exemption may be granted for up to one year if the system was:

(i) In operation on the effective date of the MCL or treatment technique requirement; or

(ii) Not in operation on the effective date, and no reasonable alternative source of drinking water is available.

(c) No exemption shall be granted from:

(i) The requirement to provide a residual disinfectant concentration in the water entering the distribution system under WAC 246-290-662 or 246-290-692; or

(ii) The MCL for presence of total coliform under WAC 246-290-310(2).

(d) The board shall condition the granting of an exemption upon a compliance schedule as described in subsection (6) of this section.

(4) Waivers. The board may grant a waiver to a public water system if the system cannot meet the requirements of these regulations pertaining to any subject not covered by EPA regulations.

(5) Procedures.

(a) For variances and exemptions. The board shall consider granting a variance or exemption to a public water system upon completion of the following actions:

(i) The purveyor applies in writing to the department. The application, which may be in the form of a letter shall clearly state the reason for the request and what actions the purveyor has taken to meet the requirement;

(ii) The purveyor provides notice of the purveyor's application to customers and provides proof of such notice to the department;

(iii) The department prepares recommendations, including a compliance schedule for the board's consideration;

(iv) The board provides notice for and conducts a public hearing on the purveyor's request.

(v) EPA reviews any variance or exemption granted by the board for concurrence, revocation, or revision as provided under sections 1415 and 1416 of P.L. 93-523.

(b) For waivers. The board shall consider granting a waiver upon completion of the following actions:

(i) The purveyor applies to the department in writing. The application, which may be in the form of a letter, shall clearly state the reason for the request;

(ii) The purveyor provides notice of the purveyor's application to customers and provides proof of such notice to the department;

(iii) The department prepares a recommendation to the board; and

(iv) The board provides notice for and conducts a public hearing on the purveyor's request.

(6) Compliance schedule.

(a) The board shall condition the granting of a variance or exemption based on a compliance schedule. The compliance schedule shall include:

(i) Actions the purveyor must undertake to comply with a MCL or treatment technique requirement within a specified time period; and

(ii) A description and time-table for implementation of interim control measures the department may require while the purveyor completes the actions required in (a)(i) of this subsection.

(b) The purveyor shall complete the required actions in the compliance schedule within the stated time frame.

(7) Extensions to exemptions.

(a) The board may extend the final date of compliance prescribed in the compliance schedule for a period of up to three years after the date the exemption was granted upon a finding that the water system:

(i) Cannot meet the MCL or treatment technique requirements without capital improvements which cannot be completed within the original exemption period; or

(ii) Has entered into an agreement to obtain needed financial assistance for necessary improvements; or

(iii) Has entered into an enforceable agreement to become part of a regional public water system and the system is taking all practicable steps to meet the MCL.

(b) The board may extend the final date of compliance prescribed in the compliance schedule of an exemption for one or more additional two-year periods if the purveyor:

(i) Is a ~~((Group A))~~ community water system providing water to less than five hundred service connections; and

(ii) Needs financial assistance for the necessary improvements; and

(iii) Is taking all practicable steps to meet the compliance schedule.

(c) Procedures listed in subsection (5) of this section shall be followed in the granting of extensions to exemptions.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-100 Water system plan. (1) The purpose of this section is to establish a uniform process for purveyors to:

(a) Identify present and future needs;

(b) Set forth means for ~~((meeting))~~ addressing those needs; and

(c) Do so in a manner consistent with other relevant plans and local, state, and federal laws.

(2) Purveyors of the following categories of public water systems shall ensure the development and submittal of a water system plan for review and approval by the department:

(a) All ~~((public water))~~ systems having one thousand or more services;

(b) ~~((Public water))~~ Systems located in areas utilizing the Public Water System Coordination Act of 1977, chapter 70.116 RCW and chapter 248-56 WAC as required in WAC 246-293-230;

(c) Any ~~((public water))~~ system experiencing problems related to planning, operation, and/or management as determined by the department;

(d) Any expanding ~~((Group A water))~~ system;

(e) Any ~~((Group A water))~~ system for which a change of ownership is proposed; and

(f) All new ~~((Group A water))~~ systems.

(3) The department shall work with the purveyor and other parties to establish the level of detail for a water system plan. In general, the scope and detail of the plan will be related to size and complexity of the water system. Project reports may be combined with a water system plan.

(4) The water system plan shall address the following elements as a minimum for a period of at least twenty years into the future. A department guideline titled *Planning Handbook* is available to assist the utility in adequately addressing these elements:

(a) Basic water system planning data;

(b) Existing system analysis;

(c) Planned improvements;

(d) Conservation (~~(program)~~);
 (e) Source of supply analysis when additional water rights are being pursued;
 (f) Financial (~~(program)~~) viability;
 (~~((f) Relationship and compatibility with other)) (g) Consistency with adjacent water system plans (including local growth management plans and development policies);~~
 (~~((g))~~) (h) Consistency with applicable land use plans;
 (i) Supporting maps;
 (~~((h))~~) (j) Operations program;
 (~~((i))~~) (k) Ownership and management;
 (~~((j))~~) (l) State Environmental Policy Act; and
 (~~((k) Watershed)) (m) Source protection, including a watershed control program or wellhead protection program when applicable under WAC 246-290-135.~~

(5) The department, at its discretion, may require reports from purveyors identifying the progress in developing their water system plans.

(6) Purveyors shall transmit water system plans to adjacent utilities and local governments having jurisdiction, to assess consistency with ongoing and adopted planning efforts.

(7) Department approval of a water system plan shall be in effect for six years from the date of written approval unless:

(a) Major system improvements are contemplated which are not addressed in the plan;

(b) Changes occur in the basic planning data affecting improvements identified; or

(c) The department requests an updated plan.

(~~((6))~~) (8) The purveyor shall update the plan and submit it for approval every six years. However, if only minor alterations to an existing plan are considered necessary, the purveyor may submit an amendment to the plan for department approval.

(~~((7))~~) (9) Project reports and construction documents submitted for approval per WAC 246-290-110 and 246-290-120 by purveyors required to have a water system plan, will not be considered for approval unless there is a current approved water system plan and the plan adequately addresses the project.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-110 Project report. (1) The purpose of this section is to assure the following factors are taken into account for specific projects prior to construction:

(a) Engineering concepts;

(b) Design criteria;

(c) Planning;

(d) Source protection, including a watershed control program or wellhead protection program when applicable under WAC 246-290-135;

(e) Water quality and quantity;

(f) Results of the filtration facility pilot study;

(g) Local requirements such as fire flow;

(h) Facility operation;

(i) Short-term and long-term financing; and

(j) Other necessary department-determined considerations.

The project report shall document the reasons for carrying out the project and construction documents shall identify how the project will be constructed.

(2) The purveyor shall submit project reports to the department for written approval prior to installation of any new water system, water system extension, or improvement with the following exceptions:

(a) Installation of valves, fittings, and meters;

(b) Installation of hydrants under WAC 246-290-230;

(c) Repair of a system component or replacement with a similar component;

(d) Maintenance or painting of surfaces not contacting potable water; and

(e) Distribution mains if:

(i) Approved standard construction specifications are documented in the water system plan approved by the department; and

(ii) The purveyor provides documentation to the department that a professional engineer registered in Washington, certified the construction and that said construction complied with the standard specifications found in the current department-approved water system plan; and

(iii) The purveyor provides documentation to the department of the pressure test results, disinfection procedures used and tests performed, and water quality sample results obtained prior to placing the distribution pipe into service.

(3) Project reports shall be consistent with the standards identified under WAC 246-290-200 and shall include, at a minimum, the following elements (information contained in a current approved water system plan or current project report need not be duplicated in the new project report. Any planning information in a project report shall be project specific.):

(a) Project description. Identify what the project is intended to achieve, design considerations, approach, etc.;

(b) Planning. If the system has an approved water system plan, show the project's relationship to the plan. If a water system plan is not required, include:

(i) General project background with population and water demand forecasts;

(ii) Relationship between the project and other system components;

(iii) Project schedule;

(iv) Management program; and

(v) How the project will impact neighboring water systems.

(c) Alternatives. Describe options, their impacts, and justify the selected alternative;

(d) Legal considerations. Identify legal aspects such as ownership, right-of-way, sanitary control area, and restrictive covenants. Include discussion of the project's relationship with the boundary review board and the utility and transportation commission;

(e) Engineering calculations. Describe how the project complies with the design considerations. Include the hydraulic analysis, sizing justification, and other relevant technical considerations necessary to support the project;

(f) Management. If the system has an approved management program, refer to that document. If not, describe:

(i) System ownership and management responsibilities;

- (ii) Long-term management considerations;
 - (iii) How the project will be operated; and
 - (iv) How the project will be maintained over time.
- (g) Implementation. Identify the schedule for completion of the project and implementation strategies, if any. Project phasing should also be discussed;

(h) State Environmental Policy Act (SEPA). Include an environmental impact statement, determination of nonsignificance, or justify why SEPA does not apply to the project. Refer to chapter 246-03 WAC and the *DOH Drinking Water SEPA Guide*;

(i) Source development information. If the project involves source development, address requirements under WAC 246-290-130; and

(j) Type of treatment. If the project involves treatment, refer to WAC 246-290-250.

~~((k) The information required in this subsection shall be included in a letter addendum to the workbook for Group B water systems.))~~

(4) Approval of project documents shall be in effect for two years unless the department determines a need to withdraw the approval. An extension of the approval may be obtained by submitting a status report and a written schedule for completion. Extensions may be subject to additional terms and conditions imposed by the department.

NEW SECTION

WAC 246-290-115 Corrosion control recommendation report. (1) Purveyors required to prepare a recommendation regarding optimal corrosion control pursuant to 40 CFR 141.81, shall prepare a report in accordance with WAC 246-290-040(1) for review by the department. The report shall, at a minimum, consist of:

(a) A narrative which includes the following information:

(i) Public water system name and public water system identification number;

(ii) Identification of the individual responsible for preparing the recommendation with name, address, phone number, and relation to the system;

(iii) Summary, by source, of all existing treatment processes and objectives (to include treatments only used on a periodic basis);

(iv) Description of existing corrosion control treatment processes and the operation of those processes;

(v) Summary of historical information regarding water quality, to include:

(A) Customer and user complaints;

(B) Prior corrosion control studies and recommendations of those studies; and

(C) Summary of any known water quality problems.

(vi) Description of future plans or designs which may influence system operation or water quality; and

(vii) Location of lead service lines present within the distribution system.

(b) A summary of sample analysis results which includes:

(i) Lead and copper tap sample results for each monitoring period in which samples were collected in accordance with 40 CFR 141.86 shall be summarized by:

(A) Maximum value;

(B) Minimum value;

(C) 90th percentile value; and

(D) The percent of samples exceeding the action level.

(ii) Initial water quality shall be summarized by:

(A) Determinations of source water lead and copper levels in accordance with 40 CFR 141.88(a) and 141.88(b); and

(B) Determinations of initial water quality parameters in accordance with 141.87(b);

(iii) A comparison of water quality parameters, prior to and after treatment for sources utilizing a treatment process. This comparison shall use, at a minimum, the water quality parameters listed in 40 CFR 141.82 (c)(3).

(c) A description and evaluation of those treatment technologies listed in 40 CFR 141.82 (c)(3) which are determined feasible with respect to:

(i) Water quality constraints;

(ii) Treatment processes; and

(iii) Operational considerations.

(d) Background information supporting the corrosion control treatment proposal shall include:

(i) Documentation of the methods utilized in the recommendation;

(ii) Information supporting the proposed treatment process or the proposed corrosion control demonstration study;

(iii) Description of treatment processes in similar systems with successful outcomes; and

(iv) Other information used by the system in making this recommendation.

(e) The treatment proposal which addresses the following:

(i) Source water treatment recommendations for lead and copper removal in accordance with 40 CFR 141.83. The recommendation shall include:

(A) Method of treatment; and

(B) Operating parameters necessary to ensure adequate treatment.

(ii) Corrosion control treatment including:

(A) Method of treatment; and

(B) Operating parameters necessary to ensure adequate treatment.

(iii) Performance of a demonstration corrosion control study including:

(A) Method of demonstration as listed in 40 CFR 141.82 (c)(2);

(B) Treatment processes to be evaluated; and

(C) An evaluation of the similarity of systems when the demonstration corrosion control study is performed by another system.

(2) A guideline titled *Lead and Copper Rule Guidance Manual Volume II: Corrosion Control Treatment* is available to assist the purveyor in preparing this recommendation.

(3) The department may require the purveyor of a system to:

(a) Provide additional information; and/or

(b) Perform a corrosion control study in accordance with 141.82(c).

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-130 Source approval. (1) No new source, previously unapproved source, or modification of an existing source shall be used as a public water supply without department approval.

(2) A party seeking approval shall provide the department:

(a) A copy of the water right permit, if required, obtained from the department of ecology for the source, quantity, type, and place of use;

(b) A hydrogeologic assessment of the proposed source along with a general description of the watershed, spring, and/or aquifer recharge area affecting the quantity or quality of flow. Seasonal variation shall also be included;

(c) Any information, in addition to (b) of this subsection, as requested by the department to determine whether a source is a GWI;

(d) For surface water and GWI sources, the watershed control program identified under WAC 246-290-135 and Part 6 of chapter 246-290 WAC;

(e) For wells and springs:

(i) A susceptibility assessment;

(ii) A preliminary WHPA designation using the calculated fixed radius method, with six month, one, five, and ten year time of travel criteria; and

(iii) An initial inventory of potential sources of ground water contamination located within the WHPA.

(f) Upstream water uses affecting either water quality or quantity;

(g) A map showing the project location and vicinity;

(h) A map depicting topography, distances to the surface water intake, well or spring from existing property lines, buildings, potential sources of contamination, ditches, drainage patterns, and any other natural or man-made features affecting the quality or quantity of water;

(i) The dimensions and location of the sanitary control area under WAC ((246-290-210)) 246-290-135;

(j) Copies of the recorded legal documents for the sanitary control area under WAC ((246-290-210)) 246-290-135;

(k) A copy of the on-site inspection approval made by the department or local health department representative;

(l) A copy of the water well report including the Washington well identification number, depth to open interval or top of screened interval, overall depth of well, and location (both plat location and latitude/longitude);

(m) Required construction documents in accordance with WAC 246-290-120;

(n) Documentation of source meter installation;

(o) Well source development data establishing the capacity of the source. Data shall include:

(i) Static water level;

(ii) Wellhead elevation;

(iii) Yield;

(iv) The amount of drawdown;

(v) Recovery rate;

(vi) Duration of pumping; and

(vii) Interference between existing sources and the source being tested.

The source shall be pump tested at no less than the maximum design rate to determine whether the well and aquifer are capable of supplying water at the rate desired and to provide information necessary to determine the proper pump settings in the well. A department guideline on pump testing is available to assist purveyors;

(p) An initial analysis result of source water quality, including as a minimum the following:

(i) Bacteriological;

(ii) Complete inorganic chemical and physical;

(iii) VOC;

(iv) Radionuclide (if source being approved is for a community system); and

(v) Any other information required by the department.

When source water quality is subject to variation, the department may require additional analyses to define the range of variation;

(q) If treatment is planned, refer to WAC 246-290-250(2) and Part 6 of chapter 246-290 WAC, if applicable; and

(r) Other department-required information. Before initiating source development or modification, the purveyor shall contact the department to identify any such additional information.

(3) The department shall issue a written source approval when:

(a) The purveyor submits the necessary information to the satisfaction of the department; and

(b) The developed source provides water complying with this chapter.

(4) No new surface water or GWI sources with less than one hundred service connections shall be approved unless the system is owned and operated by an approved satellite management agency.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-135 Source protection. (1) The purveyor shall obtain drinking water from the highest quality source feasible. Existing and proposed sources of supply shall conform to the water quality standards established in WAC 246-290-310.

(2) The department may require monitoring and controls in addition to those specified in this section if, in the opinion of the department, a potential risk exists to the water quality of a source.

(3) Sanitary control area.

(a) The purveyor shall maintain a sanitary control area around all sources for the purpose of protecting them from existing and potential sources of contamination.

(b) For wells and springs, the minimum sanitary control area shall have a radius of one hundred feet (thirty meters) and two hundred feet (sixty meters) respectively, unless engineering justification supports a smaller area. The justification must address geological and hydrological data, well construction details and other relevant factors necessary to assure adequate sanitary control.

(c) The department may require a larger sanitary control area than specified in (b) of this subsection if geological and

hydrological data support such a decision. It shall be the purveyor's responsibility to obtain the protection needed.

(d) No source of contamination may be constructed, stored, disposed of, or applied within the sanitary control area without the permission of the department and the purveyor.

(e) The sanitary control area shall be owned by the purveyor in fee simple, or the purveyor shall have the right to exercise complete sanitary control of the land through other legal provisions.

(f) A purveyor, owning all or part of the sanitary control area in fee simple or having possession and control, shall send to the department copies of legal documentation, such as a duly recorded declaration of covenant, restricting the use of the land. This legal documentation shall state:

(i) No source of contamination may be constructed, stored, disposed of, or applied without the permission of the department and the purveyor; and

(ii) If any change in ownership of the system or sanitary control area is considered, all affected parties shall be informed of these requirements.

(g) Where portions of the control area are in the possession and control of another, the purveyor shall obtain a duly recorded restrictive covenant which shall run with the land, restricting the use of said land in accordance with these rules and provide the department with copies of the appropriate documentation.

(4) Wellhead protection.

(a) Purveyors of water systems using ground water or spring sources shall develop and implement a wellhead protection program.

(b) The wellhead protection program shall be part of the water system plan required under WAC 246-290-100 or the small water system management program required under WAC 246-290-410.

(c) The purveyor's wellhead protection program shall contain, at a minimum, the following elements:

(i) A susceptibility assessment;

(ii) WHPA delineation for each well, wellfield, or spring with the one, five and ten year time of travel boundaries marked, or boundaries established using alternate criteria approved by the department in those settings where ground water time of travel is not a reasonable delineation criteria. WHPA delineations shall be done in accordance with recognized methods such as those described in the following sources:

(A) Washington State Wellhead Protection Program; or

(B) EPA Guidelines for Delineation of Wellhead Protection Areas, EPA 440/6-87-010;

(iii) A list of all actual and potential ground water contaminant sources located within the defined WHPA(s). This list shall be updated every two years;

(iv) Documentation of purveyor's notification to all owners/ operators of actual and potential sources of ground water contamination within the WHPA boundaries;

(v) Documentation of purveyor's notification to regulatory agencies and local governments of the boundaries of the WHPA(s) and the finding of the WHPA inventory;

(vi) A contingency plan to ensure consumers have an adequate supply of potable water in the event that contamination results in the temporary or permanent loss of the principal source of supply (major well(s) or wellfield); and

(vii) Documentation of coordination with local emergency spill responders (including police, fire and health departments), including notification of WHPA boundaries, results of susceptibility assessment, inventory findings, and contingency plan.

Sections in the department guidelines titled *Planning Handbook, Washington State Wellhead Protection Program, and Inventory of Potential Sources of Ground Water Contamination in Washington's Wellhead Protection Areas* address wellhead protection in more detail, and are available to purveyors establishing local wellhead protection programs.

(5) Watershed control program.

(a) Purveyors of water systems using surface water or GWI sources shall develop and implement a watershed control program in accordance with Part 6 of chapter 246-290 WAC as applicable.

(b) The watershed control program shall be part of the water system plan required in WAC 246-290-100 or the small water system management program required in WAC 246-290-410.

(c) The purveyor's watershed control program shall contain, at a minimum, the following elements:

(i) Watershed description and inventory, including location, hydrology, land ownership and activities which may adversely affect source water quality;

(ii) Watershed control measures, including documentation of ownership and relevant written agreements, and monitoring of activities and water quality;

(iii) System operation, including emergency provisions; and

(iv) Documentation of water quality trends.

Sections in the department guideline titled *Planning Handbook* and in the *DOH SWTR Guidance Manual* address watershed control and are available to purveyors establishing watershed control programs.

(d) The purveyor shall submit the watershed control program to the department for approval. Following departmental approval, the purveyor shall implement the watershed control program as approved.

(e) Purveyors of systems using unfiltered surface or GWI sources and meeting the criteria to remain unfiltered as specified in WAC 246-290-690 shall submit an annual report to the department which summarizes the effectiveness of the watershed control program. Refer to WAC 246-290-690 for further information about this report.

(f) The purveyor shall update the watershed control program at least every six years, or more frequently if required by the department.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-140 Existing system approval. (1) When applying for approval, purveyors of existing public water systems without approved construction documents shall provide department-determined information.

(2) Information provided shall be consistent with chapter 248-54 WAC.

(3) Purveyors shall contact the department to obtain a list of specific requirements including, for wells and springs:

(a) A susceptibility assessment;

(b) A preliminary WHPA designation using the calculated fixed radius method, with six month, one, five, and ten year time of travel criteria; and

(c) An initial inventory of potential sources of ground water contamination located within the WHPA.

(4) After receipt of the required data, the department shall review the information and either:

(a) Approve the as-built construction documents; or

(b) Indicate what additional actions the purveyor needs to complete before approval is granted.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-230 Distribution systems. (1) Distribution reservoirs completed after June 1, 1975, shall have suitable watertight roofs or covers preventing entry by birds, animals, insects, and dust and shall include appropriate provisions to safeguard against trespass, vandalism, and sabotage. Purveyors with uncovered distribution reservoirs in use before June 2, 1975, shall comply with the provisions of WAC 246-290-470 until suitable watertight roofs or covers are installed. Purveyors with uncovered distribution reservoirs shall submit a plan and schedule to cover all reservoirs to the department for approval before January 1, 1996.

(2) The purveyor shall size and evaluate the distribution system using a hydraulic analysis acceptable to the department.

(3) The minimum diameter of all distribution mains shall be six inches (150 mm) unless justified by hydraulic analysis. Systems designed to provide fire flows shall have a minimum distribution main size of six inches (150 mm). Installation of standard fire hydrants shall not be allowed on mains less than six inches (150 mm) in diameter.

(4) New public water systems or additions to existing systems shall provide a design quantity of water at a positive pressure of at least 30 psi (200 kPa) under peak hourly design flow conditions measured at any customer's water meter or at the property line if no meter exists.

(5) If fire flow is to be provided, the distribution system shall be designed to provide the required fire flow at a pressure of at least 20 psi during peak hourly design flow conditions.

(6) Booster pumps needed for individual services shall be subject to review and approval by the department. Installation shall be made under the supervision of the purveyor to assure cross-connection control requirements are met.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-300 Monitoring requirements. (1) General.

(a) ~~((The purveyor shall comply with the requirements of this section.))~~ The monitoring requirements specified in this section are minimums. The department may require additional monitoring when:

(i) Contamination is present or suspected in the water system;

(ii) The department determines a ground water source may be a GWI; ~~((or))~~

(iii) The department determines the degree of source protection is not satisfactory;

(iv) The department determines additional monitoring is needed to verify source vulnerability for a requested monitoring waiver; or

(v) Under other circumstances as identified in a departmental order.

(b) Special purpose samples collected by the purveyor shall not count toward fulfillment of the monitoring requirements of this chapter unless both quality of data and method of analysis are acceptable to the department.

(c) The purveyor shall ensure samples required by this chapter are collected, transported, and submitted for analysis according to department-approved methods. The analyses shall be performed by the state public health laboratory or another laboratory certified by the department. Qualified water utility, certified laboratory, or health department personnel may conduct measurements for pH, temperature, residual disinfectant concentration and turbidity as required by this chapter, provided, these measurements are made in accordance with "standard methods."

(d) Compliance samples required by this chapter shall be taken at locations listed in Table 3 of this section.

(e) When one public water system sells water to another public water system, the purveyor of the selling system, regardless of size, shall conduct at least the minimum source monitoring required by this chapter for ~~((Group A))~~ community systems.

~~((e))~~ (f) When one public water system receives completely treated water, as determined by the department, from another public water system, the purveyor of the receiving system ~~((is only required to))~~ shall:

(i) Collect coliform samples in accordance with subsection (2) of this section;

(ii) Collect trihalomethane ~~((THM))~~ samples in accordance with subsection (5) of this section; ~~((and))~~

(iii) Perform the distribution system residual disinfectant ~~((residual))~~ concentration monitoring required under WAC 246-290-440 or 246-290-694 ~~((if applicable))~~;

(iv) Perform lead and copper monitoring required under 40 CFR 141.86, 141.87, and 141.88; and

(v) Perform the distribution system monitoring in accordance with 40 CFR 141.23(b) for asbestos if applicable.

~~((f))~~ (g) The department may reduce the coliform ~~((and)),~~ lead and copper, THM and distribution system disinfectant residual concentration monitoring requirements of the receiving system provided the receiving system:

(i) Has a satisfactory water quality history as determined by the department;

(ii) Operates in a satisfactory manner consistent with this chapter;

(iii) ~~((Is included in the supplying system's regular monitoring schedule))~~ Purchases water from a purveyor which has a department-approved regional monitoring program; and

(iv) ~~((Is included in the service and population totals for the supplying system))~~ Has a written agreement with the supplying system that is acceptable to the department, which identifies the responsibilities of both the supplying and receiving system with regards to monitoring, reporting and maintenance of the distribution system.

~~((g))~~ (h) The department may periodically review both the selling and receiving system's sampling records to determine if continued reduced monitoring is appropriate. If the department determines a change in the monitoring requirements of the receiving system is appropriate:

(i) The department shall notify the purveyor of the change in monitoring requirements; and

(ii) The purveyor shall conduct monitoring as directed by the department.

~~((H))~~ (i) Purveyors failing to comply with a monitoring requirement shall notify:

(i) The department in accordance with WAC 246-290-480; and

(ii) The water system users in accordance with WAC 246-290-330.

(2) Bacteriological.

(a) The purveyor shall be responsible for collection and submittal of coliform samples from representative points throughout the distribution system after the first service and at regular time intervals at least once per calendar month unless otherwise specified in this subsection, each month the system provides water to consumers.

(b) Coliform monitoring plan.

(i) The purveyor ~~((of a Group A system))~~ shall prepare a written coliform monitoring plan and base routine monitoring upon the plan. A department guideline titled *Preparation of a Coliform Monitoring Plan* is available to assist the purveyor in preparing this plan.

(ii) The plan shall include at a minimum:

(A) A system map or diagram showing the locations of:

(I) Water sources;

(II) Storage, treatment, and pressure regulation facilities;

(III) Distribution systems;

(IV) Pressure zones;

(V) Interconnections; and

(VI) Coliform sample collection sites.

(B) A narrative which includes the following information:

(I) Public water system identification number;

(II) Population served and services;

(III) Water sources;

(IV) System facilities and processes for storage, treatment, and pressure regulation;

(V) Coliform sample collection sites; and

(VI) Sampling schedules.

(iii) The purveyor ~~((of a Group A system))~~ shall:

(A) Keep the coliform monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer ensures representative monitoring of the system, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(c) Monitoring frequency. The number of required routine coliform samples is based on total population served.

(i) ~~((Group A-~~

~~(A)))~~ Purveyors of **community** systems shall collect and submit for analysis no less than the number of routine samples listed in Table 2 during each calendar month of operation;

~~((B))~~ (ii) Purveyors of **noncommunity** systems shall collect and submit for analysis no less than the number of samples required in Table 2. Each month's population shall be based on the average daily population and shall include all residents and nonresidents served during that month. During months when the ~~((total))~~ average daily population served is less than twenty-five, routine sample collection is not required when:

~~((H))~~ (A) Using only protected ground water sources;

~~((H))~~ (B) No coliforms were detected in samples during the previous month; and

~~((H))~~ (C) One routine sample has been collected and submitted for analysis during one of the previous two months.

~~((E))~~ (iii) Purveyors of systems serving both a resident and a nonresident population shall base their minimum sampling requirement on the total of monthly populations served, both resident and nonresident and on Table 2; and

~~((D))~~ (iv) Purveyors of systems with a nonresident population lasting two weeks or less during a month shall sample as directed by the department.

~~((ii) Group B. Purveyors shall collect and submit a sample for coliform analysis at least once every twelve months:))~~

(d) Surface water or ground water under the direct influence of surface water (GWI) sources. ~~((The))~~ A purveyor ~~((of a Group A system))~~ using unfiltered surface water or unfiltered GWI sources shall:

(i) Collect and submit for analysis, at least one coliform sample at the first service connection during each day in which source water turbidity exceeds ~~((+))~~ 1.0 NTU; or

(ii) Collect samples as directed by the department when logistical problems beyond the purveyor's control make analysis of the coliform samples impractical because the time between sample collection and analysis exceeds thirty hours. If the department extends the time limits, the purveyor shall collect the required samples as directed by the department.

(e) Comprehensive system evaluations (CSEs).

(i) Purveyors of ~~((Group A))~~ systems with less than four thousand one hundred one population served shall:

(A) Submit to a CSE conducted by the department; or

(B) Collect and submit for analysis five or more routine samples each month.

(ii) ~~((Group A systems))~~ Purveyors electing to have CSEs conducted shall be evaluated by the department based on the following schedule:

(A) **Community** water systems, every five years. The initial CSE shall be conducted by June 29, 1994; and

(B) **Noncommunity** systems, every five years unless the system uses only disinfected and protected ground water as determined by the department, in which case the evaluation need only be repeated every ten years. The initial CSE shall be conducted by June 29, 1999.

(iii) The department may substitute source of contamination information from the wellhead protection program for CSE information if the information was collected since the last CSE; and

(iv) Purveyors ~~((of Group A systems))~~ collecting less than five routine samples per month shall be responsible for:

(A) Ensuring full cooperation in scheduling CSEs; and

(B) Making all facilities and records available to the department for the CSE.

(f) Invalid samples. When a coliform sample is determined invalid under WAC 246-290-320 (2)(d), the purveyor shall:

(i) Not include the sample in the determination of monitoring compliance; and

(ii) Collect and submit for coliform analysis, an additional drinking water sample from the same location as each invalid sample within twenty-four hours of notification by the laboratory of the invalid sample.

(g) The purveyor using a surface water or GWI source shall collect representative source water samples for bacteriological density analysis in accordance with WAC 246-290-664 and 246-290-694 as applicable.

TABLE 2

MINIMUM MONTHLY ROUTINE COLIFORM SAMPLING REQUIREMENTS ((FOR GROUP A SYSTEMS))

Population Served ¹	Minimum Number of Routine Samples/Calendar Month	
	When NO samples with a coliform presence were collected during the previous month	When ANY samples with a coliform presence were collected during the previous month
During Month		
1 - 1,000	1 ²	5
1,001 - 2,500	2	5
2,501 - 3,300	3	5
3,301 - 4,100	4	5
4,101 - 4,900	5	5
4,901 - 5,800	6	6
5,801 - 6,700	7	7
6,701 - 7,600	8	8
7,601 - 8,500	9	9
8,501 - 12,900	10	10
12,901 - 17,200	15	15
17,201 - 21,500	20	20
21,501 - 25,000	25	25
25,001 - 33,000	30	30
33,001 - 41,000	40	40
41,001 - 50,000	50	50
50,001 - 59,000	60	60
59,001 - 70,000	70	70
70,001 - 83,000	80	80
83,001 - 96,000	90	90
96,001 - 130,000	100	100
130,001 - 220,000	120	120
220,001 - 320,000	150	150
320,001 - 450,000	180	180
450,001 - 600,000	210	210
600,001 - 780,000	240	240
780,001 - 970,000	270	270
970,001 - 1,230,000 ³	300	300

¹ Does not include population of utilities ((wholesaled to, except as provided under WAC 246-290-300 (1)(e)) purchasing water.

² Noncommunity systems using only protected ground water sources and serving less than 25 individuals, may collect and submit for analysis, one sample every three months.

³ Systems serving populations larger than 1,230,000 shall contact the department for the minimum number of samples required per month.

(3) Inorganic chemical and physical.

(a) A complete inorganic chemical and physical analysis shall consist of the primary and secondary chemical and physical ((standards)) substances.

(i) Primary chemical and physical ((standards)) substances are antimony, arsenic, asbestos, barium, beryllium, cadmium, chromium, cyanide, fluoride, mercury, nickel,

nitrate (as N), nitrite (as N), selenium, sodium, thallium, and turbidity.

(ii) Secondary chemical and physical ((standards)) substances are chloride, color, hardness, iron, manganese, specific conductivity, silver, sulfate((#)), total dissolved solids*, and zinc.

*Required only when specific conductivity exceeds seven hundred micromhos/centimeter.

(b) ((Samples taken for inorganic chemical analyses)) Purveyors shall ((be collected at the source before treatment)) monitor in accordance with 40 CFR 141.23(a) through 141.23(j), except for composite samples for systems serving less than 3,300 persons. For these systems, compositing among different systems may be allowed if the systems are owned or operated by a department-approved satellite management agency. A department guideline titled Inorganic and Organic Chemical Monitoring Plans is available on request.

(c) ((Monitoring frequency)) Samples required by this subsection shall be taken at designated locations in accordance with 40 CFR 141.23(a) through 141.23(j) and Table 3 herein.

(i) ((Purveyors of community systems shall have one complete analysis from each surface water source every twelve months)) Wellfield samples shall be allowed from department designated wellfields; and

(ii) ((Purveyors of community systems shall have one complete analysis from each ground water source or well field every thirty six months;

(iii) Purveyors of NTNC, TNC, and Group B systems shall have one initial complete analysis from each source or well field. The department may waive or reduce the minimum requirement for the initial complete analysis if available information shows, to the department's satisfaction, that the aquifer provides water of satisfactory inorganic chemical quality; and

(iv) After the initial complete analysis, NTNC, TNC, and Group B systems shall have one nitrate sample analyzed from each source or well field every thirty six months)) In accordance with 40 CFR 141.23(a)(3), alternate sampling locations may be allowed if approved by the department. These alternate sites are described in the department guideline titled Inorganic and Organic Chemical Monitoring Plans. Purveyors of community and NTNC systems may ask the department to approve an alternate sampling location for multiple sources within a single system which are blended prior to entry to the distribution system. Department approval shall consider the following:

(A) Source vulnerability;

(B) Updated inorganic monitoring plan showing location of all sources with current and proposed sampling locations;

(C) Individual source characteristics;

(D) Previous water quality information;

(E) Status of monitoring waiver applications; and

(F) Other information deemed necessary by the department.

(d) Composite samples:

(i) In accordance with CFR 141.23(a)(4), purveyors may ask the certified lab to compose samples representing as many as five individual samples from within one system. Sampling procedures and protocols are outlined in the

department guideline titled *Inorganic and Organic Chemical Monitoring Plans*; and

(ii) For systems serving a population of less than three thousand three hundred one, the department may approve composite sampling between systems when those systems are part of an approved satellite management agency.

(e) When the purveyor provides treatment for one or more inorganic chemical or physical contaminants, ~~((samples shall be taken for the specific contaminant or contaminants))~~ the department may require the purveyor to sample before and after treatment. The department shall ~~((determine the frequency of))~~ notify the purveyor if and when this additional source sampling is required.

(f) Inorganic monitoring plans.

(i) Purveyors of community and NTNC systems shall prepare an inorganic chemical monitoring plan and conduct routine monitoring in accordance with the plan. A department guideline titled *Inorganic and Organic Chemical Monitoring Plans* is available to assist the purveyor in preparing this plan.

(ii) The plan shall include, at a minimum:

(A) A system map or diagram showing the location of:

(I) Water sources;

(II) Storage, treatment, and distribution system; and

(III) Inorganic sample collection locations.

(B) A narrative which includes the following information:

(I) The system's public water system identification number;

(II) Population served and number of services;

(III) Water sources;

(IV) Storage, treatment, and distribution system;

(V) Inorganic sampling locations (including asbestos if applicable);

(VI) Source vulnerability ratings and status of monitoring waiver applications; and

(VII) Sampling schedule.

(iii) The purveyor shall:

(A) Keep the monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer reflects the monitoring requirements, procedures or sampling locations, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(g) Monitoring waivers.

(i) Purveyors may request in writing, a monitoring waiver from the department for any nonnitrate/nitrite inorganic chemical and physical monitoring requirements identified in this chapter.

(ii) Purveyors requesting a monitoring waiver shall comply with applicable subsections of 40 CFR 141.23 (b)(3), 141.23 (c)(3), and 141.40 (n)(4). A department guideline titled *Source Vulnerability and Monitoring Waivers* is available to assist purveyors.

(iii) Purveyors shall update and resubmit requests for waiver renewals as applicable during each compliance cycle or period or more frequently as directed by the department.

(iv) Failure to provide complete and accurate information in the waiver application shall be grounds for denial of the monitoring waiver.

(h) The department may require the purveyor to repeat sample for confirmation of results.

(i) Purveyors with emergency and seasonal sources shall monitor those sources when they are in use.

(4) Lead and copper. Monitoring for lead and copper shall be conducted in accordance with 40 CFR 141.86, 141.87, and 141.88.

(5) Turbidity.

(a) Purveyors of ~~((Group A water))~~ systems with surface water or GWI sources and installing filtration, and other ~~((Group A))~~ water systems as directed by the department, shall monitor turbidity a minimum of once per day at the entry to the distribution system.

(b) For purveyors of systems installing filtration, the monitoring requirement of (a) of this subsection is effective between written department notification of the filtration requirement and installation of filtration. Once filtration is installed, the purveyor shall monitor turbidity in accordance with WAC 246-290-664.

(c) Purveyors of ~~((Group A water))~~ systems with surface water or GWI sources not subject to the requirements specified in (a) of this subsection, shall monitor turbidity in accordance with Subpart B or Subpart D of Part 6 of chapter 246-290 WAC, whichever is applicable.

~~((The department shall determine monitoring requirements for Group B water systems.))~~

~~((e))~~ Purveyors conducting turbidity measurements shall ensure that analytical requirements are met, in accordance with WAC 246-290-638, at all times the system serves water to the public.

~~((5))~~ (6) Trihalomethanes.

(a) Purveyors of community systems serving a population of ten thousand or more and providing water treated with chlorine or other halogenated disinfectant shall monitor as follows:

(i) Ground water sources. The purveyor shall collect one sample from each treated spring, well, or well field every twelve months. This sample shall be taken at the source before treatment or at the extreme end of the distribution system. The sample shall be analyzed for maximum total trihalomethane potential (MTTP); or

(ii) Surface water sources. The purveyor shall collect four samples per treated source every three months. The samples shall be taken within a twenty-four-hour period. The purveyor shall take one of the samples from the extreme end of the distribution system and three samples from representative locations in the distribution system. The samples shall be analyzed for total trihalomethanes (TTHM), the sum of trichloromethane, bromodichloromethane, dibromochloromethane, and tribromomethane. After one year of monitoring, the department may reduce the monitoring frequency to one sample every three months per treatment plant if the TTHM levels are less than 0.10 mg/L. The purveyor shall take the sample at the extreme end of the distribution system; or

(iii) Purchased surface water sources. The purveyor shall collect one water sample per each purchased surface source every three months. The sample shall be taken at the

extreme end of the distribution system and analyzed for TTHM.

(b) Purveyors of **community** systems shall monitor for TTHM when serving a population less than ten thousand and providing surface water treated with chlorine or other halogenated disinfectant. The purveyor shall collect one water sample per treated source every three months for one year. The sample shall be taken at the extreme end of the distribution system and analyzed for TTHM. After the first year, the purveyor shall monitor surface water sources every thirty-six months.

(c) Purveyors of **community** systems shall monitor for TTHM when serving less than ten thousand people and purchasing surface water treated with chlorine or other halogenated disinfectant or adding a halogenated disinfectant after purchase. The purveyor shall collect one water sample every three months at the extreme end of the distribution system or at a department-acceptable location. The sample shall be analyzed for TTHM. After the first year, the purveyor shall monitor every thirty-six months.

~~((6) Pesticides.~~

~~Purveyors of **community** systems with surface water sources shall monitor for pesticides for which MCLs are established every thirty-six months. The purveyor shall collect the water sample during the time of year the department designates as the time when pesticide contamination is most likely to occur.)~~

(7) Organic chemicals.

(a) Purveyors of community and NTNC water systems shall comply with monitoring requirements in accordance with 40 CFR 141.24(a), 141.24(f), 141.24(g), 141.24(h), 141.40(a), 141.40(d), and 141.40(e).

(b) Sampling locations shall be as defined in 40 CFR 141.24(f), 141.24(g), 141.24(h), 141.40(b) and 141.40(c).

(i) Wellfield samples shall be allowed from department designated wellfields; and

(ii) In accordance with 40 CFR 141.24 (f)(3) and 141.24 (h)(3), alternate sampling locations may be allowed if approved by the department. These alternate locations are described in the departmental guideline titled *Inorganic and Organic Chemical Monitoring Plans*. Purveyors may ask the department to approve an alternate sampling location for multiple sources within a single system which are blended prior to entry to the distribution system. Department approval shall consider the following:

(A) Source vulnerability;

(B) An updated organic monitoring plan showing location of all sources with current and proposed sampling locations;

(C) Individual source characteristics;

(D) Previous water quality information;

(E) Status of monitoring waiver applications; and

(F) Other information deemed necessary by the department.

(c) Composite samples:

(i) Purveyors may ask the certified lab to composite samples representing as many as five individual samples from within one system. Sampling procedures and protocols are outlined in the department guideline titled *Inorganic and Organic Chemical Monitoring Plans*;

(ii) For systems serving a population of less than three thousand three hundred one, the department may approve

composite sampling between systems when those systems are part of an approved satellite management agency.

(d) The department may require the purveyor to sample both before and after treatment for one or more organic contaminants. The department shall notify the purveyor if and when this additional source sampling is required.

(e) Organic chemical monitoring plans.

(i) Purveyors of community and NTNC systems shall prepare an organic chemical monitoring plan and conduct routine monitoring in accordance with the plan. A department guideline titled *Inorganic and Organic Chemical Monitoring Plans* is available to assist the purveyor in preparing this plan.

(ii) The plan shall include at a minimum:

(A) A system map or diagram showing the location of:

(I) Water sources;

(II) Storage, treatment, and distribution system; and

(III) Organic sample collection locations.

(B) A narrative which includes the following information:

(I) The system's public water system identification number;

(II) Population served and number of services;

(III) Water sources;

(IV) Storage, treatment, and distribution system;

(V) Organic sampling locations;

(VI) Source vulnerability ratings and status of monitoring waiver applications; and

(VII) Sampling schedule.

(iii) The purveyor shall:

(A) Keep the monitoring plan on file with the system and make it available to the department for inspection upon request;

(B) Revise or expand the plan at any time the plan no longer reflects the monitoring requirements, procedures or sampling locations, or as directed by the department; and

(C) Submit the plan to the department for review and approval when requested and as part of the water system plan required under WAC 246-290-100.

(f) Monitoring waivers.

(i) Purveyors may request in writing, a monitoring waiver from the department for any organic monitoring requirement except those relating to unregulated VOCs;

(ii) Purveyors requesting a monitoring waiver shall comply with 40 CFR 141.24 (f)(7), 141.24 (f)(10), 141.24 (h)(6), 141.24 (h)(7) or 141.40 (n)(4). A department guideline titled *Source Vulnerability and Monitoring Waivers* is available to assist purveyors;

(iii) Purveyors shall update and resubmit requests for waiver renewals as directed by the department; and

(iv) Failure to provide complete and accurate information in the waiver application shall be grounds for denial of the monitoring waiver.

(g) Purveyors with emergency and seasonal sources shall monitor those sources when they are in use.

(8) Unregulated chemicals.

(a) Unregulated inorganic contaminants. Purveyors of community and NTNC systems shall:

(i) Monitor for the unregulated inorganic chemicals listed in 40 CFR 141.40 (n)(12); and

(ii) Comply with monitoring methods, frequencies, and sampling locations in accordance with 40 CFR 141.40 (n)(2) through 141.40 (n)(9) and 141.40 (n)(12).

(iii) Apply in writing for a monitoring waiver according to the conditions outlined in 40 CFR 141.40 (n)(3), and the departmental procedures described in subsection (7)(f) of this section.

(iv) Request the department to defer this monitoring if they are a system with less than one hundred fifty service connections.

(b) Unregulated VOCs. Purveyors shall:

(i) Monitor in accordance with 40 CFR 141.40(e) and 141.40(j);

(ii) Comply with monitoring methods, frequency and sampling locations in accordance with 40 CFR 141.40(a) through 141.40(d), 141.40(g) and 141.40(i); and

(iii) Perform repeat monitoring for these compounds in accordance with 40 CFR 141.40(l).

(c) Unregulated SOCs. Purveyors shall:

(i) Monitor for the unregulated SOCs listed in 40 CFR 141.40 (n)(11); and

(ii) Comply with monitoring methods, frequencies, and sampling locations in accordance with 40 CFR 141.40 (n)(1) through 141.40 (n)(9).

Purveyors may request that the department defer this monitoring if a system has less than one hundred fifty service connections.

(d) Purveyors with emergency and seasonal sources shall monitor those sources when they are in use.

(9) Radionuclides.

(a) The purveyor's monitoring requirements for gross alpha particle activity, radium-226 and radium-228 shall be:

(i) **Community** systems shall monitor once every forty-eight months. Compliance shall be based on the analysis of an annual composite of four consecutive quarterly samples or the average of the analyses of four samples obtained at quarterly intervals;

(ii) The purveyor may omit analysis for radium-226 and radium-228 if the gross alpha particle activity is less than five pCi/L; and

(iii) If the results of the initial analysis are less than half of the established MCL, the department may allow compliance with the monitoring requirements based on analysis of a single sample collected every forty-eight months.

(b) The purveyor's monitoring requirements for man-made radioactivity shall be:

(i) Purveyors of **community** systems using surface water sources and serving more than one hundred thousand persons and other department-designated water systems shall monitor for man-made radioactivity (beta particle and photon) every forty-eight months. Compliance shall be based on the analysis of a composite of four consecutive quarterly samples or the analysis of four quarterly samples; and

(ii) The purveyor of a water system located downstream from a nuclear facility as determined by the department, shall monitor once every three months for gross beta and iodine-131, and monitor once every twelve months for strontium-90 and tritium. The department may allow the substitution of environmental surveillance data taken in conjunction with a nuclear facility for direct monitoring of

man-made radioactivity if the department determines that such data is applicable to a particular public water system.

~~((8) Volatile organic chemicals (VOCs).~~

~~(a) Purveyors of **community** and **NTNC** systems shall monitor each source for all chemicals listed in Table 3. If a source is treated, VOC samples shall be collected after treatment.~~

TABLE 3

LIST 1: VOLATILE ORGANIC CHEMICALS (VOCs) WITH MCLs

- Trichloroethylene
- Carbon Tetrachloride
- Vinyl Chloride[†]
- 1,2-Dichloroethane
- Benzene
- para-Dichlorobenzene
- 1,1-Dichloroethylene
- 1,1,1-Trichloroethane

[†] Purveyors shall monitor for vinyl chloride if their source sampling has verified one or more of the following:

- Trichloroethylene;
- 1,2-Dichloroethane;
- 1,1-Dichloroethylene;
- 1,1,1-Trichloroethane;
- Chloroethane;
- trans-1,2-Dichloroethylene;
- cis-1,2-Dichloroethylene;
- 1,1-Dichloroethane;
- 1,1,2-Trichloroethane;
- 1,1,1,2-Tetrachloroethane;
- 1,1,2,2-Tetrachloroethane; or
- Tetrachloroethylene.

LIST 2: VOCs WITHOUT MCLs

- Bromobenzene ————— p-Xylene
- Bromomethane ————— o-Xylene
- Chlorobenzene ————— m-Xylene
- Chloroethane ————— Bromochloromethane
- Chloromethane ————— n-Butylbenzene
- o-Chlorotoluene ————— Dichlorodifluoromethane
- p-Chlorotoluene ————— Fluorotrichloromethane
- Dibromomethane ————— Hexachlorobutadiene
- m-Dichlorobenzene ————— Isopropylbenzene
- o-Dichlorobenzene ————— p-Isopropyltoluene
- trans-1,2-Dichloroethylene — Naphthalene
- cis-1,2-Dichloroethylene — n-Propylbenzene
- Dichloromethane ————— Sec-butylbenzene
- 1,1-Dichloroethane ————— Tert-butylbenzene
- 1,1-Dichloropropene ————— 1,2,3-Trichlorobenzene
- 1,2-Dichloropropane ————— 1,2,4-Trichlorobenzene
- 1,3-Dichloropropane ————— 1,2,4-Trimethylbenzene
- 1,3-Dichloropropene ————— 1,3,5-Trimethylbenzene
- 2,2-Dichloropropane ————— Trihalomethanes:
- Ethylbenzene ————— Bromodichloromethane
- Styrene ————— Dibromochloromethane
- 1,1,2-Trichloroethane ————— Tribromomethane
- 1,1,1,2-Tetrachloroethane — Trichloromethane
- 1,1,2,2-Tetrachloroethane
- Tetrachloroethylene
- 1,2,3-Trichloropropane
- Toluene

LIST 3: VOCs WITHOUT MCLs WHICH ARE REQUIRED FOR SELECTED SOURCES

~~Ethylene dibromide (EDB) — 1,2-Dibromo-3-Chloropropane (DBCP)~~

~~(b) During the first twelve months of VOC monitoring, purveyors shall sample surface water and ground water sources once every three months or as directed by the department. If no VOCs (exclusive of THMs) are detected in the first sample from a ground water source, the purveyor shall sample that source once more during that twelve-month period.~~

~~(c) If no VOCs (exclusive of THMs) are verified after the initial twelve months of monitoring, purveyors of community and NTNC water systems shall monitor each source at least once every thirty-six months.~~

~~(d) Purveyors may ask the certified lab to composite samples representing as many as five individual sources. If VOCs (exclusive of THMs) are detected in a composite sample, the lab shall analyze the duplicate sample for each source in the composite at the purveyor's expense. If duplicate samples are not available, the purveyor shall repeat sample each individual source within fourteen days of contact by the department. Analysis of all VOC samples shall occur within fourteen days of collection. The following restrictions shall apply to compositing of samples:~~

- ~~(i) Samples shall not be composited in the field;~~
- ~~(ii) Multiple source samples, such as samples representing well fields, shall not be composited;~~
- ~~(iii) Ground water sources shall not be composited with surface water sources; and~~
- ~~(iv) The following shall not be composited:~~
 - ~~(A) Seasonal sources;~~
 - ~~(B) Sources treated for the presence of synthetic organic chemicals; and~~
 - ~~(C) Sources with synthetic organic chemicals, exclusive of THMs, detected within the last five years.~~

~~(e) Purveyors with emergency and seasonal sources shall monitor the sources when the sources are in use.~~

~~(f) If five or fewer separate sources are combined through a common pipe before entering the distribution system, and before a domestic service, the department may consider those sources as one for the purpose of sampling. The purveyor shall collect the distribution samples as directed by the department. If VOCs, exclusive of THMs, are detected, the department shall require repeat samples from each individual source.~~

~~(g) The department may require the purveyor to repeat sample for confirmation of results.~~

~~(h) The department shall not require purveyors of community systems serving less than two hundred fifty people and NTNC systems to monitor for the List 2 VOCs after purveyors complete the first twelve months of VOC monitoring for both List 1 and List 2 VOCs, provided no VOCs, exclusive of THMs, are detected and no changes have occurred indicating a need to take additional samples.~~

~~(i) Purveyors of community and NTNC systems shall monitor for List 3 VOCs if the department determines their sources are located in an area where the chemicals may have been applied, transported, handled, manufactured, or stored. The department shall notify purveyors of community and NTNC systems if this requirement applies.~~

~~(j) When water is purchased from another system, the department shall not require the purveyor of the purchasing system to monitor that source for VOCs. However, the department's requirement may still apply for a purveyor to monitor for trihalomethanes under subsection (5) of this section.~~

~~(k) Only samples analyzed after January 1, 1988, by a laboratory certified for VOC analysis of drinking water may be used to meet the requirements of this subsection.~~

~~(9)) (10) Other substances.~~

On the basis of public health concerns, the department may require the purveyor to monitor for additional substances.

TABLE ((4)) 3

MONITORING LOCATION

Sample Type	Sample Location
<u>Asbestos</u>	<u>One sample from distribution system or if required by department, from the source.</u>
Bacteriological	From representative points throughout distribution system.
Complete Inorganic Chemical and Physical	From a ((sample)) point ((as close to)) <u>representative of the source ((as possible)), after treatment, and prior to entry to the distribution system.</u>
<u>Lead/Copper</u>	<u>From the distribution system at targeted sample tap locations.</u>
Nitrate/Nitrite	From a ((sample)) point ((as close to)) <u>representative of the source ((as possible)), after treatment, and prior to entry to the distribution system.</u>
Turbidity - Surface Water	From a location at or before the entry point to the distribution system.
Trihalomethanes - Surface Water	From representative points in the distribution system.
- Ground Water	From the source before treatment.
((Pesticides - Surface Water	From the source.))
Radionuclides	From the source.
<u>Organic Chemicals (VOCs & SOCs)</u>	<u>From a point representative of the source, after treatment((-if any, at)) and prior to entry ((points)) to distribution system((s)).</u>
Other Substances <u>(unregulated chemicals)</u>	<u>From a point representative of the source, after treatment, and prior to entry to the distribution system, or as directed by the department.</u>

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-310 Maximum contaminant levels (MCLs). (1) General.

(a) The purveyor shall be responsible for complying with the standards of water quality identified in this section. If a substance exceeds its maximum contaminant level

(MCL), the purveyor shall take follow-up action in accordance with WAC 246-290-320.

~~((2))~~ (b) When enforcing the standards described under this section, the department shall enforce compliance with the primary standards as its first priority.

~~((3))~~ (2) Bacteriological.

(a) MCLs under this subsection shall be considered primary standards.

(b) Notwithstanding subsection (1) of this section, if coliform presence is detected in any sample, the purveyor shall take follow-up action in accordance with WAC 246-290-320(2).

(c) Acute MCL. An acute MCL for coliform bacteria occurs when there is:

- (i) Fecal coliform presence in a repeat sample;
- (ii) E. coli presence in a repeat sample; or
- (iii) Coliform presence in a set of repeat samples collected as a follow-up to a sample with fecal coliform or E. coli presence.

(d) Nonacute MCL. A nonacute MCL for coliform bacteria occurs when:

- (i) Systems taking less than forty routine samples during the month have more than one sample with coliform presence; or
- (ii) Systems taking forty or more routine samples during the month have more than 5.0 percent with coliform presence.

(e) MCL compliance. The purveyor shall determine compliance with the coliform MCL for each month the system provides drinking water to the public. In determining MCL compliance, the purveyor shall:

- (i) Include:
 - (A) Routine samples;
 - (B) Repeat samples; and
 - (C) Samples collected under WAC 246-290-300 (2)(d).
- (ii) Not include:
 - (A) Samples invalidated under WAC 246-290-320 (2)(d); and
 - (B) Special purpose samples.

~~((4))~~ (3) Inorganic chemical and physical.

The primary and secondary MCLs are listed in Table ~~((5))~~ 4 and ~~((6))~~ 5:

TABLE ~~((5))~~ 4
INORGANIC CHEMICAL CHARACTERISTICS

Substance	Primary MCLs (mg/L)
<u>Antimony (Sb)</u>	<u>0.006</u>
<u>Arsenic (As)</u>	<u>0.05</u>
<u>Asbestos</u>	<u>7 million fibers/liter</u> <u>(longer than 10</u> <u>microns)</u>
<u>Barium (Ba)</u>	((1-0)) <u>2.0</u>
<u>Beryllium (Be)</u>	<u>0.004</u>
<u>Cadmium (Cd)</u>	((0-04)) <u>0.005</u>
<u>Chromium (Cr)</u>	((0-05)) <u>0.1</u>
<u>Copper (Cu)</u>	<u>*</u>
<u>Cyanide (HCN)</u>	<u>0.2</u>

<u>Fluoride (F)</u>	<u>4.0</u>
<u>Lead (Pb)</u>	<u>*</u>
<u>Mercury (Hg)</u>	<u>0.002</u>
<u>Nickel (Ni)</u>	<u>0.1</u>
<u>Nitrate (as N)</u>	<u>10.0</u>
<u>Nitrite (as N)</u>	<u>1.0</u>
<u>Selenium (Se)</u>	((0-04)) <u>0.05</u>
<u>Sodium (Na)</u>	<u>*</u>
<u>Thallium (Tl)</u>	<u>0.002</u>

Substance	Secondary MCLs (mg/L)
<u>Chloride (Cl)</u>	<u>250.0</u>
<u>Fluoride (F)</u>	<u>2.0</u>
<u>Iron (Fe)</u>	<u>0.3</u>
<u>Manganese (Mn)</u>	<u>0.05</u>
<u>Silver (Ag)</u>	<u>0.1</u>
<u>Sulfate (SO₄)</u>	<u>250.0</u>
<u>Zinc (Zn)</u>	<u>5.0</u>

~~((Note))~~ * Although the state board of health has not established ~~((an))~~ MCLs for copper, lead, and sodium, there is enough public health significance connected with copper, lead, and sodium levels to require inclusion in inorganic chemical and physical source monitoring.

TABLE ~~((6))~~ 5
PHYSICAL CHARACTERISTICS

Substance	Primary MCL
<u>Turbidity</u>	<u>1 NTU</u>

Substance	Secondary MCLs
<u>Color</u>	<u>15 Color Units</u>
<u>Hardness</u>	<u>None established</u>
<u>Specific Conductivity</u>	<u>700 umhos/cm</u>
<u>Total Dissolved Solids (TDS)</u>	<u>500 mg/L.</u>

~~((5))~~ (4) Turbidity.

(a) The department shall consider standards under this subsection primary standards.

(b) The MCL for turbidity is in effect for systems using surface water or GWI sources until the treatment technique requirements of Part 6 of chapter 246-290 WAC become effective as listed in Table 9, 12, 13, or 14, whichever is applicable.

(c) The MCLs for turbidity are:

(i) ~~((One))~~ 1.0 NTU, as determined by a monthly average of the daily turbidity, where the daily turbidity is defined as the average of the:

(A) Highest two hourly readings over a twenty-four hour period when continuous monitoring is used; or

(B) Daily grab samples taken the same hour every day when daily monitoring is used.

The department may increase the MCL to five NTUs if the purveyor can show the source is within a controlled watershed and the source meets the requirements under WAC 246-290-135.

(ii) ~~((Five))~~ 5.0 NTUs based on an average of the maximum daily turbidity for two consecutive days.

~~((6))~~ (5) Trihalomethanes.

(a) The department shall consider standards under this subsection primary standards.

(b) The MCL for total trihalomethanes (TTHM) is 0.10 mg/L calculated on the basis of a running annual average of quarterly samples. The concentrations of each of the trihalomethane compounds (trichloromethane, dibromochloromethane, bromodichloromethane, and tribromomethane) are added together to determine the TTHM level.

(c) There is no MCL for maximum total trihalomethane potential (MTTP). When the MTTP value exceeds 0.10 mg/L, the purveyor shall follow up as described under WAC 246-290-320(5).

~~((7))~~ Pesticides:

~~(a) The department shall consider standards under this subsection primary standards.~~

~~(b) The MCLs for pesticides are:~~

~~(i) Chlorinated hydrocarbons:~~

Substance	MCL (mg/L)
Endrin	0.0002
Lindane	0.004
Methoxychlor	0.1
Toxaphene	0.005

~~(ii) Chlorophenoxys:~~

Substance	MCL (mg/L)
2, 4 D	0.1
2, 4, 5 TP Silvex	0.01

~~((8))~~ (6) Radionuclides.

(a) The department shall consider standards under this subsection primary standards.

(b) The MCLs for radium-226, radium-228, and gross alpha particle radioactivity are:

TABLE 6

Substance	MCL (pCi/L)
Radium-226	3
Combined Radium-226 and Radium-228	5
Gross alpha particle activity (excluding uranium)	15

(c) The MCL for beta particle and photon radioactivity from man-made radionuclides is: The average annual concentration shall not produce an annual dose equivalent to the total body or any internal organ greater than four millirem/year.

The department shall assume compliance with the four millirem/year dose limitation if the average annual concentration for gross beta activity, tritium, and strontium-90 are less than 50 pCi/L, 20,000 pCi/L, and 8 pCi/L respectively. When both tritium and strontium-90 are present, the sum of

their annual dose equivalents to bone marrow shall not exceed four millirem/year.

~~((9))~~ (7) Organic chemicals.

(a) The department shall consider standards under this subsection primary standards.

(b) VOCs.

(i) The MCLs for VOCs ((with MCLs are:

Substance	MCL (mg/L)
Benzene	.005
Carbon Tetrachloride	.005
1,2 Dichloroethane	.005
Trichloroethylene	.005
para Dichlorobenzene	.075
1,1 Dichloroethylene	.007
1,1,1 Trichloroethane	.200
Vinyl Chloride	.002

~~(e))~~ shall be as listed in 40 CFR 141-61(a).

(ii) The department shall determine compliance with this subsection based on ((the running annual average of results for each sample location. The purveyor is in violation of an MCL when:

(i) The running annual average for one location is greater than the MCL (sum of all sample results in one year divided by the number of samples taken > MCL); or

(ii) Any one sample result causes the running annual average to exceed the MCL)) compliance with 40 CFR 141.24(f).

~~((10))~~ (c) SOCs.

(i) MCLs for SOCs shall be as listed in 40 CFR 141.61(c).

(ii) The department shall determine compliance with this subsection based on compliance with 40 CFR 141.24(h).

(8) Other chemicals.

(a) The state board of health shall determine maximum contaminant levels for any additional substances.

(b) Purveyors may be directed by the department to comply with state advisory levels (SALs) for contaminants that do not have a MCL established in chapter 246-290 WAC. SALs shall be:

(i) MCLs which have been promulgated by the EPA, but which have not yet been adopted by the state board of health; or

(ii) State board of health adopted levels for substances recommended by the department and not having an EPA established MCL. A listing of these may be found in the department document titled *Procedures and References for the Determination of State Advisory Levels for Drinking Water Contaminants* dated March 1991, which has been approved by the state board of health and is available on request.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-320 Follow-up action. (1) General.

(a) ((If water quality exceeds any MCLs listed under WAC 246-290-310)) when an MCL violation occurs, the purveyor shall ((notify the department and)) take follow-up action as described in this section.

- (b) When a primary standard violation occurs, the purveyor shall:
 - (i) Notify the department in accordance with WAC 246-290-480;
 - (ii) Notify the consumers served by the system in accordance with WAC 246-290-330;
 - (iii) Determine the cause of the contamination; and
 - (iv) Take action as directed by the department.
- (c) When a secondary standard violation occurs, the purveyor shall notify the department and take action as directed by the department.
- (d) The department may require additional sampling for confirmation of results. A department guideline on confirmation sampling titled *Inorganic and Organic Monitoring Plans* is available on request.

(2) Bacteriological.

(a) When coliform bacteria are present in any sample and the sample is not invalidated under (d) of this subsection, the purveyor shall ensure the following actions are taken:

- (i) The sample is analyzed for fecal coliform or E. coli. When a sample with a coliform presence is not analyzed for E. coli or fecal coliforms, the sample shall be considered as having a fecal coliform presence for MCL compliance purposes;
- (ii) Repeat samples are collected in accordance with (b) of this subsection;
- (iii) The department is notified in accordance with WAC 246-290-480; and
- (iv) The cause of the coliform presence is determined and corrected.

(b) Repeat samples.

(i) The purveyor shall collect and submit for analysis a set of repeat samples for every sample in which the presence of coliforms is detected. A set of repeat coliform samples consists of:

- (A) Four repeat samples for ~~((Group A))~~ systems collecting one routine coliform sample each month; or
- (B) Three repeat samples for all ~~((Group A))~~ systems collecting more than one routine coliform sample each month; ~~and~~

~~(C) Two repeat samples for Group B systems).~~

- (ii) The purveyor shall collect repeat sample sets according to Table 7;
- (iii) The purveyor shall collect one set of repeat samples for each sample with a coliform presence~~(, as follows:~~

~~(A) For Group A systems,). All samples in a set of repeat samples shall be collected on the same day and submitted for analysis within twenty-four hours after notification by the laboratory of a coliform presence. If the purveyor can demonstrate to the satisfaction of the department, that logistical problems beyond the purveyor's control make analysis of the samples in the repeat sample set impractical because the time between sample collection and analysis will exceed thirty hours, then the purveyor shall collect the required set of repeat samples as directed by the department(, and~~

~~(B) For Group B systems, as soon as possible after the notification by the laboratory of a sample with a coliform presence).~~

(iv) When repeat samples have coliform presence, the purveyor shall:

- (A) Contact the department and collect a minimum of one additional set of repeat samples as directed by the department; or
- (B) Collect one additional set of repeat samples for each sample where coliform presence was detected.
- (v) The purveyor of a system providing water to consumers via a single service shall collect repeat samples from the same location as the sample with a coliform presence. The set of repeat samples shall be collected:
 - (A) On the same collection date; or
 - (B) Over consecutive days with one sample collected each day until the required samples in the set of repeat samples are collected.
- (vi) If a sample with a coliform presence was collected from the first two or last two active services, the purveyor shall monitor as directed by the department;
- (vii) The purveyor may change a previously submitted routine sample to a sample in a set of repeat samples when the purveyor:
 - (A) Collects the sample within five adjacent service connections of the location from which the initial sample with a coliform presence was collected;
 - (B) Collects the sample after the initial sample with a coliform presence was submitted for analysis;
 - (C) Collects the sample on the same day as other samples in the set of repeat samples, except under (b)(iii) of this subsection; and
 - (D) Notifies the department of the change.
- (viii) The department may determine that sets of repeat samples specified under this subsection are not necessary during a month when a nonacute coliform MCL violation is determined for the system.

Table 7
REPEAT SAMPLE REQUIREMENTS

(SYSTEM GROUP (I) # OF ROUTINE SAMPLES COLLECTED EACH MONTH (II))	# OF SAMPLES IN A SET OF REPEAT SAMPLES	LOCATIONS FOR REPEAT SAMPLES (COLLECT AT LEAST ONE SAMPLE PER SITE)
((GROUP A (I) (routine sample each month))	4	<ul style="list-style-type: none"> • Site of previous sample with a coliform presence • Within 5 active services upstream of site of sample with a coliform presence • Within 5 active services downstream of site of sample with a coliform presence • At any other active service
((GROUP A (I) (more than 1 (routine sample each month))	3	<ul style="list-style-type: none"> • Site of previous sample with a coliform presence • Within 5 active services upstream of site of sample with a coliform presence • Within 5 active services downstream of site of sample with a coliform presence
((GROUP B	2	<ul style="list-style-type: none"> • Site of the previous sample with a coliform presence • From active services other than the site of the previous sample with a coliform presence

(c) Monitoring frequency following a coliform presence. ~~((Group A))~~ Systems having one or more coliform presence samples that were not invalidated during the previous month shall collect and submit for analysis the minimum number of samples shown in the last column of Table 2.

(i) The department may reduce the monitoring frequency requirement when one or more samples with a coliform presence were collected during the previous month, if the purveyor proves to the satisfaction of the department;

(A) The cause of the sample with a coliform presence; and

(B) The problem is corrected before the end of the next month the system provides water to the public.

(ii) If the department reduces this monitoring frequency requirement:

(A) The purveyor shall collect and submit at least the minimum number of samples required when no samples with a coliform presence were collected during the previous month; and

(B) The department shall make available a written description explaining:

(I) The specific cause of the coliform presence; and

(II) Action taken by the purveyor to correct the cause of coliform presence.

(d) Invalid samples.

(i) The department shall consider coliform samples with no coliform presence detected invalid when:

(A) Multiple tube technique cultures are turbid without appropriate gas production;

(B) Presence-absence technique cultures are turbid in the absence of an acid reaction;

(C) There are confluent growth patterns or growth of TNTC (too numerous to count) colonies without a surface sheen using a membrane filter analytic technique; or

(D) There is excess debris in the sample.

(ii) The department may invalidate a coliform sample when:

(A) The analyzing laboratory establishes that improper sample analysis occurred;

(B) The department determines a domestic or nondistribution system problem is indicated by:

(I) All samples in the set of repeat samples collected at the same location as the original coliform presence sample also are coliform presence; and

(II) All other samples in the set of repeat samples are free of coliform.

(C) The department determines a coliform presence result is due to a circumstance or condition which does not reflect water quality in the distribution system. In this case, when the department invalidates a sample:

(I) The purveyor shall collect a set of repeat samples following the sample invalidation in accordance with Table 7; and

(II) The department's rationale for invalidating the sample shall be documented in writing and made available to the public. The documentation shall state the specific cause of the coliform presence, and what action the purveyor has taken, or will take.

(iii) When a coliform sample is determined invalid, the purveyor shall collect and submit for analysis:

(A) An additional coliform sample from the same location as each invalid sample within twenty-four hours of notification of the invalid sample; or

(B) Additional coliform samples as directed by the department.

(iv) When the department or laboratory invalidates a sample, the sample shall not count towards the purveyor's minimum coliform monitoring requirements.

(3) Inorganic chemical and physical ~~(When an initial analysis of a substance exceeds the MCL, the purveyor shall:~~

~~(a))~~ follow-up monitoring shall be conducted in accordance with the following:

(a) For nonnitrate/nitrite inorganic chemicals, 40 CFR 141.23 (a)(4), 141.23 (b)(8), 141.23 (c)(7), 141.23 (f)(1), 141.23(g), 141.23(m) and 141.23(n);

(b) For nitrate, (immediately take one additional sample from the same sampling point. If the average of the two

~~samples exceeds the MCL, a violation is confirmed)) 40 CFR 141.23 (a)(4), 141.23 (d)(2), 141.23 (d)(3), 141.23 (f)(2), 141.23(g), 141.23(m), 141.23(n), and 141.23(o); or~~

~~((b) For all other inorganic chemical and physical substances, collect three additional samples from the same sample point within thirty days. If the average of all four samples exceeds the MCL, a violation is confirmed)) (c) For nitrite, 40 CFR 141.23 (a)(4), 141.23 (e)(3), 141.23 (f)(2), and 141.23(g).~~

(4) Lead and copper follow-up monitoring shall be conducted in accordance with 40 CFR 141.85(d), 141.86 (d)(2), 141.86 (d)(3), 141.87(d) and 141.88(b) through 141.88(d).

(5) Turbidity.

(a) Purveyors using sources not subject to Part 6 of chapter 246-290 WAC and monitoring turbidity in accordance with WAC 246-290-300(4), shall notify the department as soon as possible, but in no case later than the end of the next business day, when:

(i) The turbidity is monitored continuously, and exceeds ~~((one))~~ 1.0 NTU for longer than one hour; or

(ii) The results of turbidity analysis of grab samples exceeds ~~((one))~~ 1.0 NTU, and a repeat sample taken within one hour also exceeds ~~((one))~~ 1.0 NTU.

(b) Purveyors monitoring turbidity in accordance with Part 6 of chapter 246-290 WAC shall provide follow-up in accordance with WAC 246-290-634.

~~((5))~~ (6) Trihalomethanes. When the average of all samples taken during any twelve-month period exceeds the MCL for total trihalomethanes, the violation is confirmed and the purveyor shall take corrective action as required by the department. When the maximum trihalomethane potential (MTTP) result is equal to or greater than 0.10 mg/L and the result is confirmed by a repeat sample, the purveyor shall monitor according to WAC 246-290-300(5) for one year or more.

~~((6) Volatile))~~ (7) Organic chemicals ((VOCs)). ~~((The purveyor shall be responsible for the following follow-up actions:~~

~~(a) After the purveyor's receipt of the first VOC analysis results from the laboratory, the purveyor shall provide notice to persons served by the system as described under WAC 246-290-330(5).~~

~~(b) When a List 1 VOC is verified at a concentration above the detection limit, the purveyor shall, at a minimum:~~

~~(i) Sample the source once every three months for at least three years; and~~

~~(ii) Make analysis results available to consumers within three months of receipt from the laboratory as described under WAC 246-290-330(5).~~

~~(c) When a List 1 VOC is verified at a concentration greater than a MCL, and the level will not cause the running annual average to exceed the MCL, the purveyor shall repeat sample the source as soon as possible. If a concentration greater than an MCL is confirmed, the purveyor shall:~~

~~(i) Notify the department within seven days of receipt of the repeat sample analysis results;~~

~~(ii) Provide consumer information in accordance with WAC 246-290-330 (5)(b);~~

~~(iii) Submit documentation to the department describing the water system's strategy for gathering and analyzing~~

additional data and identify plans for keeping the public informed; and

(iv) Sample the source a minimum of once every three months for at least three years.

(d) When the running annual average of a List 1 VOC is greater than an MCL, or one sample analysis result causes the annual average to exceed an MCL, the purveyor shall:

(i) Notify the department within forty-eight hours of receipt of analysis results;

(ii) Notify the public as described under WAC 246-290-330, including mandatory health effects language;

(iii) Submit an action plan to the department for approval addressing follow-up activities, including corrective action. The purveyor shall submit the action plan within four months of receipt of department notice that the annual average exceeds the MCL. The purveyor's action plan shall, at a minimum, contain a:

(A) Tabulation of VOC sample analysis results, including the location where VOCs were detected;

(B) Description of monitoring plans for system sources;

(C) Strategy for informing the public of monitoring results and investigations; and

(D) Description of short and long term plans to minimize exposure and/or eliminate the source of contamination.

(iv) Implement the action plan within one year of the department's approval. The department may require the purveyor's earlier compliance if necessary to eliminate an immediate health threat or may require a revision of the action plan based upon additional sample results. The department may extend the purveyor's period of compliance when the department determines:

(A) Substantial construction is required; and

(B) The purveyor has taken all appropriate measures to protect the health of consumers served by the public water system.

If the department grants the purveyor an extension, the purveyor shall issue a notice identifying the MCL exceeded and the amount by which the repeat sample analysis results exceeded the MCL. The purveyor shall include the notice in all bills mailed to affected customers until the department determines that the purveyor complies with the MCL.

(v) Sample the source a minimum of once every three months for at least three years.

(e) When a List 2 or List 3 VOC is verified at a concentration above the detection limit, the purveyor shall:

(i) Submit the sample analysis results to the department within seven days of receipt from the laboratory; and

(ii) Sample the source a minimum of once every three months for one year and then annually thereafter during the three-month period when the highest previous measurement occurred.

(f) If the department determines that a List 2 or List 3 VOC is verified at a level greater than a state advisory level (SAL), the department shall notify the purveyor in writing. The purveyor shall repeat sample the source as soon as possible after initial department notice that a SAL has been exceeded. The purveyor shall submit the analysis results to the department within seven days of receipt from the laboratory. If any repeat sample confirms that a SAL has been exceeded, the purveyor shall:

(i) Provide consumer information in accordance with WAC 246-290-330 (5)(b);

(ii) Sample the source a minimum of once every three months for at least three years; and

(iii) Submit documentation to the department listing VOC analysis results, describing the water systems' strategy for gathering and analyzing additional data, and identifying plans for keeping the public informed. The purveyor shall submit this information to the department within six months of the date of the first notice from the department that a SAL has been exceeded.

(g) The department may reduce the purveyor's monitoring requirement for a source detecting a List 1 VOC if, after three years of quarterly monitoring, all analysis results are less than the MCL. The purveyor's reduced monitoring frequency shall be no less than one sample per year.

(h) The department may reduce the purveyor's monitoring requirement for a source detecting a List 2 or List 3 VOC if the source has been monitored annually for at least three years, and all analysis results are less than the SAL.

(i) In establishing SAL's for List 2 and List 3 VOCs, the department shall use the most recent edition of the department document titled *Procedures And References For Determination Of State Advisory Levels For Drinking Water Contaminants* which has been approved by the state board of health. Copies are available from the department upon request.

(j) When List 1, List 2 (exclusive of THMs), or List 3 VOCs are verified in well fields, the purveyor shall repeat sample individual wells within the well field.

(k) When the sum of all trihalomethanes detected exceeds 0.100 mg/L, the purveyor shall sample within three months for total trihalomethanes as required under WAC 246-290-300(5).

(l) The department may collect samples from a water system or may require that specified quality assurance techniques be used to collect samples.

(7)) Follow-up monitoring shall be conducted in accordance with the following:

(a) For VOCs, 40 CFR 141.24 (f)(11) through 141.24 (f)(15); or

(b) For SOCs, 40 CFR 141.24(b), 141.24(c), 141.24 (h)(7) through 141.24 (h)(11).

(8) Unregulated inorganic and organic chemicals.

(a) Follow-up monitoring shall be conducted in accordance with 40 CFR 141.40 (n)(8) and 141.40 (n)(9).

(b) When an unregulated chemical is verified at a concentration above the detection limit, the purveyor shall:

(i) Submit the sample analysis results to the department within seven days of receipt from the laboratory; and

(ii) Sample the source a minimum of once every three months for one year and then annually thereafter during the three-month period when the highest previous measurement occurred.

(c) If the department determines that an unregulated chemical is verified at a level greater than a SAL, the department shall notify the purveyor in writing. The purveyor shall repeat sample the source as soon as possible after initial department notice that a SAL has been exceeded. The purveyor shall submit the analysis results to the department within seven days of receipt from the laboratory. If any repeat sample confirms that a SAL has been exceeded, the purveyor shall:

(i) Provide consumer information in accordance with WAC 246-290-330 (5)(b);

(ii) Investigate the cause of the contamination; and

(iii) Take follow-up or corrective action as required by the department.

(d) The department may reduce the purveyor's monitoring requirement for a source detecting an unregulated chemical if the source has been monitored annually for at least three years, and all analysis results are less than the SAL.

(9) The department shall determine the purveyor's follow-up action when a substance not included in this chapter is detected.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-330 Public notification. (1) Required notification.

~~((A))~~ The purveyor ~~((of a Group A water system))~~ shall notify the water system users when the system:

~~((i))~~ ~~Violates~~ (a) Has a MCL violation of a primary standard as described under WAC 246-290-310;

~~((ii))~~ (b) Fails to comply with:

~~((A))~~ (i) Treatment technique requirements under Part 6 of chapter 246-290 WAC;

~~((B))~~ (ii) Monitoring requirements under WAC 246-290-300, 246-290-664, 246-290-674, or 246-290-694;

~~((C))~~ (iii) Analytical requirements of WAC 246-290-638 or chapter 246-390 WAC;

~~((D))~~ (iv) A departmental order; or

~~((E))~~ (v) A variance or exemption schedule prescribed by the state board of health.

~~((iii))~~ (c) Is identified as a source of waterborne disease outbreak as determined by the department;

~~((iv))~~ (d) Is issued a category red operating permit;

~~((v))~~ (e) Is issued a departmental order; or

~~((vi))~~ (f) Is operating under a variance or exemption.

~~((b) The purveyor of a Group B water system may be required to notify water system users when directed by the department.)~~

(2) Content. Notices shall provide:

(a) A clear, concise, and simple explanation of the violation;

(b) Discussion of potential adverse health effects and any segments of the population that may be at higher risk;

(c) Mandatory health effects information in accordance with subsection (4) of this section;

(d) A list of steps the purveyor has taken or is planning to take to remedy the situation;

(e) A list of steps the consumer should take, including advice on seeking an alternative water supply if necessary;

~~((and))~~

(f) The purveyor's name and phone number; and

(g) When appropriate, notices shall be multilingual.

The purveyor may provide additional information to further explain the situation.

(3) Distribution.

(a) Purveyors of **community and NTNC** systems ~~((ii))~~ with violations of a primary MCL, treatment technique or variance or exemption schedule shall provide:

(i) Newspaper notice to water system users as defined in (e) of this subsection, within fourteen days of violation;

(ii) Direct mail notice or hand delivery to all consumers served by the system within forty-five days of the violation. The department may waive the purveyor's mail or hand delivery if the violation is corrected within forty-five days. The waiver shall be in writing and made within the forty-five day period;

(iii) Notice to radio and television stations serving the area within seventy-two hours of violation of an acute coliform MCL under WAC 246-290-310 (3)(c), a nitrate MCL under WAC 246-290-310(4), occurrence of a waterborne disease outbreak or other acute violation as determined by the department; and

(iv) Repeat mail or hand delivery every three months until the violation is corrected.

(b) Purveyors of **community and NTNC** systems shall provide newspaper notice as defined in (e) of this subsection, to water system users within three months of the following:

(i) Violation of a monitoring requirement or testing procedure;

(ii) Receipt of a departmental order;

(iii) Receipt of a category red operating permit; or

(iv) Granting of a variance or exemption.

Purveyors shall also provide repeat notice by mail or hand delivery to all consumers served by the system every three months until the situation is corrected or for as long as the variance or exemption remains in effect.

(c) Purveyors of ~~((NTNC and))~~ **TNC** systems shall post a notice within fourteen days of the following:

(i) Violation of a primary MCL;

(ii) Violation of a treatment technique requirement; or

(iii) Violation of a variance or exemption schedule. If the violation is acute, the department shall require posting within seventy-two hours.

(d) Purveyors of ~~((NTNC and))~~ **TNC** systems shall post a notice within three months of the:

(i) Violation of a monitoring requirement or testing procedure;

(ii) Receipt of a category red operating permit; or

(iii) Granting of a variance or exemption.

(e) Newspaper notice, as used in this section, means publication in a daily newspaper of general circulation or in a weekly newspaper of general circulation if a daily newspaper does not serve the area. The purveyor may substitute a community or homeowner's association newsletter or similar periodical publication if the newsletter reaches all affected consumers within the specified time.

(f) The purveyor shall substitute a posted notice in the absence of a newspaper of general circulation or homeowner's association newsletter or similar periodical publication. The purveyor shall post the notice within the timeframe specified in this subsection.

(g) The purveyor shall place posted notices in conspicuous locations and present the notices in a manner making them easy to read. Notices shall remain posted until the violation is corrected or for as long as the variance or exemption remains in effect. ~~((When appropriate, notices shall be multi-lingual.))~~

(h) The purveyor of a **community or NTNC** water system shall give a copy of the most recent public notice for

all outstanding violations to all new billing units or new hookups before or at the time water service begins.

(i) The purveyor shall provide the department with a copy of the public notification at the time the purveyor notifies the public.

(4) Mandatory language.

(a) The purveyor shall provide specific health effects language in the notice when a violation involves:

(i) A violation of a primary ((VOC)) organic or inorganic chemical or physical MCL;

(ii) A ((primary or)) violation of a secondary fluoride MCL;

(iii) A violation of an acute coliform MCL;

(iv) A violation of a nonacute coliform MCL;

(v) A treatment technique requirement ((under Part 6 of chapter 246-290 WAC));

(vi) Granting or continuation of exemption or variance; or

(vii) Failure to comply with a variance or exemption schedule.

(b) The purveyor shall provide specific mandatory language in its notification when the purveyor receives a category red operating permit.

(c) Required specific language is contained in the department guideline titled *Mandatory Language For Drinking Water Public Notification* and dated December 1993.

(5) ((VOC notification)) Procedure for notification of organic chemical and unregulated chemical sample results.

(a) Availability of results. After receipt of the first analysis results, the purveyor of a community or NTNC water system shall notify persons served by the system of the availability of the results and shall supply the name and telephone number of a contact person. Purveyors with surface water sources shall include a statement that additional monitoring will be conducted for three more quarters, with results available on request.

(i) The purveyor shall initiate notification within three months of the purveyors receipt of the first ((VOC)) analysis results. This notification is only required one time.

(ii) Notification shall occur by any of the following methods:

(A) Inclusion in the first set of water bills issued after receipt of the results;

(B) Newspaper notice which shall run at least one day each month for three consecutive months;

(C) Direct mail;

(D) Posting for at least one week if an NTNC system;

or

(E) Any other method approved by the department.

(iii) Within three months of receipt of analysis results, purveyors selling water to other public water systems shall provide copies of the analysis results to the purchasing system.

(iv) Within thirty days of receipt of analysis results, purveyors purchasing water shall make results available to their customers. The purveyor's notification shall occur by the method outlined under (a)(i) of this subsection.

(b) Consumer information.

(i) The purveyor shall provide consumer information within twenty-one days of receipt of confirmation sample results when:

(A) A ((List 1 VOC)) regulated chemical is confirmed at a concentration greater than a MCL, and the level will not cause the running annual average to exceed the MCL; or

(B) The department determines that ((a List 2 or List 3 VOC)) an unregulated chemical is confirmed at a level greater than a SAL.

(ii) Consumer information shall include:

(A) Name and level of ((VOC)) chemical detected;

(B) Location where the ((VOC)) chemical was detected;

(C) Any health effects that the ((VOC)) chemical could cause at its present concentration;

(D) Plans for follow-up activities; and

(E) Phone number to call for further information.

(iii) Consumer information shall be distributed by any of the following methods:

(A) Notice placed in the major newspaper in the affected area;

(B) Direct mail to customers;

(C) Posting for at least one week if an NTNC system;

or

(D) Any other method approved by the department.

(6) Fluoride notification procedure.

When a primary or secondary MCL violation occurs or a variance or exemption is issued or a variance or exemption schedule is violated, the purveyor of a community water system shall send notice, including mandatory language, to:

(a) The department annually;

(b) Water system users annually; and

(c) New billing units added while the violation exists.

(7) When circumstances dictate the purveyor give a broader or more immediate notice to protect public health, the department may require the purveyor's notification by whatever means necessary.

(8) When the state board of health grants a public water system a waiver, the purveyor shall notify customers and new billing units or new hookups before water service begins. The purveyor shall provide a notice annually and send a copy to the department.

(9) The department may give notice to the water system users as required by this section on behalf of the water purveyor. However, the purveyor remains responsible for ensuring the department's requirements are met.

AMENDATORY SECTION (Amending Order 124B, filed 12/27/90, effective 1/31/91)

WAC 246-290-410 Small water system management program. (1) The purpose of a small water system management program is to assure the water system:

(a) Is properly and reliably managed and operated, and
(b) Continues to exist as a functional and viable entity.

(2) A small water system management program shall be developed and implemented for all systems not required to complete a water system plan as described under WAC 248-54-065.

(3) The department shall have the authority to require submission of this program for review and comment when:

(a) A new water system is proposed;

(b) A new project is proposed for an existing system;

(c) An existing system has problems associated with inadequate or improper management or operations;

(d) Requested by the department for an existing system not having approved engineering documents, such as, or similar to, those described under WAC 248-54-086 and 248-54-096; or

(e) There is a change in ownership of the system.

(4) ~~((A))~~ Department guidelines titled *Planning Handbook* ~~((is))~~ and *"The Washington State Wellhead Protection Program"* are available to assist the purveyor in establishing the level of detail and content of the management program. Content and detail shall be consistent with the size, complexity, past performance, and use of the public water system. General content topics shall include, but not be limited to, the following elements:

(a) Ownership and decision-making issues;

(b) Financial ~~((capability))~~ viability; ~~((and))~~

(c) Operations;

(d) Source protection, including a watershed control program or wellhead protection program when applicable under WAC 246-290-135; and

(e) Conservation.

(5) The department may require changes be made to a small water system management program if necessary to effectively accomplish the program's purpose.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-440 Operations. (1) The purveyor shall ensure that the system is operated:

(a) In accordance with the operations program as established in the approved water system plan required under WAC 246-290-100; and

(b) In accordance with good operations procedures such as those available in texts, handbooks, and manuals available from the following sources:

(i) American Water Works Association (AWWA), 666 West Quincy Avenue, Denver, Colorado 80235;

(ii) American Society of Civil Engineers (ASCE), 345 East 47th Street, New York, New York 10017-2398;

(iii) Ontario Ministry of the Environment, 135 St. Clair Avenue West, Toronto, Ontario M4V1B5, Canada;

(iv) The Chlorine Institute, 2001 "L" Street NW, Washington, D.C. 20036;

(v) California State University, 600 "J" Street, Sacramento, California 95819;

(vi) Health Research Inc., Health Education Services Division, P.O. Box 7126, Albany, New York 12224; and

(vii) Any other standards acceptable to the department.

(2) The purveyor shall ensure the development and implementation of an emergency response plan as part of the operations program pursuant to WAC 246-290-100. The emergency response plan shall include:

(a) General procedures for routine or major emergencies within the water system; and

(b) A vulnerability analysis and a contingency plan for facilities becoming inoperable in a major emergency.

The emergency response plan component of the operations program shall be maintained in such a manner as to be readily usable by personnel of the water system responsible for responding to emergencies.

(3) The purveyor shall not establish nor maintain a bypass to divert water around any feature of a treatment process, except by written approval from the department.

~~((3))~~ (4) The purveyor shall take preventive or corrective action as directed by the department when results of an inspection conducted by the department indicate conditions which are currently or may become a detriment to system operation.

(5) The purveyor of a system using ground water and required to disinfect, shall meet the following disinfection requirements, unless otherwise directed by the department:

(a) Minimum contact time at a point at or before the first customer of:

(i) Thirty minutes if 0.2 mg/L free chlorine residual is maintained, or

(ii) Ten minutes if 0.6 mg/L free chlorine residual is maintained.

(b) Detectable residual disinfectant concentration in all active parts of the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide;

(c) Water in the distribution system with an HPC level less than or equal to 500/mL is considered to have a detectable residual disinfectant concentration.

~~((4))~~ (6) The department may require the purveyor to provide longer contact times, higher chlorine residuals, or additional treatment to protect the health of consumers served by the public water system.

~~((5))~~ (7) The purveyor of a system using surface water or GWI shall meet disinfection requirements specified in Part 6 of chapter 246-290 WAC.

~~((6))~~ (8) The purveyor of a system providing disinfection shall monitor residual disinfectant ~~((residual))~~ concentration at representative points in the system on a daily basis, in accordance with WAC 246-290-674 or as approved by the department. The analyses shall be conducted in accordance with "standard methods." To assure adequate monitoring of chlorine residual, the department may require the use of continuous chlorine residual analyzers and recorders.

~~((7))~~ (9) A certified operator is required under chapter 70.119 RCW and chapter 246-292 WAC for ~~((Group A))~~ public water systems:

(a) Serving one hundred services or more in use at any one time; or

(b) Using a surface water or GWI source.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-480 Recordkeeping and reporting.

(1) Records. The purveyor shall keep the following records of operation and water quality analyses:

(a) Bacteriological and turbidity analysis results shall be kept for five years. Chemical analysis results shall be kept for as long as the system is in operation. Records of daily source meter readings shall be kept for ten years. Other records of operation and analyses required by the department shall be kept for three years. All records shall bear the signature of the operator in responsible charge of the water system or his or her representative. ~~((Group A))~~ Systems shall keep these records available for inspection by the department and shall send the records to the department if

requested. Actual laboratory reports may be kept or data may be transferred to tabular summaries, provided the following information is included:

- (i) The date, place, and time of sampling, and the name of the person collecting the sample;
- (ii) Identification of the sample type (routine distribution system sample, repeat sample, source or finished water sample, or other special purpose sample);
- (iii) Date of analysis;
- (iv) Laboratory and person responsible for performing analysis;
- (v) The analytical method used; and
- (vi) The results of the analysis.

(b) Records of action taken by the system to correct violations of primary drinking water standards. For each violation, copies of public notifications shall be kept for three years after the last corrective action taken.

(c) Copies of any written reports, summaries, or communications, relating to CSEs of the system conducted by system personnel, by a consultant or by any local, state, or federal agency, shall be kept for ten years after completion of the CSE involved.

(d) Copies of project reports, construction documents, and related drawings, inspection reports and approvals shall be kept for the life of the facility.

(e) Where applicable, daily records including:

- (i) Chlorine residual;
- (ii) Fluoride level;
- (iii) Water treatment plant performance including, but not limited to:

- (A) Type of chemicals used and quantity,
 - (B) Amount of water treated, and
 - (C) Results of analyses.
 - (iv) Turbidity;
 - (v) Source meter readings; and
 - (vi) Other information as specified by the department.
- (2) Reporting.

(a) Unless otherwise specified in this chapter, the purveyor shall report to the department within forty-eight hours:

- (i) The failure to comply with the primary standards or treatment technique requirements under this chapter;
- (ii) The failure to comply with the monitoring requirements under this chapter; and
- (iii) The violation of a primary MCL.

(b) The purveyor shall submit to the department reports required by this chapter, including tests, measurements, and analytic reports. Monthly reports are due before the tenth day of the following month, unless otherwise specified in this chapter.

(c) Daily source meter readings shall be made available to the department on request.

(d) Water facilities inventory and report form (WFI).

(i) ~~((Purveyors shall submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system;~~

~~((ii))) Purveyors of community systems shall submit an annual WFI update to the department;~~

~~((iii))) (ii) Purveyors of NTNC(~~(r)~~) and TNC(~~(r)~~ and Group B)) systems shall submit an updated WFI to the department as requested; (~~and~~)~~

(iii) Purveyors shall submit an updated WFI to the department within thirty days of any change in name, category, ownership, or responsibility for management of the water system; and

(iv) At a minimum the completed WFI shall provide the current names, addresses, and telephone numbers of the owners, operators, and emergency contact persons for the system.

(e) Total annual water production. Purveyors (~~of Group A systems~~) shall report total annual water production for each source to the department upon request.

(f) Bacteriological.

(i) The purveyor shall notify the department of the presence of:

(A) Coliform in a sample, within ten days of notification by the laboratory; and

(B) Fecal coliform or E. coli in a sample, by the end of the business day in which the purveyor is notified by the laboratory. If the purveyor is notified of the results after normal close of business, then the purveyor shall notify the department before the end of the next business day.

(ii) When a coliform MCL violation is determined, the purveyor shall:

(A) Notify the department within twenty-four hours of determining acute coliform MCL violations;

(B) Notify the department before the end of the next business day when a nonacute coliform MCL is determined; and

(C) Notify water system users in accordance with WAC 246-290-330.

(iii) When a monitoring violation occurs, including invalid or expired CSEs, the purveyor shall:

(A) Notify the department of the violation within ten days; and

(B) Notify water system users in accordance with WAC 246-290-330.

~~((f) VOCs-)) (g) Systems monitoring for unregulated VOCs in accordance with WAC 246-290-300(~~((8)(a) Table 3-List 2 and 3)) (8)(b)~~, shall send a copy of the results of such monitoring and any public notice to the department within thirty days of receipt of analytical results.~~

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-632 Treatment technique violations.

(1) A treatment technique violation shall be considered a violation of a primary drinking water standard and in the case of an unfiltered system, may result in the purveyor of an unfiltered system being required to install filtration.

(2) A treatment technique violation occurs when a system using a surface or GWI source is identified by the department as the source of a waterborne disease outbreak or any of the following occur as applicable:

(a) The purveyor providing filtration fails to meet one or more of the following requirements (~~(by)~~) on June 29, 1993, or thereafter:

(i) Filtration treatment in accordance with WAC 246-290-660; or

(ii) Disinfection treatment in accordance with WAC 246-290-662.

(b) The purveyor required to install filtration:

(i) Fails to meet the interim disinfection requirements in accordance with WAC 246-290-672 or as otherwise directed by the department; or

(ii) Fails to install filtration or develop an alternate source by the applicable dates specified in WAC 246-290-670.

(c) The purveyor of an unfiltered surface water or GWI source:

(i) Delivers water with a turbidity level exceeding ((5)) 5.0 NTU; or

(ii) Fails to meet one or more of the disinfection requirements in accordance with WAC 246-290-692 after the dates specified in WAC 246-290-686.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-654 Treatment criteria for filtered systems. (1) The purveyor shall operate filters such that maximum flow rates do not exceed those specified in Table 10. The purveyor may operate filters at higher flow rates, if the purveyor demonstrates to the department's satisfaction that filtration at the higher rate consistently achieves at least 99 percent (2 log) removal of *Giardia lamblia* cysts and meets the turbidity performance requirements of Table 11.

**Table 10
FILTRATION OPERATION CRITERIA**

FILTRATION TECHNOLOGY/MEDIA	MAXIMUM FILTRATION RATE (gpm/ft ²)
Conventional, Direct and In-Line	
Gravity Filters with Single Media	3
Gravity Filters with Deep Bed, Dual or Mixed Media	6
Pressure Filters with Single Media	2
Pressure Filters with Deep Bed, Dual or Mixed Media	3
Slow Sand	0.1
Diatomaceous Earth	1.0

(2) The purveyor using conventional, direct or in-line filtration shall ensure that effective coagulation is in use at all times the water treatment facility produces water served to the public.

(3) The purveyor using conventional, direct, or in-line filtration shall demonstrate treatment effectiveness for *Giardia lamblia* cyst removal by one of the following methods:

(a) Turbidity reduction method where source and filtered water turbidity measurements are made in accordance with WAC 246-290-664(2) and (3) respectively:

(i) When source turbidity is greater than or equal to 2.5 NTU, the purveyor shall achieve the turbidity performance requirements specified in WAC 246-290-660(1);

(ii) When source turbidity is less than 2.5 NTU, the purveyor shall achieve:

(A) An 80% reduction in source turbidity based on an average of the daily turbidity reductions measured in a calendar month; or

(B) A filtered water turbidity less than or equal to 0.1 NTU;

(b) Particle counting method. The purveyor shall:

(i) Use a particle counting protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of *Giardia lamblia* cyst-sized particles as applicable;

(A) 2.5 log reduction for systems using conventional filtration;

(B) 2.0 log reduction for systems using direct or in-line filtration;

(c) Microscopic particulate analysis method. The purveyor shall:

(i) Use a protocol acceptable to the department; and

(ii) Demonstrate at a frequency acceptable to the department at least the following log reduction of *Giardia lamblia* cysts and/or *Giardia lamblia* cyst surrogate indicators as applicable;

(A) 2.5 log reduction for systems using conventional filtration; and

(B) 2.0 log reduction for systems using direct or in-line filtration.

(d) Other methods acceptable to the department.

(4) The purveyor shall ensure continuous disinfection of all water delivered to the public and shall:

(a) Maintain an adequate supply of disinfection chemicals and keep back-up system components and spare parts on hand;

(b) Develop, maintain, and post at the water treatment facility a plan detailing:

(i) How water delivered to the public will be continuously and adequately disinfected; and

(ii) The elements of an emergency notification plan to be implemented whenever the residual disinfectant ((residual)) concentration at entry to distribution falls below 0.2 mg/L for more than one hour.

(c) Implement such plan during an emergency affecting disinfection.

(5) Operations plan.

(a) For each water treatment facility treating a surface or GWI source, the purveyor shall develop an operations plan and make it available to the department for review upon request.

(b) The plan shall be submitted to the department as an addendum to the purveyor's water system plan (WAC 246-290-100) or small water system management program (WAC 246-290-410).

(c) The plan shall detail how the purveyor will produce optimal filtered water quality at all times the water treatment facility produces water to be served to the public.

(d) The purveyor shall operate the water treatment facility in accordance with the operations plan.

(e) The operations plan shall include, but not be limited to, a description of:

(i) For conventional, direct or in-line filtration, procedures used to determine and maintain optimized coagulation as demonstrated by meeting the requirements of WAC 246-290-654(3);

(ii) Procedures used to determine chemical dose rates;

(iii) How and when each unit process is operated;

(iv) Unit process equipment maintenance program;

(v) Treatment plant performance monitoring program;

(vi) Laboratory procedures;

(vii) Records;

(viii) Reliability features; and

(ix) Response plans for water treatment facility emergencies, including disinfection failure and watershed emergencies.

(f) The purveyor shall ensure the operations plan is:

- (i) Readily available at the water treatment facility for use by operators and for department inspection;
 - (ii) Consistent with department guidelines for operations procedures such as those described in the *DOH SWTR Guidance Manual* and *Planning Handbook*; and
 - (iii) Updated as needed to reflect current water treatment facility operations.
- (6) Pressure filters. Purveyors using pressure filters shall:
- (a) Inspect and evaluate the filters, at least every six months, for conditions that would reduce their effectiveness in removing *Giardia lamblia* cysts;
 - (b) Maintain, and make available for department review, a written record of pressure filter inspections; and
 - (c) Be prepared to conduct filter inspections in the presence of a department representative, if requested.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-660 Filtration. (1) Turbidity performance requirements.

(a) The purveyor shall ensure that the turbidity level of representative filtered water samples:

- (i) Complies with the performance standards in Table 11; and
- (ii) Never exceeds 5.0 NTU.

**Table 11
TURBIDITY PERFORMANCE REQUIREMENTS**

Filtration Technology	Filtered water turbidity (in NTUs) shall be less than or equal to this value in at least 95% of the measurements made each calendar month
Conventional, Direct and in-line	0.5
Slow Sand	1.0
Diatomaceous Earth	1.0
Alternate Technology	1.0

(b) The department may allow the turbidity of filtered water from a system using slow sand filtration to exceed 1.0 NTU, but never 5.0 NTU, if the system demonstrates to the department's satisfaction that the higher turbidity level will not endanger the health of consumers served by the system. As a condition of being allowed to produce filtered water with a turbidity exceeding 1.0 NTU, the purveyor may be required to monitor one or more parameters in addition to the parameters specified under WAC 246-290-664. The Department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(2) *Giardia lamblia* and virus removal credit.

(a) The department shall notify the purveyor of the removal credit granted for the system's filtration process. The department shall specify removal credit for:

- (i) Existing filtration facilities based on periodic evaluations of performance and operation; and
 - (ii) New or modified filtration facilities based on results of pilot plant studies or full scale operation.
- (b) Conventional, direct, and in-line filtration.
- (i) The removal credit the department may grant to a system using conventional, direct, or in-line filtration and demonstrating effective treatment is as follows:

Filtration Technology	Percent Removal Credit (log)	
	<i>Giardia</i>	Virus
Conventional	99.7 (2.5)	99 (20)
Direct and in-line	99 (2.0)	90 (10)

(ii) A system using conventional, direct, or in-line filtration shall be considered to provide effective treatment, if the purveyor demonstrates to the satisfaction of the department that the system meets the:

- (A) Turbidity performance requirements under subsection (1) of this section; and
 - (B) Operations requirements of WAC 246-290-654.
- (iii) The department may grant a higher level of *Giardia lamblia* and virus removal credit than listed under (b)(i) of this subsection, if the purveyor demonstrates to the department's satisfaction that the higher level can be consistently achieved.

(iv) As a condition of maintaining the maximum removal credit, purveyors may be required to periodically monitor one or more parameters not routinely monitored under WAC 246-290-664. The department shall notify the purveyor of the type and frequency of monitoring to be conducted.

(v) The department shall not grant removal credit to a system using conventional, direct, or in-line filtration which:

- (A) Fails to meet the minimum turbidity performance requirements under subsection (1) of this section;
- (B) Fails to meet the operating requirements under WAC 246-290-654.

~~((vi) The purveyor granted no removal credit shall:~~

~~(A) Provide treatment in accordance with WAC 246-290-662 (2)(c); and~~

~~(B) Within ninety days of department notification regarding removal credit, submit an action plan to the department for review and approval. The plan shall:~~

~~(1) Detail how the purveyor plans to comply with the turbidity performance requirements in subsection (1) of this section and operating requirements of WAC 246-290-654; and~~

~~(2) Identify the proposed schedule for implementation.))~~

(c) Slow sand filtration.

The department may grant a system using slow sand filtration 99 percent (2 log) *Giardia lamblia* cyst removal credit and ((90)) 99 percent (((+)) 2 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(d) Diatomaceous earth filtration.

The department may grant a system using diatomaceous earth filtration 99 percent (2 log) *Giardia lamblia* cyst removal credit and 90 percent (1 log) virus removal credit, if the system meets the department design requirements under WAC 246-290-676 and meets the minimum turbidity performance requirements in subsection (1) of this section.

(e) Alternate filtration technology.

The department shall grant, on a case-by-case basis, *Giardia lamblia* cyst and virus removal credit for systems using alternate filtration technology based on results of product testing acceptable to the department.

(f) The purveyor granted no removal credit shall:

(i) Provide treatment in accordance with WAC 246-290-662 (2)(e); and

(ii) Within ninety days of department notification regarding removal credit, submit an action plan to the department for review and approval. The plan shall:

(A) Detail how the purveyor plans to comply with the turbidity performance requirements in subsection (1) of this section and operating requirements of WAC 246-290-654; and

(B) Identify the proposed schedule for implementation.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-662 Disinfection for filtered systems.

(1) General requirements.

(a) The purveyor shall provide continuous disinfection to ensure that filtration and disinfection together achieve, at all times the system serves water to the public, at least the following:

(i) 99.9 percent (3 log) inactivation and removal of *Giardia lamblia* cysts; and

(ii) 99.99 percent (4 log) inactivation and/or removal of viruses.

(b) Where sources receive sewage discharges and/or agricultural runoff, purveyors may be required to provide greater levels of removal and inactivation of *Giardia lamblia* cysts and viruses to protect the health of consumers served by the system.

(c) Regardless of the removal credit granted for filtration, purveyors shall, at a minimum, provide continuous disinfection to achieve at least 68 percent (0.5 log) inactivation of *Giardia lamblia* cysts and 99 percent (2 log) inactivation of viruses.

(2) Establishing the level of inactivation.

(a) The department shall establish the level of disinfection (log inactivation) to be provided by the purveyor.

(b) The required level of inactivation shall be based on source quality and expected levels of *Giardia lamblia* cyst and virus removal achieved by the system's filtration process.

(c) Based on period review, the department may adjust, as necessary, the level of disinfection the purveyor shall provide to protect the health of consumers served by the system.

(d) The purveyor using alternate filtration technology shall ensure that disinfection achieves at least the following at all times water is served to the public:

(i) 90 percent (1 log) inactivation of *Giardia lamblia* cysts when granted 99 percent (2 log) *Giardia lamblia* cyst removal credit, or 99.9 percent (3 log) inactivation of cysts when granted less than 99 percent (2 log) *Giardia lamblia* cyst removal credit; and

(ii) 99.9 percent (3 log) inactivation of viruses when granted 90 percent (1 log) virus removal credit, or 99.99 percent (4 log) inactivation of viruses when granted no virus removal credit.

(e) Systems granted no *Giardia lamblia* cyst removal credit.

(i) Unless directed otherwise by the department, the purveyor of a system granted no *Giardia lamblia* cyst removal credit shall provide interim disinfection:

(A) To ensure compliance with the monthly coliform MCL under WAC 246-290-310;

(B) Achieve at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts; and

(C) Maintain a detectable residual disinfectant concentration, or an HPC level less than 500/ml, within the distribution system in accordance with subsection ~~((5))~~ (6) of this section.

(ii) The purveyor shall comply with the interim disinfection requirements until the system can demonstrate to the department's satisfaction that it complies with the operating requirements and turbidity performance requirements under WAC 246-290-654 and 246-290-660(1), respectively.

(3) Determining the level of inactivation.

(a) Unless the department has approved a reduced CT monitoring schedule for the system, each day the system serves water to the public, the purveyor, using procedures and CT values acceptable to the department such as those presented in the *DOH SWTR Guidance Manual*, shall determine:

(i) CT_{calc} values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department.

(b) The department may allow a purveyor to determine the level of inactivation using lower CT values than those specified in (a) of this subsection, provided the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts and viruses can be achieved.

(4) Determining compliance with the required level of inactivation.

(a) A purveyor shall be considered in compliance with the inactivation requirement when a total inactivation ratio equal to or greater than ~~((one))~~ 1.0 is achieved.

(b) Failure to provide the required level of inactivation on more than one day in any calendar month shall be considered a treatment technique violation.

(5) ~~((Disinfectant))~~ Residual disinfectant concentration entering the distribution system.

(a) The purveyor shall ensure that all water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than ~~((one))~~ four hours on any day shall be considered a treatment technique violation.

(6) ~~((Disinfectant))~~ Residual ~~((s))~~ disinfectant concentration within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least 95 percent of the samples taken each calendar month.

(b) Water in the distribution system with an HPC less than or equal to 500/ml is considered to have a detectable residual disinfectant concentration.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-664 Monitoring for filtered systems.

(1) Source coliform monitoring.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are:

(i) Collected before the first point of disinfectant application and before coagulant chemical addition; and

(ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) At a minimum, the purveyor shall ensure source samples are collected for fecal coliform analysis at a frequency equal to 10 percent of the number of routine coliform samples collected within the distribution system each month under WAC 246-290-300, or once per calendar month, whichever is greater up to a maximum of one sample per day.

(2) Source turbidity monitoring.

(a) The purveyor using conventional, direct, or in-line filtration shall measure source turbidity at least once per day on a representative sample collected before disinfection and coagulant addition.

(b) Grab sampling or continuous turbidity monitoring and recording may be used to meet the requirement specified in (a) of this subsection.

(c) Purveyors using continuous turbidity monitoring shall record continuous turbidity measurements at equal intervals, at least every four hours, in accordance with a department-approved sampling schedule.

(3) Filtered water turbidity monitoring.

(a) The purveyor shall (~~continuously monitor and record turbidity~~):

(i) Continuously monitor turbidity on representative samples of the system's combined filter effluent, prior to clearwell storage; (~~and~~)

(ii) Record continuous turbidity measurements at equal intervals, at least every four hours, in accordance with a department-approved sampling schedule; and

(iii) Conduct monitoring in accordance with the analytical techniques under WAC 246-290-638.

(b) Purveyors using slow sand filtration or an alternate filtration technology may reduce filtered water turbidity monitoring to one grab sample per day with departmental approval. Reduced turbidity monitoring shall be allowed only where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers served by the water system.

(4) Monitoring the level of inactivation and removal.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation and removal of *Giardia lamblia* cysts and viruses achieved.

(b) The purveyor shall determine the total level of inactivation and removal based on:

(i) *Giardia lamblia* cyst and virus removal credit granted by the department for filtration; and

(ii) Level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection.

(c) At least once per day, purveyors shall monitor the following to determine the level of inactivation achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(d) Each day during peak hourly flow (based on historical information), the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point shall be located before or at the first customer.

(e) The department may reduce CT monitoring requirements for purveyors which demonstrate to the department's satisfaction that the required levels of inactivation are consistently exceeded. Reduced CT monitoring shall only be allowed where the purveyor demonstrates to the department's satisfaction that a reduction in monitoring will not endanger the health of consumers.

(5) Monitoring the residual disinfectant (~~(residual)~~) concentration entering the distribution system.

(a) Systems serving more than thirty-three hundred (>3300) people per month.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less (< 3300) people per month.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) Purveyors of **community** systems choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

Population Served	Number/day
25 - 500	1
501 - 1,000	2
1,001 - 2,500	3
2,501 - 3,300	4

(B) At least one of the (~~(disinfectant residual)~~) grab samples at peak hourly flow; and

(C) The remaining samples evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) Purveyors of **noncommunity** systems choosing to take grab samples shall collect samples for disinfectant residual concentration entering the distribution system as directed by the department.

(iv) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, purveyors shall collect a grab sample every

four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(6) Monitoring residual disinfectant (~~(residuals)) concentrations~~ within the distribution system.

(a) The purveyor shall measure the residual disinfectant concentration at representative points within the distribution system on a daily basis or as otherwise approved by the department.

(b) At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(2) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration in accordance with this subsection.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-666 Reporting for filtered systems.

(1) The purveyor shall notify the department, as soon as possible, but no later than the end of the next business day, when:

(a) A waterborne disease outbreak potentially attributable to the water system occurs;

(b) The turbidity of the combined filter effluent exceeds 5.0 NTU at any time;

(c) The residual disinfection concentration falls below 0.2 mg/L at the entry point to the distribution system. The purveyor shall also report whether the residual was restored (~~(within one hour))~~ to 0.2 mg/L or more within four hours; or

(d) An event occurs which may affect the ability of the water treatment facility to produce drinking water which complies with this chapter including, but not limited to:

- (i) Spills of hazardous materials in the watershed; and
- (ii) Treatment process failures.

(2) The purveyor shall report results of monitoring conducted in accordance with WAC 246-290-664 to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(3) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

- (a) Water treatment facility operations information;
- (b) Turbidity monitoring results. Continuous measurements shall be reported at equal intervals, at least every four hours, in accordance with a department-approved schedule;
- (c) Disinfection monitoring information including:
 - (i) Level of inactivation achieved;
 - (ii) Residual disinfectant concentrations entering the distribution system; and
 - (iii) Residual disinfectant concentrations within the distribution system.
- (d) Total level of removal and inactivation; and
- (e) A summary of water quality complaints received from consumers served by the water system.

(4) A person certified under chapter 246-292 WAC shall complete and sign the monthly report forms required in this section.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-670 Compliance requirements for existing unfiltered systems installing filtration. (1) The purveyor of an existing unfiltered system shall (~~install filtration by~~):

(a) Install filtration by:

(i) June 29, 1993, for systems notified by the department before December 30, 1991, to install filtration; or

~~((b))~~ (ii) Eighteen months after department notification, for systems notified by the department after December 30, 1991, to install filtration.

(b) Be subject to the effective dates, compliance requirements, and treatment technique violations specified in Table 12.

(2) The purveyor under an enforcement action or compliance agreement which is dated prior to the effective date of Part 6 of chapter 246-290 WAC, shall adhere to the compliance schedule for installation of filtration established in the departmental order or bilateral compliance agreement in lieu of the dates specified in subsection (1) of this section.

Table 12
COMPLIANCE REQUIREMENTS FOR EXISTING UNFILTERED SYSTEMS NOTIFIED BY THE DEPARTMENT TO INSTALL FILTRATION

EFFECTIVE DATE	APPLICABLE PART 6 REQUIREMENTS	VIOLATION TYPE	
		Turbidity MCL	Treatment Technique
Until June 29, 1993 or until the new water treatment facility produces filtered water served to the public, whichever is later.	Subpart C treatment, monitoring and reporting requirements	Still in effect	As defined in WAC 246-290-632
Beginning June 29, 1993 or when the new water treatment facility first serves filtered water to the public, whichever is later.	Subparts A and B	No longer in effect	As defined in WAC 246-290-632

(3) The purveyor required to install filtration shall submit an action plan and schedule to the department for review and approval. The plan shall:

(a) Be submitted within ninety days of departmental notification; and

(b) Document the purveyor's plan and implementation schedule to comply with one of the following:

(i) Subparts A and B of Part 6 of chapter 246-290 WAC, if continuing to use the surface or GWI source as a permanent source and installing filtration;

(ii) Subparts A and D of Part 6 of chapter 246-290 WAC, if abandoning the surface or GWI source and purchasing completely treated water from a department-approved public water system using surface or GWI water; or

(iii) All other applicable sections of this chapter, if abandoning the surface or GWI source and developing an alternate department-approved ground water source.

(4) Between written departmental notification of the filtration requirement and installation of filtration, the purveyor shall meet:

(a) The interim disinfection requirements under WAC 246-290-672 or as otherwise directed by the department;

(b) The interim monitoring and reporting requirements under WAC 246-290-674; and

(c) All other applicable requirements of this chapter.

(5) The purveyor installing filtration shall ensure that when completed, the final treatment processes, consisting of filtration and disinfection, will comply with the requirements under WAC 246-290-660 and 246-290-662, respectively.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-686 Compliance requirements for unfiltered systems. (1) The purveyor using an unfiltered surface or GWI source shall comply with:

(a) Subparts A and D of Part 6 of chapter 246-290 WAC; and

(b) All other applicable sections of this chapter.

(2) The purveyor purchasing water from a system using a surface or GWI source shall comply with:

(a) The applicable requirements of Subpart A of Part 6 of chapter 246-290 WAC;

(b) The disinfection, monitoring and reporting requirements under WAC 246-290-692 (5)(b), 246-290-694 (6)(b) and 246-290-696(4) respectively when purchasing completely treated surface or GWI water; or

(c) The treatment technique, monitoring and reporting requirements of Subpart D of Part 6 of chapter 246-290 WAC as directed by the department when purchasing incompletely treated surface or GWI water.

(3) The purveyor shall be subject to the effective dates, compliance requirements, and violations specified in:

(a) Table 13, when using an unfiltered surface source;

or

(b) Table 14, when using an unfiltered GWI source.

**Table 13
COMPLIANCE REQUIREMENTS
FOR SYSTEMS USING UNFILTERED SURFACE WATER SOURCES**

REQUIREMENTS EFFECTIVE	APPLICABLE PART 6 REQUIREMENTS	VIOLATION TYPE	
		Turbidity MCL	Treatment Technique
From January 1, 1991 through December 29, 1991	Only Analytical, Monitoring and Reporting Requirements (WAC 246-290-638, 246-290-694 and 246-290-696 retroactively)	Still in effect	Not in effect yet
Beginning December 30, 1991 and thereafter	Subparts A and D	No longer in effect	In effect as defined in WAC 246-290-632

**Table 14
COMPLIANCE REQUIREMENTS
FOR SYSTEMS USING UNFILTERED GWI SOURCES**

REQUIREMENTS BECOME EFFECTIVE	APPLICABLE PART 6 REQUIREMENTS	VIOLATION TYPE	
		Turbidity MCL	Treatment Technique
Six months after GWI determination	Only Analytical, Monitoring and Reporting Requirements (WAC 246-290-638, 246-290-694 and 246-290-696 retroactively)	Still in effect	Not in effect yet
Eighteen months after GWI determination	Subparts A and D	No longer in effect	In effect as defined in WAC 246-290-632

~~((3)) The purveyor of a system purchasing completely treated surface or GWI water shall comply with the disinfection, monitoring, and reporting requirements under WAC 246-290-692 (5)(b), 246-290-694 (6)(b) and 246-290-696(4), respectively.~~

~~(4) Purveyors of systems purchasing incompletely treated surface or GWI water shall comply with the treatment technique, monitoring and reporting requirements of Subpart D of Part 6 of chapter 246-290 WAC as directed by the department.~~

((4)) (4) Purveyors of ((Group A)) community systems using surface water sources had the option to remain unfiltered if they demonstrated compliance with the department's criteria to remain unfiltered by December 30, 1991.

~~((6)) (5) A purveyor using a department-determined GWI may remain unfiltered, if within eighteen months of GWI determination, the purveyor complies with Part 6 of chapter 246-290 WAC and in particular source water quality and site-specific conditions under WAC 246-290-690 as demonstrated through monitoring conducted in accordance with WAC 246-290-694.~~

~~((7)) (6) After the department makes an initial determination that a system may remain unfiltered, the purveyor shall comply with the source water quality and site-specific conditions under WAC 246-290-690 as demonstrated through monitoring conducted in accordance with WAC 246-290-694.~~

((8)) (7) The purveyor shall install filtration when:

(a) The system fails to meet one or more of the source water quality and site-specific conditions under WAC 246-290-690; or

(b) The department determines that installation of filtration is necessary to protect the health of consumers served by the water system.

((9)) (8) The department shall provide written notification to the purveyor of:

(a) A filtration requirement; and

(b) An initial determination that the system may remain unfiltered.

((10)) (9) The purveyor may comply with the requirements to install filtration by abandoning the surface water or GWI source, and:

(a) Developing an alternate, department-approved ground water source; or

(b) Purchasing completely treated water from a department-approved public water system.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-692 Disinfection for unfiltered systems. (1) General requirements.

(a) The purveyor shall provide continuous disinfection treatment to ensure at least 99.9 percent (3 log) inactivation of *Giardia lamblia* cysts and 99.99 percent (4 log) inactivation of viruses at all times the system serves water to the public.

(b) The department may require the purveyor to provide greater levels of inactivation of *Giardia lamblia* cysts and viruses to protect the health of consumers.

(c) Failure to provide the required inactivation level on more than one day in any calendar month the system serves water to the public shall be considered a violation.

(2) Determining the level of inactivation.

(a) Each day the system serves water to the public, the purveyor, using procedures and CT_{99.9} values specified in 40 CFR 141.74, Vol. 54, No. 124, published June 29, 1989, copies of which are available from the department, shall determine:

(i) CT values using the system's treatment parameters and calculate the total inactivation ratio achieved by disinfection; and

(ii) Whether the system's disinfection treatment process is achieving the minimum levels of inactivation of *Giardia lamblia* cysts and viruses required by the department. For purposes of determining compliance with the inactivation

requirements specified in subsection (1) of this section, no credit shall be granted for disinfection applied to a source water with a turbidity greater than 5.0 NTU.

(b) The purveyor shall be considered in compliance with the daily inactivation requirement when a total inactivation ratio equal to or greater than 1.0 is achieved.

(c) The purveyor of a system using a disinfectant other than chlorine may use CT values lower than those specified in (a) of this subsection, if the purveyor demonstrates to the department's satisfaction that the required levels of inactivation of *Giardia lamblia* cysts and viruses can be achieved using the lower CT values.

(d) The purveyor of a system using preformed chloramines or adding ammonia to the water before chlorine shall demonstrate to the department's satisfaction that the system achieves at least 99.99 percent (4 log) inactivation of viruses.

(3) The purveyor shall ensure that disinfection facilities provide either:

(a) Redundant components, including an auxiliary power supply with automatic start-up and alarm, to ensure continuous disinfection. Redundancy shall ensure that both the minimum inactivation requirements and the requirement for a 0.2 mg/L residual disinfectant concentration at entry to the distribution system are met at all times water is delivered to the distribution system; or

(b) Automatic shut-off of delivery of water to the distribution system when the residual disinfectant concentration in the water is less than 0.2 mg/L. Automatic shut-off shall be allowed only in systems where the purveyor demonstrates to the department's satisfaction that automatic shutoff will not endanger health or interfere with fire protection.

(4) Disinfectant residual entering the distribution system.

(a) The purveyor shall ensure that water entering the distribution system contains a residual disinfectant concentration, measured as free or combined chlorine, of at least 0.2 mg/L at all times the system serves water to the public; and

(b) Failure to provide a 0.2 mg/L residual at entry to distribution for more than ~~(one)~~ four hours on any day shall be considered a treatment technique violation.

(5) Disinfectant residuals within the distribution system.

(a) The purveyor shall ensure that the residual disinfectant concentration in the distribution system, measured as total chlorine, free chlorine, combined chlorine, or chlorine dioxide, is detectable in at least 95 percent of the samples taken each calendar month.

(b) The purveyor of a system which purchases completely treated surface or GWI water as determined by the department shall comply with the requirements specified in (a) of this subsection.

(c) Water in the distribution system with an HPC level less than or equal to 500/ml is considered to have a detectable residual disinfectant concentration.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-694 Monitoring for unfiltered systems. (1) Source coliform monitoring.

(a) The purveyor shall ensure that source water samples of each surface or GWI source are representative and:

- (i) Collected before the first point of disinfectant application; and
- (ii) Analyzed for fecal coliform density in accordance with methods acceptable to the department.

(b) The purveyor shall ensure source samples are collected for fecal coliform analysis each week the system serves water to the public based on the following schedule:

Population Served	Minimum Number/week*
25 - 500	1
501 - 3,300	2
3,301 - 10,000	3
10,001 - 25,000	4
>25,000	5

* Must be taken on separate days.

(c) Each day the system serves water to the public and the turbidity of the source water exceeds 1.0 NTU, the purveyor shall ensure one representative source water sample is collected before the first point of disinfectant application and analyzed for fecal coliform density. This sample shall count towards the weekly source coliform sampling requirement.

(d) A purveyor shall not be considered in violation of (c) of this subsection, if the purveyor demonstrates to the department's satisfaction that, for valid logistical reasons outside the purveyor's control, the additional fecal coliform sample could not be analyzed within a timeframe acceptable to the department.

(2) Coliform monitoring at entry to distribution.

(a) The purveyor shall collect and have analyzed one coliform sample at the entry point to the distribution system each day that a routine or repeat coliform sample is collected within the distribution system under WAC 246-290-300(2) or 246-290-320(2), respectively.

(b) The purveyor shall use the results of the coliform monitoring at entry to distribution along with inactivation ratio monitoring results to demonstrate the adequacy of source treatment.

(3) Source turbidity monitoring.

(a) The purveyor shall continuously monitor and record turbidity:

(i) On representative source water samples before the first point of disinfectant application; and

(ii) In accordance with the analytical techniques under WAC 246-290-638.

(b) If source water turbidity is not the same as the turbidity of water delivered to consumers, the purveyor shall continuously monitor and record turbidity of water delivered.

(4) Monitoring the level of inactivation.

(a) Each day the system is in operation, the purveyor shall determine the total level of inactivation of *Giardia lamblia* cysts and viruses achieved through disinfection.

(b) At least once per day, the purveyor shall monitor the following parameters to determine the total inactivation ratio achieved through disinfection:

(i) Temperature of the disinfected water at each residual disinfectant concentration sampling point used for CT calculations; and

(ii) If using chlorine, pH of the disinfected water at each chlorine residual disinfectant concentration sampling point used for CT calculations.

(c) Each day during peak hourly flow, the purveyor shall:

(i) Determine disinfectant contact time, T, to the point at which C is measured; and

(ii) Measure the residual disinfectant concentration, C, of the water at the point for which T is calculated. The C measurement point must be before or at the first customer.

(5) Monitoring the residual disinfectant ((residual)) concentration entering the distribution system.

(a) Systems serving more than thirty-three hundred (>3300) people.

(i) The purveyor shall continuously monitor and record the residual disinfectant concentration of water entering the distribution system and report the lowest value each day.

(ii) If the continuous monitoring equipment fails, the purveyor shall measure the residual disinfectant concentration on grab samples collected at least every four hours at the entry to the distribution system while the equipment is being repaired or replaced. The purveyor shall have continuous monitoring equipment back on-line within five working days following failure.

(b) Systems serving thirty-three hundred or less (≤3300) people.

(i) The purveyor shall collect grab samples or use continuous monitoring and recording to measure the residual disinfectant concentration entering the distribution system.

(ii) A purveyor choosing to take grab samples shall collect:

(A) Samples at the following minimum frequencies:

Population Served	Number/day
25 - 500	1
501 - 1,000	2
1,001 - 2,500	3
2,501 - 3,300	4

(B) At least one of the ((disinfectant residual)) grab samples at peak hourly flow based on historical flows for the system; and

(C) The remaining sample or samples at intervals evenly spaced over the time the system is disinfecting water that will be delivered to the public.

(iii) When grab samples are collected and the residual disinfectant concentration at the entry to distribution falls below 0.2 mg/L, the purveyor shall collect a grab sample every four hours until the residual disinfectant concentration is 0.2 mg/L or more.

(6) Monitoring residual disinfectant ((residuals)) concentration within the distribution system.

(a) The purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(2) or 246-290-320(2) or once per day, whichever is greater.

(b) The purveyor of a system which purchases completely treated surface or GWI water as determined by the department shall comply with the requirements of (a) of this subsection ((subject to departmental approval)) or as otherwise directed by the department under WAC 246-290-300

(1)(g). At a minimum, the purveyor shall measure the residual disinfectant concentration within the distribution system at the same time and location that a routine or repeat coliform sample is collected in accordance with WAC 246-290-300(2) or 246-290-320(2).

(c) The purveyor may measure HPC within the distribution system in lieu of measuring the residual disinfectant concentration in accordance with this subsection.

AMENDATORY SECTION (Amending Order 352B, filed 3/25/93, effective 4/25/93)

WAC 246-290-696 Reporting for unfiltered systems.

(1) The purveyor shall report to the department as soon as possible, but no later than the end of the next business day, when:

(a) A waterborne disease outbreak potentially attributable to the water system occurs;

(b) The turbidity of water delivered to the public exceeds 5.0 NTU;

(c) The minimum level of inactivation required by the department is not met;

(d) The residual disinfectant concentration falls below 0.2 mg/L at the entry point to the distribution system. The purveyor shall also report whether the residual was restored to 0.2 mg/L or more within ((one)) four hours; or

(e) The surface or GWI source is taken off-line due to an emergency.

(2) The purveyor shall report results of monitoring conducted in accordance with WAC 246-290-694 to the department. Monthly report forms shall be submitted within ten days after the end of each month the system served water to the public.

(3) The purveyor shall report, at a minimum, all the information requested by the department using a department-approved form or format including:

(a) Water quality information, including the results of both:

(i) Source coliform monitoring; and

(ii) Source turbidity monitoring.

(b) Disinfection monitoring information, including:

(i) Level of inactivation achieved;

(ii) Residual disinfectant concentrations entering the distribution system; and

(iii) Residual disinfectant concentrations within the distribution system.

(c) A summary of water quality complaints received from consumers served by the water system.

(4) The purveyor of a system which purchases completely treated water shall:

(a) Report results of distribution system residual disinfectant concentration monitoring to the department using department-approved forms or format; and

(b) Submit forms to the department in accordance with subsection ((4)) (2) of this section or as otherwise directed by the department.

(5) A person certified under chapter 246-292 WAC shall complete and sign the monthly report forms required in this section.

(6) Beginning in 1992, by October 10th of each year, the purveyor shall submit to the department an annual comprehensive report which summarizes the:

(a) Effectiveness of the watershed control program and identifies, at a minimum, the following:

(i) Activities in the watershed which are adversely affecting source water quality;

(ii) Changes in the watershed that have occurred within the previous year which could adversely affect source water quality;

(iii) Activities expected to occur in the watershed in the future and how the activities will be monitored and controlled;

(iv) The monitoring program the purveyor uses to assess the adequacy of watershed protection including an evaluation of sampling results; and

(v) Special concerns about the watershed and how the concerns are being addressed;

(b) System's compliance with the criteria to remain unfiltered under WAC 246-290-690; and

(c) Significant changes in system design and/or operation which have occurred within the previous year which impact the ability of the system to comply with the criteria to remain unfiltered.

(7) The purveyor of a system attempting to remain unfiltered shall submit a *Filtration Decision Report* at the request of the department. The report shall:

(a) Provide the information needed by the department to initially determine whether a system meets the criteria to remain unfiltered; and

(b) Be submitted by the deadline specified by the department.

WSR 94-08-076
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 5, 1994, 11:09 a.m.]

Original Notice.

Title of Rule: WAC 246-937-990.

Purpose: To establish fees for veterinary medication clerks.

Statutory Authority for Adoption: RCW 18.92.145.

Statute Being Implemented: Chapter 18.92 RCW.

Summary: To establish fees for veterinary medication clerks license and renewal.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Traci Troutman, 1300 S.E. Quince, Olympia, WA, 586-4566.

Name of Proponent: Veterinary Board of Governors, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To establish fees for veterinary medication clerks.

Proposal does not change existing rules.

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

Hearing Location: Department of Health, Blue Awning Building, 1102 Quince Street S.E., 1st Floor Conference, Olympia, WA 98504, on May 10, 1994, at 9 a.m.

Submit Written Comments to: Ann Foster, Department of Health Rules Coordinator, P.O. Box 47890, Olympia, WA 98504-7890, by May 10, 1994.

Date of Intended Adoption: May 10, 1994.

March 29, 1994

Bruce Miyahara
Secretary

NEW SECTION

WAC 246-937-990 Fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Initial registration	\$24.00
Renewal	24.00
Late renewal penalty	11.00
Duplicate registration	10.00

WSR 94-08-079
PROPOSED RULES
DEPARTMENT OF HEALTH
(Podiatric Medical Board)
[Filed April 5, 1994, 11:15 a.m.]

Original Notice.

Title of Rule: WAC 246-922-400 Intent, 246-922-405 Definitions used relative to substance abuse monitoring, 246-922-410 Approval of substance abuse monitoring programs, and 246-922-415 Participation in approved substance abuse monitoring program.

Purpose: To permit podiatric physicians to obtain assistance for treating substance abuse; permits the board to require podiatric physicians that have been disciplined for substance abuse to participate in a program.

Statutory Authority for Adoption: RCW 18.22.015.

Statute Being Implemented: Chapter 18.22 RCW.

Summary: Permits the podiatric medical board a mechanism to identify and support the rehabilitation of podiatric physicians and surgeons where practice or competency may be impaired due to abuse of drugs or alcohol.

Reasons Supporting Proposal: Provides an alternative program to the traditional administrative proceedings against a license.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Arlene Robertson, Program Manager, 1300 Quince S.E., Olympia, 586-8438.

Name of Proponent: Washington State Podiatric Medical Association, private.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Permits the podiatric medical board a mechanism to identify and support the rehabilitation of podiatric physicians and surgeons where practice or competency may be impaired due to abuse of drugs or alcohol.

Proposal does not change existing rules.

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

Hearing Location: Radisson Hotel Seattle Airport, 17001 Pacific Highway South, SeaTac, WA 98188, on May 13, 1994, at 9:30 a.m.

Submit Written Comments to: Arlene Robertson,
Program Manager, Washington Podiatric Medical Board,
P.O. Box 47868, Olympia, WA 98504-7868, by May 12,
1994.

Date of Intended Adoption: May 13, 1994.

April 4, 1994
Arlene A. Robertson
Program Manager

NEW SECTION

WAC 246-922-400 Intent. It is the intent of the legislature that the podiatric medical board seek ways to identify and support the rehabilitation of podiatric physicians and surgeons where practice or competency may be impaired due to the abuse of drugs or alcohol. The legislature intends that these practitioners be treated so that they can return to or continue to practice podiatric medicine and surgery in a way which safeguards the public. The legislature specifically intends that the podiatric medical board establish an alternate program to the traditional administrative proceedings against podiatric physicians and surgeons.

In lieu of disciplinary action under RCW 18.130.160, if the podiatric medical board determines that the unprofessional conduct may be the result of substance abuse, the board may refer the licensee to a voluntary substance abuse monitoring program approved by the board.

NEW SECTION

WAC 246-922-405 Definitions used relative to substance abuse monitoring. (1) "Approved substance abuse monitoring program" or "approved monitoring program" is a program the board has determined meets the requirements of the law and rules established by the board according to the Washington Administrative Code which enters into a contract with podiatric practitioners who have substance abuse problems. The approved substance abuse monitoring program oversees compliance of the podiatric practitioner's recovery activities as required by the board. Substance abuse monitoring programs may provide evaluation and/or treatment to participating podiatric practitioners.

(2) "Impaired podiatric practitioner" means a podiatric physician and surgeon who is unable to practice podiatric medicine and surgery with judgment, skill, competence, or safety due to chemical dependence/substance abuse.

(3) "Contract" is a comprehensive, structured agreement between the recovering podiatric practitioner and the approved monitoring program wherein the podiatric practitioner consents to comply with the monitoring program and the required components for the podiatric practitioner's recovery activity.

(4) "Approved treatment facility" is a facility approved by the bureau of alcohol and substance abuse, department of social and health services as specified in RCW 18.130.175.

(5) "Chemical dependence/substance abuse" means an illness/condition which involves the inappropriate use of alcohol and/or other drugs to a degree that such use interferes in the functional life of the licensee, as manifested by personal, family, physical, emotional, occupational (professional services), legal, or spiritual problems.

(6) "Drug" means a chemical substance alone or in combination with other drugs, including alcohol.

(7) "Aftercare" means that period of time after intensive treatment that provides the podiatric practitioner and the podiatric practitioner's family with group, or individualized counseling sessions, discussions with other families, ongoing contact and participation in self-help groups, and ongoing continued support of treatment program staff.

(8) "Podiatric practitioner support group" is a group of podiatric practitioners and/or other health care professionals meeting regularly to support the recovery of its members. The group provides a confidential setting with a trained and experienced facilitator in which participants may safely discuss drug diversion, licensure issues, return to work, and other professional issues related to recovery.

(9) "Twelve-step groups" are groups such as Alcoholics Anonymous, Narcotics Anonymous, and related organizations based on a philosophy of anonymity, belief in a power outside of oneself, peer group association, and self-help.

(10) "Random drug screens" are laboratory tests to detect the presence of drugs of abuse in body fluids which are performed at irregular intervals not known in advance by the person to be tested. The collection of the body fluids must be observed by a treatment or health care professional or other board or monitoring program-approved observer.

(11) "Recovering" means that a chemically dependent podiatric practitioner is in compliance with a treatment plan of rehabilitation in accordance with criteria established by an approved treatment facility and an approved substance abuse monitoring program.

(12) "Rehabilitation" means the process of restoring a chemically dependent podiatric practitioner to a level of professional performance consistent with public health and safety.

(13) "Reinstatement" means the process whereby a recovering podiatric practitioner is permitted to resume the practice of podiatric medicine and surgery.

NEW SECTION

WAC 246-922-410 Approval of substance abuse monitoring programs. The board will approve the monitoring program(s) which will participate in the recovery of podiatric practitioners. The board will enter into a contract with the approved substance abuse monitoring program(s) on an annual basis.

(1) An approved monitoring program:

(a) May provide evaluations and/or treatment to the participating podiatric practitioners;

(b) Shall enter into a contract with the podiatric practitioner and the board to oversee the podiatric practitioner's compliance with the requirement of the program;

(c) Shall maintain records on participants;

(d) Shall be responsible for providing feedback to the podiatric practitioner as to whether treatment progress is acceptable;

(e) Shall report to the board any podiatric practitioner who fails to comply with the requirements of the monitoring program;

(f) Shall provide the board with a statistical report on the program, including progress of participants, at least annually, or more frequently as requested by the board;

(g) Shall provide for the board a complete financial breakdown of cost for each individual podiatric practitioner

participant by usage at an interval determined by the board in the annual contract;

(h) Shall provide for the board a complete annual audited financial statement;

(i) Shall enter into a written contract with the board and submit monthly billing statements supported by documentation;

(2) Approved monitoring program staff must have the qualifications and knowledge of both substance abuse and the practice of podiatric medicine and surgery as defined in chapter 18.22 RCW to be able to evaluate:

(a) Drug screening laboratories;

(b) Laboratory results;

(c) Providers of substance abuse treatment, both individual and facilities;

(d) Podiatric practitioner support groups;

(e) Podiatric practitioners' work environment; and

(f) The ability of the podiatric practitioners to practice with reasonable skill and safety.

(3) The program staff of the approved monitoring program may evaluate and recommend to the board, on an individual basis, whether a podiatric practitioner will be prohibited from engaging in the practice of podiatric medicine and surgery for a period of time and restrictions, if any, on the podiatric practitioner's access to controlled substances in the workplace.

(4) The board shall provide the approved monitoring program board orders requiring treatment, monitoring, and/or limitations on the practice of podiatric medicine and surgery for those participating in the program.

NEW SECTION

WAC 246-922-415 Participation in approved substance abuse monitoring program. (1) The podiatric practitioner who has been investigated by the board may accept board referral into the approved substance abuse monitoring program. Referral may occur in lieu of disciplinary action under RCW 18.130.160 or as a result of a board order as final disposition of a disciplinary action. The podiatric practitioner:

(a) Shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation is to be performed by a health care professional(s) with expertise in chemical dependency. The person(s) performing the evaluation shall not be the provider of the recommended treatment;

(b) Shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to: The podiatric practitioner:

(i) Shall undergo intensive substance abuse treatment in an approved treatment facility;

(ii) Shall agree to abstain from the use of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101. Said prescriber shall notify the monitoring program of all drugs prescribed within fourteen days of the date care was provided;

(iii) Must complete the prescribed aftercare program of the intensive treatment facility. This may include individual and/or group psychotherapy;

(iv) Must cause the treatment counselor(s) and authorized prescriber(s) to provide reports to the appropriate monitoring program at specified intervals. Reports shall include treatment prognosis, goals, drugs prescribed, etc;

(v) Shall submit to random drug screening, with observed specimen collection, as specified by the approved monitoring program;

(vi) Shall attend podiatric practitioner support groups facilitated by health care professionals and/or twelve-step group meetings as specified by the contract;

(vii) Shall comply with specified employment conditions and restrictions as defined by the contract;

(viii) Shall sign a waiver allowing the approved monitoring program to release information to the board if the podiatric practitioner does not comply with the requirements of the contract;

(c) Is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random urine screens and other personal expenses incurred in compliance with the contract;

(d) May be subject to disciplinary action under RCW 18.130.160 and 18.130.180 if the podiatric practitioner does not consent to be referred to the approved monitoring program, does not comply with specified practice restrictions, or does not successfully complete the program.

(2) A podiatric practitioner who is not being investigated by the board or subject to current disciplinary action, not currently being monitored by the board for substance abuse, may voluntarily participate in the approved substance abuse monitoring program without being referred by the board. Such voluntary participants shall not be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for their substance abuse, and shall not have their participation made known to the board if they continue to satisfactorily meet the requirements of the approved monitoring program. The podiatric practitioner:

(a) Shall undergo a complete physical and psychosocial evaluation before entering the approved monitoring program. This evaluation will be performed by a health care professional with expertise in chemical dependency. The person(s) performing the evaluation shall not also be the provider of the recommended treatment;

(b) Shall enter into a contract with the approved substance abuse monitoring program to comply with the requirements of the program which shall include, but not be limited to: The podiatric practitioner:

(i) Shall undergo intensive substance abuse treatment in an approved treatment facility;

(ii) Shall agree to abstain from the use of all mind-altering substances, including alcohol, except for medications prescribed by an authorized prescriber, as defined in RCW 69.41.030 and 69.50.101. Said prescriber shall notify the monitoring program of all drugs prescribed within fourteen days of the date care was provided;

(iii) Must complete the prescribed aftercare program of the intensive treatment facility. This may include individual and/or group psychotherapy;

(iv) Must cause the treatment counselor(s) and authorized prescriber(s) to provide reports to the approved monitoring program at specified intervals. Reports shall include treatment prognosis, goals, drugs prescribed, etc;

(v) Shall submit to random drug screening, with observed specimen collection, as specified by the approved monitoring program;

(vi) Shall attend podiatric practitioner support groups facilitated by a health care professional and/or twelve-step group meetings as specified by the contract;

(vii) Shall comply with specified employment conditions and restrictions as defined by the contract;

(viii) Shall sign a waiver allowing the approved monitoring program to release information to the board if the podiatric practitioner does not comply with the requirements of the contract. The podiatric practitioner may be subject to disciplinary action under RCW 18.130.160 and 18.130.180 for noncompliance with the contract or if he/she does not successfully complete the program;

(c) Is responsible for paying the costs of the physical and psychosocial evaluation, substance abuse treatment, random urine screens, and other personal expenses incurred in compliance with the contract.

WSR 94-08-080
WITHDRAWAL OF PROPOSED RULES
PUBLIC DISCLOSURE COMMISSION
(By the Code Reviser's Office)
[Filed April 5, 1994, 12:30 p.m.]

WAC 390-16-309, proposed by the Public Disclosure Commission in WSR 93-19-033, appearing in issue 93-19 of the State Register, which was distributed on October 6, 1994, is withdrawn by the code reviser's office under RCW 34.05.335(3), since the proposal was not adopted within the one hundred eighty day period allowed by the statute.

Kerry S. Radcliff, Editor
Washington State Register

WSR 94-08-082
PROPOSED RULES
DEPARTMENT OF REVENUE
[Filed April 5, 1994, 2:27 p.m.]

Original Notice.

Title of Rule: Amending WAC 458-30-590 Rates of inflation.

Purpose: The rates of inflation are used to calculate interest in certain situations by the county assessor.

Statutory Authority for Adoption: RCW 84.34.360.

Statute Being Implemented: RCW 84.34.310.

Summary: The rates of inflation are required by law to be determined and published.

Name of Agency Personnel Responsible for Drafting: Kim Qually, 711 Capitol Way, #303, Olympia, (206) 664-0086; 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: The rates of inflation are required by law to be annually determined and published. These rates are used by

county assessors in calculating interest on special benefit assessments when land is removed or withdrawn from exempt status.

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 this rule in order to lessen the economic impact on small businesses. A small business economic impact statement is not required for the following reasons: The changes to the rule are made to conform to statutory requirements for the rate of inflation and the department is given no discretionary latitude; and the department is not aware of any new or additional administrative responsibilities placed on a business solely as a result of this rule.

Hearing Location: Evergreen Plaza Building, 2nd Floor Conference Room, 711 Capitol Way South, Olympia, WA, on May 10, 1994, at 9:30 a.m.

Submit Written Comments to: Kim Qually, Counsel, Department of Revenue, Legislation and Policy, P.O. Box 47467, Olympia, WA 98504-7467, FAX 664-0972, by May 10, 1994.

Date of Intended Adoption: May 17, 1994.

April 5, 1994
Michelle Hagen
Acting Program Manager

AMENDATORY SECTION (Amending Order PT 92-5 [WSR 92-22-061], filed 10/29/92)

WAC 458-30-590 Rates of inflation. (1) Introduction. This section sets forth the rates of inflation discussed in WAC 458-30-550.

(2) Rates of inflation. The rates of inflation to be used for calculating the interest as required by WAC 458-30-550 are as follows:

YEAR	PERCENT	YEAR	PERCENT	YEAR	PERCENT
1976	5.6	1982	6.2	1988	4.1
1977	6.5	1983	3.2	1989	4.8
1978	7.6	1984	4.3	1990	5.4
1979	11.3	1985	3.5	1991	4.2
1980	13.5	1986	1.9	<u>1992</u>	<u>3.3</u>
1981	10.3	1987	3.7	<u>1993</u>	<u>2.7</u>

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

WSR 94-08-085
PROPOSED RULES
PUGET SOUND AIR
POLLUTION CONTROL AGENCY
[Filed April 5, 1994, 3:12 p.m.]

Original Notice.

Title of Rule: Amending Regulation II, Section 2.09.

Purpose: To enact a contingency requirement for an increase in the oxygen content of gasoline during the months of November through February in the event the area fails to meet the carbon monoxide standard by December 31, 1995.

Other Identifying Information: Section 2.09 pertains to Oxygenated Gasoline.

Statutory Authority for Adoption: Chapter 70.94 RCW. Statute Being Implemented: RCW 70.94.141.

Summary: This amendment would increase the minimum oxygen content of gasoline to 3.1% for ethanol blends and 2.7% for other blends in King, Pierce, and Snohomish counties if the ambient air quality standards for carbon monoxide have not been met by December 31, 1995.

Reasons Supporting Proposal: A contingency measure is required by the federal Clean Air Act for carbon monoxide nonattainment areas.

Name of Agency Personnel Responsible for Drafting: Gerry Pade, 110 Union Street, #500, Seattle, WA 98101, 689-4065; Implementation: Dave Kircher, 110 Union Street, #500, Seattle, WA 98101, 689-4050; and Enforcement: Jim Nolan, 110 Union Street, #500, Seattle, WA 98101, 689-4053.

Name of Proponent: Puget Sound Air Pollution Control Agency, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: The state implementation plan will be updated to reflect this amendment.

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

Explanation of Rule, its Purpose, and Anticipated Effects: If the ambient air quality standards for carbon monoxide are not attained by December 31, 1995, this proposal would require an increase in the minimum oxygen content of gasoline. This increase in oxygen content results in a decrease in motor vehicle emissions of approximately 5%.

Proposal Changes the Following Existing Rules: This proposal will increase the minimum required oxygen content of gasoline if the CO standards are not met by December 31, 1995.

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

Hearing Location: Puget Sound Air Pollution Control Agency Offices, 110 Union Street, #500, Seattle, WA 98101, on May 12, 1994, at 9:00 a.m.

Submit Written Comments to: Arthur Davidson, Puget Sound Air Pollution Control Agency, 110 Union Street, #500, Seattle, WA 98101, by May 2, 1994.

Date of Intended Adoption: May 12, 1994.

April 4, 1994

Gerald S. Pade

Air Pollution Engineer

AMENDATORY SECTION

REGULATION II SECTION 2.09 OXYGENATED GASOLINE

(a) This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Pierce, and Snohomish Counties during the months of November, December, January, and February.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than 2.0% by weight.

(c) It shall be unlawful for any blender to supply gasoline with an oxygen content less than 2.7% by weight, averaged over each 2-month interval (November-December and January-February).

(d) It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

(e) If the ambient air quality standards for carbon monoxide have not been attained by December 31, 1995, the minimum oxygen contents specified in this section shall be increased to 3.1% for ethanol blends and 2.7% for other blends, effective the following November 1. In such an event, the Agency shall provide notice to all registered gasoline stations and blenders no later than March 1.

WSR 94-08-087

PROPOSED RULES

DEPARTMENT OF

RETIREMENT SYSTEMS

[Filed April 5, 1994, 3:30 p.m.]

Original Notice.

Title of Rule: PERS elected/appointed officials - membership and service credit.

Purpose: To clarify standards relating to membership and service credit of elected and appointed officials for state and for political subdivisions.

Statutory Authority for Adoption: RCW 41.50.050.

Statute Being Implemented: RCW 41.40.023 (3)(a), 41.40.010(25), 41.40.010 (9)(a), 41.40.035, and 41.40.150.

Summary: Clarifies requirements for establishing membership and service credit in relation to PERS elected/appointed officials.

Reasons Supporting Proposal: Provide guidance to members and employers concerning the department's long-standing administrative practice in relation to elected/appointed officials.

Name of Agency Personnel Responsible for Drafting: Paul Neal and Marc Medeiros, Olympia, Washington, (206) 586-3368; Implementation and Enforcement: Jerry Long, Olympia, Washington, (206) 753-3108.

Name of Proponent: Department of Retirement Systems, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Codifies the department's long-standing administrative practice in relation to PERS elected/appointed officials. Provides guidance to members and employers regarding requirements for establishing membership and service credit of elected/appointed officials.

Proposal does not change existing rules.

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

Hearing Location: Department of Retirement Systems, 2nd Floor Boardroom, 1025 East Union Avenue, Olympia, WA 98504-8380, on May 13, 1994, at 4:00 - 5:00 p.m.

Submit Written Comments to: Paul Neal, Department of Retirement Systems, by May 6, 1994.

Date of Intended Adoption: May 20, 1994.
February 25, 1994
Paul Neal
Rules Coordinator

NEW SECTION

WAC 415-108-550 Elected officials—Eligibility and application for retirement service membership. (1) For purposes of this section and WAC 415-108-570, and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "elected" officials means individuals elected to any state, local or political subdivision office or individuals appointed to any vacant elective office.

(2) Pursuant to RCW 41.40.023 (3)(a), elected officials are exempted from retirement system membership but may apply for membership during the official's current term of elected office. To apply for membership, the official shall submit a written application directly to the department. If the department approves the application, the elected official is entitled to establish membership and service credit retroactive to the first day of the official's current term of elected service. To establish such membership, the official shall pay the required employee contributions for the official's current term of elected service with interest as determined by the department.

(3) Upon establishing membership for the official's current term of elected office, the official is entitled to establish membership and service credit retroactive to the first day of any previous elected term or terms of office. To exercise this option, the official shall apply to the department pursuant to subsection (2) of this section. If the department approves the application, the official shall:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, at its discretion, pay the required employer contributions plus interest in lieu of the employee making payment of this amount.

(4) If an official is employed in an eligible position at the time of election to office and will hold multiple positions concurrently, the official may:

(a) Apply to the department to participate in membership pursuant to the official's elected position as provided in subsection (3) of this section; or

(b) Choose not to participate pursuant to the official's elected position while continuing membership through the nonelected position.

(5) Except as provided under RCW 41.40.023 (3)(b), once an elected official has exercised the option of becoming a member of the retirement system the official shall be a member until the official separates from all eligible public employment pursuant to RCW 41.40.150. An official does not separate from public employment when that official's term of office ends and the official commences another term of office in the same or a different position for the same employer without a break in service. An official does not separate from service if the official resigns from the

official's elected position and is later reappointed to the same position during the same term.

(6) This section codifies the department's long-standing administrative practice in relation to elected officials. The department will apply this section to service by elected officials which occurred prior to the effective date of this section.

NEW SECTION

WAC 415-108-560 Appointed officials—Eligibility and application for retirement service membership. (1) For purposes of this section and WAC 415-108-570, and pursuant to RCW 41.40.023, 41.40.010 (25)(b), 41.40.010 (9)(a) and 41.40.035, "appointed" officials means only those individuals appointed directly by the governor to any position, including but not limited to agency directorships and memberships on a state committee, board or commission.

(2) An individual must be a gubernatorial appointee or be appointed to serve in a position that meets the requirements of RCW 41.40.010 (25)(a) in order to be eligible for membership and service credit.

(3) Pursuant to RCW 41.40.023 (3)(a), appointed officials are exempted from retirement system membership but may apply for membership during the official's current appointed term of office. To apply for membership, the official shall submit a written application directly to the department. If the department approves the application the official is entitled to establish membership and service credit retroactive to the first day of the official's current term of appointed service. To establish such membership, the official shall pay the required employee contributions for the official's current term of appointed service with interest as determined by the department.

(4) Upon establishing membership for the official's current term of appointed service, the official is entitled to establish membership retroactive to the first day of any previous elected term or terms of office. To exercise this option, the official shall apply to the department pursuant to subsection (3) of this section. If the department approves the application the official shall:

(a) Pay the required employee contributions for such previous term or terms of elected service with interest as determined by the department; and

(b) Pay the required employer contributions for such previous term or terms of elected service with interest as determined by the department. The employer may, at its discretion, pay the required employer contributions plus interest in lieu of the employee making payment of this amount.

(c) "Current term of appointed service" includes an appointed official's entire current term of service. If the official has not been appointed to a position with a set term of office, "current term of appointed service" includes all uninterrupted service in the official's current appointed position.

(5) If an appointed official is employed in an eligible position at the time of appointment to office and will hold the two positions concurrently the official may:

(a) Apply to the department to participate in membership pursuant to the appointed position as provided in subsection (3) of this section; or

(b) Choose not to participate pursuant to the official's appointed position while continuing membership through the nonappointive position.

(6) Once an appointed official has exercised the option of becoming a member of the retirement system either at the start of the official's initial term or at a successive term, the official shall be a member until the official separates from all eligible public employment pursuant to RCW 41.40.150. An appointed official does not separate from public employment when that official's term of office ends and the official commences another term of office in the same or a different position for the same employer without a break in service. An appointed official does not separate from service if the official resigns from the appointed position and is later reappointed to the position during the same term.

(7) This section codifies the department's long-standing administrative practice in relation to appointed officials. The department will apply this section to service by appointed officials which occurred prior to the effective date of this section.

NEW SECTION

WAC 415-108-570 Elected and appointed officials—Requirements for service credit. (1)(a) Plan I elected officials and appointed officials may receive one month of service credit for each month during which they earn compensation pursuant to their elected or appointed positions.

(b) Plan I members who were appointed by the governor prior to July 1, 1976, to serve as members of any committee, board or commission may receive one month of service credit for each month during which they earn compensation pursuant to their appointed positions.

(c) Plan I members who were appointed or reappointed by the governor on or after July 1, 1976, to serve as members of any committee, board or commission may receive one month of service credit for each month during which they are compensated for at least seventy total hours of work.

(d) Plan I members who serve in governor-appointed positions as members of any committee, board or commission on or after September 1, 1991, may receive one-quarter month of service credit for each month during which they are compensated for less than seventy total hours of work.

(2)(a) Plan II members who were elected to office by state-wide election may receive one month of service credit for each month during which they earn compensation pursuant to their elected positions.

(b) Except for Plan II elected officials covered under (a) of this subsection, Plan II members who were elected to office or appointed by the governor to positions prior to September 1, 1991, may receive service credit only for months during which they are compensated:

(i) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; and

(ii) For ninety or more total hours of work.

(c) On or after September 1, 1991, except for Plan II elected officials covered under (a) of this subsection, Plan II

members who were elected to office or appointed by the governor to positions may earn:

(i) One month of service credit for each month during which they are compensated:

(A) For ninety or more total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; or

(ii) One-half month of service credit for each month during which they are compensated:

(A) For less than ninety hours but equal to or more than seventy total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service; or

(iii) One-quarter month of service credit for each month during which they are compensated:

(A) For less than seventy total hours of work; and

(B) In excess of ninety times the state hourly minimum wage in effect at the time they render the service.

(3) This section codifies the department's long-standing administrative practice in relation to elected and appointed officials. The department will apply this section to service by elected and appointed officials which occurred prior to the effective date of this section.

WSR 94-08-092

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 93-34—Filed April 6, 1994, 8:01 a.m.]

Continuance of WSR 94-01-173.

Title of Rule: Dangerous waste regulations, chapter 173-303 WAC.

Purpose: To continue adoption date from April 26, 1994, to May 20, 1994.

Date of Intended Adoption: May 20, 1994.

April 4, 1994
Mary Riveland
Director

WSR 94-08-093

PROPOSED RULES

DEPARTMENT OF

NATURAL RESOURCES

[Filed April 6, 1994, 8:20 a.m.]

Original Notice.

Title of Rule: WAC 332-24-221 Specific rules for burning that requires a permit.

Purpose: Amend WAC 332-24-221 to adjust the fee schedule to a level necessary to cover the costs of the burning permit program.

Statutory Authority for Adoption: RCW 70.94.660.

Summary: Raises burning permit fees as directed by RCW 70.94.660.

Reasons Supporting Proposal: Compliance with legislative direction as stated in RCW 70.94.660.

Name of Agency Personnel Responsible for Drafting: Dick Stender, Olympia, 902-1300; Implementation and Enforcement: Region Managers, Various Office Locations, 1-800-527-3305.

Name of Proponent: Department of Natural Resources, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: WAC 332-24-221 implements specific rules for burning that requires a written permit. This amendment raises fees by 6.46%, the economic growth factor provided by the Office of Financial Management.

Proposal Changes the Following Existing Rules: Raises burning permit fees by 6.46%.

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

Hearing Location: Central Region Office, 1405 Rush Road, Chehalis, WA 98532, on May 11, 1994, at 1:00 p.m.

Submit Written Comments to: Resource Protection Division, Attn: Dick Stender, P.O. Box 47037, Olympia, WA 98504-7037, by May 11, 1994.

Date of Intended Adoption: July 1, 1994.

April 5, 1994
Kaleen Cottingham
Supervisor

AMENDATORY SECTION (Amending Order 599, filed 6/30/92, effective 7/31/92)

WAC 332-24-221 Specific rules for burning that requires a written burning permit. Persons not able to meet the requirements of WAC 332-24-205 and 332-24-211 must apply for a written burning permit through the department. In addition to the rules outlined in WAC 332-24-205, the following are additional requirements for written permits:

- (1) Written burning permits will be in effect for one year from the validation date, unless suspended or revoked.
- (2) Fees for written burning permits will be charged and collected pursuant to chapter 70.94 RCW and shall be ~~((twenty))~~ twenty-one dollars for under one hundred tons of consumable debris; and for burns one hundred tons of consumable debris and greater as follows:

Consumable Debris	Fee schedule
100 - 500 tons	((100)) <u>\$106</u>
501 - 1,000 tons	((300)) <u>319</u>
1,001 - 1,500 tons	((500)) <u>532</u>
1,501 - 2,000 tons	((700)) <u>745</u>
2,001 - 2,500 tons	((900)) <u>958</u>
2,501 - 3,000 tons	((1,100)) <u>1,171</u>
3,001 - 3,500 tons	((1,300)) <u>1,383</u>
3,501 - 4,000 tons	((1,500)) <u>1,596</u>
4,001 - 4,500 tons	((1,700)) <u>1,809</u>
4,501 - 5,000 tons	((1,900)) <u>2,022</u>
5,001 - 5,500 tons	((2,100)) <u>2,235</u>
5,501 - 6,000 tons	((2,300)) <u>2,448</u>
6,001 - 6,500 tons	((2,500)) <u>2,661</u>
6,501 - 7,000 tons	((2,700)) <u>2,874</u>
7,001 - 7,500 tons	((2,900)) <u>3,087</u>
7,501 - 8,000 tons	((3,100)) <u>3,300</u>
8,001 - 8,500 tons	((3,300)) <u>3,513</u>
8,501 - 9,000 tons	((3,500)) <u>3,726</u>

9,001 - 9,500 tons	((3,700)) <u>3,939</u>
9,501 - 10,000 tons	((3,900)) <u>4,151</u>
10,001 + tons	((4,100)) <u>4,364</u>

For purposes of this section, consumable debris is the amount of debris that the department determines will be consumed by the proposed burning.

(3) Written burning permits are not considered valid unless all of the following conditions apply:

(a) The written permit has been signed by the applicant agreeing to follow all requirements of chapter 332-24 WAC, the smoke management plan in effect at the time of the burning, and any additional terms and conditions specified by the department in writing; and

(b) The required permit fee has been secured or paid according to approved department procedures; and

(c) The person doing the burning has the permit in possession while burning and is complying with all terms and conditions of such permit, the smoke management plan in effect at the time of the burning, and all applicable portions of chapter 332-24 WAC.

(4) Permits are written only for the burn site and fuel quantity that is presented at the time of the inspection. Addition of fuel, or changing the burn site after the site inspection has been made, is prohibited unless a new inspection is made and an added permit fee is paid, if required.

WSR 94-08-094
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 6, 1994, 8:47 a.m.]

Original Notice.

Title of Rule: WAC 246-918-095 Scope of practice—Osteopathic alternate physician and 246-918-105 Disciplinary action of sponsoring or supervising physician.

Purpose: To clarify the relationship of an alternate sponsoring or supervising physician licensed under chapter 18.57 or 18.71 RCW; and to notify the physician assistant the limitations on a relationship of a disciplined sponsoring or supervising physician.

Statutory Authority for Adoption: RCW 18.71A.020.

Statute Being Implemented: RCW 18.71A.040 and 18.130.186(2).

Summary: To clarify the relationship of an alternate sponsoring or supervising physician licensed under chapter 18.57 or 18.71 RCW. To notify the physician assistant the limitations on a relationship of a disciplined sponsoring or supervising physician.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Teeter, Board of Medical Examiners, Olympia, (206) 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To clarify the relationship of an alternate sponsoring or supervising physician licensed under chapter 18.57 or 18.71 RCW. To notify the physician assistant the limitations

on a relationship of a disciplined sponsoring or supervising physician.

Proposal does not change existing rules.

To clarify the relationship of an alternate sponsoring or supervising physician licensed under chapter 18.57 or 18.71 RCW. To notify the physician assistant the limitations on a relationship of a disciplined sponsoring or supervising physician.

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

Hearing Location: Department of Health, First Floor Training Room, 1102 S.E. Quince Street, Olympia, WA 98504, on May 13, 1994, at 2:00 p.m.

Submit Written Comments to: Beverly A. Teeter, Program Manager, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, by May 6, 1994.

Date of Intended Adoption: May 13, 1994.

April 5, 1994
Beverly A. Teeter
Program Manager

NEW SECTION

WAC 246-918-095 Scope of practice - Osteopathic alternate physician. The physician assistant licensed under chapter 18.71A RCW practices under the practice plan and prescriptive authority approved by the Board whether the alternate sponsoring physician or alternate supervising physician is licensed under chapter 18.57 RCW or chapter 18.71 RCW.

NEW SECTION

WAC 246-918-105 Disciplinary action of sponsoring or supervising physician. To the extent that the sponsoring or supervising physician's practice has been limited by disciplinary action under chapter 18.130 RCW, the physician assistant's practice is similarly limited while working under that physician's sponsorship or supervision.

WSR 94-08-095
PROPOSED RULES
DEPARTMENT OF HEALTH
[Filed April 6, 1994, 8:51 a.m.]

Original Notice.

Title of Rule: WAC 246-917-100 Examination scores and 246-917-120 Examinations accepted for reciprocity or waiver.

Purpose: To amend existing rules to change language to conform to procedures of recently accepted examination.

Statutory Authority for Adoption: RCW 18.71.017.

Statute Being Implemented: RCW 18.71.060 and 18.71.070.

Summary: To amend existing rules to change language to conform to procedures of recently accepted examination.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Beverly A. Teeter, Board of Medical Examiners, Olympia, (206) 586-8934.

Name of Proponent: Board of Medical Examiners, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: To change language to conform to procedures of recently accepted examination.

Proposal Changes the Following Existing Rules: To change language to conform to procedures of recently accepted examination.

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

Hearing Location: Department of Health, First Floor Training Room, 1102 S.E. Quince Street, Olympia, WA 98504, on May 13, 1994, at 2:00 p.m.

Submit Written Comments to: Beverly A. Teeter, Program Manager, Department of Health, P.O. Box 47866, Olympia, WA 98504-7866, by May 6, 1994.

Date of Intended Adoption: May 13, 1994.

April 5, 1994
Beverly A. Teeter
Program Manager

AMENDATORY SECTION (Amending WSR 93-21-017, filed 10/11/93, effective 11/11/93)

WAC 246-917-100 Examination scores. Examinations given by the Washington state board of medical examiners:

(1) The board adopts the United States Medical Licensing Examination (USMLE) as the examination accepted by the board.

(2) The minimal passing scores for each component of any approved examination combination shall be a score of seventy-five (~~percent~~) as defined by the examining authority.

~~((3) Applications for examination shall remain valid for two years (four examination cycles). Applicants who do not pass the examination within the two year period must submit a new application and meet the licensure eligibility requirements in effect at the time of the new application.))~~

(3) Applicants who do not pass Step 3 of the USMLE examination after three sittings within seven years after passing the first examination, either Step 1 or Step 2, or acceptable combination, shall demonstrate evidence satisfactory to the board of having completed a remedial or refresher medical course approved by the board prior to being permitted to take the examination again. Applicants who do not pass after the fourth sitting may not take the examination without completing an additional year of postgraduate training or satisfying any other conditions specified by the board.

(4) Only those FLEX candidates who have been approved (~~prior to~~) and eligible for the December 1993 FLEX examination and who have passed FLEX Component 2, but not FLEX Component 1, are eligible to take the 1994 special administration of FLEX Component 1.

(5) To be eligible for (~~NBME Part III or~~) USMLE Step 3, the applicant must:

(a) Have obtained the MD degree;

(b) Have completed successfully FLEX Component 1 or both Parts I and II or Steps 1 and 2 or Part I and Step 2 or Step 1 and Part II;

(c) Be certified by the ~~((education council of))~~ educational commission for foreign medical graduates (ECFMG) if a graduate of a foreign medical school, or have successfully completed a fifth pathway program; and

(d) Have completed, or be near completion, of at least one post-graduate training year in a program of graduate medical education accredited by the Accreditation Council for Graduate Medical Education.

~~(((6) Examination combinations acceptable. Any applicant who has successfully completed Part I (NBME) or Step 1 (USMLE) plus Part II or Step 2 plus Part III or Step 3; or FLEX Component 1 plus Step 3; or Part I or Step 1, plus Part II or Step 2, plus FLEX Component 2 shall be deemed to have successfully completed a medical licensure examination as required by RCW 18.71.070. (For clarification see Table 1.)))~~

AMENDATORY SECTION (Amending WSR 93-21-017, filed 10/11/93, effective 11/11/93)

WAC 246-917-120 Examinations accepted for reciprocity or waiver. (1) The board of medical examiners may accept certain examinations as a basis for reciprocity or waiver of examination. These include the examinations given by the federation of state licensing boards (FLEX), and those given by other states. The minimum passing score will depend upon the quality of the examination using the FLEX ((#)) 1 and ((#)) 2 examination as a guide.

(2) An applicant who has satisfactorily passed examinations given by the National Board of Medical Examiners; or the Medical Council of Canada and holds a valid LMCC certificate obtained after 1969, may be granted a license without examination.

(3) Examination combination acceptable. Any applicant who has successfully completed Part I (NBME) or Step 1 (USMLE) plus Part II or Step 2 plus Part III or Step 3; or FLEX Component 1 plus Step 3; or Part I or Step 1, plus Part II or Step 2, plus FLEX Component 2 shall be deemed to have successfully completed a medical licensure examination as required by RCW 18.71.070. (For clarification, see Table 1.)

Examination Combinations Acceptable for Licensure
Table 1

Examination sequence	Acceptable combinations
Part I plus Part II plus Part III	Part I or Step 1 plus Part II or Step II plus Part III or Step 3
FLEX Component 1 plus FLEX Component 2	FLEX Component 1 plus Step 3 or Part I or Step 1 plus Part II or Step 2 plus FLEX Component 2

Step 1
plus
Step 2
plus
Step 3

**WSR 94-08-096
PROPOSED RULES
DEPARTMENT OF HEALTH**

(Board of Pharmacy)

[Filed April 6, 1994, 8:54 a.m.]

Original Notice.

Title of Rule: Renewal notices.

Purpose: Establishes that renewal notices will be sent out to last address, but that licensee is responsible to pay their renewal whether they get renewal notice or not.

Statutory Authority for Adoption: RCW 18.64.005.

Summary: This rule establishes that we will send out renewal notices to the last address supplied by a licensee, but that if the licensee does not receive a notice, that it must be paid prior to the renewal date or the penalty fee will be charged.

Reasons Supporting Proposal: This change will let licensees know that a renewal notice is not required for paying their renewal. If they do not receive their notice, they are responsible for knowing the renewal date for their license and paying that renewal.

Name of Agency Personnel Responsible for Drafting, Implementation and Enforcement: Don Williams, 1300 Quince S.E., Olympia, WA, 753-6834.

Name of Proponent: Board of Pharmacy, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule change will clarify that while we will send out a renewal notice to the last address supplied to us by a licensee, if a licensee does not receive the notice, he must pay the renewal by the renewal date or a penalty fee will be charged. Licensees have occasionally claimed not to have received their notice, stating that they should not be charged a penalty fee. This will clarify this matter.

Proposal Changes the Following Existing Rules: It adds language that notices will be sent to the last address supplied and that if the notice is not received, licensee is responsible to send in renewal notice by renewal date or pay penalty fee.

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

Hearing Location: Red Lion Inn at the Quay, 100 Columbia, Vancouver, WA, on May 18, 1994, at 2:00 p.m.

Submit Written Comments to: Donald H. Williams, Board of Pharmacy, 1300 Quince S.E., P.O. Box 47863, Olympia, WA 98504-7863, by May 16, 1994.

Date of Intended Adoption: May 18, 1994.

March 29, 1994
Donald H. Williams
Executive Director

AMENDATORY SECTION (Amending Order 256, filed 3/18/92, effective 4/18/92)

WAC 246-907-020 Licensing periods. (1) The following are established by the secretary as the licensing periods for each license specified:

(a) Pharmacist licenses will expire on February 1 of each year.

(b) Pharmacy location, controlled substance registration (pharmacy), pharmacy assistant utilization, and shopkeeper differential hours licenses will expire on June 1 of each year.

(c) All other licenses, registrations, permits, or (~~registrations~~) certifications will expire on October 1 of each year.

(2) Before the expiration date of one of the above-listed authorizations, a renewal notice will be mailed to the last mailing address of record of every authorization holder. The authorization holder is responsible for renewing the authorization prior to the expiration date regardless of whether the renewal notice has been received.

(3) Any license, permit, or registration that is not renewed on or before the expiration date established herein shall expire and shall no longer be valid to practice or conduct the activity for which it is issued. Any license, permit, or registration that has not been renewed by the expiration date shall be renewed only upon payment of the renewal fee and penalty fee as specified in WAC 246-907-030.

WSR 94-08-103

PROPOSED RULES

STATE BOARD OF EDUCATION

[Filed April 6, 1994, 11:01 a.m.]

Original Notice.

Title of Rule: WAC 180-24-310 Election of regional committee members—Annual elections, 180-24-312 Election of regional committee members—Tentative certification of electors, 180-24-315 Election of regional committee members—Call for election—Regional committee members, 180-24-320 Election of regional committee members—Candidates—Eligibility—Filing, 180-24-325 Election of regional committee members—Declaration and affidavit of candidacy form, and 180-24-355 Election of regional committee members—Election board—Appointment and composition.

Purpose: The purpose of the amendments is to implement procedural changes in regional committee member elections that result from revisions to chapter 416, Laws of 1993 as mandated by legislature.

Statutory Authority for Adoption: RCW 28A.305.130(10), 28A.315.010(1).

Statute Being Implemented: Chapter 416, Laws of 1993.

Summary: The amended rules will revise regional committee terms, election frequency, transition terms, filing, forms, and ESD superintendent roles.

Reasons Supporting Proposal: The amendments to WACs will result in a more efficient regional committee system by reducing complexity and cost.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Michael Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6702.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: Chapter 416, Laws of 1993 requires changes in the State Board of Education rules regarding regional committee elections. The act reduces regional committee member terms from five to four years and changes annual elections to every even-numbered year. It takes effect at the 1994 election and establishes transition terms for the initial election. The educational service district (ESD) superintendents will assign the position numbers. Following the transition, the four-year terms will be staggered with elections held every even-numbered year.

Proposal Changes the Following Existing Rules: Changes in the above-described rules allows compliance with chapter 416, Laws of 1993 pertaining to election of regional committee members.

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

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way S.W., Olympia, WA 98501, on May 19, 1994, at 9 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by May 17, 1994.

Date of Intended Adoption: May 20, 1994.

April 6, 1994

Dr. Monica Schmidt
Executive Director/Secretary

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-310 Election of regional committee members—((Annual)) Dissolution—Position numbers—Initial elections—Regular elections—Terms of office.

Elections for members of regional committees shall be conducted (~~annually~~) within the time periods noted in WAC 180-24-312 through 180-24-380. (~~Following the election of the initial regional committees in 1985, the regular annual election of regional committee members for five year terms shall be conducted for the following positions in the years specified and every five years thereafter: 1986, position number five; 1987, positions number four and nine; 1988, positions number three and eight; 1989, positions number two and seven; and, 1990, positions number one and six.~~) The term of office of each regional committee member and position shall expire as of the second Monday of January 1995. Each regional committee member position shall therefore be open for election purposes in 1994. Regional committee member position numbers shall be assigned by the educational service district superintendent for purposes of all elections held pursuant to RCW 28A.315.060.

For the initial election conducted pursuant to RCW 28A.315.030 and the election of a new regional committee following a change in the number of educational service districts or board members, regional committee member positions one, three, five, seven, and nine shall be for a term of two years, positions two, four, six, and eight shall be for a term of four years. Following the initial election, regular elections of regional committee members shall be conducted in subsequent even-numbered years for four-year terms and until their successors are certified as elected: *Provided*, That whenever a change in the number of educational service districts or board members occurs, a new regional committee shall be elected for each affected educational service district at the next regular election. Those regional committee members serving within an educational service district affected by the change shall continue to constitute the regional committee for the educational service district within which they are registered to vote until the majority of a new regional committee has been elected and certified at the next regular election.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-24-312 Election of regional committee members—Tentative certification of electors. On September twenty-first of each even-numbered year or if such date is a Saturday, Sunday, or holiday the state working day immediately preceding such date, the educational service district superintendent shall certify a tentative list of electors consisting of all persons eligible to vote, per RCW 28A.315.060, if the election were held on that date.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-315 Election of regional committee members—Call for election—Regional committee members. On or before September twenty-fifth of each even-numbered year, the educational service district superintendent shall call for an election for the purpose of electing members of the regional committee for those positions whose term of office expires in January of the following year. Such notice shall be sent to each eligible voter and shall contain instructions and a copy of the pertinent rules and regulations for the conduct of the election.

AMENDATORY SECTION (Amending WSR 90-17-009, filed 8/6/90, effective 9/6/90)

WAC 180-24-320 Election of regional committee members—Candidates—Eligibility—Filing. (1) Eligibility. A person is eligible to be a candidate for membership on the regional committee if he or she is a registered voter and a resident of the committee member district for which the candidate files. Eligibility, due to other service, is restricted pursuant to RCW 28A.315.050.

(2) Forms for filing. A person who desires to be a candidate shall complete:

(a) The declaration of candidacy and affidavit form provided for in WAC 180-24-325; and

(b) The biographical data form provided for in WAC 180-24-327: *Provided*, That a declarant may elect not to submit biographical data.

(3) Filing period. The filing period for candidates for a position on a regional committee is from October first through October fifteenth of each even-numbered year. Any declaration of candidacy that is not received by the educational service district superintendent on or before 5:00 p.m. October fifteenth shall not be accepted and such a declarant shall not be a candidate: *Provided*, That any declaration that is postmarked on or before midnight October fifteenth and received by mail on or before 5:00 p.m. October twentieth shall be accepted: *Provided further*, That any declaration received pursuant to the United States mail on or before 5:00 p.m. October twentieth that is not postmarked or legibly postmarked shall also be accepted.

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-325 Election of regional committee members—Declaration and affidavit of candidacy form. The declaration and affidavit of candidacy which each candidate is required to substantially complete and to file as a condition to having his or her name placed on an official ballot shall be as follows:

I,, solemnly swear (or affirm): That I reside within the boundary of Educational Service District No. . . . , within the boundary of regional committee member district No. . . . , and am a registered voter of the same regional committee member district; That I am aware that, if elected, I cannot concurrently serve as the superintendent of public instruction, a member of the state board of education, an educational service district superintendent, a member of a board of directors of a school district, a member of an educational service district board, a member of a governing board of either a private school or a private school district which conducts any grades kindergarten through twelve, an officer appointed by any such governing board, an employee of a school district, an employee of an educational service district, an employee of the office of the superintendent of public instruction, an employee of a private school, or an employee of a private school district; and That I hereby declare myself a candidate for membership on Educational Service District No. . . . Regional Committee on school district organization for a term of ((five)) four years beginning the second Monday in January, 19. . . , subject to the election to be held pursuant to law and I request that my name be listed on the ballot therefor.

Further, I solemnly swear (or affirm) that I will support the Constitution and laws of the state of Washington.

(Signed)
Address:
.

SUBSCRIBED and sworn (or affirmed) to before me this . . . day of, 19. . .

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NOTARY PUBLIC in and for
the state of Washington,
residing at

AMENDATORY SECTION (Amending Order 1-87, filed 2/4/87)

WAC 180-24-355 Election of regional committee members—Election board—Appointment and composition. In each election the educational service district board shall (~~annually~~) appoint a three member election board and at least one alternate who shall serve thereon in the absence of a regular member of the election board. Votes cast at elections, conducted pursuant to this chapter shall be counted by the educational service district superintendent or his or her designee and the election board.

WSR 94-08-104
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed April 6, 1994, 11:04 a.m.]

Original Notice.

Title of Rule: WAC 180-29-130 Disbursement of moneys—Sequence of payments.

Purpose: The purpose of this amendment is to revise the section to require verification that authorized projects are or will be completed.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: ESSB 6244 (1994 Supplemental Budget Bill).

Summary: Beginning with July 1, 1993, the amendment to section will provide for written certification by school boards that school projects authorized for state funds have been or will be completed prior to payment of state funds.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Michael Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6702.

Name of Proponent: [State Board of Education], governmental.

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

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

Proposal does not change existing rules.

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

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way S.W., Olympia, WA 98501, on May 19, 1994, at 9 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by May 17, 1994.

Date of Intended Adoption: May 20, 1994.

April 6, 1994
 Dr. Monica Schmidt
 Executive Director/Secretary

AMENDATORY SECTION (Amending Order 12-83, filed 10/17/83)

WAC 180-29-130 Disbursement of moneys—Sequence of payments. The order in which funds shall be disbursed for school facility construction shall be as follows:

(1) Prior to payment from state moneys, the school district shall make payments on all claims submitted until such time as the total amount of school district moneys obligated by the district have been expended.

(2) When local moneys have been expended as in subsection (1) of this section, payments from state moneys shall then be made: Provided, That for projects authorized for state funding pursuant to WAC 180-29-115(2) after June 30, 1993, payment shall be made after receipt of written certification by the school district board of directors that the school facility project authorized for state matching funds has been or will be completed according to the purposes for which the state matching funds are being provided.

WSR 94-08-105
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed April 6, 1994, 11:06 a.m.]

Original Notice.

Title of Rule: WAC 180-33-025 Space eligible for state financial assistance in modernization.

Purpose: As drafted, this amendment will correct an incorrect reference.

Statutory Authority for Adoption: RCW 28A.525.020.

Statute Being Implemented: Section 28 (8)(e), chapter 233, Laws of 1992.

Summary: In planning for modernization in any school facility, provisions found in WAC 180-33-015 must be complied with. This amendment will correct the reference related to this information.

Name of Agency Personnel Responsible for Drafting: Rick Wilson, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-2298; Implementation: David Moberly, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6742; and Enforcement: Mike Roberts, Office of Superintendent of Public Instruction, Old Capitol Building, Olympia, 753-6702.

Name of Proponent: State Board of Education, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: See 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: Department of Labor and Industries Auditorium, 7273 Linderson Way S.W., Olympia, WA, on May 19, 1994, at 9 a.m.

Submit Written Comments to: Monica Schmidt, State Board of Education, P.O. Box 47200, Olympia, WA 98504-7200, by May 17, 1994.

Date of Intended Adoption: May 20, 1994.

April 6, 1994
 Dr. Monica Schmidt
 Executive Director/Secretary

AMENDATORY SECTION (Amending Order 26-85, filed 11/27/85)

WAC 180-33-025 Space eligible for state financial assistance in modernization. Space allowance and enrollment projection provision for state matching purposes.

(1) In planning for modernization in any school facility, under the provisions of WAC (~~(100-33-015)~~) **180-33-015** (1)(a) and (b), a school district shall estimate capacity needs on the basis of a cohort survival enrollment as per WAC 180-27-045. Any space above and beyond a school district's estimated capacity needs as calculated on the basis of a five-year cohort survival or adjusted cohort survival enrollment shall not be eligible for state financial assistance in modernization with the exception as stated in subsection (2) below.

(2) In computing the amount of eligible space for modernization, the state will match the entire facility if 3/4 of the overall square footage of the facility is eligible for state financial assistance. If less than 3/4 of the overall square footage of the facility is eligible for state financial assistance, the district shall pay the entire cost of modernizing any additional space: *Provided*, That this subsection shall not be applicable to new construction in lieu of modernization facility projects authorized by this chapter.

(3) In determining the eligible space for modernizing vocational-technical institutes, enrollment data furnished by the school district will be reviewed by the superintendent of public instruction or his or her designee.

(4) In planning for modernization in any combined facility as per WAC 180-33-015 (3)(c) a school district shall estimate enrollment in the district on the basis of a cohort survival enrollment as per WAC 180-27-045.

WSR 94-08-106
PROPOSED RULES
STATE BOARD OF EDUCATION
 [Filed April 6, 1994, 11:08 a.m.]

Original Notice.

Title of Rule: WAC 180-79-241 Internship certificate.

Purpose: To set forth policies and procedures for the issuance of internship certificates to participants of Teach for America's Professional Teaching Residency.

Statutory Authority for Adoption: RCW 28A.410.010.

Statute Being Implemented: RCW 28A.410.010.

Summary: The proposed rules set forth policies and procedures for the issuance of internship certificates to resident teachers participating in the Professional Teaching Residency of Teach for America, including requirements for the certificate and evaluation of the program.

Reasons Supporting Proposal: See above.

Name of Agency Personnel Responsible for Drafting: Richard M. Wilson, Superintendent of Public Instruction, Old Capitol Building, (206) 753-2298; Implementation: Kathleen Plato, Superintendent of Public Instruction, Old Capitol Building, (206) 753-0793; and Enforcement: Theodore E.

Andrews, Superintendent of Public Instruction, Old Capitol Building, (206) 753-3222.

Name of Proponent: State Board of Education, governmental.

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

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

Proposal Changes the Following Existing Rules: Same as above.

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

Hearing Location: Department of Labor and Industries Auditorium, 7273 Linderson Way S.W., Olympia, WA 98501, on May 19, 1994, at 9 a.m.

Submit Written Comments to: Dr. Monica Schmidt, State Board of Education, P.O. Box 47206, Olympia, WA 98504-7206, by May 17, 1994.

Date of Intended Adoption: May 20, 1994.

April 6, 1994
 Dr. Monica Schmidt
 Executive Director/Secretary

AMENDATORY SECTION (Amending WSR 92-15-037, filed 7/9/92, effective 8/9/92)

WAC 180-79-241 Internship certificate. In order to broaden the base of persons eligible to pursue teaching careers, the state board of education establishes a teaching internship certificate pilot project under the specific circumstances set forth below:

Internship certificate.

(1) Candidates shall be eligible for internship certificates which allow the holder full authority to serve as a part-time or full-time teacher and will be subject to the local school district's evaluation procedures under the following conditions:

(a) Persons must possess a master's degree and have a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study; or a bachelor's degree with a minimum of forty-five quarter hours (thirty semester hours) in an endorsement area or in a directly related area of study and at least five years of relevant work experience, subsequent to the bachelor's degree, as determined by the college or university;

(b) Candidates must be admitted to an approved Washington state college or university teacher education program, and hold a contract for employment as a teacher in a participating school district or be given written notice of other program or placement options if the candidate does not hold a contract. Candidates would be eligible for the internship certificate only upon completion of the college or university course work, as specified in subsection (2)(d) of this section, and employment in a participating school district;

(c) Notwithstanding the provisions above or other provisions in this chapter, in order to conduct a field test of an alternative model for the internship certificate, Teach for America resident teachers participating in a professional teaching residency shall be eligible for internship certificates for the two years of their residency program if they are

employed in a Washington school district or approved private school.

The internship certificate shall be issued for up to two years. If a resident teacher does not continue in the program for the full two years, the certificate shall become invalid when the resident teacher leaves the program.

Prior to teaching under the internship certificate the resident teacher shall have completed study in issues of abuse, child or adolescent psychology, classroom management, methods of instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in the content area, and the safety and supervision of children.

If a resident teacher has not completed such study in the summer training program the employing school district shall be responsible for assuring that each resident teacher has completed the required study prior to teaching.

The assessment of the Professional Teaching Residency field test will focus specifically on the effective recruitment of outstanding individuals (especially minority candidates) into Washington schools, the performance-based assessment process, and the teaching effectiveness demonstrated by the corps members who complete the program.

At the completion of their two-year internships, resident teachers shall be eligible for certification upon recommendation by the employing school district and by a review board of experienced educators. The authorization for the Teach for America field test extends from the 1994-95 school year to the 1998-99 school year.

An advisory board shall be established to assure the active involvement of interested persons, including teachers, principals, representatives of higher education, administrators, and parents in the ongoing review of the professional teaching residency program in order:

(i) To assure that the program is consistent with local school district goals and priorities; and

(ii) To provide ongoing feedback.

An evaluation of the program shall be completed prior to the close of the first school year by a professional education advisory committee subcommittee, which shall include a site visit to the employing school district(s) and the collection of data from the resident teachers and other parties, including, but not limited to, relevant students, teachers, principals, administrators, and parents. Findings from the evaluations shall be reviewed by the professional education advisory committee. Recommendations for continuation, revisions, or discontinuation of the professional teaching residency program shall be submitted by the professional education advisory committee to the state board of education. On the basis of the evaluation, the state board of education may rescind the authorization for any additional recruitment of resident teachers prior to the beginning of the next school year.

Prior to September 1, 1998, the professional education advisory committee shall review the evaluations of the teaching residency program and make recommendations to the state board on its future status.

(2) The college or university approved internship program shall be designed as follows:

(a) Students shall proceed through the program as a cohort group;

(b) The program shall be a minimum of forty-five quarter hours (thirty semester hours) of upper division and/or graduate study and must meet the state board of education standards for approved programs;

(c) The program shall provide the intern a minimum of fifteen quarter hours (ten semester hours) of study prior to the beginning of the school year, five quarter hours (three semester hours) for each quarter/semester of the school year and fifteen quarter hours (ten semester hours) in the summer following the first year of teaching;

(d) Prior to beginning teaching, the candidate must complete a minimum of fifteen quarter hours (ten semester hours) of course work in pedagogy including but not limited to: Child or adolescent psychology, classroom management, methods instruction in the appropriate endorsement area, the legal responsibilities of the professional educator, reading in a content area, and the safety and supervision of children (the course work must include forty hours of observation of school students in learning situations);

(e) During each quarter/semester the interns shall participate in a college/university three hour seminar weekly in order to provide the interns with peer interaction and assistance on issues associated with their teaching experiences;

(f) The college/university shall assign a college supervisor to work with each intern;

(g) The school district shall assign a staff member to serve as a mentor (who shall be selected using the criteria established for the teacher assistance program) for each intern;

(h) The school district and the college/university shall specify in detail the resources they will provide and the procedures they will follow to assure that the intern is qualified to assume full-time responsibility when placed in the classroom as a teacher.

(i) The year of internship teaching shall be deemed comparable to the state board of education student teaching requirement, provided, the college/university evaluates the intern's teaching as satisfactory. The local school district evaluation of the intern shall be shared with the college/university in making its decision;

(j) The internship certificate shall be issued for one year and may be renewed only once for one additional year to persons who for good cause were unable to complete the program upon recommendation by the college or university where the person is enrolled in the teacher education program.

(3) At least one college/university and one school district that meet the following criteria shall be approved by the state board of education to conduct this pilot program:

(a) Colleges and universities and school districts wishing to participate in this program must submit joint proposals to the state board of education for its consideration, provided, one college/university may have joint agreements with more than one school district and may include within such agreements a cooperative arrangement with an educational service district.

(b) Colleges/universities and school districts shall submit a detailed description of the program based on the requirements in subsection (2) of this section, provided, the state board of education will consider modifications to the

requirements if the proposal indicates how the intent of the program can be met in a different curricular design.

(4) The internship teaching program shall be reviewed annually by the respective professional education advisory board and evaluated by the professional education advisory committee during its third year of operation. After receiving the recommendation from the professional education advisory committee, the state board of education shall determine whether or not or under what circumstances the pilot project shall be continued.

(5) The pilot project shall terminate on August 31, 1995, with the exception of the field test described in subsection (1)(c) of this section unless the state board of education extends or revises the existing program.

WSR 94-08-107
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
 [Filed April 6, 1994, 11:34 a.m.]

Original Notice.

Title of Rule: WAC 326-02-030 Definitions and 326-02-050 Penalties which may be imposed.

Purpose: To add and clarify definitions; to add a sanction for certain situations in which a firm engages in a prohibited activity.

Statutory Authority for Adoption: RCW 39.19.030(7).
 Statute Being Implemented: Chapter 39.19 RCW.

Summary: An activity is prohibited under another section of this chapter, but a sanction does not exist in the current rule for certain firms that engage in the prohibited activity; and the terms "contractor" and "contract" as currently defined in this section have been misinterpreted. This amendment makes the definitions precise and adds a definition for "subcontractor."

Name of Agency Personnel Responsible for Drafting: Juan Huey-Ray, 406 South Water, 586-1228; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9679.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: No fiscal impact and no changes in statutory language required.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of the definitions section is to enable the reader to understand the use of the terms as they are used in the chapters of Title 326 WAC. These changes will make it clear who is included. The purpose of the penalties section is to give notice of possible sanctions when prohibited activities occur. In this instance, a prohibited activity was identified in the statute for which the rule did not contain a corresponding action.

Proposal Changes the Following Existing Rules: The change in the definition broadens the scope of the term wherever it is used in Title 326 WAC.

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

Hearing Location: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504-1160, on May 10, 1994, at 1:30 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, P.O. Box 41160, Olympia, WA 98504-1160, by May 10, 1994.

Date of Intended Adoption: May 13, 1994.

April 5, 1994
 James A. Medina
 Director

AMENDATORY SECTION (Amending WSR 92-24-107, filed 12/2/92, effective 1/3/93 [1/2/93])

WAC 326-02-030 Definitions. Words and terms used in this title shall have the same meaning as each has under chapter 120, Laws of 1983, unless otherwise specifically provided in this title, or the context in which they are used clearly indicates that they should be given some other meaning.

(1) "Advisory committee" means the advisory committee on minority and women's business enterprises.

(2) "Certified business" or "certified" means a business or the status of a business that has been examined by the Washington state office of minority and women's business enterprises and deemed to be a minority business enterprise (MBE), a women's business enterprise (WBE), a minority woman's business enterprise (MWBE), or a combination business enterprise (CBE).

(3) "Class of contract basis" means an entire group of contracts having a common characteristic. Examples include, but are not limited to, personal service contracts, public works contracts, leases, purchasing contracts, and contracts for specific types of goods and/or services.

(4) "Combination business enterprise" or "CBE" means a small business concern organized for profit, performing a commercially useful function, that is fifty percent owned and controlled by one or more minority men or MBEs certified by the office and fifty percent owned and controlled by one or more nonminority women or WBEs certified by the office. The owners must be United States citizens or lawful permanent residents.

(5) "Commercially useful function" means the performance of real and actual services which are integral and necessary in the discharge of any contractual endeavor, and not solely for the purpose of obtaining certification or obtaining credit for participation goal attainment.

(6) "Common industry practices" means those usages, customs, or practices which are ordinary, normal, or prevalent among businesses, trades, or industries of similar types engaged in similar work in similar situations in the community.

(7) "Conduit" means a certified business which agrees to be named as a subcontractor on a contract in which such certified business does not perform the work but, rather, the work is performed by the prime contractor, prime consultant, material supplier, purchasing contractor, or any other noncertified business.

(8) "Contract" means a mutually binding legal relationship(=) (including a purchase order, lease, or any modifica-

tion thereof), which (~~(obligating)~~) obligates the seller to furnish goods or services~~(-)~~ (including construction), and the buyer to pay for them.

(9) "Contract by contract basis" means a single contract within a specific class of contracts.

(10) "Contractor" means a party who enters into a contract ~~((to provide))~~ directly with a state agency or educational institution, ~~((with goods or services, including construction, or a subcontractor or sublessee of such a party-))~~

(11) "Corporate-sponsored dealership" means a business that does not meet the requirements for certification but is participating in a program specifically developed by a national or regional corporation to address the present-day issue of lack of opportunities for minorities or women in the dealership industry.

(12) "Director" means the director of the office of minority and women's business enterprises.

(13) "Educational institutions" means the state universities, the regional universities, The Evergreen State College, and the community colleges.

(14) "Front" means a business which purports to be eligible for certification but is not in fact legitimately owned and controlled by minorities, women, or a combination thereof.

(15) "Goods and/or services" means all goods and services, including professional services.

(16) "Heavy construction" means construction other than building construction; e.g., highway or street, sewer and pipeline, railroad, communication and power line, flood control, irrigation, marine, etc.

(17) "Joint venture" means a partnership of two or more persons or businesses created to carry out a single business enterprise for profit, for which purpose they combine their capital, efforts, skills, knowledge or property and in which they exercise control and share in profits and losses in proportion to their contribution to the enterprise.

(18) "Legitimately owned and controlled" means that minorities, women, or a combination thereof, own at least fifty-one percent interest in the business (unless the business qualifies as a corporate sponsored dealership under the provisions of subsection (11) of this section and WAC 326-20-050(4)); and the minorities, women, or combination thereof, possess and exercise sufficient expertise specifically in the firm's field of operation to make decisions governing the long-term direction and the day-to-day operations of the firm.

(19) "Manufacturer" means a business which owns, operates, or maintains a factory or establishment that produces or creates goods from raw materials or substantially alters goods before reselling them.

(20) "Minority" means a person who is a citizen or lawful permanent resident of the United States and who is:

(a) Black: Having origins in any of the black racial groups of Africa;

(b) Hispanic: Of Mexican, Puerto Rican, Cuban, Central or South American, or other Spanish or Portuguese culture or origin, regardless of race;

(c) Asian American: Having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands; or

(d) American Indian or Alaskan Native: Having origins in any of the original peoples of North America.

(21) "Minority business enterprise," "minority-owned business enterprise," or "MBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority individuals or minority business enterprises certified by the office. The minority owners must be United States citizens or lawful permanent residents.

(22) "Minority women's business enterprise" or "MWBE" means a small-business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more minority women and is certified by the office. The owners must be United States citizens or lawful permanent residents.

(23) "Office" means the office of minority and women's business enterprises of the state of Washington.

(24) "Pass-through" means a certified business which buys goods from a noncertified business and simply resells those goods to the state, state contractors or other persons doing business with the state for the purpose of allowing those goods to be counted towards fulfillment of WBE or MBE goals.

(25) "Person" means one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

(26) "Procurement" means the purchase, lease, or rental of any goods or services.

(27) "Public works" means all work, including construction, highway and ferry construction, alteration, repair, or improvement other than ordinary maintenance, which a state agency or educational institution is authorized or required by law to undertake.

(28) "Regular dealer" means a certified business that owns, operates, or maintains a store, warehouse or other establishment in which the materials or supplies required for the performance of the contract are bought, kept in stock, and regularly sold to the public in the usual course of business.

(29) "Services," in the context of "goods and/or services," means all services including, but not limited to, client services, personal services, and purchased services as defined in RCW 39.29.006.

(30) "State agency" includes the state of Washington and all agencies, departments, offices, divisions, boards, commissions, and correctional and other types of institutions. "State agency" does not include the judicial or legislative branches of government except to the extent that procurement or public works for these branches is performed by a state agency.

(31) "Subcontractor" means a party that indirectly provides goods or services, including but not limited to construction, to a state agency or educational institution through a contractor.

(32) "Supplier" means a manufacturer, regular dealer, broker, or packager that:

(a) provides or furnishes goods or materials;

(b) performs a commercially useful function; and

(c) is not considered a conduit, front, or pass-through.

~~((32))~~ (33) "Switch business" means a business which was previously owned and controlled by a man, men or

nonminorities, which has made technical changes to its business structure so that it is now purportedly owned and controlled by a woman or women or by a minority person or persons, but continues to operate in substantially the same manner as it did prior to the written revisions of the business structure.

~~((33))~~ (34) "Women's business enterprise," "women-owned business enterprise," or "WBE" means a small business concern, organized for profit, performing a commercially useful function, which is legitimately owned and controlled by one or more women or women's business enterprises certified by the office. The women owners must be United States citizens or lawful permanent residents.

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 92-11-007, filed 5/11/92, effective 6/10/92 [6/11/92])

WAC 326-02-050 Penalties which may be imposed.

(1) The penalties under this section may be imposed by the office, or by the state agency or educational institution administering a contract or procurement within which a violation occurs. Nothing in chapter 39.19 RCW or this title prevents the state agency or educational institution administering the contract from pursuing any procedures or sanctions as are otherwise provided by statute, rule, or contract provision.

(2) Penalties which may be imposed include one or more of the following:

- (a) Withhold payment until the violation is remedied;
- (b) Debarment from contracting with the state for up to one year; debarment for up to three years may be imposed for willful repeated violations, exceeding a single violation;
- (c) Suspension of the contract;
- (d) Termination of the contract;
- (e) Immediate suspension of the certification of a certified firm;
- (f) Payment of civil penalties of up to five thousand dollars for each violation or up to ten percent of the amount of the contract; or

(g) Decertification~~(-)~~ or denial of certification.

(3) Penalties may be imposed on one or more individuals, partnerships, associations, organizations, corporations, cooperatives, legal representatives, trustees and receivers, or any group of persons.

(4) Penalties shall be imposed by the office giving a written notice which is either served personally or by certified mail, return receipt requested, to the person or business incurring the penalty. Except for suspension of certification, which is covered by WAC 326-02-090, the notice of the civil penalty shall be a final order of the office unless, within fifteen days after the notice is served, the person incurring the penalty appeals the penalty by filing a notice of appeal with the office.

(5) If a notice of appeal is filed in a timely manner, the office shall conduct a show cause review as outlined in

WAC 326-20-171 or an adjudicative proceeding shall be conducted on behalf of the office by the office of administrative hearings in accordance with the provisions in chapter 326-08 WAC.

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

**WSR 94-08-108
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed April 6, 1994, 11:36 a.m.]

Original Notice.

Title of Rule: WAC 326-20-120 Submittal of forms and 326-20-125 Certification fee.

Purpose: To implement chapter 39.19 RCW.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: Chapter 39.19 RCW.

Summary: Currently the rule states that application forms shall be mailed to the post office box. In fact, applications are often hand delivered to the physical location of the office; and the rule presently tells applicants that a fee is required but its title and wording may mislead them to the belief that certification will be the result if they pay.

Reasons Supporting Proposal: These proposals add the street address of the office as an option for submitting applications and clarifies the intent that the fee be nonrefundable and cover processing rather than ensure outcome of the review.

Name of Agency Personnel Responsible for Drafting: Juan Huey-Ray, 406 South Water, 586-1228; Implementation and Enforcement: James A. Medina, 406 South Water, 753-9679.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: These rules provide guidance on how to apply for certification or recertification by the office. They give the location and method for submittal of application forms and provide notice that there is a fee for processing the application. The effect of these proposals is that all applicants will have a clear understanding of the process, what the fee covers, and where they may submit the forms.

Proposal Changes the Following Existing Rules: The proposals add the physical location of the office as an option for submittal of application forms and give notice that the fee is for processing (not certification) and is nonrefundable.

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

Hearing Location: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504, on May 10, 1994, at 1:30 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504, by May 10, 1994.

Date of Intended Adoption: May 13, 1994.

April 5, 1994
James A. Medina
Director

AMENDATORY SECTION (Amending WSR 92-11-007, filed 5/11/92, effective 6/10/92 [6/11/92])

WAC 326-20-120 Submittal of forms. Application forms (~~(shall)~~) may be submitted by mail (~~(or in person)~~) to the office at the following address:

STATE OF WASHINGTON
OFFICE OF MINORITY AND WOMEN'S BUSINESS ENTERPRISES
PO BOX 41160
OLYMPIA, WA 98504-1160

Forms may also be delivered to the office at its location, 406 South Water Street, Olympia, Washington.

The minority or woman owner shall be responsible for ensuring that the form is complete and accurate and is properly delivered to the office. The applicant should keep a copy of the completed form and all documents submitted with the form for its own reference.

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

AMENDATORY SECTION (Amending WSR 93-16-080, filed 8/3/93, effective 9/4/93 [9/3/93])

WAC 326-20-125 (~~(Certification)~~) Processing fee. The office shall charge businesses a nonrefundable twenty dollar (~~(processing)~~) fee for (~~(certification and recertification)~~) processing applications. "Applications" includes requests to be considered for DBE status when the requests are submitted separate from a certification or recertification application. Businesses must submit the fee with all applications for certification or recertification received in the office on or after July 1, 1993. An application is not deemed to be filed and processing will not begin until this fee is received by the office. (~~(before processing will occur)~~) No business shall be charged more than once in a twelve month period.

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 94-08-109
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES
[Filed April 6, 1994, 11:38 a.m.]

Original Notice.

Title of Rule: WAC 326-40-030 Agency and educational institution responsibilities.

Purpose: To set forth requirements for state organizations to be in compliance with chapter 39.19 RCW.

Statutory Authority for Adoption: RCW 39.19.030.

Statute Being Implemented: Chapter 39.19 RCW.

Summary: This rule provides detailed guidance to state organizations with regard to their role in implementing the state's policy as set forth in RCW 39.19.010 and other provisions of the statute.

Reasons Supporting Proposal: New requirements are pursuant to chapter 512, Laws of 1993.

Name of Agency Personnel Responsible for Drafting: Juan Huey-Ray, 406 South Water, 586-1228; **Implementation and Enforcement:** James A. Medina, 406 South Water, 753-9679.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: The purpose of this rule is to guide and assist agencies in following the legislative mandate as [it] relates to increasing the participation of minority and women's business enterprises in state contracting and procurement. The anticipated effects of this proposal is that new opportunities will become available to these firms.

Proposal does not change existing rules.

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

Hearing Location: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504, on May 10, 1994, at 1:30 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504, by May 10, 1994.

Date of Intended Adoption: May 13, 1994.

April 6, 1994
James A. Medina
Director

AMENDATORY SECTION (Amending WSR 92-20-124, filed 10/7/92, effective 11/6/92 [11/7/92])

WAC 326-40-030 State (~~(Agency)~~) agency and educational institution responsibilities. Each state agency and educational institution shall:

(1) (~~(Formulate)~~) Adopt, update as necessary, and implement a plan for achieving the annual overall class of contract goals and ensuring that certified businesses are afforded the maximum practicable opportunity to directly and meaningfully participate in its contracts for public works and the procurement of goods, equipment, and services. The initial plan shall be filed with (~~(and approved by)~~) the office to be effective July 1, 1993.

(2) Monitor its contractors and vendors at time of bid, proposal, or quote submittal, and after award, and take the appropriate action(s) as needed to enforce compliance with requirements set pursuant to chapter 39.19 RCW and the provisions of Title 326 WAC.

(3) Waive the requirement for a performance bond on any public works project that does not exceed twenty-five thousand dollars awarded to a business certified by the office; Provided, That the agency or educational institution prequalifies the business using a limited questionnaire which assures:

(a) That the bidder has adequate financial resources or the ability to secure such resources;

- (b) That the bidder can meet the performance schedule;
- (c) That the bidder is experienced in the type of work to be performed; and
- (d) That all equipment to be used is adequate and functioning and that all equipment operators are qualified to operate such equipment.

~~((3))~~ (4) Cooperate with the office and provide timely access to records and information as needed for the conduct of investigations or the preparation of reports.

~~((4) Each agency and educational institution shall make))~~ (5) Make available to the office, expenditure data in such form and frequency as required in WAC 326-40-050.

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 94-08-110
PROPOSED RULES
OFFICE OF MINORITY AND
WOMEN'S BUSINESS ENTERPRISES**

[Filed April 6, 1994, 11:40 a.m.]

Supplemental Notice to WSR 94-01-164.

Title of Rule: WAC 326-40-040 Contents of agency and educational institution's plan.

Purpose: To implement chapter 39.19 RCW as amended by section 9, chapter 512, Laws of 1993.

Statutory Authority for Adoption: RCW 39.19.030(7).

Statute Being Implemented: RCW 39.19.060.

Summary: The proposed change adds requirement for the inclusion of specific information in agency plans as mandated by the legislature.

Reasons Supporting Proposal: Provides clear guidance to state agencies and educational institutions on new requirement and distinguishes between the levels of detail required based on size of organization.

Name of Agency Personnel Responsible for Drafting: Juan Huey-Ray, 406 South Water, Olympia, WA, (206) 586-1228; Implementation and Enforcement: James A. Medina, 406 South Water, Olympia, WA, (206) 753-9679.

Name of Proponent: Office of Minority and Women's Business Enterprises, governmental.

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

Explanation of Rule, its Purpose, and Anticipated Effects: This rule assists agencies and educational institutions in developing a plan as required by the legislature to ensure that minority and women's business enterprises are afforded the maximum opportunities to provide goods and services, and to contract with the state.

Proposal Changes the Following Existing Rules: Adds new requirement for content of plan, and establishes two levels of detail required based on size of agency/institution.

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

Hearing Location: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504-1160, on May 10, 1994, at 1:30 p.m.

Submit Written Comments to: Office of Minority and Women's Business Enterprises, 406 South Water, Olympia, WA 98504-1160, by May 10, 1994.

Date of Intended Adoption: May 13, 1994.

April 6, 1994
James A. Medina
Director

AMENDATORY SECTION (Amending WSR 92-20-079, filed 10/6/92, effective 11/6/92)

WAC 326-40-040 Contents of state agency and educational institution's plan. (1) Each plan shall include the following:

(a) A statement of commitment from the director or agency head to achieve the state's annual class of contract goals and to maximize opportunities for certified businesses to contract for public works and provide goods, equipment, and services;

(b) Identification of the person given the responsibility and authority to ensure implementation of the plan; and

(c) A listing of specific measures the agency or educational institution will take to increase participation of certified businesses.

(2) In addition to the requirements in paragraph (1) of this section, ~~((The))~~ the plan for agencies with one hundred or more employees shall include detailed procedures for the following:

~~(((1) A statement of policy that commits the agency or educational institution to achieving the annual goals and increasing opportunities for certified businesses to contract for public works and to provide goods, equipment, and services to the agency or educational institution in compliance with chapter 39.19 RCW;~~

~~(2) Identification of the position and other duties of the staffperson given the responsibility and authority to ensure implementation of the plan;~~

~~(3) Detailed procedures for:))~~

(a) Communicating the policy and appropriate procedures to all staff;

(b) Training of staff involved in implementation;

(c) Annual forecasting of contracting, procurement, other expenditure activity, and goalsetting by class of contract;

(d) Setting individual contract goals;

(e) Monitoring and ensuring compliance of contractors and vendors;

(f) Maintenance of records regarding contract awards, purchase orders, and other expenditures as required in this chapter;

(g) Regular provision of data to the office on all expenditures as required in WAC 326-40-050;

(h) Resolving disputes and investigating complaints; and

(i) Review and revision of contracting and procurement documents, policies, and practices which hinder or create barriers to successful implementation of the plan.

WSR 94-07-066
PERMANENT RULES
DEPARTMENT OF REVENUE

[Filed March 14, 1994, 2:44 p.m.]

Date of Adoption: March 14, 1994.

Purpose: To implement statutes relative to the operation of property tax levies.

Citation of Existing Rules Affected by this Order: New sections WAC 458-19-005 Definitions, 458-19-010 Levy rate calculations, 458-19-015 Assessor to determine one hundred six percent levy limit—Exceptions, 458-19-020 One hundred six percent levy limit—Method of calculation, 458-19-025 One hundred six percent levy limit—Restoration of regular levy, 458-19-030 One hundred six percent levy limit—Consolidation of districts, 458-19-035 One hundred six percent levy limit—Annexation, 458-19-040 One hundred six percent levy limit—Newly formed taxing district, 458-19-045 One hundred six percent levy limit—Removal of limit (lid lift), 458-19-050 Port district levies, 458-19-055 One hundred six percent levy limit—Proration of earmarked funds, 458-19-060 Emergency medical service levy, 458-19-065 One hundred six percent levy limit—Protection of future levy capacity, 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when limits exceeded, 458-19-075 Constitutional one percent levy limit calculation, and 458-19-080 City annexed by fire protection and/or library districts.

Statutory Authority for Adoption: RCW 84.55.060 and 84.08.070.

Pursuant to notice filed as WSR 93-18-087 on September 1, 1993.

Changes Other than Editing from Proposed to Adopted Version: WAC 458-19-005(15), inserted subparagraph (a) that defines the phrase "highest amount of regular property taxes that could have been lawfully levied" for purposes of calculating the one hundred six percent limit; WAC 458-19-035(2), inserted the parenthetical clarification immediately prior to the indented portion of the example. The clarification is that the term "new construction" as used in the example includes improvements to property and increases in the value of state assessed property; WAC 458-19-040, added the last clause: "or, if applicable, the limit described in WAC 458-19-025 regarding the restoration of a regular levy" in order to make it clear that all levies subsequent to the first levy of a newly formed taxing district are subject to the 106% limit except in a situation involving restoration of a regular levy, as explained in WAC 458-19-025; WAC 458-19-055(3), deleted the words "not to exceed" and inserted "at a rate of." This was to clarify that the mental health services levy is required to be levied at a rate of two and a half cents per thousand dollars of assessed value, in order to indicate that a rate less than that is not allowed; WAC 458-19-060(4), inserted the words: "it shall be reduced in accordance with the procedure specified in WAC 458-19-075" and deleted the remainder of the paragraph. The original language was inaccurate; WAC 458-19-075, renumbered the paragraphs and inserted the words "in subsection (1) of this section" into subsection (2) to clarify what number was being multiplied by what number. Changed the word "adjusted" to "reduced" in subsection (2) in order to ensure that there is to be a reduction in the rate, not merely an adjustment, and deleted the words "in the manner described in WAC 458-19-070."

Inserted subparagraphs (a) through (i) into subsection (2). These subparagraphs specify the procedure to be followed in reducing the levy rates in order to comply with the constitutional one percent levy limit; and WAC 458-19-080, added the word "regular" in the first sentence of subsection (1) to conform to the statute.

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

March 14, 1994

William N. Rice

Assistant Director

Property Tax Division

NEW SECTION

WAC 458-19-005 Definitions. Unless the context clearly requires otherwise, the following definitions apply throughout this chapter:

(1) "Annexation" is the act of one taxing district adding territory or another dissimilar taxing district from outside the annexing taxing district's boundary and includes a merger of a portion of a fire protection district under chapter 52.06 RCW.

(2) "Assessed value" is the value of taxable property placed on the assessment rolls. The term is often abbreviated with the initials "A.V."

(3) "Certified property tax levy" is the levy certified by a taxing district to the county assessor, either through the county legislative authority or to the assessor directly.

(4) "Certified property tax levy rate" is the tax rate calculated by the county assessor in accordance with law, to produce the lawful amount of the certified property tax levy.

(5) "Consolidated levy rate" means:

(a) For purposes of the statutory aggregate dollar rate levy limit (\$5.90), the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts, emergency medical services under RCW 84.52.069, conservation futures under RCW 84.34.230, and levies to finance affordable housing under RCW 84.52.105;

(b) For purposes of the constitutional one percent levy limit, the sum of all regular levy rates set for collection exclusive of rates set for port and public utility districts.

(6) "Consolidation" is the act of combining two or more similar taxing districts into one taxing district; for example, the combination of two fire protection districts into one fire protection district.

(7) "Constitutional limit" or "Constitutional one percent levy limit" means the levy limit established by Article VII, section 2 of the state Constitution, which prohibits the aggregate of all tax levies on real and personal property from exceeding one percent (\$10 per \$1,000) of the true and fair value of property. This limit does not apply to excess levies, levies by port districts, and levies by public utility districts. This limit is also stated in RCW 84.52.050.

(8) "Department" means the department of revenue of the state of Washington.

(9) "Excess levy" means the lawfully authorized levy by a taxing district, other than a port or public utility district, of additional taxes in excess of the statutory aggregate dollar rate limit, the statutory dollar rate limit, or the constitutional one percent levy limit, when authorized so to do by the voters of the taxing district in the manner specified in the state Constitution (Article VII, section 2).

(10) "Improvement" means any valuable change in or addition to real property, including the subdivision or segregation of parcels of real property or the merger of parcels of real property.

(11) "Joint taxing district" means a taxing district that exists in two or more counties; the term does not include the state nor does it include an inter-county rural library district.

(12) "Junior taxing district" means a taxing district other than the state, a county, a county road district, a city, a town, a port district, or a public utility district.

(13) "Levy rate" means the dollar amount per thousand dollars of assessed value applied to property within a taxing district and is calculated by dividing the total amount of a statutorily authorized levy of a taxing district by the total assessed value of that district, divided by one thousand, and is expressed in dollars and cents per one thousand dollars of assessed value.

(14) "New construction" means the construction or alteration of any property for which a building permit was issued, or should have been issued, under chapter 19.27, 19.27A, or 19.28 RCW or other laws providing for building permits, which results in an increase in the value of the property.

(15) "One hundred six percent limit" is the statutorily established limit that prohibits a taxing district other than the state from levying regular property taxes in any year that exceed one hundred six percent of the highest amount of regular property taxes that could have been lawfully levied in that taxing district in any year since 1985, plus an additional dollar amount calculated by multiplying the increase during the current year of the assessed value in the taxing district due to new construction, improvements to property and the increase in the value of state assessed property by the levy rate of that district for the preceding year.

(a) For purposes of the one hundred six percent limit, the phrase "highest amount of regular property taxes that could have been lawfully levied" means the maximum levy amount that could have been produced by a taxing district under the one hundred six percent limit unless the highest levy amount that could have been produced was actually restricted by the taxing district's statutory dollar rate limit.

(b) The state is prohibited from levying regular property taxes in any year that exceed one hundred six percent of the amount of regular property taxes lawfully levied in the highest of the three most recent years, plus the additional dollar amount calculated in the same manner as for other taxing districts.

(16) "Regular property tax levy" means a property tax levy by or for a taxing district that is subject to the statutory aggregate dollar rate limit set forth in RCW 84.52.043 and the constitutional one percent levy limit set forth in RCW 84.52.050 or a levy imposed by or for a port district or a public utility district.

(17) "Regular property taxes" are those taxes resulting from regular property tax levies.

(18) "Senior taxing district" means the state (for support of common schools), a county, a county road district, a city, or a town.

(19) "Statutory aggregate dollar rate limit" means the maximum aggregate regular property tax levy rate within a

county established by law for senior and junior taxing districts, other than the state.

(20) "Statutory dollar rate limit" means the maximum regular property tax levy rate established by law for a particular class of taxing district.

(21) "Super majority" means a majority of at least three-fifths of the registered voters of a taxing district approving a proposition authorizing a levy, at which election the number of persons voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the registered voters of the taxing district voting on the proposition when the number of registered voters voting on the proposition exceeds forty percent of the total votes cast in such taxing district in the last preceding general election.

(22) "Tax code area" means a geographical area made up of a unique mix of one or more taxing districts, which is established for the purpose of properly calculating, collecting, and distributing taxes. Only one tax code area will have the same combination of taxing districts, with limited exceptions.

(23) "Taxing district" means the state and any county, city, town, township, port district, school district, road district, metropolitan park district, water district, or other municipal corporation, now or hereafter existing, having the power or authorized by law to impose burdens upon property within the district on an ad valorem basis, for the purpose of obtaining revenue for public purposes, as distinguished from municipal corporations authorized to impose burdens, or for which burdens may be imposed for public purposes, upon property in proportion to the benefits accruing thereto.

NEW SECTION

WAC 458-19-010 Levy rate calculations. (1) **Assessor sets levy rates.** The county assessor shall calculate the certified property tax levy rate necessary to collect the amount of taxes authorized in the certified property tax levy of each taxing district, within the limitations provided by law.

(2) **Joint taxing district.** For a joint taxing district, the assessor of the county in which is located the greatest amount of assessed value of the joint taxing district shall calculate the levy rate for the joint taxing district.

(3) **Intercounty rural library district.** The board of trustees of an intercounty rural library district shall calculate the levy rate for such district in consultation with the respective county assessors and certify that rate to the respective county legislative authorities.

NEW SECTION

WAC 458-19-015 Assessor to determine one hundred six percent levy limit—Exceptions. (1) The one hundred six percent levy limit for all taxing districts levying regular property tax levies shall be determined by the county assessor, except that for intercounty rural library districts and the state, the one hundred six percent levy limit shall be determined as follows:

(a) The one hundred six percent levy limit for an intercounty rural library district shall be determined by the board of trustees of the intercounty rural library district in

consultation with the respective county assessors of the counties involved;

(b) The levy limit for the state levy shall be determined by the department.

NEW SECTION

WAC 458-19-020 One hundred six percent levy limit—Method of calculation. (RCW 84.55.010 and 84.55.092)

(1) The amount of regular property taxes that can be levied by a taxing district in any year shall be limited to an amount that will not exceed the amount resulting from the following calculation, except as otherwise provided in WAC 458-19-045 (Lid lift):

(a) Multiply the highest amount that could have been lawfully levied by the taxing district (other than the state) since 1985 for 1986 collection, by one hundred six percent; add

(b) A dollar component calculated by multiplying the increase in assessed value of the district from the previous year attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property, by the actual regular property tax levy rate of that district for the preceding year.

(2) The one hundred six percent levy limit for the state shall be calculated in the same manner as for other taxing districts except that one hundred six percent is multiplied by the highest amount that was lawfully levied by the state in the three most recent years in which such taxes were levied.

NEW SECTION

WAC 458-19-025 One hundred six percent levy limit—Restoration of regular levy. (RCW 84.55.015)

(1) When a taxing district elects to impose a regular property tax levy, after not having imposed such a levy in any one of the three most recent years, the regular property tax payable as a result of the restored levy shall not exceed the lesser of:

(a) The combination of the following:

(i) the amount that could have been lawfully levied in 1973 plus,

(ii) a dollar component calculated by adding the increase in assessed value of property in the district attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property, starting with 1974 through the current year. Multiply that total by the levy rate that is proposed to be restored. The levy rate that is proposed to be restored shall be determined by dividing the total dollar amount of the levy that could have been made in 1973 by the current year's assessed value after deducting the accumulated assessed value attributable to new construction, improvements to property, and any increase in the assessed value of state assessed property since 1974; or

(b) The maximum amount which could be lawfully levied by that district in the year such a restored levy is proposed, subject to the statutory aggregate dollar rate limit, the constitutional limit, and the statutory dollar rate limit contained in the taxing district's authorizing statute, without considering the calculation used in subsection (1)(a) of this section.

(c) **Example.** Taxing district "A" has not levied a regular levy in any of the three most recent years. Taxing district "A" could have levied \$10,000 in 1973 based upon 1973 assessed value and all lawful limitations at that time. The total of increases in assessed value of property resulting from new construction, improvements to property, and increase in the assessed value of state assessed property beginning in 1974 through the current year is \$3,000,000. The assessed value of taxing district "A" for the current year is \$15,000,000. The calculation for (a) of this subsection is as follows:

Current year A.V. -	\$15,000,000
Subtract increases in new construction, etc. since 1973 -	<u>3,000,000</u>
	\$12,000,000
Levy amount allowable in 1973 -	\$10,000
Current year A.V. less increases in new construction -	÷ <u>\$12,000,000</u>
Levy rate proposed to be restored -	.000833
Increases in new construction, etc. -	x <u>\$3,000,000</u>
Calculated dollar amount -	\$ 2,500
Allowable 1973 levy -	+ <u>10,000</u>
Allowable levy for current year (under (a)) -	\$ 12,500

The amount calculated under (a) of this subsection must be compared to the amount determined under (b) of this subsection and the lesser of the two amounts is the maximum amount that can be levied under this section.

(2) **Assessor to maintain taxing district records.**

Records of new construction, improvements to property, and increases in the value of state assessed property shall be maintained each year by the county assessor for each taxing district whether or not the district imposes a regular property tax levy.

NEW SECTION

WAC 458-19-030 One hundred six percent levy limit—Consolidation of districts. (RCW 84.55.020)

(1) The first regular property tax levy made by a taxing district, created by the consolidation of two or more districts, shall not exceed one hundred six percent of the following amount:

(a) The sum of the highest amount of regular property taxes that could have been lawfully levied by each of the component districts since 1985 for 1986 collection; plus

(b) The sum of each of the amounts calculated by multiplying the assessed value of property attributable to new construction, improvements to property, and increases in the assessed value of state assessed property in each of the component districts in the preceding year by the regular property tax rate of each component district in the preceding year.

(2) **Example.** Following is an example of the calculation prescribed in subsections (1)(a) and (1)(b) of this section. Taxing district "A" and taxing district "B" consolidate, becoming one taxing district. The highest amount of regular property taxes that could have been lawfully levied by district "A" since 1985 for 1986 collection is \$100,000. The highest amount of regular property taxes that could have been lawfully levied by district "B" since 1985 for 1986

PERMANENT

collection is \$150,000. The increase in assessed value due to new construction, improvements to property, and increase in assessed value of state assessed property in district "A" in the year prior to consolidation was \$600,000. The increase in assessed value due to new construction, improvements to property, and increase in assessed value of state assessed property in district "B" in the year prior to consolidation was \$900,000. The regular property tax rate for district "A" in the year prior to consolidation was \$.50 per \$1,000 of assessed value. The regular property tax rate for district "B" in the year prior to consolidation was \$.45 per \$1,000 of assessed value. The maximum amount of regular property taxes that can be levied in the year of consolidation, for taxes payable the following year, by the new consolidated taxing district is calculated as follows:

	Highest regular levy
District "A" -	\$100,000
District "B" -	<u>150,000</u>
Total -	\$250,000
Increases in assessed value multiplied by levy rate:	
District "A" - \$600,000 x \$.50 ÷ \$1,000 =	\$300
District "B" - \$900,000 x \$.45 ÷ \$1,000 =	<u>\$405</u>
	\$705

Maximum regular property taxes that can be levied in the year of consolidation, payable in the year following consolidation

$$\$265,000 + \$705 = \$265,705$$

NEW SECTION

WAC 458-19-035 One hundred six percent levy limit—Annexation. (RCW 84.55.030 and 84.55.110)

(1) **Increase in territory due to annexation.** The first regular property tax levy of a taxing district after annexation by that district of other territory or a dissimilar taxing district shall not exceed the amount calculated as follows:

(a) Multiply the highest amount of regular property taxes that could have been lawfully levied since 1985 for 1986 collection, of the annexing district as though no annexation had occurred, by one hundred six percent.

(b) Multiply the increase in assessed value in the annexing district since the preceding year attributable to new construction, improvements to property, and increase in assessed value of state assessed property by the regular property tax levy rate of the annexing district for the preceding year.

(c) Multiply the current year assessed value of the annexed territory or district by the levy rate that would have been used for the current year by the annexing district had there been no annexation.

(d) Add the amounts calculated in subsections (1)(b) and (1)(c) of this section to the amount determined in subsection (1)(a) of this section.

(2) **Example.** Following is an example of the calculations prescribed in subsection (1) of this section. Taxing district "A" annexes a portion of taxing district "B" in 1993. The highest amount of regular property taxes that could have been levied by district "A" since 1985 for 1986 collection is \$100,000. The increase in assessed value from 1992 to 1993 in district "A" due to new construction, improvements to

property, and increase in the value of state assessed property is \$700,000. The levy rate for district "A" for 1992 was \$.50 per \$1,000 of assessed value. The 1993 levy rate for district "A", had there been no annexation, would have been \$.48 per \$1,000 of assessed value. The 1993 assessed value of the portion of taxing district "B" that was annexed by taxing district "A" is \$5,000,000. The first regular levy by taxing district "A" after annexation shall not exceed the amount calculated as follows (for purposes of this example, "new construction" includes improvements to property and increase in the value of state assessed property):

District "A" highest levy -	\$100,000
	x <u>1.06</u>
	\$106,000
A.V. of new construction in district "A" -	\$700,000
District "A" levy rate for 1992 -	x <u>.50</u>
	\$350,000
Divide by \$1,000 -	÷ <u>1,000</u>
Levy amount for new construction -	\$350
1993 A.V. of annexed portion of district "B" -	\$5,000,000
District "A" levy rate that would have been used in 1993, absent annexation -	x <u>.48</u>
	\$2,400,000
Divide by \$1,000 -	÷ <u>1,000</u>
Levy amount for annexed part of district "B" -	\$2,400
	\$106,000
	2,400
	<u>+ 350</u>
Maximum levy amount for district "A" after annexation -	\$108,750

(3) **Loss of territory due to annexation.** When a taxing district loses a portion of its territory as a result of annexation to another district, the calculation of the one hundred six percent limit for the taxing district that loses part of its territory is calculated by multiplying the highest amount that could have been lawfully levied by that taxing district since 1985 for 1986 collection by one hundred six percent. However, only the increase in assessed value from the preceding year, attributable to new construction, improvements to property, and increase in assessed value of state assessed property that is actually situated in the remaining territory of the taxing district is added to the amount thus determined, to calculate the one hundred six percent limit. The levy rate shall in no case exceed the statutory dollar rate limit for that class of taxing district.

NEW SECTION

WAC 458-19-040 One hundred six percent levy limit—Newly formed taxing district. (RCW 84.55.035)

The one hundred six percent levy limit does not apply to the first regular levy made by a newly formed taxing district created other than by consolidation or annexation. The newly formed taxing district may levy up to the statutory dollar rate limit for that class of district, subject to the statutory aggregate dollar rate limit and the constitutional limit. The second regular levy by the district and all subsequent regular levies are subject to the one hundred six percent limit or, if applicable, the limit described in WAC 458-19-025 regarding the restoration of a regular levy.

PERMANENT

NEW SECTION**WAC 458-19-045 One hundred six percent levy limit—Removal of limit (Lid lift).** (RCW 84.55.050)

(1) **Introduction.** The one hundred six percent levy limit may be exceeded when authorized by a majority of the voters voting on a proposition to "lift the lid" of the one hundred six percent limit. This "lid lift" is intended to allow the one hundred six percent limit to be exceeded for the levy made immediately following the vote on the proposition. The purpose of the lid lift is to allow additional taxes to be collected at a time when the statutory aggregate dollar rate limit, the statutory dollar rate limit, and the constitutional limit are not the limitations restricting the raising of additional taxes; the lid lift vote is most effective at a time when the one hundred six percent limit is the limitation that is currently restricting the raising of additional property taxes. This rule explains the procedures for implementing a lid lift ballot proposition.

(2) **Ballot proposition election—when held.** The election to approve a lid lift proposition must be held within the taxing district and may be held at the time of a general election, or at a special election called by the governing body of the taxing district for that purpose. A simple majority vote is required for approval. The election must be held not more than twelve months prior to the date the proposed levy is to be made. For purposes of this rule, a levy is "made" when the taxing district's budget is certified.

(3) **Ballot contents.** (a) The ballot of the proposition shall state the dollar rate of the proposed levy, which rate may be less than the maximum statutory dollar rate limit allowed for the particular class of taxing district.

(b) The ballot may contain the following conditions or a combination of them and shall clearly state the conditions that apply:

(i) the ballot may limit the number of years the increased levy will continue; however, if one of the purposes of the increased levy is to make redemption payments on bonds of the taxing district, the increased levy shall not exceed nine years;

(ii) the ballot may limit the purpose or purposes of the increased levy.

(c) The ballot of the proposition shall be prepared by the county prosecutor or city attorney, as applicable, in accordance with the provisions of RCW 29.27.060.

(4) **Permanent lid lift.** (a) A permanent lid lift is one where the ballot of the proposition contains none of the conditions stated in subsection (3)(b) of this section.

(b) The first regular levy of a taxing district made after voter approval of a permanent lid lift proposition shall be calculated on the basis of the dollar rate stated in the ballot proposition, but that dollar rate shall be subject to the constitutional limit and the statutory aggregate dollar rate limit and any applicable prorationing.

(c) The one hundred six percent limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a permanent lid lift proposition shall be calculated as stated in WAC 458-19-020; however, instead of multiplying the highest amount that could have been lawfully levied since 1985 by one hundred six percent, the dollar amount of the regular levy calculated in accor-

dance with (b) of this subsection is multiplied by one hundred six percent.

(5) **Temporary lid lift.** (a) A temporary lid lift is one where the ballot of the proposition contains a time limit on the increased levy or contains a limited purpose or purposes for the increased levy, or both.

(b) The first regular levy of a taxing district made after voter approval of a temporary lid lift proposition shall be calculated on the basis of the dollar rate stated in the ballot proposition, but that dollar rate shall be subject to the constitutional limit and the statutory aggregate dollar rate limit and any applicable prorationing.

(c) The one hundred six percent limit on regular levies of a taxing district made subsequent to the first regular levy made after voter approval of a temporary lid lift proposition shall be calculated as stated in WAC 458-19-020; however, instead of multiplying one hundred six percent by the highest amount since 1985, the dollar amount of the regular levy calculated in accordance with (b) of this subsection is multiplied by one hundred six percent.

(d) After expiration of the time limit or satisfaction of the limited purpose, whichever comes first, the taxing district's subsequent regular levies shall be calculated using the maximum amount allowed under the one hundred six percent limit during the years the levies were made under the ballot proposition, as if there had been no lid lift proposition.

NEW SECTION

WAC 458-19-050 Port district levies. (1) **Introduction.** This rule describes the various port district levies and the limitations to which they are subject. Port district levies are not limited by the constitutional one percent limit nor by the statutory aggregate dollar rate limit. All port district levies are regular levies, by statutory definition (RCW 84.04.140), regardless of whether they are voted levies.

(2) **Levy for general port purposes.** Port districts may annually levy taxes for general port purposes, including the establishment of a capital improvement fund for future capital improvements. This levy shall not exceed forty-five cents per thousand dollars of assessed value of the port district. This levy may be made without an authorizing vote of the voters of the district.

(3) **Levy for bond repayment.** Port districts may levy taxes for the purpose of payment of the principal and interest on any general bonded indebtedness of the port district. Even though this levy is not subject to any dollar rate limitation, the limitations on the amount of indebtedness that a port district may incur by contract or borrowing, and the one hundred six percent limit do apply.

(4) **Levy for dredging, canal construction, or land leveling or filling purposes.** Port districts may annually levy taxes for dredging, canal construction, or land leveling or filling purposes, and the proceeds of any such levy must be used exclusively for such purposes. This levy shall not exceed forty-five cents per thousand dollars of assessed value of the port district. This levy must first be authorized by a vote of a majority of the electors of the district voting on whether to make such a levy, submitted at an election held under the provisions of RCW 29.13.020.

(5) **Levy for industrial development district purposes.** Port districts that have adopted a comprehensive scheme of

harbor improvements and industrial development may annually levy taxes to be used exclusively for purposes of industrial development districts as described in chapter 53.25 RCW; however, any excess revenue not required to complete projects under chapter 53.25 RCW shall be used solely for the retirement of general obligation bonded indebtedness of the district. This levy shall not exceed forty-five cents per thousand dollars of assessed value of the port district. This levy need not be authorized by a vote of the people of the district, except as provided in (b) of this subsection.

(a) **Levy for limited time period.** This levy is limited to a period of twelve years only.

(b) **Notice to be given if levy to last more than six years.** If this levy is intended to extend beyond the first six years authorized, the port commission shall publish notice of this intention, in one or more newspapers of general circulation in the district, after January 1 and not later than June 1 of the year in which the seventh annual levy is to be made. If a petition by the required number of registered voters in the port district in accordance with RCW 53.36.100 is filed within ninety days of the date of publication of the notice, levies during the seventh through twelfth years may only be made if approved by a majority of the voters of the port district voting on the proposition.

(6) **Calculation of the one hundred six percent limit for port districts.** (a) The levies described in subsections (2), (3), and (4) of this section are subject to the one hundred six percent limit. For purposes of the calculation of that limit, the dollar amount of those levies are combined and the one hundred six percent limit is calculated as provided in WAC 458-19-020.

(b) For purposes of the one hundred six percent limit, the levy described in subsection (5) shall be treated in the same manner as though it were a separate regular property tax levy made by or for a separate taxing district. The first levy of a port district under subsection (5) shall not be subject to the one hundred six percent limit.

(7) **Limit of indebtedness.** (a) **Without voter approval.** Port districts, other than those described in (a)(i) and (a)(ii) of this subsection, may contract indebtedness or borrow money in an amount not exceeding one-fourth of one percent of the actual value of the taxable property in the district plus the timber assessed value for the district, as "timber assessed value" is defined in RCW 84.33.035(8), without voter approval.

(i) Port districts having less than eight hundred million dollars in value of taxable property may not incur indebtedness, combined with existing indebtedness not authorized by the voters, in excess of three-eighths of one percent of the value of the taxable property of the district.

(ii) Port districts having less than two hundred million dollars in value of taxable property and operating a municipal airport, may contract indebtedness or borrow money not exceeding an additional one-eighth of one percent of the value of the taxable property of the district above that authorized in (a) and (a)(i) of this subsection, without authorization by the voters.

(b) **With voter approval.** (i) Port districts may contract indebtedness or borrow money for district purposes in an amount not to exceed three-fourths of one percent of the taxable value in the district, with the assent of three-fifths of

the voters voting at a general or special election called for that purpose.

(ii) Port districts described in (a)(ii) of this subsection may contract indebtedness or borrow money for airport capital improvement purposes up to an additional three-eighths of one percent of the taxable value in the district with the assent of three-fifths of the voters voting at a general or special election called for that purpose, provided the total indebtedness of the district shall not exceed one and one-fourth percent of the taxable property in the district.

NEW SECTION

WAC 458-19-055 One hundred six percent levy limit—Proration of earmarked funds. (1) **Introduction.** Certain levies may be "earmarked" for specific purposes even though they are part of, or in addition to, the general regular levy made by a taxing district. This rule describes when and how the levy rate of the earmarked levies may be reduced as a result of the operation of the one hundred six percent levy limit.

(2) **Firemen's pension fund.** The legislative authority of a city or town having a regularly organized full time, paid, fire department employing firefighters may reduce the levy rate of a levy made under the authority of RCW 41.16.060 allocated to the firemen's pension fund. The levy rate of this levy allocated to this purpose may be reduced in the same proportion as the regular property tax levy rate of such a city or town is reduced by the one hundred six percent limit.

(3) **Mental health services levy.** Under the authority of RCW 71.20.110, the county legislative authority shall annually levy a tax at a rate of two and one-half cents per thousand dollars of assessed value of the property in the county for the purposes of providing funds for the coordination of community mental retardation and other developmental disability services and to provide community mental retardation, other developmental disability, or mental health services. The levy rate of this levy allocated to these purposes may be reduced in the same proportion as the regular property tax levy rate of the county is reduced by the one hundred six percent limit.

(4) **Veteran's assistance fund.** Under the authority of RCW 73.08.080, the county legislative authority shall annually levy a tax at a rate not less than one and one-eighth cents per thousand dollars of assessed value of the taxable property of the county, unless a lesser amount is levied as provided in that statute, and not to exceed twenty-seven cents per thousand dollars of assessed value for the purpose of providing revenue for a veteran's assistance fund. The levy rate of this levy allocated to this purpose may be reduced in the same proportion as the regular property tax levy of the county is reduced by the one hundred six percent limit.

(5) **Earmarked levies to be reduced only when regular levy affected.** The reduction of these earmarked levies, as described in this section, shall only be made when the general regular levy of the taxing district involved is affected by the one hundred six percent levy limit.

(6) **Affect of voluntary reduction below one hundred six percent levy limit by taxing district.** If a taxing district levying a tax for an earmarked fund voluntarily reduces its

regular levy below the maximum levy allowed by the one hundred six percent limit, there shall be no resulting reduction in the levy rate for earmarked funds.

NEW SECTION

WAC 458-19-060 Emergency medical service levy. (RCW 84.52.069)

(1) **Introduction.** The emergency medical service (EMS) levy is a regular levy approved by a super majority of registered voters at a general or special election held in accordance with the provisions of RCW 84.52.069. The ballot proposition shall conform to the provisions of RCW 29.30.111. Only a county, emergency medical service district, city, town, public hospital district, or fire protection district is authorized to impose a regular levy for emergency medical care or emergency medical services. The EMS levy, in each year for six consecutive years, shall not exceed fifty cents per thousand dollars of assessed value of the property of the taxing district.

(2) **County-wide EMS levy.** A county-wide EMS levy shall not be placed on the ballot without first obtaining the approval of the legislative authority of any city within the county having a population exceeding fifty thousand. No other taxing district within the county may hold an election on a proposed EMS levy at the same time as the election on a proposed county-wide EMS levy. To the extent feasible, emergency medical care and services shall be provided throughout the county whenever the county levies an EMS levy. In addition, if a county levies an EMS levy, the following conditions apply:

(a) A taxing district within the county, authorized to levy an EMS levy may do so, but only if the taxing district's EMS levy rate does not exceed the difference between the county's EMS levy rate and fifty cents per thousand dollars of assessed value of the property of the taxing district; and

(b) When a taxing district within the county levies an EMS levy and the voters of the county subsequently approve an EMS levy, then the taxing district shall reduce its EMS levy rate to the extent the combined EMS levy rate of the county and the taxing district exceeds fifty cents per thousand dollars of assessed value in the taxing district; and

(c) An EMS levy of a taxing district within the county, authorized by the voters subsequent to an EMS levy by a county, shall expire concurrently with the county EMS levy.

(3) **EMS levy of taxing district other than county.** If a taxing district within the county, authorized to levy an EMS levy has done so, no other taxing district, other than the county, may concurrently levy an EMS levy within the boundaries of the taxing district.

(4) **EMS levy—constitutional one percent limit.** In the event that a reduction of the EMS levy rate is required under the constitutional one percent limit, it shall be reduced in accordance with the procedure specified in WAC 458-19-075.

(5) **EMS levy—one hundred six percent limit.** The one hundred six percent levy limit does not apply to the first EMS levy following authorization by the voters, but does apply to each EMS levy made in the next five years or until the EMS levy is reauthorized by the voters. The EMS levy shall be calculated separately from a taxing district's regular

levy for purposes of calculating the one hundred six percent limit.

NEW SECTION

WAC 458-19-065 One hundred six percent levy limit—Protection of future levy capacity. (1) In any year when a taxing district other than the state levies taxes in an amount less than the maximum amount allowed by the one hundred six percent levy limit, whether voluntarily or as a result of the operation of the statutory aggregate dollar rate limit reducing or eliminating the taxing district's levy rate, the one hundred six percent levy limit for succeeding years after 1985 will be calculated as though the maximum lawful levy amount allowed by the one hundred six percent limit had been levied.

(2) **Example.** (a) (These examples do not include any amounts for new construction, improvements to property, or increases in the value of state assessed property.) In 1993, the highest amount of regular property taxes that could have been lawfully levied by taxing district "A" as restricted by the one hundred six percent limit was \$100,000. But in 1993 taxing district "A" is otherwise limited by the statutory aggregate dollar rate limit to a maximum levy of \$95,000. The one hundred six percent limit for the 1994 levy will be calculated on the basis of what could have been the highest levy amount for 1994, that is $\$100,000 \times 1.06 = \$106,000$; not $\$95,000 \times 1.06 = \$100,700$. The amount actually levied in 1993 is not controlling.

(b) In this same example, if the levy amount of district "A" had been limited by the statutory dollar rate limit in 1993 to \$95,000, and \$95,000 was the highest amount of regular property taxes that could have been lawfully levied since 1985, then the one hundred six percent limit for 1994 would be calculated on the basis of \$95,000, that is $\$95,000 \times 1.06 = \$100,700$.

NEW SECTION

WAC 458-19-070 Procedure to adjust consolidated levy rate for taxing districts when limits exceeded. (RCW 84.52.010 and 84.52.050)

(1) **Introduction.** The aggregate of all regular levy rates of junior taxing districts and senior taxing districts other than the state, shall not exceed five dollars and ninety cents per thousand dollars of assessed value. The aggregate of all regular tax levies by the state and all taxing districts other than port districts or public utility districts shall not exceed one percent of the true and fair value of any taxable property. When the county assessor finds that either of these limits has been exceeded, the assessor shall recompute the levy rate and establish a new consolidated levy rate in the following manner:

(2) Beginning with the five dollar and ninety cents per thousand dollars of assessed value consolidated levy rate limit, subtract the levy rates of the county and the county road district if the tax code area includes the unincorporated portion of the county, or the levy rates of the county and the city or town if the tax code area includes an incorporated area, as applicable. The levy rate reductions or eliminations shall be made on a pro rata basis within each tier and, as necessary, proceeding until the consolidated levy rate no longer exceeds either of the two limits, beginning with:

(a) The levy rates, if any, by a park and recreation district under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, and a cultural arts, stadium and convention district under RCW 67.38.130;

(b) The levy rate, if any, by a flood control zone district under RCW 86.15.160;

(c) The levy rates, if any, by all other junior taxing districts, except fire protection districts, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for metropolitan park districts and public hospital districts;

(d) The levy rates, if any, by fire protection districts as authorized by RCW 52.16.140 and 52.16.160; and

(e) The levy rates, if any, by fire protection districts as authorized by RCW 52.16.130, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for public hospital districts and metropolitan park districts.

(3) Example.

DISTRICT	ORIG LEVY RATE	PRO- RATE FACTOR	FINAL LEVY RATE
County	1.8000	NONE	1.8000
Road	2.2500	NONE	2.2500
Library	.5000	NONE	.5000
Fire	.7000	NONE	.7000
Hospital	.5000	NONE	.5000
Cemetery	.1125	.4138	.0466
Hospital	<u>.2500</u>	.4138	<u>.1034</u>
Totals	6.1125		5.9000

Beginning with the limit of \$5.90, subtract the original levy rates for the county and county road taxing districts, leaving \$1.85 available. Subtract \$1.70 for the library's \$.50, the fire district's \$.70 and the hospital's \$.50, leaving \$.15 available to be shared by the cemetery's \$.1125 and the hospital's \$.25. The proration factor is arrived at by dividing the amount available (\$.15) by the original amount (\$.3625) within that tier ((c) of subsection (2) of this section) resulting in a proration factor of .4138. This factor is then applied to the original levy rates in this tier of \$.1125 and \$.25 for the cemetery and hospital respectively.

NEW SECTION

WAC 458-19-075 Constitutional one percent levy limit calculation. (1) The total amount of regular property tax levies that can be applied to taxable property is limited to no more than one percent of the true and fair value of such property in money. The one percent limit is stated in Article VII, section 2 of the state Constitution and the enabling statute, RCW 84.52.050. The one percent limit is based upon the amount of taxes actually levied on the value of such property, not the dollar rate used in computing those taxes. In order to determine whether the one percent limit is being exceeded, the following calculations are made:

(2) Add all the regular levy rates in the tax code area, including the state school levy at the local rate, any conservation futures levy imposed pursuant to RCW 84.34.230, any emergency medical service levy imposed pursuant to RCW 84.52.069, and any affordable housing levy imposed pursuant to RCW 84.52.105. The levy rate for a port or public utility district is not included.

(3) Multiply the sum obtained in subsection (2) of this section by the higher of the real or personal property ratio of the county for that levy year to determine the effective one percent levy rate. If the sum of the effective regular levy rates exceed ten dollars per thousand dollars of assessed value, the rates shall be reduced until the sum is equal to ten dollars per thousand dollars of assessed value, in the following sequence:

(a) The levy rates, if any, for conservation futures under RCW 84.34.230, for affordable housing under RCW 84.52.105, and any portion of a levy for emergency medical services under RCW 84.52.069 in excess of thirty cents shall be reduced on a pro rata basis or eliminated.

(b) The levy rates, if any, by a park and recreation district under RCW 36.69.145, a park and recreation service area under RCW 36.68.525, and a cultural arts, stadium and convention district under RCW 67.38.130 shall be reduced on a pro rata basis or eliminated.

(c) The levy rate, if any, by a flood control zone district under RCW 86.15.160 shall be reduced or eliminated.

(d) The levy rates, if any, by all other junior taxing districts, except fire protection districts, library districts, and the first fifty cents per thousand dollars of assessed valuation levies for metropolitan park districts and public hospital districts shall be reduced on a pro rata basis or eliminated.

(e) The levy rates, if any, by fire protection districts under RCW 52.16.140 and 52.16.160 shall be reduced on a pro rata basis or eliminated.

(f) The levy rates, if any, by fire protection districts under RCW 52.16.130, library districts under RCW 27.12.050 and 150, and the first fifty cents per thousand dollars of assessed valuation levies for public hospital districts under RCW 70.44.060(6) and metropolitan park districts under RCW 35.61.210 shall be reduced or eliminated.

(g) The remainder of the levy rate, if any, after the reduction pursuant to (a) of this subsection, for emergency medical services shall be reduced or eliminated.

(h) The levy rates, if any, by the county, county road, and a city or town shall be reduced or eliminated.

(i) The levy rate, if any, by the state, for the support of common schools shall be reduced.

NEW SECTION

WAC 458-19-080 City annexed by fire protection and/or library districts. (RCW 52.04.081 and 27.12.390)

(1) **Introduction.** When a city or town is annexed to a fire protection and/or a library district, the city or town is authorized to levy up to three dollars and sixty cents per thousand dollars of assessed value less the regular levy made by the fire protection and/or library district. The assessor shall calculate the first levy following annexation as follows:

(a) Calculate the levy and rate for the fire protection and/or library district, including the assessed value of the annexed city or town;

(b) Subtract the fire protection and/or library district levy rate from the statutory rate (\$3.60 per \$1,000 A.V.) of the city or town. The resulting rate is the maximum levy rate for the city or town even if the fire and/or library district rate is later reduced as a result of prorationing

PERMANENT

pursuant to RCW 84.52.010 to prevent the consolidated levy rate from exceeding the statutory aggregate dollar rate limit.

(2) Calculate the one hundred six percent levy limit for the city or town independently of the calculations performed in subsection (1) of this section.

(3) The fire protection and/or library district levy rate is subtracted from the city or town statutory levy rate before any prorated reduction under RCW 84.52.010.

WSR 94-08-004
PERMANENT RULES
WASHINGTON STATE PATROL

[Filed March 24, 1994, 1:58 p.m.]

Date of Adoption: March 24, 1994.

Purpose: Chapter 446-65 WAC and WAC 446-65-005 are being amended to replace the term "private carrier" with "commercial motor vehicle."

Citation of Existing Rules Affected by this Order:
 Amending chapter 446-65 WAC and WAC 446-65-005.

Statutory Authority for Adoption: RCW 46.30.020.

Pursuant to notice filed as WSR 94-05-023 on February 7, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 24, 1994
 Roger W. Bruett
 Chief

Chapter 446-65 WAC
((PRIVATE CARRIER)) COMMERCIAL MOTOR
VEHICLE REGULATIONS

AMENDATORY SECTION (Amending Order 90-005, filed 3/1/91, effective 4/1/91)

WAC 446-65-005 Promulgation. By authority of RCW 46.32.020, the Washington state patrol hereby adopts the following rules establishing standards for ((private carriers)) commercial motor vehicles as defined by chapter 46.32 RCW ((81.80.010(6))).

WSR 94-08-005
PERMANENT RULES
PARKS AND RECREATION
COMMISSION

[Filed March 24, 1994, 2:25 p.m., effective May 1, 1994]

Date of Adoption: March 11, 1994.

Purpose: To establish fees for film permit applications for filming other than for personal or news purposes.

Citation of Existing Rules Affected by this Order:
 Amending WAC 352-74-040.

Statutory Authority for Adoption: RCW 43.51.060.

Pursuant to notice filed as WSR 94-03-089 on January 18, 1994.

Effective Date of Rule: May 1, 1994.
 March 24, 1994
 Anne Cox Preecs
 Chair

AMENDATORY SECTION (Amending Order 103, filed 3/18/88, effective 5/15/88)

WAC 352-74-040 Film permit application, fee. Persons or organizations that desire to film within a state park for other than personal or news purposes shall submit a film permit application provided by the director to the:

Washington State Parks and
 Recreation Commission
 7150 Cleanwater Lane KY-11
 Olympia, WA 98504

Each application shall be accompanied by an application fee of one hundred dollars if submitted ten or more days in advance of filming date or three hundred dollars if submitted less than ten days in advance of filming which shall be in the form of a check or money order payable to the Washington state parks and recreation commission.

WSR 94-08-011
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed March 28, 1994, 1:15 p.m.]

Date of Adoption: March 4, 1994.

Purpose: To adopt procedural rules for boards as they were prepared by the Office of Professional Standards, and including subsequent amendments.

Statutory Authority for Adoption: RCW 18.32.035.

Pursuant to notice filed as WSR 94-03-044 on January 12, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 4, 1994
 Michael Higashi, DDS
 Chairman
 Board of Dental Examiners

NEW SECTION

WAC 246-818-015 Adjudicative proceedings - Procedural rules for the Board of Dental Examiners. The board adopts the model procedural rules for adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

WSR 94-08-015
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3726—Filed March 29, 1994, 3:26 p.m., effective May 1, 1994].

Date of Adoption: March 29, 1994.

Purpose: Modifies current policy to deny or terminate the assistance unit when a member refuses to either establish the existence of or receive an existing entitlement.

Citation of Existing Rules Affected by this Order:
 Amending WAC 388-28-390 Entitlements.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 233.20 (a)(3)(ii)(D).

Pursuant to notice filed as WSR 94-05-069 on February 14, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2774, filed 3/10/89)

WAC 388-28-390 (~~Community, separate and jointly owned property~~) **Entitlements.** (1) "Entitlement" means any claim or interest, payable in cash or in kind, a client may have in the following:

- (a) Benefit;
- (b) Compensation;
- (c) Insurance;
- (d) Pension (retirement, military, etc.);
- (e) Bonus;
- (f) Allotment;
- (g) Allowance, etc.

(2) The department shall:

(a) Determine the interest a client may have in any entitlement; and

(b) Refer the client to the proper agency to apply for such benefits;

(c) Assist the client, when requested to do so, in obtaining such benefits; and

(d) Deny (~~a client who~~) or terminate the assistance unit when a member refuses to:

(i) Establish the existence of an entitlement and its value; (and

~~(e) Consider the resource amount which the client may claim in computing the financial need whether or not the client chooses to receive the entitlement))~~ or

(ii) Receive an existing entitlement.

WSR 94-08-016
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3725—Filed March 29, 1994, 3:28 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: Amendment to rule will match food stamp program policies as closely as possible to enhance compatibility between the two programs. Identifies that operation of a board, room, or board and room establishment is self-employment income. The allowable deduction from the gross board payment is the current thrifty food plan for an assistance unit size equal to the number of boarders. Removes the \$7.50 deduction for room payments.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-530 Net cash income—Board, room rental, board and room.

Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-05-016 on February 4, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 2104, filed 6/18/84)

WAC 388-28-530 Net cash income—Board, room rental, board and room. (1) The ~~((net))~~ department shall determine the adjusted gross self-employment income from ((operating)) the operation of a rooming, boarding, or boarding and rooming home ((shall be computed)) as follows ((effective July 1, 1984.)):

(a) Boarder - The board payment received minus ~~(((\$76.))~~ the current thrifty food plan for an assistance unit size equal to the number of boarders;

(b) Roomer - The room rental received minus ~~(((\$7.50.))~~ expenses of maintaining the room;

(c) Boarder and roomer - The board and room payment received minus ~~(((\$83.50))~~ the current thrifty food plan for an assistance unit size equal to the number of boarders and expenses of maintaining the room.

(2) ~~((If a recipient is engaged in the management and operation of a rooming, boarding, or boarding and rooming home, the net))~~ The department shall treat the adjusted gross income as computed in accordance with subsection (1) of this section ((is considered)) as earned income ((to that recipient)).

WSR 94-08-017
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3724—Filed March 29, 1994, 3:29 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: Under the Higher Education Amendments of 1992, educational assistance issued under Title IV or BIA student assistance programs shall not be taken into consideration when determining eligibility for payment under any program funded in whole or in part with federal funds. Assistance units are exempt from monthly reporting requirements whose sole source of earned income or recent work history is derived from Title IV/BIA work study.

Citation of Existing Rules Affected by this Order: Amending WAC 388-24-044 Mandatory monthly reporting. Statutory Authority for Adoption: RCW 74.08.090.

Pursuant to notice filed as WSR 94-05-017 on February 4, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3449, filed 8/27/92, effective 9/27/92)

WAC 388-24-044 Mandatory monthly reporting. (1) As a condition of continuing eligibility for AFDC, certain assistance units must return to the department a completed monthly report by the fifth day of the month following the

month for which the report describes the household circumstances. Assistance units required to report monthly are those with earned income or with a recent work history except:

- (a) Migrant assistance units;
- (b) Homeless assistance units; ((e))
- (c) Assistance units with a recent work history in which all adult members are elderly or disabled; or
- (d) Assistance units with earned income or recent work history received exclusively from college work study issued from the following sources:
 - (i) Title IV of the Higher Education Amendments; or
 - (ii) Bureau of Indian Affairs student assistance programs.

(2) Migrant assistance units and homeless assistance units, for purposes of mandatory monthly reporting, are defined as follows:

(a) "Migrant assistance unit" means an issuance unit that works in seasonal agricultural employment which requires the assistance unit to be absent from its permanent place of residence overnight;

(b) "Homeless assistance unit" means an assistance unit lacking a fixed and regular nighttime residence of whose primary nighttime residence is a:

- (i) Supervised shelter designed to provide temporary accommodations;
- (ii) Halfway house or similar institution providing temporary residence for persons needing institutionalization;
- (iii) Temporary accommodation in the residence of another person; or
- (iv) Place not designed for, or ordinarily used as, a regular sleeping accommodation for humans.

(3) Elderly and disabled, for purposes of mandatory monthly reporting, are defined as follows:

- (a) "Elderly" means a person sixty years of age or older;
- (b) "Disabled" means a person who meets one of the following criteria:

(i) Receives disability or blindness payments under Titles I, II, XIV, or XVI of the Social Security Act;

(ii) Is a veteran:

(A) With service-connected or nonservice-connected disability rated or paid as total under Title 38 of the United States Code (USC); or

(B) Considered in need of regular aid and attendance, or permanently housebound under Title 38 of the USC.

(iii) Is a surviving spouse of a veteran and considered in need of aid and attendance, or permanently housebound; or a surviving child of a veteran and considered permanently incapable of self-support under Title 38 of the USC;

(iv) A surviving spouse or child of a veteran and entitled to compensation for service-connected death or pension benefits for a nonservice-connected death under Title 38 of the USC and has a disability considered permanent under section 221(i) of the Social Security Act;

(v) Receives disability retirement benefits from a federal, state, or local government agency, because of a disability considered permanent under section 221(i) of the Social Security Act;

(vi) Receives an annuity payment as part of the Railroad Retirement Act of 1974 under:

(A) Section 2 (a)(1)(iv) and is determined eligible to receive Medicare by the Railroad Retirement Board; or

(B) Section 2 (a)(1)(v) and is determined disabled based on the criteria under Title XVI of the Social Security Act.

(vii) Is a recipient of disability-related medical assistance under Title XIX of the Social Security Act.

(4) Assistance units, for purposes of mandatory monthly reporting, include assistance units having earned income allocated to them from individuals living with them who have earned income or recent work history.

(5) Recent work history is defined as having received earnings in one of the two months prior to the payment month.

(6) Assistance units with recent work history are required to report for three months, including the last month of earnings.

(7) Newly approved assistance units with recent work history shall be required to report for two months beginning the month following the month of opening.

(8) The first report month for assistance units reporting new employment shall be the month following the month the department becomes aware of the earnings.

(9) Failure to return a completed report by the fifth day of the month shall result in termination except as provided in subsection (11) of this section.

(10) The department shall give advance and adequate notice to the assistance unit which does not submit a completed monthly report timely as defined in subsection (9) of this section.

(11) If the assistance unit furnishes the completed report to the department within ten days from the date of a termination notice pursuant to subsections (1) and (9) of this section, the department shall:

(a) Accept the replacement form; and

(b) Reinstate assistance if the information on the replacement form indicates the assistance unit is still eligible.

(12) If the information on the replacement form indicates the assistance unit is ineligible or eligible for an amount less than the prior month's payment, the department shall give adequate notice to the assistance unit.

(13) Requirements in subsections (4), (5), (6), (7), and (8) of this section are effective with monthly reports generated in November 1985.

WSR 94-08-018
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3723—Filed March 29, 1994, 3:31 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: As stated under CFR 233.20 (a)(3)(ii)(F), reflects the federal requirement that settlements for destroyed or stolen exempt property are exempt from consideration as income if the funds are used to repair or replace the destroyed or stolen exempt property for which the settlement was intended.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-474 Replacement of exempt property.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 233.20 (a)(3)(ii)(F).

Pursuant to notice filed as WSR 94-05-018 on February 4, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3423, filed 7/23/92, effective 8/23/92)

WAC 388-28-474 Replacement of exempt property.

(1) A recipient may, within sixty days of receipt:

(a) ~~((Reinvest in other exempt property))~~ Expend funds acquired from a settlement covering destroyed or stolen exempt property to repair or replace the destroyed or stolen exempt property for which the settlement was intended; or

(b) Pay medical bills for which the settlement was intended.

(2) A general assistance recipient may retain cash from the settlement up to the amount of the difference between current resource values and the appropriate resource ceiling for the assistance unit.

(3) The department shall consider any remaining portion of the settlement, after applying subsection (1) and (2) of this section, as newly acquired nonexempt income.

WSR 94-08-019
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3722—Filed March 29, 1994, 3:33 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: Section 13742 of P.O. 103-66, the Omnibus Reconciliation Act of 1993, amends section 402 (a)(31)(A) of the Social Security Act by increasing the stepparent work expense disregard. This changes the work expense disregard when allocating income of a nonapplying parent to a minor parent's assistance unit and when allocating the income of an ineligible IRCA alien to an assistance unit.

Citation of Existing Rules Affected by this Order:
Amending WAC 388-28-560 Allocating income to an assistance unit.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: Section 13742, P.O. 103-66.

Pursuant to notice filed as WSR 94-05-019 on February 4, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3629, filed 9/8/93, effective 10/9/93.)

WAC 388-28-560 Allocating income to an assistance unit. The department shall allocate nonexempt income possessed by a nonassistance unit member to meet the needs of the assistance unit as follows:

(1) Minor parent living with nonapplying parent or stepparent. The department shall allocate the income of a

nonapplying parent or stepparent to meet the needs of the minor parent's assistance unit after deducting:

(a) ~~((Seventy-five))~~ Ninety dollars per month for each employed parent or stepparent to meet the costs of employment;

(b) An amount equal to the need standard under WAC 388-29-100 of an assistance unit comprised of the nonapplying parent or stepparent and any other individuals who:

(i) Are living in the home but whose needs are not taken into consideration when determining eligibility for AFDC, excluding sanctioned individuals or individuals who refuse to cooperate; and

(ii) Are or could be claimed by the nonapplying parent or stepparent for federal income tax purposes.

(c) Amounts actually paid by the nonapplying parent or stepparent to meet the needs of individuals not living in the home who are or could be claimed as dependents for federal income tax purposes; and

(d) Payments of alimony or child support to meet the needs of individuals not living in the home.

(2) IRCA alien ineligible for AFDC. When determining eligibility and payment for AFDC, the department shall allocate the income of an IRCA alien, ineligible for AFDC pursuant to WAC 388-26-120 (3)(a) and (b), to meet the needs of the assistance unit after deducting:

(a) ~~((Seventy-five))~~ Ninety dollars per month of the ineligible IRCA alien's gross earned income to meet the costs of employment;

(b) An amount equal to the need standard under WAC 388-29-100 of an assistance unit comprised of the ineligible IRCA alien and any other individuals who:

(i) Are living in the home but whose needs are not taken into consideration when determining eligibility for AFDC, excluding sanctioned individuals or individuals who refuse to cooperate; and

(ii) Are or could be claimed by the ineligible IRCA alien parent for federal income tax purposes.

(c) Amounts actually paid by the ineligible IRCA alien to meet the needs of individuals not living in the home who are or could be claimed as dependents for federal income tax purposes; and

(d) Payments of alimony or child support to meet the needs of individuals not living in the home.

(3) All other excluded assistance unit members for AFDC only. The department shall allocate the income of an excluded assistance unit member to meet the needs of the assistance unit after deducting:

(a) ~~((Ninety dollars per month))~~ Work expense and dependent care disregards for each employed excluded person to meet the cost of employment;

(b) An amount for the support of the parent or stepparent and other dependents, ineligible for inclusion in the assistance unit for factors other than sanction or noncooperation, not to exceed the appropriate payment standard for an assistance unit of the same composition; and

(c) An amount for court or administratively ordered support for a legal dependent not living in the parent or stepparent's home, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent. The department shall consider a dependent to be one who:

(i) Is or could be claimed for federal income tax purposes by the parent or stepparent; or

(ii) The parent or stepparent is legally obligated to support.

(4) Income of a nonapplying spouse for GAU. The department shall allocate net income from wages, retirement benefits, or separate income or property of the nonapplying spouse to meet the needs of the assistance unit after deducting:

(a) The allowable earned income disregards as specified under WAC 388-28-515, excluding the earned income exemptions in WAC 388-37-025, to meet the costs of employment.

(b) Court or administratively ordered support actually paid for a legal dependent not living in the GAU client's home, not to exceed the lesser of the amount actually paid or the appropriate need standard for each dependent. The department shall consider a dependent to be one who:

(i) Is or could be claimed for federal income tax purposes by the parents; or

(ii) The parent is legally obligated to support.

(c) An amount equal to the appropriate one-person payment level to meet the needs of the nonapplying spouse.

(5) Clients in a medical institution, alcohol/drug treatment center, congregate care facility, or adult family home. The department shall allocate:

(a) The appropriate payment level for the legal dependents living in the family home as stated in chapter 388-29 WAC; and

(b) Any remaining income to meet the needs of the client in the institution, center, facility, or home according to WAC 388-29-125, 388-29-130, 388-29-280, and 388-40-095(1).

WSR 94-08-020
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3721—Filed March 29, 1994, 3:34 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: Amendment reflects the federal requirement that the lump sum rule applies to lump sums received by persons required to be included in the assistance unit, but are excluded for reasons of sanction or noncorporation.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-484 Treatment of newly acquired nonexempt income and resources.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 45 CFR 233.20 (a)(3)(ii)(F).

Pursuant to notice filed as WSR 94-05-029 on February 7, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3423, filed 7/23/92, effective 8/23/92)

WAC 388-28-484 Treatment of newly acquired nonexempt income and resources. (1) Income affects the grant amount according to the provisions of WAC 388-28-483.

(2) When the value of the income is taken into account in the assistance payment as specified in WAC 388-28-483, the department shall apply the following rules:

(a) If the income value plus any other income amounts to less than the payment standard plus authorized additional requirements and is recurrent or nonrecurrent, assistance is continued in the amount of the difference((-));

(b) For AFDC and refugee assistance, when the assistance unit's nonrecurrent lump-sum income, plus other income, after applicable disregards exceeds the payment standard, plus authorized additional requirements, the unit shall be ineligible for assistance((-)) as follows:

(i) The department shall also apply these requirements to the income of persons required to be included in the assistance unit but are excluded for reasons of sanction or noncooperation;

(ii) Ineligibility shall exist for the number of full months derived by dividing this total income by the need standard plus authorized additional requirements. A minimum period of ineligibility shall be one month((-)); and

((+)) (iii) The department shall treat any income remaining after this calculation as income received in the first month following the period of ineligibility((-);

((+)) (iv) The department may shorten the period of ineligibility when the following conditions are met:

(A) An event occurs which, had the assistance unit been receiving assistance, would result in an increase in the need standard((-); or

(B) The income received, or any part thereof, becomes unavailable to the members of the assistance unit for reasons beyond their control((-); or

(C) Members of the assistance unit incur, become responsible for, and pay medical expenses.

((+)) (v) Assistance is authorized only after the department verifies the event in subsection (2)(b)(ii)(A), (B), or (C) of this section and establishes current eligibility.

(c) The department shall suspend a general assistance grant when a recipient's nonrecurrent income equals or exceeds one month's payment level plus authorized additional requirements, but is less than two months' payment level plus authorized additional requirements minus other income.

(i) The recipient's grant is suspended from the effective date specified in WAC 388-28-483.

(ii) The suspense period is determined exactly, that is, up to the date of the absorption of the income.

(d) If the income is recurrent and equal to or in excess of one month's payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective date specified in WAC 388-28-483 and the grant is terminated, except for persons in institutions other than nursing homes as provided in WAC 388-34-160.

(e) For general assistance if the income is recurrent or nonrecurrent and its value is in excess of two months' payment level plus authorized additional requirements minus other income, the recipient is ineligible from the effective

date specified in WAC 388-28-483 and the grant is terminated. Ineligibility shall continue for two months. The period of ineligibility, however, may be reduced if the applicant has verifiable expenses such as medical care, unforeseen disaster or other changes in circumstances making it impossible for the applicant to live on the resource for the two-month period of ineligibility. The department shall determine the eligibility of a former recipient reapplying on the same basis as a new applicant.

(3) If income is not taken into account in assistance payments but is subsequently discovered, the department shall establish an overpayment according to chapter 388-44 WAC.

(4) If a general assistance recipient has been determined to be ineligible for a current or future period of time and his or her grant will be suspended or terminated for such period of time due to newly acquired income, and is in need during such period of ineligibility, assistance may be granted within the limits of the rule in WAC 388-28-464.

(5) The department shall treat a person acquiring income during suspended status as a recipient in terms of eligibility, not as an applicant.

(6) The department shall follow rules and ~~((pre-existing))~~ procedures in chapter 388-44 WAC in respect to overpayment.

(7) An applicant or recipient whose nonexempt gross income exceeds one hundred eighty-five percent of the standard of need for the appropriate household size plus additional requirements authorized for that assistance unit, shall not be eligible for AFDC or refugee assistance from the date specified under WAC 388-28-483. The department shall consider the income of all members of the assistance unit and the income of natural, adoptive, or stepparents of children in the assistance unit, residing in the same household, in this test except for income identified in WAC 388-28-575 and in subsection (7)(a) and (b) of this section.

(a) In determining the total income of the family, the department shall exclude:

- (i) The earned income of a child who is a full-time student for six consecutive months per calendar year; and
- (ii) The first fifty dollars per month of the current monthly support obligation of any child support collected on the family's behalf or received by the family.

(b) Gross income shall be defined as all income not specifically exempted by rule or regulation before applicable program disregards are applied.

(c) Net income shall be defined as gross income less applicable disregards and deductions for which the applicant or recipient is eligible.

individually owned trust or restricted lands, and as income and as a resource in the month paid and the next following month, retroactive AFDC and nonrecurring SSI lump sum payments made to an AFDC recipient.

Citation of Existing Rules Affected by this Order: Amending WAC 388-28-575 Disregard of income and resources.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: P.L. 103-66 Section 13736 and 45 CFR 233.20 (a)(13)(ii).

Pursuant to notice filed as WSR 94-05-054 on February 10, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994

Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3613, filed 8/11/93, effective 9/11/93.)

WAC 388-28-575 Disregard of income and resources. Unless otherwise stated, the department shall disregard as income and as a resource the following payments for aid to families with dependent children (AFDC) and general assistance (GA):

(1) For AFDC only, the income of a Supplemental Security Income (SSI) recipient. The department shall not consider nonrecurring lump sum SSI retroactive payments made to an AFDC client as income or as a resource in the month paid or in the following month;

(2) For AFDC only, the monthly child support incentive payment from the office of support enforcement (OSE);

(3) AFDC benefits resulting from a court order modifying a department policy;

(4) Title IV-E, state and/or local foster care maintenance payments;

(5) Adoption support payments if the adopted child is excluded from the assistance unit;

(6) Bona fide loans as specified under WAC 388-28-480(4). The department shall consider loans bona fide when the loan is a debt the borrower has an obligation to repay;

(7) Educational assistance, in the form of grants, loans, or work study, issued to a student from the following sources:

(a) Title IV of the Higher Education Amendments; or

(b) Bureau of Indian Affairs student assistance programs.

(8) Grants or loans made or insured under any programs administered by the department of education to an undergraduate student for educational purposes;

(9) Educational assistance in the form of grants, loans, or work study, issued under the Carl D. Perkins Vocational and Applied Technology Education Act (P.L. 101-391), for attendance costs as identified by the institution. For a student attending school:

(a) At least half-time, attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses; or

(b) Less than half-time, attendance costs include tuition, fees, and costs for purchase or rental of equipment, materi-

WSR 94-08-021
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3720—Filed March 29, 1994, 3:35 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: Promulgates a new policy to disregard the first two thousand dollars of income received by Native Americans which is derived from leases or other uses of

als, or supplies required of all students in the same course of study.

(10) Educational assistance in the form of grants, work study, scholarships, or fellowships, from sources other than those identified in subsections (7), (8), and (9) of this section for attendance costs as identified by the institution. Attendance costs include tuition, fees, costs for purchase or rental of equipment, materials, or supplies required of all students in the same course of study, books, supplies, transportation, dependent care, and miscellaneous personal expenses;

(11) Any remaining educational assistance, in the form of grants, work study, scholarships, or fellowships, not disregarded in subsections (7), (8), (9) or (10) of this section, as allowed under WAC 388-28-578;

(12) The earned income disregards in WAC 388-28-570(6) for AFDC and WAC 388-37-025 for GA-U to any work study earnings received and not disregarded in subsections (7), (8), (9), (10), and (11) of this section;

(13) Payment under Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646, section 216);

(14) The food coupon allotment under Food Stamp Act of 1977;

(15) Compensation to volunteers under the Domestic Volunteer Act of 1973 (P.L. 93-113, Titles I, II, and III);

(16) Benefits under women, infants, and children program (WIC);

(17) Food service program for children under the National School Lunch Act of 1966 (P.L. 92-433 and 93-150);

(18) Energy assistance payments;

(19) Indian trust funds or lands held in trust (including interest and investment income accrued while such funds are held in trust) by the Secretary of the Interior for an Indian tribe (~~(including but not limited to funds issued under the Maine Indian Claims Settlement Act of 1980 (P.L. 96-420))~~) or individual tribal member;

~~(20) ((Per capita judgment funds under P.L. 97-408 to members of the:~~

~~(a) Blackfeet Tribe of the Blackfeet Indian Community, Montana;~~

~~(b) Gros Ventre Tribe of the Fort Belknap Reservation, Montana; and~~

~~(c) Assiniboine Tribe of the Fort Belknap Indian Community.~~

~~(21))~~ Indian judgment funds or funds held in trust by the Secretary of the Interior distributed per capita under P.L. 93-134 (~~(, 94-114, 97-458, or)~~) as amended by P.L. 97-458, and 98-64. In addition:

(a) "Initial investments" means real or personal property purchased directly with funds from the per capita payment up to the amount of the funds from the per capita payment;

(b) Income derived either from the per capita payment or the initial investments shall be treated as newly acquired income per WAC 388-28-482 and 388-28-484;

(c) When the initial investments are nonexempt resources, appreciation in value shall be applied to the resource ceiling valued as specified under WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2). The department shall determine appreciation in value at the time of eligibility review; and

(d) The disregard does not apply to per capita payments or initial investments from per capita payments which are transferred or inherited.

(21) Income received by Native Americans which is derived from leases or other uses of individually owned trust or restricted lands up to two thousand dollars per person per year (P.L. 103-66). The department shall consider such funds a nonexempt resource in the month after receipt.

(22) Two thousand dollars per person per calendar year received under the Alaska Native Claims Settlement Act (P.L. 92-203 and 100-241);

(23) Veterans' Administration educational assistance for the student's educational expenses and child care necessary for school attendance;

(24) Housing and Urban Development (HUD) community development block grant funds that preclude use for current living costs;

(25) Restitution payments made under the Wartime Relocation of Civilians Act, P.L. 100-383. The department shall disregard income and resources derived from restitution payments;

(26) A previous underpayment of assistance under WAC 388-33-195. The department shall not consider such retroactive corrective AFDC payments as income or as a resource in the month paid or in the following month;

(27) Payment from the annuity fund established by the Puyallup Tribe of Indians Settlement Act of 1989 (P.L. 101-41), made to a Puyallup Tribe member upon reaching twenty-one years of age.

(a) "Initial investments" means real or personal property purchased directly with funds from the annuity fund payment up to the amount of the funds from the annuity fund payment.

(b) The department shall treat income derived either from the annuity fund payment or the initial investments as newly acquired income per WAC 388-28-482 and 388-28-484.

(c) When the initial investments are nonexempt resources, the department shall apply appreciation in value to the resource ceiling value as specified under WAC 388-28-435(1). When appreciation is in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2). The department shall determine appreciation in value at the time of eligibility review.

(d) The department shall treat proceeds from the transfer of the initial investments according to WAC 388-28-471. After sixty days, if funds are in excess of the applicable ceiling value, the department shall apply WAC 388-28-438(2) for AFDC and WAC 388-28-440 (3) and (4) for GA-U.

(28) Payments from the trust fund established by the P.L. 101-41 made to a Puyallup Tribe member;

(29) Payments made from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims (P.L. 101-201). The effective date of the disregard is retroactive to January 1, 1989;

(30) Payments made under the Disaster Relief Act of 1974 (P.L. 93-288) as amended by Disaster Relief and Emergency Assistance amendments of 1988 (P.L. 100-707). This applies to assistance issued by federal, state, or local governments or by a disaster assistance organization;

(31) Payments from the Radiation Exposure Compensation Act (P.L. 101-426) made to an injured person, surviving spouse, children, grandchildren, or grandparents; and

(32) Income specifically excluded by any other federal statute from consideration as income or resource.

WSR 94-08-022
PERMANENT RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
 (Public Assistance)

[Order 3719—Filed March 29, 1994, 3:36 p.m., effective May 1, 1994]

Date of Adoption: March 29, 1994.

Purpose: Clarifies the value of earned income in-kind is available to meet need, regardless of the nature of the in-kind item, and clarifies the value of a self-produced item is disregarded until the item is sold, at which time, proceeds from the same are treated as self-employment income. Eliminates the definition "fraud."

Citation of Existing Rules Affected by this Order: Amending WAC 388-22-030 Definitions and 388-28-600 Determination of net income in-kind.

Statutory Authority for Adoption: RCW 74.04.050 and 74.08.090.

Other Authority: 45 CFR 233.20 (a)(3)(iv), (a)(6)(iii), and (a)(6)(v)(B).

Pursuant to notice filed as WSR 94-04-042 on January 27, 1994.

Changes Other than Editing from Proposed to Adopted Version: None, the old language of WAC 388-28-600 (1)(c) now appears as deleted and is placed in front of the new underlined language.

Effective Date of Rule: May 1, 1994.

March 29, 1994
 Dewey Brock, Chief
 Office of Vendor Services

AMENDATORY SECTION (Amending Order 3483, filed 11/25/92, effective 12/26/92)

WAC 388-22-030 Definitions. This section contains definitions of words and phrases extensively used in the department's rules concerning the financial aid programs. This section provides a central location for definitions while eliminating the need to repeat the same in each WAC chapter. Related definitions are grouped under the key word.

For medical assistance-Title XIX and medical services (fully state-financed) program definitions, see chapter 388-80 WAC. For food stamp program definitions, see chapter 388-49 WAC.

(1) "Adequate consideration" means the reasonable value of the goods or services received in exchange for transferred property approximates the reasonable value of the property transferred.

(2) "Adult" means a person eighteen years of age or older.

(3) "Applicant" means any member of an assistance unit by or for whom a request for assistance has been made.

(4) "Application" means a written request for financial assistance or a written or oral request for medical or social

service, provided by the department of social and health services, made by a person in the person's own behalf or in behalf of another person.

(5) "Assistance unit" means a person or group of persons required to be included together when determining eligibility for an assistance program.

(6) "Authorization" means an official approval of a departmental action.

(a) "Authorization date" means the date the prescribed form authorizing assistance is signed.

(b) "Authorization of grant" means attesting the applicant's eligibility for assistance and giving authority to make payment accordingly.

(7) "Automobile" means a motorized vehicle.

(8) "Board and room" means a living arrangement where a person purchases food, shelter, and household maintenance from one vendor.

(9) "Boarding home" means a place where a person purchases food, shelter, and household maintenance on a board and room basis.

(10) "CFR" means the code of federal regulations established by the federal government.

(11) "Cash savings" means money which is not classified as income.

(12) "Certification date" means the date the worker certifies changes in a client's case and authorizes a change in grant.

(13) "Child" or "minor child" means a person under ((18)) eighteen years of age.

(14) "Chore services" means household, yard, and/or personal care services which assist a person in the person's own home.

(15) "Client" means an applicant and/or recipient of financial, medical, and/or social services.

(16) "Continuing assistance" means payments to persons who are eligible for and receive regular monthly grants on a prepayment basis.

(17) "Dependent child" means a child who is not self-supporting, married, or a member of the armed forces of the United States. Receiving public assistance does not constitute self-support.

(18) "Disability." See WAC 388-93-025.

(19) "Disaster assistance" means a financial grant or temporary housing for eligible victims of an emergency or major disaster as declared by the governor or president.

(20) "Effective date" means the date eligibility for a grant begins, changes, or ends.

(21) "Encumbrances" means any mortgage, claim, lien, charge or other legally enforceable liability, such as past due taxes, attached to and binding on property.

(22) "Energy costs" means space heat, lighting, water heating, and other household energy consumption.

(23) "Entitlement" means any form of benefit, such as compensation, insurance, pension retirement, military, bonus, allotment, allowance payable in cash or in-kind in which a client may have a claim or interest.

(24) "Equity" means quick-sale value less encumbrances.

(25) "Estate" means all real and personal property that a deceased person has a right to or interest in as of the date of death.

(26) "Exception to policy" means a waiver by the secretary's designee to a department policy for a specific client experiencing an undue hardship because of the policy. The waiver may not be contrary to law.

(27) "Fair hearing" means an administrative proceeding to hear and decide a client appeal of a department action or decision.

(28) "Federal aid" means the assistance grant programs funded in part by the United States government.

(29) "Food stamp program" means the program administered by the department in cooperation with the U.S. Department of Agriculture to certify eligible households to receive food coupons used to buy food.

(30) ("Fraud" means:

(a) For financial aid programs, a deliberate, intentional and willful act with the specific purpose of deceiving the department with respect to any material fact, condition or circumstance affecting eligibility or need.

(b) "Food stamp fraud" is defined under chapter 388-49 WAC.

(31) "Funeral" means the care of the remains of a deceased person with, appropriate services including necessary costs of, needed facilities, a lot or cremation, and the customary memorial marking of a grave.

(32) (31) "General assistance" means state-funded assistance to an eligible pregnant or incapacitated person who is not eligible for or not receiving federal aid assistance.

(33) (32) "Grant" means an entitlement awarded to a client and paid by state warrants redeemable at par.

(a) "Grant adjustment" means postpayment of the difference between the amount a client was eligible for in a given period and the amount already paid.

(b) "Initial grant" means the payment due from date of eligibility to the date of the first regular grant.

(c) "Minimum grant" means ten dollars, unless a court decision requires payment of a smaller amount, or the grant would have exceeded ten dollars prior to applying a mandatory overpayment deduction.

(d) "One-time grant" means a payment supplementing or replacing a regular grant.

(e) "Regular grant" means the monthly prepayment of assistance on a continuing basis.

(34) (33) "Grantee" means the person or persons to or for whom assistance is paid.

(35) (34) "House" means a separate structure of one or more rooms.

(36) (35) "Household maintenance and operations" means household supplies, housewares, linens, sewing supplies, household management, laundry, banking, and telephone.

(37) (36) "Income" means any appreciable gain in real or personal property (cash or in-kind) received by a client during the month for which eligibility is determined, and that can be applied toward the needs of the assistance unit.

(a) "Cash income" means income in the form of money, bank notes, checks or any other readily liquidated form.

(b) "Disregarded income" means income which is taken into consideration, but is disregarded in part or entirely when determining need.

(c) "Earned income" means income in cash or in-kind earned as wages, salary, commissions, or profit from

activities in which the person is engaged as a self-employed person or as an employee.

(38) (d) "Earned income in-kind" means income in a noncash form received by an assistance unit in lieu of wages, salary, commissions, or profit from activities in which the person is engaged as a self-employed person or as an employee. For grant programs income in-kind shall be evaluated in terms of its cash equivalent under WAC 388-28-600.

(e) "Exempt income" means net income which is not ((deducted from the cost of requirements to determine)) taken into consideration when determining need.

(39) ((d)) "Income in-kind" means income in the form of a requirement which contributes appreciably toward meeting the need for the requirement. Income in-kind shall be evaluated in terms of its cash equivalent under WAC 388-28-600.

(e) (f) "Net income" means gross income less ((cost of producing or maintaining the income)) allowable disregards.

(40) (g) "Nonexempt income" means ((net)) income which is ((deducted from the cost of requirements to determine)) taken into consideration when determining need.

(41) (h) "Recurrent income" means income which can be predicted to occur at regular intervals.

(i) "Self-produced income" means income from the sale of an item made by a client for personal use. The client has not purchased the item, received it as a gift, or earned it in lieu of wages prior to its sale. For grant programs, self-produced income shall be treated as self-employment income.

(42) (37) "Incapacity" (see WAC 388-24-065 for AFDC and WAC 388-37-030 and 388-37-032 for GA-U).

(43) (38) "Inquiry" means a request for information about the department and/or the services offered by the department.

(44) (39) "Institution" means a treatment facility within which a person receives professional care specific to that facility.

(a) "Institution-medical" provides medical, nursing or convalescent care by professional personnel.

(b) "Institution-private" is operated by nongovernmental authority by private interests.

(c) "Institution-public" is supported by public funds and administered by a governmental agency.

(d) "Institutional services" are those items and services furnished to a person in a particular institution.

(e) "Nursing home" means a public facility or private licensed facility certified by the department to provide skilled nursing and/or intermediate care.

(45) (40) "Intentional overpayment" means a public assistance financial or medical payment, in whole or part, issued on behalf of an assistance unit when:

(a) The unit was ineligible for such payment; and

(b) The assistance was issued due to:

(i) A deliberate, willful act or omission by an assistance unit member; and

(ii) Intent by the assistance unit member to deceive the department with respect to any material fact, condition, or circumstance which affects eligibility or need.

(46) (41) "Joint account" means a numbered account within a financial institution which is registered to two or

more parties and is accessible to each party for withdrawal of a cash resource. See WAC 388-28-430 (2)(a).

~~((43))~~ (42) "Living in own home" means a living arrangement other than a boarding home, hospital, nursing home, or other institution.

~~((44))~~ (43) "Marketable securities" means stocks, bonds, mortgages, and all other forms of negotiable securities.

~~((45))~~ (44) "Minor" means a person under eighteen years of age.

~~((46))~~ (45) "Need" is the difference between the assistance unit's financial requirements, by departmental standards, and the value of all nonexempt net income and resources received by or available to the assistance unit.

~~((47))~~ (46) "Need under normal conditions of living" means the Washington state gross median income adjusted for family size as promulgated by the secretary of HEW, under the authority granted by Title XX of the Social Security Act minus other income during a period of time when not receiving public assistance.

~~((48))~~ (47) "Overpayment" means any assistance paid to an assistance unit where:

- (a) Eligibility for the payment did not exist; or
- (b) Assistance paid was in excess of need.

~~((49))~~ (48) "Payee" means the person in whose name a warrant or check is issued.

~~((50))~~ (49) "Permanent and total disability" means the inability to do any substantial gainful activity because of a medically determinable physical or mental impairment which can be expected to result in death or which has lasted or is expected to last for at least twelve consecutive months.

~~((51))~~ (50) "Property" means all resources and/or income possessed by a client.

(a) "Personal property" means any form of property which is not real property.

(b) "Real property" is land, buildings thereon and fixtures permanently attached to such buildings. Growing crops are included. Any structure used as a dwelling shall be considered as real property.

(c) "Transfer of property" means a conveyance of title to, or any interest in, property from one party to another through a bill of sale, deed, or any other instrument conveying the interest in property.

(d) "Used and useful property" means property which currently serves a practical purpose for a client.

~~((52))~~ (51) "Protective payment" means a grant payment to a person on behalf of an eligible recipient.

~~((53))~~ (52) "Psychiatric facility" means an institution legally qualified to administer psychiatric inpatient treatment.

~~((54))~~ (53) "Public assistance" means public aid to persons in need thereof for any cause including services, medical care, assistance grants, disbursing orders, and work relief.

~~((55))~~ (54) "Recipient" means any person within an assistance unit receiving assistance.

~~((56))~~ (55) "Reinstate" means an authorization to resume payment of a grant from the category in which payment was previously suspended.

~~((57))~~ (56) "Requirement" means an item of maintenance or a service recognized by the department as essential to the welfare of an individual.

(a) "Additional requirement" means a requirement which is essential for some clients under specified conditions. See WAC 388-29-150 through 388-29-270.

(b) "Basic requirements" means the needs essential to all persons; food, clothing, personal maintenance and necessary incidentals, shelter, and household maintenance.

~~((58))~~ (57) "Resource" means an asset, tangible or intangible, owned by or available to a client which can be applied toward meeting financial need, either directly or by conversion into money or its equivalent. Any resource obtained on or after the first of the month in which eligibility is determined is called "income."

(a) "Exempt resource" is a resource which by policy is not considered in computing financial need.

(b) "Nonexempt resource" means a resource which is not exempt, and the value of which is used to determine financial need.

~~((59))~~ (58) "Restitution" means repayment to the state of assistance paid contrary to law.

~~((60))~~ (59) "Separate property" means real or personal property which was acquired by either spouse before marriage, or as a result of gift or inheritance, or was acquired and paid for entirely out of income from separate property.

~~((61))~~ (60) "Statements in support of application" means any form or document required under department regulations.

~~((62))~~ (61) "Suspension" means a temporary discontinuance of a grant payment.

~~((63))~~ (62) "Terminate" means discontinuance of payment or suspension status.

~~((64))~~ (63) "Transfer" means reassignment of a case record from one CSO to another in accordance with a client's change of residence.

~~((65))~~ (64) "Underpayment" means the amount of public assistance financial payment an eligible assistance unit did not receive, but to which the assistance unit was otherwise entitled.

~~((66))~~ (65) "Unmarried parents" means a man and a woman not legally married who are the natural parents of the same child.

~~((67))~~ (66) "Value" means the worth of an item in money or goods at a certain time.

(a) "Ceiling value" means the limitation established by the department on the gross market value of nonexempt property.

(b) "Fair market value" means the price at which a seller willing, but not required to sell, might sell to a purchaser, willing but not required to purchase.

(c) "Quick-sale value" or "forced-sale value" is the value at which property can be converted into cash almost immediately, and without waiting for "the best offer."

~~((68))~~ (67) "Vendor payment" means an authorized payment to a person, corporation, or agency for goods furnished or services rendered to an individual eligible for public assistance.

~~((69))~~ (68) "Vocational training" means an organized curriculum in a school, training unit, or training program under recognized sponsorship with a specific vocational training objective.

~~((70))~~ (69) "Warrant" means the state treasurer's warrant issued in payment of a grant.

~~((71))~~ (70) "Warrant register" means the list of warrants issued specifying payee's name, amount of payment, warrant number, and for each AFDC payment the number of matchable persons whose need is met by the grant.

(a) "Regular warrant register" means the list of regular grants paid.

(b) "Supplemental warrant register" means the list of initial, adjusting, and one-time grants paid.

AMENDATORY SECTION (Amending Order 1940, filed 1/28/83, effective 3/1/83)

WAC 388-28-600 Determination of net income in-kind. (1) Definitions:

(a) ~~("Supplied" as used herein means the in-kind item is furnished to the applicant or recipient without work or cost on his part)~~ "Earned income in-kind" means the in-kind item is earned by work performed for another person by the client such as earning rent from a landlord, etc.

(b) "Self-produced" means ~~((the applicant or recipient has produced the in-kind item through his own work for himself and not for others. He has not purchased it))~~ an item made by a client for personal use.

(c) ~~("Earned income in-kind" as used in this section means the in-kind item is earned by work performed for another person by the applicant such as earning rent from a landlord, etc))~~ "Supplied" means the in-kind item is furnished to the client without work or cost.

(2) The department shall disregard the value of self-produced or supplied items ~~((shall be disregarded))~~ except when:

(a) Self-produced items are sold for cash. When such a sale is made, ~~((fifty percent of))~~ the department shall treat the cash sale value ~~((shall be considered expenses of earning the))~~ as self-employment income.

(b) The household's requirement for shelter is supplied. When the household's shelter is supplied, the department shall establish the payment level for the household ~~((shall be these))~~ as indicated in ~~((WAC 388 29 100(3)))~~ chapter 388-29 WAC.

(3) Earned income in-kind items shall be evaluated in terms of their cash equivalent. ~~((Allowance shall be made for exempt earned income according to WAC 388 28 570))~~ The department shall treat the value of the in-kind item as earned income available to meet the needs of the assistance unit after applying allowable earned income disregards. The department shall apply the remaining net income ~~((shall be applied))~~ in determining need.

WSR 94-08-024

PERMANENT RULES

PERSONNEL RESOURCES BOARD

[Filed March 29, 1994, 4:40 p.m., effective May 1, 1994]

Date of Adoption: March 10, 1994.

Purpose: The adopted amendments of the rules will provide for service by campus mail and will allow the postmarked date to be considered the filing date where not specified by the rules.

Citation of Existing Rules Affected by this Order: Amending WAC 356-37-080 and 356-37-090.

Statutory Authority for Adoption: Chapter 41.06 RCW and RCW 41.06.150.

Pursuant to notice filed as WSR 94-04-084 on January 31, 1994.

Effective Date of Rule: May 1, 1994.

March 29, 1994

Dennis Karras

Secretary

AMENDATORY SECTION (Amending Order 342, filed 3/20/90, effective 5/1/90)

WAC 356-37-080 Service of process. (1) The personnel resources board shall cause to be served all orders, notices, and other papers issued by the board, together with any other papers which the board is required by law to serve. Every other paper shall be served by the party filing the notice, document or paper.

(2) All notices, documents, or papers served by either the personnel resources board or any other party shall be served upon all counsel of record at the time of such filing and upon parties not represented by counsel. Service of papers shall be made either personally or by first class, ~~((or))~~ certified mail, or by electronic telefacsimile transmission and same-day mailing of copies. Correspondence between the personnel resources board and state agencies or institutions may be sent via the state mail service.

(3) Service upon parties shall be regarded as complete when personal service has been accomplished; or by mail upon deposit, ~~((in the United States mail))~~ properly stamped and addressed. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission.

(4) When actual receipt is specified by rule, service upon the personnel resources board shall be regarded as complete when the papers are actually received in the office of the director of personnel. Service by electronic telefacsimile transmission shall be regarded as complete upon production by the telefacsimile device of confirmation of transmission. Filing at the department of personnel is only available between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding designated holidays. When actual receipt is not specified by rule, service by mail is complete when postmarked.

AMENDATORY SECTION (Amending Order 342, filed 3/20/90, effective 5/1/90)

WAC 356-37-090 ((Filing of papers—))Computation of time. ~~((1) Papers required to be filed with the state personnel board shall not be deemed filed until actual receipt of the papers by the department of personnel at the office of the director of personnel in Olympia, Washington. Papers must be filed between 8:00 a.m. and 5:00 p.m. Monday through Friday, excluding designating holidays. The director of personnel or designee shall issue an acknowledgment stating the date filed.~~

~~((2))~~ Periods of notice or periods of time within which acts are to be completed, as prescribed or allowed by these rules or by order of the board, shall be computed by excluding the first and including the last day unless specifically

provided in these rules to the contrary. If the last day is a Saturday, Sunday or holiday, the act must be completed on the next business day, unless a period of notice is being computed and such Saturday, Sunday or holiday is a regularly scheduled workday for the employee. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and legal holidays shall be excluded in the computation.

WSR 94-08-025
PERMANENT RULES
DEPARTMENT OF LICENSING
 [Filed March 29, 1994, 4:45 p.m.]

Date of Adoption: March 28, 1994.

Purpose: Repealing WAC 308-62-010, 308-62-020 and 308-62-030, procedure for taking custody of unauthorized vehicles.

Citation of Existing Rules Affected by this Order: Repealing WAC 308-62-010, 308-62-020, and 308-62-030.

Pursuant to notice filed as WSR 94-04-017 on January 24, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 28, 1994

Heather B. Hamilton
 Administrator

WSR 94-08-030
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed March 30, 1994, 3:31 p.m.]

Date of Adoption: March 23, 1994.

Purpose: To strengthen the current language to include the "physical possession" of liquor at A, B, C, D or H on-premises establishments by apparently intoxicated persons as a violation.

Citation of Existing Rules Affected by this Order: Amending WAC 314-16-150.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 94-05-093 on February 16, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 25, 1994

Joseph L. McGavick
 Chairman

AMENDATORY SECTION (Amending Rule 30, filed 6/13/63)

WAC 314-16-150 No sale of liquor to minors, intoxicated persons, (~~interdicted persons,~~) etc. (1) No retail licensee shall give or otherwise supply liquor to any person under the age of (~~(21)~~) twenty-one years, either for his/her own use or for the use of his/her parent or of any other person; or to any person apparently under the influence of liquor; (~~or to any interdicted person (habitual drunkard);~~) nor shall any licensee or employee thereof permit any person under the said age or in said condition (~~or classification~~) to consume liquor on his/her premises, or on any premises

adjacent thereto and under his/her control(~~(, except where liquor is administered to such person by his physician or dentist for medicinal purposes))~~.

(2) No class A, B, C, D, or H licensee shall permit any person apparently under the influence of liquor to physically possess liquor on the licensed premises.

WSR 94-08-031
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed March 30, 1994, 3:34 p.m.]

Date of Adoption: March 23, 1994.

Purpose: To strengthen the current language by amending to make "physical possession" of liquor after hours at class A, B, C, D or H on-premises establishments a violation; and to eliminate the 3:00 a.m. exception for New Year's Day.

Citation of Existing Rules Affected by this Order: Amending WAC 314-16-050.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 94-05-096 on February 16, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 25, 1994

Joseph L. McGavick
 Chairman

AMENDATORY SECTION (Amending Order 53, filed 2/15/77 and 2/16/77, effective 3/18/77)

WAC 314-16-050 Hours of operation. (1) No retail licensee, or employee thereof, shall sell, deliver, offer for sale, serve or allow to be consumed upon the licensed premises any liquor, nor permit the removal of any liquor from the licensed premises in any manner (~~(whatsoever)~~), whatever, nor shall a class A, B, C, D or H licensee permit the physical possession of any liquor, between the hours of ((2))2:00 a.m. and ((6)) 6:00 a.m., ((except on New Year's Day when the hour of closing shall not be later than 3 a.m.)) however, persons working on the class A, B, C, D or H premises may, while in the performance of their official duties possess liquor.

(2) Any municipality may fix later opening hours or earlier closing hours than those specified in this rule(~~(+ Provided, however, That)~~), however, such later opening hours or earlier closing hours shall apply to all licensed premises.

WSR 94-08-032
PERMANENT RULES
LIQUOR CONTROL BOARD
 [Filed March 30, 1994, 4:15 p.m.]

Date of Adoption: March 23, 1994.

Purpose: To implement "ships chandler's" license.

Statutory Authority for Adoption: RCW 66.08.030.

Pursuant to notice filed as WSR 94-05-095 on February 16, 1994.

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

PERMANENT

March 25, 1994
Joseph L. McGavick
Chairman

NEW SECTION

WAC 314-25-010 Definition and limitations. (1) The holder of a duty free exporter's license, designated as a class S license by RCW 66.24.530 and a class NS license by WAC 314-22-010(7) shall be referred to as a "ships chandler" for the purposes of this section.

(2) A ships chandler is considered to be a wholesaler of beer and wine for the purposes of RCW 66.28.010.

(3) A ships chandler is authorized to sell beer and wine and is not authorized to sell, possess, deliver or transfer any spirituous liquor without an additional liquor importers license.

NEW SECTION

WAC 314-25-020 Purchase and receipt of beer and wine. (1) As authorized by RCW 66.24.530, a ships chandler may purchase beer and wine, from (a) a licensed Washington brewery or winery, (b) a licensed Washington beer or wine wholesaler, (c) a licensed beer or wine importer located within the state of Washington and (d) breweries and wineries located within the United States who hold a certificate of approval to ship their product into Washington as authorized by RCW 66.24, (e) a ships chandler who is currently licensed by the state of Washington with a class S (NS) license.

(2) A ships chandler may not purchase beer or wine from any source other than those listed above.

(3) All beer and/or wine purchased by a ships chandler must be delivered to the licensed address of the ships chandler, unless an auxiliary location has been authorized by the Board.

NEW SECTION

WAC 314-25-030 Location—Auxiliary location—Inspection. (1) A ships chandler may distribute beer and wine from their licensed location to ships doing business in foreign commerce, to other class S (NS) licensees, and to interstate common carriers class CCI-1 licensed under RCW 66.24.395 with no additional notification.

(2) The ships chandler must notify the Board of every auxiliary distribution location, its secondary business name, if applicable, the street address and mailing address.

(3) No distribution of beer and wine shall be made to a ship except from an authorized location.

(4) All ships chandlers license holders, their auxiliary locations and any vehicle used to transport beer and wine will be open to inspection by employees of the Board.

NEW SECTION

WAC 314-25-040 Delivery of beer and wine—Records. (1) Sales made by a ships chandler of beer and wine to an approved recipient may only be delivered to another ships chandler, a vessel for use in foreign commerce, a contracted CCI-1 carrier, or employees thereof.

(2) Beer and wine may only be delivered when the ships chandler has on file a signed statement, in a format approved

by the Board, which indicates the Captain of the ship or manager of the authorized purchasing business understands and agrees that (a) no beer or wine purchased will be consumed in Washington waters or territory or within three miles of the shores of the State of Washington (b) no beer or wine purchased will be consumed while the ship is docked in a Washington port and (c) local law enforcement officers and board enforcement officers have the right to board and inspect the vessel while in Washington waters.

(3) Every statement will be notarized and remain valid for 12 calendar months after the date of signing and be signed by the master of the ship or his/her agent with the ships stamp affixed and countersigned by the ships chandler or their employee.

(4) A ships chandler or their employee must deliver any beer and wine directly to an authorized recipient purchasing the alcoholic beverage and it must be immediately placed into a locked storage area. The ships chandler must obtain the signature and printed name of the master or agent of the ship, S (NS) licensee or contracted ICC carrier on the delivery document which will contain the following information: (a) name of ship, (b) country of registry, if known, (c) type and amount of product delivered (d) date of delivery, (e) name and address of ships chandler making the sale and (f) signature and printed name of crew member receiving the liquor.

(5) The ships chandler will maintain records of all sales to ships, S (NS) licensees and CCI-1 approved licensees doing business in foreign commerce to include all federally mandated documents including order forms, bills of lading, affidavits, delivery to auxiliary location, etc. for a period of 2 years. Such records, or their computerized equivalent, will be available for inspection and copying by employees of the Board upon request.

(6) Board employees have the right to enter and inspect, without warrant, any business, ship, aircraft, vessel, or transport vehicle from which beer and wine is delivered to or from a licensed ships chandler.

WSR 94-08-034

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5038—Filed March 31, 1994, 8:24 a.m.]

Date of Adoption: March 31, 1994.

Purpose: Increases the commercial feed inspection fee to account for the legislative fund shift for administrative costs from the general fund to local funds.

Citation of Existing Rules Affected by this Order: Amending WAC 16-200-805.

Statutory Authority for Adoption: RCW 15.53.9018.

Pursuant to notice filed as WSR 94-05-060 on February 11, 1994.

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

March 31, 1994

James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 1747, filed 9/1/81)

WAC 16-200-805 Tonnage fees. Pursuant to RCW 15.53.9018, beginning May 1, 1994, each initial distributor of a commercial feed in this state shall pay to the department of agriculture an inspection fee of eight and one-half cents per ton on all commercial feed sold by such person during the year and, beginning July 1, 1994, each initial distributor of a commercial feed in this state shall pay to the department an inspection fee of nine cents per ton on all commercial feed sold during the year. Exceptions to payment of this fee are as authorized in RCW 15.53.9018.

WSR 94-08-035

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5037—Filed March 31, 1994, 8:27 a.m.]

Date of Adoption: March 31, 1994.

Purpose: Rules on ethyl parathion on canola/rape plants to protect honey bees from parathion poisoning.

Statutory Authority for Adoption: RCW 15.58.040 and 17.21.030.

Pursuant to notice filed as WSR 94-05-061 on February 11, 1994.

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

March 31, 1994

James M. Jesernig
Director

NEW SECTION

WAC 16-219-100 Ethyl parathion—Restricted use pesticide—Definitions. (1) The insecticide ethyl parathion is hereby declared to be a restricted use pesticide in all counties of the state of Washington.

(2) The following definitions shall apply to WAC 16-219-105:

(a) The term "blossoming rape and canola" shall mean when there are five or more blooms per square yard on the average in a given field.

(b) The term "registered hives of bees" shall mean hives of bees registered with the department by their owner in accordance with RCW 15.60.050.

NEW SECTION

WAC 16-219-105 Ethyl parathion—Application restrictions. (1) Application of ethyl parathion to blossoming rape and canola is allowed only under the following conditions:

(a) Bloom shall be completed on the bottom two thirds of the canola/rape plants with no more than twenty five percent bloom remaining on the top one third of the plants.

(b) The application shall only be made in the evening from two hours before sunset to midnight, and only if bees are not foraging in the area to be treated.

(c) The area to be treated shall be inspected prior to application to ensure bees are not foraging at time of application.

(2) The requirements of subsection (1) of this section need not be met if there are no registered hives of bees within two miles of the field to be treated; or when the owner of the bees agrees to cover the hives during application; and all restrictions on the federally registered label are followed.

WSR 94-08-036

PERMANENT RULES

PARKS AND RECREATION

COMMISSION

[Filed March 31, 1994, 10:00 a.m.]

Date of Adoption: March 11, 1994.

Purpose: To establish fees for the use of certain facilities in state parks.

Citation of Existing Rules Affected by this Order: Amending WAC 352-32-010, 352-32-045, 352-32-250, 352-32-252, and 352-32-255; and new section WAC 352-32-320.

Statutory Authority for Adoption: RCW 43.51.060.

Pursuant to notice filed as WSR 94-03-097 on January 19, 1994.

Changes Other than Editing from Proposed to Adopted Version: The Washington State Parks and Recreation Commission adopted the proposed WAC with the following changes: WAC 352-32-010 Definitions, "popular destination park" was redefined to reflect typical use patterns, "standard campsite" reverts to original definition; WAC 352-32-045 Reservations for group day use, subsection (4) method of applying fees to group day use was changed; WAC 352-32-250 Standard fees charged, subsection (1) overnight camping - standard campsite - reverted to original fee, subsection (2) overnight camping - utility campsite - changed to lesser fee than proposed, subsection (6) group camping area - certain parks - defines groups and increases reservation/registration fee, subsection (8) hot showers - fee was changed to different amount from proposal, subsection (11) extra vehicle overnight parking fee - changed to lesser fee than proposed, subsection (14) unattended vehicle overnight parking permit - changed to less than proposed, subsection (18) popular destination park fee - reverted to original fee, subsection (20) park use permit changed to day use parking permit - established criteria and authorized director to implement day use parking, and expanded exemptions to the permit requirement, subsection (22) added sunset clause for day use parking permit; WAC 352-32-252 Off-season senior citizen pass—Fee, subsection (1) expanded season during which passes are valid; and WAC 352-32-255 Self-registration - simplified descriptive language.

Principal Reasons for Adopting Changes: 1. This permanent WAC to be filed implements a select number of the total changes to the agency's fee schedule originally proposed and considered by the commission. Not all of the changes proposed were deemed necessary to meet the agency's revenue targets. 2. The commission chose to limit the number of parks at which day-use parking permits would be required, and adopted certain criteria for the director to use in order to implement the day-use parking permit. 3. The commission desired that the day-use parking permit be a temporary requirement, and therefore adopted a sunset date.

Effective Date of Rule: Thirty-one days after filing.
 March 31, 1994
 Anne Cox Preecs
 Chair

AMENDATORY SECTION (Amending WSR 94-01-087,
 filed 12/13/93, effective 1/13/94)

WAC 352-32-010 Definitions. Whenever used in this chapter the following terms shall be defined as herein indicated:

"Boat launch" shall mean any facility located in a state park area designated for the purpose of placing or retrieving any vehicle-born or trailer-born watercraft into or out of the water.

"Camping" shall mean erecting a tent or shelter or arranging bedding, or both, or parking a recreation vehicle or other vehicle for the purpose of remaining overnight.

"Camping unit" shall mean a group of people (one or more persons) that is organized, equipped and capable of sustaining its own camping activity.

"Commission" shall mean the Washington state parks and recreation commission.

"Day area parking space" shall mean any designated parking space within any state park area designated for daytime vehicle parking.

"Director" shall mean the director of the Washington state parks and recreation commission.

"Emergency area" is an area in the park separate from the designated overnight camping area, which may be used for camping between the hours of 9 p.m. and 8 a.m. when no alternative camping facilities are available within reasonable driving distances.

"Environmental learning centers (ELC)" shall mean those designated specialized facilities (formerly called resident group camps) designed to promote outdoor camping experiences and environmental education by groups in a residential setting. A group can be a formalized group or an organized collection of families wishing to camp or use the ELC. ELCs are located at Camp Wooten, Columbia County; Brooks Memorial State Park, Klickitat County; Sun Lakes State Park, Grant County; Deception Pass State Park, Island and Skagit Counties; Fort Flagler State Park, Jefferson County; Millersylvania State Park, Thurston County; Moran State Park, San Juan County; Fields' Spring State Park, Asotin County; and Sequim Bay State Park, Clallam County.

"Group camping areas" are designated areas usually primitive with minimal utilities and site amenities and are for the use of organized groups. Facilities and extent of development vary from park to park.

"Marine trail camping areas" are specially designated group camp areas identified with signs, that are near marine water ways, and that have varying facilities and extent of development.

"Motorcycle" means every motor vehicle having a saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground, but excluding a farm tractor and a moped.

"Multiple campsite" shall mean a designated and posted camping facility encompassing two or more individual standard, utility or primitive campsites.

"Paraglider" shall mean an unpowered ultralight vehicle capable of flight, consisting of a fabric, rectangular or elliptical canopy or wing connected to the pilot by suspension lines and straps, made entirely of nonrigid materials except for the pilot's harness and fasteners. The term "paraglider" shall not include hanggliders or parachutes.

"Person" shall mean all natural persons, firms, partnerships, corporations, clubs, and all associations or combinations of persons whenever acting for themselves or by an agent, servant, or employee.

"Popular destination park" shall mean any state park designated by the director as a popular destination park because, ~~((during the year preceding designation, the park had an average overnight occupancy rate of sixty percent or more during the period of May 21 through September 14))~~ it is typically occupied to capacity by Thursday or Friday night during the high use season and the typical park user plans to stay more than one night.

"Primitive campsite" shall mean a campsite not provided with flush comfort station nearby and which may not have any of the amenities of a standard campsite.

"Public assembly" shall mean a meeting, rally, gathering, demonstration, vigil, picketing, speechmaking, march, parade, religious service, or other congregation of persons for the purpose of public expression of views of a political or religious nature for which there is a reasonable expectation that more than one hundred persons will attend based on information provided by the applicant. Public assemblies must be open to all members of the public, and are generally the subject of attendance solicitations circulated prior to the event, such as media advertising, flyers, brochures, word-of-mouth notification, or other form of prior encouragement to attend.

Alternatively, the agency director may declare an event to be a public assembly in the following cases: Where evidentiary circumstances and supporting material suggest that more than one hundred persons will attend, even where the applicant does not indicate such an expectation; or where there is reason to expect a need for special preparations by the agency or the applicant, due to the nature or location of the event.

"Ranger" shall mean a duly appointed Washington state parks ranger who is vested with police powers under RCW 43.51.170, and shall include the park manager in charge of any state park area.

"Recreation vehicle" shall mean a vehicle/trailer unit, van, pickup truck with camper, motor home, converted bus, or any similar type vehicle which contains sleeping and/or housekeeping accommodations.

"Residence" shall mean the long-term habitation of facilities at a given state park for purposes whose primary character is not recreational. "Residence" is characterized by one or both of the following patterns:

Camping at a given park for more than twenty days within a thirty-day time period May 1 through September 30; or thirty days within a sixty-day time period October 1 through April 30. As provided in WAC 352-32-030(7), continuous occupancy of facilities by the same camping unit shall be limited to ten consecutive nights May 1 through September 30 and fifteen consecutive nights October 1 through April 30 in one park, after which the camping unit must vacate the overnight park facilities for three consecu-

tive nights. The time period shall begin on the date for which the first night's fee is paid.

The designation of the park facility as a permanent or temporary address on official documents or applications submitted to public or private agencies or institutions.

"Special recreation event" shall mean a group recreation activity in a state park sponsored or organized by an individual or organization that requires reserving park areas, planning, facilities, staffing, or other services beyond the level normally provided at the state park to ensure public welfare and safety and facility and/or environmental protection.

"Standard campsite" shall mean a designated camping site which is served by nearby domestic water, sink waste, garbage disposal and flush comfort station. Each campsite includes a camp stove and picnic table.

"State park area" shall mean any area under the ownership, management, or control of the commission, including trust lands which have been withdrawn from sale or lease by order of the commissioner of public lands and the management of which has been transferred to the commission, and specifically including all those areas defined in WAC 352-16-020. State park areas do not include the seashore conservation area as defined in RCW 43.51.655 and as regulated under chapter 352-36 WAC.

"Trailer dump station" shall mean any state park sewage disposal facility designated for the disposal of sewage waste from any recreation vehicle, other than as may be provided in a utility campsite.

"Upland" shall mean all lands lying above mean high water.

"Utility campsite" shall mean a standard campsite with the addition of electricity and ~~((one or all of the following utility hookups:))~~ which may have domestic water and/or sewer.

AMENDATORY SECTION (Amending WSR 91-09-001, filed 4/4/91, effective 5/15/91)

WAC 352-32-045 Reservations for group day use.

(1) All reserved group day use activities shall be arranged for only at those parks having identified group day use activity areas. A group is defined as 20 or more people engaged together and commonly in outdoor day use recreation at one park location.

(2) Such identified group day use activity areas shall have a predetermined use capacity. No group exceeding this capacity in number shall use these areas.

(3) Use of these activity areas shall be by reservation. Requests for reservations for groups of 20 to 250 shall be made 15 days in advance and for groups in excess of 250 shall be made 30 days in advance of the proposed use date, using the group use permit. All conditions outlined on the group use permit shall be binding on the group.

(4) A minimum daily permit fee of ~~((twenty))~~ fifty dollars for groups of 20 to 50 persons, ~~((fifty dollars for groups of 51 to 100 persons, one hundred dollars for groups of 101 to 500 persons, and two hundred fifty dollars for groups of more than 500 persons shall be charged to reservations granted under this WAC))~~ plus additional fifty dollar increments as the group increases by increments of 50 people. Payment of the fee must be made with the submission of the group use permit request. In those cases where the fee is submitted at a later date, it must be paid by certified check, bank money order, or postal money order. Refunds will be made only to those groups which cancel their reservations thirty or more days before the effective date of the reservations.

(5) Reservation requests for groups of 20, but not exceeding 250, may be approved by the park manager of the park the group is requesting to use. Reservations for groups in excess of 250, but not exceeding 1,000, may be approved by the region supervisor for the region in which the park is located. Reservations for groups in excess of 1,000 may be approved by the assistant director for operations.

(6) A deposit shall be submitted with the request for reservation. In those cases where the deposit is submitted at a date later than the reservation request, it must be paid by certified check, bank money order, or postal money order. This deposit shall be held by the Washington state parks and recreation commission to encourage the cleanliness and good order of the group activity area. For groups of 20 ~~((but not exceeding 50))~~ to 50 persons, this deposit shall be ~~((35))~~ \$50. For groups ~~((in excess of 50, but not exceeding 100))~~ of 51 to 100 persons, this deposit shall be ~~((75))~~ \$100. For groups ~~((in excess of 100, but not exceeding 500))~~ of 101 to 500 persons, this deposit shall be ~~((150))~~ \$250. For groups in excess of 500, this deposit shall be ~~((300))~~ \$500. Refund of this deposit shall be determined after an inspection of the area by a ranger and the individuals responsible for the group.

(7) Reservations for all groups shall be made by a person of the age of majority, who must be in attendance during the group's activities.

(8) Any group wishing to sell or dispense alcoholic beverages must request and obtain all appropriate licenses and permits. In order to sell alcoholic beverages, the group must obtain a temporary concession permit from the headquarters office of the Washington state parks and recreation commission.

(9) It shall be within the authority of the park manager, or his representative, to rescind the rights of a reservation, and remove from the park, any or all members of the group whose behavior, at any time, is in conflict with any state laws, becomes detrimental to the health and safety of the group or other park users, or becomes so unruly as to affect the reasonable enjoyment of the park by other park users.

AMENDATORY SECTION (Amending WSR 93-19-113, filed 9/20/93, effective 10/21/93)

WAC 352-32-250 Standard fees charged. The following fees shall be charged in all parks operated by the Washington state parks and recreation commission:

(1) Overnight camping - standard campsite: \$10.00 per night;

(2) Overnight camping - utility campsite: ~~((14.00))~~ \$15.00 per night. Payment for utility campsite will be collected whether utility hookups are actually used or not, except when otherwise specified by a ranger. The electrical hookup surcharge reference in WAC 352-32-252(3) shall be ~~((2.00))~~ \$3.00 per night;

(3) Overnight camping - primitive campsite: \$5.00 per night for nonmotorized vehicle and \$7.00 per night for motorized vehicle;

(4) Overnight camping - reservation fee: As specified in WAC 352-32-035;

(5) Overnight camping - multiple campsites: Where campsites are designated and posted as a "multiple campsite," an individual may rent the multiple campsite by paying the multiple campsite fee. The multiple campsite fee will be calculated by multiplying the standard utility or primitive campsite fee, as applicable, by the number of individual campsites to be used in the designated multiple campsite;

(6) Group camping area - certain parks: \$1.00 per person for groups of 20 or more per day and/or night; nonrefundable reservation/registration fee - ~~(\$10.00)~~ \$25.00. (~~Recreational vehicle campers~~) Camping units must pay the primitive campsite fee or other appropriate fee based on facilities available;

(7) Environmental learning center - overnight camping: ~~(\$4.45)~~ \$5.50 per camper per night;

(a) Camp Wooten (~~and Cornet Bay~~) environmental learning center(s) during the season the swimming pool(s) ~~is~~ are operational: ~~(\$5.45)~~ \$6.85 per camper per night;

(b) Environmental learning center - day use only: ~~(\$1.00)~~ \$2.00 multiplied by the minimum capacity established for each environmental learning center or ~~(\$1.00)~~ \$2.00 for each member of the group - whichever is higher;

(c) A late check-in fee of \$50.00 shall be charged if arrival is more than one hour after the scheduled check-in time, unless the group contacts the park ranger prior to scheduled check-in time in order to reschedule the check-in;

(8) Hot showers: \$.25 for a (~~minimum~~) maximum of six minutes shower time;

(9) Electric stoves: \$.25 for thirty minutes cooking time;

(10) Adirondacks - not to include those located in ELC areas: Same as fee charged for full utility campsite. Occupancy shall be limited to the number of built-in bunks provided;

(11) Extra vehicle overnight parking fee: ~~(\$4.00)~~ \$5.00 per night for each additional unhitched vehicle in excess of the one recreational vehicle allowed at each campsite: *Provided*, An extra vehicle overnight parking fee shall not be imposed when the recreational vehicle and the towed vehicle arrive at the park hitched together, and after the camper has registered for and occupied the assigned campsite either the recreational vehicle or the towed vehicle remain parked at the campsite for the duration of the camper's stay;

(12) Marine park moorage facilities - see WAC 352-12-020 and 352-12-030;

(13) Overnight camping - emergency camp area: The fee shall be the standard campsite fee.

These fees do not apply in those circumstances set forth in WAC 352-32-280 and 352-32-285 as now or hereafter amended.

(14) Unattended vehicle overnight parking permit: \$5.00 per night per vehicle. Unoccupied vehicles parked overnight in designated areas must (~~obtain a permit by registering and paying the \$4.00 per night~~) register and pay the nightly permit fee. The permit must be prominently displayed in the vehicle;

~~(15) ((Campsite reservations - see WAC 352-32-035(6); (16))) Boat launch permit fee - \$4.00 per day ((for one or more launches)) per watercraft ((per day at those boat launches where bathrooms, parking areas, and docking facilities are provided and maintained on a regular basis; and \$3.00 per day at other boat launches as designated by the commission. *Provided*, said fees shall not be imposed on vehicles of persons camping within the state park area containing such boat launches; and, provided, said fee shall not be imposed on vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park; and, provided, said fee shall not be imposed on vehicles of persons using any environmental learning center; and, provided, said fee shall not apply to vehicles of persons holding limited-income senior citizen, disability, or veteran disability passes; and, provided, said fee shall not apply where prohibited by lease or deed restrictions, or by applicable federal or state law; and, provided, said fee shall not be imposed on)) for use of all boat launches designated by the commission with maintained bathrooms, parking areas, and docking facilities. \$3.00 per day per watercraft for use of all other boat launches designated by the commission. Boat launch permit shall not be required for:~~

(a) Vehicles registered for camping or overnight mooring in the park containing the boat launch area;

(b) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(c) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(d) Vehicles ((properly)) displaying a valid annual boat launch permit;

~~((17)) (16) Annual boat launch permit fee - (((\$20.00)) \$40.00 per boat launching vehicle ((for issuance of an annual boat launch permit for the period of July 1, 1993, through December 31, 1993; and \$40.00 per boat launching vehicle for issuance of an annual boat launch permit effective January 1, 1994. Such permits may be obtained by submitting an application therefor to Washington state parks and recreation commission headquarters, 7150 Cleanwater Lane, P.O. Box 42650, Olympia, Washington, 98504-2650)) per calendar year. Valid January 1 - December 31 at any launch designated by the commission. Permit((s)) must be displayed ((in conformance with instructions set forth thereon)) as instructed on permit backing;~~

~~((18)) (17) Trailer dump station fee - \$3.00 per use: ((*Provided*, such fee shall not be imposed on recreational vehicles using the dump station while camping within the state park area)) Fee shall not be required for registered camping vehicles in the park containing the dump station;~~

~~((19)) (18) Popular destination park fee - \$1.00 surcharge for use of standard or utility campsite located in a popular destination park during the period of ((May 21 through September 14)) April 1 through September 30;~~

~~((20)) (19) Marine trail camping area fee - certain parks: \$1.00 per person per day and/or night;~~

(20) Day-use parking permit - \$2.00 per vehicle per day for parking in all designated state parks Thursday through Monday year-round. The director shall implement day-use parking at those parks that meet the following criteria:

(a) High revenue potential;

(b) Facilities suitable for fee collection;

(c) Availability of staff to collect fees; and

(d) Minimal impact on surrounding neighborhoods. Day-use parking permit requirements shall not be imposed on the following:

(i) Any administrative vehicle;
(ii) Vehicles used for boat launching which are subject to a boat launch fee as set forth in subsection (15) of this section;

(iii) Vehicles of persons camping/overnight mooring within the park use area;

(iv) Vehicles of persons using any recreational housing or conference facilities at Fort Worden State Park;

(v) Vehicles of persons using the environmental learning centers at the park;

(vi) In snow parks between October 1 and May 1, vehicles of persons with current snow park permits;

(vii) Vehicles of persons holding limited-income senior citizen, disability or disabled veteran passes;

(viii) Vehicles of persons that paid the unattended vehicle overnight parking permit;

(ix) Vehicles displaying a valid annual day-use parking permit;

(21) Annual day-use parking permit - \$15.00 per vehicle per calendar year valid January 1 through December 31 at any designated state park area Thursday through Monday;

(22) Those permit payments required in subsections (20) and (21) of this section shall sunset December 31, 1995.

(23) A surcharge of \$5.00 per collection shall be assessed for any staff collected fee at a self-registration overnight facility.

AMENDATORY SECTION (Amending WSR 93-08-025, filed 3/30/93, effective 5/1/93)

WAC 352-32-252 Off-season senior citizen pass—Fee. (1) Persons who are senior citizens, are at least sixty-two years of age, and have been residents of Washington state for at least one year shall, upon application to the commission, receive an off-season senior citizen pass which entitles the holder and the holder's camping unit to ~~((thirty nights of camping))~~ camp at any camping areas made available by the commission, as well as use of agency mooring facilities, at no cost beyond the charges provided for in subsection (3) of this section, effective October 1 through March 31, and Sunday through Thursday nights in April as determined by the director and posted. Each such pass shall be valid only during one off-season period ~~((and may be renewed after being used for thirty nights of camping))~~.

(2) Applications for off-season senior citizen passes shall be made on forms prescribed by the commission and shall be accepted only after August 1 for the following off-season period.

(3) The fee for each off-season senior citizen pass ~~((and renewal))~~ shall be \$30.00, except limited income senior pass holders who may purchase the off-season pass at 50% discount. A surcharge equal to the fee for an electrical hookup established in WAC 352-32-250 shall be assessed for each night an off-season senior citizen pass holder uses a campsite with an electrical hookup.

(4) For pass holders who travel by car or recreational vehicle a camping unit shall include the pass holder and up to seven guests of the holder who travel with the holder and

use one campsite or portion of a designated group camping or emergency area. One additional vehicle without built-in sleeping accommodations may be part of the camping unit of a holder at one campsite or portion of a designated group camping or emergency area, when in the judgment of a ranger, the constructed facilities so warrant and the total number of guests of the holder do not exceed seven.

(5) For pass holders who travel by a mode of transportation other than car or recreational vehicle a camping unit shall include the pass holder and up to five guests who travel with the holder and use one campsite or portion of a designated group camping or emergency area.

(6) If a pass holder changes residency to a place outside Washington state during the time period when a pass is valid, the pass holder shall return the pass to the commission.

AMENDATORY SECTION (Amending WSR 92-19-098, filed 9/17/92, effective 10/18/92)

WAC 352-32-255 Self-registration. In those parks so posted by the commission, park visitors shall register for the use of ~~((campsites))~~ facilities and shall pay the appropriate fee, as provided for herein, on a self-registration basis, in accordance with all posted instructions. Except as provided in WAC 352-32-310, any violation of this section is an infraction under chapter 7.84 RCW.

NEW SECTION

WAC 352-32-320 Severability. If any provision of this chapter or its application to any person or circumstance is held invalid, the remainder of this chapter or the application of the provision to other persons or circumstances is not affected.

WSR 94-08-038

PERMANENT RULES

DEPARTMENT OF HEALTH

(Board on Fitting and Dispensing of Hearing Aids)

[Filed March 31, 1994, 10:09 a.m.]

Date of Adoption: November 11, 1994.

Purpose: To provide a fee category for hearing aid fitter/dispenser licensees wishing to place their professional license on "inactive" status.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 93-20-060 on October 1, 1993.

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

March 30, 1994

Bruce Miyahara

Secretary

AMENDATORY SECTION (Amending Order 173 [WSR 93-14-011], filed 6/17/93, [6/24/93], effective 7/25/93, amending Order 173, filed 6/6/91, effective 7/7/91)

WAC 246-828-990 Hearing aid fitter/dispenser fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Trainee:	
Initial application	\$200.00
Trainee transfer of sponsor—Within fifteen days	50.00
Trainee transfer of sponsor—Over fifteen days	100.00
Extension of trainee license	100.00
Fitter/dispenser:	
Examination or reexamination (full)	\$350.00
Partial reexamination	200.00
Initial license	175.00
Renewal	340.00
Late renewal penalty	272.00
Duplicate license	15.00
Certification	15.00
Temporary practice permit	175.00
<u>Inactive Status</u>	<u>175.00</u>

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 94-08-050
PERMANENT RULES
BOARD OF PRACTICAL NURSING
 [Filed April 1, 1994, 9:30 a.m.]

Date of Adoption: March 24, 1994.
 Purpose: WAC 246-838-040, 246-838-070, 246-838-080, and 246-838-110 elimination of interim permit; and WAC 246-838-090 and 246-838-180 housekeeping changes.
 Citation of Existing Rules Affected by this Order: Amending WAC 246-838-040, 246-838-070, 246-838-080, 246-838-090, 246-838-110, and 246-838-180.
 Statutory Authority for Adoption: RCW 18.130.050 and 18.78.050.
 Pursuant to notice filed as WSR 94-05-033 on February 7, 1994.
 Effective Date of Rule: Thirty-one days after filing.
 March 24, 1994
 Patricia O. Brown
 Executive Director

AMENDATORY SECTION (Amending Order 175B, filed 6/11/91, effective 7/12/91)

WAC 246-838-040 Licensure qualifications. (1) In order to be eligible for licensure by examination the applicant shall have satisfactorily completed an approved practical nursing program, fulfilling all the basic course content as stated in WAC 246-838-240, or its equivalent as determined by the board. Every applicant must have satisfactorily completed an approved practical nursing program within two years of the date of the first examination taken or the applicant must meet other requirements of the board to

determine current theoretical and clinical knowledge of practical nursing practice.

(2) An applicant who has not completed an approved practical nurse program must establish evidence of successful completion of nursing and related courses at an approved school preparing persons for licensure as registered nurses, which courses include personal and vocational relationships of the practical nurse, basic science and psychosocial concepts, theory and clinical practice in medications and the nursing process, and theory and clinical practice in medical, surgical, geriatric, pediatric, obstetric and mental health nursing. These courses must be equivalent to those same courses in a practical nursing program approved by the board.

(3) ~~((An interim permit (WAC 246-838-110) and))~~ A notice of eligibility for admission to the licensing examination may be issued to all new graduates from board approved practical nursing programs after the filing of a completed application, payment of the application fee, and official notification from the program certifying that the individual has satisfactorily completed all requirements for the diploma/certification. ~~((The interim permit is only issued for the first examination period for which the applicant is eligible after graduation.))~~

(4) All other requirements of the statute and regulations shall be met.

AMENDATORY SECTION (Amending Order 175B, filed 6/11/91, effective 7/12/91)

WAC 246-838-070 Filing of application for licensing examination. (1) All applicants shall file with the Washington state board of practical nursing a completed application, with the required fee ~~((prior to February 15, for the April examination and August 15, for the October examination))~~. The fee is not refundable.

(2) Applicants shall submit with the application one recent U.S. passport identification photograph of the applicant unmounted and signed by the applicant across the front.

(3) Applicants shall request the school of nursing to send an official transcript directly to the board of practical nursing. The transcript shall contain adequate documentation to verify that statutory requirements are met and shall include course names and credits accepted from other programs.

(4) Applicants shall also file an examination application, along with the required fee, directly with the testing service.

(5) Applicants who have filed the required applications and met all qualifications will be notified of their eligibility, and only such applicants will be admitted to the examination.

(6) Persons applying for licensure shall submit, in addition to the other requirements, evidence to show compliance with the education requirements of WAC 246-838-250.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-080 Failures—Repeat examination. (1) The application form to retake the examination and the required fees shall be filed with the board ~~((on or before February 15 for the April examination and August 15 for the October examination))~~. The fees are not refundable.

PERMANENT

(2) A ninety-day waiting period exists between examination dates. The retest may be scheduled no sooner than ninety days following the date of the last exam taken.

(3) Applicants who fail the examination will be permitted to retake the examination three times within the two-year period from the date of first taking the examination.

~~((3))~~ (4) Applicants who fail to pass the examination within the time period specified in ~~((2) above)~~ subsection (3) of this section shall be required to follow remedial measures as specified by the board before being scheduled to retake the examination.

AMENDATORY SECTION (Amending WSR 93-21-006, filed 10/7/93, effective 11/7/93)

WAC 246-838-090 Licensure of graduates of foreign schools of nursing. Applicants who received their nursing education outside the United States or its territories shall meet the following requirements for licensing:

(1) Satisfactory completion of a basic nursing education program approved by the country of original licensure. The nursing education program shall be equivalent to the minimum standards prevailing for state board approved schools of practical nursing in Washington at the time of graduation.

(2) Every applicant must have satisfactorily completed the nursing program or have practiced as a nurse within two years of the date of the first examination taken or the applicant must meet other requirements of the board to determine current theoretical and clinical knowledge of practical nursing practice.

(3) Satisfactory passage of the test of English as a foreign language (TOEFL). All applicants with nursing educations obtained in countries outside of the United States and never before licensed in another jurisdiction or territory of the United States, shall be required to take the TOEFL and attain a minimum score of fifty in each section. Once an applicant obtains a score of fifty in a section, the board will require reexamination and passage only in the section(s) failed. Passage of all sections of the TOEFL must be attained and the applicant must cause TOEFL services to forward directly to the board a copy of the official examinee's score record. These results must be timely received with the individual's application before the NCLEX can be taken. Exceptions may be made, in the board's discretion and for good cause, to this requirement.

~~((3))~~ (4) All other requirements of the statute and regulations shall be met.

~~((4))~~ (5) File with the board of practical nursing a completed license application with the required fee ~~((prior to February 15 for the April examination and prior to August 15 for the October examination))~~. The fees are not refundable.

~~((5))~~ (6) Submit one recent United States passport identification photograph of the applicant unmounted and signed by the applicant across the front.

~~((6))~~ (7) Request the school of nursing to submit an official transcript directly to the board of practical nursing. The transcript shall contain the date of graduation and the credential conferred, and shall be in English or accompanied by an official English translation notarized as a true and correct copy.

~~((7))~~ (8) File an examination application, along with the required fee, directly with the testing service.

~~((8))~~ (9) Successfully pass the current state board licensing examination for practical nurses or show evidence of having already successfully passed the state board licensing examination for practical nurses in another jurisdiction or territory of the United States with the passing standard required in Washington.

AMENDATORY SECTION (Amending WSR 93-21-006, filed 10/7/93, effective 11/7/93)

WAC 246-838-110 Documents which indicate authorization to practice. The following documents are the only documents that indicate legal authorization to practice as a practical nurse in Washington.

(1) License - Active status. A license is issued upon completion of all requirements for licensure and confers the right to use the title licensed practical nurse and its abbreviation, L.P.N., and to practice in the state of Washington.

~~(2) ((Interim permit. An interim permit may be issued to a graduate from an approved practical nursing program who has met all qualifications, has filed an application for examination, and is eligible for admission to the licensing examination.~~

~~(a) This permit expires when a license is issued or when the candidate receives first notice of failure, whichever is the earliest date. The permit is not renewable.~~

~~(b) An applicant who does not write the examination on the date scheduled shall return the permit within three days to the division of professional licensing.~~

~~(c) The interim permit authorizes the holder to perform functions of practical nursing as described in chapter 18.78 RCW. The holder of an interim permit must practice under the direct supervision of a health professional as defined in RCW 18.78.010, cannot work as a charge nurse, and cannot work for employment agencies or nursing pools.~~

~~(d) It is in violation of the law regulating the practice of practical nursing to use the title "licensed practical nurse." The title "graduate practical nurse," or its abbreviation G.P.N., may be used.~~

(3)) Limited educational license. A limited educational license may be issued to a person who has been on inactive or lapsed status for three years or more and who wishes to return to active status (see WAC 246-838-130). This license is valid only while working under the direct supervision of a preceptor and is not valid for employment as a practical nurse.

~~((4))~~ (3) Inactive license. A license issued to a practical nurse who is temporarily or permanently retired from practice. The holder of an inactive license shall not practice practical nursing in this state.

AMENDATORY SECTION (Amending Order 109B, filed 12/17/90, effective 1/31/91)

WAC 246-838-180 Student records. The school shall maintain records with regard to each student that contain the following:

(1) Evidence of satisfactory completion of ~~((40th grade or its equivalent))~~ 12th grade or general educational development certificate or diploma.

(2) Transcript of practical nursing program and interpretation of credit or unit.

WSR 94-08-053
PERMANENT RULES
DEPARTMENT OF HEALTH

[Filed April 1, 1994, 9:37 a.m.]

Date of Adoption: March 17, 1994.

Purpose: To add new section for adjudicative proceedings.

Statutory Authority for Adoption: RCW 18.26.110.

Pursuant to notice filed as WSR 94-03-053 on January 13, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 17, 1994
 David Butters, D.C.
 Board Chairman

NEW SECTION

WAC 246-807-115 Adjudicative proceedings—Procedural rules for the chiropractic disciplinary board. The board adopts the model procedural rules for the adjudicative proceedings as adopted by the department of health and contained in chapter 246-11 WAC, including subsequent amendments.

WSR 94-08-055
PERMANENT RULES
STATE BOARD OF EDUCATION

[Filed April 1, 1994, 11:21 a.m.]

Date of Adoption: March 25, 1994.

Purpose: To adopt rules to establish standards for the state-funded administrator internship program.

Statutory Authority for Adoption: RCW 28A.410.010 and 28A.415.290.

Pursuant to notice filed as WSR 94-05-034 on February 7, 1994.

Effective Date of Rule: Thirty-one days after filing.
 March 31, 1994
 Dr. Monica Schmidt
 Executive Director/Secretary

NEW SECTION

WAC 180-78-266 Internship standards—State-funded administrator interns. (1) Principal, superintendent, and program administrator interns participating in the state-funded administrator internship program shall meet the following standards:

(a) Enrollment in a principal, superintendent or program administrator preparation program approved by the state board of education, pursuant to WAC 180-78-028 and 180-78-029.

(b) Completion of all administrator field experience, knowledge and skill certification requirements, pursuant to chapters 180-75, 180-78, and 180-79 WAC.

(c) Completion of at least forty-five internship days for school employees selected for a principal, superintendent or

program administrator certification internship when K-12 students are present and a replacement substitute is employed by the local district; provided the internship shall meet the following criteria:

(i) The intern, mentor administrator and college/university intern supervisor shall cooperatively plan the internship, provided that the school district is encouraged to include teachers and other individuals in the internship planning process.

(ii) Principal interns shall demonstrate competency in the National Policy Board for Educational Administration performance domains identified as needing development by the mentor administrator, college/university supervisor, and the intern. Superintendent and program administrator interns shall demonstrate competency in the American Association of School Administrators professional standards identified as needing development by the mentor administrator, college/university supervisor, and the intern.

(iii) The activities to be undertaken to implement the internship shall be outlined in writing.

(d) The intern, college/university supervisor and mentor administrator shall determine whether the forty-five intern days and the selected principal performance domains or superintendent professional standards were demonstrated.

(2) Participating colleges/universities, and school districts may establish additional internship standards and shall report such standards to the state board of education.

(3) Each college/university shall submit a summary report of the internships to the state board of education.

WSR 94-08-060
PERMANENT RULES
OFFICE OF

INSURANCE COMMISSIONER

[Order R 94-7—Filed April 1, 1994, 3:45 p.m.]

Date of Adoption: April 1, 1994.

Purpose: To implement the short-term health insurance reforms enacted by the legislature during the 1993 session to improve individual and group access to needed health insurance coverage during the transition to a fully reformed health services system.

Statutory Authority for Adoption: RCW 48.01.200, 48.01.030, 48.02.060 (3)(a), 48.20.540, 48.21.340, 48.30.300, 48.44.480, 48.44.490, 48.46.550, and 48.46.560.

Pursuant to notice filed as WSR 94-08-006 on March 25, 1994.

Changes Other than Editing from Proposed to Adopted Version: Restate definition of "preexisting condition" in WAC 284-10-020 to incorporate the definition used in WAC 284-10-050 which is controlling, in order to eliminate confusion and facilitate administration; and revise the definition of "health plan" or "plan" to make clear which plans are subject to the provisions of the rule.

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

April 1, 1994
 Deborah Senn
 Insurance Commissioner

Chapter 284-10 WAC
SHORT-TERM HEALTH INSURANCE REFORM

NEW SECTION**WAC 284-10-010 Purpose, intent, and authority.**

The purpose of this chapter is to effectuate the short-term health insurance reforms enacted as part of the Health Care Reform Act (sections 280 through 291, chapter 492, Laws of 1993). These rules are intended to improve individual and group access to needed health care benefits during the transition to a fully reformed health services system by limiting the use of preexisting condition limitations and exclusions; and by requiring guaranteed renewability of health plans.

NEW SECTION

WAC 284-10-015 Scope and applicability. The rules contained in this chapter shall apply to all health carriers and all health plans, as defined in this chapter, as follows:

(1) WAC 284-10-030 (portability) shall apply to all carriers' individual and group health plans issued or renewed on or after January 1, 1994 and to all individual and group health plans currently in-force as to the addition of new persons to such plans on or after January 1, 1994.

(2) WAC 284-10-060 (guaranteed renewability) shall apply to all carriers' individual and group health plans issued or renewed on or after July 1, 1994.

(3) WAC 284-10-050 (pre-existing condition limitations) shall apply to all carriers' individual and group health plans issued or renewed on or after July 1, 1994 and shall apply to all individual and group health plans in-force on or after July 1, 1994 to the extent such health plans contain provisions in conflict with WAC 284-10-050.

(4) For purposes of determining which types of coverage an individual or group may move from and be able to receive the benefits of portability under this chapter, "health plan" or "plan" includes all plans as defined in WAC 284-10-020.

NEW SECTION

WAC 284-10-020 Definitions. Unless otherwise specifically provided, the definitions contained in this section apply throughout this chapter.

"Health carrier" or "carrier" means a disability insurer, health care service contractor, or health maintenance organization authorized to do business in this state.

"Health plan," or "plan" means any individual or group: Policy, agreement, or other contract providing coverage for medical, surgical, hospital, or emergency care services. "Health plan" or "plan" does not mean or include: Hospital confinement indemnity coverage as described in WAC 284-50-345; Disability income protection coverage as described in WAC 284-50-355; Accident only coverage as described in WAC 284-50-360; Specified disease and specified accident coverage as described in WAC 284-50-365; Limited benefit health insurance coverage as described in WAC 284-50-370; Long-term care benefits as described in chapter 48.84 RCW; Medicare supplemental health insurance as described in chapter 48.66 RCW; fully self-insured coverage

governed by the federal Employee Retirement Income Security Act; or limited health care coverage such as dental only, vision only, or chiropractic only.

"Covered person" means a person covered by a health plan including an enrollee, subscriber, policyholder, beneficiary of a group plan, or individual covered by any other health plan as described in WAC 284-10-015.

"Preexisting condition" means any medical condition, illness, or injury that existed at any time prior to the effective date of coverage.

NEW SECTION**WAC 284-10-030 Portability of health insurance benefits.**

(1) In addition to the requirements of WAC 284-10-050, every health carrier shall waive any preexisting condition exclusion or limitation for persons or groups who had similar health coverage under a different health plan at any time during the three-month period immediately preceding the date of application for the new health plan to the extent that such person was continuously covered under the immediately preceding health plan. If the person was continuously covered for at least twelve months under the immediately preceding health plan, the carrier may not impose a waiting period for coverage of preexisting conditions unless the plan is dissimilar to the immediately preceding plan as determined in accordance with subsection (4) of this section. If the person was continuously covered for less than twelve months under the immediately preceding health plan, the carrier may not impose a waiting period for a preexisting condition that exceeds the difference between the number of months the person was continuously covered under the immediately preceding health plan and any preexisting condition waiting period under the new health plan. For example:

If both the preceding and new plans impose a waiting period of six months for preexisting conditions and the covered person satisfied three months of the preceding six-month waiting period, the new health plan may not impose a waiting period for preexisting conditions longer than three months.

(2) A health carrier may not avoid the portability requirements of this section by denying an application for a new health plan based upon health conditions that were covered under the immediately preceding health plan. If the person applies for a health plan within the three-month period immediately following the termination of coverage under the immediately preceding health plan, the carrier shall issue a health plan irrespective of the health status of the person seeking coverage except for those health conditions excluded under the immediately preceding health plan. However, if a health condition was subject to a rider or other contractual limitation under the preceding health plan that excluded, limited, or reduced coverage or benefits for an individual's specifically named or described condition, the new plan shall credit the period satisfied by the covered person under the preceding plan so that such rider or other contractual limitation may be cancelled in accordance with the procedures described in RCW 48.20.510, 48.21.290, 48.44.430 and 48.46.500 or other rules as applicable.

A health carrier covering a group may not refuse to extend group coverage or exclude coverage for health

conditions covered under an immediately preceding group or individual health plan for a person newly eligible for coverage under an existing group health plan.

When an employer providing group health coverage to his or her employees imposes a probationary period or similar delay in eligibility for health plan coverage of new employees, the health carrier shall count the day of first employment with the new employer as the first day of coverage for purposes of applying the portability of benefit provisions of this section so that the new employees and dependents obtain the protections of this rule at the end of such probationary period.

(3) A carrier may not avoid the portability requirements of this section by taking into consideration, for rating purposes, the health condition or health experience of a person applying for an individual health plan or of a person being added to an existing group plan. For example, a person being added to a group or applying for an individual health plan who is availing himself or herself of the portability provisions of this section may not be rated based upon health conditions or past health experience. However, a group switching to another carrier is not subject to this subsection's restriction on the use of health conditions or past health experience for rating purposes. The new group carrier must comply with other provisions of this chapter but remains free to rate the new group in accordance with approved rating practices.

(4) For purposes of this section only, a new health plan is similar to the immediately preceding health plan if the actuarial value of the benefits under the new health plan as a whole is not more than twenty-five percent greater than the benefits provided under the immediately preceding health plan when all cost-sharing and other benefit limitations are taken into consideration.

A health carrier asserting that the new health plan is dissimilar to the immediately preceding health plan of a person applying for coverage must provide such person with a written statement describing the basis for the carrier's determination.

(5) Nothing contained in this section requires a health carrier to amend a health plan to provide new benefits in its existing health plans. For example, if a person was provided maternity benefits under the immediately preceding health plan, the carrier need not amend the new health plan being purchased to provide such benefits if the new health plan being purchased does not include maternity benefits for any covered person. In addition, nothing in this section requires a carrier to waive benefit limitations not related to an individual or group's preexisting conditions or health history. For example, this rule does not include maternity benefits for any covered person. In addition, not apply to a one year waiting period for use of a particular benefit (e.g. organ transplants) imposed equally upon all covered persons without regard to health condition.

(6) Carriers who have filed a certification with the commissioner, withdrawing from the market as provided in WAC 284-10-070 of this chapter, must comply with the portability of benefits provisions of this section as such provisions relate to an individual being added to an existing group or individual health plan. While a carrier withdrawing from the market need not write new group business, such carrier, in servicing existing health plans, must allow new

employees or other beneficiaries of the group or individual plan to be added to the plan consistent with the provisions of this section.

NEW SECTION

WAC 284-10-060 Guaranteed renewability—Health insurance. Purpose, intent, and authority (1) Except as provided in subsection (5) of this section, all health plans issued or renewed on or after July 1, 1994, shall contain or incorporate by endorsement, a guarantee of the continuity of coverage of the plan.

(2) For the purposes of this section, a plan is "renewed" when it is continued beyond the earliest date after June 30, 1994, upon which, at the carrier's sole option, the plan could have been terminated for other than nonpayment of premium. In the case of group plans, the carrier may consider the group's anniversary date as the renewal date for purposes of complying with the provisions of this section.

(3) The guarantee of continuity of coverage required in health plans shall not prevent a carrier from cancelling or nonrenewing a health plan, without the prior approval of the insurance commissioner for:

(a) Nonpayment of premium;

(b) Violation of published policies of the carrier that have been approved by the insurance commissioner;

(c) Covered persons entitled to become eligible for Medicare benefits who fail to apply for a Medicare supplement plan or Medicare Cost, Risk, or HCPP plan offered by the carrier pursuant to federal laws and regulations;

(d) Covered persons who fail to pay any deductible or copayment amount owed to the carrier and not the provider of health care services;

(e) Covered persons committing fraudulent acts as to the carrier;

(f) Covered persons who materially breach the health plan or

(g) Change or implementation of federal or state health care reform laws that no longer permit the continued offering of such coverage.

(4)(a) The guarantee of continuity of coverage of health plans shall not prevent a carrier from cancelling or nonrenewing a health plan, with the prior written approval of the insurance commissioner, because of a change in the covered person's physical or mental condition or health.

(b) The insurance commissioner may approve the cancellation or nonrenewal of a health plan because of a change in the covered person's physical or mental condition or health only when the carrier has obtained for the covered person comparable coverage with another carrier.

(5) The provisions of this section do not apply to health plans deemed by the commissioner to be for a unique, limited or short-term purpose after a written request for such classification by the carrier and subsequent written approval by the commissioner.

NEW SECTION

WAC 284-10-070 Certification of withdrawal from the market and exemption from short term reform rules. Except as otherwise provided by title 48 RCW and WAC 284-10-030 a carrier filing the certification contained in this section may continue to service existing carrier health plans

in force or renewed in this state without complying with the provisions of this chapter.

April 4, 1994
Roger W. Bruett
Chief

STATE OF WASHINGTON
CERTIFICATION
Withdrawal from Insurance Market

Company Name: _____
Form number(s) and generic description of form(s) to which
this certification applies: _____

"I hereby certify that effective January 31, 1994 (company name) will write no new individual or group health plans for persons in Washington state and that (company name) has no present intention of becoming certified as a certified health plan or of offering a uniform benefit plan as described and governed by chapter 43.72 RCW."

I confirm that all covered persons shall be notified of our decision to stop accepting new business and of our intention to nonrenew all health plans in Washington state whenever chapter 43.72 RCW (Washington state health care reform law) prohibits the continuation or sale of forms inconsistent with Washington state health care reform laws.

I confirm that existing group health plans will be notified that (company name) will comply with the portability of benefit provisions of WAC 284-10-030 as to the addition of covered persons to the group."

Chief Executive Officer

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 284-10-090 Severability provision. If any section or portion of a section of this chapter, or the applicability thereof to any person or circumstances is held invalid by a court, the remainder of the rules, or the applicability of such provision to other persons or circumstances, shall not be affected thereby.

WSR 94-08-069
PERMANENT RULES
WASHINGTON STATE PATROL
[Filed April 4, 1994, 3:54 p.m.]

Date of Adoption: April 4, 1994.

Purpose: Changes chain requirements for commercial vehicles.

Citation of Existing Rules Affected by this Order:
Amending WAC 204-24-050.

Statutory Authority for Adoption: RCW 46.37.420.

Pursuant to notice filed as WSR 94-02-082 on January 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: Clarify chaining requirements for vehicles with trailers. Delete section specifically for combinations of vehicles over 80,000 GVW.

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

AMENDATORY SECTION (Amending WSR 92-05-016,
filed 2/10/92, effective 3/12/92)

WAC 204-24-050 Use of tire chains or other traction devices. (1) Vehicles under 10,000 pounds gross vehicle weight.

(a) When traffic control signs marked "approved traction tires required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive (~~wheels~~) tires at least one of the traction devices meeting the requirements of WAC 204-24-040.

(b) When traffic control signs marked "chains required" are posted by the department of transportation it shall be unlawful for any vehicle to enter the controlled area without having mounted on its drive (~~wheels~~) tires, tire chains meeting the standards in chapter 204-22 WAC.

(i) Exception for all wheel drive vehicles. When "chains required" signs are posted, all-wheel drive vehicles shall be exempt from the chain requirement when all wheels are in gear and are equipped with approved traction devices as specified in WAC 204-24-040 provided that tire chains for at least one set of drive (~~wheels~~) tires are carried in the vehicle.

(2) Vehicles or combinations of vehicles over 10,000 pounds gross vehicle weight.

~~((a))~~ When traffic control signs marked "approved traction tires required" or "chains required" are posted by the department of transportation it shall be unlawful for any vehicle or combination of vehicles to enter the controlled area without having mounted on its (~~wheels~~) tires, tire chains as follows: *Provided*, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from ~~(this)~~ the following requirements if such vehicle has sanding capability in front of the drive (~~wheels~~) tires.

~~((i))~~ (a) Single vehicles, including but not limited to trucks, truck-tractors, buses and school buses: ~~((A minimum of two drive tires chained, one on each side of the vehicle, both on the same axle: Provided, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement if such vehicle has sanding capability in front of the drive wheels.))~~ For vehicles with a single drive axle, one tire on each side of the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained.

~~((ii))~~ (b) Two vehicle combinations, including but not limited to truck and trailer, or truck tractor and semi-trailer: ~~((A minimum of two drive wheels chained, one on each side of the vehicle and both on the same axle: Provided, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement if such vehicle has sanding capability in front of the drive wheels, and one trailer wheel chained on the last axle of the trailer.))~~ For vehicles with a single drive axle, all tires on the drive

axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer or semi-trailer has tandem rear axles, the chained ((wheel)) tire may be on either of the last two axles.

~~((iii)) (c) Three-vehicle combinations, including but not limited to truck tractor, semi-trailer and full trailer: ((A minimum of four drive wheels chained and two trailer wheels chained. The trailer wheel chains shall be on the last trailer in the combination and at least one such chain shall be on a tire on the last axle, or)) For vehicles with a single drive axle, all tires on the drive axle shall be chained. For vehicles with dual drive axles, all tires on one of the drive axles shall be chained. In addition, one tire on each side of the additional drive axle shall be chained. For vehicles with trailers, one tire on the last axle of the last trailer shall be chained. On single axle semi-trailers, one tire on the axle shall be chained. If the trailer has tandem rear axles, the chained wheel may be on either of the last two axles.~~

~~((iv) Combinations of vehicles specially permitted to carry over 80,000 pounds gross vehicle weight: A minimum of four drive wheels chained, and one trailer wheel chained. The trailer wheel chain shall be on the last axle of the trailer. Except in three vehicle combinations, the requirements of (a)(iii) of this subsection shall prevail.~~

~~(b)) (d) All vehicles over 10,000 pounds gross vehicle weight shall carry a minimum of two extra chains for use in the event that road conditions require the use of more chains ((than the minimums stated in (a) of this subsection)) or in the event that chains in use are broken or otherwise made useless((: Provided, That highway maintenance vehicles operated by the department of transportation for the purpose of snow removal and its ancillary functions are exempt from this requirement)).~~

~~((e)) (e) Approved chains for vehicles over 10,000 pounds gross vehicle weight shall have at least two side chains to which are attached sufficient cross chains of hardened metal so that at least one cross chain is in contact with the road surface at all times. Plastic chains shall not be allowed. The state patrol may approve other devices as chains if the devices are equivalent to regular chains in performance.~~

~~((f)) (f) On the following routes all vehicles and combinations of vehicles over 10,000 pounds shall carry sufficient tire chains to meet the requirements of this chapter from November 1 to April 1 of each year or at other times when chains are required for such vehicles:~~

~~(i) I-90 - ((from)) between North Bend ((to Cle Elum)) (MP 32) and Ellensburg (MP 101).~~

~~(ii) SR-97 - ((from SR-2 to I-90)) between (MP 145) and Junction SR-2.~~

~~(iii) SR-2 - ((from)) between Dryden (MP 108) and Index ((to Leavenworth)) (MP 36).~~

~~(iv) SR-12 - ((from)) between Packwood ((to)) (MP 135) and Naches (MP 187).~~

~~(v) SR-97 - ((from the)) between the junction of SR-14 (MP 4) Columbia River ((to)) and Toppenish (MP 59).~~

~~(vi) SR-410 - from Enumclaw to Naches.~~

(vii) SR-20 - between Tonasket (MP 262) and Kettle Falls (MP 342).

(viii) SR-155 - between Omak (MP 79) and Nespelem (MP 45).

(ix) SR-970 - between (MP 0) and (MP 10).

Vehicles making local deliveries as indicated on bills of lading and not crossing the mountain pass are exempt from this requirement if operating outside of a chain required area.

(3) The Washington state department of transportation or Washington state patrol may prohibit any vehicle from entering a chain/approved traction tire control area when it is determined that the vehicle will experience difficulty in safely traveling the area.

WSR 94-08-078
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Dispensing Optician)
 [Filed April 5, 1994, 11:13 a.m.]

Date of Adoption: March 23, 1994.

Purpose: To correct and restore fees for late renewal penalty and certification.

Citation of Existing Rules Affected by this Order: Amending WAC 246-824-990 Dispensing optician fees.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 94-05-032 on February 7, 1994.

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

March 30, 1994

Mimi Fields, MD
 for Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending WSR 93-14-011, filed 6/24/93, effective 7/25/93)

WAC 246-824-990 Dispensing optician fees. The following fees shall be charged by the professional licensing ~~((division))~~ services division of the department of health:

Title of Fee	Fee
Optician:	
Full examination (or reexamination)	\$200.00
Reexamination—Practical only	50.00
Reexamination—Written (basic) only	25.00
Reexamination—Written (contact lens) only	25.00
Renewal	125.00
Late renewal penalty	((75.00)) <u>15.00</u>
Duplicate license	15.00
((Certification)) <u>Certification</u>	25.00 <u>15.00</u>
Apprentice registration	75.00
Endorsement application	100.00
Inactive license	35.00

PERMANENT

WSR 94-08-081
PERMANENT RULES
OFFICE OF
INSURANCE COMMISSIONER
 [Order R 94-6—Filed April 5, 1994, 2:24 p.m.]

Date of Adoption: April 5, 1994.

Purpose: To restrict health care service contractors, health maintenance organizations and disability insurers from using preexisting conditions to deny, exclude or limit access to health care coverage.

Statutory Authority for Adoption: RCW 48.01.200, 48.02.060, 48.20.540, 48.21.340, 48.44.480, and 48.46.550 to implement RCW 48.20.540, 48.21.340, 48.44.480, and 48.46.550.

Pursuant to notice filed as WSR 94-04-125 on February 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: Clarified circumstances in which a carrier can impose a waiting period for preexisting conditions.

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

April 5, 1994

Deborah Senn

Insurance Commissioner

Bethany Weidner

Deputy Commissioner

NEW SECTION

WAC 284-10-050 Restrictions on the denial, exclusion, or limitation of health benefits for pre-existing conditions. (1) Whenever there is a conflict between this section and other sections of this chapter, the provisions of this section governing the denial, exclusion, and limitation of coverage for pre-existing conditions supersede other provisions of this chapter governing the same or similar subject matter. For purposes of this section "pre-existing condition" means any health condition, illness, or injury which existed at any time prior to the effective date of health plan coverage.

(2) Notwithstanding other provisions of this chapter or Title 284 of the Washington Administrative Code, for the period beginning July 1, 1994 and continuing until October 1, 1994, no carrier offering health plans may reject any individual based on the person's pre-existing condition or exclude or otherwise limit coverage for a covered person's pre-existing conditions as defined in this section.

For example, if the covered person needs a heart transplant and the plan provides coverage for heart transplants, the carrier may not do any of the following: deny or exclude coverage for heart transplants as to this particular covered person because the covered person has a pre-existing condition; impose any pre-existing condition waiting period before providing coverage for the heart condition; or deny coverage altogether for that individual. In addition, a carrier may not condition issuance of a group plan upon the exclusion of an individual within the group nor may a carrier issue a separate plan to an individual within the group to avoid inclusion of the individual under the group plan. However, nothing contained in this section shall be deemed to require a carrier to provide benefits not ordinarily available under the plan. For example, if the covered person needs a heart transplant and the plan does not cover heart

transplants, the carrier has not improperly denied coverage for a pre-existing condition. This rule does not prohibit a carrier from imposing waiting periods or other limitations with respect to particular medical procedures or treatments for all persons covered by the plan; rather, the rule prohibits an insurer from imposing waiting periods, riders, or other restrictions on the basis of the health status of a specific individual.

(3) After October 1, 1994, no carrier may reject an individual for health plan coverage based upon pre-existing conditions of the individual and no carrier may deny, exclude, or otherwise limit coverage for an individual's pre-existing health conditions; except that a carrier may impose a three-month benefit waiting period for pre-existing conditions for which medical advice was given, or for which a health care provider recommended or provided treatment within three months before the effective date of coverage or for which a prudent person would have sought advice from a health care provider. For example, if an individual were treated for a heart condition in the three-month period before the effective date of coverage under a policy, the carrier could impose a three-month waiting period before providing any type of coverage for the heart condition. To the extent that pre-existing condition waiting periods continue after October 1, 1994, carriers must comply with provisions of Sec. 284-10-030(1) that require a carrier to credit pre-existing condition waiting periods for persons who had similar coverage under a different plan.

On and after July 1, 1994, no carrier may enforce a plan provision that conflicts with the provisions of this section. For example, if a covered person purchased coverage on April had similar coverage under a different plan.

On and after July 1, 1994, no carrier may enforce a plan provision that conflicts with the provisions of this section. For example, if a covered person purchased coverage on April 1, 1994 and the plan contained a twelve month waiting period, that waiting period could not be enforced after July 1, 1994 because enforcement of the waiting period would conflict with the provisions of this section. By way of additional example, if a covered person purchased coverage on March 1, 1994 and the plan contained an exclusion for that individual for problems related to asthma, the exclusion could not be enforced by the carrier after July 1, 1994 and coverage would have to be extended for asthma.

(4) No carrier may avoid the requirements of this section through the creation of a new rate classification or the modification of an existing rate classification. A new or changed rate classification will be deemed an attempt to avoid the provisions of this section if the new or changed classification would substantially discourage applications for coverage from individuals or groups who are higher than average health risks. For example, a carrier could not create a new rate classification for "uninsurable risks."

WSR 94-08-090
PERMANENT RULES
DEPARTMENT OF AGRICULTURE
 [Order 5035—Filed April 5, 1994, 4:34 p.m.]

Date of Adoption: April 5, 1994.

Purpose: Reduce the Farmed Salmon Commission's assessment from one and one-half cents (\$.015) per pound to one cent (\$.01) per pound on the first ten million pounds per year.

Citation of Existing Rules Affected by this Order: Amending WAC 16-580-040.

Statutory Authority for Adoption: RCW 15.65.280.

Pursuant to notice filed as WSR 94-05-066 on February 14, 1994.

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

April 5, 1994

James M. Jesernig
Director

AMENDATORY SECTION (Amending WSR 92-22-062, filed 10/29/92, effective 12/1/92)

WAC 16-580-040 Assessments and collections. (1) The assessment on all farmed salmon products shall be one ~~((and one half)) cent((s - (\$.015))) (\$.01)~~ per pound on the first ~~((ten million pounds (dressed head-on equivalent); one cent (\$.01) per pound from ten to))~~ fifteen million pounds (dressed head-on equivalent); and one-half cent (\$.005) per pound over fifteen million pounds (dressed head-on equivalent) produced collectively by affected producers.

(2) The board shall determine the assessment rate each month on the basis of the total production reported, year to date, and bill the producer for his/her production for that month at that rate.

(3) For the purpose of collecting assessments, the board may require the person subject to the assessment to give adequate assurance or security for its payment.

(4) For the purpose of assuring compliance with the recordkeeping requirements and verifying reports filed by producers, the director and the board through its duly authorized employees, shall have access to and the authority to audit such records.

(5) All reports and records furnished or submitted by producers or to, or obtained by the employees of, the board which contain data or information constituting a trade secret or disclosing the trade position, financial condition, or business operations of the particular producer or processor from whom received, shall be treated as confidential, and the reports and all information obtained from records shall not be disclosed to board members and shall at all times be kept in the custody and under the control of one or more employees of the board who shall not disclose such information to any person other than the director, or his authorized agents. Compilations of general reports from data and information submitted by producers is authorized subject to the prohibition of disclosure of individual producers' identity or operation.

(6) Any moneys collected or received by the board pursuant to the provisions of the marketing order during or with respect to any year, may be refunded on a pro rata basis at the close of such year or at the close of such period as the board determines to be reasonably adapted to effectuate the declared policies of this act and the purposes of such marketing order, to all persons from whom such moneys were collected or received or may be carried over into and used with respect to the next succeeding year.

(7) Any due and payable assessment herein levied in such specified amount as may be determined by the board pursuant to the provisions of the act and the marketing order, shall constitute a personal debt of every person so assessed or who otherwise owes the same, and the same shall be due and payable to the board when payment is called for by it. In the event any person fails to pay the board the full amount of such assessment or such other sum on or before the date due, the board may, and is hereby authorized to, add to such unpaid assessment or sum an amount not exceeding ten percent of the same to defray the cost of enforcing the collecting of the same. In the event of failure of such person or persons to pay any such due and payable assessment or other such sum, the board may bring a civil action against such person or persons in a state court of competent jurisdiction for the collection thereof, together with the above specified ten percent thereon, and such action shall be tried and judgment rendered as in any other cause of action for debt due and payable.

(8) Assessments may, with the concurrence of the affected producer, be collected prospectively.

WSR 94-08-091

PERMANENT RULES

DEPARTMENT OF AGRICULTURE

[Order 5034—Filed April 5, 1994, 4:38 p.m.]

Date of Adoption: April 5, 1994.

Purpose: Eliminate the term limits on elected board members.

Citation of Existing Rules Affected by this Order: Amending WAC 16-514-020.

Statutory Authority for Adoption: RCW 15.65.280.

Pursuant to notice filed as WSR 94-05-073 on February 14, 1994.

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

April 5, 1994

James M. Jesernig
Director

AMENDATORY SECTION (Amending Order 1957, filed 11/13/87)

WAC 16-514-020 Egg commodity board. (1) **Administration.** The provisions of this marketing order and the applicable provisions of chapter 15.65 RCW shall be administered and enforced by the board as the designee of the director.

(2) Board membership.

(a) The board shall consist of eight members. Seven members shall be affected producers or their representatives elected as provided in this section. The director shall appoint one member who is neither an affected producer nor a handler to represent the department and the public.

(b) For the purpose of nomination and election of producer members of the board, the affected area shall be the state of Washington, and members shall be elected members at large.

(3) **Board membership qualifications.** The affected producer members of the board or their representatives shall be producers of eggs and shall be citizens and residents of

the state of Washington, over the age of twenty-five years, each of whom is and has been actually engaged in producing eggs within the state of Washington for a period of five years and has, during that time, derived a substantial portion of his/her income therefrom. Producer-handlers shall be considered to be acting only as producers for purpose of election and membership on a commodity board. The qualifications of members of the board as herein set forth must continue during the terms of office.

(4) Term of office.

(a) The term of office, for members of the board shall be three years, and one-third of the membership as nearly as possible shall be elected each year.

(b) Membership positions on the board shall be designated numerically; affected producers shall have positions one through six and the member appointed by the director, position seven.

(c) The term of office for the initial board members shall be as follows:

Positions one and two - one year;

Positions three and four - two years;

Positions five, six, and seven - three years.

~~((d) No elected individual member of the board may serve more than two full consecutive three-year terms.))~~

(5) **Nomination and election of board members.** Each year the director shall call for a nomination meeting. Such meeting shall be held at least thirty days in advance of the date set by the director for the election of board members. Notice of every such meeting shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such meeting; and, in addition, written notice of every such meeting shall be given to all affected producers according to the list maintained by the director pursuant to RCW 15.65.200. Nonreceipt of notice by any interested person shall not invalidate the proceedings at such nomination meeting. Any qualified affected producer may be nominated orally for membership on the board at such nomination meeting. Nominations may also be made within five days after any such meeting by written petition filed with the director, signed by not less than five affected producers. At the inception of this marketing order, nominations may be made at the issuance hearing.

(6) Election of board members.

(a) Members of the board shall be elected by secret mail ballot within the month of October under the supervision of the director. Affected producer members of the board shall be elected by a majority of the votes cast by the affected producers. Each affected producer shall be entitled to one vote.

(b) If a nominee does not receive a majority of the votes on the first ballot, a run-off election shall be held by mail in a similar manner between the two candidates for such position receiving the largest number of votes.

(c) Notice of every election for board membership shall be published in a newspaper of general circulation within the production area not less than ten days in advance of the date of such election. Not less than ten days prior to every election for board membership, the director shall mail a ballot of the candidates to each affected producer entitled to vote whose name appears on the list of such affected producers maintained by the director in accordance with

RCW 15.65.200. Any other affected producer entitled to vote may obtain a ballot by application to the director upon establishing his qualifications. Nonreceipt of a ballot by any affected producer shall not invalidate the election of any board members.

(7) **Vacancies prior to election.** In the event of a vacancy on the board, the remaining elected members shall select a qualified person to fill the unexpired term.

(8) **Quorum.** A majority of the members shall constitute a quorum for the transaction of all business and the carrying out of all duties of the board.

(9) **Board compensation.** No member of the board shall receive any salary or other compensation, but each member may be compensated for each day in actual attendance at or traveling to and from meetings of the board or on special assignment for the board, in accordance with RCW 43.03.230 together with travel expenses in accordance with RCW 43.03.050 and 43.03.060.

(10) **Powers and duties of the board.** The board shall have the following powers and duties:

(a) To administer, enforce, and control the provisions of this order as the designee of the director.

(b) To elect a chairman and such other officers as the board deems advisable.

(c) To employ and discharge at its discretion such personnel as the board determines necessary and proper to carry out the purpose of the order and effectuate the declared policies of the act.

(d) To pay from moneys collected as assessments or advances thereon the costs arising in connection with the formulation, issuance, administration, and enforcement of the order. Such expenses and costs may be paid by check, draft, or voucher in such form and in such manner and upon the signature of the person as the board may prescribe.

(e) To reimburse any applicant who has deposited with the director in order to defray the costs of formulating the order.

(f) To establish an "egg board marketing revolving fund" and such fund to be deposited in a bank or banks or financial institution or institutions, approved for the deposit of state funds, in which all money received by the board, except as the amount of petty cash for each day's needs, not-to-exceed one hundred dollars, shall be deposited weekly.

(g) To keep or cause to be kept in accordance with accepted standards of good accounting practice, accurate records of all assessments, paid outs, moneys, and other financial transactions made and done pursuant to this order. Such records, books, and accounts shall be audited subject to procedures and methods lawfully prescribed by the state auditor. Such books and accounts shall be closed as of the last day of each fiscal year. A copy of such audit shall be delivered within thirty days after the completion thereof to the governor, the director, the state auditor, and the board.

(h) To require a bond of all board members and employees of the board in a position of trust in the amount the board shall deem necessary. The premium for such bond or bonds shall be paid by the board from assessments collected. Such bond shall not be necessary if any such board member or employee is covered by any blanket bond covering officials or employees of the state of Washington.

(i) To prepare a budget or budgets covering anticipated income and expenses to be incurred in carrying out the provisions of the order during each fiscal year.

(j) To establish by resolution, a headquarters which shall continue as such unless and until so changed by the board. All records, books, and minutes of board meetings shall be kept at such headquarters.

(k) To adopt rules and regulations of a technical or administrative nature, subject to the provisions of chapter 34.04 RCW (Administrative Procedure Act).

(l) To carry out the provisions of RCW 15.65.510 covering the obtaining of information necessary to effectuate the provisions of the order and the act, along with the necessary authority and procedure for obtaining such information.

(m) To bring actions or proceedings upon joining the director as a party for specific performance, restraint, injunction, or mandatory injunction against any person who violates or refuses to perform the obligations or duties imposed upon the person by the act or the order.

(n) To confer with and cooperate with the legally constituted authorities of other states and of the United States for the purpose of obtaining uniformity in the administration of federal and state marketing regulations, licenses, agreements, or orders.

(o) To carry out any other grant of authority or duty provided designees and not specifically set forth in this section.

(11) Procedures for board.

(a) The board shall hold regular meetings, at least semiannually, and such meetings shall be held in accordance with chapter 42.30 RCW (Open Public Meetings Act).

(b) The board shall hold an annual meeting, at which time an annual report will be presented. The proposed budget shall be presented for discussion at the meeting. Notice of the annual meeting shall be given by the board at least ten days prior to the meeting by written notice to each producer and by notifying the regular news media.

(c) The board shall establish by resolution, the time, place, and manner of calling special meetings of the board with reasonable notice to the members: *Provided*, That the notice of any special meeting may be waived by a waiver thereof by each member of the board.

WSR 94-08-097
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed April 6, 1994, 8:58 a.m.]

Date of Adoption: March 15, 1994.

Purpose: Establishes rules for training and special procedures related to pharmacy assistants to perform nondiscretionary, manipulative tasks, which will free up pharmacists to perform more patient care tasks.

Citation of Existing Rules Affected by this Order: New sections WAC 246-901-010 and 246-901-035; and amending WAC 246-901-020, 246-901-030, 246-901-100, and 246-901-130.

Statutory Authority for Adoption: RCW 18.64.050.

Pursuant to notice filed as WSR 94-04-112 on February 2, 1994.

Changes Other than Editing from Proposed to Adopted Version: The board lowered the required score for the test of English as a foreign language for licensure as a pharmacy assistant by a foreign pharmacy school or medical school graduate.

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

April 5, 1994

Maureen E. Sandison
 Board Chairperson

NEW SECTION

WAC 246-901-010 Definitions. (1) "Consultation" means:

(a) A communication or deliberation between a pharmacist and a patient, a patient's agent, and/or a patient's health care provider in which the pharmacist uses professional judgment to provide advice about drug therapy.

(b) A method by which the pharmacist meets patient information requirements as set forth in WAC 246-869-220.

(2) "Dispense" as defined in RCW 18.64.011(16).

(3) "Intravenous admixture preparation" means the preparation of a drug product that combines two or more ingredients using aseptic technique and is intended for administration into a vein.

(4) "Parenteral" as defined in WAC 246-871-020.

(5) "Pharmacy assistant specialized function" means a function that the board has determined does not require the supervision normally required by a Level A pharmacy assistant but does require additional training.

(6) "Prescription" as defined in RCW 18.64.011(8).

(7) "Responsible manager" as defined in WAC 246-869-070.

(8) "Unit-dose" and "unit-dose drug distribution system" as defined in WAC 246-865-010.

(9) "Unit-dose medication cassettes" means containers for a patient's medications into which each individually packaged and labeled drug is placed.

(10) "Verification" means that the pharmacist has reviewed a patient drug order initiated by an authorized prescriber, has examined the patient's drug profile, and has approved the drug order after taking into account pertinent drug and disease information to insure the correctness of the drug order for a specific patient. The verification process must generate an audit trail that identifies the pharmacist. The pharmacist who performs the verification of a drug order is responsible for all reports generated by the approval of that order. The unit-dose medication fill and check reports are an example.

AMENDATORY SECTION (Amending Order 277B, filed 5/28/92, effective 6/28/92)

WAC 246-901-020 Level A pharmacy assistants utilization. (1) Level A pharmacy assistants may assist in performing, under the immediate supervision and control of a licensed pharmacist, manipulative, nondiscretionary functions associated with the practice of pharmacy.

(2) Immediate supervision shall include visual and/or physical proximity that will insure adequate safety controls, ~~except that the board of pharmacy may apply the standards~~

~~of the joint commission on accreditation of hospitals for facilities licensed pursuant to chapters 70.41 or 71.12 RCW).~~

(3) The following shall not be considered to be manipulative and nondiscretionary functions associated with the practice of pharmacy:

(a) Consultation with the prescriber regarding the patient and his prescription.

(b) Receipt of a verbal prescription other than refill approval or denial from a prescriber.

(c) Consultation with the patient regarding the prescription, both prior to and after the prescription filling and/or regarding any information contained in a patient medication record system.

(d) Interpretation and identification of the contents of the prescription document.

(e) Determination of the product required for the prescription.

(f) Extemporaneous compounding of the prescription, except in accordance with written policies and procedures in accordance with WAC 246-901-100, whereby the accuracy, correct procedure and preparation, and safety of pharmaceutical constituents can be verified by the pharmacist.

(g) Interpretation of data in a patient medication record system.

(h) Final check on all aspects of the completed prescription and assumption of the responsibility for the filled prescription, including but not limited to accuracy of drug, strength, labeling, and proper container provided that a Level A pharmacy assistant may perform specialized functions. The employer and the responsible manager are responsible and liable for the acts performed by the Level A pharmacy assistant as set forth in WAC 246-901-100(2) board-approved utilization plan.

(i) Dispense prescriptions to patient with proper patient information as required by WAC 246-869-220.

(j) Any duty required by law, rule or regulation to be performed only by a registered pharmacist.

(4) Except for a specialized function approved by the board for the location, a Level A pharmacy assistant shall not release any drug ordered for a specific patient from the pharmacy or satellite pharmacy that has not been checked by a licensed pharmacist.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91)

WAC 246-901-030 Level A education and training.

(1) The education and/or training of Level A pharmacy assistants shall be obtained (~~in~~) from one of the following (~~manner~~):

(a) Formal academic program for pharmacy assistant training approved by the board.

(b) On-the-job training program (~~following guidelines~~) approved by the board.

(2) The minimum educational (~~requirement~~) prerequisite for entering a training program shall be high school graduation or G.E.D.

(3) Foreign trained applicants must earn five hundred twenty hours of supervised experience in an approved pharmacy assistant training program. In addition, applicants whose academic training has been obtained in foreign

countries shall meet certification requirements as listed below:

(a) Foreign pharmacy school graduates. Board approval of program completed for the degree.

(b) Foreign medical school graduates. Board approval of program completed for the degree.

(4) All foreign graduates for whom English is not the primary language shall provide proof of receiving a score of at least 500 on the Test of English as a Foreign Language (TOEFL) prior to certification.

(5) Prior to performing specialized functions, Level A pharmacy assistants shall complete specialized training and meet proficiency criteria.

(a) Unit-dose medication checking. The training proficiency criteria requires demonstration of 99% accuracy in medication checking.

(b) Intravenous admixture preparation. The training proficiency criteria requires demonstration of 100% accuracy in intravenous admixture preparation of a representative sample of preparations provided by the facility using aseptic technique.

NEW SECTION

WAC 246-901-035 Pharmacy assistants specialized functions. A Level A pharmacy assistant who meets established criteria for employment, experience, training and demonstrated proficiency may perform specialized functions. The criteria shall be specified in the utilization plan of the pharmacy for Level A pharmacy assistants performing specialized functions required in WAC 246-901-100 (2)(b). Records of Level A pharmacy assistant training and of demonstration of proficiency shall be kept on file in the pharmacy. Specialized functions include the following:

(1) Unit-dose medication checking. Following verification of the drug order by a licensed pharmacist, a Level A pharmacy assistant may check unit-dose medication cassettes filled by another Level A pharmacy assistant or pharmacy intern in pharmacies serving facilities licensed pursuant to chapter 70.41, 71.12, 71A.20 or 74.42 RCW. No more than a forty-eight hour supply of drugs may be included in the patient medication cassettes and a licensed health professional must check the drug before administering it to the patient.

(2) Intravenous admixture and other parenteral preparations. A Level A pharmacy assistant may prepare intravenous admixtures and other parenteral drugs. Each parenteral drug prepared by a Level A pharmacy assistant must be checked by a licensed pharmacist.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-100 Board approval of pharmacies utilizing pharmacy assistants. (1) Application. All licensed pharmacies may apply on a form supplied by the board for permission to utilize the services of pharmacy assistants.

(2) Utilization plan for Level A pharmacy assistants.

(a) General. The application for approval must describe the manner in which the pharmacy assistants will be utilized and supervised, including job descriptions, task analysis or similar type documents that define the duties performed and the conditions under which they are performed, number of

positions in each category, as well as other information as may be required by the board. The board will be notified of all changes to the utilization plan. A copy of the utilization plan must be maintained in the pharmacy.

(b) Specialized function. The utilization plan for Level A pharmacy assistants performing specialized functions. The utilization plan must include:

(i) The criteria for selection of Level A pharmacy assistants to perform specialized functions;

(ii) A description of the methods of training and of initial demonstration of proficiency;

(iii) A copy of the part of the section of the pharmacy's quality assurance plan related to pharmacy assistants specialized functions;

(iv) Other information that may be required by the board.

(c) To gain approval for specialized functions, a pharmacy must follow board-approved guidelines regarding pharmacy assistant training, implementation and evaluation.

(3) Utilization plan for Level B pharmacy assistants. The application for approval shall list the job title or function of the pharmacy assistant.

(4) The board may give conditional approval for pilot or demonstration projects for innovative applications in the utilization of pharmacy assistants.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-901-130 Pharmacist to pharmacy assistant ratio. (1) RCW 18.64A.040 establishes a ratio of pharmacists to Level A pharmacy assistants who are performing Level A functions. This ratio is one pharmacist to one Level A pharmacy assistant in most pharmacies, including hospital outpatient activities and one to three in pharmacies associated with inpatient hospital services including those pharmacies operating in connection with facilities licensed pursuant to chapter 70.41, 71.12, 71A.20 or 74.42 RCW.

(2) In determining which pharmacists may be included in the calculation of the ratio, the board will consider approval of pharmacy assistant utilization plans which include all pharmacists within the pharmacy who are engaged in the actual practice of pharmacy. When the pharmacy provides service to inpatients of a hospital or extended care facility, pharmacists who are practicing pharmacy outside of the confines of the licensed pharmacy (e.g., performing nursing unit inspections, reviewing charts, consulting with health professional staff) may be included in the ratio, provided:

(a) There are sufficient numbers of pharmacists within the pharmacy to properly supervise the work of the pharmacy assistants;

(b) The pharmacy is not open to the public;

(c) The medications are being checked by another health professional before being given to the patient;

(d) Drug orders are not dispensed from the pharmacy without being checked by a licensed pharmacist or pharmacy intern except for board-approved Level A pharmacy assistant specialized functions provided a Level A pharmacy assistant may check unit-dose medication cassettes.

WSR 94-08-098
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed April 6, 1994, 9:01 a.m.]

Date of Adoption: February 16, 1994.

Purpose: To change incorrect spellings of steroid drugs and add additional drugs in chapter 246-887 WAC.

Citation of Existing Rules Affected by this Order: Amending chapter 246-887 WAC.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 93-22-110 on November 3, 1993.

Changes Other than Editing from Proposed to Adopted Version: There were some editorial changes, nothing substantial.

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

March 30, 1994

Maureen E. Sandison
 Board Chairperson

AMENDATORY SECTION (Amending Order 239B [WSR 94-07-105], filed 1/28/92 [3/18/94], effective 2/29/92 [3/18/94])

WAC 246-887-100 Schedule I. The board finds that the following substances have high potential for abuse and have no accepted medical use in treatment in the United States or that they lack accepted safety for use in treatment under medical supervision. The board, therefore, places each of the following substances in Schedule I.

(a) The controlled substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name, are included in Schedule I.

(b) Opiates. Unless specifically excepted or unless listed in another schedule, any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, whenever the existence of these isomers, esters, ethers, and salts is possible within the specific chemical designation:

(1) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidiny]-N-phenylacetamide);

(2) Acetylmethadol;

(3) Allylprodine;

(4) Alphacetylmethadol;

(5) Alphameprodine;

(6) Alphamethadol;

(7) Alpha-methylfentanyl (N-[1-alpha-methyl-beta-phenyl ethyl-4-piperidyl] propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);

(8) Benzethidine;

(9) Betacetylmethadol;

(10) Betameprodine;

(11) Betamethadol;

(12) Betaprodine;

(13) Clonitazene;

(14) Dextromoramide;

(15) Diampromide;

(16) Diethylthiambutene;

(17) Difenoxyin;

(18) Dimenoxadol;

(19) Dimepheptanol;

- (20) Dimethylthiambutene;
 (21) Dioxaphetyl butyrate;
 (22) Dipipanone;
 (23) Ethylmethylthiambutene;
 (24) Etonitazene;
 (25) Etoxidazine;
 (26) Furethidine;
 (27) Hydroxypethidine;
 (28) Ketobemidone;
 (29) Levomoramide;
 (30) Levophenacymorphan;
 (31) 3-Methylfentanyl (N-[3-Methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);
 (32) Morpheridine;
 (33) MPPP (1-Methyl-4-phenyl-4-propionoxypiperidine);
 (34) Noracymethadol;
 (35) Norlevorphanol;
 (36) Normethadone;
 (37) Norpipanone;
 (38) PEPAP (1-(2-phenethyl)-4-phenyl-4-acetoxypiperidine);
 (39) Phenadoxone;
 (40) Phenampromide;
 (41) Phenomorphan;
 (42) Phenoperidine;
 (43) Piritamide;
 (44) Proheptazine;
 (45) Properidine;
 (46) Propiram;
 (47) Racemoramide;
 (48) Tilidine;
 (49) Trimeperidine.

(c) Opium derivatives. Unless specifically excepted or unless listed in another schedule, any of the following opium derivatives, their salts, isomers, and salts of isomers, whenever the existence of these salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Acetorphine;
 (2) Acetyldihydrocodeine;
 (3) Benzylmorphine;
 (4) Codeine methylbromide;
 (5) Codeine-N-Oxide;
 (6) Cyprenorphine;
 (7) Desomorphine;
 (8) Dihydromorphine;
 (9) Drotebanol;
 (10) Etorphine (except hydrochloride salt);
 (11) Heroin;
 (12) Hydromorphanol;
 (13) Methyl-desorphine;
 (14) Methyl-dihydromorphine;
 (15) Morphine methylbromide;
 (16) Morphine methylsulfonate;
 (17) Morphine-N-Oxide;
 (18) Myrophine;
 (19) Nicocodeine;
 (20) Nicomorphine;
 (21) Normorphine;
 (22) Pholcodine;
 (23) Thebacon.

(d) Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of paragraph (d) of this section, only, the term "isomer" includes the optical, position, and geometric isomers):

- (1) 4-bromo-2,5-dimethoxy-amphetamine: Some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA;
 (2) 2,5-dimethoxyamphetamine: Some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA;
 (3) 2,5-dimethoxy-4-ethylamphetamine (DOET)
 ((3)) (4) 4-methoxyamphetamine: Some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxy-amphetamine, PMA;
 ((4)) (5) 5-methoxy-3,4-methylenedioxy-amphetamine;
 ((5)) (6) 4-methyl-2,5-dimethoxy-amphetamine: Some trade and other names: 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM"; and "STP";
 ((6)) (7) 3,4-methylenedioxy amphetamine;
 ((7)) (8) 3,4-methylenedioxymethamphetamine (MDMA);
 ((8)) (9) 3,4,5-trimethoxy amphetamine;
 ((9)) (10) Bufotenine: Some trade or other names: 3-(beta-Dimethylaminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine;
 ((10)) (11) Diethyltryptamine: Some trade or other names: N,N-Diethyltryptamine; DET;
 ((11)) (12) Dimethyltryptamine: Some trade or other names: DMT;
 ((12)) (13) Ibogaine: Some trade or other names: 7-Ethyl-6,6 beta,7,8,9,10,12,13,-octahydro-2-methoxy-6,9methano-5H-pyrido (1',2':1,2) azepino (5,4-b) indole; Tabernanthe iboga;
 ((13)) (14) Lysergic acid diethylamide;
 ((14)) (15) Marihuana;
 ((15)) (16) Mescaline;
 ((16)) (17) Parahexyl-7374; some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo[b,d]pyran; synhexyl;
 ((17)) (18) Peyote, meaning all parts of the plant presently classified botanically as *Lophophora Williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds, or extracts; (interprets 21 USC § 812 (c), Schedule I (c)(12))
 ((18)) (19) N-ethyl-3-piperidyl benzilate;
 ((19)) (20) N-methyl-3-piperidyl benzilate;
 ((20)) (21) Psilocybin;
 ((21)) (22) Psilocyn;
 ((22)) (23) Tetrahydrocannabinols, synthetic equivalents of the substances contained in the plant, or in the resinous extractives of *Cannabis*, sp., and/or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:

(i) Delta 1 - cis - or transtetrahydrocannabinol, and their optical isomers, excluding tetrahydrocannabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the United States Food and Drug Administration;

(ii) Delta 6 - cis - or transtetrahydrocannabinol, and their optical isomers;

(iii) Delta 3,4 - cis - or transtetrahydrocannabinol, and its optical isomers;

(Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)

~~((23))~~ (24) Ethylamine analog of phencyclidine: Some trade or other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl)ethylamine, cyclohexamine, PCE;

~~((24))~~ (25) Pyrrolidine analog of phencyclidine: Some trade or other names: 1-(1-phenylcyclohexyl)pyrrolidine; PCPy; PHP;

~~((25))~~ (26) Thiophene analog of phencyclidine: Some trade or other names: 1-(1-[2-thienyl]-cyclohexyl)-piperidine; 2-thienylanalog of phencyclidine; TPCP; TCP;

(e) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(i) Mecloqualone;

(ii) Methaqualone.

(f) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers, and salts of isomers:

(i) Cathinone (also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone and norephedrone)

~~((ii))~~ (ii) Fenethylamine;

~~((iii))~~ (iii) N-ethylamphetamine;

~~((iv))~~ (iv) 4-methylaminorex;

~~((v))~~ (v) N,N-dimethylamphetamine.

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.

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 376B, filed 6/29/93, effective 7/30/93)

WAC 246-887-160 Schedule III. The board finds that the following substances have a potential for abuse less than the substances listed in Schedules I and II, and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to moderate or low

physical dependency or high psychological dependency. The board, therefore, places each of the following substances in Schedule III.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule III.

(b) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

(1) Those compounds, mixtures, or preparations in dosage unit form containing any stimulant substances listed in Schedule II which compounds, mixtures, or preparations are referred to as excepted compounds in Schedule III as published in 21 CFR 1308.13 (b)(1) as of April 1, 1984, and any other drug of the quantitative composition shown in that list for those drugs or which is the same except that it contains a lesser quantity of controlled substances;

(2) Benzphetamine;

(3) Chlorphentermine;

(4) Clortermine;

(5) Phendimetrazine.

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system:

(1) Any compound, mixture, or preparation containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt thereof and one or more other active medicinal ingredients which are not listed in any schedule;

(2) Any suppository dosage form containing:

(i) Amobarbital;

(ii) Secobarbital;

(iii) Pentobarbital;

or any salt of any of these drugs and approved by the Food and Drug Administration for marketing only as a suppository;

(3) Any substance which contains any quantity of a derivative of barbituric acid, or any salt of a derivative of barbituric acid;

(4) Chlorhexadol;

(5) Lysergic acid;

(6) Lysergic acid amide;

(7) Methyprylon;

(8) Sulfondiethylmethane;

(9) Sulfonethylmethane;

(10) Sulfonmethane;

(11) Tiletamine and zolazepam or any salt thereof—some trade or other names for a tiletamine-zolazepam combination product: Telazol some trade or other names for tiletamine: 2-(ethylamino)-2-(2-thienyl) cyclohexanone—some trade or other names for zolazepam: 4-(2-fluorophenyl)-6,8-dihydro-1,3,8-trimethylpyrazolo-[3,4-e][1,4] diazepin 7 (1H)-one flupyrzapon.

(d) Nalorphine.

(e) Anabolic steroids. The term "anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone (other than estrogens, progestins, and corticosteroids) that promotes muscle growth, and includes:

- (1) Boldenone;
- (2) Chlorotestosterone;
- (3) Clostebol;
- (4) Dehydrochloromethyltestosterone;
- (5) Dihydrotestosterone;
- (6) Drostanolone;
- (7) Ethylestrenol;
- (8) Fluoxymesterone;
- (9) Formebolone (Formebolone);
- (10) Mesterolone;
- (11) Methandienone;
- (12) Methandranone;
- (13) Methandriol;
- (14) Methandrostenolone;
- (15) Methenolone;
- (16) Methyltestosterone;
- (17) Mibolerone;
- (18) (~~Nandrolone~~) Nandrolone;
- (19) Norethandrolone;
- (20) Oxandrolone;
- (21) Oxymesterone;
- (22) Oxymetholone;
- (23) Stanolone;
- (24) Stanozolol;
- (25) Testolactone;
- (26) Testosterone;
- (27) Trenbolone; and

(28) Any salt, ester, or isomer of a drug or substance described or listed in this paragraph, if that salt, ester, or isomer promotes muscle growth. Except such term does not include an anabolic steroid which is expressly intended for administration through implants to cattle or other nonhuman species and which has been approved by the secretary of health and human services for such administration. If any person prescribes, dispenses, or distributes such steroid for human use such person shall be considered to have prescribed, dispensed, or distributed an anabolic steroid within the meaning of this paragraph.

The following are implants or pellets which are exempt:

Ingredients	Trade Name	Company
Testosterone Propionate, Estradiol Benzoate	F-TO	Animal Health Div. Upjohn International Kalamazoo, MI
Trenbolone Acetate	Finaplix-H	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
(Trenbolone) <u>Trenbolone</u> Acetate	Finaplix-S	Hoechst-Roussel Agri-Vet Co., Somerville, NJ
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Anchor Division Boehringer Ingelheim St. Joseph, MO
Testosterone Propionate, Estradiol Benzoate	Heifer-oid	Bio-Ceutic Division Boehringer Ingelheim St. Joseph, MO

Testosterone Propionate, Heifer-oid Ivy Laboratories, Inc.
Estradiol Benzoate Overland Park, KS

Testosterone Propionate, Implus The Upjohn Co.
Estradiol Benzoate Kalamazoo, MI

Trenbolone Acetate, Revalor-s Hoechst-Roussel
Estradiol Agri-Vet Co.,
Somerville, NJ

Testosterone Propionate, Synovex H Syntex Laboratories
Estradiol Benzoate Palo Alto, CA

(f) The following anabolic steroid products containing compounds, mixtures, or preparations are exempt from the recordkeeping, refill restrictions, and other Controlled Substances Act requirements:

Ingredients	Trade Name	Company
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Androgyn L.A.	Forest Pharmaceuticals St. Louis, MO
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Andro-Estro 90-4	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depANDROGYN	Forest Pharmaceuticals St. Louis, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DEPO-T.E.	Quality Research Laboratories Carmel, IN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	depTESTROGEN	Martica Pharmaceuticals Phoenix, AZ
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Duomone	Wintec Pharmaceutical Pacific, MO
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	DURATESTRIN	W.E. Hauck Alpharetta, GA
Testosterone cypionate 50 mg/ml Esterified cypionate 2 mg/ml	DUO-SPAN II	Primedics laboratories Gardena, CA
Esterified estrogens 1.25 mg. Methyltestosterone 2.5 mg.	Estratest	Solvay Pharmaceuticals Marietta, GA
Esterified estrogens 0.525 mg. Methyltestosterone 1.25 mg.	Estratest HS	Solvay Pharmaceuticals Marietta, GA
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	PAN ESTRA TEST	Pan American Labs Covington, LA

PERMANENT

Conjugated estrogens 1.25 mg. Methyltestosterone 10 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
Conjugated estrogens 0.625 mg. Methyltestosterone 5 mg.	Premarin with Methyltestosterone	Ayerst Labs, Inc. New York, NY
<u>Testosterone propionate</u> 25 mg <u>Estradiol benzoate</u> 2.5 mg	<u>Synovex H Pellets</u> in process	<u>Syntex Animal Health</u> Palo Alto, CA
<u>Testosterone propionate</u> 10 parts <u>Estradiol benzoate</u> 1 part	<u>Synovex H Pellets</u> in process, <u>granulation</u>	<u>Syntex Animal Health</u> Palo Alto, CA
<u>Testosterone cypionate</u> 50 mg/ml <u>Estradiol cypionate</u> 2 mg/ml	<u>Testagen</u>	<u>Clint Pharmaceutical</u> Nashville, TN
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	TEST-ESTRO Cypionates	Rugby Laboratories Rockville Centre, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cyp 50 Estradiol Cyp 2	I.D.E.-Interstate Amityville, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Best Generics No. Miami(??) Beach, FL
<u>Testosterone cypionate</u> 50 mg/ml <u>Estradiol cypionate</u> 2 mg/ml	<u>Testosterone Cypionate-Estradiol</u> <u>Cypionate Injection</u>	<u>Goldline Labs</u> Ft. Lauderdale FL
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone cypionate 50 mg/ml Estradiol cypionate 2 mg/ml	Testosterone Cypionate-Estradiol Cypionate Injection	Steris Labs, Inc. Phoenix, AZ
<u>Testosterone enanthate</u> 90 mg/ml <u>Estradiol valerate</u> 4 mg/ml	<u>Testosterone Enanthate-Estradiol</u> <u>Valerate Injection</u>	<u>Goldline Labs</u> Ft. Lauderdale FL
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Schein Pharmaceuticals Port Washington, NY
Testosterone enanthate 90 mg/ml Estradiol valerate 4 mg/ml	Testosterone Enanthate-Estradiol Valerate Injection	Steris Labs, Inc. Phoenix, AZ

(g) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing limited quantities of any of the following narcotic drugs, or any salts thereof calculat-

ed as the free anhydrous base or alkaloid, in limited quantities as set forth in paragraph (e) of this section:

(1) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with an equal or greater quantity of an isoquinoline alkaloid of opium;

(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(3) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with a fourfold or greater quantity of an isoquinoline alkaloid of opium;

(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(5) Not more than 1.8 grams of dihydrocodeine per 100 milliliters or not more than 90 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(6) Not more than 300 milligrams of ethylmorphine per 100 milliliters or not more than 15 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(7) Not more than 500 milligrams of opium per 100 milliliters or per 100 grams, or not more than 25 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized therapeutic amounts;

(8) Not more than 50 milligrams of morphine per 100 milliliters or per 100 grams with one or more active, nonnarcotic ingredients in recognized therapeutic amounts.

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 239B, filed 1/28/92, effective 2/29/92)

WAC 246-887-170 Schedule IV. The board finds that the following substances have a low potential for abuse relative to substances in Schedule III and have currently accepted medical use in treatment in the United States and that the abuse of the substances may lead to limited physical dependence or psychological dependence relative to the substances in Schedule III. The board, therefore, places each of the following substances in Schedule IV.

(a) The drugs and other substances listed in this section, by whatever official name, common or usual name, chemical name, or brand name designated, are included in Schedule IV.

(b) Narcotic drugs. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

(1) Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit.

(2) Dextropropoxyphene (alpha-(+)-e-dimethylamino-1,2-diphenyl-3-methyl-2 propionoxybutane).

(c) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Alprazolam;
- (2) Barbital;
- (3) Bromazepam;
- (4) Camazepam;
- (5) Chloral betaine;
- (6) Chloral hydrate;
- (7) Chlordiazepoxide;
- (8) Clobazam;
- (9) Clonazepam;
- (10) Clorazepate;
- (11) Clotiazepam;
- (12) Cloxazolam;
- (13) Delorazepam;
- (14) Diazepam;
- (15) Estazolam;
- (16) Ethchlorvynol;
- (17) Ethinamate;
- (18) Ethyl loflazepate;
- (19) Fludiazepam;
- (20) Flunitrazepam;
- (21) Flurazepam;
- (22) Halazepam;
- (23) Haloxazolam;
- (24) Ketazolam;
- (25) Loprazolam;
- (26) Lorazepam;
- (27) Lormetazepam;
- (28) Mebutamate;
- (29) Medazepam;
- (30) Meprobamate;
- (31) Methohexital;
- (32) Methylphenobarbital (mephobarbital);
- (33) Midazolam;
- (34) Nimetazepam;
- (35) Nitrazepam;
- (36) Nordiazepam;
- (37) Oxazepam;
- (38) Oxazolam;
- (39) Paraldehyde;
- (40) Petrichloral;
- (41) Phenobarbital;
- (42) Pinazepam;
- (43) Prazepam;
- (44) Quazepam;
- (45) Temazepam;
- (46) Tetrazepam;
- (47) Triazolam.
- (48) Zolpidem

(d) Fenfluramine. Any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers (whether optical, position or geometric), and salts of such isomers, whenever the existence of such salts, isomers and salts of isomers is possible.

(e) Stimulants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture,

or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

- (1) Cathine ((+) - norpseudoephedrine);
 - (2) Diethylpropion;
 - (3) Fencamfamin;
 - (4) Fenproporex;
 - (5) Mazindol;
 - (6) Mefenorex;
 - (7) Pemoline (including organometallic complexes and chelates thereof);
 - (8) Phentermine;
 - (9) Pipradrol;
 - (10) SPA ((-)-1-dimethylamino-1, 2-dephenylethane.
- (f) Other substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts:
- (1) Pentazocine.

NEW SECTION

WAC 246-887-133 Adding Alpha-ethyltryptamine to Schedule I The Washington state board of pharmacy finds that Alpha-ethyltryptamine has been classified as both a central nervous system stimulant and as a tryptamine hallucinogen. The DEA used its emergency scheduling authority to place this under Schedule I after finding that immediate CSA control was necessary to avoid an imminent hazard to public safety. The substance has been found by DEA in clandestine laboratories and on the illicit drug market. Therefore the Washington State Board of Pharmacy places Alpha-ethyltryptamine under control of Schedule I of the Controlled Substances Act.

WSR 94-08-099

PERMANENT RULES DEPARTMENT OF HEALTH (Board of Pharmacy)

[Filed April 6, 1994, 9:04 a.m.]

Date of Adoption: March 15, 1994.

Purpose: Establishes time limits and procedures on abandoned reciprocity and score transfer applications and clarifies requirements for score transfer applicants.

Citation of Existing Rules Affected by this Order: Amending WAC 246-863-020 and 246-863-030.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 94-04-113 on February 2, 1994.

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

March 30, 1994

Maureen E. Sandison
Board Chairperson

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-020 Examinations. (1) The examination for licensure as a pharmacist shall be known as the full board examination in such form as may be determined by the board.

(2) The score required to pass the examination shall be 75. In addition, the score achieved in the jurisprudence section of the exam shall be no lower than 75.

(3) An examinee failing the jurisprudence section of the full board examination shall be allowed to retake the jurisprudence section at a time and place to be specified by the board.

(4) An examinee who fails the jurisprudence examination three times shall not be eligible for further examination until he or she has satisfactorily completed a pharmacy law course provided by a college of pharmacy or board directed study or tutorial program approved by the board.

(5) A person taking the licensing examination in another state for the purpose of score transfer to Washington shall be required to meet the same licensure requirements as a person taking the licensing examination in Washington. All of the documentation, fees, intern hours and reports shall be submitted. In order for the score transfer application to be valid, the licensing process must be completed within one year of the date the score transfer notification is received in the board office.

AMENDATORY SECTION (Amending Order 191B, filed 8/30/91, effective 9/30/91)

WAC 246-863-030 Applicants—Reciprocity applicants. (1) Applicants for license by reciprocity whose applications have been approved shall be required to take and pass the jurisprudence examination given by the board prior to being issued his or her license. The jurisprudence examination shall be offered at least once in every two months. If the licensing process has not been completed within two years of the date of application, the application shall be considered abandoned.

Refund of the state application fee shall not be made for any request not received within one year or for those applicants who have attempted the jurisprudence examination and have failed to achieve a passing score.

(2) An applicant for license by reciprocity who has been out of the active practice of pharmacy for between three and five years must take and pass the jurisprudence examination and additionally must either serve an internship of 300 hours or take and pass such additional practical examinations as may be specified by the board in each individual case.

(3) An applicant for license by reciprocity who has been out of the active practice of pharmacy for over five years must take and pass the full board examination and serve an internship of 300 hours.

WSR 94-08-100
PERMANENT RULES
DEPARTMENT OF HEALTH
(Board of Pharmacy)
[Filed April 6, 1994, 9:07 a.m.]

Date of Adoption: February 16, 1994.

Purpose: This rule change allows over-the-counter sale of Ephedra and Ma Huang, the natural forms of ephedrine, if they are in natural state and if they contain 25 mg. or less of ephedrine. Without this rule, these products would be restricted to prescription only availability. It also revises some current language in the rule, making it more clear and readable.

Citation of Existing Rules Affected by this Order: Amending WAC 246-883-030.

Statutory Authority for Adoption: RCW 18.64.005.

Pursuant to notice filed as WSR 94-02-078 on January 5, 1994.

Changes Other than Editing from Proposed to Adopted Version: The board granted exemption to PDK Labs Bronchodilator and expectorant product and added to list in WAC 246-883-030(2).

Effective Date of Rule: Thirty-one days after filing.
March 30, 1994
Maureen E. Sandison
Board Chairperson

AMENDATORY SECTION (Amending Order 333B, filed 2/17/93, effective 3/20/93)

WAC 246-883-030 Ephedrine prescription restrictions. (1) The board of pharmacy, pursuant to RCW 69.41.075, hereby identifies ephedrine, or any of its salts in a solid or aqueous form normally intended for oral administration, in any quantity, as a legend drug subject to the restrictions of RCW 69.41.030.

(2) The following products containing ephedrine or its salts in the amount of 25 mg. or less per solid dosage unit or per 5 ml. of liquid forms in combination with other ingredients in therapeutic amounts are exempt from subsection (1) of this section:

TRADE NAME	EPHEDRINE CONTENT
1. AMESAC capsule (Russ)	25 mg. ephedrine HCL
2. AZMA AID tablet (Various, eg Purepac)	24 mg. ephedrine HCL
3. BRONC-EASE PLUS (Natur-Pharma)	25 mg. ephedrine HCL
4. <u>BRONCHODILATOR AND EXPECTORANT (PDK Labs)</u>	<u>25 mg. ephedrine HCL</u>
5. (4) BRONITIN tablet (Whitehall)	24 mg. ephedrine HCL
6. (5) BRONKAID tablet (Breon)	24 mg. ephedrine sulfate
7. (6) BRONKOLIXER (Sterling Winthrop)	12 mg. ephedrine

PERMANENT

<p>8. ((7-))</p>	<p>BRONKOTABS tablet (Breon)</p>	<p>24 mg. ephedrine sulfate</p>
<p>9. ((8-))</p>	<p>EFEDRON nasal jelly (Hyrex)</p>	<p>0.6% ephedrine HCL in 20 g.</p>
<p>10. ((9-))</p>	<p>MINI THINS asthma relief (BDI Pharmaceuticals)</p>	<p>25 mg. ephedrine</p>
<p>11. ((10-))</p>	<p>PAZO HEMORRHOID suppository (Bristol-Meyers)</p>	<p>3.86 mg. ephedrine sulfate</p>
<p>12. ((11-))</p>	<p>PAZO HEMORRHOID ointment (Bristol-Meyers)</p>	<p>0.2% ephedrine sulfate</p>
<p>13. ((12-))</p>	<p>PRIMATENE tablet (Whitehall)</p>	<p>24 mg. ephedrine HCL</p>
<p>14. ((13-))</p>	<p>PRIMATENE M tablet (Whitehall)</p>	<p>24 mg. ephedrine HCL</p>
<p>15. ((14-))</p>	<p>PRIMATENE P tablet (Whitehall)</p>	<p>24 mg. ephedrine HCL</p>
<p>16. ((15-))</p>	<p>QUELIDRINE (Abbott)</p>	<p>5 mg. ephedrine HCL</p>
<p>17. ((16-))</p>	<p>TEDRAL tablet (Parke-Davis)</p>	<p>24 mg. ephedrine HCL</p>
<p>18. ((17-))</p>	<p>THEODRINE tablet (Rugby)</p>	<p>25 mg. ephedrine HCL</p>
<p>19. ((18-))</p>	<p>VATRONOL nose drops (Vicks Health Care)</p>	<p>0.5% ephedrine sulfate</p>

(b) Provides the board samples of all dosage forms in which the product is to be marketed in the packaging in which the product is to be marketed; and
 (c) Receives the board's approval to market such product.

WSR 94-08-101
PERMANENT RULES
DEPARTMENT OF HEALTH
 (Board of Pharmacy)
 [Filed April 6, 1994, 9:10 a.m.]

Date of Adoption: March 15, 1994.
 Purpose: Establishes criteria for good compounding practices for pharmacists.
 Citation of Existing Rules Affected by this Order: New chapter 246-878 WAC.
 Statutory Authority for Adoption: RCW 18.64.005.
 Pursuant to notice filed as WSR 94-02-079 on January 5, 1993 [1994].
 Changes Other than Editing from Proposed to Adopted Version: WAC 246-878-030 was amended to remove the sentence requiring that "competency and proficiency in the art of compounding for all pharmacists and level A pharmacy assistants shall be evaluated, documented and maintained in the files of the pharmacy" was removed due to public input that the sentence was redundant. Also, in WAC 246-878-040, the phrase "specifically designated and" in reference to the area for the orderly compounding of prescriptions was removed, in response to input that this phrase made it too specific that the area could only be used for compounding.
 Effective Date of Rule: Thirty-one days after filing.
 March 30, 1994
 Maureen E. Sandison
 Board Chairperson

Chapter 246-878 WAC
GOOD COMPOUNDING PRACTICES

NEW SECTION

WAC 246-878-010 Definitions. (1) "Compounding" shall be the act of combining two or more ingredients in the preparation of a prescription.

(2) "Manufacture" means the production, preparation, propagation, compounding, or processing of a drug or other substance or device or the packaging or repackaging of such substance or device, or the labeling or relabeling of the commercial container of such substance or device, but does not include the activities of a practitioner who, as an incident to his or her administration or dispensing such substance or device in the course of his or her professional practice, prepares, compounds, packages, or labels such substance or device.

(3) "Component" means any ingredient intended for use in the compounding of a drug product, including those that may not appear in such product.

(3) Ma Huang or other botanical products of genus ephedra used in their natural state and containing 25 mg. or less of ephedrine per recommended dosage as a preparation for human consumption are not legend drugs for the purposes of this section.

(4) Any reformulation of listed products which increases the ephedrine content to more than 25 mg. of ephedrine per solid dosage unit or ~~((25 mg.))~~ per 5 ml. of liquid forms shall negate the exemption. The manufacturers of listed products shall notify the board of any reformulation which increases the ephedrine content to more than 25 mg. of ephedrine per solid dosage unit or ~~((25 mg.))~~ per 5 ml. of liquid forms prior to distributing that product in the state of Washington.

~~((3))~~ (5) Manufacturers of products containing 25 mg. or less of ephedrine ~~((in combination with other ingredients in therapeutic amounts for))~~ per solid dosage unit or ~~((25 mg. or less))~~ per 5 ml. of liquid forms in combination with other ingredients in therapeutic amounts may gain exemption from subsection (1) of this section if, prior to the distributing of any such product in the state of Washington, the manufacturer:

(a) Provides the board with the formulation of any such product;

NEW SECTION

WAC 246-878-020 Compounded drug products—Pharmacist. (1) Based on the existence of a pharmacist/patient/prescriber relationship and the presentation of a valid prescription, or in anticipation of prescription drug orders based on routine, regularly observed prescribing patterns, pharmacists may compound, for an individual patient, drug products that are commercially available in the marketplace. When a compounded product is to be substituted for a commercially available product, both the patient and also the prescriber must authorize the use of the compounded product. The pharmacist shall document these authorizations on the prescription or in the computerized patient medication record. The prescriber's authorization shall be in addition to signing on the "substitution permitted" side of a written prescription or advising that substitution is permitted when a verbal prescription is issued.

(2) Pharmacists shall receive, store, or use drug substances for compounding prescriptions that meet official compendia requirements. If these requirements can not be met, and pharmacists document such, pharmacists shall use their professional judgment in the procurement of acceptable alternatives.

(3) Pharmacists may compound drugs in very limited quantities prior to receiving a valid prescription based on a history of receiving valid prescriptions that have been generated solely within an established pharmacist/patient/prescriber relationship, and provided that they maintain the prescriptions on file for all such products compounded at the pharmacy. The compounding of inordinate amounts of drugs, relative to the practice site, in anticipation of receiving prescriptions without any historical basis is considered manufacturing.

(4) Pharmacists shall not offer compounded drug products to other state-licensed persons or commercial entities for subsequent resale, except in the course of professional practice for a practitioner to administer to an individual patient. Compounding pharmacies/pharmacists may advertise or otherwise promote the fact that they provide prescription compounding services; however, they shall not solicit business (e.g., promote, advertise, or use salespersons) to compound specific drug products.

(5) The distribution of inordinate amounts of compounded products without a prescriber/patient/pharmacist relationship is considered manufacturing.

NEW SECTION

WAC 246-878-030 Organization and personnel. (1) The pharmacist has the responsibility and authority to inspect and approve or reject all components, drug product containers, closures, in-process materials, and labeling; and the authority to prepare and review all compounding records to assure that no errors have occurred in the compounding process. The pharmacist is also responsible for the proper maintenance, cleanliness, and use of all equipment used in prescription compounding practice.

(2) Pharmacists who engage in drug compounding, and level A pharmacy assistants, supervised by pharmacists, who assist in drug compounding, shall be competent and proficient in compounding and shall maintain that proficiency through current awareness and training. Every pharmacist

who engages in drug compounding and any level A pharmacy assistant who assists in compounding, must be aware of and familiar with all details of these good compounding practices.

(3) Pharmacy personnel engaged in the compounding of drugs shall wear clean clothing appropriate to the operation being performed. Protective apparel, such as coats/jackets, aprons, gowns, hand or arm coverings, or masks shall be worn as necessary to protect personnel from chemical exposure and drug products from contamination.

(4) Only personnel authorized by the responsible pharmacist shall be in the immediate vicinity of the drug compounding operation. Any person shown at any time (either by medical examination or pharmacist determination) to have an apparent illness or open lesions that may adversely affect the safety or quality of a drug product being compounded shall be excluded from direct contact with components, drug product containers, closures, in-process materials, and drug products until the condition is corrected or determined by competent medical personnel not to jeopardize the safety or quality of the products being compounded. All personnel who assist the pharmacist in compounding procedures shall be instructed to report to the pharmacist any health conditions that may have an adverse effect on drug products.

NEW SECTION

WAC 246-878-040 Facilities. (1) Pharmacies engaging in compounding shall have an adequate area for the orderly compounding of prescriptions, including the placement of equipment and materials. The drug compounding area for sterile products shall be separate and distinct from the area used for the compounding of nonsterile drug products. The area(s) used for compounding of drugs shall be maintained in a good state of repair.

(2) Bulk drugs and other chemicals or materials used in the compounding of drugs must be stored in adequately labeled containers in a clean, dry area or, if required, under proper refrigeration.

(3) Adequate lighting and ventilation shall be provided in all drug compounding areas. Potable water shall be supplied under continuous positive pressure in a plumbing system free of defects that could contribute contamination to any compounded drug product. Adequate washing facilities, easily accessible to the compounding area(s) of the pharmacy shall be provided. These facilities shall include, but not be limited to, hot and cold water, soap or detergent, and air driers or single-use towels.

(4) The area(s) used for the compounding of drugs shall be maintained in a clean and sanitary condition. It shall be free of infestation by insects, rodents, and other vermin. Trash shall be held and disposed of in a timely and sanitary manner. Sewage and other refuse in and from the pharmacy and immediate drug compounding area(s) shall be disposed of in a safe and sanitary manner.

NEW SECTION

WAC 246-878-050 Sterile pharmaceutical. If sterile products are being compounded, the conditions of chapter 246-871 WAC (Pharmaceutical—Parenteral products for nonhospitalized patients) shall be met.

NEW SECTION

WAC 246-878-060 Radiopharmaceuticals. If radiopharmaceuticals are being compounded, the conditions of chapter 246-903 WAC shall be met.

NEW SECTION

WAC 246-878-070 Special precaution products. If drug products with special precautions for contamination, such as penicillin, are involved in a compounding operation, appropriate measures, including either the dedication of equipment for such operations or the meticulous cleaning of contaminated equipment prior to its use for preparation of other drugs, must be utilized in order to prevent cross-contamination.

NEW SECTION

WAC 246-878-080 Equipment. (1) Equipment used in the compounding of drug products shall be of appropriate design, appropriate capacity, and suitably located to facilitate operations for its intended use and for its cleaning and maintenance. Equipment used in the compounding of drug products shall be suitable composition so that surfaces that contact components, in-process materials, or drug products shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the drug product beyond that desired.

(2) Equipment and utensils used for compounding shall be cleaned and sanitized immediately prior to use to prevent contamination that would alter the safety, identity, strength, quality, or purity of the drug product beyond that desired. In the case of equipment, utensils, and containers/closures used in the compounding of sterile drug products, cleaning, sterilization, and maintenance procedures as set forth in WAC 246-871-080.

(3) Equipment and utensils used for compounding drugs must be stored in a manner to protect them from contamination. Immediately prior to the initiation of compounding operations, they must be inspected by the pharmacist and determined to be suitable for use.

(4) Automatic, mechanical, electronic, or other types of equipment other than commercial scale manufacturing or testing equipment, may be used in the compounding of drug products. If such equipment is used, it shall be routinely inspected, calibrated (if necessary), or checked to ensure proper performance.

NEW SECTION

WAC 246-878-090 Control of components and drug product containers and closures. (1) Components, drug product containers, closures, and bagged or boxed components of drug product containers and closures used in the compounding of drugs shall be handled and stored in a manner to prevent contamination and to permit unhindered cleaning of the work area (e.g., floors) and inspection.

(2) Drug product containers and closures shall not be reactive, additive, or absorptive so as to alter the safety, identity, strength, quality, or purity of the compounded drug beyond the desired result. Components, drug product containers, and closures for use in the compounding of drug products shall be rotated so that the oldest stock is used first.

Container closure systems shall provide adequate protection against foreseeable external factors in storage and use that can cause deterioration or contamination of the compounded drug product. Drug product containers and closures shall be clean and, where indicated by the intended use of the drug, sterilized and processed to remove pyrogenic properties to assure that they are suitable for their intended use.

(3) Drug product containers and closures intended for the compounding of sterile products must be handled, sterilized, processed and stored to remove pyrogenic properties to assure that they are suitable for their intended purpose. Methods of cleaning, sterilizing, and processing to remove pyrogenic properties shall be written and followed for drug product containers and closures used in the preparation of sterile pharmaceuticals. These processes shall be performed by pharmacists, or under the pharmacist's supervision.

NEW SECTION

WAC 246-878-100 Drug compounding controls. (1) There shall be written procedures for the compounding of drug products to assure that the finished products have the identity, strength, quality, and purity they purport or are represented to possess. Such procedures shall include a listing of the components (ingredients), their amounts (in weight or volume), the order of component mixing, and a description of the compounding process. All equipment and utensils and the container/closure system, relevant to the sterility and stability of the intended use of the drug, shall be listed. These written procedures shall be followed in the execution of the drug compounding procedure.

(2) Components for drug product compounding shall be accurately weighed, measured, or subdivided as appropriate. These operations should be checked and rechecked by the compounding pharmacist at each stage of the process to ensure that each weight or measure is correct as stated in the written compounding procedures. If a component is transferred from the original container to another (e.g., a powder is taken from the original container, weighed, placed in a container, and stored in another container), the new container shall be identified with the:

- (a) Component name; and
- (b) Weight or measure.

(3) To assure the reasonable uniformity and integrity of compounded drug products, written procedures shall be established and followed that describe the tests or examinations to be conducted on the product compounded (e.g., degree of weight variation among capsules.) Such control procedures shall be established to monitor the output and to validate the performance of those compounding processes that may be responsible for causing variability in the final drug product. Such control procedures shall include, but are not limited to, the following (where appropriate):

- (a) Capsule weight variation;
- (b) Adequacy of mixing to assure uniformity and homogeneity;
- (c) Clarity, completeness, or pH of solutions.

(4) Appropriate written procedures designed to prevent microbiological contamination of compounded drug products purporting to be sterile shall be established and followed.

Such procedures shall include validation of any sterilization process.

NEW SECTION

WAC 246-878-110 Labeling control of excess products. (1) In the case where a quantity of compounded drug product in excess of that to be initially dispensed in accordance with WAC 246-878-020 is prepared, the excess product shall be labeled or documentation referenced with the complete list of ingredients (components), the preparation date, and the assigned beyond-use date based upon the pharmacist's professional judgment, appropriate testing, or published data. It shall also be stored and accounted for under conditions dictated by its composition and stability characteristics (e.g., in a clean, dry place on shelf or in the refrigerator) to ensure its strength, quality, and purity.

NEW SECTION

WAC 246-878-120 Records and reports. (1) Any procedures or other records required to be maintained in compliance with this chapter shall be retained for the same period of time as required in WAC 246-869-100 for the retention of prescription files.

(2) All records required to be retained under this chapter, or copies of such records, shall be readily available for authorized inspection during the retention period at the establishment where the activities described in such records occurred. These records or copies thereof shall be subject to photocopying or other means of reproduction as part of any such inspection.

(3) Records required under this chapter may be retained either as the original records or as true copies, such as photocopies, microfilm, microfiche, or other accurate reproductions of the original records.

Title of Fee	Fee
Application (examination and reexamination)	\$65.00
License renewal	35.00
Impaired practical nurse assessment	4.00
Late renewal penalty	35.00
Inactive renewal	20.00
Inactive late renewal penalty	20.00
Endorsement - reciprocity	65.00
Duplicate license	20.00
Certification	40.00
(Interim permits)	15.00

WSR 94-08-102
PERMANENT RULES
DEPARTMENT OF HEALTH
 [Filed April 6, 1994, 9:12 a.m.]

Date of Adoption: March 23, 1994.

Purpose: Elimination of interim permit fee.

Citation of Existing Rules Affected by this Order:
 Amending WAC 246-838-990.

Statutory Authority for Adoption: RCW 43.70.250.

Pursuant to notice filed as WSR 94-05-035 on February 8, 1994.

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

April 5, 1994
 Mimi Fields, MD, MPH
 for Bruce Miyahara
 Secretary

AMENDATORY SECTION (Amending Order 344, filed 3/9/93, effective 4/9/93)

WAC 246-838-990 Practical nurse fees. The following fees shall be charged by the professional licensing division of the department of health:

PERMANENT

WSR 94-08-009
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-16—Filed March 26, 1994, 1:45 p.m.]

Date of Adoption: March 25, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Repealing WAC 220-56-36000H; and amending WAC 220-56-360.

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: Test results show that adequate clams are available for harvest in Razor Clam Areas 1, 2, and 3. Department of Health has issued a human health advisory for clams dug north of the Moclips River. Digging clams determined to be unsafe for human consumption would lead to wastage.

Effective Date of Rule: Immediately.

March 25, 1994

E. S. Jacoby
for Robert Turner
Director

NEW SECTION

WAC 220-56-36000I Razor clams. Notwithstanding the provisions of WAC 220-56-360, effective immediately until further notice it is unlawful to harvest or possess razor clams taken from any beach in Razor Clam Areas 1, 2, or 3, except as provided for in this section:

(1) Razor Area 1 is open 12:01 a.m. to 12:00 noon each day, March 27 through April 30, 1994.

(2) Razor Clam Area 2 and that portion of Razor Clam Area 3 south of the Moclips River are open from 12:01 a.m. to 12:00 noon on odd-numbered days only, March 27 through April 29, 1994.

(3) At all times it is unlawful to harvest or possess razor clams taken from the Long Beach, Twin Harbors, or Copalis Beach Razor Clam Sanctuaries defined in WAC 220-56-372.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 20-56-36000H Razor clams. (94-09)

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 94-08-014
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 94-17—Filed March 29, 1994, 2:24 p.m., effective April 1, 1994]

Date of Adoption: March 28, 1994.

Purpose: Personal use rules.

Citation of Existing Rules Affected by this Order:

Amending WAC 220-56-105, 220-57-290, 220-57-315, 220-57-497, 220-57-505, and 220-57-515.

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 spring chinook salmon are available for a recreational fishery in these tributaries of the Columbia River.

Effective Date of Rule: April 1, 1994.

March 28, 1994

Judith Freeman

Deputy

for Robert Turner

Director

NEW SECTION

WAC 220-56-10500C River mouth definitions.

Notwithstanding the provisions of WAC 220-56-105, effective April 1, 1994 through June 30, 1994:

(1) The mouth of the White Salmon River is defined as a line between a set of fishing boundary markers located immediately downstream of the Burlington Northern Railroad Bridge.

(2) The mouth of the Little White Salmon River (Drano Lake) is defined as the temporary Highway 14 Bridge.

NEW SECTION

WAC 220-57-29000P Icicle River. Notwithstanding the provisions of WAC 220-57-290, effective May 8 through June 30, 1994, open to salmon angling with a daily bag limit of two salmon in those waters of the Icicle River downstream from a point 400 feet below Leavenworth National Fish Hatchery to fishing boundary markers at the mouth of the Icicle River.

NEW SECTION

WAC 220-57-31500Y Klickitat River. Notwithstanding the provisions of WAC 220-57-315, effective April 2 through May 28, 1994, open to salmon angling on Wednesdays and Saturdays only, a daily bag limit of two salmon in those waters of the Klickitat River downstream from the Fisher Hill Bridge to the mouth.

NEW SECTION

WAC 220-57-49700H Wenatchee River. Notwithstanding the provisions of WAC 220-57-497, effective May 8 through June 15, 1994, open to salmon angling with a daily bag limit of two salmon in those waters of the Wenatchee River downstream from the mouth of Icicle River to the Highway 2 Bridge at Leavenworth.

NEW SECTION

WAC 220-57-50500V Little White Salmon River (Drano Lake). Notwithstanding the provisions of WAC 220-57-505 and WAC 220-56-105, effective April 1 through May 15, 1994, open to salmon angling with a daily bag limit of two salmon in those waters of the Little White Salmon River downstream and across from the Federal Salmon Hatchery and upstream of the temporary Highway 14 Bridge.

NEW SECTION

WAC 220-57-51500K Wind River. Notwithstanding the provisions of WAC 220-57-515 and WAC 220-56-105, effective April 1 through June 15, 1994, open to salmon angling with a daily bag limit of two salmon in those waters of the Wind River from markers 400 feet below Shipperd Falls to markers at the river mouth boundary.

WSR 94-08-027
EMERGENCY RULES
HEALTH CARE AUTHORITY
 (Public Employees Benefit Board)
 [Filed March 30, 1994, 10:27 a.m.]

Date of Adoption: March 30, 1994.

Purpose: To amend PEBB eligibility rules to permit enrollment by school district and educational service district bargaining units; enrollment by retirees of school districts; and require Medicare eligible retirees to enroll in both Parts A and B of Medicare as a condition of eligibility. These changes are required by chapter 386, Laws of 1993 (SHB 1784).

Citation of Existing Rules Affected by this Order: Amending WAC 182-12-110, 182-12-111, 182-12-115, and 182-12-122.

Statutory Authority for Adoption: Chapter 41.05 RCW.

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

Reasons for this Finding: The drafted permanent rules are currently under legal review.

Effective Date of Rule: Immediately.

March 30, 1994
 Elin S. Meyer
 Rules Coordinator

AMENDATORY SECTION (Amending Order 5646, filed 2/9/76)

WAC 182-12-110 Purpose. The purpose of this chapter is to establish criteria of employee eligibility for all ~~((state))~~ public employees ~~((insurance))~~ benefits board approved plans.

AMENDATORY SECTION (Amending WSR 92-03-040, filed 1/10/92, effective 1/10/92)

WAC 182-12-111 Eligible entities. The employees and retirees of eligible entities and their dependents must meet the individual eligibility requirements set forth in WAC 182-12-115 in order to participate in ~~((SEBB))~~ PEBB insurance plans. Only individuals who participated in ~~((SEBB))~~ PEBB insurance plans as an active employee and their dependents are eligible to participate in ~~((SEBB))~~ PEBB insurance plans upon disability or retirement, except as provided in WAC 182-12-115(8) and 182-12-122 (2)(d) or (e). The following entities shall be eligible to participate in ~~((SEBB))~~ PEBB insurance plans subject to the terms and conditions set forth below.

(1) State agencies. Every department, division, or separate agency of state government including the higher education personnel board, higher education coordinating board, and the state board for community and technical colleges is eligible and required to participate in all board approved plans provided:

Employees of vocational-technical institutions who belong to collective bargaining units may participate in ~~((SEBB))~~ PEBB insurance plans only if the entire collective bargaining unit enrolls in the plans and such participation is consistent with section 83, chapter 238, Laws of 1991.

(2) Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees. Counties, municipalities, ~~((and))~~ political subdivisions, ~~((including K-12 school districts))~~ and employees of employee organizations representing state civil service employees of the state may participate in ~~((SEBB))~~ PEBB insurance programs provided:

(a) All eligible employees of the entity transfer to ~~((SEBB))~~ PEBB plan coverage as a unit.

(b) The legislative authority or the board of directors obligates itself to participate in all ~~((SEBB))~~ PEBB insurance plans.

(c) The legislative authority of the entity ~~((or the board of directors of the school district))~~ submits an application together with employee census data and, if available, prior claims experience of the entity to the health care authority.

(d) The legislative authority or the board of directors agrees to maintain its ~~((SEBB))~~ PEBB plan participation through the end of the plan year.

(e) The legislative authority or the board of directors shall provide the health care authority written notice of its intent to terminate ~~((SEBB))~~ PEBB plan participation no later than thirty days prior to the effective date of termination. If a county, municipality, ~~((or))~~ political subdivision, ~~((including a K-12 school district))~~ or employees of employee organizations representing state civil service employees terminates coverage in ~~((SEBB))~~ PEBB insurance plans, retired and disabled employees who began participating after

September 15, 1991, will no longer be eligible to participate in ((SEBB)) PEBB insurance plans beyond the mandatory extension requirements specified in WAC 182-12-215.

(f) The health care authority administrator approves the entity's application.

(3) School districts and educational service districts. This rule supersedes any existing health care authority or board rules that may be in conflict with this rule. Bargaining units and nonrepresented employees of school districts and educational service districts of the state may participate in PEBB insurance programs provided:

(a) The PEBB plans must be the only plans made available to the members of the bargaining unit through their employment by the school district or educational service district.

(b) All eligible employees of the bargaining unit transfer as a unit and all nonrepresented employees transfer as a unit.

(c) A bargaining unit employee or nonrepresented employee who would otherwise be considered an eligible employee under the rules established by the board may voluntarily waive enrollment in the programs and will no longer be considered an eligible employee for purposes of effectuating the transfer of the unit.

(d) The terms and conditions for the payment of insurance premiums shall be set forth in provisions of the bargaining agreement and shall comply with the employer contribution requirements specified in RCW 28A.400.280. These provisions of the collective bargaining agreement, including eligibility, shall be subject to review and approval by the board at the time of application for participation.

(e) The application to participate in the PEBB programs is subject to the approval of the authority.

(f) The eligibility requirements for dependents of school district and educational service district employees shall be the same as the requirements for dependents of state employees and retirees as defined in WAC 182-12-115(9).

(g) The bargaining unit or unit of nonrepresented employees must agree to maintain its PEBB plan participation through the end of the plan year.

AMENDATORY SECTION (Amending WSR 92-08-003, filed 3/18/92, effective 3/18/92)

WAC 182-12-115 Eligible employees, retirees, and dependents. The following definitions of eligible employees, retirees, and dependents of an eligible entity, as defined in WAC 182-12-111, shall apply for all ((SEBB)) PEBB approved plans except as otherwise stated in this chapter(†). For purposes of defining eligible employees of school districts and educational service districts, the collective bargaining agreement will supersede all definitions provided under this rule if approved by the PEBB and the authority in accordance with WAC 182-12-111 (3)(d).

(1) "Permanent employees." Those who are scheduled to work at least half-time per month and are expected to be employed for more than six months. Such employees shall be eligible effective with their first day of employment.

(2) "Nonpermanent employees." Those who are scheduled to work at least half-time and are expected to be employed for no more than six months. Such employees shall be eligible effective the first day of the seventh calendar month of employment.

(3) "Seasonal employees." Those who work at least half-time per month during a designated season for a minimum of three months but less than nine months per year and who have an understanding of continued employment with their agency season after season. These employees become eligible on the first day of such employment, however, they are not eligible for the employer contribution during the break between seasons of employment.

(4) "Part-time faculty." Faculty who are employed on a quarter/semester to quarter/semester basis become eligible beginning with the second consecutive quarter/semester of half-time or more employment at one or more state institutions of higher education, provided that:

(a) For determining eligibility, spring and fall may be considered consecutive quarters/semesters; and

(b) "Half-time or more employment" will be determined based on each institution's definition of "full-time"; and

(c) At the beginning of each quarter/semester, the employers of part-time faculty shall notify, in writing, all current and newly hired part-time faculty of their potential right to benefits under this section. The employee shall have the responsibility, each quarter, to notify the employers, in writing, of the employee's multiple employment. In no case will there be a requirement for retroactive coverage or employer contribution if a part-time faculty member fails to inform all of his/her employing institutions about employment at all institutions within the current quarter; and

(d) Where concurrent employment at more than one state higher education institution is used to determine total part-time faculty employment of half-time or more, the employing institutions will arrange to prorate the cost of the employer insurance contribution based on the employment at each institution. However, if the part-time faculty member would be eligible by virtue of employment at one institution, that institution will pay the entire cost of the employer contribution regardless of other higher education employment. In cases where the cost of the contribution is prorated between institutions, one institution will forward the entire contribution monthly to SEBB; and

(e) Once enrolled, if a part-time faculty member does not work at least a total of half-time in one or more state institutions of higher education, eligibility for the employer contribution ceases.

(5) "Appointed and elected officials." Legislators are eligible on the date their term begins. All other elected and full-time appointed officials of the legislative and executive branches of state government are eligible on the date their term begins or they take the oath of office, whichever occurs first.

(6) "Judges." Justices of the supreme court and judges of the court of appeals and the superior courts become eligible on the date they take the oath of office.

(7) "Retirees and disabled employees." Eligible employees who terminate state service after becoming vested in a Washington state sponsored retirement system are eligible for retiree medical, dental and life coverages provided the person:

(a) Immediately begins receiving a monthly retirement income benefit from such retirement system; or

(b) If not retiring under the public employees retirement system (PERS), would have been eligible for a monthly retirement income benefit because of age and years of

service had the person been employed under the provisions of PERS I or PERS II for the same period of employment; or

(c) Must take a lump sum benefit because their monthly benefit would have been under fifty dollars.

Employees who are permanently and totally disabled and eligible for a deferred monthly retirement income benefit are likewise eligible, provided they apply for retiree coverage before their SEBB active employee coverage ends. Persons retiring who do not have waiver of premium coverage from any SEBB life insurance plan are eligible for retiree life insurance, subject to the same qualifications as for retiree medical coverage. Retirees and disabled employees are not eligible for an employer premium contribution. The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system for Washington State University cooperative extension service employees who hold a federal civil service appointment and who are covered under the SEBB program at the time of retirement or disability.

(8) "Retired and disabled school district and educational service district employees." The following persons are eligible to participate in PEBB medical and dental plans only, provided they meet the enrollment criteria stated below and if eligible for Medicare, be enrolled in Medicare Parts A and B or enroll in the next Medicare open enrollment period:

(a) Persons receiving a retirement allowance under chapter 41.32 or 41.40 RCW as of September 30, 1993, and who enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995;

(b) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, and immediately upon separation begin to receive a retirement allowance under chapter 41.32 or 41.40 RCW. Such persons who retire on or after October 1, 1993, must elect PEBB coverage not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement whichever is later;

(c) Persons who separate from employment with a school district or educational service district on or after October 1, 1993, due to a total and permanent disability, and are eligible to receive a deferred retirement allowance under chapter 41.32 or 41.40 RCW. Such persons must enroll in PEBB plans not later than the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995, or sixty days following retirement, which ever is later.

(9) "Eligible dependents." The following are eligible as dependents under the medical and dental plans:

(a) Lawful spouse except that as of November 1, 1991, a lawful spouse who works full time and who is eligible for coverage as a subscriber on a plan or plans offered by a K-12 school district and who has waived that coverage is not eligible for employer-paid coverage as a dependent on a SEBB plan.

(b) Dependent children through age nineteen. As used in this section, "children" includes natural children, stepchildren, legally adopted children, and married children who qualify as dependents of the employee/retiree under the

Internal Revenue Code or as specified in a court order or divorce decree, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee/retiree for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee/retiree is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under an SEBB plan as a full-time student. Proof of such disability and dependency must be furnished prior to the dependent's attainment of age twenty or loss of eligibility for student coverage, and as periodically requested thereafter.

(e) "Dependent parents." Parents of the employee/retiree or their spouse who qualify as dependents under the Internal Revenue Code and who were covered as dependents under SEBB medical/dental plans prior to July 1, 1990, may continue SEBB coverage on a self-pay basis.

~~((9))~~ (10) Notwithstanding any of the foregoing, employees who are not mandatorily, by election, or otherwise covered by industrial insurance under Title 51 RCW shall not be considered "eligible employees" within the meaning of this section.

AMENDATORY SECTION (Amending Resolution No. 86-3, filed 8/5/86)

WAC 182-12-122 Surviving dependents eligibility.

(1) The following classes of surviving eligible dependents may continue their medical and dental coverages (~~up to the age limits for dependent children by premium withholding or direct payment of premium~~) on a self-pay basis: ~~((1))~~

(a) Surviving spouse and/or eligible dependent children of a deceased state retiree who were covered as dependents under ~~((these coverages))~~ a PEBB plan at the time of the retiree's death ~~((, and (2)))~~;

(b) Surviving spouse and/or eligible dependent children of a deceased state employee who were covered ~~((as dependents))~~ under ~~((these coverages))~~ a PEBB plan at the time of the employee's death ~~((and who will immediately begin receiving a monthly retirement income benefit))~~ provided they are eligible to receive an allowance from a Washington state sponsored retirement system ~~((Application for surviv-~~

~~ing dependents coverage must be made within sixty days from the date of death of the retiree/employee. Coverage is retroactive to the date retiree/employee medical coverage terminated. Surviving dependents are not eligible for an employer premium contribution. Surviving dependents are not eligible for retiree life insurance.))~~

(c) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district and educational service employees who were enrolled under a PEBB plan at the time of the retiree's death;

(d) Surviving spouses and/or eligible dependent children of a deceased school district or educational school district employee who was not enrolled in a PEBB plan at the time of death; provided, the employee died on or after October 1, 1993 and the dependents immediately began receiving a retiree benefit allowance under chapter 41.32 or 41.40 RCW;

(e) Surviving spouses and/or eligible dependent children of deceased retired or disabled school district or educational service district employees who died prior to October 1, 1993, and who would have been eligible to enroll pursuant to WAC 182-12-115 (8)(a).

(2)(a) Applications for surviving dependents coverage under subsections (1)(a),(b) and (c) must be made in writing on the enrollment form approved by the Health Care Authority within sixty days from the date of death of the employee or retiree. Coverage is retroactive to the date the employee or retiree coverage terminated subject to the payment of premium.

(b) Application for surviving dependents coverage under (1)(d) and (e) must be made before the end of the open enrollment period established by the authority for the plan year beginning January 1, 1995. The effective date of coverage will be the first day of the month following the receipt of the completed application.

(3) The Federal Civil Service Retirement System shall be considered a Washington state sponsored retirement system under subsection (1)(b) of this section for Washington State University cooperative extension service employees who held a federal civil service appointment and who were covered under the ((SEIB)) PEBB program at the time of death.

WSR 94-08-028
EMERGENCY RULES
HEALTH CARE AUTHORITY
 (Public Employees Benefit Board)
 [Filed March 30, 1994, 10:29 a.m.]

Date of Adoption: March 30, 1994.

Purpose: To amend HCA eligibility rules to allow enrollment in the WSGPA caregivers health plan.

Citation of Existing Rules Affected by this Order: New sections WAC 182-14-010, 182-14-020, 182-14-030, 182-14-040, 182-14-050, 182-14-060, 182-14-070, 182-14-080, 182-14-090, and 182-14-100.

Statutory Authority for Adoption: Chapter 41.05 RCW.

Pursuant to RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time

requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: The drafted permanent rules are currently under legal review.

Effective Date of Rule: Immediately.

March 30, 1994
 Elin S. Meyer
 Rules Coordinator

Chapter 182-14 WAC
WASHINGTON STATE GROUP PURCHASING
ASSOCIATION CAREGIVERS HEALTH PLAN

NEW SECTION

WAC 182-14-010 Purpose. The purpose of this chapter is to establish eligibility for the Washington state group purchasing association caregivers health plan, hereafter referred to as the WSGPA caregivers health plan. The WSGPA caregivers health plan merges the health care purchasing power of child care workers, home care workers, foster parents and eligible employees of non-profit human services organizations that contract with state agencies. The WSGPA caregivers health plan will be administered by the health care authority administrator.

NEW SECTION

WAC 182-14-020 Definitions. The following definitions apply to WAC 182-14-010 through 182-14-100.

(1) Administrator. The administrator of the health care authority.

(2) Effective date. The day on which coverage begins.

(3) Continuous coverage. Continuous group or individual health insurance plan coverage in effect for at least three months immediately prior to the effective coverage date of the WSGPA caregivers health plan.

(4) Open enrollment. That period of time, set by the health care authority, when eligible employees may sign up for coverage of their choice, change plans or add eligible dependents.

(5) Full-time employee. Those employees working thirty or more hours per week or one hundred twenty hours per calendar month.

(6) Part-time employee. Those employees working between eight and twenty-nine hours per week or thirty-two to one hundred nineteen hours per calendar month.

(7) Permanent employees. Those employees who are expected to be employed for more than six months.

(8) Nonpermanent employees. Those employees who are in pay status at least twenty hours per week and are expected to be employed for no more than six months. A nonpermanent employee becomes a permanent employee on the first day of the seventh month of employment.

(9) Dependents. Eligible dependents include:

(a) Lawful spouse.

(b) Dependent children through age nineteen. As used in these rules, "children" includes natural children, stepchildren, legally adopted children, and foster children approved by the health care authority. To qualify for HCA approval, a foster child must:

(i) Be living with the subscriber in a parent-child relationship;

(ii) Be dependent upon the subscriber for financial support;

(iii) Not be eligible for coverage under Medicare, Medicaid, or similar government health care entitlement programs; and

(iv) Not be a foster child for whom support payments are made to the subscriber through the state department of social and health services (DSHS) foster care program.

(c) Dependent children age twenty through age twenty-three who are dependent upon the employee for maintenance and support, and who are registered students in full-time attendance at an accredited secondary school, college, university, vocational school, or school of nursing. Dependent student eligibility continues year-round for those who attend three of the four school quarters and for the quarter following graduation provided the employee is covered at the same time; the dependent limiting age has not been exceeded; and the dependent meets all other eligibility requirements.

(d) Dependent children of any age who are incapable of self-support due to developmental disability or physical handicap, provided such condition occurs prior to age twenty or during the time the dependent was covered under a WSGPA caregivers health plan as a full-time student. Evidence of such disability and dependency must be furnished to the HCA upon application, and as periodically requested thereafter.

NEW SECTION

WAC 182-14-030 Eligible entities or individuals.

The following entities or individuals are eligible to participate in the WSGPA caregivers health plan subject to the terms and conditions set forth in WAC 182-14-040:

(1) Owners and operators of licensed child day care centers, licensed family child care homes and preschools or other child care education programs exempted from licensing as provided in chapter 74.15 RCW on behalf of themselves, their eligible employees, employees' spouses and dependents;

(2) Individuals providing in-home long-term care services to persons whose care is financed in whole or in part through the following department of social and health services (DSHS) programs may apply on behalf of themselves, their eligible employees, employees' spouses and dependent children:

(a) Personal care as provided in chapter 74.09 RCW;

(b) Community options program entry system (COPES), as provided in chapter 74.09 RCW;

(c) Chore services as provided in chapter 74.08 RCW;

(3) Foster parents contracting with DSHS under chapter 74.13 RCW and licensed by DSHS under chapter 74.15 RCW on behalf of themselves and their spouses and dependent children;

(4) Private nonprofit human services provider organizations under contract with Washington state agencies on behalf of their eligible employees, employees' spouses and dependent children.

NEW SECTION

WAC 182-14-040 Terms and conditions of participation. Eligible entities, or individuals may participate in the WSGPA caregivers health plan provided:

(1) The administrator approves the individual's or entity's application;

(2) The entity enrolls at least seventy-five percent of its full-time employees, who do not have other health insurance coverage, in the WSGPA caregivers health plan;

(3) The entity submits to the administrator the number of hours each eligible employee works per week/month and the employees' current group health coverage, if any, and its termination date;

(4) The WSGPA caregivers health plan is the only group health care insurance coverage provided by the entity to its employees.

NEW SECTION

WAC 182-14-050 Ineligible employees. Employees working for eligible entities which do not participate in the WSGPA caregivers health plan will be ineligible for individual coverage under the WSGPA caregivers health plan. Employees who are employed by an eligible entity for fewer than eight hours per week or thirty-two hours per calendar month are ineligible for coverage under the WSGPA caregivers health plan.

NEW SECTION

WAC 182-14-060 Enrollment and effective date of coverage. (1) Permanent employee. Permanent employees and their dependents shall enroll within ninety days of their employment and coverage becomes effective on the first date of the month after receipt of application and the first month's premium.

Employees not enrolled within ninety days of employment may not enroll until the next open enrollment period unless they can provide evidence of continuous coverage under another health plan. If such evidence of coverage is provided, the employee may enroll and pay the premium within thirty-one days of the termination date of the previous plan and, coverage would begin on the date following the expiration date of previous coverage.

(2) Nonpermanent employee. Nonpermanent employees and their dependents may enroll in their sixth month of employment and coverage will be effective the first day of the seventh month of employment.

(3) Dependents.

(a) New dependents without previous coverage whose enrollment results in premium adjustments. New dependents whose enrollment will result in a premium adjustment shall enroll within sixty days of the date of marriage, birth, or placement of an adopted or foster child. New dependents not enrolled within sixty days may not enroll until the next open enrollment period. Upon receipt of application and premium, coverage begins for new dependents on the date of birth for newborn (natural or adopted), date of placement for adopted child or foster child, or date of marriage for spouse.

(b) New dependents without previous coverage whose enrollment does not result in premium adjustments. Children whose enrollment will not result in a premium adjustment

may enroll at any time and coverage will begin at the date of birth or placement of an adopted or foster child.

(c) New dependents or spouses with continuous coverage. A new dependent or spouse with continuous health care coverage shall enroll within thirty-one days of the termination date of their previous coverage. Upon receipt of the application and premium, coverage becomes effective the date following the expiration date of previous coverage.

(4) Eligible employees and dependents who discontinue WSGPA caregivers health plan. Eligible employees and dependents who discontinue WSGPA caregivers health plan may enroll during the first open enrollment following a twelve-month waiting period.

(5) Confined enrollee. If an enrollee or dependent (other than a newborn child) is confined in a hospital, skilled nursing facility, approved chemical dependency facility or other approved inpatient facility when coverage would normally begin, no benefits will be provided for services rendered prior to discharge.

NEW SECTION

WAC 182-14-070 Preexisting condition restriction. Enrollees in the WSGPA caregivers health plan are subject to a twelve-month preexisting condition period. A preexisting condition is any illness, injury, or condition for which the enrollee received medical or surgical treatment, consultations, diagnostic testing or prescription drugs in the three months immediately preceding the enrollee's effective date of coverage. Persons who have continuous coverage shall have the twelve-month preexisting period reduced for each month of prior continuous coverage.

NEW SECTION

WAC 182-14-080 Contribution to the Washington state group purchasing association account. (1) Permanent employees:

(a) Full-time employees. Employers must pay at least fifty percent of the premium rate established by the HCA for full-time permanent employees enrolled in the WSGPA caregivers health plan.

(b) Part-time employees working at least twenty hours per week. Employers must pay a prorated share of their contribution for full-time employees for part-time employees working between twenty and thirty hours a week, or between eighty and one hundred twenty hours a month.

(c) Part-time employees working less than twenty hours per week. Eligible employees working between eight and twenty hours per week, or between thirty-two and eighty hours per calendar month are eligible for an employer premium contribution according to the employer's written benefits policy. The employer contribution shall be a prorated share of the full-time contribution.

(2) Nonpermanent employees. Employer contributions for nonpermanent employees who become eligible for the WSGPA caregivers health plan shall be the same rate as those set forth for permanent employees in subsection (1) of this section.

(3) Individual enrollees. Individual enrollees in the WSGPA caregivers health plan are responsible for payment of their entire premium.

NEW SECTION

WAC 182-14-090 Termination of coverage. WSGPA caregivers health plan ends on the earliest of the following dates:

- (1) The date the plan terminates;
- (2) At midnight, the last day of the last month for which the premium has been paid;
- (3) At midnight on the last day of the month in which a dependent's eligibility ceases; or
- (4) For any subscriber or dependent confined in an inpatient facility on the date when coverage would otherwise terminate, until discharge from that facility or until benefits are exhausted, whichever occurs first.

NEW SECTION

WAC 182-14-100 Continued medical coverage under COBRA and group conversion. (1) COBRA. Eligible employees and eligible dependents who become ineligible for WSGPA caregivers health plan and who qualify for continued coverage under the Federal Consolidated Omnibus Budget Reconciliation Act (COBRA), including any amendments hereinafter enacted, may continue their WSGPA caregivers health plan coverage by self-payment of plan premiums in accordance with federal COBRA statutes and regulations.

(2) Group conversion policies. Group conversion policies are available to all enrollees upon termination of the WSGPA caregivers health plan or COBRA coverage if application is made within thirty-one days after termination of their group or COBRA plan.

**WSR 94-08-041
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)**

[Order 3727—Filed March 31, 1994, 11:21 a.m., effective April 1, 1994, 12:01 a.m.]

Date of Adoption: March 31, 1994.

Purpose: Brings rules into compliance with HCFA interpretation that court-ordered attorney fees, guardianship fees, and related court costs are not remedial costs. These expenses do not benefit a client medically and are not health care expenses.

Citation of Existing Rules Affected by this Order: Amending WAC 388-92-036 SSI-related income exemptions and 388-95-340 Computation of available income and resources.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: 20 CFR 416.1123 (b)(3) POMS 830.100.

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

Reasons for this Finding: To comply with legal requirement.

Effective Date of Rule: April 1, 1994, 12:01 a.m.

March 31, 1994
Dewey Brock, Chief
Office of Vendor Services

AMENDATORY SECTION (Amending Order 3689, filed 12/22/93, effective 1/22/94)

WAC 388-92-036 SSI-related income exemptions.

(1) The department shall exempt:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) State public assistance and supplemental security income (SSI) based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at an educational institution;

(d) Income a client does not reasonably anticipate, or receives infrequently or irregularly, when such income does not exceed twenty dollars per month if unearned, or ten dollars per month if earned;

(e) Any amount a client receives for the foster care of a child who lives in the same household, if the child is not SSI-eligible and was placed in such home by a public or nonprofit private child-placement or child-care agency;

(f) One-third of any payment for child support a parent receives from an absent parent for a minor child who is not institutionalized;

(g) The first twenty dollars per month of earned or unearned income, not otherwise excluded in subsection (1)(a) through (f) of this section, for a client at home. The department shall consider the exemption only once for a husband and wife. The department shall not apply ~~((no))~~ such exemption on income paid on the basis of an eligible person's needs, which is totally or partially funded by the federal government or a private agency;

(h) Tax exempt payments Alaska natives receive under the Alaska Native Claims Settlement Act;

(i) Tax rebates or special payments exempted by other statutes;

(j) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(k) From the income of a single SSI-related parent or a married SSI-related parent whose spouse ~~((has no))~~ does not have income, an amount to meet the needs of an ineligible minor child living in the household of an SSI-related parent. See WAC 388-92-027 when the SSI-related client has a spouse with income. The exemption is one-half of the one-person Federal Benefit Rate (FBR) less any income of the child;

(l) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Aid and attendance/housebound allowance and unusual medical expense allowance (UME). For an institutionalized client, see WAC 388-95-340(6).

(m) Title II Social Security Administration benefits. The department shall:

(i) Determine current client eligibility for categorically needy medical assistance under WAC 388-82-115(4), including all Title II cost of living adjustment (COLA) benefit increases received by the:

(A) Client since termination from SSI/SSP; or

(B) Client's spouse and/or other financially responsible family member living in the same household during the time period under subsection (1)(m)(i) of this section; and

(ii) Consider the total of the COLA benefit increases and the Title II Social Security Administration benefits in the cost of the institutionalized client's care.

(n) A fee a guardian charges as reimbursement for providing services, when such guardianship services are a requirement for the client to receive payment of the income;

(o) Income an ineligible or nonapplying spouse receives from a governmental agency for services provided to an eligible client, such as chore services;

(p) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(q) Restitution payment to a civilian of Japanese or Aleut ancestry under P.L. 100-383 and any interest earned from such payment;

(r) The amount of the expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(s) The amount of the blindness-related work expenses of a blind client;

(t) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(u) Earned income tax credit (EITC);

(v) Crime victim's compensation funds;

(w) Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(x) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's Law for Compensation of National Socialist Persecution or German Restitution Act. Interest earned on this income is not exempt;

(y) Payments to the injured person, the surviving spouse, children, grandchildren, or grandparents under the Radiation Exposure Compensation Act; and

(z) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income.

(2) For the SSI-related client, the department shall exclude the first sixty-five dollars per month of earned income not excluded according to subsection (1) of this section, plus one-half of the remainder.

AMENDATORY SECTION (Amending Order 3642, filed 9/22/93, effective 10/23/93)

WAC 388-95-340 Computation of available income and resources. (1) The department shall limit financial responsibility of relatives to:

(a) A spouse for a spouse; and

(b) A parent for a child.

(2) Financial responsibility of spouses. The department shall:

(a) Consider, in the month the spouses stopped living together, the:

(i) Resources held by the institutionalized spouse, the community spouse, or both to be available to the institutionalized spouse;

(ii) Income available to the institutionalized spouse:

(A) In the name of the institutionalized spouse; and

(B) Community income received in the name of the community spouse that does not exceed the community income received in the name of the applying spouse.

(b) Consider, in the month after the institutionalized spouse is determined eligible for institutional care, the community spouse's income and resources only when the community spouse actually contributes such income and resources; and

(c) Consider the income and resources of spouses living in the same household as available to each other.

(3) The department shall consider institutionalized spouses as not living together even if such spouses share a room.

(4) Financial responsibility of parent to child. The department shall consider available only the parent's income actually contributed to an institutionalized person twenty years of age or younger.

(5) The department shall consider a client's income exemptions as unavailable income when determining initial eligibility or post-eligibility. The department shall exempt sequentially from income:

(a) Any public agency's refund of taxes paid on real property or on food;

(b) Supplemental security income (SSI) and state public assistance based on financial need;

(c) Any portion of a grant, scholarship, or fellowship used to pay tuition, fees, or other necessary educational expenses at any educational institution;

(d) Child support received by a parent, from an absent parent, for a minor child who is not institutionalized;

(e) Tax exempt payments received by Alaska natives under the Alaska Native Claims Settlement Act;

(f) Tax rebates or special payments excluded by other statutes;

(g) Compensation provided to volunteers in ACTION programs established by P.L. 93-113, the Domestic Volunteer Service Act of 1973;

(h) Veteran's benefits designated for the veteran's:

(i) Dependent; or

(ii) Unusual medical expense allowance.

(i) Income received by an ineligible or nonapplying spouse from a governmental agency for services provided to an eligible client, e.g., chore services;

(j) Funds received from the Agent Orange Settlement Fund or any other funds established to settle Agent Orange liability claims under P.L. 101-201;

(k) Payments to certain survivors of the Holocaust under the Federal Republic of Germany's law for compensation of National Socialist Persecution or German Restitution Act. Interest earned on conserved payment is not exempt;

(l) Payments under the Radiation Exposure Compensation Act received by the injured person, the surviving spouse, children, grandchildren, or grandparents;

(m) Payments under section 500 through 506 of the Austrian General Social Insurance Act. The department shall consider the earned interest from such payments as countable income;

(n) Certain cash payments a client receives from a governmental or nongovernmental medical or social service agency to pay for medical or social services;

(o) Restitution payment, and interest earned on such payment, to a civilian of Japanese or Aleut ancestry under P.L. 100-383;

(p) The amount of expenses directly related to a client's impairment that allows the permanently and totally disabled client to continue to work;

(q) The amount of blindness-related work expenses of a blind client;

(r) Interest earned on excluded burial funds and any appreciation in the value of an excluded burial arrangement which are left to accumulate and become part of the separately identified burial funds set aside on or after November 1, 1982;

(s) Earned income tax credit (EITC);

(t) Victim's compensation.

(6) The department shall consider disregarded income as unavailable income when determining initial eligibility but shall consider the income available during post-eligibility. See WAC 388-95-360 for post-eligibility treatment of income. The department shall disregard sequentially from a client's income:

(a) Income that is not reasonably anticipated, or is received infrequently or irregularly, when such income does not exceed:

(i) Twenty dollars per month if unearned; or

(ii) Ten dollars per month if earned.

(b) The first twenty dollars per month of earned or unearned income. The department may not exclude income paid to a client on the basis of need and is totally or partially funded by the federal government or by a private agency;

(c) The veteran's aid and attendance/house bound allowance;

(d) For an SSI-related person, the first sixty-five dollars per month of earned income not excluded according to subsection (5) of this section, plus one-half of the remainder;

(e) For an AFDC-related person, the first ninety dollars of earned income;

(f) Money voluntarily withheld from SSA Title II benefits by the Social Security Administration for the recovery of SSI overpayments; and

(g) A fee charged by a guardian as reimbursement for provided services, when such guardian services are a requirement for the client to receive payment of the income.

WSR 94-08-043

EMERGENCY RULES

DEPARTMENT OF

SOCIAL AND HEALTH SERVICES

(Public Assistance)

[Order 3728—Filed March 31, 1994, 11:24 a.m., effective April 1, 1994, 12:01 a.m.]

Date of Adoption: March 31, 1994.

Purpose: Change standards, effective April 1, 1994, based on change in the federal poverty level (FPL). Clarify technical language to inform field staff the community spouse's gross income is considered. Clarify the Social

Security cost of living allowance for SLMB clients is effective April 1 of each year.

Citation of Existing Rules Affected by this Order: Amending WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing, 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing, 388-82-160 Hospital premium insurance enrollment for the working disabled, 388-83-032 Pregnant women, 388-83-033 Children—Eligible to nineteen years of age, and 388-95-360 Allocation of income and resources—Institutionalized client.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: FPL guidelines.

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: Comply with federal guidelines.

Effective Date of Rule: April 1, 1994, 12:01 a.m.

March 31, 1994

Dewey Brock, Chief

Office of Vendor Services

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-82-140 Qualified Medicare beneficiaries eligible for Medicare cost sharing. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(2) for a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, except as specified in subsection (2) of this section, not exceeding one hundred percent of the federal poverty level (FPL). One hundred percent of the current FPL is:

	Family Size	Monthly
(i)	One	((\$ 584) \$ 614
(ii)	Two	((786) 820

(2) The department shall not consider a person's Social Security cost of living allowance increase until April 1, of each year.

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-82-150 Special low-income Medicare beneficiaries (SLMB) eligible for Medicare cost sharing. (1) The department shall provide Medicare cost sharing under WAC 388-81-060(4) for a person:

(a) Meeting the general nonfinancial requirements under chapter 388-83 WAC;

(b) Entitled to Medicare hospital insurance benefits, Part A, under Title XVIII of the Social Security Act;

(c) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(d) Having a total countable income, as determined under chapter 388-92 WAC, over one hundred percent of the federal poverty level (FPL) but not exceeding one hundred ten percent of the FPL. One hundred ten percent of the current FPL is:

	Family Size	Monthly Income
(i)	One	((\$ 639) \$ 675
(ii)	Two	((864) 902

(2) Effective January 1, 1995, the department shall find a person eligible, under subsection (1)(d) of this section, whose total countable income does not exceed one hundred twenty percent of the FPL.

(3) The department shall not consider a person's Social Security cost of living allowance increase until April 1, of each year.

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-82-160 Hospital premium insurance enrollment for the working disabled. The department shall pay premiums for Medicare Part A for a person:

(1) Who is not otherwise entitled ((~~for~~)) to medical assistance;

(2) Entitled to enroll for Medicare hospital insurance benefits, Part A, under section 1818A of the Social Security Act;

(3) Having resources, as determined under chapter 388-92 WAC, not exceeding twice the maximum supplemental security income (SSI) resource limits; and

(4) Having a total countable family income, as determined under chapter 388-92 WAC, not exceeding two hundred percent of the current federal poverty level (FPL). Two hundred percent of the current FPL is:

	Family Size	Monthly
(a)	One	((\$ 1,162) \$ 1,227
(b)	Two	((1,572) 1,640

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-83-032 Pregnant women. (1) The department shall find a verifiably pregnant woman eligible for Medicaid as categorically needy, if the pregnant woman meets:

(a) The income requirements of this section; and
(b) Citizenship, Social Security number, and residence requirements under chapter 388-83 WAC.

(2) When a pregnant woman applies on or before the last day of pregnancy, the department shall find her eligible for continued Medicaid coverage through the end of the

EMERGENCY

month containing the sixtieth day from the day pregnancy ends.

(3) Income eligibility:

(a) ~~The department shall ensure total family income ((shall)) does not exceed one hundred eighty-five percent of the federal poverty level (FPL).~~ One hundred eighty-five percent of the current FPL is:

Family Size	Monthly
(i) One	((1,075)) \$ 1,135
(ii) Two	((1,454)) 1,517
(iii) Three	((1,833)) 1,900
(iv) Four	((2,212)) 2,282
(v) Five	((2,592)) 2,664
(vi) Six	((2,971)) 3,047
(vii) Seven	((3,350)) 3,429
(viii) Eight	((3,729)) 3,811

(ix) For family units with nine members or more, add ~~((379))~~ \$383 to the monthly income for each additional member.

(b) The department shall determine family income:

(i) According to AFDC methodology, except the department shall:

(A) Exclude the income of the unmarried father of the unborn or unborns unless the income is actually contributed; and

(B) Determine eligibility as if the unborn or unborns are born.

(ii) By applying the special situations as required under WAC 388-83-130.

(c) The department shall consider the provisions of WAC 388-83-130(1) in determining countable income for a pregnant minor.

(4) The department shall not consider resources in determining the pregnant woman's eligibility.

(5) ~~The department shall ensure changes in family income ((shall)) do not affect a pregnant woman's eligibility for medical assistance ((for the pregnant woman)) during the pregnancy and ((when eligible under subsection (2) of this section)) through the end of the month that contains the sixtieth day from the last day of pregnancy:~~

(a) Once the department determines a pregnant woman eligible under this section; or

(b) If, at any time while eligible for and receiving medical assistance, a pregnant woman meets the eligibility requirements of this section.

AMENDATORY SECTION (Amending Order 3548, filed 5/12/93, effective 6/12/93)

WAC 388-83-033 Children—Eligible to nineteen years of age. (1) The department shall find a child who has not yet attained nineteen years of age eligible for Medicaid when the child meets citizenship, residence, and Social Security Number requirements under this chapter and the income requirement corresponding to the following age levels (~~under the following subsections~~):

(a) A child under nineteen years of age shall be eligible as categorically needy when the family income is equal to or

less than one hundred percent of the federal poverty level (FPL). One hundred percent of the current FPL is:

Family Size	Monthly
(i) One	((581)) \$ 614
(ii) Two	((786)) 820
(iii) Three	((991)) 1,027
(iv) Four	((1,196)) 1,234
(v) Five	((1,401)) 1,440
(vi) Six	((1,606)) 1,647
(vii) Seven	((1,811)) 1,854
(viii) Eight	((2,016)) 2,060

(ix) For family units with more than eight members, add ~~((205))~~ \$207 to the monthly income for each additional member.

(b) A child one year of age, but under 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 FPL. One hundred thirty-three percent of the current FPL is:

Family Size	Monthly
(i) One	((773)) \$ 816
(ii) Two	((1,045)) 1,091
(iii) Three	((1,318)) 1,366
(iv) Four	((1,590)) 1,641
(v) Five	((1,863)) 1,916
(vi) Six	((2,136)) 2,191
(vii) Seven	((2,408)) 2,465
(viii) Eight	((2,681)) 2,740

(ix) For family units with more than eight members, add ~~((273))~~ \$275 to the monthly income for each additional member.

(c) 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 current FPL. 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 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.

(b) Not consider citizenship; application for, or possession of, a Social Security number; income; or resource requirements for infants under this subsection.

(3) Regardless of citizenship; or 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 current FPL. See income guidelines as described under subsection (1)(a) 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.

EMERGENCY

(5) The department shall not consider resources in determining eligibility of a child under 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 child's 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) of this section 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.

AMENDATORY SECTION (Amending Order 3688, filed 12/22/93, effective 1/22/94)

WAC 388-95-360 Allocation of income and resources—Institutionalized client. (1) In reducing payment to the institution, the department shall consider the institutionalized client's:

(a) Income under WAC 388-95-335 (3)(a), (b), (c), and (d); and

(b) Resources under WAC 388-95-380 and 388-95-395.

(2) In reducing payment to the institution, the department shall consider the eligible institutionalized client's excess resources available to meet cost of care after the following allocations:

(a) Health insurance and Medicare premiums, deductions, and co-insurance not paid by a third party; and

(b) Noncovered medical bills which are the liability of the client and not paid by a third party.

(3) The department shall not use allocations used to reduce excess resources under subsection (2) of this section to reduce income under subsection (4) of this section.

(4) The department shall deduct the following amounts, in the following order, from the institutionalized client's total income, including amounts disregarded in determining eligibility:

(a) Specified personal needs allowance as follows:

(i) One hundred sixty dollars for a veteran living in a Medicaid-certified state veteran's home nursing facility;

(ii) Ninety dollars for a single veteran receiving an improved veteran's pension; or

(iii) Forty-one dollars and sixty-two cents for all other clients in medical institutions.

(b) Unearned income which:

(i) Is mandatorily withheld for income tax purposes before receipt by the client; and

(ii) Does not exceed the one-person medically needy income level less the client's personal needs allowance.

(c) Wages not to exceed the one-person medically needy income level less the client's personal needs allowance for a client who:

(i) Is SSI-related; and

(ii) Receives the wages as part of a department-approved training or rehabilitative program designed to prepare the client for a less-restrictive placement. When determining this deduction, the department shall:

(A) Not allow a deduction for employment expenses; and

(B) Apply the client's wages not deducted under this subsection to the client's cost of care.

(d) An amount an SSI or AFDC client in a medical facility receives as a cash assistance payment sufficient to bring the client's income up to the personal needs allowance;

(e) A monthly needs allowance for the community spouse not to exceed one thousand eight hundred seventeen dollars, unless specified in subsection (6) of this section. The department shall ensure the monthly needs allowance is:

(i) An amount added to the community spouse's gross income to provide a total community spouse's income of one thousand two hundred fifty-eight dollars; and

(ii) Excess shelter expenses as specified under subsection (5) of this section.

(f) An amount for the maintenance needs of each dependent family member residing with the community spouse:

(i) Equal to one-third of the amount one thousand ~~((one))~~ two hundred ~~((seventy-nine))~~ thirty dollars which exceeds the family member's income. Child support received from an absent parent is the child's income.

(ii) "Family member" means a:

(A) Dependent or minor child;

(B) Dependent parent; or

(C) Dependent sibling of the institutionalized or community spouse.

(g) When an institutionalized client does not have a community spouse, an amount for the maintenance needs of family members residing in the client's home equal to the medically needy income level for the number of legal dependents in the home less the income of the dependents;

(h) Amounts for incurred medical expenses not subject to third-party payment including, but not limited to:

(i) Health insurance premiums, co-insurance, or deductible charges; and

(ii) Necessary medical care recognized under state law, but not covered under Medicaid.

(i) Maintenance of the home of a single person or couple:

(i) Up to one hundred eighty dollars per month; and

(ii) Limited to a six-month period; and

(iii) When a physician has certified that the client is likely to return to the home within the six-month period; and

(iv) Social service staff shall document initial need for the income exemption and review the person's circumstances after ninety days.

(5) For the purposes of this section, the department shall ensure excess shelter expenses:

(a) Means the actual required maintenance expenses for the community spouse's principal residence for:

(i) Rent;

(ii) Mortgage;

(iii) Taxes and insurance;

(iv) Any maintenance care for a condominium or cooperative; and

(v) A food stamp standard allowance for utilities, provided the utilities are not included in the maintenance charges for a condominium or cooperative.

(b) ~~((shall))~~ Do not exceed three hundred ~~((fifty-three))~~ sixty-nine dollars ~~((and seventy cents))~~, effective ~~((April 1, 1993))~~ April 1, 1994.

(6) The department shall ~~((only))~~ ensure the amount the institutional spouse allocates to the community spouse may only be greater than the amount in subsection (4)(d)(i) of this section when:

(a) A court enters an order against the institutional client for the community spouse support; or

(b) A hearings officer determines a greater amount is needed because of exceptional circumstances resulting in extreme financial duress.

(7) The client shall use the income remaining after allocations specified under subsection (4) of this section toward payment of the client's cost of care at the department rate.

(8)(a) SSI-related clients shall continue to receive total payment under 1611 (b)(1) of the Social Security Act (SSA) for the first three full calendar months of institutionalization in a public or Medicaid-approved medical institution or facility when the:

(i) Stay in the institution or facility is not expected to exceed three months; and

(ii) SSI-related clients plan to return to former living arrangements.

(b) The department shall not consider the SSI payment when computing the client's participation amount.

(9) The department shall not consider income from reparation payments made by the Federal Republic of Germany when computing the client's participation amount.

WSR 94-08-045
EMERGENCY RULES
DEPARTMENT OF
SOCIAL AND HEALTH SERVICES
(Public Assistance)

[Order 3718—Filed March 31, 1994, 11:27 a.m., effective April 1, 1994, 12:01 a.m.]

Date of Adoption: March 31, 1994.

Purpose: The 1994 state legislature passed a law eliminating the co-payment provision for medical assistance administration clients.

Citation of Existing Rules Affected by this Order:
Repealing WAC 388-81-065 Medical care client co-payment and 388-87-300 Payment—Co-payment.

Statutory Authority for Adoption: RCW 74.08.090.

Other Authority: House Appropriation Supplemental Operating Budget.

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: Repeals WAC on medical care co-payments. The 1994 legislature included eliminating

co-payments for medical care clients in the budget with an effective date of April 1, 1994.

Effective Date of Rule: April 1, 1994, 12:01 a.m.

March 31, 1994

Dewey Brock, Chief
Office of Vendor Services

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-81-065 Medical care client co-payment.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 388-87-300 Payment—Co-payment.

WSR 94-08-048
EMERGENCY RULES
WILDLIFE COMMISSION

[Order 630—Filed March 31, 1994, 2:42 p.m.]

Date of Adoption: March 31, 1994.

Purpose: To modify the 1994 steelhead season on the Columbia River by extending the season on a section of the mainstem for an additional three days.

Statutory Authority for Adoption: RCW 77.12.040.

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

Reasons for this Finding: The Washington Department of Fish and Wildlife (WDFW) and the Oregon Department of Fish and Wildlife (ODFW) took joint action on Tuesday, March 29, 1994, to extend the sport fishery for spring chinook on the mainstem Columbia River from Buoy 10 near Ilwaco upstream to the Interstate 5 Bridge at Portland. The fishery, which was scheduled to close Thursday, March 31, will instead be extended three days through Sunday, April 3. The reason for the extension is to provide additional sport fishing opportunity for lower river spring chinook stocks. The estimated impact of the fishery on upriver spring chinook stocks, even with the extension, is well below the allowable level set by the National Marine Fisheries Service in its biological opinion. In addition to extending the spring chinook fishery, ODFW extended the sport fishery for hatchery steelhead on the Oregon portion of the Columbia between Buoy 10 and the Interstate 5 Bridge for the same period of time. This was done to provide additional opportunity for harvest of hatchery steelhead and to avoid confusion among the fishing public since the steelhead and spring chinook fisheries have traditionally been concurrent. WDFW staff recommend that the sport steelhead fishery also be extended through midnight, April 3, from Buoy 10

upstream to the Interstate 5 Bridge. Allowable harvest during the extension would be limited to marked hatchery fish and would be consistent with current regulations. Although the extension would provide additional harvest opportunity for hatchery steelhead, the primary benefit would be to avoid public confusion and inconsistent interstate regulations. Total steelhead harvest for Washington anglers during the three day extension is estimated to be fewer than 10 hatchery fish.

Effective Date of Rule: Immediately.

March 31, 1994
Patricia McLain
Deputy Director
by permission of John McGlenn

NEW SECTION

WAC 232-28-61949 1994-95 Washington game fish seasons and catch limits—Columbia River. Notwithstanding the provisions of WAC 232-28-619 and WAC 232-28-61940, effective 12:01 a.m., Friday, April 1 through 11:59 p.m. Sunday, April 3, the Columbia River from Buoy 10 near Ilwaco upstream to the Interstate 5 Bridge: Open to fishing for steelhead. Wild steelhead release.

All other provisions of WAC 232-28-619 and WAC 232-28-61940 will remain in effect.

**WSR 94-08-049
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 94-18—Filed March 31, 1994, 4:14 p.m.]

Date of Adoption: March 30, 1994.
Purpose: Personal use rules.

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

Statutory Authority for Adoption: RCW 75.08.080.

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

Reasons for this Finding: Harvestable spring chinook salmon are available, and the ESA management criteria for impacts on wild Snake River spring chinook will not be reached as a result of this extension.

Effective Date of Rule: Immediately.

March 30, 1994
Judith Freeman
Deputy
for Robert Turner
Director

NEW SECTION

WAC 220-57-16000T Columbia River. Notwithstanding the provisions of WAC 220-57-160 (7) and (8), effective immediately through April 3, 1994, open for salmon angling

in those waters of the Columbia River from the Interstate 5 Bridge to the Buoy 10 line, daily bag limit A.

**WSR 94-08-051
EMERGENCY RULES
DEPARTMENT OF HEALTH**
[Filed April 1, 1994, 9:32 a.m.]

Date of Adoption: March 29, 1994.

Purpose: To establish rules for veterinary medication clerks.

Statutory Authority for Adoption: Chapter 34.05 RCW.

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

Reasons for this Finding: The 1993 legislature created a new series called veterinary medication clerks for the veterinary board which required rules for implementation. It was recently discovered that the rules were never proposed and adopted although the classification was added to the licensing schedule. This rule is being adopted as an emergency to allow veterinary medication clerks to apply for the new license as soon as the law takes effect.

Effective Date of Rule: Immediately.

March 28, 1994
E. Doyle Montgomery, DVM, Chair
Veterinary Board of Governors

**Chapter 246-937 WAC
VETERINARY MEDICATION CLERKS**

NEW SECTION

WAC 246-937-020 Responsibility for supervision.

Licensed veterinarians are responsible and accountable for the ordering, inventory, labeling, counting, packaging and delivery of legend drugs utilized in their practice. In accordance with chapter 18.92 RCW, certain nondiscretionary pharmaceutical tasks may be delegated by a veterinarian to a qualified nonveterinarian. The delegating veterinarian is responsible for the supervision of pharmaceutical tasks performed by veterinary medication clerks and registered animal technicians. Records shall be maintained that account for the receipt and disposition of all legend drugs.

NEW SECTION

WAC 246-937-030 Tasks and prohibited functions.

(1) A veterinary medication clerk and registered animal technician may perform the following tasks only under the direct supervision of a licensed veterinarian: Counting, labeling, and packaging of noncontrolled legend drugs. A licensed veterinarian must personally inspect all packaged medication orders to ensure accuracy of the order prior to delivery to the client. The veterinarian will document the inspection by placing his/her initials on the label of the packaged drug.

EMERGENCY

(2) A veterinary medication clerk and registered animal technician may perform the following tasks under the indirect supervision of a licensed veterinarian: Ordering, stocking, inventorying, and the delivery of noncontrolled legend drugs. The identity of the client shall be confirmed before the delivery of legend drugs.

(3) The following functions shall not be delegated by a licensed veterinarian to a veterinary medication clerk or registered animal technician:

(a) Consultation with a client regarding the medication order and/or any information involving professional clinical judgment.

(b) Dispensing any medication. The medication must be recorded in the patient's record by the authorizing veterinarian.

(c) Extemporaneous compounding of a medication order.

(d) Interpretation of data in a patient record.

(e) Final inspection of a completed medication order as described in WAC 246-937-030(1).

(f) Any duties required by law to be performed by a licensed veterinarian.

(g) Any ordering, accountability, packaging, or delivery of controlled substances as defined in or under chapter 69.50 RCW.

NEW SECTION

WAC 246-937-040 Training and education. (1) The training of veterinary medication clerks shall be obtained by completion of an on-the-job training program following guidelines approved by the board.

(2) The minimum educational requirement shall be high school graduation or equivalency.

NEW SECTION

WAC 246-937-070 Applications. Applications for registration as a veterinary medication clerk shall be on forms prepared by the secretary of the department of health and submitted to the department. The application, in addition to the required fee, shall be accompanied by evidence of completion of an on-the-job training program.

Said application shall be signed by the applicant and sworn before some person authorized to administer oaths. Additionally, the application will be signed by the veterinarian/supervisor attesting that the veterinary medication clerk is qualified to perform the responsibilities of a veterinary medication clerk and is familiar with the procedures and policies of the practice. Registration is nontransferable and valid only for employment at the veterinary practice identified in the application.

NEW SECTION

WAC 246-937-080 Grounds for denial, suspension, or revocation of registration. The board may suspend, revoke or deny the issuance or renewal of registration of any veterinary medication clerk if the veterinary medication clerk:

(1) Has employed fraud or misrepresentation in applying for or obtaining the registration.

(2) Has within ten years prior to the date of application been found guilty by any court of competent jurisdiction of violation of laws relating to the regulation of drugs.

NEW SECTION

WAC 246-937-090 Renewal of registration. (1) The registration shall be for a period of one year. A registrant shall apply for renewal by submitting to the department:

(a) The renewal fee specified in WAC 246-937-990.

(b) The name of the supervising veterinarian and employing veterinary practice.

(2) Failure to renew annually shall invalidate the registration.

**WSR 94-08-077
EMERGENCY RULES
DEPARTMENT OF HEALTH
[Filed April 5, 1994, 11:11 a.m.]**

Date of Adoption: March 29, 1994.

Purpose: To establish fees for veterinary medication clerks.

Statutory Authority for Adoption: Chapter 34.05 RCW.

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

Reasons for this Finding: The 1993 legislature created a new series called veterinary medication clerks for the veterinary board which required rules for implementation. It was recently discovered that the rules were never proposed and adopted although the classification was added to the licensing schedule. This rule is being adopted as an emergency to allow veterinary medical clerks to apply for the new license as soon as the law takes effect.

Effective Date of Rule: Immediately.

March 29, 1994
Bruce Miyahara
Secretary

NEW SECTION

WAC 246-937-990 Fees. The following fees shall be charged by the professional licensing division of the department of health:

Title of Fee	Fee
Initial registration	\$24.00
Renewal	24.00
Late renewal penalty	11.00
Duplicate registration	10.00

EMERGENCY



WSR 94-08-001
RULES OF COURT
STATE SUPREME COURT
[March 21, 1994]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENT TO IRLJ 6.2 ORDER NO. 25700-A-545

The Board for Judicial Administration (BJA) and the Judicial Information System Committee (JIS) having recommended that Order No. 25700-A-541, which pertains to the adoption of the proposed amendment to IRLJ 6.2, be rescinded. The Court having further determined that the proposed new amendment to IRLJ 6.2 will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted and Order No. 25700-A-541, dated February 3, 1994, is rescinded.

(b) That the amendment will be published expeditiously in the Washington Reports and will become effective May 1, 1994.

DATED at Olympia, Washington this 21st day of March, 1994.

James A. Andersen, C.J.

Durham, J.

Charles Z. Smith

Robert F. Brachtenbach

Guy, J.

Robert F. Utter

Charles W. Johnson

J. M. Dolliver

Barbara A. Madsen

Proposed Amendment

IRLJ 6.2

MONETARY PENALTY SCHEDULE FOR TRAFFIC INFRACTIONS

- (a) Effect of Schedule. [No change.]
(b) Unscheduled Infractions. The penalty for any infraction not listed in this rule shall be \$25 35, not including statutory assessments. A court may, by local court rule, provide for a different penalty.
(c) Infractions Not Covered. [No change.]
(d) Penalty Schedule. The following infractions shall have the penalty listed, not including statutory assessments.

Serious Infractions

Table with 2 columns: Description of infraction and Base Penalty. Includes items like 'Wrong way on freeway' (\$165175.00) and 'Spilling or failure to secure load' (\$7080.00).

Table of monetary penalties for various traffic infractions. Includes items like 'Throwing or depositing debris on highway' (\$7080.00), 'Speeding (RCW 46.61.400) if speed limit is over 40 m.p.h.', and 'Speed Too Fast for Conditions (RCW 46.61.400(1))'.

MISCELLANEOUS

7- Improper passing (RCW 46.61.110, .115, .120, .125, .130)	<u>\$2535.00</u>	3c per excess pound	
8- Prohibited and improper turn (RCW 46.61.290, .295, .305)	<u>\$2535.00</u>	2- Over license capacity (RCW 46.16.145)	
9- Crossing double yellow line left of center line (RCW 46.61.100, .130, .140)	<u>\$2535.00</u>	(First offense)	<u>\$550.00</u>
10- Operating with obstructed vision (RCW 46.61.615)	<u>\$2535.00</u>	(Second offense)	<u>\$8595.00</u>
11- Wrong way on one-way street (RCW 46.61.135)	<u>\$2535.00</u>	(Third offense)	<u>\$100110.00</u>
12- Failure to comply with restrictive signs (RCW 46.61.050)	<u>\$2535.00</u>	3- Violation of special permit	<u>\$5060.00</u>
Accident		4- Failure to obtain special permit	<u>\$5060.00</u>
If an accident occurs in conjunction with any of the listed rules-of-the-road infractions or speed too fast for conditions, the penalty for the infraction shall be:	<u>\$5060.00</u>	5- Failure to submit to being weighed	<u>\$5060.00</u>
Equipment (RCW 46.37)		6- Illegal vehicle combination (RCW 46.44.036)	<u>\$5060.00</u>
1- Illegal use of emergency equipment (RCW 46.37.190)	<u>\$7080.00</u>	7- Illegally transporting mobile home	<u>\$5565.00</u>
2- Defective or modified exhaust systems, mufflers, prevention of noise and smoke (RCW 46.37.390(1) and (3))		Any other infraction defined in RCW 46.44 Private Carrier (RCW 46.73)	<u>\$3545.00</u>
First offense (penalty may be waived upon proof to the court of compliance)	<u>\$3040.00</u>	1- Failure to display valid medical exam	<u>\$5262.00</u>
Second offense within 1 year of first offense	<u>\$5060.00</u>	2- Violation of daily log book	<u>\$5262.00</u>
Third and subsequent offenses within 1 year of first offense	<u>\$7080.00</u>	Driver not out of service	<u>\$5262.00</u>
3- Any other equipment infraction (RCW 46.37.010)	<u>\$2535.00</u>	Driver out of service	<u>\$7888.00</u>
Motorcycles		Off-Road Vehicles (ATV's) (RCW 46.09)	
Any infraction relating specifically to motorcycles (including no valid endorse- ment, RCW 46.20.500)	<u>\$2535.00</u>	Any RCW 46.09 infraction	<u>\$3040.00</u>
Parking		Snowmobiles (RCW 46.10)	
1- Illegal parking on roadway (RCW 46.61.560)	<u>\$2030.00</u>	Any RCW 46.10 infraction	<u>\$3040.00</u>
2- Any other parking infraction (not defined by city or county ordinance)	<u>\$1020.00</u>	Failure to respond to notice of infraction or failure to pay penalty (RCW 46.63.110(3))	<u>\$2535.00</u>
Pedestrians		Failure to provide proof of motor vehicle insurance (RCW 46.30.020)	<u>\$250.00</u>
Any infraction regarding pedestrians (not defined by city or county ordinance)	<u>\$1020.00</u>	(2) <u>Commercial Vehicle Infractions</u>	
Bicycles		Defective Equipment/Driver Safety (auto transp.) (WAC 480-30-095)	<u>\$2535.00</u>
Any infraction regarding bicycles	<u>\$1525.00</u>	Commercial Vehicle License (auto transp.) (WAC 480-30-095(1))	<u>\$2535.00</u>
Load Violations		Defective Equipment/Driver Safety (charter/ excursion bus) (WAC 480-40-075)	<u>\$2535.00</u>
(all under RCW 46.44, except over license capacity) (see RCW 46.16)		Commercial Vehicle License (charter/excursion bus) (WAC 480-40-075(1))	<u>\$2535.00</u>
1- Over legal—tires, wheelbase (RCW 46.44.105(1))		Defective Equipment/Driver Safety (solid waste transp.) (WAC 480-70-400)	<u>\$2535.00</u>
(First offense)	<u>\$5565.00</u>	Commercial Vehicle License (solid waste transp.) (WAC 480-70-400(1))	<u>\$2535.00</u>
(Second offense)	<u>\$8595.00</u>	Failure To Have Proof of Insurance (RCW 81.80.190)	<u>\$250.00</u>
(Third offense)	<u>\$100110.00</u>	Defective Equipment/Driver Safety (WAC 480-12-180)	<u>\$2535.00</u>
In addition to the above (RCW 46.44.105(2))		Commercial Vehicle License (WAC 480-12-180(1))	<u>\$2535.00</u>
		Defective Equipment/Driver Safety (limousine) (WAC 480-35-090)	<u>\$2535.00</u>
		Commercial Vehicle License (limousine) (WAC 480-35-090(1))	<u>\$2535.00</u>
		(3) <u>Parks and Recreation Infractions</u>	

MISCELLANEOUS

<u>Display of Snowmobile Registration Number, Decals, and Validation Tabs</u> (WAC 308-94-070)	\$48.00	<u>Use of Nonmotorized Cycles or Similar Devices in State Parks (WAC 352-32-075)</u>	\$35.00
<u>Off-road vehicle traffic prohibited</u> (WAC 332-52-030)	\$35.00	<u>Swimming (WAC 352-32-080)</u>	\$35.00
<u>Travel off road or off trail (WAC 332-52-030)</u>	\$35.00	<u>Games (WAC 352-32-090)</u>	\$35.00
<u>Spark-arresting muffler required</u> (WAC 332-52-030)	\$35.00	<u>Disrobing (WAC 352-32-100)</u>	\$35.00
<u>Yield right of way to:</u>		<u>Tents, etc., on Beaches (WAC 352-32-110)</u>	\$35.00
<u>Log hauling and gravel trucks</u> (WAC 332-52-030)	\$35.00	<u>Lakes Located Wholly Within State Park Boundaries— Internal Combustion Engines Prohibited</u> (WAC 352-32-155)	\$35.00
<u>Animal drawn vehicles/persons riding animals</u> (WAC 332-52-030)	\$35.00	<u>Lakes Located Partially Within State Park Boundaries— Internal Combustion Engines Prohibited</u> (WAC 352-32-157)	\$35.00
<u>Following closer than 150 feet</u> (WAC 332-52-030)	\$35.00	<u>Solicitation (WAC 352-32-195)</u>	\$60.00
<u>Moving through livestock herd without direction</u> (WAC 332-52-030)	\$35.00	<u>Intoxication in State Park Areas</u> (WAC 352-32-220)	\$135.00
<u>Parking on the traveled portion of the roadway</u> (WAC 332-52-030)	\$30.00	<u>Food and Beverage Containers on Swimming Beaches</u> (WAC 352-32-230)	\$35.00
<u>Excessively rev vehicle engine</u> (WAC 332-52-030)	\$35.00	<u>Use of Metal Detectors in State Parks</u> (WAC 352-32-235)	\$35.00
<u>Driving/parking vehicles (WAC 332-52-050(1))</u>	\$35.00	<u>Self-Registration (WAC 352-32-255)</u>	\$60.00
<u>Bicycles/motorbikes/motorcycles on posted trails</u> (WAC 332-52-050(3))	\$35.00	<u>Sno-Park Permit (WAC 352-32-260)</u>	\$35.00
<u>Driving motor vehicle in camp</u> (WAC 332-52-050(4))	\$35.00	<u>Sno-Park Permit Display (WAC 352-32-265)</u>	\$35.00
<u>Moorage and Use of Marine Facilities</u> (WAC 352-12-010)	\$35.00	<u>Vehicular Traffic—Where Permitted—Generally</u> (WAC 352-37-030)	\$60.00
<u>Moorage Fees (WAC 352-12-020)</u>	\$35.00	<u>Equestrian Traffic (WAC 352-37-080)</u>	\$35.00
<u>Seasonal Permits (WAC 352-12-030)</u>	\$35.00	<u>Pedestrians To Be Granted Right of Way</u> (WAC 352-37-090)	\$35.00
<u>Use of Onshore Campsites (WAC 352-12-040)</u>	\$35.00	<u>Beach Parking (WAC 352-37-100)</u>	\$24.00
<u>Self-Registration (WAC 352-12-050)</u>	\$60.00	<u>Overnight Parking or Camping Prohibited</u> (WAC 352-37-110)	\$60.00
<u>Parking (WAC 352-20-010)</u>	\$24.00	<u>Speed Limits (WAC 352-37-130)</u>	\$35.00
<u>Motor Vehicles on Roads & Trails</u> (WAC 352-20-020)	\$60.00	<u>(4) Boating Infractions</u>	
<u>Speed Limits (WAC 352-20-330)</u>	\$35.00	<u>Operating Vessel in Negligent Manner</u> (RCW 88.12.020)	\$160.00
<u>Vehicles in Snow Areas (WAC 352-20-040)</u>	\$60.00	<u>No personal flotation device (PFD) on vessel for each person</u> (RCW 88.12.050(1))	\$35.00
<u>Trucks and Commercial Vehicles</u> (WAC 352-20-050)	\$35.00	<u>Personal flotation device not appropriate size</u> (RCW 88.12.050(1))	\$35.00
<u>Camping (WAC 352-32-030)</u>	\$60.00	<u>Personal flotation device not readily accessible</u> (RCW 88.12.050(1))	\$35.00
<u>Campsite Reservation (WAC 352-32-035)</u>	\$35.00	<u>Observer required on board vessel</u> (RCW 88.12.080(2))	\$35.00
<u>Picnicking (WAC 352-32-040)</u>	\$35.00	<u>Observer to continuously observe</u> (RCW 88.12.080(2))	\$35.00
<u>Park Periods (Unlawful Entry)</u> (WAC 352-32-050)	\$60.00	<u>Failure to display skier down flag</u> (RCW 88.12.080(2))	\$35.00
<u>Park Capacities (WAC 352-32-053)</u>	\$35.00	<u>Flag/pole not to specifications</u> (RCW 88.12.080(2))	\$35.00
<u>Peace and Quiet (WAC 352-32-056)</u>	\$60.00		
<u>Pets (WAC 352-32-060)</u>	\$35.00		
<u>Horseback Riding (WAC 352-32-070)</u>	\$35.00		

<u>Observer does not meet minimum qualifications</u> (RCW 88.12.080(3))	<u>\$60.00</u>
<u>Water skier not wearing personal flotation device</u> (RCW 88.12.080(4))	<u>\$60.00</u>
<u>Overloading of vessel beyond safe carrying ability</u> (RCW 88.12.135(1))	<u>\$110.00</u>
<u>Carrying passengers in unsafe manner</u> (RCW 88.12.135(1))	<u>\$60.00</u>
<u>Overpowering of vessel beyond vessel's ability to operate safely</u> (RCW 88.12.135(2))	<u>\$110.00</u>
<u>Person not wearing personal flotation device (PFD) on personal watercraft</u> (RCW 88.12.145(1))	<u>\$60.00</u>
<u>Failure to give accident information to law enforcement</u> (RCW 88.12.130(1))	<u>\$110.00</u>
<u>Motor propelled vessels without effective muffler in good working order and constant use</u> (RCW 88.12.085(1))	<u>\$35.00</u>
<u>Sound level in excess of 90 decibels for engines made before 01/01/94 using stationary test</u> (RCW 88.12.085(1))	<u>\$35.00</u>
<u>Sound level in excess of 88 decibels for engines made on or after 01/01/94 using stationary test</u> (RCW 88.12.085(1))	<u>\$35.00</u>
<u>Sound level in excess of 75 decibels using shoreline test</u> (RCW 88.12.085(3))	<u>\$35.00</u>
<u>Removing, altering or modifying muffler or muffler system</u> (RCW 88.12.085(7))	<u>\$35.00</u>
<u>Manufacturing, selling, or offering for sale any vessel equipped with non-complying muffler or muffler system</u> (RCW 88.12.085(8))	<u>\$60.00</u>
<u>Vessel exemption/exception for competing in racing events carried on board operating vessel</u> (RCW 88.12.085(8))	<u>\$35.00</u>
<u>Personal flotation devices (PFD)</u> (WAC 352-60-030)	<u>\$35.00</u>
<u>Visual distress signals</u> (WAC 352-60-040)	<u>\$35.00</u>
<u>Ventilation</u> (WAC 352-60-050)	<u>\$35.00</u>
<u>Navigation lights and sound signals</u> (WAC 352-60-060)	<u>\$35.00</u>
<u>Steering and Sailing</u> (WAC 352-60-070)	<u>\$35.00</u>
<u>Fire Extinguishing Equipment</u> (WAC 352-60-080)	<u>\$35.00</u>
<u>Backfire Flame Control</u> (WAC 352-60-090)	<u>\$35.00</u>
<u>Liquefied Petroleum Gas</u> (WAC 352-60-100)	<u>\$35.00</u>
<u>Canadian Vessels</u> (WAC 352-60-110)	<u>\$35.00</u>

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.

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 94-08-002
RULES OF COURT
STATE SUPREME COURT
[March 21, 1994]

IN THE MATTER OF THE ADOPTION OF THE AMENDMENT TO CrRLJ 3.2 (m), (q) and (r) ORDER NO. 25700-A-546

The District and Municipal Judges Association having recommended the adoption of the amendment to CrRLJ 3.2 (m), (q) and (r) and the Court having determined that the proposed amendment to CrRLJ 3.2 (m), (q) and (r) will aid in the prompt and orderly administration of justice;

Now, therefore, it is hereby

ORDERED:

(a) That the amendment as attached hereto is adopted.

(b) That the amendment will be published expeditiously in the Washington Reports and will become effective May 1, 1994.

DATED at Olympia, Washington this 21st day of March, 1994.

James A. Andersen, C.J.

Robert F. Utter

Charles Z. Smith

Robert F. Brachtenbach

Guy, J.

Durham, J.

Charles W. Johnson

J. M. Dolliver

Barbara A. Madsen

CrRLJ 3.2 (m), (q), (r)

(m) Bail in Criminal Traffic Offense Cases—Mandatory Appearance. When required to reasonably assure appearance in court, bail for a person arrested for the following offenses or comparable ordinances shall be the amount listed in this rule, unless all courts of limited jurisdiction within a county have adopted a uniform local rule. The court for good cause recited in a written order may set a different amount. Forfeiture of bail shall not constitute a final disposition for the following offenses or comparable ordinances without a written order of the court showing the reasons. The order may be a simple docket entry. If the court allows forfeiture of bail, it may accept the bail as full payment including all statutory assessments.

- | | |
|---|-------|
| | Bail |
| 1. Driving while intoxicated; physical control (RCW 46.61.502; 46.52.100; 46.61.504) | \$500 |
| 2. Driving while intoxicated—nonhighway vehicle or snowmobile (RCW 46.09.120(2); 46.10.090(2)) | \$500 |
| 3. Operating nonhighway vehicle or snowmobile so as to endanger human life, etc. (RCW 46.09.130; 46.10.130) | \$500 |

4. No valid driver's license (RCW 46.20.021)	\$100	14. Failure to obey police officer, flaggerman, or fire fighter (RCW 46.61.015)	\$250
5. Unlawful possession or use of a driver's license (RCW 46.20.336)	\$100	15. Failure to cooperate with or give information to police officer (RCW 46.61.020)	\$100
6. Driving while license suspended or revoked in the first, second and third degrees (RCW 46.20.342)	\$500	16. Failure to stop and give information (RCW 46.61.022)	\$100
7. Violating occupational license restrictions (RCW 46.20.410)	\$200 \$500	17. Reckless driving (RCW 46.61.500)	\$500
8. Financial responsibility suspension (RCW 46.29.610, .620, .625)	\$100	18. Racing (RCW 46.61.530)	\$500
9. Transporting dangerous articles (RCW 46.48.175)	\$500	19. Leaving children unattended (RCW 46.61.685)	\$250
10. Unattended hit and run (RCW 46.52.010)	\$250	20. Failure to respond or appear (RCW 46.64.020)	\$250
11. Attended hit and run (RCW 46.52.020)	\$500	21. Unfair motor vehicle business practices (RCW 46.70.170)	\$250
12. Reports of repairs, concealing evidence (RCW 46.52.090)	\$500	22. Unlawful operation of for hire vehicles (RCW 46.72.100)	\$250
13. Confidentiality of driving records (RCW 46.52.130)	\$500	23. Motor vehicle wreckers (RCW 46.80.170)	\$500
		24. Driving training schools (RCW 46.82.390)	\$250

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(q) **Forfeitable Natural Resources Offenses.** The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN, THE BREAKDOWN IS:		BAIL	60% PSEA	30% PSEA	TOTAL
FOREST PROTECTION					
RCW 76.04.205	Violation of Burning Permit	90	54	27	171
WAC 332-24-211	Violation of Outdoor Burning Rules	90	54	27	171
RCW 76.04.215	Burning Mill Wood Waste—Arresters	90	54	27	171
RCW 76.04.246	Use of Blasting Fuse	90	54	27	171
RCW 76.04.305	Closed to Entry—Extra Fire Hazard	90	54	27	171
RCW 76.04.315	Suspension of Burning Permits/Privileges	90	54	27	171
RCW 76.04.325	Closure of Forest Operations or Industrial Restrictions Forest Lands	90	54	27	171
RCW 76.04.405	Spark-Emitting Equipment Regulated	90	54	27	171
WAC 332-24-405	Spark-Emitting Equipment Regulated	90	54	27	171
RCW 76.04.415	Work Stoppage Notice—Violation	90	54	27	171
RCW 76.04.425	Unauthorized Entry Into Sealed Fire Tool Box	90	54	27	171
RCW 76.04.435	Deposit of Fire or Live Coals—Railroad	150	96	48	304
RCW 76.04.455	Discarding Lighted Material	90	54	27	171
RCW 76.04.464	Certain Snags To Be Felled	90	54	27	171
WAC 332-24-401	Felling of Snags	90	54	27	171
WAC 332-24-409	Electric Fence Controllers—Uncertified	90	54	27	171
RCW 76.04.650	Disposal of Forest Debris—Felling	90	54	27	171
RCW 76.04.700	Failure To Extinguish Campfire	90	54	27	171

MISCELLANEOUS

RCW 76.04.710	Willful Setting of Fire	160	95	48	304
RCW 76.04.720	Removal of Notices—Signs	90	54	27	171
RCW 76.04.730	Negligent Fire—Spread	90	54	27	171

FOREST PRACTICES

RCW 76.09.060(5)	Deviation From Approved				
WAC 222-20-060	Appl./Notif.	250	150	75	475
RCW 76.09.060(3)	Conversion-Deviation From				
WAC 222-20-050	approved Appl./Notif.	250	150	75	475
RCW 76.09.060	Conversion-Deviation From				
	Approved Appl./Notif.				
WAC 222-34-020	(also see Reforestation)	250	150	75	475
RCW 76.09.050(4)	Road Location—Unstable				
WAC 222-24-020(6)	Slopes	250	150	75	475
RCW 76.09.050(4)	Location and Design	250	150	75	475
WAC 222-24-025					
RCW 76.09.050(4)	Road Construction—General	250	150	75	475
WAC 222-24-030					
RCW 76.09.050(4)	End Haul/Side Cast and	250	150	75	475
WAC 222-24-030(8, 9)	Waste Disposal				
RCW 76.09.050(4)	Road Maintenance	250	150	75	475
WAC 222-24-050					
RCW 76.09.050(4)	Rock Quarries	250	150	75	475
WAC 222-24-060					
RCW 76.09.050(4)	Harvest Unit, Plan Design	250	150	75	475
WAC 222-30-020					
RCW 76.09.050(4)	Landing Location and Construc-				
WAC 222-30-020(2, 3)	tion—Water	250	150	75	475
RCW 76.09.050(4)	Temperature Control Shade				
WAC 222-30-040	Requirements—Temp.				
	Sensitive	250	150	75	475
RCW 76.09.050(4)	Temperature Control Shade				
WAC 222-30-040	Requirements—General	250	150	75	475
RCW 76.09.050(4)	Falling and Bucking	250	150	175	475
WAC 222-30-050					
RCW 76.09.050(4)	Cable Yarding	250	150	75	475
WAC 222-30-060					
RCW 76.09.050(4)	Tractor and Wheeled Skidding				
WAC 222-30-070	Systems	250	150	75	475
RCW 76.09.050(4)	Postharvest Site Preparation	250	150	75	475
WAC 222-30-090					
RCW 76.09.050(4)	Slash Disposal				
WAC 222-30-100	(See also RCW 76.04 &				
	WAC 332-24)	250	150	75	475
RCW 76.09.050(4)	Chemicals	250	150	75	475
WAC 222-38-020					

Consult Department of Agriculture prior to citation.

SPECIALIZED FOREST PRODUCTS

General Rules

RCW 43.30.310			Nontraffic		
WAC 332-52-030	90	54	27		171
(1) Sanitation					
(2) Public Behavior					
(c) Selling without permission	40	24	12		76
(d) Advertising without permission	40	24	12		76
(f) Fireworks	90	54	27		171
(3) Audible Devices					
(a) Audible devices regulated	70	42	21		133
(b) Unauthorized use of public address system	70	42	21		133

Public Behavior—Recreation Site

RCW 43.30.310				
WAC 332-52-040				
(4) Occupying a closed site	25	15	7	47
(5) Fire outside designated location	25	15	7	47
(6) Camping in a day-use area	25	15	7	47
(7) Failure to clean up rubbish	25	15	7	47
(8) Utilizing site which is designated for other use	25	15	7	47
(9) Overstaying site	25	15	7	47
(10) Failure to maintain quiet	25	15	7	47
(11) Saddle or pack animals in camp	25	15	7	47
(12) Pets at large	25	15	7	47

TRAFFIC INFRACTIONS
Vehicles Recreation Site

RCW 43.30.310	Nontraffic			
WAC 332-52-050				
(1) Driving/parking vehicles (Infraction Traffic)	25	15	7	47
(3) Bicycles/motorbikes/motoreycles on posted trails (Infraction Traffic)	25	15	7	47
(4) Driving motor vehicle in camp (Infraction Traffic)	25	15	7	47
RCW 43.30.310				
WAC 332-52-030				
Off road vehicle traffic prohibited	25	15	7	47
Travel off road or off trail	25	15	7	47
Spark arresting muffler required	25	15	7	47
Yield right of way to:				
 Log hauling and gravel trucks	25	15	7	47
 Animal drawn vehicles/persons riding animals	25	15	7	47
Following closer than 150 feet	25	15	7	47
Moving through livestock herd without direction	25	15	7	47
Parking on the traveled portion of the roadway	20			20
Excessively rev vehicle engine	25	15	7	47
Speed (as indicated in IRLJ 6.2(d))				
All other DNR Infractions as indicated in IRLJ 6.2(d)	20	15	7	47

MANDATORY

RCW 76.04.235	Dumping Mill Waste, Forest Debris	
WAC 332-24-261	Dumping Mill Waste—Creation of Fire Hazard	
RCW 76.04.445	Reporting Fire	Mandatory
RCW 76.04.740	Reckless Burning	Mandatory
RCW 76.09.170	Knowingly in Violation of RCW 76.09.010-.280	Mandatory
WAC 222-46-080		
RCW 76.09.050(2), (4)	Operation Without Application/Notification	Mandatory
WAC 222-20-010		
RCW 76.09.050(4)	Water Crossing Structures	Mandatory
WAC 222-24-040	(See also RCW 75.20.100 & WAC 220-110)	
RCW 76.09.050(4)	Riparian Management Zone	Mandatory
WAC 222-30-020(4)		
RCW 76.09.050(4)	Stream Bank Integrity	Mandatory
WAC 222-30-030		
RCW 76.09.050(4)	Landing Cleanup	Mandatory
WAC 222-30-080		
RCW 76.09.070	Reforestation	Mandatory
WAC 222-34-010		

MISCELLANEOUS

RCW 76.36	Marks and Brands, File All Charges With Prosecutor, (No Citation.)	Mandatory
RCW 76.40	Log Patrol, File All Charges With Prosecutor, (No Citation.)	Mandatory
RCW 76.48.030	No Valid Permit	Mandatory
RCW 76.48.070	Possessing Forest Products Without a Valid Permit	Mandatory
RCW 76.48.070	Transporting Forest Products Without a Valid Permit	Mandatory
RCW 76.48.075	Transporting forest Products From Out of State	Mandatory
RCW 76.48.092	Refusal To Surrender Copy of Permit	Mandatory
RCW 76.48.094	Cedar Processor—Failure To Maintain Records	Mandatory
RCW 76.48.096	Cedar Processor—Purchase From a Person Without a Permit	Mandatory
RCW 76.48.120	Offering a False or Fraudulent Permit (Class C Felony—No Citation.)	Mandatory

General Rules

RCW 43.30.310		Nontraffic
WAC 332-52-030		
(2) Public behavior		
(a) Inciting or participating in riots		Mandatory
(b) Malicious mischief		
Damages less than \$50		Mandatory
Damages more than \$50, less than \$250		Mandatory
Damages more than \$250, less than \$1,500		Mandatory
(Class C Felony—No Citation.)		
Damages more than \$1,500		
(Class B Felony—No Citation.)		
(e) Erecting unauthorized buildings		Mandatory

Public Behavior—Recreation Site

RCW 43.30.310		Nontraffic
WAC 332-52-040		
(1) Destroying—Defacing (Malicious mischief)		
Damages less than \$50		Mandatory
Damages more than \$50, less than \$250		Mandatory
Damages more than \$250, less than \$1,500		Mandatory
(Class C Felony—No Citation.)		
Damages more than \$1,500		Mandatory
(Class B Felony—No Citation.)		
(2) Discharging firearms		Mandatory

(r) **Forfeitable Parks Offenses.** The following offenses shall be forfeitable as a final disposition, in the amounts listed, to include statutory assessments:

WHERE A BAIL AMOUNT IS SHOWN,
THE BREAKDOWN IS:

	BAIL	60% PSEA	30% PSEA	TOTAL
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TRAFFIC INFRACTIONS

WAC					
308-94-070	Display of Snowmobile Registration — Number, Decals, and Validation Tabs	38.00	10.00	9.00	57.00
352-20-010	Parking				20.00
352-20-020	Motor Vehicles on Roads & Trails	70.00	42.00	21.00	133.00
352-20-030	Speed Limits (Speed Too Fast — For Conditions)	24.74	14.84	7.42	47.00

MISCELLANEOUS

352-37-090	—(Speed Over Limit per IRLJ 6.2(d)) Pedestrians To Be Granted Right —of Way	24.74	14.84	7.42	47.00
352-37-100	Beach Parking	24.74	14.84	7.42	47.00
352-37-100	(1) Speed Too Fast for Conditions	24.74	14.84	7.42	47.00
352-37-100	(2) Speed Over Limit per IRLJ 6.2(d)	24.74	14.84	7.42	47.00
352-37-100	(3) Reduced Speed	24.74	14.84	7.42	47.00
352-37-150	Rules of the Road Incorporated —(per IRLJ 6.2(d))				
352-37-160	(Vehicle Lighting & Equipment Standards —per IRLJ 6.2(d))				

CRIMINAL

WAC					
308-93-020	Vessel Registration Required				Mandatory
352-12-010	Moorage and Use of Marine Facilities	24.74	14.84	7.42	47.00
352-12-020	Moorage Fees	24.74	14.84	7.42	47.00
352-12-030	Seasonal Permits	70.00	42.00	21.00	133.00
352-12-040	Use of Onshore Campsites	24.74	14.84	7.42	47.00
352-12-050	Self Registration	24.74	14.84	7.42	47.00
352-20-040	Vehicles in Snow Areas —(Approved Snow Tires or Chains)				
352-20-050	Trucks and Commercial Vehicles	24.74	14.84	7.42	47.00
352-32-030	Camping	50.00	30.00	15.00	95.00
352-32-035	Campsite Reservation	24.74	14.84	7.42	47.00
352-32-040	Picnicking	24.74	14.84	7.42	47.00
352-32-050	Park Periods (Unlawful Entry)				Mandatory
352-32-053	Park Capacities	24.74	14.84	7.42	47.00
352-32-056	Peace & Quiet	70.00	42.00	21.00	133.00
352-32-060	Pets	30.00	18.00	9.00	57.00
352-32-070	Horseback Riding	50.00	30.00	15.00	95.00
352-32-075	Use of Nonmotorized Cycles or —Similar Devices in State Parks	24.74	14.84	7.42	47.00
352-32-080	Swimming	24.74	14.84	7.42	47.00
352-32-090	Games	24.74	14.84	7.42	47.00
352-32-100	Disrobing	24.74	14.84	7.42	47.00
352-32-110	Tents, etc., on Beaches	24.74	14.84	7.42	47.00
352-32-120	Firearms and/or Weapons				Mandatory
352-32-130	Aircraft				Mandatory
352-32-140	Fireworks	70.00	42.00	21.00	133.00
352-32-150	Fishing	50.00	30.00	15.00	95.00
352-32-15001	Little Spokane River Natural Area- Prohibited Uses	50.00	30.00	15.00	95.00
352-32-155	Lakes Located Wholly Within —State Park Boundaries Internal —Combustion Engines Prohibited	50.00	30.00	15.00	95.00
352-32-157	Lakes Located Partially Within —State Park Boundaries Internal —Combustion Engines Prohibited	50.00	30.00	15.00	95.00
352-32-170	Rubbish				Mandatory
352-32-180	Sanitation				Mandatory
352-32-195	Solicitation	50.00	30.00	15.00	95.00
352-32-210	Consumption of Alcohol in State Park Areas	50.00	30.00	15.00	95.00
352-32-220	Intoxication in State Park Areas				Mandatory
352-32-230	Food and Beverage Containers on —Swimming Beaches	24.74	14.84	7.42	47.00
352-32-260	Sno Park Permit	24.74	14.84	7.42	47.00
352-32-265	Sno Park Permit Display	24.74	14.84	7.42	47.00
352-32-290	Wood Debris Collection Permit	70.00	42.00	21.00	133.00
352-37-030	Vehicular Traffic Where Permitted —Generally				Mandatory

MISCELLANEOUS

352-37-080	Equestrian Traffic	50.00	30.00	15.00	95.00
352-37-070	Restricted Areas				Mandatory
352-37-110	Overnight Parking or Camping Prohibited	50.00	30.00	15.00	95.00
352-37-120	Operator's License Required				Mandatory
352-37-140	Certain Practices Prohibited				Mandatory
352-37-170	Aircraft				Mandatory
352-37-190	Excluded/Limited Recreational Activities	50.00	330.00	15.00	95.00
352-60-030	Personal Flotation Devices	24.74	14.84	7.42	47.00
352-60-040	Visual Distress Signals	24.74	14.84	7.42	47.00
352-60-050	Ventilation	70.00	42.00	21.00	133.00
352-60-060	Navigation Lights and Shapes and Sound and Light Signals	70.00	42.00	21.00	133.00
352-60-070	Steering and Sailing				Mandatory
352-60-080	Fire Extinguishing Equipment	24.74	14.84	7.42	47.00
352-60-090	Backfire Flame Control	70.00	42.00	21.00	133.00
352-60-100	Liquefied Petroleum Gas				Mandatory
352-60-110	Canadian Vessels				Mandatory
352-70-040	Boating Accident & Casualty Report				Mandatory

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.

Time: 1:00 p.m.
 Dates: March 22, 1994
 May 10, 1994
 July 12, 1994
 September 13, 1994
 November 8, 1994

WSR 94-08-003
 NOTICE OF PUBLIC MEETINGS
 COMMISSION ON
 HISPANIC AFFAIRS
 [Memorandum—March 23, 1994]

Please accept this as notice of our next public meeting to be held on May 7, 1994, at the Heritage College Annex (Old McKinley Grange), at Fort Road, Toppenish, Washington. The regular commission meeting will begin at 9 a.m. and end at 3:00 p.m.

The public is invited to offer comment throughout the meeting. An agenda can be obtained by calling the commission. Any request for special accommodations can be made by calling Ana Rojas at (206) 753-3159.

Future meetings will take place on: July 9th in Othello; September 24th in Bellingham; and December 3rd in Vancouver.

WSR 94-08-008
 NOTICE OF PUBLIC MEETINGS
 HEALTH CARE AUTHORITY
 [Memorandum—March 24, 1994]

Some of the dates for the 1994 Public Employees Benefit Board (PEBB) meetings which were formerly published in the Washington State Register have changed.

Name of Meeting: Public Employees Benefit Board (PEBB)

Location: DSHS Office of the Attorney General
 4224 Sixth Avenue S.E., Building 1
 Lacey, WA 98504

WSR 94-08-012
 NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF
 NATURAL RESOURCES
 (Forest Fire Advisory Board)
 [Memorandum—March 28, 1994]

The next scheduled meeting of the Forest Fire Advisory Board is Monday, May 23, 1994. The meeting will begin at 10:00 a.m. and will be held in Room 461 on the Fourth Floor of the Natural Resources Building, located at 1111 Washington Street S.E. in Olympia.

WSR 94-08-026
 NOTICE OF PUBLIC MEETINGS
 DEPARTMENT OF COMMUNITY, TRADE
 AND ECONOMIC DEVELOPMENT
 [Memorandum—March 30, 1994]

AFFORDABLE HOUSING ADVISORY BOARD
 MEETINGS FOR 1994

February 16	9:00 a.m. to 4:00 p.m.	Governor's Conference Room
April 20	9:00 a.m. to 4:00 p.m.	Holiday Inn/SeaTac O'Hare Room
June 15	9:00 a.m. to 4:00 p.m.	Spokane Ramada Inn at the Airport Washington Room
August 17	9:00 a.m. to 4:00 p.m.	Holiday Inn/SeaTac O'Hare Room

MISCELLANEOUS

October 19 9:00 a.m. to 4:00 p.m. Holiday Inn/SeaTac
O'Hare Room
December 7 9:00 a.m. to 4:00 p.m. SeaTac Airport
Small Auditorium

WSR 94-08-047
RULES COORDINATOR
WASHINGTON STATE PATROL
[Filed March 31, 1994, 11:28 a.m.]

On April 1, 1994, the new Washington State Patrol agency rules coordinator will be Ms. Jan Bart. Ms. Bart's address is as follows: Ms. Jan Bart, Washington State Patrol, P.O. Box 42607, Olympia, WA 98504-2607, phone 753-4453.

Bill Ford
for Roger W. Bruett
Chief

WSR 94-08-058
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 3
[March 14, 1994]

PORT DISTRICTS—PILOTS—Authority of a Port District to Provide Pilotage Service

Port districts are municipal corporations that have powers expressly granted by the Legislature, or necessarily or fairly in or incident to the powers expressly granted. The Legislature has not expressly granted port districts the authority to provide pilotage services, and such authority cannot be necessarily or fairly implied from the express authority granted port districts.

Requested by:

Honorable Lynn Kessler
State Representative, District 24
439 John L. O'Brien Building, MS 40648
Olympia, WA 98504-0648

WSR 94-08-059
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 4
[March 25, 1994]

DISTRICT COURTS—DISTRICT JUDGES PRO TEMPORE—SALARY AND COMPENSATION—COUNTIES—Authority of district courts to employ pro tempore judges to handle excess workload

1. A district court judge lacks authority to engage a judge pro tempore to assist in handling an excess court workload.
2. When a judge pro tempore serves a district court for more than 30 days in a year because of the absence of the regular judge owing to disqualification from hearing one or more cases, the salary of the regular judge must be reduced as specified in RCW 3.34.130(1), unless the judge's absence meets one of the exceptions specified in the statute.

3. RCW 3.34.130, which generally requires a reduction in a district court judge's salary when a judge pro tempore serves in the judge's place for more than 30 days in a year, does not apply when a visiting judge from another court serves pursuant to RCW 3.34.140.

Requested by:

Honorable Gary P. Bursleson
Mason County Prosecuting Attorney
411 North Fifth Street
Shelton, WA 98584

WSR 94-08-061
NOTICE OF PUBLIC MEETINGS
SOUTH PUGET SOUND
COMMUNITY COLLEGE
[Memorandum—April 1, 1994]

At their March 31, 1994, meeting, the board of trustees of Community College District 24, rescheduled the regular May 5, 1994, meeting to Thursday, April 28, 1994, in the Boardroom of Building 25 on our campus.

In addition the board of trustees scheduled a special meeting for Friday, May 20, 1994, beginning at 7:30 a.m.

WSR 94-08-062
NOTICE OF PUBLIC MEETINGS
CONVENTION AND TRADE
CENTER
[Memorandum—March 31, 1994]

Pursuant to board action on February 23, 1994, the date of the board's September regular meeting has been changed.

The board will meet on Wednesday, September 14 (and not on September 21).

WSR 94-08-063
RULES COORDINATOR
WASHINGTON SCHOOL
FOR THE DEAF
[Filed April 4, 1994, 11:13 a.m.]

The rules coordinator for the Washington School for the Deaf is as follows: Larry Drotz, Washington School for the Deaf, 611 Grand Boulevard, S-26, Vancouver, WA 98661-4918, phone (206) 696-6525, ext. 327, SCAN 476-6525, ext. 327.

Gary L. Holman, Ph.D.
Superintendent

WSR 94-08-064
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES
[Memorandum—March 15, 1994]

The Seattle Community College District board of trustees will hold their regular meeting on Tuesday, April 5, 1994,

beginning at 6:00 p.m., at the Battelle Conference Center, 4000 N.E. 41st Street, Seattle, WA 98105-5428.

WSR 94-08-065
NOTICE OF PUBLIC MEETINGS
SEATTLE COMMUNITY COLLEGES

[Memorandum—March 15, 1994]

The Seattle Community College District board of trustees will hold a board retreat on April 1, from 12 noon to 5:00 p.m., and on April 2, from 8:00 a.m. to 4:00 p.m. The retreat will be held at the Battelle Conference Center, 4000 N.E. 41st Street, Seattle, WA 98105-5428.

WSR 94-08-083
ATTORNEY GENERAL OPINION
Cite as: AGO 1994 No. 5
 [March 31, 1994]

**LEGISLATURE—STATE AUDITOR—STATE AGENCIES—
 PUBLIC RECORDS—TELEPHONE RECORDS—**State Auditor may require Legislature to maintain detailed telephone records for audit

1. The State Auditor's authority to audit the records of agencies, including the Legislature, implies authority to require that records be kept in sufficient detail to satisfy audit needs.
2. The State Auditor has authority to require state agencies, including the Legislature, to maintain records of telephone numbers called from state-owned telephones, for audit purposes.
3. If the State Auditor maintains files containing legislative telephone records, such records are exempt from public disclosure while the audit investigation is pending; thereafter, the records are generally not exempt from disclosure unless someone can make a showing that particular records fall within some recognized exception to the public disclosure laws.
4. The State Auditor's authority to audit the Legislature, including the authority to prescribe the keeping of records for audit purposes, extends to the Legislature itself and to committees created by the Legislature (such as the Legislature Transportation Committee and the Legislative Evaluation and Accountability Program Committee), and to persons or agencies exercising legislative power (such as the State Actuary and the Redistricting Commission).

Requested by:

The Honorable Brian Sonntag
 Washington State Auditor
 Legislative Building, MS 40021
 Olympia, WA 98504-0021

WSR 94-08-084
NOTICE OF PUBLIC MEETINGS
TRANSPORTATION IMPROVEMENT BOARD
 [Memorandum—April 1, 1994]

MEETING NOTICE FOR APRIL 1994
 TRANSPORTATION IMPROVEMENT BOARD
 OLYMPIA, WASHINGTON 98504-0901

Increase Subcommittee, 12:30 p.m. - 2:00 p.m., Thursday, April 21, 1994, in Vancouver at the Mark 205 Motor Inn, 221 N.E. Chkalov Drive.

Sidewalk Subcommittee, 2:00 p.m. - 5:30 p.m., Thursday, April 21, 1994, at the Mark 205.

Work Session, 7:00 p.m., Thursday, April 21, 1994, at the Mark 205.

Board Meeting, 9:00 a.m., Friday, April 22, 1994, at the Mark 205.

Special Needs: For special accommodations or to request an auxiliary aid, please contact the TIB office at (206) 753-7198 by April 14, 1994.

The next scheduled meeting is May 27, 1994, in Wenatchee. A notice with further detail of the May meeting will be mailed May 6, 1994.

WSR 94-08-086
NOTICE OF PUBLIC MEETINGS
BELLINGHAM TECHNICAL COLLEGE
 [Memorandum—April 5, 1994]

The regularly scheduled meeting of the board of trustees of Bellingham Technical College will be held on Thursday, April 21, 1994, 9-11 a.m., in the Bellingham Technical College Building G Conference Center A.

WSR 94-08-088
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
 [EO 94-04]

COORDINATED WATERSHED PLANNING, IMPLEMENTATION,
 AND RESTORATION FOR FISH AND WILDLIFE

WHEREAS, the 1994 Legislature found that there is a compelling need to provide coordinated planning, implementation and restoration of natural resources, and environmental protection on a watershed basis; and

WHEREAS, the 1994 Legislature found that watershed coordination should, to the greatest extent possible, build upon work that is already being performed by federal, state, tribal, and local governments, private landowners, and other groups; and

WHEREAS, the 1994 Legislature appropriated \$10 million for watershed restoration projects, to be selected by the Department of Fish and Wildlife and the Department of Natural Resources, to protect and restore critical or depressed fish stocks and there is a compelling need to immediately focus on coordinated restoration in priority watersheds for fish and wildlife;

NOW, THEREFORE, I, Mike Lowry, Governor of the state of Washington, by virtue of the power vested in me, do hereby direct:

- I. State agencies under my direction which are involved in watershed-based natural resource management and environmental protection efforts shall coordinate their watershed planning, implementation, and restoration processes.
- II. Watershed planning and implementation efforts shall have as a first priority the restoration and enhancement of habitat, including water quality, for healthy, high priority fish and wildlife populations.
- III. State agencies under my direction, in coordination with the Watershed Coordinating Council established by Engrossed Substitute House Bill No. 2741 of the 1994 Legislative session, shall work under the direction of my office and provide regular reports to me on the status of their coordination efforts relating to watershed-based planning, implementation, and restoration.
- IV. The Watershed Coordinating Council to prepare a report for me and the legislature by December 15, 1995 which (a) identifies those watersheds in the state where goals and objectives have been established and recommends how to facilitate establishment of goals and objectives for other state watersheds, including specific goals and objectives for fish and wildlife; (b) identifies strategies for establishing and funding locally or regionally-based watershed planning, implementation, and restoration activities; (c) identifies barriers and incentives to encourage local government, tribal, and private land-owner cooperation in watershed planning, implementation, and restoration activities; (d) recommends how to integrate fish and wildlife habitat protection with land-use planning and regulation by local governments under the Growth Management Act and Puget Sound Watershed Plans; (e) recommends how to establish a state-wide student and citizen watershed protection network; and (f) recommends how to establish a "river keeper" system for Washington watersheds. For the purposes of this section, the Council should work with an advisory committee consisting of interested parties including tribes, affected landowners, the timber industry and the environmental community.
- V. By January 1, 1995, in conjunction with the report required in Section 3 of Substitute Senate Bill No. 6243 of the 1994 Legislative session, the Department of Fish and Wildlife with the Department of Natural Resources (a) shall develop a prioritized list of watersheds needing restoration for fish and wildlife; (b) in conjunction with the State Watershed Council, shall develop a coordinated habitat protection strategy for the top ten percent of priority watersheds which identifies local, private, state and federal roles and, where possible, builds upon already existing locally-based watershed efforts consistent with the state priority list; and (c) develop a process for prioritizing and protecting the remaining watersheds.
- VI. Starting January 1, 1995, and every year thereafter, the Department of Fish and Wildlife in consultation with Department of Natural Resources, and in coordination

with the State Watershed Council, shall provide a brief report to me and the appropriate legislative committees on the status of implementing watershed habitat restoration and protection efforts in priority watersheds. These reports shall also include an evaluation of the effectiveness of these protection and restoration efforts.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 1st day of April, A.D., nineteen hundred and ninety four.

Mike Lowry

Governor of Washington

BY THE GOVERNOR:

Ralph Munro

Secretary of State

WSR 94-08-089
EXECUTIVE ORDER
OFFICE OF THE GOVERNOR
[EO 94-05]

ALLOCATION OF FEDERAL LOW-INCOME
HOUSING TAX CREDIT

The Internal Revenue Code of 1986 (the "Code"), as amended, provides for the allocation by states of low-income housing tax credits for the purpose of facilitating the development of rental housing for low-income individuals and families. The Code and regulations interpreting the Code require that the state agency allocating low-income housing tax credits on behalf of a state be specifically authorized by gubernatorial act or state statute to make housing credit allocations and to carry out the related provisions of Section 42(h) of the Code. The Washington State Housing Finance Commission, in accordance with and pursuant to RCW 43.180 et. seq., and Executive Orders 87-10, 90-01, 90-07 and 91-07 has made allocations of the low-income housing tax credit and use of the provisions of the Code for the benefit of the citizens of the state of Washington. Executive Order 87-10, 90-01, 90-07 and 9-07, authorized the Washington State Housing Finance Commission to make the allocation of low-income housing tax credits for calendar years 1987, 1988, 1989, 1990, 1991, 1992, 1993 and 1994.

NOW THEREFORE, I Mike Lowry, Governor of the State of Washington, by virtue of the power vested in me, do hereby order that:

- I. The Washington State Housing Finance Commission (the "Commission") is hereby specifically authorized to make all low-income housing tax credit allocations under Section 42 of the Code on behalf of the State of Washington and to carry out the provisions of Section 42(h) of the Code for low-income credits made available by the federal government.
- II. The Commission shall be authorized to allocate all of the State of Washington's low-income housing tax

credit ceiling under Section 42 of the Code, subject to the following limitations and conditions:

- a. The Commission shall allocate low-income housing tax credits subject to its Program Guidelines and Tax Credit Allocation Plan governing allocation of the low-income housing tax credit, and assure consistency with the State of Washington's Comprehensive Housing Affordability Strategy (CHAS).
- b. The Commission shall allocate low-income housing tax credits in accordance with the provisions of the Omnibus Budget Reconciliation Act of 1993, and the National Affordable Housing Act of 1990.
- c. The Commission shall coordinate the development of tax credit policy with the State Department of Community Trade and Economical Development and the State's Comprehensive Housing Affordability Strategy required under Section 105 of the National Affordable Housing Act of 1990.
- d. The Commission shall report to the Governor and the Legislature on or before February 26 of each year on the use of low-income housing tax credits and include the following information as it relates to the availability and use of such tax credits in the State of Washington: low-income housing tax credits used; the general geographic pattern of use; the sub use of sub-allocations; the percentage of dollar value of credit allocated to specific users; the use by type of financing; and the relationship between the use of low-income housing tax credits under the federal law.

III. This Executive Order supersedes Executive Order 91-07, dated October 3, 1991, designating the Commission to administer the low-income housing tax credits under the federal law.

IN WITNESS WHEREOF, I have hereto set my hand and caused the Seal of the State of Washington to be affixed at Olympia this 2nd day of April, A.D., nineteen hundred and ninety four.

Mike Lowry
Governor of Washington

BY THE GOVERNOR:

Ralph Munro
Secretary of State

MISCELLANEOUS

Table of WAC Sections Affected

KEY TO TABLE

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.

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

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 identify the document within the issue.

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
4-25-185	REP	94-02-070	16-223-002	REP	94-03-023	16-482-016	AMD-P	94-01-111
4-25-186	REP	94-02-070	16-223-004	REP	94-03-023	16-514-020	AMD-P	94-05-073
4-25-187	REP	94-02-070	16-223-005	REP	94-03-023	16-514-020	AMD	94-08-091
4-25-188	REP	94-02-070	16-223-010	REP	94-03-023	16-580-040	AMD-P	94-05-066
4-25-280	REP	94-02-070	16-223-020	REP	94-03-023	16-580-040	AMD	94-08-090
4-25-300	REP	94-02-070	16-223-030	REP	94-03-023	16-602-025	NEW	94-05-049
4-25-320	REP	94-02-070	16-223-040	REP	94-03-023	16-678-001	REP	94-03-022
4-25-521	NEW	94-02-068	16-223-050	REP	94-03-023	16-678-010	REP	94-03-022
4-25-522	NEW	94-02-068	16-223-060	REP	94-03-023	16-680-001	REP	94-03-021
4-25-810	NEW	94-02-072	16-223-070	REP	94-03-023	16-680-010	REP	94-03-021
4-25-811	NEW	94-02-072	16-324-640	REP-P	94-01-110	16-680-015	REP	94-03-021
4-25-812	NEW	94-02-072	16-400-210	AMD-E	94-04-091	44-06-010	AMD-P	94-06-050
4-25-813	NEW	94-02-072	16-402-145	AMD-P	94-05-050	44-06-020	AMD-P	94-06-050
4-25-820	NEW	94-02-071	16-403-145	AMD	94-07-133	44-06-030	AMD-P	94-06-050
4-25-920	NEW	94-02-069	16-403-150	AMD-P	94-05-050	44-06-040	AMD-P	94-06-050
16-38-001	REP	94-05-009	16-403-150	AMD	94-07-133	44-06-050	AMD-P	94-06-050
16-38-010	REP	94-05-009	16-403-290	AMD-P	94-05-050	44-06-060	AMD-P	94-06-050
16-38-020	REP	94-05-009	16-403-290	AMD	94-07-133	44-06-070	AMD-P	94-06-050
16-86-015	AMD	94-05-008	16-415-010	REP	94-03-026	44-06-080	AMD-P	94-06-050
16-103-001	AMD	94-05-040	16-415-020	REP	94-03-026	44-06-085	NEW-P	94-06-050
16-108-010	AMD-P	94-05-074	16-415-030	REP	94-03-026	44-06-090	AMD-P	94-06-050
16-108-010	AMD-W	94-07-038	16-415-040	REP	94-03-026	44-06-110	AMD-P	94-06-050
16-200-805	AMD-P	94-05-060	16-432-010	REP	94-03-025	44-06-120	AMD-P	94-06-050
16-200-805	AMD	94-08-034	16-432-020	REP	94-03-025	44-06-130	AMD-P	94-06-050
16-212-020	AMD-P	94-06-058	16-432-030	REP	94-03-025	44-06-140	AMD-P	94-06-050
16-212-030	AMD-P	94-06-058	16-432-040	REP	94-03-025	44-06-150	NEW-P	94-06-050
16-212-060	AMD-P	94-06-058	16-432-050	REP	94-03-025	44-06-160	NEW-P	94-06-050
16-212-070	AMD-P	94-06-058	16-432-060	REP	94-03-025	50-60-010	NEW	94-03-009
16-212-080	AMD-P	94-06-058	16-432-070	REP	94-03-025	50-60-020	NEW	94-03-009
16-212-082	AMD-P	94-06-058	16-432-080	REP	94-03-025	50-60-030	NEW	94-03-009
16-219	AMD-C	94-08-033	16-432-090	REP	94-03-025	50-60-040	NEW	94-03-009
16-219-015	AMD-P	94-05-092	16-432-100	REP	94-03-025	50-60-050	NEW	94-03-009
16-219-017	NEW-P	94-05-092	16-432-110	REP	94-03-025	50-60-060	NEW	94-03-009
16-219-018	NEW-P	94-05-092	16-432-120	REP	94-03-025	50-60-070	NEW	94-03-009
16-219-020	AMD-P	94-05-092	16-432-130	REP	94-03-025	50-60-080	NEW	94-03-009
16-219-022	NEW-P	94-05-092	16-470-92005	NEW-C	94-06-003	50-60-090	NEW	94-03-009
16-219-025	AMD-P	94-05-092	16-470-92005	NEW-W	94-06-051	50-60-100	NEW	94-03-009
16-219-027	NEW-P	94-05-092	16-470-92010	NEW-C	94-06-003	50-60-110	NEW	94-03-009
16-219-029	NEW-P	94-05-092	16-470-92010	NEW-W	94-06-051	50-60-120	NEW	94-03-009
16-219-030	REP-P	94-05-092	16-470-92015	NEW-C	94-06-003	50-60-130	NEW	94-03-009
16-219-031	NEW-P	94-05-092	16-470-92015	NEW-W	94-06-051	50-60-140	NEW	94-03-009
16-219-100	NEW-P	94-05-061	16-470-92020	NEW-C	94-06-003	50-60-150	NEW	94-03-009
16-219-100	NEW	94-08-035	16-470-92020	NEW-W	94-06-051	50-60-160	NEW	94-03-009
16-219-105	NEW-P	94-05-061	16-470-92025	NEW-C	94-06-003	50-60-170	NEW	94-03-009
16-219-105	NEW	94-08-035	16-470-92025	NEW-W	94-06-051	50-60-180	NEW	94-03-009
16-221-001	REP	94-03-024	16-470-92025	NEW-C	94-06-003	51-04-015	AMD	94-05-058
16-221-010	REP	94-03-024	16-470-92030	NEW-C	94-06-003	51-04-018	AMD	94-05-058
16-221-020	REP	94-03-024	16-470-92030	NEW-W	94-06-051	51-04-020	AMD	94-05-058
16-221-030	REP	94-03-024	16-470-92035	NEW-C	94-06-003	51-04-025	AMD	94-05-058
16-221-040	REP	94-03-024	16-470-92035	NEW-W	94-06-051	51-04-030	AMD-W	94-05-102
16-223-001	REP	94-03-023	16-470-92040	NEW-C	94-06-003	51-04-060	AMD	94-05-058
			16-470-92040	NEW-W	94-06-051			

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
51-11-0201	AMD	94-05-059	106-116-307	AMD-P	94-07-090	132F-08-250	REP-P	94-05-097A
51-11-0402	AMD	94-05-059	106-116-307	AMD-E	94-07-091	132F-08-260	REP-P	94-05-097A
51-11-0502	AMD-E	94-05-007	106-116-308	AMD-P	94-07-090	132F-08-270	REP-P	94-05-097A
51-11-0502	AMD	94-05-059	106-116-308	AMD-E	94-07-091	132F-08-280	REP-P	94-05-097A
51-11-0525	AMD	94-05-059	106-116-310	AMD-P	94-07-090	132F-08-290	REP-P	94-05-097A
51-11-0527	AMD	94-05-059	106-116-310	AMD-E	94-07-091	132F-08-300	REP-P	94-05-097A
51-11-0601	AMD	94-05-059	106-116-311	AMD-P	94-07-090	132F-08-310	REP-P	94-05-097A
51-11-0602	AMD	94-05-059	106-116-311	AMD-E	94-07-091	132F-08-320	REP-P	94-05-097A
51-11-0603	AMD	94-05-059	106-116-403	AMD-P	94-07-090	132F-08-330	REP-P	94-05-097A
51-11-0625	AMD	94-05-059	106-116-403	AMD-E	94-07-091	132F-08-340	REP-P	94-05-097A
51-11-0626	AMD	94-05-059	106-116-410	AMD-P	94-07-090	132F-08-350	REP-P	94-05-097A
51-11-0627	AMD	94-05-059	106-116-410	AMD-E	94-07-091	132F-08-360	REP-P	94-05-097A
51-11-0628	AMD	94-05-059	106-116-501	AMD-P	94-07-090	132F-08-400	REP-P	94-05-097A
51-11-0629	AMD	94-05-059	106-116-501	AMD-E	94-07-091	132F-08-410	REP-P	94-05-097A
51-11-0630	AMD	94-05-059	106-116-513	AMD-P	94-07-090	132F-08-420	REP-P	94-05-097A
51-11-1006	AMD-E	94-05-007	106-116-513	AMD-E	94-07-091	132F-08-430	REP-P	94-05-097A
51-11-1006	AMD	94-05-059	106-116-514	AMD-P	94-07-090	132F-08-440	REP-P	94-05-097A
51-11-1011	NEW-E	94-05-007	106-116-514	AMD-E	94-07-091	132F-08-450	REP-P	94-05-097A
55-01-010	AMD-E	94-06-032	106-116-515	AMD-P	94-07-090	132F-08-460	REP-P	94-05-097A
55-01-010	AMD-W	94-07-075	106-116-515	AMD-E	94-07-091	132F-08-470	REP-P	94-05-097A
55-01-020	AMD-E	94-06-032	106-116-521	AMD-P	94-07-090	132F-08-480	REP-P	94-05-097A
55-01-020	AMD-W	94-07-075	106-116-521	AMD-E	94-07-091	132F-104-030	AMD-P	94-05-097A
55-01-030	AMD-E	94-06-032	106-116-601	AMD-P	94-07-090	132F-104-811	AMD-P	94-05-097A
55-01-030	AMD-W	94-07-075	106-116-601	AMD-E	94-07-091	132F-104-813	AMD-P	94-05-097A
55-01-040	AMD-E	94-06-032	106-116-603	AMD-P	94-07-090	132F-104-815	AMD-P	94-05-097A
55-01-040	AMD-W	94-07-075	106-116-603	AMD-E	94-07-091	132F-104-819	AMD-P	94-05-097A
55-01-050	AMD-E	94-06-032	106-116-701	AMD-P	94-07-090	132F-108-010	NEW-P	94-05-097A
55-01-050	AMD-W	94-07-075	106-116-701	AMD-E	94-07-091	132F-108-020	NEW-P	94-05-097A
55-01-060	AMD-E	94-06-032	106-116-702	AMD-P	94-07-090	132F-108-030	NEW-P	94-05-097A
55-01-060	AMD-W	94-07-075	106-116-702	AMD-E	94-07-091	132F-108-040	NEW-P	94-05-097A
55-01-070	AMD-E	94-06-032	106-116-853	AMD-P	94-07-090	132F-108-050	NEW-P	94-05-097A
55-01-070	AMD-W	94-07-075	106-116-853	AMD-E	94-07-091	132F-108-060	NEW-P	94-05-097A
55-01-080	AMD-W	94-07-075	106-116-901	AMD-P	94-07-090	132F-108-070	NEW-P	94-05-097A
67-35-030	AMD-P	94-07-067	106-116-901	AMD-E	94-07-091	132F-108-080	NEW-P	94-05-097A
67-35-230	AMD-P	94-07-067	131-46-010	AMD	94-04-120	132F-108-090	NEW-P	94-05-097A
106-116-011	AMD-P	94-07-090	131-46-020	AMD	94-04-120	132F-108-100	NEW-P	94-05-097A
106-116-011	AMD-E	94-07-091	131-46-025	AMD	94-04-120	132F-108-110	NEW-P	94-05-097A
106-116-040	AMD-P	94-07-090	131-46-027	NEW	94-04-120	132F-108-120	NEW-P	94-05-097A
106-116-040	AMD-E	94-07-091	131-46-029	NEW	94-04-120	132F-108-130	NEW-P	94-05-097A
106-116-042	AMD-P	94-07-090	131-46-030	AMD	94-04-120	132F-108-140	NEW-P	94-05-097A
106-116-042	AMD-E	94-07-091	131-46-035	AMD	94-04-120	132H-160-040	REP	94-04-098
106-116-103	AMD-P	94-07-090	131-46-040	AMD	94-04-120	132H-160-050	REP	94-04-098
106-116-103	AMD-E	94-07-091	131-46-045	AMD	94-04-120	132H-160-056	REP	94-04-098
106-116-10401	AMD-P	94-07-090	131-46-050	AMD	94-04-120	132H-160-059	REP	94-04-098
106-116-10401	AMD-E	94-07-091	131-46-055	AMD	94-04-120	132H-160-070	REP	94-04-098
106-116-201	AMD-P	94-07-090	131-46-060	AMD	94-04-120	132H-160-080	REP	94-04-098
106-116-201	AMD-E	94-07-091	131-46-065	AMD	94-04-120	132H-160-120	REP	94-04-098
106-116-202	AMD-P	94-07-090	131-46-070	AMD	94-04-120	132H-160-140	REP	94-04-098
106-116-202	AMD-E	94-07-091	131-46-075	AMD	94-04-120	132H-160-150	REP	94-04-098
106-116-203	AMD-P	94-07-090	131-46-077	NEW	94-04-120	132H-160-260	REP	94-04-098
106-116-203	AMD-E	94-07-091	131-46-080	AMD	94-04-120	132H-160-320	REP	94-04-098
106-116-204	AMD-P	94-07-090	131-46-085	AMD	94-04-120	132H-160-330	REP	94-04-098
106-116-204	AMD-E	94-07-091	131-46-090	AMD	94-04-120	132H-160-350	REP	94-04-098
106-116-205	AMD-P	94-07-090	131-46-095	AMD	94-04-120	132H-160-390	REP	94-04-098
106-116-205	AMD-E	94-07-091	131-46-100	AMD	94-04-120	132H-160-400	REP	94-04-098
106-116-207	AMD-P	94-07-090	131-46-105	AMD	94-04-120	132H-160-430	REP	94-04-098
106-116-207	AMD-E	94-07-091	131-46-110	AMD	94-04-120	132H-160-440	REP	94-04-098
106-116-208	AMD-P	94-07-090	131-46-115	AMD	94-04-120	132H-160-492	REP	94-04-098
106-116-208	AMD-E	94-07-091	131-46-120	AMD	94-04-120	132H-160-520	REP	94-04-098
106-116-212	AMD-P	94-07-090	131-46-125	NEW	94-04-120	132H-160-600	REP	94-04-098
106-116-212	AMD-E	94-07-091	131-46-130	NEW	94-04-120	132H-160-610	REP	94-04-098
106-116-213	AMD-P	94-07-090	132F-08-001	REP-P	94-05-097A	132H-160-620	REP	94-04-098
106-116-213	AMD-E	94-07-091	132F-08-005	REP-P	94-05-097A	132H-160-630	REP	94-04-098
106-116-301	AMD-P	94-07-090	132F-08-010	REP-P	94-05-097A	132H-160-640	REP	94-04-098
106-116-301	AMD-E	94-07-091	132F-08-080	REP-P	94-05-097A	132H-160-650	REP	94-04-098
106-116-303	AMD-P	94-07-090	132F-08-090	REP-P	94-05-097A	132H-160-660	REP	94-04-098
106-116-303	AMD-E	94-07-091	132F-08-100	REP-P	94-05-097A	132H-160-670	REP	94-04-098
106-116-304	AMD-P	94-07-090	132F-08-110	REP-P	94-05-097A	132H-160-680	REP	94-04-098
106-116-304	AMD-E	94-07-091	132F-08-120	REP-P	94-05-097A	132H-160-690	REP	94-04-098
106-116-305	AMD-P	94-07-090	132F-08-130	REP-P	94-05-097A	132J-108-050	AMD	94-04-051
106-116-305	AMD-E	94-07-091	132F-08-140	REP-P	94-05-097A	132J-116-010	AMD	94-04-052
106-116-306	AMD-P	94-07-090	132F-08-230	REP-P	94-05-097A	132J-116-020	REP	94-04-052
106-116-306	AMD-E	94-07-091	132F-08-240	REP-P	94-05-097A	132J-116-021	NEW	94-04-052

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
173-303	AMD-C	94-08-092	180-29-170	AMD-C	94-08-068	194-22-020	PREP	94-08-070
173-320-010	REP-P	94-03-071	180-33-025	AMD-P	94-08-105	194-22-030	PREP	94-08-070
173-320-010	REP	94-07-078	180-40-235	AMD	94-03-102	194-22-040	PREP	94-08-070
173-320-020	REP-P	94-03-071	180-50-115	AMD	94-03-104	194-22-050	PREP	94-08-070
173-320-020	REP	94-07-078	180-50-120	AMD	94-03-104	194-22-060	PREP	94-08-070
173-320-030	REP-P	94-03-071	180-51-050	AMD	94-03-100	194-22-070	PREP	94-08-070
173-320-030	REP	94-07-078	180-51-050	AMD-P	94-08-067	194-22-080	PREP	94-08-070
173-320-040	REP-P	94-03-071	180-51-075	AMD	94-03-104	194-22-090	PREP	94-08-070
173-320-040	REP	94-07-078	180-51-105	AMD	94-03-103	194-22-100	PREP	94-08-070
173-320-050	REP-P	94-03-071	180-78-266	NEW-P	94-05-034	194-22-110	PREP	94-08-070
173-320-050	REP	94-07-078	180-78-266	NEW	94-08-055	194-22-120	PREP	94-08-070
173-320-060	REP-P	94-03-071	180-79-241	AMD-P	94-08-106	194-22-130	PREP	94-08-070
173-320-060	REP	94-07-078	180-95-010	AMD	94-03-103	194-22-140	PREP	94-08-070
173-320-070	REP-P	94-03-071	180-95-020	AMD	94-03-103	194-22-150	PREP	94-08-070
173-320-070	REP	94-07-078	180-95-030	AMD	94-03-103	194-22-160	PREP	94-08-070
173-320-080	REP-P	94-03-071	180-95-040	AMD	94-03-103	194-22-170	PREP	94-08-070
173-320-080	REP	94-07-078	180-95-050	AMD	94-03-103	194-22-180	PREP	94-08-070
173-335-010	REP-P	94-03-071	180-95-060	AMD	94-03-103	194-22-190	PREP	94-08-070
173-335-010	REP	94-07-078	180-96-005	AMD	94-03-101	204-24-050	AMD-E	94-02-081
173-335-020	REP-P	94-03-071	180-96-010	AMD	94-03-101	204-24-050	AMD-P	94-02-082
173-335-020	REP	94-07-078	180-96-015	REP	94-03-101	204-24-050	AMD	94-08-069
173-335-030	REP-P	94-03-071	180-96-025	REP	94-03-101	204-30-010	REP	94-05-024
173-335-030	REP	94-07-078	180-96-030	REP	94-03-101	204-30-020	REP	94-05-024
173-335-040	REP-P	94-03-071	180-96-035	AMD	94-03-101	204-30-030	REP	94-05-024
173-335-040	REP	94-07-078	180-96-045	AMD	94-03-101	204-30-040	REP	94-05-024
173-335-050	REP-P	94-03-071	180-96-048	NEW	94-03-101	204-30-050	REP	94-05-024
173-335-050	REP	94-07-078	180-96-050	AMD	94-03-101	204-30-060	REP	94-05-024
173-400	NEW-C	94-08-072	180-96-053	NEW	94-03-101	204-30-070	REP	94-05-024
173-400-045	NEW-P	94-04-106	180-96-055	REP	94-03-101	204-30-080	REP	94-05-024
173-400-101	NEW-P	94-04-105	180-96-058	NEW	94-03-101	220-12-02000B	NEW-E	94-07-052
173-400-116	NEW-P	94-04-106	180-96-060	REP	94-03-101	220-16-015	AMD-P	94-03-106
173-401	AMD-C	94-08-073	180-96-065	REP	94-03-101	220-16-460	NEW-P	94-03-105
173-401-200	AMD-P	94-04-104	180-96-070	REP	94-03-101	220-20-021	AMD-P	94-03-106
173-401-510	AMD-P	94-04-104	180-96-075	REP	94-03-101	220-20-025	AMD-P	94-03-106
173-401-530	NEW-P	94-04-104	182-12-110	AMD-E	94-08-027	220-20-02500B	NEW-E	94-05-002
173-401-531	NEW-P	94-04-104	182-12-111	AMD-E	94-08-027	220-32-05100E	NEW-E	94-04-048
173-401-532	NEW-P	94-04-104	182-12-115	AMD-E	94-08-027	220-33-01000U	NEW-E	94-04-101
173-401-533	NEW-P	94-04-104	182-12-122	AMD-E	94-08-027	220-33-01000U	REP-E	94-06-042
173-422-020	AMD	94-05-039	182-14-010	NEW-E	94-08-028	220-33-01000V	NEW-E	94-06-042
173-422-030	AMD	94-05-039	182-14-020	NEW-E	94-08-028	220-33-01000V	REP-E	94-07-009
173-422-050	AMD	94-05-039	182-14-030	NEW-E	94-08-028	220-33-01000W	NEW-E	94-07-009
173-422-070	AMD	94-05-039	182-14-040	NEW-E	94-08-028	220-33-060	AMD-P	94-03-106
173-422-075	AMD	94-05-039	182-14-050	NEW-E	94-08-028	220-44-020	AMD-P	94-03-106
173-422-095	AMD	94-05-039	182-14-060	NEW-E	94-08-028	220-44-030	AMD-P	94-03-106
173-422-130	AMD	94-05-039	182-14-070	NEW-E	94-08-028	220-44-05000I	REP-E	94-05-003
173-422-140	REP	94-05-039	182-14-080	NEW-E	94-08-028	220-44-05000J	NEW-E	94-05-003
173-422-160	AMD	94-05-039	182-14-090	NEW-E	94-08-028	220-44-090	NEW-P	94-03-106
173-422-170	AMD	94-05-039	182-14-100	NEW-E	94-08-028	220-48-001	AMD-P	94-03-106
173-460-020	AMD	94-03-072	194-20-010	PREP	94-08-070	220-48-005	AMD-P	94-03-106
173-460-030	AMD	94-03-072	194-20-020	PREP	94-08-070	220-48-011	AMD-P	94-03-106
173-460-040	AMD	94-03-072	194-20-030	PREP	94-08-070	220-48-015	AMD-P	94-03-106
173-460-050	AMD	94-03-072	194-20-040	PREP	94-08-070	220-48-016	NEW-P	94-03-106
173-460-060	AMD	94-03-072	194-20-050	PREP	94-08-070	220-48-017	AMD-P	94-03-106
173-460-080	AMD	94-03-072	194-20-060	PREP	94-08-070	220-48-019	AMD-P	94-03-106
173-460-090	AMD	94-03-072	194-20-070	PREP	94-08-070	220-48-028	AMD-P	94-03-106
173-460-100	AMD	94-03-072	194-20-080	PREP	94-08-070	220-48-031	AMD-P	94-03-106
173-460-110	AMD	94-03-072	194-20-090	PREP	94-08-070	220-48-041	AMD-P	94-03-106
173-460-150	AMD	94-03-072	194-20-100	PREP	94-08-070	220-48-051	AMD-P	94-03-106
173-460-160	AMD	94-03-072	194-20-110	PREP	94-08-070	220-48-061	AMD-P	94-03-106
173-492-070	AMD	94-07-040	194-20-120	PREP	94-08-070	220-48-071	AMD-P	94-03-106
180-16-200	AMD	94-03-104	194-20-130	PREP	94-08-070	220-49-005	NEW-P	94-03-106
180-24-310	AMD-P	94-08-103	194-20-140	PREP	94-08-070	220-49-011	AMD-P	94-03-106
180-24-312	AMD-P	94-08-103	194-20-150	PREP	94-08-070	220-49-012	AMD-P	94-03-106
180-24-315	AMD-P	94-08-103	194-20-160	PREP	94-08-070	220-49-013	AMD-P	94-03-106
180-24-320	AMD-P	94-08-103	194-20-170	PREP	94-08-070	220-49-014	AMD-P	94-03-106
180-24-325	AMD-P	94-08-103	194-20-180	PREP	94-08-070	220-49-015	REP-P	94-03-106
180-24-355	AMD-P	94-08-103	194-20-190	PREP	94-08-070	220-49-016	REP-P	94-03-106
180-29-130	AMD-P	94-08-104	192-28-145	AMD-P	94-04-124	220-49-017	AMD-P	94-03-106
180-29-135	AMD-P	94-05-088	192-34-010	NEW	94-07-115	220-49-020	AMD-P	94-03-106
180-29-135	AMD-C	94-08-068	192-34-015	NEW	94-07-115	220-49-02000F	NEW-E	94-04-047
180-29-147	NEW-P	94-05-088	192-34-020	NEW	94-07-115	220-49-021	AMD-P	94-03-106
180-29-147	NEW-C	94-08-068	192-34-025	NEW	94-07-115	220-49-022	REP-P	94-03-106
180-29-170	AMD-P	94-05-088	194-22-010	PREP	94-08-070	220-49-023	AMD-P	94-03-106

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
220-49-024	AMD-P	94-03-106	220-56-410	AMD-P	94-03-105
220-49-025	REP-P	94-03-106	220-56-415	NEW-P	94-03-105
220-49-026	REP-P	94-03-106	220-57-130	AMD-P	94-03-105
220-49-055	REP-P	94-03-106	220-57-135	AMD-P	94-03-105
220-49-056	AMD-P	94-03-106	220-57-140	AMD-P	94-03-105
220-49-057	AMD-P	94-03-106	220-57-155	AMD-P	94-03-105
220-49-063	AMD-P	94-03-106	220-57-16000T	NEW-E	94-08-049
220-49-06300A	NEW-E	94-07-063	220-57-200	AMD-P	94-03-105
220-49-06300A	REP-E	94-07-077	220-57-210	AMD-P	94-03-105
220-49-06300B	NEW-E	94-07-077	220-57-215	AMD-P	94-03-105
220-49-064	AMD-P	94-03-106	220-57-230	AMD-P	94-03-105
220-49-06400A	NEW-E	94-07-063	220-57-235	REP-P	94-03-105
220-49-06400A	REP-E	94-07-077	220-57-250	AMD-P	94-03-105
220-49-06400B	NEW-E	94-07-077	220-57-255	AMD-P	94-03-105
220-52-010	AMD-P	94-03-106	220-57-270	AMD-P	94-03-105
220-52-018	AMD-P	94-03-106	220-57-280	AMD-P	94-03-105
220-52-019	AMD-P	94-03-106	220-57-285	AMD-P	94-03-105
220-52-01901	AMD-P	94-03-106	220-57-29000P	NEW-E	94-08-014
220-52-020	AMD-P	94-03-106	220-57-300	AMD-P	94-03-105
220-52-030	AMD-P	94-03-106	220-57-310	AMD-P	94-03-105
220-52-040	AMD-P	94-03-106	220-57-31500Y	NEW-E	94-08-014
220-52-043	AMD-P	94-03-106	220-57-319	AMD-P	94-03-105
220-52-046	AMD-P	94-03-106	220-57-335	AMD-P	94-03-105
220-52-050	AMD-P	94-03-106	220-57-350	AMD-P	94-03-105
220-52-051	AMD-P	94-03-098	220-57-370	AMD-P	94-03-105
220-52-051	AMD-P	94-03-106	220-57-385	AMD-P	94-03-105
220-52-051	AMD	94-07-092	220-57-400	AMD-P	94-03-105
220-52-060	AMD-P	94-03-106	220-57-415	AMD-P	94-03-105
220-52-063	AMD-P	94-03-106	220-57-425	AMD-P	94-03-105
220-52-066	AMD-P	94-03-106	220-57-430	AMD-P	94-03-105
220-52-068	AMD-P	94-03-106	220-57-435	AMD-P	94-03-105
220-52-069	AMD-P	94-03-106	220-57-450	AMD-P	94-03-105
220-52-070	AMD-P	94-03-106	220-57-455	AMD-P	94-03-105
220-52-071	AMD-P	94-03-106	220-57-465	AMD-P	94-03-105
220-52-073	AMD-P	94-03-106	220-57-473	AMD-P	94-03-105
220-52-07300R	REP-E	94-03-063	220-57-480	AMD-P	94-03-105
220-52-07300S	NEW-E	94-03-063	220-57-490	AMD-P	94-03-105
220-52-07300S	REP-E	94-05-055	220-57-495	AMD-P	94-03-105
220-52-07300T	NEW-E	94-05-055	220-57-49700H	NEW-E	94-08-014
220-52-075	AMD-P	94-03-106	220-57-50500V	NEW-E	94-08-014
220-56-100	AMD-P	94-03-105	220-57-51500K	NEW-E	94-08-014
220-56-105	AMD-P	94-03-105	220-57-520	AMD-P	94-03-105
220-56-10500C	NEW-E	94-08-014	220-57-525	AMD-P	94-03-105
220-56-123	NEW-P	94-03-105	220-57A-012	AMD-P	94-03-105
220-56-124	AMD-P	94-03-105	220-57A-152	AMD-P	94-03-105
220-56-128	AMD-P	94-03-105	220-88A-010	NEW-P	94-03-098
220-56-190	AMD-P	94-03-105	220-88A-010	NEW	94-07-092
220-56-191	AMD-P	94-03-105	220-88A-020	NEW-P	94-03-098
220-56-195	AMD-P	94-03-105	220-88A-020	NEW	94-07-092
220-56-235	AMD-P	94-03-105	220-88A-030	NEW-P	94-03-098
220-56-240	AMD-P	94-03-105	220-88A-030	NEW	94-07-092
220-56-245	AMD-P	94-03-105	220-88A-040	NEW-P	94-03-098
220-56-255	AMD-P	94-03-105	220-88A-040	NEW	94-07-092
220-56-285	AMD-P	94-03-105	220-88A-050	NEW-P	94-03-098
220-56-305	AMD-P	94-03-105	220-88A-050	NEW	94-07-092
220-56-307	AMD-P	94-03-105	220-88A-060	NEW-P	94-03-098
220-56-315	AMD-P	94-03-105	220-88A-060	NEW	94-07-092
220-56-320	AMD-P	94-03-105	220-88A-070	NEW-P	94-03-098
220-56-350	AMD-P	94-03-105	220-88A-070	NEW	94-07-092
220-56-35000X	NEW-E	94-07-052	220-88A-080	NEW-P	94-03-098
220-56-35000X	REP-E	94-07-076	220-88A-080	NEW	94-07-092
220-56-35000Y	NEW-E	94-07-076	222-16-010	AMD-E	94-05-046
220-56-36000H	NEW-E	94-07-003	222-16-010	AMD-E	94-07-053
220-56-36000H	REP-E	94-08-009	222-16-080	AMD-E	94-05-046
220-56-36000I	NEW-E	94-08-009	222-16-080	AMD-E	94-07-053
220-56-380	AMD-P	94-03-105	222-24-030	AMD-E	94-05-046
220-56-38000R	NEW-E	94-07-052	222-30-050	AMD-E	94-05-046
220-56-38000R	REP-E	94-07-076	222-30-060	AMD-E	94-05-046
220-56-38000S	NEW-E	94-07-076	222-30-065	NEW-E	94-05-046
220-56-382	AMD-P	94-03-105	222-30-070	AMD-E	94-05-046
220-56-390	AMD-P	94-03-105	222-30-075	NEW-E	94-05-046
220-56-400	AMD-P	94-03-105	222-30-100	AMD-E	94-05-046
220-56-405	AMD-P	94-03-105	222-38-020	AMD-E	94-05-046
222-38-030	AMD-E	94-05-046	223-08-010	AMD-E	94-07-062
223-08-010	AMD-E	94-07-062	223-08-010	AMD-P	94-07-097
223-08-072	NEW-E	94-07-062	223-08-072	NEW-P	94-07-097
223-08-148	NEW-E	94-07-062	223-08-148	NEW-E	94-07-062
223-08-148	NEW-P	94-07-097	223-08-148	NEW-P	94-07-097
223-08-162	NEW-E	94-07-062	223-08-162	NEW-E	94-07-062
223-08-162	NEW-P	94-07-097	223-08-162	NEW-P	94-07-097
223-08-165	AMD-E	94-07-062	223-08-165	AMD-E	94-07-062
223-08-165	AMD-P	94-07-097	223-08-165	AMD-P	94-07-097
223-08-171	NEW-E	94-07-062	223-08-171	NEW-E	94-07-062
223-08-171	NEW-P	94-07-097	223-08-171	NEW-P	94-07-097
223-08-252	NEW-E	94-07-062	223-08-252	NEW-E	94-07-062
223-08-252	NEW-P	94-07-097	223-08-252	NEW-P	94-07-097
230-02-030	AMD-P	94-07-083	230-02-030	AMD-P	94-07-083
230-02-125	AMD-P	94-07-083	230-02-125	AMD-P	94-07-083
230-02-161	AMD-P	94-04-024	230-02-161	AMD-P	94-04-024
230-02-161	AMD	94-07-084	230-02-161	AMD	94-07-084
230-04-035	AMD-P	94-04-024	230-04-035	AMD-P	94-04-024
230-04-035	AMD	94-07-084	230-04-035	AMD	94-07-084
230-04-075	AMD-P	94-04-024	230-04-075	AMD-P	94-04-024
230-04-075	AMD	94-07-084	230-04-075	AMD	94-07-084
230-08-015	AMD-P	94-04-024	230-08-015	AMD-P	94-04-024
230-08-015	AMD	94-07-084	230-08-015	AMD	94-07-084
230-08-120	AMD-P	94-07-083	230-08-120	AMD-P	94-07-083
230-08-130	AMD-P	94-07-083	230-08-130	AMD-P	94-07-083
230-08-150	AMD-P	94-07-083	230-08-150	AMD-P	94-07-083
230-08-160	AMD-P	94-07-083	230-08-160	AMD-P	94-07-083
230-08-260	AMD-P	94-07-083	230-08-260	AMD-P	94-07-083
230-12-010	AMD-P	94-04-024	230-12-010	AMD-P	94-04-024
230-12-010	AMD	94-07-084	230-12-010	AMD	94-07-084
230-12-305	AMD-P	94-04-024	230-12-305	AMD-P	94-04-024
230-12-305	AMD	94-07-084	230-12-305	AMD	94-07-084
230-20-064	AMD-P	94-04-024	230-20-064	AMD-P	94-04-024
230-20-064	AMD	94-07-084	230-20-064	AMD	94-07-084
230-20-111	AMD-P	94-04-024	230-20-111	AMD-P	94-04-024
230-20-111	AMD	94-07-084	230-20-111	AMD	94-07-084
230-20-220	AMD-P	94-04-024	230-20-220	AMD-P	94-04-024
230-20-220	AMD	94-07-084	230-20-220	AMD	94-07-084
230-20-230	AMD-P	94-04-024	230-20-230	AMD-P	94-04-024
230-20-230	AMD	94-07-084	230-20-230	AMD	94-07-084
230-20-400	AMD-P	94-04-024	230-20-400	AMD-P	94-04-024
230-20-400	AMD	94-07-084	230-20-400	AMD	94-07-084
230-20-680	AMD-P	94-04-024	230-20-680	AMD-P	94-04-024
230-20-680	AMD	94-07-084	230-20-680	AMD	94-07-084
230-25-160	AMD-P	94-04-024	230-25-160	AMD-P	94-04-024
230-25-160	AMD	94-07-084	230-25-160	AMD	94-07-084
230-25-200	AMD-P	94-07-083	230-25-200	AMD-P	94-07-083
230-30-050	AMD-P	94-07-083	230-30-050	AMD-P	94-07-083
230-30-060	AMD-P	94-04-024	230-30-060	AMD-P	94-04-024
230-30-060	AMD	94-07-084	230-30-060	AMD	94-07-084
230-30-072	AMD-P	94-04-024	230-30-072	AMD-P	94-04-024
230-30-072	AMD	94-07-084	230-30-072	AMD	94-07-084
230-30-102	AMD-P	94-04-024	230-30-102	AMD-P	94-04-024
230-30-102	AMD	94-07-084	230-30-102	AMD	94-07-084
230-30-103	AMD-P	94-04-024	230-30-103	AMD-P	94-04-024
230-30-103	AMD	94-07-084	230-30-103	AMD	94-07-084
230-40-055	AMD-P	94-04-024	230-40-055	AMD-P	94-04-024
230-40-055	AMD	94-07-084	230-40-055	AMD	94-07-084
232-12-131	AMD-P	94-04-118	232-12-131	AMD-P	94-04-118
232-12-131	AMD-W	94-06-036	232-12-131	AMD-W	94-06-036
232-12-131	AMD-P	94-06-037	232-12-131	AMD-P	94-06-037
232-12-166	AMD-P	94-06-043	232-12-166	AMD-P	94-06-043
232-12-168	AMD	94-06-014	232-12-168	AMD	94-06-014
232-28-022	REP-P	94-04-055	232-28-022	REP-P	94-04-055
232-28-02201	NEW-P	94-04-055	232-28-02201	NEW-P	94-04-055
232-28-02202	NEW-P	94-04-057	232-28-02202	NEW-P	94-04-057
232-28-02203	NEW-P	94-04-056	232-28-02203	NEW-P	94-04-056
232-28-02204	NEW-P	94-04-058	232-28-02204	NEW-P	94-04-058
232-28-02205	NEW-P	94-04-059	232-28-02205	NEW-P	94-04-059
232-28-02206	NEW-P	94-04-060	232-28-02206	NEW-P	94-04-060
232-28-02210	NEW-P	94-04-061	232-28-02210	NEW-P	94-04-061

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
232-28-02220	NEW-P	94-04-062	240-20-080	NEW-P	94-05-100	245-01-070	NEW	94-04-046
232-28-02230	NEW-P	94-04-063	240-20-080	NEW-E	94-05-101	245-01-080	NEW	94-04-046
232-28-02240	NEW-P	94-04-064	240-20-090	NEW-P	94-05-100	245-01-090	NEW	94-04-046
232-28-02250	NEW-P	94-04-065	240-20-090	NEW-E	94-05-101	245-01-100	NEW	94-04-046
232-28-02260	NEW-P	94-04-066	240-20-110	NEW-P	94-05-100	245-01-110	NEW	94-04-046
232-28-02270	NEW-P	94-04-067	240-20-110	NEW-E	94-05-101	245-01-120	NEW	94-04-046
232-28-02280	NEW-P	94-04-068	240-20-120	NEW-P	94-05-100	245-01-130	NEW	94-04-046
232-28-02290	NEW-P	94-04-069	240-20-120	NEW-E	94-05-101	245-01-140	NEW	94-04-046
232-28-226	REP-P	94-04-114	240-20-130	NEW-P	94-05-100	245-01-150	NEW	94-04-046
232-28-227	REP-P	94-04-116	240-20-130	NEW-E	94-05-101	245-02-010	NEW-P	94-06-060
232-28-228	REP-P	94-04-115	240-20-210	NEW-P	94-05-100	245-02-020	NEW-P	94-06-060
232-28-236	REP-P	94-05-079	240-20-210	NEW-E	94-05-101	245-02-030	NEW-P	94-06-060
232-28-237	REP-P	94-05-078	240-20-220	NEW-P	94-05-100	245-02-040	NEW-P	94-06-060
232-28-238	REP-P	94-04-117	240-20-220	NEW-E	94-05-101	245-02-050	NEW-P	94-06-060
232-28-239	NEW	94-04-123	240-20-230	NEW-P	94-05-100	246-08-450	AMD	94-04-079
232-28-240	NEW-P	94-04-114	240-20-230	NEW-E	94-05-101	246-10-102	AMD	94-04-079
232-28-241	NEW-P	94-04-115	240-20-310	NEW-P	94-05-100	246-10-103	AMD	94-04-079
232-28-242	NEW-P	94-04-116	240-20-310	NEW-E	94-05-101	246-10-107	AMD	94-04-079
232-28-243	NEW-P	94-04-117	240-20-320	NEW-P	94-05-100	246-10-109	AMD	94-04-079
232-28-244	NEW-P	94-05-079	240-20-320	NEW-E	94-05-101	246-10-110	AMD	94-04-079
232-28-245	NEW-P	94-05-078	240-20-330	NEW-P	94-05-100	246-10-114	AMD	94-04-079
232-28-417	AMD-E	94-04-007	240-20-330	NEW-E	94-05-101	246-10-115	AMD	94-04-079
232-28-61940	NEW	94-04-018	240-20-410	NEW-P	94-05-100	246-10-123	AMD	94-04-079
232-28-61941	NEW	94-06-012	240-20-410	NEW-E	94-05-101	246-10-124	AMD	94-04-079
232-28-61942	NEW	94-06-013	240-20-420	NEW-P	94-05-100	246-10-201	AMD	94-04-079
232-28-61944	NEW-E	94-03-038	240-20-420	NEW-E	94-05-101	246-10-202	AMD	94-04-079
232-28-61945	NEW-E	94-04-012	240-20-430	NEW-P	94-05-100	246-10-203	AMD	94-04-079
232-28-61945	NEW-P	94-06-038	240-20-430	NEW-E	94-05-101	246-10-204	AMD	94-04-079
232-28-61946	NEW-P	94-06-039	240-20-425	NEW-E	94-04-015	246-10-205	AMD	94-04-079
232-28-61947	NEW-P	94-06-040	240-20-427	NEW-E	94-04-015	246-10-304	AMD	94-04-079
232-28-61949	NEW-E	94-08-048	242-02-040	AMD	94-07-033	246-10-305	AMD	94-04-079
240-20-001	NEW-P	94-05-100	242-02-052	AMD	94-07-033	246-10-401	AMD	94-04-079
240-20-001	NEW-E	94-05-101	242-02-072	AMD	94-07-033	246-10-402	AMD	94-04-079
240-20-010	NEW-P	94-05-100	242-02-110	AMD	94-07-033	246-10-403	AMD	94-04-079
240-20-010	NEW-E	94-05-101	242-02-140	AMD	94-07-033	246-10-404	AMD	94-04-079
240-20-015	NEW-P	94-05-100	242-02-210	AMD	94-07-033	246-10-501	AMD	94-04-079
240-20-015	NEW-E	94-05-101	242-02-220	AMD	94-07-033	246-10-502	AMD	94-04-079
240-20-020	NEW-P	94-05-100	242-02-240	AMD	94-07-033	246-10-503	AMD	94-04-079
240-20-020	NEW-E	94-05-101	242-02-250	AMD	94-07-033	246-10-504	AMD	94-04-079
240-20-025	NEW-P	94-05-100	242-02-270	AMD	94-07-033	246-10-604	AMD	94-04-079
240-20-025	NEW-E	94-05-101	242-02-280	AMD	94-07-033	246-10-607	AMD	94-04-079
240-20-030	NEW-P	94-05-100	242-02-310	AMD	94-07-033	246-10-701	AMD	94-04-079
240-20-030	NEW-E	94-05-101	242-02-320	AMD	94-07-033	246-10-702	AMD	94-04-079
240-20-035	NEW-P	94-05-100	242-02-330	AMD	94-07-033	246-10-704	AMD	94-04-079
240-20-035	NEW-E	94-05-101	242-02-340	AMD	94-07-033	246-10-705	AMD	94-04-079
240-20-040	NEW-P	94-05-100	242-02-410	AMD	94-07-033	246-10-706	AMD	94-04-079
240-20-040	NEW-E	94-05-101	242-02-440	AMD	94-07-033	246-10-707	AMD	94-04-079
240-20-042	NEW-P	94-05-100	242-02-510	AMD	94-07-033	246-11-010	AMD	94-04-078
240-20-042	NEW-E	94-05-101	242-02-520	NEW-W	94-07-007	246-11-020	AMD	94-04-078
240-20-044	NEW-P	94-05-100	242-02-522	AMD	94-07-033	246-11-030	AMD	94-04-078
240-20-044	NEW-E	94-05-101	242-02-530	AMD	94-07-033	246-11-050	AMD	94-04-078
240-20-046	NEW-P	94-05-100	242-02-540	AMD	94-07-033	246-11-060	AMD	94-04-078
240-20-046	NEW-E	94-05-101	242-02-550	AMD	94-07-033	246-11-080	AMD	94-04-078
240-20-048	NEW-P	94-05-100	242-02-554	AMD	94-07-033	246-11-090	AMD	94-04-078
240-20-048	NEW-E	94-05-101	242-02-558	AMD	94-07-033	246-11-100	AMD	94-04-078
240-20-050	NEW-P	94-05-100	242-02-570	AMD	94-07-033	246-11-110	AMD	94-04-078
240-20-050	NEW-E	94-05-101	242-02-580	AMD	94-07-033	246-11-130	AMD	94-04-078
240-20-052	NEW-P	94-05-100	242-02-620	AMD	94-07-033	246-11-140	AMD	94-04-078
240-20-052	NEW-E	94-05-101	242-02-680	AMD	94-07-033	246-11-160	AMD	94-04-078
240-20-054	NEW-P	94-05-100	242-02-830	AMD	94-07-033	246-11-180	AMD	94-04-078
240-20-054	NEW-E	94-05-101	242-02-850	AMD	94-07-033	246-11-220	AMD	94-04-078
240-20-056	NEW-P	94-05-100	242-02-880	AMD	94-07-033	246-11-230	AMD	94-04-078
240-20-056	NEW-E	94-05-101	242-02-892	NEW-W	94-07-007	246-11-250	AMD	94-04-078
240-20-058	NEW-P	94-05-100	242-02-910	AMD	94-07-033	246-11-260	AMD	94-04-078
240-20-058	NEW-E	94-05-101	242-02-920	AMD	94-07-033	246-11-270	AMD	94-04-078
240-20-060	NEW-P	94-05-100	242-04-050	AMD	94-07-033	246-11-280	AMD	94-04-078
240-20-060	NEW-E	94-05-101	245-01-010	NEW	94-04-046	246-11-290	AMD	94-04-078
240-20-065	NEW-P	94-05-100	245-01-020	NEW	94-04-046	246-11-300	AMD	94-04-078
240-20-065	NEW-E	94-05-101	245-01-020	AMD-P	94-06-060	246-11-330	AMD	94-04-078
240-20-070	NEW-P	94-05-100	245-01-030	NEW	94-04-046	246-11-340	AMD	94-04-078
240-20-070	NEW-E	94-05-101	245-01-040	NEW	94-04-046	246-11-360	AMD	94-04-078
240-20-075	NEW-P	94-05-100	245-01-050	NEW	94-04-046	246-11-370	AMD	94-04-078
240-20-075	NEW-E	94-05-101	245-01-060	NEW	94-04-046	246-11-380	AMD	94-04-078

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
246-11-390	AMD	94-04-078	246-290-310	AMD-P	94-08-075	246-316-050	AMD-P	94-08-040
246-11-400	AMD	94-04-078	246-290-320	AMD-P	94-08-075	246-316-055	NEW-P	94-08-040
246-11-420	AMD	94-04-078	246-290-330	AMD-P	94-08-075	246-316-060	AMD-P	94-08-040
246-11-425	NEW	94-04-078	246-290-410	AMD-P	94-08-075	246-316-070	AMD-P	94-08-040
246-11-430	AMD	94-04-078	246-290-440	AMD-P	94-08-075	246-316-080	AMD-P	94-08-040
246-11-440	AMD	94-04-078	246-290-480	AMD-P	94-08-075	246-316-090	AMD-P	94-08-040
246-11-450	AMD	94-04-078	246-290-632	AMD-P	94-08-075	246-316-100	AMD-P	94-08-040
246-11-480	AMD	94-04-078	246-290-654	AMD-P	94-08-075	246-316-110	AMD-P	94-08-040
246-11-500	AMD	94-04-078	246-290-660	AMD-P	94-08-075	246-316-120	AMD-P	94-08-040
246-11-510	AMD	94-04-078	246-290-662	AMD-P	94-08-075	246-316-130	AMD-P	94-08-040
246-11-530	AMD	94-04-078	246-290-664	AMD-P	94-08-075	246-316-140	AMD-P	94-08-040
246-11-540	AMD	94-04-078	246-290-666	AMD-P	94-08-075	246-316-150	AMD-P	94-08-040
246-11-560	AMD	94-04-078	246-290-670	AMD-P	94-08-075	246-316-160	AMD-P	94-08-040
246-11-580	AMD	94-04-078	246-290-686	AMD-P	94-08-075	246-316-170	AMD-P	94-08-040
246-11-590	AMD	94-04-078	246-290-692	AMD-P	94-08-075	246-316-180	AMD-P	94-08-040
246-11-600	AMD	94-04-078	246-290-694	AMD-P	94-08-075	246-316-190	AMD-P	94-08-040
246-11-610	AMD	94-04-078	246-290-696	AMD-P	94-08-075	246-316-200	AMD-P	94-08-040
246-132-020	REP	94-06-048	246-291-001	NEW-P	94-06-008	246-316-210	AMD-P	94-08-040
246-132-030	REP	94-06-048	246-291-010	NEW-P	94-06-008	246-316-220	AMD-P	94-08-040
246-225-020	AMD	94-06-017	246-291-020	NEW-P	94-06-008	246-316-230	AMD-P	94-08-040
246-227-030	NEW-W	94-06-016	246-291-025	NEW-P	94-06-008	246-316-240	AMD-P	94-08-040
246-227-100	NEW-W	94-06-016	246-291-030	NEW-P	94-06-008	246-316-250	AMD-P	94-08-040
246-239-020	AMD	94-06-017	246-291-040	NEW-P	94-06-008	246-316-260	AMD-P	94-08-040
246-239-022	NEW	94-06-017	246-291-050	NEW-P	94-06-008	246-316-265	NEW-P	94-08-040
246-239-030	AMD	94-06-017	246-291-060	NEW-P	94-06-008	246-316-268	NEW-P	94-08-040
246-239-035	NEW	94-06-017	246-291-100	NEW-P	94-06-008	246-316-270	REP-P	94-08-040
246-239-050	AMD	94-06-017	246-291-110	NEW-P	94-06-008	246-316-280	AMD-P	94-08-040
246-239-070	AMD	94-06-017	246-291-120	NEW-P	94-06-008	246-316-290	AMD-P	94-08-040
246-239-080	AMD	94-06-017	246-291-130	NEW-P	94-06-008	246-316-300	AMD-P	94-08-040
246-239-090	AMD	94-06-017	246-291-140	NEW-P	94-06-008	246-316-310	AMD-P	94-08-040
246-239-100	AMD	94-06-017	246-291-200	NEW-P	94-06-008	246-316-320	AMD-P	94-08-040
246-240-020	AMD	94-06-017	246-291-210	NEW-P	94-06-008	246-316-330	AMD-P	94-08-040
246-247-001	AMD	94-07-010	246-291-220	NEW-P	94-06-008	246-316-335	NEW-P	94-08-040
246-247-002	NEW	94-07-010	246-291-230	NEW-P	94-06-008	246-316-340	AMD-P	94-08-040
246-247-010	AMD	94-07-010	246-291-240	NEW-P	94-06-008	246-316-990	AMD-P	94-08-040
246-247-020	AMD	94-07-010	246-291-250	NEW-P	94-06-008	246-490-100	NEW	94-04-083
246-247-030	AMD	94-07-010	246-291-260	NEW-P	94-06-008	246-490-110	NEW	94-04-083
246-247-040	AMD	94-07-010	246-291-270	NEW-P	94-06-008	246-520-001	REP	94-05-052
246-247-050	REP	94-07-010	246-291-300	NEW-P	94-06-008	246-520-010	REP	94-05-052
246-247-060	AMD	94-07-010	246-291-310	NEW-P	94-06-008	246-520-020	REP	94-05-052
246-247-065	NEW	94-07-010	246-291-320	NEW-P	94-06-008	246-520-030	REP	94-05-052
246-247-070	REP	94-07-010	246-291-330	NEW-P	94-06-008	246-520-040	REP	94-05-052
246-247-075	NEW	94-07-010	246-291-340	NEW-P	94-06-008	246-520-050	REP	94-05-052
246-247-080	AMD	94-07-010	246-291-350	NEW-P	94-06-008	246-520-060	REP	94-05-052
246-247-085	NEW	94-07-010	246-291-360	NEW-P	94-06-008	246-520-070	REP	94-05-052
246-247-090	REP	94-07-010	246-291-370	NEW-P	94-06-008	246-807-115	NEW-P	94-03-053
246-247-100	AMD	94-07-010	246-292-001	AMD	94-04-004	246-807-115	NEW	94-08-053
246-247-110	NEW	94-07-010	246-292-010	AMD	94-04-004	246-815-030	AMD	94-05-053
246-247-120	NEW	94-07-010	246-292-020	AMD	94-04-004	246-815-300	NEW	94-04-005
246-247-130	NEW	94-07-010	246-292-030	AMD	94-04-004	246-815-990	AMD	94-02-059
246-254-053	AMD-P	94-07-108	246-292-040	AMD	94-04-004	246-816-015	NEW-P	94-03-045
246-254-070	AMD-P	94-07-107	246-292-050	AMD	94-04-004	246-818-015	NEW-P	94-03-044
246-254-080	AMD-P	94-07-107	246-292-055	NEW	94-04-004	246-818-015	NEW	94-08-011
246-254-090	AMD-P	94-07-107	246-292-060	AMD	94-04-004	246-818-020	AMD-P	94-06-046
246-254-100	AMD-P	94-07-107	246-292-070	AMD	94-04-004	246-818-990	REP	94-02-058
246-254-120	AMD-P	94-07-107	246-292-075	NEW	94-04-004	246-818-991	NEW	94-02-058
246-254-160	AMD	94-07-010	246-292-080	AMD	94-04-004	246-824-200	NEW-P	94-02-057
246-260-990	REP-P	94-07-121	246-292-090	AMD	94-04-004	246-824-210	NEW-P	94-02-057
246-260-9901	NEW-P	94-07-121	246-292-100	AMD	94-04-004	246-824-220	NEW-P	94-02-057
246-290-010	AMD-P	94-08-075	246-292-110	AMD	94-04-004	246-824-220	NEW	94-06-047
246-290-020	AMD-P	94-08-075	246-292-120	REP	94-04-004	246-824-230	NEW-P	94-02-057
246-290-025	NEW-P	94-08-075	246-292-130	REP	94-04-004	246-824-230	NEW	94-06-047
246-290-030	AMD-P	94-08-075	246-292-140	REP	94-04-004	246-824-990	AMD-P	94-05-032
246-290-040	AMD-P	94-08-075	246-292-150	REP	94-04-004	246-824-990	AMD	94-08-078
246-290-060	AMD-P	94-08-075	246-292-160	NEW	94-04-004	246-828-055	NEW-P	94-08-037
246-290-100	AMD-P	94-08-075	246-292-170	NEW	94-04-004	246-828-060	AMD-P	94-08-037
246-290-110	AMD-P	94-08-075	246-292-990	REP	94-04-004	246-828-065	NEW-P	94-08-037
246-290-115	NEW-P	94-08-075	246-316-001	AMD-P	94-08-040	246-828-070	AMD-P	94-08-037
246-290-130	AMD-P	94-08-075	246-316-010	AMD-P	94-08-040	246-828-990	AMD	94-08-038
246-290-135	AMD-P	94-08-075	246-316-020	AMD-P	94-08-040	246-830-010	NEW-P	94-06-045
246-290-140	AMD-P	94-08-075	246-316-030	AMD-P	94-08-040	246-830-030	REP-P	94-05-080
246-290-230	AMD-P	94-08-075	246-316-040	AMD-P	94-08-040	246-830-035	NEW-P	94-05-080
246-290-300	AMD-P	94-08-075	246-316-045	AMD-P	94-08-040	246-830-255	NEW-P	94-06-045

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
246-830-280	NEW-P	94-05-080	246-887-140	AMD	94-07-105	246-924-490	NEW-P	94-08-039
246-830-290	NEW-P	94-05-080	246-887-150	AMD-P	94-04-111	246-937-020	NEW-E	94-08-051
246-830-410	AMD-P	94-06-045	246-887-150	AMD	94-07-105	246-937-020	NEW-P	94-08-052
246-830-430	AMD-P	94-06-045	246-887-160	AMD	94-08-098	246-937-030	NEW-E	94-08-051
246-830-460	NEW-P	94-05-080	246-887-170	AMD	94-08-098	246-937-030	NEW-P	94-08-052
246-830-465	NEW-P	94-05-080	246-889-020	AMD-P	94-04-111	246-937-040	NEW-E	94-08-051
246-830-470	NEW-P	94-05-080	246-889-020	AMD	94-07-105	246-937-040	NEW-P	94-08-052
246-830-475	NEW-P	94-05-080	246-901-010	NEW-P	94-04-112	246-937-070	NEW-E	94-08-051
246-830-480	NEW-P	94-05-080	246-901-010	NEW	94-08-097	246-937-070	NEW-P	94-08-052
246-830-485	NEW-P	94-05-080	246-901-020	AMD-P	94-04-112	246-937-080	NEW-E	94-08-051
246-838-040	AMD-P	94-05-033	246-901-020	AMD	94-08-097	246-937-080	NEW-P	94-08-052
246-838-040	AMD	94-08-050	246-901-030	AMD-P	94-04-112	246-937-090	NEW-E	94-08-051
246-838-070	AMD-P	94-05-033	246-901-030	AMD	94-08-097	246-937-090	NEW-P	94-08-052
246-838-070	AMD	94-08-050	246-901-035	NEW-P	94-04-112	246-937-990	NEW-P	94-08-076
246-838-080	AMD-P	94-05-033	246-901-035	NEW	94-08-097	246-937-990	NEW-E	94-08-077
246-838-080	AMD	94-08-050	246-901-100	AMD-P	94-04-112	250-62-010	NEW-W	94-06-018
246-838-090	AMD-P	94-05-033	246-901-100	AMD	94-08-097	250-62-020	NEW-W	94-06-018
246-838-090	AMD	94-08-050	246-901-130	AMD-P	94-04-112	250-62-030	NEW-W	94-06-018
246-838-110	AMD-P	94-05-033	246-901-130	AMD	94-08-097	250-62-040	NEW-W	94-06-018
246-838-110	AMD	94-08-050	246-907-020	AMD-P	94-08-096	250-62-050	NEW-W	94-06-018
246-838-180	AMD-P	94-05-033	246-907-030	AMD	94-05-036	250-62-060	NEW-W	94-06-018
246-838-180	AMD	94-08-050	246-915-040	AMD	94-05-014	250-62-070	NEW-W	94-06-018
246-838-990	AMD-P	94-05-035	246-915-050	AMD	94-05-014	250-62-080	NEW-W	94-06-018
246-838-990	AMD	94-08-102	246-915-078	NEW	94-05-014	250-62-090	NEW-W	94-06-018
246-839-020	AMD	94-07-012	246-915-085	NEW	94-05-014	250-62-100	NEW-W	94-06-018
246-839-030	AMD	94-07-012	246-915-090	AMD	94-05-014	250-62-110	NEW-W	94-06-018
246-839-040	AMD	94-07-012	246-915-120	AMD	94-05-014	250-62-120	NEW-W	94-06-018
246-839-050	AMD	94-07-012	246-915-140	AMD	94-05-014	250-62-130	NEW-W	94-06-018
246-839-060	AMD	94-07-012	246-915-160	AMD	94-05-014	250-62-140	NEW-W	94-06-018
246-839-070	AMD	94-07-012	246-915-340	NEW	94-05-014	250-62-150	NEW-W	94-06-018
246-839-080	AMD	94-07-012	246-917-100	AMD-P	94-08-095	250-62-160	NEW-W	94-06-018
246-839-090	AMD	94-07-012	246-917-120	AMD-P	94-08-095	250-62-170	NEW-W	94-06-018
246-843-990	AMD-P	94-05-065	246-918-095	NEW-P	94-08-094	250-62-180	NEW-W	94-06-018
246-851-110	AMD	94-04-041	246-918-105	NEW-P	94-08-094	250-62-190	NEW-W	94-06-018
246-851-550	NEW	94-04-041	246-920-115	NEW-P	94-07-011	250-62-200	NEW-W	94-06-018
246-863-020	AMD-P	94-04-113	246-922-032	NEW	94-05-051	250-62-210	NEW-W	94-06-018
246-863-020	AMD	94-08-099	246-922-033	NEW	94-05-051	250-79-010	NEW-C	94-04-093
246-863-030	AMD-P	94-04-113	246-922-100	AMD	94-05-051	251-23-010	REP-W	94-04-010
246-863-030	AMD	94-08-099	246-922-110	REP	94-05-051	251-23-015	REP-W	94-04-010
246-865-060	AMD	94-02-077	246-922-120	AMD	94-05-051	251-23-020	REP-W	94-04-010
246-878-010	NEW-P	94-02-079	246-922-220	REP	94-05-051	251-23-030	REP-W	94-04-010
246-878-010	NEW	94-08-101	246-922-250	REP	94-05-051	251-23-040	REP-W	94-04-010
246-878-020	NEW-P	94-02-079	246-922-260	AMD	94-05-051	251-23-050	REP-W	94-04-010
246-878-020	NEW	94-08-101	246-922-300	AMD	94-05-051	251-23-060	REP-W	94-04-010
246-878-030	NEW-P	94-02-079	246-922-310	AMD	94-05-051	251-23-060	REP-W	94-04-010
246-878-030	NEW	94-08-101	246-922-400	NEW-P	94-08-079	259-04-060	AMD-E	94-07-059
246-878-040	NEW-P	94-02-079	246-922-405	NEW-P	94-08-079	259-04-060	AMD-P	94-07-096
246-878-040	NEW	94-08-101	246-922-410	NEW-P	94-08-079	260-36-080	AMD	94-04-002
246-878-050	NEW-P	94-02-079	246-922-415	NEW-P	94-08-079	260-48-322	AMD-P	94-05-077
246-878-050	NEW	94-08-101	246-922-500	NEW-P	94-05-081	260-48-324	AMD-P	94-05-076
246-878-060	NEW-P	94-02-079	246-924-020	AMD-P	94-08-039	260-48-328	AMD-P	94-05-075
246-878-060	NEW	94-08-101	246-924-040	AMD-P	94-08-039	260-70-040	AMD	94-04-002
246-878-070	NEW-P	94-02-079	246-924-050	AMD-P	94-08-039	260-72-020	AMD	94-04-003
246-878-070	NEW	94-08-101	246-924-080	AMD-P	94-08-039	275-27-220	AMD	94-04-092
246-878-080	NEW-P	94-02-079	246-924-095	NEW-P	94-08-039	275-27-221	NEW	94-04-092
246-878-080	NEW	94-08-101	246-924-110	AMD-P	94-08-039	275-27-223	AMD	94-04-092
246-878-090	NEW-P	94-02-079	246-924-120	AMD-P	94-08-039	275-35-030	AMD-P	94-08-007
246-878-090	NEW	94-08-101	246-924-130	AMD-P	94-08-039	275-35-060	AMD-P	94-08-007
246-878-100	NEW-P	94-02-079	246-924-190	REP-P	94-08-039	275-35-070	AMD-P	94-08-007
246-878-100	NEW	94-08-101	246-924-200	REP-P	94-08-039	275-35-080	AMD-P	94-08-007
246-878-110	NEW-P	94-02-079	246-924-210	REP-P	94-08-039	275-55-221	NEW-E	94-03-004
246-878-110	NEW	94-08-101	246-924-220	REP-P	94-08-039	275-55-221	NEW-P	94-03-005
246-878-120	NEW-P	94-02-079	246-924-230	AMD-P	94-08-039	275-55-221	NEW	94-06-025
246-878-120	NEW	94-08-101	246-924-240	AMD-P	94-08-039	275-56-015	AMD	94-07-020
246-883-030	AMD-P	94-02-078	246-924-250	AMD-P	94-08-039	275-56-600	NEW	94-07-020
246-883-030	AMD	94-08-100	246-924-260	REP-P	94-08-039	275-56-610	NEW	94-07-020
246-886-030	AMD	94-02-060	246-924-270	REP-P	94-08-039	275-56-630	NEW	94-07-020
246-887	AMD-C	94-02-089	246-924-280	REP-P	94-08-039	275-56-640	NEW	94-07-020
246-887-100	AMD-P	94-04-111	246-924-290	AMD-P	94-08-039	275-56-650	NEW	94-07-020
246-887-100	AMD	94-07-105	246-924-300	AMD-P	94-08-039	275-56-660	NEW	94-07-020
246-887-100	AMD	94-08-098	246-924-310	REP-P	94-08-039	275-56-670	NEW	94-07-020
246-887-133	NEW	94-08-098	246-924-320	AMD-P	94-08-039	275-56-680	NEW	94-07-020
246-887-140	AMD-P	94-04-111	246-924-320	AMD-P	94-08-039	275-56-690	NEW	94-07-020
			246-924-460	REP-P	94-08-039	275-56-700	NEW	94-07-020

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
275-56-710	NEW	94-07-020	284-13-800	NEW-C	94-08-013	296-21-290	REP-P	94-07-126
275-56-720	NEW	94-07-020	284-13-810	NEW-P	94-05-089	296-21-300	REP-P	94-07-126
275-59-072	NEW-E	94-03-004	284-13-810	NEW-C	94-08-013	296-21-310	REP-P	94-07-126
275-59-072	NEW-P	94-03-005	284-13-820	NEW-P	94-05-089	296-21-320	REP-P	94-07-126
275-59-072	NEW	94-06-025	284-13-820	NEW-C	94-08-013	296-23-135	AMD-P	94-07-126
275-156-010	AMD-P	94-07-087	284-13-830	NEW-P	94-05-089	296-23-150	REP-P	94-07-126
275-156-015	AMD-P	94-07-087	284-13-830	NEW-C	94-08-013	296-23-155	AMD-P	94-07-126
275-156-020	AMD-P	94-07-087	284-30	PREP	94-05-056	296-23-220	REP-P	94-07-126
275-156-025	AMD-P	94-07-087	284-30-450	PREP	94-05-070	296-23-225	REP-P	94-07-126
275-156-030	AMD-P	94-07-087	284-44	PREP	94-05-056	296-23-230	REP-P	94-07-126
284-07-060	AMD	94-04-045	284-46	PREP	94-05-056	296-23-235	REP-P	94-07-126
284-07-100	AMD	94-04-045	284-97-010	PREP	94-05-071	296-23A-400	AMD-P	94-07-126
284-07-110	AMD	94-04-045	284-97-020	PREP	94-05-071	296-24-11001	AMD	94-06-068
284-07-130	AMD	94-04-045	284-97-030	PREP	94-05-071	296-24-12001	AMD	94-06-068
284-07-140	AMD	94-04-045	284-97-040	PREP	94-05-071	296-24-14011	AMD	94-06-068
284-07-180	AMD	94-04-045	284-97-050	PREP	94-05-071	296-24-33003	AMD	94-06-068
284-07-220	AMD	94-04-045	284-97-060	PREP	94-05-071	296-24-58503	AMD	94-06-068
284-10	NEW-C	94-02-065	284-97-070	PREP	94-05-071	296-24-73501	AMD	94-06-068
284-10	NEW-C	94-03-048	284-97-080	PREP	94-05-071	296-62-12000	NEW	94-07-086
284-10	NEW-C	94-08-006	284-97-100	PREP	94-05-071	296-62-12001	NEW-W	94-07-085
284-10-010	NEW-E	94-03-084	284-97-110	PREP	94-05-071	296-62-12003	NEW	94-07-086
284-10-010	NEW-W	94-03-085	284-97-120	PREP	94-05-071	296-62-12005	NEW	94-07-086
284-10-010	NEW-P	94-04-126	284-97-130	PREP	94-05-071	296-62-12007	NEW	94-07-086
284-10-010	NEW	94-08-060	284-97-140	PREP	94-05-071	296-62-12009	NEW	94-07-086
284-10-015	NEW-E	94-03-084	284-97-150	PREP	94-05-071	296-62-12011	NEW-W	94-07-085
284-10-015	NEW-W	94-03-085	284-97-160	PREP	94-05-071	296-62-12013	NEW-W	94-07-085
284-10-015	NEW-P	94-04-126	296-15-020	AMD-C	94-03-006	296-62-12015	NEW-W	94-07-085
284-10-015	NEW	94-08-060	296-15-020	AMD	94-05-042	296-62-12017	NEW-W	94-07-085
284-10-020	NEW-E	94-03-084	296-15-02606	NEW-C	94-03-006	296-62-12019	NEW-W	94-07-085
284-10-020	NEW-W	94-03-085	296-15-02606	NEW	94-05-042	296-62-12021	NEW-W	94-07-085
284-10-020	NEW-P	94-04-126	296-15-030	AMD-C	94-03-006	296-62-12023	NEW-W	94-07-085
284-10-020	NEW	94-08-060	296-15-030	AMD	94-05-042	296-104-281	NEW-E	94-04-006
284-10-030	NEW-E	94-03-084	296-15-170	AMD-C	94-03-006	296-104-281	NEW-P	94-05-072
284-10-030	NEW-W	94-03-085	296-15-170	AMD	94-05-042	296-116-185	RESCIND	94-05-005
284-10-030	NEW-P	94-04-126	296-17-350	AMD-P	94-07-127	296-116-185	AMD	94-05-006
284-10-030	NEW	94-08-060	296-17-45005	NEW-P	94-06-055	296-116-300	AMD-P	94-08-056
284-10-050	NEW-P	94-04-125	296-17-501	AMD-P	94-07-129	296-116-500	NEW-P	94-04-119
284-10-050	NEW	94-08-081	296-17-506	REP-P	94-07-129	296-116-500	NEW	94-07-079
284-10-060	NEW-E	94-03-084	296-17-50602	AMD-P	94-07-128	296-306-010	AMD	94-06-068
284-10-060	NEW-W	94-03-085	296-17-519	AMD-P	94-07-128	296-306-012	AMD	94-06-068
284-10-060	NEW-P	94-04-126	296-17-52104	AMD-P	94-07-128	296-306-015	AMD	94-06-068
284-10-060	NEW	94-08-060	296-17-524	AMD-P	94-07-128	296-306-020	AMD	94-06-068
284-10-070	NEW-E	94-03-084	296-17-528	AMD-P	94-07-128	296-306-057	AMD	94-06-068
284-10-070	NEW-W	94-03-085	296-17-53504	AMD-P	94-07-128	296-306-061	AMD-E	94-06-044
284-10-070	NEW-P	94-04-126	296-17-536	AMD-P	94-07-128	296-306-110	AMD	94-06-068
284-10-070	NEW	94-08-060	296-17-558	REP-P	94-07-128	296-306-115	AMD	94-06-068
284-10-080	NEW-W	94-03-085	296-17-56101	AMD-P	94-07-128	296-306-120	AMD	94-06-068
284-10-090	NEW-E	94-03-084	296-17-650	AMD-P	94-07-128	296-306-145	AMD-E	94-06-044
284-10-090	NEW-W	94-03-085	296-17-66003	NEW-P	94-06-055	296-306-14501	NEW-E	94-06-044
284-10-090	NEW-P	94-04-126	296-17-686	AMD-P	94-07-128	296-306-14503	NEW-E	94-06-044
284-10-090	NEW	94-08-060	296-17-704	AMD-P	94-07-128	296-306-14505	NEW-E	94-06-044
284-10-100	NEW-W	94-03-085	296-17-706	AMD-P	94-07-128	296-306-14507	NEW-E	94-06-044
284-10-110	NEW-W	94-03-085	296-17-779	AMD-P	94-07-128	296-306-14509	NEW-E	94-06-044
284-10-120	NEW-W	94-03-085	296-17-895	AMD-P	94-06-055	296-306-14511	NEW-E	94-06-044
284-10-130	NEW-W	94-03-085	296-20-010	AMD-P	94-07-126	296-306-160	AMD	94-06-068
284-10-140	NEW-W	94-03-085	296-20-01505	NEW-P	94-07-126	296-306-165	AMD-E	94-06-044
284-10-150	NEW-W	94-03-085	296-20-110	AMD-P	94-07-126	296-306-170	AMD-E	94-06-044
284-10-160	NEW-W	94-03-085	296-20-135	AMD	94-03-008	296-306-175	AMD-E	94-06-044
284-10-170	NEW-W	94-03-085	296-20-370	AMD	94-03-073	296-306-180	AMD-E	94-06-044
284-10-180	NEW-W	94-03-085	296-20-380	AMD	94-03-073	296-306-200	AMD	94-06-068
284-10-190	NEW-W	94-03-085	296-20-385	NEW	94-03-073	296-306-25007	AMD	94-06-068
284-10-200	NEW-W	94-03-085	296-20-680	AMD	94-03-073	296-306-260	AMD	94-06-068
284-13-110	REP-P	94-05-089	296-21-015	REP-P	94-07-126	296-306-265	AMD	94-06-068
284-13-110	REP-C	94-08-013	296-21-025	REP-P	94-07-126	296-306-400	AMD	94-06-068
284-13-120	REP-P	94-05-089	296-21-026	REP-P	94-07-126	308-13-150	AMD	94-04-044
284-13-120	REP-C	94-08-013	296-21-027	REP-P	94-07-126	308-13-160	AMD	94-04-044
284-13-130	REP-P	94-05-089	296-21-030	REP-P	94-07-126	308-56A-322	NEW-W	94-08-057
284-13-130	REP-C	94-08-013	296-21-085	REP-P	94-07-126	308-56A-323	NEW-W	94-08-057
284-13-140	REP-P	94-05-089	296-21-240	REP-P	94-07-126	308-62-010	REP-P	94-04-017
284-13-140	REP-C	94-08-013	296-21-250	REP-P	94-07-126	308-62-010	REP	94-08-025
284-13-150	REP-P	94-05-089	296-21-260	REP-P	94-07-126	308-62-020	REP-P	94-04-017
284-13-150	REP-C	94-08-013	296-21-270	REP-P	94-07-126	308-62-020	REP	94-08-025
284-13-800	NEW-P	94-05-089	296-21-280	REP-P	94-07-126	308-62-030	REP-P	94-04-017

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
308-62-030	REP	94-08-025	315-11A-117	AMD-P	94-07-116	356-26-030	AMD-E	94-04-085
308-65-040	AMD-P	94-07-037	315-11A-118	NEW-P	94-03-099	356-26-030	AMD-P	94-06-066
308-65-070	AMD-P	94-07-037	315-11A-118	NEW	94-07-029	356-26-070	AMD-E	94-04-085
308-65-160	AMD-P	94-07-037	315-11A-119	NEW-P	94-03-099	356-26-070	AMD-P	94-06-066
308-72-543	NEW-P	94-02-076	315-11A-119	NEW	94-07-029	356-30-285	NEW	94-04-011
308-72-660	AMD-P	94-02-076	315-11A-120	NEW-P	94-03-099	356-30-315	NEW	94-04-011
308-72-665	NEW-P	94-02-076	315-11A-120	NEW	94-07-029	356-30-328	NEW-W	94-04-009
308-72-690	AMD-P	94-02-076	315-11A-121	NEW-P	94-03-099	356-37-080	AMD-P	94-04-084
308-77-010	AMD-P	94-02-075	315-11A-121	NEW	94-07-029	356-37-080	AMD	94-08-024
308-77-060	AMD-P	94-02-075	315-11A-122	NEW-P	94-07-116	356-37-090	AMD-P	94-04-084
308-77-095	AMD-P	94-02-075	315-11A-123	NEW-P	94-07-116	356-37-090	AMD	94-08-024
308-77-155	NEW-P	94-02-075	315-11A-124	NEW-P	94-07-116	356-56-015	AMD-E	94-03-069
308-77-250	AMD-P	94-02-075	315-11A-125	NEW-P	94-07-116	356-56-015	AMD-P	94-06-064
308-93-073	AMD-W	94-03-018	315-11A-126	NEW-P	94-07-116	356-56-030	AMD-P	94-06-064
308-93-280	AMD-W	94-03-018	315-30-030	AMD	94-03-020	356-56-115	AMD-P	94-06-064
308-93-330	AMD-W	94-03-018	315-34-040	AMD-P	94-03-099	356-56-230	AMD-E	94-03-069
308-93-630	REP-W	94-03-018	315-34-040	AMD	94-07-029	356-56-230	AMD-P	94-06-064
308-128A-020	AMD	94-04-050	326-02-030	AMD-P	94-08-107	359-09-010	AMD	94-06-063
308-128A-030	AMD	94-04-050	326-02-050	AMD-P	94-08-107	359-09-012	AMD	94-06-063
308-128A-040	AMD	94-04-050	326-20-120	AMD-P	94-08-108	359-09-015	AMD	94-06-063
308-128C-040	AMD	94-04-050	326-20-125	AMD-P	94-08-108	359-09-020	AMD	94-06-063
308-128C-050	AMD	94-04-050	326-30-041	AMD	94-03-068	359-09-030	AMD	94-06-063
308-128D-010	AMD	94-04-050	326-30-051	AMD	94-07-064	359-09-040	AMD	94-06-063
308-128D-030	AMD	94-04-050	326-40-030	AMD-P	94-08-109	359-09-050	AMD	94-06-063
308-128D-040	AMD	94-04-050	326-40-040	AMD-S	94-08-110	359-39-010	NEW-P	94-06-065
308-128D-070	AMD	94-04-050	326-40-060	AMD	94-07-064	359-39-020	NEW-P	94-06-065
308-128E-011	AMD	94-04-050	332-24-221	AMD-P	94-08-093	359-39-030	NEW-P	94-06-065
308-128F-020	AMD	94-04-050	332-120-010	AMD	94-06-034	359-39-040	NEW-P	94-06-065
314-10-070	NEW-W	94-08-010	332-120-020	AMD	94-06-034	359-39-050	NEW-P	94-06-065
314-10-070	NEW-W	94-08-023	332-120-030	AMD	94-06-034	359-39-090	NEW-P	94-06-065
314-12-142	NEW-W	94-06-021	332-120-040	AMD	94-06-034	359-39-140	NEW-P	94-06-065
314-12-185	NEW-P	94-05-094	332-120-050	AMD	94-06-034	371-08-010	AMD-E	94-07-061
314-12-185	NEW-W	94-08-029	332-120-060	NEW	94-06-034	371-08-010	AMD-P	94-07-098
314-16-010	REP-P	94-07-125	332-120-070	NEW	94-06-034	371-08-061	NEW-E	94-07-061
314-16-050	AMD-P	94-05-096	352-28	AMD-P	94-06-049	371-08-061	NEW-P	94-07-098
314-16-050	AMD	94-08-031	352-28-005	AMD-P	94-06-049	371-08-147	AMD-E	94-07-061
314-16-150	AMD-P	94-05-093	352-28-010	AMD-P	94-06-049	371-08-147	AMD-P	94-07-098
314-16-150	AMD	94-08-030	352-32-010	AMD-P	94-03-097	371-08-162	AMD-E	94-07-061
314-24-230	AMD-P	94-07-124	352-32-010	AMD-C	94-06-010	371-08-162	AMD-P	94-07-098
314-25-010	NEW-P	94-05-095	352-32-010	AMD	94-08-036	371-08-165	AMD-E	94-07-061
314-25-010	NEW	94-08-032	352-32-045	AMD-P	94-03-097	371-08-165	AMD-P	94-07-098
314-25-020	NEW-P	94-05-095	352-32-045	AMD-C	94-06-010	371-08-167	NEW-E	94-07-061
314-25-020	NEW	94-08-032	352-32-045	AMD	94-08-036	371-08-167	NEW-P	94-07-098
314-25-030	NEW-P	94-05-095	352-32-250	AMD-P	94-03-097	371-08-197	NEW-E	94-07-061
314-25-030	NEW	94-08-032	352-32-250	AMD-C	94-06-010	371-08-197	NEW-P	94-07-098
314-25-040	NEW-P	94-05-095	352-32-250	AMD	94-08-036	388-11-065	AMD-P	94-07-081
314-25-040	NEW	94-08-032	352-32-25001	AMD	94-04-075	388-11-067	NEW-P	94-07-081
314-52-115	AMD	94-06-022	352-32-252	AMD-P	94-03-097	388-11-205	AMD-P	94-07-041
314-60-010	AMD	94-03-060	352-32-252	AMD-C	94-06-010	388-11-205	AMD-E	94-07-042
314-60-020	AMD	94-03-060	352-32-252	AMD	94-08-036	388-15-214	AMD-P	94-07-088
314-60-030	AMD	94-03-060	352-32-255	AMD-P	94-03-097	388-20-010	REP-P	94-07-114
314-60-080	AMD	94-03-060	352-32-255	AMD-C	94-06-010	388-22-030	AMD-P	94-04-042
314-60-105	AMD	94-03-060	352-32-255	AMD	94-08-036	388-22-030	AMD	94-08-022
314-60-110	AMD	94-03-060	352-32-320	NEW-P	94-03-097	388-24-040	REP-P	94-07-114
315-02-120	REP	94-03-020	352-32-320	NEW-C	94-06-010	388-24-042	REP-P	94-07-114
315-04-180	AMD	94-03-020	352-32-320	NEW	94-08-036	388-24-044	AMD-P	94-05-017
315-04-180	AMD-P	94-07-116	352-65-010	AMD	94-04-076	388-24-044	REP-P	94-07-114
315-04-210	AMD	94-03-020	352-65-020	AMD	94-04-076	388-24-050	REP-P	94-07-114
315-04-210	AMD-P	94-07-116	352-65-030	AMD	94-04-076	388-24-052	REP-P	94-07-114
315-06-035	AMD	94-03-020	352-65-040	AMD	94-04-076	388-24-055	REP-P	94-07-114
315-06-140	REP	94-03-020	352-65-060	AMD	94-04-076	388-24-060	REP-P	94-07-114
315-06-150	REP	94-03-020	352-74-040	AMD-P	94-03-089	388-24-065	REP-P	94-07-114
315-06-160	REP	94-03-020	352-74-040	AMD-C	94-06-020	388-24-070	REP-P	94-07-114
315-06-170	AMD	94-03-020	352-74-040	AMD	94-08-005	388-24-074	REP-P	94-07-114
315-06-180	REP	94-03-020	356-05-477	NEW	94-04-011	388-24-090	REP-P	94-07-114
315-06-190	AMD	94-03-020	356-05-479	NEW	94-04-011	388-24-108	REP-P	94-07-114
315-10-030	AMD	94-03-020	356-06-045	NEW	94-04-011	388-24-109	REP-P	94-07-114
315-10-060	AMD	94-03-020	356-09	NEW-C	94-04-086	388-24-111	AMD	94-04-034
315-10-080	AMD	94-03-020	356-09-010	REP-W	94-04-010	388-24-111	REP-P	94-07-114
315-11A-114	NEW	94-03-019	356-09-020	REP-W	94-04-010	388-24-125	REP-P	94-07-114
315-11A-115	NEW	94-03-019	356-09-030	REP-W	94-04-010	388-24-200	REP-P	94-07-114
315-11A-116	NEW	94-03-019	356-09-040	REP-W	94-04-010	388-24-207	REP-P	94-07-114
315-11A-117	NEW	94-03-019	356-09-050	REP-W	94-04-010	388-24-210	REP-P	94-07-114

TABLE

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
388-24-215	REP-P	94-07-114	388-28-475	REP-P	94-07-114	388-33-230	REP-P	94-07-114
388-24-220	REP-P	94-07-114	388-28-480	REP-P	94-07-114	388-33-235	REP-P	94-07-114
388-24-225	REP-P	94-07-114	388-28-481	REP-P	94-07-114	388-33-240	REP-P	94-07-114
388-24-235	REP-P	94-07-114	388-28-482	REP-P	94-07-114	388-33-335	REP-P	94-07-114
388-24-243	REP-P	94-07-114	388-28-483	REP-P	94-07-114	388-33-355	REP-P	94-07-114
388-24-250	REP-P	94-03-051	388-28-484	AMD-P	94-05-029	388-33-365	REP-P	94-07-114
388-24-250	REP	94-06-026	388-28-484	REP-P	94-07-114	388-33-375	REP-P	94-07-114
388-24-252	REP-P	94-03-051	388-28-484	AMD	94-08-020	388-33-376	REP-P	94-07-114
388-24-252	REP	94-06-026	388-28-485	REP-P	94-07-114	388-33-377	REP-P	94-07-114
388-24-253	REP-P	94-03-051	388-28-500	REP-P	94-07-114	388-33-382	REP-P	94-07-114
388-24-253	REP	94-06-026	388-28-515	REP-P	94-07-114	388-33-385	REP-P	94-07-114
388-24-254	REP-P	94-03-051	388-28-520	REP-P	94-07-114	388-33-387	REP-P	94-07-114
388-24-254	REP	94-06-026	388-28-530	AMD-P	94-05-016	388-33-389	REP-P	94-07-114
388-24-255	REP-P	94-03-051	388-28-530	REP-P	94-07-114	388-33-400	REP-P	94-07-114
388-24-255	REP	94-06-026	388-28-530	AMD	94-08-016	388-33-420	REP-P	94-07-114
388-24-260	REP-P	94-03-051	388-28-532	REP-P	94-07-114	388-33-425	REP-P	94-07-114
388-24-260	REP	94-06-026	388-28-535	REP-P	94-07-114	388-33-430	REP-P	94-07-114
388-24-265	REP-P	94-03-051	388-28-555	REP-P	94-07-114	388-33-440	REP-P	94-07-114
388-24-265	REP	94-06-026	388-28-560	AMD-P	94-05-019	388-33-442	REP-P	94-07-114
388-24-550	REP-P	94-07-114	388-28-560	REP-P	94-07-114	388-33-444	REP-P	94-07-114
388-26-025	REP-P	94-07-114	388-28-560	AMD	94-08-019	388-33-446	REP-P	94-07-114
388-26-040	REP-P	94-07-114	388-28-570	REP-P	94-07-114	388-33-447	REP-P	94-07-114
388-26-050	REP-P	94-07-114	388-28-575	AMD-P	94-05-054	388-33-448	REP-P	94-07-114
388-26-055	REP-P	94-07-114	388-28-575	REP-P	94-07-114	388-33-449	REP-P	94-07-114
388-26-060	REP-P	94-07-114	388-28-575	AMD	94-08-021	388-33-450	REP-P	94-07-114
388-26-065	REP-P	94-07-114	388-28-578	REP-P	94-07-114	388-33-453	REP-P	94-07-114
388-26-070	REP-P	94-07-114	388-28-580	REP-P	94-07-114	388-33-455	REP-P	94-07-114
388-26-080	REP-P	94-07-114	388-28-590	REP-P	94-07-114	388-33-457	REP-P	94-07-114
388-26-105	REP-P	94-07-114	388-28-600	AMD-P	94-04-042	388-33-458	REP-P	94-07-114
388-26-120	REP-P	94-07-114	388-28-600	REP-P	94-07-114	388-33-459	REP-P	94-07-114
388-26-145	REP-P	94-07-114	388-28-600	AMD	94-08-022	388-33-460	REP-P	94-07-114
388-26-149	REP-P	94-07-114	388-28-650	REP-P	94-07-114	388-33-525	REP-P	94-07-114
388-28-005	REP-P	94-07-114	388-29-001	REP-P	94-06-035	388-33-535	REP-P	94-07-114
388-28-300	REP-P	94-07-114	388-29-005	REP-P	94-06-035	388-33-545	REP-P	94-07-114
388-28-350	REP-P	94-07-114	388-29-010	REP-P	94-06-035	388-33-550	REP-P	94-07-114
388-28-355	REP-P	94-07-114	388-29-020	REP-P	94-06-035	388-33-576	REP-P	94-07-114
388-28-360	REP-P	94-07-114	388-29-080	REP-P	94-06-035	388-33-579	REP-P	94-07-114
388-28-365	REP-P	94-07-114	388-29-100	REP-P	94-06-035	388-33-585	REP-P	94-07-114
388-28-370	REP	94-04-043	388-29-110	REP-P	94-06-035	388-33-595	REP-P	94-07-114
388-28-380	REP-P	94-07-114	388-29-112	REP-P	94-06-035	388-33-605	REP-P	94-07-114
388-28-385	REP-P	94-07-114	388-29-125	REP-P	94-06-035	388-38-010	REP-P	94-07-114
388-28-390	AMD-P	94-05-069	388-29-130	REP-P	94-06-035	388-38-030	REP-P	94-07-114
388-28-390	REP-P	94-07-114	388-29-150	REP-P	94-06-035	388-38-040	REP-P	94-07-114
388-28-390	AMD	94-08-015	388-29-160	REP-P	94-06-035	388-38-045	REP-P	94-07-114
388-28-392	REP-P	94-07-114	388-29-180	REP-P	94-06-035	388-38-050	REP-P	94-07-114
388-28-400	REP-P	94-07-114	388-29-200	REP-P	94-06-035	388-38-08501	REP-P	94-07-114
388-28-410	REP-P	94-07-114	388-29-210	REP-P	94-06-035	388-38-110	REP-P	94-07-114
388-28-415	REP-P	94-07-114	388-29-220	REP-P	94-06-035	388-38-120	REP-P	94-07-114
388-28-420	REP-P	94-07-114	388-29-230	REP-P	94-06-035	388-38-150	REP-P	94-07-114
388-28-425	REP-P	94-07-114	388-29-270	REP-P	94-06-035	388-38-172	REP-P	94-07-114
388-28-435	REP-P	94-07-114	388-29-280	REP-P	94-06-035	388-38-200	REP-P	94-07-114
388-28-438	REP-P	94-07-114	388-29-295	AMD	94-04-035	388-38-220	REP-P	94-07-114
388-28-439	AMD-P	94-03-055	388-29-295	REP-P	94-06-035	388-38-225	REP-P	94-07-114
388-28-439	AMD	94-06-024	388-33-015	REP-P	94-07-114	388-38-230	REP-P	94-07-114
388-28-439	REP-P	94-07-114	388-33-020	REP-P	94-07-114	388-38-250	REP-P	94-07-114
388-28-440	REP-P	94-07-114	388-33-025	REP-P	94-07-114	388-38-255	REP-P	94-07-114
388-28-450	REP-P	94-07-114	388-33-045	REP-P	94-07-114	388-38-260	REP-P	94-07-114
388-28-457	REP	94-04-043	388-33-050	REP-P	94-07-114	388-38-265	REP-P	94-07-114
388-28-458	REP	94-04-043	388-33-051	REP-P	94-07-114	388-38-270	REP-P	94-07-114
388-28-459	REP	94-04-043	388-33-055	REP-P	94-07-114	388-38-280	REP-P	94-07-114
388-28-460	REP	94-04-043	388-33-080	REP-P	94-07-114	388-38-285	REP-P	94-07-114
388-28-461	REP	94-04-043	388-33-085	REP-P	94-07-114	388-38-290	REP-P	94-07-114
388-28-462	REP	94-04-043	388-33-090	REP-P	94-07-114	388-38-295	REP-P	94-07-114
388-28-463	REP	94-04-043	388-33-095	REP-P	94-07-114	388-43-120	NEW-E	94-04-032
388-28-464	REP	94-04-043	388-33-115	REP-P	94-07-114	388-43-120	NEW	94-04-037
388-28-465	REP	94-04-043	388-33-120	REP-P	94-07-114	388-44-010	REP	94-05-045
388-28-470	REP	94-04-043	388-33-125	REP-P	94-07-114	388-44-020	REP	94-05-045
388-28-471	REP	94-04-043	388-33-135	REP-P	94-07-114	388-44-035	REP	94-05-045
388-28-472	REP	94-04-043	388-33-140	REP-P	94-07-114	388-44-046	REP	94-05-045
388-28-473	REP	94-04-043	388-33-165	REP-P	94-07-114	388-44-050	REP	94-05-045
388-28-474	AMD-P	94-05-018	388-33-170	REP-P	94-07-114	388-44-110	REP	94-05-045
388-28-474	REP-P	94-07-114	388-33-190	REP-P	94-07-114	388-44-115	REP	94-05-045
388-28-474	AMD	94-08-018	388-33-195	REP-P	94-07-114	388-44-120	REP	94-05-045

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #		WSR #
388-44-125	REP	94-05-045	388-83-006	REP-P	94-07-114	388-93-015	REP-P	94-07-114
388-44-127	REP	94-05-045	388-83-010	REP-P	94-07-114	388-93-020	REP-P	94-07-114
388-44-140	REP	94-05-045	388-83-012	REP-P	94-07-114	388-93-025	REP-P	94-07-114
388-44-145	REP	94-05-045	388-83-013	REP-P	94-07-114	388-93-030	REP-P	94-07-114
388-44-150	REP	94-05-045	388-83-014	REP-P	94-07-114	388-93-035	REP-P	94-07-114
388-44-160	REP	94-05-045	388-83-015	REP-P	94-07-114	388-93-040	REP-P	94-07-114
388-44-250	REP	94-05-045	388-83-017	REP-P	94-07-114	388-93-045	REP-P	94-07-114
388-44-280	REP	94-05-045	388-83-020	REP-P	94-07-114	388-93-050	REP-P	94-07-114
388-44-330	REP	94-05-045	388-83-025	REP-P	94-07-114	388-93-055	REP-P	94-07-114
388-49-500	AMD-P	94-07-031	388-83-026	REP-P	94-07-114	388-93-060	REP-P	94-07-114
388-49-535	AMD-P	94-03-041	388-83-029	REP-P	94-07-114	388-93-065	REP-P	94-07-114
388-49-535	AMD-W	94-06-023	388-83-031	REP-P	94-07-114	388-93-075	REP-P	94-07-114
388-49-590	AMD-P	94-03-050	388-83-03101	REP-P	94-07-114	388-93-080	REP-P	94-07-114
388-49-590	AMD-C	94-06-027	388-83-032	REP-P	94-07-114	388-95-300	REP-P	94-07-114
388-49-590	AMD	94-07-080	388-83-032	AMD-E	94-08-043	388-95-310	REP-P	94-07-114
388-53-010	REP	94-04-036	388-83-032	AMD-P	94-08-044	388-95-320	REP-P	94-07-114
388-53-050	REP	94-04-036	388-83-033	REP-P	94-07-114	388-95-335	REP-P	94-07-114
388-59-010	REP	94-04-033	388-83-033	AMD-E	94-08-043	388-95-337	AMD-P	94-05-025
388-59-020	REP	94-04-033	388-83-033	AMD-P	94-08-044	388-95-337	REP-P	94-07-114
388-59-030	REP	94-04-033	388-83-036	REP-P	94-07-114	388-95-337	AMD	94-07-130
388-59-040	REP	94-04-033	388-83-041	REP-P	94-07-114	388-95-340	REP-P	94-07-114
388-59-045	REP	94-04-033	388-83-046	REP-P	94-07-114	388-95-340	AMD-E	94-08-041
388-59-048	REP	94-04-033	388-83-130	REP-P	94-07-114	388-95-340	AMD-P	94-08-042
388-59-050	REP	94-04-033	388-83-200	REP-P	94-07-114	388-95-360	REP-P	94-07-114
388-59-060	REP	94-04-033	388-83-210	REP-P	94-07-114	388-95-360	AMD-E	94-08-043
388-59-070	REP	94-04-033	388-83-220	REP-P	94-07-114	388-95-360	AMD-P	94-08-044
388-59-080	REP	94-04-033	388-84-105	REP-P	94-07-114	388-95-380	REP-P	94-07-114
388-59-090	REP	94-04-033	388-84-110	REP-P	94-07-114	388-95-390	REP-P	94-07-114
388-59-100	REP	94-04-033	388-84-115	AMD-P	94-05-026	388-95-395	REP-P	94-07-114
388-80-002	REP-P	94-07-114	388-84-115	REP-P	94-07-114	388-95-400	REP-P	94-07-114
388-80-005	REP-P	94-07-114	388-84-115	AMD	94-07-132	388-96-010	AMD-P	94-07-109
388-81-005	REP-P	94-07-114	388-84-120	REP-P	94-07-114	388-96-113	AMD-P	94-07-109
388-81-010	REP-P	94-07-114	388-85-105	REP-P	94-07-114	388-96-134	AMD-P	94-07-109
388-81-015	REP-P	94-07-114	388-85-110	REP-P	94-07-114	388-96-217	AMD-P	94-07-109
388-81-017	REP-P	94-07-114	388-85-115	REP-P	94-07-114	388-96-221	AMD-P	94-07-109
388-81-020	REP-P	94-07-114	388-86-030	AMD-C	94-04-031	388-96-226	AMD-P	94-07-109
388-81-025	REP-P	94-07-114	388-86-030	AMD-C	94-05-044	388-96-228	AMD-P	94-07-109
388-81-030	REP-P	94-07-114	388-86-030	AMD-C	94-07-021	388-96-525	AMD-P	94-07-109
388-81-035	REP-P	94-07-114	388-86-030	AMD	94-07-122	388-96-533	AMD-P	94-07-109
388-81-038	REP-P	94-07-114	388-86-040	REP-C	94-05-043	388-96-534	AMD-P	94-07-109
388-81-040	REP-P	94-07-114	388-86-040	REP	94-07-022	388-96-559	AMD-P	94-07-109
388-81-042	REP-P	94-07-114	388-86-04001	NEW-C	94-05-043	388-96-565	AMD-P	94-07-109
388-81-043	REP-P	94-07-114	388-86-04001	NEW	94-07-022	388-96-585	AMD-P	94-07-109
388-81-044	REP-P	94-07-114	388-86-045	AMD	94-03-052	388-96-704	AMD-P	94-07-109
388-81-047	REP-P	94-07-114	388-86-073	AMD-P	94-04-022	388-96-707	REP-P	94-07-109
388-81-050	REP-P	94-07-114	388-86-073	AMD-E	94-04-023	388-96-709	AMD-P	94-07-109
388-81-052	REP-P	94-07-114	388-86-073	AMD	94-07-030	388-96-710	AMD-P	94-07-109
388-81-055	REP-P	94-07-114	388-86-090	AMD-P	94-04-022	388-96-719	AMD-P	94-07-109
388-81-060	REP-P	94-07-114	388-86-090	AMD-E	94-04-023	388-96-721	REP-P	94-07-109
388-81-065	REP-P	94-07-114	388-86-090	AMD	94-07-030	388-96-722	AMD-P	94-07-109
388-81-065	REP-E	94-08-045	388-86-098	AMD-P	94-04-022	388-96-727	AMD-P	94-07-109
388-81-065	REP-P	94-08-046	388-86-098	AMD-E	94-04-023	388-96-735	AMD-P	94-07-109
388-81-070	REP-P	94-07-114	388-86-098	AMD	94-07-030	388-96-737	AMD-P	94-07-109
388-81-100	REP-P	94-07-114	388-87-300	REP-E	94-08-045	388-96-745	AMD-P	94-07-109
388-81-175	REP-P	94-07-114	388-87-300	REP-P	94-08-046	388-96-753	NEW-P	94-07-109
388-81-200	REP-P	94-07-114	388-92-005	REP-P	94-07-114	388-96-754	AMD-P	94-07-109
388-82-006	REP-P	94-07-114	388-92-015	REP-P	94-07-114	388-96-754	AMD-P	94-07-109
388-82-008	REP-P	94-07-114	388-92-025	REP-P	94-07-114	388-96-763	AMD-P	94-07-109
388-82-010	REP-P	94-07-114	388-92-027	REP-P	94-07-114	388-96-774	AMD-P	94-07-109
388-82-115	REP-P	94-07-114	388-92-027	REP-P	94-07-114	388-96-776	NEW-P	94-07-109
388-82-126	REP-P	94-07-114	388-92-030	REP-P	94-07-114	388-96-777	NEW-P	94-07-109
388-82-130	REP-P	94-07-114	388-92-034	REP-P	94-07-114	388-96-794	AMD-P	94-07-109
388-82-135	REP-P	94-07-114	388-92-036	REP-P	94-07-114	388-99-005	REP-P	94-07-114
388-82-140	REP-P	94-07-114	388-92-036	AMD-E	94-08-041	388-99-010	REP-P	94-07-114
388-82-140	AMD-E	94-08-043	388-92-036	AMD-P	94-08-042	388-99-011	REP-P	94-07-114
388-82-140	AMD-P	94-08-044	388-92-040	REP-P	94-07-114	388-99-015	REP-P	94-07-114
388-82-150	REP-P	94-07-114	388-92-041	AMD-E	94-05-027	388-99-020	REP-P	94-07-114
388-82-150	AMD-E	94-08-043	388-92-041	AMD-P	94-05-028	388-99-030	REP-P	94-07-114
388-82-150	AMD-P	94-08-044	388-92-041	REP-P	94-07-114	388-99-035	REP-P	94-07-114
388-82-160	REP-P	94-07-114	388-92-041	AMD	94-07-131	388-99-036	REP-P	94-07-114
388-82-160	AMD-E	94-08-043	388-92-045	REP-P	94-07-114	388-99-040	REP-P	94-07-114
388-82-160	AMD-P	94-08-044	388-92-050	REP-P	94-07-114	388-99-050	REP-P	94-07-114
388-82-160	AMD-P	94-08-044	388-93-005	REP-P	94-07-114	388-99-055	REP-P	94-07-114
388-83-005	REP-P	94-07-114	388-93-010	REP-P	94-07-114	388-99-060	REP-P	94-07-114

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #
388-521-2120	NEW-P	94-07-114	390-37-070	AMD	94-05-010
388-521-2130	NEW-P	94-07-114	390-37-105	AMD	94-05-010
388-521-2140	NEW-P	94-07-114	390-37-142	AMD	94-05-010
388-521-2150	NEW-P	94-07-114	392-127-700	REP	94-04-096
388-521-2155	NEW-P	94-07-114	392-127-703	REP	94-04-096
388-521-2160	NEW-P	94-07-114	392-127-705	REP	94-04-096
388-521-2170	NEW-P	94-07-114	392-127-710	REP	94-04-096
388-522-2205	NEW-P	94-07-114	392-127-715	REP	94-04-096
388-522-2210	NEW-P	94-07-114	392-127-720	REP	94-04-096
388-522-2230	NEW-P	94-07-114	392-127-725	REP	94-04-096
388-523-2305	NEW-P	94-07-114	392-127-730	REP	94-04-096
388-523-2320	NEW-P	94-07-114	392-127-735	REP	94-04-096
388-524-2405	NEW-P	94-07-114	392-127-740	REP	94-04-096
388-524-2420	NEW-P	94-07-114	392-127-745	REP	94-04-096
388-525-2505	NEW-P	94-07-114	392-127-750	REP	94-04-096
388-525-2520	NEW-P	94-07-114	392-127-755	REP	94-04-096
388-525-2570	NEW-P	94-07-114	392-127-760	REP	94-04-096
388-526-2610	NEW-P	94-07-114	392-127-765	REP	94-04-096
388-527-2710	NEW-P	94-07-114	392-127-770	REP	94-04-096
388-527-2720	NEW-P	94-07-114	392-127-775	REP	94-04-096
388-528-2810	NEW-P	94-07-114	392-127-780	REP	94-04-096
388-529-2910	NEW-P	94-07-114	392-127-785	REP	94-04-096
388-529-2920	NEW-P	94-07-114	392-127-790	REP	94-04-096
388-529-2930	NEW-P	94-07-114	392-127-795	REP	94-04-096
388-529-2940	NEW-P	94-07-114	392-127-800	REP	94-04-096
388-529-2950	NEW-P	94-07-114	392-127-805	REP	94-04-096
388-529-2960	NEW-P	94-07-114	392-127-815	REP	94-04-096
388-538-110	AMD	94-04-038	392-127-820	REP	94-04-096
390-05-235	AMD-P	94-07-088	392-127-825	REP	94-04-096
390-12-010	AMD	94-05-010	392-127-830	REP	94-04-096
390-14-040	AMD	94-05-010	392-140-500	NEW-P	94-04-122
390-16-011	AMD	94-05-011	392-140-501	NEW-P	94-04-122
390-16-012	AMD	94-05-011	392-140-503	NEW-P	94-04-122
390-16-031	AMD	94-05-011	392-140-504	NEW-P	94-04-122
390-16-032	AMD	94-05-011	392-140-505	NEW-P	94-04-122
390-16-033	AMD	94-05-011	392-140-506	NEW-P	94-04-122
390-16-041	AMD	94-05-011	392-140-507	NEW-P	94-04-122
390-16-050	AMD	94-05-011	392-140-508	NEW-P	94-04-122
390-16-071	NEW-E	94-07-001	392-140-509	NEW-P	94-04-122
390-16-071	NEW-P	94-07-035	392-140-510	NEW-P	94-04-122
390-16-207	AMD-P	94-07-035	392-140-511	NEW-P	94-04-122
390-16-238	NEW-P	94-05-097	392-140-512	NEW-P	94-04-122
390-16-238	NEW	94-07-141	392-140-516	NEW-P	94-04-122
390-16-245	NEW-P	94-05-097	392-140-517	NEW-P	94-04-122
390-16-245	NEW	94-07-141	392-140-518	NEW-P	94-04-122
390-16-300	AMD-P	94-05-097	392-140-519	NEW-P	94-04-122
390-16-308	AMD-P	94-07-035	392-157-005	NEW	94-04-097
390-16-308	AMD-P	94-07-088	392-157-010	NEW	94-04-097
390-16-308	AMD-W	94-07-089	392-157-015	NEW	94-04-097
390-16-309	NEW-E	94-07-001	392-157-020	NEW	94-04-097
390-16-309	NEW-P	94-07-035	392-157-025	NEW	94-04-097
390-16-309	NEW-W	94-08-080	392-157-030	NEW	94-04-097
390-16-310	AMD-P	94-07-035	392-157-035	NEW	94-04-097
390-16-310	AMD-P	94-07-088	392-157-040	NEW	94-04-097
390-16-310	AMD-W	94-07-089	392-157-045	NEW	94-04-097
390-16-311	NEW-P	94-07-142	392-157-050	NEW	94-04-097
390-16-315	AMD-P	94-05-097	392-157-055	NEW	94-04-097
390-16-324	NEW-P	94-03-087	392-157-060	NEW	94-04-097
390-16-324	NEW-W	94-04-121	392-157-065	NEW	94-04-097
390-17-071	NEW	94-05-010	392-157-070	NEW	94-04-097
390-17-300	AMD-P	94-03-087	392-157-075	NEW	94-04-097
390-17-300	AMD-W	94-04-121	392-157-080	NEW	94-04-097
390-17-300	AMD	94-07-141	392-157-085	NEW	94-04-097
390-17-315	AMD-P	94-03-087	392-157-090	NEW	94-04-097
390-17-315	AMD-W	94-04-121	392-157-095	NEW	94-04-097
390-17-315	AMD	94-07-141	392-157-100	NEW	94-04-097
390-17-320	NEW-P	94-07-035	392-157-105	NEW	94-04-097
390-17-405	NEW-P	94-07-142	392-157-110	NEW	94-04-097
390-20-148	NEW-P	94-07-035	392-157-115	NEW	94-04-097
390-20-052	AMD-P	94-07-035	392-157-120	NEW	94-04-097
390-24-030	REP	94-05-010	392-157-125	NEW	94-04-097
390-24-031	REP	94-05-010	392-157-130	NEW	94-04-097
390-24-160	AMD	94-05-010	392-157-135	NEW	94-04-097
392-157-140	NEW	94-04-097			
392-157-145	NEW	94-04-097			
392-157-150	NEW	94-04-097			
392-157-155	NEW	94-04-097			
392-157-160	NEW	94-04-097			
392-157-165	NEW	94-04-097			
392-157-170	NEW	94-04-097			
392-157-175	NEW	94-04-097			
392-157-180	NEW	94-04-097			
392-163-400	AMD-P	94-04-094			
392-163-400	AMD	94-07-103			
392-163-405	AMD-P	94-04-094			
392-163-405	AMD	94-07-103			
392-163-440	AMD-P	94-04-094			
392-163-440	AMD	94-07-103			
392-163-445	AMD-P	94-04-094			
392-163-445	AMD	94-07-103			
392-163-530	AMD-P	94-04-094			
392-163-530	AMD	94-07-103			
392-163-580	AMD-P	94-04-094			
392-163-580	AMD	94-07-103			
392-169-005	NEW	94-04-095			
392-169-010	NEW	94-04-095			
392-169-015	NEW	94-04-095			
392-169-020	NEW	94-04-095			
392-169-022	NEW	94-04-095			
392-169-023	NEW	94-04-095			
392-169-025	NEW	94-04-095			
392-169-030	NEW	94-04-095			
392-169-035	NEW	94-04-095			
392-169-040	NEW	94-04-095			
392-169-045	NEW	94-04-095			
392-169-050	NEW	94-04-095			
392-169-055	NEW	94-04-095			
392-169-057	NEW	94-04-095			
392-169-060	NEW	94-04-095			
392-169-065	NEW	94-04-095			
392-169-070	NEW	94-04-095			
392-169-075	NEW	94-04-095			
392-169-080	NEW	94-04-095			
392-169-085	NEW	94-04-095			
392-169-090	NEW	94-04-095			
392-169-095	NEW	94-04-095			
392-169-100	NEW	94-04-095			
392-169-105	NEW	94-04-095			
392-169-110	NEW	94-04-095			
392-169-115	NEW	94-04-095			
392-169-120	NEW	94-04-095			
392-169-125	NEW	94-04-095			
392-320-005	NEW-P	94-04-025			
392-320-005	NEW	94-07-102			
392-320-010	NEW-P	94-04-025			
392-320-010	NEW	94-07-102			
392-320-015	NEW-P	94-04-025			
392-320-015	NEW	94-07-102			
392-320-020	NEW-P	94-04-025			
392-320-020	NEW	94-07-102			
392-320-025	NEW-P	94-04-025			
392-320-025	NEW	94-07-102			
392-320-030	NEW-P	94-04-025			
392-320-030	NEW	94-07-102			
392-320-035	NEW-P	94-04-025			
392-320-035	NEW	94-07-102			
392-320-040	NEW-P	94-04-025			
392-320-040	NEW	94-07-102			
392-320-045	NEW-P	94-04-025			
392-320-045	NEW	94-07-102			
392-320-050	NEW-P	94-04-025			
392-320-050	NEW	94-07-102			
392-320-055	NEW-P	94-04-025			
392-320-055	NEW	94-07-102			
392-320-060	NEW-P	94-04-025			
392-320-060	NEW	94-07-102			

Table of WAC Sections Affected

WAC #	WSR #	WAC #	WSR #	WAC #	WSR #			
392-330-010	NEW-P	94-08-074	434-663-610	NEW	94-04-102	458-20-167	AMD	94-07-047
392-330-020	NEW-P	94-08-074	434-663-620	NEW	94-04-102	458-20-168	AMD-E	94-05-084
392-330-030	NEW-P	94-08-074	434-663-630	NEW	94-04-102	458-20-174	AMD-P	94-07-023
392-330-040	NEW-P	94-08-074	440-22-205	NEW-W	94-07-072	458-20-17401	NEW-P	94-07-024
392-330-050	NEW-P	94-08-074	446-65	AMD-P	94-05-023	458-20-185	AMD-P	94-07-025
392-330-060	NEW-P	94-08-074	446-65	AMD	94-08-004	458-20-186	AMD-P	94-07-026
392-330-070	NEW-P	94-08-074	446-65-005	AMD-P	94-05-023	458-20-209	AMD-P	94-03-036
392-330-080	NEW-P	94-08-074	446-65-005	AMD	94-08-004	458-20-209	AMD	94-07-050
415-02-030	AMD-P	94-05-012	448-13-080	AMD-W	94-07-073	458-20-210	AMD-P	94-03-034
415-02-110	NEW-P	94-05-012	488-13-210	AMD-W	94-07-073	458-20-210	AMD	94-07-048
415-100-190	NEW-P	94-07-143	456-09-010	AMD-P	94-03-056	458-20-238	PREP	94-03-046
415-104-111	NEW-P	94-05-013	456-09-010	AMD	94-07-044	458-20-258	AMD-E	94-05-086
415-108-010	AMD-P	94-07-144	456-09-325	AMD-P	94-03-056	458-20-261	NEW-P	94-07-027
415-108-510	AMD-P	94-07-144	456-09-325	AMD	94-07-044	458-20-901	NEW-E	94-05-085
415-108-530	NEW-P	94-07-144	456-09-365	AMD-P	94-03-056	458-30-262	AMD	94-05-062
415-108-540	NEW-P	94-07-144	456-09-365	AMD	94-07-044	458-30-590	AMD-P	94-08-082
415-108-550	NEW-P	94-08-087	456-10-010	AMD-P	94-03-057	458-53-160	AMD	94-05-064
415-108-560	NEW-P	94-08-087	456-10-010	AMD	94-07-043	458-61-010	REP	94-04-088
415-108-570	NEW-P	94-08-087	456-10-325	AMD-P	94-03-057	458-61-015	NEW	94-04-088
415-108-580	NEW-P	94-05-013	456-10-325	AMD	94-07-043	458-61-020	REP	94-04-088
415-112-015	AMD-P	94-07-144	456-10-360	AMD-P	94-03-057	458-61-025	NEW	94-04-088
415-112-415	AMD-P	94-07-144	456-10-360	AMD	94-07-043	458-61-030	AMD	94-04-088
415-112-840	NEW-P	94-05-013	458-16-100	AMD	94-07-008	458-61-040	REP	94-04-088
415-112-840	NEW-P	94-07-144	458-16-110	AMD	94-07-008	458-61-050	AMD	94-04-088
434-60-210	NEW	94-07-018	458-16-111	AMD	94-07-008	458-61-060	AMD	94-04-088
434-60-215	NEW	94-07-018	458-16-130	AMD	94-07-008	458-61-070	AMD	94-04-088
434-60-220	NEW	94-07-018	458-16-150	AMD	94-07-008	458-61-080	AMD	94-04-088
434-60-230	NEW	94-07-018	458-16-165	NEW	94-07-008	458-61-090	AMD	94-04-088
434-60-240	NEW	94-07-018	458-16-180	AMD	94-07-008	458-61-100	AMD	94-04-088
434-60-250	NEW	94-07-018	458-16-190	AMD	94-07-008	458-61-110	REP	94-04-088
434-60-260	NEW	94-07-018	458-16-200	AMD	94-07-008	458-61-120	AMD	94-04-088
434-60-270	NEW	94-07-018	458-16-210	AMD	94-07-008	458-61-130	AMD	94-04-088
434-60-280	NEW	94-07-018	458-16-215	PREP	94-07-123	458-61-140	REP	94-04-088
434-60-290	NEW	94-07-018	458-16-220	AMD	94-07-008	458-61-150	AMD	94-04-088
434-60-300	NEW	94-07-018	458-16-230	AMD	94-07-008	458-61-200	AMD	94-04-088
434-60-310	NEW	94-07-018	458-16-240	AMD	94-07-008	458-61-210	AMD	94-04-088
434-60-320	NEW	94-07-018	458-16-245	NEW	94-07-008	458-61-220	AMD	94-04-088
434-60-330	NEW	94-07-018	458-16-260	AMD	94-07-008	458-61-225	NEW	94-04-088
434-60-340	NEW	94-07-018	458-16-270	AMD	94-07-008	458-61-230	AMD	94-04-088
434-60-350	NEW	94-07-018	458-16-280	AMD	94-07-008	458-61-235	NEW	94-04-088
434-663-001	NEW-W	94-03-081	458-16-282	AMD	94-07-008	458-61-240	REP	94-04-088
434-663-005	NEW-W	94-03-081	458-16-284	NEW	94-07-008	458-61-250	AMD	94-04-088
434-663-020	NEW-W	94-03-081	458-16-286	NEW	94-07-008	458-61-255	NEW	94-04-088
434-663-030	NEW-W	94-03-081	458-16-290	AMD	94-07-008	458-61-270	REP	94-04-088
434-663-050	NEW-W	94-03-081	458-16-300	AMD	94-07-008	458-61-280	REP	94-04-088
434-663-060	NEW-W	94-03-081	458-16-310	AMD	94-07-008	458-61-290	AMD	94-04-088
434-663-070	NEW-W	94-03-081	458-16-320	NEW	94-07-008	458-61-300	AMD	94-04-088
434-663-100	NEW	94-04-102	458-16-330	NEW	94-07-008	458-61-310	REP	94-04-088
434-663-200	NEW	94-04-102	458-18-220	AMD	94-05-063	458-61-320	REP	94-04-088
434-663-210	NEW	94-04-102	458-19-005	NEW	94-07-066	458-61-330	AMD	94-04-088
434-663-220	NEW	94-04-102	458-19-010	NEW	94-07-066	458-61-335	AMD	94-04-088
434-663-230	NEW	94-04-102	458-19-015	NEW	94-07-066	458-61-340	AMD	94-04-088
434-663-240	NEW	94-04-102	458-19-020	NEW	94-07-066	458-61-360	REP	94-04-088
434-663-250	NEW	94-04-102	458-19-025	NEW	94-07-066	458-61-370	AMD	94-04-088
434-663-260	NEW	94-04-102	458-19-030	NEW	94-07-066	458-61-374	NEW	94-04-088
434-663-300	NEW	94-04-102	458-19-035	NEW	94-07-066	458-61-375	NEW	94-04-088
434-663-310	NEW	94-04-102	458-19-040	NEW	94-07-066	458-61-376	NEW	94-04-088
434-663-320	NEW	94-04-102	458-19-045	NEW	94-07-066	458-61-380	REP	94-04-088
434-663-400	NEW	94-04-102	458-19-050	NEW	94-07-066	458-61-390	REP	94-04-088
434-663-410	NEW	94-04-102	458-19-055	NEW	94-07-066	458-61-400	AMD	94-04-088
434-663-420	NEW	94-04-102	458-19-060	NEW	94-07-066	458-61-410	AMD	94-04-088
434-663-430	NEW	94-04-102	458-19-065	NEW	94-07-066	458-61-411	NEW	94-04-088
434-663-440	NEW	94-04-102	458-19-070	NEW	94-07-066	458-61-412	NEW	94-04-088
434-663-450	NEW	94-04-102	458-19-075	NEW	94-07-066	458-61-420	AMD	94-04-088
434-663-460	NEW	94-04-102	458-19-080	NEW	94-07-066	458-61-425	AMD	94-04-088
434-663-470	NEW	94-04-102	458-20-102	AMD-E	94-05-083	458-61-430	AMD	94-04-088
434-663-480	NEW	94-04-102	458-20-102	AMD-P	94-06-004	458-61-440	REP	94-04-088
434-663-490	NEW	94-04-102	458-20-122	AMD-P	94-03-035	458-61-460	REP	94-04-088
434-663-500	NEW	94-04-102	458-20-122	AMD	94-07-049	458-61-470	AMD	94-04-088
434-663-510	NEW	94-04-102	458-20-125	REP-P	94-03-037	458-61-480	AMD	94-04-088
434-663-520	NEW	94-04-102	458-20-125	REP	94-07-051	458-61-490	REP	94-04-088
434-663-530	NEW	94-04-102	458-20-166	AMD	94-05-001	458-61-500	REP	94-04-088
434-663-600	NEW	94-04-102	458-20-167	AMD-P	94-03-047	458-61-510	AMD	94-04-088

TABLE

Table of WAC Sections Affected

WAC #		WSR #	WAC #		WSR #	WAC #	WSR #
458-61-520	AMD	94-04-088	480-12-455	AMD-P	94-07-134		
458-61-530	REP	94-04-088	480-12-990	AMD-P	94-07-135		
458-61-540	AMD	94-04-088	480-30-032	AMD-P	94-07-137		
458-61-545	AMD	94-04-088	480-30-050	AMD-P	94-07-137		
458-61-550	AMD	94-04-088	480-30-095	AMD-P	94-07-137		
458-61-553	NEW	94-04-088	480-30-100	AMD-P	94-07-137		
458-61-555	AMD	94-04-088	480-50-010	AMD	94-03-003		
458-61-560	REP	94-04-088	480-50-040	AMD	94-03-003		
458-61-570	REP	94-04-088	480-60-990	AMD-P	94-07-138		
458-61-590	AMD	94-04-088	480-62-085	AMD-P	94-07-138		
458-61-600	AMD	94-04-088	480-62-090	AMD-P	94-07-138		
458-61-610	AMD	94-04-088	480-70-250	AMD-P	94-07-136		
458-61-620	REP	94-04-088	480-107-020	AMD	94-07-045		
458-61-630	REP	94-04-088	480-107-050	AMD	94-07-045		
458-61-640	AMD	94-04-088	480-107-060	AMD	94-07-045		
458-61-650	AMD	94-04-088	480-107-070	AMD	94-07-045		
458-61-660	AMD	94-04-088	480-107-080	AMD	94-07-045		
458-61-670	AMD	94-04-088	480-107-100	AMD	94-07-045		
458-61-680	REP	94-04-088	480-107-120	AMD	94-07-045		
458-61-690	REP	94-04-088	484-20-065	AMD	94-04-001		
460-44A-500	AMD	94-03-061	516-26-010	AMD-P	94-07-117		
460-44A-501	AMD	94-03-061	516-26-020	AMD-P	94-07-117		
460-44A-502	AMD	94-03-061	516-26-030	AMD-P	94-07-117		
460-44A-504	AMD	94-03-061	516-26-035	AMD-P	94-07-117		
460-44A-505	AMD	94-03-061	516-26-040	AMD-P	94-07-117		
460-44A-506	AMD	94-03-061	516-26-045	AMD-P	94-07-117		
461-08-001	NEW-E	94-07-060	516-26-050	AMD-P	94-07-117		
461-08-001	NEW-P	94-07-095	516-26-055	AMD-P	94-07-117		
461-08-047	NEW-E	94-07-060	516-26-060	AMD-P	94-07-117		
461-08-047	NEW-P	94-07-095	516-26-070	AMD-P	94-07-117		
461-08-144	NEW-E	94-07-060	516-26-080	AMD-P	94-07-117		
461-08-144	NEW-P	94-07-095	516-26-085	AMD-P	94-07-117		
461-08-156	NEW-E	94-07-060	516-26-090	AMD-P	94-07-117		
461-08-156	NEW-P	94-07-095	516-26-095	AMD-P	94-07-117		
461-08-160	AMD-E	94-07-060	516-26-100	AMD-P	94-07-117		
461-08-160	AMD-P	94-07-095					
461-08-165	REP-E	94-07-060					
461-08-165	REP-P	94-07-095					
461-08-167	NEW-E	94-07-060					
461-08-167	NEW-P	94-07-095					
461-08-237	NEW-E	94-07-060					
461-08-237	NEW-P	94-07-095					
468-16-090	AMD	94-05-004					
468-16-110	AMD	94-05-004					
468-16-120	AMD	94-05-004					
468-16-130	AMD	94-05-004					
468-16-150	AMD	94-05-004					
468-16-160	AMD	94-05-004					
468-16-180	AMD	94-05-004					
468-16-210	AMD	94-05-004					
468-38-020	AMD-P	94-03-042					
468-38-020	AMD	94-07-054					
468-38-030	AMD-P	94-03-042					
468-38-030	AMD	94-07-054					
468-38-075	AMD-E	94-02-064					
468-38-075	AMD-P	94-03-043					
468-38-075	AMD	94-07-055					
468-48-010	NEW-P	94-08-054					
468-48-020	NEW-P	94-08-054					
468-300-010	AMD-P	94-04-077					
468-300-010	AMD	94-07-104					
468-300-020	AMD-P	94-04-077					
468-300-020	AMD	94-07-104					
468-300-040	AMD-P	94-04-077					
468-300-040	AMD	94-07-104					
480-04-030	AMD-P	94-07-139					
480-12-045	AMD-P	94-07-135					
480-12-050	AMD-P	94-07-135					
480-12-137	NEW-P	94-07-134					
480-12-180	AMD-P	94-07-135					
480-12-190	AMD-P	94-07-135					
480-12-260	AMD	94-03-002					
480-12-321	AMD	94-03-001					

TABLE

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

ACCOUNTANCY, BOARD OF					
CPA certificates					
continuing professional education	PERM	94-02-070	lindane products, registration and distribution	PERM	94-03-024
	PERM	94-02-072	phosdrin, use restrictions	PROP	94-05-092
education requirements	PERM	94-02-070		PROP	94-08-033
	PERM	94-02-072	Plant services		
Enforcement procedures	PERM	94-02-070	holly, cut spray standards	PERM	94-03-026
Hearings	PERM	94-02-069	Potato commission meetings	MISC	94-02-086
Operations and procedures	PERM	94-02-068	Red raspberry commission meetings	MISC	94-02-049
Program standards	PERM	94-02-070		MISC	94-07-014
Quality assurance review program	PERM	94-02-070			
	PERM	94-02-071	Scrapie, brucellosis, and tuberculosis control	PROP	94-01-177
AGRICULTURE, DEPARTMENT OF				PERM	94-05-008
Apiaries			Seed potatoes		
registration fees, schedule	PROP	94-01-162	permit issuance	PROP	94-07-111
	PERM	94-05-049	winter test tolerance	PROP	94-07-110
Apple commission meetings	MISC	94-02-063	Strawberry commission meetings	MISC	94-03-067
Apples			Tuberculosis, brucellosis, and scrapie control	PROP	94-01-177
assessments				PERM	94-05-008
apple pest certification	EMER	94-04-091	Weeds		
gift grade, standards	PERM	94-03-021	noxious weed list	MISC	94-01-076
watercore in Fuji variety	EMER	94-01-165	Wheat commission meetings	MISC	94-01-020
	PROP	94-05-050	Wine commission meetings	MISC	94-02-088
	PERM	94-07-133			
Asparagus commission meetings	MISC	94-01-130	ARTS COMMISSION		
	MISC	94-07-070	Rules coordinator	MISC	94-01-099
Barley commission meetings	MISC	94-03-080			
	MISC	94-07-032	ATTORNEY GENERAL'S OFFICE		
Beef commission meetings	MISC	94-03-074	Lemon law administration	PROP	94-06-050
	MISC	94-07-093	Opinion, notice of request for	MISC	94-01-189
Brucellosis, tuberculosis, and scrapie control	PROP	94-01-177		MISC	94-05-090
	PERM	94-05-008		MISC	94-06-067
Cherries			Opinions		
sweet cherry containers, marking requirements	PERM	94-03-022	district courts, judges pro tempore (1994, No. 4)	MISC	94-08-059
Egg commission assessments	PROP	94-05-074	firearms in school facilities (1994, No. 1)	MISC	94-04-029
	PROP	94-07-038	higher education institutions, fundraising and gifts (1993, No. 18)	MISC	94-01-144
commodity board membership	PROP	94-05-073	higher education institutions, public works contracts (1993, No. 19)	MISC	94-01-145
	PERM	94-08-091	marine safety, office's authority to establish emergency response system and tugboat (1994, No. 2)	MISC	94-07-004
Farmed salmon commission assessments and collections	PROP	94-05-066	port districts, pilotage service (1994, No. 3)	MISC	94-08-058
	PERM	94-08-090	telephone records of legislature (1994, No. 5)	MISC	94-08-083
meetings	MISC	94-03-075	tuberculosis, authority of local health officer to control spread (1993, No. 20)	MISC	94-02-061
Feed			Organization and operation	PROP	94-06-050
commercial feed inspection fees	PROP	94-05-060	Public records, availability	PROP	94-06-050
	PERM	94-08-034			
Fees	PROP	94-06-058	BATES TECHNICAL COLLEGE		
Holly, cut spray standards	PERM	94-03-026	Meetings	MISC	94-01-045
Hop commission meetings	MISC	94-01-008			
Horsemeat decharacterization	PROP	94-01-176	BELLEVUE COMMUNITY COLLEGE		
	PERM	94-05-009	Admission	PROP	94-01-091
Inspection fees	PROP	94-06-058		PERM	94-04-098
Milk			Meetings	MISC	94-03-011
processor assessments	PROP	94-01-151	Refund policy	PERM	94-01-181
	PERM	94-05-040	Registration	PROP	94-01-091
Noxious weeds				PERM	94-04-098
noxious weed list	MISC	94-01-076	Residency classification	PROP	94-01-091
Nursery stock standards	PERM	94-03-025		PERM	94-04-098
Pea cyst nematode quarantine	PROP	94-01-163			
	PROP	94-06-003			
	PROP	94-06-051			
Pesticides					
DDT and DDD, registration, distribution, and use	PERM	94-03-023			
ethyl parathion, use restrictions	PROP	94-05-061			
	PERM	94-08-035			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

BELLINGHAM TECHNICAL COLLEGE			Affordable housing advisory board meetings	MISC	94-08-026
Meetings	MISC	94-03-013			
	MISC	94-03-033			
	MISC	94-05-030	CONVENTION AND TRADE CENTER		
	MISC	94-07-006	Meetings	MISC	94-01-068
	MISC	94-08-086		MISC	94-03-040
				MISC	94-06-005
				MISC	94-08-062
BIG BEND COMMUNITY COLLEGE			CORRECTIONS, DEPARTMENT OF		
Public records, availability	PROP	94-01-049	Community residential programs	MISC	94-07-065
	PERM	94-07-019	Work/training release	MISC	94-07-065
Rules coordinator	MISC	94-07-005			
BLIND, DEPARTMENT OF SERVICES FOR THE			COUNTY ROAD ADMINISTRATION BOARD		
Definitions	PROP	94-07-067	Land area ratio, computation	PERM	94-01-115
Vendors			Meetings	MISC	94-01-007
department responsibility to maintain facilities	PROP	94-07-067		MISC	94-06-056
			Payment of vouchers	PROP	94-06-031
BOILER RULES, BOARD OF			Projects		
(See LABOR AND INDUSTRIES, DEPARTMENT OF)			funds allocation	PROP	94-06-028
				PROP	94-06-030
			prioritization	PROP	94-06-028
BUILDING CODE COUNCIL				PROP	94-06-029
Amendments to state building code policies and procedures	PERM	94-05-058	Rural arterials	PERM	94-01-116
	PROP	94-05-102			
window thermal efficiency standards	EMER	94-05-007	DEAF, WASHINGTON SCHOOL FOR THE		
	PERM	94-05-059	Rules coordinator	MISC	94-08-063
Meetings	MISC	94-06-011	Student conduct code	PROP	94-08-066
CENTRAL WASHINGTON UNIVERSITY			DEFERRED COMPENSATION, COMMITTEE FOR		
Parking and traffic	PROP	94-07-090	Rules coordinator	MISC	94-03-058
	EMER	94-07-091			
Rules coordinator	MISC	94-01-105	EASTERN WASHINGTON UNIVERSITY		
CENTRALIA COLLEGE			Meetings	MISC	94-04-014
Meetings	MISC	94-03-014		MISC	94-06-019
CLARK COLLEGE				MISC	94-07-015
Meetings	MISC	94-02-022	Rules coordinator	MISC	94-01-031
CLOVER PARK TECHNICAL COLLEGE			ECOLOGY, DEPARTMENT OF		
Rules coordinator	MISC	94-01-043	Air quality fees	PROP	94-04-105
COLUMBIA RIVER GORGE COMMISSION				PROP	94-04-106
Appeals from county ordinances	MISC	94-07-034	gasoline vapor control, compliance schedules	PERM	94-07-040
COMBINED FUND DRIVE, STATE EMPLOYEE			insignificant emission units	PROP	94-04-104
(See GOVERNOR, OFFICE OF THE)			motor vehicle emission inspection operating permits	PROP	94-08-073
COMMUNITY AND TECHNICAL COLLEGES, STATE BOARD FOR			oxygenated gasoline program	PERM	94-05-039
Rules coordinator	MISC	94-01-023	particulate matter standard for Seattle, Duwamish Valley and Tacoma tideflats	PERM	94-02-041
Running start program	PROP	94-01-096	registration program	PERM	94-07-040
	PROP	94-01-113	interim fee		
	PERM	94-04-120	toxic air pollutants, control of sources	MISC	94-03-065
COMMUNITY DEVELOPMENT, DEPARTMENT OF			woodstoves	PERM	94-03-072
(See also COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			Annual rule plan	MISC	94-01-170
Affordable housing advisory board meetings	MISC	94-03-062	Beverage containers	PROP	94-03-071
Fire protection services division meetings	MISC	94-01-017	Centennial clean water	PERM	94-07-078
	MISC	94-02-038	Clean Air Act	PERM	94-04-030
	MISC	94-03-064	toxic air pollutants, control of sources	PERM	94-03-072
Public works board meetings	MISC	94-01-135		PERM	94-01-060
	MISC	94-06-007	excluded categories of waste	PROP	94-01-173
COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT			facilities, requirements tracking system	PROP	94-08-092
(See also COMMUNITY DEVELOPMENT, DEPARTMENT OF and TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)			Dangerous waste designation	PROP	94-01-089
				PROP	94-01-089
				PROP	94-01-089

Subject/Agency Index

(Citation in bold type refer to material in this issue)

Environmental Policy Act exemptions from detailed statement requirements	PROP 94-03-071 PERM 94-07-078	General educational development (GED) test eligibility, authority to regulate	PERM 94-03-101
Forest practices forested bogs and fens protection	EMER 94-04-108 PROP 94-08-071	High school credit, definition	PERM 94-03-100 PROP 94-08-067 MISC 94-01-029
Fresh fruit packing industry water discharge permit	MISC 94-03-091	Meetings	PROP 94-08-103
Gravel mining and quarrying industry water discharge permit program	MISC 94-07-106	Regional committees election of members	PERM 94-01-013 PERM 94-01-014
Model Toxics Control Act responsiveness summary	MISC 94-03-096	School construction contracts, awarding of documents, approval growth impact fees and mitigation payments	PERM 94-01-030 PROP 94-08-104 PROP 94-05-088 PROP 94-08-068 PERM 94-01-014
Motor vehicles emission inspection	PERM 94-05-039	payments, sequence retainage process	PROP 94-08-104 PROP 94-05-088 PROP 94-08-068 PERM 94-01-014
Noise control watercraft noise levels	PROP 94-05-037	site acceptance criteria	
Oil handling facilities operations and design standards	PROP 94-01-171 PROP 94-01-172	School facilities modernization, eligibility for financial assistance	PROP 94-08-105
Puget Sound regional council joint public hearing	MISC 94-05-091 MISC 94-06-054	Teachers certification requirements	PERM 94-01-101 PROP 94-08-106
Resource damage assessment committee meetings	MISC 94-01-061	Teaching internship certificates	
Shoreline master programs		EMPLOYMENT SECURITY DEPARTMENT	
Asotin County	PROP 94-03-093	Overpayments	
Chelan County	PROP 94-03-092	interest charges	EMER 94-02-028 PROP 94-04-124
Gig Harbor, city of	PROP 94-07-074	Temporary total disability definitions	EMER 94-02-029 PERM 94-07-115 EMER 94-02-029 PERM 94-07-115 EMER 94-02-029 PERM 94-07-115 EMER 94-02-029 PERM 94-07-115
Olympia, city of	PROP 94-07-119	exclusions	
Port Orchard, city of	PROP 94-04-107	failure to apply in timely manner	
Port Townsend, city of	PROP 94-01-174 PROP 94-05-038 PERM 94-07-013	injuries, additional	
Raymond, city of	PROP 94-07-120		
Snohomish County	PERM 94-03-095	ENERGY OFFICE	
Tumwater, city of	PROP 94-03-094	Electric energy curtailment plan	PROP 94-08-070
Tire recycling and removal	PROP 94-03-071 PERM 94-07-078	EVERETT COMMUNITY COLLEGE	
Wastewater discharge permit program fees	PROP 94-02-080 PROP 94-05-082	Rules coordinator	MISC 94-01-071
Water quality centennial clean water	PERM 94-04-030	EVERGREEN STATE COLLEGE, THE	
Woodstoves buy back program	MISC 94-01-026	Meetings	MISC 94-01-092
sales ban on uncertified woodstoves	MISC 94-01-026	Rules coordinator	MISC 94-01-072
EDMONDS COMMUNITY COLLEGE		FINANCIAL INSTITUTIONS, DEPARTMENT OF	
Meetings	MISC 94-01-086 MISC 94-02-023 MISC 94-03-076 MISC 94-05-068 MISC 94-07-056	Mortgage brokers and loan originators licensing	PERM 94-03-009 PERM 94-03-061
Students' rights and responsibilities disciplinary actions	PERM 94-03-010	Transactions, registration exemptions	
EDUCATION, STATE BOARD OF		FINANCIAL MANAGEMENT, OFFICE OF	
Administrator internship program	PROP 94-05-034 PERM 94-08-055	Rules coordinator	MISC 94-06-057
American Indian language and culture, instruction	PERM 94-03-104	FISH AND WILDLIFE, DEPARTMENT OF	
Certification requirements	PERM 94-01-101	(See also FISHERIES, DEPARTMENT OF, and WILDLIFE, COMMISSION AND DEPARTMENT).	
Continuing education definition	PERM 94-01-104	<u>Commercial</u>	
Corporal punishment conditions and prohibitions	PERM 94-03-102	salmon	
Credit for high school graduation, definition	PERM 94-03-100	Columbia river below Bonneville	EMER 94-07-009
Educational center, "educational clinic" changed to "educational center"	PERM 94-03-103	shrimp fishery	
Educational staff associates assignment	PERM 94-01-103	Puget Sound	PERM 94-07-092
Exit examination	PERM 94-01-102	spawn on kelp licenses	EMER 94-07-063 EMER 94-07-077
		<u>Personal use</u>	
		salmon	
		areas and seasons	EMER 94-08-014 EMER 94-08-049
		shellfish	
		areas and seasons native clams	EMER 94-07-052 EMER 94-07-076

Subject/Agency Index
(Citation in **bold type** refer to material in this issue)

oysters	EMER 94-07-052	Meetings	MISC 94-01-037
	EMER 94-07-076		MISC 94-04-099
razor clams	EMER 94-07-003		MISC 94-05-047
	EMER 94-08-009		MISC 94-07-099
FISHERIES, DEPARTMENT OF		Nonprofit or charitable organizations	
(See also FISH AND WILDLIFE,		qualification, procedures, and	
DEPARTMENT OF)		responsibilities	PERM 94-01-035
<u>Commercial</u>		Punchboards and pull tabs	
baitfish		retention requirements	PERM 94-01-032
areas and seasons	EMER 94-04-047	Rules coordinator	MISC 94-07-100
bottomfish		Rules, housekeeping changes	PROP 94-04-024
coastal bottomfish catch limits	EMER 94-02-039		PROP 94-07-083
	EMER 94-05-003		PERM 94-07-084
licenses	PERM 94-01-001	GOVERNOR, OFFICE OF THE	
	EMER 94-02-040	Clemency and pardons board	
marine fish		meetings	MISC 94-03-090
rules and definitions	PROP 94-03-106		MISC 94-06-015
salmon		Combined fund drive, state employee	
Columbia River above Bonneville,		charity membership criteria	PERM 94-01-038
seasons	EMER 94-04-048	Efficiency and accountability commission	
Columbia River below Bonneville,		meetings	MISC 94-04-100
seasons	EMER 94-04-101	Energy strategy, implementation	MISC 94-03-088
	EMER 94-06-042	Low-income housing tax credit allocations	MISC 94-08-089
sea urchins		Multimodal transportation programs and projects	
area and seasons	EMER 94-01-109	selection committee	
	EMER 94-01-152	funds, distribution	PROP 94-05-100
	EMER 94-03-063		EMER 94-05-101
	EMER 94-05-055	meetings	MISC 94-01-182
shellfish			MISC 94-04-039
rules and definitions	PROP 94-03-106	operating procedures	PROP 94-05-100
shrimp		project selection process	EMER 94-05-101
Puget Sound	PROP 94-03-098		EMER 94-01-069
sturgeon			EMER 94-04-015
Columbia River		National and community service,	
above Bonneville, seasons	EMER 94-02-010	commission on membership and duties	MISC 94-06-009
vessel designation	EMER 94-02-040	School-to-work transition, council on	
vessel registration	PERM 94-01-001	establishment	MISC 94-04-070
<u>Personal use</u>		Watershed planning, implementation,	
food fish		and restoration for fish and wildlife	MISC 94-08-088
rules and definitions	PROP 94-03-105		
licenses	PERM 94-01-001	GRAYS HARBOR COLLEGE	
	EMER 94-02-040	Meetings	MISC 94-02-024
salmon		GREEN RIVER COMMUNITY COLLEGE	
area closures	EMER 94-01-012	Adjudicative proceedings	PERM 94-04-051
shellfish		Meetings	MISC 94-02-087
rules and definitions	PROP 94-03-105	Parking and traffic	PERM 94-04-051
Shellfish			PERM 94-04-052
pots, setting requirements	EMER 94-05-002	Smoking regulations	PERM 94-04-054
		Tenure	PERM 94-04-053
FOREST PRACTICES APPEALS BOARD		GROWTH PLANNING HEARINGS BOARDS	
Appeals	EMER 94-07-062	Meetings	MISC 94-01-053
	PROP 94-07-097		MISC 94-01-067
			MISC 94-01-077
FOREST PRACTICES BOARD		Practice and procedure	PROP 94-01-097
Enforcement	PERM 94-01-134		PROP 94-07-007
Marbled murrelet			PERM 94-07-033
critical wildlife habitats	EMER 94-07-053	Rules coordinator	MISC 94-01-053
Meetings	MISC 94-01-133		
Penalties		HARDWOODS COMMISSION	
assessment and enforcement	PERM 94-01-134	(See TRADE AND ECONOMIC DEVELOPMENT,	
Spotted owl habitat protection	EMER 94-05-046	DEPARTMENT OF)	
Wetlands		HEALTH CARE AUTHORITY	
forested bogs and fens	EMER 94-01-124	Basic health plan	
		benefits	EMER 94-06-032
GAMBLING COMMISSION			PROP 94-07-075
Amusement games		eligibility	EMER 94-06-032
approval and authorization	PERM 94-01-036		PROP 94-07-075
Bingo		enrollment	EMER 94-06-032
disposable bingo cards	PERM 94-01-034		PROP 94-07-075
equipment requirements	PERM 94-01-033	hearings and grievances	EMER 94-06-032
Charitable or nonprofit organizations			PROP 94-07-075
qualifications, procedures, and			
responsibilities	PERM 94-01-035		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Group purchasing association caregivers health plan eligibility	EMER	94-08-028	Medical examiners, board of examinations reciprocity or waiver scores	PROP	94-08-095
Public employees benefits board insurance plans eligibility meetings	EMER	94-08-027	physician assistants alternate sponsoring or supervising physicians, relationship with	PROP	94-08-094
	MISC	94-03-007	Nursing, board of computer adaptive testing	PROP	94-01-132
	MISC	94-08-008		PERM	94-07-012
HEALTH SERVICES COMMISSION			Nursing home administrators, board of fees meetings	PROP	94-05-065
Competitive oversight and antitrust immunity	PROP	94-06-060	Opticians contact lenses fitting and dispensing	MISC	94-03-054
Managed competition and antitrust immunity	PROP	94-06-059		PROP	94-02-057
Meetings	MISC	94-04-129	records retention	PERM	94-06-047
	MISC	94-07-094		PROP	94-02-057
Organization and operation	PROP	94-01-141	fees	PROP	94-06-047
	PERM	94-04-046		PROP	94-05-032
Rules coordinator	MISC	94-01-070		PERM	94-08-078
HEALTH, DEPARTMENT OF			Optometry board continuing education sexual misconduct	PERM	94-04-041
Abortion facilities authority of department to regulate	PERM	94-04-083	Pharmacy, board of compounding practices	PROP	94-02-079
Adjudicative proceedings disciplinary boards secretary programs and professions	PERM	94-04-078		PERM	94-08-101
Boarding homes nursing care for residents standards, revised provisions	PERM	94-01-058	controlled substances destruction of schedule II substances in nursing homes list corrections and additions	PERM	94-02-077
Chiropractic disciplinary board adjudicative proceedings	PROP	94-03-053		PROP	94-02-089
	PERM	94-08-053		PROP	94-04-111
future care contracts meetings	PROP	94-02-016		PERM	94-07-105
	MISC	94-04-110		PERM	94-08-098
Dental disciplinary board adjudicative proceedings meetings	PROP	94-03-045	ephedrine prescription restrictions	PROP	94-02-078
	MISC	94-04-074	examinations	PERM	94-08-100
Dental examiners, board of adjudicative proceedings	PROP	94-03-044	fees	PROP	94-04-113
	PERM	94-08-011	good compounding practices	PERM	94-08-099
dentist fees examinations, eligibility and application meetings	PERM	94-02-058		PERM	94-05-036
	PROP	94-06-046	licenses renewal notices	PROP	94-02-079
Dental hygienists education requirements	MISC	94-04-072	pharmacy assistants specialized functions	PERM	94-08-101
	PROP	94-01-056		PROP	94-01-088
	PERM	94-05-053	reciprocity	PROP	94-04-112
licenses fees reinstatement of expired license meetings	PERM	94-02-059	wildlife, department of approved legend drug use	PERM	94-08-097
	PERM	94-04-005	Physical therapy, board of adjudicative proceedings licenses applicants	PROP	94-05-014
Health statistics, center for pregnancy terminations, reporting	MISC	94-04-073	continuing competency endorsement, licensure by interim permits meetings	PERM	94-05-014
Hearings aids, fitters and dispensers licenses inactive status trainees, standards of training and supervision	PERM	94-08-038	Physician assistants alternate sponsoring or supervising physicians, relationship with	PERM	94-05-014
	PROP	94-08-037		MISC	94-02-056
HIV health insurance eligibility	PROP	94-01-057	Podiatric medical board adjudicative proceedings continuing education licensure eligibility patient records substance abuse monitoring program unlicensed persons, authorized acts	PROP	94-08-094
	PERM	94-06-048		PROP	94-05-081
Kidney centers	PERM	94-05-052	Pools construction and operating permits, fees	PERM	94-05-051
Massage, board of apprenticeship programs continuing education	PROP	94-06-045		PERM	94-05-051
	PROP	94-01-055	Practical nursing, board of fees	PERM	94-05-051
	PROP	94-05-080		PROP	94-08-079
meetings licensure examination initial application training without examination	PROP	94-06-045		PERM	94-05-051
	PROP	94-05-080		PROP	94-07-121
Medical disciplinary board adjudicative proceedings	PROP	94-07-011		PROP	94-05-035
				PERM	94-08-102

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

licensure			Pregnancy discrimination	PROP	94-04-087
examination	PROP	94-05-033	Sex discrimination	PROP	94-04-087
	PERM	94-08-050			
qualifications	PROP	94-05-033	HYDRAULIC APPEALS BOARD		
	PERM	94-08-050	Rules of procedure	EMER	94-07-059
student records	PROP	94-05-033		PROP	94-07-096
	PERM	94-08-050			
Psychology, examining board of			INDETERMINATE SENTENCE REVIEW BOARD		
continuing education	PROP	94-08-039	Rules coordinator	MISC	94-02-067
licensure					
applications	PROP	94-08-039	INTEREST RATES		
examination	PROP	94-08-039	(See inside front cover)		
prerequisites	PROP	94-08-039			
Radiation protection, division of			INSURANCE COMMISSIONER, OFFICE OF		
fees	PROP	94-01-142	Annuities	PROP	94-05-057
	PROP	94-07-107	Audited financial statements	PROP	94-01-192
	PROP	94-07-108		PERM	94-04-045
radiation protection standards	PROP	94-01-059	Financial statements	PROP	94-01-192
	PERM	94-01-073		PERM	94-04-045
	PROP	94-01-142	Health care service contractors		
	PROP	94-06-016	custodial care benefits	PROP	94-05-056
	PERM	94-06-017	participating provider contracts	PROP	94-01-075
			preexisting condition limitations,		
radioactive air emissions,			restrictions	PROP	94-04-125
regulations	PERM	94-07-010		PERM	94-08-081
Radiologic technology advisory committee			Health insurance		
meetings	MISC	94-04-103	custodial care benefits	PROP	94-05-056
Uniform Disciplinary Act			off-label drugs	PROP	94-05-070
model procedural rules for boards	PERM	94-04-078	preexisting condition limitations,		
secretary programs and professions,			restrictions	PROP	94-04-125
adjudicative proceedings	PERM	94-04-079		PERM	94-08-081
Veterinary medication clerks			reinsurance agreements	PROP	94-05-089
fees	PROP	94-08-076		PROP	94-08-013
	EMER	94-08-077	Health insurance reform short term		
scope of functions	EMER	94-08-051	form modification	PROP	94-02-065
	PROP	94-08-052		PROP	94-03-048
supervision	EMER	94-08-051		PROP	94-03-085
	PROP	94-08-052	portability	PROP	94-02-065
training and education	EMER	94-08-051		PROP	94-03-048
	PROP	94-08-052		EMER	94-03-084
Water				PROP	94-03-085
group A public water systems	PROP	94-08-075		PROP	94-04-126
group B public water systems	PROP	94-06-008		PROP	94-08-006
water works operator certification	PERM	94-04-004		PERM	94-08-060
				PROP	94-02-065
HIGHER EDUCATION COORDINATING BOARD			rate limitations	PROP	94-03-048
Degree Authorization Act				PROP	94-03-085
administration and governance	PROP	94-06-018		PROP	94-02-065
Meetings	MISC	94-03-049	renewability	PROP	94-03-048
Running start program	PROP	94-01-112		EMER	94-03-084
	PROP	94-04-093		PROP	94-03-085
				PROP	94-02-065
HIGHLINE COMMUNITY COLLEGE			unfair practices		
Meetings	MISC	94-04-071	Health maintenance organizations		
			custodial care benefits	PROP	94-05-056
HISPANIC AFFAIRS, COMMISSION ON			participating provider contracts	PROP	94-01-075
Meetings	MISC	94-04-127	preexisting condition limitations,		
	MISC	94-08-003	restrictions	PROP	94-04-125
				PERM	94-08-081
HORSE RACING COMMISSION			Life insurance		
Exacta rules	PROP	94-05-076	accelerated benefits	PROP	94-05-071
Licenses			reinsurance agreements	PROP	94-05-089
duration	PERM	94-04-002		PROP	94-08-013
Medication testing program	PERM	94-04-002	Malpractice insurance		
Quinella rules	PROP	94-05-077	midwifery and birthing centers	PERM	94-02-053
Race results, transmission	PERM	94-04-003	Midwifery and birthing centers		
Trifecta rules	PROP	94-05-075	malpractice joint underwriting		
			authority	PERM	94-02-053
HUMAN RIGHTS COMMISSION					
Disability discrimination	PROP	94-04-087	INVESTMENT BOARD		
Meetings	MISC	94-01-119	Meetings	MISC	94-04-019
	MISC	94-01-120			
	MISC	94-03-083	JUDICIAL CONDUCT, COMMISSION ON		
	MISC	94-05-087	Meetings	MISC	94-01-050
	MISC	94-06-002		MISC	94-01-051
	MISC	94-07-118			
Preemployment inquiries	PROP	94-04-087			

Subject/Agency Index

(Citation in bold type refer to material in this issue)

LABOR AND INDUSTRIES, DEPARTMENT OF

Boiler rules, board of
meetings MISC 94-01-015
small electric boilers,
exemption from rules EMER 94-04-006
PROP 94-05-072

Crime victims compensation
mental health treatment fees and rules PERM 94-02-015

Electrical board
meetings MISC 94-02-055

Electrical installations
wiring and apparatus PERM 94-01-005

Electricians
journeyman electricians
certificate of competency PERM 94-01-005

Fees PERM 94-01-100

Medical and mental health treatment
fees and rules PERM 94-02-015

Occupational health standards
general PROP 94-07-085
PERM 94-07-086
PERM 94-07-086

tobacco smoke in offices

Prevailing wages
fees for filing statements PERM 94-01-100

Safety and health standards
agriculture PROP 94-01-186
EMER 94-06-044
PERM 94-06-068

Workers' compensation
classifications PROP 94-07-128
PROP 94-07-129
PROP 94-01-186
health care providers' reimbursement PERM 94-02-045
PERM 94-03-008

logging or tree thinning,
mechanized operations PROP 94-06-055

medical aid rules and fee schedule
rates and rating system PROP 94-07-126
PROP 94-07-127

respiratory impairment, evaluation
self-insurance PERM 94-03-073

certification PROP 94-03-006
PERM 94-05-042

employee rights PROP 94-03-006
PERM 94-05-042

surety PROP 94-03-006
PERM 94-05-042

LAKE WASHINGTON TECHNICAL COLLEGE

Meetings MISC 94-01-052
MISC 94-03-016

LEGAL FOUNDATION OF WASHINGTON

Meetings MISC 94-04-008
MISC 94-07-057

LICENSING, DEPARTMENT OF

Cemetery board
fees PERM 94-01-117

Escrow commission
escrow officer, responsibilities
organization and operation PERM 94-04-050
PERM 94-04-050

meetings MISC 94-02-018

Hulk haulers
licenses
applications PROP 94-07-037
requirements PROP 94-07-037

Landscape architects
fees PROP 94-01-047
PERM 94-04-044

licenses
examination PROP 94-01-047
PERM 94-04-044

renewal PROP 94-01-047
PERM 94-04-044

Model traffic ordinance
reciprocity and proration PERM 94-01-082
PROP 94-02-025
special fuel, tax exemption and refunds PROP 94-02-075
PROP 94-02-076

Motor vehicles
driving under the influence
withholding ownership documents **PROP 94-08-057**
model traffic ordinance PERM 94-01-082
title and registration advisory committee
unauthorized vehicles, procedures for
taking custody of MISC 94-01-111

unlicensed vehicle trip permits PROP 94-04-017
PERM 94-08-025
PROP 94-07-036

Real estate appraisers
residential classification PERM 94-01-002

Real estate commission
meetings MISC 94-02-018

Title and registration advisory
committee meetings MISC 94-06-069

Vessels
fees PROP 94-03-018
registration and certificate of title PROP 94-03-018

LIQUOR CONTROL BOARD

Booths PROP 94-07-125

Breweries
retail sale of beer on premises PROP 94-02-013
PROP 94-06-021
PROP 94-02-013
PROP 94-06-021

retailers' brewery license

Licenses
fetal alcohol syndrome or fetal alcohol effect
warning signs PROP 94-05-094
PROP 94-08-029
PROP 94-05-096
PERM 94-08-031

hours of operation

liquor possession by person under the
influence prohibited PROP 94-05-093
PERM 94-08-030
PROP 94-07-124

private wine shipper's licenses fees

Private clubs
advertising PROP 94-02-014
PERM 94-06-022
PERM 94-03-060

Public records, availability

Ships chandler
definition PROP 94-05-095
PERM 94-08-032
PROP 94-05-095
PERM 94-08-032

purchase and receipt of beer and wine

Tobacco products
sales **PROP 94-08-010**
PROP 94-08-023

Wineries
retail sale of wine on premises PROP 94-02-013
PROP 94-06-021
PROP 94-02-013
PROP 94-06-021

retailers' winery license

LOTTERY COMMISSION

Instant game number 114 - Wildcard
criteria PERM 94-03-019
definitions PERM 94-03-019
ticket validation PERM 94-03-019

Instant game number 115 - Cash Roulette
criteria PERM 94-03-019
definitions PERM 94-03-019
ticket validation PERM 94-03-019

Instant game number 116 - Fortune
criteria PERM 94-03-019
definitions PERM 94-03-019
ticket validation PERM 94-03-019

Instant game number 117 - Cash Crop
criteria PERM 94-03-019
PROP 94-07-116

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

definitions	PERM 94-03-019	MARINE OVERSIGHT BOARD	
	PROP 94-07-116	Meetings	MISC 94-02-084
ticket validation	PERM 94-03-019		
	PROP 94-07-116	MARINE SAFETY, OFFICE OF	
<u>Instant game number 118 - Aces Wild</u>		Regional marine safety committees	
criteria	PROP 94-03-099	meetings	MISC 94-01-110
	PERM 94-07-029		MISC 94-07-039
definitions	PROP 94-03-099	Rules coordinator	MISC 94-02-021
	PERM 94-07-029		
ticket validation	PROP 94-03-099	MARITIME COMMISSION	
	PERM 94-07-029	Meetings	MISC 94-01-027
<u>Instant game number 119 - Big Bucks</u>			
criteria	PROP 94-03-099	MINORITY AND WOMEN'S BUSINESS	
	PERM 94-07-029	ENTERPRISES, OFFICE OF	
definitions	PROP 94-03-099	Agencies and educational institutions	
	PERM 94-07-029	plans, contents	PROP 94-01-164
ticket validation	PROP 94-03-099		PROP 94-08-110
	PERM 94-07-029	responsibilities	PROP 94-08-109
<u>Instant game number 120 - Lucky Deal</u>		Annual goals for participation	PROP 94-01-127
criteria	PROP 94-03-099		PERM 94-03-068
	PERM 94-07-029		PERM 94-07-064
definitions	PROP 94-03-099	Certification	
	PERM 94-07-029	applications	PROP 94-08-108
ticket validation	PROP 94-03-099	fees	PROP 94-08-108
	PERM 94-07-029	Contractors	
<u>Instant game number 121 - Hog Mania</u>		violations and penalties	PROP 94-08-107
criteria	PROP 94-03-099	Fees	PROP 94-01-090
	PERM 94-07-029		PROP 94-01-187
definitions	PROP 94-03-099		EMER 94-01-188
	PERM 94-07-029	Subcontractor, definition	PROP 94-08-107
ticket validation	PROP 94-03-099		
	PERM 94-07-029		
<u>Instant game number 122 - High Card</u>		MULTIMODAL TRANSPORTATION PROGRAMS	
criteria	PROP 94-07-116	AND PROJECTS SELECTION COMMITTEE	
definitions	PROP 94-07-116	(See GOVERNOR, OFFICE OF THE)	
ticket validation	PROP 94-07-116		
<u>Instant game number 123 - Holiday Cash</u>		NATURAL RESOURCES, DEPARTMENT OF	
criteria	PROP 94-07-116	Burning permits	
definitions	PROP 94-07-116	fees	PROP 94-08-093
ticket validation	PROP 94-07-116	Forest fire advisory board	
<u>Instant game number 124 - Queen of Hearts</u>		meetings	MISC 94-08-012
criteria	PROP 94-07-116	Forest practices board	
definitions	PROP 94-07-116	(see FOREST PRACTICES BOARD)	
ticket validation	PROP 94-07-116	Natural heritage advisory council	
<u>Instant game number 125 - Windfall</u>		meetings	MISC 94-03-070
criteria	PROP 94-07-116	Survey monuments	
definitions	PROP 94-07-116	removal or destruction	PROP 94-01-022
ticket validation	PROP 94-07-116		PERM 94-06-034
<u>Instant game number 126 - Megamoney II</u>		NORTHWEST AIR POLLUTION AUTHORITY	
criteria	PROP 94-07-116	Air contaminant sources	
definitions	PROP 94-07-116	reporting	PERM 94-01-108
ticket validation	PROP 94-07-116	Fees	PERM 94-01-108
Instant games		Operating permits	PERM 94-01-108
criteria	PERM 94-03-020		
effective date	MISC 94-07-028	OLYMPIC COLLEGE	
official end	PERM 94-03-020	Meetings	MISC 94-01-122
Lotto			MISC 94-01-123
prizes	PROP 94-03-099		MISC 94-02-085
	PERM 94-07-029		MISC 94-07-046
retailer settlement	PERM 94-03-020	OUTDOOR RECREATION, INTERAGENCY	
	MISC 94-07-028	COMMITTEE FOR	
On-line games		Meetings	MISC 94-05-099
criteria	PERM 94-03-020		MISC 94-06-052
effective date	MISC 94-07-028		MISC 94-07-069
Retailers		Rules coordinator	MISC 94-02-062
effective date	MISC 94-07-028		MISC 94-06-006
license termination	PROP 94-07-116		
obligations	PERM 94-03-020	PARKS AND RECREATION COMMISSION	
	PROP 94-07-116	Aircraft	
procedures	PERM 94-03-020	paragliders, prohibition exemption	PERM 94-01-087
retailer settlement	PERM 94-03-020	Boating safety program	
MARINE EMPLOYEES' COMMISSION		local government programs	PROP 94-01-149
Meetings	MISC 94-07-002		PERM 94-04-076

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Camping facilities			Service of process	PROP	94-02-036
fees	PROP	94-03-097		PROP	94-04-084
	PROP	94-06-010		PERM	94-08-024
	PERM	94-08-036	State internship program	PERM	94-02-033
Day use			Trial service	PROP	94-02-035
fees	PROP	94-03-097	Washington management service	PROP	94-02-034
	PROP	94-06-010	Washington general service, movement		
	PERM	94-08-036	between	PROP	94-04-009
Film permit application, fee	PROP	94-03-089		PERM	94-04-011
	PROP	94-06-020			
	PERM	94-08-005			
Fort Worden			PIERCE COLLEGE		
fees	PROP	94-01-150	Meetings	MISC	94-02-017
	PERM	94-04-075			
Meetings	MISC	94-01-148	PILOTAGE COMMISSIONERS, BOARD OF		
Paragliders			Oil tankers		
aircraft prohibition, exemption	PERM	94-01-087	tug escort requirements	PROP	94-04-119
Senior citizens, off-season pass	PROP	94-03-097		PERM	94-07-079
	PROP	94-06-010	Pilotage tariff rates		
	PERM	94-08-036	Grays Harbor district	PROP	94-01-153
	PROP	94-06-049		EMER	94-01-154
				EMER	94-05-005
				PERM	94-05-006
				PROP	94-08-056
			Puget Sound district		
PENINSULA COLLEGE					
Meetings	MISC	94-01-185	POLLUTION CONTROL HEARINGS BOARD		
	MISC	94-05-098	Appeals	EMER	94-07-061
Rules coordinator	MISC	94-04-026		PROP	94-07-098
PERSONNEL, DEPARTMENT OF					
Career executive program			PUBLIC DISCLOSURE COMMISSION		
transition into Washington management			Affiliated entities	PROP	94-08-080
service	PROP	94-01-125	Aggregate, definition	MISC	94-01-054
Personnel resources board			Campaign finance reporting forms	EMER	94-01-039
(see PERSONNEL RESOURCES BOARD)				PROP	94-01-040
Rules coordinator	MISC	94-01-160		PERM	94-05-011
	MISC	94-06-001	Collective bargaining organizations and		
Washington management service			associations, definitions	PERM	94-05-010
affirmative action	PROP	94-06-064	Contributions		
career executive program, transition from	PROP	94-01-125	annual report	EMER	94-07-001
establishment	PROP	94-01-048		PROP	94-07-035
	PERM	94-01-126	designation for primary and		
	EMER	94-03-069	general elections	PROP	94-03-087
phase in agencies	PROP	94-06-064		PROP	94-04-121
reversion	PROP	94-06-064		PROP	94-05-097
salary adjustments	PROP	94-06-064		PERM	94-07-141
PERSONNEL RESOURCES BOARD			encouraging expenditures to avoid		
Affirmative action	PROP	94-04-010	contributions, result	MISC	94-01-054
	PROP	94-04-086	fair market value, definition	PROP	94-07-088
	PERM	94-06-063	identification of affiliated entities	EMER	94-07-001
Appeals	PROP	94-02-034		PROP	94-07-035
Demotion	PROP	94-02-034	limitations	PROP	94-07-035
Dismissal	PROP	94-02-034		PROP	94-07-088
Employee training and development	PROP	94-06-065		PROP	94-07-089
Exemptions, civil service law	PROP	94-02-030		PROP	94-07-142
	PERM	94-02-031	personal use, standard	PROP	94-03-087
Filing of papers	PROP	94-02-036		PROP	94-04-121
	PROP	94-04-084		PERM	94-07-141
	PERM	94-08-024	pledges	PROP	94-05-097
				PERM	94-07-141
Higher education institutions and			political committees	PROP	94-03-087
related boards, civil service law	PERM	94-02-031		PROP	94-04-121
exemptions	PROP	94-02-034		PROP	94-05-097
Layoff or separation	PROP	94-02-034		PROP	94-07-035
Operations	PERM	94-02-032		PERM	94-07-141
	PROP	94-02-035		PROP	94-07-035
Position allocations and			prohibited contributions	PROP	94-07-035
reallocations	PROP	94-02-034	source of contribution, identification	PROP	94-07-035
Public records, availability	PERM	94-02-032		PROP	94-07-088
	PROP	94-02-035		PROP	94-07-089
Reduction in force			Enforcement	PERM	94-05-010
register designation	EMER	94-04-085	Exempt activities		
Register designation			definition and reporting		
certification	PROP	94-06-066	limitations	MISC	94-01-054
composition and ranking	PROP	94-06-066	Lobbyists and lobbying	MISC	94-01-054
reduction in force	EMER	94-04-085	agency lobbying report	PROP	94-07-035
			employer contributions	PROP	94-07-035

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Meetings	PERM	94-05-010	Elected and appointed officials,		
Public records, availability	PERM	94-05-010	eligibility and application for		
Volunteer services	PROP	94-07-142	retirement service membership	PROP	94-08-087
PUBLIC EMPLOYEES BENEFITS BOARD			Employee status, determination	PROP	94-05-012
(See HEALTH CARE AUTHORITY)			Retirement allowance		
PUBLIC INSTRUCTION, SUPERINTENDENT OF			calculation	PROP	94-07-144
Administrator internship program	PROP	94-04-025	judicial plan members		
	PERM	94-07-102	recomputation following reemployment	PROP	94-07-143
Child nutrition			plan II members		
practice and procedures	PROP	94-01-137	recomputation following		
	PERM	94-04-097	reemployment	PROP	94-05-013
Funding			REVENUE, DEPARTMENT OF		
Elementary and Secondary Education			Business and occupation tax		
Act compliance	PROP	94-04-094	agricultural products, sales by		
	PERM	94-07-103	producers	PROP	94-03-034
Magnet school programs	PROP	94-08-074	farmers, miscellaneous sales to	PERM	94-07-048
Running start program	PROP	94-01-114		PROP	94-03-037
	PROP	94-01-136	feed, seed, fertilizer, and spray	PERM	94-07-051
	PERM	94-04-095	materials for farm use	PROP	94-03-035
	PERM	94-04-096		PERM	94-07-049
Salary allocations			heat or steam sales	PROP	94-01-155
certificated instructional staff	PERM	94-01-190	horticultural services to farmers	PROP	94-03-036
Student learning improvement grants	PROP	94-04-122		PERM	94-07-050
PUBLIC WORKS BOARD			hospitals, medical care facilities, and		
(See COMMUNITY DEVELOPMENT,			adult family homes	PROP	94-01-158
DEPARTMENT OF)				EMER	94-05-083
PUGET SOUND AIR POLLUTION CONTROL AGENCY			hotels, motels, and boarding houses	PROP	94-01-157
Chromic acid plating and anodizing	PERM	94-01-083		PERM	94-05-001
Coatings	PERM	94-01-083	laundries and dry cleaners	PROP	94-01-156
	PROP	94-02-083	motor carriers, sales to interstate or		
	PERM	94-05-067	foreign commerce carriers	PROP	94-07-023
Compliance with regulations	PERM	94-01-083	schools and educational institutions		
	PROP	94-02-083		PROP	94-03-047
	PERM	94-05-067	tax reporting	PERM	94-07-047
Construction permits			ticket sellers	EMER	94-05-085
notice and review requirements	PROP	94-06-062	tour operators	PROP	94-07-027
Control officer			Cigarette tax	EMER	94-05-086
duties and powers	PROP	94-02-083	reporting	PROP	94-07-026
	PERM	94-05-067	Excise tax		
Definitions	PROP	94-02-083	real estate excise tax		
	PERM	94-05-067	administration and compliance	PERM	94-04-088
	PROP	94-06-061	tobacco products tax		
Emission standards			reporting	PROP	94-07-025
compliance	PROP	94-02-083	Inflation rates	PROP	94-08-082
	PERM	94-05-067	Property tax		
Gasoline loading terminals	PERM	94-01-083	agricultural land valuation	PROP	94-01-166
Gasoline stations				PERM	94-05-062
vapor recovery	PROP	94-02-083	exemptions	PROP	94-01-169
	PERM	94-05-067		PERM	94-07-008
Meetings	MISC	94-07-068	forest land values	PERM	94-02-046
Outdoor fires			levies	PERM	94-07-066
exemptions from emission standards	PROP	94-06-061	nonprofit organizations, associations, and		
prohibited areas	PROP	94-06-061	corporations, exemption conditions	PROP	94-01-169
Oxygenated gasoline				PERM	94-07-008
oxygen content	PROP	94-08-085	personal property ratio, computation	PROP	94-07-123
Refuse burning	PERM	94-01-083		PROP	94-01-168
Sources			refunds, rate of interest	PERM	94-05-064
registration	PROP	94-02-083		PROP	94-01-167
	PERM	94-05-067	Public utility tax	PERM	94-05-063
PUGET SOUND WATER QUALITY AUTHORITY			Sales tax	PROP	94-01-159
Meetings	MISC	94-03-017	agricultural products, sales by producers	PROP	94-03-034
Puget Sound water quality management plan	MISC	94-04-128		PERM	94-07-048
Rules coordinator	MISC	94-02-019	farmers, miscellaneous sales to	PROP	94-03-037
RENTON TECHNICAL COLLEGE				PERM	94-07-051
Meetings	MISC	94-03-015	feed, seed, fertilizer, and spray materials		
			for farm use	PROP	94-03-035
RETIREMENT SYSTEMS, DEPARTMENT OF				PERM	94-07-049
Annual leave			heat or steam sales	PROP	94-01-155
cash payments in lieu of unused leave	PROP	94-07-144	horticultural services to farmers	PROP	94-03-036
				PERM	94-07-050

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

hospitals, medical care facilities, and adult family homes	PROP 94-01-158	Rules coordinator	MISC 94-08-065
	EMER 94-05-084		MISC 94-01-107
hotels, motels, and boarding houses	PROP 94-01-157	SECRETARY OF STATE	
	PERM 94-05-001	Archives and records management, division of	
laundries and dry cleaners	PROP 94-01-156	electronic imaging systems, standards for	
motor carriers, sales to interstate or foreign commerce carriers		accuracy and durability	PROP 94-01-161
resale certificates, use and penalties for misuse	PROP 94-07-023		PROP 94-03-081
			PERM 94-04-102
schools and educational institutions	EMER 94-05-083	Corporations division	
	PROP 94-06-004	charitable solicitation organizations	
tax reporting	PROP 94-03-047	financial reporting	PERM 94-01-004
ticket sellers	PERM 94-07-047	registration	PERM 94-01-004
tour operators	EMER 94-05-085	charitable trusts	
watercraft, sales to nonresidents	PROP 94-07-027	financial reporting	PERM 94-01-004
Timber excise tax	EMER 94-05-086	registration	PERM 94-01-004
stumpage values	PROP 94-03-046	commercial fund raisers	
		auditing standards	PERM 94-02-011
	PERM 94-02-047	registration	PERM 94-02-011
	PROP 94-02-073	fees	PERM 94-01-074
	PROP 94-02-074	Election training and certification program	PROP 94-01-010
	PROP 94-03-086		PERM 94-07-018
	PROP 94-04-089		
	PROP 94-04-090	SHORELINE COMMUNITY COLLEGE	
Tobacco products tax reporting		Meetings	MISC 94-03-012
Use tax	PROP 94-07-025		
motor carriers, operation in interstate or foreign commerce	PROP 94-07-024	SHORELINES HEARINGS BOARD	
		Appeals	EMER 94-07-060
			PROP 94-07-095
RULES COORDINATORS		SKAGIT VALLEY COLLEGE	
(See Issue 94-01 for a complete list of rules coordinators designated as of 12/22/93)		Grievance procedure	PERM 94-01-028
Arts commission	MISC 94-01-099	Harassment	PERM 94-01-028
Big Bend Community College	MISC 94-07-005	Meetings	MISC 94-01-128
Central Washington University	MISC 94-01-105		MISC 94-07-016
Clover Park Technical College	MISC 94-01-043	Records, availability	PERM 94-01-028
Community and technical colleges, state board for	MISC 94-01-023	Smoking policy	PERM 94-01-028
Deaf, Washington School for the	MISC 94-08-063		
Deferred compensation, committee for	MISC 94-03-058	SOCIAL AND HEALTH SERVICES, DEPARTMENT OF	
Eastern Washington University	MISC 94-01-031	Aid to families with dependent children	
Everett Community College	MISC 94-01-071	entitlements	PROP 94-05-069
Evergreen State College, The	MISC 94-01-072		PERM 94-08-015
Financial management, office of	MISC 94-06-057	income allocation	PROP 94-05-019
Gambling commission	MISC 94-07-100		PERM 94-08-019
Growth planning hearings boards	MISC 94-01-053	income disregard	PROP 94-05-054
Health services commission	MISC 94-01-070		PERM 94-08-021
Indeterminate sentence review board	MISC 94-02-067	mandatory monthly reporting	PROP 94-05-017
Marine safety, office of	MISC 94-02-021		PERM 94-08-017
Outdoor recreation, interagency committee for	MISC 94-02-062	net cash income	PROP 94-05-016
Peninsula College	MISC 94-04-026		PERM 94-08-016
Personnel, department of	MISC 94-01-160	replacement of exempt property	PROP 94-05-018
	MISC 94-06-001		PERM 94-08-018
Puget Sound water quality authority	MISC 94-02-019	Alcohol and substance abuse, division of	
Seattle Community Colleges	MISC 94-01-107	chemical dependency treatment service	
Spokane, Community Colleges of	MISC 94-01-009	providers	
Trade and economic development, department of	MISC 94-01-183	certification	PERM 94-02-002
Utilities and transportation commission	MISC 94-02-026		PROP 94-02-020
Washington state patrol	MISC 94-08-047	Deaf and hard of hearing services	PROP 94-07-072
Whatcom Community College	MISC 94-01-044	telecommunications access service (TAS)	PROP 94-01-080
			PERM 94-02-042
			EMER 94-04-032
			PERM 94-04-037
SEATTLE COMMUNITY COLLEGES		Developmental disabilities, division of	
Contested case hearings and administrative disputes	PROP 94-05-097A	family support services	PROP 94-01-062
Meetings	MISC 94-01-006		EMER 94-01-063
	MISC 94-01-085		EMER 94-01-064
	MISC 94-01-131	Disaster relief	PERM 94-04-092
	MISC 94-03-059		PROP 94-01-011
	PROP 94-05-097A		
	MISC 94-06-033		
	MISC 94-07-101		
	MISC 94-08-064		

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

Food stamp program			home health services	PROP	94-01-147
income budgeting	PROP	94-03-041		PERM	94-03-052
	PROP	94-06-023	income and resources, computation	EMER	94-08-041
income deductions	PROP	94-07-031		PROP	94-08-042
interview process	PERM	94-01-066	incorrect payments	PROP	94-02-052
monthly reporting	PROP	94-03-050		PERM	94-05-045
	PERM	94-06-027	institutionalized client		
standards of assistance	PERM	94-07-080	allocation		
Home and community services division	EMER	94-02-043	of income and resources	PERM	94-02-006
chore personal services budget control	PROP	94-07-082		PROP	94-05-025
Income assistance				PERM	94-07-130
consolidated emergency assistance program				EMER	94-08-043
(CEAP)	PROP	94-03-051		PROP	94-08-044
	PERM	94-06-026	trusts	EMER	94-05-027
entitlements	PROP	94-05-069		PROP	94-05-028
	PERM	94-08-015	Medicare cost sharing	PERM	94-07-131
income allocation	PROP	94-05-019		EMER	94-08-043
	PERM	94-08-019	mental health services, managed care	PROP	94-08-044
income disregard	PROP	94-05-054	prepaid healthcare plans	PROP	94-01-079
	PERM	94-08-021		PROP	94-01-140
incorrect payments	PROP	94-02-052		PROP	94-02-003
in-kind income	PROP	94-04-042		EMER	94-02-004
	PERM	94-08-022		EMER	94-02-008
net cash income	PROP	94-05-016		PROP	94-02-009
	PERM	94-08-016		PERM	94-07-020
newly acquired nonexempt resources and			occupational therapy	PERM	94-01-065
income	PROP	94-05-029		PROP	94-04-022
	PERM	94-08-020		EMER	94-04-023
replacement of exempt property	PROP	94-05-018		PERM	94-07-030
	PERM	94-08-018	physical therapy	PERM	94-01-065
rules reorganization	PROP	94-07-114		PROP	94-04-022
self-employment resource exemptions	PROP	94-03-055		EMER	94-04-023
	PERM	94-06-024		PERM	94-07-030
special payments	PROP	94-06-035	pregnant women	EMER	94-08-043
standards of assistance	PROP	94-01-118		PROP	94-08-044
	PERM	94-04-035	rules reorganization	PROP	94-07-114
	PROP	94-06-035	speech therapy services	PERM	94-01-065
supplemental security income				PROP	94-04-022
(SSI) program	PROP	94-01-118		EMER	94-04-023
	PROP	94-01-138		PROP	94-07-030
	PERM	94-04-033	SSI-related income exemptions	PERM	94-02-005
	PERM	94-04-035		EMER	94-08-041
transfer of property	PROP	94-01-139		PROP	94-08-042
	PERM	94-04-043	Mental health division		
Individual and family grant program			managed care prepaid healthcare plans	PROP	94-02-003
disaster relief	PROP	94-01-011		EMER	94-02-004
	PERM	94-04-036		EMER	94-02-008
Juvenile rehabilitation, division of				PROP	94-02-009
consolidated juvenile services program	PROP	94-08-007		PERM	94-07-020
Medical assistance			Nursing homes		
children, eligibility	EMER	94-08-043	accounting and reimbursement		
	PROP	94-08-044	system	PROP	94-07-109
client grievances	PROP	94-01-003	Restoration of right to possess		
	PERM	94-04-038	firearms by former involuntarily		
copayments	EMER	94-08-045	committed person	EMER	94-03-004
	PROP	94-08-046		PROP	94-03-005
drugs				PERM	94-06-025
discount agreement	PROP	94-01-046	Special commitment center		
	PERM	94-01-094	travel policy and expenses	PROP	94-07-087
eligibility			Support enforcement		
effective date	PROP	94-05-026	assessing support	PROP	94-07-041
	PERM	94-07-132		EMER	94-07-042
exempt resources	PERM	94-02-007	defenses to liability	PROP	94-07-081
eyeglasses and examinations	PROP	94-01-081	equitable estoppel	PROP	94-07-081
	EMER	94-02-044	good cause not to cooperate	PROP	94-01-042
	PROP	94-04-031		PERM	94-04-034
	PROP	94-05-044	Telecommunications access service (TAS)		
	PROP	94-07-021	transition policies	PROP	94-01-080
	PERM	94-07-122		EMER	94-04-032
hearing aids	PROP	94-02-050		PERM	94-04-037
	EMER	94-02-051			
	PROP	94-05-043			
	PERM	94-07-022			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

SOUTH PUGET SOUND COMMUNITY COLLEGE			Ferry system		
Meetings	MISC	94-03-032	tolls	PROP	94-04-077
	MISC	94-05-031		PERM	94-07-104
	MISC	94-08-061	Motor vehicles		
SPOKANE, COMMUNITY COLLEGES OF			overlength exemptions	EMER	94-02-064
Meetings	MISC	94-01-019		PROP	94-03-043
Rules coordinator	MISC	94-01-009	temporary additional tonnage permits	PERM	94-07-055
				PROP	94-03-042
				PERM	94-07-054
SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY			UNIVERSITY OF WASHINGTON		
Solid fuel burning devices standards	PERM	94-03-027	Meetings	MISC	94-01-098
				MISC	94-02-054
SUPREME COURT				MISC	94-03-028
Bail and mandatory appearance (CrRLJ)	MISC	94-08-002		MISC	94-03-029
Bar association				MISC	94-03-077
collective bargaining for employees (GR 12)	MISC	94-01-025		MISC	94-03-078
Judicial information system				MISC	94-04-013
records, contents (JISCR)	MISC	94-07-058		MISC	94-04-016
Infractions, monetary penalties (IRLJ 6.2)	MISC	94-08-001		MISC	94-04-020
Videotaped proceedings (RAP)	MISC	94-01-024		MISC	94-04-021
				MISC	94-04-028
				MISC	94-05-021
				MISC	94-05-022
TACOMA COMMUNITY COLLEGE			USURY RATES		
Discrimination	PROP	94-03-082	(See inside front cover)		
Grievance procedure	PROP	94-03-082			
Meetings	MISC	94-01-129	UTILITIES AND TRANSPORTATION COMMISSION		
	MISC	94-03-079	Administrative procedures		
	MISC	94-04-080	alternate dispute resolution	PROP	94-07-140
	MISC	94-04-081	case management	PROP	94-07-140
Sexual harassment	PROP	94-03-082	Auto transportation companies		
			applications	PROP	94-07-137
			equipment	PROP	94-07-137
			operation of vehicles	PROP	94-07-137
			tariffs	PROP	94-07-137
			Commercial ferries		
			definitions	PERM	94-03-003
			tariffs	PERM	94-03-003
			Electric utilities		
			purchases of electricity	PROP	94-01-175
				PERM	94-07-045
				PERM	94-03-001
				MISC	94-02-027
			Log road classification		
			Meetings		
			Motor freight carriers		
			bills of lading	PERM	94-03-002
			classification of carriers	PROP	94-07-135
			permit rights, transfer	PROP	94-07-135
			safety, drivers and equipment	PROP	94-07-135
			Motor vehicles		
			interstate carriers		
			registration	EMER	94-01-041
			log road classification	PERM	94-03-001
			Organization and operation	PROP	94-07-139
			Private carriers		
			household goods moves, excessive		
			charges	PROP	94-07-134
			registration and regulation	PROP	94-07-134
			Railroads		
			annual reports	PROP	94-07-138
			hazardous materials transport	PROP	94-07-138
			track clearances	PROP	94-07-138
			Rules coordinator	MISC	94-02-026
			Solid waste collection companies		
			insurance requirements	PROP	94-07-136
			Telecommunication companies		
			mandatory cost changes	PERM	94-01-146
			open network architecture environment	PROP	94-01-191
			pay telephone call restriction	PROP	94-05-048
			Water companies		
			customer deposits, interest	PERM	94-01-095
TAX APPEALS, BOARD OF					
Hearings					
procedures for requesting formal or informal hearing	PROP	94-03-056			
	PROP	94-03-057			
	PERM	94-07-043			
	PERM	94-07-044			
Meetings	MISC	94-01-016			
TOXICOLOGIST, STATE					
Breath alcohol test program	PROP	94-07-073			
TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF					
(See also COMMUNITY, TRADE AND ECONOMIC DEVELOPMENT, DEPARTMENT OF)					
Community economic revitalization board meetings	MISC	94-04-109			
Hardwoods commission meetings	MISC	94-03-039			
	MISC	94-07-017			
Rules coordinator	MISC	94-01-183			
TRAFFIC SAFETY COMMISSION					
Meetings	MISC	94-02-066			
TRANSPORTATION COMMISSION					
Highway corridor and alignment authority	PROP	94-08-054			
Meetings	MISC	94-01-143			
	MISC	94-04-040			
	MISC	94-06-041			
	MISC	94-07-113			
TRANSPORTATION IMPROVEMENT BOARD					
Meetings	MISC	94-03-030			
	MISC	94-08-084			
TRANSPORTATION, DEPARTMENT OF					
Contractors					
prequalification	PROP	94-01-021			
	PERM	94-05-004			

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

VETERANS' AFFAIRS, DEPARTMENT OF				game fish seasons and catch limits, 1994-95		
State veterans' homes				Baker Lake	PROP	94-06-040
resident income and resources	PERM	94-04-001		Columbia River	EMER	94-04-012
VOCATIONAL-TECHNICAL EDUCATION, COUNCIL ON					PERM	94-04-018
Meetings	MISC	94-01-093			PROP	94-06-038
	MISC	94-04-082		Grand Ronde River	EMER	94-08-048
	MISC	94-07-071		Lake Roosevelt	PROP	94-06-039
VOLUNTEER FIREFIGHTERS, BOARD FOR				Lake Sammamish	PERM	94-06-012
Meetings	MISC	94-03-031		Lake Washington	PERM	94-06-013
	MISC	94-05-020		Sauk River	PROP	94-06-039
				Shannon Lake	PROP	94-06-040
				steelhead	EMER	94-02-037
WALLA WALLA COMMUNITY COLLEGE				Tucannon River	EMER	94-03-038
Meetings	MISC	94-04-027		northern squawfish sport-reward fishery	PROP	94-06-039
WASHINGTON STATE HISTORICAL SOCIETY				Game	PROP	94-06-043
Meetings	MISC	94-01-018		bighorn sheep units	PROP	94-04-067
WASHINGTON STATE LIBRARY				cougar areas	PROP	94-04-068
Library commission				deer area descriptions	PROP	94-04-061
meetings	MISC	94-06-053		elk area descriptions	PROP	94-04-062
WASHINGTON STATE PATROL				goat units	PROP	94-04-065
Commercial vehicles				moose units	PROP	94-04-066
rules promulgation	PROP	94-05-023		private lands wildlife management area	PROP	94-04-069
tire chains or traction devices	EMER	94-02-081		Game management units (GMUs)		
	PROP	94-02-082		boundary descriptions	PROP	94-04-055
	PERM	94-08-069			PROP	94-04-056
Hazardous materials					PROP	94-04-057
procedure upon entering state	PERM	94-01-180			PROP	94-04-058
Private carriers					PROP	94-04-059
drivers' qualifications	PERM	94-01-178		Hunting	PROP	94-04-060
hours of service of drivers	PERM	94-01-178		bow and arrow area descriptions	PROP	94-04-063
private carrier, term changed to commercial motor vehicle	PROP	94-05-023		firearm restriction areas and special closures, 1994-95	PROP	94-04-117
	PERM	94-08-004		muzzleloader area descriptions	PROP	94-04-064
Rules coordinator	MISC	94-08-047		special closures and firearm restriction area, 1994-95	PROP	94-04-117
School buses				special hunting and trapping seasons permits	PROP	94-04-118
lamps, operation	PERM	94-01-179			PROP	94-06-036
stop signal arms	PERM	94-01-179			PROP	94-06-037
Sunscreen tint film decals	PERM	94-05-024		Hunting seasons		
WASHINGTON STATE UNIVERSITY				bighorn sheep auction permit, 1994	PERM	94-04-123
Meetings	MISC	94-01-121		deer and bear, 1994-97	PROP	94-04-114
WHATCOM COMMUNITY COLLEGE				deer and elk permits, 1994-95	PROP	94-05-078
Meetings	MISC	94-01-184		elk, 1994-97	PROP	94-04-116
Rules coordinator	MISC	94-01-044		hunting hours and small game seasons, 1994-97	PROP	94-04-115
WESTERN WASHINGTON UNIVERSITY				migratory waterfowl, 1993-94	EMER	94-04-007
Student records	PROP	94-07-117		special species, 1994-95	PROP	94-05-079
WILDLIFE, COMMISSION AND DEPARTMENT				Meetings	MISC	94-02-001
(See also FISH AND WILDLIFE, DEPARTMENT OF)				Migratory waterfowl 1993-94 seasons and regulations	EMER	94-02-012
Fishing				Trapping		
fishing contests	PERM	94-06-014		special hunting and trapping seasons, permits	PROP	94-04-118
game fish seasons and catch limits, 1992-94					PROP	94-06-036
Lake Sammamish	PERM	94-06-013			PROP	94-06-037
Lake Washington	PERM	94-06-013		WINE COMMISSION		
steelhead	EMER	94-02-037		(See AGRICULTURE, DEPARTMENT OF)		
	EMER	94-03-038		WORKFORCE TRAINING AND EDUCATION COORDINATING BOARD		
				Meetings	MISC	94-01-078
					MISC	94-02-048
					MISC	94-04-049
					MISC	94-05-015
				YAKIMA COUNTY CLEAN AIR AUTHORITY		
				Fees	PERM	94-01-084
				Outdoor burning	PROP	94-07-112

Subject/Agency Index

(Citation in **bold type** refer to material in this issue)

YAKIMA VALLEY COMMUNITY COLLEGE
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MISC 94-01-106

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